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

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PROJECT BACKGROUND

Chemonics International signed the USAID Fair, Accountable, Independent, and Responsible (FAIR) Judiciary Program in Ukraine contract on September 19, 2011. FAIR is designed to build on initiatives implemented by the USAID Combating Corruption and Strengthening Rule of Law in Ukraine (UROL) project from 2006-2011.

FAIR by the Numbers

- 433 courts covering every region of Ukraine received assistance.
- Supported 15 key government justice sector institutions.
- Targeted programming provided to 13 civil society organizations.
- Promoted four amendments in Ukrainian legislation to enhance judicial independence .
- Trained 1,062 judges and judicial personnel.
- 59 trainers qualified under Training of Trainers Program.
- 399 justice sector personnel engaged in long-term strategic planning for the judiciary.
- Trained 220 judges in judicial self-governance mechanisms.
- Supported two national tests of 3,476 and 2,339 judicial candidates accordingly.

The major goal of the FAIR project is to support legislative, regulatory, and institutional reform of judicial institutions in order to build a foundation for a more accountable and independent judiciary. The project focuses on four main objectives:

- Development of a legislative and regulatory framework for judicial reform that is compliant with European and international norms and supports judicial accountability and independence;
- Strengthening the accountability and transparency of key judicial institutions and operations;
- Strengthening the professionalism and effectiveness of the Ukrainian judiciary;
- Strengthening the role of civil society organizations as advocates for and monitors of judicial reform.

SUCCESS STORIES AND NOTABLE ACHIEVEMENTS

On February 22, 2013, the XI Congress of Judges of Ukraine adopted the Code of Judicial Ethics (Code) developed with support from FAIR (see http://www.court.gov.ua/archive/24644/). Ukraine's first Code was approved by the Congress of Judges of Ukraine more than ten years ago, but the Code as originally drafted failed to keep pace with other developments in the justice sector, and the Ukrainian judiciary soon found that its Code contradicted the Law of Ukraine on the Judiciary and Status of Judges adopted in 2010, and failed to comply with the United Nations Bangalore Principles of Judicial Conduct adopted in 2006. To address these fundamental concerns, in September 2010 the Congress of Judges of Ukraine tasked Ukraine's Council of Judges (COJ) with the responsibility of developing amendments to the Code to serve as a modern and sustainable system for describing and regulating professional judicial conduct.

Prior to submitting the Draft Code of Judicial Ethics to the Congress of Judges it was discussed within the judicial community during seven regional discussions in Odesa, Lviv, Ivano-Frankivsk, Chernihiv, Sevastopol, Kharkiv, and Donetsk from May to October 2012 and at the International Conference on *Judicial Ethics: Promoting Public Trust and Confidence* on November 13 and 14, 2012 (see http://www.court.gov.ua/archive/21086/; http://www.fair.org.ua/index.php/en/index/news_single/102) conducted with FAIR support. A final

Draft Code of Judicial Ethics was amended in view of the recommendations received through roundtable discussions of conference participants and FAIR experts. The Draft Code was approved by the COJ on December 21, 2012 and submitted to the Congress of Judges. In his opening remarks, the First Deputy Chief Justice of the Supreme Court of Ukraine and Council of Judges Chair Yaroslav Romaniuk told the XI Congress of Judges of Ukraine that: *"Judge– is more than a position; it is a way of life under rules of special code of honor. Therefore, it was critically important to develop the new Code of Judicial Ethics that is a generalized set of rules for every judge."* The adopted Code of Judicial Ethics addressed such issues as ex parte communications with parties to a case, awareness of financial interests of a judge and judicial family members, non-violation of the publicity principle, recusal and self-recusal, relations with media, out of bench behavior of a judge. Adoption of a modern Code of Judicial Ethics that is in line with international standards of judicial conduct is a step towards more accountable judiciary, which in turn will contribute to increased public trust of the judiciary.

Delegates of the XI Congress of Judges in Kyiv on February 22, 2013.

Another notable achievement of this quarter occurred under Expected Result 3.2 where FAIR's support added in the completion of the pilot testing of the draft National Standard-based Court Performance Evaluation System (CPE system) in 13 Ukrainian courts. This draft was developed in cooperation with the COJ and State Judicial Administration of Ukraine (SJA). FAIR collected the results of the CPE testing, prepared a summary report, and presented it during the FAIR-supported joint meeting of the Court Performance Working Group and the SJA Working Group for Innovations. Pilot testing of CPE system resulted in the identification of ten commonly understood court performance standards and indicators to measure compliance with the standards. COJ Member and Deputy Chief Judge of the High Specialized Civil and Criminal Court (HCCC), Pavlo Gvozdyk, expressed the COJ's commitment to consider the CPE system for recommendation for implementation at the national level.

The Head of the SJA, Ruslan Kyryliuk, also acknowledged FAIR's efforts in developing and piloting the CPE system. On March 14, 2013, the Council of Judges of General Courts considered the results of pilot testing and approved the activities of the FAIR-supported Working Group. Also, the Council of Judges of General Courts made a decision to immediately implement the *absence of cases pending for more than 1 year* criterion of the *efficiency in delivery of justice* performance standard of the CPE system in all first-instance and appellate courts of Ukraine. In addition, the leadership of the Ivano-Frankivsk Oblast Court of Appeals recognized the

effectiveness of the CPE system during its own experience during the pilot stage of the system and decided to implement it in all 24 local courts of Ivano-Frankivsk Oblast.

PROJECT ACTIVITIES

As outlined in the contract, the following section contains a discussion of accomplishments, milestone progress, indicator progress, and upcoming plans for each Expected Result from January 1 through March 31, 2013. Changes from the activity schedule outlined in the work plan and problems requiring resolution or USAID intervention are discussed if applicable. Views expressed by project counterparts do not necessarily represent those shared by 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

ACCOMPLISHMENTS: During the reporting period, the FAIR team worked with a variety of partners on improving the legislative and regulatory framework for the judiciary. The FAIR team continues to regularly monitor legislative initiatives for potential impact on the judiciary and launch public discussions where needed to prevent backsliding. This activity is in parallel with efforts regarding the constitutional reform (see Expected Result 1.2) to put additional stress on enacting justice sector improvements.

The parliamentary elections of October 28, 2012 led to a new composition of the Verkhovna Rada. The new Parliament came into office on December 12, 2012. Since the election, Parliament has been marked with constant confrontation between opposition and pro-governmental parties. One of the key requirements of the opposition parties (Udar, Svoboda, and Batkivshchyna) is the personal voting of the members of Parliament (MPs). The Parliament was blocked several times. The possibility of the pre-term elections due to such situation is widely discussed now among the top level politicians and experts.

Although Parliament is not considering draft laws at the moment, newly elected members are working in committees and submitting draft laws to the Verkhovna Rada for consideration. Among the registered draft laws, several should be mentioned separately: the draft law on Amending Some Legislative Acts of Ukraine (regarding bringing Ukrainian judicial systems in line with European standards, ensuring the Constitutional status of the Supreme Court of Ukraine as the highest judicial body, and unconditional enforcement of the decision of the European Court on Human Rights) (No. 2269) and the draft Law on Amending Some Legislative Acts regarding Restoration of the Supreme Court Functions (No. 2203) aim to restore the status of the Supreme Court of Ukraine. Other draft laws aim to amend the regulation of the certain procedures of the judiciary

Milestone Progress ER 1.1

- Draft amendments to the Law on the Judiciary and Status of Judges (amended according to Venice Commission recommendations) introduced 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, 2012 Conference on Role and Place of High Councils of Justice in Creating 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.
- 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.

and in some cases, are raising much concern. One example is the draft law On Amending Article 105 of the Law of Ukraine on the Judiciary and Status of Judges (No. 2267), the amendment provides the possibility of dismissing a judge in cases of a breach of judicial oath by the Verkhovna Rada at the initiative of 45 members of Parliament without following the procedure provided by the Law on the Judiciary and Status of Judges. This demonstrates the lack of understanding by newly elected members of Parliament of international standards on judicial independence. The unacceptability of such an approach was outlined during meetings initiated by FAIR with members of Parliament who are seeking the change.

FAIR initiated efforts to build connections with the new parties in Parliament by presenting the members with FAIR program activities and propose expert support in needed areas. During the meetings, FAIR Chief of Party (COP) David Vaughn introduced the USAID FAIR Justice Project to the members of Parliament, described program areas, presented program results, and outlined the challenges of judiciary and constitutional reform. On February 12, 2013, the FAIR team met with representatives of the Batkivshchyna party (MPs Andrii Pyshnyi and Pavlo Petrenko). The MPs described their vision of the current status of judicial reform, the challenges it faces, and possible ways to address them. MPs informed the FAIR team that they are very interested in expert discussions of the proposed initiatives as well as FAIR's ability to provide expert support and expertise. One of the key points of interest for the MPs is the international experience of disclosure of personal files (lustration). FAIR will address this request during the next work plan period. On March 4, 2013, the FAIR team met with representatives of the Udar party (MPs Pavlo Rizonenko, Oksana Prodan, Olga Bielkova, Nataliya Agafonova, Mykola Palamarchuk, and Nataliya Novak). The representatives showed great interest in FAIR's activities and shared their vision for legislative and constitutional changes of the judiciary and other key reform legislation. On March 29, 2013, the FAIR team and U.S. Federal District Judge John R. Tunheim met with representatives of the All-Ukrainian Organization "Svoboda" (MP Andrii Mohnyk, Deputy Head of the Legal Department Oleh Bondarchuk, and the Adviser to the Head of Svoboda faction Sydir Kizin,). Participants of the meeting discussed the peculiarities of the constitutional process and possible ways to ensure a wide discussion and consideration of the opposition in this process. The members of Parliament and FAIR team agreed to cooperate and develop communication in the judicial reform area.

Due to the unstable situation in the Parliament, FAIR postponed the judicial reform presentation for the new convocation of the Verkhovna Rada. This event is now planned for the April 5, 2013 and will be conducted jointly with the Verkhovna Rada committees on the Rule of Law, the Judiciary, and Legal Policy. The proposed topics for event presentations are: the current status of judicial reform, European standards on judicial independence and accountability, and constitutional aspects of the judicial reform.

FAIR Expert James Hamilton presenting at the International Conference on "Role and Place of High Councils of Justice in Creating the Judicial Corps" in Kyiv on March 21, 2013.

Under this Expected Result FAIR was also working with its partners to assist them in promoting the activities in their sector.

On March 21, 2013, upon a High Council of Justice (HCJ) request, FAIR provided financial and technical support to conduct the International Conference *Role and Place of High Councils of*

Justice in Creating the Judicial Corps. Conference objectives included: (1) conduct a comparative analysis of the status, composition and operations of High Councils of Justice in other countries; (2) accumulate international experience, scientific opinions, and research results on determining the place of the HCJ within the system of state bodies; (3) discuss the possibilities of further improving the status, composition, and operations of the HCJ; (4) based on the conference results, develop and provide the Constitutional Assembly with additional proposals regarding the status, composition, and powers of the HCJ taking into account best international practices. FAIR also contributed with the participation of European experts; namely Judge Giacomo Oberto who delivered the presentation on the *Judicial Independence in Its Various Aspects: International Basic Principles and the Italian Experience* and James Hamilton who delivered the presentation on the *Status and Scope of Authority of the HCJ in Line with European Union, Council of Europe Standards on Judicial Independence and Accountability*. This conference was the final in a number of planned events by the HCJ in the framework of the HCJ's 15th anniversary celebration.

FAIR short-term local expert Olena Ovcharenko reviewed the High Qualifications Commission's (HQC) regulation on transferring judges within their first appointment term with the goal of increasing the transparency of the process. FAIR finalized her report and submitted it for HQC leadership consideration. The next step in the activity will be the consideration of criteria for transferring judges. This will be reflected in the next work plan period.

FAIR short-term local expert Mykola Khavronyuk reviewed legislation related to the background check of judicial candidates to develop relevant recommendations to ensure consistency with the Law on Corruption Prevention and Counteraction. As a result of this assignment, Mr. Khavronyuk drafted the Law on Amending Some Legislative Acts regarding the Improvement of Legislation in the Area of Corruption Prevention and Counteraction on the judicial candidate's background checks and relevant explanatory note. FAIR is finalizing these documents in preparation for their consideration of submission to the Verkhovna Rada.

