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## REGULATORY FRAMEWORK FOR POLICE ACTIVITIES IN THE FIELD OF COMBATING SEXUAL VIOLENCE AGAINST CHILDREN

**Вадим Фурса. НОРМАТИВНО-ПРАВОВА ОСНОВА ДІЯЛЬНОСТІ ПОЛІЦІЇ У СФЕРІ ПРОТИДІЇ СЕКСУАЛЬНОМУ НАСИЛЬСТВУ НАД ДІТЬМИ.** У статті здійснено правовий аналіз законодавства, безпосередньо спрямованого на протидію сексуальному насильству над дітьми, та законодавства, що регулює діяльність поліції у сфері протидії сексуальному насильству над дітьми. Автор зазначає, що всебічний захист прав і законних інтересів дітей, у тому числі захист дітей від сексуальних зловживань, є одним із пріоритетних напрямів державної політики нашої країни, який реалізується через розгалужену систему державних органів, серед яких і Національна поліція України. Відповідно до поставлених завдань на поліцію покладено широке коло обов'язків щодо забезпечення та захисту прав і законних інтересів людини, забезпечення публічної безпеки і порядку, запобігання, виявлення та припинення кримінальних і адміністративних правопорушень, запобігання та протидії домашньому насильству або насильству за ознакою статі тощо. Ефективність та якість виконання покладених на поліцію завдань щодо протидії сексуальному насильству над дітьми насамперед залежить від нормативно-правового забезпечення такої діяльності.

Також встановлено, що значна кількість міжнародних нормативних документів спрямована на запобігання сексуальній експлуатації дітей. Основним нормативним документом, спрямованим на захист дітей від сексуального насильства, є Конвенція Ради Європи про захист дітей від сексуальної експлуатації та сексуального розбещення 2007 року. Підкреслено, що ратифікація міжнародних нормативних актів призводить до позитивних змін у національному законодавстві та сприяє розвитку системи забезпечення прав та інтересів дитини.

Також встановлено, що нормативно-правове забезпечення діяльності поліції у сфері протидії сексуальному насильству щодо дітей представлено значною кількістю нормативних джерел. Детальний аналіз цих джерел дозволив виявити низку правових колізій, які потребують негайного усунення, оскільки такі колізії можуть створити умови, за яких захистити дитину від сексуального насильства буде неможливо. Також встановлено, що розгалужена система підзаконних нормативно-правових актів не сприяє належному захисту дітей від сексуального насильства. Дублювання повноважень, відсутність чіткої системи координації та контролю, розгалужена система державних органів з однаковими функціями, все це в сукупності створює умови для недобросовісного виконання державними службовцями, в тому числі працівниками поліції, своїх обов'язків щодо захисту дітей від сексуальних зловживань та сексуальної експлуатації.

**Ключові слова:** Національна поліція, поліцейська діяльність, правові засади діяльності поліції, протидія злочинності, сексуальне насильство.

**Relevance of the study.** The topic of sexual crimes, and in particular sexual crimes against children, remains relevant today. They pose an increased public danger, and the provision that a child, due to his physical and mental immaturity, needs enhanced protection and care, has long been universally recognized. As a result of committing a sexual crime against a person under the age of 18, their further normal physical and mental development is often disrupted. Such persons may form incorrect, from a moral point of view, ideas about sexual relations, and subsequently deformation of the personality is not excluded. It should also be borne in mind that sexual crimes are characterized by high latency, so the registered cases of this category of crimes

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do not reflect the real reality. At the same time, the comprehensive protection of the rights and legitimate interests of children, including the protection of children from sexual abuse, is one of the priorities of our state policy. This policy is implemented through an extensive system of state bodies, including the National Police of Ukraine.

The professional activity of the police is carried out in specific conditions. In accordance with the tasks, the police is entrusted with a wide range of responsibilities to ensure and protect human rights and legitimate interests, ensure public safety and public order, prevent, detect and suppress criminal and administrative offenses, prevent and combat domestic violence or gender-based violence, etc. The effectiveness and quality of the implementation of the tasks assigned to the police to combat sexual violence against children primarily depends on the regulatory and legal support of such activities.

