

Judicial reform

Background

Trust in the judiciary [hit](#) a record low in 2015, bottoming out at 3%. The next year, then-President Petro Poroshenko launched a series of judicial reforms intended to improve the level of trust, including rebuilding the Supreme Court from scratch, implementing qualification assessments to evaluate the professionalism and integrity of judges in lower courts, considering outsiders for judicial posts and even broadcasting job interviews for new judges online. However, the reforms promised under Poroshenko were barely implemented. The competition for new judges was never properly held, and judges with questionable reputations and integrity not only continued to submit rulings but also completely took over judicial institutions.

It should be acknowledged that the current composition of the Supreme Court is not a result of a transparent, trusted selection process. Moreover, once tainted judges make it to the Supreme Court, it is almost impossible to investigate them or bring liability to alleged misdeeds revealed during their selection.

The High Council of Justice is responsible for conducting disciplinary cases against judges, and the body has already turned a blind eye to violations by greenlighting corrupt candidates for the Supreme Court.

To ensure that Supreme Court selection is not manipulated and the court is cleaned of tainted judges, there must be proper safeguards. These are to be established by the new High Qualification Commission of Judges.

Timeline

The Supreme Court wants to bury the judicial reform with the CCU's help

08.10.2021

Today, on October 8, the Plenum of the Supreme Court considered the appeal of the High Council of Justice regarding unconstitutionality of the judicial reform. Judges of the Supreme Court (SC) decided to appeal to the Constitutional Court of Ukraine (CCU). This means the beginning of the abolition of the judicial reform. The appeal was [...]

Council of Judges blocked the reform of the High Council of Justice

13.09.2021

At a meeting held on 13 September, members of the Council of Judges refused to delegate their representatives to the Ethics Council, which is tasked with checking the integrity of the HCJ members. This means that the Council of Judges, controlled by the judicial mafia, is sabotaging judicial reform. Judicial reform envisages the establishment of [...]

The chance for real judicial reform: The Rada supported cleansing of the High Council of Justice

14.07.2021

On Wednesday, July 14, the Verkhovna Rada supported draft law No.5068 on the reform of the High Council of Justice by 259 votes. It provides for a review of the integrity of the HCJ members, and also changes the procedure for bringing judges to disciplinary responsibility. The main advantage of the law is that it provides for relaunch of the HCJ with the participation [...]

The Parliament voted for the relaunch of the High Qualifications Commission of Judges: what to follow before signing of the law

29.06.2021

The Verkhovna Rada voted in the second reading on draft law No. 3711-d, which relaunches the High Qualifications Commission of Judges (HQCJ). The Parliament supported a key amendment on the decisive role of international experts, however, it is important that the text of the amendment be reflected in the final version of the law. Before [...]

The key to judicial reform: what Venice Commission said about the reform of the High Council of Justice

14.05.2021

Originally published on EP On May 5, the Venice Commission (VC) issued an urgent opinion on draft law No.5068 on the reform of the country's main judicial body - the High Council of Justice (HCJ). The next day, the EU Ambassador to Ukraine Matti Maasikas stated that the recommendations of the Venice Commission should be taken into account not only with [...]

Fake reduction of KDAC's powers: how Zelenskyi did the judge Vovk a favour

26.03.2021

Originally published on Liga.net The President Volodymyr Zelenskyi was asked to immediately submit to the Verkhovna Rada the draft law on liquidation of Kyiv District Administrative Court. The petition received a required number of votes and Zelenskyi instructed to begin consultations with the High Council of Justice. The same HCJ that covers the head of KDAC Pavlo Vovk. He [...]

Justice is not for everyone: the Rada gave the judicial reform into the hands of dishonest judges

04.03.2021

On Wednesday, March 3, Members of Parliament by 227 votes supported in the first reading the draft law №3711-d, which gives formation of new High Qualification Commission of Judges (HQCJ) into hands of the unreformed High Council of Justice (HCJ). The HQCJ is judicial body that is responsible for selection and evaluation of judges. The HCJ, [...]

Zelenskyi's judicial reform: there will be no cleaning of courts

22.02.2021

Halyna Chyzhyk, Mykhaylo Zhernakov, Kateryna Butko for UP The President Zelenskyi announced another judicial reform. On February 13, the press service of the Presidential Office announced that the head of state was submitting to the Verkhovna Rada the draft law on checking the integrity of members of the High Council of Justice (HCJ). This reform concerns commitments of Ukraine [...]

