

Rule of Law and Fundamental Rights in Ukraine: Progress, Tensions, and EU Accession Dynamics

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Introduction

The rule of law and fundamental rights remain at the heart of Ukraine’s EU accession process. Under the [EU’s enlargement methodology](#), Chapter 23 (“Judiciary and Fundamental Rights”) and Chapter 24 (“Justice, Freedom, and Security”) form part of Cluster 1 – Fundamentals, which is widely considered the cornerstone of the entire negotiation architecture.

[The European Commission’s 2025 Enlargement Report concerning Ukraine](#) (2025 Enlargement Report) presents a cautiously optimistic assessment: while Ukraine has made “some progress,” significant challenges endure. [Ukrainian media reactions](#) to the 2025 Enlargement Report have been largely optimistic, emphasising that “Ukraine is among the four countries advancing towards EU membership, alongside Moldova, Albania, and Montenegro.”

This blog analyses the key developments, achievements, and risks in Chapters 23 and 24 – situating them within Ukraine’s broader rule of law trajectory and its aspirations for EU membership.

Chapter 23: Judiciary and Fundamental Rights

Institutional Reform and Judicial Independence

Ukraine continues to implement major reforms to its judicial institutions. According to the 2025 Report, efforts to restore the High Council of Justice (HCJ) and the High Qualification Commission of Judges (HQCJ) have advanced, and selection procedures are increasingly influenced by international standards.

Civil society actors, such as [ZMINA and the Agency for Legislative Initiatives](#), note steady progress, underscored by the adoption of a [Rule of Law Roadmap](#) in May 2025. Yet, [serious risks remain](#). For example, the Public Integrity Council requires a revision of its operational model, including measures to ensure adequate funding and appropriate technical support.

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Anti-Corruption and Prosecutorial Independence

An especially sensitive issue under Chapter 23 is the [resilience of anti-corruption institutions](#). The 2025 Report voices concern about recent attempts to centralise power over the National Anti-Corruption Bureau (NABU) and the Specialised Anti-Corruption Prosecutor's Office (SAPO) under the Prosecutor General. Though some of these changes were reversed following domestic and EU pressure, they highlight how fragile Ukraine's anti-corruption safeguards remain.

Protection of Fundamental Rights

On fundamental freedoms, Ukraine has made strides in formal alignment with European standards. However, the civil society [shadow report](#) points to implementation gaps, particularly in ensuring full judicial redress for abuses of rights.

The [2025 Enlargement Report](#) similarly warns that institutional reform must go hand in hand with protecting human rights in practice – not just on paper.

Chapter 24: Justice, Freedom, and Security

Organized Crime, Corruption, and Prosecution

Under Chapter 24, Ukraine is expected to strengthen its cooperation with EU mechanisms on crime, corruption, and cross-border judicial proceedings. While the [2025 Enlargement Report](#) acknowledges progress, it simultaneously highlights concerns around prosecutorial governance: the recent power shifts to the Prosecutor General are seen as undermining independence.

Rule of Law in Security

Security cooperation, including in areas such as anti-terrorism and migration, is central to Chapter 24. Civil society's [shadow report](#) argues that Ukraine's reform agenda must better integrate human rights protection in its security policies, ensuring that the fight against crime does not erode civil liberties.

Judicial Cooperation and Mobility

One of the positive signals concerns cross-border judicial cooperation: Ukraine is increasing its alignment with EU norms on extradition, mutual legal assistance, and civil-criminal procedural convergence. The 2025 report suggests this work has advanced, but warns that capacity constraints and war-induced instability may hinder full operationalisation.

Key Achievements and Emerging Risks

The notable progress achieved in the adoption of the Rule of Law Roadmap, co-drafted with civil society and international experts, signals strong political commitment and improvements in judicial selection and integrity checks, especially with international expert involvement. However, "Ukraine should still adopt a new mid-term strategy for the development of the justice system and constitutional judiciary that is aligned with and holistically complements the rule of law roadmap".

Legislative rollback of problematic provisions that threatened anti-corruption agency independence demonstrated the resilience of the anti-corruption system. After domestic protests and EU concern, Ukraine reinstated important protections for NABU and SAPO.

