

KEY RESULTS OF THE EU PROJECT PRAVO-JUSTICE II 2021-2023

24 November 2023



Promoted dissemination of European practices and standards in Ukrainian judiciary, supported justice sector institutions on the path of Ukraine's integration into the EU, and assisted in investigating war crimes.

DEVELOPING JUSTICE SECTOR POLICIES

- Provided support and coordination in drafting:
 - Strategy for the Development of Judiciary and Constitutional Justice for 2021-2023;
 - Draft Ukraine Recovery Plan (sections on justice and human rights);
 - Comprehensive Strategic Plan for Law Enforcement Reform as a Part of the Security and Defence Sector of Ukraine for 2023-2027 and the draft Action Plan thereto;
 - Strategy for addressing conflict-related sexual violence crimes;
 - OPG Strategy on criminal responsibility for international crimes committed during the military conflict in Ukraine, etc.
- Supported drawing up draft standards for investigating war crimes.

REFORMING PUBLIC PROSECUTION OFFICE

- Provided expert and logistical support for **competitions to fill vacant positions in the Office of the Prosecutor General**, district and regional prosecutor's offices.
- Provided technical support for drawing up draft **criteria for assessing the performance (quality) of prosecutors' work**.



- Provided the OPG with **office equipment and protective equipment** worth about €200,000, **including a situation room**.
- Drew up a comprehensive **communication strategy** for the OPG.

SUPPORTING INVESTIGATION OF WAR CRIMES AND OTHER INTERNATIONAL CRIMES

- Participated in the activities of **the Atrocity Crimes Advisory Group (ACA)**, in particular in the operation of its clusters.
- Supported the establishment of **the Victims and Witnesses Coordination Centre**, including selection of applicants for the position.
- Drafted a framework for a comprehensive approach to **building psychological resilience** and **providing psychological support to prosecutors**.
- Provided expert and logistical support for the activities of **the Inter-agency Working Group on Investigating War Crimes, Violations of the Laws and Customs of War (IWG)**.

- Supported **United for Justice** forums arranged by OPG.
- **Prepared expert opinions** on draft laws on aligning the Criminal Code with the Rome Statute, cooperation with the ICC, the draft law on joint investigation teams, on-site investigations, the crime of genocide, functional immunity, and in absentia proceedings.

PROMOTING ALTERNATIVE DISPUTE RESOLUTION PRACTICES

- Supported drafting and adoption of **the Law of Ukraine “On Mediation”**.
- Developed a **communication strategy** on mediation and facilitating the initial stages of its implementation.
- Developed and conducted **training on the fundamentals of mediation** for the Ministry of Justice of Ukraine.
- Prepared a scientific and practical **commentary to the Law of Ukraine “On Mediation”**.



EUROINTEGRATION

- Provided expert support to the Ministry of Justice of Ukraine in filling in **the European Commission's Questionnaire** in the framework of Ukraine's application for EU membership and in **the self-screening process** (stages 1 and 2, negotiating chapters 23-24).
- Analysed more than **11 draft laws** in the justice sector **to check whether they are in line** with the Association Agreement and the EU acquis.

SUPPORTING EVIDENCE-BASED PUBLIC POLICY MAKING

- Provided expert support for **annual monitoring of implementation and analysis of the effectiveness of legal acts adopted by the Ministry of Justice** and for **Operational Monitoring**.
- Supported **Regional Justice Reform Councils** in the bottom-up approach to policy-making.

ADMINISTRATIVE PROCEDURE

- Provided expert and advocacy support to the adoption of the **Law of Ukraine "On Administrative Procedure" (LAP)**.
- Developed and conducted **seminars and Training of Trainers on LAP fundamentals for judges**.

LEGAL EDUCATION

- Developed two certificate programmes in EU law together with National University of Kyiv-Mohyla Academy. **Supported student initiatives and moot courts** (Jessup Ukraine Summer School, etc).

Support was provided on various aspects of judicial reform, including expert support to the judiciary, and promotion of institutional capacity building for judicial governance and administration bodies.

ANALYTICAL WORK

- Prepared **over 90 opinions and memos on draft laws** and other texts in the field of judiciary and justice. The key draft laws include the following:
 - restarting the High Qualification Commission of Judges of Ukraine and vetting sitting members and candidate members of





- Prepared a report “Functioning of the Judicial System of Ukraine in Conditions of Full-Scale War and Martial Law”, a report “European Standards of Disciplinary Proceedings Against Judges”, a handbook on European and International Judicial Governance Standards, etc.

