

DIFFICULTIES OF PROOF IN CRIMINAL PROCEEDINGS CONCERNING DOMESTIC VIOLENCE

Ryashko Olena

DOI: <https://doi.org/10.61345/1339-7915.2025.2.20>

In the face of cruelty, we must take sides.
Silence stimulates the executioner
(*Elie Wiesel, writer, journalist, public figure,
Nobel Peace Prize laureate*)

Annotation. The article is devoted to certain issues of evidence in the investigation of domestic violence. An important part of the article is the emphasis on the problems of proving the crime stipulated by Article 126 of the Criminal Code of Ukraine, which is quite understandable due to the significant complexity in the process of collecting, verifying and evaluating evidence, and also analyzing the circumstances that are subject to proof in accordance with the norms of the current Criminal Procedure Code of Ukraine.

The main criteria for the mandatory element of a criminal offense as a systematic commission of physical, psychological or economic violence are studied and the lack of unity in judicial practice regarding its interpretation is noted. In addition, the features of the use and importance of special knowledge in the study of traces of violence are revealed.

It is noted that in the process of investigating such criminal offenses, investigators make a significant number of tactical and procedural errors, in particular, they do not correctly apply the norms of the law, neglect special knowledge, which negatively affects the course and results of the investigation and, accordingly, further legal proceedings.

It is emphasized that the relevance of the topic is due to the need for constant updating of knowledge about domestic violence. Attention is focused on the study of the problems of proof, taking into account the vulnerability of victims and other obstacles: fear, public condemnation, distrust of law enforcement agencies. Domestic violence is a cancerous tumor that does not stop growing, striking regardless of gender, financial situation, age and status. The idea is proven that changes should occur not only in legislation, but also in the public consciousness.

The thesis is substantiated that most often women become victims of domestic violence. Men also suffer from it, but have more opportunities to get out of a situation of violence. Often the victim does not even realize that she has become a victim of domestic violence. She justifies it by the need to preserve the family. Usually, domestic violence begins with psychological forms: accusations, scandals, manipulations. As a result, a person undergoes such deep internal changes that often do not allow them to see what is really happening. A person who has suffered violence becomes insecure, submissive, intimidated, unable to make decisions on their own, to protect themselves and their children. Society's tolerant attitude towards violence, a sense of shame, and blaming victims often force them to hide the facts of violence even from their closest circle.

That is why the effectiveness of responding to cases of domestic violence and further investigation largely depends on how serious attention is paid to this problem at the state level, primarily when forming and implementing state policy.

Key words: violence, subject of evidence, problems, tactics, investigation, criminal liability.

1. Introduction.

Unfortunately, domestic violence is most often considered a private matter, and many women do not want to report such cases or their relatives or community do not recommend doing so. Failure to report the facts of violence, in turn, does not allow for a timely investigation, prosecution, and punishment of the perpetrator as required by law. Most cases do not reach court, and when they do, the perpetrators usually receive minimal punishment.

Lack of empathy for victims of violence during the pre-trial investigation and trial often leads to repeated victimization. This deters women from reporting the facts of violence against them, also taking into account that in the absence of adequate protection, the disclosure of the fact of violence increases the risk of its further repetition.

The investigation of domestic violence has its own characteristics, related to the family ties of the participants in the criminal proceedings, which determine the specifics of the tactics of conducting individual investigative (detective) actions at different stages. During the investigation of domestic violence, forensic medical, forensic psychiatric and comprehensive forensic psychological and psychiatric examinations are most often prescribed in order to establish all the circumstances that are subject to proof.

Separate attention should be paid to such a factor as propaganda in the media of violence and cruelty, and the destructive influence of video production. Nowadays, publications containing photo and video materials containing violent content are frequent in the mass media. All this affects the psychology of society in general and each individual in particular, since violence and cruelty become a common phenomenon [1, p. 114].

2. Analysis of scientific publications. This issue is devoted to the works of S.E. Ablamsky, N.M. Akhtyrskaya, I.A. Botnarenko, V.A. Zavtur, I.V. Glovyuk, V.P. Gontarenko, O.O. Dudorov, I.O. Zinchenko, T.V. Ishchenko, I.V. Kovbasa, Yu.B. Komarynska, A.S. Politova, O.V. Pchelina, S.Yu. Romantsova, Yu.I. Taranichenko, M.I. Khavronyuk, K.A. Shapoval and many others. Despite the considerable attention of scientists to the topic, in our opinion, some issues of proof in proceedings of this category require further study and analysis in the light of the author's perception.

