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

**QUARTERLY PROGRESS REPORT
JANUARY TO MARCH 2016**

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

April 14, 2016

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 upon initiatives implemented by the USAID Combating Corruption and Strengthening Rule of Law in Ukraine (UROL) project conducted from 2006-2011. In September 2013, USAID extended the FAIR program for an additional three years from October 1, 2013 to September 30, 2016. On December 18, 2014, USAID further added work related to lustration and vetting to the scope of the FAIR program to support the implementation of the newly adopted Law on the Purification of Government.

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

- Development of a constitutional, legislative and regulatory framework for judicial reform that is compliant with European and international norms, and that 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.
- Supporting the implementation of the Law on the Purification of Government.

FAIR by the Numbers October 2011- March 2016

- 593 courts covering every region of Ukraine received assistance.
- Supported 22 government justice sector institutions.
- Targeted programming provided to 47 civil society organizations.
- Promoted eleven amendments to Ukrainian legislation to enhance judicial independence.
- Trained 2,928 judges and judicial personnel.
- 193 trainers qualified under the Training of Trainers Program.
- Developed 12 new legal courses and curricula, including a first ever in Ukraine Court Administration Certificate Program.
- 399 justice sector personnel engaged in long-term strategic planning for the judiciary.
- Supported two national tests of 3,474 and 2,348 judicial candidates respectively.
- 942 judges selected through new merit-based procedures.
- Engaged 26,980 citizens in the process of monitoring and oversight of court performance.
- Involved 383 courts in the process of court performance evaluation.
- Supported the development of more than 900 civil society recommendations to courts to improve court functions.

SUCCESS STORIES AND NOTABLE ACHIEVEMENTS

Under Expected Result 5.4.: *Promote Public Awareness and Civil Society Engagement in the Process of Lustration and Vetting of Public Officials and Judges to Bolster Public Trust and Confidence*, FAIR

supported the Center for Political and Legal Reforms (CPLR) in monitoring of the Ministry of Justice (MOJ) administrative services. On March 15, 2016, the results of the survey were released during a presentation and discussion of the findings of user satisfaction surveys on the quality of MOJ administrative services. This first ever pilot survey involved over 4,500 users of MOJ services between October and November 2015 in Dnipropetrovsk, Lviv, Odesa, and Kharkiv regions, as well as Kyiv City and was conducted by CPLR and its regional counterparts with the support of FAIR.

Acting Mission Director at USAID Regional Mission for Ukraine, Moldova and Belarus John Pennel stated that civil society involvement in overseeing reform of the justice sector is critical to the success of the reform process.

“Better services will increase accountability and severely limit opportunities for corruption. More openness will make administrative services more easily accessible, user friendly, and customer-oriented. But the central measure of their success will be improved Ministry of Justice services as acknowledged by Ukrainians,” he noted.

According to Minister of Justice Pavlo Petrenko, the government should collaborate with the public and consider their opinion in improving the efficiency of their own work.

“Through joint efforts we are going to change this country every day, and this change will be experienced by every common citizen. They will experience the change that will allow them to register a company in 24 hours without queuing, register an apartment without offering a bribe of UAH 500, and obtain any information via the Internet without corruption and any obstacles. The government may be called of high quality and successful only when it provides services and comfort to each person instead of creating problems,” stated Minister Petrenko.

During in-person interviews, users evaluated services provided by territorial justice departments such as: civil registration, registration of real estate, business registration, and legalization of public associations. Nearly 85% of users of the MOJ administrative services were generally satisfied with their quality. However, less than one third of respondents were fully satisfied with the registration of real estate due to long queues and unexpected demands for additional documents that were not included in the law or informational materials. Users of MOJ services rated the professionalism of its staff the highest at 94%. The lowest rates, at 64%, were attributed to the convenience and level of comfort at facilities where services are provided. Among the five issues where up to one third of the respondents were dissatisfied included: lack of free access to toilets, inconvenient fee payment



Minister of Justice Pavlo Petrenko speaking at the presentation of civil society monitoring results of the quality of MOJ’s administrative services on March 15, 2016 in Kyiv.

procedures, problems with accessing free forms, as well as queuing time exceeding 30 minutes. In that regard, 8% of respondents in Kyiv City and Odessa Oblast were queuing for more than 2 hours. In addition, most of the respondents (58%) were dissatisfied with conditions for services provided to persons with disabilities. Based on these findings, CPLR experts developed recommendations for the MOJ to improve services, specifically: ensuring free access and adequate conditions for persons with disabilities, providing registration services at "single-entry" units, increasing reception hours to 40 hours per week, installing payment terminals or establishing bank units, ensuring internet payment processing for services and online availability of free forms, improving the quality of information on official websites, avoiding queues, reducing the time delivering services, and training staff on communications and public relations. CPLR submitted these recommendations to the MOJ's central office and heads of regional departments, including local authorities in the pilot study areas.

In addition, in this reporting period, under 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*, FAIR successfully supported the Yuri Fedkovych Chernivtsi National University Law School (CNU) in developing and adopting the first code of conduct for students, professors, administrators, and support staff ever implemented in Ukraine entitled, "Moral and Ethical Minimum". FAIR International Expert Prof. Thomas H. Rice of Washington and Lee University Law School (W & L, Lexington, Virginia, U.S.A.) provided guidance to the CNU code of conduct working group co-chaired by CNU Law School Dean Petro Patsurkivskiy and Deputy Dean Dmytro Kostya with the participation of law professors and students. Through a series of webinars, Prof. Rice shared information on community ethics and international best practices developing codes of conduct for law schools. CNU unanimously adopted the "Moral and Ethical Minimum" Code on December 24, 2015. On February 16 and 17, 2016, FAIR conducted a workshop for CNU students, law professors, and administrators on the implementation and enforcement of the Code. Following the workshop, CNU plans to refine the Code, develop rules of procedure and enforcement policies, and establish a CNU Committee on Ethics. As Dean Patsurkivskiy said in his welcoming remarks on February 16, 2016,

"Adoption and further work on our Moral and Ethical Minimum is a small, but very important step towards enhanced academic integrity and improved legal education."

Finally, under Expected Result 2.1: *Ukrainian Judges are Appointed on Objective, Knowledge- and Performance-Based Criteria*, on March 4, 2016, FAIR jointly with European Union (EU) Project "Support to Justice Sector Reforms in Ukraine", Council of Europe (COE) Project "Support to the Implementation of the Judicial Reform in Ukraine" and COE and EU Joint Project "Consolidation of Justice Sector Policy Development in Ukraine" supported the High Qualification Commission of Judges (HQC) and



FAIR Expert Pim Albers (second from the right) during the roundtable on "Regular Judicial Performance Evaluation of Judges in Ukraine: Key Aspects of Implementing the Law on the Judiciary and Status of Judges" on March 4, 2016 in Kyiv.

National School of Judges (NSJ) in conducting a roundtable on regular judicial performance evaluation in Ukraine. Participants discussed how to best develop and implement four types of regular evaluation of judges as required by the Law on the Judiciary and the Status of Judges, specifically evaluation (1) by the NSJ trainers based on the results of judicial training; (2) by other judges of the relevant court (peer evaluation); (3) by a judge him/herself (self-evaluation); and (4) an independent evaluation of a judge's performance during public court sessions by NGOs. Representatives of the HQC, NSJ, Council of Judges (COJ), State Judicial administration (SJA), and NGOs participated in the event. In addition to Ukrainian experts, the roundtable included European experts from Austria, the Netherlands, Lithuania and Belgium. Speakers universally stressed the importance of judicial performance evaluation not only for judges themselves, but also for society as a whole. The discussion also focused on the importance of developing and implementing a system of regular judicial performance evaluation in Ukraine in compliance with European standards, in particular considering the objective for such evaluation – helping individual judges identify areas for improvement, highlight strengths and weaknesses, encourage further professional development. Participants also highlighted that regular judicial performance evaluation should be transparent and objective and not used as a tool to punish judges. Recommendations from the roundtable also included the following:

- Evaluation should be carried out with respect to judicial independence.
- Performance evaluation should be based on clear, transparent, and standardized criteria and procedures.
- To assess the work of a judge, it is important that the core competences of this function are clearly defined; there is a need for a clear framework for judicial qualifications to determine if a judge will meet these minimum requirements or that there are areas of improvement necessary.
- A judge should have the possibility to review the results of each type of regular evaluation and provide comments, clarifications and additional explanations.
- Enough resources and time should be dedicated to ensure a sound evaluation process.
- Legislation amendments to improve regular judicial performance evaluation should be initiated.

The HQC will further develop draft regulations regarding regular judicial performance evaluation based on recommendations from the roundtable.

PROJECT ACTIVITIES

Pursuant to section F.5.C.1 of the contract, the following section contains a discussion of accomplishments, progress in milestones and indicators, and upcoming plans for each Expected Result from January 1 through March 31, 2016. Changes from the activity schedule outlined in the work plan and, if applicable, problems requiring resolution or USAID intervention are discussed.

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 continued to work with its partners to improve the legislative and regulatory framework for the judiciary. FAIR also monitored legislative initiatives and analyzed their potential impact on judicial operations, continued its efforts to promote and contribute to inclusive judicial reform. During this reporting period, most of the planned judicial reform

activities were conducted under Expected Result 1.2 as they are related to the Constitutional reform process.

To support FAIR activity, on February 22, 2016, FAIR Chief of Party, David Vaughn, and Head of the Presidential Administration of Ukraine, Borys Lozhkin, signed a Memorandum of Cooperation, which outlines areas for current and future cooperation to promote justice sector reforms led by the Presidential Administration. These areas include: developing recommendations to improve the legal framework, supporting the constitutional reform process, engaging civil society organizations in judicial reform through public outreach and communications activities, promoting bar reform and strengthening standards for Bar admission and disciplinary procedures, and supporting legal education modernization to accommodate rule of law and market economy state needs, which also includes securing the quality of education by improving the accreditation processes and establishing a system for external quality assurance.

Within the scope of Expected Result 1.1, FAIR supported the activities of and participated in the meetings of the Judicial Reform Council by providing expert opinions and subject recommendations.

On March 3, 2016, a Judicial Reform Council meeting took place, during which four issues were considered during the meeting: (1) amendments to the procedural legislation; (2) Concept of the Infrastructure Optimization of the Judicial Administration Bodies; (3) Annual Plans of the Implementation of the Strategy (judiciary 2015-2020) and (4) the proposal amendments to the Law on the Judiciary and Status of Judges. As the result of the meetings, the participants discussed the proposed amendments to the procedural codes and agreed to continue the work over the drafts. The previously presented Concept did not receive the significant comments from the members of the Council, so it was agreed that the Concept would be adopted preliminarily, and by March 11, 2016, all members of the Council were welcomed to submit proposals for its improvement. The Council approved the Annual Action Plan to be the frame for relevant bodies activity. The Council also considered the proposed amendments to the Law on the Judiciary and Status of Judges and agreed to continue the discussion of the draft later.

In parallel, some additional legislative initiatives were registered in the Verkhovna Rada to amend the Law on the Judiciary and Status of Judges, as well as other relevant laws. On February 2, 2016, Members of the Parliament (MPs) Roman Zastavnyi (Narodnyi Front) and Taras Yuryk (Petro Poroshenko Blok) registered in the Verkhovna Rada a draft Law (No. 3880) on Amending Article 81 of the Criminal Procedural Code of Ukraine to review the procedure of the judicial recusal. The draft proposes to provide the chief judge of every specific court with the right to consider motions on judicial recusal. Currently this right is given to the judge/judges against whom such petition is filed. According to the authors of the draft, such novelty will help “promote the optimization of criminal procedural mechanisms for resolving the recusal issue for criminal proceedings participants”. FAIR experts consider this initiative as a possible threat to the judicial independence.

On March 4, 2016, the draft law On Amending Some Legislative Acts of Ukraine regarding the Improvement of Some Legislative Provisions on the Judiciary and Status of Judges (No. 4180) was registered in the Verkhovna Rada. The authors of the draft law are MPs Serhii Aliekseyev (Petro Poroshenko Block), Oksana Syroyid (Samopomich), Ivan Krulko (Batkivshchyna), and Leonid Yemets (Narodnyi Front). The draft law proposes to amend the Law on the Judiciary and Status of Judges as

well as the Code on Administrative Adjudication, Civil Procedural Code, Administrative Offence Code, Criminal Procedure Code, Law on High Council of Justice, and Law on Public Service to: (1) improve judicial qualifications evaluation procedures, (2) introduce new procedures for first judicial appointment, (3) improve life-time appointment procedure, (4) introduce additional mechanisms to ensure the integrity and transparency of the judiciary, and (5) introduce procedures for “renewal” of the judicial corps. FAIR experts positively evaluated the draft law as it sets out clearer procedures for the appointment and qualifications evaluation of judges – such as the improvement of the judicial dossier content – and establishes improved ways to promote judicial professionalism and integrity, including the introduction of a declaration of integrity, declaration of kinship, and monitoring of the judges lifestyle.

On March 11, 2016, the draft law On Amending Criminal Code of Ukraine (Regarding Liability for Avoiding Objective and Fair Automated Case Random Assignment) (No. 4203) developed by the MP Evgeniy Muraev (Oppositional Block) was registered in the Verkhovna Rada. The author of the draft law proposes to amend the existing Article 376-1 in order to expand the criminalization for abuse of automated case assignment system.

During the reporting period, Olena Ovcharenko, short-term FAIR expert with the extensive research and teaching experience, worked on the gaps and inefficiencies in the current legal framework. She conducted meetings with the key stakeholders, such as the HCJ, HQC, NSJ and SJA, to identify the practical implementation problems, inconsistencies, and areas for the possible improvement. Now Ms. Ovcharenko is finalizing a list of recommendations to amend the Law on the Judiciary and Status of Judges, the Law on the High Council of Justice, as well as other relevant legislation. In the next work planning period FAIR will disseminate the recommendations and will work out to lobby for their consideration.

Pursuant to the Task 1.1.2, FAIR continued – through various discussion forums and public awareness activities – to advocate for the passage of amendments to the justice sector legislation. To support comprehensive judicial reform, FAIR continued its efforts in providing the platform for the dialogue between the stakeholders.

On February 18, 2016, FAIR jointly with EU Justice Sector Reform Project and Council of Europe Project “Support to the implementation of the judicial reform in Ukraine” supported the Council of Judges of Ukraine in conducting the conference on “Constitutional Reform: Promoting an Independent, Accountable, Transparent and Efficient Judiciary in Ukraine”. U.S. Ambassador Geoffrey Pyatt, in his speech at the conference, underlined that government and judicial reform must remain a priority for the Government of Ukraine. Ambassador Pyatt noted that during the Revolution of Dignity, Ukrainians demanded significant changes in their government, called to embrace European values, and make Ukraine truly



U.S. Ambassador Geoffrey Pyatt told a conference on constitutional reform in Kyiv on February 18, 2016.

democratic by strengthening the rule of law, building a transparent and accountable government, and electing honest, uncorrupted leaders.

The event offered a forum for discussion on how to achieve consensus among stakeholders on the changes required to the Constitution to strengthen the independence, accountability, transparency, and efficiency of the judiciary. Oleksiy Filatov, Deputy Head of the Presidential Administration of Ukraine; Valentyna Simonenko, Chair of the COJ, Supreme Court Justice; Marius Janukonis, Ambassador of the Republic of Lithuania in Ukraine, and Hanne Juncher, Head of the Justice and Legal Cooperation Department, Directorate General of Human Rights and Rule of Law, Council of Europe, participated in the conference. The participants of the Conference discussed the major draft changes to the Constitution aimed at promoting judicial independence, accountability, transparency, and efficiency to build consensus amongst key stakeholders to advance adoption of constitutional amendments related to the judiciary and to promote adoption and implementation of constitutional amendments related to the judiciary.

Moreover, on March 3, 2016, the FAIR supported the HCJ, High Administrative Court (HAC) and Interim Special Commission for Vetting of Judges of the General Courts (ISC) in conducting a meeting to discuss the overlapping powers of the HCJ and ISC, along with other procedural issues of the HCJ operations.

In addition, FAIR took part at the USAID University Day in Donetsk National University currently located in Vinnytsia on March 14, 2016. FAIR representatives delivered presentations to inform students on judicial and constitutional reforms in progress and about the FAIR activity on improving the quality of legal education to meet job market demands. FAIR disseminated public awareness materials, including brochures, leaflets, and videos on the judiciary and judicial reform. Over 40 law students participated in FAIR's interactive session during the event.

Further, pursuant to the Task 1.1.4, FAIR continued to support the inclusive development of key reform initiatives in the rule of law. FAIR grantee National Association of Mediators of Ukraine (NAMU) is implementing the Grant Project "*Promoting Practical Implementation of Mediation and Establishing Interaction with the Justice System in Ukraine.*" During the reporting period, the grantee conducted a number of expert meetings and public events to discuss the status of the mediation as an alternative dispute resolution (ADR) tool and its potential development in Ukraine. On March 21, 2016, the NAMU conducted the roundtable discussion at the Legal Policy and Justice Committee of the Verkhovna Rada to present and discuss the controversial provisions of the draft laws on mediation in order to find the common ground to proceed with the adoption of the law, which was registered at the Verkhovna Rada. The discussion gathered nearly 100 participants and resulted in the agreement to develop the unified draft law, which will be the result of consensus built among the authors of the alternative drafts. This activity will be continued in the next work planning period.

Milestone Progress ER 1.1

- Drafted amendments to the Law on the Judiciary and Status of Judges (amended according to Venice Commission recommendations) and introduced it to the President's Office for consideration.
- Draft Law on the Bar and Advocates activity was submitted to the Verkhovna Rada of Ukraine on April 28, 2012, adopted on July 5, 2012, in force from August 15, 2012.
- Held three public discussions on pending judicial reform legislation. (December 20-21, 2011, Conference on Judicial Reform in Ukraine and International Standards for Judicial Independence; October 5, 2012, Conference on Constitutional and Legal Status of the High Council of Justice: Theory and Practice; March 21, 2013, Conference on Role and Place of High Councils of Justice in Forming the Judicial Corps; and December 4, 2014, Stakeholders' Platform Meeting "Lustration of Judiciary: Ukrainian and International Practices").
- The Third Annual Conference on "Judicial Training Standards: International Best Practices and Objectives for Ukraine" conducted in cooperation with the NSJ.
- Launched research on European judicial self-governance standards and best practices.
- International conference on "Role of Administrative Case Law and Its Impact on Public Law Development" conducted.
- Recommendations to improve HQC Regulation on Transferring Judges within Term of their First Appointment developed.
- Concept paper on amendments to the Law on Access to Court Decisions developed.
- International conference on "Role of the Supreme Court in a Democratic Society" conducted.
- The Law on Amending Certain Legislative Acts of Ukraine concerning Realization of State Anti-Corruption Policy adopted.
- The Law of Ukraine on the Restoration of Trust in the Judiciary of Ukraine adopted on April 7, 2014.
- Draft amendments to the Law on the High Council of Justice developed and introduced for the consideration of HCJ staff and newly appointed members of the HCJ.
- Chief Justice Yaroslav Romaniuk took part in the Conference of Chief Justices of Central and Eastern Europe (June 22-25, 2014, Tbilisi, Georgia).
- The Draft Law No. 1497 On Amending the Law on the Judiciary and Status of Judges and Other Legislative Acts Regarding the Improvement of the Basis for Organization and Functioning of the Judiciary with Respect to European Standards registered in the Verkhovna Rada.
- The Draft Law No. 1656 On Ensuring the Right for the Fair Trial Standards registered in the Verkhovna Rada.
- The Law on Ensuring the Right to Fair Trial adopted.
- Draft Concept Paper on Legal Education Reform developed and presented to the members of the Working Group on Legal Education Reform in Ukraine.
- International Conference "Improvement of Legal Education in Ukraine: Fundamentals" held at the Yaroslav Mydryi Kharkiv National Law Academy.
- Legal job market survey as to the legal employers' expectations regarding law graduates' knowledge, skills, professional attitudes, and values conducted and the results thereof presented to the MOE, MOJ, and the public.
- Methodology for Independent External On-site Assessment of Legal Education Quality (Methodology) developed, submitted to the MOE and MOJ, and publicly presented to the leadership of Ukraine's law schools.
- On-site legal education quality assessment of the LNU Law School and the CNU Law School conducted and respective assessment reports developed and publicly presented.
- 15 faculty members from ten Ukrainian law schools trained on using the Methodology.
- Nine LNU Law School faculty members received basic training on developing quality test items.
- Strategic Plan and Action Plan for the LNU Law School developed and publicly presented.
- International Conference "Modern Trends in Legal Education" held at the LNU Law School.
- Rule of Law Lecture Series launched at the UCU Rule of Law Center, four rule of law lectures delivered in Lviv and broadcast online.
- Taras Shevchenko Kyiv National University Law School team and Kyiv-Mohyla Law School teams reported on their participation in international student competitions in law.
- Draft National Legal Education Standard (bachelor's degree) internationally reviewed, the expert reports with recommendations on improving the draft in light of international standards and best practices of education quality assurance presented and publicly discussed.
- Chief Justice Yaroslav Romaniuk took part in the Conference of Chief Justices of Central and Eastern Europe (October 11-14, 2015, Brijuni, Croatia).
- Recommendations for improving regulations and policies regarding access to courts developed.
- CNU Law School Code of Conduct adopted.
- International on-line anti-corruption course in cooperation with the W&L Law School prepared and is being implemented.
- MOE pilot admissions testing of candidates for Master's degree programs in law is being prepared for piloting in July 2016.

