



**Reference data 2020 (01/01/2020 - 31/12/2020)**

**Start/end date of the data collection campaign : 19/03/2021 - 01/10/2021**

**Objective :**

The CEPEJ decided, at its 35th plenary meeting, to launch the ninth evaluation cycle 2020 – 2022, focused on 2020 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

**Instruction :**

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

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## 1. General and financial information

### 1.1. Demographic and economic data

#### 1.1.1. Inhabitants and economic general information



##### 001. Number of inhabitants (if possible on 1 January of the reference year +1)

[ 41 418 717 ]

Comments

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**002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)**

	Amount
State or federal level	41 269 149 084 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The discrepancy is caused in 2020 by an increase in expenditures on national security and defense, salaries and allowances for public sector employees (caused by the increase in the minimum wage and salaries in accordance with the Unified Tariff Grid), health care system (COVID-19 Acute Respiratory Disease Control Fund), state road infrastructure and other areas.

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**003. Per capita GDP (in €) in current prices for the reference year**

[ 3 262 ]

Comments

**004. Average gross annual salary (in €) for the reference year**

[ 4 520 ]

NA

Comments

**005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1**

[ 30.79 ]

Allow decimals : 5

NAP

Comments The exchange rate reflects the average annual ROE for 2020 due to significant currency fluctuations within the stated period (January 2020 - 26,79; December 2020 – 34,26 which is more than 27% of fluctuation)

**A1. Please indicate the sources for answering the questions in this part**

Sources: The Law of Ukraine "On the state budget of Ukraine for 2020" <https://zakon.rada.gov.ua/laws/show/294-20#Text>

Data of the Ministry of Finance of Ukraine

<https://index.minfin.com.ua/ua/economy/gdp/> <https://index.minfin.com.ua/ua/labour/salary/average/2020/>

**1.1.2 Budgetary data concerning judicial system**

**006. Annual (approved and implemented) public budget allocated to the functioning of all courts,**

in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budget of public prosecution services and/or the one allocated to legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to question 7.

	Approved budget (in €)	Implemented budget (in €)
<b>TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	532 473 105 [ ] NA [ ] NAP	518 902 495 [ ] NA [ ] NAP
<b>1. Annual public budget allocated to (gross) salaries</b>	412 532 059 [ ] NA [ ] NAP	405 775 972 [ ] NA [ ] NAP
<b>2. Annual public budget allocated to computerisation (2.1 + 2.2)</b>	4 876 854 [ ] NA [ ] NAP	4 548 213 [ ] NA [ ] NAP
<b>2.1 Investments in computerisation</b>	4 213 796 [ ] NA [ ] NAP	4 113 934 [ ] NA [ ] NAP
<b>2.2 Maintenance of the IT equipment of courts</b>	663 057 [ ] NA [ ] NAP	434 279 [ ] NA [ ] NAP
<b>3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)</b>	168 121 [ ] NA [ ] NAP	151 699 [ ] NA [ ] NAP
<b>4. Annual public budget allocated to court buildings (maintenance, operating costs)</b>	11 113 049 [ ] NA [ ] NAP	9 923 683 [ ] NA [ ] NAP
<b>5. Annual public budget allocated to investments in new (court) buildings</b>	1 006 820 [ ] NA [ ] NAP	1 006 382 [ ] NA [ ] NAP
<b>6. Annual public budget allocated to training</b>	20 975 [ ] NA [ ] NAP	15 415 [ ] NA [ ] NAP
<b>7. Other (please specify)</b>	102 755 227 [ ] NA [ ] NAP	97 481 131 [ ] NA [ ] NAP

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: With regards to the budget in 2020 compared to the budget in 2018:

TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7): the increase was caused by including in 2020 cycle the budget of the Supreme Court (in previous cycles it was reflected in Q 15-3) and the High Anti-Corruption Court (the new court which began its functioning in 2019). In fact, if to compare the budgeting of local general courts and appeal courts (which was subject of reflection in Q006 in previous cycles) in 2018 and 2020, it stayed almost the same (2020: approved budget – 444 697 317 euro; implemented budget – 443 630 715 euro). So the discrepancy occurred due to the new calculating methodology applied for the 2020 cycle.

1. Annual public budget allocated to (gross) salaries: the discrepancy was caused by increasing funds for salaries of judges. The Law of Ukraine “On Amendments to the Law of Ukraine “On the Judiciary and the Status of Judges” and some laws of Ukraine on the activities of judicial authorities” 193-IX (adopted on October 16, 2019) evened out the salaries of judges who had not undergone the qualification evaluation with those already successfully passed (before the amendments the salary of the latter had been higher).

2. Annual public budget allocated to computerization (2.1 + 2.2): costs were reduced in connection with reducing the satisfaction of needs

in financial resources of the justice system and increasing the costs for salaries payment.

3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.): the increase was caused by the increase of market prices. 4. Annual public budget allocated to court buildings (maintenance, operating costs): the increase was caused by the increase of market prices.

5. Annual public budget allocated to investments in new (court) buildings: costs were reduced in connection with reducing the satisfaction of needs in financial resources of the justice system and increasing the costs for salaries payment.

6. Annual public budget allocated to training: costs assumably were reduced in connection with reducing the satisfaction of needs in financial resources of the justice system and increasing the costs for salaries payment.

7. Other (please specify): costs assumably were reduced in connection with reducing the satisfaction of needs in financial resources of the justice system and increasing the costs for salaries payment.

Reasons of divergence between approved and implemented budget in 2020: 1. Divergence was caused by changes in the actual number of employees. 2.1. and 2.2. Divergence was caused by changes in costs as a result of tender purchases. 3. Divergence was caused by the variability of indicators that form the total cost of services. 4. Divergence was caused by changes in costs as a result of tender purchases. 5. Divergence was caused by actual costs of construction (purchase) according to the acts of work performed. 6. Divergence was caused by fluctuation of the costs and number of persons who needed to undergo study or improve skills. 7. Divergence was caused by the variability of indicators which form the total cost of services, fluctuation of the costs, changes in costs as a result of tender purchases. The answer is based on the information, provided by the State Judicial Administration of Ukraine, Supreme Court and High Anti-Corruption Court.

**007. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or the one allocated to legal aid, please fill in only the appropriate line in the table according to your system:**

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to all courts and the public prosecution services together</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Total annual public budget allocated to all courts and legal aid together</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Total annual public budget allocated to all courts, public prosecution services and legal aid together</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

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**008. Are litigants in general required to pay a court fee to initiate a proceeding at a court of general jurisdiction:**

	Litigants required to pay a court fee to initiate a proceeding at a court of general jurisdiction ?
<b>for criminal cases</b>	<input type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input checked="" type="checkbox"/> No



for other than criminal cases

- Yes, at the beginning of the procedure  
 Yes, at a later stage  
 No

If there are exceptions to the obligation to pay these court fees, could you please provide comments on those exceptions? Litigants, in general, are required to pay a court fee to initiate a proceeding at a court of general jurisdiction at the beginning of the procedure. (Before opening (initiating) proceedings in the case, accepting applications (complaints) for consideration, the court checks the crediting of the court fee to the special fund of the State Budget of Ukraine (Article 9 of the Law of Ukraine "On the court fee"). Article 5 of the Law of Ukraine "On the court fee" provides for categories of court users exempted from paying the court fees.

### 008-1. Please briefly present the methodology of calculation of these court fees:

- The court fee should be paid in the appropriate amount from the level of subsistence minimum for the able-bodied persons, set up by the law on 1st January of the calendar year in which the corresponding application or complaint has been submitted to the court. The court fee is collected as a percentage of the price of the claim and at a fixed amount (article 4 of the Law of Ukraine "On the court fee")

### 008-2. The amount of court fees requested to commence an action for 3000€ debt recovery:

- [ 30 ]  
 NA  
 NAP

Comments

### 009. Annual income of court fees received by the State (in €):

- [ 109 214 459 ]  
 NA  
 NAP

Comments

### 012. Annual approved public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
<b>TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)</b>	21 971 257 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11 209 841 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10 761 416 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>12.1 for cases brought to court (court fees and/or legal representation)</b>	16 906 691 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11 209 841 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 696 850 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>12.2 for cases not brought to court (legal advice, ADR and other legal services)</b>	5 064 566 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	5 064 566 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments 2020 became a year of radical change in the area of free legal aid services in Ukraine. The issue of access to free legal aid has always been important, but in the context of the COVID-19 pandemic, it has become even more relevant. Ukrainian free legal aid system quickly adapted to new challenges, in particular through the active use of digital technologies for the provision of free legal aid, and

assistance in providing clients with access to mediation. Thus, the Supervisory Board of the Coordination Center for Legal Aid was established, the categories of persons entitled to secondary free legal aid were expanded, a pilot project on restorative justice for juveniles was extended to the whole territory of Ukraine, and a project to accelerate private investment in the rural economy of Ukraine was begun. Now the person can send requests for legal information, consultations, and clarifications to the free legal aid system remotely through various communication channels - e-mail, Viber, Telegram, Facebook, mobile application "Free Legal Aid", through the feedback form on the official website of the free legal aid systems. There is also "WikiLegalAid" webpage (a Legal Advice Reference and Information Platform)

**012-1. Annual implemented public budget allocated to legal aid, in €.**

	TOTAL	Criminal cases	Other than criminal cases
<b>TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)</b>	20 599 935 [ ] NA [ ] NAP	9 958 103 [ ] NA [ ] NAP	10 641 832 [ ] NA [ ] NAP
<b>12-1.1 for cases brought to court (court fees and/or legal representation)</b>	15 295 485 [ ] NA [ ] NAP	9 958 103 [ ] NA [ ] NAP	5 337 382 [ ] NA [ ] NAP
<b>12-1.2 for cases not brought to court (legal advice, ADR and other legal services)</b>	5 304 450 [ ] NA [ ] NAP	[ ] NA [ X ] NAP	5 304 450 [ ] NA [ ] NAP

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences:

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**012-2. Does legal aid include:**

	Legal aid includes:
<b>Coverage of court fees</b>	( ) Yes ( X ) No [ ] NAP
<b>Exemption from court fees</b>	( ) Yes ( X ) No [ ] NAP

Comments

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**012-3. Do legal aid budgets indicated in Q12 and Q12-1 include:**

	Amount calculated/estimated included
<b>Coverage of court fees</b>	( ) Yes ( X ) No [ ] NAP
<b>Exemption from court fees</b>	( ) Yes ( X ) No [ ] NAP

Comments

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**013. Annual (approved and implemented) public budget allocated to the public prosecution services, in €.**

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to the public prosecution services, in € (including 13.1)</b>	252 254 173 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>13.1. Annual public budget allocated to training of public prosecution services</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: These amounts include expenditures approved in the budget to ensure the performance of the functions of the public prosecution services, including the Specialized Anti-Corruption Prosecutor's Office.

For the purposes of answering the Q 013, the budget of the Training Center of Prosecutors of Ukraine was excluded from the total annual public budget allocated to the public prosecution services. According to the CEPEJ Explanatory note recommendations, the respective budget was presented separately in Q131-0.

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**014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):**

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level courts
<b>Ministry of Justice</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other ministry</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Parliament</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Supreme Court</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>High Judicial Council</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Courts</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Inspection body</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

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

Comments - If “Other Ministry” and/or “Inspection body” and/or “Other”, please specify: Other: the State Judicial Administration of Ukraine (SJA of Ukraine) performs the functions of the chief administrator of the State Budget of Ukraine for the financial support of courts, except for the Supreme Court and higher specialized courts.

The Chairman of the SJA of Ukraine decides on the distribution of budget funds, the main administrator of which is the SJA of Ukraine, and upon agreement with the High Council of Justice (HCJ) decides on the reallocation of budget expenditures between courts (except the Supreme Court). Starting from 2019 the SJA has to agree its decisions regarding the allocation of budget between courts with the HCJ. The SJA of Ukraine is accountable to the HCJ within the limits set by law.

**014-0. What are the criteria used to allocate financial resources among courts? Furthermore, please select maximum three main criteria of allocation**

	Criteria used	Main criteria
Previous years’ budget costs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Special needs assessment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Number of judges/non judges’ staff	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Number of incoming cases	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Number of pending cases	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Number of resolved cases	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

NAP

Comments - If “Other”, please specify

**014-1. Who is entrusted with responsibilities related to the budget within a first instance court?**

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Court President and/or judge(s)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Head of court administration and/or non-judges	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Mixed body (judge(s) and non-judge(s))	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If “Other”, please specify. If the responsibilities are different depending on the type/instance of courts, please answer the

question for the first instance court of general jurisdiction and describe the differences in the comment box: Para 4 of Article 148 of the Law of Ukraine "On Judiciary and the Status of Judges" indicates, that territorial offices of the State Judicial Administration of Ukraine are entrusted with the function to allocate budgetary funds to local courts.

## A2. Please indicate the sources for answering the questions in this part

Sources: Sources: The Law of Ukraine on the Court Fee; the State Judicial Administration of Ukraine; the Law of Ukraine "On the State Budget of Ukraine for 2020".

Information obtained from the State Treasury Service of Ukraine.

Information obtained from the Coordination Center for Legal Aid

### 1.1.3 Budgetary data concerning the whole justice system



**015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)**

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to the whole justice system in €</b>	3 119 329 887 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: The difference in the sum of the approved annual public budget allocated to the whole justice system for 2020 compared to the 2018 one is caused by the inclusion of the fewer budgets during calculation for the 2020 cycle.

### **015-2. Elements of the judicial system budget (Q6, Q7, Q12, Q13)**

	Included
<b>Courts</b>	( X ) Yes ( ) No [ ] NAP
<b>Legal aid</b>	( X ) Yes ( ) No [ ] NAP
<b>Public prosecution services</b>	( X ) Yes ( ) No [ ] NAP

Comments

### **015-3. Other budgetary elements**

Included

<b>Prison system</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Probation services</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>High Judicial Council</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>High Prosecutorial Council</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Constitutional court</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Judicial management body</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>State advocacy</b>	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP
<b>Enforcement services</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Notariat</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Forensic services</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Judicial protection of juveniles</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Functioning of the Ministry of Justice</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Refugees and asylum seekers services</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Immigration Service</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Some police services (e.g. : transfer, investigation, prisoners' security)</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Other</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP

If "Other", please specify: High Qualification Commission of Judges of Ukraine; National School of Judges of Ukraine; National Anti-Corruption Bureau of Ukraine; State Bureau of Investigations; State Fiscal Service of Ukraine; Security Service of Ukraine; Ukrainian

The difference in the approved annual public budget allocated to the whole justice system for 2020 compared to the 2018 one is caused by the inclusion of the fewer budgets during calculation for the 2020 cycle.

### **A3. Please indicate the sources for answering the questions in this part**

Sources: The Law of Ukraine "On the state budget of Ukraine for 2020"

## **1.2. Organisation and management of courts and public prosecution services**

### **015-4. Please describe who has responsibilities for the management of individual courts, what management roles they have, what is their status and their position in the organisational hierarchy of the court concerned.**

- Law of Ukraine "On the Judiciary and the Status of Judges":

Article 20. The procedure for appointment of judges to administrative positions and dismissal from administrative positions

1. Administrative positions in a court are the position of the Chief Judge and Deputy Chief judge(s). 2. The Chief judge of the local court, his/her Deputies, Chief Judge of the court of appeal, his/her Deputies, Chief Judge of the high specialized court and his/her Deputies shall be elected to their positions by meetings of judges of the respective court among the judges of that court. 3. The Chief Judge of the local court, his/her Deputy, Chief Judge of the court of appeal, his/her Deputies, Chief Judge of the high specialized court and his/her Deputies shall be elected to his/her position by meeting of judges by secret ballot by a majority of the judges of the respective court for a period of three years but shall not exceed the term of office of a judge under the procedure established by law. 4. The Chief Judge of the local court, his/her Deputy, Chief Judge of the court of appeal, his/her Deputies, Chief Judge of the high specialized court and his/her Deputies may be early dismissed on the initiative of at least one third of all the judges of the respective court by secret ballot of at least two-thirds of the judges of that court. 5. The grounds for dismissing a judge from administrative office is his/her application or continuous unsatisfactory discharge of duties of Chief Judge, Deputy Chief Judge respectively, systematic or gross one-time violation of law while discharging the duties.

6. A judge who was early dismissed from the administrative position in court (except the dismissal from the administrative position upon his/her application) may not be elected to any administrative position in courts within two years after such early dismissal.

7. Dismissal from a position of a judge, termination of his/her powers and expiry of the term of the judge's administrative office in court shall terminate such judge's powers at such administrative position.

8. The Chief Justice of the Supreme Court and his/her Deputy are elected to the position and dismissed by the Plenary Meeting of the Supreme Court following the procedures in a manner stipulated by this law. 9. A judge elected to an administrative position may not occupy one administrative position in the respective court for more than two consecutive terms unless otherwise stipulated by law. 10.

In courts where the number of judges exceeds ten, a Deputy Chief Judge of the court may be elected and in courts with more than thirty judges - no more than two Deputy Chief Judges may be elected. 11. Election of a judge to an administrative position without compliance with the requirements of law shall not be permitted. 12. A judge's administrative office duties in the court do not relieve him/her from exercising the powers of a judge of the respective court under this Law.

Article 24. The Chief Judge of the Local Court 1. The Chief Judge of the local court shall: 1) represent the court as a body of state power in relations with other bodies of state power, bodies of local self-government, natural persons and legal entities; 2) determine administrative responsibilities of Deputy Chief Judge of the local court; 3) supervise the efficiency of the court staff, approve the appointment of chief of staff, deputy chief of staff and propose that incentives or disciplinary measures are to be applied to the chief of staff or his/her deputy, in accordance with law; 4) issue a respective order on the basis of an act on the appointment of a judge to the office, transfer of a judge or dismissal of a judge from the office as well as due to termination or powers of a judge; 5) notify the High Qualification Commission of Judges of Ukraine and the State Judicial Administration of Ukraine, including through the website of the

judiciary, about any vacant positions of judges in the court within three days upon the date of opening of such vacant positions; 6) ensure the implementation of decisions adopted by the meetings of local court judges; 7) organize maintenance of statistics records in court and information and analytical support for judges to improve the quality of court proceedings; 8) promote compliance with the requirements for on-going training of local court judges; 9) submit proposals regarding the number and personal composition of investigating judges to be considered by the court meeting; 10) exercise other powers envisaged in law. 2. The Chief judge of the local court shall issue orders and instructions on matters within his/her administrative powers. 3. In the absence of the Chief judge of the local court, his/her administrative powers shall be exercised by one of the Deputy Chief judges designated by the Chief judge, in the absence of such designation - by the Deputy Chief judge who has more years of experience as a judge, and in the absence of the Deputy Chief judge - by a judge of the court that has the longest work experience as a judge.

Article 25. Deputy Chief Judge of a Local Court 1. The Deputy Chief Judge of a local court shall exercise administrative powers defined by the Chief Judge of the court.

Max characters value : 10 000

**015-5. Please describe who has responsibilities for the management of individual public prosecution offices, what management roles they have, what is their status and their position in the organisational hierarchy of the office concerned.**

- Law of Ukraine "On Prosecutor's office":

Article 10. Regional prosecutor's offices

1. In the system of the Prosecutor's Office of Ukraine there are regional prosecutor's offices, which include regional prosecutor's offices, the Prosecutor's Office of the Autonomous Republic of Crimea, and the city of Sevastopol, the Kyiv City Prosecutor's Office.
2. The regional prosecutor's office is headed by the head of the regional prosecutor's office, the head of the prosecutor's office of the Autonomous Republic of Crimea and the city of Sevastopol, the head of the Kyiv city prosecutor's office, who has a first deputy and no more than three deputies.
3. In the structure of the regional prosecutor's office divisions - managements and departments are formed.
4. Formation, list, territorial jurisdiction, reorganization and liquidation of regional prosecutor's offices, determination of their competence, structure, and staff list shall be carried out by the Prosecutor General.

Article 11. Powers of the head of the regional prosecutor's office

1. The head of the regional prosecutor's office:

- 1) represents the regional prosecutor's office in relations with state authorities, other state bodies, local self-government bodies, persons, enterprises, institutions, and organizations;
  - 2) organizes the activities of the regional prosecutor's office;
  - 3) appoints and dismisses prosecutors of regional and district prosecutor's offices in the manner prescribed by this Law;
  - 4) approve acts on issues related to the organization of the regional prosecutor's office;
  - 6) ensures compliance with the requirements for professional development of prosecutors of the regional prosecutor's office;
  - 7) appoint prosecutors to administrative positions and dismiss prosecutors from administrative positions in the cases and in accordance with the procedure established by this Law;
  - 8) in accordance with the established procedure and on the basis of the decision of the relevant body on bringing the prosecutor to disciplinary responsibility, decides on the application of a disciplinary sanction to the prosecutor of the district prosecutor's office or on the impossibility of his further position as a prosecutor;
  - 9) control the maintenance and analysis of statistical data, organize the study and generalization of the practice of application of legislation and information and analytical support of prosecutors in order to improve the quality of their functions;
  - 10) perform other powers provided by this and other laws of Ukraine.
2. The head of the regional prosecutor's office issues orders on issues related to his administrative powers.

3. In the absence of the head of the regional prosecutor's office, his powers shall be exercised by the first deputy head of the regional prosecutor's office, and in his absence - by one of the deputy heads of the regional prosecutor's office.

Article 12. District prosecutor's offices

1. There are district prosecutor's offices in the system of the Prosecutor's Office of Ukraine, the list and territorial jurisdiction of which are determined by the order of the Prosecutor General. Establishment, reorganization, and liquidation of district prosecutor's offices, determination of their competence, structure, and staff list are carried out by the Prosecutor General.

2. The district prosecutor's office is headed by the head of the district prosecutor's office, who has a first deputy and no more than two deputies.

3. In the structure of the district prosecutor's office, if necessary, such subdivisions as departments are formed.

Article 13. Powers of the head of the district prosecutor's office

1. The head of the district prosecutor's office:

1) represents the district prosecutor's office in relations with state authorities, other state bodies, local self-government bodies, persons, enterprises, institutions and organizations;

2) organizes the activities of the district prosecutor's office;

4) ensures compliance with the requirements for advanced training of prosecutors of the district prosecutor's office;

4-2) control the maintenance and analysis of statistical data, organize the study and generalization of the practice of application of legislation, information and analytical support of prosecutors in order to improve the quality of their functions;

5) perform other powers provided by this and other laws of Ukraine.

2. The head of the district prosecutor's office issues orders on issues related to his/her administrative powers.

3. In the absence of the head of the district prosecutor's office, his/her powers shall be exercised by the first deputy head of the district prosecutor's office, and in his/her absence - by one of the deputy heads of the district prosecutor's office.

Max characters value : 10 000

## 2. Access to justice and all courts

### 2.1. Legal Aid

#### 2.1.1 Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Legal advice, ADR and other legal services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

=

016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.

- Ukraine's legal aid system includes 2 types of such aid:

1. Primary free legal aid is the type of state guarantee, which is to inform a person of his or her rights and freedoms, the order of its realization, restoration in case of their violation, and procedure for appealing against decisions, actions, or inactions of the state bodies, local self-government bodies, officials and servants. Free primary legal aid includes the following types of legal services:

- providing legal information;
  - providing consultations and clarifications on legal issues;
  - assistance in making appeals, claims and other documents of legal nature (except procedural documents);
  - providing assistance in ensuring access of a person to secondary free legal aid and mediation; The right to obtain primary free legal aid according to the Constitution of Ukraine and the Law of Ukraine "On the Free Legal Aid" have all individuals, who are under the jurisdiction of Ukraine.
2. Secondary free legal aid is the type of state guarantee which is to create equal opportunities for access to justice by persons. Secondary free legal aid includes the following types of legal services:

-protection;

-representation of interests of persons, who have the right for secondary free legal aid in courts, other state governmental bodies, self-government bodies, before other persons;

-drafting of procedural documents.

The right to obtain secondary free legal aid according to the Law of Ukraine "On the Free Legal Aid" and other related laws has the following categories of persons:

- persons, who are under the jurisdiction of Ukraine, if their average monthly income does not exceed of 2 sizes of subsidence minimum, calculated and approved according to the law for the persons, who belong to main social and demographic groups of the population, as well as persons with disabilities who receiving pension or assistance which is appointed instead of pension in the amount not exceeding 2 subsidence minimum for disabled persons - for all types of legal assistance foreseen by part 2 Article 13 of the Law of Ukraine "On the Free Legal Aid"
- children, as well orphans, children deprived of parental care, children who are in difficult circumstances, children who have been affected by war or armed conflict – for all types of legal assistance;
- internally displaced persons for all types of legal assistance and other similar types of persons.

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**018. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?**

( ) Yes

( X ) No

[ ] NAP

If yes, please specify:

**019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?**

Criminal cases	Other than criminal cases
----------------	---------------------------

<b>Legal aid granted for other costs</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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Comments - If yes, please specify: According to the procedure for payment of services and reimbursement of lawyers providing free secondary legal aid, adopted by the Cabinet of Minister's Decree dated 17.09.2014, No 465 (with amendments), lawyers are reimbursed with costs connected to legal aid providing in the following situations: 1) travel by public transport (except aviation, railway, ships, and vessels for sea/ river transportation);

2) Purchasing of fuel and lubricants in accordance with the standards set for budgetary institutions when using their own vehicle at night or in the countryside or in the absence of public transport connection, taking into account the distance from the lawyer's or his workplace to the place of legal assistance and vice versa direction;

3) Business travel out of the region (daily expenses, costs associated with renting a dwelling) for the purpose of meeting with a client, familiarizing with case files, interviewing persons, participating in a court hearing, as well as in case of change of jurisdiction of criminal proceedings or continuity of criminal offense or continuity of criminal offense, change of place of crime, the detention of a suspected, accused or punished, convicted person to whom a lawyer provides legal assistance in accordance with the rules established by law for employees of budgetary institutions.

4) sending registered letters and/or other postal items with a declared value (with a description of the attachment) to appeal against judgments or decisions of the appellate court concerning judgments of the court of the first instance, which are forwarded by the national postal operator (postage).

5) purchase medical masks, protective gloves in case of providing legal assistance during quarantine or providing such assistance to persons diagnosed with an infectious disease.

By the Cabinet of Minister's Decree dated 24.06.2016 No. 401 the Centers for providing legal aid are entitled to the possibility of attracting interpreter (sign language interpreter) to secure the provision of free secondary legal aid for persons of law in the case when such persons do not speak the state language.

## 2.1.2 Information on legal aid



### 020. Please indicate the number of cases for which legal aid has been granted:

	Total	Cases brought to court	Cases not brought to court
<b>TOTAL</b>	656 207 <input type="checkbox"/> NA <input type="checkbox"/> NAP	146 089 <input type="checkbox"/> NA <input type="checkbox"/> NAP	510 118 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>In criminal cases</b>	87 276 <input type="checkbox"/> NA <input type="checkbox"/> NAP	87 276 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>In other than criminal cases</b>	568 931 <input type="checkbox"/> NA <input type="checkbox"/> NAP	58 813 <input type="checkbox"/> NA <input type="checkbox"/> NAP	510 118 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify when appropriate:

### 020-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request:

	Time in days
<b>Maximum duration prescribed in law/regulation</b>	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>Actual average duration</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
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Comments - Please specify if the envisaged timeframe is set in a statutory law, or in other regulation. Furthermore, if different timeframes are envisaged for criminal and other than criminal cases please provide more information: According to Article 19 of the Law of Ukraine "On Free Legal Aid" in case of a person's application for one of the types of free secondary legal aid, the Center for Free Secondary Legal Aid is obliged to make a decision on providing free secondary legal aid within ten days from the date of receipt. If a person has applied for the provision of one of the types of legal services provided for in part two of Article 13 of this Law to a territorial body of justice, this body shall within three days from the date of application apply to the Center for Free Secondary Legal Aid, which activity extends to the territory of the relevant administrative-territorial unit. The Center for the provision of free secondary legal aid is obliged to make a decision on the provision of free secondary legal aid within seven days from the date of receipt of the person's application.

