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## Action Plan for Ukraine 2015 – 2017

Document prepared by the Office of the Directorate General for Programmes

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<sup>1</sup> This document has been classified restricted until examination by the Committee of Ministers.

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## **General overview**

The Action Plan for Ukraine 2015 – 2017 is a joint initiative of the Council of Europe and Ukrainian authorities. This Action Plan intends to support Ukraine in fulfilling its statutory and specific obligations as a Council of Europe member state and to contribute toward addressing fundamental issues of human rights and rule of law in Ukraine. The initiative renews the commitment of the Council of Europe to assist Ukraine in its necessary reform agenda in the areas of expertise of the Council of Europe – human rights, the rule of law and democracy.

The Action Plan reflects the priorities of the country, as well as issues identified in the most recent findings of Council of Europe's monitoring bodies, resolutions and recommendations with respect to Ukraine. In addition, the Action Plan draws from both the Ukraine Action Plan 2011 – 2014 and the 2014 Co-operation with Council of Europe Immediate Measure Package documents. Council of Europe bodies informing the Action Plan include the Committee of Ministers, the Parliamentary Assembly, the Commissioner for Human Rights of the Council of Europe, the Venice Commission, the European Committee for the Prevention of Torture (CPT), the Framework Convention on National Minorities and the Special Advisor to Council of Europe's Secretary General for Ukraine. Main beneficiaries of Council of Europe co-operation with Ukraine include state institutions, civil society and the public at large.

## **Implementation and Reporting Modalities**

The implementation of this Action Plan will be jointly assessed by the Council of Europe and Ukrainian authorities. For this purpose, a Steering Committee will be established, composed of representatives of the Council of Europe, the Ministry of Foreign Affairs and other national stakeholders involved in implementation of the Action Plan. The Steering Committee will meet regularly with a view to assess implementation of approved projects and to discuss relevant proposals for future co-operation.

Considering future actions through a rights-based approach is vital to maximise impact of Council of Europe co-operation activities in Ukraine, emphasising accountability of public authorities, the concepts of equality and non-discrimination, participation and empowerment of persons in Ukraine, in particular those who are the most socially and economically vulnerable. Through inclusion of civil society organisations at design, co-ordination, implementation and beneficiary levels, the Council of Europe will work toward strengthening their voice and addressing their expressed needs. Gender and civil society issues are mainstreamed throughout Council of Europe's activities.

The Council of Europe will provide regular updates on the progress and results of the Action Plan. To this end, the Office of the Directorate General of Programmes will submit interim and final reports to the Committee of Ministers.

The Council of Europe Office in Ukraine and operational services in Strasbourg will be responsible for the management and implementation of the Action Plan. In particular, the Council of Europe Office in Ukraine will play an important role in coordinating implementation of activities in the field.

Projects in the Action Plan are to be funded from multiple sources, and coordinated with the European Union delegation. Funding is provided from the Council of Europe's ordinary budget as well as voluntary contributions from donor countries and international organisations, including the European Union/Council of Europe Eastern Partnership Programmatic Cooperation Framework (PCF) for 2015-2017.

### **Overall sources of Justification**

SG/Inf(2014)40, 22 October 2014, Speaking Notes of the Secretary General to the 1210th meeting of the Ministers' Deputies (22 October 2014); Co-operation with Ukraine immediate measure package ODGProg/Inf(2014)7; Meeting between the SG and Klimkin, MFA Ukraine (2 Sept); ODGProg/INF(2014)11 Co-operation with Ukraine – Immediate Measures Package, Interim Narrative Report April – August 2014 (18 September 2014); Action Plan for Ukraine 2011 – 2014 12 June 2013; Ukraine Final Report on the Action Plan 2011 – 2014 12 November 2014; CM meeting discussions on the Situation in Ukraine; CM(2014)46 1196 Meeting, Report of the Advisory Committee on the Framework Convention for the Protection of National Minorities Ad hoc visit to Ukraine 21-26 March 2014 2 April 2014; European Social Charter European Committee of Social Rights Conclusions 2013 (Ukraine) January 2014; Venice Commission; Ukraine signatures and ratifications; PACE Recommendation 2035 (2014)1; 29 PACE Resolution 1974 (2014); PACE Doc. 13610; PACE Doc. 13542; PACE Doc. 13543; PACE Doc. 13514; PACE Doc. 13595; CoE Concept notes and project proposals; Secretary General Briefings; Co-operation with Ukraine Immediate measure package 25 March 2014; President's activities between the second and the third part of the 2014 Ordinary session 21 June 2014; CG(27)16PROV Separatist tensions in Ukraine and neighbouring countries 13 October 2014; The progress of the Assembly's monitoring procedure (October 2013 – September 2014) Report1 Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee).

## **1. Constitutional Reform and Functioning of Democratic Institutions**

### **Overview**

Constitutional reform is top on the agenda of Ukrainian authorities and the Council of Europe has provided support to strengthen the process in order to ensure that constitutional amendments are in line with Council of Europe standards, notably in the areas of elections, judiciary and decentralisation.

The Council of Europe's Venice Commission has taken a lead role in assisting Ukraine's constitutional reform efforts, through the provision of expert support to authorities. The Venice Commission has aided members of the Verkhovna Rada, Ukrainian experts and officials to develop amendments to the Constitution.

The Secretary General of the Council of Europe has additionally responded to needs in Ukraine through the appointment of a Special Advisor to assist the President of the Verkhovna Rada to provide expert assistance on constitutional and electoral reform. The Special Advisor of the Secretary General for Ukraine has further concentrated efforts on electoral and constitutional reform involving both Ukrainian authorities and representatives of Ukrainian civil society. The Council of Europe has also pursued co-operation activities which have ensured civil society involvement in the process of constitutional reform.

### **Overall objective**

To move Ukraine's constitutional and electoral reforms toward full conformity with European standards, and contribute to the effective functioning of the Ukrainian Parliament, as attested by the Council of Europe monitoring bodies and observation missions.

### **Expected results**

- The constitutional process will be supported to ensure that constitutional amendments are in line with European standards notably in the areas of elections, judiciary and decentralisation.
- Electoral legislation and process both nationally and locally will be strengthened.
- The Verkhovna Rada of Ukraine will be assisted in revising the internal rules of procedure of the Parliament.

### **Detailed Priorities**

#### **1.1. Review of the Constitution**

The Venice Commission has actively contributed to constitutional reform in Ukraine. Following Council of Europe assistance in developing Constitutional amendments in line with European standards, the Venice Commission exchanged views with the Constitutional Committee of the Verkhovna Rada and Ukrainian experts and provided its Opinion on constitutional amendments. This discussion was followed by submission of draft amendments prepared by the Ukrainian President to the Venice Commission, which provided an opinion in July (adopted October 2014).

Ukrainian authorities have requested further assistance by the Venice Commission for ongoing aid toward developing a Constitution adapted to European standards. The Council of Europe stands ready to provide continued expertise for developing comprehensive constitutional amendments, notably in the field of judiciary, elections and local self-government in line with European standards, and to provide immediate opinion on draft amendments to the Constitution.

## **1.2. Elections and electoral law**

The Council of Europe has further been involved in assisting Ukrainian authorities to promote a fair electoral process. Support has been provided to the government of Ukraine to ensure that European standards are applied to the electoral law, for both parliamentary and local elections. In addition, the Council of Europe has worked to promote European standards specifically regarding European Court of Human Rights case law, Venice Commission and OSCE/ODIHR recommendations for electoral dispute resolution.

In addition, Council of Europe bodies were directly involved in providing assistance in view of the presidential elections which took place in the spring of 2014. Following monitoring of the presidential election process, the Parliamentary Assembly of the Council of Europe (PACE) advised on measures to improve the integrity, transparency and quality of the election process. The Venice Commission further assisted with the handling of electoral disputes by the High Administrative Court. Parliamentary elections held in autumn 2014 in Ukraine were further aided by the Council of Europe, through PACE support and the training of local election observers to contribute to the integrity, transparency and quality of the election process and work toward the prevention of electoral fraud. Additional actions focused on inclusion of civil society in elections, development of a trainers' network with experience in elections, and providing for a greater gender balance in politics. The Congress of Local and Regional Authorities of the Council of Europe also deployed an election observation mission during local elections that took place in parallel with the presidential elections.

