



November 2017 – January 2018

USAID New Justice Program Newsletter

Legislative and Other Rule of Law News

New Supreme Court Started Operations

On November 10, 2017, President Poroshenko signed Decree No.357/2017 on the appointment of the 113 justices to the four cassation courts with the new Supreme Court (SC), and on the next day, the justices took the oath of office. On November 30, 2017, the first Plenary Meeting of the SC was held to decide on organizational issues related to the beginning of its activities. In particular, the justices elected Justice Valentyna Danishevskaya to the position of the Chief Justice, and Justice Bohdan L'vov to the position of the Deputy Chief Justice. Besides, the Plenary Meeting approved the SC Strategy, Rules of Procedures, Regulation on the SC Apparatus, Organizational Structure and Staff List. On December 15, 2017, the new Supreme Court started its operations. As from this date, the Supreme Court of Ukraine, the High Specialized Court of Ukraine in Civil and the Criminal Cases, the High Commercial Court of Ukraine, and the High Administrative Court of Ukraine terminate their activity and are to be liquidated in accordance with the law.

14th Extraordinary Congress of Judges Appointed Victor Horodovenko to the Constitutional Court of Ukraine

On November 13, 2017, the 14th Extraordinary Congress of Judges appointed Victor Horodovenko as a judge of the Constitutional Court of Ukraine. Prior to his appointment, Horodovenko served as the Chief Judge of the Zaporizhzhia Oblast Court of Appeals. The Congress also approved the new version of the Rules of Procedure for Appointment and Dismissal of Judges of the Constitutional Court of Ukraine. However, the Congress did not reach consensus over electing two more members of the High Council of Justice as prescribed by the Law on Judiciary and Status of Judges. Therefore, the 15th ordinary Congress of Judges of Ukraine, which is planned for March 2018, will get back to this issue. The 15th ordinary Congress of Judges of Ukraine will take place from March 5 to 7, 2018 in the October Palace in Kyiv. The Council of Judges (COJ) approved the preliminary Agenda for the Congress to be considered by the Congress, that includes the following agenda items: report of the COJ, High Council of Justice (HCJ) and State Judicial Administration leadership, election of the HCJ members, election of the High Qualifications Commission of Judges members, and election of the COJ.

President Poroshenko Approved National Legal Awareness Project "I HAVE A RIGHT!"

On November 14, 2017, the President signed Decree No. 361/2017 "On Declaring 2018 in Ukraine as a Year of "I HAVE A RIGHT! Legal Awareness Project Implementation". According to the Decree, the Cabinet of Ministers approves the national action plan, local administrations develop and implement regional action plans regarding the project's activities; and the Ministry of Justice (MOJ) is responsible for monitoring the project implementation. The USAID New Justice Program supports the MOJ in I HAVE A RIGHT! project development and implementation.

New Procedural Legislation Officially Published

On November 28, 2017, the Law on Amending Commercial Procedural Code, Civil Procedural Code, Code on Administrative Adjudication and Other Legislative Acts (No. 2147) was officially published in the Holos Ukrainy (Voice of Ukraine) newspaper. According to the Transitional Provisions of the Law, it came into force on the day the Supreme Court started its operation i.e. on December 15, 2017. Earlier, on November 22, 2017, [President](#)

[Poroshenko signed the Law on Amending the Commercial Procedural Code, Civil Procedural Code, Code on Administrative Adjudication and Other Legislative Acts \(No. 6232\)](#). The Law was adopted on October 3, 2017.

Draft Laws on the High Anti-Corruption Court Submitted to the Parliament

On December 22, 2017, President Poroshenko submitted to the Parliament the draft Law on the High Anti-Corruption Court ([No. 7440](#)) and draft Law on Amending the Law on the Judiciary and Status of Judges with Respect to the Adoption of the Law on the High Anti-Corruption Court ([No. 7441](#)). These drafts aimed at the implementation of the provisions of the Law on the Judiciary and Status of Judges regarding the establishment of the High Anti-Corruption Court of Ukraine. While the draft laws have some positive elements, overall, the recommendations of [the Venice Commission's Opinion on the High Anti-Corruption Court \(No. CDL – AD \(2017\) 020\)](#) and the Working Group of donors, international experts and the CSOs Common Understanding on the Basic Principles for Establishing the High Anti-Corruption Court in Ukraine (May 2017) were ignored. Later, in December and January, six more draft laws on the establishment and functioning of the High Anti-Corruption Court (HACC) were submitted to the Verkhovna Rada: draft Law on Amending the Law on the Judiciary and Status of Judges ([No. 7440-1](#), author - MP Valerii Pysarenko); draft Law on High Anti-Corruption Court ([No. 7440-2](#), author - MP Serhii Kaplin); draft Law on High Anti-Corruption Court ([No. 7440-3](#), authors - MPs Olena Sotnyk, Viktoriya Voytsytska, Roman Semenukha, Yaroslav Markevych, Oleksandr Opanasenko and Iryna Podolyak); draft Law on High Anti-Corruption Court ([No. 7440-4](#), author - MP Igor Lutsenko); draft Law on Amending the Law on the Judiciary and Status of Judges with Respect to the Adoption of the Law on High Anti-Corruption Court ([No. 7441-1](#), authors - MPs Olena Sotnyk, Viktoriya Voytsytska, Roman Semenukha, Yaroslav Markevych, Oleksandr Opanasenko and Iryna Podolyak); and draft Law on Amending the Budget Code with Respect to the Adoption of the Law on High Anti-Corruption Court ([No. 7483](#), authors - MPs Olena Sotnyk, Viktoriya Voytsytska, Roman Semenukha, Yaroslav Markevych, Oleksandr Opanasenko and Iryna Podolyak). All these drafts are being considered and prepared by the Parliamentary committees and Main Scientific Expert Department for the first reading. The High Council of Justice will also review the draft laws, as prescribed by the Article 3 of the Law on the High Council of Justice, for the purpose of issuing a consultative opinion.

