

Ukraine

1. What are the general official measures taken for reacting to and implementing the decisions of international courts and treaty monitoring bodies?

According to the Law of Ukraine “On the Execution of Judgments and the Application of the Case-law of the European Court of Human Rights”, the execution of the ECHR judgment may, in particular, involve additional individual and / or general measures (Article 1).

According to Article 5 of this Law, within 10 days from the date of receipt of the notification that the decision has acquired a status of a final one, the Representative Body shall send a summary of the decision, in particular, to the Ukrainian Parliament Commissioner for Human Rights, all public authorities, officials and other entities directly involved in the case, in which the decision has been rendered.

In order to ensure the restoration of the violated rights, additional individual measures shall be taken in addition to the payment of compensation, namely: restoration as far as possible of the previous legal status (including reconsideration of the case by a court or an administrative body) and other measures provided for in the judgment (Article 10 of this Law).

General measures are measures aimed at eliminating the systemic problem identified in the judgment and its root cause, in particular: amendments to the current legislation, practice of its application; training of prosecutors, lawyers, law enforcement officers, other categories of law enforcement professionals, and persons whose professional activity is related to the detention of people in conditions of imprisonment in the study of the European Convention on Human Rights and case-law of the ECHR; other measures aimed at ensuring the elimination of systemic deficiencies and stopping the violations of the Convention caused by such deficiencies, as well as to ensure maximum compensation for the consequences of such violations (Article 13 of this Law).

2. Based on your answer to the 1st question, what are the measures taken particularly for the practical independence of the prosecution services and individual prosecutors? Can you give examples?

3. Are these measures reflected in the law or in the prosecution policy or debate?

4. If yes, then were there any changes in the prosecution system as a consequence of such measures?

According to the Law of Ukraine “On Public Prosecution Service” (hereinafter referred to as the “Law”), the activities of public prosecution service shall be based on the principles of independence of prosecutors, which implies existence of safeguards against illegal political, financial or other influence on a prosecutor in connection with his/her decision-making when performing official duties (subparagraph 5 of paragraph 1 of Article 3).

The guarantees of the independence of a prosecutor are defined in Article 16 of this Law. Thus the independence of a prosecutor shall be guaranteed by:

- 1) special procedures for his/her appointment to, and dismissal from, the position, and disciplinary sanctions;
- 2) procedures for the exercise of powers stipulated by the procedural and other laws;
- 3) prohibition of unlawful influence, pressure and interference with the exercise of the powers of a prosecutor;
- 4) statutory procedures for financing and organizational support for the activities of public prosecution service;
- 5) proper financial, social and pension support for prosecutors;

6) functioning of prosecutorial self-governance bodies;

7) statutory personal security arrangements for prosecutors, members of their families, their property, as well as other legal safeguards.

In addition, Articles 16-17 of this Law on guarantees of the independence of a prosecutor stipulate that:

- when performing prosecutorial functions, a prosecutor shall be independent of any unlawful influence, pressure, interference, and shall be guided in his/her activities exclusively by the Constitution and the laws of Ukraine;

- when exercising powers associated with performance of prosecutorial functions, prosecutors shall be independent and independently make decisions on the procedures for exercising such powers in compliance with the laws and shall follow only those instructions of a higher level prosecutor which are in compliance with the requirements of the Law;

- administrative subordination of prosecutors shall not serve as a ground for limiting or infringing on their independence in the exercise of their powers;

- public authorities, local self-government bodies, other public institutions, their officials and officers, as well as individuals and legal entities and their associations shall be obliged to respect independence of a prosecutor and refrain from exercising influence of any form on a prosecutor in order to prevent the fulfilment of his/her duties or in order that s/he takes an unlawful decision;

- the scope of fair criticism of the activities of a prosecutor shall be established according to the European Convention on Human Rights and the case-law of the European Court of Human Rights;

- the Prosecutor General shall be immediately notified about the institution of criminal proceedings against a prosecutor;

- a prosecutor shall have the right to submit a statement about a threat to his/her independence, including in connection with an order or instruction given (issued) by a higher-level prosecutor, to the Council of Prosecutors of Ukraine which shall be obliged to immediately check and consider such statement with his/her participation and, within its competence established by this Law, take the necessary measures to eliminate the threat.

Pursuant to Article 65 of this Law, the issue of strengthening the independence of prosecutors and protection against interference with their activities is one of the objectives of prosecutorial self-governance.

