

Theoretical and Practical Issues of Sexual Crimes Against Children

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Abstract

This study investigates sexual crimes against children with the aim of identifying legislative, psychological, and institutional mechanisms for prevention and response. Sexual violence against minors remains a persistent problem in Ukraine and globally, with high latency and complex causes that demand multidimensional analysis. The research applies a normative legal approach combined with dialectical and general scientific methods (analysis, synthesis, induction, generalization), supported by specialized psychological and forensic techniques. Results highlight the juridical, philosophical, and sociological objectives of legal protection of children, the challenges of applying polygraph examinations to minors, and the controversial role of medical measures such as chemical castration. The study underscores the significance of the Unified Register of Child Sex Offenders as a practical tool for prevention. The article demonstrates that



combating sexual crimes against children requires a comprehensive strategy that integrates legal reforms, psychological support, medical interventions, and international best practices. The Ukrainian experience during wartime conditions adds urgency and uniqueness to this study.

Keywords

Chemical Castration; Drug Prevention; Pedophilia; Physical Castration; Polygraph Examination.

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Introduction

Sexual offenses against children occupy a special place among criminal acts. They are socially dangerous, shameful, and brutal toward victims, resulting in long-lasting psychological, emotional, and physical harm. Sexual crimes occur worldwide but are more frequent in environments with weak social development, inadequate criminal sanctions, or institutional neglect. A distinctive feature of such crimes lies in the offender, often a person with psychological deviations formed through negative family and social influences in childhood or adolescence. These experiences distort the developing psyche, shaping character and behavior, and may later manifest in pedophilic tendencies expressed through sexual violence.

Juridically, the issue of sexual crimes against children directly violates national and international legal norms protecting the rights of minors to safety, dignity, and bodily integrity. The urgency of addressing sexual crimes against children arises from three fundamental dimensions. Juridically, such acts undermine binding national and international norms that guarantee the rights of minors. Philosophically, they threaten the ethical pillars of justice and human dignity, forcing society to confront its responsibility to the most vulnerable. Sociologically, these crimes destabilize family structures, reinforce cycles of trauma, and erode public trust in institutions meant to protect children. These combined reasons establish both the necessity and timeliness of this research. Philosophically, it challenges the ethical underpinnings of human rights, autonomy, and justice, raising profound questions about the moral obligations of society to its most vulnerable members. Sociologically, the widespread nature and social silence surrounding child sexual abuse reflect structural inequalities, dysfunctional family dynamics, and systemic failures in institutional protection mechanisms. Together, these dimensions underscore the critical

necessity for deeper academic inquiry and robust legal action to confront and prevent such egregious crimes.

Rapid global scientific and technological progress has brought both benefits and challenges that affect human life and social structures. Among the negative consequences are crimes against life and health, which remain prevalent worldwide. More developed states, including Ukraine, implement preventive and counteractive measures, yet the scale of sexual violence against children in Ukraine remains alarming, as shown by the following statistics: 23% of adults reported that they had been sexually abused as children; 4% of Ukrainians stated that they had been raped as minors; 43% of victims of sexual violence did not tell anyone and disclosed it even to their relatives; 62% of victims state that they were sexually assaulted by unknown persons, although the latest statistics show that in 85% of cases, this category of criminal offenses is committed by adult rapists, either from the family or family acquaintances.

The most widespread are developments in the legal field, namely criminal law, criminology and forensic science. The work of Ukrainian criminologists Vasylevich and Levchenko¹ provides an in-depth analysis of the problem of sexual violence and, in particular, the study of sexual assault against children. They emphasize the latent nature, the causes, and consequences of commission, and possible ways to reduce the number of sexual crimes against children. The issue of the nature and preventive measures against sexual assaults against children is covered in the scientific work of Denysovskyi and Fedchak.² The authors emphasize the regional monitoring of sexual violence in Ukraine. Furthermore, the authors examines certain aspects of sexual crimes against children in national and

¹ V. V. Vasylevych and Yu. O. Levchenko, "Sexual Violence against a Child: Latency and Ways to Overcome," *Scientific Bulletin of the Uzhhorod National University* 79, no. 2 (2023): 149–54, <https://doi.org/10.24144/2307-3322.2023.79.2.22>.

² M. D. Denysovskyi and I. A. Fedchak, *The Nature and Prevention of Crimes Against Sexual Freedom and Sexual Integrity of Minors and Minors* (Lviv; Ternopil: LvDUVS, 2018).

foreign practice, including the causes and conditions of their occurrence. Forms of sexual violence against children are reflected in the study by Romantsova.³ The scholar provides and analyzes the classification of sexual violence against minors and underage persons.

Lubenets⁴ pointed out in her research that the development of modern innovative technologies is uncontrolled by the state, which, in combination with useful information for people, disseminates pornographic materials, including involving children. She notes that the Internet enables sexual offenders to build trust with minors under the pretense of establishing friendly relationships. They seek to initiate virtual communication in various ways and, after gaining the minors' trust, propose exchanging personal information, including intimate content.

The subject of the Russian-Ukrainian war has a special place in the study of sexual crimes against children, which has demonstrated the particular cruelty of the aggressor neighbor to our compatriots, including young people. The manual of the international team of authors Ashraph (UK), Melnychenko, Stepaniuk⁵ (Ukraine) is important in providing assistance to victims of sexual assault in the current military conditions of Ukraine. Its focus is on practitioners who provide psychological assistance to victims of these crimes.

