



**British Institute of
International and
Comparative Law**

The Dynamics of the Judiciary in Ukraine in the Context of the Rule of Law and the EU Accession Aspirations – News Digest No. 3, November 2024

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November 2024

This News Digest issue was prepared within the research project [The Dynamics of the Judiciary in Ukraine in the Context of the Rule of Law and the EU Accession Aspirations](#) and covers the period from October 15 to November 15, 2024.

This third issue covers news on the following topics:

Human Resources Policy and the Judicial Career.....	2
Challenges for the Judiciary During Wartime.....	3
European Integration and the Ukrainian Judiciary.....	5
Anti-Corruption Measures.....	6
Online Justice and Electronic Courts.....	7

HUMAN RESOURCES POLICY AND THE JUDICIAL CAREER

Appointments and dismissal of judges:

On October 16, 2024, [112 judges](#) were appointed to the local courts:

(local administrative courts – 3 judges; local commercial courts – 8 judges; local general courts – 101). Thus, 226 judges have already been appointed to local courts in 2024.

Reference: Earlier, Chairman of the High Council of Justice, Hryhoriy Usyk, [emphasized](#) that the Ukrainian judicial system "is working in critical conditions due to a significant shortage of personnel. The situation is challenging in the courts of appeal, where more than 52% of judicial positions are vacant."

The High Council of Justice (HCJ) reported that in [January-October 2024](#) it submitted recommendations to the President of Ukraine on the appointment of 453 judges to local courts (local courts of general jurisdiction – 396 judges; local administrative courts – 29 judges; local commercial courts – 28 judges).

The HCJ reported that within ten months of 2024, it dismissed [241 judges](#).

Recruitment for the judiciary's governing bodies:

The competition for one vacant position of a member of the High Qualification Commission of Judges of Ukraine continues. Since Judge [Roman Ignatov resigned from the position of a member of the](#) HQCJ on March 27, 2024, the vacant position can be occupied by another judge only through the competition process.

The competition is held by the [Competition Commission](#), which, according to the law, includes three members – citizens of Ukraine who are judges, and three members – international experts recommended by Ukraine's international partners.

On October 29, 2024, the competition commission announced that according to the results of the study of the materials of 26 candidates at the first stage, only four of them would continue to participate in the competition.

The Commission interviewed the candidates. Interviews were broadcast on YouTube. All interviews are open to public observation.

During the meeting on November 15, 2024, the Competition Commission [announced](#) that a list of two candidates recommended for the position of a member of the High Qualification Commission of Judges of Ukraine [was approved](#). Shortly, the High Council of Justice will select a winner among the two candidates who will become a member of the High Qualification Commission of Judges of Ukraine.

In another competition, the Competition Commission for the position of Head of the Service of Disciplinary Inspectors of the High Council of Justice (HCJ), [admitted](#) 7 candidates to the last stage of the competition.

On November 11 and 12, 2024, the final stage of the competition took place - interviews with candidates for the position of the Head of the Service of Disciplinary Inspectors. Interviews with candidates were conducted online.

The competition was held by the Competition Commission, which, according to the law, includes three members – citizens of Ukraine who are members of the High Council of Justice, and three members – international experts recommended by Ukraine's international partners.

Following the competition, on November 13, 2024, the Competition Commission approved a list of [two finalists](#) for the position of Head of the Service of Disciplinary Inspectors. These candidates successfully completed interviews and the special screening required by the Law of Ukraine "On Prevention of Corruption," maintaining the ratio of at least two candidates per vacancy.

For reference: The Service of Disciplinary Inspectors is a newly established unit of the HCJ, created to alleviate the burden on its members by addressing over 10,000 disciplinary complaints against judges. These complaints accumulated after the Ukrainian Parliament enacted an unsuccessful law that temporarily suspended the HCJ's disciplinary function. Later, the HCJ's operations were completely halted due to the dismissal of 10 of its members.

On December 19, 2023, the renewed HCJ announced [a competition](#) for the positions of the Head of the Service of Disciplinary Inspectors – Deputy Head of the Secretariat of the HCJ, Deputy Head of the Service of Disciplinary Inspectors of the HCJ, disciplinary inspectors of the HCJ.

The competition for the positions of disciplinary inspectors and deputy head of the Service has already been completed.

CHALLENGES FOR THE JUDICIARY DURING WARTIME

On October 29, 2024, at the conference "Ukraine's Path to the EU," the President of the Supreme Court, Stanislav Kravchenko, proposed enhancing cassation filters for the Supreme Court to reduce the grounds for case reviews at the cassation level.

"The issue of cassation filters is crucial for the Supreme Court. Despite the full-scale invasion, over 100,000 cases were pending in the Supreme Court in 2023. Of these, 80,000 were handled by the cassation courts and the Grand Chamber, with half being administrative proceedings," he emphasized.

