

## CRIMINOLOGICAL CHARACTERISTICS OF CRIMES AGAINST SEXUAL FREEDOM AND SEXUAL INVIOABILITY UNDER THE LEGISLATION OF FOREIGN COUNTRIES AND UKRAINE

### КРИМІНОЛОГІЧНА ХАРАКТЕРИСТИКА ЗЛОЧИНІВ ПРОТИ СТАТЕВОЇ СВОБОДИ ТА СТАТЕВОЇ НЕДОТОРКАНОСТІ ЗА ЗАКОНОДАВСТВОМ ЗАРУБІЖНИХ КРАЇН ТА УКРАЇНИ

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The article provides a characterization and forensic classification of crimes against sexual freedom and sexual inviolability under the legislation of foreign countries and Ukraine. It is noted that recently, the increase in the number of latent crimes against sexual freedom and sexual inviolability of a person has been a cause for concern around the world. Such unlawful acts not only harm natural relationships between people of different sexes, but also involve the violent satisfaction of sexual urges and various sexual acts against minors or underage persons. In other words, sexual freedom is based on sexual inviolability, the violation of which always means a violation of sexual freedom.

In accordance with the Constitution and several international acts, a person, his or her life and health, honour and dignity, inviolability and security are recognised in Ukraine and the world as the highest social value. Crimes against sexual freedom and inviolability of the person are associated with gross violations of public morality and personal freedom, and the Special Part of the law on criminal liability for the above crimes provides for some of the most severe penalties. According to current statistics, the detection rate of crimes against sexual freedom is very low, which indicates that 2/3 of attacks on the inviolability of the person remain unsolved or the severity of the punishment does not correlate with the gravity of the act. This is a consequence of the fact that the legislative regulation of the prevention and investigation of these crimes is low and therefore needs to be changed.

The system of sexual offences enshrined in the criminal law of a particular state, being historically variable, is determined by many factors, including the established nature of sexual relations in a particular society, existing traditions and proclaimed priorities of legal protection, which are determined, in particular, by civilisational and religious factors. Global trends in the development of criminal legislation on liability for sexual offences include both its consistent liberalisation and elimination of gender inequality, as well as strengthening of criminal law protection of a person from various forms of sexual violence and sexual exploitation.

**Key words:** sexual offences, criminological characteristics, sexual inviolability, crime prevention, determination, offender, offender's identity, sexual freedom.

У статті надано кримінологічну характеристику злочинів проти статевої свободи та статевої недоторканості за законодавством зарубіжних країн та України. Вказано, що останнім часом по всьому світу занепокоєння викликає збільшення кількості латентних злочинів, направлених на статево свободу та статево недоторканність особи. Такі протиправні дії не тільки завдають шкоди природним взаєминам між особами різної статі, але ще й пов'язані з насильницьким задоволенням статевих потягів, з різними діями сексуального характеру стосовно малолітніх або неповнолітніх осіб. Тобто, складовою статевої свободи є статева недоторканність, порушення якої завжди означає й порушення статевої свободи.

Відповідно до Конституції та низки міжнародних актів, людина, її життя і здоров'я, честь і гідність, недоторканність і безпека визнаються в Україні та світі найвищою соціальною цінністю. Злочини проти статевої свободи й недоторканності особистості пов'язані з грубими порушеннями норм суспільної моралі та особистої свободи особи, тому Особливою частиною закону про кримінальну відповідальність за вищезазначені злочини передбачені одні з найсуворіших покарань. Згідно із сучасною статистикою, розкритість злочинів проти статевої свободи перебуває на дуже низькому рівні, що свідчить про те, що 2/3 посягань на недоторканність особи залишаються не розкритими або тяжкість покарання не співвідноситься з тяжкістю діяння. Це є наслідком того, що законодавче регулювання запобігання цим злочинам і розслідування їх перебуває на низькому рівні, а отже, потребує змін.

