

CHILD RIGHTS IN THE FAMILY: LEGAL MECHANISMS FOR PREVENTING VIOLENCE AND DISCRIMINATION

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Abstract

The article examines the problem of violence and discrimination against children in the family as a widespread yet often hidden violation of human rights. It analyzes international legal instruments, including the UN Convention on the Rights of the Child and the Lanzarote Convention, alongside Ukrainian legislation, such as the Family Code, the Law "On the Protection of Childhood," and the Law "On the Prevention of Domestic Violence." The study emphasizes the need for systematic and effective protection of children from physical, psychological, sexual, and economic violence. It outlines the position of the UN Committee on the Rights of the Child regarding the inadmissibility of corporal and degrading punishments and provides a classification of main types of violence and their impact on psychophysical development, socialization, interpersonal relationships, and mental health. Particular attention is given to intergenerational transmission of aggressive behavioral patterns resulting from traumatic experiences. The article stresses that international standards require not only legislative implementation but also effective mechanisms for enforcement, monitoring, and accountability. The practice of the European Court of Human Rights, including the case of D.P. & J.C. v. the United Kingdom, illustrates state responsibility for failing to respond adequately to violence against children. Contemporary statistical data show the high prevalence of domestic violence and its socio-psychological consequences, such as depressive conditions, difficulties in social adaptation, and the risk of reproducing violent behavior in adulthood. The study concludes that prevention requires strengthening interagency cooperation, creating safe reporting channels, and fostering zero tolerance for child abuse. An interdisciplinary approach integrating legal, psychological, and social measures is essential for effective prevention and ensuring the full development and well-being of children..

Keywords: child rights; violence; abuse; discrimination; family; legal protection; corporal punishment; psychological violence; human rights.

1. Introduction

The right of the child to protection from all forms of violence, abuse, and discrimination is fundamental and inalienable, enshrined in numerous international and national legal instruments, including the UN Convention on the Rights of the Child, the European Convention on Human Rights, and relevant legislation of Ukraine. The protection of children is not only a legal obligation but also a social and moral imperative, as the family and immediate environment should provide a safe space for the child's physical, psychological, and emotional development. Despite the existence of legal guarantees, violence and discrimination against children within the family remain a pressing issue in contemporary Ukrainian society, necessitating comprehensive research and the development of effective protective mechanisms.

The term "child abuse" encompasses a wide range of actions extending far beyond overt crimes. It includes well-known and widely publicized forms, such as sexual abuse, child trafficking, and physical violence within the family, as well as less visible but equally harmful practices, including psychological abuse, bullying in educational institutions, child labor exploitation, and other forms of dignity violations. Contemporary studies indicate that any form of violence adversely affects a child's development, emotional well-being, behavior, and future social and professional prospects. Particular attention should be given to socially ingrained stereotypes regarding the "acceptability" of certain disciplinary methods. In many European and post-Soviet societies, there persists a mistaken belief that physical or psychological coercion, including corporal punishment, humiliation, or strict disciplinary measures, can be considered a legitimate method of upbringing. However, international standards unequivocally establish that no circumstances (whether religious, economic, pedagogical, or cultural) can justify violence against a child.

Despite legal guarantees and international obligations, violence within the family often remains hidden in practice. Fedoseeva (2020) notes that this is largely due to the child's dependency on parents, fear of punishment, lack of support, and reluctance to lose familial ties (Fedoseieva, 2018). Such conditions result in high levels of latent violence and limit the effectiveness of state policies on child protection. Effective prevention requires timely risk identification, proactive interagency cooperation, and secure channels for reporting abuse. The problem of child protection, particularly in the context of violence, has been widely examined in Ukrainian legal, psychological, and sociological scholarship. Psychological aspects of domestic violence are thoroughly analysed by Fedoseieva (2018), who emphasizes the role of family dynamics, learned behavioral patterns, and trauma in the persistence of violence against children. From a legal perspective, Kostrytsia (2017) explores the system of legal guarantees for child protection in Ukraine, highlighting the fragmentation of regulatory mechanisms and the insufficient alignment between national legislation and international standards. Zavorotchenko (2021) focuses on legal mechanisms for responding to domestic violence, stressing the importance of preventive measures, timely intervention by state authorities, and effective liability frameworks for perpetrators.

