

11 July 2024

KEY RESULTS OF THE EU PROJECT PRAVO-JUSTICE III

January - June 2024

EU-SUPPORTED
ANTI-CORRUPTION &
RULE OF LAW REFORMS
IN UKRAINE



Funded by
the European Union

 PRAVO-JUSTICE

 EXPERTISE
FRANCE
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Ladies and Gentlemen!

We are thrilled to present you the results of the six-month work of the EU Project Pravo-Justice, which is implemented by the agency Expertise France. This is a cornerstone EU initiative aimed at promoting judicial transformation and strengthening the rule of law in Ukraine.

The third phase of the Project began in early January 2024 and has focused on four areas, namely:

1. Prosecutorial Reform and Prosecution for International Crimes;
2. Judicial Reform;
3. Enforcement and Protection Property Rights;
4. Support to EU Integration Process in the Justice Sector.

We also focus on enhancing the capacity of civil society organisations. After all, their involvement is crucial for increasing the transparency of the justice system and strengthening public trust in the results of the reforms.

At the end of June, negotiations on Ukraine's accession to the EU have officially started. This is a historical event, which was preceded by dedicated and persistent work. We have many tasks ahead. At the same time, being a technical assistance project, we will concentrate our support to Ukraine in order to speed up transformations in the sphere of the rule of law, in particular with regard to negotiated Chapter 23 "Rule of law and fundamental rights and freedoms" and Chapter 24 "Justice, freedom, security", as well as the implementation of the Ukraine Facility Plan.

On behalf of the entire Project Team, I express my sincerest gratitude to our partners for their cooperation. Joint efforts are priceless in accelerating the rule of law transformations on Ukraine's path to the EU.



Sincerely,

*Oksana Tsymbriivska,
Team Leader of EU Project Pravo-Justice*

COMPONENT 1.

Prosecutorial Reform and Prosecution for International Crimes

Promoting prosecutorial reform in Ukraine in accordance with best European standards, by increasing the efficiency of their work and bringing the perpetrators to justice for committing international crimes.

SUPPORT FOR THE INVESTIGATION OF WAR CRIMES AND OTHER INTERNATIONAL CRIMES

- participation in the work of the **Atrocity Crimes Advisory (ACA)** Group for Ukraine facilitated. In particular, the Project was presented in 9 out of 10 thematic clusters (crime of aggression; genocide; crimes against the environment; deportation of children; attacks on critical infrastructure; conflict-related sexual violence (CRSV); filter camps; taking civilian hostages; and crimes against cultural heritage), as well as in 3 out of 9 regional clusters (Kyiv, Kherson, and Mykolaiv regions);
- within the framework of ACA clusters, Project experts have prepared more than **15 expert** documents on specific legal issues of international humanitarian law and international criminal law;
- expert support for the activities of the **Interagency Working Group (IWG)** of Military Experts;
- meetings of the **International Council of Experts** on crimes against the environment in conditions of armed conflict supported;
- holding of the **International Conference** “United for Justice. United for Heritage” supported;
- participation and assistance in the development of the **Strategic Plan of the Coordination Center for the Support of Victims and Witnesses** for 2024-2026;
- some **10 offline and online trainings, seminars, workshops** on international humanitarian and international criminal law held for prosecutors (59); representatives of the judiciary (38); lawyers cooperating with the FLA system (20); and mass media representatives;
- **training for trainers** on international humanitarian and international criminal law organised and conducted, with further cascade trainings being planned.



SUPPORT OF INTERNATIONAL COOPERATION

- assistance provided in considering more than **10 requests for extradition and mutual legal assistance**, including in cases of international crimes;
- **document** “Overview of Ukraine’s Efforts to Strengthen Cooperation in the Field of Mutual Legal Assistance and Extradition” developed;
- assistance provided to OPG in bringing Ukrainian legislation into compliance with the **Mendez Principles**;
- **strategic sessions** held for the Department of International Legal Cooperation of the OPG, as well as for prosecutors of regional public prosecutors’ offices, on international legal cooperation;
- terms of **Reference prepared for the development of an information system** for the Office of the Prosecutor General to be able to manage processes related to the provision and receipt of international legal assistance in criminal matters and cooperation with the International Criminal Court (Exila).

