

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

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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 consideration of the law, the US Embassy and the EU Delegation issued a joint statement emphasizing that international experts should have a decisive voice in the establishment of key judicial bodies (for the HCQJ and the HCJ) and the selection of the NABU Director.

It should be noted that on June 8, during at the Democracy in Action conference co-organized by the AntAC, the President of the Venice Commission Gianni Buquicchio [stated](#) that the Venice Commission did not support draft law No. 3711-d, recommended by the committee for second reading on April 28.

They made it clear that the participation of the independent international experts is the only way to carry out real judicial reform and called on the Ukrainian authorities to keep their promises to society and their commitments to international partners.

Therefore, the MPs supported the amendment No. 453 suggested by the MP Anastasia Radina of the Servant of the People, which stipulates that the decisions of the selection commission are adopted by a majority vote, provided that at least two independent experts nominated by international partners is supported such a decision; in case of impossibility to make a decision by a majority of votes, the decision is considered to be adopted if it is supported by at least two independent experts.

In turn, MPs of the Legal Policy Committee tried to advance the provision, which would have given judicial clans a key role in the formation of the HCQJ. Formed under such rules, the HCQJ would have been able to quickly fill vacancies by appointing non-professional judges of doubtful integrity.

The adopted version of the law contains an amendment of the Chairman of the Committee Andriy Kostin, which states that the decisions of the selection commission are made by a majority vote, subject to the support of at least two independent experts and two judges. This means that the judges of the selection commission will be able to block any decisions.

“Ultimately, the question of who will get a decisive vote in the formation of the HCQJ (independent international experts or judicial clans), will be resolved during the so-called “technical and legal editing of the law”, when Radina’s wording on the crucial role of international experts should replace provisions that level the role of international experts suggested by Kostin,” comments AntAC’s judicial expert Halyna Chyzhyk.

We would like to remind that in March, 2021 the parliament approved draft law No.3711-d in the first

reading about relaunch of the HQCJ - the body which will be responsible for selection of more than 2000 judges for vacant positions in courts across Ukraine. The same number of current judges are awaiting integrity checks. In April, the committee drafted the draft law for the second reading, but it completely leveled the role of international experts in the selection of the HQCJ. This contradicts both the recommendations of the Venice Commission and Ukraine's agreements with international partners - the EU and the US, as well as puts at risk the program with the IMF. Civic organizations also [called](#) for further amendments of the draft law.