

Domestic Violence in the Context of Russia's Armed Aggression Against Ukraine: Legal Challenges and Solutions

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Abstract. This article examines the issue of domestic violence in the context of Russia's armed aggression against Ukraine. It proposes comprehensive measures to address this problem, including legislative improvements, expanded access to crisis centers, and stricter accountability for perpetrators. The article also underscores the need for interagency cooperation between state authorities, civil society organizations, and international institutions in combating domestic violence during wartime.

The study reviews judicial practice in cases related to domestic violence. It emphasizes that domestic violence fundamentally differs from ordinary conflicts, as it has distinct characteristics. Perpetrators of domestic violence, having a significant advantage in power and capabilities, act deliberately to achieve a specific outcome—harming the victim by violating their rights and freedoms. In contrast, a conflict should be understood as a state of relations characterized by a clash of opposing interests and views, heightened tension, and the escalation of contradictions. Conflicts may lead to active confrontations, struggles, and complex interactions, where each party seeks to assert a position incompatible with the interests of the other.

Domestic violence is emphasized as a global socio-legal problem that requires a comprehensive approach to its resolution. An analysis of Ukraine's current legislation reveals significant progress in the legal regulation of preventing and combating domestic violence. However, several challenges hinder the effectiveness of these efforts. In particular, the limited effectiveness protective orders, the lack of preventive measures, and weak coordination between law enforcement agencies and social services remain significant obstacles. The article highlights the need to strengthen educational and preventive initiatives to foster intolerance toward violent behavior and to implement a systematic approach to data collection. Such an approach would enable an objective assessment the problem scale and the measures response effectiveness. Addressing these issues would contribute to the development an effective system for preventing and combating domestic violence, aligned with international standards and aimed at protecting human rights in Ukraine. It is crucial to maintain a victim-centered approach and to recognize that domestic violence constitutes a fundamental violation of human rights.

Keywords: domestic violence, armed aggression, prevention and response to violence, martial law, temporary restraining order.

Introduction

Domestic violence is one of the most pressing socio-legal issues, which has become even more

urgent in the context of Russia's armed aggression against Ukraine. The war has led to widespread human rights violations, the destabilization social

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institutions, economic decline, and heightened psychological stress within society. These factors have acted as a catalyst for the rise in domestic violence cases, underscoring the need to enhance legal protection mechanisms for victims.

Literature Review

The issue of preventing domestic violence in Ukraine has been examined in the works of scholars such as O. O. Bilovol, A. B. Blaga, V. V. Galtsova, V. V. Golina, B. M. Golovkin, A. L. Grishchenko, M. I. Panov, V. I. Shakun, and other Ukrainian researchers.

Purpose

This article aims to analyze the legal challenges of addressing domestic violence in the context of Russia's armed aggression against Ukraine.

Methodology

This article employs a system of scientific research methods. The dialectical method facilitated the examination of the problem in the unity of its social content and legal form, enabling a systematic analysis of domestic violence. The application sociological and statistical methods contributed to the generalization legal practice and the analysis empirical data.

The comparative legal method was utilized in reviewing legal literature and analyzing key scholarly approaches to addressing the research objectives. The formal legal method was applied in studying regulatory sources, allowing for the identification of shortcomings in Ukraine's current legislation.

These methods, in combination with general logical techniques such as analysis, synthesis, induction, deduction, and analogy, enabled a comprehensive and effective study of the legal challenges surrounding domestic violence in the context of Russia's armed aggression against Ukraine.

Results and Discussion

The large-scale war in Ukraine has not halted the offenses commission that have long been widespread in the country. Domestic violence remains one of the most pervasive yet least visible social issues, and it continues to escalate during wartime. According to the Prosecutor General's

Office, from January 1, 2022 to June 30, 2022, the number of criminal proceedings related to domestic violence decreased by 56 % compared to the same period in 2021. However, statistical data from 2023 indicate a resurgence in domestic violence cases. In 2023, the number of criminal proceedings related to domestic violence in Ukraine doubled compared to 2022, while the number of administrative offenses increased by 36 % [1].

