

Human Rights Compliant
Criminal Justice System in Ukraine

PROJECT DIGEST

JULY-SEPTEMBER 2021



We remain steadfast in our support for Ukraine's independence, sovereignty and territorial integrity within its internationally recognised borders. The Council of Europe will do its utmost to ensure that Ukrainians can live in the freedom and security provided by human rights, democracy and the rule of law.

Secretary General Marija Pejčinović Burić at the Crimea Platform summit in Kyiv

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ABBREVIATIONS

CCJE - Consultative Council of European Judges

CCPE - Consultative Council of European Prosecutors

CDCJ - European Committee on Legal Co-operation

CoE - Council of Europe

ECHR - European Convention on Human Rights

ECtHR - European Court of Human Rights

GRECO - Group of States against Corruption

HELP - European Programme for Human Rights
Education for Legal Professionals

OPG - Office of the Prosecutor General

PPO - Public Prosecution Office

PPS - Public Prosecution Service

PTC - Prosecutors' Training Centre of Ukraine

SBI - State Bureau of Investigation

HIGHLIGHTS

On 10 September 2021, Iryna Venediktova, Prosecutor General of Ukraine visited the CoE in Strasbourg. She was received by Marija Pejčinović Burić, Secretary General of the CoE and Robert Spano, President of the ECtHR. Simona Granata-Menghini, Secretary of the Venice Commission as well as Martin Mrčela, President of GRECO and Hanne Juncher, GRECO Executive Secretary, also held meetings with Ms Venediktova and members of her delegation. Issues of cooperation in the field of human rights and criminal justice, and the execution of the judgments of the ECtHR were discussed during a joint meeting with Christophe Poirel, Director of Human Right, Lilja Gretarsdottir, Head of Co-operation Programmes Division, Livia Stoica, Head of Legal Cooperation (CDCJ, CCJE and CCPE) Division and Pavlo Pushkar, Head of Division at Department for the Execution of the Judgments of the ECtHR. The progress of the public prosecution service reform in Ukraine, in line with CoE standards and in the light of the principles of independence, transparency, professionalism, accountability and integrity of the service, was at the core of the discussions during the meetings of the visit. The Prosecutor General

also participated in the solemn hearing of the ECtHR. The event included a judicial seminar on The Rule of Law and Justice in a digital age, at which many eminent figures from European judicial circles were present.





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:

- In support of the execution of the ECtHR judgments in *Ignatov* group of cases and to provide criminal justice actors with necessary guidance on issues of lawfulness of detention, the Project has been carrying out large-scale research on the application of pre-trial detention and house arrest in Ukraine. The last stage of the research (review of selected court decisions and case files) has been completed in line with the research methodology with the final consolidated report being prepared.
- In support of the execution of the ECtHR judgments in *Kaverzin/Afanasev/Belousov* groups of cases, in cooperation with the CoE Project “Supporting Institutions to Combat Ill-Treatment”, the Project completed the second phase of the research on the current state of affairs with respect to the effective investigation of ill-treatment attributable to law enforcement officials in Ukraine in line with Article 3 of the ECHR. Based on the developed methodology, the field research was completed, which entailed conducting interviews and focus groups with judges, prosecutors, investigators of the SBI, lawyers, forensic doctors, and representatives of non-governmental organisations in Kyiv and four other regions of Ukraine. The findings of the field research, along with the findings of the desk research conducted as the first phase of the study, will be consolidated in a comprehensive report.
- To raise the awareness of the Ukrainian professional legal community on the CoE human rights mechanisms, the Project has prepared for publication (translated and proofread) two HELP courses: *Pre-trial Investigation and the ECHR* and *Ethics for Judges, Prosecutors and Lawyers*. The courses are in the process of being posted on the HELP online platform.

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:

- **On 28 September 2021** leadership of the OPG, management of newly created disciplinary and self-government bodies, prosecutors of regional and local PPOs could exchange views at [a high-level conference on the reform of the public prosecution service in Ukraine which was organised by the Project in cooperation with the OPG. The conference aimed at taking stock of achievements as well as challenges of the reform that has been underway](#) since autumn 2019, and discussing further steps necessary for bringing about independent, transparent and efficient PPS in Ukraine that is in line with the European standards and best practices. Members of the Parliament, including the new leadership of the Law Enforcement Committee, representatives of the PTC, international development partners and civil society organisations, international and national experts also took part in the conference.
- To assess progress of the reform in certain areas of the PPS and the Project, through PricewaterhouseCoopers Advisory LLC (PwC), the Project supported the review of the implementation of recommendations provided in the Organisational Assessment of the OPG of Ukraine as well as the Functional and Organisational Analysis of Regional and Local PPOs which had been conducted by PwC respectively in 2019 and 2020. The review focused on the organisational structure, staff structure and headcount, management and decision making, functional distribution and a training component, covering both the OPG as well as the regional and district PPOs. The results of the analysis were presented at the high-level conference on the reform of the PPS in Ukraine.
- The Project continued supporting and contributing to the work of various working groups operating under the auspices of the OPG, including those dealing with the issues of performance evaluation of prosecutors and development of the disciplinary procedure as well as the working group in charge of the elaboration of the criminal justice/law enforcement development strategy

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

The Project is implemented
by the Council of Europe
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