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GR-DEM

Rapporteur Group on Democracy

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Final narrative report

Co-operation with Ukraine - Immediate Measures Package (April - December 2014)

Document prepared by the Office of the Directorate General for Programmes

Item to be considered by the GR-DEM at its meeting on 7 July 2015

¹ This document has been classified restricted until examination by the Committee of Ministers.

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ORIGIN AND FRAMEWORK FOR IMPLEMENTATION

The **Co-operation with Ukraine – Immediate Measures Package (IMP)** originated at the 1196th meeting of the Committee of Ministers, held on 2 and 3 April 2014, when the Secretary General recalled "the objective to offer Ukraine the best possible support to overcome the current crisis and to carry out the necessary reforms in line with the Council of Europe standards". The Secretary General informed the Committee of Ministers that a package of immediate measures has been developed in order to answer immediate legislative and capacity-building needs. The Committee of Ministers welcomed the initiative and encouraged its rapid implementation.

The document "Co-operation with Ukraine – Immediate Measures Package" (ODG-Prog/Inf(2014)7) covered the period from April to December 2014 and included the following thematic priority areas:

- Ensuring the Protection of Human Rights;
- Constitutional Reform;
- Elections:
- Capacity-building for Parliamentarians;
- Civil Society;
- Secretary General's Special Advisor;
- Commissioner for Human Rights;
- Support to the CoE Office in Kyiv.

Immediate Measures Package Interim Narrative Report

The IMP Interim Narrative Report on the implementation period April – August 2014 (ODGProg/INF(2014)11) was presented at the GR-DEM meeting on 7 October. At their 1210th meeting, held on 22 and 24 October 2014, the Committee of Ministers took note of the document and welcomed the contributions made to the funding.

During the same meeting, the CM encouraged the Ukrainian authorities to continue to draw on the expertise and resources made available by the CoE in the framework of the IMP and other co-operation projects, in order to pursue and implement the reforms needed to achieve full compliance with the CoE standards.⁴

Action Plan for Ukraine 2015 – 2017

A new comprehensive Action Plan (AP) for Ukraine 2015 – 2017⁵ was developed by the Council of Europe, taking into account the country's priorities and issues identified in the most recent findings of CoE monitoring bodies, resolutions and recommendations with respect to Ukraine, as well as the implementation results of the Immediate Measures Package and the previous Action Plan for Ukraine (AP 2011 – 2014).

The new AP for Ukraine was adopted by the CoE Committee of Ministers, at their 1217th meeting, on the 21 January 2015, and launched by the CoE Secretary General on the 18 March 2015. The document intends to support Ukraine in the fulfilment of its statutory and specific obligations as a Council of Europe member state and to contribute towards addressing fundamental issues of human rights and rule of law in Ukraine. The initiative renews the commitment of the CoE to assist Ukraine in its necessary reform agenda in the areas of expertise of the Council of Europe – human rights, the rule of law and democracy. The document is structured around 5 thematic areas and corresponding sectors:

² Speaking Notes of the Secretary General to the 1196th of the Ministers' Deputies (2 April), Item 1.8 Situation in Ukraine, 2 April 2014, SG/Inf(2014)16

³ CM/Del/Dec(2014)1196/1.8E / 04 April 2014

⁴ See CM/Del/Dec(2014)1210/1.6, paragraph 9

⁵ Link to the AP: https://wcd.coe.int/ViewDoc.jsp?Ref=GR-

- 1. Constitutional Reform and Functioning of Democratic Institutions; with the focus on Review of the Constitution; Elections and Electoral law and Effective functioning of the Ukrainian Parliament.
- 2. Reform of Judiciary with the focus on Effective functioning and organisation of the Judiciary and the Criminal Justice reform;
- 3. Democratic Governance with the focus on De-centralisation and Local Government Reform, Education for Human Rights and Democratic Citizenship; Democratic Governance and Managing Diversity;
- 4. Economic Crime with the focus on the Fight against corruption, Fight against Money Laundering, Fight against Cybercrime;
- 5. Human Rights with the focus on Prevention of torture and ill-treatment and the fight against impunity; Police and Penitentiary Reform; Ombudsman; Freedom of Assembly; Freedom of Media; Protection of persons belonging to minorities; Anti-Discrimination; Social Rights; Internally Displaced Persons; Domestic Violence; Children's' rights and youth; Civil Society.

Immediate Measures Package Final Report

This Final Report on the IMP covers the achievements of the implementation period from April to December 2014 and the corresponding completed activities.

The total budget of the Immediate Measures Package amounted to €2 678 276. Funding has been secured for the entire package with voluntary contributions provided by thirteen Council of Europe member and observer states: Denmark, Estonia, Finland, Germany, Ireland, Japan, Liechtenstein, Luxembourg, Norway, Poland, Romania, Sweden, and Switzerland. The prompt and flexible support of this group of like-minded donors facilitated an effective intervention of the Organisation.

The broad donor base model supporting the overall package has worked well and is promoted for on-going and future work in Ukraine, and for other country-specific and thematic Action Plans.

Effective delivery has been facilitated by the Council of Europe Office in Ukraine, which has played an essential role in coordinating implementation of activities in the field.

Detailed information on the implementation of the IMP activities is available in the Council of Europe Activity Database, project reference: VC 3175⁶. An external audit has been carried out and the evaluation of the Immediate Measures Package will be completed by 30 June 2015.

1. Ensuring the Protection of Human Rights

1.1 Effective investigations

Objective⁷: to support the authorities and society to address effectively issues of human rights violations resulting from abusive and/or excessive use of force during the recent violent events.

Proposed Action⁸:

- To support the setting-up of the International Advisory Panel;
- > To support the investigation into serious human rights violations which took place, through expert workshops: help to secure evidence and police records, etc.;
- To organise a capacity building activity on effective investigations on massive human rights violations, in Kyiv in April or beginning of May 2014. Themes covered: documentation of cases of illtreatment and forensic examination, with exchange of best practices.

⁶ See: http://www.dsp.coe.int/PMM/interface/Projects.asp?ViewProjectID=3175&submit1=Go%21&ID

⁷ "Objective" as foreseen in "Co-operation with Ukraine – Immediate measures package", ODGProg/Inf (2014)7.

⁸ "Proposed Action" as foreseen in "Co-operation with Ukraine – Immediate measures package", ODGProg/Inf (2014)7.

