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Item reference: Action plan (20/04/2018)

Communication from Ukraine concerning the case of BALITSKIY v. Ukraine (Application No. 12793/03)

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Réunion : 1318e réunion (juin 2018) (DH)

Référence du point : Plan d'action (20/04/2018)

Communication de l'Ukraine concernant l'affaire BALITSKIY c. Ukraine (requête n° 12793/03) ***(anglais uniquement)***

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19.04.2018 № 4737/5.2.1/25-18

На №

Ms Geneviève Mayer
Head of Department
for the Execution of Judgments
of the European Court of Human Rights
Directorate General of Human rights and Rule of Law– DG I
Council of Europe
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DGI
20 AVR. 2018
SERVICE DE L'EXECUTION DES ARRETS DE LA CEDH

As to the execution of the Court's judgments in the group of cases Balitskiy and others v. Ukraine

Dear Madam,

Herewith please find enclosed the Action plan for the execution of the Court's judgments in the group of cases *Balitskiy and others v. Ukraine* (*application No. 12793/03).*

This information has been also sent by e-mail.

Encl: on 10 pages.

Yours faithfully

Deputy Minister of Justice
of Ukraine – Agent before
the European Court of Human Rights **Ivan LISHCHYNA**

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UB Міністерство юстиції України
4737/5.2.1/25-18 від 19.04.2018
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Annex to the letter of the Agent of Ukraine
before the European Court of Human Rights
of 19 April 2018 No.4737/5.2.1/25-18

Action plan
on measures to be taken for implementation of the Court's judgments
in the group of cases *Balitskiy and others v. Ukraine*

CASE SUMMARY

This group of cases concerns the convictions of the applicants, between 2002 and 2011, on the basis of self-incriminating statements made in the absence of a lawyer and in circumstances giving rise to a suspicion that the confessions had been given against the applicants' will (violations of Article 6 §§ 1 and 3 (c)). The Court noted in particular:

- the formal placement of some of the applicants under administrative arrest while in fact treating them as criminal suspects, thus depriving them of access to a lawyer, which would have been obligatory had the applicants been charged with the criminal offence they had been convicted for or questioned on;

- in some cases, the waivers whereby the applicants allegedly renounced their right to a lawyer were signed in questionable circumstances;

- in some cases, the initial classification of the investigated crimes as a less serious one which did not require obligatory legal representation, resulting in the effective denial of appropriate legal assistance to the applicants.

In a number of cases in this group, the Court also found other violations: ill-treatment by the police (Article 3); no effective investigation into allegations of ill-treatment while in police custody (Article 3); absence of prompt judicial review of detention (Article 5 § 3).

In the *Balitskiy* case, the Court stressed the structural nature of the problem regarding the malpractices of using administrative arrest to ensure the availability of a person as a criminal suspect and of initial "artificial" under-charging to classify the alleged offence under an article of the Criminal Code which did not require obligatory legal representation. The Court indicated under Article 46 that specific reforms in Ukraine's legislation and administrative practice should be urgently implemented to ensure compliance with Article 6 and avoid further repetitive complaints of this type.

The general measures in response to these violations are being examined in the context of the *Kaverzin/Afanasiyev* and *Ignatov* groups, respectively.

INDIVIDUAL MEASURES

As regards individual measures in the group of cases *Balitskiy and others v. Ukraine* (application No. 12793/03 and other) the Government of Ukraine would like to note as follows.

Just satisfaction

As regards Kuripka case (application No. 7918/07)

The Court awarded the applicant just satisfaction in the amount of EUR 1,000, plus any tax that may be chargeable, in respect of non-pecuniary damage. This amount was transferred to the applicant's representative bank account under payment order No. 1738 dated 13 April 2017. The default interest was transferred to the applicant's representative bank account on 25 October 2017. The enforcement proceeding was terminated on 31 January 2018.

As regards Omelchenko case (application No. 34592/06)

The Court awarded the applicant just satisfaction EUR 3,000, plus any tax that may be chargeable, in respect of non-pecuniary damage. As to the applicant's failure to submit his banking details, on 22 December 2014 just satisfaction was transferred to the special deposit account of the Ministry of Justice of Ukraine. Despite the numerous requests of the state bailiff for granting full banking details they have never been submitted. On 24 December 2015 just satisfaction was transferred to the State Budget of Ukraine under payment order no. 4768. The enforcement proceeding was terminated on 30 December 2015.

