

DOI: <https://doi.org/10.34069/AI/2024.78.06.12>

How to Cite:

Iemets, I., Tiulieniev, S., Perepelytsia, S., Popov, V., & Kolomoitsev, M. (2024). Justice for victims: a comparative analysis of victim representation in Ukraine and international standards. *Amazonia Investiga*, 13(78), 134-144. <https://doi.org/10.34069/AI/2024.78.06.12>


## Justice for victims: a comparative analysis of victim representation in Ukraine and international standards


### Правосуддя для потерпілих: порівняльний аналіз представництва потерпілих в Україні та міжнародних стандартів


Received: April 22, 2024


Accepted: June 1, 2024


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#### Abstract


The issue of providing access to justice for every person is now topical worldwide. The problem of protecting the interests of crime victims needs improvement. Therefore, the purpose of the article is to clarify the issue of compliance of the legislation of European countries, including Ukraine, with international standards in the field of protection of victims' rights. Based on the analysis results, recommendations were proposed to improve regulatory provisions to bring them into line with international legal acts.


An analysis of the court verdicts passed based on the results of criminal case consideration was carried out. The need to ensure professional representation of the victim's rights has been established. The need for mandatory representation of the elderly, people with


#### Анотація


У світі зараз актуалізоване питання надання доступу кожній людині до правосуддя. Удосконалення потребують питання захисту інтересів жертв злочинів. Тому мету статті визначено як з'ясування питання про відповідність законодавства європейських країн, у тому числі України, міжнародним стандартам у сфері захисту прав потерпілих. За результатами проведеного аналізу запропоновано рекомендації щодо вдосконалення нормативних положень з метою приведення їх у відповідність до міжнародних правових актів.


Проведено аналіз судових вироків, ухвалених за результатами розгляду кримінальних справ. Констатовано потребу забезпечення професійного представництва прав

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disabilities, and representatives of other social categories is emphasized.

Analyzing the legislation of countries such as Czechia, Bulgaria, and Georgia determined the peculiarities of victim representation in criminal proceedings. The fundamental principles to which the legal system of any legal and social state must comply have been determined based on international legal treaties. Considering the received conclusions, recommendations for improving Ukraine's legislation were formulated.

**Keywords:** criminal justice, prosecution, representative, victim, lawyer.

потерпілих. Наголошено на необхідності обов'язкового представництва осіб похилого віку, з обмеженими можливостями та представників інших соціальних категорій.

На прикладі аналізу законодавства таких країн, як Чехія, Болгарія, Грузія визначено особливості представництва потерпілих у кримінальному судочинстві за законодавством цих країн. На підставі міжнародно-правових договорів визначено ті фундаментальні принципи, яким має відповідати правова система будь-якої правової та соціальної держави. З урахуванням отриманих висновків, сформульовано рекомендації щодо вдосконалення законодавства України.

**Ключові слова:** кримінальне судочинство, сторона обвинувачення, представник, потерпілий, адвокат.

## Introduction

The national legislation of each state consists of relevant sources of national law and international standards. One of the international standards in human rights protection is the right to have one's case examined by impartial and competent specialists (United Nations, 1948).

In addition, the European Convention on Human Rights guarantees the right of everyone to an effective remedy for violated rights and freedoms in a national body, even though persons exercising their official powers may have committed such a violation (United Nations, 1950). Therefore, the protection that a person receives must have such a feature as effectiveness. This concerns protecting the rights of those who have committed and become victims of a crime. We conclude that despite the equality of rights of all citizens, in criminal justice, there is a certain inequality of the statuses of representatives of the defense and prosecution sides. Such a conclusion is formulated based on analyzing the normative provisions of many international legal treaties. It is generally accepted that the parties in criminal proceedings are equal before the law and the court. The principle of adversarial of the parties also belongs to the international criminal justice standards. Considerable attention in legislative acts is paid to protecting a person from criminal prosecution. At the same time, the issues of protecting the rights of crime victims and the peculiarities of their representation in court are currently poorly researched. Therefore, we believe that the role of the victim's representative in criminal proceedings regarding the protection of the rights of crime victims is becoming an urgent problem. This requires an analysis of the regulatory support of the mechanisms of the national protection system and finding out whether they are aligned with international norms.

It is generally accepted that the parties are equal before the law and the court in criminal proceedings. In addition, the page on the adversarial principle belongs to the international criminal justice standards. Therefore, we believe that the role of the victim's representative in criminal proceedings regarding the protection of the rights of crime victims is an urgent problem. This requires analyzing the regulatory support of national system protection mechanisms and finding out whether they are aligned with international norms.

