



USAID
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April – June 2018

USAID New Justice Program Newsletter

Legislative and Other Rule of Law News

Law on High Anti-Corruption Court Adopted

On June 7, 2018, the Parliament adopted the Law on High Anti-Corruption Court (HACC) No. [2447-VIII](#) by 315 votes. The law was later signed by the President and published in the official edition “Holos Ukrainy”. On June 14, 2018, the law came into force. The law created the legislative framework for operations of the HACC and selection of the HACC judges. On June 21, 2018, the Parliament adopted the Law on the Establishment of High Anti-Corruption Court (No. [2470-VIII](#)), which launched the HACC. The law came into force on June 28, 2018.

High Qualifications Commission of Judges Recommends Transferring Judges of Supreme Court of Ukraine and Higher Courts to Lower Courts

The High Qualifications Commission of Judges (HQC) started to recommend transferring judges of the Supreme Court of Ukraine and higher courts on a non-competitive basis to the same or lower instance courts. As a result, in May-June, the HQC decided to recommend transferring 12 justices of the Supreme Court of Ukraine, 15 judges of the High Administrative Court, two judges of the High Specialized Court and 33 judges of the High Commercial Court to judicial positions in trial and appellate courts.

High Qualifications Commission of Judges Continues the Qualifications Evaluation of Trial and Appellate Courts' Judges

On June 26, 2018, the High Qualifications Commission of Judges (HQC) published interim results of the qualifications evaluation of trial and appellate courts' judges on their adequacy for judicial office, which started in October 2017. The HQC completed qualifications evaluation of 994 judges and confirmed eligibility of 805 judges. The other 189 judges are to be or have already been dismissed from office. The HQC also submitted, to the High Council of Justice (HCJ), recommendations to appoint 242 judges, who successfully completed their evaluations and whose five-term of office had expired before enactment of the Law on Amendments to the Constitution of Ukraine (Regarding Justice). On June 18, 2018, the HCJ started consideration of the HQC's recommendations to appoint these judges to judicial positions in trial courts, which will allow to resume and/or reduce the workload of such courts. The HQC continues qualifications evaluation to cover all 5,157 trial and appellate courts' judges. The evaluation procedure consists of an exam (an anonymous written test and a case study), psychological tests, study of judge's dossier, and an interview.

Draft Law on Amending the Law on the Judiciary and Status of Judges (Regarding Military Courts) Was Registered in the Parliament

On May 22, 2018, the draft Law on Amending the Law on the Judiciary and Status of Judges (Regarding Military Courts) (No. [8392](#), author – MP Vitalii Kuprii) was registered in the Parliament. The draft law proposes to introduce military courts into Ukraine's court system, which entails amending a number of provisions of the Law on the Judiciary and Status of Judges in order to provide the legal framework for the functioning of military courts. According to the draft, military courts are called upon to consider administrative and criminal cases, along with cases involving administrative offences committed by military servicemen. Military courts were liquidated in 2010 because they were not in line with the judicial independence principle and violated the European Convention on Human Rights.

New Justice Program Updates

Orientation Meeting for the Newly-Elected Members of the Council of Judges

On April 11, 2018, the USAID New Justice Program, jointly with the Canada-Ukraine Support for Judicial Reform Project, supported the Council of Judges in conducting an orientation meeting for its newly-elected members. Participants of the event learned about the past achievements of the international donor projects and discussed the needs and priorities of the Council of Judges in order to plan further cooperation. The meeting agenda included court related issues of communications, public outreach, performance evaluation, gender equality, judicial administration, judicial ethics, and conflict of interest. As a result, members of the Council of Judges identified areas of further cooperation, which would include introduction of rules of judicial ethics through implementation of an online tool for judges to receive information on ethical dilemmas, application of recommendations to improve the courts' public outreach and communications, revision of the Rules of Conduct for Court Staff, evaluation of court performance using methods developed by the program, and assessment of introduction of gender equality principle in Ukraine's judicial system, using the Gender Sensitivity Index of the Judiciary developed by the program.

USAID New Justice Program Conducted the Third Meeting of Its Stakeholder Advisory Group



Participants of the third meeting of the USAID New Justice Program Stakeholder Advisory Group on June 13, 2018 in Kyiv. PHOTO: USAID New Justice Program

On April 13, 2018, the USAID New Justice Program (New Justice) in cooperation with OSCE Project Coordinator in Ukraine and Government of Canada conducted the third meeting of its Stakeholder Advisory Group (SAG). The SAG's role is to define and review the high-level outcome indicators, which were developed using international tools that evaluate justice sector performance, and to provide roadmaps to New Justice and its Ukrainian beneficiaries based on the analysis of the New Justice monitoring and evaluation data. During the meeting, the group members learned about the results and conclusions of the first trial monitoring program and discussed the drafts of new methodologies to be used to measure public trust in the judiciary. They also reviewed the results of the national surveys of court staff and legal professionals, who work in courts but are not court employees, and participated in the second annual expert survey of SAG members

regarding judicial independence and accountability in Ukraine, using the European Network of Councils for Judiciary indicators. SAG includes representatives of the Ukrainian government institutions – partners of New Justice, international donor programs and projects, and civil society organizations active in the justice sector reform.

