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## News Digest No. 4

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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:

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## **HUMAN RESOURCES POLICY AND THE JUDICIAL CAREER**

### **The High Qualification Commission of Judges of Ukraine (HQCJ) continues the competition procedure for the High Anti-Corruption Court and the Appeals Chamber of the High Anti-Corruption Court.**

On December 5, 2024, the HQCJ [published a](#) list of 44 applicants for the positions of judges of the High Anti-Corruption Court and its Appeals Chamber who successfully passed the IQ test. The HQCJ planned that 15 judges of the HACC and 10 judges of the HACC Appeals Chamber would be additionally elected based on the competition results. This will make it possible to speed up the consideration of cases the HACC considers against top corrupt officials.

**For reference:** The HACC was established in 2019 following the results of the first open competition, which the HQCJ held with the help of the Public Council of International Experts.

### **On December 6, 2024, the [Advisory Group of Experts](#) held a meeting at which it decided to evaluate candidates' competence for the position of judge of the Constitutional Court of Ukraine and [summarized the results](#) of the competition under the quota of the Congress of Judges of Ukraine.**

The Advisory Group of Experts deemed the candidates as “*not meeting*” the recognized level of legal competence required for the selection process for the position of judge of the Constitutional Court of Ukraine.

Thus, the competition for one vacant position of judge of the Constitutional Court of Ukraine under the quota of the Congress of Judges of Ukraine concluded without success, as no candidate passed the legal competence evaluation stage.

The Advisory Group of Experts decided to appeal to the Council of Judges of Ukraine and request that it announce a new competition for the position of judge of the Constitutional Court of Ukraine according to its quota.

**For reference:** In July 2024, the competition for the position of judge of the Constitutional Court of Ukraine under the President's quota was also [unsuccessfully completed](#). As a result, only one candidate for the position of judge of the Constitutional Court received a “*meets*” assessment for the criterion of high moral integrity. The competition was terminated early due to an insufficient number of candidates to continue the selection process. According to the Law of Ukraine “*On the Constitutional Court of Ukraine,*” at least two candidates must remain for each vacant position at any stage of the selection process.

### **On December 11, 2024, the HQCJ announced the start of a selection process for the [1800 positions](#) of judges of local courts.**

On December 9, 2024, [the HQCJ stated](#) that “the catastrophic shortage of judges in local courts causes an overload of working judges. Excessive workload on a judge results in violation of the terms of consideration of cases; negative impact on the international image of Ukraine”.

**For reference:** According to the official [information of the HQCJ](#), the number of judges in local courts should be 4956, but the number of vacant positions as of December 9, 2024, is 1197 (24%).

In addition, the HQCJ informs that the number of positions of judges of courts of appeal should be 1357. At the same time, the number of vacant positions is 745 (54%). The situation is similar in the Supreme Court, where 43 out of 196 positions (22%) remain vacant.

**On December 11, 2024, the newly appointed [judges took the oath](#) of office and assumed their powers.**

137 judges swore an oath to the Ukrainian people: 121 in general local courts, 7 in administrative courts, and 9 in commercial courts. They were appointed to their positions by presidential decrees from July to December this year.

For reference, at the previous ceremony, which took place in July this year, 248 judges of local courts took the oath, of which 208 were general local courts, 22 were administrative, and 18 were commercial.

The Law of Ukraine, "On the Judiciary and the Status of Judges," requires taking an oath. After taking the oath, the judge acquires powers and can administer justice.

## **JUDICIAL INDEPENDENCE**

**On December 5, 2024, the Parliament of Ukraine approved in the first reading [the draft law On Jury Trial No. 3843](#), which was submitted four years ago on July 14, 2020.**

The draft law proposes to establish in a separate law, "On Jury Trial," that a jury trial is a form of direct implementation of the natural right of the people to administer justice enshrined in the Constitution of Ukraine. He will adjudicate in the court in the first instance in criminal cases.

The jury consists of one professional judge and a bench of 8 jurors. A professional judge of the jury court is the procedural presiding judge of the court session and does not participate in the decisions made by the Jury Bench on the merits of the prosecution.

## **CHALLENGES FOR THE JUDICIARY DURING WARTIME**

**On November 21, 2024, the Parliament of Ukraine adopted the [Law](#) regarding improving judicial oversight.**

Under this Law, in non-property, commercial, and civil disputes, the court may oblige the debtor to submit a report on the execution of the court judgment at the collector's request. Thus, judges will receive fundamental tools for monitoring the execution of court judgments. For reference, only judges who considered cases in administrative jurisdiction had such powers previously.

