



**Further support for the execution by Ukraine of judgments in respect of Article 6  
of the European Convention on Human Rights**

**Analysis  
of the progress of Ukraine  
in implementing the Volkov group of judgments of  
the European Court of Human Rights for the period of 2014-2020**

*Executive summary*

August 2020, Kyiv

## **List of abbreviations**

HACU – High Administrative Court of Ukraine (effective until 15.12.2017)

VC – European Commission for Democracy through Law (Venice Commission)

HQCJ – High Qualification Commission of Judges

HCJ – High Council of Justice (established based on the reorganisation of the former High Council of Justice on 12.01.2017)

F-HCJ – former High Council of Justice (effective until 12.01.2017, reorganised into the High Council of Justice)

SC – Supreme Court

ECHR – European Convention on Human Rights (Convention for the Protection of Human Rights and Fundamental Freedoms)

ECtHR – European Court of Human Rights

CM – Committee of Ministers of the Council of Europe

CCU – Constitutional Court of Ukraine

## **General Information**

The analysis of the progress of Ukraine in implementing the *Volkov group* of ECtHR judgments for the period of 2014-2020 is prepared within the framework of the Council of Europe Project “Further support for the execution by Ukraine of judgments in respect of Article 6 of the European Convention on Human Rights”, funded by the Human Rights Trust Fund and implemented by the Justice and Legal Co-operation Department of the Council of Europe. This analysis is made by Mr Roman Kuybida, PhD in Law, Deputy Head of the Board of the Centre of Policy and Legal Reform.

The document is aimed at a comprehensive examination of the progress of Ukraine in implementing the ECtHR judgments in the *Volkov group* of cases as to the measures taken and steps planned with respect to the reform of the court system and the judiciary during 2014-2020. The document covers the following: (1) key problems that the ECtHR established in the *Volkov group* of cases and issues discovered during the monitoring of their execution; (2) the legislative progress in implementing general measures seen from a historical perspective; (3) the current state of affairs in the reformed system of liability of judges from the perspective of resolving the problems identified by the ECtHR judgments.

### **(1) The problems identified by the ECtHR in the *Volkov group* of cases**

In the *Volkov group* of cases<sup>1</sup>, the ECtHR found the violation of the right to a fair trial, as defined in Article 6 § 1 of the ECHR, and pointed out a number of structural and general deficiencies of the system of judicial discipline. In particular, these deficiencies were related to independence and impartiality of the judicial self-governing body (like the High Council of Justice), independence and impartiality at the stage of the review of the case by Parliament (Verkhovna Rada of Ukraine), the “sufficiency of review” of the case in court, the “independence and impartiality” at the stage of the judicial review, ensuring legal certainty and compliance with the requirement of a “tribunal established by law”. Resolving these problems required restructuring of the institutional basis of the system of judicial discipline, as was requested by the ECtHR and emphasised in the CM decisions. Furthermore, it was established that the reform efforts should entail the development of appropriate forms and principles of a coherent application of national law.

### **(2) General measures implemented by Ukraine in 2014-2020**

In 2014 - 2019, Ukraine undertook a judicial reform that considerably improved its legislation from the perspective of resolving the problems stated in the judgments within the *Volkov group* of cases. In particular, the Constitution of Ukraine was amended, as well as a number of laws adopted, including the laws “On the restoration of trust in the judiciary in Ukraine”, “On ensuring the right to a fair trial”, “On the judiciary and the status of judges” and “On the High Council of Justice”. These laws provided for the establishment and functioning of new bodies within the judiciary (in particular, SC, HCJ, and its Disciplinary Chambers), with new procedures introduced. The CM welcomed the functioning of these new state authorities<sup>2</sup>.

<sup>1</sup> The *Volkov group* comprises the following ECtHR cases: *Oleksandr Volkov v. Ukraine* of 9 January 2013 (application no. 21722/11); *Kulikov and Others v. Ukraine* of 19 January 2017 (applications no. 5114/09 and 17 others); *Denisov v. Ukraine* of 25 September 2018 (application no. 76639/11).