The specific features of the pre-trial investigation of sexual crimes against children during martial law in Ukraine are the subject of a scientific

³ S. V. Romantsova, "Forms of Manifestations of Sexual Violence against Children," *Scientific Bulletin of the Uzhhorod National University* 2, no. 55 (2019): 102–6.

⁴ I. Lubenets, "The Problem of Sexual Violence against Children in the Digital Environment," *Copernicus Political and Legal Studies* 4, no. 4 (2022): 44–54, <https://doi.org/10.15804/CPLS.20224.05>.

⁵ S. Ashraph, O. Melnychenko, and O. Stepaniuk, *Working with Victims of Sexual Violence in Armed Conflict: A Guide for Psychological Assistance and Emergency Response Professionals in Ukraine* (2022), <https://rm.coe.int/ukr-2022-sexual-violence-manual-web-en/1680a97132>.

work by the Ukrainian researcher Popov.⁶ The author addresses the full-scale invasion of Ukraine by the Russian Federation and focuses on the abduction of Ukrainian children by the northern neighbor and removal from the country, allegedly for the charitable purpose of ensuring safety. Ukrainian law enforcement agencies and the judicial system currently do not have access to the temporary occupied territories. They are unable to control this process, which in every way facilitates the aggressor's commission of crimes related to sexual violence against children.

Previous scholarship reflects growing concern with child sexual abuse. Alter-Reid et al. (2022) reviewed empirical findings and underscored the long-term consequences of abuse. Gerke et al. (2023) demonstrated that both female- and male-perpetrated abuse leaves enduring mental health effects. Katz and Field (2020) analyzed intra-familial abuse dynamics, highlighting silence and coercion within families. Knack et al. (2019) emphasized the importance of primary and secondary prevention programs in reducing recidivism. Rahnavardi et al. (2022) focused on the role of healthcare providers in identifying and responding to abuse. Compared to these works, the present study integrates legal, criminological, and forensic perspectives in the Ukrainian wartime context, thereby contributing novel insights into both prevention and enforcement strategies.

The current research builds on and integrates the findings of Denysovskiy and Fedchak⁷, and Lubenets⁸, while introducing a novel dimension by combining juridical, criminological, psychiatric, and sociotechnical insights - particularly through the proposed use of a national offender register and

⁶ H. V. Popov, "Peculiarities of the Pre-Trial Investigation of Crimes against the Sexual Integrity of Children Committed in Conditions of Armed Conflict," *Scientific Bulletin of the Uzhhorod National University* 75, no. 2 (2023): 125–28, <https://doi.org/10.24144/2307-3322.2022.75.2.20>.

⁷ M. D. Denysovskiy and I. A. Fedchak, *The Nature and Prevention of Crimes Against Sexual Freedom and Sexual Integrity of Minors and Minors* (Lviv; Ternopil: LvDUVS, 2018).

⁸ I. Lubenets, "The Problem of Sexual Violence against Children in the Digital Environment," *Copernicus Political and Legal Studies* 4, no. 4 (2022): 44–54, <https://doi.org/10.15804/CPLS.20224.05>.

polygraphy. The unique context of Ukraine, especially under martial law and foreign aggression, adds urgency and relevance. The present study contributes original perspectives by linking law enforcement tools (such as polygraph examination and criminal registries) with preventative measures rooted in international practice. In doing so, it not only expands academic understanding but also offers practical implications for policy and institutional reforms.

Method

This study employs a normative legal approach to interpret and evaluate legal norms governing the prevention, investigation, and punishment of sexual crimes against children. This approach involves the analysis of binding legal instruments - including the Criminal Code of Ukraine, the Law on the Unified Register of Child Sex Offenders, and relevant international treaties - in order to assess their adequacy, coherence, and application in practice. The normative method is complemented by doctrinal legal research, allowing the authors to systematically examine jurisprudential sources, scholarly commentary, and statutory provisions. This dual application ensures a rigorous exploration of both formal legal rules and their implementation within Ukrainian law enforcement and judicial systems.

The methodological instruments of the study correspond to the objective of the study and the subject of the research. The most relevant is the dialectical method, in particular in the context of the relationship with the theory and practice of reflecting the content of the issue of sexual crimes against children. In addition, general scientific methods, such as analysis, were used to process the array of relevant information on the study of this category of crimes. Synthesis is used to practically reunite the whole from

the parts in terms of systematic research on sexual crimes against children. Induction is used to reason from individual facts to general conclusions aimed at preventing and combating such crimes. Generalization is used to determine and assess the scale of the problem of sexual crimes against children.

The development of specific ideas and proposals was facilitated by the application of specialized scientific methods, particularly in psychology and polygraphy. These methods were instrumental in assessing the feasibility of conducting polygraph examinations on minors, a critical aspect in studying and understanding real-world phenomena. Special methods were also used to develop the study of the empirical research of the subject, which made it possible to understand the nature of illegal actions.

