



MOVING FORWARD
TOGETHER



EU SUPPORT TO UKRAINE IN RULE OF LAW



Ukraine is a priority partner for the European Union. The signature of the Association Agreement, including a Deep and Comprehensive Free Trade Area (AA/DCFTA) in 2014 opened a new chapter in EU-Ukraine relations. Implementation of the Agreement means closer political and security cooperation and Ukraine's gradual economic integration in the EU Single Market. The Agreement also offers a roadmap for Ukraine's reforms, including the introduction of European standards and best practices, bringing Ukrainian and EU citizens closer together and empowering Ukrainian companies to compete in European and global markets. To assist Ukraine in this endeavour, the EU and European Financial Institutions have mobilised over EUR 13 bln in loans and EUR 2 bln in grants since 2014 to stabilise Ukraine's economy, to support comprehensive reforms and to help improve the lives of its citizens.

The EU support to Ukraine in the sector is focused on

1. Justice
2. Fight against corruption
3. Law enforcement

1. JUSTICE

The justice system includes judiciary governance bodies and courts, the bar, notaries public, the system of enforcement of judgments, the Ministry of Justice, and the prosecutor's office.

What the EU supports in the area

- Aligning the Ukrainian justice sector with modern European standards to ensure more independent, professional, efficient and accountable work of judges, judicial self-governance bodies and private legal professions (lawyers, notaries, private enforcements officers, bankruptcy administrators) through the PRAVO Justice Project
- Introducing European best practices into the work of the new Supreme Court, together with experts from European supreme courts through a Twinning Project for the Supreme Court

Key results since 2014

- ✦ **The Justice Sector Reform Strategy 2015-2020 and its annual Action Plans were endorsed by Ukraine's authorities** in 2015 and are since in the process of implementation
- ✦ **Amendments to the Constitution in terms of justice and the new Law on the Judiciary and the Status of Judges were adopted and came into force in 2016**, introducing a renewed High Council of Justice at the pinnacle of the judiciary-governance bodies. It is in charge of disciplinary measures, promotions, and dismissals of judges, as well as the coordination of judiciary-related institutions: courts, the State Court Administration, the National School of Judges, and the High Qualification Commission of Judges. Another key innovation is introduction of the

two new specialised courts: the High Anti-Corruption Court and the High Court on Intellectual Property Matters

- ✦ **The 2016 reform introduced eligibility for all citizens and legal entities to file the constitutional complaint** to the Constitutional Court regarding compliance with the Constitution of Ukraine (constitutionality) of the law
- ✦ **In July 2017, the new Law on the Constitutional Court was adopted, and in February 2018, the Constitutional Court appointed its President** and started adjudicating a number of pending cases, including on highly politically charged ones
- ✦ **The new Supreme Court began work in December 2017, with its new President and 118 judges selected through an open and public competition process with enhanced transparency.** The stand-alone high courts have also been transformed into constituent parts of the Supreme Court. On 7 May 2019, the Supreme Court received 75 new Justices selected as a result of the second competition announced on 2 August 2018, which amounts to 193 Justices in total
- ✦ **Since 2015, the High Qualification Commission of Judges (HQCJ) has appointed the re-evaluation of 5180 local and appellate court judges.** According to HQC, as of May 2019, 2 325 judges have completed the qualification assessment, of which 1 829 judges were found to have met the necessary requirements, while 181 judges failed to pass the exam and get the minimum score, and 76 more judges were recognized as not corresponding to the position held based on interviews with the Commission . In respect to 302 more judges, the HQCJ has stopped the evaluation, in particular, in connection with the confirmation of the ability to administer justice in the Supreme Court or the High Anti-Corruption Court). In addition, 2 470 more judges (31% from the total number of 8000 judges) left their posts without waiting for the re-evaluation since June 2016
- ✦ **The countrywide court system reform was started in December 2017 with the abolishment of a number of local courts and creation of**

several circuit courts instead, thus decreasing the number of courts to reflect changing density of population in certain territories