Закріплена у кримінальному законодавстві тієї чи іншої держави система статевих злочинів, маючи історично мінливий характер, визначається багатьма факторами, зокрема, усталеними у конкретному суспільстві складом статевих відносин, існуючими традиціями і проголошеними пріоритетами правового захисту, зумовленими зокрема цивілізаційними та релігійними чинниками. Світові тенденції розвитку кримінального законодавства про відповідальність за статеві злочини полягають як у послідовній його лібералізації та усуненні гендерної нерівності, так і в посиленні кримінально-правової охорони особи від різних форм сексуального насильства і сексуальної експлуатації.

**Ключові слова:** статеві злочини, кримінологічна характеристика, статева недоторканність, запобігання злочинності, детермінація, злочинець, особа правопорушника, статева свобода

Sexual freedom and sexual inviolability of a person is a generic object of a criminal offense, the norms on liability for which are combined in Section IV of the Special Part of the Criminal Code. According to the Ukrainian legislator, criminal offenses against sexual freedom and sexual inviolability of a person include: rape (Article 152); forcible gratification of sexual passion in an unnatural way (Article 153); coercion to engage in sexual intercourse (Article 154); sexual intercourse with a person who has not reached puberty (Article 155); corruption of minors (Article 156).

Other crimes also affect the sphere of sexual relations. They, however, are considered criminally punishable encroachments on morality. These are: import, manufacture, sale and distribution of pornographic items 473 (Article 301),

creation or maintenance of places of debauchery and pandering (Article 302), pimping or involving a person in prostitution (Article 303 of the Criminal Code). In the literature, there is a proposal to transfer Art. 301, 302 and 303 to Section IV of the Special Part of the Criminal Code, changing the title of the latter to «Crimes against sexual will and morality»

This proposal to some extent takes into account the relevant foreign experience, because in the criminal legislation of the Federal Republic of Germany pimping, pimping, prostitution and pornography are classified as sexual crimes [1].

Analysis of statistical data from most countries of the world shows the prevalence of illegal actions related to sexual freedom and sexual integrity of a person among other crimes. According to a study by the U.S. Department of Justice,

3.7 million people are victims of sex crimes every year, including about 300,000 rapes. Women and 9% of children have been sexually abused.

Today, there are two main approaches to the consideration of the place of sexual crimes in the system of legislation, and, consequently, to the definition of their object. The first, traditional, proceeds from the fact that the primary in this kind of encroachment is the violation of moral norms. The second, more modern, assumes that sexual crimes encroach primarily on the individual, his rights and freedoms.

As for the level of the relevant section in the system of criminal legislation, there is no unity. Up to the first level (generic object) in the structure of the Special Part, sexual crimes are differentiated in the Criminal Code of Germany and Japan. In the French Criminal Code, sexual crimes are placed at the third level of the structure of criminal law (group object). In France, encroachment on the sexual integrity of minors is singled out from the general group of sexual crimes.

Criminal legislation on crimes against sexual freedom and sexual inviolability in England, France and Germany, which in some provisions are fundamentally different from each other, as well as from the legislation of our country, is the most interesting for the problems under study.

In the criminal legislation of Germany on issues related to the definition of crimes against sexual freedom and sexual integrity, which are provided for in Chapter XIII of the Special Part of the Criminal Code of the Federal Republic of Germany (hereinafter referred to as the Federal Republic of Germany). This section also contains elements of criminal acts that encroach on other rights and freedoms protected by the state (for example, on promoting prostitution (§ 180a))

All criminal encroachments on sexual freedom and sexual integrity can be conditionally divided into two groups:

1) criminal acts against sexual self-determination, to which the German legislator refers the following elements: sexual acts against persons under guardianship (§ 174); sexual acts against prisoners; persons who have been subjected to administrative liability; sick people and persons in need of care while in medical institutions (§ 174a); sexual acts related to the use by a person of his or her official position (§174b); sexual acts related to the use of relationships in the process of consultation, treatment (medical supervision) and service (§174c); sexual acts against children (§176); severe sexual acts against children (§176a); sexual acts against a child if they caused his or her death (§176b); coercion to sexual acts; rape (§177); rape that caused the death of the victim (§178); sexual acts against persons who are incapable of resisting (§179); sexual acts against minors (§182).

