



Supreme
Court

Respect for Human Rights as the basic Copenhagen criteria: the ability of the Ukrainian judicial system on the way of further European integration

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Judge of the Supreme Court (Ukraine)

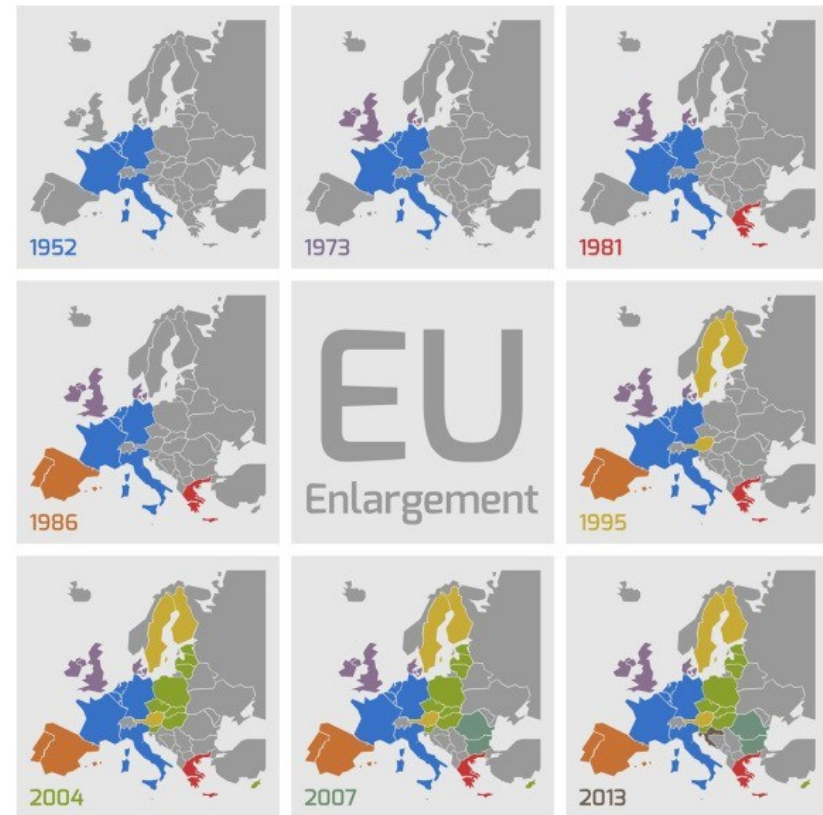
27 October 2022
Bergen, Norway

The Copenhagen political criteria, June 1993

Among the binding political criteria the European Council

laid down the achievement of:

- Democracy
- Rule of law
- Human rights
- Respect for and the protection of minorities



Enlargement experience' 2004

- three former Soviet republics - Estonia, Latvia and Lithuania,
- four former satellites of the USSR - Poland, the Czech Republic, Hungary and Slovakia,
- a former Yugoslav republic Slovenia
- two Mediterranean islands - Cyprus and Malta

“Compliance with the Copenhagen political criteria is a prerequisite for the opening of any accession negotiations”

European Council, meeting in Luxembourg on 12/13 December 1997

Agenda 2000

With regard to preparations for accession, the EP ascribed great importance in particular to progress in the following areas:

- the ratification and implementation of legal human rights standards
- the legal accountability of police, military and secret services
- respect for the rights of minorities
- the right to free speech, and the freedom of the media
- the abolition of capital punishment, where applicable
- the eradication of torture and ill-treatment
- the acceptance of the principle of conscientious objection to military service
- the acceptance and encouragement of the non-profit-making sector as an important partner in the task of continually improving respect for human rights

Ukraine's Candidate status

- enact and implement legislation on a selection procedure for judges of the Constitutional Court of Ukraine;
- finalise the integrity vetting of the candidates for the High Council of Justice members by the Ethics Council and the selection of candidate to establish the High Qualification Commission of Judges of Ukraine;
- further strengthen the fight against corruption;
- complete the appointment of a new head of the Specialised Anti-Corruption Prosecutor's Office and launch and complete the selection process and appointment for a new Director of the National Anti-Corruption Bureau of Ukraine;
- ensure that anti-money laundering legislation is in compliance with the standards of the Financial Action Task Force (FATF);
- implement the Anti-Oligarch law to limit the excessive influence of oligarchs in economic, political, and public life;
- tackle the influence of vested interests by adopting a media law finalise the reform of the legal framework for national minorities.

