

Justice system reform

Brief

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1. Key event of state policy in the area of justice after the Revolution of Dignity

1.1. During the Revolution of Dignity, courts were one of the repressive tools used by political authorities against participants of mass protests. Combined with the use of courts for political persecution in previous years, pressure on business, political dependence and corruption of judges, as well as one of the lowest levels of trust in the courts in Europe, this led to the society's increased demand for justice and a full-fledged judicial reform. Its necessity was confirmed objectively. Thus, in the Anti-corruption Strategy for 2014-2017, it was noted that, according to several domestic and international studies, the judiciary was named the most corrupt among citizens and businesses. According to the Law of Ukraine "On the Judiciary and the Status of Judges," adopted in 2010, judicial self-government bodies became completely dependent on the political authorities, and the guarantees of independence of judges were leveled.

The first legislative initiatives of post-Maidan political authorities were primarily aimed at cleansing the judiciary from persons who discredited the judicial system by their actions/inactions. The Law of Ukraine "On Restoring Trust in the Judiciary in Ukraine" (April 2014) prematurely terminated the authority of members of key bodies of judicial governance - the High Qualifications Commission of Judges (HQCJ) and the High Council of Justice (HCJ), as well as provided for the creation of a special commission that was supposed to conduct judicial vetting to identify judges who convicted participants of the Revolution of Dignity, restricted peaceful assemblies, repealed elections results to the Parliament of the seventh convocation, or made judgements in which the European Court of Human Rights found violations of European Convention for Human Rights provisions.

The next attempt to cleanse not only the judiciary, but also the entire state apparatus was the Law of Ukraine "On Cleansing the Authorities" (September 2014), which introduced two mechanisms of lustration - the so-called "property lustration" (judges were required to submit declarations on their property, which later would be verified by the fiscal authority, and in case false information was detected, a judge would be dismissed) and "automatic lustration", according to which judges who persecuted participants of the Revolution of Dignity would be dismissed from their positions with a 10-years ban on being employed in the public sector.

1.2. These laws did not significantly change the justice system and were aimed only at partial cleansing of the judicial ranks, which largely did not happen in practice. The first attempt to conduct judicial reform was the Law of Ukraine "On Ensuring the Right to a Fair Trial" (February 2015), which introduced competitive selection of judges and members of the HQCJ and the HCJ, a system of regular assessment of judges by various actors, including members of the public, reform of the disciplinary responsibility, improvements of the system of judicial self-government bodies, etc. In order to cleanse the entire judicial ranks, the primary qualification assessment procedure was introduced, which included assessment of a judge's ability to administer justice.

The law did not address one of the key issues of the judiciary – political dependence, as it preserved the broad powers of the President and the Verkhovna Rada in matters of court activity and judicial careers. The Venice Commission and the Human Rights Directorate of the Council of Europe in their opinion regarding this law emphasized that the most serious problems related to the independence of the

judiciary in Ukraine are in the constitutional provisions, and therefore in order to conduct an effective judicial reform that will meet European standards, it is necessary to amend the Constitution of Ukraine.

1.3. The new stage of judicial reform began with the introduction of constitutional amendments in June 2016. Adopted amendments and laws for their implementation provided for:

- depoliticization of the judiciary, in particular, depriving the political authorities (primarily the President and the Verkhovna Rada) of the power to influence the judicial career. Judicial self-government bodies gained power over appointment, transfer, and dismissal of judges;
- optimization of the judicial system, namely: transition from a four- to a three-tier court system; creation of the new Supreme Court to replace the three courts of cassation and the previous Supreme Court of Ukraine, with the new Court created on a competitive basis; reducing the number of local courts by consolidating judicial districts; creation of two specialized courts – the High Anti-Corruption Court (for consideration of high-rank corruption cases) and the High Court for Intellectual Property;
- introduction of competitive selection of judges with the possibility of representatives external to the judicial circles to participate in the competition;
- introduction of qualification evaluation of all sitting judges for their compliance with the criteria of competence, integrity, and professional ethics, with a failure to pass this evaluation a grounds for dismissal of a judge from office. The Civic Integrity Council was created to ensure public participation in this procedure. The Council would be involved in assessing of integrity criteria by judges, with the right to issue opinions of advisory nature;
- concentration of disciplinary function regarding judges within the competence of one body – the HCJ;
- reform of procedural legislation. At the end of 2017, the new versions of the Civil Procedure Code, the Economic Procedure Code, and the Code of Administrative Justice entered into force. The new versions of these codes introduced a dispute settlement procedure with the participation of a judge, regulated the use of electronic evidence, expanded the scope of writ proceedings in civil and economic cases, introduced mechanisms to prevent case participants' abuse of procedural their rights, and introduced the institute of a model administrative case.