To achieve the goals of the article, a theoretical analysis of literary sources and court practices of judicial bodies of Ukraine and foreign countries was carried out.

It is well founded that comprehensive studies on the representation of victims in Ukraine and compliance of national practice with international standards have not been conducted in the literature.

The list of methods used during the research is given, and a description of the materials for which the analysis was carried out is provided.

In the first section of "Results and discussion" the provisions of the national legislation of Ukraine are analyzed. Significant shortcomings have been identified that hurt the representation of the victim in criminal proceedings. In the second section, proven international practices of victim representation are presented. The importance of public participation in non-governmental organizations in conducting consultations on legal issues for citizens is indicated. It was determined that the legal provisions of foreign countries regulate the rights of victims' representatives in more detail. In the third section of the main part, the procedure for involving the victim's representative free of charge in Ukraine and European countries is subjected to a comparative analysis. In the fourth section of the main part, a systematic analysis of the provisions of international legislation was carried out, and the practice of the European Court of Human Rights and the International Criminal Court was analyzed. Positive practices of victim representation have been identified.

The conclusions state the prospects for improving the legal order victims' representation in Ukraine.

## Literature Review

The provisions of the Universal Declaration of Human Rights (United Nations, 1948), the European Convention on Human Rights (United Nations, 1950), and the Council of Europe 2012/29/EU (European Union, 2012) and others represent the legal basis of the study.

The legal principles of the activity of the representative of the victim are determined based on the analysis of legislative acts of Ukraine, in particular, the provisions of the Constitution of Ukraine (Law of Ukraine No. 254k/96-VR, 1996), the Criminal Procedure Code of Ukraine (Law of Ukraine No. 4651-VI, 2012), the Laws of Ukraine "On Advocacy and Advocacy" (Law of Ukraine No. 5076-VI, 2012), " About free legal aid" (Law of Ukraine No. 3460-VI, 2011), and others.

The study also analyzed the provisions of the Criminal Procedure Code of the Czech Republic No. 141/1961 Sb (Law of the Czech Republic No. 141/1961, 1961), the Law of the Czech Republic "On Victims of Crime" No. 45/2013 Sb (Law of the Czech Republic No. 45/2013, 2013), the Criminal Procedure Code of the Republic of Bulgaria (2006) and others.

The theoretical analysis was carried out based on the analysis provisions of the works of Ukrainian scientists. Among them are the scientific works of S. Ablamskyi et al. (2020), T. Fomina et al. (2020), I. Mudrak et al. (2019), I. Rakipova et al. (2023) and many others. S. Vasiliev (2014) studied the peculiarities of the presentation of victims at the International Criminal Court. I. Rakipova et al. (2023) identified the peculiarities of victims receiving legal aid in Ukraine. I. Mudrak et al. (2019) and his colleagues conducted a study of the physiological and psychological states of the victim. They determined how this affects the possibility of self-defense and self-representation in court.

It is based on the developments of foreign scientists, such as J. Ouwerkerk (2019), C. H. Terence and P. Osinsky (2006), and others. In recent studies, proposals have been made for involving the public in the protection of crime victims (Al-Majtoui, 2023), human trafficking (Rodda, Smith-Cannoy, 2024), organized crime (Bell-Martin, Díaz Domínguez, 2024), etc. However, comprehensive studies on the issues of victim representation and compliance with national provisions and international standards have not been conducted. In addition, scientists did not conduct comparative legal studies within the scope of this issue. This proves the relevance of the chosen topic.

## Methodology

The article is devoted to analyzing the state of modern legislative support for the representation of the victim in criminal proceedings in Ukraine and abroad. It also defines international standards in the field of protecting the rights of crime victims and determines prospects for their improvement. In particular, this applies to those states that position themselves as legal and social.

It is normative legal research. A special scientific method such as comparative legal analysis played a priority role in achieving the article's goal. It was used during the analysis of national and foreign legislation, as well as the court practice of Ukraine, the European Court of Human Rights, and the International Criminal Court.

During the research, a complex of general scientific and special methods was used. The authors used analysis and synthesis to analyze the textual content of legal provisions regulating the activities of lawyers to protect crime victims. Dogmatic, comparative-legal, logical, and generalizing methods and legal analysis were also used to formulate the research conclusions.