In particular, according to paragraph 9 of Article 71 of this Law, the Council of Prosecutors of Ukraine (as a body of prosecutorial self-governance) shall:

- organize implementation of measures to ensure the independence of prosecutors and improve organizational support to prosecutors;

- consider appeals of prosecutors and other notifications regarding any threat to the independence of prosecutors, as well as take follow-up actions (notify relevant authorities of the grounds for imposing criminal, disciplinary or other liability; initiate consideration of security arrangements for prosecutors; publish, on behalf of the prosecution service, of instances of violation of the independence of prosecutors; address international organizations with relevant notifications, etc.).

5. Are there also national decisions of the Supreme or Constitutional Courts, or any other highest judicial body at national level, dealing with the question of independence of prosecutors?

Adequate pension provision is one of the guarantees of the independence of prosecutors.

The Second Senate of the Constitutional Court of Ukraine rendered the Decision in the case upon the constitutional complaints of Stepan Ivanovych Danyliuk and Oleksii Ivanovych Lytvynenko regarding the conformity of the Constitution of Ukraine (constitutionality) with the provisions of paragraph twenty of Article 86 of the Law of Ukraine No. 1697-VII "On Public

Prosecution Service” dated 14 October 2014, which stipulates that “the terms and procedure for recalculating pensions awarded to public prosecution officers shall be determined by the Cabinet of Ministers of Ukraine”.

In the Decision, the Constitutional Court of Ukraine restored the right of prosecutors to the recalculation of pension. In its decision, the Constitutional Court of Ukraine stated that, taking into account international standards of activity of prosecutorial bodies, the purpose of statutory regulation, in particular issues of social protection of public prosecution officers, is to avoid interference by other authorities in the activities of the public prosecution service in order to comply with the principle of separation of powers and secure pension provision for prosecutors exclusively under the law.

6. Does the prosecution system in your country belong to the judiciary?

Pursuant to the amendments to the Constitution of Ukraine (came into force on 30.09.2016), provisions governing the activities of public prosecution service are included in Section VIII “Justice” (Article 131-1).

7. Are prosecutors and prosecution services independent or autonomous from the executive and legislative branches of state power?

According to Article 6 of the Constitution of Ukraine the governance of a state in Ukraine is exercised on the basis of separation of powers into legislative, executive and judicial. Legislative, executive and judicial bodies shall exercise their powers within the limits established by this Constitution and in accordance with the laws of Ukraine.

In accordance with the amendments to the Constitution of Ukraine (entered into force on 30.09.2016), the provisions that stipulate the activities of the prosecution services are included in section VIII “Justice” (Article 131-1).

Prosecutors and prosecution authorities are independent or autonomous from the executive and legislative branches of state power.

At the same time, in accordance with the provisions of Article 131-1 of the Constitution of Ukraine, the appointment and dismissal of the Prosecutor General shall be carried out by the President with the consent of the Verkhovna Rada of Ukraine.

According to Article 6 of the Law, the Prosecutor General personally reports to the Verkhovna Rada of Ukraine at least once a year at a plenary session on the activities of the prosecution services by providing generalized statistical and analytical data.

In accordance with the provisions of this Law, the Government also adopts a number of legal acts related to the activities of the prosecution services, in particular on issues of remuneration, social security and other security.

8. Is there a Council of Prosecutors or a similar equivalent body which can be considered as a mechanism to monitor and ensure prosecutorial independence, including in the way in which the prosecution services operate?

Pursuant to Article 65 of the Law, the issue of strengthening the independence of prosecutors and protecting them from interference with their activities are among the tasks of prosecutorial self-government.

In particular, according to paragraph 9 of Article 71 of the Law, the Council of Prosecutors of Ukraine (as a body of prosecutorial self-government):

- organizes implementation of measures to ensure the independence of prosecutors and to improve the organizational support of activities of prosecutors;
- considers appeals of prosecutors and other notifications regarding any threat to the independence of prosecutors, as well as take follow-up actions (notify relevant authorities of the

grounds for imposing criminal, disciplinary or other liability; initiate consideration of security arrangements for prosecutors; publish, on behalf of the prosecution service, of instances of violation of the independence of prosecutors; address international organizations with relevant notifications, etc.).

9. How many of its members are elected by their peers, and does the prosecution policy or the debate within the judiciary produce any impact on the election of the members of the Council of Prosecutors?