During the reporting period, FAIR continued to work on strengthening legal education in Ukraine. To this end, on February 4, 2016, FAIR signed a Protocol of Cooperation with the Ministry of Education and Science of Ukraine (MOE), outlining areas for current and future cooperation to promote legal education reform in accordance with international and European standards. This includes further work on drafting national standards for legal education and piloting the first ever independent, external admissions test for master’s degree programs in law (pilot admissions testing). In addition, Acting Minister of Education Inna Sovsun and FAIR Chief of Party David Vaughn discussed long-term strategies for reforming legal education in response to social demands and job market requirements for more highly qualified lawyers, judges and prosecutors. FAIR and MOE also discussed activities to enhance academic integrity, strengthen the quality of teaching law, and improve the level of legal research and writing in Ukraine.



Acting Minister of Education Inna Sovsun and FAIR Chief of Party David Vaughn after signing the Protocol of cooperation on February 4, 2016.

FAIR assisted the MOJ and MOE in discussing the optimal structure of legal education in Ukraine among policymakers, representatives of lawyers’ professional associations, employers, academics, and law students.

On March 18, 2016, FAIR supported an MOJ roundtable discussion entitled “Optimal Structure of Legal Education in Ukraine: Two-Tier Model (“Bachelor – Master”) or Cross-Cutting Master Program?”. Representatives of four key groups of legal education stakeholders (policymakers, professional associations of lawyers, academics, and law students) shared their views on the future of legal education reform in Ukraine in light of modern job market demands while also discussing possible public policy solutions for improving the quality of legal education. Deputy Minister of Justice Sergii Petukhov opened the event:

“Imperfection of the legal education system is conditioned by two factors. Partially – by corruption and backwardness of legal education, its failure to meet modern needs of employers. Legal business is dissatisfied with the general level of legal education and believe that it neither gives profound new knowledge nor develops practical skills.”

He emphasized that the issue of legal education is critically important for the MOJ as well as for the development of the country. He also connected the poor level of legal and justice systems operation to the old fashion curricula, limited understanding of the democracy values and corruption oriented mentality.

According to Inna Sovsun, First Deputy Minister of Education and Science, a modern system of legal education should be created by joint efforts of the academic community, employers, and government.

“The objective of this roundtable is to learn and hear as much information and arguments on the issue as possible in order to make the right decision matching public interest.”

Ms. Sovsun also informed participants about the development of national standards for legal education – a first for Ukraine.

“Currently we are creating academic and methodological committees. Many people are taking part in the competitive selection of committee members. We shall do our best to engage in this work the most trained and qualified,” she added.

A wide range opinion discussion among participants resulted in the conclusion that the current two-tier legal education system for preparing lawyers has substantial flaws. Graduates with a Bachelor’s degree have limited opportunities for entering legal practice in key legal professions, such as judges, advocates, public prosecutors, or public notaries, where a Master’s degree is required. Introduction of a Master’s degree as a base degree for lawyers in Ukraine – as with doctors, pharmacists, and veterinarians – is a necessity to meet modern job market expectations some participants argued. This step will increase the base requirements for law schools as well as minimize the amount of time and resources needed to prepare a quality legal professional to modern job market demands.

Roundtable participants also noted that there is an urgent need to establish an inclusive MOJ-MOE working group on developing a Legal Education Reform Strategy and Action Plan. The working group would develop a comprehensive vision for introducing a Master’s degree as a required degree for lawyers to practice law as judges, Bar members, prosecutors, notary and legal councils. The working group would also discuss the potential impact this change would have on Ukraine’s legal education system, and how to mitigate and eliminate possible risks. The working group would also conduct a thorough analysis of legal job positions available for graduates with a bachelor’s degree and respective job descriptions. Based on the analysis results, the working group will ultimately provide recommendations regarding necessary changes in the National Classification of Professions and Positions and related legislation. FAIR will continue to advocate for establishing the MOJ-MOE working group on developing the Legal Education Reform Strategy and Action Plan and, once established, provide it with necessary expert support.

FAIR continued to assist the MOE and MOJ in preparing and implementing the pilot admissions testing as prescribed in the respective Government of Ukraine (GOU) Decree of January 27, 2016 (<http://www.kmu.gov.ua/control/uk/cardnpd?docid=248863575>). The overall goal is to ensure fair and corruption-free admission to graduate programs at ten law schools that volunteered to partake in this pilot project. To this end, FAIR supported the MOE in conducting coordination meetings for representatives of the MOE, the Ukrainian Center for External Education Quality Testing, the OSCE Project Coordinator in Ukraine, the Ukrainian Standardized External Testing Initiative (USETI) Alliance, the Universal Examination Network, and volunteer law schools on January 27, February 22, and March 28, 2016. These meetings resulted in the advancement of preparations for the pilot testing by developing the concept, program and test specifications. Since the pilot testing will also examine the candidates’ abilities to study law at a master’s level, FAIR engaged FAIR Local Expert Sergiy Rakov to support the MOE in designing the concept, program and specifications for the abilities testing. Mr. Rakov also developed three sets of 30 quality test items to test reading comprehension, logical reasoning, and analytical reasoning.

Further, FAIR engaged FAIR Local Expert Serhiy Mudruk who conducted trainings on test item writing and preparation for 60 law professors from participating law schools on January 28 and 29, 2016 in Kyiv and February 9 and 10, 2016 in Lviv. During the training programs, participants learned international standards and best practices to develop, peer-review, pilot, and calibrate quality test items, as well as create a database of quality test questions. Owing to a separate training program implemented to advance quality of legal testing at the Lviv National University (LNU) Law School in April 2015 – February 2016, this law school gained basic capacity to ensure quality legal testing. In addition, FAIR supported the LNU Law School in creating statistical analysis modules for the university’s computer-based testing system to build the technical and statistical capacity of LNU and advance the establishment of the LNU Center for Excellency in Legal Testing.

Furthermore, FAIR provided printed copies of the FAIR-developed Manual for Test Item Writers, the Manual for Test Items Piloting, and other training materials to the test item developers delegated by the Taras Shevchenko Kyiv National University Law School and the Vadym Hetman Kyiv National Economic University Law School, which recently joined the pilot admissions testing project. Based on the FAIR materials, Universal Examination Network President Serhiy Mudruk, on March 30 – April 1, 2016, conducted a pro bono training for ten representatives of these law schools.

During the reporting period, FAIR further engaged Ukrainian bar associations in the legal education reform process. The Association of Ukrainian Advocates (AUA) – January 28, 2016 – and the Association of Ukrainian Lawyers (AUL) – February 18, 2016 – both established committees to oversee and contribute to the process of modernization legal education in Ukraine based on a FAIR concept paper. This engages the legal community for the first time to developing standards for the legal profession that will serve as a basis for legal education standards. This work resulted from a FAIR survey on legal job market expectations that identified the knowledge, skills, and abilities that law graduates should possess to meet modern market demands. Both the AUA and AUL actively participated in the survey and will now play a key role as advocates for legal education reform. More information about the AUL Commission for Advancement of Legal Education is available in Ukrainian at: <http://uba.ua/ukr/news/4179/>. With the AUA and the AUL institutionalizing their role as active legal education stakeholders, FAIR will further engage them in building bridges between the law schools and the legal profession. FAIR encouraged other Ukrainian lawyers, particularly the National Bar Association of Ukraine, to consider the possibility of joining this activity.

FAIR also provided the LNU Law School with support to develop an LNU code of conduct for students, professors, administrators, and support staff. However, this law school so far has not adopted their code of conduct due to the lack of leadership on the part of the LNU Dean’s Office. On February 19, 2016, FAIR conducted a workshop for LNU students, law professors, and administrators on the development, adoption, implementation, and enforcement of the code. Following this workshop, LNU plans to adopt the code, develop rules of procedure and enforcement policies, and establish an LNU Committee on Ethics. FAIR will continue to advocate for the LNU Law School to develop of the code, monitor the developments at the LNU Law School in this regard and provide further support as necessary.

During the reporting period, FAIR shared its experience supporting the development of codes of conduct with the leadership and other representatives of the Strengthening Academic Integrity in Ukraine Project (Academic Integrity Project), implemented by the American Councils, and agreed on cooperation to promote academic integrity in Ukraine. On March 30, 2016, CNU Law School Dean and FAIR Judicial

Accountability Coordinator took part in the roundtable discussion at the Kyiv-Mohyla Academy titled, “Academic Integrity Concept: Current Problems and Ways to Solve Them”. First Deputy Minister of Education and Science Inna Sovsun actively participated in this event, which brought together policymakers, academics, civic activists, and practitioners, and served as a forum for sharing best practices to strengthen academic integrity in Ukraine.

In addition, FAIR built upon cooperation with the LNU Law School and the CNU Law School by supporting the implementation of the first on-line anti-corruption course in Ukraine, in cooperation with the Washington and Lee University Law School. The course provides for ten two-hour classes taking place on Thursdays during this year’s spring semester. The first class within this course took place on February 11, 2016 providing an opportunity for LNU, CNU, and W & L students to work together live on the same course. On February 17, 2016, Prof. Rice conducted a workshop on the course for the CNU faculty and students involved in it to discuss in detail the goals of the course, the outline of classes and development of hands-on practical applications of anti-corruption law and treaties as well as outline potential for working with the MOJ and CSOs. Prof. Rice conducted a similar workshop for LNU faculty and students on February 18, 2016, followed by the next live anti-corruption class with video participation from the CNU Law School and the W & L Law School.

This course already served as a model for international academic cooperation to promote quality legal education, strengthen academic integrity, and combat corruption overseas. On March 17, 2016, Prof. Rice presented this course in a program sponsored by the Independent Commission Against Corruption of Mauritius (ICAC) and the United Nations Office on Drugs and Crime (UNODC) at the ICAC Model of Conference of States parties, engaging students from Mauritius. Prof. Rice taught his LNU, CNU and W & L students from Moka, Mauritius, where the on-line course participants were joined by over 180 observers from Mauritius, including academics, university students, representatives of civil society organizations and Independent Commission Against Corruption of Mauritius (ICAC) officers. The highlight of the class was the student presentations over video conferencing, demonstrating to this audience the power of multinational legal teaching in anti-corruption. This class served as a model for legal education and anti-corruption efforts in Mauritius, and with the Small Island Developing States with the United Nations Office on Drugs and Crime, with the support of the Sixth Session of the Conference of States parties Conference Resolution 6/9.

FAIR also continued to work on raising public awareness about the role of rule of law in a democratic society. To this end, on February 10, 2016, FAIR International Expert Prof. Hans Petter Graver of the University of Oslo delivered a lecture at Kyiv-Mohyla Academy entitled, “The Immoral Choice – How Judges Participate in the Transformation of Rule of Law to Legal Evil”. This event helped to raise public awareness about the role of judicial accountability in ensuring the rule of law. Prof. Graver is the author of the groundbreaking book "Judges Against Justice. On Judges When the Rule of Law is Under Attack". Over 120 law students, instructors, judges, advocates, and other legal professionals and public officials benefited from the event.

On March 2, 2016, FAIR jointly with the Ukrainian Catholic University (UCU) Rule of Law Center in Lviv conducted the sixth rule of law lecture. FAIR International Expert Pim Albers of the Netherlands delivered a broadcasted lecture on the “Rule of Law and Reforming the Judiciary: Should this be based on international standards or is an 'a la carte solution' required?”. The event helped raise public awareness about contemporary developments ensuring the rule of law through best practices in judicial

reform. It also helped to strengthen the understanding of the rule of law among the over 60 Ukrainian law students, academics, legal practitioners, and public officials who participated. In addition, the live broadcast attracted over 100 unique viewers. The Rule of Law Lecture Series promotes quality legal education and contributes to efforts to advance legal and judicial reform in Ukraine in line with international and European standards. Mr. Alber's complete lecture is available at <https://www.youtube.com/watch?v=rytyiRDvIjw>.

Finally, on March 27 and 28, 2016, upon the invitation from the MOE Department of Secondary and Primary Education, FAIR Judicial Accountability Coordinator Artem Shaipov joined the panel of judges of the 24th All-Ukrainian Competition in Law among 64 high school students from all around Ukraine. The MOE organizes this annual competition dedicated to rising legal education in secondary school. This year the competition took place in Bila Tserkva, Kyiv Oblast. Using this outreach opportunity, FAIR presented its efforts to assist the MOE in modernizing legal education in Ukraine as well as distributed the FAIR-produced materials among the competition participants.

SCHEDULE CHANGES: The activities planned for this reporting period are conducted in accordance with adjustments in project partners' activity plans stemming from Ukraine's changing political situation.

PROBLEMS: This reporting period was mostly dedicated to the development of constitutional amendments, thus most of the activities were conducted under Expected Result 1.2.

PLANS: In the next reporting period, FAIR plans the following activities in order to achieve Expected Result 1.1:

- FAIR will continue to analyze both registered bills and newly adopted legislation to ensure their proper implementation with the aim to identify the gaps and shortcomings that need to be addressed. FAIR will work with its partners in the legislative area to ensure that the new laws are adopted in line with the rule of law principle requirements.
- FAIR will conduct a study visit to Bonn, Düsseldorf, and Cologne, Northern Rhine Westphalia, Germany conducted for 12 representatives of the MOE, the MOJ, the Verkhovna Rada Committee on Science and Education, the Verkhovna Rada Committee on Legal Policy and Justice, the HCJ, and five leading law schools.
- FAIR will provide the CNU Law School, the LNU Law School, and the UCU Rule of Law Center with international expertise on cutting-edge methods of legal teaching.
- FAIR will fully implement the online anti-corruption course at the LNU Law School and the CNU Law School in cooperation with the W & L Law School.

Performance Indicators ER 1.1

- To build a foundation for a more accountable and independent judiciary, FAIR supported 10 governmental judicial institutions and 17 non-governmental legal associations during this reporting period.
- During the reporting period, FAIR supported the implementation of previously adopted the Law on the Right to Fair Trial, the Law on Restoration Public Trust in the Judiciary, the Law on Purification of Government and the Justice Sector Reform Strategy. The cumulative status of the indicator "Number of laws, regulations, and procedures designed to enhance judicial independence supported with USG assistance," remains 19.
- The indicator "Number of revised provisions enacted that reflect Venice Commission recommendations" did not change this quarter and remains 30 as in the end of FY2015.
- The "Percentage of Venice Commission recommendations adopted" did not change this quarter and remains 64%.

- FAIR will provide professional associations of Ukrainian lawyers, including the AUL and the AUA, with international best practices on engaging lawyers' professional associations in advancing legal education reform.
- FAIR will support the MOE in further development of the National Legal Education Standard for Preparing Bachelors of Law and in discussing it among legal education stakeholders.
- FAIR will support the CNU Law School in refining the CNU Code of Conduct for Students, Faculty, Administrators, and Support Staff and enforcing it through establishing the CNU Law School Committee on Ethics.
- FAIR will support the LNU Law School in developing and adopting the LNU Code of Conduct for Administrators, Faculty, Staff, and Students.
- FAIR will support the MOJ-MOE workign group, once it is established, to prepare a draft National Legal Education Reform Strategy and Action Plan.

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

ACCOMPLISHMENTS: During this reporting period, FAIR worked with its partners to raise public awareness about the constitutional reform process and substance of the proposed constitutional amendments to promote their adoption.

In the previous reporting period, on November 25, 2015, President Petro Poroshenko submitted the draft Law on Amending the Constitution (regarding justice) No. 3524 to the Verkhovna Rada. On December 22, 2015, the Parliament agreed to put this law on the agenda, and it was sent to the Constitutional Court of Ukraine (CCU) for review and verification of its compliance with articles 157 and 158 of the Constitution of Ukraine. On January 22, 2016, the CCU publicly announced its Opinion and concluded on compliance of the draft Law on Amending the Constitution (regarding the justice sector) No. 3524 with Articles 157 and 158 of the Constitution which means that constitutional changes can not: (i) abolish or restrict human rights and freedoms; (ii) impact national sovereignty and territorial integrity; (iii) be adopted during time of war or state of emergency; and (iv) have been considered and rejected by the Parliament during the previous year. According to the CCU, the draft amendments submitted by the Verkhovna Rada on December 22, 2015 fully met the requirements of the respective constitutional articles.

At the same time, a wide discussion arose about the proposed amendment to the Constitution to exclude the right of the Verkhovna Rada to conduct a no-confidence vote for the Prosecutor General. Even though the Venice Commission positively evaluated the proposed amendments, the members of the Parliament expressed concerns about the timeliness of such initiatives. To address these concerns, on January 26, 2016, the President of Ukraine submitted to the Verkhovna Rada the revised version of the draft Law on Amending the Constitution of Ukraine (regarding justice) (No. 3524). The draft includes the provision establishing that the Verkhovna Rada reserves the right to vote no-confidence regarding the Prosecutor General. On January 28, 2016, the Verkhovna Rada voted to include the revised draft Law on Amending the Constitution of Ukraine (regarding justice) to the agenda and send it again to the CCU with the made correction. On February 1, 2016, the CCU publicly announced its Opinion on the compliance of the revised draft Law on Amending the Constitution (regarding the justice sector) with Articles 157 and 158. The Opinion confirmed that the revised draft amendments fully meet the requirements of the respective constitutional articles.

On February 2, 2016, the Verkhovna Rada approved the revised draft Law on Amending the Constitution of Ukraine (regarding justice) after its first reading. 244 Members of the Parliament (MPs) (226 are required) voted for the approval, thirteen MPs voted against the bill, 68 MPs abstained and 31 did not vote at all.

