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**IMPLEMENTATION BY UKRAINE OF THE REQUIREMENTS OF
THE ISTANBUL CONVENTION REGARDING DATA
COLLECTION ON DOMESTIC VIOLENCE**

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**ВИКОНАННЯ УКРАЇНОЮ ВИМОГ СТАМБУЛЬСЬКОЇ
КОНВЕНЦІЇ ЩОДО ЗБОРУ ДАНИХ ПРО ДОМАШНЄ
НАСИЛЬСТВО**

Preventing domestic violence is an important task for ensuring human rights, protecting health and safety, improving the quality of life and promoting social stability. Domestic violence violates human rights to safety, dignity, and physical and mental well-being. Preventing violence at home is an important condition for ensuring human rights to a life free from violence. The basis for developing and implementing effective strategies to prevent and combat domestic violence is data on domestic violence. Understanding the causes and conditions that contribute to violence allows the development of appropriate programs and policies. Knowledge is essential for creating effective policies to prevent and counter violence against women and domestic violence. Knowledge development enables policymakers and civil society to assess changes and improve existing policies. Data collection and research help in the development of policies and measures to prevent violence against women and domestic violence and to protect and support victims. Also, data collection and research are needed to find out whether policies aimed at preventing and ending such violence are working. For the sake of efficiency, the provision of information should become part of a comprehensive approach, taking into account practical developments. Researchers in the field of public policy face the question of studying the effectiveness of programs and strategies aimed at preventing and combating domestic violence. These studies are important for understanding domestic violence, developing effective prevention and intervention strategies, and improving systems for recording and reporting this phenomenon. Collecting data on domestic violence is a critical element in understanding, responding to, and overcoming this serious problem in society. Publication of data on domestic violence contributes to increasing public attention and awareness of the problem. It can stimulate discussion in society, mobilize public support and trigger change.

Запобігання домашньому насильству є важливим завданням для забезпечення прав людини, захисту здоров'я та безпеки, покращення якості життя та сприяння стабільності суспільства.

Домашнє насильство порушує права людини на безпеку, гідність та фізичне та психічне благополуччя. Запобігання насильству вдома є важливою умовою для забезпечення прав людини на життя без насильства.

Основу для розробки та впровадження ефективних стратегій запобігання та протидії домашньому насильству складають дані про домашнє насильство. Розуміння причин та умов, які сприяють насильству, дозволяє розробляти належні програми та політики.

Знання мають важливе значення для створення ефективних політик з метою запобігання та протидії насильству стосовно жінок і домашньому насильству. Розвиток знань дає змогу нормотворцям і громадянському суспільству оцінювати зміни та вдосконалювати існуючі політики.

Збирання даних і проведення досліджень допомагають у розробці політик та заходів для запобігання насильству стосовно жінок і домашньому насильству та захисту і підтримці жертв. Також, збирання даних і дослідження необхідні для того, щоб з'ясувати, чи працюють політики, спрямовані на запобігання та припинення такого насильства. Заради ефективності, надання інформації повинно стати частиною комплексного підходу, з урахуванням практичних розробок.

Перед дослідниками з області публічної політики постають питання вивчення ефективності програм та стратегій, спрямованих на запобігання та боротьбу з домашнім насильством.

Ці дослідження важливі для розуміння проблеми домашнього насильства, розробки ефективних стратегій запобігання та

інтервенції, а також поліпшення систем обліку та звітування про це явище.

Збір даних про домашнє насильство є критично важливим елементом для розуміння, протидії та подолання цієї серйозної проблеми в суспільстві. Публікація даних про домашнє насильство сприяє підвищенню громадської уваги та усвідомленню проблеми. Це може стимулювати обговорення в суспільстві, мобілізувати громадську підтримку та викликати зміни.

***Keywords:** gender-based violence, domestic violence, subjects of violence prevention, domestic violence prevention tools, international organizations.*

***Ключові слова:** насильство за ознакою статі, домашнє насильство, суб'єкти запобігання насильству, інструменти запобігання домашньому насильству, міжнародні організації.*

Formulation of the problem. The Law of Ukraine "On the Prevention and Counteraction of Domestic Violence" defines the main areas of implementation of the state policy in the field of prevention and counteraction of domestic violence: 1) prevention of violence in the family, 2) effective response to the facts of violence in the family by introducing a mechanism of cooperation between entities that carry out measures in the field of prevention and counteraction of domestic violence, 3) provision of assistance and protection to victims, provision of compensation for damage caused by violence in the family, 4) proper investigation of facts of domestic violence, bringing perpetrators to legal responsibility and changing behavior [13].

The priority direction remains the prevention of domestic violence, which involves determining the state, causes and prerequisites for the spread of domestic violence.

Information on gender-based violence and domestic violence is reflected in the statistical reports of entities authorized to prevent and combat these phenomena in accordance with the laws of Ukraine "On ensuring equal rights and opportunities for men and women" [12] and "On preventing domestic violence"[13]. However, today such information is insufficiently coordinated between different sources, which makes it difficult to analyse and track trends, limit the availability of data and the development of effective prevention strategies. There are no clear standards or methods for collecting data on gender-based violence and domestic violence, which can lead to inconsistencies in assessment methodologies and criteria.

