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**Review of the state of implementation of the Council of Europe  
Action Plan for Ukraine 2011 – 2014**

**Progress report  
July 2011 – July 2012**

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*Document prepared by the Council of Europe Secretariat*

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## **INTRODUCTION**

This document reviews the implementation of the Action Plan for Co-operation with Ukraine (DPA/Inf (2011)17 rev), adopted at the Meeting of the Ministers' Deputies on 6 July 2011, for the period July 2011 - July 2014.

The Council of Europe Action Plan was officially launched by Thorbjørn Jagland, Secretary General of the Council of Europe and Kostyantyn Gryshchenko, Minister for Foreign Affairs of Ukraine, at the International Conference held on 16 September in Kyiv. It aims to support Ukraine's ambitious and the important domestic and European agenda for reform in the areas of human rights, the rule of law and democracy.

### **Origin and framework for implementation**

The Action Plan for Co-operation with Ukraine was drafted in close co-operation with the Ukrainian authorities. Its aim is to support Ukraine in meeting its statutory and specific obligations as a member State of the Council of Europe by providing a comprehensive package of priority actions to help bring Ukrainian legislation, institutions and practice into line with European standards in the areas of human rights, the rule of law and democracy.

The Action Plan highlights co-operation in key priority areas: reform of the judiciary, fight against corruption, countering money laundering, freedom of expression, ensuring free and fair elections, social security, strengthening local democracy, protecting children's rights, promoting European standards in the media sector, gender, combating violence against women and domestic violence.

Progress in the Action Plan implementation, results and achievements, sustainability and impact have been regularly discussed and assessed by the Council of Europe Secretariat and the Ukrainian authorities during programming and co-ordination meetings (Steering Committee and Senior Officials' meetings) organised jointly by the Council of Europe and the Ministry for Foreign Affairs of Ukraine.

The common progress review of the Action Plan implementation, launched at the Steering Committee meeting in May 2012, has to secure a strong ownership of co-operation by the national stakeholders and reinforce their commitments to achieve tangible and sustainable results in the core co-operation areas covered by the Action Plan.

The last Steering Committee meeting enabled all main national stakeholders and the Council of Europe Secretariat to assess the Action Plan implementation results and outcomes, discuss the remaining challenges and also to define new priority areas to be considered for future co-operation activities.

The Council of Europe Office in Kyiv provided significant support to the co-ordination and implementation of the Action Plan 2011-2014. This contributed to more efficient co-operation, better impact and higher visibility of the Council of Europe in Ukraine. Also, it enabled strengthening of the role of the organisation in providing profound support to the authorities in the implementation of the national reform agenda in the fields of human rights, rule of law and democracy. The Kyiv Office is deeply involved in the fundraising efforts aimed at ensuring adequate and sustainable means for the Action Plan implementation. Over the last year, the Council of Europe, with strong support of the Kyiv Office, managed to mobilise considerable additional financial resources, noticeably reducing the funding gap of the Action Plan.

Close co-operation with the European Union, principally via regular contact with the European Union Delegation in Kyiv, finds successful expression in various EU/Council of Europe Joint Programmes included in the Action Plan. The Office is also actively counting on the support of other donors, such as Sweden, Denmark, Norway, Switzerland and Netherlands, to sustain Council of Europe activities in areas including judiciary, local self-government, elections, children's rights, youth and sport.

### **Interim results**

The Action Plan implementation results and achievements were jointly discussed by the Council of Europe and the Ukrainian stakeholders on 22 May 2012 in Kyiv. The Ukrainian authorities' comments and recommendations have been taken into account to prepare the final version of the Progress review report.

For the period under consideration, the main achievements of the Action Plan may be summarised as follows:

- Reinforcement of the domestic application of the ECHR and the execution of the ECtHR judgments by strengthening the institutional role and the capacity of the Office of the Government Agent staff and the training of a large number of legal professionals.
- The Law on Judiciary and Status of Judges, the Law on the Bar and the Criminal Procedural Code (adopted) reviewed in the light of European standards.
- A comprehensive review of the Ukrainian judicial system as regards the composition and mandate of judicial self-governing bodies; the appointment, career and dismissal of judges.
- Establishment and consolidation of the High Qualification Commission of Judges, the High specialised court of civil and criminal cases and the National School of Judges, in particular through the drawing up of curricula for initial and continuous judges' training.
- Preparation of a draft Handbook on good practice in the field of elections and the role and involvement of Civil Society in the electoral process.
- A comprehensive legislative package on LSG reform, including administrative and territorial reform, was drafted and advice on Good Governance strategy was provided.
- Expert assessment of the draft law 'On Public Television and Radio Broadcasting of Ukraine' and the draft law 'On protection of professional activities of journalists', were completed.

### **Remaining challenges**

Notwithstanding the progress made, a number of important issues do remain outstanding, notably the constitutional and electoral reforms, finalisation and adoption of new laws regulating the judicial system and, notably, law on the Office of the Public Prosecutor, full implementation of key legislation in the field of criminal justice and significantly the new Code of Criminal Procedure.

There is also a need to further strengthen the Office of the Government Agent in its institutional role execution of the ECtHR judgments.

Within the implementation of the project in the field of media, the Council of Europe experts recommended to further develop and effectively implement the new legislation regulating the media in Ukraine. It is also desirable to broaden the scope of work on public service media governance and on new media and to extend it to Internet governance; to ensure sustainability and long term impact, civil society media freedom initiatives should be supported.

Further development is expected as regards the revision of media-related laws, taking into account technological developments in new media. Effective implementation of already adopted media-related laws is also needed in order to create an enabling environment for independent media and, notably, for the transition to digital broadcasting, public access to information, protection of children against harmful content and transparent ownership of media in line with European standards. Adoption of a new broadcasting law is expected based on the Council of Europe analysis of the Law of Ukraine on Broadcasting completed in January 2012 in co-ordination with the Chair of the Parliamentary Subcommittee for Broadcasting at the Verkhovna Rada Committee for Freedom of Speech and Information.

The cooperation in the field of local self-government confirms the needs of effective implementation of the decentralisation and local self-government reform and translation of the coherent vision of the reform into a set of legislation in the field of local self-government.

The assessment of the Action Plan project implementation also confirms the need for further prioritisation of co-operation activities. Programming and fundraising efforts should be deployed to secure co-operation in priority fields such as reform of judiciary, freedom of expression, free and fair elections, social security, the fight against corruption and money laundering.

Further prioritisation is also required with regard to the unfunded projects of the Action Plan. In this respect, unfunded projects which do not have clear funding perspectives and are not confirmed by the national stakeholders as priority for immediate actions will be included in a separate Appendix to the Action Plan. The selected, unfunded projects will remain in the Appendix until the end of a new assessment and fundraising cycle. In case of lack of a clear financing perspective and support of the national stakeholders, the selected unfunded projects will be taken out of the Action Plan during the next progress review scheduled for July 2013.

## **Financial aspects**

The Action Plan includes projects to be implemented within the period 2011-2014 and funded from three sources: the Council of Europe Ordinary Budget, EU/CoE Joint Programmes and Voluntary Contributions.

The overall budget envelope of the Action Plan was around € 22 million at the time of its adoption in July 2011. 35% of the Action Plan total budget was secured (€ 8.4 million for 17 projects), 34 projects were unfunded (the funding gap as of July 2011 was €13.6 million).

The secured funding of EU/CoE Joint Programmes was € 3.6 million and Voluntary Contributions amounted to € 4.2 million of the total budget of the Action Plan.

Within the assessment period, 5 projects have been fully completed, 5 projects merged and 6 projects will be implemented by the end of 2012.

Additional funding has been secured for 6 projects and negotiations with EU and different partners on 6 further projects are under way.

3 new projects (Reform of the justice sector, High Judicial Council, Confidence building measures) are proposed for inclusion in the revised Action Plan for a total amount of € 2.95 million.

Additional funding is also required for the following co-operation areas: fight against corruption and money laundering, social cohesion and children rights, intercultural dialogue and youth.

## PROGRESS REVIEW BY SECTOR

### 1. Human Rights

#### Protection and promotion of human rights

In the field of protection and promotion of human rights, the Action Plan activities contributed to strengthening the capacity of the Government Agent Office staff for an effective domestic application of the European Convention on Human Rights (ECHR), execution of the European Court of Human Rights (ECtHR) judgments and prevention of new violations, especially repetitive ones.

The capacity of the Office of the Government Agent staff has been reinforced through the exchange of best practices and establishing professional contacts with their partners in other European countries, as well as with the Council of Europe, including the ECtHR. Guidance on the implementation of the ECtHR judgments in Ukraine and on the prevention of repetitive applications to the ECtHR has been developed.

The Council of Europe performed a comprehensive and detailed expertise of the Criminal Procedure Code (CPC), which contributed to create a sound basis for a modern adversarial criminal procedure with necessary safeguards and guarantees. Many typical problems, which served as a major source of repetitive applications to the ECtHR, have been eliminated such as lengthy or unjustified pre-trial detention, non-independence of investigations, ill-treatment and impunity, lack of respect for fair trial standards, restrictions on the right to legal aid and other recurrent problems.

Professional competence and knowledge among legal professionals and key decision-makers of the ECHR, and their capacity to apply it at national level, have been developed.

Tailored support was provided to the Supreme Court and the High Specialised Court on Civil and Criminal Cases to increase their capacity to provide guidance to national courts.

The depth of knowledge of the ECHR has been increased among all groups of legal professionals and the responsibilities of judicial institutions were strengthened in the context of the principle of national ownership of the ECHR. The number of domestic court verdicts based on the ECHR has increased and prosecutorial practices have also increasingly referred to the ECHR standards.

The assessment of implemented activities made it possible to identify the remaining challenges in the field of protection of human rights and especially the discrepancies between commitments made by the authorities towards the execution of the ECtHR judgments in Ukraine and their concrete implementation.

In this respect, the institutional role of the Office of the Government Agent, as regards the domestic execution of the ECtHR judgments, needs to be further strengthened.

There is still a need to continue monitoring the impact of co-operation activities on the court capacity-building to implement the ECHR standards at national level.

Using ECHR-based arguments in national judgments and decision-making remains a challenging process, dependent upon the internal administrative procedure, the professional standards/ethics and other factors. There is a strong need to develop measurable judicial statistics to assess the impact of the ECHR-based argument on the national judicial practice.

The newly-adopted Criminal Procedure Code has to be efficiently implemented. The adoption and implementation of certain other related laws is equally important, most notably the laws on the Bar and on the Office of the Public Prosecutor.

The Council of Europe will continue to assist the Ukrainian authorities in the provision of legislative advice and development of national capacities for the effective implementation of international and national legal instruments. This is related primarily to the long-awaited reform of public prosecution in Ukraine which is triggered by the Criminal Procedure Code (CPC) adoption.

The Council of Europe will contribute to the actual application of the new CPC and development of the new institutional role and operational capacity of the public prosecution, notably the setting up and operating of an adversarial system of criminal justice based on respect for the principle of presumption of innocence and full equality of arms between the parties during all stages of the criminal process.

The Council of Europe is ready to provide legal advice and facilitate the drafting of the Law on the Office of the Public Prosecutor in line with the new CPC, as well as any other relevant legislation, sub-legislation and internal regulatory instruments of the public prosecution, and facilitate their actual application.

### **Equality, diversity and the rights of vulnerable**

In the field of equality, diversity and the rights of the vulnerable, the co-operation activities contributed in particular to implementing the National Disability Strategy and Action Plan of Ukraine for Disability, based on the Council of Europe Disability Action Plan 2006-2015.

The implementation of the Ukrainian National Strategy was boosted through regular advice and support from Council of Europe experts and the Secretariat, including capacity-building activities organised in co-operation with the "National Assembly of People with Disabilities" and covering specific areas like vocational rehabilitation, training and employment of people with disabilities.

Additional efforts are needed to: review the existing legislation, policy and practice against the blueprint of the Council of Europe Disability Action Plan; develop national strategies or action plans in order to advance the national disability agenda in line with the Council of Europe Disability Action Plan and the established national priorities.

### **Ensuring social rights**

The activities carried out within the Action Plan in the field of social rights provided strong support to the development of the National Patient Safety Action Plan, including prevention, treatment and rehabilitation as well as a multidisciplinary and balanced approach to solving drug problems in Ukraine.

The draft Drug Strategy 2011-2020 for Ukraine was reviewed by the Council of Europe experts and the assessment conclusions and evolution were presented to the Ukrainian authorities.



The activities also contributed to tackling drug problems related to prison security, regime, treatment and rehabilitation of drug users and alternatives to imprisonment for drug-using offenders. In this respect, Council of Europe experts provided recommendations for measures to be taken with the aim of bringing prison conditions in Ukraine in line with the CPT's recommendations and ECHR case law; to present feasible models of inter-agency co-operation in dealing with drug-related problems to educational, social, medical and law enforcement authorities of Ukraine and share their experiences with the Ukrainian partners.

The activities planned for 2012-2013 aim to support the implementation of the Council of Europe recommendations related to the legal framework, capacity building and internal co-ordination.

## **2. Rule of law**

### **Justice**

In the field of Justice, legal assistance was provided to support the harmonisation of Ukrainian legislation and practice with European norms and standards laid down in the European Convention on Human Rights (ECHR) and in the Recommendations of the Council of Europe bodies.

During the assessment period, a comprehensive review of the Ukrainian judicial system has been carried out and numerous laws regulating the principles of independence and efficiency of the judiciary, including access to justice and good governance, have been appraised, notably: Constitutional amendments to the justice sector, the Law on the Judiciary and Status of Judges, the Law on the Bar and the Criminal Procedural Code. The High Qualification Commission of Judges, the High specialized court of civil and criminal cases and the National School of Judges have been established and consolidated, in particular through developing a curriculum for initial and continuous judges' training. A system of court finance and establishment of an automated court workflow system has been introduced from 1 January 2011.

Assistance was also provided to install electronic networks in all courts, as well as full computerisation of courts in the Chernovtsy region and seven regional offices of the National School of Judges.

A strategy paper on a consolidated vision for the Ukrainian judiciary remains the main challenge for future activities.

Some legislative amendments in the key judiciary legislation (law on Judiciary and status of judges, law on the bar) are still needed. Despite the first positive results of co-operation activities implemented under the Action Plan, further support for the Ukrainian authorities, in particular as regards the secondary legislation required for the implementation of the main laws, is still necessary.

Additional efforts are needed to increase the efficiency of justice in line with the Recommendations developed by the Council of Europe Commission for the Efficiency of Justice (CEPEJ) which will be used as a basis for the preparation of a more thorough analysis of the situation in Ukraine as regards court funding, in particular the management of funding within courts, and case flow and judicial time management.

In the field of prison reform, Council of Europe assistance contributed to the development of offender risk, needs assessment and the supervision in the community as an alternative to imprisonment and improvement of rehabilitation services, to improve the capacities of the Criminal-Executive Inspection Service towards a fully functioning probation service.

The implementation of the expert recommendations remains the main challenge for future activities in the prison field.

### **Threats to the Rule of Law**

Co-operation activities in the field of the fight against corruption and cybercrime were carried out in the framework of regional projects under the Council of Europe Eastern Partnership Facility aiming to enhance the reform processes in the six partner countries, including Ukraine, through a multilateral approach and to bring them closer to Council of Europe and EU standards and practice in the respective areas.

Under the co-operation in the field of the fight against corruption, assistance was provided to strengthen capacities of government officials and civil society representatives, to develop and implement anti-corruption policies according to the Council of Europe standards and norms (Criminal Law Convention on corruption and Civil Convention Law on corruption).

In this respect a "Handbook on Designing and Implementing Anti-corruption Policies" was drafted and will be used by the national experts for drafting anti-corruption policies.

The training activities on implementing standards on detection, investigation and criminalisation of economic and financial crimes were organised and contributed to enhance the capacities of the Ukrainian law enforcement agencies in investigating and prosecuting large-scale international money laundering and corruption cases. Pilot Activities on local anti-corruption policies and assessments of the national anti-corruption policy were implemented. Good working relations with all National Anti-corruption Focal Points are established, which effectively co-operate with all participating beneficiary institutions. The co-operation activities organised under the project also supported the implementation of the EU anti-corruption Principles.

With regards to the future co-operation in the field of fight against corruption, it is expected that the national authorities will efficiently apply and implement European and international standards on good governance and the fight against corruption when addressing their specific needs and will be committed to apply policy and prevention measures concerning enhancement of good governance and the fight against corruption.

In particular, the amendments to the Ukrainian legislation regulating real-time collection and preservation of computer data, including traffic data stored in computer systems, will be subject to future activities.

In the field of the fight against cybercrime, the implemented activities contributed to defining strategic priorities regarding cybercrime and assessment of the measures taken; providing the Eastern Partnership countries, including Ukraine, with the tools for action against cybercrime; smooth participation of Ukraine in international cybercrime efforts.

A Cybercrime Report on the current capabilities and situation regarding cybercrime in project countries, including Ukraine, has been drafted.

Ukrainian representatives were advised to consider recommendations for improvement made in the Report aiming to strengthen national legislation in the field of the fight against cybercrime.

Ukraine is one of the first countries in the region covered by the Eastern Partnership Policy that signed the Cybercrime Convention and ratified the Convention (March 2006), the Additional Protocol to the Cybercrime Convention (December 2006) and the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (CETS No. 182) in September 2011. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201) was signed on 11 November 2007 but not (yet) ratified.

In this context, relevant provisions of the national legislation were assessed from the perspective of their compliance with international standards, in particular with the Budapest Convention on Cybercrime and other relevant legal instruments.

With regard to future co-operation, it is expected that the national authorities will further define strategic priorities regarding cybercrime and assess measures taken as well as participate more actively in international cybercrime efforts.

The future co-operation activities in the field of the fight against cybercrime will be notably focused on the implementation of the Council of Europe recommendations and guidelines prepared within the on-going co-operation.

### **3. Democracy**

#### **Democratic governance and parliamentary democracy**

In the field of election, the Action Plan activities supported a more effective implementation of the principles of the European electoral heritage, relying on capacity-building and awareness-raising activities involving both competent authorities and civil society.

