IMPACT OF COVID-19 ON WOMEN’S RIGHTS IN UKRAINE
This report was authored by “JurFem” – the Ukrainian Woman Lawyers Association – in partnership with the Office of the Government Commissioner for Gender Equality Policy and the “Equal Opportunities” Inter-Faction Union.

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# IMPACT OF COVID-19* ON WOMEN’S RIGHTS IN UKRAINE

## INTRODUCTION

* Here and subsequently COVID-19 refers to the current global pandemic of the COVID-19 coronavirus infection.

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INTRODUCTION

The COVID-19-related challenges facing the entire globe and Ukraine in particular concern the protection of human rights and gender equality. The aftermath of the pandemic is having a disproportionate impact on women and girls in Ukraine, in particular in the areas of work, family relations and protection against gender-based violence. To address the impact of the pandemic on human rights and gender equality, it is critical to systematically monitor and explore the state of women's rights. After all, the consequences of COVID-19 are not short-term and will be more visible after the pandemic is over.

Many international researchers are claiming that the pandemic will result in a significant setback to women's rights, including to efforts made to advance gender equality in Ukraine.\(^1\) Similar effects were seen from the Ebola crisis in three African countries in 2014, the Zika virus epidemic in 2015, and the recent outbreaks of SARS, swine and avian influenza.\(^2\)

The threats and challenges faced by women and girls with regard to the pandemic are discussed in UN Women's Prevention: Violence against Women and Girls & COVID-19 survey, which stated that “... while the traditional gender roles dictate that men should earn income for their families, it can create feelings of inadequacy, uncertainty and loss of control, provoking the assertion of power, in particular through violence against their partners, children or other persons who live with the offender. Where the poverty prevails and basic needs cannot be met, girls are at risk of early marriage or sexual abuse”.\(^3\)

As the coronavirus crisis is of a global nature and will have a long-term impact, including on the situation of women and girls in Ukraine, it is important to examine the challenges facing women, and how the crisis has affected the observance and protection of women's rights and gender equality in Ukraine.

The study is intended to identify challenges and suggest recommendations for improving the situation of women and girls in the context and as a result of COVID-19 in Ukraine, in the fields of labour and family relations.

COVID-19 has significantly affected the labour market, as the enforced quarantine restrictions suspended certain sectors of the economy, which had an effect and impact on family relationships. In particular, cases of domestic violence were observed as partners constantly stay in one premises, family income is reduced, and so on.

To conduct and report on the study – including making recommendations for ensuring the protection of labour and family rights of women and girls in Ukraine, improve legislation and take necessary affirmative action – we suggested several hypotheses and selected appropriate methods to probe them.

The study involved more than 700 participants, mostly women, and covered all regions of Ukraine.

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3 https://www.oecd-ilibrary.org/docserver/1a86df57-en.pdf?expires=1599397678&id=id&accname=guest&checksum=61A86C2C132EBFE505748EDF7E317787
1. METHODOLOGY OF THE STUDY

On 11 March 2020, the Cabinet of Ministers of Ukraine (hereafter – CMU) adopted Resolution 211 “On Prevention of the Spread of COVID-19 Coronavirus in Ukraine”; which was subsequently amended in response to the epidemic situation in Ukraine to strengthen security measures.

On 20 May 2020, the Cabinet of Ministers adopted Resolution 392 “On the Establishment of Quarantine to Prevent the Spread of Acute Respiratory Disease COVID-19 Caused by the Coronavirus SARS-CoV-2 in Ukraine and the Stages of Mitigation of Anti-Epidemic Measures”.

In particular, the following restrictions were enforced:

• a ban on attending education institutions, public spaces, museums, and so on;
• a ban on passenger traffic, both urban and intercity;
• a ban on all public events;
• the closure of certain service providers; and others.

Since the quarantine restrictions were launched in Ukraine in March 2020, international and human rights organizations in Ukraine have expressed concern about the increase in violence, violations of women’s labour rights and restrictions on human rights. A number of organizations have monitored observance of human rights, including the impact of COVID-19 on women’s rights.4

For example, UN Women in Ukraine’s Rapid Gender Assessment of the Situation and Needs of Women in the Context of COVID-19 in Ukraine highlighted that “the quarantine also exacerbates the problem of distribution of gender roles in the family, as the major burden of unpaid care work during the quarantine is entrusted to women.”5 A study by the Gender Budgeting Project in Ukraine Gender Dimension of the COVID-19 Pandemic also highlights that women spend much more time on household chores and care.6 At the same time, the above-mentioned study by UN Women in Ukraine notes that reliable data is lacking on how the quarantine restrictions imposed in Ukraine have affected the statistics on gender-based violence. However, data from the domestic violence hotline provided by La Strada Ukraine between 13 March and 12 April 2020, as well as the Government’s specialized hotline 15-47 – launched on 11 February 2020 and receiving calls on human trafficking, domestic violence and gender-based violence – may

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4 Studies include the following:
• UN Women in Ukraine, Rapid Gender Assessment of the Situation and Needs of Women in the Context of COVID-19 in Ukraine
• Gender Budgeting Project in Ukraine, Gender Dimension of the COVID-19 Pandemic
• International Partnership for Human Rights (IPHR), Crimea-SOS and Truth Hounds, Assessment of the Impact of the Response to COVID-19 on Human Rights in Ukraine
• UN Women, COVID-19 and Essential Services Provision for Survivors of Violence Against Women and Girls
• UN Women, Violence Against Women and Girls Data Collection during COVID-19
• UN Women, Online and ICT Facilitated Violence Against Women and Girls during COVID-19
• UN Women, COVID-19 and Ending Violence Against Women and Girls
• UN Women, PREVENTION: Violence against Women and Girls & COVID-19
• UN Women, The COVID-19 Shadow Pandemic: Domestic Violence in the World of Work – A Call to Action for the Private Sector
• UNODC sector-specific guidance, Coronavirus Disease (COVID-19 response – UNODC Thematic Brief on gender-based violence against women and girls)
• UN Women, From insights to action: Gender equality in the wake of COVID-19
• UN Women, Justice for women amidst COVID-19
• Rebecca Holmes, Amber Peterman, Elayn Sammon, Courtney Cabot Venton, Laura Alfers, Gender and Inclusion in social protection responses during COVID-19

5 UN Women in Ukraine, Rapid Gender Assessment of the Situation and Needs of Women in the Context of COVID-19 in Ukraine, p. 22.

indicate that the number of cases of gender-based violence, including domestic violence, has increased. These studies and materials informed the following research hypotheses of the present study:

1. The burden on women has increased due to a combination of domestic responsibilities and remote working.
2. The number of divorces has increased.
3. The number of cases of domestic violence has increased.
4. The average income of women has decreased significantly as they are mostly employed in the service sector, which stopped working during the lockdown.

To probe, confirm or refute the proposed hypotheses, we chose the following qualitative and quantitative data collection methods:

1. Questionnaire: respondents from urban and rural areas of Ukraine were asked about the impact of COVID-19 and quarantine restrictions on their family and employment rights through an online questionnaire posted on the official Facebook page of the Ukrainian Woman Lawyers Association “JurFem”, and distributed through the resources of amalgamated territorial communities, hubs of women’s organizations, local self-government centres, youth centres and partners of the Association.

