SECRETARIAT / SECRÉTARIAT

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRÉTARIAT DU COMITÉ DES MINISTRES

Contact: Ireneusz Kondak
Tel: 03.90.21.59.86

Date: 21/10/2026

DH-DD(2026)1235-add

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting:	1577th meeting (December 2026) (DH)
Item reference:	Addendum to an Action Plan (19/10/2026)

Communication from Ukraine concerning the case of Lutsenko v. Ukraine (Application No. 6492/11)

* * * * * * * * * * * *

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion :	1577e réunion (décembre 2026) (DH)
Référence du point :	Addendum à un plan d'action

Communication de l'Ukraine concernant l'affaire Lutsenko c. Ukraine (Requête n° 6492/11)
[anglais uniquement]

DH-DD(2026)1235-add: Communication from Ukraine
Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Execution of Judgments of the European Court of Human Rights

DGI
19 OCT. 2026
SERVICE DE L'EXECUTION DES ARRETS DE LA CEDH

Addendum to the Updated Action Plan on measures to comply with the Court's judgment in the Lutsenko v. Ukraine case (application no. 6492/11, judgment of 03/07/2012, final on 19/11/2012)

The Government of Ukraine would like to submit additional information to the Updated Action Plan of 30 September 2026[1] regarding the measures taken for the execution of the Court's judgment in the *Lutsenko* case.

The additional information below considers the general measures taken in this case and should be read jointly, with the information already presented by the Government of Ukraine to the Committee of Ministers.

In the Updated Action Plan of 30 September 2026, the Government informed the Committee of Ministers about legislative amendments aimed at enhancing the institutional independence and effectiveness of the Public Prosecutor's Office in Ukraine, including the introduction of transparent and merit-based procedures for the appointment and promotion of prosecutors, the strengthening of prosecutorial self-governance bodies, the improvement of disciplinary proceedings, and the introduction of competitive selection procedures for administrative positions within the Public Prosecutor's Office.

The Government would like to provide additional information concerning these legislative amendments.

The Government would also like to reiterate that the legislative amendments aimed at reforming the Public Prosecutor's Office are envisaged by a number of international and national strategic documents adopted in the context of Ukraine's European integration process, including the State Anti-Corruption Programme for 2023-2025[2], the Rule of Law Roadmap[3], the Action Plan for the Implementation of the Comprehensive Strategic Plan for the Reform of Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023-2027[4], and the Ukraine Plan under the Ukraine Facility programme[5], financial support for Ukraine from the European Union for the period 2024 - 2027 and others.

Furthermore, the implementation of recommendations issued by international monitoring mechanisms, including Group of States against Corruption (the - GRECO) and the Reports on Ukraine's progress within the framework of the 2024[6], 2025[7] the European Union Enlargement Package, remains of particular importance. In this regard, the European Commission has repeatedly underlined the need to improve the system for selecting prosecutors for administrative positions through transparent and merit-based procedures, reinforced integrity and professional competence checks, regular performance evaluations based on objective criteria, enhanced institutional capacity and independence of prosecutorial self-governance bodies, and more effective disciplinary accountability mechanisms. Moreover, Ukraine's international and European integration commitments require further strengthening of the institutional capacity, independence and effectiveness of the Council of Prosecutors of Ukraine and the Qualification and Disciplinary Commission of Prosecutors, including through independent integrity-based selection procedures for their members.

The Ministry of Justice of Ukraine in cooperation with the Office of the Prosecutor General, developed a comprehensive Draft Law "On Amendments to Certain Legislative Acts of Ukraine

[1] https://hudoc.exec.coe.int/?i=D H-DD(2026)1235E
[2] https://zakon.rada.gov.ua/laws/show/220-2023-%D0%BF#Text
[3] https://zakon.rada.gov.ua/laws/file/text/127/f545253n16.pdf
[4] https://zakon.rada.gov.ua/laws/show/792-2024-%D1%80#Text
[5] https://www.ukrainefacility.me.gov.ua/
[6] https://enlargement.ec.europa.eu/document/download/1924a044-b30f-48a2-99c1-50edeac14da1_en?filename=Ukraine%20Report%202024.pdf
[7] https://eu-ua.kmu.gov.ua/wp-content/uploads/EU-enlargement-.pdf

Regarding the Improvement of the Organizational Framework of the Prosecutor's Office, Ensuring the Institutional Independence of Prosecutorial Self-Governance Bodies, and the Body Responsible for Disciplinary Proceedings" (the - Draft Law).

The Draft Law was submitted for assessment to international experts, including experts of the Council of Europe, the EU Project *Pravo-Justice* and the European Union Advisory Mission on Civilian Security Sector Reform in Ukraine (EUAM Ukraine). All recommendations, provided by international partners, were taken into account during the finalisation of the Draft Law.

On 12 October 2026, the Draft Law was registered with the Verkhovna Rada of Ukraine under No. 16144[8].

