

HUMAN RIGHTS COMPLIANT  
CRIMINAL JUSTICE SYSTEM IN UKRAINE

# PROJECT DIGEST

January – June 2022

*“The unimaginable suffering and destruction inflicted upon the Ukrainian people by the Russian aggression, and the barbaric violence against women and children, has no place in our vision of Europe as a continent of peace where human rights are upheld, democracy thrives and the rule of law prevails.”*

Marija Pejčinović Burić, CoE SG during her visit to Ukraine in May 2022

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## ABBREVIATIONS

BCDP	Body in Charge of Disciplinary Proceedings
CoE	Council of Europe
DG	Director General
DGI	Directorate General for Human Rights and the Rule of Law
DL	Draft Law
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
OPG	Office of the Prosecutor General of Ukraine
PG	Prosecutor General of Ukraine
PTCU	Prosecutors' Training Centre of Ukraine
PPS	Public Prosecution Service
SG	Secretary General
SC	Supreme Court

## HIGHLIGHTS

- **On 22 March 2022**, Iryna Venediktova, the PG, and Christos Giakoumopoulos, DG for Human Rights and the Rule of Law, met at the Polish-Ukrainian border [to discuss immediate assistance to Ukraine in the context of the human rights and rule of law consequences of the war caused by the aggression of the Russian Federation](#). In this regard, the DG and the PG exchanged on priorities of action and immediate cooperation measures, inter alia, with respect to addressing gross human rights violations in the times of war.
- The CoE DGI [set up an expert advisory group to support the OPG](#). This initiative is part of its immediate assistance to Ukraine following Russia's aggression and follows the initial consultations between SG Marija Pejčinović Burić and the PG, Iryna Venediktova.
- Furtheron, a whole package of immediate measures to address the direct consequences of the Russian Federation's aggression against Ukraine was agreed on with the Ukrainian authorities. This included, inter alia, providing advice to the OPG and other Ukrainian criminal

justice stakeholders in the process of documenting and investigating gross human rights violations in the context of the ongoing war. In this connection, the Project has continued supporting the Ukrainian authorities in three main areas:

1. Provision of legal and policy expert advice to the Ukrainian stakeholders from the perspective of the cross-cutting standards of European human rights law and international humanitarian law;
2. Provision of strategic expert advice to the OPG via the engagement of high-profile international consultants of the CoE as part of the CoE Expert Advisory Group to the OPG;
3. Provision of operational and professional capacity building assistance to the OPG, the PTCU, as well as Ukrainian judiciary and investigating authorities on documentation and investigation of gross human rights violations during the armed conflict.



