**STRATEGIC PLAN**

**IMPLEMENTATION OF POWERS OF THE PROSECUTOR'S OFFICE**

**IN THE FIELD OF CRIMINAL PROSECUTION FOR CONFLICT-RELATED SEXUAL VIOLENCE**

Strategic Plan[[1]](#footnote-1) has been prepared by the Office of the Prosecutor General (hereinafter referred to as the OPG) in cooperation with national and international experts in the field of international humanitarian law and gender-responsive justice. The Strategic Plan aims to improve access to justice for survivors of conflict-related sexual violence (hereinafter referred to as CRSV[[2]](#footnote-2)) by conducting prompt, comprehensive, full, and impartial investigations through strengthening the coordination role of the OPG, as well as effective support to public prosecution in criminal proceedings for crimes in this category. At the same time, the Strategic Plan focuses on ensuring the needs and rights of victims and witnesses by providing them with adequate protection and support, as well as information about their rights in accordance with national legislation and Ukraine's international human rights obligations.

The following factors were considered when developing the Strategic Plan:

* *credible reports that the CRSV has been committed since 2014 in the temporarily occupied territories of Ukraine and that the scale and scope of the CRSV have increased significantly since the escalation of Russian aggression in 2022;*
* *children, persons with disabilities, and the elderly affected by CRSV are a particularly vulnerable group with special needs;*
* *the reluctance of Ukrainian women and men who have experienced sexual violence to report it to the authorities due to historical and societal factors;*
* *the persistent latency in the number of reports of CRSV due to trauma, stigma, displacement, and lack of information on how to ensure participation in the justice process;*
* *the Ukrainian context, including the historically unequal power relations between women and men, discrimination against women, and discrimination against persons based on sexual orientation and gender identity;*
* *public distrust of the national criminal justice system or low expectations of the potential outcomes of the criminal justice process;*
* *concerns about the disclosure of personal data expressed by survivors of CRSV;*
* *legal and procedural obstacles in the Ukrainian criminal justice system that limit the right of CRSV survivors to access justice;*
* *iinsufficient level of cooperation between law enforcement agencies investigating conflict-related crimes, including CRSV, and between these agencies and the prosecutor's office, as well as between various state institutions involved in countering CRSV in a broader sense;*
* *lack of specialized training, guidelines, and working procedures for the investigation and trial of CRSV criminal proceedings that are victim-centered and trauma-informed.*

The factors identified above require a coordinated response to CRSV from all authorities in Ukraine in the context of the National Action Plan for the Implementation of UN Security Council Resolution 1325 on Women, Peace and Security until 2025, the National Human Rights Strategy and the Framework Agreement on Cooperation between the Government of Ukraine and the United Nations on Preventing and Responding to Conflict-Related Sexual Violence.

The implementation of the Strategic Plan will be ensured by a specialised unit of the Department for Combating Crimes Committed in the Context of Armed Conflict, the Unit of Procedural Management of Pre-trial Investigation and Public Prosecution in Criminal Proceedings on Crimes Related to Sexual Violence (hereinafter - the Unit).The Unit will apply a multi-stakeholder approach to the implementation of the Strategic Plan, involving members of the working group on CRSV, which will include representatives of Ukrainian and international civil society, international organizations, and experts, as well as other stakeholders involved in protecting the rights of victims.

**Objectives of the Strategic Plan:**

* strengthening coordination and implementing a comprehensive approach to investigating and supporting public prosecution in CRSV criminal proceedings, as well as ensuring comprehensive protection of victims and witnesses in accordance with international standards and best practices;
* developing and disseminating victim-centered, trauma-informed, and gender-sensitive programmes and procedures for investigating and supporting public prosecutions in criminal proceedings on CRSV;
* organising and/or coordinating professional trainings on investigating and supporting public prosecution in criminal proceedings on CRSV within the framework of standardized national programmes and procedures;
* developing communication strategies with the public to improve understanding of and trust in the justice process, as well as to raise awareness of rights and subjectivity;
* developing amendments to legislation to improve the effectiveness of investigations into conflict-related crimes, such as war crimes, crimes against humanity and genocide, and bringing high-ranking officials responsible for them to justice.

**Objective 1: Organisational structure**

The pre-trial investigation into the conflict-related crimes is currently being investigated by the Security Service of Ukraine, the State Bureau of Investigation, the National Police of Ukraine under the procedural guidance of prosecutors of district and regional prosecutor's offices or the Department for Combating Crimes Committed in the Context of Armed Conflict, the OPG. With regard to CRSV specifically, the Unit supervises the observance of laws by law enforcement agencies during the pre-trial investigation, its procedural guidance and participation in court proceedings in CRSV criminal proceedings. Frequently, there is overlap in the powers and functions of different pre-trial investigation bodies and prosecution services, which requires careful coordination of their activities. The following structure will be used to ensure coordination and systematize best practice.

