

**JUSTICE FOR PEACE
IN DONBAS**

*Coalition of Human Rights
Organizations*



**EASTERN-UKRAINIAN
CENTER FOR CIVIC INITIATIVES**

UNSPOKEN PAIN

**GENDER-BASED VIOLENCE IN THE
CONFLICT ZONE OF EASTERN UKRAINE**

**HDIM
WARSAW 2016**

AUTHORS

Volodymyr Shcherbachenko

Ganna Ianova

Olexandr Pavlichenko

"JUSTICE FOR PEACE IN DONBAS" COALITION

The Coalition was established in December 2014 and includes 17 NGOs, mainly from the Ukrainian regions of Donetsk and Luhansk.

The Coalition members are:

Alchevsk Human Rights Analytical Centre, Centre for Civil Liberties
/ Euromaidan SOS, Civic Organization "Kharkiv Human Rights Protection Group," Donbas SOS,
Donetsk "Memorial," Eastern-Ukrainian Centre for Civic Initiatives, Ecological and Cultural Centre
"Bakhmat," Human Rights Centre "Postup" / Vostok SOS, Luhansk Regional Human Rights Centre
"Alternative," Luhansk Rights Defence Group, Public Committee for Protection of Constitutional Rights
and Freedoms of Citizens, Public Movement "Ochyshchennya," Public Organization "Mirny bereg,"
"Social Action" Centre NGO, Starobilsk District Public Human Rights Women's Organization "Victoria,"
Starobilsk Public Organization

CONTEXT

Gender-based violence (“GBV”) is a violation of human rights and a form of discrimination against one of the sexes. It includes all acts of violence based on gender which result or may result in physical, sexual, psychological or economic harm or suffering of either males or females. It includes threats to commit such acts of coercion or arbitrary deprivation of liberty, regardless of whether it happens in public or in private life.

GBV is prohibited not only by national law, but also by international human rights law, international criminal law and international humanitarian law. In particular, the Rome Statute recognizes GBV as a crime under international criminal law.¹ Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity are serious violations of the laws and customs applicable to international armed conflicts and can be classified as war crimes.²

It is acknowledged that the level of GBV is heightened during the armed conflict due to the breakdown of law and order as well as polarization of gender roles. Not surprisingly, the vast majority of GBV cases were recorded during the intense fighting in Eastern Ukraine.

As a result of the legal vacuum created after the outbreak of the conflict, no one was safeguarded from gross human rights violations both on the territories under effective control of the Russian military, mercenaries and illegal armed groups, as well as under the control of Ukrainian army and volunteer battalions.

Motivated by their own vision and understanding of law and order, in an environment of impunity, pro-Russian armed groups which exercise effective control over the situation established their own systems of power relations. The rule of law was replaced by the rule of force. Even though to a lesser degree, the same concern applies also to territories under governmental control. Hence, in 2014-2015 the level of unlawful violence (including GBV) in the conflict zone was exceptionally high for the region.

During the monitoring of the situation of illegal detention facilities in Eastern Ukraine, we observed that **every 4th person kept in detention was either a witness or victim of GBV**. Even though the gravity of violence is appalling, it remains underreported and neglected by the authorities. Thus, the gender-sensitive conflict analysis conducted by the Coalition “Justice for Peace in Donbas” aimed at providing a more comprehensive understanding of the conflict, its impact, dynamics and structural problems that need to be addressed.

MONITORING METHODOLOGY

Monitoring of GBV in the conflict zone of Eastern Ukraine was conducted by members of the Coalition “Justice for Peace in Donbas” (Eastern-Ukrainian Center for Civic Initiatives, Human Rights Center “Postup”, Civil Organization «Kharkiv Human Rights Protection Group») as well as its partners (NGOs “Moloda Prosvita” from Ivano-Frankivsk, Human Rights Group “Sich” from Dnipro and Ukrainian Helsinki Human Rights Union). Coordination was carried out by the Eastern-Ukrainian Center for Civic Initiatives. Analytical materials for the report were prepared by experts from the Eastern-Ukrainian Center for Civic Initiatives and Civil Organization «Kharkiv Human Rights Protection Group». The project is financially supported by UNDP and the International Renaissance Foundation.

