

Human Rights Compliant
Criminal Justice System in Ukraine

PROJECT DIGEST

OCTOBER – DECEMBER 2021

When faced with difficult challenges, it can be tempting for states to consider relaxing human rights protections. In fact, the opposite should happen – when times get tough is when we most need to stand up for, and abide by, the unique system of values that we have built up over the last 70 years. ... Human rights, democracy and the rule of law are under significant pressure. Now more than ever we must stay true to our values, as embodied in the human rights convention, and ensure the swift and effective implementation of judgments from the European Court.

Secretary General Marija Pejčinović Burić ahead of Human Rights Day on 10 December

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ABBREVIATIONS

BCDP – Body in Charge of Disciplinary Proceedings

CoE – Council of Europe

CoP – Council of Prosecutors of Ukraine

ECHR – European Convention on Human Rights

ECtHR – European Court of Human Rights

HELP – European Programme for Human Rights Education for Legal Professionals

MoJ – Ministry of Justice of Ukraine

NPU – National Police of Ukraine

NSJ – National School of Judges

OPG – Office of the Prosecutor General

PPS – Public Prosecution Service

PTC – Prosecutors' Training Centre of Ukraine

SBI – State Bureau of Investigation

SC – Supreme Court

SICIT

Project – Council of Europe Project “Supporting Institutions to Combat Ill-Treatment”

HIGHLIGHTS:

The Project and its main partners summarised achievements of cooperation in 2021 and agreed on cooperation plan for 2022 at the Project Steering Committee meeting held on 17 December 2021. The main partners of the Project, including the OPG, the CoP and the BCDP, the MoJ, the SC, the PTC, the NSJ, participated in the meeting along with representatives of civil society organisations (the latter with observer status).

CRIMINAL JUSTICE LEGISLATION & PRACTICE

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

- The Project, in cooperation with another CoE SICIT Project, raised awareness of the key national actors on issues related to the execution of the ECtHR judgments in *Kaverzin/Afanasev/Belousov* group of cases by completing and presenting [*the research “Investigation into Alleged Ill-Treatment Contrary to Article 3 of the European Convention on Human Rights in Ukraine”*](#). High-level representatives of the OPG, the SBI, Secretariat of the Government Agent in Charge of the Cases at the ECtHR at the MoJ, the NPU as well as judges, prosecutors, lawyers, international and national experts, representatives of civil society organisations participated in the presentation of the research.
- To support national authorities in the execution of the ECtHR judgements in *Ignatov* group of cases and to provide criminal justice actors with necessary guidance on issues of lawfulness of detention, the Project has prepared the final consolidated report on the research on the application of pre-trial detention and house arrest in Ukraine.





- 65 investigative judges (34 female and 31 male) raised their awareness on human rights standards by participating in two HELP courses launched in cooperation with the NSJ: *“Pre-Trial Investigation and the European Convention on Human Rights (ECHR)”* and *“Right to Liberty and Security (Article 5 of the European Convention of Human Rights (ECHR))”*.
- To strengthen the dialogue between judges, prosecutors, lawyers and expert community on novelties in the criminal justice field, the CoE in the framework of its projects *“Supporting institutions to Combat Ill-Treatment in Ukraine”* and *“Human Rights Compliant Criminal Justice System in Ukraine”* became a co-organiser of **JustConf 2021**, the

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, achieved the following outcomes:

- To strengthen capacities of newly reconstituted CoP and BCDP, the Project engaged in consultations with them to start the assessment of their needs and identify areas of cooperation.
- The Project raised awareness of members of the BCDP on European standards and best practices by providing expert comments on the regulations regarding recruitment and promotion of prosecutors developed by the BCDP and facilitating subsequent expert consultations with engagement of national and international consultants as well as representatives of other international partners held on **20 December 2021**. During *the expert consultations* the participants discussed the recommendations and considered possible ways of their implementation.
- The Project continued supporting and contributing to the work of the working group operating under the auspices of the OPG, on the elaboration of the criminal justice/law enforcement development concept. The progress made by the working group and further steps in the development of the document were discussed at a meeting

conference on ideas which bring positive changes in the area of criminal justice.

- The Project contributed to awareness raising and strengthened dialogue between the parliamentarians, prosecutors and expert community on the role of specialised prosecutors, investigators and courts in dealing with fraud and corruption offences through Mr. James Hamilton, former Director of Prosecutions of Ireland and international consultant of the CoE, delivering a presentation and participating in the panel discussions on this topic at International Forum – Kleptocracy and Illicit Financial Flows held in Kyiv on 1-2 December 2021.

with participation of Ms Iryna Venediktova, the Prosecutor General, Mr Serhii Ionushas, Head of the Law Enforcement Committee of the Verkhovna Rada of Ukraine and the Legal Reforms Commission under the President of Ukraine, members of the working group and international partners held on **16 December 2021**.

- 62 prosecutors (21 female and 41 male) increased their knowledge on ECHR standards concerning the admissibility of evidence in the criminal proceedings through three training sessions on Evidence and Proving delivered by Ms Nataliia Marchuk, the SC Judge and the Project’s national consultant.



**HUMAN RIGHTS COMPLIANT CRIMINAL
JUSTICE SYSTEM IN UKRAINE**

The Project is implemented
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