**Central level**

Since September 2022, the Department has been functioning as a specialized unit within the Department for Combating Crimes Committed in the Context of Armed Conflict of the OPG, which provides procedural guidance to pre-trial investigations and supports public prosecution in criminal proceedings on CRSV throughout Ukraine. The Unit primarily exercises its powers in the following areas:

* performing functions at the central level related to the investigation and collection of evidence on CRSV in cooperation with prosecutors at the regional level (regional and district prosecutors) who are the contact points for CRSV;
* participation in the development of unified standards (approaches) necessary for the investigation and support of public prosecution in criminal proceedings on CRSV, focused on the interests of victims;
* providing recommendations to regional and district prosecutors on how to recognize signs of CRSV, as well as assistance in planning investigations where such signs are present;
* coordinate training and education on CRSV for investigators, prosecutors and other public officials who interact with victims and witnesses in the administration of justice;
* fill in information about the CRSV into the Unified Register of Pre-trial Investigations (hereinafter - the URPTI);
* developing a specialized practice of protection and support for victims and witnesses in cooperation with the Coordination Centre for Victims and Witnesses, as well as coordinating with contact persons for support and protection of victims and witnesses at the regional level.

**Regional level**

The focal points for the CVRS will be selected from the regional prosecutor's offices, as well as the National Police of Ukraine and the Security Service of Ukraine (upon agreement). They will be trained by international and national experts. Thereafter, in cooperation with the Unit, the focal points on CRSV will carry out their functions, in particular, by:

* participate in training on the application of certain approaches to investigating CRSV in accordance with national legislation and procedures (see Objective 2);
* providing procedural guidance to pre-trial investigations and investigations at the regional level by collecting information, including from public reports, open sources and information provided by other authorities, which may indicate that CRSV has been committed;
* collecting, compiling and analyzing information on stakeholders, including those with information on potential conflict-related crimes, including CRSV, such as journalists, doctors, community representatives, civil society organisations;
* consulting and establishing, based on the existing base, appropriate services to which victims and witnesses can be referred, including medical care, psychosocial support and legal assistance;
* conducting awareness raising (see Objective 4) on the available means of protection and support for victims and witnesses, as well as on the procedure for filing a complaint;
* fill in the information on CRSV into the Unified Register of Pre-trial Investigations in cases and in accordance with the procedure established by the Criminal Procedure Code of Ukraine.
* developing pre-trial investigation plans for situations involving allegations and reports of CRSV, as well as identifying the need for practical and methodological assistance;

**Objective 2: Develop and implement programs and procedures**

The Unit will coordinate the development and dissemination of national programs and procedures related to the investigation and prosecution of CRSV criminal proceedings, in line with international standards and best practices. For this purpose, the Unit will work with a task force comprising representatives of pre-trial investigation and prosecution agencies at the central and regional levels to ensure the development of such standards in consultation with civil society organisations and national and international experts, and invite them to participate in the development of key documents. Once the standards have been developed, the Unit will be responsible for publicising the documents, circulating them at the regional level and organising initial training on the developed programmes and procedures for the regional focal points on the issue of CRSV (see Objective 3). Thereafter, the regional prosecutor's offices will be responsible for the practical implementation of the programmes and procedures, seeking practical and methodological assistance from the Unit as necessary. The Unit will continue to provide practical and methodological assistance and mentoring, as well as facilitate the planning of investigations at the regional level where there are indications of CRSV. The programmes and procedures developed will focus, in particular, on:

* ensure that investigators are aware of the elements of CRSV by identifying potential situations or vulnerabilities where such violence may have been committed, even if it was not reported or not fully reported;
* planning investigations from the outset so that investigators recognize gender-based crimes related to CRSV, at the earliest stages of an investigation;
* victim-centered approaches to investigations, including confidentiality, risk assessment, informed consent, interviewing techniques and referrals for assistance;
* a clear distinction between CRSV as an international crime and a general criminal offense;
* standards for proving crimes related to sexual violence in armed conflict in accordance with international standards and best practices.

The development of programs and procedures will be an ongoing process to ensure that the effectiveness of such tools is constantly analyzed.

**Objective 3: Training and mentoring**

To ensure that these national programmes and procedures are informed and implemented, the Unit will participate in or coordinate training on various aspects of investigating and supporting public prosecutions in CRSV criminal proceedings, as well as protecting and supporting witnesses and victims of CRSV. The Unit will engage external experts, such as civil society organisations, international organisations and other leading experts, to conduct training.

The training will be conducted in two stages: 1) first, specialized training will be provided to the regional level focal points for the CRSV; 2) these focal points will then assist in planning and conducting such training for their regional teams, as well as in identifying specific needs for practical and methodological assistance from the Unit.

