

STRENGTHENING ACCOUNTABILITY FOR SURVIVORS OF CONFLICT-RELATED SEXUAL VIOLENCE IN UKRAINE:

**Findings and Recommendations
from the Frontline**



Protest against Russian invasion in Ukraine. Lisbon, Portugal.
Photo credit: Alice Kotlyarenko

ABOUT THIS POLICY PAPER

Founded and led by the International Coalition of Sites of Conscience (ICSC), the Global Initiative for Justice, Truth and Reconciliation (GIJTR) is a consortium of nine organizations around the globe, dedicated to multidisciplinary, integrated and holistic approaches to transitional justice.

Published in February 2024, this policy paper is produced as part of a year-long GIJTR project dedicated to ensuring accountability for international crimes and grave human rights abuses committed by the Russian armed forces and its proxies on the territory of Ukraine. GIJTR partners the ICSC and Centre for the Study of Violence and Reconciliation (CSV) partnered with International Partnership for Human Rights (IPHR), Truth Hounds, and Partners in Justice International (PJI) to promote coordinated civil society action to investigate, document and ensure accountability, including with respect to conflict-related sexual violence (CRSV), and to enhance civil society capacity in this regard.

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The Global Initiative for Justice, Truth and Reconciliation

In 2014, the International Coalition of Sites of Conscience (ICSC) launched the Global Initiative for Justice, Truth and Reconciliation (GIJTR), a consortium of nine international organizations focused on offering holistic, integrative and multidisciplinary approaches to issues of truth, justice and reconciliation. GIJTR works primarily with local populations, civil society organizations, survivors and governments to develop transitional justice approaches that are victim-centered, collaborative, and support dignity, respect, inclusion, and transparency in societies emerging from conflict or periods of authoritarian rule. Since its founding, GIJTR has engaged 801 local civil society organizations; worked with practitioners and survivors in 78 countries; produced 43 publications; supported the collection of over 8,000 narratives of human rights violations; and supported over 500 community-led transitional justice projects.

For more information, please visit gijtr.org.



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EXECUTIVE SUMMARY

The full-scale Russian invasion of Ukraine in 2022 vastly increased the scale of war crimes and other violations of international humanitarian and criminal law, which have been ongoing since Russia annexed Crimea in 2014. Included among these violations is conflict-related sexual violence (CRSV). Since February 2023, International Partnership for Human Rights (IPHR), International Coalition of Sites of Conscience (ICSC), Centre for the Study of Violence and Reconciliation (CSVR), Truth Hounds, and Partners in Justice International (PJI) have been conducting a multidisciplinary project to document CRSV under the auspices of the Global Initiative for Justice, Truth, and Reconciliation (GIJTR).

Project partners conducted twelve field visits to recently de-occupied regions of Ukraine and other locations near the front lines to interview survivors of CRSV. In preparation, project partners underwent specialized training and mentoring to ensure all activities were carried out in accordance with international best practices. Their experiences during the past year highlights the challenges to documenting CRSV, particularly during an active conflict. In addition to the trauma that makes recounting the events a painful and distressing experience, survivors are mistrustful of documenters for fear of stigma, repercussions from Russian forces against them or family members, or being accused of collaboration by the Ukrainian authorities. Additionally, negative experiences with journalists, security services, or local police or prosecutors, not accustomed to working with CRSV survivors or trauma-informed approaches, left lasting impact that heightens this mistrust. This experience demonstrates that documenting CRSV is a far longer process than documenting other types of violations, such as attacks on civilian infrastructure, for which significant information can be gathered in a single field mission.

Nonetheless, these interviews have begun to elicit information about the types of CRSV perpetrated. The interviews show that CRSV has been perpetrated against females, males, and people of diverse sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC), ranging in age from young children to the elderly. The interviews reveal that men and boys have been subjected to sexualized torture. In the case of men, this often occurred in detention contexts. The interviews also reveal that women and girls have been raped. Many of these women were attempting to protect other women from rape or simply survive. The reports show that incidents of CRSV were not isolated events.

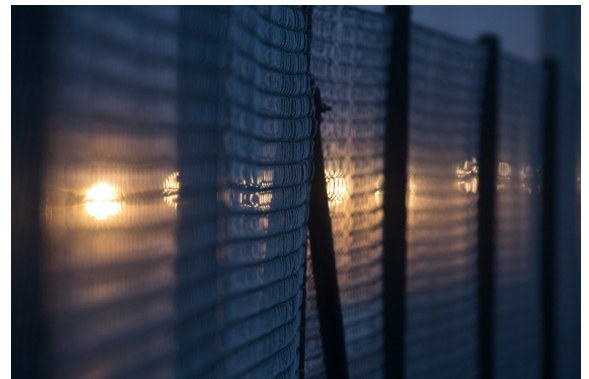


Photo credit: Phil Botha

Project partners have provided the information collected to, or are otherwise supporting, the Office of the Prosecutor General in Ukraine (OPG), the International Criminal Court (ICC), and other national courts with jurisdiction over CRSV committed in Ukraine under universal jurisdiction. The OPG has recorded 252 cases of CRSV and, in June 2023, a complaint related to CRSV was filed in Germany. While Ukraine's approach to CRSV has evolved over the course of the conflict, there are still challenges related to local prosecutor and police engagement with survivors and recognition of the survivors' experiences as CRSV as opposed to other types of violations.

CRSV impacts multiple facets of a survivor's life. Survivors may need and have a right to psychological, medical, social, economic, and legal support. These services should be tailored to address the differing needs of survivors based on gender, age, geography, or other factors and be provided on a long-term basis. While a number of civil society organizations are focused on addressing these needs in Ukraine, the number and geographic reach of existing providers are not sufficient to meet the scale of the violations.

Overall, CRSV documentation and accountability within the context of Russia's ongoing aggressive war in Ukraine require a sustainable and holistic response, with collaboration among multiple actors, including civil society and governments, national and international entities, and donors. This report offers a series of recommendations to these stakeholders to ensure this work is truly survivor-centered and empowers survivors to address the trauma they experienced.



Photo credit: Rostyslav Savchyn

INTRODUCTION

On February 24, 2022, Russia embarked on a full-scale invasion of Ukraine. This escalation marked a new phase in an ongoing conflict, beginning in 2014 when Russia annexed Crimea and supported separatist forces who took control of parts of eastern Ukraine. Since 2014, multiple organizations have documented conflict related sexual violence (CRSV) in Ukraine.¹ Following the full-scale invasion, the scale of all violence, including CRSV, increased dramatically. The United Nations Commission of Inquiry, as well as other investigative bodies, have reported they have found reasonable grounds to believe that rape and other sexual violence has occurred in territories occupied by Russian forces.²

Prior to the full-scale invasion, Ukraine's civil society had developed a degree of capacity for documenting violations of international criminal law and international humanitarian law. Given the dramatic increase in the scale of alleged violations following the full-scale invasion, there has been a need to rapidly expand the capacity to document these potential crimes. The documentation of CRSV, in particular, requires a trauma-informed, gender-inclusive,* and survivor-centered approach so as not to cause further harm to the survivor. Documentation efforts are all the more difficult due to the challenge of documenting during ongoing hostilities. This situation affects multiple aspects of CRSV documentation, including access to survivors, willingness of survivors to share their accounts, and resources available to provide ongoing support services.

SURVIVOR-CENTERED APPROACH: A survivor-centered approach means recognizing and prioritizing the rights, needs, priorities and capacities of the person who has experienced conflict-related sexual violence. This approach creates a supportive environment, ensures safety and dignity to promote a survivor's recovery, and reinforces the survivor's capacity to make decisions about possible interventions.

TRAUMA-INFORMED APPROACH: Trauma results from an event, series of events, or set of circumstances that is experienced by an individual as harmful or life threatening. While unique to the individual, generally the experience of trauma can cause lasting adverse effects, limiting the ability to function and achieve mental, physical, social, emotional or spiritual well-being. A trauma-informed approach aims to increase practitioners' awareness of how trauma can negatively impact on individuals and communities, and their ability to feel safe or develop trusting relationships with support services and their staff.

GENDER-INCLUSIVE APPROACH: A gender-inclusive approach entails respecting each survivor's dignity and sense of personal identity, attending to the impact of gender on survivor experiences, making space for historically excluded survivors and crimes, and recognizing the wide range of ways in which different individuals are affected by conflict and violence as a result of their gender identity.

* The terms "gender-inclusive" and "gender-sensitive" are sometimes used interchangeably by states, practitioners, and others. This paper uses "gender-inclusive" because of its focus on transforming consciousness around the implications of transitional justice measures for all genders, as opposed to "gender-sensitivity" which can sometimes be distorted into tokenism or an exercise in semantics.

This paper examines efforts to document CRSV and support survivors, with the aim of providing instructive guidance to actors involved at all stages of addressing CRSV, including documenting, investigating, providing support services, legislating, and funding. The paper concludes with recommendations for civil society, international institutions, the Ukrainian government, and donors to further strengthen this work in Ukraine and elsewhere.

METHODOLOGY

This paper was drafted on the basis of desk research and interviews with ten key stakeholders, both project implementers and an external expert. The desk research included internal project documents and external reports. The implementers provided information based on ten months of carrying out the project, particularly field documentation undertaken during this time. IPHR and Truth Hounds carried out the field missions. IPHR conducted eight CRSV-related field missions and interviewed 83 people. Truth Hounds conducted seven field missions and interviewed 160 people. Three of these field missions were joint missions with both IPHR and Truth Hounds personnel. The documenter interviews included both screening interviews, to understand the context and identify survivors, and interviews with the survivors about their experiences. When this paper discusses documentation findings, it is referring to information elicited in these interviews. The term “documenters” is used throughout the paper to refer to individuals or organizations from civil society that are interviewing CRSV survivors. The term “official investigators” refers to Ukrainian state authorities.

