



## Insights from the Roundtable: SGBC Victim's Pathway Through the Criminal Process – Ukraine and Best Practices

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On October 3, 2024 GRC's Sexual and Gender-Based Violence Mobile Justice Team (MJT) organised a unique roundtable aimed at bridging the gap between the promise of accountability, the commitment of over-burdened criminal justice actors and the lived experiences and expectations of victims and survivors. The roundtable presented an opportunity to bring together the experience of Ukrainian prosecutors, investigators, victims and survivors, and experienced practitioners drawn from other conflict contexts, enabling participants to better understand a broader spectrum of victim and survivor experiences from reporting a crime to authorities to the conclusion of the pre-trial investigation.

Although not unique to Ukraine, many victims and survivors of conflict-related sexual and gender-based crimes (SGBC) are reluctant to engage with justice mechanisms or are pessimistic about the eventual outcome. Even those who decide to participate in the criminal justice process and get the status of 'victim' may face more pressing concerns in their daily life, including health issues, financial stress and trauma-related challenges that will remain unaddressed without dedicated support. In addition, victims and survivors 'sometimes have doubts about the usefulness of participating in the judicial process, as they do not always see its benefits. When victims participate in criminal proceedings, these processes can add to their trauma and victimisation. Prosecutors and investigators play a critical role in addressing SGBC through effective, empathetic and meaningful engagement with victims and survivors. However, understanding the particular and multifaceted challenges faced by SGBC victims and survivors of all genders remains a significant barrier to effective prosecution and investigation.

The roundtable provided a unique platform for victims, survivors and national practitioners to exchange insights on the current challenges that victims and survivors face in Ukraine, and to discuss practical solutions and guidance for supporting law enforcement authorities in integrating a trauma-informed and survivor-centred approach more consistently into their practice. Ultimately, the roundtable sought to identify ways to enhance the experience of victims and survivors in justice processes.

This Report is divided in three sections. Section I details the common challenges that stemmed from discussions that were held between victims and survivors and national practitioners. Section II provides insights from Iryna Galkovska, psychologist and trauma expert. Finally, Section III.

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<sup>1</sup> For the purpose of this Report, "victim" is used as the legal term defined in the Criminal Procedure Code of Ukraine.

Upon filling a report or applying to be brought into proceedings as a victim before Ukrainian criminal justice system, the complainant is granted a 'victim' status and the rights and duties of a victim in a criminal proceeding.

"Survivor" is used for all individual who has been subjected to conflict-related SGBV but does not have a formal 'victim' status before Ukrainian criminal justice system and/or prefers to be identified as such.

Provides recommendations from victims, survivors and law enforcement authorities to address these challenges.

## SECTION I: VICTIM EXPERTS' PERSPECTIVES

Importantly, the roundtable served as a platform for victims and survivors to share their experiences navigating the Ukrainian criminal justice system and their interactions with law enforcement authorities. While recognizing the important and challenging work conducted by investigators and prosecutors, they shared how the lack of trauma-informed and survivor-centred practices have affected them.. In this respect, the roundtable fostered broader awareness of survivors' and victims' rights, agency and empowerment. Victim experts were selected for the Roundtable based on their lived experience as survivors, their work in advocating for victim's rights, many in their position as leaders of victims organisations such as SEMA Network (women) and Alumni (men) and as the best placed to offer reflections on how the justice process can be improved.

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“Never underestimate the contribution of victims since  
we are all fighting the same cause.”

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Many victims and survivors have shared their determination to contribute to the pursuit of justice, highlighting the resilience and dedication victims and survivors can bring to the justice process.

**Exploitation Concerns:** Concerns were expressed about victims and survivors being viewed merely as "sources of information' by journalists and law enforcement actors and, at times, as political symbols. Survivors reported *feeling exploited rather than genuinely supported by those who claim to represent their interests*. Organisations like the SEMA Network work to protect women from such exploitation and advocate for respectful, meaningful engagement with victims and survivors.

**Feeling unsafe:** Victims and survivors will often experience a complex array of emotions and trauma responses, including shame, fear, and anxiety, particularly when facing public scrutiny or concerns about potential repercussions. Unfortunately, law enforcement authorities are not always trained to support victims and survivors nor are they accompanied by a psychologist. In some cases, law enforcement actions have contributed to and intensified feelings of shame and isolation. This emotional burden significantly

hinders victims' and survivors' willingness to participate in the legal process and is prone to undermine recovery from trauma.