On October 30, 2024, the Second Annual [Conference "Justice in National Courts in International Crimes Cases"](#) was held. During the Conference, Oleksandr Marchuk, Chairman of the Criminal Cassation Court of the Supreme Court, highlighted key aspects of the judiciary's operation amidst the ongoing full-scale war.

Conditions for Justice Administration during the War. Under martial law, the judiciary has ensured the administration of justice while prioritizing the safety of participants, judges, and court staff. Courts continue to function in frontline areas and handle cases from temporarily occupied regions. Courts in central and western Ukraine work under relatively better conditions, but no area in the country can currently be considered entirely safe.

Resumption of Courts in De-Occupied Areas. Courts in liberated territories have resumed operations. To date, first-instance courts have reviewed over 1,600 criminal cases concerning crimes against peace, human security, and international law.

Challenges Faced by Courts. Courts are operating despite power outages, which sometimes prevent technical recording of proceedings. A severe personnel shortage poses a significant risk to citizens' access to justice. Appellate courts, for instance, have more vacancies than active judges. The shortage of courtrooms forces judges to convert their offices into hearing rooms, often lacking the necessary technical equipment for recording proceedings.

Ratification of the Rome Statute of the International Criminal Court. Judge Marchuk emphasized the importance of adopting the implementing law, "On Amendments to the Criminal and Criminal Procedure Codes of Ukraine in Connection with the Ratification of the Rome Statute of the International Criminal Court." This step completes the ratification process of the Rome Statute.

Ensuring Judicial Continuity. To navigate the challenges posed by the war, it is vital to maintain judicial system continuity, unify judicial practices, progress with ongoing reforms, and address the staffing shortages in courts.

On November 5, 2024, the State Judicial Administration published [the Analytical Report](#) on Damaged and destroyed court premises as a result of the armed aggression of the Russian Federation and their restoration as of November 4, 2024.

As of November 4, 2024, since the beginning of the full-scale armed aggression of the Russian Federation on the territory of Ukraine (on February 24, 2022), 147 premises of 136 judicial institutions have been damaged to varying degrees up to complete destruction and theft of property, of which:

139 premises of 124 courts;

6 premises territorial departments of the State Judicial Administration of Ukraine and territorial departments of the Court Security Service (in Donetsk, Zaporizhzhia, Mykolaiv, Odesa, Kharkiv, Chernihiv and Kherson regions);

1 building of the National School of Judges of Ukraine;

1 premise of the High Qualification Commission of Judges of Ukraine.

EUROPEAN INTEGRATION AND THE UKRAINIAN JUDICIARY

The CEPEJ evaluation report, published on October 16, 2024, contains data and analyses on the judicial systems of 44 European states and two observer states (Israel and Morocco), allowing for the measurement of their effectiveness and quality.

The results are presented in three complementary sections:

1) [General analyses](#)

2) [Country profiles](#) / [Individual country profiles](#)

3) [CEPEJ-STAT database](#)

The CEPEJ evaluation report includes a separate page about [Ukraine](#) in the list of Individual country profiles in 2024 (2022 data - the first year of the Russian Federation's full-scale war against Ukraine).

On October 29-30, 2024, the [XII International Forum on the Practice of the European Court of Human Rights](#) was held. The forum was organized by the Supreme Court, together with the Ivan Franko National University of Lviv and the National School of Judges of Ukraine, in partnership with the OSCE Support Programme for Ukraine and the projects of the Council of Europe. (Watch video – [Day 1](#), [Day 2](#)).

The forum was devoted to discussing issues related to the implementation of the European Convention on Human Rights in civil and criminal cases; compensation for damage caused by war; application of the Convention in the constitutional justice of Ukraine; practice of the ECHR in the context of miscarriage of justice; gender-sensitive justice in wartime, and other topics.

The event was attended by judges of the Supreme Court and courts of first and appellate instances, representatives of the High Council of Justice, the High Qualification Commission of Courts of Ukraine, the National School of Courts of Ukraine, the Council of Courts of Ukraine, as well as international experts and representatives of public organizations.

The Head of the Council of Europe Office in Ukraine, Maciej Janczak, stressed that Ukraine is making enormous efforts not only to confront the aggressor state but also to reform its legal system, strengthen democratic institutions, and ensure the rule of law. "This is truly impressive and deserves respect. The Council of Europe stands with Ukraine in supporting this joint activity of government and society and is expanding its presence in Ukraine to build the

country's capacity to face the challenges it faces in the context of the war,” said Maciej Janczak, adding that the Council of Europe's Action Plan for Ukraine for 2023-2026 currently includes 37 projects, with more to come. “The Council of Europe is ready to support Ukraine in the development of judicial practice, as human rights are extremely important in times of war. Together with our Ukrainian partners, we are developing ways of judicial protection for war victims and tools for compensation. In these difficult times of Russian aggression, we are working together to ensure a lasting and just peace,” mentioned Maciej Janczak.