The respondents filled in the questionnaire independently and anonymously.

The questionnaire comprised three sets of questions with logical connections and transitions between them:

Set 1. Labour relations (the right to work, the right to a safe workplace, wages, the right to social assistance in connection to the lockdown) included 12 questions.

Set 2. Family relations (the right to divorce, the right to child support, protection from domestic violence) consisted of 12 questions.

Set 3. An open-ended question on relevant issues that the respondents believed were not covered by two former sets.

During the data processing, logical verification of the consistency of answers to the questionnaire and a technique to recover missed answers were used.

The structure of the general population was not followed for sampling.

General profile of the survey participants

A total of 632 persons took part in the survey.

The vast majority (94 percent) of them are women, although persons of either sex could take part in the survey. The scope of the study is the state of women's rights during the pandemic. The effects of COVID-19 on the situation of men requires a separate independent study.

The largest age groups were respondents aged 35-60 years (40 percent of the women surveyed) and 25-35 years (37 percent). Residents of Lviv region (11 percent) and Dnipropetrovsk region (10 percent) were most active in the survey.
2. **Focus groups** with officials responsible for decision-making, policy implementation and women’s rights, as well as those who perform such functions because of their professional status.

Representatives of the police, social welfare agencies, local self-government bodies in amalgamated territorial communities (ATCs), relevant NGOs, and lawyers (members of the Association) were invited to join focus groups on family relations (covering topics such as domestic violence, recovery of alimony and divorce). Representatives of employment centres, the Pension Fund, social welfare agencies, local self-government bodies in the ATCs, relevant NGOs, lawyers and businesswomen were invited to partake in the focus groups on labour relations (transition to remote working, possible dismissal, forced leave at the employees’ own expense, termination of business activities).

There were 10-12 persons in each focus group. Given the topic, the maximum possible quota for men to participate in focus groups was 30 percent – that is, up to 4 men in each focus group. In total, four focus groups were conducted in four macro-regions of Ukraine:
- East/South (Luhansk, Donetsk, Zaporizhia, Odesa, Kherson, Mykolaiv regions)
- West (Zakarpattia, Lviv, Volyn, Ternopil, Ivano-Frankivsk, Chernivtsi regions)
- Centre (Khmelnytskyi, Vinnytsia, Dnipropetrovsk, Kirovohrad, Poltava, Cherkasy regions)
- Northern Ukraine (Rivne, Zhytomyr, Kyiv, Chernihiv, Kharkiv, Sumy regions).

3. **Monitoring of court decisions.** We analysed 137 court decisions in proceedings on issuing or extending restrictive orders ruled in the period from 1 April to 1 July 2020. Information from the Unified State Register of Court Decisions (http://reyestr.court.gov.ua) was used for the monitoring.

4. **Analysis of data received from the authorities.** Information and quantitative data were collected through inquiries to the Ministry of Internal Affairs, the Ministry of Social Policy, the State Employment Service, the Ministry of Justice of Ukraine, the State Statistics Service, the State Labour Service, the Pension Fund, and the State Fiscal Service. To track the changes caused by COVID-19, we requested information for the same periods of 2019 and 2020 (for example, Q2 2020 and Q2 2019).

5. **Discourse analysis** was used to analyse information obtained through the monitoring of court decisions and responses to requests from public authorities, as well as to develop recommendations for improving adherence to women’s labour and family rights in the pandemic and post-pandemic periods.

6. **Content analysis** was used to analyse publicly available studies in Ukrainian and several other languages on the impact of COVID-19 on public life.

7. **The legal hermeneutics method** was used to analyse regulations that provide certain guarantees of women’s rights during the pandemic in Ukraine, to interpret the content of legal norms.
2. IMPACT OF COVID-19 ON WOMEN’S RIGHTS IN THE FIELD OF EMPLOYMENT

After the introduction of lockdown restrictions, the Government brought in legal regulations to mandate employees to work remotely. Certain enterprises, institutions and organizations that could not facilitate remote work for their employees put them on unpaid leave or annual leave. However, some companies were forced to suspend their work indefinitely.

Has the introduction of remote working, as well as the ban on the operation of catering companies and companies providing services, worsened the situation of women in Ukraine? Has the burden on women increased due to the combination of house chores and remote working? Have women’s incomes decreased because of the lockdown?

We sought answers to these and other questions in our study of the situation of women in the workplace during a pandemic.
2.1. REMOTE WORK AND WOMEN’S RIGHTS DURING A PANDEMIC

The opportunity to work remotely has been discussed in the labour market for a long time. In Ukraine, it was not particularly relevant, but more and more business owners have partially switched their employees to remote work.

The COVID-19 pandemic quickly made adjustments in the labour market, as a result of which amendments were made to the Labour Code of Ukraine (hereafter the Labour Code) that provided for a form of labour entitled remote work / work from home.

"Remote work / work from home is a form of labour in which an employee performs his or her duties from his or her place of residence or any other place of his or her choice other than the employer’s premises, including through the use of information and communication technologies."

Article 60 of the Labour Code

When working remotely / from home, employees organize their working time at their discretion, and are not subject to the rules of internal labour regulations, unless otherwise provided in the employment contract. In this case, the total duration of working time may not exceed the limits provided for in Articles 50 and 51 of the Labour Code.

In addition, in accordance with the amendments to the Labour Code, “during the time of a threat of epidemic or pandemic and/or at the time of a threat of military, human-made, natural or other nature, the condition of remote work / work from home and flexible working hours may be established in the order/regulations by the owner or a body authorized by the owner, without the obligation to conclude in writing an employment contract on remote work / work from home.” Clearly, this is a positive development, as it contributes to the rapid establishment of labour relations.

This regulation raises issues concerning the employer’s obligation to guarantee proper and safe working conditions as requested by the Labour Code, as well as to provide appropriate technical means for employees to perform their duties. Obviously, in case of teleworking, the employers cannot fulfil this obligation.

Draft Law 4051 on Amendments to Certain Legislative Acts Concerning the Improvement of Legal Regulation of Remote Work of 4 September 2020 includes the following definition of remote work:

“Remote work is a form of organization of labour relations between an employee and an employer and/or performance of work in which the work is performed by an employee outside the employer’s premises in any place of the employee’s choice and using information and communication technologies."
When performing remote work, employees independently choose their own workplaces and are personally responsible for ensuring safe and harmless working conditions.

The employment contract for remote work determines: the procedure and terms for providing employees who work remotely with necessary equipment, software, hardware, information security and other means to perform their duties; the procedure and deadlines for such employees to report on the work performed; the amount, procedure and terms of reimbursement to employees for the equipment, software and hardware, information security tools and other means that they are entitled to or they rent; and the procedure for reimbursement of other costs associated with the performance of remote work.

If the employment contract does not specify such details, providing the employees with productive means related to the information and communication technologies used by the employee is the duty of the owner or an authorized body that provides appropriate installation and maintenance, and pays the costs associated therewith.”

These legislative proposals improve the regulation of remote work in terms of the responsibilities of employees and employers. At the same time, it is open to question whether the employers are actually fulfilling the obligation provided by the draft law to ensure secure and safe working conditions in the workplace on the territory and in the premises of the owner.