On January 29, 2013, FAIR demonstrated its commitment to support anti-corruption issues by taking part in the American Chamber of Commerce Anti-Corruption Working Group meeting with participation of Mr. Viktor Solovyov, Head of the Anti-Corruption Department of the National Security and Defense Council of Ukraine (NSDCU). During the meeting, the participants discussed legislative initiatives, including the draft law on Amending the Law of Ukraine on Principles of Prevention and Combating Corruption regarding the Addition of Restrictions of Work of Close Persons (No. 2069). The draft law provides that persons cannot claim positions in the territorial bodies of the prosecutor's offices, Ministry of Internal Affairs, Security Service, or a position as a judge in certain territorial entities, if the immediate family members or persons sharing the same household of such persons hold the position in one of the mentioned bodies in the same territorial entity. It was agreed that although the idea of the law can be considered a positive, there is no mechanism provided for proper implementation. The populist nature of the draft law shows the necessity of working with members of Parliament to build a deeper understanding of judicial independence and accountability.

FAIR short-term local expert Lidia Moskvych developed a concept paper on needed amendments to the Law on Access to Court Decisions which was finalized by FAIR. The public discussion of the concept paper was postponed due to the busy work schedule of the expert and new legislative initiatives related to access of court decisions. Draft laws No. 2078 and No. 2081 were registered in the Verkhovna Rada. These draft laws propose to amend the Law on the Access to the Court Decisions in order to enter all decisions in the Unified Registry of Court Decisions. These approaches do not correspond to assessments and recommendations delivered by experts. For this reason, FAIR plans to hold a public discussion on April 23, 2013 with the participation of the representatives of the judiciary and members of Parliament.

FAIR supported the Supreme Court of Ukraine (SCU) in procuring the "Collected Case Law of the Supreme Court of Ukraine in Civil and Criminal Cases Volume 1." The Supreme Court of Ukraine works to ensure the unified court practice. This publication is one of the tools that can ensure the unified implementation of criminal and civil law by the national courts. According to the Law on the Judiciary and Status of Judges and procedural laws, the decisions of the Supreme Court of Ukraine are mandatory for the courts of the lower instances. This raises the necessity of the widest dissemination and study of the SCU decisions. The publication was developed by the Supreme Court justices for their peers to present the ordered practice for everyday use. FAIR developed the list for the dissemination which includes the National School of Judges (NSJ) and its regional branches, courts of different instances, and judicial institutions. The books will be distributed in April 2013.

On February 15, 2013, FAIR jointly with the German Foundation for International Legal Cooperation supported the international conference on the *Role of the Supreme Court in a Democratic Society* conducted by the SCU to commemorate its 90th anniversary. The objective of the conference was to discuss the development of legislation affecting the judiciary, in particular the role and status of the SCU. Representatives from state authorities of Ukraine, judges of various instances and jurisdictions, leading national scientists, representatives of international organizations, and judges from Azerbaijan, Georgia, Germany, Russia, and the United States took part in the conference. Participants of the conference agreed on the following: the Supreme Court is the key to ensuring unified court practices and rule of law principles; the Supreme Court, as the highest judicial institution, should deal with cases of different court practices in material and procedural law; and direct access to the Supreme Court of Ukraine should be ensured to secure the right to appeal against High Administrative Court (HAC) decisions. FAIR contributed to the expert panel of the conference with the participation of U.S. *pro bono* Expert Federal Judge Philip Pro, who delivered the presentation *the Supreme Court as an Institution of Democratic Society: Current State and Improvement Perspectives*.

On February 5, 2013, the FAIR team met with Deputy Chief Judge of the High Commercial Court of Ukraine (HCC) Anatolii Osetynskyi. The aim of the meeting was to discuss areas of future cooperation, specifically in court administration. During the meeting, FAIR and the leadership of the HCC agreed to coordinate efforts and plans to contribute to the Strategic Plan for the Judiciary implementation, with an emphasis on court administration. FAIR was invited to participate in the Conference *Organization of Operations and Administration in the Commercial Courts of Ukraine* to be conducted by the HCC on April 23-24, 2013 in Kharkiv.

As a result of the adoption of the Law on Bar and Advocates Activity, the National Association of Advocates of Ukraine (NAAU) and the Bar Council of Ukraine took the first steps in institutional development. However, the process has not gone smoothly due to the separatist trends within the Ukrainian bar. On January 28, 2013, the FAIR team met with Lidya Izovitova, Deputy Head of the HCJ, Head of the NAAU, and Bar Council of Ukraine. During the discussion, many issues were raised in light of the formation of the NAAU and the problems and challenges this professional organization is facing. The FAIR team and Ms. Izovitova agreed to coordinate their efforts in capacity development of the NAAU, legal education reform, qualifications framework for lawyers, unified qualification bar exam, and ongoing training for advocates. FAIR Deputy Chief of Party (DCOP) Nataliya Petrova is a member of the Bar Council of Ukraine and contributed to the development of a number of internal regulatory documents of the NAAU and Bar Council.

Also, FAIR continues to work with the leadership of the Coordinating Center for Providing Legal Aid to establish the free legal aid system in Ukraine. The legislative efforts in bringing the text of the Law on the Free Legal Aid and its implementation in line with the Council of Europe (COE) recommendations and international standards were postponed by the Coordination Center. On January 1, 2013, regional Secondary Free Legal Aid Centers were launched to process requests

from law enforcement agencies to provide free legal aid services in criminal cases and in cases of administrative detention and arrest. After some period of operations, legislative work will be continued to address identified gaps and contradictions. To support these efforts, FAIR issued an Request for Applications (RFA) to assist the Coordinating Center for Providing Legal Aid to launch a public awareness campaign to inform the public about the government-funded legal aid system and selected the grantee, the Ukrainian Legal Aid Foundation. Additional information can be found under Expected Result 4.2.

On January 16, 2013, the FAIR team met with Mykola Onishchuk, President of the Legal Policy Institute, former Minister of Justice (2007-2010), and former Member of Parliament (2002-2007), to discuss possible areas of cooperation. One of the most crucial issues identified during the meeting was legal education. Mr. Onishchuk expressed his concerns regarding the quality and standards of legal education. He also highly appreciated the FAIR-supported Concept Paper on Legal Education Reform developed by the Working Group on Legal Education Reform in Ukraine. Mr. Onishchuk outlined the process of bringing the concept paper to the state level by approving it by the Cabinet of Ministers of Ukraine with simultaneous approval of the Implementation Plan. It was agreed to coordinate efforts in this area to support the implementation of the legal education reform.

FAIR short-term international expert Catherine Carpenter developed the report "The Regulation, Structure, and Quality Assurance of ABA-approved Law Schools." In the report, Ms.Carpenter presented the methodology used in the United States in the licensing, accreditation, internal and external quality control assurance. She also addressed the questions and concerns of the Working Group on Legal Education Reform in Ukraine expressed during her Skype presentation on November 8-9, 2012. The report was translated and will be distributed among the participants of the conference on April 25-26, 2013.

FAIR also plans to involve the short-term international legal education expert David Kereselidze. Coming from Georgia, Mr. Kereselidze will share his country's experience and lessons learned during the legal education reform in Georgia and contribute to improving the Concept Paper on Legal Education Reform in Ukraine. His recommendations are being translated and will be presented to Working Group on Legal Education Reform in Ukraine members on April 25, 2013.

Performance Indicators ER 1.1

Indicators status for this ER did not change in this reporting period: cumulative number of laws, regulations, and procedures designed to enhance judicial independence supported with USG assistance remains — 4; number of revised provisions enacted that reflect Venice Commission recommendations — 3. However, this quarter FAIR conducted analysis of the Venice Commission's Recommendations regarding not only the Law on the Judiciary and the Status of Judges, but also other laws related to judicial reform including the Constitution of Ukraine. FAIR counted 47 recommendations and revised its actual data on the indicator "Percentage of Venice Commission recommendations adopted". After the revision the status of this indicator is — 6%.

At the moment there are three draft laws on higher education (No. 1187, No. 1187-1, and No. 1187-2) pending consideration of the Verkhovna Rada. To ensure the improved accreditation process and a high quality of education remain the focus of drafts laws, FAIR has conducted the analysis of these draft laws and submitted its recommendations to Verkhovna Rada.

SCHEDULE CHANGES: FAIR conducted most activities as scheduled. Minor changes in implementation were required as a result of the pace of the partners' performance.

PROBLEMS: The lack of political will, an unstable Parliament, and weak judiciary leadership with a lack of initiative in the process are the major challenges judicial reform is facing. FAIR continues to work on promoting and fostering key reform components and focuses its efforts on building consensus and mutual understanding among stakeholders.

PLANS: During the next quarter, FAIR will continue to work on building consensus among key partners to bring the Law on the Judiciary and Status of Judges in line with Venice Commission recommendations, by advocating for the passage of amendments through inclusive interactions among international experts, civil society, and key policy makers. In the next reporting period FAIR will monitor legislation initiatives in the judiciary area and will develop comments and recommendations concerning additional amendments on an as-needed basis to be presented to the Verkhovna Rada Justice and Rule of Law Committee. Comments and recommendations submitted by FAIR will ensure European and Ukrainian experts' opinions and international standards and best practices are considered during deliberation of legislation.

Efforts will also be directed to the development of secondary legislation to properly implement the provisions of the Law on the Judiciary and Status of Judges and other key reform initiatives. FAIR will work to identify these gaps in regulation and develop the recommendations accordingly.

Similarly, there is a room to collaborate with the National Association of Advocates of Ukraine and American Bar Association Rule of Law Initiative (ABA/ROLI) and USAID Access to Justice and Legal Empowerment Project (LEP) on the Law on Free Legal Aid and the Law on the Bar and Advocates' Activity, and with the OSCE Project Coordinator in Ukraine on the draft laws on higher education and legal education reform issues in particular.

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

ACCOMPLISHMENTS: In this quarter, the Constitutional Assembly concentrated on the internal work of its commissions. The commissions focused on issues pertaining to needed constitutional changes for inclusion to the Concept Paper on the matter, and conducted public events to discuss the propositions and ideas.

Milestone Progress ER 1.2

- Concept paper for the Constitutional Assembly was approved by the President of Ukraine.
- Council of Europe expert Lorena Bachmaier developed and presented the Opinion on the Constitution of Ukraine with a Focus on Rule of Law Principle.

The Constitutional Assembly Justice Commission developed the draft law "On Introducing Amendments to the Constitution of Ukraine regarding Improvement of Judicial System and Principles of Justice Administration in Ukraine." The draft law is based on the Concept of Constitutional and Legal Modernization of Justice in Ukraine approved by the Constitutional Assembly and developed by the Justice Commission and proposals of other Commissions and members of the Constitutional Assembly. The draft law also includes all positive changes contained in the draft law "On Introducing Changes to the Constitution of Ukraine Regarding Strengthening Guarantees of Judicial Independence" prepared by the Administration of the President of Ukraine. In drafting this law, internationally recognized standards of judicial independence, including views of the Venice Commission regarding constitutional provisions on justice in Ukraine issued since 1996, Resolutions of the Parliamentary Assembly of the Council of Europe on functioning of the judiciary in Ukraine, recommendations of the Committee of Ministers of the Council of Europe, provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and relevant case law of the European Court of Human Rights were taken into account.

This draft law is aimed at eliminating key institutional flaws in constitutional regulation of justice administration in Ukraine in order to bring it in line with international standards and move judicial reform forward. Some of the provisions of the draft law are: (1) creation, re-organization, and liquidation of courts according to the law; (2) introduction of the Justices of the Peace Institute; (3) increased age limit for judicial position candidates from 25 to 30 years; (4) increase of required

professional service from 3 to 5 years; (5) lift the retirement age for judges from 65 to 70 years; (6) ensure the judicial representation majority in HCJ membership; (7) the right of legislative initiative is granted to the Supreme Court of Ukraine; (8) the appointment of judges is performed by the President of Ukraine based on and according to the recommendation of the HCJ, and (9) the cancellation of the five-year first judicial appointment. FAIR supported the Justice Commission and the Administration of the President with a translation of the draft law and supporting documents, allowing for submission of the draft law to the Venice Commission for the preliminary review.

On March 20, 2013, the Constitutional Assembly Human Rights Commission jointly with the leading Ukrainian higher education institutions conducted the International Conference *Human Rights in the Modern World*. Academicians and experts from Ukraine, Russia, Belarus, Hungary, Germany, and Poland took part in the discussion. The objectives of the conference were to discuss the international and constitutional aspects of the regulation, protection and ensuring the human rights implementation in the international and national legal systems. The participants of the conference devoted a lot of time to discuss the necessity not only to state the rights, but to provide the effective implementation mechanism with the relevant domestic remedies for infringement of rights to be in place. Ukrainian law professor Volodymyr Butkevych, Head of the Constitutional Assembly Human Rights Commission informed the conference participants about the Commission's activities and welcomed ideas, recommendations, and propositions from interested parties for consideration in the development of the "Concept Paper on Human Rights Guarantees Improvement in the Constitution."