Meanwhile, On January 19, 2015, 51 members of the Verkhovna Rada submitted a petition to the CCU regarding the interpretation of what constitutes “the following session of the Verkhovna Rada” in Article 155 of the Constitution, which requires constitutional amendments be considered during two separate sessions in order to be formally adopted. The interpretation rests on whether amendments to the Constitution have to be considered in the next immediate session, or any following session. This is directly related to constitutional amendments regarding the judiciary and decentralization, which were preliminarily approved in the last parliamentary session. On March 18, 2016, the CCU publicly announced its decision on interpretation of what constitutes “the following session of the Verkhovna Rada” in Article 155 of the Constitution. The CCU concluded that “the following regular sessions” of the Parliament is “the regular session that is scheduled in accordance with the requirements” of the Constitution and Rules of Procedure of the Parliament. According to the CCU, the draft law on amending the Constitution, which was preliminarily approved by the Rada in the first reading on February 2, 2016, can be adopted at *any following session* as opposed to the next immediate session, as was previously interpreted. Additionally, the CCU confirmed the right of the Parliament to change its Rules of Procedure in accordance with the new interpretation of the Constitutional provision.

Milestone Progress ER 1.2

- Independent Madrid University Law Professor Lorena Bachmaier developed and presented her expert opinion on the Constitution of Ukraine Gap Analysis with a focus on the rule of law principle implementation.
- The draft law on Amendments to the Constitution Strengthening the Independence of Judges is developed by the Presidential Administration and submitted to the Verkhovna Rada for first reading consideration.
- The concept paper Improvement of the Constitutional Regulation of Justice in Ukraine was incorporated into the draft General concept paper of Constitutional Changes to be presented during the fourth CA plenary meeting.
- Independent Madrid University Law Professor Lorena Bachmaier developed and presented her expert opinion on the improved concept paper on Justice Sector Amendments.
- The draft concept paper on Constitutional Changes was discussed at the June 21, 2013 CA plenary session and was sent for further improvement.
- The CA coordination bureau adopted decision No. 21 to recommend that the CA approves the revised and improved content of the draft general concept paper on Constitutional Changes.
- The European Commission for Democracy through Law (the Venice Commission) issued an opinion on the draft law on Amendments to the Constitution Strengthening the Independence of Judges.
- Two meetings with the Interim Special Commission members were held to provide them with expert recommendations regarding areas to be addressed in implementing the rule of law principle in the constitutional reform process.
- Four public discussions held on the Proposed Amendments to the Constitution (June 8, 2015 in Rivne, June 9, 2015 in Ivano-Frankivsk, June 10, 2015 in Uzhhorod, and June 24, 2015 in Dnipropetrovsk).
- Information campaign *Judging Justly: Informational Campaign for Raising Awareness about Constitutional Reform Related to the Judiciary* is developed and launched.
- Information campaign *Constitutional Process in Ukraine: Improvement of the Principles of Justice, Rights, Freedoms and Duties of Man and Citizen* is developed and launched.

On January 28, 2016, the Verkhovna Rada adopted the Law on Amending Article 149 of the Regulations on the Procedure of the Verkhovna Rada of Ukraine (No. 948-VIII). The main aim of the law is to clarify the process for adopting amendments to the Constitution. As noted above, Article 155 of the Constitution requires constitutional amendments be considered during two separate sessions in order

to be formally adopted. The same provision was included in the Regulations on the Procedure of the Verkhovna Rada. The adopted law establishes that: (1) the newly elected Verkhovna Rada can consider amendments to the Constitution, if the relevant draft law was preliminarily approved, but the final voting was not conducted during the previous convocation of the Parliament; and (2) if the constitutional amendments were preliminarily approved and were not considered during the next immediate session, they can be considered in the next session. The President signed the Law on the same day.

The discussion over the procedure of amending the Constitution of Ukraine remains on the agenda. On January 19, 2015, a group of MPs registered in the Verkhovna Rada the draft Law on Procedures for Drafting a New Constitution (No. 3781). The draft law proposes to establish new procedures for the development of an entirely new Constitution. It foresees the creation of a Constitutional Assembly, consisting of 300 representatives, elected by the public. The President, MPs, Members of the Cabinet of Ministers, high-ranking government officials, judges of the Constitutional Court, judges, prosecutors or any person who held any of these positions during last 5 years together with persons who were banned from public office under the Law on the Purification of Government cannot be representatives in the Constitutional Assembly. After the new Constitution is approved by referendum, representatives of the Constitutional Assembly cannot run for President, become a member of the Parliament, cannot be appointed to political positions in any enforcement body, become a high ranking government official, and cannot become a judge or prosecutor. Pursuant to the draft law, the Constitutional Assembly would develop and adopt a new Constitution following broad public discussions. The Constitution would ultimately be adopted by national referendum. FAIR experts believe that the overall idea of the draft law is positive, highlighting the importance of wide-ranging and inclusive public discussions about constitutional reforms. Nevertheless, this draft law contradicts the current Constitution, where only amendments are prescribed. To consider such initiative, the Constitution must first be changed, along with the legal framework for the national referendum.

In the previous reporting period, FAIR provided support and signed a Grant Agreement with the Internews – Ukraine for the implementation of the project “*Judging Justly: Informational Campaign for Raising Awareness about the Constitutional Reform Related to Judiciary.*” According to the Grant Agreement, the project objectives are: (1) identification of efficient messages aimed at raising awareness of judicial reform among the target audience through focus groups discussion; (2) raising awareness of the contents and progress of the constitutional reform process among the general public through nationwide broadcasting, as well as publication of press materials on the subject; (3) capacity building for journalists by conducting targeted trainings for the journalists of regional and national media outlets; and (4) drawing broader public attention to the progress of constitutional reform in the judiciary by highlighting changes in the reform process and highlighting its successes through media materials. Currently, Internews – Ukraine is working on the implementation of the project.

On February 22, 2016, FAIR signed the Grant Agreement with the “Ukrainian Centre for Economic and Political Studies named after Oleksandr Razumkov” (Razumkov Center) for the implementation of the project “*Constitutional Process in Ukraine: Improvement of the Principles of Justice and Human Rights*”. According to the Grant Agreement, the project objectives are: (1) to analyze the draft amendments to the Constitution; (2) to improve the involvement of civil society institutions, local community representatives, various public associations, and experts in the constitutional process; (3) to conduct a nationwide public opinion poll to gauge public attitude towards the drafts on improving the constitutional principles (4) to conduct an expert survey regarding the drafts; and to (5) to develop the

proposals and recommendations for government agencies, political forces, civil society institutions, and all stakeholders.

PROBLEMS: Constitutional reform is a controversial and challenging issue, and FAIR is working to create a neutral platform for discussions with the participation of all stakeholders to ensure that the process is conducted in an inclusive manner.

PLANS: FAIR will work with partners and key stakeholders to ensure an inclusive and transparent approach to the constitutional reform process. FAIR will work to disseminate the recommendations provided by experts, and will work to raise public awareness about the proposed changes. FAIR will also work to ensure the consistency of all new initiatives with the expert support provided in previous years. The main task that remains for the next work plan period is to ensure that any proposed changes to the respective sections of the Constitution are in line with rule of law principle requirements.

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

ACCOMPLISHMENTS: This reporting period FAIR continued to support the HQC in developing and implementing a sound framework and procedures for judicial performance evaluation in line with international and European standards.

According to the procedures for judicial qualifications evaluation, approved by the COJ on December 11, 2015, the initial qualifications evaluation of sitting judges should encompass the following stages: (1) a test of legal knowledge, including the case law of the Supreme Court and European Court of Human Rights; (2) a case study; (3) a review of the judge’s dossier; and (4) an interview with HQC members. On January 28, 2016, the HQC passed a decision to conduct the initial qualifications evaluation for those judges who have submitted applications for lifetime appointment. By its decision, HQC approved a schedule for evaluation, list of judges to be evaluated as well as the set of questions for anonymous testing.

As of March 31, 2016, 93 judges completed an anonymous written test, prepared a case study, and had the interviews with the HQC Qualifications Chamber based on the results of a review of their judicial dossiers. The HQC decided that 69 judges of 93 had proven their ability to administer justice and 12 judges were suspended from the bench and sent to the NSJ to undertake additional training – followed by a repeated qualifications evaluation. The HQC postpone decisions on 12 judges due to the need for additional review of their dossiers. FAIR provided technical assistance to the HQC to support the video and audio recording and broadcasting of the initial qualification evaluation process.

Performance Indicators ER 1.2

- This quarter FAIR supported Conference "Constitutional Reform: Promoting an Independent, Accountable, Transparent and Efficient Judiciary in Ukraine" where judicial leadership and CSO activists participated. Also, FAIR corrected undercounted events from previous periods: public discussion on proposed constitutional amendments related to the judiciary (Kyiv, September 2015), Conference on right to self-defense (Kyiv, October 2015) and Conference on minority rights (Kyiv, December 2015). Thus, this reporting period contribution to the indicator "Number of USG-supported public sessions held regarding proposed changes to the country’s legal framework" is four, and cumulative LOP status of this indicator is 12.
- There is no increase on the indicator "Number of revised provisions in the Constitution enacted that reflect inputs from project-supported public discussions" this reporting period although the related activities are in progress.

In April through June, 2016, HQC will conduct initial qualifications evaluation of Kyiv and Kyiv region appellate courts' judges. FAIR will continue to support HQC in this process.

Considering the new procedure for qualifications evaluation of judges (including initial), the HQC and NSJ are facing the challenge of developing valid test items for judicial candidates and judges who are to be evaluated according to the specific level of the court and the specialization. To support HQC and NSJ in this process, FAIR involved testing expert Serhii Mudruk to support NSJ in piloting of developed test items. Piloting is an important component in any examination system used to assess professional competencies, and with its the proper application, the examination indicator quality will be increased, specifically with regard to its validity, reliability, objectivity, reasonableness, effectiveness, and acceptability. In this reporting period, the FAIR expert provided consultations to the NSJ while preparation for the piloting and, starting from April 5, 2016, the NSJ will conduct test items piloting.

In addition, during this reporting period, FAIR continued to support the HQC in developing the regular judicial evaluation system, as mandated by the new law on the Judiciary and the Status of Judges. These evaluations will help identify each judge's individual needs for improvement, motivate a judge to maintain his/her qualifications at an adequate level, and stimulate a judge's professional growth. All four types of regular evaluations shall be conducted through questionnaires. The procedure and methodology for regular judicial evaluation shall be approved by the HQC in consultations with the COJ. The NSJ developed draft regulations at the request of the HQC and FAIR local experts Oleksandr Serdiuk, Lidia Moskvych and Olena Ovcharenko. These experts provided analyses and recommendations on the: (1) draft regulation on procedure and methodology of regular evaluation and self-evaluation of a judge; (2) draft questionnaire for evaluation of a judge based on NSJ training results; (3) draft questionnaire for evaluation of a judge by peer judges of a relevant court; (4) draft judicial self-evaluation questionnaire; and (5) draft questionnaire for regular evaluation of a judge by CSOs based on the results of an independent evaluation of the judge's work during public trials.

Milestone Progress ER 2.1

- Held three working meetings with the HQC.
- The HQC formed a working group to improve selection procedures for the first appointment of judges.
- Completed gap analyses of the judicial vacancy application, test administration, and scoring processes.
- Conducted psychometrical analysis of the qualification exam and initial test.
- Held training for HQC members on case study writing evaluation methodology.
- Developed recommendations for improving the judicial vacancy application, test administration, and scoring processes.
- Drafted a handbook for test item developers.
- Drafted a manual for anonymous test administrators (proctors).
- Drafted a report with recommendations and necessary next steps to automate the qualification exam.
- Conducted an Analysis of Judicial Practice, and presented and promoted its results.
- Identified EU and international standards and practices for transferring judges.
- Developed a manual for test items writers based on the training and expert materials developed in the previous reporting period.
- Updated manual for anonymous judicial test proctors (administrators).
- Conducted workshop on "Judicial Selection and Discipline: Best Achievements, Experience of the HQC and its Activity under New Conditions".
- Held Analysis of Judicial Practice (Administrative and Commercial specializations), presented and promoted the results.
- Conducted international roundtable on "Judicial Performance Evaluation".
- Sub-agreement to purchase equipment for automating the judicial qualifications exam awarded.
- 8 trainings for test item developers conducted.
- Conducted roundtable on "Regular Judicial Performance Evaluation in Ukraine: Ways to Identify a Judge's Individual Professional Development Needs" (linked to ER 5.3).

FAIR continued to assist the HQC in developing and implementing transparent, objective, knowledge- and performance-based judicial selection criteria and procedures through an anonymous test and qualifications exam for judicial candidates. The new Law on the Judiciary and the Status of Judges includes changes to the judicial selection procedures, such as providing anonymous testing to evaluate the personal, moral, and psychological qualities of judicial candidates. To assure a fair, transparent and standardized judicial selection and evaluation process, the HQC has requested experts' support to develop a judge "professiogram," a profile of general and moral-psychological characteristics of the judicial position required to perform functions and professional duties. The profile will outline the cognitive and personal requirements (emotional, motivational, intellectual, moral, and psychological qualities) to be assessed during the judicial selection and performance evaluation process. FAIR involved two experts in psychology from the Faculty of Psychology of Taras Shevchenko National University of Kyiv - Ivan Danyliuk and Inna Kozyska to develop a draft judge "professiogram" to be further considered by the working group which will be created by the HQC.

FAIR also moved forward with the HQC in automating internal business processes and audio and video recording according to the Law on the Judiciary and Status of Judges, aimed at increasing the transparency and accountability of Ukraine's judiciary. On March 22, 2016, FAIR conducted a selection committee and identified two subcontractors for the procurement (linked to ER 2.2).

SCHEDULE CHANGES: FAIR didn't accomplish its activity to conduct the research on international practices and experience on judicial authorities in unforeseen circumstances and emergency situations since three experts invited by FAIR were not available. Also, FAIR tried more than a year to get the permission to translate the Standards for Educational and Psychological Testing, but due to the publisher's internal procedures FAIR was not succeeded in getting the permission.

PLANS: During the next reporting period, FAIR plans the following activities in order to achieve Expected Result 2.1:

- Continue to support the HQC in developing professional standards for judges (Professiogram);
- Support the HQC and the NSJ in developing methods and instruments to evaluate personal qualities of judicial candidates and sitting judges;
- Continue to support the HQC and the NSJ in developing tests for judicial selection and evaluation;
- Implement a sub-agreement to purchase equipment and software for 1) HQC's business processes automation and 2) video and audio recording for two HQC media-classes;
- Continue to support the HQC in developing criteria, procedures, and methodologies for implementing the system to evaluate sitting judges in Ukraine as envisaged by the new amended Law on Judiciary and the Status of Judges, in particular develop recommendations to the HQC on the integration of court performance evaluation into judicial performance evaluation; and
- Conduct a roundtable to discuss the first findings, results, and challenges in implementing the judicial qualification evaluation, including the initial evaluation, in Ukraine.

Performance Indicators ER 2.1

- In this reporting period the indicator "Number of merit based criteria or procedures for justice sector personnel selection adopted with USG assistance" did not change. FAIR continues providing support to the judicial performance evaluation implemented by HQC. The cumulative LOP status of the indicator remains 20.
- No changes in this reporting period occurred under the indicator "Number of Ukrainian judges appointed through project-supported objective, merit-based judicial selection process". Cumulative LOP status remains 942.

EXPECTED RESULT 2.2: UKRAINIAN JUDGES ARE DISCIPLINED IN TRANSPARENT PROCESSES

ACCOMPLISHMENTS: In this reporting period, FAIR continued working with the HQC to assist in improving judicial disciplinary procedures in line with international standards and best practices, and in optimizing and facilitating HQC internal business processes.

In order to help promote more transparency, integrity and fairness in HQC activity, FAIR continues to support the HQC in improving the Rules of Procedure, which is the HQC's basic internal regulation governing operations and functions of structural units, and specifying respective provisions of the Law on the Judiciary and Status of Judges. In February 2016, the HQC considered recommendations of FAIR local experts Ms. Lidia Moskvych and Mr. Ivan Nazarov, both Ph.D.'s in Law and Professors with the Yaroslav Mudryi National Law University, Kharkiv, on adaptation of the Rules of Procedure. By a decision on February 29, 2016, the HQC approved changes to several provisions of this act in line with the experts' recommendations, namely: (i) adding 'rule of law' and 'impartiality' principles to the fundamentals of HQC activity; (ii) reviewing the grounds for return without consideration of judicial misconduct complaints, and removing 'insufficient justification' as one of the grounds of such return; (iii) reviewing the procedure of suspension of a judge from office upon the Prosecutor General's motion, and providing that the HQC shall reject the motion for suspension renewal unless the prosecutor proves that it is impossible to finalize criminal proceedings against the judge during the initial suspension. Information about the HQC Rules of Procedure amendments including the FAIR expert recommendations can be found on the Commission's official website by following the link <http://www.vkksu.gov.ua/ua/news/komisiia-wniesla-zmini-do-swogo-rieglamentu/>.

During the reporting period, FAIR proceeded to assist the HQC in automating its internal business processes. For this purpose, on February 3, 2016, FAIR, together with the HQC representatives, conducted a selection committee meeting to consider four potential subcontractors' proposals to provide services related to analysis of business processes, updating terms of reference (TOR), and developing software for the HQC. As a result of the proposals' assessment on a competitive basis, FAIR selected IQusion IT LLC as the subcontractor for the abovementioned services. The services under the contract shall be complete by August 31, 2016, and include review and analysis of existing HQC internal operations, organizational structure, functions of and interaction between departments, reengineering of HQC operations, adaptation of the TOR, development and incorporation of the Business-Processes Automation System (software), and training of the system's users (HQC members and staff). The system will allow automation of HQC internal business processes, including document processing, recordkeeping, procedures related to judicial selection, qualifications evaluation and judicial discipline, storing and securing data, electronic registration of internal/external documents, e-tracking of documents' flow, converting documents into digital form, optimizing the process of organization and administering exams and processing the results. On February 9, 2016, at a meeting with the HQC leadership and department heads, FAIR outlined the projected services and expected results, as well as introduced IQusion IT LLC representatives, including software developers and independent business consultants who will be supporting the analysis and reengineering of HQC business processes. On March 2, 2016, the HQC Head Mr. Sergiy Kozyakov issued a resolution to set up a working group to coordinate the system's implementation into the HQC (linked to ER 2.1).

In order to support the HQC in building capacity of its departments and services, in particular, the Services of Inspectors, FAIR local expert Ms. Nataliya Akhtyrskya, Associate Professor with the Taras Shevchenko National University of Kyiv, reviewed and finalized draft curricula of initial and ongoing trainings of inspectors responsible for conducting disciplinary proceedings against judges. The updated curricula represent a comprehensive ‘turnkey’ set of teaching materials and guidelines that can be used by any trainer at any stage of the training, and include the following sections: (1) general overview for training organizers and potential trainers, including teaching adults methodology, planning processes and qualifications requirements for trainers, and recommendations by FAIR international experts Jose Manuel Cardoso, Judge of the Lisbon Court of Appeal (Portugal) and Victoria Henley, Director and Chief Counsel of the California Commission on Judicial Performance (USA) on structuring training processes and training methodology; (2) curriculum for initial trainings that contains 33 training topics on general and judicial discipline issues, as well as ‘self-check’ questions; (3) curriculum for ongoing trainings that includes 28 topics and 9 case studies; (4) training schedule that includes a five day agenda for initial trainings and a two day agenda for ongoing trainings; (5) training scheme that provides template sessions and guidelines for presentation of teaching materials to the trainees; (6) multiple choice tests to assess ‘ingoing’ and ‘outgoing’ knowledge of the participants; (7) teaching materials that include legislative and other texts, a compendium for initial trainings organized per subject, and a Manual for Conducting Disciplinary Proceedings against Judges; (8) slides in PowerPoint format that present the teaching material content; (9) assessment form to be filled in by the participants to evaluate the quality of the training program, materials and trainers. On January 26, 2016, FAIR provided the HQC with updated curricula, and beginning January 29, 2016, the HQC launched weekly trainings (1-2 hour sessions each Monday) for inspectors on the basis of the FAIR curricula, during which the HQC members are involved in this process as trainers.

