



# Rule of Law as a key precondition for better enforcement of judicial decisions in Ukraine

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# The term "legislation"

The hierarchy of normative acts is very strict:

- Constitution;
- International agreements (ratified by the Parliament);
- Laws (parliamentary statutes) - all laws are ordinary, even codes;
- By-laws (secondary legislation) (acts of the Parliament, President and Government);
- Other by-laws (including local regulations).

The special nature of laws (parliamentary statutes) and their priority in the system of normative acts are guaranteed.

Article 92 of the Constitution of Ukraine defines the list of issues that must be defined and established exclusively by laws.

Delegation of regulation to a lower level (by-laws secondary legislation) will be a violation of the principle of legality as a component of the rule of law

# Rule of Law. International standards.

Report on the rule of law - Adopted by the Venice Commission at its 86th plenary session (Venice, 25-26 March 2011)

(CDL-AD(2011)003rev-e)

Rule of Law Checklist, adopted by the Venice Commission at its 106th Plenary Session (Venice, 11-12 March 2016)

(CDL-AD(2016)007-e)

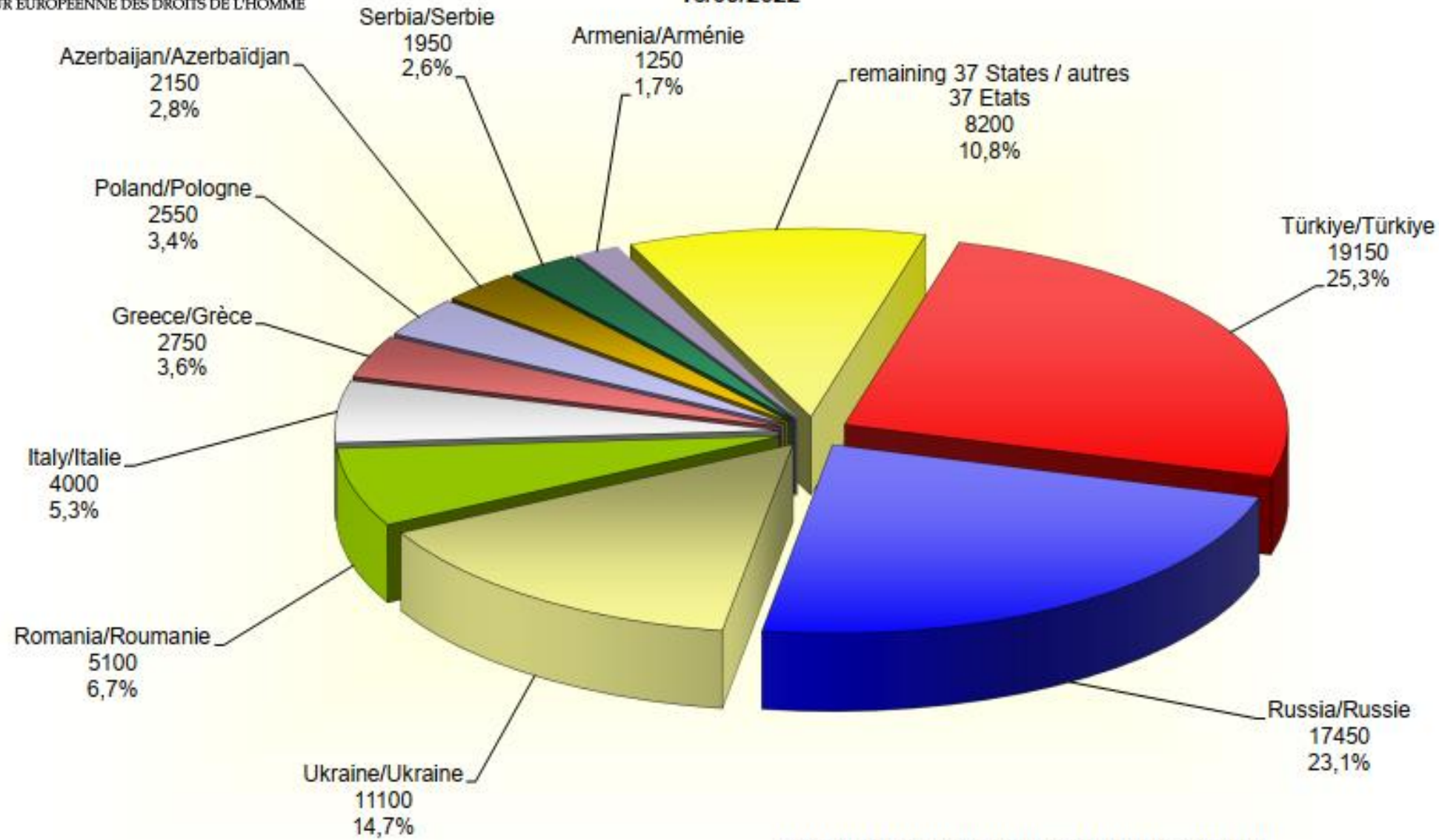
# What RoL elements we can apply in wartime?

- Legality
- Legal certainty
- Prevention of abuse (misuse) of powers
- Equality before the law and non-discrimination
- Access to justice

# Parliament in wartime

- The Verkhovna Rada of Ukraine (Parliament) continues to work in off-line mode (plenary meetings in person) in accordance with the Constitution of Ukraine;
- Almost all decisions of the Parliament are made by political consensus (supported by representatives of all parliamentary parties' representatives);
- Parliamentary legislative procedures have been simplified, but all the main stages are followed;
- The level of transparency and openness of the work of the parliament has been significantly reduced for reasons of national security.

PENDING APPLICATIONS ALLOCATED TO A JUDICIAL FORMATION  
REQUÊTES PENDANTES DEVANT UNE FORMATION JUDICIAIRE  
16/09/2022



Total number of pending applications: 75,650  
Nombre total des requêtes pendantes : 75 650

# Ukraine is one of the first countries in the number of applications to the European Court of Human Rights

Total number of judgements against Ukraine - 1,696\*

Violated rights:

- inhuman or degrading treatment - 332;
- right to liberty and security - 535;
- right to a fair trial - 601;
- length of proceedings - 504;
- right to effective remedy - 416;
- protection of property - 376.

Source -

[https://www.echr.coe.int/Documents/Stats\\_violation\\_1959\\_2021\\_ENG.pdf](https://www.echr.coe.int/Documents/Stats_violation_1959_2021_ENG.pdf)



# Main aims of the further legal development:

- strengthening the institutional independence of the judiciary in general from political influence, overcoming the Soviet mentality of judges;
- strengthening the tools to ensure the independence of judges from any influence in each case, including the prevention of corruption;
- implementation of the institute of the investigating judge as a new method of judicial control during the pre-trial investigation;
- development of alternative dispute resolution tools (for example, mediation);
- reform of the legal aid system - development of a system of free legal aid to vulnerable groups.

**Thank you!**