As regards Sergey Afanasyev case (application No. 48057/06)

The Court awarded the applicant just satisfaction in amount EUR 2,400, plus any tax that may be chargeable, in respect of non-pecuniary damage and EUR 700, plus any tax that may be chargeable, in respect of costs and expenses, which had to be paid into the bank account of the applicant's lawyer, M. Tarakhkalo. As to the applicant's failure to submit his banking details, on 12 June 2013 the just satisfaction, and on 04 July 2013 a default interest – have been transferred to the State Bailiff's special account. Despite the numerous requests of the state bailiff for granting full banking details, the applicant or his representative did not provide such details. On 24 June 2013 and on 15 July 2014 just satisfaction sum has been transferred to the State Budget of Ukraine.

On 02 July 2013 the amount of EUR 700 was transferred to the bank account of applicant's lawyer, M. Tarakhkalo; the default interest on the above amount was transferred to his account on 23 July 2013.

The enforcement proceedings were terminated on 31 July 2014.

As regards Sobko case (application No. 15102/10)

The Court awarded the applicant just satisfaction in the amount of EUR 1,000, plus any tax that may be chargeable, in respect of non-pecuniary damage. On 09 August 2016 this amount was transferred to the applicant's bank account. The enforcement proceeding was terminated on 29 August 2016.

Restitutio in integrum

- *Balitskiy* case (application No. 12793/03)

According to the Ruling of the High Specialised Court of Ukraine for Civil and Criminal Cases (hereinafter – HSCU) dated 31 October 2012 the Sumy Regional Court of Appeal transferred files of the criminal case against the applicant to the Frunzenskyi District Court of Kharkiv for consideration on the merits. Pursuant to the Ruling of the Frunzenskyi District Court of Kharkiv of 05 December 2013 the

criminal case against the applicant was remitted for additional investigation to the Prosecutor's Office of Kharkiv Region. According to the criminal proceeding's files (as regards the Court's conclusions and the Ruling of the HSCU), the court questioned the admissibility of evidence gathered during the pre-trial investigation.

As of today Mr Balitskiy has not been notified of suspicion. Pre-trial investigation is pending.

- *Yaremenko case* (application No.32092/02)

On 09 November 2015 the Supreme Court of Ukraine has quashed the sentence of Kyiv City Appeal Court of 20 November 2001, the Ruling of the Supreme Court of Ukraine of 18 April 2002 and the Ruling of the joint hearing of the Supreme Court of Ukraine and Military Court Panel of 31 July 2009. The criminal case was remitted for fresh examination to the Darnytskyi District Court of Kyiv. Investigation is pending.

As to the exclusion of the self-incriminating statements and confessions, obtained in violation of the Convention, at the stage of re-opened proceedings, please be advised with the following information.

- *Stanislav Lutsenko* (application No. 30663/04)

On 05 December 2011 the Supreme Court of Ukraine considered application of *Stanislav Lutsenko* for review and decided to quash the sentence of the Donetsk Regional Court of Appeal of 3 October 2003, and the Ruling of the Supreme Court of Ukraine of 11 March 2004, and remitted the case for fresh examination to the first-instance court.

The case was considered by the Kyivskyi District Court of Donetsk. On 28 October 2013 the court (under the following link: http://reyestr.court.gov.ua/Review/34632430) convicted the applicant of murder for profit. While rendering the sentence, the court considered Mr N.L. testimony to be direct evidence of the fact that the applicant has committed an alleged crime.

Pursuant to the Ruling of the Donetsk Regional Court of Appeal in the case of 20 January 2014 (see: http://reyestr.court.gov.ua/Review/37705700) the sentence of the Kyivskyi District Court of Donetsk of 28 October 2013 had been quashed and the case was remitted to the same court for fresh examination. The sentence was quashed due to the fundamental violations of the provisions of the Code of Criminal Procedure of Ukraine (since the sentence was considered by an improper composition of panel). The Court of Appeal did not consider the appeal on the merits of and on the imposed punishment. On 15 March 2014 case files were remitted to the Kyivskyi District Court of Donetsk. Since April 2014, the Government of Ukraine lost access to the files of cases due to the Russian aggression in Eastern Ukraine and the occupation of Donetsk by the Russian forces and their collaborators. Therefore, it is not possible to report the outcome of the re-opened domestic proceedings in the applicant's case.

