

1. Evaluation of the judicial systems (2016-2018 cycle)



Ukraine

Generated on : 29/08/2018 11:18

Reference data 2016 (01/01/2016 - 31/12/2016)

Start/end date of the data collection campaign : 01/06/2017 - 31/12/2017

Objective :

The CEPEJ decided, at its 28th plenary meeting, to launch the seventh evaluation cycle 2016 – 2018, focused on 2016 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 two observer states (Israel and Morocco). 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. The user manual is accessible in the "Documentation" tab of the application.

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.

1.General 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)

[42584542]

Comments

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	25990113000 <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 economy growth enabled the Government to raise the state expenditures. The increase in EUR is 28% and increase in UAH is 92%.

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

[2001]

Comments The increase of GDP in EUR is 4% and increase in UAH is 35%.

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

[2376]

NA

Comments The economy growth enabled the Government to raise the annual salary and make it higher in UAH comparing to EUR. The increase in EUR is 10,67% and increase in UAH is 63%.

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

[28.42]

Allow decimals : 5

NAP

Comments Due to ongoing inflation the national currency kept losing the price compared with the EUR.

A1. Please indicate the sources for answering questions 1 to 5

Sources: State Statistics Service of Ukraine
Law of Ukraine "On the State Budget of Ukraine for 2016"
Official website of the National Bank of Ukraine

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 budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please

answer NAP to the question 7.

	Approved budget (in €)	Implemented budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	219392178 [] NA [] NAP	216457497 [] NA [] NAP
1. Annual public budget allocated to (gross) salaries	178784936 [] NA [] NAP	178567234 [] NA [] NAP
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	5069989 [] NA [] NAP	4816308 [] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	37019 [] NA [] NAP	34971 [] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	2158022 [] NA [] NAP	2092441 [] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	284655 [] NA [] NAP	267266 [] NA [] NAP
6. Annual public budget allocated to training	16249 [] NA [] NAP	12663 [] NA [] NAP
7. Other (please specify)	33041308 [] NA [] NAP	30666614 [] NA [] NAP

Comments - 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 differences: Rather sharp increase in budgeting the judiciary system in 2016 was entailed by two main factors. First, in order to stabilize the economic situation in Ukraine and for economical and rational use of public funds after Maydan events (the Revolution of Dignity) the Cabinet of Ministers of Ukraine issued the Resolution on saving public funds and preventing budget losses as of 1 March 2014 No 65. This act was in force the whole of 2014 and resulted in reduced funding, including judicial system's needs (except for the item 1 – salaries). Then the funding had been gradually reverting. This is the main cause why at first sight the budgetary categories got the bigger funding in 2016 comparing to 2014.

The second factor was the real rising of funds because of some initiatives, implemented in the framework of the judicial reform, or because of some other initiatives of the state.

For example, the rise in funding in item 2 is a result of increased amount of purchased technics for audio and video fixation in court proceedings in 2016, as well as rising of spendings on means of archiving documentation in electronic form, and on programs and equipment for cyber attack protection.

The increased funding in item 3 is caused of increased prices for state postal services (e.g. for sending the request for summons) and the introduction of the rule to ensure translation from Russian to Ukrainian (that was not the case in 2014) in court proceedings.

In item 4, in the result of really sharp prices rise for communal public services, for its economic use was decided to install gas, water, and electric meters in the court buildings, as well as the building of autonomous boiler house in the courts, which caused additional spendings.

In item 5, due to the policy of the state in respect of improving for providing justice in regions, the State increased spendings for the building of new court buildings.

The difference in item 6 in 2016 comparing to 2014 has appeared because in 2014 the State Judicial Administration gave the sum for the whole National School of Judges as an institution, approved instead of the separate sum for training (that was 16489 € in 2014). For 2016 the data is given only for the training of judges.

At the same time, there is a decrease of spendings in the Items 1 and 7.

Nevertheless the norms of the above Resolution was not extending on the spendings in item 1, however, there is a decrease comparing to 2014, caused by the sharp devaluation of national currency compared to euro.

In case of item 7, the higher spendings in 2014 in this category were caused by a big debt of the state before the contractors in 2013. In 2014 this debt was paying off.

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

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

Comments:

008. Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

	Litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction ?
for criminal cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
for other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If there are exceptions to the rule to pay a court tax or fee, could you please provide comments on those exceptions?

008-1. Please briefly present the methodology of calculation of court taxes or fees:

- The court fee is collected at the appropriate amount from the subsistence minimum for able-bodied persons, established by law on January 1 of the calendar year in which the corresponding application or complaint has been submitted to the court. The court fee is collected in percentage to the price of the claim and at a fixed amount.

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

[30]

NA

NAP

Comments The amount of court fee to commence an action for 3 000 euro debt recovery is depending on the plaintiff, i.e. whether it legal

entity or natural person (individual) or individual entrepreneur. For legal person the court fee is 1,5 % of the amount of debt, but not less than the one level of the subsistence minimum for able-bodied persons. In our case the amount of the court fee for legal entity is 45 euro. For individuals (natural persons) or individual entrepreneur the court fee is 1 % of the amount of debt, but not less than 0,4 part of the subsistence minimum for able-bodied persons and not more than 5 levels of the subsistence minimum for able-bodied persons. In our case the amount of the court fee for individuals (natural persons) or individual entrepreneur is 30 euro. In Ukraine the subsistence minimum as of 1 of January 2016 was 1 459 UAH or 55,66 euro.

009. Annual income of court taxes or fees received by the State (in €)

[125937328]

[] NA

[] NAP

Comments The court fees were increased in 2016.

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

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	8052860 [] NA [] NAP	3240045 [] NA [] NAP	4812814 [] NA [] NAP
12.1 for cases brought to court	5798627 [] NA [] NAP	3240045 [] NA [] NAP	2558581 [] NA [] NAP
12.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	2254232 [] NA [] NAP	[] NA [X] NAP	2254232 [] NA [] NAP

Comments Due to judicial reform in Ukraine, the judicial system obtains the higher budget for its needs. The government started the reform of the free legal aid in Ukraine and increased the budget for this area (for more details please see the Q208).

Item 12.1. shows data concerning providing services of free secondary legal aid, which according to Law of Ukraine "On Free Legal Aid" include protection, representation of interests in court and constitution (drafting) of procedural documents.

Item 12.2. shows data concerning providing services of free primary legal aid, which according to Law of Ukraine "On Free Legal Aid" include: providing legal information; providing consultations and clarifications on legal issues; drafting applications, complaints and other legal documents (except procedural documents); providing assistance to the person in ensuring its access to the secondary legal aid and mediation.

About the difference between the budget approved and implemented for the legal aid: In 2016, the third stage of the institutional development of the state legal aid system was launched. Under its framework, the opening of 432 legal aid offices in small towns and district centers, separate structural subdivisions of the local centers for providing the state legal aid, was planned.

The start of work of these legal aid offices was scheduled on 01.06.2016, but due to a number of technical circumstances related to the preparation for the start of their operation, these offices in practice started operating on 01.09.2016 (with the further process of staffing during September-December 2016). In this regard, the spendings for providing legal aid by lawyers were lower than the planned amount, which led to a difference between the budget approved and implemented in the amount of 1 101 906 euros.

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

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	6950954 [] NA [] NAP	3496572 [] NA [] NAP	3454380 [] NA [] NAP

12-1.1 for cases brought to court	5088824 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3496572 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1592251 <input type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	1862129 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	1862128 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - 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 differences: Due to judicial reform in Ukraine the judicial system obtains higher budget for its needs. The government started the reform of the free legal aid in Ukraine and increased the budget for this area (for more details please see the Q208)

Item 12-1.1. shows data concerning providing services of free secondary legal aid, which according to Law of Ukraine "On Free Legal Aid" include protection, representation of interests in court and constitution (drafting) of procedural documents.

Item 12-1.2. shows data concerning providing services of free primary legal aid, which according to Law of Ukraine "On Free Legal Aid" include: providing legal information; providing consultations and clarifications on legal issues; drafting applications, complaints and other legal documents (except procedural documents); providing assistance to the person in ensuring its access to the secondary legal aid and mediation. About the difference between the budget approved and implemented for the legal aid: In 2016, the third stage of the institutional development of the state legal aid system was launched. Under its framework, the opening of 432 legal aid offices in small towns and district centers, separate structural subdivisions of the local centers for providing the state legal aid, was planned.

The start of work of these legal aid offices was scheduled on 01.06.2016, but due to a number of technical circumstances related to the preparation for the start of their operation, these offices in practice started operating on 01.09.2016 (with the further process of staffing during September-December 2016). In this regard, the spendings for providing legal aid by lawyers were lower than the planned amount, which led to a difference between the budget approved and implemented in the amount of 1 101 906 euros.

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

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in €	116282491 <input type="checkbox"/> NA <input type="checkbox"/> NAP	108905433 <input type="checkbox"/> NA <input 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 allocated to the public prosecution services, please indicate the main differences: Due to the fluctuation of exchange rate the prosecution budget decreased in Euro for 25 %. Nevertheless, there was no any significant increase in budgeting of prosecution in UAH for 2016.

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
Ministry of Justice	<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 ministry	<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
Parliament	<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

Supreme Court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
High Judicial Council	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
Courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
Inspection body	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP

Comments - If any other Ministry and/or inspection body and/or other, please specify:

A2. Please indicate the sources for answering questions 6 to 14:

Sources: The Law of Ukraine on the Court Fee come into effect from 2012. State Judicial Service of Ukraine.
Law of Ukraine "On the State Budget of Ukraine for 2016".
Information obtained from the State Treasury Service of Ukraine.
Information obtained from the Clearing House for Delivering Legal Aid in Ukraine.

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 court system as defined under question 6 and also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.).

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	3683477942 [] NA [] NAP	[X] NA [] NAP

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 allocated to the whole justice system, please indicate the main differences: State Border Guard Service of Ukraine; National Anti-Corruption Bureau of Ukraine; National Agency for Prevention of Corruption Public Guard Department, National Guard of Ukraine, also the Specialized Anticorruption Prosecution Office are the new state bodies in Ukraine created and started their activity in 2015-2016. That is the reason for such increase in budget sum comparing to 2014.

015-2. (Modified question) Please indicate the budgetary elements that are included in the whole justice system by specifying on the one hand the elements of the judicial system budget (please check the consistency with questions 6, 12 and 13). (Note: NAP means that the element does not

exist in your system):

	Included
Court (see question 6)	(X) Yes () No <input type="checkbox"/> NAP
Legal aid (see question 12)	(X) Yes () No <input type="checkbox"/> NAP
Public prosecution services (see question 13)	(X) Yes () No <input type="checkbox"/> NAP

Comments:

015-3. (Modified question) On the other hand, please specify the other budgetary elements included in the whole justice system budget. (Note: NAP means that the element does not exist in your system):

	Included
Prison system	(X) Yes () No <input type="checkbox"/> NAP
Probation services	() Yes (X) No <input type="checkbox"/> NAP
Council of the judiciary	(X) Yes () No <input type="checkbox"/> NAP
Constitutional court	(X) Yes () No <input type="checkbox"/> NAP
Judicial management body	(X) Yes () No <input type="checkbox"/> NAP
State advocacy	() Yes (X) No <input type="checkbox"/> NAP
Enforcement services	(X) Yes () No <input type="checkbox"/> NAP
Notariat	(X) Yes () No <input type="checkbox"/> NAP
Forensic services	() Yes (X) No <input type="checkbox"/> NAP

Judicial protection of juveniles	(X) Yes () No [] NAP
Functioning of the Ministry of Justice	(X) Yes () No [] NAP
Refugees and asylum seekers services	(X) Yes () No [] NAP
Immigration Service	(X) Yes () No [] NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	(X) Yes () No [] NAP
Other	(X) Yes () No [] NAP

Comments - If "other", please specify: State Border Guard Service of Ukraine

National Anti-Corruption Bureau of Ukraine

National Agency for Prevention of Corruption Public Guard Department

National Guard of Ukraine

The State advocacy is excluded because it is the constituent part of the Legal aid (see Q.15-1). The free legal aid in Ukraine, among others, contains the free legal counsel.

