

DOI <https://doi.org/10.30525/978-9934-26-674-4-2>

**ACCESS TO JUSTICE AND THE PROTECTION OF VICTIMS  
OF VIOLENCE AS A CONDITION OF THE RULE OF LAW**

**ДОСТУП ДО ПРАВОСУДДЯ ТА ЗАХИСТ ПОСТРАЖДАЛИХ  
ВІД НАСИЛЬСТВА ЯК УМОВА ВЕРХОВЕНСТВА ПРАВА**

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One of the key features of a democratic state governed by the rule of law is ensuring real and effective access to justice for every individual [5; 9]. For victims of violence-physical, psychological, sexual, or economic-this issue goes far beyond formal legal guarantees and becomes a matter of human dignity, safety, and trust in public institutions [6]. Access to justice determines whether a person can overcome fear, social isolation, and dependence on the perpetrator [7]. In this context, justice functions not only as a legal mechanism but also as a means of restoring social balance and personal integrity. Therefore, ensuring access to justice for victims of violence should be regarded as a core obligation of the state and a key indicator of democratic maturity.

1. Access to Justice as a Condition of the Rule of Law. One of the fundamental prerequisites for the implementation of the principle of the rule of law is access to justice [5]. The Constitutional Court of Ukraine defines this concept as the right to judicial protection and access to court, emphasizing its constitutional nature [2]. Direct access to court enables individuals to challenge unlawful actions, omissions, or decisions of public authorities and private actors. The absence of such access undermines public confidence in the legal system and weakens democratic institutions [9]. Furthermore, effective access to justice presupposes not only formal legal guarantees but also practical opportunities to use judicial remedies without discrimination, intimidation, or excessive procedural barriers.

Part one of Article 55 of the Constitution of Ukraine guarantees judicial protection of rights and freedoms to everyone, regardless of citizenship or legal status [1]. Courts are prohibited from refusing to administer justice when individuals believe their rights have been violated or threatened.

Any unjustified refusal to accept claims or complaints constitutes a violation of the right to judicial protection, which cannot be restricted even in exceptional circumstances [2]. This constitutional approach reflects international human rights standards and aligns with the principles enshrined in the European Convention on Human Rights [5]. Consequently, access to justice serves as both a legal safeguard and a measure of the real effectiveness of constitutional rights.

Thus, ensuring access to justice for victims of violence is not merely a matter of procedural fairness. It reflects the state's ability to provide equal protection and legal certainty to vulnerable groups. In cases of violence, delays, formalism, or indifference by judicial institutions may lead to secondary victimization [6]. Therefore, access to justice must be prompt, sensitive, and victim-centered. Only under these conditions can the principle of the rule of law function effectively in practice.

2. The Right to Legal Aid: Ukrainian Practice. To ensure genuine access to justice, the state must guarantee real and effective access to legal aid [4]. Legal assistance enables individuals to understand their rights, assess available remedies, and navigate complex legal procedures. This is particularly important for victims of violence, who often experience psychological trauma, fear of retaliation, or financial dependence on the perpetrator [7]. Without professional legal support, such individuals are frequently unable to protect their rights effectively. Consequently, legal aid serves as a bridge between formal legal guarantees and their practical implementation.

Free Legal Aid. Ukraine operates a comprehensive system of free legal aid established in 2011 and coordinated by the Coordination Center for Legal Aid Provision under the Ministry of Justice of Ukraine [4]. This system ensures access to both primary and secondary legal aid for vulnerable groups. Primary legal aid includes legal consultations, clarification of rights, and assistance in drafting applications and complaints. Secondary legal aid provides representation in court, preparation of procedural documents, and defense in criminal proceedings. For victims of domestic violence, such support is often decisive in initiating legal action against perpetrators [8].

Women who have suffered from domestic violence may apply to any local free legal aid center or contact the national hotline. Legal professionals assist victims in preparing police reports, obtaining urgent restraining orders, and initiating civil or criminal proceedings [3]. In addition, lawyers help victims navigate related legal issues such as divorce, child custody, or housing disputes. In 2023 alone, the free legal aid system provided over 30,000 consultations to victims of violence [8]. This demonstrates both

the high demand for such services and their critical role in protecting human rights.

**Other Forms of Assistance.** In addition to state mechanisms, non-governmental organizations play a significant role in providing legal and psychological assistance [6]. Organizations such as «La Strada – Ukraine» operate national hotlines and crisis counseling services. «City for Women» centers offer integrated assistance by combining legal, psychological, and social support in one location. This multidisciplinary approach reduces the risk of repeated trauma and increases the effectiveness of assistance [7]. As a result, victims receive comprehensive support tailored to their individual needs.

**3. The Right to Rehabilitation and Support: A Comprehensive Approach.** The right to rehabilitation aims at restoring victims to a safe, dignified, and stable life [3]. Rehabilitation is not limited to physical recovery but includes psychological, social, and economic dimensions. Victims of violence often require long-term support to overcome trauma and regain self-sufficiency [7]. A comprehensive rehabilitation approach acknowledges the complexity of harm caused by violence. It also emphasizes the responsibility of the state to ensure continuity of support services.