This paper uses the term “survivor” rather than “victim” to refer to individuals who experienced CRSV. This term is used to signify that these individuals are not defined by the conduct they were subjected to and reflect their resilience. Use of this term is not based on preferences expressed by the individuals interviewed, nor does it reflect that they have healed from their injuries, trauma, or distress. Importantly, it also does not alter their status as victims in terms of the legal rights they should be afforded.



Photo credit: Kevin Bückert

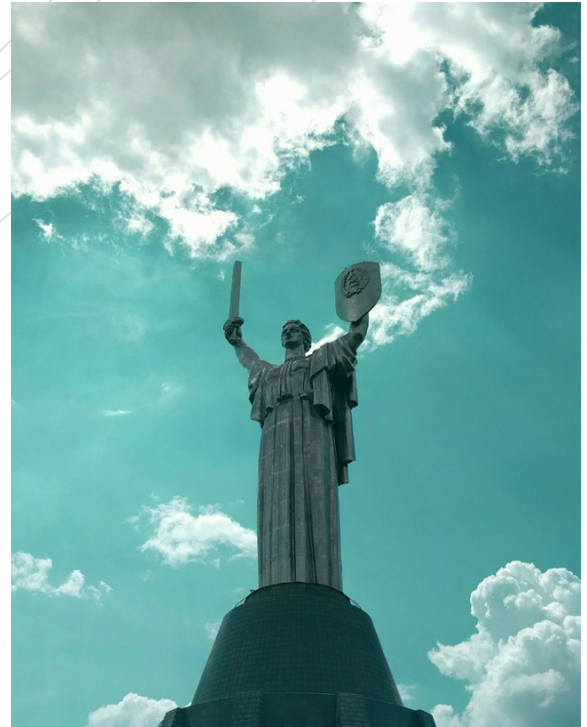
CHARACTERISTICS OF CRSV IN UKRAINE UNDER THE FULL-SCALE INVASION BY RUSSIAN FORCES

The United Nations provides the following definition for CRSV:

The term “conflict-related sexual violence” refers to rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict.³

CRSV can be used by parties to a conflict to exert social control, coerce confessions, or humiliate and disempower the population, among other reasons⁴ It should not be viewed as inevitable in conflict, but recognized as a tactic, if not a strategy.⁵

Based on the documentation project partners have conducted to date, it is premature to draw conclusions about patterns of CRSV in Ukraine. It can take years for survivors of CRSV to share their stories due to the trauma and stigma alone.⁶ In Ukraine, the trauma and stigma are compounded by three factors related to the ongoing nature of the conflict that further impact survivors’ willingness to speak. First, survivors living in areas recently released from Russian occupation are fearful that Russian forces could return and discover that the survivor has reported the violation.⁷ Second, survivors fear that they may be charged with collaboration by Ukrainian authorities.⁸ In areas that had been occupied, the Ukrainian security services are searching for any individuals suspected of providing aid to Russian forces.⁹ CRSV survivors have reported encounters with Ukrainian security services more akin to an interrogation than an interview with a victim of a crime.¹⁰ Indeed, in some instances, survivors have been accused of being a collaborator by virtue of the very crimes committed against them.¹¹ Third, some survivors have relatives still in Russian detention. The survivors fear for the safety of these loved ones should they speak out.¹²



The Motherland Monument, Kyiv, Ukraine.
Photo credit: Andrii Leonov

Another challenge to collecting comprehensive information about CRSV is access to survivors. Many survivors have left their villages, and in the case of the women, have left Ukraine entirely.¹³ For those who remained, their home villages are often close to the front lines, which increases the risks to documenters undertaking field missions. As a result of these challenges, even though a significant amount of information has been collected, further documentation will be needed over the years to come.

- Nonetheless, the documentation that has been conducted by project partners reveals independent reports of similar types of conduct in various locations. The reports show that CRSV has been perpetrated against both females, males, and individuals of diverse SOGIESC, ranging in age from young children to the elderly. These reports reinforce that incidents of CRSV are not isolated events. The primary conduct that has been reported to project partners is as follows.
- Men have been subjected to sexualized torture. This torture generally occurs in custodial settings, such as detention or filtration. One form of CRSV repeatedly reported by men is use of electrical shock to the genitals.
- Women have reported being raped in two distinct circumstances. The first is rape based on the coercive context. In these situations, a woman in the village, on her own initiative or under pressure by others in the village, engages in sexual intercourse with Russian forces. The motivation is to protect other women, often minors, or to secure the means for survival. These women are often referred to by individuals in their communities by the misnomer of “volunteers,” despite the fact that under international law consent should not be inferred in coercive environments – such as occupation – that undermine the survivor’s ability to give voluntary and genuine consent.¹⁴ Following the occupation, these women often are ostracized by their communities and tend to be the ones the security services accuse of collaboration.

The second type of rape that survivors have reported is rape conducted by Russian forces for “entertainment.” In these situations, the Russian personnel are often described as being drunk and will engage in the conduct themselves or using an object. Although this conduct may appear to be opportunistic when viewed in isolation, the frequency with which it has been reported suggests, at a minimum, a systemic lack of discipline. Further data collection is ongoing to determine if there is a broader strategic element.

- Children have also been subjected to CRSV. Project partners report that minor boys have been subjected to sexualized torture for entertainment. Minor girls have been subjected to rape.



Ivano-Frankivs'ka oblast, Ukraine.
Photo credit: Max Kukurudziak

TRAUMA-INFORMED, GENDER-INCLUSIVE, SURVIVOR-CENTERED APPROACH TO CRSV DOCUMENTATION AND INVESTIGATION

Since its founding in 2014, the GIJTR has supported civil society actors in their efforts to collect documentation related to gross human rights abuses during conflict in a credible and systematized manner in locations such as South Sudan, Sri Lanka, Iraq and the former Yugoslavia, among others. In all of its work, the GIJTR has prioritized documentation, knowing all too well that unless human rights abuses are properly and securely recorded for future accountability purposes, violent patterns are likely to repeat themselves. Partners have also found that training and supporting local populations to document their own experiences greatly enhances the likelihood that traumatized and polarized individuals and communities can heal after conflict. Since local documenters generally garner more trust than their international counterparts, they often have better access to marginalized groups, whose experiences are too often left out of official accounts but are nonetheless necessary to securing justice and rebuilding safe and peaceful communities.

Documentation collected by civil society can impact transitional justice in many ways, including:

1. Provide investigators, commissioners, and/or prosecutors from eventual transitional justice mechanisms with leads to victims, witnesses, mass graves, or other evidence;
2. Help to prove certain elements of the violations (e.g. control over an area, widespread and systematic nature/pattern of violations, and broader contexts for violations);
3. Serve as the basis for court testimony;
4. Assist in defining the mandates of transitional justice mechanisms;
5. Start the process of sensitizing communities and survivors to the transitional justice mechanisms and better understand victims' needs in these processes; and
6. Establish the basis for community-led reconciliation and memorialization processes. Locally led documentation efforts can also strengthen citizens' trust in and support for peace and transitional justice processes.

Through work in Bangladesh, Sri Lanka, South Africa, Guinea, and other countries, the GIJTR has witnessed the devastating impact of conflict upon mental health, and the role that unhealthy trauma responses such as silence and resentment play in fueling violence that can last for generations. It has

also seen that, when integrated into broader transitional justice and prevention processes, mental health and psychosocial support interventions facilitate healing for victims and communities affected by conflict and help restore dignity and resilience for individuals and communities alike. The GIJTR therefore builds a psychosocial support component into every program it facilitates; during this project, civil society documenters have had access to debriefing with counsellors from GIJTR consortium member the Centre for the Study of Violence and Reconciliation (CSVR) and have received training helping them explore the importance of their own mental health and normalize the mental health burden that emerges within their work.

To effectively impact transitional justice in the ways identified above, documentation – particularly of CRSV – must be conducted in a trauma-informed, gender-inclusive, and survivor-centered manner. This section of the paper summarizes international guidelines for what this approach means in practice and addresses the project partners’ experiences in implementing them to highlight challenges and lessons learned.

The foundational principle guiding any documentation and accountability effort is do no harm. Regarding survivors of CRSV, do no harm includes recognizing the particular trauma they have experienced and valuing the wellbeing, needs, and wishes of the survivor over the information they might provide. There are a series of international protocols, such as the Global Code of Conduct for Gathering and Using Information about Systematic and Conflict-Related Sexual Violence (Murad Code) and the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict (second edition), outlining minimum standards and best practices for CRSV documentation and investigation, which flow from and serve to reinforce this principle.¹⁵ Additionally, legal and health professionals, who may engage with CRSV survivors, are further subject to ethical standards for their respective professions.¹⁶



Photo credit: Glenn Carstens-Peters

While the international protocols may vary in specific guidance, they uniformly address the need for advanced planning; trauma-informed, gender-inclusive, survivor-centered interviewing techniques; robust informed consent procedures; secure data handling; referral to support services; and post hoc evaluation of the interview process. Additionally, they emphasize the importance of maintaining the mental health and wellbeing of the documenters themselves. The table below addresses each of these areas, with the best practices identified in the column on the left and the project partners’ experiences in the column on the right.

Advanced Planning

A number of tasks should occur prior to conducting interviews that will inform each stage of the process. As a starting point, the documentation staff should be specially trained on CRSV and all needed policies and procedures should be in place in advance of engaging with survivors.¹⁷ Key to ensuring the documentation efforts do no harm is conducting a thorough risk assessment. This assessment should consider the potential risks to all individuals involved, including the survivor, their family, the community, and the documenters.¹⁸ Among the potential harms to consider are not only threats to physical safety, but reprisals, stigmatization, and other serious adverse impacts.