2) crimes conditionally related to criminal acts against sexual self-determination: aiding and abetting sexual acts of minors (§180); promoting prostitution (§180a); against a person (§180b, 181, 181a, 183, 183a, 184, 184a, 184b) [9].

Many of these criminal acts encroach on public morality and morality.

The general legislation of a European country such as the United Kingdom stipulates that most sexual crimes, including rape and corruption of minors, fall into the category of sexual crimes under the Sexual Offences Act. It defines sexual crimes as rape; coercion to sexual intercourse; the use of a drug for illegal sexual intercourse; unlawful sexual intercourse with a mentally retarded woman or minor; Incest; assault with obscene purposes; indecent acts towards a child; Sodomy; gross indecency towards a spouse and abuse of a trustee's authority over children and young people.

Compared to the Criminal Code of Ukraine, the list of sexual crimes has been significantly expanded. Further analysis of the content of this law makes it possible to identify some distinctive features in qualifying aspects. In particular, the subject of coercion to sexual intercourse can only be a man and this must be done by threatening, intimidating or

deceiving a man or woman to enter into sexual relations with the perpetrator or with someone and anywhere (for example, outside the UK). From the above, it can be seen that rape in England is possible only by a man against a woman or another man, that is, unlike domestic law, a woman cannot be accused of rape. In addition, the commission of most crimes against sexual freedom and sexual integrity is punishable exclusively by imprisonment, up to life, in particular, repeated rape or illegal sexual intercourse with a mentally retarded woman or a minor entails life imprisonment. At the same time, English law provides for such a type of sexual crime as the use of a drug to commit illegal sexual intercourse. Its essence lies in the administration of drugs to the victim, moreover, the fact of sexual intercourse for the onset of responsibility does not matter. It is also quite interesting to distinguish the commission of a sexual crime against a minor or a minor from a certain category of relatives in a separate type of crime – incest. In such cases, the punishment for sexual acts against children entails much more severe consequences [2].

The UK Sexual Offences Act 2003 states that a person will be deemed to have failed to consent to sexual intercourse if they have been deliberately deceived as to the nature or purpose of the sexual act, or if the accused purposefully induces the person to consent by acting as a person personally known to the victim. Accordingly, if the accused pretends to be a popular film actor or athlete whom the victim did not know personally, there is no question of lack of consent as a sign of rape.

As rape, the English court regarded the actions of a certain Williams, who committed sexual intercourse with his student (the latter did not know about the nature of sexual relations), convincing her that this was one of the ways to teach singing. At the same time, the defendant, who promised the prostitute £25 but ran away from her without paying for the service, was not found guilty of rape. Although the actions of the accused were deceptive, the prostitute was not misled about the act committed against her.

A rather interesting situation with the criminalization of sexual crimes has also developed in France, where these crimes are classified as criminal encroachments on the physical and mental integrity of a person. In particular, in Art. 222-22 of the Criminal Code of France provides a general definition of sexual aggression as «any sexual assault committed by means of violence, coercion, threat or deception.» In French law, all sexual crimes are divided into three groups: 1) rape, committed with or without aggravating circumstances; 2) other sexual aggressions; 3) sexual harassment. In addition, only rape is classified as a crime, and the other two groups are classified as misdemeanors. Rape in French law is understood as any act of sexual penetration of any kind committed against another person by means of violence, coercion, threat or deception (Articles 222-23 of the Criminal Code). This concept is quite close in meaning to the definition of rape in the Criminal Code of Ukraine.