Although the electoral framework is considered as generally adequate for the conduct of democratic elections by international observers, a comprehensive reform of the electoral system ensuring full representation of all citizens of Ukraine remains an overarching priority and a longstanding recommendation of the Council of Europe. The lack of a unified electoral code has been noted by the Council of Europe as problematic. Further, the comprehensive review of legislation on campaign finance and expenditure as well as political party transparency would benefit the electoral process, as noted in both Venice Commission opinions and recommendations by Council of Europe's Group of States against Corruption (GRECO). The Council of Europe is poised to assist the government of Ukraine to meet international standards, Council of Europe recommendations and advice, in order to strengthen Ukraine's electoral process both nationally and locally. In addition to efforts toward reforming electoral legislation and practice, electoral management such as effective and efficient polling stations, ballot-counting, and election day procedures will be addressed by future co-operation with the Council of Europe. The Venice Commission will further provide expertise on electoral reform and practice. Further, Council of Europe action will work toward ensuring effective mechanisms to improve skills of civil society organisations to monitor elections.

## **1.3. Effective functioning of the Ukrainian Parliament (Verkhovna Rada)**

The Rules of Procedure of the Verkhovna Rada, as laid out in the Ukrainian Constitution, regulate the establishment and operation of parliamentary groups, organisation of committees, operation of the Secretariat of the Parliament and other issues vital for the normal functioning of the parliament.

The Council of Europe has been engaged in recent co-operation activities with the Verkhovna Rada in order to strengthen the functioning of this essential body. Through the Venice Commission and GRECO, procedural guidelines on the rights and responsibilities of the majority and the opposition were addressed, as set out in PACE Resolution 1601.

The Council of Europe, through the bodies of GRECO, the European Court of Human Rights, PACE and the Venice Commission, will focus its future efforts on the Verkhovna Rada of Ukraine through assistance to revise the internal rules of procedure of the Parliament. Further, the capacity of parliamentarians to remain vigilant regarding realisation of Council of Europe standards and policies in the fields of human rights, democracy and the rule of law will be improved through work with Council of Europe experts. PACE will provide further support to the Verkhovna Rada to ensure effective functioning of the Parliament.

### ***Sources of justification***

Overall sources of Justification. Also CPL(27)4 Observation of pre-term local elections in Ukraine from 25 May 2014 (15 October 2014); Chamber of Local Authorities 27th SESSION Strasbourg, 14-16 October 2014 CPL(27)4 Observation of pre-term local elections in Ukraine 15 October 2014; Congress of Local and Regional Authorities 27th SESSION Strasbourg, 14-16 October 2014.

## **2. Reform of Judiciary**

### **Overview**

The government of Ukraine has been active in judicial reform, with the important impetus of the entry into force of the 2012 Criminal Procedure Code (CPC), adopted in line with Council of Europe recommendations. This was followed by the adoption of a number of legislative acts, including the Law on General Prosecutor Office, Law on the Bar, Law of Ukraine on Free Legal Aid, and the new law on the Public Prosecutor.

Through its co-operation activities, the Council of Europe has been invested in assisting the government of Ukraine to promote judicial reforms to strengthen public trust in Ukrainian institutions. Among other actions, the Council of Europe has provided expertise in the design, assessment and implementation of the Law on Restoring Trust in the Judiciary in Ukraine. Further, the Special Advisor of the Secretary General has recently taken on the role of representing the Council of Europe in the Judicial Reform Council advising the President of Ukraine, in order to add to strategy development on judicial reform.

### **Overall objective**

To work toward full functioning of the judicial system in line with relevant European standards and improve the daily work and effectiveness of justice in targeted courts.

### **Expected results**

- European standards on an independent, efficient and professional judiciary will be advanced in Ukrainian legislation and practice;
- Reforms in the area of execution of criminal sanctions in in Ukraine will be enhanced, in line with European standards and recommendations.

### **Detailed Priorities**

#### **2.1. Effective functioning and organisation of the Judiciary**

The Council of Europe has provided expertise in reviewing legislation on judiciary to assist in its alignment with case law of the European Court of Human Rights and Venice Commission Opinions. This has included involvement in the development of the Law on Restoring Trust in the Judiciary in Ukraine, an important piece of legislation for the Ukrainian judiciary which adopted the majority of Council of Europe recommendations, and has a direct bearing on the set-up and functioning of the judiciary and its institutions in Ukraine. The Council of Europe has also worked to support institutional independence of the judiciary, ethical standards and training, particularly as regards the European Convention on Human Rights. The Council of Europe European Commission for the Efficiency of Justice (CEPEJ) further contributed to assessing the efficiency of the judicial system and the national courts.

Increasing the independence, efficiency and professionalism of judicial systems has been an additional focus of Council of Europe co-operation activities in Ukraine. Through the HELP Network, the National School of Judges of Ukraine, the National Prosecution Academy of Ukraine and the Ukrainian National Association of Lawyers participated in annual network conferences, to share best practices and to improve co-ordination among international and national institutions on human rights training initiatives. In addition, a Council of Europe expert assessment of the current legislative framework and practices led to the recommendation that the judicial self-governance system be reconsidered, with a view to adapting the structure and optimising the transparency of judicial self-governing bodies.

Taking duly into account that a sustainable judicial reform will require amendments to the constitution, upon the request of the Ukrainian authorities, support will be provided by Council of Europe to prepare a comprehensive concept for judicial reform and put in place an adequate legal framework in conformity with international standards of independence. The Council of Europe will additionally assist the government of Ukraine to implement the Law on Restoring Trust in the Judiciary in Ukraine, including additional work on screening procedures for the judiciary. Co-operation will further include support for implementation of Ukraine's newly adopted Law on the Bar and Practice of Law, and support for involved institutions. Efficient court management and alternative dispute resolution will be bolstered by Council of Europe activities in Ukraine. Finally, the Council of Europe intends to continue support aimed at increasing the knowledge of judges and lawyers on the European Convention on Human Rights, European Court of Human Rights case law and the revised European Social Charter, which will further strengthen the human rights framework in Ukraine.

## **2.2. Criminal Justice Reform**

The Council of Europe assisted in the criminal reform process through the training and capacity development of judges, prosecutors, lawyers, criminal investigators and other criminal justice actors on matters related to implementation of the Criminal Procedure Code. Additionally, the new Law on the Prosecutor's Office fulfils a long-standing commitment of Ukraine to the Council of Europe and represents an important achievement of Council of Europe co-operation, as well as a major step in the modernisation of criminal justice in Ukraine.

Co-operation activities further focused on probation and alternative sanctions, through the provision of expert opinion on the draft Law on Probation, promotion of alternative sanctions and awareness-raising of these issues with judges and prosecutors. Capacity development of high- and middle- ranking prison staff was further advanced, as well as capacity development of Ukrainian legal professionals to better apply the provisions of the European Court of Human Rights in the investigation phase and to ensure a fair trial.

Council of Europe continued co-operation with Ukraine in this field will aim to improve the effectiveness of criminal justice in Ukraine, in order to promote effective investigations into human rights violations. The Council of Europe will contribute to the application of the new Criminal Procedure Code, including the establishment of the State Bureau of Investigations, and the strengthening of the public prosecution, while also developing the capacity of legal professionals to apply and monitor European standards in their daily work, on the basis of the Code.

Co-operation efforts will additionally aim to improve the quality of legal aid and provide support to implementation of the new Law on the Public Prosecutor's Office and the Law of Ukraine on Free Legal Aid. Council of Europe will further provide legal advice and facilitate drafting and implementation of legislation leading to the execution of relevant judgments of the European Court of Human Rights.

### ***Sources of justification***

Overall sources of Justification. Also Ukraine: Evaluation exercise - 2014 Edition European Commission For The Efficiency Of Justice (CEPEJ) Scheme For Evaluating Judicial Systems 2013 2014.

## **3. Democratic Governance**

### **Overview**

The Council of Europe has contributed to the development of effective governance in Ukraine through various means. Through its work on local and regional democracy in Ukraine, the Council of Europe has promoted European best practice and standards and worked toward increased confidence in elected representatives. Local self governance and decentralisation were advanced through co-operation with the Council of Europe, and democratic governance and stability were further supported through expert assistance on legal and institutional frameworks.