This briefing paper presents preliminary results of ongoing research which covers the period from Spring 2014 to Summer 2016. The final report will be presented in October 2016.

The study is focused on conflict-affected territories of the Luhansk and Donetsk regions. As a result of monitoring, cases of GBV were detected in such localities as: Alchevsk, Luhansk, Perevalsk, Stakhanov, Sverdlovsk

¹ Article 7, 8, the Rome Statute, available at: http://legal.un.org/icc/statute/99_corr/cstatute.htm

² Ibid

(Luhansk region); Horlivka, Dokuchaevsk, Donetsk, Ilovaysk, Kostiantynivka, Makiivka, Slovyansk, Snizhne, Toretsk (Dzerzhynsk), Shakhtarsk, Yasynuvata (Donetsk region), Dnipro and Kharkiv. Furthermore, since the armed conflict increased the level of GBV in Ukraine in general, in particular the level of domestic violence in the families of returned fighters due to post-traumatic stress disorder, the study also includes other regions.

The bulk of information was obtained from testimonies of victims and witnesses of GBV who were kept in illegal detention facilities in the conflict zone (especially those established and controlled by pro-Russian separatists, Russian military personnel and mercenaries).

Information was collected through semi-structured interviews with victims and witnesses of GBV, as well as experts from non-governmental organizations; desk research of Internet sources (social media, news sites); comparative analysis of national legislation and international law; information requests to public authorities; analysis of case-law on GBV available in the Unified State Register of Court Decisions.

As of September 2016, more than 69 interviews with witnesses and victims of GBV were conducted (16 militants and 53 civilians) in more than 10 regions of Ukraine, where 163 cases of different types GBV were detected. A number of interviews was carried out in Luhansk and Donetsk regions during monitoring visits or by local NGOs, members of the Coalition "Justice for Peace in Donbas."

MONITORING RESULTS

The beginning of active hostilities in the Donetsk and Luhansk regions was characterized by an increase of GBV, including sexual violence. This fact is proven even by incomplete statistics provided by the State. In January-March 2014, there were 5 female victims of rape in the Donetsk region, while between April and December 2014 this number increased to 24. The same tendency was observed in the Luhansk region with 4 and 19 female victims of rapes and rape attempts in those periods respectively. In 2015, when the intensity of fighting decreased and law enforcement authorities started to gradually restore order on the territories controlled by the government, the number of registered rape cases also decreased, to 6 victims of rapes and rape attempts in the Donetsk region and 5 victims in the Luhansk region in the whole year.

When analyzing statistics we should consider that GBV is highly underreported in Ukraine. It can be explained, inter alia, by fear of reprisals, stigmatization of GBV survivors, discrimination, difficulties many women and men feel when talking about sexual abuse.³ During 2014, 2015 and 6 months of 2016 only one case of rape directly connected with the ATO was registered by the National Police in the Luhansk region. It was terminated owing to the absence of the elements of a crime in the actions.

Statistics received from the Prosecutor General's Office do not reflect gender-based crimes separately. They only provide a number of female victims of certain crimes (rapes, murder, etc.), which does not allow to evaluate the scale of GBV. Statistical forms which are filled by investigators often do not consider GBV either. For example, when criminal proceedings are initiated on charges of robbery combined with rape threats, criminal statistics will include information about the victim, time, location, region, a brief description of the events and preliminary qualification – robbery (Article 186 of the Criminal Code of Ukraine) without acknowledgement of rape threats.

Moreover, criminal offences are recorded by authorities of the prosecutor's office and the National Police, but because their jurisdictions differ, statistics can vary as well. For instance, according to the Prosecutor General's Office there were 112 cases of rape in the Donetsk region, while the National Police in the Donetsk region recorded 97 cases during the same period of time. All these factors lead to the incomplete and unreliable statistics that do not reflect the actual situation with GBV in Eastern Ukraine.