Implementation of these amendments, for the most part, did not achieve the expected results. First of all, cleansing and renewal of the judicial ranks did not happen. Although approximately 2,000 judges resigned voluntarily after the introduction of qualification assessment, less than 1 percent were dismissed due to the failure to pass the assessment. In combination with the fact that the HCJ de facto failed to select new judges for the courts of the first and appellate instances, this only led to an increased personnel deficit in the judicial system.

The optimization of the court system also failed. New local courts were created only on paper, and the essence of the reform of appellate courts was limited only to renaming this courts. The formation of the new Supreme Court also did not become a success story, it was rightly criticized by the expert public for the arbitrariness and non-transparency of the Supreme Court's actions regarding evaluating candidates. Thus, according to the results of this competition, at least 25 percent of judges with questionable integrity were appointed to the Supreme Court.

Reform of the institute of disciplinary responsibility of judges also did not achieve the desired result. The HCJ's practice was largely inconsistent, and the disciplinary proceedings were frequently used to put pressure on judges, which gave grounds to state there was bias among the Council's members and their preservation of mutual coverup in the judicial system.

At the same time, the formation of the High Anti-Corruption Court in August 2018 - April 2019 can be considered as very successful at this stage of the judicial reform, since international experts were involved in the selection of judges and had the opportunity to influence the termination of participation in the competition of those candidates whose integrity caused reasonable doubts.

Thus, the judicial self-governance bodies (HQCJ and HCJ), which were entrusted to conduct judicial reform in 2016-2019, failed to become agents of change; instead, their activities only preserved the negative phenomena that existed in the judicial system. The reason for this was the establishment procedure and membership of these bodies, the majority of whom are made up of judges selected by representatives of un-reformed judicial ranks, as well as the selection procedure itself, which was non-transparent and fragile to political and other informal influences.

The constitutional amendments of 2016 also related to prosecution authorities and the bar. The prosecutor's office was deprived of a number of non-typical powers (e.g., general supervision, representation of citizens in courts, pre-trial investigation). At the same time, the political method of appointing and dismissing the Prosecutor General was preserved. Adopted amendments introduced advocates' "monopoly" to represent interests in courts. However, the reform of the bar was not implemented, since the draft law on the reorganization of the bar self-governance bodies, initiated by the then-President of Ukraine Petro Poroshenko was never considered.

1.4. Change in political authorities at the end of 2019 gave hope for relaunching the judicial reform, as the new President of Ukraine Volodymyr Zelenskyi and his political force have repeatedly recognized the priority of judicial reform, emphasizing the need to reboot the HCJ and the HQCJ. One of the President's first draft laws submitted to the Parliament was a draft law on premature termination of authority of all HQCJs members, to be followed by formation of a new membership of the commission on a competitive basis; and the cleansing of the HCJ from unprincipled members. The draft law provided for the involvement of international experts in the reform of judicial self-governance bodies. However, in March 2020, the Constitutional Court ruled unconstitutional most of the provisions of this draft law, which blocked its implementation. After that, the judicial reform implementation was suspended for more than a year, because the political authorities were not taking any active measures in this area.

Meanwhile, the integrity issue of the members of judicial self-governance bodies was brought to the international level. In June 2020, Ukraine made a commitment to the International Monetary Fund to create a commission that would conduct integrity checks of the current members of the HCJ and preliminary vetting of candidates for the HCJ. This reform was defined as one of the structural milestones in the agreement. Ukraine made similar commitments to the European Union, with the relevant memorandum ratified in August 2020. In this memorandum, Ukraine also committed to create

a new HQCJ through a transparent selection procedure conducted by a competitive commission with international participation.