3. The purpose of the work.

The purpose of the article is to outline the main problematic issues regarding the establishment of circumstances that are subject to proof in criminal proceedings investigating domestic violence.

4. Review and discussion.

The Supreme Court, in the aspect of proving domestic violence, has repeatedly drawn attention to the fact that a wide range of sources of evidence can be used in proving: domestic violence can be proven by any evidence admissible in criminal proceedings, and the law does not contain a requirement to prove it by specially designated means of proof. Among other things, the court may take into account administrative police reports, restrictive orders, court decisions in a case of an administrative offense, which are assessed by it in conjunction with other evidence provided by the parties. "Materials of the case on administrative offenses can be used in criminal proceedings, but only if they are attached to the materials of the criminal proceedings in the manner prescribed by the Code of Criminal Procedure of Ukraine in order to ensure the admissibility of factual data as evidence.

A restraining order is not a punishment of a person, but a temporary measure that performs a protective and preventive function and is aimed at preventing the commission of violence, ensuring the primary safety of persons until the issue of qualifying the actions of the perpetrator is resolved and a decision

is made regarding him in the relevant administrative or criminal proceedings. The order may establish a ban on being in the place of joint residence (stay) with the victim. Communication with the victim's child may be limited. The order may also contain a ban on approaching within a certain distance the place of residence (stay), study, work, other places frequently visited by the victim. An obligation may be established to eliminate obstacles to the use of property that is the object of the right of joint ownership or personal private property of the victim.

The practice, when the fact of psychological violence must be confirmed twice or three times, is incorrect. Since there is a practice of the Supreme Court of Ukraine, the decision that says that, indeed, when there are already confirmed cases of violence, when decisions are made, for example, on bringing to administrative responsibility, this proves systematicity. At the same time, a person does not have to go through all the "circles" of administrative responsibility in order to bring the rapist to criminal responsibility.

Domestic violence is acts of physical, sexual, psychological or economic violence committed in the family or within the place of residence, which lead to physical or psychological suffering, health disorders, loss of ability to work, emotional dependence or deterioration in the quality of life of the victim.

Economic violence includes intentional deprivation of housing, food, clothing, other property, funds or documents or the ability to use them, leaving without care or custody, preventing the receipt of necessary treatment or rehabilitation services, prohibition to work, coercion to work, prohibition to study and other economic offenses.

Psychological violence includes verbal abuse, threats, including against third parties, humiliation, harassment, intimidation, other actions aimed at restricting the expression of a person's will, control in the reproductive sphere, if such actions or inaction caused the victim to fear for their safety or the safety of third parties, caused emotional insecurity, inability to protect themselves or harmed the mental health of the person.

Sexual violence as a form of domestic violence includes any acts of a sexual nature committed against an adult without their consent or against a child regardless of their consent, or in the presence of a child, coercion to perform a sexual act with a third party, as well as other offenses against the sexual freedom or sexual integrity of a person, including those committed against a child or in its presence.

Physical violence is a form of domestic violence that includes slapping, kicking, pushing, pinching, whipping, biting, as well as unlawful deprivation of liberty, beating, strangulation, causing bodily harm of varying severity, leaving someone in danger, failing to provide assistance to a person in a life-threatening condition, causing death, and committing other offenses of a violent nature.

It is also necessary to pay attention to cases of economic and other types of violence between representatives of different generations (between young or middle-aged people and older people – their parents or grandparents). When a large number of people have lost their jobs and, as a result, a stable source of income, and pensions and other social benefits come regularly, the aggressors have a desire to appropriate these benefits and dispose of them at their discretion or purely for their own needs, often depriving the elderly of vital medicines, medical care, food, etc.

People with disabilities who need external care also face the same problem. The circumstances of war are not the only cause of domestic violence, but participation in and traumatization as a result of war can become the so-called "trigger" for violent acts or contribute to an increase in its strength and number of episodes.