Comprehensive Judicial Reform' 2016 and the new Supreme Court

- ✓ A New Philosophy of the Supreme Court
- ✓ The best managing practices
- ✓ Fundamentally new human-centric approach
- ✓ A new structure of judgments



Judicial strategic working groups for the development of the SC

On strategy for ensuring the unity of judicial practice

On standards of the structure of the court decision

On communication strategy

On anticorruption programs

On the SC strategic development

Resolution of the Plenum of the Supreme Court of November 30, 2017 No. 7.

The CoE school of democracy. Systemic deficiencies identified by the ECtHR.

NON-ENFORCEMENT OF FINAL JUDICIAL DECISIONS

YURIY NIKOLAYEVICH IVANOV v. UKRAINE (2009)
BURMYCH AND OTHERS v. UKRAINE (2017)

INDEPENDENCE OF THE JUDICIARY

DENISOV v. UKRAINE (2018)
SAMSIN v. UKRAINE (2021)



Judicial system of Ukraine after the beginning of the full-scale war

- ✓ Legislation
- ✓ Institutions and Infrastructure
- ✓ Statistics
- ✓ People (judges and staff)

Legislative changes to ensure the safety of all participants in the legal process.

Initiative of the Supreme Court

The Supreme Court has developed proposals to amend:

- Code of Administrative Proceedings of Ukraine
- Civil Procedure Code of Ukraine
- Commercial Procedure Code of Ukraine

Regarding the administration of justice in conditions of martial law or state of emergency:

- participation of the parties in videoconference mode outside the court premises using their own technical means.
- participation of secretaries and judges with connection from safe locations

Legislation amendments to unblock the work of the High Council of Justice and the High Qualifications Commission of Judges

- implementation of competitive procedures (as a part of the Judicial Reform)
- participation of international experts (as a part of the Judicial Reform)
- temporary transferring the powers to other judicial institutions

Institutional process to unblock the work of the High Council of Justice and the High Qualifications Commission of Judges

The Ethics Council finished conducting interviews with the selected candidates for the members of the HCJ. It now forms a list of recommended candidates according to the quote of each institution.

The Selection Commission of the HQCJ approved the list of 301 candidates admitted to the competition. The next step is to analyze and evaluate all the documents provided by the candidates and other additional information to form the list invited to the interviews.

Work of the judicial system during the war

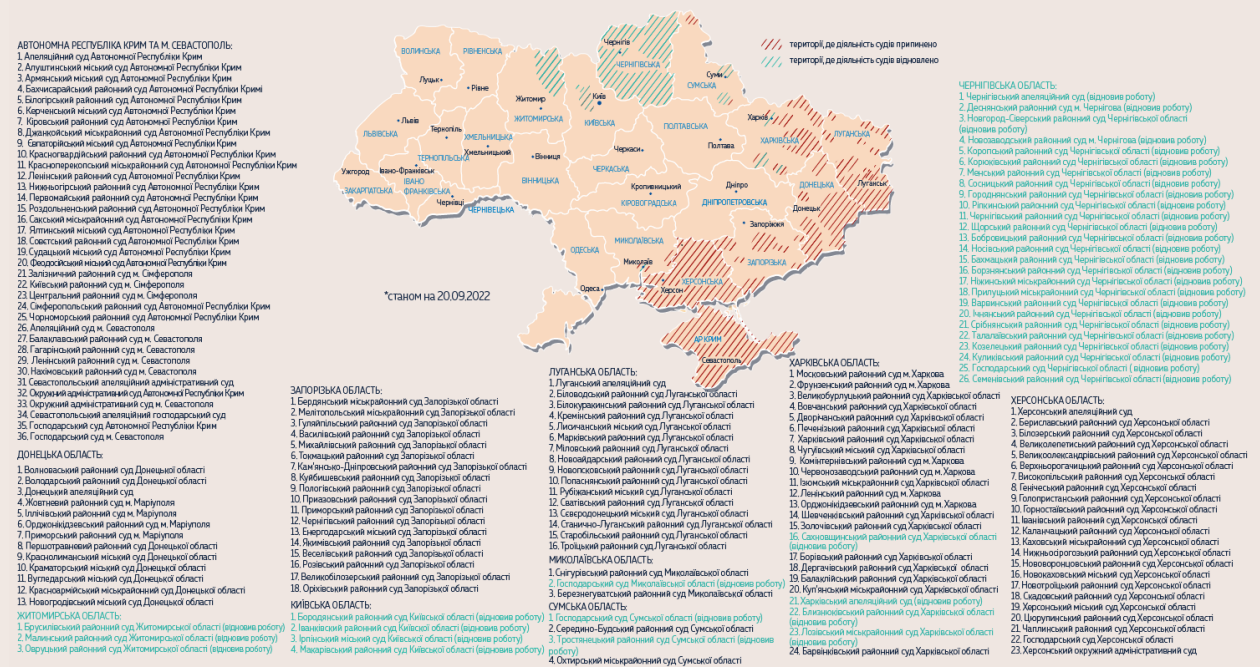
- 14 % (94) of the courts of appeal and local courts do not administer justice
- 11 % (85) of court premises are damaged or completely destroyed
- 9 % (63) of the courts are located in the territories temporarily not controlled by the Ukrainian authorities



