



Co-funded by the
Erasmus+ Programme
of the European Union



598471-EPP-1-2018-1-AT-EPPKA2-CBHE-JP

*Modernisation of master programmes for future judges, prosecutors, investigators
with respect to European standard on human rights*

CONCEPT
OF
MODERNIZED MASTER PROGRAMME
(UKRAINE)

Compilers:

- Vasyl Lutsyk** – national manager of the CRIMHUM-Project, associate professor of the Department of Criminal Procedure and Criminalistics (LNU), PhD in Law, associate professor;
- Dmytro Kryklyvets** – associate professor of the Department of Criminal Law and Criminology (LNU), PhD in Law;
- Viacheslav Tuliakov** – LLD, professor, Corresponding member of NALSU, ECHR Judge ad hoc for the cases against Ukraine
- Andrii Lapkin** – associate professor of the Department of Judicial Organization and Prosecutorial Activity (Yaroslav Mudryi National Law University), PhD in Law, associate professor;
- Khrystyna Slyusarchuk** – associate professor of the Department of Criminal Procedure and Criminalistics (LNU), PhD in Law.

CONTENT

1	Introduction	4
2	History and general characteristics of Masters training on specialization “Activities of Prosecutor and Investigator” at the Ukrainian partners universities	8
3	Methodology of Masters training future judges and prosecutors	11
4	Current issues of training future judges and prosecutors in specialization universities	26
5	Comparison of curricula for Masters training on specialization “Activities of Prosecutor and Investigator” with the modernized programme	33
6	Changes in curriculum for Bachelors training for better training future judges and prosecutors	45
7	Brief description of syllabi for courses included in the curriculum for Masters training within area of expertise “Activities of Judge, Prosecutor and Investigator”	54
8	Generalized requirements for graduate competencies according to Standard of legal education of Ukraine	62

1. Introduction

Implementation of the international technical assistance project “Modernization of master programs for future judges, prosecutors, investigators with respect to European standard on human rights” (CRIMHUM), which is co-financed by the European Union, meets the specified approaches and aims to empower graduates relevant master programs with the competencies necessary for judges, prosecutors, investigators in Ukraine.

The project contributes to the implementation of the Concept of development of the legal education system in Ukraine.

In particular, the President of Ukraine by his Decree No. 276 May 20, 2015 established the Strategy for reforming the judiciary, judicial system and related legal institutions for 2015-2020. The purpose of Strategy is determination of priorities of reforming of judicial system, legal proceedings and adjacent legal institutions for practical realization of the principle of “rule of law” and ensuring functioning of judicial authority that answers public expectations of independent and fair trial, and also the European values and standards of human rights protection. In this Strategy the main direction of reformation was determined ensuring proper level of training and qualification of judges and prosecutors.

That is why, nowadays, special attention is devoted to improve the training of specialists based on the optimal combination of theoretical and practical orientation of training, expanding the use of modern technologies of the educational process, methods of educational and research work with students based on information transformation of the educational environment, the use of innovative forms of training.

In the course of the project, it is planned to modernize training programs in the field of criminal justice at the first stage of higher education, as well as retraining teachers who will teach both first-level students of higher education and undergraduates.

It is planned to purchase modern multimedia educational equipment, relevant literature, create innovative educational infrastructure for conducting

forensic studies. In addition, the project provides for the development of educational materials for new disciplines within the framework of the second stage of higher legal education.

The main program document of the CRIMHUM project is the concept, developed with the wide participation of foreign experts in the field of criminal justice and approved at the preparatory meeting for the project.

The structure and its general orientation were discussed by representatives of the participating universities: Graz University of Karl and Franz (Austria), Potsdam University (Germany), Vilnius University (Lithuania), Rijeka University (Croatia), Aix-Marseille University (France), Yaroslav Mudryi National Law University (Ukraine), Ivan Franko Lviv National University (Ukraine), Odessa National University “Law Academy” (Ukraine).

The Concept defines the main goals and objectives of the project, the requirements for graduates of new master's programs, and also describes the basic components of the planned educational process and the main directions for the modernization of master's programs in criminal justice on the basis of existing curricula.

In addition, the document defines the subjects of the disciplines, the development of the content and the full cycle of materials for educational and methodological support of which is planned as a part of the project.

Therefore, the concept, as the main program document of the CRIMHUM project, provides the following chapters:

1. History and general characteristics of Masters training on specialization “Activities of Prosecutor and Investigator” at the Ukrainian partners universities.
2. Methodology of Masters training future judges and prosecutors, which is consist of two sections: “Concerning future prosecutors” and “Concerning future judges”.

In turn, the relevant sections, according to the types of prosecutors and judges activities, are divided into two blocks: “Pre-trial investigation skill” and “Trial”.

3. Current issues of training future judges and prosecutors in specialization universities, which is include next parts: “General characteristics of the training system for judges, prosecutors and investigators”, “Training for Judges”, “Specialized training for prosecutors”, “Specialized training for investigators”.
4. Comparison of curricula for Masters training on specialization “Activities of Prosecutor and Investigator” with the modernized programmes.
5. Changes in curriculum for Bachelors training for better training future judges and prosecutors.
6. Brief description of syllabi for courses included in the curriculum for Masters training within area of expertise “Activities of Judge, Prosecutor and Investigator”.
7. Generalized requirements for graduate competencies according to Standard of legal education of Ukraine.

Special attention is given to the provisions on how to implement an interdisciplinary approach as part of the modernization of the Master's programs and its importance for practical activity of judges, prosecutors, investigators.

Such attention is due, among other things, to increased demand for interdisciplinary training among the graduates interviewed, especially from among respondents with a background in criminal justice. The concept identifies the main interdisciplinary connection between the above-indicated disciplines and other areas of knowledge (including in the field of human rights) and characterizes the planned methods of implementing an interdisciplinary approach in training future judges, prosecutors, investigators.

Within the project fundamental courses are being created, which deepen the skills of scientific activity in the field of criminal justice, and allow to respond to changes in social relations.

This project involves authors from among the most qualified professionals in their respective fields. At the same time, as well, practitioners are included in the work on the creation of these courses (both in the form of copyright work, and in the form of consulting and reviewing programs, educational publications).

Thus, the modernization of the Master's programs in Criminal Justice, using the methodology of relevant activities within the CRIMHUM project, aims to improve the quality of the educational process, improve the legal training system, and further integrate the national legal education system into the international educational space.

2. History and general characteristics of Masters training on specialization “Activities of Prosecutor and Investigator” at the Ukrainian partners universities

The current state of the legal services market in Ukraine is characterized by high competition due to the staff overproduction with higher legal education. However, among most of them there is a rather low level of professional competence due to the poor quality of legal education provided by overmuch higher legal education institutions.

Legislation regulating the professional activities of judges, prosecutors and investigators in Ukraine provides for a balance between special requirements for educational training and professional activity. In order to gain access to these professions, applicants must possess not only a sufficient amount of fundamental legal knowledge, but also the special skills necessary to work in the prosecutor’s office, court or investigative bodies.

The problem is that Ukraine's legislation is highly unstable and constantly changing. The judicial system, the Public Prosecutor's Office and law enforcement agencies are also in the process of permanent reform. Therefore, the traditional approach to the legal disciplines’ study, which involves the contemplation and memorization of legal norms by students, is ineffective, as such knowledge has lost relevance for several years.

Taken together, these factors necessitate structural and conceptual modernization of curriculum of special master's programs, which include an in-depth study of theoretical and practical aspects of the work of judges, prosecutors and investigators. Increasing the competitiveness of students studying of these programs requires a combination of professional orientation with the highest quality of training, using modern and most effective educational methods, as well as the latest educational and methodological manuals.

To meet these requirements, Masters training on specialization “Activities of Prosecutor and Investigator” should focus on such tasks:

- study of current problems of activities of a judge, prosecutor and investigator and directions of contemporary scientific researches in this field;
- formation of students' understanding of activities' content of a judge, prosecutor and investigator and identification of the individual interest in profession;
- identification of typical practical tasks and the most effective methods of solving them, which arise in the professional activity of a judge, investigator and prosecutor;
- analysis of problems of legislation application in the sphere of activity of judges, prosecutors and investigators, as well as directions of improvement of regulatory regulation of this sphere.

The solution of these problems requires extension of disciplines' scope of the practical-professional cycle in the structure of Masters training on specialization "Activities of Prosecutor and Investigator". In particular, such disciplines at Yaroslav Mudryi National Law University include:

- disciplines examining international law and its role in the activities of judges, prosecutors and investigators, such as "Criminal Law Issues in the Practice of the European Court of Human Rights," "International Cooperation in Combating Crime" and "International Cooperation in Criminal Proceedings";
- disciplines that study the issues of criminological prevention of crime and corruption, for example: "Measures to Combat Corruption in the Public Sphere", "Crime Prevention", "Organized and Economic Crime", "Cybercrime and Electronic Evidence";
- disciplines studying the issues of execution of criminal punishment: "Executive Criminal Law," "Criminal Policy of Punishment";
- disciplines examining the procedure of criminal proceedings and its specific aspects, such as "Tacit Investigative (Search) Actions in Criminal Proceedings," "Measures to Ensure Criminal Proceedings," "Theory and Practice of Criminal Procedural Evidence," "Procedural Documents in Criminal Cases," "Negotiations and Mediation in Criminal Proceedings";

- disciplines that study certain aspects of application of forensic science and other specialized knowledge in the activities of a judge, prosecutor and investigator, for example: "Investigation of Crimes," "Theory and Practice of the Qualification of Criminal Offences," "Forensic Knowledge in the Activities of a Prosecutor";

- disciplines aimed at studying human rights issues in criminal justice, such as «Human Rights from Comparative Criminal Law Perspective»;

- disciplines devoted to certain aspects of organization and activities of Public Prosecutor's Office, court and law enforcement agencies, for example, "Public Prosecution by Prosecutor," "Organization of Activities of Public Prosecutor's Office," "Service in Public Prosecutor's Office";

- disciplines that reveal issues of interaction between a judge, prosecutor and investigator in criminal proceedings, for example: "Prosecution and Investigating Judge: the Basis of Procedural Cooperation," "Judicial Control during Pre-Trial Investigation in Criminal Proceedings", "Prosecutor's Supervision of the Lawfulness of Investigative (Search) and Tacit Investigative (Search) Actions";

- disciplines that give students psychologic knowledge in the field of activity of a judge, prosecutor and investigator, for example: "Legal Psychology," "Psychology of Investigative and Prosecutorial Activities";

- disciplines that study ethical aspects of judicial, prosecutorial and investigative activities, such as "Ethics of Judge, Prosecutor, Investigator".

The implementation of Masters training on specialization "Activities of Prosecutor and Investigator" will contribute to improvement of the quality of legal education; strengthening the rule of law and the professionalism of lawyers; balancing the demand and supply of lawyers in the labour market; improving the international competitiveness of Ukrainian partners universities among law schools and their graduates in the legal services market.

3. Methodology of Masters training future judges and prosecutors

Success of training future judges and prosecutors, their ability to perform their constitutional tasks effectively depend on the choice of proper training methodology.

Methodology of training can be effective one only in those cases when it combines the theoretical and practical issues. In general, the theoretical component dominates in contemporary educational programs, but at the same there are the different courses, especially for the Master students, aimed at practical approach.

