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**PSYCHOSOCIAL SUPPORT IN CRIMINAL PROCEEDINGS IN
UKRAINE AS CRISIS COMMUNICATION DURING MARTIAL LAW AND
THE POST-WAR PERIOD**

**APOYO PSICOSOCIAL EN EL PROCESO PENAL EN UCRANIA COMO
COMUNICACIÓN EN CRISIS DURANTE LA LEY MARCIAL Y EL PERÍODO
POSTERIOR A LA GUERRA**

**APOIO PSICOSSOCIAL NO PROCESSO PENAL NA UCRÂNIA COMO
COMUNICAÇÃO DE CRISE DURANTE A LEI MARCIAL E O PERÍODO
PÓS-GUERRA**

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Abstract

This article examines the necessity and legal feasibility of institutionalizing psychosocial support within the criminal procedure framework of Ukraine, particularly in the context of martial law and post-war recovery. Drawing on doctrinal legal analysis and comparative law, with special attention to the German model, the study highlights the acute psychological vulnerability of certain groups (children, persons with disabilities, war veterans, victims of war crimes) and their increased exposure to secondary victimization during criminal proceedings. The article identifies existing legislative gaps in the Ukrainian Criminal Procedure Code and emphasizes the lack of procedural mechanisms for the involvement of psychologists and facilitators. It proposes a comprehensive legal reform package, including the introduction of new procedural definitions, participant rights, and institutional roles for psychosocial facilitators. By conceptualizing psychosocial support as a form of crisis procedural communication, the study argues for its critical role in ensuring procedural fairness, dignity, and effective participation. The findings aim to inform national legislative efforts and promote

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alignment with international human rights standards, particularly those established under EU Directive 2012/29/EU. The article concludes with specific legislative recommendations and calls for the development of an integrated system of support services within the Ukrainian justice system.

Keywords: psychosocial support; criminal procedure; vulnerable participants; war trauma; procedural fairness; legal reform; Ukraine; human rights protection; crisis communication.

Resumen

Este artículo examina la necesidad y viabilidad jurídica de institucionalizar el apoyo psicosocial dentro del marco del proceso penal en Ucrania, particularmente en el contexto de la ley marcial y la recuperación posbélica. A partir de un análisis doctrinal jurídico y del derecho comparado, con especial atención al modelo alemán, el estudio destaca la aguda vulnerabilidad psicológica de ciertos grupos (niños, personas con discapacidad, veteranos de guerra, víctimas de crímenes de guerra) y su mayor exposición a la victimización secundaria durante los procedimientos penales. El artículo identifica lagunas legislativas existentes en el Código de Procedimiento Penal de Ucrania y subraya la falta de mecanismos procesales para la participación de psicólogos y facilitadores. Se propone un paquete integral de reformas legales, que incluye la introducción de nuevas definiciones procesales, derechos de los participantes y roles institucionales para los facilitadores psicosociales. Al conceptualizar el apoyo psicosocial como una forma de comunicación procesal en crisis, el estudio argumenta su papel fundamental para garantizar la equidad procesal, la dignidad y la participación efectiva. Los hallazgos pretenden informar los esfuerzos legislativos nacionales y promover la alineación con las normas internacionales de derechos humanos, en particular las establecidas en la Directiva 2012/29/UE de la UE. El artículo concluye con recomendaciones legislativas específicas y aboga por el desarrollo de un sistema integrado de servicios de apoyo dentro del sistema judicial ucraniano.

Palabras clave: apoyo psicosocial; proceso penal; participantes vulnerables; trauma de guerra; equidad procesal; reforma legal; Ucrania; protección de los derechos humanos; comunicación en crisis.

Resumo

Este artigo analisa a necessidade e a viabilidade jurídica de institucionalizar o apoio psicossocial no âmbito do processo penal da Ucrânia, particularmente no contexto da lei

marcial e da recuperação pós-guerra. Com base em uma análise doutrinária jurídica e do direito comparado, com especial atenção ao modelo alemão, o estudo destaca a vulnerabilidade psicológica aguda de certos grupos (crianças, pessoas com deficiência, veteranos de guerra, vítimas de crimes de guerra) e sua maior exposição à vitimização secundária durante os procedimentos penais. O artigo identifica lacunas legislativas existentes no Código de Processo Penal da Ucrânia e enfatiza a ausência de mecanismos processuais para a participação de psicólogos e facilitadores. Propõe-se um pacote abrangente de reformas legais, incluindo a introdução de novas definições processuais, direitos dos participantes e papéis institucionais para os facilitadores psicossociais. Ao conceituar o apoio psicossocial como uma forma de comunicação processual de crise, o estudo defende seu papel fundamental na garantia da equidade processual, da dignidade e da participação efetiva. As conclusões visam informar os esforços legislativos nacionais e promover a conformidade com os padrões internacionais de direitos humanos, especialmente os estabelecidos pela Diretiva 2012/29/UE da União Europeia. O artigo conclui com recomendações legislativas específicas e apela ao desenvolvimento de um sistema integrado de serviços de apoio no sistema judiciário ucraniano.

Palavras-chave: apoio psicossocial; processo penal; participantes vulneráveis; trauma de guerra; equidade processual; reforma legal; Ucrânia; proteção dos direitos humanos; comunicação de crise.