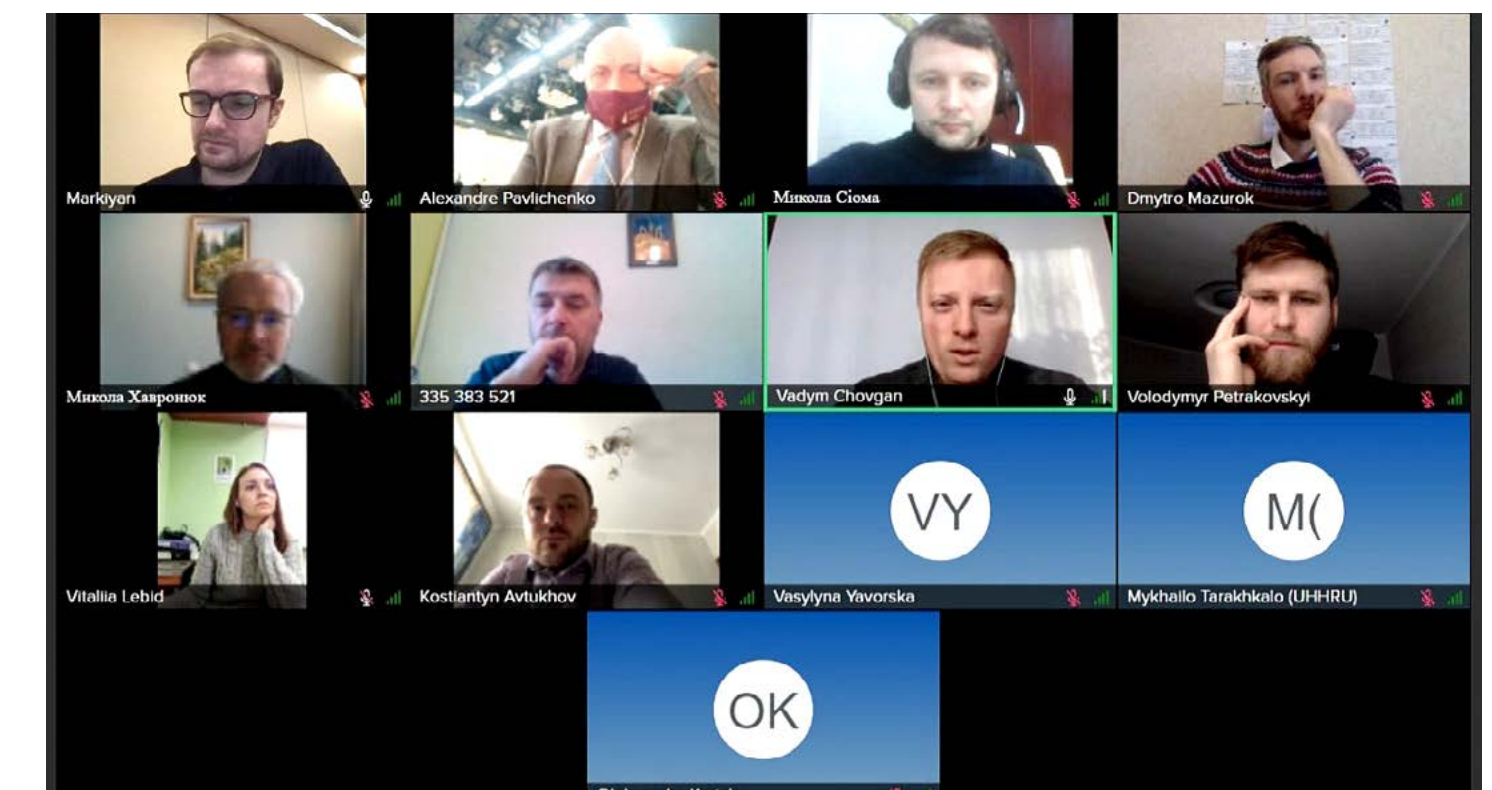
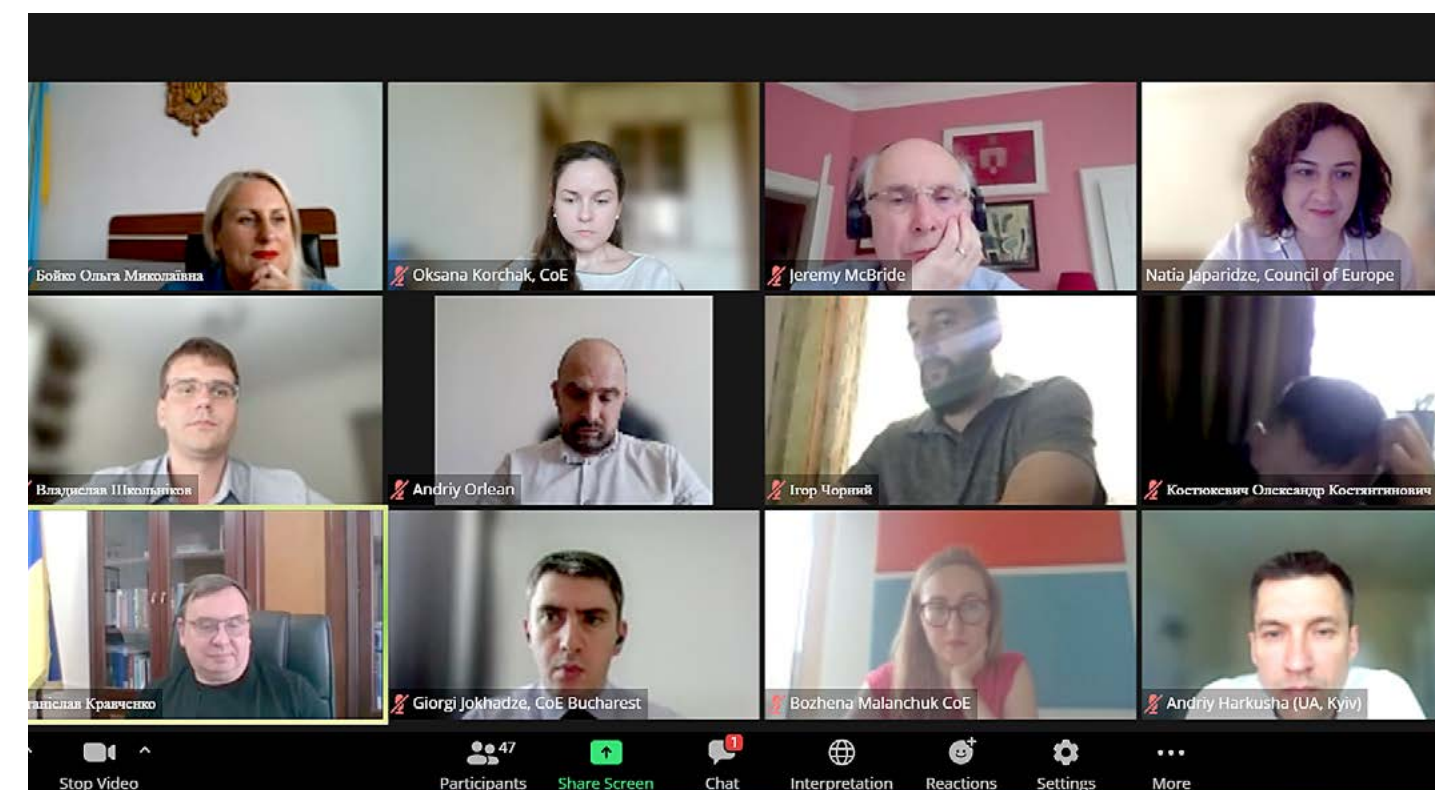
## CRIMINAL JUSTICE LEGISLATION & PRACTICE