Achievements:

The International Advisory Panel (IAP) was set up by the Secretary General (SG) of the Council of Europe, to ensure that investigations of violent incidents surrounding the Maiden demonstrations meet all the requirements of the European Convention on Human Rights (ECHR) and the case law of the European Court of Human Rights (ECHR). In September 2014, the Panel's mandate was extended also to the investigations into violent incidents in Odessa on 2 May 2014. The IAP members are: Sir Nicolas Bratza, chair of the IAP and former President of the ECtHR; Mr Volodymir Butkevych, a former judge in the ECtHR and Mr Oleg Anpilogov, a former prosecutor.

In 2014, the IAP held three working sessions in Strasbourg and five in Kyiv, and the Chair of the IAP visited Ukraine and held meetings with national stakeholders to secure co-operation.

The IAP examined the information about the Maidan-related investigations, which were submitted by the authorities and human rights groups. On 10 September 2014, the IAP provided a briefing on its progress and further steps to be taken. On 19 November, the Chair of the Panel provided an overview of the Panel's work to the CM. On 15 April 2015, he presented the final report on the Maidan related investigations. The report was made public on 31 March 2015⁹.

An **International Stakeholder Conference** gathering IAP members, representatives of Ukrainian authorities, the Ombudsperson's office, representatives of European investigative agencies, and NGOs and other, was held in September. The conference brought transparency into the investigation process through discussions with and exchanges between different stakeholders, and built a common ground and understanding of the investigation process. The General Prosecutor's Office of Ukraine and other stakeholders informed about their role and achievements, and engaged in discussions with NGOs and representatives of victims. In addition to immediate investigation measures, structural reform needs were discussed, such as police training and strategies, as well as the structure of an independent investigation body. Further prospects for co-operation were identified.

The development of the **National Human Rights Strategy** (NHRS) for Ukraine and its Action Plan has been advanced via the provision of CoE comments and recommendations on the draft document which have been discussed together with the representatives of the national authorities (the national partners in the co-operation on the NHRS were notably, the Ministry of Justice and Ministry of Foreign Affairs, Verkhovna Rada, the Office of the President of Ukraine, the Ukrainian Parliament Commissioner for Human Rights (the Ombudsman)) and the international community.

Expert support was provided on investigation standards and techniques by training investigators on investigation requirements, thereby ensuring the application of the ECHR.

Sustainable capacity-development for legal professions (and especially lawyers who defend the interests of victims) was developed with the aim to improve the response to human rights violations through training in human rights standards. The training courses are implemented by the National School of Judges and National Academy of Prosecutors.

Staff at the Ombudsperson's office has been enabled to better prevent human rights violations through training on their monitoring and reporting skills, in accordance with the CPT standards. Technical support has also been provided with the equipment of technical measuring of detention conditions.

Relevant staff at the General Prosecutor's Office and the Government Agent of Ukraine improved their understanding of investigation obligations under the ECHR.

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⁹ More information about the IAP's work is available at: http://www.coe.int/en/web/portal/international-advisory-panel

Support has also been provided to the **rehabilitation of victims** by helping local NGOs to develop and to maintain a monitoring system and to conduct advocacy work supporting victims of human rights violations in rightfully claiming medical and social assistance.

Completed activities:

- Support to the International Advisory Panel 15/06-31/12/2014;
- Urgent capacity-development of the National Preventive Mechanism under the Ombudsperson's Office, 01/07/2014 – 31/12/2014;
- Capacity-development for lawyers who defend the interests of victims of serious human rights violations by law enforcement and other state agents, 01/08/2014 – 31/12/2014;
- Expert support for investigations into serious violations: help to enhance investigation methodology, to secure evidence, police records, etc., 04 12/09/2014;
- International conference on effective investigations into massive human rights violations, 18 19/09/2014;
- Support for the rehabilitation of victims in co-operation with civil society, 15/11/2014 31/12/2014
- Seminar for the General Prosecutor's Office and Government Agent on the obligation to investigate, 24/11/2014 – 27/11/2014:
- Working group meeting to develop the National Human Rights Strategy and Action Plan, 19/12/2014.

1.2 National Minorities

Objective: to support authorities in restoring minority communities' confidence in public authorities and institutions.

Proposed Action

- To establish a regular consultation mechanism between the government and representatives of all national minorities:
- To advise the government on key measures and messages on this mechanism for the general public.

Objective: to raise awareness of minority rights under the Framework Convention for the Protection of National Minorities (FCNM) and to share international experience and good practice.

Proposed Action

- To organise a training of relevant officials, including from the Ministry of Interior and law enforcement;
- To conduct joint round-table with government officials and representatives of national minorities to raise awareness of the rights and obligations under the FCNM, in particular with regard to language rights.

Achievements:

The IMP has contributed to raising awareness of the **Framework Convention for the Protection of National Minorities** and assisted in the development of a constructive dialogue between relevant ministries, in particular the Ministry of Education, and national minority representatives on issues pertaining to minority language education. With the May conference in Kyiv, "**Protecting minority rights – reinforcing social cohesion**", a follow-up was ensured on the findings of the FCNM visit to Ukraine (March 2014) in the areas of language issues, education rights and the effective participation of national minorities in public life.

Ongoing advice was provided to relevant officials of the Ministries of Culture and Education and also to the Government Envoy on Ethno-national Policy, to ensure effective implementation of Ukraine's obligations under the FCNM. The CoE held ongoing consultations with national minority representatives in Kyiv and in the regions to learn about their concerns, to raise their awareness on international minority rights protection standards, and to enhance the visibility of the role of the Envoy and the Inter-ethnic Accord Council as a newly established mechanism to facilitate consultation between Government and national minorities.

The global study conducted by the Kyiv International Institute of Sociology was supported with an analysis of the use of languages in Ukraine. The analysis can be used by the Government as a basis for discussions related to the national language and education policy. Furthermore, the quality of education in three minority languages (Gagauz, Bulgarian and Hebrew) was promoted by supporting the publication of school books in these languages. Also, school children belonging to national minorities have better opportunities to learn the state language with the CoE support in the publication of a textbook for developing the reading skills in Ukrainian.