Among the factors contributing to the increase in domestic violence during war are fear, insecurity, a sense of helplessness and confusion; socio-economic instability and loss of work; forced relocation and loss of a safe environment and established interpersonal space; disruption of family dynamics and relationships; increased use of alcohol and drugs; easy access to various types of weapons; the emergence of post-traumatic stress syndrome, etc. [2, p. 196]. Typical mistakes made by applicants when determining the subject of evidence in such cases are: – proving only the fact of domestic violence, without proving the risks of continuing such violence in the future, committing new cases of violence or the occurrence of other serious consequences; – confusing the concept of "domestic violence" with quarrels and misunderstandings, which do not contain signs of domestic violence; – an attempt to resolve a dispute

regarding the participation of parents in the upbringing and maintenance of a child by filing a claim for a restraining order.

On the one hand, the applicant's prior appeal to other authorities regarding the commission of domestic violence against him, and the registration of such a person's statements, does not in itself give grounds to assert that domestic violence has been proven; – on the other hand, in order to prove the fact of domestic violence in court, it is not necessary to make a preliminary appeal to law enforcement or other bodies; instead, the applicant should collect and provide the court with evidence confirming the fact of domestic violence and the risks that are the basis for issuing a restraining order [3, pp. 411-412].

The risk assessment is carried out according to the risk factors/risks of committing domestic violence, provided for in the form of an assessment of the risks of committing domestic violence in accordance with the appendix to these Procedures, through communication/interview with the person affected by such violence or their representative, clarification of the circumstances of the conflict and identification of factors and conditions that create or may create danger for this person. The risk factors for committing domestic violence are determined based on the results of the assessment of the perpetrator's actions, which indicate the likelihood of fatal consequences in the event of domestic violence, and are presented in the form of a risk assessment of domestic violence in the form of questions answered by a police officer of an authorized police unit based on the results of communication with the victim, and a general assessment of the situation of domestic violence in order to identify the likelihood of continued or repeated domestic violence, the occurrence of serious or especially serious consequences of its commission, as well as the death of such a person [4, p. 15].

According to police officers, an urgent restraining order is a fairly effective tool. As stated by the legislator, the latter is used by authorized units of the National Police of Ukraine as a response to the fact of domestic violence and is aimed at immediately stopping domestic violence, eliminating the danger to the life and health of the victims and preventing the continuation or repetition of such violence. In practice, a patrol that goes to the fact of domestic violence conducts an assessment of the risks of domestic violence at the scene and determines the level of danger, the latter can be high, medium, low. Guided by this, the police conduct a preventive conversation with the offender regarding the prevention of domestic violence and issue a TZP for a period of up to 10 days.

This means that during this period the offender cannot approach the place of residence of the victim (even if he is the owner of real estate), cannot call, talk, or generally contact the person who suffered from the offense. Based on the results of the review of the materials, an employee of the authorized police unit makes a decision to place the offender on preventive registration [5, p. 118].

According to Art. 126-1 of the Criminal Code of Ukraine, proving the systematic nature of domestic violence is of particular importance. Proving systematicity under Art. 126-1 of the Criminal Code of Ukraine is difficult due to the need for rights ial interpretation of systematicity in the context of forms of domestic violence, and their targeting at specific victims. To prove the systematicity of domestic violence, it is necessary to confirm at least three facts of violence against the victim. After the third fact of domestic violence, provided that the consequences consist of physical or psychological suffering, health disorders, loss of ability to work, emotional dependence or deterioration of the quality of life of the victim, criminal proceedings must be initiated under Art. 126-1 of the Criminal Code of Ukraine. Each episode of domestic violence can be committed either in a single form (physical or psychological or economic), or with a combination of two forms of violence (physical and psychological, psychological and economic, etc.), or with a combination of three forms of violence (physical, psychological, economic) [6, p. 603].

When proving the systematic nature of violence and using resolutions to bring a person to administrative liability, the principle of non bis in idem ("No one can be held twice legally liable for the same type of offense"). To open criminal proceedings on the fact of domestic violence, it is important that, at least for its extreme episode, the person has not yet been brought to criminal liability [7, p. 50].

At the same time, the subject of proof is an abstract information model, which is reflected in the norms of the current Criminal Procedure Code of Ukraine and is the determining, basic for all criminal acts without exception. Taking into account the list of circumstances subject to proof, the signs and structure of the elements of the crime, the following four groups are distinguished: 1) circumstances related to

the event of the crime and other elements of the objective side; 2) circumstances related to the object and subject of the criminal offense, as well as those that characterize the type and amount of damage caused; 3) circumstances related to the subject, subjective side and the person of the suspect (accused); 4) circumstances that contributed to the commission of the crime.

