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Version finale

**Answer to the
REVISED SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS
2004 Data**

**Réponse à la
GRILLE REVISEE
POUR
L'ÉVALUATION DES SYSTÈMES JUDICIAIRES
Données 2004**

UKRAINE

19 May 2006

REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

UKRAINE

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REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

COUNTRY: UKRAINE

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I. Demographic and economic data

I. A. General information

1. **Number of inhabitants** 47280,8 persons
Source State Statistics Committee of Ukraine
2. **Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level**
State level 16,5 milliards €
Regional / entity level €
Source [redacted]
3. **Per capita GDP** 1140,5 €
Source State Statistics Committee of Ukraine
4. **Average gross annual salary** 92,1 €
Source State Statistics Committee of Ukraine

I. B. Budgetary data concerning judicial system

5. **Total annual budget allocated to all courts** 107696,3 thousands €
Source State Budget of Ukraine on 2004

Please specify:

6. Within this budget, can you isolate the following budgets and specify, if appropriate, their amount:

	Yes	Amount
▪ Salaries?	<input type="checkbox"/>	€
▪ IT?	<input checked="" type="checkbox"/>	€
▪ Justice expenses borne by the State?	<input checked="" type="checkbox"/>	€

Source

7. Annual public budget spent on legal aid €

Source

8. If possible, please specify:

▪ the annual public budget spent on legal aid in criminal cases	<input type="text"/>	€
▪ the annual public budget spent on legal aid in other court cases	<input type="text"/>	€

Source

9. Annual public budget spent on prosecution system 41307,9 €

Source *State Budget of Ukraine on 2004*

10. Bodies formally responsible for budgets allocated to the courts:

	Preparation of the budget (Yes/No)	Adoption of the budget (Yes/No)	Management and allocation of the budget among courts (Yes/No)	Evaluation of the use of the budget (Yes/No)
Ministry of Justice	No	No	No	No
Other ministry. Please specify				
Ministry of Finance of Ukraine	Yes	Yes	No	Yes
Parliament	Yes	Yes	No	Yes
Supreme Court	No	No	No	No
Judicial Council	Yes	No	Yes	Yes
Courts	Yes	No	No	No
Inspection body. Please specify.				
Other. Please specify State Judicial Administration	Yes	No	Yes	Yes

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your budgetary system

II. Access to Justice and to all courts

II. A. Legal aid

11. Does legal aid concern:

	Criminal cases	Other than criminal cases
Representation in court (Yes/No)	Yes	Yes
Legal advice (Yes/No)	Yes	Yes
Other (Yes/No). Please specify	No	No

12. Number of legal aid cases:

- total
- criminal cases
- other than criminal cases

Source

13. In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

Yes No

14. Does your country have an income and asset test for granting legal aid:

- | | No | Yes/Amount |
|----------------------------------|-------------------------------------|--------------------------|
| ▪ for criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ for other than criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Source

15. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

Yes No

16. If yes, is the decision taken by:

- | | | |
|--|-------------------------------------|-------------------------------------|
| | Yes | No |
| ▪ the court? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ a body external to the court? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ a mixed decision-making body (court and external)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

17. In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

- | | | |
|----------------------------------|-------------------------------------|-------------------------------------|
| | Yes | No |
| ▪ for criminal cases? | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ for other than criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If yes, are there exceptions? Please specify:

It exists the exceptions for the categories of plaintiff in particular cases in civil and economic areas

18. Is there a private system of legal expense insurance for individuals in order to finance legal proceedings to court?

No
Yes Please specify:

In accordance with paragraph 19 of part 4 of Article 6 of the Law of Ukraine "On insurance" one of the type of voluntary insurance can be insurance of legal expenses for legal proceedings.

19. Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

- | | | |
|------------------------------|-------------------------------------|--------------------------|
| | Yes | No |
| ▪ criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ other than criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system

II. B. Users of the courts and victims

II. B. 1. Rights of the users and victims

20. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:

- | | | |
|--|-------------------------------------|--------------------------|
| | Yes | No |
| ▪ legal texts (e.g. codes, laws, regulations, etc.)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Internet address(es): www.rada.gov.ua; www.kmu.gov.ua; www.court.gov.ua; www.vasu.gov.ua

▪ **case-law of the higher court/s?**

Internet address(es): www.rada.gov.ua; www.court.gov.ua; www.scort.com.ua; www.vasu.gov.ua; www.arbitr.gov.ua

▪ **other documents (for examples legal forms)?**

Internet address(es): www.rada.gov.ua; www.kmu.gov.ua; www.court.gov.ua; www.vasu.gov.ua

21. Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

Yes

No

If yes, please specify:

22. Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

Yes

No

23. Are there special arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism (Yes/No)	Hearing modalities (Yes/No)	Procedural rights (Yes/No)	Other (Yes/No). Please specify
Victims of rape	Yes	Yes	Yes	Yes. The case couldn't be closed by reconciliation
Victims of terrorism	No	No	No	
Child/ Witness/ Victim	Yes No No	No No No	Yes Yes No	Yes. It should be presented an interpreter, an doctor, guardianship body
Victims of domestic violence	No	No	No	
Ethnic minorities	No	No	No	
Disabled persons	No	No	Yes	Yes. It should be presented an doctor

Juvenile offenders	Yes	Yes	Yes	Yes. It should be presented an interpreter, an doctor,
Other	No	Yes	Yes	

24. Does your country have compensation procedure for victims of crimes?

Yes No

25. If yes, does this compensation procedure consist in:

- Yes
- a public fund?
 - a court order?
 - private fund?

26. If yes, which kind of cases does this procedure concern?

- 1) unlawful custody; unlawful detainer; wrongful condemnation
 2) unlawful application of administrative fine or correctional work;
 3) unlawful conducting of operative research in accordance with laws of Ukraine

27. For victims, are there studies to evaluate the recovery rate of the compensation awarded by courts?

No
 Yes Please specify:

It takes into account the amount of salary, which wasn't earned by the person during the period of its discharge or during the term of serving it's term or correctional works as a type of administrative punishment

II. B.2. Confidence of citizens in their justice system

28. Is there a system for compensating users in the following circumstances:

- | | | |
|------------------------------------|-------------------------------------|-------------------------------------|
| | Yes | No |
| ▪ excessive length of proceedings? | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ wrongful arrest? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ wrongful condemnation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If yes, please specify (fund, daily tariff):

Fund – State Budget
 Daily tariff – according to the rate of the salary of the person per day

29. Does your country have surveys on users or legal professionals (judges, lawyers, officials, etc.) to measure public trust and satisfaction with the services delivered by the judiciary system?

Yes No

If possible, please specify their titles, how to find these surveys, etc:

30. **If yes, please specify:**

	Trough systematic surveys (Yes/No)	Through ad hoc surveys (Yes/No)
Surveys at national level		
Surveys at court level		

31. **Is there a national or local procedure for making complaints about the performance of the judicial system?**

Yes No

32. **If yes, please specify:**

	Time limit to respond (Yes/No)	Time limit for dealing with the complaint (Yes/No)
Court concerned	Yes	Yes (10 days)
Higher court	Yes	Yes
Ministry of Justice	Yes	Yes
High Council of Justice	Yes	Yes
Other external organisations (e.g. Ombudsman)	Yes	Yes

Can you give information elements concerning the efficiency of this complaint procedure?

III. Organisation of the court system

III. A. Functioning

33. **Total number of courts (administrative structure):**

- **first instance courts of general jurisdiction** 722

Source **President Decrees**

- **specialised first instance courts** 54

Source **President Decrees**

Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

local economic courts - 27
local administrative courts – 27

34. Total number of courts (geographic locations) 790

Source President Decrees

35. Number of first instance courts competent for a case concerning:

- a debt collection for small claims

Please specify what is meant by small claims in your country:

- a dismissal
- a robbery

36. Number of professional judges sitting in courts 6999
(present the information in full time equivalent and for permanent posts)

Source President Decrees

37. Number of professional judges sitting in courts on an occasional basis and who are paid as such:

- gross figure
- if possible, in full time equivalent

Source

Please specify:

38. Number of non-professional judges (including lay judges) who are not remunerated but who can possibly receive a simple defrayal of costs

Source

Please specify:

39. Does your judicial system include trial by jury with the participation of citizens?

No

Yes (public assessor) For which type of case(s)?

