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Combating Child Sexual Violence And Exploitation: Psycho-Legal Experience Of Ukraine And The World

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Hanna Spitsyna

Combating Child Sexual Violence And Exploitation: Psycho-Legal Experience Of Ukraine And The World



Serhii Lukashevych

Introduction. Currently, Ukraine is experiencing worsening of the crime situation, with an increase in the number of serious and increasingly serious crimes, including crimes against a person's life and health. Notably, crimes against sexual freedom and sexual inviolability, especially those involving juveniles, hold a distinct place in this regrettable list. Analysing the sad criminal statistics, it can be observed that these crimes too have a tendency to increase.

Such crimes are characterized by exceptional amorality and cynicism amorality and cynicism in the actions of the perpetrators towards their victims. Typically, these crimes inflict deep moral and psychological traumas on the victims, causing serious harm to their physical and mental health.

Summarizing researchers' approaches to studying the origins of violence, particularly sexual violence against children, the following groups of reasons may be distinguished:

- sociocultural factors: risks for children from families with low income, educational and cultural background, who live in difficult living conditions, are part of communities or religious associations where violence is tolerated or the value of the child is disregarded, where individuals, communities and larger social and cultural associations are hushed up, and where topics related to sexual relationships, upbringing, issues involving sexual identity and sexual satisfaction are taboo;

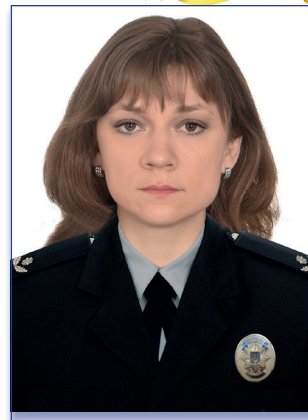
- family factors: summarize observations regarding correlation between dysfunctionality, conflictuality in family relationships, instability in relationships among adult family members, changes in family structure, and an increased risk for the child as a potential victim of sexual violence;
- individual factors related to parents: indicate a higher risk of children experiencing sexual violence when their parents or caregivers employ a parenting style characterized by dominance over the child, excessive demands, neglect of the child's needs, children whose parents have emotional and behavioural disorders, exhibit explosive (i.e., irritable-aggressive) personality traits, or are addicted to psychoactive substances;
- individual factors concerning children indicate that there are much greater risks for premature babies, unwanted children, those born after their parents have previously lost a child, children in large families, those with health disorders, behavioural disorders, or a low level of social skill proficiency;
- crisis factors: point to a higher risk for children to become victims of violence during periods of family troubles, economic and social upheaval, and wars. The impact of the Russian-Ukrainian war, particularly Russia's full-scale invasion of Ukraine, has had a substantial effect in two aspects. Firstly, it addresses one of the methods used in conducting warfare and suppressing civilian resistance, which includes sexual violence against children by Russian soldiers during the occupation. Secondly, it entails the growth in the level of aggression within a society undergoing prolonged and severe upheaval.

Understanding the patterns of human existence as social beings and studying the results of scientific research allows us to assume that these factors act in concert.

In a broad sense, sexual violence is understood as the use of a child by an adult or an older child to satisfy their own sexual needs, with or without the use of violence, relying on the child's trust or their own capabilities. In Germany, for example, research by foreign experts has shown that the victims of sexual violence can be very young children (under the age of 5) as well as older children. In 42% of cases, sexual encroachments begin from the age of 6-7, but can even occur against infants! The majority of child sexual violence and exploitation take place between the ages of 7 and 13 (75%) ¹.

Crimes involving child sexual violence and exploitation are particularly dangerous as they result in severe consequences and cause substantial harm to the life and health of a juvenile. Experts point out that individuals who have experienced childhood violence may sometimes subconsciously carry those "life experiences" into their adult lives. The most common statistically recorded consequences for such persons include alcoholism, drug addiction, domestic violence involving abusive behaviour towards family members, and in some cases, even suicide ². In other words, adapting these children to normal life becomes a very challenging, time-consuming, and not always successful task for a range of professionals, including lawyers, juvenile prevention workers, medical professionals, psychologists, psychiatrists, and others.

That's why comprehensive strategies to end violence against children should encompass all forms of violence, whether it is physical, emotional, sexual abuse, or neglect. However, there is a need for a specific, coordinated focus on the issue of child sexual violence and exploitation. In many parts of the world, sexual violence against children remains a taboo, hidden, and stigmatized topic. Child sexual violence and exploitation have unique driving forces, risks, and protective factors.



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Declaration of Competing Interest

The author declare that they have no conflict of interest.

¹ Keine Gewalt gegen Kinder. Bonn: Bundesministerium für Familie, Senioren, Frauen und Jugend, 1998. 24 p.

² Джу́жа А.О. Кримінально-правові та кримінологічні засади запобігання злочинам проти статевої недоторканності дитини : монографія. К., 2013. С. 5.

The research and policy on child maltreatment are primarily focused on caregivers and families, and although many cases of sexual violence may occur in homes, perpetrators and contexts of child sexual violence and exploitation are much more diverse. This becomes a focal point in the context of child sexual violence and exploitation on the Internet. While other strategies for preventing violence consider childhood sexual violence, there are significant gaps in knowledge and practices for protecting young children and boys, along with children who are intersex or identify as non-binary. Peers make up a significant portion of those responsible for acts of sexual violence against other children and adolescents, but interventions are primarily intended for adult offenders.

Strategies for preventing child sexual abuse and exploitation, as well as responding to them, should be based on the evidence of meeting the developmental and protective needs of children as both victims and offenders, recognizing that a child can both experience violence and harm others.

The international community is making significant efforts to combat child sexual violence and exploitation. For example, the International Agreement to End Violence against Children by 2030 has been adopted, and an interdepartmental package of seven evidence-based prevention strategies, known as INSPIRE³, is being developed. The process of creating the Global Partnership to End Violence Against Children is reaching its conclusion. To address the issue of the rapidly growing illicit use of information and communication technologies aimed at sexual exploitation of children, WePROTECT Global Alliance has been formed, and countries are following its National Response Model⁴. Efforts to combat violence against women and children are increasingly interconnected and mutually reinforcing, as indicated within the RESPECT3 framework. The Oak Foundation has recently funded considerable work on preventing child⁵ sexual violence, leading to the development of a crucial index for measuring the comprehensiveness of national responses⁶.

When it comes to combating child sexual violence and exploitation in Ukraine, this issue has become especially acute in the last two years as our country courageously resists armed aggression from the Russian Federation. According to the data from criminal proceedings, children have become the most vulnerable group of victims, also because they have been exposed to sexual violence by the aggressors. As reported by the Ministry of Justice of Ukraine, Russian military forces have committed hundreds of sexual violence cases in the occupied territories since the beginning of the war. As stated by the Prosecutor General of Ukraine, there are officially known cases of 175 such incidents. Among the victims are not only women but also men and children (40 cases involving men and 13



³ WHO (2016) INSPIRE : Seven strategies for ending violence against children, World Health Organisation : Geneva; WHO (2018) INSPIRE Handbook: action for implementing the seven strategies for ending violence against children, Geneva, World Health Organisation.

⁴ Discover UNICEF's work for every child, everywhere www.unicef.org Email: childprotection@unicef.org URI: www.unicef.org

⁵ Ligiero, D., Hart, C., Fulu, E., Thomas, A., & Radford, L. (2019) What works to prevent sexual violence against children: Evidence Review. Together for Girls. www.togetherforgirls.org/svsolutions

⁶ Economist (2018) Out of the shadows: Shining the light on the response to child sexual abuse and exploitation: A 40 country benchmarking index, Economist Intelligence Unit, London.



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ПРОТИДІЯ СЕКСУАЛЬНОМУ НАСИЛЬСТВУ ТА ЕКСПЛУАТАЦІЇ ДІТЕЙ: ПСИХО-ПРАВОВИЙ ДОСВІД УКРАЇНИ ТА СВІТУ

Анотація. У статті розглянуті питання українського та міжнародного досвіду протидії сексуальному насильству та експлуатації дітей. При цьому у роботі наголошено, що злочини, пов'язані із сексуальним насильством та експлуатацією дітей, можуть долати кордони, коли злочинець проживає в одній країні, а жертва – в іншій. У випадках сексуальної експлуатації дітей постачальник послуг часто є резидентом іншої держави. Відтак правові підходи до запобігання і протидії сексуальному насильству та експлуатації дітей за згоди мають бути скоординованими й узгодженими, аби не дати особам, що вчиняють злочини сексуального характеру проти дітей, спрямувати свої зусилля на ті країни, у яких діти більш вразливі, що добре відомо таким особам.

Автори зазначають, що припинення насильства щодо дітей потребує як первинної профілактики, так і ефективних заходів у відповідь. Первинна профілактика спрямована на усунення основних переконань, поглядів та поведінки, нерівності, ризиків та рушійних сил насильства на рівні окремої людини, сім'ї та відносин, спільноти, організації/установи та ширшому соціальному та політичному контексті.

Тому з метою протидії сексуальному насильству та експлуатації дітей необхідне розроблення та впровадження у життя української громади ефективних стратегій припинення насильства щодо дітей повинні включати всі форми насильства, будь то фізичне, емоційне, психологічне, сексуальне насильство чи зневагу.

Ключові слова: сексуальне насильство, експлуатація дітей, міжнародний досвід, протидія.

involving children aged 4 to 17: 12 girls and 1 boy). However, these are far from all the cases ⁷.

That's why addressing the issue of combating child sexual violence and exploitation in Ukraine and the world is highly relevant and requires further in-depth research.

Literature Review. Overall, many Ukrainian and foreign legal scholars, including O. M. Bandurka, O. I. Buhera, D. O. Hnylitska, O. V. Hubanov, A. O. Dzhuzha, S. S. Kostenko, L. V. Levytska, O. M. Lytvynov, A. S. Lukash, Yu. V. Orlov, M. O. Siemykin, O. S. Riabchuk, S. V. Chmut, N. Ye. Filipenko, O. V. Shved, O. B. Shyhonin, and others, address the issue of combating child sexual violence and exploitation in Ukraine and worldwide in their research papers. However, most researchers have developed one or several aspects of the raised issue without addressing the problem in a comprehensive and integrated manner.

