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FAIR JUSTICE PROJECT

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Newsletter

Legislative and Other Rule of Law News

High Council of Justice and Interim Special Commission for Vetting Judges Discuss Improving Lustration Legislation

On November 6, 2015, the USAID FAIR Justice Project (FAIR) supported a consensus building meeting between representatives of the High Council of Justice (HCJ) and Interim Special Commission for Vetting Judges (ISC) to discuss amendments to the Law on the Restoration of Trust in the Judiciary and Law on the Purification of Government, including issues related to strengthening the status and extending the term of the ISC and procedures for transferring 300 pending ISC cases against judges to the HCJ. As the result of the discussion, the HCJ and ISC agreed to establish a joint working group to develop a concept and recommendations for the Parliament to consider in amending lustration legislation. The working group includes Oleksiy Muraviov, Andriy Boiko and Alla Les'ko of the HCJ and the ISC's Oleg Pervomayskiy, Petro Verishko and Mykola Tytarenko. The [first meeting of the working group](#) was subsequently conducted on November 9, 2015, where HCJ representatives proposed not to extend the ISC's term as both judicial disciplinary institutions, the HCJ and High Qualification Commission of Judges, are properly function now and there is no need for an additional one. ISC representatives disagreed with this point of view. Participants also stressed an urgent need to develop clear procedures for transferring 300 pending ISC cases to the HCJ. Oleksiy Muraviov and Alla Les'ko of the HCJ, Oleg Pervomayskiy, Maryna Solovyova and Mykola Tytarenko of the ISC and the Deputy Director of the Ministry of Justice's Lustration Department Kateryna Zhurba attended the meeting. The date for the next working group meeting is not set.

National Council of Reforms Conducts Its 14th Meeting

On November 9, 2015, the National Council of Reforms conducted its [14th meeting](#). Council members discussed the current status, progress, challenges and ongoing plans for judicial reform. President Petro Poroshenko chaired the meeting and in his opening remarks outlined the crucial role of judicial reform. He also informed the members of the Council that he plans to submit the draft law on amendments to the Constitution related to the justice sector to the Verkhovna Rada by November 20, 2015. During the meeting, Oleksii Filatov, Deputy Head of the Presidential Administration and Head of the Judiciary Working Group of the Constitutional Commission, presented the proposed amendments developed by the working group based on Venice Commission opinions and results of regional public discussions.

Judicial Reform Council Meets to Discuss Next Steps in Judicial Reform

On November 11, 2015, the Judicial Reform Council discussed the current status of the implementation of the Justice Sector Reform Strategy, implementation of the Law on Ensuring Right to a Fair Trial, amendments to procedural legislation and next steps in judicial reform. The Council agreed to: (1) develop a package of draft legislation to implement proposed Constitutional amendments; (2) support proper implementation of a system for evaluating judges; (3) form a working group to develop necessary amendments; (4) improve draft amendments to procedural legislation; and (5) discuss issues related to jurisdiction of courts between different specializations.

13th Congress of Judges Elects Members of the High Qualifications Commission of Judges and Appoints a Judge to the Constitutional Court and Takes a Recess

On November 12 and 13, 2015, the 13th Congress of Judges was convened to address important issues facing the judiciary, including the election of 33 members of the Council of Judges (COJ), the judicial self-governance body, dismissal of Constitutional Court judges nominated by the Congress of Judges in 2010 and election of replacement judges, as well as election of two additional members for High Qualification Commission of Judges (HQC) pursuant to recent legislative changes. The Congress elected Judge Volodymyr Butenko of the High Administrative Court and Judge Tetiana Shylova of the High Civil and Criminal Court to be members of the HQC. Justice Victor Kryvenko of the Supreme Court was elected as a judge of the Constitutional Court. The Congress issued a decision to support the initiative of the State Judicial Administration to establish a trade union of justice sector employees. It also issued a decision to pay salaries to judges from occupied territories. The Congress further elected 22 members of the Council of Judges, but failed to elect the remaining 11 members due to flaws in the ballots. During the second round of

voting, 7 more COJ members were elected, leaving 4 more to be elected. At the end of the second, the Congress recessed, agreeing to reconvene on November 24, 2015 to elect the remaining member of the COJ.