The above methods have been consistently applied at all stages of this work, particularly during the formulation of the scientific problem, as well as in defining the purpose and objectives of the study and detailing the content of the information presented; analysis of innovations and provision of proposals in the investigation of this category of criminal offenses. The theoretical foundation of the study was based on an analysis of international and Ukrainian approaches to addressing sexual crimes against children. The empirical framework of the study is formed by open international data on the documentation and investigation of sexual violence against children, legislative acts of Ukraine, as well as statistics on sexual crimes against children published in official documents of the Prosecutor General's Office of Ukraine.

This empirical anchoring ensured that theoretical arguments were tested against documented realities of sexual crime prevalence, responses, and enforcement outcomes. In practice, the normative approach in this study was applied by examining how specific Ukrainian statutes, such as the 2019 Law establishing the Unified Register of Child Sex Offenders, operate

within judicial and law enforcement practice. Case law and prosecutorial data were also analyzed to illustrate how abstract legal norms function in concrete investigations of sexual crimes against children. This ensured that the study did not merely rest on theoretical analysis but demonstrated the application of norms in practice.

Result and Discussion

A. Juridical Perspective

The phenomenon of sexual crimes against children is best analyzed through three interconnected legal objectives. Juridically, these crimes represent a grave breach of national criminal codes and international human rights norms. Philosophically, they violate ethical principles of justice, autonomy, and human dignity. Sociologically, they perpetuate cycles of trauma, destabilize families, and erode public trust in protective institutions. By framing the issue through these objectives, the study situates its findings within a multidimensional structure that justifies the urgency of legislative and institutional reforms.

The system of criminal punishment of crimes that are classified as grave crimes includes those that infringe on the life and health of a person. Sexual crimes against children are distinguished by their specificity. They have always posed an increased public danger due to cynical, immoral and unpredictable nature. Such crimes harm society and the individual, as well as the social, psychological and moral norms of the healthy growth of Ukrainian youth. Sexual violence against children is generally defined as a specific form of anti-social behavior against a vulnerable group of people

that can undermine the health, development and dignity of a young person.⁹

It has negative affect and even destroys the established social foundations of victims of sexual offenses to a certain extent. Subsequently, it complicates complex and long-term adaptation in society. The moral, psychological, and physical trauma they have endured, along with the post-traumatic health disorders they have suffered, have had lasting effects as a result. It should be underlined that sexual assault against children remains a widespread problem with recorded negative consequences.¹⁰

Crimes in this category are called pedophilia, despite the fact that this term is more commonplace, as it does not have a scientific background. Pedophilia is a common phenomenon among adults, and even among people who are highly successful in business, art or politics. The term “pedophile” is a medical, psychiatric, or sexual term, but not a legal one. In everyday life, it is mostly used to refer to all individuals who have committed sexual crimes against children or minors.

Since pedophilia is a pathological condition of a person and it often causes sexual attraction to children and is interpreted as a deviation from the norm. Pedophilia is defined as sexual harassment and other actions related to minors and underage persons, including nudity and examination of body parts, intimidation of a person, open aggression against them, etc.¹¹ This disease is often interpreted in everyday life as a common attraction of a certain group of adults to sex with children, due to a widespread and

⁹ Z. R. Kandi et al., “Significance of Knowledge in Children on Self-Protection of Sexual Abuse: A Systematic Review,” *Iranian Journal of Public Health* 51, no. 8 (2022): 1755–65, <https://doi.org/10.18502/ijph.v51i8.10257>.

¹⁰ M. S. Roos et al., “Mimicry Deception Theory Applied to Sexual Abuse of Children,” *Child Abuse & Neglect* 143 (2023): 106339, <https://doi.org/10.1016/j.chiabu.2023.106339>.

¹¹ D. Dążkowski, “Determinants of Attitude toward Pedophilia Crimes in the Catholic Church: A Comparative Study of Catholics and Atheists in Poland,” *Humanities and Social Sciences Communications* 12 (2025): 515, <https://doi.org/10.1057/s41599-025-04652-y>.

complex health disorder that is inherent in different types of people, which leads to sexual crimes. The concept of “pedophile” is not identical to the concept of “person who commits sexual crimes against minors”. Since not everyone who commits such illegal acts is a pedophile, and at the same time, not every pedophile commits sexual crimes against minors.

The scientific justifications of scientists and practitioners, including psychologists, psychiatrists, sexologists, psychotherapists, criminologists, are ambiguous in identifying the causes and spread of pedophilia cases that manifest in a certain category of people. The commonality of their views lies in the fact that this phenomenon is abnormal, and unfortunately, it exists in our society. Therefore, it requires further detailed, in-depth, and systematic research, assessment, and response. This requires appropriate measures to be taken and specific models of combating sexual assault against children to be developed.¹²

The International Classification of Diseases includes pedophilia as a paraphilic disorder or sexual deviation. This disorder of mental health is mentioned with exhibitionism, voyeurism, sadomasochism and other disorders of sexualized behavior. The updated version of this document provides clarification on the symptoms of pedophilia: “Pedophilic disorder is characterized by sustained, focused, and intense pattern of sexual arousal – as manifested by persistent sexual thoughts, fantasies, urges, or behaviors – involving pre-pubertal children. The individual must have acted on these thoughts, fantasies or urges or be markedly distressed by them for diagnosis pedophilic disorder”.