The first draft of the Handbook on good practices for domestic observers is being prepared with the close involvement of civil society. The training curriculum on the elections should be introduced in the course of the last two years of high school.

Organisation of training for women to encourage their participation in political life remains an objective for future activities.

Future activities will also focus on the remaining challenges and will provide assistance for improved preparation of NGOs to fulfil their role as observers; improving voter awareness of their role in the functioning of democratic elections and increasing their participation; ensuring that the electoral legislation and its implementation is more in line with European standards and better respects media freedom during electoral periods.

#### **Local democracy**

The activities implemented during the assessment period contributed to the preparation of a comprehensive legislative package on Local Self-Government reform, including administrative and territorial reforms.

Expert recommendations were provided and integrated into the National Concept of the Civil Service in local government bodies, which was approved by the Cabinet of Ministers of Ukraine in December 2011. Conclusions and recommendations of the Council of Europe experts were taken into account and integrated into the equalisation formula for inter-budgetary transfers for 2012 and into the "Law on Regional Development Fund", which was approved by the Parliament in December 2011.

However, most of the recommendations and policy advice documents which were requested by the Government and provided by the CoE experts, did not result in concrete amendments of the legislation. The draft Concept of the local government reform is still to be adopted, and the compliance of the national legislation and practice with the European Charter of Local Self-Government is still to be ensured.

As far as the capacities of local authorities are concerned, co-operation is progressing well and the number of cities, oblast' and regions wishing to take part in one or more of the programme components is growing. Results are also encouraging in terms of effective implementation by local authorities of practice and techniques learnt in the framework of the programme of activities.

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### **Democratic governance and stability**

Under the "Kyiv Initiative Regional Programme", the priority topics are heritage management, social and economic sustainable development of the cities and territorial entities including in Ukraine.

Through a few simple technical phases, the pilot towns tested new working methods connecting them with European standards, providing the tools for communicating outside the limits of their municipal environment in national and international contexts. The Pilot Towns have learned to use a common, mutually understandable, language to communicate about themselves, and to appear collectively more important for potential international partners.

They constitute a "network", which acquired certain convictions about the role and value of cultural heritage, considered a primary resource at the disposal of towns for enhancing social and economic development.

The activities of the "Intercultural Cities" component contributed to the development of a city strategy for the management of diversity, as a model of urban renovation, by transforming the relations between cultural communities and the development of city policies from an intercultural perspective.

The Ukrainian Intercultural Cities Network was established in 2011 with financial support from the Intercultural Cities' Joint Action of the Council of Europe and the European Commission, and the Ukrainian Ministry of Culture. The network, involving 11 cities, is led by the Centre for Democracy through culture.

With regard to future activities, it is expected that a formal Agreement with the Council of Europe and the Ukrainian Platform will be signed and future activities will include collaboration with European cities, generating ideas for the national programme of intercultural cities for 2013 and presenting a comparative index of Ukrainian intercultural cities along with European practice.

In the field of media, the results of co-operation activities helped align the legislative framework for the national media with European standards; and promote an on-going dialogue between media, civil society and state administration at different levels.

Regarding the co-operation in the legal field, the main achievements may be summarised as follows: the draft law 'On Public Television and Radio Broadcasting of Ukraine' prepared by the Cabinet of Ministers of Ukraine was evaluated by the Council of Europe experts; at the request of the State TV and Radio Broadcasting Committee of Ukraine, an expertise of the Law of Ukraine 'On Television and Radio Broadcasting' regarding its compliance with the Audiovisual Media Services Directive of the European Union and the European Convention on Transfrontier Television, was launched.

The appraisal of the draft law "On protection of professional activities of journalists" requested by the State TV and Radio Committee of Ukraine and the Law of Ukraine "On Protection of Personal Data" and relevant by-laws, was carried out.

An expert overview of the domestic broadcasting content quotas in Europe and recommendations for the Ukrainian case was performed for the Parliamentary Committee on Freedom of Speech and Information. The expert document aims to aid the Ukrainian policy-makers in making a better informed choice when setting a quota for the broadcasters for domestic works.

Consolidated efforts for efficient implementation of the new laws are required to ensure an effective implementation of the legal frame which aligns the national legislation and practice with European standards and norms.

In the field of education, the Council of Europe experts examined the Draft Law on Higher Education and presented their initial findings. In December 2011, the final expert report containing comments and recommendations to the Draft Law was submitted. The activities also contributed to the development of a national qualifications framework. It should be noted that not all comments proposed by the Council of Europe experts were taken on board and there are still some serious issues regarding institutional autonomy of higher education institutions in Ukraine (a new, revised, version of the Draft Law was submitted in January 2012 to the Verkhovna Rada of Ukraine).

### **Building a democratic culture**

The activities implemented in the field of history teaching and European lessons in shared history provided expert assistance to the reform of history teaching in Ukraine and to align the national educational system to European standards as well as helping the young generation acquire the necessary skills to live and build partnerships in the present-day multicultural society.

The activities continued, in particular, to develop practical guidelines for teaching sensitive issues in a multicultural context without creating tension or confrontation and to use interactive methods of history teaching in a multicultural context with special emphasis on a multi-perspective approach and conflict prevention.

Co-operation also contributed to preparing new curricula for teaching history in schools. Another important focus was on training pupils' skills and attitudes necessary for life in a democratic multicultural society such as open-mindedness, critical thinking, ability to take responsible decisions, respect for otherness and tolerance.

Strong support for the national authorities is required for efficient implementation of the guidelines and recommendations during future co-operation activities, notably in the multicultural context and the field of conflict prevention.

The activities also contributed to the exploration of possible ways to implement the Recommendation CM/Rec(2010)7 on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education (EDC/HRE) in the form of technical co-operation. Co-operation supported the efforts to raise awareness of the Charter and the effective implementation of the Charter in a number of specific areas, such as curricula (Article 6) and teacher training (Article 9).

## PROGRESS REVIEW BY PROJECT

### 1. HUMAN RIGHTS

#### 1.1. Ensuring protection of human rights

##### **Project 1.1.1: Improving the protection of human rights in the context of the European Convention on Human Rights, by enhancing the capacity of the Government Agent before the European Court of Human Rights**

*Ref:* 2011/DG I/VC/2805

*Duration:* 2011-2014

*Implementation status:* proposed

*Total cost:* €25 000 (for each visit, the proposed budget is €5 000)

*Funding status:* OB funding available in 2011. More systematic support would require additional funding

*Partners:* Ministry of Justice of Ukraine (including the Secretariat of the Government Agent before the Court), Supreme Court of Ukraine, and Highest specialised Courts of Ukraine

Overall objective: The project aims at enhancing co-operation between the Council of Europe and Ukraine in the area of human rights protection.

Specific objectives: Further improvement of convention mechanisms and observance of human rights by enhancing the capacity of Secretariat staff of the Government Agent for the Court in using European human rights standards and norms in their everyday work; enhancing a European culture of human rights in Ukraine, in line with the aspiration to membership or closer ties with the European Union, by enhancing education, training, monitoring and awareness of European human rights standards and by reinforcing the work of international human rights mechanisms, *inter alia* through the observance and implementation of the Convention.

#### **Progress Report 2011-2012**

##### 1. Main results and achievements

Expert support and capacity-building for the staff of the Office of the Government Agent on the execution of the ECtHR judgments have been provided in 2011, and best examples concerning the ECHR standards and the ECtHR case law have been made available. The Conference on the Prevention of Human Rights Violations, organised on 20-21 September 2011 in Kyiv by the Ministry of Justice and the Office of the Government Agent in co-operation with the Council of Europe (within the framework of the Ukrainian Chairmanship of the Council of Europe's Committee of Ministers) served as a forum for discussion of the ECtHR jurisprudence and practices in European countries and to how implement the ECtHR judgments, avoiding repetitive applications.

##### 2. Challenges

Support to the efforts made by authorities towards the execution of the ECtHR judgments in Ukraine is needed along with the need to further strengthen the Office of the Government Agent in its institutional role with regard to the domestic execution of the ECtHR judgments.

##### 3. Perspectives/future activities

The capacity of the Office of the Government Agent will be reinforced through legislative advice and development of internal regulatory instruments: further training could be provided for its staff.

## 1.2. Promoting human rights

### **Project 1.2.1: Reinforcing the fight against ill-treatment and impunity**

*Ref:* 2011/DGHL/JP/2628

*Duration:* 1 July 2011 – 31 December 2013

*Implementation status:* Ongoing Joint Programme between the European Union and the Council of Europe. Follow-up programme confirmed

*Total cost:* €700 000 (approximate budget allocation for Ukraine from a regional programme)

*Funding status:* Funding secured (EU/CoE Joint Programme)

*Partners:* Ministry of Justice of Ukraine, Ministry of Internal Affairs of Ukraine, Supreme Court of Ukraine and lower instance courts, Highest specialised Courts of Ukraine, National School of Judges of Ukraine, Office of the Prosecutor General of Ukraine, Ukrainian Parliamentary Commissioner for Human Rights, State Penitentiary Service of Ukraine, National Academy of Prosecutors, Bar Associations, Centre for Judicial Studies, Association of Judges, Scientific journal "Law of Ukraine"

Overall objective: To reinforce national capacities for combating ill-treatment by law enforcement agencies and penitentiary institutions, including strengthening the effectiveness of investigations on allegations of ill-treatment.

Specific objectives: To further develop the regulatory framework and to support complaint systems that meet international standards, to enable key groups of legal professionals and decision-makers to apply these standards in their daily work, and to promote regional synergy and co-operation.

### **Progress Report 2011 - 2012**

#### 1. Main results and achievements

A number of agreements have been reached with the Ukrainian partners on: 1) further improving the regulatory and structural frameworks; 2) enhanced capacity building; 3) follow-up on the results of capacity-building through monitoring the judicial and prosecutorial practices vis-à-vis their conformity with the ECHR standards. In the framework of the Project, a statistical review of judicial cases on ill-treatment inflicted by police officials for the period of 2009-2011 in all five countries, including Ukraine, has been prepared. A stock-taking analysis of the implementation of the recommendations of the Country Reports has also started. In November 2011, the Project launched the training/capacity building component, based on the results of the first Project.

With regard to the legal expertise, the new Criminal Procedure Code (CPC) has been adopted. The Council of Europe's team of experts commented on the draft and noted that the overwhelming majority of their recommendations had been taken on board by the Administration of the President, and that the draft had been amended accordingly. The new CPC contributed to the setting up of a modern adversarial criminal procedure based on the equality of arms of the parties to the process and other fair trial guarantees. It should play a key role in reforming the criminal justice system and help create the necessary conditions for the proper implementation of the ECHR in Ukraine. This, in turn, would create the potential for a significant decrease in the number of complaints from Ukraine to the ECtHR, especially repetitive cases.



This Project is a follow-up to the previous EU/CoE Joint Programme entitled "Combating ill-treatment and impunity" which finished on 30 June 2011. It continues to cover the same beneficiary countries, including Ukraine. In particular, it includes a new element of combating ill-treatment in pre-trial detention facilities and penitentiary institutions.

The first Project resulted in the following:

Legislation, structures and procedural frameworks were analysed and recommendations were formulated for the investigation of complaints of ill-treatment by law enforcement officials. Internal regulatory documents instructing use of Article 3 of the ECHR and the standards developed in the case law of the ECtHR were adopted by the Office of the Prosecutor General.

The capacity of approximately 4 500 judges, prosecutors, investigators, lawyers, law enforcement officials and human rights NGOs in Ukraine to apply ECHR standards in their daily work has been developed through training.

The number of domestic court verdicts using ECHR-based arguments has increased, and the prosecutorial practices have also increasingly referred to the ECHR standards.

The Country Report on Ukraine, the Guidelines entitled, "European standards for the effective investigation of ill-treatment", the brochure entitled, "Rights of detainees and obligations of law enforcement officials: 11 key questions and answers", the book entitled, "Human Rights and Criminal Procedure: the Case Law of the European Court of Human Rights", were published in Ukrainian and disseminated.

## 2. Challenges

The problem of ill-treatment by law enforcement officers requires continued sustainable efforts and a policy of zero tolerance. The first Project resulted in an increase in domestic court verdicts based on the ECHR and an improvement of internal regulatory mechanisms. Structural/legislative changes, and, in particular, the establishment of separate investigative mechanisms, has proved to be a more challenging task. This has been confirmed by all members of the Project Steering Committee and the Project partners.

## 3. Perspectives/future activities

The Project aims to further develop policies and structural/legislative frameworks and internal regulatory mechanisms for the effective investigation of ill-treatment, as well as capacity-building resulting in an increase in the number of domestic judgments based on the ECHR standards. The Project addresses these issues in a targeted manner, developing the productive partnership with national authorities, national courts and other stakeholders established in the course of the first Project, and expanding the expertise accumulated.

### **Project 1.2.2: Strengthening professional training on the ECHR – European Programme for Human Rights Education for Legal Professionals (the HELP II Programme)**

*Ref:* [2010/DGHL/VC/2350](#)

*Duration:* 1 February 2010 – 31 January 2013

*Implementation status:* ongoing

*Total cost:* €150 000 (OB, approximate budget allocation for Ukraine from a regional programme)

*Funding status:* Funded by the Council of Europe Human Rights Trust Fund

*Partners:* National Academy of Prosecutors of Ukraine, Supreme Court, Highest specialised Courts of Ukraine, National School of Judges of Ukraine, Centre for Judicial Studies of Ukraine, National School of Judges of Ukraine, Higher Qualification Commission of Judges of Ukraine, Scientific journal "Law of Ukraine"

Overall objective: To develop national capacities for sustainable ECHR training.

Specific objective: To assist national training institutions of judges and prosecutors in fully incorporating the ECHR into their curricula for initial and continuous training, taking into account the national training system and experience.

## **Progress Report 2011-2012**

### 1. Main results and achievements

The Programme continued to strengthen the implementation of the ECHR in member states by raising the level of knowledge of the ECHR and the case law of the ECtHR. The methodology centred around training and self-learning, and relevant materials and tools were developed and disseminated. The main interface is the new HELP website where the products are available, free of charge, in a number of languages ([www.coe.int/help](http://www.coe.int/help)), including in Ukrainian and Russian. In addition, the Programme has worked directly with the National School of Judges and the National Academy of Prosecutors in Ukraine to help them integrate the ECHR in their curricula and make optimal use of the HELP products. In particular, a distance-learning pilot course on family law has been developed for Ukraine under the Programme.

The Programme also includes a peer-to-peer and networking dimension, and the European Human Rights Training Network, in addition to the national training institutions for judges and prosecutors, was extended to include Bar Associations and civil society. The HELP Programme serves as a resource platform and an umbrella for all ECHR capacity-building activities.

From January 2012, with the aid of a grant from the Council of Europe's Human Rights Trust Fund, the Programme has been enlarged to reach an additional category of legal professionals, i.e the lawyers. The overall objective remained to support the member states in implementing the ECHR at the national level, by enhancing judges', prosecutors' and lawyers' capacity to apply the ECHR in their daily work.

### 2. Challenges

The full implementation of the HELP Programme will depend on the national partners' capacity building, including IT knowledge, professional standards, efficiency of the internal continuous efforts in the decision making process.

### 3. Perspectives/future activities

Since using ECHR-based arguments in national judgments and decision-making has proven to be a challenging process, continued monitoring of the impact of capacity-building is necessary. Ukraine is also encouraged to develop its statistics in this field.

**Project 1.2.3: Setting up an active network of independent non-judicial human rights structures (multilateral programmes run under Joint EU/Council of Europe projects called Peer-to-Peer Projects I and II)**

*Ref:* 2010/DGHL/JP/2410

*Duration:* March 2010 - February 2012 (Peer-to-Peer II)

*Implementation status:* ongoing

*Budget earmarked to Ukraine:* €15 000 participation in multilateral programme + €65 000 for workshop in Kyiv

*Funding status:* funding secured (OB, any follow-up project beyond 2012 will also include allocations for Ukraine)

*Partners:* Ukrainian Parliamentary Commissioner for Human Rights (Ombudsman)

Objectives: To enhance the capacity of the Ombudsman institution to effectively address a wide range of human rights violations by non-judicial means; to promote the independence of that institution; to bind it in the active network of national human rights structures in the member states; to promote the ratification of the OPCAT and help identify an adequate set-up for a future National Preventive Mechanism against torture (NPM).

**Progress report 2011-2012**

1. Main results and achievements

The Council of Europe experts prepared several opinions on the draft laws regulating the National Preventive Mechanism against torture (NPM) which were transmitted to the Verkhovna Rada. The opinions aim to promote the independence of the National Preventive Mechanism and to reinforce its capacity-building.

2. Challenges

The implementation of training activities of NPM staff requires additional financial resources and the national partners' further support to the project implementation

**Project 1.2.4: Ensuring the effective national implementation of the European Convention on Human Rights by key groups of legal professionals**

*Ref:* 2008/DGHL/1411

*Duration:* 2012 – 2014

*Implementation status:* proposed

*Total cost:* €500 000

*Funding status:* Funding required

*Partners:* Ministry of Justice of Ukraine, Ministry of Internal Affairs of Ukraine, Supreme Court of Ukraine and lower instance courts, High Administrative Court of Ukraine, Office of the Prosecutor General of Ukraine, National Academy of Prosecutors of Ukraine, National School of Judges, Bar Associations, State Tax Administration of Ukraine, Ukrainian Parliamentary Commissioner for Human Rights, Higher Qualification Commission of Judges of Ukraine, Scientific journal "Law of Ukraine"

Overall objective: To reinforce the effective national implementation of the ECHR.

Specific objective: To strengthen the use of the ECHR by key groups of legal professionals in their daily work and to develop the capacity of national training institutions to provide ECHR training.

## **Progress Report 2011-2012**

### 1. Main results and achievements

The activities implemented under the EU/CoE Joint Programme, "Transparency and Efficiency of the Judicial System of Ukraine" in 2011, also contributed to achieve the project overall objective and provide institutional support to the establishment and consolidation of the High Qualification Commission of Judges and the National School of Judges, in particular through the drawing up of curricula for initial and continuous judges' training, procurement of electronic networks in all courts, and full computerisation of the courts in the Chernivtsi region and seven regional offices of the National School of Judges, and capacity-building for legal professionals to develop their ability to apply European human rights standards in their daily work.