It is important to establish the circumstances that aggravate the punishment. An exhaustive list of such circumstances is set out in Art. 67 of the Criminal Code of Ukraine. As evidenced by the analysis of judicial practice, the most common circumstances in the commission of domestic violence are: the commission of a criminal offense against an elderly person, a person with a disability; against a spouse or former spouse or another person with whom the perpetrator is (was) in a family or close relationship; a person who is in a state of alcoholic intoxication. It should be noted that the recognition of the commission of a criminal offense against a minor child or in the presence of a child as aggravating circumstances is underestimated [8. p. 107].

An extremely important condition is the establishment of the circumstances of the crime: time, place, instrument and means of commission; circumstances related to the victim: personal data, condition before, during and after the event, attitude to the event; circumstances related to the suspect: personal data, behavior before, during and after the event, motives and purpose of his actions; circumstances of the consequences: the presence and nature of bodily injuries of the victim, the degree of damage to his health or even the fact of death.

As for the evidentiary base to confirm the facts of domestic violence, from the analysis of court decisions it can be seen that in such cases the courts took into account the following evidence: a protocol on administrative offenses, drawn up in accordance with the requirements of Art. 256 of the Code of Administrative Offenses; a police report on the receipt of a report on domestic violence; a protocol on the acceptance of a report on a committed offense; explanations of the victim regarding the commission of domestic violence against her; information on bringing a person to administrative responsibility for domestic violence (in case of repeated offense); a psychologist's conclusion, which indicates that as a result of domestic violence, the mental health of the victim was harmed and the quality of her life decreased; medical documents confirming the presence of harm to physical health.

The Criminal Procedure Code of Ukraine in Art. 84 determines that evidence in criminal proceedings is factual data obtained in the manner prescribed by this Code, on the basis of which the investigator, prosecutor, investigating judge and court establish the presence or absence of facts and circumstances that are important for criminal proceedings and are subject to proof. In addition, the CPC of Ukraine includes testimonies, physical evidence, documents and expert opinions as sources of evidence. In accordance with Art. 99 of the Code of Criminal Procedure of Ukraine, a document is a material object specially created for storing information, which contains written signs, sound, images, etc. recorded by means of written signs.

According to the Code of Criminal Procedure of Ukraine, to study electronic evidence, an examination of material evidence is carried out: the investigator examines the information carrier and then draws up a report on the examination of a laptop or mobile phone. From this it should be concluded that electronic evidence is such due to the peculiarities of the medium on which it is stored. Electronic, by its nature utility, is not the information that is on the electronic device, but the information carrier itself, which can later be evidence (for example, a memory card, a phone can be a means of storing information, and information that has evidentiary value remains in the form of written signs).

The method of recording electronic evidence will be the creation of its electronic copy, most often this is done in the form of a screenshot. From this we can conclude that a screenshot in itself is not electronic evidence, it is only a source of information that will later have evidentiary value in the case, that is, it is an electronic copy of one or another electronic evidence.

The digitalization of modern society, dictated by global transformations both in Ukraine and around the world, has contributed to the emergence of new ways of interacting and transmitting information and, accordingly, new ways of recording such interaction and transmitting information. One of the common new ways of recording information from modern gadgets (phone, smartphone, tablet, laptop, etc.) is a screenshot, which allows you to record the information displayed on the screen from the device in a split

second and save it. This method of fixation is widely used in various areas, including during the exercise of the right to judicial protection during the consideration process.

The main problem with the use of screenshots as evidence in court is the lack of regulatory regulation that would establish the definition of a screenshot and the requirements for such evidence. The consequences of the legislative gap are the lack of special criteria for evaluating the type of evidence in question. Screenshots are subject to the general requirements for evidence that apply to a particular legal process, in particular, belonging, admissibility and reliability. Thus, a screenshot must contain information about the subject of evidence, information about the date and time of its receipt, the name of the site, belonging to the applicant, contain data about the person who displayed it on the screen and subsequently printed it, software and computer equipment used.

The authenticity or unreliability of an electronic document can be established by comparing it with other available evidence, or during the collection of other evidence in criminal proceedings. Thus, the prosecution may interrogate witnesses, order an examination [9, p. 92].