Empirical insights into the prevalence of violence against children are provided by the Kyiv International Institute of Sociology (2015), whose survey results reveal a significant level of latent violence that often remains outside the scope of official statistics. At the international level, the Convention on the Rights of the Child (United Nations, 1989) establishes a comprehensive framework for the protection of children from all forms of violence, while the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007) introduces specific obligations for states regarding prevention, victim support, and interagency cooperation. Despite the breadth of existing research and normative regulation, the literature consistently indicates unresolved problems related to the detection of hidden forms of violence, coordination among responsible institutions, and effective monitoring of compliance

with child protection obligations.

UNICEF studies and reports by international organizations indicate that systemic problems in child protection include incomplete compliance with legal norms, the absence of coordinated response protocols for cases of violence, low awareness among parents and the public regarding protective mechanisms, and insufficient attention to the psychological and social consequences of abuse. These factors create conditions for repeated trauma and violations of children's rights.

Despite considerable academic and practical interest, several important issues remain underexplored. These include the latent nature of violence, as official statistics often fail to reflect the true scale due to children's fear of reporting abuse, social stigma, and distrust of state institutions; the absence of coordinated protocols among various agencies, which results in delayed responses and repeated trauma; family practices that, while not constituting direct violence, violate children's rights and perpetuate social inequalities; and fragmented mechanisms for accountability for inadequate fulfillment of official duties, as evidenced by the European Court of Human Rights' practice.

These gaps underscore the relevance of this research, as they directly affect the effectiveness of state policy, the creation of a safe family environment, and the realization of children's rights. The aim of this study is a comprehensive examination of legal mechanisms for preventing violence and discrimination against children in the family, as well as an analysis of their practical implementation in Ukraine. Particular attention is given to the compliance of national legal frameworks with international standards, including the UN Convention on the Rights of the Child, and to the effectiveness of interagency cooperation. The study objectives include identifying patterns and causes of family violence, analyzing gaps in the activities of agencies responsible for child protection, evaluating the practical implementation of legal norms and their impact on child safety and well-being, examining the socio-psychological consequences of violence for child development, and substantiating the need to improve state policy on violence prevention.

The research hypothesis posits that effective realization of children's rights within the family depends on the comprehensive integration of legislative norms, interagency coordination, socio-psychological support, and timely risk detection, and that existing gaps in these areas directly affect the level of child protection.

This research is highly relevant, as it identifies pathways for improving the effectiveness of state policy in preventing violence, creating safe family environments, and ensuring the realization of children's rights. Its practical significance lies in providing recommendations for enhancing interagency cooperation, developing effective early-response protocols, raising public awareness, and implementing systematic control measures for safeguarding children's rights. Accordingly, this article offers a comprehensive scientific analysis of violence and discrimination against children in the family, evaluates the effectiveness of legal and practical protection mechanisms, and identifies directions for improving state policy in Ukraine, making it valuable for scholars and practitioners in law, social work, and psychology.

2. Materials and Methods

To achieve the aim of the study and fulfill its objectives, a comprehensive methodological approach was employed, integrating legal, sociological, and psychological analysis. This approach allows for a holistic evaluation of the effectiveness of legal mechanisms for protecting children from violence and discrimination within the family, identification of gaps in their practical implementation, and formulation of recommendations for improving state policy. The study is multifaceted and includes theoretical analysis, focusing on national and international legislation, scholarly works, reports of international organizations, and judicial practice, which enables the identification of legal foundations for child protection and existing implementation gaps.

The empirical component of the research is concentrated on assessing the practical application of legislative norms within the family environment and the performance of state authorities responsible for safeguarding children's rights. In addition, a comparative analysis was applied to juxtapose Ukrainian legal provisions and their practical application with international standards for the protection of children's rights.

The study is based on both primary and secondary sources. Primary sources include statistical data from social protection authorities, child services, the police, and local government bodies regarding cases of violence and discrimination, as well as survey results, interviews, and questionnaires with specialists directly working with families at risk. Secondary sources comprise scholarly publications, monographs, international and national legal acts, reports from international organizations, judicial practice, and official statistics. Data collection and analysis methods included document analysis, content analysis, sociological surveys, interviews, and comparative analysis of legislative norms and their implementation.