The co-operation with the Supreme Court and the High Specialised Court on Civil and Criminal Cases has intensified. A study visit for the delegations of both courts to the Council of Europe, including the ECtHR, was organised in April 2012. Their capacity to provide guidance to lower courts in Ukraine has been reinforced.

### 2. Challenges

The challenge is the difficult process of the actual implementation of the ECHR in national judicial practices.

### 3. Perspectives/future activities

Since using ECHR-based arguments in national judgments and decision-making has proven to be a challenging process, continued monitoring of the impact of capacity-building is necessary. Ukraine is also encouraged to develop its statistics in this field.

## **Project 1.2.5: Strengthening the capacity of the public prosecution in Ukraine** (proposed to be merged with the project 2.1.4)

*Duration:* September 2012 – 31 October 2014

*Implementation status:* proposed

*Total cost:* €1 800 000

*Funding status:* funding required

*Partners:* Office of the Prosecutor General, National Academy of Prosecution, High Specialised Court for Civil and Criminal Cases, National School of Judges, Parliament, Ministry of Interior, Ministry of Justice, Bar and lawyers' organisations, Ombudsman institution, OPCAT body, human rights NGOs and international organisations

Overall objective: To improve the effectiveness of criminal justice in Ukraine in line with European standards

Specific objectives:

To contribute to the actual application of the new Criminal Procedure Code (CPC) and development of the new institutional role and operational capacity of the public prosecution.

To provide legal advice and facilitate the drafting of the Law on the Office of the Public Prosecutor in line with the new CPC, as well as of any other relevant legislation and sub-legislation and internal regulatory instruments of the public prosecution, and to facilitate their actual application.

To develop the capacity of prosecutors and other key groups of legal professionals to apply European standards in their daily work on the basis of the new CPC, and to monitor such application through periodic reviews of prosecutorial practices.

### 1.3. Equality, diversity and the rights of the vulnerable

#### **Project 1.3.1: Promotion of gender equality standards and mechanisms, including elimination of all forms of gender discrimination through the creation and reinforcement of monitoring mechanisms both at central and local levels**

*Ref:* 2012/DG I/VC/2807

*Duration:* 2012-2014

*Implementation status:* proposed

*Total cost:* €1 000 000

*Funding status:* funding required

*Partners:* Ministry of Social Policy of Ukraine, Ministry of Education and Science, Youth and Sports of Ukraine, Ministry of Justice of Ukraine, Ministry of Foreign Affairs of Ukraine, NGO

Overall objective: To reinforce national capacity in ensuring gender equality standards.

Perspectives: The project proposals are under negotiation with potential partners/donors in view of securing the required funding for the project implementation.

#### **Project 1.3.2: Prevention and combating violence against women and domestic violence**

*Ref:* 2011/DG I/VC/2808

*Duration:* 2011-2014

*Implementation status:* proposed

*Total cost:* €1 000 000

*Funding status:* funding required

*Partners:* Ministry of Social Policy of Ukraine, Ministry of Justice of Ukraine, Ministry of Internal Affairs of Ukraine, Ministry of Health of Ukraine, Ministry of Foreign Affairs of Ukraine, NGO

Overall objectives: To enhance the capacity of national institutions in preventing and combating violence against women and domestic violence, and to increase awareness of violence against women and domestic violence.

Specific objectives: Preparation for the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (CAHVIO) (CETS 210).

Perspectives: The project proposals are under negotiation with potential partners/donors in view of securing the required funding for the project implementation.

**Project 1.3.3: Formation of a mechanism of prompt reaction to problems of persons in difficult living conditions, including prevention of domestic violence, combating human trafficking and gender discrimination through the creation of an All-Ukrainian smart line of prompt reaction**

*Ref:* 2012/DG I/VC/2809

*Duration:* 2012-2014

*Implementation status:* proposed

*Total cost:* €1 000 000

*Funding status:* possible financial contribution of the Ukrainian partner: €492 800 (wages for the workers of the smart lines of prompt reaction)

*Partners:* Ministry of Social Policy of Ukraine; local administrations, social services for families, children and youth, services for children

Overall objectives: To ensure timely intervention and assistance to persons in difficult circumstances; to create a mechanism of prompt reaction to the problems of persons in difficult circumstances; to increase public awareness of the possibilities of solving social problems and possible assistance.

Perspectives: The project proposals are under negotiation with potential partners/donors in view of securing the required funding for the project implementation.

**Project 1.3.4: Implementation of the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015 on the national level**

*Ref:* 2011/DG I/VC/2811

*Duration:* 2012-2014

*Implementation status:* proposed (continuation of 2009-2011 activity)

*Total cost:* €160 000

*Funding status:* funding partially secured by OB (2011: funding secured; 2012-2013/2014: funding tbc)

*Partners:* Ministry of Social Policy of Ukraine, Ukrainian Parliamentary Commissioner for Human Rights, Verkhovna Rada of Ukraine, National disability NGOs (organisations of and for people with disabilities), Ukrainian public and social association "National Assembly of People with Disabilities"

Component 1: Enhance the capacity and knowledge of governmental and non-governmental stakeholders in the disability field

Objectives: To provide assistance in the implementation of the Council of Europe Disability Action Plan 2006-2015 in priority areas such as education, vocational training, rehabilitation and employment of people with disabilities; Universal Design and accessibility of the built environment; participation of people with disabilities in political and public life; participation of people with disabilities in cultural life, leisure and sports activities. Enhance the capacity and knowledge of governmental and non-governmental stakeholders in the disability field on current European good practices. Foster co-operation between governmental and non-governmental sectors and enhance the capacity of national disability NGOs to participate in the decision-making process on matters of their concern. Experts from other European countries will be involved in this process.

Component 2: Revision of the legislation, policies and practices

**Objectives:** To provide assistance in the review of existing legislation, policy and practice against the blueprint of the Council of Europe Disability Action Plan; to identify areas where progress needs to be made and specific action needs to be taken; to develop national strategies or action plans in order to advance the national disability agenda, in line with the Council of Europe Disability Action Plan and the established national priorities.

## **Progress Report 2011-2012**

### 1. Main results and achievements

The implementation of the national disability strategy and action plan of Ukraine, based on the Council of Europe Disability Action Plan 2006-2015, was promoted and effected with regular advice and support from Council of Europe experts and Secretariat through assistance activities and capacity-building events.

Notably, on 26-27 April 2012, a regional seminar (the 6<sup>th</sup> event in Ukraine) on the national implementation of the Council of Europe Disability Action Plan 2006-2015 took place in Kramatorsk with particular focus on vocational rehabilitation and training as well as employment of people with disabilities and participation of the Ministry of Social Policy, the Verkhovna Rada and civil society, through representatives of the "National Assembly of People with Disabilities".

### 2. Challenge

Funding for 2013-2014 needs to be secured

### 3. Perspectives/future activities

Another regional seminar on the national implementation of the Council of Europe Disability Action Plan 2006-2015 is planned to take place in Ukraine in September 2012 and will focus on protecting and promoting the rights of women and/or children with disabilities.

## **Project 1.3.5: Achieving effective social inclusion for Roma: elaboration and adoption of a comprehensive National Plan for Roma in Ukraine and providing tools for its implementation, including a training programme for Roma Mediators (ROMED) and awareness-raising activities (*Dosta!*)**

*Ref:* 2011/DG II/VC/2812

*Duration:* 2011–2013

*Funding status:* OB and VC are secured for Component 1 (ROMED training programme) in 2011, 2012-2013 (partly secured by the JP ROMED). Component 3 (*Dosta!*) could be partially covered by OB and VC funds in 2012-2013, pending confirmation of VCs allocated to the *Dosta!* campaign. Funding required for the rest of the project, especially Component 2 (drafting a new National Plan for Roma)

*Total cost:* €400 000 (including funds available for Component 1 in 2011, i.e. €50 000)

*MAE responsible:* Special Representative of the Secretary General for Roma issues

*Partners:* Ministry of Culture of Ukraine, Ministry of Social Policy of Ukraine, Ministry of Education, Youth and Sports of Ukraine, Ministry of Health of Ukraine, Ministry of Economic Development and Trade of Ukraine, Ukrainian Parliament Commissioner for Human Rights

The proposed project would have three main components:

#### Component 1: ROMED Training programme of mediators

Objective: To improve the quality and effectiveness of the work of school/health/employment mediators, with a view to supporting better communication and co-operation between Roma and public institutions (schools/healthcare providers/employment offices).

### **Progress Report 2011-2012**

#### 1. Main results and achievements

A total of 68 Mediators have been trained in Ukraine under the ROMED Programme (European Training Programme for Roma Mediators) in 2011 and 2012.

6 ROMED Training Sessions were held in Lvov and Odessa involving 3 groups of health and multifunction Mediators coming from different cities with broad geographical spread in the country.

All the main documentation of the ROMED programme has been adapted and translated and is now also available in Ukrainian (Curriculum, Leaflets, Code of Ethics, etc.) and Ukrainian trainers have been part of the Training for Trainers programme of ROMED.

The National Focal Point has been following the implementation of the programme, providing follow-up and assistance to the trained Mediators and liaising between mediators and local and public authorities and institutions particularly in the health sector, reporting regularly to the Council of Europe.

The programme has been followed closely by the Ukrainian authorities, particularly from the Health Ministry. The impact of the programme in Ukraine has been positive, Romed has been introduced in the national curricula, and the certificates for mediators in Ukraine have been jointly signed with the Government. Additional Mediators have been employed and paid by the Open Society Institute and through other projects. The commitment from the side of the authorities generates good possibilities for follow-up and for the possible institutionalisation of Mediation.

#### 2. Challenges

The main challenge is the reinforcement of the Mediators' role and their future institutionalisation.

#### 3. Perspectives/future activities

There are important developments and prospects to have mediators institutionalised in the context of the drafting of the new Governmental action plan for Roma.

The National Focal Point will continue its action in Romania for the up-coming months providing monitoring and follow-up to the mediators and their institutional framework.

A delegation of Ukrainian mediators will be invited to attend the European Roma Mediators Congress in December 2012.



A bilateral exchange of good practice with another country in the Programme is foreseen for this year and the Ukrainian partners for ROMED have also expressed their interest in organising an additional training seminar within the programme.

## Component 2: Elaboration of a new comprehensive National Plan for Roma

Overall objective: To contribute to the effective integration of Roma into Ukrainian society, through the expansion of a new pluri-annual comprehensive National Plan for Roma, with specific focus on education, to meet Ukrainian priorities.

Sub-objectives: To assess the impact of previous national plans for Roma and draw lessons from previous experience; to give a clear status to Roma mediators within the New Plan for Roma; to create a modern infrastructure in Roma settlements and ensure the exercise of property rights by Roma to the land on which they live; to facilitate the compliance of Ukraine with commitments and obligations toward the Council of Europe with regards to the protection of the Roma minority and the Strasbourg Declaration on Roma; to support the accession process of the Ukraine to the European Union.

### 1. Main results and achievements

Assistance was provided to the relevant authorities for developing a comprehensive National Plan; Romani representatives and organisations are empowered to participate in the development and future implementation of the comprehensive National Plan; an information campaign has led to an improved understanding among the majority population for the need to develop such a comprehensive National Plan.

2. Challenges The Ukrainian authorities are invited to continue developing and promoting the comprehensive National Plan for Roma.

## Component 3: Information and awareness-raising campaign (*Dosta!*)

Overall objective: To raise awareness among the majority population of Roma culture, traditions, language, history, as well as of stereotypes towards Roma

Sub-objectives: To improve the image of Roma and fight against stereotypes and prejudices; to improve the understanding among the majority population for the need to develop a National Plan for Roma and targeted measures; to promote the inclusion of the teaching of Roma history and language in national school curricula.

### **Progress Report 2011-2012**

#### 1. Main results and achievements

The activities implemented under the information and awareness-raising component contributed to train teachers, journalists, public officials and police officers to avoid stereotyping; a better image of Roma is presented through various awareness-raising activities (festivals, talk shows, CDs, testimonials from successful Roma, etc.); Council of Europe Roma history factsheets and Romani language portfolio are translated into Ukrainian and are used in the schooling system by the end of the project.

#### 2. Challenges

The Ukrainian authorities are invited to officialise the campaign at national level and spread it to various towns and cities.

### **Project 1.3.6: Project to strengthen and protect children's rights in Ukraine**

*Ref:* 2012/DG I/VC/2813

*Duration:* 2012-2013

*Implementation status:* proposed

*Total cost:* €1 000 000

*Funding status:* funding required

*Partners:* Ministry of Justice of Ukraine, Ministry of Social Policy of Ukraine, Ministry of Internal Affairs of Ukraine, Ukrainian Parliament Commissioner for Human Rights, Ombudsman for Children under the President of Ukraine, local state administrations, Committee for Family, Youth, Sports and Tourism of the Verkhovna Rada of Ukraine, Centres of social services for children and young people and NGOs, Scientific journal " Law of Ukraine".

Objective: To contribute to strengthening and protecting human rights through the promotion of children's rights and prevention of violence against children, including sexual exploitation and sexual abuse. Promote guidelines on child-friendly justice.

#### **Progress Report 2011-2012**

##### 1. Perspectives

At the request of the Ombudsman for Children under the President of Ukraine, co-operation to strengthen the Ombudsman institution is envisaged and requires funding.

The project is under negotiation in view of securing the required funding for the project implementation.

#### **1.4. Ensuring social rights**

##### **Project 1.4.1: Developing a National Patient Safety Action Plan**

*Ref:* 2011/DG I/VC/2814

*Duration:* 2011-2013

*Implementation status:* (started in 2010), activities planned in 2011-2012

*Total cost:* minimum €100 000 (partially secured)

*Funding status:* funding partially secured by OB

*Partners:* Ministry of Health of Ukraine, All Ukrainian Council for Patients' Rights and Safety, Ukrainian Parliament Commissioner for Human Rights

Overall objective: To improve the health status of citizens of Ukraine by developing policies which improve patient safety, prevent medical errors and decrease costs of malpractice, through implementation of recommendation Rec(2006)7 on management of patient safety and prevention of adverse events in health care.

Specific objectives: To create a Taskforce to develop a National Patient Safety Action Plan – achieved in 2010; to develop a draft structure and content of the National Patient Safety Action Plan; to identify foreign twinning partners from countries with greater experience in patient safety, who are willing to start long-term partnerships and offer support.

## **Progress Report 2011-2012**

### 1. Main results and achievements

The activities continued to develop a National Patient Safety Action Plan. A Workshop held in Kyiv on 24-25 November 2011 was mainly devoted to an in-depth review of existing policies in Ukraine on patient safety, with the participation of five experts from other member states. The possible structure and content of the Action Plan were also discussed.

### 2. Challenges

The project objectives have only been partially achieved due to the possibility to organise only one Workshop per year through the ordinary budget. Additional funding is required.

### 3. Perspectives

Future activities will be implemented if the required funding is secured.

## **Project 1.4.2: Drugs in prisons of Ukraine**

*Ref:* [2012/DG3/VC/2681](#)

*Duration:* January 2011 – December 2012

*Implementation status:* ongoing

*Total cost:* €237 650

*Funding status:* funding partially secured (€9000 VC and €40 000 VC)

*Partners:* [Ukrainian State Penitentiary Service of Ukraine](#) and its Zaporozhye Regional Office, State Service for Drugs Control of Ukraine, the National School of Judges in co-operation with the Ministry of Justice of the Netherlands, Ministry of Health of Norway, Ljubljana Addiction Treatment Centre [Slovenia], NGO "Innovative projects in prisons" [Moldova]

Objectives: The project aims to help bring Ukrainian drug policies and practices closer to the European standards. The objectives of the project are: to decrease drug-related recidivism and increase the success rate of drug treatment in prisons; to recommend measures to bring prison conditions in Ukraine in line with the CPT's recommendations and the ECHR case law; to present feasible models of inter-agency co-operation in dealing with drug-related problems to educational, social, medical and law enforcement authorities of Ukraine.

## **Progress Report 2011-2012**

### 1. Main results and achievements

A seminar on tackling drug problems in prisons took place in Ukraine on 2-4 June 2011. It is a part of the comprehensive Pompidou Group plan of actions for Ukraine and was attended by over 50 local prison governors, law enforcement officials, prison doctors and psychologists, prosecutors and judges of the Zaporozhye Region of Ukraine. Pompidou Group experts, representatives of the European Court of Human Rights and the Committee for Prevention of Torture provided insight in organising treatment and rehabilitation for drug users in custodial settings, developed measures to reduce harm caused by drug usage; developed co-operation between social, educational, health and law enforcement. The standards concerning prisons developed within the framework of the Council of Europe served as the basis for the seminar discussions.

## 2. Challenges

A major challenge will be to ensure that all partners are 'on board' and that the co-ordination between the State Service for Drug Control and the Department for Penitentiary Institutions reach a common perspective as to the development of such joint programmes.

The funding from the Ordinary Pompidou Group was used in 2011. For 2012, voluntary contributions from Norway and Luxembourg will cover part of the costs for the organisation of training events (approximately 40 000 €), but further financing is required should the project develop all planned activities.

## 3. Perspectives/future activities

In 2012 the Pompidou Group established contact, on a national level, with the Ukrainian State Penitentiary Service and the National Drug Control Service. The Pompidou Group was requested to provide expertise and to organise in-country training seminars on drug treatment, psycho-social support and rehabilitation of drug-using inmates. It is planned to co-ordinate training activities with the Council of Europe's project on prison reform in Ukraine, thus creating synergies through transversal action. The Pompidou Group agreed with the United Nations Office on Drugs and Crime (UNODC) to organise joint training events in the second half of 2012. These will be further planned at the end of April 2012, with a view to involving the Ukrainian penitentiary service training framework and introducing UNODC/PG training into its curriculum.

