

LEGAL ASPECTS OF THE REHABILITATION OF SEXUAL VIOLENCE VICTIMS DURING ARMED CONFLICTS

ПРАВОВІ АСПЕКТИ РЕАБІЛІТАЦІЇ ПОСТРАЖДАЛИХ ВІД СЕКСУАЛЬНОГО НАСИЛЬСТВА ПІД ЧАС ЗБРОЙНИХ КОНФЛІКТІВ

Tsymbaliuk V. I.¹, Hryshko V. I.², Sakhniuk V. V.³

^{1, 2, 3}*National University of Water and Environmental Engineering,
Educational and Scientific Institute of Law, Rivne, Ukraine*

¹*ORCID: 0000-0002-5572-9603*

²*ORCID: 0000-0001-7512-0005*

³*ORCID: 0000-0001-5531-024X*

DOI <https://doi.org/10.32782/2522-1795.2025.19.1.3>

Abstracts

Sexual violence in armed conflict is one of the most serious forms of violation of international law, with devastating consequences for victims and society as a whole. This article examines the historical development of the legal regulation of this problem, analyzes the jurisprudence of international tribunals, and considers modern mechanisms for prevention and holding perpetrators accountable.

The role of Ukraine in shaping the national policy on the protection and rehabilitation of victims is considered, in particular, the legislative consolidation of their special status and the development of assistance mechanisms. The need for a comprehensive approach, including legal, social and medical mechanisms for supporting victims of sexual violence during armed conflicts, is substantiated. It has been established that an integrated approach to supporting victims of sexual violence, including medical, financial, and social services, is essential for ensuring justice and rehabilitation in the post-conflict period. Legislative initiatives contribute to the creation of an effective support system that meets international human rights standards.

The article analyzes issues such as the lack of specialized rehabilitation programs, the fear of reporting crimes due to low levels of trust in law enforcement agencies, and the fragmentation of existing support measures. The possibility of adapting the Panzi model in Ukraine is proposed, which involves integrating victim assistance into the general system of health services, reducing the risk of stigmatization, and creating a sustainable support infrastructure. Special attention is paid to the need for information campaigns and training programs for law enforcement and military personnel on detecting, preventing, and responding to cases of sexual violence. The implementation of an integrated approach can contribute to more effective rehabilitation of victims and strengthening mechanisms for protecting their rights.

Key words: sexual violence, armed conflict, international criminal law, war crimes, victim rehabilitation.

Сексуальне насильство під час збройних конфліктів є однією з найсерйозніших форм порушень міжнародного права, що має руйнівні наслідки для жертв і суспільства загалом. Ця стаття досліджує історичний розвиток правового регулювання зазначеної проблеми, аналізує судову практику міжнародних трибуналів і розглядає сучасні механізми запобігання та притягнення винних до відповідальності.

Розглянуто роль України у формуванні національної політики щодо захисту та реабілітації постраждалих, зокрема законодавче закріплення їхнього спеціального статусу й розробку механізмів допомоги. Обґрунтовано необхідність комплексного підходу, що передбачає правові, соціальні та медичні механізми підтримки жертв сексуального насильства під час збройних конфліктів. Встановлено, що інтегрований підхід до підтримки жертв сексуального насильства, включно з медичними, фінансовими та соціальними послугами, є необхідним для забезпечення правосуддя й реабілітації в постконфліктний період. Законодавчі ініціативи сприяють створенню ефективної системи підтримки, яка відповідає міжнародним стандартам прав людини.

У статті аналізуються такі питання, як відсутність спеціалізованих програм реабілітації, страх повідомлення про злочини через низький рівень довіри до правоохоронних органів, а також фрагментарність наявних заходів підтримки. Запропоновано можливість адаптації моделі Панзі в Україні, що передбачає інтеграцію допомоги жертвам у загальну систему медичних послуг, зниження ризику стигматизації та створення стійкої інфраструктури підтримки. Окрему увагу приділено необхідності проведення інформаційних кампаній та навчальних програм для правоохоронців і військових щодо виявлення, запобігання та реагування на випадки сексуального насильства. Впровадження комплексного підходу може сприяти ефективнішій реабілітації постраждалих і зміцненню механізмів захисту їхніх прав.

Ключові слова: сексуальне насильство, збройний конфлікт, міжнародне кримінальне право, воєнні злочини, реабілітація жертв.

Introduction. Sexual violence is a fairly common phenomenon during any armed conflict, both international and non-international. It is used not only as a means of physical and psychological humiliation, but also as a strategic tool for intimidation and destabilization of society. It should be noted that “armed conflict” in this study refers to a protracted armed conflict between two or more states or between government armed forces and the forces of one or more armed groups within a state [16].

