FAIR, ACCOUNTABLE, INDEPENDENT, AND RESPONSIBLE (FAIR) JUDICIARY PROGRAM IN UKRAINE

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CONTENTS

Executive Summary	4
Overview of the Project	5
Expected Result 1.1: Ukrainian Judicial Reform Legislation Receives Favorable Comments from the Venice Commission as Meeting International Standards and Reflects Domestic and International Expert Input	5
Expected Result 1.2: Constitutional Reform Related to the Judiciary is Pursued in an Inclusive Manner	12
Expected Result 2.1: Ukrainian Judges are Appointed on Objective, Knowledge- and Performance-Based Criteria	13
Expected Result 2.2: Ukrainian Judges are Disciplined in Transparent Processes	16
Expected Result 2.3: The Regulatory and Institutional Framework for Judicial Accountability and Integrity is Strengthened	19
Expected Result 3.1: The Skills and Competencies of Ukrainian Judges and Court Staff are Bolstered through Modern Demand-Driven Training Programs	24
Expected Result 3.2: Judicial Operations are Evaluated and Funded According to an Objective Assessment of Needs and Performance	28
Expected Result 3.3: The SJA's Capacity to Represent and Support the Developing Needs of Ukraine's Judiciary is Strengthened	33
Expected Result 3.4: The Capacity of Courts and Judicial Institutions to Communicate Effectively with the Public is Enhanced, Leading to Greater Public Appreciation of Their Activities	34
Expected Result 4.1: Civil Society and the Ukrainian Public are Engaged in the Judicial Reform Process	35
Expected Result 4.2: Civil Society Organizations Have Means and Opportunities to Effectively Monitor the Implementation of Judicial Sector Reforms and Provide Oversight to Judicial Operations	39
Performance Management and Evaluation	40
Budget Execution and LOE Utilization	45
Administration and Project Management	45
Donor Coordination	49
List of Annexes	52

EXECUTIVE SUMMARY

Year 3 of USAID's Fair, Accountable, Independent, and Responsible (FAIR) Judiciary Program in Ukraine was marked by political unrest, which led to the ouster of President Viktor Yanukovych in February 2014, and was then followed by the Russian invasion and annexation of Crimea in March 2014 combined with the ongoing violent Russian-backed separatist movement in the Donetsk and Luhansk regions. Despite the very fluid operating environment, FAIR continued to make progress across project activities. FAIR's primary objective – supporting legislative, regulatory, and institutional reforms in Ukraine's judicial institutions to build the foundation necessary for a more accountable and independent judiciary – requires USAID's committed assistance now more than ever, and the project's achievements to date continue to advance this objective in the face of ongoing challenges.

FAIR by the Numbers
October 2011- September 2014

- 497 courts covering every region of Ukraine received assistance.
- Supported 19 government justice sector institutions.
- Targeted programming provided to 17 civil society organizations.
- Promoted eight amendments to Ukrainian legislation to enhance judicial independence.
- Trained 1,686 judges and judicial personnel.
- 193 trainers qualified under the Training of Trainers Program.
- Developed 11 new legal courses and curricula, including a first ever in Ukraine Court Administration Certificate Program.
- 399 justice sector personnel engaged in long-term strategic planning for the judiciary.
- Supported two national tests of 3,474 and 2,348 judicial candidates respectively.
- 942 judges selected through new merit-based procedure.
- Engaged 6,150 citizens in the process of monitoring and oversight of court performance.
- Involved 64 courts in the process of complex court performance evaluation.
- Supported the development of more than 900 civil society recommendations to courts to improve court functions.

Unfortunately, the Ukrainian judiciary has responded poorly throughout this crisis period and remains subject to weak judicial leadership and institutions with limited capacity to fully defend judicial independence and uphold human rights. However, the election of President Petro Poroshenko in May 2014 led to renewed emphasis on judicial reform, especially on the amendments to the Constitution and the Law on the Judiciary and Status of Judges. Building on the new public demand for judicial reform, FAIR provided critical support to the judiciary and civil society in Year 3 in the following key areas:

Legal Framework Reform. In response to requests to support drafting the legislation and regulations regarding lustration and vetting of public officials and judges, FAIR provided consultations by leading experts from the Czech Republic and Poland on international and European standards and lessons learned, along with translations of comparative materials from countries that have gone through similar processes.

Judicial Selection. In Year 3, the project continued its support for an objective and merit-based system for judicial selection. With FAIR's guidance and assistance, the High Qualifications Commission of Judges (HQC) completed three rounds of judicial selection resulting in the appointment of 942 new judges based on new competitive processes. In an effort to promote sustainability, FAIR also supported the training of test item writers to prepare future judicial selection tests.

Judicial Ethics. The integrity of Ukraine's judiciary took meaningful steps forward with the Council of Judges (COJ) establishing a Judicial Ethics Committee to ensure enforcement of the Code of Judicial Ethics of February 22, 2013 – both initiatives were supported by FAIR. The newly-established committee will provide guidance to judges to avoid ethical violations before they happen.

Judicial Discipline. This year, together with the HQC FAIR introduced the first ever comprehensive training curriculum and manual for judicial inspectors. As a result, judicial inspectors now have better trainings and tools to investigate allegations of judicial misconduct.

Online Training. During Year 3, in cooperation with the National School of Judges (NSJ) and State Judicial Administration (SJA), FAIR supported the development and implementation of the first online training programs in Ukraine for judges and court staff, including an online course for judges on the Code of Judicial Ethics and an online course for court staff on court communications.

Improved Court Administration. Under the leadership of the SJA and the NSJ, FAIR and Michigan State University (MSU) implemented a training of trainers program for graduates of the pilot Judicial Administration Certificate Program. This will build sustainability into the program by developing a cadre of Ukrainian teachers for future certificate programs.

Engaging Civil Society. In Year 3, FAIR has remained committed to a strengthened role for civil society as advocates for and monitors of judicial reform. FAIR continued to support CSOs in monitoring court decisions and improving court services using Citizen Report Cards. FAIR also supported the Ministry of Justice (MOJ) to increase public awareness of free legal aid through the dissemination of thousands of public awareness kits, videos, and a broad multimedia campaign.

Assistance in these areas is still needed to ensure the above accomplishments are more fully developed and broadened, and most importantly, institutionalized so that they are not easily undone. The report that follows describes our successes in greater detail, as well as provides information on key achievements, progress made in meeting performance targets, budget execution, project management and donor coordination over the past year.

OVERVIEW OF THE PROJECT

As outlined in the contract, the following section contains a discussion of the current status of affairs and the key achievements to date, from October 1, 2013 through September 30, 2014, for each Expected Result. Deviations in the implementation of the work plan and problems requiring resolution or USAID intervention are discussed, if applicable. Views expressed by project counterparts do not necessarily represent those of the FAIR team.

EXPECTED RESULT 1.1: UKRAINIAN JUDICIAL REFORM LEGISLATION RECEIVES FAVORABLE COMMENTS FROM THE VENICE COMMISSION AS MEETING INTERNATIONAL STANDARDS AND REFLECTS DOMESTIC AND INTERNATIONAL EXPERT INPUT

CURRENT STATUS OF AFFAIRS AND KEY ACHIEVEMENTS: During the reporting period, FAIR worked with a variety of partners on improving the legislative and regulatory framework for the judiciary. FAIR continues to regularly monitor legislative initiatives in order to analyze any potential negative impact on judiciary independence and launch public discussions to prevent backsliding, as needed. This activity occurred in parallel with the efforts on constitutional reform (see Expected Result 1.2) to utilize available resources and further advance justice sector improvements. FAIR also worked with its partners to assist them in promoting their activities.

The ongoing political and social crisis poses major challenges for FAIR and its partners. The majority in the Verkhovna Rada, the Government of Ukraine (GOU), and President Petro Poroshenko have to perform under external pressure, both military and diplomatic, from Russia. They all also need to consider the internal pressure coming from active post-Maidan civil society groups and institutions. FAIR is working with its partners, experts, NGOs, and civic activists to meet their needs in order to find the most effective way to use project resources in light of the current fluid situation.

The political crisis has also brought a number of new issues related to judicial reform to the agenda. The most urgent one is government purification, including vetting of judges. The FAIR team was asked by our partners to assist with identifying relevant international and European experience and lessons learned. In response, FAIR gathered information on the lustration and vetting in the former German Democratic Republic (GDR) and Kenya and forwarded the relevant materials to policymakers.

The FAIR team also worked with Council of Europe (COE) experts to provide consultations on the current legislation in Ukraine during the process of the adoption of the Law on Restoring Trust in the Judiciary. In parallel, FAIR identified lustration expert Roman David, who visited Ukraine in early April to share his knowledge of the lustration processes in the Central and Eastern Europe countries. Professor David contributed significantly to the law drafters' better understanding of the essence, challenges, and benefits of lustration. The expert also met NGO representatives, MPs, judges, donors, and scholars to promote an inclusive rather than exclusive approach to lustration policy.

Milestone Progress ER 1.1

- Drafted amendments to the Law on the Judiciary and Status of Judges (amended according to Venice Commission recommendations) and introduced it to the President's Office for consideration.
- Draft Law on the Bar and Advocates activity was submitted to the Verkhovna Rada of Ukraine on April 28, 2012, adopted on July 5,2012, in force from August 15, 2012.
- Held three public discussions on pending judicial reform legislation.
  (*December 20 and 21, 2011, Conference on Judicial Reform in Ukraine and International Standards for Judicial Independence; October 5, 2012, Conference on Constitutional and Legal Status of the High Council of Justice: Theory and Practice; March 21, 2013, Conference on Role and Place of High Councils of Justice in Forming the Judicial Corps).*
- Concept Paper on Legal Education Reform developed and presented to the members of the Working Group on Legal Education Reform in Ukraine.
- The Third Annual Conference on "Judicial Training Standards: International Best Practices and Objectives for Ukraine" conducted in cooperation with the NSJ.
- FAIR has launched research on European judicial self-governance standards and best practices.
- International conference on "Role of Administrative Case Law and Its Impact on Public Law Development" conducted.
- Recommendations to improve HQC Regulation on Transferring Judges within Term of their First Appointment developed.
- Concept paper on amendments to the Law on Access to Court Decisions developed.
- International conference on "Role of the Supreme Court in a Democratic Society" conducted.
- The Law on Amending Certain Legislative Acts of Ukraine concerning Realization of State Anti-Corruption policy adopted.
- The Law of Ukraine on the Restoration of Trust in the Judiciary of Ukraine was adopted on April 8, 2014.
- Draft amendments to the Law on the High Council of Justice were developed and introduced for the consideration of HCJ staff and newly appointed members of the HCJ.
- Chief Justice Yaroslav Romaniuk took part in the Conference of Chief Justices of Central and Eastern Europe (June 22-25, 2014, Tbilisi, Georgia).
- On-site legal education quality assessment of a Ukrainian law school carried out and an Assessment Report drafted.
- Grant program to support the MOE and MOJ in developing a national standard for legal education launched.
- Kyiv-Mohyla Law School team successfully participated in the Central and Eastern European Moot Court Competition in EU Law held in Warsaw, Poland, and reported on its participation to FAIR.

On April 8, 2014, the Verkhovna Rada adopted the Law on Restoring Trust in the Judiciary. The aim of this law is to create a legal framework for the purification of the judicial corps through the investigation of judges' performance, who during the mass protests in Kyiv (November 2013 – February 2014) considered cases against peaceful protesters in an inappropriate manner, undermined the role of the court system in a democratic society, ignored the presumption of innocence principle, acted under external pressure to deliver legally questionable decisions, put innocent people in jail, and imposed groundless administrative sanctions. The Law amended the provisions of the Code on Administrative Procedure, the Code on Administrative Offences, the Law on the Judiciary and Status of Judges, and the Law on the High Council of Justice.

As a first step of the implementation of the Law on Restoring Public Trust in the Judiciary, the Interim Special Commission for Judicial Vetting (ISC) was established to deal with complaints against judges. The Commission is comprised of 15 members and includes five retired judges appointed by the Supreme Court of Ukraine (SCU) and ten professional lawyers, five from the Anti-Corruption Government Agent and five from the Verkhovna Rada (five from each). The Verkhovna Rada has yet to appoint its quota, but the ISC can operate with nine members in place. Formally launched on June 12, 2014, the ISC is housed on the premises of the High Council of Justice (HCJ) and will be in operation for one year until June 12, 2015. It will be receiving complaints of judicial abuse and misconduct related to the Maidan protests until January 3, 2015.

Specifically, the ISC is authorized to deal with complaints against judges who considered cases:

- Against participants in the mass protest actions starting from November 21, 2013 until the date of the Law's entering into force;
- Against individuals, who were declared political prisoners by the Verkhovna Rada;
- Regarding the results of the Fall 2012 elections to the Verkhovna Rada, as well as with regard to the unlawful stripping of MPs' mandate; and
- Whose decisions resulted in violations of the European Convention on Human Rights as stipulated by the European Court of Human Rights.

According to the current legislation rules, the ISC conducts fact verifications to assess whether judges in specific cases did commit a breach of oath and if so, it makes a recommendation to the HCJ to remove the judges in question on this ground. When the Commission determines that there was judicial misconduct that may lead to disciplinary action, the case has to be sent to the HQC or the HCJ for consideration, depending on the level of the court in which the judge in question is working. All ISC decisions must be publicly available and posted on the HCJ website. If the investigation results provide grounds for suspicion in a criminal offence, if a judge has knowingly delivered an unlawful decision, the case has to be forwarded to the General Prosecutor's Office attention. As of October 10, 2014, the ISC has received 999 complaints in total, with only 81 of these falling within its jurisdiction, as most of the complaints are not related to the types of cases listed above. On September 24, 2014, the ISC held its first hearing of the first seven complaints. After the investigation and panel consideration, the ISC found that there is a breach of oath by six out of the seven judges, and forwarded its decisions to the HCJ. It is important to underline, that one appeal court judge was acquitted, as she did not join the majority of her colleagues' in approving a legally questionable verdict and signed a dissenting opinion. FAIR has already established working relations with the ISC leadership, providing them with comparative materials and lessons learned from other countries, as well as with expert opinions on draft internal regulations in order to help promote a transparent process of holding judges accountable and dealing with cases in line with the European Court of Human Rights case law on judicial lustration.

Under the transitional provisions of the Law on Restoring Public Trust in the Judiciary, chief judges and their deputies in all court levels were removed from their positions, while the activity of the HCJ and the HQC members was suspended. Now, chief judges and their deputies at all court levels and specializations are elected by their peers by a secret ballot for a one-year term in office. A chief judge may also only hold an administrative position for no more than two times in a row. The judges have the right to initiate a vote of no confidence of the leadership they elected, and to dismiss them before the end of their term with a 2/3 majority vote. The Law also prohibits active MPs, members of the Cabinet of Ministers, chief justices and their deputies, chamber secretaries and their deputies, members of the COJ and HCJ, Ombudsman, persons prosecuted for corruption, as well as individuals who were the members of the HCJ and HQC before the law was adopted,

from becoming members of the HQC. Furthermore, the Law introduces restrictions on former members of the HCJ and the HQC, who can no longer be elected or appointed to these institutions again. Currently, the new members of the HCJ and the HQC are being appointed by the authorized bodies.

The adoption of this law also affected judicial self-governance. New rules on the selection of COJ delegates were introduced and as a result, more trial courts judges got a chance to participate in high-level judicial self-governance bodies' activities. The number of COJ members increased from 11 to 40, including 20 judges from the local general courts, three judges from the local administrative courts, three judges from the local commercial courts, seven judges from the appellate general courts, two judges from the appellate administrative courts, one judge from the appellate commercial courts, and one judge from each high specialized court and the Supreme Court of Ukraine (SCU).

While the judicial vetting process has been started, the issue of general lustration was still a foremost priority on the public agenda. Six drafts of the Law on Lustration were registered in the Verkhovna Rada in May 2014, suggesting different approaches. Five of them focused on the political background of public employees in their past, and one offered the "assets-based approach." On July 24, 2014, one more draft Law on the Purification Government (No. 4359a) was registered. This draft law represented a form of consensus among the drafters of the previously registered bills.

In order to provide project partners with other countries' experience to ensure that the lustration process in Ukraine is conducted in a consistent manner with respect to the rule of law principle, FAIR involved Radosław Peterman, Deputy Director of the Vetting Office with the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation (Poland), and Pavel Zacek, Lustration Expert, Founder and First Director of the Institute for the Study of Totalitarian Regimes (Czech Republic). Both Mr. Peterman and Mr. Zacek visited Kyiv on September 8–12, 2014. During their visit, the experts met with a number of Ukrainian counterparts, including judges, and presented at the roundtable "Lustration: International Experience and Ukrainian Perspectives" jointly organized by FAIR and the Open Dialogue Foundation on September 11, 2014. The aim of the roundtable was to (1) share best practices and lessons learned from neighboring countries in the lustration of government officials and judges; (2) discuss the current status of initiatives in Ukraine related to the lustration of government officials and judges for disloyalty or corruptions, including the Law on Restoring Trust in the Judiciary and the draft Law on the Purification of Government; and (3) develop recommendations for the future design and implementation of lustration policies in Ukraine. Following the Roundtable, Mr. Peterman and Mr. Zacek developed a list of recommendations to improve some significant gaps in the draft Law on the Purification of Government that could hinder its implementation (if any) and provided tips for the successful implementation of the law when it is in force.

On September 19, 2014, the Verkhovna Rada adopted the draft law in second and final reading. On September 25, 2014, the Speaker of the Verkhovna Rada signed the draft law and forwarded it for the President signature. Simultaneously, the Ukrainian members of the Parliamentary Assembly of the Council of Europe (PACE) Monitoring Committee submitted this law for the Venice Commission experts' review to examine any potential human rights challenges contained thereof.

The main objective of the Law on Purification of Government is to facilitate the conduct of a process of lustration of public officials based on a financial disclosure and an audit of their past political background at the national and local level. It provides the list of positions subject to vetting, including professional judges, members of the HQC and HCJ, Head of the SJA, and his/her first deputy and deputies. In general, the draft Law is a positive attempt to address the

government officials' loyalty and integrity. Nevertheless, it has some significant shortcomings, such as (1) the absence of a timeframe for the vetting process; (2) the unclear definitions and lack of proper processes descriptions; (3) the exclusive approach to the vetting process; and (4) the lack of amendments to related legislation currently in place.

Further on, pursuant to the objective of component 1.1.1., during the reporting period, FAIR continued to work on improving the legal basis of judicial reform, specifically on revising the Law on the Judiciary and Status of Judges and the Law on the High Council of Justice in order to fill in gaps and bring both of them in compliance with the Constitution of Ukraine and the Venice Commission recommendations. The FAIR legal team developed a list of 51 recommendations on amending the Law on the High Council of Justice. FAIR experts are also working on finalizing a list of recommendations on revising the Law on the Judiciary and Status of Judges, and will support its submission to the Verkhovna Rada.

At the same time, the Reanimation Package of Reforms group of lawyers submitted the new text of the draft Law on the Judiciary and Status of Judges that they developed for the MOJ's review. The MOJ welcomed this draft and the experts' discussion to inform its submission for the Venice Commission's review and for the new Verkhovna Rada's consideration. Although this draft takes a holistic approach to amending the Law on the Judiciary and Status of Judges and includes a number of key positive changes, many of which have been initiated by FAIR experts, it remains raw and inconsistent. In addition, many of the systematic problems related to the judiciary are not and cannot be addressed by this draft as they require amending the Constitution, specifically the composition and status of the HCJ, the initial 5-year appointment of judges, judicial immunity, and the President's authority to create and liquidate courts. Nevertheless, as requested by the MOJ, FAIR will conduct an expert analysis of this draft law's provisions and provide recommendations to improve and bring it in line with international and European standards for the judiciary.

In addition, FAIR short-term local expert Law Professor Mykola Khavronyuk developed the legal framework provisions of the draft law on amending the judiciary in order to improve the budgeting process, the judicial candidates' background check process, and courts' statistics modernization. FAIR is also working jointly with its partners the COJ, the SJA, the Ministry of Finance, and the Verkhovna Rada Budgeting Committee to identify existing gaps and propose changes needed to address the challenges that Ukrainian courts are facing. FAIR will advocate for these provisions to be considered by the new Verkhovna Rada later this year.

During the reporting period, in support of the objectives under component 1.1.2., FAIR was working with local Judicial Operations Expert Olena Ovcharenko as well as Law Professor Mykola Khavronyuk, to develop legislation amendment proposals to introduce changes into the current framework and bring certain legal provisions on judicial disciplinary processes in compliance with rule of law principles. The experts identified the legislative norms to be amended, and developed the draft proposals for a number of legislative acts. FAIR is works with its partners to advocate for the consideration of these proposals.

FAIR also analyzed a draft law on the extension of the SCU's powers (registration No. 3356) introduced to the Verkhovna Rada on October 4, 2013. This draft law serves as an opportunity for cooperation between FAIR and the EU Project on Support to Justice Sector Reforms. FAIR developed the preliminary recommendations to improve the status of the SCU, and submitted the analysis and comments to the draft law to the Parliamentary Committee on the Rule of Law and Justice.

Focusing its efforts and attention on justice sector reform matters, FAIR has also monitored legislative initiatives in other areas related to the judiciary. A timely FAIR reaction to some of the provisions of the Draft Law on the Prosecutor Service in Ukraine prevented backsliding in the

regulations regarding the status of the judicial training institution and the SJA. Drafters of that law proposed to merge the National School of Judges (NSJ) with the Academy of Prosecutors, which operates as a higher educational institution under the Ministry of Education and Science's authority and supervision. The NSJ is the judicial corps training center – it was placed within the judiciary by the Law on the Judiciary and Status of Judges of 2010 and is governed by judicial self-governance bodies. A similar violation of judicial institutional independence could have occurred as a result of the transitional provisions of the abovementioned draft law, where the SJA was proposed to be transformed into an Administration of Justice to deal with both judicial and prosecutorial authority issues. FAIR provided arguments on the inadmissibility of such initiatives in light of the separation of power and judicial independence principles, and supported its partners the NSJ and the SJA to successfully lobby for the removal of these provisions from that draft law.

During the reporting period, FAIR advocated for the improvement of the legislation through various discussion forums and public awareness activities, such as the roundtable on "Theoretical and Practical Aspects of Judicial Disciplinary Proceedings (November 21-22, 2013); the 56th Annual Meeting of the International Association of Judges (October 5 to 10, 2013); and the Third Annual International Conference "Legal Status of the High Qualification Commission of Judges of Ukraine: Ways to Improve Qualification and Disciplinary Institutions in light of Constitutional Reform" (October 28 and 29, 2013).

The participants of the Conference of Chief Justices of Central and Eastern Europe on June 23, 2014 in Tbilisi, Georgia.

From June 22 to 25, 2014, FAIR supported the participation of SCU Chief Justice Yaroslav Romaniuk at the Conference of Chief Justices of Central and Eastern Europe in Tbilisi, Georgia. The Conference brought together chief justices and leading jurists of Central and Eastern Europe to discuss the particular challenges they face in building effective judiciaries consistent with the rule of law principle. The Conference offered a unique opportunity for justices from Albania, Azerbaijan, Croatia, Hungary, Latvia, Lithuania, Macedonia, Moldova, Montenegro, Poland, Slovakia, Ukraine, and Georgia to have candid, off-the-record discussions on a range of topics, including: Issuing Clear, Well-Reasoned Opinions at All Levels; Handling Long Trials; Continuing Judicial Education; and Building Public Trust by Strengthening Media Services. During the Conference, it was decided that the next installment will be held in Kyiv.