To effectively evaluate the risks, documenters should fully understand the context in which the violence has taken place. This contextual knowledge should include, inter alia, gender roles, cultural norms, community attitudes, religious beliefs, communication styles, and the legal framework.¹⁹ Even if the documenters are from the country in which CRSV has occurred, they should not assume they have a full understanding of the survivor's particular community.²⁰ Therefore, this preliminary research should still be undertaken even if the documenters are from the same country.

Additionally, it is imperative documenters are aware of who else is interviewing survivors and coordinate to minimize the risk of the same survivor being interviewed multiple times unnecessarily. Multiple interviews risk re-traumatizing the survivor and creating potentially contradictory statements.²¹ It may not be possible or desirable to eliminate any further interviews as additional information may need to be elicited.²² For example, the same documenters may need to conduct a follow up interview. Similarly, for survivors pursuing legal remedy, it will be necessary to additionally speak with official investigators. However, utmost care should be taken to ensure that interviews are not duplicated needlessly. Further, documenters should be prepared in advance with referral pathways for survivors to access needed medical, psychological, and other support services.²³

Under the GIJTR project, the documentation partners participated in two tranches of training in trauma-informed, gender-sensitive, survivor-centered documentation of CRSV, in addition to previous training they received from other international experts. Project partners developed standard operating procedures (SOPs) based on the international protocols. These SOPs address conducting risk assessments, how to conduct interviews, and survivor consent, among other topics.²⁴ The project partners also mapped the other documenting organizations and implemented procedures to identify survivors who have already been interviewed. Despite this foundation, project partners have noted that further strengthening capacity and coordination in this area is an ongoing need that requires continued support.²⁵

Interview Process

The objective of a trauma-informed, gender-inclusive, survivor-centered approach is to avoid re-traumatizing the survivor and to respect their autonomy. Re-traumatization is a situation resulting in the survivor re-experiencing the events of the original trauma and the accompanying feelings.²⁶ At all times, the survivor should be prioritized over the information sought.²⁷ Documenters should allow the survivor to control the conditions of the interview,²⁸ such as choosing the gender of the interviewer or setting the pace of the interview. Additionally, the location of the interview should be carefully chosen for privacy as well as to avoid potential trauma triggers.²⁹

The documenter should have the ability to recognize signs of distress in the survivor during the interview.³⁰ The documenter should be authorized to halt the interview if continuing will cause harm to the survivor.³¹ As a corollary, documenters should anticipate that it may require multiple engagements with the survivor to establish the trust needed for them to share their stories.³² Adhering to these protocols will likely mean that the documentation process will take longer than documenting other types of crimes.

It should be noted that there are additional considerations when interviewing children. For example, children are more vulnerable to re-traumatization.³³ Also, children may be pre-sexual and therefore may not understand or may use different vocabulary for the acts that have taken place.³⁴ For these and other reasons, children should only be interviewed by documenters with specialized training.

The project partner SOPs and documenter practice align with the approaches described in the international protocols, for example having gender balanced field teams to allow the survivor to choose the gender of the interviewer.³⁵ However, project partners have emphasized that most interviews conducted thus far have been for identifying and building trust with survivors rather than documenting the CRSV that occurred.

As anticipated in the international protocols, the documenters have found that it takes multiple engagements with survivors before they are willing to share their stories. Many survivors have had prior bad interview experiences, particularly with the security services or with journalists, where interviews were not conducted in a trauma-informed manner.³⁶ As a result, the survivors are now afraid to speak to documenters. Additionally, survivors who have been ostracized by their communities are highly mistrustful of speaking to the documenters.³⁷ Project partners reported this situation most commonly with the female survivors referred to as “volunteers.” In many cases, the project partners determined that it was not appropriate to proceed with interviews because the survivor first needs psychological or other support. In these cases, the documenters follow up at regular intervals with the mental health professional treating the survivor to re-evaluate whether the interview can proceed.³⁸

In the case of children, documenters report that engagement with minors has been less common.³⁹ In situations where the survivor was a minor, documenters report challenges in obtaining the consent of the parents to conduct the interview due to fear of negative repercussions for the parent or the child.⁴⁰

As a result, the project partners’ field missions may elicit a list of names of survivors to speak with, but the interviews themselves may not be possible for months, if not longer.⁴¹ The project partners’ experience demonstrates that collecting information about CRSV requires a longer timespan than documenting other types of violations – potentially requiring years to document thoroughly.

Consent

Obtaining the survivor's informed consent for all uses of the information they provide is inherent in respecting the survivor's autonomy and agency. Documenters should have consent procedures established in advance. Informed consent requires that the survivors fully understand all potential uses of their information and the security and confidentiality implications. As with signs of trauma, documenters should be prepared to stop the interview if they do not believe the survivor has the capacity to provide informed consent.⁴² The survivor should also be able to withdraw their consent at any time.⁴³

A robust consent process is particularly crucial in the Ukraine context, because there are a multitude of actors seeking information from survivors, including civil society documenters, factfinding bodies, official investigators, and media – both national and international. Data sharing between these actors can help minimize the risk of unnecessary and duplicative interviews. However, integral to a survivor-centered approach is that survivors must be the ones to determine who may have access to their information. Re-traumatization often occurs, not from survivors initially conveying their experiences, but from the misuse or unintended sharing of their information. Survivors must maintain control over how their information is used in documentation efforts and potential legal cases.⁴⁴ Therefore, consent is a key component guiding collaboration and data sharing among documenters and between documenters and official investigators.

The project partner SOPs include a model form to obtain informed consent. During the interview, the documenters explain the various potential uses of their data.⁴⁵ The survivor then has the option to grant or deny consent to each identified use.⁴⁶ This process could be further strengthened by survivors having access to legal representation, particularly in relation to use of the information by official investigators. A legal representative can ensure the survivor fully understands the implications of sharing their data and that granting or denying consent serves their best interest.⁴⁷ (See *infra*, Accountability avenues and legal pathways) In fact, project partners have been collaborating with a local legal civil society organization to have lawyers participate in documentation missions and provide legal support and representation to survivors.

Data Handling/Confidentiality

Disclosure, authorized or unauthorized, of information about the survivor or their testimony could pose serious risks to survivor. Therefore, secure data management procedures should be in place before undertaking any documentation.⁴⁸ Documenters should consider confidentiality measures that protect the identity of survivors, identity of witnesses, information collected, and referrals made throughout the lifespan of the information, including collection, transportation, and storage.⁴⁹

Regarding collection, documenters should engage discreetly with survivors and ensure privacy when interviewing.⁵⁰ The data management procedures should include guidance on how to securely transfer or transport the information from the interview site to its long-term storage location.⁵¹

The information collected should be stored in such a way that only authorized parties can access it and those parties can easily find and retrieve the information.⁵² If the documenters are collecting information for use by accountability mechanisms, steps should also be taken to track who has access to the information, otherwise known as protecting the chain of custody.⁵³

The project partners implement confidentiality measures from the outset of engagement with the survivors. The documenters take steps to obfuscate who they are seeking to interview and the reason. For example, they do not park their car near the survivor's house or they speak to more people than just the identified survivor.⁵⁴ Once the data is collected, the documenters code their field forms to mask who has been interviewed.⁵⁵ The information collected is stored in a database that is shared with other documenting organizations, but with access controls based on the nature of the consent given by the survivor. This shared database is the primary means by which project partners coordinate with other documenters to avoid repeated interviews of the same survivors, although challenges remain to this approach. (See *infra*, Cooperation and coordination between actors responding to CRSV)

Referral to Support Services

The needs of CRSV survivors are multifaceted and should be met with a holistic response. Support services that should be available to survivors include shelter, medical care, psychological counseling, and legal advice, among others.⁵⁶ This support should include short-term and long-term care. It is important that support is tailored to meet the differing needs of survivors based on gender, age, or other factors.⁵⁷ Documenters should map out available service providers in advance to facilitate referrals.⁵⁸

The project partners engaged a CRSV expert to map existing support services by region and nationwide. The documenters work closely with a number of these service providers and have developed key collaborative relationships with organizations, such as Blue Bird (psychological services)⁵⁹ and JurFem (legal services).⁶⁰ Psychologists and lawyers from these organizations have begun accompanying the documentation teams on their field missions.⁶¹ Notably, Blue Bird provides psychological support to males as well as females.

Despite these collaborations, project partners emphasize that the overall number of support providers is insufficient. Additionally, the geographic reach of the existing providers is not adequate to meet the needs of survivors in more remote areas. One gap repeatedly reported is support for male survivors, both psychological and medical.⁶² Multiple documenters noted that while there is gynecological support for females, there is a dearth of urologists with experience treating male CRSV survivors.⁶³ The documenters also stressed that these services are often piecemeal and not reflective of the holistic support needed by survivors as identified in the international protocols.⁶⁴

Post-Interview

Following an interview, documenters should evaluate how the interview went and where they could further develop their skills.⁶⁵ Additionally, documenters should assess their own wellbeing. Documenters should have measures in place to minimize the harm to themselves and the other members of their teams from the repeated exposure to accounts of traumatic events.⁶⁶ The measures should include training on how to recognize it and resources to address it.⁶⁷

Following field missions, the project partners assess both the performance of the team as well as the wellbeing of the team members.⁶⁸ They stress that improving their policies and procedures is an ongoing process, noting that expertise comes not just from theoretical knowledge, but also practical work over time.⁶⁹

Regarding the documenters own wellbeing, one project partner provides mandatory meetings with a psychologist following field missions.⁷⁰ Another project partner provides access to psychological support. However, this partner recently determined to similarly provide systematic psychological debriefing upon return from field missions.⁷¹ This shift in approach underscores the mental impact this work has on the documenters and highlights the importance of ensuring sufficient attention and resources are devoted to this need.



