

## «Neglect, violence and abuse»

1. Are there specific studies or surveys in your country (from governmental, non-governmental or academic sources) on violence, abuse and neglect experienced by older persons?

2. a) What types of violence, abuse and neglect (e.g. physical, psychological, sexual, financial, etc.) are registered? What is the setting in which they occur (i.e. residential and non-residential)? Is there information about the type of offenders?

б) Do violence, abuse and disregard particularly affect specific groups of older persons? If “yes”, which groups and in what way?

In Ukraine there is no official statistics as to the accidents of domestic violence and abuse against older persons inside or outside the family.

Concerning the collection of data on domestic violation, it should be noted that such collection is provided in accordance with the Regulations on coordination between structural units responsible for the implementation of the state policy on preventing domestic violence, children's services, social centres for families, children and young people, and relevant divisions of interior bodies on the implementation of measures of preventing domestic violence, approved by the order No. 3131/389 of 7 September 2009 (with amendments) of the Ministry of Family, Youth and Sport of Ukraine and the Ministry of Internal affairs of Ukraine. Unfortunately, the collected information has not been classified by age, type of violence (physical, sexual, psychological and economical), as well as the type of a relationship between the victim and his offender and the fact of repeated domestic violence.

However, as it has been stated in the «Ukrainian population: demographic ageing imperatives» of the Ptukha Institute for Demography and Social Studies of the National Academy of Science of Ukraine and the UN Population Fund (Kyiv, 2014), domestic violation against older persons is not widely spread in Ukraine, meanwhile its specific forms are not rare here. It is positive that cases of physical abuse (i.e. a family member punched someone) has been rare, at least there has only been 1, 3% allegations from senior ladies and 0, 7% from men. Such facts as the limitation of older persons' rights, including the prohibition of visiting a doctor, leaving home, chatting with others and also threats to hurt a close person or animal are not often.

Such types of psychological abuse as humiliation in the presence of other people (3.9% allegations from women and the same from men), threats (3.7% from women and 3.6% from men) and certain types of economic violence: use of property without permission (4.4% from women and 4.2% from men respectively), control over expenses (5.9% and 10.8%), the prohibition of work (3.3% and 3.9%) are more widespread but not typical.

In addition, each respondent has faced emotional abuse at home. They have been subjected to abusive language (19.5% -19.6%), and suffered from shouting and raising a voice (19 %, 23, 9 %) by family members.

There are some gender differences in types of violence. Such types as shouting, expenses control and prohibition of communication are more common among men. Women more often have faced physical violence and the use of property without their permission. The gathered

information includes allegations from city and village residents and there are no essential differences as to the prevalence of the type of violence by settlement index.

Also, the analysis of gathered information as to the accidents of violence and abuse by age category has shown that index is falling proportionally with growing victims' age.

As far as, every fourth senior lady (24.5%) and senior men (23.9%) find they need information concerning measures on violence prevention, the above topic is rather burning issue for majority of older persons. Almost the same number of older persons would like to get information concerning institutions and organizations which could help in case of domestic violence (25.7 % of women and 20.9 % of men). More interest in this information is shown by old persons of ages 60-69.

*3) Does your country's legislation explicitly address issues of violence, abuse and neglect against older persons? If not, what legislation applies to such issues in the context of older persons? Does this legislation sufficiently address the full range of violence against older persons?*

According to Article 3 of the Constitution of Ukraine a human, his/her life and health, honour and dignity, inviolability and security shall be recognized in Ukraine as the highest social value. Article 28 of the Constitution of Ukraine establishes that no one shall be subjected to torture, cruel, inhumane or degrading treatment or punishment that violates his dignity.

The legal and organizational principles on preventing domestic violence, bodies and institutions empowered to implement measures on preventing domestic violence, are stipulated by the Law of Ukraine "On Prevention of Domestic Violence" No 2789-III of December 15, 2001. The force of this Law applies to all domestic violence victims, including older persons.

The above law classifies four types of violence: physical, sexual, psychological and economical.