The relevance of this topic is due to the systematic use of sexual violence in armed conflicts as a means of military tactics. It is not only a consequence of chaos and lawlessness, but also a purposeful strategy of the aggressors aimed at the destruction of social structures, the demoralization of the civilian population and the forced resettlement of affected communities. In modern conditions, when Ukraine is faced with the consequences of Russian armed aggression, the problem of sexual violence is becoming even more acute, requiring not only an effective legal response, but also the development of effective mechanisms for the rehabilitation of victims.

O.V. Kharitonova notes that sexual violence is not just an act of physical violence, but a sexual expression of aggression, a desire to demonstrate power and dominance. It is important to remember that the victims of sexual violence associated with the conflict are not only women and girls, but also men, as well as individuals with other gender identities. Violence against them is intended to violate social and legal norms, to humiliate individuals and communities. Often, such sexual violence is a way for perpetrators to attract political attention and thus declare themselves as a dangerous armed group that must be taken seriously [12, p. 193].

There is a consensus among experts that any sexual violence is a social phenomenon that is difficult to quantify and understand in depth. This is due to the fact that it is the most invisible fact of victimization in armed conflict, as it is usually accompanied by secrecy, fear of publicity, social attitudes to silence. In addition, victims often face prejudice, feelings of guilt and shame, which significantly complicates the process of bringing perpetrators to justice. As I. Wilches notes, “in armed conflict, sexual violence is used as an effective weapon of war, systematically and widely distributed, but is silenced and not recognized by either victims or aggressors.” [18].

Unfortunately, sexual violence is also committed in Ukraine. As of November 1, 2024, the Prosecutor General's Office of Ukraine recorded 326 cases of sexual violence related to the armed conflict. The majority of victims are women, but 117 men, as well as minors of both sexes, were also registered among the victims. A significant number of cases – 103 – were recorded in the Kherson region. In connection with the revealed facts of sexual violence in the occupied territories of Kyiv, Chernihiv, Kherson, Kharkiv and Mykolaiv regions, suspicions were raised against 59 servicemen of the Armed Forces of the Russian Federation. 27 indictments against 36 people were submitted to the court [7].

The Ukrainian Parliament Commissioner for Human Rights emphasizes that the official number of cases of sexual violence does not reflect the real scale of this crime. After the de-occupation of the territories, a large number of cases of sexual violence have been recorded, which indicates its use as a tactic of war. Russia uses sexual violence as a tool of humiliation, demoralization and control over the civilian population, as con-

firmed by numerous testimonies of victims and human rights organizations [8].

It is important to understand that in wartime, sexual violence committed by the military is mainly motivated not by sexual desire, but by the desire to humiliate, inflict suffering, demonstrate dominance and intimidate the victim. In this context, the problem of rehabilitation of victims of sexual violence in armed conflict takes on special importance, since comprehensive mechanisms of support and recovery are not only a matter of social justice, but also a critically important factor in overcoming the consequences of war crimes and restoring victims. The problem of sexual violence during armed conflicts has become the subject of research by many scholars, international organizations and human rights institutions. A significant contribution to its legal understanding was made by the decisions of international tribunals, in particular the Tribunal for the Former Yugoslavia and the Tribunal for Rwanda, which defined sexual violence as a war crime, a crime against humanity and an act of genocide. Considerable attention has been paid to the problem in numerous UN Security Council resolutions, in particular Resolutions 1325 (2000) and 1820 (2008), which emphasize the importance of combating impunity for sexual violence in conflicts.

Among modern studies, it is worth noting the works of such authors as Catherine McKinnon, who analyzes the connection between gender discrimination and war crimes, and Diane Orentlicher, who examines the effectiveness of international tribunals in bringing perpetrators to justice. Researchers also study the social and psychological consequences of sexual violence during war. Among Ukrainian scholars, the issue of sexual violence during armed conflicts has been studied by I.G. Zavorotko, O.V. Legka, V.V. Sokurenko, O.V. Kharytonova, and others. Despite significant scientific interest, the issue of creating effective legal means of rehabilitation for victims of sexual violence remains unresolved, which necessitates further interdisciplinary research.

The purpose of the study – comprehensive analysis of the legal aspects of rehabilitation of

victims of sexual violence during armed conflicts, assessment of the effectiveness of existing international and national mechanisms for the protection of victims, as well as development of recommendations for improving legal regulation and practical measures to ensure justice, compensation and socio-psychological support for victims.

Materials and methods. Research methods: theoretical (analysis and generalization of scientific literature, international treaties, judicial practice and regulatory legal acts), empirical (analysis of decisions of international tribunals, UN documents and other organizations regulating the issue of sexual violence during armed conflicts). The method of system analysis, the method of comparative law, methods of logical-legal analysis and the historical-legal approach were used to study the development of legal regulation of this phenomenon. An analysis of statistical data relating to cases of sexual violence during armed conflicts was conducted.