<sup>2</sup> 1280 meeting (DH) - H46-37 Salov group (Application No. 65518/01) // [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016806fad40](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016806fad40); Resolution Execution of the judgments of the European Court of Human Rights Three cases against Ukraine (Adopted by the Committee of Ministers on 7 June 2018 at the 1318th meeting of the Ministers' Deputies) CM/ResDH(2018)232 //

Moreover, the CM noted the progress reached in the areas of judicial discipline and judicial career, as well as the new appeal procedure relating to decisions on the careers or promotion of judges. Consequently, a CM decision was adopted to close the monitoring over the execution of judgments in the *Salov group* of cases and continue to examine the outstanding issues through the *Volkov group*<sup>3</sup>.

A law amending the composition and powers of the judicial self-governance bodies, initiated by the newly elected President of Ukraine, was adopted in 2019. The aim of this law was to reduce the size of the membership of the SC from the maximum 200 to the maximum 100 judges, to check the integrity of the HCJ members and to change the membership and the selection procedure for HCJ members, as well as to make amendments to disciplinary procedures. The CM noted that this law was adopted without appropriate consultations with relevant judicial authorities and without a thorough analysis of its implications, in particular with respect to the independence and efficiency of the judiciary and especially the Supreme Court<sup>4</sup>. The VC highlighted in its Opinion regarding this law the non-compliance of some of its provisions with the European standards<sup>5</sup>. The CCU adopted a decision<sup>6</sup> in which it stated that a majority of amendments introduced by this law do not comply with the Constitution of Ukraine (in particular, the provisions on the disciplinary proceedings against judges) and indicated that the law should be adopted to bring the legislation in line with its decision.

When supervising the execution of judgments in the *Volkov group* of cases in 2014-2020, the CM positively noted the adoption of general measures concerning the reform of the judicial discipline and career promotion via amending the Constitution of Ukraine, the Ukrainian legislation, as well as implementing other practical and organisational measures. At the same time, the CM called on the Ukrainian authorities to take appropriate measures to solve problematic issues, namely on: the consequences of the judicial reform initiated in 2019; the review of cases of judges dismissed by the Verkhovna Rada of Ukraine shortly before the relevant amendments to the Constitution of Ukraine entered into force; the consistency of the HCJ practice in applying disciplinary sanctions; the initiation of criminal proceedings against judges, who deliberately adopt unlawful decisions.

### **(3) Achieved results and unresolved issues**

Most of the issues identified in the ECtHR's judgements in the *Volkov group* of cases have been resolved to date, at least at the level of legal rules.

[https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016808b164d](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016808b164d).

<sup>3</sup> Resolution Execution of the judgments of the European Court of Human Rights Three cases against Ukraine (Adopted by the Committee of Ministers on 7 June 2018 at the 1318th meeting of the Ministers' Deputies) CM/ResDH(2018)232 // [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016808b164d](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016808b164d).

<sup>4</sup> 1362 meeting (DH) - H46-35 Oleksandr Volkov group v. Ukraine (Application No. 65518/01) // <http://hudoc.exec.coe.int/eng?i=004-31281>.

<sup>5</sup> CDL-AD (2019)027 – Opinion on the Legal framework in Ukraine governing the Supreme Court and judicial self-governing bodies, adopted by the Venice Commission // [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2019\)027-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2019)027-e).

<sup>6</sup> The Decision of the CCU in the case upon the constitutional petition of the SC regarding the conformity to the Constitution of Ukraine (the constitutionality) of the specific provisions of the laws of Ukraine “On the Judiciary and Status of Judges” No. 1402-VIII dated 2 June 2016, “On Amendments to the Law of Ukraine “On the Judiciary and Status of Judges” and Some Laws of Ukraine on the Activity of Judicial Governance Bodies” No. 193-IX dated 16 October 2019, “On the High Council of Justice” No. 1798-VIII dated 21 December 2016 // [http://ccu.gov.ua/sites/default/files/docs/4\\_p\\_2020.pdf](http://ccu.gov.ua/sites/default/files/docs/4_p_2020.pdf).

However, in practice, the new system of selection of HCJ members proved to be favourable to politicisation and corporatism of this body. There is evidence, in particular confirmed by the decisions of the SC<sup>7</sup> that the HCJ does not always comply with the requirements of impartiality. In this regard, Ukraine committed before the International Monetary Fund to introduce a preliminary integrity check of candidates to the HCJ, as well as of the functioning HCJ members by means of establishing an independent commission by the end of October 2020<sup>8</sup>.

