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VICTIM-CENTRED APPROACH TO CONFLICT-RELATED SEXUAL VIOLENCE: LEGAL AND INSTITUTIONAL RESPONSES IN UKRAINE

Abstract: *This article examines the development of legal and institutional responses to conflict-related sexual violence (CRSV) in Ukraine in the context of Russia's full-scale invasion. Drawing on empirical data from the Office of the Prosecutor General of Ukraine and reports of international monitoring bodies, the study analyses documented patterns of CRSV committed against civilians and prisoners of war since 2022. The article focusses on the evolution of Ukraine's national policy and institutional framework addressing these violations, including the creation of specialised prosecutorial structures, interagency coordination mechanisms, mobile investigative teams and survivor support systems.*

Particular attention is devoted to legislative reforms and institutional innovations aimed at strengthening access to justice and ensuring a victim-centred response, including the establishment of coordination mechanisms for victim and witness support and the introduction of interim reparations programmes providing recognition and assistance to survivors independently of criminal proceedings. The analysis demonstrates that these measures have contributed to the gradual emergence of victim-centred standards within the Ukrainian justice system.

Building on this analysis, the article introduces the concept of a "membrane" to explain how legal and institutional innovations developed in response to CRSV can diffuse into the broader justice system and influence approaches to sexual and gender-based violence more generally.

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Keywords: conflict-related sexual violence, gender-based violence, victim-centred approach, transitional justice, reparations

INTRODUCTION

Sexual violence has historically accompanied armed conflicts, yet for centuries it remained largely invisible within both international law and domestic criminal justice systems. Only in the late 20th century did international legal frameworks begin to recognise conflict-related sexual violence as a specific grave breach of international humanitarian and criminal law.[1] The jurisprudence of the International Criminal Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR),[2] followed by the adoption of the Rome Statute of the International Criminal Court,[3] played a decisive role in redefining sexual violence as a serious international crime and establishing legal mechanisms for its prosecution.

Despite these normative developments, the gap between legal recognition and effective accountability remains considerable. Survivors frequently encounter structural barriers to justice, including stigmatisation, limited access to legal institutions, evidentiary difficulties and institutional reluctance to investigate crimes involving military actors. As a result, conflict-related sexual violence continues to be among the most underreported and under-prosecuted categories of international crime.[4]

Russia's full-scale invasion of Ukraine since 24 February 2022 has brought renewed attention to these challenges. Numerous reports by Ukrainian authorities, international organisations and civil society groups have documented incidents

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[1] *See* G. Gaggioli, *Sexual Violence in Armed Conflicts: A Violation of International Humanitarian Law and Human Rights Law*, 96(894) International Review of the Red Cross 503 (2014); M. Das, S. Singh, *Crimes of Sexual Violence within International Criminal Law: A Historical Outline*, 14(1) Journal of Politics and Law 1 (2021); K. McLoughlin et al. (eds.), *Feminist Judgments: Reimagining the International Criminal Court*, Cambridge University Press, Cambridge: 2025.

[2] ICTY, *Prosecutor v. Anto Furundžija*, IT-95-17/1-T, Trial Judgement, 10 December 1998; *Prosecutor v. Anto Furundžija*, IT-95-17/1-A, Appeal Judgement, 21 July 2000; *Prosecutor v. Dragoljub Kunarac, Radomir Kovač and Zoran Vuković*, IT-96-23-T & IT-96-23/1-T, Trial Judgement, 22 February 2001; *Prosecutor v. Dragoljub Kunarac, Radomir Kovač and Zoran Vuković*, IT-96-23 & IT-96-23/1-A, Appeal Judgement, 12 June 2002; ICTR, *The Prosecutor v. Jean-Paul Akayesu*, ICTR-96-4-T, Trial Judgement, 2 September 1998; *The Prosecutor v. Jean-Paul Akayesu*, ICTR-96-4-A, Appeal Judgement, 1 June 2001.

[3] Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002), 2187 UNTS 3.

[4] United Nations Population Fund (UNFPA), *Sexual Violence in Conflict: Overlooked, Under-Reported and in Danger of Being "Normalized"* (2024), available at: https://www.unfpa.org/news/sexual-violence-conflict-overlooked-under-reported-and-danger-being-%E2%80%9Cnormalized%E2%80%9D; UN Women, *2025 UN Security Council Briefing on Sexual Violence in Conflict*, 19 August 2025, available at: https://knowledge.unwomen.org/en/digital-library/videos/2025/08/2025-un-security-council-briefing-on-sexual-violence-in-conflict (both accessed 31 March 2026).

of sexual violence committed against civilians and prisoners of war.[5] These crimes have occurred in detention facilities, during house searches, in occupied territories and in other situations characterised by profound power asymmetries and coercive environments.

At the same time, Ukraine has undertaken an extensive process of legal and institutional adaptation aimed at addressing conflict-related sexual violence (CRSV). Unlike many post-conflict contexts in which institutional responses emerge only after hostilities cease, Ukraine has attempted to develop preventive and accountability mechanisms while the conflict itself continues. These initiatives include legislative reforms, specialised prosecutorial structures, inter-agency coordination mechanisms and innovative programmes designed to provide immediate assistance and recognition to survivors.

This article examines how victim-centred approaches to conflict-related sexual violence have shaped Ukraine's evolving legal and institutional responses during the Russian Federation's armed aggression. It argues that the institutional architecture developed in response to CRSV – including specialised investigative mechanisms, inter-agency coordination frameworks, victim-support systems and interim reparations programmes – has become a catalyst for broader transformations within the Ukrainian justice system. To conceptualise this process, the article introduces the notion of a "membrane" – a specific intermediary layer through which impulses of transformation pass into and gradually influence the broader domestic criminal justice framework.

