

DIGEST

OF ACTIVITIES BY ANALYTICAL CENTER JURFEM



II QUARTER
2022

ANALYTICAL CENTER _ JURFEM

DIGEST



HELLO!

**MY NAME IS
DARIA ROSOKHATA**

*I AM THE SPECIALIST OF
ANALYTICAL CENTER
JURFEM*



ANALYTICAL CENTER JURFEM CONTINUES ITS WORK AIMED AT PROMOTING GENDER EQUALITY AND NON-DISCRIMINATION IN UKRAINE, SO WE PRESENT AN OVERVIEW OF OUR ACTIVITIES OVER A PERIOD FROM APRIL TO JUNE 2022.

DIGEST

THE FOREWORD



GIVEN THE FULL-SCALE WAR UNLEASHED BY THE RUSSIAN FEDERATION AGAINST UKRAINE, AND, ACCORDINGLY, NUMEROUS CASES OF VIOLATIONS OF THE RIGHTS OF CIVILIANS, INCLUDING WOMEN AND CHILDREN, IN PARTICULAR, SEXUAL VIOLENCE DURING THE CONFLICT, THE ACTIVITIES OF ANALYTICAL CENTER JURFEM WERE AIMED AT EXAMINING THE MECHANISMS FOR BRINGING THE RUSSIAN FEDERATION TO JUSTICE FOR SUCH ACTIONS, AS WELL AS FINDING WAYS TO PROTECT THE RIGHTS OF PEOPLE DURING THE WAR.

AMONG OTHER THINGS, WE EMPHASIZE THE ALGORITHMS FOR AN ANALYSIS AND EVALUATION OF EVIDENCE PREPARED BY ANALYTICAL CENTER JURFEM, WHICH CAN BE USED TO PROVE THE FACTS OF COMMITTED SEXUAL VIOLENCE DURING THE CONFLICT.

UKRAINE'S RATIFICATION OF THE COUNCIL OF EUROPE CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE (ISTANBUL CONVENTION) ON JUNE 20, 2022 WAS A LANDMARK EVENT FOR THE PROTECTION OF VICTIMS OF NOT ONLY DOMESTIC VIOLENCE, BUT ALSO OF SEXUAL VIOLENCE DURING THE CONFLICT.

DIGEST

ANALYTICAL MATERIALS



DARIA
ROSOKHATA

OVER A PERIOD FROM APRIL TO JUNE 2022, WE WORKED ON VARIOUS PRODUCTS, INCLUDING ANALYTICAL MATERIALS. WE PUBLISHED 7 LARGE MATERIALS, SOME OF WHICH WERE AIMED AT FURTHER EXAMINING THE NATURE OF SEXUAL VIOLENCE-RELATED CRIMES DURING THE ARMED CONFLICTS THROUGH THE PRISM OF THE RESOLUTIONS OF THE UN SECURITY COUNCIL AND THE INTERNATIONAL CRIMINAL COURT, AS WELL AS EXAMINING THE POSSIBILITIES OF PREVENTING DOMESTIC VIOLENCE USING FOREIGN EXPERIENCE. OUR TEAM PREPARED AND PUBLISHED THE FOLLOWING MATERIALS:



VIOLENCE DURING WARTIME

PREVENTING AND PUNISHING SEXUAL VIOLENCE DURING WARTIME: RECOMMENDATIONS FOR UKRAINE

"...STANDARDS AND PRACTICES AIMED AT PREVENTING SEXUAL VIOLENCE DURING WARTIME, ENSURING THE PROSECUTION OF PERPETRATORS AND PROTECTING VICTIMS AND WITNESSES WERE EXAMINED"



FAMILY LEGAL RELATIONS

POSSIBILITIES OF THE "BLUE CARDS" PROCEDURE IN THE PREVENTION OF DOMESTIC VIOLENCE (REVIEW OF DRAFT LAW 6074)

"THIS ANALYTICAL REVIEW CONSIDERS POLAND'S EXPERIENCE IN COMBATING DOMESTIC VIOLENCE, NAMELY THE BLUE CARDS PROCEDURE AND THE MECHANISM OF ITS APPLICATION IN PRACTICE, AS WELL AS THE FEASIBILITY OF APPLYING A SIMILAR PROCEDURE IN UKRAINE"



INTERNATIONAL STANDARDS AND UKRAINE

DOES THE INTERNATIONAL CRIMINAL COURT TAKE GENDER INTO ACCOUNT WHEN INVESTIGATING SEXUAL VIOLENCE?

