

CONCEPT NOTE

Visit of the Qualification and Disciplinary Commission of Prosecutors and the Council of Prosecutors of Ukraine to the Council of Europe Headquarters

Strasbourg, France

Organised by: Co-operation Programmes Division, Department for the Implementation of Human Rights, Justice and Legal Co-operation Standards of the Directorate General Human Rights and Rule of Law (DGI) of the Council of Europe *under the Project* [“Fostering Human Rights in the Criminal Justice System in Ukraine”](#) (hereinafter the Project)¹.

Ukrainian delegation:

- Management and representatives of the Qualification and Disciplinary Commission of Prosecutors of Ukraine
- Management and representatives of the Council of Prosecutors of Ukraine
- Head of the Reforms Division of the Office of the Prosecutor General of Ukraine

Dates: 19-20 October 2023 (on the margins of the CCPE Plenary session).

Objectives:

- Professional experience sharing and expert discussions on the effective functioning of prosecutorial qualification-disciplinary and self-governance bodies and their role for ensuring the independence of public prosecution service – through various meetings with the CoE bodies and HQ services and Registry of the European Court of Human Rights (ECtHR), inter alia:
 - Department for the Implementation of the Human Rights, Justice and Legal Cooperation Standards; Venice Commission secretariat; GRECO secretariat.
 - Lawyers of the ECtHR Registry and the Department for the Execution of the Judgments of the European Court of Human Rights (inter alia, in light of cases *Lutsenko v. Ukraine*, *Tymoshenko v. Ukraine* (protection against abuse of power / independence of the prosecution service).
 - Meeting / round table discussion with CCPE leadership and members, experts and secretariat, including in light of the preparation of the CCPE Opinion No. 18 (2023) “On the Councils of Prosecutors as key bodies of prosecutorial self-governance” (adoption expected at the CCPE Plenary on 19-20 October 2023).
- Enhancement of cooperation and assistance. The visit may provide opportunities for networking and building personal and professional connection networking, awareness raising, sharing unique experience for improving the capabilities, integrity, and effectiveness of Ukraine's prosecutorial self-government system while aligning it with CoE standards and best practices.

¹ The Project is implemented under the Council of Europe Action Plan for Ukraine “Resilience, Recovery and Reconstruction” 2023-2026.

Background

Prosecutorial self-governance and qualification-disciplinary bodies were introduced in Ukraine in 2017, following the entry into force of the new law on the Public Prosecution Service of Ukraine in 2015. After the implementation of priority measures for the reform of the public prosecution service in Ukraine in the fall of 2019 (attestation of prosecutors of all levels, changes in approaches to the selection and training of legal professionals for vacant positions of prosecutors, temporary suspension of the activities of prosecutorial self-government bodies - the Council of Prosecutors of Ukraine and the Qualification and Disciplinary Commission of Prosecutors of Ukraine and resuming their activities in 2021 with a new composition) there is a need to further strengthen their institutional capacity and independence. Further to this, there are remaining issues and recommendations in regard to the need of strengthening of the prosecutorial independence in Ukraine (both institutional and internal procedural aspects) deriving either from the relevant ECtHR case-law or GRECO recommendations in respect of Ukraine – pending implementation.

Also, Ukraine's acquisition of the status of a candidate for membership of the European Union in June 2022 imposed a number of obligations on Ukraine. Among those the key remains further comprehensive approximation of Ukrainian legislation to the EU acquis, which requires compliance with relevant standards in the field of justice, including strengthening the independence of judiciary and prosecution service, their accountability, transparency and effectiveness. In this regard relevant Council of Europe standards, recommendations of relevant Council of Europe monitoring bodies and cooperation through technical cooperation assistance programmes play important role.

The visit concerned would provide for an important platform to discuss the above-mentioned through awareness raising, expert exchange and best European practices sharing, as well as for opportunities of networking and cooperation enhancement between respective Ukrainian institutions and relevant Council of Europe services.