



Project “Ukraine – International Cooperation in Criminal Matters” (UPIC)

– project summary –

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Project title	Ukraine International Cooperation in Criminal Matters (UPIC)
Project number	DG1-342
Project partner	Ministry of Justice of Ukraine
Funding	European Commission (TACIS Regional Co-operation Programme) / Council of Europe
Implementation	Council of Europe (Department of Crime Problems, DG I - Legal Affairs)
Budget	EURO 1 680 000
Duration	36 months (1 December 2005 – 30 November 2008)

BACKGROUND AND JUSTIFICATION

The present project is aimed at strengthening the capacities of Ukraine to cooperate internationally in criminal matters on the basis of European treaties. International cooperation – both police and judicial cooperation – is a *sine qua non* in the fight against crime and in particular against organised and other forms of serious crime.

During the past fifty years, a wide range of agreements have been drawn up in order to allow for international cooperation in criminal matters in Europe. These range from the European Convention on Extradition (ETS 24) of 1957 to the European Convention on Mutual Legal Assistance in Criminal Matters (ETS 30), the European Convention on the International Validity of Criminal Judgments (ETS 70) of 1970, European Convention on the Transfer of Proceedings in Criminal Matters (ETS 73) of 1972, the Convention on Laundering, Search, Seizure and Confiscation of Proceeds from Crime (ETS 141) of 1990, the European Convention on the Transfer of Sentenced Persons (ETS 112) of 1983 and different Protocols to these Conventions.

Particularly noteworthy is the 2nd Additional Protocol to the Convention on Mutual Legal Assistance in Criminal Matters (ETS 182) of 2001 which, among other things, provides for new tools such as audio- and video-hearings, cross-border observations, controlled deliveries, covert investigations, joint investigative teams, and more efficient channels of communication. To a large extent, this Protocol reflects provisions of the European Union’s Convention on Mutual Legal Assistance in Criminal Matters (May 2000).

In addition, a number of crime-specific conventions have been adopted in recent years which also contain important provisions on judicial cooperation. These include the Convention on Cybercrime (ETS 185) of 2001 and the Protocol Amending the European Convention on the Suppression of Terrorism (ETS 190) of 2003.

New treaties which were adopted by the Committee of Ministers of the Council of Europe on 3 May 2005 and which will be of great relevance include the Council of Europe Convention on Action against

Trafficking in Human Beings, the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism and the Council of Europe Convention on the Prevention of Terrorism.

This European framework is complemented by global treaties, in particular the United Nations Convention on Transnational Organised Crime and its Protocols on Smuggling of Migrants, Trafficking in Persons, and Trafficking in Firearms, as well as regional agreements such as the Chisinau Convention of 7 October 2002 on the Provision of judicial assistance and legal relations in civil, family and criminal matters, that replaced the Minsk Convention of 22 January 1993.

The question of data protection is an important concern in international cooperation in criminal matters. Ratification and implementation of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS 108) – and application of Recommendation (87) 15 regulating the use of personal data in the police sector (17.09.1987) – ensure that the basic conditions for judicial or police cooperation are met in terms of data protection.

Moreover, the establishment and continuous improvement of this normative framework has been complemented by initiatives to make judicial cooperation more efficient. These include for example, the Conferences of Prosecutors General of the Council of Europe, the European Judicial Network of the European Union, EUROJUST and a range of other initiatives promoting direct cooperation among prosecutors and other judicial authorities, such as the Council of Europe’s PACO Networking project in south-eastern Europe.

OBJECTIVES AND EXPECTED RESULTS

Overall objective	To strengthen the capacities of Ukraine to fully implement European treaties on cooperation in criminal matters
Project objective 1	To strengthen the legal basis for international cooperation in criminal matters
Output 1.1	Draft laws for the ratification of the 2nd Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (ETS 182), the Convention on Cybercrime (ETS 185), the Council of Europe Convention on Trafficking in Human Beings (CETS 197), the Protocol Amending the European Convention on the Suppression of Terrorism (ETS 190), the Council of Europe Convention on the Prevention of Terrorism (CETS 196) and the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS 108) available for submission to the Government and Parliament
Activities	<ul style="list-style-type: none"> • Review of the legislation in view of the requirements of ETS 182 (2nd Protocol), ETS 185 (cybercrime), ETS 190 and CETS 196 (terrorism), ETS 108 (data protection), trafficking in human beings (CETS 197) to be followed by workshops and drafting of amendments
Output 1.2	Proposals for amendments to the criminal legislation available for submission to the Government and Parliament
Activities	<ul style="list-style-type: none"> • Review of the existing instruction on the execution of European conventions in criminal matters and elaboration of proposals for improvement • Expert advice to the drafting of by-laws required to implement European treaties • Expert advice to the drafting of a law on the execution of foreign sentences • Expert advice to the drafting of a law on legal assistance and cooperation with the International Criminal Tribunal for the Former Yugoslavia