In addition, content analysis methods were used to study legislation as a basis for research. Quantitative and statistical methods were also used for article purposes, contributing to the systematization of empirical data. Empirical data are represented by court verdicts where the victims were natural persons from violent crimes, as well as where the victims were legal entities. The empirical research is presented by the results of the study of 180 decisions of the national courts of Ukraine. The category of cases is criminal. Open data from the Unified State Register of Court Decisions was also subjected to statistical analysis.

The comparative legal method was used to outline the main problems of Ukraine's legislation on the representation of the victim in the criminal process, analyze foreign experience in resolving these issues, and formulate proposals for improving the current legislation.

## Results and discussion

### Experience of Ukraine and legal guarantees participation of the victim's representative in criminal proceedings

The Constitution of Ukraine guarantees everyone's right to legal aid. Lawyers can provide effective and qualified assistance. Representation of the victim's interests by a lawyer in criminal proceedings is the main means of protecting his rights and legitimate interests (Law of Ukraine No. 254k/96-VR, 1996).

Ukraine's criminal procedural legislation provides for the possibility of ensuring the rights and legitimate interests of the victim in criminal proceedings by a legal specialist. Generally, these specialists can be lawyers (Law of Ukraine No. 4651-VI, 2012).

A lawyer in Ukraine is a natural person who practices law on the grounds and in the manner prescribed by the Law. Advocacy is an independent professional activity of a lawyer regarding protection, representation, and provision of other types of legal assistance to the client (Law of Ukraine No. 5076-VI, 2012). In this way, a specialist who protects the rights of an individual is required to be professional, and his activity to be efficient.

"Representation" is a type of lawyer's activity that consists of ensuring the rights and obligations of the client in administrative, civil, economic, and constitutional proceedings before natural and legal persons in other state bodies, as well as the rights and obligations of the victim in cases of administrative offenses, rights and obligations of the victim, civil defendant and plaintiff in criminal proceedings (Law of Ukraine No. 5076-VI, 2012). In the essential aspect, the victim's representative in the criminal process is a participant in the criminal proceedings who takes actions to restore and ensure the rights and interests of the person he represents.

The victim's representative in criminal proceedings is granted derivative status, which guarantees him the right to use only those rights granted to the victim. At the same time, the representative is prohibited from using the rights that the victim can directly exercise.

Regarding the legal basis for the participation of the victim's representative in criminal proceedings, according to the modern doctrine of criminal procedural law, the subject who can be a defense attorney in criminal proceedings has the right to represent the victim, who is a natural person, which is confirmed by a certificate of the right to engage in advocacy. The representative of the victim, personified by a legal entity, can be:

- 1) Its manager;
- 2) A person authorized by law or constituent documents;
- 3) An employee of a legal entity under a power of attorney or a person with the right to be a defense attorney in criminal proceedings (Law of Ukraine No. 4651-VI, 2012).

We analyzed court cases that the national court of Ukraine considered during 2019-2024. Thus, it was established that during the specified period, 538,712 cases of criminal offenses against the life and health of a person were identified, of which representatives of the victims took part in 62,359, which is 12 % of the total number of smaller cases of this category. As for the case under the category "Criminal offenses against sexual freedom and mortal inviolability of the person", 27,161 cases were presented, and a representative was involved in 6,280 cases, 23% of the total number of recorded offenses. That is, the involvement of victims' representatives is still low.

We analyzed 180 criminal proceedings where damage was caused to a legal entity. In 84% of these criminal proceedings, an employee of the legal entity was involved as a representative of the legal entity. He certified his authority with a power of attorney signed by the head of this legal entity. In such situations, it is difficult to agree that the representation of the injured party will be provided at the appropriate level. That is, it will be competent and effective. This is because such subjects often do not even have a legal education. They confirm the insufficient participation of victims' representatives in criminal proceedings and we receive the results of the analysis of empirical data.

Based on the analysis of legislative norms and theoretical developments, it should be noted that the activities of the victim's representative consist of:

- Providing legal advice;
- Ensuring legality during procedural actions, in the form of control over compliance with legislation by employees authorized to the pretrial investigation of criminal offenses and other participants in the case;
- Implementation of measures to restore violated rights, submission of requests for procedural actions;
- Collection and submission of evidence in the case;
- Participation in court debates;
- Appeals of court decisions;
- Participated in the signing of an agreement on reconciliation in criminal proceedings.