**Loneliness in Learning About Victims' Rights:** Many victims and survivors find themselves on *a solitary journey to understand their rights* and pursue justice as laypersons who may not have had prior experience of the criminal justice system. Lacking adequate support and information from law enforcement authorities, as well as challenges met in accessing legal representation mean that this pursuit often feels isolating. In addition, this lack of support leaves victims and survivors feeling confused, hesitant and insecure, as they question the need for certain steps that can seem intrusive or unnecessary without proper explanation.

**Enduring Effects of Trauma:** Victims and survivors reminded participants that trauma responses are long-lasting and that they often continue to face triggers well beyond the incident. The reminder, "*once a survivor, always a survivor*," calls on advocates and officials to approach survivors with sustained empathy and understanding.

A victim expert shared that her experience with SGBC would remain with her for life. She urged law enforcement to reduce trauma associated with legal procedures by creating a supportive and understanding environment. Drawing from her experiences in the Democratic Republic of the Congo, where she had an opportunity to visit the Panzi Hospital and Foundation, she highlighted the value of a holistic approach where social, legal, and medical supports are integrated, allowing victims and survivors to access services whenever they are ready. She emphasised that justice should be "*efficient, compassionate, and attentive to the victim's long-term healing journey*".

**Negative Initial Encounters with Law Enforcement:** Several victims and survivors described difficult first encounters with law enforcement authorities. In one case, *a female survivor was interviewed by four male officers* who, upon learning she was a SGBC victim, suggested she return another time as they were not prepared to take testimony of such matters. It was only when the victim engaged with the Ukraine OPG CRSV Unit, led by Anna Sosonska, that she felt fully supported and heard. Victims and survivors further reported a lack of coordination between agencies and instances of jurisdictional confusion, where agencies such as the Security Service of Ukraine (SSU) and local investigators failed to coordinate. For example, one expert victim shared that *she learned only midway through an interview with a local investigator that her case actually fell under the SSU's jurisdiction*. Such situations leave victims feeling unsupported and further diminish their trust in law enforcement.

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## “Survivors will testify only if they trust law enforcement authorities.”

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All victim experts highlighted the significant trust deficit between victims and survivors and law enforcement authorities, with many victims and survivors being reluctant to testify or engage in the legal process due to negative past experiences with unprepared interviewers and due to a lack of follow-up on the status of investigations. Some survivors have even faced intimidation, including threats of being placed on a “wanted persons” list if they failed to meet certain procedural requirements. This has led to feelings of fear and confusion, particularly for those already coping with trauma.

**Inadequate Legal Aid:** The legal aid available to victims and survivors is widely seen as insufficient, with few resources allocated to provide effective support. Victim expert reported *limited access to quality legal advice and representation*, making it difficult to navigate complex legal procedures and seek justice. One male survivor further shared that he had encountered challenges finding legal representatives experienced in working with male survivors of SGBC as most organisations seemed to focus on women and girls.

In addition, legal aid for victims and survivors is provided during the trial stage, which poses significant limitations. This restriction means that victims and survivors will not have access to legal assistance during critical earlier phases of the legal process, such as the investigation and pre-trial preparations. This is also true after the trial when victims and survivors do not have access anymore to legal aid to ensure enforcement of judgements or for any legal action relating to their case.

**Respecting Availability and Privacy:** Victims and survivors stressed that law enforcement authorities should respect their availability and recognise that they may have other commitments, including employment. One victim shared *how her employer was contacted by the police, compromising her privacy* and highlighting the need for strict confidentiality in case management.

**Impacts on Families and Children:** Victims and survivors with young children face additional difficulties, as there are no clear procedures for accommodating children during interviews. In one case, *a child insisted on staying with their mother due to fear of*

*separation* as the child was traumatised from the time they had to be separated from their parents during their joint detention, highlighting the need for family-supportive protocols.

Many victims and survivors also shared that *they worried about the safety of family members living in temporarily occupied areas*, adding further distress and making them reluctant to engage in legal proceedings or share sensitive information for fear of retaliation against them.

**Personal factors:** Various personal factors, including health challenges, were highlighted as they can prevent active participation, especially when medical or psychological conditions worsen over time. Location also poses a barrier; victims and survivors in occupied territories may experience restricted movement or communications as well as obstacles to adequate health and other support, while those who have relocated abroad can face legal, logistical, or personal obstacles to participating remotely. Some victims' and survivors' religious or cultural beliefs may also affect their view of the justice process and even their right to participate, which can be a challenge to openly discuss or pursue SGBC-related cases.