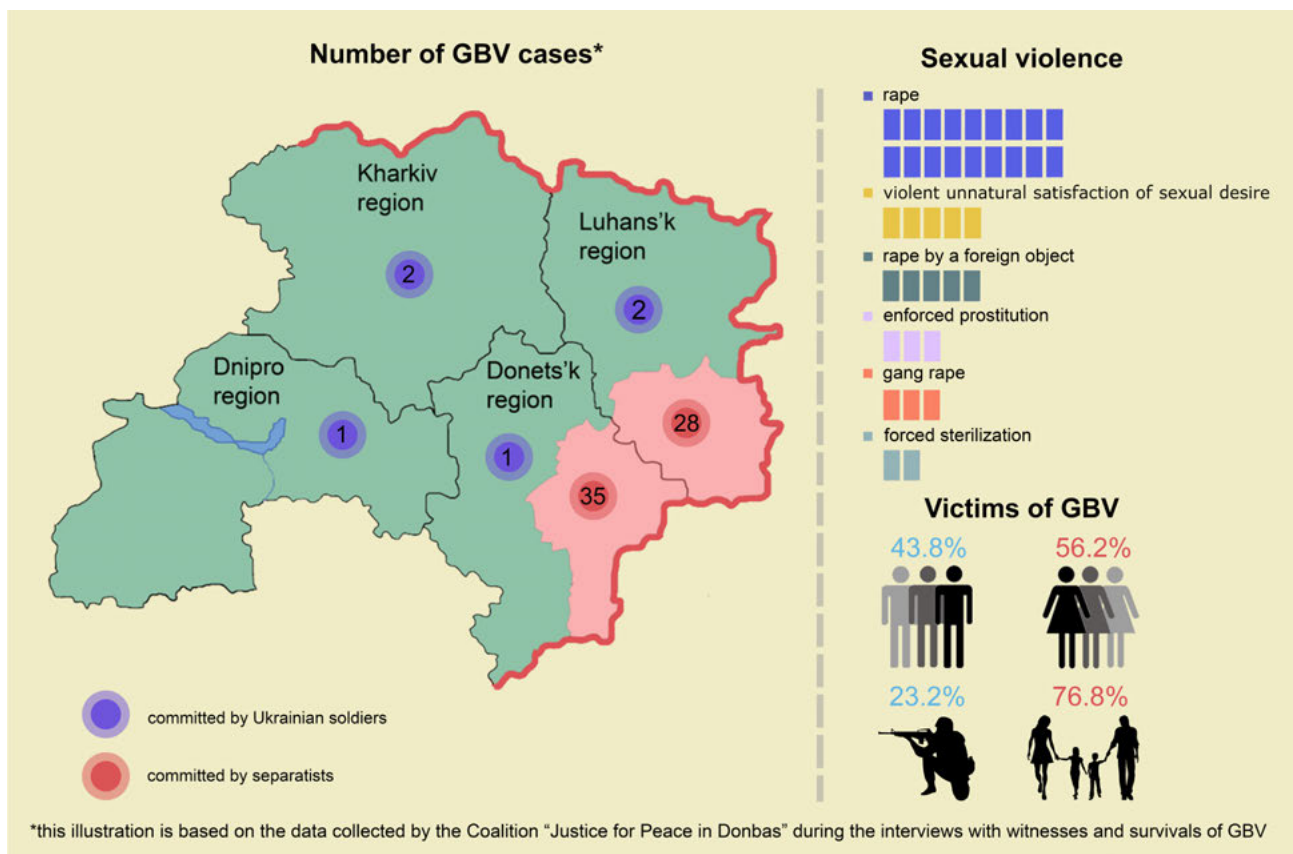
³ Report on the human rights situation in Ukraine 16 February to 15 May 2016, Office of the UNHCHR, p.17, available at: http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf

Due to the armed conflicts, GBV is an even more underreported and tabooed problem. The testimonies of victims and witnesses of GBV are difficult to verify. Monitoring results highlight that combatants and civilians, women and men, were victims of GBV in the conflict zone. The majority of GBV cases collected by the Coalition "Justice for Peace in Donbas" are from places of illegal detention.

While people were kept in illegal detention facilities, rape threats and other forms of sexual violence were used as a method of ill-treatment and torture, both towards men and women. The analysis has shown that **GBV against men is almost as regular and widespread as against women** – 43,8% of men and 56,2% women were victims of GBV. Among the reasons for the use of GBV there were political and religion views, race, ethnicity, and sexual orientation.

In the conducted interviews the Coalition documented 44 cases of GBV, which was used against the civilians due to their support/allegation of support of Ukrainian army, and 20 cases of GBV used against the militants because of their belonging to the army.

