

# PROFESSIONAL CAREER OF THE PUBLIC PROSECUTOR





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# 1. Requirements to candidates to the position of the public prosecutor



## A person cannot be appointed to the position of the public prosecutor when:

- is recognized by the court as partially capable or incapable
- has a disease preventing him/her to perform duties of the public prosecutor
- has an unexpanded conviction or an outstanding conviction, or has been charged with an administrative penalty for committing a corruption offense

## 2. Selection and appointment to local public prosecutor's office



### STEPS:



#### 1. The Qualification and Disciplinary Commission of Public Prosecutors (QDCPP) decides on the selection of candidates for the office of the public prosecutor

- it is published on the official web-site of the QDCPP [www.kdkp.gov.ua](http://www.kdkp.gov.ua)
- contains:
  - ▶ list of requirements to the candidate
  - ▶ list of documents to be submitted to the QDCPP
  - ▶ deadline for submission of the above documents



#### 2. Candidates shall submit their documents to the QDCPP<sup>1</sup>

- a written application for the participation in selection of candidates for the position of the public prosecutor
- a copy of the passport of citizen of Ukraine
- an application form for the position of the public prosecutor containing information about the identity and his/her autobiography
- a copy of documents about education, academic degree, academic title
- a copy of employment record
- a medical certificate about state of health
- a copy of military ID (for military personnel or reservists)

<sup>1</sup> The detailed procedure for submission of documents and requirements thereto is set out in the Regulation on the procedure for consideration of issues and preparation of materials on selection of candidates for a vacant (temporarily vacant) position of the public prosecutor of the local public prosecutor's office approved by the decision of the QDCPP on 7 June 2017 No. 63n-17 – [http://www.kdkp.gov.ua/ua/candidates.html?\\_m=publications&\\_t=rec&id=136](http://www.kdkp.gov.ua/ua/candidates.html?_m=publications&_t=rec&id=136)

- a certificate on admission to the state secret (if available)
- a written consent for the collection, storage, and use of information about him/her
- a declaration on assets, income, expenses, and financial obligations for the last year



### **3. QDCPP shall check the applicants' compliance with the established requirements**

- all individuals, who have submitted all the necessary documents and meet the requirements established for the candidate for the position of the public prosecutor, are admitted
- QDCPP shall adopt a motivated decision on refusal in admission to the qualification exam



### **4. Candidates shall pass the qualification exam – anonymous testing and practical assignment**

- verification of the level of theoretical knowledge in the field of law, European standards of human rights, proper command of the state language, analytical and practical skills of the candidates
- following the results of the qualification exam, the QDCPP shall determine a passing score – which may not be less than 60 per cent of the maximum possible score



### **5. QDCPP shall publish on its official web-site a list of candidates who successfully passed the qualification exam**



### **6. QDCPP shall organize vetting of candidates who successfully passed the qualification exam in respect of:**

- for corruption offences liability, including for corruption offences, availability of a criminal record, expunging of record of conviction, cancellation of a criminal record
- the fact that the person has been subject to, was earlier subject to administrative sanctions for corruption offences
- reliability of the data specified in the declaration on assets, income, expenses, and financial obligations
- availability of corporate rights at the person
- state of health, education, academic degree, academic title, continuous training
- applying to the person the prohibition to hold the appropriate position under the provisions of the Law of Ukraine "On Government Cleansing"

### QDCPP shall:



**add to the succession pool** for filling vacant positions of public prosecutors those candidates who successfully passed the qualification exam and with regard to whom there are no refusals in adding the candidate to the succession pool based on the results of the vetting



**adopt the decision on refusal in adding the candidate to the succession pool** for filling vacant positions of public prosecutors in case of establishment, by results of vetting, of submission of false information or forged documents by the candidate. This decision may be appealed by the candidate to the court



**7. QDCPP shall determine a rating of candidates and add the candidates to the succession pool for filling vacant positions of public prosecutors**



## 8. Candidates for the position of the public prosecutor shall undergo an initial training in the National Academy of Public Prosecutors of Ukraine (NAPPU)

- Term – 1 year
- Objective: to obtain knowledge and skills for the position of the public prosecutor, to draft legal documents, to study code of professional ethics
- The curriculum, the training procedure and the methodology for evaluation of initial training shall be approved by the QDCPP
- Anonymous testing and practical assignment are the final steps of the initial training



### NAPPU shall

Adopt a reasoned decision on:

- ▶ **successful** completion of initial training (above 50 per cent of maximum possible score)
- ▶ **unsuccessful** completion of initial training. This decision may be appealed to the QDCPP within 15 days from the date of receipt of the copy of this decision.

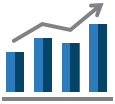
Notify the QDCPP on the results of initial training for the candidates on the position of the public prosecutor.



## 9. QDCPP shall announce a competition for filling vacant positions of the public prosecutors (if available) among the candidates who are in the succession pool and completed the initial training

■ QDCPP shall publish relevant information on its web-site no later than 10 days prior to the contest (except for the Prosecutor General position)

■ A candidate for the position of the public prosecutor, which is in the list and successfully completed the initial training, may submit a written application to the QDCPP



### **10. QDCPP shall hold a competition for vacant positions of the public prosecutors on the basis of the rating of candidates**

■ if the candidates have the same scores, the advantage shall be given to that candidate who has worked on the temporarily vacant position of the public prosecutor or has more experience in the field of law



### **11. QDCPP shall send recommendation to the head of local public prosecutor's office on the appointment of the candidate to the public prosecutor position**



### **12. the person shall be appointed to the public prosecutor position**

■ no later than 30 days from the date of receipt of the QDCPP recommendation



### **13. The person shall take the oath of the prosecutor**

"I, (full name), entering the service in the office of public prosecutor, dedicate my work to serving the Ukrainian people and Ukraine and solemnly swear that I will

Strictly abide by the Constitution and laws of Ukraine;

Promote the assertion of the rule of law, legality and order through faithful performance of my duties;

Protect the rights and freedoms of man and citizen, the interests of the society and the state;

Continuously develop my professional skills, adhere to fundamental principles, be honest, perform my duties faithfully and impartially, and hold the high rank of public prosecutor with dignity".