It seems that the actual course, that meets the requirements of the labor market, should have the formation of practical skills as its top priority. As it goes about training the future prosecutors, the Master students should be trained how to supervise the pre-trial investigation and to prosecute in court; speaking about the future judges, we mean primarily the skills concerning the conduct of the trial and drafting the procedural documents. Considering the mentioned above, one can arrive at the grounded conclusion that the program of training the prospective judges and prosecutors should be quite various and profound.

In general, the future judges and prosecutors should possess the following *competences*:

- they should know the norms of standing material and procedural legislation;
- they should know the peculiarities of prosecutorial and judicial bodies work;
- they should have an experience of executing the basic functions of prosecutor and judge.

Though the types of activity of the prosecutors and the judges have a lot in common, as far as to some extent they perform the common tasks, each of them has its own peculiarities. These peculiarities should be considered while designing the methodology of training.

The main emphasis while training should be made on the practical issues of different types of activity, but at the same time one shouldn't forget that it

is the theory that underlies the legal norms of the standing legislation and the law-enforcing practice. On the other hand, quite often the practice presents the difficult challenges that should be analyzed from the theoretical point of view, and it is the theory that should propose the substantiated solutions to these problems.

CONCERNING FUTURE PROSECUTORS

I block. Pre-trial investigation skills

1) Prosecutors should possess the skills of the pre-trial investigation procedural guidance.

This activity is an important part of prosecutor`s everyday job. We should be aware of the fact that the majority of police bodies investigators are the recent graduates of educational establishments, and a lot of them have the profound theoretical knowledge and some practical skills, but still they are inexperienced. In such conditions it is the prosecutor who should support the investigators, prevent their mistakes, guide their job and control their outcomes.

a) Firstly, the prosecutor should have the good command of standing legislation, especially of criminal law and criminal procedure. In this respect prosecutor should know the general and problematic issues of criminal legal qualification and of the rules governing the conduct of investigative actions. The prosecutor is empowered to approve the notion of suspicion and indictment. These are the central procedural acts at the pre-trial investigation, as far they include the criminal legal evaluation of the certain event in the form of formulation of charge and criminal legal qualification formula. They can`t be underestimated, as far as the notion of suspicion fixes the information about the factual circumstances of the case and their qualification, and these data to a great extent outlines the boundaries of indictment, and in its turn an indictment is the basis upon which the trial is planned and provided.

This part of prosecutorial job requires the prospective prosecutors to have the following *competences*:

- to know the legal requirements for the notion of suspicion and indictment structure and contents;
- to know the peculiarities of these documents depending on the special types of criminal proceedings;
- to have the proper experience of these documents wording, so that this document on the one hand should be concise, but on the other hand it should cover all the sufficient circumstances of the case. The prosecutorial practice has elaborated certain rules of facts description, its peculiar stylistics and language constructions. The prosecutor should know them all to draw up documents promptly and successfully.
- to understand the rules and methods of facts verification and evaluation, so that to determine which of them are principal ones and which are the secondary. This will help to determine the facts which are to be fixed in procedural documents.

b) Secondly, prosecutor is to be good at planning the pre-trial investigation and should know the tactical means of the investigative actions. According to the time of their execution the investigative actions are divided into the immediate, prior and further investigative actions. In this respect the role of prosecutor is very important during the initial period of pre-trial investigation, because prosecutor should:

- control the timeliness and the proper scope of immediate investigative actions to provide the fixation of all the traces of crime and the evidential information. This should be provided immediately, otherwise this information can be irretrievably lost;
- involve the law enforcement bodies operational units if it is necessary to organize the immediate operational search activities, aimed at obtaining evidence, intercepting and detaining the suspects;
- obtain the needed assistance of the state and local self-government bodies to make pre-trial investigation prompter and more effective;

- know the mechanism of creating and organizing the activity of operational investigative group to make the investigation more effective and comprehensive.

In the light of mentioned above the future prosecutors need the *proper communicative skills*, so that to keep in touch constantly with the investigators (operational investigative groups). The future prosecutors should be able to explain their thoughts comprehensibly to avoid ambiguous interpretations of their words. As well the prosecutors should hold the operational meetings with the investigators, operational officers and their chiefs to provide mutual interchange of information concerning the outcomes of investigation, to talk over all the problems and drawbacks of the conducted actions and if it is necessary to modify the plan of pre-trial investigation.

The main prosecutor`s instrument of the pre-trial investigation procedural guidance are *written instructions*. It goes about a procedural document containing requirements for the kinds of investigative actions that are to be conducted, their scope and the issues to be found out or clarified. These written instructions are aimed at activation of pre-trial investigation and directing it in the right way. Prosecutor`s written instructions are binding for investigator and are to be performed within the time specified by prosecutor or in reasonable time.

Though the written instructions are very powerful instrument, at the same time illogical, non-system or late instructions can slow down investigation or prevent investigator from verifying the probable investigative version.

In this respect students should be proposed special cases, containing the established circumstances of a crime and information about the investigative actions carried out. Students should assess the effectiveness of pre-trial investigation and propose the steps aimed at its intensification. Students should decide on following issues:

- what pieces of information should be established and what facts are to be clarified?
- what investigative actions are to be conducted?

- what is the best sequence of these actions?

As well to plan the pre-trial investigation effectively prosecutor should define the precise terms of the written instructions execution, if it is possible due to the character of pre-trial investigation.

Students should draft the written instructions according to the proposed cases and pass them to their teachers. Every document should contain all the necessary details and the precise instructions for investigator. Teachers should check the documents, assess them and explain all the drawbacks and mistakes to the student. If it is necessary, the student should prepare the task again taking into account all the recommendations and pass it to the teacher.

2) As well the prosecutor is empowered to conduct the investigative actions personally.

This task requires the special skills in the field of criminalistics and legal psychology. For example, prosecutor should find the ways of establishing the psychological contact with the victims, suspect and witnesses, as far as the right psychological interaction is one of preliminaries of successfully conducted interrogation. Sometimes prosecutors conduct as well the other investigative actions: inspection on the spot of crime, search and seizure. Conducting these actions requires the special skills in using the special technical appliances to provide the necessary measurements at certain place. Originally usage of this means is the task of criminalists, but prosecutor should know the basic rules and principles of how to use these appliances, so that to perform the managing functions within these actions.

In this respect the students should be trained how to conduct investigative actions. Students in small teams should play role-playing game. The best variant is to provide an interrogation, as far as it is the most widespread action. Before the game they should be proposed short plots containing the main facts of the case. Students should divide themselves into prosecutors and suspects, witnesses or victims. Prosecutor should:

- organize the investigative action correctly taking into consideration all the procedural and forensic requirements;
- draft the protocol of the investigative action.

The prosecutor should write:

- *the introductory part* (to explain the rights and duties of the certain participant to the case, to warn of criminal liability for deliberately false statements, if it is necessary, to indicate the case within which the participant to the case is interrogated);
- *the descriptive part* (all the questions and answers for them should be accurately and fully stated in protocol);
- *the closing part* (the prosecutor should ask whether suspect, witness or victim would like to add anything to the protocol or express any complaints or remarks and the interrogated person should write in protocol the answers to these questions). As well the protocol should be signed by the participants to the action.

Students should be proposed special tasks to determine the circumstances when it is necessary to provide the expertise, so that they should know the matter of different classes of judicial expertise and the questions that can be solved by experts.

According to the proposed tasks students should analyze all the conditions, determine the kind of expertise and draft the respective motion to investigative judge with the certain questions that are to be solved by an expert.

3) One more important direction of prosecutorial work is planning pre-trial investigation.

Primarily planning pre-trial investigation is the task of investigator, but prosecutor providing procedural guidance should as well control the completeness and timeliness of planning. There are the following types of plans: daily, weekly, monthly and plans drafted in every individual case. The first three kinds of plans include all the cases that are in the proceedings of a prosecutor, so that they help to balance the time spent on every individual case proportionally to the number of

episodes and suspects. The fourth kind – the plan drafted in every individual case, is very useful, as far as it helps to optimally distribute the time spent on every case and to finish pre-trial investigation within its legally fixed terms.

To be properly trained in planning the prospective prosecutors should as well be proposed specially designed cases. These tasks should include the general information about the number of episodes and the general facts, sometimes the data concerning the provided investigative actions and their results. According to this information the students should draft the pre-trial investigation plan in certain case taking into account the best sequence of procedural actions.

The second type of cases is similar to the mentioned above, but as well it includes the same information about the other criminal cases that are in the proceedings of a prosecutor. On this basis students should draft the optimal plan, proportionately planning time for all the criminal cases.

4) Prosecutor performs his functions in the cases concerning minors and application of coercive measures of medical nature.

Speaking about the cases concerning minors it should be mentioned that these cases are characterized by certain peculiarities. Among them are:

- mandatory participation of legal representative;
- mandatory participation of defense counsel;
- this type of cases has the expanded subject of proof, including: the supplemented list of data concerning the minor (among them are data concerning his health and development level, other social and psychological features); the minor`s attitude to the committed action; his life and education conditions; the presence of adult instigators and other accomplices of criminal offence.

As well there are additional requirements concerning the investigative actions with participation of minors. It goes about additional subjects and reduced time limits of these actions. These requirements are the complications of procedural form and are considered as the guarantee of ensuring the rights of minors.

In this respect students should be proposed two kinds of special tasks. The first type concerns the investigative actions with participation of minors and it is similar to the role-playing game mentioned above. For example, prosecutor taking into account the given facts should provide an interrogation of minor. In the course of this investigative action prosecutor as well should draft the protocol of the investigative action.

One more important direction of this type of tasks is related to the person of minor. Sometimes certain difficulties or grounded doubts arise concerning the assessment of minor`s mental state. If there is necessity to determine whether minor suspect or defendant has mental illness or mental retardation and his ability to fully or partially realize the sense of his actions and to manage them in particular situation, a combined psychological and psychiatric expertise should be appointed. As well in order to determine the level of development and other social and psychological features of minor suspect or defendant that should be considered while appointing the punishment and applying one of the educational measures the psychological expertise should be appointed.

Prosecutor should be aware of these issues and know different indicators of minors` mental illnesses or mental retardation, so that to establish the grounds for further medical examination in due time. This issue is principal one, as far as if there are grounds for declaring the person insane the pre-trial investigation procedure should be changed.

To practice solving such situations students should be provided with the second type of tasks comprising information about the minor, his physical health and behavior at pre-trial investigation, the examples of his answers to the questions, deeds and reactions to different external factors. Students should assess every piece of information and determine the necessity of expertise appointment.

In certain cases due to the mental illness or mental retardation the person doesn`t possess ability to realize the sense of his actions and to manage them in particular situation *the coercive measures of medical nature* should be applied to

such person. As well as in case of criminal proceedings concerning minors there are certain peculiarities in this category of proceedings:

- mandatory participation of defense counsel;
- mandatory appointing the psychiatric expertise.

To practice this type of cases students as well should be proposed tasks comprising information about person, his health and behavior. Basing on this information prosecutor should decide whether there are the sufficient grounds for appointing psychiatric expertise.

5) The job of prosecutors is tightly related to the other types of procedural documents.

It goes about *notion of suspicion and indictment*. These documents as well can be drafted by the investigators, but only prosecutor is empowered to approve them. In this way prosecutor is responsible for the quality of these documents.