Milestone Progress ER 2.2

- Documented current practices within the judicial discipline process.
- Presented Amendments to the Draft Regulation on the Judicial Discipline Inspector Service for HQC consideration.
- Finalized and presented Draft Regulation on the Judicial Discipline Process for HQC consideration; the 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 on the HQC website and search tools.
- Delivered 45 laptops to the HQC.
- Improved procedures for judicial misconduct complaints verification and consideration.
- Developed and presented terms of reference for a unified integrated database to manage HQC business processes, including judicial discipline and selection processes.
- Conducted monitoring of judicial discipline decisions and appeals of HQC judicial discipline decisions.
- Developed standards and best practices for conducting preliminary screening of complaints and investigations of judicial misconduct.
- Submitted recommendations for amending the regulations governing judicial misconduct investigations, consideration of the disciplinary cases, and drafting the decisions (ongoing).
- Developed and presented recommendations for selection and performance evaluation of disciplinary inspector candidates.
- Published and presented the Manual for Disciplinary Inspectors.
- Finalized and presented curricula for initial and ongoing trainings of discipline inspectors.
- Designed the structure of the initial and ongoing trainings of discipline inspectors.
- Delivered 13 laptops, 15 desktop computers, server, 4 scanners, printer and software for generation of bar codes.
- Developed module for publishing HQC decisions on the official website (ongoing).
- Developed HQC business process analysis; adapted TOR and produced software for automating business processes (ongoing).
- Conducted monitoring of judicial discipline decisions and appeals of HQC and HCJ judicial discipline decisions (ongoing).
- Developed and submitted proposals for publishing and archiving judicial disciplinary information (ongoing).

From March 6-13, 2016, a ten member Ukrainian delegation that included representatives of the HCJ, HQC, and COJ visited Belgium and the Netherlands as part of the USAID Participant Training Program (PTP) “Judicial Independence and Accountability – Two Inseparable Parts of Democratic Development,” with FAIR support in facilitating this study tour. The visit focused on ways to promote better understanding of judicial independence and accountability through European standards and best practices. Participants visited the office of the European Network of Councils for the Judiciary, High Council of Judiciary of Belgium, Belgian College of Courts and Tribunals, Belgian Judicial Training Institute, Brussels Court of First Instance and Dutch Council for the Judiciary. As a result of the tour, participants drafted an action plan to be implemented within the next six months to strengthen judicial independence and enable judges and judicial personnel to respond more effectively to public demand for greater judicial accountability. Activities identified in the action plan include drafting amendments to the Law on the Judiciary and Status of Judges regarding judicial selection, as well as implementing measures to enhance judicial ethics and to increase accountability and transparency of the judiciary.



Judge Tetyana Chumachenko, COJ Member, receives certificate of participation at the USAID PTP “Judicial Independence and Accountability – Two Inseparable Parts of Democratic Development” on March 11, 2016 in The Hague.

five evaluation forms to study the respective decisions and has already started to analyze them in accordance with the work schedule.

To increase public awareness about judicial discipline issues and ensure transparency and openness of the HQC activities and procedures, FAIR recruited Ms. Reiko Callner, Executive Director of the Washington State Commission on Judicial Conduct (USA), as a pro-bono consultant to develop recommendations for the HQC regarding basic principles, rules, and procedures for disclosing information on judicial disciplinary procedure and decisions in disciplinary cases, as well as archiving and ensuring public access to such information. Ms. Callner’s assignment also includes reviewing the HQC Procedure of Publishing Information on the HQC Official Website, which was approved by the Commission on July 9, 2015. By May 1, 2016, the expert is expected to provide FAIR with the recommendations to the HQC to address consistently the above mentioned issues.

In order to improve judicial discipline practices, FAIR continued to support the HQC in conducting monitoring of, and appeals to, judicial discipline decisions. On March 12, 2016, FAIR grantee the Institute of Applied Humanitarian Research (Kharkiv) had a meeting with HQC Head Mr. Serhiy Kozyakov, Deputy Head Mr. Mykola Patryuk and Head of Secretariat Ms. Olena Ponomarenko to discuss the project objectives and means of implementation, as well as the evaluation methodology for judicial discipline decisions. The HQC representatives provided the grantee with the requested documents (in hard and electronic copies), specifically the HQC decisions on different matters related to judicial disciplinary procedure. The grantee designed

SCHEDULE CHANGES: FAIR moved the activity related to drafting recommendations to amend the Procedure of Verification and Decision-Making in Disciplinary Proceedings against Judges, Formalization and Storage of Relevant Documents (Task 2.2.3) to the next working period due to the fact that the HQC has reprioritized its activities to put the main focus on the judicial performance evaluation process.

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

- Support the HQC in coordinating activity between HQC representatives and subcontractor IQusion IT LLC for analysis of internal business processes, adaptation of the TOR, and software development for automation of HQC internal operations;
- Assist the HQC in developing recommendations to amend the Procedure of Verification and Decision-Making in Disciplinary Proceedings against Judges, Formalization and Storage of Relevant Documents;
- Continue to support the HQC in drafting procedures for publishing and archiving information about judicial misconduct and discipline, including storing and providing public access to such data; and
- Assist the grantee Institute of Applied Humanitarian Research (Kharkiv) in conducting monitoring of judicial discipline decisions and appeals on the judicial discipline decisions. Present findings to the HQC, HCJ and NSJ.

Performance Indicators ER 2.2

- Number of criteria, standards and regulations adopted to govern judicial misconduct investigations remains 1. FAIR continues working with HQC on developing standards for conducting preliminary screening of complaints and investigation of judicial misconduct, amending the regulations governing judicial misconduct investigation and developing standards and criteria for selection, training, and performance evaluation of disciplinary inspector candidates.
- HQC did not provide data necessary for the indicator “Percent of judicial misconduct complaints submitted to the HQC using the standardized form”. Cumulative status of the indicator remains 14.5%. We will update the data when information from HQC received.
- Percent of judicial discipline decisions posted on the HQC website is 50% this quarter. As the result of FAIR support, HQC renewed publishing judicial discipline decisions on its web-site after several month suspension. In this period HQC made 18 decisions, out of them 9 are available on its website (50%). FAIR also revised previous quarter and FY2015 data according to the HQC web-site updates. Cumulative LOP status of the indicator is 62%.

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

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

Specifically, FAIR promoted the approval by the COJ of the new Commentary to the Code of Judicial Ethics, which was developed with FAIR support. On February 2, 2016, the COJ approved the Commentary for publication, and FAIR was subsequently able to identify a grantee, the Association of Judges of Ukraine, to print a limited number of copies of the Commentary.

FAIR also proceeded with organizing a study tour to the United States to share US practices of managing judicial self-government bodies and their respective committees with COJ and SJA members. FAIR negotiated and signed a Memorandum of Understanding with the Open World Leadership Center to outline details of the tour. The tour is scheduled to take place from April 20-30, 2016 and will include eight newly-elected COJ members as well as two representatives of the SJA. During the tour, the delegation will visit judicial institutions in Washington, D.C., as well as in the states of Maryland and Virginia. FAIR has already received USAID approval for the tour, and participants are scheduled for orientation and visa interviews on April 5, 2016.

Finally, FAIR completed installation of the video and audio equipment for the HCJ session hall to provide high quality online broadcasting of the HCJ sessions. Additionally, FAIR continues to support the HCJ in developing its 2015-2019 Strategic Plan. Together with the EU Project “Support to Justice Sector Reforms in Ukraine,” FAIR involves foreign and local experts in reviewing Council tasks, objectives, and overall goals. However, the HCJ has suspended activities in this area in anticipation of the Constitutional Amendments that will extend the scope of duties and authorities of the Council.

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

- Continue supporting the COJ in promoting the Commentary to the Code of Judicial Ethics through its printing and dissemination;
- Support the COJ Judicial Ethics Committee in developing its capacity to implement the Code of Judicial Ethics;
- In partnership with Open World Leadership Center, support

Milestone Progress ER 2.3

- Seven stakeholder discussions on draft Code of Judicial Ethics held.
- Amendments to the Code of Judicial Ethics revised and submitted to COJ for approval.
- COJ International Conference on Judicial Ethics supported.
- Congress of Judges adopted the Code of Judicial Ethics.
- Experts to support a working group on developing a Commentary to the Code of Judicial Ethics preselected.
- Research to assess HCJ needs with regard to its possible new composition and functions in progress.
- Research on European judicial self-governance standards completed.
- Amendments to the Law on the Judiciary and Status of Judges to improve judicial self-governance developed and advocated for.
- Comparative analysis on best practices related to status, roles, functions, and responsibilities of advisory committees on ethics or equivalent institutions in democratic countries completed.
- Amendments to the HCJ Internal Regulations proposed.
- Online training program on judicial ethics for judges and judicial candidates developed.
- Rules of Procedure for the Congress of Judges improved and adopted by the Congress.
- Rules of Procedure for the COJ developed.
- Comparative analysis of decision-making procedures within the judicial self-governance institutions conducted (ongoing).
- Commentary to the Code of Judicial Ethics developed (complete).
- Commentary to the Code of Judicial Ethics printed and disseminated (ongoing)
- Study tour to the USA for SJA and COJ members successfully conducted (ongoing)
- Internal decision-making regulations for the HCJ improved in accordance with European standards (ongoing).
- Newly elected HCJ members trained in international and European best practices for the High Councils of Justice (ongoing).

Performance Indicators ER 2.3

Number of judicial self-governance mechanisms revised with project support increased in this reporting period as COJ approved FAIR-supported Commentaries to the Code of Judicial Ethics. Cumulative LOP data for this indicator is 6 and, in addition to this quarter achievement also includes: Code of Judicial Ethics, Rules of Procedure for the Congress of Judges, Rules of Procedure for the COJ, Regulations on Appointments and Dismissal of Constitutional Court Justices and Creation of COJ Committees. FAIR continue working on improving the Internal Decision-Making Regulations for the High Council of Justice.

participation of eight newly-elected COJ members and two SJA representatives in a study tour to the United States to share the US experience of managing judicial self-government bodies and their respective committees with the delegation;

- Involve an international expert to conduct a review of the HCJ structure, goals, and tasks, including the possible changes in the Council's scope of duties and authorities introduced by the Constitutional amendments, in order to provide recommendations for developing a Strategic Action Plan for the required next steps; and
- Present the outcomes of the expert analysis to the HCJ and the EU Project to discuss and scheduled joint activities in the Strategic Action Plan.

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

ACCOMPLISHMENTS: The FAIR team continued to assist the NSJ in the professional development of judges and court staff, and in forming a pool of judge-trainers for teaching new topics, in-class and online. FAIR also continued to work with the NSJ, SJA, and U.S. and Ukrainian universities to further develop continuous court administration education in Ukraine.

As a result of such cooperation, from September 2014 to March 2016 about 430 judges successful passed and received certificates for the Online Judicial Ethics course, which was developed and updated with FAIR's support.

During the reporting period, FAIR Grantee Volyn Regional Nongovernmental organization "Center for Legal Aid" conducted 10 mediations within the framework of the grant project "*Support to Development of Mediation in Eight Courts of Volyn Oblast as an Alternative Way of Conflict Resolution*". Four mediations related to land, family, and civil law ended by signing mediation agreements and were successful.

On March 24, 2016, FAIR grantee "Environment-People-Law," in cooperation with the Odesa regional branch of the NSJ, conducted a training based on the curriculum "Environmental Protection and Human Rights," with the participation of 24 general, administrative and commercial court judges. During this event, participants learned about the Aarhus Convention, which established a number of public rights (individuals and their associations) with regard to the environment, including access to environmental information and public participation in environmental decision-making. The program also covered the case law of the European Court of Human Rights and the interrelation of human rights and the environment. More information can be found at the following link:

<http://www.nsj.gov.ua/ua/news/ohorona-dovkilliya-prioritetniy-napryamok-rozvitku-maybutnogo/>

After successful presentation in December 2015 of the book *To Be a Judge*, a result of NSJ and FAIR cooperation, FAIR disseminated 8,950 CDs of the book and 430 hard copies through six NSJ branches, nine national partners (high courts, SJA, HCJ, HQC, COJ, Presidential Administration), 16 universities, and three national libraries.

During the reporting period, FAIR improved the joint SJA, NSJ, Michigan State University (MSU), and FAIR Judicial Administration Certificate Program for the third round. From February 22 to 26, 2016, FAIR in cooperation with the SJA, NSJ, and MSU conducted a materials and faculty development workshop for the third round of the Judicial Administration Certificate Program. MSU and Ukrainian faculty updated materials to reflect recent legislative changes, while refining teaching skills and approaches in delivering the joint program.

In March 2016, FAIR, in cooperation with the SJA and the NSJ, selected 40 judicial personnel from throughout Ukraine to participate in the third round of the Judicial Administration Certificate Program. During the admission competition process, FAIR also received interest from university students about potential participation in the program, which underscores a demand for judicial administration academic programs within Ukrainian universities.

On March 21, 2016, the 40 competitively-selected court administrators from throughout Ukraine kicked off the third round of the Judicial Administration Certificate Program, implemented by the FAIR in cooperation with the SJA, NSJ, and MSU. The third phase of the program included two weeks of comprehensive in-class

Milestone Progress ER 3.1

- Institutional needs assessment of the NSJ completed.
- Judicial training needs assessment completed on behalf of the NSJ.
- Second edition of the Judicial Opinion Writing Handbook published.
- Three curricula for the initial training on Rule of Law and Human Rights, Opinion Writing, and Judicial Ethics developed and presented to key stakeholders.
- Curriculum on Rule of Law and Human Rights for ongoing training developed and presented to key stakeholders.
- Curricula on Opinion Writing and Judicial Ethics for ongoing training updated and presented to key stakeholders.
- E-version of the Curricula on Rule of Law and Human Rights, Opinion Writing, Judicial Ethics, and Communications (Public Outreach in Courts) for initial and ongoing trainings developed and disseminated between NSJ faculties and its branches.
- Draft NSJ Strategic Plan for 2014 – 2016 reviewed and adopted by the HQC.
- Online course on Judicial Ethics for judges and judicial candidates in cooperation with the NSJ and the HQC developed and piloted.
- Online course on Court and Community Communications in cooperation with the NSJ and the SJA developed and piloted.
- Electronic and printed versions of the Judge’s Book produced.
- Training programs for 15 judges and 25 court staff on mediation conducted.
- TOT program for 10 judge-trainers for teaching the interactive online course on “Environmental protection and human rights” conducted.
- Selected (competitively) CSO partner to administer the pilot court administration certificate program.
- 40 court and SJA staff competitively selected nationwide for participation in the pilot court administration certificate program.
- 40 court and SJA staff participated in court administration certificate program and earned certificates from MSU.
- Court administrator manual based on court administration certificate program curricula developed and published.
- 8 representatives from the NSJ, the SJA, and graduates of the court administration certificate program participated in the IACA international conference.
- Reunion Workshop for graduates of the 2013 Court Administration Certificate Program conducted.
- SJA representative participated in a visit to Poland regarding institutional best practices and lessons learned in court administrator trainings.
- Training of trainers on adult teaching skills for 15 competitively selected graduates of the 2013 Judicial Administration Certificate Program conducted.
- Advanced training of trainers program for current faculty of the Judicial Administration Certificate Program conducted.
- 40 court administrators for the second round of the Court Administration Certificate Program competitively selected.
- The second round of the Court Administration Certificate Program conducted in cooperation with the NSJ, the SJA and MSU.
- The Judicial Administration Certificate Program for 40 Chief Judges conducted in cooperation with the MSU, the NSJ, and the SJA.
- Success story video on the Court Administration Certificate Program produced.
- Materials for third round of Judicial Administration Certificate Program updated.
- 40 court administrators competitively selected for third round of the Judicial Administration Certificate Program.
- 40 court administrators completed the two-week Judicial Administration Certificate Program.



Ukrainian MSU faculty members on February 26, 2016 in Kyiv.

training on modern court administration and management. MSU faculty co-taught with Ukrainian faculty ten courses on purposes and responsibilities of courts; leadership; resources, budget and finance; information technology management; human resource management; case flow management; visioning and strategic planning; court and community communications; education, training and development; and essential components of courts. After completing their coursework, participants will prepare court improvement projects and receive MSU and the NSJ graduation certificates in June 2016.

PLANS: During the next reporting period, FAIR is planning the following activities to achieve Expected Results 3.1:

- Continue to work with the NSJ in developing a distance learning program and curricula for courses offered through distance learning;
- MSU reviews and approves 40 capstone projects prepared by students of the third round of the Judicial Administration Certificate Program (May 2016);
- Conduct graduation ceremony and award the MSU and NSJ certificates to the students of the third round of the Judicial Administration Certificate Program (June 8, 2016);
- Support the participation of up to five court administrators and NGO members in the 2016 IACA Regional Conference from May 18-20, 2016 in the Hague, the Netherlands; and
- Develop a strategy to merge the Ukrainian university curricula with the MSU Judicial Administration Certificate Program curricula to ensure the program is sustainable in Ukraine (June 2016).

Performance Indicators ER 3.1
<ul style="list-style-type: none"> • Number of USG-assisted courts with improved case management this quarter is 65. It refers to those courts that implement FAIR-developed court performance indicators for management and reporting purposes. The indicators used include clearance rate, backlog, average number of cases per one judge, average duration of proceedings and others. • Number of judges and judicial personnel trained with USG assistance is 340 (48% men and 52% women) in this reporting period. This number includes 107 judges and 233 judicial personnel and training topics include Communications, Court Administration, Test Items Development, Anti-Corruption. • Number of new legal courses or curricula developed with USG assistance remains the same as in the end of previous quarter, the cumulative number is 21 where 13 developed under FAIR and 8 developed under FAIR predecessor UROL Project.

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

ACCOMPLISHMENTS: In this reporting period, under ER 3.2 FAIR continued to build its programming on the previous project achievements, capitalizing on them and increasing their tangible impact on the efficiency and professionalism of the Ukrainian judiciary. Since project inception, FAIR has been

working with the COJ and SJA on developing and pilot-testing a Court Performance Evaluation (CPE) system for Ukraine. After the COJ's final consideration and approval of the CPE System in April 2015, FAIR continued working with the COJ, SJA, and Ukrainian courts in order to assist implementation of the CPE System and its utilization for proper management of courts and more effective reporting to public.

From the time of the official CPE System approval through the current reporting period, more than 370 Ukrainian courts have implemented the selected CPE System modules. In the first year of the CPE System approval, nearly 50% of the courts have conducted their performance evaluation using the System, which represents a significant achievement. However, there are several issues that FAIR needs to address to increase the sustainability and efficiency of this process:

- The biggest contributor to the abovementioned achievements was the use of FAIR-funded user satisfaction surveys in 313 Ukrainian courts throughout twelve oblasts of Ukraine (reported in detail under ER 4.2). Without FAIR funding to CSOs who supported these activities, the level of CPE implementation in Ukrainian courts would be much lower because few courts can implement CPE System using only their own resources.
- CPE System-implementing courts do not always correctly calculate basic performance indicators including clearance rate, backlog, average duration of proceedings, average caseload per judge, and average number of cases completed per judge. Although a COJ decision made on April 2, 2015 entrusts the SJA with enabling automatic calculation of these indicators using a Case Management System in the courts, these changes have not yet been implemented. FAIR continues to monitor the basic performance indicators' availability on court webpages has noted that no more than 30 courts are able to calculate correctly the average duration of proceedings. In addition, publishing performance indicators on court webpages is not standardized, making it difficult to locate basic performance indicator reports on court webpages.
- Only thirty courts have the capacity and experience to implement the CPE System in full.
- Court leadership (e.g. chief judges, deputy chief judges, chiefs of staff) does not always understand the benefit of using the CPE system for reporting as well as for management purposes.