A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: State Judicial Service of Ukraine. Law of Ukraine "On the State Budget of Ukraine for 2016".
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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	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP

Legal advice	<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
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Comments

017. Does legal aid include the coverage of or the exemption from court fees?

Yes

No

Comments - If yes, please specify: The provision of legal aid in Ukraine is free of charge. But itself the legal aid doesn't include the coverage of or exemption of court fees. The legal aid contains the provision of another type of aid (such as: provision of legal information; consultations and clarifications on legal issues; drafting applications, complaints, and other documents of legal nature (except procedural documents) etc.).

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

No

Comments - 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
Legal aid granted for other costs	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify:

2.1.2. Quantitative information on legal aid



020. (Modified question) Please indicate the number of cases for which legal aid has been granted:

	Cases brought to court	Cases not brought to court / non-litigious cases
TOTAL	115186 [] NA [] NAP	239164 [] NA [] NAP
In criminal cases	77233 [] NA [] NAP	[] NA [X] NAP
In other than criminal cases	37953 [] NA [] NAP	239164 [] NA [] NAP

Comments - Please specify when appropriate: The statistical reporting in the system of delivering free legal aid provides data collection

on the number of events when the free legal aid was granted, but not the number of cases for which legal aid has been granted. Due to increasing of the budget allocated to legal aid its bodies have much more opportunities to exercise their tasks and powers. Also, it needs to be mentioned, that the amount of cases for which the legal aid is granted has increased significantly in 2016.

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?

	Assisted by a free of charge lawyer
Accused individuals	(X) Yes () No
Victims	(X) Yes () No

Comments - If yes, please specify: Free legal aid in Ukraine is granted to any person, both accused or victim, who is under the jurisdiction of Ukraine, if he/she falls under the groups, defined by the law (for instance, persons, who do not have sufficient financial means, persons covered by the Law of Ukraine "On refugees and persons in need of additional or temporary protection," veterans of war and persons covered by the Law of Ukraine "On the Status of War Veterans, Guarantees of Their Social Protection," etc.)

022. If yes, are individuals free to choose their lawyer within the framework of the legal aid system?

() Yes

(X) No

Comments

023. (Modified question) Does your country have an income and assets evaluation for granting (full or partial) legal aid to the applicant? The answer NAP means that there is no income and/or assets evaluation system for granting legal aid.

	Annual income value (for one person), (in €)	Annual assets value (for one person), (in €)
Full legal aid for criminal cases	[X] NA [] NAP	[X] NA [] NAP
Full legal aid for other than criminal cases	[X] NA [] NAP	[X] NA [] NAP
Partial legal aid for criminal cases	[] NA [X] NAP	[] NA [X] NAP
Partial legal aid for other than criminal cases	[] NA [X] NAP	[] NA [X] NAP

Comments - If yes, please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the figures provided above: For the purpose of answering the 'full legal aid' was construed as secondary legal aid, which according to Ukrainian legislation includes 1) protection of rights; 2) the representation of the interests of persons entitled to free secondary legal aid in courts, other state bodies, bodies of local self-government, and other persons;

3) the collection of documents of a procedural nature.

And the 'partial legal aid' means primary legal aid and includes such legal services as 1) provision of legal information; 2) provision of legal advice and explanations; 3) the submission of applications, complaints and other documents of a legal nature (except documents of a

procedural nature);4) assistance in providing access to secondary legal aid and mediation.

In case of the primary legal aid, it is granted to all persons under the jurisdiction of Ukraine regardless of their financial status, so this item was marked as 'NAP'.

According to Ukrainian legislation, the persons, who are under the jurisdiction of Ukraine, if their average monthly income does not exceed the two subsistence minimums calculated and approved by law for persons belonging to the main social and demographic groups of the population, as well as disabled persons, who receive a pension or a grant instead of a pension, at a rate not exceeding two subsistence minimums for the disabled are entitled to secondary legal aid.

024. In other than criminal cases, 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. In other than criminal cases, is the decision to grant or refuse legal aid taken by (one option only):

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments The decision to grant or refuse legal aid is taken by the Centre 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? In accordance with paragraph 19 of part 4 of Article 6 of the Law of Ukraine on Insurance, one of the types of voluntary insurance is the insurance related to legal expenses for legal proceedings which is a growing phenomenon.

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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
in other than criminal cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

B1. Please indicate the sources for answering questions 20 and 23 :

Sources: Information obtained from the Clearing House for Delivering Legal Aid in Ukraine.

2.2.Users of the courts and victims

2.2.1.Rights of the users and victims

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

	Yes, please indicate the internet adresse(es)	No
legal texts (e.g. codes, laws, regulations, etc.)	(X) www.court.gov.ua; www.rada.gov.ua	()
case-law of the higher court/s	(X) www.court.gov.ua; www.scourt.gov.ua; www.sc.gov.ua; www.arbitr.gov.ua; www.vasu.gov.ua; www.reyestr.court.gov.ua	()
other documents (e.g. downloadable forms, online registration)	(X) www.court.gov.ua; www.online.minjust.gov.ua	()

Comments - Please specify what documents and information the addresses for "other documents" include: www.online.minjust.gov.ua : on-line services include: reissuance of documents by the Departments of State registration of acts of civil status; registration of individual entrepreneurs, legal entities, public organizations and print media; registers data; getting of electronic digital signatures; receiving of instant message notifications regarding the status of any objects of real estate in the State Registry of Real-Estate Property Rights; www.court.gov.ua : broadcast of court sessions.

029. (Modified question) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- () Yes, always
(X) No
() Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify:

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

- (X) Yes
() No

Comments - If yes, please specify: Victims of crime can resort to the following: http://minjust.gov.ua.onion.gold/legal_aid (a network of about 550 free legal aid offices in all regions of Ukraine and telephone number of the free legal aid system (free of charge within Ukraine), www.ombudsman.gov.ua (Ukrainian Parliament Commissioner for Human Rights), www.irf.ua (Program Initiative "Human Rights and Justice" of the International Renaissance Foundation), www.helsinki.org.ua (The Ukrainian Helsinki Human Rights Union provides information and free legal aid), various regional NGOs.

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	(X) Yes () No	(X) Yes () No	() Yes (X) No
Victims of terrorism	(X) Yes () No	() Yes (X) No	() Yes (X) No
Minors (witnesses or victims)	(X) Yes () No	() Yes (X) No	() Yes (X) No
Victims of domestic violence	(X) Yes () No	() Yes (X) No	() Yes (X) No
Ethnic minorities	(X) Yes () No	(X) Yes () No	(X) Yes () No
Disabled persons	(X) Yes () No	(X) Yes () No	(X) Yes () No
Juvenile offenders	(X) Yes () No	() Yes (X) No	(X) Yes () No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	(X) Yes () No	() Yes (X) No	() Yes (X) No

Comments - If “other vulnerable person” and/or “other special arrangements”, please specify: As to the special arrangements in court hearings: victims of rape have the possibility of an in camera proceeding, excluding the public; ethnic minorities and disabled persons should be granted language and other necessary assistance during a court proceeding; in respect of juvenile offenders, there is an obligation to hear the opinion of an association protecting the interest of a minor accused of a crime. Besides, other specific arrangements include ramps that are built to provide free access to the buildings of courts. At the acceptable height, there is a call button and accessibility badges for visually impaired people (Braille signs). It is also possible to freely receive information as to the case (its consideration, date of the hearing, decision taken), telephone numbers of the court etc.

The data given in this cycle is based on Ukrainian legislation. The data for 2014 shall be harmonized with this cycle, since the legislation in this part has not been changed.

031-1. Is it possible for minors to be a party to a judicial proceeding:

(X) Yes

() No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.): Due to Article 56 of the Code of Administrative Legal Proceedings of Ukraine the court may involve minors in case they reached the age of administrative procedural capacity. Article 142 provides for the procedure for interrogation of juvenile and minor witnesses in the presence of certain individuals. Article 44 and 488 of the Criminal Procedural Code of Ukraine provides that if a minor is a suspect or accused, than his legal representative shall be involved in participation in proceedings together with him. Article 52 states that the participation of the defender is obligatory regarding persons who are suspected or accused of committing a criminal offense under the age of 18. Article 490 provides that the interrogation of a minor who is a suspect or accused shall be carried out in the presence of a defender. Article 226 and 354 states that the procedure for interrogation of juvenile and minor witnesses shall be carried out in the presence of certain individuals. Article 29 of the Civil Procedural Code of Ukraine provides that minors aged between fourteen and eighteen may personally exercise civil procedural rights and perform their duties in court in matters arising from the relations in which they personally participate, if not otherwise established by the law. The court may engage in such cases a legal representative of a minor. A person acquires civil procedural capacity from the moment of registration of the marriage (in case he is under 18). A minor acquires civil procedural capacity if it was granted to him in accordance with the procedure established by this Code. Due to Article 27 a minor can express its opinion personally or through a representative or a legal representative. Article 182 provides for the procedure for interrogation of juvenile and minor witnesses in the presence of certain individuals.

032. Does your country allocate compensation for victims of crime?

Yes, please specify for which kind of offences:civil, criminal, administrative

No

Comments

032-1. (New question) Is a court decision necessary in the framework of the compensation procedure?

Yes

No

Comments

033. If yes, does this compensation come from:

a public fund

damages and interests to be paid by the person responsible

a private fund

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 the victims (protection and assistance)?

Yes

No

Comments - If yes, please specify: The prosecutor represents the interests of a victim (a citizen of Ukraine, a foreigner or a stateless person) in the court in cases where such person is not able to protect his rights independently or exercise procedural powers due to failure to reach adulthood, incapacity or limited capacity, and lawful representatives or bodies, for which the Law provides the right to protect the rights, freedoms and interests of such person, not to commit or inappropriately implement its protection.

Also, the prosecutor may provide necessary information for a victim. (Article 23 of the Law of Ukraine "On Prosecutor's office")

036. Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)

Yes

No

NAP

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

2.2.2. Confidence of citizens in their justice system

037. (Modified question) Is there a system for compensating users in the following circumstances:

	Number of requests for compensation	Number of condemnations	Total amount (in €)
Total	<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
Excessive length of proceedings	<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
Non-execution of court decisions	<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
Wrongful arrest	<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
Wrongful conviction	<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
Other	<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 - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions):

038. (Modified question) Did your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?

	National level	Court level
1. (Satisfaction) surveys aimed at judges	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
2. (Satisfaction) surveys aimed at 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
3. (Satisfaction) surveys aimed at public prosecutors	<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
4. (Satisfaction) surveys aimed at lawyers	<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
5. (Satisfaction) surveys aimed at the parties	<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

6. (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)	<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
7. (Satisfaction) surveys aimed at 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
8. Other not mentioned	<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

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

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

Yes

No

Comments

041. (Modified question) If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Time limit for dealing with the complaint
Court concerned	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Higher court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Ministry of Justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Council of the Judiciary	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other external bodies (e.g. Ombudsman)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

041-1. (Modified question) Please specify further certain aspects of this procedure:

	Number of complaints	Compensations amount granted to users
Court concerned	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Higher court	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Ministry of Justice	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Council of the Judiciary	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Other external bodies (e.g. Ombudsman)	9216	
	<input type="checkbox"/> NA	<input checked="" type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: Article 108 of the Law of Ukraine “On the Judiciary and the Status of Judges” provides that disciplinary proceedings against a judge are carried out by disciplinary chambers of the High Council of Justice in accordance with the procedure established by the Law of Ukraine "On the High Council of Justice", taking into account the requirements of the Law of Ukraine “On the Judiciary and the Status of Judges”. The High Council of Justice approves and posts an example of a disciplinary complaint on its official web portal. Disciplinary proceedings are carried out within a reasonable time. After amending the Law of Ukraine “On the Judiciary and the Status of Judges” disciplinary proceedings against judges are prescribed in the Law of Ukraine "On the High Council of Justice", therefore, the number of complaints stated in the table goes to ‘Other external bodies’ as 8160 of complaints were processed by the High Qualification Commission of Judges of Ukraine and 1056 – readdressed to the High Council of Justice (after amending the Laws), that is why 9216 is the total amount of complaints filed.