On March 27, 2013, FAIR organized the meeting of U.S. Federal Judge John R. Tunheim with Constitutional Assembly leadership – Mr. Leonid Kravchuk and Ms. Maryna Stavniichuk – to provide them with his unique experience as a constitutional process expert in Kosovo from 2007-2008. Judge Tunheim shared his views on how minorities interest can be met and satisfied when opposition representatives are not willing to participate in Constitutional Assembly activities. Both leaders expressed interest and appreciation for Judge Tunheim's insights and acknowledged the relevance and applicability of his experience in Ukraine.

U.S. Federal Judge John R. Tunheim, President Leonid Kravchuk and FAIR COP David M. Vaughn after the meeting in Kyiv on March 27, 2013

The next steps under this Expected Result are academic assessments of concept papers from the Constitutional Assembly' Human Rights, Law Enforcement, and Justice Commissions. The Justice Commission has already developed a concept paper, whereas the concept papers of the Commissions on Human Rights and Law Enforcement are still in development.

The academic assessments of the concept papers will be conducted by the FAIR short-term experts. Lorena Bachmaier will continue working on the concept paper on constitutional reform. FAIR has also identified a second Council of Europe expert who will provide the Constitutional Assembly with an academic assessment of the concept papers and recommendations for the amending of the Constitution process with regards to international and European standards and best practices. Now FAIR works to arrange his assignment.

Finally, during this reporting period, FAIR supported the Constitutional Assembly in developing an independent website to ensure a channel for civil society information, education and, active engagement in the constitutional reform process. Additional information can be found under Expected Result 4.2.

In accordance with the work plan, FAIR is supporting the constitutional process with a grant-funded information campaign on Constitutional Assembly activities in order to educate the public on the needs for constitutional changes. This campaign will include four nationwide public events. Additional information can be found under Expected Result 4.2.

SCHEDULE CHANGES: Progress has been made under this task since the Constitutional Assembly began working on a periodic basis. FAIR continues to adjust its work based on ongoing developments and pace of partner activities.

PLANS: During the next quarter, FAIR will focus on continuing cooperation with the Constitutional Assembly and its commissions. FAIR experts will work to support Constitutional Assembly activities by facilitation of the negotiating process between opposition forces, providing independent assessments of the quality of concept papers and their recommendations on improving the Constitutional process.

Performance Indicators ER 1.2

During this reporting period FAIR supported 1 plenary meeting of the Constitutional Assembly, contributing to the indicator "Number of working sessions on Constitutional reform between lawmakers and civil society organizations" which increased to 4.
The indicator "Number of civil society organizations who have experience in constitutional reform participating in public events on the Constitution" increased to 15 during the reported period, while the indicator "Number of project-supported communication products issued by civil society organizations on constitutional reform" increased from 0 to 1.

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

ACCOMPLISHMENTS: During this reporting period, FAIR jointly with the HQC focused on implementing practice analysis to identify current judicial qualifications (competencies).

On January 19, 2013, FAIR staff together with the HQC representative conducted a tender committee meeting and selected the CSO Universal Examination Network (UENet) to complete the practice analysis to identify current judicial qualifications (competencies). The grantee will conduct a research to define the scope of knowledge, skills, and abilities required of a newly appointed judge in order to properly fulfill one's professional duties. On February 25, 2013, UENet conducted a steering committee meeting to develop the grant implementation plan schedule and agree on key activities including working group meetings, etc. The steering committee was chaired by the Head of the HQC, Igor Samsin, and included representatives of UENet, NSJ, and NGOs namely the Laboratory of Legal Initiative and the Center of Political and Legal Reforms. On March 11, 2013, UENet conducted a second steering committee meeting to approve the list of participants for five working groups that will develop questionnaires for different legal specializations, namely civil, criminal, economic, administrative specializations, and the qualities of the personnel.

This quarter, FAIR short-term local Judicial Testing Expert Serhiy Mudruk developed the first draft of the manual for anonymous test administrators (proctors). The draft is currently being discussed with representatives of the HQC for further finalization. Additionally, Mr.

Milestone Progress ER 2.1

- Held Three working meetings with HQC
- HQC formed 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.
- Developed recommendations for improving the judicial vacancy application, test administration, and scoring processes.
- Drafted Handbook for test items developers.
- Held training on developing test questions for evaluating skills at high cognitive levels for developers of test items.
- Drafted Manual for anonymous test administrators (proctors)

Mudruk is finishing compiling existing materials and drafting additional methodological documents for a future collection of methodological information on test items and case study development.

During the previous reporting period, the HQC conducted the third anonymous test for 2,406 aspired lawyers. 632 candidates who scored a 62 or more on the test were admitted to a six-month special training course implemented by the HQC in February 2013 (http://nsj.gov.ua/ua/news/urochisti-vidkrittya-spetsialnoi-pidgotovki-kandidativ-na-posadu-suddi/). According to the Law on the Judiciary and the Status of Judges, the NSJ is responsible for organizing special trainings for candidate judges to be implemented by law schools. Four Ukrainian Universities were chosen by the HQC - Kyiv National University, Lviv National University, The National University Odessa Law Academy, and the National University Legal Academy of Ukraine. 148 judicial candidates are participating in the new training; the remaining 484 candidates are conducting the special training through a distance learning module.

Special training for candidate judges launched in Kyiv National University named after Taras Shevchenko in February 2013.

On February 4, 2013, the HQC officially launched this training, which will continue through August 2013, followed by the HQC judicial qualification exam in September 2013. According to the Head of the HQC, Justice Samsin, in order to evaluate the results of the judicial qualification exam, the HQC will create the special examination commissions that will include the HQC Commissioner and selected practicing judges. The examination commissioners will be trained in advance on the methodology of open-ended (case study) evaluations, developed with FAIR support.

SCHEDULE CHANGES: During the previous reporting period, the HQC was in the process of finishing a new office building for its staff. This caused slippages in investigating approaches in automating the judicial qualification exam and conducting an assessment of software and hardware needs. The new HQC facility has the capacity to facilitate automation of the judicial qualification exam. Thus, FAIR will conduct an assessment during the next work plan period.

Performance Indicators ER 2.1

No changes in indicator status occurred this quarter on this ER. Cumulative status of the indicator "Number of merit-based criteria or procedures for justice sector personnel selection adopted with USG assistance" remains 17, "Number of procedures within the judicial appointment process improved with project support " remains 5 and "Number of judicial test developers trained with project support " remains 18.

PLANS: In the next quarter, FAIR plans the following activities:

- In cooperation with the HQC, create the working groups to identify a methodology for the survey on selection criteria of judicial appointments. Conduct survey among court staff, court users, judges, and legal scientists;
- Based on the results of the survey, complete practice analysis and discuss it with counterparts;

- Conduct a roundtable to address and discuss results of the practice analysis. Investigate with the HQC and other relevant stakeholders possible approaches in automating the judicial qualification exam; and
- Based on the recommendations of the independent monitors and FAIR judicial testing experts, purchase SPSS software to conduct statistical analysis of the test results.

EXPECTED RESULT 2.2: UKRAINIAN JUDGES ARE DISCIPLINED IN TRANSPARENT PROCESSES

ACCOMPLISHMENTS: During this reporting period, FAIR continued supporting the HQC in developing clear judicial discipline procedures. To achieve this goal, FAIR suggested an analysis of decisions by the institutions overseeing complaints alleging judicial misconduct, and based upon these findings support development of continuing training for judges on the issues identified as most problematic. Such an assessment will also show the quality of judicial discipline decisions an important indicator of judicial discipline procedure and transparency.

As agreed with the HQC, FAIR competitively selected the NGO Institute of Applied Humanitarian Researches (IAHR) and awarded it a grant for monitoring judicial discipline decisions and appeals.

During the reporting period, IAHR carried out the following activities:

- Established a working group to analyze the methodology of judicial discipline decisions research;
- Developed a concept and improved methodology of judicial discipline decisions research;
- Conducted two training sessions on using the methodology of evaluating text and content of judicial discipline decisions; and
- Tested the methodology of evaluating text and content of judicial discipline decisions.

IAHR will finalize their research by July 2013 and will present their findings at a roundtable discussion with the HQC and other interested institutions.

Milestone Progress ER 2.2

- Documented current practice within the judicial discipline process.
- Presented Amendments to the Draft Regulation on the Judicial Discipline Inspector Service for HQC consideration.
- Finalized and Presented Draft Regulation on the Judicial Discipline Process for HQC 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 procedures of judicial misconduct complaints verification and consideration.
- Involved a local expert to design terms of reference of a unified integrated database to manage the judicial discipline and selection processes developed.
- Awarded a grant to CSO to monitor judicial discipline decisions and appeals

During this reporting period, FAIR continued its support to the HQC IT Department in developing importing and search modules for the HQC website. The FAIR selected subcontractor in cooperation with the HQC IT Department developed and transferred the modules to the HQC. Shortly, the HQC IT Department will install the modules and all HQC judicial discipline decisions will be posted on the website automatically. Installation of importing modules will make an access to judicial discipline decisions easier and will provide more search tools.

As agreed with the HQC, FAIR involved local Database Management Expert Boris Shuster to design the terms of reference for a unified integrated database to manage the judicial discipline process, judicial candidate selection, judicial training, and transferring processes. By the end of the next reporting period, Mr. Shuster will design and submit the terms of reference for a unified

integrated database with recommendations on using an electronic documents management system to the HQC.

PLANS: During the next reporting period, FAIR plans the following activities in order to achieve the Expected Result 2.2:

- Develop and submit to the HQC the terms of reference for a unified integrated database with recommendations on using an electronic documents management system for all data;
- Conduct a roundtable and share with the HQC results of the monitoring of judicial discipline decisions and appeals;
- Assist the HQC in conducting trainings for disciplinary inspectors and HQC staff on conducting judicial misconduct investigation; and
- Support the HQC in finalizing the Manual for Disciplinary Inspectors and bringing it into uniformity with the newly adopted Code of Judicial Ethics.

Performance Indicators ER 2.2

The indicator "Number of criteria, standards and regulations adopted to govern judicial misconduct investigations" did not change and remains at1 as in the previous quarter. Indicator "Per cent of judicial misconduct complaints submitted to the HQC using the standardized form" this quarter is 10.2% (cumulative LOP is 8.9%). The Indicator "Number of government institutions placing judicial misconduct complaint form on their website" is 2. The Indicator "Per cent of judicial discipline decisions posted on HQC website" is 83.8% this quarter, cumulative LOP 76.7%

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

ACCOMPLISHMENTS: During the reporting period, FAIR continued assisting the Council of Judges (COJ) in amending the Code of Judicial Ethics to bring it in line with European standards of judicial conduct and Ukrainian legislation.

Milestone Progress ER 2.3

- Held seven stakeholder discussions on draft Code of Judicial Ethics.
- Revised amendments to Code of Judicial Ethics submitted to COJ for approval.
- Supported COJ International Conference on Judicial Ethics.
- Congress of Judges adopted the Code of Judicial Ethics.

The XI Congress of Judges was held on February 22, 2013. 96 delegates attending the Congress equally represented courts of all jurisdictions, instances, and regions. As mentioned above, the Congress adopted the Code of Judicial Ethics developed by the COJ with FAIR support. During the session, the Congress of Judges also elected members to the COJ. Seven COJ members, in particular, Raiisa Khanova, Tetiana Kozyr, Halyna Kanygina, Inna Aleieva, Serhii Amelin, Pavlo Gvozdyk, and Viacheslav Ovcharenko will hold their positions for two more years. Four new COJ members were also elected, among them: Supreme Court Justice Vasyl Onopenko, Judge of the High Commercial Court of Ukraine Pavlo Pogrebniak, Judge of the High Civil and Criminal Court of Ukraine Valentyna Shchepotkina, and Judge of the Kyiv District Administrative Court Ruslan Arsirii. The new composition of the COJ conducted its first meeting right after the Congress of Judges on February 22, 2013. At the meeting, the leadership of the COJ was elected. Judges Raiisa Khanova and Tetiana Kozyr that have actively cooperated with FAIR retained their positions as Deputy Chair of the COJ and COJ Secretary respectively. Justice Vasyl Onopenko was elected as COJ Chair.