Taking into consideration the above-listed issues, in this reporting period the FAIR team continued developing a supporting package for Ukrainian courts to increase their capacity to implement the CPE System for management and reporting purposes. In the end of this reporting period, FAIR completed the draft guidelines for courts on implementing the CPE System (CPE Guidelines) and using it for management and reporting purposes. The CPE Guidelines address the following issues:

- Classifying CPE indicators by data collection methods;
- Detailed explanation of data collection, development, and analysis;
- Standard format of data presentation on court webpages;
- Guidelines on how to conduct internal surveys of judges and court staff, expert reviews of case files, and user satisfaction surveys; and
- Preparation of court performance evaluation analytical reports and development of action plans to improve court performance.

In addition, the CPE Guidelines provides templates for analytical reports and action plans, as well as a description of best international practices of court performance management. FAIR experts provided an overview of best practices from the U.S., Netherlands, and other countries representing the International Consortium for Court Excellence¹ for using performance evaluation data to improve court functions and services to citizens. In addition, this overview includes a description of the Moldovan experience implementing the International Framework for Court Excellence Framework. The Moldovan experience, among others, demonstrates the effectiveness of using the court performance data as part of the case management system in courts.

At the time of writing, FAIR has submitted the CPE Guidelines to the COJ for consideration and approval, together with a set of recommendations to the COJ and the SJA on promoting CPE System implementation in Ukrainian courts. These recommendations include:

- 1) Approve the CPE Guidelines in full and recommend that all courts use it when implementing the CPE System;
- 2) Continue monitoring CPE System implementation by Ukrainian courts, including using the CPE Guidelines to further improve the System as necessary based on practical utilization;
- 3) Approve the standardized form “Basic performance indicators” for use by all courts;
- 4) Recommend all courts implementing CPE System to produce analytical reports and develop action plans to improve court functions and services to citizens;
- 5) Create regional networks of court performance advisors/coordinators, whose role will be to provide consultations to courts implementing the CPE System. These advisors/coordinators can be selected from judges, court staff, or representatives of territorial branches of the SJA who have experience with CPE System implementation in their own courts and have become fully acquainted with the proposed CPE Guidelines and have participated in CPE System trainings. Ideally, each oblast of Ukraine should have at least one court performance advisor/coordinator.

Milestone Progress ER 3.2

- Standard-based Court Performance Evaluation (CPE) system developed and approved by the COJ.
- CPE system implemented in 374 Ukrainian courts.
- Court performance indicators approved by the COJ and implemented by Ukrainian courts.
- Four court performance standards formulated, defined, and approved by the COJ.
- COJ becomes a member of the International Consortium for Court Excellence.
- Ukrainian delegation including members of COJ participated in the International Conference for Court Excellence and presented the Ukrainian CPE system to the international judicial community.
- Case weights resulting from case weighting study discussed, validated, and submitted for SJA/COJ review.
- Human resource management software for the SJA procured, installed, and operational.
- Electronic publication of CPE system available online.
- Guidelines for courts on implementation CPE system developed, published, and distributed to courts. (ongoing)
- CPE system published and distributed to all courts, also available online. (ongoing)
- Terms of reference for judicial resource management system developed, RFP for development issued (TOR developed, software development cancelled).
- Procure and provide the SJA with an unlimited license for human resource management software. (ongoing)
- Case weighting study for administrative trial courts designed and approved by the COJ. (revised)
- All courts of Ukraine implement mandatory court performance standards. (ongoing)
- Concept for judicial statistics report approved by the COJ. (ongoing)
- Case weighting study and implementation scheduled, designed, prepared, and approved by the COJ. (ongoing)
- Training curricula for the National School of Judges of Ukraine (NSJ) on court performance evaluation developed. (ongoing)
- 80 judges and court staff trained on the implementation the CPE system. (ongoing)

¹ <http://www.courtexcellence.com/>

The graduates of Judicial Administration Certificate Program (reported under ER 3.1) would be good candidates for court performance advisors/coordinators.

The COJ will consider the CPE Guidelines and FAIR recommendations on promoting CPE System implementation in Ukrainian courts at its next meeting scheduled for April 2016.

As FAIR previously reported, the CPE System approval by the COJ and its implementation in Ukrainian courts drew the attention of the International Consortium for Court Excellence. With FAIR support, the COJ became a membership of the Consortium. In order to facilitate the COJ integration into the Consortium and promote the Ukrainian CPE System, FAIR supported the participation of a Ukrainian delegation to the “Judiciary of the Future” International



Justice Valentyna Simonenko, Chair of the COJ, presents a paper entitled “Court Performance Evaluation as Tool to Promote Judicial Reform and Build Public Trust and Confidence in the Judiciary” at the International Conference on Court Excellence in Singapore on January 29 2016.

Conference on Court Excellence, which took place in Singapore on January 28-29, 2016. The Ukrainian delegation included COJ leaders who promoted CPE System approval and who are committed to further promotion of CPE implementation in Ukrainian courts, namely, Chair of the COJ and Justice of the SCU Valentyna Simonenko and Chair of the COJ Committee for Judicial Administration, Judge Grygoriy Aleynikov of the Zaporizhzhya Oblast Court of Appeals. The delegation also included COJ member Judge Ivan Kolesnyk of the Commercial Court of Dnipropetrovsk Oblast, one of the courts implementing the CPE System; and Judge Anatoliy Babiy of the Odesa Oblast Court of Appeals, who actively participated in developing the CPE System as the Co-Chair of the Working Group for Court Performance Evaluation from 2012 to 2014. FAIR Monitoring, Evaluation and Court Performance Specialist Tomas Verteletsky and FAIR Legal and Judicial Administration Specialist Sergii Suchenko accompanied the Ukrainian delegation to ensure seamless design and implementation of the program, including interpretation support. FAIR and the COJ presented a paper entitled “Court Performance Evaluation as Tool to Promote Judicial reform and Build Public Trust and Confidence in the Judiciary,” at the Conference, which addressed the following topics:

- 1) Criteria, indicators, and tools to conduct court performance evaluation in Ukraine.
- 2) Overview of how the International Framework for Court Excellence measures have been incorporated into the Ukrainian CPE System.
- 3) Implementation of the CPE System, including basic level implementation with eight mandatory indicators and complex level implementation with 40 indicators. This also includes the role of each CPE level in advancing better court management, efficiency in the delivery of justice, and improved communications with the public.
- 4) Financial aspects related to implementation of the CPE System, including opportunities for courts themselves and implications for the overall government budget in general.
- 5) Challenges and opportunities for the future of court performance evaluation in Ukraine.

The Ukrainian delegation also learned about several new models of justice sector administration that are possible to implement in Ukraine in order to improve judiciary efficiency and increase public trust in the judiciary. These new models include creation of Community Justice Centers, new approaches to e-courts, and developing performance management frameworks for justice sector administration institutions such as the SJA.

In this reporting period, FAIR continued to capitalize on the successful development of the case weighting study for the trial courts of general jurisdiction by conducting a similar study for the remaining courts of trial and appellate instance. In cooperation with the SJA, FAIR collected information regarding judges' caseloads and received information from these courts' case management systems (CMS) regarding the overall duration of proceedings grouped by type of case. This data was processed and analyzed by FAIR experts, and FAIR submitted the final draft report on the final case weights to the SJA on March 30, 2016. FAIR expects the report to be reviewed by the COJ in May 2016 during its next meeting.

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

- Promote COJ approval of CPE Guidelines;
- Complete development of training module on court performance evaluation for Ukrainian judges and court staff;
- Conduct two training sessions on court performance evaluation for at least 50 judges and court staff;
- Provide expert support to CSOs in conducting trainings for courts on implementing user satisfaction surveys, include court performance evaluation overview sessions in at least three of these trainings (linked to the activity under ER 4.2);
- Present CPE training module to the NSJ in order to transform this training module into specific NSJ training curricula;
- Case weighting study and implementation scheduled, designed, prepared, and approved by the COJ;
- Provide support to the newly established budget committee within the COJ. Work with the Committee to revise existing regulations related to budget, caseload management, and procurement; and
- Support the SJA and COJ in using the results of the case weighting study conducted by FAIR for general jurisdiction trial courts in order to determine the number of judges required by the court system.

Performance Indicators ER 3.2

- The indicator "Number of court performance standards adopted" remains four, the same as in the end of the FY2015.
- Ukrainian courts implement 21 performance indicators including those approved by the COJ in 2015 and those approved by the COJ of general courts in 2013. This is the status of the indicator "Number of court performance indicators implemented" in this reporting period.
- 253 courts in this reporting period implementing FAIR-supported Court Performance Evaluation (CPE) System including 110 courts implementing user satisfaction surveys and 123 courts implementing court performance indicators.
- Average annual citizen report cards score of participating courts this quarter is 0.84. This score is based on analysis of 2016 CRC surveys in 110 courts.

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

ACCOMPLISHMENTS: During this reporting period, FAIR continued its cooperation with the Judicial Reform Council of Ukraine (JRC) and the Presidential Administration of Ukraine in order to revise the Court Automation Strategy, previously developed by FAIR and prepared as a concept for reforming the logistical infrastructure of the judiciary of Ukraine as part of the ongoing judicial reform efforts. On March 3, 2016, the JRC conducted its meeting to review the Concept for Improvement of the Infrastructure for Logistical and Administrative support of the Judiciary, prepared by FAIR in cooperation with the Presidential Administration. The JRC voted to approve the Concept and gave two weeks for any final feedback from members, after which the Concept was officially approved.

In addition, on February 16-17, 2016, FAIR supported a meeting of the working group for the development of the new Regulation on Automated Case Management in the courts, convened by the COJ. The purpose of the meeting was to review certain provisions of the Regulation with regard to random case assignment (specifically, the principles for replacing a judge from a panel should the need arise). On March 24-25, 2016, FAIR provided support for a two-day meeting of the working group, convened by the COJ to revise the existing Instruction on Case Management in Courts. The purpose of the meeting was to attempt to merge the three current sets of jurisdictional instructions into a single document, establishing standardized rules throughout the whole system, as well as clarifying provisions related to electronic case management, document flow, and roles and responsibilities of court staff.

Milestone Progress ER 3.3

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

SCHEDULE CHANGES: FAIR continues to experience delays with the launch of the electronic pay terminals in all 42 courts countrywide (Lviv, Odesa, Kyiv, Kharkiv and Dnipropetrovsk oblasts), due to the SJA's failure to complete the testing of the payment software in due course. According to SJA's Head of the State Enterprise "Information Court Systems" the software has successfully been tested in three courts in Kyiv, and it will be installed on all 42 terminals by April 10, 2016.

PROBLEMS: The finalization of the electronic pay terminals project continues to be delayed by the SJA. According to FAIR communications with the SJA management, all work was to be completed by the

end of 2015 at the latest, however, FAIR has repeatedly seen changes in the deadlines for the last several months. According to the SJA, all terminals will finally be able to accept court fees no later than April 10, 2016.

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

- Work with the SJA to complete the implementation of the pilot project for electronic collection of court fees via procurement of electronic pay terminals to be used for fee collection, as well as for providing information to court users, and outreach activities;
- Provide support to the administration committee established within the COJ. Work with the committee to revise existing and establish new policies in the field of court automation as needed; and
- Continue working with the Presidential Administration to update and revise the Strategy for Automating Ukraine's Judiciary based on feedback from JRC members.

<p style="text-align: center;">Performance Indicators ER 3.3</p> <ul style="list-style-type: none">• No changes this reporting period occurred under the indicator "Number of data-fed analytical techniques incorporated into judicial budgeting," the status of this indicator remains 1 and it refers to the Case Weighting Study for the General Courts.• The indicator "Number of project-supported new or improved policies within the SJA" did not change this quarter and remains three as in the end of FY2015.
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EXPECTED RESULT 3.4: THE CAPACITY OF COURTS AND JUDICIAL INSTITUTIONS TO COMMUNICATE EFFECTIVELY WITH THE PUBLIC IS ENHANCED, LEADING TO GREATER PUBLIC APPRECIATION OF THEIR ACTIVITIES

ACCOMPLISHMENTS: During this reporting period, FAIR finalized the updated version of the curriculum on Court and Community Communications. It is currently undergoing editorial review and layout design. The updated curriculum includes structures of training programs of various length, master presentations, references to the most recent legislation, and articles by renowned lawyers and communication specialists. The Court and Community Communications Curriculum will be used by the NSJ as a part of ongoing training program for judge-speakers, chief judges, and public information officers (PIOs) to provide them with knowledge in the communications field and to support development and improvement of new skills.

On February 16-17, 2016, FAIR conducted two one-day trainings for judge-speakers of Kyiv city (February 16) and Kyiv and Chernigiv regions (February 17) courts with the European Union Advisory Mission, NSJ, COJ, and the SJA. Two one-day trainings were conducted in Kyiv on the subject of the updated manual on Court and Community Communications. The purpose of these trainings was to share the United States and Ukrainian best practices and lessons learned in building effective court communication with the public to enhance the communications skills of judge-speakers. Along with national specialists on court communication, the trainings were conducted by international experts David Remondini, Chief Deputy Executive Director, Division of State Court Administration, Indiana Supreme Court, USA (through Skype), Leah Guowitz, Director of Governmental & Public Relations, D.C. Courts, USA (through Skype), and Soren Sonderstrup, Media Information Analysis Officer of the European Union Advisory Mission.



Unexpected interview exercise for judges-speakers at one-day training on court communication with the judge-speakers of Kyiv and Chernigiv regions courts conducted by FAIR on February 17, 2016, in Kyiv.

The trainings were preceded by a roundtable with representatives of national mass media on the ways of establishing a dialog and constructive cooperation between the courts and mass media. The roundtable was conducted by national specialists on court communication along with international experts. The video recording of the roundtable may be found here

<https://www.youtube.com/watch?v=N6JEei4BGU>. In total, 15 journalists participated in the roundtable and 85 judges participated in the trainings.

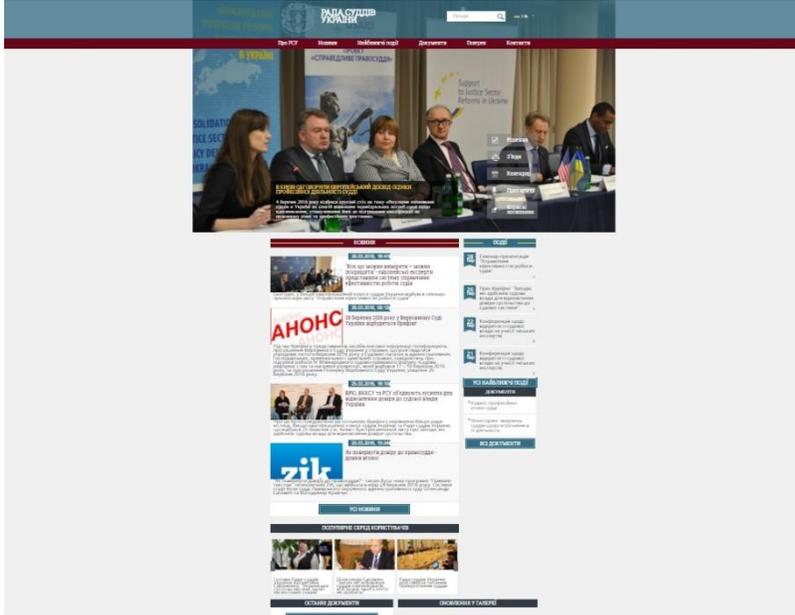
In this reporting period, FAIR made minor progress in supporting the NSJ in conducting the second round of the online distance learning course on

Courts and Community Communications. The NSJ working group members are still working independently in their respective sections of the curriculum.

In this reporting period, FAIR, together with the joint EU/COE Project “Consolidation of Justice Sector Policy Development in Ukraine,” has updated the Courts and Media Manual for Journalists. The manual was designed in 2009 by local and international experts involved with the USAID Ukraine Rule of Law Project (UROL) (FAIR’s predecessor project from 2006-2011), and needed to be updated in order to incorporate the results of numerous court and community communications-related events as well as the latest changes in the law that have taken place since the Manual’s creation. FAIR plans to present the Manual to most prominent media throughout Ukraine as well to journalism departments at the universities and institutes throughout the country. This Manual will have a twofold purpose: It will be used on a daily basis as a guideline for journalists in preparing their materials regarding court activities, and it will be a textbook for students’ and journalists’ trainers to support their skills development and to improve their knowledge and professional capacity. The updated manual will be also used as foundational material for journalists’ trainings in court activity coverage.

Milestone Progress ER 3.4

- A conference on “Strengthening Public Trust in the Judiciary through Effective Court Communications” conducted.
- 3 grants to regional CSOs enhancing communication skills of PIOs and court staff awarded.
- Participation of Ukrainian delegates at the second and third “Judicial Images” international workshop supported (October 16-17, 2014 in Budapest, Hungary, and June 25-26, 2015 in London, UK).
- Court communications manual published and disseminated to each of the 680 courts that operate in Ukraine at the moment according to the information provided by the SJA.
- 5 one day regional trainings for PIOs and judge-speakers working in courts of Lviv, Kharkiv, Odesa, Chernigiv and Kyiv oblasts conducted; the trainings were preceded by roundtables with representatives of local mass media (220 PIOs and judges participated in the trainings and 55 journalists participated in the roundtables).
- Civic education materials on judicial reform and public information materials on court operations updated.
- COJ website testing version is developed; it is more informative and user-friendly.
- Court communications curriculum updated.
- Courts and Media manual for journalists updated.



Screenshot from the new COJ website developed by Kitsoft IT Company with FAIR's support.

2016, Charity foundation “CCC Creative Center” conducted a training on court communications with the public and media for Cherkasy region PIOs entitled “Informational of Support of High-Profile Cases.” Twenty-five participants attended the training. Charity foundation “CCC Creative Center,” continues to implement its grant project.

SCHEDULE CHANGES: FAIR has postponed support of the HCJ in elaborating its Communications Strategy until the next reporting period. FAIR had to postpone this activity due to the HCJ delay in providing the first draft of the communication strategy. FAIR is now in the process of recruiting an expert to work on this activity.

PLANS: During the next reporting period, FAIR plans the following activities in order to achieve Expected Result 3.4:

- Publish the updated version of the in-class curriculum on Court and Community Communications;
- Conduct four trainings for judge-speakers in Mykolayiv, Kherson, Dnipropetrovsk, and Zaporizhzhia on court and community communications;
- Publish the Courts and Media Manual for journalists;
- Continue supporting the NSJ in conducting the second round of the online distance learning course on Courts and Community Communications; and
- Assist the HCJ in elaboration of the Communications Strategy.

The Kitsoft IT Company, which was selected by FAIR together with the COJ leadership, has completed the test version of the new COJ website, which is now more informative, interactive, and user-friendly. It may be found at <http://test-site.rsu.gov.ua/>. The COJ is testing all features of the website and uploading information. The site will be available online in the next reporting period.