United Nations in Geneva. Photo credit: Mathias Reding

A. Legal framework and accountability mechanisms

CRSV violates both Ukrainian and international law.⁷³ The Ukrainian criminal code criminalizes various forms of sexual violence.⁷⁴ In 2019, Ukraine amended its criminal code to more closely align with international definitions of CRSV. The definition of rape is gender neutral.⁷⁵ The notion of consent was broadened to take into account the accompanying circumstances, such as a coercive environment.⁷⁶ Additionally, the criminal code establishes criminal liability for violations of the law and customs of war.⁷⁷ However, the code does not explicitly identify sexual violence as constituting a war crime.⁷⁸ In May 2021, the Ukrainian Parliament adopted a draft law to harmonize the criminal code with international law on war crimes, genocide, and crimes against humanity, which would include specific reference to sexual violence.⁷⁹ This law has not yet been signed by the President, and therefore, has not come into effect.

As a matter of international human rights law, CRSV is not explicitly prohibited, but it violates other rights protected in numerous treaties and protocols, such as the right to life, the right to privacy, and the prohibition against torture and cruel, inhuman, and degrading treatment.⁸⁰ CRSV also violates international humanitarian law. Here too, while not explicitly mentioned, it implicates the 1949 Geneva Convention and Additional Protocols of 1977, which prohibit, *inter alia*, cruel treatment, torture, humiliating or degrading treatment, and outrages on personal dignity.⁸¹ The International Committee of the Red Cross has also deemed rape and sexual violence to be a violation of customary international humanitarian law.⁸² Under international criminal law, sexual violence is identified as an underlying act of war crimes, crimes against humanity, and genocide⁸³ and can be prosecuted as such presuming the contextual elements are met.

Given this legal framework, there are multiple litigation pathways available for CRSV committed in Ukraine. The three main options are Ukrainian national courts, the International Criminal Court (ICC), and national courts in third countries under the principle of universal jurisdiction.

1. Ukraine Office of the Prosecutor General

The information collected by project partners will primarily be used by the Office of the Prosecutor General (OPG).⁸⁴ The OPG has placed significant emphasis on responding to CRSV. One notable development was the creation of a specialized CRSV unit in the OPG in September 2022. This unit is seen to be well-trained in trauma-informed, gender-sensitive, and survivor-centered approaches.⁸⁵ Project partners have reported noticeable improvements in the OPG approach to CRSV overall since the war began in 2014, but particularly since the full-scale invasion.⁸⁶



Photo credit: Daniel McCullough

However, on the local level, challenges remain to effectively addressing CRSV. One such challenge is not recognizing CRSV as such, which results in the absence of CRSV from the case files. Project partners have found that although survivors may describe experiences that would constitute CRSV, the case file characterizes the conduct as torture.⁸⁷ As of December 2023, the OPG reports having recorded 252 cases of CRSV.⁸⁸ It is notable that CRSV cases are being filed, however given the mischaracterization this number is not likely an accurate reflection of the number of CRSV cases that have been reported. In a promising development, the CRSV unit has been providing training for local prosecutors. Overall, project partners are optimistic that legal accountability for CRSV is improving.⁸⁹

2. International Criminal Court

Although Ukraine has not ratified the Rome Statute, the ICC has jurisdiction over the conflict by virtue of a declaration by Ukraine that it “accepts the jurisdiction of the Court for the purpose of identifying, prosecuting and judging the perpetrators and accomplices of acts committed in the territory of Ukraine since 20 February 2014.”⁹⁰ In March 2022, the ICC Prosecutor, Karim Khan, announced that he had opened an investigation into the situation in Ukraine.⁹¹ In December 2023, the Office of the Prosecutor (OTP) released a new policy on gender-based crimes in which it committed to ensure that gender-based crime is a strategic priority across all situations.⁹² The OTP has not yet issued any arrest warrants in relation to CRSV in Ukraine. However, project partners have met with OTP personnel and intend to submit a report relating to CRSV to the OTP.⁹³

3. Universal Jurisdiction

Under the principle of universal jurisdiction, a state has the ability to prosecute the perpetrator of certain serious international crimes regardless of whether that crime was committed on the territory of the state or by or against a national of the state. In June 2023, a complaint related to CRSV in Ukraine was filed in Germany.⁹⁴ Project partners report that 20 countries have opened cases into crimes committed in Ukraine, some of which include CRSV.⁹⁵ Project partners are supporting these efforts.

B. Challenges for survivors in seeking justice

Despite the variety of legal avenues, there are a number of challenges for survivors seeking justice. Many of the challenges are similar to those that impact survivors’ willingness to speak about their experiences in general. They may fear repercussions from their communities or the security services.⁹⁶ In regard to the latter, project partners report pervasive fear held by survivors that they will be accused of collaboration. This fear is likely heightened by the absence of any assurance from the OPG that survivors of CRSV will not be investigated for collaboration as a result of the crimes committed against them.

Some survivors have had negative experiences when engaging with official investigators. Project partners report that the approach taken by many local police and prosecution personnel has been problematic in terms of the risk of re-traumatization.⁹⁷ In one example, local officials interviewed a survivor, who experienced CRSV while in detention. They conducted the interview in a basement with various official personnel coming and going from the room as the survivor recounted their experience.⁹⁸ As a result of such experiences, survivors may be reticent to engage further with the justice process.

Many survivors simply are not yet psychologically ready to pursue justice. They have more immediate medical, psychological, and economic needs to address. Others have left Ukraine and seek to distance themselves from the traumatic experiences.⁹⁹

Another fundamental reason that survivors do not seek justice is that they do not recognize what happened to them as CRSV. This paper has already noted that police and prosecutors may not distinguish CRSV as a separate crime. Here, it is the survivors themselves who do not recognize it. Male survivors in particular often describe what they experienced as torture, rather than sexual violence.¹⁰⁰ Therefore, while they may seek justice for what happened to them, they are not seeking justice for CRSV per se.



Photo credit: Aaron Burden

C. Importance of supporting survivors to navigate process of seeking justice

For those survivors who do wish to seek justice, legal support plays an important role in guiding them through the process. Even though accountability is central to the survivor's right to a remedy and to access justice, there is often a disconnect between the legal process and the survivor. Project partners have encountered survivors who reported their experience to authorities, but then 18 months on had not heard anything further regarding the progress of the case.¹⁰¹ Legal representation can help survivors close this gap by monitoring the progress of the investigation, pushing the case forward with prosecutors, and keeping the survivor informed at each stage of the proceedings. Legal representation ensures the survivor fully understands what is happening and their wishes are effectively conveyed.¹⁰²



Protests outside the White House in support of Ukraine.
Photo credit: Ian Hutchinson

Another important role for legal support is to push prosecutors to include CRSV in the case files when appropriate, thereby acknowledging the full extent of the survivor's experience.¹⁰³ Also, survivors must complete the forms needed to establish the survivor's eligibility for compensation. Under current Ukrainian law, survivors must navigate this system themselves.¹⁰⁴ Legal support plays an important role in enabling survivors to complete the required documentation.

When providing legal support, it is crucial that civil society organizations working with CRSV survivors manage their expectations about what can be achieved by justice mechanisms. Formal justice processes may have limited reach and lack an ability to address the breadth of needs articulated by individuals and communities emerging from conflict. They may also be limited in terms of resources, scale and scope, having narrow definitions of victims, types of violations and timeframe to be considered, thereby excluding many victims. Ensuring that CRSV survivors understand these potential limitations can help minimize frustration with the formal justice process.

GIJTR's work with victims and survivors of atrocities committed during armed conflicts shows there is a need for alternative, community-led means for truth-telling and trauma healing. In contrast to formal justice processes, community truth-telling and trauma healing initiatives can provide a unique, personal view on events that may be underrepresented in other official documentation collected and compiled by human rights organizations, courts and archives.

COOPERATION AND COORDINATION BETWEEN ACTORS RESPONDING TO CRSV

As discussed, CRSV impacts the survivor in multiple ways – mentally, physically, legally, societally – requiring a holistic response. Additionally, addressing CRSV is not a linear process, in which survivors move from one stage to the next. A survivor may enter the process at various points. For example, a survivor may be interviewed by a civil society documenter, who then facilitates contact with a prosecutor. A survivor may first speak with a prosecutor, who then facilitates contact with support services. A survivor may seek care from a psychologist, who then facilitates contact with a documenter. A survivor may seek legal aid from an organization that then facilitates contact with psychological support. The referral pathways are cross cutting. As a result, effective response to CRSV depends on collaboration across a variety of actors to ensure a coordinated approach, that minimizes both duplication and gaps. In Ukraine, these actors include documenters, support providers, and Ukrainian government entities, particularly prosecutor offices.



Photo credit: Zoe

A. BETWEEN DOCUMENTERS

Cooperation between entities conducting documentation is important to uphold the principle of do no harm. Documenters should minimize unnecessarily interviewing survivors multiple times because each interview can risk re-traumatizing the survivor.¹⁰⁵ As noted previously, some re-interviewing may be necessary and can facilitate the survivors access to justice.¹⁰⁶ Therefore, the focus here is on civil society organizations and their efforts to reduce duplication in documentation.