USAID New Justice Program Supported Ukrainian Catholic University Rule of Law Center in Conducting Rule of Law Public Lectures



The USAID New Justice Program continued to support the Ukrainian Catholic University (UCU) Rule of Law Center in conducting the rule of law lectures in Lviv and Kyiv. On April 18, 2018, Professor Victoria Pratt of the Rutgers University School of Law, former Chief Judge of the Newark Municipal Court in Newark, New Jersey, U.S., delivered her lecture "[Procedural Justice and Respect for Case Participants as a Way to Foster Public Trust in the Judiciary](#)". On May 24, 2018, Judge Timothy Tymkovich, Chief Judge of the Tenth Circuit Court of Appeals, delivered his presentation "[Judicial Leadership as a Means to Ensure Public Trust in the Judiciary](#)". The events helped raise public awareness about crosscutting issues related to the rule of law in the context of procedural justice as well as the role of leadership of a judge in enhancing public trust in the judiciary.

Roundtable Discussion “Role of Court and Community in the Context of Restorative Justice, Alternative Sentencing and Effective Resocialization”

On April 18, 2018, the USAID New Justice Program jointly with the Interdisciplinary Coordination Council on Juvenile Justice of the Ministry of Justice (MOJ) conducted a roundtable discussion “Role of Court and Community in the Context of Restorative Justice, Alternative Sentencing, and Effective Resocialization”. The program expert, Professor Victoria Pratt of the Rutgers University School of Law, former Chief Judge of the Newark Municipal Court in Newark, New Jersey, U.S., delivered her presentation on “Juvenile Courts and Disciplinary Responsibility in Schools” and shared her experience of how the Newark community built a child-friendlier court system using tools of restorative justice. Professor Pratt also explained the types of alternative sentencing to deprivation of liberty that the Newark judges used for juveniles and what criteria the judges considered when determining the sentence that best fits the juveniles’ interests.

Conference “Effective Delivery of Justice as a Means to Increase Public Trust and Confidence in the Judiciary”



Artscribers reflect the essence of the conference “Effective Delivery of Justice as a Means to Increase Public Trust and Confidence in the Judiciary” on April 19-20, 2018 in Kyiv.
PHOTO: USAID New Justice Program

On April 19-20, 2018, the USAID New Justice Program jointly with the High Council of Justice, the Council of Judges, and the State Judicial Administration held a conference on the “Effective Delivery of Justice as a Means to Increase Public Trust and Confidence in the Judiciary”. The conference goal was to explore the key components shaping the public perception of the judiciary and assess their impact on the level of public trust and confidence in the judiciary; to emphasize the importance of effective communications of achievements of the judicial reform; to discuss ways of building a constructive dialogue between the courts and the media and of developing effective public outreach by courts to the communities; and to outline recommendations on how to advance the use of modern communications strategies and tools in communicating the judicial reform and promoting

greater public trust. Participants of the event learned from the experience of the U.S., British, and Moldovan experts and discussed factors that impact the level of public trust in the judiciary and the role that the court and media interaction plays in forming the public perception of the judiciary. They also learned about challenges associated with the production of popular TV programs about courts and how to use the social media to make the judiciary open and transparent. In addition, the agenda contained sessions regarding judicial robes (with a display of a variety of judicial robes from various jurisdictions), architecture of courthouses, and impact of emotions on the judicial performance and public perception of judges. Participants who attended the event included representatives of judicial institutions and courts, civil society, law schools, think tanks, professional legal associations, media, as well as architects, screenwriters, communication experts, and international donor organizations active in the rule of law reform and development of independent media in Ukraine.

Conference materials

Online streaming record: [day 1](#); [day 2](#)

Media partners – LIGA:ZAKON and PRAVO.TV

Read more here: [day 1](#); [day 2](#)

Conference “Legal Education Quality Assurance, University Autonomy and Academic Freedom in Preparing Legal Professionals for the 21st Century”