In addition, during this reporting period, FAIR continued supporting its grantee, Charity foundation “CCC Creative Center,” in developing court capacity in the Cherkasy region to effectively communicate with the public. On February 29 – March 2,

Performance Indicators ER 3.4

- Number of courts offering legal education materials to court visitors remains 43 as last quarter. This data counts 42 courts where FAIR provided information and pay terminals and two pilot paperless e-courts. One court overlap between two activities, thus the single-counted number is 43.
- Number of communication strategies implemented by courts and judicial institutions significantly increased this quarter to 26. This number counts 25 courts who developed, published and implement their communication strategies. In addition, FAIR counts COJ-approved Communication Strategy for Ukrainian Judiciary.

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

ACCOMPLISHMENTS: During the reporting period, FAIR has continued to support the Kharkiv City civic organization “Institute for Applied Humanitarian Research” to implement a follow-on grant to “Monitoring of Court Performance and Decisions Related to Elections in Ukraine: Local Elections 2015.” Civic experts have analyzed 420 court decisions related to local elections conducted in autumn 2015. By the end of May the grantee will summarize findings and provide recommendations for the NSJ and HAC to improve court proceedings in election cases.

FAIR grantee All-Ukrainian Civic Organization “Association of Judges of Ukraine” (AJU), in partnership with Kyiv Appellate Administrative Court, conducted a roundtable to present and discuss with judges the amendments to the Code of Administrative Procedure of Ukraine. Additionally, in partnership with High Commercial Court of Ukraine, the CSO conducted a public event to analyze amendments to the Commercial Procedural Code on January 22, 2016. AJU collected all recommendations provided by the judges and introduced them to the Working Group on Justice of the Constitutional Commission and Parliamentary Committee on Legal Policy and Justice.

Milestone Progress ER 4.1

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

With the aim of increasing young professionals’ awareness of judicial reform, on February 2-7, 2016, FAIR supported and participated in the 6th All-Ukrainian Winter Law School event, initiated by the Coordination Council of Young Lawyers under the MOJ. Young practicing lawyers, legal clinic managers, students from various regions of Ukraine attended the training and master classes to improve their practical skills and theoretical knowledge in the area of law. FAIR representatives gave presentations on judicial selection, the court performance evaluation system using citizen report card (CRC) methodology, and gender mainstreaming in judicial reform.

On March 10, 2016, FAIR grantee civil society organization “Women’s Perspective Center” (WPC) conducted a roundtable to present its findings of a review of court decisions based on gender equality and non-discrimination. WPC noted that despite the fact that Ukraine has undertaken international, constitutional, and legislative obligations to protect women’s rights and ensure equality between men and women, there are few discrimination cases in courts, which may reflect obstacles that women face when defending their rights in courts. For example, from 2006 to 2015, judges referred to the Law on Equal Rights and Opportunities for Women and Men in 131 cases; only 31 cases were about protection against gender discrimination. The level of application of international documents is also very low - the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and European Court of Human Rights decisions are very rarely cited in judgements. From September 1, 2015 to February 29, 2016, for the first time ever in Ukraine, court decisions were monitored based on gender discrimination.

The Ministry on Social Policy will use the results of the monitoring to report to the UN Committee on the Elimination of Discrimination Against Women. After discussing the results of the monitoring program, judges, lawyers, and civil society representatives alike agreed that judges need more training on the application of legislation regarding gender rights and equality. On March 11, 2016, WPC and the Lviv Regional Department of the NSJ conducted such a training program for judges from western Ukraine. The CSO is going to conduct three more trainings by the end of May 2016.

On March 14-18, 2016, FAIR representatives participated in the NGO Forum conducted in New York as part of the 60th Session United Nations Commission on the Status of Women entitled “Women’s Empowerment and the Link to Sustainable Development”. During the sessions, participants highlighted that justice is the foundation for gender equality and women's empowerment. FAIR representatives contributed to sessions on “Women, Peace, Security and Sustainable Development” on March 17, 2016 and “Ensuring the Sustainable Development Goals for Women Displaced by Conflict in Ukraine, Georgia and Armenia” on March 18, 2016, initiated by the World Federation of Ukrainian Women's Organizations (WFUWO) and the Permanent Mission of Ukraine to the United Nations. The FAIR representatives presented the situation in Ukraine regarding women’s access to justice and the results of the court decisions monitoring based on the application of gender discrimination legislation. Participants from UN member countries called upon states, international organizations, and civil society to increase women's access to justice from the local to national levels, especially during conflict and post-conflict periods, to protect women and internally displaced persons (IDPs), and increase gender awareness of justice authorities.

Performance Indicators ER 4.1

The indicator “Number of CSO-produced policy proposals related to pending judicial reform legislation” remains the same as in the end of the FY2015, the cumulative number for this indicator is three. It refers to FAIR-supported Institute of Republic proposal to judicial reform legislation, Ukrainian Legal Aid Foundation proposal related to the secondary legal aid in Ukraine and CSO Reform Package following the 2014 Revolution of Dignity.

PLANS: During the next reporting period, FAIR plans the following activities in order to achieve Expected Result 4.1:

- FAIR will continue to support civic coalitions in producing proposals related to judicial reform legislation and mechanisms of sustainable advocacy campaigns for pending judicial reform legislation adoption (linked to ER 5.4);
- FAIR will continue to update public awareness materials on court operations;
- FAIR will continue to support the All-Ukrainian Civic Organization “Association of Judges” to conduct research on implementation of recommendations of the International Association of Judges and the European Association of Judges, and to provide recommendations on current Ukrainian legislation regarding judicial reform; and
- FAIR will continue to support the CSOs “Women’s Perspective Center” (Lviv) and “Public Alternative” (Kharkiv) to present findings and recommendations from monitoring court decisions regarding gender discrimination in civil and criminal processes, focusing on the transparent application of Ukrainian gender legislation and international laws. CSO “Women’s Perspective Center” will also conduct three trainings for judges.

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

ACCOMPLISHMENTS: During the reporting period, FAIR has continued to support selected NGOs to monitor the implementation of the CSO recommendations provided to the courts of Kyiv, Lviv, Odesa, Sumy, Ivano-Frankivsk, Chernivtsi, and Cherkasy oblasts following completion of the CRC surveys, and to develop CRC methodology sustainability by building capacity within CSOs and courts to conduct CRC surveys without donor support.

FAIR provided CSOs with methodologies to analyze the level of implementation of the CRC recommendations and to assess the level of courts' needs and capacity to conduct CRC surveys with their own resources, or in cooperation with CSOs and higher education institutions. FAIR grantees established cooperation with the COJ to implement the monitoring activities.

Five NGOs are continuing to conduct surveys using the CRC methodology to measure citizen satisfaction with court performance in all the courts of Ternopil, Khmenllytskiy, Chernihiv, Volyn, and Kherson oblasts in cooperation with the courts and the SJA. They have already interviewed visitors in 110 courts, collected and entered data, and conducted focus groups with courts to discuss recommendations to improve court performance. Now the CSOs are in the process of drafting analytical reports and finalizing recommendations.

Milestone Progress ER 4.2

- CRC surveys extended to 5 new regions and 110 new courts.
- FAIR awarded grants to 12 CSOs to conduct CRC surveys in all the courts of Ivano-Frankivsk, Lviv, Cherkasy, Chernivtsi, Odesa, Sumy, Ternopil, Khmenllytskiy, Chernihiv, Volyn, Kherson, and Kharkiv Oblasts.
- 19 CSOs presented 55 CRC analytical reports and 2,570 recommendations on court service improvement to 212 CRC partner courts at 19 regional roundtables.
- Assessment report on impact of the CRC program implementation produced.
- Assessment report on equal access to court facilities and services for people with disabilities produced.
- Results of assessment report on equal access to court facilities and services for people with disabilities presented at the conference on "Access to Justice and Court Services."
- NGO selected to implement grant program to increase access to courts for people with disabilities.
- Monitoring of the access to courts and court services for people with disabilities conducted in 20 courts.
- Audio and Braille materials on the judiciary prepared.
- Public awareness and lobbying campaign on legislative changes to improve access to justice for people with disabilities conducted.
- NGOs selected to develop a manual on court staff's communication skills and work with people with disabilities in cooperation with the NSJ.
- Manual on court staff's communication skills and work with people with disabilities in cooperation with the NSJ developed.
- TOT for 19 faculty members through grant on improving communications skills of court staff in their work with disable conducted.

On January 15, 2016, FAIR grantee CSO "League of Social Workers" (Sumy) in cooperation with the Territorial Department (TD) of the SJA of Sumy Oblast conducted a roundtable to present the results of the CRC survey on public satisfaction with court performance conducted in 22 courts of Sumy Oblast. The grantee also shared recommendations on improving the quality of court performance based on the data collected during the CRC survey. Representatives of the CRC pilot courts, the TD SJA in Sumy Oblast, civil society organizations, media and FAIR representatives attended the roundtable.

Finally, during this quarter, the NSJ finalized the draft manual developed by FAIR grantee "Law and Democracy" NGO on improving court staff communication skills in their work with people with disabilities. On January 29, 2016, the abovementioned FAIR grantee conducted a training of trainers program in Kyiv for judges and court staff who will serve as faculty for the NSJ on training programs

focused on improving access to justice for people with disabilities. On February 5, 2016, the NSJ, together with FAIR, launched in Lviv a series of regional training programs for court staff on improving access to courts and court services for persons with disabilities based on the curriculum developed by the “Law and Democracy” NGO. On March 3, 2016, the NSJ and FAIR continued this series of trainings in Kyiv. As a result, 60 court staff members improved communication skills in their work with people with disabilities. In addition, the NSJ and Volyn Region Territorial Office of the SJA initiated and conducted similar training using their own resources in Lutsk City for the court staff of Volyn Region (<http://nsj.gov.ua/ua/news/pokrashennya-rivnya-navikiv-spilkuvannya-z-ludmi-z-invalidnistu-v-sudi/>).

PLANS: During the next reporting period, FAIR plans the following activities in order to achieve Expected Result 4.2:

- FAIR continues to provide support to eight CSO: five conducting CRC surveys in five new oblasts (Ternopil, Khmenlnytskiy, Chernihiv, Volyn, and Kherson), and three monitoring CRC survey recommendation implementation in the seven oblasts where CRCs were previously conducted between February and September 2015 (Kyiv, Lviv, Odesa, Sumy, Ivano-Frankivsk, Chernivtsi, and Cherkasy);
- FAIR expects that the results of the CRC surveys in Ternopil, Khmenlnytskiy, Chernihiv, Volyn, and Kherson will be presented in April – May 2016;
- The NSJ faculty members, trained by FAIR grantee “Law and Democracy” NGO, will conduct three trainings on improving communications skills of court staff in their work with people with disabilities in Vinnytsya, Kmelnytsky, and Odesa within the framework of the FAIR grant project “Improving communications skills of court staff in their work with people with disabilities” (April – May, 2016);
- FAIR grantee “Law and Democracy” NGO will revise the curricula on improving communications skills of court staff in their work with people with disabilities based on feedback and evaluation information collected during the trainings conducted for court staff. The grantee will transfer the final curricula to the NSJ (May, 2016); and
- FAIR grantee “Law and Democracy” NGO will disseminate an information book with contacts at NGOs that represent people with disabilities among judiciary bodies (May, 2016).

Performance Indicators ER 4.2

- During this quarter, CRC surveys took place in 110 courts (14% of all courts in Ukraine). The cumulative data for the indicator “Number and percentage of courts in which there are active CSO court performance evaluation programs” is 313 this quarter, which is 40% of all courts in Ukraine.
- Number of people engaged in the monitoring and performance oversight of Ukrainian courts this quarter is 9,308, the cumulative life of project number is 26,980.
- The data for the indicator “Percentage of partner Civil Society Organizations’ performance improvement recommendations implemented by judicial institutions” is not available this quarter. Analysis of CSO recommendations implementation is still in the process. FAIR expects results of analysis in the next reporting period.

EXPECTED RESULT 5.1: THE LAW ON THE PURIFICATION OF GOVERNMENT AND RELEVANT LEGISLATIVE FRAMEWORK IMPROVED

ACCOMPLISHMENTS: During the reporting period, FAIR continued to support national counterparts by providing expertise on improving and streamlining lustration and judicial vetting proceedings.

So far, President Petro Poroshenko has dismissed seven judges that handled EuroMaidan-related protest cases recommended by the ISC. Another judge’s case, Nataliya Grynkovska, is pending as the HCJ supported the ISC’s initial decision to dismiss her. The President has also dismissed Judge Rodion Kireev, who handled the case of Yulia Tymoshenko, as well as Judge Sergey Vovk who handled the case against former Minister of Internal Affairs Yuriy Lutsenko. Judge Vovk appealed the presidential decree on his dismissal, and was subsequently restored in the position of a judge by the decision of the HAC. However, on March 4, 2016, the Parliament gave permission to arrest him, as well as two more judges, Viktor Kytsyuk and Oksana Tsarevych, as they are suspected of issuing “knowingly illegal decisions motivated by personal benefits” during the Revolution of Dignity. Yet another judge has been dismissed by Petro Poroshenko based on a criminal conviction, and 83 more judges who continued to serve on the bench in occupied Crimea have been dismissed as well. Further, the Verkhovna Rada dismissed an additional four judges following criminal convictions, while the cases of 14 judges initially recommended for dismissal by the ISC are still pending. Since autumn 2015, the Parliament and the President have also removed another 300 judges, the vast majority of which voluntarily resigned.

Milestone Progress ER 5.1

- Draft legislative recommendations on the needed amendments to the Law on the Purification of Government formulated and submitted to Ukrainian counterparts.
- Amendments to the Law on the Purification of Government in the context of existing legislation and recommendations to improve it in line with international and European standards supported (ongoing).

During the reporting period, FAIR engaged two renowned experts in lustration – Prof. Hans Petter Graver (Norway) and Mr. Pavol Zilincik (Czech Republic) – to conduct a series of one-to-one meetings and group discussions with Ukrainian key stakeholders to provide international expertise on lustration and judicial vetting best practices. Prof. Graver is a leading expert in judicial accountability and the author of numerous related publications, including the book *Judges Against Justice: On Judges When the Rule of Law is Under Attack*, which was published earlier this year. Mr. Zilincik has 20 years of experience in designing and implementing democratization projects in transitional countries. During their visit to Kyiv, Mr. Graver and Mr. Zilincik met with former members of the ISC, representatives of the Presidential Administration, the HCJ and the HQC, MOJ lustration department, and representatives of leading NGOs in the area, such as Reanimation Package of Reforms and Ukrainian Legal Foundation.



FAIR Expert Prof. Hans Petter Graver facilitates discussion on possible judicial choice while under the threat or pressure during the roundtable “Protecting the Rule of Law is a Judges Duty” on February 11, 2016.

On February 10, 2016, Mr. Graver also conducted a lecture at the Kyiv Mohyla Academy on the topic: “The Immoral Choice – How Judges Participate in the Transformation of Rule of Law to Legal Evil”. Representatives of the law faculty and legal community, HCJ, leading NGOs, and other institutions attended the event.

Additionally, FAIR local short-term lustration expert Mr. Markiyan Halabala completed an analysis of the decisions and other relevant materials of the HCJ, the HQC, the ISC as well as any relevant court decisions identifying factors and causes that enabled interference with judicial independence during the Revolution of Dignity. In addition, the expert made an attempt to explain why judges were passing decisions violating the requirements of the relevant procedural codes and the rule of law principle at that time. Based on the analysis the expert came to the following conclusions and recommendations:

- The level of transparency of the random assignment of cases should be increased.
- The influence of political powers on the judiciary, including influence of the prosecutors on judges, should be limited.
- Judges involvement in corrupt schemes made them vulnerable to blackmail from politicians.
- Majority of judges have poor ethics standards, making them more likely subjects to the outside influence.

On February 11, 2016, these conclusions and recommendations were presented and discussed at the Roundtable “Protecting the Rule of Law is a Judges Duty”. During the event, Prof. Graver delivered the presentation “Judges in Authoritarian Regimes – Can They Be Brought to Account under Criminal Law?”, while Mr. Zilincik facilitated a discussion on how to find the perfect balance between criminal and disciplinary liability of judges and judicial independence. Representatives of the MOJ, the SCU, the HCJ, the COJ, the HAC and leading NGOs in the field attended the event. Based on the discussions, participants agreed that judges cannot be brought to liability for court decisions they make, but for the corrupt activities they engage in, such as acting under pressure, taking bribes, etc.

Prof. Graver and Mr. Zilincik provided the following conclusions and recommendations based on their meetings with national partners and the roundtable discussions:

- There must be a better balance between independence and responsibility in the judiciary;
- The provision in Article 375 of the Criminal Procedural Code of Ukraine should be redrafted in order to avoid misuse of it to unduly influence judges;
- The government should consider the idea of establishing a fact-finding commission, composed of experts of high standing and reputation, endowed with the task to establish the role of the judiciary during the EuroMaidan protests and the factors contributing to this role;
- It is crucial that honest people occupy the most important positions in the judicial administration - including those who select, promote, and evaluate judges, or are in charge of the disciplinary sanctions. Three tools help to achieve this ambitious goal:
 - Clear criteria for selection procedures;
 - Transparency of the selection;
 - Capacity of civil society to follow the selection procedures, uncover the flaws, and acknowledge successes;
- With regard to cleaning up the judiciary, judges need to be encouraged to realize that it is their own responsibility to get rid of their corrupt colleagues; and
- In addition to sanctioning judges, it is necessary to provide support to those judges who understand their role and responsibilities, are capable of thinking beyond judicial corporative interests and can be good role models for their colleagues.

On March 22, 2016, the CCU resumed its hearing on the Law on Purification of Government initiated by two submissions of the SCU and the submission of 47 members of Parliament regarding the unconstitutionality of certain provisions of it. The hearing started with the consideration of a petition on the recusal of seven justices of the CCU submitted by MP Egor Sobolev (Ob’ednannia “Samopomich”). This petition argued that the seven justices have a conflict of interest and should be lustrated themselves for supporting former President Viktor Yanukovich’s regime by granting him broader authority. The CCU rejected this argument due to what it decided were “improper grounds for recusal.” MP Sobolev, MP Leonid Yemets and MOJ Lustration Department Chair Tetiana Kozachenko immediately left the courtroom after the decision on the petition was announced. The CCU, in a later closed session, considered holding them in contempt of court for leaving the court without permission.

As the open hearing continued, representative of the Presidential Administration Rostyslav Meheenko stated that generally President Poroshenko supports the law, but recognizes that it needs to be improved. Vadym Demchenko of the HAC argued that the law violated judicial independence by imposing disciplinary liability on judges for their legal opinions in rendered court decisions. In addition, Mr. Demchenko also argued that the scope of authority of the MOJ Lustration Department was unconstitutional. Judge Bogdan Monich of the COJ highlighted the COJ’s interest in purifying the judiciary. He nevertheless insisted that the law violated the rule of law as it is not based on individual responsibility but collective justice, and does not guarantee the presumption of innocence. Arkadiy Bushchenko of the Ukrainian Helsinki Union on Human Rights insisted that the rights of public servants should be strictly separated from human rights and that latest are not breeched by the Law on Purification of Government. A number of other experts testified that the constitutionality of the law should be based on the Constitution and not Venice Commission recommendations which are not binding on Ukraine. Finally, former CCU Justice Ivan Dombrovskiy highly criticized the quality of all three constitutional submissions for the poor quality of their legal arguments. As the CCU concluded this open hearing, the court indicated that the date and time for issuing its final opinion will be announced separately.