During consultations held in Kharkiv, good relations were established with representatives from regional authorities, civil society and associations of national minorities and discussions focused on the accommodation and governance of ethnic and linguistic diversity in society. The discussions in Kyiv, Chernivtsi and Uzhgorod aimed to improve inter-ethnic trust between authorities and representatives of national minorities, in particular on national minority education issues further to what recommendations for future activities in this area were provided.

The efforts to fight hate speech in the media were intensified and more balanced coverage of inter-ethnic issues was supported, by raising the awareness of journalists and editors of minority rights' protection standards and ethical standards in media.

The FCNM contributed to the promotion of ethnic diversity and tolerance through a series of other activities; the production of a radio programme, in co-operation with the public radio station, on the cultures and histories of various ethnic groups (Gagauz, Jewish, Roma etc.); an educational exhibition held in Kherson, Tsyuryupinsk, Mykolaiv and Kyiv on identities, rights and life in various ethnic communities in Ukraine as well as on the issues pertaining to refugees and IDPs; a series of lectures on Crimean Tatar culture, religion and traditions (Lviv). Furthermore, the FCNM helped raise awareness of the rights of Crimean Tatar IDPs, by supporting the publication of a Tatar magazine containing information on voting rights and restoration of documents.

The implementation of the **Roma Integration Strategy** was supported and the participation of Roma in socio-economic life was promoted through a pilot project held in Lviv.

Completed activities:

- Round-table, "Protecting minority rights reinforcing social cohesion", 14 15/05/2014;
- Establishment/consolidation of contacts with new authorities in charge of issues pertaining to minority protection and representatives of national minority communities, 07/07/2014 – 31/08/2014;
- Sociological Omnibus survey, including questions on current societal attitudes towards language issues, 12/09/2014 – 26/09/2014;
- Production of Radio programmes, "Citizens of Ukraine", 15/09/2014 15/12/2014;
- Educational exhibition on national minorities, "Together", 15/09/2014 30/11/2014;
- Seminar for journalists, "National minorities in Ukraine's media-discourse: combating stereotypes and hate speech", 02/10/2014;
- Project, "Supporting Roma participation in public and socio-economic life (pilot initiative in the Lviv region), 10/10/2014 10/12/2014;
- Publication of 1 500 copies of Tatar magazine "Duslyk", 20 22/10/2014;
- Language practices and preference of Ukrainian citizens, 22/10/2014 01/12/2014;
- Lectures in Lviv: "Who are Crimean Tatars?" organised jointly with the Crimean Development Fund, 06/11/2014 17/12/2014;

- Publication of three ABC books in national minorities' languages: Gagauz, Bulgarian and Hebrew, 10/11/2014 – 15/01/2014;
- Consultations and participation in the roundtable in Kharkiv, 23 25/11/2014;
- Roundtable for consultation on the education rights of persons belonging to national minorities, 01 15/12/2014;
- Supporting national minorities in learning the Ukrainian language through publication of the third grade textbook, 18/12 28/12/2014.

2. Constitutional reform

2.1 Constitutional process support

Objective: to provide support to the constitutional process in order to ensure that constitutional amendments are in line with Council of Europe standards.

Proposed Action

- The Venice Commission adopts an Opinion on the draft amendments to the Constitution;
- > The Venice Commission provides assistance to members of the Verkhovna Rada, Ukrainian experts and officials on the possible amendments to the Constitution;
- > Public meetings on the issue are held in order to ensure civil society involvement in the process.

Achievements:

The **Venice Commission** has provided ongoing expert assistance to constitutional and electoral reforms in Ukraine. In April and May 2014, members of the Venice Commission held two exchanges of views with the **Constitutional Committee of the Verkhovna Rada of Ukraine** to discuss a draft of the new Constitution. On 2 July, the authorities of Ukraine submitted draft amendments to the Venice Commission. On 24 July the Venice Commission transmitted the draft opinion on the draft amendments to the Ukrainian authorities. The Opinion on the draft law amending the Constitution of Ukraine was issued by the Venice Commission on 27 October 2014.¹⁰

Completed activities:

- Exchanges of views on the new draft Constitution of Ukraine 14 16/04/2014
- Exchanges of views on the new draft Constitution of Ukraine 27 28/05/2014

2.2 Legislative reform concerning public assemblies

Objective: to improve the national legal framework regulating Public Assemblies in view of the forthcoming election(s) and in light of the ECtHR judgements.

Proposed Action:

The Council of Europe assists in the drafting and adopting of a new legal framework for public assemblies taking into account ECtHR judgements (Vyerentsov vs. Ukraine (20372/11).

¹⁰ Opinion no. 766/2014, Venice Commission

Achievements:

A new impetus was given to the **reform of the public assembly legislation**; representatives from relevant ministries, the Government Agent's Office, other state bodies, members of parliament and representatives of civil society furthered the discussion on legislation needs and gained a better understanding of requirements under the ECHR. Furthermore, judges increased their knowledge and skills to consider ECHR in cases relating to assembly and association and a corresponding handbook with reference to the **ECtHR case law** was developed.

Through training that focused on the prohibition of excessive use of force and other aspects raised by the ECtHR, police officials learned about management methodologies for keeping public events peaceful by integrating the operations prior to the event and outlining correct behaviour of/for the forces involved. The main learning outcome was how to reconcile strict adherence to human rights with maximum safety conditions for all actors of the event.

Completed activities:

- Three seminars for police on policing peaceful public assemblies under the ECHR, 30/09/2014 03/10/2014; 03 05/12/2014; 09 12/12/2014
- Awareness-raising seminar for judges on the consequences of the Vyerentsov v. Ukraine of the ECHR, pending the adoption of a law on freedom of assemblies, 05/12/2014
- Round table on legislative reform on peaceful public assembly, 15/12/2014

2.3 Local democracy

Objective: to provide expertise and support for constitutional reform with regard to local self-government and for draft legislation that is already under consideration, in particular on territorial reform, inter-municipal cooperation promotion, Budget Code, local elections and participatory democracy.

Proposed Action

- The Council of Europe provides relevant legal expertise:
- > A peer review and forum on local self-government is organised.