The study's core methodology is the formal-legal method, applied to analyze international and national legislation, including the UN Convention on the Rights of the Child, the Lanzarote Convention, the Family Code of Ukraine, and relevant Ukrainian laws. This method allowed the identification of the content of children's rights to protection from violence and the scope of responsibilities of the state and parents. The comparative-legal method was employed to contrast international standards with national legal practice and identify challenges in implementing child protection norms. Legal-practice analysis, particularly of European Court of Human Rights decisions (e.g., *D.P. & J.C. v. the United Kingdom*), was applied to outline standards of state responsibility for inadequate child protection. The systemic-structural method was used to classify forms of violence and analyze their impact on children's psychophysical and social development. Statistical methods, based on sociological research data, confirmed the prevalence and latent nature of domestic violence against children. The logical-dogmatic method facilitated the formulation of generalized conclusions and recommendations for improving preventive and legal-protection mechanisms.

A combination of qualitative and quantitative methods was employed for data processing and analysis. Qualitative analysis identified patterns, causes, and consequences of family violence, evaluated the effectiveness of interagency cooperation, and assessed socio-psychological support mechanisms for children. Quantitative analysis, based on statistical data and survey results, allowed estimation of the scale of violence and assessment of the effectiveness of practical child protection measures. The systemic approach facilitated evaluation of interrelationships among various agencies responsible for child protection, while the synthetic method integrated theoretical and empirical findings to develop practical recommendations.

The scientific novelty of the approach lies in the integration of legal analysis, sociological research on the real-world interaction of services with families, evaluation of the socio-psychological consequences of violence, and the synthesis of these data to formulate recommendations for improving the child protection system in Ukraine. The study accounts for limitations related to incomplete or latent statistics on violence, restricted access to primary data due to confidentiality, and subjectivity in assessments by service professionals and educators, mitigated through the use of standardized questionnaires and comparative analysis.

The applied methodological framework enables a comprehensive study of violence and discrimination against children in the family, identification of legislative and practical gaps, evaluation of interagency cooperation and socio-psychological support measures, and formulation of practical recommendations for enhancing state policy in Ukraine. Thus, the methodology provides a robust foundation for the systematic analysis of the problem and the development of well-substantiated scientific and practical conclusions.

3. Results and Discussion

The conducted study has shown that the issue of violence against children within families in Ukraine is not only widespread but also highly latent, complicating both detection and effective response. Analysis of official statistical data indicates a significant increase in reports of domestic violence involving children. In 2023 alone, the National Police of Ukraine registered over 291,428 reports related to domestic violence, of which 9,194 were submitted directly by children, and 12,259 cases involved confirmed violence against children – substantially exceeding the figures for 2021–2022. This represents an approximately 19.2% increase in identified cases of domestic violence involving children compared to the previous year. In 2023, over 106,029 individuals were under preventive supervision for committing domestic violence, including 219 minors, further indicating children's involvement in family-related offenses. Overall statistics on domestic violence confirm that the issue of children as victims or witnesses remains systemic and requires sustained attention from state institutions (Ombudsman of Ukraine, 2023).

According to the National Social Service of Ukraine, in 2024, the number of reports on domestic violence reached 181,904, including 8,646 submitted by children. Regarding types of violence, physical abuse was recorded in 657 cases, sexual abuse in 158, psychological abuse in 10,958, and economic abuse in 31 cases, indicating that psychological violence is the most prevalent form, often overlooked in official reports, yet significantly affecting children's mental development and social adaptation (National Social Service of Ukraine, 2024).

These findings corroborate sociological research showing that only a small portion of violence cases is officially reported, while the real scale is considerably larger, as many children and families do not seek help due to fear, dependence on family members, or social stigma. International experience demonstrates that similar trends are observed in many countries, necessitating comprehensive approaches. European regional child protection programs, in particular, recommend developing national strategies for integrated child protection systems, combining legal, social, educational, and medical measures to combat violence (European Commission, 2024).

Comparative analysis of international standards and Ukrainian legislation shows that, at the normative level, Ukraine formally complies with key requirements for child protection, including prohibitions on all forms of physical and degrading treatment, liability for perpetrators, and the role of state authorities in prevention and response. However, implementation remains below expectations, evidenced by delays in responding to violence, insufficient coordination among agencies, and limited cooperation between law enforcement, social services, and educational institutions. Fragmented interaction protocols and the absence of clear procedures hinder timely detection and adequate support for child victims.