Remote work during the pandemic in Ukraine

On 1 April 2020, the sociological group “Rating” published the results of the Ukraine in quarantine: monitoring public sentiment survey. Two thirds of respondents stated that they had had jobs before the lockdown started: unfortunately this was not disaggregated by sex. Of those who had had jobs, 35 percent indicated that they were continuing to work as usual after the introduction of restrictions, 29 percent had started to work remotely, 32 percent were on unpaid leave and only 4 percent had lost their jobs. At the same time, more than half the respondents stated that they were going outside less often because of the lockdown. A third of the respondents stated that they were adhering partially to the restrictions. Only one in ten admitted that they were not complying with the quarantine. Women and older age people were more likely to report complete adherence.

At the end of March 2020, Economic Pravda conducted a survey of entrepreneurs in Kyiv. A total of 30.5 percent entrepreneurs stated that all or most of their employees were working remotely, and 27 percent put some employees on unpaid leave. In 24 percent of companies all employees were on unpaid leave, 12 percent had laid off some employees, and 4 percent had been forced to lay off everyone (respondents to this question could provide two answers).

Thus, we can conclude that in late March and early April, every third employee had transferred to remote working, with 30 percent taking unpaid leave, 4 percent losing jobs, and 35 percent continuing to work as usual.

In June-September 2020, we interviewed 633 women.
The survey found that during the quarantine:

- **37%** of respondents switched to remote work,
- **11%** switched to flexible working hours,

More than a third (**41%)** of the surveyed women continued to work as usual.

**At least one in three employed women both benefitted from working** remotely (not exposing themselves to the risk of contracting the infection, able to stay with children when schools and kindergartens were closed and generally spending more time with their families, saving time on commuting to work, organizing their working hours more efficiently), **but also face the problems and difficulties that require joint solutions on the part of the government and employers.**

The problems associated with the remote work include:

- Remote work in companies that lack adequate gender policy leads to an **increased burden on women**. After all – during the quarantine due to the COVID-19 outbreak – women, in addition to performing their professional duties, also performed household chores (cleaning, cooking and so on), and also helped their children who were studying remotely at home.

> “It is extremely complicated for a single mum to raise a child during the lockdown, there is nobody to ask to take care of the child…”

**Comment by a survey respondent**

This trend was confirmed by the survey findings – **24%** respondents reported an **increased workload after the switch to remote work.**

Over a half the surveyed employed women (**56%)** reported that **household chores affected their work during the quarantine.**

Of those who reported such an effect, only one in five (**20%)** managed to successfully reconcile their work and household chores with their partners.
More than half the respondents (62%) reported that they had to reconcile childcare/support for their children’s education with their professional work.

“*It was challenging to reconcile professional activities, support for the education of two children of different age, and household chores. It’s impossible to do everything at the same time!*”

*Comment by a survey respondent*

Another 10 percent of the respondents had to work at night due to the housework they did in the day time.

These data proves that unpaid domestic work (currently mostly performed by women) in a context of remote working worsens the situation of women, as it imposes an excessive workload on them.

In order to reduce discrimination against women and to provide adequate opportunities for them to compete with men on an equal footing in the labour market, wide awareness raising campaigns are needed to overcome gender stereotypes and actively involve men in the distribution of domestic responsibilities.

- **At the same time, the switch to remote working obliges employers to create conditions for such work for their employees, and to implement gender policies.**

For example, if a family has only one computer, and both children and adults need to work or study, it is the employer’s responsibility to provide adequate working conditions for the employees. As a result, both employers and employees face a challenge of technical support.

The vast majority (95 percent) of the women surveyed who switched to remote working said that they had the conditions (both technical equipment and living conditions, etc.) in place for such work. Of these, 23 percent were provided by employers.

If the employers were not able to provide conditions for remote work for the employees, they had to either put them on unpaid leave or dismiss them.
2.2. PROTECTION OF LABOUR RIGHTS DURING THE LOCKDOWN

During the lockdown, many complaints about violations of the labour rights were recorded, as noted by participants at focus groups, including lawyers working with the free legal aid system, NGOs, etc.

“We started receiving many more complaints from employees who were forced by their employers to request unpaid leave, but men came with such complaints less often. It was more common for women to come to seek advice about such problems that their husbands, sons or brothers were facing. We’ve also received complaints that employees who had resigned by consent of the parties received their employment record books late.

We’ve received more complaints about employees being forced to request leave without pay, even if the women had accumulated a good balance of annual leave and additional leave (that mothers of two children are eligible to). Complaints from women who were requested to provide additional documents to prove their difficult situation during the lockdown also became more common – for example, a certificate that a child is not attending kindergarten. How can a woman get this certificate if the kindergarten has been closed for weeks?

“We had more complaints about men being dismissed, even if their spouses are on parental leave and not working.”

Attorney of free legal aid system
Khmelnytskyi region

“We’ve had more cases of employees being forced to request such leave because of public transportation being out of service. If a female employee cannot commute to work, she was forced to request leave. This was particularly the case in rural settlements located 5-15 km from regional capitals or larger cities.”

Attorney
Cherkasy
At the same time, from 1 January to 1 July, the State Labour Service and its territorial departments received 8 percent fewer complaints from employees about violations of labour legislation than they had in the previous three months. In the second quarter of 2020, a total of 8,758 complaints were received (not including Donetsk region, which did not provide data), of which 48.9 percent were from women (not including Zakarpattia region, which could not determine the sex of the applicants).

This can be explained by the fact that the pandemic is an objective factor in reducing the quality of life, and therefore possible encroachments on labour rights were perceived by employees as necessary negative changes in the organization of labour, rather than violations of their rights. In addition, citizens have been learning slowly about the new labour legislation introduced in connection with the quarantine, and therefore do not immediately identify violations.

Women and men also appealed to the courts to protect their labour rights. However, we were unable to use quantitative indicators to verify the assumption that during the lockdown the number of complaints by women about illegal dismissal, non-payment of wages or other violations of rights by the employer increased, because the courts report on an annual basis.

It should be noted that the lack of sex-disaggregated statistics not only negatively impacts the development of the justice system, but also violates Ukraine’s international obligations under the Beijing Platform for Action.

“In many cases women were forced to take unpaid leave. During the first weeks of the lockdown, women kept seeking advice about whether they had to request this leave if they didn’t want to take it.”

Attorney
Kyiv
One in three employed women (approximately 37 percent) had switched to remote working, causing an increased burden in 24 percent of cases due to the need to balance professional duties and household chores.

According to the online survey, in 23 percent of cases, employers provided technical and materials means for women to switch to remote working, but failed to consider the gender aspects of this work and the increased burden on women because of household chores.

Employees in sectors in which remote working is not feasible had to take leave (regular or unpaid) or resign. In such cases, the employees often sought legal aid and complained to the State Labour Service (48.9 percent of complaints to the Service were submitted by women).
2.3. GENDER PROFILE OF PERSONS WHO LOST THEIR JOBS OR STOPPED BUSINESS DURING THE PANDEMIC

The quarantine restrictions forced changes in the operation of enterprises, institutions, organizations and entrepreneurs, including terminations of business and dismissals.