**Recent publications review.** The problems of counteracting crimes against sexual freedom and sexual inviolability are reflected in the works of S. Avramenko, I. Bandurka, V. Borisov, L. Brych, V. Vitvitska, S. Denysov, O. Dzhuzha, A. Dzhuzha, L. Dorosh, O. Dudorov, A. Zadoya, L. Kozliuk, S. Kosenko, K. Kulyk, A. Lukash, G. Martynyshyn, T. Mykhaylychenko, L. Moroz, V. Navrotskyi, O. Ryabchynska, S. Romantsova, A. Savchenko, O. Svitlychnyi, O. Synieokyi, V. Stashys, V. Tatsiy, M. Khavroniuk, P. Khryapinskyi, A. Sheremet, S. Chmut, I. Chugunikov, and others.

Despite the fairly thorough scientific developments in the field of combating crimes against sexual freedom and sexual inviolability, the issues of regulatory and legal support of police activities in this area are still poorly understood.

**The article's objective** is to provide a legal analysis of the legislation directly aimed at combating sexual violence against children and the legislation regulating the activities of the police in the field of combating sexual abuse of children.

**Discussion.** Article 3 of the Law of Ukraine "On the National Police" states that the police shall be guided in its activities by the Constitution of Ukraine, international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine, this and other laws of Ukraine, acts of the President of Ukraine and resolutions of the Verkhovna Rada of Ukraine adopted in accordance with the Constitution and laws of Ukraine, acts of the Cabinet of Ministers of Ukraine, as well as acts of the Ministry of Internal Affairs of Ukraine issued in accordance with them, and other regulatory legal acts. Undoubtedly, the Constitution of Ukraine has the highest legal force. Laws and other normative legal acts are adopted on the basis of the Constitution of Ukraine and must comply with it. At the same time, the Constitution of Ukraine contains a number of provisions, ideas and principles aimed at protecting children from sexual violence, borrowed from international law. That is why we will start our research with the analysis of international legal acts. We also add that the norms of international law/international treaties ratified by the Verkhovna Rada of Ukraine are a source of law and are binding on the entire territory of the state. A ratified international act has a higher legal force than a local one. Given Ukraine's desire to integrate into the European community and recent changes in national legislation on the protection of minors from sexual abuse, there is a need to analyze international normative acts that directly or indirectly address sexual violence against children.

The first international document that directly protects children from sexual abuse by adults is the Convention on the Rights of the Child of 1989 [1], which was ratified by Ukraine on February 27, 1991. The Convention is a universally agreed set of obligations and standards that are non-negotiable. These core standards, which are human rights, establish minimum rights and freedoms for children. These rights and freedoms must be respected by all governments. They are based on respect for the dignity and worth of every child, regardless of race, colour, sex, language, religion, opinion, birth, wealth, disability or ability, and therefore apply to every human being everywhere. With these rights comes the duty of both governments and individuals not to violate the rights of others.

Art. 19 of the Convention states that States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical and mental violence, injury or abuse, neglect or negligent and maltreatment and exploitation, including sexual abuse, by parents, legal guardians or any other person who has the care of the child, and in Art. 34 – States Parties are obliged to protect the child from all forms of sexual exploitation and sexual abuse. In fact, the Convention on the Rights of the Child is the first modern international document aimed at combating sexual violence against minors.

