

**MADRE**

HUMAN RIGHTS &  
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CUNY SCHOOL OF LAW

# GENDER PERSECUTION IN UKRAINE



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Founded in 1983, MADRE is an international human rights organization that transcends geographies and generations to deliver sustainable gender, racial, climate, and disability justice. We foster a world where women and people who are marginalized fully participate in shaping policies and decision making, their expertise and leadership is recognized and upheld, and they equitably hold power and resources within their communities.

Widely recognized for its expertise and contributions to gender jurisprudence and human rights practice, the Human Rights and Gender Justice Clinic at CUNY School of Law advocates before international and regional human rights bodies and national and local courts and legal institutions. Our projects combat gender discrimination and sexual violence, advance reproductive and sexual rights and economic and social rights, and promote women's participation and empowerment.

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## Executive Summary

Almost as soon as Russia launched its full-scale invasion of Ukraine in February 2022, reports of conflict-related sexual violence (CRSV) and other forms of gender-based violence grabbed headlines around the world.<sup>1</sup> Concerns also emerged early on that Russia would target LGBTQ Ukrainians, given Russia's domestic repression of queer people and Putin's justification of the war as a defense of "traditional values."<sup>2</sup>

Yet the full extent of these crimes committed by Russian forces has still not been documented. Both the United Nations and Ukraine's General Prosecutors Office (GPO) maintain counts of CRSV. War crimes investigators, human rights groups, and social service providers, however, widely agree these represent a tiny fraction of the violence being committed. As of publication of this report:

- ▶ **The Office of the United Nations High Commissioner for Human Rights (OHCHR) reported 376 cases of CRSV between February 2022 and August 31, 2024. Victims included 262 men, 102 women, 10 girls, and 2 boys.**<sup>3</sup>
- ▶ **The GPO reported 310 incidents of CRSV from the beginning of Russia's full scale invasion through August 1, 2024. Women were the victims in 197 incidents, men were the victims in 113 incidents, girls were the victims in 14 incidents, and one incident involved a boy.**<sup>4</sup>
- ▶ **OHCHR and GPO have documented one case of gender-based violence targeting a member of the LGBTIQ+ community.**<sup>5</sup>
- ▶ **Survivors reported violence including rape, mutilation or violence to genitals, forced nudity, threatened or attempted rape, and being forced to**

**watch sexual abuse of a family member.**<sup>6</sup>

Organizations working directly with survivors report that they were in touch with dozens of survivors of CRSV who had declined to speak with war crimes investigators. They speculate that the actual number of victims is orders of magnitude greater than those known to the government or UN. The largest limitation on investigators' ability to document abuses is that they cannot access territory under Russian occupation. But even in cases where survivors have reached Ukrainian-held territory or are in regions liberated from Russian occupation, they face many barriers to reporting what happened to them and to accessing justice. These include:

- ▶ **Inadequate capacity, sensitivity, and training among Ukrainian prosecutors to appropriately handle CRSV and other forms of gender based violence;**
- ▶ **Lack of access to investigators, especially among survivors who have fled Ukraine;**
- ▶ **Difficulty discussing traumatic experiences, or fear that speaking to prosecutors will subject them to retraumatization;**
- ▶ **Fear of being stigmatized as a survivor of sexual violence, or suspected of collaborating with Russian soldiers in cases of coerced sex;**
- ▶ **Lack of awareness that certain crimes — such as forced nudity or coerced sex — constitute CRSV;**
- ▶ **Fear of retribution, especially among survivors in areas at high risk of being occupied by Russian forces.**

The Ukraine's GPO has taken steps to improve how it works with survivors of sexual violence, including

1 Cora Engelbrecht, "Reports of sexual violence involving Russian soldiers are multiplying, Ukrainian officials say", *The New York Times* (March 29, 2022).

2 J. Lester Feder, "Wear It or We Will Beat You to Death", *The New York Times* (March 15, 2024).

3 OHCHR, *Report on the Human Rights Situation of Ukraine 1 March - 31 May 2024* (July 3, 2024), para.74. ; OHCHR, *In Ukraine, Survivors Speak Out About Conflict-Related Sexual Violence*, (November 25, 2024).

4 Office of the Prosecutor General of Ukraine, "Report on CRSV cases as of August 01, 2024" [On file with CUNY].

5 Interview with Anna Sosonska, August 5, 2024, [On file with CUNY]; OHCHR, *Report on the Human Rights Situation in Ukraine 1 February to 31 July 2023* (October 4, 2023), p. 12.

6 Ibid.

creating a special unit to investigate CRSV, training dozens of prosecutors in survivor-centered approaches, and establishing additional supports for victims and witnesses of war crimes.<sup>7</sup> However, organizations supporting victims say much more needs to be done to help prosecutors, police, and other government officials improve how they work with survivors of CRSV and other gender-based violence. This is especially true in cases involving victims at greater risk of experiencing prejudice or stigma, such as LGBTIQ+ people.

Legal reforms would also help promote accountability for gender crimes as well as support for survivors and witnesses. Ukrainian legal experts say that conflict-related sexual violence is not sufficiently defined in Ukrainian law to prosecute it effectively. Though Ukraine recently ratified the Rome Statute,<sup>8</sup> it has not fully integrated its provisions into its domestic legal code, including provisions related to gender persecution.<sup>9</sup>

In positive news, legislation just passed in the Verkhovna Rada, Ukraine's parliament, that would address some of these issues. Expected to be in effect in the first half of 2025, it would codify a legal definition of CRSV in the context of the Russian invasion, by listing numerous acts such as rape, forced pregnancy, forced nudity, sexual exploitation, genital mutilation and others; and would set up a system of urgent interim reparations for CRSV survivors.<sup>10</sup>

## Methodology

This report is based on a survey of reports about CRSV and other forms of gender-based violence committed in Ukraine from 2014 to the present, as well as interviews with representatives of more than

a dozen organizations working with survivors. These include organizations focused on women and girls, LGBTIQ+ people, and war crimes documentation. Anna Sosonska, director of the specialized CRSV unit in the General Prosecutor's Office, was also interviewed for this report.

This report focuses on alleged gender violence crimes committed by Russian forces and proxies in Ukraine. Russian leadership has explicitly marshaled misogynist and homo/transphobic beliefs to justify its invasion, sending a clear message of encouragement or tolerance for gender violence by its soldiers. Alleged crimes by Ukrainian armed forces, documented since 2014,<sup>11</sup> must also be investigated, and survivors must receive justice and reparations. Additionally, increased reports of gender-based violence, including intimate partner violence, among civilian populations since the start of the full-scale invasion are rights violations that organizations have documented and should be supported to continue to track and address. This is especially important as the risk of gender violence, including sexual violence, against internally displaced people and refugees has increased.<sup>12</sup> Recognition of all victims and survivors and the full range of harms they experience during conflicts is a first step for societies to begin the healing processes necessary to build and maintain peace.

## Legal Accountability for Gender Violence in Conflict

The crime against humanity of gender persecution is the severe deprivation of fundamental rights on the basis of gender, and can be charged cumulatively with other crimes. For example, gender discrimination

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7 UNHCR Protection Cluster Ukraine, "Ukraine Protection Analysis Update: The Critical Need for Protection amongst Armed Conflict and Violence", (July 2024).