PROSECUTORIAL REFORM

- expert and logistics **support for the competitions to fill vacant positions** in the Department of Public Communication, Consideration of Appeals and Requests of the OGP;
- preparatory work aimed at organising an all-Ukrainian public survey on criminal matters (development of a questionnaire and terms of reference, alongside the launch of the procedure for procurement of services of an analytics and advisory company);
- development and implementation of **the electronic document flow system** for the Qualification and Disciplinary Commission of Prosecutors supported (development of the evaluation report and ToR, as well as the launch of the corresponding procedure for procurement of services);
- “ToR for the Information System for Managing Processes Related to International Cooperation in Criminal Matters, Cooperation with the International Criminal Court, and the Comprehensive Information Security System” developed;
- support provided to the Office of the Prosecutor General in the evaluation of the previous and development of a new **Strategy for the Development of Public Prosecutors’ Offices**;
- **30 practical tasks** (with questions and answers) developed to be used during the competition-based selection to prosecutorial positions;
- together with Global Rights Compliance, **a study visit of three prosecutors** to the UK was organised and supported in order to familiarise the participants with the country’s successful practices in the field of juvenile justice.

COMPONENT 2. Judicial reform

Providing comprehensive expert, organisational, and technical support to the judicial authorities in Ukraine. Analysis of legislative initiatives and development of recommendations. Promoting greater institutional capacity of the judicial governance and administrative bodies.

ANALYTICAL AND LEGISLATIVE WORK

- more **than 20 memos, expert opinions, and recommendations** to draft legislative and other regulatory acts on the activities of judicial authorities, including the draft laws “On the High Administrative Court”, “On Amendments to the Laws of Ukraine “On the Judiciary and the Status of Judges” and “On The High Anti-Corruption Court” regarding the organization and activity of the High Administrative Court”, regulatory acts of the HQCJ;
- **manual prepared with the analysis** of the EU Court of Justice case law on the issues of the rule of law and its significance for Ukraine.



HCJ, HQCJ, CCU, SUPREME COURT, SJA

- comprehensive expert, organisational and technical support provided for the work of the Ethics Council, as well as the Selection Commission of the Disciplinary Inspectors Service under the HCJ;
- work of the **Advisory Group of Experts**, special body that assesses the moral qualities and professional competence of all candidates for judicial positions in the Constitutional Court of Ukraine, supported. As a result, the CCU composition renewed for the first time with a judge appointed as a result of an open and transparent competitive procedure;
- **independent review of the database of tests** for anonymous testing of professional competence in civil jurisdiction of judicial candidates to appellate courts provided at the request of the High Qualification Commission of Judges of Ukraine (3,000 test questions);
- drafting of **ToR supported for updating and developing** the following modules of the Unified Judicial Information and Communication System: Unified State Register of Court Decisions; Unified State Register of Writs of Execution; “Judicial Dossier” subsystem, ERP system;
- expert assistance provided within the framework of **the UJITS functional audit** and road map development;
- **14 licenses** purchased for access to the ZOOM platform for 2024 for the SJA of Ukraine and territorial units;
- **concept of the Model Courts Initiative** for 2024-2026 and the Action Plan outlining the strategic steps for the effective implementation of the Initiative developed;
- **communication Plan** developed to raise awareness among lawyers about the Supreme Court’s Legal Position Database and the Supreme Observer portal.

OTHER

- audit of the **website** of the Constitutional Court of Ukraine conducted;
- support of **working visits** of the HCJ members and of the President of the Supreme Court, aimed at the development of European cooperation, provided.



