

# Legal Consequences of Gender-Based Violence

## 1. What are the criminal penalties for perpetrators of GBV

The commission of a significant number of GBV forms, but not all, is subject to criminal liability, but their list differs from country to country. In Ukraine, **criminal liability is provided for committing the following forms of GBV:**

<b>domestic violence that resulted in physical or psychological suffering, health disorders, loss of working capacity, emotional dependence or deterioration of the victim's quality of life (Article 126<sup>1</sup> of the Criminal Code of Ukraine)</b>	community service for a term of 150 to 240 hours, or arrest for a term of up to 6 months, or restriction of liberty for a term of up to 5 years, or imprisonment for a term of up to 2 years
<b>forced abortion (Article 134 of the Criminal Code of Ukraine)</b>	restriction of liberty for a term of up to 5 years or imprisonment for a term of up to 3 years with or without deprivation of the right to occupy certain positions or engage in certain activities for a term of up to 3 years
<b>forced sterilization (Article 134 of the Criminal Code of Ukraine)</b>	restriction of liberty for a term of up to 5 years with or without deprivation of the right to occupy certain positions or engage in certain activities for a term of up to 3 years
<b>forced marriage (Article 151<sup>2</sup> of the Criminal Code of Ukraine)</b>	arrest for a term of up to 6 months or restriction of liberty or imprisonment for a term of up to 3 years
<b>rape (Article 152 of the Criminal Code of Ukraine)</b>	imprisonment for 3 to 5 years
<b>sexual violence (not related to penetration into the body of another person, Article 153 of the Criminal Code of Ukraine)</b>	imprisonment for a term of up to 5 years
<b>forcing a person to engage in acts of a sexual nature (Article 154 of the Criminal Code of Ukraine)</b>	a fine of up to UAH 850 or arrest for up to 6 months
<b>committing acts of a sexual nature or lewd acts against a person who has not reached the age of 16 (Articles 155, 156 of the Criminal Code of Ukraine)</b>	restriction of liberty or imprisonment for a term of up to 5 years
<b>harassment of a child for sexual purposes (Article 156<sup>1</sup> of the Criminal Code of Ukraine)</b>	restriction of liberty or imprisonment for a term of up to 3 years with deprivation of the right to occupy certain positions or

	engage in certain activities for a term of up to 3 years
<b>intentional direct or indirect restriction of rights or establishment of direct or indirect privileges of citizens based on sex (Article 161 of the Criminal Code of Ukraine)</b>	a fine in the amount of UAH 3,400 to UAH 8,500 or restriction of liberty for a term of up to 5 years, or imprisonment for a term of up to 3 years with or without deprivation of the right to occupy certain positions or engage in certain activities for a term of up to 3 years
<b>human trafficking, as well as recruitment, movement, concealment, transfer or receipt of a person committed for the purpose of sexual exploitation (Article 149 of the Criminal Code of Ukraine)</b>	imprisonment for a term of 3 to 8 years
<b>production, distribution of objects of a pornographic nature, forcing to participate in their production (Article 301 of the Criminal Code)</b>	fine from UAH 17,000 to UAH 68,000, or arrest for a term of up to 6 months, or restriction of liberty for a term of up to 3 years
<b>production, distribution, sale of child pornography or forcing a minor to participate in the creation of child pornography (Article 301<sup>1</sup> of the Criminal Code of Ukraine)</b>	imprisonment for a term of 8 to 12 years with deprivation of the right to occupy certain positions or engage in certain activities for a term of up to 3 years
<b>involving or forcing a minor to participate in a spectacular event of a sexual nature (Article 301<sup>2</sup> of the Criminal Code of Ukraine)</b>	imprisonment for a term of 7 to 10 years with deprivation of the right to occupy certain positions or engage in certain activities for a term of up to 3 years
<b>pimping or involvement of a person in prostitution (Article 303 of the Criminal Code of Ukraine)</b>	imprisonment for a term of 3 to 5 years

**Note:** for some criminal offences the Criminal Code of Ukraine provides more severe punishments in case of aggravating circumstances.

As a general rule, minimum age of criminal liability is 16, and for rape and sexual violence – 14.

**For the commission of domestic violence or GBV, which did not cause physical harm, as a result of which the physical or mental health of the survivor could be or was harmed, administrative liability is provided** in the form of a fine from UAH 170 to 340, or community service for a term from 30 to 40 hours, or administrative arrest for up to 10 days. At the same time, minimum age of administrative liability is 16.

## 2. Are there any civil remedies available for survivors?

### Civil remedies available for GBV survivors:

- **recovery of pecuniary and/or moral damages**, which is discussed in more detail in Briefing Note No. 15 "Compensation Mechanisms for GBV Survivors";
- **issuance by the court of a restraining order against the offender**, which is discussed in more detail in Briefing Note No. 6 "Legal Remedies for Domestic Violence Survivors";
- **filing a complaint with state bodies, authorities of the Autonomous Republic of Crimea, local self-government bodies and their officials, the Ukrainian Parliament Commissioner for Human Rights (Ombudsman), as well as with the UN Committee on the Elimination of Discrimination against Women** (if internal legal remedies have been exhausted or if the application of such protective measures is unnecessarily delayed).