8 Amnesty International, "Ukraine: Ratifying the Rome Statute a welcome step, but limitations must be addressed", (August 22, 2024).

9 Communication with Anna Sosonska, November 7, 2024, [On file with CUNY].

10 Global Survivors Fund, "Ukraine adopts law to recognise and provide reparations to survivors of conflict-related sexual violence", (November 21, 2024); "Draft Law on the status of victims of sexual violence related to the armed aggression of the Russian Federation against Ukraine and urgent interim reparations", (October 9, 2023).

11 Eastern-Ukrainian Centre for Civic Initiatives, "War Without Rules: Gender-Based Violence in Context of the Armed Conflict in Eastern Ukraine", (2017), p. 73-77.

12 GBV AoR Coordination Team, GBV Sub-cluster Ukraine, "Gender-Based Violence in Ukraine, Secondary Data Review", (27 April 2022), p. 2.

nearly always underlies sexual violence, which is both a crime and a fundamental rights deprivation. Charging rape or other acts of sexual violence together with gender persecution underscores the gravity of both sexual violence and the discrimination underlying it.<sup>13</sup> Unearthing and recognizing the discrimination driving such violence helps societies root out causes of conflict, in support of individual and collective healing and reparations.<sup>14</sup>

Ukraine recently ratified the Rome Statute of the International Criminal Court and previously had given the ICC jurisdiction over crimes committed on its territory since 2013.<sup>15</sup> The Office of the Prosecutor opened an investigation in Ukraine in March 2022. The ICC has already issued arrest warrants for Russian President Vladimir Putin and three other Russian officials.<sup>16</sup>

Ukrainian legal experts say that conflict-related sexual violence is not sufficiently defined in Ukrainian law to enable its effective prosecution. Legislation recently passed in the parliament, the Verkhovna Rada, that they hope will address that gap.<sup>17</sup>

Anna Sosonska, chief of a special CRSV division in OPG, said prosecutors have charged Russians accused of CRSV with “violating the laws and customs of war” (article 438 of the Ukrainian Penal Code) and relied on concepts in international humanitarian law, particularly Article 27 of the Geneva Convention and Articles 75-77 of the Additional Protocols to the Geneva Convention which concern the treatment of persons in areas under occupation in international conflicts.

Prosecutors also rely on the Elements of Crimes under the Rome Statute of the International Criminal Court in describing CRSV.<sup>18</sup> Ukraine has not yet integrated the Rome Statute’s gender persecution provisions into its national laws, Sosonska said.<sup>19</sup>

Ukrainian law does not provide for perpetrators of war crimes to be charged with bias crimes, according to legal and LGBTIQ+ advocates, who worry Russians may not be appropriately charged if accused of targeting individuals on the basis of their sexual orientation or gender identity.<sup>20</sup>

## Background: The Spread of Discriminatory Policies & Gender Violence

Russia’s military invasion of Ukraine was preceded by a long-running propaganda effort to persuade Ukrainians to reject closer ties with the European Union in favor of alignment with Moscow. A discriminatory gender framework was at the heart of this propaganda. Russian President Vladimir Putin attempted to portray Russia as a defender of “traditional values” on the global stage, while Kremlin allies in Kyiv broadcast the claim that European integration would usher in same-sex marriage.<sup>21</sup>

As pro-European protests spread across Ukraine in December 2013, Putin gave a state of the nation speech in which he claimed Russia was fighting the “destruction of traditional values from the top” in Western countries, predicting increasing tolerance

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13 For more on gender persecution, see Office of the Prosecutor, [Policy on the Crime of Gender Persecution](#), International Criminal Court (ICC) (December 7, 2022).

14 Ibid.

15 International Criminal Court, [Information for victims](#).

16 International Criminal Court, [Situation in Ukraine](#).

17 [Draft Law on the status of victims of sexual violence related to the armed aggression of the Russian Federation against Ukraine and urgent interim reparations](#), (October 9, 2023).

18 Interview with Anna Sosonska, August 5, 2024 [On file with CUNY].

19 Correspondence with Anna Sosonska, November 7, 2024, [On file with CUNY].

20 Interview with Anna Sosonska, August 5, 2024 [On file with CUNY]; Personal communication with Vitalii Matvieiev, August 2024 [On file with CUNY].

21 J. Lester Feder, “The Russian Plot to Take Back Eastern Europe at the Expense of Gay Rights”, *BuzzFeed News* (November 9, 2013).

would make them “genderless and infertile.”<sup>22</sup> Putin had already enacted domestic legislation in support of this rhetoric, such as the so-called “gay propaganda law” that prohibited promoting “nontraditional sexual relationships to minors,” which he signed in June 2013.<sup>23</sup> Other anti-LGBTIQ legislation followed over the next decade, as did legislation undoing gains by feminists, in particular a 2017 law, buoyed by the Russian Orthodox Church, decriminalizing some forms of domestic violence.<sup>24</sup> While Ukrainian parliamentarians had attempted similar legislative attacks on anti-LGBTIQ+ rights, European Union pressure helped to stall a measure equivalent to Russia’s “propaganda” law.<sup>25</sup>

Russia pursued its attack on Ukraine against this domestic backdrop. Russia first illegally seized Ukrainian territory in 2014, annexing Crimea and supporting illegal armed groups that took control of parts of Ukraine’s eastern Donbass region and claimed independence for a “Donetsk People’s Republic” (DPR) and a “Luhansk People’s Republic” (LPR). Leaders in all three occupied territories immediately echoed the discriminatory gender framework promoted by the Kremlin.

**“Gender became one of the grounds for committing crimes in the Russian-Ukrainian war, alongside other factors such as ethnic origin, political stance, sexual orientation, and so on,” said Gyunduz Mamedov, the former deputy prosecutor general of Ukraine who established specialized war crimes and sexual violence units while these territories were under occupation.**<sup>26</sup>

For instance, an LPR commander declared, “a woman has to be the keeper of the domestic fire, a mother.... If you want to stay honest and loyal to your husband, stay at home and do embroidery... It is time to remember that you are Russian!”<sup>27</sup> The Eastern-Ukrainian Centre for Civic Initiatives (EUCCI) also documented “systematic manifestations of GBV” in the DPR and LPR, where there was active combat and impunity for rights violations.<sup>28</sup>

Gender violence and other alleged war crimes or crimes against humanity were insufficiently documented during this period. Human rights organizations lacked access to the affected regions.<sup>29</sup> Also, Ukraine’s General Prosecutor’s Office did not establish its war crimes division until 2019.<sup>30</sup>

**“I am convinced that we still do not fully understand the scale of the tragedy,” former Deputy Prosecutor Mamedov said.**<sup>31</sup>

Nonetheless many survivors and witnesses did manage to convey their stories to documenters or reporters. For example, EUCCI documented many serious instances of CRSV from survivors of unlawful detention in the DPR and LPR. Among the multiple forms of torture they faced, women detainees reported widespread rape. They also faced threatened or attempted rape and being forced to watch sexual violence against others. Armed group members enacted cruel treatment against pregnant women in unlawful detention, including beating them in the abdomen, apparently to make them miscarry.<sup>32</sup> Detained men reported

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22 Nataliya Vasilyeva, “Putin defends Russian conservative values”, *The Associated Press* (December 12, 2013).