Pursuant to paragraph 2 of Article 71 of the Law, the Council of Prosecutors of Ukraine consists of 13 persons, of whom:

2 representatives (prosecutors) from the Prosecutor General's Office;

4 representatives (prosecutors) from regional prosecutor's offices;

5 representatives (prosecutors) from district prosecutor's offices;

2 representatives (scientists) appointed by the assembly of representatives of legal higher education institutions and scientific institutions.

That is, according to the above mentioned provisions, the Council of Prosecutors of Ukraine includes 13 persons, of which 11 are prosecutors and 2 are scientists.

10. Who has the initiative of disciplinary proceedings?

Everyone who is aware of such facts (paragraph 2 of Article 45 of the Law) has the right to apply to the appropriate body conducting disciplinary proceedings against prosecutors, with a disciplinary complaint about a prosecutor committing a disciplinary offense.

The recommended sample of the disciplinary complaint is available on the website of the Prosecutor General's Office. A relevant sample of the complaint is available at: <https://www.gp.gov.ua/en/dvpr>.

11. Are prosecutors appointed for life or do they have to fulfil successive terms? Of how many years?

Pursuant to paragraph 3 of Article 16 of the Law, a prosecutor is appointed for a term with no time limitation and can be dismissed from the position, his/her powers in office may be terminated only on the grounds and in the manner prescribed by law.

At the same time, the Law stipulates the restrictions on the term of office in certain administrative positions in the bodies of the prosecutor's office.

Thus, in accordance with Article 131-1 of the Constitution of Ukraine, Article 40 of the Law, the position of Prosecutor General has a six-year term of office. The same person may not hold the position of Prosecutor General for two consecutive terms.

In addition, pursuant to the passage 6 of paragraph 4 of Article 39 of the Law, the appointment of a prosecutor to the administrative position of the Deputy Prosecutor General – the Head of the Specialized Anti-Corruption Prosecutor's Office shall be carried out for a term of five years.

Paragraph 4 of Article 39 of the Law stipulates that the appointment of a prosecutor to administrative positions of the head of the regional prosecutor's office and the head of the district prosecutor's office shall be for a term of five years. At the same time, the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Priority Measures of the Reform of Prosecution Authorities" suspends the application of the paragraph 4 of Article 39 until 1 September 2021.

Paragraph 3 of Article 51 of the Law also states that the powers of the prosecutor shall be terminated, in particular, in connection with the attainment of age of sixty-five.

12. Are the rules regarding appointment, transfer, promotion and discipline of prosecutors similar to those of judges?

The issues of “appointment, transfer, promotion and discipline of prosecutors” are regulated by the Law of Ukraine “On the Public Prosecution Service”, whereas, similar issues regarding judges are defined by the Law of Ukraine “On Judicial System and Status of Judges”.

At the same time, from the analysis of the relevant provisions of these laws, one can conclude that certain procedures are identical and have differences that are also caused by various functions that prosecutors and judges perform in accordance with the Constitution of Ukraine and other legislative acts.

Also, some issues, in particular, regarding consideration of cases concerning violation of the requirements for incompatibility of positions of a judge or a prosecutor with the activity or status defined by the Constitution and laws of Ukraine, as well as the consideration of appeals against the decision on disciplinary liability of a judge and a prosecutor (except for appeal to court) is within the competences of the High Council of Justice (Chapters 3, 5 of the Law of Ukraine “On the High Council of Justice”). The same law establishes identical procedures for the consideration of these issues.

13. May the government instruct the prosecution services, for instance, to prosecute or not to prosecute? Are instructions general or specific in nature? Are they given in writing? Can the prosecution challenge them?

According to the Law of Ukraine “On the Public Prosecution Service”:

- public authorities, local self-government bodies, other state bodies, their officials and staff, as well as natural and legal persons and their associations are obliged to respect the independence of the prosecutor and to refrain from exercising any form of influence over the prosecutor for the purpose of obstructing the performance of official duties or making an illegal decision (paragraph 5 of Article 16);
- in carrying out the functions of the prosecution services, the prosecutor is independent from any unlawful influence, pressure, interference and is guided in his activity only by the Constitution and laws of Ukraine (paragraph 2 of Article 16);
- during the exercise of powers related to the execution of the functions of the prosecution services, prosecutors are self-reliant and independently decide on the procedure for exercising such powers, being guided by the provisions of the law, and are obliged to comply only with such instructions of the higher-level prosecutor that have been provided in compliance with the requirements of the law (paragraph 3 of Article 17).

14. Are the instructions of superior prosecutors given in writing to those under their supervision? Can these instructions be challenged or refused?