Despite the improvement of the situation with the legal regulation related to disciplinary liability of judges and the disciplinary proceedings since the adoption of the ECtHR's judgment in the case of *Oleksandr Volkov v. Ukraine*, nowadays the disciplinary practice needs to be improved because it is not sufficiently consistent. There are shortcomings in the justification of judgments and the proportionality of the sanctions, conditions are created for certain judges to avoid disciplinary liability. There are no clear guidelines as to the conditions when a disciplinary complaint should be reviewed and as to what kind of action is sanctionable and in what manner. The degree of diligence in the examination of circumstances varies depending on a member of the HCJ<sup>9</sup>.

Ukraine is committed to strengthening the HCJ with a permanent inspection unit within the HCJ to ensure consistency in investigative practices, integrity, and impartiality in disciplinary proceedings<sup>10</sup>.

**Resolution of the problems related to the system of judicial discipline  
identified in the ECHR judgments of the *Volkov* group of cases**

<i>Problem</i>	<i>The way it was resolved</i>	<i>Related outstanding problems</i>
<b><i>[independence and impartiality of the F-HCJ]</i></b>		
The non-judicial staff appointed directly by the executive, and the legislative authorities comprised the majority of the members of the F-HCJ. Judges constituted a tiny minority of its members.	<b><i>The problem is resolved on the constitutional/legislative level.</i></b> The Constitution of Ukraine stipulates that 11 of 21 members of the HCJ shall be judges elected by judges.	The system of the selection of HCJ members proved favourable to politicisation and corporatism of this body, which threatens its independence.

<sup>7</sup> See, for example, the rulings of the Grand Chamber of the Supreme Court of June 21, 2018 No. 75042962, of January 31, 2019 No. 80081036.

<sup>8</sup> See § 26(a) of the Memorandum of Economic and Financial Policies of 28 May 2020 // <https://www.imf.org/~media/Files/Publications/CR/2020/English/1UKREA2020001.ashx>.

<sup>9</sup> See §§ 58, 81, 88, 93 of the Report on the monitoring of decisions adopted by the High Council of Justice and its Disciplinary Chambers during 2018 and the first half of 2019, in the context of Council of Europe standards and recommendations (prepared within the Council of Europe project by the Ukrainian Bar Association); Disciplinary practice of the High Council of Justice as regards to judges (M. Sereda, R. Kuibida, R. Smaliuk. – Kyiv: Centre of Policy and Legal Reform, 2018. – P. 33-34 (<https://pravo.org.ua/img/books/files/1531838958practice.pdf>); A. Khymchuk, M. Kolotylo, 8 problems with bringing judges to disciplinary liability // <https://dejure.foundation/longread/8-problems-of-disciplinary-proceedings#9>; A. Nasadiuk, Integrity of updates [interview with A. Miroshnychenko] // <https://pravo.ua/articles/chistota-obnovlenija>.

<sup>10</sup> See § 26(b) of the Memorandum of Economic and Financial Policies of 28 May 2020 // <https://www.imf.org/~media/Files/Publications/CR/2020/English/1UKREA2020001.ashx>.

	<p>In practical terms, the HCJ consists of 17 members (other positions being vacant as of the beginning of July 2020), 11 of which are judges elected by judges. Additionally, two members, appointed by the President, are judges (one of them is a retired judge).</p>	
<p>Only four members of the F-HCJ worked there permanently. Other members worked and received their salaries outside of the F-HCJ, and this meant their inevitable material and administrative dependence from their main employers, as well as the same dependence in terms of accountability.</p>	<p><b><i>The problem is resolved on the constitutional/legislative level.</i></b> All HCJ members work and receive their salaries during their term of office exclusively in the HCJ, except for the President of the SC, who is an HCJ member <i>ex officio</i>.</p>	<p>The updated Constitution prohibits from holding the position of a HCJ member for two consecutive terms. However, two HCJ members were re-elected to these positions and hold them now (the status of the beginning of July 2020). The second election was motivated by the fact that they were first elected to the F-HCJ members and they acquired the powers of HCJ members already in the process of reorganisation, so this is not re-election. However, the correctness of this interpretation of the Constitution raises doubts and numerous discussions.</p>
<p>As the F-HCJ had powers to appoint judges, apply disciplinary measures to them and dismiss them, membership of the Prosecutor General in the F-HCJ posed the risk that judges would not act impartially in these cases or that the Prosecutor General of Ukraine would not act impartially towards judges whose acts he or she disapproved of. The same is true with regard to other F-HCJ members appointed by the All-Ukrainian Conference of Prosecutors.</p>	<p><b><i>The problem is resolved on the constitutional/legislative level.</i></b> The Prosecutor General is not an HCJ member anymore. As of today, the one member - a former prosecutor - has been elected by the All-Ukrainian Conference of Prosecutors. One more is yet to be elected.</p>	-