The primary coordination measure project partners use is a shared database accessible to other documenting organizations.¹⁰⁷ As long as the survivor has given consent to share their information, civil society organizations can use the database both to check whether that individual has already been interviewed and obtain the survivor's information without having to re-interview them or at least without having to re-interview them extensively on the same subject matter. Additionally, project partners may enter into specific data sharing agreements with other documenting organizations, again as long as the survivor has given consent.¹⁰⁸

Despite these efforts to coordinate, project partners have found that many survivors are still interviewed repeatedly. One documenter gave the example of a survivor who had been interviewed four times – by an international organization, Ukrainian security services, and two civil society organizations.¹⁰⁹ The challenges to relying on the database to resolve over documentation are twofold.

First, not all organizations engaged in documentation use the shared database. This absence is particularly true in the case of international nongovernmental organizations and inter-state entities. In some cases, such data sharing might interfere with the organizations' mandate or privacy and security policies. Second, even among organizations using the database, data input is inconsistent. There is a natural time lag for inputting information from field missions. Additionally, in some instances, the information is missing entirely.¹¹⁰

A potential third challenge is lack of consent by the survivor to share their information in this manner. Project partners report that this situation has not yet occurred, but it nonetheless should be anticipated. Project partners are exploring ways to better coordinate with other documenters, including local and international nongovernmental organizations and interstate entities.¹¹¹



Photo credit: Sam McGhee

B. BETWEEN DOCUMENTERS AND SUPPORT SERVICES

Collaboration and coordination between documenters and support service providers can ensure that survivors have access to necessary support to address their trauma and other immediate needs and that the interview process is least harmful as possible.

As noted previously, international best practices advise that documenters should be aware of what support services exist and refer survivors to needed services. Through these referral pathways, documenters can facilitate assistance for the survivors' needs that are identified by the interview. In practice, these referral pathways are multi-directional. Not only do documenters refer survivors to support services, support providers can assist in identifying survivors who are prepared to share their stories or to pursue legal remedies. By coordinating with service providers, particularly mental health professionals, documenters can conduct the interview at a time when it is least harmful and potentially therapeutic for the survivor. Project partners report checking in regularly with psychologists treating survivors to determine if they recommend that their clients be interviewed.¹¹²

However, efforts at coordination between documenters and service providers are hampered by three obstacles. First, the same fear that prevents survivors from sharing their stories with documenters can prevent the survivors from seeking assistance. Therefore, some survivors may not consent to having their details shared with service providers.¹¹³ Second, there is often a lack of trust on the part of the service providers of the documenters as service providers and documenters have different priorities and do not have a history of working together. Third, the amount of violations and the ongoing nature of the conflict mean that services are not available at the scale required – numerically, geographically, or demographically – to meet the need.



Photo credit: Margarita Marushevska

C. BETWEEN DOCUMENTERS AND THE UKRAINIAN GOVERNMENT

Collaboration and coordination between documenting organizations and the Ukrainian government can advance legal accountability for perpetrators and legal remedy for survivors. However, in any conflict setting, it is likely that the objectives and working practices of documenters and official investigators will not always align.¹¹⁴ Official investigators must work within strict structural and legal parameters focused on specific legal outcomes. Whereas, documenters may engage with survivors according to different procedures

for a broader array of outcomes. Thoughtful coordination and collaboration, in areas such as data sharing, are important so that engagement between documenters and official investigators is mutually reinforcing and stays focused on the best interests of the survivors. Project partners report regular engagement with the OPG, considering them an important ally, which bodes well for constructive approaches to addressing potential areas of divergence.¹¹⁵

The main area of cooperation between documenters and the OPG is identifying survivors, via direct introduction or sharing information collected from survivors. Given the negative encounters many survivors had with official investigators, in some cases it is easier for civil society documenters to build a trusted relationship.¹¹⁶ Additionally, civil society, in general, have more contacts in local communities to identify survivors.¹¹⁷ Project partners report that when they identify survivors interested in reporting CRSV to official investigators, the documenters facilitate that introduction.¹¹⁸

In cases where the survivor is not willing or able to speak with official investigators and if the survivor consents, documenters can share the survivor's account of events with prosecutors. The project partners have set up a mirror site of their storage database for access by prosecutors. This mirror site is populated only with information that the project partners have consent to share with official investigators.¹¹⁹



Kiev, Ukraine. Photo credit: Marjan Blan

Prosecutors from three oblasts have requested access to and training on using this site.¹²⁰ However, prosecutors are prevented by law from using information gathered by civil society organizations in legal proceedings.¹²¹ Therefore, the survivor will still need to speak with official investigators for a case to be filed.

This information sharing, by necessity, flows only in one direction. As in most jurisdictions, in Ukraine there are legal and practical obstacles to official investigators sharing information directly with civil society documenters.¹²² There are also reasons for documenters to additionally interview survivors who have already been interviewed by the OPG because the information sought by the two actors can differ. Under the legal framework in Ukraine CRSV is treated as individual cases of domestic crimes.¹²³ This characterization differs from international law where the scale and patterns of CRSV is significant to proving certain crimes, such as crimes against humanity. Therefore, documenters may seek broader contextual information from the survivors than may be collected by official investigators to build larger, pattern-based cases.¹²⁴ Documenters should take care that these interviews are supplemental and not duplicative. Here too is an area where survivor legal representation can have tremendous positive impact, by passing along relevant information to civil society organizations from the official investigator interviews or ensuring that the survivor understands the purpose of the supplemental interview.¹²⁵



Photo credit: Brandi Alexandra

ROLE OF CIVIL SOCIETY AND INTERNATIONAL STAKEHOLDERS IN STRENGTHENING SURVIVORS SUPPORT AND PRACTICES ON CRSV DOCUMENTATION AND RESPONSE

UN Security Council Resolution 2467 highlights both “the need for a survivor-centered approach in preventing and responding to sexual violence in conflict...” and “the important contribution of civil society ... [in] responding to sexual violence in conflict...” as frontline, first responders in conflict situations.¹²⁶ The Resolution further “[r]ecognizes the importance of supporting and promoting civil society...for all prevention and response efforts...”¹²⁷ It goes on to encourage UN member states and entities to support capacity strengthening of civil society engaged in these efforts.¹²⁸

Through its work alongside communities emerging from conflict over the past decade, the GIJTR has witnessed the gendered impacts of war and mass atrocities, including upon individuals of all gender backgrounds stigmatized by their families or communities after surviving CRSV. While too often these types of violations have been ignored within transitional justice processes—pushed into the background intentionally or unconsciously in favor of narratives that center the stories of combatants and those in positions of power—the GIJTR has also seen that the majority of positive change in relation to CRSV has been driven by the tireless efforts of survivors and the communities of support that surround them, particularly in contexts where the state has been complicit in the crimes or is otherwise unable to adequately respond. The role of civil society organizations, which are often borne of a commitment to creating more just and peaceful futures that is shared with survivors, and which operate based on a deep understanding of the cultural context and local realities they operate in, has been instrumental in advancing truth, justice, and healing for conflict-related sexual violence; in drawing attention to survivors’ needs; and in proposing innovative solutions to support survivors and prevent these violations from recurring.

As this paper identifies, civil society organizations in Ukraine are playing a crucial role in a number of areas.

- Civil society documenters expand the reach of official investigations, thereby facilitating access to justice for survivors. Civil society organizations enable introductions of survivors to national and international investigators. Additionally, civil society documenters interview survivors and share this information with prosecutors.

- Civil society documenters and support providers push official investigators to adopt trauma-informed, gender-inclusive, and survivor-centered approaches and provide them capacity strengthening to do so. Civil society coordinates the expert working group on CRSV that advises the OPG on working with survivors, including developing guidelines and methodology recommendations.¹²⁹ These entities also provide state actors, particularly on the local level, training on how to recognize CRSV and conduct interviews with survivors in accordance with international best practices.¹³⁰
- Civil society legal aid providers ensure prosecutors are acknowledging CRSV in their cases so there is no impunity for these crimes. Civil society actors follow up with prosecutors and investigators on the progress of the case to confirm it is moving forward and guide survivors through the investigation process and court proceedings.¹³¹
- Civil society organizations are supplementing state capacity in providing vital psychological, medical, economic, and other support to survivors. Currently, the majority of these services are provided by civil society rather than the state.¹³²

CRSV documentation, accountability, and survivor support are long-term processes that require flexible and sustainable support, including technical, political and financial. The scale of violations in Ukraine surpass the ability of any individual state to respond comprehensively, and particularly a state that is in the midst of an ongoing conflict. International stakeholders are supporting the response to CRSV in essential ways.



Picture taken in Prague, Czech Republic. Image credit: Yurii Khomitskyi

Regarding technical support, states and regional bodies provide capacity strengthening through expert guidance, training, and mentoring for civil society actors and official investigators. This assistance ensures these actors are equipped to effectively meet the extraordinary need for gathering information on CRSV. International stakeholders are also working with the Ukrainian government to establish the governmental framework and mechanisms needed to support CRSV survivors in the long-term.¹³³

Regarding political support, it is important that international stakeholders elicit civil society input into legal and structural changes needed to facilitate trauma-informed, survivor-centered, gender-inclusive responses to CRSV.¹³⁴ This input includes into how CRSV response projects might be designed.¹³⁵

Crucially, international stakeholders provide the financial support that enables civil society actors to conduct the important activities listed above, until they can be taken over permanently by the government of Ukraine, where appropriate. However, this work does not lend itself to short-term project funding, with success metrics based on numbers of interviews conducted or cases built. If the process is to be survivor-centered, it must focus on the survivor's timeline. Additionally, the mental wellbeing of the documenters, already taxed by the nature of the work they are doing, suffers when their job security is only guaranteed until the end of each project.¹³⁶ Therefore, continued financial support, which is flexible and longer-term, is vital to ensure CRSV survivors in Ukraine are enabled to address the traumatic impact of their experiences when they are ready. As one documenter observed, it is important to be there when survivors are ready to talk about the horrendous things that happened to them.¹³⁷



Photo credit: Aaron Burden

CONCLUSIONS AND RECOMMENDATIONS

Civil society and the OPG are making a concerted effort to document, support survivors, and seek accountability for CRSV in a trauma-informed, survivor-centered, gender-sensitive manner in Ukraine. There are a number of obstacles to this effort. Many are outside the control of the Ukrainian government, international stakeholders, and civil society. However, there are steps that can be taken to make the environment for reporting these crimes more supportive and improve the response to these crimes. This paper concludes with specific recommendations for the Ukrainian government, international stakeholder, civil society, and donors.