Achievements:

The Head of the **CoE Centre of Expertise for Local Government Reform** was deployed in Kyiv to work closely with the Ministry of Regional Development (the Ministry) to provide **expertise and support to the constitutional and legislative reform with regard to local self-government (LSG)**, in particular on territorial reform, intermunicipal co-operation promotion, Budget Code, local elections and participatory democracy. The Head of the Centre of Expertise helped to organise expert opinions (in the framework of the complementary project on local democracy¹¹), revised them and discussed them with the local stakeholders. Decentralisation in general, and territorial and regional reform in particular, was discussed on an ongoing basis with the national authorities. Several key documents on territorial reform were prepared in the framework of the Concept for De-centralisation: the law on voluntary amalgamation; the law on co-operation between territorial communities. Established task forces provided assistance to national authorities on de-centralisation and local government reform.

¹¹"Strengthening the Capacity of Local Authorities in Ukraine", CoE Action Plan for Ukraine 2011 – 2014 Final Report, ODGProg/INF(2014)14, page 40

Following a request from the Ministry of Regional Development, additional assistance was provided in fulfilling the Action Plan on the Concept of the Reform of LSG and Territorial Organisation of Power in Ukraine; a scientific-research work/ comprehensive analysis of legislation related to distribution of competences and responsibilities of central executive authorities, local state-administrators and local self-government, completed in co-operation with the Scientific Research Institute; risk analysis of legal and organisational nature in the sphere of the national policy development and implementation by the Ministry, prepared by a team of local experts and presented to the Government; report on legislative and practical aspects of forms of organisation of citizen's participation in European countries – drafted and presented to the Ministry.

Further to a high-level conference and peer review organised in September 2014 (following the initiative and under the supervision of the Head of the Centre of Expertise, in the framework of the complementary project on local democracy¹²), "Municipal consolidation in Europe: trends and solutions to amalgamation and cooperation", organised jointly with the Ministry, the Consolidated Peer Review Report with specific recommendations on policy planning in the field of municipal consolidation reform in Ukraine was developed and approved by the Government of Ukraine. This Conference and in particular the Peer Review report have produced considerable impact and have helped to shape a new vision of territorial amalgamation in Ukraine. Launched officially in March 2015, the Peer Review report is now considered as a fundamental policy paper by the Government, which has asked the Council of Europe to become the main partner in implementing the amalgamation reform according to the guidelines appearing in the report. Following a request by the Ukrainian authorities, in April 2015, the CoE Secretary General and the Ukrainian Deputy Prime Minister signed a Joint Statement on Co-operation for the strengthening of local government in Ukraine. The CoE will assist a network of 25 Regional Support Offices on Decentralisation Reform with expertise on standards and best practice in various local government reform.

The Congress of Local and Regional Authorities of the Council of Europe (the Congress) observed the preterm municipal elections held in May and estimated that the local elections were "a positive test and an important step towards decentralisation in Ukraine" and welcomed the fact that the Ukrainian authorities have taken into account its previous recommendations. In addition, a high-level visit to Kyiv and Odessa was organised by the Congress in July 2014. This visit enabled the Congress to get a complete picture of the current situation in Ukraine.

The Ukrainian Ministry for Regional Development endorsed the new post-monitoring procedure for the strengthening of local self-government in Ukraine after preparatory meetings in May. 14 The Congress enhanced the dialogue on the decentralisation reform and draft of the new electoral legislation with representatives of the government, central electoral administration, civil society and the media.

Through training and workshop activities organised by the Congress, awareness of the principles of local and regional democracy was raised among young local leaders and culture of local political governance in the country promoted. Mayors newly elected in May improved their leadership skills and became better acquainted with democratic tools for engaging citizens in local decision-making processes. Meetings with local elected representatives from other European countries (Latvia, Netherlands, Finland, United Kingdom, France and Germany) provided new ideas for the implementation of local democracy in Ukraine and inspired changes.

¹² Ibid.

¹³ Press Release CG 21(2014) of 26 May 2014

The new post-monitoring procedure was launched in May 2014 with the aim to implement Congress' recommendations on local selfgovernment. The post-monitoring programme was conducted in the framework of the project "Strengthening the Capacity of Local Authorities in Ukraine".

Completed activities:

- Advising Ukrainian Ministry of Regional Development on decentralisation and local government reform in Ukraine, 20/05/2014 – 30/12/2014;
- Observation of the pre-term municipal elections in Ukraine, 22 26/05/2014;
- Preparatory meeting for the Congress post-monitoring dialogue with the Ukrainian government, 22/05/2014;
- Training of young local leaders on local and regional democracy, 15 17/07/2014;
- High level visit of the Congress of Local and Regional Authorities to asses the political situation in Ukraine, 17 – 18/07/2014;
- Special event in the framework of the 3rd World Forum for Democracy for participants from Ukraine, 03 06/11/2014;
- Workshop "Mayors leaders for change", 11 13/11/2014.

3. Elections

3.1 Election preparation assistance

Objective: to provide support with a view to ensuring that European standards are applied to the electoral law.

Proposed Action

- The Venice Commission works together with the Verkhovna Rada, on access to voting in Ukraine and abroad:
- Taking into account the ECHR case law and Venice Commission and OSCE/ODIHR recommendations, European standards in the field of electoral complaints and appeals procedures are promoted (if requested by the High Administrative Court)

Objective: to ensure that the reform of legislation on parliamentary and local elections is carried out in accordance with European standards and in line with the previous Venice Commission and OSCE/ODIHR recommendations.

Proposed Action

The Venice Commission provides expertise through a series of events on electoral reform and practice.

Achievements:

The Venice Commission ensured legal assistance to the election observation mission of the **Parliamentary Assembly of the Council of Europe** (PACE) in view of the anticipated parliamentary elections held in October 2014 by analysing the legal context and possible challenges. It also helped to raise awareness on electoral dispute resolution. Judges of the Administrative High Court and regional courts enhanced their knowledge of European standards in the electoral field, focusing on the recommendations of the Venice Commission and OSCE/ODIHR on the electoral legislation in Ukraine and on the relevant case-law of the ECtHR. The constitutional and electoral reform being an ongoing process, the Venice Commission will continue to provide its expert assistance to the Ukrainian authorities in the framework of the new Action Plan for Ukraine.