<p>The same F-HCJ members who had conducted an inquiry with respect to the judge and submitted the application for his dismissal voted afterwards for a decision on his dismissal.</p>	<p><b><i>The problem is resolved on the legislative level.</i></b> Any HCJ member who conducted inquiry is not entitled to participate in the relevant vote. The members of the Disciplinary Chamber may not participate in the review of the decisions of the Chamber in the HCJ. It means that the law has excluded the repeated involvement of an HCJ member in deciding on disciplinary liability in different roles of a “prosecutor”, a “judge” and a “court of appeal judge”.</p>	<p>In practice, HCJ members have been accused of violating the impartiality requirements. Some violations of the impartiality requirement by the HCJ members were confirmed in a decision of the SC.</p>
<p>There were also other indications of individual F-HCJ members’ personal bias towards applicants. At the same time, no recusal procedure existed with regard to the F-HCJ members.</p>	<p><b><i>The problem is resolved on the legislative level.</i></b> The law has established the recusal procedure for the HCJ members.</p>	<p>See the paragraph above.</p>
<p><b><i>[“independence and impartiality” at the parliamentary stage of the case consideration]</i></b></p>		
<p>The chairperson of the parliamentary committee and one of its members were also members of the F-HCJ and decided in the judge’s case at both levels [the F-HCJ and Parliament]. Accordingly, they might not act impartially when examining the submissions by the F-HCJ. Moreover, the committee member, together with two of its members, applied to the F-HCJ seeking the initiation of preliminary enquiries into possible misconduct by the judge.</p>	<p><b><i>The problem is resolved on the constitutional level.</i></b> Parliament has no relation whatsoever to the career development of judges or their dismissal.</p>	<p>-</p>
<p>The plenary meeting of Parliament was not an appropriate forum for examining issues of fact and law, assessing evidence, and</p>	<p><b><i>The problem is resolved on the constitutional level.</i></b> Parliament has no relation whatsoever to the career</p>	<p>-</p>

making a legal qualification of facts. At this stage, the determination of the case was limited to the adoption of a binding decision based on the findings previously reached by the F-HCJ and the parliamentary committee.	development of judges or their dismissal.	
<b>[“sufficiency of review” of the case by the Court]</b>		
The inability of the HACU to quash the impugned decisions formally and the absence of rules as to the further progress of the disciplinary proceedings produces a substantial amount of uncertainty about what the real legal consequences of such judicial declarations are.	<b>The problem is partly resolved on the legislative level.</b> The Grand Chamber of the SC has broad powers to renew the rights of judges who were subject to unlawful disciplinary sanctions. If a decision of the HCJ is quashed in Court, the HCJ should conduct a review of the case.	There are procedural complications, as a judge can appeal a HCJ decision following the consideration of a complaint to the Grand Chamber of the SC, but a decision on dismissal should be appealed to the Cassation Administrative Court within the SC. This regulation protracts the final solution to the issue. Although the SC may quash the dismissal decision, however, it does not consider derivative claims against the State Judicial Administration of Ukraine or the court related to practical reinstatement and recovery of lost remuneration if these claims are not implemented voluntarily.
The applicant's allegation of a lack of impartiality on the part of the F-HCJ members and the parliamentary committee was not examined in court with the requisite diligence.	<b>The problem has been resolved in practice.</b> The law limits the grounds for court examination and annulment of the HCJ decisions. However, this deficiency is remedied by the SC practice, which provides the comprehensiveness of examination and broad interpretation of relevant law provisions.	-
The applicant's allegation of the unlawfulness of the voting procedure in Parliament was further reinterpreted as a claim about the unconstitutionality of the	<b>The problem is resolved on the constitutional/legislative level.</b> The SC considers both the issues of constitutionality and lawfulness of decisions on	-