The trainings will be conducted using a combined approach: some sessions will be held online and others in person. Training materials will be provided to the participants. The initial training for the focal points for the CRSV will cover the following topics:

* recognizing indicators that indicate the commission of CRSV;
* planning of the investigation, integration of a gender perspective and other methods that enable the disclosure of CRSV;
* victim-centred practices and the principle of "do no harm", which requires not to cause any harm to the victim;
* methods of working with victims and witnesses, including risk assessment with a focus on human security and information security;
* principles and ethical obligations related to the investigation and prosecution of criminal proceedings on CRSV, as well as understanding the circumstances of coercion;
* specifics of informed consent from victims, rights and opportunities for victims of CRSV;
* principles and ethical obligations related to the investigation and prosecution of criminal proceedings on CRSV, including informed consent, victims' rights and opportunities, and understanding of coercion;
* skills in investigating sexual violence against vulnerable groups (children, the elderly, people with disabilities);
* collecting evidence in the course of investigating criminal proceedings on CRSV, including establishing and analyzing interconnections;
* corpus delicti / prosecution for the CRSV in accordance with applicable law, international and judicial practice;
* specifics of maintaining public prosecution in criminal proceedings on CRSV.

The Unit, in cooperation with the regional CRSV focal points, will be responsible for providing ongoing mentoring, helping to improve the skills acquired by providing advice on specific cases or issues. In turn, the CRSV focal points will train investigators and prosecutors in the field to ensure that CRSV is given due consideration in all investigations/proceedings. Criminal justice actors across the country will acquire the knowledge and skills necessary to conduct investigations and maintain public prosecutions in criminal proceedings on CRSV in accordance with international standards and best practices, and ensure the collection of relevant and admissible evidence that can be presented in national and international courts.

This training will enable participants to realize that CRSV never occurs in isolation. In particular, CRSV is often combined with torture, inhuman treatment, intentional causing of severe deprivation of liberty, serious physical injury, harm to health, illegal deprivation of liberty, etc. The knowledge and skills acquired will not only ensure the necessary consistency and coordination in the handling of CRSV cases in accordance with internationally recognized victim and witness-centered practices, but will also contribute to the professionalism and quality of investigations and the support of public prosecutions.

**Objective 4: Communication and awareness of rights**

The Unit will endeavor to ensure clear, consistent communication on the investigation of crimes of sexual violence in armed conflict. This will contribute to a better understanding of the criminal justice process, the rights of victims and witnesses, and how they can be involved in the justice process, and thus to the trust in the OPG. In addition, specific messages will be developed to counteract stigma and other negative stereotypes associated with sexual violence, as well as to address social prejudices that support, normalize and legitimize sexual violence and contribute to stereotypes such as victim-blaming.

In addition to public information, the Unit will contribute to the development of a communication strategy on CRSV that will be implemented in a balanced manner. This will include identifying key stakeholders, including medical personnel, community representatives, volunteers, and civil society organizations, who can, among other things, communicate key information, including:

* *acts of CRSV that go beyond rape;*
* *vulnerability to CRSV for both men and women;*
* *the importance of overcoming gender myths and stereotypes;*
* *measures are taken to protect the confidentiality and well-being of victims and to respect their will;*
* *the authorities to which victims who decide to file a report on CRSV can apply.*

**Objective 5: Legislative reform and amendments; institutional and procedural reforms**

As Ukrainian legislation provides that draft legal acts must undergo an expert review by experts on gender and discrimination-related issues, OPG, engaging international experts on gender and human rights, will ensure that draft legislation and other regulatory acts are developed and proposals for improving legislation which regulates the specifics of pre-trial investigation of CRSV, prosecution, including for complicity, as well as the application of measures to protect victims and witnesses. In particular, this refers to the necessary amendments to the Criminal Code and the Criminal Procedure Code of Ukraine.

In addition, the OPG will facilitate the development and implementation of an administrative framework covering various forms of reparations in consultation with stakeholders, including victims of the CRSV, and will develop specific guidelines for documenting various forms of harm caused by the CRSV, with a view to including them in the registers of damage caused to Ukraine as a result of Russian aggression when they start operating.

**Implementation of strategic goals**

The strategic objectives will be implemented in accordance with an operational action plan, which will identify the relevant medium- and long-term priorities. The OPG will identify the necessary resources to implement all or part of these activities, with a particular focus on ensuring long-term impact, structural change, and knowledge institutionalization. The OPG will annually review the progress made in achieving the strategic objectives and update them annually.

1. The Strategic Plan was developed pursuant to subpara. 2.1.1.4 of the Prosecutor's Office Development Strategy for 2021-2023, approved by the Order of the Prosecutor General No. 489 dated 16 October 2020. [↑](#footnote-ref-1)
2. For the purposes of the Strategic Plan, CRSV is - conflict-related sexual violence refers to acts of sexual violence which occur within the context of armed conflict (war crimes) or mass atrocities such as crimes against humanity or genocide. It refers to acts of a sexual nature carried out through sexual means or to acts that target a person’s sexuality. CRSV includes physical and non-physical acts or the threats of such, and targets persons of all genders and sexual orientation." [↑](#footnote-ref-2)