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

**QUARTERLY PROGRESS REPORT
APRIL TO JUNE 2013**

Contract No. AID-121-C-11-00002

July 15, 2013

This publication was produced for review by the United States Agency for International Development. It was prepared by Chemonics International Inc.

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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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.

The major objective 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

With the adoption in 2010 of Ukraine's *Law on the Judiciary and the Status of Judges* court administrators were given broader, more independent authorities to manage the courts. However, a lack of clear qualification requirements, poor understanding of the role of the court administrator within the judiciary, and limited professional development opportunities presented the biggest challenges for court administrators. To address these issues, the USAID FAIR Justice Project (FAIR) is helping Ukrainian court administrators to increase their professional skills and gain the knowledge necessary to effectively manage the courts and provide high quality services to public.



Graduates of the Court Administration Certificate Program, FAIR COP David Vaughn and MSU Director of Judicial Administration Program Dr Maureen Conner after the graduation ceremony in Kyiv, June 12, 2013

The most recent result of these efforts was June 12, 2013 graduation ceremony for 40 graduates of pilot Court Administration Certificate Program that was designed and implemented by the School of Criminal Justice of Michigan State University (MSU) in a partnership with the State Judicial Administration of Ukraine (SJA), the National School of Judges of Ukraine (NSJ), and supported by USAID through the FAIR project. This was the first court administration program ever delivered in Ukraine.

Participants of the program were competitively selected among the court administrators from all over Ukraine and included the chiefs of staff of courts of different levels and specializations, their deputies and staff of the SJA. The training program was based on the MSU's Judicial Administration Non-Degree Certificate Program; however, the MSU faculty had to adapt the training materials to the local context and collaborated with the Ukrainian faculty to make them as close to the Ukrainian reality as possible. Topics taught during a two-week training program covered key aspects of court administration including purposes and responsibilities of courts; leadership; resources, budget, and finance; information technology, human resource and case flow management; visioning and strategic planning and others. It was a great opportunity for the participants to learn about the best international practices in court administration from the leading American professors, share their experience and challenges they face in their daily work, and create a professional network with their peer colleagues from different regions of the country.

The training program was very intense, but the result has exceeded all expectations. Each student left the learning experience full of confidence, skill, and knowledge that they did not have when they entered the program. As **Iryna Deyneko, Deputy Chief of Staff, Yenakiyivskiy City Court of Donetsk Oblast**, noted, *"I looked at my work at a completely different angle; I realized that we can organize our work much more efficiently. Participation in this course has changed my mindset completely and I'm eager to share the knowledge and skills I gained with my court staff."* The program required that each student complete a capstone project in order to graduate. They developed a strategic plan to address a specific court improvement need and to transfer their new knowledge to chief judges, court staff, and stakeholders who will support them in implementation of their plan. Some graduates already achieved noticeable results shortly after they came back to their courts, As shared by Tetyana Opanasyuk, Chief of Staff from Rivne Oblast Commercial Court, she was able to improve the work conditions of her staff by reducing the work hours for court registry staff, replacing them with two shorter shifts instead of a day-long one. It had an immediate positive impact on a productivity of the staff and quality of services.

Becoming a graduate of the MSU Judicial Administration Program opens a door for the first Ukrainian graduates to continue their education at the MSU to pursue a master's degree in judicial administration. The next step would be a continued sustainable development of a court administration certificate program at the national level. At the graduation ceremony **Mr. Ruslan Kyrylyuk, Head of the State Judicial Administration of Ukraine** has remarked, *"I'm deeply convinced that court administration must become a profession. And today we made a first step towards achieving this important goal in Ukraine. First 40 out of 15,000 court staff members have been trained thanks to this program, and it is a great start."*

Under Expected Result 3.2, FAIR in cooperation with the Council of Judges of Ukraine (COJ) and the State Judicial Administration of Ukraine (SJA) completed the development of the draft National Standard-based Court Performance Evaluation System (CPE system). The system was successfully tested in 13 Ukrainian courts during the previous reporting period. While the draft CPE system is under final review before submission to the COJ for consideration and approval, Ukrainian courts have started implementing the CPE system. Ivano-Frankivsk Oblast Court of Appeals and the Ivano-Frankivsk Oblast Territorial Branch of the SJA recognized the effectiveness

of the CPE system and successfully conducted a performance evaluation of all 17 local general jurisdiction courts. This initiative included an expert review of selected cases, surveys of judges and court staff, user surveys utilizing the methodology from the Citizen Report Cards (CRC), and court statistical analysis. Evaluating these areas provided insight into the timeliness of court proceedings, effectiveness of court proceeding, court user satisfaction for an overall evidence based court performance evaluation system. Concurrently, the Odessa Oblast Court of Appeals implemented its own internal court performance evaluation. The evaluation criteria and court performance indicators used are part of the developed CPE system. In addition, the Odessa Oblast Territorial Office of the SJA initiated a court performance evaluation for all local general jurisdiction courts. These facts illustrate not only the usefulness of the developed CPE system but also the ability of Ukrainian courts to implement the system using existing resources.

The Council of Judges of General Courts¹ during its meeting on June 5,2013 acknowledged the success of pilot testing the CPE system in Ukrainian courts and recommended the further implementation of the system in Ivano-Frankivsk and Odessa Oblast.

In its Decision #36 of June 5,2013 the Council of Judges of General Jurisdiction Courts (COJGJC) requested the COJ to consider the draft CPE system. In addition, the COJGJC made it mandatory for local and appellate general courts to collect and publish data on: the number of cases pending for more than 1 year, the backlog of cases, the number of new cases, the number of considered cases, the number of decisions cancelled by appellate or higher courts, the number of citizen complaints regarding inappropriate court performance, and court user satisfaction (CRC or other surveys). The above mention indicators are part of the draft CPE system and with the decision of the Council of Judges of General Courts will be released on court websites.

PROJECT ACTIVITIES

As outlined in the contract, the following section contains a discussion of accomplishments, progress in milestone, progress in indicators, and upcoming plans for each Expected Result from April 1 through June 30, 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 where needed, prevent backsliding by launch public discussions. This activity is done in parallel with constitutional reform efforts (see Expected Result 1.2) to put additional stress on enacting justice sector improvements.

On April 12, 2013, the USAID FAIR Justice Project (FAIR) representatives participated in the public hearing on “Role of Supreme Court of Ukraine in the System of General Jurisdiction Courts” organized by the Verkhovna Rada of Ukraine Committee on Rule of Law and Justice. The

¹ Council of Judges of General Courts is the higher judicial self-governance body in charge of the general jurisdiction courts but its not connected to administrative and commercial courts.

hearing was aimed at discussing the role of the Supreme Court of Ukraine in the system of general jurisdiction courts and relevant amendments to Ukrainian laws. In particular, speakers addressed such issues as the Supreme Court of Ukraine authority to review decisions of high courts, the Supreme Court of Ukraine right of legislative initiative, status of decisions of the supreme court of Ukraine plenary sessions, etc. All presented recommendations will be taken into consideration by the Verkhovna Rada of Ukraine Committee on Rule of Law and Justice while drafting amendments to legislation. The Deputy Chair of the Verkhovna Rada of Ukraine, leadership of the Verkhovna Rada of Ukraine Committee on Rule of Law and Justice, Supreme Court justices, judges of high courts, appellate courts as well as leadership of the High Council of Justice, High Qualifications Commission of Judges of Ukraine, State Judicial Administration, Constitutional Assembly, Presidential Administration and judicial self-government participated in the hearing.

On April 23-24, 2013, USAID FAIR Justice Project (FAIR) COP David M. Vaughn

participated in the conference on “Organization of Operations and Administration in the Commercial Courts of Ukraine”, conducted by the High Commercial Court of Ukraine. COP Vaughn gave a presentation on court performance evaluation program in Ukraine to discuss tools to measure internal and external court performance evaluation, including the use of Citizen Report Cards.

On May 14, 2013 the Parliament (Verkhovna Rada) adopted the Law on Amending Certain Legislative Acts of Ukraine concerning Realization of State Anti-Corruption Policy expanding the authority of the COJ of Ukraine over conflict of interest prevention in Constitutional and general courts as well as leadership performance of the High Qualifications Commission of Judges of Ukraine (HQC) and State Judicial Administration.

Pursuant to Expected Result 1.1, FAIR is assisting the Ukrainian Parliament, the HQC, and the High Council of Justice (HCJ) in improving legislation and regulations. The objective of this assistance is to provide better protection of judicial independence. This will be accomplished through amending the Law of Ukraine on the Judiciary and Status of Judges and the Law on the High Council of Justice. In support of Task 1.1.3, there is a need to bring the judicial discipline liability procedure of both laws in line with related provisions of the European Court of Human Rights findings. Specifically the provisions in the *Oleksandr Volkov v. Ukraine* case regarding procedures for disciplining of judges. The ruling provides sanctions with respect to proportionality in judicial misconduct cases and the introduction of statutory limitation in cases that involve dismissal of the judge for the breach of oath.

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, 2013 *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

On January 9, 2013 the European Court of Human Rights (ECHR) announced its decision in *Oleksandr Volkov vs Ukraine* case №. 21722/11. The case involved former Supreme Court Justice of Ukraine Mr. Volkov and his, right to an independent and impartial tribunal under the law. The court established that the dismissal did not follow the law due to the number of procedural violations that occurred during the dismissal process. The Government of Ukraine appealed the abovementioned decision to the Grand Chamber. However, on May 27, 2013, the Grand Chamber rejected the request for referral and the judgment of the Court in *Volkov v. Ukraine* became final.

