

# PROSECUTORIAL SELF-GOVERNANCE AND BODIES SUPPORTING THE PROSECUTION ACTIVITIES



MINISTRY OF FOREIGN  
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CONSEIL DE L'EUROPE



**PROSECUTORIAL  
SELF-GOVERNANCE  
AND BODIES  
SUPPORTING THE  
PROSECUTION  
ACTIVITIES**

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# Prosecutorial Self-Governance Bodies

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Prosecutorial self-governance is an independent and collective solution by prosecutors of internal matters of the public prosecution service.



## The purpose of the prosecutorial self-governance is:

- to ensure the organizational unity for the functioning of the public prosecutor's offices and to improve the quality of prosecutors' performance
- to strengthen the independence of public prosecutors and protection from interference in their activities
- to participate in the identification of the needs in human resources, financial, logistical and other support to public prosecutors, as well as control over compliance with the established standards of such support
- to elect or to appoint public prosecutors to other bodies



The operation of prosecutorial self-governance bodies is ensured by the Prosecutor General's Office at the expense of the State Budget of Ukraine.

## 1. All-Ukrainian Conference of Public Prosecutor's\*








is the highest body of prosecutorial self-governance. A scheduled Conference is convened every two years. An extraordinary Conference is convened by decision of the Council of Public Prosecutors of Ukraine.



### Powers:

- appoints members of the **Council of Public Prosecutors of Ukraine**
- appoints members of the **Qualification and Disciplinary Commission of Public Prosecutors (QDCPP)**
- elects the members of the **High Council of Justice** and decides on termination of their powers

\* <http://www.gp.gov.ua/ua/vskonpp17.html>

-  hears the **report of the Council of Public Prosecutors of Ukraine**
-  adopts the **Regulations on Rules of Procedure for the QDCPP**
-  approves the **Code of Professional Ethics** and Conduct of Public Prosecutors and the **Regulations on the Council of Public Prosecutors of Ukraine**
-  appeals to the state authorities and their officials with proposals for solution of issues related to activity of the public prosecutor's office
-  considers other issues of prosecutorial self-governance and exercises other powers in accordance with the law

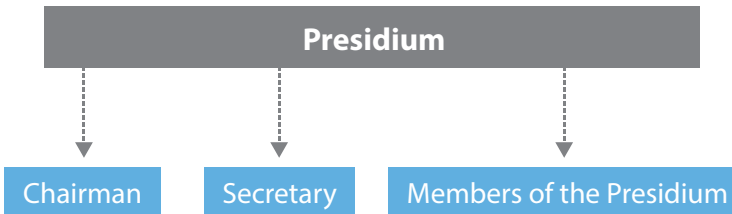


Decisions of the Conference are **binding** for the Council of Public Prosecutors of Ukraine and all the prosecutors.



**Plenipotentiary** in case of the presence of at least two thirds of the total number of the elected delegates.

### Structure of the All-Ukrainian Conference of Public Prosecutors



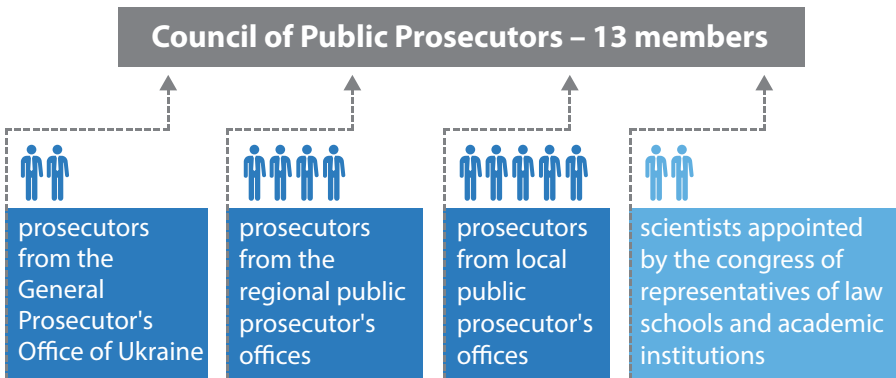
**All work of the Conference** is recorded in the protocol



## 2. Council of Public Prosecutors of Ukraine\*



is the highest body of prosecutorial self-governance in the period between All-Ukrainian Conferences of Public Prosecutors.



### Powers:

- in the period between All-Ukrainian Conferences of Public Prosecutors organises **implementation of the decisions of the Conference** and solves the issues on convocation and holding of the next All-Ukrainian Conference of Public Prosecutors
- oversees enforcement of decisions** of prosecutorial self-governance bodies
- considers applications regarding **improper execution** by a prosecutor of his/her **duties** prescribed for the relevant **managerial position**
- makes recommendations on **appointment** and **dismissal** of public prosecutors to/from **managerial positions**
- organizes the implementation of measures **to ensure the independence of public prosecutors** and improvement of organizational support to activities of public prosecutor's offices

\* <http://www.gp.gov.ua/ua/rpu17.html>

■ considers the issues of **legal protection** for public prosecutors, **social protection of public prosecutors** and their family members, as well as takes appropriate decisions on these issues

■ considers applications from public prosecutors and other notifications on threats **to the independence of public prosecutors** and takes relevant follow-up actions:

- ▶ informs respective authorities of the grounds to impose criminal, disciplinary or other liability
- ▶ initiates consideration of the issue on taking of measures to ensure the security of public prosecutors
- ▶ announces statements on behalf of the prosecution service with regard to the cases of violations of prosecutorial independence
- ▶ addresses international organizations with relevant notices, etc.