### **Project 1.4.3: Implementation of the Revised European Social Charter**

*Ref:* 2012/DG I/VC/2815

*Duration:* 2012-2013

*Implementation status:* proposed

*Total cost:* €60 000

*Funding status:* funding required

*Partners:* Ministry of Social Policy of Ukraine and other relevant ministries, Ukrainian Parliamentary Commissioner for Human Rights

Overall objectives: Effective implementation of the rights guaranteed by the Revised European Social Charter (RESC) and fulfilment of its obligations. To prepare acceptance of additional provisions and instruments of the Revised Charter, in accordance with the economic and social reforms in Ukraine.

Specific objective: To ensure implementation of European Committee of Social Rights (ECSR) decisions and conclusions in law and in practice in Ukraine. Graduated accession to the ESC provisions.

Perspectives: The project proposals are under negotiation with potential partners/donors in view of securing the required funding for the project implementation.

### **Project 1.4.4: European Code of Social Security**

*(It is proposed to merge the projects 1.4.5 and 3.3.7 in view of preparing a single, substantial and wide-ranging project)*

*Ref:* 2011/DG I/VC/2816

*Duration:* 2012-2013

*Implementation status:* proposed

*Total cost:* €50 000

*Funding status:* funding required

*Partners:* Ministry of Social Policy of Ukraine and other relevant ministries

Overall objective: To bring the Ukrainian legislation and practice into full conformity with the norms of the European Code of Social Security and strengthen the legal framework ensuring the long term sustainability of the Ukrainian social security system.

Specific objective: Preparation for the signature and ratification of the European Code of Social Security ensuring that the principles of the Code are observed in the reforms of social security, particularly in the field of pensions and health insurance.

Perspectives: The project proposals are under negotiation with potential partners/donors in view of securing the required funding for the project implementation.

#### **Project 1.4.5: Contributing to the development of modern social services in Ukraine**

*(It is proposed to merge the projects 1.4.4 and 3.3.7 in view of preparing a single, substantial and wide-ranging project)*

*Ref:* 2011/DG II/VC/2836

*Duration:* 2012-2014

*Implementation status:* proposed

*Total cost:* €40 000

*Funding status:* funding required

*Partners:* Ministry of Social Policy of Ukraine, Department of Labour and Social Security of the Donetsk Regional State Administration; Donetsk Regional State Administration, local authorities

Objective: To design a strategy for the implementation of social services provision at the national, regional and local level.

#### **Project 1.4.6: Support of implementation of a national drug strategy and action plan in Ukraine**

*Ref:* 2011/DG I/VC/2817

*Duration:* 2012–2013

*Implementation status:* proposed (at advanced stage of negotiation)

*Total cost:* €70 000

*Funding status:* funding required

*Partners:* Ukrainian State Service for Drug Control, Ministry of Internal Affairs of Ukraine, Ministry of Justice of Ukraine, Ministry of Health of Ukraine, Ministry of Education, Youth and Sports of Ukraine

Objectives: The aim of the capacity-building project is to provide support for the Ukrainian State Service for Drug Control to implement a national drug strategy and action plan that corresponds with the general principles included in the EU Drugs Action Plan 2009–2012 and the 'policy paper providing guidance to policy makers for developing coherent policies for licit and illicit drugs'. In the pursuit of this aim the following objectives are set:

- to provide Ukrainian authorities with examples and experiences of common practice in European countries in the fields of prevention, treatment and trans-frontier law enforcement co-operation;
- to facilitate knowledge on monitoring, evaluation and assessment methodologies;
- to assist in developing structures that allow for effective stakeholder co-operation at government level and also with civil society in implementing the national drug policy;
- to contribute to the elaboration of recommendations and minimal criteria for the development and implementation of a national drug strategy and action plan.

### Recent development with regards to the project preparation

On 27-28 September 2011, an international round table on "Combating Drug Abuse: New Strategic Approach" took place in Kyiv. At the initiative of the State Service for Drug Control of Ukraine (the State Service) and the Pompidou Group, with the assistance of the UNODC Regional Office, over 60 participants discussed the priorities and structure of the Ukrainian National Anti-Drug Strategy 2011-2020. Leading Ukrainian researchers, representatives of state agencies as well as national and international NGOs adopted a resolution which stipulates the priority of human rights and fundamental freedoms as a basis for the National Anti-Drug Strategy, underlines the importance of prevention, treatment and rehabilitation as well as a multidisciplinary and balanced approach to solving drugs problems in Ukraine.

In February 2012, the Ukrainian State Drug Control Service officially requested the Pompidou Group to review the Ukrainian draft Drug Strategy 2011-2020. The Pompidou Group secretariat committed national policy experts with the request to review the strategy from several perspectives. The Secretariat finalised a synthesis and additional elements of analysis based on the 'Policy paper providing guidance to policy makers for developing coherent policies for licit and illicit drugs' (Pompidou Group Publication 2012). The results of the review were presented at an International High-Level Conference on "A Comprehensive and Integrated Approach to Prevention and Treatment of Drug Dependence and related HIV/AIDS – Ukrainian Society and Drugs: building a new strategic approach" organised by the State Drug Control Service, UNODC and the Pompidou Group in Kyiv from 21-23 May 2012.

### **Progress Report 2011-2012**

#### 1. Challenges (including financial information where necessary)

The review of the Drug Strategy is well underway, with the strong involvement of a wide spread of European drug policy experts. In order to give the necessary follow up once the strategy is adopted, the capacity building activities need further financial support, as the political will from the side of the Ukrainian State Drug Control Service is proven, but needs to be given the necessary input to sustain its efforts.

#### 2. Perspectives/future activities

UNODC and the Pompidou Group are currently preparing a joint capacity-building programme with a view to involving the Ukrainian authorities in the implementation of the Drug Strategy under development. Ukraine is planning to integrate the Pompidou Group as a member State of the Partial Agreement, which would allow all services concerned to benefit from the relevant working parties and information exchanges.

### **Project 1.4.7: Developing local capacity for school-based prevention**

*Ref:* 2011/DG I/VC/2818

*Duration:* 2012–2013

*Implementation status:* proposed

*Total cost:* €210 000

*Funding status:* funding required

*Partners:* Ministry of Education and Science, Youth and Sports of Ukraine, Ukrainian Medical and Monitoring Centre on Drugs and Addiction, Scientific journal "Law of Ukraine"

**Objective:** In 2007-2008 the Pompidou Group trained 130 multipliers (teachers, educators, social workers) in the Zaporozhye region of Ukraine in life skills drug prevention methodology. This project was funded by voluntary contributions. As a spin-off of this project, and at the request of Ukrainian experts and authorities, the Pompidou Group proposes to organise a pilot project in the Zaporozhye region of Ukraine. The project aims:

- to adopt a European school-based prevention programme (life skills training methodology) to the Ukrainian context;
- to train regional multipliers in all twenty-eight regions of Ukraine;
- to certify the programme by the Ministry of Education and Science, Youth and Sports of Ukraine and introduce the programme in the school curriculum.

## **Progress Report 2011-2012**

### 1. Perspectives

Following the adoption of the Ukrainian Drug Strategy 2011-2020, in which the prevention of drug abuse is a key feature, appropriate measures might be put into place and training provided, specifically for teachers, school psychologists and specialists for centres of social services, with advanced skills of prevention work with young people. This item will also be debated during the International High-Level Conference on "A Comprehensive and Integrated Approach to Prevention and Treatment of Drug Dependence and related HIV/AIDS – Ukrainian Society and Drugs: building a new strategic approach" organised by the State Drug Control Service, UNODC and the Pompidou Group in Kyiv from 21-23 May 2012. Funding is required.

### **Project 1.4.8: Drug prevention TV project targeting families**

*Ref:* 2011/DG I/VC/2819

*Duration:* 2012–2013

*Implementation status:* proposed

*Total cost:* €100 000

*Funding status:* funding required

*Partners:* Ministry of Education and Science, Youth and Sports of Ukraine, National Television Company of Ukraine, Ukrainian Medical and Monitoring Centre on Drugs and Addiction

**Objective:** The project intends to create, in partnership with a Ukrainian media production company and local educational and health authorities, a TV format reaching 'at risk' groups of parents (such as 'Super Nanny') who are otherwise difficult to reach with drug prevention messages and information on help and support. More specifically, the pilot project seeks to:

- develop a television format that communicates drug prevention messages and support to 'at risk' families;
- reach families that are usually seen as 'hard-to-reach', through TV;
- create a media product that promotes discussion on drugs in families;
- provide parents with information on institutional assistance and self-help.

**Perspectives:** The project proposals are under negotiation with potential partners/donors in view of securing the required funding for the project implementation.

## 2. RULE OF LAW

### 2.1. Ensuring justice

#### **Project 2.1.1: Enhancing judicial reform in the Eastern Partnership countries**

*Ref:* 2011/DGHL/JP/2632

*Duration:* March 2011 – August 2013

*Implementation status:* ongoing

*Total cost:* €154 000 (approximate budget allocation for Ukraine from a regional programme, €923 995 for six countries, including Ukraine)

*Funding status:* funding secured (EaP Facility, EU/CoE Joint Programme)

*Partners:* Ministries of Justice of the beneficiary countries, judicial communities

**Objective:** To support and enhance the ongoing process of reform of the judiciary, with a view to increasing the independence, efficiency and professionalism of the judicial systems of the participating beneficiary countries, through intensive information exchange and best practice sharing.

#### **Progress Report 2011-2012**

##### 1. Main results and achievements

The reports drawn up within the project clearly identify the remaining gaps and obstacles to the implementation of relevant European standards in the beneficiary countries, including Ukraine, as well as the steps the national authorities should take to meet these standards, in order to have a fully independent, professional and efficient judiciary. The project methodology combines bilateral and multilateral consultations and debates, as well as inputs from Council of Europe experts and from representatives of justice stakeholders from the participating countries. Ukrainian representatives contributed to Working Group sessions and provided information about their judicial system, which was very valuable in the process of analysing legislation and drawing up recommendations.

The project completed a series of country visits and discussions about the reports, prepared by the two Working Groups on Independent and Professional Judicial Systems. In Ukraine, on 5 and 6 June, the project held in-country discussions with project partners and relevant stakeholders in Kyiv. In the course of these round tables, three reports (drawn up jointly by Council of Europe consultants and representatives of the national authorities from the beneficiary countries) were discussed: "Judicial self-governing bodies and judges' careers," "Training of judges" and "The profession of lawyers." Findings, conclusions and recommendations included in the reports were generally assessed by the participants as correct, although the exchange of opinions revealed the need to update the reports. The present members of the Council of Judges of Ukraine emphasised the fact that this body is composed of a majority of judges elected by their peers and is truly representative of the judiciary. Nevertheless the Council of Judges of Ukraine is not recognised as a judicial self-governing authority, while the Constitution of Ukraine refers only to the High Council of Justice, which is a rather politicised authority, and gives to it important competences of judicial self-governance. It is also one of the most important recommendations of the report on "Judicial Self-Governing Bodies. Judges' Career" that: "...the legislator ought also to reassess whether it is indeed desirable from efficiency and transparency perspectives to have a number of different institutions carrying out judicial self-governing functions, or whether a reduction in the number of institutions involved and a streamlining of their competences would be advisable."



The report on "The Profession of Lawyers" presented to the audience revealed a delay in modernisation of the lawyer's profession in Ukraine, as compared to the situation in other countries covered by the report, and outlined the most important steps to be taken in order to remediate this state of affairs. On 5 June 2012, a day before this round table took place, the Verkhovna Rada (Parliament of Ukraine) adopted in the first reading a new Law, "On the Bar and the Legal Profession". Therefore the round table served as a good occasion to consider some provisions of this draft law against European standards and mainstream tendencies in organization and self-administration of lawyers' liberal profession. The lawyers participating in the round table expressed their hopes that the new law will give a positive impetus to the development and consolidation of their profession.

## 2. Challenges

The project enjoys good co-operation with the participating beneficiary institutions and representatives of the governmental authorities of Ukraine, which have expressed on a number of occasions, including the country discussions, their appreciation for the project outputs.

These reports clearly point out the remaining gaps and obstacles to the implementation of relevant European standards in Ukraine, as well as the steps the national authorities should take to meet these standards, in order to have a fully independent and professional judiciary. We hope that the reports will be used by the Ukrainian authorities as guidance for implementing the next steps in the ongoing justice reform, as well as a tool to assess the developments in the justice sector of Ukraine in the light of the reports' findings and recommendations.

## 3. Perspectives/future activities

The three reports will be updated based on the results of the discussions held in Ukraine and will be available on-line.

During the third Working Group on "Efficient Judicial Systems," experts started preparation of the first report which is based on the analysis of the data collected by the CEPEJ the annual evaluation of European judicial systems. The first meeting of the Working Group will take place in October 2012 when the participants from the relevant national bodies and judicial institutions will discuss the first draft of the report.

### **Project 2.1.2: Support to the reform of the judicial system**

*Ref:* 2008/DGHL/1423

*Duration:* 2008-2011

*Implementation status:* completed in 31 December 2011

*Total cost:* €6 000 000

*Funding status:* funded

*Partners:* Ministry of Justice of Ukraine, Supreme Court of Ukraine, High Administrative Court of Ukraine, Supreme Court of Ukraine, High Council of Justice of Ukraine, National School of Judges of Ukraine, Council of Judges of Ukraine, High Commercial Court, Office of the Prosecutor General of Ukraine, State Court Administration of Ukraine, the High Qualification Commission of Judges of Ukraine, National Commission for Strengthening Democracy and the Rule of Law, Parliament (Verkhovna Rada), Parliamentary Committee on Legal Policy and Parliamentary Committee on the Judiciary, State Court Administration, High Specialised Court for civil and criminal cases, Scientific journal " Law of Ukraine".

Objectives: The overall objective of the ongoing EU/CoE Joint Programme entitled "Transparency and efficiency of the Judicial System of Ukraine" (JP TEJSU) was to assist with the establishment of an independent, impartial, efficient and professional judiciary in Ukraine, accessible to all citizens, working effectively and transparently vis-à-vis citizens and civil society. The four individual components had their own separate objectives; combined they contributed towards strengthening further the capacity of the Ukrainian judicial system to administer equitable and efficient justice. Among the issues being addressed are automation of courts, the measuring of the workload of judges, financing of courts, the system of initial and in-service training of judges, the disciplinary liability of judges, the establishment of one professional bar association, access to legal aid, the use of alternatives to judicial dispute resolution, and procedures and tools for ensuring compliance of legislation with European standards.

## **Progress Report 2011-2012**

### 1. Main results and achievements

The TEJSU project contributed to the judicial reform by providing legislative advice to the authorities on key pieces of legislation, such as the law on Free Legal Aid, the draft law on the Bar, the draft law amending the law on the Judiciary and Status of Judges, the draft Code of Criminal Procedure in order to ensure their compliance with European standards. A number of expert opinions were prepared jointly with the Venice Commission. As a main outcome, the new law on the Free Legal Aid was adopted in July 2011 while the other drafts had not been adopted by the end of the project.

The efficiency of the court system was increased through the setting up of a system of court finance and the establishment of an automated court workflow system, introduced from 1 January 2011.

Another clear success of the project has been in the field of Alternative Dispute Resolution, where mediation was introduced in four pilot courts around the country (Bila Tzerkva City Court of Kyiv Region, Vinnitsa Circuit Administrative Court, Appeal Administrative Court of Donetsk Region and Ivano-Frankivsk City Court) and led to decreasing the number of cases dealt with by courts and strengthening the efficiency of courts. The pilot practices were supposed to feed into the work of the legislator, which unfortunately has not been initiated to date.

The TEJSU project organised the procurement of electronic networks in all courts, as well as the full computerisation of the courts in the Chernivtsi region and seven regional offices of the National School of Judges. As a result, all courts in Ukraine are now connected between themselves and access to national case law has become easier.

During the life-time of the project, new key institutions were established, such as the High Qualification Commission of Judges and the National School of Judges. The TEJSU Project immediately targeted these new institutions with a view to ensuring that they were able to fulfil their role. For example, curricula for initial and continuous judges' training were drawn up. It is important to note that initial training for judges was introduced for the first time in Ukraine during this period and the TEJSU Project significantly contributed to that.

The increase of the capacity of judges to apply European standards in their work was also at the heart of the TEJSU Project. A number of activities related to legal topics were organised at the recipients' request, namely *inter alia* on the methodology of the interpretation of legal acts, on the application of the legislation against both corruption, racism and intolerance, on legal aid, on the monitoring network devices and applications, on computer programmes, on the application of the ECHR and the case law of the ECtHR, on Alternative Dispute Resolution, on an automated case management system and on the quality of judicial decisions and relations between judges and prosecutors. The feedback received from the participants pointed to the usefulness of the training organised but, at this stage, it is difficult to measure its impact in terms of change or improvement of day-to-day judicial work.

All these results were achieved by the TEJSU project through peer-to-peer exchanges with a view to increasing the networking between the different actors of the judiciary in Ukraine and with their counterparts in Europe. The dissemination of European standards contributed to these results as well. They include two in-depth reports entitled "*Human Rights training needs assessed in Ukraine*", aimed at assessing the training needs of Ukrainian legal professionals with regard to the ECHR, including the case law of the ECtHR, and "*Assessment report on ongoing training needs of judges in Ukraine*", aimed at analysing the current legal framework governing the ongoing training of judges and the evolution of the institutions responsible for the organisation of it (i.e. the National School of Judges of Ukraine) as well as the electronic edition of a legal review, "*The European Court of Human Rights Court Practice*".

Last but not least, the work of the Council of Europe and its standards received great visibility throughout the project and in particular during the Ukrainian Chairmanship of the Committee of Ministers, when high level conferences and other events were organised in co-operation with the TEJSU project.

## 2. Challenges (for future activities)

- The creation of a unified bar association in the classical Western European sense and an amending the out-of-date law on advocacy would be some challenges to be faced in the near future by Ukraine.
- Lack of independence of the judiciary which is the principle challenge for the justice system in Ukraine;
- Further improvements of the Ukrainian legislation in the judicial area, in particular the draft Law on the Judiciary, the status of judges and the draft law on the Bar should not be left aside.
- A comprehensive constitutional reform process should be initiated. No reform can be undertaken in Ukraine without reforming the current constitution.
- Recommendations provided by the projects, jointly with the Venice Commission, are not taken into account in the laws ultimately adopted by the Verkhovna Rada.