According to the calculations of the State Judicial Administration of Ukraine, approximately UAH 1.7 billion is needed to restore the work of the courts.

- 26 % (200) of the courts changed the territorial jurisdiction due to the inability to administer justice under martial law

Currently Ukraine has 160 courts where the territorial jurisdiction has been changed (including temporary occupied territories of Luhansk, Donetsk Region and Crimea).



Procedure for the transfer of judges



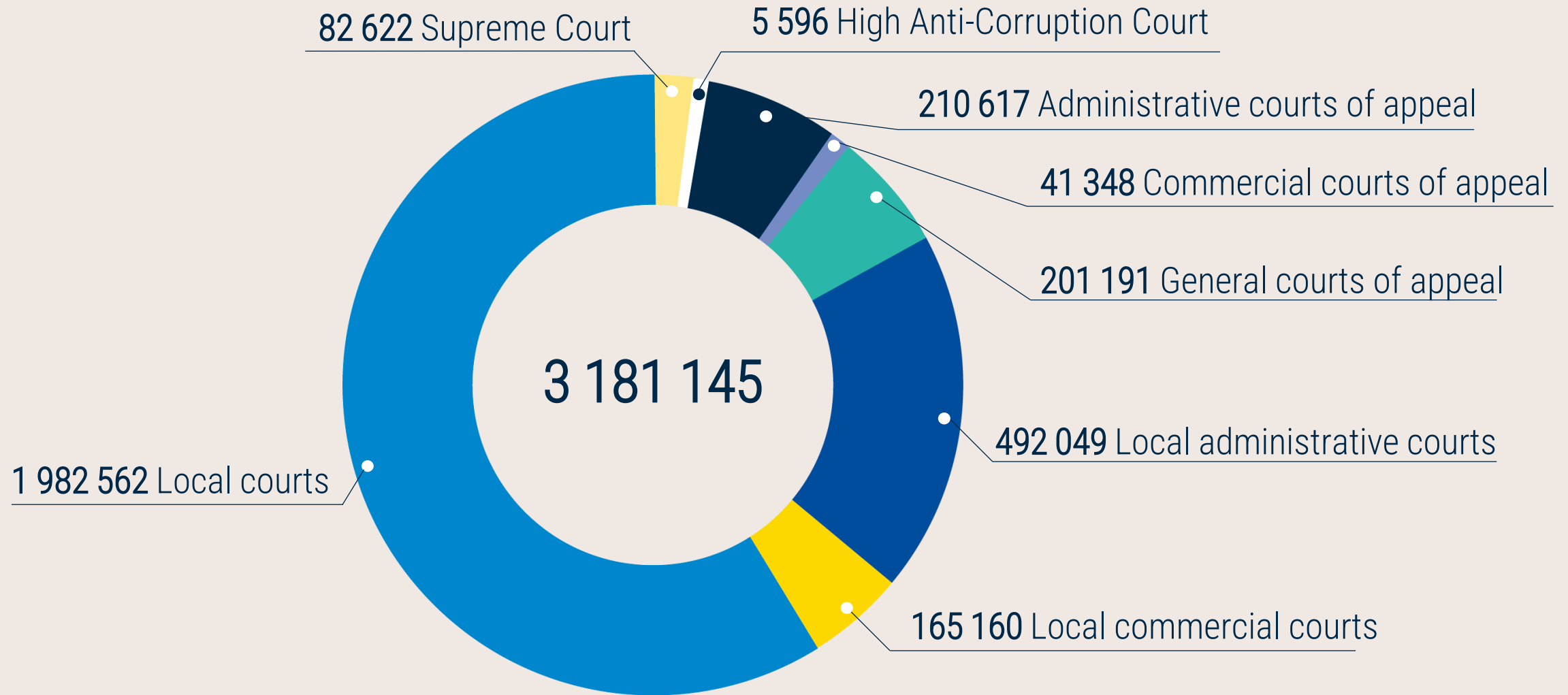
420 judges
have to be transferred



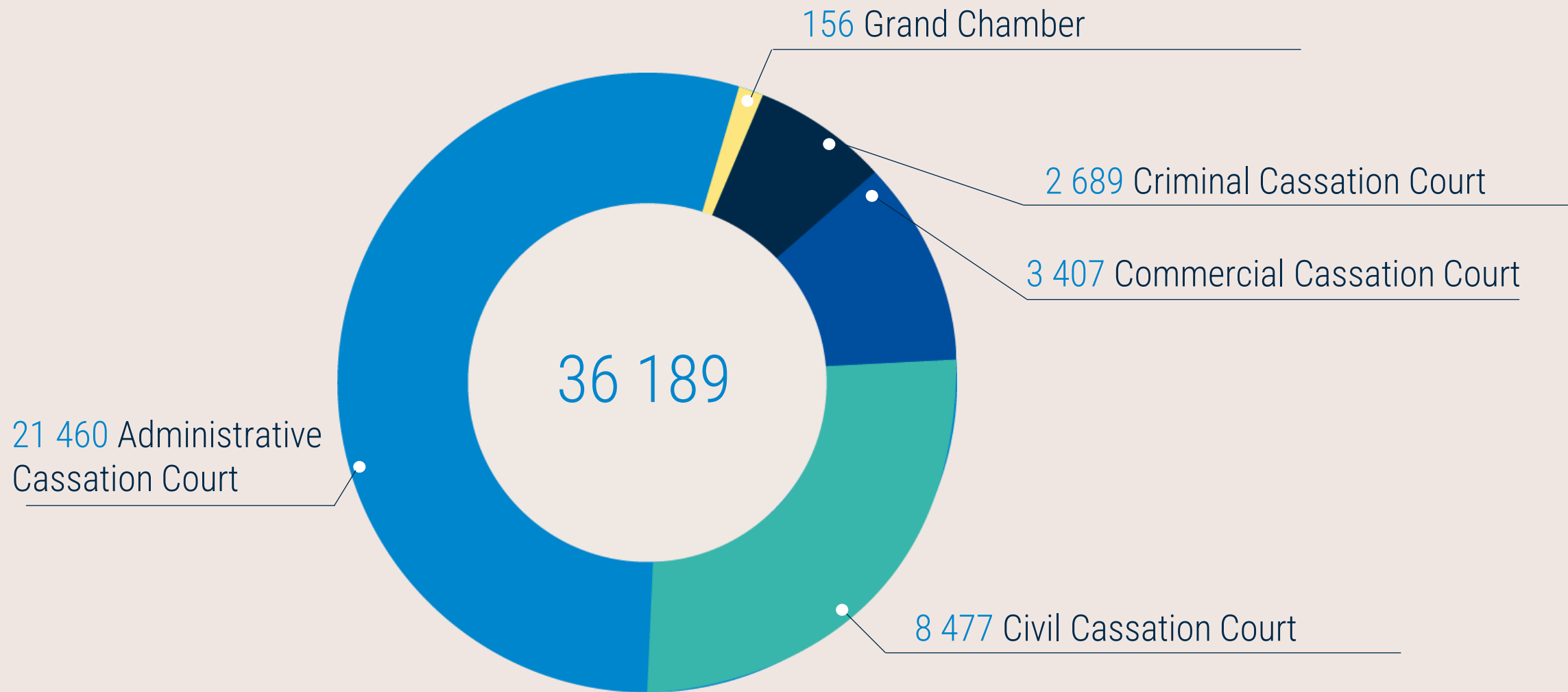
415 judges
already transferred

2 000 judges the judicial system lacked before the outbreak of the war.

