

First Step towards Judicial Reform

On 12 February 2015, the Verkhovna Rada of Ukraine adopted the Law of Ukraine «On Ensuring the Right to a Fair Trial». This Law laid down the legal basis for a judicial reform that should provide the effective protection of rights and freedoms of citizens, interests of legal persons in courts, and practical realization of the right to a fair trial. The Law shall become effective from 28 March 2015.

Citizens

The citizens shall be granted rights regarding the guarantees of equality before the law and courts, transparency and openness of a trial, binding nature of a court judgment and regulation of unbiased distribution of court cases.

The Law stipulates that the information on the court hearing, stage of hearing, place and time of hearing shall be open and public. The right to be present in the open hearing cannot be restricted. Furthermore, the findings of the Supreme Court of Ukraine in relation to application of legal norms shall be binding for power authorities, and the courts will take it into consideration for ensuring the equal application of legal norms.

Judicial Proceedings

The state executive authorities shall not have any influence over processes of court establishment or specification of number of judges. The number of administrative positions in courts will be shortened and the number of judges will be in line with the real load.

Judges

Guarantees for judges' independence and immunity, their rights and duties were specified and improved. The procedure of appointment of a judge, including processes of candidate selection, qualification examination and training and education for the position of a judge shall be more transparent.

The Law specifies the procedure for appointment of judges and their election for unlimited term. The first appointment is made by the President of Ukraine on the basis of submission of the High Council of Justice; the election for unlimited term is made by the Verkhovna Rada of Ukraine on the basis of submission of the Head of the High Qualification Commission of Judges of Ukraine.

There are regulations for the independent assessment of the professional level of a judge, the results of which will determine the further career of a judge. The attestation is introduced in order to encourage judges to increase their qualification level.

There are clear grounds and procedure specified for disciplinary proceedings in relation to judges, a number of disciplinary sanctions are introduced, and fixed terms provided for holding judges liable and application of disciplinary sanctions.

High Qualification Commission of Judges

In addition, changes were introduced into organization and formation procedure of the High Qualification Commission of Judges of Ukraine, which will compose of the qualification and disciplinary chambers, and also position requirements were specified for members of the Commission.