1. EMPIRICAL DOCUMENTATION AND INTERNATIONAL MONITORING OF CONFLICT-RELATED SEXUAL VIOLENCE IN UKRAINE

According to the Office of the Prosecutor General of Ukraine, as of 31 March 2026, 395 incidents of CRSV committed against the civilian population had been documented. Of these, 248 cases concerned women, 147 concerned men

[5] *See* Office of the Prosecutor General of Ukraine, *Сексуальне насильство, пов'язане з конфліктом* [Conflict-related sexual violence], available at: https://gp.gov.ua/ua/posts/seksualne-nasilstvo-povyazane-z-konfliktom-yak-rozpiznati-i-protidiyati; Human Rights Watch, *World Report 2025: Ukraine*, available at: https://www.hrw.org/world-report/2025/country-chapters/ukraine; Center for Civil Liberties, *Find a Balance Between Informing the Public and Respecting the Victims*, available at: https://ccl.org.ua/en/news/find-a-balance-between-informing-the-public-and-respecting-the-victims-natalia-yashchuk-and-anna-trushova-at-the-international-forum-on-sexual-violence/; Pilecki Institute, *"Like It or Not, Suffer, My Beauty": Unpunished Crimes. Sexual Violence against Women in Occupied Ukraine*, available at: https://instytutpileckiego.pl/en/instytut/aktualnosci/raport-podoba-ci-sie-nie-podoba-cierp-moja-piekna-nieukarane (all accessed 31 March 2026).

and 23 concerned children.[6] At the same time, these figures do not reflect the full scale of the crimes. Given the particularly latent nature of sexual violence – caused by distrust of justice institutions, fear of social stigmatisation and condemnation, the threat of renewed occupation and possible retaliation and limited or entirely absent access to temporarily occupied territories – the actual prevalence is clearly substantially higher.[7]

The systematic nature of these violations is further corroborated by contemporary United Nations monitoring mechanisms, including the annual report of the UN Secretary-General on conflict-related sexual violence – which functions as a system-wide coordination and reporting instrument – and the documentation produced by the Office of the United Nations High Commissioner for Human Rights. These mechanisms are of particular evidentiary significance due to their institutional independence, global monitoring mandate and reliance on continuously updated field-based documentation.

The UN Report of the Secretary-General on conflict-related sexual violence (S/2025/389 of 15 July 2025)[8] states that the human rights monitoring mission in Ukraine documented 209 cases of CRSV in 2024.[9] These included rape, attempted rape, threats of rape and castration, genital mutilation, the application of electric current to the genitals, beatings of the genitals and forced nudity. The victims included 156 men, 46 women, 6 girls and 1 boy. The report indicates that such acts were committed by members of the Russian armed forces, law-enforcement agencies and penitentiary personnel.[10] These crimes were documented both against Ukrainian civilians and against prisoners of war held in temporarily occupied territories of Ukraine or in the territory of the Russian Federation. It was established that Ukrainian prisoners of war were subjected to sexual violence at various stages of captivity, where such acts were used as instruments of humiliation, psychological pressure and the extraction of confessions or information. Civilians in detention

[6] Office of the Prosecutor General of Ukraine, *Conflict-Related Sexual Violence*, available at: https://www.gp.gov.ua/ua/posts/rezultati-diyalnosti (accessed 31 March 2026).

[7] M. Bastick, M. Ghittoni, *Security Sector Reform and Conflict-Related Sexual Violence: Understanding the Impacts of Peacetime GBV Capacity-Building*, pp. 29–40, available at: https://reliefweb.int/report/mali/security-sector-reform-and-conflict-related-sexual-violence-understanding-impacts-peacetime-gbv-capacity-building (accessed 31 March 2026); Y. Bielousov, I. Didenko, *Evolving Dynamics in the Investigations of Conflict-Related Sexual Violence Prompt Changes in the Office of the Prosecutor General*, in: K. Levchenko, S. Hubin, O. Hubina (eds.), *Ukraine Is Not Silent: Chronicles of Fighting Against War-Related Sexual Violence (2022–2024)*, Folio, Kharkiv: 2025, pp. 112–132.

[8] United Nations, *Report of the Secretary-General on Conflict-Related Sexual Violence*, 15 July 2025, UN Doc. S/2025/389, pp. 22–23, available at: https://undocs.org/S/2025/389 (accessed 31 March 2026).

[9] *Ibidem*.

[10] *Ibidem*.

were subjected to sexual violence during arrest, hospitalisation and subsequent stages of detention.[11]

Of particular concern are documented incidents of sexual violence committed against civilians outside places of detention in temporarily occupied territories. These facts indicate the involvement of representatives of the Russian Federation's occupation administration. Reports referred, inter alia, to violent intrusions into private homes, unlawful occupation of homes over prolonged periods, the forced, guarded confinement of men and the simultaneous rape of women in their presence. In some cases, the husbands of rape victims were killed. In 2024, the Independent International Commission of Inquiry on Ukraine found that representatives of the occupation authorities of the Russian Federation committed rape and other forms of sexual violence against women and girls aged 15 to 83 during house searches and while victims were held in detention.[12]

The human rights monitoring mission continues to record numerous reports of systematic torture and ill-treatment of Ukrainian prisoners of war, including widespread sexual violence. Similar practices were also applied to civilians in detention. Since 2022, cases of CRSV have been documented as having been committed by representatives of the Russian authorities, including the Federal Penitentiary Service, the Russian armed forces and the Federal Security Service. Such crimes were documented against Ukrainian prisoners of war in 50 official and 22 unofficial places of detention, and against civilians held in 32 official and 40 unofficial places of deprivation of liberty in the temporarily occupied territories of Ukraine and in the Russian Federation. Monitoring is significantly impeded by systematic restrictions on access to detention facilities for international observers, including representatives of the United Nations.[13]

The Report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the human rights situation in Ukraine for the period from 1 June to 30 November 2025[14] states that between late May and August 2025, Ukraine and the Russian Federation conducted the largest exchanges of prisoners of war and civilian detainees since 2022, resulting in the release of more than 3,000 persons on both sides. The released Ukrainian prisoners of war reported that throughout 2025 torture, ill-treatment – including sexual violence – and deaths in custody continued to occur, including in places of detention on the territory of

[11] *Ibidem*.