In case of application of the persons specified in paragraphs 3-6 of part one of Article 14 of this Law for free secondary legal aid or information on detained persons from close relatives and members of their families, the list of which is specified by the Criminal Procedure Code of Ukraine, the Center for Free Secondary legal aid is obliged to make a decision on the provision of free secondary legal aid from the moment of detention. The procedure for informing the centers for the provision of free secondary legal aid about cases of detention, administrative arrest, or the application of a preventive measure in the form of detention, approved by the resolution of the Cabinet of Ministers of Ukraine from 28.12.2011 1663.

In case of receipt of the resolution of the investigator, prosecutor, decision of the investigating judge, court on the involvement of defense counsel for the purpose of protection, or a separate procedural action, the Center for Free Secondary Legal Aid is obliged to immediately appoint a lawyer.

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**021. In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?**

	<b>Assisted by a free of charge lawyer</b>
<b>Accused individuals</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Victims</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If yes, please specify:

**022. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?**

	<b>free selection of lawyer</b>
<b>Accused individuals</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Victims</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments After the decision to provide free secondary legal aid was taken, the Center for Free Secondary Legal Aid appoints a lawyer who provides free secondary legal aid on a permanent basis under a contract (agreement). At the same time, the centers for free secondary legal aid adhere to the principle of non-interference in the legal position of a lawyer and legal secrecy. Thus, at present, the law provides for the possibility to freely choose a lawyer or representative, except in cases where legal aid is provided free of charge.

**023-0. Does your country have an income and assets evaluation for granting full or partial legal aid?**

Yes

No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above: According to paragraph 1 of part 1 of Article 14 of the Law of Ukraine “On the state legal aid” the following persons refer to subjects of law for receiving free secondary legal aid: - who are under the jurisdiction of Ukraine, in case their average monthly income not exceeding 2 sizes of the subsistence minimum, calculated and approved according to the law for the persons, who belong to main social and demographic groups of population; - with disabilities, who are receiving pension or assistance which is appointed instead of pension in the amount not exceeding 2 subsistence minimum for disabled persons. Subjects of law for receiving free secondary legal aid, specified in paragraph 1 part 1 Article 14 of the Law of Ukraine “On the state legal aid”, during submitting an application for receiving free secondary legal aid should provide documents confirming their respective level of income; such request is not foreseen for other categories of persons, who have the right for free secondary legal aid.

The financing of free secondary legal aid shall be covered by the State Budget of Ukraine. Mechanisms of partial payment for services of free secondary legal aid by the subject of law for such aid are not foreseen by legislation in the area of providing free secondary legal aid.

**023. If yes, please specify in the table:**

	Annual income value (for one person), (in €)	Assets value (for one person), (in €)
Full legal aid to the applicant for criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Full legal aid to the applicant for other than criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Partial legal aid to the applicant for criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Partial legal aid to the applicant for other than criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

**024. Is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?**

Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid:

**025. Is the decision to grant or refuse legal aid taken by:**

the judge(s) dealing with the main case

another judge or official

an authority external to the court

several authorities (court and external bodies)

Comments The decision to grant or refuse to grant legal aid shall be taken by the Center for granting of Secondary Legal Aid in Ukraine (Article 18 of the Law of Ukraine “On the state legal aid”).

**026. Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?**

Yes

No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon? According to par. 19 of part 4 of Article 6 of the Law of Ukraine "On Insurance" one of the voluntary types of insurance is the insurance coverage of legal expenses (court costs) for legal proceedings. The concept of insurance of court costs in Ukraine is determined by the Characteristics and classification features of types of voluntary insurance, approved by the Order of the State Commission for Regulation of Financial Services Markets of Ukraine dated 09.07.2010 565. Clause 3.19 of this Characteristics provides that insurance of court costs what is the subject of the insurance contract are property interests related to losses due to the occurrence of the insured or another person specified by the insured in the insurance contract (beneficiary), court costs. It is established that this type of insurance provides for the insurer's obligation for the fee established by the insurance contract (insurance premium, insurance payment,) to pay insurance indemnity in accordance with the terms of the insurance contract by reimbursing the insured or another person specified by the insured in the insurance contract (beneficiary), damages incurred by them in connection with unforeseen legal costs.

**027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:**

	Judicial decisions direct how legal costs will be shared
in criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
in other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If no, please specify how legal costs are distributed:

**B1. Please indicate the sources for answering the questions in this part**

<p>Sources: Information obtained from the Coordination Center for Delivering Legal Aid Law of Ukraine "On Insurance" Order of the State Commission for Regulation of Financial Services Markets of Ukraine dated 09.07.2010 565</p>
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**2.2. Court users and victims**

**2.2.1 Rights of the users and victims**

**028. Are there official internet sites/portals (e.g. Ministry of Justice, Judicial Council etc.) where general public may have free-of-charge access to the following:**

	Yes, internet adresse(es)	No
Legal texts (e.g. codes, laws, regulations, etc.)	<input checked="" type="checkbox"/> <a href="https://rada.gov.ua">https://rada.gov.ua</a> <a href="https://online.minjust.gov.ua">https://online.minjust.gov.ua</a>	<input type="checkbox"/>
Case-law of the higher court/s	<input checked="" type="checkbox"/> <a href="https://court.gov.ua">https://court.gov.ua</a>	<input type="checkbox"/>

Information about the judicial system (organisation of courts, court proceedings, etc)	<input checked="" type="checkbox"/> <a href="https://court.gov.ua/">https://court.gov.ua/</a>	<input type="checkbox"/>
Other documents (e.g. forms, downloadable forms, online registration forms)	<input checked="" type="checkbox"/> <a href="https://online.minjust.gov.ua">https://online.minjust.gov.ua</a> , <a href="http://ddr.minjust.gov.ua">http://ddr.minjust.gov.ua</a>	<input type="checkbox"/>

Comment - Please specify what documents and information are included in "Other documents"

**029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of their proceedings?**

- Yes, always  
 No  
 Yes, only in some specific situations

Comment - If "Yes, only in some specific situations", please specify:

**030. Is there a public and free-of-charge information system for providing information and facilitating access to justice:**

	Information system
General for citizens	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No
Specific for victims of offences	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No
Specific for minors (child-friendly systems)	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No

Comment - Please provide more information on these systems. Furthermore, please specify how this assistance is provided.

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

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<b>Victims of terrorism</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Minors (witnesses or victims)</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Victims of domestic violence</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Ethnic minorities</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Persons with disabilities</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Juvenile offenders</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No

Comments - If “Other vulnerable person” and/or “Other specific arrangements”, please specify: Information mechanism:

a public, free of charge, and personalized information mechanism, operated by the police or the justice system, which enables the victims of criminal offenses to get information on the follow-up to the complaints they have launched.

Special arrangements in hearings:

Judicial proceedings may be conducted via videoconference during a broadcast from another premises, including those located outside the court premises (remote court proceedings), in the case of impossibility of direct participation of a participant in criminal proceedings in court proceedings due to health or other good reasons; the need to ensure the safety of persons; interrogation of a minor or juvenile witness, victim; the need to take such measures to ensure the efficiency of court proceedings; the existence of other grounds determined by the court sufficient (part 1 of Article 336 of the Criminal Procedural Code of Ukraine).

In cases when it is necessary for objective clarification of circumstances and/or protection of the rights of a minor or juvenile witness, by court decision they may be interrogated outside the courtroom in another room using videoconference (remote court proceedings) (Part 4 Article 354 of the Criminal Procedural Code of Ukraine).

In exceptional cases related to the need to obtain the testimony of a witness or victim during the pre-trial investigation, if due to danger to life and health of the witness or victim, their serious illness, presence of other circumstances preventing their interrogation in court or affecting the completeness or accuracy of the testimony, the party to the criminal proceedings, the representative of the legal entity subject to the proceedings, have the right to ask the investigating judge to interrogate such a witness or victim in court, including simultaneous interrogation two or more persons already interrogated. In this case, the interrogation of a witness or victim is carried out in a court session at the location of the court or the stay of a sick witness, the victim in the presence of the parties to the criminal proceedings in compliance with the rules of interrogation during the trial.

The testimony of minors under 16 is received without taking an oath (part 2 Article 232 of the Civil Procedural Code).

Other specific arrangements:

The investigating judge, court, prosecutor, the investigator shall provide the participants in criminal proceedings - who do not know or do not know enough the state language - the right to testify, petition, and file complaints, to speak in court in their native language or another language they speak, using the services of an interpreter in the manner prescribed by this Code (Article 29 of the Criminal Procedural Code of Ukraine).

This comment is also supplemented by 'general comments'.

### **031-0. If there are special arrangements for minors, what are the settings / tools / facilities / practises employed to protect them when they participate in judicial proceedings?**

- Special and child-adequate preparation for participation in trials / lawsuits (explaining in a child-friendly manner the proceedings)
- Special room in court designated for child-friendly hearings
- Special person / team of trained professional(s) (such as psychologists) to accompany a minor throughout the proceedings
- Special ways to communicate and explain meaning of court decisions

Interagency/multidisciplinary structure such as “Children’s Houses”

Other, please specify Judicial proceedings may be conducted via videoconference during a broadcast from another premises, including those located outside the court premises (remote court proceedings)

NAP

Comment Special rooms are equipped in pilot courts only.

Special persons (such as psychologists or educators) could be invited in case of need.

Special ways to communicate - such practice has been already applied by some judges.

### 031-1. What are the main criteria for a minor to initiate a proceeding, take procedural actions in his/her own name or to be a witness?

	Civil proceedings	Criminal proceedings
<b>Capacity to initiate a proceeding and take other procedural actions in his/her own name</b>	<input checked="" type="checkbox"/> Age threshold [Comment]14 <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Age threshold [Comment]14 <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP
<b>To be a witness</b>	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP

Comment - Please specify if you selected answers “Exceptions from the threshold” and “Other”. If your system distinguishes between full and limited capacity to take legal actions, please describe the basis for this differentiation (age, capacity for discernment, type of action, type of cases, other). Capacity to initiate a proceeding and take other procedural actions in his/her own name:

According to Article 18 of the Family Code of Ukraine, every participant in a family relationship who has reached the age of fourteen has the right to go directly to court to protect his or her right or interest.

Part 4 Article 152 of the Family Code of Ukraine defines the right of a child to apply for protection of his rights and interests directly to the court if he/she has reached the age of 14 years.

At the same time, starting from 2016 there is an advocate monopoly for all types of court cases. To be a witness:

A witness can be any person who is able to correctly perceive, store in memory and reproduce information about certain circumstances. In this regard, a child (a person under the age of 18) can be involved as a witness, provided that he/she has reached a level of development that enables him/her to perceive information correctly and convey it to others.

It is expedient to interrogate a child only when the circumstances of the case cannot be fully and reliably established with the help of other evidence in the case, as interrogation in court may cause stress to the child. In addition, due to the peculiarities of the perception of environmental events, as well as the memory and language of the child, the information provided by him may not always fully reproduce the real circumstances.

In order not to cause stress, great anxiety for a child, the court must ensure a calm and friendly atmosphere in the court session. To do this, it is important to have an adult next to the child whom he trusts and next to whom he feels calm (here such an adult plays about the same role as at the reception of the child by a doctor)

Article 232 of the Civil Procedural Code of Ukraine stipulates the following:

1. The examination of minor witnesses and, at the discretion of the court, minor witnesses shall be conducted in the presence of parents, adoptive parents, guardians, custodians, if they are not interested in the case, or representatives of guardianship and custody bodies, as

well as the children's service.

2. Witnesses who have not reached the age of sixteen shall be instructed by the presiding judge on the need to give truthful testimony, without warning of the responsibility for refusing to testify and for knowingly false testimony, and shall not take an oath.
3. The persons specified in part one of this article may, with the permission of the court, ask witnesses questions, as well as express their opinion regarding the identity of the witness, the content of his/her testimony.
4. In exceptional cases, when it is necessary to objectively clarify the circumstances of the case, at the time of interrogation of persons under the age of eighteen, a party to the case may be removed from the courtroom by court order. Upon the person's return to the courtroom, the presiding judge shall inform him or her of the testimony of this witness and give him or her the opportunity to ask questions.
5. A witness who has not reached the age of sixteen shall be removed from the courtroom after the end of his interrogation, except in cases when the court has recognized the presence of this witness in the courtroom necessary.

**031-2. If a minor cannot conduct proceedings in his/her own name, who can represent him/her in judicial proceedings?**

	Civil proceedings	Criminal proceedings
<b>Parent/legal guardian</b>	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other representative (instead of parent/legal guardian)</b>	<input checked="" type="checkbox"/> Social care services or other public institution <input checked="" type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Social care services or other public institution <input checked="" type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input type="checkbox"/> NAP

Comment Children who have reached the age of 14 (juvenile) have an incomplete capacity, and children under 14 years old (minors) have partial legal capacity, the amount of which is determined by law.

In order to "compensate" for the incomplete capacity of these persons, the performance of all necessary actions is entrusted to the legal representatives of juveniles and minors (but within the limits and to the extent established by law).

The legal representatives are the parents or adoptive parents of the children. Persons deprived of parental rights cease to be legal representatives of children.

Foster parents as well as nurse parents are the legal representatives of foster children and shall act without special powers as guardians or trustees.

If the child does not have parents (adoptive parents), their legal representatives may be guardians (for minors) and trustees (for juveniles).

The legislation also stipulates that prior to the establishment of guardianship or trusteeship and the appointment of a guardian or trustee, guardianship or custody of an individual is carried out by the relevant body of guardianship and trusteeship. And if over an individual who is in an educational institution, a health care institution, or an institution of social protection, no guardianship or trusteeship has been established or no guardian or trustee has been appointed, guardianship or trusteeship is provided by this institution.

The list of persons who are legal representatives is exhaustive.

In Ukraine starting from 2016 there is an advocate monopoly, so the legal professional shall always take part in court proceedings. It is also can be a juvenile prosecutor.

**031-3. What are the different criteria for the criminal liability of minors? (multiple replies possible)**

- Age threshold(s)
- Capacity for discernment

Other criteria

Comment Persons who have reached the age of 16 before the commission of a criminal offense shall be subject to criminal liability (Article 22 of the Criminal Code of Ukraine). The Code also defines the list of exceptions when the minor may be criminally liable even earlier - at the age of 14-16.

Minors under the age of 14, as well as persons who have committed socially dangerous acts between the ages of 14 and 16 (except those specified in Part 2 of Art. 22 of the Criminal Code of Ukraine), cannot be the subject of a crime, and therefore are not subject to criminal liability.

### **031-3-1. What is the age threshold for the criminal liability of minors?**

**Criminal liability resulting in sentence without privation of liberty (for example, educational measures)**

14 ]

NA

NAP

**Criminal liability resulting in sentence of privation of liberty**

[                    ]

NA

NAP

Comment - Please describe, briefly, the specifics of your system. Could you, please specify if the possibility of mitigation applies to the sanctions and how?

### **032. Does your country allocate compensation for victims of offences?**

Yes, but only if offender is unknown

Yes, but only if compensation could not be obtained from offender

Yes, always

No

Comment There has to be two answers: Yes, but only if offender is unknown; Yes, but only if compensation could not be obtained from offender

#### **032-0. If yes, for what types of offences the compensation is allocated?**

For all types of offences

For some types of offences

NAP

Comment - Please specify:

#### **032-1. Is a court decision necessary in the framework of the compensation procedure?**

Yes

No

Comments

#### **032-0. If yes, for what types of offences the compensation is allocated?**

For all types of offences

For some types of offences

NAP

Comment - Please specify:

**032-1. Is a court decision necessary in the framework of the compensation procedure?**

Yes

No

Comments

**032-0. If yes, for what types of offences the compensation is allocated?**

For all types of offences

For some types of offences

NAP

Comment - Please specify:

**032-1. Is a court decision necessary in the framework of the compensation procedure?**

Yes

No

Comments

**034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?**

Yes

No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

**035. Do public prosecutors have a specific role with respect to victims (protection and assistance)?**

Yes

No

Comments - If yes, please specify: The prosecutor represents in court the interests of a citizen (citizen of Ukraine, foreigner, or stateless person) in cases where such a person is unable to independently protect their violated or disputed rights or exercises procedural powers due to underage, incapacity or limited capacity, and legal representatives or bodies, which by law are empowered to protect the rights, freedoms and interests of such a person, do not protect or improperly protect it (Article 23 of the law of Ukraine "On the prosecutor's office").

**035-1. Do public prosecutors have a specific role with respect to minor victims (protection and assistance)?**

Yes

No

Comment - If yes, please specify: (Order of Prosecutor General dated 04.11.2020 No. 509)

Heads of regional, local (district) prosecutor's offices, relevant structural units to ensure the implementation of procedural and other actions aimed at protecting the interests of the state in the field of child protection, respect for children's rights and freedoms guaranteed by the Constitution of Ukraine, UN Convention on the Rights of the Child, laws of Ukraine, other international legal acts, the binding nature of which has been approved by the Verkhovna Rada of Ukraine.

The direct performance of the functions of the prosecutor's office in protecting the interests of children and combating violence should be entrusted to prosecutors who have high moral, business and professional qualities (juvenile prosecutors). Juvenile prosecutors should be

trained as soon as possible in the Training Center of Prosecutors of Ukraine or its regional offices upon receipt of a document on special training.

The main principles of work in this direction to determine:

- receiving information from children about their rights, ensuring children's free access to justice and the opportunity to report violations of their rights;
- ensuring the best interests of the child;
- respect for the dignity of the child and his / her protection against discrimination;
- protection of the child from all forms of violence, abuse, including sexual abuse, especially by parents, guardians or other persons who care for the child, as well as its exploitation.

In order to reduce the negative psychological impact on the child:

- take measures to use audio and/or video recording of investigative actions during the interrogation of a minor;
- actively apply the possibility of remote pre-trial investigation defined by Article 232 of the Criminal Procedure Code of Ukraine, including interrogation of a minor victim, the witness in accordance with the rules provided for in Articles 225 - 227 of this Code, identification of persons or things in accordance with Articles 228 and 229 of this Code;
- in all cases provided by law to protect the rights of juvenile victims, witnesses to apply to the court for questioning outside the courtroom in another room using videoconference in accordance with Articles 352 - 354 of the Criminal Procedure Code of Ukraine.

**036. Do victims of offences have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answers in this question and question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".**

Yes

No

NAP

Comment - If necessary, please specify: In accordance with Article 303 of the Criminal Procedural Code of Ukraine, a public prosecutor's decision to discontinue a case can be disputed by a victim or his/her legal representative.

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

	Number of requests for compensation	Number of condemnations	Total amount (in €)
<b>Total</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Excessive length of proceedings</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Non-execution of court decisions</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Wrongful arrest</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Wrongful conviction</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Other</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comment - Where appropriate, please give details of the compensation procedure and the calculation method for the amount of the

## 2.2.2 Confidence and satisfaction of citizens with their justice system

**038. Does your country implement surveys to measure trust in justice and satisfaction with the services delivered by the judicial system?**

	National level	Court level
Surveys for judges	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for court staff	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for public prosecutors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
Surveys for lawyers	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
Surveys for other professionals	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
Surveys for the parties	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
Surveys for other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for victims	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
Surveys for minors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
Surveys for the general public	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc

Comment - Please, indicate the references and links to the satisfaction surveys you mentioned above:

**039. Are there statistical data concerning male and female court users, persons who initiate a case, victims, accused persons, etc.**

( X ) Yes, please specify: Please see below

( ) No

Comment - If you have additional comments please specify: The annual forms of reports on the administration of justice by local and appellate courts, approved by the order of the SJA of Ukraine dated 23.06.2018 325, contain statistical data, including on the subjects of appeal (trial), in particular, by gender and age.

On the website of the State Statistics Service of Ukraine under the rubric of gender equality there is subsection «Offenses and violence» with statistical data disaggregated by gender. ([http://www.ukrstat.gov.ua/gend\\_rivnist/metadata\\_gr/07/07.htm](http://www.ukrstat.gov.ua/gend_rivnist/metadata_gr/07/07.htm))

This subsection contains the following indicators with respective data:

- Number of victims of criminal offenses, by types of criminal offenses and sex, persons;
- Distribution of the number of victims of criminal offenses by types of criminal offenses and sex,%;
- Distribution of the number of convicts by sex and age groups (14-15 years, 16-17 years, 18-24 years, 25-29 years, 30-49 years, 50-64 years, 65 years and older),%;
- Number of convicts registered with the authorized bodies on probation by sex, persons;
- Number of convicts who have passed the records of the authorized bodies on probation, by sex, persons;
- Number of victims of homicides by sex and age groups (0-14 years, 15-17 years, 18 and older), persons;
- Distribution of the number of murder victims by sex and age groups (0-14 years, 15-17 years, 18 and older),%;
- Number of victims of criminal offenses related to physical violence (premeditated murder (and attempted murder), rape (and attempted murder), grievous bodily harm), recorded in the last 12 months, by sex, persons;
- Distribution of convicts and detainees in penitentiaries and remand centers, by sex,%;
- Number of children who have been remanded in custody (in completed criminal proceedings) in the last 12 months, by sex, age groups (up to 14 years, 14-15 years, 16-17 years), persons;
- Number of children accused of committing a criminal offense in the last 12 months, by sex, age groups (up to 14 years, 14-15 years, 16-17 years), persons;
- Number of juveniles in places of imprisonment by sex and age groups (up to 14 years, 14-15 years, 16-17 years), persons;
- Number of convicted juveniles who are in remand prisons after sentencing, by the length of detention (total term of detention: up to 6 months, up to 1 year; from 1 to 1.5 years; more than 1.5 years) for the last 12 months, for gender and age groups (14-15 years, 16-17 years), persons.

**040. Is there a national or local procedure for filing complaints about the functioning of the judicial system? (for example, handling of the case by a judge or the duration of a proceeding)**

( X ) Yes

( ) No

Comments

**041. If yes, please specify certain aspects of this procedure:**

	<b>Authority responsible for dealing with the complaint</b>	<b>Existence of a time limit to deal with the complaint for this authority</b>
<b>Court concerned</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Higher court</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Ministry of Justice</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>High Judicial Council</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other external bodies (e.g. Ombudsman)</b>	( X ) Yes ( ) No	( X ) Yes ( ) No

Comments Depending on the issue, the user of the justice system may file a complaint in respect of a judge to the High Council of Justice

within a system of the disciplinary procedure, address to the Ombudsmen or, for example, to the anticorruption bodies such as High Anti-Corruption Bureau of Ukraine, State Bureau of Investigations, National Agency on Prevention Corruption.

**041-1. If yes, please specify certain aspects of this procedure:**

	Number of complaints	Compensation amount granted
<b>Court concerned</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Higher court</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Ministry of Justice</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>High Judicial Council</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Other external bodies (e.g. Ombudsman)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment:

**3. Organisation of the court system**

**3.1. Courts**

**3.1.1 Number of courts**

**042. Number of courts - legal entities.**

	Number of courts
<b>Total number of all courts - legal entities (1 + 2)</b>	677 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1 Total number of courts of general jurisdiction - legal entities (1.1 + 1.2 + 1.3)</b>	610 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1.1 First instance courts of general jurisdiction - legal entities</b>	587 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1.2 Second instance courts of general jurisdiction - legal entities</b>	22 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1.3 Highest instance courts of general jurisdiction - legal entities</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2 Total number of specialised courts - legal entities</b>	67 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments 1.1 First instance courts of general jurisdiction - legal entities:587 - local general courts considering civil, criminal, administrative cases and cases on administrative offenses;

1.2 Second instance courts of general jurisdiction - legal entities: 22 - appellate courts considering civil, criminal cases and cases on administrative offenses; 1.3 Highest instance courts of general jurisdiction - legal entities: 1 - Supreme Court;

2. Total number of specialized courts - legal entities: this item includes 2 high specialized courts - the High Anti-corruption Court and the High Court on Intellectual Property - and 65 courts consisting of local (1st instance) commercial courts and local administrative courts, as well as appellate courts specialized separately in administrative and commercial cases.

Note: In Ukraine, the court system is based on the principles of territoriality, specialization, and instance hierarchy. If to consider Ukrainian courts through the CEPEJ methodology, the legislation of Ukraine distinguishes courts by specialization and also establishes a separate type of courts - high specialized ones. The courts' specialization includes consideration of civil, criminal, commercial, administrative cases and cases on administrative offenses, among which there are courts of so to say general jurisdiction and separate courts considering commercial cases and administrative cases. There are also 2 high specialized courts - the High Anti-corruption Court and the High Court on Intellectual Property. Both this types of courts shall be interpreted as specialized courts according to the CEPEJ methodology, so for the purposes of filling this questionnaire they were reflected in item '2. Total number of specialized courts - legal entities'

### 043. Number of specialised courts – legal entities.

	First instance	Higher instances
<b>Total number of specialised courts - legal entities</b>	52 <input type="checkbox"/> NA <input type="checkbox"/> NAP	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Commercial courts (excluded insolvency courts)</b>	25 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Insolvency courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Labour courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Family courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Rent and tenancies courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Enforcement of criminal sanctions courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Fight against terrorism, organised crime and corruption</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Internet related disputes</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Administrative courts</b>	25 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Insurance and / or social welfare courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

<b>Military courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Juvenile courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Other specialised courts</b>	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If “Other specialised courts”, please specify: The difference with the 2018 cycle is caused by establishing of 2 specialized courts: High Anti-Corruption Court of Ukraine and the High Court of Intellectual Property.

The High Anti-Corruption Court and the High Court on Intellectual Property are both courts of first and appellate instance, but the appellate chambers in their composition do not have the status of separate legal entities. So, for the purposes of answering to the Q42 and Q43 and according to the CEPEJ methodology, they were counted only once as specialized courts of the 1st instance.

On September 5, 2019, the work of the High Anti-Corruption Court began.

The legal entity of the High Court on Intellectual Property was registered in 2020, however the competition for judicial positions in the High Court on Intellectual Property was not completed due to the termination of powers of the HJC members on November 7, 2019.

#### 044. Number of courts - geographic locations.

	Number of courts (geographic locations)
<b>First instance courts geographic locations (this includes 1st instance courts of general jurisdiction and first instance specialised courts)</b>	729 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all Supreme Courts)</b>	785 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments 729 - first instance buildings (including High Anticorruption Court)

51 - appellate court buildings (second instance, including Appellate Chamber of the High Anti-Corruption Court)

5 - Supreme court buildings

The number does not include the High Court on Intellectual Property, as it has not been set up yet.

