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TACIS UKRAINE ACTION PROGRAMME 2004

Project on International Cooperation in Criminal Matters in Ukraine (UPIC)

Annex 1: Description of Activities

Budget Line:

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Implementation:	Council of Europe
Project partner:	Ministry of Justice of Ukraine
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1 BACKGROUND INFORMATION

1.1 Beneficiary country

Ukraine.

1.2 Contracting authority

The European Community, represented by the Commission of the European Communities, for and on behalf of the government of Ukraine.

1.3 Implementing organisation

Council of Europe (Technical Cooperation Section, Department of Crime Problems, Directorate General of Legal Affairs, Strasbourg, France).

1.4 Relevant background

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* for 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 2nd 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, the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism and the Council of Europe Convention on the Prevention of Terrorism.

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.

The question of data protection is an important concern in international cooperation in criminal matters. Ratification and implementation of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS 108) – and application of Recommendation (87) 15 regulating the use of personal data in the police sector (17.09.1987) – ensure that the basic conditions for judicial or police cooperation are met in terms of data protection.

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.

1.5 Current state of affairs in the relevant sector

1.5.1 Adherence to international treaties

Ukraine ratified a range of European treaties related to judicial cooperation since it joined the Council of Europe in 1995:

024	European Convention on Extradition		
	Signature: 29/5/1997	Ratification or accession: 11/3/1998	Entered into force: 9/6/1998
030	European Convention on Mutual Assistance in Criminal Matters		
	Signature: 29/5/1997	Ratification or accession: 11/3/1998	Entered into force: 9/6/1998
070	European Convention on the International Validity of Criminal Judgments		
	Signature: 8/6/2000	Ratification or accession: 11/3/2003	Entered into force: 12/6/2003
073	European Convention on the Transfer of Proceedings in Criminal Matters		
		Ratification or accession: 28/9/1995	Entered into force: 29/12/1995
086	Additional Protocol to the European Convention on Extradition		
	Signature: 29/5/1997	Ratification or accession: 11/3/1998	Entered into force: 9/6/1998
090	European Convention on the Suppression of Terrorism		
	Signature: 8/6/2000	Ratification or accession: 13/3/2002	Entered into force: 14/6/2002
098	Second Additional Protocol to the European Convention on Extradition		
	Signature: 29/5/1997	Ratification or accession: 11/3/1998	Entered into force: 9/6/1998
099	Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters		
	Signature: 29/5/1997	Ratification or accession: 11/3/1998	Entered into force: 9/6/1998
112	Convention on the Transfer of Sentenced Persons		
		Ratification or accession: 28/9/1995	Entered into force: 1/1/1996
141	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime		
	Signature: 29/5/1997	Ratification or accession: 26/1/1998	Entered into force: 1/5/1998
167	Additional Protocol to the Convention on the Transfer of Sentenced Persons		
	Signature: 8/6/2000	Ratification or accession: 1/7/2003	Entered into force: 1/11/2003

In February 2004, Ukraine also ratified the United Nations Convention on Transnational Organised Crime and the Protocols on Smuggling of Migrants and Trafficking in Persons (Law dated 4 February 2004).

Ukraine actively participated in the elaboration of the new Council of Europe treaties, namely the Convention on the Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS 198); the Convention on Action against Trafficking in Human Beings (CETS 197) and the Convention on the Prevention of Terrorism (CETS 196).

However Ukraine has:

- signed (November 2001) but not yet ratified the 2nd Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (ETS 182)
- signed (November 2001) but not yet ratified the Convention on Cybercrime (ETS 185)
- signed (August 2005) but not yet ratified the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS 108)
- signed (May 2003) but not yet ratified the Protocol Amending the European Convention on the Suppression of Terrorism (ETS 190)
- signed (May 2005) but not yet ratified the Council of Europe Convention on the Prevention of Terrorism (CETS 196).

1.5.2 Membership in GRECO and MONEYVAL

On 19 September 2005 Ukraine transmitted its instrument of ratification of the Civil Law Convention on Corruption to the Council of Europe. This will lead to Ukraine membership in GRECO as from 1 January 2006. Ukraine will therefore be subject to a joint first and second round evaluation, which will also address issues related to mutual assistance in criminal matters.