The results of the research. Sexual violence in armed conflict has existed since ancient times. It has been used as a means of intimidation, genocide, ethnic cleansing and humiliation of the enemy. Historical sources testify to massive cases of violence during wars, in particular during World War II, the Balkan wars of the 1990s and the genocide in Rwanda in 1994. The problem of sexual violence in war began to receive international legal attention only at the end of the 20th century, in particular through the decisions of the international tribunals for the former Yugoslavia and Rwanda. They were the first to qualify sexual violence as a war crime, a crime against humanity and an element of genocide.

In the Akayesu case, the International Criminal Tribunal for Rwanda (ICTR) held that sexual violence is “any act of a sexual nature committed against any person under circumstances of a coercive nature.” However, the term “act of a sexual nature” as used here is quite broad, and its components can range from physical acts to sexually suggestive comments directed at another person. Furthermore, the term “coercive” must be understood in a broad sense and include not only physical force, but also threats, intimidation,

extortion and other forms of coercion. The Trial Chamber therefore further held that “sexual violence is not limited to the physical invasion of the human body and may include acts that do not involve penetration or even physical contact.” It follows from this definition that sexual violence goes beyond rape alone. However, there is still no clear position on whether there is a minimum threshold of seriousness for an act to be considered “sexual violence” when it occurs under coercion [14, p. 506].

Later, in the Kunarac case, the ICTY Trial Chamber found that the previous definition was too narrow and therefore expanded some of its parts. First of all, it was stated that an act of sexual penetration constitutes rape not only if it is accompanied by “coercion, force or threat of force against the victim or a third person”, but also if there are other factors that may make such an act “non-consensual or involuntary” on the part of the victim. Thus, the main criterion was established as the lack of consent or voluntary participation. The ICTY continued that “in practice, the lack of genuine and freely expressed consent or voluntary participation may be confirmed by the presence of various factors, such as the use of force, the threat of force or the exploitation of a person who is unable to resist”. Accordingly, the present case establishes criteria for determining the lack of consent of the victim, and therefore the second part of the definition formulated in the Furundžija case was replaced by the following wording: “when such sexual penetration occurs without the consent of the victim” [17, p. 1211].

The recognition of sexual violence in conflict as a serious human rights violation began in the early 1990s with the sexual atrocities in the former Yugoslavia. In 2008, the UN Security Council adopted Resolution 1820, which for the first time recognized sexual violence against civilians as a security concern in its own right. This resolution formally defines sexual violence as a weapon of war in its sixth preambular paragraph, which defines rape in war as “a tactic of war intended to humiliate, dominate, intimidate, disperse and/or forcibly transfer civilian members of a community or ethnic group.” [6].

Sexual violence during armed conflicts covers a wide range of criminal acts. I.G. Zavorotko, based on an analysis of international legal documents, identifies the following features of sexual and gender-based violence: 1) act (actual act), 2) coercion (act committed against the will of the person), 3) cause (gender-related), 4) consequences (inflicting one or more types of harm or suffering on the person) [1, p. 61].

Both civilians and military personnel are victims of conflict-related sexual violence. Sexualized forms of torture of prisoners of war are common: rape, threats of rape and castration, physical or electric shocks to the genitals, forced exposure [10, p. 245].

According to the Law of Ukraine “On the Status of Persons Victims of Sexual Violence Related to the Armed Aggression of the Russian Federation against Ukraine and Urgent Interim Reparations” dated 20.11.2024 No. 4067-IX, “sexual violence related to the armed aggression of the Russian Federation against Ukraine is sexual violence committed against any person in connection with the armed aggression of the Russian Federation against Ukraine starting from February 20, 2014, including rape, forced pregnancy, forced sterilization, forced abortion, forced prostitution, sexual exploitation, forced sexual intercourse with a third person, forced observation of sexual intercourse, sexual slavery, trafficking in persons for the purpose of sexual exploitation, forced circumcision, forced castration, mutilation or committing violent acts against genitals, forced exposure of a sexual nature, any other form of sexual violence, as well as threats and attempts to commit it [5].

Sexual violence related to the armed conflict in Ukraine has a number of features that distinguish it from sexual violence committed in peacetime. In particular:

1) Sexual violence related to armed conflict is characterized by the absence of voluntary consent. Given the accompanying circumstances of violence, panic, despair and fear, voluntary consent is impossible. The presence of armed conflict is characterized as a circumstance of coercion, which a priori excludes voluntary consent;

2) Sexual violence related to armed conflict is not committed in isolation, but in conjunction with other crimes, such as torture, ill-treatment, unlawful deprivation of liberty, etc.;

3) Sexual violence related to armed conflict is characterized by more violent forms of perpetration (using weapons, electric current and other objects);

4) Sexual violence related to armed conflict is mostly public in nature. It is committed in front of relatives, other military personnel, commanders, etc. [3, p. 137].