The Venice Commission called on immediate reform of the HCJ and criticized Zelenskyi's judicial draft law

09.10.2020

On October 9, the Venice Commission approved its opinion regarding draft law of the President No. 3711 on judicial reform introduced by Volodymyr Zelenskyi in June this year. Experts of the Venice Commission made a number of critical remarks regarding new procedure of formation of the High Qualification Commission of Judges (HQCJ) and stressed on the importance of immediate [...]

The CSOs demand the President Zelenskyi to initiate the liquidation of Kyiv District Administrative Court

21.07.2020

On July 17, the NABU and the SAPO announced suspicions to judges of Kyiv District Administrative Court and their associates with a number of charges. Published materials once again proved that activities of this court have nothing to do with impartial and fair justice, and powers granted to the court are used to influence other authorities and meeting [...]

Analysis of Zelenskyi's draft law on judicial reform: it contradicts Memorandum with IMF and gives full control to the HCJ

22.06.2020

On June 22, the President registered draft law № 3711 on amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and some laws of Ukraine on the activities of the Supreme Court and judicial governance. However, the draft law completely contradicts the requirements of the International

Monetary Fund, which are agreed on [...]

Statement - Real judicial reform is impossible without high-quality restart of the High Council of Justice

13.05.2020

NGOs insist the need for the judicial reform and call upon the reboot of the High Council of Justice, which is the major obstacle to cleansing and renewal of the judiciary In recently released film about the first year of his presidency, Volodymyr Zelenskyi stated that the judicial system in Ukraine needs a complete restart; despite the fact that there are many honest and [...]

Abolition of Zelenskyi's judicial reform: analysis of the decision of Constitutional Court

12.03.2020

On March 11, the Constitutional Court of Ukraine cancelled the judicial reform of Volodymyr Zelenskyi. In fact, according to the court's decision, it declared unconstitutional the most important changes that should have been aimed at reforming bodies of the judicial self-governance. Thus, on October 16, 2019, the Verkhovna Rada voted in favour of the judicial reform [...]

Zelenskyi's judicial reform: the HCJ finally failed the restart of the High Qualification Commission of Judges

14.01.2020

Today, January 13, is the last day to submit applications to the competition to the High Qualification Commission of Judges (HQCJ). However, the deadline to delegate international experts to the Competition Commission, which should have selected new members of the HQCJ, had expired already on January 2. International experts refused to legitimize imitation of the [...]

Anti-corruption experts: Trust in Ukraine's judiciary remains low

20.11.2019

Originally published in KyivPost Trust in the judiciary hit a record low in 2015, bottoming out at 3%. The next year, then-President Petro Poroshenko launched a series of judicial reforms intended to improve the level of trust, including rebuilding the Supreme Court from scratch, implementing qualification assessments to evaluate the professionalism and integrity of judges in lower [...]

Is Ukraine's new judicial reform a step forward?

24.10.2019

Originally published by Atlantic Council On October 16, the Ukrainian parliament approved a bill that cleans up the country's judicial governance bodies. It was a high priority of the new president. But is it

really a step forward? The short answer is more yes than no. The bill offers several progressive features based on Ukraine's experience with [...]

Documents

MFA

The authorities will strengthen the independence, integrity and effective functioning of the judiciary, taking into account the opinions from the Venice Commission, including through legislative amendments, to ensure: a) the creation of a new High Qualification Commission of Judges of Ukraine through transparent selection procedure conducted by a Selection Commission with international participation; and b) the creation of an Ethics Commission with international participation, which would have the mandate to 1) carry out a one-time assessment of the integrity and ethics of members of the High Council of Justice and recommend their dismissal to the electing (appointing) authorities in those cases where the members of the High Council have been found non-complying with the standards, and 2) establish a pool of pre-selected candidates from which the electing (appointing) authorities for members of the High Council of Justice, will draw their nominations.

Full doc:

IMF

We will strengthen the rule of law, by ensuring the independence, integrity and accountability of the judiciary.

Full doc: <https://www.imf.org/~media/Files/Publications/CR/2020/English/1UKREA2020001.ashx>