



## **Project “Ukraine – International Cooperation in Criminal Matters” (UPIC)**

### **– project summary –**

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Project title	Ukraine International Cooperation in Criminal Matters (UPIC)
Project number	DG1-342
Project partner	Ministry of Justice of Ukraine
Funding	European Commission (TACIS Regional Co-operation Programme) / Council of Europe
Implementation	Council of Europe (Department of Crime Problems, DG I - Legal Affairs)
Budget	EURO 1 680 000
Duration	36 months (1 December 2005 – 30 November 2008)

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### **BACKGROUND AND JUSTIFICATION**

The present project is aimed at strengthening the capacities of Ukraine to cooperate internationally in criminal matters on the basis of European treaties. International cooperation – both police and judicial cooperation – is a *sine qua non* in the fight against crime and in particular against organised and other forms of serious crime.

During the past fifty years, a wide range of agreements have been drawn up in order to allow for international cooperation in criminal matters in Europe. These range from the European Convention on Extradition (ETS 24) of 1957 to the European Convention on Mutual Legal Assistance in Criminal Matters (ETS 30), the European Convention on the International Validity of Criminal Judgments (ETS 70) of 1970, European Convention on the Transfer of Proceedings in Criminal Matters (ETS 73) of 1972, the Convention on Laundering, Search, Seizure and Confiscation of Proceeds from Crime (ETS 141) of 1990, the European Convention on the Transfer of Sentenced Persons (ETS 112) of 1983 and different Protocols to these Conventions.

Particularly noteworthy is the 2<sup>nd</sup> Additional Protocol to the Convention on Mutual Legal Assistance in Criminal Matters (ETS 182) of 2001 which, among other things, provides for new tools such as audio- and video-hearings, cross-border observations, controlled deliveries, covert investigations, joint investigative teams, and more efficient channels of communication. To a large extent, this Protocol reflects provisions of the European Union's Convention on Mutual Legal Assistance in Criminal Matters (May 2000).

In addition, a number of crime-specific conventions have been adopted in recent years which also contain important provisions on judicial cooperation. These include the Convention on Cybercrime (ETS 185) of 2001 and the Protocol Amending the European Convention on the Suppression of Terrorism (ETS 190) of 2003.

New treaties which were adopted by the Committee of Ministers of the Council of Europe on 3 May 2005 and which will be of great relevance include the Council of Europe Convention on Action against Trafficking in Human Beings (CETS 197), the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS 198) and the Council of Europe Convention on the Prevention of Terrorism (CETS 196).

This European framework is complemented by global treaties, in particular the United Nations Convention on Transnational Organised Crime and its Protocols on Smuggling of Migrants, Trafficking in Persons, and Trafficking in Firearms, as well as regional agreements such as the Chisinau Convention of 7 October 2002 on the Provision of judicial assistance and legal relations in civil, family and criminal matters, that replaced the Minsk Convention of 22 January 1993.

Moreover, the establishment and continuous improvement of this normative framework has been complemented by initiatives to make judicial cooperation more efficient. These include for example, the Conferences of Prosecutors General of the Council of Europe, the European Judicial Network of the European Union, EUROJUST and a range of other initiatives promoting direct cooperation among prosecutors and other judicial authorities, such as the Council of Europe's PACO Networking project in south-eastern Europe.

## **OBJECTIVES AND EXPECTED RESULTS**

<b>Overall objective</b>	<b>To strengthen the capacities of Ukraine to fully implement European treaties on co-operation in criminal matters</b>
<b>Project objective 1</b>	<b>To strengthen the legal basis for international co-operation in criminal matters</b>
Output 1.1	Draft laws for the ratification of the 2nd Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (ETS 182), the Convention on the Protection of Environment through Criminal Law (ETS 172), the Council of Europe Convention on Trafficking in Human Beings (CETS 197), the Protocol Amending the European Convention on the Suppression of Terrorism (ETS 190), the Council of Europe Convention on the Prevention of Terrorism (CETS 196) and the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and the Financing of Terrorism (CETS 198) available for submission to the Government and Parliament
Activities	<ul style="list-style-type: none"> <li>• Review of the legislation in view of the requirements of ETS 182 (2<sup>nd</sup> Protocol), ETS 172, ETS 190, CETS 196 and CETS 198 (terrorism), trafficking in human beings (CETS 197) to be followed by workshops and drafting of amendments</li> </ul>
Output 1.2	Proposals for amendments to the criminal legislation available for submission to the Government and Parliament
Activities	<ul style="list-style-type: none"> <li>• Review of the existing instruction on the execution of European conventions in criminal matters and elaboration of proposals for improvement</li> <li>• Expert advice to the drafting of by-laws required to implement European treaties</li> <li>• Expert advice to the drafting of a law on the execution of foreign sentences</li> <li>• Expert advice to the drafting of a law on legal assistance and co-operation with the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Court</li> </ul>
<b>Project objective 2</b>	<b>To strengthen the human and institutional capacities of the Ministry of Justice and the Prosecution Service for international co-operation in criminal matters</b>
Output 2.1	Systems for efficient registration and follow up to requests for assistance established at the Ministry of Justice and the Office of the Prosecutor General