Parliament ignored these commitments for quite a while, which indicated the lack of political will to implement genuine judicial reform. There were even attempts to strengthen the unreformed HCJ's influence over the judicial system. Only in July 2021, following public pressure and international partners' consolidated support for further reform, the Parliament adopted the laws on the restarting of the competition to the HQCJ and the reform of the HCJ, which provided for the integrity check of the council's current members and the preliminary selection of candidates. During the transitional period, international experts were included with the right to a tiebreaking vote in the composition of the bodies that were supposed to oversee competition to the HQCJ and reform of the HCJ. At the same time, the Verkhovna Rada still preserved the HCJ's significant role in the formation of the new HQCJ, since it was the HCJ that decided on the appointment of the winners of competition to positions.

Despite obstacles from the Council of Judges and the HCJ, , it became possible to launch the Ethics Council's operation as early as in December 2021, which was supposed to update the HCJ. Also, at the beginning of 2022, the Competition Commission's activity on the selection of the HQCJ members and the corresponding competition officially started.

As regards to the reform of prosecution, the changes initiated by the new political authorities received a mixed perception. On the one hand, the two-year suspension of the operation of the Qualification and Disciplinary Commission of Prosecutors and the concentration of organizational powers in the hands of a politically dependent Prosecutor General (all persons appointed to this position by the new government were members of President Volodymyr Zelenskyi's team) were criticized.

On the other hand, the procedures envisioned for evaluation and selection of prosecutors could become really effective tools for rebooting the procuracy. Personnel commissions formed by prosecutors and members of the public were charged with selection, evaluation, and disciplinary action. Initially, the evaluation procedure appeared fairly effective, but with each subsequent stage, its effectiveness decreased. In particular, during the first stage, 43 percent of prosecutors in the Prosecutor's General Office failed the evaluation. For regional and local prosecutor's offices, this indicator was already significantly lower – only 26 percent and 11 percent, respectively. Subsequently, the courts, which have more than two thousand complaints appealing the evaluation results pending before them, began to actively restore the dismissed prosecutors in their positions, which ultimately minimized the positive effect of evaluation.

The reform of the judiciary did not affect the reform of the bar. As mentioned above, the initiative to reorganize the bar's self-governance bodies was not supported, and the bar itself never became an independent, self-governing institution.

1.5. After the Revolution of Dignity, legal education also underwent significant changes. In the summer of 2014, the Law of Ukraine “On Higher Education” was adopted, which changed the structure of higher education; in particular, new levels were introduced, the need to develop a system of external

quality assurance in higher education was specified, and the creation of the National Agency on Quality Assurance in Higher Education was envisioned.

The introduction in 2017 of an independent state entrance exam for the Master of Laws degree programs was the most significant change in the training system of future lawyers. Conducting this entrance exam on the core legal subjects, as well as on logic and foreign language revealed generally low results among applicants to the master's programs, despite the relatively low thresholds set for this test. However, this examination made it possible to ensure transparent, fair, and equal access to higher legal education and to reduce the level of corruption risks in this area.

2. Key issues and challenges as of the beginning of 2022

As of the beginning of 2022, the judicial system was facing a number of serious challenges, namely:

2.1. Lack of vision of future directions in judicial reform, with clearly defined measures, indicators of their success, and deadlines for implementation. Despite the fact that the new political authorities identified judicial reform as one of priorities of its activity, the first policy documents in this area were approved only two years later. In June 2021, the President approved the Strategy for the Development of Judicial System and Constitutional Justice for 2021-2023, which declared as its priorities improving access to justice, strengthening the independence of judiciary and its accountability to society, improving mechanisms for judicial responsibility and judicial careers, as well as development of prosecutorial bodies and the bar.