As part of the International Election Observation Mission, PACE conducted the monitoring of the presidential election process. The PACE delegation held meetings with candidates for election, representatives of the Central Election Commission (CEC) of Ukraine, and members with an international presence. PACE proposed a number of measures to be implemented by the Ukrainian authorities to improve the integrity, transparency and quality of the electoral process.¹⁵

Upon the invitation of the Speaker of the Verkhovna Rada, PACE also observed the early parliamentary elections held in October 2014. The conclusion of the International Election Observation Mission was that the parliamentary elections had "marked an important step in the consolidation of democratic elections in line with international commitments" The ad hoc committee made a number of recommendations, notably in view of adopting a unified electoral code, as recommended by the PACE in its Resolution 1988 (2014) and by the Venice Commission in its joint opinions of 2013; reforming the electoral system by improving regional representation; fully implementing **PACE** and **GRECO** recommendations.

Completed activities:

- Workshop on election dispute resolution, 07/10/2014;
- Assistance to PACE parliamentary elections in Ukraine, 24/10/2014 27/10/2014;
- PACE presidential election observation mission, 16/05/2014 30/06/2014;
- PACE early parliamentary election observation mission, 04/07/2014 02/11/2014.

3.2 Domestic observation of elections

Objective: to contribute to the integrity, transparency and quality of the election process in Ukraine and prevent potential electoral fraud.

Proposed Action

To increase the capacity of domestic election observation, monitoring and reporting through a training of trainers programme.

Achievements:

The **capacity of domestic election observation and monitoring** was enhanced further to the training activities that aimed to contribute to increasing the confidence of the Ukrainian public, electoral stakeholders and international community in national civil observers' reports. In co-operation with local partners, more than 5 000 domestic observers received training on international election standards and report-writing techniques, as well as communication with media and media-monitoring techniques. The training was based on the CoE Handbooks and standards that were translated into Ukrainian and disseminated to participants. Moreover, awareness of voters and electoral candidates on the existing regulations regarding election disputes was raised through work with lawyer-observers and the development of a reporting methodology and forms, as well as an educational booklet on election complaints and appeals. A report on electoral complaints with comprehensive recommendations on improvement procedures and legal provisions based on collected and analysed statistics and case studies has been developed and disseminated.¹⁷

¹⁵Doc. 13543, Observation of the early presidential election in Ukraine (25 May 2014), Election observation report

¹⁶ PACE website: http://www.assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=5267&lang=2&cat=31, accessed on 22/03/2014.

¹⁷ More information and the final report on the system of election disputes resolution in Ukraine can be found here: http://www.coe.int/t/DEMOCRACY/ELECTORAL-ASSISTANCE/programmes/ukraine_en.asp

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Completed activities:

- Training of trainers for civil society organisations on Council of Europe handbooks: Reporting on Elections and using International Standards, 25/04-30/04/2014;
- Training of domestic observers prior to early presidential elections in Ukraine, 15/05-23/05/2014;
- Training of domestic observers prior to early presidential and parliamentary elections in Ukraine, 25/04-30/12/2014.

3.2 Media coverage of elections

Objective: to contribute to fair and balanced media coverage of the presidential election by the national state-funded broadcaster and eight commercial channels.

Proposed Action

To monitor and to provide feedback on media coverage of the May 2014 presidential elections by the state-funded broadcaster, the National Television Company of Ukraine, which covers 97% of the territory via its regional channels and eight commercial channels.

Achievements:

Through the **monitoring of the media coverage** of the Ukrainian presidential election campaign in cooperation with two local partners, public oversight over national and regional state television was provided, and the CoE offered advice on CoE media standards to the news-room of the national TV, Pershyi Natsionalnyi, and the regional state TV channels. The project raised awareness on measures developed to achieve fair and balanced media coverage of election campaigns amongst media professionals and contributed to improve the quality of information in the media and the level of media literacy of voters.

The preliminary results of the media monitoring were presented at the May press conference, "The role of the Ukrainian and Russian mass media in the 2014 presidential election campaign" and the final results and the draft recommendations of the project were presented at the June conference "Media monitoring: evaluation, challenges and forward-looking solutions" and regional round tables held nationwide (with the exception of Donetsk, Luhansk and Crimea).

Completed activities:

- Monitoring of the media coverage of the presidential election in Ukraine, 05/05-30/06/2014
- Press conference to present the results of the monitoring before the elections, 23/05/2014
- Final roundtable presenting the results of the monitoring of the presidential election in Ukraine on 25 May 2014, 06/06/2014

4. Capacity-building for Parliamentarians

Objective: to increase awareness of procedural guidelines on the rights and responsibilities of the majority and the opposition for members of the Verkhovna Rada (PACE Resolution 1601 (2008)); to promote standards and mechanisms to counter corruption in Parliament, including codes of conduct and ethics for Parliamentarians.

Proposed Action

Interparliamentary seminar for members of the Verkhovna Rada together with experts from the Venice Commission and GRECO.

Achievements:

The **Verkhovna Rada staff** was supported in reinforcing its capability in accompanying members of parliament through the legislative process. Members of the staff increased their familiarity with Council of Europe standards and policies in the areas of human rights and the rule of law, something which will prove relevant for policy changes currently under discussion in the country. Good working relations with the staff of different committees of the Rada were established, which should facilitate the implementation of future parliamentary projects in Ukraine. Co-operation with PACE will continue under the new Action Plan for Ukraine 2015 – 2017, under the sector, "Effective functioning of the Verkhovna Rada".

Completed activities:

Seminar for members of staff of the Verkhovna Rada, 15 – 16/09/2014

5. Civil Society

Objective: to institutionalise effective participation of civil society in decision-making processes and make it sustainable.

Proposed Action

- To organise joint training activities for civil servants and civil society on the Code of Good Practice for Civil Participation in the Decision-making Process of the INGO Conference;
- > To support the School of Political Studies.

Achievements:

The **civil society networks**, and their co-ordination, were strengthened through dialogue and exchange of good practices. Awareness was raised on key issues in regard to public policy, principles of democracy, rule of law and human rights. The representatives of Ukrainian civil society participated in a number of conferences supported by the CoE.

Through participation in the regional strategic planning meeting "Civil society participation in decision-making: dreams, reality and challenges" (June), Ukrainian participants had the opportunity to review the environment for civil participation, and to discuss the institutional frameworks for civil society organisations to influence agenda setting and decision-making, and to identify priorities of action in their country.

During the June session of the **CoE INGO Conference**, the Ukrainian representatives discussed possibilities of co-operation to enhance civil society participation in the constitutional and legislative reform processes.