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#### 045. Number of first instance courts (geographic locations) competent for a case concerning:

	Number of courts
<b>A small claim</b>	585 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>An employment dismissal</b>	610 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>A robbery</b>	585 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>An insolvency case</b>	25 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

## 045-1. Is your definition of a small claim the same as the one in the Explanatory note?

( ) Yes

( X ) No

Comments - If not, please give your definition of a small claim: Small claims were introduced after entry into force of amendments to the Civil Procedural Code of Ukraine. The value of small claims is established by law but can also be established as such by the court if the amount sued for does not exceed a specific sum of money.

## 045-2. Please indicate the value in € of a small claim:

[ 7 372 ]

Comments Under Article 19 part 6 of the Civil Procedural Code of Ukraine small claims are the following: 1) claims in which the amount sued for does not exceed 227000 UAH (7372€) for an able-bodied person as of December 2020;

2) uncomplicated claims recognized by the court as small claims except for cases that are to be considered only by means of general adversarial proceedings and cases in which the amount sued for exceeds 567 500 UAH (18431€) as of December 2020.

## C. Please indicate the sources for answering the questions in this part

Sources: State Judicial Administration of Ukraine, High Qualification Commission of Judges of Ukraine, the Civil Procedural Code of Ukraine

## 3.2. Court staff

### 3.2.1 Judges and non-judge staff



046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (please give the information in full-time equivalent and for posts actually filled for all types of courts - general jurisdiction and specialised courts)

	Total	Males	Females
<b>Total number of professional judges (1 + 2 + 3)</b>	5 420 [ ] NA [ ] NAP	2 506 [ ] NA [ ] NAP	2 914 [ ] NA [ ] NAP
<b>1. Number of first instance professional judges</b>	4 307 [ ] NA [ ] NAP	1 959 [ ] NA [ ] NAP	2 348 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) professional judges</b>	930 [ ] NA [ ] NAP	441 [ ] NA [ ] NAP	489 [ ] NA [ ] NAP
<b>3. Number of Supreme Court professional judges</b>	183 [ ] NA [ ] NAP	106 [ ] NA [ ] NAP	77 [ ] NA [ ] NAP

Comment - Please provide any useful comment for interpreting the data above: A significant change in the number of judges of the Supreme Court is explained by the fact that in the summer of 2018 the High Qualifications Commission of Judges announced the second competition for judges of the Courts of Cassation in the Supreme Court. As a result, in March 2019, the Commission filed 78 recommendations to the High Council of Justice on the appointment of candidates for judges of the Courts of Cassation in the Supreme



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**046-1-1. Does your system allow part-time work for judges with proportionally reduced remuneration?**

Yes

No

Comments

**046-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):**

Child-care

Elderly care

For the purposes of early retirement

Other reason, please specify: .....

Without reason

Comments At the request of the mother, father of the child or other persons referred to in Ukrainian legislation they may work part-time or at home during the period of parental leave.

Parental leave may be used in full or in parts also by the child’s grandmother, grandfather or other relatives who actually care for a child, or by the person who adopted or took custody of the child, one of adoptive parents or foster parents (Art. 179 of the Labor Code of Ukraine).

**046-1-3. If yes, what is the percentage of judges working part-time (in relation to the total number of judges)?**

	Total (%)	Male (%)	Females (%)
<b>Total (1 + 2 + 3) (%)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. At first instance level (%)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. At second instance (court of appeal) level (%)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. At Supreme Court level (%)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**046-1-4. What is the percentage of work time of a judge working part-time compared to a full-time equivalent judge?**

Less than 50%

50 – 60%

( ) 60 - 80%

( ) More than 80%

NA

NAP

Comments

=

### 046-2. Number of judges (FTE) by case type:

	Total	Civil and/or commercial	Criminal	Administrative	Other
<b>Total number of judges</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP			
<b>First instance</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP			
<b>Second instance</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP			
<b>Supreme court</b>	183 <input type="checkbox"/> NA <input type="checkbox"/> NAP	90 <input type="checkbox"/> NA <input type="checkbox"/> NAP	40 <input type="checkbox"/> NA <input type="checkbox"/> NAP	53 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

If "Other", please explain which types of cases:

=

### 047. Number of court presidents (professional judges).

	Total	Males	Females
<b>Total number of court presidents (1 + 2 + 3)</b>	613 <input type="checkbox"/> NA <input type="checkbox"/> NAP	379 <input type="checkbox"/> NA <input type="checkbox"/> NAP	234 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Number of first instance court presidents</b>	575 <input type="checkbox"/> NA <input type="checkbox"/> NAP	347 <input type="checkbox"/> NA <input type="checkbox"/> NAP	228 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Number of second instance (court of appeal) court presidents</b>	37 <input type="checkbox"/> NA <input type="checkbox"/> NAP	32 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Number of Supreme Court presidents</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

### 048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible, on 31 December of the reference year):

Figure

<b>Gross figure</b>	[ ] NA [X] NAP
<b>In full-time equivalent</b>	[ ] NA [X] NAP

Comments - If necessary, please provide comments to explain the answer provided:

**048-1. Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?**

( ) Yes If yes, please give specifications on the types of cases and an estimate in percentage. ....

( ) No

[X] NAP

Comments

**049. Number of non-professional judges who are not remunerated but who may receive a simple defrayal of costs (if possible, on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting on a jury):**

	<b>Figure</b>
<b>Gross figure</b>	[ ] NA [X] NAP
<b>In full time equivalent</b>	[ ] NA [X] NAP

Comments

**049-1. If such non-professional judges exist at first instance in your country, please specify for which types of cases:**

	<b>Yes</b>	<b>No</b>	<b>Echevinage / mixed bench</b>
<b>Criminal cases (severe)</b>	( )	( )	( )
<b>Criminal cases (misdemeanour and/or minor)</b>	( )	( )	( )
<b>Family law cases</b>	( )	( )	( )
<b>Labour law cases</b>	( )	( )	( )
<b>Social law cases</b>	( )	( )	( )
<b>Commercial law cases</b>	( )	( )	( )
<b>Insolvency cases</b>	( )	( )	( )

Other civil cases	( )	( )	( )
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NAP

Comments - If "Other civil cases", please specify:

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

Yes

No

Comments

**050-1. If yes, for which type(s) of case(s)?**

Criminal cases

Other than criminal cases

Comments After amendments to the Criminal and Civil Procedural Codes of Ukraine in 2017, now the jurisdiction of the jury expands on cases subject to life imprisonment and civil court cases regarding restriction of an individual's civil capacity, recognition of an individual having no legal capacity, renewal of an individual's civil capacity, recognition by a court to be missing or presumed dead, adoption, assigning psychiatric care, compulsory hospitalization to antituberculous institutions.

**051. Number of citizens who were involved in such juries for the year of reference:**

[ 8 543 ]

NA

NAP

Comments

=

**052. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for posts actually filled)**

	Total	Males	Females
<b>Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)</b>	26 777 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 588 <input type="checkbox"/> NA <input type="checkbox"/> NAP	21 189 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2. Non-judge (judicial) staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, helping to draft the decisions)</b>	6 910 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 649 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 261 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)</b>	15 534 [ ] NA [ ] NAP	2 928 [ ] NA [ ] NAP	12 606 [ ] NA [ ] NAP
<b>4. Technical staff</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>5. Other non-judge staff</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - If "Other non-judge staff", please specify:

**052-1. Number of non-judge staff by instance (if possible, on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for posts actually filled).**

	Total	Males	Females
<b>Total non-judge staff working in courts (1+2+3)</b>	26 777 [ ] NA [ ] NAP	5 588 [ ] NA [ ] NAP	21 189 [ ] NA [ ] NAP
<b>1. Total non-judge staff working in courts at first instance level</b>	20 606 [ ] NA [ ] NAP	4 052 [ ] NA [ ] NAP	16 554 [ ] NA [ ] NAP
<b>2. Total non-judge staff working in courts at second instance (court of appeal) level</b>	4 724 [ ] NA [ ] NAP	1 122 [ ] NA [ ] NAP	3 602 [ ] NA [ ] NAP
<b>3. Total non-judge staff working in courts at Supreme Court level</b>	1 447 [ ] NA [ ] NAP	414 [ ] NA [ ] NAP	1 033 [ ] NA [ ] NAP

Comments

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**053. If there are Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal in your judicial system, please specify in which fields they have a role:**

- Legal aid
- Family cases
- Payment orders
- Registry cases (land and/or business registry cases)
- Enforcement of civil cases
- Enforcement of criminal cases
- Non-litigious cases
- Other cases not mentioned (please describe in comment)

Comments - Please briefly describe their status and duties:

**054. Have the courts outsourced certain services under their responsibilities to external providers?**

( X ) Yes

( ) No

Comments

**054-1. If yes, please specify which services have been outsourced:**

[ ] IT services

[ ] Training of staff

[ ] Security

[ ] Archives

[ X ] Cleaning

[ ] Other types of services (please specify): .....

Comments

**C1. Please indicate the sources for answering the questions in this part**

Sources: Answers were provided by the State Judicial Administration of Ukraine and the High Qualification Commission of Judges of Ukraine.

**3.3. Public prosecution**

**3.3.1 Public prosecutors and staff**

**055. Number of public prosecutors (on 31 December of the reference year). (Please give the information in full-time equivalent and for posts actually filled, for all types of courts – general jurisdiction and specialised courts).**

	Total	Males	Females
<b>Total number of prosecutors (1 + 2 + 3)</b>	8 800 [ ] NA [ ] NAP	5 245 [ ] NA [ ] NAP	3 555 [ ] NA [ ] NAP
<b>1. Number of prosecutors at first instance level</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2. Number of prosecutors at second instance (court of appeal) level</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Number of prosecutors at Supreme Court level</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - Please indicate any useful comment for interpreting the data above: In pursuance of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Priority Measures to Reform the Prosecutor's Office", the Procedure for Prosecutors to pass attestation, approved by the Prosecutor General's Order 221 of October 3, 2019, the process of attestation of prosecutors of local prosecutor's offices, military prosecutor's offices of garrisons (on the rights of local) began. The attestation process is the same for all prosecutors and is identical to the attestation procedure for prosecutors of the General Prosecutor's Office and regional prosecutor's offices. After the attestation, the number of prosecutors decreased significantly.



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**055-1-1. Does your system allow part-time work for prosecutors with proportionally reduced remuneration?**

Yes

No

Comments

**055-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):**

Child-care

Elderly care

For the purposes of early retirement

Other reason, please specify: .....

Without reason

Comments At the request of the mother, father of the child or other persons referred to in Ukrainian legislation they may work part-time or at home during the period of parental leave.

Parental leave may be used in full or in parts also by the child's grandmother, grandfather or other relatives who actually care for a child, or by the person who adopted or took custody of the child, one of adoptive parents or foster parents (Art. 179 of the Labor Code of Ukraine).

**055-1-3. If yes, what is the percentage of prosecutors working part-time (in relation to the total number of prosecutors)?**

	Total (%)	Male (%)	Females (%)
<b>Total (1 + 2 + 3) (%)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. At first instance level (%)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. At second instance (court of appeal) level (%)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. At Supreme Court level (%)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments According to the information provided by the Prosecutor General's Office Of Ukraine in 2020, the prosecutors of the Prosecutor General's Office Of Ukraine did not apply for providing the opportunity to work part-time (day, week). No information about the local Prosecutor Office is provided.

**055-1-4. What is the percentage of work time of a prosecutor working part-time compared to a full-time equivalent prosecutor?**

- Less than 50%
- 50 - 60%
- 60 - 80%
- More than 80%
- NA
- NAP

Comments

**056. Number of heads of prosecution offices.**

	Total	Males	Females
<b>Total number of heads of prosecution offices (1 + 2 + 3)</b>	157 <input type="checkbox"/> NA <input type="checkbox"/> NAP	150 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Number of heads of prosecution offices at first instance level</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2. Number of heads of prosecution offices at second instance (court of appeal) level</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>3. Number of heads of prosecution offices at Supreme Court level</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Please provide any useful comment for interpreting the data above: The difference in the numbers in 2020 compared with 2018 is caused by the optimization of the organizational structure, attestation of prosecutors, and reducing the number of employees in the prosecutor's office as part of the reform of the prosecutor's office.

**057. Do other persons have similar duties to those of public prosecutors?**

- Yes
- No

Comments - If yes, please specify their titles and functions:

**057-1. Please specify their number (in full-time equivalent):**

[            ]  
 NA

**059. If yes, is their number included in the number of public prosecutors that you have indicated under question 55?**

- Yes
- No
- NAP

Comments

**059-1. Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?**

	-
<b>Domestic violence</b>	<input type="checkbox"/> Yes <input type="checkbox"/> Yes, specifically for minor victims <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Sexual violence</b>	<input type="checkbox"/> Yes <input type="checkbox"/> Yes, specifically for minor victims <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify The Law of Ukraine “On the Prosecutor's Office” does not provide for such specialization as “prosecutors on domestic and/or sexual violence issues”, while part 6 of Article 7 of the Law stipulates that specialization of prosecutors may be introduced in the prosecutor's office system.

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**060. Number of staff (non-public prosecutors) attached to the public prosecution services, if possible, on 31 December of the reference year and without the number of non-judge staff, see question 52 (in full-time equivalent and for posts actually filled).**

	Total	Males	Females
<b>Number of staff (non-public prosecutors) attached to the public prosecution service</b>	3 864 <input type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA

Comments There are two categories of staff (non-public prosecutors) attached to the public prosecution services in Ukraine: public servants (total 2258) and other employees (1606). The gender-disaggregated data is available at the Prosecutor General’s Office only for public servants, hence it is not possible to provide the disaggregated data for the entire staff.

The category of trainees was not included in the data provided. The traineeship has only educational character within the prosecution bodies of Ukraine.

**C2. Please indicate the sources for answering the questions in this part**

Sources: The Prosecutor General's Office
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**3.4. Gender equality**

**3.4.1 Specific provisions for facilitating gender equality**

**061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :**

	Yes, please specify	No
<b>judges</b>	( )	( X )
<b>prosecutors</b>	( )	( X )
<b>non-judge staff</b>	( )	( X )
<b>lawyers</b>	( )	( X )
<b>notaries</b>	( )	( X )
<b>enforcement agents</b>	( )	( X )

[ ] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: There are no other specific provisions for facilitating gender equality within the framework of the procedures for recruiting except one defined in the Constitution of Ukraine (according to article 24 of the Constitution men and women are equal in their rights) and the Law of Ukraine "On ensuring equal rights and opportunities for women and men". However, please see the answer to question 208, which describes in more detail the reforms and strategies adopted by the various judiciaries related to gender policy.

**061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :**

	Yes, please specify	No
<b>judges</b>	( )	( X )
<b>prosecutors</b>	( )	( X )
<b>non-judge staff</b>	( )	( X )
<b>lawyers</b>	( )	( X )
<b>notaries</b>	( )	( X )
<b>enforcement agents</b>	( )	( X )

Comments - If the situation changed since the reference year or you have additional comments, please specify: There are no other specific provisions for facilitating gender equality within the framework of the procedures for recruiting except one defined in the Constitution of Ukraine (according to article 24 of the Constitution men and women are equal in their rights) and Law of Ukraine "On ensuring equal rights and opportunities for women and men". However, see the answer to question 208, which describes in more detail the reforms and strategies adopted by the various judiciaries related to gender policy.

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**061-3-1. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:**

	Yes / No
<b>Court president</b>	( ) Yes If “yes”, please specify:[Comment] ( X ) No
<b>Head of prosecution services</b>	( ) Yes If “yes”, please specify:[Comment] ( X ) No

Comments There are no other specific provisions for facilitating gender equality within the framework of the procedures for recruiting except one defined in the Constitution of Ukraine (according to article 24 of the Constitution men and women are equal in their rights) and the Law of Ukraine "On ensuring equal rights and opportunities for women and men". However, see the answer to question 208, which describes in more detail the reforms and strategies adopted by the various judiciaries related to gender policy.

### 3.4.2 At national level

#### **061-5. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary?**

( X ) Yes

( ) No

Comments - If the situation changed since the reference year, please indicate in the comments. Could you specify the reference or internet link of this/these document(s) or send/upload it/them to us? On April 11, 2018, the Cabinet of Ministers approved the State Social Program for Equal Rights and Opportunities for Women and Men for the period up to 2021, available at <https://zakon.rada.gov.ua/laws/show/273-2018-%D0%BF#Text>

#### **061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner) / institution dealing with gender issues in the justice system concerning:**

	Yes, please specify	No
<b>The recruitment of judges</b>	( )	( X )
<b>The promotion of judges</b>	( )	( X )
<b>The recruitment of prosecutors</b>	( )	( X )
<b>The promotion of prosecutors</b>	( )	( X )
<b>The recruitment of non-judge staff</b>	( )	( X )
<b>The promotion of non-judge staff</b>	( )	( X )

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments: At the national level, there is no specific person institution dealing with gender issues exactly in the justice system, but there is Government Commissioner for Gender Policy.

On June 7, 2017, the Government adopted Resolution 390, which introduced the position of the Government Commissioner for Gender Policy. This will help strengthen the coordination of the executive branch for the practical implementation of the principle of gender equality in all spheres of society. In addition, the Regulation on the Government Commissioner for Gender Policy was approved. According to it, the main tasks of the Government Commissioner are to promote the implementation of a unified state policy aimed at

achieving equal rights and opportunities for women and men in all areas of society; participation in accordance with the competence in coordinating the work of ministries, other central and local executive bodies on this issue; monitoring the consideration of the principle of gender equality during the adoption of regulations by the Cabinet of Ministers of Ukraine; cooperation and interaction with civil society, etc.

**061-6-1. Please specify the text which set up this person/institution :**

(title, date, nature of the text)

NAP

**061-6-2. Please specify the status of this person/institution:**

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality)

NAP

**061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:**

(e.g. to block a decision or allow an appeal)

NAP

**3.4.3 At court/public prosecution services level**



**061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:**

	Yes	No
in courts (judges)	( )	( X )
in public prosecution services (prosecutors)	( )	( X )
for courts' non-judge staff	( )	( X )

Comments - Please specify the details of this person/institution, in particular its titles and function:

**061-8. Does the feminisation of certain functions, if it exists in your country, within courts or**

public prosecution services, lead to concrete changes in the organisation of the work in the following areas:

	Yes	No
Assignment to different positions	( )	( X )
Workload distribution	( )	( X )
Working hours	( )	( X )
Modalities of teleworking and presence in the workspace	( )	( X )
Replacement of absent persons	( )	( X )
Organisation of the hearings	( )	( X )
Other	( )	( X )

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments.

**061-9. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:**

have been already implemented (please specify) : On April 11, 2018, the Cabinet of Ministers approved the State Social Program for Ensuring Equal Rights and Opportunities for Women and Men that is in force until 2021. The purpose of the Program is to improve the mechanism for ensuring equal rights and opportunities for women and men in all spheres of society and the implementation of European standards of equality. More information - provided in Q208.

are planned (please specify) : Please see below in the comments

Comments - If the situation changed since reference year, please specify in the comments. On September 29, 2021 the HCJ appointed a gender policy officer (coordinator). Thus, in particular, the coordinator organizes work on:

- analysis of the state of ensuring gender equality;
- coordination of measures in the field of prevention and counteraction to gender-based violence and monitoring of their implementation;
- cooperation with public associations and foreign non-governmental organizations and joint development of ways to eliminate discrimination on the grounds of sex;
- implementation of constant information activities on the elimination of all forms of discrimination on the grounds of sex;
- taking measures aimed at forming a gender culture;

- training of HCJ staff on gender issues, aimed at developing relevant skills in the implementation of functions and tasks in this area, providing assistance and protection to victims;

- taking measures to eliminate manifestations of discrimination on the grounds of sex.

More information is provided in Q208.

In June 2021, the State Judicial Administration approved the Gender Equality Strategy of the State Judicial Administration of Ukraine for 2021-2025. The Strategy for Gender Equality of the State Judicial Administration of Ukraine for 2021-2025 (hereinafter the Strategy) approves the general approach, outlines the vision and approaches of the State Judicial Administration of Ukraine (SJA of Ukraine) regarding the integration of integrated gender approach into institutional policy, organizational culture and SJA of Ukraine and its territorial offices.

More information provided in Q208

NAP

### 061-10. Are there evaluation studies or official reports regarding the main causes of possible inequalities with regard to:

Recruitment procedures, please specify: .....

Appointment to the position of court president, please specify: .....

Appointment to the position of head of prosecution services, please specify: .....

Promotion procedures and access to the functions of responsibility, please specify: .....

Other studies, please specify: .....

NAP

Comments - Please specify also the reference documents.

## 3.5 Use of information technologies in courts

### 3.5.1 General policies in Information Technology in judicial systems

#### 062-1. Basic principles and models used in Information technology policies and strategies definition

	Organisation
IT policies and strategies	<input checked="" type="checkbox"/> Defined and coordinated at national level by one institution <input type="checkbox"/> Defined and coordinated at national level by several institutions <input type="checkbox"/> Defined and coordinated at unit/stakeholder level <input type="checkbox"/> Other
IT Governance	<input checked="" type="checkbox"/> Governed at national level by one institution <input type="checkbox"/> Governed at national level by several institutions <input type="checkbox"/> Organised at unit/stakeholder level <input type="checkbox"/> Other

**065-1. In case there is a national structure in charge of the strategic policy making and governance of the judicial system modernisation (including also IT) what is the composition of this structure?**

- administrative, technical and scientific staff only
- mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff
- other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented): During 2020, the creation and launch of the Unified Judicial Information and Telecommunication System (UJITS) was under the control of the High Council of Justice. A mixed team consisting of representatives of the Ministry of Digital Transformation of Ukraine, the State Judicial Administration of Ukraine, the Council of Judges of Ukraine, and the Verkhovna Rada of Ukraine worked on UJITS.

**065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?**

	Implementing new projects	Management of applications
Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other alternatives (external service provider only – specify in a comment)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - please also describe in case of “other alternatives”

**065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?**

- Yes
- No

**065-4-1. If yes, have you measured the impact on (multiple answers possible):**

- Business processes
- Workload
- Human resources
- Costs
- Other, please specify .....

Comments (please specify examples of the impact)

**3.5.2 Security of courts information system and personal data protection**

**065-5. Are there independent audits or other mechanisms to contribute to the global security**

## policy regarding the information system of the judiciary ?

Yes

No

Comments (please specify in particular if national frameworks of information security exist):

### 065-6. Is the protection of personal data managed by courts ensured at legislative level?

Yes

No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.) The Law of Ukraine "On Personal Data Protection" of 2010 states:

The control over the observance of the legislation on personal data protection within the powers provided by law is carried out by the following bodies:

- 1) the Ukrainian Parliament Commissioner for Human Rights;
- 2) courts.

The Commissioner has the following powers in the field of personal data protection:

- 1) receive proposals, complaints, and other appeals of individuals and legal entities on the protection of personal data and make decisions based on the results of their consideration;
- 2) carry out on the basis of appeals or on its own initiative on-site and off-site, scheduled, unscheduled inspections of owners or managers of personal data in the manner prescribed by the Commissioner, ensuring in accordance with the law access to premises where personal data are processed;

3) receive at their request and have access to any information (documents) of owners or controllers of personal data that are necessary to control the protection of personal data, including access to personal data, relevant databases or files, information from restricted access; The Commissioner shall include in his annual report on the state of observance and protection of human and civil rights and freedoms in Ukraine a report on the state of observance of legislation in the field of personal data protection.

Public authorities, local government bodies, the owners or managers of personal data who are subject to notification in accordance with this Law shall establish (determine) a structural unit or a responsible person who organizes the work related to the protection of personal data during their processing.

Information on the specified structural subdivision or responsible person shall be communicated to the Commissioner for Human Rights, who shall ensure its publication.

The structural unit or responsible person who organizes the work related to the protection of personal data during their processing:

- 1) informs and advises the owner or manager of personal data on compliance with legislation on personal data protection;
- 2) interacts with the Commissioner for Human Rights and officials of the Secretariat designated by him on issues of prevention and elimination of violations of the legislation on personal data protection.

The right to full access to information resources of the Unified State Register of Decisions by other authorities is regulated in the decision of the High Council of Justice of April 19, 2018, on approval of the Procedure for maintaining the Unified State Register of Judgments.

Permission for full access to information resources of the Register is granted to judges, court staff, in particular, to ensure the issuance of copies of court decisions from the Register in accordance with the requirements of this Procedure, members of the High Council of Justice and authorized employees of the Secretariat of the High Council of Justice, the High Qualification Commission of Judges, persons of the National Anti-Corruption Bureau of Ukraine, the National Agency for Prevention of Corruption, the National Agency of Ukraine for Detection, Investigation and Management of Assets Obtained from Corruption and Other Crimes, the State Bureau of Investigation, the Security Service of Ukraine, the National Police of Ukraine, the State Border Guard Service of Ukraine, the Office President of Ukraine which prepares materials for consideration by the Commission in case of the President of Ukraine concerning pardon, the State Judicial Administration of Ukraine and its territorial bodies, employees. The authorized persons of the above-mentioned bodies shall be granted permission for full access to the information resources of the Register until the day of its cancellation, but not longer than until the day of dismissal of such employees.

### 3.5.3 Centralised databases for decision support



**062-4. Is there a centralised national database of court decisions (case-law, etc.)?**

Yes

Non

Comments

**062-4-1. If yes, please specify the following information:**

	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Criminal</b>	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Administrative</b>	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - if it exists in other matters please specify

**062-6. Is there a computerised national record centralising all criminal convictions?**

Yes

No

Comments

**062-6-1. If yes, please specify the following information:**

- Linkage with other European records of the same nature
- Content directly available through computerised means for judges and/or prosecutors
- Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access

**3.5.4 Writing assistance tools**

**062-7. Are there writing assistance tools for which the content is coordinated at national level? (models or templates, paragraphs already pre-written, etc.)**

Yes

( X ) No

Comment – if it exists in other matters please specify

**062-7-1. If yes, please specify the following information:**

	<b>Availability rate</b>
<b>Civil and/or commercial</b>	<p><input type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>
<b>Criminal</b>	<p><input type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>
<b>Administrative</b>	<p><input type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>

**062-8. Are there voice recording tools?**

( X ) Yes

( ) No

**062-8-1. If yes, please specify:**

	<b>Availability of simple dictation tools</b>	<b>Availability of multiple speakers recording tools</b>	<b>Voice recognition feature</b>
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
<b>Criminal</b>	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
<b>Administrative</b>	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA

**062-9. Is there an intranet site within the judicial system for distribution of news/novelities?**

**Availability rate:**

- 100% - accessible to everyone in judiciary
- 50-99% - accessible for most judges/prosecutors in all instances
- 10-49% - in some courts only
- 1-9% - in one court only
- 0% (NAP) - No access

NA

**3.5.5 Technologies used for administration of the courts and case management**

**063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)**

- Yes
- No

**063-1-1. If yes, please specify the following information:**

	<b>CMS deployment rate</b>	<b>Status of case online</b>	<b>Centralised or interoperable database</b>	<b>Early warning signals (for active case management)</b>	<b>Status of integration/connection of a CMS with a statistical tool</b>
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input checked="" type="checkbox"/> Publication of decision online <input type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input checked="" type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Criminal</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input checked="" type="checkbox"/> Publication of decision online <input type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input checked="" type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Administrative</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input checked="" type="checkbox"/> Publication of decision online <input type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input checked="" type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comment - If it exists in other matters please specify:

**063-2. Computerised registries managed by courts**

<b>Deployment rate</b>	<b>Data consolidated at national level</b>	<b>Service available online</b>	<b>Statistical module integrated or connected</b>
------------------------	--	---------------------------------	---

<b>Land registry</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Business registry</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comment – if it exists in other matters please specify: These registries are not managed by courts. In Ukraine land registry is managed by the State Service of Ukraine for Geodesy, Cartography and Cadastre (StateGeoCadastre), and business registry is managed by the Ministry of Justice of Ukraine.