People with such health disorders are considered mentally ill in any case, as their condition demonstrates a severe form of the disease, which occurs through one of its negative symptoms. Treatment of pedophilia is

¹² K. Alter-Reid et al., “Sexual Abuse of Children: A Review of the Empirical Findings,” *Clinical Psychology Review* 6, no. 4 (2022): 249–66, [https://doi.org/10.1016/0272-7358\(86\)90001-2](https://doi.org/10.1016/0272-7358(86)90001-2).

provided through individual or group psychotherapy, as well as the use of medications that affect sexual desire and reduce the testosterone level in the body. The main effective medication for the treatment of pedophilia is medroxyprogesterone acetate, that prevents the production of testosterone in the body and reduces sexual desire in men.

The effect of this medication on women who have been diagnosed with pedophilia has not been fully explored. Selective serotonin reuptake inhibitors can be also effective. This is a group of antidepressants that reduce sexual desire and can cause erectile dysfunction. Medical specialists believe that drug treatment will be more effective if it is combined with psychotherapy and social skills training to normalize the condition of this group of people.¹³ The strategy of medical treatment should be synchronized with the process of psychotherapy and psychotherapeutic treatment.¹⁴

The causes of these health disorders in individuals have not been fully identified and established by modern science. Meanwhile, preliminary findings of scientists indicate that they are often caused and provoked by acquired traumas from the psychological development of the past, which a person experienced in childhood or adolescence. The damage to the young person's psyche was transformed into a kind of painful complex as a result of the negative attitude of relatives or friends, who suppressed the development of the young person through the shameful actions. These children were subjected to pressure, beatings, bullying, and torture from close surroundings, and some of them have already negative experiences of sexual abuse or harassment by the family (parents, guardians, relatives, etc.)

¹³ R. Lievesley, C. A. Harper, and E. Woodward, "Toward a Holistic Approach to Treatment and Support for People with Attractions to Children," *Current Sexual Health Reports* 17 (2025): 7, <https://doi.org/10.1007/s11930-025-00403-x>.

¹⁴ M. Rahnavardi, S. Shahali, and A. Montazeri, "Health Care Providers' Responses to Sexually Abused Children and Adolescents: A Systematic Review," *BMC Health Services Research* 22 (2022): 441, <https://doi.org/10.1186/s12913-022-07814-9>.

who took part in upbringing. In terms of forensic medicine, child abuse through domestic sexual violence is one of the most difficult processes for treatment and subsequent rehabilitation

B. Medical and Psychological Aspects

Practicing psychotherapists and sex pathologists emphasize that pedophilia can be transmitted hereditary through generations, independently of the person's gender.¹⁵ The publicly available statistics demonstrate that the vast majority of pedophiles are men. There are also women, who mostly commit such crimes not alone, but in pairs, as spouses, cohabitants or lovers. Women are usually influenced by men and are less active in this negative process. This can be explained by the manifestation of the feminine principle, gentleness of nature, indulgence, and the influence of natural genetics of the maternal instinct, etc. Public international data confirms that female perpetrators of these crimes generally make up a small, specific proportion of those who commit sexual violence against children.¹⁶

Female perpetrators, during interrogations, admitted suicidal tendencies or non-suicidal self-harming behavior, personality disorders, dissociative identity disorders, alcohol or drug addiction, and schizophrenia, which influenced their abuse of children. In contrast, male perpetrators associated the commission of sexual crimes against children with the traumatic stress health disorder, or with affective or anxiety, dissociative, eating, externalizing and psychosomatic disorders.¹⁷

¹⁵ M. Bennett et al., "Any Male Victim? The Legacy of Conflating Paedophilia and Homosexuality and the Differential Seriousness of Sexual Abuse by Victim Gender," *Psychiatry, Psychology and Law* 32, no. 1 (2024): 106–20, <https://doi.org/10.1080/13218719.2023.2280519>.

¹⁶ J. Gerke et al., "Mothers as Perpetrators and Bystanders of Child Sexual Abuse," *Child Abuse & Neglect* 117 (2021): 105068, <https://doi.org/10.1016/j.chiabu.2021.105068>.

¹⁷ J. Gerke et al., "Long-Term Mental Health Consequences of Female- versus Male-Perpetrated Child Sexual Abuse," *Child Abuse & Neglect* 143 (2023): 106240, <https://doi.org/10.1016/j.chiabu.2023.106240>.

It is important to highlight that male pedophiles have a more physiological need to satisfy sexual desires. Some of them are extremely active in these actions and demonstrate aggression as a result of increased levels of the hormone testosterone in the body. Sexual aggression often manifests itself in the use of sadistic practices during sexual intercourse with adult partners in the form of beating them, biting and scratching them to the point of blood, squeezing their neck, chest, holding their hair and ears by force, leaving cuts with sharp objects on their bodies, etc. Children are subjected to sexual abuse by forcing them to consume alcohol, tobacco products, drugs, psychotropic substances, etc. and the victims are not aware of what is happening to them. Most pedophiles have full-fledged families with children and behave in society as respectable individuals who promote family values and care for the offspring.