Furthermore, Ukraine is evaluated by MONEYVAL (formerly PC-R-EV) on compliance with international anti-money laundering standards. Mutual legal assistance in criminal matters is part of all three MONEYVAL evaluation rounds.

1.5.3 National legal framework

With the adoption of the new Criminal Procedure Code pending in the Verkhovna Rada (the Parliament) of Ukraine, there is currently no specific Ukrainian legislation regulating international judicial cooperation in criminal matters.

Judicial cooperation is still carried out under the Instruction on the execution of European Conventions in Criminal Matters, approved by the common order of Ministry of Justice of Ukraine, General Prosecutor's Office of Ukraine, Security Service of Ukraine, Ministry of Internal Affairs of Ukraine, Supreme Court of Ukraine, State Tax Administration, State Department of Ukraine on Execution of Punishments, dated June, 29, 1999, №34/5/22/103/512/326/73, and registered in the Ministry of Justice on July 7, 1999, №446/3739.

In addition, authorities engaged in legal assistance have their own interior instructions. For example, the Instruction on Order of Preparation, Transmission and Execution of the Requests for Legal Assistance in Criminal Matters by the Ukrainian prosecution bodies which was approved by the Order of Prosecutor General No. 9gn dated 07.05.2004 is in force for prosecution bodies.

Once the draft Criminal Procedure Code is in force, chapter 12 will contain provisions on proceedings in criminal matters related to international relations, in particular the granting of legal assistance in criminal matters during the execution of separate legal proceedings, the extradition of offenders, the transfer and taking charge of sentenced persons, proceeding in criminal matters in the course of criminal prosecution, etc.

However, a series of by-laws will need to be elaborated to allow application of the new Criminal Procedure Code in practice.

1.5.4 Bodies responsible for international judicial cooperation

The Ministry of Justice (as the central authority indicated in European treaties ratified by Ukraine) and the Office of the Prosecutor General are the main bodies responsible for international judicial cooperation:

- The Directorate of International Cooperation of the Ministry of Justice sends and receives all requests related to court proceedings. In 2004, a total of 2227 requests related to court proceedings were channelled through the Ministry of Justice representing an increase of more than 60% compared to 2003. Most of these requests were related to the transfer of proceedings, extradition, transfer of sentenced persons and mutual assistance. The Directorate of International Cooperation at the Ministry of Justice comprises 11 staff of which 6 are engaged in the execution of criminal treaties. In addition, at the justice departments at the regional administrative divisions one (sometimes two) officials – that is, some 30 in total – are also specialised in matters regarding international cooperation.
- The Office of the Prosecutor General is responsible for sending and receiving requests related to pre-trial proceedings, which amounted to some 3000 in 2004. In addition, nearly 500 requests are sent and received directly by regional and military prosecution offices per year in accordance with the mutual agreements with CIS countries and Poland. The International Law Department was created in 1996 and currently has 10 staff at the Prosecutor General's Office. A new unit for requests related to economic and serious crime with 3-4 staff was established in April 2005. In each of the 31 regional administrative and military divisions one prosecutor is specialised and responsible for international cooperation in legal assistance sphere.

The Ministry of Internal Affairs – with its Department of International Relations and the National Central Bureau Interpol – engages in police cooperation with other countries and also plays a crucial role in the preparation of and follow up to requests for assistance through the Ministry of Justice and the Office of the Prosecutor General.

Finally, courts prepare and follow up to requests channelled through the Ministry of Justice.

1.6 Needs to be addressed

1.6.1 Ratification and implementation of international treaties

The project will support Ukraine in the ratification and implementation into national law of relevant European treaties to which it is not yet party to, namely the:

- 2nd Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (ETS 182)
- Convention on Cybercrime (ETS 185)

- Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS 108)
- Protocol Amending the European Convention on the Suppression of Terrorism (ETS 190)
- Council of Europe Convention on the Prevention of Terrorism (CETS 196).
- Council of Europe Convention on Action against Trafficking in Human Beings (CETS 197).¹

It will also assist in a review of reservations of treaties already ratified as well as consistency of European conventions with other bi-, multi-lateral or regional treaties ratified by Ukraine (e.g. Minsk Convention).