According to the provisions of Article 17 of the Law of Ukraine “On Public Prosecution Service”:

- prosecutors exercise their powers within the limits prescribed by the law and are subordinated to the supervisors only in terms of execution of written orders of an administrative nature related to organisational issues of the activities of prosecutors and prosecution authorities; administrative subordination of prosecutors cannot be the basis for limiting or violating independence of prosecutors when they exercise their powers;
- the Prosecutor General has the right to issue written orders of an administrative nature which are binding on all prosecutors;
- superior prosecutors have the right to give instructions to a lower prosecutor, approve the adoption of certain decisions by him and take other actions directly related to the implementation of the functions of the public prosecution service by this prosecutor, only within the limits and under the procedure prescribed by the law;
- during the exercise of powers related to the implementation of the functions of the public prosecution service, prosecutors are independent, decide on the procedure of exercising such powers at their discretion, being guided by the provisions of the law, and are obliged to execute

only the instructions of a superior prosecutor which were given in compliance with the requirements of this article;

- orders of an administrative nature, as well as instructions directly related to the implementation of the functions of the public prosecution service by the prosecutor, issued (given) in writing within the powers specified by the law, are binding on the respective prosecutor;
- the prosecutor, who has been given an order or instruction orally, shall be provided with written confirmation of such order or instruction;
- the prosecutor is not obliged to execute orders and instructions of a superior prosecutor that raise doubts in him about their legality if he has not received them in writing, as well as clearly criminal orders or instructions. The prosecutor has the right to address the Council of Prosecutors of Ukraine with a notification about the threat to his independence in connection with the granting (giving) of an order or instruction by a superior prosecutor;
- the granting (giving) of an illegal order or instruction or its execution, as well as the granting (giving) or execution of a clearly criminal order or instruction, entail the responsibility provided for by the law.

15. Which are, if any, the main initiatives in terms of training to strengthen the awareness about the de facto dimension of the prosecutorial independence?

According to Article 19 of the Law of Ukraine “On Public Prosecution Service”, the prosecutor is obliged to improve his professional level and, for this purpose, to improve his qualification, as well as has the right to take part in prosecutorial self-governance to solve issues concerning internal activities of the public prosecution service according to the procedure provided for by the law. The prosecutor undergoes training on a periodic basis at the National Academy of Prosecutors of Ukraine (its reformatting into the Training Centre of Prosecutors of Ukraine is ongoing), which shall include studying the rules of prosecutorial ethics.

In addition, according to Article 65 of this Law, the issue of strengthening independence of prosecutors, protecting against interference with their activities belongs to the tasks of prosecutorial self-governance.

In particular, according to paragraph 9 of Article 71 of the mentioned Law, the Council of Prosecutors of Ukraine (as prosecutorial self-governance body) organises implementation of the measures to ensure independence of prosecutors.

16. To what extent the media cover the decisions of international courts and treaty bodies as regards the practical independence of prosecutors?

17. To what extent the prosecutor offices interact with the broad public as regards the decisions of international courts and treaty bodies related to the practical independence of prosecutors?

The prosecution authorities ensure the proper implementation of the principle of publicity as one of the important means of strengthening the legality and forming society’s objective opinion about the activities of the prosecution authorities, increasing the level of trust in them by making public the socially important information on the activities of the public prosecution service, especially about the results of work that really contributed to the restoration or reinforcement of law and order, commenting on the events of significant social importance or resonance of the established circumstances, current legislation, measures taken by the prosecution authorities, etc.

If needed, the decisions of international courts concerning practical independence of prosecutors can be published on the official website of the Prosecutor General’s Office, on the official Facebook page of the Office, etc.

Do you know about any judgments or decisions of the European Court of Human Rights or of the Court of Justice of the European Union, or of any other international court which refer to or in any way touch upon the independence (and preferably went on to highlight its elements):

- a) of prosecutors;
- b) of the judiciary or the justice system as a whole;
- c) of judges.

If you know about any such judgments or decisions, then, please, indicate their titles and also, if possible, the numbers of paragraphs or sections in these judgments and decisions where such references or indications are made. These judgments and decisions may concern any country.

Ukraine enforces the decisions of international courts and treaty monitoring bodies in accordance with the national legislation.

Article 9 of the Constitution of Ukraine envisages that the international treaties that are in force and agreed to be binding by the Verkhovna Rada of Ukraine, are part of the national legislation of Ukraine.