Inclusive participation of national, regional and local actors, both in the Ukrainian government and civil society, was a central element in Council of Europe's work on democracy in Ukraine. The implementation of democratic reform was advanced through Council of Europe activities in promoting education for democratic citizenship, as well as development of sustainable approaches for local development through a focus on culture, heritage and diversity in Ukraine, guided by Council of Europe standards.

## **Overall objective**

To improve the quality of democracy in Ukraine, by strengthening local self-governance, advancing education for democratic citizenship and supporting local democratic processes for strategic revitalisation.

## **Expected results**

- Expertise and support will be provided to enable reform of local self-government and review and develop relevant reform legislation in line with the principles and standards of local and regional democracy;
- Training and provision of educational resources will be provided for human-rights education and democratic youth participation;
- Local participatory democratic processes will be supported to implement strategic revitalisation, contributing to social and economic sustainable development;
- Intercultural integration will be furthered through the development of a comprehensive intercultural strategy.

## **Detailed Priorities**

### **3.1 De-centralisation and Local government reform**

Ukraine agreed to a number of commitments when acceding to the European Charter on Local Self-Government in 1993. The adoption of the Concept of Local Self-governance in April 2014, following assistance from Council of Europe in its development, signalled the beginning of the key process of de-centralisation. A new Council of Europe Congress of Local and Regional Authorities (Congress) Post Monitoring-procedure was launched in May 2014, aiming at the concrete implementation of Congress recommendations on Local Self-Government.

The Council of Europe has been invested in strengthening the institutional capacity of local authorities by supporting the implementation of European standards of good governance. Expert opinions were provided on local self-government reform and territorial organisation and laws drafted on the Right of Territorial Communities for Amalgamation and on Co-operation of Territorial Communities, with assistance by Council of Europe experts. In 2014 the Venice Commission provided input to the decentralisation reform through assessment of relevant draft constitutional amendments. Authorities were also aided in discussion of Recommendation 348 (2013) on local and regional democracy in Ukraine, which was adopted by the Congress.

Benchmarking of principles of good governance in Ukraine, as well as providing best practice for Ukrainian municipalities further advanced the improvement of local government. Toolkits were developed to strengthen institutional capacity, and ethics codes and rules of procedure were advanced for local government associations. The Council of Europe supported the adoption of the Leadership Academy Programme to train local authorities and further develop local government associations. Task forces focusing on decentralisation and local government reform were advanced through Council of Europe co-ordination. The Congress of Local and Regional Authorities additionally observed Ukraine's pre-term municipal elections, and provided legal opinion to the Venice Commission on constitutional amendments, leading to preliminary opinion on local self-government and decentralisation in Ukraine.

In the coming period, the Council of Europe intends to continue its assistance to both national and local authorities through provision of legal expertise regarding legislation focusing on local self-government and decentralisation, including territorial reform, inter-municipal co-operation and participatory democracy. Through active involvement in task forces, the Council of Europe will assist local authorities to realise legislation currently in place, including advancing the concept of Local Self-Governance, the competences of local authorities, local budgets and finance. Authorities will be supported to implement relevant Council of Europe recommendations, and stakeholders will be aided in improving institutional dialogue. Authorities at all levels will be made more aware of European standards in the field of local self-government. The Council of Europe's co-operation activities will further strengthen the legal and institutional frameworks to improve and be consistent with the European Charter on Local Self-Government. Institutional and leadership capacities of local elected representatives will be enhanced and awareness on the role and responsibilities of local elected representatives as part of the overall governing system will be developed. A post-monitoring programme is currently in development for 2015 by the Congress of Local and Regional Authorities of the Council of Europe.



### 3.2. Education for Human Rights and Democratic Citizenship

Co-operation in the field of Education for Human Rights and Democratic Citizenship involved developing sustainable mechanisms for its promotion in Ukraine, in accordance with the objectives and principles of the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education (EDC/HRE). Through capacity development of education professionals, young people and local actors and efforts to empower young people to take action at a community level, the Council of Europe endeavoured to put principles of the Council of Europe Charter on the EDC/HRE into practice. The Council of Europe will continue to actively work to promote human rights and democratic citizenship through strengthening the democratic culture in schools, in order to prepare young people for life as active citizens in democratic societies.

Schools in Ukraine will be supported with technical assistance and training to increase active democratic citizenship. Individual education professionals and relevant civil society actors will receive training in education for democratic citizenship and/or human rights, as applied in educational facilities, and co-operation with relevant state actors to promote these concepts within educational institutions will be prioritised.

### 3.3. Democratic Governance and Managing Diversity

Through co-operation with national and local government, the private sector and civil society, the Council of Europe has focused on efficient community-building based on culturally diverse resources and interests in cities in Ukraine, as well as in the region. Through the Kyiv Initiative the Council of Europe has demonstrated added value of co-ordinated and inter-disciplinary planning across a range of key functions, including heritage and environmental protection, tourism, cultural, education and economic development, while seeking public involvement and benefit wherever possible. The Ukrainian intercultural cities network was established with the aim to promote intercultural dialogue in Ukraine by enhancing cross-sector exchanges between education, culture, economy and media sectors. The regular and committed work of city officials to engage people of different backgrounds and organise participatory processes has reinforced local democracy and deepened trust between members of minorities.

The Council of Europe intends to build upon its work on strategic revitalisation of target areas in Ukraine by assisting national, regional and local authorities to contribute to social and economic sustainable development. Further, experience gained by Ukrainian cities through their involvement in the Inter-cultural Cities network will be utilised to further intercultural integration through systematically working toward the development of a comprehensive intercultural strategy and competence, with the use of Council of Europe instruments, examples and other resources, and expert support.

#### **Sources of justification**

See overall sources of justification.

## 4. Economic Crime

### Overview

In its compliance report of March 2014, the Group of States against Corruption (GRECO) concluded that Ukraine had implemented over half of its recommendations in a satisfactory manner. Additional steps are needed to adopt laws and facilitate full implementation of new legislation on anti-corruption, as well as carry out the national anti-corruption policy in line with GRECO recommendations.

The government of Ukraine has been active in its efforts to fight corruption, through reforms to its legal and institutional framework tackling corruption, cybercrime. The Council of Europe stands ready to continue providing expert assistance and advice on strengthening national institutions' capacities, improving the regularity framework in line with the Council of Europe standards and developing training concepts and programmes.

### Overall objective

- To better prevent and suppress corruption, money laundering and cybercrime by strengthening institutional capacities and practice as well as improving the legal framework, in line with GRECO, GRETA and MONEYVAL advice and recommendations, as well as the Budapest Convention.

## **Expected results**

- Ukrainian anti-corruption legislation and policies will be improved, and capacities of the respective Ukrainian institutions will be further developed for effective and efficient implementation;
- The Ukrainian authorities will further develop and improve the anti money-laundering/countering the financing of terrorism system in line with European standards and MONEYVAL recommendations;
- Criminal justice authorities, relevant institutions, and stakeholders of Ukraine will co-operate effectively against cybercrime, in line with European and international standards and practice.

## **Detailed Priorities**

### **4.1. Fight against corruption**

The government of Ukraine has recently taken important legislative steps as regards corruption, with assistance by the Council of Europe. In October 2014, the Verkhovna Rada adopted a package of laws concerning the fight against corruption, approving the Anti-Corruption Strategy for 2014 – 2017 and authorising the creation of an Anti-Corruption Bureau. The Council of Europe assisted with the new Anti-Corruption Action Plan. The Ukrainian income and asset declaration system was also assessed, with some recommendations incorporated into draft amendments to the legislation on income and asset declarations. Draft laws pertaining to corruption received comment and suggestions by Council of Europe bodies, which were taken into account by the Verkhovna Rada. Training programs, workshops and manuals were also designed to optimise knowledge of current European standards in corruption.

The Council of Europe intends to continue co-operation in good governance and the fight against corruption, in line with GRECO recommendations and European standards. Specifically designed training on the liability of legal persons for corruption offences are currently being organised. The compatibility of laws in the recently passed anti-corruption package and their implementation in accordance with CoE standards will be ensured through GRECO/Council of Europe activities in Ukraine. Through support to Ukraine in anti-corruption activities, Ukraine will be assisted in the creation of transparent and accountable institutions. The Council of Europe will further act to strengthen Ukrainian government capacity to prevent corruption, while also bolstering law enforcement agencies' institutional capacity to investigate and prosecute corruption-related offences. Assistance to newly elected legislators for issues pertaining to corruption is envisioned, through a variety of activities and involving experts from GRECO, the Parliamentary Assembly and the Venice Commission. Peer-to-peer exchanges, lobbying regulations, and staff training will further be provided. The development of a code of conduct for Parliamentarians to respond to concerns arising regarding political favouritism, conflict of interest and the use of parliamentarian's mandates will further be pursued.