The next international document directly aimed at protecting children from sexual abuse is the Council of Europe Convention on the Protection of Children against Sexual Exploitation

and Sexual Abuse of 2007 – Lanzarote Convention [2], which was ratified by Ukraine on June 20, 2012. The Convention is the first instrument that defines various forms of sexual violence against children as criminal offences, including such violence committed at home or in the family through the use of force, coercion or threats. In addition to the offenses traditionally committed in this area – sexual abuse, child prostitution, child pornography, forced participation of children in pornographic performances – the text also refers to such concepts as "grooming" and "sex tourism". This Convention obliges the participating countries to prosecute any sexual activity against a child under a certain age – the age of sexual consent. In particular, Article 18 of the Convention states that each Party shall take the necessary legislative or other measures to ensure the criminalization of such intentional conduct as:

a) engaging in sexual activity with a child who has not reached the legal age for engaging in sexual activity

b) engaging in sexual activity with a child when:  
– coercion, force or threats are used, or the violence is committed with the deliberate use of trust, authority or influence over the child, in particular within the family, or the violence is committed in a particularly vulnerable situation for the child, in particular due to mental or physical incapacity or dependence.

In order to implement the provisions of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the Laws of Ukraine of March 14, 2018 and February 18, 2021 amended Articles 155 and 156 of the Criminal Code of Ukraine.

Another international document aimed at protecting minors from sexual abuse is the Council of Europe Convention on preventing and combating violence against women and domestic violence of 2011 - the Istanbul Convention [3]. The Istanbul Convention is the first document in Europe that sets legally binding standards, in particular for the prevention of gender-based violence, protection of victims of violence and punishment of perpetrators. The main purpose of the Convention is to protect women from violence and to protect them from domestic violence. The Convention also aims to achieve the goal of zero tolerance for gender-based violence and lays the foundation for raising awareness and ensuring the safety of women's lives both within and beyond European borders. A number of articles of the Convention are also aimed at protecting minors from sexual abuse. In particular, Article 36 states that Parties shall take the necessary legislative or other measures to ensure that the following forms of intentional conduct are criminalized:

a) performing, without consent, vaginal, anal or oral penetration of a sexual nature into the body of another person using any part of the body or object;

b) performing, without consent, other acts of a sexual nature with a person;

c) forcing another person to perform, without consent, acts of a sexual nature with a third person.

Article 40 states that the Parties shall take the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, the purpose or effect of which is to violate the dignity of a person, in particular by creating an intimidating, hostile, degrading or humiliating environment, is subject to criminal or other legal liability.

At the same time, it should be noted that despite the fact that the Istanbul Convention was not ratified by the Verkhovna Rada of Ukraine by June 20, 2022, it had a significant impact on the legislation of Ukraine in terms of protecting a person from sexual abuse and sexual exploitation. In particular, amendments based on the provisions of the Istanbul Convention have already been introduced to the Criminal Code of Ukraine by the Law of Ukraine of December 06, 2017 "On Amendments to the Criminal Code and the Criminal Procedure Code of Ukraine in order to implement the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence". Ratification of the Istanbul Convention, in our opinion, is a new starting point for further reform of national legislation aimed at protecting individuals, including children, from various forms of sexual exploitation and sexual abuse.

As for national legislation, the Basic Law of our state is the Constitution of Ukraine [4]. The norms enshrined in the Constitution have the highest legal force, and all other normative acts cannot contradict its provisions. The norms, provisions and ideas that are enshrined in the Constitution, their main purpose is to protect the rights, freedoms and interests of man and citizen. With regard to the subject of our study, we note that the Constitution enshrines the main

provisions on the protection of children from sexual abuse, as well as the main directions of state policy in this area. Thus, Article 3 of the Constitution states that a person (including a child – V.F.), his life and health, honor and dignity, inviolability and security are recognized in Ukraine as the highest social value. Article 51 of the Constitution states that childhood is protected by the state, and Article 52 – that any violence against children and their exploitation are prosecuted by law. The Constitution of Ukraine also states that human rights and freedoms and their guarantees determine the content and direction of the state. The state is responsible to the individual for its activities. Affirmation and ensuring of human rights and freedoms is the main duty of the state, which it implements through the system of state bodies. One of such state bodies whose activities are directly aimed at combating sexual violence against children is the National Police of Ukraine.