New Justice Program Updates

Orientation Training Program for Newly Appointed Supreme Court Justices

In November 2017, the USAID New Justice Program (New Justice), OSCE, Canadian Embassy, EU, and COE Projects supported the National School of Judges (NSJ) in conducting an eight-day orientation training program for 113 newly-appointed Supreme Court justices. New Justice presented each justice with a set of manuals and publications produced under the USAID FAIR Justice Project and New Justice, including tools and resources on such topics as Rule of Law, Human Rights, Judicial Opinion Writing, Commentary to the Code of Judicial Ethics, Judges' Book, Court and Community Communication, European and International Standards in Judiciary, etc. Within the framework of this orientation training program, New Justice also conducted a one-day training on judicial ethics and integrity. For this event, New Justice invited Justice José Fernando de Salazar Casanova Abrantes from Portugal to present topics on high ethical standards and conflict of interest. The event was aimed at instilling in new Supreme Court justices the importance of abiding by clear, high ethical standards on and off the bench and through judicial integrity strengthen the public's understanding, image, and support of the judiciary.



Newly appointed Supreme Court justices during the training on judicial ethics and integrity on November 20, 2017 in Kyiv.
PHOTO: USAID New Justice Program

Experts Discussed Ways of Improving Institution of Jury in Ukraine

On November 30, 2017, the USAID New Justice Program jointly with the State Judicial Administration (SJA) conducted a roundtable discussion on ways to improve institution of jury in Ukraine. Representatives of National Bar Association, SJA, Council of Judges, local self-governments, judges, academics, lawyers and local experts discussed difficulties with the formation of the jury body and their involvement in the process of administering justice, as well as the experience of other countries in jury selection and functioning to find the best fit for Ukraine. Roundtable recommendations for improving jury trial were developed for their further implementation at the legislative level.

International Conference “Judicial Administration as a Justice Reform Component”

On December 1, 2017, the USAID New Justice Program (New Justice), in partnership with the Ukrainian-Canadian Project “Support to Judicial Reform in Ukraine” and Council of Europe Project “Support to the Implementation of the Judicial Reform in Ukraine” supported the State Judicial Administration (SJA) and National School of Judges in conducting the international conference “Judicial Administration as a Justice Reform Component”. The conference aimed to discuss the current issues and potential venues for moving forward in the field of court administration development in Ukraine. New Justice conducted the session “International Trends in Judicial Administration” and used this opportunity to highlight the Council of Europe standards and best practices in judicial administration, importance of the evaluation of the performance of the courts and court service organizations, and the training of a highly competent cadre of court administrators, capable of implementing new and innovative solutions in the work of Ukraine’s courts.

New Justice Supported Ministry of Justice in Conducting All-Ukrainian Law Week

On December 5-9, 2017, the USAID New Justice Program supported the All-Ukrainian Week of Law organized by the Ministry of Justice. The events included free legal aid consultations at the exhibition-forum “Legal Professionals to Society”, and International Law Competition named after V.M. Koretskogo for law students. As a result, 600 citizens participated in the events and 200 received individual legal consultations.

Ukrainian Mediators Discussed Best Practices of Mediators’ Self-Regulation



Participants of the Conference “Self-Regulation for Mediation: from Standards to Expansion of Alternative Dispute Resolution in Ukraine” are developing standards for trainings of mediators on December 8, 2017 in Kyiv. PHOTO: USAID New Justice Program

The USAID New Justice Program (New Justice) is continuing to assist Ukrainian stakeholders with promoting a conflict resolution policy and developing a modern regulatory framework for Alternative Dispute Resolution (ADR) and mediation in particular. On December 8, 2017, New Justice, jointly with National Association of Mediators of Ukraine, conducted a conference [“Self-Regulation for Mediation: from Standards to Expansion of Alternative Dispute Resolution in Ukraine”](#). During this conference, New Justice experts Tetyana Kyselova (Ukraine) and Alesh Zalar (Slovenia) presented the best practices and lessons learned of the EU and post-soviet countries regarding mediators’ self-regulation. Participants - mediators and dialogue facilitators from different parts of Ukraine - started to develop a joint vision and consolidated approach to accreditation procedure, selection, and trainings of mediators, monitoring of their activities and continuous trainings, etc.