Great theoretical and applied contributions to the prevention of child sexual violence and exploitation have been made by both foreign and domestic psychologists and sociologists, including Bessel van der Kolk, Judith Herman, Roland Summit, Patricia Riker, Elaine Carmen, O. V. Baulin, M. O. Zhuravlova, T. P. Kryvak, O. O. Sadchenko, A. V. Starushkevych, O. O. Slipets, O. V. Yudina, and others. However, many psychological and sociological issues remain understudied and require thorough theoretical and applied research.

Particularly underdeveloped are the issues related to combating child sexual abuse and exploitation during armed conflicts.

Aim. The aim of the article is to consider the current Ukrainian and foreign experience in combating child sexual violence and exploitation from the perspective of psychology and law.

Results and discussion. All manifestations of child sexual violence have a high level of latency. Very often, victims do not want publicity, fear, or feel ashamed of the events, and they do not turn to law enforcement agencies. It is widely recognized that official data on the number of registered crimes do not even approximately reflect the true picture of criminal encroachments on the sexual freedom or sexual inviolability of a child ⁸.

As stated in documents by the World Health Organization (WHO), violence against children includes all forms of violence against people under 18 years old perpetrated by parents or other caregivers, peers, romantic partners, or strangers ⁹.

A review of studies ¹⁰ has demonstrated that every eighth child in the world (12.7%) experiences sexual violence before reaching the age of 18.

⁷ Валерія Коломієць. Сексуальне насильство під час війни — це воєнний злочин, який не має строку давності. 16-05-202315. URI: <https://minjust.gov.ua/news/ministry/valeriya-kolomiets-seksualne-nasilstvo-pid-chas-viyni-tse-voennyi-zlochin-yakiy-ne-mae-stroku-davnosti>

⁸ Див. докладніше: Суп В. Злочини проти статевої свободи та статевої недоторканності неповнолітніх та малолітніх: окремі аспекти визначення правової природи та напрямків профілактики. Новітні кримінально-правові дослідження – 2021 : Альманах наукових праць / за ред. проф. Є. Л. Стрельцова, проф. О. В. Козаченка, PhD О. М. Мусиченко. Миколаїв : МІП НУ «ОЮА», 2021. С. 230-235. URI: <https://hdl.handle.net/11300/17612>; Джужа А.О. Кримінально-правові та кримінологічні засади запобігання злочинам проти статевої недоторканності дитини : монографія / НАВС. К., 2013. 193 с.; Костенко С.С. Віктимологічна профілактика статевого злочинів щодо неповнолітніх : автореф. дис. ... канд. юр. наук. Спеціальність 12.00.08 - кримінальне право та кримінологія, кримінально-виконавче право. 2004. 20 с. та ін.

⁹ Посібник INSPIRE. Дії для впровадження семи стратегій задля припинення насильства стосовно дітей. URI: <https://apps.who.int/iris/bitstream/handle/10665/272996/9789241514095-ukr.pdf>

¹⁰ Stoltenborgh, M. van Ijzendoorn, M. Euser, E. & Bakermans-Kranenburg, M. (11) A Global Perspective on Child Sexual Abuse: Meta-analysis of prevalence around the world, Child Maltreatment, 16:2, Pp. 79-101.

UNICEF estimates that approximately one in 20 girls aged 15-19 (about 13 million) have been coerced into sex in their lifetime ¹¹. Sexual violence against children has a gendered nature, with approximately 90% of the perpetrators being males. Girls tend to report significantly higher rates of victimization (2-3 times higher) compared to boys. It has been found that victimization among boys is higher in certain contexts and organizational settings ¹².

Globally, it is estimated that up to 1 billion children aged 2-17 years have experienced physical, sexual, or emotional violence or neglect ¹³. The majority of child violence cases involve, at least, one of the six main types of interpersonal violence that may occur at various stages of the child's development.

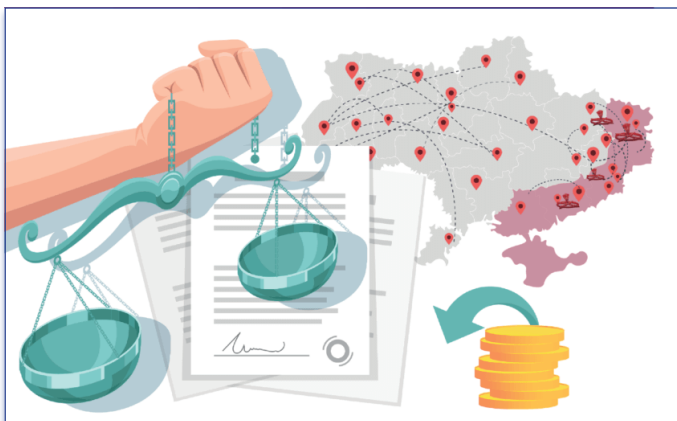
Maltreatment, including severe punishment, encompasses physical, sexual, and psychological/emotional violence, as well as neglect towards children of young age and other age groups and adolescents by parents, caregivers, and other authoritative people, primarily at home but also in such institutions as schools and orphanages.

Bullying, including cyberbullying, is unwanted aggressive behaviour by another child or a group of children who are not siblings or in romantic relationships with the victim. It involves repeatedly inflicting physical, psychological, or social harm and often occurs in schools and other child-related institutions, as well as through the Internet.

Violence among adolescents and youth is violence among individuals aged 10-29 which predominantly takes place in communities among acquaintances and strangers. It includes bullying and physical attacks with or without weapons (such as firearms and knives) and may involve violence perpetrated by criminal groups.

Intimate partner violence (IPV), or domestic violence, encompasses physical, sexual, and emotional violence by an intimate partner or ex-partner. While men can also be victims of partner violence, women disproportionately suffer from it. This type of violence typically occurs against girls and young women in child and early/forced marriages. Among teenagers in romantic relationships but not yet married, this violence is sometimes referred to as "dating violence".

More and more pieces of evidence indicate that there are connections between intimate partner violence and violence against children. These types of violence share similar risk factors, such as family stress related to poverty or unemployment, high levels of community violence, social isolation, mental health issues, and substance abuse ¹⁴. They also have similar negative medical and psychological effects for victims. Both are influenced by social and gender norms that justify violence and punitive forms of child discipline, reinforcing gender inequality ¹⁵.



¹¹ UNICEF (2020) A new era for girls: Taking stock of 25 years of progress, UNICEF/UNWomen/Plan International: New York.

¹² Discover UNICEF's work for every child, everywhere www.unicef.org Email: childprotection@unicef.org URI: www.unicef.org

¹³ Susan Hillis, PhD; James Mercy, PhD; Adaugo Amobi, MD; Howard Kress, PhD Global Prevalence of Past-year Violence Against Children: A Systematic Review and Minimum Estimates. *Pediatrics*. Volume 137, Issue 3. March 2016. URI: <https://publications.aap.org/pediatrics/article-abstract/137/3/e20154079/81439/Global-Prevalence-of-Past-year-Violence-Against?redirectedFrom=fulltext>

¹⁴ INSPIRE Посібник з показників та матриці результатів. Нью-Йорк: ЮНІСЕФ; 2018 рік.

¹⁵ Протокол міжгалузевго управління сексуального насильством та насильством Зімбабве. Хараре:



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**COMBATING CHILD
SEXUAL VIOLENCE AND
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LEGAL EXPERIENCE OF
UKRAINE AND THE WORLD**

IPV and violence against children often occur repeatedly within families, and this behaviour can be passed from generation to generation. If a child is a witness to IPV or a victim of maltreatment, this increases the risk that the individual may either become a perpetrator or a victim of violence in the future. Keeping in mind these connections allows for a collective approach to address these issues and implement more effective and efficient interventions¹⁶. Some programs that fight IPV such as SASA!, Soul City, IMAGE, and Stepping Stones are included in INSPIRE. Other programs supporting parents and caregivers also keep working to improve parental communication and relationships. Identifying cases of IPV and offering resources and referrals within healthcare can be part of support and response efforts.

Particular concern is raised by sexual violence and exploitation of children through online resources. Over the past two decades, there has been a rapid growth and spread of digital technologies worldwide, leading to the emergence of new forms of harm on the Internet and exacerbating offline child maltreatment, such as sexual violence against young children. Gaining the confidence of the child online for the purpose of sexual violence and exploitation, live streaming of sexual violence against children through the Internet, and dissemination of materials involving sexual violence against children have all significantly increased. The volume of materials on child sexual violence, available both in the clearnet and the dark web, has reached a new high point, totalling millions of images¹⁷.

A review of surveys conducted among men community regarding their use of online materials related to child sexual violence and their sexual behaviour towards children has demonstrated that in 1 in 10 to 1 in 5 studies conducted in Finland, Germany, and Sweden, adults engaged in sexualized online conversations with children last year. One out of twenty men admitted to engaging in inappropriate behaviour towards children under 12 years old on the Internet¹⁸.

Sexual violence includes non-consensual sexual contact or acts of a sexual nature carried out without physical contact (such as voyeurism or sexual harassment), or attempts to engage in such contacts and acts. It also includes acts involving sexual exploitation of persons who are incapable of giving consent or refusing, as well as exploitation that occurs online.

Emotional or psychological violence includes restricting a child's movements, humiliation, ridicule, threats and intimidation, discrimination, rejection, and other non-physical forms of hostile behaviour.

Any of these types of violence directed towards girls or boys based on their biological sex or gender identity can also be viewed as gender-based violence.

Child violence has long-lasting consequences for the health and well-being of children, families, communities, and countries. According to

Summary. The article examines issues related to Ukrainian and international experience in combating sexual violence and exploitation of children. At the same time, the book highlights that crimes related to sexual violence and child exploitation can cross borders when the perpetrator lives in one country and the victim in another. In cases of child sexual exploitation, the service provider is often a resident of another state. Therefore, legal approaches aimed at preventing and combating sexual violence and exploitation of children should be coordinated and coordinated as much as possible, in order to avoid that perpetrators of sexual crimes against children direct their efforts towards countries where children are more vulnerable, as such people know.