3. Organisation of the court system

3.1. Courts

3.1.1. Number of courts

042. Number of courts considered as legal entities (administrative structures) and geographic locations

	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	663 <input type="checkbox"/> NA <input type="checkbox"/> NAP
42.2 First instance specialised courts (legal entities)	54 <input type="checkbox"/> NA <input type="checkbox"/> NAP
42.3 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)	765 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

043. Number (legal entities) of first instance specialised courts (or specific judicial order)

	Number of courts
Total (must be the same as the data given under question 42.2)	54 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Commercial courts (excluded insolvency courts)	27 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Labour courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Family courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Rent and tenancies courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Enforcement of criminal sanctions courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Fight against terrorism, organised crime and corruption	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Internet related disputes	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Administrative courts	27 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Insurance and / or social welfare courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Military courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other specialised 1st instance courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If “other specialised 1st instance courts”, please specify:

044. Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

Yes

No

Comments - If yes, please specify: Before the Law on Judicial System became effective in part regarding the new structure of the court system, Ukrainian judiciary consisted of the courts of general jurisdiction and the court of constitutional jurisdiction (the Constitutional Court of Ukraine). The courts of general jurisdiction were so far composed of a 4-pillar structure: Courts of the first instance, consisting of local general courts, local commercial courts, and circuit administrative courts; Courts of appeals, consisting of appellate courts, commercial appellate courts, and administrative appellate courts; Courts of cassation, consisting of the Superior Specialized Court on Civil and Criminal Cases, the Superior Commercial Court of Ukraine, the Superior Administrative Court of Ukraine; the Supreme Court of Ukraine. The new three-tier judicial system will include local courts, courts of appeal and the Supreme Court, carrying out the functions of cassation. Besides, within the framework of the judicial reform in Ukraine, the Supreme Council of Justice decided to approve the liquidation of local general courts and the formation of district courts proposed by the draft decree issued by the President of Ukraine.

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

Number of courts

a debt collection for small claims	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
a dismissal	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
a robbery	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

045-1. (New question) Is your definition for small claims the same as the one in the Explanatory note?

Yes

No, please give your definition for small claims:-

Comments The respective legislation does not provide for the definition of small claims (the year of reference). Nevertheless, in the new Procedural codes (effective as of December, 2017), people's deputies introduced the concept of small claims and determined the order of their consideration. Small claims are the ones, in which the value of the claim does not exceed one hundred living wage for able-bodied persons and cases of minor complexity recognized by the court as insignificant, except for cases the value of a claim in which exceeds five hundred sizes of subsistence minimum for able-bodied persons.

045-2. (New question) Please indicate the value in € of a small claim:

[0]

Comments The value of all claims is determined in accordance with the subject of each claim concerned.

C. Please indicate the sources for answering questions 42, 43 and 45:

Sources: High Qualification Commission of Judges 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 permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	6203 <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
1. Number of first instance professional judges	4854 <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

2. Number of second instance (court of appeal) professional judges	1330 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Number of supreme court professional judges	19 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comment - Please provide any useful comment for interpreting the data above: The dramatic change in numbers compared to the previous year is caused by the start of judicial reform in Ukraine. With coming into force of provisions regarding submitting by judges financial declarations and the mandatory passing of the judicial qualification assessment, about one-fourth of judges resigned from office by their own will.

On 29 June 2016 the Law of Ukraine "On Amendments to the Constitution of Ukraine in Part of Justice" (hereinafter "Constitutional amendments") was officially published and became effective on 30 September 2016. Furthermore, 16 July 2016 was marked by the publication of the Law of Ukraine "On Judicial System and Status of Judges" (hereinafter "Law on Judiciary"), laid out in the new edition and aimed at implementation of the changes introduced by the Constitutional amendments. Judicial reform involves the following conceptual changes: Changes in the court system (three-tier judicial system, which includes local courts, courts of appeal and the Supreme Court, carrying out the functions of cassation), Specialization (the reform introduced the High Court on Intellectual Property and the High Anti-Corruption Court (they are not yet established), New procedure for appointment, dismissal, and responsibility of judges (within the framework of judicial reform the minimum age of judges was raised to 30 years, and a maximum of 65 years was introduced. The procedure of appointing judges on the basis of public competition and qualification assessment was also described in the new legislation, Introduction of additional requirements for the judges (the Law on Judiciary established the duty of the judge to confirm the legality of the source of origin of funds in the course of evaluation of judge's suitability to the position or during disciplinary proceedings initiated in the circumstances causing doubts of legality of the source of origin of the funds or integrity of the conduct of the judge. Moreover, the judge is now obliged to submit a Declaration of Judge's Integrity and a Declaration of Judge's Related Persons. The difference of the number of Supreme Court judges, compared to 2014, is due to a different methodology of presenting data.

047. Number of court presidents (professional judges). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	676 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Number of first instance court presidents	635 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Number of second instance (court of appeal) court presidents	40 [] NA [] NAP	32 [] NA [] NAP	8 [] NA [] NAP
3. Number of supreme court presidents	1 [] NA [] NAP	1 [] NA [] NAP	0 [] NA [] NAP

Comments The discrepancy between 4 presidents for 2014 and 1 Supreme Court president for 2016 is caused by changes in structural reformation of judicial system. In 2014 there was 4-tier judicial system: courts of the first instance, consisting of local general courts, local commercial courts, and circuit administrative courts; courts of appeals, consisting of appellate courts, commercial appellate courts, and administrative appellate courts; courts of cassation, consisting of the High Specialized Court on Civil and Criminal Cases, the High Commercial Court of Ukraine, the High Administrative Court of Ukraine; the Supreme Court of Ukraine, so the number of 4 SC presidents were stated for 2014. In 2016 after constitutional amendments in part of justice now there is a three-tier judicial system (local courts, courts of appeal and the Supreme Court, carrying out the functions of cassation, so the president of the SC on the cassational level is 1.

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
Gross figure	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In full-time equivalent	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If necessary, please provide comments to explain the answer provided: In Ukraine there are no professional judges acting on an occasional basis. In accordance with Article 52 of the Law of Ukraine “On the Judiciary and the Status of Judges”, a judge is a citizen of Ukraine, who, in accordance with the Constitution of Ukraine and the Law, has been appointed as a judge, holds a full-time judicial position in one of the courts of Ukraine and carries out professional duties.

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

- Yes, please give specifications on the types of cases and an estimate in percentage.
- No

Comments In Ukraine there are no professional judges acting on an occasional basis. In accordance with Article 52 of the Law of Ukraine “On the Judiciary and the Status of Judges”, a judge is a citizen of Ukraine, who, in accordance with the Constitution of Ukraine and the Law, has been appointed as a judge, holds a full-time judicial position in one of the courts of Ukraine and carries out professional duties.

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

	Figure
Gross figure	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In full time equivalent	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

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

	Yes	No	Echevinage
in criminal law cases	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- severe criminal cases	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- misdemeanour and/or minor criminal cases	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

in family law cases	()	(X)	()
in civil cases	()	(X)	()
in labour law cases	()	(X)	()
in social law cases	()	(X)	()
in commercial law cases	()	(X)	()
in insolvency cases	()	(X)	()
other	()	(X)	()

Comments - If "other", please specify:

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

(X) Yes

() No

Comments

050-1. (New question) If yes, for which type of case(s)? (Please, for severe criminal cases and misdemeanour cases refer to the CEPEJ definitions)

[X] Severe criminal cases

[X] Misdemeanour cases

[] Other cases

Comments

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

[]

[X] NA

[] NAP

Comments In 2016 a trial by jury reviewed 51 criminal cases and 13 481 civil cases with the participation of citizens.

052. Number of non-judge staff who are working in courts (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 permanent posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	23492 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)	6336 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
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)	15341 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
4. Technical staff	1815 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
5. Other non-judge staff	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - If "other non-judge staff", please specify: Item 2: In 2014 the State Judicial Administration of Ukraine could not separate the statistical data for item 2 and 3, so they gave us the sum of them in item 2. Item 3 was marked as NA.

For 2016, the SJA already could give a separate statistics on both items.

053. (Modified question) If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do 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
- other cases not mentioned (please describe in comment)
- non-litigious cases

Comments - Please briefly describe their status and duties: Not applicable in Ukraine.

054. Have the courts outsourced certain services, which fall within their powers, to private providers?

- Yes
- No

Comments

054-1. (New question) If yes, please specify which services have been outsourced:

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify):

Comments

C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: High Qualification Commission of Judges of Ukraine and State Judicial Administration 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 permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	10133 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6587 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3546 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of prosecutors at first instance level	<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
2. Number of prosecutors at second instance (court of appeal) level	<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
3. Number of prosecutors at supreme court level	<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 indicate any useful comment for interpreting the data above: Ukrainian legislation does not provide for prosecutors at first instance, second instance and at supreme court level. The only separation is for regional, local prosecutors, and prosecutors of the General Prosecutor's Office.

The decrease in the number of public prosecution servants was caused by legislation amendments to the Law of Ukraine “On Prosecution Service” in 2015, which limited the number of prosecution servants. This has led to staffing cuts.

056. Number of heads of prosecution offices (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	195 [] NA [] NAP	186 [] NA [] NAP	9 [] NA [] NAP
1. Number of heads of prosecution offices at first instance level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Number of heads of prosecution offices at supreme court level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Please provide any useful comment for interpreting the data above: The Ukrainian legislation does not provide the division of prosecutors of the 1st, 2nd and the Supreme Court levels. The decrease in the number of public prosecution heads was caused by legislation amendments to the Law of Ukraine “On Prosecution Service” in 2015, which limited the number of prosecution servants and changed the structure of the prosecution offices within the territorial jurisdiction. Instead of city, regional, inter-regional, district in cities and other specialized prosecution offices (667) the only group “local prosecution offices” (178) were introduced. This has led to staffing cuts.

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

- () Yes, please specify their number (in full-time equivalent):
- (X) No

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

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

- () Yes
- (X) No

Comments NAP

059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?

- () Yes
- (X) No

Comments

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

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	3679 [] NA	[X] NA	[X] NA

Comments The number includes the public servants, servants and the workers of the prosecution offices (non-public prosecutors). The decrease in the number of public prosecution servants was caused by legislation amendments to the Law of Ukraine “On Prosecution Service” in 2015, which limited the number of prosecution servants. This has led to staffing cuts.

C2. Please indicate the sources for answering questions 55, 56 and 60

Sources: Provided by the General Prosecutor's Office.

3.4. Management of the court budget

3.4.1. Court budget

061. Who is entrusted with responsibilities related to the budget within the 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
Management Board	<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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Court President	<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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Court administrative director	<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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Head of the court clerk office	<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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other	<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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If “other”, please specify: In accordance with paragraph 4 of Article 148 of the Law of Ukraine ‘On the Judiciary and the Status of Judges’, territorial offices of the State Judicial Administration are entrusted with the function to allocate budgetary funds to local courts.

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 (are there quality systems for the judiciary and/or judicial quality policies)?

Yes

No

Comments - If yes, please specify: The judiciary system operates in accordance with principles of organization of judicial power which declared in the Law of Ukraine On the Judiciary and Status of Judges.

067. Do you have specialised court staff that is entrusted with these quality standards?

Yes

No

Comments

068. Is there a national system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan agreed beforehand?

Yes

No

Comments

068-1. (New question) If yes, please specify the frequency of this evaluation:

Annual

Less frequent

More frequent

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

069. Is there a system for monitoring and evaluating the performance of the public prosecution service?

Yes

No

Comments - If yes, please give further details: In accordance with the requirements of Article 6 of the Law of Ukraine On Prosecutor's Office, prosecutors' offices inform the society about their activities at least twice a year by means of mass media reports.

The Attorney General personally, at least once a year, must report to the Verkhovna Rada of Ukraine on the activities of the prosecutor's office at a plenary meeting, by providing aggregate statistical and analytical data.

