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DEVELOPMENT OF A SYSTEM FOR PROTECTING THE RIGHTS OF WAR CRIMES VICTIMS IN UKRAINE: IMPLEMENTATION OF EUROPEAN UNION STANDARDS

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Objective: to analyze existing and new elements of victim support systems in Ukraine, while deliberately excluding the study of their procedural rights; to determine the impact of the implementation of EU law standards on the regulation of these legal relations. **Research methods:** general scientific methods: induction, deduction, analysis and synthesis, generalization, comparative law. **Results:** it has been established that Ukraine is in the early stages of building a victim support system, and one of the key achievements is the creation of the Coordination Center for Victim and Witness Support, a specialized unit within the Prosecutor General's Office. It has been proven that by giving priority to war crimes and international crimes, Ukraine is trying to solve the problem of delays in support measures that should have been introduced back in 2014. It has been justified that at the EU level, the fundamental framework for victims' rights is provided by Directive 2012/29/EU (establishing minimum standards on the rights, support, and protection of victims of crime) and Directive 2004/80/EU (on compensation to victims of crime). The article identifies priority provisions for bringing Ukrainian legislation into line with these supranational norms and emphasizes the need to improve legislation in order to create a comprehensive and effective system for the protection of victims. **Discussion:** it has been found that the protection of victims' rights is a constantly relevant issue in any legal system, obliging states and international organizations to respond quickly to crimes not only by punishing offenders, but also by restoring the rights of victims as much as possible through effective mechanisms. However, in practice, these mechanisms face significant obstacles, as many legal norms remain declarative and are not comprehensive. This problem is even more acute for victims of international crimes, the serious consequences of which require coordinated, specialized efforts, as is evident from the ongoing war in Ukraine. It has been concluded that the implementation of a victim-oriented approach in criminal proceedings is extremely important. This will allow us to focus not only on their procedural rights, but also on other equally important issues: legal, psychological, medical, and other forms of assistance. Harmonizing national legislation with EU standards should be an effective tool in this regard.

Key words: EU law; victims' rights; victims' support; victims of war crime; EU integration; adaptation of the EU law.

Introduction. The matter of victims of crime rights protection is always relevant for any legal system. The state and international governmental organizations, which are called upon to protect human rights, must always respond promptly to un-

lawful actions committed against individuals and introduce mechanisms that would not only punish the offender, but also restore the rights of the victim to the maximum possible extent. The protection of victims' rights is regulated at both the universal and

regional international levels, as well as at the national level, thus forming a comprehensive protection system that would meet the basic needs of victims of crime. However, in practice, such a mechanism faces many obstacles, and in some cases, legal norms are declarative and lack a comprehensive nature.

This is particularly evident when we talk about victims of international crimes, as these crimes have extremely serious consequences for the victims, and overcoming these consequences requires special joint efforts. In the case of Ukraine, we see that during the years of full-scale invasion by the Russian Federation, proceedings for war crimes and crimes against humanity have become a significant challenge for the Ukrainian law enforcement system, and these are only part of the cases being considered within the framework of national criminal justice. It is clear that, given the number of such crimes (according to the Office of the Prosecutor General, as of November 2025, more than 190,000 criminal proceedings for war crimes had been registered [1]), Ukraine needs to strengthen mechanisms for protecting the rights of victims of such criminal offenses.

This article focused on elements of protection and support for victims' rights that have already been introduced in Ukraine, as well as those that are functioning in EU law, given Ukraine's status as a candidate country for EU membership. At the same time, the study focuses specifically on those elements that should be introduced into the Ukrainian legal system as a matter of priority so that victims in criminal proceedings are not re-traumatized and are able to fully exercise their rights. That is why the key elements of the analysis include the victim support system, while the article does not analyze specifically the procedural rights of victims. After all, as practice shows, without a functioning general victim support system, it is difficult for victims to fully exercise their procedural rights [2].

Analysis of research and publications on the issue. The issue of developing a system to support the rights of victims of war crimes in Ukraine in the context of implementing EU standards has become one of the key areas of both domestic and foreign research in the field of criminal procedure, interna-

tional criminal and humanitarian law in recent years.

In general theoretical dimensions, the issue has been addressed in the works of Ukrainian and European scholars, in particular A. Borovyk and V. Kuzmenko, who analyze the effect of Directive 2012/29/EU and related EU acts on the rights of victims of crime. In the field of war crimes, the issues of the procedural status of victims and guarantees of their rights during pre-trial investigations are addressed in the works of D.I. Klepka and D.I. Novikov. A number of analytical reports by human rights organizations emphasize systemic gaps in the practical implementation of victim support. The enforcement of European Union standards on the rights, support, and protection of victims, primarily Directive 2012/29/EU, has been the subject of specialized research by E. Bondarenko.