The authors note that ending violence against children requires both primary prevention and effective countermeasures. Primary prevention aims to address underlying beliefs, attitudes and behaviors, inequalities, risks and drivers of violence at the level of the individual, family and relationships, community, organization /institution and the broader social and political context.

Therefore, in order to combat sexual violence and exploitation of children, it is necessary to develop and implement in the life of the Ukrainian community effective strategies to end violence against children, which should include all forms of violence, whether physical, emotional, psychological, sexual violence or outrage.

Keywords: sexual violence, child exploitation, international experience, opposition.

Комітет Юридичних Послуг; 2012 рік. URL: http://www.togetherforgirls.org/wp-content/uploads/2017/10/Multi_Sectoral_Protocol_2012-Zimbabwe.pdf.

¹⁶ Marcy L, Messner L, Duffy M, Casto J. Зміцнення зв'язків між клінічними соціальними/ громадськими послугами для дітей та підлітків, що зазнали сексуального насильства: супровідний посібник. Арлінгтон, Вірджинія: Проект «Зміцнення високоефективних інтервенцій для пошкодження без СНІД». 2016 рік. URL: <https://aidsfree.usaid.gov/resources/prc-companion-guide>

¹⁷ Unicef.org. URL: <https://static1.squarespace.com/static/5630f48de4b00a75476ecf0a/t/5deecb0fc4c5ef23016423cf/1575930642519/FINAL+-+Global+Threat+Assessment.pdf>

¹⁸ Wager, N. Armitage, R. Christmann, R. Gallagher, B. et al (2018). Rapid evidence assessment: quantifying the extent of online-facilitated child sexual abuse: Report for the Independent Inquiry into Child Sexual Abuse, University of Huddersfield, Huddersfield. URL: <https://www.iicsa.org.uk/document/rapid-evidence-assessment-quantifying-extent-onlinefacilitated-child-sexual-abuse>

research findings, the multitude of consequences of violence for the child can be categorized into several primary ones¹⁹:

1. Leading to death. Homicides, often involving weapons such as knives and firearms, are one of the top three causes of death for adolescents, with boys making up more than 80% of victims and perpetrators.

2. Leading to severe injuries. Each homicide results in hundreds of victims among youth (mostly male) who suffer injuries as a result of fights and assaults.

3. Impacting brain and nervous system development. Violence experienced during childhood may lead to disruptions in brain development and have lifelong negative consequences for other parts of the nervous system, as well as the endocrine, circulatory, musculoskeletal, reproductive, respiratory, and immune systems. Consequently, violence against children can adversely affect cognitive development and impact performance and success in professional activities.

4. Resulting in negative stress responses and behaviours that pose health risks. Children who experience violence and the influence of other adverse factors are much more likely to smoke, abuse alcohol and drugs, engage in high-risk sexual behaviours. They also exhibit higher rates of anxiety disorders, depression, and other mental health issues, as well as suicide.

5. Leading to unplanned pregnancies, induced abortions, gynecological problems, and sexually transmitted infections, including HIV.

6. Contributing to the development of a wide range of non-communicable diseases later in life. The higher risk of developing cardiovascular diseases, cancer, diabetes, and other health disorders is significantly associated with negative stress responses and high-risk behaviours resulting from violence.

7. Harming personality development, which is due to the disruption or deformation of the fundamental conditions for development: a sense of trust, negative self-perception, distrust of one's own perception and judgments; violation in the formation of communicative competencies, socialization; experiencing intense psychological trauma and its consequences; regression of cognitive, emotional, and volitional development.

8. Influencing the opportunities and future generations. Children who experience violence and other adverse factors are more likely to drop out of school, struggle to find and keep jobs, and face an increased risk of becoming victims of interpersonal violence or self-harm or commit such violence later in life. This, in turn, can have a lasting impact on future generations.

That is why sexual violence and exploitation of children is a violation of human rights and a public health issue with severe consequences for global health and development²⁰.

Prior to addressing the issue of combating sexual violence and exploitation of children in Ukraine and developing a full-fledged strategy on these matters,

it is vital to address and analyse several pressing questions. In particular, what do we understand by sexual violence and exploitation of children, and what do we mean by the concept of *combating* these crimes?

¹⁹ Див. докладніше: Джудіт Герман. Психологічна травма та шлях до видужання: наслідки насильства – від знущань у сім'ї до політичного терору. Львів : Видавництво Старого Лева, 2019. 424 с.; Краснокутський М.І. Деякі аспекти щодо надання психологічної допомоги дітям, які пережили насильство. *Проблеми екстремальної та кризової психології*. 2015. Вип. 17.

²⁰ WHO (2017). Responding to children and adolescents who have been sexually abused : WHO clinical guidelines, World Health Organisation, Geneva.





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**BEKÄMPFUNG VON
SEXUELLER GEWALT UND
AUSBEUTUNG VON KINDERN:
PSYCHO-JURISTISCHE
ERFAHRUNGEN DER UKRAINE
UND DER WELT**

Zusammenfassung. Der Artikel behandelt die ukrainischen und internationalen Erfahrungen im Kampf gegen sexuelle Gewalt und Ausbeutung von Kindern. Dabei wird betont, dass Verbrechen, die mit sexueller Gewalt und Ausbeutung von Kindern in Zusammenhang stehen, grenzüberschreitend sein können, wenn der Täter in einem Land lebt und das Opfer in einem anderen. Bei Fällen von sexueller Ausbeutung von Kindern ist der Dienstleister oft in einem anderen Staat ansässig. Daher müssen rechtliche Ansätze zur Prävention und Bekämpfung von sexueller Gewalt und Ausbeutung von Kindern koordiniert und abgestimmt sein, um zu verhindern, dass Täter ihre Aktivitäten auf Länder konzentrieren, in denen Kinder anfälliger sind – eine Tatsache, die diesen Personen gut bekannt ist.

Die Autoren weisen darauf hin, dass die Beendigung von Gewalt gegen Kinder sowohl primäre Prävention als auch effektive Reaktionsmaßnahmen erfordert. Primäre Prävention zielt darauf ab, grundlegende Überzeugungen, Ansichten und Verhaltensweisen, Ungleichheiten, Risiken und treibende Kräfte der Gewalt auf der Ebene des Individuums, der Familie und der Beziehungen, der Gemeinschaft, der Organisation/ Institution und im weiteren sozialen und politischen Kontext zu beseitigen.

Zur Bekämpfung von sexueller Gewalt und Ausbeutung von Kindern ist es daher notwendig, effektive Strategien zur Beendigung von Gewalt gegen Kinder zu entwickeln und in die ukrainische Gemeinschaft einzuführen. Diese sollten alle Formen von Gewalt umfassen, sei es physisch, emotional, psychologisch, sexuell oder Vernachlässigung.

Schlüsselwörter: sexuelle Gewalt, Ausbeutung von Kindern, internationale Erfahrung, Bekämpfung.

Let's study them in detail.

The concepts of sexual violence and exploitation in Ukraine and abroad.

The need to develop the *sexual violence* legal category at the present stage is associated with the public demand to study, understand, and somehow formally acknowledge the existence of this antisocial phenomenon²¹.

Great Explanatory Dictionary of the Modern Ukrainian Language defines violence as follows: 1) the use of physical force against someone; 2) the application of force to achieve something; coercive influence on someone or something²². Legal Encyclopedia interprets violence as “deliberate influence of one person on another against the will of the latter, resulting in physical, moral, or property damage to that person, or containing a threat to cause such harm with criminal intent”²³. A form of violence, such as sexual violence, can be perpetrated in the ways mentioned previously.

The *sexual violence* category, although used in international law, differs in its content and definitions in national legislations and is not always consistent with each other. As a result, this concept encompasses a wide range of unlawful behaviours: from sexual offenses to other violations²⁴.

In the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse²⁵ dated October 25, 2007 (Lanzarote Convention), these concepts are amended as follows:

Sexual abuse is: a) engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities; b) engaging in sexual activities with a child where: use is made of coercion, force or threats; or abuse is made of a recognised position of trust, authority or influence over the child, including within the family; or abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence (Art. 18).

Offenses involving child prostitution: a) recruiting a child into prostitution or causing a child to participate in prostitution; b) coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes; c) having recourse to child prostitution.

For the purpose of the present article, the term “child prostitution” shall mean the fact of using a child for sexual activities where money or any other form of remuneration or consideration is given or promised as payment, regardless if this payment, promise or consideration is made to the child or to a third person (Art. 19).

Offenses related to child pornography: a) producing child pornography; b) offering or making available child pornography; c) distributing or transmitting child pornography; d) procuring child pornography for oneself or for another person; e) possessing child pornography; f) knowingly obtaining access, through information and communication technologies, to child pornography.

For the purpose of the present article, the term “child pornography” shall mean any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child's sexual organs for primarily sexual purposes (Art. 20).

²¹ Джужа О. М. Запобігання злочинам, пов'язаним із сексуальним насильством : монографія. К. : Атіка, 2009. 240 с. С. 8.

²² Великий тлумачний словник сучасної української мови / уклад. і гол. ред. В. Т. Бусел. К.; Ірпінь : ВТФ «Перун», 2003. 1440 с. С. 579.

²³ Юридична енциклопедія: в 6 т. / за ред. Ю. С. Шемшученко та ін. К.: Українська енциклопедія, 2002. Т. 4: Н-П. С. 68.

²⁴ Джужа А. О. Алкогольне сп'яніння як віктимогенний фактор, що сприяє вчиненню сексуальних злочинів. *Науковий вісник КНУВС*. 2010. № 2. С. 185.

²⁵ КОНВЕНЦІЯ Ради Європи про захист дітей від сексуальної експлуатації та сексуального насильства (Конвенцію ратифіковано з заявами Законом № 4988-VI від 20.06.2012). Офіційний переклад. URL: https://zakon.rada.gov.ua/laws/show/994_927#Text

Offenses associated with a child's involvement in pornographic performances: a) recruiting a child into participating in pornographic performances or causing a child to participate in such performances; b) coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes; c) knowingly attending pornographic performances involving the participation of children.