In order to support the improved alignment of legal education in Ukraine with the demands of the modern labor market, FAIR awarded a grant to the all-Ukrainian NGO Ukrainian Marketing Association to engage civil society in developing a legal profession qualifications framework by gathering and analyzing information about the scope of knowledge, skills, and abilities law graduates with Bachelor's Degrees should have to meet current labor market requirements.

During this reporting period, FAIR also supported the first ever external on-site assessment of the quality of legal education at the Lviv National University (LNU) Law School – one of the leading Ukrainian law schools. It proved to be a breakthrough in Ukrainian legal education. The assessment was conducted with the use of a methodology developed by a group of Ukrainian and

international experts. The recommendations developed following the assessment are the basis for a broader strategic plan to improve the quality of legal education not only at LNU, but nationwide. The methodology for this assessment is a product to be considered by respective state agencies and recommended for application at law schools whose leadership is interested in enhancing the quality of legal education. This is why FAIR expects that this pilot project will not only help to enhance the quality of legal education at the LNU Law School, but in the long run will also help to inculcate quality assurance policies within the nationwide system of legal education that take into account labor market expectations for law school graduates.

Building on the results of the assessment, FAIR also supported the initiation of a strategic planning process for the LNU Law School in order to address identified areas in need of improvement, such as the need to involve students more effectively in governance and performance issues. LNU Law School Dean Andriy Boiko established a strategic planning committee to launch this process. FAIR engaged Professor Tomasz Sieniow, who helped develop and implement a strategic plan for the law school at the Catholic University in Lublin, Poland, to support and provide guidance to LNU. On September 9, 2014, FAIR supported a strategic planning workshop with LNU to conduct a strengths, weaknesses, opportunities, and threats (SWOT) analysis of the law school. The strategic planning process is expected to be completed by the end of March 2015.

FAIR also focused on other means of fostering legal education quality improvements, specifically by providing targeted support to a law school in its effort to enhance its legal education capacity. The Kyiv-Mohyla Law School team's application for funding submitted to the USAID Mission in Ukraine led to the insertion of a new component in the FAIR Work Plan (task 1.1.4). During the reporting period, FAIR provided support to the Kyiv-Mohyla Law School team by sponsoring its participation in the Central and East European Moot Court Competition in European Union Law held on April 25-28, 2014 in Warsaw, Poland. This year, 16 teams from ten countries participated in the competition and the Kyiv-Mohyla Law School was recognized as the sixth best team among them. The team elaborated on the lessons learned as a result of their participation in the competition in a special report. FAIR's support of the Kyiv-Mohyla Law School team contributed to the schooling of highly skilled young Ukrainian lawyers and thus, helped enhance the quality of Ukrainian legal education.

Also during this reporting period, FAIR contributed to draft laws on higher education as they relate to legal education. FAIR submitted a draft law accompanied by proposals for alternative ways to regulate higher education matters in light of best international practices. The bill became law on July 1, 2014. It prescribes a general framework for transforming legal education in Ukraine in accordance with best practices of education management and education quality assurance. However, because of its general nature, the law does not directly and comprehensively serve the purpose of reforming legal education in Ukraine. Thus, FAIR will continue to advocate for legislative measures that support the process of legal education reform. Following the leadership change in the MOJ and the Ministry of Education and Science of Ukraine in spring 2014, FAIR resumed its cooperation with the ministries, both of which have competencies in the legal education policy area. In addition, in order to launch a long-term cooperation effort with the MOJ, FAIR has drawn up a draft Protocol of Cooperation that will strengthen the effectiveness of the project's efforts to promote legal education reform.

DEVIATIONS IN THE IMPLEMENTATION OF THE WORK PLAN: There is some delay in the schedule of the implementation of FAIR activities, which is linked to the extended political crisis in Ukraine. The pre-term Presidential elections in May and the pre-term Parliamentary elections in October are affecting FAIR activities. The project is working actively to establish working relations with the new key stakeholders and promote the needed legislative amendments. According to President Poroshenko, reform of the judiciary remains a top priority of the GOU's agenda.

EXPECTED RESULT 1.2: CONSTITUTIONAL REFORM RELATED TO THE JUDICIARY IS PURSUED IN AN INCLUSIVE MANNER

CURRENT STATUS OF AFFAIRS AND KEY ACHIEVEMENTS: During the reporting period, FAIR was focused on providing expert support to its partners and addressing the pressing issues Ukraine faced in the course of the year.

In October 2013, FAIR provided the Constitutional Assembly (CA) leadership with an analysis of the draft General Concept Paper of Constitutional Changes developed by European experts Lorena Bachmaier and Evgenii Tanchev. Based on the experts' recommendations, significant changes were introduced into the revised text of the draft. On November 27, 2013, the coordination bureau of the CA adopted decision No. 21 recommending that the CA approves the revised, improved content of the draft General Concept Paper of Constitutional Changes.

On October 10, 2013, the Verkhovna Rada of Ukraine adopted the Draft Law on Introducing Changes to the Constitution of Ukraine regarding Strengthening Guarantees of Judicial Independence No. 2522a in the first reading. The draft was submitted to the Venice Commission for review. On December 10, 2013, the Venice Commission issued a positive opinion, in which it welcomed the following elements of the proposal:

Milestone Progress ER 1.2

- Independent Madrid University Law Professor Lorena Bachmaier developed and presented the Expert Opinion on the Constitution of Ukraine Gap Analysis with a focus on rule of law principle implementation.
- The draft law on Amendments to the Constitution Strengthening the Independence of Judges is developed by the Presidential Administration and submitted to Verkhovna Rada for first reading consideration.
- The Concept Paper on Improvement of the Constitutional Regulation of Justice in Ukraine was incorporated into the Draft General Concept Paper of Constitutional Changes to be presented during the 4th CA plenary meeting.
- Independent Madrid University Law Professor Lorena Bachmaier developed and presented the Expert Opinion on the Improved Concept Paper on Justice Sector Amendments.
- The Draft Concept Paper on Constitutional Changes was discussed at the June 21, 2013 CA plenary session and was sent for further improvement.
- The CA coordination bureau adopted decision No. 21 to recommend that the CA approves the revised and improved content of the Draft General Concept Paper on Constitutional Changes.
- The European Commission for Democracy through law (the Venice Commission) issued an Opinion on the draft law on Amendments to the Constitution Strengthening the Independence of Judges.
- Two meetings with the Interim Special Commission members were held to provide them with expert recommendations regarding areas to be addressed in implementing the rule of law principle in the constitutional reform process.

1) Introduction of provisions on the right to a fair trial within a reasonable time to the Constitution text;
2) Removal of the option of re-appointment of the Prosecutor General;
3) Strengthening of the role of the Supreme Court;
4) Recognition of the jurisdiction of the International Criminal Court at the constitutional level;
5) Bringing the scope of judicial immunity in line with COE standards;
6) Constitutional guarantee for the competitive selection of judges; and
7) Appointment and dismissal of judges by the HCJ.

However, the Commission criticized the following proposed elements:

1) Impeachment of judges by the Verkhovna Rada and even the direct initiation of such impeachment by citizens;
2) Discrimination in the retirement age between "higher" and "lower" ranking judges;
3) Dismissal of judges because of a "breach of oath";
4) Re-qualification examination for all judges;
5) Dismissal of judges because of refusal to a transfer against their will;
6) Remaining link between the prosecution and the HCJ; and

7) Incoherent distribution of functions between the HCJ and the HQC.

During the political crisis between November 2013 and February 2014, the Constitutional reform process was suspended and the CA established by President Yanukovych interrupted its activities, when he fled the country in late February 2014. Only on July 3, 2014, the draft law No. 2522a was scheduled for a second reading, but a Verkhovna Rada majority voted against its adoption and it was removed from the list of draft laws under consideration.

Throughout spring 2014, the new Verkhovna Rada majority and new government focused on stabilizing the country, focusing on a number of key priorities. Specifically, reform of local self-governance and decentralization of power became leading issues in the constitutional reform process.

In April 2014, the Verkhovna Rada created a 15-member Interim Special Commission (Commission) made up of representatives of all political parties present in the Verkhovna Rada to work on the preparation of a draft law on amending the Constitution. This Commission conducted several meetings, collected proposals, and placed them on the table as potential amendments to the Constitution. Nevertheless, its activity never resulted in a comprehensive document to be considered or even discussed by the Verkhovna Rada, and in late May 2014, the Commission suspended its activities.

On June 26, 2014, President Petro Poroshenko submitted to the Verkhovna Rada the Draft Law No. 4178a on Amending the Constitution of Ukraine developed by his team. This draft law is aimed at balancing government powers and providing more autonomy to local self-government bodies in the regions. In general, the draft amendments improve the balance of power between the President and the Verkhovna Rada, and demonstrate progress in addressing decentralization in the context of local self-governance issues. Its major positive provision is the removal of general supervision powers, which is the right to pursue and investigate any case, from the prosecutorial authority. However, the draft law does not directly address the judiciary, and does not remove the President's power to establish courts, which according to Venice Commission's recommendations, should instead be established by laws adopted by the Verkhovna Rada. On July 3, 2014, the Verkhovna Rada voted to include the proposed draft law into the parliamentary session agenda.

On September 25, 2014, President Poroshenko presented his Reform Strategy 2020. During the presentation, he stressed that the reform of the judiciary remains the top priority of his presidency. Given this, FAIR will work with its partners and all key stakeholders to ensure an inclusive and transparent approach to constitutional reform, engaging experts to support the process and raising public awareness of the content of the proposed changes.

DEVIATIONS IN THE IMPLEMENTATION OF THE WORK PLAN: Progress under this expected result was stunted due to the political and social turmoil, specifically the early Presidential elections, the Parliamentary crisis, and the Russian invasion of Ukrainian territory. FAIR continues to adjust its work based on ongoing developments and the pace of partners' activities. FAIR will also work to ensure the consistency of all new initiatives with the already provided expert opinions collected in cooperation with the CA. The main task that remains is to ensure that any proposed changes to the respective sections of the Constitution are in line with international and European standards regarding judicial independence and human rights.

EXPECTED RESULT 2.1: UKRAINIAN JUDGES ARE APPOINTED ON OBJECTIVE KNOWLEDGE- AND PERFORMACE-BASED CRITERIA

CURRENT STATUS OF AFFAIRS AND KEY ACHIEVEMENTS: FAIR is assisting the HQC in developing and implementing transparent, objective, knowledge- and performance-based judicial

selection criteria and procedures through an anonymous test and qualifications exam for judicial candidates.

Currently, with FAIR support, the HQC has completed three rounds of judicial selection resulting in the appointment of 942 new judges. As for today, reserve list which is used to fill vacant positions includes 1,186 judicial candidates. The HQC planned to announce the fourth nationwide judicial selection this year, but as a result of the political developments in the country and the implementation of the Law on Restoring Trust in the Judiciary in April 2014, the HQC had to cease operations. The new composition of the HQC is still in a process of formation.

According to the Law "On Judiciary and the Status of Judges" HQC shall be composed of 11 members and consist of: 6 judges to be appointed by the Congress of Judges of Ukraine, 2 persons appointed by Congress of representatives of higher law schools and scientific institutions, 1 person to be appointed by the Minister of Justice of Ukraine, 1 person to be appointed by the Ombudsman of the Verkhovna Rada of Ukraine, 1 person to be appointed by the Head of State Judicial Administration. HQC shall be deemed competent if at least eight members of the Commission have been appointed.

Milestone Progress ER 2.1

- Held three working meetings with the HQC.
- HQC formed a working group to improve selection procedures for the first appointment of judges.
- Completed gap analyses of the judicial vacancy application, test administration, and scoring processes.
- Conducted psychometrical analysis of the qualification exam and initial test.
- Held training for HQC members on case study writing evaluation methodology.
- Developed recommendations for improving the judicial vacancy application, test administration, and scoring processes.
- Drafted a handbook for test item developers.
- Held training for developers of test items on developing test questions for evaluating skills at high cognitive levels.
- Drafted a manual for anonymous test administrators (proctors).
- Drafted a report with recommendations and necessary next steps to automate the qualification exam.
- Conducted an Analysis of Judicial Practice, and presented and promoted its results.
- Identified EU and international standards and practices for transferring judges.
- Conducted training for test items writers.
- Developed a manual for test items writers based on the training and expert materials developed in the previous reporting period.
- Updated manual for judicial anonymous test proctors (administrators).

As of today, the Congress of Judges which took place on September 25 and 26, 2014 elected 6 new members to the HQC: Judge Mykhailo Makarchuk of the High Specialized Court of Ukraine for Civil and Criminal Cases, Judge Mykola Mishyn of the Donetsk Oblast Appellate Court, Judge Valentyna Ustymenko of the Kharkiv Oblast Appellate Court, Judge Anastasiya Zaritska of the High Commercial Court of Ukraine, and Supreme Court of Ukraine Justices Mykola Patryuk and Yuriy Titov.

The Congress of representatives of higher law schools and scientific institutions, which took place on April 29, 2014, elected Volodymyr Suschenko, Professor at the Faculty of Law of the Kyiv Mohyla Academy, and Mykola Halyantych, Deputy Director of the Institute of Private Law and Business as the members of HQC However, on May 28, 2014, the Kyiv Circuit Administrative Court reversed the decision with the justification that the Ministry of Science and Education has no authority to conduct the Congress.

On June 12, 2014, as a result of an open competition, the Verkhovna Rada Commissioner for Human Rights recommended appointing Inna Zavalna, former First Deputy Head of the State Registration Service, to the HQC. However, there is no final decision from the Ombudsman's side on her appointment. In addition, two member of the HQC still need to be appointed by the Head of the SJA and the MOJ respectively.

As of today, six new members of HQC of the 8 needed for HQC to be deemed competent and of the 11 for the HQC to be fully formed were appointed.

During the reporting year, FAIR also focused on providing expert and technical assistance to the HQC and the NSJ in developing a bank of test items for judicial testing, as well as in establishing a quality pool of judicial test items writers and training them.

Participants of the training for test items writers trained on using the SPSS software in the process of analyzing test items, June 5-6, 2014.

FAIR proceeded to adapt the Statistical Package for the Social Sciences (SPSS) software provided to the HQC and NSJ according to the specific needs of the anonymous test for judicial candidates and the newly developed test items. For this purpose, FAIR engaged short-term testing and training Expert Serhiy Mudruk to adjust the SPSS software, as well as to conduct a training program for HQC and NSJ personnel on how to properly use it. In addition, on June 5-6, 2014, at the request of the HQC and the NSJ, FAIR conducted a training program for test item writers on the "Methodology of Test Item Writing: Preparation, Validation and Improving". Representatives from the NSJ and the HQC test items writers group participated in the event. FAIR also included members of an expert group of test items evaluators in the training. This group of evaluators was created in November 2013 as a joint initiative of the HQC and the HCJ for the purpose of having the quality and content of the developed test items and case studies evaluated by professional judges. As a result, two justices of the SCU, two judges of the HCCC, one judge of the HCC, and two judges of the HAC participated in the training. During the training, participants were acquainted with national and international standards of professional examinations, baselines for the test and test item, practical rules for test developers, and the process of planning and developing tests. Through practical exercises and group work, the participants improved their skills and ability to identify problems in the quality of the tests and correct errors, as well as to develop test items in compliance with quality indicators. In addition, participants were trained in using the SPSS software in the process of analysis of test items. For the practical work with the SPSS software, the NSJ provided participants with five computers, which had been purchased earlier by FAIR to meet the needs of the NSJ. Short-term testing and training experts Leonid Sereda and Serhiy Mudruk led the training. Participants expressed interest in continuing cooperation to further enhance the skills of test items writers and evaluators in developing, validating, and revising test items to improve them. The participants also emphasized the need to have regular approbation of the test items developed during the initial training for judicial candidates and the ongoing trainings for judges at the NSJ. Additionally, Serhiy Mudruk developed a Manual for Test Item Writers based on the training and expert materials developed in the previous reporting period.

Further on, under the Annual Program Statement (APS) on "Strengthening the Role of Civil Society Organizations as Advocates for and Monitors of Judicial Reform" FAIR awarded a grant to the International Public Organization "Universal Examination Network" (UENet) to conduct the second part of the in-depth Judicial Practice Analysis among judges of commercial and administrative courts to identify the level of legal knowledge, skills, and abilities required to be a judge. The grantee will conduct a survey among judges of commercial and administrative specializations to identify judicial qualifications, a list of personal and ethical standards that judicial candidates should have, as well as methods to evaluate them and to identify the topics for ongoing training that is needed based on the input from sitting judges. The analysis will inform the development of questions for the qualifications exam, and will support the enlargement of the bank of test items and case studies in commercial and administrative specializations available for the

qualification exam. During the reporting period, FAIR supported the UENet NGO grantee in implementing this grant.

Based on the resources and tools developed during the project's base period, FAIR also updated the manual for anonymous test proctors (administrators) based on the results of previous judicial selections.

Finally, FAIR continued to assist the HQC in developing clear standards for transferring judges. FAIR involved international legal expert Graham Taylor, who provided expertise on international practices for transfer of judges between courts of different jurisdictions or different specializations. Graham Taylor examined the transferring procedures in France, Lithuania, Germany, Sweden and Poland for the purposes of this assignment.

DEVIATIONS IN THE IMPLEMENTATION OF THE WORK PLAN: Due to the unclear status of the HQC as the new members had not yet been appointed in the quantity which is necessary for the HQC to start its work by the end of September 2014, FAIR was forced to postpone some planned activities, in particular with regard to the development of the Implementation Plan for the automation of the judicial qualifications exam. As soon as the new composition of the HQC is established, FAIR will face the challenge of building relationships with newly appointed members and staff members, and introducing them to the issues related to proper implementation of the judicial selection process. At the same time, the political will of the new government to implement judicial reforms within a short timeframe requires that the project make quick, adequate, and effective decisions to assist the new government in implementing reforms consistent with rule of law principles. FAIR will continue to adjust its work based on ongoing developments.

EXPECTED RESULT 2.2: UKRAINIAN JUDGES ARE DISCIPLINED IN TRANSPARENT PROCESSES

CURRENT STATUS OF AFFAIRS AND KEY ACHIEVEMENTS: During the reporting period, the FAIR team continued to support the HQC and other partners in dealing with judicial disciplinary matters to improve the discipline procedure and ensure its transparency and conformity with the best practices and international and European standards.

On October 28 and 29, 2013, FAIR provided support to the 3rd Annual International Conference "Legal Status of the High Qualification Commission of Judges of Ukraine: Ways to Improve Qualifications and Disciplinary Institutions in Light of Constitutional Reform" by engaging short-term international judicial discipline expert Richard Hyde, Member of the Qualification Commission of Judges of Georgia (USA), who presented to the participants the US standards of conducting investigations of judicial misconduct.

On November 21 and 22, 2013, FAIR assisted the HQC in organizing the roundtable "Theoretical and Practical Aspects of Judicial Disciplinary Proceedings." Members and employees of the HQC, HCJ, justices of the SCU, judges of the HAC and Kyiv Administrative Court of Appeal, as well as representatives of academic institutions took part in the roundtable to discuss controversial issues of classification of judicial misconduct and procedural matters. FAIR Short-Term International Judicial Accountability Expert Grzegorz Borkowski, Judge of District Court (Lublin, Poland), acquainted the participants of the roundtable with judicial discipline issues from the Polish and European perspective. As a result of the roundtable, FAIR developed recommendations on the classification of judicial misconduct under the provisions envisaged by the Law on the Judiciary and Status of Judges. The recommendations are to be presented to the new members of the HQC.

On January 21, 2014, FAIR conducted a joint meeting with the HQC leadership, members, and heads of departments to discuss priorities for collaboration between FAIR and the HQC with regard to the judicial discipline process. Among the activities launched by FAIR in the previous reporting periods, the HQC confirmed its interest in: (1) developing and implementing the integrated electronic database to automate the business processes of the HQC; (2) preparing and printing the Manual for Disciplinary Inspectors; and (3) organization of initial and ongoing training for judicial discipline inspectors.

Milestone Progress ER 2.2

- Documented current practices within the judicial discipline process.
- Presented Amendments to the Draft Regulation on the Judicial Discipline Inspector Service for HQC's consideration.
- Finalized and presented Draft Regulation on the Judicial Discipline Process for HQC's consideration (achieved, although this document is now called a Procedure).
- Developed training curriculum and manual for judicial discipline inspectors.
- Developed importing and search modules enabling the posting of judicial discipline decisions to the HQC website and their search tools.
- Delivered 45 laptops to the HQC and improved the procedure for judicial misconduct complaints verification and consideration.
- Developed and presented terms of reference of a unified integrated database to manage HQC business processes, including judicial discipline and selection processes.
- Conducted monitoring of judicial discipline decisions and appeals on HQC judicial discipline decisions through a grant-funded activity by an NGO.
- Drafted Manual for Disciplinary Inspector.

On February 14, 2014, FAIR representatives and Short-Term Local Database Management Expert Boris Shuster met with the employees of the HQC Secretariat, the Head of the Service of Disciplinary Inspectors, and the HQC IT Department to discuss the draft Terms of Reference (TOR) for the design of the unified electronic database for the electronic documents management and control system. The TOR is based on the analysis of internal HQC business processes and recommendations that were conducted and developed during the previous reporting periods by the Short-Term International Judicial Discipline Processes Management Expert Pamela Daniels, Court Systems Reforms Specialist. During the meeting, the parties discussed and agreed upon the following points:

- System shall set out the arrangement of electronic documents and searches them by details;
- System shall contain a separate module for document management, processing, and execution control;
- System shall provide a judicial filing database to manage each judge profile that shall contain information about her/his professional career, starting from judicial candidate selection through retirement/dismissal, as well as the data about training(s), transfer(s), promotion(s), and disciplinary proceedings. To protect the judicial database from unauthorized access by third parties, the system shall provide for secure technical instruments. The process of gathering and keeping judicial personal data shall be in accordance with the Law on Protection of Personal Data; and
- System shall have specific services related to the judicial qualification exam, first appointment of judges, their indefinite tenure, judicial transfers, as well as a specific electronic register of judicial vacancies.

On April 2, 2014, FAIR submitted for HQC's consideration the final draft TOR amended and developed following the above-mentioned meeting. On August 4, 2014, the HQC sent FAIR an official letter stating that the new HQC composition is to reconsider the need and scope of automating its internal business processes.

During January 15 - March 30, 2014, FAIR Short-Term International Legal and Judicial Expert Graham Taylor conducted comparative research of effective judicial disciplinary procedure rules applied in Germany, France, Lithuania, Sweden, and Poland, in order to provide the HQC with the European best practices of screening the complaints and conducting investigations of judicial misconduct. FAIR translated the draft analytical report in Ukrainian to be presented, along with a summary report, to the new composition of the HQC.

On April 15 and16, 2014, FAIR organized an orientation and training meeting with Ukrainian NGOs on the procedure for submitting applications for a 12-month grant program "Strengthening the Role of Civil Society Organizations in Supporting and Monitoring the Status of Judicial Reform." During this event, and in conjunction with Expected Result 4.1, FAIR presented to the participants an overview about challenging court decisions and complaining against judicial misconduct.

