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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*

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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.

Existing legislative gaps in the Ukrainian Criminal Procedure Code are identified, with emphasis on 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 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; War trauma; 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.

También 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; trauma de guerra; protección de los derechos humanos; comunicación en crisis.

Introduction

The conduct of criminal proceedings in Ukraine under martial law, together with the need to anticipate post-war recovery in the context of safeguarding human rights and improving the provisions of sectoral legislation, underscores the relevance of addressing 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 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, between 40% and 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.

Methodology

This study adopts a doctrinal (normative) legal research methodology, primarily focusing on the critical analysis and interpretation of norms governing criminal

procedure and addressing the emerging need to integrate psychosocial support mechanisms into the 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 study also utilizes comparative legal analysis to explore and evaluate best practices in foreign jurisdictions. Germany was selected as the primary comparative jurisdiction due to its well-developed and legislatively formalized system of psychosocial support in criminal proceedings, its alignment with European Union victim protection standards, and the functional relevance of its procedural safeguards for vulnerable participants. The comparative analysis is conducted in a functional and contextual manner, focusing on the underlying legal principles, institutional arrangements and procedural mechanisms rather than on the mechanical transplantation of foreign norms. The purpose of this comparison is to identify adaptable legislative models that may inform the development of Ukraine's own psychosocial support framework, taking into account national legal traditions and institutional capacities.

Additionally, the research incorporates 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 vulnerable groups, including minors, persons with disabilities, war victims and witnesses lacking formal procedural status. Hermeneutic analysis allows for an integrated reading of criminal procedure law as a system aimed not only at procedural efficiency but also at the protection of human dignity and mental well-being.

Insights from psychology and crisis communication are incorporated exclusively at the normative and conceptual level. Psychological knowledge is used to substantiate the need for procedural safeguards and to inform the design of legal mechanisms for psychosocial support, rather than to provide empirical evidence or clinical assessments. The study does not rely on original psychological research, interviews, or case studies, but instead draws on established psychological concepts as interpretative tools to support legal reasoning and legislative proposals.

The methodological framework 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.

For the purposes of this research, key terms are interpreted in an operational legal sense. *Vulnerable persons* are understood as participants in criminal proceedings who, due to age, disability, mental health conditions, war-related trauma or social dependency, face an increased risk of secondary victimization and reduced capacity to effectively exercise procedural rights. *Psychosocial support* refers to non-legal, professionally provided assistance aimed at emotional stabilization, procedural orientation and informational support before, during, and after criminal proceedings. *Crisis communication* is understood as structured, supportive interaction conducted by qualified specialists in situations of heightened psychological stress, including those arising from armed conflict or participation in criminal proceedings under martial law.

Finally, the study explicitly acknowledges its methodological limitations. As a doctrinal legal inquiry, it does not include empirical evaluation of existing support practices, nor does it assess the psychological effectiveness of specific interventions. These aspects fall outside the scope of the present research and constitute relevant directions for future interdisciplinary and empirical studies.

Need for psychosocial support in criminal proceedings

The military conflict on the territory of Ukraine has generated unprecedented challenges in the field of mental health and has created an urgent need for the development of effective psychosocial assistance mechanisms. Under conditions of ongoing conflict, the development and implementation of comprehensive psychosocial support programs that consider the specifics of war-related trauma and ensure the effective participation of vulnerable individuals in criminal proceedings have become particularly relevant within the sphere of criminal justice. This need is further 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 impact of armed conflict extends beyond direct participants in hostilities. It also affects civilians who lived 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). Additional stressors include the uncertainty inherent

in extreme situations, the lack of control over it, and the difficulty of making decisions concerning the preservation of one's own life and health (Tarasova & Rodchenko, 2024).