In the Istanbul Convention of the Council of Europe (Istanbul Convention) ²⁶ dated May 11, 2011, Article 36 is titled *Sexual violence, including rape* and addresses various forms of criminal behaviour, such as: a) engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object; b) engaging in other non-consensual acts of a sexual nature with a person; c) causing another person to engage in non-consensual acts of a sexual nature with a third person. The title of this rule directly indicates that rape is a form of sexual violence.

In clause 189 of the Explanatory Report to the Convention under consideration, it is noted that the above-mentioned rule “covers all forms of sexual acts against another person without their consent, which are intentionally committed” ²⁷.

Analysing child sexual violation manifestations under the Criminal Code of the Federal Republic of Germany (FRG), it can be concluded that the list of forms of child sexual violence is quite extensive, and therefore, they can be categorized as follows:

a) forms of contact: 1) sexual abuse of wards (Section 174); 2) sexual abuse of children (Section 176); 3) aggravated sexual abuse of children (Section 176a); 4) child abuse causing death (Section 176b); 5) promotion of sexual acts by minors (Section 180); 6) exploitation of prostitutes (furnishing a person under 18 years of age with accommodation, or premises or a particular place for the purpose of engaging in prostitution) (Section 181); 7) sexual abuse of juveniles (Section 182);

b) non-contact forms: 1) dissemination of pornographic printed content (Section 184); 2) engaging in prostitution that harms juveniles (e.g., near a school) (Section 184b) ²⁸.

Section three of the French Penal Code outlines the following forms of sexual violence against children: 1) rape (including incestuous rape); 2) other types of sexual aggression (not classified as rape) can be identified as distinct elements of a crime; 3) exhibitionism; 4) sexual harassment ²⁹.

As stipulated in the Criminal Code of Austria, sexual abuse against children includes:

1) grave sexual acts against juveniles (Article 206); 2) child molestation (Article 207); 3) possession of pornographic images featuring juveniles (Article 207a); 4) threats to the moral integrity of individuals under the age of 16 (Article 208); 5) homosexual acts with individuals under the age of 18 (Article



²⁶ Конвенція Ради Європи про запобігання насильству стосовно жінок і домашньому насильству та боротьбу із цими явищами (Стамбульська конвенція) від 11 травня 2011 р. URL: https://zakon.rada.gov.ua/laws/show/994_001-11#Text

²⁷ Пояснювальна доповідь до Конвенції Ради Європи про запобігання насильству стосовно жінок і домашньому насильству та боротьбу із цими явищами (Стамбульської конвенції) від 11 травня 2011 р. URL: <https://rm.coe.int/1680093d9e>

²⁸ Кримінальний кодекс ФРН. URL: http://rawunsch.de/images/Ugolovnyi_Kodeks.pdf

²⁹ Кримінальний кодекс Франції. URL: <http://codes.droit.org/cod/penal.pdf?ts=1399650503>



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**LUTTER CONTRE LA
VIOLENCE SEXUELLE ET
L'EXPLOITATION DES
ENFANTS : EXPÉRIENCE
PSYCHO-JUDICIAIRE DE
L'UKRAINE ET DU MONDE**

Résumé. L'article examine les questions liées à l'expérience ukrainienne et internationale dans la lutte contre la violence sexuelle et l'exploitation des enfants. Dans le même temps, l'ouvrage souligne que les crimes liés à la violence sexuelle et à l'exploitation des enfants peuvent traverser les frontières lorsque l'auteur vit dans un pays et la victime dans un autre. Dans les cas d'exploitation sexuelle d'enfants, le prestataire de services est souvent un résident d'un autre État. Par conséquent, les approches juridiques visant à prévenir et combattre la violence sexuelle et l'exploitation des enfants devraient être coordonnées et coordonnées autant que possible, afin d'éviter que les auteurs de crimes sexuels contre les enfants ne dirigent leurs efforts vers les pays où les enfants sont plus vulnérables, comme on le sait par de telles personnes.

Les auteurs notent que mettre fin à la violence contre les enfants nécessite à la fois une prévention primaire et des contre-mesures efficaces. La prévention primaire vise à s'attaquer aux croyances, attitudes et comportements sous-jacents, aux inégalités, aux risques et aux facteurs de violence au niveau de l'individu, de la famille et des relations, de la communauté, de l'organisation/institution et du contexte social et politique plus large.

Par conséquent, afin de lutter contre la violence sexuelle et l'exploitation des enfants, il est nécessaire d'élaborer et de mettre en œuvre dans la vie de la communauté ukrainienne des stratégies efficaces pour mettre fin à la violence contre les enfants, qui devraient inclure toutes les formes de violence, qu'elle soit physique, émotionnelle, psychologique, violence sexuelle ou outrage.

Mots-clés : violence sexuelle, exploitation des enfants, expérience internationale, opposition.

209); 6) incest (Article 211); 7) abuse of parental and other rights (Article 212)³⁰.

Chapter 6 of the Swedish Criminal Code establishes responsibility for committing the following forms of sexual abuse against children: 1) sexual exploitation of juveniles or severe sexual exploitation (Article 4); 2) sexual intercourse with a descendant or a biological brother or sister (Article 6); 3) sexual harassment (Article 7); 4) child molestation (Article 10)³¹.

Japan's Penal Code is quite restrained in defining forms of sexual violence: 1) public indecency (Article 174); 2) distribution of obscene objects (Article 175); 3) indecency through compulsion (Article 176); 4) forcible sexual intercourse (Article 177); 5) constructive indecency through compulsion (Article 178)³².

Section 3 *Crimes Against Human Dignity in the Sexual Sphere* of the Czech Criminal Code envisages the following forms of sexual violence against children: 1) rape (Article 185); 2) sexual duress (Article 186); 3) sexual abuse (Article 187); 4) intercourse among relatives (Article 188); 5) prostitution threatening moral development of children (Article 190); 6) distribution of pornography; production and other disposal with child pornography; abuse of a child for production of pornography (Articles 191, 192, 193); 7) seduction to sexual intercourse (Article 202)³³ [274].

As stipulated in Art. 200 of the Penal Code of Poland, whoever subjects a minor under 15 years of age to sexual intercourse shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years. It is worth highlighting Part 2 of this article, which envisages that punishment shall be imposed on anyone, who records pornographic material with the participation of such a person³⁴.

International health organizations classify the forms of sexual violence as follows: 1) rape and attempted rape; 2) unwanted sexual touching or compelling someone to touch another person; 3) voyeurism or photographing a person in an intimate situation without their consent; 4) sexual harassment and stalking; 5) exhibitionism, forced exposure to pornography; 6) any other sexual acts involving a person who does not provide consent or is unable to refuse the rapist or resist them³⁵.

In most countries of the Anglo-American legal family, and, accordingly, scientific sources, sexual violence is considered as sexual relations with juveniles within the framework of the *child sexual abuse* concept that encompasses a wider range of actions that fall under the category of sexual abuse³⁶. For example, in U.S. criminal law, the *sexual abuse* term refers to sexual intercourse perpetrated using threats or violence, or when the victim is unable to resist. At the same time, the specific physiological nature of sexual abuse, whether natural or unnatural, does not affect its legal classification. American researchers define child sexual abuse (CSA) as any sexual experience between a child under the age of 16 (aged from 1 to 18 years) and an individual who is at least 5 years older. Also, child sexual abuse is viewed

³⁰ Кримінальний кодекс Австрії. URL: <https://www.wipo.int/wipolex/ru/legislation/details/18682>

³¹ Кримінальний кодекс Швеції. URL: https://www.lotin.se/Fallor/Pdf/Brottsbalken_%281962_700%29.pdf

³² Кримінальний кодекс Японії. URL: <https://www.cas.go.jp/jp/seisaku/hourei/data/PC.pdf>

³³ Trestni zakonik. Zakon České republiky ze dne 8 ledna 2009 № 40/2009. Sbirka zákonů České republiky. 2009. Častka 11.

³⁴ Кримінальний кодекс Польщі. URL: <http://surl.li/qlgdk>

³⁵ Injury Center: Violence Prevention. U.S. Centers for Disease Control and Prevention. URL: <http://www.cdc.gov/violenceprevention/sexualviolence/definitions.html>

³⁶ Violence and its impact on the right to health - Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Tlaleng Mofokeng (A/HRC/50/28). URL: <https://reliefweb.int/report/world/violence-and-its-impact-right-health-report-special-rapporteur-right-everyone-enjoyment>



as a form of sexual violence when an adult or adolescent exploits a child for sexual arousal, stimulation, or gratification³⁷.

However, when describing the terms used abroad, it can be observed that the definition of child sexual abuse is conveyed through the terms: child abuse, child neglect, sexual abuse, and sexual harassment. The most common is the term child abuse: sexual relationship between an adult and a child that encompasses a range of features, including: a) inequality; b) one-sided authority of the adult over the child, meaning dominance-subordination relationships; c) limitations on a child's freedom and choice; d) primary motivation for such relationships is the adult's sexual gratification³⁸.

A. Baker and S. Duncan define the *child sexual abuse* concept as sexual acts (oral, vaginal, petting, anal) committed by adults against a young child or adolescent³⁹.

R. Sonnets introduces a general concept for *sexual encroachment* that includes any sexually oriented activities exceeding socially acceptable boundaries in relationships between adults and children. Sexual encroachment against a child includes sexual violence and sexual abuse. Sexual violence is defined as "satisfying sexual desires with a child against the child's will, in circumstances where the child is unable to refuse and protect themselves due to an inequality of emotional and physical strength". Sexual abuse entails the non-coercive exploitation of a child as a sexual object for one's own sexual satisfaction⁴⁰.

G. Kemp believes that child sexual abuse should be understood as inducing dependent, underdeveloped children and adolescents to engage in sexual activities that they are completely incapable of understanding or giving consent to⁴¹.

If we consider Ukrainian legislation, it should be stressed that in 2017, the *sexual violence* concept was included in the Criminal Code of Ukraine (CCU) as stipulated in the Law of Ukraine *On Amendments to the Criminal and Criminal Procedure Codes of Ukraine for the Purpose of Implementing the Provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* No. 2227-VIII dated December 6, 2017.

This Law was adopted to comply with the requirements of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. Therefore, in Part 1 of Article 153 of the Criminal Code of Ukraine (CCU), the following definition is provided: sexual violence is the commission of any violent acts of a sexual nature, not related to penetration into the body of another person, without the victim's voluntary consent)⁴².