An analysis of the legislation regulating the civil society participation at local and central level as well as its implementation was developed in the document "Forms of Public Participation in the Process of Development and Approval of Political Decisions in Ukraine", with the aim that this would serve as a basis for CoE work on promoting an enabling an effective work environment for NGOs.

Civil society representatives dealing with reform processes, investigations of human rights violations, IDPs-related issues and others, participated in the October part-session of PACE and held meetings with relevant CoE senior officials, including the Secretary General and the Commissioner for Human Rights. They enhanced their knowledge on the CoE action, took stock of ongoing activities on Ukraine and provided input into future CoE actions.

The understanding and dialogue between local authorities, civil society and media was facilitated further to a series of meetings organised in consultation with the Congress; the means of advocating civil society issues to the local authorities were addressed and better channels for communication were discussed.

The capacities for professional engagement of the Ukrainian civil society were enhanced through training of provided for the Civil Engagement Academy on the principles and practical implementation of the **Code of Good Practice for Civil Participation**.

The **State Registration Service** (SRS) of Ukraine was supported in its learning experience and best practices towards streaming and simplifying the registration procedures for the civil society organisations. Further to two study visits organised under the IMP (to Latvia and the Netherlands),), the SRS used the knowledge gained within the preparation of a draft of amendments to the Act "On approval of the order for keeping the Register of NGOs and the exchange of data between mentioned Register and Unified Register of legal entities and individuals". Moreover, the SRS also worked on the draft Law of Ukraine "On amendments to certain legislative acts of Ukraine regarding the simplification of the procedures for providing administrative services in the sphere of registration of legal entities, other organisations and individuals", foreseeing a number of simplification procedures for registration, including for NGOs, and for unifying the methodology of registration.

A comprehensive evaluation of the six-month co-operation carried out between the authorities and civil society was conducted with all interested stakeholders; civil society activists from Kyiv and regions of Ukraine, representatives of the authorities (Secretariat of the Cabinet of Ministers of Ukraine, Administration of the President of Ukraine Secretariat of the Parliament of Ukraine) and the international community. Participants of the meeting on evaluation and strategic planning tackled problems of communication and participation of the civil society in the decision-making process. On the basis of these discussions and the public consultations conducted, a comprehensive document "Strategic Priorities for Promoting Civil Participation in Decision-Making in Ukraine" was developed and presented in December 2014¹⁸.

During the 1st international School of Political Studies (SPS) alumni conference, held in June in Strasbourg, the Ukrainian SPS participants exchanged their views and experiences with counterparts from neighbouring countries, including Russia. Under the IMP, a special course was conducted via the Ukraine SPS for participants from Eastern and Southern Ukraine, on key issues of public policy, and how to help restore trust and mutual understanding, to promote reconciliation and harmonisation of regional positions on major political and social concerns. The special courses held in Dnipopetrovsk and Odessa allowed participants to explore EU approaches to the protection of human rights and fundamental freedoms, and to discuss about the Association Agreement, decentralisation and local democracy, protection of minorities and the fight against corruption. The last event the World Forum for Democracy conference in Strasbourg, and additional meetings held in its framework, during which the participants exchanged views and experience with other participants of SPS and the CoE Secretariat.

Through participation in the regional conference, **Policy Development and Confidence Building Workshop for Civil Society Leaders**, Ukrainian representatives along with other participants from the region (including Russia),had the opportunity to examine the practical, equitable and sustainable solutions to regional policy problems in the spheres of democratic institution building, human rights and co-operative security policy. Further to a series of "**Town Hall" meetings** held in different regions of Ukraine, a deliberative democracy forum for members of the civil society was established. More than 500 civil society leaders, experts and alumni of the School of Political Studies debated different scenarios related to issues such as constitutional reform, anti-corruption policies, conflict prevention and local self-government. An inclusive dialogue was established and further clarity was provided of citizens' wishes. The report on the conclusions and recommendations made was communicated to the members of parliament in the Ukraine School of Political Studies group. The impact of the Ukraine School of Political Studies and its training methodology, were strengthened through a workshop for trainers and exchange of knowledge, which were held in December.

¹⁸ The document is available at: https://www.coe.int/t/ngo/Source/Ukraine_Strategic_Priorities_Final%20Version_en_18%20Dec%202014.pdf

Completed activities:

- Civil society participation in decision-making: dreams, reality and challenges, 12/06-13/06/2014
- First International School of Political Studies Alumni Conference, Strasbourg,19/06-20/06/2014
- June session of the Conference of INGOs: side event on Eastern Europe, 23/06-26/06/2014
- Special Course of Ukraine School of Political Studies for participants from Eastern and Southern Ukraine: first seminar, Dnipopetrovsk, Eastern Ukraine, 07/07-13/07/2014
- Mapping of the environment for the functioning of NGOs in Ukraine and their interaction with authorities at the central level. 10/09-31/10/2014
- Mapping on the environment for the functioning of NGOs in Ukraine and their interaction with authorities at the local level, 10/09-31/10/2014
- Special Course of Ukraine School of Political Studies for participants from Eastern and Southern Ukraine: second seminar, Odessa, Southern Ukraine, 24/09-28/09/2014
- October part-session of PACE: participation of Ukrainian civil society representatives, 29/09-03/10/2014
- The Policy Development and Confidence Building Workshop for Civil Society Leaders and Policy Makers from the Black Sea Region, Central European University, Budapest, Hungary, 06/10-10/10/2014
- Dialogue between local government, civil society and media, 30/10-12/12/2014
- Special Course of Ukraine School of Political Studies for participants from Eastern and Southern Ukraine: participation in 2014 World Forum for Democracy, Strasbourg, 03/11-07/11/2014
- Study visit of staff of the Ukrainian State Registration Service to Latvia, 06/11-07/11/2014
- Strengthening the civil participation component of the Civil Engagement Academy through training on the Code of Good Practice on civil Participation in the Decision-Making, 12/11-14/11/2014
- Preparation of elements for discussion at the evaluation and strategic planning meeting (Kyiv, 24-25 November 2014), 13/11-28/11/2014
- Series of "Town Hall meetings" in the regions of Ukraine on constitutional reform in Kyiv and five other regions: Sumy, Chernigiv, Lutsk, Kharkiv, Kherson, 15/11-21/12/2014
- Preparing a strategy and concrete measures to establish a sustainable platform for dialogue, consultation and cooperation between civil society and authorities at the central level, 17/11-08/12/2014
- Evaluation and strategic planning meeting, 24/11-25/11/2014
- Study visit of the Ukrainian State Registration Service to the Netherlands, 27/11-28/11/2014
- Workshop for trainers of the Ukraine School of Political Studies, Sofia, Bulgaria, 01/12-07/12/2014
- Round-table discussion on civil participation in democratic decision-making, 08/12/2014

6. Secretary General's Special Advisor on Ukraine

Achievements:

The Secretary General appointed a Special Representative (SGSR), Jeroen Schokkenbroek, to assist the President of the Verkhovna Rada from March to June 2014, and the CoE Director of Human Rights, Christos Giakoumopoulos, as his Special Advisor (SASG) as from 3 July 2014, who continues to provide the Ukrainian authorities with expert assistance on national reforms.