If possible, number of citizens who were involved in such juries for the year 2004?

40. Number of non-judge staff who are working in courts

(present the information in full time equivalent and for permanent posts)

Source

41. If possible, could you distribute this staff according to the 3 following categories:

- non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars:
- staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management):
- technical staff:

42. In courts, do you have non-judge staff entrusted with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal (such as German and Austrian Rechtspfleger):

No

Yes Number of staff

43. Number of public prosecutors

(present the information in full time equivalent and for permanent posts)

Source

44. Do you have persons who have similar duties as public prosecutors?

No

Yes Please specify:

45. Is the status of prosecutors:

- independent within the judiciary?
- independent from the judiciary ?
- under the authority of the Ministry of Justice?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

46. **Number of staff (non prosecutors) attached to the public prosecution service**
(present the information in full time equivalent and for permanent posts)

Source

47. **Who is entrusted with the individual court budget?**

	Preparation of the budget (Yes/No)	Arbitration and allocation (Yes/No)	Day to day management of the budget (Yes/No)	Evaluation and control of the use of the budget (Yes/No)
Management Board	Yes	Yes	Yes	Yes
Court President	Yes	Yes	No	Yes
Court administrative director	Yes	Yes	Yes	Yes
Head of the court clerk office	No	No	No	No
Other. Please specify				

48. **In general, do the courts in your country have computer facilities?**

Yes

No

49. **What are the computer facilities used within the courts?**

Functions	Facilities	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Direct assistance to the judge/court clerk	Word processing	Yes			
	Electronic data base of jurisprudence	Yes			
	Electronic files	Yes			
	E-mail	Yes			
	Internet connection	Yes			
Administration and management	Case registration system	Yes			
	Court management information system	Yes			
	Financial information system	Yes			

Communication between the court and the parties	Electronic forms	Yes			
	Special Website	Yes			
	Other electronic communication facilities	Yes			

Source information given by the Court Presidents

50. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

No

Yes

√

Please specify the name and the address of this institution:

State Judicial Administration of Ukraine, 01021, Ukraine, Kyiv, 18/5, Lypaska str.
State Administrative Court of Ukraine, 01010, Ukraine, Kyiv, 8, Moskovska str.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system

III. B. Monitoring and evaluation

51. Are the courts required to prepare an annual activity report?

Yes

√

No

52. Do you have a regular monitoring system of court activities concerning the:

- number of incoming cases?
- number of decisions?
- number of postponed cases?
- length of proceedings?
- other?

Yes

No

√

√

√

√

Please specify:

53. Do you have a regular evaluation system of the performance of the court?

No

√

Yes

Please specify:

54. Concerning court activities, have you defined:

- performance indicators? Yes No

Please specify the 4 main indicators for a proper functioning of justice:

- targets? Yes No

Please specify who is responsible for setting the targets:

- executive power? Yes
- legislative power?
- judicial power?
- other? Please specify:

Please specify the main objectives applied:

Source

55. Which authority is responsible for the evaluation of the performances of the courts:

- the High Council of judiciary? Yes
- the Ministry of justice?
- an Inspection body?
- the Supreme Court?
- an external audit body?
- other? Please specify: State Executive Service

56. Does the evaluation system include quality standards concerning judicial decisions?

- No
- Yes Please specify:

They use the statistic of abolished cases

[Empty box]

Source [Redacted]

57. Is there a system enabling to measure the backlogs and to detect the cases which are not processed within an acceptable timeframe for:

- | | | |
|-------------------------|--------------|------------|
| | Yes | No |
| ▪ civil cases? | [Redacted] | [Redacted] |
| ▪ criminal cases? | [Redacted] | [Redacted] |
| ▪ administrative cases? | [Redacted] ✓ | [Redacted] |