## SECTION II: INSIGHTS FROM IRYNA GALKOVSKA, PSYCHOLOGIST AND TRAUMA EXPERT

Iryna Galkovska from ASISTO reminded participants that the use of a psychologist must be in the interest of the victim. *Psychologists should not be there to evaluate whether a victim is being truthful.* Their presence during interviews is important because they can read body language and request a break for the victim (e.g. when the victim is glancing at the door or moving restlessly on their chair).

This is particularly important as she noted that victim/survivor themselves would likely never ask for a break due to their experience of captivity during which they had no control over interrogation processes. Victims and survivors will usually be very compliant and calm during interrogations due to a fear of being punished, and willing to answer any questions asked even for several hours without requesting a break. They will often associate the word 'interrogation' with fear, torture and negative thoughts. *To them, interrogation is a scary word with negative connotations* and there is a perception by victims and survivors that law enforcement actors are a threat. Iryna therefore stressed that the 'interrogation' should more appropriately be called 'interview'.

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“The psychologist should not be a decoration.”

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Iryna highlighted that , throughout her work, she realized that victims and survivors often did not understand her role or how she could assist them.

She also noted that when she attends a first interview with a victim, she is at that point completely unknown to them, which limits the opportunity to build rapport and establish trust. She noted that *throughout the time she has been accompanying investigative teams no victim/survivor has asked for her assistance*. She believes there is a perception by victims and survivors that the psychologist is present with and on behalf of the law enforcement officials (and therefore on their team). According to Iryna, such misperception and misunderstanding of her role should be corrected directly with the victims and survivors prior to conducting any interview.

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“Rapport can’t be built in 20 minutes”.

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Iryna Galkovska stressed that trust and rapport take time to develop and cannot be created immediately prior to interviews. Even as a qualified and experienced psychologist, she reminded participants that it takes considerable time working with victims and survivors to properly assess what they want/need and how she can support them.

Iryna further highlighted the importance of predictability and clarity regarding the rules to victims and survivors. . They need their interlocutors to be honest. Victims need to understand what their rights are, how long the investigation will take, and be given approximate time frames for conducting the interview. *She stressed the importance of preparing good investigation and interview plans*. Victims should be aware that if they do not like the interviewer(s) they have the possibility to request an alternative. However, she acknowledged that victims may be apprehensive in doing so, especially where trust has not been established.

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## In practice

Survivors recently released from captivity, when instructed by authorities that they cannot leave their location, such as a room, a building, or even a city, may be triggered and feel as if they are experiencing confinement again. They also might not be ready or comfortable to speak about sexual issues to a stranger.

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According to Iryna, victims and survivors need time to decompress and seek appropriate care and support. There should be honesty, transparency and predictability in all interactions.

Finally, Iryna reminded participants that *investigators and prosecutors should also be mindful of the impact of their work on their mental health* and take proactive steps to preserve their well-being. They should be aware that sometimes to protect themselves they will dissociate.

## SECTION III: RECOMMENDATIONS

The Roundtable was a unique opportunity for victims and survivors to discuss directly with law enforcement authorities and to work together to address their challenges and concerns. Following fruitful discussions, the following recommendations were put forward:

### 1.1. For Prosecutors and Investigators

#### **Explaining SGBC and Obtaining Consent.**

Begin by explaining to victims and survivors what SGBC means under the law. This can help them recognize and understand their own experiences as SGBC. Let them know that there may be a need to discuss difficult and sensitive details to establish the elements of these crimes and take the time to explain why this is important. Do not rush this process.

Emphasize the significance of their testimony and the need to collect evidence that meets the legal standards required to prosecute these crimes. Finally, ensure you obtain clear and explicit consent before sharing any information with potential service providers, explaining how their data will be used and protected.

### **Establishing an Entry and Designating Key Contacts.**

At the initial stage, appoint a primary point of contact, whether a coordinator from the VWCC, an investigator or a prosecutor, who will promote a sense of consistency and stability as victims and survivors navigate different stages of the legal system. This assigned professional should be specifically trained in SGBC cases, ensuring consistent and sensitive engagement throughout the process.

### **Ensuring Victims' Psychological and Emotional Preparedness**

Before proceeding to an interview, a psychological assessment should be conducted to ensure the victim/survivor can safely participate in an investigative interview. Psychological support should be made available before, during and after the interview and a referral system should be put in place. Timely, thoughtful and thorough preparation for interviews helps foster a more comfortable and open environment that better accommodates the process of sharing sensitive information, benefiting the victim but also the quality of the information shared.