Resumen analítico

language	English	Spanish	Portuguese
Methodology	This study employs a doctrinal (normative) legal research methodology, focusing on the critical analysis and interpretation of the Criminal Procedure Code of Ukraine to identify gaps concerning psychosocial support for vulnerable participants. The research is grounded in an examination of Ukrainian legislation, particularly the lack of procedural mechanisms for involving psychologists and facilitators in criminal proceedings. Comparative legal analysis is utilized to	Este estudio emplea una metodología de investigación jurídica doctrinal (normativa), centrada en el análisis crítico y la interpretación del Código de Procedimiento Penal de Ucrania para identificar lagunas relativas al apoyo psicossocial a los participantes vulnerables. La investigación se fundamenta en un	Este estudo emprega uma metodologia de pesquisa jurídica doutrinal (normativa), com foco na análise crítica e interpretação do Código de Processo Penal da Ucrânia para identificar lacunas referentes ao apoio psicossocial a participantes vulneráveis. A pesquisa baseia-se no exame da

	<p>explore the German model of psychosocial support, specifically the PsychPbG Act of 2015 and Section 406g of the German Code of Criminal Procedure (StPO), which regulate psychosocial procedural accompaniment (psychosoziale Prozessbegleitung).</p>	<p>examen de la legislación ucraniana, en particular la ausencia de mecanismos procesales para la participación de psicólogos y facilitadores en los procedimientos penales. Se utiliza el análisis jurídico comparado para explorar el modelo alemán de apoyo psicosocial, específicamente la Ley PsychPbG de 2015 y el artículo 406g del Código de Procedimiento Penal alemán (StPO), que regulan el acompañamiento procesal psicosocial (psychosoziale Prozessbegleitung).</p>	<p>legislação ucraniana, particularmente a ausência de mecanismos processuais para o envolvimento de psicólogos e facilitadores nos procedimentos penais. A análise jurídica comparada é utilizada para explorar o modelo alemão de apoio psicossocial, especificamente a Lei PsychPbG de 2015 e a Seção 406g do Código de Processo Penal alemão (StPO), que regulamentam o acompanhamento processual psicossocial (psychosoziale Prozessbegleitung).</p>
<p>Main objective</p>	<p>Examine the necessity and legal feasibility of institutionalizing psychosocial support within the criminal procedure framework of Ukraine, particularly in the context of martial law and post-war recovery, and to propose a comprehensive legal reform package based on comparative analysis with the German model. The article aims to demonstrate that psychosocial support constitutes a form of crisis procedural communication essential for protecting vulnerable participants</p>	<p>Examinar la necesidad y viabilidad jurídica de institucionalizar el apoyo psicosocial en el marco del proceso penal ucraniano, particularmente en el contexto de la ley marcial y la recuperación posbélica, y proponer un paquete integral de reforma legislativa basado en el análisis comparado con el</p>	<p>Examinar a necessidade e a viabilidade jurídica de institucionalizar o apoio psicossocial no âmbito do processo penal ucraniano, particularmente no contexto da lei marcial e da recuperação pós-guerra, e propor um pacote abrangente de reforma legislativa baseado na análise comparativa com o</p>

	<p>from secondary victimization during criminal proceedings. Drawing on doctrinal legal analysis and EU standards (Directive 2012/29/EU),</p>	<p>modelo alemán. El artículo pretende demostrar que el apoyo psicosocial constituye una forma de comunicación procesal en crisis esencial para proteger a los participantes vulnerables de la victimización secundaria durante el procedimiento penal. Para ello se basa en el análisis jurídico dogmático y en las normas europeas (Directiva 2012/29/UE).</p>	<p>modelo alemão. O artigo visa demonstrar que o apoio psicossocial constitui uma forma de comunicação processual de crise essencial para proteger os participantes vulneráveis da vitimização secundária durante o procedimento penal. Baseia-se na análise jurídica doutrinal e nos padrões europeus (Diretiva 2012/29/UE).</p>
<p>Specific Objectives:</p>	<p>First, to identify and analyze legislative gaps in the current Criminal Procedure Code of Ukraine regarding the protection of vulnerable participants in criminal proceedings, particularly the lack of procedural mechanisms for engaging psychologists and facilitators outside the existing Pilot Project (which is limited to minors and investigative actions). Second, to examine the German model of psychosocial support in criminal proceedings, including the PsychPbG Act of 2015, the AGPsychPbG MV of 2017, and Section 406g of the StPO, in order to extract best practices applicable to Ukraine. Third, to conceptualize psychosocial support as a form of “crisis procedural communication”</p>	<p>Primero, identificar y analizar las lagunas legislativas en el actual Código de Procedimiento Penal de Ucrania en lo relativo a la protección de los participantes vulnerables en el proceso penal, especialmente la falta de mecanismos procesales para la participación de psicólogos y facilitadores fuera del proyecto piloto existente (limitado a menores y a actuaciones investigativas). Segundo, examinar el modelo alemán de</p>	<p>Primeiro, identificar e analisar as lacunas legislativas no atual Código de Processo Penal da Ucrânia quanto à proteção de participantes vulneráveis no processo penal, especialmente a falta de mecanismos processuais para o envolvimento de psicólogos e facilitadores fora do projeto-piloto existente (limitado a menores e a ações investigativas). Segundo, examinar o modelo alemão de apoio psicossocial no processo penal,</p>