■ submits proposals on solution to issues on operation of the prosecution service to central and local government authorities

■ exercises other powers provided for in the Law of Ukraine "On the Public Prosecutor's Office"



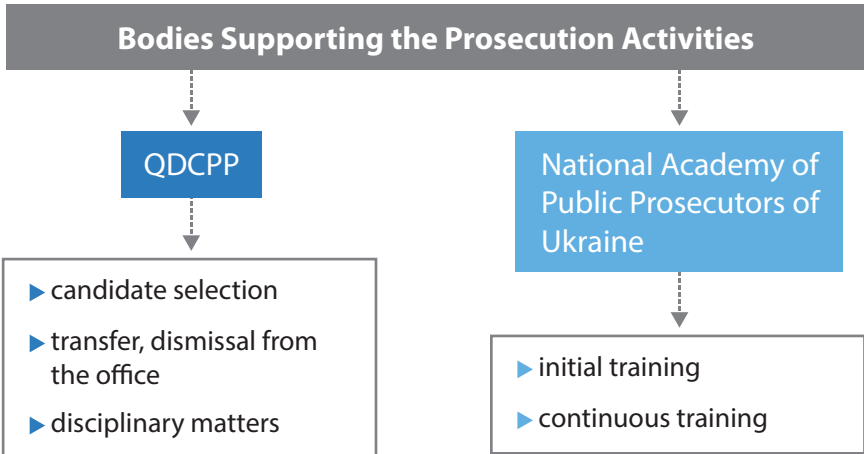
**Term of office** of the member of the Council of Public Prosecutors of Ukraine is 5 years without the right for re-election.



**Plenipotentiary** if no less than 9 members have been elected. Members of the Council of Public Prosecutors of Ukraine shall exercise their powers on a voluntary basis.

A public prosecutor who holds a managerial position or is a member of the QDCPP cannot simultaneously be a member of the Council of Public Prosecutors of Ukraine.

# Bodies Supporting the Prosecution Activities

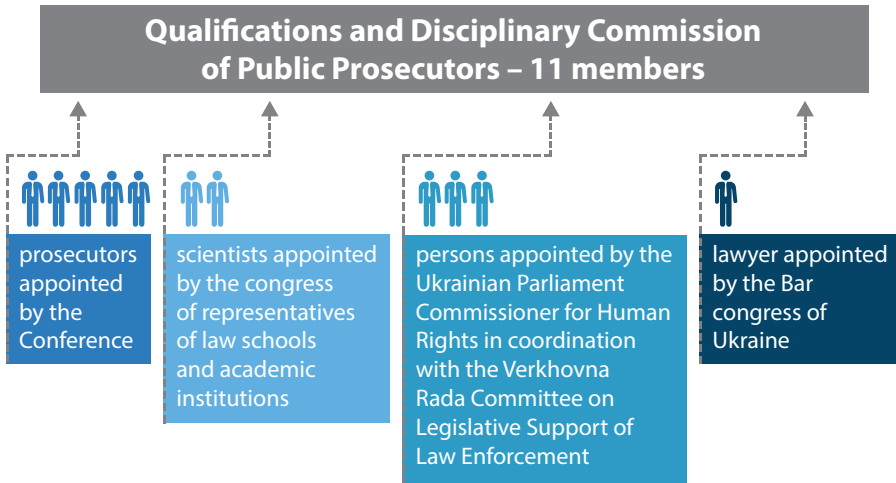


## 1. Qualification and Disciplinary Commission of Public Prosecutors\*



is a collegial body that decides on the level of professional training of persons who expressed their intention to hold the office of the public prosecutor and decides on disciplinary liability, transfer and dismissal of public prosecutors from the office.

\* <https://www.facebook.com/KDKP.ua/> and <http://www.kdkp.gov.ua/>



QDCPP elects a Chairman from among its public prosecutors members.

QDCPP members shall work on a regular basis and at the time of the performance of their duties shall be sent on mission to the QDCPP.

### Powers:

- keeps a **register of** the number of public prosecutors' **positions**, including vacant and temporarily vacant positions
- **selects candidates** for the position of the public prosecutor
- participates in the **transfer** of public prosecutors to another workplace
- considers **disciplinary complaints** on disciplinary offenses committed by public prosecutors and carries out disciplinary proceedings
  - ▶ case files are allocated between the members of the QDCPP through the **Automated disciplinary complaint distribution system**
- takes a decision on the **imposition** of the **disciplinary sanction** on the public prosecutor or a decision on impossibility to further hold the office of

the public prosecutor

- ▶ decision of the QDCPP on bringing public prosecutors to disciplinary responsibility may be **appealed to the High Council of Justice** or the **court**

■ exercises other powers provided by the law



**Term of office** of the member of the QDCPP is 3 years. The same person may not exercise the powers of the member of the QDCPP for two consecutive terms.



**Plenipotentiary** if no less than 9 members have been appointed



Meetings of the QDCPP are open to the public except for the cases established by law.

Decisions of the QDCPP shall be published on the QDCPP website within a three-day period.

## 2. National Academy of Public Prosecutors of Ukraine\*



is a public institution with a special status which operates under the Prosecutor General's Office of Ukraine. The National Academy of Public Prosecutors of Ukraine provides initial training of candidates for the position of the public prosecutor and continuous training of public prosecutors.



## Continued support to the criminal justice reform in Ukraine

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The European Court of Human Rights oversees the implementation of the Convention in the member states.



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