

Human Rights Compliant
Criminal Justice System in Ukraine

PROJECT DIGEST

January – March 2021



On the key challenges of our times we must work together more closely, not less. The Council of Europe should be at the forefront in making the case for this.

**Marija
Pejčinović Burić**
Secretary General of the
Council of Europe

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As of January 2021, Phase II of the Project "Human Rights Compliant Criminal Justice System in Ukraine" was launched, which will be implemented until December 2022 as part of the Council of Europe Action Plan for Ukraine for 2018-2022.

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HIGHLIGHTS:

17.02 On **17 February**, the Project conducted the first Steering Committee meeting of its Phase II. The meeting was attended by the members of the SC – Project’s main beneficiaries, namely the OPG, the MoJ, the Supreme Court, the NSJ, the PTC and the Verkhovna Rada’s Committee on Law Enforcement. The SC discussed and approved the Project’s workplan for 2021.

26.02 On **26 February**, the Project facilitated a meeting of the Prosecutor General with representatives of civil society organisations. The objective of the meeting was to identify areas of cooperation and to facilitate establishing a mechanism of regular coordination between the OPG and civil society organisations.

March In **March** the Project completed and published an Assessment of the Introduction of the Criminal Misdemeanours in Ukraine. The assessment was based on the first three-month application of criminal misdemeanours (July-September 2020).

24.03 On **24 March**, a new CoE Head of Office, Mr Steen Nørlov met with the Prosecutor General Ms Iryna Venediktova where the sides reconfirmed their commitment to continued cooperation.

CRIMINAL JUSTICE LEGISLATION & PRACTICE

For the given period, the Project has continued to undertake various activities aimed at supporting compliance of the Ukrainian criminal justice legislation and its implementation with CoE standards and best practices as well as supporting professional and operational capacities of criminal justice actors:

■ From **January 2021**, the Project provides on-going support to the activities of the OPG WG on the Criminal Justice and Law Enforcement Strategy Development. CoE international consultant, Prof. Richard Vogler (University of Sussex, United Kingdom) contributes with a conceptual expert assistance to the development of the new Strategy;

■ On **26 February 2021**, the Project co-organised a meeting of the Supreme Court WG tasked with solving issues of an excessive length of criminal proceedings. The CoE international consultant, Mr. Jeremy McBride, presented to the WG his recommendations for the introduction of effective remedies against lengthy judicial criminal proceedings in Ukraine;

■ On **26 February 2021**, as part of the NSJ’s training programme, the CoE international consultant Mr. Jeremy McBride conducted a training session for the judges of the High Anti-Corruption Court of Ukraine on the case-law of the ECtHR regarding the use of undercover operations/agents provocateurs in anti-corruption proceedings;



■ On **4-5 March 2021**, the CoE international consultant Prof. Kanstantsin Dzehtsiarou (University of Liverpool, United Kingdom) delivered a presentation at 2021 Kyiv International Legal Aid Conference, organised by the Coordination Centre for Legal Aid Provision and discussed with the participants of the Conference how to keep the balance between modern technologies and protection of rights guaranteed by the ECHR;

■ In **March**, the Thematic Factsheet on Constitutional Matters developed by the CoE Department for the Execution of Judgments of the ECtHR was translated by the Project into Ukrainian and published on the Council of Europe websites.



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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, delivered the following:

On **3,4 and 8 February**, the Project’s national consultant Ms Nataliia Rymar supported the ToT for the PTC. 16 participants (11 females and 5 males) had an opportunity to work on the development of their soft skills needed for their work as trainers;

On **17 February** the training session on Evidence and Proving in Criminal Proceedings was held with the support of the Project’s national consultant Ms Nataliia Marchuk at the PTC. 13 prosecutors (4 females and 9 males) of regional prosecutor’s offices as well as prosecutors of departments for supervision over observance of laws at investigation of crimes against life have strengthened their professional capacities in peculiarities of pre-trial investigation;

In **February** the Project supported the development of the Methodological Guide on Conducting ToT for the PTC by national consultants of the Project Ms Nataliia Rymar and Ms Yuliia Lisova;

In **March** the Project launched a comparative study on disciplinary proceedings of prosecutors in the selected CoE member states. The study was launched to support the OPG WG tasked with developing a permanent disciplinary procedure for the PPS;

On **9 March** the Project provided the expert comments regarding the Draft Regulation for the Appointment of Prosecutors to the Administrative Positions to the OPG;

In **March** the Ukrainian translation of the HELP course on “Pre-trial investigation and the ECHR” was launched.



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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**

Ministry of Justice – **MoJ**

National School of Judges of Ukraine – **NSJ**

Office of the Prosecutor General – **OPG**

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

Public Prosecution Service – **PPS**

Steering Committee – **SC**

Training of Trainers – **ToT**

Working Group – **WG**

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