In addition to the Criminal Code, the *sexual violence* concept is contained in the Law of Ukraine *On Prevention and Combating Domestic Violence* dated December 7, 2017, which is understood as a form of domestic violence that includes any non-consensual sexual act committed against an adult or a child regardless of their consent, or in the presence of a child, coercion to a sexual act with a third party, as well as other offences against the sexual freedom or sexual integrity, including those committed against a child on in their presence⁴³. According to national legislation, these definitions indicate

³⁷ Martin J, Anderson J, Romans S, Mullen P, O'Shea M (1993). Asking about child sexual abuse: methodological implications of a two stage survey. *Child Abuse & Neglect* 17 (3): 383-92. PMID 8330225. doi:10.1016/0145-2134(93)90061-9.

³⁸ Lang R. A., Frenzel R. R. How sex offenders lure children. *Annals of Research*. 1988. № 1. P. 304

³⁹ Baker A. W. Child sexual abuse a study of prevalence in Great Britain / A. W. Baker, S. P. Duncan. *Child Abuse and Neglect*. 1985. Vol. 9. P. 460.

⁴⁰ Соонетс Р. и др. Недостойное обращение с детьми. Тарту : АО Атлекс, 2000. С. 104.

⁴¹ Kempe C. Henry. The Battered-Child Syndrome. 1961. С. 59.

⁴² KKY. URL: https://zakon.rada.gov.ua/laws/show/2341-14?find=1&text=153#w1_5

⁴³ 3Y. URL: https://zakon.rada.gov.ua/laws/show/2229-19?find=1&text=сексуал#w1_2



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**ZWALCZANIE PRZEMOCY
SEKSUALNEJ I
WYKORZYSTANIA DZIECI:
DOŚWIADCZENIA PSYCHO-
PRAWNE UKRAINY I ŚWIATA**

that sexual violence includes all acts of violence of a sexual nature, which may encompass both acts involving penetration into a person's body and those that do not. In O. O. Dudorov's opinion, as a result of the aforementioned legislative step, violent acts of a sexual nature that do not involve penetration into the victim's body are recognized as distinct from sexual violence ⁴⁴.

While the amendments introduced by the domestic legislator have addressed some issues related to regulating criminal liability for *unnatural satisfaction of sexual desire*, they have also resulted in the emergence of new problems regarding the regulation of criminal liability for offenses envisaged by Chapter IV of the Special Part of the CC. One of these problems is the issue of how the *sexual violence* concept in Part 1 of Article 153 of the CC correlates with other criminal encroachments on sexual freedom and sexual inviolability as well as with efficient international instruments ratified by our state. The *sexual violence* concept in the current CC is used only to denote the act stipulated in Article 153 of the CC, whereas rape and other sexual deviations committed against a person's will are not categorized as sexual violence.

If we study theoretical papers by Ukrainian researchers, it becomes evident that the *sexual violence* concept encompasses all possible forms of sexual deviations.

Before the inclusion of the *sexual violence* concept in the Criminal Code of Ukraine, O. M. Dzhuzha, the distinguished expert in criminal law, had systematized the forms of sexual violence in criminal law, taking into account the object of encroachment. The first group comprises of the Criminal Code of Ukraine rules that directly protect relationships in the area of sexual freedom and sexual inviolability of a person (Articles 152–156 of the CC). The second group includes criminal law rules imposing liability for encroachments inflicting harm not only to protected relationships but also to sexual ones. These are the following types of crimes: 1) clause 10, Part 2, Article 115 *Murder*; 2) Article 303 *Pimping or engaging person in prostitution*. The main objects of these offenses are both the life of a person and moral values of population. However, certain harm can also be inflicted on sexual relationships, serving as an additional object. This is very clearly observed when encroaching on a person's life. It is important to highlight that this institution includes crimes that are somewhat related to sexual violence: 1) Article 149 *Trafficking in human beings or any other illegal agreement concerning a person's transfer*; 2) Article 297 *Violation of graves*; 3) Article 301 *Importation, production, sale or distribution of pornographic items*; 4) Part 4, Article 302 *Creating or running brothels and procuring* ⁴⁵.

O. M. Humin classifies sexual violence as combined (mixed) forms of violence and suggests distinguishing between: 1) sexual violence without physical interaction (exhibitionism: displaying naked genitalia; voyeurism: secretly observing individuals as they undress or engage in sexual activities; child pornography: using children as models for obscene materials; verbal abuse and indecent comments of a sexual nature, including through phone or the Internet); 2) sexual violence involving physical interaction (dissolute actions: violent petting or manipulation of the genitalia, or coercing the victim into touching someone's genitals against their will; incest: sexual acts with relatives; rape: forced sexual intercourse involving physical force or the threat of its use ⁴⁶.

Abstrakcyjny. W artykule podjęto problematykę ukraińskich i międzynarodowych doświadczeń w zwalczaniu przemocy seksualnej i wykorzystywania dzieci. Jednocześnie w pracy podkreślono, że przestępstwa związane z przemocą seksualną i wykorzystywaniem dzieci mogą przekraczać granice, gdy sprawca mieszka w jednym kraju, a ofiara w innym. W przypadku wykorzystywania seksualnego dzieci usługodawca często ma miejsce zamieszkania w innym państwie. Dlatego też, tam gdzie to możliwe, należy koordynować i koordynować podejścia prawne do zapobiegania i zwalczania przemocy seksualnej i wykorzystywania dzieci, tak aby sprawcy przestępstw na tle seksualnym wobec dzieci nie kierowali swoich wysiłków do krajów, w których dzieci są bardziej bezbronne, jak dobrze wiadomo przez takie osoby

Autorzy zauważają, że powstrzymywanie przemocy wobec dzieci wymaga zarówno profilaktyki pierwotnej, jak i skutecznych środków zaradczych. Profilaktyka pierwotna ma na celu zajęcie się podstawowymi przekonaniami, postawami i zachowaniami, nierównościami, ryzykiem i czynnikami powodującymi przemoc na poziomie jednostki, rodziny i związku, społeczności, organizacji/ instytucji oraz szerszego kontekstu społecznego i politycznego.

Dlatego w celu zwalczania przemocy seksualnej i wykorzystywania dzieci konieczne jest opracowanie i wdrożenie w życie społeczności ukraińskiej skutecznych strategii położenia kresu przemocy wobec dzieci, które powinny obejmować wszelkie formy przemocy, czy to fizycznej, emocjonalnej, psychicznej, przemoc seksualną lub pogardę.

Słowa kluczowe: przemoc seksualna, wykorzystywanie dzieci, doświadczenia międzynarodowe, przeciwdziałanie.

⁴⁴ Дудоров О.О. Злочини проти статевої свободи та статевої недоторканості особи (основні положення кримінально-правової характеристики) : практ. посібник. МВС України, Луган. держ. ун-т внутр. справ ім. Е.О. Дідоренка. Северодонецьк : РВВ ЛДУВС ім. Е. О. Дідоренка, 2018. С. 20.

⁴⁵ Джужа О. М. Запобігання злочинам, пов'язаним із сексуальним насильством : монографія. К. : Атіка, 2009. С. 19.

⁴⁶ Гумін О. М. Кримінальна насильницька поведінка особи: теоретико-прикладні аспекти : автореф. дис. ... д-ра юрид. наук: спец. 12.00.08. Львів, 2011. С. 14.

H. M. Fedoryshyn notes that sexual violence has various manifestations. It includes not only physical forms but also sexual abuse, such as indecent SMS messages or messages on social networks, seductive phone conversations, etc.⁴⁷.

In practical psychology, which provides research findings of significant importance for addressing criminological issues, two types of sexual violence, particularly concerning children, are singled out:

1) sexual violence without physical contact: a) fondling, groping, kissing, including secretly touching intimate parts of the child's body (for example, during bathing); b) causing embarrassment and shyness in a child through glances, verbal insults, obscene remarks, statements, and sexual phrases; c) exhibitionism (demonstration of one's genitals to the child); d) examination of the child's genitals; e) voyeurism (systematically observing a child while they undress, bathe, or use the toilet); f) child pornography (using children as models for shooting obscene content); g) making dirty phone calls with sexual connotations; h) masturbation in the presence of a child.

2) sexual violence with alleged physical contact: a) friction of the penis against a child's body; b) forcing a child to masturbate in the presence of an adult; c) forcing a child to manipulate an adult's genitals; d) groping or manipulating a child's genitals; e) dissolute actions (violent petting); f) imitation of sexual intercourse with the help of a finger; g) incest (sexual acts with relatives); h) coercion to vaginal intercourse; i) coercion to anal sex; j) coercion to oral sex⁴⁸.

The viewpoint of K. Hobbs is of particular scientific interest, as he believes that sexual violence against a child can only manifest in sexual abuse:

1) intrafamily violence is associated with sexual offenses committed by close blood relatives (parents, siblings); persons who act as substitute parents (adoptive parents, guardians, caregivers); individuals performing parental functions (the husband or cohabitant of the mother, and the wife or cohabitant of the father); close relatives (uncles, aunts, grandparents, cousins), with whom the child lives together or frequently interacts. All of these adults are authoritative figures for the child, and the child is devoted to and in a strict dependence on them;

2) extrafamily violence involves sexual abuse by adults well known to the child, such as family friends, neighbours, distant relatives, or teachers. Since the child is acquainted with these persons, he/she trusts them and does not perceive them as a likely source of danger;

3) street violence refers to sexual offenses committed by strangers or occasional acquaintances. Street manifestations of sexual violence are characterized by sudden attacks, the use of physical force or threats to suppress the child's resistance;

4) institutional violence often refers to closed communities of children and involves sexual offenses that are manifestations of hazing, when sexual violence is used to demonstrate power and control, and to establish hierarchical relationships within the group⁴⁹.

According to S. V. Romantsova, sexual violence against children is defined as unlawful use of a child to satisfy sexual needs of the offender or other persons which inflicts harm to the child's physical and mental health, psychosexual development, and hinders their further socialization⁵⁰. She

⁴⁷ Федоришин Г. М. Сексуальне насильство над дітьми як соціальна і психологічна проблема. *Молодий вчений*. 2017. № 8 (48). С. 189.

