



QUARTERLY DIGEST

March — May 2020

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
2019-2021

COUNCIL OF EUROPE



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Despite the current COVID-19 crisis and quarantine measures the Project continues its activities in accordance with the project objectives, as aligned to priorities in the criminal justice sector of Ukraine.

One of the highlights of the Project activities in May 2020 was the signing of the Memorandum of Understanding between the Office of the Prosecutor General and the Council of Europe Office in Ukraine, which launched the functional and organisational analysis of regional and local prosecutor's offices. This Analysis will enable to single out the challenges in the activities of these authorities and to compare management effectiveness, work coordination, performance of functions and organisational development.



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CRIMINAL JUSTICE LEGISLATION & ITS IMPLEMENTATION

In this quarter Project has undertaken various activities aimed at

- supporting compliance of the Ukrainian criminal justice legislation and its implementation to CoE standards and best practices
- supporting professional and operational capacities of criminal justice actors

Highlights of the project activities carried out:

- Parliamentary Committee on Law Enforcement was provided with **the expert assessment** of the Draft Law No.2411 which intends to implement the remaining recommendations from the CoE Opinion DGI (2018) 07 on introduction of criminal misdemeanours in Ukraine
- Re-enhancement of cooperation between the CoE and national authorities, OPG, SBI, GA with regard to the execution of ECHR judgments in the group of cases Kaverzin, Afanasyev and Belousov v. Ukraine
- CoE **methodology on the research on the application of pre-trial detention** in Ukraine in line with the Article 5 ECHR standards was adapted to Ukrainian context; necessary cooperation with the stakeholders such as the Supreme Court, Ministry of Justice, and others was established to start the research in summer 2020
- **Comparative study on effective** remedies to ensure criminal proceedings within a reasonable time in CoE member states was launched
- Work on **2 courses adaptation on the European Programme for Human Rights Education** for Legal Professionals (HELP) on Article 5 and on international Legal cooperation was completed. Work on updating the Ukrainian version of the HELP course on introduction to ECHR started
- Expert contribution to the development of the **methodology** for free legal aid **on the training of Criminal procedure and criminal law** in the light of the ECHR was provided



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13 May 2020

the Office of the Prosecutor General and the Council of Europe Office in Ukraine signed the Memorandum of Understanding

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 PPS reforms' developments respectively, **the Project, inter alia, delivered the following:**

- **Comparative study on prosecutor's workload** in CoE member states was launched
- The project contributed to the **on-line training of 70 newly-appointed prosecutors** who are undergoing internship at the Office of the Prosecutor General (participants benefitted from the set of video lectures, supporting materials and test questions on criminal procedure and criminal law in light of ECHR standards on search, covert investigative activities, access to public information, preventive measures)
- **Expert assessment** of the Prosecutor General draft order **"On Prosecutors' Performance Evaluation"** was transmitted to the Office of Prosecutor General
- **Memorandum of Understanding** between the Office of the Prosecutor General and the Council of Europe Office in Ukraine was signed, which launched the functional and organisational analysis of regional and local prosecutor's offices. This analysis will enable to single out the challenges in the activities of these authorities and to compare management effectiveness, work coordination, performance of functions and organisational development