This category of pedophiles is very difficult to detect or suspect of committing shameful offenses against other children, unlike obsessive loners or recluses who lead a solitary and isolated lifestyle. These individuals usually stay out of sight of law enforcement agencies for quite a long time, periodically committing sexual offenses against minors until they are caught red-handed. The Internet has a significant negative impact on the formation of this category of crimes, as it disseminates various materials, including pornographic content, with the participation of children, in an uncontrolled manner. Online communities in the dark web facilitate sexual abuse of the unformed minds of young people. They provide the offender with access to materials about sexual assault of children and to a peer group that supports and spreads such criminal activity.¹⁸

It should be recognized that today the problem of sexual crimes against children is global. The scale of the problem has grown in many

¹⁸ S. Huikuri, "Users of Online Child Sexual Abuse Material," *Journal of Police and Criminal Psychology* 38 (2023): 904–13, <https://doi.org/10.1007/s11896-023-09611-4>.

countries and has become global and interstate. In Pakistan, there are alarming indicators and facts about sexual assault against children. The published data draws the attention of the authorities of this country to immediate actions to develop programs to prevent sexual violence against minors and underaged, with the participation of parents in this process.¹⁹

In India, sexual abuse of children, especially boys, is widespread. The results of local studies show that crimes of this category have had a negative effect on the life processes of adult men who have experienced sexual abuse in childhood. The Indians see the reduction of such crime rates in the development of direct practical programs that are intended to prevent pedophilia and help victims recover from psychological and physical trauma.²⁰

Sexual abuse of children in Slovenia has numerous, serious and long-term consequences for child victims. This country currently has no systematic data on the prevalence of the problem and its characteristics. Some statistics are taken from the Slovenian study “Adverse Childhood Experiences” in 2019. The results show that in this country, 9.5% of women and 2.6% of men experienced at least one type of sexual violence in childhood and adolescence.²¹

Published international data on the documentation and investigation of sexual assault show that sexual crimes against children are quite common in a number of less developed countries. Specifically, in Afghanistan, sexual violence against children is increasing, exclusively with the practice of bacha bazi (“boy dancers”, the sexual exploitation of boys by adult men). In the

¹⁹ M. I. Loona et al., “The Dilemma of Child Sexual Abuse: A Scoping Review,” *Journal of Population Therapeutics and Clinical Pharmacology* 30, no. 18 (2023): 448–54, <https://doi.org/10.53555/jptcp.v30i18.3100>.

²⁰ A. Sharma, “Men Survivors’ Perspectives on Impact of Child Sexual Abuse,” *Children and Youth Services Review* 137 (2022): 106485, <https://doi.org/10.1016/j.chilyouth.2022.106485>.

²¹ M. Kuhar and D. Zaviršek, “Prevalence and Characteristics of Child Sexual Abuse in Slovenia,” *Journal of Criminal Investigation and Criminology* 74, no. 1 (2023): 51–62.

Democratic Republic of the Congo, the United Nations Population Fund found that among 16.000 cases of sexual violence, 65% of the victims were children. According to the organization Heal Africa, more than 70% of people in Goma Hospital (Africa) receive medical care for sexual violence under the age of 18. The International Rescue Committee (IRC) reported that in Sierra Leone, 73% of women suffered sexual assault as minors, including 23% of children under the age of 11. The International Committee of the Red Cross (ICRC) in Colombia reported that more than half of the victims of sexual violence were children.²²

In the world, no country has fully protected citizens from this type of crime. Children's safety now requires to stop being reactive to sexual crimes. Instead, it should start implementing active, evidence-based strategies that can prevent even the first cases of child sexual abuse.²³

C. Legislative Responses in Ukraine and Abroad

The current legislation of Ukraine did not have sufficient legal tools to identify and punish this category of crimes until recently. Pedophiles caused a stir in Ukrainian society with shameful actions and pushed parliamentarians to take appropriate legislative measures to resolve this problematic issue. It is worth emphasizing that for a long time there has been a scientific and applied discussion about regulating it at the legislative level. In 2017, two draft laws of Ukraine were developed related to the introduction of forced or voluntary chemical castration as a form of

²² UK Foreign and Commonwealth Office, *International Protocol for Documenting and Investigating Sexual Abuse: Sexual Abuse against Children* (2014), <https://www.refworld.org/reference/research/gbrfco/2014/en/101109>.

²³ N. Knack et al., "Primary and Secondary Prevention of Child Sexual Abuse," *International Review of Psychiatry* 31, no. 2 (2019): 181–94, <https://doi.org/10.1080/09540261.2018.1541872>.

punishment for sexual assault against children and the creation and implementation of a unified register of convicted persons.²⁴

The two proposed legal acts were considered at a session of the Verkhovna Rada of Ukraine. The proposal regarding the creation of a register of pedophiles was supported. It later caused a wave of discontent in society due to a number of contradictory positions it contained. This legal document was later approved by the relevant committees, supported by Ukrainian parliamentarians and signed by the President of Ukraine. This law increases the liability of persons who have committed sexual crimes against a person under the age of 14. Its sanction provides for a sentence of 10 to 15 years in prison, and in case of recidivism, even life imprisonment.²⁵

A new provision was also added to the Criminal Code of Ukraine, defining the punishment for solicitation of a child for sexual purposes by an adult person offering to meet, including through the use of information, telecommunications and other systems.²⁶ The sanction of this article clearly establishes that the actions of pedophiles are criminally penalized for offering to meet with persons under the age of sixteen with the specific purpose of committing any sexual acts, including by a group of persons. The legislative innovations were also reflected in other national legislation, including the Law of Ukraine “On the Administrative Supervision of

²⁴ E. Tuora-Schwiarskott and I. M. Bień-Węglowska, “The Obligation to Report Cases of Child Sexual Abuse – Comparison of Legal Regulations in Poland, Austria, and the Federal Republic of Germany,” *Review of European and Comparative Law* 54, no. 3 (2023): 221–38, <https://doi.org/10.31743/recl.16233>.