The basic principles of the National Police, including in the field of combating sexual violence against children, are enshrined in the Law of Ukraine "On the National Police" [5]. Thus, Article 1 of this Law states that the police serves the public by ensuring the protection of human rights and freedoms, combating crime, maintaining public safety and order. Art. 2 of this Law states that the tasks of the police are to protect human rights and freedoms, as well as to provide, within the limits determined by law, services to assist persons who, for personal, economic, social reasons or as a result of emergency situations, need such assistance. In accordance with the tasks assigned to it, the police carries out preventive and prophylactic activities aimed at preventing the commission of offences; identifies the causes and conditions that contribute to the commission of criminal and administrative offences, takes measures within its competence to eliminate them; takes measures to detect criminal and administrative offences; stops detected criminal and administrative offences; takes measures aimed at eliminating threats to the life and health of individuals and public safety, which Art. 3 of the Law of Ukraine "On the National Police" states that the police in its activities is guided by the Constitution of Ukraine, international legal acts, the consent to be bound by the Verkhovna Rada of Ukraine, laws of Ukraine, by-laws adopted in accordance with the Constitution and laws of Ukraine, acts of the Cabinet of Ministers of Ukraine, as well as acts of the Ministry of Internal Affairs of Ukraine issued in accordance with them, and therefore, for the proper disclosure of the research topic, it is necessary to analyze other legal acts.

One of the main regulatory sources that governs the activities of state bodies, including the activities of the police, aimed at combating sexual violence against children is the Law of Ukraine "On Protection of Childhood" [6] of 26 April 2001. Article 10 of this Law states that children are guaranteed the right to freedom, personal inviolability and protection of their dignity. In fact, this provision duplicates the provision enshrined in Article 3 of the Constitution of Ukraine, but it concerns only children. Also, Part 2 of Article 10 of the Law of Ukraine "On Protection of Childhood" states that the state protects children from all forms of domestic violence and other manifestations of child abuse, exploitation, including sexual abuse, including by parents or persons in loco parentis. The initial version of this Law did not contain this part of the norm. It appeared in 2017, when our country actively began to bring national legislation on the protection of children from sexual abuse and sexual exploitation in line with European legislation. This article also provides for the possibility for children to personally protect their interests. Thus, Part 3 of Article 10 of the Law of Ukraine "On Protection of Childhood" states that a child has the right to personally apply to the guardianship and custody authority, children's services, centers of social services for families, children and youth, call center for the prevention and combating of domestic violence, gender-based violence and violence against children, other authorized bodies for the protection of their rights, freedoms and legitimate interests.

In continuation of reforms aimed at protecting children from sexual abuse and sexual exploitation, in 2021, the Law of Ukraine "On Child Protection" was supplemented by Article 30-2 "Protection of Children Victims of Sexual Violence or Witnesses of Sexual Violence". This article partially duplicates the provisions of Art. 10 of the Law of Ukraine "On Protection of Childhood", however, unlike Art. 10, Art. 30-2 is much narrower and regulates relations regarding the protection of children from sexual violence. Also, this article establishes the protection not only of the child who is a victim of sexual abuse, but also of the child who is an eyewitness or witness of sexual violence. Along with this, Article 30-2 establishes a number of responsibilities of central executive authorities in the field of protection of children from sexual violence.

In particular, the central executive body that ensures the formation and implementation of the state policy on family and children, the central executive body that ensures the formation and

implementation of the state policy in the fields of education and science, the central executive body that ensures the formation and implementation of the state policy in the field of health care, the Ministry of Internal Affairs of Ukraine, other bodies are obliged to: develop and approve the procedure for identifying signs of sexual violence against children; develop and approve the procedure for conducting a preliminary examination of children and witnesses of sexual violence. Also, these bodies are obliged to create specialized premises ("child-friendly crisis room" or "green room" – authors) for interviewing or interrogating a child victim of sexual violence or witness or eyewitness to it, using child-friendly methods, and to train (retrain) employees who will interview or interrogate children who have suffered from sexual violence or witnessed or eyewitnessed it, other police and/or procedural actions in these rooms. The "Child-friendly crisis room" is designed to work with children who have suffered from a criminal offense or witnessed sexual abuse or exploitation, or who are suspected of committing criminal offenses, using special child-friendly methods. The organization of work is based on an individual approach to each child, taking into account his/her age and developmental stage. The system of work in the "Child-friendly Crisis Rooms" takes into account the age and psychological characteristics of both those children who are in conflict (have committed an offence or crime) and those who have been victims or witnesses of a crime or offence [7, p. 5-6].