### **4.2. Fight against Money Laundering**

In the most recent progress report on Ukraine by the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), Ukraine was seen as having made concrete progress in its efforts against money laundering with almost all shortcomings identified in the third round mutual evaluation report appearing to have been addressed. Some additional efforts on the issues of corporate criminal liability and terrorism would be needed for full respect of Core Recommendations of the Financial Action Task Force, as well as clarifications in the preventive regime.

Council of Europe action on these issues will include working with Ukrainian authorities to further develop and improve the Anti-Money Laundering/Counter Financing of Terrorism system in line with European standards and MONEYVAL recommendations. Domestic co-operation and capacity at central and regional levels in key areas, such as financial investigation and supervisory oversight of banking, will be reinforced. Finally, the Council of Europe will assist the government of Ukraine to enhance legislative, regulatory and supervisory functions of the State Committee for Financial Monitoring of Ukraine, the National Bank of Ukraine, the State Securities and Stock Market Commission, and the State Financial Services Market Regulation Commission.

### 4.3. Fight against Cybercrime

Ukraine is a Party to the Convention on Cybercrime (Budapest Convention) and participated in the CyberCrime@EAP project on cybercrime under the Eastern Partnership Facility. In the context of Ukraine's co-operation with the Council of Europe, authorities have defined strategic priorities regarding cybercrime and have assessed measures taken in this regard. Further, the Council of Europe has provided Ukraine with the tools for action against cybercrime, including action in international cybercrime efforts.

A draft cyber security strategy for Ukraine has been prepared by the Government and is expected to soon be adopted. In addition, a new law was drafted to address a number of gaps following the entry into force of the new Criminal Procedure Code. Advice was provided on the establishment of specialised units. Ukraine considerably strengthened its institutional capacities, with a separate Cyber-crime Department, established in 2012 within the Ministry of Interior and cyber-crime units within the State Security Service. Ukraine further developed judicial and law enforcement training concepts. Ukraine currently has an active role in linking investigations on cyber-crime with those on money laundering and proceeds of crime, and serves as an example for other Eastern Partnership countries.

Some remaining challenges relating to co-operation against cyber-crime will be addressed under follow-up projects on cyber-crime, such as the completion of the cyber-crime legislative reforms (procedural law and related safeguards), completion of judicial training strategies on cyber-crime, enhancing capacities for international co-operation in terms of police-to-police co-operation and the provision of support to the implementation of the draft cyber-security strategy. Further, the Council of Europe will work to strengthen criminal justice capacities in the field against cybercrime on the basis of the Budapest Convention, including support for a high-tech crime unit and law enforcement for internet service provider co-operation, measures against child pornography, and efficient international co-operation.

#### **Sources of justification**

Overall sources of Justification. Council of Europe anti-torture Committee visits Ukraine 18.09.2014; Greco RC-I/II (2009) 1E 4th Addendum Joint First and Second Evaluation Round Fourth Addendum to the Compliance Report on Ukraine Adopted by GRECO at its 63rd Plenary Meeting 31 March 2014; Convention on Cybercrime (ETS No. 185); Assessment by Cybercrime Convention Committee (T-CY); Assessment and recommendations from CyberCrime@EAP (Eastern Partnership).

## 5. Human Rights

### Overview

Human rights protection is an essential issue for the government of Ukraine, and the Council of Europe has taken an important role in assisting Ukraine to work toward meeting European standards in human rights.

The Commissioner for Human Rights has been active in efforts to advance human rights in Ukraine, through visits, reports and recommendations. In a February 2014 report, the Commissioner provided an independent analysis of the primary human rights issues observed to that point, upon which a road-map to assist Ukrainian authorities in addressing core human rights issues was developed. Further, the Office of the Commissioner for Human Rights of the Council of Europe has deployed a Human Rights Adviser in Kyiv, who closely follows human rights developments in Ukraine and remains in direct contact with human rights actors in situ. The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has additionally been active in its work in Ukraine, with an ad hoc visit to Ukraine in September 2014.

The Secretary General of the Council of Europe established the International Advisory Panel to ensure that investigations of violent incidents which took place in Maidan and Odessa from November 2013 onwards meet all the requirements of the European Convention on Human Rights and the case law of the European Court of Human Rights. Co-operation was pursued through working sessions, visits and national stakeholder meetings to further assess needs and to agree on supportive measures. The Special Advisor of the Secretary General for Ukraine has likewise been present in efforts to improve human rights in Ukraine, through assessments of reform needs and projects with authorities, representatives of civil society and of the international community.

The current development of a National Strategy on Human Rights to improve the legal and institutional framework of human rights protection, and to set up a mechanism for comprehensive support to the implementation of individual rights and freedoms in Ukraine is a welcome development. This political document will be followed up by a Human Rights Action Plan, developed with the assistance of the Council of Europe together with the United Nations.

### **Overall objective**

To enhance co-operation between the Council of Europe and Ukraine in the area of human rights protection.

### **Expected results**

- To support the authorities and society to address effectively issues of ill-treatment, impunity and human rights violations in line with the Council of Europe standards and the monitoring bodies recommendations (CPT);
- To improve conditions in prison in line with European standards and best practice;
- The crucial role of the police in the protection and advocacy of human rights will be strengthened by promoting a more humane and socially effective policing;
- The capacity of national authorities to fight against human trafficking will be improved;
- European Court of Human Rights case law will be made available and better understood by legal professionals;
- To enhance the capacity of the Ombudsman's institution to effectively address a wide range of human rights violations by non-judicial means;
- To reinforce the right to freedom of assembly;
- To promote freedom of media in line with European standards;
- To support authorities in restoring minority communities' confidence in public authorities and institutions, including the Roma community;
- To provide tools and expertise in legislative and institutional Anti-discrimination frameworks;
- To enhance the national authorities' capacity to address the issues of IDPs;
- To enhance capacity of national institutions to prevent and combat domestic violence;
- To enhance the capacity of national institutions to promote and protect children's rights, to develop child-friendly services and systems as well as to increase awareness of violence, and in particular sexual violence;
- To support the further development of Youth Policy;
- To reinforce civil society and to promote an inclusive approach in dialogue with civil society.

### **Detailed Priorities**

#### **5.1. Prevention of torture and ill-treatment and the fight against impunity; Police and Penitentiary reform**

##### *Prevention of torture and ill-treatment and the fight against impunity*

The Council of Europe works to address the problem of ill-treatment and prevention of torture in Ukraine, including through the provision of courses on ill treatment for judges and legal professionals, in co-operation with the European Committee for the Prevention of Torture (CPT). Training was also provided to the Ukrainian Parliamentary Commissioner for Human Rights, also known as the Ombudsman Institution, to implement the preventive mechanism to reduce the incidence of torture and ill-treatment in prisons in co-operation with civil society groups. In response to recent events in Ukraine, an International Stakeholder Conference was organised to address the state of investigations of the Maidan events and human rights violations and develop complementary capacity-building measures. National capacities for combating ill-treatment by law enforcement agencies and penitentiary institutions were strengthened through Council of Europe co-operation, including strengthening the effectiveness of investigations of allegations of ill-treatment.

Recommendations from the Council of Europe have shaped the government approach toward protection against ill-treatment. The Council of Europe, including the CPT, has made several recommendations to Ukrainian authorities for the establishment of an independent agency specialised in the investigation of complaints against police officers and other public officials. The creation of the State Bureau of Investigations can be seen as a good opportunity for implementing these recommendations. The policy of zero tolerance for ill-treatment has officially been declared a priority of the government and systematically introduced in the strategic human rights documents of Ukraine, in line with CoE recommendations.