«...IN 2014, THE PROSECUTOR'S OFFICE OF THE INTERNATIONAL CRIMINAL COURT ISSUED A POLICY PAPER ON SEXUAL AND GENDER-BASED VIOLENCE. THE IMPETUS FOR THE DEVELOPMENT OF THIS DOCUMENT WAS GIVEN BY THE GAPS IN THE PROVISIONS OF THE ROME STATUTE AND THE "WEAKNESSES" THAT EXISTED IN PRACTICE WITH REGARD TO THE INVESTIGATION AND PROSECUTION OF SEXUAL AND GENDER-BASED VIOLENCE»

DIGEST

ANALYTICAL MATERIALS



INTERNATIONAL STANDARDS AND UKRAINE

THE ROLE OF THE UN SECURITY COUNCIL RESOLUTIONS IN COMBATING SEXUAL VIOLENCE DURING THE ARMED CONFLICTS (PART I)

"... LET US CONSIDER THE FEATURES, SIGNIFICANCE AND ROLE OF THE UN SECURITY COUNCIL RESOLUTIONS AT THE INTERNATIONAL AND NATIONAL LEVELS IN COMBATING SEXUAL VIOLENCE DURING THE ARMED CONFLICTS"



INTERNATIONAL STANDARDS AND UKRAINE

UKRAINE'S IMPLEMENTATION OF UN SECURITY COUNCIL RESOLUTION 1325 (2000) "WOMEN, PEACE, SECURITY" (PART II)

"...THE PROVISIONS OF UN SECURITY COUNCIL RESOLUTION 1325 (2000) "WOMEN. PEACE. SECURITY" WERE CONSIDERED THROUGH THE PRISM OF THE NATIONAL ACTION PLAN FOR THE IMPLEMENTATION OF UN SECURITY COUNCIL RESOLUTION 1325 (2000) "WOMEN, PEACE, SECURITY" APPROVED IN UKRAINE. IN ADDITION, MEASURES TO PROTECT WOMEN AND CHILDREN AFFECTED BY THE CONFLICT AND THE RESULTS OF THEIR IMPLEMENTATION BY UKRAINE WERE ANALYZED"



INTERNATIONAL STANDARDS AND UKRAINE

UN SECURITY COUNCIL RESOLUTIONS IN COMBATING SEXUAL VIOLENCE DURING THE ARMED CONFLICTS (PART III)

"...AN ANALYSIS OF OTHER RESOLUTIONS OF THE UN SECURITY COUNCIL RELATED TO "WOMEN. PEACE. SECURITY", WHICH FORM THE BASIS FOR INTERNATIONAL POLICY ON THE PROTECTION OF WOMEN'S RIGHTS IN CONFLICT AND POST-CONFLICT SITUATIONS, IN PARTICULAR AIMED AT SOLVING THE PROBLEM OF SEXUAL VIOLENCE RELATED TO THE CONFLICT"



INTERNATIONAL STANDARDS AND UKRAINE

EUROPEAN PARLIAMENT RESOLUTION "IMPACT OF THE WAR AGAINST UKRAINE ON WOMEN" OF 2022: AN OVERVIEW

"... ON MAY 5, 2022, THE EUROPEAN PARLIAMENT ADOPTED ITS RESOLUTION "IMPACT OF THE WAR AGAINST UKRAINE ON WOMEN" (2022/2633(RSP). IN IT, THE EUROPEAN PARLIAMENT STRONGLY CONDEMNED THE ILLEGAL, UNPROVOKED AND UNJUSTIFIED MILITARY AGGRESSION OF THE RUSSIAN FEDERATION AGAINST UKRAINE AND THE INVASION OF UKRAINE"

DIGEST

REVIEW OF THE ECHR RESOLUTIONS



DARIA
ROSOKHATA

REVIEWING THE PRACTICE OF THE EUROPEAN COURT OF HUMAN RIGHTS IS AN IMPORTANT PART OF OUR WORK. WE PROCESS CASES RELATED TO BOTH DIRECT AND INDIRECT GENDER DISCRIMINATION. OUR REVIEWS AIM TO INFORM ABOUT THE APPLICATION PRACTICE OF THE ECHR. IN THIS QUARTER, WE ANALYZED CASES RELATED TO THE HUMILIATION OF A PERSON'S DIGNITY DUE TO THE SHAVING OF HIS/HER HAIR, DOMESTIC AND SEXUAL VIOLENCE.