In its decision the Court stated, “that the nature of the violations found, suggests that for the proper execution of the present judgment the respondent State would be required to take a number of general measures aimed at reforming the system of judicial discipline. These measures should include legislative reform involving the restructuring of the institutional basis of the system. Furthermore, these measures should entail the development of appropriate forms and principles of coherent application of domestic law...”

“...There are many issues, as discussed in the reasoning part of this judgment, indicating defects in the domestic legislation and practice in this area. In sum, the legislative steps mentioned by the Government do not resolve the problems of systemic dysfunctions in the legal system disclosed by the present case.”

“Ukraine must urgently put in place the general reforms in its legal system outlined above. In so doing, the Ukrainian authorities should have due regard to this judgment, the Court’s relevant case-law and the Committee of Ministers’ relevant recommendations, resolutions and decisions.”

FAIR short-term local Judicial Operation Expert Olena Ovcharenko was involved in ascertaining the scope of legislation need to amend the issues identified by the ECtHR in the *Volkov v. Ukraine* case. Based on the expert’s report, FAIR will provide the Parliament Rule of Law and Justice Committee with a list of recommendations that are in line with the Council of Europe’s standards. These recommendations will act as legislative initiatives to be considered by Members of Parliament in the areas of (1) disciplinary procedure, (2) judicial disciplinary sanctions, (3) expanding the authority of the High Administrative Court of Ukraine (HAC). . These activities will be reflected in the next work plan period.

The assignment of FAIR’s short-term local expert Mykola Khavronyuk was to analyze provisions of the Law of Ukraine on the Rules of Ethical Conduct No. 4722-VI of May 17, 2012. The analysis reviewed compliance with constitutional guarantees of judicial independence and provisions of the Law of Ukraine on the Judiciary and Status of Judges of July 7, 2010. The expert developed recommendations on relevant legislative amendments to eliminate any contradictions between the Constitution of Ukraine and international standards of judicial independence and impartiality. As a result of this assignment, the expert will draft the Law on Amending Relevant Legislative Acts. The revised law will aim to keep judges accountable while maintaining judicial independence and impartiality. FAIR will share the bill with interested members of the Parliament for consideration as a legislative initiative in September 2013.

With regard to the role of judicial self-government bodies in forming the budget of the judiciary, the following should be mentioned. The Ministry of Finance notifies each government agency of possible budget for the following year. The SJA receives such information and notifies trial, appellate, and higher courts. Budget requests are then formed and submitted to the territorial offices of SJA or directly to the SJA. Based on court budget requests, the SJA forms a consolidated budget request of the judiciary. This request is submitted to the Ministry of Finance, which usually imposes significant reductions on the requested funding. After review of the budget request, the

Ministry of Finance submits the draft budget to the Cabinet of Ministers before it is submitted to the Budget Committee of the Verkhovna Rada of Ukraine. After passing all these stages the original budget request submitted by the SJA is significantly reduced. In particular, in 2012 the state budget provided funding for courts in the amount of 46% of the original budget requested by the judiciary. To prevent such reductions, international experts on budgeting have produced proposals to amend budget and other relevant legislation to envisage the right of the COJ to process budget needs and directly form the draft budget of the judiciary jointly with the VR Budget Committee.

According to Expected Result 1.1, FAIR is supporting the inclusive development of additional key reform initiatives in the rule of law sector. Last year, FAIR engaged experts from the U.S. and Europe to analyze the budget process of the judiciary and statistical data of courts, as well as to assess the efficiency of the SJA structure. These experts developed certain recommendations that require relevant legislative amendments. In support of Task 1.1.3, there is a need to: (1) analyze legislative and regulatory acts involving the collection and use of court statistics, as well as participation of judicial self-government bodies in forming the budget of the judiciary; (2) provide support to the COJ and the SJA in amending relevant legislative and regulatory acts in order to streamline the structure and functions of the SJA. Currently, there is a need to revise: (1) the way court statistics are collected; (2) the scope of information that is collected for statistical reports; (3) the aim of data collection and relevant ways to use statistical data for court management. Local academic short term Expert Mykola Khavronyuk will be dealing with these issues.

On April 25 and 26, 2013, FAIR jointly with OSCE and the Ministry of Education supported the national conference on the *Legal Education Reform efforts* in cooperation with the National University Law Academy in Kharkiv. The objective of the conference was to present the draft Concept Paper on the needed reform tendencies to the deans of leading law schools. The FAIR Project brought regional expert Mr. David Kareselidze from Tbilisi, Georgia, to provide his country's experience in reforming legal education. After the conference participating representatives expressed interest in a follow on event this fall.

FAIR continues its cooperation to improve the free legal aid system in Ukraine with the leadership of the Coordinating Center for Legal Aid. The Center is interested in developing a methodology for a quality of legal services assessment. FAIR will partner with other donors to provide this requested assistance.

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

PROBLEMS: During the reporting period, the leadership of the Supreme Court of Ukraine changed. Justice Yaroslav Romanyuk was elected Chief Justice. Also, the term of the Head of the High Council of Justice expired. A new appointment will be made in the near future.

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. FAIR will advocate for the passage of needed amendments through inclusive interactions among international experts, civil

Performance Indicators ER 1.1

"Number of laws, regulations, and procedures designed to enhance judicial independence supported with USG" increased by 1 this quarter with the adopted legislative changes regarding anti-corruption police enforcement and expanding the role of the Council of Judges of Ukraine to control the conflict of interest prevention.

There are no changes in status of the indicators "Number of revised provisions enacted that reflect Venice Commission recommendations" and "Percentage of Venice Commission recommendations adopted."

society, and key policy makers. In the next reporting period, FAIR will monitor legislation initiatives concerning the judiciary and will develop comments and recommendations for amendments on an as-needed basis for presentation to the Verkhovna Rada Rule of Law and Justice Committee. Comments and recommendations submitted by FAIR will ensure the opinions of European and Ukrainian experts as well as international standards and best practices are considered during deliberation of legislation.

Efforts will be directed in 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 gaps in these regulations and develop recommendations accordingly.

There is an established level of cooperation 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. There is additional coordination with the OSCE Project Coordinator in Ukraine on the draft laws on higher education and legal education reform, OPDAT Project and Council of Europe (CoE) project on new Criminal Procedure Code (CPC) implementation.

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

ACCOMPLISHMENTS: In this quarter, the Constitutional Assembly (CA) members focused on finalizing the concept paper on needed constitutional changes. In late May, the FAIR Project was asked to provide a preliminary expert review on the improved Concept Paper on Justice Sector Amendments. Short term foreign expert Ms. Lorena Bachmaier delivered her Opinion with generally positive feedback. As part of her opinion, she warned policy makers on the hidden risks for judicial independence in the proposed changes. She questioned the neutrality and independence of the Congress of Judges in High Council of Justice while forming a majority. There is hope that this bill will be partially reconsidered.

Milestone Progress ER 1.2

- Concept paper for the Constitutional Assembly is 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

On April 4, 2013, the USAID FAIR Justice Project (FAIR) DCOP Nataliya Petrova participated in a specialized discussion “Judicial Reform 2010: Does it Bring Ukrainian Justice Closer to the European Norms and Standards?” conducted by Razumkov Cetner jointly with German Foundation for International Legal Cooperation. The event was aimed at discussing and analyzing the first results of judicial reform and prospects of a new (constitutional) stage of judicial reform. Leaders of political parties, Members of Parliament, members of the Constitutional Assembly, representatives of the judiciary, Presidential Administration, High Council of Justice, High Qualifications Commission of Judges of Ukraine, ministries and agencies, diplomatic missions, international projects, non-governmental analytical centers, civil society organizations and the media participated in the discussion.

On June 3, 2013, FAIR organized a meeting of U.S. Federal Judge John R. Tunheim with Constitutional Assembly Coordination Bureau members to discuss the provisions for judicial independence, focusing on the scope of judicial immunity and composition of the High Council of Justice.

Judge Tunheim contributed his vision on the best model constitutional guarantees for judicial independence. Participants of the meeting expressed interest and appreciation for Judge Tunheim's insights and acknowledged the relevance and applicability of his experience in Ukraine.

On June 21, 2013, Constitutional Assembly had its plenary session to consider the draft Concept Paper on Constitutional Changes. As a result of the discussion the draft was not approved and was sent for revision.

FAIR is going to provide its short-term expert Lorena Bachmaier for the academic assessments of this concept paper to contribute to its content by September 2013. FAIR is also working with a second European expert Law professor in constitutional law field Dr. Evgen Tanchev who provided the Constitutional Assembly members with a constitutional reform theory and CoE standards to be followed in this area.

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 held 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.

One of the key issues of the CA operation is its openness and transparency. Upon the recommendation of the President of the European Commission José Manuel Barroso, who welcomed and supported the establishment of the CA in Ukraine, the plenary meetings are now broadcasted live on the web.

Performance Indicators ER 1.2

During this reporting period FAIR NGO partner "Foundation for Support Constitutional Reforms in Ukraine" issued the Constitutional Assembly booklet contributing to the indicator "Number of project-supported communication products issued by civil society organizations on constitutional reform."

This same organization assisted in the organizing and conducting of the Constitutional Assembly meeting on June 21, 2013 and the conference "Modern constitutionalism: problems of theory and practice" contributing to the indicator "Number of working sessions on Constitutional reform between law makers and civil society organizations."