Thus, based on the legal essence of the crime of domestic violence and covering the subject of evidence established by Article 91 of the Criminal Procedure Code of Ukraine, it is possible to distinguish circumstances that are fundamental and subject to clarification in each investigation of this crime. Firstly, these are circumstances related to the event of the criminal offense. The main components are the place and time of the commission of domestic violence. Their precise definition has criminal law (in certain cases, when reporting facts of physical impact on the victim, these circumstances affect the qualification of criminal acts), procedural (the completeness of the investigation directly depends on establishing the place and time of the crime) and forensic (identification of evidence, identification of witnesses, study of the situation, environment and conditions in which the crime was committed, etc.) significance.

But the place of domestic violence, in addition to physical locations, must have a home element, namely the presence within its spatial boundaries of the suspect and the victim, to whom the legislation on the prevention and counteraction of domestic violence applies. Of great importance is a meticulous study of the method of committing violence, which can have various forms and manifestations, to establish the circumstances of the committed act and its precise qualification. Thus, when investigating domestic violence, it is necessary to establish all forms of the act, the tools used, and threats of violence.

The time of commission of this criminal offense, taking into account the systematic nature of the act, can be considered the entire period of time during which the act was committed, that is, not only the moments when a certain form of violence was committed, but also the time intervals between them and the period preceding the first episode of the criminal offense, because these time intervals can be regarded as preparation or concealment of the consequences of the crime. Accordingly, if the actions were systematically committed within one day, the time will be recognized as this day, within an hour – the corresponding hour.

However, if we consider this from the point of view of, for example, not physical, but psychological and/or economic violence, the beginning of the countdown of the time of commission of the criminal offense can be considered the first attempts to put pressure on the victim, which will be appropriate to consider precisely in the context of the method of committing domestic violence. Also, usually all three or two forms of violence are combined, so the beginning of time that will characterize the event of domestic violence will be determined depending on the specific situation in practice, but the use of only one of the forms of violence should not be ruled out.

A specific element of this type of crime is the presence of special connections between the suspect and the accused, the nature of which must be established when detecting of each fact of committing a crime related to domestic violence. The establishment of negative conflict relations between special subjects may be grounds for recognizing the commission of a crime as a mitigating circumstance as a result of domestic violence and up to requalification of the act as exceeding the limits of necessary defense in a situation of protection from domestic violence. Along with proving the guilt of a person in committing domestic violence, the motive and special purpose of maintaining a dominant position in relation to the victim must also be established, which, although they have an optional meaning, are necessarily taken into account by the court when qualifying. It is worth noting that the most common practice during the

investigation of domestic violence is the appointment of a forensic medical examination. The results of its conduct largely determine the further criminal-legal qualification of the crime not only under Art. 126-1 of the Criminal Code of Ukraine, but also under other special articles of this Code, in particular Art. 115, 121, 122, 125, 126 of the Criminal Code of Ukraine. And taking into account the fact that one of the forms of domestic violence is physical violence, which includes, in particular, such actions as slapping, kicking, pushing, pinching, whipping, biting, beating, causing bodily harm of varying severity, causing death, special attention should be paid to it.

In addition, in accordance with Clauses 1, 2 Part 2 of Art. 242 of the Criminal Code of Ukraine, conducting an examination to establish the causes of death, as well as the severity and nature of bodily harm is mandatory. The next most frequently appointed expert after the forensic medical expert is the forensic psychiatric expert. It is appointed in the event of establishing circumstances that give grounds to believe that a person was in an insane or limited state of sanity at the time of committing a socially dangerous act or committed a criminal offense while in a sane state, but after committing it, fell ill with a mental illness that deprives him of the ability to realize his actions or control them. The legislator includes the following circumstances in the list of such circumstances: a mental disorder or the presence of a mental illness in a person, confirmed by a medical document; inadequate behavior of a person who was or is at the time of committing a socially dangerous act (clouding of consciousness, violation of perception, thinking, will, emotions, intelligence or memory, etc. [10, p. 240].