Academic literature notes that PTSD in the context of war-related trauma constitutes a complex psychological disturbance, encompassing cognitive, emotional, behavioral and somatic dimensions of functioning (Vasylyev and Zubovskyi, 2016). The clinical manifestations of PTSD among 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, focusing on corrective and rehabilitative interventions. Key areas of such interventions include: the restoration of social functioning and adaptive capacity in family and social settings; the development of psychological resilience and coping strategies to overcome life difficulties; the prevention of chronic forms of mental disorders; and the 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 & Rodchenko, 2024).

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In view of the above, we argue that participation in criminal proceedings in any procedural capacity (victim, witness, suspect, accused, or legal representative) may constitute 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 assessed at three time points: 1) one year after the war (1983), 2) two years after the war (1984), 3) twenty years after the war (2002). The findings demonstrated that the greater the number of stressful events experienced, the higher the likelihood of delayed-onset PTSD.

In other words, 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 developed symptoms consistent with PTSD years later (Kuzikova et al., 2024).

It is therefore not surprising that the need to provide psychosocial support to the population has recently become a widely recognized 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 strengthening 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 suicide prevention measures, the psychosocial component of rehabilitation for war veterans and other population groups, as well as a list of psychosocial services.

According to the 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 mental health; preventing the escalation of psychological and psychosocial problems and mental disorders into chronic conditions; restoring and supporting individual functioning across physical, emotional, intellectual, social and spiritual domains; and enhancing 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.

Legislative and institutional gaps

As of October 2, 2023, Ukraine has been implementing a pilot project that engages psychologists in criminal proceedings involving minors and juveniles, through regional and interregional centers for the provision of free legal aid (FLA). The demand for psychological support within the FLA system has increased, with a significant rise in requests for psychologist involvement during

2024 (Legal Aid of Ukraine, 2024). Since the launch of this pilot project in 2023, most 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, it does not provide for the possibility of the court adopting a procedural decision requiring the FLA centers to ensure the participation of a psychologist, including the obligation to secure their physical presence at court hearings.

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 (Legal Aid of Ukraine, 2024). These and other issues therefore require careful attention and further research with a view to introducing necessary amendments and additions to the current sectoral legislation of Ukraine.

44 It is also necessary to increase the number of such professionals 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. This form of support 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 terms.

Such support must be non-legal, provided free of charge, and in a timely manner. It should be tailored to the specific needs of the participant, offering qualified assistance to prevent or minimize secondary victimization of victims

and witnesses, as well as ensuring professional communication and psychosocial support for suspects and accused persons.

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 exclusively to war and other international crimes, nor confined solely to victims and witnesses.

Furthermore, in light of Ukraine's application for membership in the European Union on February 28, 2022, it is important to note that Directive 2012/29/EU requires Member States to 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).

At a minimum, victim support services must provide:

- (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, no page)

Accordingly, we consider the creation of autonomous specialized support services (while cooperating with competent authorities and other organizations, including NGOs) to be a more justified and sustainable approach. By contrast, 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) while also facilitating the restoration of their mental health after the commission of a criminal offense. This includes the creation of confidential support services for victims and their family members, tailored to their specific needs and the extent of harm suffered, through free psychological, medical, social-rehabilitation, legal-consultative, and mediation services. In other words, targeted and comprehensive rehabilitative support immediately following the crime (Rakipova, 2023a). However, it is evident that the need for such assistance should not be limited exclusively to victims involved in criminal proceedings.

We have also developed a scientific and applied concept of human rights communication, which includes a definition of criminal procedural communication as the exchange of legally significant information among participants in criminal proceedings and the court (Rakipova, 2023b). This concept encompasses the provision 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.

Criminal proceedings themselves acquire features of a crisis environment for vulnerable participants, as they are conducted against the background of trauma, loss, uncertainty, and diminished psychological resilience. Accordingly, psychosocial support becomes an integral communicative mechanism within the procedural framework, aimed at ensuring the meaningful and effective participation of such individuals in the administration of justice.

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, p. 234); 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, p. 25).

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.