23 Associated Press, “Russia passes anti-gay-law”, *The Guardian* (June 30, 2013).

24 Shaun Walker, “Putin approves legal change that decriminalises some domestic violence”, *The Guardian*, (February 7, 2017); J. Lester Feder, “Russia’s New Queer Purge”, *Foreign Policy* (August 6, 2024).

25 J. Lester Feder, “The Russian Plot to Take Back Eastern Europe at the Expense of Gay Rights”, *BuzzFeed News* (November 9, 2013).

26 Correspondence with Gyunduz Mamedov, August 1, 2024 [On file with CUNY].

27 Eastern-Ukrainian Centre for Civic Initiatives, “War Without Rules: Gender-Based Violence in Context of the Armed Conflict in Eastern Ukraine” (2017), p. 34.

28 Ibid, p. 35.

29 Ibid.

30 Correspondence with Gyunduz Mamedov, August 1, 2024 [On file with CUNY].

31 Ibid.

32 Eastern-Ukrainian Centre for Civic Initiatives, “War Without Rules: Gender-Based Violence in Context of the Armed Conflict in Eastern Ukraine” (2017), p. 49.

widespread forced nudity and sexual humiliation, and were also subjected to rape—including anal penetration with objects— and electrocution or other forms of damage to their genitals, among other forms of torture. Men were also forced to witness the sexual abuse of others, and threatened with sexual violence to their relatives.<sup>33</sup>

The United Nations also documented multiple cases of gender violence committed by armed groups in civilian areas, including suspected rape, gang rape, and murder of women.<sup>34</sup> Former Deputy Prosecutor Mamedov confirmed UN<sup>35</sup> and NGO observations that many reports of rapes emerged from checkpoints, as with other places where combatants had an “uncontrolled opportunity” to commit abuses.<sup>36</sup>

LGBTIQ+ people also faced heightened persecution in Crimea, DPR, and the LPR. The “gay-propaganda law” came into effect in Crimea, since Russia extended all its laws to the newly claimed territory, while the regimes of the DPR and LPR created similar provisions.<sup>37</sup> Leaders of these territories and Crimea also echoed Moscow’s anti-LGBTQ rhetoric.

“Government bodies will not allow the promotion of anything that contradicts the moral values of the Crimean people and arouses revulsion and disgust in the majority of Crimeans,” Crimean leader Sergey Aksenov said in 2016.<sup>38</sup> Valery Ilyachev, a city councilman in the Crimean city of Simferopol wrote a poem that called for “protecting children from gays”

by shutting off “their oxygen supply.”<sup>39</sup> A commander of one of the armed groups in the DPR said in an interview that “a culture of homosexuality is spreading... This is why we must kill anyone who is involved in this.”<sup>40</sup>

Limited documentation was collected of LGBTIQ+ persecution in these territories prior to the full-scale invasion, a difficult task because many LGBTIQ+ organizations and activists fled control of Russia and its proxies. Ukrainian prosecutors were interested in investigating these crimes, former Deputy Prosecutor General Mamedov said, but they could not secure cooperation from queer people under occupation.<sup>41</sup> However, there is evidence that LGBTIQ+ people were persecuted by vigilantes, combatants, and the police of occupying powers.

In June 2014, for example, a group of armed men raided a gay nightclub in Donetsk and beat and robbed the patrons.<sup>42</sup> The LGBTIQ+ organization Nash Svit documented multiple cases of groups entrapping LGBTIQ+ people through dating apps or social media to rob or extort them, including groups involving apparent combatants and police officers.<sup>43</sup> A man who had been in an illegal detention facility in Luhansk reported witnessing captors raping a gay man with a broom handle, beating him, and subjecting him to other physical abuse.<sup>44</sup> The organization ADC Memorial published video testimony in 2018 from a gay man who said he had been detained by police, severely beaten, and sexually assaulted with a toilet brush.<sup>45</sup>

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33 Ibid, pp. 51-53.

34 OHCHR, *Conflict-Related Sexual Violence in Ukraine - 14 March 2014 to 31 January 2017*, (February 2017) paras. 102-106.

35 Ibid, paras. 99-101.

36 Correspondence with Gyunduz Mamedov, August 1, 2024 [On file with CUNY].

37 ADC Memorial and the Center for Civil Liberties, *Violation of LGBTI Rights in Crimea and Donbass: The Problem of Homophobia in Territories beyond Ukraine’s Control* (2016), p 45.

38 Ibid., p 24.

39 Ibid.

40 OHCHR, *Conflict-Related Sexual Violence in Ukraine - 14 March 2014 to 31 January 2017*, (February 2017), footnote 102.

41 J. Lester Feder, “Wear It or We Will Beat You to Death,” *The New York Times* (March 15, 2024).

42 ADC Memorial and the Center for Civil Liberties, *Violation of LGBTI Rights in Crimea and Donbass: The Problem of Homophobia in Territories beyond Ukraine’s Control* (2016), 31.

43 “Cases 2017-2021,” as of June 26, 2024 [On file with Nash Svit].

44 Eastern-Ukrainian Centre for Civic Initiatives, “War Without Rules: Gender-Based Violence in Context of the Armed Conflict in Eastern Ukraine” (2017), pp 46-47.

45 Halya Coynash “Tortured for being gay after Russia annexed Crimea”, *Human Rights in Ukraine - The Information Portal of the Kharkiv*



## CRSV and Other Gender Violence since February 24, 2022

Russia's full-scale invasion of Ukraine, launched February 24, 2022, increased the scale of conflict related gender violence, including sexual violence, against civilians in Ukraine, and came to mark Russia's treatment of prisoners of war. While widely understood to be an undercount, statistics collected by the UN's Office of the High Commissioner for Human Rights (OHCHR) and Ukraine's General Prosecutor's Office (GPO) on suspected crimes committed by the Russian Federation in Ukraine since the start of the full-scale invasion include accounts of gender violence against Ukrainians.

Ukraine's GPO has registered almost 140,000 allegations against Russian forces since the beginning of Russia's full-scale invasion.<sup>46</sup> From that moment through August 1, 2024 it has received accounts of 310 "facts" of CRSV.<sup>47</sup> (This is a count of instances of CRSV, not victims; one person can be a victim of more than one "fact." GPO does not release exact counts of victims to protect their privacy.)