relevant parliamentary resolution. By doing so, the HAC avoided dealing with the issue in favour of the CCU, to which the applicant had no direct access.	disciplinary liability. Starting from 2017, a party to a case may, after having exhausted proceedings before the competent judicial authorities, apply to the CCU with a constitutional petition against the law applied in his or her case.	
<b><i>["independence and impartiality" at the stage of the judicial review of the case]</i></b>		
The judicial review was performed by judges of the HACU who were also under the disciplinary jurisdiction of the F-HCJ. This means that these judges could also be subjected to disciplinary proceedings before the F-HCJ. Having regard to the extensive powers of the F-HCJ with respect to the careers of judges (appointment, disciplining and dismissal) and the lack of safeguards for the F-HCJ's independence and impartiality, the judges of the HACU considering the applicant's case, where the F-HCJ was a party, were not able to demonstrate "the independence and impartiality".	<b><i>The problem is not resolved.</i></b> The judges of the new SC have the powers to review the HCJ decisions but they are themselves under the disciplinary jurisdiction of the HCJ.	However, it does not seem to have implications on the independence and objectivity of the SC review.
<b><i>[ensuring legal certainty]</i></b>		
Such an open-ended approach to disciplinary cases involving the judiciary poses a serious threat to the principle of legal certainty.	<b><i>The problem is resolved on the legislative level.</i></b> The law has clearly regulated the time limits for holding judges disciplinarily liable, and the practice of their application is coherent.	There is some ambiguity as to the application of time limits during the repeated review of the cases of the judges who are applicants in the <i>Kulykov and others v. Ukraine</i> case after the relevant ECtHR judgement; however, this problem is being resolved in practice.
The Decision on the applicant's dismissal was voted on in the absence of the	<b><i>The problem is resolved on the constitutional level.</i></b> Parliament has no relation	-

majority of the Members of Parliament. The MPs present deliberately and unlawfully cast multiple votes belonging to their absent peers.	whatsoever to the career development of judges or their dismissal.	
There were no guidelines or practice establishing a consistent and restrictive interpretation of the notion of “breach of oath”.	<b><i>The problem is resolved on the constitutional/legislative level.</i></b> A “breach of oath” has been replaced by a significant disciplinary offence, which is a more specific ground for a judge’s dismissal.	It is impossible to analyse the justifiability and coherence of the HCJ members’ decisions on the dismissal of disciplinary complaints without hearing on the merits, as they are not public. The degree of diligence applied to the examination of circumstances varies greatly depending on single HCJ members. There are no generalisations whatsoever which could serve as a clear guide to the conditions under which a disciplinary complaint has a chance to be considered and the conditions under which it has not, as well as what manner of behaviour would be punished and in what way.
Domestic law did not set out an appropriate scale of sanctions for disciplinary offences and did not develop rules ensuring their application in accordance with the principle of proportionality.	<b><i>The problem is resolved on the legislative level.</i></b> The law provides for six types of sanctions instead of two previously, from the admonition to submitting an application on the dismissal of a judge. Specific legislative guidelines exist identifying the correlation between the type of offence and the sanction.	There are cases of incoherent application of disciplinary sanctions, sometimes manifestly disproportional.
<b><i>[compliance with the requirement of a “tribunal established by law”]</i></b>		
The applicant’s case could be heard exclusively by a special chamber of the HACU. This special Chamber had to be set up by a decision of the President of the HACU; the personal composition of that Chamber was defined by the President, with further	<b><i>The problem is resolved on the legislative level.</i></b> The Grand Chamber of the SC reviews the HCJ decisions following the appeal of disciplinary sanctions based on a judge’s lawsuit.	-

approval by the presidium of that Court. However, by the time this was undertaken in the present case, the five-year term of office of the President of the HACU had expired.		
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## **General recommendations**

Based on the analysis, the following recommendations were suggested:

1) to ensure the proper functioning of the disciplinary system as regards to judges through the implementation of the CCU decisions and the recommendations of the Venice Commission, it is advisable to bridge the gap between the standards, as laid down in law, and the actual practice, in particular:

- the introduction of procedures to verify the integrity of HCJ candidates may be seen as a positive step to overcome the practice of political and other effects on the process of selection and appointment (election) of members of this body;