As mentioned above, the adoption of the new Criminal Procedure Code is pending in the Parliament. It contains a specific chapter on international cooperation. The project will assist the Ukrainian authorities in the elaboration of a set of by-laws in order to make these provisions operational on the basis of European standards.

This includes, among other things, the preparation of a draft law on the execution of foreign sentences, and of a draft law on legal assistance and cooperation with the International Criminal Tribunal for the Former Yugoslavia.

1.6.2 Strengthening of institutional capacities

The Ministry of Justice sends and receives several thousand requests for assistance every year. The project will support the Ministry of Justice in the setting up of a computer-based system for the registration requests and control of their execution. Such a system should be compatible with the system used by the Prosecutor General's Office.

Some 40 staff at the Ministry of Justice and the Regional Departments of Justice are responsible for international judicial cooperation. Similarly, some 40 prosecutors at the Office of the Prosecutor General and regional prosecution departments are specifically assigned to work on international cooperation. The efficiency of these justice and prosecution officials will need to be greatly enhanced to allow them to cope with the ever increasing amount of requests for cooperation. The project will provide detailed training (in-country workshops and training sessions, and a limited number of study visits) in:

- the requirements of relevant international treaties
- relevant case law of the European Court of Human Rights, in particular with regard to extradition
- the drawing up of requests for assistance in conformity with international treaties and requirements of cooperating countries
- English language skills.

Joint training of justice officials and prosecutors is intended to enhance cooperation among both bodies.

While justice officials and prosecutors are the primary target group for such training, officials from the Ministry of Internal Affairs (Department of International Relations and National Central Bureau Interpol) and from the judiciary will be invited to participate in some of these joint training events.

¹ Ratification and implementation of the new Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS 198) is to be supported through a separate project, namely the Project against Money Laundering in Ukraine (Phase 2).

As a practical tool for justice officials and prosecutors, but also for judges and officials of the Ministry of Internal Affairs, relevant international texts will be made available in Ukrainian language in the form of a website and a cooperation manual. The cooperation manual and the website will also include all relevant information on national regulations and instructions related to international cooperation as well as guidelines and examples of requests for extradition, for transfer of sentenced persons, transfer of proceedings, rogatory letters and other forms of judicial cooperation.

Justice officials and prosecutors responsible for international cooperation at the level of regional administrative divisions face great difficulties in accessing information for lack of basic computer equipment and internet access. The project will thus make available a number of personal computers with internet access for the justice officials and prosecutors responsible for international cooperation in the 27 administrative divisions of Ukraine and 4 divisions of military prosecution of Ukraine.

1.6.3 Networking with other European countries

Experience shows that judicial cooperation can be rendered more efficient through direct contacts, networking and other confidence building measures. The project will assist Ukraine to structure such networking with other European countries through:

- the appointment and joint training of contact points from Ukraine and up to 10 other countries
- workshops for contact points from Ukraine and other countries in order to address specific problems of cooperation and to share experience in the implementation of European treaties such as the 2nd Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (ETS 182), the Convention on Cybercrime (ETS 185), the Council of Europe Convention on Action against Trafficking in Human Beings (CETS 197), the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS 108), Protocol Amending the European Convention on the Suppression of Terrorism (ETS 190) and the Council of Europe Convention on the Prevention of Terrorism (CETS 196), as well issues related to European conventions already in force, the United Nations Convention on Transnational Organised Crime and the European Arrest Warrant
- the preparation of a cooperation manual (based on the national website and cooperation manual to be developed for Ukraine and on the experience of the PACO Networking project).

1.7 Related programmes

In recent years, a number of donors supported Ukraine through activities aimed directly or indirectly at international judicial cooperation. This includes activities funded by the European Commission, the Council of Europe and other donors and organisations. Most of these consisted of single seminars or meetings.

More coherent and longer-term projects include the Project against Money Laundering in Ukraine (MOLI-UA) funded by the European Commission and implemented by the Council of Europe. This project started in February 2003 and supported cooperation (including the conclusions of memoranda of understanding) between the Ukrainian financial intelligence unit with FIUs from other countries. This project ended in June 2005. A follow-up phase is envisaged.