The current action by Council of Europe aims to further develop national capacities for combating ill-treatment by law enforcement agencies and investigative institutions, including strengthening the effectiveness of investigations into allegations of ill-treatment and improving the conditions of detention centres. The Council of Europe will aid in the continuing development of the national regulatory framework to incorporate guarantees against ill-treatment, in line with international standards. Special attention will be paid to the findings and recommendations of the International Advisory Panel. In addition, clear guidelines limiting the use of force by police should be established. Actions to support judicial reform, including an increase of independence and professionalism of the judiciary would be necessary to regain public trust. The Council of Europe is further poised to assist in reform of the Prosecutor's Office, together with clear and transparent criteria and procedures for the selection, appointment and promotion of prosecutors.

Through these actions, allegations of ill-treatment will be effectively investigated in conformity with the ECHR criteria of independence, adequacy, promptness, exposure to public scrutiny and victims' involvement. The judicial practice in cases of ill-treatment will be streamlined, ensuring that the sanctioning policy corresponds to the gravity of infringements of human rights and prevents impunity.

#### *Police and Penitentiary*

The Council of Europe has been involved in several legislative reform processes through parliamentary committees and bilateral consultations with authorities, providing advice and facilitating expert comments to the Government of Ukraine. This includes amendments to the law on the status of prisoners, detention on remand and effective remedies to challenge conditions of detention. A multilateral Round Table was held in the summer of 2014, focusing on awareness and knowledge of national stakeholders on requirements of the European Convention on Human Rights concerning effective domestic remedies to challenge poor conditions of detention. Further, action taken by prosecutors to investigate allegations of ill-treatment of detained persons by law enforcement officials during the "Maidan events" in Kyiv were reviewed by the CPT.

The Council of Europe has engaged in a number of co-operation activities focusing on both the police and penitentiary systems in Ukraine. Through CoE actions, support has been provided to Ukraine in setting up a remedy to challenge conditions of detention and execute relevant judgments concerning detention on remand. Treatment programmes and rehabilitation of prisoners have been improved, and a legislative framework was developed for the establishment of a probation service and improved institutional capacities for the implementation of community sanctions, in line with Council of Europe recommendations and CPT standards.

The Council of Europe further aided in increasing the quality of legal aid and stands ready to continue providing support the training of legal professionals, police, and prison staff on protection of human rights during police activities and in detention facilities, the implementation of codes of ethics and disciplinary mechanisms for promoting zero tolerance against ill-treatment. Finally, the mechanism of monitoring detention facilities by the Ombudsman will be strengthened and the framework of civilian monitoring will be enhanced and harmonised.

## **5.2. Trafficking in Human Beings**

The Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) published their first evaluation report on Ukraine in September 2014. Although the legal and institutional framework for addressing trafficking in human beings was welcomed by GRETA, areas for improvement were identified, including awareness raising and actions to suppress trafficking for labour exploitation, internal trafficking and the trafficking of foreign nationals to Ukraine. Support for Ukrainian institutions and legal professionals faced with issues pertaining to human trafficking, as well as strengthened victim assistance and witness protection systems would also contribute to addressing the problem.

Co-operation activities in the field of anti-trafficking will assist in working toward full implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197), as an effective instrument in the fields of prevention of trafficking, prosecuting traffickers and protecting victims. The capacity of key institutions involved in the fight against trafficking of human beings will increase, and legislative procedures and mechanisms will be created to ensure timely assistance for victims of trafficking.

### **5.3 Ombudsman**

The Council of Europe has provided strong support to ensure the effective functioning of the Ombudsman's Office. Co-operation activities have contributed to reinforcing the capacity and competences of the Ombudsman institution to effectively address a wide range of human rights violations. Human rights violations of all types were addressed both by the Ombudsman Office screening the compatibility of national laws, regulations and administrative practices with human rights, as well as by providing non-judicial means of redress to individuals, especially from vulnerable groups. Through further co-operation, the operational capacities of the Ombudsperson's Office in Ukraine will be bolstered, particularly in the areas of ill-treatment in places of deprivation of liberty, non-discrimination, and data protection. Further, actions to strengthen the capacity of the Ombudsman's Office to efficiently carry out its National Preventive Mechanism functions would assist in strengthening the human rights framework in Ukraine.

#### *National Preventive Mechanism (NPM)*

The new National Preventive Mechanism has begun to fulfil its mandate, and requires co-operation in view of improving the qualifications of involved staff. The Council of Europe is prepared to provide its assistance for effective implementation of the Law on the National Preventive Mechanism. Council of Europe involvement could also include assistance in capacity development of the National Preventive Mechanism of the Ombudsperson's Office as regards CPT methodology and standards, provision of technical support, clarification in the relationship between the NPM and law officials, and the use of materials obtained by the NPM in the framework of possible civil, criminal or disciplinary proceedings.

### **5.4 Freedom of Assembly**

The Council of Europe has developed an important *acquis* on substantive and practical aspects related to the freedom of assembly in Europe, identified by the CoE standard-setting and monitoring bodies. The European Court of Human Rights in particular has interpreted and developed Articles 10 and 11 of the European Convention on Human Rights (ECHR) in its case law. Other bodies which have issued important substantive guidance are the Venice Commission and the Commissioner for Human Rights of the Council of Europe.

The Council of Europe has worked to address the right to freedom of assembly in Ukraine through various means. A needs assessment was carried out and supportive measures agreed for a new legal framework for public assemblies taking into account the European Court of Human Rights judgement on *Vyerentsov vs. Ukraine* (20372/11). Action further included a strategy seminar on best practices for police during public assemblies, and awareness raising for judges and prosecutors on the consequences of the *Vyerentsov v. Ukraine* judgement, as pertains to freedom of assembly and association, the right to a fair trial and the right to judicial process before punishment.

Follow up action by the Council of Europe in this regard includes assistance in the drafting and adopting of the legal framework for public assemblies, as well as implementation assistance upon request from Ukrainian authorities.

### **5.5. Freedom of the Media**

Ukraine has committed to "guarantee freedom of expression and the independence of the media and journalists, and particularly to exclude the use of administrative measures to restrict the freedom of the media". Freedom of expression, including media independence, professionalism, pluralism and diversity, remains a crucial commitment of the country. The institutional framework for prevention and effective investigation as regards the safety of journalists needs to be reinforced.

Co-operation activities hitherto in the field of media in Ukraine have focused on improving the legal and institutional framework regulating the media, establishing a genuine public broadcasting service and contributing to raising professional standards in journalism. Assistance and support was ensured to facilitate the implementation of the recently adopted Law on Public Broadcasting. Freedom of expression was promoted through further aligning the legal framework for the media with international standards, and a conference was organised on the safety of journalists. Further, public officials, journalists and civil society representatives across the country were trained on the application of relevant laws regarding access to official documents, to work toward the professionalism of the media.

Future action by the Council of Europe will take into account identified gaps in the media sector. Assistance with setting up a fully-fledged Public Broadcaster in accordance with the new legislation adopted in May 2014 will remain a crucial priority of CoE action. Ukraine will further be supported to take necessary legislative measures to guarantee media pluralism during electoral campaigns. Freedom of expression on the internet will further be strengthened, in line with the principles set by Article 10 of the ECHR, and an effective system of protection of individuals will be advanced, with regard to their right to privacy and right to control their personal data.

## **5.6. Protection of persons belonging to minorities**

The principle of equality and non-discrimination is a fundamental element in the protection of human rights. It is guaranteed by the European Convention on Human Rights (ECHR) (Article 14) and reinforced by Protocol No.12 to the Convention, which was ratified by Ukraine in 1997. Assistance is needed to sustain reforms, particularly regarding the implementation of existing legislative and policy tools in this field. Activities for the protection of the rights of the Crimean Tatars will be one of the targeted priorities.

The Council of Europe has been active in assisting legislative reform on rights of minorities, including possible amendments to the language legislation and the anti-discrimination amendments package. Focusing on the Framework Convention for the Protection of National Minorities (FCNM), co-operation activities have sought to raise awareness of both government authorities and civil society on human rights of minorities, and have worked with Ukrainian institutes to advance research aiding the development of strategic policy recommendations. The Council of Europe has assisted in the development of constructive dialogue between relevant Ministries and national minority representatives to advance minority language education, work toward restoring minority confidence in public authorities and institutions and further support progress in the areas of education rights and the effective participation of national minorities in public life. The CoE holds ongoing consultations with national minority representatives in Kyiv and in the regions to learn about their concerns, to raise their awareness on international minority rights protection standards, and to enhance the visibility of the role of the Envoy and the Inter-ethnic Accord Council as a newly-established mechanism to facilitate consultation between Government and national minorities.