58. Do you have a way of analysing queuing time during court procedures?

No [Redacted] ✓
Yes [Redacted]

Please specify:

[Empty box]

59. Do you monitor and evaluate the performance of the prosecution services?

No [Redacted]
Yes [Redacted]

Please specify:

[Empty box]

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your court monitoring and evaluation system

[Empty box]

IV. Fair trial

IV. A. Fundamental principles

60. Is there in your judicial system:

- a right for an interpreter for all those within your jurisdiction who cannot understand or speak the language used in court?
Yes [Redacted] ✓ No [Redacted]
- the right to have reasons given for all prisons sentences?
Yes [Redacted] No [Redacted]
- for all cases, an effective remedy to a superior jurisdiction?
Yes [Redacted] ✓ No [Redacted]

61. Which is the percentage of judgements in first instance criminal cases in which the suspect is not actually present or represented? [Redacted]

Source [redacted]

62. Is there a procedure to effectively challenge a judge if a party consider he/she is not impartial?

No
Yes

[redacted] ✓

If possible, number of successful challenges (in a year): [redacted]

63. Please give the following data 2003 and 2004 concerning the number of cases regarding the violation of Article 6 of the European Convention of Human Rights:

	Cases filed before the Court		Friendly settlements		Judgements establishing a violation	
	2003	2004	2003	2004	2003	2004
Right to adversarial proceedings (Article 6§1)	0	0	0	0	0	0
Right to have a motivated verdict in criminal cases (Article 6§1)	0	0	0	0	0	0
Right to have free legal assistance in criminal cases, if suspect has not sufficient means to pay for legal assistance (Article 6§3)	0	0	0	0	0	0
Right to have free assistance of interpret in criminal cases, if suspect cannot understand or speak the language used in the court (Article 6§3)	0	0	0	0	0	0

Source [redacted]

IV.B. Timeframes of proceedings

IV. B. 1. General

64. Are there specific procedures for urgent matters in:

	Yes	No
▪ civil cases?	✓	[redacted]
▪ criminal cases?	[redacted]	✓
▪ administrative cases?	✓	[redacted]

65. Are there simplified procedures for:

	Yes	No
▪ civil cases (small claims)?	[redacted]	[redacted]
▪ criminal cases (petty offences)?	[redacted]	[redacted]
▪ administrative cases?	✓	[redacted]

66. Is it possible for a second instance court to send back a case to a first instance court for a new examination?

Yes [redacted] ✓

No [redacted]

67. Do courts and lawyers have the possibility to conclude agreements on modalities for processing cases (presentation of files, binding timeframes for lawyers to submit their conclusions and dates of hearings)?

No
 Yes Please specify:

IV. B. 2. Civil and administrative cases

68. Total number of civil cases in courts (litigious and not litigious): 1873438

Please specify the main types of cases:

Cases in housing, family, labour, property, administrative questions

Source information of State Judicial Administration

69. Litigious administrative and civil cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Civil cases	Administrative cases	Divorce	Employment dismissal
Total number (1st instance)	Incoming cases	2031123	Information in this field is available only from 2005	188935	No information because these cases aren't separated from the case statistic
	Decisions on the merits		Information in this field is available only from 2005		No information because these cases aren't separated from the case statistic
	Percentage of decisions subject to appeal in a higher court		Information in this field is available only from 2005		No information because these cases aren't separated from the case statistic
	Pending cases by 1 January 2005	224325	Information in this field is available only from 2005	17154	No information because these cases aren't separated from the case statistic
	Percentage of pending cases of more than 3 years		Information in this field is available only from 2005		No information because these cases aren't separated from the case statistic

Average length (from date of lodging of court proceedings*)	1st instance decisions	1806798	Information in this field is available only from 2005	171781	No information because these cases aren't separated from the case statistic
	2nd instance decisions		Information in this field is available only from 2005		No information because these cases aren't separated from the case statistic
	Total procedure		Information in this field is available only from 2005		No information because these cases aren't separated from the case statistic

* If you cannot calculate the average length from the date of lodging of court proceedings, how do you calculate length of proceedings?