**[The State Judicial Administration of Ukraine](#) (SJA) reported that as of December 10, 2024, since the beginning of the full-scale armed aggression of the Russian Federation on the territory of Ukraine on February 24, 2022, 148**

**premises of 137 judicial institutions have suffered damage of varying degrees up to complete destruction and theft of property, of which:**

- 140 premises are courts (125 courts);
- 6 premises of the Territorial Departments of the State Judicial Administration of Ukraine and Territorial Departments of the Judicial Protection Service (in Donetsk, Zaporizhzhia, Mykolaiv, Odesa, Kharkiv, Chernihiv and Kherson regions);
- 1 premise 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**

**In 2024, the Supreme Court published 4 Reviews of the Practice of the European Court of Justice and 7 Periodic Reviews of the Practice of the European Court of Human Rights, totaling 603 pages.**

The [translation](#) from English into Ukrainian is carried out by members of the Legal Department of the Supreme Court using artificial intelligence tools and is available [here](#).

## **ANTI-CORRUPTION MEASURES**

**The High Anti-Corruption Court [has published](#) brief statistics on the results of work for the period from September 5, 2019 to November 29, 2024.**

- Investigating judges considered 50,398 complaints, petitions, and applications.
- During the reporting period, the panels of judges had 295 cases under consideration.
- The verdicts were passed – 228.
- Decisions in civil cases were adopted – 15.
- Decisions in administrative cases were made 56.

**On December 5, 2024, the State Judicial Administration of Ukraine invited the public to participate in assessing corruption risks in its activities,** which will be the beginning of the preparation [of the anti-corruption program](#) of the SJA of Ukraine for the next few years.

**On December 10, 2024, the High Council of Judiciary (HCJ) [adopted a decision](#) “On the start of the work of the Disciplinary Inspectors Service of the High Council of Justice.”** The day the HCJ's Disciplinary Inspectors Service (SID) will start to operate is December 23, 2024.

**For reference:** the SID is created to exercise the HCJ's powers to conduct disciplinary proceedings against judges. It consists of the HCJ's disciplinary inspectors, the head of the service, his deputy, and employees who provide organisational support for the service. SDI inspectors and managers were selected in 2024 by a competition commission with the participation of international experts based on a competition announced on December 19, 2023.

The situation concerning judges' disciplinary liability arose when amendments to the legislation introduced a new procedure for disciplinary proceedings. However, the absence of a clear strategy and implementation plan in 2021 led to the HCJ ceasing its disciplinary function. It took two years for the laws to be amended, establishing the Disciplinary Inspectors Service as a new structural unit within the HCJ, defining its powers, and unblocking the disciplinary function. During this period, over 13,000 disciplinary complaints accumulated.

## **ONLINE JUSTICE AND ELECTRONIC COURTS**

**On November 18, 2024, the Supreme Court hosted a presentation [of the thematic report](#) "Remote Hearings in Civil, Commercial and Administrative Proceedings: In the Supreme Court". The report was prepared by experts of [the EU project "Pravo-Justice"](#).**

Acting Head of the State Judicial Administration of Ukraine provided statistical data on videoconferencing in Ukraine's judicial proceedings. Thus, from October 5, 2021, when individual subsystems (modules) of the Unified Judicial Information and Telecommunication System (USITC) began to function officially, by the end of 2022, about 80,000 users of the USITC videoconferencing subsystem were registered, and approximately 766,000 court hearings were held using videoconferencing technologies. In 2023, users increased to 112,000, and almost 1,700,000 court hearings were held. Today, more than 140,000 users are registered in the videoconferencing subsystem, and almost 2,600,000 court hearings are held via videoconferencing. Such figures indicate the relevance of resolving the issue of remote justice.

According to Olha Sribnyak, Deputy Head of the EU Project "Pravo-Justice", first the coronavirus pandemic and now the full-scale invasion of Ukraine by the Russian Federation have become powerful triggers for the digitalisation of relations between the state and the citizens.

**The press service of the State Judicial Administration on December 7, 2024 [reported](#) that the State Enterprise "Information Court Systems" has implemented access to the State Register of Individual Taxpayers.**

Judicial authorities, including local courts, courts of appeal, the Supreme Court and higher specialised courts, members of the HCJ, disciplinary inspectors of the HCJ and authorised persons of the Secretariat of the HCJ, members of the HQCJ, HQCJ inspectors and authorised employees of the HQCJ Secretariat can now have access to this Register.

Thus, it became possible, in particular, to obtain information on the sources and amounts of income accrued to an individual and the total annual income declared by an individual in the tax declaration on property status and income.

Prompt access to property status and income information will also speed up selecting judges and verifying existing judges for integrity.