

The Legal Mechanisms of Ensuring Regional Cooperation in Combatting Crime Within the Framework of the Council of Europe

Experience of Ukraine

Andrii Voitsikhovskiy, Oleksandr Bakumov, Olena Ustymenko, Mykola Marchuk

Implementation of legal reform in Ukraine, the content of which can be defined as a gradual movement towards a democratic and rule of law state, makes the problem of counteraction to crime especially relevant. Nowadays it is the object of broad regulatory measures, in particular, international and legal regulation of cooperation between states in combatting crime.

The multifaceted nature of modern international relations in one way or another causes expansion of the spheres of cooperation between states in counteracting crime, which requires universal and regional international cooperation. It is quite clear that universal international cooperation cannot cover all aspects of the cooperation of states. Regional international cooperation helps to get more effective cooperation between states located in the same geographic region.

Cooperation of the states at the regional level in combatting crime is mainly carried out in the framework established by regional international organizations of both general and special competence. The



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regional level of international cooperation allows the states to react promptly to any manifestations in the criminal sphere that pose a threat of the international nature. In this case, the mechanism of such a cooperation and elements of control, as a rule, have a great degree of specificity and details.

Regional international organizations in Europe have a great deal of experience in intergovernmental cooperation in the field of combatting crime, which is explained by the historically established process of economic and political integration. ¹ The problem of counteracting crime is given considerable attention within the Council of Europe, which is the most representative European intergovernmental organization established on May 5, 1949, aimed at achieving greater unity between its members in order to preserve and realize the ideals and principles that are their common good, as well as to promote their economic and social progress. ² The Council of Europe is a purely European organization, with 47 Member States.

*Andrii
Voitsikhovskyy
Oleksandr
Bakumov
Olena Ustyomenko
Mykola Marchuk*

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For more than half a century, the Council of Europe has played a leading role in strengthening international cooperation in the field of criminal law on the European continent. Within the Council of Europe, the Member States cooperate in the area of crime prevention, combatting it and prosecuting offenders. The main role in this activity is played by the European Committee on Crime Problems (CDPC), which was set up by the Committee of Ministers of the Council of Europe in 1957 to analyze the state of criminal law, the level of crime, the effectiveness of preventive measures and other measures related to the study of various aspects of criminal and legal system.

Particular attention within the activities of the European Committee on Crime Problems (CDPC) is paid to the issues of combatting certain types (categories) of crime such as terrorism, illegal drug and fire arms trafficking, legalization (laundering) of proceeds of crime, human trafficking, illicit migration, cybercrime, etc. The increase in drug trafficking in Western Europe has led to the establishment in 1971 of the Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs, also known as the Pompidou Group³:

In 1980, the Pompidou Group gained official status and was included in the Council of Europe. Currently, the Pompidou Group has 37 states and one observer-state (Mexico). The Pompidou Group's main task is to counteract illicit drug trafficking and drug addiction by supporting the development of an effective policy on using narcotics in the Member States of the Group. The main objectives of the Pompidou Group are: combining politics, practice and research; establishing communication on drug policy issues in Europe and beyond; creating a platform for open discussion of drug-related issues; being as an innovative analytical center; facilitating the exchange of knowledge through training and capacity-building, as well as providing a mechanism for regular consultations between major European and international stakeholders. ⁴

In its activities, the Pompidou Group addresses several issues of general interest, namely the problems of counteracting illicit drug trafficking; development of cooperation of European states in counteracting drug smuggling; prevention, treatment and rehabilitation of drug addicts in prisons; counteraction to illicit drug trafficking on the high seas; and the effectiveness of the control services at major European airports etc.

Through the efforts of the Pompidou Group, seminars, international and practical conferences are regularly held, where the experts and other professionals exchange practical experience. ⁵ So, on May 21-23, 2012, the regular international conference with the participation of representatives of the Pompidou Group and the State Service of Ukraine for Narcotics Control (now the State Service for Drugs and Narcotics Control) was held in Kyiv. The participants of the meeting discussed the main directions of further bilateral cooperation and the possibility of implementing joint projects on the prevention of drug addiction and drug crimes, as well as exchanged views on the content of the State Policy Strategy on narcotics up to 2020.

The increase in drug trafficking in Ukraine for the last 10 years is one of the most relevant social problems in Ukraine, which is a possible cause of human aggravation, negative influence in the social sphere and the security threat to Ukraine. According to social research, 35 % of first year students in professional and technical colleges and 25 % of university students have tried drugs recreationally. Due to this fact, the aim of the Strategy of State politics on drugs on 2020 is to solve the problem of drugs in society to protect human interests, public health and state security from the threat of widespread drug addiction and

drug crime. The Strategy of State politics on drugs on 2020 is based on the Ukrainian Constitution, Ukrainian legislation and international documents of the United Nations, the Council of Europe and the European Union. ⁶

The Pompidou Group has implemented a special program of cooperation with Central and Eastern European countries, which provide training and information exchange in the fields of drug demand limitation and criminal law. Ukraine and the Pompidou Group are striving to develop and deepen a mutually beneficial cooperation – the possibility of Ukraine gaining membership in this international organization is being discussed. Nowadays it is possible to state the presence of significant opportunities for Ukraine’s integration into this pan-European drug control sphere.

In accordance with the Resolution of *Verkhovna Rada* of Ukraine dated from May 14, 2015, No. 413-VIII, the *Verkhovna Rada* approved the Recommendations of the Parliamentary Hearings on the ‘Perspectives of the European Union’s introduction of a visa-free regime for the citizens of Ukraine’, which recommended the Cabinet of Ministers of Ukraine submit for consideration by *Verkhovna Rada* of Ukraine the bill ‘On the Accession of Ukraine to the Council of Europe’s Extended Partial Agreement on the establishment of the Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (the Pompidou Group)’. ⁷ Ukraine’s accession to the Enhanced Partial Agreement on the Establishment of the Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (the Pompidou Group) will significantly expand the existing regional level of international cooperation, will open up additional opportunities for attracting international technical assistance, studying and implementing international experience in the field of combatting illicit drug trafficking, and will give the right to directly participate in the work of specialized groups and networks to prevent drug trafficking.