While the present project will focus on judicial cooperation involving primarily the Ministry of Justice and Office of the Prosecutor General, the Ministry of Interior, including the National Central Bureau Interpol, are responsible for police cooperation. A separate project is therefore envisaged for

funding by the European Commission (under the TACIS Action Programme 2004) and implementation by Interpol, which would support the extension of the telecommunication system I-24/7 to all 27 regional divisions of the National Central Bureau Interpol in Ukraine.

2 PROJECT OBJECTIVES

2.1 Overall approach and objective

The overall objective of the Project on International Cooperation in Criminal Matters in Ukraine (UPIC) is:

To strengthen the capacities of Ukraine to fully implement European treaties on cooperation in criminal matters.

The project will help strengthen the legal basis for international cooperation (ratification and implementation of international treaties, improvement of national regulations), institutional capacities (training of and development of tools for key institutions responsible for international cooperation) as well as direct cooperation with counterpart institutions from other European countries.

Indicators of success for the achievement of this objective are:

1. The level of ratification of:
 - The 2nd Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (ETS 182)
 - The Convention on Cybercrime (ETS 185)
 - The Protocol Amending the European Convention on the Suppression of Terrorism (ETS 190)
 - Council of Europe Convention on the Prevention of Terrorism (CETS 196).
 - The new Council of Europe Convention against trafficking in human beings (CETS 197)
 - The Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS 108)
2. The quality of the national legislation (laws and by-laws) which permit implementation of these treaties.
3. The number of requests sent/received and the timeliness with which they are processed.

2.2 Specific objectives

The specific objectives of the project are:

Project objective 1: To strengthen the legal basis for international cooperation in criminal matters

Expected results are:

- Proposals for amendments to the criminal legislation available for submission to the Government and Parliament
- 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 Cybercrime (ETS 185), the Council of Europe Convention on Trafficking in Human Beings (CETS 197) and the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS 108) available for submission to the Government and Parliament.

Project objective 2: To strengthen the human and institutional capacities of the Ministry of Justice and the Prosecution Service for international cooperation in criminal matters

Expected results are:

- System for efficient registration and follow up to requests for assistance established at the Ministry of Justice (accessible to Courts, the Prosecution and the Ministry of Interior)
- Ministry of Justice officials (central level and regional administrative divisions) trained
- Prosecutors (Office of the Prosecutor General and in regional administrative divisions and military prosecution divisions) trained
- Cooperation 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 cooperation manual.

Project objective 3: To promote networking and direct contacts between Ukrainian Ministry of Justice officials and prosecutors with those of neighbouring countries and other European countries

Expected results are:

- Regional/international meetings organised on topics of priority interest (such as cooperation in matters related to cybercrime, trafficking in human beings, or implementation of the 2nd Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters) and issues related to conventions already in force
- Cooperation manual and web-site on international cooperation in criminal matters prepared with participation of other European countries.

3 ASSUMPTIONS AND RISKS

3.1 Assumptions

The Ministry of Justice and the Office of the Prosecutor General are the key institutions benefiting from this project. While these two institutions are independent from each other, this project is based on the assumption that they are ready to cooperate for the purposes of this project and in view of making judicial cooperation more efficient.

The project will assist in the drafting of laws and regulations. Whether these laws are subsequently adopted by Parliament is outside of the control of the project, but the assumption is that the Government will make every effort to support their adoption in Parliament.

The project will train a total of 80 justice officials and prosecutors in Kyiv and regional administrative divisions. It is assumed that those responsible for judicial cooperation will participate in training activities and that fluctuation of staff remains within reasonable limits.

3.2 Risks

A potential risk is that cooperation between the Ministry of Justice and the Office of the Prosecutor General becomes difficult. However, considering that it is in the interest of both institutions to enhance their capacities for judicial cooperation and given that their respective responsibilities for judicial cooperation have been more or less defined, this risk may be limited. Moreover, during his visit to the Council of Europe in Strasbourg (April 2005) the Prosecutor General assured full cooperation with this project.

With regard to the drafting of legislation, the main risk is that adoption by Parliament is delayed. This includes the adoption of the draft Criminal Procedure Code (it contains a specific chapter on international cooperation) which has been pending in Parliament for some time.