Understanding these features is important for establishing the legal framework for the protection and rehabilitation of victims, as it allows for the development of special mechanisms for supporting and restoring the rights of victims. Taking into account the specifics of sexual violence related to armed conflict contributes to the formation of an effective justice system, which includes recognizing these crimes as serious violations of international law, ensuring access to justice for victims, providing them with the necessary medical, psychological and social assistance, as well as implementing reparations programs.

It is worth emphasizing that, in our opinion, the protection of victims and their rehabilitation are interrelated concepts, but have different focuses. The protection of victims involves preventive measures, the criminalization of crimes of sexual violence and legal mechanisms for holding perpetrators accountable. Legal means of protecting victims of sexual violence related to conflicts exist at the international level within the framework of: international criminal law, international human rights law, international humanitarian law. At the national level, such means require separation within the framework of the coexistence of two legal regimes: regarding general criminal offenses, regarding crimes from the point of view of international law [12, p. 190].

The main provisions of UN Security Council Resolution 1325 (2000) “Women, Peace, Security” in the context of preventing conflict-related sexual violence are as follows:

– Parties to armed conflict must take measures to protect women and girls from

gender-based violence, including rape and other forms of sexual violence and other forms of violence, during armed conflict;

– All States have a responsibility to end the lawlessness and to prosecute those responsible for genocide, crimes against humanity and war crimes, including crimes involving sexual and other forms of violence against women and girls, and in this regard it is necessary to ensure that these crimes are not covered by amnesty provisions [15].

The main provisions of UN Security Council Resolution 1888 (2009):

– sexual violence contributes to the escalation of armed conflict and undermines international peace and security;

– there is a need for specialized training of experts in cases of conflict-related sexual violence;

– a decision was made to establish the position of the Special Representative of the UN Secretary-General on Sexual Violence in Armed Conflict and an expert group to work on reducing gender-based violence. The expert group was subsequently joined by experts from the Secretariat of the Special Representative of the Secretary-General for Peacekeeping Operations, the Office of the UN High Commissioner for Human Rights, and the United Nations Development Programme to assist governments in conflict and post-conflict situations by strengthening their capacity to combat sexual violence in conflict. Areas of cooperation with domestic authorities include: criminal investigations; evidence collection; military justice investigations; criminal law reform and procedural law reform; protection of victims, witnesses and judicial personnel; and reparations for victims of sexual violence [6].

In addition to legal remedies related to prosecution, there should be a system of measures for the rehabilitation of victims. Its purpose is to provide comprehensive medical, psychological and social assistance to victims, promote their integration into society and restore their rights and dignity. For this purpose, Ukraine adopted the Law of Ukraine “On the Status of Persons Victims of Sexual Violence Associated with the

Armed Aggression of the Russian Federation against Ukraine and Urgent Interim Reparations”.

In the context of victim rehabilitation, paragraph 10 of UN Security Council resolution 1889 (2009) recommends that Member States in post-conflict situations, acting in consultation with civil society, including women’s organizations, specifically and comprehensively identify the needs and priorities of women and girls and develop specific strategies, in accordance with their existing legal systems, to address these needs and achieve priorities, which include, inter alia, support for the creation of more secure physical security conditions and improved socio-economic conditions through education, income-generating activities, access to essential services, in particular health services, including sexual and reproductive health, reproductive rights and mental health, access to law enforcement and access to gender-sensitive justice, as well as increased opportunities for participation in public decision-making at all levels [6].

Legislative safeguards play a key role in ensuring adequate support and recovery for victims. The law provides for a number of rights and assistance mechanisms aimed at the rehabilitation and social integration of victims of such crimes.

In particular, Article 7, paragraph 1, subparagraph 2, establishes the right to free rehabilitation, which is guaranteed regardless of the place of residence of the victim [5]. This right includes access to a set of medical, psychosocial and other measures aimed at restoring the physical and psychological state, as well as social functions of the victims. Such an approach is extremely important for ensuring comprehensive support that meets international standards in the field of protection of the rights of victims of sexual violence during armed conflict.

In addition, Article 7, paragraph 1, subparagraph 3, provides for the right to receive urgent cash payments, which allows victims to promptly receive financial assistance to cover their primary needs [5]. This provision of the law is also supported by Article 8, which specifies the mechanism for providing urgent cash payments to victims of sexual violence related to the armed

aggression of the Russian Federation against Ukraine. Such payments play an important role in reducing economic pressure on victims and contributing to their adaptation to new life circumstances.

In addition to medical and financial support, the law also provides for social assistance for victims. According to paragraph 2, subparagraph 5 of Article 7, free social services are guaranteed, which are carried out in accordance with the provisions of the Law of Ukraine “On Social Services” and state standards for their provision [5]. This includes psychological support, legal advice, assistance in employment and other measures aimed at the social reintegration of victims.

Thus, the rehabilitation guarantees enshrined in the legislation are important tools for restoring the rights of victims of sexual violence during armed conflict. They provide a comprehensive approach to assistance, including medical, psychological, social and financial support, contributing to the reintegration of victims into society and minimizing the long-term consequences of the crimes they have suffered.