In the case of combatting crime and the implementation of criminal justice, the contractual and legal (conventional) mechanism of cooperation between the Member States of the Council of Europe is of great importance. The existence of a large number of international treaties between the Member States of the Council of Europe, which contain the conditions for extradition of individuals, the possibility of providing legal aid in criminal cases, has created the need to unify international norms related to this area.

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One of the first issues faced by the European community was the legislative gap in the regulation of the surrender of a foreign citizen (the institution of extradition). In order to solve this problem, the European Convention on the Extradition of Offenders was approved in 1957, and the Additional Protocol to the Convention in 1975 and the Second Additional Protocol to the Convention in 1978 were also adopted (signed by Ukraine on May 29, 1997, ratified on January 16, 1998). The Member States to the Convention undertake to surrender to each other (taking into account the provisions and conditions set forth in the Convention) all persons prosecuted by the competent authorities of the requesting state for the commission of an offense or who are wanted by said authorities for the purpose of executing a sentence or a detention order.

In 1959 the European Convention on Mutual Assistance in Criminal Matters was approved (signed by Ukraine on May 29, 1997, ratified on January 16, 1998), as well as the Additional Protocol to the Convention in 1978 (signed by Ukraine on May 29, 1997, ratified on January 16, 1998) and the Second Additional Protocol to the Convention in 2001 (signed by Ukraine on November 8, 2001, ratified on June 1, 2011) were also adopted, which mainly regulate the issues of the execution of requests for the conduct of certain procedural actions because of criminal prosecution.

The next stage in the integration processes was the adoption of the European Convention on the International Validity of Criminal Judgements and Sentences in 1970 (signed by Ukraine on June 8, 2000, ratified on September 26, 2002). The basis of this Convention is the principle of recognition of sentences of foreign courts; it is used to enforce them in order to exclude the possibility of repeated conviction for the same crime and to establish certain legal consequences of the conviction (conviction, recidivism, abolition of conditional sentence and conditional release).

An institute for transferring criminal prosecution is an integral part of the contractual and legal mechanism of cooperation between the Member States of the Council of Europe in the field of decriminalization. In 1972, the European Convention on the Transfer of Proceedings in Criminal Matters (Ukraine joined the Convention on September 22, 1995), which defined the scope of competence of the Member States and regulated the conditions for the transfer of criminal proceedings along with the grounds for requesting such a transfer, was approved.

Within the scientific research of the European regional mechanism on combatting crime, we should pay special attention to the activities of the Council of Europe in developing regional cooperation of the Member States of the Organization in counteracting certain types (categories) of crime. Such crimes that are recently widespread and are of great concern both for European countries and the rest of the world include: cybercrime, human trafficking, corruption, terrorism, legalization (laundering) of proceeds of crime, etc.

The widespread usage of modern information technology in state and non-state structures, as well as in society on the whole, put forward new issues to the Council of Europe concerning information security. The growth of information technologies has already led to the progressive changes in the economy and to the appearance of the new forms of computer crime. It is manifested in the fact that criminals actively use the latest computer tools and new information technologies in their criminal activity. The spread of computer viruses and child pornography, fraud with cryptocurrency, the theft of funds from bank accounts and computer terrorism is far from a complete list of similar crimes, which have received the common name 'cybercrime'.⁸ According to the UN data, today the losses from computer crimes are equal to the proceeds from the illicit drugs and weapons trafficking. [p.338]⁹

The number of crimes committed through the global Internet computer network is proportionally increasing to the number of users. According to Interpol statistics, the increase in crime in the world network is the highest among other kinds of crime in the world ¹⁰. Unfortunately, the degree of the threat of computer crimes is not yet fully understood and assessed in society. But even the insignificant experience that already exists in this area, and even more so the experience of the most developed countries of the world (USA, France, Great Britain, Spain, etc.) highlights the vulnerability of any state.¹¹

To illustrate this, on June 27, 2017 Ukrainian government agencies (the Cabinet of Ministers of Ukraine, the National Police of Ukraine, etc.), Boryspil Airport, the Chernobyl Nuclear Power Plant, Ukrainian banks, energy companies, state-owned Internet resources and local networks, Ukrainian media and a number of other large enterprises suffered from the largest hacker attack that spread the Petya.A virus that blocked the operation of computer systems. This cyberattack also infected computers around the world (US, UK, Germany, Poland, India, Lithuania, etc.), and inflicted losses of approximately \$8 billion¹². Nowa-

*Andrii
Voitsikhovskiy
Oleksandr
Bakumov
Olena Ustyenko
Mykola Marchuk*

days, experts from the Cyberpolice Department of the National Police of Ukraine, the Security Service of Ukraine and other specialized services, together with leading specialists of Ukrainian IT companies and international organizations, are working to overcome the consequences of damaging Ukrainian computer networks with malware. In order to investigate the facts of unlawful interference into computer systems, the European Police Office (Europol) has set up an urgent focal point.

Taking into account the factor of globalization of cybercrime, it becomes more and more obvious that no state is capable of opposing this danger independently. In this regard, the urgent problem is the need to intensify international cooperation in this area. In order to prevent and respond to cyber-attacks, governments have begun a number of actions, both at the global and regional levels.

