

Justice Sector Reform Priorities

I. People-Driven and Participatory Justice

- 1) Further development of **mediation** and other **ADRs** in all types of process;
- 2) Piloting of **lay judges** to de-professionalise the judiciary;
- 3) Enhanced piloting of **juries (economic and criminal cases)**;
- 4) Obligatory pre-court dispute resolution for certain cases, like those related to gas- and oil market
- 5) Greater use of user satisfaction and other **surveys** to measure performance of justice institutions, increase user and **service-orientation** of justice players;
- 6) Improve, based on European standards, mechanisms and tools for **people's participation in and control over** proper functioning of checks and balances system (electoral responsibility, advisory councils, inclusive process of development and implementation of legislation etc.)
- 7) Better communication with citizens on justice reforms, its benefits and citizens' needs
- 8) Extended lists of case categories, which do not require the representation through a lawyer
- 9) Expanding the list of cases where reconciliation is possible
- 10) Victim-offender mediation in criminal cases
- 11) Better defined role of the judiciary within the society
- 12) Implementation of the Court Decision QR Coding System, which (the code) will become a substitute for the seal and upon scanning will confirm to the interested persons the existence of such a decision
- 13) Prompt official introduction of the e-court system in the commercial cases

II. Property Rights Protection, Economic Growth and Business Climate

- 1) Full/partial **privatisation** of **enforcement** service;
- 2) Access to profession of private enforcement officer based on pure objective, software based testing
- 3) Full/partial **privatisation** of **notary** service;
- 4) - Ensuring access to enforcement and notary services for the poor, also in case that services are privatized
- 5) **Disunite regulation of legal status** of civil servants and of private legal professions, amounting to different scope of rights, obligations and responsibility; **decrease the role of state** in regulating private legal professions by adopting methodology and procedure for regular and *ad hoc* checks by MoJ, and of other forms of legal interference;
- 6) In-depth and comprehensive review of enforcement legislation, including the relevant parts of procedural codes, aimed at **automation and simplification of enforcement proceedings**, in particular against the state;
- 7) Increasing judicial control over enforcement
- 8) Transparent and effective **bankruptcy** regulation and procedures; striking balance between business freedom and more **responsible** performance of **debt obligations**, including by **State companies** and other entities; **no moratoria or discrimination** with regard to debt of any kind;
- 9) **Strong self-governance** of all **private legal professions** (enforcement, notaries, bankruptcy trustees) under MOJ regulation; **no excess** oversight by MOJ; no disciplinary cases following the inspection, inspection should give possibility to

- improve; Deprivation of the right to be engaged in private legal profession shall be possible only by a court decision upon submission of a disciplinary commission.
- 10) Better regulation of **banking** and other **financial services**, harmonising approach to **risk** and **preventing** accumulation of **unsustainable debt**;
 - 11) Simplified and faster **court process** in all debt-related disputes, including further modernisation of all procedural codes wider use of **payment order**;
 - 12) Dedicated regulation and practical measures to ensure **quality and safety of registers data**; consider to build the register system from scratch and to outsource it to notaries; **interoperable** core (business, property, demographic and address) registers, automated **bank account blocking**, transparent system of **sale of assets** for disposal, and use of other e-tools to ensure responsible performance of debt obligations
 - 13) Strict control of law enforcement bodies and especially better protection of business against illegal law enforcement practises
 - 14) Possibility of verification by a citizen of **registration actions** regarding the alienation of his/her property (real estate, corporate rights) by using an electronic digital signature, SMS or MobileID. Reflection of all registration actions in the Citizen's Electronic Cabinet.
 - 15) Responsible attitude of the state / state authorities to fulfilment of its obligations; development and implementation of a **mechanism of real compensation** for losses in the event of actions / omissions that have harmed citizens or business entities.
 - 16) Stimulate **public notaries** and employees of public notary offices **on the demarcation line**, by the way of raising the rates of bonuses and other payments.