Judicial practice analysis, including European Court of Human Rights rulings, confirms that inadequate performance by state authorities in protecting children can constitute human rights violations. This applies to both direct non-intervention in cases of evident violence and the failure to provide safe channels for victims to report abuse. ECHR practice highlights the need for clear accountability mechanisms and the proper implementation of child protection standards, which should be the focus of systemic national reforms.

The study also emphasizes the classification of violence types and their impact on child development. Systemic-structural analysis revealed that family violence is multidimensional, encompassing physical, psychological, sexual, and economic aspects. Psychological abuse, including humiliation, verbal insults, and neglect of emotional needs, profoundly affects psychophysical development and often remains unnoticed by adults and professionals. Childhood psychological trauma can result in anxiety disorders, depression, behavioral problems, and difficulties in social adaptation, as confirmed by

contemporary child psychology research.

Violence against children extends beyond the family to schools and community settings. According to UNESCO reports, approximately one billion children worldwide experience some form of physical, sexual, or psychological abuse or neglect annually, highlighting the global scope of the problem and the need for comprehensive responses (Educational Ombudsman of Ukraine, 2025). The findings also underscore the influence of external threats, including armed conflict, which exacerbate child vulnerability. UNICEF reports that 2024 was among the worst years for children in conflict zones, with widespread exposure to violence and long-term negative effects on physical and mental health (UNICEF, 2024).

Analysis of Ukrainian legislation demonstrates formal compliance with international standards, including prohibitions on physical and degrading punishments and defined responsibilities for state agencies. Key laws, such as the Family Code of Ukraine and the laws "On the Protection of Childhood" and "On the Prevention of Domestic Violence," contain provisions explicitly forbidding violence against children and providing mechanisms for response. However, practical implementation is often ineffective due to poor interagency coordination, fragmented action protocols, low public awareness, and limited access to socio-psychological support. Consequently, many cases remain undetected or inadequately addressed.

Despite formal compliance, a gap exists between legal norms and practical implementation, manifesting in low efficiency of early detection measures, unclear interagency protocols, and insufficient monitoring of officials' duties. Judicial analysis confirms that ineffective government action, rather than legislative gaps, often underlies violations of children's rights, consistent with international expert assessments. Psychological abuse, though less visible, produces deeper and longer-lasting effects on emotional and cognitive development, while discriminatory family practices foster feelings of inadequacy, social isolation, and heightened risk of future antisocial behavior. Family violence also includes economic and social control, forced labor, and restricted access to education and information, creating complex developmental risks. Major barriers to reporting include children's fear, dependence on parents, distrust of authorities, and stigma. This underscores the need for improved early response channels and safe reporting conditions.

Effective child protection requires integrated legal, socio-psychological, and preventive mechanisms. Based on identified challenges and analyzed data, recommendations for improving Ukraine's child protection system include: the implementation of standardized national interagency protocols, clear action algorithms for child services, law enforcement, healthcare, and educational institutions, including information-sharing and rapid response mechanisms; strengthening prevention and early intervention via regular monitoring of high-risk families, training of social workers and educators to identify and respond to signs of abuse, and development of parent support programs promoting non-violent child-rearing; and expansion of specialized child support centers, including child-friendly spaces (Barnahus model), providing psychological, legal, and medical assistance within a safe, integrated environment. These centers should operate via cross-sectoral collaboration and be accessible nationwide. Raising public awareness of children's rights and protection mechanisms through national campaigns, media engagement, educational programs, and outreach initiatives is essential to counter stereotypes that condone violence and promote a culture of respect for children's rights. Mechanisms for monitoring officials' performance and ensuring accountability for inadequate responses should be strengthened through evaluation systems for child services and law enforcement, as well as independent oversight of children's rights compliance.

Implementation of these recommendations will strengthen Ukraine's child protection system, reduce violence latency, and enhance the effectiveness of preventive

and legal-protection measures, aligning with international standards and guidance from leading global child protection organizations.