Women were the victims of 197 of these incidents, men were victims of 113, minor girls were victims of 14, and a boy was a victim in one instance.<sup>48</sup> To date, Ukrainian prosecutors have received testimony from only one LGBTIQ+ person who said they were targeted on the basis of sexual orientation.<sup>49</sup> Multiple Russian soldiers have already been charged in his case for mistreatment including illegal detention, ill

treatment, and torture. Prosecutors are also continuing investigations in this case related to sexual violence.<sup>50</sup>

OHCHR reported 376 cases of CRSV between February 2022 and August 31, 2024. The victims included 262 men, 102 women, 10 girls, and 2 boys.<sup>51</sup> The majority of these cases occurred in the context of detention, and the majority of victims were prisoners of war. The UN's Independent International Commission of Inquiry on Ukraine has collected testimonies of cases it identifies as sexual violence amounting to torture in 41 Russian-controlled detention facilities.<sup>52</sup> Civilians in residential areas were victims in a reported 53 cases, and 2 were victimized during Russia's so-called "filtration" process, a form of compulsory screening which can amount to unlawful administrative detention.<sup>53</sup> OHCHR released a summary of a case involving the targeting of a gay man. Russian forces unlawfully detained him for several weeks in 2022, beat him, called him homophobic names, subjected him to degrading treatment, and "questioned him about his sexual orientation and alleged LGBTI+ advocacy." OHCHR also reported that "[o]ne guard raped him orally."<sup>54</sup>

OHCHR also documented gender violence, including sexual violence, against women. Two women prisoners of war and six civilian women reported that guards used sexual violence as a form of torture against them in detention. This included rape and other sexual assault, rape threats, electric shocks to nipples, and forced nudity including in front of men.<sup>55</sup> For instance, Russian forces captured a woman

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*Human Rights Protection Group* (September 7, 2018).

46 Tweet by the General Prosecutor's Office of Ukraine, "[#RussianWarCrimes statistics for the past week: July 26 - August 2, 2024. 706 new crimes registered. At least 564 children killed, 1495 injured \(the data without full consideration of places of active hostilities\)](#)", X (August 2, 2024).

47 Ukraine's General Prosecutors Office, "Report on CRSV cases as of August 01, 2024" [On file with CUNY].

48 Ukraine's General Prosecutors Office, "Report on CRSV cases as of August 01, 2024" [On file with CUNY].

49 Interview with Anna Sosonska, August 5, 2024 [On file with CUNY].

50 J. Lester Feder, "[Wear It or We Will Beat You to Death](#)", *The New York Times* (March 15, 2024).

51 OHCHR, [Report on the Human Rights Situation of Ukraine 1 March - 31 May 2024](#), (July 3, 2024), para. 74; ; OHCHR, [In Ukraine, Survivors Speak Out About Conflict-Related Sexual Violence](#), (November 25, 2024).

52 IICIU, [Report of the Independent International Commission of Inquiry on Ukraine](#) (October 25, 2024), para. 47.

53 *Ibid* and Human Rights Watch, "[We Had No Choice](#)" (2022).

54 OHCHR, [Report on the Human Rights Situation in Ukraine 1 February to 31 July 2023](#) (October 4, 2023), para. 56.

55 *Ibid*, para. 57.

prisoner of war in the Donetsk region in May 2022. In detention, armed men tried to coerce her to have sex with soldiers in the facility, which she managed to avoid by claiming she was ill and menstruating. After a week she was transferred to a penal colony in Russia where she was forced to do sit-ups naked with men present and to use the bathroom while observed by a man guard, among other forms of ill-treatment.<sup>56</sup> Four civilian women and a girl reported sexual violence by Russian armed forces. In one case, Russian forces abducted a woman in Donetsk in July 2022 and raped her at gunpoint.<sup>57</sup>

Organizations supporting victims and carrying out human rights documentation universally agree figures such as those produced by OHCHR radically understate the scale of CRSV and other gender-based crimes committed by Russian forces in Ukraine.

**“[T]he official numbers of CRSV incidents are not considered representative of the real situation, with very approximate estimation to be at least 10 times higher,” writes Luliia Anosova, legal expert with the organization La Strada-Ukraine, in a brief on the situation. “Compared to other international crimes committed during Russia’s war against Ukraine, sexual violence is one of the most latent, underreported and stigmatized crimes.”<sup>58</sup>**

NGOs working with survivors agree. Dozens of survivors of CRSV seek services from them but do not wish to report abuse to investigators. For instance, the Global Survivors Fund, which is running a pilot project to provide reparations to survivors of CRSV has received around 100 referrals each month between May and July 2024 without running an outreach campaign, said Fedir Dunebabin, GSF’s Ukraine

country representative. He estimates the numbers could reach 2,000 cases annually if the organization were to run a proper outreach campaign.<sup>59</sup>

The Ukrainian Foundation for Public Health, which provides support to survivors online through its SafeWomanHUB, has worked with 110 survivors who are not registered with GPO, said the organization’s director, Halyna Skipalksa.<sup>60</sup> La Strada Ukraine, which operates a national hotline on prevention of domestic violence, human trafficking and gender discrimination, has received 92 calls from survivors of CRSV, most of whom have not spoken with investigators, according to the organization’s legal expert, Luliia Anosova.<sup>61</sup>

Investigators and LGBTIQ organizations say they believe queer people are especially unlikely to report cases of abuse.

“From what I’m able to monitor through Telegram and through different social networks, I’m sure that the total number of conflict related sexual violence [incidents] committed by representatives of Russian armed forces against LGBT society is much bigger than is reported,” said Anna Sosonska, head of the GPO’s CRSV unit. “It’s silly to think we are able to record only one [case].”

Ukrainian LGBTIQ+ organizations have documented some additional cases of Russian abuse targeting queer people, and they agree much more needs to be done to establish the full range and breadth of rights violations or crimes committed on the basis of gender by Russian forces.

The Odesa-based organization Projector, in partnership with Kherson-based Insha and with support of the global LGBTIQ+ organization Outright, documented seven cases of gender violence on the basis of sexual orientation or gender identity in detail

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56 Ibid, para. 58.

57 Ibid, para. 59.

58 Luliia Anosova, “Is Comprehensive Response to International Crimes in the Ongoing War Possible? How Government and Civil Society in Ukraine Address Sexual Violence”, *White Paper* (2024).

59 Interview with Fedir Dunebabin, July 30, 2024 [On file with CUNY].

60 Interview with Halyna Skipalksa, July 31, 2024 [On file with CUNY].

61 Interview with Luliia Anosova, August 2, 2024 [On file with CUNY].

that occurred when the city of Kherson was under Russian occupation between March and November 2022. These included three cases of individuals who experienced physical and sexual violence in detention, a case of sexual violence and threatened execution at a Russian checkpoint, and the break-in of Insha's offices by Russian soldiers.<sup>62</sup> Testimonies from those who escaped occupied territory indicate that Russian soldiers were seeking out LGBTQI+ people, including by checking peoples' cell phones for same-sex dating applications.<sup>63</sup>

The national LGBTQI+ organization Nash Svit has documented several additional cases of abuse of queer people by Russian soldiers, many of them involving harassment or violence at checkpoints or by soldiers on patrol.<sup>64</sup> The queer feminist organization Insight, which provides support to women and LGBTQI+ people, was contacted by eight queer people from February 2022 through August 2024 who said they were sexually assaulted or tortured because of their sexual orientation in areas under occupation.<sup>65</sup>

## Patterns of CRSV and Other Gender Violence

While documentation is limited, and Russian forces' violent tactics appear to vary over time and place,<sup>66</sup> investigators and survivor support organizations have detected some patterns in their use of conflict related gender violence, including sexual violence.