During May 15 - September 30, 2014, FAIR cooperated with Short-Term Local Judicial Discipline Expert Oleksandra Yanovska, Professor of Law with the Kyiv National Taras Shevchenko University, to review and adapt the draft Manual for Disciplinary Inspector (Manual), as well as the curricula for initial and ongoing trainings for judicial disciplinary inspectors of the HQC. The first draft Manual was developed during the previous reporting period by the Short-Term Local Judicial Discipline Expert Vasyl Filatov, retired SCU Justice and former Member of the HQC, along with recommendations on the adaptation of the Instruction (now named Procedure) of Verification and Decision-Making in Disciplinary Proceedings against Judges, Formalization and Storage of Relevant Documents, Regulation on Service of Disciplinary Inspectors, and the draft Instruction for Disciplinary Inspectors of the HQC. The Manual is tailored to serve as a complementary instrument to facilitate: (i) preliminary screening of complaints against judges, (ii) verification of facts of judicial misconduct, (iii) organization of verification process, (iv) identification of the grounds of judicial misconduct, envisaged by Article 83 of the Law on the Judiciary and Status of Judges, and (v) resolving law interpretation collisions. The final draft Manual is based on effective laws and regulations and incorporates the results of the expert study of the HQC judicial discipline decisions conducted in 2013 by the NGO Kharkiv City Public Organization "Institute of Applied Humanitarian Research" and financed through a FAIR grant. In addition, FAIR conducted an analysis of the HQC decisions in judicial disciplinary cases delivered during July 2013-April 2014 and incorporated the results in the draft Manual. The draft Manual contains the following sections: (1) international and national standards of judicial independence; (2) the concept and system of judicial independence guarantees; (3) methods of verifications within disciplinary proceedings against judges; (4) requirements to the decisions of holding judges liable in disciplinary cases and imposition of the disciplinary sanction; and (5) controversial issues of classification of judicial misconduct. The document is supplemented with an extended list of sources and annexes with sample documents used in judicial discipline procedures. The Manual and the curricula for initial and ongoing training of the disciplinary inspectors will be presented to the new composition of the HQC during the next reporting period.

As mentioned under Expected Result 1.1, in May-June 2014, FAIR provided expert support to the ISC established under the of the Law on Restoring Trust in the Judiciary adopted by the Verkhovna Rada in April 2014.

In June 2014, FAIR, within the present Expected Result and in conjunction with Expected Result 1.1, drafted amendments to the Law on the High Council of Justice to incorporate the recommendations of the Venice Commission and the findings of the European Court of Human Rights in the case "Oleksandr Volkov versus Ukraine." In addition, FAIR put forth proposals for the adaptation of the Rules of Procedure of the HCJ and forwarded them for the consideration of the newly elected HCJ member Anna Fazhykosh, Judge of the Appellate Court of Zakarpattya Region (linked to the task 2.3.4).

On September 8-12, 2014, FAIR provided technical and expert support to a series of meetings and events with the participation of the ISC, HAC, HCCC, and COJ to acquaint the judiciary, NGOs, civic activists, members of the Verkhovna Rada and government representatives with the international experience in lustration and vetting of public officials. For this purpose, and in conjunction with Expected Result 1.1, FAIR engaged European lustration experts, Radoslaw

Peterman, Deputy Head of the Vetting Office, Commission for the Prosecution of Crimes against the Polish Nation at the Institute of National Remembrance (Warsaw, Poland), and Pavel Zacek, Expert, Founder and First Director of the Institute for the Study of Totalitarian Regimes (Prague, Czech Republic), who shared with the audience their knowledge of and experience with lustration of judges and public officers in Poland and the Czech Republic. In particular, the experts contributed with presentations and discussions at the roundtable "Lustration: International Experience and Ukrainian Perspectives" held on September 11, 2014, to help improve the understanding of Ukrainian lawmakers and public of the aims of lustration, the possible risks, and the lessons learned from international experience. During this event, FAIR delivered a presentation on the principles and standards elaborated by the European Court of Human Rights with regard to lustration of judges. As a result of the roundtable proceedings and discussions, Radoslaw Peterman drafted recommendations on implementation of the Law on Purification of Government that was passed by the Verkhovna Rada on September 16, 2014, and submitted for signing by the President of Ukraine.

Participants of the Roundtable "Lustration: International Experience and Ukrainian Perspectives" during the press conference on September 11, 2014.

Finally, in order to increase public awareness of judicial accountability, in conjunction with Expected Result 4.1, FAIR amended an informational leaflet on judicial discipline procedures to add relevant information on holding judges liable under the Law on Restoring Trust in the Judiciary, and disseminated it among the participants of a number of public events organized and/or supported by FAIR, as well as within four selected Ukrainian courts (Rozhyshche District Court of Volyn Region, Khmelnytsky City Disctrict Court, Chernigiv Region Appellate Court, and Voznesensk City District Court of Mykolaiv Region).

DEVIATIONS IN IMPLEMENTATION OF THE WORK PLAN: FAIR implemented activities under this Expected Result during the reporting period were partly put on hold due to the unclear status and disputable legitimacy of the HQC, whose members had to stop their operation on April 11, 2014, when the Law on Restoring Trust in the Judiciary entered into force. Notwithstanding that the law explicitly requires the termination of the powers of the current members of the HQC and HCJ (excluding ex officio members) and prohibits their reappointment to the new compositions of these institutions, as of mid-July 2014, the HQC has effectively resumed its functions. However, the HQC postponed the design and implementation of its joint activities with FAIR until a new HQC composition is in place. As for the prospective HQC members, it is hard to predict what policies and priorities in institutional activities will be considered, thus FAIR's cooperation with the HQC within the present component may be need to be refocused on different areas.

EXPECTED RESULT 2.3: THE REGULATORY AND INSTITUTIONAL FRAMEWORK FOR JUDICIAL ACCOUNTABILITY AND INTEGRITY IS STRENGTHENED

CURRENT STATUS OF AFFAIRS AND KEY ACHIEVEMENTS: During the reporting period, FAIR assisted the COJ in implementing the Code of Judicial Ethics, strengthening judicial self-governance, and promoting court system reform in Ukraine to align it with European standards.

In order to strengthen awareness among judges about the ethical standards of their behavior, FAIR disseminated 15,000 hard copies of the Code of Judicial Ethics among all judges in Ukraine. Further, to institutionalize judicial self-governance, FAIR promoted the establishment of structural units within the COJ, including an Advisory Committee on Ethics. FAIR researched best international and European operation standards for Committees on Judicial Ethics and presented the findings to the COJ, thus providing it with possible modes for the Advisory Committee's functioning.

On March 19-21, 2014, FAIR held a workshop for the NSJ to develop an online course on judicial ethics for judges and judicial candidates, contributing to the implementation of the Code of Judicial Ethics. On September 11-12, 2014, the workshop participants tested the developed three-week online course, and on September 15, 2014, the NSJ started piloting it. (See more on this issue under Expected Result 3.1.)

Following the Maidan events, on February 24, 2014 the Verkhovna Rada of Ukraine adopted the Decree "On the Reaction on the Facts of Breach of Oath by Constitutional Court Judges" where it requested the COJ to convene the 12th Extraordinary Congress of Judges and elect new judges to the Constitutional Court of Ukraine (CCU) in accordance with the Congress' quota. In addition, following the adoption of the April 8, 2014 Law On Restoration of Public Trust in the Judiciary whereby the composition of the COJ was substantially changed and all the members of both the HCJ and the HQC were dismissed from their offices, the Congress of Judges had to elect new members of these judicial institutions among the judges.

Milestone Progress ER 2.3

- Seven stakeholder discussions on draft Code of Judicial Ethics held.
- Amendments to Code of Judicial Ethics revised and submitted to COJ for approval.
- COJ International Conference on Judicial Ethics supported.
- Congress of Judges adopted the Code of Judicial Ethics.
- Experts to support a working group on developing a Commentary to the Code of Judicial Ethics preselected.
- Research to assess HCJ needs with regard to the new composition and functions in progress.
- Research on European judicial self-governance standards completed.
- Amendments to the Law on the Judiciary and Status of Judges to improve judicial self-governance developed and advocated for.
- Comparative analysis on best practices related to status, roles, functions, and responsibilities of advisory committees on ethics or equivalent institutions in democratic countries completed.
- Comparative analysis of decision-making procedures within the judicial self-governance mandate in progress.
- Amendments to the HCJ Internal Regulations proposed.
- Online training program on judicial ethics for judges and judicial candidates developed and now in the process of testing.

The Congress of Judges started its work on June 19–20, 2014. At the request of the COJ and the SJA, FAIR provided technical support to the Congress. FAIR contributed to the Congress' capacity to fulfill its mandate to elect new leaders of the judiciary, as well as to take the steps required to improve public trust in it by providing the following:

1) Printed materials to be disseminated among Congress delegates, namely:
    - Strategic Plan for the Judiciary 2013–2015 developed by the judiciary with FAIR's support, and adopted by the 11th Congress of Judges of Ukraine held on February 22, 2013;
    - Strategic Plan Status document prepared by FAIR in order for the judiciary to track and discuss the progress made in implementing the Strategic Plan;
    - Case Weighting Study Report prepared by FAIR;
    - The Law on Restoration of Public Trust in the Judiciary; and
    - Verkhovna Rada's Decree of February 24, 2014 "On the Reaction on the Facts of Breach of Oath by Constitutional Court Judges."
2) Meals for Congress delegates and guests, and leasing premises of the NSK Olimpijskiy necessary for the Congress' operations.

FAIR representatives visited the Congress of Judges as guests. The Congress included 402 judge delegates from throughout Ukraine, including the turbulent districts of both Lugansk and Donetsk oblasts, as well as nearly 100 invited guests, most of whom were chief judges that can no longer be delegates to the Congress following the adoption of the Law on Restoring Public Trust in the Judiciary."

After the Congress elected the new composition of the COJ and adopted new COJ Regulations permitting the creation of standing committees, it failed to appoint the new members of the HAC and the HCJ. Therefore, the delegates decided to postpone the continuation of the Congress in order to address all points on the agenda. Supreme Court Justice Valentyna Simonenko, a long-time FAIR partner and trained trainer, was elected COJ Chair. Judge Anatoliy Martsynkevych, a former HQC member and a long-time FAIR partner, was elected COJ Secretary. Judge Tetyana Chumachenko of the High Administrative Court (HAC) and FAIR trained trainer, and Judge Oleg Prysiazhniuk of the Kyiv City Court of Appeals, former president of the Association of Judges of Ukraine and FAIR partner, were also elected as COJ members.

After being elected, the COJ members started working actively. In particular, per FAIR's recommendations, the COJ established a press-center of the judiciary, a Public Council as an advisory body of the COJ, and six committees: (i) Strategic Development and Communications Committee, (ii) Committee on Ensuring Guarantees of Judicial Independence, (iii) Committee on Legal and Social Protection of Judges and Their Families, (iv) Committee on Court Management and Organizational Support, (v) Committee on Financial matters and Court Budgeting, and (vi) Committee on Judicial Ethics and Professional Development of Judges. In addition, the COJ drafted Rules of Procedure for the Congress and the Regulation on Appointment and Dismissal of Constitutional Court Justices in Accordance with the Congress' Quota.

The Congress of Judges was renewed on September 25 and 26, 2014, and FAIR supported its organization. This time the Congress managed to address all points of the agenda. In particular, the Congress elected members of the HCJ: Judge Natalia Volkovytska of the High Commercial Court of Ukraine, Judge Oleksiy Muraviov of the HAC, and Judge Alla Oliynyk of the HCCC. The following judges were elected as the new HQC members: Justices Yuriy Titov and Mykola Patriuk of the SCU, Judge Anastasia Zarytska of the High Commercial Court of Ukraine, Judge Mykola Makarchuk of the HCCC, Judge Valentyna Ustymenko of the Kharkiv Oblast Court of Appeals, and Judge Mykola Mishyn of the Donetsk Oblast Court of Appeals. The Congress also determined the order in which judges would become members of the HQC in case one or several members of the HQC were to withdraw.

Among the decisions that the Congress made were the approval of its Rules of Procedure, the amended COJ Regulation, the Regulation on Appointment and Dismissal of Constitutional Court Justices in Accordance with the Congress' Quota. Also, the Congress took into account information about the Strategy for Development of the Ukrainian Judiciary for 2015-2019, but directed the COJ to continue implementing the Strategic Plan for the Judiciary 2013-2015.

Even though the HCJ was not operational as its members had not yet been elected by the Congress of Judges and the Verkhovna Rada during the reporting period, FAIR worked with the HCJ Secretariat, in accordance with Article 9.1 of the Protocol of Cooperation signed with the HCJ on February 4, 2014, to develop proposals aimed at improving institutional capacity and enhancing transparency of the decision-making processes within the HCJ's mandate. To this end, FAIR analyzed the Law on the High Council of Justice and the HCJ Internal Regulations in light of the case "Oleksandr Volkov versus Ukraine" and the Venice Commission recommendations, and developed proposals for the HCJ Secretariat's consideration on the following issues:

- Status and competence of the HCJ, its Chair and members;

- Operations of HCJ Sections and decision-making procedures within the Sections;
- Strengthening procedural rights of persons whose cases are under the HCJ's consideration;
- Preparation of decisions by the HCJ and its Sections, and access to case materials; and
- Improving the procedure for verification of cases of inappropriate behavior on part of judges reported to the HCJ, as well as the procedure for judicial dismissal.

Training participants present jurisdictional statements and action plans for COJ Committees, September 2, 2014.

Once the HCJ is operational, FAIR will support it in assessing its needs given its new composition and functions, and in developing a Strategic Plan. Meanwhile, FAIR has been analyzing best practices of judicial appointment and judicial discipline processes in order to provide the HCJ with them when cooperation is fully resumed.

Taking into account that the COJ does not have its own staff, the employees of the SJA Department of Organizational Support to Judicial Self-Governance Bodies support its operations. In this transitional period, it is extremely important to have effective cooperation between the COJ and the abovementioned department. Therefore, on September 2, 2014, FAIR in cooperation with the COJ and the SJA, conducted a one-day training for SJA staffers that support activities of judicial self-governance bodies in Ukraine to enhance their efficiency and effectiveness in supporting the COJ and the councils of judges of specialized courts' members in their daily work. FAIR assisted the COJ by sharing best practices of the administrative staff supporting judicial self-governance operations in the United States, and provided guidance and recommendations to the COJ on how to manage the administrative staff assisting it in fulfilling its judiciary and public mandate, and any related court administration issues. FAIR expert Marilyn Holmes moderated the training and gave presentations on the activities of the Judicial Conference of the United States and its committees, emphasizing the role of staff in effective operations of judicial self-governance bodies. The staff of the SJA's Department of Organizational Support to Judicial Self-Governance Bodies, as well as the International Relations Department staff, participated in the training.

In order support the effective transfer of knowledge and experience to the newly elected members of the COJ regarding work done under the previous leadership, on September 3 and 4, 2014, FAIR assisted the COJ and SJA in conducting an orientation workshop on "Strengthening Judicial Self-Governance in Ukraine" for the new COJ cohort. The purpose of the workshop was to ensure continuity in the operations of the newly elected COJ and to help strengthen judicial self-governance in line with international standards. Former and current COJ members, judges, SJA and media representatives, as well as FAIR experts participated in the event. When opening the workshop, Supreme Court Justice Valentyna Simonenko, Chair of the COJ, stated that at this difficult time the judiciary is fighting for its independence and the legal protection of judges, and that it is the Council of Judges that should undertake these tasks:

"Members of the Council of Judges of Ukraine of previous convocations accomplished a lot for the benefit of the court system. The willingness of Council of Judges members to share the previously gained experience is very much appreciated. The workshop agenda practically covers all areas of the Council of Judges' activities, which will allow identifying priorities in our operation and the sequence of their implementation."

During the workshop, former members of the COJ and judges involved in promoting better judicial self-governance shared their experience, including challenges encountered and how they overcame them, and briefed the current COJ members on the initiatives that were launched with FAIR support and need to be continued. The agenda included issues related to strengthening judicial independence and judicial self-governance, enhancing judicial integrity through enforcement of the Code of Judicial Ethics, improving COJ's communications, and enhancing the COJ's capacity to be more effectively engaged in the court budgeting process and court performance evaluation. FAIR's distinguished experts Judge Richard Bennett, Marilyn Holmes, Judge Cristi Danilet, and Professor Guido Calvi shared international and European best practices of judicial self-governance activities, including operations of the respective committees. During the group work, members of the six recently created committees of the COJ discussed the information received at the workshop, and developed jurisdictional statements and action plans for all the committees. Finally, FAIR prepared a summary and recommendations from the workshop proceedings and shared them with the COJ leadership. This event resulted in better understanding by the newly appointed COJ members of the role of judicial self-governance in Ukraine and the strategic goals that the COJ should achieve.

Participants of the orientation workshop present jurisdictional statements and action plans for COJ Committees, September 4, 2014.

DEVIATIONS IN THE IMPLEMENTATION OF THE WORK PLAN: FAIR planned to assist the HCJ in developing a strategic plan regarding financial and human resource management and public outreach, as well as to familiarize the HCJ with best practices on judicial appointment and judicial discipline processes. Although the accomplishment of this task was suspended as the HCJ had not been operational for more than six months, once its new composition is finalized, FAIR will renew cooperation on the abovementioned topics.

In addition, FAIR advocated for the establishment of a working group to develop a Commentary for the Code of Judicial Ethics. The working group has not been established yet, but the COJ Chair has indicated that developing such a Commentary is a priority so FAIR has postponed this task for the next work planning period.

EXPECTED RESULT 3.1: THE SKILLS AND COMPETENCIES OF UKRAINIAN JUDGES AND COURT STAFF ARE BOLSTERED THROUGH MODERN, DEMAND-DRIVEN TRAINING PROGRAMS.

CURRENT STATUS OF AFFAIRS AND KEY ACHIEVEMENTS: The FAIR team continued to support the NSJ in its institutional development and in enhancing its capacity to conduct effective strategic planning processes to meet the training needs of different audiences. FAIR also provided technical support to the NSJ to integrate a distance learning methodology by procuring a server and laptops for NSJ, and assisting in developing the curricula for distance learning courses.

As a result of FAIR and Canadian Embassy/National Judicial Institute of Canada Judicial Education for Economic Growth Project's joint efforts in conducting a workshop for the NSJ on Strengthening Leadership and Management Skills (see information in the previous reports) in May 2013, the NSJ leadership drafted a Strategic Development Plan of NSJ for 2014 to 2018, which the HQC approved on October 11, 2013. This long-range plan is based on intermediate goals the NSJ identified in the development strategy for the judicial branch in Ukraine. Achieving the plan's strategic goals and focus areas will lead to the development the school's activities in the judicial sector, use of international best practices, and improvement of administration.

Milestone Progress ER 3.1

- Institutional needs assessment of the NSJ completed (achieved).
- Judicial training needs assessment completed on behalf of the NSJ (achieved).
- Second edition of the Judicial Opinion Writing Handbook published (achieved).
- Three curricula for the initial training on Rule of Law and Human Rights, Opinion Writing, and Judicial Ethics developed and presented to key stakeholders (achieved).
- Curriculum on Rule of Law and Human Rights for ongoing training developed and presented to key stakeholders (achieved).
- Curricula on Opinion Writing and Judicial Ethics for ongoing training updated and presented to key stakeholders (achieved).
- E-version of the Curricula on Rule of Law and Human Rights, Opinion Writing, Judicial Ethics, and Communications (Public Outreach in Courts) for initial and ongoing trainings developed and disseminated between NSJ faculties and its branches (achieved).
- Draft NSJ Strategic Plan for 2014 – 2016 reviewed and adopted by the HQC (achieved).
- Online course on Judicial Ethics for judges and judicial candidates in cooperation with the NSJ and the HQC developed. (ongoing)
- Online course on Court and Community Communications in cooperation with the NSJ and the SJA developed and piloted (achieved).
- Selected (competitively) CSO partner to administer the pilot court administration certificate program (achieved).
- Over fifty court administrators submitted the applications for participation in the court administration certificate program (achieved)
- FAIR signed agreement with Michigan State University (MSU) to support the pilot court administration certificate program implementation.
- 40 court and SJA staff competitively selected nationwide for participation in the pilot court administration certificate program (achieved).
- Ten courses with teaching materials for the pilot court administration certificate program developed in cooperation with MSU (achieved).
- FAIR in cooperation with MSU, SJA and the NSJ conducted the court administration certificate program faculty development training (achieved).
- 10 subject curricula on the court administration certificate program adapted to the Ukrainian context (achieved).
- 40 court and SJA staff participated in court administration certificate program and earned certificates from MSU (achieved).
- Court administrator manual based on court administration certificate program curricula developed and published (achieved).
- 8 representatives from the NSJ, the SJA, and graduates of the court administration certificate program participated in the IACA international conference (achieved).
- Reunion Workshop for graduates of the 2013 Court Administration Certificate Program conducted (achieved).
- SJA representative participated in the visit to Poland regarding institutional best practices and lessons learned in court administrator training (achieved).
- Training of trainers on adult teaching skills for 15 competitively selected graduates of the 2013 Judicial Administration Certificate Program conducted (achieved).

FAIR together with the OPDAT and the Government of Denmark - COE Project "Support of Criminal Justice Reform in Ukraine" supported the NSJ in conducting a training of trainers on November 13 to 15, 2013, for judges-trainers on "Practical Issues of Application of the New Criminal Procedure Code of Ukraine" in Lviv. The content of the event was developed based on 200 topical questions received from the participants. During the training, 53 judges-trainers had an

opportunity to discuss issues of pre-trial investigation, evidence and proof, plea and reconciliation agreements, preparatory hearing and trial with international (U.S. judge John O'Sullivan) and Ukrainian experts, including judges of the HCCC. As a result of the TOT, the participants are expected to conduct such trainings for their colleagues in appellate courts and NSJ regional branches.

Participants are developing the syllabus of the course during a workshop for developers of an in-class training program on judicial ethics for judges who are serving their first year on the bench in Trypillya Hotel on September 9-10, 2014.

On December 19, 2013, with FAIR support and in cooperation with the SCU, the NSJ conducted an international conference on "Standards of Judicial Training: International Best Practices and Tasks for Ukraine," which included representatives of the Administration of the President, Members of Parliament, and representatives SCU and high specialized courts, HCJ, HQC, COJ, judges, law schools, and international and civil society organizations. Mr. Onishchuk, Rector of the NSJ, appointed by the HQC to this position on November 18, 2013, introduced to the audience his vision of reforming special training for judicial candidates, in particular, with regard to increasing its duration up to 18 months, developing criteria of judicial selection and curricula. During the conference, FAIR COP David Vaughn presented on "Judicial Competencies: International Experience and Its Application". Also, Director of Michigan State University (MSU) Judicial Administration Program Maureen Conner presented the experience in training court administrators and the results of the pilot Court Administration Certificate Program implemented by the SJA and NSJ in cooperation with FAIR.