Article 2 of the Law of Ukraine "On the Enforcement of Judgments and the Application of the Case-Law of the European Court of Human Rights" provides for that the judgments of this Court shall be binding and subject to enforcement throughout the whole territory of Ukraine pursuant to Article 46 of the Convention for the Protection of Human Rights and Fundamental Freedoms. Moreover, Article 17 envisages that while adjudicating cases, the Ukrainian courts shall apply the Convention and the case-law of the Court as a source of law.

The case-law of the European Court of Human Rights contains the judgments, which refer to or in any way touch upon the independence of mostly the judiciary and the judges.

In this regard, the ECHR judgment in *Salov v. Ukraine* should be mentioned, as well as the references made in that judgment with regard to previous decisions of this Court regarding other States:

"80. The Court reiterates that in order to establish whether a tribunal can be considered "independent" for the purposes of Article 6 § 1, regard must be had, *inter alia*, to the manner of appointment of its members and their term of office, the existence of safeguards against outside pressures and the question whether it presents an appearance of independence (see *Findlay v. the United Kingdom*, judgment of 25 February 1997, Reports 1997-I, p. 281, § 73).

82. In the present case it appears difficult to dissociate the question of impartiality from that of independence, as the arguments advanced by the applicant to contest both the independence and impartiality of the court are based on the same factual considerations. The Court will accordingly consider both issues together (see *Langborger v. Sweden*, judgment of 22 June 1989, § 32). It notes that the applicant's submissions that Judge T. of the Kuybyshevsky District Court of Donetsk was influenced by political motives and instructed by the Head of the Regional State Administration are of little assistance in assessing his complaints as to the lack of independence and impartiality of the courts dealing with the case".

Moreover, the ECHR case-law on the *a/m* issue also contains judgments in the cases as follows:

- *L.E. v. Greece* judgment of 21 January 2016 (obligation to investigate doesn't depend on who is the plaintiff; once the case has been opened, the state authorities will have to act. In order to be efficient, the investigation has to be independent from those whom the facts are concerned);
- *De Clerck v. Belgium* of 25 September 2007 (in this case, plaintiffs asked the court to immediately terminate the proceedings against them..., the court rejected the application by pointing to the fact that no one can order that an independent judicial authority terminates criminal proceedings that was lawfully instituted...) and other judgments.

6bis. Are there any parallels between the independence of judges and independence of prosecutors, or the latter is considered separately, if considered at all?

Independence of prosecutor's office is an obligatory element of independence of the judiciary. Recommendation (94) 12 of the Committee of Ministers on the independence, efficiency and role of judges, adopted by the Council of Europe, recognizes the presence of relation between judges and public prosecutors, at least, in the countries where the latter have judicial powers.

Article 6 of the Constitution of Ukraine stipulates that the state power in Ukraine is exercised on the principles of its division into legislative, executive and judicial power. The Law of Ukraine "On amendments to the Constitution of Ukraine (regarding the judiciary)" dated 02.06.2016 No. 1401-VIII amended the Constitution of Ukraine in the field of functioning of the prosecutor's office within the general justice system of Ukraine, notably, Chapter VIII "Justice" of the Constitution of Ukraine has been complemented by Article 131-1.

Therefore, prosecutor's office should be considered as the element of the general justice system of Ukraine.

According to the amendments to the Constitution of Ukraine (which took effect on 30.09.2016), provisions regulating the activities of prosecutor's office have been included into Chapter VIII "Justice" (Article 131-1). The status of public prosecutor is regulated by the Law of Ukraine "On Public Prosecutor's Office", while the similar issues as regards the judges are stipulated in the Law of Ukraine "On the Judicial System and the Status of Judges". Following the analysis of provisions of these laws, a conclusion may be made on certain identity and at the same time, the difference of some procedures, which is reasoned, inter alia, by different functions performed by public prosecutors and judges in accordance with the Constitution of Ukraine and other legislative acts.

There are different aspects of institutional and functional independence (Bordeaux Declaration, paragraph 3). Independence of public prosecutors shall be an integral part of their tasks performance. This enhances their role in the law-governed State and society, and guarantees that the justice system is functioning on the principles of fairness and efficiency and that all the advantages of independent judicial proceedings are implemented (Bordeaux Declarations, paragraphs 3 and 8).

Independence of public prosecution bodies and public prosecutors is determined by the law. Thus, Article 3 of the Law of Ukraine "On Public Prosecutor's Office" provides for that the activity of the prosecutor's office shall be based on the principles of independence of public prosecutors, which implies existence of safeguards against illegal political, financial or other influence on a public prosecutor in connection with his/her decisionmaking when performing official duties.