Meanwhile, the Strategy was overloaded with non-specific, and sometimes completely contradictory provisions, and the scope of measures that it provided for brought into doubt the likelihood of its implementation within three years. There were also no specific measures to implement its provisions or indicators of success. At the same time, the Strategy contains a number of measures that could have a positive impact on justice, including the introduction of a classic jury trial, extraterritorial online hearing of cases, development of mediation, or involvement of international experts in personnel processes in the judicial system. As of the beginning of 2022, implementation plan for the Strategy has not been approved.

The [National Economic Strategy](#) for the period until 2030, approved by the Government in March 2021, is somewhat better in terms of vision for development of the justice system, which should serve as the framework for ministries in policy development. The Strategy identifies draft laws that must be developed to ensure fair trial, as well as indicators of achieving the declared goals. At the same time, identifying the necessary draft laws in the Strategy without measures for their implementation does not give grounds to consider it as a document that defines the strategy of judicial reform per se. Furthermore, the relationship between this Strategy and the presidential strategy for justice system development remains unclear.

Some measures of the Anti-corruption Strategy for 2021-2025 are also aimed at increasing the level of trust in the justice system - which is generally aimed at solving the above-described problems regarding international participation in staff processes, extraterritorial consideration of cases, bringing the court

network into line with the administrative-territorial organisation. In addition, this document provides for the improvement of the procedures of qualification assessment and competitive selection of judges based on integrity, objectivity, and transparency; improvement of mechanisms of disciplinary responsibility of judges, as well as the introduction of transparent and effective management processes in prosecutor's offices.

2.2. Lack of competence of judicial self-governance bodies (HQCJ, HCJ). The HQCJ members' authorities were terminated back in November 2019, and since then the new composition of the Commission has not been formed due to the government's sabotage of the relaunch of the competition to the HQCJ. The lack of a competent Commission completely impedes the selection of new judges, resulting in even further [increase](#) of the personnel deficit in the judicial system (as of the end of 2021, almost 30% of judicial positions in courts of first and appellate instance, numbering more than 2,000 judges, were remained vacant). The qualification evaluation of judges, which at the time of the HQCJ's disbanding had already been administered to more than 2.3 thousand out of more than 5 thousand judges, was also terminated.

Introduction of mechanisms for cleansing of the HCJ met with resistance from the Council's current members, who tried all they could to avoid it. Ten members of the Council [resigned](#) prematurely after the Ethics Council started assessing their integrity in February 2022. Two more members resigned previously in January. As a result, only five members remained in the HCJ's composition, which resulted in the loss of the Council's authority to make decisions.

Relaunch of the HQCJ and the HCJ is essential for further judicial reform, since the integrity and independence of the entire judicial system depends on the integrity and independence of members of these bodies.

2.3. Inefficient/non-functional mechanisms of ensuring the accountability and integrity of judges. Mechanisms for ensuring the integrity among judicial ranks introduced by the legislative amendments in 2016 did not achieve the expected result. The qualification evaluation procedure organized by the HQCJ was non-transparent and allowed for manipulation of its results, while the HQCJ's practice on the evaluation of judicial integrity was often inconsistent. The Commission not only ignored the Public Integrity Council's opinions confirming non-compliance of judges with the integrity criteria without providing any justifications, but also created artificial [obstacles](#) for public participation in the evaluation procedure.

Disciplinary responsibility has also not become an effective tool for ensuring judicial integrity. There were cases both of judges evading responsibility in practice (often facilitated by the HCJ members themselves) and of unjustified persecution of judges. The reform of the HCJ provides for the creation of a separate disciplinary inspectors service, who will play an important role in disciplinary proceedings and take over the functions of rapporteur members of the HCJ in disciplinary cases. However, the formation of this service will begin only after the cleansing and relaunch of the HCJ itself, and the existing legal regulation for the activity of this institution must be revised (in particular, in terms of requirements for disciplinary inspectors and the procedure for their selection).

In 2020, the Constitutional Court's issued a number of opinions that significantly undermined the principle of accountability of judges. In [June](#), the Court found it unconstitutional to hold a judge criminally liable for issuing a deliberately unjust decision, and in [October](#) it declared unconstitutional key institutions of anti-corruption legislation and criminal liability for deliberately false declaration. The Court justified its decisions in both cases by the encroachment of these institutions on judicial independence. In the long term, expanded interpretation of judicial independence in these decisions can be used to strengthen impunity and mutual coverup among judges, and therefore, corruption in the judicial environment.