One of the important measures to combat computer crime was the development and adoption by the Council of Europe on November 23, 2001 of the Convention on Cybercrime (signed by Ukraine on November 23, 2001, ratified on September 7, 2005) and the Additional Protocol to the Convention of 2003 on the criminalization of racist acts and xenophobic nature committed through computer systems (signed by Ukraine on April 8, 2005, ratified on July 21, 2006). The Convention on Cybercrime of 2001 was the first international treaty to counteract crimes committed through computer networks. This document was the result of joint work of the Council of Europe experts with the participation of the United States, Canada, Japan and other non-member countries. The Convention on Cybercrime of 2001 is not limited to the European continent, and many other countries are expected to join it. It has been already signed by Canada, Japan, the Republic of South Africa and the United States. To the present time, the Convention has been signed by 46 countries, including 4 countries that are not members of the Council of Europe, and 23 of these countries have already ratified it. Reforms in the field of crime prevention on the Internet, based on the guidelines of the Convention on Cybercrime of 2001, are also being implemented in Argentina, Brazil, Egypt, India, Nigeria, Pakistan and the Philippines. Additional Protocol to the Convention on Cybercrime of 2003, concerning the criminalization of racist and xenophobic acts committed through computer systems, is signed by 34 countries and ratified by 13 of them.¹³

The main purpose of the Convention on Cybercrime of 2001 and the Additional Protocol to the Convention on Cybercrime of 2003 is to

prioritize general policy in the field of criminal law aimed at protecting society against computer crimes, particularly through the adoption of relevant legislative acts and strengthening of international cooperation.

Considering the issue of counteracting cybercrime through the prism of the Convention, one can evaluate this document and determine its international significance for solving this problem. One of the main conclusions that can be drawn from the analysis of this Convention is the fact that a clear definition of 'cybercrime' has been made and a general standpoint on the issue what kind of acts involving the use of computer systems should be criminalized.¹⁴

From a legal point of view, the general principles relating to international cooperation as defined in the Convention are of great importance. It is a matter of extraditing computer criminals and providing broad mutual legal assistance while investigating criminal cases, including the collection of electronic evidence. In addition to joining the international legal mechanism to combat cybercrime in accordance with the Convention on Cybercrime of 2001 and the Additional Protocol to the Convention of 2003, Ukraine also actively participates in the CyberCrime@EAP project on cybercrime issues within the framework of the Eastern Partnership Program.¹⁵ In the context of Ukraine's cooperation with the Council of Europe on March 15, 2016, the Cybersecurity Strategy of Ukraine was approved, which defined certain strategic priorities for cybercrime and evaluated the measures taken in this direction.¹⁶

Some unsolved issues related to cooperation in the area of combatting cybercrime are considered in the scope of further projects, such as the completion of legislative reforms to combat cybercrime (procedural law and related guarantees), finishing the development of training strategies on cybercrime in the field of justice, strengthening the potential of international cooperation and supporting the implementation of the cybersecurity strategy project. Besides this, the Council of Europe cooperates in the field of criminal justice against cybercrime on the basis of the Convention on Cybercrime of 2001, including support for the departments combatting high crime and law enforcement agencies in order to establish cooperation with Internet service providers, measures against child pornography and effective international cooperation.¹⁷

Since the end of the 20th century, the Council of Europe, as a regional intergovernmental organization, has become a focal point for counteracting human trafficking. This crime is a transnational type of

crime and ranks third in the world after trafficking in drugs and weapons. In the area of counteracting trafficking in human beings and related issues, the Council of Europe has implemented several initiatives: the development of legal standards and strategies, research activities, legal and technical cooperation, and monitoring.

On October 6, 1987, the Parliamentary Assembly of the Council of Europe approved the first document on combatting contemporary forms of slavery – Recommendation 1065 (1987) on the sale of children and other forms of exploitation of children. The Parliamentary Assembly stated in the document that the international sale of children for the purpose of prostitution, pornography and slavery had become striking, and society was obliged to protect children and to concern itself with their interests.¹⁸

In compliance with the Recommendation of the Parliamentary Assembly, the Committee of Ministers of the Council of Europe prepared and approved on September 9, 1991 Recommendation No. R (91) 11 of the Committee of Ministers to Member States on sexual exploitation, pornography and prostitution, and the trafficking of children and young persons.¹⁹ Particular attention in this Recommendation was focused on counteracting trafficking in children, namely the increased monitoring of potential child trafficking intermediaries – adoption agencies; providing children with access to educational and medical facilities, etc.

Concerned by the facts of women trafficking and forced prostitution widespread in European countries, the Council of Europe's Parliamentary Assembly adopted on April 23, 1997 Recommendation 1325 (1997) on trafficking in women and forced prostitution in the Council of Europe Member States.²⁰

The Parliamentary Assembly recommended the Committee of Ministers develop the Convention on combatting women trafficking and forced prostitution, which would be open to non-member States of the Council of Europe. The Convention focuses on human rights, determining repressive measures to combat trafficking in human beings through harmonization of laws, coordinating efforts and cooperation between law enforcement agencies and judicial power, providing a mechanism for monitoring compliance with the provisions, and coordinating further actions at European level in this area.

In accordance with the provisions of the Recommendation of the Parliamentary Assembly, the Committee of Ministers of the Council of

Europe adopted Recommendation No. R (2000) 11 to Member States on combatting trafficking in human beings for the purpose of sexual exploitation in May 2000.²¹ The Member States of the Council of Europe were encouraged to take appropriate legislative and practical measures to ensure the protection of the rights of victims of human trafficking, especially women, adolescents and children.

In 2000, the attention of the Council of Europe was drawn to the problem of interconnectedness of trafficking in human beings and illegal migration. The circumstances prevalent in the territory of Europe again prompted the reaction of the Parliamentary Assembly in the form of Recommendation 1467 (2000) on illegal migration and the fight against traffickers.²² The Parliamentary Assembly of the Council of Europe in this document has demonstrated its conviction that besides increasing security measures at European borders with a view to detaining illegal migrants, Member States must step up their cooperation initiatives providing effective measures against human trafficking.