PUBLIC EMPLOYMENT CENTRE DATA

Number of persons dismissed between January 2020 and March 2020

551,900 persons

45% women

Number of persons entering work

480,200 persons

43% women

DIFFERENCE BETWEEN THE NUMBER DISMISSED AND ENTERING WORK DURING THIS PERIOD

6% for women

9.8% for men

To sum up, men entered work more often than women. At the end of June 2020, 670,400 persons were registered as unemployed in employment centres, of whom 55.3 percent were women. Almost half (48 percent) of the unemployed in June 2020 received this status during the quarantine period (April-June 2020), of whom 56 percent were women. The sex disaggregation among the unemployed almost corresponds to the sex disaggregation of total population (according to the State Statistics Service, as of 1 January 2020, 53.7 percent of Ukraine’s population are women and 46.3 percent are men). Thus, the sexes received unemployed status to an almost equal degree.
At the same time, in April-June 2020, 93,200 people entered work, 29 percent of the number registered as unemployed in the same period. Of these 31,700 were women (34 percent of those entering work), almost half the number of men entering work – 61,500 (66 percent). This difference can be explained by a decrease in the number of vacancies (from January to March 2020, in the Public Employment Centre there were 320,700 vacancies, and from April to June 2020, 100,000 vacancies less). Another reason is that women are mostly employed in the sectors that were subject to the lockdown.

According to the Public Employment Centre, during the quarantine period women and men were equally receiving the status of an unemployed, but men entered employment much more often than women.

Impact of the lockdown on women entrepreneurs

At the focus groups, representatives of Khmelnytskyi and Dnipropetrovsk regions reported the special impact of quarantine on the garment business that mostly employ women.

“In even the women who had someone to take care of their children and thus were able to work, had no work because the companies could not sell their goods, as the marketplaces and sales areas were shut down.”

Respondent
Dnipropetrovsk region

In addition, the closure of markets – where many women are employed in Khmelnytskyi – affected their incomes.
A respondent from Cherkasy region also mentioned problems in the work of sewing workshops and beauty salons, where incomes either fell several times or dropped to zero.

“Some companies asked their sewer to sew masks, and initially they paid well for it. But then the offer increased, and they start paying UAH 0.15 per a mask which is peanuts.”

Respondent
Khmelnytskyi region

A respondent from Mykolaiv region emphasized problems in the work of service companies, which mostly employ women.

“The women who had employers mostly saved their salaries in full, because the employers also did not want to lose employees as it is difficult to find new employees during lockdown. For self-employed women, it was more complicated: they had more problems and saw their incomes fall.”

Respondent
Cherkasy region

“One of the first sectors to suffer was the beauty sector: beauty salons where the overwhelming majority of employees are women, including women entrepreneurs. All of them lost their work for at least two months.”

Respondent
Kirovohrad region

A respondent from Mykolaiv region emphasized problems in the work of service companies, which mostly employ women.
The increased number of cases in which individual entrepreneurs terminated their activities should be noted. According to the data from the State Tax Service, as of 1 July 2020, 97,800 individual entrepreneurs had stopped doing business in Ukraine. While in February 2020, 17,000 persons – the largest number before the lockdown – terminated their business activities, in June 2020 the number those who stopped their business activities increased to 17,900.

In January-March 2020, 29,600 self-employed people were working in Ukraine, of whom 57.4 percent were women. We did not manage to obtain information from the authorities on the sex disaggregation of self-employed persons (including individual entrepreneurs, notaries, attorneys, etc.). However, the existing horizontal professional gender segregation suggests that the government’s quarantine restrictions on business may have disproportionately affected such individuals.

This is why more women – as they are more often involved in the provision of household services, retail trade, catering, and so on – were forced to stop such activities.

“In our city, the service and trade sectors are the most common places where women are employed. During the first weeks of the pandemic, these sectors were completely crushed. A lot of these women were in shadow employment, and they found themselves in big trouble.”

Respondent
Official of local self-government body,
Mykolaiv region
2.4. THE FINANCIAL STATUS OF WOMEN DURING THE COVID-19 PANDEMIC IN UKRAINE

The coronavirus pandemic in Ukraine has negatively affected the financial capacity of women to provide themselves with the necessary standard of living, and many families have found themselves in a difficult economic situation.

The focus group participants also mentioned the difficulties faced by internally displaced persons (IDPs). According to various data, at different times the proportion of IDPs who were women was about 60 percent. The Ministry of Social Policy updates the number of IDPs on a monthly basis, but does not publish sex disaggregation. At the same time, various studies indicate the greater economic vulnerability, poorer access to services and greater responsibilities of IDP women compared to men. In 2019, a study by the International Labour Organization, the Ministry of the Temporarily Occupied Territories and Internally Displaced Persons of Ukraine and the Ministry of Social Policy of Ukraine found that 79 percent of IDPs who were actively seeking jobs were women.
To help people in difficult circumstances, as well as to overcome and ameliorate them, the Government has initiated certain types of social benefits for both women and men related to the quarantine restrictions in Ukraine.

To financially support those who have lost or sought work during quarantine, as well as those who cannot work while being employed, the Government has simplified the payment of unemployment benefits, and some new types of social assistance have been guaranteed.

Persons looking for work during the quarantine period could apply to the employment centre to receive financial unemployment assistance from the Government.

By 1 July 2020, 171,100 applications for partial unemployment benefits had been submitted to the Public Employment Centre for the quarantine period, of which 146,400 were submitted by individual entrepreneurs who sought assistance for themselves.

Employers also applied for partial unemployment benefits. A total of 130,700 applications were submitted. Partial unemployment benefits were assigned to 153,600 persons. Partial unemployment benefits for the quarantine period were also assigned to 112,000 individual entrepreneurs.

“IDP women often bear the responsibility for taking care of family members who stay in the non-Government-controlled territories, and the shutdown of checkpoints means separation of families, problems with access to financial resources and many more challenges.”

Respondent
NGO representative,
Zaporizhia region

“Most IDPs rent housing, and if their income is lost or decreased, they face losing their accommodation. When it comes to distance learning of children, many families reported that they could not afford paying for the Internet, and thus the children were unable to join online classes.”

Respondent
An IDP entrepreneur,
Zhytomyr region
<table>
<thead>
<tr>
<th>Number of applications from employers for partial unemployment benefits</th>
<th>Number of employees who were assigned partial unemployment benefits for the quarantine period</th>
<th>Number of individual entrepreneurs who were assigned partial unemployment benefits for the quarantine period</th>
</tr>
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<tbody>
<tr>
<td>130,700</td>
<td>153,600</td>
<td>112,000</td>
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To financially support individual entrepreneurs during the quarantine, the Government enabled social benefits to those who had chosen a simplified system of taxation and belonged to the 1st and 2nd groups of single tax payers and paid single contributions to the mandatory state insurance fund for 2019 (if they had been operating for more than a year) or for all months of 2019 after the state registration of an individual entrepreneur (if this was the duration of business activity for 2019).

When it comes to paying child benefits to such individual entrepreneurs (1st and 2nd group), all their requests were supported, but individual entrepreneurs from the 3rd group emphasized the unfairness of the approach.

“I believe this is discriminatory. I would be also happy to receive such benefits. I chose the 3rd group because I run business activities with limited liability companies – that it, for the form rather than the type of my business activities.”