## Budgetary and financial monitoring

### 063-6. Budgetary and financial management systems of courts

	Tool deployment rate	Data consolidated at national level	System communicating with other ministries (financial among others)
<b>Budgetary and financial management of courts</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Justice expenses management</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Other (please specify in comments)</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

## Other tools of courts management

### 063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

Yes

( ) No

Comments

**063-7-1. If yes, please specify the following information:**

	Tools deployment rate	Data used for monitoring at national level	Data used for monitoring at court local level	Tool integrated in the CMS
<b>For judges</b>	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>For prosecutors</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>For non-judge/non-prosecutor staff</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

**3.5.6 Technologies used for communication between courts, professionals and/or court users**

**064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)**

Yes

No

Comments

**064-2-1. If yes, please specify the following information:**

	Availability rate	Simultaneous submission of cases in paper form remains mandatory	Specific legislative framework authorising the submission of a case	An integrated/connect ed tool with the CMS
<b>Civil and/or commercial</b>	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>Criminal</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Administrative</b>	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - if it exist in other matters please specify

### 064-3. Is it possible to request legal aid by electronic means?

Yes

No

Comments It is possible to get free legal aid remotely by the following means:

- call the toll-free number of the Free Legal Aid system 0 800 213 103. Via this number one can receive consultation and explanations on legal issues, additional information on the provision of free legal aid, etc. Calls from landlines and mobile phones within Ukraine are free.
- use the Free Legal Aid mobile app by downloading it at <https://bit.ly/3hwwgqR>, or download the "Your Right" mobile app by going to <https://bit.ly/3iorbkE>
- in Telegram messengers <http://legalaid.gov.ua/telegram.html> and Viber <http://legalaid.gov.ua/viber.html>
- in the client's office on the website of the Free Legal Aid system <https://cabinet.legalaid.gov.ua/>
- victims of domestic violence and witnesses can get online legal advice to protect their rights by writing in the Telegram chat "Legal aid to combat violence" [https://t.me/Non\\_Violence\\_Bot](https://t.me/Non_Violence_Bot)
- legal advice can also be viewed on the WikiLegalAid help and information platform at [wiki.legalaid.gov.ua](http://wiki.legalaid.gov.ua).

Formalisation of the request in paper form remains mandatory:for primary state legal aid - paper form is not mandatory; for secondary legal aid - electronic requests are in a test mode, it is planned to cancel the mandatory paper requests for this kind of legal aid as well in the nearest future. Granting legal aid is also electronic:for primary state legal aid - yes; the secondary legal aid - no.

#### 064-3-1. If yes, please specify the following information:

	Requesting legal aid electronically
<b>Availability rate</b>	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
<b>Formalisation of the request in paper form remains mandatory</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Specific legislative framework regarding requests for legal aid by electronic means</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>Granting legal aid is also electronic</b>	( ) Yes ( X ) No [ ] NA [ ] NAP
<b>Information available in CMS</b>	( ) Yes ( X ) No [ ] NA [ ] NAP

**064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)**

( X ) Yes

( ) No

Comments

**064-4-1. If yes, please specify the following information:**

	<b>Summons produced by CMS</b>	<b>Simultaneous summon in paper form remains mandatory</b>	<b>Consent of the user to be notified by electronic means</b>	<b>Modalities (if other please specify in comments)</b>	<b>Specific legislative framework</b>
<b>Civil and/or commercial</b>	[ ]	[ ]	[ X ]	[ X ] SMS [ X ] E-mail [ ] Specific computer application [ ] Other	[ X ]
<b>Criminal</b>	[ ]	[ ]	[ ]	[ ] SMS [ ] E-mail [ ] Specific computer application [ ] Other	[ ]
<b>Administrative</b>	[ ]	[ ]	[ X ]	[ X ] SMS [ X ] E-mail [ ] Specific computer application [ ] Other	[ X ]

Comments

**Use of information technologies for improving the quality of the communication between courts and professionals**

**064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)**

	Tool deployment rate	Trial phases concerned	Modalities (if there are different according to the trial phases or if other, please specify in a comment)	Specific legal framework	Availability for
<b>Civil and/or commercial</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or deferrals <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer
<b>Criminal</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes	<input type="checkbox"/> Lawyers <input type="checkbox"/> Parties not represented by lawyer
<b>Administrative</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or deferrals <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer

Comments It would be inappropriate to measure Tool deployment rate as in 2020 it worked in test mode.

Other modalities: communication via the web - <https://id.court.gov.ua/> According to the Order of the State Judicial Administration of Ukraine as of December 22, 2018, 628, it was provided that in terms of operation of the subsystem "Electronic Court" courts during its operation in test mode should follow the requirements of the Regulation on the automated document management system, approved by the Council of Judges of Ukraine from November 11, 2010, 30 (as amended by the decision of the Council of Judges of Ukraine dated March 2, 2018, 17 as amended). Since 2018, the "eCourt" application had been working in test mode and will be officially put into operation at

the end of October 2021 (see Q208 for more details). From August 17, 2021, these processes will be regulated by the Regulation on the operation of certain subsystems (modules) of the Unified Judicial Information and Telecommunication System.

**064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)**

	Tool deployment rate	Modalities (if there are different according to the deeds or if other, please specify in a comment)	Specific legal framework
Enforcement agents (as defined in Q169 and following)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
Notaries (as defined in Q192 and following)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
Experts (as defined in Q202 and following)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
Judicial police services	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

Comments

**064-9. Are there online processing systems of specialised litigation (small claim litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)?**

( ) Yes

( X ) No

Comments – Please describe the system that exists.

**Use of information technologies between courts, professionals and users in the framework of judicial proceedings**

**064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of**

audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)

( X ) Yes

( ) No

Comments

**064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees’ transfers to the court):**

	Deployment rate (chose one only)	Proceeding phase	Specific legislative framework
<b>Civil and/or commercial</b>	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Criminal</b>	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Administrative</b>	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

**064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))**

( X ) Yes

( ) No

Comments The procedural law has been requiring both sound and video recording starting from 2017. The difference in the data presented comparing to 2018 cycle in part of type of recording is caused by gradual implementation of the norm. Firstly, the sound recording was introduced (reflected in 2018 cycle), then video recording also became available (2020 cycle).

**064-11-1. If yes, please specify the following information:**

Tool deployment rate	Type of recording	Specific legislative framework

<b>Civil and/or commercial</b>	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Criminal</b>	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Administrative</b>	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

### 064-12. Is electronic evidence admissible?

	<b>Admissibility of electronic evidence</b>	<b>Legislative framework</b>
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP
<b>Criminal</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP
<b>Administrative</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP

Comments - Other devices of electronic communication between courts, professionals and/or users. In 2017 changes to the Procedural Codes were adopted where the electronic evidence became admissible.

## 3.6. Performance and evaluation

### 3.6.1 National policies applied in courts and public prosecution services

**066. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?**

Yes

No

Comments - If yes, please specify:

**067. Do you have specialised personnel entrusted with implementation of these national level quality standards?**

	Yes / No
within the courts	( ) Yes ( X ) No
within the public prosecution services	( ) Yes ( X ) No

Comments The State Judicial Administration of Ukraine analyses the evaluation information published and sent by the courts.

**3.6.2 Performance and quality objectives at court level/public prosecution services**

**077. Concerning court activities, have you defined performance and quality indicators?**

( X ) Yes

( ) No

Comments

**078. If yes, please select the main performance and quality indicators that have been defined for courts:**

- [ X ] number of incoming cases
- [ X ] length of proceedings (timeframes)
- [ X ] number of resolved cases
- [ X ] number of pending cases
- [ X ] backlogs
- [ X ] productivity of judges and court staff
- [ X ] satisfaction of court staff
- [ X ] satisfaction of users (regarding the services delivered by the courts)
- [ ] costs of the judicial procedures
- [ ] number of appeals
- [ ] appeal ratio
- [ X ] clearance rate
- [ X ] disposition time
- [ ] other (please specify): .....

Comments

**077-1. Concerning public prosecution activities, have you defined performance and quality indicators?**

( X ) Yes

( ) No

Comments

**078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:**

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the public prosecutors)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):Please see the general comments

Comments

**073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?**

- Yes
- No

Comments

**073-0. If yes, please specify the frequency:**

- Annual
- Less frequent
- More frequent

Comments - If "Less frequent" or "More frequent", please specify: The analysis is conducted every six months and every year according to basic indicators approved.

**073-1. Is this evaluation of the court activity used for the later allocation of resources within this court?**

- Yes
- No

Comments

**073-2. If yes, which courses of action are taken?**

- Identifying to the causes of improved or deteriorated performance
- Reallocating resources (human/financial resources based on performance (treatment))

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify): .....

Comments According to the State Judicial Administration of Ukraine, the limited financial resources in 2020 for the functioning of the judiciary and the social budget (91% of budget allocations were aimed at remunerations and their accruals) made it impossible to apply the rules of the Planning methodology based on the expected result (please find more details on this methodology in general comments).

**073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?**

Yes

No

Comments

**073-4. If yes, please specify the frequency:**

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify:

**073-5. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?**

Yes

No

Comments

**073-6. If yes, which courses of action are taken?**

Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment))

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify):Formation of budget based on available financial resources and staffing in prosecution offices

Comments

=

**079. Who is responsible for evaluating the performance of the courts (multiple replies possible)?**

High Judicial Council

Ministry of Justice

Inspection authority

Supreme Court

External audit body

Other (please specify):State Judicial Administration of Ukraine

Comments

**079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple replies possible)?**

- Public Prosecutorial Council
- Ministry of Justice
- Head of the organisational unit or hierarchically superior public prosecutor
- Prosecutor General /State public prosecutor
- External audit body
- Other (please specify):The development and approval of passports of budget programs, preparation of reports on their implementation, and evaluation of the effectiveness of budget programs are entrusted to the Department of Planning and Financial Activities, Accounting and Reporting of the Prosecutor's General Office.

Comments

**3.6.3 Measuring courts' / public prosecution services activity**

**070. Do you regularly monitor court activities (performance and quality) concerning:**

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify): .....

Comments Surveys on the satisfaction of court staff and satisfaction of users are prescribed by procedure but their holding is optional for courts.

The difference in part of 'appeal ratio', 'cost of judicial procedures' and 'other' comparing to the 2018 answer was caused by different interpretation of the question. There is no information available about any systemic changes in this respect.

**070-1. Do you regularly monitor public prosecution activities (performance and quality) concerning:**

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases

- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the by the public prosecution)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):Please see the general comments

Comments The difference in the data comparing to the 2018 answer was caused by different interpretation of the question. There is no information available about any systemic changes in this respect.

**071. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:**

- civil law cases
- criminal law cases
- administrative law cases

Comments In Ukraine there is a monitoring of indicators on the balances of pending cases and materials for the end of the reporting period, including those not considered for more than 1 year. This issue is also is monitored within the Court Performance Evaluation Framework, developed by the working group on the development of court quality assurance systems approved by the Council of Judges of Ukraine.

**072. Do you monitor waiting time during judicial proceedings?**

	Yes (If yes, please specify)	No
<b>within the courts</b>	( X )	( )
<b>within the public prosecution services</b>	( )	( X )

Comments This issue is monitored within the Court Performance Evaluation Framework, developed by the working group on the development of court quality assurance systems approved by the Council of Judges of Ukraine.

**3.6.4 Information regarding courts /public prosecution services activity**

**080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?**

- Yes (please indicate the name and the address of this institution):State Judicial Administration of Ukraine
- No

Comments

**080-1. Are the statistics on the functioning of each court published?**

- Yes, on the internet

No, only internally (on an intranet website)

No

Comments

=

**080-2. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?**

Yes (please indicate the name and the address of this institution):Prosecutor General's Office

No

Comments Based on the Law of Ukraine 'On State Statistics', and in accordance with the regulations of the Prosecutor General's Office, in order to perform its administrative duties and tasks, the Prosecutor General's Office forms a consolidated report in the Form P 'On the work of a prosecutor', which reflects statistical data on the results of the work of the prosecution offices.

Upon the results of work each half a year and each year, one copy of the consolidated report is sent to the State Statistical Service of Ukraine (on the 35th day following the reporting period).

**080-3. Are the statistics on the functioning of each public prosecution service published?**

Yes, on the internet

No, only internally (on an intranet website)

No

Comments According to the Law of Ukraine 'On Access to Public Information' and in accordance with the order of the Prosecutor General's Office, statistical information upon the results of prosecutorial activities (taking into account the requirements for accounting documents containing restricted information) is made public by its publishing on the official website the Prosecutor General's and regional prosecution offices, and on the Unified portal of open data, in the terms and the order established by the legislation.

=

**081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?**

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended): There are two types of the report forms on the administration of justice by local and appellate courts, which are approved by the State Judicial Administration of Ukraine and calculated automatically on the basis of information entered into the automated document management system of the court. There are also basic indicators of the courts' work as part of the Court Performance Evaluation Framework (also used for the assessment of courts' activities).

**081-1. If yes, please specify in which form this report is released:**

Internet

Intranet (internal) website

Paper distribution

Comments The courts submit the information for reports via the automated document management system. The submitting requires certification through electronic digital signature by persons responsible. After the bringing the data together into the report, it is published

on the official web portal 'Judiciary of Ukraine' in the section 'Judicial Statistics' ([https://court.gov.ua/inshe/sudova\\_statystyka/](https://court.gov.ua/inshe/sudova_statystyka/))  
The basic indicators of the courts' work are published on the web-pages of the relevant courts.

**081-2. If yes, please, indicate the periodicity at which the report is released:**

- Annual  
 Less frequent  
 More frequent

Comments The first type of reports is released every three, six, nine and twelve months.

Another one is developed once a year.

The basic indicators of the courts' work are released by each court every 6 months and every year.

=

**081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?**

- Yes  
 No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

**081-4. If yes, please specify in which form this report is released:**

- Internet  
 Intranet (internal) website  
 Paper distribution

Comments

**081-5. If yes, please, indicate the periodicity at which the report is released:**

- Annual  
 Less frequent  
 More frequent

Comments

**3.6.5 Courts administration**

**082. Is there a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?**

- Yes  
 No

Comments - If yes, please specify: The procedural and organizational issues can be subject to the preliminary proceedings.

**082-1. Is there in general a process or structure of dialogue between lawyers and courts regarding**

**the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?**

Yes

No

Comments - If yes, please specify: The procedural and organizational issues can be subject to the preliminary proceedings.

### **3.6.6 Performance and evaluation of judges and public prosecutors**

**083. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?**

Yes

No

Comments However, there is a processing of the average number of cases considered per judge and the average number of cases and materials that were designated for consideration per a judge during the reporting period.

**083-1. Who is responsible for setting the individual targets for each judge?**

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example the High Judicial Council, Supreme Court)

President of the court

Other (please specify): .....

NAP

Comments

**114. Is there a system of qualitative individual assessment of the judges' work?**

Yes

No

Comments

**114-1. If yes, please specify the frequency of this assessment:**

Annual

Less frequent

More frequent

=

**083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?**

Yes

No

Comments

**083-3. Who is responsible for setting the individual targets for each public prosecutor**

- Executive power (for example the Ministry of Justice)
- Prosecutor General /State public prosecutor
- Public Prosecutorial Council
- Head of the organisational unit or hierarchically superior public prosecutor
- Other (please specify): .....
- NAP

Comments

**120. Is there a system of qualitative individual assessment of the public prosecutors’ work?**

- Yes
- No

Comments

**120-1. If yes, please specify the frequency of this assessment:**

- Annual
- Less frequent
- More frequent

Comments

**C4. Please indicate the sources for answering the questions in this part**

Sources: The legislation of Ukraine

**4.Fair trial**

**4.1.Principles**

**4.1.1Principles of fair trial**



**084. Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor is represented by a lawyer)?**

- [ ]
- NA
- NAP

Comments - Please add methodology for calculation used.

**085. Is there a procedure to effectively challenge a judge (recusal), if a party considers that the judge is not impartial?**

Yes

No

Comments - Please could you briefly specify:

**085-1. If yes, what is the ratio between the total number of initiated procedures and the total number of recusals pronounced (in the reference year):**

[            ]

NA

Comments

**086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?**

For civil procedures (non-enforcement)

For civil procedures (timeframe)

For criminal procedures (timeframe)

NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations):

**086-1. 1 Is there in your country a possibility to review a case after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights?**

Yes

No

NAP

Comments

**D1. Please indicate the sources for answering the questions in this part**

Sources: Sources: Law of Ukraine on the implementation of decisions and application of case-law of the European Court of Human Rights; Regulation on the Government Agent of Ukraine before European Court of Human Rights, approved by the Cabinet of Ministers of Ukraine of May 31, 2006 N 784

## 4.2. Timeframe of proceedings

### 4.2.1 General information

**087. Are there specific procedures for urgent matters regarding:**

civil cases

criminal cases

administrative cases

There is no specific procedure for urgent matters

Comments - If yes, please specify:

**088. Are there simplified procedures for:**

civil cases (small disputes)

criminal cases (misdemeanour cases)

administrative cases

There is no simplified procedure

Comments - If yes, please specify:

**088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?**

civil cases

criminal cases

administrative cases

Comments - If yes, please specify:

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

Yes

No

Comments - If yes, please specify:

**4.2.2 Case flow management – first instance**



**091. First instance courts: number of other than criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
<b>Total of other than criminal law cases (1+2+3+4)</b>	390 906 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 151 428 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 064 620 <input type="checkbox"/> NA <input type="checkbox"/> NAP	477 714 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	257 186 <input type="checkbox"/> NA <input type="checkbox"/> NAP	821 099 <input type="checkbox"/> NA <input type="checkbox"/> NAP	808 004 <input type="checkbox"/> NA <input type="checkbox"/> NAP	270 281 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	12 444 <input type="checkbox"/> NA <input type="checkbox"/> NAP	234 435 <input type="checkbox"/> NA <input type="checkbox"/> NAP	228 537 <input type="checkbox"/> NA <input type="checkbox"/> NAP	18 342 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	12 444 [ ] NA [ ] NAP	234 435 [ ] NA [ ] NAP	228 537 [ ] NA [ ] NAP	18 342 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.3. Other non-litigious cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Administrative law cases</b>	65 979 [ ] NA [ ] NAP	253 167 [ ] NA [ ] NAP	204 805 [ ] NA [ ] NAP	114 341 [ ] NA [ ] NAP	322 [ ] NA [ ] NAP
<b>4. Other cases</b>	55 297 [ ] NA [ ] NAP	842 727 [ ] NA [ ] NAP	823 274 [ ] NA [ ] NAP	74 750 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments In Ukraine, civil and commercial law are separate branches of law (for the purposes of this question they were summed up). The increase in the number of pending cases at the beginning and at the end of 2020 compared to 2018 could, prima facie, be caused by the decreased number of judges in the judiciary (for more details please see the information in 'General comments'). The increase in the number of pending cases at the end of 2020 could also be a result of the peculiarities of the trial during the COVID-19 quarantine.

**092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:**

. Writ proceedings

Civil cases: the court order may be issued if:

- 1) a claim has been filed for recovery of the amount of salary and average earnings accrued but not paid to the employee during the delay in payment;
- 2) a claim for compensation for the costs of searching for the defendant, the debtor, the child, or the debtor's vehicles;
- 3) a claim for recovery of debt for housing and communal services, telecommunication services, television and radio services, taking into account the inflation index and 3 percent per annum for a debt, accrued by the applicant;
- 4) the requirement to collect alimony in the amount of one child - one quarter, for two children - one third, for three or more children - half of the earnings (income) of the alimony payer, but not more than ten subsistence minimums for a child of the appropriate age, if this requirement is not related to the establishing or challenging of paternity (maternity) and the need to involve other persons concerned;

- 5) a claim for child support in a fixed amount of 50 percent of the subsistence minimum for a child of the appropriate age if this requirement is not related to establishing or challenging paternity (maternity) and the need to involve other persons concerned;
- 6) a claim for the return of the value of goods of improper quality if there is a court decision that has entered into force, establishing the fact of sale of goods of improper quality, adopted in favor of an indefinite number of consumers;
- 7) a claim is filed against a legal entity or a natural person - entrepreneur, to collect debts under a contract (for other than housing and communal services, telecommunication services, television and radio services), concluded in writing (including electronic), if the amount requirements do not exceed one hundred subsistence minimum for able-bodied persons.

The Commercial Procedure Code of Ukraine establishes the following requirements for the issuance of court order:

- no dispute over the right;
- the debt collection requirement arises on the basis of a written agreement;
- the amount of debt does not exceed 100 subsistence minimum for able-bodied persons (as for December 2020, the amount is 227000 UAH - 7373 EURO)

Cancellation of this type of court order shall be made by submitting the statement on the cancellation of the order to the court having issued the respective order.

### 093. Please indicate the case categories included in the category "other cases":

. Item 4 'Other cases' includes the cases on administrative offenses, a separate type of cases according to Ukrainian procedural law. An administrative offense (misdeed) is an illegal, culpable (intentional or negligent) act or omission that encroaches on public order, property, rights, and freedoms of citizens, the established order of governance, and for which the law provides for administrative liability.

Administrative liability for offenses under the Code of Ukraine on Administrative Offences occurs if these violations by their nature do not entail criminal liability in accordance with the law.

The examples of the administrative offenses are the following: violation of labor legislation and labor security requirements; violation by the driver of the driving rules, the rules of using seat belts or helmets; violation of animal quarantine rules and other veterinary and sanitary requirements; violation of the rules of trade and provision of services; violation of the procedure for termination of a legal entity or entrepreneurial activity by a natural person – entrepreneur, etc.)

### 094. First instance courts: number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
<b>Total of criminal law cases (1+2+3)</b>	92 152 [ ] NA [ ] NAP	132 577 [ ] NA [ ] NAP	123 699 [ ] NA [ ] NAP	101 036 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Severe criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

<b>3. Other criminal cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP				
--------------------------------	--	--	--	--	--

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories. If “Other criminal cases”, please specify The increase in the number of pending cases at the beginning and at the end of 2020 compared to 2018 could, prima facie, be caused by the decreased number of judges in the judiciary (for more details please see the information in 'General comments' to Q 091). The increase in the number of pending cases at the end of 2020 could also be a result of the peculiarities of the trial during the COVID-19 quarantine.

The answer for the Q 094 for this cycle was also supplemented by data from the High Anti-Corruption Court (which began its functioning in 2019).

#### 4.2.3 Case flow management – second instance



#### 097. Second instance courts (appeal): Number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
<b>Total of other than criminal law cases (1+2+3+4)</b>	40 396 <input type="checkbox"/> NA <input type="checkbox"/> NAP	225 665 <input type="checkbox"/> NA <input type="checkbox"/> NAP	212 730 <input type="checkbox"/> NA <input type="checkbox"/> NAP	53 331 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	25 254 <input type="checkbox"/> NA <input type="checkbox"/> NAP	97 742 <input type="checkbox"/> NA <input type="checkbox"/> NAP	94 623 <input type="checkbox"/> NA <input type="checkbox"/> NAP	28 373 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP				
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP				
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP				
<b>2.2.1. Non litigious land registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP				
<b>2.2.2 Non-litigious business registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP				

<b>2.2.3. Other registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP				
<b>2.3. Other non-litigious cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP				
<b>3. Administrative law cases</b>	13 035 <input type="checkbox"/> NA <input type="checkbox"/> NAP	105 156 <input type="checkbox"/> NA <input type="checkbox"/> NAP	96 788 <input type="checkbox"/> NA <input type="checkbox"/> NAP	21 403 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other cases</b>	2 107 <input type="checkbox"/> NA <input type="checkbox"/> NAP	22 767 <input type="checkbox"/> NA <input type="checkbox"/> NAP	21 319 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 555 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "Other cases" please specify In Ukraine, civil and commercial law are separate branches of law (for the purposes of the answer to this question they were summed up).

Item 4 'Other cases' includes the cases on administrative offenses, a separate type of cases according to Ukrainian procedural law.

### 098. Second instance courts (appeal): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
<b>Total of criminal law cases (1+2+3)</b>	8 244 <input type="checkbox"/> NA <input type="checkbox"/> NAP	27 861 <input type="checkbox"/> NA <input type="checkbox"/> NAP	27 104 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 001 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Severe criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP				
<b>2. Misdemeanour and / or minor criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP				
<b>3. Other cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP				

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify. The increase in the number of pending cases at the beginning of 2020 compared to 2018 could, prima facie, be caused by the decreased number of judges in the judiciary (for more details please see the information in 'General comments' to Q 091). The data for the Q 098 for this cycle was also supplemented by data from the Appellate Chamber of the High Anti-Corruption Court (which began its functioning in 2019).

### 4.2.4 Case flow management – Supreme Court

#### 099. Highest instance courts (Supreme Court): Number of "other than criminal law" cases:

Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court

<b>Total of other than criminal law cases (1+2+3+4)</b>	46 286 [ ] NA [ ] NAP	69 256 [ ] NA [ ] NAP	84 129 [ ] NA [ ] NAP	31 413 [ ] NA [ ] NAP	7 515 [ ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	18 918 [ ] NA [ ] NAP	31 138 [ ] NA [ ] NAP	37 428 [ ] NA [ ] NAP	12 628 [ ] NA [ ] NAP	72 [ ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP			
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP			
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP			
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP			
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP			
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP			
<b>2.3. Other non-litigious cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP			
<b>3. Administrative law cases</b>	27 368 [ ] NA [ ] NAP	38 118 [ ] NA [ ] NAP	46 701 [ ] NA [ ] NAP	18 785 [ ] NA [ ] NAP	7 443 [ ] NA [ ] NAP
<b>4. Other cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP			

Comments - If “Other cases”, please specify Civil and commercial law are separated branches of law in Ukraine; however, they have been summed up for the purposes of answering this question.

After setting up the Supreme Court at the end of 2017 it got the cases of the Supreme Court of Ukraine and 3 High Specialized Courts (the cases were transferred gradually during 2018). It caused the increase in the number of pending cases on 1 Jan. ref. year compared to the 2018 cycle.

**099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?**

( X ) Yes, please indicate the number of cases closed by this procedure: NA

( ) No

Comments

### 100. Highest instance courts (Supreme Court): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
<b>Total of criminal law cases (1+2+3)</b>	4 868 [ ] NA [ ] NAP	9 722 [ ] NA [ ] NAP	9 454 [ ] NA [ ] NAP	3 920 [ ] NA [ ] NAP	16 [ ] NA [ ] NAP
<b>1. Severe criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Other criminal cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comment - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories.. If “Other criminal cases”, please specify After setting up the Supreme Court at the end of 2017 it got the cases of the Supreme Court of Ukraine and 3 High Specialized Courts (the cases were transferred gradually during 2018). It caused the increase in the number of pending cases on 1 Jan. ref. year compared to the 2018 cycle.