The Council of Europe has undertaken activities specific to safeguarding the rights of the Roma population, including organising trainings, workshops and seminars for government officials and civil society, and assisting on the elaboration and adoption of National Strategies for the Protection and Integration of the Roma and subsequent Action Plans. This strategy covers the legal protection of Roma, improvement of their social protection and employment as well as to further develop their ethnic and cultural identity. Training for Roma cultural mediators and social workers was also supported by Council of Europe co-operation activities.

The Council of Europe stands ready to assist Ukraine in improving the protection of minorities, including at the local level, as well as contributing to their social inclusion. Strengthening Human Rights legal and institutional frameworks, in line with recommendations from CoE monitoring bodies, will enhance the effectiveness of Ukraine's systems of minority rights protection and work toward an improvement in the relationship between public authorities and institutions and national minorities. If requested, the Council of Europe will also continue to assist the authorities in improving the legal framework for minority languages. Efforts to improve ethnic data collection and provide training to law enforcement officials on human rights and issues pertaining to racism and racial discrimination would reinforce protection of minorities in Ukraine. Through Council of Europe co-operation, activities will contribute to improve inter-ethnic respect, understanding and de-escalation of tension.

## **5.7. Anti-discrimination**

The Council of Europe has been involved in combatting discrimination in Ukraine through co-operation activities addressing gender equality, rights of persons with disabilities, multiculturalism and hate speech. Guided by the European Convention on Human Rights and the Revised European Social Charter, Council of Europe has worked to bolster the capacity of lawyers to effectively protect human rights, especially with regard to discrimination. Through training in the ECHR and RESC, development of a handbook on European Non-Discrimination Law and updated information on European Court of Human Rights Case Law, lawyers and human rights defenders' capacities were further developed enabling progress in minority protection in Ukraine. The Council of Europe has further worked toward the goal of functional multiculturalism through the development of teaching materials and methodologies for new approaches when teaching history in a multicultural context, providing competence-oriented training for history educators from different regions of Ukraine and through a No Hate Speech Movement campaign.

Following ratification of the UN Convention on the Rights of Persons with Disabilities (CRPD) and Promotion of Rehabilitation of Persons with Disabilities in 2009, the Ukrainian National Action Plan for the Implementation of the CRPD in Ukraine has been supported since 2012. Certain legislative improvements and developments resulted from that ratification, and were supported by CoE legal instruments, exchange of experience and good practice as well as assistance activities.

Co-operation activities in Ukraine will continue to focus on anti-discrimination through continued strengthening of lawyers' capacity to apply European Standards, in particular ECHR and RESC. The project will provide Ukrainian lawyers and human rights defenders with an analysis of national legislation that can be used in courts to defend against discrimination. Assistance in the implementation of the CoE Disability Action Plan 2006-2015 will further continue in priority areas such as education, vocational training, rehabilitation and employment of people with disabilities. Promotion of gender equality standards and mechanisms will additionally be furthered, including elimination of all forms of gender discrimination through the creation and reinforcement of monitoring mechanisms at both central and local levels.

## **5.8. Social rights**

The Council of Europe has engaged in actions in Ukraine to strengthen the social service and social security systems, as well as addressing problems related to drug use and policy. Through its work targeting Ukraine's prison population, the Council of Europe has acted to bring Ukrainian drug policies and practices closer to European standards. The Council of Europe has conducted training seminars, study visits and pilot projects for professionals working with prisons, established a quality centre to tackle drug problems in prisons, and conducted a feasibility study and recommended changes in drug policies and practices.

The Council of Europe will endeavour to enhance the respect of social rights in Ukraine in line with the provisions of the European Social Charter, the European Code of Social Security, the New Strategy, the Council of Europe's Action Plan for Social Cohesion, and other relevant instruments. Through its co-operation programs, Ukraine will be assisted to prepare accession to provisions yet to be accepted, including a collective complaints procedure. Assistance will be given to bring Ukrainian legislation and practice in full conformity with European norms and strengthen the legal framework, reinforcing social services and ensuring the long term sustainability of the Ukrainian social security system, particularly pensions and health insurance.

## **5.9. Internally Displaced Persons**

The increasing number of displaced populations resulting from the ongoing conflict in the eastern regions represents a significant challenge from a humanitarian and human rights protection standpoint. On 20 October 2014, the Verkhovna Rada adopted the Law on rights and freedoms of internally displaced persons, which represents a good basis for addressing needs of internally displaced persons. In preparation for the adoption, the Ukrainian authorities consulted closely with the Special Advisor to the Secretary General of the Council of Europe, UNHCR, and Ukrainian NGOs.

Based on a request by the Ukrainian authorities, the Council of Europe will continue to provide coordinated support, along with the UNHCR and other specialised agencies, with a view to improving protection systems and mechanisms for internally displaced persons, notably through an effective implementation of the law on IDPs.



## **5.10. Domestic Violence**

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, otherwise known as the Istanbul Convention, was signed by Ukraine in November 2011 and still awaits ratification. The CoE has provided Ukrainian authorities with legislative expertise to bring Ukrainian legislation into line with the Istanbul Convention and to enable the Parliament to ratify the Istanbul Convention, as well as with a number of recommendations on implementing its provisions in Ukrainian policy and practice. Translations of the Explanatory Report to the Istanbul Convention into Ukrainian were made available to lawmakers and other national actors.

The Council of Europe intends to continue its work toward ratification and full implementation of the Istanbul Convention. Smart lines of prompt reaction will further be developed for people in difficult living conditions, including victims of domestic violence, human trafficking and persons facing gender discrimination.

## **5.11. Children's rights and youth**

### *Children's Rights*

Ensuring the human rights of children is an issue of great concern to the Council of Europe, and is reflected in co-operation undertaken in Ukraine in the recent period. Action has contributed to the strengthening and protection of human rights through efforts to prevent violence against children, including sexual exploitation and sexual abuse. Stakeholders in judicial systems have also been introduced to guidelines on child-friendly justice, and Council of Europe further called together international experts to analyse the ability of state protection mechanisms to protect children's rights, resulting in recommendations submitted to Ukrainian authorities.

Efforts on advancing children's rights will continue, with Council of Europe efforts to increase government commitment to accede and effectively implement UN and Council of Europe norms on the rights of the child, in particular the Council of Europe Conventions on the Protection of Children against Sexual Exploitation and Sexual Abuse, on Action against Trafficking in Human Beings and Cybercrime. The development of a National Action Plan and Strategy on Child Rights will be advanced. Council of Europe will further encourage authorities to take the best interests of children into account in judicial proceedings, in line with guidelines on child-friendly justice.

### *Youth*

The Council of Europe developed a Framework Programme for youth policy in Ukraine in line with the State Target Social Programme "Youth of Ukraine" for 2009-2015. This programme contributes to the development of policy on matters pertaining to the development of youth mobility, youth participation, cultural diversity, discrimination, and healthy lifestyles for children and youth. Through trainings, publications, policy reviews, and seminars, Council of Europe's actions strengthened policies supporting youth in Ukraine. A Teacher-training program was designed to follow up on results from the Youth Forum for Democracy and Human Rights at School in Ukraine, and further Youth Forums planned annually. Higher education reform was further a focus of the Council of Europe's work on young people, targeting the legal and qualifications frameworks, in line with the principles of the European Higher Education Area.

A renewed bi-annual Framework Programme on Co-operation in the field of youth policy was developed for 2014 – 2015. Future actions of the Council of Europe include the provision of support to a pool of trainers and multipliers for youth participation for network development, further learning opportunities, follow-up of participant projects, and implementation of youth activities at regional and local levels. The importance of teacher training and education will additionally be emphasised through Council of Europe's activities, and activities will work to promote the key role of education in promoting human rights, democracy and the rule of law.

## 5.12. Civil society

The Council of Europe has provided support through its co-operation activities to promote the effective participation of civil society in the constitutional process and legislative reform work. Civil society networks and their co-ordination were strengthened through dialogue and exchange of good practices, as well as regional strategy planning. Joint trainings were undertaken with both civil servant and civil society representatives on the Code of Good Practice for Civil Participation in the Decision-making Process of the INGO Conference. Further, mechanisms were established for organised civil society participation, and awareness of key issues of public policy, principles of democracy, rule of law and human rights was raised amongst civil society participants.