In conclusion, the study confirms the hypothesis that effective protection of children within families depends not only on the existence of legal norms but also on a comprehensive combination of preventive measures, interagency cooperation, timely detection of violence, and socio-psychological support. Identified issues of latent violence, fragmented law enforcement, and insufficient professional preparedness define key directions for further improvement of state policy in Ukraine, rendering the results relevant for scholars, human rights advocates, educators, and government agencies.

4. Discussion

The results of the study confirm that violence against children within families remains a systemic problem in Ukraine, with its actual prevalence significantly exceeding official statistics due to high levels of underreporting. According to sociological surveys, approximately 65% of children aged 12 to 17 have experienced at least one form of violence – physical, psychological, sexual, or economic (Kyiv International Institute of Sociology, 2015). The majority of violent acts occur within the family, highlighting a paradox: the environment that should provide protection and support often becomes a source of risk to children’s physical and mental health. This finding aligns with international research and UNICEF reports, which emphasize the high level of hidden violence in family contexts, even in countries with advanced social protection systems.

International child rights standards, including the UN Convention on the Rights of the Child and the Council of Europe Lanzarote Convention, establish an absolute prohibition of violence and discrimination against children and obligate states to ensure effective protective mechanisms (United Nations, 1989; Council of Europe, 2007). Ukraine has ratified these documents and formally incorporated their provisions into national legislation. For example, Article 150 of the Family Code of Ukraine prohibits physical punishment of children by parents, as well as other forms of punishment that degrade the child’s dignity. Such actions may entail administrative, criminal, or family-law liability under current legislation (Verkhovna Rada of Ukraine, 2002).

The UN Committee on the Rights of the Child defines “corporal” or “physical” punishment as any use of physical force intended to cause pain or discomfort, regardless of intensity. Common forms include hitting with a hand or object (stick, belt, etc.), slapping, shaking, throwing, scratching, pinching, biting, hair-pulling, or coercive actions such as forcing a child to remain in uncomfortable positions, burning, scalding, or ingestion of substances (e.g., soap or spicy foods). The Committee notes that corporal punishment is inherently degrading. Some non-physical punishments are also cruel and humiliating and are classified as psychological abuse, including humiliation, verbal insults, mockery, threats, intimidation, or public shaming (Committee on the Rights of the Child, n.d.).

Article 10 of the Law of Ukraine “On the Protection of Childhood” guarantees not only the child’s right to protection from all forms of violence but also measures to prevent parental violence, implemented by the state (Verkhovna Rada of Ukraine, 2001). On 15 November 2001, Ukraine adopted the Law “On the Prevention of Domestic Violence,” later complemented by the Cabinet of Ministers’ Resolution of 26 April 2003 establishing procedures for reviewing complaints and reports of domestic violence or imminent threats. The law sets out the legal and organizational framework for preventing family violence and defines the authorities responsible for implementing protective measures. Any form of punishment within the family, whether physical or degrading, is prohibited, and family members who commit violence are subject to criminal, administrative, or civil liability (Verkhovna Rada of Ukraine, 2002).

Article 151 of the Family Code establishes that parents have a primary right to personally raise their children and may involve others in child-rearing, provided that

chosen methods comply with the law and societal moral standards. However, when parents or other family members are sources of psychological, sexual, or physical violence, the family environment becomes a factor causing significant harm to the child's development and well-being. Even children who are witnesses rather than direct victims of violence experience severe negative effects on their mental and social development.

In the case of *D.P. & J.C. v. the United Kingdom*, a sister and brother aged 8 and 10 were sexually abused by their stepfather. Although they reported the abuse to local social services, authorities failed to protect them. The girl attempted suicide following the assault, developing a mental disorder, while the boy later suffered from epilepsy. Both experienced prolonged depression and psychological trauma. The Court found that social services had failed to protect the children, constituting a violation of Article 13 (right to an effective remedy). Under Article 41 of the Convention, each applicant was awarded €5,000 for non-pecuniary damage, and €12,500 jointly for legal costs (European Court of Human Rights, 2002).

The family environment significantly influences child development, acting as either a resource or a risk factor. Even indirect witnesses of family violence suffer negative outcomes, including disrupted emotional bonds, low self-esteem, social isolation, and difficulties in learning and adaptation. These findings align with international research highlighting the intergenerational transmission of violence: children exposed to abuse are more likely to exhibit aggressive behavior and perpetuate violence in adulthood.

