

European Network of Migrant Women
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To: Ursula von der Leyen
President of the European Commission

Dear President Ursula von der Leyen,

European Network of Migrant Women writes to express serious concern regarding proposed Drafts of the Civil Code of Ukraine (№14394, №14394-1, №14394-2) that risk undermining women's rights, child protection, and Ukraine's commitments under international human rights law.

While legal reform is an important part of Ukraine's democratic development and European integration, provisions of the drafts appear to move away from a human rights-based framework and introduce barriers to women's autonomy, equality in family life, and the protection of children.

Taken together, these proposed changes risk reinforcing sex stereotypes, weakening safeguards against abuse, and increasing the economic vulnerability of women and children. Such developments raise concerns regarding Ukraine's obligations under international and regional human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, the Istanbul Convention, and the Convention on the Rights of the Child.

In particular, we are concerned that certain provisions of the draft laws will:

- weaken legal guarantees of equality between women and men within family relations;
- undermine the protection of women and children in situations of domestic violence or coercion;
- introduce legal norms that risk reinforcing traditional sex roles and limiting women's independence in personal and family life;
- continue commodification of the female body through surrogacy;
- fail to adequately safeguard the best interests of the child, including in matters related to parental responsibility and decision-making.

These developments are particularly concerning in the current context, where women in Ukraine are already facing increased security risks as well as economic and social vulnerability due to the ongoing consequences of the war, displacement, and heightened risks of sex-based violence and exploitation. Legal reforms should strengthen, rather than weaken, the protection framework for women and children.

In light of Ukraine's EU candidate status and its commitments under the EU accession process, we respectfully call on the European Commission to closely examine these draft legislative initiatives and to encourage Ukrainian authorities to ensure that any reform of the Civil Code fully complies with European and international human rights standards, including the protection and promotion of women's rights, sex equality principles, and the protection of children's rights.



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Explanatory Memorandum

11 March 2026

The proposed amendments to the Civil Code of Ukraine represent a coordinated assault on the fundamental principle of equality between women and men and human rights of women, signalling a departure from a human rights-based legal framework toward a model of state-sanctioned patriarchal control. By prioritising the formal preservation of the marriage contract over the physical and psychological integrity and safety of the women within it, these revisions violate the spirit of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)* and the *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*. The logic underpinning these changes treats women not as **independent citizens** with full agency, but as **reproductive subjects whose primary duty is to maintain a traditional family structure**, regardless of the personal cost.

We condemn the continued commodification of the female body through surrogacy, the practice that the proposed legislative framework fails to abolish and instead sustains under the same logic of reproductive exploitation. Surrogacy reduces women to biological instruments and transforms pregnancy and childbirth into contractual services. Such system treats the female body as a commodifiable resource ignoring human dignity and rights.

The restriction on divorce during pregnancy and the first year of motherhood, as outlined in *Article 1512*, is a particularly egregious violation of human dignity and directly contradicts *Article 18 of the Istanbul Convention*, which mandates that the provision of services and legal protections must not be dependent on the victim's willingness to press charges or remain in a relationship. By removing a woman's legal exit strategy during her period of greatest physical and economic vulnerability, the state effectively institutionalises a form of **forced marriage**. In cases involving coercive control, domestic violence, or economic abuse, this waiting period functions as a trap that grants abusers a legal window to escalate harm. Similarly, *Provision 1488* introduces a financial penalty for withdrawing from an engagement, which commodifies **the right to consent**. In a society characterised by systemic sexed economic inequality, such a measure ensures that women may feel compelled to enter unwanted or hazardous marriages simply to avoid the threat of debt or litigation, violating the principle of free and full consent to marriage enshrined in *Article 16 of CEDAW*.

Furthermore, the draft introduces a dangerous moralistic oversight into civil law. *Article 1514* **employs a double standard** that frames paternal participation as a matter of personal choice while describing a woman's decision regarding her own body as a refusal. This terminology reinforces the archaic notion that motherhood is a compulsory civic obligation rather than a human right, defying the autonomy guaranteed under *Article 5 of CEDAW*, which requires states to take measures to eliminate prejudices based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. This punitive approach extends to *Article 1516*, which allows a spouse to demand a change of their ex-partner's surname based on "unworthy behaviour." Because women overwhelmingly adopt their husbands' surnames, this provision grants men a tool for **post-divorce harassment**, allowing them to dictate an ex-wife's identity based on subjective and inexhaustible definitions of morality, a clear form of psychological violence as defined in *Article 33 of the Istanbul Convention*.

The economic implications of these changes, specifically *Article 1636* regarding child maintenance, further entrench **structural inequality** and ignore the state's obligation to ensure the economic safety of victims. By allowing exemptions for support based on comparative income, the legislation shifts the financial burden of child-rearing almost exclusively onto the primary caregiver. Given that mothers remain the overwhelming majority of primary caregivers, this amendment directly facilitates the impoverishment of single-mother households. Such a move prioritises the financial comfort of the non-custodial parent over the child's right to support from both parents, undermining the economic protections intended by the *Convention on the*

Rights of the Child.