The heads of regional and local public prosecutors at an open plenary session of the relevant council, which are invited by media representatives, inform the population of the relevant administrative unit about the results of their activities in this territory by providing aggregate statistical and analytical data at least twice a year.

Information on the activities of the prosecutor's office is also made public in the national and local print media and on official web sites of the prosecutor's office.

3.6.2. Performance and evaluation of courts



070. Do you have, within the courts, a regular monitoring system of court activities concerning:

number of incoming cases

number of decisions delivered

number of postponed cases

length of proceedings (timeframes)

age of cases

other (please specify):

Comments

071. Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:

civil law cases

criminal law cases

administrative law cases

Comments

072. Do you have an evaluation process to monitor waiting time during court procedures?

Yes

No

Comments - If yes, please specify:

073. Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

Yes

No

Comments The basic indicators of the efficiency of the court activity are indicated in the decision of the council of judges of general courts from February 13, 2014, No. 21.

073-0. (New question) If yes, please specify the frequency:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify: The analysis is conducted in the six months and year.

073-1. Is this evaluation of the court activity used for the later allocation of means to this court?

Yes

No

Comments

074. Are there performance targets defined at the level of the court?

Yes

No

Comments

075. (Modified question) Please specify the main targets applied to the courts:

to increase efficiency / to shorten the length of proceedings

to improve quality

to improve cost efficiency / productivity

Other (please specify):

Comments

076. Who is responsible for setting the targets for the courts?

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example High Judicial Council, Higher Court)

- President of the court
- Other (please specify):

Comments

077. Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 79)

- Yes
- No

Comments

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

- incoming cases
- length of proceedings (timeframes)
- closed cases
- pending cases and backlogs
- productivity of judges and court staff
- percentage of cases that are processed by a single sitting judge
- enforcement of penal decisions
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- number of appeals
- other (please specify):

079. Who is responsible for evaluating the performance of the courts (multiple options possible) :

- High Council of judiciary
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify): State Judicial Administration of Ukraine

Comments

3.6.3. Court activity and administration

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

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

080-1. Does this institution publish statistics on the functioning of each court:

- Yes, on internet
- No, only internally (in an intranet website)
- No

Comments

081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of cases processed 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): According to the Law of Ukraine On the Judiciary and Status of Judges, the State Judicial Administration of Ukraine organizes work on conducting judicial statistics.

In order to report on the effectiveness of the administration of justice by local and appellate courts, ensuring the timely receipt of information on the observance by courts of time for review of lawsuits, the adoption of sound management decisions and in accordance with designated powers, the State Judicial Administration of Ukraine develops forms of reporting on the implementation of legal proceedings, rules for filling out forms of state reporting the consideration of court cases and materials, as well as the procedure for their submission, which are approved by orders. The said orders are approved by the State Statistics Service of Ukraine in accordance with the established procedure. In addition, draft forms of reporting are agreed with the higher specialized courts and the Supreme Court of Ukraine.

The reports contain data on the total number of cases pending before the courts, the results of their consideration by types of proceedings, as well as other applications, petitions, complaints handled by the courts of the first and appellate instances.

In the reports on civil, criminal and administrative cases, information is provided on cases dealt with in violation of the time limits established by the procedural law.

The reports also contain information on criminal, administrative and civil cases in which proceedings are not completed at the end of the reporting period: more than 6 months to 1 year; more than 1 year to 2 years; more than 2 years.

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

- Internet
- Intranet (internal) website
- Paper distribution

Comments

081-2. (New question) If yes, please, indicate the periodicity at which the report is released:

- Annual
- Less frequent
- More frequent

Comments Twice a year.

082. (Modified question) Is there a process or structure of dialogue between the public prosecutor service and courts as regards 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:

082-1. (Modified question) Is there a process or structure of dialogue between lawyers and courts as regards the way cases are presented before courts in other than criminal matter (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

Yes

No

Comments - If yes, please specify:

3.6.4. Performance and evaluation of judges

083. Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

Yes

No

Comments According to the Law of Ukraine On the Judiciary and Status of Judges, the judicial record must include information on the effectiveness of judicial proceedings, in particular:

- a) the total number of cases considered;
- b) the number of canceled court decisions and the grounds for their cancellation;
- c) the number of decisions that became the basis for making decisions by international judicial institutions and other international organizations, which established the violation of Ukraine's international legal obligations;
- d) the number of amended court decisions and the reasons for their change;
- e) observance of terms of consideration of cases;
- e) average length of the text of the motivated decision;
- e) judicial burden compared with other judges in the relevant court, region, taking into account the nature of the instance, the specialization of the court and the judge.

083-1. Who is responsible for setting the 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):

Comments

New node

4. Fair trial

4.1. Principles

4.1.1.Principles 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 represented by a lawyer)?

[]

[] NA

[X] NAP

Comments

085. Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

(X) Yes, number of successful challenges in a year NA

() No

Comments - Please could you briefly specify:

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

	Monitoring system
For civil procedures (non-enforcement)	(X) Yes () No [] NAP
For civil procedures (timeframe)	(X) Yes () No [] NAP
For criminal procedures (timeframe)	(X) Yes () No [] NAP

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

D1. Please indicate the sources for answering questions in this chapter.

Sources: The national legislation of Ukraine.

4.2.Timeframe of proceedings

4.2.1. General information

087. Are there specific procedures for urgent matters as regards:

[] civil cases

criminal cases

administrative cases

There is no specific procedure

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. (Modified question) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned 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. (Modified question) 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 (Please insert NA for category 2)
Total of other than criminal law cases (1+2+3+4)	215677 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1565712 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1421037 <input type="checkbox"/> NA <input type="checkbox"/> NAP	280040 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	172594 [] NA [] NAP	773834 [] NA [] NAP	748860 [] NA [] NAP	197568 [] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
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)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	26422 [] NA [] NAP	136532 [] NA [] NAP	118158 [] NA [] NAP	44796 [] NA [] NAP	47 [] NA [] NAP
4. Other cases	16661 [] NA [] NAP	655346 [] NA [] NAP	554019 [] NA [] NAP	37676 [] NA [] NAP	[X] NA [] NAP

Comments To 'other cases' the data on the number of cases on administrative offences is indicated (in both cycles).

Due to mistaken calculating and filling of this table in 2014 cycle in items 1 and 2 because of misinterpretation of this question, the data is not enough correct to be compared with this cycle. If to harmonize the methodology of calculation with this cycle it will demonstrate the overall decrease of incoming and resolved cases in all the categories and increase in pending cases at the end of the year. This could be caused by a big outflow of judges from judicial system as a result of judicial reform within anti-corruption policy and raising the professionalism level of judges taking into account the highest European standards in this respect.

Due to constitutional changes and introduction of a very comprehensive electronic system for disclosure of judges' assets, income and expenditures, a large number of judges resigned, others refused to undergo qualification assessment (re-attestation), some judges of course also resigned by personal reasons, other than reform and qualification assessment. But totally in the end of 2016, the judicial system felt understaffing for about 20%. During 2017 it increased to about 30%. To this purpose, Ukraine is taking active measures in order to feel the judicial vacancies, but the process will take some time because the new people will have to undergo the respective training which on

the average is about a year (deferring on the basis of professional background of the judicial candidates).

Concerning the variation of administrative cases between 2014 and 2016: In 2014 the courts were receiving a large number of disputes over the implementation of public policy in the areas of employment and social protection of citizens. As a result of changes in the legal regulation regarding relations related to social benefits, their number has significantly decreased, which naturally reflected on decreasing of administrative cases number at all court instances.

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

. NAP

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

. Cases on administrative offenses

094. (Modified question) 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
Total of criminal law cases (1+2)	34419 <input type="checkbox"/> NA <input type="checkbox"/> NAP	117112 <input type="checkbox"/> NA <input type="checkbox"/> NAP	104246 <input type="checkbox"/> NA <input type="checkbox"/> NAP	47285 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2221 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Severe criminal cases	<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	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	<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	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input 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": Because of increased outflow of judges in result of judicial reform, the number of resolved and unresolved cases decreased.

4.2.3. Case flow management – second instance



097. (Modified question) 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 (Please insert NA for category 2)
Total of other than criminal law cases (1+2+3+4)	31182 [] NA [] NAP	219404 [] NA [] NAP	217762 [] NA [] NAP	32824 [] NA [] NAP	[X] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	19045 [] NA [] NAP	130604 [] NA [] NAP	130359 [] NA [] NAP	19290 [] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
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)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	11611 [] NA [] NAP	75844 [] NA [] NAP	75276 [] NA [] NAP	12179 [] NA [] NAP	[X] NA [] NAP
4. Other cases	526 [] NA [] NAP	12956 [] NA [] NAP	12127 [] NA [] NAP	1355 [] NA [] NAP	[X] NA [] NAP

Comments To 'other cases' the data on the number of cases on administrative offenses is indicated (in both cycles). Due to mistaken

calculating and filling of this table in 2014 cycle in items 1 and 2 because of misinterpretation of this question, the data is not enough correct to be compared with this cycle. With respect to increase in the total number of other cases, it was caused by slight decrease of resolved cases plus slightly higher number of pending cases at the beginning of the year (comparing to 2014). Concerning the variation of administrative cases between 2014 and 2016: In 2014 the courts were receiving a large number of disputes over the implementation of public policy in the areas of employment and social protection of citizens. As a result of changes in the legal regulation regarding relations related to social benefits, their number has significantly decreased, which naturally reflected on decreasing of administrative cases number at all court instances. This affects also the total of other than criminal cases.

098. (Modified question) 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
Total of criminal law cases (1+2)	4063 [] NA [] NAP	30376 [] NA [] NAP	29025 [] NA [] NAP	5414 [] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - A reduction in a total number of incoming cases can be caused by rise of quality of 1st instance court decisions. - Because of increased outflow of judges in result of judicial reform, the number of resolved cases decreased (See comments to Q046)

4.2.4. Case flow management – Supreme Court



099. (Modified question) 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 (Please insert NA for category 2))
Total of other than criminal law cases (1+2+3+4)	[X] NA [] NAP	[X] NA [] NAP	79537 [] NA [] NAP	34958 [] NA [] NAP	[X] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	[X] NA [] NAP	[X] NA [] NAP	33966 [] NA [] NAP	11645 [] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

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)	<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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.3. Other registry cases	<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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.3. Other non-litigious cases	<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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Administrative law cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	45571 <input type="checkbox"/> NA <input type="checkbox"/> NAP	23313 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	<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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments The 2014-2016 differential can be explained by the difference of interpretation of the question by the national correspondent. In 2016 Ukraine had 4 level judicial system, so the powers of the Highest instance court were divided between 3 high specialized courts and the Supreme Court of Ukraine. Thus, to count the indicators in this question we need to sum the statistics from these two instances altogether. As this time the national correspondent got the full statistical data only from the high specialized courts and the Supreme Court of Ukraine only regarding 'Resolved cases' and 'Pending cases on 31 Dec. ref. year,' the rest groups ('Pending cases on 1 Jan. ref. year' and 'Incoming cases') were marked as 'NA' due to the unavailability of the full data. Due to mistaken calculating and filling of this table in 2014 cycle in items 1 and 2 because of misinterpretation of this question, the data is not enough correct to be compared with this cycle. With respect to increase in the total number of other cases, it was caused by slight decrease of resolved cases plus slightly higher number of pending cases at the beginning of the year (comparing to 2014). The information on general tendency of decrease in total and administrative case number for the end of the year is connected with outflow of judges. For example, there were only 19 judges working in the Supreme Court out of 48 (For more details please see Q 46). Also, concerning the variation of administrative cases between 2014 and 2016: In 2014 the courts were receiving a large number of disputes over the implementation of public policy in the areas of employment and social protection of citizens. As a result of changes in the legal regulation regarding relations related to social benefits, their number has significantly decreased, which naturally reflected on decreasing of administrative cases number at all court instances. The answers to Q99 and 100 for both 2014 and 2016 were given as a sum of the cases considered by the Supreme Court and 3 specialized courts. When the constitutional amendments came into force on 30 September 2016, the Supreme Court and 3 high specialized courts stopped their work until the new Supreme Court (on base of open competition), consisting of 4 cassational courts would be established. The new Supreme Court started its work at the end of 2017. From 30 September 2016 till December 2017 the cassational instance temporary was not working. That is why to demonstrate the work of cassational instance for 2016 I decided to give the data for the period from January till October 2016 when the old (4-tier system) was in act.