²⁵ Verkhovna Rada of Ukraine, “Law of Ukraine No. 409-IX: On the Introduction of Amendments to Some Legislative Acts of Ukraine Regarding the Introduction of a Unified Register of Persons Convicted of Crimes against the Sexual Freedom and Sexual Integrity of a Minor, and Strengthening of Responsibility for Crimes Committed against the Sexual Freedom and Sexual Integrity of a Minor” (2019), <https://zakon.rada.gov.ua/laws/show/409-20>.

²⁶ M. I. Melnyk and M. I. Khavroniuk, eds., *Scientific and Practical Commentary on the Criminal Code of Ukraine* (Kyiv: Dakor, 2018).

Releases from Prison,” which contains a clear reference to the control of former convicts who were prosecuted for minor and underage rape.

The foreign practice of this category of criminal offenses in Ukraine has introduced a mechanism for publication through the Ukrainian Register of Child Sex Offenders. The register was in the process of being formed for some time. Since 2021, it has been fully functional and constantly updated with a list of persons convicted of sexual assault. The drawback of this electronic database is that it has limited access for all interested parties. It is open only to officials of Ukrainian law enforcement agencies, prosecutors, judges, and government officials.

The practice of using these registries abroad is widespread, and in terms of its openness and accessibility to all concerned citizens without any restrictions. In Poland, there is free access to a registry of pedophiles and dangerous rapists. This allows Polish citizens to be aware of all pedophiles and to be under close public scrutiny. It was decided to introduce a more humane and somewhat veiled approach to the formation of the register in Ukraine. The Ministry of Justice of Ukraine is the holder and administrator of the register. They enter the rapist's personalized data into the information database, such as information about the specific crime and the type of criminal punishment, and about the actual punishment served by the person and possible violations of the rules of administrative supervision.

The specific aspect of creating this electronic document is that the information about the offender's identity is entered into the register on the basis of a court verdict that has entered into force. In the case when the crime was committed before the creation of the electronic record, it is based on a court ruling at the place of residence of the rapist or at the request of the prosecutor, depending on the location where the offender is serving their sentence. This register serves as a record-keeping and informational safeguard to control the recurrence of such crimes and as an effective

mechanism for the work of officials supervising the upbringing of minors and underage citizens of Ukraine.

This also helps employers to ensure that educational, medical or recreational institutions do not accidentally hire a pedophile. Supporting the implementation of the Ukrainian Register of Child Sex Offenders, it is important to emphasize other crucial aspects related to this criminal offense such as the punishment of pedophiles and the use of polygraphs for minors and underage victims of sexual abuse. The first problematic issue was identified at the stage of drafting laws to regulate sexual crimes against children, when scholars and practitioners made proposals such as the introduction of medical measures in the form of voluntary chemical or physical castration of rapists, according to the positive experience of a number of other countries.

The Ukrainian legislator decided on the form of toughening the punishment for such crimes, rejecting the proposal of medical treatments that have been tested in many countries. As a consequence, the law treated rapists more humanely than underage victims of sexual violence. Some researchers who have studied this issue believe that the refusal to provide voluntary chemical or physical castration is justified by the following: human rights defenders' complaints about the ill-treatment of persons with pedophilia through castration, as this does not represent the position of the only generally accepted international practice; expensive medical treatment and the procedure for carrying out these medical measures, since all these costs should be paid by the state, and it is therefore easier to imprison a criminal than to treat him.

If a person refuses voluntary chemical or physical castration, there are alternative measures to take. There have even been proposals to oblige pedophiles to undergo treatment for this disease at their own expense, to influence the consciousness. It must be remembered that pedophilia is a

disease that cannot be cured on its own and does not disappear without help. Moreover, if a person is imprisoned but not treated, they will remain the same after serving the sentence, and it is possible they may relapse into the crime, even against adults. About half of the individuals who were victims of sexual abuse in childhood experienced sexual victimization again in adult life.²⁷

The data processed and generalized from different countries of the world confirm this. It demonstrates that 30% of pedophiliacs who have served a prison sentence of more than ten or fifteen years and have been released commit such crimes again within the first year. 80% of former prisoners have already committed such crimes within the next three years, because this perverted attraction to children does not disappear.