Performance Indicators ER 5.1

- FAIR supports the GOU on the implementation of financial disclosure for public officials, which contributes to the indicator “Number of USG-supported anti-corruption measures implemented.”
- Number of recommendations to improve the Law on the Purification of Government and relative legislative framework remains 42 as in the end of FY2015.
- Percent of recommendations formulated that are passed into law or adopted as regulations is 0 since all recommendations formulated are now under the consideration by law and policymakers. 10 FAIR-developed recommendations to amend the Law on the Purification of Government included in the current Draft Law.

In light of these developments, FAIR reconsidered the benefit of conducting a study tour to Warsaw, Poland to witness first-hand best lustration practices and lessons learned. At the moment Ukraine is lacking strong political players willing to learn from the Polish lustration experience in order to implement it in Ukraine and change the national lustration legislation. Thus, the tour was canceled.

PLANS: During the next reporting period, FAIR plans the following activities in order to achieve Expected Result 5.1:

- Support amending the Law on the Purification of Government in the context of domestic legislation with recommendations to improve the Law in line with international and European

standards, including the case law of the European Court of Human Rights and Venice Commission recommendations;

- Finalize and compile the findings of the reports on court practices in AutoMaidan cases (administrative cases regarding the violation of traffic safety rules) and cases regarding illegal detentions during EuroMaidan protests, as well as the findings of the report on the factors that impacted judicial independence in Ukraine during the Revolution of Dignity, and the respective set of recommendations on improving national legislation in light of these findings, which were developed by FAIR experts Prof. Hans Petter Graver, Pavol Zilinchik, Radoslaw Peterman, Roman David, Doctor Stanislav Balik, Prof. Viacheslav Navrotskyi, Roman Veresha, Markiyana Halabala, Volodymyr Moisyk, Roman Falfushynskyi, and Myroslava Bilak. The compilation will include an analytical overview, and will be presented and disseminated to Ukrainian counterparts and leading NGOs during a public event; and
- Release the e-book *Crimen Laesae Iustitiae* by Witold Kulesza.

EXPECTED RESULT 5.2: INSTITUTIONS, PROCEDURES AND REGISTRY FOR THE LUSTRATION AND VETTING OF PUBLIC OFFICIALS AND JUDGES STRENGTHENED

ACCOMPLISHMENTS: During this reporting period, FAIR focused on supporting key counterparts in developing internal procedures for lustration and judicial vetting.

On February 9, 2016, FAIR experts Prof. Hans Petter Graver and Mr. Pavol Zilincik conducted a meeting with the Head of the Lustration Department of the MOJ Ms. Tetiana Kozachenko and her staffers to share best international approaches in tracking and monitoring of information about lustrated/banned public officials. Mr. Zilincik stressed the importance of public access to such kind of information and the MOJ's role in ensuring the timely and complete informing of the public about the progress in lustration procedures.

FAIR also involved local short-term expert Roman Kuybida to assess the informative value of the publicly available MOJ web-registry (<http://lustration.minjust.gov.ua/register>) and its ability to meet public demands and expectations, as well as to assess the related data regulations. This included recommendations for improving the Registry's content and navigation parameters in line with Ukrainian legislation, European best practices on protection of personal data, recommendations of the Council of Europe Parliamentary Assembly, and the case law of the European Court of Human Rights in lustration cases. Results of the analysis will be presented to key Ukrainian stakeholders during next reporting period.

Milestone Progress ER 5.2

- Recommendations for improving procedures for vetting developed.
- Assessment of the Registry conducted (ongoing).

Performance Indicators ER 5.2

- Number of recommendations to improve the Registry formulated with project support and adopted as regulations is 0 for this reporting period.
- Number of procedures for lustration and vetting developed with project remains two as in previous reporting period. It refers to FAIR-supported Procedure and Methodology of the Judicial Performance Evaluation and the Regulation for Examination of the Sitting Judges.
- Number of judicial performance indicators to evaluate sitting judges in Ukraine developed with project support remains 10 as in the last quarter. FAIR-supported the Regulations on Judicial Dossier defining 10 performance indicators for judges, which became part of the Judicial Performance Evaluation Regulations.

PLANS: During the next reporting period, FAIR plans the following activities in order to achieve Expected Result 5.2:

- Conduct expert analysis of existing regulations adopted pursuant to the amended Law on the Purification of Government and provide recommendations for improvement;
- Support the development of the Unified Registry of Persons in Relations to Whom Provisions of the Law on the Purifications of Government Have Been Applied to ensure transparency and public access, while securing personal data; and
- Finalize and compile the reports on the analysis of lustration legislation and supportive regulations with the respective recommendations on their improvement. The compilation will be presented and disseminated to Ukrainian counterparts and leading NGOs at a public event.

EXPECTED RESULT 5.3: IMPROVED KNOWLEDGE, SKILLS AND ABILITIES OF KEY STAKEHOLDERS AND PERSONNEL TO CONDUCT THE LUSTRATION AND VETTING OF PUBLIC OFFICIALS AND JUDGES PROFESSIONALLY, FAIRLY AND IMPARTIALLY

ACCOMPLISHMENTS: This reporting period, FAIR continued to support the MOJ in enhancing the knowledge and skills of employees in the justice sector through training programs. FAIR, in consultation with the MOJ, prepared a follow-up meeting within the framework of the Modern Management Training Program for the MOJ managers. The event is scheduled for April 14-15, 2016. FAIR engaged international legal education expert Delaine Swenson to conduct the workshop on improving legal skills for the participants of the program.

FAIR lustration expert Roman David analyzed the National Public Opinion Survey regarding Political, Economic and Legal Reforms in Ukraine Including Implementation of the

Milestone Progress ER 5.3

- Training program for the MOJ conducted (ongoing).
- Resource materials assembled and disseminated (ongoing).
- Training program for the MOJ Department on Lustration conducted.
- Expert discussion on lustration and vetting with the MOJ Lustration Department and Public Council on lustration organized.
- Ukrainian delegation supported in participation at a conference and study visit to Romania. Follow-up event conducted.

Performance Indicators ER 5.3

- Number of training days provided to executive branch personnel did not change this quarter. The Indicator status remains the same as in the end of previous quarter.
- Number of training programs on lustration and vetting processes compliance with European standards and practices did not change in this reporting period and remains four. This number counts Organizational Development Training for the Ministry of Justice of Ukraine, study tour to Poland on lustration best practices and lessons learned, the study tour to the Czech Republic on lustration approaches, and training on gender issues for the Ukrainian government.
- No changes in this reporting period occurred under the indicator “Number of people trained with newly developed programs on implementation the lustration and vetting” and “Percent of people trained who improved knowledge and skills to proceed with lustration and vetting in this quarter is 100%.” Cumulative LOP data on these indicators is accordingly 154 and 99%.

Law “On Purification of Government”. The expert report included an analysis of the interdependence between the lustration process and social factors, political contradictions, expectations of the public, etc. In addition, the report included recommendations on improving the lustration and vetting process in Ukraine, which were shared with representatives of key state authorities and civil society organizations.

PLANS: During the next reporting period, FAIR is planning the following activities to achieve Expected Result 5.3:

- Conduct follow-up meeting of the Modern Management Training Program for the MOJ managers; and
- Assemble resource materials to support members of the Public Council on Lustration and staff of the MOJ Department on Lustration.

EXPECTED RESULT 5.4: PROMOTE PUBLIC AWARENESS AND CIVIL SOCIETY ENGAGEMENT IN THE PROCESS OF LUSTRATION AND VETTING OF PUBLIC OFFICIALS AND JUDGES TO BOLSTER PUBLIC TRUST AND CONFIDENCE

ACCOMPLISHMENTS: FAIR continues to support civil society engagement in the lustration and vetting process. During this reporting period, FAIR supported ten CSOs in monitoring and raising public awareness about the lustration and vetting process; and two CSOs in monitoring and raising public awareness of the MOJ’s administrative services.

The CSOs that implement public awareness campaigns on lustration focused on organizing trainings for local activists, students, media and public servants, which aimed to explain how to monitor the lustration and vetting process and communicate to the Lustration Department at the MOJ the monitoring results. In addition, numerous thematic information materials were developed and distributed to the public at large.

On March 23, 2016, FAIR grantee Ukrainian Coalition for Legal Aid (the Coalition) conducted a roundtable on “Legal Lustration. Ways of Effective Public Awareness on Lustration Progress” in Lviv. The aim of the event was to present the results of the public awareness campaign in the Western Region of Ukraine. As a result of the grant program, 1,600 students from 22 educational institutions in Western Region were informed about the lustration process; and 30 CSO representatives were trained on monitoring of the lustration process. In addition, the brochure “Civilised Lustration: Get to Know Everything about Purification of Government”, as well as numerous expert articles and interviews were disseminated through printed media and local TV programs.

Iryna Kravchenko, member of the Lustration Department at the MOJ, presented the main achievements and obstacles in implementing the provision of the Law “On Purification of Government” and administrating the Unified Registry of Persons to Whom Provisions of the Law on Purification of Government Have Been Applied. The Coalition members together with the judges of appellate courts, representatives of the MOJ, educational institutions, and civil society organizations developed recommendations for further civil society involvement in the vetting and lustration process in Ukraine.

Milestone Progress ER 5.4
<ul style="list-style-type: none"> • Six civil society organizations supported in implementing public awareness campaign on lustration and vetting process. • Four civil society organizations supported in implementing monitoring and overseeing of lustration and vetting process. • One civil society organization supported in implementing monitoring of administrative services provided by the MOJ. • One civil society organization supported in raising public awareness on administrative services provided by the MOJ. • National survey on public opinion regarding democratic, economic, and judicial reforms, including implementation of the Law on Purification of Government analyzed and presented. • Surveys of court staff implemented and shared with judicial stakeholders. • Judges opinion survey regarding the judicial reform in Ukraine, the restoration of Ukraine’s citizens trust in the judiciary, implementation of the Law of Ukraine "On the Restoration of Trust in the Judiciary," "On Purification of Government," and "On Fair Trial" conducted. (ongoing) • Company to develop information cartoons about reforms in administrative services provided by the MOJ selected. • RFP to select the organization which will implement National Public Survey Regarding Democratic Changes in Political and Social Spheres, Judicial Reform and the Process of Purification of Government issued.

FAIR grantees the Universal Examination Network and the European Dimension cooperated to develop the methodology and the questionnaire for the regular civil society evaluation of the judges' performance in the courtroom within the framework of the regular judges' evaluation according to the Law "On the Judiciary and Status of Judges." Students of law faculties, which were involved by the European Dimension, piloted the questionnaire in Sumy region. On March 4, 2016, FAIR grantees presented the methodology and the questionnaire at the roundtable "Regular Judges' Evaluation in Ukraine." FAIR plans to advocate for the adoption of the questionnaire by the HQC and the COJ during the next reporting period. In addition, FAIR grantees will continue the implementation of public awareness and monitoring of lustration process initiatives and present the results of their grant programs in the next reporting period.

On March 15, 2016, FAIR grantee the Center for Political and Legal Reforms (CPLR) presented the results of the civil monitoring of administrative services provided by the MOJ. The presentation of the monitoring results and the event is detailed in the Success Stories and Notable Achievements section of this report.

FAIR grantee Center for Ukrainian Reform Education (CURE), in consultation with the MOJ, developed four user friendly video instructions on access to online administrative services provided by the MOJ. The instructions were introduced to the Minister of Justice and will be disseminated during the next reporting period. In addition, the articles including interviews with the Deputy Minister of Justice Gia Getsadze and the Head of Kyiv Headquarter of the MOJ Pavlo Kutsenko, as well as a description of the practical use of the online MOJ services were widely disseminated in the media.

Further, in response to a request by the MOJ, FAIR selected a company which will develop information cartoons about the reforms in the MOJ's provision of administrative services. The cartoons are aimed to explain to Ukrainian citizens the main improvements in the MOJ service provision in an illustrative and positive way. The materials will be delivered and disseminated in the next reporting period.

On February 4, 2016, the COJ delivered its decision to support FAIR in conducting the national survey of judges' opinion on the judicial reform process in Ukraine. The survey includes questions on respondents' opinions regarding the restoration of Ukraine citizens' trust in the judiciary, the implementation of the laws of Ukraine "On the Restoration of Trust in the Judiciary," "On the Purification of Government," and "On Fair Trial." The company which implements the survey interviewed approximately 700 judges all over Ukraine. The results of the survey, along with expert analysis and recommendations, will be presented to the COJ and the public at large during the next reporting period.

Finally, FAIR has issued an RFP to select a company for conducting the second National Public Survey Regarding Democratic Changes in Political and Social Spheres, Judicial Reform and the Process of Purification of Government. The aim of the survey is to evaluate the progress in public opinion on changes in the political and social spheres and judicial reforms. The results of the survey, along with expert analysis and recommendations will be shared with FAIR partners in the next reporting period.

PLANS: During the next reporting period, FAIR is planning the following activities to achieve Expected Result 5.4:

- Support nine CSOs in implementing activities related to monitoring public awareness about lustration and vetting processes;
- Support one CSO in raising public awareness of services provided by the MOJ;
- Produce cartoons to raise public awareness about the reforms in the MOJ’s administrative services provision;
- Conduct a national survey of judges’ opinion regarding judicial reform in Ukraine, the restoration of Ukraine citizens’ trust in the judiciary, implementation of the laws of Ukraine “On the Restoration of Trust in the Judiciary,” “On the Purification of Government,” and “On Fair Trial;” and
- Conduct a National Public Survey Regarding Democratic Changes in Political and Social Spheres, Judicial Reform, and the Process of Purification of Government.

Performance Indicators ER 5.4

- Number of project-supported public events on lustration and vetting involving CSO activists is two in this reporting period and it refers to roundtable “Legal Lustration. Ways of Effective Public Awareness on Lustration Progress” conducted by FAIR CSO Partner Ukrainian Coalition for Legal Aid and roundtable “Regular Judicial Performance Evaluation in Ukraine” conducted by Universal Examination Network and the European Dimension.
- Number of CSOs participating in and contributing to the process of lustration and vetting is 10 this quarter.
- The indicator “Percent of Ukrainian citizens who are confident that lustration and vetting are properly implemented and lead to purification of government” remains 17% as in the end of FY2015. The next national public survey on this issue is scheduled for June 2016.

DONOR COORDINATION

During this reporting period, the FAIR team hosted two Rule of Law Donors and Implementers Meetings:

- On February 3, 2016, Judge Ruslan Arsirii of the Circuit Administrative Court of Kyiv City and Member of the COJ, talked about the COJ’s Court Performance Evaluation System, which was developed with FAIR support and recently presented as a best practice at an international conference on court excellence. In addition, the OSCE Special Monitoring Mission to Ukraine (SMM) team, including Head of Human Dimension Unit Florian Razesberger and Legal Analyst Asa Solway, presented the new OSCE SMM report on “Access to Justice and the Conflict in Ukraine”.
- On March 2, 2016, Mr. Gia Getsadze, Deputy Minister of Justice of Ukraine, and Mr. Oleksiy Kurinniy, Expert for Centre of Policy and Legal Reform presented the methodology and preliminary results of a pilot survey of satisfaction of users of the MOJ’s services in Kyiv, Lviv, Odessa, Kharkiv, and Dnipropetrovsk regions. This program is supported by FAIR.

In addition, FAIR representatives participated in three meetings on International Parliamentary Technical Assistance Coordination conducted by the USAID RADA Program in January, February and March 2016.

Finally, on March 31, 2016, the U.S. Department of Justice Overseas Professional Development and Training division (OPDAT) initiated a roundtable expert discussion regarding the possibility of creating

specialized anti-corruption courts/judges in Ukraine. This was a very informal exchange of views on whether Ukraine needs that, what model can work effectively and what should be the next steps if decided that this is necessary. Among the participants of the meeting were representatives of the US Embassy, USAID, the European Commission, Renaissance Foundation, and Ukrainian NGOs. FAIR contributed to the discussion to outline the legislative perspectives of the implementation of anti-corruption courts, including the need to identify the possible scope of cases for such courts; the requirements for the specialized judges and personnel; the safeguards for the independence of the specialized judges; and other important issues to be considered in the development of the specialized courts' system. FAIR will continue the research on the identified issues and will further contribute to the consideration of the specialized courts' implementation.

DELIVERABLES

FAIR submitted the following deliverable this reporting period:

- FAIR Semi-Annual Implementation Plan for the period of April 1, 2016 to September 30, 2016;
- Review of the Draft Procedure and Methodology of Regular-Evaluation and Self-Evaluation of a Judge and the Questionnaires for Ukrainian Judges and Recommendations (Ukr.);
- Curricula for Initial and Ongoing Training of Inspectors with the High Qualifications Commission of Judges of Ukraine. Practical Guide to Teaching a Course (Ukr.);
- Presentation of SCU Justice and COJ Chair Valentyna Simonenko and FAIR Monitoring, Evaluation and Court Performance Specialist Tomas Verteletsky on “Court Performance Evaluation: Building Public Trust and Confidence in the Judiciary” delivered at the International Conference on Court Excellence in January 2016 in Singapore (Eng.);
- Joint COJ and FAIR Practice Report “Court Performance Evaluation: Building Public Trust and Confidence in the Judiciary” for the International Conference on Court Excellence in January 2016 in Singapore (Eng.);
- Updated teaching materials for the third round of the Judicial Administration Certificate Program (Ukr., Eng.);
- Curricular on Improving Communication Skills of Court Staff in their Work with People with Disabilities (Ukr.);
- Information booklet on All Ukrainian NGOs which represents people with disabilities (Ukr.);
- Analytical Report on Interference with Judicial Independence during EuroMaidan (Ukr.);
- Expert Report “Who Wants What in the Lustration Process” (Ukr., Eng.);
- Analytical Report “Civil Society Monitoring of the Services Provided by the Ministry of Justice of Ukraine” (Ukr).

LOE UTILIZATION

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ANNEX A: PERFORMANCE MANAGEMENT AND EVALUATION SUMMARY

PERFORMANCE INDICATORS	Baseline	Value	Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/Year				This quarter	Annual 2016			
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	Dec 2014	38 ²	37	24	27	27	50	45	This quarter FAIR supported 10 governmental judicial institutions and 17 non-governmental legal associations this quarter.
Objective 1: The constitutional, legislative and regulatory framework for judicial reform complies with European and international norms and supports judicial accountability and independence									
Expected Result 1.1: Ukrainian judicial reform legislation receives favorable comments from the Venice Commission as meeting international standards and reflects domestic and international expert input									
2. Number of laws, regulations and procedures designed to enhance judicial independence supported with USG assistance (FAF)	Dec 2014	17 ³	3 (4) ⁴	3	0 (4)	0 (4)	19 (19) ⁵	25	In this reporting period FAIR supported the implementation of previously adopted the Law on the Right to Fair Trial, the Law on Restoration Public Trust in the Judiciary, the Law on Purification of Government and the Justice Sector Reform Strategy.
3. Number of revised provisions enacted that reflect Venice Commission recommendations	Dec 2014	6	24	10	0	0	30	36	No changes this reporting period. The status of the indicator is the same as in the end of FY2015.

² Total since 2006 counts support by the USAID Ukraine Rule of Law Project (UROL) and FAIR

³ Total since 2006, includes 8 under the UROL Project and 9 under the FAIR Project

⁴ The first number – 3 – is the number of adopted laws, regulations and procedures. The second number (in parentheses) is the number of implemented laws regulations and procedures and includes units from the previous reporting period.