[12] *Ibidem*.

[13] *Ibidem*.

[14] OHCHR, *Report on the Human Rights Situation in Ukraine, 1 June–30 November 2025*, available at: https://ukraine.ohchr.org/en/Report-on-the-Human-Rights-Situation-in-Ukraine-1-June-30-November-2025 (accessed 31 March 2026).

the Russian Federation, despite the temporary reductions in violence immediately prior to the exchanges. Overall, since 24 February 2022, the Office of the High Commissioner has documented 664 cases of CRSV committed by Russian officials against 523 men, 124 women, 15 girls and 2 boys. Among the victims were 449 Ukrainian prisoners of war (422 men and 27 women), 135 civilians in detention (94 men, 40 women and 1 boy) and 84 civilians in residential areas (8 men, 60 women, 15 girls and 1 boy).[15] At the same time, 79 cases of conflict-related sexual violence committed by Ukrainian officials against 67 men and 12 women were also documented, including against 48 Russian prisoners of war and prisoners of war from third countries, as well as 31 persons detained in connection with the conflict.[16] These figures underscore both the large scale and systematic nature of CRSV in the context of the war and the need for impartial documentation and accountability.

2. INSTITUTIONAL ARCHITECTURE FOR ADDRESSING CONFLICT-RELATED SEXUAL VIOLENCE

The Ukrainian model for addressing CRSV did not emerge solely as a reaction to Russia's full-scale invasion in 2022. Its conceptual foundations began to develop early in the conflict that followed Russia's aggression against Ukraine in 2014. Even before 2022, in response to that aggression, Ukraine adopted strategic documents aimed at preventing gender-based violence and strengthening institutional responses to CRSV. A key step was the development of the Strategy for the Prevention of and Response to Conflict-related Sexual Violence in 2018 with the support of UN Women and the United Nations Human Rights Monitoring Mission.[17] The strategy included recommendations concerning criminal prosecution, professional training for investigators and prosecutors and inter-agency coordination mechanisms. Around 2019–2020, Ukraine introduced the positions of gender advisers in key ministries and regional administrations, a process that was also catalysed by the work of the Government Commissioner for Gender Equality Policy.[18] Further develop-

[15] *Ibidem*.

[16] *Ibidem*.

[17] *Стратегія запобігання та протидії сексуальному насильству, пов'язаному з конфліктом, в Україні* [Strategy for the Prevention and Response to Conflict-Related Sexual Violence in Ukraine], 2018, available at: https://ukraine.un.org/sites/default/files/2020-09/crsv%20strategy%20ua_0.pdf (accessed 31 March 2026).

[18] Resolution of the Cabinet of Ministers of Ukraine No. 390, *Про Урядового уповноваженого з питань гендерної політики* [On the Government Commissioner for Gender Policy], 7 June 2017, available at: https://zakon.rada.gov.ua/laws/show/390-2017-%D0%BF#Text (accessed 31 March 2026).

ment occurred through the National Human Rights Strategy,[19] adopted in 2021, and through the National Action Plan for the implementation of United Nations Security Council Resolution 1325 on Women, Peace and Security.[20] Ukraine became the first state in the world to adopt such a plan during an ongoing armed conflict (2016). The second National Action Plan, covering the period up to 2025, adopted in 2020 and updated in 2022,[21] focussed on providing training to the security and defence sector, prosecution authorities and the judiciary in order to respond to incidents of CRSV, as well as on ensuring access to justice and comprehensive support for survivors.

In the context of crimes committed during Russia's aggression against Ukraine, CRSV effectively became a starting point for the formation of a broader concept of transitional justice and is now used as a point of departure for further work by both civil society and the State on a comprehensive model of transitional justice. A significant factor in the reform process was the proactive position of survivors and of the human rights community. Their persistence demonstrated to State institutions and to society the central principle of transitional justice: "Nothing about us without us." The visibility and voices of survivors of CRSV played a key role in the development of the normative and institutional architecture for preventing and responding to such crimes.

A particularly important stage of institutional development occurred in 2022 with the establishment of a Framework of Cooperation between the Government of Ukraine and the United Nations on the Prevention of and Response to Conflict-related Sexual Violence.[22] Within this framework, an Interagency Working Group on Countering Sexual Violence Related to Russia's Armed Aggression

[19] *Національна стратегія у сфері прав людини* [National Human Rights Strategy], approved by Presidential Decree of Ukraine No. 119/2021, 24 March 2021, available at: https://www.president.gov.ua/documents/1192021-37537 (accessed 31 March 2026).

[20] Order of the Cabinet of Ministers of Ukraine No. 113-r, *Про затвердження Національного плану дій з виконання резолюції Ради Безпеки ООН 1325 "Жінки, мир, безпека" на період до 2020 року* [On Approval of the National Action Plan for the Implementation of United Nations Security Council Resolution 1325 "Women, Peace, Security" for the Period until 2020], 24 February 2016, available at: https://zakon.rada.gov.ua/laws/show/113-2016-%D1%80#Text (accessed 31 March 2026).