Where appropriate, please specify the specific procedure as regards divorce:

Source information of Satate Judicial Administration

IV. B. 3. Criminal cases

70. Please describe the role and powers of the prosecutor in the criminal procedure:

	Yes	No
▪ to conduct or supervise police investigation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to conduct investigation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ when necessary, to demand investigation measures from the judge?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ to charge?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to present the case in the court?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
▪ to propose a sentence to the judge?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to appeal?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to supervise enforcement procedure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to end the case by dropping it without the need for a judicial decision?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ to end the case by imposing or negotiating a penalty without a judicial decision?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ other significant powers?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please specify:

71. Does the prosecutor also have a role in civil and/or administrative cases?

No
 Yes Please specify:

The prosecutor represents persons and State interests in the courts according to the limits defined by Constitution of Ukraine and Law of Ukraine "On prosecution":

72. Functions of the public prosecutor in relation to criminal cases– please complete this table:

		Total number of 1st instance criminal cases
Received by the public prosecutor		
Discontinued by the public prosecutor	In general	
	Because the offender could not be identified	
	Due to the lack of an established offence or a specific legal situation	
Concluded by a penalty, imposed or negotiated by the public prosecutor		
Charged by the public prosecutor before the courts		

Source

73. Criminal cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Criminal cases	Robbery cases	Intentional homicides
Total number (1st instance)	Incoming cases			
	Judicial decisions			
	Convicted persons			
	Acquitted persons			
	Percentage of decisions subject to appeal in a higher court			
	Pending cases by 1 January 2005			
	Percentage of pending cases of more than 3 years			
Average length*(from the date of official charging)	1st instance decision			
	2nd instance decision			
	Total procedure			

* If you cannot calculate the average length from the date of official charging, how do you calculate length of proceedings?

Source

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning timeframes of proceedings

V. Career of judges and prosecutors

V. A. Appointment and training

74. Are judges initially/at the beginning of their carrier recruited and nominated by:
- | | | | |
|---|--|-----|--------------------------|
| | | Yes | |
| ▪ | a body composed of members of the judiciary? | | <input type="checkbox"/> |
| ▪ | a body composed of members external to the judiciary? | | <input type="checkbox"/> |
| ▪ | a body composed of members of the judiciary and external to the judiciary? | | <input type="checkbox"/> |
75. Are prosecutors initially/at the beginning of their carrier recruited and nominated by:
- | | | | |
|---|--|-----|-------------------------------------|
| | | Yes | |
| ▪ | a body composed of members of the prosecution system? | | <input checked="" type="checkbox"/> |
| ▪ | a body composed of members external to the prosecution system? | | <input type="checkbox"/> |
| ▪ | a body composed of members of the prosecution system and external to the prosecution system? | | <input type="checkbox"/> |
76. Is the mandate given for an undetermined period for:
- | | | | | |
|---|--------------|-------------------------------------|--------------------------|--|
| | | Yes | No | |
| ▪ | judges? | <input type="checkbox"/> | <input type="checkbox"/> | |
| ▪ | prosecutors? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

Are there exceptions ? Please specify:

If no, what is the length of the mandate:

Is it renewable?

- | | | | | |
|---|-----------------|--------------------------|--------------------------|--|
| | | Yes | No | |
| ▪ | of judges? | <input type="checkbox"/> | <input type="checkbox"/> | |
| ▪ | of prosecutors? | <input type="checkbox"/> | <input type="checkbox"/> | |

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors

--	--

77. Nature of the training of judges:

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory			
	Highly recommended			
	Optional			
General in-service training	Compulsory		Annual	
	Highly recommended		Regular	
	Optional		Occasional	
In-service training for specialised functions (e.g. judge for economic or administrative issues)	Compulsory		Annual	
	Highly recommended		Regular	
	Optional		Occasional	
In-service training for specific functions (e.g. head of court)	Compulsory		Annual	
	Highly recommended		Regular	
	Optional		Occasional	

78. Nature of the training of prosecutors:

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory	Yes		
	Highly recommended			
	Optional			
General in-service training	Compulsory	Yes	Annual	Yes
	Highly recommended		Regular	
	Optional		Occasional	
Specialised in-service training	Compulsory		Annual	
	Highly recommended		Regular	
	Optional		Occasional	Not less than 1 time in 5 years