In particular, rape implies that the perpetrator uses certain methods defined by law to commit the crime. Physical violence, threat, mental coercion or deception undoubtedly precludes any voluntariness on the part of the victim. It does not matter whether the perpetrator uses his or her strength or only takes advantage of the weakness of the victim, who is in a particularly vulnerable state due to illness or any physical or mental disability, or a short-term decrease in his or her resistance due to the use of drugs or alcohol. For the commission of this crime, in contrast to domestic legislation, the possibility of life imprisonment is provided (in case of commission with the use of torture or acts of cruelty) [3]. Other violations of sexual freedom and sexual integrity, with the exception of sexual harassment, are differentiated in the Code on the following grounds:

– by the consequences that have occurred: sexual aggression that caused injury or bodily injury;

- by the subject of criminal encroachment: sexual aggressions committed by a legitimate, natural or adoptive relative in the ascending line or by any other person who has legal power over the victim, or by a person who abuses power;
- by the method of committing: sexual aggressions committed with the use or threat of use of weapons;
- depending on the affiliation of the victim to a certain group, for example, sexual aggression committed against a person under the age of fifteen, or a particularly vulnerable person.

As for the legal definition of sexual crimes in the United States of America, the Code of Laws of the United States (Section 18) contains separate sections containing rules on liability for various acts related to any violation of sexual freedom or sexual integrity, namely:

1) Chapter 71 – «On Obscenities» (§1460 – possession with the intent to sell, as well as the sale of obscene materials; §1461 – sending by mail materials that incite obscenity, etc.);

2) Chapter 109a – «Sexual Abuse» (§2241 – Increased Sexual Abuse; §2242 – Sexual Abuse; §2243 – Sexual Abuse of Minors and Guardians; §2244 – Abusive Sexual Contact; §2245 – Sexual Abuse Resulting in Death);

3) Chapter 110 – «Sexual Exploitation and Other Abuse of Children»;

4) Chapter 117 – «Transportation for Illicit Sexual Activity and Related Crimes»

Domestic violence also falls under the diocese of sexual crimes in the United States, unlike domestic legislation. In particular, on September 11, 2000, a law was adopted aimed at protecting victims of domestic violence and trafficking in human beings, most of which is devoted to combating the illegal importation of women into the country for sexual and other exploitation, as well as protecting victims and bringing the perpetrators of these crimes to justice (Trafficking Victims Protection Act of 2000) for committing sexual crimes against such women. In some U.S. states (e.g., Pennsylvania), there is still a common law requirement for a rape victim to resist and provide evidence of such resistance. In American jurisprudence, it is also considered that the defendant's erroneous idea of the victim's consent to sexual intercourse may preclude a conviction for rape if: 1) the accused «honestly and conscientiously» believed that such consent existed; 2) the facts confirm that the accused's mistake was «objectively reasonable». Sometimes it is required that the accused provide evidence of the victim's ambiguous behaviour that gave reason to «reasonably» believe that she consents to sexual intercourse.

However, the practice of defining sexual crimes as a separate type of criminal activity does not exist in all countries of the world. In the People's Republic of China, sexual crimes are not singled out in an independent section of legislation, but are usually placed in a section dealing with encroachments on a person [4].

In the Criminal Code of Japan, Section 22 Obscenity, Forced Sexual Intercourse, and Crimes Against Bigamy. (Explicitly) Article 174. A person who commits a blatantly indecent act shall be punished by imprisonment with work for a term not exceeding 6 months, a fine of not more than 300,000 yen, detention or a fine.

(Dissemination of obscene materials, etc.) Article 175 A person who distributes or publicly displays obscene documents, drawings, media related to electromagnetic recording, etc., shall be punishable by imprisonment with work for a term not exceeding 2 years or a fine of not more than 2.5 million yen. Fine or imprisonment and fines. The same applies to persons who disseminate obscene electromagnetic recordings or other records by telecommunications transmission.

The same applies to a person who possesses the subject matter set out in the previous paragraph or keeps an electromagnetic record set out in the same paragraph for

the purpose of distributing it for remuneration.

(Forced obscenity) Article 176 A person who commits an indecent act by attacking or threatening a person over the age of 13 shall be punished by imprisonment with work for a term of not less than 6 months, but not more than 10 years. The same applies to a person who has committed indecent acts against a person under the age of thirteen. (Forced sexual intercourse, etc.) Article 177 Sexual intercourse with the use of attacks or intimidation against persons over 13 years of age shall be punishable by imprisonment with work for a certain period of time. for a period of at least 5 years. The same applies to people under the age of 13 who have had sexual intercourse. (Semi-forced obscenity and quasi-forced sexual intercourse, etc.) Article 178 A person who has committed an indecent act, taking advantage of the loss of his mind or the indisputability of a person, or causing him to lose his mind or make him uncontrollable, must comply with the provisions of Article 176.