FAIR Updates

High Council of Justice Chair Igor Benedysiuk Updates Rule of Law Donors on Issues Related to Judicial Selection and Discipline

On November 4, 2015, FAIR conducted its monthly Rule of Law Donors and Implementers Meeting with High Council of Justice (HCJ) Chair Igor Benedysiuk as the featured speaker. Chair Benedysiuk provided an update on the initial results of the work of the new composition of the HCJ and its issues and priorities. He noted that starting from June 9, 2015, when the newly elected members of the HCJ began their work; the HCJ submitted to the Verkhovna Rada (Parliament) a motion to dismiss 388 judges based on general grounds. Awaiting Parliament's consideration are an additional 11 submissions to dismiss judges convicted of crimes. As of today, the Verkhovna Rada dismissed only 127 judges, among them, according to Chair Benedysiuk, "there is not a single judge-wrongdoer." The HCJ Chair reiterated the importance of amending the Constitution to eliminate the role of political bodies in the appointment and termination of judges. The HCJ Chair also stated that the judiciary does not feel that there is proper support from other branches of government to strengthen judicial independence. Chair Benedysiuk emphasized that the judiciary related changes to the Constitution proposed by the Constitutional Commission regarding the role and status of the HCJ in the judicial system would be a "big step towards strengthening the independence of the judicial branch".

The HCJ Chair also talked about the steps taken by HCJ to "purify" the judiciary. He said that 2,180 complaints against judges were received since June 2015 with the Council inheriting another 2,800 complaints from the previous composition of the HCJ. Additionally, the HCJ received 60 motions from the Ministry of Justice regarding judges who had allegedly violated the incompatibility requirements pursuant to the Law on the Purification of Government, as well as 41 decisions on the violation of the oath of office by 46 judges rendered by the Interim Special Commission on Vetting Judges and five recommendations from the High Qualifications Commission of Judges regarding violation of the judicial oath. "As of today, a quarter of all cases have been reviewed by the HCJ at its section meetings," said the HCJ Chair. Overall, from June 9 through October 31, 2015, the Council conducted 20 section meetings at which 1,037 opinions have been approved. During this period, the Council conducted 14 HCJ meetings and adopted 802 decisions. [Read more here.](#)



Chair of the High Council of Justice Igor Benedysiuk (right) and FAIR Chief of Party David Vaughn (left) during the Rule of Law Donors and Implementers Meeting on November 4, 2015.

Representatives of the Ukrainian Judiciary Contribute to Regional Conference on Improving Women Access to Justice

On November 5 and 6, 2015, FAIR Civil Society Specialist Valentyna Mudrik participated in the Regional Conference "Improving Women Access to Justice in Five Eastern Partnership Countries" in Kvareli, Georgia. The conference was organized by the Council of Europe Gender Equality Unit under the Council of Europe and European Union Programmatic Cooperation Framework for Eastern Partnership Countries. Judges, public servants and civil society advocates from Armenia, Azerbaijan, Georgia, Moldova and Ukraine participated in the event. During the conference, representatives of the National School of Judges, Supreme Court of Ukraine, members of the Women Judges Association of Ukraine and gender equality advocates prepared a draft action plan for developing training materials on gender equality and women access to justice for judges and judicial candidates. The National School of Judges is expected to include women access to justice themes in ongoing training programs.