At the same time, the complexity of the issue of establishing a system of support for the rights of war crime victims in Ukraine, taking into account the full range of EU standards, requires further development in this area.

The system for protecting the rights of victims of crimes: problem of definition and structural elements. Victims of crime have attracted attention in international law making and the resulting legal instruments since at least the 1980s, and consideration of victims and how best to acknowledge their rights and position in the criminal process has since become a standard part of the drafting and negotiation of new international and regional criminal instruments. The introduction of concepts such as victims' rights at the international and regional levels implies that states have to take certain measures at the national level in order for the international norms to become an enforceable reality [3].

In the most general understanding victims' rights cover the victims' position in the criminal proceeding as well as the right for active victim support services that shall be provided for them. All the measures that ensure victims' rights designed to safeguard individuals harmed by crimes, guarantying their access to justice, safety, and recovery.

Victim rights frameworks generally emphasize several key entitlements that safeguard victims' physical, psychological, and legal well-being. Ac-

cess to justice, protection, and participation are foundational elements aimed at addressing victims' immediate and ongoing needs. Recognizing and institutionalizing victim rights positively impacts victims' experiences within the justice system by reducing secondary victimization and encouraging cooperation. Secondary victimization, or retraumatization through interactions with criminal justice processes, often results from insensitive treatment, lack of privacy, or unclear procedural information [4].

And all mentioned above brings us to the concept of the victim-centred approach that puts the rights and dignity of victims, including their well-being and safety, at the forefront of all efforts to prevent and respond to crimes. The victim-centred approach refers to a systematic way of engaging with victim(s), from the moment that allegations are known and in every subsequent interaction. It requires the empathetic, individualized, holistic delivery of continuous and reliable services in a non-judgmental and non-discriminatory manner. The priority is creating an enabling environment in which victims can speak to someone they can trust, safely and confidentially, that they will be listened to and heard, feel supported and empowered, and that they can express their needs and wishes. Victims must be fully informed at every stage of the process, including about what they can expect and what is and is not possible, and to have the opportunity to provide consent before any action is taken on their behalf, giving them back as much control and sense of personal agency as is feasible. They must be protected from stigmatization, discrimination, retaliation and re-traumatization [5].

The implementation of the victim-centred approach in criminal proceedings is very important to Ukraine, especially if we are talking about proceedings that involve victims of war crimes. They, as a rule, are very insecure and have a lot of urgent needs. In the context of the ongoing war, this approach is vital to ensure justice, restore equality, and provide protection to thousands of Ukrainians who suffered from the military aggression. Without it we cannot achieve fulfilment of the principle of rule of law.

Ukraine's national experience in developing a support system for victims of war crimes.

Ukraine is currently in the early stages of developing a comprehensive support system for victims. This process was initiated by a combination of different factors. On one hand, it's clear that the full-scale invasion of Ukraine by Russia was the main trigger. Faced with a large number of extremely vulnerable victims, the state began to urgently seek ways to meet their basic needs. On the other hand, the process of adapting the Ukrainian legal system to EU law is ongoing, as our country has acquired the status of a candidate for accession to the Union. This adaptation also extends to the issue of support for victims.

For now, a big win in this area is the launch of the Coordination Center for Victim and Witness Support (hereinafter referred to as the Center). It's a specialized unit within the Office of the Prosecutor General, and the process of its establishment began in June 2023. The departmental decree "On organizing the activities of the prosecutor's office in matters of support for victims and witnesses" [6] regulates the basic principles and tasks of the Center's work, which are fully consistent with the principles of victim-centred criminal proceedings.

The main tasks of the Center in providing support to victims and witnesses include: ensuring proper communication between victims (witnesses) and prosecutors in specific criminal proceedings, other state bodies and institutions, international and national organizations that provide support to victims and witnesses; providing psychological, legal, medical, humanitarian assistance and comprehensive socio-psychological support in accordance with the individually determined needs of victims and witnesses, including by organizing referrals to relevant services, free legal aid centers and non-governmental organizations; providing information about available services in local communities regarding opportunities to receive assistance, in particular humanitarian and medical assistance, including mental and reproductive health care, temporary accommodation (housing), state benefits, compensation and reparations for damage caused; providing advice on risk and prevention of revictimization, intimidation, and revenge.