The next regulatory source aimed at protecting children from sexual violence is the Law of Ukraine "On Preventing and Combating Domestic Violence"[8] of December 07, 2017. The preamble to this Law states that it defines the organizational and legal framework for preventing and combating domestic violence, the main directions of implementation of state policy in the field of preventing and combating domestic violence, aimed at protecting the rights and interests of victims of such violence. This Law also served as a basis for supplementing the Criminal Code of Ukraine with Article 91-1. "Restrictive Measures Applied to Perpetrators of Domestic Violence", Art. 126-1 "Domestic Violence" and Art. 390-1 "Failure to comply with restrictive measures, restraining orders or failure to undergo a program for offenders". In general, the Law is intended to expand in every possible way the preventive impact of the National Police and other state bodies on potential offenders, as well as to facilitate the implementation of administrative and criminal proceedings in cases related to domestic violence and sexual violence in particular.

At the same time, our analysis of Art. 1 of the Law "On Preventing and Combating Domestic Violence" in terms of the analysis of the concept of "sexual violence" and the criminal law provisions in Section IV and Section XII gives grounds to assert that the Law requires regulatory harmonization with the criminal legislation of Ukraine. Thus, according to Article 1 of the Law of Ukraine "On Preventing and Combating Domestic Violence" "Sexual violence" is a form of domestic violence, and includes any acts of a sexual nature committed against an adult without his or her consent or against a child regardless of his or her consent or in the presence of a child, coercion to an act of a sexual nature with a third party, as well as other offenses against sexual freedom or sexual inviolability of a person, including those committed against a child or in his or her presence. All acts referred to in Article 1 of this Law are subject to criminal liability, in particular, Section IV of the Criminal Code of Ukraine establishes liability for "Rape", "Sexual violence", "Coercion to sexual intercourse", "Committing acts of a sexual nature with a person under the age of sixteen", "Corruption of minors", "Solicitation of a child for sexual purposes". At the same time, Section XII of the Criminal Code of Ukraine establishes criminal liability for "Importation, production, sale and distribution of pornographic items", "Obtaining access to child pornography, its acquisition, storage, importation, transportation or other movement, production, sale and distribution", "Holding a sexual entertainment event with the participation of a minor", "Creation or maintenance of brothels and pimping", "Pimping or involvement of a person in prostitution".

These criminal offenses are similar in nature to the criminal offenses listed in Section IV of the Criminal Code of Ukraine. They also affect the sphere of sexual relations, and the victims of such actions are also children. However, unlike Title IV, Title XII of the Criminal Code of Ukraine does not contain criminal offences that encroach on sexual freedom and sexual inviolability of a person. It concentrates criminal law provisions that establish criminal liability for encroachment on public order and morality. The definition proposed in Article 1 of the Law of Ukraine "On Preventing and Combating Domestic Violence" does not specify that sexual violence should be considered "also other offenses against morality". In view of this, we can conclude that the Law of Ukraine "On Preventing and Combating Domestic Violence" does not include actions related to child pornography and prostitution of minors as sexual violence.

It should also be noted that the concept of "sexual violence" in Art. 1 of the Law of Ukraine "On Preventing and Combating Domestic Violence" and the criminal law provisions contained in Section IV and Section XII of the Criminal Code of Ukraine have different approaches to protecting children from sexual abuse depending on the age of the person. Thus, Article 1 of the Law of Ukraine "On Preventing and Combating Domestic Violence" uses the term "child". According to the Convention on the Rights of the Child, a child is every human being under the age of 18, unless under the law applicable to the person, he or she reaches the age of majority earlier [1].