**Entrepreneur**
Cherkasy region

“Setting age limits (children up to 10 years) is discriminatory, because the law in force identifies underage as 14 years. It is unclear why the lawmaker decided that children aged 11 or 12 did not need such benefits.”

**Attorney**
Khmelnytskyi region

According to the Public Employment Centre, data is not routinely collected on the number of men and women who applied for partial unemployment benefits and who were denied partial unemployment benefits.
However, as noted above, 670,400 persons were registered at the employment centres, of whom 55.3% were women.

The State Statistics Service collects data on a quarterly basis to determine the average monthly wages of women and men in Ukraine. According to the State Statistics Service, the average monthly salary of women in the first quarter of 2020 was UAH 9,785, which is 78.7 percent of men’s average salary (UAH 12,438). In the second quarter of 2020, women’s average salary was UAH 9,740, which is 80.1 percent of men’s average salary, which fell in the second quarter to UAH 12,159.

This data confirms previous observation that the gender pay gap in Ukraine is 20-21.3 percent against women.

The survey found that 40% of respondents saw their incomes decrease during the quarantine. One in three employed women (32%) reported changes in pay.

75% such women reported decreased wages, while 9% reported wage arrears.

9 percent respondents reported a need to receive social assistance. Of these, 31% applied and obtained it, while the other 69% were unsuccessful.

18% did not manage to receive social assistance because of the inconvenient business hours of service providers.
To sum up, during the quarantine, the Public Employment Centre actively support the unemployed, in particular individual entrepreneurs, although the 3rd group of individual entrepreneurs were ineligible to receive such assistance.

The income of both women and men during the quarantine has decreased. Just like before the pandemics, women’s wages continued to be 20% lower.

CONCLUSIONS

Labour relations (in particular the labour market) was one of the fields most affected by the COVID-19 pandemic: changes have taken place too quickly, and the authorities and employers have not been able to respond quickly and monitor trends.

At the same time, the Public Employment Centre has taken on the challenges of the pandemic, related to the growing number of unemployed persons, reduced number of vacancies, and so on.

Women have faced more challenges than men during the pandemic. As of September 2020, more than one in three employed women had switched to remote working, which in some cases has led to an increase in workload due to a combination of domestic work and professional responsibilities.

The majority (77 percent) of employed women who took part in the survey provided themselves with the material and technical conditions needed to work remotely on their own.

During the pandemic, women and men alike lost their jobs and registered with employment centres, but data from the Public Employment Centre reveals that women were much less likely to find jobs. The gender pay gap that was observed before the pandemic remained virtually unchanged during the pandemic. Women continue to earn 20-21 percent less than men.

Women entrepreneurs have been more negatively affected by COVID-19, as they are more involved in the economic activities that are most often subject to quarantine restrictions and prohibitions.

The double workload on women caused by a combination of productive and reproductive work increased during forced remote work.
3. THE IMPACT OF COVID-19 ON WOMEN’S RIGHTS IN THE FAMILY

Since the launch of quarantine, there has been discussion of an increased number of divorces caused by the impossibility of living together in a confined space, especially when it comes to families where domestic violence occurs. In addition, lawyers have reported numerous complaints of failure to pay child alimony during quarantine.

Has the COVID-19 pandemic affected women’s opportunities to divorce? How has quarantine affected the paying of child alimony by the parents? Were women able to collect alimony after the quarantine restrictions were put in force? Has the number of cases of domestic violence increased and are the authorities responding?

We looked for answers to these and other questions in our study of the situation of women in the family during the pandemic.

3.1. EXERCISE OF THE RIGHTS TO DIVORCE AND TO COLLECT ALIMONY DURING THE PANDEMIC

The introduction of quarantine in Ukraine affected the work of public authorities, but did not stop it. The courts continued working as usual. However, following recommendation of the Council of Judges of Ukraine, participants in cases were asked to apply for consideration of their case in their absence or for adjournment of the hearings.7

Since the introduction of quarantine, it has not been possible to participate in court hearings via video connection, so a significant number of cases were postponed. This has happened not only in Ukraine, but also in other European countries and the United States, where some courts were even shut down.8

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DATA OF THE MINISTRY OF JUSTICE

In the first half of 2020,
civil registry offices registered

11,828 divorces
of which:

853 occurred through judicial procedure (in courts)

IN THE SAME PERIOD OF 2019, THEY REGISTERED

18,329 divorces
35% more than in 2020
of which:

1,407 occurred in courts
40% more than in 2020

It should be noted that the first three months of 2020 were already a quarantine period when opportunities to move around the country were limited, and civil registry offices restricted contact with citizens.

According to our survey, during the quarantine, 2 percent of women surveyed filed for divorce. One woman said she had not applied but was planning to divorce or live separately. One respondent replied that she was unable to do so due to travel restrictions and another woman, due to lack of internet/computer access.

As a result of the quarantine restrictions caused by the COVID-19 pandemic, women and men are less likely to contact the civil registry offices and courts to register divorces than previously.

It is worth noting that the participants in proceedings who did not want their cases to be heard postponed these cases due to the lockdown. This significantly delayed the consideration of cases, in particular on divorce. According to the Unified State Register of Court Decisions between 1 April and 1 July 2020, the courts of Ukraine made 19,854 decisions in cases of divorce, approximately 1,000 decisions less than in the same period of 2019. This does not mean that people applied to court during the quarantine, it could also be that cases that started to be considered at the beginning of the year and their consideration ended during the reporting period.
The COVID-19 pandemic and the quarantine measures have had a negative impact on the country’s economic system and labour market. Unpaid leave taken by employees, voluntary resignations and redundancies or liquidations of companies also affect parents’ ability to perform their childcare responsibilities.

Women find themselves in worse situation. Children usually live with women after divorce. If the father of the child does not pay alimony or pays it partially, women are obliged to fully provide the children with adequate living conditions, food and so on.

The Family Code of Ukraine stipulates that a person may apply to the court for recovery of alimony in two ways:

1. Application for a court order – if the minimum amount of child alimony is sufficient.

Such an application is considered within 5 days and the parties are not required to attend court. During the quarantine restrictions, this method of protecting the rights of a person seems effective.

2. Application to a court with a statement of claim for recovery of alimony. These statements are considered by the court within 60 days, but a longer proceeding is possible due to delays on the part of the other party and the possibility of appealing such a decision.

Thus, the law provides for the effective recovery of alimony by a court within 5 days, without need for the parties to attend the court.

According to the Unified State Register of Court Decisions, between 1 April and 1 July 2020, the courts of Ukraine issued 4,166 court orders on the recovery of alimony, 1,000 less than the same period in 2019. At the same time, 9,888 decisions were issued on statements of claim for recovery of alimony, also 1,000 less than in the same period of 2019. However, it should be noted that it does not mean that people filed such claims during the quarantine, as opposed to applications for court orders.

11% respondents with children filed claims for alimony during the quarantine.

Of them, almost half (47%) reported problems with receiving the alimony (most often, it was late payment of alimony).
No less important during the quarantine is the implementation of effective court decisions on the recovery of alimony. The legal community, including globally, is discussing the likelihood of an increased number of lawsuits with demands to reduce the amount of alimony. Parents who have paid higher alimony than the minimum amount have the right to apply to the court to reduce the amount of alimony to the minimum. The reason for this may be losing a job or having your salary reduced.