"YANKOV V BULGARIA" (2004)

"THE COURT FOUND THE SHAVING OF THE APPLICANT'S HAIR TO BE "INHUMANE" TREATMENT BECAUSE, INTER ALIA, IT WAS DELIBERATE, CARRIED OUT FOR HOURS AND CAUSED EITHER ACTUAL BODILY HARM OR SEVERE PHYSICAL AND MENTAL SUFFERING. THE COURT ALSO FOUND THESE ACTIONS AS "DEGRADING" THE VICTIM BECAUSE THEY CAUSED THIS PERSON TO FEEL FEAR, SUFFERING AND INFERIORITY."



"KURT V AUSTRIA" (2021)

"WHEN, AS IN THIS CASE, ARTICLE 2 OF THE CONVENTION IS INVOLVED, IT IS A QUESTION OF RISK TO LIFE, NOT OF ANY KIND OF VIOLENCE."



"D. J. V CROATIA" (2012)

"...THE COURT EMPHASIZES THAT THE FACT THAT THE RAPED VICTIM WAS IN A STATE OF ALCOHOL INTOXICATION OR THERE WERE OTHER CIRCUMSTANCES RELATED TO THE BEHAVIOR OR THE VICTIM IS NOT A REASON FOR THE AUTHORITIES NOT TO CONDUCT AN EFFECTIVE INVESTIGATION."

DIGEST

REVIEW OF THE SUPREME COURT RESOLUTIONS



DARIA
ROSOKHATA

EVERY MONTH, OUR EXPERTS PREPARE A REVIEW OF THE PRACTICE OF THE SUPREME COURT. THE FOCUS IS ON CERTAIN TYPES OF CRIMINAL AND CIVIL CASES WHERE A GENDER-SENSITIVE APPROACH SHOULD BE APPLIED.

IN THIS QUARTER, WE PUBLISHED TWO REVIEWS OF CIVIL PROCEEDINGS, ONE OF WHICH IS SIGNIFICANT IN THE CONTEXT OF RUSSIA'S ARMED AGGRESSION AGAINST UKRAINE, WHICH, IN OUR OPINION, ENABLES US TO ASSESS THE IMPACT OF THESE EVENTS ON THE INSTITUTION OF COMPENSATION FOR DAMAGE TO AN INDIVIDUAL CAUSED BY THE ARMED AGGRESSION.



REVIEW OF THE PRACTICE OF THE SUPREME COURT IN THE CASE OF COMPENSATION FOR NON-PECUNIARY DAMAGE CAUSED TO AN INDIVIDUAL AS A RESULT OF THE ARMED AGGRESSION (APRIL 2022)

IN THE REVIEWED CASE, THE SUPREME COURT FORMED AN IMPORTANT LEGAL CONCLUSION, ACCORDING TO WHICH THE COURT, CONSIDERING A CASE WHERE THE RUSSIAN FEDERATION IS THE DEFENDANT, HAS A RIGHT TO IGNORE THE IMMUNITY OF THIS COUNTRY AND CONSIDER CASES OF COMPENSATION FOR DAMAGE CAUSED TO AN INDIVIDUAL AS A RESULT OF THE ARMED AGGRESSION BY THE RUSSIAN FEDERATION FOLLOWING A LAWSUIT AGAINST THIS FOREIGN COUNTRY.



REVIEW OF THE PRACTICE OF THE SUPREME COURT IN THE CASE OF DETERMINING THE METHOD OF PARTICIPATION IN THE UPBRINGING AND COMMUNICATION OF A CHILD WITH ONE OF THE PARENTS (JUNE 2022)

“IN JUNE 2022, THE SUPREME COURT CONSIDERED A CASE IN WHICH IT EMPHASIZED THAT WHEN CONSIDERING DISPUTES BETWEEN PARENTS REGARDING A CHILD, IT IS NECESSARY TO TAKE INTO ACCOUNT THE FACTS OF DOMESTIC VIOLENCE, IF SUCH FACTS ARE REFERRED TO BY ONE OF THE PARTICIPANTS IN A FAMILY DISPUTE, IN ORDER TO COMPLY WITH THE PRINCIPLE OF “ENSURING THE CHILD’ BEST INTERESTS.”