The prospective prosecutors should distinguish between different procedural cases when *notion of suspicion* should be drafted. It goes about:

1. detaining the person at the crime scene or directly after its committing;
2. application of one of the restraint measures to a person;
3. there is sufficient evidence for suspecting person of committing crime.

If the first two cases can simply be defined at the pre-trial investigation, there can arise some difficulties concerning the third case. In criminal procedure science the sufficiency of evidence is considered to be one of the standards of proof. The standing criminal procedural legislation doesn't clarify this standard of proof, but it is defined at the doctrinal level. The sufficiency of evidence itself possesses the evaluative character, so that it should be established in each case individually.

Students are to be proposed cases, providing them with all the necessary facts, basing on which they should:

- assess the obtained evidence and define the guilty person or persons;

- determine whether there is sufficient evidence to draft the notion of suspicion;
- decide whether there are any facts that can change the procedural situation, so that the criminal provision against the suspect should be dismissed;
- determine whether the obtained evidence presents the exhaustive information on committed crime, so that the prosecutor can avoid drafting new notion of suspicion according to updated information;
- draft the notion of suspicion.

The contents of *indictment* are similar to notion of suspicion. At the same time the notion of suspicion can be changed with obtaining new evidence and establishing new facts. On the contrary an indictment is the kind of the final procedural acts at pre-trial investigation. Indictment is drafted when prosecutor considers the obtained evidence to be sufficient for drafting an indictment and being the subject of trial. As well an indictment depending on circumstances of the case includes the following supplements: register of pre-trial investigation materials; civil suit, if it has been brought at the pre-trial investigation; the suspect's receipt for obtaining the copies of indictment, civil suit and the register of pre-trial investigation materials, as well as the other documents.

As well the students are proposed cases including the facts of criminal provision and information on the gathered evidence, basing on which they should determine the timeliness of drafting an indictment. An indictment should correspond to all the legislative requirements concerning this kind of procedural acts.

Besides the supplements mentioned above an indictment should obligatorily comprise certain information. To draft an indictment prosecutor should solve the following tasks:

- he should determine the necessary scope of factual information about the case that should be fixed in an indictment;

- to check the correctness of formula of criminal legal qualification of crime;
- to check the formulation of accusation and its appropriateness to the established circumstances of the case and norms of criminal law.

As well prosecutor should draft different *motions*, for example:

- motions concerning applying the measures of criminal proceedings ensuring (including the restraint measures);
- motions concerning to investigative actions conducting (for example, search in person`s dwelling);
- motions concerning applying the coercive educational measures and coercive measures of medical nature etc.

II block. Trial

1) The main constitutional task of prosecutor is to prosecute.

a) Performance of this task is quite similar to the functions at the pre-trial investigation, but there are certain peculiarities. Prosecutor`s functions at the trial are performed publicly and the majority of them are performed orally.

Prosecutor should have the profound communicative skills and the experience of public speeches. During the trial the prosecutor is to use all the procedural mechanisms to support his own procedural position.

Working in groups, students should organize moot courts: some of them will act as prosecutors and defense counsels and the other part – as judges. According to the circumstances of the case students representing the party of prosecution are to draft an indictment in case to change the accusation in court.

As well prosecutors should draft different kinds of motion, so that to provide additional investigative actions or judicial expertise during trial.

b) Student as well should be taught how to substantiate their procedural position in appeals and cassation complaints. The trials in the courts of appellate and cassation instances possess some peculiarities and the prospective prosecutors should take them into account.

As well students are divided into groups and organize moot courts at the courts of appellate and cassation instances with the task to draft certain complaints, motions, sentences and rulings. Students playing the role of prosecutors should draft the texts of speeches in judicial debates. These speeches should take into account all the proven circumstances of case, provide the analysis of evidence and propose own variant of solving the case. As well these speeches should be oriented to considering all the questions that court should solve delivering the sentence. Students should file a motion for attaching the speeches texts to the materials of cases.

c) Students should be taught the peculiarities of prosecutor`s role in cases concerning applying the coercive educational measures, coercive measures of medical nature and cases concerning other issues that are solved during sentence execution.

CONCERNING FUTURE JUDGES

Judges as well perform their functions at the pre-trial investigation as investigating judges. That is why types of their activities can be divided into two blocks.

I block. Pre-trial investigation skills

1) At pre-trial investigation judges consider different motions concerning the conduct of investigative actions that restricts the constitutional rights of person (for example, the searches, the seizures, judicial expertise etc.), as well as the complaints of the participants to criminal proceedings.

Judges should know the procedural peculiarities of these cases trials and be able to determine the following:

- 1) the scope of facts that should be considered;
- 2) the evidence basing on which these facts can be established;

3) the peculiarities of substantiating their own procedural positions. They should be able to draft different kinds of rulings according to the specificity of the solved questions.

Students will be supplied with the special practical tasks, according to which they are to consider the circumstances and draft the appropriate ruling with the right solution to the task.

One more important aspect of training is studying the judicial practice. Students are supplied with the judicial decisions published in Unique state register of court decisions. They are to analyze the court decisions and to determine their lawfulness; if they are not lawful, the students should point out the drawbacks of the judgments and propose the ways of their correction.

II block. Trial

1) Judges should be unbiased and ensure the possibility to present their case by the parties.

At the same time, judges perform the leading functions at a trial, create the conditions for the parties to realize their procedural rights and duties, so that the students should know how to organize and manage trial, how to ensure the right determination and verification of all the necessary circumstances.

In some cases judges should be more active to ensure the objectiveness of trial and solve the case properly. Sometimes the data established due to the activity of the parties are not sufficient to convict or acquit the defendant, consequently judge should take the initiative and play the leading role in clarifying the circumstances of the case.

Students according to their division perform the roles of judges at the moot courts. In such case their task is to draft the accusatory sentence or acquittal. If it goes about the *accusatory sentence*, students should determine and appoint the lawful punishment considering the general grounds of appointing the punishment. Accusatory sentence should be concise, but at the same time comprehensive and provide the analysis and assessment of all facts, evidence and procedural positions

in the case, as well as the substantiation of the court`s procedural position. As well every accusatory sentence should comprise the criminal legal evaluation of the certain event in the form of formulation of charge and criminal legal qualification formula.

Concerning the *acquittal* it should as well comprise the assessment of all facts and evidence in the case. As well this type of sentence should comprise formulation of charge which the court considers to be not proven, grounds and motives for rejecting evidence of prosecution.

2) *Students should perform their duties as the judges at the courts of appellate and cassation instances.*

In such cases they are to draft the rulings of the respective courts. The appellate and cassation proceedings have the following peculiarities: the broadened subject composition of court, the procedural grounds for appellate and cassation proceedings and the scope of review. In general the review is provided within appellate and cassation complaints. As well courts of these instances can go beyond the complaint, if there is possibility of adjudicating in favor of the other person, who has not filed a complaint.

Students should take part in role-playing game. They should divide themselves into prosecutors and judges and take part in considering the proposed case. Prosecutor should argue the drawbacks of first instance court trial, prove the illegality of its decision due to incompleteness of trial, the substantive violation of procedural law norms, inappropriate application of criminal legal norms or contradiction between the court`s conclusions and the factual circumstances of the case. Basing upon the given facts the judges should solve the case. The judges should draft the sentence or ruling, that should comprise the assessment of prosecutor`s arguments and established facts, the motives of adopted decision. If it goes about the accusatory sentence (in those cases when according to the results of appellate review the position of defendant is getting aggravated), judges should substantiate grounds for annulling the previous punishment and the appropriateness

of the appointed kind and term (size) of punishment for the correction of the defendant.

Concerning students in the roles of prosecutors, they should draft the texts of speeches in judicial debates. The texts of the speeches should be attached to the materials of cases.

3) Students should analyze the judgments published in Unique state register of court decisions and determine the accuracy of criminal legal qualification and the lawfulness of the appointed punishment.

As well the students should study the judgments of the Supreme Court and the legal positions formulated in them. These legal positions are obligatory during application of the respective legal norms.

Students should be proposed the individual research tasks. Every task is concentrated on the certain practical issue. For example, student should analyze the application of such qualifying feature as “trespassing dwelling” in judicial practice. Student should analyze 20–30 sentences and Supreme Court rulings, generalize the found legal positions and present information for other students. Every student will share the results of personal tasks and in this way contribute to improving everybody`s professional skills.

4. Current issues of training future judges and prosecutors in specialization universities

4.1. General characteristics of the training system for judges, prosecutors and investigators.

The President of Ukraine by his Decree No. 276 May 20, 2015 established the Strategy for reforming the judiciary, judicial system and related legal institutions for 2015-2020.

The purpose of Strategy is determination of priorities of reforming of system of judicial system, legal proceedings and adjacent legal institutions for practical realization of the principle of supremacy of law and ensuring functioning of judicial authority that answers public expectations of rather independent and fair trial, and also the European values and standards of human rights protection.

In this Strategy the main direction of reformation was determined ensuring proper level of training and qualification of judges and prosecutors.

Among the requirements for candidates for the post of investigator, judge and prosecutor, one of the mandatory requirements for the candidate is to have a law degree¹.

Today, there are about 130 law schools in Ukraine that prepare lawyers². Although during our research we will not be able to provide a general overview of the study of higher education by applicants in all 130 institutions of higher education in Ukraine (universities), however we will analyze the plans of educational process of those universities whose graduates are most often assigned to the posts of investigators, prosecutors and judges, namely:

- Universities of the Ministry of Internal Affairs of Ukraine (National Academy of Internal Affairs of Ukraine, Kharkiv National University of Internal Affairs, Dnipropetrovsk State University of Internal Affairs, Lviv State University of Internal Affairs, Odessa State University of Internal Affairs, Donetsk Law

¹ <http://zakon.rada.gov.ua/laws/show/1697-18>

²

<https://mon.gov.ua/storage/app/media/news/%D0%9D%D0%BE%D0%B2%D0%B8%D0%BD%D0%B8/2018/03/30/LegalEducationReport-FINAL.pdf>

Institute Ministries of Internal Affairs of Ukraine, Luhansk State University of Internal Affairs named after E.O.Didorenko);

- specialized law universities and classical universities (Yaroslav Mudryi National Law University, Ivan Franko National University of Lviv, Taras Shevchenko National University of Kyiv, National University "Odessa Law Academy" and others);

- state institution with special status, which prepares candidates for the position of prosecutor, certification training of prosecutors (National Prosecution Academy of Ukraine).

The system of basic training of judges and prosecutors is provided by universities, which prepare lawyers in education level of Master of Law. Specialized training for judges is provided by National School of Judges of Ukraine and for prosecutors by National Prosecution Academy of Ukraine (which has to be transformed into the Prosecutor General's Training Center).

4.2. Training for Judges.

In the conditions of improvement of the judiciary and judicial system in Ukraine in accordance with European standards the issue of providing courts with professional staff is urgent.

The training of highly qualified personnel for the justice system is of national importance and is the key of improving the quality of justice. The National School of Judges of Ukraine (hereinafter – the NSJ) implements these tasks.

The NSJ is formed under the High Qualifications Commission of Judges of Ukraine (hereinafter – the HQCJ) and operates in accordance with the Law and Charter approved by the HQCJ.

The NSJ carries out:

- special training of candidates for the position of judge;
- preparation of judges, including those elected to administrative positions in the courts;

- periodic training of judges in order to improve their qualification;
- training courses determined by a qualifying or disciplinary body to enhance the qualification of judges who are temporarily suspended from the administration of justice;
- training of court apparatus personnel and improving their qualification;
- conducting of scientific research on the improvement of the judicial system, the status of judges and the judiciary;
- study of international experience of the organization and operation of courts.