	<p>that addresses the acute psychological vulnerabilities caused by war-related trauma (PTSD, anxiety, depressive disorders) and prevents secondary victimization during pre-trial and trial stages. Fourth, to formulate concrete legislative proposals for amending the CPC, including new definitions (psychosocial support, facilitator), granting the right to psychosocial support to suspects, accused, victims, and witnesses, and establishing a mechanism for engaging facilitators through regional free legal aid centers, along with the creation of specialized support services.</p>	<p>apoyo psicosocial en el proceso penal, incluida la Ley PsychPbG de 2015, la AGPsychPbG MV de 2017 y el artículo 406g del StPO, a fin de extraer buenas prácticas aplicables a Ucrania. Tercero, conceptualizar el apoyo psicosocial como una forma de "comunicación procesal en crisis" que aborda las vulnerabilidades psicológicas agudas derivadas del trauma bélico (TEPT, ansiedad, trastornos depresivos) y previene la victimización secundaria durante las fases de instrucción y juicio. Cuarto, formular propuestas legislativas concretas para modificar el CPC, incluyendo nuevas definiciones (apoyo psicosocial, facilitador), el reconocimiento del derecho al apoyo psicosocial a sospechosos, acusados, víctimas y testigos, y el establecimiento de un mecanismo</p>	<p>incluindo a Lei PsychPbG de 2015, a AGPsychPbG MV de 2017 e a Seção 406g do StPO, a fim de extrair boas práticas aplicáveis à Ucrânia. Terceiro, conceituar o apoio psicossocial como uma forma de "comunicação processual de crise" que aborda as vulnerabilidades psicológicas agudas causadas pelo trauma de guerra (TEPT, ansiedade, transtornos depressivos) e previne a vitimização secundária durante as fases de instrução e julgamento. Quarto, formular propostas legislativas concretas para alterar o CPC, incluindo novas definições (apoio psicossocial, facilitador), concessão do direito ao apoio psicossocial a suspeitos, acusados, vítimas e testemunhas, e estabelecimento de um mecanismo para envolvimento de facilitadores por</p>
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		para la participación de facilitadores a través de los centros regionales de asistencia jurídica gratuita, junto con la creación de servicios de apoyo especializados.	meio dos centros regionais de assistência jurídica gratuita, juntamente com a criação de serviços de apoio especializados.
Findings	First, the Criminal Procedure Code of Ukraine contains significant legislative gaps: no definition of psychosocial support, no procedural mechanism for engaging psychologists or facilitators, and no court authority to order free legal aid centers to provide such support. Second, the existing Pilot Project (since October 2023) is limited to investigative actions involving minors and does not cover adults, witnesses without procedural status, or court hearings. Third, the German model offers a transferable framework: the PsychPbG regulates psychosocial procedural accompaniment as non-legal, free, and needs-based support, with facilitators present during interrogations and main hearings under Section 406g StPO, while qualification requirements are established by federal state laws (e.g., AGPsychPbG MV). Fourth, psychosocial support should be conceptualized as “crisis procedural communication” because war-related trauma	Primero, el Código de Procedimiento Penal de Ucrania presenta lagunas legislativas significativas: no existe definición de apoyo psicosocial, ni mecanismo procesal para la participación de psicólogos o facilitadores, ni facultad del tribunal para ordenar a los centros de asistencia jurídica gratuita que proporcionen dicho apoyo. Segundo, el proyecto piloto existente (desde octubre de 2023) se limita a actuaciones investigativas con menores y no cubre a adultos, testigos sin estatus procesal ni audiencias judiciales. Tercero, el modelo alemán ofrece un marco transferible: la PsychPbG	Primeiro, o Código de Processo Penal da Ucrânia contém lacunas legislativas significativas: não há definição de apoio psicossocial, nem mecanismo processual para envolver psicólogos ou facilitadores, nem autoridade judicial para ordenar que os centros de assistência jurídica gratuita forneçam tal apoio. Segundo, o projeto-piloto existente (desde outubro de 2023) limita-se a ações investigativas envolvendo menores e não abrange adultos, testemunhas sem status processual ou audiências judiciais. Terceiro, o modelo alemão oferece um quadro transferível: a Lei PsychPbG regulamenta o acompanhamento processual psicossocial como

	<p>(projected to affect 40-50% of Ukraine's population) turns ordinary criminal proceedings into potentially re-traumatizing events. Fifth, legislative reform requires the adoption of two laws ("On Psychosocial Support in Criminal Proceedings" and amendments to the CPC) introducing new articles 74-1, 74-2, and 74-3, granting the right to psychosocial support to seven vulnerable categories (minors, incapacitated persons, elderly, disabled, mentally disordered, war veterans, victims of war crimes), and mandating investigator/prosecutor/court to ensure facilitator participation via free legal aid centers.</p>	<p>regula el acompañamiento procesal psicosocial como un apoyo no jurídico, gratuito y basado en las necesidades, con facilitadores presentes durante los interrogatorios y las vistas principales conforme al artículo 406g del StPO, mientras que los requisitos de cualificación se establecen mediante leyes estatales federales (p. ej., AGPsychPbG MV). Cuarto, el apoyo psicosocial debe conceptualizarse como "comunicación procesal en crisis" porque el trauma relacionado con la guerra (que se prevé afectará al 40-50 % de la población ucraniana) convierte los procedimientos penales ordinarios en eventos potencialmente revictimizantes. Quinto, la reforma legislativa requiere la adopción de dos leyes ("Sobre el apoyo psicosocial en el proceso penal" y</p>	<p>um apoio não jurídico, gratuito e baseado nas necessidades, com facilitadores presentes durante interrogatórios e audiências principais nos termos da Seção 406g do StPO, enquanto os requisitos de qualificação são estabelecidos por leis estaduais federais (ex.: AGPsychPbG MV). Quarto, o apoio psicossocial deve ser conceituado como "comunicação processual de crise" porque o trauma relacionado à guerra (projetado para afetar 40-50% da população ucraniana) transforma procedimentos penais comuns em eventos potencialmente revitimizantes. Quinto, a reforma legislativa exige a adoção de duas leis ("Sobre o Apoio Psicossocial no Processo Penal" e alterações ao CPC) que introduzam os novos artigos 74-1, 74-2 e 74-3, concedam o direito ao apoio psicossocial a sete</p>
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		<p>modificaciones al CPC) que introduzcan los nuevos artículos 74-1, 74-2 y 74-3, reconozcan el derecho al apoyo psicosocial a siete categorías vulnerables (menores, personas incapacitadas, ancianos, discapacitados, personas con trastornos mentales, veteranos de guerra, víctimas de crímenes de guerra) y obliguen al investigador, fiscal y tribunal a garantizar la participación del facilitador a través de los centros de asistencia jurídica gratuita.</p>	<p>categorías vulneráveis (menores, pessoas incapacitadas, idosos, pessoas com deficiência, pessoas com transtornos mentais, veteranos de guerra, vítimas de crimes de guerra) e obriguem o investigador, o promotor e o tribunal a garantir a participação do facilitador por meio dos centros de assistência jurídica gratuita.</p>
<p>Cross-cutting Question:</p>	<p>How can psychosocial support be institutionalized as a legally recognized form of crisis procedural communication within the criminal procedure of Ukraine to protect vulnerable participants (including children, war veterans, victims of war crimes, and persons with disabilities) from secondary victimization during martial law and the post-war period, in alignment with EU Directive 2012/29/EU and drawing on the German model of psychosocial procedural accompaniment (PsychPbG, StPO §406g)?</p>	<p>¿Cómo puede institucionalizarse el apoyo psicosocial como una forma legalmente reconocida de comunicación procesal en crisis dentro del procedimiento penal ucraniano para proteger a los participantes vulnerables (incluidos niños, veteranos de guerra, víctimas de crímenes de guerra y personas con</p>	<p>Como o apoio psicossocial pode ser institucionalizado como uma forma legalmente reconhecida de comunicação processual de crise no processo penal ucraniano para proteger participantes vulneráveis (incluindo crianças, veteranos de guerra, vítimas de crimes de guerra e pessoas com deficiência)</p>