ANTI-CORRUPTION MEASURES

The results [of a survey conducted by the Sociological Group "Rating", which was conducted from September 24 to 29, 2024 at the request of the EU Advisory Mission in Ukraine](#), have been published in Ukraine.

A significant 73% of respondents expressed being “completely dissatisfied” or “rather dissatisfied” with the outcomes of the judicial and prosecutorial reforms, while only 21% reported being “completely satisfied” or “rather satisfied.”

Public perception of the fight against corruption is even more critical, with just 15% of respondents indicating satisfaction, whereas a striking 84% remain dissatisfied with the progress of anti-corruption efforts.

The High Qualification Commission of Judges of Ukraine (HQCJ) [informed](#) that the Commission is currently taking measures to prepare for the approval of the draft new Regulation on the Procedure and Methodology of Qualification Evaluation, Indicators of Compliance with the Criteria for Qualification Evaluation and Means of Establishing Them (hereinafter referred to as the Regulation).

For the purpose of public discussion, the draft Regulation is available at the link: [Draft Regulation](#) on the Procedure and Methodology of Qualification Evaluation, Indicators of Compliance with the Qualification Evaluation Criteria, and Means of Their Establishment.

For reference: Currently, the HQCJ operates under the existing Regulation on the procedure and methodology of qualification evaluation, including indicators for assessing compliance with the criteria for qualification evaluation and methods for their establishment. This Regulation was initially approved by the HQCJ on November 3, 2016, during the judicial and constitutional reform process of 2016-2019. As outlined in the Regulation, qualification evaluation is a process by which the HQCJ of Ukraine assesses the ability of a judge (or judicial candidate) to administer justice in a specific court. It also evaluates the suitability of a judge for their current position based on legally

defined criteria. This procedure is integral to combating corruption within Ukraine's judicial system.

Between 2016 and 2019, this process was applied to evaluate approximately 3,000 judges for their compliance with their positions. It was also employed during competitions for appointments to the newly established Supreme Court, the High Anti-Corruption Court, and the High Court for Intellectual Property. More about it [here](#).

ONLINE JUSTICE AND ELECTRONIC COURTS

According to [the State Enterprise "Information Judicial Systems"](#), from January 1, 2021, to October 21, 2024, the secure video conferencing system (VCS) was used a total of 2,515,063 times, and in courts – 2,500,671 times. 122,671 people became new users of the system, of which 5662 were new employees of bodies and institutions of the justice system.

For reference: [the VCR subsystem](#) provides the parties to the case with the opportunity to participate in the court hearing via videoconference:

1. Outside the court premises – with the help of your own account of the Electronic cabinet and personal technical means;
2. In the premises of another court – with the help of the court's technical means;
3. In a pre-trial detention facility, penitentiary institution or medical institution – with the help of technical means available in the relevant institution.

The videoconferencing subsystem also provides users with the opportunity to participate in meetings of other bodies and institutions of the justice system via videoconference and sign up and get a video appointment with representatives of organizations, etc.

The secure videoconferencing subsystem (VCS) was put into trial operation by the State Judicial Administration of Ukraine in all local and appellate courts of Ukraine from April 1, 2021.

On October 5, 2021, the launch of the modules of the Unified Judicial Information and Telecommunication System, including the VCS, was officially announced.

On November 07, 2024, the State Enterprise "Information Judicial Systems" (SE "IJS") announced the start of access to the [State Register of Individual Taxpayers](#). This became possible thanks to the joint efforts of the State Judicial Administration of Ukraine, SE "ISS", the State Tax Service of Ukraine, the Ministry of Finance of Ukraine, the High Qualification Commission of Judges of Ukraine, the Supreme Court, and the High Council of Justice.

The Procedure enables access to the following information:

- Data on the registration of an individual in the State Register of Individual Taxpayers.

- Information on the sources and amounts of income accrued to an individual and/or income received by self-employed individuals, as well as the total annual income declared in an individual's property and income tax return.

The report highlights that timely access to information on property status and income significantly expedites the process of selecting judges and assessing the integrity of sitting judges.

Requests for information under this Procedure may be submitted by judicial authorities, including local courts, courts of appeal, the Supreme Court, and high specialized courts. Additionally, members of the HCJ, disciplinary inspectors of the HCJ, authorized personnel of the HCJ Secretariat, members of the HQCJ, inspectors of the HQCJ, and authorized employees of the HQCJ Secretariat are also eligible to make such requests.