That is, the lawyer enjoys almost all the rights of the person he represents. This position is confirmed by Clause 9 of the Resolution of the Plenum of the Supreme Court of Ukraine "On the practice of courts applying legislation that provides for the rights of victims of crimes." By its provisions, the representative of the victim, whose powers are certified by the relevant power of attorney, enjoys the same rights as the victim and can act both together with him and instead of him (Resolution of the Plenum of the Supreme Court of Ukraine No. 13, 2004).

We consider the lack of a separate norm that would directly contain a clear list of rights and duties of the representative-advocate of the injured person to be a gap in the domestic legislation. The legal relations participants interpret the law's general mention that the representative can use the victim's rights differently. Therefore, in judicial practice, the number of facts is increasing when representatives of the victims are forced to challenge the actions of the participants in the proceedings, who are trying to limit their legal status. We support the position on changing the Criminal Procedure Code of Ukraine to provide a separate article 58-1. It should be entitled "Mandatory participation of the representative (lawyer) of the victim," the content of which would be a list of cases of mandatory participation of the victim's lawyer in the criminal process, namely, pre-trial investigation and trial of criminal proceedings (Kavun, 2017).

The participation of the victim's representative is also important in those cases when the prosecutor refuses to support the state prosecution. In this regard, we consider it a rational idea to introduce the mandatory participation of a lawyer as a representative of the victim in such cases. Suppose the victim is not able to hire a lawyer on his own. In that case, the court should issue a decision instructing the relevant body (institution), authorized by law to provide free legal aid, to appoint a lawyer to provide representation as assigned and to ensure his arrival at the time and place specified in the decision to participate in criminal proceedings (Marynych & Stepanok, 2018).

### **The experience of some European countries regarding the protection of crime victims' rights and the representativeness of victims in criminal proceedings**

Countries worldwide have national legislation that defines the procedure for representing the interests of crime victims in different ways. The situation is similar in the aspect of exercising the rights of victims in



court. However, the laws of other countries, unlike the legal system of Ukraine, clearly enshrine the rights of representatives of crime victims.

Crime undermines sustainable development, impedes access to education, and discourages investment opportunities, and combating crime successfully has become an important element in achieving that development. Sustainable development should provide access to justice for all and build effective, accountable, and inclusive institutions at all levels). These goals were mentioned in the United Nations General Assembly resolution of 25 September 2015, and on 1 January 2016, the 17 Sustainable Development Goals were included in the 2030 Agenda for Sustainable Development. In the framework of combating crime, the legislator has given a role to the public in contributing to providing support and information to the criminal justice agencies, which contributes to protecting the rights of crime victims, as the public has a role in reporting the crime, and in assisting the security services in arresting the perpetrators (United Nations General Assembly, 2015). Finally, one of the most prominent pictures in which it appears clearly to help the victims of crime is the role of the public in giving testimony.

Regarding public participation in protecting the rights of crime victims, we consider it appropriate to cite the positive experience of Great Britain, particularly England and Wales. Recently, on the territory of these countries, parties participating in court proceedings on their own were provided (if necessary) with legal assistance on a volunteer basis by the Personal Support Unit - "Personal Support Unit." Now, it is already a legal charity "Support Through Court, which assists in civil and family cases (disputes), and although this does not apply in the context of legal representation of persons during hearings and categories of criminal cases, such departments can express their position about whether a person should seek the professional help of a lawyer, what are the problematic points or weak points in his case, etc. (Support Through Court, 2024).

Also, under the Criminal Procedure Code of the Czech Republic, a representative can make proposals and submit requests on behalf of the injured party. He can also implement other means of legal protection and participate in all actions the injured party can participate in. In addition, the representative has the right to be present during investigative actions to clarify the circumstances important for exercising the rights of the persons he represents. The obtained results can be used as evidence in court proceedings. The representative is guaranteed the right to ask questions of the accused and other interrogators, but only when the police authority finishes the interrogation and gives him the floor. In cases where there are several victims, the court may require the involvement of only one representative common to all victims. This position is explained by the fact that the participation of several representatives can increase the period for consideration of the case (Law of the Czech Republic No. 141/1961, 1961).

### **The right of a crime victim to free assistance of a lawyer according to the laws of Ukraine and foreign countries**

The different standard of living of citizens naturally determines that not every victim can attract a qualified representative. Sometimes, victims are not aware of their right to receive free legal aid. Currently, several trends have formed naturally in the world. In some countries, mechanisms for obtaining free legal assistance from a lawyer are constantly being improved. In other countries, on the contrary, such centers either do not exist or do not function fully, and access to their services is provided to a minimal category of people.