All these challenges may be included in a strategy paper which should include a consolidated vision of the Ukrainian judiciary.

## 3. Perspectives

Council of Europe is at an advanced stage of negotiation of a new Joint Programme with the European Union.

### **Project 2.1.3: Support for prison reform in Ukraine**

*Ref:* [2011/DGHL/VC/2263](#)

*Duration:* March 2011 – March 2013

*Implementation status:* ongoing

*Total cost:* €1 000 000

*Funding status:* Funding secured. (Funded by the Swedish International Development Co-operation Agency – SIDA)

*Partners:* State Penitentiary Service of Ukraine, Ministry of Justice of Ukraine, Ministry of Internal Affairs of Ukraine, Ministry of Health of Ukraine, General Prosecutor's Office of Ukraine, State Court Administration of Ukraine, Ukrainian Parliament Commissioner for Human Rights, Permanent Committees of the Parliament of Ukraine and NGOs.

**Objective:** To enhance reforms in the area of execution of criminal sanctions in Ukraine, in line with CPT and other Council of Europe standards and recommendations. The implementation focuses on two main areas, thus it aims to improve the capacities of the Ukrainian authorities in line with the Council of Europe Probation Rules and promote effective and properly focused use of community sanctions and measures. In the area of prison management, it aims to develop the professional skills and management capacities of middle and senior ranking prison staff.

The project uses a combination of approaches, such as policy advice and awareness-raising; training, including management training and the necessary tools and curricula for effective training; and peer-to-peer contacts with other European jurisdictions.

#### **Progress Report 2011-2012**

##### 1. Main results and achievements

A regional survey and study on mid-range offenders serving their sentence in prison was concluded and its results discussed, contributing to the development of offender risk, needs assessment, supervision in the community as an alternative to imprisonment and improvement of rehabilitation services. A training curriculum for criminal-inspectors has been revised; a series of regional seminars and study visits to other European jurisdictions have been carried out with a view to advocate wider and properly focused use of community sanctions and to improve the capacities of the Criminal-Executive Inspection Service towards a fully functioning probation service.

A series of seminars on prison management have been carried out for about 150 prison directors and regional heads of prison administration and a Prison Management Manual and a Training Manual for prison directors have been drafted and discussed, in order to make the senior officials acquainted with modern prison management methods and European standards and improve their professional skills.

##### 2. Challenges

The national concept on probation is still developing in Ukraine, together with the necessary legal instruments. Main features of the institutional and organisational structures have not yet been fully defined and decided by the national authorities.

The sustainability of the developed/revised training curriculum and materials on prison management is subject to their adoption by the relevant authorities.

### 3. Perspectives/future activities

The project foresees awareness-raising seminars on probation for members of the judiciary, train-the-trainer sessions and a programme of training for the criminal-executive inspectors, senior- and middle-ranking prison officers, as well as a piloted initiative in the Kharkiv region for the introduction of an enhanced supervision and a simplified method for offender risk and needs assessment.

In the framework of the project, the Council of Europe will continue providing advice for the working group set up by the Ministry of Justice of Ukraine to develop the national concept on probation and for the revision/drafting of law on probation and will offer a forum via the Stakeholders' Platform to discuss various aspects of penitentiary reform.

#### **Project 2.1.4: Support for reform of the Public Prosecution Service as part of the reform of the criminal justice system**

*(Project proposed to be merged with the project 1.2.5)*

*Ref: 2012/DG I/VC/2821*

*Duration: 2012-2014*

*Implementation status: proposed*

*Total cost: €1 000 000*

*Funding status: funding required*

*Partners: Prosecutor General's Office of Ukraine, Ministry of Justice of Ukraine, Ministry of Internal Affairs of Ukraine, Ukrainian Parliament Commissioner for Human Rights, National Academy of Prosecutors of Ukraine, Supreme Court of Ukraine, Scientific journal " Law of Ukraine".*

Objective: To support the reform of the Public Prosecution Service, bearing in mind, and based on, the significant number of cases of findings of violations by the European Court of Human Rights of Articles 2, 3, 5 and 6 of the European Convention on Human Rights. Some of these judgments indicate that the General Prosecutor's Office requires comprehensive and in-depth reform. This is further linked to Ukraine's original Council of Europe accession commitments, which include the adoption of a criminal procedure code and introduction of changes to the role and functions of the Prosecutor General's Office. The project would also look at ways of ensuring full implementation of the Presidential Decree on the "Concept on the State Policy in the field of criminal justice" (311/2008).

## 2.2. Countering threats to the rule of law

#### **Project 2.2.1: Good governance and the fight against corruption in the Eastern Partnership countries**

*Ref: 2011/DGHL/JP/2524*

*Duration: March 2011 – August 2013*

*Implementation status: ongoing*

*Total cost: €187 727 (approximate budget allocation for Ukraine from a regional programme, €1 126 365 for six countries, including Ukraine)*

*Funding status: funding secured (EaP Facility, EU/CoE Joint Programme)*

*Partners:* Ministry of Justice of Ukraine, Ministry of Internal Affairs of Ukraine, Ministry of Finance of Ukraine; Judicial Council of Ukraine, Prosecutors Council of Ukraine, specialised agencies on anti-corruption and Financial Intelligence Unit, civil society and private sector associations, central electoral administrations, State Court Administration of Ukraine, the Ukrainian Parliamentary Commissioner for Human Rights, General Prosecutor Office of Ukraine, Supreme Court of Ukraine

Overall objective: To enhance the reform processes in the six partner countries through a multilateral approach and to bring them closer to Council of Europe and EU standards in core areas covered by the Eastern Partnership Platform 1.

Specific objective: To enhance good governance and strengthen the capacities of the public administration and criminal justice sector in order to effectively prevent and fight corruption in line with Council of Europe conventions and other international treaties.

## **Progress Report 2011-2012**

### 1. Main results and achievements

The two Regional Workshops and the Regional Conference on anti-corruption policies have contributed to strengthening capacities of government officials and civil society representatives in the six partner countries, including Ukraine, to develop and implement anti-corruption policies. All three events have received good feedback from participants. Furthermore, a "Handbook on Designing and Implementing Anti-corruption Policies" has been drafted. Once finalised, it is expected to benefit experts drafting anti-corruption policies in the Eastern Partnership countries, including Ukraine.

EaP Countries that will have to draft new anti-corruption policies in 2012 and Ukraine already had the possibility of feeding the results of the two workshops in the drafting process of new anti-corruption action plans, supported by assessments of the Project.

The regional training on "Implementing standards on detection, investigation and criminalisation of economic and financial crimes" (12-16 March 2012) enhanced the capacities of the Ukrainian law enforcement agencies in investigating and prosecuting large-scale international money laundering and corruption cases.

The three Pilot Activities on local anti-corruption policies and assessments of the national anti-corruption Action Plans of Ukraine also support implementation of the above mentioned EU-Principle.

The assessment of the Action Plan of Ukraine is also directly related to the implementation of a GRECO recommendation.

### 2. Challenge

It is expected that the national authorities will efficiently apply and implement European and international standards on good governance and the fight against corruption when addressing their specific needs and will be committed to applying policy and prevention measures concerning enhancement of good governance and the fight against corruption.

### 3. Perspectives/future activities

The updated Work Plan of project activities was adopted at the 2<sup>nd</sup> Steering Committee Meeting in Kyiv on 29 March 2012.

Regional Workshop III: Risk assessment: Typologies of underlying causes of corruption and an Expertise and Workshop on the new Action Plan ("State Program") 2011-2015 and a Roundtable on the liability of legal persons will be organised in Ukraine.

## **Project 2.2.2: Co-operation against cybercrime in the Eastern Partnership countries**

*Ref:* [2011/DGHL/JP/2523](#)

*Duration:* March 2011 – August 2013

*Implementation status:* ongoing

*Total cost:* €120 667 (approximate budget allocation for Ukraine from a regional programme, € 724 000 for six countries, including Ukraine)

*Funding status:* funding secured (EaP Facility, EU/CoE Joint Programme)

*Partners:* Ministry of Justice of Ukraine, Ministry of Internal Affairs of Ukraine, Judicial Council of Ukraine, Prosecutors Council of Ukraine, specialised agencies, local NGOs, Ukrainian Parliamentary Commissioner for Human Rights

Overall objective: To enhance the reform processes in the six partner countries through a multilateral approach and to bring them closer to Council of Europe and EU standards in core areas covered by the Eastern Partnership Platform 1.

### **Progress Report 2011-2012**

#### 1. Main results and achievements

In order to assess the current state of project countries, including Ukraine, regarding measures against cybercrime during the Launching Conference and 1<sup>st</sup> Steering Committee Meeting, it was agreed that a Situation Report will be drafted based on information collected with the assistance of the working groups.

#### **Situation Report on legislation and international co-operation (Part I)**

With regard to legislation, the report states that different legislative approaches were taken in project countries, which resulted in different levels of implementation of the requirements of the Budapest Convention on Cybercrime. Comparison of legal solutions could be helpful to improve and eventually achieve full implementation of the Cybercrime Convention and related instruments in the region.

#### **Situation Report on existing measures against cybercrime (Part II)**

Part II of the Situation Report on measures taken by countries against cybercrime focuses on the following themes: Threat of cybercrime; Specialised institutions; LEA and judicial training; \*Financial investigations and criminal money flows on the Internet; LEA-ISP co-operation; other information (including other projects, initiatives).

Ukraine signed the Cybercrime Convention and ratified the Convention on 10 March 2006 and ratified the Additional Protocol to the Cybercrime Convention on 21 December 2006 and the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (CETS No. 182) on 14 September 2011. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201) was signed on 11 November 2007 but not (yet) ratified.

Recommendations are prepared within the project for Ukraine: to provide the Council of Europe with details of the 24/7 national contact point (within the Ministry of Interior of Ukraine), to take measures to initiate amendments in Ukraine regarding expedited preservation of computer data including traffic data stored in computer systems, in particular (Cybercrime Convention Articles 16, 29, 30); to take measures to initiate amendments in Ukraine regarding real-time collection of traffic data (Cybercrime Convention Articles 20, 33),

interception of content data (Articles 21, 34); to propose a standardised form of request for technical advice (Cybercrime Convention Article 35), to propose to develop a common platform (a forum) for the 24/7 network with enhanced information protection and user-friendliness and to provide for Ukraine's participation in OCTOPUS conferences and other activities within the Project (four people, one from each of the following headquarters: Ministry of Justice, General Prosecution, and Ministry of Interior plus a representative of the private sector).

## 2. Challenge

It is expected that the national authorities will further define strategic priorities regarding cybercrime and assess measures taken, as well as participate more actively in international cybercrime efforts.

## 3. Perspectives

Work under the project to fill the gaps in national legislation aimed at ensuring effective international co-operation in line with the Cybercrime Convention and other relevant standards; encourage Ukraine to ratify the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse; train staff responsible with MLA; increase the efficiency of the 24/7 contact point; ensure participation of EAP countries in the Octopus and Cybercrime Convention Committee (T-CY), including in the discussion on transborder access of data.

### **3. DEMOCRACY**

#### **3.1. Parliamentary democracy; support to improve electoral legislation and practice**

##### **Project 3.1.1: Support free and fair elections in the Eastern Partnership countries**

*Ref:* [2011/DGDPA/JP/2466](#)

*Duration:* March 2011 – August 2013

*Implementation status:* ongoing

*Total cost:* €155 983 (approximate budget allocation for Ukraine from a regional programme, €935 900 for six countries, including Ukraine)

*Funding status:* funding secured (EaP Facility, EU/CoE Joint Programme)

*Partners:* Central electoral administrations of the beneficiary countries, local NGOs

*Main partners:* [Central Electoral Commission of Ukraine](#), Ukrainian Parliamentary Commissioner for Human Rights

Overall objective: To ensure the effective implementation of the principles of the European electoral heritage, relying notably on capacity-building and awareness-raising activities involving both the competent authorities and civil society.

#### **Progress Report 2011-2012**

##### 1. Main results and achievements

The on-site meetings with NGOs involved in domestic election observation enabled the elaboration of the first draft of the handbook on good practices which will be discussed at a meeting in the summer.

Agreement was reached among the Ministries of Education that an election-specific, practically-oriented, two-to-three hour programme should be introduced in the course of the last two years of high school. The curriculum outline is being developed.



A number of actions through which women's participation in political life can be supported were identified with the involvement of women who are currently elected members of national parliaments.

### 2. Challenges

The main challenge is to prioritise the large number of proposals and ideas coming from civil society and reformulate them to fit the CeCs and MoE work plans without failing to meet expectations of the NGOs.

### 3. Perspectives/future activities

Publication of a handbook for domestic observers, elaboration of a high school practically-oriented curriculum on elections and organisation of training for women to encourage their participation in political life.

## **Project 3.1.2: Assistance in capacity building to the Central Electoral Commission of Ukraine and training of electoral officials and judges**

*Ref:* 2011/CDL/JP/2652

*Duration:* 2011-2014

*Implementation status:* proposed

*Total cost:* €30 000

*Funding status:* funding required

*Partners:* Ministry of Justice of Ukraine, Central Electoral Commission of Ukraine, Supreme Court of Ukraine, High Administrative Court of Ukraine, National School of Judges of Ukraine, Office of the Prosecutor General of Ukraine, including Secretariat of the Government Plenipotentiary in European Court of Human Rights, State Court Administration of Ukraine, media and civil society

### Short description/objectives

Elaboration of election-related legislation and its implementation, the effective exercise of voting rights and the conditions necessary for a free and informed participation of voters. Specific activities will cover, *inter alia*, the preparation of handbooks and curricula based notably on the standards of the ECHR as interpreted by the case law of the Court and on the opinions of the Venice Commission for the training sessions, the training of the electoral administration at all levels, the role of the media to support a balanced coverage of the electoral campaign and a voters' information campaign.

## **Progress Report 2011-2012**

### 1. Main results and achievements

Agreement was reached on a specific pre-electoral support programme composed of a media campaign, principally through the internet and radio.

### 2. Challenges

To ensure the implementation of necessary activities in a sensitive pre-electoral environment. The funds available under JP "Media" may be used.

### 3. Perspectives/future activities

Media campaign to raise voter awareness.

3.2. Local democracy: support public discussions on international standards for democratic elections

### **Project 3.2.1: Strengthening local democracy and support for local government reforms in Ukraine**

*Ref:* 2009/DGDPA/VC/2218

*Duration:* 1 January 2010 - 31 December 2012

*Implementation status:* ongoing

*Total cost:* ca. €1 500 000

*Funding status:* funding secured (SIDA contribution)

*Partners:* Ministry of Regional Development, Construction and Housing of Ukraine, Ministry of Finance of Ukraine, Verkhovna Rada of Ukraine (Parliament), Ukrainian Parliament Commissioner for Human Rights, State Fund for Local Self-Government of Ukraine, associations of municipalities, villages and regions

#### Short description/objectives

The programme is designed to provide policy guidance, legal assistance and technical expertise to the Ukrainian authorities. The programme will contribute to the establishment of an efficient local government system, in order to promote good governance and more effective provision of services to citizens in Ukraine. The purpose of the programme is to contribute to the improvement of an institutional and legislative framework for local democracy in Ukraine and the development of a system of decentralised governance consistent with the European Charter of Local Self-Government, European standards and objectives of the Council of Europe Action Plan for Ukraine.

### **Progress Report 2011-2012**

#### 1. Main results and achievements

- Over twenty legal appraisals and policy advice papers on draft legislation provided; about a hundred roundtable discussions and workshops organised in two years;
- Good co-operation and partnership with key institutions such as the Ministry of Regional Development, Ministry of Finance, Cabinet of Ministers, Presidential Administration, associations of local governments and individual local authorities;
- Council of Europe recommendations were integrated into the National Concept of the Civil Service in local government bodies, which was approved by the Cabinet of Ministers of Ukraine in December 2011;
- Conclusions and recommendations of the Council of Europe experts were taken into account and integrated into the equalisation formula for inter-budgetary transfers for 2012 and into the Law on Regional Development Fund, which was approved by the Parliament in December 2011;
- A comprehensive legislative package on LSG reform, including administrative and territorial reform, was drafted. It is expected to be considered by the Government of Ukraine in 2012;
- The Programme provided support for two projects on inter-municipal co-operation – local experts and officials were trained in IMC, which resulted in the implementation of concrete projects (in the regions of Donetsk and Ivano-Frankivsk)
- Awareness-raising campaign, production of a video on local democracy.
- Project follow up is under negotiation

#### 2. Challenges

- To promote common understanding and agreement (mainly among Ukrainian authorities) of what decentralisation in the Ukrainian context is, including in respect of fiscal decentralisation, and gathering support in favour thereof;

- To increase information and thus support for the reform at the local level;
- To strengthen institutional capacities and practice to develop implementation plans, including budget forecasts for implementation of the legislation, as well as secondary legislation and regulations;
- Financial challenge: the Programme ends in December 2012. No-cost extension into 2013 could be envisaged in the light of the Government's expressed wish that Council of Europe support continues in this area.

### 3. Perspectives/future activities

- Assistance to the Government of Ukraine in preparing the legislation on decentralisation/ LSG reform in accordance with the European Charter of local Self-Government and promotion of the LSG reform in Ukraine;
- Co-operation with the Constitutional Assembly (and Venice Commission) on the Constitutional revision (chapter on local government)
- Co-operation with the Parliament of Ukraine on 1) the implementation of the ECLSG; 2) improvement of the legislation on local elections and participatory democracy, on local referendums and 3) housing and municipal services issues;
- Drafting legislation on IMC and its implementation modalities;
- Implementation of the new component "Modern Local Government Association" (funded by SDC).