4 SCOPE OF THE WORK

4.1 Specific activities

Overall objective	To strengthen the capacities of Ukraine to fully implement European treaties on cooperation in criminal matters
Project objective 1	To strengthen the legal basis for international cooperation in criminal matters
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 Cybercrime (ETS 185), 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 for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS 108) available for submission to the Government and Parliament
Activity 1.1.1	Review of the legislation in view of the requirements of ETS 182 (2 nd Protocol) to be followed by a workshop and drafting of amendments
Activity 1.1.2	Review of the legislation in view of the requirements of ETS 185 (cybercrime) to be followed by a workshop and drafting of amendments
Activity 1.1.3	Review of the legislation in view of the requirements of ETS 190 and CETS 196 (terrorism) to be followed by a workshop and drafting of amendments
Activity 1.1.4	Review of the legislation in view of the requirements of ETS 108 (data protection) to be followed by a workshop and drafting of amendments
Activity 1.1.5	Review of the legislation in view of the requirements of new Convention on trafficking in human beings (CETS 197) to be followed by workshop and drafting of amendments
Output 1.2	Proposals for amendments to the criminal legislation available for submission to the Government and Parliament
Activity 1.2.1	Review of the existing instruction on the execution of European conventions in criminal matters and elaboration of proposals for improvement to be followed by workshop
Activity 1.2.2	Expert advice to the drafting of by-laws required to implement European treaties (in particular following the adoption of the new Criminal Procedure Code)
Activity 1.2.3	Expert advice to the drafting of a law on the execution of foreign sentences
Activity 1.2.4	Expert advice to the drafting of a law on legal assistance and cooperation with the International Criminal Tribunal for the Former Yugoslavia
Project objective 2	To strengthen the human and institutional capacities of the Ministry of Justice and the Prosecution Service for international cooperation in criminal matters
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
Activity 2.1.1	Review the current systems of registration and control of requests at the Ministry of Justice and the Office of the Prosecutor General and prepare a proposal for automated systems
Activity 2.1.2	Implement the system at the Ministry of Justice, including procurement of software, hardware and training
Activity 2.1.3	Implement the system at the Office of the Prosecutor General, including procurement of software, hardware and training
Output 2.2	40 Ministry of Justice officials and up to 40 prosecutors (central and regional administrative divisions) trained
Activity 2.2.1	Organise up to 5 training seminars for prosecutors and justice officials at central level and regional administrative divisions on the requirements of relevant European

	treaties (each seminar to include workshops on the drawing up of requests for assistance)
Activity 2.2.2	Organise a national level seminar for justice officials, prosecutors and judges on the relevant case law of the European Court of Human Rights, in particular with regard to extradition
Activity 2.2.3	Arrange in-country English language training for up to 35 justice officials and 35 prosecutors responsible for international cooperation
Output 2.3	Cooperation 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 cooperation manual.
Activity 2.3.1	Support a working group (comprising prosecutors and officials from the Ministry of Justice) in the drafting of a cooperation manual
Activity 2.3.2	Organise 3 workshops for prosecutors, officials from the Ministry of Justice, judges and officials from the Ministry of Internal Affairs on the basis of the cooperation manual
Activity 2.3.3	Organise up to 4 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 cooperation and in particular in view of the roles and responsibilities of different bodies in the judicial cooperation chain
Activity 2.3.4	Support the development of a website on judicial cooperation
Project objective 3	To promote networking and direct contacts between Ukrainian Ministry of Justice officials and prosecutors with those of neighbouring countries and other European countries
Output 3.1	Direct cooperation strengthened and experience exchanged with up to ten other European countries
Activity 3.1.1	Organise up to 4 international meetings on topics of priority interest (such as cooperation in matters related to cybercrime, trafficking in human beings, or implementation of the 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	Cooperation manual and web-site on international cooperation in criminal matters prepared with the participation of other European countries
Activity 3.2.1	Within the framework of the international meetings, on the basis of the Ukrainian national cooperation manual (and using the examples of the PACO Networking Manual and the European Judicial Network) develop a manual and website for participating countries

4.2 Target groups and expected impact

The main counterpart institutions will be those responsible for international judicial cooperation, namely, the Ministry of Justice and the Office of the Prosecutor General. The Ministry of Interior will also play an important role.

