

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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**Co-operation with Ukraine  
Immediate Measures Package**

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<sup>1</sup> appendix 2 to SG/Inf(2014)16

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## Introduction

Later this year, a new Action Plan for Ukraine will be drafted in close cooperation with the Ukrainian authorities.

Projects which are implemented in the framework of the ongoing Action Plan 2011-2014 have been adapted to take into account the changing situation.

For example:

- an urgent expertise of the draft “Law on the restoration of trust in the judiciary of Ukraine”, which envisages a full lustration of the current body of judges in Ukraine, is carried out in the context of a project on “Strengthening the independence, efficiency and professionalism of the judiciary in Ukraine”;
- the ongoing project on “Support to criminal justice reform in Ukraine” could assess amendments to the Code of Criminal Procedure and has produced joint recommendations with the Venice Commission, which should be taken into account for the reform of the Public Prosecution Service;
- a conference on the safety of journalists was organised in the framework of the project “Integration of European standards in Ukraine’s media environment”.

In order to address legislative and institutional challenges in the areas of human rights, the rule of law and democratic governance which the country faces now, and which are not directly covered by the ongoing Action Plan more comprehensively, this document sets out a package of immediate measures.

They can be implemented as from April 2014.

A comprehensive project on corruption is under construction already and is therefore not included in this package.

The implementation of the immediate measures package also requires the reinforcement of the Council of Europe Office in Kiev and support to the Secretary General’s Special Advisor to the President of the Verkhovna Rada.

Overall cost of the immediate measures package: €2 500 000

# 1. Ensuring the Protection of Human Rights

## 1.1. Effective investigations

**Objective:** to support the authorities and society to address effectively issues of human rights violation resulting from abusive and/or excessive use of force during the recent violent events.

### Proposed Action

- Support the setting up of the International Advisory Panel;
- Support the investigation into the serious human rights violations which took place, through expert workshops: help to secure evidence, police records etc.;
- Organise a capacity-building activity on effective investigations on massive human rights violations, to be organised in Kyiv in April or beginning of May 2014. Themes covered: documentation of cases of ill-treatment and forensic examination, with exchange of best practices.

## 1.2. National Minorities

**Objective:** to support authorities in restoring minority communities' confidence in public authorities and institutions.

### Proposed Action

- Establish a regular consultation mechanism between the government and representatives of all national minorities;
- Advise the government on key measures and messages on this mechanism for the general public.

**Objective:** to raise awareness of minority rights under the Framework Convention for the Protection of National Minorities (FCNM) and share international experience and good practice.

### Proposed Action

- Organise training of relevant officials, including from the Ministry of Interior and law enforcement;
- Conduct joint round-table with government officials and representatives of national minorities to raise awareness of the rights and obligations under the FCNM, in particular with regard to language rights.

## **2. Constitutional reform**

### **2.1. Constitutional process support**

**Objective:** to provide support to the constitutional process in order to ensure that constitutional amendments are in line with Council of Europe standards.

#### **Proposed Action**

- The Venice Commission adopts an Opinion on the draft amendments to the Constitution;
- The Venice Commission provides assistance to members of the Verkhovna Rada, Ukrainian experts and officials on the possible amendments to the Constitution;
- Public meetings on this issue are held in order to ensure civil society involvement in the process.

### **2.2. Legislative Reform concerning Public Assemblies**

**Objective:** improve the national legal framework regulating Public Assemblies in view of the forthcoming election(s) and in light of the ECHR judgments

#### **Proposed Action**

- the Council of Europe assists in the drafting and adopting of a new legal framework for public assemblies taking into account ECHR judgments (Vyerentsov vs. Ukraine (20372/11)).

### **2.3. Local democracy**

**Objective:** provide expertise and support for constitutional reform with regard to local self-government and for draft legislation that is already under consideration, in particular on territorial reform, inter-municipal co-operation promotion, Budget Code, local elections and participatory democracy

#### **Proposed Action**

- the Council of Europe provides relevant legal expertise;
- a peer review and forum on local self-government is organised.

## 3. Elections

### 3.1. Election preparation assistance

**Objective:** to provide support with a view to ensuring that European standards are applied to the electoral law

#### Proposed Action

- the Venice Commission works, together with the Verkhovna Rada, on access to voting in Ukraine and abroad;
- taking into account the ECHR case law and Venice Commission and OSCE/ODIHR recommendations, European standards in the field of electoral complaints and appeals procedures are promoted (if requested by the High Administrative Court).

**Objective:** ensure that the reform of legislation on parliamentary and local elections is carried out in accordance with European standards and in line with the previous Venice Commission and OSCE/ODIHR recommendations.

#### Proposed Action

- The Venice Commission provides expertise through a series of events on electoral reform and practice.

### 3.2. Domestic observation of elections

**Objective:** to contribute to the integrity, transparency and quality of the election process in Ukraine and prevent potential electoral fraud

#### Proposed Action

- increase capacity of domestic election observation, monitoring and reporting through a training of trainers programme

### 3.3. Media coverage of elections

**Objective:** to contribute to fair and balanced media coverage of the presidential election by the national state-funded broadcaster and eight commercial channels

#### Proposed Action

- monitor and provide feedback on the media coverage of the May 2014 presidential elections provided by the state-funded broadcaster, the National Television Company of Ukraine, which covers 97% of the territory also via its regional channels, and by eight commercial channels.

## 4. Capacity-building for parliamentarians

**Objective:** to increase awareness of procedural guidelines on the rights and responsibilities of the majority and the opposition for members of the Verkhovna Rada (PACE Resolution 1601 (2008)); to promote standards and mechanisms to counter corruption in Parliament, including codes of conduct and ethics for Parliamentarians

### Proposed Action

- Interparliamentary Seminar for members of the Verkhovna Rada together with experts from the Venice Commission and GRECO

## 5. Civil Society

**Objective:** to institutionalise effective participation of civil society in decision making processes and to make it sustainable.

### Proposed Action

- Organise joint training activities for civil servants and civil society. on the *Code of Good Practice for Civil Participation in the Decision-making Process* of the INGO Conference;
- Support the School of Political Studies