### **Project 3.2.2: Strengthening the institutional capacity of the local self-government authorities and their associations in the implementation of European standards of good governance at local level, providing the active citizenship and participatory democracy**

*Ref:* 2011/DGDPA/VC/2626

*Duration:* 2011-2013

*Implementation status:* ongoing

*Total cost:* €1 200 000 (contributions from Denmark and Switzerland)

*Funding status:* partially funded (second part of the Swiss contribution is conditional upon successful implementation of the first year)

*Partners:* Ministry of Regional Development, Construction and Housing of Ukraine, Verkhovna Rada of Ukraine (Parliament), State Fund for Local Self-Government of Ukraine, associations of municipalities, villages and regions, and a Club of Mayors, Centre of Research of Regional and Local Development Issues and Support to the Administrative Reform, Individual municipalities, Ukrainian delegation to the Council of Europe Congress

#### Short description/objectives

The programme aims to improve the quality of local self-government in Ukraine. The programme complements the above-mentioned SIDA-funded programme, which focuses on providing legal assistance. Both programmes will thus allow for a comprehensive implementation of the Council of Europe Action Plan. The capacity-building programme consists of five separate, but interconnected, components, based on tools developed by the Centre of Expertise and successfully implemented in many CEE countries. These programmes include training, developing tools for the use of local authorities and support of their use, as well as practical reforms of local government regulations and practice.

## **Progress Report 2011-2012**

### 1. Main results and achievements

- All five components of the project have been launched successfully with participation of local authorities from 24 cities and 2 regions (oblasts);
- Performance management programme: work on the improvement of the quality of public services delivered by local authorities in 16 cities;
- 3 sessions of the Leadership Academy delivered by 26 April – first round completed (LAP certificates delivered to 17 mayors and other local government officials), second round of LAP prepared;
- Public ethics benchmarking process has started in 5 cities and 2 regions
- Local finance Benchmarking process has begun in 10 cities
- The Benchmark of the Strategy for Good Governance has been tested in the Odessa region, the implementation of the Strategy was discussed at the municipal hearings
- Best Practice programme application forms were sent out
- Partnerships established with the Ministry of Regional Development, the National Academy of Public Administration under the President of Ukraine, the Association of Ukrainian Cities.
- International networks of partner institutions (including European Institute of Public Administration, Maastricht, Association of Norwegian Municipalities, KS).

### 2. Challenges

To involve more effectively the Ministry of Regional Development, and the Ministry of Economic Development and Trade of Ukraine through efficient “contact persons” in the ministries, participation in working meetings, training, etc.

Best Practice Programme needs active support from the Ministry of Regional Development. Standardisation of services provided at local level. The implementation of this aspect of the “performance management programme” would greatly benefit from the identification of an active partner in the government.

### 3. Perspectives/future activities

The programme should continue according to plan: implementation steps should be made (establishment of Ethics committees in participating cities, Promotion of the Strategy for Good Governance, selection of winners of the first round of the Best practice programme, etc).

## **Project 3.2.3: Strengthening leadership by local elected representatives**

*Ref:* 2012/Congress/VC/2718

*Duration:* 2012-2014

*Implementation status:* proposed

*Total cost:* € 600 000

*Funding status:* funding required

*Partners:* local elected representatives, Ukrainian delegation to the Council of Europe Congress, associations of municipalities, Foundation for Local Self-Government of Ukraine, European associations of municipalities and regions, Assembly of European Regions

### Short description/objectives

The overall objective is to contribute to the development of local and regional democracy in Ukraine, to build confidence and trust in local, elected representatives and foster greater transparency at local level.

Perspectives: The project proposals are under negotiation with potential partners/donors in view of securing the required funding for the project implementation.

## 3.3. Promoting democratic governance and stability

### **Project 3.3.1: Kyiv Initiative Regional Programme**

*Ref:* 2010/DG4/VC/2285

*Duration:* 2012-2014

*Implementation status:* The Preliminary Phase of the "Pilot Project on the Rehabilitation of Cultural Heritage in Historic Towns" has been completed (November 2011, JP and OB). Promotional (transitional) activities are ongoing with the aim of bridging with the Operational Phase.

*Total cost:* €60 000 (approximate budget allocation for Ukraine from a regional programme; €1 500 000)

*Funding status:* funding to be secured by the end of 2012. Discussions for financing the Operational Phase (from 2012 to 2014) as part of a Joint Programme will be relaunched depending on the country's initiative to be taken toward the framework of the EU-Eastern Partnership Platform 4 "Contacts between people" (plenary meeting of June 2012). Alternative sources of funding are under investigation.

*Partners:* Ministry of Culture of Ukraine and interministerial partnerships (Ministry of Foreign Affairs, Local Development, Economy), regional state administrations; municipalities.

Objectives: This Pilot Project aims to assist national, regional and local authorities in implementing strategic revitalisation and to contribute to social and economic sustainable development. In this approach, the built heritage is considered an economic and social factor, going beyond simple conservation and restoration, to encourage and facilitate rehabilitation which provides new uses and new possibilities for the local population while integrating with the planning of the built environment's future shape.

### **Progress Report 2011-2012**

#### 1. Main results and achievements

The Preliminary Phase (2009-2011) focused on carrying out a general survey to clarify the great value of urban environments, the richness and diversity of the country's heritage, as well as the common concerns they share in the present economic and political context, and the existing, albeit limited, opportunities they have to act by themselves. Through a few simple technical phases, they have tested new working methods connecting them with European standards, providing them with the tools for communicating outside the limits of their municipal environment in national and international contexts. Each Pilot Town has produced a Preliminary Technical File with a series of standardised maps representing the situation and analysing strengths and weaknesses. The Pilot Towns have learned to use a common, mutually understandable, language to communicate about themselves, and, collectively, to appear more important for potential international partners. They have approached the complexity of rehabilitation processes, which are more than just the restoration of a few monuments. They have also helped to get their national authorities to

consider the problems and challenges in an inter-ministerial context, as rehabilitation is an urban process, promoted through a cultural ambition for the future.

The 10 Pilot Towns, represented by their mayors and civil society, have been mobilised effectively in the new approach proposed by the Council of Europe and the European Commission. They now constitute a "network", which has acquired certain convictions about the role and value of cultural heritage, considered a primary resource at the disposal of towns for enhancing social and economic development.

## 2. Challenges

The major dilemma which needs political attention in the future stages of the project is:

- The inadequacy of the cultural heritage protection provisions and the lack of effective integration with planning and town development policy: the legal framework (including implementation) needs to be further developed;
- The need to develop new management structures in order to be able to implement rehabilitation action in each town. This may require the facilitation of a Rehabilitation agency (management, technical and financial aspects);
- The requirement for new planning tools to guide rehabilitation actions and for area-based integrated protection and management of the historic towns;
- The setting up of networking systems to develop assistance and aid co-operation between towns and between countries involved in the project.

*Funding is required to continue the project implementation.*

## 3. Perspectives/future activities

Analysis of the information in the Preliminary Technical Files will be required to determine the next operational steps for the project, as well as awareness-raising and involvement of the public in the rehabilitation process.

Ukraine is involved in the ongoing activities aimed at bridging the Preliminary Phase and the Operational Phase. The activities focus on enhancing the results reached so far and promoting the Pilot Project's general objectives, with the aim of securing the necessary funding for the Operational Phase. As part of these activities (2012), it is expected to give a voice to this experience, and to present it as a valuable European contribution to the general objectives of protecting and enhancing our cultural common heritage. This should facilitate the strengthening of the network, further mobilising all the towns for the next stages of the process, as well as facilitating the promotion of what has been achieved so far, and the ambitions expressed, in order to create synergies and/or raise the interest of national and international partners.

### **Project 3.3.2: Promotion of European standards in the Ukrainian media environment**

*Ref:* 2008/DGHL/JP/2113

*Duration:* 2008-2012

*Implementation status:* ongoing

*Total cost:* €: 2 488 918

*Funding status:* secured (EU/CoE Joint Programme)

*Partners:* National Television and Radio Broadcasting Council, State Committee of Television and Radio Broadcasting, Verkhovna Rada of Ukraine (Parliament) Committee for Freedom of Speech and Information of the Verkhovna Rada of Ukraine (Parliament)

Overall objective: To raise journalistic standards with a view to ensuring that the Ukrainian public is better informed about political and social processes.

Specific objectives: To align the legislative framework for the media with European standards; to raise ethical standards in the journalism profession and to promote an ongoing dialogue between the media, civil society and state administration at the local/regional level.

## **Progress Report 2011-2012**

### 1. Main results and achievements

- The main achievement of the reporting period is the adoption of the Law on access to public information by the Ukrainian Parliament. The law came in force on 9 May 2011. The analyses and comments provided by the Council of Europe experts at the pre-adoption stage were instrumental for bringing this law closer to European standards.

- The project provides constant assistance to the stakeholders working on the implementation of the Law on "Access to public information" and contributed to organising a series of regional training sessions, tailored to the specifics of each city, were held by independent lawyers involved in drafting the Law "On Access to Public Information".

The project also supported the publication of the second edition of methodological guidelines which includes a section on the new by-laws adopted by the Cabinet of Ministers of Ukraine.

- During the reporting period, expert assistance to legislators was provided with regard to the draft law, 'On Public Television and Radio Broadcasting of Ukraine', prepared by the Cabinet of Ministers of Ukraine. An expert discussion has already taken place.

A full-scale analysis and expert discussion of the draft law will be carried out after its adoption by the Parliament of Ukraine at first reading.

- The project launched public-awareness activities about the mission of public-service broadcasting, international standards in this area and best practices of public-service broadcasting management in European countries. These activities use the platform of the leading media-related web portal, 'Telekritika', and will continue.

- At the request of the State TV and Radio Broadcasting Committee of Ukraine, the project launched an expertise of the Law of Ukraine 'On Television and Radio Broadcasting' regarding its compliance with the Audiovisual Media Services Directive of the European Union and the European Convention on Transfrontier Television. The analysis served as a basis for a series of expert meetings focused on developing legislative amendments to the Broadcasting Law of Ukraine, to bring it more in line with the European standards.

- An expert overview regarding the domestic broadcasting content quotas in Europe and recommendations for the Ukrainian case was performed for the Parliamentary Committee on Freedom of Speech and Information. The expert document aims to aid the Ukrainian policy-makers to make better-informed choices when setting a quota for the broadcasters for domestic works.

- The analysis of the draft law, "On protection of professional activities of journalists" requested by the State TV and Radio Committee of Ukraine was completed.

- During the reporting period, the project supported the participation of the National Broadcasting Council of Ukraine in the 34<sup>th</sup> meeting of the European Platform of Regulatory Authorities (EPRA) in Brussels, Belgium. Of particular use for the work of the Broadcasting Council were the discussions on new regulatory policies focusing on programme monitoring and the protection of minors on new media.

- An international conference, 'Digital broadcasting in Europe: legal, regulatory and technical aspects', was organised jointly with the National Television and Radio Broadcasting Council of Ukraine and within the programme of the Chairmanship of Ukraine of the Committee of Ministers of the Council of Europe. Best practices were shared with regard to implementing the switchover to digital broadcasting in European countries.

- At the initiative of the Delegation of the European Union to Ukraine, a data protection component was added to the project in October 2011. Stakeholder consultations on the data protection subcomponent of the Media JP were conducted. The analysis of the Law of Ukraine, "On Protection of Personal Data", and relevant by-laws serve as a baseline for further activities in this area (legal advice regarding legislative amendments).

- The project supported the participation of Ukrainian delegates in the annual conference of the Alliance of Independent Press Councils of Europe (AIPCE) held in October 2011 in Moscow, Russia. The Journalism Ethics Committee of Ukraine, together with press councils from Armenia, Azerbaijan, Georgia, Moldova and Russia, signed an agreement to create a regional network of media self-regulatory bodies. These developments enhanced the networking of the Ukrainian Journalism Ethics Committee with its peer institutions in the region and in Europe and strengthened the media self-regulatory process in Ukraine.

- At the request of the National Television and Radio Broadcasting Council, the project supported the development of the national system of markers for protection of children against harmful media content within the framework of the relevant Interministerial working group.

## 2. Challenges

The adoption of some important media-related laws in whose development the project has been heavily involved, depends on the political will of the authorities. This risk is being addressed by the Council of Europe at the political level and specifically through its Action Plan Ukraine 2011-2014.

## 3. Perspectives/future activities

Based on the general purpose, objectives and expected results of the EU/CoE Joint Programme and within its mandate to help improve journalism standards and inform the public on political and social developments in Ukraine, monitoring of the media coverage of the pre-election campaign for the Parliamentary elections scheduled for 28 October 2012 will be conducted.

The objective of the action is to strengthen the validity and transparency of the democratic election processes and raise the awareness of journalists, public officials and the general public of the principles of fair and balanced coverage of election campaigns.

*The current project will conclude at the end of 2012. The Council of Europe has proposed a follow-up joint programme (see 3.3.9 below) to continue the media reform and to consolidate and make sustainable the results achieved so far.*



### **Project 3.3.3: Intercultural cities**

*Ref:* 2011/DG4/JP/2647

*Duration:* 2011-2014

*Implementation status:* proposed

*Total cost:* €250 000

*Funding status:* funding required

*Partners:* Ministry of Culture of Ukraine, Institute of Culturology of the Academy of Science of Ukraine, National Academy for Managers in Culture and Arts, Centre for Democracy through Culture

Overall objective: To establish a Ukrainian and wider (Eastern European) network of poly-cultural cities as a partner network of Council of Europe ICC programme, allowing a wider exchange of experience and using the multiplier effect.

Specific objective: To introduce the mechanisms of efficient community-building, based on culturally diverse resources and interests in Ukrainian cities and cities abroad.

#### Recent development

The Ukrainian Intercultural cities network has been established in 2011 with financial support from the Intercultural cities' Joint Action of the Council of Europe and the European Commission, and the Ukrainian Ministry of Culture. The network involves 11 cities: Ivano-Frankivsk, Kherson, Khmelnytsky, Lutsk, Melitopol, Nizhny, Pavlograd, Pryluky, Vinnytsia, Yuzhny, Zhytomyr and is led by the Centre for Democracy through culture.

In the course of 2011-2012, the activities were organised with the financial support of the regional programme, notably the Development Centre experts organised events in the cities which expressed their will to join the Ukrainian Platform of intercultural cities - Lutsek and Nyzhyn.

At the same time, the construction of the special website dedicated to the Ukrainian Platform began.

In August 2011, some cities took part in the meeting with Thijs Malmberg discussing the CBRA approach to improving the results of intercultural city initiatives. The meeting took place on August 26 2011, in the office of the International Renaissance Foundation in Kyiv. The following cities took part in the meeting: Melitopol, Pryluky, Nizhyn, Zhytomyr, Lutsk.

The activities provided support promoting the discussion of achievements of the Ukrainian Platform of Intercultural Cities (events, surveys, projects, exchanges, political decisions); sharing experience with European cities in implementation of intercultural approach; promoting the work of special section "Intercultural events" and "Intercultural spaces"; training for intercultural researchers and media; cultural performances and exhibitions, planning activities for the second half of the 2012 including collaboration with European cities; generating ideas for the national programme of intercultural cities for 2013; presentation of a comparative index of Ukrainian intercultural cities along with European practice, as well as prompting a signature of the formal Agreement with Council of Europe and Ukrainian Platform.

In 2011, the Development Centre also organized cultural events in some cities (exhibitions) to provoke discussions about intercultural policies with local communities and media. Particularly, there were exhibitions of Lithuanian maps and photos in Lutsk, Pryluky and Melitopol (with support of Lithuanian Embassy) and Czech photos in Melitopol and Nizhyn (with support of Czech Centre in Kyiv).

## **Progress Report 2011-2012**

### 1. Challenges

The key challenges are financial: the Ukrainian national intercultural cities network is dynamic and has a competent and committed leadership. However, with the existing resources its activities can do little to go beyond events and good practice exchange. In order to influence policy development in member cities it is important to raise resources for external expertise and policy development activities, as well as stronger exchanges with European cities.

*Negotiation is under way with potential partners/donors to secure funding for the project follow-up for Ukraine.*

### **Project 3.3.5: Training course on youth policy, participation and human rights education for representatives of Ukrainian youth NGOs and civil servants in charge of youth matters**

*Ref: 2012/DG4/VC/2790*

*Duration: 2012 - 2013*

*Implementation status: ongoing*

*Total cost: €30 000 per course*

*Funding status: minimum threshold secured (Norway)*

*Partners: Ministry of Education and Science, Youth and Sports of Ukraine, State Service for Youth and Sports of Ukraine, NGOs*

Objectives: To acquaint representatives of public authorities and NGOs with the Council of Europe standards of youth policy development and youth participation; to provide introductory training in the field of human rights education for young people; to strengthen the capacity of Ukrainian youth organisations and consolidation of their role as partners in the youth field; to support reform and development of youth policy; to prepare youth NGO leaders and civil servants responsible for youth affairs (at national and local level); to promote co-operation between governmental and non-governmental sectors of the youth policy in Ukraine.

## **Progress Report 2011-2012**

### 1. Main results and achievements

The project is currently under preparation in co-operation with the Ukrainian governmental partners.

2. Challenges The national partners' commitments to continue co-operation in the field of youth policy. Additional funding is also required.

### 3. Perspectives/future activities

Future activities will be discussed with partners during the implementation process. Regionally-targeted activities and the translation of Council of Europe educational and standard-setting documents on youth participation and human rights education will be among the priority activities.

The future bilateral programme of activities in the youth field will be integrated into a framework programme of co-operation for 2012–2015, proposed by the Ukrainian authorities and agreed in principle by the Joint Council on Youth in March 2012 (to be finalised in November 2012).

### **Project 3.3.6: International review of the Ukrainian youth policy**

*Ref:* 2012/DG II/VC/2835

*Duration:* 2012-2013

*Implementation status:* ongoing

*Total cost:* €40 000

*Funding status:* Secured. The review will largely be financed by a grant of the government of Norway. Additional funding is secured from the Ordinary Budget.

*Partner:* Ministry for Education and Science, Youth and Sports of Ukraine, State Service of Youth and Sports of Ukraine

**Objectives:** An international team of youth policy experts will conduct an in-depth review of the youth policy of Ukraine and make recommendations, following the model used in the previous analyses<sup>1</sup>.

### **Progress Report 2011-2012**

#### 1. Main results and achievements

The international report with recommendations for future action at national level will be available in 2013.

#### 2. Challenges

The national partners' commitments to continue co-operation in the field of review of the youth policy.