The main task of the next stage of the investigation of criminal offenses related to domestic violence is to obtain the most comprehensive information about the committed domestic violence. At this stage, one of the main sources of obtaining the necessary information is the testimony of the victim. That is why, at the next stage of the investigation of criminal offenses related to domestic violence, the division of investigative situations depends on the behavior of the victim (on the presence or absence of resistance to the investigation on his part, obstruction in establishing the objective truth, which, in turn, determines the presence or absence of a conflict situation).

In order to establish the causes of the conflict situation, it is necessary to comprehensively and fully study the personality of the victim and the suspect, the circumstances characterizing their relationship (including the situation of domestic violence). As noted, during the investigation of criminal offenses related to domestic violence, conflict situations may arise related to resistance from the victim.

According to current legislation (Article 63 of the Constitution of Ukraine), no one is responsible for refusing to give explanations or testimony regarding themselves, family members or close relatives, the circle of whom is determined by law. Therefore, the victim has the full right to refuse to give testimony regarding such persons. In this case, overcoming the conflict caused by refusing to give testimony is possible only by applying the method of persuasion (which consists in explaining to the victim that the person who committed a criminal offense related to domestic violence, remaining at large, may commit new illegal acts, as a result of which the victim and his or her loved ones may be caused even greater harm). Overcoming such conflict situations is possible under the condition of a trusting relationship between the investigator and the victim, the prerequisite of which is the businesslike atmosphere of the interrogation (in particular, when this investigative action takes place at the victim's place of residence), the investigator's benevolence, attentiveness, sympathy, tactful and polite address to the victim, and the communication should take into account his psychological characteristics [11, pp. 291-292].

Since most often victims and other persons do not report cases of domestic violence immediately, but after a certain period of time, there is a need for their detailed testimony about the circumstances of the violence, which may pose a problem due to forgetting the event over time or under the influence of a psychotraumatic situation. In such cases, it is possible to use the method of hypnoreproduction and polygraph in order to taking statements that cannot be obtained by ordinary recall and the use of tactical interrogation techniques [12, p. 14].

A generally recognized global trend in the investigation of domestic violence is the use of victim-centered approaches. An investigation focused on the needs of the victim (victim) begins with trust in the victim (victim) (conducting an investigation by virtue of existing powers (*ex officio*)); ensures that additional harm is not caused to the victim (victim) and other family members; is based on the timely and use of all available means of collecting material and biological/forensic evidence in order to establish the elements

or facts of the case; aims to build a well-founded case in which the victim/victim, as the sole source of evidence, is not placed under undue burden and the evidence is not based on coerced testimony, including from alleged perpetrators or witnesses [13, pp. 141-142].

5. Conclusions.

Speaking about the consequences of domestic violence, there are close (those that can be identified immediately or after a very short period of time after the fact of violence) and remote (which can manifest themselves after a considerable time and even many years; this is especially true in cases where a child suffers from violence). Also, the consequences of domestic violence can affect not only the victim herself, but also her immediate environment, the perpetrator himself and society as a whole.

We can note that from the first steps of the investigation at the initial stage of the investigation of domestic violence, the process of forming an evidentiary base takes place, the circumstances that need to be established at the subsequent stages of the investigation are determined. We need to collect forensically significant information about the event of a criminal offense, establish the place, time and circumstances of the commission of violence, identify traces and establish a causal relationship between them, and we also need to understand the personal characteristics of the victim and the offender, outline their psychological portrait.

It has been found that the choice of a specific method of committing domestic violence is influenced by factors of an objective (specific features of the situation, place and time) and subjective nature (physical condition and psychological characteristics of the perpetrator and the victim). The identification of certain factors during the pre-trial investigation of domestic violence allows the investigator to correctly model the offender's method of action, and vice versa, based on the content of specific actions, he can judge the factors that caused it.

The court's application of mitigating factors, such as remorse and the presence of minor children, demonstrates a level of leniency based on the individual's circumstances, which is common in criminal justice systems worldwide [14, p. 40].

The adequacy and thoroughness of the investigation is directly related to the collection of evidence, within which it is necessary to consider ensuring that the evidence is appropriate, admissible and reliable [15, p. 40].

It has been determined that the most characteristic manifestation of domestic violence is ideal (remaining in the person's memory as a result of perception, memorization and reproduction of specific information) and digital traces (social media pages, mobile phones, tablets, laptops, stationary personal computers of the suspect or victim). Accordingly, the process of proving such criminal proceedings is based first on ideal traces (testimonies of the victim and witnesses), and then reinforced by material and digital traces (evidence), which are often attached to the materials of the criminal proceedings in the form of digital media (flash cards, disks, screenshots) by the victims themselves.