		discapacidad) de la victimización secundaria durante la ley marcial y el período posbélico, en consonancia con la Directiva 2012/29/UE y a partir del modelo alemán de acompañamiento procesal psicossocial (PsychPbG, StPO §406g)?	da vitimização secundária durante a lei marcial e o período pós-guerra, em conformidade com a Diretiva 2012/29/UE e com base no modelo alemão de acompanhamento processual psicossocial (PsychPbG, StPO §406g)?
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1. Introduction

The conduct of criminal proceedings in Ukraine under martial law, as well as the necessity to already contemplate post-war recovery in the context of safeguarding human rights and improving the provisions of sectoral legislation for this purpose, enhances the relevance of addressing the issue of psychosocial support for participants in criminal proceedings. This issue becomes especially relevant in light of the real need to implement a broad spectrum of support measures. In other words, the development of an institution of psychosocial support for participants in criminal proceedings appears timely and necessary, primarily for particularly vulnerable groups such as children, minors, persons with disabilities, individuals with mental disorders or physical impairments, persons lacking or with limited legal capacity, war veterans and family members of deceased (fallen) war veterans, family members of deceased (fallen) defenders of Ukraine, and victims of war and other international crimes.

According to expert assessments, in the post-war period, 40-50% of Ukraine's population will require psychological support of varying degrees of intensity: 1.8 million among military personnel and veterans, 7 million among the elderly, and approximately 4 million among children and adolescents (Ukrinform.ua, 2023). Given that participation in criminal proceedings may cause secondary victimization of vulnerable participants, and considering that the ongoing military conflict, air raid alerts, and their consequences are persistent daily stressors for Ukrainian society as a whole, the institution of psychosocial support within criminal procedure constitutes the necessary and professional form of crisis communication that must be developed in Ukraine both during martial law and in the post-war period.

Therefore, the instances and procedure for providing psychosocial support must be clearly defined and regulated by law. The introduction of coordinated amendments to the current Criminal Procedure Code of Ukraine regarding the definition of rights of vulnerable participants in criminal proceedings and their proper notification of such rights, as well as the regulation of mechanisms for exercising these rights must be legislatively enshrined, function effectively in practice, and reflect meaningful state support.

2. Methodology

This study employs a doctrinal (normative) legal research methodology, primarily focusing on the critical analysis and interpretation of legal norms governing criminal procedure and the emerging need for integrating psychosocial support mechanisms in Ukrainian criminal justice. The research is grounded in an in-depth examination of the current Criminal Procedure Code of Ukraine, identifying legal gaps and inconsistencies related to the protection of vulnerable participants in criminal proceedings, particularly in the context of martial law and anticipated post-war recovery.

The research also utilizes comparative legal analysis to explore and evaluate best practices in foreign jurisdictions, particularly the German model of psychosocial support within criminal proceedings (e.g., as exemplified by initiatives under Section 406g of the German Code of Criminal Procedure). These comparative insights are used to inform the development of context-sensitive legislative proposals for Ukraine.

Additionally, the study applies elements of legal hermeneutics to interpret existing norms in light of constitutional principles, international human rights obligations, and the practical needs of participants in the justice system. Special attention is given to the categories of vulnerable persons, including minors, persons with disabilities, war victims, and witnesses without formal procedural status.

The methodological approach is further informed by policy analysis, aimed at identifying feasible legislative and institutional reforms. The proposals outlined in the study are formulated with a view to fostering interdisciplinary integration between criminal justice and social support systems, taking into account both legal and psychosocial dimensions of procedural fairness and access to justice.

3. Presentation of the Main Material

3.1. Need for Psychosocial Support in Criminal Proceedings

The military conflict on the territory of Ukraine has created unprecedented challenges in the field of mental health and has generated an urgent need for the development of effective mechanisms of psychosocial assistance. In particular, under conditions of ongoing conflict, the development and implementation of comprehensive psychosocial support programs that take into account the specifics of war-related trauma and ensure the effective participation of vulnerable individuals in criminal proceedings has become particularly relevant within the sphere of criminal justice. The significance of this issue is emphasized by the growing number of individuals suffering from post-traumatic stress disorder (PTSD), anxiety and depressive disorders, and other psychological consequences of military events.