SGSR - from March to June 2014

The SGSR was involved in several legislative reform processes, notably by taking part in meetings of parliamentary committees and bilateral consultations with the authorities, providing advice and facilitating or mobilising timely CoE expert comments to the Verkhovna Rada and the Government (in particular the Ministry of Justice). The topics addressed include the constitutional reform process; reform of the judiciary, including constitutional changes to and improvement of the law on the Status of judges and the judiciary and the "Law on the restoration of trust in the judiciary" (adopted on 8 April 2014); criminal justice reform, including the preparation of the draft law on the Public Prosecutor's Office (PPO), establishment of the National Bureau of Investigations, potential amendments to the Criminal Procedure Code (CPC), amendments to the law on the status of prisoners (adopted on 8 April 2014); possible amendments to the language legislation; anti-discrimination amendments package (adopted on 15 May 2014); legislation on higher education (adopted on 1 July 2014).

SASG¹⁹/Director of Human Rights - as from 3 July

The SASG discussed different reform needs and projects in particular those related to justice and human rights with authorities, representatives of civil society and of the international community. Consultations were also held with the EU, OSCE and Office of the UN High Commissioner for Human Rights in order to discuss and co-ordinate the co-operation between these organisations and the CoE on the reform process and political developments in Ukraine.

Assistance with reform legislation - The SASG coordinated the provision of the CoE's assistance on justice and criminal procedure reforms, the Law of Ukraine on the Public Prosecution Service ('the Law') (adopted on 14 October 2014); the package of legislative acts on Anti-terrorist Operations (adopted on 2 September 2014); the amendments to the Criminal Procedure Code of Ukraine (adopted on 7 October 2014); The new law "On ensuring the right to a fair trial" (adopted on 12 February 2015); development of a draft law on the State Bureau of Investigation; expertise of a draft law on Police and police activity (the CoE expert opinion was provided to the Ukrainian authorities on 28 October 2014); the package of Anti-corruption laws (adopted on 24 October 2014); the Draft Law "On Amendments to Certain Laws of Ukraine Concerning Public Television and Radio Broadcasting of Ukraine" (adopted on 17 March 2015).

During the reporting period the SASG also held numerous consultations at a high political level with the Ukrainian authorities concerning the Law on "Government Cleansing" adopted by the Parliament on 16 September 2014. The main focus of consultations was to ensure the improvement of the Law provisions in order to meet the applicable international standards.

In November 2014 the SASG began close consultation with the Ukrainian authorities on the preparation of the Declaration on derogation from its obligations under the Convention for the Protection of Human Rights and Fundamental Freedoms as provided for in the Article 15 of the Convention.

With the protection of the internally displaced persons becoming increasingly a matter of concern for the CoE, the SASG participated in intensive consultations with the UNHCR, relevant Ukrainian authorities and NGOs and facilitated the CoE's assistance on the law "On ensuring rights and freedoms of internally displaced persons", which was adopted in October 2014. 20

Participation in national reform bodies - Throughout the IMP implementation period the SASG participated in the work of the "Judicial Reform Council".

Supporting development of the national reform strategies - Significant support has been provided in the development of the National Strategy on Human Rights (NSHR) which should improve the legal and institutional framework on human rights in Ukraine. To this end, the SASG held extensive consultations with the national authorities and international partners. On 1st December, the SASG participated at the stakeholder meeting on the NHRS, organised in Kviv by the Office of the High Commissioner for Human Rights of the UN and the Commissioner for Human Rights of the CoE in partnership with the Ukrainian authorities and the Ukrainian Ombudsman.

In November 2014 the SASG provided to the Ukrainian authorities the CoE comments on the Ukrainian Justice Strategy "Basic principles of the reform of the judiciary and associated institutions". It also participated in the development of the Concept paper "On basic principles of further reforms of the criminal justice system in Ukraine".

Since September 2014 the SASG has held several consultations with the High Qualification Commission of Judges of Ukraine (HQCJ) in order to renew the work of this body that was blocked due to the political situation in the country. Through these measures on 9 December 2014 a new Chairman (Mr. Sergii Koziakov), Deputy Chairman and Secretary of the High Qualification Commission of Judges of Ukraine (HQCJ) have been elected.

¹⁹ More detailed information about the SASG's activities can be found on the web-site: http://www.coe.int/en/web/kyiv/sasg ²⁰ The CoE presented in October an Opinion on the draft law, "On ensuring the rights and freedoms of internally displaced persons" and the SASG statement was issued.

New Action Plan for Ukraine - The SASG participated in the Third Steering Committee Meeting on the CoE AP for Ukraine 2011 – 2014, held in October 2014. During subsequent discussions on the new CoE Action Plan for Ukraine 2015 – 2017 with the national stakeholders, priorities for the new AP were agreed: the constitutional and electoral reform, reform of judiciary, criminal justice reform, local government reform, fight against economic crime, and strengthening the protection of human rights (including the rights of minorities, IDPs, anti-discrimination, fight against ill- treatment).

Conferences - The SASG participated in a number of conferences, among which the **International Stakeholder Conference**, held in September, to address the state of investigations into human rights violations during the Maidan events. In November, the SASG met with the representatives of the Ukrainian delegation to the World Forum for Democracy, whose participation was supported through the IMP. A conference on "**Public assembly legislation reform**" was organised under the IMP (December 2014), after which it was agreed that further work with the Ukrainian authorities will continue towards the adoption of the "Law on peaceful public assemblies in Ukraine".

