

LAW OF UKRAINE

On Prevention of Domestic Violence

This Law determines legal and organizational frameworks of prevention of domestic violence; bodies and establishments, which are in charge of taking measures on prevention of domestic violence.

Section I

GENERAL PROVISIONS

Article 1. Determination of terms

For the aims of this Law the terms stated below are used with the following meaning:

domestic violence - any intentional actions of physical, sexual, psychological or economic nature committed by one family member in relation to other family member, if these actions violate constitutional rights and freedoms of a family member as a person and citizen and inflict moral harm on her/him, harm to her/his physical or psychical health;

physical domestic violence - intentional causing by one family member to other family member of beatings, bodily harms, that can lead or has led to death of a victim, violation of his/her physical or psychical health, causing of harm to her/his honour and dignity;

sexual domestic violence - illegal encroachment of one family member on sexual inviolability of other family member, and also action of a sexual nature by one family member in relation to a juvenile family member;

psychological domestic violence - violence, related to influence of one family member on the psyche of other family member by verbal offenses or threats, pursuit, intimidations which intentionally cause emotional uncertainty, inability to protect her/himself and can cause or causes harm to psychical health;

economic domestic violence - intentional deprivation by one family member of other family member of habitation, meal, clothes and other property or funds, for which a victim has a legal right, that can cause her/his death, harm to physical or psychical health;

victim of domestic violence - a family member which suffered from physical, sexual, psychological or economic violence from the side of other family member;

prevention of domestic violence - the system of social and special measures, directed on the removal of reasons and conditions, which trigger domestic violence; discontinuing of domestic violence, which is being prepared or already has begun; bringing to responsibility of persons guilty in committing domestic violence; and also medical and social rehabilitation of victims of domestic violence;

real threat of committing domestic violence - the threat of committing intentional actions foreseen by the second paragraph of this article by one family member in relation to other family member, if there are the solid grounds to expect their implementation;

protective order - a special form of responding by service of district inspectors of militia and criminal juvenile militia as to protection of a victim of domestic violence, which prohibits a person who committed a domestic violence to accomplish certain actions in relation to the victim of domestic violence;

provocative behaviour as to domestic violence – behaviour of a potential victim of domestic violence that provokes domestic violence.

Article 2. Legislation about prevention of domestic violence

Legislation on prevention of domestic violence consists of Constitution of Ukraine, this Law, other normative legal acts which regulate relations as to prevention of domestic violence.

Article 3. Bodies and establishments, which are in charge of taking measures on prevention of domestic violence

1. The following bodies are responsible for taking measures on prevention of domestic violence within the limits of the plenary powers given them:

- 1) a specially empowered executive body on prevention of domestic violence;
- 2) service of district inspectors of militia and criminal juvenile militia at the Ministry of Internal Affairs;
- 3) bodies of guardianship and patronage;
- 4) specialized establishments for victims of domestic violence:

crisis centers for the victims of domestic violence and family members, which face a real threat of domestic violence (farther - crisis centers);

centers of medical and social rehabilitation of victims of domestic violence.

2. Executive bodies, organs of local self-government, enterprises, establishments and organizations regardless the form of ownership, associations of citizens, and also individuals can assist in taking measures on prevention of domestic violence.

Article 4. Grounds for taking measures on prevention of domestic violence

1. The grounds for taking measures on prevention of domestic violence are the following:

statement with request for assistance made by a victim of domestic violence or a family member, who faces a real threat of domestic violence;

expressed will to take measures on prevention of domestic violence, expressed by a victim of domestic violence or a family member, who faces a real threat of domestic violence, in case if the report or statement were made not by her/him personally;

receipt of report about commitment of domestic violence or real threat of it is targeted at a juvenile or incapable family member.

2. The statement and report about commitment of domestic violence or real threat of it should be submitted to bodies mentioned in subparagraphs 1 and 2 of the first paragraph of Article 3 of this Law, located at the place of residence of a victim.