Currently, the NSJ carries out its statutory tasks both through its headquarters in Kyiv and through 5 regional offices in cities such as Lviv, Kharkiv, Odessa, Dnipro and Chernivtsi.

Special training of the candidate for the position of judge in accordance with the article includes theoretical and practical training of the judge at the NSJ. The program, syllabus and procedure for special training of candidates for the position of judge **are approved by the HQCJ** in accordance with the recommendation of the NSJ. Special training is provided **for twelve months**.

In accordance with Part 1 of Art. 69 of the Law of Ukraine “On Judiciary and Status of Judges” a citizen of Ukraine, not younger than 30 years old and not older than 65 years old, who has higher legal education and professional experience in the field of law for at least five years, is competent, virtuous and is fluent in the state language may be appointed to the position of judge.

4.3. Specialized training for prosecutors.

Based on the analysis of European and international standards, it is possible to distinguish a list of qualities that prosecutors should possess. Therefore, prosecutors must have high authority and positive human qualities, including integrity and impartiality. In addition, prosecutors must act autonomously and maintain professional confidentiality.

Prosecutors need to understand what is necessary to act fairly and respect human rights in criminal proceedings, as well as what the prosecutor's ideals and ethical responsibilities are.

The independence of prosecutors is a prerequisite for enabling them to fulfill their tasks. This enhances their role in constitutional state and in society and it is also a guarantee that the judicial system will operate fairly and efficiently and that the benefits of judicial independence will be realized.

In addition, prosecutors must have “relevant legal qualifications”. The need for initial training is mentioned only in the Bordeaux Declaration, but it is more clearly recognized in other standards. The standards emphasize the need to incorporate ethical rules, law and human rights, professional identity and understanding of the context in which they work as well as some more practical issues related to prosecutors' work in the training of prosecutors.

Persons selected as prosecutors shall be individuals of integrity and ability, with appropriate training and qualifications.

States shall ensure that:

- selection criteria for prosecutors embody safeguards against appointments based on partiality or prejudice, excluding any discrimination against a person on the grounds of race, color, sex, language, religion, political or other opinion, national, social or ethnic origin, property, birth, economic or other status, except that it shall not be considered discriminatory to require a candidate for prosecutorial office to be a national of the country concerned;
- prosecutors have appropriate education and training and should be made aware of the ideals and ethical duties of their office, of the constitutional and statutory protections for the rights of the suspect and the victim, and of human rights and fundamental freedoms recognized by national and international law.

Promotion of prosecutors shall be based on objective factors, in particular professional skills, ability, integrity and experience, and decided upon in accordance with fair and impartial procedures.

Promotion of prosecutors, wherever such a system exists, shall be based on objective factors, in particular professional qualifications, ability, integrity and experience, and decided upon in accordance with fair and impartial procedures.

According to the Law of Ukraine “On the Prosecutor's Office” (Part 1, Art. 27), a citizen of Ukraine who has a law degree, has at least two years of experience in the field of law and is fluent in the state language may be appointed as prosecutor of the local prosecutor's office.

Today, the most competent approach is the method of implementing state policy in the field of professional prosecutorial training. It can effectively provide for the need to form a professionally competent staff of prosecuting bodies of Ukraine, to achieve a high level of professionalism and culture of prosecutors who are able to responsibly perform their duties, to implement the latest technologies and innovations in the prosecutor's practice, to properly ensure respect for human rights and freedoms, interests of society and the state, create a positive image of the public prosecutor's office in society, etc.

The current staffing needs of prosecuting bodies of Ukraine and the tendency of organizing work with the staff of prosecuting bodies stipulate the need for continuous professional training as an integral part of prosecutors' professional activity and an indispensable condition for their career growth.

At present, the institutional framework for continuous (continuing) professional training of prosecutors is formed by a single system of certification training of prosecutorial personnel of prosecuting bodies in Ukraine. The main principles of prosecutors' certification training are the obligation and continuity of professional development.

The main components of this system are:

- self-study;
- individual tasks;

- traineeships in the structural units of regional level prosecutor's offices and the Prosecutor General's Office of Ukraine;
- coeducation (collective study);
- educational and methodological seminars, including classes at the Young Specialist School and etc.;
- scientific and practical conferences;
- training of employees enrolled in the reserve for promotion to management positions;
- training at the Institute of Advanced Training of Personnel of the National Prosecution Academy of Ukraine, including distance learning.

4.4. Specialized training for investigators.

The certification training of investigators of National Police is carried out in accordance with the Law “On National Police” July, 2 2015 ³ and the Regulations on the organization of postgraduate education of National Police officers approved by the order of the Ministry of Internal Affairs of Ukraine on December 24, 2015, No. 165⁴, according to which police officers are sent for certification training as needed, but at least once every 3 years.⁵

The certification training of police officers is carried out according to the following types: 1) certification training by professional programs (long-term) – is conducted for police officers who are enlisted in the personnel reserve; 2) short-term certification training (specialized training courses, thematic seminars, workshops, seminars-trainings and other types).

Since 2016, long-term certification training takes place on the basis of the higher education institutions of the Ministry of Internal Affairs of Ukraine, where the staff of investigative units of National Police during 12 training days improve their qualification according to the annual plans-schedules in accordance with

³ <http://zakon.rada.gov.ua/laws/show/580-19>

⁴ <http://zakon.rada.gov.ua/laws/show/z0076-16>

⁵ <http://zakon.rada.gov.ua/laws/show/z0076-16>

Typical curriculum of certification training for police investigators, which was approved on August 12, 2016 ⁶.

The subject of short-term certification training is not approved by a separate document and is formed most often at the request of practitioners.

The implementation of the initial professional training of police officers, who were first recruited to the police for investigative positions is regulated by the Law of Ukraine “On the National Police” July 2, 2015, the Regulations on the organization of postgraduate education of National Police officers approved by the order of the Ministry of Internal Affairs of Ukraine on December 24, 2015, No. 165, and the Regulations on initial training of police officers, who were first accepted for service in the police, approved by the order of the Ministry of Internal Affairs of Ukraine on February 16, 2016, No. 105 ⁷.

According to the above-mentioned normative legal acts, the police officers who were first accepted for service in the police, undergo professional training on the basis of universities of the Ministry of Internal Affairs of Ukraine in order to acquire the special skills necessary for them to fulfill the powers of the police.

From 2016 to the present for police officers who have been hired to serve as investigators for the first time (based on a law degree) are provided 80 academic days by annual schedules in accordance with Typical curriculum of initial professional training of police officers, who were accepted for service in the police for the first time for investigative positions (based on a law degree), which was approved on October 10, 2016 ⁸.

⁶ http://www2.lvduvs.edu.ua/documents_pdf/navch_pidrozdily/v_spetsializatsiyi/templan_slid_pechatka.pdf

⁷ <http://zakon.rada.gov.ua/laws/show/z0576-16>.

⁸ http://www2.lvduvs.edu.ua/documents_pdf/navch_pidrozdily/v_spetsializatsiyi/per_sl.pdf

5. Comparison of curricula for Masters training on specialization

“Activities of Prosecutor and Investigator” with the modernized programmes

Overall objectives: Drafting Master`s programme theoretical approach. Noting that Byzantium legal family differs from Roman-German by its relationships with the Rule of Law and Justice one should point out that new Master`s programme on Criminal Justice and Human Rights has to be a fundamental tool to protect human rights by means of teaching. New Master`s programme draft creation needs to understand how global and regional imbalances and conflicts affected the Rule of Law and Justice. To understand how stable Criminal legal form has to be in a dissonance with developing public and social relations and processes one should challenge social control schemes from the field of state, perpetrator, victim and civil society attitudes depending of residual mechanisms to protect abuses of powers.

It is the fact that the diversification of Criminal law enforcement understanding at the auspices of civil society cognitive mood, unifying sustainable or global development, has a chance to be resulted in a situation when political union or party assumes the right to abuse opponents, forming armed groups, with a tolerance of local restrictions on the freedom of movement that, as a basis for the right to revolt during the revolution, undermining the idea of the legitimacy of power and widespreading corruptive practices in the transitive development period.

Global and regional, political, social and cultural imbalances and conflicts, communication stuffing affecting the Rule of Law, disorganize it and create a situation where essentially stable Criminal legal form has to be in a dissonance with developing public and social relations and processes.

The notion of criminal law differs at the levels of citizens, media, social groups and networks and law enforcement officials. Moreover, it differs between victims and perpetrators, civil society and the State, media and social networks at post-truth society.

The aim of this issue is to develop on abovementioned background a theoretical model on specialization “Activities of Prosecutor and Investigator” with

the modernized programme of new Masters' programme "Criminal Justice and Human Rights"

But there are some gaps on the path to way of formatting effective new Masters' programme "Criminal Justice and Human Rights" against of based on "Mad Printer" Criminal policy, while legislators tend to use laws on crime and punishment as frequent instrument to fulfill fake political needs or social interests. The urge to make something criminally liable gives politician or party to show them as a strongmen fighting for peoples` needs. As usual that is a bogus political trick, because it is made for popularity and rating, nor for certain real protection and safety. In this way Eastern European Countries due to Slavic ideology and post-communist background are formatting specific family in European Criminal policy Synergy process.

First, only the countries of the Eastern European territories establish criminal responsibility in a single normative act - the Criminal Code. The practice of most European countries, based on the widespread interpretation of the crime in accordance with the established Engel rules (ECHR Case of Engel and others v. The Netherlands), sets out a diversified approach to sources of criminal justice regulation.

Secondly, the ECHR speaks of the definition of the Convention on protection of Human Rights and Fundamental freedoms as a "constitutional instrument of the European public order" in the field of human rights. (Bosphorus Hava Yolları Turizm ve Ticaret Anonim Şirketi v. Ireland, § 156). The same can be said about the approach to punishment. European court found in case of S., V. and A. v. Denmark that any flexibility of law enforcers and lawmakers in the application of the deprivation of human rights and freedoms should be limited to certain guarantees provided for in paragraph 5 of Convention`s Article 5 including the deprivation of liberty, and the requirement that the offense must be specific and specifically defined, and the authorities indicate that the potential offender may be restricted in rights, if this does not damage the fair procedure for his detention and he will be entitled to a refund.

From our point of view, the regulatory function of Criminal Justice is not only to secure of criminal law protection objects by the normative-determined measures of state coercion, but also to achieve of harmony in relations between the state and citizens, where the responsibility of the offender corresponds to the state's duty to seek, fair punishment and rehabilitation of the offender; compensation and restitution to a victim of a criminal offense; completing social peace and harmony at the national, local and individual levels. This fully corresponds to the interpretation of legality principle in implementation of the provisions of Article 7 of the Convention, whereby the court must verify whether the act of state coercion is punishable and that the penalty imposed does not exceed the limits imposed (ECHR *Coëme and Others v. Belgium*, § 145; *Del Río Prada v Spain*, § 80). Thus, formulating of new programme should be based on holistic approach uniting HR protection with local judicial ideology and culture.