### **Coordinating Interview Logistics.**

Consult victims and survivors to determine a convenient time, date, location, any accommodations that might be needed to enable their participation in the interview (eg, subsidised transport, childcare arrangements) and any preferences they might have in relation to the gender of interviewers. Engaging with victims and survivors on these issues helps to identify concerns that might need to be addressed ahead of time, to develop trust and rapport with the interviewers, and contribute to building a safer space for victims and survivors.

### **Structured Interview Preparation.**

Prior to interviewing, identify topics and key questions which should be reviewed in consultation with a psychologist, especially in relation to potential disclosure of SGBC and related crimes. This approach helps ensure that interviewers approach traumatic experiences in a sensitive, trauma-informed manner and they respect the victim's emotional boundaries.

### **Minimising the Number of Interviews.**

To respect victims' emotional boundaries and reduce the potential for re-traumatisation, interviews should ideally be conducted in a single session with, where required, more targeted follow-up interviews (so the victim does not have to go through the whole story

every time). Preparation should involve careful planning to ensure the objectives of an interview are clear at the outset, and the interview comprehensively covers all necessary information and minimises the need for re-interviewing, which heightens the risk of (re) traumatisation and generally reflects inadequate planning and preparation.

### **Conducting Timely and Sensitive Investigations**

Investigations should be conducted promptly and with great care for the victim/survivor's well-being. Throughout the process, keep victims and survivors informed about the progress of their case and provide clear updates to manage their expectations. Wherever possible, involve victims and survivors in every stage of the investigation to prevent feelings of isolation and to maintain their engagement. Consistent, respectful, and open communication is essential to rebuild trust in the justice process. Work closely with victims and survivors to prepare them for upcoming investigative steps, ensuring they know what to expect and have access to psychological, legal, logistical and any other supports they might require.

### **Developing a unified investigation strategy and preparation**

Investigators and prosecutors should develop a cohesive strategy that includes specialised SGBC investigators and prosecutors, as well as thorough pre-interview planning, with clearly defined investigative plans and methodological support where needed. Structured interview protocols are also necessary to ensure the comprehensiveness of interviews and prevent information contamination

### **Developing a standardised procedures for systematising collected evidence and managing victim databases**

Investigators and prosecutors should develop lists of those who have obtained 'victim status' and those whose applications are still under review. Secure data storage, controlled access, and efficient consolidation of large volumes of information should be prioritized.

## **1.2. For partners working on SGBC**

### **Strengthening Collaboration and Teamwork**

Victims and survivors emphasize the importance of fostering a unified approach among all actors involved in the justice process, including NGOs, law enforcement authorities, and judicial entities. Each stakeholder should view themselves as part of a cohesive team working toward shared goals of justice, accountability, and support for victims and survivors. Building trust and coordination between these actors can enhance the effectiveness of responses and reduce duplicative efforts.

**Promoting Inclusive and Balanced Advocacy**

SGBC advocacy should reflect the diversity of victims and survivor experiences. While women are often disproportionately affected, it is crucial to also include and amplify the voices of male survivors, as well as those from LGBTQIA+ and other underrepresented groups and communities, to create a more inclusive narrative. This balanced advocacy helps break stereotypes, fosters understanding, and ensures that no survivor feels overlooked or unsupported.

**Establishing Holistic Legal Support and Communication**

A comprehensive and holistic support system is critical for ensuring victims' and survivors' access to justice. This includes bridging gaps in legal aid and awareness, as well as maintaining clear, transparent, and continuous communication with victims and survivors. Victims and survivors should be treated as equal participants with agency throughout the legal process, ensuring they are well-informed and their voices are respected at every stage.

**Providing Psychological Support and Skills Training for Justice Actors**

Both investigators and prosecutors must be equipped to handle initial interactions and interviews with victims and survivors sensitively. Offering psychological support to justice actors and training them in basic psychological skills can help them build trust, reduce (re)traumatization, and conduct interviews with compassion and care. This not only supports victims and survivors but also improves the quality of the information gathered.

**Increasing resources available to conduct survivor-centred investigation**

The limited resources available hinders investigators and prosecutors ability to consistently provide survivor-centred care, particularly in large investigations. Insufficient resources also complicate initial contact with victims and survivors and make it difficult to maintain continuity in subsequent interactions, ideally with the same trusted personnel. When available, resources should be directed to support investigative efforts and ensure they are conducted in a survivor-centred and trauma-informed way.

**Expanding information available about criminal legal proceedings**

NGOs and other relevant actors, including legal institutions, should seek to develop large-scale information campaigns to raise public awareness about victims' and survivors' rights, available services, and the legal process for SGBC. Targeted information campaigns will foster greater understandings, provide clarity to victims about the justice pathway and, as a result, will encourage victims and survivors to come forward