3. A body, which received the statement or report about commitment of domestic violence or real threat of it, should examine the statement or report and take measures on prevention of domestic violence foreseen by law within the limits of its plenary powers.

4. The procedure of consideration of statements and reports on commitment of domestic violence or real threat of it should be adopted by the Cabinet of Ministers of Ukraine.

Section II

ORGANS AND ESTABLISHMENTS, WHICH are in charge of taking measures on prevention of domestic violence

Article 5. Authority of the a specially empowered executive body on prevention of domestic violence

A specially empowered executive body on prevention of domestic violence should:

take part in elaboration and implement a state policy on prevention of domestic violence;

co-ordinate activity of service of district inspectors of militia, criminal juvenile militia, organs of guardianship and patronage on the issues of prevention of domestic violence;

make a needs assessment in regions as to creation of the specialized establishments for victims of domestic violence;

control organization and functioning of the specialized establishments for victims of domestic violence;

collect and summarize data on domestic violence in accordance with legislation;

organize and conduct sociological, psychological, pedagogical and criminological researches on domestic violence;

provide executive bodies and organs of local self-government, enterprises, establishments and organizations regardless of the form of ownership, associations of citizens, individuals with methodical and practical assistance, consultations on the issues of prevention of domestic violence;

organize and conduct awareness raising and explanatory activities as to rights, measures and services which can be used, among family members, who face a real threat of domestic violence or who have experienced it;

address the central and local executive bodies, organs of local self-government with request to provide proper assistance to victims of domestic violence;

accept and examine statements and reports on commitment of domestic violence and real threat of it;

refer victims of domestic violence and family members, who face a real threat of it, to the specialized establishments for victims of domestic violence.

Article 6. Authority of service of district inspectors of militia and criminal juvenile militia as to prevention of domestic violence

1. Service of district inspectors of militia and criminal juvenile militia should:

discover reasons and conditions which trigger demonstration of domestic violence, take measures within the limits of their plenary powers as to their removal;

include into prophylactic registry persons inclined to commitment of domestic violence, and carry out preventive and educative activities among them;

visit families, the members of which are included into prophylactic registry, at the place of their residence and conduct prophylactic activities with them;

make official warnings to family members about impermissibility of committing domestic violence and about impermissibility of provocative behaviour;

accept and examine within the limits of the plenary powers, foreseen by law, statements and reports about domestic violence or about a real threat of it;

take proper measures as to discontinuing of domestic violence and also actions of family members, that are directed on implementation of a real threat of it;

inform the family members, where a real threat of domestic violence appears or where domestic violence has been committed, about rights, measures and services which they can use;

refer victims of domestic violence to the specialized establishments for victims of domestic violence;

make protective orders in cases foreseen by this Law;

control fulfillment of requirements of protective orders;

co-operate with a specially empowered executive body on prevention of domestic violence, with organs of guardianship and patronage and the specialized establishments for victims of domestic violence on the issues of prevention of domestic violence;

provide information on the issues of prevention of domestic violence upon request of the respective bodies;

carry out other plenary powers as to prevention of domestic violence foreseen by law.

2. Plenary powers of criminal juvenile militia spread on cases, when a victim of domestic violence or a person, which faces a real threat of it, and also a person, who commits domestic violence, has not reached the age of 18-years-old.

Article 7. Authority of organs of guardianship and patronage as to prevention of domestic violence

Organs of guardianship and patronage should:

provide assistance in getting remedy for the violated rights and in defending legal interests of juveniles, which have parents and live in families; children-orphans, which remained without patronage of parents and are raised in families of guardians (trustees), families which adopted them, houses for children of family type; and also family members, declared by court as incapable, in the cases when they experienced domestic violence or face a real threat of it;

act as court representatives of juveniles and incapable family members, who became victims of domestic violence;

fulfill other plenary powers as to prevention of domestic violence, foreseen by law.

Article 8. Crisis centers

1. Crisis centers are created by local state administrations upon submission of a specially empowered executive body on prevention of domestic violence in accordance with the social needs of a region.