[21] *Національний план дій з виконання Резолюції Ради Безпеки ООН 1325 «Жінки, мир, безпека» на період до 2025 року* [National Action Plan for the Implementation of UN Security Council Resolution 1325 "Women, Peace and Security" until 2025], approved by Resolution of the Cabinet of Ministers of Ukraine No. 1544, 28 October 2020 (as amended in 2022), available at: https://zakon.rada.gov.ua/laws/show/1544-2020-%D1%80 (accessed 31 March 2026).

[22] *Framework of Cooperation between the Government of Ukraine and the United Nations on the Prevention and Response to Conflict-Related Sexual Violence*, 2022, available at: https://tinyurl.com/537uxzke (accessed 31 March 2026).

against Ukraine was created.[23] The Working Group includes representatives of public authorities, international organisations and civil society organisations representing survivors. Five specialised subgroups were established to address key policy areas: countering trafficking for the purpose of sexual exploitation in conflict; providing comprehensive assistance to survivors; ensuring access to justice and accountability; strengthening the capacity of the security and defence sector to prevent sexual violence; and addressing reparations and compensation mechanisms. In November 2025, an updated Implementation Plan for 2026–2027 was approved.[24]

The work of the Interagency Working Group became a catalyst for important legislative reforms aimed at strengthening the protection of victims of CRSV, ensuring access to support and reparations and aligning Ukrainian legislation with international criminal-law standards. In particular, Ukraine introduced, for the first time, a legal definition of sexual violence related to the armed aggression of the Russian Federation against Ukraine,[25] established mechanisms for interim reparations[26] and documentation of harm,[27] expanded access to specialised support services for survivors[28] and ratified the Rome Statute of the International Criminal

[23] *Підсумковий документ за результатами виконання Імплементаційного плану на виконання Рамкової програми співробітництва між Урядом України та ООН щодо запобігання та протидії сексуальному насильству, пов'язаному з конфліктом* [Final Document on the Implementation of the Implementation Plan for the Framework of Cooperation between the Government of Ukraine and the United Nations on the Prevention and Response to Conflict-Related Sexual Violence], available at: https://www.kmu.gov.ua/storage/app/sites/1/uploaded-files/UN-UKRAINE-ua-no-QR.pdf (accessed 31 March 2026).

[24] *План реалізації Рамкової програми співробітництва між Урядом України та Організацією Об'єднаних Націй щодо запобігання та протидії сексуальному насильству, пов'язаному з конфліктом на 2026–2027 роки* [Implementation Plan of the Framework of Cooperation between the Government of Ukraine and the United Nations on the Prevention and Response to Conflict-Related Sexual Violence for 2026–2027], available at: https://www.kmu.gov.ua/storage/app/sites/1/ind-57-gender-policy/plan-realizaciyi-ramkovoyi-programi-spivrobitnictva-2026-2027.pdf (accessed 31 March 2026).

[25] Law of Ukraine No. 4067-IX, *Про правовий і соціальний захист осіб, постраждалих від сексуального насильства, пов'язаного із збройною агресією Російської Федерації проти України, та надання їм невідкладних проміжних репарацій* [On Legal and Social Protection of Persons Affected by Sexual Violence Related to the Armed Aggression of the Russian Federation against Ukraine, and the Provision of Urgent Interim Reparations], 20 November 2024, available at: https://zakon.rada.gov.ua/laws/show/4067-20#Text (accessed 31 March 2026).

[26] *Ibidem*.

[27] Law of Ukraine No. 4071-IX, *Про облік осіб, життю та здоров'ю яких завдано шкоди внаслідок збройної агресії Російської Федерації проти України* [On the Register of Persons Whose Life and Health Were Harmed as a Result of the Armed Aggression of the Russian Federation against Ukraine], 20 November 2024, available at: https://zakon.rada.gov.ua/laws/show/4071-20#Text (accessed 31 March 2026).

[28] Law of Ukraine No. 4073-IX, *Про внесення змін до деяких законодавчих актів України щодо удосконалення механізму запобігання та протидії домашньому насильству та насильству за ознакою статі* [On Amendments to Certain Legislative Acts of Ukraine on Improving the Mechanism for Preventing and Combating Domestic Violence and Gender-Based Violence], 20 November 2024, available at: https://zakon.rada.gov.ua/laws/show/4073-20#Text (accessed 31 March 2026).

Court[29] together with corresponding amendments to domestic criminal legislation.[30] The reforms also contributed to the recognition of rape and other forms of sexual violence as constitutive acts of genocide and crimes against humanity under Ukrainian criminal law, while further advancing the incorporation of international accountability standards – including command responsibility – into the national legal framework.[31]

An innovative element of Ukraine's institutional response has been the implementation of a pilot project providing urgent interim reparations to survivors of conflict-related sexual violence in cooperation with the Global Survivors Fund.[32] Within this project, 1,208 applications were submitted, including 819 applications from men, 362 from women and 27 concerning children. As of 17 November 2025, reparations had been approved for 978 individuals, including 655 men, 302 women and 21 children, and payments had been disbursed to 654 survivors.[33] A defining feature of this model is that reparations are granted independently of the completion of criminal proceedings. They function as immediate recognition of harm and provide support to survivors based on a presumption of trust in their testimonies rather than awaiting final judicial verdicts. The pilot project formed the basis for adopting a law on the legal status of survivors and urgent interim reparations, and Ukraine is currently developing the necessary secondary legislation for its implementation. It is also relevant that, within the EU-approved EUR 90 billion "Ukraine

[29] Law of Ukraine No. 3909-IX, *Про ратифікацію Римського статуту Міжнародного кримінального суду та поправок до нього* [On the Ratification of the Rome Statute of the International Criminal Court and the Amendments thereto], 21 August 2024, available at: https://zakon.rada.gov.ua/go/3909-20 (accessed 31 March 2026).