At the beginning of the 21st century, a new problem emerged on the European countries' agenda, related with the emergence of a new form of slavery – domestic slavery. In this regard, on June 26, 2001 the Parliamentary Assembly of the Council of Europe adopted Recommendation 1523 (2001) on domestic slavery.²³ On January 21, 2002, the Parliamentary Assembly of the Council of Europe adopted Recommendation 1545 (2002) on a campaign against trafficking in women²⁴, which tasked the Committee of Ministers of the Council of Europe to establish a European Center for the Study of Trafficking in Women, which was to include a group of experts in the field of prevention of trafficking in human beings.

The Council of Europe's next document on combatting trafficking in human beings was Recommendation 1610 (2003) on migration related to trafficking in women and prostitution²⁵, which was approved by the Parliamentary Assembly on June 25, 2003. The Recommendation noted that migration which has developed into international criminal trafficking of women cannot be overcome by the Member States themselves. The Committee of Ministers was urged to start work on the draft of the Council of Europe Convention on Action against Trafficking in Human Beings as soon as possible.

The Council of Europe Convention on Action against Trafficking in Human Beings was opened by the Committee of Ministers of the Council of Europe for signing by the Member States in Warsaw on

*Andrii
Voitsikhovskiy
Oleksandr
Bakumov
Olena Ustyenko
Mykola Marchuk*

May 16, 2005. At present, the Council of Europe Convention on Action against Trafficking in Human Beings has been ratified by 34 Member States of the Council of Europe, 43 are the signatories. The Convention entered into force on February 1, 2008 after its ratification by 10 countries (in accordance with Article 42 of the Convention).

The resolve of the Member States of the Council of Europe to implement the provisions of this legally binding international document into national legislations was prepared by the preliminary long-term work of the organization at the level of the Committee of Ministers and the Parliamentary Assembly of the Council of Europe.

On November 11, 2005, Ukraine signed the Council of Europe Convention on Action against Trafficking in Human Beings, which was ratified on September 21, 2010. The Convention entered into force for Ukraine on March 1, 2011.²⁶ According to the conclusion of the Main Scientific and Expert Department of *Verkhovna Rada* of Ukraine, the ratification of the Convention provides Ukraine the opportunity to implement modern international and legal standards in the field of combatting trafficking in human beings, which will further assist to overcome the status of a transit state, through which the 'live goods' are supplied. [p. 451]²⁷

The Council of Europe Convention on Action against Trafficking in Human Beings of 2005 is aimed at preventing human trafficking, protecting victims, ensuring effective investigation and prosecution, facilitating coordination of national actions and international co-operation. The Convention is applied to all forms of human trafficking, whether they are national, transnational, related to organized crime or not; all victims of trafficking in human beings (women, men and children); and all forms of exploitation (sexual exploitation, forced labor or services, slavery, enslavement, removal of organs).

It should be noted that other international legal instruments exist in combatting human trafficking, but the Council of Europe Convention on Action against Trafficking in Human Beings of 2005 is not intended to compete with other international and legal documents adopted at the universal level.

It is also important to note that the Council of Europe Convention on Action against Trafficking in Human Beings of 2005 created an independent monitoring mechanism to assess how fully its provisions are implemented in practice. This monitoring mechanism consists of two elements Group of Experts on Action against Trafficking in Hu-

man Beings (GRETA) and the Committee of the Parties (the Committee of the Parties of the Council of Europe Convention on Action against Trafficking in Human Beings is composed of the representatives on the Committee of Ministers of the Council of Europe of the member States Parties to the Convention and representatives of the Parties to the Convention, which are not members of the Council of Europe).²⁸

Group of Experts on Action against Trafficking in Human Beings (GRETA) is responsible for monitoring the implementation of the Convention by the countries that have ratified it. GRETA reports contain the analysis of the situation in each country regarding the taken measures to combat trafficking in human beings, as well as recommendations for the proper implementation of the provisions of the Convention. Based on the reports and conclusions of the GRETA Group, the Committee of the Parties presents recommendations to individual countries regarding the steps to be taken to implement GRETA's conclusions.

The value of the monitoring activities carried out under the Council of Europe Convention on Action against Trafficking in Human Beings of 2005 is to: assess and promote the implementation of the far-reaching commitments under the Convention; ensure individual recommendations for solving problem issues; create a forum for international cooperation for sharing information and experience, etc.

In September 2014, the Secretariat of the Council of Europe promulgated the Report on accomplishing by Ukraine of the Council of Europe Convention on Action against Trafficking in Human Beings of 2005, which was compiled on the basis of the evaluation mission of the Group of Experts on Action against Trafficking in Human Beings (GRETA). In its report, Group of Experts on Action against Trafficking in Human Beings (GRETA) stated the important steps taken by Ukraine in combatting trafficking in human beings.

Moreover, the main tasks of GRETA are:

1. training and professional development of relevant specialists on issues related to combatting human trafficking;
2. identifying and aiding people who have suffered from human trafficking, counteracting trafficking in human beings by police officers and border guards;
3. adopting the standards for the provision of social services to people who have suffered from trafficking, which enables them to provide better assistance to victims;

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4. functioning of a coordinated mechanism for establishing the status of a person who has suffered from human trafficking; developing international cooperation in the field of combatting human trafficking;
5. raising the general level of public awareness of trafficking in human beings, etc.

Although the legal and institutional frameworks for dealing the problems of human trafficking were endorsed by the GRETA Group, the report noted the areas that were to be improved, in particular raising awareness and taking measures to stop trafficking in human beings for the purpose of labor exploitation, domestic trade, and to establish control over the entry of foreigners to Ukraine ²⁹.

Effective cooperation between Ukraine and the Council of Europe in combatting human trafficking can be achieved with the full implementation of the Convention of the Council of Europe on actions against trafficking in human beings of 2005, which is an effective instrument for combatting trafficking in human beings, prosecuting traffickers and protecting victims.