In addition, an Interdepartmental Working Group on Combating Sexual Violence Associated with the Armed Aggression of the Russian Federation against Ukraine and Providing Assistance to Victims has been established, which is an advisory body to the Commission on Coordination of Interaction of Executive Bodies on Ensuring Equal Rights and Opportunities for Women and Men, which was established to implement the provisions of the Memorandum between the United Nations and the Government of Ukraine on Cooperation in Preventing and Combating Sexual Violence Associated with Conflicts. The main tasks of the group include effective documentation and investigation of crimes, providing assistance to victims, including reparations, improving the competence of specialists and informing the public, and strengthening the capacity of the security and defense sector to prevent and combat sexual violence in wartime conditions [2].

According to the National Social Service Service of Ukraine, as of 01.10.2024 186 women,

128 men, 6 girls, 1 boy sought help from victims of conflict-related sexual violence. The following assistance was provided: information – 302, medical assistance – 79, social support – 49, counseling – 283, legal services – 51, shelter – 45, socio-psychological rehabilitation – 204, material, technical assistance, etc. – 276, other services – 247. In order to provide information about the mechanism for countering and responding to cases of conflict-related sexual violence, the service introduced an online course: “How to counter war-related sexual violence and provide assistance to victims: what everyone should know.” The goal of the course is to promote a better understanding of the phenomenon of war-related sexual violence, the specifics of providing assistance to victims, and the principles of gender-sensitive communication with them [11].

The article highlights the key challenges faced by victims of armed conflict-related sexual violence, as well as possible ways to overcome them, which are important for their rehabilitation:

1. Lack of specialized rehabilitation and psychological support programs. Currently, Ukraine lacks comprehensive programs aimed at rehabilitating victims of sexual violence in armed conflict. Support is mostly provided within the general framework of social and medical assistance, which does not take into account the specific traumatic consequences of such crimes. The lack of specially developed mechanisms for psychological support and rehabilitation complicates the recovery process of victims, which can lead to repeated victimization and isolation.

2. Fear of reporting crimes and distrust of the law enforcement system. Victims of sexual violence are often afraid to talk about their experiences due to social stigma, fear of retaliation by perpetrators, and low levels of trust in law enforcement. This fear is often exacerbated by cases of impunity and insufficient training of investigators to work with victims. As a result, most cases of sexual violence during wartime remain unsolved, and perpetrators are not brought to justice. The problem is exacerbated by the general decline in trust in the law enforcement system. The results of a

nationwide public opinion poll conducted by the sociological group “Rating” at the request of the European Union Advisory Mission to Ukraine (EUAM) indicate that trust in the National Police in Ukraine was 56% in 2023, and 48% in 2024 [9]. This indicates a negative dynamic that may further deter victims from contacting law enforcement.

3. Fragmentation of existing support measures and difficulty in their implementation. Despite the existence of separate programs to assist victims of sexual violence, they are fragmented, and their implementation may be complicated by the lack of adequate resources. There is a lack of coordination and a unified approach to solving this problem at the level of government bodies. The imperfect mechanism for contacting relevant authorities and the lack of awareness of victims about their rights and opportunities for receiving assistance further complicate the rehabilitation process.

One of the effective approaches to the rehabilitation of victims of sexual violence that can be adapted in Ukraine is the Panzi model. Its uniqueness lies in the fact that assistance to victims is integrated into the general system of medical services, in particular in the field of reproductive health. This allows victims to receive comprehensive support together with other patients, which reduces the risk of stigmatization and ensures better access to medical, psychological and social services.

An important aspect of the Panzi model is the creation of a Comprehensive Support Center, which operates as part of the general health care system. Such integration ensures: accessibility of services victims can receive medical and psychological assistance in conditions that do not emphasize their victim status. This significantly reduces the fear of seeking help. sustainability of the program – after the conflict ends, the infrastructure for assisting victims does not disappear, but remains part of the general health care system. reduction of stigmatization – treatment alongside other patients with similar injuries helps to overcome the fear of social condemnation.

In the Ukrainian context, the implementation of such a model can help overcome problems

such as the lack of specialized rehabilitation programs, victims' distrust of the law enforcement system, and the fragmentation of existing support measures.

Adapting the Panzi model in Ukraine could also include training programs for doctors, law enforcement officers, and the military on detecting, preventing, and responding to sexual violence. In addition, an important element is information campaigns that raise public awareness of available support mechanisms and the importance of justice for victims [4].

Thus, the Panzi model is an effective example of a comprehensive approach to the rehabilitation of victims of sexual violence in armed conflict, which can be adapted and integrated into the Ukrainian healthcare system to ensure long-term support for survivors.