Of particular concern is the fact that the traumatic experience of military conflict affects not only the psychological condition of direct participants in hostilities, but also that of civilians who were located in conflict zones, were forced to leave their homes as internally displaced persons, lost relatives and loved ones, or suffered material losses and moral harm (Kuzikova et al., 2024).

It is reasonable to agree that military events exert a powerful psychotraumatic influence on the psychological state of both adults and children due to a combination of destructive factors. These include threats to life and health, disruption of a basic sense of safety, destabilization of trust in the surrounding world, and the transformation of personal value systems and existential orientations. All the above lead to the depletion of psychophysiological resources. Additional stressors include the uncertainty of the extreme situation, the lack of control over it, and the difficulty of making decisions concerning the preservation of one's own life and health (Tarasova and Rodchenko, 2024).

The academic literature notes that PTSD in the context of war-related trauma constitutes a complex psychological breakdown, encompassing cognitive, emotional, behavioral, and somatic levels of functioning (Vasylyev and Zubovskyi, 2016). The clinical manifestations of PTSD in veterans and civilians following traumatic events in combat zones are thoroughly examined in the work of Starkov (2021). Andrushchenko (2022) draws particular attention to psychosomatic disorders, studying the processes of corrective and rehabilitative interventions. The key areas of such interventions include: restoration of social functioning and adaptive capacity in family and social settings; development of psychological resilience and coping strategies to overcome life

difficulties; prevention of chronic forms of mental disorders; and prevention of psychological disability (Asch et al., 2021; Abbasi, 2022).

The methodology of psychotherapeutic support must take into account a number of critical factors: cultural beliefs, language-specific features of communication, existing social support networks, religious and spiritual orientations, and the individual psychological needs and preferences of the affected person (Zhuravlyova, 2015). Scholars also emphasize that the specific manifestation of PTSD depends on a range of individual factors, such as gender, age, personality traits, life experience, personal interests, and the intensity of traumatic exposure (Tarasova and Rodchenko, 2024).

In view of the above, we argue that participation in criminal proceedings in any procedural capacity (victim, witness, suspect, accused, or legal representative) may become an additional psychological trauma for a vulnerable participant and, in some cases, may lead to the development of psychosomatic disorders. For instance, the results of a study by Horesh et al. (2011) involving 675 male veterans of the Lebanon War, who were assessed at three time points: 1) one year after the war (1983), 2) two years after (1984), 3) twenty years after (2002). The investigation demonstrated that the greater the number of stressful events experienced, the higher the likelihood of delayed-onset PTSD. In other words, delayed PTSD may be triggered by stressors and crisis situations that occur long after the original traumatic event. Furthermore, delayed PTSD has been identified among survivors of concentration camps, survivors of the atomic bombings in Japan, and combat veterans of World War II and the Vietnam War. Research on these populations has shown that, in many cases, the consequences of trauma were not immediately evident. Many individuals who had survived such catastrophic events appeared to manage their daily lives well, yet years later developed symptoms resembling PTSD (Kuzikova et al., 2024).

It is therefore not surprising that the need to provide psychosocial support to the population has recently become a widely discussed and acknowledged priority in Ukraine. On October 3, 2023, the Cabinet of Ministers of Ukraine adopted a Resolution on the implementation of a pilot project introducing a comprehensive psychosocial service aimed at building resilience, which is part of the Mental Health Care Development Concept until 2030. In accordance with Order No. 2118 of the Ministry of Health of Ukraine dated December 13, 2023, "On the Organization of Psychosocial Support Services for the Population," the Procedure for Providing Psychosocial Assistance and Psychosocial Services in Mental Health Issues was approved. This includes measures for

suicide prevention and the psychosocial component of rehabilitation for war veterans and other population groups, as well as a list of psychosocial services.

According to the abovementioned acts, psychosocial assistance is defined as an activity carried out individually or by a multidisciplinary team of psychosocial support providers. It involves delivering psychosocial services aimed at maintaining a person's mental health, preventing the escalation of psychological and psychosocial problems and mental disorders into chronic conditions, restoring and supporting individual functioning in the physical, emotional, intellectual, social, and spiritual domains, and enhancing one's engagement in social life. It also includes the prevention and alleviation of physical, psychological, and spiritual suffering during the provision of palliative care, support for psychosocial adaptation to life changes, understanding of personal experiences, the expansion of self-awareness and self-actualization opportunities, and assistance in resolving psychological and psychosocial problems caused by difficult life circumstances, crisis situations, emergencies, and/or disasters, including military actions.

Thus, psychosocial assistance is directed at resolving urgent or specific psychological problems experienced by the service recipient, arising, in particular, from psychological trauma in extreme situations (e.g., participation in combat, captivity, presence in occupied territories), emergencies (e.g., fires, building collapses, injuries sustained in the course of professional duties), or crisis situations (e.g., divorce, death of loved ones). It also seeks to prevent or alleviate the physical and psychological suffering of patients requiring palliative care and of their family members.

3.2. Legislative and Institutional Gaps

As of October 2, 2023, Ukraine has been implementing a Pilot Project involving the engagement of psychologists in criminal proceedings involving minors and juveniles, through regional and interregional centers for the provision of free legal aid (FLA). The demand for the involvement of psychologists through the FLA system is increasing – during 2024, the number of requests for psychologist involvement rose significantly (Legalaid.gov.ua, 2024). Since the launch of this Pilot Project in 2023, the majority of investigative (detective) and procedural actions involving children (whether as witnesses in criminal proceedings, victims of criminal offenses, suspects, accused persons, or holding any other status) are carried out in the presence of a psychologist.