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

ACCOMPLISHMENTS: During the reporting period FAIR staff focused on conducting practice analysis to identify current judicial qualifications (competencies).

FAIR grantee CSO Universal Examination Network (UENet) conducted eight working group meetings to develop content and structure of a questionnaire. Two types of questionnaires were developed one on criminal specialization and the other for civil specialization. Additionally both questionnaires include a chapter devoted to personal skills, abilities, and qualities. This chapter proposes qualities candidate judges should pose and tools for their evaluation.

After the questionnaires templates were finalized, UENet printed and distributed the questionnaires to 447 civil chamber judges and 441 criminal chambers judges. An additional 100 copies of questionnaires were transmitted to the National School of Judges of Ukraine (NSJ). Currently UENet has processed 170 completed questionnaires on civil specialization and 200 on criminal specialization. At the moment, the survey is covering nine regions of Ukraine namely:

- Kyiv Oblast
- Odessa Oblast
- Zaporizhska Oblast
- Kherson Oblast
- Volyn Oblast
- Ivano-Frankivsk Oblast
- Donetsk Oblast
- Khmel'nitsk Oblast
- Autonomous Republic of Crimea

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)

On May 23, 2013 FAIR representatives visited the UENet office with the Grantee Site Visit. During the meeting UENet head Serhiy Mudruk stated that the most positive aspect of the grant process was the active participation of the HQC leadership, particularly the Head of the HQC Mr. Samsin. The active support of the HQC safeguarded the timely implementation of the action plan as well as the active participation of the judges during working group discussions. At the same time, Mr. Mudruk was expressed disappointed with the NSJ's poor participation in the process. Also, according to Mr. Mudruk, judges in Ukraine are afraid to work with civil society organization and donors. However, judges are concerned with the opinion that donors have of them.

Based on the recommendations of the independent monitors and FAIR judicial testing experts, the Project purchased SPSS software for the HQC and the NSJ. The software will provide the counterparts with the ability to conduct analysis of the quality and complexity of every test question and of the test in general. The software was installed on HQC and the NSJ computers and their information technology representatives passed a three-day training on SPSS application.

The HQC completed its office reconstruction and FAIR can start to investigate approaches in automating the judicial qualification exam. With this purpose FAIR involved short-term local Judicial Exam Automation expert Boris Shuster who has already started the investigation.

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 and the annual data for FY2013 is 15. Cumulative data for the indicator "Number of procedures within the judicial appointment process improved with project support" remains 5 and the annual FY2013 data is 1. Cumulative life of project data for the indicator "Number of judicial test developers trained with project support" remains 18 and the annual FY2013 data is 11.

Finally, FAIR produced the final version of the Success Story Video on Successful Implementing of the New Judicial Selection Process in 2012 entitled *Becoming a Judge: Objective Selection and*

Appointment. The video was presented to and appreciated by the HQC Head Ihor Sumsin and the HQC Secretary Anatoliy Martsynkevych.



Success Story Video on Successful Implementing of the New Judicial Selection Process in 2012 entitled “Becoming a Judge: Objective Selection and Appointment” developed by FAIR and agreed with the HQC

As stated by Mr. Samsin: *“The video perfectly presents great goals the HQC achieved in cooperation with FAIR in implanting new rules of judicial selecting”*. The Success Story Video is posted on the HQC and FAIR websites at

(<http://www.vkksu.gov.ua/ua/about/istoriya-vishoi-kvalifikatsiynoi-komisii-suddiv-ukraini/>;

<http://www.fair.org.ua/index.php/index/video/8>). Additionally discs with the Video were distributed among counterparts and citizens during the Verkhovna Rada Information Fair 2013 on May 3, 2013 and the “USAID Tent City” in Ivano-Frankivsk during the celebration of City Day on May 11, 2013.

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

- Based on the results of the survey, draft practice analysis and discuss with counterparts
- Conduct a roundtable to address and discuss results of the practice analysis with representatives of the HCJ, HQC and NSJ
- Based on the recommendations of the practice analysis, promote necessary changes in the judicial special training curricula, regulations governing the judicial anonymous test and the judicial qualification exam
- Investigate with the HQC and other relevant stakeholders possible approaches in automating the judicial qualification exam
- Conduct assessment of software and hardware needs for the HQC in automating the case study evaluation process, and develop a report that include recommendations and necessary steps in order to automate the qualification exam. Present and discuss the report to the HQC

EXPECTED RESULT 2.2: UKRAINIAN JUDGES ARE DISCIPLINED IN TRANSPARENT PROCESSES

ACCOMPLISHMENTS: During this reporting period, FAIR continued supporting the HQC in improving its technical capacity to manage judicial discipline complaints. To achieve this goal, FAIR focused on developing terms of reference for a unified integrated database, which will make the procedures for disciplining, appointing, transferring, and dismissing judges more transparent. In support of the abovementioned task, FAIR selected a grantee to conduct the monitoring of judicial discipline decisions and appeals.

In particular, 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 (Terms of Reference). Mr. Shuster conducted several meetings with the representatives of the HQC Secretariat and the HQC IT Department in order to discuss the detailed structure of the Terms of Reference and the HQC

vision of the future database functioning. Based on the discussions with the HQC Mr. Shuster developed a draft Terms of Reference and forwarded it to the HQC. Once FAIR receives feedback from the HQC, the Database Management will analyze it and provide the HQC with recommendations on the next steps of developing the unified integrated database and the respective electronic documents management system.

In the previous reporting period FAIR awarded a grant for monitoring judicial discipline decisions and appeals to the NGO Institute of Applied Humanitarian Researches (IAHR). During the reporting period, IAHR carried out the following activities:

- Created a database of discipline decisions (adopted from September 2010 by HQC, HCJ, HAC)
- Conducted the discipline decisions empirical research on the basis of the proposed methodology
- Organized two focus groups with judges and conducted 10 deep interviews in order to determine the impact of disciplinary practices on the judicial conduct
- Developed recommendations to the High Qualifications Commission of Judges of Ukraine on improving the content and text of discipline decisions
- Developed recommendations to the National School of Judges on designing judicial trainings based on the results of research carried out by the IAHR
- Developed a draft analytical report «Review of the disciplinary practice regarding judges in Ukraine»

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

During the previous reporting periods, FAIR supported the HQC IT Department in developing and importing search modules for the HQC website. The FAIR-selected subcontractor in cooperation with the HQC IT Department developed the modules and transferred them to the HQC. Also, the FAIR-selected subcontractor conducted training for the HQC IT-specialists on using the modules. Installation of importing modules will make access to judicial discipline decisions easier and will provide more search tools.

SCHEDULE CHANGES: Jointly with the HQC, FAIR planned to conduct training for the HQC disciplinary inspectors and the Commissioners on practical aspects of investigating allegations on judicial misconduct in June 2013. However, taking into consideration

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 procedure 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 on HQC judicial discipline decisions

Performance Indicators ER 2.2

The indicator "Number of criteria, standards and regulations adopted to govern judicial misconduct investigations" did not change and remains 1 as in the previous quarter. "Per cent of judicial misconduct complaints submitted to the HQC using the standardized form" this quarter is 11.8% (cumulative LOP is 9.4%). "Number of government institutions placing judicial misconduct complaint form on their website" is 2. "Per cent of judicial discipline decisions posted on HQC website" is 0% this quarter due to the technical and organizational issues within the HQC, cumulative LOP is 68.5%.

the HQC work schedule and the vacations period FAIR agreed with the HQC upon rescheduling the training for July 24 to July 26, 2013. As one more activity, particularly, finalization of the Manual for Disciplinary Inspectors was directly related to preparation of materials for the training for judicial discipline inspectors, it has been rescheduled for July 2013 as well.

Also, the abovementioned FAIR grantee IAHR planned to conduct a roundtable discussion and share with the HQC results of the monitoring of judicial discipline decisions and appeals in June 2013. Though the draft report on the results of the grant activities was sent to the HQC in advance, the HQC required much time to review it. Therefore, the roundtable discussion has been rescheduled for early July 2013.

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

- Conduct a roundtable and share with the HQC results of the monitoring of judicial discipline decisions and appeals
- Assist the HQC in conducting training for disciplinary inspectors and HQC staff on practical aspects of investigating allegations on judicial misconduct
- Develop a brochure on disciplinary liability of a judge and disseminate the electronic version of the brochure between FAIR partners, courts, and CSOs
- Support the HQC in finalizing the Manual for Disciplinary Inspectors and bringing it in consistency with the newly adopted Code of Judicial Ethics

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 in implementing the Code of Judicial Ethics.

In order to familiarize all judges of Ukraine with provisions of the Code of Judicial Ethics and the Strategic Plan for the Ukrainian Judiciary for 2013 – 2015 (Strategic Plan for the Judiciary) approved by the Congress of Judges in February 2013, FAIR supported the COJ in publication of these two documents. Therefore, FAIR issued a Request for

Proposals for printing the Code of Judicial Ethics and the Strategic Plan for the Judiciary. In order to evaluate the received proposals FAIR organized a meeting of the tender committee, which had been attended by the COJ Secretary Judge Tetiana Kozyr. Based on the decision of the tender committee FAIR signed a contract with the subcontractor for printing the two abovementioned brochures. The subcontractor designed several samples of brochures and forwarded them to FAIR. Once the brochures are approved by the COJ and the State Judicial Administration, the subcontractor will print them. FAIR in cooperation with the COJ and the SJA will disseminate the brochures between all judges of Ukraine and will provide partners with them as well.