**Medical and Psychological Rehabilitation.** Under the Law of Ukraine «On Prevention and Counteraction to Domestic Violence» a network of crisis rooms, shelters, and medical and social rehabilitation centers operates across the country [3]. Crisis rooms provide immediate safety and short-term accommodation. Shelters offer longer-term residence and comprehensive support, including psychological counseling and legal assistance. Medical and social rehabilitation centers address both physical and psychological consequences of violence. These institutions play a crucial role in preventing repeated abuse and promoting recovery [6].

**Social and Professional Reintegration.** Economic independence is essential for sustainable rehabilitation [7]. Employment services assist victims in finding jobs and accessing vocational training. Local communities organize retraining programs and entrepreneurship initiatives aimed at empowering survivors. Some shelters cooperate with private sector employers willing to hire victims without prior experience. For example, microgrant programs enable women who have survived violence to start small businesses, contributing to long-term social inclusion and economic stability [9].

**International Programs.** Ukraine actively cooperates with international organizations, including UNFPA and UN Women [6; 7]. With their support, shelters and mobile social and psychological assistance teams operate in frontline and de-occupied communities. These programs are particularly important in the context of armed conflict and large-scale displacement.

International assistance helps strengthen institutional capacity and ensures continuity of services. As a result, the right to rehabilitation is increasingly becoming a practical reality rather than a formal declaration.

4. Challenges and Necessary Steps. Despite comprehensive legislative guarantees, significant barriers persist in practice [9]. Many victims remain unaware of their rights and available support mechanisms. Specialized services are often lacking in rural areas, limiting access for vulnerable populations. Biased attitudes among law enforcement officials may discourage victims from seeking help [6]. Additionally, court procedures may cause re-traumatization due to excessive formalism or insensitivity.

To address these challenges, it is necessary to strengthen legal awareness campaigns among the population. Specialized training for judges, police officers, and social workers should focus on victim-centered approaches [7]. Expanding the network of free legal aid centers and shelters at the community level is also essential [4]. Finally, ensuring prompt, impartial, and sensitive judicial proceedings in cases of violence is crucial for restoring trust in the justice system [5].

5. Conclusion. Access to justice is not merely a legal category but a measure of a state's fairness and humanity [5]. It reflects the real ability of individuals to defend their rights and restore justice. For victims of violence, access to justice determines whether legal norms translate into real protection [6]. The right to legal aid and rehabilitation complements judicial protection and ensures comprehensive support [3; 7]. Ultimately, the effectiveness of these mechanisms demonstrates how genuinely the principle of the rule of law is implemented in Ukraine.

### **Bibliography:**

1. Конституція України : Закон України від 28 черв. 1996 р. № 254к/96-ВР. *Відомості Верховної Ради України*. 1996. № 30. Ст. 141.

2. Юридичні позиції Конституційного Суду України (1997–2020). Київ : Конституційний Суд України, 2021. 320 с.

3. Про запобігання та протидію домашньому насильству : Закон України від 7 груд. 2017 р. № 2229-VIII. *Відомості Верховної Ради України*. 2018. № 5. Ст. 35.

4. Про безоплатну правову допомогу : Закон України від 2 черв. 2011 р. № 3460-VI. *Відомості Верховної Ради України*. 2011. № 51. Ст. 577.

5. Конвенція про захист прав людини і основоположних свобод від 4 листоп. 1950 р. *Офіційний вісник України*. 2010. № 32. Ст. 1125.

6. UN Women. Access to Justice for Survivors of Gender-Based Violence. New York, 2020. 68 p.

7. UNFPA. Handbook on Strengthening Access to Justice for Survivors of Violence against Women. New York, 2019. 104 p.

8. Координаційний центр з надання правової допомоги. Річний звіт про надання безоплатної правової допомоги в Україні за 2023 рік. Київ, 2024. 86 с.

9. Council of Europe. Ensuring Access to Justice for Victims of Domestic Violence. Strasbourg, 2018. 54 p.

DOI <https://doi.org/10.30525/978-9934-26-674-4-3>

**THE RELATIONSHIP BETWEEN INTERNATIONAL LAW  
AND MORALITY: THEORETICAL FOUNDATIONS  
AND PRACTICAL IMPLICATIONS**

**СПІВВІДНОШЕННЯ МІЖНАРОДНОГО ПРАВА ТА МОРАЛІ:  
ТЕОРЕТИЧНІ ЗАСАДИ ТА ПРАКТИЧНІ НАСЛІДКИ**

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International law has long occupied a vague space between law, morality, and politics. It governs relations among states and other international actors through treaties, customary international law, and general legal principles. However, unlike domestic legal systems, international law lacks a central enforcement authority, which raises ongoing questions about its legitimacy. Do states follow international law because it is legally binding, because it aligns with a moral responsibility of their leaders, or simply because it benefits their national interests? If moral considerations influence compliance, are state leaders and government officials required to obey all rules of international law or only those they deem just and fair?

Law and morality are separate but closely linked concepts that influence decision-making and behavior in modern international relations. Today's global issues often involve significant moral concerns. Addressing these challenges requires a careful balance between legal standards and moral values. Law and morality should work together. Legal norms can help shape and support moral principles, thereby strengthening and safeguarding