At the same time, one of the challenges identified within the framework of the Pilot Project is the engagement of psychologists exclusively in investigative (detective) and

procedural actions as provided under Articles 226, 227, 228, 354, and 491 of the Criminal Procedure Code of Ukraine. It is rightly emphasized that the Criminal Procedure Code lacks a defined procedure or algorithm for the involvement of psychologists by the parties to criminal proceedings and/or by the court, either in general or specifically in relation to investigative or procedural actions. Moreover, the Code does not provide that the court may adopt a procedural decision requiring the FLA centers to engage a psychologist or ensure their participation in a procedural action or court hearing (including the obligation to ensure a psychologist's physical presence at the court session).

Furthermore, the centers for free legal aid are not authorized under the Law of Ukraine “On Free Legal Aid” or the Regulation on FLA Centers (approved by Order of the Ministry of Justice of Ukraine No. 967/5 of July 2, 2012) to ensure the engagement of psychologists in criminal proceedings or their attendance at court hearings in execution of judicial decisions (Legalaid.gov.ua, 2024). These and other issues therefore require careful attention and further research with the aim of introducing necessary amendments and additions to the current sectoral legislation of Ukraine.

It is also necessary to increase the number of psychologists listed in the National Registry of Psychologists, which highlights the need for active informational support of the Project across all regions of Ukraine.

We are convinced that the issue of psychosocial support in criminal proceedings in Ukraine is complex and multidimensional. Psychosocial assistance and support are already necessary for certain vulnerable participants in criminal proceedings and will remain relevant in the future. Psychosocial support in the context of criminal procedure should be understood as the creation of better conditions for all participants (regardless of procedural status) including victims, witnesses, suspects, and the accused, particularly those unable to independently cope with the demands of the process in psychological, social, or even practical everyday terms.

Such support must be non-legal, free of charge, and provided urgently. It should be individually adapted to the specific needs of the participant, offering qualified assistance to prevent or minimize secondary victimization of victims and witnesses, professional communication and psychosocial support for suspects or the accused.

This approach is, to a certain extent, confirmed by the Concept for the Implementation of the Support Mechanism for Victims and Witnesses of War and Other International Crimes, approved by the Order of the Prosecutor General dated April 11, 2023. According to this Concept, a Coordination Center for the Support of Victims and

Witnesses was established as a separate, independent structural unit within the Office of the Prosecutor General. Among the services provided to victims and witnesses, the Concept emphasizes the need to inform them about available support from the coordinator, as well as to refer them to appropriate psychological, medical, and social services, and to provide physical accompaniment in court when necessary (Prosecutor General of Ukraine, 2023).

Nevertheless, it should be noted that given the ongoing military conflict in Ukraine, the organization of psychosocial support for vulnerable participants in criminal proceedings should not be limited solely to war and other international crimes, nor should it be confined to victims and witnesses alone.

Furthermore, in light of Ukraine's application for membership in the European Union on February 28, 2022, it is important to underscore that, according to Directive 2012/29/EU, Member States must ensure that victims have access, free of charge and in accordance with their needs, to confidential victim support services. These services must operate in the interest of victims before, during, and for an appropriate time after criminal proceedings. Family members must also have access to victim support services, based on their needs and the degree of harm suffered as a result of a criminal offense committed against the victim (Article 8 of the Directive) (European Parliament and the Council, 2012).

Victim support services must, at a minimum, provide the following:

- (a) information, advice, and support relating to victims' rights, including access to national compensation schemes for injuries caused by criminal offenses and their role in criminal proceedings, including preparation for participation in court hearings;
- (b) information about or direct referral to any relevant specialized support services;
- (c), (d), (e) emotional and, where possible, psychological support; advice on financial and practical issues arising from the crime; and, where not provided by other public or private services, advice on risk and prevention of secondary and repeat victimization, intimidation, and retaliation (Article 9 of the Directive).

Special attention should be paid to the provision in Article 8 that “victim support services and any specialized support services may be established as public or non-governmental organizations and may be organized on a professional or voluntary basis. Member States shall ensure that access to any victim support services is not dependent on the victim making a formal complaint regarding the criminal offense to a competent authority.” (European Parliament and the Council, 2012)

Accordingly, we consider the creation of specialized support services that function autonomously (while cooperating with competent authorities and other organizations, including NGOs) to be a more justified and sustainable approach. Relying solely on the decision of an investigator or prosecutor to involve a coordinator does not appear to constitute a sufficiently effective mechanism.

In our research on the protection of victims' rights in Ukraine, we have already proposed the establishment of specialized confidential victim support services within the structure of the Coordination Center for the Provision of Legal Aid and its regional branches under the Ministry of Justice of Ukraine. These services would provide informational, legal, psychological, and other forms of assistance. What is needed is an effective mechanism for safeguarding the rights and freedoms of victims during criminal proceedings (one that does not pose a threat to their health and well-being) as well as measures to restore the mental health of victims of criminal offenses. This includes the creation of confidential support services for victims and their family members, tailored to their specific needs and the extent of harm caused by the offense, providing free psychological, medical, social-rehabilitation, legal-consultative, and mediation services — in other words, targeted and comprehensive rehabilitative support immediately after the commission of the crime (Rakipova, 2023b).

However, it is evident that the need for such assistance should not be limited exclusively to victims in criminal proceedings.

We have also developed a scientific and applied concept of human rights communication, which includes a definition of criminal procedural communication in the context of the exchange of legally significant information among participants in criminal proceedings and the court (Rakipova, 2023a). This encompasses the provision (exchange) of information, joint participation in procedural actions, and mutual perception of one another, all carried out within legally prescribed procedural forms.