A. RECOMMENDATIONS FOR THE UKRAINIAN GOVERNMENT

Commit to championing international best practices, including the Murad Code and International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, among others,¹³⁸ to government entities gathering information from survivors and to reviewing how the international protocols can strengthen practice within government policies, programs and operations

Project partners widely report that at the national level, prosecutors have begun following a trauma-informed, survivor-centered, and gender-inclusive approach. As a result of the training conducted by the OPG CRSV unit and civil society, there has also been improvement among prosecutors at the local level. However, this improvement is not uniform. Survivors also have reported negative experiences with the national police. Therefore, the Ukrainian government should strengthen the capacity of official investigators, including pursuing a program to train all local prosecutors and national police in international best practices for engaging with CRSV survivors.

Consider how to affirm the innocence of survivors and raise awareness of the prevalence of CRSV through its communications

One obstacle to CRSV survivors reporting their experiences is fear of blame and stigma. Additionally, many survivors do not recognize the events they experienced as CRSV. Both situations lead to under reporting of the true scale of CRSV and can hinder survivors from receiving the support they need. The Ukrainian government should consider undertaking an awareness-raising campaign on this issue.

Harmonize domestic criminal legislation with international law on CRSV

A critical step to effectively responding to CRSV is a legal foundation that recognizes the crime. Ukraine has not ratified the Rome Statute, nor has it adopted Draft Law 2689. These changes would bring the criminal code into alignment with international law on war crimes, genocide, and crimes against humanity and include specific provisions on sexual violence.¹³⁹ The reality of the survivors is that they have survived atrocity crimes. By their nature, atrocity crimes cannot be properly remedied by use of a domestic criminal code. In order for survivors of CRSV to get justice that is genuine and responsive to their suffering, there should be international crimes legislation.¹⁴⁰ Additionally, utilizing international crimes to prosecute these cases will be easier for prosecutors than handling each individual case one by one. When addressing these crimes as atrocity crimes, individual cases can be combined together, making the whole process faster, more efficient and truer to what has happened on the ground.

Consider amending the legal framework to allow prosecutors to use information collected by documenters as evidence

In Ukraine, as in many jurisdictions, courts can only admit evidence collected by official investigators.¹⁴¹ However, given the scale of violations in Ukraine, the ability for prosecutors to use information collected by documenters would expand the prosecutors' reach and the survivors access to justice. The Ukrainian government should consider a clause to allow documenter information to be used as evidence if certain standards for collection and authentication are met.

Provide survivors legal representation

A survivor-centered approach focuses on respecting the autonomy and agency of the survivor. A legal representative can ensure the survivor understands the accountability process and is fully informed about the status of their case and what to expect. This representation helps to safeguard the survivor's interests and ensure the survivor's wishes are honored. The Ukrainian government should make sure survivors have access to legal representation.

Provide state-sponsored support to survivors

Survivors of CRSV require multi-faceted, long and short-term support, including psychological, medical, legal, and economic assistance. These services are not currently available at the scale or geographic distribution needed to meet the demand. Civil society plays an important role in providing these services, but this is a task that should be sponsored by the State. It is important that these services meet the individualized needs of survivors based on gender, age, socio-economic status, among other characteristics. In particular, project partners report a dearth of psychological and medical services for men. It is premature to know the scale or proportion of survivors who are male or LGBTQI+. However, the currently available services are not sufficient to meet the current need. The Ukrainian government should expand the availability of state-sponsored support to survivors.

Empower the OPG to exercise discretion to halt all investigations and prosecutions of survivors of CRSV as collaborators

CRSV survivors have been questioned about, and in some cases, accused of collaboration by Ukrainian authorities for engaging in sexual intercourse with Russian forces while under Russian occupation and control.¹⁴² In short, survivors are being investigated and prosecuted for the very crimes they have suffered. Although the definition of rape under domestic law does not fully align with that of rape under international criminal law, Ukrainian authorities should consider these individuals as presumptive victims of CRSV. Individuals who would be considered victims of crime under international law should not be subject to investigation and prosecution for collaboration by means of the crimes committed against them. Importantly, the OPG should publicly signal this position to affected communities to build confidence in survivors to come forward.

Establish an easily accessible reparations program for CRSV survivors

Reparations can play an important role in survivors' right to a remedy.¹⁴³ The Ukrainian government should ensure that victims' right to a remedy and reparations is embedded in the government's overall legal and policy framework put in place to respond to the conflict. Furthermore, the President of Ukraine should pass a Presidential decree to set up a comprehensive reparations policy for survivors of CRSV, including the delivery of urgent reparations, in order to acknowledge the gravity of crimes and violations suffered by survivors and the distinct harm they suffer, indicating that such violations and crimes are wrongful acts that will be addressed.

B. RECOMMENDATIONS FOR INTERNATIONAL INSTITUTIONS

Continued support for capacity strengthening for civil society organizations on trauma-informed, gender-inclusive, survivor-centered approaches.

International stakeholders are playing a key role in providing capacity strengthening for civil society in a variety of ways, including training, mentoring, expert guidance, and funding. As project partners have noted, improving their practices in this area is an ongoing exercise. International institutions should continue their crucial support in this area.

Develop tailored capacity-strengthening programs for local authorities

International stakeholders are also playing a key role in supporting capacity strengthening for official investigators and other authorities. This support should similarly continue, including holistic training programs for local law enforcement, judiciary, and healthcare providers. These programs should focus on CRSV sensitivity, trauma-informed, gender-inclusive, survivor-centered approaches, and international legal standards and best practices.

C. RECOMMENDATIONS FOR CIVIL SOCIETY ORGANIZATIONS

Increase training for journalists on trauma-informed, survivor-centered, gender-inclusive engagement with CRSV survivors

Project partners report that many survivors had prior negative experiences with journalists, either because of the manner in which they were interviewed or because the repercussions of sharing their stories. These experiences make it difficult for documenters to establish trust with survivors. Journalist organizations should provide sensitization and capacity strengthening to instill a better understanding among journalists of how to engage with CRSV survivors, including leveraging existing materials on this topic.¹⁴⁴

Facilitate dialogue at a community-level to understand and tackle harmful social and gender norms that heighten the stigma around CRSV

Fear and stigma can prevent CRSV survivors from reporting their experiences and seeking support. In parallel to the recommended government campaign to raise awareness of CRSV and the innocence of survivors, civil society should carry out community-level discussions on the social and gender norms contributing to the stigma.

Improve coordination among civil society documenters to minimize unnecessarily duplicative interviews

A certain amount of re-interviewing of CRSV survivors is inevitable. However, duplicative interviews by various civil society documenters should be avoided due to the risk of re-traumatization. Civil society documenters should actively collaborate in identifying effective approaches to coordination and data sharing.

Provide legal representation for survivors

Civil society actors currently provide valuable legal support services to survivors. Legal representation helps move CRSV cases forward and pushes official investigators to include the sexual nature of crimes committed in the case files.¹⁴⁵ Civil society organizations should continue to provide this crucial service.

D. RECOMMENDATIONS FOR DONORS

Require and effectively support project implementers to follow international best practices

International best practices for a trauma-informed, survivor-centered, gender-inclusive approach to CRSV, such as the Murad Code and others, do not apply only to those entities engaged directly with survivors, but also to the donors that fund this work. Donors should require, as conditions of funding, that implementers address core principles, such as informed consent, coordination, data security, and wellbeing of their own staff in project planning and implementation. In turn, the funding should be sufficient to allow implementers to conduct these activities effectively.

Recognize that the timeframe required for CRSV survivors to share their stories is longer than with other types of violations

Documenters must build a trusted relationship with CRSV survivors before they can be expected to share their experiences. This trust building often requires multiple engagements between the documenters and survivors. In a survivor-centered approach, the survivor dictates this timeframe, not the documenter. Therefore, investigating CRSV, building cases, and identifying patterns of crimes takes longer than with other types of violations. Donors should acknowledge this reality when determining the project period for funding. Similarly, project success should be determined by more agile metrics than strict numeric targets for interviews conducted or cases built.

Include mental health and psychosocial support in documentation project funding

Best practices direct that any documentation effort include referral pathways to support services. These referral pathways are meaningless if there are not sufficient support services available to meet survivors' needs. Donors funding documentation programming should consider including support for these support services as well. This support should also include provisions for the mental health and psychosocial support of the documenters themselves, particularly when the documenters are local and have experienced the same conflict as the people they are interviewing.

Consider supporting the interim reparations program

Global Survivors Fund and the Dr. Denis Mukwege Foundation signed a Memorandum of Understanding with the Ukrainian government in July 2022 to establish an interim reparations program until a comprehensive state program may be implemented.¹⁴⁶ A pilot reparations program will begin with 500 survivors.¹⁴⁷ Donors should consider supporting the project to expand beyond the initially budgeted amount.