The project will operate at the national level (Directorate for International Cooperation of the Ministry of Justice and International Law Department (Prosecutor General's Office of Ukraine) as well as at the level of the 31 regional administrative and military divisions, that is, with the regional Departments of Justice and Prosecutors.

Furthermore the project will work at the international level and promote networking and direct contacts among ten countries (the specific countries to be involved are still to be determined).

Project objective 1 To strengthen the legal basis for international cooperation in criminal matters	
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 Cybercrime (ETS 185), 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 for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS 108) available for submission to the Government and Parliament
Target groups	Direct: Ministry of Justice, Office of the Prosecutor General, Parliament, Ministry of Interior Indirect: Ukraine in general, Europe
Expected impact	The Ministry of Justice and the Parliament will have draft laws available for adoption and for the ratification of European treaties The Ministry of Justice and the Office of the Prosecutor General will have a better legal basis for judicial cooperation Ukraine will have a better basis for cooperation with other European countries
Output 1.2	Proposals for amendments to the criminal legislation available for submission to the Government and Parliament
Target groups	Direct: Ministry of Justice, Office of the Prosecutor General, Parliament, Ministry of Interior Indirect: Ukraine in general, Europe
Expected impact	The Ministry of Justice and the Parliament will have draft laws available for adoption The Ministry of Justice and the Office of the Prosecutor General will have a better legal basis for judicial cooperation By-laws will be available to permit the application of European treaties in practice
Project objective 2 To strengthen the human and institutional capacities of the Ministry of Justice and the Prosecution Service for international cooperation in criminal matters	
Output 2.1	Systems for efficient registration and follow up to requests for assistance established at the Ministry of Justice
Target groups	Direct: Ministry of Justice, Office of the Prosecutor General Indirect: Courts, Ministry of Internal Affairs, Europe
Expected impact	The Ministry of Justice and the Office of the Prosecutor General will be able to automate the registration of requests and track and thus to control them more efficiently
Output 2.2	40 Ministry of Justice officials and up to 40 prosecutors (central and regional administrative divisions) trained

Target groups	Direct: 11 officials at the Directorate for International Cooperation at the Ministry of Justice, 30 officials at regional Departments of Justice responsible for international cooperation, up to 15 officials responsible for international cooperation at the Office of the Prosecutor General and 25 prosecutors at the level of regional administrative divisions
Expected impact	A total of 80 justice and prosecution officials responsible for judicial cooperation at central and regional levels will be able to apply relevant European treaties more efficiently
Output 2.3	Cooperation 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 cooperation manual.
Target groups	Direct: Officials of the Ministry of Justice and the Office of the Prosecutor General responsible for judicial cooperation, Courts and the Ministry of Internal Affairs (International Relations Department and National Central Bureau Interpol)
Expected impact	Cooperation between the key institutions of the judicial cooperation chain will be enhanced and the division of labour will be more clearly defined
Project objective 3	To promote networking and direct contacts between Ukrainian Ministry of Justice officials and prosecutors with those of neighbouring countries and other European countries
Output 3.1	Direct cooperation strengthened and experience exchanged with up to ten other European countries
Target groups	Direct: Officials from Ministries of Justice, Offices of the Prosecutor General and Ministries of Internal Affairs responsible for judicial cooperation from ten European countries
Expected impact	Better use of provisions for direct cooperation between institutions in European treaties More effective implementation of European treaties in Ukraine and other countries based on experience shared More efficient cooperation among these countries based on networking and mutual trust
Output 3.2	Cooperation manual and web-site on international cooperation in criminal matters prepared with the participation of other European countries
Target groups	Direct: Officials from Ministries of Justice, Offices of the Prosecutor General and Ministries of Internal Affairs responsible for judicial cooperation from ten European countries
Expected impact	More effective implementation of European treaties in Ukraine and other countries based on experience shared More efficient cooperation among these countries based on better knowledge of relevant legal provisions and specific requirements in other countries

4.3 Project management

The Department of Crime Problems (Section for Technical Cooperation) of the Directorate General of Legal Affairs of the Council of Europe in Strasbourg will be responsible for the overall management and supervision of the project.

A team leader will be appointed – based in Kyiv – who will be in charge of day-to-day management of the project on behalf of the Council of Europe.