You can indicate below:

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of of your training system for judges and prosecutors*

--

--

V. B. Practice of the profession

79. Gross annual salary of a first instance professional judge at the beginning of his/her career **7678,7 €**

Source *resolution of the Cabinet of Ministers of Ukraine*

80. Gross annual salary of a judge of the Supreme Court or of the highest appellate court **19704,6 €**

Source *resolution of the Cabinet of Ministers of Ukraine*

81. Gross annual salary of a public prosecutor at the beginning of his/her career **2656,25 €**

Source *General Prosecutor's Office*

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court **€**

Source

83. Do judges and public prosecutors have additional benefits?

	Judges (Yes/No)	Public prosecutors (Yes/No)
Reduced taxation	No	No
Special pension	Yes	Yes
Housing	Yes	No
Other financial benefit (If yes, please specify)	No	No

84. Can judges or prosecutors combine their work with any of the following other professions?

	Judges			Prosecutors		
	Yes with remuneration	Yes without remuneration	No	Yes with remuneration	Yes without remuneration	No
Teaching	Yes			Yes	Yes	
Research and publication	Yes			Yes	Yes	
Arbitrator	No			No	No	
Consultant	No			No	No	
Cultural function	No			No	No	
Other function to specify	No			No	No	

85. Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

No

Yes

√

Please specify:

Judges have bonuses for particular character of work and its intensiveness taking into account the bonuses for rank of the judge qualification and for long-service. It can be also given the bonus for execution particular hard work taking into account the bonus for the rank of the judge qualification.

V. C. Disciplinary procedures

86. Types of disciplinary proceedings and sanctions against judges and prosecutors:

		Judges	Prosecutors
Reasons for disciplinary procedures	Total number		
	Breach of professional ethics (Yes/No) If yes, please specify the number	No	Yes
	Professional inadequacy (Yes/No) If yes, please specify the number	No	Yes
	Criminal offence (Yes/No) If yes, please specify the number	No	Yes
	Other (Yes/No) If yes, please specify	Yes	No
Types of sanctions	Total number		
	Reprimand (Yes/No) If yes, please specify the number	Yes	Yes
	Suspension (Yes/No) If yes, please specify the number	No	Yes
	Dismissal (Yes/No) If yes, please specify the number	Yes	Yes
	Fine (Yes/No) If yes, please specify the number	No	No
	Other (Yes/No) If yes, please specify	Yes. Demotion in the rank of judge qualification	No

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors

VI. Lawyers

87. Number of lawyers practising in your country

Source

88. Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

Yes

No

89. Do lawyers have a monopoly of representation:

	Monopoly (Yes/No)		If no, possible representation by (Yes/No)	
	Defendant	Victim		
Civil cases*			Member of family	<input type="text"/>
			Trade Union	<input type="text"/>
			NGO	<input type="text"/>
			Other	<input type="text"/>
Criminal cases*	Defendant		Member of family	<input type="text"/>
			Trade Union	<input type="text"/>
			NGO	<input type="text"/>
			Other	<input type="text"/>
Criminal cases*	Victim		Member of family	<input type="text"/>
			Trade Union	<input type="text"/>
			NGO	<input type="text"/>
			Other	<input type="text"/>
Administrative cases*			Member of family	<input type="text"/>
			Trade Union	<input type="text"/>
			NGO	<input type="text"/>
			Other	<input type="text"/>

* If appropriate, please specify if it concerns first instance and appeal.

90. Is the lawyer profession organised through?

- a national bar?
- a regional bar?
- a local bar?

Yes

Please specify:

91. Is there a specific initial training or examination to enter the profession of lawyer?

Yes No

92. Is there a mandatory general system for lawyers requiring continuing professional development?

Yes No

93. Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

No
Yes Please specify:

94. Can users establish easily what the lawyers' fees will be?

Yes No

95. Are lawyers fees:

- regulated by law?
- regulated by Bar association?
- freely negotiated?