2.4. Delays in resolving the problem with the District Administrative Court of Kyiv. During the past several years, the political authorities tried to avoid addressing the issue of the District Administrative Court of Kyiv (DACK), which is one of the most influential courts in Ukraine since it considers cases against the Government, central executive authorities, the National Agency on Corruption Prevention, etc. Such exclusive jurisdiction leads to the fact that the court at a local level has significant leverage over the entire state apparatus. The court's activity was accompanied by numerous corruption scandals. In particular, in July 2020, the National Anti-Corruption Bureau issued [notice](#) of suspicion to the head and six judges of this court, because according to an investigation, there was a criminal organization operating under the leadership of this court and with the participation of its judges, which interfered in the activities of other authorities, such as HQCJ, HCJ, National Agency on Corruption Prevention, Constitutional Court, and other courts. Published investigation materials showed that judges tried to establish control over the HQCJ and the HCJ, as well as influenced the judges of the Constitutional Court in order to "ensure" favorable decisions.

The DACK issue had reached such a scale that Ukraine's obligation to transfer administrative cases of national significance to the jurisdiction of the Supreme Court was even included in the memorandum with the International Monetary Fund, and the petition for the liquidation of this court submitted in October 2020 received more than 25,000 votes.

Finally, in April 2021, the President submitted to the Parliament a draft law on the liquidation of DACK, [arguing](#) that the court "*has not be able to regain trust, but has managed to return the scandals and strange decisions far from the concept of justice*". Although the corresponding draft law was identified as urgent, the Parliament adopted it only in December 2022, exactly 20 months after its submission. The Kyiv City District Administrative Court is to be established to replace the DACK, and Kyiv District Administrative Court will in the meantime consider the cases under the DACK's jurisdiction. At the same time, the issue of the DACK's "exclusive" jurisdiction remains unaddressed. Establishing the separate specialized court for hearing administrative cases of national importance, with judges selected with the involvement of international experts (following the model of the High Anti-Corruption Court), should be an effective way to address this issue - especially since the transfer of cases of national significance to another instance is part of [agreements with the IMF](#).

2.5. Underfunding of the judicial system combined with inefficient use of allocated funds and lack of effective control mechanisms. In recent years, the problem of court financing in Ukraine has become more acute. A significant increase in judges' salaries in 2016 led to a decrease in the state's ability to finance other needs (almost 90% of the budget expenditures on the courts are salary costs for judges

and court staff). The situation became so critical that, due to lack of funds, some courts even stopped sending postal correspondence. At the same time, the problem of financing the judicial system is caused not only by insufficiency of allocated funds, but also by inefficiency of their use. The audit of the State Judicial Administration conducted in 2021 [revealed](#) inefficient use of funds in the multimillion-dollar range.

2.6. Lack of comprehensive vision for the development and reform of legal education. Since 2016, the state has not been able to approve and start implementing the Concept for the Development of Legal Education, although several drafts were developed and presented during this period. In April 2021, [one of the versions of the draft Concept](#) was supported by the Parliament's Committee on Education, Science, and Innovation and submitted to the working group on the development of legal education under the Commission on Legal Reform, which was created by the President of Ukraine in 2019. However, as of today, the future of this document remains unknown. The [Strategy for the Development of Higher Education for 2022-2032](#) approved by the Government (February 23, 2022) indirectly covers legal education development, although comprehensive reform of legal education has been separately identified in the Government's activity program.

Furthermore, the Government had no vision regarding continuing training of lawyers by universities subordinated to the Ministry of Internal Affairs, the Ministry of Justice, and the Security Service of Ukraine. The state, for the most part, finances training of lawyers by these educational institutions. For example, in 2021, 62% of the entire public procurement for training of Bachelors of Law was allocated to institutions outside the Ministry of Education and Science purview. Distribution of these funds among educational institutions is non-transparent and without a broad competition, as is conducted within the system of the Ministry of Education and Science. In 2019, the Accounting Chamber [noted](#) the ineffectiveness of the system of personnel training for the Ministry of Internal Affairs.