On November 14, 2013, with FAIR support, the SJA conducted in-class training for Public Information Officers (PIOs) in preparation of the online distance learning course on the "Court and Community Communications" in Lviv. PIO participants of the training, SJA and FAIR representatives finalized the syllabus prepared based on the FAIR manual and curriculum "Public Relations in Courts" and posted it online. Participants piloted distance learning course functions and abilities. More information can be found at the following link: http://www.apcourtkiev.gov.ua/apcourtkiev/uk/publish/article/100356. The online distance learning course on "Court and Community Communications" was piloted from November 25 to December 13, 2013. During the course, participants learned how to plan and conduct communications research, identify court communications priorities, develop a communications strategy, and draft court communications plans; master the mechanisms and tools of establishing communications between court and target audiences, and analyze their efficiency; establish cooperation with the media; and manage communications during crises. More information about this course can be found in the Success Story that is an annex to this report.

In support of the 11th Congress of Judges' decision on adopting the Code of Judicial Ethics, on March 19 to 21, 2014, FAIR jointly with the NSJ conducted a workshop for developers, trainers, moderators and administrators of an online course on judicial ethics. In his opening speech, Rector of the NSJ Mykola Onishchuk stated that introduction of distance learning methodology into the NSJ training system is apriority identified in the NSJ Strategic Plan for 2014-2018. During the seminar, participants reviewed basic modules of the course to assess whether the lecture and

information materials are sufficient, and if case studies and tests have a clearly formulated content. They also developed unified criteria and evaluation tools for online training in general, as well as practical assignments. The participants familiarized themselves with technical design and content of the course of the distance learning management platform called Moodle, with support from Training Programs Development Expert Ihor Katerniak. The course is based on the distance learning methodology and model curricula introduced by FAIR Judicial Education Expert Hope Kentnor in February 2013 and the FAIR Judicial Ethics Curriculum updated by the grantee Ukrainian Legal Foundation. During the seminar, Mr. Katerniak also shared with participants his experience gained as a result of developing and piloting an online course on "Court and Community Communications". This event helped build a team of judges-trainers for the course. Additionally, on September 11-12, 2014, FAIR jointly with the NSJ conducted one more workshop for the team of six judges-trainers, administrators and moderators to test this course before piloting it. On September 15, 2014, the NSJ started piloting of the three-week online course of judicial ethics for judges; 450 judges registered for this course and the NSJ chose 90 participants through random selection (15 participants for each of six judges-trainers).

During the reporting period, FAIR purchased ten laptops and a server, and transferred them to the NSJ. The hardware will be used in developing the capacity of the NSJ to ensure adequate initial and ongoing trainings, in developing efficient evaluation mechanisms for training courses, and in introducing distance learning.

To support the institutional development of the NSJ, in April 2014, FAIR awarded a grant to the "Election Law Institute" to study the relevance of Ukrainian courts' decisions to the rule of law principles and the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The grant is implemented in cooperation with the National University "Kyiv-Mohyla Academy" and the NSJ. It is expected that the results of the Analysis of Judicial Practice will be used to update the curricula on the Rule of Law and Human Rights and the associated handouts for training judges in the NSJ that was developed last year by the NGO Ukrainian Legal Foundation within the framework of the FAIR grant program.

FAIR also continued to support Ukrainian judges in their preparation for addressing the challenges they will face after the new legislation comes into force. In May 2014in cooperation with the HAC, the International Foundation of Electoral Systems (IFES), and the Organization for Security and Co-operation in Europe (OSCE) Project Coordinator in Ukraine, FAIR conducted a series of five regional seminars for judges of administrative and general courts on election legislation "Application of Election Legislation at the Presidential and Local Elections". The training participants learned about the peculiarities of the application of the new election law in consideration of election disputes. The trainings were led by renowned Ukrainian experts in electoral issues and HAC judges. About 280 judges representing 142 courts from 19 oblasts of Ukraine participated in these seminars. According to the post-training evaluation forms, participants considered the

A training of trainers (TOT) program on adult teaching skills for graduates of the 2013 Judicial Administration Certificate Program conducted from July 29 to 31, 2014 in Kyiv.

seminars relevant, addressed critical issues, and were presented in a “clear, effective, and comprehensive way.”

On August 11, 2014, FAIR signed a grant agreement with all-Ukrainian civil society organization Institute of Strategic Partnership within the Annual Program Statement. The organization will implement a project “Mediation as an Alternative Way of Dispute Resolution” to introduce mediation in the Ivano-Frankivsk City Court. The project duration is nine months. On September 24-25, 2014, the Institute of Strategic Partnership conducted a training for judges and Ivano-Frankivsk City Court staff on mediation in Ivano-Frankivsk. Participants had opportunity to learn about mediation principles, stages, and procedure, in addition to the peculiarities of implementing mediation in criminal and civil process. They also learned how to recognize cases that should be transferred for mediation.

On September 9-10, 2014, FAIR supported the NSJ in conducting a workshop for developers of an in-class training program on judicial ethics for judges who are serving their first year on the bench. During the event, participants developed a syllabus of the course, familiarized themselves with content of the course, reviewed the course materials to ensure high quality content, and formulated case studies and tests.

In February, FAIR conducted a Reunion Workshop for graduates of the 2013 Court Administration Certificate Program implemented by FAIR in cooperation with MSU, the SJA and NSJ in Ukraine. During the workshop, graduates collected and reported status updates on capstone projects; identified facilitators and barriers to ongoing project implementation; identified best practices and conditions for best practices; and developed recommendations for continuous judicial administration education, training, and professional development. Prior to the reunion workshop, the graduates completed the written survey. Of those 40 students graduated from the judicial administration certificate program in June 2013, 37 remained in court administration positions and completed the survey. Survey showed that all students applied what they learned from the certificate program. The evidence supports this statement - the students followed their strategic plans, which were based on the program courses.

As a result of the successful implementation of the 2013 Court Administration Certificate Program and given strong demand from the SJA and NSJ, FAIR agreed to conduct another round of the Judicial Administration Certificate Program with Michigan State University to further develop court administration education in Ukraine. On July 29 to 31, 2014, FAIR in cooperation with the SJA and NSJ conducted a TOT on adult teaching skills for 15 competitively selected graduates of the 2013 Judicial Administration Certificate Program who will be members of the faculty for a second round of the above-mentioned program. Upon completion of the TOT, 15 court administrators gained new skills and knowledge on effective and interactive adult teaching methodologies and approaches.

In addition, FAIR continues to improve court administration in Ukraine through introducing court administrators to best international practices and professional development programs. FAIR supported representatives of the SJA, NSJ, graduates and faculty of the 2013 MSU Court Administration Certificate Program to participate in the International Conference “Court Excellence in Changing World” organized by the International Association for Court Administration (IACA) in Dubai, United Arab Emirates from December 9 to 11, 2013. During the conference, FAIR presented results and lessons learned in designing MSU’s Judicial Administration Certificate Program conducted with the SJA and NSJ in Ukraine in 2013. Also, during the conference the Ukrainian delegation was exposed to a wide range of practical tools through engaging an international community of expertise, gaining practical knowledge focused on devising solutions to common challenges, utilizing already developed tools, gaining exposure to new methodologies, and accessing best practices that can be applied in Ukraine. Also, a delegation

visited Dubai courts and Dubai International Financial Centre (DIFC) Courts. The participants learned about advanced case management systems and approaches in abovementioned courts.

Finally, FAIR coordinated efforts with the USAID Participant Training Program to visit the Polish National School of Justice and Prosecution to learn about institutional best practices and lessons learned in court administrator training. In result of the coordination, the group of ten participants competitively selected in Kharkiv and Odesa regions participated in regional study tour to Poland on Improving Public Satisfaction with Court Services through Professional Development of Court Staff in Partnership with Judicial Institutions, Associations and Universities. Six members of the delegation were graduates and faculty members of the FAIR 2013 Judicial Administration Certificate Program implemented in 2013. Also, FAIR supported participation of the SJA representative Olga Rafalska, Specialist of the International Relations Department. In Poland, the delegation exchanged experience and best practices in court administration and management with representatives of the National School of Judiciary and Public Prosecution (NSJPP), Czestotchowa Regional Court and the Voivodship Administrative Court in Krakow. Upon the end of the program participants prepared six-month action plans using SMART method (S-specific, M - measurable, A - applicable, R - realistic and T – time-frames).

EXPECTED RESULT 3.2: JUDICIAL OPERATIONS ARE EVALUATED AND FUNDED ACCORDING TO AN OBJECTIVE ASSESSMENT OF NEEDS AND PERFORMANCE

CURRENT STATUS OF AFFAIRS AND KEY ACHIEVEMENTS: In 2014 FAIR built its programming upon the achievements made over the previous years including development and successful pilot testing of the draft Court Performance Evaluation (CPE) System, developing a concept paper for judicial statistics reform, completion of the case weighting study for general courts and developing recommendations for improving court budgeting. During this reporting period, FAIR continued working with the COJ, the SJA and the Council of Judges of General Courts (COJ of General Courts) on promoting the adoption of the Court Performance Evaluation (CPE) System and the judicial statistics reform, and on the completing, approval and implementation of the case weighting study.

Milestone Progress ER 3.2

- Court performance evaluation system developed and implemented in 63 Ukrainian pilot courts (achieved).
- Performance indicators for general courts developed and approved by the COJ (achieved).
- Concept paper for judicial statistics reform finalized and preliminary approved by the COJ of General Courts (achieved).
- National court performance standards formulated and defined (ongoing).
- Standard-based court performance evaluation system presented to the COJ and SJA for approval (ongoing).
- Court Performance Evaluation (CPE) system approved by the COJ (ongoing).
- Developed electronic publication of CPE system available online (ongoing).
- Case weights resulting from case weighting study discussed, validated, and submitted for SJA/COJ review (achieved).
- Terms of reference for judicial resource management system developed (ongoing).
- Concept paper for judicial statistics reform approved by COJ (new).

Clear, well-defined, commonly understood and practical court performance standards and measures are pre-requisite for the effective and transparent resource planning in the Ukrainian court system including budget preparation, forecasting, and financial controls. From another point, which is even more critical for the Ukrainian judiciary, court performance standards supply the roadmap for the judicial leadership at the national level and court managers to improve court services for citizens for further increasing public trust in the judiciary. FAIR-supported draft of the CPE System combines three mechanisms for court performance evaluation: (1) internal court performance evaluation through (a) survey of judges and court staff, (b) expert analysis of selected court decisions, and (c) expert analysis of case files; (2) external court performance evaluation through Citizen Report Card (CRC) surveys of court users; and (3) analysis of available court statistics. The proposed CPE System includes 35 performance indicators to measure court compliance with 19 evaluation criteria under six areas of evaluation formulated according to the current Ukrainian legal and regulatory provisions as well as

in accordance to the general principles of court operations in democratic society which establish the obligation of the judicial bodies to orient their operations toward meeting public expectations for fair, accountable and efficient judiciary.

The COJ of General Courts, which is the most proactive FAIR partner regarding the developing and implementation CPE System preliminarily approved the CPE System in the previous reporting period and requested the COJ to consider the CPE System and approve it for the implementation in all Ukrainian courts. As a part of the implementation of the developed CPE System, the COJ of General Courts approved the list of basic performance indicators for general first instance and appellate courts. This list includes the performance indicators that will give court management the opportunity to make better informed decisions – for example, the backlog of cases, clearance rate, average number of cases reviewed per one judge, average number of documentation processed per one court staff and others. These indicators will give the opportunity for the judicial institutions such as COJ and SJA to analyze the situation in particular courts, regions and judicial system overall by comparing the status of the indicators in time. In addition, the introduction of the clearance rate which is recommended by the European Commission for the Efficiency of Justice (CEPEJ) for all countries-members of the COE and is the most used court performance indicator in the world will give the possibility for comparative analysis of the efficiency of Ukrainian courts with courts in other countries.

Another novelty introduced by the COJ of General Courts during the reporting period is the requirement to conduct court user satisfaction surveys in courts on a regular base and to publish the results of these surveys on court web-pages. The FAIR-supported and promoted Citizen Report Cards (CRC) surveys which are recommended for the implementation in courts as part of the developed CPE System can be counted as the implementation of this COJ requirement which potentially will allow FAIR to expand its CRC program to larger number of courts which further strengthens collaboration between courts and civil society organizations for increasing public trust and confidence in courts. For those courts that are not included in CRC surveys COJ of General Courts recommended to conduct the basic court user survey using own resources. Per COJ of General Courts request, FAIR developed the basic User Satisfaction Questionnaire for General Courts and the Guidelines for General Courts on Implementation User Satisfaction Surveys.

Another FAIR achievement is the completion of the Concept Paper for Judicial Statistics Reform. FAIR drafted this Concept Paper in 2013 and further submitted it to the COJ of General Courts, COJ of Administrative Courts and COJ of Commercial Courts for consideration, concurrence and further proceeding to the COJ.

On December 17-18, 2013, FAIR supported a two-day TOT for 54 judicial statistics specialists representing general courts of appeals and territorial branches of the SJA. The need for this TOT derived from the two issues:(1) changes in the current process of the judicial statistics reporting in accordance with the implementation of the CPC, and further requirements to update the data collection process as well as existing case management system in courts; and (2) the need to introduce the Draft Concept Paper for Judicial Statistics Reform to judicial statistics practitioners and receive their feedback. Together with the SJA, FAIR elaborated the participants' comments and recommendations in the Concept Paper final draft. This year, the SJA made minor revisions to the initial FAIR-developed draft of the Concept Paper which did not significantly affect the key FAIR recommendations for reforming the judicial statistics in Ukraine that are based on the best international practices and the CEPEJ guidelines to the judicial statistics. These key recommendations are:

- Decrease the quantity of court statistics indicators, delete those that are not used by the judicial authorities (SCU, SJA, higher courts and COJ) to analyze the efficiency in the delivery of justice;
- Change the current irrelevant indicators to more relevant, one of the most significant examples is using the actual number of judges instead of planned number of judges when calculating average caseload;
- Introduce internationally recognized court performance indicators as part of the judicial statistics system in Ukraine including the average caseload per judge, clearance rate and average duration of case review[1];
- Revise the desegregation of statistical data by case category, leave no more than 10 of the most significant categories, including 4 categories recommended by CEPEJ;
- Introduce the regulatory mechanisms of the data provision to judicial statistics users outside of the justice system through the introduction of long-term agreements or memorandums on cooperation with clear identification of the information to be provided and frequency of provision of this information, so as to avoid the provision of the information outside of these mechanisms;
- Introduce the definition of the "available judicial statistics data" as data that exists within the current regulatory framework and do not require the additional efforts and resources for their collection and processing; and
- Refrain from publishing the judicial statistics data semi-annually and concentrate on the annual reports only; currently collected semi-annual data should be for SJA internal use only.

Discussion of the Concept Paper on Judicial Statistics Reform at the Training of Trainers "Improving the Judicial Statistics Reporting" conducted on December 17, 2013 in Kyiv.

On September 3 and 4, 2014, during "Strengthening Judicial Self-Governance in Ukraine" Workshop organized and conducted by FAIR in cooperation with the COJ and SJA, FAIR presented the developed CPE System and Concept Paper for Judicial Statistics Reform to the newly elected composition of the COJ in order to promote the COJ' consideration and approval of these two documents. Workshop participants including forty COJ members who recognized the value of the CPE System and the Concept Paper and made the following conclusions and recommendations related to these two matters:

- Court performance evaluation should include both internal and external evaluation;
- Judicial self-governance bodies should develop objective criteria to measure the efficiency and effectiveness of the judiciary;
- It is important to engage and survey court users in improving court operations and consider developing standards for evaluating the performance of individual judges;

[1] These indicators are part of CEPEJ guidelines and their relevance and effectiveness proven by the experience of the International Court Excellence Consortium.

- Court performance evaluation is crucial to increase timely and effective access to justice; and
- Court operations and statistics should be analyzed to avoid baseless increases in the number of courts and judges.

Further, the COJ Committee on Judicial Administration included the consideration of FAIR-developed CPE System including the court performance criteria and indicators together with the Concept Paper for Judicial Statistics Reform in the list of Committee' priorities for the next year. FAIR preliminarily agreed with the Chair of the COJ Justice Simonenko on working directly with the Committee to include the CPE System and Concept Paper in the COJ agenda for review within the next three to six months.

FAIR Monitoring, Evaluation and Court Performance Specialist Tomas Verteletskyy presented FAIR's experience on developing and implementation the CPE System in Ukraine at the 2014 European Group for Public Administration (EGPA) Annual Conference that took place on September 8 to 12, 2014 in Speyer, Germany. This Conference was conducted by the International Institute of Administrative Science (Brussels, Belgium) in cooperation with the German University of Administrative Science and German Research Institute for Public Administration and offered an international and multidisciplinary platform for more than 400 participants from more than 30 European countries to discuss public administration policies, procedures and projects in different countries of Europe as well as recent innovative scientific developments in the area of public administration including those related to the improving functioning of courts and judicial institutions such as councils for judiciary or councils of judges. FAIR presented the CPE System as part of the EGPA Permanent Study Group "Justice and Court Administration" and received positive comments and feedback from scientists and practitioners. Professor Philip Langbroek from the Utrecht University (Netherlands) stated that presented Ukrainian CPE System is comprehensive yet practical time since it combines various evaluation techniques ensuring to collect maximum data. Professor Andreas Lienhard from the University of Berne (Switzerland) stated that FAIR provided "the most interesting contribution" to the above-mentioned Study Group. At the EGPA Conference, FAIR learned that similar CPE models that involve external and internal evaluation techniques exist in other European countries. For example, higher regional courts in Germany use standardized surveys of judges, court staff and court visitors for court performance evaluation analyzing their correlation with objective court statistics data. FAIR also discovered very comprehensive models for evaluation judicial independence and accountability through stakeholder interviews and guided discussion which further will contribute to strengthening FAIR project monitoring and evaluation systems and drafting benchmarks and roadmaps for the Ukrainian judicial self-governance bodies on evaluation the current state of affairs regarding the judicial independence and accountability in Ukraine.

In this reporting period, FAIR completed the case weighting study for general first instance courts initially designed by short-term international pro bono case weighting expert Dr. Elizabeth Wiggins of the Administrative Office of the US Courts. In order to finalize the study, FAIR analyzed the results of the first and second round, and using the services of a local short-term expert, designed a statistical dependence model in order to compensate for the insufficient amount of data received for certain case types. After applying the model, FAIR received the final case weights, which it presented to a focus group composed of members of the COJ, the COJ of General Courts, and the SJA on June 5, 2014. As all the participants unanimously approved the results of the study and the recommended case weights, the COJ recommended their pilot implementation in select courts by its decision No. 37 of June 12, 2014 (http://rsu.court.gov.ua/wp-content/uploads/2014/07/%D0%A0%D1%96%D1%88%D0%B5%D0%BD%D0%BD%D1%8F-%D0%A0%D0%A1%D0%A3-%E2%84%96-37-%D0%B2%D1%96%D0%B4-12.06.20114.pdf). The COJ also re-iterated its request to conduct a similar study for the administrative courts.

COJ member Ruslan Arsyriy sharing his opinion on the results of the case weighting study via video conferencing on June 5, 2014.

Taking the momentum of the Extraordinary Congress of Judges that took place on June 19-20, 2014, FAIR distributed the Case Weighting Study report to all 402 delegates of the Congress to support the further promotion of this technique within the judicial community in Ukraine. The SJA recognized this activity as one of the most important FAIR initiatives during this reporting period, and plans to pilot the case weights by calculating the number of judges required to handle the current caseload.

To ensure sustainability of the case weighting effort, FAIR hired the short-term expert Elaine Borakowe to develop a manual on case weighting based on the methodology and materials received from the case weighting study, which could be given to the SJA and COJ should they need to undertake additional case weighting efforts. The manual was completed and translated by FAIR in April 2014, and subsequently submitted to the SJA.

Over this period, FAIR also prepared and submitted to the SJA a draft TOR for a software application for judicial resource management to be used in each court, prepared by short-term local expert Boris Shuster. Currently, FAIR is waiting for SJA feedback to finalize this document. Upon the finalization of the TOR, FAIR will determine the possibility to provide any further support on this issue.

DEVIATIONS IN IMPLEMENTATION OF THE WORK PLAN: This reporting period was marked by significant political and civil unrest in Ukraine, ultimately resulting in the conduction of pre-term Presidential elections and the dismissal of a number of top-ranking Ukrainian officials. Other external impact factors including Russia's invasion of the sovereign territory of Ukraine and terrorist activities of separatists in Donetsk and Lugansk oblast, had an impact on scheduled FAIR activity during this reporting period under all of its Expected Results. Regarding the Expected Result 3.2 COJ of General Courts had to postpone for indefinite term the survey regarding user satisfaction with court services and trust in courts initially planned for March-June 2014 with FAIR expert support.

On January 24, 2014, SJA Head Ruslan Kyryliuk resigned from office as a result of failure to resolve issues connected with salary payments to judges and court staff. Given the political turmoil in the country, the judiciary has failed to appoint a new head of the SJA for several months. In the meantime, the functions of the Head of the SJA were performed by Mr. Kyryliuk's First Deputy, Mr. Volodymyr Pivtorak. These changes have significantly delayed the overall cooperation between the SJA and FAIR. However, on April 25, 2014, the COJ appointed Zenoviy Kholodniuk as the new Head of the SJA. FAIR has a good history of cooperation with Mr. Kholodniuk, and expects maintaining this relationship in the future.

FAIR also experienced the delay with promoting the CPE System approval by the COJ due the recent political changes in Ukraine that have increased public demand for cleaning up all branches of power from individuals who perpetrated human rights abuses, and engaged in corruption or injustice. Led by these public demands, the Ukrainian Parliament adopted the Law on Restoring Trust in the Judiciary on April 8, 2014, which led, among other outcomes, to the vetting the previous COJ' composition and the leadership. The election of the new membership of the COJ on June 20, 2014 marked the renewal of FAIR cooperation with the COJ and CPE System

consideration together with Concept Paper for Judicial Statistics Reform have been included in the list of activities of the new COJ Committee on Judicial Administration.

The processing of data for the case weighting study was complicated by a huge number of input errors revealed when FAIR ran the results through a set of checks. Most of these errors were mere typos, but each needed to be corrected manually, causing a delay in the completion of the study. Furthermore, due to the pro bono nature of her contract, Ms. Wiggins had other simultaneous commitments while completing the study. For any subsequent case weighting efforts FAIR plans to use the services of a paid expert in order to avoid similar delays in the future.

EXPECTED RESULT 3.3: THE SJA'S CAPACITY TO REPRESENT AND SUPPORT THE DEVELOPING NEEDS OF UKRAINE'S JUDICIARY IS STRENGTHENED

CURRENT STATUS OF AFFAIRS AND KEY ACHIEVEMENTS: Throughout the reporting period, FAIR worked jointly with the SJA to design and implement a pilot project for the installation of 42 electronic information and pay terminals in the courts, which would allow citizens to pay court fees directly at the courts and receive information on court operations. Jointly with the SJA FAIR identified 42 court sites, which would be representative of the court system by size, location, and caseload. Initially, most of the selected courts were located in Kyiv, Odesa, Donetsk and Kharkiv Oblast, as well as in Lviv. The main criteria for the selection of sites included high caseload in civil and administrative cases (where court fees are paid) as well as physical possibility to install the terminal and connect it to the court's network. However, due to the unrest in Donetsk Oblast, all terminals planned for that region were re-assigned to other courts. FAIR then proceeded to prepare an agreement between the SJA, FAIR, and the State Enterprise "Information Court Systems" (ICS) on the installation of the information/pay terminals. FAIR signed the agreement with the SJA's new Head Zenoviy Kholodniuk on May 26, 2014.