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.

SCHEDULE CHANGES: FAIR planned to support the National School of Judges in amending the judicial training programs with regards to newly adopted Code of Judicial Ethics, and in designing an online course for distance learning of judicial ethics for judges and judicial candidates during the previous reporting period. However, the NSJ has been conducting special training for the judicial candidates during last months. Therefore all the efforts were focused on developing new curricula for judges and judicial candidates. Taking this into consideration FAIR agreed with the

NSJ upon postponing the planned activities related to designing online course for distance learning of judicial ethics and amending the curricula on judicial ethics for the next reporting period.

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

- Support the NSJ in the design of an online course for distance learning of judicial ethics for judges and judicial candidates
- Support the NSJ in incorporating proposed changes to the Code of Judicial Ethics in the training curricula of the judicial ethics course, which will be introduced to the judicial training programs
- Work with the COJ and promote the establishment of committees, including committees on ethics, budget and automation, within the COJ

Performance Indicators ER 2.3

No changes occurred this quarter under the ER2.3. Code of Judicial Ethics remains the changed the only data for the indicator “Number of judicial self-governance mechanisms revised with project support”. Project exceeded its target of the indicator “Number of judges providing feedback to revisions of judicial self-governance mechanisms” in the previous reporting periods 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 to build capacity to meet the training needs of different audiences. Particularly NSJ’s ability to conduct initial training programs for judicial candidates and design ongoing training programs for sitting judges and court employees. FAIR will also continue to provide expert support to the NSJ leadership to develop the NSJ Mission statement and Strategic Plan for 2014-2016.

In May 2013, FAIR introduced to the NSJ and the HQC the report *The National School of Judges of Ukraine: Comments on Two Week Training for New Judges & Institutional Capacity*. This report was prepared by FAIR’s Judicial Training and Institutional Development expert Patricia Noonan after a review of the program developed and run by the NSJ to provide an ongoing training program for judges, particularly for those on the bench for the first year. After an audit of the NSJ leadership’s management skills the expert identified the present problems and gaps as well as detected the scope of training needs.

The report provides several key recommendations, in particular, “to adapt the current model plan to new judges’ training needs the NSJ should moving toward foundational courses that integrate some of the existing modules in the model plan and focused on the core competencies and practical skills. For

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 practitioners 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 (achieved)
- Curriculum on Rule of Law and Human Rights for on-going training is developed and presented to the key stakeholders (achieved)
- Curricula on Opinion Writing and Judicial Ethics for ongoing training are updated and presented to the key stakeholders (achieved)
- 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)

that the NSJ needs to assess learner needs; establish goals and objectives of this plan; identify resources - human, financial and facility; formulate lesson plans; identify teaching methods and faculty and develop an evaluating mechanism. Developing a coherent, consistent and quality training program for new judges requires bringing together academics, practitioners and logisticians in a team that will work together to create and implement an instructional design model”.

As it was agreed with the NSJ and the HQC during meetings with FAIR’s expert Ms. Noonan in March 2013, in addition to key recommendations from the Institutional and Training Needs Assessment Report prepared by FAIR’s Institutional and Training Needs Assessment experts Mary Fran Edwards and Daniel Chasles to improve the operations of the NSJ, including developing a mission statement, a strategic plan for the next five years, and to strengthen the management skills of the leadership of the NSJ on May 15-17, 2013, FAIR in cooperation with CIDA/National Judicial Institute of Canada Judicial Education for Economic Growth Project conducted the Workshop for the National School of Judges of Ukraine on *Strengthening of Leadership and Management Skills*. Goals of the event were: enhancing the NSJ leadership and management skills and capacity to conduct effective strategic planning process that leads to design, implementation and evaluation of judicial education programs and as a result of this workshop the NSJ participants acquired effective team building skills and variety of communication strategies that will support team building; understood conflict resolution mechanism and learned additional time prioritizing tools. More information can be found at the *following links*:

http://www.fair.org.ua/index.php/en/index/news_single/129; <http://www.nsj.gov.ua/ua/news/15-travnya-2013-r-s-glibivka/>; <http://www.nsj.gov.ua/ua/news/17-travnya-2013-r-s-glibivka-na-kiivshini/>; <http://www.vkksu.gov.ua/ua/news/mijnarodni-eksperti-dopomogli-natsionalniy-shkoli-suddiv-sformuvati-plan-diy-na-nastupni-dva-roki/>

Experts of this event: Ms. Patricia Noonan, Mr. George Thomson and Mr. Donald Chiasson in their report on workshop stated “that the three day workshop on strategic planning held 15 to 17 May 2013 was a success. The planners took on the task with professional enthusiasm. The quality and amount of work done exceeded the expectations of all the FAIR and NJI personnel involved. The excellent strategic planning documents produced by the NSJ/HQC teams are these: 1) vision statement for the NSJ; mission statement; statement of goals; Strength, Weakness, Opportunities and Threats (SWOT) Analysis; Personal planning that reflects the goals and objectives of the School and 2) Action plans related to: redesigning the programme for newly appointed judges; organizational strengthening; increasing judicial involvement in the work of the School; distance education; physical facilities.”

“The 20 planners from the NSJ and HQC worked very hard to lay a foundation for concrete progress to address the competing issues facing the NSJ. The teams created a very realistic set of strategic planning documents...”
Report on Workshop prepared by experts: Ms. Patricia Noonan, Mr. George Thomson and Mr. Donald Chiasson



Hotel “Glebovka – Zolotoy Ruchey”, Glibivka, Kyiv oblast.

After the workshop the experts made next recommendations:

- Immediate progress on the action plans is key to positive change at the NSJ.
- The momentum gained at this workshop must not be dissipated. The staff and leadership involved must have working time dedicated to accomplishing the tasks set out in the action plans. This work cannot merely be added to existing workloads. This means that priority choices will need to be made.
- Leadership from the NSJ and HQC will be important. This will include demonstrated strong support for the change efforts and oversight to ensure that staff has time and resources to effectively focus on the change exercise.
- The planning process that is ongoing will assist the NSJ to effectively recommend structural change.
- This can be done soon but it should be organizational change that takes the action plans into account.

In June 2013, the Scientific board of the NSJ approved next 6 curricula for initial (3 curricula) and ongoing (3 curricula) trainings for judges, prepared in framework of the Grant Program by the All-Ukrainian Charitable Fund “Ukrainian Legal Foundation” in the next subjects: On Rule of Law and Human Rights, with practical emphasis on the European Convention on Human Rights and Fundamental Freedoms on the case-law of the European Court of Human Rights; On Judicial Proceedings and Opinion Writing and on Judicial Ethics. This Grantee provided the NSJ with hard copies and e-versions of the curricula.

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 the NSJ leadership to develop an NSJ Mission statement and a NSJ Strategic Plan for 2014-2016;
- continue to 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 work in framework of the Grant Program with the Ukrainian NGOs the All-Ukrainian Charitable Fund “Ukrainian Legal Foundation” to assist in improving professionalism and efficiency of the Ukraine’s judiciary through the development and publishing of “The Judge’s Book” which will serve as a resource for the readers to better understand the philosophy of judging and as a benchbook for Ukrainian judges to be used in their everyday (both professional and personal) life.

Performance Indicators ER 3.1

FAIR made measurable progress during this reporting period under the Expected Result 3.1. FAIR trained judicial personnel contributing to the indicator “Number of judges and judicial personnel trained with USG assistance”. This number includes 17 persons certified as trainers for the Court Administration Certificate program contributing to the indicator “Number of TOT trainers created”. FAIR made progress on the indicator “Number of new legal courses or curricula developed with USG assistance” where 6 new curricula approved by the NSJ contribute to the achieving and increasing the project end target on this indicator.

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 completed the developing of the Draft Court Performance Evaluation System (CPE System) in cooperation with the Council of Judges of Ukraine and the State Judicial Administration of Ukraine . After the successful pilot testing of CPE System in Ukrainian courts, FAIR modified the court performance standards, indicators, and criteria according to the results of pilot testing. At the same time, the Appellate Court of Ivano-Frankivsk Oblast one of the FAIR’s partner courts on developing and pilot testing of CPE System -- recognized the importance and effectiveness of the system for sufficient management and reporting purposes, and initiated the process of performance evaluation in all general local courts of Ivano-Frankivsk Oblast. The actual implementation of this initiative became possible due to the cooperation with Ivano-Frankivsk Oblast Territorial Office of the SJA, NGO “Zakon I Poryadok” and FAIR information and consultation support. Seventeen general local courts of Ivano-Frankivsk Oblast conducted internal evaluations of the effectiveness of court administration through survey of judges and court staff, timeliness of court proceedings through expert review of selected cases, and overall court performance through analysis of court statistics. NGO “Zakon I Poryadok” conducted user surveys in these courts through citizen report cards (CRC) methodology.

Currently, Ivano-Frankivsk Oblast Court of Appeals and Ivano-Frankivsk Oblast Territorial Office of the SJA together with leadership of local courts are in the process of analyzing the results of court performance evaluation in order to make decisions to improve court functions in participating courts.