For the given period, the Project has continued its support to contribute to increased compliance of the Ukrainian criminal justice legislation and its implementation with CoE standards and best practices as well as to strengthen professional and operational capacities of criminal justice actors.

Since the start of the full-scale invasion of the Russian Federation against Ukraine, the Project has also contributed to the development criminal justice documents, legislation and internal regulatory framework related to documenting gross human rights violations and grave crimes.

- To strengthen the knowledge of lawyers, prosecutors, judges, and scholars on application of the standards of Article 5 of the ECHR regarding pre-trial detention and house arrest in the national context, the Project facilitated, a series of focus group discussions on 24-28 January 2022. Participants of these [focus groups discussed](#) the draft report summarising the research undertaken by the CoE, focusing on the outstanding issues concerning the application of pre-trial detention and house arrest in criminal proceedings in Ukraine;
- The Project increased awareness of the representatives of the Ministry of Justice on European standards and best practices applicable to conducting criminal proceedings in the context of the armed aggression. In this regard online expert consultations were held in April 2022 and the [expert opinion](#) to the DL “On Support for Criminal Proceedings and Enforcement of Punishments, Which are Precluded as a Result of Armed Aggression, Temporary Occupation of the Territory of Ukraine” was provided to the Ministry of Justice of Ukraine;

- To strengthen the knowledge of prosecutors, judges, and law enforcement officers on international legal framework and standards concerning open-source and electronic evidence, on 2 June 2022, the CoE, in cooperation with the SC, the OPG, and the PTCU organised an online roundtable on the admissibility of [open-source information and electronic evidence in the national criminal proceedings](#) concerning gross human rights violations resulting from the Russian aggression against Ukraine;
- To increase the understanding of the OPG of relevant European standards and best practices, the Project provided [expert opinion](#) on the DL “On Amending Criminal Procedure Code of Ukraine regarding Improvement of the Activities of Joint Investigative Teams.”



## SUPPORT TO THE PUBLIC PROSECUTION SERVICE

The cooperation has continued in the field of public prosecution service. 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.

Since the start of the full-scale invasion of the Russian Federation against Ukraine, the Project has also provided expert support to the OPG and key criminal justice actors in documenting gross human rights violations. Thus, the Project, inter alia, achieved the following outcomes:

- To raise awareness of the members of the BDCP on European standards and best practices, on 24 January 2022 the CoE held [follow-up expert consultations](#) with the BDCP on proposed revisions to regulations for recruitment and promotion of prosecutors. The agreement was reached on incorporation of additional recommendations to the proposed revisions to the three regulations on selection and promotion of prosecutors;
- To strengthen their procedural autonomy in fulfillment of their prosecutorial functions and deepen the knowledge of prosecutors on Articles 2, 3 and 5 of the ECHR, in cooperation with the OPG and the PTCU, the Project organised 7 training sessions for 153 (7 female and 146 male) heads of district public prosecutors' offices;
- To ensure compliance of a thorough methodology for the investigation of relevant crimes involving enforced disappearances as well as deaths and ill-treatment with European human rights standards, the Project

supported the OPG with the preparation of a compilation of the ECtHR case-law under Articles 2, 3, and 5 of the ECHR pertinent to enforced disappearances in the context of an armed conflict;

- To strengthen the knowledge of prosecutors on investigation of rapes in times of an armed conflict, on 9 May 2022, the national consultant of the CoE, [conducted a webinar on the peculiarities of investigation of conflict-related sexual violence for prosecutors](#). The focus of the activity was on evidence and proving as a part of the training program developed and organised by the PTCU. The webinar was followed by 196 (92 female and 104 male) prosecutors;
- To increase awareness of prosecutors on the ECHR standards related to public information sharing regarding ongoing criminal proceedings, the Project developed [an information note for the OPG on Public Outreach in War Crimes Proceedings: Compliance with Articles 6, 8 and 3 of ECHR](#).



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The Project is implemented  
by the Council of Europe  
within the Council of Europe  
Action Plan for Ukraine  
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