When transferred into the sphere of criminal procedure, crisis communication acquires a distinct procedural dimension. Under martial law and in the post-war period, psychosocial support for vulnerable participants functions as crisis procedural communication, that is, a structured, professionally guided form of non-legal interaction embedded within criminal proceedings and oriented toward safeguarding human dignity, psychological integrity, and procedural fairness. Its purpose is not to influence evidentiary outcomes, but to prevent secondary or repeated victimization, psychological disability and social maladaptation, while enabling individuals to exercise their procedural rights effectively.

At the same time, the institutionalization of psychosocial support in criminal proceedings may give rise to legitimate doctrinal concerns that warrant explicit consideration. These include questions of procedural neutrality, the risk of excessive psychologization of criminal justice and potential tensions with adversarial principles. From the perspective adopted in this study, such risks can be mitigated through the clear normative delimitation of psychosocial support

as a non-legal form of assistance that excludes any involvement in evidentiary evaluation, procedural decision-making, or strategic positioning of the parties. Psychosocial support is not intended to replace legal representation or alter the adversarial structure of criminal proceedings, but rather to ensure that psychological vulnerability does not impede the effective exercise of procedural rights. When properly regulated, such support contributes to procedural fairness by reducing vulnerability-based asymmetries, rather than undermining neutrality or equality of arms.

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 may be conceptualized as a form of 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.

Comparative legal perspective: the German model

In our view, Germany's experience in organizing the provision of psychosocial support within 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 in 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. In addition, the Act Implementing the Law on Psychosocial Support in Criminal Proceedings (Process Support Act – AGPsychPbG MV) of June 7, 2017, which implemented 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—predominantly 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 from courts, prosecution offices, police authorities, and legal professions yielded very positive results, which contributed to the subsequent legislative implementation of psychosocial support in the Federal Republic of Germany.

Furthermore, under §406g of the German Code of Criminal Procedure (StPO), which governs 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 process facilitator is not entitled 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 observed that the scope of psychosocial support in judicial proceedings is flexibly shaped according to 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 interviews, court hearings, expert examinations, or meetings with legal counsel; collaboration with courts, prosecutors, and legal representatives in the victim's best interests; addressing the emotional experiences of children following interrogation; and continued support in the event of appeals. Such assistance becomes particularly important in cases involving strained relationships with the accused, especially where the parties are close relatives or acquaintances.

Psychosocial support is primarily directed toward 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. In this sense, 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 them, 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, primarily concerns information that can and should be given 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 entitled *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; that individual support needs are identified during joint consultations; and that psychosocial process support is generally available to all victims of crimes as well as their relatives (Opferhilfe Niedersachsen, 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. Just as the state bears responsibility of the 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 allow vulnerable participants in criminal proceedings—including direct victims or witnesses who have not yet acquired 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.

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 increases the relevance of institutionalizing psychosocial support within the criminal process. This requires the implementation of a comprehensive set of support measures, the development, testing, and application 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 legislative measures:

- 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, and 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 or 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 subparagraphs 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 should:
 - Require that investigators, inquirers, prosecutors, investigating judges, and courts to 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 involvement of a facilitator 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, such support may also be extended to individuals without procedural status who nonetheless require psychosocial assistance, particularly before the initiation of formal criminal proceedings, within the framework of crisis communication and early intervention.

Conclusions

The proposed amendments to Ukraine’s current criminal procedure legislation aimed at regulating the institution of psychosocial support, in our view, could enable vulnerable participants in criminal proceedings to exercise their right to psychosocial assistance more 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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References

- Abbasi, K. (2022). Understanding the Complexity of Conflict Trauma: A Systematic Review. *South Asian Journal of Social Sciences and Humanities*, 3(5), 146–167.
- Andrushchenko, V. (2022). Social and psychological adaptation of combatants. *Psychological Journal*, 8, 6–16.