It should be noted that over the last year Ukraine is no longer a country where human trafficking is flourishing. This was stated by the Deputy Minister of Internal Affairs on European Integration after the annual report of the US Department of State titled 'Human Trafficking 2017', which was presented on June 27, 2017. The improvement of Ukraine's position in the report is the evidence that today law enforcement officers and the Government of Ukraine can fight effectively against human trafficking. ³⁰

It is important to note that the Council of Europe's activities in the sphere of combatting crime are very important for the development of European legislation, the harmonization and improvement of the legal systems of all Member States based on the Council of Europe's common standards. The organization aims to encourage the creation and development of democratic institutions and procedures at the state, regional and local levels, as well as to promote the principle of human rights respect while accomplishing criminal prosecution, the rule of law, presumption of innocence, inevitability of punishment, etc.

By acquiring membership on the Council of Europe, Ukraine has undertaken a number of commitments in the area of reforming the current legislation based on the norms and standards of the Council of Europe. In the context of Ukraine's cooperation with the Council of

Europe, the Ministry of Justice and other executive agencies pay great attention to the expansion of the international legal basis and the accession of Ukraine to the treaties concluded within this international organization aimed at combatting crime.³¹

Ukraine cooperates with all the working agencies of the Council of Europe to improve international cooperation in investigating criminal prosecution, court hearing and prevention of crime. Ukraine collaborates with such Committees of Experts of the Council of Europe as:

- **European Committee for Legal Co-operation (CDCJ).** The Committee's achievements include many agreements and recommendations prepared for the Committee of Ministers of the Council of Europe. The CDCJ Committee fulfills its tasks through: supervision and work organization of the committees, expert groups, colloquiums and conferences; adoption of drafts of the conventions, international treaties, protocols or recommendations; monitoring the functioning and implementation of international mechanisms stemming from its competence, as well as assisting States in addressing their specific problems and interaction with the relevant convening committees; preparation of conferences of European ministers of justice in conjunction with the European Committee on Criminal Matters (CDPC) and bringing them to their logical conclusion; co-operation with other Council of Europe agencies, in particular with the European Committee on Criminal Matters (CDPC), the CCJE, the Committee of Experts on the Efficiency of Justice (CEPEJ) and the Committee of Experts on Terrorism (CODEXTER), the Steering Committee Bioethics (CDBI), and European Committee for Health Care.
- **European Committee on Crime Problems (CDPC).** The Committee is responsible for supervision and coordination of the activities of the Council of Europe in crime prevention and crime control. The CDPC Committee defines the areas of intergovernmental legal cooperation, makes proposals to the Committee of Ministers of the Council of Europe on areas of criminal and criminal procedural law, criminology and penology. It also develops conventions, treaties, recommendations and reports, organizes criminological scientific conferences and criminological colloquiums, and conferences for the heads of the prison administration.
- **The Committee of Experts on the Protection of Children against Sexual Exploitation and Sexual Abuse (PC-ES).** The Committee

*Andrii
Voitsikhovskyy
Oleksandr
Bakumov
Olena Ustyomenko
Mykola Marchuk*

is working under the auspices of the CDPC to develop new and implement existing international treaties on the protection of children from sexual exploitation and abuse. This Committee can contact and consult with governmental and non-governmental organizations and experts, as well as to organize public hearings and provide written explanations.

- **The Committee of Experts on the Operation of European Convention on Co-operation in Criminal Matters (PC-OC).** The PC-OC Committee is a forum where, since 1981, experts from all Member States and observer countries, as well as representatives of international organizations, are working together to develop the ways to improve international cooperation in criminal matters and to find ways to solve the practical problems outlined in the declarations to the Convention of the Council of Europe in this area.
- **The European Commission for the Efficiency of Justice (CEPEJ).** The aim of the CEPEJ Commission is to improve the efficiency and functioning of judicial agencies in the Member States, as well as to improve the implementation of the documents adopted by the Council of Europe. The CEPEJ Commission prepares conclusions, collects and analyzes information, defines measures and means of evaluation, prepares documents (reports, recommendations, directives, action plans, etc.), develops contacts with qualified specialists, representatives of non-governmental organizations, research institutes and information centers, organizes public hearings, and expands the network of professionals in the legal sphere.
- **The Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MON-EYVAL).** The Committee was established in 1997 to monitor the effectiveness of the fight against money laundering, terrorist financing, and compliance with relevant international standards in this area. The main task of the MONEYVAL Committee is the development of: appropriate documents on situations concerning relevant issues; reports on the implementation by the Member States of the Council of Europe that are not parties to the Financial Action Task Force (FATF) of the provisions of the relevant documents on combatting (laundering) proceeds from crime and taking into account the standards for terrorist financing; recom-

mentations to countries that have been evaluated in order to improve the effectiveness of their measures on combatting (laundering) proceeds and terrorist financing activities.

The Group of States against Corruption (GRECO). According to the Statute, the GRECO Group's tasks are to monitor compliance with the 'Guidelines for the Fight against Corruption' and to implement the Civil Law Convention on Corruption of 1999, the Criminal Law Convention on Corruption of 1999, and the Additional Protocol to the Convention of 2003. The main task of the GRECO Group is to improve the ability of its members to fight against corruption by monitoring their commitments in this area through the deployment of an active process of mutual audits and accomplishment of pressure. This assists in identifying gaps in the national anti-corruption policy of the states and accelerating the implementation of the necessary reforms for this at the legislative, institutional and practical levels. The GRECO Group also provides a platform for the dissemination of best practices in preventing and detecting corruption.³²

Ukraine is very active and widely involved in the anti-corruption process and has signed a number of important international anti-corruption agreements adopted by the Council of Europe. In particular, the Civil Law Convention on Corruption of 1999 (signed by Ukraine on November 4, 1999, ratified on March 16, 2005), the Criminal Law Convention on Corruption of 1999 (signed by Ukraine on January 27, 1999, ratified on October 18, 2006) and the Additional Protocol to the Convention of 2003 (signed by Ukraine on May 15, 2003, ratified on October 18, 2006).