In Ukraine, a gap persists between formal compliance with international standards and the effective implementation of protective measures. Despite the existence of laws and regulations, the lack of coordinated protocols between state agencies, social services, and educational institutions creates gaps in the protection system. This is corroborated by official statistics and sociological research, which show that most cases of violence remain unreported, and appeals for assistance are often inadequately addressed. Hence, the mere existence of legal norms does not guarantee actual protection for children.

Effective prevention and response to family violence require a comprehensive approach that integrates legislative, socio-psychological, and preventive mechanisms. The implementation of standardized interagency protocols is recommended to ensure clear coordination among social services, law enforcement, and healthcare and educational institutions. Preventive measures should be strengthened through systematic monitoring of high-risk families, enhanced training for social and psychological professionals, and development of programs promoting non-violent parenting.

Particular attention should be paid to the establishment of specialized child support centers, where victims of violence can access psychological, medical, and legal assistance in a single safe environment. International models, such as the Barnahus system in Sweden and Norway, have proven effective in reducing trauma and facilitating rapid response. Public awareness campaigns are also essential to promote zero tolerance for violence, challenge stereotypes regarding physical and psychological punishment, and increase knowledge of available protective mechanisms.

Ensuring effective child protection in the family environment is only possible through a systemic approach that combines legal guarantees, interagency coordination, socio-psychological support, and preventive programs. Neglecting these aspects increases the risk of retraumatization and perpetuates cycles of violence, underscoring the need to reform national child protection policies in accordance with international standards and best global practices.

5. Conclusions

The conducted study confirms that violence and discrimination against children within the family represent a multidimensional, systemic, and socially significant problem. It encompasses legal, psychological, social, and cultural aspects and cannot be

reduced to isolated cases of abuse. Family violence reflects deep structural issues within society, including limited public awareness of children's rights, the ineffectiveness of existing preventive mechanisms, inadequate performance of authorities responsible for child protection, and a low level of non-violent parenting culture.

An analysis of international and national legal frameworks shows that Ukraine possesses a relatively well-developed legislative base for child protection. The UN Convention on the Rights of the Child, the Lanzarote Convention, and other international instruments explicitly prohibit all forms of violence and place an obligation on the state to ensure conditions for the comprehensive development of the child. National legislation, including the Family Code of Ukraine, the Law "On the Protection of Childhood," and the Law "On the Prevention of Domestic Violence," formally aligns with these international standards, enshrining children's rights to protection from physical, psychological, sexual, and economic violence.

However, an analysis of law enforcement practice indicates uneven implementation of these norms. Lack of interagency coordination, delays in responding to incidents of violence, and limited access to effective protective mechanisms contribute to the underreporting of cases and restrict protection for affected children. This issue is especially acute when the family itself is the source of violence, and the child cannot independently report abuse due to fear, dependency on parents, or distrust of state institutions. The European Court of Human Rights, notably the case of *D.P. & J.C. v. the United Kingdom*, demonstrates that the state bears responsibility not only for direct violations of children's rights but also for failing to protect them from abuse when such risks were foreseeable or evident. This underscores that governmental inaction may constitute a breach of international obligations and highlights the need to enhance preventive and protective mechanisms. Psychological and social analyses reveal that family violence has serious long-term consequences for child development. Affected children are more likely to experience anxiety disorders, depression, behavioral problems, adaptation difficulties, and challenges in forming healthy interpersonal relationships. The intergenerational transmission of violence is particularly concerning, as traumatic childhood experiences can increase the propensity for aggressive behavior in adulthood, perpetuating the cycle of domestic violence. Based on these findings, addressing family violence against children should be a strategic priority of state policy. Only a comprehensive approach that combines legal instruments, targeted social work, professional training for specialists, and the promotion of societal zero tolerance for all forms of abuse can ensure a safe environment for the holistic development of children.

Future research should focus on evaluating the effectiveness of practical protective measures, improving early intervention mechanisms, and developing integrated programs for long-term psychological and social support for child victims of violence and their families. Such efforts will not only minimize the risk of repeated abuse but also foster a systemic approach to child protection in line with international standards and contemporary best practices in child rights.

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