- Asch, R. H., Esterlis, I., Southwick, S. M., & Pietrzak, R. H. (2021). Risk and resilience factors associated with traumatic loss-related PTSD in US military veterans: Results from the National Health and Resilience in Veterans Study. *Psychiatry Research*, 298, 113775. <https://doi.org/10.1016/j.psychres.2021.113775>
- European Parliament and the Council. (25 October 2012). Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. <https://eur-lex.europa.eu/eli/dir/2012/29/oj>
- Horesh, D., Solomon, Z., Zerach, G., & Ein-Dor, T. (2011). Delayed-onset PTSD among war veterans: The role of life events throughout the life cycle. *Social Psychiatry and Psychiatric Epidemiology*, 46(9), 863–870.
- Kievik, M., Giebels, E., & Gutteling, J. M. (2020). The key to risk communication success. The longitudinal effect of risk message repetition on actual self-protective behavior of primary school children. *Journal of Risk Research*, 23(12), 1525–1540.
- Kuzikova, S., Zlivkov, V., Lukomska, S., Shcherbak, T., & Kotukh, O. (2024). *Psychological support of the individual in wartime: manual*. PP Lysenko.
- Legal Aid of Ukraine. (2024, July 26). Over 3 thousand requests for involving psychologists in criminal proceedings involving children – results of the pilot project in 9 months. <https://legalaid.gov.ua/novyny/ponad-3-tysyachizapytiv-pro-zaluchennya-psyhologiv-do-kryminalnyh-provadhzen-za-uchastyu-ditej-rezultaty-realizaciyi-pilotnogo-proyektu-za-9-misyacziv/>
- Meyer-Goßner, L., Schmitt, B., & Schmitt, R. (2024). *Strafprozessordnung: StPO* (67th rev. ed.). C. H. Beck.
- Opferhilfe Niedersachsen. (2025). Psychosoziale Prozessbegleitung. <https://www.opferhilfe.niedersachsen.de/nano.cms/fachkraefte-psychoziale-prozessbegleitung>
- Prosecutor General of Ukraine. (2023). The Concept for the Implementation of the Mechanism for Supporting Victims and Witnesses of War and Other International Crimes (Order No. 103 of April 11, 2023). <https://zakon.rada.gov.ua/laws/show/v0103905-23#Text>

- Rakipova, I. (2023a). *Theoretical, legal and praxeological principles of human rights communication of the victim in criminal proceedings* [Doctoral dissertation annotation]. National University “Odesa Law Academy”.
- Rakipova, I. (2023b). *Theoretical, legal and praxeological principles of human rights communication of the victim in criminal proceedings* [Doctoral dissertation]. National University “Odesa Law Academy”.
- Rakipova, I. (2024). *Protection of rights and communication of the victim in criminal proceedings: the experience of Germany for Ukraine* [Monograph]. LAP (LAMBERT Academic Publishing).
- Seeger, M. W. (2006). Best Practices in Crisis Communication: An Expert Panel Process. *Journal of Applied Communication Research*, 34(3), 232–244.
- Starkov, D. (2021). *Dynamics of motivation of addicts in the process of social and psychological rehabilitation*: [PhD thesis in psychological sciences]. G. S. Kostyuk Institute of Psychology of the National Academy of Pedagogical Sciences of Ukraine.
- Tarasova, I., & Rodchenko, L. (2024). Psychological support and recovery of victims in the context of military aggression. *Scientific works of the Interregional Academy of Personnel Management. Psychology*, 4 (65), 39–43.
- Ukrinform.ua. (2023, April 13). Priority projects have been identified within the framework of the All-Ukrainian Mental Health Program. <https://www.ukrinform.ua/rubric-society/3695613-u-mezah-vseukrainskoi-programi-mentalnogo-zdorova-viznacili-prioritetni-proekti.html>
- Vasylyev, S., & Zubovskiy, D. (2016). Psychodiagnostics of post-traumatic stress disorder in military personnel. *Ukrainian Psychological Journal*, 1, 6–16.
- Zhuravlyova, N. (2015). *Peculiarities of psychological assistance to families of demobilized servicemen*. *Current problems of psychology* (Vol. 3, pp. 76–84). Logos.