International practice shows that individuals who have served sentences for crimes may reoffend against their victims. Victims of sexual violence often continue to feel threatened after the offender's release, either directly by the perpetrator or indirectly through acts of revenge by family members or relatives. Medical treatment aimed at preventing sexual crimes, particularly in cases involving pedophilia, is widely practiced abroad to minimize risk factors. Such procedures are applied in many European countries, including Great Britain, France, Germany, Denmark, Sweden, Norway, Estonia, and Israel. In Canada, France, and several other countries, voluntary chemical castration is used, with Canada also maintaining other forms of medical treatment for sexual crimes. Surgical castration has been introduced in the Czech Republic, while voluntary castration is practiced

²⁷ N. Papalia, E. Mann, and J. R. P. Ogloff, "Child Sexual Abuse and Risk of Revictimization: Impact of Child Demographics, Sexual Abuse Characteristics, and Psychiatric Disorders," *Child Maltreatment* 26, no. 1 (2020): 74–86, <https://doi.org/10.1177/1077559520932665>.

in Poland and Germany. By contrast, several US states have enacted laws on compulsory chemical castration.^{28, 29}

This list of countries shows that chemical castration is the most widely used approach, involving medications that suppress testosterone production. According to data from the United Kingdom, a government program providing convicted pedophiles with drugs that reduce libido and sexual activity lowered the rate of recidivism in sexual crimes from 40% to 5%. In Germany, the rate fell from 80% to 3%.³⁰ It should not be assumed that chemical castration is the most effective and efficient way to prevent pedophiles and sexual crimes, but it can significantly reduce the number of people suffering from this serious disease and protect Ukrainian youth from sexual assaults.

D. Polygraph Issues

The second controversial issue is the use of a polygraph on minors and underage citizens of Ukraine as victims of sexual violence, it is complex and extraordinary. It is about the not fully formed worldview and life foundations of people of this age group. It should be noted that young people cannot yet comprehend and realize many things, and therefore are often influenced by adults who do not always correctly guide them in life values and brazenly use them for their own purposes. Child abusers, not

²⁸ S. V. Chmut and P. V. Khriapinskyi, *Criminal Liability for Sexual Relations with a Person Who Has Not Reached Sexual Maturity* (Zaporizhzhia: KSK-Alliance, 2021).

²⁹ M. Ingram et al., "Self-Esteem, Perceived Social Support, and Suicidal Ideation and Behavior among Adults Attracted to Children," *Journal of Death and Dying* 91, no. 3 (2023): 1214–35, <https://doi.org/10.1177/00302228221150304>.

³⁰ A. Pietrangelo, "Chemical Castration: What It Is, How It Works and to Whom It Is Used?" (2021), <https://www.healthline.com/health/chemically-castrating>.

exclusively, become victims of sexual crimes as a result of certain manipulations by adults.³¹

Modern Ukrainian investigative and judicial practice is in a situation of uncertainty regarding the use of polygraphs on minors who are victims of sexual violence, and the results of the study obtained with its assistance in criminal proceedings. The problematic aspect of the issue is the age group of children and adolescents who, due to their age and immaturity do not fully understand the consequences of a sexual offense committed against them. Moreover, they often do not inform relatives or friends about the incident. The reason is that they are afraid of being misunderstood by adults and possibly punished. They also avoid telling their peers and friends about the unpleasant incident in order not to be judged or mocked. Sexual violence against children and adolescents is a serious problem in daily lives.³²

Society often draws attention to such problems when confidentiality is breached and public discussion is initiated by ordinary people or social services, including informing law enforcement agencies. Underage children report about adult offenders. They were often forced to keep what happened to them in secret.³³ Children and adolescents are at the epicenter of criminal proceedings, acquiring the status of a victim. The credibility of the statements about sexual abuse is questionable and, at the same time, controversial for forensic psychology and psychiatry.³⁴

³¹ C. Katz and N. Field, "Unspoken: Child-Perpetrator Dynamic in the Context of Intrafamilial Child Sexual Abuse," *Journal of Interpersonal Violence* 37, no. 5–6 (2020): NP3585–NP3604, <https://doi.org/10.1177/0886260520943723>.

³² M. Todt, T. Brünig, and A. S. Debertin, "Sexual Abuse of Children and Adolescents: Handling of Suspected Cases," *Monatsschrift Kinderheilkunde* 167, no. 10 (2019): 868–80, <https://doi.org/10.1007/s00112-019-0757-6>.

³³ N. Tsur, C. Katz, and B. Klebanov, "Peritraumatic Pain in Child Sexual Abuse: Children's Descriptions of Pain as Conveyed in Their Testimonies Following Child Sexual Abuse," *Journal of Interpersonal Violence* 37, no. 7–8 (2020): NP4393–NP4414, <https://doi.org/10.1177/0886260520958653>.

³⁴ G. Niveau, "Sensory Information in Children's Statements of Sexual Abuse," *Forensic Sciences Research* 6, no. 2 (2021): 97–102, <https://doi.org/10.1080/20961790.2020.1814000>.

The main task of the pre-trial investigation is to understand and verify that they were indeed victims of sexual violence or possibly became a bargaining chip for revenge. Law enforcement officers face the challenging task of objectively assessing the circumstances of the case, including whether to use a polygraph to verify the child's testimony. It is almost impossible to give an unequivocal affirmative answer to this question, as there are two sides to the same coin.³⁵

On the one hand, it is clear that a competent and timely procedural investigation of a criminal offense committed and registered in the Unified Register of Pre-trial Investigations must be conducted. On the other hand, the potential victim of a sexual crime is a child, who cannot be prosecuted by criminal law if they provide untruthful information. The solution to this dilemma is not reflected in foreign investigative and judicial practice. The foreign experience on the use of polygraph in crimes of this category is currently lacking, and if it exists, it is insignificant and not available to the general public.