In addition, if a person did not receive income during the quarantine, and this caused arrears of alimony, this person has the right to apply to the court for exemption from payment of the arrears, because the arrears appeared through no fault of the person.

“"I filed a claim for alimony before the lockdown. The debtor did not start paying, but I was not able to reach an enforcement officer by phone to report it."

Respondent to online survey

“I filed a claim on 2 March, and the hearing will take place on 23 September. It doesn’t matter that I have three children.”

Respondent to online survey

“There are more claims for reducing the amount or suspending the alimony. The claimants – mostly men – explained that they had lost jobs or income. This concerns the alimony paid through enforcement proceedings, and the enforcement service had no tools to influence debtors, especially during the first stage of the lockdown.”

Attorney
Chaplynka amalgamated territorial community
Kherson region

On one hand, this right of an individual seems logical and perfectly legal. However, what can a woman do in this case? Regardless of whether she lost her job or whether the quarantine affected her financial situation, she still has to raise children whose father, according to the law, will be released from alimony arrears or the alimony will be reduced by the court.

It is important to remember that COVID-19 does not release parents from the obligation to support a child financially. We will be able to fully follow the trend of increased number of decisions in cases of reducing the amount of alimony through COVID-19 at the end of the year, when they will be published in the Unified State Register of Court Decisions.

It should be noted that recovery of alimony was not an easy task for women with children in the pre-quarantine period, and the quarantine period only exacerbated this situation, in particular in cases where the debtors lost their jobs or their wages were withheld.

During the pandemic, in particular as of 1 July 2020, there had been no increase in the number of cases of divorce or recovery of alimony. On the contrary, people were less likely to apply due to the quarantine restrictions.

In general, it should be noted that the Government should take a gender-sensitive approach when implementing quarantine measures during a pandemic. This is emphasized in particular in A Guide for Europe: Protecting the rights of women and girls in times of COVID-19 pandemic and its aftermath, which states that

“the State must ensure guarantee the rights of all women and girls to live free of discrimination and violence, and to access the essential sexual and reproductive health services they need. […] Specific measures are required to minimize the short and long term impacts this health and economic crisis may have on them, their families and their communities. Without a gender-sensitive and intersectional targeted approach, women and girls may lack effective protection during the foreseen crisis resulting from the pandemic.”

3.2. PROTECTING THE RIGHTS OF SURVIVORS OF DOMESTIC VIOLENCE DURING A PANDEMIC

During the pandemic, protecting survivors of domestic violence was a key issue for the human rights community and women’s NGOs.

According to A Guide for Europe: Protecting the rights of women and girls in times of COVID-19 pandemic and its aftermath, “Prior to the pandemic, it has been reported that one in five women in the EU has experienced some form of physical and/or sexual violence from a current or previous partner. Since the beginning of the lockdowns, shelters, emergency helplines, organizations and official institutions have alerted of a spike in reports of women and girls at risk of violence at home. […] According to recent data by the WHO, emergency calls by women being subjected to threats or violence from their partner have risen by up to 60% compared with last year in many European countries. In some countries, the authorities point to a decrease

in domestic violence incident reports, which may indicate limited reporting options for women sharing their household with their abuser.”

**Being forced to stay in one premises with a perpetrator, lack of specialized shelters, difficult access to legal aid and social services are challenges faced by survivors, 85 percent of whom are women and 1.2 percent children.**

The UN Women study *COVID-19 and Essential Services Provision for Survivors of Violence Against Women and Girls* highlights that it is difficult for girls and women to report violence to law enforcement bodies or the relevant trust services because they live with the perpetrators around the clock and therefore do not even have the physical ability to make a call. At the same time, law enforcement bodies' orders aimed at protecting survivors are not being implemented, contributing to impunity, while violence against women is on the rise.

**NATIONAL POLICE DATA**

**From 1 April to 1 July 2020**

there were **46,249**
reports received of domestic violence of these:

- **570** were from children  **1.2%** of total number of reports
- **39,449** were from women  **85%** of total number of reports

The number of such reports in the first three months of 2020 was **26%** more than during the pandemic.


As noted by the World Health Organization, this may indicate the limited ability of women living with the perpetrator to report violence.

According to online survey, 10% of the respondents survived incidents of domestic violence before the quarantine.

Half of these women (56%) reported the worsening of domestic violence during the quarantine.

Nineteen percent of all women surveyed reported domestic violence during the quarantine.

Respondents most often reported psychological violence (insults, humiliation, obscene swearing and so on), at 41 percent; and least often – sexual coercion (hereafter sexual violence), at 9 percent.

Of total women surveyed, during the quarantine:

- 3% reported having been coerced to sex by the partners that they lived with during the quarantine.
- 5% reported suffering physical pain (hit, punched) caused by the partners that they lived with during the quarantine.
- 11% reported being put made financially dependent or having their expenses controlled by their partner or other family members.
- 13% suffered psychological violence from the persons that they lived with.
- 40% of the respondents who reported having suffered domestic violence had had no such experience before the quarantine.
In total, respondents who survived domestic violence mentioned the manifestations of domestic violence 189 times. This is because one woman could face more than one form of domestic violence. On average, each woman experienced more than one type of violence (the coefficient is 1.7).

The women who suffered domestic violence reported mostly financial violence (48 percent of all mentions) and psychological violence (35 percent). Sixteen percent of the respondents who experienced the first incident of domestic violence during the quarantine survived more than one form of violence, mostly financial and psychological.

One in three survivors of domestic violence (32%) had no other option but to continue living with the perpetrator. Only 3% were placed in a shelter.

As noted above, women who were forced to live with a perpetrator during the quarantine sometimes could not physically call the police. Ultimately, the question is whether women would be able to get effective help even if they could call the police, and whether appropriate response measures would be taken, for example, urgent restraining orders, and so on.

ON CONSIDERING REPORTS OF DOMESTIC VIOLENCE, POLICE OFFICERS

From April to June 2020

31,679 produced protocols on administrative offences stipulated by Article 173-2 of the Code on Administrative Offences of Ukraine

which is 5% less than in January-March 2020

and 7,959 issued urgent restraining orders:

which is 50% less than in January-March 2020
According to the police, urgent restraining orders, which are a measure of immediate response to cases of domestic violence entailing a threat to the life and health of the survivor, were issued during the quarantine period in only 23.8 percent of cases, while in the period from January to March 2020, the police issued urgent restraining orders in 28.4 percent of cases.

In the period before the introduction of quarantine, law enforcement officers more often (in 5 percent more of cases) used urgent restraining orders – special measures to protect the survivors of domestic violence, which may require the perpetrator to leave the place of residence of the survivor.

This confirms the allegations of women’s human rights organizations about the lack of an effective response by police officers during the quarantine period. In particular, it is alleged that the police do not issue urgent restraining orders that require the perpetrator to leave the place of residence of the survivor referring to quarantine, self-isolation and so on, thus leaving the survivors in life-threatening situations.

“*The quarantine helped us, as the perpetrator had to travel 40 km by foot to reach us.*”

**Respondent to online survey**

“In March-April, the access to protection was complicated: the women called the police, the police came, the survivors asked for an urgent restraining order, but the police refused on the ground of the quarantine. However, there is absolutely no legal reasoning for this, and in certain regions and districts the police were operating adequately and issuing such orders. There were problems indeed, let alone people not being able to come to the police precinct to submit a statement or a complaint.”