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

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

(X) No

Comments

100. (Modified question) 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
Total of criminal law cases (1+2)	[X] NA [] NAP	[X] NA [] NAP	3222 [] NA [] NAP	1254 [] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments The numbers indicated in the boxes 'Total criminal cases' include the number of severe criminal offenses and the number of misdemeanor and minor offenses cases. The information about the exact number of the severe criminal offenses and misdemeanor/minor offenses cases is not available.

In 2016 Ukraine had 4 level judicial system, so the powers of the Highest instance court were divided between 3 high specialized courts and the Supreme Court of Ukraine. Thus, to count the indicators in this question we need to sum the statistics from these two instances altogether. As this time the national correspondent got the full statistical data (within 'Total of criminal law cases (1+2)' group) only from the High specialized court on civil and criminal matters and the Supreme Court of Ukraine gave the statistical data only regarding 'Resolved cases' and 'Pending cases on 31 Dec. ref. year,' the rest groups ('Pending cases on 1 Jan. ref. year ', 'Incoming cases' and 'Pending cases older than 2 years from the date the case came to the Supreme court') were marked as 'NA' due to the unavailability of the full data. The reduction tendency can be caused by increased outflow of judges in result of judicial reform (See comments to Q046), as well reduction of the number of incoming cases. The answers to Q99 and 100 for both 2014 and 2016 were given as a sum of the cases considered by the Supreme Court and 3 specialized courts. When the constitutional amendments came into force on 30 September 2016, the Supreme Court and 3 high specialized courts stopped their work until the new Supreme Court (on base of open competition), consisting of 4 cassational courts would be established. The new Supreme Court started its work at the end of 2017. From 30 September 2016 till December 2017 the cassational instance temporary was not working. That is why to demonstrate the work of cassational instance for 2016 I decided to give the data for the period from January till October 2016 when the old (4-tier system) was in act.

4.2.5. Case flow management – specific cases

101. (Modified question) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens 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
Litigious divorce cases	12415 [] NA [] NAP	108931 [] NA [] NAP	106057 [] NA [] NAP	15289 [] NA [] NAP

Employment dismissal cases	<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	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	2101 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery case	1979 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5736 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4886 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2829 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	1215 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1968 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1528 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1655 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	<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	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Cases relating to the right of entry and stay for aliens	<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	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The reasons for changes in statistics can be explained by conflict on the East of Ukraine which resulted in risen of criminogenic level all over Ukraine. Concerning insolvency cases, during recent years, there has been a tendency towards reducing the number of cases concerning the restoration of solvency of debtors or declaring them insolvent. From year to year the number of cases on insolvency becomes less. Perhaps the procedure for bringing bankruptcy loses its popularity.

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

. The Law of Ukraine "On Refugees and Persons in Need of Subsidiary Protection or Asylum" determines the procedure for regulating social relations in the sphere of granting the status of a refugee, a person in need of subsidiary protection, or person in need of asylum; the loss or withdrawal of such status; and for establishing the legal status of refugees, persons in need of subsidiary protections and persons granted asylum in Ukraine.

Chapter IV of the Law is dedicated to asylum.

In case of mass arrival of people to the territory of Ukraine from a country that shares a border with Ukraine, due to external aggression, foreign occupation, civil war, conflicts on the grounds of ethnicity, natural or man-made emergencies, or other events that disrupt public order in a certain part or entire territory of their country of origin, the Cabinet of Ministers of Ukraine, by recommendation of the specially authorized central body of executive power in the issues of migration, passes a resolution to grant asylum to such arrivals. The issue of receiving people in need of asylum, determining places for their accommodation, the procedure of their registration and ensuring their livelihood, and the financing, are regulated by the Cabinet of Ministers of Ukraine. Asylum is granted to people by the Cabinet of Ministers of Ukraine until the cessation of circumstances in their country of origin that have forced them to arrive to the territory of Ukraine, but for a term that does not exceed one year. The duration of asylum can be extended, but for a term that does not exceed one year. A migration service body issues each person of age that is part of the people who have been granted asylum with an identity certificate of a person who has been granted asylum in Ukraine (Article 18 of the Law).

According to Article 19 of the Law, persons who have been granted asylum are foreigners or stateless persons that legally stay on the territory of Ukraine for the duration of the circumstances that have led to the granting of asylum.

The rights and obligations of persons granted asylum are established by Articles 20 and 21 of the Law.

1. Persons who have been granted temporary protection have the right to:

- free accommodation in suitable places for temporary stay. Requirements for places of temporary stay of persons who have been granted temporary protection shall be established by the Cabinet of Ministers of Ukraine. The list of places for temporary stay of persons granted temporary protection, and the procedure for the maintenance of such places shall be determined by the Cabinet of

Ministers of Ukraine taking into account the proposals of the executive authorities and local self-government bodies;

- provision of adequate nutrition, medicines, clothes, taking into account the special needs of children, including newborns, people with diseases, the elderly;
- obtaining work in Ukraine for the term for which temporary protection was granted;
- receive cash assistance if they do not have other income in Ukraine;
- freedom of movement through the territory of Ukraine under the same conditions as determined by the laws of Ukraine for foreigners and stateless persons who are legally in the territory of Ukraine;
- free emergency medical care in state health care institutions;
- voluntary return to the country of origin;
- submission of an application for recognition as a refugee or a person who needs additional protection in accordance with the procedure established by this Law;
- obtaining information about their rights and duties in their native or understandable language;
- use of other rights guaranteed to them in accordance with international treaties, laws and other normative legal acts of Ukraine.

According to Article 24 of the Law, asylum ceases in the following cases:
 persons can return to their country of origin due to the cessation of circumstances that have led to the granting of asylum;
 persons move to reside in a third country.

The decision to cease asylum is made by the Cabinet of Ministers of Ukraine.

102. Average length of proceedings, in days (from the date the application for judicial review is lodged). 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 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
Litigious divorce case	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Employment dismissal case	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Insolvency	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Robbery case	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Intentional homicide	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments

103. Where appropriate, please indicate the specific procedure as regards 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 Public Civil Status Act Registration Authority upon joint application of spouses without children. The decision should 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, save 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 have been withdrawn from the birth record. The custodian may take legal action for marriage dissolution if the interests of the spouse found legally incapable so require. The court ascertains actual relationships of spouses, real reasons for taking legal action for marriage dissolution, take in consideration existence of a minor child, disabled child and other circumstances relating to the life of 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 spouses, the interests of their children.

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

. According to the State Judicial Administration, "the data can't be separated".

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
- [X] 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. (Modified question) Does the public prosecutor also have a role in:

civil cases

administrative cases

insolvency cases

Comments - If yes, please specify:

107. Cases processed by the public prosecutor - Total number of first instance criminal cases:

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
Total number of first instance cases processed by the public prosecutor	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

107-1. (Modified question) If the guilty plea procedures exist, how many cases were brought to court by the prosecutor through this procedure?

	Number of guilty plea procedures
Total	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Before the court case	810 <input type="checkbox"/> NA <input type="checkbox"/> NAP
During the court case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

108. Total cases which were discontinued by the public prosecutor:

	Number of cases
Total cases which were discontinued by the public prosecutor (1+2+3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Discontinued by the public prosecutor because the offender could not be identified	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	9418 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

109. Do the figures include traffic offence cases? Yes No

Comments

D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.

Sources: Answers 107-108 provided by the General Prosecutor's office.

5. Career of judges and public prosecutors**5.1. Recruitment and promotion****5.1.1. Recruitment and promotion of judges****110. (Modified question) 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 Procedure until 30 September 2016:

Article 65 of the Law of Ukraine on Judiciary and the Status of Judges. Requirements to candidates for a position of judge 1. A citizen of Ukraine who is at least twenty five years old, has a higher education in law and practical experience in law for at least three, residing in Ukraine for at least ten years and speaks the state language, may be nominated to the position of a judge. Article 66 of the Law of Ukraine on Judiciary and the Status of Judges: Procedure for appointment to position of judge for the first time

1. Appointment of a judge to the position for the first time shall be carried out exclusively in accordance with the procedure stipulated by this Law, and includes the following stages: 1) the High Qualifications Commission of Judges of Ukraine taking a decision on announcement of selection of candidates to the position of a judge, with account to the forecast number of vacant judicial positions; 2) placement by the High Qualifications Commission of Judges of Ukraine of an announcement on its official website regarding the selection of judicial candidates, and publication of that announcement in a selected printed mass medium. The announcement shall specify the final term for submission of documents to the High Qualifications Commission of Judges of Ukraine, which may not be less than 30 days from the date of placement of the announcement, as well as the forecast number of judicial vacancies for the following year; 3) submission by persons who intend to be a judge of a respective application and documents, specified in Article 67 of this Law, to the High Qualifications Commission of Judges of Ukraine; 4) Verification by the High Qualifications Commission of Judges of Ukraine that the persons, who submitted applications to participate in the selection, meet the requirements established in this Law to a candidate for position of judge, on the basis of the documents submitted; 5) admission by the High Qualifications Commission of Judges of Ukraine of persons who, upon the verification, meet the established requirements to a candidate for a position of a judge, to participate in the selection and in the eligibility assessment; 6) undergoing the eligibility assessment by a person who was qualified to participate in the

selection; 7) determination of the results of the eligibility assessment by the High Qualifications Commission of Judges of Ukraine and publication of such assessment results at the official website of the High Qualifications Commission of Judges of Ukraine; 8) holding a special verification procedure regarding the persons who have successfully passed the eligibility assessment, in accordance with the Anti-Corruption Law, taking into account the provisions contained in Article 70 of this Law; 9) completion of special training by the candidates who have passed the eligibility assessment and passed the special verification procedure; receipt of a certificate of special training completion; 10) undergoing of a qualification assessment by the candidates who have been trained and determining its results; 11) entering the candidates for positions of judges by the High Qualifications Commission of Judges of Ukraine, based upon the results of their qualification assessments, to the reserve for filling the vacancies of judges; determining their ratings; publication of the list of candidates for positions of judges included in the reserve and the rating list at the official website of the High Qualifications Commission of Judges of Ukraine; 12) announcement by the High Qualifications Commission of Judges of Ukraine, in accordance with the number of available vacant positions of a judge in local courts of general jurisdiction, of a contest for filling such positions; 13) holding by the High Qualifications Commission of Judges of Ukraine of a contest for the vacant position of judge on the basis of the rating of the candidates who took part in that contest, and making recommendations to the High Council of Justice regarding appointment of a candidate for a position of a judge; 14) consideration by the High Council of Justice of the matter of compliance with the procedures, specified in this Law, in stages envisaged in paragraphs 1 — 13 of this part, and making proposals to the President of Ukraine regarding appointment of a candidate for a position of a judge; 15) taking a decision on the appointment of a candidate for a position of a judge by the President of Ukraine. Article 76 of the Law of Ukraine on Judiciary and the Status of Judges. The procedure of election to the position of a judge for an indefinite period 1. A judge whose term of office is expiring, upon their request must be recommended by the High Qualifications Commission of Judges of Ukraine for their election by the Verkhovna Rada of Ukraine to a lifetime position of a judge, in the absence of any law-defined circumstances preventing that. 2. Election to the position of a judge for an indefinite period shall be done in accordance with the following procedure: 1) A candidate shall submit a written application to the High Qualifications Commission of Judges of Ukraine requesting to be recommended for election to a position of a judge for an indefinite period; 2) The High Qualifications Commission of Judges of Ukraine shall announce preparation of materials on a candidate for a position of a judge for an indefinite period on its official website and in the official mass media; 3) The High Qualifications Commission of Judges of Ukraine shall review the information on the candidate, examine their judicial dossier, take into account indicators of the candidate's consideration during their work as a judge and, in cases envisaged by this Law, the results of their qualification evaluation; 4) The High Qualifications Commission of Judges of Ukraine shall take a substantiated decision to recommend or refuse to recommend them for election as a judge for an indefinite time and, in case of recommendation, send the respective proposal to the Verkhovna Rada of Ukraine; 5) the Verkhovna Rada of Ukraine shall decide on the election of a candidate to a position of a judge for an indefinite period. On 30 September 2016 the Constitutional amendments in part of justice and the new version of the Law of Ukraine on Judiciary and the status of Judges came into force, after which the recruitment procedure was totally changed, including cancellation of nomination of judges for an indefinite period. The answer given to this question reflects the situation before Constitutional amendments.