The same definition of "child" is contained in the Law of Ukraine "On Protection of Childhood". Article 6 of the Family Code of Ukraine states that a person has the legal status of a child until he or she reaches the age of majority. According to Article 34 of the Civil Code of Ukraine, the age of majority in Ukraine is generally 18 years. At the same time, the Criminal Code of Ukraine operates with such age categories as: "minor", "underage person", "minor under the age of 16", "person under the age of sixteen", "person under the age of fourteen". Based on the foregoing, we can conclude that currently there is a conflict between the concept of "sexual violence", which is enshrined in Article 1 of the Law of Ukraine "On Preventing and Combating Domestic Violence" and the legal elements of criminal offenses contained in Section IV and Section XII of the Criminal Code of Ukraine. Such a conflict between the provisions of the Law and the Criminal Code of Ukraine may create conditions that will make it impossible to carry out appropriate organizational and legal measures to protect children from sexual violence, the correct qualification of "sexual violence" committed against children, and as a result will lead to the avoidance of criminal liability by perpetrators.

To overcome such a conflict, we consider it necessary to replace the concept of "sexual violence", which is enshrined in Article 1 of the Law of Ukraine "On Preventing and Combating Domestic Violence" with a new one that will not lose its essence and at the same time will not create a conflict. We propose to build the definition on the principle of "referential" norm of law, and since the responsibility for "sexual violence" is provided exclusively by the Criminal Code, the reference in the norm should be made to the Criminal Code of Ukraine.

Continuing the analysis of the Law of Ukraine "On Preventing and Combating Domestic Violence", it should be noted that Article 10 of the Law enshrines the powers of the units of the National Police of Ukraine in the field of preventing and combating domestic violence. Thus, the powers of the police include: detection of facts of domestic violence and timely response to them; reception and consideration of applications and reports of domestic violence, including consideration of reports received by the call center for the prevention and combating of domestic violence, gender-based violence and violence against children, taking measures to stop it and provide assistance to victims, taking into account the results of risk assessment in the manner prescribed by the central executive body that ensures the form of the police. In our opinion, the powers of the police, which are enshrined in Article 10 of the Law, do not fully reflect the activities of the police in the field of protection against domestic violence and protection of children from sexual violence in particular. If we analyze the construction of Part 1 of Article 10 of the Law of Ukraine "On Preventing and Combating Domestic Violence", we can distinguish a certain algorithm of police activity.

Thus, police officers first detect and respond to offenses, then accept and consider reports of domestic violence, explain to victims their rights, issue urgent restraining orders against offenders and register them for prevention, work directly with offenders, interact with other state bodies if necessary, report to the central executive body that implements state policy in the field of preventing and combating domestic violence on the results of the exercise of powers in the field of domestic violence. This algorithm is well-established and acceptable in case the offender is brought to administrative responsibility. If the offender commits an act that contains signs of a criminal offense, in particular sexual violence against a child, then the police officer is obliged to open criminal proceedings, conduct a pre-trial investigation and send the materials to court. In this regard, we propose to expand the list of powers contained in Part 1 of Art. 10 of the Law of Ukraine "On Preventing and Combating Domestic Violence" by enshrining such powers as "in case of detection of signs of a criminal offense, to act in accordance with the requirements of the CPC of Ukraine".

Another argument in favor of such an expansion of police powers in the field of preventing and combating domestic violence is that one of the grounds for placing the offender on the preventive register, according to the Procedure for registering, conducting preventive work and removing the offender from the preventive register by an authorized unit of the

National Police of Ukraine [9], is the opening of criminal proceedings against the offender in connection with the commission of domestic violence or gender-based violence.

As for by-laws, they serve as a kind of supplement to the above laws and regulate to a greater extent the procedural aspects of the activities of state bodies, including the activities of the police in the field of combating sexual abuse of children. In general, the list of by-laws and regulations aimed at protecting minors from sexual abuse and regulating the activities of the police in combating sexual violence against children is not exhaustive and it is impossible to carry out a thorough analysis of them within the framework of this work, as this will lead to a significant substantive expansion of the work.