We are convinced that psychosocial support in criminal proceedings should be studied as a specific form of criminal procedural communication, as it constitutes a form of crisis communication that has become inseparable from criminal proceedings in the context of martial law in Ukraine. Recognizing this, the issue must not be silenced but rather openly studied and addressed with concrete solutions.

We agree with the definition that “a crisis is a specific, unexpected, or extraordinary event or series of events that creates a high level of uncertainty and poses a threat or perceived threat to high-priority human goals – a turning point for the worse” (Seeger,

2006); and that “a crisis is a kind of response to a situation requiring a person to change their lifestyle, way of thinking, attitude toward themselves and the world, and to confront fundamental existential questions” (Kuzikova et al., 2024).

In line with the perspective of Kievik et al. (2020), professional crisis communication should be viewed as an activity aimed at preventing or mitigating the negative consequences of a crisis, including the assessment of the situation and the selection of appropriate courses of action.

Accordingly, in the context of conducting criminal proceedings during martial law and in the post-war period, psychosocial support for vulnerable participants in criminal proceedings represents crisis procedural communication designed to professionally ensure the proper and effective participation of vulnerable suspects, accused persons, their legal representatives, victims and their legal representatives, and witnesses. This support must consider their individual needs and provide appropriate psychosocial assistance aimed at preventing secondary or repeated victimization, psychological disability, and social maladaptation.

3.3. Comparative Legal Perspective: The German Model

In our view, Germany’s experience in organizing the provision of psychosocial support in criminal proceedings may be of significant interest and value for Ukraine. In the Federal Republic of Germany (FRG), psychosocial assistance is recognized as a key component that complements the legal representation of victims within criminal proceedings. Since 2017, in certain legally defined cases, a nationwide system of professional support for victims throughout the entirety of criminal proceedings has been introduced, referred to as psychosocial support or psychosocial procedural accompaniment.

The Act on Psychosocial Support in Criminal Proceedings of December 21, 2015 (PsychPbG) regulates the principles of such accompaniment, defining it as the primary form of non-legal support available to victims before, during, and after the main hearing in criminal cases. The act also establishes qualification requirements for psychosocial facilitators. Furthermore, the Act Implementing the Law on Psychosocial Support in Criminal Proceedings (Process Support Act – AGPsychPbG MV) of June 7, 2017, which enacted the PsychPbG in the federal state of Mecklenburg-Vorpommern, governs the recognition, training, and ongoing education of psychosocial support facilitators. For example, it was in Mecklenburg-Vorpommern, at the initiative of the Ministry of Justice,

that Germany's first pilot project for psychosocial support of children, youth, and adolescents was launched back in 2010. As part of the scientific monitoring of this model project, which lasted for two years, a total of 52 process monitoring sessions were documented and evaluated (involving 34 girls and 18 boys). In all cases, the children were accompanied by caregivers – mostly mothers, who also received support; in many instances, the stress level was higher for the mothers than for the affected children. Surveys conducted among professionals in the courts, prosecution offices, police, and legal professions yielded very positive results, which contributed to the subsequent legislative implementation of psychosocial support in the Federal Republic of Germany.

Additionally, under §406g of the German Code of Criminal Procedure (StPO), which provides for psychosocial process accompaniment, a psychosocial support person (process facilitator) may be present during the victim's interrogation as well as during the main hearing. According to §397a (1) Nos. 1–3 of the StPO, the court may appoint a psychosocial guardian for the victim upon request. However, it is important to note that the psychosocial support person does not have the right to pose questions or file complaints during proceedings (Meyer-Goßner et al., 2024).

During the author's stay and professional engagement in Germany, it was established that the scope of psychosocial support in judicial proceedings is flexibly developed based on the specific needs and circumstances of the victim. It typically includes: an explanation of procedural aspects; care and support before, during, and after questioning; accompaniment to police, court, expert meetings, or with legal counsel; collaboration with courts, prosecutors, and legal representatives in the victim's best interests; communication on the emotional experience of a child following interrogation; and continued support in the event of appeals. For instance, in cases where the victim has a tense relationship with the accused (especially when the parties are close relatives or acquaintances) such assistance becomes particularly necessary and is determined by those circumstances.

Psychosocial support is primarily directed at children, minors, and other victims of violent crimes. Special protection needs also apply to individuals with disabilities or mental health disorders. Where a court grants the right to psychosocial support in proceedings, the victim also becomes entitled to free legal assistance.

In summary, psychosocial support in judicial proceedings is characterized by its non-legal nature, and thus complements the legally oriented representation of victims. Its core objective is to prevent and reduce secondary victimization by means of qualified

assistance, the provision of information, and emotional support within the framework of criminal proceedings. As such, it plays a crucial role in enhancing victims' ability to testify effectively (Meyer-Goßner et al., 2024).

The informational component is of critical importance as the participant in criminal proceedings must be aware of and understand both their rights and the legal mechanisms for exercising those rights, and must receive explanations, clarifications, and essential informational support. Communication with a participant in criminal proceedings, whether during the process or prior to its initiation, is primarily about information that can and should be provided to help, support, and protect them.

For example, on June 7, 2024, psychological-procedural consultants from the District Court of Osnabrück held an informational event titled "What lies behind Article 406g of the Code of Criminal Procedure? Psychosocial Process Support in Osnabrück Presents Itself." During the event, a key tool of psychosocial support was presented in a practical and in-depth manner, clarifying that this is a particularly intensive form of support before, during, and after criminal proceedings. It was explained, among other things, that counseling takes place in support offices, online, or through home visits or consultations in neutral locations; during joint discussions, the participant's specific support needs are identified; and the offer of psychosocial process support is generally available to all victims of crimes as well as their relatives (Opferhilfe.niedersachsen.de, 2025). This provides an opportunity to receive the necessary assistance (including non-bureaucratic, immediate, professional support, including financial aid) at any stage of the criminal process, before a complaint is filed or even after the main hearing.