However, these statistics do not indicate that the war has led to a decrease in domestic violence; rather, they reflect the fact that many victims do not seek legal assistance due to war-related barriers. One such obstacle is the tendency of victims to downplay or dismiss their experiences. For instance, individuals may believe that addressing domestic violence is "not a priority" given the state's broader challenges and ongoing crisis. Victims often exhibit reluctance and distrust, as public attention remains focused on national security concerns, leading to skepticism about the effectiveness of seeking help from law enforcement agencies. Additionally, many individuals face more immediate survival-related challenges, such as ensuring their safety, securing housing and employment, caring for children, and adjusting to new living conditions. Those in temporarily occupied territories may lack access to essential services available in government-controlled areas. Another significant factor contributing to the decline in reported cases of domestic violence is the large-scale displacement of the population, with many people having left the country [2]. According to the Prosecutor General's Office, 2,777 criminal proceedings related to domestic violence were recorded in the first 11 months of 2024. The number of cases has continued to rise each year since the start of the full-scale war [3].

Unfortunately, this problem will not resolve itself even after Ukraine's victory. Social and economic tensions have intensified, with many families forced to relocate to safer regions. In their search for housing, they often find themselves living in cramped conditions under extreme hardship. Additionally, some families have lost their homes and livelihoods, further exacerbating stress and instability. These factors serve as key triggers for the rise in domestic violence and the increasing number of incidents within households [4].

The issue of domestic violence must remain a priority even amid full-scale war. New strategies for preventing domestic violence should be developed, taking into account the challenges of wartime and the post-war reconstruction of Ukraine. Special attention will be needed for families who have lost their homes and jobs, as well as for children and the elderly.

Further progress in this area will require expanding access to psychological support during martial law, both for victims of domestic violence and for perpetrators. Additionally, the impact of post-traumatic stress disorder (PTSD) on the rising incidence of domestic violence warrants further study [5, pp. 368–369].

It should be noted that military circumstances are not considered a direct cause of domestic violence. However, participation in armed conflicts and the psychological impact of war trauma can act as triggers for violent episodes, contributing to an increase in both the intensity and scale of domestic violence. Several factors contribute to the rise in domestic violence during wartime, including fear and insecurity, socio-economic instability, disruption of established family dynamics and relationships, increased substance abuse, easy access to various types of weapons, the prevalence of post-traumatic stress disorder (PTSD), and the broader context of armed conflicts, where men predominantly participate and may be unprepared for the psychological toll of war.

During wartime, men return home from the front carrying the full weight of their experiences in armed conflict and the trauma of war. They often exhibit increased aggression and assert greater control over mothers, wives, and sisters, reinforcing power imbalances within the family and exacerbating the root causes of domestic and gender-based violence. Women, in turn, are often expected to revert to traditional caregiving roles, taking responsibility for children, the elderly, and the infirm, while also being judged by the extent of their caregiving burden. The complete absence of targeted rehabilitation and reintegration strategies further exacerbates this issue, forcing women to care for combat veterans who may be psychologically or physically traumatized by armed conflict [6].

As L. Gretchenko notes, domestic violence is one of the phenomena that, unfortunately, has not disappeared during the war; rather, it has intensified and evolved in its manifestations, often remaining

invisible. In situations of domestic violence, children may either come into conflict with the law (as offenders) or be in contact with the law (as victims or witnesses of domestic violence) [7].

In December 2024, the Ministry of Internal Affairs of Ukraine and the National Police of Ukraine, in partnership with UNFPA, the United Nations Population Fund, launched a mobile application as part of the *Biarritz Partnership* initiative. The application is designed to provide assistance to individuals who have suffered from domestic violence or are at risk, particularly those unable to call the police directly. The main advantage of this application is the ability to contact law enforcement instantly via the *SOS* button, bypassing the need to call *102*, while automatically sharing the victim's location through geolocation. A key feature of the app is its discreet design, ensuring that it remains invisible to a potential aggressor. The app's interface is concealed under the appearance of a regular application on the phone, with the police emergency button, helpful information, and contact details for domestic violence support services accessible only through a hidden interface, available exclusively to the phone's owner [8].

It should be noted that combating domestic violence is a crucial step toward building a safe and democratic society. To implement provisions the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), which Ukraine ratified on June 20, 2022, the Ukrainian legislature has introduced several amendments to national legislation on domestic violence prevention and response.