References:

1. Mytnyk, U. M. (2023). Determination of domestic violence in martial law. *Journal of the Kyiv University of Law*, (2), 113-116. <https://doi.org/10.36695/2219-5521.2.2023.23> [in Ukrainian].
2. Miloradova N.E. Peculiarities of manifestation of domestic violence during war. *Habitus. Scientific journal of sociology and psychology*. Issue 47. 2023. P. 194-199. DOI <https://doi.org/10.32782/2663-5208>.
3. Kovbas I.V. Subject and means of proof in cases of issuing restraining orders in cases of domestic violence. *Law and society*. 4/2022. P. 408-416.
4. Prevention and counteraction to domestic violence by units of the National Police [Text]: method. rec. / [V.L. Kostyuk, N.V. Fedorovska, M.V. Pashkovska]. Kyiv: Nat. akad. vnutr. sprav, 2021. 42 p.

5. Pundor Yu. O. On the need to prevent and counter domestic violence in conditions of martial law. *Journal of the Kyiv University of Law*. 2023/2. P.117-120, DOI: 10.36695/2219-5521.2.2023.24 [in Ukrainian].
6. Glovyuk I.V., Gutnyk A.V., Kots E.P. Variability of proving domestic violence: praxeological aspect. Electronic scientific publication "Analytical and comparative jurisprudence" P.598-605. 2024. DOI <https://doi.org/10.24144/2788-6018.2024.04.101> [in Ukrainian].
7. Carrying out pre-trial investigation of criminal offenses related to domestic violence in order to use the best international practices, ensuring victim-oriented approaches, including the right to representation and free secondary legal aid: methodological recommendations / team of authors. Lviv: Lviv State University of Internal Affairs, 2024. 180 p.
8. Ishchenko T.V. Investigation of domestic violence: dissertation ... doctor of philosophy: 081 – Law. Kyiv, 2021. 324 p. [in Ukrainian].
9. Gutnyk A. V., Khytra A. Ya. Criminal procedural and forensic foundations of the use of electronic documents in evidence: a collective monograph. Lviv: Lviv State Internal Affairs Department, 2022. 204 p. URL: <https://dspace.lvduvs.edu.ua/handle/1234567890/4725>. [in Ukrainian].
10. Ishchenko T. V. Forensic examinations assigned during the investigation of domestic violence: an analytical review. *Bulletin of the Zaporizhzhia National University. Legal Sciences*. 2020. No. 1. P. 240 [in Ukrainian].
11. Qualification and fundamentals of the methodology of investigating domestic violence: a textbook / S. Romantsova, N. Ustrytska, I. Glovyuk et al.; ed. I. Glovyuk, N. Lashchuk, S. Romantsova. Lviv: Lviv State University of Internal Affairs, 2022. 404 p. [in Ukrainian].
12. Features of detection, fixation and removal of traces of domestic violence during pre-trial investigation [Text]: method. rec. / [O.V. Aleksandrenko, S. S. Okhrimenko]. K.: National Academician of Internal Affairs, 2019. 28 p. [in Ukrainian].
13. Handbook on the provision of gender-sensitive police services to women and girls affected by violence. URL: <https://www.unwomen.org/sites/default/files/2023-08/handbook-on-gender-responsive-police-services-uk.pdf>. [in Ukrainian].
14. Sapirova, M., & Abenova, K. (2024). Social work with domestic violence against women in rural areas. *Social & Legal Studios*, 7(4), 38-47. DOI: 10.32518/sals4.2024.38. Doi: 10.32518/sals4.2024.38 [in Ukrainian].
15. Glovyuk I.V. The effectiveness of domestic violence investigation: standards of the Istanbul Convention and the practice of the ECHR. *Scientific Bulletin of the Uzhhorod National University. Law Series*. 2024. Issue 84. Part 4. P. 36-43. [in Ukrainian].

Olena Ryashko,

Candidate of Law Sciences, Associate

Professor., Associate Professor, Department of Criminal Procedure and Criminalistics,

Lviv State University of Internal Affairs

E-mail: olena_ryashko@ukr.net

ORCID: 0000-0001-5500-5223