On May 16, 2013, FAIR presented the finalized CPE System and results of its pilot testing together with results of court performance evaluation in Ivano-Frankivsk Oblast at the roundtable discussion “Draft Court Performance Evaluation System in Ukraine, its pilot testing in Ukrainian courts and issues that lead to delays in court proceedings” conducted in cooperation with the COJ and the SJA. A total of 45 participants including representatives of COJ, SJA, Supreme Court of Ukraine, higher courts, appellate and local courts of all three jurisdictions, CSOs, local experts and FAIR’s Court Performance Evaluation expert Pim Albers discussed the results of CPE System pilot testing and provided recommendations regarding the strengthening of the final draft. The delegated COJ representative, Secretary of COJ Judge of High Commercial Court of Ukraine, Tetyana Kozyr, confirmed the willingness of the COJ to consider and approve the developed SPE System

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)

including the controversial Quality of Judgment evaluation module which is considered inappropriate by some representatives of judiciary.



Judge Andriy Volkov, member of the Administrative Courts Council of Judges, Judge Tetyana Kozyr, secretary of the Council of Judges and David M.Vaughn, FAIR Chief of Party at the Court Performance Evaluation Roundtable on May 16, 2013

Following the success of pilot testing of the CPE System, the Odessa Oblast Court of Appeals also conducted its performance evaluation using selected criteria and indicators from this system. In addition, Odessa Oblast Territorial Office of the SJA initiated court performance evaluation process in all local general courts of the Odessa Oblast.

The Council of Judges of General Jurisdiction Courts held its meeting on June 5, 2013 and considered the developed Draft of CPE

System and the results of the pilot testing in Ukrainian courts. The decision from the general courts COJ admitted the positive examples of court performance evaluation in Ukraine in order to strengthen the efficiency in delivery of justice and citizens satisfaction with court services, specifically mentioning successful pilot testing of the CPE system lead by FAIR, which included; performance evaluation in all Ivano-Frankivsk Oblast general courts, Odessa Oblast Court of Appeals internal evaluation and mentioned above current initiative of Odessa Oblast Territorial Office of the SJA. The COJGJC's decision also indicated that it will request COJ to consider the developed Draft of CPE System and approve it. However, the main impact of this quarter regarding the court performance evaluation in Ukraine and as decided by the COJGJC is to make it obligatory for all general courts, local and appellate, to collect minimum court performance data and to publish it on court web page. This data is to be published on each court website includes the following indicators:

- back-log at the beginning of six-month reporting period
- number of cases pending for more than one year
- number of new cases during the reporting period
- number of considered cases during the reporting period
- back-log at the end of reporting period
- number of citizen complaints regarding the inappropriate court performance
- percent of court decisions cancelled or changed by appellate and(or) higher courts
- court user satisfaction survey data

During this reporting period, FAIR also fruitfully cooperated with the SJA on the issue of improving and modernization of the judicial statistics in Ukraine. On May 21, 2013, FAIR supported the roundtable discussion “Improving Judicial Statistics in Ukraine”. Forty-seven participants representing judicial statistics users inside of the justice system (SJA, COJ, courts) and outside of the justice system (Ministry of Internal Affairs, General Prosecutor Office, State Statistics Service, National Security and Defense Council, State Financial Monitoring, civil society organizations, media) participated in this roundtable. SJA presented the current structure and process of judicial statistics data collection, processing, and analysis. FAIR presented the European quality standards for statistical information (Eurostat quality standards) together with the

European Commission for the Efficiency of Justice (CEPEJ) guidelines for judicial statistics. In addition, FAIR initiated court statistics user survey in order to assess current level of compliance of the judicial statistics in Ukraine with the Eurostat quality standards, practical usefulness of CEPEF-recommended indicator and real needs of judicial statistics users in Ukraine. Based on the results of this assessment and following the SJA request, FAIR developed a Draft of the Concept Paper for the Judicial Statistics Reform and submitted it to the SJA for consideration. The Concept Paper identifies the goal and 9 complex objectives of the judicial statistics reform. In addition, the Concept Paper includes more than 25 recommendations regarding the tasks that SJA should implement in order to achieve these objectives. The most significant recommendations, among others, are:

- SJA should revise the quantity of court statistics indicators and delete those that are not used by judicial authorities (Supreme Court of Ukraine, SJA, higher courts and others) to analyze the efficiency of delivery of justice.
- SJA should change the irrelevant indicators to more relevant (for example, use the actual number of judges instead of planned number of judges when calculating average caseload).
- To consider the experience of the International Court Excellence Consortium and CEPEJ recommendations and introduce internationally recognized court performance indicators, among them - average caseload, clearance rate, average duration of case review etc..
- To revise the disaggregation of statistical data by case category, leave no more than 10 of the most significant categories, including 4 categories recommended by CEPEJ.
- To conduct the internal assessments of judicial statistics information on a regular basis and publish the results of these assessments.
- To ensure the adequate staffing in all courts and conduct regular trainings for court staff dealing with judicial statistics.
- To improve management of the process of data provision to judicial statistics users outside of the justice system through the introduction of the regulatory mechanisms (long-term agreements, memorandums on cooperation) with clear identification of the information to be provided and frequency of provision of this information, so as to avoid the provision of the information outside of these mechanisms.
- Introduce the definition of the “available judicial statistics data” as data that exists within the current regulatory framework and do not require the additional efforts and resources for their collection and processing.
- SJA should consider to refrain from publishing the judicial statistics data semi-annually and concentrate on the annual reports only. Semi-annual data should be for the SJA internal use only.

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. Ms. Wiggins is currently working on completing the analysis of data from the objective time study in order to finalize the case weights, and we expect this work to be completed around July 30, 2013. Once the case weights are finalized, FAIR will present the results to the SJA and COJ, and organize a focus group discussion of the case weights. FAIR will then submit the results to the COJ for approval.

FAIR also hired ST expert Elaine Borakowe to work together with Ms. Wiggins on a manual on case weighting, which could be given to the SJA and COJ should they need to undertake additional case weighting efforts. We expect this work to be completed by August 2013.

PROBLEMS: Key counterparts do not have common vision regarding court performance standards and criteria. As an example, it is possible to point out the fact that certain members of the COJ are in favor of evaluating the quality of judgment while other members of the COJ consider it as inappropriate. The same issue exists among chief judges of specific courts. In addition, the COJ and SJA have different views regarding certain recommended court performance indicators, especially those that are related to the court budgeting. In order to overcome this challenge FAIR introduced more changes in the final draft of the CPE System, incorporating comments and recommendations from the different counterparts and allowing a certain level of flexibility when using court performance indicators.

Performance Indicators ER 3.2

During reporting period FAIR involved 18 more courts in the process of pilot testing of court performance evaluation system contributing to the indicator "Number of courts involved in piloting court performance standards" and exceeding target on this indicator. This number includes 17 courts participating in citizen report card (CRC) surveys first time. These courts demonstrate the average user satisfaction score of 0.77. Thus, the cumulative project end user satisfaction data for courts participated in CRC is 0.8 for 51 courts for the indicator "Annual citizen report cards score of participating courts." No changes were made this quarter on indicator "Number of court performance standards adopted".

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 these errors are mere typos, but each needs to be corrected manually, causing a delay in the completion of the study. Additionally, our cooperation with the SJA on any new activities has been suspended by SJA's leadership until FAIR provides financial data on Project events, allegedly required by the Resolution No.152 of Feb. 15, 2002 of the Cabinet of Ministers of Ukraine on Establishing a Unified System for Encouragement, Utilization and Monitoring of International Technical Assistance. However, FAIR's team analyzed the Regulation in question and we believe that this requirement applies only to certain types of data, namely assistance provided in the form of grants. FAIR provided all the data required by the Resolution to the SJA, and had a number of discussions with SJA Head Ruslan Kyrlyuk and his deputy Volodymyr Pivtorak. We hope that this issue will be completely resolved in the nearest future.

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

- Submit the final draft of the CPE system to the SJA for review and further to the COJ for consideration and approval
- Facilitate the COJ consideration and approval of the CPE system through on-going communication with COJ members
- Facilitate meetings with the SJA on discussion of the judicial statistics reform based on the Concept Paper developed and presented to the SJA; identify further cooperation between FAIR and SJA on this subject
- 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 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

- 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 finalize the Court Automation Strategy, prepared by the SJA and FAIR. FAIR finalized the draft based on the results of three focus groups conducted in the previous period and submitted the draft to the SJA. The SJA initiated a number of changes to the draft, including a procedure for updating the Strategy, also prepared by FAIR. On June 25, 2013, the Council of Judges of General Jurisdiction Courts passed the decision to approve the draft National Court Automation Strategy jointly prepared by the SJA, FAIR, and the COJ GJC <http://court.gov.ua/userfiles/52vukonannj%20rishaen.pdf>. The draft was subsequently re-formatted by the SJA and sent for approval to the National Agency for Science, Innovations and Informatization of Ukraine for approval. Currently the Strategy was approved in general, and the SJA will work to submit a detailed action plan for approval over the next two months.

FAIR also prepared a concept for implementation of online/electronic kiosk payments court fee payments in the courts and submitted it for review to the SJA. Once we receive feedback, we will complete the concept and start working with the SJA on its implementation.

In April 2013, FAIR supported the visit of U.S. Ambassador John Tefft to the Donetsk Oblast Court of Appeals. During the visit, Ambassador Tefft got acquainted with the work of the case management system installed by the USAID Ukraine Rule of Law Project (UROL) in the court, and had the opportunity to assess the progress that the court had made towards transparency and timeliness of operations as a result of its automation.



US Ambassador John Tefft (right) visiting Donetsk Oblast Court of Appeals on April 5, 2013.

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).
- Concept for collection of electronic court fees drafted and submitted to SJA (achieved).