The European Commission flags new legislation that centralizes prosecutorial power as a potential threat to long-term anti-corruption standards. Bodies like the Public Integrity Council and prosecutorial governance institutions remain vulnerable to political influence.

Strengthening security cooperation under Chapter 24 must not come at the expense of civil rights – a point strongly emphasised in [civil society assessments](#). Even where reforms are formally adopted, wartime pressures, capacity constraints, and corruption may slow effective enforcement.

The main directions for further improvements, according to the [2025 Enlargement Report](#), remain as follows:

- **Constitutional justice:** Fill all vacancies in the Constitutional Court without further delay and align the appointment procedure with the 2021 Venice Commission recommendations.
- **Judiciary:** Accelerate the filling of judicial vacancies and the vetting of sitting judges with the involvement of the Public Integrity Council. Operationalise the new specialised administrative courts and improve the selection of Supreme Court judges, ensuring transparent integrity verification with the temporary participation of international experts.

The HCJ rules on the prioritisation of disciplinary cases should be systematically applied, and priority cases handled without delays. The HCJ should also improve the reasoning and uniformity of practice in disciplinary cases and revise its rules to ensure that HCJ members from the judiciary do not review disciplinary complaints against judges from their own courts.

To increase the accountability of the judiciary, legislation improving the system of judges' declarations of integrity should be adopted, including, as a temporary measure, the meaningful involvement of independent experts, nominated by international partners, in the verification of the declarations of integrity made by judges from the highest courts. To address corruption risks in the Supreme Court, such experts should also be temporarily involved in the selection of new Supreme Court judges.

Enhance transparency in selecting members of the High Qualification Commission of Judges (HQCJ), judicial and prosecutorial councils, and the Head of the State Judicial Administration.

Advance reforms of the Bar, legal education, and the National School of Judges. Launch the e-case management system and the data collection system for enforcement of domestic court decisions.

The judiciary still suffers from severe understaffing with 2 198 judicial vacancies remaining to be filled (as of August), due to the slow pace of selections and appointments, ongoing retirements and resignations. The HQCJ 31 continued the competitions to recruit 1 800 first instance, 550 appeal court and High AntiCorruption Court (HACC) judges. In total, from September 2024 to August 2025, the President

appointed 180 judges upon their nomination by the HCJ. Given the slow pace of work and persistent understaffing, the capacities of the

In March 2025, a new draft law was registered to comprehensively revise the disciplinary liability system for judges, but it was criticised by CSOs. The HCJ requested its review by the [Venice Commission](#). Ukraine will have to take into account the latter's recommendations and engage in further expert discussions when revising the draft law.

- **Prosecution system:** Adopt legislation to strengthen integrity declarations, improve the disciplinary framework and governance of prosecutors, and ensure merit-based selection and dismissal of the Prosecutor General.
- **Criminal justice:** Remove the provision allowing automatic closure of criminal cases due to expired pre-trial time limits and review current procedural deadlines. Repeal provisions enabling non-competitive appointments and transfers of prosecutors and granting the Prosecutor General unrestricted access to pre-trial investigation materials.

The EU Accession Implication: Why Chapters 23 and 24 Matter

Chapters 23 and 24 [are seen as indispensable for Ukraine's accession](#). Without strong progress here, further talks on economic or internal market chapters may lack credibility. Copenhagen criteria, such as an independent judiciary, robust rule of law, and protection of human rights, are central to EU membership criteria. Reform momentum in these chapters demonstrates to the EU and international partners that Ukraine is serious about systemic change despite the ongoing war.

Conclusion

Ukraine has made notable progress in both judicial reform and security-rights infrastructure, but the 2025 European Commission Enlargement Report and civil society shadow report highlight that this progress is fragile.

True and lasting reform requires more than legislative alignment - it demands institutional independence, safeguards against backsliding, and sustainable civil-state cooperation. For Ukraine, Chapters 23 and 24 are not just negotiation points: they are a test of its democratic resilience under adversity.

If Ukraine can continue this path, it has the potential not only to comply with EU accession conditions but to emerge as a model of rule-of-law reform under crisis. The coming year will be critical. The extent to which Ukraine consolidates these reforms will not only determine the resilience of its domestic rule-of-law framework but will also shape its trajectory towards EU membership.