On April 24-25, 2018, the USAID New Justice Program and OSCE Project Co-ordinator in Ukraine supported the Ministry of Education and Science and the Ministry of Justice in conducting a conference on “Legal Education Quality Assurance, University Autonomy and Academic Freedom in Preparing Legal Professionals for the 21st Century”. In his welcoming remarks George Kent, Deputy Chief of Mission, U.S. Embassy in Ukraine, stated “The Revolution of Dignity four year ago was Ukrainian society’s clear call for a one justice for all. Without justice, there is no dignity. Preparing high quality and effective judges, lawyers, and prosecutors, acting with integrity, in pursuit of justice, is critical to meet the expectations of Ukrainians who have fought and unfortunately died for the right to a better future for Ukraine. It is equally important to attract international

investment, as it creates jobs and protects Ukraine's prosperity in the future." During the conference, the Ukrainian government officials, representatives of leading Ukrainian and foreign law schools, international experts, and opinion leaders in academia, legal community, and civil society discussed the autonomy of high educational establishments in its close relation to improving general quality of the legal education and enhancing access to the regulated legal professions; learned the methodology and best practices to assure quality of the legal education, and deliberated on modern trends and innovations in the legal education. The discussions resulted in the recommendations on the ways to promote the legal education reform in line with international and European standards.

[Conference materials](#)

Online streaming record: [day 1](#), [day 2](#)



Participants of the conference on ensuring quality of legal education on May 24-25, 2018 in Kyiv. PHOTO: USAID New Justice Program

Chief Judge Leadership Training "Character, Credibility, and Leadership"



Participants of the training "Character, Credibility, and Leadership" on May 22, 2018 in Lviv. PHOTO: USAID New Justice Program

On May 22-24, 2018, the USAID New Justice Program supported the National School of Judges in conducting a training seminar for chief judges of Ukrainian courts titled "Character, Credibility, and Leadership".

Dr. Maureen Conner, Professor of Michigan State University, moderated and led the event. Other presenters invited by the program included Chief Judge Timothy Tymkovich, United States Tenth Circuit Court of Appeals, and Justice Hanna Vronska, Supreme Court. The participants considered leadership components in the context of a current status of the Ukrainian justice system, familiarized themselves with international studies of leadership characteristics and perception thereof, and learned how to formulate a common vision of court development, ensure efficient in-house cooperation, and develop a working environment which would

facilitate implementation of innovations and new ideas in order to improve court performance.

"To Be a Judge" Training Course for Judicial Candidates and Newly Appointed Judges Was Piloted

On May 23-24, 2018, the USAID New Justice Program, jointly with the National School of Judges, piloted a new training course for judicial candidates and newly appointed judges "To Be a Judge" at the Lviv Oblast Appellate Court. The judges from five western regions of Ukraine (Lviv, Zakarpatska, Volyn, Rivne, and Ivano-Frankivsk) took part in the pilot testing exercise. The event was intended to update the quality of training materials based on proposals of the event participants, who have practical experience of working in the judge capacity. At the program's invitation, Timothy Tymkovich, the Chief Judge of the United States Tenth Circuit Court of Appeals, made a presentation and shared his experience of how he started his career as a judge. The new training course covers the following topics: priorities and challenges of the judicial profession, judicial values, judge's ethical aspects,



Chief Judge of the U.S. Tenth Circuit Court of Appeals Timothy Tymkovich during piloting a new training course "To Be a Judge" on May 23, 2018 in Lviv. PHOTO: USAID New Justice Program
PHOTO: USAID New Justice Program

reputation, charisma, communication skills, etc. The National School of Judges plans to introduce this course in September.

International Conference “Community Centers for Promoting Access to Justice: International Experience and Opportunities for Ukraine”

On May 30-31, 2018, the USAID New Justice Program held an international conference titled “Community Centers for Promoting Access to Justice: International Experience and Opportunities for Ukraine”. Community Justice Centers (CJCs) are a new for Ukraine model of cooperation of the judiciary, the entire justice sector, and the public. Many countries in the world successfully employ the model. CJCs can provide citizens with a wide range of services, such as legal aid, alternative dispute resolution, public education, etc. They can also support public initiatives aimed at improving performance of courts and other government institutions in the justice sector, expanding access to justice, and solving community problems such as street crime, domestic violence, human trafficking, etc. CJCs help build public trust and confidence in the judiciary by means of providing great opportunities for cooperation between courts, judges, and officials in the judicial system, on the one hand, and public representatives, on the other. The program invited CJC representatives from the United States and Singapore, as well as international experts with experience in establishment and operation of CJCs in Central American countries, to share their experience of establishing and operating CJCs as an efficient mechanism to ensure access to justice and improve lives of the communities. The participants discussed best practices and lessons learned by CJCs in various countries and selected the models to follow in Ukraine. In addition, Ukrainian partners of the USAID New Justice Program working on development of the CJC concepts for Ukraine presented such concepts for discussion and received recommendations from foreign experts. The participants included representatives from the High Council of Justice, Supreme Court, Ministry of Justice, Council of Judges, State Judicial Administration, National School of Judges, local and appellate courts, local governments, law schools, non-government organizations, and international donors and programs assisting Ukraine with reforms of the judiciary, judicial proceedings, and other related institutions.