110-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

Yes

No

Comments - If yes, please specify: There is no other specific provision about the gender equality within the specific framework of recruitment or promotion procedure for judges, except one defined in the Constitution of Ukraine (according to article 24 of Constitution of Ukraine men and women are equal in their rights).

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 made up of judges and non-judges

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: High Qualification Commission of Judges of Ukraine - judicial

selection and holding the qualification assessment of judges.

High Council of Justice - making a submission regarding the appointment of a judge to the office.

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

Yes

No

Comments

112-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

Yes

No

Comments - If yes, please specify: There is no other specific provision about the gender equality within the specific framework of recruitment or promotion procedure for judges, except one defined in the Constitution of Ukraine (according to article 24 of Constitution of Ukraine men and women are equal in their rights).

113. What is the procedure for judges to be promoted? (multiple answers possible)

Competitive test / Exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination): The promotion of a judge for the purposes of this questionnaire was understood as the appointment of a judge for the lifetime term. However, it shall be noted that the promotion of a judge could be made by transferring of a judge to the court of a higher level. Within this procedure, the judge should pass a competition, basing on qualification exam results and his further rating in the rating list. This two meanings of promotion existed until 30 September 2016. After Constitutional amendments in part of justice and taking into force of amendments to the Law of Ukraine on Judiciary and the Status of Judges, the promotion of the judge can be made only via competition procedure. The division for the appointment of judges for 5 years and lifetime term was liquidated.

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

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

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”):

114. (Modified question) Is there a system of qualitative individual assessment of the judges' work?

Yes

No

Comments Until 30 September 2016 the qualitative individual assessment of the judges' work was possible under the following procedure:

- 1) within disciplinary procedure;
- 2) qualification evaluation procedure.

Objectives of, and grounds for the qualification evaluation

1. Qualification evaluation shall be conducted by the High Qualifications Commission of Judges of Ukraine and shall be aimed at the definition of the professional level of a judge. Qualification evaluation is aimed at:

- 1) verification of ability of the judge to administer justice in a court of the relevant level;
- 2) confirmation of the judge's professional level that makes him/her eligible for a lifetime appointment as a judge.

Qualification evaluation shall be based on objective criteria, and shall be carried out in a transparent manner and with account to the merits, qualifications and integrity of a judge, his/her abilities and work performance, including qualitative and quantitative indicators of performance. 2. The criteria for the qualification evaluation shall be as follows: professional competence (knowledge of law, ability to conduct a court session and pass decisions), personal competence (ability to cope with the given volume of work, self-organization), social competence (equability of mind, stress resistance, communication skills) and the ability to improve their professional level and to administer justice in a court of the respective level.

3. Grounds for qualification evaluation of a judge shall be as follows: 1) An application by a judge requesting a verification of his/her ability to administer justice in a court of the respective level; 2) application for qualification evaluation of the candidate for a lifetime appointment to a position of judge;

3) decision by the High Qualifications Commission of Judges of Ukraine on the appointment of a qualification evaluation of a judge in connection with a disciplinary sanction as envisaged by this Law. After the Constitutional amendments (30 September 2016) the procedure of qualification assessment changes but still exists as a mechanism to make a qualitative individual assessment of the judges' work.

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

- Annual
- Less frequent
- More frequent

5.1.2. Status, recruitment and promotion of prosecutors

115. What is the status of prosecution services?

- statutory independent
- under the authority of the Minister of justice or another central authority
- other (please specify):

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...).

115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a prosecutor in a court.

- Yes
- No

Comments - If yes, please specify: According to the article 16 of the Law of Ukraine "On Prosecutor's office" the independence of prosecutor is guaranteed by this law.

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 The Law of Ukraine «On Public Prosecution Office» has changed since the last cycle. According to the new Law of Ukraine «On Public Prosecution Office», a citizen may become a prosecutor of the local prosecutor's office by passing the competitive exam and having the experience in the field of law not less than two years.

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

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:

117-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

Yes

No

Comments - If yes, please specify: There are no specific provisions for gender equality within the specific framework of recruitment or promotion procedure for prosecutors, except those defined the Constitution of Ukraine (according to article 24 of Constitution of Ukraine men and women are equal in their rights)

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 Prosecutor General

Comments Prosecutor General promotes public prosecutors on the recommendation of the Council of Prosecutors.

119. What is the procedure for prosecutors to be promoted? (multiple answers possible)

Competitive test / exam

Other procedure (interview or other)

No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam): The Prosecutor General of Ukraine promotes public prosecutors on the recommendation of the Council of Prosecutors, due to the years of experience, professional skills and subjective criteria.

119-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

Yes

No

Comments - If yes, please specify: There are no specific provisions for gender equality within the specific framework of recruitment or promotion procedure for prosecutors, except those defined the Constitution of Ukraine (according to article 24 of Constitution of Ukraine men and women are equal in their rights)

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

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- 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"):

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

- Yes
- No

Comments

5.1.3.Mandate 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: According to the Amendments to the Constitution of Ukraine, a judge holds a position indefinitely.

The grounds for dismissal of a judge are:

- 1) failure to exercise authority over the state of health;
- 2) violation of a judge of incompatibility requirements;
- 3) committing a disciplinary offense, gross or systematic neglect of duties, which is incompatible with the status of a judge or has revealed his inconsistency with his position;
- 4) submission of the application for resignation or dismissal from office at his own discretion;
- 5) disagreement with the transfer to another court in case of liquidation or reorganization of the court in which the judge holds a position;
- 6) violation of the duty to confirm the legality of the source of the property.

The powers of a judge shall be terminated in the event of:

- 1) the achievement of a judge of sixty five years;
- 2) the termination of the citizenship of Ukraine or the acquisition of the citizenship of another state;
- 3) the legal validity of a court decision on the recognition of a judge missing or declaring a deceased;
- 4) death of a judge;
- 5) conviction of a judge for the commission of a crime.

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

NAP

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 prosecutor shall be dismissed from office in the event of:

- 1) the impossibility of fulfilling their powers in the state of health;
- 2) violation of its requirements for incompatibility;
- 3) the legal validity of a court decision to bring the prosecutor to administrative liability for a corruption offense, connected with violation of the restrictions provided for in the Law of Ukraine "On the Principles of Prevention and Counteraction to Corruption";
- 4) impossibility of transfer to another position or lack of consent for this in connection with direct subordination to a close person;
- 5) entry into force of the court's conviction on him;
- 6) termination of citizenship of Ukraine or acquisition of citizenship of another state;
- 7) filing an application for dismissal at his own discretion;
- 8) impossibility of further staying on a temporary vacancy;
- 9) liquidation or reorganization of the prosecutor's office in which the prosecutor holds office, or in the case of a reduction in the number of prosecutors of the prosecutor's office.

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)? Is it renewable?

Yes, what is the length of the mandate (in years)?

No

Comments NAP

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)? Is it renewable?

Yes, what is the length of the mandate (in years)?

No, what is the length of the mandate (in years)?

Comments NAP

5.2.Training

5.2.1.Training of judges

127. Types of different trainings offered to judges

	Compulsory	Optional	No training proposed
Initial training (e.g. attend a judicial school, traineeship in the court)	(X) Yes () No	() Yes (X) No	() Yes (X) No
General in-service training	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for management functions of the court (e.g. court president)	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for the use of computer facilities in courts	() Yes (X) No	(X) Yes () No	() Yes (X) No

Comments

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

	Frequency of the judges training
General in-service training	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training for management functions of the court (e.g. court president)	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training for the use of computer facilities in courts	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges:

5.2.2.Training of prosecutors

129. Types of different trainings offered to public prosecutors

Compulsory	Optional	No training proposed
------------	----------	----------------------

Initial training	(X) Yes () No	() Yes (X) No	() Yes (X) No
General in-service training	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for management functions in the courts (e.g. Head of prosecution office, manager)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for the use of computer facilities in office	() Yes (X) No	() Yes (X) No	(X) Yes () No

Comments

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

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

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors:

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

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
One institution for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
One single institution for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

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

	Budget of the institution for the reference year, in €
One institution for judges	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
One institution for prosecutors	113717 <input type="checkbox"/> NA <input type="checkbox"/> NAP
One single institution for both judges and prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

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

5.3.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
First instance professional judge at the beginning of his/her career	7318 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5891 <input type="checkbox"/> NA <input type="checkbox"/> NAP	208000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	167440 <input type="checkbox"/> NA <input type="checkbox"/> NAP
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)	9514 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7659 <input type="checkbox"/> NA <input type="checkbox"/> NAP	270400 <input type="checkbox"/> NA <input type="checkbox"/> NAP	217672 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	4138 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3331 <input type="checkbox"/> NA <input type="checkbox"/> NAP	117628 <input type="checkbox"/> NA <input type="checkbox"/> NAP	94691 <input type="checkbox"/> NA <input type="checkbox"/> NAP
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).	10480 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9085 <input type="checkbox"/> NA <input type="checkbox"/> NAP	297870 <input type="checkbox"/> NA <input type="checkbox"/> NAP	258223 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments On 1st of December 2016 the new subsistence level was established. As the result, the salaries have been changed to match the

subsistence level.

133. Do judges and public prosecutors have additional benefits?

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

Comments The Law of Ukraine «On Public Prosecution Office» has changed since the last cycle. Now there is no other financial benefit for prosecutors.

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

--

[X] NAP

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

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	(X) Yes () No	(X) Yes () No
Political function	() Yes (X) No	() Yes (X) No
Other function	() 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.

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

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	(X) Yes () No	(X) Yes () No
Political function	() Yes (X) No	() Yes (X) No
Other function	(X) Yes () No	(X) Yes () No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. According to the national legislation, public prosecutors can also combine their work with medical practice, instructor and arbitrator practice in sports.

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

- () Yes
(X) No

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

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 options possible)?

- [X] Court users
 [] Relevant Court or hierarchical superior
 [] High Court / Supreme Court
 [] High Judicial Council
 [] Disciplinary court or body
 [] Ombudsman
 [] Parliament
 [] Executive power (please specify):
 [] Other (please specify):
 [] This is not possible

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

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments

142. Which authority has disciplinary power over judges? (multiple options possible)

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):High Council of Justice

Comments

143. Which authority has disciplinary power over public prosecutors? (multiple options possible):

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):

Comments

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
Total number (1+2+3+4)	196 <input type="checkbox"/> NA <input type="checkbox"/> NAP	329 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	18 <input type="checkbox"/> NA <input type="checkbox"/> NAP	250 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	45 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	175 <input type="checkbox"/> NA <input type="checkbox"/> NAP	19 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: Such a significant increase in the number of a disciplinary proceeding in respect of judges was caused by the adoption of the Law of Ukraine "On restoring confidence in the judiciary in Ukraine" during the post-revolution of dignity events. The Law set the stripping of powers of the previous composition of the High Qualification Commission of Judges of Ukraine (disciplinary body for 1st and 2nd instance judges) and introduces the start of formation of the new HQCJU composition. The new composition of the HQCJU started its work only in mid-December 2014, which means that out of the 12 months the Commission was considering disciplinary cases only during 3,5 months that of course resulted in such a difference in 2014 compared to 2016. The information on public prosecution statistics discrepancies is NA.