Analysis of the latest research and publications. The problem of domestic violence was investigated in their works by scientists such as O. Bandurka, B. Golovkin, A.B. Blaga, O. Dzhuzha, O. Kostenko. The number of studies in this field is increasing, given the European integration path of Ukraine's development. With the ratification of the Istanbul Convention, new opportunities and tools appeared for determining additional ways to increase the effectiveness of preventing this phenomenon, which stimulates further scientific research.

The purpose of the article is to study the problematic issues of Ukraine's implementation of the requirements of Article 11 of the Convention on the Prevention of Violence against Women and Domestic Violence and the fight against these phenomena regarding the collection of data on gender-based violence and domestic violence.

Presenting main material. Olena Zelenska, while participating in the ninth meeting of the Governmental Commission on Coordination of the Interaction of Executive Authorities on Ensuring Equal Rights and

Opportunities for Women and Men, noted that "overcome violence is not only that which is punished, but also that which is not at all happened, which we prevented".

Domestic violence violates many of the rights provided for in the European Convention on Human Rights and other human rights instruments. Despite international condemnation of violence and calls to prevent and counter these phenomena, gender-based violence and domestic violence remain relevant due to further escalation.

The requirement to record information about a person who has committed domestic violence, his personal data, information on measures of legal responsibility applied to him, and other necessary information regarding the fact of domestic violence and the subject of its perpetration is contained in the Model Legislation of the UN on domestic violence and is followed by countries that direct their efforts to create a mechanism to combat violence in the family.

Adoption of the Convention of the Council of Europe "On preventing and combating violence against women and domestic violence" [3] became a starting point on the way to eradicate violence.

The Council of Europe Convention "On preventing and combating violence against women and domestic violence", known as the "Istanbul Convention", entered into force in April 2014 and was signed by the European Court of Justice on June 13, 2017. Ukraine ratified the Convention on June 20, 2022, and it entered into force for Ukraine on November 1.

The Convention is a powerful tool to combat gender-based violence and domestic violence.

The implementation of the standards of the Istanbul Convention in Ukraine requires the formation of new provisions of current laws and policies.

The formation of state policy in any field requires careful study of the issue that requires a solution at the state level. Gender-based violence and its variety - domestic violence are no exceptions.

The main directions of implementation of the state policy in the field of prevention and counteraction of domestic violence include such measures in this field as: collection of statistical data grouped by sex on facts of domestic violence; organization and conduct of sectoral and inter-sectoral studies of the state, causes and prerequisites of the spread of domestic violence.

Actions to prevent domestic violence cannot be taken without research and data analysis that provide an understanding of the extent of the problem.

The main functions of a typical mechanism for the prevention of domestic violence include a system of successive measures aimed at eradicating the causes of domestic violence through:

Information and educational work;

Increasing the competence of specialists;

Awareness raising;

Data collection;

Standardization of programs for offenders as an element of prevention.

A separate article of the Convention is devoted to the issue of data collection and research, which emphasizes the expediency and necessity of a professional approach to solving this global issue.

For the purposes of implementing this Convention, the Parties undertake to: a) regularly collect appropriate disaggregated statistical data on cases of all forms of violence that fall under the scope of this Convention; (b) support research on all forms of violence that fall within the scope of this Convention, to study its main causes and consequences, the number of cases and the level of sentences passed, as well as the effectiveness of the measures taken to implement this Convention.

The Parties are making efforts to conduct population surveys on a regular basis to assess the prevalence and trends of all forms of violence that fall within the scope of this Convention.

The Parties shall provide the group of experts referred to in Article 66 of this Convention with the information collected in accordance with this Article in order to stimulate international cooperation and enable international comparative analysis [10].

The Parties shall ensure that the information collected pursuant to this Article is publicly available.

The collection, analysis and distribution of information on domestic violence in accordance with the legislation, improvement of the system of indicators in the form of state statistical reporting on the prevention and counteraction of domestic violence belongs to the powers of the central executive body, which implements the state policy in the field of prevention and counteraction of domestic violence [13].

According to the Decree of the Cabinet of Ministers of Ukraine dated August 26, 2020 No. 783 "Some issues of the National Social Service Service of Ukraine", the National Social Service Service of Ukraine is designated as such body [1].

Despite the existence of a separate body authorized to implement state policy in the field of prevention and countermeasures against domestic violence, Ukraine currently lacks a single platform for collecting statistical data that would provide an opportunity to provide an objective assessment of the phenomenon of domestic violence in Ukrainian society. Public authorities at all levels, in particular the Ministry of Social Policy as the only coordinating body, the National Social Service of Ukraine, which implements state policy in this area, the prosecutor's office, courts, internal affairs bodies reflect statistics that are significantly different, not taking into

account all aspects of violation of the law, and hence - the impossibility of forming an effective policy to prevent this phenomenon.

Judicial statistics reflect the number of considered court cases, prosecution of offenders.

However, statistics do not provide separation from gender-based domestic violence, as the data are recorded according to the relevant articles of the Criminal Code of Ukraine [4] and the Code of Ukraine on Administrative Offenses [2], which do not structure the specified types of violence.