Formulating theoretical contemporary methodology of legal dynamics analysis and comparative approach is the next point on Master`s programmed development. In modern social democratic societies Criminal justice system reflects organizing and stimulating role of deviations control. The concept is quite simple: criminal justice shows the transition from absolute forms of public-law relationships to post modern approach of nowadays with holistic system that essentially based on human rights primacy concept and basic human values landscape protection ideology.

«Justice» was identified with the understanding of truth and justice. Now this extends to post truth concept of misuse of law erosive interpretation. Moreover it gives theoretical background to mass misuses and abuses of Criminal law reflecting corruptive practices and political interests, peoples' attitudes, communicative and religion values. “Color revolutions” abuses of laws and terrorist states' abuse through Criminal Justice formation approach are of the same scheme: Criminal Law ensured crime trends prevention that should be determined more by political interests and processes than by the true needs of society. That is connected with certain routes.

First, the actual destruction of normative tensions of criminal-law institutes is not an appropriate consequence of the influence of the postmodern philosophy of the 21st century. It was just a catalyst. The principle of additionality in state regulation, the virtuality of the hierarchy and the unlimited possibilities of non-criminal response to deviation, led to a significant reduction of the force of criminal law. Criminality is becoming more latent, its combatting - highly ideologized.

So, since 2014, certain types of crime (in particular violent, juvenile delinquency), according to statistics, are constantly decreasing in Ukraine, but the population's fear of crime is on the contrary increasing.

We are told about the decrease of homicides but not informed about rapid increase of violent deaths. The significant difference between victimization and state reaction is offset by routine preventive measures (more street robberies - less going out on the street). The purely preventive function of the new law enforcement agencies is replaced by the ceremonial functions of the post-truth society (civil servants).

Secondly, in the post-truth situation, there is a certain positive development in society, as it opposes the development of healthy forces of civil society. True, in this way we (the whole world) faced with another problem.

Network communication and other types of communications have led to information explosion and neglect while filtering information. The recipient focuses on its own platform, which has its own rights and its sanctions, its values and priorities, which do not always (sometimes) do not coincide with the national ones. People generally have a rather typical deviant action, especially when this action is supported / catalyzed by the reference group. Along with this modern methodology of metamodern involves the synergy of the individual components of a certain phenomenon, interaction and the transition of each other attitudes.

In times of transitivity of the ideologies of criminal justice in the countries of common and continental law, when convergence of meaning becomes a central

component, we see the emergence of a precedent in Europe and statutory law in America.

The world is becoming more uniform on the surface and more fragmented in real sovereign politics. Hence, the benefits of criminal-law regulation in the balance of state legitimation of the prohibition of the past are replaced by the spread of disciplinary practices and abuse of power contradicting with HR basic standards.

In this regard, modern Criminal justice is a tool to enforce policy shift from obsolete forms of social relationships to the new legal framework of public government and society. It is more dynamic and flexible, it is in constantly change and contributes to breaking the legal forms and outdated stereotypes at the same time.

The doctrine of crime and punishment is complemented by a separate misconduct simulacrum, developing the idea of municipal Criminal law that blurs the field deviations, from one side, and transitional and Integrative Criminal law from other side.

Unity and sovereignty mode is changed to the legality of International Criminal law virtual relationships, where the production of certain types of Criminal offenses is given to international society's universal jurisdiction scheme.

However the last creates the possibility of non governmental transnational authorities and other supra-national actors influence on local legislative level by protection of their own interests versus human rights abuses.

So, Master`s programme on Criminal Justice and Human Rights in Transition countries should be analyzed, interpreted and constructed from the point of view of international societies, governments, local experts, law obedient citizens, law enforcement professionals and judiciary, victims of crime and perpetrators giving to the students most flexible contemporary analysis in the field. That is why? For example the authors create new approach to essence of mandatory courses through HR fundamentals. Let us see the contest of "Human rights standards from a comparative criminal law perspective" that consists chapter

on international human rights standards in criminal law that emphasizes the ideas of Human Rights Protection Mechanisms in Criminal Law and Human Rights Research Comparative Methodology. A Chapter devoted to jurisdictional powers of human rights protection by means of criminal law that highlights an architecture of Criminal Protection Sources (European Criminal Law, National Criminal Law) and Human Rights Law in Jurisdictional Dimension (the essence of sovereignty). The chapter Principles of criminal law and human rights reflects the ideas of Ultima Ratio, Principle of Legality, Subsidiarity Principle and the Right to Life, Principle of Proportionality and Personal Treatment. Noting that the concept of Hegel's NON LAW is widespread at the territories that are out of the Government's control a certain part of the course is devoted to problems of criminal law dimension of human rights in conflict zones with the Concept of Effective Control and Extraterritorial Jurisdiction of the State analysis.

We argue that complex holistic approach based on mutual recognition of all parties rights and obligations should give positive effort in combatting crime and new Master's programme constructing. Thus, new Master's programme structure and its theoretical background based on multidisciplinary matrix approach had to be analyzed and formulated on different than Western European Transitional approach.

From our point of view, *criminal responsibility constitutes mutual rights and obligations between state (legality and justice), offender (punishment), victims (fair treatment) and third persons (cognitive control) on crime commission and human rights protection*. Mutual rights mean that one should construct criminal norms in order to effectively modify forbidden human behavior only respecting all actors needs. It seems that we have not to make a choice between the law in force, the law in media, the law in minds, and the law in communications, but to find out a common portrait of Criminal law system in Byzantine (Slavic), Common Law, Roman, German, Scandinavian, Muslim, Customary and Mixed Law families in comparison with International Criminal Law Model via all these faces of Criminal Law.

Primary activities to be carried out while programming Master`s programme Draft are include :

Formulating Human rights oriented theoretical approach of Criminal law means (concepts of legality, crime and punishment)

Comparative analysis of modern legal families through common indicators (concepts of legality, crime and punishment)

Structural analysis of state, social, communicative and cognitive approach to criminal law`s common indicators.

Formulating the Theoretical Matrix as a tool for Law and Programme Constructing.

Preparing of Questionnaires through common indicators cognitive understanding (pilot survey).

Developing curricula of Master`s programme through above mentioned theoretical approach.

Conducting survey (academia, law enforcement officers, politicians, members of the bar, judges, perpetrators, members of criminals` families, victims of crime, householders).

Interpreting the Analysis.

Preparing a unified drafting mechanisms for criminal legislation and judiciary.

Preparing a new cognitive Master`s programme.

Formulating Human rights oriented theoretical approach of Master`s programme concept should be based on comparative research of human rights generations comparison with table of crimes gravity. So we could construct a ladder of human rights due to their significance, i.e.:

1/ The right to life (incl. the Right to life, the Right to privacy, Prohibition of torture and inhuman or degrading punishments, Prohibition of slavery and forced labor). 2. Freedom and security of a person and the Right to a fair trial. 3. The right to property of the person or of a legal person. 4. Freedom of mind, of thought and religion. 5. Freedom of expression and information. 6. Freedom to free elections.

2/ The right to be employed in just and favorable condition, right to education, learning, rights to food, housing and health care, to social security, to unemployment benefits.

3/ Group and collective rights, the Right to self-determination, the Right to economic and social development, the Right to a healthy environment, the Right to natural resources, the Right to communicate and communication rights, the Right to participation in cultural heritage, Rights to intergenerational equity and sustainability, the right of sexual minorities, ethnic, religious, etc.

4/ Rights of future generations.

After that one should compare table of crimes gravity with the abovementioned ladder to define the “points of power”, where state and legislators’ opinion corresponds international standards. The same should be done with the help of social polls to these points, verified by state officials, victims, perpetrators and civil society.

Let us show how obligatory courses of new Master’s programme in comparison with the old ones looks like at National University “Odessa Law Academy”:

#	New Course	Credits	Old Course	Credits
1	Criminal Policy on Sentencing	3	Human rights in Criminal Justice	2
2	Organised and Financial Crime counteraction through HR approach	3	Transnational crime prevention Qualification of crimes in the sphere of economy	4 4 4

			Detection and investigation of corruption and organized criminal activity	3
			Qualification of corruption crimes	3
			Qualification of property crimes	
3	International Cooperation in Criminal Matters through HR approach	3	Human rights in Criminal Justice	2
			International legal assistance in criminal proceedings	3
			International Justice	3
4	European Criminal Procedure	3	Use of ECHR practice of criminal enforcement	3
			International legal assistance in criminal proceedings	4
5	Ethics of public prosecutor / judge / investigator	1,5	Organization and tactics of criminal police and criminal	3

			prevention	
6	Negotiation and Mediation in Criminal Matters	.5	1 Law enforcement and human rights system of Ukraine	3

Adding a compulsory 3 credit course on Law enforcement and Law treatment system in Ukraine? And some additional courses by choice of students as Automatic working place of investigator and detective and Counteracting to terrorist crimes etc we should approach modern comprehensive developed Masters programme.

Assessment of the knowledge of students:

Type - active participation at courses, written works (Seminars) and their oral presentation, oral examination.	Weight (in %)
- Class participation	30%
- Group presentations	15%
- Mid-term control	15%
- Research paper	30%
- Final exam	10%

Expected outcomes and impact. A joint concept of Master's programme creation that constitutes mutual rights and obligations between state (legality and justice), offender (punishment), victims (fair treatment) and third persons (cognitive control) on crime commission under HR protection concept and background establishment. Mutual rights mean that one should construct criminal norms in order to effectively modify forbidden human behavior only respecting all actors'. The second point of interest is connected with the development of contemporary methodology analysis based on multipolar understanding of criminal norms and usage of such Matrix while constructing disciplinary and criminal punitive norms likewise new Legal elite of the State.

On the contrary, the role of Protective State changes at multipolar, post-truth informational society. It is the fact that the diversification of Criminal law enforcement understanding at the auspices of civil society cognitive mood, has a chance to be resulted in a situation when political union or party (civil society representatives) assumes the right to abuse opponents, forming armed groups, with a tolerance of local restrictions on the freedom of movement that, as a basis for the right to revolt during the rebellion, undermining the idea of the legitimacy of power and widespreading corruptive practices in the transitive development period. Criminal justice legal form has to be in a dissonance with developing public and social relations and processes and human rights abuses, especially when it is connected with abusive treatment.

Sometimes the effect of informational society and networks triggers social anomy and protest against State sovereignty as narcissistic energy boom. Principle of legality at metamodern society validates depending more on general values of happy nation, aggressively contradicting to Enemies image and Rule of Law's State Concept. Due to this backdrop, abuses of power and the abuses of law are forming specific compensational mechanisms that have to be analyzed via Master's programme too. The Right to be law obedient supplements the Right to be deviant.

The question is what we have to do to harmonize Crime and Punishment, Justice and Prevention notions not on the level narratives but on the level of legal

Dynamics and Ideology that constitutes the sphere of education. Does the State has to make a plain Criminal Legislation version, or we have to find proper ways to correct National and Peoples' Laws approximating State's Justice to people's needs. New actors need a new place at Public law balances and distribution of powers' background. To Our opinion it should run through internationally accepted model like the Trade state concept, or through more typical local Unrecognized State`s model. Northern Cyprus and Kosovo, Donetsk and Luhansk rebels' fake republics, Transnistria, South Ossetia, Abkhazia enclaves, etc., symbolize legal, moral and social circumstances that affect Human rights and obligations while fundamentals of public law and justice are formulated null and void on unrecognized territories. Thousands of applications, broken lives... Thus Crime, Criminal responsibility, and Punishment in new Master`s programme should be considered from the limits of internationally recognized substantive forms of conduct that necessary to criminalize, margins of criminal responsibility and the nature of punishment in comparison with preventive detention, security measures and criminal restitution, while conceptualizing unified approach of judicial practice on international level for future realization in native doctrine and legislation with recognized background of Human rights and freedoms` protection.

