

Council of Europe
The Secretary General

Strasbourg, 1 October 2019

Dear Minister,

Further to our meeting last week, I would like to share with you some observations relating to reforms initiated by the Verkhovna Rada and, in particular, the ongoing reform of the judiciary in Ukraine.

As you know, achieving an independent, efficient and professional judiciary which enjoys the trust of the public and responds to its needs is part of the commitments undertaken by Ukraine when entering the Council of Europe.

Against this background, we have taken note with some concern of Draft Law No. 1008 "On Amendments to Some Laws of Ukraine on the Functioning of Judicial Governance", adopted in first lecture by the newly elected Verkhovna Rada.

This text puts forward wide-ranging changes which could have significant implications for the independence of the judicial system. In particular, it affects the status and competencies of judges, as well as relating procedures.

We fully acknowledge the will of the Ukrainian Government to advance with reforms. At the same time, it is of utmost importance that it builds on the achievements resulting from reforms carried out to meet Council of Europe and international standards.

Particular attention should be paid to the requirements of the European Convention on Human Rights. In this respect, clear indications were given on Wednesday, 25 September, by the Committee of Ministers.

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In its decision on the execution of judgments from the European Court of Human Rights relating to the independence and impartiality of the judiciary and the system of judicial discipline and career in Ukraine (*Oleksandr Volkov v. Ukraine* group of cases), the Committee noted that the adoption in the first reading of the Draft Law No. 1008 aimed notably at introducing changes to the system of judicial discipline and careers". It "underlined that the proposed legislative amendments should be compliant with the Convention and the case law of the Court, with the principles of the independence of the judiciary as set out in the judgment of *Oleksandr Volkov* and with the relevant Council of Europe recommendations".

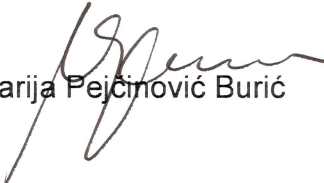
It accordingly "called upon the authorities to take full advantage of the expertise of the Council of Europe to this end".

I would like to strongly echo this call and to offer the Council of Europe's assistance in this context.

We remain at the Ukrainian authorities' full disposal for any expert advice, support and analysis they may need in connection with Draft Law No. 1008 and, more generally, with the preparation and implementation of new legislation or other measures impacting the independence and functioning of the judiciary and the prosecution authorities.

I look forward to our continued close co-operation.

Yours sincerely,


Marija Pejčinović Burić