Another important aspect is the implementation of information campaigns on the importance of justice for victims of sexual violence. To overcome the fear of contacting law enforcement agencies, it is necessary to conduct large-scale information campaigns that explain the importance of justice for victims and provide them with knowledge of available protection mechanisms. Such a communication strategy may include working with the media, developing educational materials, social advertising and active cooperation with human rights organizations.

In addition, training programs for law enforcement and military personnel on the prevention of sexual violence should be established. Preventing sexual violence in armed conflict requires specialized training for military personnel and law enforcement officials. Training programs should cover risk identification, responding to incidents of violence, and working with survivors, taking into account international standards and practices. Strengthening accountability for such crimes and establishing monitoring mechanisms can significantly reduce the number of cases of sexual violence in wartime.

Conclusions. Sexual violence in armed conflict is one of the most serious forms of violation of international law, with devastating

consequences for victims and society as a whole. Research shows that sexual violence is used not only as a means of individual humiliation, but also as a tactic of war aimed at terror, the destruction of ethnic groups and the destabilization of societies. Historical analysis indicates the systematic nature of these crimes in different periods of armed conflict, and international legal mechanisms only in the second half of the 20th century began to pay due attention to this problem. The decisions of the international tribunals in the former Yugoslavia and Rwanda were key in recognizing sexual violence as a war crime, a crime against humanity and an element of genocide. The subsequent adoption of UN Security Council Resolution 1820 (2008) confirmed that sexual violence is not only a humanitarian but also an international security problem. The definition of such violence as a weapon of war emphasizes the need to develop effective mechanisms for its prevention and control.

Sexual violence associated with armed conflict has a number of specific features that distinguish it from sexual violence in peacetime. The lack of voluntary consent, combination with other crimes, excessive cruelty and the public nature of the commission make it a particularly serious type of human rights violation. Understanding these aspects is critical for ensuring justice and supporting victims.

Ukraine, taking into account international experience, has developed its own legal framework for the protection of victims of sexual violence associated with armed conflict, which is an important step in recognizing and overcoming the consequences of such crimes. The legislative consolidation of the special status of persons who have been subjected to such violence contributes to the creation of a system of protection and rehabilitation.

The protection of victims of sexual violence and their rehabilitation are interrelated, but cover different aspects of assistance. Protection involves holding perpetrators accountable, preventing recidivism, and ensuring the safety of victims. Rehabilitation focuses on the physical, psychological, and social recovery of victims.

Only a comprehensive approach that combines legal, social, and medical mechanisms can effectively combat this form of violence and ensure the dignity of victims.

Bibliography

1. Заворотько І. Г. Сексуальне і гендерно-обумовлене насильство, пов'язане з конфліктом, як міжнародний злочин : дис. ... д-ра філософії; галузь знань 29 «Міжнародні відносини», спеціальність 293 «Міжнародне право»; Нац. ун-т «Києво-Могилянська академія». Київ, 2020. 301 с.

2. Легка О. В. Особливості захисту прав постраждалих від сексуального насильства, пов'язаного з конфліктом: вітчизняний та міжнародний досвід. *Право і суспільство*. 2024. № 2. С. 311–317. DOI: <https://doi.org/10.32842/2078-3736/2024.2.43>.

3. Мельниченко І. Забезпечення поліцейськими прав потерпілих від сексуального насильства, пов'язаного зі збройним конфліктом в Україні. *Дотримання прав людини у правоохоронній діяльності: стан та перспективи* : матер. Всеукр. круг. столу (м. Дніпро, 28 березня 2023 р.). Дніпро : ДДУВС, 2023. С. 136–139.

4. Посібник з комплексної допомоги для осіб, які пережили сексуальне насильство в умовах конфлікту. URL: <https://www.help-platform.in.ua/wp-content/uploads/2023/02/posibnyk-dlya-roboty-z-postrazhdalymy-vid-sprk-vid-fondu-mukvege.pdf> (дата звернення: 14.02.2025).

5. Про статус осіб, постраждалих від сексуального насильства, пов'язаного зі збройною агресією Російської Федерації проти України, та невідкладні проміжні репарації: Закон України від 20.11.2024 № 4067-IX. *Офіційний сайт Верховної Ради України*. URL: <https://zakon.rada.gov.ua/laws/show/4067-20#Text> (дата звернення: 14.02.2025).

6. Резолюції Ради Безпеки ООН у боротьбі з сексуальним насильством під час збройних конфліктів (частина III). *Юрфем*. URL: <https://jurfem.com.ua/?s=%D1%87%D0%B0%D1%81%D1%82%D0%B8%D0%BD%D0%B0+%D0%86%D0%86> (дата звернення: 14.02.2025).

7. Сексуальне насильство під час війни: що фіксують та розслідують в Офісі генерального прокурора. *Радіо Свобода*. URL: <https://www.radiosvoboda.org/a/novyny-pryazovya->

[seksualne-nasylstvo-pid-chas-viyny/33190694.html](https://www.radiosvoboda.org/a/novyny-pryazovya-seksualne-nasylstvo-pid-chas-viyny/33190694.html) (дата звернення: 14.02.2025).