Russian forces appear to widely subject people held in detention to some form of sexual violence, as part of additional forms of torture. This includes forced nudity, rape, threats of rape against them or their family members, being forced to witness sexual violence against others, and electrocution or other pain inflicted on their genitals.<sup>67</sup> Fedir Donebabin, Ukraine Country Director for the Global Survivors Fund, estimated that 60% of survivors of detention by Russian forces suffered CRSV.<sup>68</sup> Those affiliated or suspected of being affiliated with the Ukrainian military or other organizations supporting the government in Kyiv are often targeted for this kind of abuse.

Sexual violence against men is especially potent, said Oleksandra Romantseva, because it plays on cultural prejudice against gay people. "Here the Russian Federation pushes men to this sphere.... If anyone around you know you were raped by men, you are absolutely marginalized... to be LGBT is unnatural," she said.<sup>69</sup>

In some cases, Russian forces also targeted the female family members of pro-Ukrainian individuals, as well as the family members of active members of the Ukrainian military, for sexual violence.<sup>70</sup> Sosonska said the prosecutor's office has documented a special pattern of this kind of violence in the Mykolaiv and Kherson regions that have been liberated from Russian occupation.<sup>71</sup>

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62 Projector NGO, "Documenting War Crimes Against LGBTQI+ in Kherson" (March 2024).

63 Ibid, p. 7.

64 LGBT Human Rights Nash Svit Center, "The Battle for Freedom - LGBTQ Situation in Ukraine in 2022" (2023), pp. 32-34; LGBT Human Rights Nash Svit Center, "The situation of LGBTQ people in Ukraine in 2023" (2023), p. 7; LGBT Human Rights Nash Svit Center "LGBTQ Situation in Ukraine in January-June 2024" (2024), p 7.

65 Communication with Olena Shevchenko, Executive Director of Insight, August 8, 2024 [On file with CUNY].

66 Interview with Anna Sosonska, August 5, 2024 [On file with CUNY].

67 Interview with Fedir Dunebabin, July 30, 2024 [On file with CUNY]; Interview with Halyna Skipalksa, July 31, 2024 [On file with CUNY]; Interview with Khrystyna Kit, June 28, 2024 [On file with CUNY].

68 Interview with Fedir Donebabin, July 30, 2024 [On file with CUNY].

69 Ibid and Interview with Oleksandra Romantseva, August 1, 2024 [On file with CUNY]. Fedir Donebabin echoed Romantseva's point, saying that victims fear being perceived as gay, "and many men still in Ukraine, they say, I don't want to have an official status of such a person ... [Russians are] using this pattern to basically not only try to break the person, but also like to mark them for life."

70 Interviews with Anna Sosonska, August 5, 2024 [On file with CUNY]; interview with Halyna Skipalksa, July 31, 2024 [On file with CUNY].

71 Interview with Anna Sosonska, August 5, 2024 [On file with CUNY].

**“Russians committed conflict-related sexual violence against this targeted group and their family members — women family members — and they use conflict related sexual violence directly as a weapon for destruction of their families, and for the destruction of Ukraine as a nation,” Sosonska said.<sup>72</sup>**

Many reports of rape came from women in areas that were under occupation, including in cases where Russian soldiers occupied the houses of local residents. For example, Halyna Skipalska of the Ukrainian Foundation for Public Health said they had received many reports of rape from the Kyiv suburb of Bucha, which was the site of a brutal occupation early in the full-scale invasion. “They are doing this in order to humiliate people because they are Ukrainian, pro-Ukrainian,” Skipalska said. “Now it’s a system, and probably Russia prepared their soldiers for this.”

Many rapes of civilians were reported to occur in their own homes or places used as shelter.<sup>73</sup> In areas under extended occupation, women may be threatened or coerced into sex to protect themselves or their families. Exacerbating the impacts of this violence, investigators and community members may not recognize these women as victims.<sup>74</sup> In one situation, a woman in Bucha who was forced to agree to sex with Russian soldiers to prevent the rape of her 13-year old daughter not only faced stigmatization and distrust when her neighbors returned after liberation, but was investigated for collaboration.<sup>75</sup>

## Targeting of LGBTIQ+ People

While documentation is limited given human rights advocates’ inability to operate in Russian-occupied regions, testimony from those who manage to escape and rhetoric from the highest level of Russian power indicate that violence targeting LGBTIQ+ individuals may be a prominent feature of Russia’s invasion.

President Putin and Russian media outlets have been clearly encouraging such persecution.<sup>76</sup> From the moment the full-scale invasion officially began on February 24, 2024, Putin framed the attack as necessary to combat Western nations seeking to “destroy our traditional values and force on us their false values ... leading to degradation and degeneration, because they are contrary to human nature.”<sup>77</sup> Putin went further in a September 2022 speech as Russia illegally annexed four Ukrainian regions, suggesting the acceptance of transgender people represented a “religion in reverse” and “pure Satanism.”<sup>78</sup>

Russia has also implemented several new anti-LGBTIQ+ policies including declaring the LGBTIQ+ rights movement “extremist,” steps policymakers directly connect to the war effort.<sup>79</sup> “A special military operation is taking place not only on the battlefields, but also in the consciousness, in the minds and souls of people,” said Aleksander Khinshtein, a member of the Russian parliament and an author of a law prohibiting public speech about LGBTIQ+ people. “LGBT today is a tool of hybrid warfare. And in this hybrid warfare, we must

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72 Ibid.

73 Global Survivors Fund, *“Ukraine Study on the Status of and Opportunities for Reparations for Survivors of Conflict-Related Sexual Violence”* (May 2022), p. 6.

74 Weronika Strzyżyńska, *“Reparations to be paid to survivors of wartime sexual violence in Ukraine”*, *The Guardian* (April 26, 2024).

75 Alice Speri, *“Enemies Within: A Ukrainian Woman Protected Her Daughter From Russian Soldiers — and Was Accused of Collaborating With the Enemy”*, *The Intercept* (September 27, 2023).

76 J. Lester Feder, *“Wear It or We Will Beat You to Death”*, *The New York Times* (March 15, 2024).

77 President of Russia Vladimir Putin, *“Address by the President of the Russian Federation”* (February 24, 2022).

78 President of Russia Vladimir Putin, *“Signing of treaties on accession of Donetsk and Lugansk people’s republics and Zaporozhye and Kerson regions to Russia”* (September 30, 2022).