Thus, psychosocial process support is increasingly becoming a key topic and practice in discussions surrounding protection, representation, and communication in criminal proceedings. Its relevance in Ukraine today is, in our view, undeniable, necessary, and promising. Just as it is the responsibility of the state to hold individuals accountable for committed criminal offenses, the protection of the right to psychosocial assistance for vulnerable participants in criminal proceedings should also be viewed as a duty of the state.

It is clear that the conduct of criminal proceedings under martial law conditions only reinforces the urgency and importance of researching psychosocial process support based on the best European practices (Rakipova, 2024). It is also essential to carry out efforts to inform individuals about their right to psychosocial assistance, and to implement mechanisms that enable vulnerable participants in criminal proceedings (or

direct victims (or witnesses) of a criminal offense without formal procedural status) to feel as comfortable and free as possible when seeking immediate and necessary assistance, even prior to the initiation of criminal proceedings.

3.4. Legislative Proposals and Recommendations

We conclude that the conduct of criminal proceedings in Ukraine under martial law, combined with the urgent need to initiate discussions on post-war recovery in the context of safeguarding the rights of participants in criminal proceedings and improving sectoral legislation, significantly enhances the relevance of implementing a psychosocial support institution within the criminal process. This necessitates the realization of a broad spectrum of support measures, the development, testing, and implementation of appropriate procedural mechanisms, as well as the adoption of coordinated amendments to the current Criminal Procedure Code of Ukraine (CPC).

To this end, it would be appropriate to develop and adopt the Laws of Ukraine “On Psychosocial Support in Criminal Proceedings” and “On Amendments to Certain Legislative Acts Regarding Psychosocial Support in Criminal Proceedings.” In particular, we propose the following:

- Amend Article 3 of the CPC to define *psychosocial support* as a procedure for the exercise of a participant's right to assistance from a *facilitator of the process*, in legally defined cases, initiated by the investigator, inquirer, prosecutor, investigating judge, court, or upon a motion by the participant in need of such assistance, formalized by a procedural ruling or court order;

- Amend Article 3 of the CPC to define the *facilitator of the process* as a natural person (psychologist, social worker) engaged in criminal proceedings to provide psychosocial support during pre-trial and trial stages under conditions defined by the CPC;

- Amend paragraphs 3 and 4 of Article 42 of the CPC, by adding paragraphs 19 and 9, respectively, to provide the *suspect and the accused* with the right to psychosocial support in cases prescribed by the CPC;

- Amend paragraph 1 of Article 56 of the CPC, by adding subparagraph 13-1, to grant *victims* the right to psychosocial support in applicable cases;

- Amend paragraph 1 of Article 66 of the CPC, by adding subparagraph 10, to grant *witnesses* the right to psychosocial support where appropriate;

- Introduce a new Article 74-1 of the CPC, entitled “Psychosocial Support for Participants in Criminal Proceedings,” which should:

- Define the categories of participants entitled to such support;
- Establish that the suspect, accused, their legal representatives, the victim and their legal representative, as well as witnesses, have the right to psychosocial support in criminal proceedings in legally determined cases;

- Identify specific groups eligible for such support, including: minors, legally incapacitated or partially incapacitated persons, elderly persons (over 60 years of age), persons with disabilities (Groups I and II), persons with physical impairments (e.g., blindness, deafness, muteness), individuals with mental disorders or in severe psychological distress, war veterans and their family members, families of deceased (or fallen) war veterans, families of deceased (or fallen) defenders of Ukraine, and victims of war crimes or other international crimes;

- Introduce a new Article 74-2 of the CPC, entitled “Facilitator,” to formally recognize the facilitator as a participant in criminal proceedings and to define their rights and obligations;

- Introduce a new Article 74-3 of the CPC, entitled “Engagement of a Facilitator for the Provision of Psychosocial Support,” which would:

- Mandate that investigators, inquirers, prosecutors, investigating judges, and courts ensure the participation of a facilitator in criminal proceedings if:

1. such participation is mandatory under Article 74-1 of the CPC;
2. a motion for the facilitator’s involvement is submitted by a participant;

- Establish that, in such cases, the investigator, inquirer, or prosecutor shall issue a procedural ruling, or the investigating judge or court shall issue an order assigning a facilitator through the regional center for free legal aid, including time and location details for participation in the proceedings.

An equally critical task (without which none of the above legislative changes can succeed) is the establishment of specialized support services for particularly vulnerable participants in criminal proceedings under the auspices of regional centers for free legal aid. This requires the professional training and structured deployment of facilitators, as well as the development of a network of civil society and non-governmental organizations capable of providing professional or volunteer-based assistance. In certain cases, this support may also be extended to individuals without procedural status, but who

nonetheless require psychosocial assistance, particularly before the initiation of formal criminal proceedings, in the context of crisis communication and early intervention.

4. Conclusions

The above proposals for amending the current criminal procedure legislation of Ukraine to regulate the institution of psychosocial support, in our view, could enable vulnerable participants in criminal proceedings to exercise their right to psychosocial assistance effectively. At the same time, this issue, one to which we hope to draw the maximum attention of both scholars and practitioners, requires further in-depth research and development. The proposed changes to the Criminal Procedure Code of Ukraine must be harmonized with other legal acts, while the Law of Ukraine “On Psychosocial Support in Criminal Proceedings” must be carefully developed, thoroughly discussed, and ultimately adopted.

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