#### 3. Perspectives/future activities

The future bilateral programme of activities in the youth field will be integrated into a framework programme of co-operation for 2012-2015, proposed by the Ukrainian authorities and agreed in principle by the Joint Council on Youth in March 2012 (to be finalised in November 2012).

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<sup>1</sup> Cf. [http://www.coe.int/t/dg4/youth/IG\\_Coop/youth\\_policy\\_reviews\\_en.asp](http://www.coe.int/t/dg4/youth/IG_Coop/youth_policy_reviews_en.asp)

### **Project 3.3.7: Promoting social cohesion**

*(It is proposed to merge the projects 1.4.4 and 3.3.5 in view of preparing one more substantial and wide scope project)*

*Ref: 2009/DG3/VC/2116*

*Duration: 2011-2014*

*Implementation status: proposed*

*Total cost: €30 000 (OB)*

*Funding status: funding required*

*Partners: Ministry of Social Policy of Ukraine, Department of Labour and Social Security of the Mykolaiv Regional State Administration, local authorities, local self-government*

Overall objective: To promote social cohesion in Ukraine.

Specific objective: To improve the system of social services for rural population in the Mykolaiv region.

### **Project 3.3.8: European identity and education (European Higher Education Area)**

*Ref: 2011/DG II/VC/2825*

*Duration: January 2011 – December 2014*

*Total cost: €60 000*

*Implementation status: ongoing*

*Funding status: €10 000 from OB secured, further funding required*

*Partners: Ministry of Education and Science, Youth and Sports of Ukraine*

Overall objective: To carry out higher education reform in Ukraine based on European standards and good practices, in particular concerning the legal framework and qualifications frameworks, in line with the principles of the European Higher Education Area.

Specific objectives: In line with the Council of Europe's role in advancing structural higher education reform in general and supporting the sharing of experiences in the development of national qualifications frameworks, in particular: to provide expert assistance, in order to step up the development and implementation of the national qualifications framework in Ukraine, as an essential instrument of higher education reform by 2014; to provide expert assistance in establishing the national legal framework, fully reflecting the principle of university autonomy and academic freedom, and reflecting conformity to the principles of the European Higher Education Area.

#### **Progress Report 2011-2012**

##### 1. Main results and achievements

##### **1. Expert assistance on the national legal framework**

Following the request of the Ministry of Education and Science, Youth and Sports of Ukraine in February 2011, the Council of Europe expert examined the Draft Law on Higher Education and presented his initial findings (on the text of 9 March 2011) in May 2011 in Kyiv. In December 2011, the final expert report containing comments and recommendations to the Draft Law (version of 7 September 2011) was submitted. This report drew particular attention to the importance of reflecting fundamental principles of academic freedom and institutional autonomy of the European Higher Education Area. It was published on the Ministry website.

## **2. Expert assistance on the development of a national qualifications framework**

Four seminars organised in 2011-2012 with the European Training Foundation (ETF) contributed to development of a national qualifications framework (NQF) in Ukraine (March, May and November 2011, February 2012).

With the adoption on 23 November 2011 of the Cabinet of Ministers' Resolution N°1341 on the NQF, a first important phase in the development of the National Qualifications Framework for Lifelong Learning, has been completed and preparations for the implementation can now begin.

### 2. Challenges

Not all the comments proposed by the Council of Europe expert have been taken on board. There are still some serious issues regarding institutional autonomy of higher education institutions in Ukraine.

It was a challenging task to accomplish the finalisation of the NQF in such short time span.

### 3. Perspectives/future activities

A new, revised, version of the Draft Law was submitted in January 2012 to the Verkhovna Rada of Ukraine for consideration, but was not adopted. This law is currently being re-worked. It is possible that the Council of Europe will again be involved in this work, though no official confirmation on this has been received from the Ministry of Education and Science, Youth and Sports of Ukraine.

The ETF and the Council of Europe urge the Ministry to set up an expert group to draft the concept of the National Qualifications System, essential for informing all stakeholders and the wider public on the implementation issues and plans of the NQF. The ETF and the Council of Europe can provide international expert support to facilitate the drafting and reviewing of the concept.

## **Project 3.3.9: Integration of European standards in the Ukrainian media environment**

*Ref:* 2013/DG I/JP/2827

*Duration:* 2013–2015

*Implementation status:* proposed

*Budget proposal:* €2 000 000 (EU/CoE Joint Programme, Council of Europe is negotiating with EU additional financial contribution up to € 5 000 000)

*Funding status:* funding required

*Partners:* National Television and Radio Broadcasting Council of Ukraine, State Committee of Television and Radio Broadcasting, Verkhovna Rada of Ukraine (Parliament), media professionals, civil society

Objective: To promote freedom of expression and information and freedom of the media, through enhancing the relevant legal framework and its implementation, establishing a genuine public broadcasting service and raising professional standards in journalism.

## **Progress Report 2011-2012**

### 1. Expected results and main activities

The proposed project will build upon the results achieved so far under the EU/CoE Joint Programme, "Promotion of European standards in the Ukrainian media environment", ending on 31 December 2012. It will seek to continue and consolidate the reforms in the media field. This would bring relevant Ukrainian law and practice more in line with European standards, addressing at the same time the relevant EU-Ukraine Association agenda priorities. The continuing support to the process of enhancing the legislative framework for "traditional" and "new" media will include expert assistance, legal expertise, working meetings and public discussions with parliamentarians, government officials, media professionals and civil society. With this support, Ukraine is expected to put in place the legal framework for establishing a genuine public broadcasting service and for the transition to digital broadcasting.

The day-to-day implementation of the relevant legal framework is expected to move closer to European standards, thereby contributing to an environment more conducive to the existence of independent and professional media – both "traditional" and "new". This goal will be pursued through expert assistance, training programmes, seminars, conferences and other events with the participation mainly of public officials, media professionals and civil society.

The project will develop further the Data Protection component working on enhancing the law and its implementation.

It is also expected that the professional media community will adopt a code of ethics/conduct and will create a wide-based voluntary mechanism to enforce it. This aim will be pursued through expert assistance, training programmes, seminars and workshops, as well as through encouraging the participation of Ukrainian media professionals in a regional network of self-regulatory bodies. The network uniting press councils from Armenia, Azerbaijan, Georgia, Moldova, the Russian Federation and Ukraine was established in 2011 with the assistance of the Council of Europe.

### 2. Challenges

The project proposals are under negotiation with the European Union in view of securing the required funding for the project implementation. The new project will be a follow up on the on-going Joint Programme with European Union "Promotion of European standards in the Ukrainian media environment".

## **Project 3.3.10: Completing the constitution of the Emerald Network of Areas of Special Conservation Interest in Ukraine**

*Ref:* 2008/DG4/JP/2238

*Duration:* January 2013 – December 2016

*Implementation status:* Proposed (follow-up project to be discussed with the EU)

*Total cost:* €300 000 (approximate budget allocation for Ukraine from a regional programme, €2 000 000 for seven target countries)

*Funding status:* Funding required (through a JP)

*Partners:* Ministry of Environment and Natural Resources of Ukraine, State Agency of Protected Areas of Ukraine, NGO Interecocentre

Overall objectives: The project's overall objective is the protection of biodiversity in seven targeted countries from Central and Eastern Europe and the South Caucasus (Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine and the Russian Federation).

Perspectives: The project proposals are under negotiation with the European Union in view of securing the required funding for the project implementation.

### 3.4. Building a democratic culture

#### **Project 3.4.1: History teaching**

*Ref:* [2012/DG4/VC/2687](#)

*Duration:* January 2008 – December 2011

*Implementation status:* completed

*Total cost:* €100 000

*Funding status:* secured by OB, additional funding required

*Partners:* Ministry of Education and Science, Youth and Sports of Ukraine

Source of justification:

1. Request from the Ministry of Education and Science, Youth and Sport of Ukraine.
2. CM Recommendation (2001) 15 on history teaching in twenty-first-century Europe.
3. White Paper "Living together in dignity".
4. CM Recommendation (2011)6 on Intercultural dialogue and the image of the other in history teaching.

Objectives: To provide assistance to the reform of history teaching in Ukraine; to align the national educational system to European standards and to help the young generation to acquire the necessary skills to live and build partnerships in the present-day multicultural society.

#### **Progress Report 2011-2012**

##### 1. Main results and achievements

In October 2011 the seminar on "Teaching sensitive issues in history in a multicultural context" was held in Kyiv, linked to the on-going educational reform and bringing together 40 history educators from different Ukrainian regions as well as colleagues from Germany, Portugal and the United Kingdom.

The seminar developed practical guidelines for teaching sensitive issues in a multicultural context without creating tension or confrontation. Ukrainian participants included decision-makers, curricula designers, university professors, representatives of the National Academy, teacher trainers, history teachers and students of pedagogical institutes. This activity was focused on new interactive methods of history teaching in a multicultural context with special emphasis on a multi-perspective approach and conflict prevention, as reflected in CM Recommendation (2011)6 on Intercultural dialogue and the image of the other in history teaching. The recommendation has been translated into Ukrainian.

Mr Boris Zhebrovskiy, Deputy Minister of Education (Ministry of Education and Science, Youth and Sport) confirmed that the main recommendations of the Council of Europe were taken into account as new standards for history education. A feedback from the Ukrainian Association of Teachers of Civic Education and Socio-Political Disciplines showed that interactive approaches and pedagogical techniques on history teaching in a multicultural context are increasingly applied in schools.

### **Project 3.4.2: Language Education Policy Profile**

*Ref:* 2008/DG II/VC/2829

*Duration:* January 2008 – December 2011

*Implementation status:* completed

*Total cost:* €40 000

*Funding status:* secured by OB, additional funding required

*Partners:* Ministry of Education and Science, Youth and Sports of Ukraine

Objective: To provide assistance in reflecting upon language education policy by providing the target group with an opportunity to undertake a self-evaluation of its policy in a spirit of dialogue with Council of Europe experts, and with a view to focusing on possible future policy developments within the country. The process concerns all languages in education: languages of instruction in schools, modern languages and languages of minorities.

### **Progress Report 2011-2012**

#### 1. Main results and achievements

National authorities prepared a Country Report to describe and evaluate current policy, outlining new or planned initiatives and highlighting challenges. Subsequently a one-week study visit was organised for the Council of Europe expert group in Kyiv to meet authorities and partners involved in language education for preparing a country report. The experts' report was drafted, which prepared a Round Table in Kyiv with representatives of state authorities and civil society. The resulting "Language Education Policy Profile" was submitted and approved by the national authorities (published on the Council of Europe website together with the Country Report).

#### 2. Challenges

This activity was decided at a time when additional resources had been identified. By the time it was undertaken these resources were no longer available and it had to be financed by the ordinary budget.

#### 3. Perspectives

Follow-up activities are subject to additional funding.



**Project 3.4.3: Enhance and consolidate national policies related to sport, in order to provide the UEFA European Football Championship 2012 with the best possible legal and political framework, in compliance with international standards**

*Ref:* 2011/DG4/VC/2703

*Duration:* 2010–2012

*Implementation status:* ongoing

*Total cost:* €90 000

*Funding status:* secured by OB (€10 000), plus Voluntary Contribution from UEFA (€80 000)

*Partners:* Ministry of Education and Science, Youth and Sports of Ukraine, State Service for Youth and Sports of Ukraine; Ukrainian National Agency for the preparation and implementation of EURO 2012; UEFA

Objectives: To monitor the implementation of the European Convention on Spectator Violence; to support the preparation and the organisation of major sport events, in particular the UEFA European Football Championship 2012; to support the Ukrainian authorities in the development of an anti-doping policy.

**Progress Report 2011-2012**

1. Main results and achievements

The joint project with UEFA has been successfully implemented; no major problems in terms of safety and security of spectators occurred during the UEFA EURO 2012 European Football Championship; the evaluation of the project is currently being carried out with a strong focus on possible legacy and follow-up in the years to come;

The Monitoring Group of the Anti-doping Convention has identified the areas where Ukraine is non-compliant to the Convention and to the Wada Anti-Doping Code and invited Ukraine to consider a proposal to organise a consultative visit.

2. Perspectives/future activities

A consultative visit of the Monitoring Group of the Anti-doping convention could take place, if requested so by the relevant Ukrainian authorities.

**Project 3.4.4: Language policy and social inclusion**

*Ref:* 2011/DG II/VC/2833

*Duration:* 2012-2014

*Implementation status:* proposed

*Total cost:* €200 000

*Funding status:* funding required

*Partners:* Ministry of culture of Ukraine, Ministry of Education and Science, Youth and Sports of Ukraine, NGOs

Overall objective: To demonstrate that language education, language services and language use require a strategic approach and increased investment.

Specific objective: To develop guidelines, accessible to policy makers, on reference standards and tools concerning the language competences necessary for equal access for all to quality education, based on Council of Europe values.

Perspectives: The project proposals are under negotiation with potential partners/donors in view of securing the required funding for the project implementation.

### **Project 3.4.5: European lessons in shared histories**

*Ref:* 2011/DG II/VC/2832

*Duration:* 2012-2014

*Implementation status:* ongoing

*Total cost:* 150,000€

*Funding status:* partly secured by OB (additional funding required)

*Partners:* Ministry of Education and Science, Youth and Sports of Ukraine, Institute of Ethno national Studies, Academy of Pedagogic Sciences, cultural societies of various national minorities of Ukraine, pedagogic universities, schools and local communities

Overall objective: To facilitate a public discussion on reconsidering the role of multicultural education in the post-communist society, and to identify new opportunities for building a multicultural image of Ukrainian society based on the European democratic approach to education.

#### **Progress Report 2011-2012**

##### 1. Main results and achievements

The seminar, "Effective curricula for effective teaching history in a multicultural environment" was held in Uzhgorod in April 2012, contributed to the promotion of skills and attitudes necessary for life in a democratic multicultural society such as open-mindedness, critical thinking, ability to take responsible decisions, respect for otherness and tolerance.

The seminar was linked to the on-going educational reform and brought together 35 history educators from different Ukrainian regions, as well as colleagues from Spain and the United Kingdom. It was focused on the discussion linked to the preparation of new curricula for teaching history in schools.

This seminar provided an opportunity to bring together authors of curricula, teacher trainers and practicing teachers to discuss a structure and criteria for the selection of the content of curricula before its adoption.

##### 2. Challenges

Lack of funds

##### 3. Perspectives/future activities

The need of a wider programme has been repeatedly highlighted by the Ministry of Education and Science, Youth and Sport of Ukraine. Following the request of the Ministry, the next seminar will take place in Kyiv in October 2012, dedicated to "A professional portrait of a history teacher in the 21st Century" and aimed at implementing the main principles of the relevant CM recommendations.

### **Project 3.4.6: Swiss – Ukrainian Pilot Initiative on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education [adopted in the framework of Recommendation CM/Rec(2010)7]**

*Ref:* 2011/DG4/VC/2581

*Duration:* 2011-2012

*Implementation status:* ongoing

*Total cost:* to be defined

*Funding status:* OB: €10 000 (2011), OB €10 000 (2012), hosting and other in-kind contributions by Ukraine and Switzerland

*Partners:* Ministry of Education and Science, Youth and Sports of Ukraine

Overall objective: To explore possible ways of implementation of Recommendation CM/Rec(2010)7 on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education (EDC/HRE), in the form of technical co-operation.

Specific objectives: To raise awareness of the Charter; to support the implementation of the Charter in a number of specific areas, such as curricula (Article 6) and teacher training (Article 9).

## **Progress Report 2011-2012**

### 1. Main results and achievements

This project encouraged internal networking and debate in the countries concerned, on the meaning of citizenship and human rights education in specific contexts, as well as on the definition of examples of good practice. A publication about the outcomes of this project is under preparation. The outcomes will be presented at a forthcoming conference (Strasbourg, 29-30 November 2012), organised by the Council of Europe in co-operation with the European Commission and the European Wergeland Centre. A possible model for future pilot projects was developed, and will be integrated in a funding scheme for the implementation of the Charter (possibly to be set up in co-operation with the European Commission).

It is expected that this experience will feed into decision-making in the participating countries, inspiring other actors in the field of citizenship and human rights education.

### 2. Challenges

There is strong interest in the two participating countries to continue bilateral co-operation in the field of citizenship and human rights education on a larger scale, and Switzerland would be willing to consider financial contribution to this work. The Ministry of Education and Science, Youth and Sports of Ukraine would have to play a key role in the project design and implementation.

### 3. Perspectives/future activities

A proposal for a Summer School "Youth Participation in Democratic Processes" is currently under discussion with the Ministry of Education and Science, Youth and Sports of Ukraine and the Ukrainian Institute of Innovation Technologies and Education Content.

## **APPENDIX I**

### **Project: Evaluation of the Action Plan**

*Ref:* 2011/Audit/VC/2617

*Duration:* 2011-2012

*Implementation status:* ongoing

*Total cost:* to be specified (€500 000 SIDA contribution available)

*Funding status:* funding secured

*Partners:* main national stakeholders, international partners, experts

Overall objective: This evaluation is part of a wider exercise, which is divided into two parts: the first part will focus on the process of definition and adoption of the Action Plan (AP) for Ukraine 2008-2011, which is the subject matter of the present Terms of Reference. The second part will focus on the global effectiveness and, therefore, the substance of the AP, for which separate Terms of Reference will be drafted.

#### **Progress Report 2011-2012**

##### 1. Main results and achievements

After having successfully completed Phase 1, DIO resolved to focus on case studies to evaluate the global effectiveness of the Action Plan. In order to facilitate the identification of the most representative case studies, in March 2012 the AP logic was reconstructed with the support of an external consultant. On the basis of desk study; consultations held with the Council of Europe operational departments and the Ukrainian authorities; the results of the reconstruction of the AP logic and of a field trip to Kyiv, DIO has retained as case studies the following programme areas: Media; Judicial system; Local and regional authorities; Corruption and Crime control.

In July, DIO selected an external consulting company through an open call for tenders. The external experts will be responsible for carrying out the case studies and for consolidating findings.