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:

- 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 National Court Automation Strategy, explore possibilities to support its implementation via expert assistance and hardware procurement

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

ACCOMPLISHMENTS: During the reporting period, FAIR participated in the USAID Field Day in Ivano-Frankivsk organized by the USAID on May 11, 2013 in conjunction with City Day. It was meant to be a great opportunity for FAIR to present locally-centered activities and successes at booths and involve local beneficiaries. FAIR presented, demonstrated new FAIR videos, disseminated DVDs and arranged the participation of representatives of the Ivano-Frankovsk Court of Appeals with presentation of court's public awareness activities and representatives of the CSOs - FAIR grantees with presentation of their recent activities in the city (CRC survey, assessment of the CRC program, assessment of access to justice for persons with disabilities, activities under the grant program "Civil Society Involvement in the Process of Establishing the Free Legal Aid System").

This event allowed FAIR representatives to establish new contacts with Regional Coordinating Center for Secondary Free Legal Aid under the Ministry of Justice of Ukraine, and advocate working with the Center under the contract. Also, FAIR representatives took part in the International Scientific Conference "Sustainable



FAIR booth during USAID field day in Ivano-Frankivsk. May 11, 2013.

Performance Indicators ER 3.3

During this reporting period FAIR supported subgroups for developing court performance standards and strategic planning within the SJA Working Group for Innovations. In addition, FAIR supported the SJA Departments for Court Statistics. Thus the status of the indicator "Number of project-supported organizational structures within the SJA" is 3 this quarter and cumulative number is 8. No changes this quarter occurred under the indicators "Number of data-fed analytical techniques incorporated into judicial budgeting", "Number of justice sector personnel constructively engaged in long term strategic planning for the judicial branch" (project end target already exceeded) and "Number of project-supported new or improved policies within the SJA."

Milestone Progress ER 4.1

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

Development Community - Basis of National Regional Development Strategy 2020", organized by Vinnytsia Oblast State Council on May 17, 2013. FAIR disseminated information materials about FAIR activities in the field of Judicial Reform implementation and established new working contacts with representatives of the CSOs in the region. FAIR representatives also gave a presentation on the benefits of judicial reform and shared the information regarding civil society engagement into the judicial reform process during section meeting "Civil society involvement into self-governance development strategy process".

During the reporting period, FAIR grantee All-Ukrainian Charitable Organization "Ukrainian Legal Aid Foundation" (ULAF) continued to implement grant program on Civil Society Involvement in the Process of Establishing the Free Legal Aid System. Under this grant program ULAF jointly with the Coordinating Centre for Free Legal Aid Providing of the Ministry of Justice of Ukraine (MOJ) conducted roundtable discussions on "Experience of Implementing New Criminal Procedure Legislation Based on the Practice of Providing Free Secondary Legal Aid" in Vinnytsia, Kirovohrad, Kherson, Uzhhorod, Donetsk, Rivne, Ivano-Frankivsk, Kharkiv, and Simferopol. During the roundtable discussions participants discussed the practice of implementing new criminal procedure legislation in the process of providing free secondary legal aid based on the principles of rule of law and fair justice. Representatives of Oblast Centers for free secondary legal aid providing, judges, lawyers, representatives of human rights organizations, and academics in the field of criminal law and process participated in the roundtable discussions. As a result, a set of recommendations regarding improving cooperation between all participants of the process of providing free secondary legal aid and proposals regarding amendments in relevant legal framework were developed by the Coordinating Centre for Free Legal Aid, provided by the MOJ. Also, under the mentioned grant program, ULAF prepared the following set of public awareness materials promoting secondary free legal aid; 2 draft videos, 3 types of leaflets, a poster, and stickers. All these materials will be produced and disseminated during the next reporting period.

PROBLEMS: Because of some internal institutional problems that occurred in ULAF during the grant implementation and changes in their leadership, there is some slippage in the grant implementation plan. In order to perform all planned activities at the appropriate level and develop all planned materials with appropriate quality, FAIR decided to prolong the grant implementation schedule until the end of July 2013.

PLANS: FAIR will continue to support ULAF in grant implementation and will work further on the set of recommendations regarding improving cooperation between all participants of the process of providing free secondary legal aid and proposals regarding amendments in relevant legal framework, developed by the Coordinating Centre for Free Legal Aid Providing of the MOJ during the next reporting period.

Also, FAIR will continue to support roundtables, fairs, and other events that will help to connect lawmakers with citizens in forums to offer input on legislative provisions. It is planned that during the next reporting period FAIR jointly with the Verkhovna Rada Rule of Law and Judiciary Committee and the Verkhovna Rada Legal Policy Committee will conduct a judicial reform roundtable. The topics for the roundtable will include the following; current status of judicial reform, European standards on judicial independence and accountability, and interrelations between the judiciary and related

Performance Indicators ER 4.1

FAIR grantee Foundation for Support Constitutional Reforms (FFCR) organized the conference "Modern constitutionalism: problems of theory and practice" in cooperation with the Constitutional Assembly. Another FAIR Grantee Ukrainian Legal Aid Foundation organized and conducted 9 regional roundtables on judicial reform. Thus, the indicator "Number of project-supported public events organized by Civil Society Organizations on judicial reform" status is 10 this quarter and cumulative project end status is 11.

institutes. Among the participants of the roundtable will be members of the Parliament, their assistants, staff of the Verkhovna Rada and experts.

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 processes. 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 (FFCR) is the grantee for this activity who prepared 4 types of video clips which were broadcasted through central and regional TV channels more than 256 times during the reporting period. FFCR also prepared and released more than 50 publications such as interviews with the heads of appropriate commissions of the CA, opinion pieces, and articles on the most pressing issues of Constitutional Reform and its interrelation with ongoing judicial reform. FFCR prepared, printed, and disseminated first out of three public awareness brochures on constitutional reform and assisted with communications to the Meeting of CA on June 21, 2013 and international scientific conference “Modern constitutionalism: problems of theory and practice” dedicated to 17th anniversary of Constitution of Ukraine adoption which was organized by Constitutional Assembly of Ukraine, V. M. Koretsky Institute of State and Law of National Academy of Sciences together with Non-Governmental Organization “Fund for Facilitating Constitutional Reforms in Ukraine”. During the next reporting period, FFCR will print and disseminate at least 2 remaining public awareness brochures on Constitutional reform and conduct at least 4 regional roundtables with civil society organizations and media involvement that will help to connect policymakers with citizens in forums to offer input on constitutional provisions.

Milestone Progress ER 4.2

- Initiated development of three new civic education materials (achieved. 4 instead of 3).
- 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).

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 (ULAF). The grantee increased the number of public awareness materials and developed an additional leaflet to the leaflet types prepared earlier to be disseminated through partner CSOs, courts, local centers providing free legal aid, and libraries.

ULAF also prepared a set of publications containing 6 articles on the benefits of judicial reform which will be issued in regional printed and internet media during



Leaflet on the Constitutional Assembly developed by the FAIR grantee.

the next reporting period.

Finally, FAIR supported inter-project cooperation within the USAID project network. In particular, FAIR supported USAID Access to Justice and Legal Empowerment Project (LEP) Tenth Quarterly Meeting in Lutsk in April 2013 and engaged Judge Oksana Zavydoska-Marchuk, Secretary of Civil Chamber of Volyn oblast Court of Appeals to give a presentation to CSO representatives on the representation of clients' interests in the European Court on Human Rights. Among the 50 participants of USAID Legal Empowerment Project Tenth Quarterly Meeting were partner NGOs and legal aid clinics. FAIR arranged the participation of a judge from Volyn Oblast and a court tour for meeting participants.

PROBLEMS: During the reporting period after numerous postpones only one Constitutional Assembly meeting finally took place on June 21, 2013. This delay Constitutional reform public awareness campaign implementation plan and required the prolonged the grant program implementation until the end of July 2013. Also, numerous controversial suggestions to FAIR grantee from the beneficiary complicated the process of approval for public awareness materials, which also contributed to the delay. Political opposition self recusal from constitutional reform led to certain gaps in public discussion, objective and independent coverage of the constitutional process.

Also, as mentioned in previous ER problems description, some internal institutional problems occurred in ULAF during the grant implementation in addition to changes in their leadership, caused delay in the grant implementation plan. This led to the extension of the grant implementation schedule until the end of July 2013.