DIGEST



ANALYZING LAWS

WE WORK TO DEVELOP CHANGES TO THE NATIONAL LEGISLATION OF UKRAINE IN ACCORDANCE WITH THE PROVISIONS OF THE COUNCIL OF EUROPE CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE (ISTANBUL CONVENTION) RECENTLY RATIFIED BY UKRAINE.

IN ADDITION, IN Q2 2022 THE TEAM OF ANALYTICAL CENTER JURFEM STARTED WORK ON IDENTIFYING LEGISLATIVE GAPS AND FORMING RELEVANT PROPOSALS FOR LEGISLATION IN TERMS OF IMPLEMENTING INTERNATIONAL STANDARDS FOR THE EFFECTIVE PROTECTION OF FEMALE HUMAN RIGHTS DEFENDERS IN UKRAINE. WE WILL TALK ABOUT THE FIRST RESULTS ON JULY 14 AT THE DISCUSSION “GENDER COMPONENT OF THE SECURITY OF FEMALE HUMAN RIGHTS DEFENDERS DURING WARTIME”, WHICH WILL BE HELD AS PART OF THE “ACADEMY OF FEMALE HUMAN RIGHTS DEFENDERS” PROJECT IMPLEMENTED BY THE NGO “UKRAINIAN WOMEN LAWYERS ASSOCIATION “JURFEM” IN PARTNERSHIP WITH THE BULGARIAN GENDER RESEARCH FOUNDATION (BGRF) WITH THE FINANCIAL SUPPORT OF THE EUROPEAN UNION.



RESEARCH BY ANALYTICAL CENTER JURFEM

THE FOLLOWING ISSUES ARE RESEARCHED:

- VIOLATION OF RIGHTS, LEVELS OF STIGMATIZATION AND DISCRIMINATION AND ABILITY TO INTEGRATE INTO SOCIETY OF WOMEN WHO ARE SERVING / SERVED A SENTENCE;
- WAYS TO PROVIDE HIGH-QUALITY MUNICIPAL SERVICES TAKING INTO ACCOUNT THE GENDER ASPECT;
- POSSIBILITIES OF FORENSIC EXAMINATION IN THE INVESTIGATION OF SEXUAL VIOLENCE IN THE BROAD SENSE;
- GENDER ASPECT OF VIOLATION OF THE RIGHTS OF CIVILIANS, INCLUDING WOMEN AND CHILDREN, DURING THE FULL-SCALE ARMED AGGRESSION OF THE RUSSIAN FEDERATION AGAINST UKRAINE.

DIGEST



CONCLUSIONS OF THE GENDER-LEGAL EXPERT EVALUATION

OVER A PERIOD FROM APRIL TO JUNE 2022, ANALYTICAL CENTER JURFEM PREPARED 9 CONCLUSIONS OF GENDER-LEGAL EXPERT EVALUATIONS ON A NUMBER OF DRAFT LAWS, INCLUDING ONE GENDER-SENSITIVE CONCLUSION AND 8 GENDER-NEUTRAL ONES.

THE DRAFT LAWS CONCERNED, IN PARTICULAR:

- 1) ESTABLISHMENT OF EQUAL OPPORTUNITIES FOR MOTHERS AND FATHERS SERVING IN THE ARMY TO CARE FOR A CHILD DURING A SPECIAL PERIOD;
- 2) PROCEDURE FOR GRANTING LEAVES TO MILITARY PERSONNEL;
- 3) AMENDMENTS TO THE CRIMINAL AND CRIMINAL PROCEDURE CODES;
- 4) INCREASE IN THE AMOUNT OF AID PROVIDED AT THE BIRTH (ADOPTION) OF A CHILD, ETC.



TEAM THAT WORKED ON THE PRODUCTS OF ANALYTICAL CENTER JURFEM

- KATERYNA SHUNEVYCH - HEAD OF ANALYTICAL CENTER JURFEM
- DARIA ROSOKHATA - SPECIALIST OF ANALYTICAL CENTER JURFEM
- KHRYSTYNA KIT - HEAD OF UKRAINIAN WOMEN LAWYERS ASSOCIATION JURFEM
- MARTA ZMYSLA - CONSULTANT OF ANALYTICAL CENTER JURFEM
- KARINA LYTVYNIUK - CONSULTANT OF ANALYTICAL CENTER JURFEM
- TETIANA NAROK - CONSULTANT OF ANALYTICAL CENTER JURFEM
- MARIA ZHELTUKHA - CONSULTANT OF ANALYTICAL CENTER JURFEM
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