Victims and witnesses of GBV reported such forms of violence as rape, rape attempts, sexual abuse, forced nudity, sexual comments, castrations, torture focused on genitals etc. Altogether, the monitoring organisations recorded 18 testimonies of rape, 5 cases of violent unnatural satisfaction of sexual desire, 5 rapes by foreign objects, 3 gang rapes, 3 forced prostitution cases, 2 cases of forced sterilization. Among the instances documented by the Coalition "Justice for Peace in Donbas", there were 63 interviews where people talked about GBV committed by separatists and 6 interviews where people talked about GBV committed by Ukrainian soldiers.



GENDER-BASED VIOLENCE TOWARDS WOMEN

During the conflict in Eastern Ukraine women are often victims of rape and harassment by armed men, victims of abduction at checkpoints for the purpose of forcing them to have sex, or victims of domestic violence by returned soldiers.

*"They put a 23-year old *** in my cells. She complained that drunken militants regularly came to rape her at night" (case -116)⁴*

Due to the harsh social-economic situation in Eastern Ukraine women are forced to offer sex for survival or in exchange for protection and they have become especially vulnerable to human trafficking. One man kept in illegal detention facilities said that while the pimp was detained with him, separatists "made girls work for them" (case C-65). Moreover, the children have become more vulnerable to sexual exploitation as well. Such cases were reported, but are hard to verify. Women-volunteers said that they recorded the fact that a boy, as young as 11 years old, was sexually exploited in exchange for transportation from the "grey" zone (case C-218).

Furthermore, general discriminative policy and no access to judicial services in self-proclaimed republics create an environment conducive to gross violations of women's rights. The so-called "LPR" leaders claim that women should stay honest and faithful to their husbands, that is why they must stay at home and embroid, bake pies and celebrate the 8th of March.⁵

As monitoring results show, women held in detention facilities on government-controlled territories as well as territories controlled by the so-called "LPR" and "DPR" were exceptionally vulnerable to violence. One of the released women told the monitors that she was taken out from the cell around five times during the night and was heavily beaten all over her body, but not her face (case C-111).

Noticeably, almost all interviewed women held in detention by illegal armed groups were victims of different forms of GBV. The most brutal manifestations of GBV against them were rapes and rape threats. The latter were a very common practice. According to the testimonies of a woman kept by separatists in illegal detention facilities: "about 10 Ossetians started to take off my shirt, unfasten their belts, remove their clothes, and threaten to rape me"(case C-148).

"They said that if I stay alive, I will be raped by the whole group" (case C-30)

According to the monitoring results, the following types of rapes were used: rapes as a tool of punishment; multiple rapes for amusement and satisfying concupiscence; collective rapes; statutory rapes. One man who was kept by separatists in illegal detention facilities witnessed how a young girl, age 14 - 16 years old, was sent to the frontline for satisfaction of fighters' sexual needs as a punishment for disobedience (case C-134).

In all reported cases victims did not have access to justice. Collected testimonies state that there was only one case when the offender was punished. The punishment was imposed in accordance with lynch law and included beating and humiliation of the perpetrator.

Pregnant women who were held by separatists were also intentionally subjected to harsh treatment. They were not allowed to use toilets, did not have access to fresh air, were forced to work and carry heavy items. Two interviewed women were pregnant during the time when they were held in detention and the members of illegal armed groups were aware of that. One of these women lost a child because of torture and assaults.

⁴ UkrInfNews UkrInfoNews, (2014, September 25), Alchevsk, opolchentsy vyyavili nasilnika [Alchevsk, the rebels found a rapist], available at: www.youtube.com/watch?v=zd40cVZGEjs.

⁵ Luhansk women are forbidden to go to the cafe under threat of arrest, TSN, November 5, 2014, November 5, 2014, available at: www.youtube.com/watch?v=MsXSfRm00pQ

“A five-month pregnant detainee was deliberately rarely taken to the bathroom. When she could not wait and fulfilled the need in the cell, they used it as a reason to make her conditions worse” (case C-111)

“I asked them not to hit me, and told them I was pregnant. They said it was good that ‘ukrop’ child would die. They hit us with everything, including stocks, feet, and bullet vests they found with us. They hit all parts of the body. They put cigarettes out on me. He tied my eyes with duct tape since I was looking and screaming when they hit the others. I was three-months pregnant, and started bleeding after the beatings. I lost consciousness [...]” (case C-19)

Many interviewed women were confined together with men for a long period of time in places not designated for detaining people (e.g. without toilets, windows). One man who was kept in detention facilities (case C-23) said that a bucket was used as a toilet and the woman (who was confined with him) used it as well.