⁵ Total since 2006, includes 8 under the UROL Project and 11 under the FAIR Project

PERFORMANCE INDICATORS	Baseline	Value	Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/Year				This quarter	Annual 2016			
4. Percentage of Venice Commission recommendations adopted	Dec 2014	12% ⁶	51%	21%	0%	0%	64%%	77%	No changes this reporting period. The status of the indicator is the same as in the end of FY2015. Out of 47 Venice Commission recommendations to the legislation related to the judiciary, Ukrainian law makers adopted 24 in this reporting period which represents 51% of total. Note that 14 of them addressed in full and 10 of them addressed partially.
Expected Result 1.2: Constitutional reform related to the judiciary is pursued in an inclusive manner									
5. Number of USG-supported public sessions held regarding proposed changes to the country's legal framework.	Dec 2014	6	5	3	4	7	12	11	This quarter FAIR supported Conference "Constitutional Reform: Promoting an Independent, Accountable, Transparent and Efficient Judiciary in Ukraine" where judicial leadership and CSO activists participated. Also, we corrected undercounted events from previous periods: public discussion on proposed constitutional amendments related to the judiciary (Kyiv, Sep 2015), Conference on right to self-defense (Kyiv, Oct 2015) and Conference on minority rights (Kyiv, Dec 2015).

⁶ 12% baseline refers to 6 Venice Commission recommendations addressed by changes in laws dated 2013-2014 in ratio to total 47 recommendations provided

PERFORMANCE INDICATORS	Baseline	Value	Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/Year				This quarter	Annual 2016			
6. Number of revised provisions in the Constitution enacted that reflect inputs from project-supported public discussions	Dec 2014	0	0	7	0	0	6	7	Activity is in progress, proposed Constitutional amendments formulated and approved by the Constitutional Court and Judicial leadership. Draft Law is in the Parliament.
Objective 2: The accountability and transparency of key judicial institutions and operations are strengthened									
7. Number of new properties and functions surrounding judicial selection and discipline introduced to HQC management system with project support	Dec 2014	1	0	3 ⁷	0	0	1	10	No changes since the previous reporting period. Activity is in the process including automating judicial exam, judicial performance evaluation, internal business processing and audio-video recordings.
Expected Result 2.1: Ukrainian judges are appointed based on objective, knowledge- and performance-based criteria									
8. Number of merit-based criteria or procedures for justice sector personnel selection adopted with USG assistance	Dec 2014	17	1	0	0	2	20	25	No changes in this reporting period. FAIR supports HQC implementation judicial performance evaluation. In this reporting period, 93 underwent the judicial performance evaluation. 69 of them proved their ability to administer justice, 12 were suspended from the bench and sent to NSK for additional training, 12 are under additional review of their dossier.

⁷ FY2016 target revised based on the FY2015 results

PERFORMANCE INDICATORS	Baseline	Value	Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/Year				This quarter	Annual 2016			
9. Number of Ukrainian judges appointed through project-supported objective, merit-based judicial selection process	Dec 2014	942	0	50	0	0	942	1042	No new judges appointed this quarter.
Expected Result 2.2: Ukrainian judges are disciplined in transparent processes									
10. Number of criteria, standards and regulations adopted to govern judicial misconduct investigations	Dec 2014	1	0	7 ⁸	0	0	1	8	No changes this quarter. Developing standards for conducting preliminary screening of complaints and investigation of judicial misconduct, amending the regulations governing judicial misconduct investigation and developing standards and criteria for selection, training, and performance evaluation of disciplinary inspector candidates are in the process.
11. Percent of judicial misconduct complaints submitted to the HQC using the standardized form	Dec 2014	11%	29%	20%	N/A	35%	14.5 ⁹ %	20%	In this reporting period HQC did not provide updated information on this indicator, thus its status remains the same as in the last quarter. We will update the data when information from HQC received.

⁸ FY2015 target revised based on FY2014 actual indicator status

⁹ Cumulative LOP data as of December 31, 2015

PERFORMANCE INDICATORS	Baseline	Value	Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/Year				This quarter	Annual 2016			
12. Percent of judicial discipline decisions posted on HQC website	Dec 2014	79,5%	61% ¹⁰	100%	50%	53%	62%	100%	As the result of FAIR support, HQC renewed publishing judicial discipline decisions on its web-site after several month break. In this period HQC made 18 decisions, out of them 9 are available on its website (50%). We also revised previous quarter and FY2015 data according to the HQC web-site update.
Expected Result 2.3: The regulatory and institutional framework for judicial accountability and integrity is strengthened									
13. Number of judicial self-governance mechanisms revised with project support	Dec 2014	5	1	3	1	1	6	8	In this reporting period, COJ approved FAIR-supported Commentaries to the Code of Judicial Ethics. We continue working on improving the Internal Decision-Making Regulations for the High Council of Justice.
Objective 3: The professionalism and effectiveness of the Ukrainian judiciary are strengthened									

¹⁰ Data revised on April 12, 2016 due to HQC web-site updates

PERFORMANCE INDICATORS	Baseline	Value	Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/Year				This quarter	Annual 2016			
14. Number of USG-assisted courts with improved case management (FAF)	Dec 2014	62	66	60	65	65	182	80	In this reporting period we identified 65 courts improved their case management as the result of using FAIR-developed court performance indicators for management and reporting purposes. The indicators used include clearance rate, backlog, average number of cases per one judge, average duration of proceedings and others. Samples of case management improvements include case documents are available to parties upon request; statistical data on cases is routinely compiled; system manages flow of cases through scheduling set by procedural law; data elements are coherent and compatible with related information systems etc.
Expected Result 3.1: The skills and competencies of Ukrainian judges and court staff are bolstered through modern, demand-driven training programs									
15. Number of judges and judicial personnel trained with USG assistance (FAF)	Dec 2014	4,331 ¹¹	695 48.5% men and 51.5% women	300	479 (43% men and 57% women)		2,108 ¹² (44% men and 56% women)	4,700 ¹³	This quarter FAIR trained 479 justice sector personnel (206 men and 273 women) in topics of Communications, Judicial Ethics, Elections Law, Test Items development. This number includes 298 judges (142 men and 156 women).

¹¹ Total since 2006 under the USAID Ukraine Rule of Law Project (2,946) and the USAID FAIR Justice Project (1,630), double counting excluded
¹² Cumulative LOP number refers only to the USAID FAIR Justice Project from October 2011 to September 2014
¹³ Taking into account that this is FAF indicator, the cumulative project end target includes the USAID Ukraine Rule of Law Project and the USAID FAIR Justice Project

PERFORMANCE INDICATORS	Baseline	Value	Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/Year				This quarter	Annual 2016			
16. Percent of judges and judicial personnel trained with USG assistance reporting application of skills and knowledge gained in their judicial practices or teaching activities.	Dec 2014	78%	80.3%	88%	N/A		78%	85%	This quarter data is not available because the next post-training survey of FAIR training participants is scheduled for February-March 2016.
17. Number of new legal courses or curricula developed with USG assistance	Dec 2014	19 ¹⁴	2	1	0	0	21	22	No changes this quarter. The status of indicator remains the same as the end of FY2015
Expected Result 3.2: Judicial operations are evaluated and funded according to an objective assessment of needs and performance									
18. Number of court performance standards adopted	Dec 2014	0	4	3	0	0	4	7	No changes this quarter since the end of FY2015.

¹⁴ Total since 2006 under the USAID Ukraine Rule of Law Project (8) and the USAID FAIR Justice Project (11)

PERFORMANCE INDICATORS	Baseline	Value	Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/Year				This quarter	Annual 2016			
19. Number of court performance indicators implemented	Dec 2014	17	21	31	21	21	21	31	During this reporting period, FAIR monitored the implementation of performance indicators by Ukrainian courts. One of the findings of this monitoring is that 143 courts implement basic (mandatory) performance indicators including clearance rate, average caseload, backlog, average duration of proceedings and others. See sample at http://yg.ko.court.gov.ua/sud1028/pokaznik/
20. Number of courts implementing project-supported performance measurement system	Dec 2014	64	218	350 ¹⁵	253	352	383	400 ¹⁶	In this reporting period, we count the basic court performance indicator implementation in 143 courts, external court performance evaluation through citizen report cards (CRC) in 110 courts. Total for FY2016 is 352 (overlapping number of basic indicators and CRC surveys).
21. Average annual citizen report cards score of participating courts	Dec 2014	.80 (out of maximum score of 1)	.83	.82	.84	.82	.81	.82	These quarter indicator data represents 110 courts where FAIR supported the implementation of CRC surveys in FY2016, e.g. all courts of Chernihiv, Kherson, Khmelnytsky, Volyn, and Ternopil Oblasts.

¹⁵ 2016 target revised based on 2015 actual data

¹⁶ Cumulative Project End target revised in FY2016 due to success of external court performance evaluation programs (CRC).

PERFORMANCE INDICATORS	Baseline	Value	Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/Year				This quarter	Annual 2016			
Expected Result 3.3: The SJA's capacity to represent and support the developing needs of Ukrainian judiciary is strengthened									
22. Number of data-fed analytical techniques incorporated into judicial budgeting	Dec 2014	1	0	3 ¹⁷	0	0	1	4	No changes this reporting period after the case weighting studies for general first instance courts completed and approved by the COJ, however this technique has not yet incorporated in the process of judicial budgeting. FAIR also developed case weights for appellate and specialized courts, they are currently under the COJ consideration.
23. Number of project-supported new or improved policies within the SJA for the support of information technology, procurement, capital improvement, human resources, statistical collections and analysis activities within the courts	Sept 2013	2 ¹⁸	1	4 ¹⁹	0	0	3	7	No changes this reporting period.
Expected Result 3.4: The capacity of courts and judicial institutions to communicate effectively with the public is enhanced, leading to greater public appreciation of their activities									

¹⁷ 2016 target revised based on 2015 actual data

¹⁸ Baseline counts Strategic Plan for the Judiciary (approved in 2012) and Court Automation Strategy (approved in 2013)

¹⁹ 2016 target revised based on 2015 actual data

PERFORMANCE INDICATORS	Baseline	Value	Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/Year				This quarter	Annual 2016			
24. Number of communication strategies implemented by courts and judicial institutions	Dec 2014	4	2	3	0	26	26	9	In this reporting period, 25 courts implement their communication strategies developed with FAIR support. In addition, FAIR counts COJ-approved Communication Strategy for Ukrainian Judiciary.
25. Number of courts offering legal education materials to court visitors	Dec 2014	42	43	60	43	43	43	60	This quarter data counts 42 courts where FAIR provided information and pay terminals and two pilot paperless e-courts. One court overlap between two activities, thus the single-counter number is 43.
Objective 4: The Role of Civil Society Organizations as Advocates for and Monitors of Judicial Reform Is Strengthened									
Expected Result 4.1: Civil society and the Ukrainian public are engaged in the judicial reform process									
26. Number of CSO-produced policy proposals related to pending judicial reform legislation	Dec 2014	2	2	0	0	0	2	3	No changes since the previous reporting period. Cumulative data refers to the following FAIR-supported CSO policy : Institute of Republic proposal to judicial reform legislation, Ukrainian Legal Aid Foundation proposal related to the secondary legal aid in Ukraine and CSO Reform Package following the 2014 Revolution of Dignity.
Expected Result 4.2: Civil Society Organizations Have Means and Opportunities to Effectively Monitor the Implementation of Judicial Sector Reforms and Provide Oversight to Judicial Operations									

PERFORMANCE INDICATORS	Baseline	Value	Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/Year				This quarter	Annual 2016			
27. Number and percentage of courts in which there are active CSO court performance evaluation programs	Dec 2014	47 (6%)	197 (26%)	85 (11%)	110 (14%)	110 (14%)	313 (41%)	120 (16%)	This quarter data includes 110 courts in Ternopil, Khmenlnytskiy, Chernihiv, Volyn and Kherson oblasts. In addition FAIR CSO partners completed the analysis of 2015 CRC surveys in 183 courts of L'viv, Chernivtsi, Kharkiv, Sumy, Ivano-Frankivsk, Cherkassy and Odessa Oblasts. Cumulative LOP data includes CRC surveys of 2012, 2013, 2014, 2015 and 2016.
28. Number of people engaged in the monitoring and performance oversight of Ukrainian courts	Dec 2014	7,173	12,793	8,500	9,308 (47% women, 53% men)	23,307 (47,5% women, 52,5% men)	26,984²⁰	12,000	This quarter data counts respondents of CRC surveys that took place in 110 courts of five oblasts (see above). 9,308 citizens provided inputs to court performance evaluation, 47% are women and 53% are men.
29. Percentage of partner Civil Society Organizations' performance improvement recommendations implemented by judicial institutions	Dec 2014	39%	N/A	55%	N/A	N/A	39%	50%	Analysis of CSO recommendations implementation is still in the process. FAIR expects results of analysis in the next reporting period.
Objective 5: The Lustration and Vetting of Public Officials and Judges Implemented Fairly, Transparently and Effectively and in Compliance with International and European Standards									

²⁰ 21,916 includes citizen report cards (CRC) surveys conducted in 2012 (34 courts), 2013 (17 courts), 2014 (15 courts), 2015 (183 courts) and 2016 (110 courts).

PERFORMANCE INDICATORS	Baseline	Value	Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/Year				This quarter	Annual 2016			
30. Number of USG-Supported anti-corruption measures implemented (CCF Indicator)	Dec 2014	0	1	1	1	1	1	1	Indicator status does not change since FY2015. Cumulative LOP data refers to public officials financial disclosure.
31. Percent of public officials and judges screened through vetting procedure in accordance with the Law on Purification of Government	July 2015	11.9% / 0.2% ²¹	24.6% / 0.2% ²²	N/A	7.03% / 0.01%	17.73% / 0.04%	42.33% / 0.24%	N/A	As of April 12, 2016 Ministry of Justice Department for Lustration screened through vetting procedures 160,954 officials and judges which is 42.33% of public officials and judges applicable for vetting according to the Law on Purification of Government.
32. Percent of judges screened for corruption and participation in politicized justice in accordance with the Law on Restoration Trust in the Judiciary	July 2015	3.5%	3.5%	N/A	0%	0%	3.5%	N/A	Interim Special Commission of the High Council of Justice has expired mandate since July 2015, thus no judges were screened for corruption and participation in politicized justice since that period of time. Cumulative LOP data refers to 331 judges screened as of July 2015.
Expected Result 5.1: The Law on the Purification of Government and Relative Legislative Framework Improved									

²¹ Baseline percentage corrected October 20, 2015. Denominator used is 380,257, based on 2015 annual data from the Ukrainian State Statistics Service www.ukrstat.gov.ua

²² Indicator figure is 24.6%, the second figure (in parentheses) is dismissed public officials as the result of screening.

PERFORMANCE INDICATORS	Baseline	Value	Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/Year				This quarter	Annual 2016			
33. Number of recommendations to improve the Law on the Purification of Government and relative legislative framework formulated	Dec 2014	0	42	N/A	0	0	42	10	No changes since FY2015. The indicator status refers to 20 recommendations to improve the Law on Purification of Government, 15 recommendations to improve the Law on Restoration Public Trust in the Judiciary and 7 recommendations to improve regulations on lustration and vetting.
34. Per cent of recommendations formulated that are passed into law or adopted as regulations	Dec 2014	0	0%	N/A	0	0	0	70%	Developed recommendations are currently under the consideration.
Expected Result 5.2: Institutions, Procedures and Registry for the Lustration and Vetting of Public Officials and Judges Strengthened									
35. Number of institutions that implement vetting and lustration of public officials and judges supported by the project	Dec 2014	0	3	3	3	3	3	3	This quarter data refers to the Ministry of Justice Lustration Department for Lustration, High Qualifications Commission of Judges of Ukraine and the High Council of Justice.

PERFORMANCE INDICATORS	Baseline	Value	Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/Year				This quarter	Annual 2016			
36. Number of judicial performance indicators to evaluate sitting judges in Ukraine developed with project support	Dec 2014	0	0	10	0	10	10	10	The indicator status remains the same as in the end of previous quarter where the project end target has been achieved. The following judicial performance indicators became part of FAIR-supported Regulations on Judicial Dossier: total number of considered cases, total number of cancelled decisions, availability and number of decisions that led to Ukraine's violation of international laws, number of changed decisions, timeliness of court proceedings, average duration of preparation of decisions, judicial caseload, number of judicial misconduct complaints, availability of disciplinary cases, financial disclosure.
37. Number of recommendations to improve the Unified Registry of Vetted Persons functioning formulated with project support and adopted as regulations	Dec 2014	0	0	N/A	0	0	0	7	No changes this quarter. Registry assessment and developing recommendations is in progress.

PERFORMANCE INDICATORS	Baseline	Value	Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/Year				This quarter	Annual 2016			
38. Number of procedures for lustration and vetting of public officials developed with Project support	Dec 2014	0	0	3 ²³	0	2	2	3	No changes in this reporting period. Indicator status remains the same as in the end of previous quarter. FAIR supported development and adoption of the Procedure and Methodology of the Judicial Performance Evaluation and Regulation for Examination of the Sitting Judges.
Expected Result 5.3: Improved Knowledge, Skills and Abilities of Key Stakeholders and Personnel to Conduct the Lustration and Vetting of Public Officials and Judges Professionally, Fairly and Transparently									
39. Number of training days provided to executive branch personnel with USG assistance	Dec 2014	0	13	12	0	3	16	50	No changes in this reporting period. Indicator status remains the same as in the end of previous quarter.
40. Number of training programs on implementation the lustration and vetting processes in compliance with international and European standards developed with project support	Dec 2014	0	4	0	0	0	4	4	No changes in this reporting period. Project end target achieved and exceeded in FY2015.

²³ 2016 target revised based on 2015 results

PERFORMANCE INDICATORS	Baseline	Value	Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/Year				This quarter	Annual 2016			
41. Number of people trained with newly developed programs on implementation the lustration and vetting processes in compliance with international and European standards	Dec 2014	0	145 (51.7% women, 48.3% men)	70	0	66 (38% women, 42% men)	154 (49% women, 51% men)	100	No changes in this reporting period. Project end target achieved and exceeded in previous quarter.
42. Per cent of people trained who report improved knowledge and skills to proceed with lustration and vetting public officials in compliance with international and European standards	Dec 2014	0	97%	90% ²⁴	0	100%	99%	80%	No changes in this reporting period. Project end target achieved and exceeded in previous quarter.
Expected Result 5.4: Promote Public Awareness and Civil Society Engagement in the Process of Lustration and Vetting of Public Officials and Judges to Bolster Public Trust and Confidence									
43. Number of project-supported public events on lustration and vetting process involving civil society activists	Dec 2014	0	0	26 ²⁵	1	2	1	26	This quarter data refers to the 1) roundtable “Legal Lustration. Ways of Effective Public Awareness on Lustration Progress” conducted by FAIR CSO Partner Ukrainian Coalition for Legal Aid and 2) roundtable “Regular Judicial Performance Evaluation in Ukraine” conducted by Universal Examination Network and the European Dimension.

²⁴ 2016 target revised based on 2015 result

²⁵ 2016 target revised based on 2015 results

PERFORMANCE INDICATORS	Baseline	Value	Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/Year				This quarter	Annual 2016			
44. Number of civil society organizations participating in and contributing to the process of lustration and vetting of public officials	Dec 2014	0	10	5	10	10	10	9	FAIR supported ten CSOs in monitoring and public awareness activities regarding lustration and vetting process.
45. Per cent of Ukrainian citizens who are confident that the lustration and vetting processes are properly implemented and lead to purification of government	Dec 2014	0	17%	Increase ²⁶	N/A	N/A	17%	Increase	No changes in this reporting period. The related activity is scheduled for May-June 2016.

²⁶ Since this indicator data is coming from the national public survey, no numerical target set for this indicator. FAIR sets only qualitative target.