[30] Law of Ukraine No. 4012-IX, *Про внесення змін до Кримінального та Кримінального процесуального кодексів України у зв'язку з ратифікацією Римського статуту Міжнародного кримінального суду та поправок до нього* [On Amendments to the Criminal Code and the Criminal Procedure Code of Ukraine in Connection with the Ratification of the Rome Statute of the International Criminal Court and the Amendments thereto], 9 October 2024, available at: https://zakon.rada.gov.ua/go/4012-20 (accessed 31 March 2026).

[31] *Ibidem*.

[32] Global Survivors Fund, *Ukraine's Urgent Interim Reparations: Historic Milestone Must Become Reality for All Survivors of Conflict-Related Sexual Violence*, available at: https://tinyurl.com/mt34veef (accessed 31 March 2026).

[33] *Рамкова програма співробітництва між Урядом України та ООН щодо запобігання та протидії сексуальному насильству, пов'язаному з конфліктом: досягнення та подальші кроки (12 засідання Комісії з питань координації взаємодії органів виконавчої влади щодо забезпечення рівних прав та можливостей жінок і чоловіків)* [Framework of Cooperation between the Government of Ukraine and the United Nations on the Prevention and Response to Conflict-Related Sexual Violence: Achievements and Next Steps (12th Meeting of the Commission on Coordination of Interaction of Executive Authorities on Ensuring Equal Rights and Opportunities for Women and Men)], presentation, available at: https://www.kmu.gov.ua/storage/app/sites/1/ind-57-gender-policy/fin-prezentaciia-onovlenogo-ip-2.pdf (accessed 31 March 2026).

Support Loan 2026",[34] EUR 30 billion in macro-financial assistance is intended as budgetary support that may enable Ukraine to finance urgent needs, including compensation mechanisms.

The institutional reforms also included the creation of a specialised prosecutorial department within the Office of the Prosecutor General for procedural guidance of investigations and prosecution in cases of sexual violence related to conflict,[35] the deployment of mobile investigative groups in liberated territories[36] and the establishment of the Coordination Centre for Victims and Witness Support with regional branches.[37] A specialised prosecutorial unit later underwent structural reorganisation and was integrated with other units. Obviously, the preserving of the institutional expertise developed since 2022 remains crucially important.

In 2023, the Strategic Plan for the Implementation of the Prosecution Service's Mandate in the Sphere of International Crimes[38] was adopted, including measures to protect vulnerable groups affected by CRSV. Within the practice of the Office of the Prosecutor General, a survivor-centred and trauma-informed approach is increasingly applied. This approach prioritises the safety, health and dignity of survivors, adapts investigative procedures to their needs, guarantees inclusiveness and non-discrimination, enables them to retain control over sensitive personal data and seeks to prevent stigmatisation and secondary victimisation.

The experience developed in Ukraine in countering CRSV is significant not only for addressing crimes committed in the context of the Russian Federation's armed aggression, but also for the broader transformation of national approaches

[34] European Parliament, *Parliament Approves €90 Billion Ukraine Support Loan Package*, Press Release, 11 February 2026, available at: https://www.europarl.europa.eu/news/en/press-room/20260206IPR33903/parliament-approves-EU90-billion-ukraine-support-loan-package (accessed 31 March 2026).

[35] Ukrainian Women's Fund, *Специфіка розслідування випадків сексуального насильства, пов' язаного з війною, змушує Генпрокуратуру трансформуватися* [The Specificity of Investigating Cases of Conflict-Related Sexual Violence Forces the Prosecutor General's Office to Transform], 25 September 2023, available at: https://uwf.org.ua/speczyfika-rozsliduvannya-vypadkiv-seksualnogo-nasylstva-povyazanogo-z-vijnoyu-zmushuye-genprokuraturu-transformuvatysya/ (accessed 31 March 2026).

[36] K. Levchenko, S. Hubin, O. Hubina (eds.), *Україна не мовчить: хроніка протидії сексуальному насильству, пов'язаному з війною (2022–2024)* [Ukraine Is Not Silent: Chronicle of Countering Conflict-Related Sexual Violence (2022–2024)], Folio, Kharkiv: 2024, p. 179, available at: https://tinyurl.com/y2nzyj2j (accessed 31 March 2026).

[37] *Підсумки роботи Координаційного центру підтримки потерпілих і свідків за 2024 рік* [Results of the Coordination Centre for Victims and Witnesses Support for 2024], 18 January 2025, available at: https://gp.gov.ua/ua/posts/pidsumki-roboti-koordinaciinogo-centru-pidtrimki-poterpilix-i-svidkiv-za-2024-rik (accessed 31 March 2026).

[38] *Стратегічний план щодо реалізації повноважень органів прокуратури у сфері кримінального переслідування за вчинення міжнародних злочинів на 2023–2025 роки* [Strategic Plan for the Implementation of the Powers of the Prosecutor's Office in the Field of Criminal Prosecution for International Crimes for 2023–2025], 15 September 2023, available at: https://tinyurl.com/yeznpkue (accessed 31 March 2026).

to combating sexual and gender-based violence. Statistical data concerning criminal offences against sexual freedom and sexual integrity under Section IV of the Special Part of the Criminal Code of Ukraine reveal important dynamics. In 2022, 615 offences were recorded, 484 notices of suspicion were issued and 374 cases were referred to court.[39] In 2023, 921 offences were recorded, 797 notices of suspicion were issued and 649 cases were referred to court.[40] In 2024, 846 offences were recorded, 725 notices of suspicion were issued and 570 cases were referred to court.[41] In 2025, 1,053 offences were recorded, 877 notices of suspicion were issued and 663 cases were referred to court.[42] The attrition rate within the criminal justice system therefore increased from 27.4% in 2022 to 37.04% in 2025.