##### 2. Challenges

In the reference period, this project has been confronted with three main challenges: a) a delay occurred during the process of selection of external evaluators (due to the need to collect additional information from bidders) b) the coming into force in France of new procedures concerning VAT exemption, which called for adjustments to the previous practices and c) the departure of the evaluation manager. DIO has taken the necessary corrective measures, particularly by defining an updated evaluation calendar in respect of some project milestones and securing SIDA's agreement to it. The original deadline for completing the project has not been affected, though.

##### 3. Perspectives/future activities

The actual evaluation – i.e., assessing the effectiveness of the AP through case studies - will start at the end of August. After testing the methodology with a pilot case study (Media), the external experts will complete the remaining ones by January 2013. The final evaluation report is due by April 2013. Two dissemination events will be organised in April and May 2013, respectively in Strasbourg and Kyiv.

An Evaluation Reference Group (ERG) is being set up. The ERG is an interface between DIO and the external evaluation team and will benefit from the input of participants selected from among the Council of Europe Secretariat and key stakeholders. More precisely, the ERG will advise on matters related to the evaluation, will facilitate the evaluation team's access to relevant information and will provide feedback on findings, conclusions and recommendations of the evaluation. It will meet three times.

### **Capacity Development component.**

#### Overall objective:

Establish the AP for Ukraine as a results-based management tool through training and coaching programmes

#### Specific objectives:

1. To develop training and coaching programmes and materials on monitoring, risk assessment and result-based management of the AP at programme level.
2. To develop common approach and understanding of management, fundraising, monitoring and evaluation among all Ukrainian AP stakeholders and CoE managers.
3. To support national counterparts' ownership and commitment to implement the AP as well as to concentrate common efforts on the priority actions and ensure a substantial impact of the cooperation activities on the spot.

### **Progress Report 2011-2012**

#### 1. Main results and achievements

The training and coaching programmes and materials on monitoring, risk assessment and result-based management of the AP at programme level are being developed by ODG-PROG.

Report "On the training needs assessment to support the Ukrainian Plan by developing fundraising strategy and risk management" has been prepared by the CoE experts.

The Manual on the "Action Plan and project management" is being developed and under the responsibility of the ODG-PROG.

The Manual aims at reinforcing the Action Plan design, increasing efficiency of the Action Plan and projects implementation, monitoring and evaluation.

#### 2. Perspectives/future activities

The training materials will be used for specific training programmes for the Ukrainian and Council of Europe project managers and co-ordinators.

The training will focus on the AP and PM cycle, with a strong emphasis on interagency co-operation and multidisciplinary programme management.

The training modules (three 2-day modules) for national stakeholders and the Council of Europe managers (60 participants in total, 20 participants per module) would be organised from October to December 2012 by ODG-PROG in co-operation with external consultants.

## **Appendix II**

### **New proposals to be included in the revised Action Plan**

#### **Project 1: Increasing the independence and professionalism of the Ukrainian justice system**

*Duration:* 2012-2013

*Implementation status:* proposed

*Total cost:* €1 000 000

*Funding status:* at an advanced stage of negotiation with EU

*Partners:* Ministry of Justice of Ukraine, High Council of Justice (HCJ) and High Qualification Commission of Judges (HQCJ)

Overall objective: The objective of the project is to increase the independence and professionalism of the Ukrainian justice system, through improved judicial self-governance and training for the judiciary. The system of disciplinary liability of judges will also be reviewed with a view to increasing professional responsibility and public trust in the judiciary. The project objectives will be pursued through legislative assistance, capacity-building of HQCJ and HCJ on judicial self-governing issues, as well as training for judges. In addition, a new mechanism for the evaluation of judges' performance will be proposed with the purpose of increasing judicial efficiency and accountability.

#### **Project 2: Criminal justice system reform**

*Duration:* 2012-2013

*Implementation status:* proposed

*Total cost:* €1 200 000

*Funding status:* at the advanced state of negotiation with Sweden

*Partners:* High Council of Justice (HCJ) and High Qualification Commission of Judges (HQCJ)

Overall objective: To increase the independence and professionalism of the Ukrainian justice system in line with European standards

Specific objectives:

Judicial self-governance is improved.

Professionalism of the judiciary is increased by improving judicial training.

Accountability of the judiciary is improved by streamlining and making effective the system of judges' responsibility.

## **Appendix III**

### **Lacking funding which require additional consultation with potential donors**

#### **Project 2.2.3: Strengthening the financial system security in Ukraine**

*Ref:* 2011/DG I/VC/2837

*Duration:* 2011-2015

*Implementation status:* proposed

*Total cost:* to be defined

*Funding status:* funding required

*Partners:* Ministry of Internal Affairs of Ukraine, State Service for Financial Monitoring of Ukraine, Ministry of Justice of Ukraine, Ministry of Finance of Ukraine, National Bank of Ukraine, State Securities and Stock Market Commission of Ukraine, State Financial Services Market Regulation Commission, Security Service of Ukraine, Ministry of Economic Development and Trade of Ukraine, Ministry of Infrastructure of Ukraine

Overall objectives: Development and improvement of the AML/CFT system, in line with European standards and MONEYVAL recommendations, in order to provide for the financial security of Ukraine; boosting domestic co-operation and capacity at central and regional level in key areas, such as financial investigation; enhancement of supervisory oversight of banking, non-banking financial and non-financial reporting entities in the AML/CFT area; development and optimisation of 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, the State Financial Services Market Regulation Commission and other supervisory bodies, in order to ensure adherence of the reporting entities with anti-money laundering and counteracting terrorist financing legislation and to remove legislative hindrances that impede development of the financial market and maximum consideration of its participants' interests.

#### **Progress Report 2011-2012**

1. Perspectives: The project proposals are under negotiation with potential partners/donors in view of securing the required funding for the project implementation.

#### **Project 2.2.4: Project against corruption in Ukraine – 'UPAC 2'**

*(The activities proposed for the project can be partially implemented under the project "Anti-corruption" under the "Council of Europe EaP Facility").*

*Ref:* 2011/DGHL/JP/2458

*Duration:* 2012-2014

*Implementation status:* proposed EU/CoE Joint programme

*Total cost:* €1 380 000

*Funding status:* funding required

*Partners:* Ministry of Justice of Ukraine, Ukrainian Parliament Commissioner for Human Rights, State Court Administration of Ukraine

Overall objective: To contribute to the improvement of Ukrainian anti-corruption legislation and policies, and to the development of the capacities of the respective Ukrainian institutions to effectively and efficiently implement them.

Specific objectives: To strengthen the capacity for the prevention of corruption; to strengthen the law enforcement agencies' institutional capacity to investigate and prosecute corruption-related offences; to support future reforms of domestic anti-corruption legislation.

### **Project 2.2.5: Project against cybercrime in Ukraine**

*(The activities proposed for the project can be partially implemented under the project "Anti-corruption" under the "Council of Europe EaP Facility")*

*Ref: 2011/DGHL/JP/2523*

*Duration: May 2012 – April 2013*

*Implementation status: proposed EU/CoE Joint programme*

*Total cost: €1 200 000*

*Funding status: funding required*

*Partners: Ministry of Justice of Ukraine, Ministry of Internal Affairs of Ukraine, Security Service of Ukraine, Judicial Council of Ukraine, Prosecutors Council of Ukraine, specialised agencies, local NGOs, Ukrainian Parliament Commissioner for Human Rights*

**Objective:** To strengthen criminal justice capacities against cybercrime, on the basis of the Budapest Convention (legislation, high-tech crime unit, law enforcement and judicial training, law enforcement – ISP co-operation, measures against child pornography, efficient international co-operation); to promote building and maintaining of a unified national system of combating cybercrime; exchange of experience in conducting investigations, expert forensic research in the field of combating cybercrime; to establish a modern scientific and methodologically-based assessment of malware and hardware used by cybercriminals; to organise and conduct training for employees of law enforcement involved in combating cybercrime; creation of a separate structural element - the National Centre for Combating Cyber Threats.

### **Project 2.2.6: Project to combat trafficking in human beings in Ukraine**

*Ref: 2012/DG I/VC/2822*

*Duration: 2012-2014*

*Implementation status: proposed*

*Total cost: €1 500 000*

*Funding status: funding required*

*Partners: Ministry of Internal Affairs of Ukraine, Ministry of Social Policy of Ukraine, local state administrations, Ministry of Justice of Ukraine, Judiciary and Prosecution Services, Verkhovna Rada of Ukraine, centres of social services and NGOs*

**Objectives:** To contribute to the 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 the traffickers and protection of the victims; to strengthen the capacity building of key institutions involved in the fight against trafficking in human beings; to create legislative procedures and mechanisms to ensure timely assistance to victims of trafficking.

### **Project 3.3.4: Pestalozzi programme: trainers of trainers**

*Ref: 2011/DG II/VC/2823*

*Duration: 2011–2014*

*Implementation status: proposed*

*Total cost: €200 000*

*Funding status: funding required*

*Partners: Ministry of Education and Science, Youth and Sports of Ukraine and educational institutions*



Overall objectives: To emphasise the importance of education and teacher education; to increase awareness of the key role of education in promoting human rights, democracy and the rule of law.

Specific objectives: To work collaboratively on projects of shared thematic and pedagogic interest, to strengthen personal and professional relationships across Europe and the world.

### **Progress Report 2011-2012**

#### 1. Perspective

If funds are secured, the project could be launched within 2-3 months (by identifying the particular educational theme/domain to focus on and the education practitioners to target, setting-up of a training scheme, launching an introductory event).

## APPENDIX IV

### **Council of Europe/Ukraine documents relevant to the implementation of the Council of Europe Action Plan for Ukraine 2011-2014:**

#### Council of Europe instruments:

- 77 Council of Europe conventions signed and ratified by Ukraine;
- Opinion of the Parliamentary Assembly of the Council of Europe no. 190 on the application by Ukraine for membership of the Council of Europe;
- PACE Resolution 1755 (2010) on the functioning of democratic institutions in Ukraine;
- Reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on the periodic visits to Ukraine in 2002, 2005, 2007 and 2009;
- Report by the Council of Europe Commissioner for Human Rights on his visit to Ukraine, 10–17 December 2006;
- The Court's judgments with findings of violations in Ukraine as regards ill-treatment and its improper investigation (e.g. Nowak v. Ukraine (Application no. 60846/10));
- The most recent quasi-pilot ECtHR judgement: Kaverzin v. Ukraine as of 15 May 2012, application no. 23893/03□
- Recommendation Rec(2006)5 of the Committee of Ministers to member states on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015;
- Strasbourg Declaration on Roma adopted at the High-Level Meeting on Roma on 20 October 2010; CM recommendations related to Roma [Rec(2008)5 on national policies for Roma; Rec(2009)4 and Rec(2000)4 on the education of Roma; Rec(2006)10 on Roma access to health care; Rec(2005)4 on improving housing conditions for Roma; Rec(2001)17 on Roma access to employment];
- Recommendation Rec(2006)7 on management of patient safety and prevention of adverse events in health care. It builds also on the results of the Council of Europe Conference on "Patient safety as a European Challenge", Warsaw, 14-15 April 2005;
- Conclusions of the European Committee of Social Rights;
- Recommendations of the Council of Europe Pompidou Group's experts on effective school-based drug prevention interventions (P-PG/MinConf (2006)1);
- PACE Resolution 1703 (2010) (on judicial corruption);
- PACE Recommendation 1896 (2010) (on judicial corruption);
- PACE Resolution 1862 (2012)1 adopted on 26 January 2012 ;
- Recommendation 102 (2001) of the Congress of Local and Regional Authorities on local and regional democracy in Ukraine;
- The Utrecht Agenda on Delivering good local and regional governance in 2010-2013, adopted by the European Ministers responsible for local government in 2009;
- Recommendation 303 (2011) and Resolution 322 (2011) on Local Elections in Ukraine (31 October 2010);
- Declaration adopted by the Ministers of Culture of Armenia, Azerbaijan, Georgia, Moldova and Ukraine to launch the Kyiv Initiative Regional Programme (December 2006);
- White Paper on Intercultural dialogue;
- Final Declaration of the 8<sup>th</sup> Council of Europe Conference of Ministers responsible for youth, Kyiv 2008 ("Agenda 2020"); Resolution CM/Res(2008)23 of the Committee of Ministers on the youth policy of the Council of Europe; annual priorities of the youth sector set by the Joint Council on Youth (CMJ);
- European Charter of Local Self-Government, ratified by Ukraine on 15 July 1997;

- Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority, signed by Ukraine in 2011;
- Protocol No 3 to the Outline Convention on Transfrontier Co-operation, signed by Ukraine in 2011;
- CM Recommendation (2001) 15 on history teaching in twenty-first-century Europe;
- White Paper "Living together in dignity";
- Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education [adopted in the framework of Recommendation CM/Rec(2010)7];
- Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Ukraine (19-26 November 2011);
- GRECO Recommendations;

#### Regulatory Framework:

- Decree of the President of Ukraine on the Action Plan to meet obligations and commitments of Ukraine which derive from its Council of Europe membership of 12 January 2011 with amendments introduced by the Decree of the President of Ukraine of 27 April 2011;
- Programme of economic reforms of Ukraine for 2010-2014 "Wealthy society, competitive economy, effective government";
- Law of Ukraine "On Judiciary and Status of Judges" of 7 July 2010;
- Law of Ukraine "On the Fundamentals of Corruption Counteraction in Ukraine" of 7 April 2011;
- Law of Ukraine "On Elections of People's Deputies of Ukraine" of 17 November 2011;
- Law of Ukraine "On Central Electoral Commission" of 30 June 2004;
- Decree of the President of Ukraine "On the Working Group on improving the election legislation" of 2 November 2010;
- Decree of the President of Ukraine "On approving the Concept of reforming the criminal justice of Ukraine" of 8 April 2008;
- Decree of the President of Ukraine on Working Group for reforming the criminal justice system of Ukraine, 17 August 2010□
- Decree of the President on Commission for Prevention of Torture, 27 September, 2011□
- Regulation of the President of Ukraine on Working Group for reforming of the prosecution service and the bar, 22 November 2011□
- Criminal Procedural Code of Ukraine, adopted on 13 April, 2012;
- Law on the Bar and Legal Profession, adopted on 5 July, 2012
- Law of Ukraine "On Access to Public Information" of 13 January 2011

## **APPENDIX V**

### **List of the national stakeholders**

1. Ministry of Foreign Affairs
2. Ministry of Justice
3. Ministry of Internal Affairs
4. Ministry of Culture and Tourism
5. Ministry of Education, Science, Family and Youth
6. Ministry of Social Affairs
7. Ministry of Regional Development, Construction and Municipal Economy
8. Ministry of Economy and Trade
9. Ministry of Finance
10. State Penitentiary Service
11. State Committee of Ukraine for TV and Radio Broadcasting
12. State Committee of Nationality and Religion
13. State Committee of Financial Monitoring
14. General Prosecutor Office
15. Central Electoral Commission
16. National Council of Ukraine for TV and Radio Broadcasting
17. State Service of Ukraine for Protection of Personal Data
18. Foundation of Local Self-government
19. Higher Administrative Court
20. Administration of the President
21. Parliament of Ukraine (Verkhovna Rada) and its Committees
22. Co-ordination Centre of Economic Reforms under the President of Ukraine
23. Association of Ukrainian Cities
24. Association of the Villages
25. Association of Oblast and Rayon Councils of Ukraine
26. National Academy of Public Administration under the President of Ukraine

### **List of the international organisations and partners**

1. European Union
2. United Nations (UNDP, UNICEF, etc)
3. Organisation for Co-operation and Security in Europe (OSCE)
4. United States (USAID)
5. Switzerland (SDC)
6. Norway
7. Sweden (Sida)
8. Denmark (DANIDA)
9. The Netherlands
10. Poland
11. Germany
12. Copenhagen-based IMS (International Media Support)

## **APPENDIX VI**

### **Financial information**

#### **Situation as of July 2011**

Total number of projects: 51

TOTAL ACTION PLAN BUDGET: € 22 041 375  
(fundraising gap € 13 615 000)

**Table 1**

#### **General budget (July 2011)**

<b>Type of project</b>	<b>OB (2011)</b>	<b>EU/CoE JPs</b>	<b>VCs</b>	<b>Total funds secured</b>	<b>Additional funds required</b>
National	490 000	2 258 918	4 209 000	6 957 918	
Regional/ Multilateral	150 000	1 318 377		1 468 377	
<b>TOTAL</b>	<b>640 000</b>	<b>3 577 295</b>	<b>4 209 000</b>	<b>8 426 295</b>	<b>13 615 080</b>

**Table 2**

#### **Budget by pillars (July 2011)**

<b>Pillars</b>	<b>Total funds secured</b>	<b>Additional funds required</b>
1. Human rights	1 099 000	5 763 650
2. Rule of law	1 462 394	4 080 000
3. Democracy	5 364 901	3 771 430
AP Evaluation	500 000	
<b>TOTAL</b>	<b>8 426 295</b>	<b>13 615 080</b>

## Update as of June 2012

Total number of projects: 51. During the evaluation period 5 projects have been completed, 6 projects to be completed by December 2012/January 2013 and 5 projects are proposed to be merged.

Additional funds secured by June 2012: € 3 309 082.

Funding gap: **€ 10 305 988**

Additional contribution under negotiation at an advanced stage: € 8 350 000 Funding gap (subject to successful t negotiation): € 1 955 988

### Table 3

#### General budget. Update as of June 2012

Type of project	OB (2011)	EU/CoE JPs	VCs	Total funds secured	Additional funds required
National	490 000	2 538 000	7 239 000	10 266 000	
Regional/ Multilateral	150 000	1 318 377		1 468 377	
<b>TOTAL</b>	<b>640 000</b>	<b>3 856 377</b>	<b>7 239 000</b>	<b>11 735 377</b>	<b>10 305 998</b>

### Table 4

#### Budget by pillars. Update as of June 2012

Pillars	Total funds secured	Additional funds required
1. Human rights	1 699 000	5 163 650
2. Rule of law	3 262 394	2 280 000
3. Democracy	6 273 983	2 862 348
AP Evaluation	500 000	
<b>TOTAL</b>	<b>11 735 377</b>	<b>10 305 988</b>