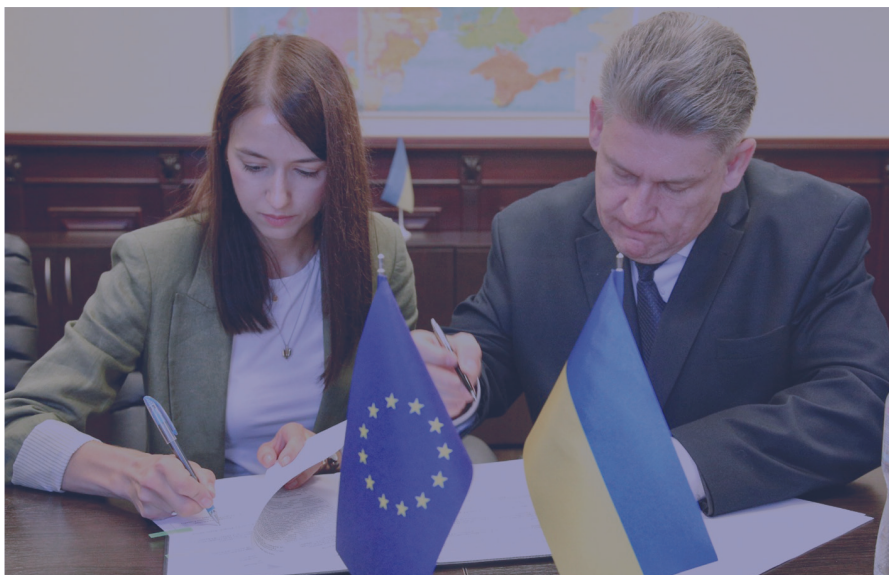
the High Council of Justice to check that they meet the criteria of professional ethics and integrity;

- restoring the HCJ’s disciplinary function and the procedure for forming the Disciplinary Inspectors’ Service;
- introducing competitive selection for the candidate justices of the Constitutional Court of Ukraine;
- improving judicial career procedures.

HCJ, HQCJ, SJA, CCU

- Provided expert and logistical support for the establishment and **functioning of the Ethics Council**. Ensured the evaluation of more than 140 candidates.
- Provided expert and organisational **support to the functioning of the new High Council of Justice**. In particular, orientation and strategic sessions were held for HCJ members. Expert support was provided, in particular, in drafting a methodology for selecting HQCJ members, and recommendations for prioritising disciplinary complaints were produced. Regular English language courses for HCJ members were organised. Provided support in establishing and strengthening cooperation with the European Network of Councils for the Judiciary. Office equipment worth about EUR 40,000 was purchased.
- Provided expert **support to the operation of the Selection Commission on Selection of Candidates for the Positions of Members of the High Qualification Commission of Judges of Ukraine**. Supported evaluation of 305 candidates, which ultimately resulted in shortlisting 32 persons.

- Provided expert and organisational **support to the new composition of the High Qualification Commission of Judges of Ukraine**. Among other things, a strategic session was held for HQCJ members, as well as a joint session for the HCJ and the HQCJ on developing common approaches to qualification evaluation and competitive selection of judges. Provided recommendations to the HQCJ Rules of Procedure.
- Provided expert and organisational **support to the operations of the Advisory Group of Experts** which will evaluate the moral qualities and professional competence of Constitutional Court candidate justices.
- Provided expert and organisational support for **capacity building of the State Judicial Administration**. Among other things, provided support in developing the Strategy for the State Judicial Administration of Ukraine in 2023-2025, and arranged a number of study visits and events. Purchased office equipment and protective gear, IT solutions and generators for a total of over EUR 325,000.
- Provided comprehensive support to the parliamentary process of developing a project on **remapping local general courts in Ukraine**.
- Ensured **the development of the Model Court** Initiative aimed at making courts more client-oriented and improving access to justice. The number of model courts increased from 6 to 92. Participants of





the Initiative established NGO “All-Ukrainian Association of Court Employees”. A multi-donor platform “Model Courts: Good Practices Platform” was developed.

- **Special training courses** on the instruments of the Hague Conference for Private International Law, EU law, international humanitarian law, and interviewing vulnerable witnesses were developed jointly with the National School of Judges of Ukraine.
- Conducted an **awareness-raising campaign to support vulnerable court users**, including war crimes victims and witnesses.
- **Held over 100 events** dedicated to building the capacity of courts and judicial governance bodies, training of judges, advocacy and implementation of European experience in the field of judiciary and court proceedings.