**Conclusions.** As a conclusion, it should be noted that a significant number of international normative acts, most of which have been ratified by the Verkhovna Rada of Ukraine, are focused on the prevention of sexual exploitation of children. The main normative document aimed at protecting children from sexual abuse is the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse of 2007 – Lanzarote Convention, which was ratified by Ukraine on June 20, 2012. Another fundamental international document aimed at protecting minors from sexual abuse is the Council of Europe Convention on preventing and combating violence against women and domestic violence of 2011 – the Istanbul Convention.

Despite the fact that the Istanbul Convention was ratified only on 20.06.2022, it had a significant impact on the legislation of Ukraine in terms of protecting individuals from sexual abuse and sexual exploitation. We also believe that the ratification of the Istanbul Convention is a new starting point for further reform of national legislation aimed at protecting individuals, including children, from various forms of sexual exploitation and abuse. And given that almost all developed countries are currently improving legislation aimed at protecting children from sexual exploitation and sexual abuse, we can say with certainty that further changes in national legislation in this area are only a matter of time.

As for the national legislation itself, we note that the regulatory and legal support of police activities in the field of combating sexual violence against children is represented by a significant number of regulatory sources. A detailed analysis of these sources allowed us to identify a number of legal conflicts that require immediate elimination, as such conflicts can create conditions under which it will be impossible to protect children from sexual abuse.

Finally, we would like to add that the extensive system of by-laws and regulations also does not contribute to the proper protection of children from sexual abuse. Duplication of powers, lack of clear coordination and control system, branched system of state bodies with the same functions, all this together creates conditions for unfair performance by civil servants, including police officers, of their duties to protect children from sexual abuse and sexual exploitation.

#### *Conflict of Interest and other Ethics Statements*

The author declares no conflict of interest.

#### **References**

1. Конвенція про права дитини. URL : [https://zakon.rada.gov.ua/laws/show/995\\_021#Текст](https://zakon.rada.gov.ua/laws/show/995_021#Текст).
2. Конвенція Ради Європи про захист дітей від сексуальної експлуатації та сексуального насильства. URL : [https://zakon.rada.gov.ua/laws/show/994\\_927#Текст](https://zakon.rada.gov.ua/laws/show/994_927#Текст).
3. Конвенція Ради Європи про запобігання та боротьбу з насильством щодо жінок і домашнім насильством. URL : [https://zakon.rada.gov.ua/laws/show/994\\_001-11#Текст](https://zakon.rada.gov.ua/laws/show/994_001-11#Текст).
4. Конституція України від 28 червня 1996 року. URL : <https://zakon.rada.gov.ua/laws/main/254%D0%BA/96-%D0%B2%D1%80#Текст>.
5. Про Національну поліцію : Закон України від 02 липня 2015 р. № 580-VIII. URL : <https://zakon.rada.gov.ua/laws/main/580-19#Текст>.
6. Про охорону дитинства : Закон України від 26 квітня 2001 р. № 2402-III. URL : <https://zakon.rada.gov.ua/laws/main/2402-14#Текст>.
7. Алгоритм дій працівників Національної поліції із суб'єктами, які здійснюють заходи щодо захисту дітей, які постраждали від насильства : Методичні рекомендації. Дніпро : Дніпропетровський державний університет внутрішніх справ. 2020. 138 с.
8. Про запобігання та протидію насильству в сім'ї : Закон України від 07.12.2017 № 2229-VIII. URL : <https://zakon.rada.gov.ua/laws/show/2229-19#Текст>.
9. Порядок винесення уповноваженими підрозділами органів Національної поліції України термінового заборонного припису стосовно кривдника : Наказ Мін. МВС України від 01 серпня 2018 року № 654. URL : <https://zakon.rada.gov.ua/laws/show/z0965-18#Text>.
10. Кримінальний кодекс України. URL : <https://zakon.rada.gov.ua/laws/show/2341-14#Текст>.