Grounds for initiation of relevant measures on domestic violence prevention are: application for assistance to victims of domestic violence or family member exposed to the domestic violence threats; a desire to take measures on domestic violence prevention, in case of receiving information by other persons (not by victim), expressed by the victim of domestic violence or family member exposed to the domestic violence threats; received allegation of domestic violence or real threat of its committing to a disabled family member (Article 4 of the Law of Ukraine "On Prevention of Domestic Violence").

According to the Law "On Social Services" and Procedure for application and allegation processing as to domestic violence or domestic violence threats, approved by the decree of the Government of Ukraine, victims of domestic violence shall be provided with psychological, legal, socio-educational, socio-medical, informational and other services through the network of social services centres for family, children and youth, as well as their specialized agencies, or, if necessary, specialized agencies on victims of domestic violence issues (crisis centres, shelters, medical and social rehabilitation agencies).

In addition, it should be noted that according to Article 15 of the Law «On Prevention of Domestic Violence» family members, who have committed violence, bear criminal, administrative or civil liability.

## **«Equality and non-discrimination»**

*1. Does your country's constitution and/or legislation (a) guarantee equality explicitly for older persons or people of all ages and (b) forbid discrimination explicitly on the ground of age? If so, how is the right to equality and non-discrimination defined?*

The Constitution of Ukraine, while stipulating the principle of equality in Article 24, determines that there shall be no privileges or restrictions based on race, colour, political, religious and other beliefs, sex, ethnic or social origin, property, place of residence, language or other characteristics. Therewith, the list of prohibited characteristics is not exhausted, and thus, age can also be covered by Article 24.

The Law of Ukraine "On Principles of Prevention and Combating Discrimination in Ukraine" prohibits discrimination on the ground of age. Thus, according to Article 1 of the above Law, discrimination is a situation when a person and/or a group of persons based on their features as race, skin colour, political, religious or other beliefs, sex, age, disability, ethnic or social origin, citizenship, family or material status, place of residence, language or other features which existed, exist or may exist either really or imaginary (hereinafter – particular features) suffered, is suffering or may suffer from restrictions in any form defined by the above Law, excluding cases when such restriction is legitimate and reasonable.

However, Article 6 of the above Law establishes direct prohibition of discrimination, defining that according to the Constitution of Ukraine, general principles and rules of international law, and international treaties of Ukraine, all people without any distinction have equal rights and freedoms, as well as equal opportunities for their realisation.

Article 5 of the above Law defines that all forms of discrimination by the public authorities, authorities of the Autonomous Republic of Crimea, bodies of local self-government, their officials, legal persons under public or private law, as well as natural persons shall be prohibited.

The same provision is defined in Article 2<sup>1</sup> of the Labour Code of Ukraine. According to this provision, any discrimination in the workplace shall be prohibited, including the violation of the principle of equal rights and opportunities, direct or indirect restriction of workers' rights based on race, colour, political, religious and other beliefs, sex, gender identity, sexual orientation, ethnic, social and foreign origin, age, health, disability, suspicion or actual presence of HIV-AIDS, family and economic status, family responsibilities, place of residence, membership in trade unions or other associations of citizens, participation in strike, appeal or intention to apply to a court or other institutions to protect their rights or provide other workers with support in protecting their rights, language and other characteristics not related to the type of work or conditions of its performance.

*2. Does your country provide publications on prohibition of discrimination against older persons? If so, what are the key outcomes?*

There is no particular official statistics on discrimination against older persons.

However, the state of observance of the principle of equality and non-discrimination, including the grounds of pension age is reflected in the Ombudsman's annual report on the state of observance of human and citizens' rights.

*3. Is there information available about inequality of opportunities or outcomes experienced by older persons in the areas of access to and quality of healthcare services and finance services?*

There is no information about that.

*4. Are there any areas where differential treatment based on old age is explicitly justified?*

Ukrainian legislation envisages provisions on the age limit of the access to public service (65 y.o.). In addition, there are age limits as to right to occupy certain positions (for instance, for judges (30 y.o.) and people's deputies it shall be 21 y.o., for the President of Ukraine - 35 y.o., judges of the Constitutional Court of Ukraine - 40 y.o., Ukrainian Parliament Commissioner for human rights - 40 y.o.).

There are no age limits in the field of access to goods and financial services.