Together with Ukrainian partners, the Council of Europe is currently mapping legislation, its implementation, and established practices for the functioning of civil society organisations in Ukraine and their interaction with authorities. The Council of Europe is further conducting a special course via the Ukraine School of Political Studies for participants from Eastern and Southern Ukraine on key issues of public policy, to help restore trust and mutual understanding, as well as to promote reconciliation and harmonisation of regional positions on major political and social concerns.

### **Sources of Justification**

Overall sources of Justification. Also GRETA(2014)20 Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ukraine First evaluation round 19 September 2014; Also Statement by the European Commission against Racism and Intolerance concerning Ukraine 27.03.2014; European Charter For Regional Or Minority Languages Application Of The Charter In Ukraine 2nd monitoring cycle 15 January 2014; HR Commissioner communications 2014; CRI(2012)6 ECRI Report On Ukraine (fourth monitoring cycle) Adopted on 8 December 2011 21 February 2012; ECtHR judgments with findings of violations in Ukraine (non-execution of domestic court judgments, prolonged and unjustified detention periods, violations of fair trial, property rights and other provisions of the ECHR); Report by the Council of Europe Commissioner for Human Rights on his visit to Ukraine, 10–17 December 2006; Interlaken Declaration; Requests by national authorities and partner institutions for activities and consultations with the European Court of Human Rights (ECtHR) and the Department for the Execution of Judgments of the ECtHR; The case-law of the European Court of Human Rights; CPT country visit reports and the standards developed in its annual general reports; Council of Europe Recommendations in the penitentiary field, especially the European Prison Rules; CM/CoE Recommendations (98)7 concerning the ethical and organisational aspects of health care in prison; CPT country visit reports and the standards developed in its annual general reports; the country reports of the Council of Europe Commissioner for Human Rights; Recommendation CM/Rec(2000)10 on the European Code of Police Ethics; ECtHR judgments with findings of violations in Ukraine with regard to ill-treatment and its improper investigation (the recent quasi-pilot judgment is *Kaverzin v. Ukraine*, 2012); Reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on periodic visits to Ukraine; Reports by the Council of Europe Commissioner for Human Rights on his visits to Ukraine; Interlaken and Brighton Declarations; Requests by national authorities and partner institutions for activities and consultations with the European Court of Human Rights (ECtHR) and the Department for the Execution of Judgments of the ECtHR; European Convention on Human Rights (article 11); European Social Charter (article 5, 6); the Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (General Assembly resolution 53/144 (A/RES/53/144), 8 March 1999; CM Resolution (2008) 23 on the youth policy of the Council of Europe, work priorities of the youth sector as fixed by the Joint Council on Youth; Reports by the Council of Europe Commissioner for Human Rights; information notes and reports by the PACE Monitoring Committee; opinions of the Venice Commission and the Expert Council on NGO Law

## Synopsis of the Council of Europe Action Plan for Ukraine 2015-2017

### Overall objectives

The Council of Europe supports Ukraine in fulfilling its statutory and specific obligations, in consolidating the country's achievements since its accession in 1995, and in meeting new challenges as a Council of Europe member state. The Organisation remains committed to supporting Ukraine's domestic reform in the key areas of expertise of the Council of Europe.

<b>Key sectors of intervention</b>				
<b>CONSTITUTIONAL REFORM</b>	<b>REFORM OF JUDICIARY</b>	<b>DEMOCRATIC GOVERNANCE</b>	<b>ECONOMIC CRIME</b>	<b>HUMAN RIGHTS</b>
<b>Sector Objectives</b>				
To move Ukraine's constitutional and electoral reforms toward full conformity with European standards, and contribute to the effective functioning of the Ukrainian Parliament.	To work toward full functioning of the judicial system in line with relevant European standards and improve the daily work and effectiveness of justice in targeted courts.	To improve the quality of democracy in Ukraine, by strengthening local self-governance, advancing education for democratic citizenship and supporting local democratic processes for strategic revitalisation.	To better prevent and suppress corruption, money laundering and cybercrime by strengthening institutional capacities and practice as well as improving the legal framework.	To enhance co-operation between the Council of Europe and Ukraine in the area of human rights protection.
<b>Expected Results of Sector</b>				
<ul style="list-style-type: none"> <li>- The constitutional process will be supported to ensure that constitutional amendments are in line with European standards notably in the areas of elections, judiciary and decentralisation.</li> <li>- Electoral legislation and process both nationally and locally will be strengthened.</li> <li>- The Verkhovna Rada of Ukraine will be assisted in</li> </ul>	<ul style="list-style-type: none"> <li>- European standards on an independent, efficient and professional judiciary will be advanced in Ukrainian legislation and practice;</li> <li>- Reforms in the area of execution of criminal sanctions in Ukraine will be enhanced, in line with European standards and recommendations.</li> </ul>	<ul style="list-style-type: none"> <li>- Expertise and support will be provided to enable reform of local self-government and review and develop relevant reform legislation in line with the principles and standards of local and regional democracy;</li> <li>- Training and provision of educational resources will be provided for human-rights education and democratic youth participation;</li> <li>- Local participatory democratic processes will</li> </ul>	<ul style="list-style-type: none"> <li>- Ukrainian anti-corruption legislation and policies will be improved, and capacities of the respective Ukrainian institutions will be further developed for effective and efficient implementation;</li> <li>- The Ukrainian authorities will further develop and improve the anti money-laundering/countering the financing of terrorism system in line with European standards and MONEYVAL recommendations;</li> <li>- Criminal justice authorities, relevant institutions, and</li> </ul>	<ul style="list-style-type: none"> <li>- The authorities and society will be supported to address effectively issues of ill-treatment, impunity and human rights violations in line with the Council of Europe standards and the monitoring bodies recommendations;</li> <li>- Penitentiary reform will continue to be supported;</li> <li>- Conditions in prison will be improved in line with European standards and best practice;</li> <li>- The capacity of national authorities to fight against human trafficking will be improved;</li> <li>- European Court of Human Rights case law will be made available and better understood by legal professionals;</li> </ul>

<p>revising the internal rules of procedure of the Parliament.</p>		<p>be supported to implement strategic revitalisation, contributing to social and economic sustainable development;</p> <ul style="list-style-type: none"> <li>- Intercultural integration will be furthered through the development of a comprehensive intercultural strategy.</li> </ul>	<p>stakeholders of Ukraine will co-operate effectively against cybercrime, in line with European and international standards and practice.</p>	<ul style="list-style-type: none"> <li>- The crucial role of the police in the protection and advocacy of human rights will be strengthened by promoting a more humane and socially effective policing;</li> <li>- The capacity of the Ombudsman's institution to effectively address a wide range of human rights violations by non-judicial means;</li> <li>- The right to freedom of assembly will be reinforced;</li> <li>- Freedom of media will be promoted;</li> <li>- Authorities will be supported in restoring minority communities' confidence in public authorities and institutions, including the Roma community;</li> <li>- Tools and expertise will be provided in legislative and institutional Anti-discrimination frameworks;</li> <li>- National authorities' capacity to address the issues of IDPs will be increased;</li> <li>- Capacity of national institutions to prevent and combat domestic violence will be enhanced;</li> <li>- Capacity of national institutions will be developed to promote and protect children's rights, to develop child-friendly services and systems as well as to increase awareness of violence, and in particular sexual violence;</li> <li>- The development of Youth Policy will be supported;</li> <li>- Civil society will be reinforced, and an inclusive approach in sustainable dialogue with civil society will be advanced and consolidated.</li> </ul>
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**Detailed Priorities**

