

Human Rights Compliant
Criminal Justice System in Ukraine

PROJECT DIGEST

April-June 2021



© Council of Europe

Ukraine has made an important contribution to the work of the Council of Europe, the progress has been made with the steps taken by the country on the path of reform and it has been noted what needs to be done to advance those efforts further.

Secretary General at the 4th Ukraine Reform Conference “Strong Ukraine in a Stronger European and Euro-Atlantic Family”

HIGHLIGHTS:

25.05 On 25 May 2021, the Project held a conference on the impact of criminal misdemeanours on human rights and criminal justice in Ukraine. The conference provided a platform for main criminal justice actors to exchange their views and experience on achievements and challenges of the introduction of criminal misdemeanours in Ukraine.

17.06 On 17 June 2021, the Project facilitated a roundtable meeting of the Prosecutor General with the environmental non-governmental organisations. The event, which was the first of its kind, aimed at finding the ways of cooperation between the Office of the Prosecutor General (OPG) with the civil society to counteract environmental crimes.

CRIMINAL JUSTICE LEGISLATION & PRACTICE

For the given period, the Project has continued increasing compliance of the Ukrainian criminal justice legislation and its implementation with CoE standards and best practices as well as strengthening professional and operational capacities of criminal justice actors:

■ The Law Enforcement Committee members and Office of the Prosecutor General leadership increased their awareness on the compliance of the Draft Laws of Ukraine related to the completion of the interim period of the Prosecution Service reform introduced in 2019 (Draft Laws 5157 and 5158) with the Council of Europe standards. Following the expert consultations held on 11 May with the representatives of the abovementioned groups, the Project's international consultants **Prof. Dr. Lorena Bachmaier**, Professor of Law, Complutense University of Madrid, and **Mr. James Hamilton**, former Director of Public Prosecutions of Ireland, former President of the International Association of Prosecutors and ex-member of the Venice Commission on behalf of Ireland, delivered the expert assessment of the respective Draft Laws. While in general the Draft Laws merited a positive assessment, 6 recommendations for their further improvement were provided;

■ The Project raised awareness of the Law Enforcement Committee with regards to the compliance of the Draft Law No. 5336 "On Amendments to the Criminal Code of Ukraine regarding Criminal Liability for Torture" with applicable Council of Europe standards.



The expert assessment done by the Project's international consultant Mr. Jeremy McBride was provided on 11 June 2021. It contains 5 recommendations for further alignment of the Draft Law with the CoE standards and best practices.



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 public prosecution service (PPS) as well as to raise the awareness of prosecutorial community and public on the developments in the PPS reforms, the Project, inter alia, achieved the following outcomes:

■ **In order to increase the awareness of the PPS decision-makers for safeguarding the independence and procedural autonomy of prosecutors, on 21 May 2021** the Project delivered comparative study on disciplinary liability of public prosecutors in selected Council of Europe member states including, Italy, Slovenia, Spain, and the United Kingdom (with focus on England & Wales and Scotland). The study covers the relevant national legal framework of the selected countries as well as provides information on how the legislative framework is applied in practice. This study will be used by the PPS decision-makers in the process of defining the new system of disciplinary responsibility of prosecutors that will be applicable from 1 September 2021;

■ **In June 2021** the Project strengthened the Prosecutors' Training Centre's (PTC) capacity to deliver professional training for prosecutors by developing a methodology for training of trainers (ToT) developing of a methodology for Training of trainers (ToT). The ToT methodology covers various issues starting from general provisions on trainings, structure and design of the training, tools for planning, interactive teaching methods and finishing

with interaction between the trainer and the group, work with resistance, and training evaluation. Furthermore, the PTC employees received mentorship on conducting ToTs from the Project's national consultant Ms. Nataliia Rymar and successfully conducted ToT for 15 PTC's future trainers (11 male and 4 female);

■ **In June 2021**, the Project also supported the capacity of the PTC's trainers to deliver online trainings through the development of the Methodology on Interactive Online Education. The Methodology provides information on the peculiarities of online education as well as contains recommendations for the use of various online tools and platforms;

■ **In June 2021**, to contribute to raising the awareness of the Ukrainian professional legal community on the CoE human rights mechanisms, the "Updated HELP course on Introduction to ECHR and ECtHR became available in Ukrainian on the HELP online platform";

■ **On 2 June 2021** 22 prosecutors (12 male and 10 female) increased their knowledge on the admissibility of evidence through the training session on Evidence and Proving in Criminal Proceedings which was delivered by the Project's national consultant Ms Nataliia Marchuk;

■ The Project supported the preparation of the draft ToR for the future development of the online education platform for the PTC.

Abbreviations

Council of Europe – **CoE**

European Convention on Human Rights – **ECHR**

European Court of Human Rights – **ECtHR**

European Programme for Human Rights
Education for Legal Professionals – **HELP**

Office of the Prosecutor General – **OPG**

Prosecutors' Training Centre of Ukraine – **PTC**

Public Prosecution Service – **PPS**

Training of Trainers – **ToT**

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
2018-2022