The Center's priority task is to develop its own infrastructure, namely regional branches. In 2024, nine regional departments were established in the

Kyiv, Donetsk, Luhansk, Zaporizhzhia, Mykolaiv, Kherson, Sumy, Kharkiv, and Chernihiv regions, allowing the Center to be closer to service recipients and respond more quickly to their requests.

Due to the urgent needs related to the armed conflict, the Center's priority is to support victims and witnesses of war crimes and other international crimes. According to the Center, as of the end of the third quarter of 2025, about 3,400 people are being assisted by coordinators [7]. While acknowledging the positive nature of these figures, it should be noted that this number of people is clearly far from the total number of victims of international crimes. In the future, the Center's work should be extended to all victims of criminal offenses.

It should be noted that under the pressure of war crimes, the Ukrainian state urgently began to introduce certain support measures for victims of these crimes, although this happened with a significant delay, as the victims had already been known since 2014. These measures include:

- interim reparations for victims of conflict related sexual violence (the project was implemented directly with the assistance and funding of international organizations with the participation of state bodies);
- payments and other forms of support for civilians unlawfully deprived of their liberty;
- the "e-Recovery" program, which provides compensation for damaged and destroyed housing because of Russian aggression;
- social guarantees for internally displaced persons;
- one-time cash assistance for damage to life and health as a result of the Russian Federation's military aggression against Ukraine.

These measures are often criticized as insufficient, as they are available to people affected by Russian war crimes only after 2022, but at the same time, it should be recognized that the state is looking for means to support affected citizens.

A distinctive feature of the situation in Ukraine is that currently, a significant amount of support for victims is provided by national and international NGOs, agencies of international organizations, and governments of other countries. This situation is ambiguous. The main weaknesses of this situation are:

- lack of consistent support from the start of criminal proceedings until all the needs of victims are met (even after the proceedings have ended);
- usually, this support is pretty narrow;
- dependence on donors and, as a result, limited help (like, psychological support is limited to a certain number of hours);
- people from these organizations don't always have the expertise to help victims of war crimes, which can lead to re-traumatization.

Thus, a comprehensive system of support for victims of war crimes in Ukraine is only just being formed; it requires significant resources and additional regulatory framework.

EU's standards for crime victims. It is evident that Ukraine, on its path to EU membership, must work to adapt supranational legal standards in various areas, including the protection of victims' rights. The issues of justice and fundamental rights are included in the first negotiation cluster (the section under which the European Commission conducts an official screening of the compliance of Ukrainian legislation with EU law) "Fundamentals of the EU accession process" – it should be opened first and closed last. Thus, the focus on EU standards in these areas is not only narrowly applicable but may also influence the process of European integration as a whole.

The main specialized regulatory documents in the field of victims' rights at the EU level are Directive 2012/92/EU (establishing minimum standards on the rights, support and protection of victims of crime) [8] та Directive 2004/80/EU (relating to compensation to crime victims) [9].

On December 14, 2023, based on the results of a self-screening of the initial assessment of the implementation of European Union law (EU *acquis*) in Ukraine, it was determined that national legislation needs to be supplemented and clarified, in particular regarding:

- assessing and taking into account the special needs of victims of crime;
- ensuring mechanisms to prevent the re-victimization of victims;
- providing additional procedural guarantees to minors in criminal proceedings;

- the content and language of the memo on the rights of suspects or accused persons in criminal proceedings;

- the content of the right of access to case materials;

- improving the qualifications of judges, prosecutors, police officers, and other competent authorities regarding the right to information about the rights of suspects or accused persons in criminal proceedings [10].

In other words, the state recognizes the need for action in this field. This is also confirmed by the Roadmap on the Rule of Law, which is a comprehensive strategic document defining a set of reforms within the framework of the negotiation process on Ukraine's membership in the EU under Chapter 23 "Judiciary and Fundamental Rights" and Chapter 24 "Justice, Freedom, and Security" [11]. The document specifies the time frame for the introduction of changes and the agencies responsible for them, with the main timeline for victim protection being 2026.

With regard to the provisions of Directive 2012/92/EU that require priority implementation in Ukrainian legislation, the following should be noted:

1. There should be a regulatory recognition of the victim-oriented approach. In accordance with the Directive, victims of crime should be recognized and treated with respect, sensitivity, and professionalism, without any discrimination on any grounds. The personal situation and urgent needs, age, gender, possible disability, and maturity of victims of crime should be taken into account with full respect for their physical, mental, and moral integrity. Victims of crime should be protected from secondary and repeat victimization, intimidation, and retaliation, should receive appropriate support to facilitate their recovery, and should have adequate access to justice. Ukrainian legislation currently lacks such a definition.