5 LOGISTICS AND TIMING

5.1 Location

A project office will be established in Kyiv. Activities will take place in Kyiv and in different Regional administrative divisions. A limited number of study visits will take place in other European countries.

5.2 Commencement date, inception phase and period of execution

The project is foreseen to have a duration of 36 months, starting on 1 December 2005.

The project will begin with an inception phase of 3 months during which the project office will be established, staff recruited and during which the logical framework and a detailed project workplan will be finalised. A start-up event presenting the project and the workplan to all stakeholders will be organised towards the end of the inception phase in conjunction with the first seminar under Output 2.2.

October 2005	Recruitment of project staff and preparation of the project office in Kyiv
November 2005	Finalisation of the logical framework, preparation of the detailed workplan and of the inception report
December 2005	Start up event to present the project and workplan to all stakeholders To be organised in conjunction with: Activity 2.2.1 training seminars for prosecutors and justice officials at central level and regional administrative divisions on the requirements of relevant European treaties (to include workshops on the drawing up of requests for assistance)

6 REQUIREMENTS

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 will appoint a senior official to function as the Project Co-ordinator and thus as the main interlocutor for the purposes of this project. The Project Co-ordinator will also ensure that activities are carried out and that inputs are provided by other relevant agencies and institutions as required. The Project Co-ordinator should thus be sufficiently senior to direct the work of the staff at the Ministry of Justice responsible for international cooperation and to interact with the Office of the Prosecutor General and other institutions involved on behalf of the Ministry of Justice.

6.1 Personnel

6.1.1 Project team

Overall project management will be ensured by the Technical Cooperation Section (Department of Crime Problems, Directorate General of Legal Affairs) at the Council of Europe in Strasbourg. An assistant will be recruited (based in Strasbourg) under the present project to support the Head of Technical Cooperation in this task.

In Kyiv, an international expert will be recruited as the team leader responsible for the day-to-day management of the project and providing technical advice. S/he will be supported by national expert and a project assistant:

1 project team leader (long term, up to 36 work months, Kyiv)

The team leader will:

- ensure the overall management and coherence of the project
- develop the project workplan in cooperation with the Ministry of Justice and the Office of the Prosecutor General and ensure its implementation
- supervise other project staff including short-term experts
- organise project inputs
- ensure project reporting, including financial reports
- function as technical adviser to the Ministry of Justice and the Office of the Prosecutor General (in particular with regard to project objective 1)

Requirements:

- Not less than 8 years of professional experience at national or international levels in criminal justice/law enforcement-related fields, of which at least 3 years in matters related to international judicial cooperation
- Management experience (including target setting and planning, supervision of staff, administration, finance and reporting)
- Experience in the management of international technical cooperation projects
- Proficiency in English language and, ideally, knowledge of Ukrainian or Russian
- Communication skills
- Ability to work in an international environment.

The project team leader will be selected in agreement with the European Commission Delegation in Kyiv.

1 national expert for institution building (long term, up to 36 work months, Kyiv)

Under the supervision of the team leader, and in cooperation with the Ministry of Justice and the Office of the Prosecutor General and with the support of short-term experts, the expert for institution building will in particular:

- Support the organisation of all training activities under this project
- Arrange the preparation of training materials and of cooperation manuals
- Support the creation of website(s) on judicial cooperation
- Monitor the impact of training (use of skills acquired by justice officials and prosecutors)

Requirements:

- Not less than five years of professional experience at national or international levels in criminal justice/law enforcement-related fields
- At least 3 years of experience in the implementation of training activities, including the production of training materials
- Experience in website design
- Ukrainian mother tongue and proficiency in English language
- Communication skills
- Ability to work in an international environment.

1 local support staff (up to 36 work months, Kyiv)

In support of the international advisers and short-term experts and as part of the project, 1 project assistant will be required for the duration of the project with the following skills and experience:

- At least 3 years of professional experience as secretary
- Ukrainian mother tongue, fluency in English (experience in translation/interpretation an advantage)
- Experience in the handling of project accounts and the preparation of financial reports

1 project assistant (up to 36 work months, Strasbourg)

This assistant will support the team based in Kyiv in terms of administration of the project, mobilisation and recruitment of short-term experts and organisation of study visits. The assistant will also follow reporting to the European Commission. Requirements:

- At least 3 years of professional experience as assistant
- Fluent in English and/or French. Knowledge of Ukrainian or Russian an advantage
- Knowledge of the Council of Europe's administrative and financial rules
- Experience in the preparation of financial reports
- Good writing skills.