A person who has engaged in sexual intercourse, etc., taking advantage of the loss of reason or the indisputability of two people, or causing a loss of reason or irrefutable, must comply with the provisions of the preceding article. (Indecency of the guardian and sexual intercourse of the guardian, etc.) Article 179. A person who has committed indecent acts with a person under the age of 18, taking advantage of the influence that he is the person who actually protects that person, is an example of Article 176. According to Art. 236 of the Criminal Code of China, rape is defined as sexual intercourse with a female person committed with the use of violence, coercion or other violent means, or sexual intercourse with a female minor. The object of this crime is the sexual freedom of females and the sexual inviolability of female minors. Some authors consider that the rape of women is a violation of the true meaning of sexual intercourse.

Others believe that rape means forcing women to engage in sexual acts when they do not want to («right to chastity»). Both points of view only confirm that the object of encroachment is, among other things, the sexual freedom of women, which is understood as the right of women to independently determine their sexual behavior.

Sexual inviolability of minors is a condition that ensures the normal development of female minors by establishing an obligation to refrain from sexual acts against them. According to the law, only women are victims of rape. Female minors are girls under the age of fourteen.

It is noteworthy that the criminal law of China, unlike most countries of the world, still does not provide for clear responsibility for violent sodomy. In the rare cases (social, cultural and legal reasons cause high latency), when a male person becomes a victim of violent acts of a sexual nature, the crime most often is not recognized as a crime or is qualified as intentional harm to health (Article 234 of the Criminal Code of China).

The objective side of this crime has a formal construction. The act consists in the commission of a sexual act with the use of violence, coercion or other violent means, or in the performance of a sexual act with a minor. A comparison of the norms of the criminal legislation of China indicates the presence of a significant difference in the content of various acts of a sexual nature provided for in Art. 236 and 237 of the Criminal Code of China. It is important to note that the corpus delicti provided for in Art. 236 of the Criminal Code of China, covers, among other things, the use of violence dangerous to life or health, therefore, when preventing rape, there are no limits to the necessary defense. According to par. 3 Art. 20 of the Criminal Code of China caused grave consequences acts committed to prevent intentional infliction of grievous bodily harm, murder, robbery, rape, kidnapping and other violent crimes that pose a serious danger to the individual, do not exceed the limits of necessary defense, and criminal liability for them does not arise.



Coercion refers to the use of threats or a dependent position. The «Responses of the Ministry of Public Security, the Supreme People's Court and the Supreme People's Procuratorate on Matters Arising in the Application of Rape Regulations» dated 26.04.1984 states that coercion involves the use of means by which the perpetrator intimidates the victim, thereby seeking mental control over her. Such methods, for example, are: the threat of violence against the victim or her relatives, blackmail, the use of prejudices, the use of financial, official and other dependence, parental relations, isolation and persecution.

The subjective side of the crime provided for in Art. 236 of the Criminal Code of China, is characterized by guilt in the form of direct intent. The perpetrator is aware of the socially dangerous nature of his actions and wishes to commit them. If rape consists of sexual intercourse with a minor, then the perpetrator must also be aware of her age characteristics. Thus, the Court of Liaoning Province in its decision indicated that if a person did not know about the young age of his partner, and the acts of a sexual nature between them were voluntary and did not cause dangerous consequences, then the crime committed is not a crime.

Crimes against sexual freedom and sexual inviolability of a person pose a great social danger, are characterized by exceptional immorality and cynical actions of the perpetrators. In most cases, they are related to the encroachment on the sexual freedom of a person or his sexual integrity, such crimes grossly humiliate the dignity of the victim of the crime, cause him deep psychological trauma, and can cause serious harm to his health. These crimes are extremely dangerous.