[Conference materials](#)

Online streaming record: [day 1](#); [day 2](#)

USAID Supported “I HAVE A RIGHT!” Festival Dedicated to Child Rights Protection Day in Kyiv



Visitors of the festival participate in the competition “Getting Acquainted with Court” on June 3, 2018 in Kyiv. PHOTO: USAID New Justice Program

On June 3, 2018, the festival I HAVE A RIGHT! was held in Kyiv celebrating Child Rights Protection Day with the support of the USAID New Justice Program and UNICEF. The festivities both for children and adults were organized by the Ministry of Justice (MOJ) in cooperation with the Kyiv City State Administration, Coordination Center of Legal Aid Provision, MOJ Territorial Department in Kyiv City, Kyiv Palace for Children and Youth, National Police, Kyiv Shevchenko National University, and civil society organizations. USAID Regional Mission Director Susan Fritz took part in the festival. “We acknowledge government and civil society efforts to raise public awareness about children’s rights and to provide access to legal services to protect those rights,” emphasized Susan Fritz. “Thanks to such festivals children can see that justice and protection of rights are not some incomprehensible and abstract words. This is what concerns each of

them. After all, when a child, from the very moment of birth, is aware of what a right is and how to protect it, it gives us a chance to build a strong, democratic, and law-governed state,” said Minister of Justice Pavlo Petrenko. During the festival, quests, games, and competitions, as well as master classes, free legal aid consultations, lectures on children’s rights, and movie shows on legal topics were held at 15 locations for children and adults. The USAID New Justice Program jointly with the Sumy NGO Legal Communications Bureau held a competition “Getting Acquainted with Court”. In addition, winners of the All-Ukrainian Children's Drawing Competition “I HAVE A RIGHT!” received awards and letters of credits.

International Conference “Interpretation and Application of the Rule of Law in the European Union and Ukraine”

On June 8, 2018, the USAID New Justice Program, jointly with the Ukrainian Free University (Munich, Germany) and Ludwig Maximilian University (Munich, Germany), conducted an international conference titled “Interpretation and Application of the Rule of Law in the European Union and Ukraine”. The conference continued the discussion that began in Munich earlier in February and aimed at improving understanding of the rule of law principle as a basis of a democratic society. Supreme Court Justices, Judges of the Constitutional Court of Ukraine, representatives of judicial institutions (High Council of Justice, Council of Judges, High Qualifications Commission of Judges, and National School of Judges), Parliament, Ministry of Justice, civil society, law schools, think tanks, and professional legal associations, as well as international experts discussed challenges related to interpretation of the rule of law in the European Union and practical aspects of application of the rule of law in general jurisdiction courts, constitutional adjudication, and enforcement procedures.

[Conference materials](#)
[Read more here](#)

18 Leadership Teams from Ukrainian Courts Received Training on Effective Court Management

On June 12-14, 2018, the USAID New Justice Program provided support to the National School of Judges and the State Judicial Administration in holding a training seminar designed to strengthen leadership teams within Ukrainian courts. 18 leadership teams, consisting of chief judges and court administrators, were trained in efficient team work when administering courts. Michigan State University assisted in the development of this event, utilizing their 20+ years of experience in training regarding various aspects of court management. The training was administered by the University lecturers, Professor Dr. Maurine Konner and Associate Provost Theodore H. Curry, who developed and implemented professional development programs for judges and court staff members in many countries. Prior to the seminar, the participants underwent training under court administration program for 120 court administrators and leadership program for 80 chief judges. These programs were also developed and conducted with support from USAID and engagement of the National School of Judges, State Judicial Administration, and Michigan State University. Now, the trainees gained new knowledge and improved their skills in developing managerial relationships, leadership, team motivation, change-oriented strategic planning, and innovations implementation. Besides, they generated innovative ideas of enhancing court administration.

USAID Supported Innovations in Administration of Justice

On June 20, 2018, USAID New Justice Program’s grantee Court Management Institute (CMI) presented the results of a pilot initiative measuring how Ukraine’s courts comply with European standards for the quality of justice. CMI, with USAID support, applied a checklist on the efficiency of the judiciary created by the Council of Europe’s Commission for the Efficiency of Justice to more than 100 courts and four territorial departments of the State Judicial Administration. The checklist measured compliance with European quality standards related to leadership, court administration and management, public outreach and communications, and public trust and confidence. The exercise showed judicial officials where the court system is currently working well, including providing access to court decisions online, conducting court user satisfaction surveys, and having codes of conduct for both judges and court staff in place. It also identified areas to improve the quality of work by the courts, such as increasing timeliness in conducting court hearings, offering more training opportunities for court staff, and making court information available in other languages.

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