6. Changes in curriculum for Bachelors training for better training future judges and prosecutors

In accordance with the legislation of Ukraine, Bachelors training is the first level of higher education. In according to Standard of legal education of Ukraine, within the framework of specialty 081 “Law” subject area 08 “Law”, the object of Bachelors training is law as a social phenomenon. The study of law and its sources is based on legal doctrines, values and principles, which are based on human rights and fundamental freedoms.

The general goals of Bachelors training are to develop the ability of students to unleash complex specialized tasks in the field of law with an understanding of the nature and content of its main legal institutions, as well as the framework for legal regulation of various public relations.

The general theoretical content of the subject area Bachelors training is knowledge about: basics of behavior of individuals and social groups; making law, its interpretation and application; legal values, principles, as well as nature and content of legal institutions, ethical standards of legal profession.

At the same time, application of general scientific and special methods of cognition of legal phenomena is provided; methods of legal assessment of the behavior or activities of individuals and social groups, identification of legal problem and its solution on the basis of principles of law; information and communication technologies.

In modern conditions, Bachelors training should give students first of all the fundamental legal knowledge on which their future professional orientation within Masters training is based. In particular, this includes knowledge and understanding of legal profession structure and its role in society; knowledge and understanding of subject sphere and professional activity; ability to analyze legal problems, formulate and justify legal positions; ability to analyze critically and systematically legal phenomena; ability to apply acquired knowledge in professional activities etc.

The integral competence of a Bachelors training graduate is the ability to unleash complex specialized tasks and practical problems in the field of professional legal activity or in training process, involving the application of legal doctrines, principles and legal institutions, characterized by a complex and uncertain environment.

The General Competency System (GC), which a Bachelors training graduate must own, in particular, provides for:

GC 1. The ability for abstract thinking, analysis and synthesis.

GC 2. The ability to apply knowledge in practical situations.

GC 3. Knowledge and understanding of the subject area and understanding of professional activities.

GC 4. The ability to communicate in the state language both verbally and in writing.

GC 5. The ability to communicate in a foreign language.

GC 6. Skills for using information and communication technologies.

GC 7. The ability to learn and master modern knowledge.

GC 8. The ability to be critical and self-critical.

GC 9. The ability to work in a team.

GC 10. The ability to act on ethical grounds.

GC 11. The ability to exercise their rights and obligations as a member of society, to recognize the values of civil (free democratic) society and the need for its stable development, the rule of law, human and civil rights and freedoms in Ukraine.

GC 12. The ability to recognize equal opportunities and gender issues.

GC 13. The ability to preserve and enhance the moral, cultural, scientific values and achievements of society based on understanding of the history and patterns of law development, its place in the general system of knowledge about nature and society and in the development of society, engineering and technology.

As a result of the study of Bachelors training, a student must master such professional competences (PC) according to the Standard of legal education of Ukraine:

PC 1. The ability to apply knowledge on the theory and philosophy of law, knowledge and understanding of legal profession's structure and its role in society.

PC 2. Knowledge and understanding of retrospective of legal and state institutions formation.

PC 3. Respect for the honor and dignity of a person as the highest social value, understanding of their legal nature.

PC 4. Knowledge and understanding of international human rights standards, provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms, as well as the practice of the European Court of Human Rights.

PC 5. The ability to apply knowledge of the principles and content of public international law institutions, as well as international private law.

PC 6. Knowledge and understanding of the fundamentals of European Union law.

PC 7. The ability to apply knowledge of the tasks, principles and doctrines of national law, as well as the content of legal institutions in such branches of law as constitutional law, administrative law and administrative procedural law, civil and civil procedural law, criminal and criminal procedural law.

PC 8. Knowledge and understanding of the features of implementation and application of substantive and procedural law.

PC 9. Knowledge and understanding of the basics of legal regulation of account activity.

PC 10. Knowledge and understanding of the social nature of labor relations and their legal regulation.

PC 11. The ability to determine relevant and acceptable facts for legal analysis.

PC 12. The ability to analyze legal problems, form and justify legal positions.

PC 13. The ability to critical and systematic analysis of legal phenomena and the application of acquired knowledge in professional activities.

PC 14. The ability to advise on legal issues in accordance with the requirements of professional ethics, proper observance of the rules on non-disclosure of personal data and confidential information.

PC 15. The ability to independently prepare draft law enforcement acts.

PC 16. The ability to logical, critical and systematic analysis of documents, understanding their legal nature and significance.

In according to the Standard of legal education of Ukraine, the educational program scope on the basis of general secondary education should be 240 ECTS credits, of which at least 150 ECTS credits should be directed to ensure general and special (professional) competencies in specialty 081 "Law".

The following disciplines of Bachelors training of Yaroslav Mudryi National Law University are most relevant for better training of future judges, prosecutors and investigators:

- "Theory of the State and Law" gives conceptual and categorical apparatus and initial knowledge about the place and role of court, prosecutor's office and investigative bodies in the system of state legal phenomena;

- "History of the State and Law" studies issues of origin and development of court, prosecutor's office and law enforcement agencies in the historical and legal aspect;

- "Constitutional law" determines the place of court, prosecutor's office and investigator in the state mechanism and studies the constitutional basis of their activities;

- "Administrative law" considers the activities of a judge, prosecutor and investigator as representatives of public administration, peculiarities of their status as public servants;

- "Criminal law" studies issues of criminal liability for socially dangerous acts, which are the main subject of professional activity of a judge, prosecutor and investigator;

- "Criminal procedure" defines the role and procedure of a judge, prosecutor and investigator in criminal proceedings, in the sphere of which most of their tasks and powers, peculiarities of their procedural status and interaction with each other and with other participants of criminal proceedings are exercised;

- "Forensics" studies the basis of tactics and methods of pre-trial investigation and individual investigative actions as a sphere of activity of an investigator, prosecutor and judge in criminal proceedings;

- "Criminology" provides knowledge of the crime causes and how to combat it, which is necessary for a judge, prosecutor and investigator to carry out their professional activities;

- "Judicial Law" provides knowledge of judiciary, judicial system and the requirements for judges, as well as their interaction with Public Prosecutor's Office and law enforcement agencies;

- "The "Basis of Public Prosecutor's Activity" examines the place and role of Public Prosecutor 's Office in the state mechanism, its system, status of prosecutors, functions of the Public Prosecutor's Office and the procedure for their implementation;

- "Prosecutor in criminal proceedings" considers the role of prosecutors in criminal proceedings as a whole and exercise of their powers at certain stages;

- "Legal Ethics" studies the ethical requirements and conduct of judges, prosecutors and investigators in the rules' context of professional activity of lawyers.

Students' practice in the legal field is important in the Bachelors training system. It is aimed at consolidating and improving theoretical knowledge and competencies in law-making and law enforcement.

In according to Standard of legal education of Ukraine, it is stipulated that at least 10 CTC credits should be directed to practice in legal entities of public and private law that carry out law enforcement activities, in particular, in courts, prosecutors, advocates, notaries, law enforcement agencies. For example, Bachelors training of Yaroslav Mudryi National Law Academy of Ukraine

provides 15 ECTS credits (450 hours) for practical training. Job training is carried out before the last semester in accordance with the curriculum for the educational degree "Bachelor".

The purpose of job training is to consolidate and deepen the theoretical knowledge and competencies acquired by a student a certain cycle of theoretical disciplines, practical skills, direct acquaintance with the organization of legal work, the basics of lawmaking and law enforcement, as well as collection of factual material for implementation of term papers and scientific research work.

Work placement in court, prosecutorial bodies and other law enforcement bodies contributes to the mastery of students' practical skills and abilities regarding: the development of draft legal and individual law enforcement acts; drawing up procedural and other documents that are used in criminal and other types of legal proceedings; analysis of legislation and practice in various areas of legal profession; application of modern forms and methods of work organization, strategic and current planning, decision making and control over their implementation; use of information resources and databases (registers).

Monitoring of students' job training provides that after its completion, students report on implementation of job training program and protect its results on the basis of such documents: job training report approved by its head; an individual job training plan is agreed by the head; job training diary; characteristics of a practice-student.

The effectiveness of Bachelors training can be assessed based on the actual degree of achievement by the student of the learning outcomes characterizing: social and humanitarian erudition, research skills, communication, professional self-organization and using of information technology; legal understanding; law enforcement.

Results characterizing socio-humanitarian erudition:

1) determine the persuasiveness of arguments in the process of evaluating obviously unknown conditions and circumstances;

2) carry out the analysis of social processes in a context of the problem under study and demonstrate their own vision of ways to solve it;

3) conduct collection and integrated analysis of materials from various sources;

4) formulate their own informed judgments based on the analysis of a known problem;

5) to formulate a brief conclusion regarding individual factual circumstances (data) with sufficient justification;

6) evaluate the disadvantages and advantages of arguments by analyzing a known problem.

Research skills:

1) draw up and coordinate a plan of their own research and independently collect materials from certain sources;

2) use different information sources for the full and comprehensive establishment of factual circumstances;

3) independently determine the circumstances in determination of which assistance is needed, and act in accordance with received recommendations.

Communication:

1) freely communicate in the state and foreign languages, both orally and in writing, correctly defining legal terminology;

2) master the basic skills of rhetoric;

3) convey to a respondent the material on a specific issue accessibly and understandable;

4) explain the nature of certain events and processes with understanding of professional and social context.

Professional self-organization and use of information technology:

1) make proper use of statistical information obtained from primary sources and secondary sources for their professional activities;

2) freely use of available information technologies and databases for professional activities;

3) demonstrate the ability to use computer programs necessary in professional activities;

4) work in a group, forming their own contribution to the fulfillment of the group's tasks.

Legal Understanding:

1) identify knowledge and understanding of the main current legal doctrines, values and principles of functioning of the national legal system;

2) demonstrate the necessary knowledge and understanding of essence and content of the main legal institutions and norms of fundamental branches of law;

3) explain the nature and content of the main legal phenomena and processes.

Enforcement:

1) apply the acquired knowledge in different legal situations, highlight legally relevant facts and form informed legal conclusions;

2) prepare drafts of the necessary acts of application of law in accordance with the legal conclusion drawn in different legal situations;

3) provide advice on possible ways to protect the rights and interests of a client in different legal situations.

The changes in Bachelors training for better training future judges and distributors include:

- orientation of academic disciplines on formation of practical skills among students, allowing them to carry out practical activities effectively. For this, the scope of disciplines forming such skills is expanding, as well as practical component of theoretical disciplines;

- testing of acquired knowledge by students at job training. For this purpose, attention is paid to the students' job training in the legal sphere, especially in a court, prosecutor's office and law enforcement agencies;

- reflection in academic disciplines of current trends in law enforcement, which provides for an in-depth study of judicial practice and practice of the European Court of Human Rights;

- study of international standards and the best experience of foreign countries, both at the level of individual disciplines and blocks (parts) in the structure of existing disciplines;

- the earliest identification of students' individual interest in the professions of a judge, prosecutor and investigator, and giving them the opportunity to study these issues in-depth by providing the appropriate subjects of their choice;

-the most widespread use in conducting classes in professionally oriented disciplines is the practice of business (imitation) games, allowing students to model specific legal situations with the distribution of procedural roles (judge, prosecutor, investigator, lawyer, etc.);

- development and implementation in the process of studying professionally oriented disciplines of practical tasks (cases), the solution of which requires not only the correct application of legislation, but also the preparation of a specific procedural document.