⁴⁸ Говорун Т., Кікіненді О. Стаття та сексуальність: психологічний ракурс. Навчальний посібник. Тернопіль: Навчальна книга. Богдан, 1999. 384 с.

⁴⁹ Hobbs C. J., Hanks H. G., Wynne J. M. Child abuse and neglect. A clinicians handbook. Longman Group. London. 1993. С. 118.

⁵⁰ Романцова С. В. Запобігання сексуальному насильству щодо дітей в Україні: дис. ... канд. юрид. наук 12.00.08 – кримінальне право та кримінологія; кримінально-виконавче право. Львів. Національний університет «Львівська політехніка». 244 с. URI: https://old.lpnu.ua/sites/default/files/dissertation/2018/10869/dis_mukan_o.v.r.pdf. С. 64.



lists the following main peculiarities that define the *sexual violence against children* concept:

- 1) unlawful use of a child;
- 2) committed to satisfy sexual desires or gain advantage;
- 3) perpetrated using violence or the threat of its use against the victim or other persons or by exploiting the victim's vulnerable state;
- 4) can be perpetrated through information and communication technologies;
- 5) the very fact of sexual acts with a child;
- 6) both an adult and a juvenile can be guilty⁵¹.

Considering the issue of sexual violence and child exploitation in Ukraine and abroad from another perspective, it is vital to take into account the mechanism of combating them.

Combating child sexual violence and exploitation.

As envisaged by Article 19 of the Convention on the Rights of the Child⁵²: “...States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child”.

This protection is primarily achieved through violence prevention, but what do we mean by *preventing*? The World Health Organization (WHO)⁵³ offers a definition based on three levels of intervention:

- primary prevention includes a set of measures aimed at preventing the emergence of a problem, pathology, or symptom: informing the public, target groups, or particular persons (through health education or health promotion), vaccination ...
- the second level of prevention focuses on early detection of disorders for their subsequent early-stage treatment.
- the third level of prevention is aimed at averting complications in individuals who already have an illness or condition.

The World Health Organization (WHO) employs an intersectoral approach, sometimes referred to as the *social health protection model*. This model is also applied in other sectors, bringing together several sectors. Within this approach, work is conducted with the aim of:

- preventing a situation from occurring;
- identifying a problem and attempts to resolve it;
- minimizing negative long-term consequences.

In cases of child maltreatment and combating child sexual violence and exploitation, the method presupposes:

- implementation of preventive measures;
- identification of violence cases and timely intervention;
- ongoing care and assistance to violence victims and their families;
- prevention of the recurrence of violence cases.

Preventing violence involves teaching both children and adults not only to anticipate and protect themselves from dangerous situations but also to communicate openly about such incidents before they lead to psychological problems and emotional disorders. The law of silence inherent in violence situations makes it extremely difficult to maintain a dialogue. However, even if

⁵¹ Романцова С. В. Вказана праця.

⁵² КОНВЕНЦІЯ про права дитини (20 листопада 1989 року) (редакція зі змінами, схваленими резолюцією 50/155 Генеральної Асамблеї ООН від 21 грудня 1995 року). Конвенцію ратифіковано Постановою ВР № 789-XII від 27.02.91. URL: https://zakon.rada.gov.ua/laws/show/995_021#Text

⁵³ Посібник INSPIRE. Дії для впровадження семи стратегій задля припинення насильства стосовно дітей. URL: <https://apps.who.int/iris/bitstream/handle/10665/272996/9789241514095-ukr.pdf>

the victim does not speak about what happened, their behaviour, depending on their age, shows various signs and signals about events.

Combating also involves enabling professionals working with children to recognize these signals and signs.

Preventing means creating a safe and supportive environment, primarily within the family and the community. Consolidation of positive parenting, which is strengthening protective and educational functions within a family, is a cornerstone in the fight against child sexual violence and exploitation.

The Law of Ukraine *On the Prevention and Counteraction of Domestic Violence* ⁵⁴ envisages that domestic violence prevention is a system of measures implemented by executive authorities, local self-government authorities, enterprises, institutions, and organizations, as well as by citizens of Ukraine, foreigners, and stateless persons residing in Ukraine on legal grounds. These measures are aimed at increasing public awareness of the forms, causes, and consequences of domestic violence, promoting an intolerant attitude toward violent behaviour in personal relationships, fostering empathy for the victims, especially children, eliminating discriminatory beliefs about the social roles and responsibilities of women and men, as well as any customs and traditions stemming from such beliefs. Sexual violence is a form of domestic violence that includes any actions of a sexual nature committed against an adult without their consent, or against a child regardless of their consent or in the presence of a child. It also involves coercing into sexual acts with a third party and other offenses against a person's sexual freedom or inviolability, including those committed against a child or in their presence.

While combating child sexual violence and exploitation, prevention primarily serves as a means to ensure the efficiency of actions. Effects and results of morality-based prevention are limited in comparison with the impact achieved through active violence prevention methods.

To be efficient, prevention should be viewed as a dynamic process that adapts to the conditions in which it is implemented. It is not about direct opposition to violence, which may seem entirely legitimate, but rather about creating a context-specific system that discourages the likelihood of violence. This tendency is implemented through reevaluating behaviour in the context of violent actions. The ultimate goal is not only to demonstrate how violence is dangerous and, therefore, wrong but rather to showcase the capabilities of every child to resist and avoid violent situations.

Active prevention methods enable every child to realize that there are alternatives to cruelty and violence, and they can be manifested not through their direct implementation but through creating an environment that fosters their genuine comprehension.

It is not about providing a ready-made action plan but rather about creating conditions where a child can respond to and break the cycle of violence (victim/perpetrator) in order to find a way out of a difficult situation independently or with someone's help. Only by carefully observing and analysing real situations of violence, without distancing themselves or panicking at the sight of cruelty, can adults and adolescents test and evaluate their own boundaries and resilience, become aware of their vulnerabilities, and recognize their potential to resist child sexual violence and exploitation.

Thus, it is not just individuals but also society and the state as a whole that create a particular action plan, often referred to as *best practice*. But what does this concept entail?

The definition for the *best practice* concept varies. According to UNESCO, a best practice is a "creative, successful, and long-term method

⁵⁴ Про запобігання та протидію домашньому насильству. Закон України. Відомості Верховної Ради (ВВР), 2018, № 5, ст. 35. URI: <https://zakon.rada.gov.ua/laws/show/2229-19#Text> Із змінами, внесеними згідно із Законами № 2671-VIII від 17.01.2019, ВВР, 2019, № 18, ст.73 № 2849-IX від 13.12.2022.



for addressing social problems related to poverty and social isolation". Following the European Commission's definition, it pertains to "efficient practice(s) aimed at solving specific situations or problems, achieving a set goal, and creating conditions for problem-solving or comprehensive solutions in combination with other methods". According to the Committee of the Regions of the European Union, a best practice is "local peculiarities, measures, and innovative projects that have been successfully implemented and can now be successfully disseminated".

All these definitions converge in the fact that best practice should be innovative, efficient, designed for the long term, and capable of replication. Furthermore, four elements can be identified that provide added value and ensure prevention efficiency: a resilient approach, a spiritual approach, a legal approach, and a community approach.

These four characteristics have formed the basis for the practices that we will further consider.

1. Resilient Approach.

Resilience is a quality inherent in every person that allows them to grow and develop while facing substantial challenges. Stefan Vanistendael⁵⁵ lists five factors that need to be considered in measures to strengthen the resilience of a child who has experienced trauma. All of these factors, in one way or another, stem from the child's interaction with those around them:

- accepting the child as a human being by at least one adult;
- possibility of discovering the meaning of life that is essential for the child through artistic creativity, concern for animals, religion, participation in team sports, educational programs, etc.;
- development of a child's sense of self-esteem;
- possibility of acquiring various skills from a professional, human, and social perspective;
- effective use of humour.

While combating child sexual violence and exploitation, it is essential that these factors are developed and taken into account in order to contribute to the overall development of the child and to enable them to strengthen their internal capabilities to resist potential acts of violence. Prevention of cases of violence based on a resilient approach is largely grounded on the development of life dynamics and so-called life skills, in conjunction with a supportive environment and adult guidance. All measures are built upon the strengths of children rather than their potential weaknesses and vulnerabilities.

2. Legal approach.

A legal approach means that everyone, both adults and children, knows their rights and can use them efficiently. Children should not only receive assistance but also become full-fledged participants in their own lives, knowing their rights and being able to exercise them.

In the program of combating child sexual violence and exploitation, this aspect is fundamental as the knowledge of their rights is the first step towards their implementation.

3. Spiritual approach.

The *spirituality* term is used in its broadest sense to encompass all aspects of a person's inner life. Spirituality is considered important because it adds vitality to a child's life. It allows children to transcend their "momentary" existence, move away from materialism, and discover a perspective that reveals life's deeper elements, which are sometimes obscured by everyday challenges. Spiritual strength helps to appreciate simple things like beauty, nature, and silence; it fosters empathy, commonality, kindness: all of which are essential for creating a safe and child-friendly environment.

4. Community approach.

⁵⁵ Ваништендаэль Стефан, Резильентность или оправданные надежды. Раненый, но не побежденный. *Научные труды БИСЕ*, Женева, 1998.

A community approach is a social process in which specific groups united by common geographical location and shared needs strive to identify their problems and establish consensus-based, long-lasting solutions.

Drawing interim conclusions from the discussion of countering child sexual violence and exploitation, the following must be done:

Comprehensive and efficient national legislation is needed to protect children from all forms of sexual violence and exploitation in both the online and real world. This means not only criminalizing the actions of those who commit sexual offenses. Legislation must also ensure that law enforcement can identify the perpetrators of such actions, protect victims, and safeguard the rights of the victims. Internet service providers should provide a secure platform for the preview of online materials and reporting.

Legislation can rely on existing international laws or use them as a model, incorporate international standards and efficient child protection practices, and be based on security measures stipulated in the United Nations Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography. In this Protocol, it is explicitly stated that States Parties, in order to achieve the objectives of the Convention on the Rights of the Child and fulfil its provisions, deem it advisable to broaden the scope of measures aimed at ensuring the guaranteed protection of children from trafficking, prostitution, and pornography⁵⁶.