- *Shabelnik (applications Nos. 16404/03 and 15685/11)*

On 9 November 2017, the applicant's representative lodged an application with the Supreme Court of Ukraine for review of the Zhytomyr Regional Court of Appeal judgment dated 11 July 2002 and decision of the Supreme Court of Ukraine dated 09

September 2010. On 29 January 2018 the Supreme Court opened proceedings under this application. As of today the trial is pending.

· *Leonid Lazarenko (application No. 22313/04)*

On 6 June 2011, the Supreme Court of Ukraine during the re-opened proceedings decided to quash the sentence of the Donetsk Regional Court of Appeal of 2 September 2003, and the Ruling of the Supreme Court of Ukraine of 8 April 2004 regarding the applicant, and remitted the case to the same court for fresh examination. While substantiating this decision, the Supreme Court of Ukraine noted that the court's decision in the applicant's case cannot be upheld, and shall be quashed, since the violations found by the Court can only be corrected at the stage of a new trial.

In pursuance to this decision dated 6 June 2011, the case was remitted to the Donetsk Regional Court of Appeal. The automated system of the document circulation in this court was established in 2014. Thus it does not contain information on a new trial in this criminal case. The paper case file is not accessible to the Ukrainian Government since April 2014, when Donetsk was occupied by the Russian forces and their collaborators.

· *Omelchenko (application No. 34592/06)*

The HSCU by its ruling of 25 April 2017 remitted applicant's case to the Kyiv City Court of Appeals for a new consideration.

The court noted (see the link: http://reyestr.court.gov.ua/Review/66207287) that taking into account the violation of fundamental procedural guarantees in the process of collection of evidences on which the conviction is based to a large extent, found by the Court, judicial proceedings in this case may not be considered as ones that meet the criteria of justice, established by the Convention.

The analysed violations could have been detected and receive the appropriate legal assessment and response during the court hearing on the merits, but this was not done. On the basis of the mentioned factual and legal grounds, the panel of judges considered that the sentence and the Ruling in the applicant's case cannot remain in force, and should be quashed. Since the appellate court has no procedural powers to examine the evidences, and hence to give them an assessment, based on the "direct examination of testimonies, things and documents" principle of criminal proceedings, the above violations of the procedural law cannot be corrected by appellate court delivering a final decision. The essence of violations found by the Court, its legal nature, the stage of the proceedings during which it were committed and during which it may be corrected may be carried out during the new judicial consideration. At this stage the principle of presumption of innocence concerning the applicant would adherence and the applicant would be able to exercise the right to defend himself, in accordance with the procedure established by the Code of Criminal Procedure of Ukraine.

On 20 June 2017, the Kyiv City Court of Appeals determined the Podilskyi District Court of Kyiv as competent for consideration of the applicant's criminal case. On 4 April 2018 the Podilskyi District Court of Kyiv changed a preventive measure from detention on remand to written undertaking not to abscond; the next hearing is scheduled for 25 April 2018.

· *Chopenko (application No. 17735/06)*

On 6 July 2015 the Supreme Court of Ukraine reviewed the court decisions regarding the applicant. Taking into account the content of the Court's judgment in

the case of *Chopenko v. Ukraine*, the Supreme Court of Ukraine came to the conclusion that the fulfilment of the State's duty to achieve *restitutio in integrum* in the case of the applicant is possible if the case will be remitted for a new trial. Thus, the Supreme Court of Ukraine quashed the Dnipropetrovsk Regional Court of Appeal sentence of 16 December 2005, and the Ruling of Supreme Court of Ukraine of 18 April 2006, and remitted the case to the Dzerzhynskyi District Court of Kryvyi Rih for a new consideration. At the same time, the court did not consider and did not assess the applicant's confessions. The court procedure in the criminal case is currently pending.

The Government will inform the Committee on any respective developments.

GENERAL MEASURES

As to the judicial practice

Article 18 of the Code of Criminal Procedure of Ukraine (hereinafter – CCP) of 2012 envisages that nobody shall be compelled to admit his or her guilt of a criminal offence or to give explanations, testimonies, which may serve a ground for suspecting him or her or charging with the commission of a criminal offence.

Since the CCP of Ukraine came into force, formation of legal opinions regarding procedural mechanisms for definition of the admissibility of evidence in the course of the exercise of the guaranteed right to freedom from self-incrimination and the right to waive giving any explanations or testimonies against his/her close relatives or family members is, without any doubt, a priority task for domestic courts as an element of contribution to the protection of human rights and fundamental freedoms in criminal proceedings.