Moreover, due attention should be paid to the material and technical support of the educational process, which involves the use of appropriate tools and equipment. In particular, it is necessary to use modern information and communication equipment, information resources and software products that are used in legal activities. It also provides for special equipment for classrooms, which should recreate the material environment of the practical work of a lawyer. In particular, this is the creation of forensics rooms, courtrooms, investigator rooms, etc.

7. Brief description of syllabi for courses included in the curriculum for Masters training within area of expertise “Activities of Judge, Prosecutor and Investigator”

Within the curriculum for Masters training within area of expertise “Activities of Judge, Prosecutor and Investigator” the following courses are suggested for students, which are seem to be the most relevant for better training future judges, prosecutors and investigators:

1. International cooperation in criminal proceedings.
2. Organized and Economic Crime.
3. Negotiations and mediation in criminal proceedings.
4. Cybercrime and Electronic Evidences.
5. Ethics of judge, prosecutor, investigator.
6. Human rights from a comparative criminal law perspective.
7. Criminal Policy on Sentencing.

International cooperation in criminal proceedings.

This course is devoted to defining the general characteristics of international cooperation in criminal proceedings and such forms of international cooperation in criminal proceedings, as: international legal assistance, extradition, initiation of criminal proceedings, acceptance and enforcement of foreign court’s decesions, transmission of convicted persons.

Study of the general characteristics of international cooperation in criminal proceedings includes research of such issues, as:

- the concept and content of international cooperation in criminal proceedings;
- directions and forms of international cooperation in criminal proceedings;
- legal regulation of international cooperation in criminal proceedings;
- principles of international cooperation in criminal proceedings;
- subjects of international cooperation in criminal proceedings;

- order of communication within international cooperation in criminal proceedings.

International legal assistance as a form of international cooperation in criminal proceedings is being analyzed during this course. Thus, students' attention will be focused on:

- the concept and content of international legal assistance in criminal proceedings;
- request for international legal assistance, its contents;
- referral, consideration and execution of a request for international legal assistance;
- forms of international legal assistance;
- usage in proving information obtained through international legal assistance.

Extradition as a form of international cooperation in criminal proceedings is considered to be one of the section of this course, which is dedicated to increasing students' knowledge of: the concept and types of extradition, extradition systems, grounds and conditions for extradition, circumstances that prevent extradition, procedure for communication between the requesting and requested states, stages of the extradition process, the rights of the person concerned with the issue of extradition, implementation of measures to ensure criminal proceedings during extradition, procedure for appeal against the decision on extradition, consideration and resolution of complaints.

Initiation of criminal proceedings as a form of international cooperation in criminal proceedings involves study of: concept and conditions of initiation of criminal proceedings; procedure of initiation of criminal proceedings.

As well, acceptance and enforcement of foreign court's decisions as a form of international cooperation in criminal proceedings is devoted to research such items, as: the concept and types of acceptance and enforcement of foreign courts decisions; grounds and procedure of acceptance and enforcement of foreign courts decisions.

Likewise, research transmission of convicted persons as a form of international cooperation in criminal proceedings increases knowledge of students in the field of: concept, purpose, grounds and conditions of transmission of convicted persons, procedure of transmission of convicted persons in criminal procedure.

Besides, special attention in this course is devoted to organization of the prosecutor's work on international cooperation in criminal proceedings, organization of the courts regarding international cooperation in criminal proceedings and peculiarities of cooperation in criminal proceedings at EU level.

Organized and Economic Crime.

This course is divided into two sections, which provide research into important issues in the field of organized crime and economic crime.

In particular, the section, which is devoted to organized crime, covers issues of study: the concept, forms of manifestation, determinants and prevention, international standards against organized crime, the concept and features of organized crime, its place in the general structure of crime, forms of manifestation of organized criminal activity, classification of organized criminal groups, determinants and main directions of prevention of organized crime, criminal legal support against organized crime, recent legal support against organized crime, criminal characteristics of crimes related to the emergence and functioning of organized criminal organizations, forms of differentiation of criminal liability committed in organized forms of complicity, individualization of criminal liability committed in organized forms of complicity.

In turn, the section, which is devoted to economic crime, covers such issues of study, as: the concept, features, types of economic crime, international standards on combating economic crime, its place in the general structure of crime, types of economic crime, determinants and main directions of economic crime prevention, criminal legal support against economic crime, recent legal support against

economic crime, system and general characteristics of economic crimes, forms of criminal responsibility for economic crimes.

Also, basic methods of investigation of crimes committed in organized forms of participation and basic methods of investigation of economic crimes will be analyzed within this course.

Negotiations and mediation in criminal proceeding.

During this course, students will be provided with meaningful research findings in the following issues:

- the concept and principles of exonerative justice;
- forms of exonerative justice in criminal proceedings;
- features of negotiation and mediation in criminal proceedings;
- the concept and essence of negotiations, its role in criminal proceedings;
- the concept and essence of mediation in criminal proceedings;
- international standards and foreign experience in criminal mediation;
- principles of mediation in criminal offenses;
- mediation process and its subjects;
- attorney's involvement in mediation.

Besides, international standards and foreign experience in criminal proceedings based on agreements are being researched within this course.

The course defines the concept and types of agreements in criminal proceedings, conditions and procedures for their conclusion, features of pre-trial and court proceedings based on agreements, features of implementation of the function of defense and execution of the victim's rights in criminal proceedings on the basis of agreements, criminal proceedings of exemption from criminal liability, concept and types of exemption from criminal liability, procedure for criminal proceedings for release from criminal liability, execution of the rights of participants in criminal proceedings for release from criminal liability.

Features of the application of psychological knowledge in the resolution of criminal conflict from the perspective of exonerative justice, as a section of this course, involves study of:

- the concept and basic features of the conflict as a psychological phenomenon;
- structural elements and types of conflicts,
- backgrounds and stages of the development of conflict;
- characteristics of conflict behavior. basic strategies for conflict participants behavior and conflict management;
- the essence, rules and ways of resolving conflicts.

Cybercrime and Electronic Evidences.

According to this course, students will receive knowledge of:

- the concept of cybercrime and its place in general structure of crime;
- types of cybercrime;
- the european convention mechanism of the prevention of cybercrime: concept and system;
- determinants and main directions of cybercrime prevention;
- criminal legal support against cybercrime;
- recent legal support against cybercrime;
- system and general characteristics of cybercrime;
- implementation of forms of criminal responsibility for cybercrime;
- features of the cybercrime investigation methodology;
- the concept of electronic evidences in criminal proceedings;
- types of electronic evidences;
- methods for obtaining electronic evidences;
- usage of electronic evidences at trial.

Ethics of Judge, Prosecutor, Investigator.

Content and importance of professional ethics of judicial and law enforcement activities are going to be analyzed through this course.

Apart, study of such issues is envisaged:

- the concept of professional ethics and its types;
- the importance of professional ethics in judicial and law enforcement activities;
- guarantees of observance of professional ethics in activity of judge, prosecutor, investigator.

Study of international ethics standards for judge, prosecutor, investigator allows for generate knowledge in the field of:

- the concept of international principles (standards) of ethics of judges, prosecutors and investigators, their development and consolidation in legal acts;
- basic rules of the ethical conduct of judges, prosecutors, investigators and monitoring their observance;
- international ethical standards of: their application and observance;
- international standards of public prosecutor ethics: system and value;
- international standards of investigator ethics.

Also, the course review following issues: the concept and meaning of judicial ethics; legal regulation of judicial ethics in Ukraine, general provisions of judicial ethics and mechanism for monitoring its observance, ethics of the judge's behavior during trial, ethics of extrajudicial behavior of a judge, responsibility for the judge's violation of ethical requirements.

Separately, the concept and meaning of the professional ethics of the prosecutor, legal regulation of the prosecutor's ethics in Ukraine, basic principles of professional ethics and conduct of the prosecutor, ethical requirements for the conduct of the prosecutor, rules of internal and external relations between prosecutors, ethics of the prosecutor's office behavior, requirements for prosecutorial off-duty behavior, responsibility for violation of professional ethics by the prosecutor are being analyzed during this course.

Special attention is devoted to investigator ethics (the concept and meaning of the ethics of investigator, the unity and differentiation of the professional ethics of investigator, general principles of the professional ethics of investigator, features of professional ethics of investigators of various law enforcement agencies).

Human rights from a comparative criminal law perspective.

According to this course, students will receive knowledge of:

- comparative research methodology (current trends in law and human rights as a universal standard and fundamental value, the role of criminal law in protecting human rights: challenges and opportunities (human rights as a paradigm for the modern development of criminal justice, legal reasoning as a key challenge and basic opportunity of effectively defense of human rights in criminal law);

- human rights in criminal law: review of sources and mechanisms of protection (architecture of sources of human rights protection in criminal law, protection mechanisms and their effectiveness in law enforcement);

- the application of human rights standards in criminal law and the law of the Convention 1950 (criminal offense and crime in european court of human rights practice, punishments in the interpretation of the european court of human rights, “margin of appreciation” in the field of criminal recognition. the principle of proportionality in limiting the rights and freedoms of a person, the principle of legality in the law of the Convention1950 and its elements);

- human rights in times of conflict: the criminal law dimension (the concept of “effective control” of the state in the context of protection of human rights in the occupied territories, positive commitments of states and their borders in the real protection of human rights).

Criminal policy on sentencing.

This course is devoted to defining the the concept and purpose of punishment in the criminal law of Ukraine.

Study of the general characteristics of criminal policy on sentencing includes research of such issues, as:

- system of punishment and its reflection in the criminal law of Ukraine;
- characteristics of the types of penalties under the criminal law of Ukraine;
- problems of improving the penal system in Ukraine;
- general principles of sentencing;
- special rules for sentencing;
- problems of improving the principles and rules of sentencing;
- execution of penalties related to isolation from society;
- execution of penalties unrelated to isolation from society;
- problems in improving the execution of sentences in Ukraine.

8. Generalized requirements for graduate competencies according to Standard of legal education of Ukraine

The goal of Masters training on specialization “Activities of Prosecutor and Investigator” is to develop the ability of future lawyers to solve complex specialized problems and practical problems in the field of criminal justice with a deep understanding of the nature, tasks and content of its main legal institutions, as well as the boundaries of legal regulation of various public relations in the face of complexity and uncertainty.

The theoretical content of the subject area Masters training on specialization “Activities of Prosecutor and Investigator” is the formation of in-depth knowledge about: the basics of legitimate behavior of individuals and social groups; law-making, its interpretation and application; legal values, principles, as well as nature and content of legal institutions, ethical standards of legal profession. This includes the essence and significance of judicial and law enforcement activities, the goals and purpose of criminal justice system, current state, problems and prospects for improving the activities of judges, prosecutors and investigators, as well as their professional ethics.

The educational process involves the intensification of analytical and research activities of students in this area. Graduates of the course should acquire the skills of independent analysis and interpretation of legislation, as well as practical skills of the judge, investigator and prosecutor. Professional competencies will be formed in students sequentially (from general to private) and will be aimed at preparing for a certain type of legal activity, chosen by them independently.