The social danger of crimes against sexual freedom and sexual inviolability of a person is determined not only by encroachment on sexual freedom or sexual inviolability of a person, but also by causing harm to other social relations and social values – normal physical and mental development of children and adolescents, health, honor and dignity of a person, etc. Thus, corruption of minors can cause various sexual perversions in victims of this crime, and premature (before reaching puberty) sexual intercourse can cause serious harm to the health of a minor [5].

Crimes against sexual freedom and sexual integrity are socially dangerous acts that violate the established order of sexual relations in society and the basic principles of sexual morality, and which are expressed in encroachment on sexual freedom and sexual integrity of a person.

When qualifying, it should be borne in mind that crimes against sexual freedom and sexual integrity are the collective name for crimes that are related to the satisfaction of sexual needs in forms that grossly violate the order of sexual relations established in society, the basic principles of sexual morality and that cause harm to health and dignity. After all, the principles of sexual morality reflect the prevailing views in society on the conditions and nature of sexual relations [6].

The causes and conditions of sexual crimes, as well as other groups of socially dangerous acts, are distributed at the levels of society as a whole, microsociety groups and individuals, that is, at the macro, micro and individual levels. Factors at the macro level, existing in the form of conditions for committing rape, generate moral and social disorganization of society, increase aggressiveness and intemperance. Among them are background phenomena, economic, social, socio-psychological, organizational and managerial, political, migration, urbanization, cultural, educational and gender factors. The latter are both a determinant of rape and an indicator of a man's attitude to a woman, to violence against her [7].

The moral and social factor includes the decline of morality in society, the attitude to the violation of individual rights as a norm, and tolerance to violence. The urbanization factor is quite important, which includes both the features of the city's development (the presence of blind streets, impassable courtyards, etc.) and the behavior of people in it.

Today, there is a problem of autonomy of members of society, according to which people, especially in large cities, minimize communication with people living nearby, limiting themselves to the closest connections. This leads to the fact that when committing a rape, say, in the stairwell of a high-rise building, the victim's neighbors call the police in time, showing indifference to what is happening; Using the principle of «my house is on the edge».

Among the factors at the micro level are causal causes-conditions in the sphere of the family (from which the offender comes), informal groups, work collectives, educational institutions, etc. These micro-groups are often dominated by violence, disrespect for women, neglect of moral values, the existence of their own subculture, criminogenic traditions, etc., which directly affects the commission of violent crime in general and rape in particular [8].

At the individual level, there are a variety of social and biological factors. Thus, among the social ones, material, spiritual, cultural, etc. should be noted. Due to the frequent observation of scenes of violence, disrespect for the natural rights of people, rapists perceive sexual violence as the norm. This also happens due to the state of alcohol intoxication. By the way, more than 90% of rapists are in this state when they commit rape.

Social negative circumstances influence the motives for committing rape, among which the sexual one, although not the only one, is always the main one, regardless of whether it is fully realized or masked by other motives - social layers (revenge, humiliation, etc.).

As for the sphere of biological factors, there is a position among criminologists according to which one of the causes of aggression, the emergence of an intention to commit rape can be an increased level of testosterone in the blood of a man, the presence of mental sexological deviations, sexual inclination disorders, psychological defects, features, etc [9].

When solving the issue of the correlation between the social and the biological in the person of the criminal, we believe that the very fact of committing rape is due to social, in particular, socio-cultural factors.

Chinese criminal law in the part under study has certain differences. Thus, the social, cultural, political and legal features of the Chinese system did not allow it to develop a balanced criminal law mechanism for protecting a person from sexual assault regardless of his gender. Currently, in the criminal law of the People's Republic of China, there is no independent responsibility for violent acts.

Such actions, despite the high public danger, according to the current version of the law, can only be qualified as causing harm to health under Art. 234 of the Criminal Code of the People's Republic of China or as lewd acts under Art. 237 of the Criminal Code of the People's Republic of China, where the maximum penalty is two times less than the maximum punishment for rape. Of course, this problem will be solved in the foreseeable future. World globalization, liberalization of morality and other social processes taking place in China are likely to bring Chinese criminal legislation in this part to Western European models.