Therefore, the Supreme Court pays special attention to the implementation of such task, in particular, during the execution by Ukraine of the Court's judgment in the case of *Balitskiy v .Ukraine.*

In this regard, it is worth noting that during the procedural activities of the Cassation Court for Criminal Cases (hereinafter "CC") within the Supreme Court no well-established judicial practice regarding the relevant issues has been formed yet. At the same time, the CC had already made certain conclusions regarding the determination of rules of the admissibility of evidence in criminal cases, including those concerning the observance of the constitutional right not to give explanations or testimonies against himself or herself, including the following Orders:

· in Court Ruling No. 759/8643/16-к of 27 February 2018 (please follow the link http://reyestr.court.gov.ua/Review/72642168) the Supreme Court noted that during the consideration of the proceeding in the court of appeal, the panel of judges found to be valid the appeal pleadings concerning inherent inadmissibility of the records of presentation of the accused for identification by the victim and the witnesses, due to the fact that he was already detained and was in the status of a suspect, while the materials of the proceedings lack the data that at that time the criminal procedural rights, which he could exercise, were explained to him (including the right to have a defender).

However, having come to the conclusion that certain evidence is inadmissible, the CC has taken into account that, the guilt of the accused is supported by other evidence that is adequate, acceptable and sufficient to conclude that he is guilty.

Pursuant to the Article 412.1 ("Significant violations of the provisions of criminal procedural law") of the CCP significant violations of the provisions of

criminal-procedural law are such violations of the provisions of the present Code that prevent or can prevent the passing by court of a lawful and justified court decision. That being said, taking into account that when passing the Ruling the CC had substantiated the arguments of the appeal pleadings on the inadmissibility of the said evidences, however, these circumstances as a whole did not affect the legitimacy and justification of the court decision, the Supreme Court found no grounds for reversal of court decisions on the accused and for the closure of criminal proceedings;

· in Court Ruling No. 760/13866/15-к of 1 March 2018 (please follow the link http://reyestr.court.gov.ua/Review/72642008) issued as a result of consideration of the cassation appeal lodged by the prosecutor against the sentence of the Solomianskyi District Court of Kyiv of 19 September 2016 and Ruling of Kyiv City Court of Appeals of 23 February 2017, the Supreme Court found that the trial court comprehensively and fully examined the testimony of the accused. In particular, the trial court took into account that during the investigative procedure with the participation of a minor-accused there was neither legal representative, nor a defender, whose participation in this criminal proceeding is compulsory. In view of such a violation of the right to defence of the accused, the court has come to the conclusion that the evidence was obtained as a result of violation of rights and freedoms of the accused, and therefore the use of factual data obtained during such an investigative procedure was groundlessly relied upon by the court of the first instance.

The trial court came to the conclusion that other evidence, examined by the court, did not establish objective data that would confirm the fact of the criminal offence committed by the accused, and acquitted the suspect.

The Court of Appeal rejected the prosecutor's appeal. This decision of the Court of Appeal was upheld on cassation appeal by the Supreme Court.

· in Court Ruling No. 197/433/15-к of 1 February 2018 (please follow the link: http://reyestr.court.gov.ua/Review/72074021), the CC within the Supreme Court found that although the defendant denied his guilt of criminal offences envisaged by Articles 186.2 ("Robbery") and 121.2 ("Intended grievous bodily injury") of the Criminal Code of Ukraine, the first-instance court has ascertained that his guilt was corroborated by the totality of evidence examined and assessed. Also, the CC ascertained that the first instance court had verified to the full extent the defendant's arguments in terms of self-incrimination during the pre-trial investigation after having admitted his guilt under physical and psychological pressure by police officers; at the same time, the court had found them unsubstantiated and duly motivated its findings in the judgment. Particularly, on account of the defendant's submissions regarding unauthorised psychological and physical pressure applied against him by the police officers in these criminal proceedings in order to obtain his confession, the first instance court stated in its judgment that no other evidence except for their requests had been submitted by the defendant and his lawyer.