2. The Directive pays particular attention to the issue of victims' understanding of the proceedings and their constituent stages. In this context, consideration should be given to the victim's knowledge of the language used to provide information, age, maturity, intellectual and emotional capacity, literacy, and any mental or physical impairments. Partic-

ular attention should be paid to difficulties in understanding or communicating that may be caused by a particular disability, such as hearing or speech impairments. Similarly, during criminal proceedings, the limitations on the victim's ability to provide information should be considered. In Ukraine, during criminal proceedings there is a possibility to provide an interpreter (sign language interpreter), but issues such as maturity, intellectual and emotional abilities, literacy, and any mental or physical impairments, difficulties in understanding or communicating that may be caused by a particular disability, such as hearing or speech impairments, are ignored.

3. The issue of compensation is also addressed by the Directive: information on reimbursement of costs should be provided from the moment of first contact with the competent authority, for example, in a booklet setting out the main conditions for such reimbursement. Member States should not require a decision to be made at this early stage of criminal proceedings as to whether the victim in question meets the conditions for compensation. In Ukraine, explaining victims' rights to compensation is a problematic issue and needs to be improved [12].

4. Providing information about the progress of proceedings in accordance with the Directive should ensure that victims are treated with respect and that they can make informed decisions about their participation in the proceedings. In this context, information that allows the victim to know the current status of any proceedings is particularly important. In Ukraine, the victim's access to case materials is procedurally limited. Thus, according to Article 56 of the Criminal Procedure Code of Ukraine, during criminal proceedings, victims have the right to get familiar with materials directly related to the criminal offense committed against them, including after the case materials have been opened following the drafting of the indictment, as well as to get familiar with the materials of the criminal proceedings directly related to the criminal offense committed against them in the event of the closure of these proceedings.

5. Regulatory establishment of the victim support system in the Directive: "Support shall be provided from the moment the competent authorities become aware of the victim, throughout the crimi-

nal proceedings and for an appropriate period after the termination of such proceedings, in accordance with the needs of the victim and the rights set out in this Directive. Support should be provided through a variety of means, without excessive formalities and through sufficient geographical coverage throughout the Member State, so that all victims have access to such services. Victims who have suffered significant harm due to the severity of the crime may need the services of specialists." As already mentioned, currently Ukraine has begun the process of establishing a state system for such support.

6. Normative regulation of restorative justice services in criminal justice in Ukraine also requires additional regulation at the national level and harmonization with the Directive. Although its implementation has already begun within the framework of juvenile justice, it has received positive feedback from the specialists involved [13].

7. The Directive determines that Member States must ensure that victims have access to legal aid if they are parties to criminal proceedings. At the moment, free legal aid is provided to certain groups of citizens in Ukraine and does not cover all victims of war crimes.

8. The problem of cross-border cases that Ukraine will face after becoming an EU member state. According to Article 17 of the Directive: "Member States shall ensure that their competent authorities can take appropriate measures to minimize the difficulties faced by victims residing in a Member State other than that in which the criminal offense was committed, particularly in terms of the organization of proceedings". It is necessary to prepare a legal framework for Ukrainian law enforcement agencies, especially given the number of Ukrainian citizens residing in the EU, some of whom are victims of war crimes.

As already mentioned, compensation for damages caused by a crime is one of the components of ensuring the rights of victims. In the EU, this issue is regulated by the provisions of Directive 2004/80/EU. They must also be implemented into Ukrainian legislation. In particular, the provisions stipulate that the national regulations of all member states must provide for compensation schemes for victims of intentional violent crimes committed on the terri-

tory of the respective states, which will guarantee fair and adequate compensation for victims.

When discussing European documents, it is also worth paying attention to EU Strategy on victims' rights (2020-2025) [14]. This is a key document that sets out a framework for protecting the rights of victims of crime in the European Union, proposing measures for member states to improve assistance, support, and compensation for victims, as well as strengthening their role in criminal proceedings, taking into account the challenges associated, in particular, with Russia's aggression against Ukraine. This Strategy aims to raise awareness of victims' rights, ensure access to support, and create a more victim-friendly environment. The following provisions seem important:

Using a dual approach: empowering crime victims and working together to protect victims' rights;

Identification of five key priorities: (i) effective communication with victims and a safe environment for reporting crimes; (ii) improving support and protection for the most vulnerable victims; (iii) better opportunities for victims to receive compensation; (iv) strengthening cooperation and coordination between all relevant actors; and (v) strengthening the international dimension of victims' rights.