Performance Indicators ER 4.2

FAIR partner Foundation for Support Constitutional Reforms involved more than 80 newspapers, magazines, internet portal, news agencies, TV- and Radio- broadcasting companies in the dissemination of the information on constitutional reform contributing to the related indicator "Number of media outlets used by project-supported CSOs to disseminate judiciary related information" under the ER4.2. FAIR grantee developed the set of public awareness materials on judicial reform and free legal aid what will contribute during the next reporting period to 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
- Publish the updated set of FAIR public awareness materials; 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 successfully completed activities under the innovative Court Administration Certificate Program. From April 8th, 2013 through April 19th, 2013, forty competitively selected Ukrainian court administrators participated in the Court Administration Certificate Program (the program) implemented by FAIR in partnership with the Michigan State University (MSU), State Judicial Administration (SJA), National School of Judges (NSJ) and Kharkiv City Public Organization “Institute of Applied Humanitarian Research” to increase their knowledge, skills, and abilities to effectively manage the courts. During the two week program, MSU faculty co-taught with Ukrainian faculty the following courses: purposes and responsibilities of courts; leadership; resources, budget, and finance; information technology management; human resource management; caseload management; visioning and strategic planning; court and community communications; education training and development; and essential components of courts. Participants’ perception of the new program was extremely positive. They actively participated in all exercises. At the end of the program participants mentioned that they received experience, skills, and knowledge that they didn’t have when they entered the program. After the course delivery the participants received guidelines on capstone projects and prepared them by end of May 2013. The capstone project required the participant to develop an abbreviated strategic plan to address a court improvement need. This resulted in immediate application of what they learned. Additionally it had the benefit of transferring their new knowledge to chief judges, court staff, and stakeholders who would be involved in implementing the plan. A review of the capstone summary demonstrated the strategic issues that the court administrators tackled with their new-found knowledge, skills, and confidence. The overarching theme of the capstone project was building public trust and confidence in the courts; thus, increasing respect for and reliance on the judicial branch in protecting rights under the constitution. During the capstone project students indicated the following desired outcomes:

- favorable media coverage
- increased court involvement in their respective communities through expanded outreach, education, and information
- increased respect for judges and court decisions

Milestone Progress ER 4.3

- CRC surveys extended to 8 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 fifty 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.
- 8 CSOs presented 34 CRC analytical reports and 319 recommendations on court service improvement to 34 CRC partner courts at 13 regional roundtables.
- FAIR selected CSO to conduct monitoring of judicial discipline decisions competitively selected.
- 10 subject curricula on the court administration certificate program adapted to Ukrainian context.
- 40 court and SJA staff participated in court administration certificate program and earned certificates from Michigan State University.
- Court administrator manual based on court administration certificate program curricula developed and published.
- Assessment report on impact of the CRC program implementation produced.
- Assessment report on equal access to court facilities and services for persons with disabilities produced.

- increased respect for and understanding of the administration of justice transforming the court into a desirable employer that can recruit the best and brightest
- increased salary levels and compensation packages in keeping with the duties and responsibilities of the work
- improved service by both traditional and advanced technology
- increased funding in alignment with the workload and court mandates
- employing technology options to reduce costs, improve service, and enforcement of orders
- separation of duties, responsibilities, and authorities between chief of staff and chief judge; thus, allowing for a clear delineation of tasks related to areas of independent management and areas of cooperation and collaboration resulting in an efficient and effective management infrastructure for leadership and staff to follow.

FAIR in cooperation with MSU faculty evaluated and approved all forty capstone projects. The court administration certificate program also included an evaluation of the faculty and the courses by the participants. On June 12th, 2013, FAIR conducted a certificate graduation ceremony and roundtable in partnership with MSU, SJA, and NSJ. Ruslan Kyrylyuk, Head of the SJA; Oksana Kuchynska, Vice Rector of the NSJ; Jed Barton, Regional Mission Director of the United States Agency for International Development (USAID) for Ukraine, Moldova, Belarus and Cyprus; David Vaughn, FAIR Chief of Party; Maureen Conner, Director of MSU Judicial Administration Program; and Pamela Harris, President of the National Association for Court Management (NACM), Court Administrator of Montgomery County Circuit Court, Rockville, Maryland, USA, participated in the graduation ceremony. Chief Judges of the courts whose employees participated in the program, program faculty, as well as staff of the SJA, NSJ, and representatives of USAID and FAIR attended the ceremony and the roundtable. All forty participants received MSU graduation certificates in judicial administration as well as certificates of the NSJ. Also the participants obtained a status of Michigan State University Judicial Administration Certificate Program participant and have a potential opportunity to continue education there and get a master's degree in judicial administration.

During the roundtable, participants of the event discussed lessons learned in the design and implementation of the certificate court administration program; presented Ukrainian and international best practices in the professional development of court managers; and discussed recommendations and next steps for continued development of a court administration certificate program in Ukraine. "Increasing the level of professionalism of court administrators is a pressing call of the times. This Court Administration Program is the first step towards forming innovative and relevant training programs with the aim of establishing special professional training of chiefs of staff and their deputies as court administrators," emphasized Head of the State Judicial Administration of Ukraine Ruslan Kyrylyuk. "The near-term plans of the State Judicial Administration of Ukraine are to assign training of court administrators under this pilot project to a specialized educational institution or the National School of Judges of Ukraine. This is the best perspective." It is worth to add, that representatives of NSJ are planning to engage the program participants as faculty members for trainings and workshops conducted by NSJ (Linked to ER 3.1, ER 3.2 and ER 3.3).

Additionally to the mentioned-above activities, FAIR grantees Law and Democracy NGO and CCC Creative Center NGO conducted focus groups in 34 CRC courts to analyze the CRC implementation.

Also, Law and Democracy NGO in partnership with the regional office of the National Assembly of Disabled, Ukrainian Society of People with Impaired Vision (UTOS), and Ukrainian Society of

People with Impaired Hearing evaluated the ability of persons with disabilities to adequately access court facilities and court services in the following 18 CRC courts:

- 1) Chernivtsi Oblast Court of Appeals
- 2) Hlybotskyi Raion Court of Chernivtsi Oblast
- 3) Pershotravnevyyi District Courts of Chernivtsi City
- 4) Shevchenkivskyi District Courts of Chernivtsi City
- 5) Lychakivskyi District Court of Lviv City
- 6) Drogobyt'skyi City-Raion Court
- 7) Chervonograd City Court of Lviv Oblast'
- 8) Ivano-Frankivsk Oblast Court of Appeals
- 9) Khmelnytskyi Circuit Administrative Court
- 10) Zakarpatskyi Circuit Administrative Court
- 11) Lviv Circuit Administrative Court
- 12) Khmelnytska Oblast Court of Appeals
- 13) Kamyanets-Podil'skyi City Raion Court
- 14) Kirovohrad Oblast Court of Appeals
- 15) Leninskyi District Court of Kirovohrad City
- 16) Kirovskyi District Court of Kirovohrad City
- 17) Kirovohrad'skyi Raion Court of Kirovohrad Oblast
- 18) Oleksandriy'skyi City-Raion Court of Kirovohrad Oblast



Graduation ceremony of the court administration certificate program, Kyiv, June 12, 2013.

As a part of the activities aimed at evaluation of the access of court facilities and court services for disabled, Law and Democracy NGO conducted six trainings on improving the skills of court staff and Gryfon (court security service) and the quality of their work with persons with disabilities in 18 courts (<http://pravo.prostir.ua/?news=1844&lang=ukr>; <http://rionews.com.ua/news/all/img/n139110423>; <http://karpatnews.in.ua/news/63557>; <http://zakarpattya.net.ua/News/108640-Pro-Zakarpatskyi-okruzhnyi-administratyvnyi-sud-napysaly-movoju-Brailia>).

Law and Democracy NGO presented an assessment report with conclusions and recommendations on equal access to court services and court facilities for people with disabilities during the regional roundtable on June 25th, 2013 in Lviv. Chief Judges of CRC pilot courts, representatives of territorial offices of the State Judicial Administration, NGOs, and FAIR discussed the results of the assessments and recommendations on improving the access for the disabled. Representatives of organizations of the disabled listed the following issues to be addressed in courts:

- Training of certificated sign language translators and assigning them to each court to avoid false testimony
- Legalizing facsimile signature to certify documents by people with impaired vision
- Making case documentation available electronically, so that people with impaired vision can read it using specialized software
- Filing suite by mail
- Responsibility for non compliance of rules of treating people with disabilities

Additionally, during the roundtable Law and Democracy NGO and Creative Center CCC NGO presented reports on the FAIR CRC program impact which included an examination of the recommendations and the ability of the selected courts to implement them. According to Law and Democracy NGO, that conducted evaluation of CRC program in 17 out of the 34 courts, the courts accepted 80.1 % of recommendations and rejected only 10. 2 %. 88. 6 % of recommendations were implemented or are in the process of implementation by the courts. 61.4 % of recommendations can be implemented without additional resources, and 32.9 % of recommendations requires additional resources in the 17 courts. Results of the assessment conducted by Creative Center CCC in another 17 courts showed that courts accepted 77% and rejected 22% of the recommendations. 1% of recommendations are under consideration. The courts completely or partly implemented 68 % of recommendations. Representatives of CRC courts and territorial SJA mentioned that they continue to address CRC recommendations and are interested in future cooperation on implementation of the CRC surveys.

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 51 courts which is 6.8% of all courts in Ukraine.

This quarter we also report on the indicator “Percentage of partner Civil Society Organizations’ performance improvement recommendations implemented by judicial institutions”. CSO partners prepared in 2012 the total of 319 recommendations to courts to improve performance. The 2013 assessment of the implementation of CSO recommendations shows that courts implemented 125 recommendations up to date (39%) and 83 recommendations (26%) are currently underway.

PLANS: During the next quarterly period, FAIR will conduct close-out of the grant and subcontract files. Also FAIR will disseminate reports with results of evaluation of CRC implementation and assessment of the access to justice for persons with disabilities among the stakeholders. The major activities will include the following:

- Conduct close-out of FAIR grants and subcontract files in accordance with FAIR grant and subcontract manuals. (July –September, 2013)
- Present results of evaluation of CRC implementation and assessment of the access to justice for persons with disabilities at a round table organized by territorial SJA and Ivano-Frankivsk Oblast Court of Appeals aimed at increasing public trust to courts (Linked to ER 3.2)(July 12, 2013)
- Disseminate reports with results of evaluation of CRC implementation and assessment of the access to justice for persons with disabilities among CRC courts, SJA, COJ and NGOs.

