

**Opening remarks of Mr Frédéric DOLT, Head of Department for the
Implementation of Human Rights, Justice and Legal Co-operation Standards**

MEETING
ON THE IMPLEMENTATION OF THE COUNTER-TORTURE STRATEGY
IN THE CRIMINAL JUSTICE SYSTEM of UKRAINE: CHALLENGES AND PROSPECTS

Hybrid event

Kyiv, 09 June 2023

Deputy Prosecutor General

Deputy Ministers,

Representatives of the Ombudsperson's Office,

Distinguished participants from state institutions, representatives of international partners, Council of Europe colleagues,

It is my honour to greet you at today's event - on behalf of the CoE's Directorate General Human Rights and Rule of Law.

Before anything, I would like to express my deep regret and sympathy in relation to the security and humanitarian catastrophe brought by the destruction of the Nova Kakhovka dam in the Kherson region of Ukraine.

It is one challenge in addition to all those faced for many months and years.

It is all the more commendable that despite these challenges, the state authorities present here – the Office of the Prosecutor General, the Ministry of Justice, the Ministry of Interior, the Ministry of Health, the State Bureau of Investigation, the Criminal Cassation Court, the Ombudsperson's Office and other agencies – continue working on the implementation of the National Counter-torture Strategy adopted prior to the war.

This – I believe - demonstrates the country's commitment to fulfil its Council of Europe statutory commitments and apply the standards of the ECHR.

The Council of Europe is paying special attention to the problem of [ill-treatment by the police and lack of effective investigations thereto](#). It is one of the systemic problems established by the European Court of Human Rights in its judgments in respect to Ukraine.

An important group of judgments concerning such issues is placed under the enhanced supervision procedure of the Committee of Ministers and my colleague Pavlo Pushkar will speak about it a bit later.

Allow me to recall briefly that on these problems, the Council of Europe provided its support through co-operation programmes for more than a decade now.

I would refer for example to the expertise we provided on the Ukrainian Criminal Procedure Code of 2012, ensuring the incorporation of procedural safeguards against ill-treatment into the Code;

Or also to expert support for the set-up of the National Preventive Mechanism and in the process of creation and institutional development of the State Bureau of Investigation,

The provision of legal expertise to relevant strategic documents and internal regulatory framework,

support to strengthening the capacity of the counter-torture department of the Office of the Prosecutor General –

these are just few examples.

The CoE positively assessed such developments as the adoption of the [Counter-Torture Strategy and its Action Plan](#) (October 2021) and supported the [first coordination meeting with civil society and stakeholders](#) after its adoption.

Considering the scale of the military aggression of the Russian Federation against Ukraine, progress in this area was expected to lose its momentum.

But despite the war-related challenges, important progress was achieved.

It would mention notably the [changes to the Criminal Code](#) related to criminal responsibility for torture adopted in December 2022.

The amendments brought the provisions of the Criminal Code closer to the relevant international and Council of Europe standards.

At the same time, some remaining issues such as the non-extension of limitation periods to other forms of ill-treatment, inconsistency between the approach to the proposed penalties, omission relating to coercion and discrimination from the

formulation of the offence proposed, as per Council of Europe [recommendations](#) would require further attention.

I would also note that a number of recommendations were taken on board following the Council of Europe's [research](#) of 2021 on "[Investigation into alleged ill-treatment contrary to Article 3 of the European Convention on Human Rights in Ukraine](#)", undertaken in close co-operation with the Office of the Prosecutor General and the State Bureau of Investigations, in co-ordination with the Office of the Agent of Ukraine before the European Court of Human Rights.

I would also like to highlight the role of the Office of the Ukrainian Parliamentary Commissioner for Human Rights.

The mandate of the Ombudsperson and particularly the National Preventive Mechanism is vital in preventing and combating torture and ill-treatment – including (seen from CoE perspective) for the implementation of relevant judgments from the Strasbourg Court and CPT recommendations is crucial.

This is why the Council of Europe continues to actively support the NPM's renewed composition by strengthening its monitoring functions, developing monitoring tools and providing professional training to the staff members and civil society monitors.

Dear Participants,

Considering the progress being assessed, today's event provides an important opportunity for all stakeholders to **take stock of the achieved progress** in regard to the implementation of the Strategy.

Moreover, **it is a very good moment to identify remaining challenges or non-addressed issues** that require further action, as well as newly emerged ones, resulted from the on-going war of aggression.

The Council of Europe support in the area will continue to be focused on assistance to Ukrainian stakeholders in advancing with the implementation of the "torture zero tolerance" policy incorporated in the respective Strategy.

In this regard, adjustments to the Strategy/its Action Plan and their prolongation are encouraged.

All aspects, - such as prevention, effectiveness of investigation, victims and witnesses support and rehabilitation, - are crucial to be addressed with appropriate measures to be put forward. With the Council of Europe's support under the Action Plan for Ukraine "Resilience, Recovery, Reconstruction" (2023-2026), we are committed to channel further our expertise and technical assistance in this regard.

Thank you again, to all participating institutions and agencies for our co-operation. We are looking forward to continuing the joint work.

For now, I wish all a fruitful discussion today.