Most alarmingly, the move to lower the age of **marriage and sexual consent to 14** (*Article 1478 and Criminal Code revisions*) represents a catastrophic violation of child protection. Weakening these boundaries reframes adult sexual exploitation as “consent,” empowering predators and exposing girls to grooming and lover-boy tactics.

Ukraine’s path toward European integration must be paved with the **consolidation of human rights** and the protection of the vulnerable, not the restoration of traditional sex roles through the institutionalised control of women’s lives. We demand the immediate alignment of the Civil Code with international human rights standards to ensure **that no woman is forced into silence** or subservience by the law.

We therefore call for:

- Full withdrawal of the Drafts of the Civil Code of Ukraine (*Nº14394, Nº14394-1, Nº14394-2*) and the development of a new one that fully complies with the European and international human rights standards
- Structured, meaningful, transparent and formal participation of women’s civil society organisations and independent sex equality experts in all stages of legislative review.
- Removal of provisions that restrict reproductive autonomy, limit access to divorce, introduce sex-biased language, penalise withdrawal from engagement, or weaken child maintenance protections.
- Full compliance with Ukraine’s obligations under the Istanbul Convention, CEDAW, and European equality standards.

Statement on Child Protection in Ukraine: Concerns over Proposals to Lower the Age of Marriage and Consent

18 February 2026

Background and context

Russia's war against Ukraine has had severe demographic consequences, including large-scale displacement, loss of life, and a significant decline in birth rates. These pressures have intensified concerns about long-term demographic sustainability and post-war recovery.

At the same time, demographic challenges cannot justify measures that weaken established child-protection safeguards. Legislative responses to crisis must prioritise protection, social support, and access to education and health care rather than lowering the age of marriage or consent. The wartime environment has already heightened the risks of sex-based violence, trafficking, and exploitation of women and girls. Reducing legal protections in this context does not create stability. It risks exposing children to further harm. Ukraine's recovery and resilience depend on strengthening rights-based protections in line with European and international standards, ensuring that responses to demographic pressures do not compromise the safety and future of girls.

Ukrainian lawmakers introduced amendments to the Family Code that include a provision lowering the marriage age in certain circumstances. Article 1478 of Parliamentary Draft Law No. 14394 proposes allowing courts to approve marriage for girls aged 14 in exceptional cases, including pregnancy or childbirth. Following strong attention and advocacy from civil society, lawmakers announced that this article would be excluded.

However, the draft law as a whole remains registered in the Parliament and is currently awaiting amendments. At the same time, proposed changes to the Criminal Code of Ukraine seek to lower the age of consent to 14. Taken together, these developments raise serious concerns regarding safety of girls. Lowering legal safeguards risks normalising conditions in which adult sexual exploitation of girls will be reframed as consent rather than recognised as abuse. Child protection principles exist precisely to prevent adults from claiming sexual access to children. Weakening those boundaries shifts risk onto girls and undermines the law's role as a barrier against exploitation.

ENOMW expresses concerns that promises alone are insufficient and calls on Ukrainian Parliament to ensure that child protection standards are upheld in both family and criminal law, without exceptions that place girls at risk.

On consent in the Criminal Code

The amended article of the Criminal Code would treat a 14-year-old as legally able to consent to sexual activity if the child is considered capable of understanding what is happening. While an adult pressuring a child aged 14–18 into sexual activity with someone else would still be a crime, it would be treated as a lower-level offense with relatively limited penalties. At the same time, sexual harassment, conduct that humiliates or intimidates by an adult toward a 14-year-old, would be classified only as a minor violation punishable by a fine. In practical terms, this lowers the level of legal protection for minors and risks normalising adult sexual behaviour involving children, weakening the Criminal Code's role in safeguarding girls from exploitation and harm.

A 14-year-old girl cannot provide free and informed consent neither to sex nor to a long-term legal and personal commitment such as marriage. International human rights law recognises

that children require special protection precisely because their decision-making capacity is still developing and they are more vulnerable to pressure from adults, family, or social circumstances. Even when framed as “voluntary”, consent given under conditions of dependency, power imbalance, or crisis cannot be treated as equivalent to adult consent.

By treating a 14-year-old girl as legally capable of consenting to sexual activity with adults, the law risks providing offenders with a defence rooted in the child’s supposed agreement rather than examining the inherent imbalance of power. Such framework will allow conduct that has previously been recognised as exploitation to be reframed as lawful choice, shifting the burden onto the child instead of the adult.

Additionally, such changes risk enabling predatory behaviour by making grooming tactics easier to conceal behind a child’s supposed consent. Exploitative relational tactics similar to “lover-boy” methods that systematically manipulate and isolate girls, increasing their vulnerability to sexual exploitation, system of prostitution and trafficking. Public health and trafficking research show that traffickers often leverage emotional control, promises of care or partnership, and gradual desensitisation to coercive sexual activity. These tactics are more effective when legal frameworks treat minors as able to give consent to adults. Thus, this creates dangerous reversal of the Criminal Code’s protective purpose. Instead of shielding girls from harm, it risks creating legal space for adults to misuse consent language, avoid accountability and creates even more risks for girls.