On June 3, 2014, FAIR posted a Request for Proposal (RFP) for the procurement of 42 electronic pay terminals to be installed in the courts, as agreed with the SJA and selected the company Asten-MN as the supplier of the kiosks\On September 24, 2014, FAIR jointly with the SJA and the ICS approved the prototype of the kiosk, and the contractor plans to complete the manufacturing of all the kiosks by mid-November. FAIR also provided the SJA with a set of public information and outreach materials which have been posted on SJA's web-site http://court.gov.ua/gromadjanam/ and will be available on the information terminal. FAIR expects to complete this project by the end of 2014.

At the SJA's request, FAIR provided the SJA with a set of international court building standards. FAIR identified two documents from California and Utah, which contained standards for the courts of these jurisdictions.

Additionally, FAIR drafted a concept for online payment of court fees, which it plans to submit to the SJA as a next step towards promoting the

Milestone Progress ER 3.3

- Strategic plan drafted and discussed by key stakeholders (achieved).
- Content for SJA manual on human resources determined (achieved).
- Strategic Plan for the Judiciary finalized and submitted for COJ and SJA approval (achieved).
- Congress of Judges adopted the Strategic Plan for the Judiciary (achieved).
- Manual on human resources printed and sent to all courts (achieved).
- Three HRM trainings conducted for chiefs of staff (achieved).
- Functional descriptions, structure, and staff qualifications requirements for the establishment (re-design) of departments for Human Resource Management, Court Automation, and Strategic and Long-Term Planning at the SJA prepared and submitted to the SJA for implementation (cancelled).
- National Court Automation Strategy approved by the SJA's Innovations WG (achieved).
- Concept for collection of electronic court fees drafted and submitted to SJA (achieved).
- Implementation plan for the Strategic Plan for the Judiciary prepared, discussed, and approved (ongoing).
- Pilot project for electronic court fee collection via pay terminals implemented (ongoing).
- Concept for online payment of court fees developed (achieved).

implementation of e-governance in courts. FAIR will then discuss with the SJA the possibility to launch the online payment service via the web-portal of the judiciary of Ukraine.

DEVIATIONS IN IMPLEMENTATION OF THE WORK PLAN: In order to support further changes in the implementation of automated technology in the courts, as well as to promote improvements in court administration policies and procedures, FAIR jointly with the COJ and the SJA planned to conduct a workshop devoted to the deficiencies and issues related to the functioning of the case management system currently used in the courts with a main focus on case assignment and court statistics. FAIR expected this activity to result in the conduction of a set of targeted discussions, aimed at the improvement of identified problem areas. However, due to the uncertainty and political issues described above, we moved this activity to the next reporting period.

EXPECTED RESULT 3.4: THE CAPACITY OF COURTS AND JUDICIAL INSTITUTIONS TO COMMUNICATE EFFECTIVELY WITH THE PUBLIC IS ENHANCED, LEADING TO GREATER PUBLIC APPRECIATION OF THEIR ACTIVITIES

CURRENT STATUS OF AFFAIRS AND KEY ACHIEVEMENTS: During the reporting period, FAIR supported the SJA in drafting the concept of a judiciary press-center in order to provide judicial leadership with the framework to more effectively communicate with the public and media. The concept was updated and submitted to the SJA. Based on the concept, the newly elected COJ at its meeting on August 8, 2014 made a decision to establish the press-center of the judiciary. On September 5, 2014, the COJ adopted the Regulation of the Press-Center of the Judiciary. FAIR will continue supporting the COJ Strategic Development and Communications Committee as well as the press-center in developing their capacity to communicate effectively with the public and implement the COJ Communications Strategy.

FAIR supported the SJA in preparing and piloting a distance learning course for court staff on “Courts and Community Communications” mentioned above. FAIR experts prepared a report on the piloting this course and presented it to the SJA. FAIR is using lessons learned in designing the pilot online course on judicial ethics with the NSJ as presented under Expected Result 3.1 above.

At the same time, FAIR is working on updating the in-class curriculum and manual on “Courts and Community Communications” to support future regional training programs for PIOs nationwide. The curriculum and manual as well as the design of the regional training programs will be finalized during the next reporting period.

In addition, FAIR began preparations for the second round of the distance learning course on “Courts and Community Communications”, but due to recent changes in leadership at the COJ and the SJA, the design of this follow-on course is postponed.

Milestone Progress ER 3.4

- Finalized and submitted Public Information Officer job instructions to the COJ (achieved).
- Finalized and submitted Guidelines on Courts and Media Relations to the COJ (achieved).
- COJ Communications strategy approved by Congress of Judges of Ukraine (achieved).
- COJ website developed (achieved).
- Court communications manual and court communications training curriculum developed and approved by NSJ (achieved).
- CA website developed (achieved).
- Concept of Judiciary press-center establishment finalized and approved (achieved).
- Distance learning course on Court and Community Communications for court staff launched (achieved).
- First PIO training conducted (achieved).

Taking into account that the extraordinary parliamentary elections will take place in Ukraine on October 26, 2014, FAIR in cooperation with the OSCE Project Co-ordinator in Ukraine and the HAC organized training for PIOs who work in administrative courts. As during parliamentary or presidential elections, decisions of election commissions may be challenged in administrative

courts, practice shows that lack of communication skills leads to wrongful perception of judicial decisions in election cases by the public and, therefore, undermines the authority of justice. During the training, the FAIR experts, who are co-authors of the Court and Community Communications manual and online distance learning course, Olha Davyd and Olena Pidhaina presented on peculiarities of court community communications during the elections and trained the PIOs on how to prepare good quality press-releases. Thirty-three PIOs from all over Ukraine representing almost all administrative courts participated in this event.

DEVIATIONS IN THE IMPLEMENTATION OF THE WORK PLAN: During this reporting period, FAIR planned to conduct the second round of the distance learning course on "Courts and Community Communications." However, due to changes in the leadership of the SJA and NSJ there is no consensus on the ownership of the program. In order to continue the "Courts and Community Communications" course, FAIR will work with the above mentioned stakeholders.

Also, due to the political situation in Ukraine the SJA and the COJ were focused on solving the urgent issues relating to judicial activities, therefore, the regional trainings for PIOs nationwide with COJ and SJA involvement using the FAIR developed Manual and Curriculum were not conducted in the current reporting period. For the same reason the Court and Communities Manual and Curriculum were not finalized. FAIR plans to perform these activities in the next reporting period.

EXPECTED RESULT 4.1: CIVIL SOCIETY AND THE UKRAINIAN PUBLIC ARE ENGAGED IN THE JUDICIAL REFORM PROCESS

CURRENT STATUS OF AFFAIRS AND KEY ACHIEVEMENTS: During the reporting year, FAIR issued and broadly disseminated through the Project's website, CSOs networks, civic websites the Annual Program Statement (APS) "Strengthening the Role of Civil Society Organizations as Advocates for and Monitors of Judicial Reform". The APS addresses the engagement of civil society and the public in the judicial reform process in Ukraine. It is designed to combine policy analysis and advocacy with organizational development of civil society organizations and their engagement in judicial reform implementation. Under the APS FAIR awarded ten grants during the reporting period:

Milestone Progress ER 4.1

- Conducted meetings with potential CSO grantees regarding research on pending legislation (achieved).
- Prepared APS on pending legislation (achieved).
- Updated 19 leaflets and 3 manuals on access to justice (achieved).
- Ten grants awarded that engage civil society and the public in the judicial reform process (achieved).
- At least two new civic education materials on judicial reform developed and disseminated (ongoing).
- Specialized research and policy proposals related to pending judicial reform legislation developed (ongoing).
- At least two joint events with CSOs and Parliament held (ongoing).
- Mechanism of sustainable advocacy campaigns for pending judicial reform legislation adoption prepared (ongoing).

- NGO "Election Law institute" on "Study of the Relevance of Ukrainian Courts' Judgments to the Rule of Law Principle and the Provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms" under Expected Result 3.1;
- Kharkiv NGO "Institute of Applied Humanitarian Research" to support the initiative entitled "Public Monitoring of Court Performance in Hearing Election Disputes in Ukraine" under Expected Result 4.1;
- NGO "Institute of Republic" to support the initiative "The Judicial System and Freedom of Peaceful Assembly in Ukraine" under Expected Result 4.1;
- Charity Foundation "Intelektualna Perspektyva" to support the initiative "Assessment of Citizens Satisfaction with Particular Aspects of Courts Performance" (to conduct CRC surveys in Vasylkiv city- rayon court of Kyiv region, Brovary city-rayon court of Kyiv region, Vyshgorod rayon court of Kyiv region) under Expected Result 4.2;

- All-Ukrainian CSO Institute of Strategic Partnership to support the initiative "Mediation as an Alternative Way of Dispute Resolution" under Expected Result 4.1 and 3.1;
- NGO "Law and Democracy" to support the initiative "Ensuring Equal Access to Justice for Persons with Disabilities" under Expected Result 4.2;
- NGO "Podilska Human Rights Foundation" to support the initiative "Perfect Court: Myth or Reality? (Survey with Citizen Report Cards in Courts of Rivne and Khmelnitsky Oblasts)" under Expected Result 4.2;
- NGO "Pravovyy Racurs" to support the initiative "Creation and Publication of Analytical Information and Educational Materials on Judicial and Constitutional Reform" under Expected Result 1.1;
- Charity Organization "All-Ukrainian Coalition for Legal Aid" to support the initiative "Creating Positive Image of Courts through Identification and Elimination of Typical Problems in Court Performance" under Expected Result 4.1;
- International Public Organization "Universal Examination Network" to support the initiative "Civil Society Involvement in Practice Analysis of Judicial Qualifications (administrative and economic specialization)" under Expected Result 2.1.

During the reporting period, under ER 4.1. FAIR supported and participated in fourteen public outreach events organized by and in cooperation with partner ROL implementing projects, executive authorities, CSOs some of them are described below.

On November 21 and 22, 2013, FAIR participated in the Second Capacity Development Forum conducted by NGO ISAR EDNANNIA with support of the USAID Ukraine National Initiatives to Enhance Reforms (UNITER) project and other donors. More than 700 participants including civic experts from all regions of Ukraine, representatives of local authorities, business companies and journalists attended the event. During the forum, FAIR promoted the civil society participation in the judicial reform including court performance evaluation using citizen report cards methodology.

Also, on November 27 and 28, 2013, FAIR supported the Twelfth Quarterly Meeting organized by the USAID Legal Empowerment Project in Chernivtsi. During the meeting, the USAID Legal Empowerment Project organized trainings for partner members of the pro bono legal assistance network including CSOs, legal associations, academic institutions and law clinics. FAIR representatives assisted in arranging the network's members meeting with Deputy Chief Judge of the Chernivtsi Oblast Court of Appeals Halyna Stankovska and Chief of Staff Ivan Sorokhan with aim to present the court's cooperation with citizens and to receive feedback from the legal advocacy CSOs regarding public access to justice. FAIR presented on civic engagement in monitoring the access to justice by using the CRC methodology as well as grant opportunities provided by FAIR to strengthen civil society participation in the judicial and constitutional reform processes for Chernivtsi region CSOs and pro bono legal assistance network.

From December 12 to 14, 2013, FAIR participated in the Ukrainian Week of Law "Lawyers to Society" initiated by the MOJ. FAIR disseminated information materials on access to justice among citizens, pro bono lawyers and students. FAIR established new working contacts with representatives of the CSOs and legal clinics with aim to involve them in judicial reform problem solving analysis. In addition, from September 29 to October 3, 2014, FAIR disseminated public awareness materials on court operations during the Ukrainian Week of Fighting Corruption in Courts initiated by the MOJ.

For raising awareness of civil society representatives of the Ukrainian judiciary and outlining the actual possibilities for CSOs' participation in supporting judicial reform, on April 15 and 16, 2014, FAIR conducted meeting on the procedures for submitting applications for the APS, including education modules on engaging civil society in reforming legislation which regulates the operations of the judiciary. Over 60 civic leaders from different regions of Ukraine took part in the event. Civic leaders learned about the history of the adoption of legal acts related to judicial reform, successes and gaps in its implementation, as well as opportunities for civil society to influence the process of judicial reform, including examples of successful cooperation between the courts and the public in Ukraine in the process of implementing the judicial services (court performance) monitoring program based on the CRC methodology. CSO representatives participated in training sessions to acquire the skills to monitor judicial reform implementation, and learned about the experience of the civil society initiative Reanimation Package of Reforms, specifically the Judicial Reform Group as a partner of an inter-factional association Reform Platform, and the possibilities for CSOs to monitor the process of judicial selection and discipline.

With aim to support public events on judicial reform progress, FAIR supported two public events initiated by the Coordination Council of Young Lawyers under the Ministry of Justice - the 4th All-Ukrainian Winter Law School (February 7 to 9, 2014) and the 7th All-Ukrainian Spring Youth Justice School (April 24, 2014). Each event included approximately 60 participants, among them active students, legal clinics managers and staff, representatives of law school student self-government, and young practicing lawyers from various regions of Ukraine. FAIR representatives delivered presentations at master classes on the following topics: "Judicial Reform in Ukraine: Challenges, Results and Opportunities", "Legal Profession, Judicial Practice and Rule of Law", "Court Monitoring with the Help of CRC Methodology" and informed the schools participants about the opportunity for young lawyers to take part in the Parliamentary Internship Program supported by USAID. The Project also invited Judge Hanna Fazikosh, Deputy Chief Judge of the Ivano-Frankivsk Oblast Appellate Court, to share her perspective on the status of judicial reform in Ukraine at the 4th All-Ukrainian Winter Law School.

FAIR Chief of Party David Vaughn presented to students legal profession opportunities during the 4th All-Ukrainian Winter Law School on February 7, 2014.

APS presentation participants working in small groups at event conducted in Kyiv on April 15, 2014.

On July 10 - 13, 2014, FAIR presented achievements and challenges of the civil society influence on the development of Rule of Law Principles in Ukraine at the Conference "Triumphs and Failures. Poland and the Region after 1989: 25 Years Later" conducted in Warsaw by the Centre for East European Studies of the University of Warsaw (Poland).

USAID Field Days tour allowed FAIR to widely present its activities and achievements in partner regions. FAIR participated in two of three USAID Field Days - in Lviv on August 24 and in Kirovohrad on September 20, 2014. FAIR presented the initiatives and organizations that cooperate with the project and implement their activities directly in Lviv and Kirovohrad and surrounding communities.

More than 700 Kirovohrad and Lviv cities and oblast residents visited the FAIR booths and obtained public awareness materials about the Ukrainian judiciary as well as DVDs with FAIR videos about the Ukrainian judiciary and basic principles of its operations, survey of citizens (litigants) regarding their satisfaction with court performance, and new improved judicial selection procedure. FAIR engaged representatives of its grantees - the civil society organization Transparency International Ukraine (in Kirovohrad) and Regional Public Charitable Foundation "Law and Democracy" and Charitable Organization "Your Right" (in Lviv), which presented on results of the survey of Lviv and Kirovograd Oblast citizens (litigants) regarding their satisfaction with court performance based on the CRC methodology. In addition, at the invitation of FAIR the lawyers from grantee NGOs provided free legal consultations for all interested visitors.

During the reporting period, FAIR grantee NGO Institute Republic conducted public events in Lviv (June 24 – 25, 2014), Sumy (August 28-29, 2014), Odesa (September 24-25, 2014), including roundtables with judges, civic activists and local self-governance representatives, as well as workshops for lawyers and city administration staff to advance their understanding of the importance of freedom of peaceful assembly right as a core value for the democratic society. The NGO Institute Republic presented the first results of the new type of such court decisions monitoring, focusing on decisions where freedom of peaceful assembly was guaranteed by the court and the claims of local self-government to prohibit the meetings in 2013 and 2014 were rejected. The events were conducted in cooperation with the MOJ and Ministry of Internal Affairs (MIA), Departments of Justice, Internal Affairs and offices in oblasts, the HAC, district administrative courts, and courts of general jurisdiction in Lviv, Sumy and Odesa. As a result of the project, the FAIR grantee will develop a set of recommendations for the Parliament, local authorities and courts regarding timely enforcing the citizens' legitimate right to peaceful assembly.

FAIR, in cooperation with grantee Charity Organization "All-Ukrainian Coalition for Legal Aid" updated, published and disseminated public information materials on court operations. FAIR also provided the SJA with a set of public information and outreach materials to post them on SJA's web-site http://court.gov.ua/gromadjanam/ and on the information terminals. FAIR expects to complete this initiative by the end of 2014 (linked to Expected Result 3.3).

Supporting civic initiatives to produce specialized research and policy proposals related to pending judicial reform legislation, FAIR provided expert assistance to the Judicial Reform Group of the civic initiative Reanimation Package of Reforms, such as expert analysis of the draft Law "On Restoring Public Trust in the Judiciary" mentioned under Expected Result 1.1 (http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=50133).

DEVIATIONS IN IMPLEMENTATION OF THE WORK PLAN: FAIR planned to develop and conduct the pilot training "Participation of Citizens in Implementing the Reforms in the Field of Judiciary and Its Operations" scheduled for June 2014, but it was postponed for clarification of the agenda and CSOs needs. After early parliamentary election FAIR will continue to support civic coalitions in producing specialized research and policy proposals related to pending judicial reform legislation and the mechanism of sustainable advocacy campaigns for pending judicial reform legislation adoption.

EXPECTED RESULT 4.2: CIVIL SOCIETY ORGANIZATIONS HAVE MEANS AND OPPORTUNITIES TO EFFECTIVELY MONITOR THE IMPLEMENTATION OF JUDICIAL SECTOR REFORMS AND PROVIDE OVERSIGHT TO JUDICIAL OPERATIONS

CURRENT STATUS OF AFFAIRS AND KEY ACHIEVEMENTS: On October 22, 2013, FAIR in cooperation with the Lviv Circuit Administrative Court, Territorial Office of the SJA in Lviv Oblast and "Law and Democracy" NGO conducted a conference on "Access to Justice and Court Services" aimed at discussing best practices of improving access to court and court services. Representatives of Ukrainian judicial institutions, civil society, FAIR and media participated in the event. The participants discussed a number of issues, including judges' points of view concerning access to justice and court services, access to justice for disabled people, as well as improving access to justice through improving the quality of court services by evaluating court performance. During the conference, the representatives of the "Law and Democracy" NGO presented the results of a grant funded program "Evaluation of CRC Program Implementation and Analysis of Equal Access to Justice for Disabled People" carried out with FAIR support. The conference participants came up with recommendations for the leadership of the judiciary on improving access to justice for all the citizens.

Also in November 2013, FAIR presented the report on equal access to court services and court facilities for people with disabilities prepared by "Law and Democracy" NGO to the MPs of the Pensioners, Veterans and Persons with Disabilities Committee of the Verkhovna Rada. The Verkhovna Rada Committee posted the report at the Rada website as recourse on improving the access to justice for people with special needs that can be used by MPs, human rights defenders and CSOs. FAIR agreed on conducting a joint event with the Committee, CSOs and SJA in order to discuss promotion of equal access to court facilities and court services for people with special needs.

Milestone Progress ER 4.2

- CRC surveys extended to 8 new regions and 25 new courts.
- 34 courts in 13 regions of Ukraine took part in CRC surveys.
- FAIR issued RFA on monitoring of judicial discipline decisions.
- 8 CSOs presented 34 CRC analytical reports and 319 recommendations on court service improvement to 34 CRC partner courts at 13 regional roundtables.
- FAIR competitively selected a CSO to conduct monitoring of judicial discipline decisions.
- Assessment report on impact of the CRC program implementation produced.
- Assessment report on equal access to court facilities and services for persons with disabilities produced.
- Results of assessment report on equal access to court facilities and services for persons with disabilities presented at the conference on "Access to Justice and Court Services."
- NGO selected to implement grant program to increase disabled people's access to courts.
- Monitoring of the access of courts and court services for people with disabilities conducted in 20 courts.

In order to address some of the recommendations presented during the above-mentioned events FAIR awarded grant to "Law and Democracy" NGO (Lviv) in March 2014. The grant activity is aimed at monitoring of the access of courts and court services for disabled people by lobbying for changes to legal framework. During the reporting period, "Law and Democracy" NGO conducted 4 regional working meetings with court representatives in Uzhgorod, Odesa, Vinnytsia and Ternopil to discuss grant activity. The NGO developed an observing card and conducted monitoring of the access to courts and court services for people with disabilities in 20 courts. Also, the grantee prepared and placed Brail signs in 10 of the 20 courts. The above-mentioned activity was conducted in cooperation with the regional representatives of the National Assembly of the Disabled.

During reported period, under APS grants, FAIR supported three CSOs (Charity Organization "All-Ukrainian Coalition for Legal Aid", NGO "Podilska Human Rights Foundation" and Charity Foundation "Intelektualna Perspektyva") in conducting CRC surveys in four courts in the Rivne

region, five courts in the Khmelnytsky region, three courts of the Kyiv region, one court in the Volyn region, one court in the Chernigiv region and one court in the Mykolaiv region.

In addition, FAIR finalized the updated version of the CRC manual. At the invitation of the International Association of Court Administration (IACA), FAIR presented the English version of the updated Manual "Court Performance Evaluation: A Manual for Using Citizen Report Cards in Courts" at its annual conference in Sydney, Australia on September 25, 2014. FAIR CRC expert Volodymyr Kupriy conducted two offline webinars on court performance evaluation using CRC methodology.

DEVIATIONS IN IMPLEMENTATION OF THE WORK PLAN: Due to the changes in SJA leadership occurred this year FAIR rescheduled the conducting of CRC survey in all courts of five regions - Chernivtsi, Cherkasy, Lviv, Ivano-Frankivsk and Odesa. FAIR postponed activities for the 4th quarter of FY2014 and 1st quarter of the FY2015. FAIR expects to select and support up to six NGOs in conducting CRC surveys in at least 95 courts of 5 mentioned regions and one additional - Kharkiv region.

PERFORMANCE MANAGEMENT AND EVALUATION

STATUS OF FAIR PERFORMANCE INDICATOR TARGETS IN 2014. FAIR results framework (Annex A, "Performance Management and Evaluation," graphically represents **OUR** strategy to achieve the program goal, "Support legislative, regulatory and institutional reform of judicial institutions in order to build a foundation for a more accountable and independent judiciary" and provides a foundation for planning and performance monitoring, allowing each activity to link to a specific result and each result to be measured by unique indicators.

In the third program year FAIR Performance Monitoring and Evaluation Plan (PMEP) has 35 indicators with annual targets designed to track implementation progress, capture and communicate project impact, support project management in making informed decisions, and contribute to USAID's own performance management and reporting needs. The Annex A also contains the list of FAIR indicators, grouped by project Objectives and Expected Results (ER), with target versus actual data for the Fiscal Year (FY) 2014, cumulative actual data for FY2012-2014, annual targets for the FY2015 and FY2016 and cumulative project end target.