Since the entry into force of the Civil Convention of the European Council on the fight against corruption of 1999, Ukraine starting from January 1, 2006 has become the fortieth member of the GRECO (today, GRECO comprises 49 European countries).³³ By joining the GRECO Group, Ukraine has committed itself to participating in the mutual evaluation process within the Group. At the plenary meetings of the GRECO Group, reports are periodically approved for Ukraine's implementation of anti-corruption recommendations of this international organization. These recommendations are provided to Ukraine according to the rounds of assessment. The specified evaluation rounds focus on the activities of the specialized agencies involved in the prevention of corruption, the issues of the immunity of officials in relation to criminal prosecution, as well as on the detention, seizure and

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confiscation of proceeds and other property obtained as a result of corruption, prevention of corruption in the system of public administration, and liability of legal entities for corruption crimes.

In the context of European integration, it is important for Ukraine to implement European standards, because Ukrainian presence in the Council of Europe and attempts to get closer to European values require promotion and support from state institutions.

The Council of Europe provides broad support to Ukraine in the process of carrying out tasks aimed at conducting internal reforms within key areas. The cooperation is provided according to the Action Plans, which were signed by Ukrainian representatives and the representatives of the Council of Europe. The first Action Plan was established in 2005. The implementation of the Action Plans contributes to the fulfillment by Ukraine of its statutory and individual commitments as the Member State of the Council of Europe and includes a package of priority measures for the adaptation of Ukrainian legislation, institutes and practices to European standards on human rights, the rule of law and democracy. This includes combatting corruption, counteracting the legalization (laundering) of proceeds from crime, reforming law enforcement agencies and judicial power, etc.

On March 18, 2015, with the participation of representatives of the Ministry of Internal Affairs of Ukraine and European structures, specialists of Ukrainian ministries and departments (primarily of the Ministry of Foreign Affairs of Ukraine, Ministry of Justice of Ukraine) prepared another joint Action Plan of the Council of Europe for Ukraine for 2015-2017 (total budget – 45 million euros).³⁴ The Action Plan reflected the priorities of the country, as well as the issues determined in the recent reports of the Council of Europe's monitoring agencies, resolutions and recommendations regarding Ukraine.

One of the most pressing issues in the Action Plan was the continuation of the reform of the agencies of the National Police of Ukraine and the penitentiary system. The main aim of this Action Plan is cooperation in different spheres such as preventing tortures and ill-treatment, counteracting impunity, human trafficking, protection human rights, protection of national minorities in Ukraine, prevention of discrimination and domestic violence, the freedom of media etc.

On 21 February 2018, the Committee of Ministers of the Council of Europe approved the new Action Plan of the Council of Europe for Ukraine 2018-2021. The total budget of this new Action Plan is

29,500,000 euro. According to this Action Plan, the Council of Europe will render Ukraine assistance in reforming law enforcement agencies and the judicial system, the realization of the court's decisions, the issues of decentralization and combatting corruption. Moreover, particular attention is paid to the protection of internally displaced people and the journalist's safety.³⁵

Recently, the Ukrainian government with the assistance of the Council of Europe has made very important legislative steps in the sphere of combatting corruption. In October 2014, *Verkhovna Rada* adopted a package of anti-corruption laws, as well as the Anti-Corruption Strategy for 2014-2017³⁶, and authorized the creation of the Anti-corruption Bureau.³⁷

The Council of Europe intends to continue cooperation in the area of effective governance and counteracting corruption in line with the recommendations of GRECO. Currently, specially developed training on the liability of officials for corruption offenses is organized. By supporting Ukraine's anti-corruption activities, it will be encouraged to create transparent and accountable institutions. The Council of Europe will also work to strengthen the ability of Ukrainian government to prevent corruption and, at the same time, increase the institutional capacity of law enforcement agencies to investigate violations and bring the perpetrators to justice in corruption-related crimes. The members of the Ukrainian Parliament will receive support in combatting corruption through a series of events and the involvement of experts from GRECO, the Parliamentary Assembly and the Venice Commission. Apart from this, some measures to share experiences, lobbying the regulatory base and staff training will be accomplished.

In a recent preliminary report on the situation in Ukraine, the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) states that Ukraine has achieved concrete results in its efforts to counteract (laundering) illegally obtained proceeds. However, further efforts are necessary in the field of liability for criminal offenses and terrorism, as well as some explanations regarding the crime prevention regime, in order to comply with the Key Recommendations of the Financial Action Task Force on Money Laundering (FATF).

The Council of Europe focuses a lot of efforts to counteracting ill-treatment and preventing torture in Ukraine. In particular, together with the European Committee for the Prevention of Torture and Inhu-

*Andrii
Voitsikhovskiy
Oleksandr
Bakumov
Olena Ustymenko
Mykola Marchuk*

mane or Degrading Treatment or Punishment, they conduct training courses for judges and lawyers to increase their awareness of ill-treatment problems.

The recommendations of the Council of Europe formed the government's approach of protecting against ill-treatment. The Council of Europe, in particular the European Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment, provided several recommendations to Ukrainian authorities regarding the establishment of an independent agency specializing in the investigation of complaints against law enforcement officers and other officials. Creating the State Bureau of Investigations can be considered as a good opportunity to implement these recommendations. The policy of 'zero tolerance' for torture and ill-treatment was officially declared as the government's priority and in line with the recommendations of the Council of Europe is systematically mentioned in the strategic documents on human rights in Ukraine.