These figures suggest two parallel tendencies. On the one hand, war acts as a structural amplifier of gender inequality and as a catalyst for normalising violence. On the other hand, Ukraine also shows a positive trend: increased visibility and reporting of sexual violence. The ratification of the Istanbul Convention, which entered into force for Ukraine on 1 November 2022,[43] strengthened the normative framework and legitimised greater institutional attention to the issue. Preparatory legislative reforms had already been adopted in 2017 to facilitate the Convention's implementation.[44] Its ratification during Russia's full-scale invasion reflects a new strategy for addressing contemporary challenges, where the traditional evolutionary development of law is increasingly complemented by proactive and nonlinear

[39] Office of the Prosecutor General of Ukraine, *Про зареєстровані кримінальні правопорушення та результати їх досудового розслідування* [On registered criminal offences and the results of their pre-trial investigation], available at: https://gp.gov.ua/ua/posts/pro-zareyestrovani-kriminalni-pravoporushennya-ta-rezultati-yih-dosudovogo-rozsliduvannya-2 (accessed 31 March 2026).

[40] *Ibidem*.

[41] *Ibidem*.

[42] *Ibidem*.

[43] Law of Ukraine No. 2319-IX, *Про ратифікацію Конвенції Ради Європи про запобігання насильству стосовно жінок і домашньому насильству та боротьбу з цими явищами* [On ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence], 20 June 2022, available at: https://zakon.rada.gov.ua/go/2319-20 (accessed 31 March 2026).

[44] Law of Ukraine No. 2229-VIII, *Про запобігання та протидію домашньому насильству* [On Prevention and Counteraction to Domestic Violence], 7 December 2017, available at: https://zakon.rada.gov.ua/go/2229-19; Law of Ukraine No. 2866-IV, *Про забезпечення рівних прав та можливостей жінок і чоловіків* [On Ensuring Equal Rights and Opportunities for Women and Men], 8 September 2005 (as amended 7 December 2017), available at: https://zakon.rada.gov.ua/go/2866-15; Law of Ukraine No. 2227-VIII, *Про внесення змін до Кримінального та Кримінального процесуального кодексів України з метою реалізації положень Конвенції Ради Європи про запобігання насильству стосовно жінок і домашньому насильству та боротьбу з цими явищами* [On Amendments to the Criminal Code and Criminal Procedure Code of Ukraine to Implement the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence], 6 December 2017, available at: https://zakon.rada.gov.ua/go/2227-19 (all accessed 31 March 2026).

normative transformations characteristic of a hypermodern paradigm[45] that relies not only on past experience, but also on forecasting and risk assessment.

3. THE "MEMBRANE" CONCEPT: CONFLICT-RELATED SEXUAL VIOLENCE AS A DRIVER OF LEGAL TRANSFORMATION

In effect, the issue of conflict-related sexual violence has become one of the key drivers of the evolution of Ukraine's human rights protection system. It has contributed to the reconsideration of traditional approaches to criminal justice, the development of institutional infrastructure for combating such violence, the establishment of training systems for prosecutors, judges and legal aid professionals, the introduction of victim-centred procedures, the development of trauma-informed investigative and adjudicative practices and the formation of a more inclusive and gender-sensitive legal policy. In this sense, efforts to counter CRSV can be conceptualised as a kind of "membrane" – a semi-permeable normative and institutional layer through which the impulses generated in response to CRSV diffuse into the broader domains of criminal justice, legal and social policy and human rights protection.

Such a membrane functions first and foremost as a selector of standards. The development of mechanisms for addressing CRSV effectively "pushes" the system to establish a higher threshold of due process guarantees: victim-centeredness, trauma-informed approaches and specialised evidentiary practices. Through this membrane, flexible approaches to the evaluation of testimony enter the broader criminal justice system, including the strengthened role of expert assessments of trauma, rules designed to minimise secondary victimisation and formats enabling victims to participate remotely in criminal proceedings. Once institutionalised in the context of CRSV, these standards become compatible – and therefore "permeable" – for related categories of offences, including ordinary criminal sexual offences and other forms of gender-based violence.

This membrane also operates as an instrument for correcting asymmetries of power. A gendered understanding of CRSV highlights structural social inequalities and exposes fundamental imbalances of power, thereby orientating the legal system towards considerations of substantive equality and justice rather than merely procedural formalism. In this context the pro persona principle naturally emerges: where gaps or conflicts in legal regulation exist, the interpretation and design of procedures should favour the option that maximises the protection of victims' dignity, safety and access to justice. The membrane thus functions as an

[45] M. Saliternik, S. Shlomo Agon, *International Law and Time Between Three Paradigms*, 39(2) Leiden Journal of International Law 355 (2026).

"institutional pump": CRSV mobilises resources and expertise, enabling a shift from fragmented responses towards stable institutional mechanisms such as coordination centres, an inter-agency cooperation framework, service networks and reparations mechanisms. These resources can later be scaled across the broader field of combating gender-based violence, as channels for circulating standards have already been established.