COMPONENT 3. Enforcement and Property Rights Protection

Facilitating the implementation in Ukraine of best European practices and experience of EU member states regarding protection of property rights and enforcement of court decisions. Analysis and development of legislation, as well as providing recommendations in the areas of enforcement of decisions of courts and other bodies, insolvency, application of sanctions, management of state-owned enterprises, execution of punishments, and forensic expertise.

ANALYTICAL AND LEGISLATIVE WORK

- expert support provided for the development of **draft law No. 10143 on the implementation of Directive 2019/1023** of the European Parliament and of the Council and the introduction of preventive restructuring procedures, and draft law **No. 9462** on judicial control over the enforcement of court decisions. The said draft laws have already been passed in the first reading;
- legislative proposals for the introduction of mediation in the enforcement procedure developed;
- analysis of **draft law No. 11139** on greater efficiency of state-owned property management, improving the mechanism for the sale of seized property, and bringing Ukrainian legal standards closer to European ones provided;
- **analytical reports** “Forensic Expertise in Ukraine: Current State and Existing Challenges to the Science in the Courtroom” and “Impact of Sanction Restrictions on Enforcement”.



DEVELOPMENT OF PROBATION

- **unified form for risk assessment of re-offending** developed; employees of 7 pilot probation offices trained to use the new tool;
- **89 probation mentors** got trained on effective tools and methods of social and educational work with individuals on probation;
- concept of “E-probation”, **mobile application** for individuals on probation, developed;
- **quality control system** in place for monitoring the assessments of the risk of re-offending in the Unified Register of Convicts and Detained Persons;
- support provided to the Ministry of Justice for improving **the system predicting re-offending** (“Cassandra”);
- list of **27 necessary professional competencies of probation workers**, respective indicators, and guidelines on them developed;
- **prison institutions** (employees and prisoners) provided with materials for the correctional programmes “Change of Criminal Attitude” and “Restoration of Family Relations”.

DIGITISATION

- **software developed** and automated system “Bankruptcy and Insolvency” put into operation;
- **call centre of the Ministry of Justice** on issues of execution of court decisions by the State Enforcement Service in place and operational.

OTHER

- more than **10 events** organised and conducted together with partners and key stakeholders.



COMPONENT 4. SUPPORT TO EU INTEGRATION PROCESS IN THE JUSTICE SECTOR

Facilitating dialogue between stakeholders of the justice sector; public diplomacy; monitoring and communication regarding the EU accession process; assisting the Ministry of Justice in the process of rapprochement and negotiations on EU accession, as well as supporting legal education reform and providing other thematic support.

EUROPEAN INTEGRATION

- support provided for the development of the **Shadow Report** to Chapter 23 “Justice and Fundamental Rights” of the EC Report on Ukraine in 2023 by a coalition of CSOs;
- ministry of Justice and other beneficiaries of the Project supported in **assessing the compliance** of Ukrainian legislation with EU law; expert assistance and practical recommendations provided for preparing for the bilateral self-screening process.



LEGAL EDUCATION

- project provides expert support in developing the **concept of reforming** legal education; the concept of the Law on Higher Legal Education; the draft Law on Higher Legal Education, including the necessary by-laws;
- **student moot courts**, including national rounds of the Philip C. Jessup International Law Moot Court Competition, supported;
- support provided to the NaUKMA student team to **participate** in Telders International Law Moot Court Competition this year. They ultimately won the competition.

OTHER

- **expert support provided for the annual** Monitoring of the Implementation and Analysis of the Effectiveness of the Adopted Legal Acts and the presentation of the results of the VI Monitoring Report;
- the “Online Monitoring” **platform** for the Ministry of Justice to monitor the effectiveness of regulatory acts updated: user experience of the platform improved and the Law “On Administrative Procedure” included in the scope of monitoring;
- **outreach activities** to promote mediation as an alternative mean of dispute resolution by way of holding events for lawyers, judges, and students.





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