79 J. Lester Feder, *“Russia’s New Queer Purge”*, *Foreign Policy* (August 6, 2024).

protect our values. We must protect our society and we must protect our children.”<sup>80</sup>

To date, only one queer person has spoken publicly about abuse by Russian soldiers, reflecting the stigma that LGBTQI+ victims confront. Once Russian soldiers discovered he was gay at a checkpoint in occupied Kherson, Oleksii Polukhin said he was called derogatory names and beaten, forced to wear a dress for his first interrogation, then kept in detention for 64 days and repeatedly interrogated about the whereabouts of LGBTQI+ activists. Polukhin is also the only queer person currently cooperating with Ukrainian prosecutors, who have brought charges in his case concerning illegal detention, mistreatment, and torture; they are also investigating incidents of sexual violence.<sup>81</sup>

A straight man detained in the same detention center as Polukhin said he overheard Russian guards keeping prisoners in what they called a “faggot cell,” and was aware of two men held there during his detention. Roman Baklazhanov, who was detained for being a member of the nationalist group Right Sektor, said he was in a cell next to a “torture room,” where he heard at least two men the guards said were gay raped with night sticks and recalled a third incident where a gay man was forced to rape another prisoner. He said queer prisoners faced the worst treatment.<sup>82</sup>

The Odesa-based organization Projector recorded detailed testimony about two other queer people who experienced severe abuse by Russian soldiers, including a lesbian detained after soldiers discovered a rainbow flag in her house, and a gay man almost executed at a Russian checkpoint. Russian soldiers also broke into the office of the Kherson LGBTQI organization Projector two days after Polukhin was taken into custody.<sup>83</sup>

Soldiers have also checked peoples’ phones for same-sex dating applications.<sup>84</sup> As described above, other LGBTQI+ and feminist organizations have also received reports from individuals who faced sexual violence or other forms of torture by Russian soldiers because of their sexual orientation or gender identity.<sup>85</sup>

## Barriers to Reporting, Documentation, and Accountability

Investigations of CRSV and other forms of gender-based violence are dramatically hindered by investigators’ inability to reach victims still in Russian-occupied territory. Many survivors and witnesses who have escaped Russian control have also gone abroad, and Ukrainian investigators don’t have the resources to take testimony from people in exile.

Yet even in Ukrainian government-controlled territory, victims face multiple barriers to reporting crimes and accessing justice. Investigators and those supporting survivors have identified many reasons why survivors are reluctant to report what happened to them.

## Trauma and Lack of Psychosocial Support

Like survivors of sexual and gender-based violence around the world, a major barrier to reporting is how difficult it can be to talk about personal trauma. Trauma from gender violence is compounded for survivors in Ukraine by the trauma of displacement and the loss of livelihoods, homes, or loved ones. Survivors in Ukraine have difficulty accessing psychological and health care support.<sup>86</sup>

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80 Ibid

81 J. Lester Feder, “Wear It or We Will Beat You to Death”, *The New York Times* (March 15, 2024).

82 Interview with Roman Baklazhanov, November 1, 2023 [On file with CUNY].

83 Projector NGO, “Documenting War Crimes Against LGBTQI+ in Kherson” (March 2024).

84 Ibid, p. 7.

85 Communication with Olena Shevchenko, executive director of Insight, August 8, 2024, [On file with CUNY]; LGBT Human Rights Nash Svit Center, “The Battle for Freedom - LGBTQ Situation in Ukraine in 2022” (2023), pp. 32-34; LGBT Human Rights Nash Svit Center, “The situation of LGBTQ people in Ukraine in 2023” (2023), p. 7; LGBT Human Rights Nash Svit Center “LGBTQ Situation in Ukraine in January-June 2024” (2024), p 7.

86 Global Survivors Fund, “Ukraine Study on the Status of and Opportunities for Reparations for Survivors of Conflict-Related Sexual Violence”

“I think most survivors of CRSV do not want to talk with police officers or prosecutors at first,” said Khrystyna Kit of JurFem. “They are ready to talk with them when they feel safe and when they have some help from social workers or psychological experts.”<sup>87</sup>

Organizations that provide support services to CRSV survivors say it often takes several interactions before a survivor will share what happened to them.

“There are very few of those who called and said that [CRSV] happened to me — please give me help with this,” said Halyna Skipalska. More often someone comes to them because they — or their children — have developed physical or mental health problems and only later do service providers identify that their symptoms are related to sexual violence.

## Stigma and Suspicion

Those working with victims say the fear of being stigmatized is one of the major reasons survivors do not want to report. For survivors of sexual violence, there is also real fear that others will question whether they did enough to resist and may even think they cooperated with their abusers.

Issues around stigma play out very differently between men and women survivors, providers say. Women who were forced to have sex by Russian soldiers outside detention may be questioned by community members or investigators about whether they did enough to resist. If they submitted to sex under coercion, they may not realize that this form of sexual violence is a crime. In such circumstances, they may fear being accused of collaborating with Russian forces by their neighbors or investigated by Ukrainian police.<sup>88</sup>

**“This is like the biggest problem, and this is also why our clients do not want to document,” said Halyna Skipalska of the Ukrainian Foundation for Public Health. “They are afraid there will be questions [like], what did you do there? Why didn’t you tell them to stop? Why did you provide sex and used to live with this perpetrator from the Russian army?”<sup>89</sup>**

Women with a male partner may also worry about how they will react if they learn of their abuse, Skipalska said. In one case, a woman who had struggled for ten years to conceive with her husband — a Ukrainian soldier — wound up getting pregnant by an occupying Russian soldier and sought an abortion. “Can you imagine? Does she want to be documented? Of course not,” Skypalska said.

CRSV prosecutor Anna Sosonska said that men may face a different kind of difficulty in reporting sexual violence. “If a man has suffered sexual violence or sexualized torture, he may not want to report these crimes in order not to question his masculinity,” she said. This may be exacerbated if they are being interviewed by institutions like the National Police or the Security Services. Even in response to very specific questions about forms of sexualized torture — such as electrocution of the genitals — male victims may describe their abuse in more general terms like “torture” and “war crimes.”<sup>90</sup> Some men have, however, reported sexual violence by Russian soldiers, with a representative from the Global Survivors Fund observing that “[m]any male survivors are stepping forward to fight for their rights and justice.”<sup>91</sup>

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(May 2022), p. 6.

87 Interview with Khrystyna Kit, June 28, 2024 [On file with CUNY].

88 See for example, Alice Speri, “Enemies Within: A Ukrainian Woman Protected Her Daughter From Russian Soldiers — and Was Accused of Collaborating With the Enemy,” *The Intercept* (September 27, 2023).

89 Interview with Halyna Skipalksa, July 31, 2024 [On file with CUNY].

90 Interview with Halyna Skipalksa, July 31, 2024 [On file with CUNY].

91 Weronika Strzyżyńska, “Reparations to be paid to survivors of wartime sexual violence in Ukraine,” *The Guardian* (April 26, 2024).

## Mistreatment and Discrimination by Investigators and State Institutions

Survivors of CRSV and other gender violence in conflict have some reason to worry that reporting their cases to authorities may retraumatize them, especially given an apparent need for training for investigators and judicial actors in survivor-centered approaches.

