



**Council of Judges
of Ukraine**

**State Judicial Administration
of Ukraine**

**STRATEGIC PLAN
FOR THE UKRAINIAN
JUDICIARY
FOR 2013 – 2015**

Kyiv, December 2012

INTRODUCTION

The concept for judicial and legal reform of 1992 launched judicial reform and played an important role in the development of an independent judiciary in Ukraine within a system of separation of powers in a democratic society.

An important event that advanced the independence of the judiciary was adoption of the Constitution of Ukraine (1996) which, among other things, set forth the principles of establishing a system of general jurisdiction courts, the key to which are territoriality and specialization.

The next steps in reforming the judicial system were the “Small Judicial Reform” of 2001 and adoption of the Law of Ukraine on the Judiciary and Status of Judges in 2010.

The task of further development of justice is actual establishment of rule of law in society and safeguarding the right of everyone to fair trial by an independent and impartial tribunal.

Further development of justice in Ukraine should be aimed at ensuring:

Accessibility of justice;

Fair judicial procedures;

Independence, impartiality and professionalism of judges; and

Effective judicial protection.

MISSION STATEMENT

The Ukrainian judiciary is established to protect the rights, freedoms, and lawful interests of people and citizens, the rights and lawful interests of legal entities, and the interests of the state by resolving legal disputes in a timely, efficient, and fair manner based on the rule of law principle.

CORE VALUES

INDEPENDENCE AND SELF-RELIANCE

INTEGRITY

PROFESSIONALISM (COMPETENCE)

FAIRNESS AND EQUALITY

OPENNESS AND ACCESSIBILITY OF COURTS

STRATEGIC ISSUES OF THE UKRAINIAN JUDICIARY FOR 2013 – 2015

STRATEGIC ISSUE 1:

STRENGTHENING JUDICIAL INDEPENDENCE AND SELF-RELIANCE

Ensuring independence and self-reliance of the judicial system at the state, institutional, and individual level, and protection from improper state, private, or

partisan influence is the first and foremost strategic issue for the Ukrainian judiciary in order to ensure fair, transparent, effective, and quality delivery of justice, and promote public trust and confidence.

The first and foremost tasks for the Ukrainian judiciary regarding developing and maintaining effective relations with other branches of government, and ensuring independence and protection from improper state, private, or partisan influence are the following:

1.1. Support the establishment of lifetime tenure for judges to avoid improper influence they may suffer during their first five-year term appointment.

1.2. Consider the issue of improving and possible re-structuring (or subordination) of the system of enforcement of court decisions which would have an impact on the overall effectiveness of the operations of the judicial system and on the level of public trust and confidence.

1.3. Establish an effective response mechanism in situations where the independence and security of judges are infringed, in particular, create legislative guarantees for proper consideration by state authorities of applications by the Council of Judges of Ukraine on these issues.

1.4. Consider the possibility of strengthening the capacity of the service of court officers/bailiffs to ensure order in courts and security of judges by introducing relevant changes to legislation.

STRATEGIC ISSUE 2:

IMPROVED FUNDING AND EFFECTIVE USE OF RESOURCES

Securing sufficient resources to cover the judiciary's needs in administering justice, as well as establishing proper and transparent management and efficient use of resources impact not only the quality of the judiciary, but also create the conditions for its independence from improper state, private, or partisan influence.

The first and foremost tasks of the Ukrainian judiciary regarding securing sufficient resources to properly uphold judicial independence and cover its needs in administering justice are the following:

2.1. Ensure implementation of the provisions of Article 129 of the Law of Ukraine on the Judiciary and Status of Judges regarding gradual increase of judicial remuneration.

2.2. Ensure the establishment of additional legislative guarantees to secure funding of the judicial system, in particular, guarantees of appropriate remuneration of court staff and special procedure for forming of the budget for the judiciary which would envisage submission of a budget request directly to the specialized parliamentary committee and strengthening the role of judicial self-governance bodies in the budget process.

2.3. Ensure uniform approaches and effectiveness in collecting and using funds from court fees.

2.4. Regulate at the legislative level the issue of administering the state property used to ensure court operations.

2.5. Increase the effectiveness and transparency of public procurements in the judiciary.

STRATEGIC ISSUE 3:

INTEGRITY IN DELIVERY OF JUSTICE

The development of and compliance with high standards of conduct and ethical principles, and transparency in informing the public provides a vital foundation for the fair administration of justice, and secures members of the judiciary from improper influence, and also fosters public trust and confidence.

