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EURO-INTEGRATION AND CRIMINAL LAW POLICY

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The implementation of the Association Agreement between Ukraine, on the one part, and the European Union, the European Atomic Energy Community and their member states have resulted in a set of significant changes in Ukraine. European integration trends are implemented both in general terms and in separate institutes of Criminal Law (in particular, the specifics of criminal liability).

The Criminal Law of Ukraine should take into account the characteristics of the impact of global and regional imbalances and conflicts on the rule of law, as well as the urgent need to protect the safety of people on the European continent.

The Treaty establishing the European Union uses two terms: approximation and harmonization. *Approximation* involves the achievement of a certain level of compliance of the national legal system with the EU legal system, while *harmonization* is the main means of legal integration, the convergence of legal systems of the EU member states. Harmonization of the legislation of Ukraine and the EU involves harmonization of national legal norms with European norms, standards, and principles.

In this paper, it seems reasonable to speak of approximation, that is, the process of the approximate image of some objects of legal form by others, similar in nature and content to the original [1].

It should be noted that Ukraine has already taken some steps towards such an approach, but there are still many outstanding issues, in particular, methodological ones. First of all it is necessary to get closer to European values and principles.

It is very important that Ukraine and the European Union have common values (it is emphasized in the Association Agreement). There is respect for democratic principles, the rule of law, good governance, human rights and fundamental freedoms, including the rights of people belonging to national minorities, non-discrimination of people belonging to minorities, and respect for diversity, human dignity and commitment to the principles of a free market economy that contributes to Ukraine's participation in European politics.

All of these values are humanistic and reflected also in other documents of the Council of Europe, the EU, as well as international documents, the Convention for the Protection of Human Rights and Fundamental Freedoms, the practice of the ECHR, etc. They (values) are really common and not only

for the EU and Ukraine but also for many countries of the world because they are universal. But the mechanism for their implementation is not always effective.

Respect for democratic principles, human rights and fundamental freedoms, as defined in particular in the Final Act of the Conference on Security and Cooperation in Europe (Helsinki, 1 August 1975) and the Charter of Paris for a new Europe (Paris, 21 November 1990), as well as in other relevant human rights instruments among them the Universal Declaration of Human Rights of 1948 and the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, as well as respect for the rule of law principle, should form the basis of the domestic and foreign policy of the Parties and are the main elements of the Agreement. Ensuring respect for the principles of sovereignty and territorial integrity, the inviolability of borders and independence, as well as the non-proliferation of weapons of mass destruction, related materials, and means of delivery, are also the main elements of the Agreement (Article 2 of the Association Agreement).

The Association Agreement contains several important areas of humanistic content that are directly related to the criminal law policy and which Ukraine seeks to implement and to become closer to the EU legislation. Among them, in particular, – counteracting illegal migration and trafficking in human beings, organized crime, terrorism, environmental protection, strengthening of people-to-people contacts.

It is important that the acts of the European Union and the Council of Europe not only declare certain principles but also provides specific mechanisms for their implementation, as well as demonstrate a response to their violation.

The EU shows a quick reaction to change social relations. For example, modernity is characterized by the rapid development of information technology, the Internet of Things, and, accordingly, the spread of human rights violations, using information technologies, including the commit of crimes.

According to *Declaration by the Committee of Ministers on the manipulative capabilities of algorithmic processes* (Adopted by the Committee of Ministers on 13 February 2019 at the 1337th meeting of the Ministers' Deputies), Member States must ensure the rights and freedoms enshrined in the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5) to everyone within their jurisdiction, equally offline and online, in an environment of unprecedented political, economic and cultural globalization and connectedness [2].

It should also be noted that the provisions provided for Declaration are based on the fact that the Council of Europe member States has committed themselves to building societies based on the values of democracy, human rights and the rule of law. This commitment remains and should be honored throughout the ongoing process of societal transformation that is fuelled by technological advancements.

It is necessary to form the theory of the European integration policy of Ukraine in order to provide the means of Criminal Law of the European

integration course of Ukraine against the background of the need for synchronization of criminal and legal mechanisms of Ukraine and the EU. In such a situation, strategic guidelines, tasks, directions and objectives of criminal legal influence on the crime against the bases of the economy, the order of migration, environmental security, cyber security, as well as criminal-law support of anticorruption security of economic activity and means of their achievement are required; sources, as well as procedural elements and instruments of European criminal law. The complex holistic approach based on mutual recognition of all parties rights and obligations should give positive effort in combating crime and new law constructing. Thus, new criminal legislation structure and its theoretical background based on multidisciplinary matrix approach had to be analyzed and formulated from European Criminal Policy (EC and EU rules that affecting Ukrainian legislation, judiciary, and preventive practice) [3, p. 64].

In particular, it is necessary to make more use of European Court of Human Rights practice. For example prolonged deprivation of liberty, including life imprisonment, without a legitimate reduction procedure is not humane and is contrary to fundamental human rights in the meaning of the European Court of Human Rights (*Vinter and Others v. United Kingdom*, Applications № № 66069/09, 130/10 i 3896/10, 9.07.2013; *Hutchinson v. United Kingdom*, Applications № 57592/08, 17.01.2017 and other). The practice of replacing life imprisonment by deprivation of liberty in the form of pardon in Ukraine is not entirely consistent with the position of the ECtHR, in particular because there is no clear legal mechanism for reviewing the decision to impose a life imprisonment within a certain period of time. Consequently, there is a need to justify the mandatory review of life imprisonment within a certain period. It is necessary to harmonize Criminal Law with the practice of the ECHR.

The task of Ukraine on the path to European integration are transformations in terms of approximation to the effective realization of European values and European legal thinking. Criminal Law should contribute to the protection of human natural needs, in particular in the area of security and freedom.

References:

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