2. Crisis centers can be also created by organs of local self-government, by enterprises, establishments, organizations, charity funds, associations of citizens and individuals upon approval of a specially empowered executive body on prevention of domestic violence and should be registered according to procedure prescribed by law.

3. Employees of crisis centers should:

consult family members which can become or have become victims of domestic violence;

organize providing of necessary psychological, pedagogical, medical, legal aid to family members which can become or have become victims of domestic violence;

based on the available conditions provide shelter for temporary residence of family members which can become or have become victims of domestic violence;

inform the family members, where a real threat of domestic violence appears or where domestic violence has been committed, about rights, measures and services which they can use;

inform service of district inspectors of militia or criminal juvenile militia about revealed facts of a real threat of committing domestic violence or about facts of committing such violence;

study and summarize reasons and conditions of concrete cases of domestic violence;

provide information on the issues of prevention of domestic violence upon request of the respective bodies;

co-operate with mass media, organizations of civil society in conducting awareness raising and educational work as to prevention of domestic violence.

4. Crisis centers are non-for-profit organizations, enjoy rights of a legal entity, own headed note-papers, and a seal with the image of National Emblem of Ukraine and their title.

Article 9. Centers of medical and social rehabilitation of victims of domestic violence

1. The centers of medical and social rehabilitation of victims of domestic violence should be created in accordance with the legislation, which regulates creation of health protection establishments. The centers of medical and social rehabilitation of victims of domestic violence can be created within the system of operating establishments of health protection.

2. Victims of domestic violence should be placed in the centers of medical and social rehabilitation of victims of domestic violence (upon their consent or request) on the basis of a decision of medical commission of the center. As to juvenile family members, consent of one of parents, a foster parent, guardian or trustee or organ of guardianship and patronage is required.

3. Victims of domestic violence should stay in centers of medical and social rehabilitation during a term necessary for their treatment and psychological and social rehabilitation. Upon their wish they can undergo a course of treatment and psychological and social rehabilitation in ambulatory.

4. Employees of centers of medical and social rehabilitation of victims of domestic violence should:

provide victims of domestic violence with initial medical, sanitary and psychological aid, with separate types of psychiatric aid on the grounds and according to procedure foreseen by the Law of Ukraine "On Psychiatric Aid", by other laws;

upon a need refer victims of domestic violence for the proper subsequent treatment;

organize providing of legal aid to victims of domestic violence;

inform about cases of domestic violence the service of district inspectors of militia or criminal juvenile militia;

provide information on the issues of prevention of domestic violence upon request of the respective bodies.

Section III

SPECIAL MEASURES ON PREVENTION OF DOMESTIC VIOLENCE

Article 10. Official warning about impermissibility of committing domestic violence

1. Service of district inspectors of militia or criminal juvenile militia should issue an official warning about impermissibility of committing domestic violence to a family member, which committed domestic violence, on condition that there is no *corpus delicti* in his/her actions, and inform him/her about it on a receipt.
2. An official warning about impermissibility of committing domestic violence can be issued in relation to a capable person, who at the moment of issuing it has reached an age of 16-years-old.
3. In the case of committing domestic violence by a person who has received an official warning about impermissibility of committing domestic violence, a protective order can be issued in relation to this person in cases and according to the procedure, foreseen by this Law.

Article 11. Official warning about impermissibility of provocative behaviour as to domestic violence

In case of systematic (three and more times) provocative behaviour of a family member, that can cause committing domestic violence, service of district inspectors of militia or criminal juvenile militia should issue an official warning about impermissibility of provocative behaviour as to domestic violence to this family member, and inform him/her about it on a receipt.