The results of the scientific and practical research outlined above allow us to talk about two main directions in combating child sexual violence: work focused on preventing episodes of sexual violence and measures aimed at overcoming the negative consequences of such episodes. Implementation of these directions is closely interrelated due to the realization of the psychological mechanism known as the *cycle of violence*, which ensures recurrence of violence involving individuals who have experienced it and people related to it⁵⁷. It is obvious that measures to prevent violence should be implemented by educational institutions, social services, national and international non-governmental organizations and associations, mass media, and law enforcement agencies.

As practice shows, business cooperation between law enforcement agencies and mass media often yields positive results. In today's crisis conditions characterized by a sharp increase in crime situation, interaction between the police and other law enforcement structures with mass media outlets demands immediate activation. But at the same time it is crucial that efforts need to be focused on particularly acute areas, employing the most effective forms and methods of collaboration, as mass media, given their vast daily audience, can make a significant contribution to combating and preventing crime⁵⁸.

Conducting legal education activities in the adolescent environment with the involvement of representatives of juvenile prevention and mass media necessitates careful planning, defining the purpose and content, identifying the target audience, and considering event co-executors, methods, forms of its implementation, expected outcomes, and establishing achievement indicators for the set goal⁵⁹.

⁵⁶ Факультативний протокол до Конвенції про права дитини щодо торгівлі дітьми, дитячої проституції і дитячої порнографії. Ратифіковано Законом України N 716-IV (716-15) від 03.04.2003, ВВР, 2003, N 29, ст.226. URI: https://zakon.rada.gov.ua/laws/show/995_b09#Text

⁵⁷ Сексуальне насильство над дітьми: причини, наслідки, профілактика : інформ.-метод. Посібник. Автори-упоряд. Цюман Т. П., Малієнко Ю. М.; За заг. ред. Цюман Т. П. Київ : ФОП Пономаренко Я.М., 2011. 76 с.

⁵⁸ Філіпенко Н. Є. Кримінологічна діяльність і питання правового виховання населення. *Наше право*. 2020. № 3., С. 146-151.

⁵⁹ Філіпенко Н. Є., Язан Н. С. Засоби масової інформації як складова кримінологічної діяльності підрозділів ювенальної превенції щодо правового виховання підлітків. *Архів кримінології та судових наук* : Науковий журнал. Вип. № 2. Харків ННЦ «ІСЕ ім. Засл. проф. М. С. Бокаріуса», 2023.



One of the factors that combats sexual violence against children at the socio-cultural level is an efficient system of punishment for the perpetrators of such violence. Investigating these criminal cases and holding the perpetrators criminally liable is of particular importance for the psychological well-being of the victims, as it can be the basis for a child's belief in the restoration of justice, the overcoming of fear of the perpetrator and the restoration of the child's reputation in their community.

Investigating criminal proceedings initiated in cases of sexual violence is a complex task. The difficulties in establishing guilt are due to several reasons related to the nature of a crime: the presence of a longer or shorter time gap between the offense (which is often repetitive) and reporting it to law enforcement agencies; often the absence of physical evidence and witnesses of a crime; the need to establish the truth based on the testimonies of the parties involved, whose versions of events may differ or be contradictory; a high risk of the victim changing their testimony as a result of influence from the suspect or their family; the need to establish the qualifying elements of a crime, which are often psychological facts. These phenomena include the need to assess a child's capacity to comprehend the meaning and nature of actions taken against them, their ability to resist such actions, the incomprehensibility of the child's behaviour by law enforcement officers. Conducting forensic psychological examination is valuable in accomplishing this task. In the Ukrainian legal system, expert conclusions serve as significant sources of evidence ⁶⁰. To address a wide range of the aforementioned tasks, including establishing the psychological basis for confirming legal criteria, law enforcement agencies order forensic psychological or multidisciplinary psycho-psychiatric examinations.

Currently, in Ukraine, a series of measures is being implemented to ensure that the justice system is designed to prevent re-traumatization of children, in particular, new standards for interrogating children during a criminal proceeding are being introduced ⁶¹. At the same time, we encounter many cases of improper behaviour during child interrogations, where psychological traits of the child are not taken into account or are improperly considered ⁶².

The practice of carrying out psychological examinations on child victims in the Poltava Branch of National Scientific Center «Hon. Prof. M. S. Bokarius Forensic Science Institute» does not provide sufficient empirical data for statistical generalizations. However, it illustrates the data from the aforementioned sociological studies regarding the gender and age composition of victims of sexual offenses, sheds light on issues arising from sexual violence, offers new perspectives, highlights problems in the investigation of cases related to the infringement upon children's sexual inviolability, and presents ways to address them.

We have nineteen cases. In our practice, the victims are predominantly girls, and we have worked with only three boys. The majority of the victims are adolescents, with two being late adolescents, and two being preschoolers. In only four cases, the perpetrators were previously unknown to the child, and

⁶⁰ Кримінальний процесуальний кодекс України : Закон України від 13.04.2012 № 4651-VI. URL: <http://zakon3.rada.gov.ua/laws/show/4651-17>

⁶¹ Див. докладніше: Керівні принципи Комітету міністрів Ради Європи щодо правосуддя, дружнього до дітей, прийняті Комітетом міністрів Ради Європи 17 листопада 2010 року, і пояснювальна записка. Видавництво Ради Європи. URL: <http://book.coe.int/>; Особливості опитування неповнолітнього потерпілого чи свідка злочину. Пам'ятка судді. URL: <https://dejure.foundation/library/osoblyvosti-opytuvannia-nepovnolitnikh-pamyatka-prokuroru>

⁶² Журавльова М. О. Помилки в опитуванні дитини. Актуальні питання судової експертизи і криміналістики : зб. матеріалів міжнар. наук.-практ. конф.-полілогу (м. Харків, 15 – 16 квіт. 2021 р.). Харків : Право, 2021. С. 162-164; Сліпець О. О. До проблеми допиту неповнолітніх. Актуальні питання судової експертології, криміналістики та кримінального процесу : матеріали III міжнар. наук.-практ. конф. (м. Київ, 15 грудня 2021 р.) / за заг. ред. Н. В. Нестор; уклад. О. В. Баулін, О. І. Жеребо, Т. П. Кривак, О. О. Садченко, А. В. Старушкевич, О. В. Юдіна К. : Видавництво Ліра-К, 2021. Без нумерації сторінок.

in two cases, other children were the offenders. Most cases of child sexual violence had been committed by relatives. A great number of children who experienced sexual violence were raised in families with a stepfather under conditions of inadequate supervision and emotional rejection. Two girls had conflicts with their mothers on the day of violence, and one stayed at her sister's house due to a conflict.

With this information, one can look at the phenomenon of high latency in crimes against sexual inviolability from a different perspective. Of all the cases we worked on, only in six of them did parents know about it immediately, and in five of them, the children cried, trembled, had physical injury marks, so not noticing these signs was extremely difficult. The reasons for the lack of disclosure by other children were feelings of shame and an inability to have the courage to speak, fear of threats from the perpetrator, and a lack of belief that they would be trusted. These fears are not always groundless. In four cases, mothers/guardians received information about sexual violence against a child and took no action to protect the child. In two cases, mothers implied to the child that their life would become more difficult if they took action against the child's stepfather; and in the other two cases, they stated that the girl was not telling the truth. In the latter case, caregivers and a psychologist at the kindergarten as well as the guardians of a family-style orphanages noticed that the child was drawing people with genitals, reacting specifically to scenes with sexual undertones; however, they believed the older ward who denied violence. Children often do not make the decision to report the abuse to their parents or law enforcement. Instead, other relatives (aunts, biological father who lives separately), peers, learn about it because children cannot bear the burden of negative experiences and are often afraid of revealing truth to parents.

Our observations point to the importance of adjusting conditions influenced by sociocultural factors: conditions of child upbringing, quality of education, work of school psychologists and social workers, teaching them to recognize signals that may indicate possible sexual violence against children; educational work among children, for whom it is important to know what actions towards them are unacceptable, and that they are not responsible for any instances of sexual violence that may happen to them.

The situation of pre-trial investigation often "justifies" the worst expectations of children regarding challenges that await them after the disclosure of the fact of violence. In the course of pre-trial investigation, they are subjected to repeated traumatization due to the fact that their testimonies are called into question. During pre-trial investigation, suspects often deny committing sexual violence, point to the child's "fantasy" or state that the child himself/herself wanted sexual contact. There is a case where the stepfather claimed that his six-year-old stepdaughter seduced him and performed orogenital sexual acts with him.

Physical evidence of crimes against children's sexual inviolability is often absent or already missing at the time of investigation, there are usually no eyewitnesses to sexual violence, and teachers or parents do not notice signs of changes in children's behaviour. As a result, the investigator is in a situation where he has contradictory testimonies of an adult and a child and must evaluate them. In order to evaluate testimonies reasonably, psychological experts are asked the question of the child's ability to perceive and reproduce events, the presence or absence of the child's tendency to excessive fantasizing. According to the author's practice, such questions have been asked in fifteen cases. In five cases, children's testimonies were changed during pre-trial investigation, one girl refused to testify about the violence she had suffered and then went back to it, another one faced pressure during trial. This information indicates the great importance of a qualitative interrogation of children. Some of these problems are solved by placing the



child in a shelter, detaining the suspect, interrogating the child in trial at the stage of pre-trial investigation in accordance with Art. 225 of the Criminal Procedure Code of Ukraine. However, oftentimes the method of interrogating (interviewing) a child does not make it possible to meet the goals of this procedural action and inflicts harm to children.

All the children examined by us during forensic examinations had signs of mental trauma: acute or chronic. The specifics of mental trauma manifestation depends on the age of the child and mainly corresponds to the specifics of the reaction of children of a certain age to mental trauma which is manifested in: regression of cognitive skills, deformation of emotional and volitional development, formation or exacerbation of specific character traits (violations in the sphere of individuality), violation in the development of communicative competences, personality development disorder⁶³.

Most children say that their emotions have improved since they became aware of sexual violence. Our examinees attribute this improvement to a change in living conditions (moving to biological father, placement in a shelter, exclusion of the rapist from the family by the mother, etc.), lack of the need to stay vigilant.