8. Сексуальне насильство як зброя війни: стратегія ворога залякати цивільне населення. Омбудсман України. Новини: 26.04.2024. URL: https://www.ombudsman.gov.ua/news_details/seksualnenasylstvo-yak-zbroya-vijni-strategiya-voroga-zalyakati-civilne-naselennya (дата звернення: 28.04.2024).

9. Серед правоохоронних органів найбільше довіряють Національній гвардії – 86%, соціопитування. МВС України. URL: <https://mvs.gov.ua/news/sered-pravoohoronnix-organiv-naibilse-doviraiut-nacionalnii-gvardiyi-86-socopituvannia> (дата звернення: 14.02.2025).

10. Сокурєнко В. В. Сексуальне насильство, пов'язане з конфліктом: кримінологічний аналіз в контексті російсько-української війни. *Вісник кримінологічної асоціації України*. 2024. № 2 (32). С. 242–252. DOI: <https://doi.org/10.32631/vca.2024.2.15>.

11. Соціальні послуги постраждалим від сексуального насильства під час війни. URL: <https://nssu.gov.ua/news/dopomohapostrazhdalym-vid-seksualnoho-nasylstva> (дата звернення: 04.02.2025).

12. Харитонова О. В. Сексуальне насильство, пов'язане з конфліктом, у війні РФ проти України: правові аспекти. *Кримінально-правові відповіді на виклики воєнного стану в Україні* : матеріали міжнар. наук. конф., м. Харків, 5 трав. 2022 р. Упоряд. та заг. ред.: Ю. В. Баулін, Ю. А. Пономаренко. Нац. юрид. ун-т ім. Ярослава Мудрого, Нац. шк. суддів України, Громад. орг. «Всеукр. асоц. кримін. права», НДІ вивч. проблем злочинності ім. акад. В. В. Сташиса. Харків : Право, 2022. С. 189–202.

13. Consalter L. War and its new dynamics: Strategic sexual violence in armed conflicts. *Academia.edu*. 2019. URL: https://www.academia.edu/43705333/War_and_its_New_Dynamics_Strategic_Sexual_Violence_in_Armed_Conflicts (дата звернення: 10.02.2025).

14. Gaggioli G. Sexual violence in armed conflicts: A violation of international humanitarian law and human rights law. *International Review of the Red Cross*. 2015. No. 96. P. 503–538. DOI: 10.1017/S1816383115000211.

15. Resolution 1325 (2000) of 31 October 2000. United Nations. URL: <https://documents.un.org/doc/undoc/gen/n00/720/18/pdf/n0072018.pdf?token=Bm96XTVfcXmYdAZ-K0E&f> (accessed: 14.02.2025).

16. The Geneva Conventions of 1949 and their Additional Protocols, Common Article 2 and 3. International Committee of the Red Cross, 2010. URL: <https://www.icrc.org/en/doc/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm> (accessed: 14.02.2025)

17. Weiner Ph. The Evolving Jurisprudence of the Crime of Rape in International Criminal Law. *Boston College Law Review*. 2013. No. 54. P. 1207–1237.

18. Wilches I. What we have learned about treating female victims of sexual violence in the Colombian armed conflict. *Revista de Estudios Sociales*. 2010. Vol. 36 (36). P. 86–94.

References

1. Zavorotko, I.H. (2020). Seksualne i henderno-obumovlene nasylstvo, poviazane z konfliktom, yak mizhnarodnyi zlochyn [Conflict-related sexual and gender-based violence as an international crime]. *PhD dissertation*, field of study 29 International Relations, specialty 293 International Law, National University of “Kyiv-Mohyla Academy”. Kyiv, 301 p. [in Ukrainian].

2. Lehka, O.V. (2024). Osoblyvosti zakhystu prav postrazhdalym vid seksualnoho nasylstva, pov'iazanoho z konfliktom: vitchyzniansky ta mizhnarodnyi dosvid [Peculiarities of protecting the rights of victims of conflict-related sexual violence: national and international experience]. *Pravo i suspilstvo*, 2, 311–317. DOI: <https://doi.org/10.32842/2078-3736/2024.2.43> [in Ukrainian].

3. Melnychenko, I. (2023). Zabezpechennia politseiskymy prav poterpilukh vid seksualnoho nasylstva, pov'iazanoho zi zbroinym konfliktom v Ukraini [Ensuring the rights of victims of conflict-related sexual violence by police officers in Ukraine]. *Dotrymannia prav liudyny u pravookhoronni diialnosti: stan ta perspektyvy: mater. Vseukr. kruh. stolu* (Dnipro, 28 bereznia 2023 r.). Dnipro: DDUVS, pp. 136–139 [in Ukrainian].