Paying particular attention to specific social groups or isolated communities that face greater barriers or have impaired access to justice and support (child victims, victims of sexual violence, terrorism, hate crimes, persons with disabilities, elderly people, victims of organized crime, including human trafficking, victims of environmental crimes, illegal migrants who become victims of crime, victims of crimes committed during imprisonment);

Identification of trends in cybercrime – the impact of the pandemic and, in the case of Ukraine, the war.

Therefore, the EU is trying to create a legal framework for all member states on the protection of victims' rights. In doing so, the Union recognizes the importance of this issue and encourages member states to improve their national legal norms. It is obvious that Ukraine must bring its regulations on victims' rights into accordance with supranational law.

Conclusions. Due to the military aggression of the Russian Federation, Ukraine has experienced an unprecedented number of war crimes. This requires the state not only to conduct appropriate legal proceedings, but also to pay extra attention to the victims of these crimes. The introduction of a victim-centered approach in criminal proceedings is therefore extremely important. This will allow to focus not only on the procedural rights of victims, but also on other not less important issues: legal, psychological, medical, and other forms of assistance. Ukraine has only just begun to build a comprehensive system of support for victims. Harmonizing national law with EU standards should be an effective tool in this regard. In addition, it will ensure Ukraine's progress towards full EU membership.

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РОЗРОБКА СИСТЕМИ ЗАХИСТУ ПРАВ ПОТЕРПІЛИХ ВІД ВІЙСЬКОВИХ ЗЛОЧИНІВ В УКРАЇНІ: ВПРОВАДЖЕННЯ СТАНДАРТІВ ЄВРОПЕЙСЬКОГО СОЮЗУ

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Мета: проаналізувати вже існуючі та новітні елементи систем підтримки потерпілих в Україні, при цьому з дослідження було свідомо виключено дослідження безпосередньо їх процесуальних прав; визначити вплив імплементації стандартів права ЄС на регулювання цих правовідносин. **Методи дослідження:** загальнонаукові методи: індукція, дедукція, аналіз та синтез, узагальнення, порівняльно-правовий. **Результати:** встановлено, що Україна перебуває на початкових етапах побудови системи підтримки потерпілих, і одним з ключових досягнень є створення Координаційного центру з питань підтримки потерпілих та свідків, спеціалізованого підрозділу в рамках Генеральної прокуратури. Доведено, що приділяючи пріоритетну увагу військовим злочинам та міжнародним злочинам, Україна намагається вирішити проблему зволікання з заходами підтримки, які мали б бути запроваджені ще у 2014 році. Обґрунтовано, що на рівні ЄС основоположні рамки в питаннях прав потерпілих забезпечують Директива 2012/29/ЄС (що встановлює мінімальні стандарти щодо прав, підтримки та захисту потерпілих від злочинів) та Директива 2004/80/ЄС (що стосується компенсації потерпілим від злочинів). У статті визначено пріоритетні положення для приведення законодавства України у відповідність до цих наднаціональних норм, а також наголошено на необхідності вдосконалення законодавства для створення цілісної та ефективної системи захисту потерпілих. **Обговорення:** виявлено, що захист прав потерпілих є постійно актуальним питанням у будь-якій правовій системі, зобов'язуючи держави та міжнародні організації швидко реагувати на злочини не тільки шляхом покарання правопорушників, а й шляхом максимального відновлення прав потерпілих за допомогою ефективних механізмів. Однак на практиці ці механізми стикаються із значними перешкодами, оскільки багато правових норм залишаються декларативними та не є всеосяжними. Ця проблема стає ще гострішою для потерпілих від міжнародних злочинів, тяжкі наслідки яких вимагають скоординованих, спеціалізованих зусиль, це стає очевидним на прикладі триваючої війни в Україні. Зроблено висновок про те, що впровадження підходу, орієнтованого на постраждалих, у кримінальному провадженні є надзвичайно важливим. Це дозволить зосередитися не лише на їх процесуальних правах, а й на інших не менш важливих питаннях: правовій, психологічній, медичній та інших формах допомоги. Ефективним інструментом у цьому має стати гармонізація національного законодавства зі стандартами ЄС.

Ключові слова: право ЄС; права потерпілих; підтримка потерпілих; потерпілі від військових злочинів; інтеграція до ЄС; адаптація законодавства ЄС.

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