### 4.2.5 Case flow management and timeframes – specific cases

#### 101. Number of specific litigious cases received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
<b>Litigious divorce cases</b>	24 875 [ ] NA [ ] NAP	94 406 [ ] NA [ ] NAP	100 408 [ ] NA [ ] NAP	18 873 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Employment dismissal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Insolvency</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Robbery case</b>	4 806 [ ] NA [ ] NAP	4 238 [ ] NA [ ] NAP	3 794 [ ] NA [ ] NAP	5 250 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Intentional homicide</b>	2 593 [ ] NA [ ] NAP	1 470 [ ] NA [ ] NAP	1 141 [ ] NA [ ] NAP	2 922 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments

=

**101-0. Number of procedures/cases relating to asylum seekers and to the right of entry and stay for aliens.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
Non-court procedures relating to asylum seekers (refugee status under the 1951 Geneva Convention)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Non-court procedures relating to the right of entry and stay for aliens	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Court cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	362 <input type="checkbox"/> NA <input type="checkbox"/> NAP	587 <input type="checkbox"/> NA <input type="checkbox"/> NAP	532 <input type="checkbox"/> NA <input type="checkbox"/> NAP	417 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Court cases relating to the right of entry and stay for aliens	198 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 497 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 483 <input type="checkbox"/> NA <input type="checkbox"/> NAP	212 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**101-1. Could you briefly describe the system in your country dealing with legal remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:**

**101-2. Number of cases relating to child sexual abuse and child pornography received and processed by first instance courts.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Child sexual abuse	126 <input type="checkbox"/> NA <input type="checkbox"/> NAP	88 <input type="checkbox"/> NA <input type="checkbox"/> NAP	84 <input type="checkbox"/> NA <input type="checkbox"/> NAP	130 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Child pornography	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please explain what are the legal definitions of these categories of offences in your system: 1)Child sexual abuse According to the Ukrainian legislation for committing any acts of a sexual nature against the child occur criminal liability. The Criminal Code of Ukraine provides the criminal liability for committing the following acts of a sexual nature against a child:

- Rape (Article 152 of the Criminal Code of Ukraine)

- Sexual abuse (Article 153 of the Criminal Code of Ukraine)
- Forcing to enter into sexual relations (Article 154 of the Criminal Code of Ukraine)
- Sexual relations with a person under the age of sixteen (Article 155 of the Criminal Code of Ukraine)
- Corruption of minors (Article 156 of the Criminal Code of Ukraine)
- Import, production, sale and distribution of pornographic items (Article 301 of the Criminal Code of Ukraine)
- Establishment or maintenance of disorderly houses and procuring (Article 302 Criminal Code of Ukraine)
- Pimping or individuals involved in prostitution (Article 303 of the Criminal Code of Ukraine)

According Article 153 of the Criminal Code of Ukraine sexual abuse means committing any violent acts of a sexual nature, not related to penetration into the body of another person, without voluntary consent of the victim. Sexual abuse committed against a minor (14-18 years old) is punishable by imprisonment for a term of five up to seven years. Sexual abuse committed against a person who has not reached fourteen years old, notwithstanding his/her voluntary consent, shall be punishable by imprisonment for a term of five to ten years.

Child sexual abuse as a form of domestic violence includes:

- any acts of a sexual nature committed in relation to the child regardless of his/her consent or in the presence of the child;
- forcing a child to have an act of a sexual nature with a third party;
- other offenses against the sexual freedom or sexual integrity of a person, including those committed against or in the presence of a child.

(paragraph 15, part 1 of Article 1 of the Law of Ukraine "On Prevention and combating domestic violence "

## 2) Child pornography

According to Article 1 of the Law of Ukraine "On the protection of public morality" child pornography is an image of any kind of a child or a person who looks like a child, in a real or simulated sexually explicit image and/or involved in real or simulated sexually explicit behavior, or any image of the child's genitals for sexual purposes

**102. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases. The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the investigation phase in criminal cases as well as enforcement procedure.**

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
<b>Civil and commercial litigious cases</b>	_____ Max numeric value allowed : 100  <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	115 <input type="checkbox"/> NA <input type="checkbox"/> NAP	84 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	_____ Max numeric value allowed : 100  <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Litigious divorce cases</b>	_____ Max numeric value allowed : 100  <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	_____ Max numeric value allowed : 100  <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP			
<b>Employment dismissal cases</b>	_____ Max numeric value allowed : 100  <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	_____ Max numeric value allowed : 100  <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP			

<b>Insolvency cases</b>	Max numeric value allowed : 100 [ X ] NA [ ] NAP	[ X ] NA [ ] NAP	Max numeric value allowed : 100 [ X ] NA [ ] NAP			
<b>Robbery cases</b>	Max numeric value allowed : 100 [ X ] NA [ ] NAP	[ X ] NA [ ] NAP	Max numeric value allowed : 100 [ X ] NA [ ] NAP			
<b>Intentional homicide cases</b>	Max numeric value allowed : 100 [ X ] NA [ ] NAP	[ X ] NA [ ] NAP	Max numeric value allowed : 100 [ X ] NA [ ] NAP			

Comments The civil and commercial law are separated branches of law in Ukraine; however, they have been summed up for the purposes of answering this question.

**103. Where appropriate, please indicate the specific procedure regarding divorce cases (litigious and non-litigious):**

. According to the Family Code of Ukraine, a marriage can be terminated in two ways. The dissolution can be decided by the State Registration Authority upon joint application of spouses without children. The decision shall be rendered within one month; the marriage is dissolved whatever property dispute between the spouses may exist. The marriage can be terminated through dissolution upon joint application of spouses with children who may file with the court a marriage dissolution application accompanied with written agreement in respect of the children. The court will dissolve a marriage if the application corresponds to the will of the wife and the husband, and such dissolution does not violate their personal and property rights or the rights of their children. The court makes a decision on marriage dissolution within one month. Each of the spouses has the right to legal action for marriage dissolution. The legal action for marriage dissolution may not be taken during the wife's pregnancy and within one year after the child has been born, except cases when one of the spouses has committed unlawful conduct containing elements of crime in respect of the other spouse or the child. The husband, the wife has the right to take legal action for marriage dissolution during the wife's pregnancy if another person found parental affiliation of the procreated child. The husband, the wife has the right to take legal action for marriage dissolution prior the child has attained the age of 1 if another person found parental affiliation of the child or if upon judicial decision particulars on the husband as the father of the child has been withdrawn from the birth record. The custodian may take legal action for marriage dissolution if the interests of the spouse are found legally incapable so require. The court ascertains actual relationships of spouses, real reasons for taking legal action for marriage dissolution, takes into consideration the existence of a minor child, disabled child, and other circumstances relating to the life of a married couple. The court pronounces the decision on marriage dissolution if it is ascertained that spouses' continued living together and preservation of marriage would not be in essential interests of one of the spouses, the interests of their children.

**104. How is the length of proceedings calculated for the six case categories of question 102? Please give a description of the calculation method.**

. NA

## 4.2.6 Case flow management – public prosecution



### 105. Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- [ X ] to conduct or supervise police investigation
- [ ] to conduct investigations
- [ X ] when necessary, to request investigation measures from the judge
- [ X ] to charge
- [ X ] to present the case in court
- [ ] to propose a sentence to the judge
- [ X ] to appeal
- [ X ] to supervise the enforcement procedure
- [ X ] to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- [ ] to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- [ ] other significant powers (please specify): .....

Comments

### 106. Does the public prosecutor also have a role in:

- [ X ] civil cases
- [ X ] administrative cases
- [ ] insolvency cases

Comments - If yes, please specify: In accordance with paragraph 3 of Article 56 of the Code of Civil Procedure of Ukraine and paragraph 3 of Article 53 of the Code of Administrative Justice of Ukraine in cases specified by law, the prosecutor applies to the court with a statement of claim, participates in the consideration of cases on his/her claims, and may intervene on his/her own initiative in a case in which proceedings are opened on the claim of another person, before consideration of the case on the merits, files an appeal, cassation appeal, application for review of the court decision on newly discovered or exceptional circumstances.

### 107. Public prosecutors: Total number of 1st instance criminal cases.

	Number of cases
<b>1. Pending cases on 1 Jan. ref. year</b>	<input checked="" type="checkbox"/> [ X ] NA <input type="checkbox"/> [ ] NAP
<b>2. Incoming/received cases</b>	<input checked="" type="checkbox"/> [ X ] NA <input type="checkbox"/> [ ] NAP
<b>3. Processed cases (3.1+3.2+3.3+3.4)</b>	<input checked="" type="checkbox"/> [ X ] NA <input type="checkbox"/> [ ] NAP
<b>3.1. Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4.)</b>	<input checked="" type="checkbox"/> [ X ] NA <input type="checkbox"/> [ ] NAP

<b>3.1.1 Discontinued by the public prosecutor because the offender could not be identified</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3.1.3 Discontinued by the public prosecutor for reasons of opportunity</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3.1.4 Discontinued for other reasons</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3.2. Concluded by a penalty or a measure imposed or negotiated by the public prosecutor</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3.3. Cases closed by the public prosecutor for other reasons</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3.4. Cases brought to court</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Pending cases on 31 Dec. ref. year</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments In accordance with the provisions of Article 131 of the Constitution of Ukraine, Article 2 of the Law of Ukraine "On Prosecutor's Office", Article 216 of the Criminal Procedure Code of Ukraine, prosecutors do not perform a pre-trial investigation in criminal proceedings, and therefore provide the requested information in this part is not possible.

The information on the results of pre-trial investigation of criminal proceedings by investigators (detectives) of pre-trial investigation bodies is summarized in the reporting forms "On the work of pre-trial investigation bodies of the National Police", pre-trial investigation bodies of the State Bureau of Investigation ", "On the work of pre-trial investigation bodies monitoring the observance of tax legislation ", " On the work of pre-trial investigation bodies of the National Anti-Corruption Bureau of Ukraine", "On the work of pre-trial security investigation bodies" (Security Service of Ukraine), approved by the joint order of the heads of law enforcement agencies dated July 28 337/ 564/206/123/363/85, the indicators of which are formed automatically on the basis of information entered by registrars into the Unified register of pre-trial investigations, cumulative total from the beginning of the reporting period.

The administrator of these data is the relevant law enforcement agencies in which the pre-trial investigation is carried out.

In total, during 2020, prosecutors closed 1618 criminal proceedings (according to the reporting form of all law enforcement agencies). At the same time, the reporting does not provide for the separation of data on the grounds for closing such proceedings by the prosecutor.

### 107-1. If the guilty plea procedure exists, how many cases were concluded by this procedure?

	<b>Total</b>	<b>Severe criminal cases</b>	<b>Misdemeanour and / or minor criminal cases</b>
<b>Total number of guilty plea procedures</b>	7 887 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Before the main trial</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>During the main trial</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments In 2020, prosecutors sent 7887 indictments to the court with a plea agreement (according to the reporting form of all law enforcement agencies)

**109. Do the figures provided in Q107 include traffic offence cases?**

Yes

No

Comments The answer to this question is NA. Please consider this comment as a correct answer.

**D2. Please indicate the sources for answering the questions in this part**

Sources: Prosecutor General's Office

**5. Career of judges and public prosecutors**

**5.1. Recruitment and promotion**

**5.1.1 Recruitment and promotion of judges**



**110. How are judges recruited?**

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

a combination of both (competitive exam and working experience)

other (please specify): .....

Comments

**111. Authority(ies) responsible for recruitment - are judges initially/at the beginning of their career recruited and nominated by:**

An authority made up of judges only

An authority made up of non-judges only

An authority/authorities made up of judges and non-judges

Other

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

**111-1. How many members compose this authority?**

	Total	Male	Female
<b>Members</b>	16 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments – Please specify what is the status of this authority and who is proposing its members? Pursuant to Ukrainian legislation, the High Qualification Commission of Judges of Ukraine consists of 16 Members. However, according to paragraph 2 of section II “Final and transitional provisions” of the Law of Ukraine “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 October 16, 2019, powers of members of the High Qualification Commission of Judges of Ukraine were terminated on November 7, 2019. As of October 29, 2021, no new Commission has been formed.

Appointment to the positions of members of the High Qualification Commission of Judges of Ukraine is carried out by the High Council of Justice based on the results of the competition in the manner prescribed by the Law of Ukraine “On the Judiciary and Status of Judges”.

### **111-2. May non-selected candidates appeal against the decision on recruitment/appointment?**

Yes

No

Comments – please specify which body is competent to decide on appeal? The legality of acts of the High Qualification Commission of Judges of Ukraine is considered in the order of simplified claim proceedings by the Supreme Court in the composition of the board of the Administrative Court of Cassation of not less than five judges.

### **112. Is the same authority (Q111) competent for the promotion of judges?**

Yes

No

Comments

### **113. What is the procedure for the promotion of judges? (multiple answers possible)**

Competitive test / Exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion procedure for judges is organised (especially if there is no competition or examination):

### **113-1. Please indicate the criteria used for the promotion of a judge? (multiple replies possible)**

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box “performance” or “other”):

## **5.1.2 Status, recruitment and promotion of prosecutors**

### **115. What is the status of public prosecution services?**

Has an independent status as a separate entity among state institutions

Is part of the executive power but enjoys functional independence (please briefly explain how and to what extent)

Is part of the executive power (without functional independence)

Is part of the judicial power but enjoys functional independence (please briefly explain how and to what extent)

Is part of the judicial power (without functional independence)

Is a mixed model (please explain)

Has other status (please explain)

Comments - When appropriate, please specify the objective guarantees of this independence (such as funding) and where they are enshrined (Constitution, legislation etc.). Furthermore, if "mixed model" or "other", please specify. According to the constitutional amendments in part of justice as of 2016 the separate chapter on prosecution was transferred to the chapter "Justice." At the same time, there were no changes in respect of its separate entity status in the norms. Thus, it still seems that the public prosecution is a separate entity among state institutions of Ukraine.

**115-1. Does the law or other regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?**

Yes

No

Comments - If yes, please specify: Article 16 "Guarantees of the Independence of a Public Prosecutor" of the Law "On Public Prosecutor's Office" emphasizes: when performing prosecutorial functions, a public prosecutor shall be independent of any illegitimate influence, pressure, interference, and shall be guided in their operation exclusively by the Constitution and the laws of Ukraine. Central and local government authorities, other public institutions, their officials and officers, as well as individuals and legal entities and their associations shall be obliged to respect independence of the public prosecutor and refrain from exercising influence of any form on a public prosecutor in order to prevent the execution of his duties or taking illegal decision.

**115-2. If you answered "Yes" to Q115-1, are there exceptions provided by the law/regulations?**

Yes

No

Comments - Please describe these exceptions:

**115-3. If you answered "No" to Q115-1, which authority can issue the specific instructions?**

General Prosecutor

Higher prosecutor/Head of prosecution office

Executive power

Other

Comments - If "Other", please specify:

**115-4. What form these instructions may take?**

Oral instruction

Oral instruction with written confirmation

Written instruction

Other

NAP

Comments - If "Other", please specify:

**115-5. In that case, are the instructions:**

Issued seeking prior advice from the competent public prosecutor

Mandatory

Reasoned

Recorded in the case file

Other

NAP

Comments - If "Other", please specify:

**115-6. What is the frequency of this type of instructions:**

Exceptional

Occasional

Frequent

Systematic

NAP

Comments

**115-7. Can the public prosecutor oppose/report an instruction to an independent body?**

Yes

No

NAP

Comments - If yes, please specify to which body/institution and please describe under which conditions. The prosecutor has the right to apply for notification of the threat to his/her independence to the Council of Prosecutors of Ukraine, which is obliged to immediately review and consider such application with his/her participation and take, within its powers under the Law on prosecution, necessary measures to eliminate the threat.

**116. How are public prosecutors recruited?**

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

a combination of both (competitive exam and working experience)

other (please specify): .....

Comments

**117. Authority(ies) responsible for recruitment - Are public prosecutors initially/at the beginning of their career recruited by:**

An authority composed of public prosecutors only

An authority composed of non-public prosecutors only

An authority composed of public prosecutors and non-public prosecutors

Other

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles: Temporarily, starting from 25.09.2019 to 01.09.2021, in the Office of the Prosecutor General, in each regional prosecutor's office, respective Personnel Commissions as bodies for ensuring the selection of prosecutors shall be formed (the Law of Ukraine 113– IX as of 19.09.2019).

These Commissions shall consist of six persons, at least three of which are persons delegated by international and non-governmental organizations, international technical assistance projects, and diplomatic missions. Pursuant to sub-items 1, 8 of item 22 of Section II "Final and Transitional Provisions" of the Law 113– IX, the list, composition, and procedure of work of the above-mentioned Personnel Commissions, as well as the procedure for selection for the vacant prosecutor's position are determined by the Prosecutor General.

### 117-1. How many members compose this authority?

	Total	Male	Female
<b>Members</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify what is the status of this authority and who is proposing its members? A separate Personnel Commission of six people is formed in each region of Ukraine. At present, it is not possible to provide information on the total number of its members and gender composition.

### 117-2. May non-selected candidates appeal against the decision on recruitment/appointment?

Yes

No

Comments - Please specify which body is competent to decide on appeal? Each candidate has the right to file a complaint to the Personnel Commission.

### 118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?

Yes

No, please specify which authority is competent for promoting public prosecutors: Personnel commissions for selection of prosecutors for vacant positions in the order of transfer to the higher level prosecutor's office

Comments

### 119. What is the procedure for the promotion of prosecutors? (multiple answers possible)

Competitive test / exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion procedure for prosecutors is organised (especially if there is no competition or examination): The promotion of the prosecutors is made via the procedure of selection of prosecutors for vacant positions by transfer to a higher-level prosecutor's office. It is carried out by personnel commissions (hereinafter the commissions), formed by orders of the Prosecutor General consisting of at least seven prosecutors holding administrative positions in the relevant prosecutor's office. The selection consists of two stages - the executing of a practical task and an interview.

Variants of practical tasks with answers were developed by the Prosecutor`s Training Center of Ukraine and approved by the Prosecutor General.

The passing score (the minimum number of points that could be scored) for the successful completion of the practical task is 50 points.

Candidates who scored the minimum allowable score based on the results of the practical task are admitted to the interview.

The interview is conducted by the Commission with the candidates orally in the state language and consists of assessing their readiness to exercise their powers in the higher-level prosecutor's office according to certain criteria, including taking into account the results of the practical task.

The interview consists of the following stages:

- the study of materials of an electronic dossier of the candidate;
- discussion with the candidate of relevant materials about him/her, including in the form of questions and answers, as well as the results of the practical task;
- evaluation of the candidate.

Each candidate is evaluated according to the following criteria:

- professional competence and readiness to exercise the powers of a prosecutor in a higher-level prosecutor's office;
- efficiency of work as a prosecutor;

- experience in the field of the position for which the application is submitted (may take into account the performance of duties in the position for which the selection and a working trip to this unit is announced);
- moral qualities, observance of rules of prosecutorial ethics.

Following the discussion of the results of the practical task and the interview, the member of the Commission scored from 0 to 25 for each criterion.

The list of candidates with their total scores based on the results of each stage of selection is published on the official website of the relevant prosecutor's office.

After reviewing the complaints according to the rules, the decision of the Commission approves the rating of candidates, which is published no later than the next working day on the official website of the relevant prosecutor's office.

Candidates who successfully passed the selection were considered to be those who scored the highest number of total points according to the rating for the relevant vacant position according to the results of the interview.

Based on the results of the selection by the Commission, the decision of the Commission on the candidate who successfully passed the selection is to be sent to the head of the relevant prosecutor's office within 3 working days.

If there are circumstances that have not been investigated by the Commission during the candidate's passing of any stage of selection and could affect the number of total points scored by him, such points at the end of each stage of selection could be challenged.

**119-2. Please indicate the criteria used for the promotion of a prosecutor:**

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):  
See Q119

**5.1.3Mandate and retirement of judges and prosecutors**

**121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

- Yes, please indicate the compulsory retirement age:65
- No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

**121-1. Can a judge be transferred to another court without his/her consent:**

- For disciplinary reasons
- For organisational reasons
- For other reasons (please specify modalities and safeguards): .....
- No

Comments

**122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?**

- Yes, duration of the probation period (in years): .....

No

Comments

**123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

Yes, please indicate the compulsory retirement age:65

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: The powers of the prosecutor are terminated in connection with the decision of the relevant body conducting disciplinary proceedings against prosecutors on the impossibility of further holding the position of the prosecutor.

**124. Is there a probation period for public prosecutors? If yes, how long is this period?**

Yes, duration of the probation period (in years): .....

No

Comments

**125. If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)?**

[            ]

NA

NAP

Comments

**125-1. Is it renewable?**

Yes

No

NAP

Comments

**126. If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)?**

[            ]

NA

NAP

Comments

**126-1. Is it renewable?**

Yes

No

NAP

Comments

**E1. Please indicate the sources for answering the questions in this part**

## 5.2. Training

### 5.2.1 Training of judges

#### 127. Types of different trainings offered to judges:

	Compulsory	Optional	No training proposed
<b>Initial training (e.g. attend a judicial school, traineeship in a court)</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>General in-service training</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for management functions of the court (e.g. court president)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for the use of computer facilities in courts</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training on ethics</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training on child-friendly justice</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

#### 128. Frequency of the in-service training of judges:

	Frequency of the judges training
<b>General in-service training</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for management functions of the court (e.g. court president)</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

<b>In-service training for the use of computer facilities in courts</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training on ethics</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training on child-friendly justice</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges: 1. Concerning General in-service training and In-service training for specialized judicial functions:

each judge is required by law to undergo 5 days of training to maintain his or her qualifications at least once every three years. The National School of Judges of Ukraine regularly conducts offline (and during a pandemic - online) 1-3 day thematic training for judges of different specializations, which a judge has the right to choose depending on their needs. Judges can also choose and train in 23 online learning programs.

2. Concerning In-service training for management functions of the court: Court president and their deputies take 3-day in-service training at least once for the term of office. Also, the presidents of the courts, like all judges, can, if necessary, choose the appropriate training course that is offered.

3. Concerning In-service training on ethics: such training part of the standardized training programs for judges of each specialization.

4. In-service training for the use of computer facilities in courts (training on cybersecurity of judges) and In-service training on child-friendly justice are held as needed.

## 5.2.2 Training of prosecutors

### 129. Types of different trainings offered to public prosecutors:

	<b>Compulsory</b>	<b>Optional</b>	<b>No training proposed</b>
<b>Initial training</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>General in-service training</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for specialised functions (e.g. public prosecutors specialised in organised crime)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for management functions (e.g. Head of prosecution office, manager)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>In-service training for the use of computer facilities in office</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>In-service training on ethics</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>In-service training on child-friendly justice</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments Changes in answers for 2020 compared to 2018 are caused by the change of training institution. The National Prosecution Academy of Ukraine was substituted by the Prosecutor's Training Center of Ukraine. Prosecutor's Training Center of Ukraine was

established in accordance with the order of the Prosecutor General of Ukraine dated 05.03.2020 130 on the basis of the liquidated Training Center and is not related to the activities of the academy. Now the Training Center is only strengthening its training and topical capabilities. As the Training Center only started its activities in 2020, and working conditions were also complicated by the pandemic, some training programs were not yet realized in 2020, for example, training on ethics or the use of computer technology. Such training programs will be available for 2021, according to the official website of the Training Center - <https://ptcu.gp.gov.ua/en/category/trainings/>

### 130. Frequency of the in-service training of public prosecutors :

	Frequency of the in-service training
<b>General in-service training</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for specialised functions (e.g. public prosecutor specialised in organised crime)</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for management functions (e.g. Head of prosecution office, manager)</b>	<input type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input checked="" type="checkbox"/> No training proposed
<b>In-service training for the use of computer facilities in office</b>	<input type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input checked="" type="checkbox"/> No training proposed
<b>In-service training on ethics</b>	<input type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input checked="" type="checkbox"/> No training proposed
<b>In-service training on child-friendly justice</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: General in-service training is held regularly (every three years). "Effective public prosecution": three days offline training, once in 2020;

In-service training for specialized functions "Effective investigation of legalization (laundering) of proceeds from crime": six hours online training, once in 2020;

In-service training on child-friendly justice: six hours online training, once in 2020.

### 5.2.3 Training institutions

#### 131. Do you have public training institutions for judges and / or prosecutors?

	Initial training only	Continuous training only	Initial and continuous training
<b>Institution(s) for judges</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Institution(s) for prosecutors</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Institution(s) for both judges and prosecutors	[ ]	[ ]	[ ]
--	-----	-----	-----

Comments The National School of Judges of Ukraine and the Prosecutor's Training Center of Ukraine

### 131-0. If yes, what is the budget of such institution(s)?

	Budget of the institution(s) for the reference year, in €
Institution(s) for judges	3 801 718 [ ] NA [ ] NAP
Institution(s) for prosecutors	954 566 [ ] NA [ ] NAP
Institution(s) for both judges and prosecutors	[ ] NA [X] NAP

Comments The budget difference of the prosecutor's training institution is caused by the official launching of the Prosecutor's Training Center of Ukraine in March 2020. The center has only just begun its work with a small number of trainings and only is increasing its training capabilities (see question 131-2).

### 131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. NAP

## 5.2.4 Number of trainings



### 131-2. Number of in-service training courses available and delivered (in days) by the public institution(s) responsible for training

	Number of in-person training courses available	Number of delivered in-person training courses in days	Online training courses available during the reference year (e-learning)
<b>Total</b>	94 [ ] NA [ ] NAP	224 [ ] NA [ ] NAP	382 [ ] NA [ ] NAP
<b>1. For judges</b>	35 [ ] NA [ ] NAP	95 [ ] NA [ ] NAP	175 [ ] NA [ ] NAP
<b>2. For prosecutors</b>	1 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP
<b>3. For other non-judge staff</b>	41 [ ] NA [ ] NAP	101 [ ] NA [ ] NAP	201 [ ] NA [ ] NAP

<b>4. For other non-prosecutor staff</b>	7 [ ] NA [ ] NAP	15 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>5. Training for other professionals</b>	10 [ ] NA [ ] NAP	10 [ ] NA [ ] NAP	14 [ ] NA [ ] NAP

Comments – please specify if there are training courses of judges and/or prosecutors that include other professionals in the field of justice. Training for other professionals includes training for the Judicial Security Service staff and joint activities with a non-judge staff of the courts held by the National School of Judges of Ukraine.

### 131-3. Number of participants of the training courses during the reference year

	Number of participants in in-person training courses	Number of participants in online training courses (e-learning)
<b>Total</b>	3 098 [ ] NA [ ] NAP	18 434 [ ] NA [ ] NAP
<b>Judges</b>	1 179 [ ] NA [ ] NAP	5 636 [ ] NA [ ] NAP
<b>Prosecutors</b>	13 [ ] NA [ ] NAP	54 [ ] NA [ ] NAP
<b>Non-judge staff</b>	1 561 [ ] NA [ ] NAP	12 482 [ ] NA [ ] NAP
<b>Non-prosecutor staff</b>	124 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>Other professionals</b>	221 [ ] NA [ ] NAP	262 [ ] NA [ ] NAP

Comments Training for Other professionals includes training for the Judicial Security Service staff held by the National School of Judges of Ukraine.