- ✦ **Enforcement reform was launched in 2016 with the establishment of new private enforcement officers, the reorganization of the penitentiary system, and the further development of the probation system.** There were 176 private enforcement officers in May 2019 out of 800 having been planned by the Ministry of by the end of 2018. The success rate in enforcement cases in 2018 was 83% that is 3 times higher than by the State Enforcement Service
- ✦ **Access to justice has improved through the rollout of free legal aid centres across the country: 535 legal aid centres were created in Ukraine between 2013 and May 2019, according to the Ministry of Justice.** Over this period, legal defence was provided in 519 781 criminal proceedings and in 3 779 982 civil and administrative proceedings, according to Coordination Centre for Legal Aid. Most of them deal with social matters, family, and decedent's estate. 58% of clients were residents of Ukraine whose monthly average revenues are below the double size of minimum wage; others are people with disabilities, IDPs, veterans, children, refugees
- ✦ **The new Insolvency Code has been adopted in 2018 and signed by President in April 2019** significantly improving the corporate bankruptcy and introducing the private insolvency in Ukraine
- ✦ **The new Law on Probation was adopted in 2015. As of today, the State Authority "Probation Service" is an independent body under the Ministry of Justice, which includes 560 units and 2963 officers.** In 2018, Probation Service delivered more than 30 000 pre-trial reports on demand of courts. Actual number of offenders under probation is 56 525

2. FIGHT AGAINST CORRUPTION

Corruption is the abuse of entrusted power for private gain both in public and private sectors. This includes giving and receiving bribes, using public funds for personal expenses, embezzling funds, abusing public office, trading in influence, and money laundering. Corruption lowers the quality of public services to citizens, leads to higher prices because of distortion of competition, sets up barriers to investment and doing business, impedes innovation and job creation, lowers the quality of education and health care, results in environmental degradation, and has many other negative effects on society and individual citizens.

What the EU supports in the area

- Development and effective deployment of newly established anti-corruption bodies – the National Anti-Corruption Bureau (a specialized law-enforcement agency responsible for investigating corruption offenses committed by top officials, as well as crimes which result in serious harm to the state), the National Agency on Corruption Prevention (an anti-corruption agency which verifies e-declarations of public officials, checks conflicts of interest and political parties' and election campaign funding), the Specialized Anti-Corruption Prosecutor's Office (a prosecutorial body which oversees NABU's investigations and brings these cases to court), and the Asset Recovery and Management Agency (a specialized institution responsible for the search of assets obtained from corruption or other offences, the return of such assets from abroad, and management of arrested assets) through the EU Anti-Corruption Initiative
- Empowerment of anti-corruption civil society organisations, investigative journalists, and local governments to prevent, detect, and fight corruption



Key results since 2014

- ✦ **The main anti-corruption institutions** — the National Anti-Corruption Bureau of Ukraine, the Specialized Anti-Corruption Prosecutor's Office, the National Agency on Corruption Prevention and the new Asset Recovery and Management Agency (ARMA) — **have been established and have begun their work**
- ✦ **A publicly available electronic system for asset declarations of public officials was launched in 2016, which is a major step for the transparency of assets among public officials.** However, by October 2018, the National Agency on Corruption Prevention had managed to verify only 400 out of the 2.7 million e-declarations currently uploaded on the system in 2018
- ✦ **The Law on the Establishment of the High Anti-Corruption Court (HACC) was adopted in June 2018.** It complies with the Venice Commission recommendations about a crucial role of internationals involved in the selection of judges. The Court completes a specialised anti-corruption infrastructure with the competency to adjudicate cases investigated by the National Anti-Corruption Bureau of Ukraine and prosecuted by the Specialized Anti-Corruption Prosecutor's Office, which is crucial demonstration to the public that violators will face justice. 38 HACC judges were appointed in April 2019. The Court started its operation on September 5, 2019
- ✦ **A new electronic system of public procurement ProZorro was introduced in 2016.** It is engined with unique open source software and provides complete information about all public tenders and their results, implementing the principle that everyone sees everything. Between its launch in 2016 and the end of 2018, about 35 000 procuring entities and more than 210 000 suppliers have been registered in the system, 2.7 bln of tenders with a total value UAH 2 072 trillion have been announced

3. LAW ENFORCEMENT

Law enforcement agencies and agencies of civilian security sector include the Ministry of Internal Affairs, the National Police of Ukraine, the State Bureau of Investigations, the Security Service of Ukraine, the State Border Guard Service, and the national and local public prosecution agencies.

The National Police ensures public order and investigates crimes that do not fall within the jurisdiction of other bodies, e.g. the National Anti-Corruption Bureau, the State Bureau of Investigations, the Security Service of Ukraine, and the State Fiscal Service.

The State Bureau of Investigations is in charge of inquiries into crimes committed by high-ranking officials (former presidents, government officials, MPs, law enforcement officers, and judges), except for corruption cases, which are investigated by the National Anti-Corruption Bureau, as well as violations of military service procedure.