Calculations carried out by the Institute for Demography and Social Studies at the request of the United Nations Population Fund indicate that annually 1.1 million people live in the United Nations Population Fund. Ukrainian women face physical and sexual aggression in the family; 600 women die in Ukraine from domestic violence, but only 10% of the more than a million women who are subjected to violence decide to report it.

According to the National Centre for Victims of Crime, almost 33% of women (i.e. one in three) have experienced sexual violence at least once before reaching the age of majority. Similar statistics among men are no less shocking – more than 16% are victims of sexual violence (i.e. about one in six). Teenagers are most often raped, statistically one in four

girls and one in six boys can be sexually assaulted before they turn 18. In the United States, per 100 thous. women account for 36 cases of rape, in Japan – 12, in England – 3, and in Ukraine – 20.

Women subjected to domestic violence in Ukraine spend a total of up to \$190 million each year. (losses from loss of property, relocation and rental costs, losses from loss of work and earnings, legal and psychological consultations, medicines and medical services). About \$12 million. health care facilities and law enforcement agencies spend a year to overcome the results of domestic violence.

Summarizing the above, it can be concluded that the criminal legislation of Ukraine on crimes against sexual freedom and sexual integrity is singled out as a separate type of illegal encroachments. At the same time, domestic legislation, in comparison with the legislation of the European Union and the United States of America, establishes one of the least severe penalties for committing these crimes.

However, I would like to draw your attention to the fact that the number of officially registered criminal offenses is about 1.5 times higher than the number of persons convicted of them, and the real number of such offenses is much higher [10]. The main reasons for non-registration of the relevant offenses are the reluctance of publicity and the fear of revenge of the criminal [11]. For comparison: in Germany, where there are only 45% more inhabitants than in Ukraine, and whose residents, including children, traditionally report to the police all cases of crime known to them, in 2019 16,000 cases of sexual abuse against children were officially registered – about 40 times more than in Ukraine.

**Conclusions.** Summarizing foreign experience in this area, it is worth pointing out that measures to prevent sexual crimes are divided into general social, special criminological and individual.

At the general social level, it is extremely important to introduce moral and educational programs aimed at fostering people's respect for each other, at promoting the impossibility of violating the rights and freedoms of others.

Such measures include:

1) educational activities of state bodies and public organizations to raise the cultural level of the population.

2) measures to reorient the antisocial attitude, i.e. to help meet social and economic needs, to increase the sense of responsibility for one's actions and to foster respect for the sexual freedom and sexual integrity of other people

3) implementation in the state of socio-economic, cultural, educational and other measures that would contribute to the strengthening of the family as one of the main links of society, the solution of youth problems, the development and more complete satisfaction of the interests of the younger generation in the field of education, work, recreation, etc.;

4) activities that, first of all, raise the level of culture of the individual.

Prevention of sexual crimes as a direction of special criminological prevention involves:

1) sexual education of minors, which includes socio-psychological, pedagogical, medical and sexological aspects;

2) conducting special talks in schools, improving the victimological awareness of the population;

3) informing about the harmfulness of concealing the facts of sexual assaults, explaining the procedure for reporting them to law enforcement agencies.

4) investigative prophylaxis, which should be characterized by maximum correctness and effectiveness.

5) improve patrolling of parks, squares, forest plantations, etc.

6) bringing to people the methods and methods of protection and self-defense (availability of technical devices, rules of conduct in the dark, during leisure, etc.).

7) creation and operation of hotlines, centers for psychological, medical assistance and rehabilitation.

8) Providing assistance to real victims of rape is one of the strategic directions of crime prevention.

9) strengthening supervision over persons convicted of sexual offences who have been released from penal institutions after serving a sentence in the form of imprisonment.

Thus, the prevention of crimes against sexual freedom and sexual integrity of a person is a complex system that provides for the adoption of systemic measures of a non-repressive nature both in relation to criminals and victims of crimes of this group, as well as in influencing the determinants of sexual crime.

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