

Conference

«The first year of operation of the Qualification and Disciplinary Commission of Prosecutors and Council of Prosecutors of Ukraine: achievements, challenges, prospects»

11/07/2018

Prosecutor General,

First Vice Prime Minister,

Chairman of the Parliamentary Committee,

Chairmen of the Prosecutorial self-governance and support bodies,

Ladies and Gentlemen,

- It is a great pleasure to welcome you today to the Conference dedicated to the first year of operation of the Qualification and Disciplinary Commission of Prosecutors and the Council of Prosecutors of Ukraine.
- I would like to extend my gratitude to the representatives of the Council and the Commission, the General Prosecutor's Office for their fruitful cooperation. I would also like to thank the European Union Advisory Mission Ukraine for effective partnership. Let me take this opportunity and thank all national and international stakeholders participating in this Conference.

- The Council of Europe is delighted to support the organisation of this important event aimed at discussing the results of the work and achievements of the Ukrainian prosecutorial self-governance and support bodies, as well as their current needs and priorities for future action.
- The adoption and enactment of the new Law on the Public Prosecution Service was a very important step in upholding one of Ukraine's accession commitments to the Council of Europe. The long-awaited establishment of the prosecutorial self-governance and support bodies in 2017 constituted a significant breakthrough in the reform of the prosecution service. These bodies play a key role in the processes of merit based recruitment and promotion of prosecutors, initial training, disciplinary proceedings - all of which are crucial elements for effective and independent prosecution service.
- The Council of Europe has a long-standing and well-established cooperation with the Ukrainian authorities through provision of extensive expert advice while developing criminal justice legal framework, including the new legislation on the prosecution service. We are equally providing intensive support to the

implementation of this legislation. This includes cooperation aimed at the realisation of the Justice Sector Reform Strategy 2015-2020 and the implementation of the Prosecutorial Reform Roadmap developed by the General Prosecutor's Office in 2017.

- After the establishment of the prosecutorial self-governance and support bodies, the Council of Europe within the Project "Continued Support to the Criminal Justice Reform in Ukraine" conducted a comprehensive assessment and issued a Report identifying the needs and suggesting recommendations for effective functioning of the Council of Prosecutors and the Qualification and Disciplinary Commission of Prosecutors. The Report recommends strengthening institutional independence and operational effectiveness of these bodies, along with implementation of a set of other measures aimed at developing their organisational capacities.
- I am delighted to observe that a number of the recommendations of the Report have been already taken on board by both the Commission and the Council and they are working on further development and enhancement of their capacities. The Council of Europe is continuing its support to these endeavours.

- Today's event is an excellent opportunity for discussing these developments, as well as highlighting remaining challenges that the Council and the Commission face and possible ways of working together to overcome these obstacles.
- The self-governance scheme as established by the new legislation is a novelty for the Ukrainian prosecution system. It is not surprising that there are a number of important challenges the Council and Commission are confronted with.
- Addressing some of these challenges might require further improvement of the legislative and regulatory framework. Upon the request of the Verkhovna Rada Committee on the Legislative Support to the Law Enforcement, the Council of Europe provided expertise of the draft amendments to the Law on Public Prosecution Service N7165, concerning the operation of the Qualification and Disciplinary Commission of Prosecutors. We are ready to continue working with the Parliament to support further alignment of the legislative framework with the Council of Europe standards.
- In addition to the legislative framework, it is equally important to ensure that the prosecutorial self-governance and support bodies

have appropriate budgetary and operational independence, as well as sufficient institutional and human resources capacities.

- At the same time, it is crucial that effective and uniform policies, procedures and practices are developed both by the Council and the Commission in line with the relevant European standards and best practices. This concerns various functions of these institutions, in particular those related to the prosecutorial career management and disciplinary proceedings.
- Another crucial pre-condition for the effective fulfillment by the prosecutorial self-governance and support bodies of their functions, is the constructive cooperation between different institutions and bodies of the prosecution system, as well as their cooperation with other stakeholders of the justice sector.
- As already mentioned, both the Commission and the Council are new institutions within the justice sector. It is of paramount importance that these institutions gain the public confidence from the very beginning of their operation. Transparency, accountability and professionalism are among key elements for achieving the public trust.

- I am confident that today's high-level conference with participation of main national and international stakeholders will contribute to comprehensive analysis of the lessons of the first year of functioning of the Council and Commission, identification of the challenges and risks, causes of the problems faced, consideration of various solutions and consolidation of opinions, reaching agreement on further steps.
- Let me reiterate the Council of Europe's strong commitment and full readiness to provide continued support to the reform of the prosecution service of Ukraine, including through strengthening of the capacities of the Council of Prosecutors and the Qualification and Disciplinary Commission of Prosecutors with a view to facilitating the realisation of their functions in the most effective manner.