The court questioned the law-enforcement officers indicated by the defendant, and in their testimonies on the merits they denied the circumstances stated by the defendant. Those arguments were also verified by the Prosecutor's Officer, and it did not found any corroborative evidence in support of these complaints either. No medical documents corroborating the defendant's allegations was provided. The defendant did not complain about any ill-treatment while in police custody, nor when he was placed in SIZO, nor to his state appointed attorney. In fact he confided about the ill-treatment to the attorney of his choosing only during the trial, about a month after his engagement. Thus, the Supreme Court, while stressing that the record, made during pre-trial proceedings and containing self-incriminating statements by the

defendant should be approached by the court with extreme caution and cannot be the sole evidence of guilt in the accusatory sentence, did not find any grounds to doubt the first instance court's conclusions as to the reliability of this evidence. It also stressed that the record at issue was but one of the mecy pieces of evidence, confirming the defendant's guilt.

As to the measures, taken by other actors in judicial system to ensure effective implementation of provisions of the CCP relating to the right to defense

On a permanent basis, the **National School of Judges of Ukraine** (hereinafter "NSJ") provides training for personnel of the judicial system, based on the State's obligation to observe the generally recognised international standards in the field of justice.

Thus, the application of the Convention and the Court's case-law when administering justice, in particular, the right to fair trial envisaged by Article 6 § 1, the use of free legal aid, procedural safeguards for an accused person, as provided for by Article 6 §3 (c) are always covered by training programmes for judges, as well as the Special Training Programme for Aspiring Judges who have at least 3 years' experience in the position of the judge assistant.

Among the measures taken by the NSJ with a view to developing of personnel of the judicial system, particularly, the formation of the well-established practice of ensuring the effective judicial protection of the rights of the accused in the administration of justice, the following are worth noting:

1) in the framework of the joint project "Safeguarding Human Rights Through Courts" of the NSJ, the Supreme Court and the OSCE Project Co-ordinator in Ukraine, two training courses in the form of training sessions have been developed for judges of general and administrative courts. In particular, the civil and criminal limbs of Article 6 of the Convention are covered by the training session "The Application of the Convention for the Protection of Human Rights and Fundamental Freedoms and the European Court of Human Rights Case-Law when Administering Justice in Administrative Procedure".

2) special training programme for candidates for a position of judge who have at least 3 years' experience in the position of judge assistant, as approved by Decision of the High Qualification Commission of Judges of Ukraine No. 19/зп-18 dated 12 February 2018 (the content of decision can be found online at the official website of the High Qualification Commission of Judges of Ukraine: https://vkksu.gov.ua/userfiles/poryadok_vkksu.pdf), covers, *inter alia*, the following topics: "Procedural Safeguards for an Accused Person" (Article 6 §§2, 3): the right to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him; to have adequate time and facilities for the preparation of his defence; to defend himself in person or through legal assistance of his own choosing; to examine witnesses; to have the free assistance of an interpreter, etc., under cases of: *Paskal v. Ukraine, Yaremenko v.Ukraine, Leonid Lazarenko v. Ukraine, Balitskiy v. Ukraine, Shabelnik v. Ukraine, Zhoglo v. Ukraine, Kornev and Karpenko v. Ukraine, Grabchuk v. Ukraine, Shagin v. Ukraine, Zukovskiy v. Ukraine* (abstract from the special training programme for candidates for a position of judge. Block IV.I. "Criminal Justice").

3) in order to ensure proper qualification assessment of judges, the NSJ has developed text questions. The questions regarding the case of *Balitskiy v. Ukraine* were included to the basics of test questions for examinations under qualification assessment of judges of local courts, as approved by Decision of the High Qualification Commission of Judges of Ukraine No. 16/зп-18 dated 7 February 2018.

4) the ensuring of the right to a fair trial, the use of a lawyer's legal aid, procedural safeguards for an accused person were also discussed when highlighting other topics, including: "Powers of Investigating Judges"; "Judicial Examination of Cases under the CCP of Ukraine"; "The Imposition of Preventive Measures: Choosing and Extending"; "Appealing against Rulings on a Preventive Measure"; "Procedural Safeguards of Prevention of Ill-Treatment"; "The Application of the European Court of Human Rights Case-Law in Criminal Justice", etc.

In order to improve the judicial practice, the NSJ addressed relevant letters regarding the execution of the Court's judgments in the *Balitskiy v. Ukraine* group of cases to the Supreme Court and the CC within the Supreme Court, noting the necessity to summarise the judicial practice on matters where the Court found a violation of the provisions of the Convention by Ukraine (letters of the National School of Judges of Ukraine No. 13-04/937 dated 7 March 2017 and No. 13-04/938 dated March 2017 are online at the official website of the High Qualification Commission of Judges of Ukraine).