“They brought me to the archive [...] 70 people were confined there, women as well as men” (case C-161)

Women were searched by men, held naked in captivity, forced to undress, did not have access to feminine hygiene products and were held in appalling sanitary conditions. One woman kept in detention (case C-135) said that she used a shower only 3 times during 100 days in captivity.

GBV was a component of torture and ill-treatment experienced by women held in detention. For instance, in two cases the offenders drilled woman’s breasts with screwdrivers.

Bomb shelter on the territory of PJSC “Lysychansk Proletariy Glass Factory,” 1 Michurina str., Lysychansk





A bottle filled with urine. A typical toilet for the detainees. Former illegal place of detention at the bomb shelter of PrJSC "Lysychansk Glass Factory Proletariy"

■ GENDER-BASED VIOLENCE TOWARDS MEN

Monitoring has demonstrated that detained men were subjected to various types of torture and ill-treatment, which in some cases contained gender-based components. Rape, castration and deformation of genitals were the most severe forms of GBV against men. Among the motives for such violence, interviewees reported demonstrations of particular hatred, desire to humiliate, attacks on human dignity, animal instincts and feeling of impunity.

Different forms of torture used by illegal armed groups in Eastern Ukraine may testify to serious sexual disorders of their members. A non-exhaustive list of abuses and torture documented by the Coalition while interviewing men who survived inhuman conditions of captivity includes: passage of an electric current through genitals, threats to put hot soldering iron in the ear or anus, inserting a drill into the anus.

*"[...]they tried to dress us up in women attire and make us dance for them."
(one of the released man; case C-172)*

■ INVESTIGATION OF GBV, VICTIM SUPPORT AND REHABILITATION

Even though illegal restriction of freedom, torture, inhuman treatment and other human rights violations often contain gender-based components, they are usually not reported by those released from illegal detention facilities. Among all examined interviews only approximately 25 % of civilians who were kept in illegal detention facilities complained to the police immediately after the release. This can be explained by the lack of available evidence, limited domestic investigation and social stigma.

According to the information received from the National Police in the Luhansk and Donetsk regions, after interrogation of men and women released from captivity, no cases were detected of harassments, rapes, abuses or other forms of sexual violence. For the period from January 2014 to July 2016, only one case of GBV associated with the anti-terrorist operation was registered in the Luhansk region (as for now - closed), and no cases - in the Donetsk region.

As evidenced by the above-mentioned data, the presence of the military personnel influences the lives of communities in conflict-affected areas. Among others, those areas have seen a significant increase of GBV. However, the implications of the conflict in Eastern Ukraine reach further to the territories theoretically not affected by the conflict. The analysis has shown that the level of GBV has increased in other parts of the country as well. In particular, it takes the shape of violence against women perpetrated by returned fighters.

RECOMMENDATIONS

The government of Ukraine:

- Strengthen data collection with regard to gender-based violence, in particular improve compilation of statistics and establish an integrated database to manage comprehensive information on gender-based violence cases;
- Establish effective institutional mechanisms of response to gender-based violence in conflict-affected territories of Ukraine, in particular provide effective complaints procedures and remedies;
- Provide gender-sensitive training of judicial and law enforcement officers;
- Establish state programs for survivors of gender-based violence and ensure allocation of sufficient funds for the programs.

PARTNER ORGANISATIONS

HR HELSINKI FOUNDATION
for HUMAN RIGHTS

MONITORING WAS POSSIBLE THANKS TO THE SUPPORT OF



THIS PUBLICATION HAS BEEN SUPPORTED BY



This publication has been supported under the project „European support for effective monitoring of human rights in Eastern Ukraine” implemented by DRA (Berlin) and funded by the German Federal Foreign Office. The conclusions and recommendations of this report are given by the authors and editors of this publication and do not necessarily reflect the views of the German Federal Foreign Office.

**JUSTICE FOR PEACE
IN DONBAS**

*Coalition of Human Rights
Organizations*