**Respondent to online survey, attorney**

Lviv region
Survivors of domestic violence also applied to the court for restraining orders. However, the percentage of such cases was extremely small compared to the number of appeals to the police.

**ACCORDING TO THE UNIFIED STATE REGISTER OF COURT DECISIONS**

From 1 April to 1 July 2020

137 decisions were issued by courts in cases on urgent restraining orders

which is 0.35% of the total number of statements on domestic violence filed with the police

**IT IS WORTH NOTING THAT**

Between January and March 2020

survivors appealed to courts 38% more often than during the quarantine.

There may be several explanations for this, including the lack of public transportation, and insufficient access to legal aid services (according to the Legal Aid Coordination Centre, which provides free services to survivors of domestic violence, they worked remotely during the quarantine, namely, provided online and phone consultations through the hotline).

“When you talk to a survivor by phone, it’s impossible to research the client’s documents or find out which documents they have. It is extremely complicated to produce the package of documents that the client will file to the court when you communicate with them by phone.”

**Director of a local legal aid centre**
The UN Women study The Impact of COVID-19 on Women notes that many women are forced to be locked up at home with their abusers because domestic violence support services stopped working or became unavailable.13 Problems such as reduced access to social service providers, including hotlines, crisis centres, shelters, and access to a lawyer, are discussed in the UNODC thematic brief on the impact of COVID-19 on gender-based violence against women and girls.14

As we can see, the police actually have not been taking special measures to respond to domestic violence that would be considered effective for the safety of the survivors. In turn, lawyers do not use protection mechanisms such as applying to the court for restrictive orders, as evidenced by the small number of court decisions on issuing such orders.

One of the special measures that the police and the court may apply to a perpetrator is to prohibit staying or coming to the place of residence of a survivor, regardless of the perpetrator’s title to the property. But as a rule there are frequent situations in which the perpetrator is a homeowner, and this raises doubts in the police and the court about the application of special measures, in particular during quarantine, because the perpetrator can go nowhere due to the quarantine restrictions on movement and contact with people.

According to Maryna Lehenka, the Vice President of La Strada-Ukraine: “There were cases in which an urgent restraining order was not issued because the police said, ‘We cannot put him outside in a pandemic; he has nowhere to go, he will contract coronavirus and will die somewhere.’ Thus, although there was no legal prohibition, police said they would not issue an urgent restraining order during the quarantine.”

A lawyer at the Women’s Perspectives Centre said that: “In April and May 2020, we provided twice as many consultations on domestic violence as the same period last year. The number of survivors who applied for help for the first time has also increased. There have been isolated cases in which the police have not issued urgent restraining orders during the quarantine, but in most cases the police have responded adequately to the calls on cases of domestic violence.”

During the quarantine, in 48% of cases the courts issued restraining orders that prohibited the perpetrator from staying at or going to the place of residence of the survivor.

In 25.5% of cases, the court refused to issue an urgent restraining order when a survivor requested it.

Here are a few cases in which the court considered the reasons for refusing a request to issue a restraining order.

For example, Kirovskyi District Court of Kirovohrad in its decision of 25 June 2020 noted:

“The very fact that the applicant reporting psychological and physical violence against her to law enforcement and other authorities prove that there has been a long-lasting conflict between the applicant and a concerned individual, rather than that INDIVIDUAL_2 committed psychological and physical violence against her, which is a mandatory pre-requisite for applying special measures against that individual to respond to domestic violence, as stipulated by the Law of Ukraine “On the Prevention and Response to Domestic Violence.”

No other evidence was provided that INDIVIDUAL_2 committed actions that would prove the likelihood of repeated or continued domestic violence.”

A similar statement is provided in a decision of the Suvorovskyi District Court of Odesa on 24 June 2020:

“Having considered the submission from the applicant that a criminal proceeding was opened and the information hereon was entered to the Unified Register of Pre-Trial Investigation as requested by the applicant, the court cannot accept it as evidence, whereas the fact that this information is available is not a proof that the defendant committed a criminal offence, given that a person is considered not guilty of committing a criminal offence and cannot be subjected to criminal punishment unless his/her guilt is proven through legitimate procedure and established by a court indictment.”

In each of these cases, the survivors provided evidence of criminal proceedings having been initiated and reports of domestic violence. In the case considered by Suvorovskyi District Court of Odesa, evidence of criminal activities concerning the abuse of minors was provided, and the woman and her children were residing in a shelter for survivors of domestic violence.

The court’s reference to the fact that guilt was not established, and therefore it could not issue a restrictive order, was unfounded, contrary to international law, the very essence of special measures, as well as the case-law of the Supreme Court.
The Supreme Court in its resolution 754/11171/19 of 28 April 2020 indicated:

“Given the provisions of Law 2229-VIII, a restrictive order by its essence is not a punishment (unlike the provisions set forth in the Code on Administrative Offences and the Criminal Code of Ukraine), but a temporary measure with protective and restrictive functions that is aimed at the prevention of violence and ensuring the security of persons as a priority, given the risks stipulated in the above-mentioned Law, before the action of a perpetrator is duly qualified and a decision against him/her is made in administrative and criminal proceedings.”

It is extremely important for the courts to understand this, because if the courts only consider as evidence a court ruling on prosecution or a court verdict, or declare suspicion, the survivors will not be able to receive protection for a long time.

Special attention should therefore be paid to the fact that the courts apply the case law of the European Court of Human Rights (hereafter the ECtHR) on violation of Article 3 (Prohibition of Torture) of the Convention for the Protection of Human Rights and Fundamental Freedoms.

Domestic violence in the sense of the ECtHR is unquestionably cruel treatment of a person but in this case, by analogy, the decisions of the ECtHR in cases of torture in prisons cannot be applied. In particular, we cannot apply the following solutions in cases of domestic violence:

“Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms establishes freedom as one of the fundamental values of a democratic society. It strictly prohibits torture, inhuman and degrading treatment or punishment without exception and irrespective of the circumstances or action of the victim, as pointed out in the ECtHR’s decisions in A.V. v. Ukraine, n. 68177, Enea v Italy [GC], n. 55182, Idalov v. Russia [GC], n. 911183.

The case law of the European Court of Human Rights in the decision in Ireland v. the UK stresses that degrading treatment or punishment entails mockery that aims to cause the feeling of fear, suffering and inferiority in the victim, as well as to degrade his/her dignity.

According to the ECtHR case law expressed in the decisions in Kudla v. Poland [CG], n. 922237, Kozynets v. Ukraine, n. 52, Labita v. Italy, n. 120, Chamber v. Russia, n. 49244, treatment is inhuman when it inter alia was intentional, was applied for several consecutive hours and caused either real bodily harm or severe physical or mental suffering.”

Decision of Kirovskyi District Court of Kirovohrad
In assessing the evidence, we cannot proceed from the concept of inhuman treatment, which must be intentional, applied for several consecutive hours and cause either real bodily harm or severe physical or mental suffering. A restrictive order should be aimed precisely at preventing such inhuman treatment, and not only when such treatment has already taken place.