145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

	Judges	Prosecutors
Total number (total 1 to 9)	181 <input type="checkbox"/> NA <input type="checkbox"/> NAP	340 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	14 <input type="checkbox"/> NA <input type="checkbox"/> NAP	289 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Withdrawal from cases	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

5. Temporary reduction of salary	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
6. Position downgrade	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
7. Transfer to another geographical (court) location	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
8. Resignation	140 <input type="checkbox"/> NA <input type="checkbox"/> NAP	40 <input type="checkbox"/> NA <input type="checkbox"/> NAP
9. Other	24 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> 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. The difference between 2014 and the 2016 was caused by the suspension of the HQCJU work in 2014 for 8,5 month (for more details, please see comments to Q144). The HQCJU opened the disciplinary proceeding in the beginning of 2014, but had a chance to hold disciplinary liable only 13 judges during 2014.

E3. Please indicate the sources for answering questions 144 and 145:

Sources: Provided by the General Prosecutor's office, the High Council of Justice and the High Qualification Commission of Judges of Ukraine

6.Lawyers

6.1.Profession of lawyer

6.1.1.Status of the profession of lawyers

146. Total number of lawyers practising in your country:

[35142]

NA

NAP

Comments

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. (Modified question) Do lawyers have a monopoly on legal representation in (multiple options are possible):

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Dismissal cases	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Criminal cases - Defendant	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Criminal cases - Victim	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Administrative cases	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
There is no monopoly	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP

Comments - Please, indicate any useful clarifications regarding the content of lawyers' monopoly: According to the Law of Ukraine "On the Bar and legal practise" lawyers have a monopoly on legal representation in courts.

149-0. (New question) If there is no monopoly, please specify the organisations or persons that may represent a client before a court:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP
Family member	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP
Self-representation	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP
Trade union	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP

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

Comments - If "other", please specify. In addition, please specify for the categories mentioned, 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 legal profession in court?

- 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 - If not, please indicate if there are other specific requirements as regards diplomas or university degrees:

152. Is there a mandatory general system for lawyers requiring in-service professional training?

- Yes
- No

Comments A candidate, before passing the exam, should have a mandatory in-service profesional training as a lawyer's assistant for not less than one year.

153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?

- Yes

(X) No

Comments - If yes, please specify: Legal advisors may have a specific Master's diploma with the specialization in some legal field, but further practicing in this field is not mandatory.

F1. Please indicate the sources for answering questions 146 and 148:

Sources: Law of Ukraine "On the Bar and legal practise"

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

(X) No

Comments

155. Are lawyers' fees freely negotiated?

(X) Yes

() No

Comments

156. Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

[] Yes laws provide rules

[] Yes standards of the bar association provide rules

[X] No neither laws nor bar association standards provide rules

Comments

6.1.3. Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

(X) Yes

() No

Comments - If yes, what are the quality criteria used?

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

[] the bar association

[X] 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:

160. Which authority is responsible for disciplinary procedures?

the judge

the Ministry of Justice

a professional authority

other (please specify):

Comments

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
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	2926 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "other", please specify: The differences in the answers for 2014 and 2016 is caused by mistaken interpretation of Q 161 and Q 162 for 2014 cycle

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Suspension	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

3. Withdrawal from cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Fine	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
5. Other	<input checked="" 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: warning - NA;
deprivation of the right to practice advocacy and exclusion from state advocate registrar - NA. The differences in the answers for 2014 and 2016 is caused by mistaken interpretation of Q 161 and Q 162 for 2014 cycle

7. Alternative dispute resolutions

7.1. Mediation

7.1.1. Details on mediation procedures and other ADR

163. Does the judicial system provide for judicial mediation procedures? If this is not the case you will go directly to question 168.

Yes

No

Comments

163-1. In some fields, does the judicial system provide for mandatory mediation procedures?

Before going to court

Ordered by a judge in the course of a judicial proceeding

Comments - If there are mandatory mediation procedures, please specify which fields are concerned:

164. Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Family law cases (ex. divorce)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Administrative cases	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Employment dismissals	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Criminal cases	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comments

165. Is there a possibility to receive legal aid for judicial mediation procedures?

Yes

No

Comments - If yes, please specify:

166. Number of accredited or registered mediators who practice judicial mediation:

[]

NA

NAP

Comments

167. Number of judicial mediation procedures.

	Number of judicial mediation procedures
Total number of mediation cases (total 1 + 2 + 3 + 4 + 5)	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil and commercial cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Family cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Administrative cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Employment dismissal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please indicate the source:

168. Does the legal system provide for the following alternative dispute resolutions (ADR):

mediation other than judicial mediation

arbitration

conciliation

other ADR (please specify):negotiation, pretentious procedure of dispute resolution, the settlement agreement, debtor's penalty prior to the court proceedings in bankruptcy cases, resolution of commercial and civil disputes by arbitration courts of Ukraine, internat

Comments other: negotiation, pretentious procedure of dispute resolution, the settlement agreement, debtor's penalty prior to the court proceedings in bankruptcy cases, resolution of commercial and civil disputes by arbitration courts of Ukraine

G1. Please indicate the source for answering question 166:

Source: Economic Procedure Code of Ukraine

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1.Functioning

169. Do you have enforcement agents in your judicial system?

Yes

No

Comments

170. Number of enforcement agents

[4483]

[] NA

[] NAP

Comments In 2016 the Institute of private bailiffs was introduced into Ukrainian judicial system under the reform of execution service as a part of judicial reform. The Law of Ukraine On Enforcement and The Law of Ukraine On Institutions and Persons who carry out the Enforcement of Court Decisions and Decisions of Other Bodies were adopted on 02 June 2016. The provisions of The Law of Ukraine On Enforcement regarding the activities of private bailiffs entered into force on 05 January 2017. So the number of private bailiffs cannot be included in the total number of enforcement agents as of 31 December 2016. We provide the number of public bailiffs. That results in difference with previous cycles.

171. Are enforcement agents (multiple options are possible):

judges

bailiffs practising as private professionals under the authority (control) of public authorities

bailiffs working in a public institution

other

Comments - Please specify their status and powers:

171-1. Do enforcement agents have the monopoly in exercising their profession?

Yes

No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with: According to Article 6 of the Law of Ukraine on Enforcement "Enforcement of decisions by other bodies and institutions", where the law provides, decisions on the recovery of money and property shall be executed by revenue and fee agencies, and decisions on the recovery of money shall be executed by banks and other financial institutions. The decision on the recovery of money from state bodies, state and local budgets or budgetary institutions shall be executed by the treasury bodies. In cases envisaged by law, decisions may be enforced by other authorities. Bodies and institutions referred to in parts one to three of this article are not the bodies of coercive enforcement.

171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

Option

Seizure of movable tangible properties	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of immovable properties	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure from a third party of the debtor claims regarding a sum of money	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of remunerations	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of motorised vehicles	<input type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Eviction measures	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Enforced sale by public tender of seized properties	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments According to Article 6 of the Law of Ukraine on Enforcement “Enforcement of decisions by other bodies and institutions”, where the law provides, decisions on the recovery of money and property shall be executed by revenue and fee agencies, and decisions on the recovery of money shall be executed by banks and other financial institutions.

The decision on the recovery of money from state bodies, state and local budgets or budgetary institutions shall be executed by the treasury bodies. In cases envisaged by law, decisions may be enforced by other authorities. Bodies and institutions referred to in parts one to three of this article are not the bodies of coercive enforcement.

171-3. Apart of 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 sale of moveable or immoveable property at public auction
- Seizure 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

172. Is there a specific initial training or exam to become an enforcement agent?

- Yes
- No

Comments

172-1. Is there a system of mandatory general continuous training for enforcement agents?

- Yes
- No

Comments

173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):

- a national body
- a regional body
- a local body
- NAP

Comments

174. Are enforcement fees easily established and transparent for the court users?

- Yes
- No

Comments

175. Are enforcement fees freely negotiated?

- Yes
- No

Comments

176. Do laws provide any rules on enforcement fees (including those freely negotiated)?

- Yes
- No

Comments

H0. Please indicate the sources for answering question 170

Source: The Ministry of Justice of Ukraine

8.1.2. Efficiency of enforcement services

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?

a professional body

the judge

the Ministry of Justice

the public prosecutor

other (please specify):

Comments

179. Have quality standards been determined for enforcement agents?

Yes

No

Comments - If yes, what are the quality criteria used? In accordance with the national law the activities of bailiffs working in public institutions should be carried out in compliance with the following principles:

- 1) the rule of law;
- 2) legality;
- 3) independence;
- 4) fairness, impartiality, and objectivity;
- 5) mandatory implementation of decisions;
- 6) discretion;
- 7) transparency and openness of enforcement proceedings and its fixation by technical means;
- 8) reasonableness of timeframe of enforcement proceedings;
- 9) proportionality of enforcement measures and to the number of claims under decisions.

Bailiffs working in public institutions must carry out their professional activities in good faith, must not disclose professional secrecy, must respect the interests of collectors, debtors, third parties, and not degrade their dignity.

180. If yes, who is responsible for establishing these quality standards?

a professional body

the judge

the Ministry of Justice

other (please specify): The Parliament

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

other (please specify):

Comments

184. Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

Yes

No

Comments - If yes, please specify: In 2016 The Law on Enforcement and The Law on Institutions and Persons who Carry Out the Enforcement of Court Decisions and Decisions of Other Bodies were adopted. The law defines timeframe of enforcement procedure.

185. Is there a system measuring the length of enforcement procedures:

	Existence of the system
for civil cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
for administrative cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

186. As regards a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more (please specify):

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)	473 [] NA [] NAP
1. For breach of professional ethics	3 [] NA [] NAP
2. For professional inadequacy	454 [] NA [] NAP
3. For criminal offence	6 [] NA [] NAP
4. Other	10 [] NA [] NAP

Comments - If "other", please specify:

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	390 [] NA [] NAP
1. Reprimand	278 [] NA [] NAP
2. Suspension	[] NA [X] NAP
3. Withdrawal from cases	4 [] NA [] NAP

4. Fine	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
5. Other	108 <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: Under The Law of Ukraine On Public Service, public officials (public bailiffs are public officials) are subject to one of the following types of disciplinary sanctions: remark; reprimand; a warning about professional inadequacy; dismissal from the public service.

H1. Please indicate the sources for answering questions 186, 187 and 188:

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 options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- 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 and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

	Number of notaries
TOTAL	6944 [] NA [] NAP
Private professionals (without control from public authorities)	[] NA [X] NAP
Private professionals under the authority (control) of public authorities	5532 [] NA [] NAP
Public agents	1090 [] NA [] NAP
Other	[] NA [X] NAP

Comments - If "other", please specify the status:

192-1. What are the access conditions to the profession of notary:

- diploma
- payment of a fee (e.g. purchasing office)
- co-opting of peers
- other

Comments

192-2. (Modified question) What is the duration of appointment of a notary?

- Limited duration, please indicate it in years:
- Unlimited duration

Comments

194. Do notaries have duties (multiple options possible):

- within the framework of civil procedure
- in the field of legal advice
- to certify the authenticity of legal deeds and certificates
- in the field of mediation
- other (please specify):

Comments

194-1. Do notaries have the monopoly when exercising their profession:

- in civil procedure
- in the field of legal advice

] to authenticate deeds/certificates

] in the field of mediation

] other

Comments - Please indicate any useful clarifications regarding the content of the notaries' monopoly or on the opposite regarding the competition they have to deal with: According to the national law the authentication of deeds shall be carried out by a notary or another official who, in accordance with the law, is empowered to perform such notarial activity.

194-2. As well as these activities, what are the other ones that can be carried out by notaries?

] Real estate transaction

] Settlement of estates

] Legality control of gambling activities

] Authentication of documents

] Translations

] Signatures

] Other

Comments

195. Is there an authority entrusted with supervising and monitoring the notaries' work?

) Yes

) No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries?

] a professional body

] the judge

] the Ministry of Justice

] the public prosecutor

] the Ministry of Interior

] other (please specify):

Comments

196-1. Is there a system of general continuous training mandatory for all notaries?