Moreover, in its decision dated 03.10.2001 No. 12- пр/2001, the Constitutional Court of Ukraine underlines that stable functioning of courts and creation of appropriate conditions for functioning and activities of the courts, and also, among others, the public prosecution bodies whose activity is closely connected with the court activity, is one of the constitutional guarantees of the enforcement of citizens' rights and freedoms and judicial remedy (motivational part, paragraph 4 subparagraph 5).

Articles 16 and 17 of the Law of Ukraine "On Public Prosecutor's Office" pertaining to the guarantees of independence of public prosecutor provide for that public authorities, local self-government bodies, other state bodies, their officials and officers, as well as individuals and legal entities, and the association thereof shall have to respect the independence of public prosecutor and refrain from influencing in any form a public prosecutor in order to prevent him/her from discharging his/her official duties or taking an illegal decision.

7bis. Is the interaction of prosecutor offices with courts, police, investigation authorities and other actors in criminal procedure based on the principle of prosecutorial independence and how?

The interaction of prosecutor offices with courts, police, investigation authorities and other actors in criminal procedure is based on the principle of prosecutorial independence. Thus, Article 4 of the Code of Professional Ethics and Conduct of Prosecutors (hereinafter referred to as the Code of Ethics) also stipulates, apart from the principle of prosecutorial independence, the principle of respect for independence of judges. Public prosecutor shall be obliged to respect the independence of judges, which provides for the ban of public expression of doubts as regards the legality of judgments, outside the appeal proceedings on those judgments conducted in accordance with the procedure set forth in the law.

14bis. What is the system of allocation, re-allocation and management of cases and is it based on objective and transparent criteria respecting the independence of prosecutors?

It should be noted that we cannot understand from the content of the question, what is meant under the “system of allocation, re-allocation and management of cases”. At the moment, the Integrated Register of Pre-trial Investigations is functioning in Ukraine, which has been established and is managed under the provisions of the Criminal Procedure Code of Ukraine, in order to ensure that criminal offences (proceedings), decisions taken during the pre-trial investigation, as well as perpetrators and the outcome of criminal proceedings are registered.

At the same time, “allocation, re-allocation and management of cases” is regulated by Article 37 of the Criminal Procedure Code of Ukraine, which establishes the rules of appointment and replacement of prosecutor in criminal proceedings. Thus, the provisions of this Article provide for the guarantees of prosecutorial independence, specifically, an appointment of a prosecutor in a specific criminal proceedings, and where necessary, a team of prosecutors and the leader of such team by the chief of prosecutorial body, and also, determining the cases, where replacement of prosecutor by the chief of prosecutorial body should take place.

Where the issue pertains to the system of allocation, re-location and management of cases between prosecutors, this issue is being processed at the moment.

15bis. Is the concept of prosecutorial independence reflected in the code of ethics and professional conduct of prosecutors? If such code exists in your country, could you please inform how it was prepared and adopted, and provide its copy in English or French if available. In accordance with Article 67 of the Law of Ukraine “On Public Prosecutor’s Office” dated 14.10.2014, the Code of Professional Ethics and Conduct of Prosecutors shall be adopted by the all-Ukrainian conference of prosecutors.

Following the provisions of this Law, the Code of Professional Ethics and Conduct of Prosecutors was adopted by the all-Ukrainian conference of prosecutors on 27.04.2017.

Article 4 of this Code provides for that the professional prosecutorial activity shall be based, inter alia, on the principle of independence and self-reliance, which is described in Article 7 of this Code: “At discharging his/her official duties, prosecutor should be independent from any influence, pressure or interference with his/her professional activity, including on behalf of public authorities and self-government bodies, their officials and officers, and is obliged to counteract actively and in a way prescribed by law, to any attempts of encroachment on his/her independence. At taking specific decisions, he/she has to be independent and follow the provisions of the law, moral and ethical principles of his/her profession, dissociate himself/herself from any mercenary and private interests, political influence, pressure on behalf of the public and the mass media”.

Moreover, the Code of Ethics provides for the possibility to refrain from execution of any illegal orders and instructions as the guarantee of prosecutorial independence. Thus, where any doubt arises about the lawfulness of order or instruction given by prosecutor of the higher rank, he/she is entitled to apply to the Council of Prosecutors of Ukraine, notifying them about infringement to his/her independence.