Moreover, Article 173-2 of the Code of Ukraine on Administrative Offenses [2] covers four separate types of administrative offenses:

- perpetrating domestic violence,
- perpetrating gender-based violence,
- failure to comply with an urgent restraining order,
- failure to report the place of temporary residence [2].

Thus, the entities authorized to prevent and counter gender-based violence and domestic violence do not have reliable data on real statistics on the scale of Ukraine or a separate territorial community.

The numbers only give an idea of specific aspects of the problem. The lack of comprehensive and accurate data collection in this area leads to fragmented information, which emphasizes the need for careful data collection about the experiences of women who have experienced gender-based or domestic violence.

On November 22, 2023, with the support of the UN Women project "Transformation approaches to achieve gender equality in Ukraine", a strategic session "Collection of data on the prevention and counteraction of domestic violence" was held. Alignment with the requirements of the Istanbul Convention", the purpose of which is to develop agreed proposals on the necessary corrections to the proposed reporting forms on the

prevention and counteraction of domestic violence for the further preparation of the draft joint order and amendments to the regulatory and legal acts that regulate the interaction of the subjects, that carry out measures in the field of prevention and countermeasures against domestic violence and gender-based violence.

Participants of the event: Secretariat of the Human Rights Commissioner of the Verkhovna Rada of Ukraine, Office of the Government Commissioner for Gender Policy, specialists of central state authorities (Ministry of Social Policy, Ministry of Internal Affairs, Ministry of Justice, Ministry of Health, Ministry of Education, National Police, National Police, State Statistics Service, National Social Service, Coordination Legal Aid Center, Probation Center, State Judicial Administration of Ukraine, Office of the Prosecutor General), representatives of the Medical Statistics Center of the Ministry of Health of Ukraine, the Government Contact Center 15-47, the National School of Judges of Ukraine, the Training Center for Prosecutors, the Academy of Advocacy, regional military administrations, local self-government bodies, general and specialized support services for victims of domestic violence and gender-based violence, civil society organizations working in the field of preventing and countering domestic violence and gender-based violence, international organizations and development partners, public association [5].

The subject composition of the participants of the meeting once again highlights the scale of the problem and the need for comprehensive approaches.

If we are talking about sociological research, then it is worth noting the difficulty of obtaining data due to the "privacy" and sensitivity of the subject of such research.

Ukrainian and international non-governmental organizations play a leading role in providing information on domestic violence and supporting victims of violence [11].

The Office of the United Nations High Commissioner for Human Rights (OHCHR) works with the Government of Ukraine and other stakeholders to monitor and collect data on human rights violations, including domestic violence.

The Organization for Security and Cooperation in Europe (OSCE) has programs and projects to monitor the human rights situation in Ukraine, including domestic violence [8].

The European Union (EU) funds a variety of projects and research in Ukraine that may cover aspects of domestic violence and the protection of women's and children's rights.

UNICEF works actively in Ukraine and collects data on child abuse [9].

The International Organization for Migration (IOM) deals with migration issues in Ukraine, where domestic violence can become a problem for migrants and refugees [7].

Ukrainian public organizations are also actively engaged in collecting data on domestic violence in Ukraine, conducting research, providing support to victims and working to prevent this phenomenon. Here are some of them:

"La Strada-Ukraine": an organization that deals with the problems of domestic violence and supporting its victims. They collect statistics and information about cases of violence, provide counseling and assistance to victims [6].

"Caritas-Ukraine": this organization actively works in the field of social assistance and support for vulnerable groups of the population, including victims of domestic violence.

"Union of Women of Ukraine": a public organization that works to protect women's rights in Ukraine. They collect statistics and provide support to victims of violence.

"Women's Crisis Center": an organization that works to support women who have become victims of domestic violence. They collect data on cases of violence and provide psychological and legal assistance.

"Integration Women's Foundation": a public organization working in the field of women's rights and gender equality. They analyze the situation of domestic violence, conduct research and provide advisory support.

These organizations play an important role in collecting, analyzing and disseminating data on domestic violence in Ukraine, which helps to understand the level of the problem and develop strategies to prevent and combat it.

Conclusions. Solving the problem requires a comprehensive approach, which includes improving data collection mechanisms, improving interaction between authorized subjects, as well as civil society organizations, by international organizations. Data collection is a necessary condition for ensuring the implementation of a coordinated state policy in the field of prevention and counteraction of domestic violence (with the participation of both authorities and civil society) in order to obtain the possibility of evaluating the degree of spread of various forms, the trends that occur, as well as the effectiveness activities. The detailing and synchronization of statistical data of public authorities is the key to establishing the cause and conditions of gender-based and domestic violence, which, in turn, will contribute to the development of comprehensive measures for prevention: raising the level of awareness, training, training and upgrading the qualifications of subjects authorized to prevent and countering these phenomena. The obtained data will also make it possible to conduct international comparisons, in particular, regarding the activities of various

entities that carry out measures in the field of prevention and counteraction of domestic violence and gender-based violence with the aim of sharing experience.

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