96. Have quality standards been formulated for lawyers?

Yes No

97. If yes, who is responsible for formulating these quality standards:

- the bar association?
- the legislature?
- other? Please specify:

qualification-disciplinary commissions for legal profession

98. Is it possible to complain about :

- the performance of lawyers? No
Yes Please specify:

To the qualification-disciplinary commissions for legal profession

- the amount of fees? Yes No

99. Disciplinary proceedings and sanctions against lawyers:

	Yes /No (If yes, please specify the annual number)	
Reasons for disciplinary proceedings	Breach of professional ethics	
	Professional inadequacy	
	Criminal offence	
	Other	
Type of sanctions	Reprimand	
	Suspension	
	Removal	
	Fine	
	Other	

100. Who is the authority responsible for the disciplinary procedures:

- Yes

▪ **a professional body?** **Please specify:**
- **the judge?**

▪ **the Ministry of justice?**

▪ **other?** **Please specify:**

You can indicate below:

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your system concerning the organisation of the Bar*

VII. Alternative Dispute Resolution

101. If appropriate, please specify, by type of cases, the organisation of the judicial mediation:

	Compulsion (Yes/No)		Body providing mediation (Yes/No)	
Civil cases	Compulsory stage prior to court proceedings	<input type="checkbox"/>	Private mediator	<input type="checkbox"/>
		<input type="checkbox"/>	Public or authorised by court body	<input type="checkbox"/>
	Compulsory stage in court proceedings	<input type="checkbox"/>	Court	<input type="checkbox"/>
	Ordered by judge in certain cases	<input type="checkbox"/>	Judge	<input type="checkbox"/>
		<input type="checkbox"/>	Prosecutor	<input type="checkbox"/>

Family cases	Compulsory stage prior to court proceedings		Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings		Judge	
	Ordered by judge in certain cases		Prosecutor	
Administrative cases	Compulsory stage prior to court proceedings		Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings		Judge	
	Ordered by judge in certain cases		Prosecutor	
Employment dismissals	Compulsory stage prior to court proceedings		Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings		Judge	
	Ordered by judge in certain cases		Prosecutor	
Criminal cases	Compulsory stage prior to court proceedings		Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings		Judge	
	Ordered by judge in certain cases		Prosecutor	

102. Can you provide information about accredited mediators?

103. Can you provide information about the total number of mediation procedure concerning:

- **civil cases?**
- **family cases?**
- **administrative cases?**
- **employment dismissals?**
- **criminal cases?**



Source

104. Can you give information concerning other alternative dispute resolution (e.g. Arbitration)? Please specify:

To protect property and non-property rights and interests of natural and legal persons in Ukraine exists the **system of arbitration courts**. Arbitration court is nongovernmental independent body established by mutual consent or appropriate decision of concerned natural and legal persons in accordance with the Law of Ukraine "On arbitration courts". The main aim of such kind of courts is to solve the disputes in civil and commercial relations except questions foreseen by national legislation. The arbitration judge is a natural person appointed or selected by the Parties by mutual consent or according to the norms of the Law of Ukraine "On arbitration courts".

With the aim to improve the labor relations and to prevent the rise of collective labor disputes (conflicts), to promote their timely solving, to exercise the mediation for solving such disputes (conflicts) the **National Service of Mediation and Reconciliation** has been founded by the President of Ukraine. This Service is composed of high-qualified experts on consideration of collective labor disputes (conflicts) and has its divisions. The decisions of the National Service of Mediation and Reconciliation have recommend character and should be taken into consideration by the Parties of collective labor dispute (conflict) and appropriate central or local state bodies, local authority bodies.

You can indicate below:

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your system concerning ADR*

VIII. Enforcement of court decisions

VIII. A. Execution of decisions in civil matters

105. Are enforcement agents:

- | | |
|--|-------------------------------------|
| | Yes |
| ▪ judges? | <input type="checkbox"/> |
| ▪ bailiff practising as private profession ruled by public authorities? | <input type="checkbox"/> |
| ▪ bailiff working in a public institution? | <input checked="" type="checkbox"/> |
| ▪ other enforcement agents? | <input checked="" type="checkbox"/> |

Please specify their status:

Enforcement agents are civil servants

106. Number of enforcement agents 5661

Source Minister of Justice Decree

107. Is there a specific initial training or examination to enter the profession of enforcement agent?

Yes No

108. Is the profession of enforcement agent organised by?

- a national body?
- a regional body?
- a local body?