Community Justice Centers: Bridging the Gap between Justice Sector Institutions and Communities that They Serve

On December 13, 2017, the USAID New Justice Program (New Justice) conducted a workshop on establishing and developing Community Justice Centers (CJC) - the new for Ukraine model of collaboration between justice

sector and community as well as citizen participation in sustainable development and improvement of the justice sector. Event participants included representatives of the High Council of Justice, Council of Judges, State Judicial Administration, Ministry of Justice, CSOs, courts and regional government and local self-government bodies that expressed their interest to participate in CJC pilot program. During the workshop, Ukrainian stakeholders were introduced to best practices and lessons learned related to designing, implementing and evaluating community justice centers based on Latin America countries experience. Also, they discussed draft concept notes to establish community justice centers in Ukraine and developed recommendations and next steps for improving these drafts and for next steps of CJC pilot program. New Justice will support the initial implementation of at least three CJC in various Ukrainian oblasts. The workshop materials are available [here](#).

Representatives of High Qualifications Commission of Judges, High Council of Justice and Public Integrity Council Trained in Financial Verification of Asset Declarations

In January 2018, the USAID New Justice Program conducted a series of trainings titled “Financial Verification of Assets Declarations” for members and representatives of the High Qualifications Commission of Judges, High Council of Justice and Public Integrity Council to improve their knowledge and skills necessary for studying judicial and judicial candidates’ dossiers to insure their compliance with the criteria of professional ethics and integrity. Anti-corruption and conflict of interests experts Tilman Hoppe (Germany) and Valts Kalnins (Latvia) familiarized the participants with stages and components of the due process of verifying the information shown in declarations, as well as approaches and methods of evaluating the plausibility of data in declarations basing on the simulated audits. The participants learned how to identify and track financial flows in the reported data, understand different patterns of hiding wealth and ways of uncovering them. This will strengthen their capacity to identify and track ill-intentioned declarants to disqualify them from the judicial selection and competition processes.



Participants of the training on “Financial Verification of Asset Declarations” on January 15, 2018 in Kyiv. PHOTO: USAID New Justice Program

Ministry of Justice Call Center Opened

On January 31, 2018, Minister of Justice Pavlo Petrenko and USAID Regional Mission Director for Ukraine, Belarus and Moldova Susan Fritz opened the Ministry of Justice (MOJ) call center. The call-center will work on the basis of a new open office, equipped with the support of USAID, which also will allow MOJ experts and managers to receive citizens in person. According to the Minister, before the fully operational call-center was created the hot lines specializing in various areas were working in the Ministry. The citizens actually did not have one single line they could call on any issue and get advice from the MOJ’s experts. He stated that the center has been working in testing mode from July 18, 2017. During this time, more than 21 thousand citizens applied to the center (more than 18 thousand by phone, 1.4 thousand by e-mail and 1.8 thousand by submitting complaints). Susan Fritz in her turn stated: “We acknowledge the Ministry of Justice’s commitment to providing accessible and customer-oriented administrative services to the public. USAID is no less pleased to provide support for the establishment of this call center to ensure that Ukrainian citizens have access to public information about justice services and receive prompt responses to their justice related needs. The United States looks forward to seeing



Minister of Justice Pavlo Petrenko and USAID Regional Mission Director for Ukraine, Belarus and Moldova Susan Fritz during opening the MOJ’s call center. PHOTO: USAID New Justice Program

continued progress in reforming justice-related services in line with the expectations of the Ukrainian people. USAID stands ready to support you in this important endeavor.” Every day the center employees process over 150 applications. Citizens can get a consultation, leave an application or a complaint by calling 0 (44) 364-2393 or by sending an e-mail at callcentre@minjust.gov.ua. Read more [here](#).

Upcoming Events

International Conference “Legal Education Quality Assurance, University Autonomy and Academic Freedom in the Context of Preparing Specialists for the Legal Profession”

On April 24-25, 2018, the USAID New Justice Program will support the Ministry of Education and Science and the Ministry of Justice with organizing and conducting an International Conference titled “Legal Education Quality Assurance, University Autonomy and Academic Freedom in the Context of Preparing Specialists for the Legal Profession”. Ukrainian policy-makers, local and foreign law school representatives, international experts, opinion leaders from the academia, the legal profession, and civil society will discuss (1) the current state of and modern trends in legal education in Ukraine and worldwide; (2) concepts of a regulated legal profession, legal education quality assurance, and university autonomy and their dynamic interplay in the context of preparing 21st century lawyers; (3) innovations in legal education quality assurance; and (4) lessons learned. The participants will sum up proposed solutions and develop conference recommendations for legal education reform in Ukraine going forward. Venue: April 24 – Hall №329, Taras Shevchenko Kyiv National University, 60 Volodymyrska Str., Kyiv; April 25 – Grand Conference Hall, Taras Shevchenko Kyiv National University, 60 Volodymyrska Str., Kyiv. The event begins at 10:00 AM.

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