## 5.3. Practice of the profession

### 5.3.1 Salaries and benefits of judges and prosecutors



#### 132. Salaries of judges and public prosecutors on 31 December of the reference year:

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
<b>First instance professional judge at the beginning of his/her career</b>	30 619 [ ] NA [ ] NAP	24 648 [ ] NA [ ] NAP	942 747 [ ] NA [ ] NAP	758 911 [ ] NA [ ] NAP
<b>Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)</b>	97 838 [ ] NA [ ] NAP	78 760 [ ] NA [ ] NAP	3 012 430 [ ] NA [ ] NAP	2 425 006 [ ] NA [ ] NAP

<b>Public prosecutor at the beginning of his/her career</b>	12 118 [ ] NA [ ] NAP	9 755 [ ] NA [ ] NAP	373 104 [ ] NA [ ] NAP	300 349 [ ] NA [ ] NAP
<b>Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).</b>	30 023 [ ] NA [ ] NAP	24 168 [ ] NA [ ] NAP	924 416 [ ] NA [ ] NAP	744 155 [ ] NA [ ] NAP

Comments Judges: The increase in salaries of the first instance judges assumably is caused by the adoption of the Law of Ukraine “On Amendments to the Law of Ukraine “On the Judiciary and the Status of Judges” and some laws of Ukraine on the activities of judicial authorities” 193-IX (adopted on October 16, 2019), which evened out the salaries of judges who had not undergone the qualification evaluation with those already successfully passed. A decrease in salaries at the Supreme Court level presumably was a result of temporary measures during the COVID-19 lockdown period (starting from April 2020) on limitation of judicial and other public servants groups salaries which mostly affected the judges of the higher instances. Prosecutors: Salaries of the prosecutors increased as a result of the adoption of the Law of Ukraine "On amendments to certain legislative acts of Ukraine concerning priority measures to reform the prosecutor's office" 113-IX (adopted by the Parliament on September 19, 2019). The Law envisaged increasing the basic salary of the prosecutor from 12 to 15 subsistence minimums for able-bodied persons.

### 133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
<b>Reduced taxation</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Special pension</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Housing</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other financial benefit</b>	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments

### 134. If “other financial benefit”, please specify:

[ X ] NAP

=

### 135. Can judges combine their work with any of the following functions/activities?

	With remuneration	Without remuneration
<b>Teaching</b>	( X ) Yes ( ) No	( X ) Yes ( ) No

<b>Research and publication</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Arbitrator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Consultant</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Cultural function</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Political function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Mediator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. Article 54 of the Law of Ukraine "On judiciary and the status of judges". Requirements regarding incompatibility 1. Holding a position of a judge shall be incompatible with holding a position in any other body of state power, the body of local self-government, and a representative mandate. Occupying a position of a judge is also incompatible with the effective prohibition to hold office for such a person who is subject to the purification of authorities in the manner stipulated by the Law of Ukraine “On purification of authorities.” 2. A judge may not combine his/her activities with entrepreneurial activities, legal practice, hold any other paid positions, perform other paid work (except for teaching, research, or creative activities), or be a member of the governing body or a supervisory board in a company or organization that is aimed at making a profit. 3. Persons who are owners of shares or own other corporate rights or have other proprietary rights or other proprietary interests in the functioning of any legal entity aimed at making profit shall be obligated to transfer such shares (corporate rights) or other relevant rights into the management of an independent third party (without a right of giving instructions to such person regarding the disposition of such shares, corporate or other rights or regarding the exercise of rights which arise therefrom) for the term of judicial office. A judge may receive interest, dividends, and other unearned income from the property he/she owns. 4. A judge may not belong to a political party or a trade union, demonstrate affiliation with them and participate in political campaigns, rallies, strikes. While in office, a judge may not be a candidate for elective positions in bodies of the state power (other than judicial) and bodies of local self-government, as well as participate in the election campaigning. 5. In case of appointment of as a member of the High Council of Justice, the High Qualification Commission of Judges of Ukraine, they shall be seconded to work with those bodies on a permanent basis. Judges who are members of those bodies retain guarantees of material, social, and household support envisaged by law for judges. 6. A judge, upon their application, may be seconded for work at the National School of Judges of Ukraine, and a judge elected as Chairperson or Deputy Chairperson of the Council of Judges of Ukraine – at the Council of Judges of Ukraine, with the preservation of the amount of judicial remuneration at the main job and of any bonuses envisaged by law. 7. A judge shall comply with the requirements regarding incompatibility stipulated by anti-corruption legislation. Secondment for work at the High Council of Justice, the High Qualification Commission of Judges of Ukraine, the National School of Judges of Ukraine, and Council of Judges of Ukraine shall not be regarded as a compatibility of jobs.

### 137. Can public prosecutors combine their work with any of the following functions/activities?

	<b>With remuneration</b>	<b>Without remuneration</b>
<b>Teaching</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Research and publication</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Arbitrator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No

<b>Consultant</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Cultural function</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Political function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Mediator</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Other function</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify: Public prosecutors can also combine their work with medical practice and act as instructors and arbitrators in sports.

**139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the number of resolved cases (e.g. number of cases resolved over a given period of time)?**

- Yes
- No

Comments - If yes, please specify the conditions and if possible the amounts:

**5.3.2 Body/institution of ethics**

**138. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)**

- Yes
- No

Comments

**138-1. If yes, who are the members of this institution/body?**

- Only judges
- Judges and other legal professionals
- Other, please specify: .....

Comments The institution responsible for issues of ethics in respect of judges is the Council of Judges of Ukraine. There is a Committee on Ethics, Prevention of Corruption and Conflict of Interest within the Council. Its tasks inter alia include preparation of draft explanations, recommendations and advisory opinions of the Council on the application and interpretation of the rules of judicial ethics.

**138-2. Are the opinions of this institution / body publicly available?**

- Yes
  - No
- [ ] NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc. At the same time, the Council of Judges of Ukraine publishes the decisions, connected with ethical issues, on its website, as well as documents such as the Commentary to the Code of Judicial Ethics.

**138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)**

Yes

No

Comments Due to the entry into force on September 25, 2019, of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Priority Measures to Reform the Prosecutor's Office" dated September 19, 2019, 113-IX (the Law 113-IX) the provisions of the Law, which determined the status and powers of the Qualification and Disciplinary Commission of Prosecutors, to which belonged a function of giving opinions on ethical questions of the conduct of prosecutors, were suspended until September 1, 2021. The chairman and members of the Commission were considered dismissed, and their powers were terminated prematurely (paragraph 2, subparagraphs 2 of paragraph 21 of Section II "Final and Transitional Provisions" of Law 113 – IX).

**138-4. If yes, who are the members of this institution/body?**

Only prosecutors

Prosecutors and other legal professionals

Other, please specify: .....

Comments

**138-5. Are the opinions of this institution / body publicly available?**

Yes

No

[ ] NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

**5.4. Disciplinary procedures**

**5.4.1 Authorities responsible for disciplinary procedures and sanctions**

**140. Who is authorised to initiate disciplinary proceedings against judges (multiple replies possible)?**

Court users

Relevant Court or hierarchical superior

High Court / Supreme Court

High Judicial Council

Disciplinary court

Disciplinary body (disciplinary prosecutor, investigator etc.)

Ombudsman

Parliament

Executive power (please specify):see comments below

Other (please specify):see comments below

This is not possible

Comments Any person shall have the right to submit a complaint on the disciplinary offense of a judge (disciplinary complaint). Citizens shall exercise this right in person or via a lawyer, and legal entities – via a lawyer and state bodies and local self-government bodies – via

their Chairpersons or representatives.

A lawyer shall be obligated to verify the facts which may result in disciplinary liability of a judge before submitting a relevant disciplinary complaint.

(art. 107 of the Law of Ukraine "On Judiciary and the Status of Judges").

**141. Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple replies possible):**

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court
- Disciplinary body (disciplinary prosecutor, investigator etc.)
- Ombudsman
- Professional body
- Executive power (please specify):see comments below
- Other (please specify):see comments below
- This is not possible

Comments Anyone who is aware of such facts has the right to apply to the relevant body conducting disciplinary proceedings against prosecutors with a disciplinary complaint about the prosecutor's misconduct. A recommended sample of a disciplinary complaint is posted on the website of the Office of the Prosecutor General.

(Article 45 of the Law of Ukraine "On Judiciary and the status of judges")

**142. Which authority has disciplinary power over judges? (multiple replies possible)**

- Court
- Higher Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify): .....
- Other (please specify): .....

Comments High Council of Justice

**143. Which authority has disciplinary power over public prosecutors? (multiple replies possible)**

- Supreme Court
- Head of the organisational unit or hierarchical superior
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman

Professional body

Executive power (please specify): .....

Other (please specify): Personnel Commission

Comments On September 25, 2019, with the entry into force of Law 113-IX, the provisions of the Law of Ukraine “On the Prosecutor’s Office”, which determined the legal status of the Qualification and Disciplinary Commission of Prosecutors, were suspended and the powers of the chairman and members of this commission were terminated.

For the relevant transitional period, the authority to conduct disciplinary proceedings against prosecutors, including during 2020, to comply with the requirements of subparagraphs 7, 8 of paragraph 22 of Section II of Law 113-IX, was transferred to the Personnel Commission to consider disciplinary complaints about the prosecutor’s disciplinary misconduct and the conduct of disciplinary proceedings against prosecutors (hereinafter the Personnel Commission), which was established by the order of the Prosecutor General of January 9, 2020, 9.

## 5.4.2 Number of disciplinary procedures and sanctions

**144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

	Judges	Prosecutors
<b>Total number (1+2+3+4)</b>	449 <input type="checkbox"/> NA <input type="checkbox"/> NAP	274 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Criminal offence</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “other”, please specify: For judges 449 means the number of judges in respect of which the disciplinary proceedings were initiated.

For prosecutors 274 means the number of disciplinary proceedings initiated.

**145. Number of sanctions pronounced during the reference year against judges and public prosecutors:**

	Judges	Prosecutors
<b>Total number (total 1 to 10)</b>	141 <input type="checkbox"/> NA <input type="checkbox"/> NAP	63 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Reprimand</b>	50 <input type="checkbox"/> NA <input type="checkbox"/> NAP	25 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>2. Suspension</b>	5 [ ] NA [ ] NAP	[ ] NA [ X ] NAP
<b>3. Withdrawal from cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>4. Fine</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>5. Temporary reduction of salary</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>6. Position downgrade</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>7. Transfer to another geographical (court) location</b>	0 [ ] NA [ ] NAP	[ ] NA [ X ] NAP
<b>8. Resignation</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>9. Other</b>	72 [ ] NA [ ] NAP	12 [ ] NA [ ] NAP
<b>10. Dismissal</b>	14 [ ] NA [ ] NAP	26 [ ] NA [ ] NAP

Comments - If “other”, please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. Judges:

- warnings (Other) - 72 judges;
- reprimand - 28 judges;
- severe reprimand - 22 judges;
- suspension from the administration of justice - 5 judges;
- dismissal - 14 judges

The difference between the number of initiated disciplinary proceedings and the sanctions pronounced can be explained by two reasons. First reason, few disciplinary cases may be united into one disciplinary case and the number of such cases may be rather high. The second reason, not all disciplinary cases initiated in 2020 were considered the same year. The consideration of some of them were transferred to the next calendar year.

Prosecutors:

In 2020, based on the results of disciplinary proceedings, the Personnel Commission made 58 decisions to apply a disciplinary sanction to the prosecutor against 63 people, including:

- 22 decisions imposing a disciplinary sanction in the form of a reprimand on 25 prosecutors;
- 24 decisions on imposition of disciplinary sanctions in the form of dismissal from office in the prosecutor's office in respect of 26 prosecutors;
- 12 decisions imposing a disciplinary sanction in the form of a ban for up to one year on transfer to a higher-level prosecutor's office or on appointment to a higher position in the prosecutor's office in which the prosecutor holds office, in respect of 12 prosecutors.

### **E3. Please indicate the sources for answering the questions in this part**

Sources: High Council of Justice and Prosecutor General's Office

## 6.Lawyers

### 6.1.Profession of lawyer

#### 6.1.1Status of the profession of lawyers

##### 146. Total number of lawyers practising in your country:

	Total	Male	Female
Number of lawyers	57 591 [ ] NA	43 342 [ ] NA	14 249 [ ] NA

Comments The increase in the number of attorneys can be caused by the existence of the attorneys' monopoly regime for representing the client in court. It forces many lawyers to get an attorney's certificate. There are also new lawyers that got this profession and want to work as attorneys in the future.

##### 147. Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Yes ( )

No ( X )

Comments

##### 148. Number of legal advisors who cannot represent their clients in court:

[ ]

[ X ] NA

[ ] NAP

Comments

=

##### 149. Is legal representation in courts exclusively exercised by lawyers in: (multiple replies possible)

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	( X ) Yes always ( ) Yes in some cases ( ) No [ ] NAP	( X ) Yes always ( ) Yes in some cases ( ) No [ ] NAP	( X ) Yes always ( ) Yes in some cases ( ) No [ ] NAP
Dismissal cases	( X ) Yes always ( ) Yes in some cases ( ) No [ ] NAP	( X ) Yes always ( ) Yes in some cases ( ) No [ ] NAP	( X ) Yes always ( ) Yes in some cases ( ) No [ ] NAP
Criminal cases – Defendant	( X ) Yes always ( ) Yes in some cases ( ) No [ ] NAP	( X ) Yes always ( ) Yes in some cases ( ) No [ ] NAP	( X ) Yes always ( ) Yes in some cases ( ) No [ ] NAP

<b>Criminal cases – Victim</b>	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Administrative cases</b>	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' exclusive rights: According to the Constitution of Ukraine with amendments dated 02.06.2016 lawyers have a monopoly on legal representation in courts.

**149-0. If other than lawyers may represent a client in court, please specify who:**

	First instance	Second instance	Highest instance court (Supreme Court)
<b>Civil society organisation</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Family member</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Self-representation</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Trade union</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Other</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If "other", please specify. In addition, for the categories selected please specify the types of cases concerned by this/these representation(s):

**149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?**

- Notarial activity
- Arbitration / mediation
- Proxy / representation
- Property manager
- Real estate agent
- Other law activities (please specify): .....

Comments

**149-2. What are the statuses for exercising the profession of lawyer?**

- Self-employed lawyer
- Staff lawyer
- In-house lawyer

Comments

**150. Is the lawyer profession organised through:**

a national bar association

a regional bar association

a local bar association

Comments

### **151. Is there a specific initial training and/or exam to enter the profession of lawyer?**

Yes

No

Comments - Please indicate if there are other specific requirements as regards diplomas or university degrees: A person who has expressed a desire to become a lawyer (advocate) and meets the requirements has the right to apply to the qualification and disciplinary commission of the lawyer at the place of residence with an application for admission to the qualification exam. The qualification exam is about revealing theoretical knowledge in the field of law, the history of a lawyer, the ethics of a lawyer who has expressed a desire to become a lawyer, as well as the level of his/her practical skills and ability to exercise the law. The organization and conduct of the qualification examination is carried out by the qualification chamber of the qualification and disciplinary commission of the Bar. A person who has not passed the qualification exam may be allowed to take such examination again not earlier than in six months. A person who has not passed the qualification exam again may be admitted to the next qualification exam not earlier than in one year.

### **152. Is there a mandatory general in-service professional training system for lawyers?**

Yes

No

Comments The internship is to test the readiness of the person who has received the certificate for passing the qualification examination to practice law alone. The internship is carried out for a period of six months under the supervision of an attorney, on the direction of the Bar Council of the region. Persons who on the day of application with application for admission to the qualification examination have the experience of working as an assistant of an attorney for at least one year in the last two years shall be exempted from passing the internship. As a result of the internship, the training supervisor prepares an internship assessment report and submits it to the region's bar council. According to the results of the internship, the Bar Council of Ukraine decides on the: 1) issuing to the person a certificate of the right to practice law; 2) continuation of the internship for a period of one to three months.

### **153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?**

Yes

No

Comments - If yes, please specify:

### **F1. Please indicate the sources for answering the questions in this part**

Sources: Law of Ukraine "On the bar and legal practice"  
Ukrainian National Bar Association Annual Report

## **6.1.2 Practicing the profession**

### **154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the**

**foreseeable amount of fees)?**

Yes

No

Comments The procedure for calculating the fee (fixed amount, hourly payment), the grounds for changing the amount of the fee, the procedure for its payment, the conditions of return, etc. are specified in the agreement on the provision of legal services. So, basing on such document the lawyer and court user can count approximate future fee.

**155. Are lawyers' fees freely negotiated?**

Yes

No

Comments

**156. Do laws or bar standards provide any rules on lawyers' fees (including those freely negotiated)?**

Yes, laws provide rules

Yes, standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

Comments A fee is a form of remuneration for the lawyer for the protection, representation, and other legal assistance of a client. The procedure for calculating the fee (fixed amount, hourly payment), the grounds for changing the amount of the fee, the procedure for its payment, the conditions of return, etc. are specified in the legal aid agreement between lawyer and client. When determining the amount of the fee, the complexity of the case, the qualification and experience of the lawyer, the client's financial status, and other material circumstances shall be taken into account. The fee should be reasonable and take into account the time spent by the lawyer.

**6.1.3 Quality standards and disciplinary procedures**



**157. Have quality standards been determined for lawyers?**

Yes

No

Comments - If yes, what are the quality criteria used? The Attorneys' Code of Ethics aims to unify the traditions and experience of the Ukrainian bar in the interpretation of the standards of bar ethics, as well as the generally recognized deontological rules and regulations adopted in the international legal community. It consists of principles of attorneys' rules of conduct which should be followed obligatory.

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

the bar association

the Parliament

other (please specify): .....

Comments

**159. Is it possible to file a complaint about:**

the performance of lawyers

the amount of fees

Comments - Please specify: Everyone who knows the facts of a lawyer's conduct, which may have grounds for disciplinary actions has the right to initiate disciplinary proceedings by claiming to the High Qualification and Disciplinary Commission of the Bar.

### 160. Which authority is responsible for disciplinary procedures?

- a judge
- Ministry of Justice
- a professional authority
- other (please specify): .....

Comments The High Qualification and Disciplinary Commission of the Bar is responsible for disciplinary procedures.

Everyone who knows the facts of a lawyer's conduct, which may have grounds for disciplinary actions has the right to initiate disciplinary proceedings by claiming to the High Qualification and Disciplinary Commission of the Bar.

### 161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings
<b>Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)</b>	551 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Criminal offence</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>4. Other</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: The change of the total number of disciplinary proceedings against advocates is caused by a different interpretation of the question in the 2018 cycle. No noticeable systemic changes were taking place compared to the 2018 cycle.

### 162. Sanctions pronounced against lawyers.

	Number of sanctions
<b>Total number of sanctions (1 + 2 + 3 + 4 + 5)</b>	324 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Reprimand</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2. Suspension</b>	291 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Withdrawal from cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

4. Fine	[ ] NA [X] NAP
5. Other	33 [ ] NA [ ] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons. Other: Termination of the lawyer's right to advocating- 33.

## 7. Court related mediation and other alternative Dispute Resolution

### 7.1. Court related mediation

#### 7.1.1 Details on court related mediation

#### 163. Does the judicial system provide for court-related mediation procedures?

( ) Yes

(X) No

Comments

#### 163-1. In some fields, does the judicial system provide for mandatory mediation with a mediator?

[ ] Before/instead of going to court

[ ] Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding

[X] No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned:

#### 163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

( ) Yes

(X) No

Comments - If there are mandatory informative sessions, please specify which fields are concerned:

#### 164. Please specify, by type of cases, who provides court-related mediation services:

	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	( ) Yes ( ) No [X] NAP	( ) Yes ( ) No [X] NAP	( ) Yes ( ) No [X] NAP	( ) Yes ( ) No [X] NAP
Family cases	( ) Yes ( ) No [X] NAP	( ) Yes ( ) No [X] NAP	( ) Yes ( ) No [X] NAP	( ) Yes ( ) No [X] NAP
Administrative cases	( ) Yes ( ) No [X] NAP	( ) Yes ( ) No [X] NAP	( ) Yes ( ) No [X] NAP	( ) Yes ( ) No [X] NAP

<b>Labour cases including employment dismissals</b>	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP
<b>Criminal cases</b>	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP
<b>Consumer cases</b>	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP

Comments

**165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?**

( ) Yes

( ) No

NAP

Comments - If yes, please specify (only one or both options)::

=

**166. Number of accredited or registered mediators for court-related mediation:**

	<b>Total</b>	<b>Males</b>	<b>Females</b>
<b>Number of mediators</b>	( ) NA <input checked="" type="checkbox"/> NAP	( ) NA <input checked="" type="checkbox"/> NAP	( ) NA <input checked="" type="checkbox"/> NAP

Comments

**167. Number of court-related mediations:**

	<b>Number of cases for which the parties agreed to start mediation</b>	<b>Number of finished court-related mediations</b>	<b>Number of cases in which there is a settlement agreement</b>
<b>Total ( 1 + 2 + 3 + 4 + 5 + 6)</b>	( ) NA <input checked="" type="checkbox"/> NAP	( ) NA <input checked="" type="checkbox"/> NAP	( ) NA <input checked="" type="checkbox"/> NAP
<b>1. Civil and commercial cases</b>	( ) NA <input checked="" type="checkbox"/> NAP	( ) NA <input checked="" type="checkbox"/> NAP	( ) NA <input checked="" type="checkbox"/> NAP
<b>2. Family cases</b>	( ) NA <input checked="" type="checkbox"/> NAP	( ) NA <input checked="" type="checkbox"/> NAP	( ) NA <input checked="" type="checkbox"/> NAP
<b>3. Administrative cases</b>	( ) NA <input checked="" type="checkbox"/> NAP	( ) NA <input checked="" type="checkbox"/> NAP	( ) NA <input checked="" type="checkbox"/> NAP
<b>4. Labour cases including employment dismissal cases</b>	( ) NA <input checked="" type="checkbox"/> NAP	( ) NA <input checked="" type="checkbox"/> NAP	( ) NA <input checked="" type="checkbox"/> NAP

<b>5. Criminal cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>6. Consumer cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - Please indicate the source:

=

## 168. Do the following alternative dispute resolution (ADR) methods exist in your country?

- Mediation other than court-related mediation
- Arbitration
- Conciliation (if different from mediation)
- Other ADR (please specify): Please see below

Comments settlement agreement, international commercial arbitration, arbitral tribunal, settlement of the dispute with the participation of a judges

## G1. Please indicate the sources for answering the questions in this part

Source: NAP

## 8. Enforcement of court decisions

### 8.1. Execution of decisions in civil matters

#### 8.1.1 Number of enforcement agents, status and mandate

### 169. Number and type of enforcement agents in your country.

	Total	Male	Female
<b>Total (1+2+3+4)</b>	4 670 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>1. Private professionals under the authority (control) of public authorities</b>	259 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2. Enforcement agents working in a public institution (civil servants paid by state)</b>	4 411 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>3. Judges</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>4. Other</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If other, please specify their status and competences:

**170. What are the requirements to access the profession of enforcement agent (multiple replies possible)?**

- diploma
- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other

Comments - If "other", please specify: Other: command of the state language

**171. Are enforcement agents appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

- Yes, please indicate the age of retirement: NA
- No, please specify the duration of the appointment: .....

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

**8.1.2 Activities/scope of competence**

**171-1. Which debtor's information can the enforcement agent access at the beginning of the enforcement procedure?**

	Access to information	Direct electronic access to information
Address	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Date of birth	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Civil status	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Cohabitant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Employer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Motor vehicle	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Movable property	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Immovable property	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Bank account	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<b>Other enforcement proceedings underway</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Insolvency proceedings (bankruptcy, judicial reorganisation, collective debt settlement etc.)</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other</b>	( X ) Yes ( ) No	( X ) Yes ( ) No

Comments - If "other", please specify: Other-Direct electronic access to information- yes, if the respective information is available at the respective Unified registrar.

**171-2. Can the enforcement agent carry out the following civil enforcement proceedings:**

	<b>Option</b>
<b>Seizure of movable tangible properties</b>	( ) Yes, exclusively performed by enforcement agents ( X ) Yes, but not exclusively performed by enforcement agents ( ) No [ ] NAP
<b>Preventive seizure of movable tangible properties</b>	( ) Yes, exclusively performed by enforcement agents ( ) Yes, but not exclusively performed by enforcement agents ( ) No [ X ] NAP
<b>Seizure of immovable properties</b>	( ) Yes, exclusively performed by enforcement agents ( X ) Yes, but not exclusively performed by enforcement agents ( ) No [ ] NAP
<b>Preventive seizure of immovable properties</b>	( ) Yes, exclusively performed by enforcement agents ( ) Yes, but not exclusively performed by enforcement agents ( ) No [ X ] NAP
<b>Seizure from a third party of the debtor claims regarding a sum of money</b>	( ) Yes, exclusively performed by enforcement agents ( ) Yes, but not exclusively performed by enforcement agents ( ) No [ X ] NAP
<b>Seizure of remunerations</b>	( ) Yes, exclusively performed by enforcement agents ( ) Yes, but not exclusively performed by enforcement agents ( ) No [ X ] NAP

<b>Seizure of motorised vehicles</b>	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Eviction measures</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizures of boats and ships</b>	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of aircrafts</b>	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of electronic assets (e.g cryptocurrency)</b>	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Enforced sale by public tender of seized properties</b>	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Sale of shares</b>	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other</b>	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

**171-3. Apart from the enforcement of court decisions, what are the other activities that can be**

## carried out by enforcement agents?

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary or public auctions of moveable or immoveable property
- Custody of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments

### 8.1.3 Training and ICT

#### **172-1. Is there a system of mandatory general continuous training for enforcement agents?**

- Yes
- No

Comments Each person willing to become an enforcement agent shall pass respective mandatory general continuous training at one of the educational institutions that conduct training courses on obtaining knowledge in the field of enforcement of court decisions and decisions of other bodies.

#### **172-2. Do you have an e-learning training system established for enforcement agents?**

- Yes
- No

Comments - If yes, please specify:

#### **172-3. Does the content of the continuous training system also include ICT (related to enforcement procedures)?**

- Yes
- No

Comments - If yes, please specify:

#### **172-4. Have an electronic service of documents or electronic notifications been introduced in your country?**

- Yes
- No

**172-5. Does the development of new technologies have an effect on the different stages of the enforcement procedure?**

Yes

No

Comments - Please explain: In order to ensure the proper execution of court decisions and decisions of other bodies (officials), the presenting enforcement documents issued in the electronic form has been implemented. At present, the presentation of electronic enforcement documents, recorded automatically (namely resolutions on the imposition of administrative penalties for violations of traffic rules) is carried out by the National Police. Also on the portals of services "ACTION" and "Online House of Justice" there is a possibility to view online the information on enforcement proceedings, and the debtors within such enforcement proceedings. One of the components of reforming the enforcement system is the transition to full automation of the enforcement proceedings, including electronic interaction of the state enforcement service, private enforcement agents with banking institutions to seize the debtor's funds. In order to introduce automated seizure of the debtor's funds, the Ministry of Justice of Ukraine took a number of normative and organizational measures, as a result of which the enforcement agents now able to send to banks resolutions on seizing the debtor's funds/removing the seizure from the debtor's funds electronically.