A positive example is the legislation of the Czech Republic. By the law, a lawyer is engaged to protect the interests of:

- 1) A victim who testifies for the commission of an intentional crime that caused serious injury to health;
- 2) If the death of the victim occurred, which was caused by a criminal act;
- 3) A minor victim;
- 4) Especially vulnerable victims.

A separate law of the Czech Republic, "On Victims of Crime," defines especially vulnerable victims:

- Children;
- Elderly persons;
- Persons who have physical, mental, psychological, or sensory disabilities, and this affects the ability to exercise rights in society compared to other members of society;
- Victims of crimes related to human trafficking;

- Rape victims;
- Victims of abuse by a trusted person, domestic violence, a terrorist attack, or sexual violence;
- Victims of discrimination on any grounds;
- Victims of a crime committed by an organized criminal group if there is an increased risk of causing secondary damage in a specific case. According to the law, lawyers provide such assistance; other persons have the right only to provide legal advice (Law of the Czech Republic No. 45/2013, 2013).

Since 2005, the National Bureau of Legal Aid has provided free legal aid in the Republic of Bulgaria. Bulgarian legislation also allows for involving a proxy on behalf of a private accuser, a private complainant.

Suppose a person provides evidence that he cannot pay a lawyer's fee, and the jurisdiction's interests require it. In that case, the court appoints him a proxy (Law of the Republic of Bulgaria No. 502-01-11/10.08.2005, 2005).

A similar law on free legal aid is in force in Georgia. It provides that the protection of the victim's rights in criminal proceedings can be carried out at the expense of the state (Law of Georgia No. 4955, 2007).

In Ukraine, the following are entitled to free legal aid:

- Children;
- A person's average monthly income, which is less than two amounts of the subsistence minimum;
- Refugees and persons in need of additional or temporary protection;
- Internally displaced persons;
- Citizens living in the temporarily occupied territory or the territory located in the area of hostilities;
- War veterans and family members of fallen (deceased) war veterans, family members of fallen (deceased) Defenders of Ukraine, persons who have special merits to the Motherland;
- Persons, who have special labor merits for the Motherland, and persons who are among the victims of Nazi persecution
- Persons affected by human trafficking;
- Persons who suffered from domestic violence or gender-based violence;
- Victims of criminal offenses against sexual freedom and sexual integrity, torture or ill-treatment during hostilities or armed conflict;
- Foreigners and stateless persons residing in Ukraine (Law of Ukraine No. 3460-VI, 2011).

According to the materials of the court cases analyzed by us, the level of involvement of the mentioned categories of representatives is too low. We believe that this is because those of the few victims who belong to this list usually simply do not know about their right to a lawyer free of charge. Such a negative practice must be corrected. The investigator should also explain to the victim the right to have a representative by the Law of Ukraine, "On Free Legal Aid." We believe that persons with disabilities should also be allowed to engage a defense attorney free of charge. Moreover, this practice has already been successfully tested (Slavic Court Donetsk region judgment, 2022) and, therefore, needs to be regulated at the legislative level without any restrictions.

As for scientific views on this issue, for example, scientists put forward ideas that a lawyer should be provided to the victim free of charge (at the expense of the state) in all cases without exception and regardless of any circumstances, at the very first request (Shchyhol, 2022, p. 40). Unlike the suspect, the accused, whose rights may be violated in perspective, the victim's rights are violated de facto and require real protection. At the same time, access to legal aid is of primary importance in protecting and restoring the victim's rights. In our opinion, a lawyer must necessarily represent the interests of victims of crimes. At the victim's initiative, a defense attorney should be engaged exclusively in the categories of cases classified as criminal misdemeanors.

### **International standards for the protection of the rights of crime victims and their representation in court**

First, in international practice, the issue of compensation for the damage caused by a criminal offense to the victim began to be raised and regulated normatively. Resolution (77) 27 of the Committee of Ministers

of the Council of Europe "On compensation to victims of crime" (Resolution (77) 27, 1977) defines these issues.

In 1983, the European Convention on Compensation for Victims of Violent Crimes was adopted (Council of Europe, 1983). The United Nations defines some principles of protecting the victims' rights and features of the administration of justice about them. In November 1985, this organization adopted the Declaration on the Basic Principles of Justice for Victims of Crime. The main ideas of this document are fair treatment of the victim, guaranteeing the victim's right to access justice, and providing him with compensation for the damage caused by a criminal offense (United Nations, 1985).

In the future, such a requirement for the representation of the victim as professionalism was established. It was consolidated in the Basic Provisions on the Role of Lawyers, adopted by the VIII UN Congress on Crime Prevention in August 1990 (The Law Society, 1990).