FAIR Shares Best Practices and Lessons Learned in Designing, Implementing, and Evaluating Professional Development Programs for Court Leaders in Ukraine

From November 8 to 12, 2015, FAIR Chief of Party David Vaughn participated in the International Organization for Judicial Training (IOJT) Conference in Recife, Brazil. The IOJT conference brought together judges, judicial training professionals, academics and rule of law experts from nearly 100 countries to discuss issues related to promoting excellence in judicial education. Together with Dr. Maureen Conner of the Michigan State University Judicial Administration Program, COP Vaughn shared the results and lessons learned in designing, implementing and evaluating training programs for chief judges and court

administrators on modern judicial administration and management. This included presentation of the Judicial Administration Certificate Program implemented by the State Judicial Administration and National School of Judges with support from FAIR and Michigan State University. A short video about this program can be viewed at <http://www.fair.org.ua/index.php/en/index/video/11>. At the conference, COP Vaughn also contributed to discussions on promoting judicial excellence through judicial education programs, sharing FAIR experience in developing in class and online training curricula for judges and court staff, designing and implementing a framework court performance evaluation, and conducting user satisfaction surveys in courts.

Draft National Standards for Legal Education Presented

On November 9, 2015, FAIR jointly with the Ministry of Education and Science (MOE) and the OSCE Project Coordinator conducted a roundtable discussion to present the draft National Standards for Legal Education, which focuses on modernizing law school curricula to meet the needs of the job market. FAIR International Legal Education Experts Prof. Bernd Heinrich (Germany) and Prof. Delaine Swenson (US) presented their comments on the draft's compliance with European and international standards as well as best practices in ensuring quality legal education. They also shared their recommendations on how to improve the draft standards. More information about the event is available in Ukrainian at: <http://mon.gov.ua/usu-novivni/novini/2015/11/09/prezentacziya-proektu-svyuo/>;



First Deputy Minister of Education and Science of Ukraine Inna Sovsun (second left) speaking at the roundtable discussion on November 9, 2015.

http://www.fair.org.ua/index.php/index/news_single/256.

FAIR Experts Deliver Fifth Rule of Law Lecture at Ukrainian Catholic University



On November 10, 2015, FAIR jointly with the Ukrainian Catholic University (UCU) Rule of Law Center in Lviv conducted the fifth rule of law lecture. FAIR International Legal Education Experts Prof. Bernd Heinrich (Germany) and Prof. Delaine Swenson (US) delivered lectures respectively on “The Prosecution of Corruption under the Rule of Law – a German Perspective” and “The Role of Civil Society in Guaranteeing the Rule of Law”. This event raised public awareness about contemporary developments in ensuring the rule of law through civil society engagement and prosecution of corruption. It also helped to strengthen the understanding of the rule of law among the over 50 Ukrainian law students, academics, legal practitioners, and public officials who participated. The lectures, which were broadcast live online, attracted over 100 unique viewers. The rule of law lecture series

promotes quality legal education and contributes to efforts to advance legal and judicial reform in Ukraine in line with international and European standards. The lecture is available at: <https://youtu.be/xL9YdYItaxU>.

National School of Judges Conducts Training of Trainers Program on Judicial Ethics

On November 19 and 20, 2015, FAIR supported the National School of Judges (NSJ) in conducting a training of trainers (TOT) program for judge-trainers based on the judicial ethics curriculum for newly-appointed judges developed by the NSJ with FAIR support.

Upcoming Events

Monitoring Report on Access to Courts by People with Disabilities to Be Presented in the Verkhovna Rada

On November 25, 2015, the FAIR grantee Law and Democracy NGO (Lviv) will present the results of monitoring access to courts and court services by people with disabilities to the Parliament’s Committee on Matters of Veterans, Combatants, Participants of Antiterrorist Operation, and Persons with Disabilities (Committee). Representatives of Law and Democracy will also provide recommendations to Committee members on necessary amendments to the legal framework to improve accessibility of courts and court services for people with disabilities. The presentation will take place during a meeting of the Committee at

Verkhovna Rada. Representatives of the National Assembly of the Disabled, judiciary, FAIR and Members of Parliament will participate in this event.

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