Endnotes

- 1 UN Human Rights Council, Report of the Office of the United Nations High Commissioner for Human Rights Conflict-Related Sexual Violence in Ukraine (14 March 2014 to 31 January 2017), A/HRC/34/CRP.4 (March 16, 2017); International Criminal Court Office of the Prosecutor, *Report on Preliminary Examinations December 2020* (December 14, 2020), ¶ 280.
- 2 UN General Assembly, Report of the Independent International Commission of Inquiry on Ukraine, A/77/533, 2/20 (October 18, 2022); UN Committee on the Elimination of all Forms of Discrimination Against Women, Concluding observations on the ninth periodic report of Ukraine, CEDAW/C/UKR/CO/9 (November 1, 2022), ¶ 15; OSCE Office of Democratic Institutions and Human Rights, *Third interim report on reported violations of international humanitarian law and international human rights law in Ukraine* (July 17, 2023), 25-27.
- 3 UN Security Council, Conflict-Related Sexual Violence Report of the United Nations Secretary-General, S/2019/280 (March 29, 2019), ¶ 4.
- 4 Sareta Ashraph, Oksana Melnychenko, and Oksana Stepaniuk, *Working with Victims of Sexual Violence During Armed Conflict: A manual for Ukrainian mental health and emergency response professionals* (Council of Europe, November 2022), 21-26.
- 5 Ashraph, Melnychenko, and Stepaniuk, 21-24.
- 6 UN Office of the High Commissioner for Human Rights, *Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment* (United Nations, 2022), ¶ 274, 276.
- 7 Interview with project partner, December 7, 2023.
- 8 "Collaborationism" is considered an offence under the current state of martial law in Ukraine arising from the ongoing conflict. Ashraph, Melnychenko, and Stepaniuk, *Working with Victims of Sexual Violence During Armed Conflict*, 68; Interview with legal service provider, January 5, 2024.
- 9 Igor Burdyga, "The Problem with Ukraine's Wartime Collaboration Law," *OpenDemocracy*, August 16, 2023, <https://www.opendemocracy.net/en/odr/ukraine-kherson-wartime-collaboration-law-problems-amendments/>, [Internet Archive, <https://web.archive.org/web/20240127141114/https://www.opendemocracy.net/en/odr/ukraine-kherson-wartime-collaboration-law-problems-amendments/>].
- 10 Interview with project partner, December 7, 2023; Interview with project partner, December 14, 2023.
- 11 Alice Sperti, "Enemies Within," *The Intercept*, September 27, 2023, <https://theintercept.com/2023/09/27/ukraine-russia-war-crimes-sexual-violence-collaborators/>, [Internet Archive, <https://web.archive.org/web/20240127142358/https://theintercept.com/2023/09/27/ukraine-russia-war-crimes-sexual-violence-collaborators/>].
- 12 Interview with project partner, December 14, 2023.
- 13 Interview with project partner, December 7, 2023; Interview with project partner, December 7, 2023.
- 14 International Criminal Court, *Rules of Procedure and Evidence* (2019), Rule 70; Additionally, under the Ukrainian criminal law consent is assessed in the context of the surrounding circumstances. Iryna Hlovyuk, "Ratification of the Istanbul Convention and Proof of Sexual Violence (Article 153 of the Criminal code of Ukraine): Experience and Trends," *JurFem*, accessed January 28, 2024, <http://www.jurfem.com.ua/en/ratification-of-the-istanbul-convention-and-proof-of-sexual-violence-article-153-of-the-criminal-code-of-ukraine-experience-and-trends/>, [Internet Archive, <https://web.archive.org/web/20240128113007/https://www.jurfem.com.ua/en/ratification-of-the-istanbul-convention-and-proof-of-sexual-violence-article-153-of-the-criminal-code-of-ukraine-experience-and-trends/>].
- 15 *Global Code of Conduct for Gathering and Using Information About Systematic and Conflict-Related Sexual Violence (Murad Code)* (Murad Code Project, April 2022); Institute for International Criminal Investigations (IICI), *Guidelines for Investigating Conflict-Related Sexual and Gender-Based Violence Against Men and Boys* (February 29, 2016); Ashraph, Melnychenko, and Stepaniuk, *Working with Victims of Sexual Violence During Armed Conflict*; Sara Ferro Ribeiro and Danaé van der Straten Ponthoz, *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict (Second Edition)* (UK Foreign and Commonwealth Office, March 2017); UN Office of the High Commissioner for Human Rights, *Istanbul Protocol*; See also the resources available here <https://iici.global/publications/>.
- 16 UN Office of the High Commissioner for Human Rights, *Istanbul Protocol*, 28.
- 17 Murad Code, 6.
- 18 Murad Code, 7; Ferro Ribeiro and van der Straten Ponthoz, *International Protocol on the Documentation and Investigation of Sexual Violence During Armed Conflict*, 92.
- 19 IICI, *Guidelines for Investigating Conflict-Related Sexual and Gender-Based Violence Against Men and Boys*, 8-9; Murad Code, 8.
- 20 Ashraph, Melnychenko, and Stepaniuk, *Working with Victims of Sexual Violence During Armed Conflict*, 47.
- 21 Murad Code, 6; Ferro Ribeiro and van der Straten Ponthoz, *International Protocol on the Documentation and Investigation of Sexual Violence During Armed Conflict*, 93.
- 22 Interview with project partner, January 10, 2024.
- 23 Ferro Ribeiro and van der Straten Ponthoz, *International Protocol on the Documentation and Investigation of Sexual Violence During Armed Conflict*, 98; Murad Code, 7.
- 24 International Partnership for Human Rights and Global Diligence, *Проект з документування воєнних злочинів в Україні. Посібник з документування воєнних злочинів; Truth Hounds, Воєнні злочини: методологія розслідувань для громадянських організацій*.
- 25 Interview with project partner, December 7, 2023; Interview with project partner, December 12, 2023.
- 26 Ferro Ribeiro and van der Straten Ponthoz, *International Protocol on the Documentation and Investigation of Sexual Violence During Armed Conflict*, 239.
- 27 Ferro Ribeiro and van der Straten Ponthoz, 179.
- 28 Murad Code, 10; Ferro Ribeiro and van der Straten Ponthoz, *International Protocol on the Documentation and Investigation of Sexual Violence During Armed Conflict*, 239; Ashraph, Melnychenko, and Stepaniuk, *Working with Victims of Sexual Violence During Armed Conflict*, 52.
- 29 Murad Code, 10.
- 30 Murad Code, 11.
- 31 Ashraph, Melnychenko, and Stepaniuk, *Working with Victims of Sexual Violence During Armed Conflict*, 45.
- 32 IICI, *Guidelines for Investigating Conflict-Related Sexual and Gender-Based Violence Against Men and Boys*, 9.
- 33 Ashraph, Melnychenko, and Stepaniuk, *Working with Victims of Sexual Violence During Armed Conflict*, 58.
- 34 IICI, *Guidelines for Investigating Conflict-Related Sexual and Gender-Based Violence Against Men and Boys*, 14.
- 35 Interview with project partner, December 7, 2023.
- 36 Interview with project partner, December 7, 2023; Interview with project partner, December 7, 2023; Interview with project partner, December 11, 2023; Interview with project partner, December 14, 2023.
- 37 Interview with project partner, December 7, 2023; Interview with project partner, December 14, 2023.
- 38 Interview with project partner, December 14, 2023.
- 39 Interview with project partner, December 7, 2023.
- 40 Interview with project partner, December 7, 2023.
- 41 Interview with project partner, December 7, 2023.
- 42 Ashraph, Melnychenko, and Stepaniuk, *Working with Victims of Sexual Violence During Armed Conflict*, 52.
- 43 Murad Code, 5.
- 44 Interview with project partner, January 10, 2024.
- 45 Interview with project partner, December 7, 2023.
- 46 Interview with project partner, December 11, 2023.
- 47 Interview with project partner, January 10, 2024.
- 48 IICI, *Guidelines for Investigating Conflict-Related Sexual and Gender-Based Violence Against Men and Boys*, 15; Murad Code, 9.