**8.1.4 Fees**

**174. Are enforcement fees easily established and transparent for parties?**

Yes

No

Comments

**175-1. Are the fees charged in case of successful enforcement proceedings freely negotiated?**

Yes

No

Comments

**175-2. Who has to pay these fees if the enforcement proceedings are successful?**

The debtor

The creditor

Other – please specify .....

Comments

**176. Do laws provide any rules on enforcement fees (including those freely negotiated)?**

Yes

No

Comments

**H0. Please indicate the sources for answering the questions in this part**

Source: The Law of Ukraine "On the enforcement proceedings"



**177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?**

Yes

No

Comments

**178. Which authority is responsible for supervising and monitoring enforcement agents?**

professional body

judge

Ministry of Justice

public prosecutor

other (please specify): .....

Comments

**181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?**

Yes

No

Comments - If yes, please specify:

**182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?**

Yes

No

Comments - If yes, please specify:

**183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.**

no execution at all

non execution of court decisions against public authorities

lack of information

excessive length

unlawful practices

insufficient supervision

excessive cost

unethical behaviour of enforcement agent

other (please specify): .....

Comments

**185. Is there a system measuring the length of enforcement procedures:**

	Existence of the system
for civil cases	( X ) Yes ( ) No
for administrative cases	( X ) Yes ( ) No

Comments Seizure of property (funds) shall be imposed no later than the next working day after its discovery.

Payment requests for the compulsory debiting of funds shall be sent no later than the next working day after the arrest and no later than the next working day after the receipt of the information on the availability of funds in the accounts.

The description and seizure of the property shall be made no later than on the fifth working day after the receipt of the location information. In the case of the discovery of property by the executor during the inspection of the debtor's property at the place of residence (stay) of the individual and the location of the legal entity, the description and seizure of this property shall be carried out.

The decision on arrest is made by the executor not later than the next working day after receiving the documents confirming the existence of the grounds provided for the Law and shall be sent on the same day to the body (institution) to which the decision on the execution was sent.

**186. Regarding a decision on debt collection, please estimate the average timeframe to serve and/or notify the decision to the parties who live in the city where the court sits (one option only):**

- ( X ) between 1 and 5 days
- ( ) between 6 and 10 days
- ( ) between 11 and 30 days
- ( ) more (please specify): .....
- [ ] NA

Comments

**187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	[ X ] NA [ ] NAP
1. For breach of professional ethics	0 [ ] NA [ ] NAP
2. For professional inadequacy	668 [ ] NA [ ] NAP
3. For criminal offence	[ X ] NA [ ] NAP
4. Other	[ ] NA [ X ] NAP

Comments - If "other", please specify:

## 188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
<b>Total number of sanctions (1+2+3+4+5)</b>	327 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Reprimand</b>	254 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Suspension</b>	27 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Withdrawal from cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>4. Fine</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>5. Other</b>	46 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: Other:

State enforcement agents: dismissal from state service - 9; warning about partial service responsibility - 9; notice - 9.

Private enforcement agents: warning - 18; suspension of work -1.

The answer in item 3 was additionally clarified by the authorities concerned and was revised in 2020 cycle.

## H1. Please indicate the sources for answering the questions in this part

Source: The Ministry of Justice of Ukraine

## 8.2. Execution of decisions in criminal matters

### 8.2.1 Functioning of execution in criminal matters

#### 189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple replies possible)

Judge

Public prosecutor

Prison and Probation Services

Enforcement agent

Other authority (please specify): The State Criminal-Executive Service of Ukraine

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions).

**190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?**

Yes

No

Comments

**191. If yes, what is the recovery rate?**

80-100%

50-79%

less than 50%

Comments - Please indicate the source for answering this question:

**9. Notaries**

**9.1. Profession of notary**

**9.1.1 Number, status and mandate of notaries**



**192. Number and status of notaries in your country.**

	Total	Male	Female
<b>TOTAL (1+2+3+4)</b>	6 491 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Private professionals (without control from public authorities)</b>	5 738 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Holders of public offices appointed by the State</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Civil servants (paid by the State)</b>	753 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>4. Other</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If "Other", please specify the status, or if "holder of a public office appointed by the State", please indicate which ministry is mainly engaged in the appointment procedure:

**192-1. What are the access conditions to the profession of notary (multiple replies possible):**

diploma

professional experience

specific exam

appointment procedure by the State

initial training

other (please specify): .....

**192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

yes, please indicate the age of retirement:65

no, please specify the duration of the appointment: .....

Comments - are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

**9.1.2 Activities/scope of competences**

**194. What kind of activities do notaries perform (multiple options possible):**

	<b>Please select one option</b>
<b>Authentication</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Certification of signatures</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Legalisation of signatures / Apostille</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Legality control of documents</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Mediation</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Taking of oaths</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

<b>Non-contentious judicial procedures (e.g. acting as court commissioner in a successions file, performing divorce, division of estate, please specify)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Act as civil servant (for example performing marriage, please specify)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>Other judicial functions (for example, payment orders)</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>Public auctions</b>	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other (for example collect taxes, run registers etc.)</b>	<input checked="" type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If "other", please specify. Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or, on the opposite, other bodies that also have competences for the listed activities. According to the Law "On Notaries" (article 34), notaries perform the following types of activities:

- 1)certify transactions (contracts, wills, powers of attorney, requirements for notarization of transactions, etc.);
- 2)take measures to protect hereditary property;
- 3)issue certificates of the right to inheritance;
- 4)issue certificates of ownership of a share in the joint property of the spouses (former spouses) on the basis of a joint application or in the event of the death of one of the spouses;
- 5)issue certificates of acquisition of property from public bidding (auctions);
- 6)issue certificates of acquisition of property from public bidding (auctions), if public bidding (auctions) did not take place;
- 7)carry out a description of the property of a natural person who has been declared missing or whose whereabouts are unknown;
- 8)issue duplicates of notarial documents stored in the notary's files;
- 9)impose and lift the ban on the alienation of immovable property (property rights to immovable property) subject to state registration;
- 9-1) impose a ban on the alienation of monetary amounts that will be credited to the applicant claims, determined in accordance with the fourth part of Article 65-2 of the Law of Ukraine "On Joint Stock Companies", on conditional storage (escrow), opened in accordance with this law;
- 10)certify the authenticity of copies (photocopies) of documents and extracts from them;
- 11)certify the authenticity of the signature on the documents;
- 12)certify the accuracy of the translation of documents from one language to another;
- 13)certify the fact that a natural or legal person is the executor of the will;
- 14)certify the fact that the individual is alive;

- 15)certify the fact that the individual is in a certain place;
- 16)certify the time of presentation of documents;
- 17)transfer applications of individuals and legal entities to other individuals and legal entities;
- 18)accept money and securities as a deposit;
- 19)make executive inscriptions;
- 20)commit protests of promissory notes;
- 21)commit maritime protests;
- 22)accept documents for storage.

**194-2. In which areas of law do notaries perform their activities (multiple options possible)?**

- Real estate transaction
- Family law
- Succession law
- Company law
- Legality control of gambling activities
- Protection of vulnerable persons
- Other

Comments

**9.1.3 ICT, organisation of the profession and training**

**194-3. Do notaries use specialised ICT systems in their activity?**

- In their relations with the State (e.g. courts, registries, chambers of commerce, tax authorities)
- In their relations with their clients
- In their relations with other notaries (e.g. videoconferencing, system to exchange documents)

Comments In case of mutual relations with the state: for example, notaries may gain access to the single state register of court decisions

**194-4. Which computerised registries can notaries consult?**

- Land registry
- Business registry
- Civil status / Population registry
- Succession / Family law registry
- Any other registry (please specify)Unified Register of Notaries
- None

Comments Any other registry - State Register of Real Property Rights, Unified Register of Powers of Attorney, Unified Register of Special Forms of Notarial Documents, Unified Register of Notaries, Unified State Register of Court Decisions

**194-5. Are there registries/ registry infrastructures run by the notaries?**

- Yes
- No

Comments - If yes, please specify:

**194-6. In which computerised registries can notaries modify data (either directly or by submitting**

an online request)?

	Directly modifying	Indirectly modifying by submitting an online request
Land registry	( ) Yes ( X ) No [ ] NAP	( ) Yes ( ) No [ X ] NAP
Business registry	( X ) Yes ( ) No [ ] NAP	( ) Yes ( ) No [ X ] NAP
Civil status/ Population registry	( ) Yes ( X ) No [ ] NAP	( ) Yes ( ) No [ X ] NAP
Succession / Family law registry	( X ) Yes ( ) No [ ] NAP	( ) Yes ( ) No [ X ] NAP
Any other registry (please specify)	( X ) Yes ( ) No [ ] NAP	( ) Yes ( ) No [ X ] NAP
None	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP

Comments Any other registry - State Register of Real Rights to Immovable Property, Unified Register of Powers of Attorney

### 194-7. What ICT tools are used by notaries in their relations with clients?

- [ ] Videoconferencing (e.g. digital advice)
- [ ] Digital act
- [ X ] Digital identification
- [ ] Digital archiving
- [ ] Other, please specify .....
- [ ] None

Comments When working with certain types of registers, notaries use their electronic digital signature to digitally identify themselves as a specific person.

### 194-8. Who is responsible to run the digital archives?

- [ ] Notariat / Professional body
- [ ] Other public authority
- [ ] Another entity (please specify) .....

Comments NAP

### 195. Is there an authority entrusted with supervising and monitoring the notaries' work?

- ( X ) Yes
- ( ) No

Comments

**196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?**

- professional body
- court
- Ministry of Justice
- public prosecutor
- other (please specify): .....

Comments

**196-1. Is there a system of general continuous training for all notaries?**

- Yes
- No

Comments

**196-2. Do notaries have training on:**

	Yes	No
European law	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Law of another Member State (cross-border training programmes)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments - If yes, please indicate the types (e.g. traditional courses, e-learning, webinar) and the major topics of the training activities:

**II. Please indicate the sources for answering the questions in this part**

Sources: the Law “On notary” and the Ministry of Justice of Ukraine

**10. Court interpreters**

**10.1. Details on profession of court interpreter**

**10.1.1 Status of court interpreters**

**197. Is the title of court interpreters protected?**

- Yes
- No

Comments

**198. Is the function of court interpreters regulated by legal norms?**

- Yes

( ) No

Comments

**199. Number of registered court interpreters:**

[ ]

[ X ] NA

[ ] NAP

Comments

**200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?**

( X ) Yes

( ) No

Comments - If yes, please specify (e.g. having passed a specific exam):

**201. Are the courts responsible for selecting court interpreters?**

[ ] Yes, for recruitment and/or appointment for a specific term of office

[ X ] Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

[ ] No, please specify which authority selects court interpreters .....

Comments

**J1. Please indicate the sources for answering the questions in this part**

Sources: Civil Procedural Code of Ukraine, ode of Administrative Procedure of Ukraine, riminal Procedural Code

**11.Judicial experts**

**11.1.Profession of judicial expert**

**11.1.1Status of judicial experts**



**202. In your system, what types of judicial experts can participate in judicial procedures (multiple replies possible):**

[ X ] Experts designated by the parties in support of their arguments but bound by a duty of independence and impartiality to the court

[ X ] Experts appointed by the court or other authority independent of the parties

[ ] Other system of judicial expertise, please specify .....

Comments - Please specify who is proposing and appointing experts in an individual case. Parties concerned shall select an expert among the list of experts registered in the State Register of Certified Judicial Experts except where expertise should be conducted by State specialized institutions, according to the national law. However, under some circumstances of the case, the court also may select the judicial expert or the state specialized institution by itself.

## 202-1. Are there lists or any other form of official registration for judicial experts?

Yes

No

Comments

### 202-1-1. If yes, at which level is the list established (multiple replies possible):

national

administrative district or federal entity

judicial district

other

Comments - Please, indicate any other comment regarding these lists or databases of experts, if they do exist (e.g. does the expert take an oath? How are his/her skills evaluated? By whom?): According to the Law of Ukraine "On forensic examination" (article 10) Forensic experts can be persons who have the necessary knowledge to provide an opinion on the issues under investigation. Forensic experts of state specialized institutions may be specialists who have the appropriate higher education, educational and qualification level not lower than a specialist, have been trained and qualified as a forensic expert in a particular specialty. Forensic examinations (surveys and research), in addition to those conducted exclusively by state specialized institutions, may also involve forensic experts who are not employees of these institutions, provided that they have the appropriate higher education, educational and qualification level not lower than a specialist, have undergone appropriate training in state specialized institutions of the Ministry of Justice of Ukraine, certified and qualified as a forensic expert in a particular specialty in the manner prescribed by this Law. A forensic expert is prohibited from using his or her authority to obtain an improper benefit or to accept a promise and offer of such benefit to himself or others.

The provisions of this Law on guarantees, rights, obligations, the liability of a forensic expert, except for the liability for refusal to conduct an examination and the provisions of Section III of this Law, shall apply to a specialist in the relevant field of knowledge who conducts the forensic examination.

A forensic expert may be brought to legal responsibility on the grounds and in the manner prescribed by law.

### 202-1-2. Are these lists publicly available?

Yes, available on the internet

Yes

No

Comments It is public. <https://rase.minjust.gov.ua/>

## 202-2. Which authority is competent for the registration of judicial experts?

Ministry of justice

Courts

Administrative body

Independent body (association of judicial experts)

Other

Comments - Please also specify the registration criteria:

## 202-3. Is the registration of judicial experts limited in time?

Yes, for how long 3 or 5 years

No

Comments The validity period of the Certificate for employees of research institutions of forensic examinations of the Ministry of Justice of Ukraine shall be five years; for specialists who are not employees of state specialized institutions shall be three years. The validity period of the Certificate shall be extended after confirmation of the qualification by an expert. If the validity period of the Certificate is not extended, the Certificate shall be deemed invalid.

**202-4. Can an expert who is not on the list or not registered be appointed in a case?**

Yes

No

Comment - If yes, please specify in which cases:

**203. Is the title of judicial experts protected?**

Yes

No

Comments - If appropriate, please explain the meaning of this protection: Law of Ukraine "On forensic examination" establishes the rights and obligations of such experts

**203-1. Does the judicial expert have an obligation of training?**

	Obligation of training
<b>Initial training</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Continuous training</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

**203-2. If yes, does this training concern:**

judicial proceedings

the profession of expert

other

Comments

**204. Is the function of judicial experts regulated by legal norms?**

Yes

No

Comments

**204-1. On the occasion of a task entrusted to him/her, does the judicial expert have to report any potential conflicts of interest?**

Yes

No

Comments - If yes, please specify: Such an expert is obliged to declare self-rejection in the presence of the grounds provided for by the legislation, excluding his participation in the case. (art 12 of the Law of Ukraine "On forensic examination")

**205. Number of accredited or registered judicial experts:**

	Total	Male	Female
Number of experts	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The information about the number of judicial experts in the registrar is not fixed and may vary showing the number only on the day of using the registrar.

The number of judicial experts for 27.08.2021 is 12709.

**206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties**

	Number of cases
Total (1+2+3+4)	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1.Civil and commercial litigious cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.Administrative cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3.Criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4.Other cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**205-1. Who defines the amount of the expert remuneration?**

	In civil/administrative cases	In criminal cases
Defined by law/by-law or a special regulation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Defined by the court/judge	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Defined by Ministry of Justice or another ministry (setting a tariff for example)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Salary of public official (in case of forensic or another specialist – who is public employee)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Freely agreed between expert and the parties	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

<b>Other</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
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Comments - If other, please specify: Law of Ukraine “On forensic examination” (article 15)

Conducting forensic examinations of scientific research on the organization and conduct of forensic examinations by research institutions is financed from the State Budget of Ukraine.

Forensic examinations by state specialized institutions in criminal proceedings on behalf of the investigator, coroner, prosecutor, court, and in cases of administrative offenses are carried out at the expense of funds allocated to these expert institutions from the State Budget of Ukraine.

Forensic examinations, examinations, and research by forensic and forensic psychiatric institutions are carried out at the expense of funds allocated directly and for the purpose of these expert institutions from the state or local budget, except as provided in part four of this article.

Forensic examinations, surveys and research in criminal proceedings by state specialized institutions, forensic and forensic psychiatric institutions at the request of the suspect, accused, convicted, acquitted, their defenders, legal representative, victim, his representative is carried out at the expense of the customer.

The costs of forensic examinations by research institutions of the Ministry of Justice of Ukraine and forensic and forensic psychiatric institutions of the Ministry of Health of Ukraine in civil and commercial cases are reimbursed in the manner prescribed by applicable law. Carrying out other expert researches and inspections by the state specialized establishments is carried out at the expense of the customer. State specialized institutions, as well as specialists who are not employees of these institutions, referred to in Article 7 of this Law, perform other work on a contractual basis.

## 206. Are there binding provisions for judicial experts regarding:

	Yes	No
<b>Deadlines to provide expertise</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Quality of expertise</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Other</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

NAP

Comments - If yes, please specify, and provide details in case there are possible sanctions: The term of the examination is set by the head of the expert institution (or the deputy head or the head of the structural unit) and should not exceed 90 calendar days.

In case of the significant workload of the expert (if he has more than ten examinations performed at the same time, including commissions and complex ones) a longer reasonable term is established by written agreement with the body (person) that appointed the expertise (involved) expert), after a preliminary study of the materials provided by the expert.

The pre-study time should not exceed fifteen working days.

In case of non-fulfillment of the expert's requests for additional materials, non-payment of the cost of examination within 45 calendar days from the date of sending the request in the manner prescribed by applicable law, failure to ensure the arrival of the expert, unimpeded access to the object of study on the part of the parties involved in the case, in the inspection of the object) the case materials are returned to the body (person) who appointed the examination (involved the expert), indicating the motivating reasons for its impossibility.

The term of the examination begins on a working day following the day of receipt of the materials by the expert institution and ends on the day of drawing up the expert's opinion (notification of the impossibility of providing an opinion). If the expiration of the established term of examination falls on a non-working day, the day of expiration of the term is considered to be the next working day.

The term of the examination does not include the term of execution of the expert's requests, elimination of the shortcomings admitted by the body (person) that appointed the examination (involved the expert).

## 207-1. Does the judge or another body control the progress of the expertise?

Yes

No

If yes, please specify:

## 207-2. Are judicial experts' associations involved in:

Selection processes

Initial or continuous training

Disciplinary procedures

NAP

Comments

## K1. Please indicate the sources for answering the questions in this part

Sources: Association of Experts of Ukraine  
Law of Ukraine "On forensic examination"  
Register of certified forensic experts

## 12.Reforms in judiciary

### 12.1.Foreseen reforms

#### 12.1.1Reforms

**208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there undergoing or foreseen reforms? If possible, please observe the following categories:**

### 208-1. (Comprehensive) reform plans

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: In June 2021, the Strategy for the Development of the Justice and Constitutional Judiciary for 2021-2023 came into force.

The document outlines the priorities for improving the legislation on the judiciary, the status of judges, judicature, and other institutes of justice. One of the Strategy's aims is to improve access to justice. It is planned to audit the system of local courts. The document also aims to strengthen the functional and procedural capacity of the Supreme Court.

It is planned to establish a mandatory pre-trial procedure for settling disputes with the use of mediation and other practices for certain categories of cases, as well as to consider the possibility of the introduction of the institute of magistrates in Ukraine.

According to the Strategy, the formation of the High Qualification Commission of Judges of Ukraine and the High Council of Justice will be based on the results of an open competition conducted with the participation of international experts.

The Strategy envisages the improvement of mechanisms for verifying the integrity of judges of the Constitutional Court of Ukraine and

their observance of standards of professional ethics.

## 208-2. Budget

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify:

## 208-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify: Courts: in connection with the entry into force of the Resolution of the Verkhovna Rada of Ukraine "On the formation and liquidation of districts" dated July 17, 2020, 807-IX, by the decision of the Verkhovna Rada Committee on Legal Policy dated July 17, 2020 (Protocol 47) a working group on preparation of the draft law on changes in the system of local courts on the territory of Ukraine was formed.

Public prosecution services: on September 19, 2019, the Parliament of Ukraine adopted the "On Amendments to Certain Legislative Acts of Ukraine on Priority Measures to Reform the Prosecutor's Office" dated September 19, 2019, 113-IX (Law 113-IX). This had to be done by attesting the acting (at that moment) prosecutors on a competitive basis.

The main novelties of the Law 113-IX included the following: -establishing the new structure of the prosecutor's office in the following form: the Prosecutor General's Office, regional prosecutor's offices, district prosecutor's offices; -liquidation of military prosecutor's offices, but providing the right to the Prosecutor General to establish specialized prosecutor's offices, if necessary, as a structural unit of the Prosecutor General's Office, regional and district prosecutor's offices; -reduction in the maximum number of prosecutors from 15 000 to 10 000; -increasing the basic salary of the prosecutor from 12 to 15 subsistence minimums for able-bodied persons with a limit of 25% for the maximum amount of the prosecutor's bonus for the calendar year; -prosecutors that were holding the positions in the Prosecutor General's Office of Ukraine, regional prosecutor's offices, local prosecutor's offices, military prosecutor's offices on the day the Law 113-IX entered into force could be transferred to the position of the prosecutor in the Prosecutor General's Office, regional prosecutor's offices and district prosecutor's offices in the manner prescribed by the final and transitional provisions of the Law 113-IX. The attestation was not applied to prosecutors of the Specialized Anti-Corruption Prosecutor's Office. This attestation of prosecutors was carried out by Personnel Commissions, which assessed the professional competence of prosecutors, their professional ethics, and integrity. In case of unsuccessful attestation, the prosecutor was dismissed. During the attestation, not only the knowledge and skills of the prosecutors were taken into account, but also data on complaints received against them, disciplinary proceedings, indicators of their declarations, materials of secret integrity checks, and other information characterizing the integrity of the prosecutor and their observance of ethics. Any person had the right to submit to the relevant Personnel Commission information that could indicate that the prosecutor did not meet the criteria of competence, professional ethics, and integrity.

Persons who did not hold the position of the prosecutor at the time of entry into force of this law had the right to participate in an open competition for vacant positions of the prosecutor if they had higher legal education and sufficient working experience in the field of law. The Law 113-IX temporarily suspended the powers of the Qualification and Disciplinary Commission of Prosecutors until September 1, 2021, and established that the Prosecutor General should: 1) approve the procedure for selection by Personnel Commissions to fill the

vacant position of prosecutor; 2) determine the procedure for filling temporarily vacant positions of prosecutors in the prosecutor's office; 3) appoint persons to administrative positions in the Prosecutor General' Office and to the position of the head of the regional prosecutor's office (upon the approval of the Commission for the selection of the management of the prosecutor's office); 4) determine the procedure for consideration by Personnel Commissions of disciplinary complaints on disciplinary misconduct by a prosecutor and holding the disciplinary proceedings; 5) determine the procedure for decision-making by Personnel Commissions based on the results of disciplinary proceedings and if there are grounds provided by the Law of Ukraine "On the Prosecutor's Office," the procedure of bringing prosecutor to disciplinary liability. In September 2021 the norms on the activity of the Qualification and Disciplinary Commission of Prosecutors were renewed. On September 20, 2021, its new composition was formed.

## 208-4. Access to justice and legal aid

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: In 2020 Ukraine has started the realization of the Project "Increasing Private Investments to Agriculture". In order to increase the level of awareness of the owners and users of land plots on their land rights and measures of its protection, the realization of the project was also carried out by the system of providing legal aid. In order to reach the goal during the 2020-2023 system of providing legal aid carried out the following activities: -increasing protection of rights of citizens in the area of land relationship by providing primary and secondary legal aid; -increasing legal capacity of citizens and amalgamations in the area of land relationship by increasing legal awareness as a result of holding legal education activities. With the purpose of the integration of mediation in the processes of providing secondary legal aid, the Coordination Center for Legal Aid in 2021 developed 3 projects which are focused on studying the area of implementation of mediation in the system of providing legal aid and instruments of its integration to the decision-making processes on providing secondary legal aid, development of the internal capacity of the system of providing legal aid in providing access to mediation and informing of the population on mediation.

With the purpose of informatization of processes of providing legal aid and ensuring remote access of persons to legal aid, the system of legal aid (in cooperation with its partners): 1)In March of 2020 put into operation the system of fixation and processing of applications for providing primary legal aid 'HelpDesk'. This service provided the possibility to centrally distribute among lawyers of the center and process all applications irrespectively of the means of communication chosen by the user, to clarify requests and provide responses. 2)Developed in July 2020 application "Legal aid". With the assistance of such an application, one may check whether a person has a right to receive secondary legal aid, send a request for receiving tailored legal aid, find with geolocation the nearest local center, make a call on the hotline, request written legal advice, etc. 3)In 2018 developed the application "Your right." The application contains legal information, provides possibilities to pass on external resources, for instance, on state electronic services. Users also have the possibility to download samples of documents (statements, lawsuits, complaints). In cooperation with the partners, there were developed specifications for updates and modernization of respective application "Your right". 4)In June 2021 there was commenced in test mode "The client's office", in which: - online requests could be sent with a purpose to receive advice and clarifications on legal matters as well as photos of docs, and to receive a response, being prepared by employees of the legal aid system; -histories of all requests and respective responses an available in the same place;

-possibility to write comments on the level of satisfaction after services are received; service has a simple and user-friendly interface, support of all browsers, as well as iOS and Android.

5)In June 2021 the work on the development of an algorithm of automated distribution of cases among lawyers has begun, which cooperates with the centers of providing secondary legal aid. It is expected, that the main advantages of introducing the new algorithm will be the unification of a mechanism, increasing transparency, ensuring impartiality, minimization of the human factors.

The Coordination Center for Legal Aid developed draft law "On amendments to certain legislative acts on simplification of access to legal aid and improving the quality of its provision" ( 5107), would providing at the legislative level the following: - the possibility to apply for legal aid by means of the Internet, electronic communication (electronic appeal); - the right of children, incapable persons, or persons with limited capacity to apply for primary legal aid, as well as the right of these persons to apply for secondary legal aid in person on issues on which such persons are allowed to go to court, and the procedure of such an appeal; -the right of Center for providing secondary legal aid to attract the interpreter of the language, which the applicant can communicate in, including the interpreter on sign language with the expense of funds of the State Budget in the case, when a person, who wishes to receive secondary legal aid does not speak the state

language and/or has a visual impairment; - payment issues for mediation services, restorative practices when removing minors from the criminal process by lawyers, who are attracted by Centers; - extension of the poverty limit for persons with disabilities for receiving secondary legal aid, providing for the right of such persons for secondary legal aid in the case, if they receive pension or assistance that allocated instead such pension in the amount not exceeding 2 subsistence minimums for able-bodied persons. With the purpose of increasing the quality of work and increasing the capacity of the legal aid contact centers in part of increasing the number of received and processed telephone calls, the Coordination center purchased new software “Software complex VoIPTIME Call-Center type SaaS”. At present technical configuration and testing of the startup of this software is underway as well as the teaching of operators of the said contact center.

## 208-5. High Judicial Council

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Changes in the procedure for selection (appointment) of the members of the High Council of Justice (HCJ):

On August 5, 2021, the Law of Ukraine “On amendments to certain laws of Ukraine concerning the procedure for selection (appointment) to the positions of members of the High Council of Justice and activities of disciplinary inspectors of the High Council of Justice” (Law No. 1635-IX) entered into force.