Additionally, the Ministry of Education and Science was never able to implement a full-fledged Unified State Qualification Exam for graduates of the Master's in Law Programs, although all the regulatory and legal acts needed for this were developed.

3. Plans and actions of the authorities in this area as of beginning of 2022

As mentioned above, as of the beginning of 2022, the plan for the implementation of the presidential strategy for the development of justice system had not been approved, and therefore there were essentially no comprehensive measures taken to address the mentioned problems. All the attention of authorities, international partners, and civil society was focused on the progress of reforms of the HQCJ and the HCJ, which was supposed to become the starting point for rebooting the judicial reform.

4. The influence of the war and martial law on this area of state policy

The full-scale invasion by the Russian Federation on the territory of Ukraine caught the reform of the HQCJ and the HCJ at its peak. At that time, the submission of documents for participation in the competition to the HQCJ, as well as the vetting of integrity of the current HCJ members were ongoing.

The war temporarily suspended these processes, but by the end of April 2022, the Ethics Council already [announced](#) the resumption of its operation. First of all, the Ethics Council completed the vetting of integrity of the current HCJ members, according to the [results](#) of which only one (out of four) Council member was found to not meet the integrity criteria. Subsequently, the Ethics Council continued to vet the candidates who applied for announced competitions to the HCJ.

The war negatively affected the transparency of the Ethics Council's activity since, for security reasons, the Council did not broadcast interviews with the HCJ members and candidates for the vacant positions, which caused [criticism](#) from civil society.

In mid-July, the competition for the HQCJ also [resumed](#), which was restarted from the stage of submission of applications by candidates.

In mid-January 2023, the HCJ's authority was [restored](#) due to the election of new members of the Council, who were selected with the participation of the Ethics Council. At the same time, due to the secrecy of interviews with candidates that were conducted by the Ethics Council and the revelation of facts that were uncovered by the public indicating potential non-compliance with integrity criteria among candidates who were ultimately elected to the HCJ, it is for now impossible to determine whether the relaunch of the HCJ was successful. Regarding the formation of the HQCJ, the Competition Commission is actively interviewing candidates and, according to optimistic forecasts, the names of potential future members of the HQCJ likely to be announced in March 2023.

Furthermore, due to active hostilities, according to the [State Court Administration](#), as of August 1, 2022, 98 (14%) appellate and local courts are not administering justice. Almost 10% of court premises are damaged or completely destroyed. At the same time, judicial statistics show that the judicial system is gradually recovering its operational capacity.

Due to the full-scale invasion, most stages of legal education reform were suspended. The launch of the Unified State Qualification Exam for Master's Programs Graduates was postponed indefinitely, the accreditation procedure for educational programs by the National Agency for Quality Assurance in Higher Education was simplified, and the formula funding for universities that ensured transparent distribution of state funds between them according to clearly defined criteria was suspended.

The procedure for entering universities was also significantly simplified, with the threshold score requirements and the structure of tests for entering into both bachelor's and master's degree programs reduced. State bodies in charge of these processes justified the fact of reducing the requirements by the need to fulfill a social mission – to provide as many applicants as possible with the opportunity to enter Ukrainian universities and thus to reduce the possible brain drain and personnel migration abroad.

At the same time, new educational standards for bachelor's and master's in law programs were approved in the summer of 2022, while the standard for a PhD in law was presented for discussion.

5. EU requirements and standards in this area as well as other international documents binding for Ukraine

5.1. The future reform of the judicial system must be consistent with Ukraine's international obligations. Article 14 of the Ukraine-EU Association [Agreement](#) of 2014 states that the parties shall attach particular importance to the consolidation of the rule of law and the reinforcement of institutions at all levels, and the priority areas of cooperation in this area are the strengthening of the judiciary, improving its efficiency, safeguarding its independence, impartiality and combating corruption.