In order to familiarize the new COJ Chair with joint activities, FAIR held a meeting with COJ representatives on March 20, 2013. USAID Democracy Project Management Specialist Oleksandr Piskun, FAIR COP David Vaughn, FAIR DCOP Nataliya Petrova, and FAIR Judicial Accountability Coordinator Ashot Agaian met with COJ Chair Justice Vasyl Onopenko, and COJ

members Halyna Kanygina and Inna Aleieva. Participants of the meeting discussed future cooperation between FAIR and the COJ in the following areas:

- Implementation of the Code of Judicial Ethics and development of Commentary to the Code;
- Designing training programs for judges and judicial candidates on judicial ethics;
- Revising the structure of the COJ and promoting establishment of committees within the COJ;
- Building COJ capacity as the highest judicial self-government body;
- Implementation of the Strategic Plan for the Ukrainian Judiciary;
- Court performance evaluation; and
- Case-weighting study implementation.

COJ Chair Vasyl Onopenko, FAIR COP David Vaughn, USAID Democracy Project Management Specialist Oleksandr Piskun, FAIR DCOP Nataliya Petrova, and FAIR Judicial Accountability Coordinator Ashot Agaian during the meeting with COJ leadership on March 20, 2013.

PLANS: During the next reporting period, FAIR plans the following activities in order to achieve the Expected Result 2.3:

- Support the COJ in the publication of the newly adopted Code of Judicial Ethics and ensure that all judicial bodies are provided with the necessary quantity of copies;
- Support the NSJ in incorporating proposed changes to the Code in the training curricula of the judicial ethics course, which will be introduced to the judicial training programs;
- Support the COJ in developing and printing a leaflet on the role and activities of the COJ; and
- Support the NSJ in the design of an online course for distance learning of judicial ethics for judges and judicial candidates.

Performance Indicators ER 2.3

Significant measurable change occurred this quarter under this ER. Approved new Code of Judicial Ethics changed the status of the indicator "Number of judicial self-governance mechanisms revised with project support" from 0 to 1. Project exceeded its target of the indicator "Number of judges providing feedback to revisions of judicial self-governance mechanisms" in the previous reporting period and cumulative status of this indicator stay the same – 220.

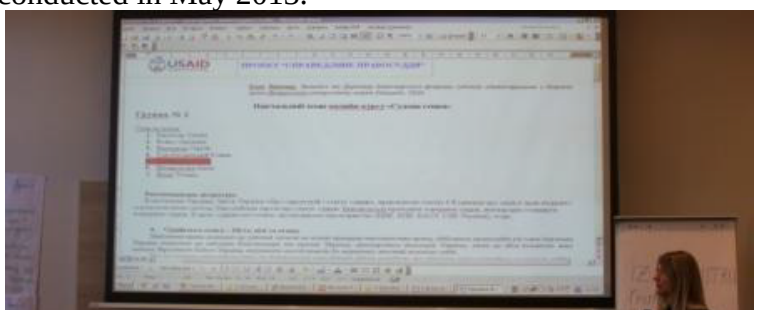
EXPECTED RESULT 3.1: THE SKILLS AND COMPETENCIES OF UKRAINIAN JUDGES ARE BOLSTERED THROUGH MODERN, DEMAND-DRIVEN INITIAL AND ONGOING JUDICIAL TRAINING PROGRAMS

ACCOMPLISHMENTS: During this reporting period, the FAIR team continued to support the NSJ in its institutional development and assisted in building its capacity to meet different audiences training needs through conducting initial training programs for judicial candidates and designing ongoing training programs for sitting judges and court employees. It also helped Ukrainian judges to be prepared for challenges appearing after the adoption of the new Criminal Procedure Code of Ukraine (CPC).

The Head of the HQC Mr. Samsin requested FAIR's support in developing distance learning capacity of the NSJ to deliver quality educational programs to judges in an efficient and cost-effective manner.

To train the faculty of the NSJ and its branches on how to assess, design, and lead distance learning training modules, FAIR brought the foreign expert Hope Kentnor (Lecturer and Director, MSLA Program, University of Denver Sturm College of Law, Colorado, USA) who conducted two events: 1) February 25, 2013, a roundtable on Online Learning Methodology for selected NSJ faculty and representatives of the HQC to introduce them a Draft Distance Learning Methodology and Model Curricula applicable to distance learning courses; and 2) February 26–28, 2013, Online Learning Methodology Training and Workshop for NSJ Trainers and Support Staff in designing and presenting e-learning methodology. During this event, representatives of the Ukrainian institutions including the National Academy of Public Administration under the President of Ukraine, Academy of Advocates of Ukraine, and the Ukrainian Association for the Court Advancement shared their experience in using e-learning methodology. Also, 24 participants had the opportunity to familiarize themselves with techniques and tools of online education. During group work, they developed and designed four draft online courses plans on Judicial Ethics, based on the new Code of Judicial Ethics adopted on February 22, 2013. Participants came to the conclusion that with the lack of financial support from the state and lack of NSJ human recourses and faculty, developing distance learning capacity is very important for the NSJ. This method of judicial training will give an opportunity to involve more judges through an in-class model of training and will save time and costs of accommodation and travel of judges.

According to FAIR's assessment of NSJ institutional and training needs, the NSJ as a newly established institution is lacking leadership skills and needs expert support to develop vision and mission statements, design of a draft Strategic Plan for 2014-2016; gain and promote team building skills to create human resources pool to be able to meet NSJ institutional needs. Taking into account abovementioned recommendations, FAIR recruited an international judicial expert Patricia Noonan to conduct an audit of the NSJ leadership's management skills to identify the problems, gaps, and determine the scope of training needs. On March 12 and 14, 2013, the expert met with NSJ leadership and the Working Group on Strategic Planning to discuss issues of a Strategic plan for 2014-2016 development (structure, strategic issues, etc.) and to instruct them on how to manage the draft of a Strategic Plan. Based on the audit result and identified problems, the expert will support the NSJ in designing a three-day training program for the NSJ and its leadership in each branch, as well as HQC representatives on team building, strategic planning, time management, effective communications, and conflict management issues, using interactive methods. The training program will be conducted in May 2013.



Additionally, Ms. Noonan will review the NSJ training program for first-year judges. She will also support the NSJ in summarizing its practice on providing training to newly appointed judges and in developing a draft of the two-week training program for ongoing training for this category of judges. On March 13, 2013, the expert met with five judges with 1 to 4 years of experience on the bench and representatives of the NSJ and HQC to identify and discuss their training needs. During the meeting, the judges complained that 80% of the topics they study during the ongoing trainings are useless and irrelevant to their needs. Based on the results of this meeting and review of the Assessment Report on Judges in Ukraine' Ongoing Training Needs (prepared in 2011 by the Council of Europe expert Cristina Cojocaru in the framework of the Joint Program between the European Union and the Council of Europe on "Transparency and Efficiency of the Judicial System of Ukraine"), Ms. Noonan will develop and introduce the draft of the two-week training program plan for ongoing training for first-year judges to the NSJ faculties and the HQC representatives.

As mentioned in previous reports, FAIR and Ukrainian authors prepared the second edition of the *Judicial Opinion Writing Handbook* which will help the judges to improve their skills to clearly and correctly compile judicial opinions, logically put down their thoughts, give legal justification, and keep the proper style. In March 2013, FAIR disseminated an electronic version of the Handbook, and 2,000 CDs were delivered to the NSJ and HQC. Also, it was posted on the NSJ and FAIR websites and on USAID Facebook page (http://www.fair.org.ua/index.php/index/library/2; http://nsj.gov.ua/ua/science/prints/890/).

On March 15, 2013, the High Civil and Criminal Court (HCCC) with support from FAIR and U.S. Department of Justice - Overseas Prosecutorial Development, Assistance and Training (OPDAT) conducted a roundtable on application of the new Criminal Procedure Code (CPC) provisions (Chapter 20. Investigative (Detective, Search) Actions and Chapter 21 Cover Investigative (Detective) Actions). Appellate courts judges, trial courts judges, representatives of the General Prosecutor's Office, Security Service, Ministry of interior, Ministry of Income and Fees, State Penitentiary Service of Ukraine, and judicial bodies of various instances attended the event. Overall, there were about 100 participants at the roundtable and 500 participated via video-conferencing. The roundtable participants discussed issues of the first months CPC implementation and HCCC judges answered questions raised by the representatives of the courts of appeals via video conferencing. Acting Chief Judge of the HCCC Stanislav Mishchenko ensured that the HCCC will take into account all proposals and comments on improving the implementation procedure while developing relevant clarifications and interpretations. More information can be found at the following link: http://sc.gov.ua/ua/golovna_storinka/u_vssu_vidbuvsja_kruglij_stil_z_pitan_zastosuvannja_polozhen_kriminalnogo_procesualnogo_kodeksu_ukra.html.

Milestone Progress ER 3.1

- Institutional needs assessment of the NSJ completed (achieved).
- Judicial training needs assessment completed on behalf of the NSJ (achieved).
- Working group established to develop curricula for the judicial candidates' initial training program (not yet achieved). This milestone was amended to be based on the EU Twinning project "Support to the Academy of Judges of Ukraine;" the model program for initial training designed and edited by practicioners of Ukraine.
- Second edition of the Judicial Opinion Writing Handbook published (achieved).
- Benchbook printed (ongoing).
- Three curricula for the initial training on Rule of Law and Human Rights, Opinion writing, and Judicial Ethics are developed and presented to the key stakeholders (ongoing).
- Curriculum on Rule of Law and Human Rights for on-going training is developed and presented to the key stakeholders (ongoing).
- Curricula on Opinion Writing and Judicial Ethics for ongoing training are updated and presented to the key stakeholders (ongoing).
- At least 20 judge trainers are trained to lecture on Rule of Law and Human rights in light of the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ongoing).
- Develop 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 on-going trainings and disseminate between NSJ faculties and its branches (ongoing).

Finally, on March 28-29, 2013, FAIR in cooperation with the NSJ, HCCC, OPDAT and the Government of Denmark - COE Project "Support of Criminal Justice Reform in Ukraine" conducted a continuing training for trainers (TOT) workshop on “Practical Issues of Application of the New CPC” for a team of 46 judges-trainers who studied substantive issues on the CPC ideology and its novelties in September 2012. The goals of the workshop were to discuss the results of the first months of CPC application in comparison with the intention of lawmakers and experience of similar procedures implementation in the US, to identify the problems in understanding and interpretation of certain CPC norms by judges, and to find the best format of teaching new CPC to judges taking into account experience of its implementation by pre-trial investigation bodies. More information can be found at the following links: http://sc.gov.ua/ua/golovna_storinka/pid_chas_seminaru_dlja_suddivvikladachiv_rozgljanuto_praktichni_aspekti_zastosuvannja_norm_kpk.html; http://zib.com.ua/ua/15229-suddi-vikladachi_vivchayut_praktiku_zastosuvannya_norm_kpk.html.

PLANS: During the next reporting period, FAIR plans the following activities in order to achieve the Expected Result 3.1:

- Continue to provide expert support to NSJ leadership to develop an NSJ Mission statement and a NSJ Strategic Plan for 2014-2016;
- Based on the results of the March 2013 audit of the management and leadership of the NSJ, to contribute to May 2013 three-day training for the NSJ leadership, its 7 regional branches personnel and HQC representatives to address the team building, strategic planning, time management, effective communications, and conflict management issues;
- Continue work with the NSJ to develop the capacity for a distance learning program (provide technical support to the NSJ to integrate the distance learning methodology; research the type of Learning Management System to implement; assist the NSJ in developing the curricula for courses offered through distance learning);
- Continue to assist NSJ to develop a two-week program for ongoing training for first-year judges (based on the results of discussion with NSJ and HQC that was conducted in March 2013, prepare a list of comments on current NSJ programs and topics which need to be added/replaced/introduced to the two-week program for ongoing training for first-year judges); and
- Support the NSJ through legal editing and preparation of an e-version of the curricula on Rule of Law and Human Rights, Judicial Opinion Writing, Judicial Ethics, and Communications (Public Outreach in Courts) for initial and ongoing trainings; issue an Request for Proposals (RFP) and award one subcontract for legal editing and preparing e-version of these curricula.

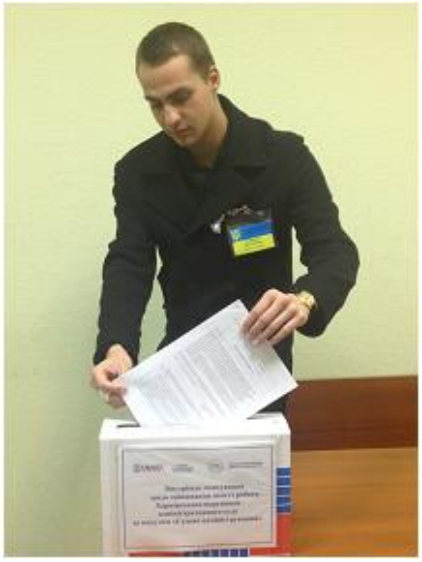
Performance Indicators ER 3.1

FAIR made measurable progress during this reporting period under Expected Result 3.1. FAIR trained 65 judges and judicial personnel contributing to the indicator “Number of judges and judicial personnel trained with USG assistance”. This number includes 53 judges contributing to the indicator “Number of judges trained with USG assistance.” No changes on other indicators related to ER 3.1 occurred this quarter and their status remains the same as annual 2012.