Conclusion. As a result of this research, it should be noted that regional organizations, such as the Council of Europe, help countries such as Ukraine to develop effective cooperation in the sphere of combatting international crime. Within this organization, many international and legal agreements were approved, and the system of agencies and institutions whose activities are related to solving problems of cooperation between the states in the field of crime prevention and prosecution of offenders, was created as well.

International cooperation on countering crime, carried out within the framework of the Council of Europe, offers wide opportunities for coordination of anti-criminal efforts of states. Participation of the states in this regional cooperation on combatting crime is carried out in two forms: legal (participation in international and legal agreements) and institutional (participation in the work of the main agencies and special institutions of the Organization).

Ukraine has become a contracting party, one to the main regional international and legal agreements in the field of combatting crime, which allows national law enforcement agencies to determine the mechanism for the establishment and development of effective international cooperation in combatting crime with the Member States of the Council of Europe. According to the authors, each of these acts contains deontological principles regulating the said cooperation of the Member States of the Council of Europe, including Ukraine.

Ukraine's participation in the work of the main agencies and special institutions of the Council of Europe greatly extends the regional level of international cooperation in combatting crime and raises the partnership relations between the Member States of the Organization on a qualitatively new level. Despite the positive recommendations of the Ukrainian Parliament, Ukraine has not joined the Group for Cooperation in Combatting Drug Abuse and Illicit Drug Trafficking (the Pompidou Group). The authors of this study fully support the point of view that it is precisely the accession of Ukraine to the Pompidou Group that provide additional opportunities for regional cooperation in the field of combatting drug addiction and illicit drug trafficking.

The study focuses on the fact that the Council of Europe provides broad support to Ukraine in the process of carrying out tasks aimed at conducting internal reforms of national law enforcement agencies and judicial power, combatting certain types (categories) of crimes, etc. Such cooperation is carried out on the basis of the Action Plans, which is a package of expert and technical assistance to the Member State. The Council of Europe positively grades Ukraine's achievements in carrying out internal reforms in the framework of the Action Plan and emphasizes the important role of these results in the implementation of effective regional cooperation in the field of countering crime.

Thus, the conducted study made it possible for the authors to conclude that the Council of Europe, as an international organization, plays a leading role in strengthening regional international cooperation in combatting crime. The Council of Europe has a significant regulatory and organizational arsenal for effective cooperation between the member states. Ukraine, as a member of the Council of Europe, obtained the opportunity to join the common European efforts to find new approaches to fighting crime. Scrupulous implementation of Ukraine's commitments will positively affect the existing European and international image of Ukraine.



ANDRII VOITSIKHOVSKYI, OLEKSANDR BAKUMOV, OLENA USTYMENKO, MYKOLA MARCHUK are affiliated to the Constitutional and International Law Department, Faculty № 4, Kharkiv National University of Internal Affairs, Kharkiv, Ukraine.

Notes

- 1 Matti Joutsen. International cooperation against transnational organized crime: the practical Experience of the European Union. <http://www.unafei.or.jp/english/pdf/RS_No59/No59_29VE_Joutsen3.pdf>
- 2 S. Steinberg. The Statesman's Year-Book: Statistical and Historical Annual of the States of the world for the years. London / 1951. P.33.
- 3 The Pompidou group. available at < <https://www.coe.int/en/web/pompidou>>
- 4 Pompidou Group, World Health Organization, Regional Office for Europe, available at <<http://www.euro.who.int/en/health-topics/health-determinants/prisons-and-health/partners/pompidou-group>>
- 5 Ruud Bless, 'The Experience of Implementing the Project 'The Network of Cities' of the Pompidou Group, 1983-2002' 1,2 *The Bulletin on Narcotics, T.LV* (2003), at 41.
- 6 'The Strategy of State politics on drugs on 2020', adopted by the Cabinet of Ministers of Ukraine №735-p, 28.08.2013, Database 'Zakonodavstvo Ukrainy', available at <<http://zakon2.rada.gov.ua/laws/show/735-2013-p>>
- 7 The Resolution of Verkhovna Rada of Ukraine dated from May 14, 2015, No. 413-VIII 'On Recommendation of Parliamentary Hearings on the 'Perspectives of the European Union's introduction of a visa-free regime for the citizens of Ukraine', Database 'Zakonodavstvo Ukrainy', available at <<http://zakon2.rada.gov.ua/laws/show/431-19>>
- 8 Majid Yar 'The Novelty of 'Cybercrime' An Assessment in Light of Routine Activity Theory, available at <https://www.corwin.com/sites/default/files/upm-binaries/27202_6.pdf>
- 9 Savchuk Natalia 'Cybercrime: the content and the methods of combatting', available at <http://tppe.econom.univ.kiev.ua/data/2009_19/zb19_48.pdf>
- 10 Orlov O.V., Onishenko U.M. The prevention of cybercrime as a structural element of the state politics of Ukraine. Available at < <http://www.kbuapa.kharkov.ua/e-book/tpdu/2014-1/doc/1/02.pdf>>
- 11 Apostrophe.ua, 'Hackers committed mass attacks on computers in Europe and Russia', available at <<https://apostrophe.ua/news/world/europe/2017-05-12/hakery-sovershili-masshtabnye-ataki-na-kompyutery-v-evrope-i-rossii/95846>>
- 12 Unian.ua 'Cyberattack on Ukraine was done through the software M.E.doc', Cyberpolice, UNIAN Information Agency, News of Science and IT (28 June 2017), available at <<https://www.unian.ua/science/2000881-masova-kiberataka-virusom-petya-dosi-ne-pripinilasya-evropol.html>>
- 13 'The Council of Europe and cybercrime', available at <http://www.coe.int/t/DC/Files/Source/FS_cybercrime_ru.doc>
- 14 Convention on Cybercrime // Council Europe. Treaty Office. <<https://rm.coe.int/1680081561>>
- 15 CyberCrime@EAP III: New project on public/private cooperation <<https://www.coe.int/en/web/cybercrime/cybercrime-eap-iii>>
- 16 'The Strategy on cybersafety of Ukraine' adopted by the decree of the President of №96/2016, 15.03.2016, Verkhovna Rada of Ukraine Database «Zakonodavstvo Ukrainy», available at <<http://zakon5.rada.gov.ua/laws/show/96/2016>>
- 17 The Council of Europe, 'Action Plan for Ukraine for 2015-2017: presented on March 18, 2015', Conceptual and Strategic Documents of the Council