) Yes

) No

Comments

I1. Please indicate the sources for answering question 192:

Sources: 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 accredited or registered court interpreters:

[]

NA

NAP

Comments According to Ukrainian national procedural legislation (civil, commercial, criminal and administrative) there are no accredited or registered court interpreters in Ukraine. According to the national procedural legislation (civil, commercial, criminal and administrative) an interpreter is a party to the court proceedings. This shall be a person with a good command of an official language of the court proceedings and other (foreign) language or a person able to communicate with deaf, dumb or deaf-and-dumb people. An interpreter shall be involved in the court proceedings following the party's application (for civil cases) or on court's initiative in order to ensure the right to defense.

200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

Yes

No

Comments - If yes, please specify:

201. Are the courts responsible for selecting court interpreters?

Yes, for recruitment and/or appointment for a specific term of office

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 question 199

Sources: Ukrainian national procedural legislation (civil, commercial, criminal and administrative)

11.Judicial experts

11.1.Profession of judicial expert

11.1.1.Status of judicial experts

202. In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,
- "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,
- "legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).
- Other (please specify):

Comments

202-1. Are there lists or databases of technical experts registered?

- Yes
- No

Comments - Please, indicate any useful comment regarding these lists of experts if they do exist (e.g. : who decide of the registration on the list ? Is the registration limited in time ? does the expert take the oath ? how is his/her skill evaluated ? by whom ?)

203. Is the title of judicial experts protected?

- Yes
- No

Comments - If appropriate, please explain the meaning of this protection:

203-1. Does the expert have an obligation of training?

	Obligation of training
Initial training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Continuous training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

203-2. If yes, does this training concern:

- the proceeding
- 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 mission entrusted to him/her, does the expert have to report any potential conflicts of interest?

Yes

No

Comments

205. Number of accredited or registered judicial / technical experts:

[]

NA

NAP

Comments All accredited or registered judicial/technical experts in Ukraine are put into the State Register of Certified Judicial Experts which is being constantly updated. So it is impossible to provide information as of 31 December 2016.

205-1. Who sets the expert remuneration?

- The Cabinet of Ministers of Ukraine

206. Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

Yes

No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge:

207. Are the courts responsible for selecting judicial experts?

Yes, for recruitment and/or appointment for a specific term of office

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 judicial experts

Comments A party concerned shall select an expert among the list of experts registered in the State Register of Certified Judicial Experts except where expertize should be conducted by State specialized institutions, according to the national law.

207-1. Does the judge control the progress of investigations?

Yes

No

Comments

K1. Please indicate the sources for answering question 205

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1.Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. Have innovative projects been implemented? If possible, please observe the following categories:

1. (Comprehensive) reform plans Starting from 2014 Ukraine is underway of vast and comprehensive reform of justice system in areas as reform of judiciary and quality of administrative service by the Ministry of Justice of Ukraine (including legal aid), reforming prosecutor's system of career, improving procedural codes rules, taking steps in promotion of mediation issues.

For more details please see the information below.

2. Budget No innovative projects have been implemented in this field.

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) Judicial reform

On 30 September 2016 the Constitutional amendments in part of justice and the new reduction of the Law of Ukraine "On the Judiciary and the Status of Judges" came into force. These documents had a dramatic influence on the whole judiciary.

The main aim of the Constitutional Reform in the area of justice was to strengthen the independence of judges in Ukraine. The political influence of the President and the Parliament on the decisions of appointment and dismissal of judges has been eliminated.

All these decisions now are held by the main bodies of the judiciary – the High Qualification Commission of Judges of Ukraine (HQCJU) and the High Council of Justice (HCJ) (now the highest judicial body).

Before the new reduction of the Law "On the Judiciary and the Status of Judges" became effective in part regarding the new structure of the court system, Ukrainian judiciary consisted of the courts of general jurisdiction and the court of constitutional jurisdiction (the Constitutional Court of Ukraine). The courts of general jurisdiction were so far composed of a 4-pillar structure: 1) Courts of the first instance, consisting of local general courts, local commercial courts, and circuit (district) administrative courts; 2) Courts of appeals, consisting of appellate courts, commercial appellate courts, and administrative appellate courts; 3) Courts of cassation, consisting of the High Specialized Court on Civil and Criminal Cases, the High Commercial Court of Ukraine, the High Administrative Court of Ukraine; 4) the Supreme Court of Ukraine.

After the amendments the new three-tier judicial system was introduced. It includes local courts, courts of appeal and the Supreme

Court, carrying out the functions of cassation. Besides, within the frameworks of the judicial reform in Ukraine, the High Council of Justice decided to approve the liquidation of local general courts and the formation of district courts proposed by the draft decree issued by the President of Ukraine.

The recent amendments to the Ukrainian legislation established the leading role of the Supreme Court within the judicial system of Ukraine.

In addition, the disciplinary function in respect of judges came from the High Qualification Commission of Judges of Ukraine to the High Council of Judiciary.

The legislative novelties also introduced the procedure of appointment of all judges of the country (including the Supreme Court) via competition. Moreover, the competition procedure is based on the principles of publicity, openness, transparency and predictability for the candidates and the public.

On 7th November 2017 the HQCJU announced the first in the history of Ukraine open competition. And this was the competition to the new Supreme Court.

At the beginning of the competition, the HQCJU had 1436 candidates for 120 vacancies. To participate in the competition could not only judges but the advocates and law academicians as well. The results of the exam stages, as well as all other stages of the competition, were published on the HQCJU website.

The HQCJU's regulatory documents regarding this procedure passed careful legal expertise by international experts of the Council of Europe, the OSCE, EU and the USAID projects of international technical assistance in Ukraine. Moreover, all the dossiers of candidates were also published online. All interviews with candidates were streamed to YouTube and are still available. The HQCJU also used information provided by the National Anti-Corruption Bureau and the National Agency for Prevention of Corruption. Moreover, the HQCJU had one another unique experience during the competition – the Public Council of Integrity. This body, consisting of 20 representatives of NGOs, took active participation in the competition and was preparing opinions on candidates, asking questions and taking part in discussions / interviews with candidate. For approving the final decision the Commission reviewed 126 negative opinions of the Public Integrity Council. 53 candidates, who received negative opinions from the PIC, stopped participating in the competition before the ranking was formed. In general, 80% of those who received negative opinions from the PIC, were not included into the final rating list.

Among winners there were 46% female candidates and 54% male candidates. 76% of them are judges and 24% are advocates and academicians. The youngest candidate is 33 years old and the oldest one is 62 years old.

Now on the agenda there is a setting up via competition the High Court on Intellectual Property Rights and the High Anti-Corruption Court (if the respective law will be adopted by the Parliament and the power to set up this court will be given to the HQCJU).

Also, on 3 April 2017, the High Qualification Commission of Judges announced the selection for 600 judicial positions to local courts. Pursuant to the Article 72 of the Law of Ukraine "On the Judiciary and the Status of Judges" the new judicial selection procedure shall consist of taking admission exam, passing special verification, special training and finally taking the qualification exam.

Furthermore, in November 2017 the High Qualification Commission of Judges started the qualification assessment procedure on position compliance designated for all judicial corps (more than 5 000 judges). The first group of judges (999 persons) at present is in the final stage of the qualification assessment and currently passing interviews with Commission's Panels.

The second group of judges (1784 persons) has started the assessment on February 2018 and began to pass anonymous written tests and practical assignment. Psychological testing, judicial dossier background check, interviews with members of the Commission are to follow.

Reform of Prosecution Service

Also in 2014 there was the start of the reform of the prosecutor's career system. The new body - the Qualifications and Disciplinary Commission of Public Prosecutors (QDCPP), a separate body, responsible for all career movements of prosecutors was introduced.

On 7 June 2017 QDCPP began its work. It is a collegiate body that, in accordance with the powers provided for by the Law of Ukraine "On Prosecutor's Office", determines the level of professional training of persons who have indicated their intention to fill the position of the public prosecutor and resolves issues of disciplinary liability, transfer (promotion) and dismissal of prosecutors.

The QDCPP conducts the selection of candidates for the post of public prosecutor in accordance with the procedure established by the Law of Ukraine "On Prosecutor's Office"; consider disciplinary complaints about the disciplinary offense committed by the public prosecutor.

3.1. Access to justice and legal aid No innovative projects have been implemented in this field.

4. High Judicial Council See Q208.3

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. Among other reforms, the reform of legal aid system took place. In pursuance of the 'Action Plan for the reform of the territorial bodies of the Ministry of Justice of Ukraine and the development of a system of provision of free legal aid', approved by the order of the Ministry of Justice of Ukraine dated December 25, 2015, No. 2748/5, during the first half of 2016, the reform of territorial justice bodies was held. This is the next logical the stage of decentralization of the services of the Ministry of Justice of Ukraine and provision of the possibility to receive such services on-line with the simultaneous expansion of access to free legal aid and increasing its quality. According to the Plan, legal aid offices will be established in each region and city of Ukraine as separate subdivisions of local centers for the provision of secondary legal aid in Ukraine. At these centers Ukrainian citizens will be able to use the electronic services of the Ministry of Justice Ukraine and to receive primary legal aid (legal information and advice).

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities On 3 October 2017, the Ukrainian Parliament (Verkhovna Rada), has adopted the Law No. 6232 'On Amendment of the Commercial Procedure Code of Ukraine, Civil Procedure Code of Ukraine, Code of Administrative Procedure of Ukraine and Other Legislative Acts'. On December 15, new procedural legislation entered into force. The Commercial Procedure Code, the Civil Procedure Code and the Code of Administrative Proceedings have been completely updated. In addition, the Law provides for the creation of a single judicial information and telecommunication system (electronic court) that will simplify communication with the court and reduce the costs on maintaining the judicial system. The law also introduces new rules of litigation in civil, economic, administrative proceedings, as well as some changes in the rules of the criminal process. One of the main innovations of the law is the definition of the Supreme Court as a single cassation institution in Ukraine and the introduction of a new procedure for considering cases. The provisions of the law expand methods of judicial protection and means of evidence in judicial proceedings; ensure its openness and transparency, good faith use of procedural rights, compensation for court costs, reasonable terms of consideration of cases and legal certainty.

7. Enforcement of court decisions The reform of the enforcement service which is an integral part of the judicial reform has been already implemented. On 02 June 2016 the Law of Ukraine 'On Enforcement' and the Law of Ukraine 'On Institutions and Persons Who Carry Out the Enforcement of Court Decisions and Decisions of Other Bodies' were adopted. The reform provides for the elimination of the State Bailiffs Service, the establishment of the Department of the State Bailiffs Service under the auspices of the Ministry of Justice of Ukraine, the establishment of the Institute of private bailiffs, the establishment of the Exclusive Register of Debtors, the establishment of the automated system of enforcement proceedings. Also the system of assessing and realizing the arrested property has been reformed. Besides, the remuneration of bailiffs has been changed. Given the experience of the European countries, we hope that the reform of the enforcement service, namely the establishment of the Institute of private bailiffs will result in competition and effective mechanism of motivation for public and private bailiffs, increasing revenues to the budget and ensuring the

real execution of court decisions within a reasonable time.

8. Mediation and other ADR As regards the implementation of the mediation procedure and other alternative means of dispute resolution in Ukraine, it shall be noted that within the framework of the Joint Programme of the European Commission and Council of Europe “Transparency and efficiency of the judicial system of Ukraine” Ukraine implemented measures aimed at introduction of mediation in Ukraine, studying the experience of European countries and operation of pilot courts. In particular, the following activities were organized: round tables to discuss the ways of legislative regulation of mediation procedure, study visits to study the international experience on these issues, training for mediators, etc. Moreover, in some regions, there were introduced pilot projects with the use of reconciliation programs, including the victim and offender reconciliation through understanding and compensation for damages, as well as training for mediators, information activities, etc. Besides, the law on mediation was considered by the Parliament of Ukraine in the first reading but returned for revision. Unfortunately, currently, the mediation procedure is not regulated under the Ukrainian legislation.

9. Fight against crime No innovative projects have been implemented in this field.

9.1. Prison system No innovative projects have been implemented in this field.

9.2 Child friendly justice No innovative projects have been implemented in this field.

9.3. Violence against partners No innovative projects have been implemented in this field.

10. New information and communication technologies No innovative projects have been implemented in this field.

11. Other No innovative projects have been implemented in this field.