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

ACCOMPLISHMENTS: During this reporting period, FAIR continued providing its support to the COJ and SJA in developing objective criteria to measure court performance and building the capacity of the SJA to use court performance data to design a viable long-term plan for the further development of the judiciary and to formulate and substantiate needs-based budget requests. This quarter activity builds on the outcomes of previous quarters when FAIR-supported Court Performance Evaluation (CPE) Working Group in cooperation with the Sub-group for Developing

Court Performance Standards of the SJA Working Group for Innovations developed the draft framework for court performance evaluation (CPE framework) with defined four quality areas such as efficiency of court administration, timeliness of court proceedings, quality of court decisions, and court users' satisfaction with court performance. The framework contains 24 court performance evaluation criteria and more than 100 indicators to measure court compliance with these criteria; it combines three mechanisms of court performance evaluation: (1) internal court performance evaluation through (a) survey of judges and court staff, (b) expert analysis of court decisions and timeliness of court proceedings; (2) external court performance evaluation through Citizen Report Card (CRC) surveys of court visitors; and (3) analysis of available court statistics.



Internal Court Performance Evaluation: survey of court staff in Kharkiv District Administrative Court

As mentioned above, 13 selected courts implemented the pilot testing of court performance evaluation framework during 2012.

Nine courts have fully completed pilot testing of CPE framework and CRC tools including assessment, data collection, data entry, analysis, and report preparation[1].

Summarized results of the proposed court performance evaluation methods illustrate the efficiency of this process for pilot courts. On February 23, 2013, FAIR experts presented these results at the sixth joint meeting of the CPE Working Group and SJA Sub-group. For the Court Performance Evaluation Pilot Testing Summary Report and its presentation to the Working Group FAIR experts selected the most important indicators and divided them under the following court performance criteria:

- adequate funding and efficiency of resource utilization;
- sufficient working conditions for judges and court staff;
- leadership and managerial capacity of court leaders;
- efficiency of judicial self-governance;

Milestone Progress ER 3.2

- Developed draft framework for court performance standards and defined four quality areas (achieved).
- Identified 13 courts to pilot court performance standards (achieved).
- Performance measurement tools (with sub-criteria and indicators) are developed for each quality area in the framework (achieved).
- 46 representatives of pilot courts and the SJA trained in implementation of court performance evaluation (achieved).
- Court performance measurement framework and tools tested in 13 pilot courts (achieved)
- National court performance standards formulated and defined (ongoing).
- Court performance standards and court performance evaluation framework presented to the COJ and SJA for approval (ongoing).
- Completed assessments of the budgeting and budget justification processes; drafted recommendations for improving each (achieved).
- Prepared methodology for the collection of statistical data and a set of relevant tools required to develop case weighting standards and submitted to the SJA/COJ for review (achieved).
- Case weights resulting from case weighting study discussed, validated and submitted for SJA/COJ review (achieved for 1st round of the survey, ongoing for 2nd round).
- Training for court and SJA staff on how to prepare budget requests and conduct internal court financial audits conducted (new).
- Tools for workload-based projections of the number of judges and courts staff required per each court, as well as workload-based resource allocation designed (new).
- Training course on conduction of case weighting efforts based on methodology designed (new).

[1] Three courts have completed all steps from the assessment to data analysis and are now in the process of report preparation. One court failed to complete internal evaluation due to the changes in personnel.

- efficiency of court operations in adjudicating cases;
- timeliness of court proceedings;
- satisfaction of judges and court staff with working conditions;
- judicial caseload;
- quality of court decision writing;
- court users satisfaction; and
- accessibility of court information.

Member of the COJ Judge Pavlo Gvozdyk, Head of the SJA Ruslan Kyryliuk and Member of the COJ Judge Anatoliy Babiy during the Court Performance Evaluation Working Group meeting on February 23, 2013.

FAIR presented a set of court performance indicators for each of the above mentioned criteria. Examples of court performance indicators include percentage of judges and court staff that report the proper use of resources in their courts, evaluation of judicial self-governance (meeting of judges) by judges, average cost per case, number of cases completed per judge, clearance rate, number of cases pending for more than 1 year, average duration of proceedings, ratio of cases with violated procedural timelines, etc.

Pilot testing of CPE framework demonstrated that at the level of an individual court the CPE process is an important aspect of court administration. Pilot court representatives who are the members of the CPE Working Group indicated that internal and external court performance evaluations inform the current and strategic decisions of court leadership to improve performance of a court as an institution and level of court user satisfaction with court performance. CPE Working Group members also admitted that CPE system allows to study general trends and/or to compare the performance of several courts of one kind or compare the situation in one and the same court after a certain time period to determine how efficient and effective court management is and it allows courts to identify ways to improve their functions.

Deputy Chief Judge of the HCCC and the Chair of the CPE Working Group Judge Pavlo Gvozdyk highly appreciated FAIR's efforts in supporting the development and pilot testing of the CPE framework. Judge Gvozdyk, as the member of the COJ, stated that the COJ will consider the CPE framework as soon as it is revised and refined based on the results of pilot testing. Meanwhile, Judge Gvozdyk indicated that the COJ very likely will not approve the proposed methods for evaluating the quality of court decisions because according to the opinion of the majority of COJ members, only appellate and high instance courts can evaluate court decisions. The Head of the SJA, Ruslan Kyryliuk, also highly appreciated the results of CPE framework pilot testing, although he mentioned that certain court performance indicators should be carefully defined. Working Group meeting participants provided additional comments and recommendations to improve the CPE framework and decided to present the results of pilot testing together with revised CPE framework at the national roundtable discussion involving COJ, SJA, HCJ, higher courts, appellate courts, CPE pilot courts, and representatives of civil society in May 2013.

Also during this reporting period, FAIR continued to support the implementation of the case weighting study designed by short-term international *pro bono* Case Weighting Expert Dr. Elizabeth Wiggins of the Administrative Office of the U.S. Courts. On February 8, 2013, Ms. Wiggins arrived in Kyiv to provide her preliminary report to the COJ. The report was reviewed in

detail during a meeting with Judge Raissa Khanova, COJ Deputy Chair. Ms. Khanova gave extremely positive feedback on the preliminary results and proceeded to present the report at the February 15, 2013 COJ meeting. As a result of this meeting, the preliminary report was approved for distribution to the delegates of the Congress of Judges of Ukraine on February 22, 2013. Based on the report, Judge Khanova proposed to initiate changes to Ukrainian legislation to allow specialized councils of judges the authority to approve case weights for implementation in all courts of the respective jurisdiction upon consent of the national Council of Judges. FAIR is currently working on completing the analysis of data from the objective time study in order to finalize the case weights. FAIR expects completing this work by the end of March, 2013. Once the case weights are finalized and discussed in a focus group, FAIR will submit the results to the COJ for approval.

PROBLEMS: The proposed draft of CPE framework is rather complicated to be implemented by an individual court and requires additional human, information, technical, time, and material resources. For this reason, it took longer than expected for pilot courts to implement testing of CPE framework and is the main reason that not all pilot courts completed this process in full. To solve this issue, FAIR experts proposed that the CPE Working Group divide the current CPE framework in two levels – basic court performance evaluation and complete court performance evaluation. Basic court performance evaluation should be based on the agreed upon court performance criteria and indicators, it should be simple in terms of data collection and processing since the majority of indicators are based on court statistics data available in each court. From a long-term perspective, such basic evaluation has to become binding in all Ukrainian courts through a decision of the COJ and SJA. Basic evaluation can be implemented as one of the modules of automated case management system in courts. If basic evaluation reveals some negative trends, court leadership may use tools of complete court performance evaluations to identify ways to resolve existing issues.

The processing of data for the case weighting study is complicated by the huge number of input logical errors revealed when FAIR ran the results through a set of checks. Most of those errors are mere typos. However, they all have to be corrected manually, which caused a delay in the completion of the study.

Performance Indicators ER 3.2

During the reporting period FAIR involved 13 courts in the process of pilot testing of the court performance evaluation system, which contributed to the indicator "Number of courts involved in piloting court performance standards." 8 CSOs completed CRC surveys in 34 courts, CRC data shows "Annual citizen report cards score of participating courts" is 0.82. No changes were recorded this quarter on indicators "Number of court performance standards adopted" and "Number of data-fed analytical techniques incorporated into judicial budgeting."

PLANS: In the next quarter, FAIR plans the following activities in order to achieve the Expected Result 3.2:

- Complete the formulating and defining of court performance standards;
- Finalize court performance evaluation framework, both base level and advanced level;
- Discuss the results of piloting court performance standards at the roundtable discussion involving the SJA, COJ, HCJ, higher courts, MOJ, and other stakeholders;
- Submit standardized court performance evaluation system to the COJ for approval;
- Discuss the recommendations for improving SJA statistical data collection and analysis with the SJA statistical department and the SJA working group for future innovations;
- Assist the SJA in conducting its assessment on compliance with the European standards of statistical data quality;
- Assist the SJA in conducting an assessment of stakeholder needs for judicial statistics data;
- Conduct one three-day training for court and SJA staff on how to prepare budget requests and conduct internal court financial audits;

- Complete the case weighting study that is currently underway for the 665 trial courts of general jurisdiction, taking into account gender in the course of measuring workload, and presenting results to SJA/COJ for approval;
- Discuss resulting case weights in two regional focus groups;
- Finalize and present resulting case weights to SJA/COJ for approval. Using the information of the case weighting study, design a set of tools for workload-based projections of the number of judges and courts staff required per each court, as well as workload-based resource allocation; and
- Design a training course on the case weighting based on the methodology designed by FAIR.

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

ACCOMPLISHMENTS: Throughout the reporting period, FAIR worked jointly with the SJA to help design an appropriate organizational structure and policies within the SJA for the support of IT, procurement, capital improvement, human resources, statistical collections, and analysis of activities within the courts. In close cooperation with SJA and the State Enterprise Information Court Systems FAIR proceeded with conducting the two remaining focus group discussions of the draft Court Automation Strategy with judges and court staff, which took place in Lviv on January 25, 2013 and in Donetsk, on March 6, 2013. In the course of the discussions FAIR collected information on the current state of affairs in the field of IT in the courts of Lviv and Donetsk, as well as information on the expediency and urgency of the action steps proposed in the draft, FAIR also collected information on new ideas and initiatives to be incorporated into the draft Strategy. Upon completion of the focus group discussions, FAIR prepared a summary of the results of the three focus groups and submitted them to the SJA. Based on these outcomes, FAIR started working together with the SJA to incorporate participant feedback into the draft. FAIR expects this work to be completed by the end of March 2013. On March 14, 2013, Judge Anatoliy Babiy, Judge of Odesa Court of Appeals and member of the Council of Judges of General Jurisdiction Courts of Ukraine, presented the results of the focus group discussions at the meeting of the Council of Judges of General Jurisdiction Courts, which resulted in the COJ passing two decisions: to support the process of finalizing the draft and to request chief judges of the courts of appeals and trial courts to prepare information on the status of implementation of automated solutions at their courts.

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).
- 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 (new).
- One training on gender awareness for court chiefs of staff conducted (new).
- Concept for collection of electronic court fees drafted and submitted to SJA (new).

FAIR also worked jointly with the Ukrainian Association for Court Advancement (UACA) in order to conduct the last of three trainings on Human Resource Management which were originally planned for October and November 2012. On February 13-16, 2013, UACA conducted the last training of the series. It is worth noting, that the training included a strong gender aspect, based on the legal requirements for civil service, on which participants gave extremely positive feedback.

During this period, FAIR also supported the third meeting of the SJA's Working Group for Innovations. As an outcome of the discussion, FAIR was asked to look into the issue of collecting court fees via electronic media and to prepare a concept for implementation of online/electronic kiosk payments in the courts. FAIR intends to work on this issue in the next reporting period.

Based on the report prepared by FAIR experts on the organizational structure of the SJA in the previous period, FAIR proposed to the SJA to prepare job 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. However, having considered this proposal, the SJA declined it since it will not have in the near future sufficient funding required to establish and support these departments. Thus, FAIR had to cancel the activities which were planned in support of this initiative.

SCHEDULE CHANGES: FAIR does not foresee any significant changes of schedule.