A round table on "conditions of detention" was organised by the Department for the execution of judgments. The implementation by the Ukrainian Government decisions of the ECHR was the priority item for the discussion during this mission.

7. Commissioner for Human Rights

Achievements:

The **Commissioner for Human Rights** has been active in efforts to advance human rights in Ukraine, through visits, reports and recommendations. In his February 2014 report²¹, the Commissioner provided an independent analysis of the primary human rights issues observed to that point, upon which a road-map to assist Ukrainian authorities in addressing core human rights issues was developed.

The Office of the Commissioner for Human Rights of the CoE deployed a **Human Rights Adviser** (HRA) in Kyiv, who closely followed human rights developments in Ukraine and remained in direct contact with human rights actors in situ. The HRA helped in organising the visits of the Commissioner for Human Rights to Ukraine.

Apart from the above-mentioned visit, the Commissioner visited Ukraine on three occasions during 2014. During his visits to Kyiv and Odessa in June (16-19 June), the Commissioner held meetings with the Minister of Justice, the First Deputy Minister of Foreign Affairs, the Deputy Minister of Internal Affairs, the Acting Chief Prosecutor, representatives of the Office of the Presidential Commissioner for Children's Rights, representatives of civil society and international organisations. He took stock of a number of human rights and humanitarian issues related to the ongoing crisis and discussed police and judicial reforms. The authorities were encouraged to continue reforms in the areas of law enforcement, the Public Prosecutor's Office and the judicial system, putting an emphasis on the importance of ensuring effective investigations into human rights violations. Upon his return, the Commissioner sent a letter to the Prime Minister of Ukraine making recommendations in respect to the situation of IDPs²². Details on this visit and its outcome are included in the 2nd Quarterly Activity Report (April-June 2014) of the Commissioner²³.

In the framework of his mission²⁴ to Kyiv, Moscow and Crimea (7 – 12 September), the Commissioner held the following meetings in Kyiv: Minister of Foreign Affairs, Deputy Minister of Justice, Parliamentary Commissioner for Human Rights (Ombudsperson), representatives of civil society organisations, including those representing the interests of persons displaced from Crimea. He discussed the issues of the IDPs, judicial and police reforms, the need to ensure accountability for serious human rights violations, combating impunity as part of the reconciliation process and systematic work for implementing human rights at the national level.

²¹ CommDH(2014)7

²² CommDH(2014)15

²³ CommDH(2014)17

²⁴ CommDH(2014)19

The focus of the Commissioner's visit to Ukraine in December (1 – 5 December) was on the situation of displaced persons and investigations into serious human rights violations (Art. 2 and 3 of the ECHR). The Commissioner visited several places of accommodation for IDPs, had meetings with local authorities and representatives of international organisations on the ground (UN, OSCE) and NGOs. He also met with the Minister of Foreign affairs and the Prosecutor General. The Commissioner welcomed the adoption of the new law on IDPs but also pointed out the issues in addressing the problems of the IDPs. In his discussions with the Prosecutor General, he once again emphasised the importance of ensuring effective, prompt and adequate investigations into all cases of serious human rights violations and accountability of the responsible.

During this visit, the Commissioner also co-organised with UN OHCHR a meeting to support Ukraine's efforts to draft a National Strategy on Human Rights and to develop a subsequent national human rights action plan. The report of the Commissioner's visit is included in the 4th Quarterly Activity Report 2014.²⁵

8. Support to the Council of Europe Office in Kyiv

Like all Council of Europe Offices in the field, the CoE Office in Kyiv has been set up in order to implement cooperation and technical assistance programmes. Its human and financial resources are geared towards this objective and do not allow room for additional tasks. The IMP enabled the Office to take on board the many additional challenges and tasks that have increased in volume as a consequence of the situation in Ukraine.

In particular, donor coordination efforts increased considerably which led to a multiplication of meetings requiring the presence of the Head of Office or Deputy Head of Office, which meant that their other tasks had to be delegated to other staff members. Support for the SASG's advisory and consultation activities with the Ukrainian authorities was given, and logistic and linguistic assistance rendered to the many additional high-level visits by the Secretary General, the President and members of PACE, the President and members of the Congress, the Human Rights Commissioner, the President and Secretary General of the Venice Commission, the Advisory Committee of the Framework Convention of National Minorities and other Council of Europe bodies and mechanisms.

The Office also looked after the decentralised implementation of the projects and activities contained in the Immediate Measures Package. Through meetings with Ukrainian media experts and journalists, the Office facilitated the preparation and publication of more than 20 articles and news alerts on the IMP implementation results in Ukraine with regard to human rights, the constitutional process, decentralisation, local self-government reform and strengthening of civil society on the European Pravda web-site.²⁶

²⁵ CommDH(2015)3

²⁶ Link to the web site: http://www.eurointegration.com.ua

APPENDIX I – LIST OF NATIONAL PARTNERS

- 1. Government of Ukraine
- 2. Ministry of Foreign Affairs
- 3. Ministry of Culture
- 4. Ministry of Interior
- 5. Ministry of Internal Affairs
- 6. Ministry of Health
- 7. Ministry of Social Policy
- 8. Ministry of Education
- 9. Ministry of Justice
- 10. Ministry of Regional Development
- 11. Presidential Administration
- 12. Verkhovna Rada
- 13. Prosecutor General's Office
- 14. Ukrainian Parliament Commissioner for Human Rights (the Ombudsman)
- 15. Central Election Commission
- 16. Administrative Courts
- 17. Bar Association
- 18. National Academy of Prosecutors of Ukraine
- 19. National School of Judges
- 20. Regional / Local Authorities
- 21. Ukraine School of Political Studies
- 22. Civil Society Organisations

APPENDIX II – LIST OF INTERNATIONAL PARTNERS

- 1. OSCE/ODIHR
- 2. European Parliament
- 3. NATO-PA
- 4. Central European University, Budapest

APPENDIX III - LIST OF DONORS

- 1. Denmark
- 2. Estonia
- 3. Finland
- 4. Germany
- 5. Ireland
- 6. Japan
- 7. Liechtenstein
- 8. Luxembourg
- 9. Norway
- 10. Poland
- 11. Romania
- 12. Sweden
- 13. Switzerland