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PROJECT DIGEST

“While the virus is resulting in the tragic loss of life, we must nonetheless prevent it from destroying our way of life - our understanding of who we are, what we value, and the rights to which every European is entitled. Our common legal standards are of great relevance during this current crisis”

Marija Pejčinović Burić
Secretary General of the Council of Europe

June — September 2020

HUMAN RIGHTS COMPLIANT CRIMINAL JUSTICE SYSTEM IN UKRAINE

Project is implemented
by the Council of Europe
within the Council of Europe
Action Plan for Ukraine
2019-2021

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

CRIMINAL JUSTICE LEGISLATION & PRACTICE

The Project “Human Rights Compliant Criminal Justice System in Ukraine” has fully adopted its work to the quarantine restrictions in Ukraine to be able to continue implementation of activities in furtherance of the Council of Europe standards and best practices in the criminal justice sphere



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Abbreviations

Council of Europe - **CoE**

European Convention on Human Rights - **ECHR**

European Court of Human Rights - **ECtHR**

Free Legal Aid - **FLA**

Office of the Prosecutor General - **OPG**

Prosecutor's Training Centre - **PTC**

Public Prosecution Service - **PPS**

For the given period, the Project has continued to undertake various activities aimed at **supporting compliance of the Ukrainian criminal justice legislation and its implementation to CoE standards** and best practices as well as **supporting professional and operational capacities of criminal justice actors**:

On 28 July the Project co-organised an online **event dedicated to the issues of the excessive length of proceedings** in Ukraine as established in the case-law of the ECtHR in the Svetlana Naumenko and Merit groups of cases

Comparative study on effective remedies to secure criminal proceedings within a reasonable time was completed and [available via link](#)

Research on the application of pre-trial detention and house arrest in Ukraine through the prism of the right to liberty and security of the person enshrined in Article 5 of the ECHR was launched

In September **expert comments to the draft Development Strategy for the PPS** in Ukraine for 2021-2023 were provided



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PUBLIC PROSECUTION SERVICE REFORM

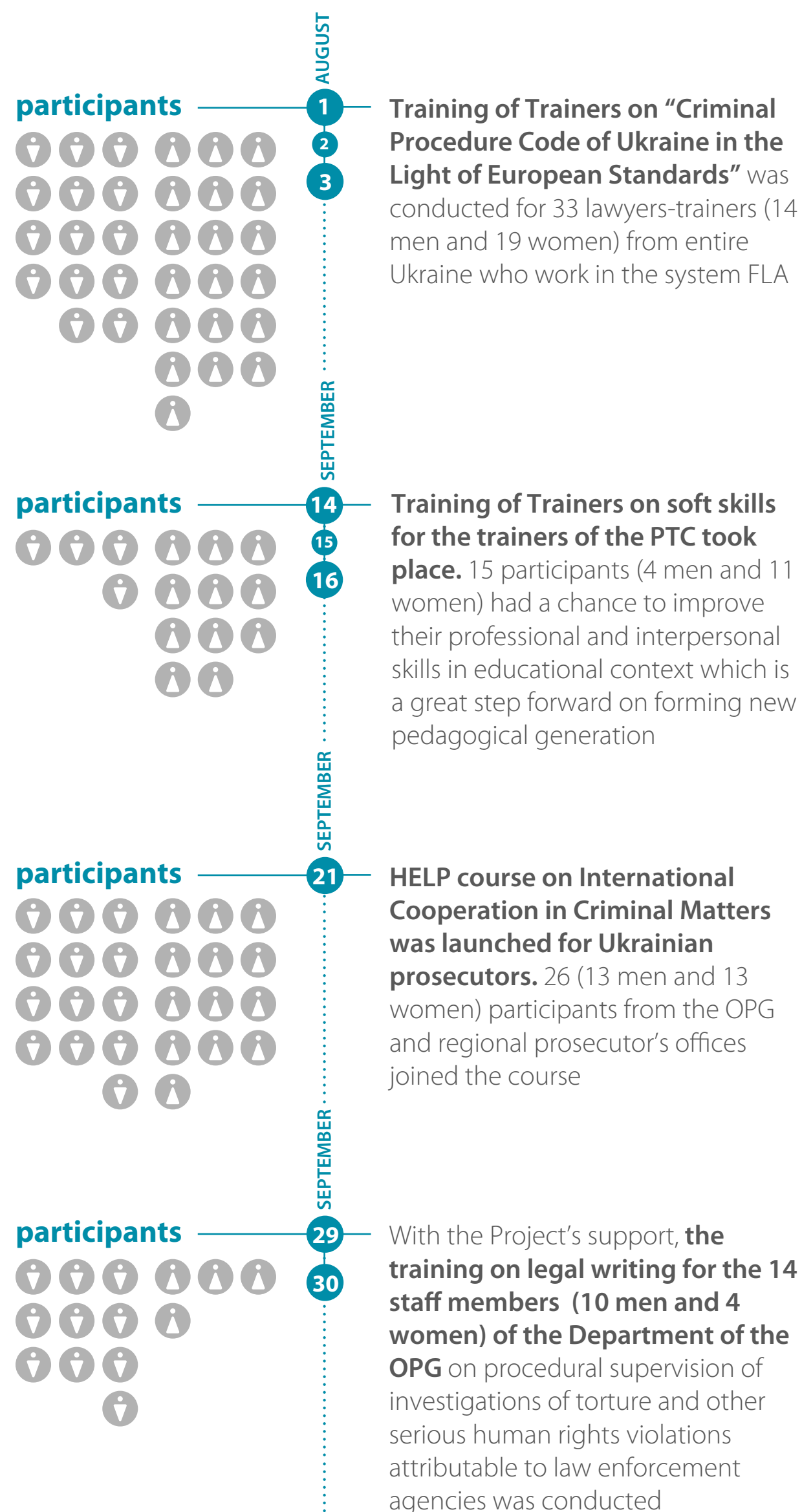
The cooperation has continued in the field of public prosecution service reform. In particular, **to support institutional independence, operational efficiency, and professionalism of the PPS as well as to raise the awareness of prosecutorial community and public on the developments in the PPS reforms**, the Project, inter alia, delivered the following:

On 21 July 2020, the Council of Europe and the PTC of Ukraine **signed the Memorandum of Cooperation**

Comparative study on the workload of the public prosecutors in selected Council of Europe member states, including Germany, Ireland, Poland, Slovenia, Spain and Great Britain was completed

In August 2020, the **functional and organizational analysis of the prosecutor's offices of regional and local levels was completed** and presented to the OPG leadership

On 6 August 2020, the CoE **donated to the Department of OPG** on procedural supervision of investigations of torture and other serious human rights violations attributable to law enforcement agencies **brand-new IT equipment**



TRAINING OF TRAINERS ON “CRIMINAL PROCEDURE CODE OF UKRAINE IN THE LIGHT OF EUROPEAN STANDARDS” FOR THE FLA TRAINERS

The training of trainers included, but was not limited to the following theoretical and practical issues:

- principles of adult training and their application in the design of the training program;
- legal regulation, actions of the lawyer during defense of the person arrested and suspected of a criminal offence;
- meaning of standards in the work of the lawyer of FLA;
- complaints against illegal actions during arrest, case law of the ECtHR under Article 5 of the ECHR;
- approaches to mini-lectures, practice of conducting mini-lectures;
- standards for the assessment of risks of inappropriate procedural behaviour during selection of preventive measures according to the case law of the ECHR;
- correlation between national legislation and standards of the European Convention on Human Rights during assessment of admissibility of evidence;
- case law of the ECtHR in cases on violation of the right to fair trial.

According to **Iryna Hlushchenkova**, the trainer, such structure and content of the training meets the demands of participants to the most extent possible and contributes to the best mastering of training material: **“The training is aimed at real professional needs of lawyers who work in the system of free legal aid. Materials were developed by the leading professionals who used the latest national sources and case law of the ECtHR”** said Iryna Hlushchenkova.

During the training, particular attention were paid to Articles 3, 5 and 6 of the European Convention on Human Rights. **“This approach is very important because these provisions of the Convention enshrine the fundamental human rights – the right not to be subject to torture, the right to liberty and the right to a fair trial. That is why it is important for lawyers to be able to work with violations of these rights, understand the Convention as a tool for the protection of human rights and use them in their work”** mentioned **Yuliia Lisova**, lawyer, human rights advocate and legal advisor of the Public Centre for Justice.

Oleksandra Yanovska, doctor of juridical sciences, judge of the Supreme Court of Ukraine underlined the importance for lawyers to improve their skills. **“The level of the protection of human rights in criminal proceeding depends on the professional legal aid. The state through the system of FLA obliges to ensure effective legal aid to persons in need. These are the requirements of the European Convention on Human Rights and case law of the European Court of Human Rights. In this regard, such events as this training will increase the level of protection of human rights in criminal proceeding and improve the quality of the bar institute in Ukraine. It is very important”**, stressed Oleksandra Yanovska.

According to participants’ feedback, they had an opportunity to look at their job from new perspective, share experience and discuss cases from personal practice with colleagues as well as to divide into elements the training process and the process of protection of human rights in criminal proceeding.