DONOR COORDINATION

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

- On April 3, 2013, Supreme Court Justice Galyna Kanygina of the Council of Judges of Ukraine presented the plans and priorities for the COJ. This included implementation of the Strategic Plan for the Judiciary for 2013 to 2015 and the Code of Judicial Ethics both of which were approved by the Congress of Judges in February 2013
- On June 11, 2013, Dr. Maureen Conner of Michigan State University presented the lessons learned in designing and implementing the pilot court administration certificate program with the State Judicial Administration and the National School of Judges. In addition, Pam Harris, President of the National Association for Court Management, discussed the importance of promoting professional development of court staff

- June 18, 2013 – FAIR participation in launching the new Project on Strengthening the Independence, Efficiency and Professionalism of the Judiciary in Ukraine (Funded by the Government of Sweden through the Swedish International Development Cooperation Agency (Sida), implemented by Council of Europe)
- On June 20, 2013 David M. Vaughn gave a presentation on Rule of Law and Judicial Reform on National University of Kyiv-Mohyla Academy
- In June 2013, FAIR Project nominated lawyers, legal clinics staff, civic activists, law professors in civil law for the 2013 Open World Program.

Also during this reporting period, the FAIR team attended Parliamentary Technical Assistance Organization Coordination Meetings in April, May, and June 2013. In June 2013, FAIR provided a list of nominees for the Open World (Rule of Law Judges) Program in 2013.

In April 2013, USAID also approved proposal for a Community Connections program theme “Improving public satisfaction with court services through the professional development of court staff in partnership with judicial institutions, associations, and universities” submitted by FAIR. This will include a possible visit to the National School of Judiciary and Public Prosecution in Lublin and Krakow (Poland), as well as a possible visit to Warsaw (Poland) to meet with representatives of the Warsaw High School, which has launched a new specialization program on court administration. The participants will be selected among representatives of leading national judicial institutions and associations, including the State Judicial Administration of Ukraine, the National School of Judges of Ukraine, and the Ukrainian Association for Court Advancement with a focus in Kharkiv Oblast and possibly Odessa Oblast.

DELIVERABLES

FAIR submitted the following deliverables this reporting period:

- Draft Court Performance Evaluation Framework;
- Draft Strategy for Automating the Courts; and
- Court Administration Certificate Program.

LOE UTILIZATION

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	11	23	30	27	This reporting period, FAIR counts 6 governmental judicial institutions namely: Constitutional Assembly, State Judicial Administration of Ukraine, High Qualifications Commission of Judges of Ukraine, National School of Judges of Ukraine, Council of Judges of Ukraine, Ministry of Justice of Ukraine; and 5 non-governmental legal associations: Regional Public Charitable Foundation "Law and Democracy", Institute for Applied Humanitarian Research, Ukrainian Legal Aid Foundation, Foundation for Support Constitutional Reforms and Ukrainian Legal Foundation
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 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	
2. Number of laws, regulations, and procedures designed to enhance judicial independence supported with USG assistance	Oct'11	8	2	4	2	1	1	14	5	During this reporting period the Parliament adopted the Law on Amending Some Legislative Acts regarding anti-corruption police enforcement expanding the Council of Judges of Ukraine authority to control the conflict of interest prevention in Constitutional court.
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	2	4	2	During this reporting period FAIR grantee the Foundation for Support Constitutional Reforms in Ukraine issued the Constitutional Assembly booklet

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	2	5	4	6	This reporting period we count one meeting of the Constitutional Assembly that took place on June 21, 2013 and Conference "Modern constitutionalism: problems of theory and practice"
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	16	16	30	16	FAIR counts civil society organizations whose representatives participate in the Constitutional Assembly activity and FAIR partner Foundation for Support Constitutional Reforms
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	No changes occurred this quarter. Indicator status remains the same as previous quarter. 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										

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	
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.
13. Per cent of judicial misconduct complaints submitted to the HQC using the standardized form	Oct'11	2%	3%	8,9%	10%	11,8%	9,8%	10%	9,4%	During this reporting period HQC received 3,854 judicial misconduct complaints, including 453 using the standardized form (11,8%). Cumulatively during the period of performance HQC received 26,140 complaints including 2,446 using the standardized form (9,4%).
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/distiplinaryne-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%	0%	42,5%	100%	68,5%	During this reporting period HQC made 37 judicial discipline decisions, however none of them are on its web-site. Cumulative numbers are Cumulatively, during 2011-2012, HQC made 346 judicial discipline decisions, 237 (68,5%) 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.

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	
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	0	1	3	1	No changes occurred this quarter. Indicator status remains the same as previous quarter.
18. Number of judges providing feedback to revisions of judicial self-governance mechanisms	Oct'11	0	100	160	100	0	57	200	220	No changes occurred this quarter. Indicator status remains the same as previous quarter.
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	32	32	30	32	FAIR CSO partners assessed changes occurred in 34 courts participated in citizen report cards (CRC) survey program in 2012 and identified that at least 32 courts improved their case management.
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	76	306	3,500	1,165	FAIR trained 76 judges and judicial personnel during the reporting period including 22 men and 54 women (29% and 71% accordingly) during the reporting period. Training events include Court Administrators Certificate Program and Leadership Training for the NSJ. Cumulative number for FAIR project is 1,165 representatives of Ukrainian justice sector including 524 men (45%) and 641 women (55%).

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	
21. Number of new legal courses or curricula developed with USG assistance	Oct'11	8	3	3	3	6	6	14	17	In June 2013 NSJ approved 6 FAIR-developed curricula: 1) Rule of Law and Human Rights for initial training, 2) Rule of Law and Human Rights for ongoing training, 3) Judicial Proceedings and Opinion Writing for initial training, 4) Judicial Proceedings and Opinion Writing for ongoing training, 5) Judicial Ethics for initial training, and 6) Judicial Ethics for ongoing training
22. Number of TOT trainers created	Oct'11	187	30	59	30	17	57	70	82	This quarter FAIR counts 17 Ukrainian trainers certified for the 1 st national Court Administrators Certification Program.
23. Number of judges trained with USG assistance	Oct'11	1,700	200	664	300	0	77	2,200	706	No judges trained this quarter. Cumulatively during the life of project FAIR trained 706 judges 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 expanded to 18 more courts. 10 court performance standards drafted and currently are under the SJA review before the submission to the Council of Judges for consideration. Adoption of the CPE framework is expected in September –October 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	
25. Number of courts involved in piloting court performance standards	Oct'11	6	12	13	12	18	31	12	31	Per initiative of FAIR partner Ivano-Frankivsk Oblast Court of Appeals standards and evaluation modules in 17 local courts of Ivano-Frankivsk oblast conducted pilot testing of CPE system. In addition, Odessa Oblast Court of Appeals conducted selected modules of the CPE System. Thus FAIR significantly exceeded the target on this indicator .
26. Annual citizen report cards score of participating courts	Oct'11	.77 (out of max score of 1)	.82	.82	.87	.77	.80	.87	.80	In addition to 2012 citizen report cards survey in 34 courts (average score 0.82), this quarter Ivano-Frankivsk based NGO "Zakon I Poryadok" with support of the FAIR partner Ivano-Frankivsk Oblast Court of Appeals conducted CRC surveys in 17 local general courts of Ivano-Frankivsk oblast. Average score is 0.77 which makes total score of 0.8 for 51 courts where CRC took place within the FAIR project framework.
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 phase one completed. Phase two is underway. 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	
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	3	4	7	8	During this reporting period FAIR supported sub-groups for developing court performance standards and sub-group for strategic planning of the SJA Working Group for Innovations. In addition FAIR supported the SJA Department for Court Statistics.
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	No changes occurred this quarter, indicator status remains the same as previous quarter where FAIR achieved and exceeded its project end target.
Objective 4: The role of civil society organizations as advocates for and monitors of judicial reform is strengthened										

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
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	10	11	20	11	This quarter FAIR counts the conference “Modern constitutionalism: problems of theory and practice” organized jointly by Constitutional Assembly of Ukraine and FAIR grantee “Fund for Facilitating Constitutional Reform in Ukraine”. We also count 9 regional roundtables on free legal aid experience exchange organized by the Ukrainian Legal Aid Foundation NGO.
Expected Result 4.2: The Ukrainian public are engaged in the judicial reform process through civic education and advocacy activities										
32. Number of media outlets used by project-supported CSOs to disseminate judiciary related information	Oct'11	0	50	0	50	84	84	50	84	FAIR partner NGOs involved the following media outlets this quarter to disseminate constitutional and judicial reform information: 6 information agencies, 21 internet resources, 8 daily national newspapers, 12 national weekly magazines, 2 national TV channels, 28 regional TV channels, 4 local newspapers, 3 national radio stations
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. 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										

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	
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)%	51 (6,8)%	51 (6,8)%	34 (4,5)%	51 (6,8)%	In addition to 34 courts were 8 FAIR CSO partners completed the implementation of external court performance evaluation by way of citizen report cards (CRC) surveys this quarter CRC took place in additional 17 local general courts as part of the Court Performance Evaluation System pilot testing. Total number of courts in which there are active CSO court performance evaluation programs became 51 which is 6.8% 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%	44%	39%	50%	39%	As the result of 2012 citizen report cards surveys in courts, CSO partners prepared 319 recommendations to courts to improve performance and presented them to courts. In 2013 FAIR CSO partners monitored the process of the implementation of recommendations and identified that 125 recommendations implemented in full (39%) and 83 recommendations are currently underway (26%).