<p><b>Review of the Constitution</b></p> <ul style="list-style-type: none"> <li>• Support constitutional reforms</li> <li>• Promote adaptation of constitutional amendments to European</li> </ul>	<p><b>Effective functioning and organisation of the Judiciary</b></p> <ul style="list-style-type: none"> <li>• Support reform of the judicial system</li> <li>• Bolster independence of judiciary</li> <li>• Aid implementation of</li> </ul>	<p><b>Decentralisation and Local government reform</b></p> <ul style="list-style-type: none"> <li>• Support local self-government and decentralisation reforms</li> <li>• Assist in realisation of legislation in place</li> <li>• Aid in improving institutional</li> </ul>	<p><b>Fight against corruption</b></p> <ul style="list-style-type: none"> <li>• Cooperate on good governance and anti-corruption</li> <li>• Promote compatibility of laws with European standards</li> <li>• Bolster investigation capacities</li> </ul>	<p><b>Prevention of torture and ill-treatment and impunity; Police and Penitentiary reform</b></p> <ul style="list-style-type: none"> <li>• Support to police reform and fighting against ill-treatment and impunity</li> <li>• Develop capacities of law enforcement agencies and investigative institutions</li> <li>• Aid in development of national regulatory</li> </ul>
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<p>standards</p> <p><b>Elections and electoral law</b></p> <ul style="list-style-type: none"> <li>• Support to free and fair elections</li> <li>• Strengthen electoral legislation and process for full representation</li> <li>• Promote unified electoral code</li> <li>• Review campaign finance and transparency</li> <li>• Support electoral management, electoral reform and management</li> <li>• Support mechanisms for internal election monitoring</li> </ul> <p><b>Effective functioning of the Ukrainian Parliament</b></p> <ul style="list-style-type: none"> <li>• Assist in revision of internal rules of procedure of Parliament</li> <li>• Improve realisation of CoE standards in policies by parliamentarians</li> <li>• Support effective functioning of parliament</li> </ul>	<p>relevant laws</p> <ul style="list-style-type: none"> <li>• Assist bettering court management</li> <li>• Support alternative dispute resolution</li> <li>• Promote effective implementation of the ECHR</li> <li>• Provide human rights education for legal professions</li> <li>• Supporting the implementation of the Ukrainian Law on the Bar and Practice of Law</li> </ul> <p><b>Criminal Justice Reform</b></p> <ul style="list-style-type: none"> <li>• Strengthen Public Prosecutor service</li> <li>• Enhance criminal sanction reforms</li> <li>• Promote effective investigations into human rights violations</li> <li>• Contribute to application of new Criminal Procedure Code</li> <li>• Improve the quality of legal aid</li> <li>• Support execution of relevant judgements of the ECHR</li> </ul>	<p>dialogue</p> <ul style="list-style-type: none"> <li>• Boost institutional capacity of the local authorities</li> <li>• Strengthen leadership by locally elected representatives</li> </ul> <p><b>Education for Human Rights and Democratic Citizenship</b></p> <ul style="list-style-type: none"> <li>• Increase active democratic citizenship</li> <li>• Provide training to educational professionals and CSOs</li> <li>• Promote democratic citizenship and human rights education in educational institutions</li> </ul> <p><b>Democratic Governance and Managing Diversity</b></p> <ul style="list-style-type: none"> <li>• Strategically revitalise target areas</li> <li>• Promote social and economic sustainable development</li> <li>• Further intercultural integration through intercultural cities network</li> </ul>	<ul style="list-style-type: none"> <li>• Provide expertise to newly elected legislators</li> <li>• Assist in development of Code of Conduct</li> </ul> <p><b>Fight against Money Laundering</b></p> <ul style="list-style-type: none"> <li>• Further the development of systems in line with European standards</li> <li>• Reinforce cooperation and capacity</li> <li>• Enhance legislative, regulatory and supervisory functions of select governmental bodies</li> </ul> <p><b>Fight against Cybercrime</b></p> <ul style="list-style-type: none"> <li>• Support completion of legislative reforms</li> <li>• Promote judicial training strategies</li> <li>• Enhance capacities for international cooperation</li> <li>• Strengthen criminal justice capacities against cybercrime</li> </ul>	<p>framework</p> <ul style="list-style-type: none"> <li>• Promote findings and recommendations of the International Advisory Panel</li> <li>• Establish clear guidelines on use of force</li> <li>• Support reform of Prosecutor's office</li> <li>• Bolster training of legal professionals, police and prison staff</li> <li>• Promote zero tolerance for ill treatment</li> <li>• Strengthen monitoring mechanisms for detention facilities</li> </ul> <p><b>Combat trafficking in human beings</b></p> <p><b>Ombudsman</b></p> <ul style="list-style-type: none"> <li>• Provide assistance for implementation of NPM law</li> <li>• Assist capacity development of NPM</li> <li>• Strengthening the Ombudsperson's Office operational capacities in Ukraine</li> </ul> <p><b>Freedom of Assembly</b></p> <ul style="list-style-type: none"> <li>• Provide assistance in drafting and adopting legal framework for public assemblies</li> <li>• Provide implementation assistance</li> </ul> <p><b>Freedom of the Media</b></p> <ul style="list-style-type: none"> <li>• Support European standards in the Ukrainian media</li> <li>• Assist set-up of public broadcaster</li> <li>• Promote media pluralism during electoral campaigns</li> <li>• Strengthen freedom of expression on the internet</li> <li>• Advance system of protection on the internet</li> </ul> <p><b>Protection of persons belonging to minorities</b></p> <ul style="list-style-type: none"> <li>• Strengthen human rights legal and institutional frameworks</li> <li>• Assist in improving legal framework for minority languages</li> <li>• Aid in improving ethnic data collection</li> <li>• Promote inter-ethnic respect</li> <li>• Increase social inclusion of Roma</li> </ul> <p><b>Anti-discrimination</b></p> <ul style="list-style-type: none"> <li>• Strengthen lawyers' capacity to apply European standards</li> <li>• Train human rights defenders on national legislation</li> </ul>
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				<ul style="list-style-type: none"> <li>• Assist implementation of the Disability Plan</li> <li>• Promote gender equality</li> <li>• Reinforce monitoring mechanisms for gender discrimination</li> </ul> <p><b>Social rights</b></p> <ul style="list-style-type: none"> <li>• Assist to meet ESC provisions</li> <li>• Aid bringing legislation in conformity with European norms</li> <li>• Strengthen fight against drugs</li> <li>• Promote implementation of the Revised Social Charter and European Code of Social Security</li> </ul> <p><b>Internally Displaced Persons</b></p> <ul style="list-style-type: none"> <li>• Provide coordinated support</li> <li>• Improve protection systems and mechanisms</li> </ul> <p><b>Domestic Violence</b></p> <ul style="list-style-type: none"> <li>• Support ratification and full implementation of Istanbul Convention</li> <li>• Develop smart lines of prompt reaction to combat violence against women and domestic violence</li> </ul> <p><b>Children's rights and youth</b></p> <ul style="list-style-type: none"> <li>• Increase commitment to accede and implement international norms on the rights of the child</li> <li>• Advance National Action Plan and Strategy on Child Rights</li> <li>• Encourage child-friendly justice</li> <li>• Support higher education, languages and youth policies</li> <li>• Bolster pool of trainers</li> <li>• Emphasise importance of teacher training and education for human rights, democracy and the rule of law</li> </ul> <p><b>Civil society</b></p> <ul style="list-style-type: none"> <li>• Set up a platform for inclusive and sustainable dialogue between the civil society and national authorities.</li> <li>• Develop and consolidate an institutional/legal framework for involvement of civil society in decision making processes.</li> </ul>
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				<ul style="list-style-type: none"><li>• Assist in mapping legislation, implementation and established practices for CSOs</li><li>• Conduct special course on key issues of public policy for reconciliation and harmonisation of regional positions.</li></ul>
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**APPENDIX I - DRAFT BUDGET ACTION PLAN FOR UKRAINE 2015 – 2017 (in Euros)**

<b>THEMATIC AREAS</b>	<b>TOTAL</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>1. Constitutional reform and functioning of democratic institutions</b>	<b>4 285 714</b>	1 071 429	1 607 143	1 607 143
<b>2. Reform of Judiciary</b>	<b>11 785 714</b>	2 946 429	4 419 643	4 419 643
<b>3. Democratic Governance</b>	<b>8 571 429</b>	2 142 857	3 214 286	3 214 286
<b>4. Economic Crime</b>	<b>7 500 000</b>	1 875 000	2 812 500	2 812 500
<b>5. Human Rights</b>	<b>12 857 143</b>	3 214 286	4 821 429	4 821 426
<b>TOTAL</b>	<b>45 000 000</b>	<b>11 250 000</b>	<b>16 875 000</b>	<b>16 875 000</b>

<b>Ongoing projects</b>	<b>4 324 102</b>
<b>Secured</b>	<b>7 034 664</b>
<b>Required</b>	<b>33 641 234</b>
<b>TOTAL</b>	<b>45 000 000</b>