FY2014 in Ukraine was marked by significant challenges for Ukraine including political and civil unrest, ultimately resulting in the conduction of pre-term Presidential elections and the dismissal of a number of top-ranking Ukrainian officials. Further Russia's annexation of part the sovereign territory of Ukraine and terrorist actions in Donetsk and Lugansk oblast implicated significantly the agenda of all three branches of Ukrainian Government which further impacted the activity schedule under all FAIR objectives. Regardless of these challenges FAIR was able to make significant progress on the way to achieve its objectives, although we did not achieve all targets set for this year.

During the FY2014 in an effort to achieve the overall project objective, FAIR supported 15 governmental judicial institutions and 12 non-governmental legal associations. The means of support include trainings, technical assistance, consultations, information and expert support, direct procurement for governmental institutions and grant funding to non-governmental associations. The actual FAIR's FY2014 data for the indicator "Number of legal institutions and associations supported by USG" is 27, which matches FY2014 target.

FAIR-promoted changes supporting the judicial independence in Ukrainian legislation came into effect with adoption of the Law of Ukraine on the Restoration of the Trust in the Judiciary which

amends the Law on the Judiciary and the Status of Judges regarding the Congress of Judges. It contributes to the indicator "Number of laws, regulations, and procedures designed to enhance judicial independence supported with USG assistance" under FAIR Objective 1: "The legislative and regulatory framework for judicial reform complies with European and international norms and supports judicial accountability and independence." Another FY2014 achievement counts to this indicator is the Council of Judges of Ukraine (COJ) decision as of August 8, 2014 which creates of new COJ committees. FAIR provided expert assistance to the process of creation committees at the newly elected COJ supporting the development of procedural base for the judicial independence and accountability.

The changes occurred in FY2014 under the indicators "Number of revised provisions enacted that reflect Venice Commission recommendations" and "Percentage of Venice Commission recommendations adopted." Mentioned above changes to the Law on the Judiciary and the Status of Judges address Venice Commission regarding the quota principle for the Congress of Judges, the composition of the Council of Judges reflecting the proportion according to the specialization and the abolition of the mandatory presence of the Minister of Justice and Minister of Finance at the Council of Judges meetings. Despite of FAIR constant promotion of the remaining Venice Commission recommendations adoption with Ukrainian law makers, the actual adoption of these amendments to the laws is outside of FAIR control.

Under the Objective 2: "The accountability and transparency of key judicial institutions and operations are strengthened" FAIR made significant progress according to the indicators "Number of judicial self-governance mechanisms revised with project support" and "Number of judges providing feedback to revisions of judicial self-governance mechanisms." FAIR worked closely and fruitfully with the newly elected COJ, its leadership and, overall, with the Extraordinary Congress of Judges that took place this year. This cooperation resulted in the adoption of Rules of Procedures for the Congress of Judges and the amending Regulations on COJ and the Regulation on Appointment and Dismissal of Constitutional Court Justices in Accordance with the Congress' Quota.

However, regarding the indicators related to the judicial selection and discipline activities that fall under this Objective 2, we did not achieve measurable progress this year due to the factors that are outside of FAIR's control. The previous composition of the High Qualifications Commission of Judges (HQC) stopped its activity according to the mentioned above Law of Ukraine on the Restoration of the Trust in the Judiciary and the new composition has not yet been formed. The FAIR progress achieved this year is, however, on "Percent of judicial misconduct complaints submitted to the HQC using the standardized form" – the annual status of the indicator is 13.5% which is higher than the previous year and it exceeds this year target. The percent of judicial discipline decisions posted on HQC website is 100% this year against 78% previous year and it exceeds the FY2014 target. However, we achieve this indicator status because during this reporting period HQC made only 25 decisions. Due to vetting HQC members in accordance with the Law on Restoration Public Trust in the Judiciary HQC did not make any judicial discipline decision since April 2014. It also deleted from its website the decisions made before October 2013 taking into account that they are older than 1 year. Thus, despite the fact that FY2014 target exceeded, we do not consider this as significant achievement. AIR made significant impacts under the Objective 3: "The professionalism and effectiveness of the Ukrainian judiciary are strengthened". We trained 610 judges and judicial personnel in various topics including Election Legislation, Implementation of the new Criminal Procedure Code, Judicial Test Items Writing, Court Administration, Judicial Ethics, Court and Community Communications and other topics contributing to the Foreign Assistance Framework (FAF) indicator "Number of judges and judicial personnel trained with USG assistance." Cooperation and sharing resources with other international organizations as well as with local partners resulted in exceeding the 2014 target for this indicator by more than 100%. FAIR developed and supported the implementation of two new

training curricula for judges and judicial personnel and created 90 trainers to implement these curricula and other FAIR-supported training programs for judges and court staff contributing accordingly to the indicators "Number of new legal courses or curricula developed with USG assistance" and "Number of TOT trainers created". Other achievements under the Objective 3 include developing, approval and implementation of 17 (seventeen) performance indicators in Ukrainian general courts based on FAIR-supported and expanding the number of courts implementing FAIR-supported Court Performance Measurement (CPE) system. With these achievements, we exceeded FY2014 targets under the indicators "Number of court performance indicators implemented" and "Number of courts implementing project-supported performance measurement system."

One of the most significant FAIR impacts during this year is COJ approval of FAIR Case Weighting Studies for general first instance courts and COJ recommendation to the SJA to use case weights when preparing budget request for the judiciary for the next year.

Under Objective 4: "The role of civil society organizations as advocates for and monitors of judicial reform is strengthened," FAIR provided expert assistance to the Reanimation Package of Reforms civic initiatives, particularly to its Judicial Reform Group. This package of draft laws contributes to FAIR indicator "Number of CSO-produced policy proposals related to pending judicial reform legislation." We also supported Civil Society Organizations (CSO) partners in conducting court performance evaluation programs using citizen report cards (CRC) methodology in 15 new courts during this year. This activity engages more than 2,000 court users in six oblasts in the process of monitoring and performance oversight of Ukrainian courts. Meanwhile, the initially planned for FY2014 expanding of this initiative to more than 80 courts involving more than 8,000 court is under several month delay due to the external political and civil factors mentioned above; thus the status of indicators "Number and percentage of courts in which there are active CSO court performance evaluation programs" and "Number of people engaged in the monitoring and performance oversight of Ukrainian courts."

The Annex 1 provides more details regarding the status of FAIR performance indicators as of the end of FY2014. The table below summarizes FAIR's actual progress against its 35 FY2014 targets, disaggregated by four project objectives:

FAIR Objectives	Number of indicator targets for Year 1	Targets met and exceeded	Targets met	Changes made, below target	No changes
Program Goal	1	1	-	-	-
Objective 1	6	-	-	3	3
Objective 2	9	2	1	2	4
Objective 3	14	4	1	3	6
Objective 4	5	-	1	3	1
TOTAL	**35**	**7**	**3**	**11**	**14**
TOTAL (Percent)	*100%*	*20%*	*8.6%*	*31.4%*	*40%*

As we see, FAIR met or exceeded 10 of the 35 indicator targets set for FY2014, made an impact but did not achieve targets for 11 indicators, and made no progress on 14 indicators.

Where FAIR exceeded its targets, it did so for the following reasons:

- Strengthened collaboration with Ukrainian partners, specifically the SJA, HQC, NSJ, COJ, Ukrainian Legal Foundation (ULF), and others.

- Strengthened collaboration and resource-sharing with other international donors, including the U.S. Department of Justice, the European Union, and the Council of Europe.
- Public demand for rapid reform in Ukraine, especially the judicial reform and purification of all branches of Government.
- Greater interest of Ukrainian justice sector personnel in participating in FAIR initiatives.
- Greater interest of Ukrainian Civil Society Organizations (CSO) in participating in FAIR initiatives.

Where FAIR did not meet its targets, it was for the following reasons:

- Political and civil unrest in Ukraine which impacted the Government of Ukraine agenda and all activities linked to it.
- Lack of political will on the part of lawmakers to consider the recommendations from the international community (particularly, from the Venice Commission) and make the appropriate legislative changes.
- Ukrainian judicial institutions delaying judicial reform activities for various reasons, ranging from inadequate state funding to lack of consensus among and within institutions.

For the next program year, FAIR will strengthen its activities to mitigate the impact of negative factors:

- FAIR will promote consensus building on implementation of judicial reform between stakeholder institutions and individuals.
- FAIR will intensify the process of involving CSOs in all aspects of judicial reform by working directly with CSOs on building their capacity and promoting cooperation with civil society among judicial institutions and policymakers.
- FAIR will seek to forecast possible project delays and prepare alternative solutions to achieve project expected results, if such delays become probable.

REVISIONS OF FAIR PERFORMANCE MONITORING AND EVALUATION PLAN (PMEP). Based on actual FY2014 results and responding to current performance management needs FAIR introduced several revisions to its PMEP to be implemented in FY2015 and FY2016. These revisions also support the current management needs to strengthen FAIR monitoring and evaluation system.

The PMEP revisions are the following:

1) To measure FAIR Program Goal "Support legislative, regulatory and institutional reform of judicial institutions in order to build a foundation for a more accountable and independent judiciary" we are working to introduce the complex measure change indicator with preliminary name "Judicial Independence and Accountability Index". This index is based on the best European practices used by the European Network of Councils for the Judiciary (ENCJ) and considers the following key points:

- Independence is the core value of the Judiciary;
- Independence allows judges to make impartial decisions;
- Judicial independence safeguards judges from influence by the parties as well as from direct and indirect influence or intervention from any other outside actors;
- Independence must be earned, it is not granted automatically;
- The best safeguard of independence is excellent and transparent judicial performance; and
- The independence and accountability are strongly connected to each other and directly linked with each other.

The introduction and implementation this index measure in the context of FAIR project will allow us to measure to which degree Ukrainian judiciary complies with international principles and standards of judicial independence and accountability and to which degree FAIR contributes to building more accountable and independent judiciary in Ukraine. It will also contribute to building a roadmap for Ukrainian judiciary to become more independent and accountable by way of moving beyond theoretical debates to the practical analysis of the current state of affairs.

By indicator definition the index is a combination of several objective and subjective measures used around the world in terms of evaluation of the judicial independence and accountability including:

- Legal basis for judicial independence and its compliance with European standards;
- Organizational autonomy of the judiciary;
- Funding for the Judiciary;
- Judicial administration;
- Judicial appointment procedures;
- Irremovibility of judges;
- Procedures in case of threat to independence;
- Citizens perception of the judicial independence;
- Judges and court staff perception of judicial independence;
- Citizens perception of corruption in the judiciary;
- Public trust in the judiciary;
- Case assignment procedures;
- Complaints procedures;
- Judicial discipline procedures;
- Periodic reporting to public and relations with media;
- Code of Judicial Ethics;
- Withdraw and recusal mechanisms;
- Financial disclosure;
- Understandable of court proceedings by the public;
- Judicial training;
- Citizens perception of the judicial integrity;
- Judicial integrity as perceived by judges and court staff;
- Citizens perception of the judicial professionalism;
- Citizens perception of judicial transparency; and
- Media coverage of the courts and justice system.

Each measure contains from 1 to 5 point qualitative scale for further combination as the integral index score. Methods of evaluation depend of the measure but mostly it involves expert review of available documents, materials and reports for making conclusion regarding the current state of affairs for each measure.

The index is still under the development and discussion by FAIR team and experts. As soon as we finalize the index development, we will present it to the USAID for concurrence and feedback.

2) The second revision to FAIR PMEP is increasing the disaggregation data for the indicator "Number of laws, regulations and procedures designed to enhance judicial independence supported with USG assistance." For the purpose of more detailed and specific measuring FAIR performance under the Objective 1: "The constitutional, legislative and regulatory framework for judicial reform complies with European and international norms and supports judicial accountability and independence" we introduce data disaggregation by the current status of FAIR-supported laws,

regulations and procedures: drafted, submitted to legislators for consideration, adopted and implemented.

3) To strengthen measuring of FAIR performance under the Objective 3: “The professionalism and effectiveness of the Ukrainian judiciary are strengthened” we introduce the new indicator “Per cent of judges and judicial personnel trained with FAIR support who apply new and improved knowledge and skills in practice”.

The Annex 1 to this report contains the Indicator Reference Sheets for the new and revised indicators mentioned above.

BUDGET EXECUTION AND LOE UTILIZATION

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ADMINISTRATION AND PROJECT MANAGEMENT

CONTRACT AND OPTION PERIOD. On September 19, 2013, the USAID signed the Modification No. 02 to the No. AID-121-C-11-00002 (Contract) to exercise the three-year Option Period CLIN

0002 of the subject Contract from October 1, 2013 to September 30, 2016, amended the existing Statement of Work, revised Level of Effort (LOE), provided incremental funding and made various administrative changes. On December 13, 2013, the USAID signed the Modification No 03 to the Contract to provide incremental funding and increase the total obligated amount.

PROJECT REGISTRATION AND PROTOCOLS OF COOPERATION / INTENSIONS. In October 2013, FAIR continued its work on the Option Period official re-registration in Ukraine. FAIR received two SJA's letters confirming its agreement to be a FAIR beneficiary and recipient. On October 6, 2011, FAIR signed the Protocol of cooperation with the SJA which is valid until the end of the Option Period, but the template of the protocol was drafted by the previous sample and did not meet the current requirements of the legislation of Ukraine. Thus, on October 16, 2013, FAIR and SJA signed the Protocol of Cooperation in new format prescribed by the Cabinet of Ministers' Regulation No. 153, dated February 15, 2002, on Creating the Unified System of Attracting, Utilizing, and Monitoring International Technical Assistance (Regulation No 153). The protocol shall be valid until September 30, 2016. Additionally, SJA approved the Procurement Plan of goods, works and services to be purchased at the expense of international technical assistance during the FAIR Option Period. This resulted to the prolongation of official FAIR registration card for the Option Period with the Ministry of Economic Development and Trade of Ukraine (MOEDT) and obtaining the extended Project registration card No. 2601-02 as of November 8, 2013. The MOEDT included the SJA as the FAIR beneficiary and recipient in the registration card. In addition, FAIR signed the protocols of cooperation that were not included in FAIR registration card with the following counterparts: HCJ on February 4, 2014, COJ of General Courts on November 13, 2013, and the Ivan Franko National University of Lviv on March 31, 2014.

During the reporting period, FAIR signed the protocols of intensions with the 11 NGOs – Project grantees that also provided the Letters of support to the FAIR Project. The MOEDT included 7 grantees in the FAIR registration cards No. 2601-03 as of July 8, 2014 and No. 2601-4 as of July 24, 2014, namely: International Public Organization "Universal Examination Network", Regional Public Charitable Foundation "Law and Democracy", Kharkiv nongovernmental organization "Institute of Applied Humanitarian Research", All-Ukrainian non-governmental organization "Election Law Institute", All-Ukrainian Civil Society Organization (SCO) "Institut Respublika", All-Ukrainian SCO "Ukrainian Marketing Association", SCO "Pravovyy Racurs". FAIR expects that the MOEDT will include the following grantees in the project registration card in October 2014: Charity Foundation "Intelektualna Perspektyva", All-Ukrainian SCO Institute of Strategic Partnership, CSO "Podilska Human Rights Foundation", and Charity Organization "All-Ukrainian Coalition for Legal Aid".

Additionally, FAIR drafted the protocols of cooperation with the MOE and the MOJ and submitted them for endorsement with the counterparts. FAIR also drafted the protocols of cooperation with the following counterparts: HAC, HCCC, NSJ, Parliament Rule of Law and Justice Committee, SCU, Coordinating Center for Legal Aid Providing, Presidential Administration, and HQC.

EXPAT REGISTRATION IN UKRAINE. In the reporting period, FAIR continued to work on the issue related to extension of temporary stay status of FAIR COP David M. Vaughn in Ukraine from October 1, 2013 till September 30, 2016. Per SJA's written request as of October 1, 2013, the State Migration Service of Ukraine in Kyiv City (SMSU) extended stay of Mr. Vaughn on the territory of Ukraine till December 31, 2013. On December 6, 2013, the SJA sent the written letter to the Ukraine Consulate in Dubai (United Arab Emirates) for issuing of Ukraine 01/05 type long-term multiple entry visa to Mr. Vaughn. On December 11, 2013, the Consulate granted the visa which is need for entering the territory of Ukraine and issuing the temporary residence permit for non-resident who works for the technical assistance project. Additionally, on November 25, 2013, the SJA sent to the SMSU a written request to issue a temporary residence permit for Mr. Vaughn. On

December 23, 2013, the SMSU granted to Mr. Vaughn the temporary residence permit No. TP010011 which is valid till September 30, 2016.

WORK PLANNING. FAIR conducted three Semi-Annual Work Plan (WP) Workshops to prepare WP5 for the period from October 1, 2013 to March 31, 2014, WP6 for the period from April 1, 2014 to September 30, 2015, and WP7 for the period from October 1, 2014 to March 31, 2015. Pursuant to Section F.5.B of the Contract FAIR submitted all three work plans to USAID and USAID approved WP5, WP6 and WP7.

PROJECT MONITORING. Per SJA request, FAIR provided detailed reports on project activities with regard to planned events and technical expertise for each Project task for the second half of 2013 year and first half of 2014 year.

STAFFING AND EXPERTS. During the first year of the FAIR Option Period, the project hired nine new employees and signed the employment agreements with the following staff members: Ashot Agaian, Legal and Civic Advocacy Specialist, Olga Galytska, Strategic Activities Fund (SAF) Coordinator, Lesya Nechyporenko, Judicial Selection Specialist, Maryna Rudenko, Civil Society Specialist, Artem Shaipov, Judicial Accountability Coordinator, Anna Sukhova, Judicial Accountability Specialist, Iryna Zhalko, Administrative Assistant, Oleh Tseluyko, Civic Advocacy Specialist, and Volodymyr Holovatenko, Program Coordinator. FAIR terminated the employment agreements with Oleh Tseluyko on the ground of mutual agreement and Volodymyr Holovatenko due to the fixed-term employment agreement concluded with him for the period of Olga Nikolaeva being on child care leave until the child three years old. Three FAIR employees resigned from the project. During this stage of the Option Period, the project involved expertise of 14 Short-Term Technical Assistance (STTA) Expatriates on paid basis, 5 STTA Expatriates Pro Bono, and 14 STTA Cooperative Country National (CCN) experts. The STTA Expatriates represented the following countries: 8 U.S. Experts and 10 Third Country Nationals (TCN) Experts from Czech Republic, Poland, Portugal, Ireland, Italy, the United Kingdom, Bulgaria, and Romania. FAIR obtained prior USAID approval for all STTA expertise as well as for international travels.

COST CONTROL. FAIR has met all contract requirements during the reporting period. FAIR saves USG resources by attracting non-federal in-kind or cash contribution from local partners or other international donors while organizing and conducting trainings, conferences, roundtables and study tours. FAIR shares its resources with other USG-funded projects as well as other international donor organizations. In 2014, the Project shared the LOE of consultants, trainers and experts and contributed training materials and other resources to FAIR-supported events in cooperation with the EU, the Organization for Security and Cooperation in Europe (OSCE), the U.S. Department of Justice (DOJ), the Open World Program, the Embassy of Sweden in Ukraine and COE. When contracting the Ukrainian vendors, as well providing grants to local NGOs FAIR involves representatives of local and international partner organizations to take part in the selection committee meetings to make the competition process open, fair and obtain partners expertise as well. The project always strives to get the lowest rates and do market research related to the procurement of goods and services. FAIR shares its vendors' data base with other international technical assistance projects. FAIR's Home Office (HO) and Field Office (FO) monitor project budget on a six-month basis in order to ensure the effective cost management. In October 2013, HO conducted an annual internal audit of the project's financial records, bookkeeping, accounting system, and reviewed if Chemonics and USAID policies and procedures are properly followed and any problems identified are resolved in a timely manner. As the project's ceiling value is under 20 million U.S. dollars and on grounds that previous site review internal auditor identified no concerns, HO conducted a remote finance and compliance review for the period of July through September 2014 first time ever.

VAT. FAIR submitted twelve informational reports regarding all VAT-exempted purchases done from September 2013 to August 2014 to the Shevchenkivska Tax Inspection in Kyiv City in this reporting period. FAIR continues to enter into efficient negotiations with new vendors and subcontractors on VAT exemption and encourages them to sign special provisions in agreements to follow the VAT exemption procedure in order to save project funds. The exemption procedure requires vendors to track all the exempted operations and spend some additional time and human resources to report on exempted VAT operations, that is why it is difficult for them to cooperate under such conditions. In spite of this, FAIR signed service agreements with 8 new vendors whom project engaged to follow the VAT-exemption procedure for the first time in the vendors' business practice. FAIR ensures that the VAT exemption is provided even for day-to day operation micro-procurements. FAIR submitted to USAID the Report on Taxation of U.S. Foreign Assistance for the period from October 1, 2012 to September 30, 2013 as required by clause H.21 of the Contract.

FINANCE, ACCOUNTING, ADMINISTRATION. FAIR submitted the Accruals in a timely manner according to requirements of clause F.9 of the Contract. To ensure efficient grant programs implementation and following new USAID regulations, FAIR reviewed financial reports of grantees on a monthly basis. Project also participated in the field trips and conducted internal financial reviews of the grantees' financial reports and documents in order to improve reporting process and provide follow-up training on USAID regulations and FAIR Grant Manual. FAIR procures all commodities in the most efficient manner possible in compliance with applicable Federal Acquisition Regulation (FAR), USAID Acquisition Regulation (AIDAR), Code of Federal Regulations (CFR), and relevant ADS polices to the greatest degree possible. As such, FAIR selects vendors and issues orders on a competitive basis to the maximum practical extent. During the reporting period, FAIR went through three Automated Directives System (ADS) 548 review process for programmatic and operational IT procurements and received advance-approval and good recommendations from the USAID Bureau for Management/Chief Information Office (M/CIO):

- On February 11, 2014, the project received approval for the third iteration of ADS 548 submission on anticipated operational IT component of the Ukraine FAIR, including the replacement of dated hardware and software needs to help manage the FAIR program activities and build on the FAIR program's previous procurements.
- On April 18, 2014, FAIR received approval for the fourth iteration of ADS 548 submission on procurement a new file server, 10 laptops, and the associated operating system software required to design and conduct training programs for the NSJ.
- On August 5, 2014, the project received approval for the fifth iteration of ADS 548 submission on procurement and installation of 42 electronic information and pay terminals for trial courts of general and administrative jurisdiction with the highest.

During the period from July to September 2014, FAIR supported to launch in Ukraine the USAID / Office of Transition Initiatives (OTI) Ukraine Confidence Building Initiative (UCBI) Project.

On September 12, 2014, the HO approved to increase Chemonics' internal "micro-purchase threshold" for FAIR to $3,000.

During the reporting period, FAIR provided qualified consultations to other USAID-funded projects (USAID Public Private Partnership Development Program (P3DP), USAID Systems for Improved Access to Pharmaceuticals and Services Program (SIAPS) implementing by the Management Sciences for Health), National Democratic Institute and ABA/ROLI on the new GOU regulations related to the project registration, procurement plan, VAT exemption procedure, expats registration in Ukraine, employment, etc. FAIR also advised key project partners on

logistical and administrative subjects concerning the implementation of their respective events and activities.

BUSINESS CONDUCT. In this reporting period, FAIR staff successfully completed Chemonics "Living Our Values" standards of business conduct training.