The membrane also constitutes a channel of convergence, facilitating interaction and gradual harmonisation of international and national legal approaches and standards. The regulatory and institutional responses developed in the field of CRSV place domestic legal systems in direct dialogue with international criminal law, international human rights law and international humanitarian law. In practice, the investigation and prosecution of CRSV inevitably require that international legal concepts such as the contextual understanding of coercion, the recognition of structural power asymmetries, survivor-centred evidentiary standards and the prohibition of discriminatory stereotypes be incorporated into domestic law. As these standards are internalised through legislation, prosecutorial guidelines, judicial training and institutional practice, they become embedded within the broader architecture of the national legal system. The membrane therefore enables the diffusion of international norms not through abrupt transplantation, but through gradual institutional adaptation driven by the practical demands of investigating and adjudicating CRSV. At the same time, convergence operates in the opposite direction. Experiences of national jurisdictions confronting CRSV – particularly during ongoing conflict – generate innovative procedural solutions and institutional models that can later inform international standards. In Ukraine, interdisciplinary mobile documentation teams, interim reparations schemes operating independently of criminal proceedings and specialised coordination structures illustrate legal experimentation under conditions of intense institutional pressure. Such innovations demonstrate how national responses can contribute to the evolution of international best practices, particularly in fields such as transitional justice, victim participation and reparations policy. In this sense, the membrane does not merely transmit norms from the international to the domestic level; it also enables upward feedback, allowing national practice to shape global understandings of effective responses to sexual and gender-based violence.

Consequently, the membrane functions as a dynamic interface between legal orders rather than a one-directional channel for diffusing norms. By mediating between international legal standards and domestic institutional realities, it supports a process of normative co-evolution, in which both levels progressively adjust to one another. Legal responses developed in the context of CRSV therefore contribute to a broader convergence of legal cultures – strengthening the alignment of domestic

criminal justice systems with international human rights principles while simultaneously enriching international legal frameworks through empirically grounded institutional practice.

The practical operation of this membrane is reflected in legislative and institutional reforms adopted in Ukraine, particularly within criminal procedure and prosecutorial practice. In 2022, a specialised department for investigating CRSV-related war crimes was established,[46] providing meaningful practical implementation of confidentiality standards that had long existed in criminal procedural legislation but had rarely been applied consistently.[47] Prosecutors and investigators now not only protect personal data, but also advise survivors on additional security measures, including the use of altered identity data during criminal proceedings to reduce the risks of stigmatisation, retaliation and secondary victimisation. These developments demonstrate how standards initially developed in the CRSV context increasingly shape broader understandings of procedural fairness, victim participation and trauma-informed justice.

The same dynamic is evident in procedural adaptations addressing challenges arising in the prosecution of international crimes. While Ukrainian criminal procedure remains grounded in fair trial guarantees and due process rights, including for members of the Russian armed forces accused of international crimes, the absence of legal cooperation with the Russian Federation requires extensive reliance on *in absentia* proceedings. Existing legislation mandates the publication of notices of suspicion, which may contain victims' personal data, creating significant risks for CRSV survivors. This has prompted prosecutorial practices aimed at safeguarding victims' identities in criminal proceedings in order to preserve their privacy and security, while also demonstrating the need to codify confidentiality safeguards in the Criminal Procedure Code of Ukraine. Draft Law No. 9351[48] therefore proposes stronger confidentiality guarantees, including holding closed hearings in CRSV

[46] Bielousov & Didenko, *supra* note 7.

[47] *Забезпечення безпеки потерпілих і свідків при розслідуванні СНПК.* [Ensuring the safety of victims and witnesses in the investigation of conflict-related sexual violence], JustTalk, 6 September 2023, available at: https://justtalk.com.ua/post/zabezpechennya-bezpeki-poterpilih-i-svidkiv-pri-rozsliduvanni-snpk-discussion-paper (accessed 31 March 2026).

[48] Draft Law of Ukraine No. 9351, *Про внесення змін до Кримінального процесуального кодексу України щодо удосконалення порядку здійснення досудового розслідування та судового розгляду у кримінальних провадженнях щодо злочинів, які пов'язані із сексуальним насильством, яке вчинене в умовах збройного конфлікту* [On amendments to the Criminal Procedure Code of Ukraine regarding the improvement of pre-trial investigation and trial procedures in criminal proceedings concerning crimes related to sexual violence committed in conditions of armed conflict], 5 June 2023, available at: https://itd.rada.gov.ua/billinfo/Bills/Card/41960 (accessed 31 March 2026).

cases investigated under Art. 438 CCU "War Crimes"[49] as public prosecution cases, where such procedural mechanisms have remained limited, and concealing victims' identifying data, since disclosure may create risks of stigmatisation or re-traumatisation. These measures ensure that survivors unwilling or psychologically unable to testify publicly can nevertheless access justice without compromising their safety or dignity.

Alongside procedural reforms, significant progress has been made in establishing standards of cooperation with expert and international communities. With the support of the Office of the UN Special Representative of the Secretary-General on Sexual Violence in Conflict, Ukrainian authorities have developed specialised Investigative Guidelines[50] addressing specific forms of sexual violence. Interdisciplinary training programmes and coordination sessions involving prosecutors, legal aid providers, police officers, psychologists and other professionals harmonised investigative and prosecutorial practices nationwide,[51] progressively embedding international standards of victim-centred investigations, trauma-informed interviewing and evidentiary approaches within domestic institutional practice.

The membrane effect is equally reflected in broader systems of victim recognition, reparations and social protection. Law No. 4067-IX[52] introduced, for the first time in Ukrainian legislation, a legal definition of sexual violence related to the armed aggression of the Russian Federation against Ukraine and established categories of affected persons. Moving beyond a purely punitive model, the law created a legal basis for urgent interim reparations independent of criminal conviction. Survivors are entitled to immediate assistance, information on their rights and available remedies and free rehabilitation services tailored to their individual needs, including comprehensive medical, psychosocial and social support. This represents a substantial shift from a prosecution-orientated framework towards a victim-centred and restorative model of justice, although the full implementation of these guarantees remains ongoing.