COMPONENT 3

Property Rights Protection and Enforcement of Court Decisions

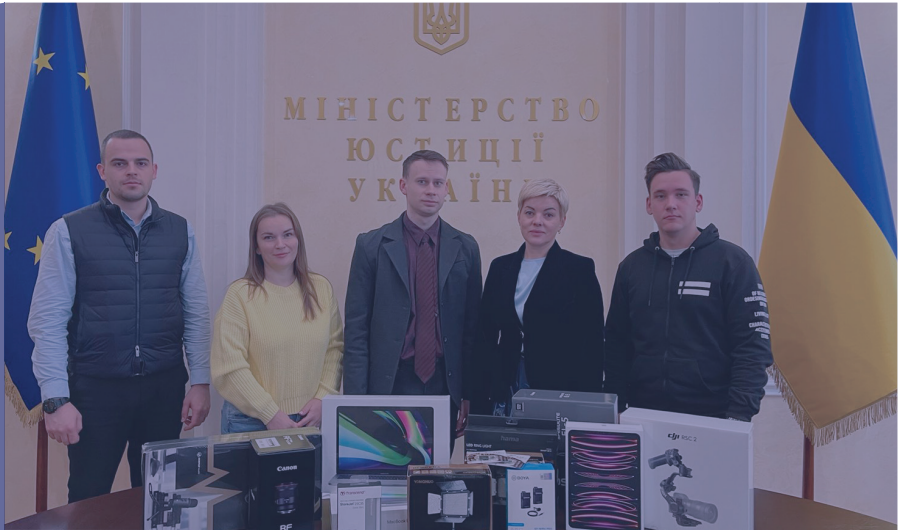
The activities were centred around protecting citizens' right to a fair trial by building an effective system of enforcing court decisions, ensuring the protection of property rights by improving enforcement procedures as well as insolvency and bankruptcy procedures, establishing a reliable system of property rights registration, and reforming penal and forensic systems.

ENFORCEMENT OF COURT DECISIONS

- Provided logistical support to launch a call centre on the functioning of the state enforcement service.
- Produced Analytical Report on the Status of Enforcing Court Decisions Imposing Obligations rendered against the State.
- Produced analytical report containing recommendations on how to improve judicial control over the enforcement of court decisions.
- Developed an Automated System of Professional Development for Private Enforcement Officers.

SANCTIONS POLICY

- Conducted research “Review of National and International Mechanisms for Protecting Property Rights Violated because of the Aggression of the Russian Federation”.
- Developed Guidelines for Businesses to Receive Compensation for Damages Caused by Russia's War Against Ukraine.



PROCEDURES TO RESTORE SOLVENCY AND BANKRUPTCY

- **Roadmap on Bankruptcy** approved by the Decree of the Ministry of Justice (pursuant to MFA conditionality).
- **Draft Law on Preventive Restructuring** (pursuant to MFA conditionality).
- **The Temporary Procedure for Selecting** and Appointing Termination Managers of State-Owned Enterprises was developed.
- **A methodology for identifying indicators of an enterprise's insolvency** and indications of actions aimed at concealing bankruptcy, fictitious bankruptcy or provoking bankruptcy was developed.
- Expert support in **implementing a digitalised risk management system** in state property management.

- **Analysed jurisprudence** on bankruptcy of individuals.
- **Analysed jurisprudence** on using out-of-court restructuring.

PENITENTIARY AND PROBATION

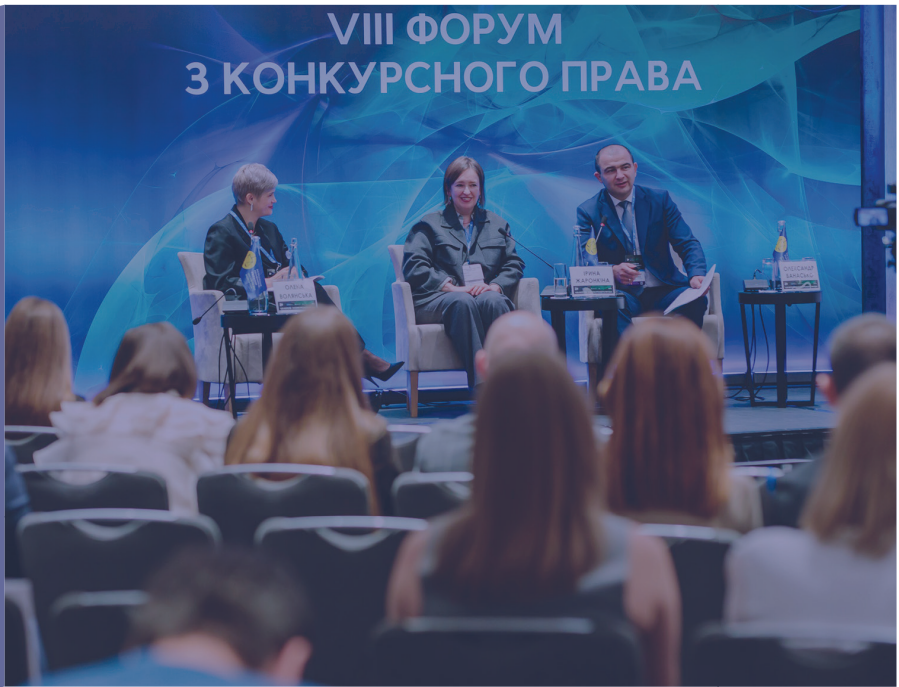
- **Professional development of penitentiary system** staff through trainings and seminars and developing educational materials.
- **Purchased equipment** to create educational content for the staff of the State Penitentiary Service.
- Developed **HR strategy for the State Institution “Probation Centre”**.