In particular, Law of Ukraine No. 2227-VIII of December 6, 2017, "*On Amendments to the Criminal and Criminal Procedure Codes of Ukraine in Order to Implement the Provisions of Council Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence*", introduced new provisions into the Criminal Code of Ukraine, officially defining domestic violence as a criminal offense. The law also introduced corresponding amendments to the Criminal Procedure Code of Ukraine to enhance legal mechanisms for addressing such offenses.

On December 19, 2024, Ukraine enacted the European integration law "*On Amendments to the*

Code of Ukraine on Administrative Offenses in Connection with the Ratification the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention)”, adopted on May 22, 2024. This law strengthened legal liability for domestic and gender-based violence and introduced several key innovations. Among the most significant changes is the automatic recognition minors who witness domestic violence as victims, accompanied by the introduction administrative liability in such cases. Additionally, the law provides for enhanced legal accountability for gender-based violence and sexual harassment, which are now explicitly addressed in separate articles of the Code of Ukraine on Administrative Offenses.

In the context of this study, we will examine judicial practice in cases related to domestic violence. The Supreme Court Resolution, issued by a panel of judges from the First Judicial Chamber of the Civil Cassation Court on November 7, 2023, in case No. 676/265/23, establishes that domestic violence is fundamentally distinct from ordinary interpersonal conflicts. Domestic violence is characterized by specific features, including the deliberate actions of the perpetrator, who, possessing a significant advantage in power and capabilities, intentionally seeks to achieve a desired outcome—causing harm to the victim by violating their rights and freedoms.

In contrast, a conflict is defined as a relational state marked by the clash opposing interests and views, heightened tension, and the intensification contradictions. Such conflicts may escalate into active confrontations, complications, and struggles involving complex interactions, where each party seeks to assert a position incompatible with the interests of the other. The emergence of conflict is influenced not only by objective factors but also by subjective elements, including individuals’ self-perceptions, needs, motives, values, and attitudes toward the opposing party [9].

We fully concur with the scholar Yu. M. By-saga that, in the current wartime conditions, it is essential to implement a comprehensive approach to combating domestic violence. This approach should include updating legal regulations, ensuring special protection for internally displaced persons (IDPs), and enhancing monitoring and reporting mechanisms.

The urgent restraining adoption orders through online platforms enables victims to access legal protection more quickly, thereby reducing the risk of further violence even in challenging circumstances. Additionally, the establishment of specialized support mechanisms for IDPs and the adaptation of social services are critical for ensuring their safety and access to necessary assistance. Systematic monitoring and reporting on the measures implemented will further contribute to the timely identification problems and the refinement existing strategies [10, p. 787].

Let us now consider the gender stereotypes that persist in judicial proceedings related to domestic violence. The regulatory and legal framework that Ukrainian judges rely on when adjudicating cases of sexual violence remains outdated and does not align with international standards. Although some positive examples exist in judicial practice where a victim-centered approach has been applied, even at the cassation level [11], the lack of an unified modern judicial practice has resulted in inconsistent interpretations in Article 152 the Criminal Code of Ukraine. Many courts fail to adhere to international standards and continue to rely on misconceptions about the crime of rape, influenced by gender-based myths and stereotypes.

In more recent judicial practice, the Supreme Court of Ukraine has acknowledged the importance of preventing prejudices and gender stereotypes from influencing decision-making in criminal proceedings. For instance, in its Resolution of December 8, 2021, in case No. 566/1420/19, the Court emphasized that: “The victim’s state of alcoholic or other intoxication, her behavior prior to the incident, her neglect of personal safety measures, her moral character and lifestyle, or any allegedly immoral conduct—such as behavior that may have deliberately provoked the offender’s sexual actions with the intention of halting further acts of a sexual nature—do not exempt the perpetrator from criminal liability under Article 152 of the Criminal Code of Ukraine” [12].