4. Handbook on Comprehensive Assistance for Survivors of Conflict-Related Sexual Violence. (n.d.). URL: <https://www.help-platform.in.ua/wp-content/uploads/2023/02/posibnyk-dlya-roboty-z-postrazhdalymy-vid-snpk-vid-fondu-mukvege.pdf> (accessed: 14.02.2025).

5. Law of Ukraine No. 4067-IX “On the Status of Persons Affected by Sexual Violence Related to the Armed Aggression of the Russian Federation Against Ukraine and Urgent

Interim Reparations” dated November 20, 2024. Official website of the Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/4067-20#Text> (accessed: 14.02.2025).

6. Resolutions of the UN Security Council on Combating Sexual Violence During Armed Conflicts (Part III). *Jurfem*. URL: <https://jurfem.com.ua/?s=%D1%87%D0%B0%D1%81%D1%82%D0%B8%D0%B-D%D0%B0+%D0%86%D0%86> (accessed: 14.02.2025).

7. Radio Svoboda (2025, February 14). Sexual violence during war: What is recorded and investigated by the Prosecutor General's Office. Retrieved from <https://www.radiosvoboda.org/a/novyny-pryazovya-seksualne-nasylstvo-pid-chas-viyny/33190694.html> [in Ukrainian].

8. Ombudsman of Ukraine. (2024, April 26). Sexual violence as a weapon of war: The enemy's strategy to intimidate civilians. Retrieved from https://www.ombudsman.gov.ua/news_details/seksualnenasilstvo-yak-zbroya-vi-jni-strategiya-voroga-zalyakati-civilne-naselenya [in Ukrainian].

9. Ministry of Internal Affairs of Ukraine. (2025, February 14). Among law enforcement agencies, the National Guard is the most trusted – 86%, sociological survey. Retrieved from <https://mvs.gov.ua/news/sered-pravoookoronnix-organiv-naibilse-doviraiut-nacionalnii-gvardiyi-86-socopituvannia> [in Ukrainian].

10. Sokurenko, V.V. (2024). Seksualne nasylstvo, poviazane z konfliktom: kryminolohichni analiz v konteksti rosiisko-ukrainskoi viiny [Conflict-related sexual violence: criminological analysis in the context of the Russian-Ukrainian war]. *Visnyk kryminolohichnoi asotsiatsii Ukrainy*, 2 (32), 242–252. DOI: <https://doi.org/10.32631/vca.2024.2.15> [in Ukrainian].

11. National Social Service of Ukraine (2025, February 4). Social services for victims of sexual violence during the war. Retrieved from <https://nssu.gov.ua/news/dopomohapostrazhdalym-vid-seksualnoho-nasylstva> [in Ukrainian].

12. Kharytonova, O.V. (2022). Seksualne nasylstvo, pov'язane z konfliktom, u viini RF proty Ukrainy: pravovi aspekty [Conflict-related sexual violence in the war of the Russian Federation against Ukraine: legal aspects]. *Kryminalno-pravovi vidpovidi na vyklyky voiennoho stanu v Ukraini: materialy mizhnar. nauk. konf.*, m. Kharkiv, 5 trav. 2022 r. Uporiad. ta zah.

red.: Yu.V. Baulin, Yu.A. Ponomarenko. Nats. yuryd. un-t im. Yaroslava Mudroho, Nats. shk. suddiv Ukrainy, Hromad. orh. "Vseukr. asots. krymin. Prava", NDI vyvch. problem zlochynosti im. akad. V.V. Stashysa. Kharkiv: Pravo, pp. 189–202 [in Ukrainian].

13. Consalter, L. (2019). War and its new dynamics: Strategic sexual violence in armed conflicts. Academia.edu. Retrieved from https://www.academia.edu/43705333/War_and_its_New_Dynamics_Strategic_Sexual_Violence_in_Armed_Conflicts.

14. Gaggioli, G. (2015). Sexual violence in armed conflicts: A violation of international humanitarian law and human rights law. *International Review of the Red Cross*, 96, 503–538. DOI: 10.1017/S1816383115000211.

15. United Nations (2000, October 31). Resolution 1325 (2000). Retrieved from <https://documents.un.org/doc/undoc/gen/n00/720/18/pdf/n0072018.pdf?token=Bm96XTVfcXmYdAZ-K0E&f>.

16. International Committee of the Red Cross (2010). The Geneva Conventions of 1949 and their Additional Protocols, Common Article 2 and 3. Retrieved from <https://www.icrc.org/en/doc/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm>.

17. Weiner, P. (2013). The evolving jurisprudence of the crime of rape in international criminal law. *Boston College Law Review*, 54, 1207–1237.

18. Wilches, I. (2010). What we have learned about treating female victims of sexual violence in the Colombian armed conflict. *Revista de Estudios Sociales*, 36 (36), 86–94.

Прийнято: 25.03.2025

Опубліковано: 30.04.2025

Accepted on: 25.03.2025

Published on: 30.04.2025