LEGISLATIVE ACTIVITIES

- Finalised Draft Law “On Peculiarities of Regulating Entrepreneurial Activity of Certain Types of Legal Entities and Their Associations in the Transition Period (Reg. **No. 6013**)”.
- Prepared Draft **Law No. 5660** “On Enforcement Proceedings”
- Prepared Draft **Law No. 9462** “On Amending Certain Legislative Acts of Ukraine on Improving Provisions on Judicial Control”.
- Drafted **Law No. 8205** “On Peculiarities of Termination upon the Decision of the Owner of State-Owned Enterprises and Economic Entities with More Than 50 Percent of Shares (Stakes) of the Authorised Capital Owned by the State”.
- Assisted the Ministry of Justice of Ukraine in **conducting annual monitoring of applying legislation** in the areas of forensic expertise, bankruptcy, and enforcement of court decisions.

FORENSIC AND EXPERT WITNESS ACTIVITIES

- Provided the Ministry of Justice of Ukraine with **five 3D scanners to conduct expert** examinations in criminal proceedings while investigating crimes committed by the Russian Federation.



- Developed recommendations on key challenges in the field of forensic examination that need to be improved.

SURVEYS

- Conducted a **comprehensive sociological survey** to study the problems and challenges in the field of **enforcing court decisions, notaries, forensic examinations and insolvency.**

COMPONENT 4 E-Justice. Digitalising Ukrainian Justice Sector

Supported digitalisation of Ukraine's judiciary and justice sector institutions by implementing modern IT solutions. The key focus was to support Ukrainian justice sector institutions in developing digital solutions and implementing their individual elements.

ELECTRONIC DOCUMENT MANAGEMENT

- An electronic document management system was introduced for the Central Office of the Ministry of Justice of Ukraine with a full cycle of coordinating and approving all regulatory acts between central executive authorities electronically.





- The functionality of the e-document management system of the South-Western Interregional Department of Justice was expanded.
- Equipment for centralised storage of documents was purchased via the State Enterprise “NAIS” of the Ministry of Justice of Ukraine.
- The creation of the Unified State Register of Enforcement Documents was launched.



WEB PORTALS AND PLATFORMS

- **Online Monitoring Digital Platform for the Ministry of Justice of Ukraine** – platformonline.com.ua – was created to monitor regulatory acts.
- The website **warcrimes.gov.ua** of the Office of the Prosecutor General was modernised to ensure proper documentation of war crimes.
- The **web portal “The Unified National Portal for Collecting Facts of Human Rights Violations by the Russian Federation”** was modernised.
- **Supreme Observer** information resource for the Supreme Court – so.supreme.court.gov.ua – was created.
- **The Database of Legal Positions of the Supreme Court** – lpd.court.gov.ua – was modernised.
- **IT audit of the Unified Judicial Information and Telecommunication System (UJITS) – “Electronic Court”** – was conducted.



SOFTWARE

- **A testing system for all legal professions** was created for the Ministry of Justice of Ukraine.
- **Software for automated delivery of procedural documents**, in particular, sending them to Ukrposhta information system for the SJA, was developed and implemented.
- **Software for the testing management system** was developed for the Ministry of Justice of Ukraine.
- Project to upgrade the software of the Automated System of Enforcement Proceedings for the Ministry of Justice.
- Continued work on creating **the Bankruptcy and Insolvency Automated System, stages 1 and 2.**
- Started developing a BI system to analyse risky transactions based on data from the State Register of Real Property Rights received from the State Register of Rights.
- Performed works to **update the software and pilot launch E-Archive** as well as to create appropriate conditions for long-term storage of e-documents of the National Archival Fond and state electronic information resources based on the Ministry of Justice and the State Audiovisual Archive of Ukraine.





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