In 2022, the Synelnykivskiy City District Court of Dnipropetrovsk Region sentenced a man to 10 years imprisonment for raping a minor in September 2017 (before the definition rape was amended in December 2017). The perpetrator had offered to give the victim a ride home and then raped her. It was established that, at the time of the crime, the accused was under the influence of narcotic substances and

had threatened the victim with physical violence, which, according to the case materials, “the victim perceived as real and feared for her health” [13]. In its ruling of July 5, 2023, while reviewing the defense attorney’s appeal, the Supreme Court of Ukraine annulled the appellate court’s decision and ordered a new review at the appellate level. The Supreme Court’s decision was based on the fact that the appellate court had failed to consider arguments regarding the victim’s appearance (as the defendant claimed she did not look like a minor) and her behavior (specifically, that she agreed to enter the car and did not attempt to leave). The district court’s focus on the victim’s behavior—emphasizing that she agreed to enter the car and did not exit—represents a clear example of victim blaming. However, in September 2023, the Court of Appeal upheld the original verdict and sentence, concluding that the accused knew or should have reasonably assumed that the victim was a minor [14].

Conclusions

Domestic violence is a global socio-legal issue that demands a comprehensive approach to its resolution. An analysis Ukraine’s current legislation reveals significant progress in the legal regulation preventing and combating domestic violence. However, several challenges continue to hinder the effectiveness these efforts. In particular, the limited effectiveness protective orders, insufficient preventive measures, and weak coordination between law

enforcement agencies and social services remain key obstacles. To address these issues, it is essential to strengthen educational and preventive initiatives aimed at fostering intolerance toward violent behavior and to establish a systematic approach to data collection for an objective assessment prevalence domestic violence and the effectiveness of response measures. Overcoming these challenges will contribute to the development a robust system for preventing and combating domestic violence—one that aligns with international standards and enhances the protection of human rights in Ukraine. It is crucial to adopt a victim-centered approach and to recognize that domestic violence constitutes a fundamental violation of human rights.

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Домашнє насильство в умовах збройної агресії росії проти України: правові виклики та шляхи вирішення

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Анотація. У статті розглядається проблема домашнього насильства в умовах збройної агресії росії проти України. Пропонуються комплексні заходи для розв’язання цієї проблеми, зокрема вдосконалення законодавства, розширення доступу до кризових центрів та посилення відповідальності для кривдників. У статті також підкреслюється потреба міжвідомчої співпраці між органами державної влади, організаціями громадянського суспільства та міжнародними інституціями у боротьбі з домашнім насильством у воєнний час.

У дослідженні проаналізовано судову практику у справах, пов’язаних з домашнім насильством. Підкреслюється, що домашнє насильство принципово відрізняється від звичайних конфліктів, оскільки має особливі характеристики. Особи, які вчиняють домашнє насильство, маючи значну перевагу у владі та можливостях, діють цілеспрямовано для досягнення конкретного результату – заподіяння шкоди жертві, порушуючи її права та свободи. На відміну від цього, під конфліктом треба розуміти стан відносин, що характеризується зіткненням протилежних інтересів і поглядів, підвищеною напруженістю, загостренням суперечностей. Конфлікти можуть призводити до активних протистоянь, боротьби, складних взаємодій, де кожна сторона прагне відстоювати позицію, несумісну з інтересами іншої.

Насильство в сім’ї визнано глобальною соціально-правовою проблемою, яка потребує комплексного підходу до її розв’язання. Аналіз чинного законодавства України свідчить про значний прогрес у правовому регулюванні запобігання та протидії домашньому насильству. Однак ефективність цих зусиль стримується низкою викликів. Зокрема, істотними перешкодами залишаються обмежена ефективність захисних приписів, брак превентивних заходів та слабка координація між правоохоронними органами та соціальними службами. У статті наголошується на потребі посилення освітніх та превентивних ініціатив, спрямованих на формування нетерпимості до насильницької поведінки, а також впровадження системного підходу до збору даних. Такий підхід дасть змогу об’єктивно оцінити масштаби проблеми та ефективність заходів реагування. Вирішення цих питань сприятиме розбудові ефективної системи запобігання та протидії домашньому насильству, узгодженої з міжнародними стандартами та спрямованої на захист прав людини в Україні. Важливо зберігати підхід, орієнтований на жертву, і визнати, що домашнє насильство є фундаментальним порушенням прав людини.

Ключові слова: домашнє насильство, збройна агресія, запобігання та реагування на насильство, воєнний стан, тимчасовий обмежувальний припис.