“The law enforcement system and the security and defense sector still remain quite patriarchal, operating under stereotypical approaches to gender-based crimes and equal rights,” said former Deputy Prosecutor General Mamedov. “Despite the state’s central-level declarations of changing approaches, applying survivor-oriented principles, and the ‘do no harm’ principle, there is still a pressing need at the regional level to address prejudices and stereotypes regarding this category of rights.”<sup>92</sup>

Olena Shevchenko, of the queer feminist organization Insight, said that the investigation system is generally inhumane and bureaucratic, which can be totally demoralizing to individuals trying to report traumatic events. “They are treating people very badly,” she said. “You will get nothing from this but retraumatization.”<sup>93</sup> Shevchenko knows this from personal experience: she was assaulted on the street early in the full scale invasion in an apparent hate crime.<sup>94</sup>

“It’s not clear how you can get your case registered for investigation, so at least you need to visit the police station three, five times,” she said. “Different people will come to you to ask the same questions.” Sometimes police will not want to register a case, in which case a victim would have to go to court to force them to do so. “Independent of substance, it just becomes a

bureaucratic nightmare and all the burden is on the victim.... I don’t think anyone can survive this system.”<sup>95</sup>

LGBTIQ+ people are also likely to experience homophobia in the reporting process, Shevchenko added.<sup>96</sup> Vitaly Matvieiev, director of Projector, said this had been the experience of his LGBTIQ+ clients. “We know from our experience and from the experience of our clients that sometimes when you go to a police station and you want to place a statement or tell them about a case, and it is related to your sexual orientation, what you get is discrimination or homophobia,” Matvieiev said. Of the seven cases Projector documented of LGBTIQ+ people abused during the Russian occupation of Kherson, only one agreed to speak with Ukrainian prosecutors.<sup>97</sup>

The GPO adopted a strategic plan to improve the investigation of CRSV in 2022, aimed at implementing “victim-centered, trauma-informed, and gender-sensitive programmes” throughout investigating institutions. The GPO also created a special unit focused on CRSV.<sup>98</sup>

But the reach of these initiatives are limited. The CRSV division in GPO’s Kyiv headquarters is staffed by just 10 prosecutors, said its director, Anna Sosonska, and there are just a handful of specialized prosecutors in prioritized regions near the frontlines. She estimates there are about 100 specialized prosecutors in total.

“I have to say there is a lack of working hands,” Sosonska said. “Our Ukrainian system of documenting, detecting, and investigating war crimes is overwhelmed.”<sup>99</sup>

It is often not clear to survivors that anything is to be gained by reporting. In many cases, they do not know

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92 Correspondence with Gyunduz Mamedov, August 1, 2024 [On file with CUNY].

93 Interview with Olena Shevchenko, July 27, 2024 [On file with CUNY].

94 Dayana Sarkisova “Olena Shevchenko Is Fighting for Ukraine’s Most Vulnerable People”, *Time* (March 2, 2023).

95 Interview with Olena Shevchenko, November 26, 2023 [On file with CUNY].

96 Ibid.

97 Interview with Vitaly Matvieiev, October 20, 2023 [On file with CUNY].

98 Office of the Prosecutor General of Ukraine “Strategic Plan for the Implementation of Powers of the Prosecutor’s Office in the Field of Criminal Prosecution for Conflict-Related Sexual Violence” (June 26, 2022).

99 Interview with Anna Sosonska, August 5, 2024 [On file with CUNY].

the identity of the perpetrators, and, even if they do, they question that those responsible can be caught and put on trial.

“Maybe I want justice and I can report about a CRSV crime, but how will prosecutors identify this perpetrator,” said JurFem’s Khrystyna Kit. “What will be after that? What help will I get from our country? People do not feel a benefit... It’s a very logical question, ‘why do I need to report about this?’”<sup>100</sup>

These deficiencies impact survivors’ willingness to seek justice. There is also an apparent need for greater sensitivity among medical professionals who could, if adequately trained, play a vital role in recording evidence of injuries and directing survivors to additional services. Lyudmila Huseynova, a Ukrainian woman who survived sexual violence and three years of detention by Russian forces, is now a survivors’ advocate. She told a reporter about her experience at a hospital on her release with doctors who were untrained in treating sexual violence victims. “I do not blame the doctors there at all, but they were not prepared to deal with someone like me... They didn’t know how to approach or speak to me, which caused more psychological damage in the long term.”<sup>101</sup>

Fedir Dunebabin, who is the Ukraine country director for the Mukwege Foundation as well as for the Global Survivors Fund, said survivors also mistrust the United Nations human rights investigators, as many Ukrainians mistakenly believe the United Nations could have stopped the Russian invasion and failed to do so. Dunebabin also said that UN agencies sometimes include summaries of cases they’ve documented in public reports, which some survivors worry could reveal their identities.<sup>102</sup> While this may limit the degree to which the international community is aware of the extent of conflict related gender violence, including sexual violence, it is vital for donor states to act to help ensure the conditions for survivors to heal, report

violations, and access justice.

## Fear of Retribution

Crucial testimony about conflict-related gender violence including sexual violence comes from areas that Ukrainian forces have liberated from Russian occupation. But those regions are generally near the front lines, and residents reasonably fear the return of Russian forces or for the safety of loved ones in territory still under occupation.

For example, Russian forces are entrenched just across the river from the city of Kherson and surrounding villages, which were liberated by Ukrainian forces in November 2022. “Women who were raped by the Russians ... don’t have a guarantee that in two days the Russian army will not occupy the village again, and if they have already given evidence that their destiny has been completely decided for them — they will be killed as witnesses,” said Iryna Dovgen, a CRSV survivor who leads a survivors organization called SEMA Ukraine.<sup>103</sup>

## Interventions and Recommendations

### Changes to the Laws of Ukraine

The Verkhovna Rada, Ukraine’s parliament, recently passed legislation to create a system to provide “urgent interim reparations” for survivors of CRSV, which should be rigorously implemented once it comes into effect. In addition to providing immediate financial support to victims, the legislation would provide a definition of conflict related sexual violence in the context of the Russian invasion, that legal experts believe will facilitate the work of prosecutors.

The legislation is based on a pilot program that has been running since spring 2024 by the Global Survivors

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100 Interview with Khrystyna Kit, June 28, 2024 [On file with CUNY].

101 Weronika Strzyżyńska, “Reparations to be paid to survivors of wartime sexual violence in Ukraine”, *The Guardian* (April 26, 2024).

102 Interview with Fedir Dunebabin, July 30, 2024 [On file with CUNY].

103 Interview with Iryna Dovgen, July 30, 2024 [On file with CUNY].



Fund, which is registering up to 500 survivors and providing them with cash payments of €3,000.<sup>104</sup> The legislation's codification of a definition of conflict related sexual violence in relation to the Russian invasion will not only facilitate the work of prosecutors, said Fedir Dunebabin, GSF's Ukraine representative, it will also be useful in providing state benefits to survivors such as health care.<sup>105</sup>

The law covers a broad range of sexual violence, including rape, forced pregnancy, genital mutilation, sexual slavery, forced nudity, and other acts.<sup>106</sup>

The project has been championed by Ukrainian First Lady Olena Zelenska, and was drafted in consultation with a broad coalition of civil society organizations, including several interviewed for this report.<sup>107</sup>

The reparations system may also encourage more survivors to ultimately provide testimony to investigators, because it gives a clear incentive to interact with a state system that could then refer survivors to prosecutors. Before the pilot program was launched, Anna Sosonska said, the primary way her office could find survivors was to work directly with civilian populations in liberated territory. Now there was a system by which survivors might come to them.