- of Europe, available at <http://www.slg-coe.org.ua/wp-content/uploads/2016/01/Action_Plan_2015_2017_uk.pdf>, at 11-12.
- 18 'Recommendation 1065 (1987) on the traffic in children and other forms of child exploitation (adopted by the Assembly on 6 October 1987 (15th Sitting)', Parliamentary Assembly, available at <<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=15099&lang%20=en>>
 - 19 'Recommendation No. R (91) 11/ 09 September 1991 of the Committee of Ministers to Member States concerning sexual exploitation, pornography and prostitution of, and trafficking in children and young adults (adopted by the Committee of Ministers on 9 September 1991 at the 461st meeting of the Ministers' Deputies)' CRIN: Child Rights International Network. available at <<https://www.crin.org/en/library/legal-database/council-europe-recommendation-no-r-91-11-concerning-sexual-exploitation>>
 - 20 'Recommendation 1325 (1997) on traffic in women and forced prostitution in Council of Europe Member States (adopted by the Assembly on 23 April 1997) (13th Sitting)', Parliamentary Assembly, available at <<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=15359&lang=en>>
 - 21 'Recommendation No. R (2000) 11/19 May 2000 of the Committee of Ministers to Member States on action against trafficking in human beings for the purpose of sexual exploitation (adopted by the Committee of Ministers on 19 May 2000, at the 710th meeting of the Ministers' Deputies)', Action against trafficking in human beings for the purpose of sexual exploitation, Council of Europe, available at <<https://rm.coe.int/1680o92c2b>>
 - 22 'Recommendation 1467 (2000) on clandestine immigration and the fight against traffickers (adopted by the Assembly on 29 June 2000) (23rd Sitting)', Parliamentary Assembly, available at <<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=16819&lang=en>>
 - 23 'Recommendation 1523 (2001) on Domestic slavery (adopted by the Assembly on 26 June 2001 (18th Sitting)', Parliamentary Assembly, available at: <<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=16924&lang=en>>
 - 24 'Recommendation 1545 (2002) on a campaign against trafficking in women (adopted by the Assembly on 21 January 2002) (1st Sitting)', Parliamentary Assembly, available at <<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=16965&lang=en>>
 - 25 'Recommendation 1610 (2003) on migration connected with trafficking in women and prostitution (adopted by the Assembly on 25 June 2003) (21st Sitting)', Parliamentary Assembly, available at <<http://www.assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17123&lang=en>>
 - 26 Verkhovna Rada of Ukraine, 'The Council of Europe Convention on Action against Trafficking in Human Beings: adopted by the Cabinet of Ministers of the Council of Europe on 16 May 2005', Database «Zakonodavstvo Ukrainy», available at <http://zakon2.rada.gov.ua/laws/show/994_858>
 - 27 Levchenko K.B., Sanchenko A.E. 'The Council of Europe Convention on actions against trafficking in human beings and issues of improvement of Ukrainian legislation', Forum Prava, 2011. № 4. C. 451-456. available at <http://nbuv.gov.ua/UJRN/FP_index>
 - 28 <https://www.coe.int/en/web/anti-human-trafficking/committee-of-the-parties>

*Andrii
Voitsikhovskyy
Oleksandr
Bakumov
Olena Ustymenko
Mykola Marchuk*

- 29 Government portal, 'The Council of Europe. Action Plan for Ukraine for 2015-2017', available at <<https://rm.coe.int/16802f600d>>
- 30 Official website of the Ministry of Internal Affairs of Ukraine, 'The combatting the trafficking in human beings will become one of the main directions of the National Police activity this year', available at <http://mvs.gov.ua/ua/news/6625_Sergiy_YAroviy_Protdiya_torgivli_lyudmi_ma_stati_odnim_iz_prioritetiv_roboti_Nacpolicii_u_comu_roci_FOTO.htm>
- 31 Official website of the Ministry of Justice of Ukraine, Petrenko Pavlo 'The Ukrainian role in international acts of the Council of Europe', available at <<http://old.minjust.gov.ua/201>>
- 32 Pavlo Petrenko, 'Expert Committees of the Council of Europe', The Ministry of Justice of Ukraine, available at <<http://old.minjust.gov.ua/202>>
- 33 Official website of the Ministry of Justice of Ukraine, 'Ukraine became the 40th member of the Group of States against Corruption (GRECO)' available at <<https://minjust.gov.ua/news/ministry/ukraina-stala-sorokovim-chlenom-grupi-derjav-radi-evropi-proti-koruptsii-greko-6134>>
- 34 Government portal, 'The Council of Europe. Action Plan for Ukraine for 2015-2017', available at <<https://rm.coe.int/16802f600d>>
- 35 The Council of Europe, 'Action Plan for Ukraine 2018-2021', available at <<https://rm.coe.int/168078b606>>
- 36 The fundamentals of state anticorruptional politics in Ukraine' (Anticorruption Strategic) for 2014-2017', adopted by the Ukrainian Law № 1699-VII, 14.10.2014, Database «Zakonodavstvo Ukrainy», available at <<http://zakon3.rada.gov.ua/laws/show/1699-18>>
- 37 'About the National Anticorruptional Bureau of Ukraine', Law of Ukraine № 1698-VII, 14.10.2014, Database «Zakonodavstvo Ukrainy», available at <<http://zakon2.rada.gov.ua/laws/show/1698-18>>