PLANS: In the next quarter, FAIR plans the following activities in order to achieve the Expected Result 3.3:

- Conduct training on gender awareness;
- Finalize the draft National Court Automation Strategy and promote its approval by the SJA's Working Group for Innovations, the SJA, and the COJ;
- Upon approval of the Court Automation Strategy, explore possibilities to support its implementation via expert assistance and hardware procurement; and
- Draft concept for electronic court fee collection.

Performance Indicators ER 3.3

During this reporting period, FAIR supported SJA Working Group for Innovations, SJA Departments for Court Statistics, Human Resource Management, Court Automation and Long-Term Planning contributing to the indicator "Number of project-supported organizational structures within the SJA", cumulative number is 8. In total, during the life of project 399 justice sector personnel contributed to drafting the strategic plan, which is the final status of indicator "Number of justice sector personnel constructively engaged in long term strategic planning for the judicial branch"."Strategic Plan for Judiciary contributes to the indicator "Number of project-supported new or improved policies within the SJA."

EXPECTED RESULT 4.1: CIVIL SOCIETY AND THE PUBLIC HAVE EFFECTIVE MEANS TO ENGAGE IN DIALOGUE WITH DECISION MAKERS REGARDING JUDICIAL REFORM

Milestone Progress ER 4.1

- Conducted meetings with potential CSO grantees regarding research on pending legislation.
- Prepared RFA on pending legislation.

ACCOMPLISHMENTS: During the reporting period, FAIR participated in the 6th Verkhovna Rada Information Fair 2013 organized by the USAID Parliamentary Development Project (PDP II) on March 5-6, 2013. It was meant to be a great opportunity for Members of Parliament, their assistants and VR staff to become familiar with implementers of international technical assistance projects and Ukrainian organizations that are actively engaged in the improvements in and support of the legislative processes. FAIR presented and disseminated all recently published materials such as the Judicial Opinion Writing Handbook (the second edition), court users satisfaction survey results, public awareness materials, as well as the video "Courts and the Public: Civilized Engagement" covering new aspects of implementing citizen report cards (CRC) methodology in Ukrainian courts. This two-day event allowed FAIR representatives to establish new working contacts with MPs and their advisors with the aim of engaging decision makers in dialogue with civil society regarding judicial reform.

PROBLEMS: Despite the necessity for pending legislation research and appropriate grant activity, it could not be implemented and prepared during the reporting period as the newly elected

Parliament did not work appropriately during significant time after the elections due to political resistance between opposition and majority.

PLANS: FAIR will continue this activity when there is substantial judicial reform legislation registered in the Parliament. In the meantime, FAIR will support at least one joint event with CSO representatives and lawmakers during the next reporting period.

FAIR stand during the 6th Verkhovna Rada Information Fair in Kyiv on March 5-6, 2013.

Also, FAIR will continue to support public hearings, roundtables, fairs, and other events that will help to connect lawmakers with citizens in forums to offer input on legislative provisions.

Performance Indicators ER 4.1

FAIR partner Foundation for Support Constitutional Reforms organized press conference and briefing related to the Constitutional Assembly. It contributes to the indicator "Number of project-supported public events organized by Civil Society

EXPECTED RESULT 4.2: THE UKRAINIAN PUBLIC IS ENGAGED IN THE JUDICIAL REFORM PROCESS THROUGH CIVIC EDUCATION AND ADVOCACY ACTIVITIES

ACCOMPLISHMENTS: During this quarter, FAIR continued supporting civil society involvement in the judicial and constitutional reform process. FAIR supported the Constitutional Assembly in improving communications and interaction with civil society by supporting the implementation of a grant activity program on civil society involvement in the constitutional reform process. The Non-Government Organization Fund for Facilitation of Constitution Reforms in Ukraine is the grantee for this activity and began its activities to improve the effectiveness of interaction between civil society and decision-makers, and to support civil society involvement in Constitutional reform process. The grantee together with Constitutional Assembly representatives and FAIR subcontractor developed a Constitutional Assembly website. The website includes appropriate modules that will allow automated on-line diagnosis of proposals regarding draft amendments to the Constitution of Ukraine as well as modules for drafting and discussing proposals with local and international experts in Constitutional reform process, civil society and the public.

Milestone Progress ER 4.2

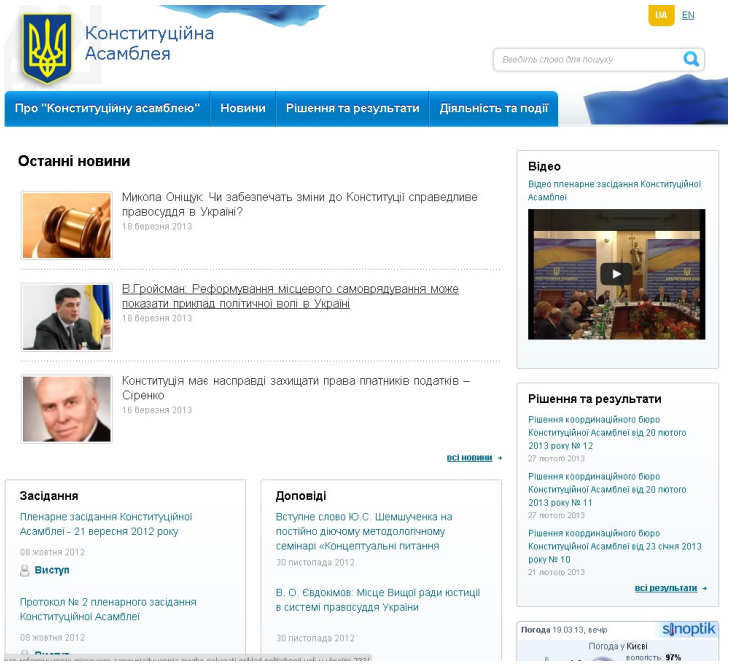
- Initiated development of three new civic education materials (ongoing).
- Finalized and submitted Public Information Officer job instructions to the COJ (achieved).
- Finalized and submitted Guidelines on Courts and Media Relations to the COJ (achieved).
- COJ Communications strategy approved by Congress 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).

FAIR's subcontractor developed the Constitutional Assembly's website together with detailed documentation of individual modules, user instructions, and user manual, as well as providing training on website maintenance. The Constitutional Assembly website can be accessed through the following link: http://cau.in.ua/.

FAIR also supported Ukrainian civil society by implementing a grant activity to implement a public awareness campaign on the free legal aid system. The awareness campaign was developed to complement provisions of the new Criminal Procedure Code and Law on Free Legal Aid, and promote effective interaction between its main participants. During the reporting period, the

FAIR's grantee, the All-Ukrainian Charitable Organization Ukrainian Legal Aid Foundation developed several scenarios of videos to be released through social networks together with draft opinion pieces and draft public awareness leaflets to be published. Also, the FAIR grantee agreed with the MOJ's Centers for free legal aid providing for an increase in the number of roundtables planned from 7 to 9.

During the reporting period, FAIR also supported a public awareness campaign on citizens' rights, responsibilities, and benefits of judicial reform, the campaign is currently implemented by the All-Ukrainian Charitable Organization Ukrainian Legal Aid Foundation. The grantee developed three types of leaflets to be disseminated through partner CSOs, courts, local centers providing free legal aid, and libraries.Drafted public service announcements (PSAs), covering the most pressing issues of the judicial reform process will be published in local and social media.



Website of the Constitutional Assembly developed jointly by the FAIR grantee and subcontractor.

As a part of the support to judicial self governance bodies and civil society involvement in the judicial reform process, FAIR provided the COJ with assistance in developing the COJ Communications Strategy that was successfully approved by the COJ during previous reporting period (COJ meeting on November 30, 2012). While beginning implementation of the COJ Communications strategy, the Congress of Judges of Ukraine approved it during XI meeting on February 22, 2013. As a part of the approved COJ Communications Strategy, FAIR supported the COJ by a subcontract for the development of the COJ website. The COJ website was developed and presented during the Congress of Judges of Ukraine. The FAIR subcontractor developed the COJ website together with user instructions and manual, and provided training on website maintenance for employees of appropriate departments of SJA on March 21, 2013. The FAIR subcontractor purchased and installed appropriate server in order to provide sustainability of COJ website which can be accessed through the following link: http://rsu.court.gov.ua/ .

Also, during the reporting period, the NSJ provided FAIR with its feedback regarding the manual and curriculum on Public Relations in Courts, developed earlier. All appropriate changes were incorporated in both Manual and Curriculum and the NSJ approved both documents together with providing FAIR with respective reviews of materials.

Finally, FAIR supported inter-project cooperation within the USAID project network. In particular, FAIR supported USAID Access to Justice and Legal Empowerment Project (LEP) Ninth Quarterly Meeting in Zaporizhzhia and engaged Judge Svitlana Malovichko from Zaporizhzhia oblast Appellate Court to give a presentation to CSO representatives on the specifics of court proceedings and mediation. Among the 37 participants of the plenary session of the LEP Ninth Quarterly Meeting there were NGOs, Legal aid clinics, and Ministry of Justice representatives.

PROBLEMS: After the Congress of Judges on February 22, 2013 elected the new COJ and its members elected the Head of the COJ, FAIR activities related to the COJ will require additional time in order to build the relationships with the new leadership. Taking into consideration that communications activities and Concept of Communications strategy for the COJ implementation require both SJA and COJ interaction, the efficiency of activities depends on triangle relations FAIR – COJ – SJA.

Performance Indicators ER 4.2

FAIR partner - Foundation for Support Constitutional Reforms - involved nine media outlets for dissemination of information on constitutional reform contributing to the related indicator under the ER4.2. No changes however occurred this quarter under the indicator "Number of courts offering CSO-produced legal education materials to court visitors."

PLANS: In the next quarter, FAIR plans the following activities in order to achieve the Expected Result 4.2:

- Support the Constitutional Assembly public awareness campaign grantee with Constitutional Assembly's Communications strategy and public awareness campaign implementation;
- Assist the grantee in implementation of an effective public awareness campaign on the legal aid system;
- Assist the grantee "Ukrainian Legal Aid Foundation" in implementation of public awareness campaign covering most pressing issues of judicial reform processes;
- Publish and disseminate NSJ approved Manual and curriculum on PR in courts together with the brochure on good practices in court communications; and
- Support inter-project cooperation within USAID projects network by providing assistance and facilitation with judiciary representatives involvement in appropriate CSO events and forums.

EXPECTED RESULT 4.3: CIVIL SOCIETY ORGANIZATIONS HAVE MEANS AND OPPORTUNITIES TO EFFECTIVELY MONITOR THE IMPLEMENTATION OF JUDICIAL SECTOR REFORMS AND PROVIDE OVERSIGHT TO JUDICIAL OPERATIONS

ACCOMPLISHMENTS: During the reporting period, FAIR completed activities under the Citizen Report Cards (CRC) Grant Program aimed at measuring public satisfaction with court performance. CRC grantees conducted five regional roundtables and presented CRC survey results and recommendations on improving court services to the remaining 13 out of 34 CRC partner courts:

- Ivano-Frankivsk Oblast Court of Appeals;
- Ivano-Frankivsk City Court;
- Cherkasy Oblast Court of Appeals;
- Chornobayivskyi Raion Court of Cherkasy Oblast;
- Donetsk Oblast Court of Appeals;
- Petrovskyy District Court of Donetsk;
- Ordzhonikidzevskyy District Court of Mariupol City;
- Commercial Court of Dnipropetrovsk Oblast;
- Kirovohrad Oblast Court of Appeals;

Milestone Progress ER 4.3

- CRC surveys extended to eight new regions and 25 new courts.
- 34 courts in 13 regions of Ukraine took part in CRC surveys.
- Selected (competitively) CSO partner to administer the pilot court administration certificate program.
- Over 50 court administrators submitted the applications for participation in the court administration certificate program.
- FAIR signed the agreement with the Michigan State University (MSU) to support the pilot court administration certificate program implementation.
- FAIR issued RFA on monitoring of judicial discipline decisions.
- 40 court and SJA staff competitively selected nationwide for participation in the pilot court administration certificate program.
- MSU developed ten courses with teaching materials for the pilot court administration certificate program in cooperation with MSU.
- FAIR in cooperation with MSU, SJA and NSJ conducted the court administration certificate program faculty development training.
- Eight CSOs presented 34 CRC analytical reports and 319 recommendations on court service improvement to 34 CRC partner courts at 13 regional roundtables
- The CSO to conduct monitoring of judicial discipline decisions competitively selected.

- Leninskyi District Court of Kirovohrad City;
- Kirovskyi District Court of Kirovohrad City;
- Kirovohradskyi Raion Court of Kirovohrad Oblast;
- Oleksandiryskyi City-Raion Court of Kirovohrad Oblast.