6.1.2 Short term advisers and experts

The project team will propose a workplan detailing short-term international consultants and experts as well as local experts that will be needed for the implementation of project activities.

The Council of Europe will ensure the active participation of local professional skills where available, and a suitable mix of European and local staff in the project team. All local experts are to be independent and free from conflicts of interests.

Civil servants and other staff of the public administration of Kyiv shall not be recruited as experts.

6.2 Trainings, workshops, meeting, studies

- Up to 20 in-country workshops, roundtable discussions, seminars and training events at central levels and in regional administrative divisions
- Up to 4 study visits to another European country of up to one week
- up to 10 legal opinions
- 1 review of the systems for registration and control of requests
- cost for the production of training materials and cooperation manuals
- cost for translation on documentation into Ukrainian language
- Up to 4 international meetings for up to 10 countries each

6.3 Office accommodation

The Ministry of Justice in Kyiv will provide space for the project office (1 international team leader, 1 national expert and 1 project assistant).

The project will equip this office with furniture, PC, printer, fax, copy machine.

6.4 Equipment

- Up to 54 PCs with internet access for prosecutors and justice officials responsible for international cooperation in the Regional administrative divisions
- Software, 2 sets of PC and scanners for the registration and control of requests at the Ministry of Justice and the Office of the Prosecutor General
- Furniture, PC, printer, fax and copy machine for the project office at the Ministry of Justice
- Website development

Equipment is to be procured by the Council of Europe under its regulations and following approval of the list of equipment by the beneficiary and the EC Delegation in Ukraine.

7 REPORTING REQUIREMENTS

The Council of Europe will submit the following reports:

- An inception report within three months after the beginning of the contract. The inception report will contain a detailed workplan, the name of possible experts for the training, and implementation measures.
- Monthly activity reports will be submitted on the first day of each month. These brief reports (one page) will summarise the activities implemented in the preceding month and the activity planned for the next two months.
- Progress reports will be submitted every 6 months. The report will list more in detail the activities undertaken, and assess the progress towards achievement of project objectives. This update will stress particularly the achievement of results.
- A final report will be made by the end of the project period. The final report should follow the inception report format and include an in-depth assessment of the project implementation, results and level of achievement of the objectives.

Reports produced in this project will be submitted by the Council of Europe to the Delegation of the European Commission in Kyiv. The inception, progress and final reports will be prepared in Ukrainian and in English.

The reports shall be submitted in hard copy and electronic format (as a single Word file). In addition to the above formal reports, the Council of Europe shall provide such information on project progress as is reasonably required by the Delegation of the European Commission in Kyiv, and shall regularly inform the EC Delegation of political, economic or institutional developments of relevance to the project. The Council of Europe shall in particular provide the Delegation of the European Commission electronic and hard copies of:

- training material prepared under this project;
- reports of short-term specialists.

No report or document shall be distributed to third parties prior to the approval by the Delegation of the European Commission in Kyiv. The Council of Europe shall pay particular attention to the confidentiality of data. Reports, as well as press statements made by the Council of Europe will make clear that any opinions expressed therein do not represent the opinion of the European Commission.

Reports should be submitted for approval to:

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Delegation of the European Commission to Ukraine, Moldova and Belarus
10, Kruhlo-Universytetska
01024 Kyiv, Ukraine.

8 EU VISIBILITY

All activities will adhere to the European Commission's requirements for visibility on EC funded activities, as described in the published "EU Visibility Guidelines". This shall include, but not be limited to, press releases and briefings, reports, seminars, workshops, events, publications, websites and any promotional items. When possible, seminars/workshops and events funded under this project will have an European flag prominently displayed that is the same size or larger than any other flags present. All publications produced under this project shall have the EU logo displayed as the same size or larger than any other logos and include the disclaimer: "This publication has been produced with the assistance of the European Union. The content of this publication do not necessarily reflect the views of the European Union."