### 3. Appointment of a prosecutor to a managerial position



#### Managerial positions in local public prosecutor's offices

Head of the local public prosecutor's office	First Deputy Head of the local public prosecutor's office	Deputy Head of the local public prosecutor's office	Head of the Unit of the local public prosecutor's office	Deputy Head of the Unit of the local public prosecutor's office
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#### Appointment of the public prosecutor to a managerial position shall be performed by

Prosecutor General upon the recommendation of the Council of Public Prosecutors of Ukraine	Head of the regional public prosecutor's office upon the recommendation of the Head of the local public prosecutor's office	Head of the regional public prosecutor's office upon the recommendation of the Head of the local public prosecutor's office	Head of the local public prosecutor's office	Head of the local public prosecutor's office
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for the term of **five years**

#### Managerial positions in the regional public prosecutor's offices

Head of the regional public prosecutor's office	First Deputy Head of the regional public prosecutor's office	Deputy Head of the regional public prosecutor's office	Head of the Unit of the regional public prosecutor's office	Deputy Head of the Unit of regional public prosecutor's office
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### Appointment of the public prosecutor to a managerial position shall be performed by

Prosecutor General upon the recommendation of the Council of Public Prosecutors of Ukraine	Prosecutor General upon the recommendation of the Council of Public Prosecutors of Ukraine	Prosecutor General upon the recommendation of the Council of Public Prosecutors of Ukraine	Head of the regional public prosecutor's office	Head of the regional public prosecutor's office
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for the term of **five years**

### Managerial positions in the General Prosecutor's Office of Ukraine

Prosecutor General	First Deputy General Prosecutor	Deputy General Prosecutor	Head of the Unit of the General Prosecutor's Office	Deputy Head of the Unit of the General Prosecutor's Office
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### Appointment of the public prosecutor to a managerial position shall be performed by

President of Ukraine upon the consent of Verkhovna Rada of Ukraine	Prosecutor General upon the recommendation of the Council of Public Prosecutors of Ukraine	Prosecutor General upon the recommendation of the Council of Public Prosecutors of Ukraine	Prosecutor General	Prosecutor General
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for the term of **six years**

## Recommendations of the Council of Public Prosecutors of Ukraine for the appointment to a managerial position

When deciding the issue whether to provide recommendations for the appointment to a managerial position, the Council of Public Prosecutors of Ukraine shall consider:

- ▶ professional, moral and business proficiency qualities of the candidate
- ▶ managerial and organizational skills of the candidate
- ▶ work experience of the candidate

Refusal in the appointment to a managerial position

- ▶ Refusal of the Prosecutor General in the appointment to a managerial position of the public prosecutor who was recommended by the Council of Public Prosecutors of Ukraine must **be reasoned in writing**.
- ▶ A copy of the relevant decision of the Prosecutor General shall be sent to the Council of Public Prosecutors of Ukraine and the public prosecutor who was refused in the appointment to a managerial position.
- ▶ The public prosecutor who was refused by the Prosecutor General in the appointment to a managerial position may **appeal such refusal to the QDCPP**.

The public prosecutor, whose term on the managerial position has expired, may be repeatedly recommended by the Council of Public Prosecutors of Ukraine for the appointment to this managerial position.



Work of a public prosecutor in the managerial position in the public prosecutor's office does not exempt him/her from exercising powers of the public prosecutor in the respective public prosecutor's office.

## 4. Transferring a public prosecutor to the position in another body of the public prosecutor's office



### Includes the transfer:

- ▶ to public prosecutor's office of the higher level
- ▶ for a vacant position
- ▶ for a temporarily vacant position

### Requirements for the transfer:

- ▶ consent of the public prosecutor
- ▶ filing the application on such a transfer
- ▶ availability of appropriate work experience

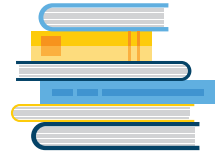


Transfer to the public prosecutor's office of the higher level is based **on the results of the competition** held by the QDCPP.

### During the contest, the QDCPP shall assess:

- ▶ professional level
- ▶ experience
- ▶ moral and business proficiency qualities
- ▶ willingness to exercise powers in the appropriate public prosecutor's office

## 5. Continuous training of public prosecutors



- ▶ A public prosecutor is obliged to improve his/her professional level and, to this end, improve his/her qualification
- ▶ A public prosecutor shall be periodically trained in NAPPU that includes the study of the code of professional ethics



Detailed information on NAPPU is available at <http://napu.com.ua/uk/golovna/> in the "Education" Section.



## Contact information

### **Qualification and Disciplinary Commission of Public Prosecutors**

81-b Melnykova Str., Kyiv 04050

**info@kdkp.gov.ua**

**<http://www.kdkp.gov.ua/>**

**<https://www.facebook.com/KDKP.UA/>**

### **Secretariat of Qualification and Disciplinary Commission of Public Prosecutors**

Tel.: (044) 596-70-56

(issues of selection and transfer of public prosecutors)

Tel.: (044) 596-70-57

(issues on preparation of disciplinary materials and dismissal of public prosecutors from the office)

Tel.: (044) 200-79-20

(documentary issues)

### **National Academy of Public Prosecutors of Ukraine**

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**napu@ap.gp.gov.ua**

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## Continued support to the criminal justice reform in Ukraine

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