Yes

✓

109. Can users establish easily what the fees of the enforcement agents will be?

Yes

No

✓

110. Are enforcement fees:

- regulated by law?
- freely negotiated?

Yes

✓

111. Is there a body entrusted with the supervision and the control of the enforcement agents?

No

Yes

✓

Which authority is responsible for the supervision and the control of enforcement agents:

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?

Yes

✓

Please specify:

112. Have quality standards been formulated for enforcement agents?

No

Yes

✓

Who is responsible for formulating these quality standards?

The quality standards are formulated by law.

Source Law of Ukraine

113. What are the main complaints of users concerning the enforcement procedure:

- no execution at all?
- lack of information?
- excessive length?
- unlawful practices?
- insufficient supervision?
- excessive cost?
- other?

Yes

No

✓

✓

Source operative information

114. Does your country prepared or has established concrete measures to change the situation

concerning the enforcement of court decisions?

No

Yes

√

Please specify:

On 23 of June 2005 it was adopted Law "On amendments to Laws of Ukraine "On State Executive Service" and "On Executive Procedure" which is based on the recommendations of Parliamentary Assembly of Council of Europe Resolution 1466 (2005).

115. Is there a system measuring the timeframes of the enforcement of decisions :

- | | | |
|-----------------------------|-----|--------------------------|
| | Yes | No |
| ▪ for civil cases? | √ | <input type="checkbox"/> |
| ▪ for administrative cases? | √ | <input type="checkbox"/> |

116. As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

- | | |
|--------------------------|--------------------------|
| | Yes |
| ▪ between 1 and 5 days | √ |
| ▪ between 6 and 10 days | <input type="checkbox"/> |
| ▪ between 11 and 30 days | <input type="checkbox"/> |
| ▪ more: please specify | <input type="checkbox"/> |

Source Law of Ukraine "On Executive Procedure"

117. Disciplinary proceedings and sanctions against enforcement agents:

	Yes /No (If yes, please specify the total number)	
Disciplinary proceedings	Breach of professional ethics	Yes
	Professional inadequacy	Yes
	Criminal offence	Yes
	Other	
Sanctions	Reprimand	Yes
	Suspension	Yes
	Dismissal	Yes
	Fine	
	Other	

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters

VIII. B. Enforcement of decisions in criminal matters

118. Is there a judge who has in charge the enforcement of judgments?

Yes Please specify his/her functions and activities (e.g. Initiative or control functions):

No Please specify which authority is entrusted with the enforcement of judgements (e.g prosecutor):

The Ministry of Justice of Ukraine

119. As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

No
Yes Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in criminal matters

IX. Notaries

120. Is the status of notaries:

- a private one?
- a status of private worker ruled by the public authorities?
- a public one?
- other?

Yes Number

√	
√	

Please specify:

Source **report on work of notaries**

121. Do notaries have duties:

- within the framework of civil procedure?
- in the field of legal advice?
- to authenticate legal deeds?
- other?

Yes No

√	

If yes, please specify:

Notaries testify rights and facts which have the legal importance and accomplish other notary activities to give the authentic character

122. Is there a body entrusted with the supervision and the control of the notaries?

No

Yes

Which authority is responsible for the supervision and the control of the notaries:

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?

Yes

Please specify:

You can indicate below:

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your system of notaries*

123. Please indicate main orientations for reform and concrete measures which could improve the quality and the efficiency of your judicial system:

- to bring national judicial system of Ukraine into conformity with European standards in this field
- to amend national legislation with the aim to improve the mechanism of financing court system and its activities;
- to approve the form for management of the Single State Registrar of Court Decisions;
- to improve the process of training for judges;
- to ameliorate the mechanism of payments for judges and conditions to obtain the privileges.