Criminal cases involving domestic violence. In January 2020, amendments to the Criminal Code of Ukraine came into force regarding liability for domestic violence and non-compliance with a court-issued restrictive order.

According to the Prosecutor General’s Office of Ukraine, between 1 April and 1 July 2020, a total of 775 criminal proceedings were opened under Article 126-1 of the Criminal Code of Ukraine (domestic violence), and 503 of the criminal proceedings were transferred to court.

The number of criminal proceedings opened by the police for non-compliance with a court-issued restrictive order 30 which is 50% less than in January-March 2020

This trend is related to a 38 percent decrease in the number of court decisions issuing restrictive orders during quarantine.

It was difficult for survivors of domestic violence to seek help, but they still turned to NGOs and called the police.

According to an online survey:

33% one in three claims were submitted to the police.

21% one in five claims were submitted to NGOs.
Only 19% of surveyed women who reported having suffered domestic violence during the quarantine sought help from other authorities or public service providers.

In total, the survivors reported 48 cases in which they appealed to an entity. On average, each survivor applied to more than one entity (coefficient 2.3).

A half (48%) of those who sought help were helped.

“The authorities take too much time to consider every request – they virtually use the entire 30 days that the law allows them to consider the requests, referring to the quarantine. This does not help the response to violence; on the contrary it enables the perpetrators to act more aggressively.”

Respondent of online survey

“They helped by issuing a temporary order, but it’s still difficult to live with a perpetrator in the same flat. The children will be afraid again.”

Respondent of online survey

Focus group participants also noted difficulties accessing legal aid and an increase in calls about domestic violence.
The focus groups also identified that a significant number of people still do not have information on where to go if they are being abused.

“While before the quarantine, most cases concerned inheritance, civil, land issues and so on, after the quarantine was introduced, the number of cases of domestic violence grew significantly. The most common problems reported by the people are restricted freedom of movement, when a person was physically unable to come to our centre or other service providers to receive assistance. The clients also reported that the crisis centres were shut down, access to justice was limited, and the police did not pay enough attention to the problem. Our hotline of the free legal aid system worked non-stop, and the specialists provided legal advice within their competence. Our centres are open and providing full-fledged assistance to citizens.”

Attorney
Chernivtsi region

“Poor internet coverage and low internet literacy affect service provision in rural areas, as rural residents just cannot use the services or learn where to receive them. The same is true concerning education for children.”

NGO representative
Zaporizhia region

“For women from rural areas, lack of public transportation turned out to be a major obstacle. And when this is complicated by bad weather that, for instance, damages a mobile phone tower, we have no chance to reach out to a woman and learn her situation.”

Lawyer, NGO representative
Zakarpattia region
The UN Women study Rapid Gender Assessment of the Situation and Needs of Women in the Context of COVID-19 in Ukraine also noted that “... many survivors have limited information on protection against the spread of COVID-19 and on available services to prevent and combat domestic violence.”

According to law enforcement bodies, the number of reports of domestic violence between April and June 2020 was 26% less than between January and March 2020.

At the same time, 56% of respondents who survived domestic violence reported a deterioration in their situation during the quarantine.

During the period of severe quarantine restrictions, the police issued 5 percent less urgent restraining orders proportionally to the number of reports on domestic violence, and the number of court decisions on restrictive orders decreased by as much as 38 percent compared to first months of the year.

This trend, in our opinion, indicates that the authorities are prioritizing the quarantine restrictions and safety of the perpetrator over the lives and health of survivors of domestic violence.

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CONCLUSIONS

During the pandemic, the problems faced by women survivors of domestic violence became more visible. This is due to the small number of shelters for survivors, suboptimal provision of social services and access to services, including legal aid, and other issues. The survey revealed the following challenges in the field of protection of women's rights in family relations:

Quarantine restrictions on travel, transportation and the operation of the authorities have led to a decrease in the number of applications for divorce to civil registry offices and to the courts.

According to the Ministry of Justice of Ukraine, in the first half of 2020, the civil registry offices registered 11,828 divorces (35 percent less than in the same period of 2019), of which 853 were registered through court proceedings (which is 40 percent less than for the same period of 2019).

Despite the effective ways of collecting alimony provided by law, 47 percent persons have difficulties obtaining alimony. Late payment of alimony is the most common problem. And during the quarantine period, the problems of recovery of alimony became even more pressing, as there are cases in which the debtors lost their jobs or their salaries were withheld.

According to official law enforcement data, the number of reports on domestic violence between April and June 2020 was 26 percent lower than in January-March 2020, although 56 percent respondents who suffered domestic violence noted a deterioration in their situation during the quarantine.

During the period of severe quarantine restrictions, the police issued 5 percent less urgent restraining orders proportionally to the number of reports on domestic violence, and the number of court decisions on restrictive orders decreased by as much as 38 percent compared to the first months of the year.

The case law on refusal to issue restrictive orders due to the absence of a court order to bring a perpetrator to administrative responsibility or a court verdict finding the perpetrator guilty is an obstacle to access to justice for survivors of domestic violence.

Remote legal assistance (online, telephone and so on) is not effective enough when it comes to cases of domestic violence.
RECOMMENDATIONS

In view of the above, to improve the situation of women and girls and mitigate the negative impact of COVID-19, we recommend:

1. To the Ministry of Justice of Ukraine – enable citizens to make online visits to state enforcement services.

2. To the National Police – respond appropriately to cases of domestic violence, in particular by issuing urgent restraining orders, and not to refuse to do so based on the quarantine restrictions.

3. To the Supreme Court – summarize the case law in cases concerning issuance of restrictive orders and in other cases related to domestic violence.

4. To the National School of Judges – take into account the court operation during the quarantine period, in particular the consideration of cases related to domestic violence, and ensure compliance with reasonable deadlines for the issuance of restrictive orders within 72 hours after receiving the respective appeals.

5. To the system of free legal aid and human rights NGOs – provide legal assistance to survivors of domestic violence offline, even during pandemics, other emergencies, and so on.

6. To the Ministry of Social Policy – ensure implementation of Ukraine's international obligation to establish a sufficient number of shelters for survivors of domestic violence. Conduct extensive awareness raising campaigns to reduce and overcome gender stereotypes in society and actively involve men in household chores.

7. To the State Judicial Administration of Ukraine – make changes to the statistical reporting forms for the collection of data disaggregated by sex and reporting at least once every six months.

8. To the State Statistics Service – amend Order 259 of 31 July 2019 on approval of the template of the labour statistical report to enable recording of the number of employees transferred to remote working.

9. To the subjects of the legislative initiative – develop draft laws on amendments to the Labour Code in order to regulate the rights and responsibilities of employees and employers to remote work, in particular to determine who is responsible for providing appropriate technical equipment, creating safe and harmless working conditions in the workplace, and so on.

10. To the Ministry of Social Policy – create favourable conditions for doing business for women, in particular through the development and implementation of national action plans / state programmes to support women entrepreneurs.

11. Initiate dialogue at enterprises, institutions and organizations on the development and implementation of gender policy so that the employers will be obliged to take into account the needs of employees with children, especially when introducing remote working.

12. To the Cabinet of Ministers of Ukraine and the Verkhovna Rada of Ukraine – ensure implementation of International Labour Organization Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value of 1951 to reduce the pay gap between women and men.