At the same time, in the course of interrogation, we have not come across any cases when the child would have already received systematic psycho-corrective care during forensic examination. In addition, at the time of forensic examination, the children often had difficulty in explaining exactly what had been done to them. Meanwhile, most of our examinees had normal cognitive development, and those who were found to be lagging behind had sufficient competence to tell about the external side of events. Also, the use of known methods of talking to a child, which include respect for them and their personal boundaries, openness and honesty, balance, attention to the emotions and experiences of the child and compliance with other rules of conversation with such children, ensures obtaining valuable data and brings positive results for children. Thus, the experience of conducting forensic psychological examinations of children who have experienced sexual violence shows the importance of repeated remarks (especially those that are supposedly accidental) about the lack of the child's guilt for what happened and for the fact that they did not immediately tell about violence, as well as demonstrates the significance of discussion and provision of definition for a *dictionary* with the help of which one can talk about violence, using the simplest visualisation: pictures (especially in children's encyclopaedias) and dolls, consideration of possible options for the development of future events and ways of the child's behaviour in response. Observance of the above rules as well as an in-depth conversation about the child's life which is carried out in view of the mandatory use of the biographical method during forensic psychological examination is the reason why this conversation takes place: at the end of it, the children often have a smile on their faces, they themselves are more self-confident, although psycho-corrective effects are not the task of expert diagnostic interview.

Our experience in performing forensic psychological examinations of children who have experienced sexual violence, which includes a thorough examination of their level of mental development, character traits, cognitive and communicative abilities, overall awareness and awareness of sexual relationships, helps us to expand our understanding of the child's individual risk factor. Thus, our research is consistent with the statement that active, brave teenagers who have a large circle of acquaintances, are open to new acquaintances and often realise late that they are in danger have a slightly increased risk of experiencing sexual violence. At the same time, most of the victimized children we have worked with are emotionally vulnerable,

⁶³ Сліпеч О.О. Психологічна експертиза неповнолітніх потерпілих як дослідження ушкодженого психічного розвитку. *Теорія та практика судової експертизи і криміналістики* : зб. наук. пр. Харків : Право, 2008. Вип.8. С. 605-610.

obedient, indecisive and insecure, willing to take on non-child responsibilities (care and protection of younger children, housekeeping, etc.) and feel guilty when things go wrong. Among the victimized children we have studied, the vast majority had a low level of knowledge about the sexual sphere. These observations are a valid reason for further development of educational work both among adults who work with children and among children themselves.

In addition to forensic psychological examinations, there is another type of research involving work with children. This is forensic examination of people's communicative activity which is recorded on video. Conducting such forensic examination does not presuppose discovering peculiarities of the child's individuality, but it provides answers about peculiarities of their interrogation (interview) by an investigator or judge, or about questioning during an unregulated interview. One of the main results of forensic examination is to determine if the child has experienced any mental pressure that might have affected their narrative. Establishing whether there has been an influence altering the child's narrative is crucial in understanding the child's decision to retract their testimony.

Out of the sixteen studies we conducted, eight involved interrogations conducted in an investigator's office or in a *Green Room*. Four studies took place during trial, and another four were performed during conversations between teachers and children. These studies reveal the most common mistakes made by investigators, teachers, and psychologists involved in the procedural action.

As previously discussed (11), our analysis of video recordings of interrogations and interviews points to mistakes made by adults during interviews. We will list the most common of these and provide comments on their impact on the child from the perspective of developmental psychology:

1. As for interview organization: uncomfortable conditions or the lack of privacy, including conducting interviews in a cramped room where the child sat next to their mother and educators, in outerwear, or under conditions of the *Green Room*, where the furniture is designed for younger children. Discomfort hinders optimal communication, and the invasion of privacy leads to mental tension;
2. At the stage of establishing psychological contact: excessively formalized appeal or flattery, addressing as if to an infant with imitation of *motherly language*. From a psychological perspective, such mistakes create conditions for the child to think that they are not of interest, that they are not understood, and that adults are insincere;
3. At the stage of discussing the child's life: formalized questions about school performance, clubs, etc. They may trigger negative associations in children who have experienced violence in educational institutions, evoke negative feelings in children with low academic performance or behavioural disorders, and create a sense of insincerity;
4. Regarding conversation style:
 - asking several questions in a row may lead to providing an answer only to the last question due to the difficulty of maintaining active attention and the need for a significant amount of short-term memory resources to keep all questions in mind;
 - asking questions containing information not previously mentioned or contradicting what the child has previously stated (referred to as suggestive questions) can lead to a change in the child's narrative and may result in the child retracting their own testimony;
 - providing evaluations addressed directly to the child regarding truthfulness of their testimonies, intellectual abilities, character and behaviour, create psychological tension, an understanding of the need to meet adult expectations, and sustain a feeling of guilt;



- discussing the child with other interview participants increases mental tension, creating a feeling that the child is an object in whom no one is interested, leading to decreased self-esteem;

- duration of the interview lasting over an hour creates discomfort and enhances subservience due to fatigue;

- making promises, including those that the interviewee cannot fulfil.

Identification of errors in interrogations by a forensic expert, especially those that have led to changes in children's testimonies, helps law enforcement agencies understand the reasons for children retracting their testimonies. Establishing the presence in the child's testimony of the narrative about their direct bodily sensations, emotions, experiences, specific circumstances, their actions, and actions of the perpetrator, as well as determining the child's emotional involvement in their own narrative, allows the court to evaluate the child's testimony as a description of events that they have experienced.

Conclusions. Summing up the consideration of the issue of child sexual violence and exploitation in Ukraine and abroad, the following can be stated:

This is an increasingly complex and sensitive issue that requires in-depth cooperation between legal scholars, medical professionals, government institutions, and non-governmental organizations, as well as implementation of foreign countries' experience into Ukrainian legislation. It is particularly important in addressing the mentioned crimes because they pose a substantial public danger. These crimes not only harm social relationships, social and moral values, but also disrupt victims' social connections, creating challenges for their adaptation to society after experiencing moral and physical trauma and leading to the development of severe post-traumatic mental disorders.

2. Efficient legislation will enable law enforcement agencies to proactively investigate and prosecute persons committing crimes of a sexual nature against children, identify more victims, and protect them. This is particularly crucial when it comes to offenses on the Internet, where evidence regarding contact sexual violence is lacking. The issue of how the *sexual violence* concept, as defined in the context of Article 153, Part 1 of the CC, relates to other offences that share elements of such sexual violence can be addressed through two alternative approaches. It appears advisable to create a separate section in the Special Part titled *Criminal Offenses Involving Sexual Violence* that would encompass all possible forms of sexual deviations committed against the victim's will. At the same time, the act that currently corresponds to the disposition of Art. 153 of the Criminal Code may be titled *Violent Acts of a Sexual Nature Not Involving Penetration into Another Person's Body*. Another approach could involve entirely removing the *sexual violence* term from the text of the Criminal Code while simultaneously presenting the title of Art. 153 of the CC as in the previous version. But such a proposal definitely needs further thorough research.

3. Data obtained during forensic psychological examinations illustrate and complement existing scientific data from developmental and crisis psychology concerning factors that contribute to a child ending up in a situation of sexual violence, assist in the efficient investigation of crimes against sexual inviolability, and reveal several issues related to interrogating children. Among individual factors that contribute to a child's vulnerability in such situations are personality traits and characteristics falling within the "inhibited" spectrum: obedience, deference to elders' authority, non-confrontational behaviour, indecisiveness, taking on responsibilities that are not age-appropriate (such as caring for younger children and housekeeping), a limited level of developed social competence, as well as a restricted understanding of matters related to sexual life. This stresses the importance of education and awareness-raising work among children for sexual violence prevention. Performing forensic psychological examinations involving direct

examination of child victims provides the investigative and judicial authorities with required information on the psychologically justified actions of a child in a situation of sexual violence against them, enables to determine qualifying elements of the committed crime and contributes to the efficient mitigation of negative consequences experienced by the child. Conducting forensic psychological examinations of video recordings of child interrogations, appointed in criminal proceedings related to sexual violence crimes against children, helps the court properly evaluate children's testimonies.

4. Crimes involving child sexual violence and exploitation can transcend borders when the perpetrator resides in one country and the victim in another. In cases of child sexual exploitation, the service provider is often a resident of another state. Therefore, legal approaches to preventing and combating sexual violence and exploitation of children should be as coordinated and consistent as possible to prevent perpetrators committing sexual crimes against children from directing their efforts to those countries where children are more vulnerable, which is well-known to such individuals.

5. Ending violence against children requires both primary prevention and effective response. Primary prevention aims to address core beliefs, attitudes and behaviours, inequalities, risks and driving forces of violence at the level of an individual, family and relationships, community, organisation/institution and wider social and political context.

6. Developing and implementing effective strategies to end violence against children within the Ukrainian community should encompass all forms of violence, whether it be physical, emotional, psychological, or neglect. However, there is a need for special coordinated attention to the issues of child sexual violence and exploitation. In addition, a support strategy for parents and caregivers may encompass general programs for all families, targeted programs for at-risk families, and/or individual programs for parents and caregivers whose children have experienced violence.

Promotion of positive or nurturing parenting is a central element of support programs for parents and caregivers. These techniques assist mothers, fathers, and caregivers in managing children's behaviour and provide alternatives to physical punishment. Parental support also helps parents understand child development and enhance communication with their children, which are protective factors against physical and sexual violence. Many programs help parents teach their children skills such as emotional regulation, problem-solving, and social skills, which help children build resilience and avoid experiencing or perpetrating violence or bullying in the future. All efforts to create a safer environment benefit from active community involvement in planning and implementation to ensure the relevance and effectiveness of interventions aimed at expanding community participation.

7. Implementation of positive international experience in creating a safe environment for preventing child sexual violence and exploitation. For instance, the introduction of the *Breaking Boundaries* program. This is a school curriculum combining education on gender-based violence with situational crime prevention, interaction with offenders and victims. The school's curriculum focuses on the legal consequences of violence during dates, gender equality, and healthy relationships. The issues of combating child sexual violence and exploitation become particularly relevant during times of armed conflicts.

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