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[49] Criminal Code of Ukraine [*Кримінальний кодекс України*], Law of Ukraine No. 2341-III of 5 April 2001, available at: https://zakon.rada.gov.ua/laws/show/2341-14#Text (accessed 31 March 2026).

[50] Office of the Prosecutor General of Ukraine, *Пам'ятки з розслідування СНПК* [Guidelines on the investigation of conflict-related sexual violence], available at: https://www.gp.gov.ua/ua/posts/pam-yatki-z-rozsliduvannya-snpk (accessed 31 March 2026).

[51] International Alliance on Preventing Sexual Violence in Conflict, *Підхід, орієнтований на постраждалих: Кращі практики членів міжнародного альянсу по запобіганню сексуальному насильству, пов'язаному з конфліктом* [Survivor-centred approach: Best practices of members of the International Alliance on Preventing Conflict-Related Sexual Violence], 2026, p. 25, available at: https://mvs.gov.ua/upload/2/2/7/8/7/6/pidxid-orijentovanii-na-postrazdalix.pdf (accessed 31 March 2026).

[52] Law No. 4067-IX, *supra* note 25.

The institutional dimension of this transformation has been reinforced through the development of new support and coordination infrastructures. In 2023, the Coordination Centre for Victim and Witness Support was established under the Office of the Prosecutor General, providing psychological and legal assistance to victims and witnesses of war crimes and other international crimes, facilitating interaction with investigators, prosecutors and courts and promoting victim-sensitive practices. In 2024, the Centre expanded through nine regional branches, further institutionalising victim support mechanisms.[53] At the same time, Law No. 4071-IX[54] established the State System for Recording Information on Damage Caused to Personal Non-property Rights as a Result of the Armed Aggression of the Russian Federation, including CRSV-related harm, while Law No. 4073-IX[55] formally recognised CRSV survivors as beneficiaries entitled to specialised support services. The "Platform for Assistance to Survivors", developed in partnership with civil society organisations, UNFPA and other international actors, further extends access to information on assistance programmes and support services – particularly for individuals unable to obtain in-person assistance – and has reportedly reached approximately 300,000 users.[56]

A comparable transformative dynamic is also observable in the convergence of domestic and international criminal law. Law No. 3909-IX[57] ratified the Rome Statute of the International Criminal Court and its amendments, strengthening Ukraine's integration into the international accountability framework for genocide, crimes against humanity, war crimes and the crime of aggression. Complementing this process, Law No. 4012-IX[58] substantially amended Ukrainian criminal legislation by expressly recognising rape and other forms of sexual violence as forms of serious harm in the context of genocide and incorporating rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation and other forms of sexual violence into the newly introduced provisions on crimes against humanity. The amendments also introduced command responsibility, further aligning domestic law with international criminal-law standards. Although Art. 438 CCU ("War Crimes") has not undergone comparable revision, largely to preserve legislative continuity, Ukrainian prosecutorial and judicial practice consistently qualifies CRSV under this provision as a war crime involving violations of the laws and customs

[53] *Results of the Coordination Centre for Victims and Witnesses Support for 2024*, *supra* note 37.
[54] Law No. 4071-IX, *supra* note 27.
[55] Law No. 4073-IX, *supra* note 28.
[56] International Alliance on Preventing Sexual Violence in Conflict, *supra* note 51, p. 27.
[57] Law No. 3909-IX, *supra* note 29.
[58] Law No. 4012-IX, *supra* note 30.

of war.[59] Further specification of CRSV-related offences and closer harmonisation with the Rome Statute therefore remain important directions for future reform.[60]

CONCLUSION

The evolution of Ukraine's response to conflict-related sexual violence demonstrates how a legal system operating under conditions of armed aggression may simultaneously pursue accountability and institutional transformation. The gradual introduction of mechanisms for inter-agency coordination, interim reparations and victim-centred and trauma-informed approaches signals an effort to move beyond a purely punitive paradigm towards a more comprehensive model of transitional justice. Although these measures remain embedded within the extraordinary context of Russia's armed aggression, they nonetheless reflect a broader normative shift within the national legal framework, bringing domestic criminal-justice responses into closer alignment with contemporary international standards for the protection of victims of sexual and gender-based violence.

Viewed through this lens, initiatives addressing conflict-related sexual violence may perform a function that extends far beyond the immediate demands of wartime accountability. As argued in this article, the institutional approaches developed in response to such violence may operate as a "membrane", diffusing into the broader sphere of combating gender-based violence and advancing the transformation of the criminal justice system. Consequently, the long-term significance of Ukraine's response lies not only in its capacity to address crimes committed during the conflict, but also in its potential to catalyse enduring transformations within the architecture of criminal justice.

[59] Supreme Court of Ukraine, *Пам'ятка щодо кваліфікації випадків сексуального насильства, пов'язаного з конфліктом (СНПК)* [Guidelines on the qualification of cases of conflict-related sexual violence (CRSV)], available at: https://tinyurl.com/yjp2des9 (accessed 31 March 2026).

[60] Interfax-Ukraine, *Закон щодо імплементації норм міжнародного права стане потужним інструментом протидії воєнним злочинам – керівник "департаменту війни"* [The law on the implementation of international law norms will become a powerful tool for countering war crimes, says the Head of the "War Department"], available at: https://interfax.com.ua/news/political/1165895-amp.html (accessed 31 March 2026).

POLISH PRACTICE