5.2. On August 25, 2020, the Parliament ratified the [Memorandum](#) of Understanding between Ukraine and the European Union within the framework of macro-financial assistance, according to which Ukraine made commitments to: create a new HQCJ through a transparent selection procedure conducted by the Selection Commission with international participation; create a commission that would carry out a one-time assessment of the integrity of current members of the HCJ and conduct a preliminary selection of candidates for the positions of members of this body; and complete the attestation of prosecutors at the regional level and launch the attestation process at the local level, ensuring that new prosecutors are selected in a transparent and politically impartial process. Earlier in June of the same year, Ukraine [made a commitments](#) to the International Monetary Fund to strengthen the rule of law by ensuring the independence, integrity, and accountability of judicial authorities. Besides the above-mentioned reform of the HCJ, Ukraine's commitments in its agreements with the IMF include to create a permanent inspection unit within the HCJ to conduct investigations of disciplinary cases against judges, provide recommendations to the Council on disciplinary actions, and transfer the consideration of certain administrative cases of national significance to the Supreme Court's jurisdiction.

5.3. On June 17, 2022, the EU Commission in its [recommendations](#) on granting Ukraine's EU candidate status, listed finalizing the integrity vetting of candidates for the HCJ members by the Ethics Council and the selection of candidates to establish the HQCJ as the first out of seven preconditions for gaining the candidate status.

Certain measures regarding justice reform are also contained in the new [memorandum](#) with the European Union on macro-financial assistance, which was signed in January 2023. In particular, in addition to the commitment to restore the operation of the HCJ and the HQCJ based on the current work of the Ethics Council and the Selection Commission, Ukraine has committed to improve the procedure for selection of judges, including by approving clear assessment criteria and scoring methodology within the relevant procedures.

6. Current government's plan as of the Fall of 2022, including Ukraine's Recovery Plan

In July 2022, at the international Conference on Ukraine's Recovery, Ukraine Recovery [Plan](#) was presented, which includes measures for the judicial reform. The Plan emphasizes the priority of resuming the operation of the HCJ and the HQCJ, as well as the formation of the Disciplinary Inspectors Service in order to launch the mechanism of disciplinary responsibility of judges. Separately, in the "Anti-corruption policy" working group materials, one of the priority goals is 100%

implementation of the Strategy for the Development of the Judiciary and Constitutional Justice for 2021-2023.

In addition, the priority directions of the reform include the following: optimizing the network of local courts (based on the principle “one district court - one district”); filling vacant positions of judges (with further optimization of the selection procedure); digitalization of justice (including introduction of artificial intelligence in the judiciary and expanding the possibilities of remote justice); development of alternative methods of dispute settlement and introduction of direct participation of citizens in the process of administering justice (jury courts, justices of peace); and increasing efficiency of enforcement of court decisions. Particular attention is paid to the restoration of the operation of courts that have suffered from the hostilities.

Within the framework of the prosecutorial reform, it is envisioned to improve the prosecutors’ exercise of their constitutional powers by closing existing legislative gaps, improve the disciplinary procedure, as well as introduce systemic tools for criminal policy making in order to coordinate the activities of law enforcement agencies in combatting crime and implementing criminal policy in priority areas. As for the reform of the bar, the key measures are to bring the legal regulation of the bar into compliance with the Constitution of Ukraine and the standards of the European Union, to ensure the institutional independence of the bar, the professional rights of the bar and safeguards for the bar activity, and to introduce transparent procedures for access to the profession and for disciplinary responsibility. Furthermore, it is planned to abolish the advocate’ monopoly on the provision of professional legal assistance by 2025.

A separate section of the Plan is dedicated to the reform of the system of higher education as a whole, and legal education in particular. The priority tasks include modernization of the universities’ network and expansion of their financial autonomy and authorities of supervisory boards. Also identified is the need for the expansion of technologies for independent assessment of educational outcomes for all possible educational entry trajectories and for the launch of a system of professional diagnostic during university entrance and study. The state also determines the need to support the development of educational programs in English, as well as joint (bilateral) educational programs with universities featured in TOP 1000 global ratings.