Activities	<ul style="list-style-type: none"> <li>• Review of the current systems of registration and control of requests at the Ministry of Justice and the Office of the Prosecutor General and preparation of a proposal for automated systems</li> <li>• Assistance to the implementation of the system at the Ministry of Justice, including procurement of software, hardware and training</li> <li>• Assistance to the implementation of the system at the Office of the Prosecutor General, including procurement of software, hardware and training</li> </ul>
Output 2.2	40 Ministry of Justice officials and up to 40 prosecutors (central and regional administrative divisions) trained
Activities :	<ul style="list-style-type: none"> <li>• Training seminars for prosecutors and justice officials at central level and regional administrative divisions on the requirements of relevant European treaties</li> <li>• Training for justice officials, prosecutors and judges on the relevant case law of the European Court of Human Rights, in particular with regard to extradition</li> <li>• In-country English or French language training for up to 35 justice officials and 35 prosecutors responsible for international co-operation</li> </ul>
Output 2.3	Co-operation at the national level enhanced between the Ministry of Justice, the Office of the Prosecutor General, Courts and the Ministry of Interior through joint training and a common website and co-operation manual.
Activities	<ul style="list-style-type: none"> <li>• Support the drafting of a co-operation manual</li> <li>• Workshops for prosecutors, officials from the Ministry of Justice, judges and officials from the Ministry of Internal Affairs on the basis of the co-operation manual</li> <li>• Study visits for official from the Ministry of Justice, the Office of the Prosecutor General, the Ministry of Internal Affairs and courts to benefit from the experience of other European countries in judicial co-operation and in particular in view of the roles and responsibilities of different bodies in the judicial co-operation chain</li> <li>• Support the development of a website on judicial co-operation</li> </ul>
<b>Project objective 3</b>	<b>To promote networking and direct contacts between Ukrainian Ministry of Justice officials and prosecutors with those of neighbouring countries and other European countries</b>
Output 3.1	Direct co-operation strengthened and experience exchanged with up to ten other European countries
Activities	International meetings on topics of priority interest (ex. co-operation against cybercrime, trafficking in human beings, 2nd Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters) and issues related to conventions already in force
Output 3.2	Co-operation manual and web-site on international co-operation in criminal matters prepared with the participation of other European countries
Activities	Development of a manual and a website for countries participating in international meetings on the basis of the Ukrainian national co-operation manual and using the examples of the PACO Networking Manual and the European Judicial Network

## INPUTS

The project will provide funding for:

- a long-term technical adviser
- a number of short-term advisers
- project support staff

- in-country workshops, roundtable discussions, seminars and training events at central levels and in regional administrative divisions
- study visits to other European countries
- legal opinions
- review of the systems for registration and control of requests
- production of training materials and cooperation manuals
- translation of documentation into Ukrainian language
- international meetings

## **IMPLEMENTATION ARRANGEMENTS**

The project will be managed by the Council of Europe in cooperation with the Ministry of Justice (Directorate for International Cooperation).

For this purpose, the Ministry of Justice appointed two senior officials (at the level of Deputy Minister of Justice and Deputy Director of International Cooperation Department) to function as contact persons and co-ordinators and who are the main interlocutors for the purposes of this project. They will interact with the Office of the Prosecutor General and other institutions involved on behalf of the Ministry of Justice. They will ensure that activities are carried out and that inputs are provided by other relevant agencies and institutions as required. In addition, the Office of the Prosecutor General appointed also 2 contact persons at official and executive level.

The Council of Europe is responsible for the implementation of the project and the use of the project funds under a contract with the European Commission.

The Council of Europe makes available a project adviser and local support staff based in Kyiv and working directly with the Ministry of Justice. This team is responsible for project management on behalf of the Council of Europe.

Within the General Secretariat of the Council of Europe in Strasbourg, the Department of Crime Problems of the Directorate General I - Legal Affairs will be responsible for coordination and supervision of the project.

## **CONTACT**

<b>Council of Europe</b>	<b>Ministry of Justice of Ukraine</b>	<b>European Commission Delegation in Kyiv</b>
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