

**Title:** Ukraine Criminal Justice System Project: Compliance with European Human Rights Standards

**Date:** 1998-2003

**Location:** Nottingham; Ukraine

**Unit:** European Human Rights Law

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**Funder:** Department for International Development (DFID)

### **Project Summary**

The project aimed to foster reform in the Ukrainian criminal justice system (CJS) that would achieve compliance with European Human Rights standards. The project provided training to key actors within the CJS such as judges, lawyers, academics and law students on relevant criminal justice issues. Training workshops were held on the European Convention of Human Rights and non-custodial sentencing, and scholarships were awarded for Ukrainian students to study on the HRLC International Human Rights Short Course and the University of Nottingham LLM degree programmes on Human Rights and Criminal Justice. The project produced several publications on fair trials and non-custodial sentencing, and contributed to the establishment of human rights libraries in Ukraine.

### **Aims**

The project aimed to assist Ukraine in the reform of its criminal justice system (CJS) to achieve compliance with European Human Rights standards, in particular those embodied in the European Convention on Human Rights (ECHR).

On the basis of lessons learned from an 18-month preliminary phase that included exchange visits and training workshops for key Ukrainian Government institutions and non-state actors, a three-year programme of activities was designed for implementation between 2000 and 2003. This programme aimed to:

- Provide ECHR training in the specific context of the right to a fair trial for judges/lawyers;
- Develop knowledge of, and support for, alternatives to custodial sentences and training on new rehabilitation/supervision techniques;
- Build up a concentration of new best practice relating to alternative sentencing and develop skills within the existing penitentiary system;
- Increase human rights knowledge and awareness amongst criminal justice actors and NGOs and advance awareness of criminal justice issues throughout civil society as a whole.

### **Participants**

The project engaged key Ukrainian regional, district and Supreme Court judges as well as lawyers, academics and legal practitioners, law students and key groups of officials working in the Ukrainian CJS. Collaboration with those working in the Ukrainian CJS was

an essential feature of the project. The Human Rights Law Centre therefore worked in close partnership with consultants in both the Ukraine and UK.

## **Activities**

### *Training*

#### ECHR:

A series of workshops were held in Kiev, Odessa, Kharkiv and Lviv for regional and district judges as well as those working for the Supreme Court. The training covered norms and case law of the ECHR within the context of the right to a fair trial. Lawyers, academics, criminal law practitioners and trainees in the law academies also participated in workshop training delivered by leading ECHR experts from the UK and Ukrainian judges and academics. In addition a group of Nottingham-trained lawyers and law students designed and delivered fair trial workshops on completion of their studies.

#### Alternative Sentencing:

A number of key groups of officials working within the correctional system were given intensive training by a team of probation experts in the UK on new approaches to rehabilitation and supervision. Selected correctional labour officers in Yuzhny and Odessa were also trained as well as staff of the Kharkiv Centre for Social Rehabilitation (responsible for individuals generally at risk of resorting to criminal activity, and released prisoners).

#### Increasing human rights knowledge and awareness:

Targeted training on criminal justice and human rights law was provided to 20 selected young Ukrainians over the project's duration. These scholarship recipients were selected by national competition for places on the University of Nottingham LLM degrees in Criminal Justice and Human Rights or the HRLC's three-month International Human Rights Short Course.

A number of short course participants planned and delivered training workshops on the right to a fair trial under supervision of the HRLC. These workshops were delivered in Kyiv and Lviv to law students, judges and lawyers using the Fair Trial Manual.

## **Outputs**

### *Publications*

- The series of ECHR training workshops produced the *Fair Trial Training Manual: The European Convention on Human Rights in Ukraine*.
- Complementing the Fair Trial Manual, *Monitoring the Right to a Fair Trial: Training Materials for Ukrainian NGOs* was also produced in CD Rom format in the course of the project.

- A Concept Paper was developed in collaboration with Ukrainian partners, outlining the variety and benefits of non-custodial sentences. The paper considers the implications of rising prison populations, the debate surrounding the purpose and justifications of punishment, how other Central and Eastern European countries have tackled reform, the working of Probation Services in England and Wales, and possibilities for the development of existing non-custodial sentences in Ukraine. The concept paper was developed to reflect changes in relevant laws in Ukraine (available in English & Ukrainian).
- *Working with Offenders in The Community: An Introductory Training Manual* in both printed and CD-Rom format on supervision skills was also developed.

To facilitate the dissemination of project outputs and access to information on human rights/criminal justice a number of small human rights libraries were established throughout Ukraine. These libraries contain key international documentation, as well as Ukrainian commentaries and training materials on human rights. Five such libraries have been set up at Taras Shevchenko University, Kyiv; the Institute of State and Law, Kyiv; Chernihiv National Corrections Academy of Ukraine and Donetsk National University, Faculty of Economics and Law and Odessa State Law Academy.