"So now everything changed, and [survivors] start to share their statements with the Office of the Prosecutor General," Sosonska said. "I am surprised, because I didn't believe it might happen."<sup>108</sup>

## Legal reforms and other measures to protect the rights of LGBTIQ+ people

Observations by Olena Shevchenko of the queer feminist organization Insight emphasize the need for

the reparations legislation to be interpreted in such a way that it does not discriminate against people in same-sex relationships. It is important to avoid scenarios where someone who has lost an opposite-sex spouse will be able to receive benefits, but someone with a same-sex partner may not be eligible because Ukraine does not currently recognize same-sex partnerships.<sup>109</sup>

Hate crimes legislation that includes punishing crimes targeting LGBTIQ+ people is also important, Shevchenko said, so that persecution of queer people by combatants can be prosecuted under Ukrainian law.

LGBTIQ+ organizations that provide legal support to victims of persecution or document cases also need more financial support for this work. In addition to supporting direct humanitarian relief, international donors should support legal and human rights work, particularly documentation.<sup>110</sup>

## Public Education

Service providers say more needs to be done to support survivors and educate them and the general public about the rights of victims and the system of prosecuting war crimes. This includes psycho-social support, but also legal and logistical support for victims to document their cases and reach meetings with investigators.

Survivors also should be directly involved in the creation of reporting and support mechanisms, said Halyna Skipalska of the Ukrainian Foundation for Public Health.<sup>111</sup>

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104 Interview with Fedir Dunebabin, July 30, 2024 [On file with CUNY]; Weronika Strzyżyńska, "Reparations to be paid to survivors of wartime sexual violence in Ukraine", *The Guardian* (April 26, 2024).

105 Interview with Fedir Dunebabin, July 30, 2024 [On file with CUNY].

106 Draft Law on the status of victims of sexual violence related to the armed aggression of the Russian Federation against Ukraine and urgent interim reparations, (09 October, 2023).

107 Weronika Strzyżyńska, "Reparations to be paid to survivors of wartime sexual violence in Ukraine", *The Guardian* (April 26, 2024).

108 Interview with Anna Sosonska, August 5, 2024 [On file with CUNY].

109 Interview with Olena Shevchenko, July 29, 2024 [On file with CUNY].

110 Ibid and Interview with Andrii Kravchuk, June 29, 2024 [On file with CUNY].

111 Interview with Halyna Skipalksa, July 31, 2024 [On file with CUNY].

## Training and Monitoring

Programs to train investigators on survivor-centered approaches should be expanded, advocates say, and a system should be implemented to monitor how investigators are putting them to use. This is an area where international organizations can be of assistance, said Khrystyna Kit of JurFem.

“We had a lot of trainings for investigators and prosecutors, and now sometimes ... [they still] do not want to cooperate with psychological experts during interviews,” Kit said. “We see now that not all investigators, and especially police officers... implement this knowledge in practice, and we must have some system of control.”<sup>112</sup>

## Documentation with those who are in exile

Several interviewees expressed the desire for foreign law enforcement agencies and NGOs to gather testimony from survivors and witnesses who have gone abroad. UNHCR estimated that 6.3 million Ukrainians — about 15 percent of the country’s pre-war population — had fled the country since the full scale invasion began as of the end of 2023.<sup>113</sup> The vast majority of adults seeking shelter abroad are women, as men of military age are legally barred from leaving the country. Many of these may be survivors of CRSV or other war crimes, but they are difficult to reach for Ukrainian investigators.

“That is how we lost a huge mass of evidence, a huge mass of information that might be useful for our current investigation,” said Prosecutor Sosonska. The only way for her office to receive statements from Ukrainians abroad is to go through the GPO’s Department of International Cooperation and ask the governments of host countries to use their investigating agencies to take testimony for them, she said, a system

that is cumbersome and has unreliable results. “That is why I really like to encourage non-government organizations to work with Ukrainians to document these types of crimes.”

## Additional Recommendations

These recommendations draw heavily from those made by the Global Protection Cluster in Ukraine—a network of UN agencies and NGOs working on protection issues in Ukraine—a key resource for further strategies and guidance.<sup>114</sup> In addition to calling on all relevant actors to follow the Protection Cluster Guidance on Humanitarian Evacuations of Civilians in Ukraine with Special Considerations for Children, the following are among their recommendations:

### Ukrainian Government and Authorities

- ▶ **Legislate Response to CRSV and Other Forms of Gender Persecution:** Amend laws to include Conflict-Related Sexual Violence (CRSV) and other forms of gender persecution prevention and response, ensuring proper investigation and legal tools.
- ▶ **Ensure Accountability to Survivors:** Integrate “accountability to affected populations” in policy planning and implementation, focusing on a survivor-centered approach.
- ▶ **Support Local GBV Services:** Provide state subsidies for local GBV services to ensure quality, capacity, sustainable funding, and community collaboration.
- ▶ **Create National Protocols:** Develop a national protocol for clinical management of rape (CMR) and intimate partner violence (IPV), emphasizing safety, confidentiality, and respect. Reform mandatory reporting policies, establish forensic evidence collection, and create a confidential data system for survivor support.
- ▶ **Enhance GBV Initiatives:** Advocate for donor support

112 Interview with Khrystyna Kit, June 28, 2024 [On file with CUNY].

113 UNHCR, “[Ukraine situation – 2023 situation overview](#)”.

114 Global Protection Cluster in Ukraine, “[Ukraine: Protection Analysis Update - The Critical Need for Protection amongst Armed Conflict and Violence](#),” July 2024.

to enhance comprehensive initiatives addressing GBV, including domestic violence, focusing on shifting gender norms and reintegrating war veterans into post-war society while implementing the Istanbul Convention.

## Donors

- ▶ Continue and Enhance Funding to Women’s and LGBTQI+ Victims’ Organizations: Support organizations operating GBV prevention, risk mitigation, and response activities in war-affected Ukraine, maintaining a key focus on continuous and survivor-centered services for GBV survivors and at-risk groups, awareness raising, and access to life-saving information while strengthening the capacity of GBV actors to deliver quality support.
- ▶ Target Funding for Humanitarian and Developmental Needs: Ensure availability of funding to ensure stable access and increased quality of GBViE interventions, including emergency preparedness and investigation of gender based crimes, including CRSV and other forms of gender persecution.
- ▶ Strengthen Capacity of Local Authorities: Work with local women’s and LGBTQI+ civil society to establish opportunities for strengthening the capacity of women-led organizations and of women’s and LGBTQI+ Rights Organizations , as well as regional and local authorities, to cooperate and jointly deliver quality GBViE responses.

## Gender-Based Violence Sector and Partners

- ▶ Improve Access to GBViE Services: Further enhance the quality, access, and referrals to GBViE services, particularly in remote, hard-to-reach areas close to the frontline located in the North, South, and East of Ukraine.
- ▶ Ensure Access to High Quality Gender Violence Services for Vulnerable Groups: Ensure all vulnerable individuals, including women, men, girls, boys, persons with disabilities, LGBTQI+ individuals, Roma, immigrants, and others, have access to survivor-centered quality GBV services.
- ▶ Enhance Understanding Among Humanitarian Actors: Improve understanding among humanitarian actors across sectors on how to preserve evidence of gender persecution, mitigate GBV risks, and observe “do no harm” principles when interacting with survivors, particularly in frontline areas.
- ▶ Raise Awareness of GBV Risks: Continue raising awareness of GBV risks, preventive actions, and the availability of GBV services to enable timely access to needed help for survivors and at-risk individuals.

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