The system of **free legal aid** is undergoing further development.

On 18 October 2017, by the Resolution of the Cabinet of Ministers of Ukraine No. 793 "On Amendments to the Procedure of Informing Centres for Free Secondary Legal Aid on Cases of Detention, Administrative Arrest or Application of Preventive Measures in the Form of Detention", amendments to the Procedure of Informing (detailed information regarding the Procedure of Informing was provided in the Annex to the letter of the Agent of Ukraine before the European Court of Human Rights of 15 June 2017 No.2994/12.0.1/41-17) were made. According to these amendments the Ukrainian Parliament Commissioner for Human Rights, his representatives or regional representative office may report to appropriate regional centre for free secondary legal aid about facts of the person's detention.

It should be noted that as part of informing on cases of detention, administrative arrest or imposing a preventive measure in the form of detention on remand, from 2015 until March 2018, the centres of free legal aid registered 45 758 reports of cases of administrative detention of persons received from the subjects of submission of information, in particular: 10 071 reports in 2015; 16 513 reports in 2016; 16 694 reports in 2017 and 2 480 reports in 2018. During the time of functioning of the system of free legal aid, 63 159 reports of cases concerning detention of persons suspected of a criminal offense, received from the subjects of submission of information, were registered, which is: in 2015 – 18 922; in 2016 – 18 368; in 2017 – 22 083 and in 2018 – 3 786.

As a result of the response to the received applications for free legal aid, the following indicators of the effectiveness have been achieved:

Indicator	2015	2016	2017	2018
In the case of consideration of an appeal petition lodged by a lawyer against the chosen preventive measure in the form of detention on remand, the preventive measure was changed to a less restrictive one	239	149	184	9
As a result of consideration of the motion of the investigator, the prosecutor on choosing of a prevention measure in the form of a detention on remand due to the actions of a lawyer, the court has chosen a less restrictive preventive measure, and if the prosecutor had lodged appeal petition against such a ruling, the preventive measure was upheld	943	760	987	53

A refusal to satisfy a motion of the prosecutor, investigator on choosing of a preventive measure in the form of detention on remand regarding a suspect or accused, in case such a result is achieved after consideration of such motion by the investigating judge, or by the court	434	474	352	27
Revoking or changing of a preventive measure in the form of detention in case such a result is achieved as a result of consideration of a petition lodged by a lawyer	263	367	282	26
Adoption of the acquitting judgement or setting aside of the condemnatory judgement and termination of the criminal proceedings by the court of appeal or cassation court	193	174	157	9
Termination of proceedings in the absence of a *corpus delicti*, in the case of failure to establish evidence to prove the guilt of a person in court and exhaustion of the possibilities of obtaining evidences	274	375	159	12
Change of classification of a crime, including:				
from a special grave offence to a grave criminal offence	222	218	118	8
from a special grave offence to a medium grave offence	97	71	54	2
from a special grave offence to a minor criminal offence	38	43	27	2
from a grave criminal offence to a medium grave offence	235	277	186	12
from a grave criminal offence to a minor criminal offence	64	72	63	2
from a medium grave offence to a minor criminal offence	29	42	20	1
Reduce of the number of episodes of criminal episodes	471	609	478	28
Relief from serving the punishment on parole (Articles 75, 79, 104 of Criminal Code of Ukraine)	6840	7107	6396	335
Prescription of the least severe punishment, which is prescribed by a sanction of the article or milder type of primary punishment than the law provides (Article 69 of the Criminal Code of Ukraine)	2417	2409	2748	202
Prescription of the minimal punishment	6235	7205	7057	316

In 2018, in order to develop a system of free legal aid, such measures are planned:

- comprehensive improvement of the Law of Ukraine “On Free Legal Aid” and related key legal acts, which regulate the provision of free legal aid, based on the first five years experience of functioning of the system of free legal aid provision, including in terms of expanding access to free legal aid for vulnerable categories of citizens;
- ensuring the improvement of the quality of provision of secondary legal aid by improving of the quality standards of provision of free secondary legal and its monitoring mechanisms;

- creation of prerequisites for the transition from a hierarchical model of subordinated state institutions to a network of independent providers of free primary legal aid, operating on the basis of certain standards;
- as well as provision of monitoring the effectiveness of the system of provision of free legal aid and automation of the key processes that exist in the system.

STATE OF EXECUTION OF JUDGMENT

The Government of Ukraine will keep the Committee informed about further developments and measures taken.