- 49 Ferro Ribeiro and van der Straten Ponthoz, *International Protocol on the Documentation and Investigation of Sexual Violence During Armed Conflict*, 95.
- 50 Murad Code, 10.
- 51 Ferro Ribeiro and van der Straten Ponthoz, *International Protocol on the Documentation and Investigation of Sexual Violence During Armed Conflict*, 135.
- 52 Ferro Ribeiro and van der Straten Ponthoz, 135-136.
- 53 Ferro Ribeiro and van der Straten Ponthoz, 199.
- 54 Interview with project partner, December 7, 2023; Interview with project partner, December 7, 2023.
- 55 Interview with project partner, December 7, 2023; Interview with project partner, December 11, 2023.
- 56 Ashraph, Melnychenko, and Stepaniuk, *Working with Victims of Sexual Violence During Armed Conflict*, 41.
- 57 Murad Code, 3.
- 58 IICI, *Guidelines for Investigating Conflict-Related Sexual and Gender-Based Violence Against Men and Boys*, 12; Ashraph, Melnychenko, and Stepaniuk, *Working with Victims of Sexual Violence During Armed Conflict*, 46.
- 59 For more information, see <https://bluebird.com.ua/en/>.
- 60 For more information, see <https://jurfem.com.ua/en/home-page-2/>.
- 61 Interview with project partner, December 14, 2023; Interview with project partner, December 29, 2023.
- 62 Interview with project partner, December 7, 2023; Interview with project partner, December 14, 2023.
- 63 Interview with project partner, December 7, 2023; Interview with project partner, December 11, 2023.
- 64 Interview with project partner, December 7, 2023.
- 65 Ashraph, Melnychenko, and Stepaniuk, *Working with Victims of Sexual Violence During Armed Conflict*, 56.
- 66 Murad Code, 9.
- 67 Ferro Ribeiro and van der Straten Ponthoz, *International Protocol on the Documentation and Investigation of Sexual Violence During Armed Conflict*, 139.
- 68 Interview with project partner, December 7, 2023; Interview with project partner, December 11, 2023.
- 69 Interview with project partner, December 7, 2023; Interview with project partner, December 12, 2023.
- 70 Interview with project partner, December 7, 2023.
- 71 Interview with project partner, December 11, 2023.
- 72 Ashraph, Melnychenko, and Stepaniuk, *Working with Victims of Sexual Violence During Armed Conflict*, 43.
- 73 For a more detailed analysis of the legal framework relevant to CRSV, see Ashraph, Melnychenko, and Stepaniuk, *Working with Victims of Sexual Violence During Armed Conflict*, 65-80.
- 74 Ukraine: Law No. 2341-III, Criminal Code, art. 152-156 (2001).
- 75 Ukraine: Law No. 2341-III, Criminal Code, art. 152.
- 76 Ashraph, Melnychenko, and Stepaniuk, *Working with Victims of Sexual Violence During Armed Conflict*, 65.
- 77 Ukraine: Law No. 2341-III, Criminal Code, art. 438.
- 78 Ashraph, Melnychenko, and Stepaniuk, *Working with Victims of Sexual Violence During Armed Conflict*, 66.
- 79 Official Portal of the Verkhovna Rada of Ukraine, http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=67804, [Internet Archive, https://web.archive.org/web/20240116215742/http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=67804]; Ashraph, Melnychenko, and Stepaniuk, *Working with Victims of Sexual Violence During Armed Conflict*, 66-67.
- 80 Convention on the Elimination of All Forms of Discrimination Against Women, December 18, 1979, U.N.T.S. vol. 1249, at 13; International Covenant on Civil and Political Rights, December 16, 1966, U.N.T.S. vol. 999, at 171; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, December 10, 1984, U.N.T.S. vol. 1465, at 85; Convention on the Rights of the Child, November 20, 1989, U.N.T.S. vol. 1577, at 3; Council of Europe, The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (November 2014).
- 81 Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), August 12, 1949, 75 U.N.T.S. 287, art. 3; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), June 8, 1977, 1125 U.N.T.S. 3, art. 75.
- 82 "Rule 93. Rape and Other forms of Sexual Violence," International Committee of the Red Cross, International Humanitarian Law Databases, last accessed January 4, 2024, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule93>, [Internet Archive, <https://web.archive.org/web/20240116215806/https://ihl-databases.icrc.org/en/customary-ihl/v1/rule93>].
- 83 Rome Statute of the International Criminal Court, entered into force July 1, 2002, 2187 U.N.T.S. 90, arts. 6(b), 6(d), 7(1)(g), 8(2)(b)(xxii).
- 84 Interview with project partner, December 12, 2023.
- 85 Interview with project partner, December 11, 2023; Interview with project partner, December 12, 2023; Interview with project partner, December 14, 2023.
- 86 Interview with project partner, December 7, 2023; December 11, 2023.
- 87 Interview with project partner, December 11, 2023; Interview with project partner, December 29, 2023.
- 88 Olga Golovina, "A Victim-Centered Approach to Prosecuting Sexual Violence," *Institute for War and Peace Reporting*, December 12, 2023, <https://iwpr.net/global-voices/victim-centred-approach-prosecuting-sexual-violence>, [Internet Archive, <https://web.archive.org/web/20240116215945/https://iwpr.net/global-voices/victim-centred-approach-prosecuting-sexual-violence>].
- 89 Interview with project partner, December 7, 2023.
- 90 Pavlo Klimkin (Minister for Foreign Affairs of Ukraine) to Herman von Hebel (Registrar, International Criminal Court), September 8, 2015; "Ukraine," International Criminal Court, accessed January 28, 2024, <https://www.icc.int/situations/ukraine>, [Internet Archive, <https://web.archive.org/web/20240128124646/https://www.icc.int/situations/ukraine>].
- 91 "Statement of ICC Prosecutor, Karim A.A. Khan QC, on the Situation in Ukraine: Receipt of Referrals from 39 States Parties and the Opening of an Investigation," International Criminal Court, March 2, 2022, <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-qq-situation-ukraine-receipt-referrals-39-states>, [Internet Archive, <https://web.archive.org/web/20240128124801/https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-qq-situation-ukraine-receipt-referrals-39-states>].
- 92 International Criminal Court Office of the Prosecutor, *Policy on Gender-Based Crimes* (December 2023), 58.
- 93 Interview with project partner, December 7, 2023; Interview with project partner, December 12, 2023.
- 94 European Center for Constitutional and Human Rights, "Sexual Violence by the Members of the Russian Armed Forces: Federal Public Prosecutor Must Investigate," last accessed January 27, 2024, <https://www.ecchr.eu/en/case/sexual-violence-by-members-of-the-russian-armed-forces-federal-public-prosecutor-must-investigate/>, [Internet Archive, <https://web.archive.org/web/20240116220257/https://www.ecchr.eu/en/case/sexual-violence-by-members-of-the-russian-armed-forces-federal-public-prosecutor-must-investigate/>].
- 95 Interview with project partner, December 12, 2023.
- 96 Interview with project partner, December 7, 2023; Interview with project partner, December 7, 2023.
- 97 Interview with project partner, December 7, 2023; Interview with project partner, December 7, 2023; Interview with project partner, December 11, 2023; Interview with project partner, December 14, 2023.
- 98 Interview with project partner, December 29, 2023.
- 99 Interview with project partner, December 7, 2023.

- 100 Interview with project partner, December 7, 2023; Interview with project partner, December 11, 2023.
- 101 Interview with project partner, December 29, 2023.
- 102 Interview with project partner, January 10, 2024.
- 103 Interview with project partner, December 29, 2023.
- 104 Interview with legal service provider, January 5, 2024.
- 105 *Murad Code*, 6.
- 106 See *supra*, *Trauma-informed, gender-inclusive, survivor-centered approach to CRSV documentation and investigation*, XX.
- 107 Interview with project partner, December 11, 2023.
- 108 Interview with project partner, December 11, 2023.
- 109 Interview with project partner, December 29, 2023.
- 110 Interview with project partner, December 29, 2023.
- 111 Interview with project partner, December 29, 2023.
- 112 Interview with project partner, December 14, 2023.
- 113 Interview with project partner, December 7, 2023.
- 114 Interview with project partner, January 10, 2024.
- 115 Interview with project partner, December 12, 2023; Interview with project partner, December 29, 2023.
- 116 Interview with project partner, December 12, 2023.
- 117 Interview with project partner, December 11, 2023.
- 118 Interview with project partner, December 14, 2023; Interview with project partner, December 29, 2023.
- 119 Interview with project partner, December 11, 2023; Interview with project partner, December 29, 2023.
- 120 Interview with project partner, December 29, 2023.
- 121 Interview with project partner, December 12, 2023.
- 122 Interview with project partner, December 29, 2023.
- 123 See *supra*, *Accountability avenues and litigation pathways*, XX.
- 124 Interview with project partner, December 29, 2023.
- 125 Interview with project partner, January 10, 2024.
- 126 UN Security Council, Resolution 2467, S/RES/2467, 3 (2019).
- 127 S/RES/2467, 7.
- 128 S/RES/2467.
- 129 Interview with legal service provider, January 5, 2024.
- 130 Interview with legal service provider, January 5, 2024.
- 131 Interview with project partner, December 29, 2023; Interview with legal service provider, January 5, 2024.
- 132 Interview with legal service provider, January 5, 2024.
- 133 “Framework on cooperation between the Government of Ukraine and the UN on prevention and response to conflict-related sexual violence, May 2022,” ReliefWeb, last accessed January 28, 2024, <https://reliefweb.int/report/ukraine/framework-cooperation-between-government-ukraine-and-un-prevention-and-response>, [Internet Archive, <https://web.archive.org/web/20240128131608/https://reliefweb.int/report/ukraine/framework-cooperation-between-government-ukraine-and-un-prevention-and-response>].
- 134 Phyu Phyu Oo and Sara E. Davies, “Access to Whose Justice? Survivor-Centered Justice for Sexual and Gender-Based Violence in Northern Shan State,” *Global Studies Quarterly* (2021): 1.
- 135 Oo and Davies, 8.
- 136 Interview with project partner, December 29, 2023.
- 137 Interview with project partner, December 7, 2023.
- 138 See *supra*, note 15.
- 139 See *supra*, *Accountability avenues and litigation pathways*, XX.
- 140 One potential tool for legislators in this regard is the Model Legislative Provisions and Guidance on Investigation and Prosecution of Conflict-Related Sexual Violence, drafted by project partners PJI, available at <https://partnersinjustice.org/wp-content/uploads/2021/06/OSRSG-SVC-Model-Legislative-Provisions-ENG.pdf>.
- 141 Interview with project partner, December 12, 2023.
- 142 See *supra*, *Characteristics of CRSV in Ukraine under the full-scale invasion by Russian forces*, XX.
- 143 REDRESS and Global Survivors Fund, *The Delivery of Reparations for Ukraine: Briefing Paper* (November 2023), 2-4.
- 144 Dart Centre Europe, *Reporting on Sexual Violence in Conflict*, May 27, 2021, <https://www.coveringcrsv.org/>, [Internet Archive, <https://web.archive.org/web/20240128130645/https://www.coveringcrsv.org/>].
- 145 See *supra*, *Accountability avenues and litigation pathways*, XX.
- 146 REDRESS and Global Survivors Fund, *The Delivery of Reparations for Ukraine*, 10.
- 147 REDRESS and Global Survivors Fund, 11; Interview with legal service provider, January 5, 2024.



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