III. Judiciary & Bar

- 1) Further development of judiciary **governance system, aimed at promoting practical and effective** formulation and implementation of **systemic policy goals** of the judiciary (property and other human-rights protection, service orientation of courts), in addition to individual measures with regard to judges (merits-base selection and evaluation, disciplinary oversight etc.);
- 2) Judiciary **budgeting** system to be based on **performance**, not inputs; build stronger budget related skills among justice stakeholders
- 3) Overhaul of court-fee system
- 4) Avoiding long time vacancies by *inter alia* **appointment of new 700 judges** selected in the last 2 years, and their placement in courts of **first instance** as soon as possible; introduce fixed terms for filling vacancies
- 5) Continue – with proper concern to quality – the on-going processes of judicial assessment, and inform the society on its results;
- 6) Support and streamline the role of the **Public Integrity Council (PIC)** in the selection of judges, and its relationship with other judiciary governance bodies;
- 7) Use courts **practice** and secondary legislation as a regulatory tool of **preference** in regulating gaps in procedural law; **limit existing practice of frequently changing** procedural law;
- 8) **Improve** the efficiency and user-friendliness of **Unified State Register of Judicial Decisions**, as well as its interoperability/merger with other key registers (of enforcement documents, of enforcement documents etc.);
- 9) Allow the **Supreme Court** to perform its **main role in ensuring uniformity of p-practice** by creating much significant formal and practical procedural obstacles on access to cassation appeal;
- 10) Unification of judicial practise within SCJ

- 11) Speed up SCJ advisory process as strong tool for unification of judicial practise
- 12) Increase quality of pre-trial and trial proceedings by **quashing the possibility of case referrals back** to law-enforcement authorities or lower courts for new consideration;
- 13) Improvement of legal status of advocates/members of the Bar, ensuring internal and external advocates' independence, create **accountable and transparent** Bar self-governance and budgeting systems;
- 14) Allow a self-governance-system, which enables newcomers to enter positions in lawyers' self-governing bodies and introduce e-voting
- 15) Improve quality of lawyers' training and don't allow monopolisation of training
- 16) Increase lawyers' fees for legal aid cases
- 17) Improve **court security** and efficiency through establishment of court police and support to model courts initiatives.
- 18) Develop clear tools for transparent and objective way to measure productivity and efficiency of courts' and judges' work, upholding the independence
- 19) Equality of arms between prosecution and defence lawyers also during pre-trial phase

IV. User and Service Orientation of Justice Services

- 1) Introduction of **effective system of HR management** in justice sector and in civil service in general (recruitment, encouragement, implementation of more diverse methods of influence beyond punitive);
- 2) Preparation and adoption of **the law on administrative procedure** orienting state authorities on prompt and efficient provision of services;
- 3) Further implementation of modern communication methods in the judiciary, introduction of press-secretary position in courts of all levels and jurisdictions;
- 4) **Transferring** certain minor categories of cases and establishing of facts to **notaries, police and other institutions.**
- 5) In general more competencies for notaries
- 6) Consider eligibility criteria for state guaranteed free legal aid (income threshold and severity of cases) in order to reduce the number of eligible persons
- 7) Make E-Justice an strategic issue and dimension for future development of justice sector;
- 8) Creating, understandable and effective **Citizen's Cabinet**, where a person can obtain all information about his/her relations with the state (tax aspects, pensions, registration of property rights, obtaining (support) of electronic digital signature, bringing to responsibility), order public services and pay for them. The e-justice should be a component in such an Citizen's Cabinet.

V. Justice for People from Conflict Areas

- 1) Development of **solution to legal gaps/lacunae** with regard to occupied territories of Crimea and Donetsk/Lukhansk oblasts (solution to procedural obstacles, examination of cases based on lost case-file materials etc.);
- 2) Special measures regarding the access to justice for people from uncontrolled territories, including reduced court fees; mobile service points for service of documents; increased infrastructure for the use of e-justice
- 3) Intermediate measure to prove legally relevant facts, despite inaccessibility of documents and registers
- 4) Legal clarity regarding the ending point of "Anti-Terrorist-Operation"
- 5) **Awareness raising and training** of courts and other legal professions on handlings cases concerning occupied territories, and on the best relevant European practices;

- 6) Ensure the necessary **safety measures** for judges and other legal professionals involved in cases with regard to occupied territories.
- 7) Avoid the need to address the courts constantly with regard to **renewal of pension payments** for the temporary displaced persons; organization of proper enforcement of previously adopted court decisions with regard to such payments.
Possibility of obtaining **pension by disable persons** who are not physically able to identify themselves at the Pension Fund bodies through presenting a certificate from the temporarily occupied territories.

VI. Better legal education and improved access to legal profession

- 1) Further improvement and harmonisation of legal education by reduction of number and increasing the quality of legal schools;
- 2) Strengthening the practical aspect of education for all legal professions
- 3) Ensure access to legal profession through introduction of a unified and independent exam for judges, prosecutors and advocates/bar members;
- 4) Further development of and support to students' self-governance, their active involvement to policy development and implementation;
- 5) Wider involvement of legal students in delivery of primary and secondary legal aid. Introduce **obligatory internship at legal clinics** during the course of obtaining the law degree.