Article 12. Including family members who committed domestic violence into prophylactic registry and removing them from prophylactic registry

1. Family members, which were issued an official warning about impermissibility of committing domestic violence, should be included into prophylactic registry by service of district inspectors of militia or criminal juvenile militia.
2. Removal family members who committed domestic violence from the prophylactic registry is conducted by bodies which included a person into such registry, if a person has not committed domestic violence for a year after the last case of domestic violence was committed.
3. The procedure of inclusion of family members, which were issued an official warning about impermissibility of committing domestic violence, into prophylactic registry and removal from it should be established by the Ministry of Internal Affairs of Ukraine.

Article 13. Protective order

1. The person, which committed domestic violence after the receipt of the official warning about impermissibility of committing domestic violence, may be issued a protective order by a district inspector of militia or official of criminal juvenile service, approved by a chief of the respective body of internal affairs and public prosecutor.
2. The protective order does not require approval in case if there is a *corpus delicti* in actions of a person, which committed domestic violence.
3. The protective order can be issued in relation to a capable person, who at the moment of issuing it has reached an age of 16-years-old.

4. Based on a protective order the person, towards whom it was issued, may be prohibited to take some action (actions) in relation to the victim of domestic violence, namely:

to do concrete acts of domestic violence;

to get information about the place of stay of victim of domestic violence;

to look for the victim of domestic violence, if the victim of domestic violence upon her/his personal will stays in a place, which is unknown to the person who committed domestic violence;

to visit the victim of domestic violence, if she/he temporally stays not at the place of common residence of family members;

to conduct telephone negotiations with the victim of domestic violence.

5. The limitations foreseen in paragraph four of this article are set for the period of up to 30 days starting from the day of approval the protective order by a public prosecutor.

Article 14. Reimbursement of costs on maintenance of victims of domestic violence in the specialized establishments for victims of domestic violence

Decision about charging from persons who committed domestic violence the reimbursement of costs on maintenance of victims of domestic violence in the specialized establishments for victims of domestic violence, should be made by court according to legally established procedure based on a lawsuit of administration of the specialized establishments for victims of domestic violence.

Section IV

LIABILITY FOR COMMITTING DOMESTIC VIOLENCE

Article 15. Liability for committing domestic violence

Family members which committed domestic violence are liable according to criminal, administrative or civil legislation.

Section V

FINANCING OF ORGANS AND ESTABLISHMENTS, WHICH ARE IN CHARGE OF TAKING MEASURES ON PREVENTION OF DOMESTIC VIOLENCE

Article 16. Sources of financing of organs, which are in charge of taking measures on prevention of domestic violence, and specialized establishments for victims of domestic violence

1. Financing of organs and establishments as to prevention of domestic violence, which belong to the system of organs of executive power or organs of local self-government, is conducted from a budget of the proper level.

2. Financing of the specialized establishments for victims of domestic violence, created by enterprises, establishments, organizations, charity funds, associations of citizens or individuals, is conducted from their personal funds.

3. The specialized establishments for victims of domestic violence are entitled to recourse action on reimbursement of costs on maintenance of victims of domestic violence to the persons, which committed domestic violence.

Section VI

PROTECTION OF RIGHTS OF FAMILY MEMBERS DURING TAKING MEASURES ON PREVENTION OF DOMESTIC VIOLENCE

Article 17. Protection of rights for family members during taking measures on prevention of domestic violence

1. Family members, towards which measures on prevention of domestic violence are taken, are guaranteed by the state protection of their rights and legal interests.

2. Public officials and employees which take measures on prevention of domestic violence can not disclose data about personal and family life, which they learned in connection with performance of their official duties.

Section VII

FINAL PROVISIONS

1. This Law enters into force in three months from the day of its publishing.

2. The Cabinet of Ministers of Ukraine during a month from the day of entry in force by this Law should:

prepare and submit for consideration to Verkhovna Rada of Ukraine suggestions on bringing into conformity with this Law the other laws of Ukraine;

bring its normative-legal acts into conformity with this Law;

within its authority provide for adoption of normative-legal acts foreseen by this Law;

provide for revision and abolition by the central and local executive bodies of the normative-legal acts which contradict this Law.

President of Ukraine

L. Kuchma

Kyiv

November, 15, 2001

N 2789-III