This approach integrates aspects of qualifications of future judges, prosecutors and investigators (formalized and systematically acquired knowledge, skills) and professionalism - the willingness of an employee to implement the knowledge, skills and abilities in the process of professional activity. It provides for the formation of ability and readiness of a graduate of Masters training on

specialization “Activities of Prosecutor and Investigator” for productive activities based on a continuous increase in the level of their professional training.

To achieve this goal, it is necessary to solve the following tasks Masters training on specialization “Activities of Prosecutor and Investigator”:

- definition and study of the urgent problems of judicial, prosecutorial and investigative activities and areas of modern scientific research in this industry;

- identification of applied implementation problems of powers of a judge, prosecutor and investigator in

- exercise of the functions assigned to them, as well as the search for ways to solve them;

- determination of areas for further improvement of legislation and law enforcement practice in the field of criminal justice;

- formation of students' understanding of criminal justice system and its activities' content;

- determination of students' personal interest in a particular area of court, prosecutors and investigative bodies;

- specialization and individualization of students' training in relation to the sphere of functioning of criminal justice system, which is most preferable and interesting for them.

An important task is to ensure the practical orientation of Masters training to acquire additional knowledge and skills that would allow more efficiently solve tasks of an analytical, methodological, organizational, control and administrative nature. It is necessary to proceed from the fact that graduates of the course must have sufficient practical skills necessary for them to work in their specialty and not requiring additional training outside Masters training. Therefore, the practical training unit should be considered as a priority. To do this, it is necessary to integrate theoretical training with practical activities, orienting students to solving practical problems. Effective in this regard should be considered the case method in preparation and presentation of training courses.

Particular attention should be paid to developing skills in drafting enforcement documents in the field of activity of judges, prosecutors and investigators: sentences and court rulings; decisions, reports of suspicion, indictments and other procedural documents drawn up by investigator and prosecutor. Students should be prepared for independent adoption in a particular practical situation of a legal decision that would be legal, reasonable, motivated and properly executed.

In order to gain practical skills and test the knowledge gained in the field of activity of a judge, prosecutor and investigator, students practice in public and private law entities that carry out law enforcement activities, in particular, in courts, prosecutors, advocates, notaries, law enforcement agencies. A sufficient number of ECTS credits should be directed to the formation of practical skills in specialty 081 “Law” in the process of practical training. For example, Masters training of Yaroslav Mudryi National Law Academy of Ukraine provides job training of 4 ECTS credits (120 hours).

At least 35% of the educational program should be aimed at providing general and special (professional) competencies. Given the close relationships between the professions of judges, investigators and prosecutors in criminal justice system, emphasis should be placed on multidisciplinary nature of curriculum, allowing for the general and specific features of different legal professions to be taken into account. As a result, graduates of Masters training on specialization “Activities of Prosecutor and Investigator” should have a system of subject competencies in the field of judicial, prosecutorial and investigative activities, allowing them to work effectively in the field of criminal justice and have competitive advantages among other applicants for relevant positions.

The integral competency that Masters training graduate must master is the ability to solve complex specialized problems and practical problems in the field of professional legal activity, which provides for application of legal doctrines, legal principles, legal norms, research and innovation, and is characterized by complexity and uncertainty of conditions.

The *General Competency System* (GC), which a Masters training graduate should own, in particular, provides for:

GC 1. The ability to reflect critically on social and industry processes and phenomena.

GC 2. The ability to apply knowledge in practical situations.

GC 3. The ability to conduct research at an appropriate level.

GC 4. The ability to search, process and analyze information from various sources, including foreign ones.

GC 5. The ability to adapt and act in a new situation.

GC 6. The ability to communicate verbally and in writing in a foreign language, including professional field.

GC 7. The ability to generate new ideas (creativity).

GC 8. The ability to make informed decisions.

GC 9. The ability to communicate with representatives of other professional groups of different levels (with experts from other areas of knowledge / types of economic activity).

GC 10. The ability to work in an international context.

GC 11. The ability to develop and manage projects.

GC 12. The ability to organize and manage the professional development of individuals and groups.

As a result of the study of Masters training on specialization "Activities of Prosecutor and Investigator," a student must master such *professional competences* (PC) according to Standard of legal education of Ukraine:

PC 1. Know and understand the social purpose of professions of judge, prosecutor and investigator and substantive scope of their activities.

PC 2. Be able to solve problems of an innovative nature in activity of a judge, prosecutor and investigator.

PC 3. Produce new ideas about tactics and methods of implementation of powers assigned to them by judges, prosecutors and investigators, to take a creative approach to solve non-standard situations arising in their activities.

PC 4. Be able to find and make alternative decisions on issues arising in the process of activity of a judge, prosecutor, investigator.

PC 5. Be able to create and manage scientific projects and innovative products in the field of judicial, prosecutorial and investigative activities.

PC 6. Be able to carry out scientific research effectively in the field of organization and activities of court, prosecutor's office and law enforcement agencies, and to apply their results in practical activities of these bodies.

PC 7. Work in the interdisciplinary industry, using the knowledge and skills gained from studying other curricula, regarding the activities of a judge, prosecutor and investigator.

PC 8. Collect, analyze and summarize large amounts of information on the activities of a judge, prosecutor and investigator and assess it critically and constructively.

PC 9. Communicate in a foreign language using appropriate terminology in the subject matter of criminal justice.

PC 10. Be able to work in the field of international cooperation of the court, prosecutor's office and law enforcement agencies.

PC 11. Use computer networks and software in judicial and law enforcement activities.

PC 12. Be able to identify and use the various sources of information necessary to ensure the functioning of court, prosecutor's office and law enforcement agencies.

PC 13. Be able to critically assess the quality of the result of the professional activities of a judge, prosecutor and investigator and maintain it at a high level.

PC 14. Formulate their own opinion on the issues of judicial, prosecutorial and investigative activity and to present it reasonably.

PC 15. Perform continuous self-education and self-improvement.

PC 16. Make decisions in situations requiring a systematic, logical and functional interpretation of legal norms, as well as knowledge of the practice of their application by judges, prosecutors and investigators.

PC 17. Critically evaluate the effectiveness of representation and protection of the rights and interests of citizens and increase the level of their professional activity, including determining the direction of advanced training and professional training throughout life.

PC 18. Understand the standards of professional independence and responsibility of a judge, prosecutor and investigator, and the ability to adopt ethical standards of legal activity.

PC 19. To inform specialists and non-specialists in the field of law information, ideas, problems, solutions, personal experience and arguments.

PC 20. The ability to prepare independently draft regulatory legal acts, justify the social need for their adoption, to predict the results of their impact on relevant public relations.

PC 21. Prepare Independently draft acts of enforcement of a judge, prosecutor and investigator, including requirements for their legality, validity and motivation.

PC 22. Take direct and productive part in international cooperation in the field of criminal justice.

PC 23. Understand the conceptual framework for implementation of judiciary and the specifics of administering justice in Ukraine.

PC 24. The ability to use the tools of extrajudicial consideration and resolution of legal disputes.

PC 25. The ability to apply an interdisciplinary approach in assessing legal phenomena and law enforcement activities of judges, prosecutors and investigators.

As a result of the study of Masters training on specialization "Activities of Prosecutor and Investigator," the student must demonstrate the following *academic results* (according to Standard of legal education of Ukraine):

1) ability to solve difficult tasks and problems in the professional activity of a judge, prosecutor and investigator with the application of scientific research and innovation;

2) focus on topical problems of legal science in the field of judicial, prosecutorial and investigative activities;

3) know the methodology of scientific research in the field of criminal justice and to be able to apply it;

4) prove the epistemological legality of applying innovations in scientific research to the legal status of judges, prosecutors and investigators;

5) analyze the features of innovation in the field of criminal justice;

6) know the mechanisms for bringing the judicial and law enforcement systems of different states closer together in the context of globalization;

7) know the constitutional basis for the work of court, public prosecutor's office and law enforcement agencies;

8) to be able to interpret judicial, prosecutorial and investigative activities and experience as major components of legal practice;

9) know the mechanisms for assessing the effectiveness of legal practice in judicial, prosecutorial and investigative activities;

10) know the gnoseological and ontological bases of criminal justice law;

11) know the mechanism for resolving legal conflicts in the legal regulation of public relations in the field of criminal justice;

12) at a high technical and legal level, to prepare law enforcement acts of a judge, prosecutor and investigator;

13) be able to take organizational measures for interaction of a judge, prosecutor, investigator and other subjects of legal activity;

14) be able to apply scientific principles of legal management and making management decisions in the organization of the work of court, prosecutor's office and investigative bodies;

15) know the structure and standards of the profession of a judge, prosecutor and investigator and their role in society.

The effectiveness of Masters training on specialization “Activities of Prosecutor and Investigator” can be assessed on the basis of student’s actual achievement of learning outcomes characterizing: social and humanitarian

erudition, research skills, communication, professional self-organization and use of information technology; legal understanding; law enforcement.

Social and humanitarian erudition:

1. Assess the nature and nature of social processes and phenomena, and demonstrate an understanding of boundaries and mechanisms of their legal regulation.

2. Demonstrate a deep understanding of the current system of civilizational values and their relationship with legal values, principles and professional ethical standards of the profession of judge, prosecutor and investigator.

3. Collect and integrate analysis of materials from various sources, including digital, statistical, and test ones, and verify their authenticity using modern research methods.

Research skills:

1. Present your research on a legal topic using the primary sources and techniques of legal interpretation of complex problems emerging from this research.

2. The ability to determine the actual practical or scientific problem, conduct research to solve it, including the independent formation of the structure of such a study, its methodology and necessary sources.

Communication:

1. Know a foreign language (one of the official languages of the Council of Europe), using legal terminology correctly.

2. Have the skills of oral and written speech, demonstrating the ability to reasonably form their positions, the ability to oppose and give convincing arguments.

3. Take direct and productive part in the discussion of complex legal problems in the field of criminal justice and to form their own contribution to the final conclusions of such a discussion.

4. Take an active and effective part in the discussion of theoretical and applied research results in the field of criminal justice and form their own contribution to the results of such a discussion.

Professional self-organization and use of information technology:

1. Effectively process and use information obtained from reliable sources for conducting scientific research and practical activities in the field of criminal justice.

2. Demonstrate the ability to generate new ideas and use modern technology in the activities of judges, prosecutors and investigators.

Legal Understanding:

1. Demonstrate knowledge of the main modern legal doctrines, values and principles of law functioning in the context of interaction of international law and international legal systems with the legal system of Ukraine.

2. Demonstrate an understanding of interpretation methodology and features of application of public, private and criminal law institutions in the field of criminal justice.

3. Conduct a comparative legal analysis of individual law institutions of various legal systems, including the relationship of the European Union law system with the legal system of Ukraine.

Enforcement:

1. Show in-depth knowledge of the practice of applying of some legal institutions by a judge, prosecutor and investigator.

2. To substantiate the legal position at various stages of law enforcement in the field of criminal proceedings.

3. Demonstrate basic skills in performing the procedural functions of a judge, prosecutor, investigator.

4. To take direct and productive participation in the development of draft regulatory legal acts, to justify the social conditioning of their adoption, to predict the results of their impact on relevant social relations.

5. Independently prepare draft law enforcement acts in various areas of professional activity of a judge, prosecutor and investigator.