The Security Service of Ukraine (SSU) conducts intelligence and counterintelligence activities, along with investigating crimes against national security and against peace and security of humanity, terrorist actions, smuggling, and the violation of state secrets.

The National Anti-Corruption Bureau is a specialized law enforcement body responsible for investigation of corruption offenses committed by top-officials (MPs, members of regional councils, members of Kyiv and Sevastopol city councils, judges etc.), or corruption crimes with major impact on public funds.

The State Border Guard Service ensures border security and participates in the fight against smuggling and illegal migration.

The public prosecution agencies include the Prosecutor General's Office, the Specialized Anti-Corruption Prosecutor's Office, the military, regional and local public prosecutor's offices. They provide procedural guidance

and supervision in investigations (i.e. direct investigators' work), conduct public prosecutions, and represent interests of the state in individual court cases.

What the EU supports in the area

- Establishing an effective law enforcement system through the work of the European Union Advisory Mission (operating since 2014 and employing over 260 international and foreign experts) and "PRAVO – Police" project. Namely, this entails developing strategic documents, providing training, donating equipment, providing European "know-how" in main areas of policing and crime reduction. In particular, support is provided in improving criminal investigations, public order protection, and ensuring a transparent and coordinated division of labour among and within law enforcement agencies, as well as proper HR management
- Assisting the National Police to develop a national concept of the public order and community policing in order to facilitate the right to assemble peacefully at mass events and to build trust between police and communities, including providing necessary equipment and refurbishment of selected police stations, through the projects "Support to Police Reform in Ukraine" and "PRAVO–Police"
- Advice and training to law enforcement and intelligence officers, investigators and prosecutors as to prevention and effective fight against organised crime and the illicit trafficking in drugs, through the EU Action against Drugs and Organised Crime (EU-ACT)
- Improvement of cybersecurity in Ukraine, including development of legislation, policies and recommendations for cybersecurity resilience and preparedness, as well as practical trainings for officers working in this sphere through the projects "Support to Cybersecurity in Ukraine" and "Countering Election-related Cyber Threats and Disinformation Campaigns in Ukraine"



Key results since 2014

- ✦ **The Law on National Security was elaborated in close cooperation with the EU, NATO and the US.** Adopted in June 2018, it includes provisions on parliamentary oversight over law enforcement agencies and contains an exhaustive list of SSU competencies that are limited to counterintelligence, -terrorism and protection of state secrets. Full implementation will require changes to the Law on SSU and on effective parliamentary oversight that are still pending
- ✦ **The Law on National Police established the National Police of Ukraine to replace the Militsiya in August 2015. The re-attestation process of former Militsiya officers was completed in 2016.** The first steps of re-orientation towards a community policing concept were taken with the creation of the Patrol Police, which is present in major cities, and the establishment of Community Policing Units across the country. Criminal investigation capacities were strengthened by a cooperation agreement with EUROPOL and the creation of a dedicated Organised Crime unit in 2018. An NPU witness protection unit is fully operational since end 2018. In August 2017, a memorandum of understanding was signed between the NPU and nine carrier companies to reduce the number of weapons in illegal circulation
- ✦ **The Law on Cyber Security entered into force in May 2018,** prescribing the set-up of a State Cyber Defence Centre and government team for responding to computer emergencies and analysing data on cyber incidents
- ✦ **The State Bureau of Investigation was established in November 2017** to take over most investigative powers from the Prosecutor General's Office and investigate crimes committed by public officials outside the National Anti-Corruption Bureau's exclusive jurisdiction. The Bureau became operational at the end of 2018, but it has still not become fully effective

✦ **Local prosecutor's offices reform started in 2014 with the adoption of a new relevant law, following a drastic reduction of the number of the local offices and the re-evaluation/vetting of local prosecutors.**

By December 2015, 178 new local public prosecutor's offices (PPOs) were created replacing nearly 700 district PPOs and a competition was held to fill positions in new offices, while staff was cut by 24%. Until now, 656 persons were recruited to the positions of heads and deputy heads of local PPOs, some of whom had not previously worked as public prosecutors, and/or did not have managerial experience

✦ **In recent years the SSU uncovered several dozens of people involved in international terrorism and stopped logistics networks**

in cooperation with foreign partners. Several hundreds of suspected Islamic State militants were banned from entering Ukraine

✦ **455 822 of criminal offenses were recorded in 2018, which is 9% less than in 2017, according to the 2018 National Police Report.**

The crime solving rate increased to 43%, in comparison with the 2017 level of 41%