On early marriage

Introducing 14 y.o as consent and marriage age will contradict international human rights standards and European child protection principles, which require states to prevent child marriage and to ensure that girls are protected from practices that undermine their integrity, safety, and development.

At the UN level, child marriage is recognised as a harmful practice that states have an obligation to eliminate. CEDAW requires effective measures to prevent the marriage of children as a form of sex-based discrimination. The Convention on the Rights of the Child establishes that all actions concerning minors must prioritise the best interests, protection, and development of the child, principles that are incompatible with permitting marriage or consent to sex underaged. UN treaty bodies have repeatedly clarified that marriage under the age of 18 exposes girls to heightened risks of coercion, interrupted education, health complications, and long-term inequality.

European standards reflect the same approach. The EU Charter of Fundamental Rights affirms that children are entitled to the protection and care necessary for their well-being and that their best interests must guide legislative action. This commitment is reaffirmed in the Conclusion on the EU Strategy on the Rights of the Child, in which Council of European Union calls on “providing adequate measures to prevent and combat domestic violence and abuse, early forced and child marriage, female genital mutilation and other harmful practices and other forms of violence against children”. Adopted in the context of Russia’s war against Ukraine, the Council further underlined that children face heightened risks in armed conflict, including trafficking and sexual exploitation, reinforcing the need for strengthened child-protection safeguards.

EU law and policy translate these principles into concrete obligations. Through its accession to the Istanbul Convention and EU Directive 2024/1385 on combating violence against women and domestic violence, the European Union requires Member States to criminalise and prevent forced marriage and to protect victims. The EU Directive 2012/29 on Victims’ Rights further reinforces duties to safeguard women and children at risk. The European Institute for Gender Equality clarifies that child marriage must be understood within the framework of forced marriage, as minors cannot provide full, free, and informed consent. Legal safeguards are therefore expected to prioritise prevention rather than create exceptions that may expose girls to vulnerability.

For Ukraine, alignment with these principles is particularly significant in the context of its accession process to the European Union. Strengthening child protection laws and maintaining a clear minimum age of marriage demonstrates commitment to shared European values of

human dignity, sex equality, and the protection of minors.

Beyond these legal obligations, there are compelling practical and social reasons why permitting marriage and consent at 14 cannot function as protection.

Allowing marriage at the age of 14 would not protect a pregnant girl or her newborn child, even if it is presented as a compassionate or practical solution. Extensive international evidence shows that early marriage does not improve outcomes for adolescent mothers or their children. Framing marriage as protection shifts attention away from what a 14-year-old actually is: a girl who is entitled to care, safety, education, and social support. Instead of strengthening systems that protect her rights and development, early marriage risks placing her into an adult legal role that she is not equipped to navigate. A young adolescent does not gain stability simply by entering a legal union. Instead, she will face new pressures, expectations, and dependencies that further limit her autonomy. For a newborn child, real protection comes from strong health care, family assistance, and social services but not from a legal arrangement that prematurely ends the mother's childhood.

In a context where sex-based and domestic violence remain pervasive challenges in Ukraine with high rates of violence against women and girls, enshrining legal mechanisms that effectively normalise early marriage poses additional risks. Legal recognition of unions involving girls can shift experiences of harm from public concern into the private domain of "family life," where intervention is more difficult and protective responses by state authorities are less accessible. Research from international human rights and public health bodies consistently finds that girls who marry before the age of 18 face elevated rates of intimate partner violence, limited control over reproductive and life choices, and greater barriers to continuing education and economic independence than their peers who marry as adults. Studies also show that psychological abuse and other non-physical forms of coercion in close relationships are common but often unrecognised by those experiencing them and under-reported to authorities. These vulnerabilities are exacerbated in settings where adolescents lack comprehensive sexual, reproductive, and legal education, leaving girls particularly exposed to patterns of harm that early marriage frameworks fail to prevent.

For these reasons, nor marriage nor consent at 14 cannot be understood as a protective measure. It conflicts with established international obligations, weakens safeguards designed to protect girls, risks empowering adult perpetrators. A rights-based response to adolescent pregnancy and hardship must prioritise access to health care, education, social support, and child protection rather than legal arrangements that prematurely impose adult responsibilities. Upholding a clear minimum age of marriage affirms the state's commitment to protecting girls' autonomy, safety, and future opportunities, ensuring that the law functions as a shield against harm rather than a mechanism that normalises it.

We call to:

- Maintain the age of consent in the Criminal Code of Ukraine at 16 years to preserve existing safeguards protecting girls
- Maintain strict punishment for adults for sex with minors under 16
- Remove from the draft Civil Code any provisions that would permit marriage for girls from the age of 14 in any case, including pregnancy or childbirth
- Establish a minimum marriage age of 18 without exceptions, in line with international human rights standards and child protection principles.
- Ensure full consistency between civil and criminal legislation so that legal frameworks reinforce the protection of girls' bodily integrity and inviolability of their human dignity.