The first and foremost tasks facing the Ukrainian judiciary regarding development and compliance with the principles of integrity, maintaining respect of the public and other branches of power are the following:

3.1. Develop a new draft of the Code of Judicial Ethics which would include standards of conduct and integrity for judges in line with international and European standards, adopt this Code at the Congress of Judges of Ukraine.

3.2. Ensure implementation of the Code of Judicial Ethics through:

- a system of expert advisory assistance to judges and court staff on controversial ethical situations.

- ensuring implementation of a mechanism to hold judges liable for violation of ethical norms.

STRATEGIC ISSUE 4:

ACCESS TO JUSTICE

Ukrainian courts should safeguard citizen rights to equal, fair, affordable access to justice for all citizens, independent of their race, religion, ethnical origin, sex, political views, social status, health abilities (in particular, this refers to people with special needs) and ensure citizen rights to a fair trial through access to court

facilities, court information, quality legal representation and affordable access to legal aid, etc.

The first and foremost tasks facing the Ukrainian judiciary regarding safeguarding citizen rights to access to justice are the following:

4.1. Increase compliance of court facilities with the needs of the judiciary to administer justice in a timely and effective manner, in particular, create adequate conditions for citizen access to court facilities and proper working conditions for judges and court staff.

4.2. Ensure adequate public access to court information, including access to information on court proceedings, operations of the court system and procedure for the protection of rights and legitimate interests, ensure that the parties in the judicial process have full and comprehensive information about their particular cases and access to court decisions, etc.

4.3. Promote adequate access to court facilities, court information and participation in the judicial process to people with special needs.

STRATEGIC ISSUE 5:

INNOVATIVE USE OF TECHNOLOGY AND IMPROVING COURT PROCEDURES

Ukrainian courts should increase their professional level and improve quality in administering justice through development and application of unified automation technologies.

The first and foremost tasks facing the Ukrainian judiciary regarding increasing judicial productivity and quality in administering justice, in particular

through developing and maintaining unified use of information technologies are the following:

5.1. Identify court performance indicators, include them in statistical reporting, analyze case management procedures by describing the processes and procedures of document management, and improve them as needed.

5.2. Ensure compliance of software with improved case management procedures and ensure integration of software products used by the judiciary.

5.3. Develop a Court Automation Plan that would include, in particular, principles, standards, specific timelines and budget estimates required for operations of the unified court information system.

5.4. Improve software of the automated case management system and ensure comprehensive control over its operations.

STRATEGIC ISSUE 6:

PROFESSIONALISM AND EXCELLENCE IN SERVICE

The Ukrainian judiciary needs to develop and maintain a system of compliance with high standards in line with best world practices, in particular, through a high level of professionalism in administering justice; striving for excellence will bring the Ukrainian judiciary among the most progressive judiciaries in the world.

The first and foremost tasks facing the Ukrainian judiciary regarding developing and maintaining a high level compliance with standards in administering justice, in particular, through a high level of professionalism, are the following:

6.1. Develop a national framework of court performance standards for proper court performance evaluation and planning that would include standards for caseload, timely and efficient resolution of cases, norms of conduct of court staff, standards for quality of procedural documents, etc.

6.2. Use the results of internal and external court performance evaluation to improve court performance and court procedures.

6.3. Develop national standards for professional training of judicial candidates, ongoing training for judges and training of court staff, incorporate them into developing and implementing training programs for judges and court staff, system for evaluation, faculty requirements etc., in particular, while introducing special training of chiefs of staff, training programs on software usage, ethics programs, etc.

STRATEGIC ISSUE 7:

PUBLIC TRUST

The Ukrainian judiciary relies on the respect, trust, and confidence of all citizens to its independence, impartiality and efficiency.

The first and foremost tasks facing the Ukrainian judiciary regarding promoting and maintaining a high level of public trust in courts, even in an environment where the judiciary can rely mostly on its own resources, are the following:

7.1. Develop and implement a national Concept of Communications for the Ukrainian Judiciary that would include cooperation with the media and establishing a press center for the judicial branch, to ensure that the Ukrainian judiciary speaks with one voice, properly responding to both internal and external

informational demands, and communicates its needs, challenges, and successes to the public.

7.2. Maintain court and community relations in order to increase legal literacy of society and perception of court activity and establish cooperation in a manner that would prevent conflict of interest and would not interfere with administration of justice; including proper and effective cooperation with civil society organizations, educational institutions, in particular, with the aim of fostering respect for the judiciary in children and teenagers, forming knowledge about their rights and protection thereof and about the operations of the judiciary in general.