The Draft Law provides the following amendments to the Law of Ukraine "On the Public Prosecutor's Office":

- general principles for the evaluation of prosecutors' performance, the selection and appointment of prosecutors to administrative positions, the establishment of commissions for the evaluation of prosecutors' performance and the selection of prosecutors to administrative positions, requirements for candidates for membership of such commissions and criteria for the selection of candidates for administrative positions; the restructuring of the Council of Prosecutors of Ukraine into an independent body of prosecutorial self-government with a secretariat established under its authority, and the expansion of its powers;

- the improvement of disciplinary procedures and organisational support for the activities of the Qualification and Disciplinary Commission of Prosecutors; the expansion of the list of disciplinary sanctions; the introduction of a definition of a disciplinary offence and the clarification of the grounds for holding a prosecutor disciplinarily liable with a view to eliminating legal uncertainty in the relevant provisions;

- the legislative definition of the substance of a disciplinary complaint and the clarification of the grounds for refusing to initiate disciplinary proceedings;

- the introduction of a three-year limitation period for holding a prosecutor disciplinarily liable from the date of the commission of the offence, together with additional circumstances that shall not be included in the calculation of that period;

- the establishment of an Ethics Standards Council to assist the bodies responsible for appointing members of the Council of Prosecutors of Ukraine and the Qualification and Disciplinary Commission of Prosecutors in assessing whether candidates meet the criteria of professional competence and integrity. The members of the Ethics Standards Council shall serve a four-year term without the right to be reappointed.

At the same time, for a transitional period of two years from the entry into force of the Draft Law, a temporary composition of the Ethics Standards Council is proposed, consisting of: three prosecutors designated by the Council of Prosecutors of Ukraine; one judge or retired judge designated by the Council of Judges of Ukraine; one person designated by the Presidium of the National Academy of Legal Sciences of Ukraine; and one person designated by the Ukrainian Parliament Commissioner for Human Rights.

Furthermore, in connection with the proposed amendments to the Law of Ukraine "On the Public Prosecutor's Office", the Draft Law also envisages corresponding amendments to the Code of Administrative Procedure of Ukraine and the Laws of Ukraine "On Prevention of Corruption", "On the Bar and Legal Practice" and "On Civil Service".

Additionally, on 12 October 2026, the Verkhovna Rada of Ukraine registered the Draft Law of Ukraine "On Amendments to the Code of Ukraine on Administrative Offences concerning the

[8] https://itd.rada.gov.ua/billinfo/Bills/Card/70934

Establishment of Liability for Failure to Comply with the Lawful Requests of the Council of Prosecutors of Ukraine" No. 16141[9] (the - Draft Law No. 16141).

The purpose of the Draft Law is to ensure the effective discharge by the Council of Prosecutors of Ukraine of its statutory functions through the introduction of a mechanism for imposing administrative liability for failure to comply with the lawful requests of the Council of Prosecutors of Ukraine concerning the provision of information and copies of documents, failure to comply with the statutory time limits for their submission, and the provision of knowingly false information.

The Draft Law No. 16141 was developed with the aim to strength the institutional capacity and effectiveness of the prosecutorial self-governance body and to further improve the legal status and organisational framework of the Council of Prosecutors of Ukraine.

The Draft Law No. 16141 proposes, inter alia, to establish administrative liability for failure to comply with lawful requests for information issued by the Council of Prosecutors of Ukraine through amendments to Article 188-35 of the Code of Ukraine on Administrative Offences, and to designate the Chairperson and Deputy Chairperson of the Council of Prosecutors of Ukraine among the officials authorised to draw up administrative offence reports by introducing corresponding amendments to paragraph 94 of part 1 of Article 255 of the Code of Ukraine on Administrative Offences.

The adoption of the above mentioned Draft Laws will ensure the implementation of Ukraine's commitments relating to the introduction of transparent and merit-based procedures for the selection of prosecutors to administrative positions and the evaluation of prosecutors' performance. Its will further strengthen the institutional capacity and powers of prosecutorial self-governance bodies, in particular the Council of Prosecutors of Ukraine, and contribute to the implementation of GRECO recommendations as well as the execution of Court's judgment in the *Lutsenko case*. These measures will make disciplinary proceedings more effective and ensure the proportionate application of disciplinary sanctions in cases where a prosecutor commits a disciplinary offence.

By strengthening the independence, accountability, integrity and effectiveness of the Public Prosecutor's Office and introducing additional safeguards against arbitrary decision-making, the proposed reforms contribute to addressing issues identified in the *Lutsenko case* and to further aligning domestic legislation and practice with Convention standards.

The Government would like to reiterate its strong commitment to fulfilling obligations under the Convention and ensuring the full and effective execution of the Court's judgments, including the judgment in *Lutsenko v. Ukraine* case. Despite the unprecedented challenges arising from the ongoing full-scale armed aggression against Ukraine, the authorities continue to implement important legislative and institutional reforms aimed at strengthening the rule of law and enhancing the independence, integrity and accountability of the Public Prosecutor's Office in line with European standards.

The Government will keep the Committee of Ministers informed of further developments and progress achieved in this area in their future communications.

[9] https://itd.rada.gov.ua/billinfo/Bills/Card/70929