DONOR COORDINATION

This reporting period, the FAIR team hosted nine Rule of Law Donors and Implementers meetings:

- On October 2, 2013, Chief Justice of the SCU Yaroslav Romaniuk presented the future plans and priorities of the SCU. Upon the invitation of Chief Justice Romaniuk, the meeting took place at the building of the SCU.
- On November 6, 2013, Judge Olena Yevtushenko of the HCCC, newly elected President of the Ukrainian Association of Judges (UAJ) shared the results of the 56th Annual Meeting of the International Association of Judges (IAJ), which took place from October 5 to 10, 2013 in Yalta, and current plans and priorities of the UAJ.
- On December 4, 2013, Mykola Onishchuk, newly appointed Rector of the NSJ shared his vision for the future development of the NSJ.
- On February 5, 2014, Ihor Koliushko, former MP, former Advisor to President Yuschenko, expert on public law, Chairman of the Board of the Center for Political and Legal Reforms (CPLR), shared his views on the challenging issues of constitutional reform and possible implications for civil society should the Verkhovna Rada adopt amendments to laws regarding non-governmental organizations and media that receive foreign funding.
- On March 5, 2014, Egor Sobolev, a civic activist nominated by the "Maidan" All Ukrainian Association to head the Lustration Committee, founder of the "Svidomo" Bureau of Investigative Journalism and one of the leaders who established the new political force "Volia", shared his views on the operations of the Lustration Committee and approaches to developing lustration mechanisms.
- On April 2, 2014, Viktor Liakh, President of the East Europe Foundation (EEF), and Edward Rakhimkulov, Chief of Party of the USAID Responsible Accountable Democratic Assembly (RADA) Program, presented this new five-year USAID Project in Ukraine implemented by the East Europe Foundation.
- On June 4, 2014, Head of the Main Department on the Judiciary and Legal Policy at the Presidential Administration, Oleksandr Volkov, shared the Presidential Administration's priorities and plans for legal and judicial reform.
- The meeting on July 2, 2014 was dedicated to the cooperation between the procuracy and international donor organizations as presented by Deputy Prosecutor General Vitalii Kasko. At the generous invitation of the U.S. Department of Justice - OPDAT, it took place at the U.S. Embassy.
- On September 12, 2014, newly elected Chair of the COJ Supreme Court Justice Valentyna Simonenko shared her plans, vision and priorities for the newly reformed COJ. Also during the meeting, FAIR expert Radoslaw Peterman, Deputy Head of the Vetting Office, Commission for the Prosecution of Crimes against the Polish Nation, the Institute of National Remembrance (Warsaw, Poland), shared the experience of lustration in Poland over transitional period. Mr. Peterman focused on the tasks, issues and challenges of lustration system and will highlight approaches and mechanisms to the vetting of public officials and judges, along with missteps that occurred.

Also, on May 14, 2014, FAIR supported the Rule of Law Donor Coordination Working Group meeting organized by the Office of Democracy and Governance of the USAID Regional Mission

to Ukraine, Moldova, Belarus, and Cyprus and the U.S. Department of Justice Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT). The meeting was aimed at discussing rule of law reforms to support anti-corruption goals with a focus on updates and adjustments to donors' programs, plans, and timetables given the new operational environment.

FAIR COP David Vaughn giving a presentation at an American Chamber of Commerce Anti-Corruption Working Group meeting in Kyiv on June 11, 2014.

On June 11, 2014, FAIR COP David Vaughn delivered a presentation on the current status of judicial reform and lustration in Ukraine for the participants of the American Chamber of Commerce Anti-Corruption Working Group meeting. Mr. Vaughn briefed the participants on FAIR objectives and achievements, highlighting the challenges the Ukrainian judicial system faces. He emphasized the essence of and approaches to lustration, outlined the role of Constitutional reform, and highlighted the issues of judicial selection, discipline and ethics, as well as civil society engagement as advocates for and monitors of judicial reform.

In November 2013, FAIR nominated one candidate for the Open World Program (OWP) March 2014 exchange on Educational Services and Education Reform and five candidates for Civic Rule of Law. In December 2013, FAIR nominated seven Civic Rule of Law activists, from whom the OWP selected four finalists. Three of them visited the US in March 2014.

In June 2014, OWP requested FAIR to determine possible themes for FAIR program in autumn 2014. FAIR recommend for OWP consideration the following themes:

- Civil Society Monitoring and Oversight of the Judiciary to Increase Public Trust and Confidence; and
- Legal Education Reform to Improve the Quality of Lawyers, Judges and Prosecutors.

In July 2014, upon OWP request, FAIR submitted 18 nominees for two groups traveling on the Civic Rule of Law theme in October 2014. 11 out of 18 advised by FAIR nominees have successfully passed through the screening process (eight were included into two groups of candidates who should visit the US in October 2014, and three will be included in the next group).

FAIR continued to conduct coordinating meetings with donors, in particular with new projects, to share its experience regarding cooperation with Ukrainian partners in field of judicial reform and to explain roles of all relevant institutions in ensuring of functioning of judiciary. On August 5, 2014, FAIR met with representatives of the EU Advisory Mission to brief them on FAIR activities and accomplishments and discuss possible ways of cooperation.

In addition, FAIR coordinated efforts with the USAID Participant Training Program to visit the Polish National School of Justice and Prosecution to learn about institutional best practices and lessons learned in court administrator training. More information can be found under Expected Result 3.1.

Finally, during this reporting period, the FAIR team attended International Parliamentary Technical Assistance Coordination Meeting conducted by the RADA Program in September 2014.

LIST OF ANNEXES

Annex 1: Performance Management and Evaluation Summary

Annex 2: FAIR Performance Monitoring and Evaluation Plan Revision in 2014: Reference Sheets for Revised and New Indicators

Annex 3: List of Counterparts/Beneficiaries Actively Involved in the Project

Annex 4: Success Story "Case Weights Become a Tool for Measuring Judicial Workload"

Annex 5: Success Story "Independent Assessment Helps to Improve the Quality of Legal Education in Ukraine"

Annex 6: Success Story "Certified Court Administrators Design the Future of Judicial Administration in Ukraine"

Annex 7: Success Story "Distance Learning Helps to Improve Courts and Community Communication"

Annex 8: Strategic Development Plan for the National School of Judges of Ukraine for 2014 – 2018 (Ukr.)

Annex 9: Strategic Development Plan for the National School of Judges of Ukraine for 2014 – 2018 (Eng.)

Annex 10: Final Report on Distance Learning Course on "Courts and Community Communications" (Ukr.)

Annex 11: Concept for Electronic and On-line Payment of Court Fees (Ukr.)

Annex 12: Manual for Conducting Objective Time Studies and Case Weighting (Ukr.)

Annex 13: Case Weighting Report for General Jurisdiction Courts (Ukr.)

Annex 14: Court Performance Evaluation (CPE) Framework (Eng.)

Annex 15: Guidelines on Implementation User Survey in General Courts (Ukr.)

Annex 16: Methodology for Independent On-site Legal Education Quality Assessment (Eng.)

Annex 17: Report on the Legal Education Quality Assessment of the Law Faculty at Lviv National University (Ukr.)

Annex 18: Report on the Legal Education Quality Assessment of the Law Faculty at Lviv National University (Eng.)

Annex 19: Developing a Strategic Plan for Lviv Law School: a List of Recommendations

Annex 20: Summary and Recommendations of the Roundtable "Lustration: International Experience and Ukrainian Perspectives" – September 11, 2014 (Eng.)

Annex 21: Recommendations of Radoslaw Peterman on the Draft Law on Purification of Government (Ukr.)

Annex 22: Manual for Disciplinary Inspector (Ukr.)

Annex 23: Program for Initial Training of Disciplinary Inspector (Ukr.)

Annex 24: Program for Ongoing Training of Disciplinary Inspector (Ukr.)

Annex 25: Proposals on Amendments to the Law on the Judiciary and Status of Judges from the HQC Seminar on November 21 and22, 2013 (Ukr.)

Annex 26: Summary on the ECtHR Lustration Cases (Ukr.)

Annex 27: Summary on the ECtHR Lustration Cases (Eng.)

Annex 28: Expert Report on Procedural Aspects of Judicial Discipline (Ukr.).

Annex 29: Expert Report on Procedural Aspects of Judicial Discipline (Eng.)

Annex 30: Final Assessment Report on Professional Development Needs of Ukraine Court Administrators and Impact of the 2013 Judicial Administration Certificate Program (Eng.)

Annex 31: Final Assessment Report on Professional Development Needs of Ukraine Court Administrators and Impact of the 2013 Judicial Administration Certificate Program (Eng.)

Annex 32: Leaflet “Costs and Expenses in a Civil Case” (Ukr.)

Annex 33: Leaflet “Costs and Expenses in an Administrative Case” (Ukr.)

Annex 34: Leaflet “Enforcement of Court Decisions in Civil Cases” (Ukr.)

Annex 35: Leaflet “How to Appeal a Court Decision in an Administrative Case” (Ukr.)

Annex 36: Leaflet “How to Appeal a Court Decision in a Civil Case” (Ukr.)

Annex 37: Leaflet “Enforcement of Court Decisions in Civil Cases” (Ukr.)

Annex 38: Leaflet “Is it Possible to Settle the Dispute without Trial?” (Ukr.)

Annex 39: Leaflet “How to Submit Administrative Claim?” (Ukr.)

Annex 40: Leaflet “How to Submit Civil Claim?” (Ukr.)

Annex 41: Leaflet “What is a Writ?” (Ukr.)

Annex 42: Leaflet “Guide to the Judicial System of Ukraine” (Ukr.)

Annex 43: Leaflet “How to Appeal Misconduct of a Judge or Court Staff?” (Ukr.)

Annex 44: Leaflet “How to Behave in Court” (Ukr.)

Annex 45: Leaflet “Why do I need a Lawyer and Where to Get Legal Aid?” (Ukr.)

Annex 46: Leaflet “Rights of Suspects and Accused in Criminal Proceedings” (Ukr.)

Annex 47: Leaflet “What a Victim Needs to Know?” (Ukr.)

Annex 48: Leaflet “What if You were Detained?” (Ukr.)

Annex 49: Leaflet “How and When Can I Appeal to the European Court of Human Rights?” (Ukr.)

Annex 50: Leaflet “How to Appeal a Decision of the Preliminary Investigation, Prosecution and Trial?” (Ukr.)

Annex 51: Poster “Who and Where is in a Court Room” (Ukr.)

Annex 52: CRC Manual (Eng.)

Annex 53: Manual for Anonymous Test Proctors (Ukr.)

Annex 54: Manual for Test Items Writers (Ukr.)

Annex 55: Protocol of Cooperation between Chemonics International Inc./ Fair, Accountable, Independent, and Responsible (FAIR) Judiciary Program in Ukraine and the State Judicial Administration of Ukraine

Annex 56: Protocol of Cooperation between Chemonics International Inc./ Fair, Accountable, Independent, and Responsible (FAIR) Judiciary Program in Ukraine and the Council of Judges of General Courts

Annex 57: Protocol of Cooperation between Chemonics International Inc./ Fair, Accountable, Independent, and Responsible (FAIR) Judiciary Program in Ukraine and the Ivan Franko National University of Lviv

Annex 58: Protocol of Cooperation between Chemonics International Inc./ Fair, Accountable, Independent, and Responsible (FAIR) Judiciary Program in Ukraine and the High Council of Justice

ANNEX 1: PERFORMANCE MANAGEMENT AND EVALUATION SUMMARY

PERFORMANCE INDICATORS	Baseline		Target 2014	Actual 2014	Cumulative LOP 2012-2014	Targets LOP			Notes and explanations
	Month/ Year	Value				Annual 2015	Annual 2016	Cumulative Project End	
Program Goal: Support legislative, regulatory and institutional reform of judicial institutions in order to build a foundation for a more accountable and independent judiciary									
1. Number of legal institutions and associations supported by USG	Sept 2013	31[2]	24	**27**	36	24	24	30	FY2014: FAIR supported 15 governmental judicial institutions and 12 non-governmental legal associations
Objective 1: The constitutional, legislative and regulatory framework for judicial reform complies with European and international norms and supports judicial accountability and independence									
2. Number of laws, regulations and procedures designed to enhance judicial independence supported with USG assistance (FAF)	Sept 2013	14[3]	6	**2**	15	3	0	9	FY2014: Law of Ukraine on the Restoration of the Trust in the Judiciary increases the judicial independence through amending the Law on the Judiciary and the Status of Judges regarding the Congress of Judges and the Council of Judges. COJ Regulations on Creating its Committees
Expected Result 1.1: Ukrainian judicial reform legislation receives favorable comments from the Venice Commission as meeting international standards and reflects domestic and international expert input									

[2] Total since 2006 counts support by the USAID Ukraine Rule of Law Project (UROL) and FAIR
[3] Total since 2006, includes 8 under the UROL Project and 6 under the FAIR Project

PERFORMANCE INDICATORS	Baseline		Target 2014	Actual 2014	Cumulative LOP 2012-2014	Targets LOP			Notes and explanations
	Month/ Year	Value				Annual 2015	Annual 2016	Cumulative Project End	
3. Number of revised provisions enacted that reflect Venice Commission recommendations	Sept 2013	3	20	**3**	6	12	12	47	This year data counts the following recommendations of the Venice Commission: 1) the quota principle for the Congress of Judges, 2) the composition of the Council of Judges reflecting the proportion according to the specialization, 3) the abolition of the mandatory presence of the Minister of Justice and Minister of Finance at the Council of Judges meetings. These recommendations are addressed in the Law of Ukraine on the Restoration of the Trust in the Judiciary.
4. Percentage of Venice Commission recommendations adopted	Sept 2013	6.4%[4]	48%	**6.4%**	13%	26%	26%	100%	This year percentage represents 3 out of 47 recommendations of the Venice Commission addressed.
Expected Result 1.2: Constitutional reform related to the judiciary is pursued in an inclusive manner									
5. Number of working sessions on Constitutional reform between law makers and civil society organizations	Sept 2013	6	20	**0**	6	TBD	TBD	TBD	No changes this year. Due to the political and social turmoil the Constitutional process in Ukraine is stunted.
6. Number of civil society organizations who have experience in constitutional reform participating in public events on the Constitution	Sept 2013	16	20	**0**	16	TBD	TBD	TBD	No changes this year. Due to the political and social turmoil the Constitutional process in Ukraine is stunted.

[4] 6% baseline is 3 Venice Commission recommendations addressed by changes in laws out of total 47 recommendations provided

PERFORMANCE INDICATORS	Baseline		Target 2014	Actual 2014	Cumulative LOP 2012-2014	Targets LOP			Notes and explanations
	Month/ Year	Value				Annual 2015	Annual 2016	Cumulative Project End	
7. Number of revised provisions in the Constitution enacted that reflect inputs from project-supported public discussions	Sept 2013	0	7	**0**	0	0	0	7	No changes this year. Due to the political and social turmoil the Constitutional process in Ukraine is stunted.
Objective 2: The accountability and transparency of key judicial institutions and operations are strengthened									
8. Number of new properties and functions surrounding judicial selection and discipline introduced to HQC management system with project support	Sept 2013	1	10	**0**	1	0	0	10	No changes this reporting period because the HQC does not operate since the adoption of Law of Ukraine on the Restoration of the Trust in the Judiciary. This law vetted the current composition of the HQC, the new composition was not formed in the reporting period.
Expected Result 2.1: Ukrainian judges are appointed based on objective, knowledge- and performance-based criteria									
9. Number of merit-based criteria or procedures for justice sector personnel selection adopted with USG assistance	Sept 2013	17	3	**0**	17	5	0	25	Same as above
10. Number of procedures within the judicial appointment process improved with project support	Sept 2013	5	4	**0**	5	TBD	TBD	TBD	Same as above

PERFORMANCE INDICATORS	Baseline		Target 2014	Actual 2014	Cumulative LOP 2012-2014	Targets LOP			Notes and explanations
	Month/ Year	Value				Annual 2015	Annual 2016	Cumulative Project End	
11. Number of Ukrainian judges appointed through project-supported objective, merit-based judicial selection process	Sept 2013	880	100	**62**	942	100	100	1200	62 judges appointed in Dec 2013 following the third round of FAIR-developed process of judicial testing and FAIR-supported judicial qualifications exam.
Expected Result 2.2: Ukrainian judges are disciplined in transparent processes									
12. Number of criteria, standards and regulations adopted to govern judicial misconduct investigations	Sept 2013	1	7	**0**	1	TBD	TBD	TBD	No changes this reporting period because the HQC does not operate since the adoption of Law of Ukraine on the Restoration of the Trust in the Judiciary. This law vetted the current composition of the HQC, the new composition was not formed in the reporting period.
13. Percent of judicial misconduct complaints submitted to the HQC using the standardized form	Sept 2013	9,3%	12%	**13,5%**	10,5%	15%	20%	20%	HQC informed that during this reporting period it received 11,406 judicial misconduct complaints and, approximately 13,5% of them were using the standardized form.
14. Percent of judicial discipline decisions posted on HQC website	Sept 2013	77,7 %	85%	**100%**	79%	100%	100%	100%	During this reporting period HQC made 25 decisions and all of them are posted on the internet. However, due to vetting HQC members in accordance with the Law on Restoration Public Trust in the Judiciary HQC did not make any judicial discipline decision since April 2014. It also deleted from its website the decisions made before October 2013 taking into account that they are older than 1 year. Thus, although FY2014 target met and achieved, it is not possible to consider this achievement as significant.

PERFORMANCE INDICATORS	Baseline		Target 2014	Actual 2014	Cumulative LOP 2012-2014	Targets LOP			Notes and explanations
	Month/ Year	Value				Annual 2015	Annual 2016	Cumulative Project End	
Expected Result 2.3: The regulatory and institutional framework for judicial accountability and integrity is strengthened									
15. Number of judicial self-governance mechanisms revised with project support	Sept 2013	1	4	**4**	4	TBD	TBD	TBD	During this program year the following judicial self-governance mechanisms count for this indicator: • Amending Rules of Procedures for the Congress of Judges • Amending COJ Regulations • Regulations on Appointment and Dismissal of Constitutional Court Justices • Creating COJ Committees
16. Number of judges providing feedback to revisions of judicial self-governance mechanisms	Sept 2013	220	80	**44**	246	TBD	TBD	TBD	Justice Kanygina from the Supreme Court of Ukraine, Judge Kozyr from the High Commercial Court, Judge Khanova from Donetsk Appellate Administrative Court, Judge Babiy from Odesa Oblast Court of Appeals 40 new COJ members
Objective 3: The professionalism and effectiveness of the Ukrainian judiciary are strengthened									
17. Number of USG-assisted courts with improved case management (FAF)	Sept 2013	30	40	**42**	62	50	60	70	FAIR completed the process of collecting data on this indicator from 64 courts implemented FAIR-developed court performance evaluation system. The data shows that 42 of FAIR partner courts on this activity improve case management system as the result of implementing CPE-generated recommendations.
Expected Result 3.1: The skills and competencies of Ukrainian judges and court staff are bolstered through modern, demand-driven training programs									

PERFORMANCE INDICATORS	Baseline		Target 2014	Actual 2014	Cumulative LOP 2012-2014	Targets LOP			Notes and explanations
	Month/ Year	Value				Annual 2015	Annual 2016	Cumulative Project End	
18. Number of judges and judicial personnel trained with USG assistance (FAF)	Sept 2013	3,737 [5]	300	**610** **(40% men and 60% women)**	1,686[6] (44% men and 56% women)	300	300	4,500	This reporting period FAIR trained 610 justice sector personnel in topics of Implementation of Election Legislation, Judicial Test Items Writing, Judicial Ethics, Communication, Judicial Administration, Statistics, Judicial Self-Governance and other topics. This number includes 308 judges (52% men and 48% women), and 302 judicial personnel (27% men and 73% women).
19. Number of new legal courses or curricula developed with USG assistance	Sept 2013	17[7]	5	**2**	19	1	1	24	This year FAIR developed and tested online training courses on Judicial Ethics and Communications.
20. Number of TOT trainers created	Sept 2013	82	35	**90** **(23% men and 77% women)**	193 (44% men and 56% women) **1**	27	TBD	TBD	In this reporting period, FAIR supported creation of 90 TOT in the topics of Judicial Statistics, Court Administration, Judicial Ethics and Communication.
21. Number of project-supported new or revised policies for judicial and court staff training institutions	Sept 2013	0	2	**1**	1	TBD	TBD	TBD	No changes this reporting period.
Expected Result 3.2: Judicial operations are evaluated and funded according to an objective assessment of needs and performance									

[5] Total since 2006 under the USAID Ukraine Rule of Law Project (2,946) and the USAID FAIR Justice Project (1,206), double counting excluded
[6] Cumulative LOP number refers only to the USAID FAIR Justice Project from October 2011 to September 2014
[7] Total since 2006 under the USAID Ukraine Rule of Law Project (8) and the USAID FAIR Justice Project (9)

PERFORMANCE INDICATORS	Baseline		Target 2014	Actual 2014	Cumulative LOP 2012-2014	Targets LOP			Notes and explanations
	Month/ Year	Value				Annual 2015	Annual 2016	Cumulative Project End	
22. Number of court performance standards adopted	Sept 2013	0	7	**0**	0	0	0	7	No changes this reporting period. Approval delay due to the issues related to the Council of Judges of Ukraine.
23. Number of court performance indicators implemented	Sept 2013	7	14	**17**	17	14	31	31	The Council of Judges of General Courts approved 17 court performance indicators for general courts in February 2014. Courts started to implement these indicators this quarter and publish this information on their web pages. See sample at http://yg.ko.court.gov.ua/sud1028/pokaznik/
24. Number of courts implementing project-supported performance measurement system	Sept 2013	31	40	**33**	64	50	100	100	FY2014: 33 general courts of Odessa Oblast Implemented FAIR-developed CPE
25. Average annual citizen report cards score of participating courts	Sept 2013	.80 (out of maximum score of 1)	.80	**.8**	.8	.82	.84	.84	No change since the baseline. Activity delay due to the COJ and SJA leadership changes. The 2014 round of CRC is currently underway and we will know the results in November – December 2014.