Representatives of courts, SJA territorial offices, CSOs, media, and advocates attended roundtables and participated in discussions concerning the CRC results. In general, courts continued to positively perceive the CSOs' recommendations based on collected CRC data and mentioned that such surveys help them to identify areas where courts should focus their efforts to improve performance. Topics and issues discussed during the roundtables most frequently included accessibility to courts, timeliness of court decisions, and convenience and comfort in courts.

Results of the CRC survey conducted in 34 courts in 13 regions in 2012 indicated that access to court services and facilities for persons with disabilities is one of the critical issues. Therefore, FAIR started a grant activity aimed at evaluating the accessibility of court facilities and services for people with disabilities in 18 CRC courts. Law and Democracy NGO, in cooperation with such organizations as the National Assembly of Disabled and the Ukrainian Society of Blind Persons (UTOS), are implementing this activity. In March 2013, the grantee developed the tool that will help to evaluate access to court facilities and court services for people with disabilities and prepare assessment reports with conclusions and recommendations on equal access to court services and court facilities for persons with disabilities. Also, on March 26, 2013, Law and Democracy NGO in cooperation with the Court of Appeals and the SJA territorial office of Ivano-Frankivsk Oblast' in the framework of the grant activity conducted one of the five trainings on improving skills of court staff and the quality of work for people with disabilities in Ivano-Frankivsk. The training faculty included a representative of Lviv regional office of the National Assembly of People with Disabilities. Judges and court staff of the Court of Appeals, local courts and SJA of Ivano-Frankivsk Oblast as well as staff of the Internal Affairs Ministry's department "Grifon" and representatives of media participated in this training (http://pravda.if.ua/news-37930.html; http://court.gov.ua/sud0990/27431/; http://www.fond.lviv.ua/?p=559).

FAIR continued activities related to the CRC surveys during the reporting period. In March 2013 FAIR launched a new grant program on evaluation of the CRC surveys implementation. This evaluation includes an examination of the recommendations and an analysis of the future viability of the CRC and similar programs in which civil society continues to partner. This activity complements the internal court performance evaluation work (CPE) under Task 3.2.1. On March 4, 2013, FAIR signed the grant agreements with Law and Democracy NGO and Creative Center CCC NGO to implement the above-mentioned grant program in 34 CRC partner courts in 13 regions of Ukraine. In March 2013, the grantees in cooperation with the FAIR team developed methodology and tools to assess CRC program impact.

Additionally, the Expert Council of the innovative court administration certificate program competitively selected 40 chiefs of staff, their deputies, and SJA staff nationwide from the court of different jurisdictions for the court administration certificate program implemented by FAIR in cooperation with Michigan State University (MSU), SJA, and NSJ. The list of selected participants is posted at the SJA's website. MSU registered and enrolled all 40 selected students for the MSU Judicial Administration Certificate Program. This program is aimed at increasing the knowledge, skills, and abilities of court

U.S. and Ukrainian faculty for the court administration certificate program at the faculty development workshop in Kyiv on February 21, 2013.

administrators. This is a first time that Ukrainian court administrators participate in the certificate court administration program in Ukraine. In addition, after successful completion of the court administration certificate program and receiving the MSU non-credit certificate, participants have opportunities to continue their education at the MSU and receive a credit certificate and Master's degree in the judicial administration.

In January 2013, in the framework of the court administration certificate program, MSU developed teaching materials including learning objectives, session plans in the form of PowerPoint slides, and a schedule of topics and exercises for the courses: purposes and responsibilities of courts; leadership; resources, budget, and finance; information technology management; human resource management; case flow management; visioning and strategic planning; court and community communications; education training and development; and essential components of courts.

Also, on February 19-21, 2013, FAIR in cooperation with MSU, the SJA, and NSJ conducted the Faculty Development Workshop in the framework of the court administration certificate program. During the workshop, participants developed a team of U.S. and Ukrainian faculty for the court administration certificate program; reviewed and updated standards for courses, leaning objectives, presentations and materials, and faculty evaluation to ensure relevance to the Ukrainian context. The participants were the experts from Michigan State University, representatives of the SJA, NSJ, Institute for Applied Humanitarian Research NGO and FAIR as well as Ukrainian faculty. The Ukrainian faculty consists of academicians from Yaroslav Mudry Law Academy of Ukraine National, Kharkiv V. N. Karazin National University, specialists of SJA, NSJ, FAIR and representatives of NGOs.

Finally, FAIR produced the final version of the Success Story Video on Use of Citizen Report Cards to Improve Court Performance entitled "Courts and the Public: Civilized Engagement". In accordance with the then Chairman of the Council of Judges Justice Romaniuk's proposal, the video was demonstrated during the Congress of Judges on February 22, 2013 and DVDs with the video were disseminated among the participants of the Congress. Also, this video will be disseminated among the courts, judicial self-government bodies, CSOs and during FAIR public events. The "Courts and the Public: Civilized Engagement" video is posted at the FAIR website (http://www.fair.org.ua//index.php/index/video/7; http://www.fair.org.ua//index.php/index/video/6).

PLANS: During the next quarterly period, FAIR will continue to implement the court administration certificate, grant programs to evaluate CRC implementation, and assess the access to justice for persons with disabilities. The major activities will include the following:

- Conduct the Court Administration Certificate Training for 40 Ukrainian court administrators in cooperation with MSU, SJA, NSJ, and Kharkiv City Public Organization "Institute of Applied Humanitarian Research". The court administration certificate program will also include conducting faculty and participant evaluations (Linked to ER 3.1, ER 3.2 and ER 3.3);
- Provide guidelines for participants of the court administration certificate program on capstone project;
- Conduct focus groups in 34 courts to analyze the CRC implementation in cooperation with Law and Democracy NGO and CCC Creative Center NGO;
- Evaluate the ability of persons with disabilities to adequately access court facilities and court services in 18 CRC courts lead by Law and Democracy NGO in partnership with the regional office of National Assembly of Disabled and Ukrainian Society of Blind Persons (UTOS);
- Conduct five trainings on improving the skills of court staff and the quality of work for persons with disabilities, lead by the Law and Democracy NGO in partnership with regional office of the National Assembly of Disabled and Ukrainian Society of Blind Persons (UTOS);
- Prepare an assessment report with conclusions and recommendations on equal access to court services and court facilities for people with disabilities;

- Prepare report on the FAIR CRC program impact which will include an examination of the recommendations and the ability of the selected courts to implement them; analysis of the viability of the CRC;
- In cooperation with MSU review capstones prepared by participants of the court administration certificate program;
- Conduct a roundtable to present a report on the FAIR CRC program impact and an assessment report on equal access to court services and court facilities for people with disabilities;
- Develop and publish court administrator manual based on the court administration certificate program curricula in cooperation with Kharkiv City Public Organization "Institute of Applied Humanitarian Research"; and
- Issue certificates and conduct graduation ceremony for the participants of the certificate court administration program in cooperation with MSU, SJA, NSJ, and Kharkiv City Public Organization "Institute of Applied Humanitarian Research".

Performance Indicators ER 4.3

We measure progress under the Expected Result 4.3 with the indicator "Number and percentage of courts in which there are active CSO court performance evaluation programs", the current status of this indicator is 34 courts which is 4.5% of all courts in Ukraine. No changes were recorded this reporting period in relation to another indicator - "Percentage of partner Civil Society Organizations' performance improvement recommendations implemented by judicial institutions". CSO partners prepared more then 300 recommendations to courts to improve performance and presented them to courts. Monitoring of implementation is currently in progress, we expect the data on this indicator next quarter. Indicator status remains the same as annual 2012.

DONOR COORDINATION

During this reporting period, the FAIR team hosted two Rule of Law donors and implementers meetings:

- On February 6, 2013, Volodymyr Kolesnychenko, Head of the HCJ, informed about the HCJ's activity on forming judicial corps in Ukraine and approaches undertaken to reform the HCJ as a part of constitutional reform, and Volodymyr Butkevych, Law professor, retired judge of the European Court of Human Rights (1998-2008), Member of the Constitutional Assembly and Head of its Commission on Human Rights, made an update on the activity of the Commission on amending the "Human Rights" section of the Constitution of 1996.
- The meeting on March 13, 2013 was dedicated to discussing the experience of the first months of implementing the new Criminal Procedure Code and relevant provisions of the Law on Free Legal Aid in Ukraine. Stanislav Mishchenko, acting Chief Judge of the High Specialized Civil and Criminal Court, provided information about the success and challenges judges faced in applying the new CPC provisions, and Andrii Vyshnevskyi, Director of the Coordinating Center for Legal Aid Providing, informed about the activities and plans of the Coordinating Center in launching the secondary free legal aid system in Ukraine.

Also during this reporting period, the FAIR team attended Parliamentary Technical Assistance Organization Coordination Meetings in January and February 2013.

Finally, 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 February 13, 2103, FAIR met with representatives of the Swedish International Development Agency (SIDA), which funds a new project - Strengthening the Independence, Efficiency and Professionalism of the Judiciary in Ukraine - implemented

by the Council of Europe (COE). Additionally, on February 25, 2013, FAIR met with the Manager of this project from the COE side.

- On February 13, 2013, FAIR met with leadership of the new Canada-Ukraine Judicial Education for Economic Growth Project funded by the Canadian International Development Agency (CIDA).

DELIVERABLES

FAIR submitted the following deliverables this reporting period:

- Work Plan for the period of April 1 to September 30, 2013;
- Judicial Opinion Writing Handbook (the second edition);
- Manual on Human Resource Management;
- COJ website;
- Constitutional Assembly website;
- Public Relations in Courts manual and training curriculum;
- Success story video "Courts and the Public: Civilized Engagement".

LOE UTILIZATION

[redacted]	[redacted]
[redacted]	[redacted]
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ANNEX A: PERFORMANCE MANAGEMENT AND EVALUATION SUMMARY

PERFORMANCE INDICATORS	BASELINE DATA		2012		2013			Cumulative Project End Base Period		Notes and Explanations
	Month/ Year	Value	Annual Target	Annual Actual	Annual Target	**Actual this quarter**	**Annual Actual**	Target[2]	Actual[3]	
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	Oct'11	30	24	22	24	**22**	**23**	30	27	This reporting period, FAIR counts 10 governmental judicial institutions namely: Constitutional Assembly, State Judicial Administration of Ukraine, High Qualifications Commission of Judges of Ukraine, National School of Judges of Ukraine, Supreme Court of Ukraine, High Administrative Court, High Council of Justice, Council of Judges of Ukraine, Verkhovna Rada, Ministry of Justice; and 12 non-governmental legal associations: National Bar Association, Bar Council of Ukraine, Ukrainian Association for Court Advancement, Charitable Organization "Your Right", Regional Public Charitable Foundation "Law and Democracy", Association of Volyn Youth Right Protection, Podillya Human Rights Foundation, TORO Creative Union), Institute for Applied Humanitarian Research, Ukrainian Legal Foundation, Ukrainian Legal Aid Foundation, Foundation for Support Constitutional Reforms

2 Cumulative project end targets revised based on 2012 results.

3 "Cumulative to date" actual data in this table are only those that related to FAIR project. It means that "Baseline" data does not impact the cumulative to date numbers if baseline was calculated under the previous USAID project. However, upon completion its base period FAIR will recalculate cumulative project end base period data with inclusion of baseline data related to FAIR-predecessor project.

