



Delegation of Ukraine

Institutional changes in the system of the Ministry of Interior of Ukraine, cooperation with non-governmental and international organizations

For the last three years, the Ministry of Interior of Ukraine has realized a number of initiatives directed on the establishment of active cooperation with the international and non-governmental organizations, involvement of the community to reforming of law-enforcement bodies, increase of standards of HR observance in law-enforcement activities, in particular:

1. In 2005 there was established **the Civil council on HR observance in the Ministry of Interior as well as relevant councils in the regional Departments of Interior**. Civil councils consist of 8 international, 17 national and 100 regional civil organizations, 23 educational institutions, 41 mass-media (TV and radio channels, newspapers, press centers). Members of civil councils together with the leaders of the regional Departments of Interior take part in internal inspections on the cases of HR violations by police officers, participate as trainers in police in-service trainings, public meetings. According to the results of independent monitoring carried out by the Cabinet of Ministers of Ukraine in 2008, the Civil council at the Ministry of Interior is the one of the most effective one among all Civil councils attached to the Ukrainian state authorities.

2. Since 2006 there has been established **the mechanism of Mobile Groups for Monitoring Observance of the Constitutional Rights and Freedoms of People in Citizens** in system of the Ministry of Interior. These mobile groups consist of NGO's representatives and police officers. They pay attention mostly to the observance of HR of detained and arrested people who are in police custodies. The mobile groups are rated as the prototype of prevention mechanisms according to the Optional Protocol to UN Convention against tortures. Ukraine ratified the Optional Protocol on the 21th of June 2006.

3. In 2008 in the Ministry of Interior of Ukraine there was established **the Department of HR monitoring in police work** that has no analogues in other law enforcement bodies both in Ukraine, and in other CIS countries. It consists of analytical unit as well as unit of regional representatives. **40 percent of regional representatives are former NGO's activists and 60 percent – former police officers, mostly responsible for internal investigations.** The basic directions of monitoring are:

- observance of human rights during prejudicial inquiry, particularly during detention and arrest,
- prevention of domestic violence, harsh treatment of children, trafficking-in-human beings, guaranteeing the rights of minors,
- prevention of racism and xenophobia,

- maintenance of public order during mass actions and demonstrations, etc.

The Ministry of Interior of Ukraine together with civil councils and mobile groups create the system of joint public and internal control with regard to guaranteeing human rights in everyday police work.

The international projects

International organizations make a lot to help the Ministry to achieve the results mentioned above. We appreciate the support of **Council of Europe (Police and human rights program), OSCE Project Coordinator in Ukraine, Renaissance Foundation** and others. The Ministry of Interior of Ukraine together with NGO and international organizations realize a number of initiatives in the field of combating tortures and harsh treatment, in particular:

1. In 2003-2006 together with the Kharkov law-protection group we implemented the project «**Campaign against tortures in Ukraine**». A number of social researches on tortures and harsh treatment during the prejudicial inquiry, 12 trainings for detectives and investigators on European Convention were carried out within the project. We published the manual “Police and human rights” for police high schools.

2. Since 2006 and till now the Ministry of Interior of Ukraine with the support of the OSCE Project Coordinator in Ukraine has implemented 3 projects on establishing mobile groups’ scheme. There have been organized more than 10 trainings and 2 national conferences for police officers and mobile groups’ activists, published three manuals within the projects. In October the Ministry of Interior of Ukraine and the NGO “Kharkov Institute for Social Researches” are going to hold International Conference on Mobile Groups’ Schemes for mobile groups’ activists from Finland, Great Britain, Switzerland, Romania and Ukraine.

3. Since 2006 the Ministry of Interior of Ukraine has been implementing the project on granting free legal support to persons detained and arrested by police in three regions of Ukraine. The project is supported by the International fund “Renaissance”.

Criminal reform

On April, 15th, 2008 Verkhovna Rada of Ukraine introduced amendments to article 127 of the Criminal code of Ukraine. As a result the definition of “torture” was supplemented with the notion of “discrimination”. Besides, the term “official” instead of “law-enforcement official” was specified as the special subject of this crime.

Tortures, in other words deliberate strong physical pain or physical or moral suffering by battery, tortures or other violent actions with the purpose to force the victim or other person to make actions which contradict its will, including getting either from him or another person information or confession, or with the purpose to punish him for actions committed either by him or another person or of which he is suspected, as well as on the purpose of his or other persons’ intimidation and discrimination.

In 2008 **30 police officers** have been condemned for excess of power during the prejudicial inquiry.