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1. Konventsia pro prava dytyny [Convention on the Rights of the Child]. URL : [https://zakon.rada.gov.ua/laws/show/995\\_021#Text](https://zakon.rada.gov.ua/laws/show/995_021#Text). [in Ukr.].
2. Konventsia Rady Yevropy pro zakhyst ditey vid seksual'noyi ekspluatatsiyi ta seksual'noho nasyt'stva [Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse]. URL : [https://zakon.rada.gov.ua/laws/show/994\\_927#Text](https://zakon.rada.gov.ua/laws/show/994_927#Text). [in Ukr.].
3. Konventsia Rady Yevropy pro zapobihannya ta borot'bu z nasyt'stvom shchodo zhink i domashnim nasyt'stvom [Council of Europe Convention on preventing and combating violence against women and domestic violence]. URL : [https://zakon.rada.gov.ua/laws/show/994\\_001-11#Text](https://zakon.rada.gov.ua/laws/show/994_001-11#Text). [in Ukr.].
4. Konstytutsiya Ukrainy vid 28 chervnya 1996 roku [The Constitution of Ukraine of June 28, 1996]. URL : <https://zakon.rada.gov.ua/laws/main/254%D0%BA%96-%D0%B2%D1%80#Text> [in Ukr.].
5. Pro Natsional'nu politsiyu [On the National Police]: Law of Ukraine of July 2, 2015 No. 580-VIII. URL : <https://zakon.rada.gov.ua/laws/main/580-19#Text>. [in Ukr.].
6. Pro okhoronu dytynstva [On the protection of childhood] : Law of Ukraine of April 26, 2001 No. 2402-III. URL : <https://zakon.rada.gov.ua/laws/main/2402-14#Text>. [in Ukr.].
7. Alhorytm diy pratsivnykiv Natsional'noyi politsiyi iz sub'yektamy, yaki zdiysnyuyut' zakhody shchodo zakhystu ditey, yaki postrazhdaly vid nasyt'stva [Algorithm of actions of the National Police officers with entities that carry out measures to protect children victims of violence]: methodological recommendations. Dnipro : Dnipropetrovsk State University of Internal Affairs. 2020. 138 p. [in Ukr.].
8. On preventing and combating domestic violence: Law of Ukraine of December 7, 2017 No. 2229-VIII. URL : <https://zakon.rada.gov.ua/laws/show/2229-19#Text>. [in Ukr.].
9. Zatverdyty Poryadok vynesennya upovnovazhenymy pidrozdilamy orhaniv Natsional'noyi politsiyi Ukrainy terminovoho zaboronnoho prypysu stosovno kryvdnyka [On approval of the Procedure for issuing an urgent restraining order against the offender by the authorized units of the National Police of Ukraine]: Order of the Ministry of Internal Affairs of Ukraine of August 01, 2018 No. 654. URL : <https://zakon.rada.gov.ua/laws/show/z0965-18#Text>. [in Ukr.].
10. Kryminal'nyy kodeks Ukrainy [Criminal Code of Ukraine]. URL : <https://zakon.rada.gov.ua/laws/show/2341-14#Text>. [in Ukr.].

#### ABSTRACT

The article provides a legal analysis of the legislation directly aimed at combating sexual violence against children and the legislation regulating the activities of the police in the field of combating sexual abuse of children. The author notes that the comprehensive protection of the rights and legitimate interests of children, including the protection of children from sexual abuse, is one of the priorities of our state policy, which is implemented through an extensive system of state bodies, including the National Police of Ukraine.

In accordance with the tasks, the police is entrusted with a wide range of responsibilities to ensure and protect human rights and legitimate interests, ensure public safety and public order, prevent, detect and suppress criminal and administrative offenses, prevent and combat domestic violence or gender-based violence, etc. The effectiveness and quality of the implementation of the tasks assigned to the police to combat sexual violence against children primarily depends on the regulatory and legal support of such activities.

**Keywords:** *National Police, police activity, legal framework of police activity, combating crime, sexual violence.*