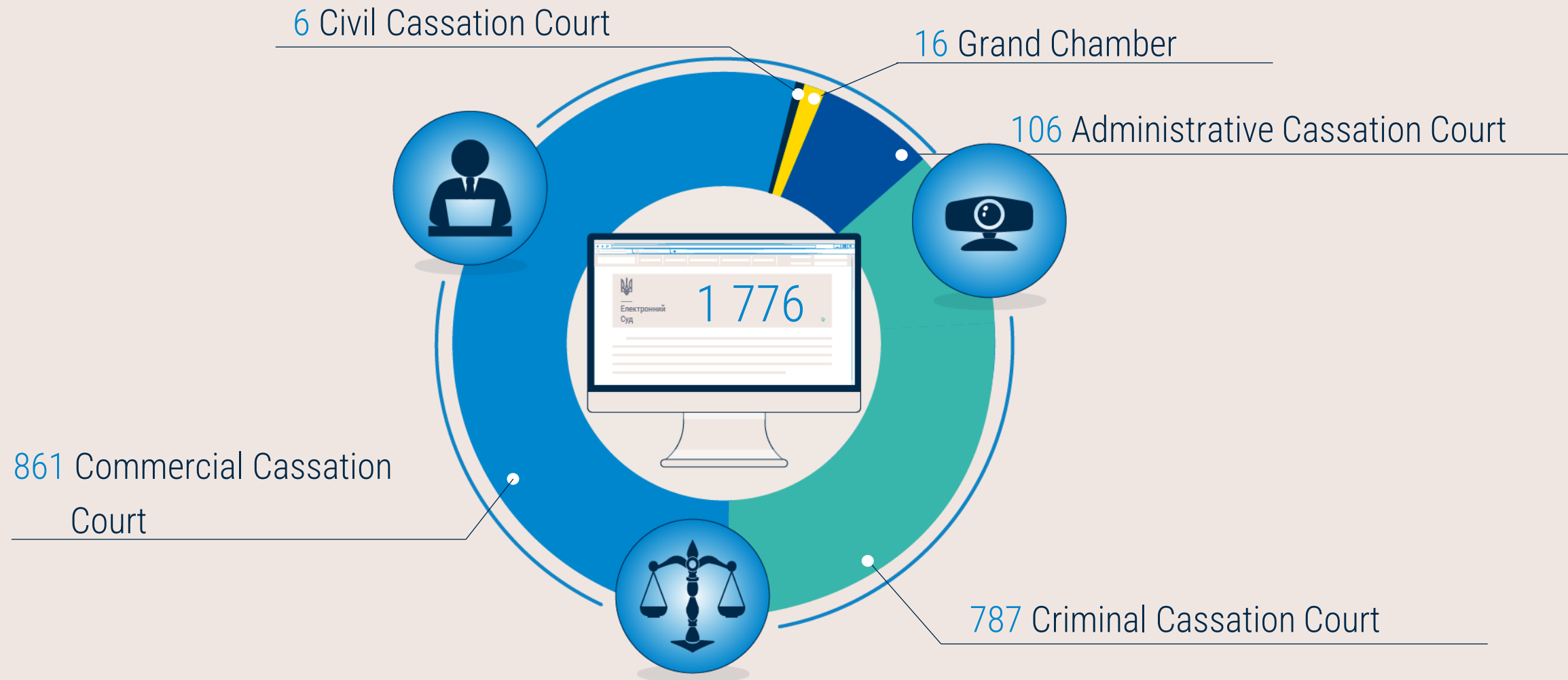
Decisions adopted by the courts of Ukraine (24.02.2022 - 20.10.2022)



Decisions adopted by the Supreme Court (24.02.2022 - 20.10.2022)



Cases considered by the Supreme Court in videoconference mode (24.02.2022 - 20.10.2022)



Judges and staff joined the Armed Forces of Ukraine



Supreme Court

4 judges and 15 staff employees

Judicial system

over 60 judges and several hundred staff employees

Judges voluntarily deduct 40-60% of their salaries for the needs of the armed forces.

The SC judges from March till September 2022 deducted over UAH 200 mln.

The SC judges and staff joined the Armed Forces of Ukraine



The judge of the Supreme Court Oleksandr Mamalui has been rewarded by the Order for Courage by the President of Ukraine on the 1 of July 2022.

The SC judges and staff coordinate humanitarian aid for the army, engage in volunteer and socially useful activity





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Thank you!