The practice of using a polygraph on children is also absent in Ukraine, especially where they are alleged victims of sexual crimes committed by adults. Hypothetically, the use of a polygraph in the investigation of this category of crimes should be interpreted not as a usual polygraph test procedure, but as the appointment and conduct of a forensic psychophysiological examination using a polygraph as a comprehensive and systematic study. This examination procedure is not applicable in the case of child victims of sexual abuse. The general procedure for appointing forensic examinations for adults and mentally competent individuals is

³⁵ Y. Shumak, "The Single Registry of Pedophiles: Will It Help Protect Children from Perverts" (2020), <https://dyvys.info/2020/01/14/yedynyj-reyestr-pedofiliv-chy-dopomozhe-tse-vberegty-ditej-vid-zbochentsiv>.

regulated by Article 7-1 (Grounds for conducting forensic examinations and studies) of the Law of Ukraine “On Forensic Examination (1994).”

The legal basis for its execution is a court order, a decision of a pre-trial investigation body, or an agreement with an expert or an expert institution if the forensic examination is commissioned by other persons (defense counsel, legal representative, etc.). The criminal legislation of Ukraine does not apply to children, except for serious and especially grave crimes, for which criminal liability arises from the age of 14. The polygraph examination will cause more harm than advantage in the case of sexual crimes, as children are potential victims rather than suspects or accused. There are several important psychological and procedural issues that need to be considered and analyzed:

1. Age restrictions for polygraph examinations of children and underage persons;
2. Lack of polygraph specialists and experts in conducting special studies or examinations with the use of a polygraph on young people, potential victims of sexual crimes;
3. Lack of scientifically based valid methods for conducting research or examinations on the use of polygraphs with children and underage victims of sexual offenses.

The polygraph procedure for children is unacceptable from the perspective of psychology, even if children are not in the category of sexual violence victimization. The published results of foreign scientific research confirm this. It demonstrates data from polygraph testing procedures applied to minors aged 11 to 15, involving various categories of criminal offenses. These indicators show that the accuracy of the results in the use of

the polygraph with children was 72.6%, which is much lower than similar studies with adults, exceeding 90%.³⁶

International practice on the use of polygraphs with children is generally quite restrained and does not provide any recommendations for conducting research with scientific and technical device. The position of some foreign polygraph researchers is evident. In exceptional cases of criminal proceedings, there is a need to use a polygraph with children and adolescents, but other special techniques should be used for this purpose. These methods should be different from those used to examine adults. The view in Ukraine is opposite to that of foreign polygraph researchers, and it is that the category of minors is not ready for such in-depth research, despite the fact that they have even been victims of sexual crimes committed by adults. This is justified by a number of factors of this procedure, in particular: incompleteness of the process of forming the psyche of a young person; practical lack of concentration of the child's attention on the questions of the polygraph examiner; a child's panic before the examination procedure (special conditions of its conduct, technical equipment, some of which is attached to the person in the form of sensors, etc.); rapid fatigue of the child from the specific and time-consuming procedure of polygraph examination.

This can have a negative impact on the psyche of a person who is not mature enough. The application of instrumental research methods to such category of persons will also cause general resistance in society due to their inappropriateness and confusion among practicing polygraph examiners, as it will be contrary to the proven methodological techniques defined for this procedure. Expedience will be nullified as the results of these investigations will not be considered properly obtained. This means that they will not have

³⁶ O. I. Motliakh, *Polygraphology* (Kyiv: Education of Ukraine, 2022).

any significance for establishing the objective reality in a particular criminal proceeding under investigation.

Conclusion

The global problem of the distribution of crimes related to sexual violence against children obliges humanity at the international level to find and develop effective ways to prevent and counteract these anti-social phenomena. The unstable rapists, who have deviations from the norm due to health disorders, commit shameful illegal acts against children and adolescents, causing them mental, psychological and physical trauma.

It has been proven that one of the most likely causes of pedophilic behavior of adult sexual offenders is the negative influence of the family, as well as those who were involved in the upbringing during early childhood. The combination of cruelty and obsession with a persistent and intense pattern of sexual arousal, through their own pathological imaginations and fantasies, later reflected in the constant sexual fascination of intimate perverts with pre-pubertal children.

The author provides a comparative analysis of several countries of the world and Ukraine with the presentation of statistical data on these crimes. It is noted that in order to minimize the threats of sexual crimes abroad, both medical treatment, voluntary physical and chemical castration are applied to pedophiles, and in some countries, compulsory medical measures are also used. It was emphasized that in 2019, a special law was adopted in our country establishing a register of persons convicted of crimes against the sexual freedom and integrity of minors. The law also increases liability for such crimes, including long-term imprisonment for offenders and life imprisonment for repeat offenders.

It is highlighted that the created Register of Child Sex Offenders was at the stage of its formation for some time. Since 2021 it has been fully operational and constantly updated with a list of persons convicted of sexual crimes against children. As part of the investigation of criminal proceedings for sexual crimes against children, pre-trial investigators need to use a polygraph in order to obtain additional information about the unlawful event. The author's position on the inappropriateness and even harmfulness of using a polygraph to children and adolescents who have been victims of sexual crimes is substantiated, since this can undermine the psyche of an underage person.

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