Project objective 2	To strengthen the human and institutional capacities of the Ministry of Justice and the Prosecution Service for international cooperation in criminal matters
Output 2.1	Systems for efficient registration and follow up to requests for assistance established at the Ministry of Justice and the Office of the Prosecutor General
Activities	<ul style="list-style-type: none"> • Review of the current systems of registration and control of requests at the Ministry of Justice and the Office of the Prosecutor General and preparation of a proposal for automated systems • Assistance to the implementation of the system at the Ministry of Justice, including procurement of software, hardware and training • Assistance to the implementation of the system at the Office of the Prosecutor General, including procurement of software, hardware and training
Output 2.2	40 Ministry of Justice officials and up to 40 prosecutors (central and regional administrative divisions) trained
Activities :	<ul style="list-style-type: none"> • Training seminars for prosecutors and justice officials at central level and regional administrative divisions on the requirements of relevant European treaties • Training for justice officials, prosecutors and judges on the relevant case law of the European Court of Human Rights, in particular with regard to extradition • In-country English language training for up to 35 justice officials and 35 prosecutors responsible for international cooperation
Output 2.3	Cooperation at the national level enhanced between the Ministry of Justice, the Office of the Prosecutor General, Courts and the Ministry of Interior through joint training and a common website and cooperation manual.
Activities	<ul style="list-style-type: none"> • Support the drafting of a cooperation manual • Workshops for prosecutors, officials from the Ministry of Justice, judges and officials from the Ministry of Internal Affairs on the basis of the cooperation manual • Study visits for official from the Ministry of Justice, the Office of the Prosecutor General, the Ministry of Internal Affairs and courts to benefit from the experience of other European countries in judicial cooperation and in particular in view of the roles and responsibilities of different bodies in the judicial cooperation chain • Support the development of a website on judicial cooperation
Project objective 3	To promote networking and direct contacts between Ukrainian Ministry of Justice officials and prosecutors with those of neighbouring countries and other European countries
Output 3.1	Direct cooperation strengthened and experience exchanged with up to ten other European countries
Activities	International meetings on topics of priority interest (ex. cooperation against cybercrime, trafficking in human beings, 2nd Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters) and issues related to conventions already in force
Output 3.2	Cooperation manual and web-site on international cooperation in criminal matters prepared with the participation of other European countries
Activities	Development of a manual and a website for countries participating in international meetings on the basis of the Ukrainian national cooperation manual and using the examples of the PACO Networking Manual and the European Judicial Network

INPUTS

The project will provide funding for:

- a long-term technical adviser
- a number of short-term advisers
- project support staff
- in-country workshops, roundtable discussions, seminars and training events at central levels and in regional administrative divisions
- study visits to other European countries
- legal opinions
- review of the systems for registration and control of requests
- production of training materials and cooperation manuals
- translation of documentation into Ukrainian language
- international meetings

IMPLEMENTATION ARRANGEMENTS

The project will be managed by the Council of Europe in cooperation with the Ministry of Justice (Directorate for International Cooperation).

For this purpose the Ministry of Justice will appoint a senior official to function as the Project Co-ordinator and thus as the main interlocutor for the purposes of this project. The Project Co-ordinator will also ensure that activities are carried out and that inputs are provided by other relevant agencies and institutions as required. The Project Co-ordinator should thus be sufficiently senior to direct the work of the staff at the Ministry of Justice responsible for international cooperation and to interact with the Office of the Prosecutor General and other institutions involved on behalf of the Ministry of Justice.

The Council of Europe is responsible for the implementation of the project and the use of the project funds under a contract with the European Commission.

The Council of Europe makes available a project adviser and local support staff based in Kyiv and working directly with the Ministry of Justice. This team is responsible for project management on behalf of the Council of Europe.

Within the General Secretariat of the Council of Europe in Strasbourg, the Department of Crime Problems of the Directorate General I - Legal Affairs will be responsible for coordination and supervision of the project.

CONTACT

Council of Europe

Department of Crime Problems
DG I - Legal Affairs, Strasbourg,
France

Tel + 33-3-9021-4506
Fax + 33-3-8841-3955
Email alexander.seger@coe.int

Ministry of Justice of Ukraine

Directorate of International Cooperation
Division of Execution of International
Treaties on Legal Assistance in Criminal
Matters

Tel +380 (44) 244 15 66
Fax +380 (44) 228 97 29
Email ilat@minjust.gov.ua

European Commission Delegation in Kyiv

Tel +380-44-253 30 20
Fax: +380-44-253 45 47
Email: helene.chray@cec.eu.int