PERFORMANCE INDICATORS	Baseline		Target 2014	Actual 2014	Cumulative LOP 2012-2014	Targets LOP			Notes and explanations
	Month/ Year	Value				Annual 2015	Annual 2016	Cumulative Project End	
26. Number of data-fed analytical techniques incorporated into judicial budgeting	Sept 2013	0	1	**1**	1	3	0	4	Case waiting studies for general first instance courts completed and approved by the COJ. COJ recommended SJA to include this technique in the judicial budgeting for the next budget year.
Expected Result 3.3: The SJA's capacity to represent and support the developing needs of Ukrainian judiciary is strengthened									
27. Number of project-supported new or improved policies within the SJA for the support of information technology, procurement, capital improvement, human resources, statistical collections and analysis activities within the courts	Sept 2013	2[8]	3	**0**	2	3	2	10	No changes this reporting period. Concept paper for the judicial statistics reform is drafted and approved by the Council of Judges of General Courts and submitted to the Council of Judges of Ukraine for their consideration. Concept paper for electronic collection of court fees drafted and is now under the SJA consideration
28. Percent of courts with capacity to receive court fees through electronic terminals	Sept 2013	0	5%	**0**	0	6%	8%	8%	No changes this reporting. Concept paper developed and courts selected, procurement of the information kiosks with electronic terminals is completed. Terminals are now in the installation process, its completion is expected by Dec 2014.
Expected Result 3.4: The capacity of courts and judicial institutions to communicate effectively with the public is enhanced, leading to greater public appreciation of their activities									

[8] Baseline counts Strategic Plan for the Judiciary (approved in 2012) and Court Automation Strategy (approved in 2013)

PERFORMANCE INDICATORS	Baseline		Target 2014	Actual 2014	Cumulative LOP 2012-2014	Targets LOP			Notes and explanations
	Month/ Year	Value				Annual 2015	Annual 2016	Cumulative Project End	
29. Number of communication strategies implemented by courts and judicial institutions	Sept 2013	4	8	**0**	4	10	20	30	No changes this reporting period. Activity delay.
30. Number of courts offering legal education materials to court visitors	Sept 2012	19	41	**0**	0	45	60	60	Activity is linked to the procurement of the information kiosks
Objective 4: The role of civil society organizations as advocates for and monitors of judicial reform is strengthened									
Expected Result 4.1: Civil society and the Ukrainian public are engaged in the judicial reform process									
31. Number of public events on judicial reform organized by CSO	Sept 2013	11[9]	10	**2**	13	10	10	30	FAIR NGO partner Institute of Republic organized two roundtables on changes to the legislation on peaceful assembly for judges and public servants.
32. Number of CSO-produced policy proposals related to pending judicial reform legislation	Sept 2013	1	1	**1**	1	TBD	TBD	TBD	This indicator counts CSO coalition Revival Package of Reforms. FAIR CSO partners prepared the judicial reform part of the package.
Expected Result 4.2: Civil society organizations have means and opportunities to effectively monitor the implementation of judicial sector reforms and provide oversight to judicial operations									
33. Number and percentage of courts in which there are active CSO court performance evaluation programs	Sept 2013	51 (6.8%)	80 (13%)	**15 (2%)**	66 (9%)	100 (13%)	100 (13%)	100 (13%)	Initially planned CRC surveys in all courts of 5 oblasts rescheduled for the next year due to the changes in SJA leadership and COJ composition. This year data represents 15 new courts in 6 oblasts.

[9] Only FAIR project data

PERFORMANCE INDICATORS	Baseline		Target 2014	Actual 2014	Cumulative LOP 2012-2014	Targets LOP			Notes and explanations
	Month/ Year	Value				Annual 2015	Annual 2016	Cumulative Project End	
34. Number of people engaged in the monitoring and performance oversight of Ukrainian courts	Sep 2013	4,973	8,000	**2,000**	6,973	10,000	10,000	10,000	Linked to the previous indicator, 2000 respondents participated in CRC surveys this year in 15 courts.
35. Percentage of partner Civil Society Organizations' performance improvement recommendations implemented by judicial institutions	Sept 2013	39%	45%	**N/A**	39%	50%	55%	50%	No changes since baseline. Activity delay.

ANNEX 2: FAIR PERFORMANCE MONITORING AND EVALUATION PLAN REVISION IN 2014: REFERENCE SHEETS FOR REVISED AND NEW INDICATORS

USAID Performance Indicator Reference Sheet

Name of Result Measured (Goal, DO, IR, sub-IR, Project Purpose, Project Output, etc.):
DO 1: More Participatory, Transparent and Accountable Governance Processes
IR 1.3: The GOU is More Accountable to its Citizens and Adherent to the Rule of Law

FAIR Project Objective 1: The constitutional, legislative and regulatory framework for judicial reform complies with European and international norms and supports judicial accountability and independence

Name of Indicator: 2 - Number of laws, policies, regulations, and procedures designed/ submitted /adopted/ implemented to enhance judicial independence supported with USG assistance (FAF 2.1.2-2)

Is this a Performance Plan and Report indicator? No ___ Yes __**X**__, for Reporting Year(s) **2014-2016**
If yes, link to foreign assistance framework: Program Elements 2.1.1: Constitutions, Laws and Legal Systems 2.1.2: Judicial Independence 2.1.3: Justice System

DESCRIPTION

Precise Definition(s): This indicator is a single-count of laws, policies, regulations and procedures that were newly designed or improved with USG assistance and primarily aim to enhance the judicial independence in Ukraine. Examples that may be counted for FAIR include the Amendments to the Law on the Judiciary and Status of Judges; the Law on the Bar; regulations on competitive judicial selection etc.
There are three stages of the legal and regulatory acts related processes that this indicator will count separately.
The stage "designed" means that the legal or regulatory act draft developed by FAIR or by FAIR partners with FAIR support. The stage "submitted" means that FAIR or FAIR partner submitted the developed legal or regulatory act to the credible agent of the GOU (Verkhovna Rada, President Administration, related Ministry, High Council of Justice, Council of Judges, State Judicial Administration etc.). The stage "adopted" means that the credible agent of the GOU considered the received draft of the legal or regulatory act and approved it in accordance with Ukrainian legislation.
The stage "implemented" means that the adopted legal or regulatory act is in effect according to or by means of a definite plans or procedures. The number is the total single-counted number of all related laws, policies and procedures where USG assistance took place.

Unit of Measure: number

Disaggregated by: type of the legal or regulatory acts (laws, regulations, policies and procedures), stage of processing (designed, adopted and implemented); that enhance transparency and anti-corruption that underwent gender analysis conducted by GOU staff

Rationale or Justification for indicator: Laws, regulations, and procedures that are in compliance with European standards lay out the legal basis for building judicial independence and accountability. The adoption of the laws provides a significant indicator of the Government's commitment to proceed with judicial reform, accountability to its citizens and adherence to the rule of law.

PLAN FOR DATA COLLECTION BY USAID

Data Source: Technical staff reviews of GOU legal and regulatory activities.

Method of data collection and construction: Liaison with Verkhovna Rada, Council of Judges, State Judicial Administration, High Council of Justice, High Qualifications Commission of Judges of Ukraine and others to assess progress on proposed legal and regulatory reforms

Reporting Frequency: quarterly

Individual(s) responsible at the project: [redacted]

DATA QUALITY ISSUES

Dates of Previous Data Quality Assessments and name of reviewer: [redacted]

Date of Future Data Quality Assessments: September 2015

Known Data Limitations: N/A

TARGETS AND BASELINE

Baseline timeframe: 2013: 13

Rationale for Targets: Targets include but not limited to the: 1) Amendments to the Law on the Judiciary and the Status of Judges, 2) the Law on the Bar, 3) the Law on High Council of Justice, 4) the Law on Free Legal Assistance, 5) changes to the Constitution of Ukraine. Targets also refer to developing secondary legislation, for example, regulations on judicial qualification exam.

CHANGES TO INDICATOR

Changes to indicator: N/A

Other Notes: N/A

THIS SHEET LAST UPDATED ON: September 19, 2014

USAID Performance Indicator Reference Sheet
Name of Result Measured (Goal, DO, IR, sub-IR, Project Purpose, Project Output, etc.): DO 1: More Participatory, Transparent and Accountable Governance Processes IR 1.3: The GOU is More Accountable to its Citizens and Adherent to the Rule of Law
FAIR Objective 3: The professionalism and effectiveness of the Ukrainian judiciary are strengthened **Name of Indicator:** 20- Percent of judges and judicial personnel trained with USG assistance reporting application of skills and knowledge gained in their judicial practices or teaching activities (TBD as Custom indicator for USAID/Kiev)
Is this a Performance Plan and Report indicator? No ___ Yes __X __, for Reporting Year(s) **2014-2016** **If yes, link to foreign assistance framework:** Program Elements 2.1.2: Judicial Independence 2.1.3: Justice System
DESCRIPTION
Precise Definition(s): In a follow-up survey of a sample of trained judges or court staff, we will ask if they have used the skills or knowledge gained, or materials received in our training on the job as judge, court staff or trainer for judges or court staff. This indicator measures the proportion of the total number of trainees that answers "yes" to the question.
Unit of Measure: Per cent
Disaggregated by: training course, TOT or regular training, sex
Rationale or Justification for indicator: Better trained judicial personnel are a prerequisite for an improved legal system and strengthening judicial independence. Improving the knowledge of judicial personnel will increase their professionalism. This indicator also contributes to sustainability for continuing judicial education in Ukraine measuring built cadre of local trainers capable to train judges.
PLAN FOR DATA COLLECTION BY USAID
Data Source: Trained judges and judicial personnel, National School of Judges of Ukraine
Method of data collection and construction: The Legal and Training Specialist and/or M&E specialist will conduct the telephone surveys. The Legal and Training Specialist will liaise with the National School of Judges of Ukraine to get the list of trainers trained who conduct trainings for other judges and court staff.
Reporting Frequency: quarterly
Individual(s) responsible at the project: Legal and Training Specialist, M&E Specialist
DATA QUALITY ISSUES
Dates of Previous Data Quality Assessments and name of reviewer: September 22, 2014; [redacted] FAIR M&E Specialist
Date of Future Data Quality Assessments: September 2015
Known Data Limitations: Since this indicator relies on self-reporting of trainees and not on observation of behavior, responses are not completely objective. To address the data limitations the interviewers will be instructed to ask the question in a clear and consistent way to all respondents, and not to encourage any particular responses.
TARGETS AND BASELINE
Baseline timeframe: 2013: 78%
Rationale for Targets: We aim at the average annual 5% increase during the 2015-2016
CHANGES TO INDICATOR
Changes to indicator: N/A
Other Notes: N/A
THIS SHEET LAST UPDATED ON: September 19, 2014

ANNEX 3. LIST OF COUNTERPARTS/BENEFICIARIES ACTIVELY INVOLVED IN THE PROJECT

Counterpart/Beneficiary	Counterpart/Beneficiary Description	Importance to the Project/ Role in the Project	Contact Information
Presidential Administration (PA) (National policymaker)	• Administrative office of the President of Ukraine • Established to provide organizational, legal, advisory, informational, expert and analytical, and other support in the realization of Presidential powers as stipulated by the Constitution of Ukraine •	**High:** • The main state body formulating all national policies regarding the judiciary	[redacted]
Verkhovna Rada of Ukraine (VR) (National policymaker)	• The Parliament of Ukraine - the sole body of legislative power in Ukraine • Participates in formation of the judiciary – appointment of one-third of the Constitutional Court composition, lifetime appointment of judges • Principal FAIR's counterparts - the VR Rule of Law and Judiciary Committee, and Legal Policy Committee	**High:** • The Verkhovna Rada is responsible for adoption of the laws of Ukraine	[redacted]
Supreme Court of Ukraine (SCU) (Judicial body)	• The highest judicial body in the system of general jurisdiction courts • Within its scope of competence the Court shall (among others) apply to the Constitutional Court of Ukraine for constitutionality of laws or other legal acts as well as for the official interpretation of the Constitution and laws of Ukraine • Composed of forty eight judges from among whom the Chief Justice of the Supreme Court of Ukraine and his/her deputy are elected	**High:** • The Supreme Court of Ukraine is an ultimate judicial body in Ukraine • FAIR and the SCU have signed a Protocols of Cooperation	[redacted]
High Qualifications Commission of Judges of Ukraine (HQC) (Body within the judiciary)	• The body operating on a permanent basis in the judiciary. The HQC's main functions are (1) judicial selection and recommending for appointment, and (2)	**High:** • One of the most important FAIR's partners. Cooperation between FAIR and	[redacted]

	disciplining judges of first instance and appellate courts • The HQC composed of eleven members: 1) six judges appointed by the Congress of Judges of Ukraine; 2) two persons appointed by congress of representatives of higher law schools and scientific institutions; 3) one person appointed by the Minister of Justice of Ukraine; 4) one person appointed by the Ombudsman of the Verkhovna Rada of Ukraine; 5) one person appointed by the Head of State Judicial Administration • The Service of Disciplinary Inspectors is also established within the HQC and includes 33 disciplinary inspectors, three inspectors assigned to each HQC member	the HQC aimed at improving judicial selection and discipline processes and procedures.	
High Council of Justice (HCJ) (Body within the judiciary)	• The HCJ is a collegial independent body established according to democratic procedure. Constitutional composition of the HCJ comprises 20 members • Taking into account specific powers and assignments of the HCJ, it is formed by the President of Ukraine, legislative and judiciary branch, as well as the prosecution system and civil society institutions – the bar, educational and scientific legal bodies • The principal function of the HCJ is to form in cooperation with other bodies the highly professional judicial corps capable of professional administering justice in a highly qualified, diligent and unbiased manner • The HCJ considers judges' and prosecutors' incompatibility and disciplinary issues	**High:** • One of the FAIR's counterparts in the areas of legislative framework for the judiciary and constitutional reform	[redacted]
Interim Special Commission for Vetting of Judges of General Jurisdiction Courts (ISC)	• The body operating with the HCJ on a temporary basis. ISC`s term of office shall be June 12, 2014 – June 12, 2015. The ISC's main functions are (1) vetting of	**High:** One of the most important FAIR's partners. Cooperation between FAIR and the ISC aimed	[redacted]

(Body within the judiciary)	judges according to the Law on Restoration of Trust in the Judiciary of Ukraine, and (2) making conclusion upon the results of the vetting. • The HQC composed of fifteen members: 1) five retired judges elected by the Plenum of the Supreme Court of Ukraine; 2) five persons appointed by the Government Representative for Anticorruption Police of Ukraine; 3) five persons appointed the Verkhovna Rada of Ukraine.	at assuring transparent and due judicial vetting processes to guarantee independence of judges and judiciary.	[redacted]
Council of Judges of Ukraine (COJ) (Judicial self-governance body)	• The highest judicial self-governance body during the period between the Congresses of Judges, developing and providing for the implementation measures to ensure judicial independence and considering issues related to legal and social protection of judges • Performs control over the organization of courts activities and submits suggestions with respect to court operation matters to the state authorities and local self-governance bodies, executes other powers stipulated by law and included in the COJ terms of reference • The primary FAIR's counterpart is the COJ Expert Group on the Code of Ethics	**High:** • Determines the policy of judicial self-governance • Is responsible for implementing the Strategic Plan for the Judiciary, Code of Judicial Ethics, Court Automation Strategy, Communications Strategy for the Judiciary developed in cooperation with FAIR. • Plays an important role in piloting of court performance evaluation standards	[redacted]
National School of Judges of Ukraine (NSJ) (Body within the judiciary)	• The NSJ is a state body with special status in judicial system of Ukraine, which provides courts with qualified judicial and court staff, conduct trainings, scientific and research activity in field of judiciary • The NSJ is established by the decision of the HQC 21.12.2010 № 822\p.4-3	**High:** • One of the most important FAIR's counterparts in the area of training of judicial candidates and ongoing training of judges and court staff	[redacted]

State Judicial Administration of Ukraine (SJA) (Body within the judiciary)	• The state agency responsible for administrative, logistic, financial and other support to the judiciary • The primary FAIR's counterpart is the SJA working group on innovations and court performance evaluation sub-group	**High:** • Main distributor of funding to courts • Main performer of all statistical, IT and other administrative work • Developer and implementer of all related policies • Has huge influence on courts despite its service status	[redacted]
Local and appellate courts of all jurisdictions	• Courts of the first and second instances within judicial system of Ukraine	**High:** • This cooperation gives possibility to work not only at top, but also at grass roots level in practical implementation of all activities	
U.S. Department of Justice Overseas Professional Development and Training division (OPDAT) (ROL donor and implementer)	• Provides assistance to Ukrainian legal and law enforcement counterparts primarily on criminal procedure as well as on combating such transnational crimes as human trafficking and money laundering • The OPDAT's efforts have resulted in the production of a new CPC replacing the CPC which dates back to the 1960's	**High:** • One of the most important FAIR's counterparts in the area of new CPC implementation	[redacted]
Council of Europe (COE) (Donor)	• Based in Strasbourg (France) covers virtually the entire European continent, with its 47 member countries • Seeks to develop throughout Europe common and democratic principles based on the European Convention on Human Rights and other reference texts on the protection of individuals	**High:** • The COE can provide support in expert assessment of key judicial legislation and conducting events	[redacted]
Organization for Security and Cooperation in Europe (OSCE) Project Coordinator in Ukraine (Donor)	• The OSCE Project Coordinator is the second OSCE field operation to have been established in Ukraine for the purpose of carrying out tasks related to the new form of co-operation between Ukraine and the OSCE. This co-operation consists of the	**High:** • FAIR achieved cooperation with the OSCE Project Coordinator in Ukraine in legal education reform initiatives	[redacted]

	planning, implementation and monitoring of projects between relevant authorities of Ukraine and the OSCE and its institutions. Such projects may cover all aspects of OSCE activities (including rule of law and human rights) and may involve governmental as well as non-governmental bodies of Ukraine.		
Ministry of Justice of Ukraine (MOJ) (Governmental body)	• The principal body within the central executive system responsible for implementation of the state legal policy and coordinated by the Cabinet of Ministers of Ukraine • Resolves the issues arising from generally accepted provisions of the international law and international treaties of Ukraine acknowledged as binding by the Verkhovna Rada • Judicial system comprises the MOJ and its territorial bodies. The powers of the MOJ spread over notary, scientific institutions of forensic examinations, enterprises, institutions and organizations • The coordinating Center for Free Legal Aid Providing acts under the MOJ	**Medium to high:** • Partnership and cooperation with MOJ will contribute to forming of an effective free legal aid system in Ukraine and legal education reform	[redacted]
American Bar Association Rule of Law Initiative (ABA ROLI) (Professional association)	• A mission-driven, non-profit program promoting rule of law • Implements legal reform programs in more than 40 countries in Africa, Asia, Europe and Eurasia, Latin America and the Caribbean, and the Middle East and North Africa • Has more than 400 professional staff working in the U.S. and abroad, who, since the program's inception, have contributed more than $200 million in pro bono technical legal assistance	**Medium to high:** • One of the important FAIR's counterparts in the area of bar	[redacted]
Ministry of Education and Science of Ukraine	• The central executive body coordinated by the Cabinet of Ministers of Ukraine	**Medium:** • FAIR expects to achieve cooperation in	[redacted]

(Governmental body)	• A part of the central executive authority of Ukraine and the main body responsible for the central executive development and implementation of national policy in education and science (including issues of innovation and information technology, and intellectual property rights), youth, physical culture and sport	the area of legal education	[redacted]
Ukrainian Bar Association (UBA) (Professional association)	• All-Ukrainian public organization, founded in 2002 to bring together lawyers for a strong and influential professional community, which would become a powerful voice of the legal profession of Ukraine • The UBA is committed to the development of the legal profession, improvement of legislation, implementation of ethical standards in provision of legal services, protection of professional rights of the UBA members and human rights in general • Unites over 3,000 lawyers from all regions of the country, including attorneys, notaries, scholars, judges, civil servants, MPs and well-known scientists in the field of law; student division of the UBA consists of more than 1,500 future lawyers from more than 50 educational institutions	**Medium:** • One of the most dynamic and active organization of lawyers in Ukraine expanding activities abroad and taking a proactive stance on many issues of legal life in Ukraine • FAIR cooperates with the UBA in the areas of the bar, free legal aid and legal education	[redacted]
Ukrainian Association for Court Advancement (UACA) (Professional association)	• A newly-established organization with the main goal to enhance court advancement • Called to protect court employees' interests, improve their qualification and help Ukrainian courts in getting international best practice • Attracts active representatives of Ukrainian judicial system longing for raising efficiency of court functioning, improving professional skills of court employees and introducing positive changes into judiciary	**Medium:** • May be a good resource for organizing various training programs at local court level	[redacted]

American Chamber of Commerce in Ukraine (ACC) (Professional association)	• One of the most active non-governmental and non-profit business organizations operating in Ukraine • Represent the internationally orient investment community and facilitate the entrance of potential new investors in the market • Advocates on behalf of its members from more than 50 nations to the Ukrainian government and other governments-economic partners of Ukraine on matters of trade, commerce, and economic reform • The Anti-Corruption and Bar Legislation Working Groups established within the ACC	**Medium:** • The ACC provides opportunity to promote the rule of law in business community	[redacted]
Councils of judges (Judicial self-governance bodies)	• Bodies of judicial self-governance (administrative, commercial, and general jurisdictions)	**Low to high:** • Importance for the projects differs subject to jurisdiction: general – high, administrative – medium, commercial - low	[redacted]
High Administrative Court of Ukraine (HAC) (Judicial body)	• Administrative courts adjudicate all cases on the disputes of individuals or legal entities with the authorities regarding appeal against their decisions, acts or omissions; cases on public services, execution of powers by the authorities and disputes on legal relations connected with	**Low to medium:** • The HAC is the third element of a system of administrative courts and is designed to safeguard the right to appeal in cassation against decisions delivered by appellate administrative courts	[redacted]

	election process and referendum • The HAC considers administrative cases in cassation in compliance with procedural law; analyzes court statistics; examines and generalizes case law; provides assistance to lower courts with the aim of unified application of norms of the Constitution and laws of Ukraine in case; and provides lower courts with advisory clarifications regarding application of law • In events prescribed by procedural law the HAC acts as a court of appeal	• FAIR and the HAC have signed a Protocols of Cooperation	[redacted]
High Civil and Criminal Court of Ukraine (HCCC) (Judicial body)	• The HCCC considers civil and criminal cases in cassation in compliance with procedural law; analyzes court statistics; examines and generalizes case law; provides assistance to lower courts with the aim of unified application of norms of the Constitution and laws of Ukraine in case; and provides lower courts with advisory clarifications regarding application of law	**Low to medium:** • The HCCC is the third element of a relevant system of specialized courts and is designed to safeguard the right to appeal in cassation against decisions delivered by appellate courts • FAIR and the HCCC have signed a Protocols of Cooperation	[redacted]
Canadian International Development Agency (CIDA) Judicial Education for Economic Growth Project (Donor project)	• Lunched by CIDA in 2012 and implemented by the Canadian National Judicial Institute • The project has been designed to assist Ukraine with the effective training for in-service judges, as well as candidate judges to be developed at the NSJ with the HQC oversight • Its main partners include the HQC, NSJ, pilot courts in Odesa and Ivano-Frankivsk, as well as the Office of the Commissioner for Federal Judicial Affairs in Canada	**Low to medium:** • Possible cooperation may be established in the judicial training area	[redacted]

Association of Judges of Ukraine (Professional association)	• Association is designed to support the establishment of civil society in Ukraine, development of democratic legislation and justice, enhancement of authority of the judiciary and strengthening of judicial independence, development of legal theory and legal education, advancement of professional judicial qualification and organization of experience exchange with judges from other countries, meeting the information, cultural, educational and other needs of judicial corps and protection of common interests of its members	**Low to medium:** • Currently, FAIR and the Association of Judges of Ukraine have not identified a direct projects for cooperation, although, this may occur in the future	[redacted]
High Commercial Court of Ukraine (HCC) (Judicial body)	• The HCC considers commercial cases in cassation in compliance with procedural law; analyzes court statistics; examines and generalizes case law; provides assistance to lower courts with the aim of unified application of norms of the Constitution and laws of Ukraine in case; and provides lower courts with advisory clarifications regarding application of law	**Low:** • The HCC is the third element of a relevant system of commercial courts and is designed to safeguard the right to appeal in cassation against decisions delivered by appellate courts	[redacted]