PERFORMANCE INDICATORS	BASELINE DATA		2012		2013			Cumulative Project End Base Period		Notes and Explanations
	Month/ Year	Value	Annual Target	Annual Actual	Annual Target	**Actual this quarter**	**Annual Actual**	Target[2]	Actual[3]	
Objective 1: The legislative and regulatory framework for judicial reform complies with European and international norms and supports judicial accountability and independence										
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. Number of laws, regulations, and procedures designed to enhance judicial independence supported with USG assistance	Oct'11	8	2	4	2	**0**	**0**	14	4	No changes occurred this quarter. Indicator status remains the same as annual 2012.
3. Number of revised provisions enacted that reflect Venice Commission recommendations	Oct'11	0	22	3[4]	19	**0**	**0**	22	3	No changes occurred this quarter due to complicated situation in Ukrainian Parliament. Indicator status remains the same as annual 2012.
4. Percentage of Venice Commission recommendations adopted	Oct'11	0	47%[5]	6%	41%	**0**	**0**	47%	6%	No changes occurred this quarter due to complicated situation in Ukrainian Parliament. Indicator status remains the same as annual 2012.
Expected Result 1.2: Constitutional reform related to the judiciary is pursued in an inclusive manner										
5. Number of project-supported communication products issued by civil society organizations on constitutional reform	Oct'11	0	2	0	4	**1**	**1**	4	1	In this quarter the Foundation for Support Constitutional Reforms in Ukraine issued the web-site of the Constitutional Assembly

[4] Data revised in January 2013 based on the analysis of Venice Commission Recommendations and legislative changes

[5] In January 2013 FAIR conducted analysis of Venice Commission Recommendations regarding not only the Law on the Judiciary and the Status of Judges, but also other laws related to the judicial reform including the Constitution of Ukraine. FAIR counted 47 recommendations and revised its target and the actual data on the indicator "Percentage of Venice Commission recommendations adopted"

PERFORMANCE INDICATORS	BASELINE DATA		2012		2013			Cumulative Project End Base Period		Notes and Explanations
	Month/ Year	Value	Annual Target	Annual Actual	Annual Target	**Actual this quarter**	**Annual Actual**	Target[2]	Actual[3]	
6. Number of working sessions on Constitutional reform between law makers and civil society organizations	Oct'11	0	2	1	3	**1**	**3**	4	4	This reporting period we count one meeting of the Constitutional Assembly that took place on February 21, 2013
7. Number of civil society organizations who have experience in constitutional reform participating in public events on the Constitution	Oct'11	0	15	7	30	**15**	**15**	30	15	FAIR counts civil society organizations whose representatives participate in the Constitutional Assembly activity.
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 website with project support	Oct'11	0	10	1	14	**0**	**0**	15	1	No changes occurred this quarter. Indicator status remains the same as annual 2012.
Expected Result 2.1: Ukrainian judges are appointed based on objective, knowledge- and performance-based criteria										

PERFORMANCE INDICATORS	BASELINE DATA		2012		2013			Cumulative Project End Base Period		Notes and Explanations
	Month/ Year	Value	Annual Target	Annual Actual	Annual Target	**Actual this quarter**	**Annual Actual**	Target[2]	Actual[3]	
9. Number of merit-based criteria or procedures for justice sector personnel selection adopted with USG assistance	Oct'11	2	10	2	18	**0**	**15**	20	17	In 2013 FAIR counts the following criteria and procedures approved by the HQC: - 6 judicial selection criteria: 1) theoretical legal knowledge, 2) ability to apply knowledge in practice and correctly draft procedural documents, 3) ability to effectively listen, 4) communicative skills, 5) ability to resist influence and pressure, 6) ability to resolve conflicts, altogether with ability to think logically and analytically; - 8 criteria to evaluate case studies during judicial qualification exams (2 criteria for each case study); - regulation on the procedure of conducting training for candidate judges.
10. Number of procedures within the judicial appointment process improved with project support	Oct'11	0	4	4	5	**0**	**1**	9	5	No changes occurred this quarter. Indicator status remains the same as previous quarter
11. Number of judicial test developers trained with project support	Oct'11	0	20	11	20	**0**	**11**	25	18	No changes occurred this quarter. Indicator status remains the same as previous quarter
Expected Result 2.2: Ukrainian judges are disciplined in transparent processes										
12. Number of criteria, standards and regulations adopted to govern judicial misconduct investigations	Oct'11	0	4	**0**	8	**0**	**1**	8	1	No changes occurred this quarter. Indicator status remains the same as previous quarter

PERFORMANCE INDICATORS	BASELINE DATA		2012		2013			Cumulative Project End Base Period		Notes and Explanations
	Month/ Year	Value	Annual Target	Annual Actual	Annual Target	**Actual this quarter**	**Annual Actual**	Target[2]	Actual[3]	
13. Per cent of judicial misconduct complaints submitted to the HQC using the standardized form	Oct'11	2%	3%	8,9%	10%	**10,2%**	**9,0%**	10%	8,9%	During this reporting period HQC received 3,947 judicial misconduct complaints, including 402 using the standardized form (10,2%). Cumulatively during the period of performance HQC received 22,286 Complaints including 1,993 using the standardized form (8,9%).
14. Number of government institutions placing judicial misconduct complaint form on their website.	Oct'11	1	1	2	1	**2**	**2**	1	2	High Qualifications Commission of Judges (HQC) and High Council of Justice (HCJ) have judicial misconduct complaint form on their websites. Links are http://vkksu.gov.ua/ua/distsiplinarne-provadjennya/zayava-shodo-nepravomirnoi-povedinki-suddi/ and http://www.vru.gov.ua/complaint
15. Per cent of judicial discipline decisions posted on HQC website	Nov'11	47%	80%	81%	100%	**83,8%**	**63,2%**	100%	76,7%	During this reporting period HQC made 37 judicial discipline decisions and posted 31 of them on its website (83,8%). Cumulative numbers are Cumulatively, during 2011-2012, HQC made 309 judicial discipline decisions, 237 (76,7%) of them are on HQC website.
16. Number of judicial disciplinary inspectors trained with project support	Nov'11	0	30	2	30	**0**	**0**	30	2	No changes occurred this quarter. Indicator status remains the same as annual 2012.
Expected Result 2.3: The regulatory and institutional framework for judicial accountability and integrity are strengthened										
17. Number of judicial self-governance mechanisms revised with project support	Oct'11	0	1	0	3	**1**	**1**	3	1	FAIR supported the development of the new Code of Judicial Ethics. Congress of Judges approved it on February 22, 2013.

PERFORMANCE. INDICATORS	BASELINE DATA		2012		2013			Cumulative Project End Base Period		Notes and Explanations
	Month/ Year	Value	Annual Target	Annual Actual	Annual Target	**Actual this quarter**	**Annual Actual**	Target[2]	Actual[3]	
18. Number of judges providing feedback to revisions of judicial self-governance mechanisms	Oct'11	0	100	160	100	**0**	**57**	200	220	Project end target on this indicator met and exceeded in the previous reporting period.
Objective 3: The professionalism and effectiveness of the Ukrainian judiciary are strengthened										
19. Number of USG-assisted courts with improved case management	Oct'11	14	20	22	20	**22**	**22**	30	22	Citizen report cards (CRC) surveys conducted in 34 cooperating courts identified improving case management in at least 22 courts according to court user responses. FAIR CSO partners are in the process of monitoring further improvements of case management in participating courts. The data is expected next quarter. Indicator status remains the same as annual 2012.
Expected Result 3.1: The skills and competencies of Ukrainian judges are bolstered through modern, demand-driven initial and ongoing training programs										
20. Number of judges and judicial personnel trained with USG assistance	Oct'11	2,946	300	875	400	**65**	**209**	3,500	1,062	FAIR trained 65 judges and judicial personnel during the reporting period including 36 men and 29 women (55% and 45% accordingly) during the reporting period. Training events include trainings on distance learning methods and new Criminal Code. Cumulative number for FAIR project is 1,062 including 488 men (46%) and 575 women (54%)
21. Number of new legal courses or curricula developed with USG assistance	Oct'11	8	3	3	3	**0**	**0**	14	3	Activity delay. No changes occurred this quarter. Indicator status remains the same as annual 2012.

PERFORMANCE INDICATORS	BASELINE DATA		2012		2013			Cumulative Project End Base Period		Notes and Explanations
	Month/ Year	Value	Annual Target	Annual Actual	Annual Target	**Actual this quarter**	**Annual Actual**	Target[2]	Actual[3]	
22. Number of TOT trainers created	Oct'11	187	30	59	30	**0**	**0**	70	0	TOT on Criminal Procedural Code conducted this quarter enhanced capacity of existing CPC trainers but did not create new trainers. Thus, indicator status remains the same as annual 2012.
23. Number of judges trained with USG assistance	Oct'11	1,700	200	664	300	**53**	77	2,200	706	FAIR trained 53 judges during the reporting period including 32 men and 21 women (60% and 40% accordingly) on new Criminal Code application and distance learning methods. Cumulative FAIR number is 706 judges trained including 389 men (55%) and 317 women (45%).
Expected Result 3.2: Judicial operations are evaluated and funded according to an objective assessment of needs and performance										
24. Number of court performance standards adopted	Oct'11	0	0	0	5	**0**	**0**	5	0	Pilot testing of the draft of the court performance measurement framework is completed. Based on the results of pilot testing FAIR drafted 10 court performance standards and is planning to submit them to the Council of Judges for consideration next quarter. Adoption of the CPE framework is expected in April – June 2012.
25. Number of courts involved in piloting court performance standards	Oct'11	6	12	13	12	**17**	**30**	12	30	In this reporting period FAIR partner Ivano-Frankivsk Oblast Court of Appeals initiated and started the testing of CPE standards and evaluation modules in 17 local courts of Ivano-Frankivsk oblast. Thus FAIR significantly exceeded the target on this indicator .

PERFORMANCE INDICATORS	BASELINE DATA		2012		2013			Cumulative Project End Base Period		Notes and Explanations
	Month/ Year	Value	Annual Target	Annual Actual	Annual Target	**Actual this quarter**	**Annual Actual**	Target[2]	Actual[3]	
26. Annual citizen report cards score of participating courts	Oct'11	.77 (out of max score of 1)	.82	.82	.87	**.82**	**.82**	.87	.82	8 CSOs completed citizen report cards surveys in 34 courts. Average weighted index score for 34 courts is 0.82
Expected Result 3.3: The SJA's capacity to represent and support the developing needs of Ukrainian judiciary is strengthened										
27. Number of data-fed analytical techniques incorporated into judicial budgeting	Oct'11	0	3	0	3	**0**	**0**	3	0	Case weighting research is underway. No changes occurred this quarter. Indicator status remains the same as annual 2012.
28. Number of project-supported organizational structures within the SJA for the support of information technology, procurement, capital improvement, human resources, statistical collections and analysis activities within the courts	Oct'11	1	7	7	7	**4**	**4**	7	8	During this reporting period FAIR supported sub-groups for developing court performance standards of the SJA Working Group for Innovations and SJA Department for Court Statistics.

PERFORMANCE INDICATORS	BASELINE DATA		2012		2013			Cumulative Project End Base Period		Notes and Explanations
	Month/ Year	Value	Annual Target	Annual Actual	Annual Target	**Actual this quarter**	**Annual Actual**	Target[2]	Actual[3]	
29. 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.	Oct'11	0	4	0	7	**0**	**1**	7	1	No changes this reporting period, the indicator status remains the same as previous quarter.
30. Number of justice sector personnel constructively engaged in long term strategic planning for the judicial branch	Oct'11	0	200	389	0	**0**	**17**	200	399	During this reporting period FAIR engaged 17 justice sector personnel in strategic planning for the judicial branch through focus group discussion in Odessa.
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 public have effective means to engage in dialogue with decision makers regarding judicial reform										
31. Number of project-supported public events organized by Civil Society Organizations on judicial reform	Oct'11	0	10	0	20	**1**	**1**	20	1	This quarter FAIR counts press conference and briefing related to the Constitutional Assembly plenary meeting. This event was organized by the Foundation for Support Constitutional Reforms
Expected Result 4.2: The Ukrainian public are engaged in the judicial reform process through civic education and advocacy activities										

PERFORMANCE INDICATORS	BASELINE DATA		2012		2013			Cumulative Project End Base Period		Notes and Explanations
	Month/ Year	Value	Annual Target	Annual Actual	Annual Target	**Actual this quarter**	**Annual Actual**	Target[2]	Actual[3]	
32. Number of media outlets used by project-supported CSOs to disseminate judiciary related information	Oct'11	0	50	0	50	**9**	**9**	50	9	FAIR partner Foundation for Support Constitutional Reforms involved 9 media outlets in dissemination information on constitutional reform
33. Number of courts offering CSO-produced legal education materials to court visitors	Oct'11	0	20	0	30	**0**	**0**	30	0	Activity delay. No changes occurred this quarter. Grant project started, related outcomes expected next quarter.
Expected Result 4.3: Civil society organizations have means and opportunities to effectively monitor the implementation of judicial sector reforms and provide oversight to judicial operations										
34. Number and percentage of courts in which there are active CSO court performance evaluation programs	Oct'11	20 (2,6%)	20 (2,6%)	34 (4,5)%	34 (4,5)%	**34 (4,5)%**	**34 (4,5)%**	34 (4,5)%	34 (4,5)%	8 FAIR CSO partners completed the implementation of external court performance evaluation by way of citizen report cards (CRC) surveys in 34 courts. It's 4.5% of all courts in Ukraine.
35. Percentage of partner Civil Society Organizations' performance improvement recommendations implemented by judicial institutions	Oct'11	30%	40%	30%	50%	**0**	**0**	50%	30%	No changes this reporting period. CSO partners prepared more then 300 recommendations to courts to improve performance and presented them to courts. Monitoring of implementation is currently underway this, we expect the data on this indicator next quarter. Indicator status remains the same as annual 2012.