- in the case of establishing a body competent to verify the compliance of HCJ members with the integrity and professional ethics requirements, which may result in the termination of office of an HCJ member who does not meet these requirements, such a body must be independent of the legislative and the executive branch, as well as of the HCJ itself<sup>11</sup>; HCJ members shall not be members of such body<sup>12</sup>, but they shall be guaranteed the right to access materials, the right to be heard, the right to defence and the right to appeal the final decision to the SC<sup>13</sup>;

- the involvement of the international community in these procedures within a limited period of time may be seen as a positive step in ensuring higher standards of impartiality and integrity<sup>14</sup>;

- to review the disciplinary procedure by establishing realistic terms for disciplinary proceedings, terms for receipt of explanations and sending summons, sufficient for the appropriate preparation, and renewing the provision, in accordance to which the non-show of a judge may be the ground for a delay in consideration only once (*amendments should be developed and introduced to the Law "On the High Council of Justice"*);

<sup>11</sup> "A body, an institution established at a constitutional body may not be empowered by law with a controlling function with respect to that constitutional body." See § 6.1 of the reasoning in the Decision of the CCU No. 4-p/2020 // <http://www.ccu.gov.ua/docs/3050>.

<sup>12</sup> To avoid bias and "double" voting, which is referred to in § 73 of the Opinion CDL-AD(2019)027 on the Legal framework in Ukraine governing the Supreme Court and judicial self-governing bodies, adopted by the Venice Commission // Insert source.

<sup>13</sup> "The Ukrainian Constitution is silent on the issue which body is competent to dismiss a member of the HCJ and on what grounds. Such a competence can in general be established through ordinary law". See § 70 of Opinion CDL-AD (2019)027 on the Legal framework in Ukraine governing the Supreme Court and judicial self-governing bodies, adopted by the Venice Commission // Insert source. See also § 150-157 of the Opinion by Ms. Diana Kovacheva on the decisions of the CCU No. 2-p/2020 and No. 4-p/2020 // <https://rm.coe.int/expert-assessment-ccu-ukr/16809e4d99> (Ukrainian).

<sup>14</sup> See § 131-132 of the Opinion by Ms. Diana Kovacheva on the decisions of the CCU No. 2-p/2020 and No. 4-p/2020 // Insert source.

2) in order to ensure coherent and predictable disciplinary practice, it is recommended that the disciplinary practice of the HCJ disciplinary chambers and the SC is analysed, in particular, in terms of the legal qualification of disciplinary acts and the proportionality of sanctions, as well as the decisions of the HCJ members on dismissals of disciplinary complaints without hearing on the merits. A summary of the typical cases in the disciplinary practice should be published in a clear and comprehensible mode, including with the definition of indicators, which will prevent the non-proportionality of disciplinary sanctions;

3) it is advisable to simplify the legal procedures necessary to decide on the issues of the lawfulness of disciplinary sanctions:

- the same HJC session which decides on submissions by the Disciplinary Chamber on transfers of judges to lower courts, removals of judges with their referral to the National School of Judges of Ukraine, dismissals, and removals of judges should also consider the relevant appeals against the decisions of the Disciplinary Chamber if such appeals have been submitted (*amendments are necessary to the Rules of procedure of the High Council of Judges*);

- the Grand Chamber of the SC should consider appeals against the HCJ decisions to deny complaints and transfer judges to lower courts, dismiss judges with their referral to the National School of Judges of Ukraine or dismiss judges according to the rules of appeal. The SC Grand Chamber should be empowered to take immediate measures to restore the rights of an unlawfully sanctioned judge - starting from his or her reinstatement (to oblige the relevant court to reinstate him or her on the staff) and up to reimbursement of salaries not received, if the judge is found to be unjustifiably disciplined (*amendments should be developed and introduced into the Law "On the High Council of Justice" and the Code of Administrative Legal Proceedings of Ukraine*);

4) when preparing important amendments to the legislation, which concerns the organisation and functioning of the judiciary, it is necessary to ensure in-depth consultations with all stakeholders, primarily representatives of the judicial bodies, experts, and civil society;

5) in order to comprehensively assess the progress in the execution of the judgments of the ECtHR in the *Volkov group* of cases, the HCJ annual reports on ensuring the independence of the judiciary, alternative reports on ensuring the independence of the judiciary prepared by civil society organisations and other research papers prepared by international technical assistance projects, think tanks, etc. should be taken into account in addition to the documents published by the government and the political parties.