Law No. 1635-IX improves the procedure for selecting members of the High Council of Justice to ensure the independence of the judiciary, the appointment of honest and highly professional judges, and the observance of professional ethics in the work of judges. In particular, it defines the competitive principles of the selection of candidates for appointment as a member of the HCJ.

The document stipulates the establishment of an Ethics Council, which should determine whether a candidate for a position of a member of the High Council of Justice meets the criteria of professional ethics and integrity, and provides a list of candidates recommended for appointment to a position of members of the High Council of Justice. The Ethics Council will include 3 persons from among judges or retired judges proposed by the Council of Judges of Ukraine; 1 person nominated by the Council of Prosecutors of Ukraine; 1 person nominated by the Bar Council of Ukraine; 1 person proposed by the Presidium of the National Academy of Legal Sciences of Ukraine. At the same time, the first composition of the Ethics Council will be formed of 3 judges or retired judges nominated by the Council of Judges of Ukraine and 3 persons nominated by international and foreign organizations that provide international technical assistance to Ukraine in accordance with international or interstate agreements in the field of judicial reform and/or prevention and combating corruption. Such international and foreign organizations shall agree on a joint list of candidates.

In order to successfully implement judicial reform, the law contains a provision according to which the Ethics Council within six months from the date of its formation shall assess compliance with the criteria of professional ethics and integrity of members of the High Council of Justice (except the Chairman of the Supreme Court) appointed before the law enters into force. Based on the results of such a one-time assessment, the Ethics Council can recommend to the body that appointed the HCJ member to dismiss this person.

The document also defined the procedure for the activity of the Service of Disciplinary Inspectors of the High Council of Justice as an independent structural subdivision, the appointment of disciplinary inspectors based on the results of the competition, their legal status, and powers.

To fully implement the provisions of this document, the Law of Ukraine “On Amendments to Articles 188-32 of the Code of Administrative Offenses of Ukraine to establish liability for failure to comply with the legal requirements of the disciplinary inspector of the High Council of Justice” 1636-IX was adopted. According to the document, for non-fulfilling of the legal requirements of the High Council of Justice, HCJ member or HCJ disciplinary inspector to provide the information, court case (copy), consideration of which is completed, knowingly inaccurate information or late provision of such information, a fine of 50 to 150 tax-free minimums of citizens’ incomes shall be applied.

As of October 29, 2021, the Council of Judges of Ukraine and international and foreign organizations have already nominated their representatives to the first composition of the Ethics Council.

HCJ participation in the selection of the High Qualification Commission of Judges of Ukraine (HQCJ):

According to the Final and Transitional Provisions of the Law of Ukraine “On Amendments to the Law of Ukraine “On the Judiciary and the Status of Judges” and some laws of Ukraine on the activities of judicial authorities” as of October 16, 2019, 193-IX the powers of

members of the High Qualification Commission of Judges of Ukraine have been suspended on November 7, 2019. That made it impossible for the HQCJ as a collegial body to exercise its powers stipulated by the legislation of Ukraine in the field of a judicial career. As of October 29, 2021, no members of the HQCJ have been selected (appointed).

To address this situation, in the summer of 2021 the Law 1629-IX “On Amendments to the Law of Ukraine “On the Judiciary and the Status of Judges” and some laws of Ukraine on the resumption of the High Qualification Commission of Judges of Ukraine” was adopted. Law 1629-IX should resume the work of the High Qualification Commission of Judges of Ukraine and improve the procedure for its formation and operation.

In particular, the High Qualification Commission of Judges of Ukraine shall consist of 16 members, 8 of whom are appointed from among judges or retired judges. The HQCJ shall be deemed to be plenipotent subject to the appointment of at least 11 members.

The High Qualification Commission of Judges of Ukraine will have two chambers, each of which will include 8 members of the Commission.

Appointment to the position of a member of the High Qualification Commission of Judges of Ukraine will be made by the High Council of Justice based on the results of the competition.

To do this, the HJC shall form a Competition Commission, which will include:

-3 persons from among judges or retired judges, proposed by the Council of Judges of Ukraine;

-1 person nominated by the Council of Prosecutors of Ukraine;

-1 person nominated by the Bar Council of Ukraine;

-1 person nominated by the National Academy of Legal Sciences of Ukraine in the person of the Presidium.

The first composition of the Competition Commission will consist of 3 persons from among judges or retired judges nominated by the Council of Judges of Ukraine and 3 persons nominated by international and foreign organizations who provide international technical assistance to Ukraine in accordance with international or interstate agreements in the field of judicial reform and/or prevention and combating corruption. Such international and foreign organizations shall agree on a joint list of candidates.

The decision of the first Competition Commission will be considered adopted if voted for by at least 4 members of the Competition Commission, 2 of which are proposed by international and foreign organizations. In case of equal number of votes for and against, the votes of 3 members of the Competition Commission (2 of which are proposed by international and foreign organizations) shall be decisive.

The High Council of Justice conducts an interview with the candidates recommended by the Competition Commission openly and makes a reasoned and motivated decision on the appointment or refusal to appoint the selected candidates to the members of the High Qualification Commission of Judges of Ukraine.

It is envisaged that the High Qualification Commission of Judges of Ukraine, established in accordance with Law 1629-IX, will complete the judicial career procedures initiated by the previous composition of the HQCJ.

As of October 29, 2021, the Council of Judges of Ukraine and international and foreign organizations have already appointed their representatives to the Competition Commission. The first meeting of the Competition Commission is expected to be held in the nearest future.

Temporary extension of the HJC's powers in the absence of the plenipotent HQCJ:

According to the Final and Transitional Provisions of the Law of Ukraine “On Amendments to the Law of Ukraine “On the Judiciary and the Status of Judges” on the secondment of judges and settlement of other issues to ensure the functioning of the justice system in the absence of the plenipotent High Qualification Commission of Judges of Ukraine” as of June 4, 2020 No.679- , the High Council of Justice makes decisions without recommendation or submission of the High Qualification Commission of Judges of Ukraine, in particular, on secondment of a judge to another court of the same level and specialization, and on making changes to the procedure of secondment of a judge to another court of the same specialization.

Paragraph 2-2 of Section I of the Procedure for secondment of a judge to another court of the same level and specialization (as a temporary transfer), approved by the decision of the High Council of Justice as of January 24, 2017 54/0/15-17 and the Rules of the High Council of Justice provides that during the absence of the plenipotent High Qualification Commission of Judges of Ukraine, the decision on the secondment of a judge shall be made by the High Council of Justice on the basis of notification of the State Judicial Administration of Ukraine.

In addition, according to the Law of Ukraine No. 679-IX the High Council of Justice, in the absence of a plenipotent High Qualification Commission of Judges of Ukraine, decides - without a recommendation or submission of the HQCJ - on submission to the President of Ukraine regarding the appointment of a judge whose office term has expired. This is applicable if before the entry into force of Law No. 679-IX this judge had been recognized as corresponding to the position held by the Board of the High Qualification Commission of Judges of Ukraine.

## 208-6. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc.

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Judges organization, education, and training:

In 2020, the Strategy for the Development of Judicial Education in Ukraine for 2021-2025 (hereinafter the Strategy) developed and entered into force in 2021 defines the goal, strategic directions, and main tasks to be pursued by the National School of Judges of Ukraine. The development of the Strategy is caused by the need to adapt to the changes taking place in the modern globalized world and to focus on improving the quality and competitiveness of education in the new socio-cultural conditions. The National Strategy specifies the main ways to implement the conceptual ideas and views on the development of education, defined by the Concept of the National Standards for Judicial Education.

Public prosecutors organisation, education and training:

Prosecutor`s Training Center of Ukraine is a newly established (in 2020) institution in the process of reforming the prosecutor's office, which in accordance with the Law of Ukraine "On the Prosecutor's Office" is responsible for special training of candidates for the position of prosecutor and professional development of prosecutors. The training is conducted on topics that are important for prosecutors given their practical needs. Prosecutors have the opportunity to voluntarily choose training courses or trainings from the Catalog of training programs for the relevant semester and then undergo training at the Training Center. When compiling the catalog, prosecutors are interviewed on the relevance of training topics and training courses. There are currently no full-time trainers at the Center. This provides an opportunity to choose trainers - professionals in a particular field. The trainers are current prosecutors, judges, forensic experts, and sometimes lawyers and investigators. When it comes to soft skills training, the Training Center involves psychologists, coaches, journalists, broadcasters, and other professionals.

Notaries:

The Verkhovna Rada of Ukraine registered a draft Law "On amendments to certain legislative acts of Ukraine on improving the regulation of notarial activity" ( 5644), which stipulates the reforms in the field of notaries in the following areas: 1) transition to a single notary; 2) introduction of an electronic notary, namely electronic register of notarial acts, electronic archive, notary's workplace, and e-document circulation; 3) endowment of notaries with additional functions (registration of marriage and divorce), etc.

Enforcement of court decisions:

On July 14, 2021, the Verkhovna Rada of Ukraine adopted in the first reading the draft Law of Ukraine "On Enforcement of Decisions" ( 5660), aiming comprehensively improve the process of enforcement of decisions in Ukraine. The Bill stipulates, in particular, the broadening of powers of a private enforcement agent; digitization of the process of enforcement of decisions; determining the implementation features of certain categories of decisions, and foreclosure on certain types of property.

## 208-7. Gender balance

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Starting from April 11, 2018, the State Social Program for Ensuring Equal Rights and Opportunities for Women and Men for the period until 2021, approved by the Cabinet of Ministers of Ukraine, had been implemented. The purpose of the Program was to improve the mechanism for ensuring equal rights and opportunities for women and men in all areas of society and the implementation of European standards of equality following measures: 1) improvement of the legal framework, the mechanism of gender legal expertise and the introduction of statistical indicators in the field of ensuring equal rights and opportunities for women and men, taking into account the gender component in economic and social development programs, taking into account the current needs of

industries and regions; expansion of the list of statistical indicators by sex with a breakdown by other main characteristics (age, place of residence, disability, socio-economic status, etc.); 2) raising the professional level of civil servants and local government officials to ensure equal rights and opportunities for women and men: - education on gender imbalance in the field of civil service and human resources management;- inclusion in the programs of advanced training courses for civil servants and local government officials on ensuring equal rights and opportunities for women and men; - overcoming gender stereotypes.

This Program takes into account the international instruments of the Council of Europe, the UN, the EU, the OSCE, the recommendations of international human rights monitoring institutions, and the provisions of the Association Agreement between the European Union and Ukraine.

In June 2021, the State Judicial Administration of Ukraine (SJA) approved the Gender Equality Strategy of the State Judicial Administration of Ukraine for 2021-2025 (hereinafter the Strategy). The Strategy outlines the vision and approaches of the SJA regarding the integration of the gender approach into institutional policy, the organizational culture of the SJA, and its territorial offices. The Strategy aims to implement a comprehensive gender approach in the institutional policy, practices, and procedures of the SJA through strengthening the organizational capacity to develop, implement and promote gender policies and programs, accountability, communication, and partnership in the field of gender equality.

The SJA was also ensuring a gender balance at all levels of governance, conducted information and educational activities on gender equality, aimed at deepening the awareness of employees on these issues, strengthening their gender sensitivity, developing skills to apply a gender approach in activities, held a gender audit in 2019 with the international technical assistance project. Gender audit helped to identify the existing potential of the SJA and the existing limitations in ensuring a gender approach; identify needs and opportunities for further improvement of policies, practices, and procedures; outline strategies for more effective implementation of the gender approach. On September 29, 2021, the High Council of Justice (HCJ) appointed a gender policy officer (coordinator). Thus, in particular, the coordinator organizes work on: - analysis of the state of ensuring gender equality; - coordination of measures in the field of prevention and counteraction to gender-based violence and monitoring of their implementation; - cooperation with public associations and foreign non-governmental organizations and joint development of ways to eliminate discrimination on the grounds of sex; - implementation of constant information activities on elimination of all forms of discrimination on the grounds of sex; - taking measures aimed at forming a gender culture; - training of HCJ staff on gender issues, aimed at developing relevant skills in the implementation of functions and tasks in this area, providing assistance and protection to victims; - taking measures to eliminate manifestations of discrimination on the grounds of sex.

The HCJ has also identified priorities for integrating a gender approach into the organization of its work. In particular, it is planned to create a special section on the official website of the HCJ to promote the principles of gender equality in the judiciary, to conduct trainings on gender equality. The High Council of Justice also analyzed the gender composition of staff. Thus, as of September 1, 2021, the Council had 196 (72%) women and 75 (28%) men, including members of the High Council of Justice, employees of the HCJ Secretariat and the Inspectorate. Out of 17 members of the High Council of Justice, 47% (8) are women and 53% (9) are men.

## **208-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: The Strategy for the Development of the Justice System and Constitutional Judiciary for 2021-2023 stipulates plans to define in procedural codes of Ukraine the following:

- categories of cases subject to review by a sole judge in the court of appeal;
- categories of court decisions (that do not constitute the completion of the case), which are taken by a sole judge in the court of cessation;
- revision of provisions in procedural codes with respect to categories of cases considered by the courts of appeal as courts of the first instance, with a view to transferring these cases to local courts;
- change of jurisdiction in cases in the field of public relations, providing the possibility of consideration by the Supreme Court (or another court of administrative jurisdiction), as a court of the first instance, of cases on the most important issues involving central executive bodies and other state bodies, having nation-wide jurisdiction;

- improvement of legislation to prevent abuse of procedural rights by participants of the trial, effective tools to respond to inappropriate behavior of participants in the trial, which leads to its delays;
- introduction of the institute of complaint for non-observance of reasonable terms of consideration of cases in courts, and as a further measure – introduction of compensation to trial’s participants for violation of reasonable terms of consideration of cases at the expense of the state budget;
- ensuring the rights to use sign language in court proceedings and providing respective translation services.

## **208-9. Enforcement of court decisions and in particular regarding decisions against public authorities**

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

## **208-10. Mediation and other Alternative Dispute Resolution**

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: Mediation and other alternative ways of resolving disputes

The Cabinet of Ministers of Ukraine has identified certain areas and measures in the field of justice, in particular, the improvement of current legislation on dispute resolution within the arbitration proceedings and codifying relations in the field of mediation. Pursuant to the above, on February 2, 2021, the Verkhovna Rada of Ukraine adopted in the first reading the draft Law of Ukraine “On amendments to certain laws of Ukraine on improving the establishment and operation of arbitration courts in order to restore confidence in arbitration” ( 3411).

This bill improves the procedure for the formation and operation of arbitration courts by strengthening the requirements for organizations in which permanent arbitration courts may operate, and expands the powers of arbitration bodies in order to effectively conduct the arbitration. In addition, the Ministry of Justice of Ukraine has developed the draft Law “On amendments to certain legislative acts of Ukraine to improve the arbitration” ( 5347 as of April 8, 2021), which proposes to establish: 1) expanding the arbitrability of disputes that can be transferred for their settlement to the international commercial arbitration (in particular, it is offered to make possible the consideration by arbitration of cases on civil law contractual relations in the area of property privatization, public purchases, corporate relations arising from the contract, without the obligatory arbitration agreement concluded between the legal entity and all its participants, as well as disputes involving a foreign investor related to investments in Ukraine or Ukrainian investments abroad); 2) clarification that in Ukraine, in addition to the International Commercial Arbitration Court and the Maritime Arbitration Commission at the Chamber of Commerce and Industry of Ukraine, the other arbitration institutions without any restrictions may be established and operated; 3) the procedure for determining the composition of arbitration by the appellate court, whose jurisdiction extends to the city of Kyiv (for permanent arbitration institutions, except for the International Commercial Arbitration Court and the Maritime Arbitration Commission at the Chamber of Commerce and Industry of Ukraine); 4) the procedure for state registration of permanent arbitration institutions. Also, on November 16, 2021, the Verkhovna Rada of Ukraine adopted the Law “On Mediation”.

The purpose of the Law is to consolidate at the legislative level the legal framework on mediation (legal regulation of relations in the field of mediation, in particular, defining the scope of mediation, principles of mediation, requirements for mediators, rights and obligations of mediators, their responsibilities, mediation procedures, rights and responsibilities of the parties to mediation, requirements to the mediation agreement and agreement on the settlement of the conflict (dispute) based on the results of mediation). And, in order to introduce alternative dispute resolution, starting from 2021 the Legal Aid Coordination Center is implementing 3 projects aiming at

studying the possibilities of mediation application in the system of free legal aid and tools for its integration into decision-making processes for free secondary legal aid, strengthening the internal capacity of the free legal aid system in providing access to mediation, informing the Ukrainian people about mediation.

## 208-11. Fight against crime

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: In addition, on June 1, 2021, the «Law on amendments to the Criminal Procedure Code of Ukraine on introduction of Information and Telecommunication System of Pre-trial Investigation» was adopted. The law establishes the Information and telecommunication system for pre-trial investigation. It will ensure the creation, collection, storage, search, processing and transfer of materials and information in criminal proceedings.

The system can be used by investigators, interrogators, prosecutors, investigating judges, courts, defense lawyers and other participants in criminal proceedings to exercise their powers, rights and interests.

The materials of the pre-trial investigation, which are in this system, will be transmitted in electronic form. However, by decision of the investigator, interrogator, prosecutor's office, investigating judge or court they can also be transferred in paper form.

Documents signed and agreed by electronic signature in the system and their copies in electronic and paper form will be recognized as originals. "Unauthorized interference into the work of the Information and telecommunications system of the pre-trial investigation entails liability provided for by law," the document says.

The National Anti-Corruption Bureau of Ukraine, Prosecutor General's Office, Council of Judges of Ukraine, and High Anti-Corruption Court of Ukraine approved the Regulation on Information and Telecommunication System of Pre-trial Investigation "eCase" and defined the date for the beginning of work of the system - 16 December 2021.

## 208-12. Prison system

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: • The experimental project "Paid prison cells in remand centres" was implemented in 19 remand centres in Ukraine. It prescribed a new service - payment for the use of paid cells in advance (the service can be provided within 6 months from the date of payment). • 27 penitentiaries have been closed down for the last 4 years, and the closing down of at least 8 institutions is planned.

- Large infrastructure project has been developed to relocate remand centres from urban centers to suburbs or outside the cities.
- A draft law on cooperation with the private sector on private remand centers has been developed.
- A pilot project was introduced and the test operation of the Unified Register of Convicts and Detainees was extended to the Kyiv remand centre and structural subdivisions of the branches of the State Institution "Probation Centre".
- Convicts have been granted permission to use a tablet computer to ensure their right to correspondence, submit online appeals, and access socially relevant information that promotes the development and resocialization of convicts. • Video monitoring centers have been established in all interregional departments and in each institution (for timely detection and prevention of regime violations by convicts and improving the efficiency of performance of official duties by the staff of institutions).
- Probation programs have been developed and implemented to work with adult and juvenile probation subjects.
- "Penitentiary probation" program has been introduced. It provides support and assistance in resolving social and domestic issues to convicts who are preparing to be released from prisons, in order to improve their social rehabilitation and prevent recidivism.
- Model probation offices have been opened in Kharkiv and Bila Tserkva cities. • Juvenile probation centers have been set up to better ensure the interests of a child in conflict with the law.

- ounselling offices have been set up and maintained to work with probation subjects suffering from HIV, tuberculosis, and viral hepatitis C in probation units.

## 208-13. Child friendly justice

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: • Within the pilot project, a program of restorative justice for juveniles who are suspected of committing crimes of small or medium gravity for the first time has been implemented in 6 oblasts (regions) of Ukraine. According to preliminary estimates, the implementation of this project throughout Ukraine will make it possible to remove more than 1500 children from criminal liability.

- Probation programs have been developed and implemented to work with adult and juvenile probation subjects.
- Juvenile probation centers have been set up to better ensure the interests of a child in conflict with the law.

## 208-14. Domestic violence

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: On January 11, 2019 the Law of Ukraine "On amendments to certain laws of Ukraine in connection with the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence" introduced a number of amendments on domestic violence into the Criminal and Criminal Procedural Codes of Ukraine.

The amendments concerned, among other things, criminalization of domestic violence (Article 126-1 of the Criminal Code of Ukraine), coercion to marriage (Article 151-2 of the Criminal Code of Ukraine), as well as criminal liability for non-compliance with restrictive measures or restrictive regulations and failure to pass the program for perpetrators (Article 390-1 of the Criminal Code of Ukraine).

With the entry into force of the above amendments, domestic violence, i.e. the intentional systematic commission of physical, psychological or economic violence against a spouse or ex-spouse or another person with whom the perpetrator is (was) in a family or close relationship, leading to physical or psychological suffering, health disorders, loss of ability to work, emotional dependence or deterioration of the victim's quality of life shall be punishable by community service for a term of one hundred and fifty to two hundred and forty hours, or arrest for up to six months, or restriction of liberty for up to five years, or imprisonment for up to two years.

The Criminal Code of Ukraine was supplemented by Section XIII-1 "Restrictive Measures". In the interests of the victim of a domestic violence (simultaneously with the imposition of a punishment not related to imprisonment or release of criminal liability), the court may apply to the person who committed domestic violence one or more restrictive measures, according to which the following obligations may be imposed on the convict:

- 1) prohibition to be in a place of joint residence with a person who has suffered from domestic violence;
- 2) restriction of communication with the child in the case when domestic violence is committed against the child or in his presence;
- 3) a ban to come close for a certain distance to a place where a person who has suffered from domestic violence may permanently or temporarily reside, temporarily or systematically stay in connection with work, study, treatment or for other reasons;
- 4) prohibition of correspondence, telephone conversations with a person who has suffered from domestic violence, other contacts through means of communication or electronic communications in person or via third parties;
- 5) referral for a program for perpetrators or a probation program.

## 208-15. New information and communication technologies

- Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Unified Judicial Informational Telecommunication System:

Pursuant to the Law of Ukraine dated October 10, 2017, 2147-VIII "On Amendments to the Commercial Procedural Code of Ukraine, the Civil Procedure Code of Ukraine, the Code of Administrative Procedure of Ukraine and other legislative acts" (hereinafter the Law 2147-VIII) the State Judicial Administration of Ukraine was instructed to create and implement a Unified Judicial Informational Telecommunication System (UJITS). In previous years the following UJITS subsystems were operating in a test mode and were ready for official implementation: "Electronic Court"; "Electronic Cabinet"; "Secure video conferencing subsystem"; "Web portal of the judiciary of Ukraine".

By the order of the State Judicial Administration of Ukraine (SJA) dated June 01, 2020, 247 the subsystems "Electronic Court" and "Electronic Cabinet" have been put into trial operation in all local and appellate courts (except the Kyiv Court of Appeal), as well as in the Administrative Court of Cassation and the Commercial Court of Cassation within the Supreme Court.

In addition, in 2020 the courts introduced a system of videoconferencing, which provides the possibility of remote participation of the parties in court hearings by videoconference outside the courtroom and confirmation (identification) of the party to the case using an electronic signature. The Procedure for working with technical means of videoconferencing during a court hearing in administrative, civil, and commercial proceedings with the participation of the parties outside the courtroom was approved. In total, since the introduction of this video conferencing system, more than 20,000 users have been registered and more than 60 000 court hearings have been held via the videoconference.

In 2021 the Law 2147-VIII mentioned had been amended by norms regarding phased implementation of UJITS subsystems (modules). On October 4, 2021, the State Judicial Administration of Ukraine notified the ministries, central executive bodies, regional state administrations, local and appellate courts, the Ukrainian National Bar Association, and the territorial offices of the SJA of Ukraine about the start of the operation of certain subsystems (modules) of UJITS. Thus, the subsystems (modules) of the UJITS mentioned in the announcement of the High Council of Justice began to function officially on October 5, 2021.

SJA of Ukraine also announced the introduction of a number of norms of procedural codes, according to which the procedure for actions related to the start of operation of the UJITS was changed: 1) the procedure and form of submission of procedural documents to the court was changed; 2) the obligation to register in court procedural documents submitted to the court in electronic form was introduced; 3) mechanism of scanning of procedural documents which have arrived to court in a paper form was provided; 4) consideration of the case, its formation and storage, as before, would be carried out in paper form; 5) the courts should be able to send notifications or procedural documents in electronic form to the parties to the case; 6) possibility of acquaintance with case materials in electronic form; 7) possibility of sending by means of UJITS copies of documents submitted to the court by one party to the other party to the case, if it is registered in UJITS; 8) the procedure for filing appeals and cassation appeals to the court in electronic form was changed; 9) the procedure for holding and recording court hearings by videoconference is being changed.

Since 2018, the "eCourt" application has been working in test mode and was officially presented at the end of October 2021. The "eCourt" application allows to: - receive push notifications about the receipt of new documents in the electronic cabinet and changes in the state of affairs to which the user is a participant; - review cases, proceedings, procedural documents sent by the court to the cabinet; - view applications, petitions, and other documents created by the user in his cabinet; - view powers of attorney and orders in the user's cabinet; - cancel proxies and warrants issued by the user.

Information and Telecommunication System of Pre-Trial Investigation:

In addition, on June 1, 2021, the «Law on amendments to the Criminal Procedure Code of Ukraine on introduction of Information and Telecommunication System of Pre-trial Investigation» was adopted. The law establishes the Information and telecommunication system for pre-trial investigation. It will ensure the creation, collection, storage, search, processing and transfer of materials and information in criminal proceedings. For more details please see the Q208-11.

Cybersecurity Strategy of Ukraine:

In August 2021 the President of Ukraine signed Decree No. 447/2021 approving the Cybersecurity Strategy of Ukraine. The Strategy sets the following tasks: - completion of the implementation of the Convention on Cybercrime provisions into Ukrainian legislation; - regulating the issue of electronic evidence at the legislative level, applying the best practices on these issues from the United States of America, EU member states, taking into account modern challenges and trends in the field of cybersecurity; - ensuring an increase in the level of knowledge of employees of operational units, employees of preliminary investigation bodies, prosecutors, judges in the field of

information technology and cybersecurity, primarily in the areas of collection and research of electronic evidence; - implementation of state policy in the field of ensuring the rights of citizens in cyberspace (especially the most vulnerable groups of the population, especially children); - regulation at the legislative level of the legal status of cryptocurrency; -provision of advanced training, material and technical support of forensic experts in the areas of research of computer technology and software products, communication systems and means;- settlement at the legislative level of the issue of the full involvement of the private sector and civil society in the implementation of measures to curb destructive activities in cyberspace; - the creation of a permanent working group on interaction with leading IT companies, global digital service providers, social networks in order to counter hybrid threats, the spread of disinformation, the possibility of applying sanctions in accordance with the laws of Ukraine, etc.

Enforcement of court decisions:

In order to ensure the proper execution of court decisions and decisions of other bodies (officials), the presenting enforcement documents issued in the electronic form has been implemented. At present, the presentation of electronic enforcement documents recorded automatically (namely resolutions on the imposition of administrative penalties for violations of traffic rules) is carried out by the National Police. Also on the portals of services “ACTION” and “Online House of Justice” there is a possibility to view online the information on enforcement proceedings, and the debtors within such enforcement proceedings. One of the components of reforming the enforcement system is the transition to full automation of the enforcement proceedings, including electronic interaction of the state enforcement service, private enforcement agents with banking institutions to seize the debtor's funds. In order to introduce automated seizure of the debtor's funds, a number of normative and organizational measures has been taken, as a result of which the enforcement agents now able to send to banks resolutions on seizing the debtor's funds/removing the seizure from the debtor's funds electronically.

## 208-16. Other

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: