

POLICY BRIEF

EU ENLARGEMENT AND UKRAINE: FUNDAMENTAL RIGHTS AND RULE OF LAW

Submission: The Kvinna till Kvinna Foundation on Fundamental Rights in Ukraine

The [Kvinna till Kvinna Foundation](#) has supported women's organisations and intersectional feminist organisations in conflict-affected countries around the world since 1993, and worked with them on programming and advocacy. It currently supports around 150 organisations in 20 countries around the world, and has offices in 14 countries.

The Kvinna till Kvinna Foundation has been working in Ukraine since 2014. We provide project grants to partner organisations in Ukraine focusing on the needs and rights of diverse women, including LGBTQ women and women with disabilities. This briefing has been written in consultation with these partner organisations.

Accession: Overarching Approaches

Throughout its accession negotiations with Ukraine, the EU should:

- Take a **gendered approach** to its negotiations on all chapters of the accession negotiations: working with feminist and women's organisations to analyse how issues are affecting their communities, and basing their assessments on the expertise of these organisations.
- Take an **intersectional and inclusive approach** to its positions and negotiations on all chapters of the accession negotiations – considering the perspectives of all groups in Ukrainian society, cutting across gender, sexual orientation, race, migration status, (dis)ability, class, and region.
- Take an approach which **incorporates human security, and fundamental rights in conflict into the enlargement process**; and connects with reconstruction and eventual peacebuilding discussions.

Sexual and Gender-Based Violence

Sexual and gender-based violence - and prevention and response regarding this issue - should be a priority for the EU in its Enlargement report regarding Ukraine. Currently survivors of GBV have a low level of trust in local government institutions that are supposed to provide assistance and protection, which can be a serious obstacle to gaining necessary support and access to justice. Local civil society organisations are the primary actors resisting sexual violence - providing much needed support and prevention to women, and support from the state is very much lacking to these services. Corruption very much contributes to this dynamic - both regarding impunity of perpetrators, the lack of resources available to authorities to solve these issues, and survivors' mistrust in institutions.

In addition, the official statistics on gender-based violence have been noted by civil society organisations as disconnected to reality. It is important to have accurate and adequate statistics on gender-based violence, particularly against underrepresented groups of women, such as Roma women, lesbian, queer and trans women, and women with disabilities. This will allow a better understanding of the scale of the problem and the needs of survivors of GBV.

Implementation of the Istanbul Convention: Ukraine ratified the Istanbul Convention in June 2022, and it entered into force in November 2022. Ukrainian women's rights organisations have been lobbying for the ratification of the Istanbul convention for many years. It is now essential this legislation does not just remain legislation, but that it has a meaningful impact for victims and survivors of SGBV.

The EU should insist on the implementation of the national legislation connected to the Istanbul Convention, and that the minimum standards of the Istanbul Convention are reached in practice. Feminist organisations should be able to fulfill their role as partners and watchdogs for the implementation of the convention.

Support and Redress for SGBV Survivors and Victims:

It is important that **responses to conflict-related SGBV in Ukraine are survivor-centered** and focus on the needs and wellbeing of people who have experienced SGBV. There is widespread pressure on survivors in very vulnerable conditions to report conflict-related SGBV due to the necessity of documentation of cases, and this pressure is causing harm. The **priority should be to ensure that people who are subjected to sexual and gender-based crimes should receive the protection, help and support that they need** and measures put in place which – where possible – protect them from further crimes.

Ukrainian women's rights organisations are also witnessing **widespread domestic violence**, in particular **sexual domestic violence** in the families of men who have been in the military and have war experience.

This violence has become worse during the conflict due to multiple factors, such as an increase of stress and trauma, including PTSD of returning soldiers, as well as decrease in services provided by the state and the police in response to SGBV cases. While women's organisations work hard to fill the gap in these services, there are not enough resources to respond to the needs. The severe lack of psychosocial support for returning soldiers is also a major problem.

The EU should insist that Government of Ukraine upholds the fundamental rights of domestic violence survivors by:

- increasing **funding of survivor support services**
- investing in **prevention through funding social workers, specialised services and psychosocial support**
- **sensitising police and judiciary** to ensure that survivors can access justice and redress

SGBV and Small Arms / Light Weapons

Ukrainian SGBV organisations report that the much increased circulation of small arms and light weapons is severely exacerbating cases of domestic violence and intimate partner violence, as military members and others who have arms at home are using them to intimidate their partners and family members.

The EU should

- insist that Ukraine develop disarmament programmes and processes for keeping track of small arms and light weapons in circulation, in partnership with international arms experts and also gender-based violence organisations as part of its fundamental rights and rule of law obligations in the accession process.

SGBV Services for People with Disabilities

SGBV survivors with disabilities currently have very little access to SGBV services in Ukraine, and this is especially the case for people with mobility- related disabilities and intellectual disabilities. SGBV survivors with disabilities face multiple discrimination and often also stigmatization. In parallel, the La Strada domestic violence hotline has documented increased reports of domestic violence towards people with disabilities

The EU should insist on call for much better government funding and other support of services for SGBV survivors with disabilities, and for support to providers of these services. They should also call for and support these in the humanitarian response in Ukraine.

SGBV in/by the Military

The EU should insist on the implementation of the existing mechanism for combating sexual harassment and violence in the military.

The EU should insist on justice for survivors of SGBV by the military, including by ending impunity for military members who perpetrate SGBV - both within and outside of the military.

Fundamental Rights and Protection Needs of LGBTQI Persons

Same-Gender Marriage: People in same-gender relationships in Ukraine are currently not able to get married or enter into legal partnerships, in violation of Article 9 of the European Charter on Fundamental Rights.

There is currently a Draft law in the Ukrainian Parliament – Draft Law 9103, which would **legalise registered partnership for all couples** - which has been approved by 4 committees of the Verhovna Rada and then got stuck, as it appears there is no political will to approve the law.

The EU should insist that the Ukrainian government to adopt this law.

Discrimination and Targeted Attacks: LGBTQI people in Ukraine often face widespread discrimination, and sometimes face targeted attacks due to their gender and/or sexual orientation.

Hate Crime Legislation: There is currently a draft hate crime legislation in the Ukrainian Parliament (Draft Law 5488), but it has been stuck since summer 2021 due to lack of political will. This legislation is also lacking somewhat as it does not contain clear designations of sexual orientation and gender identity.

The EU should insist that there is movement on this legislation, and that it is adopted. It should also insist on the legislation to be amended to include the grounds of sexual orientation or gender identity.

Fundamental Rights and Integration of Persons with Disabilities

Accessibility of Services: The invasion of Ukraine and subsequent war has shed light on how inaccessible and exclusive many services in Ukraine remain for people with disabilities. There are significant gaps in the civilian protection system regarding accessible shelters, accessible transportation, and accessible information, and there are no plans or will by local authorities to address this. This not only affects people with disabilities but also others including older people, people with small children, and people who are wounded.

The EU should call for **improvements in accessibility of the civilian protection system for people with disabilities**, including improvements in **accessibility in shelters, transportation, and information provision**.

Support for IDPs with Disabilities: The existing system of support for internally-displaced people (humanitarian assistance, information services, and housing, for example) remains inaccessible for IDPs who have a disability or who have a family member with a disability. The **lack of accessible housing** is often a reason why people refuse evacuation and choose to remain in dangerous areas.

The EU should call on the Ukrainian government to **improve support systems for IDPs to make them fully accessible**, and should support actors in Ukraine to this end. The EU should recommend to the Ukrainian government to ensure that **accessible housing is available to areas where IDPs are evacuated to**.

Civil Society Space and Consultation

Inclusion in Decision-Making: Government decision-making processes in Ukraine are not adequately inclusive of civil society both at the national level or at local level. At national level, consultations with CSOs are often formal, last-minute exercises with no feedback from civil society taken into account. At local level consultations are not adequately inclusive enough of different CSOs, and are also inaccessible for people with disabilities, and therefore organisations focused on the rights of people with disabilities.

The EU should recommend **greater civil society inclusion and consultation by the government at national and local level, including women's, feminist, LGBTQI and disability rights organisations**.

The EU should ensure that **all reconstruction and recovery processes** are developed with the full inclusion of civil society, are gender-sensitive, and are in full respect of fundamental rights.



Sexual Health and Reproductive Rights

Emergency Contraception: Currently emergency contraception (the morning-after pill) is only available on prescription in Ukraine. This reduces the speed at which people are able to access emergency contraception and therefore for it to be effective. This is especially a problem in wartime due to unpredictability of access to health services, displacement, and upheaval.

The EU should recommend that **legislation is amended to ensure access to emergency contraception without the need for a prescription.**

The Kvinna till Kvinna Foundation - kvinnatillkvinna.org

Fight For Right, WHO WE ARE - FFR

D.O.M.48.24 [D.O.M.48.24 \(dom4824.org\)](http://D.O.M.48.24 (dom4824.org))

NGO “Women Association Sphere”, NGO “SPHERE“