Subsequently, in 2001, the Council of the European Union adopted a Decision on the Status of Victims in Criminal Proceedings, binding on all member states, which enshrined victims' right to access information, legal assistance, and the right to so-called mediation (representation) (Council Framework Decision European Union, 2001).

On June 14, 2006, the Committee of Ministers of the Council of Europe issued Recommendation Rec (2006)8 to member states on assistance to victims of crimes. This document defines the procedure for developing standards for selecting and training workers and volunteers who provide direct assistance to victims to assist victims of crimes by professional standards to ensure their protection from secondary victimization (Committee of Ministers of the Council of Europe, 2006). The authorities, realizing the importance of legal consultations for citizens, established the procedure for training specialists who could provide it at a professional level on a volunteer basis.

The next important step in regulating the legal status of victims was the EU Directive 2012/29/EU, by which all member states of the European Union were entrusted with the obligation to standardize the list of rights of crime victims and to provide them with comprehensive support and assistance (European Union, 2012).

Another standard that must be ensured in justice is the equality of the parties. The principle of equality of the parties has repeatedly found its interpretation in the European Court of Human Rights decisions. It establishes a "fair balance" between the parties - so that each party is given a reasonable opportunity to present the case in conditions that do not put this party in a significantly disadvantageous position relative to the other party. For example, this is the decision of the European Court of Human Rights in cases "Nadtochiy v. Ukraine" (2008), "Dombo Beheer v. the Netherlands" (1993), "Ankerl v. Switzerland" (1996), "Gurepka v. Ukraine" (2010).

The rules for representing victims at the International Criminal Court should be promising and effective. For example, the clerk of this court should assist victims in obtaining legal advice and organizing their legal representation, providing their legal representatives with adequate support, assistance, and information. The victim is free to choose a legal representative. If there are several victims, the Chamber can use the Register to choose a common legal representative for all victims. This is done to ensure the effectiveness of the proceedings, the requests of victims, or individual groups of victims.

To facilitate the coordination of victim representation, the Secretariat of the International Criminal Court may assist in the representative selection. This can be done by providing a list of registered lawyers or by offering one or more joint legal representatives. Suppose the victims cannot choose a joint legal representative or representatives within a period determined by the Chamber. In that case, the Chamber may invite the Secretary to select one or more joint legal representatives: a victim or a group of victims who do not have the necessary funds to pay for the services of a representative can receive assistance from the Secretariat.

The victim's representative is guaranteed to be present and participate in the meeting and hearing if, under the circumstances of the case, the relevant chamber does not recognize the opinion that the representative's intervention should be limited to written comments or submissions. The representative is given the right to



ask questions of the prosecutor and the defense if it is necessary to cross-examine a witness, an expert, or the accused (International Criminal Court, 2002).

## I. Prospects for further research

Based on the analysis of foreign experience and international principles of representation of the victim in criminal proceedings, it was found that the derivative status granted to the victim's representative guarantees him the right to use only those rights granted to the victim. It was determined that the activity of the victim's representative consists of providing legal advice; ensuring legality, collecting and submitting evidence, participating in court debates; appeals of court decisions; signing an agreement on reconciliation in criminal proceedings, and others. To ensure their implementation, all of them must be directly enshrined in a separate article, as is done in the laws of other countries.

It is proposed to make changes to the legislation of Ukraine regarding the grounds for mandatory participation of the victim's representative in the case. This applies to those situations when the prosecutor refuses to support the state prosecution and when crimes have been committed.

## Conclusions

Based on the analysis, we found that the legislation of Ukraine meets the basic standards in the representation of crime victims in terms of ensuring their rights. The main powers of the victim's representative in criminal proceedings are determined. It has been established that the victim's right to have a representative is basic. Still, the cases of mandatory participation of the victim's representative-advocate in criminal proceedings at the legislative level are not defined. It was determined that this issue needs an urgent solution by introducing changes and additions to legislative acts. Such changes should be made to restore and establish a balance between the rights of the victim and the suspect, the accused, and the defendant and ensure the principle of equality and competition between the parties.

In the analysis of Czech Republic, Bulgaria, Georgia, and other countries legislation, the peculiarities of the representation of victims in criminal proceedings are determined. The fundamental principles to which the legal system of any legal and social state must comply have been determined based on international legal treaties analysis. Considering the received conclusions, recommendations for improving the legislation of Ukraine were formulated.

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