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

QUARTERLY PROGRESS REPORT
APRIL TO JUNE 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.

CONTENTS

Project Background 5

Success Stories and Notable Achievements 6

Project Activities 9

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 9

Expected Result 1.2: Constitutional Reform Related to the Judiciary is Pursued in an Inclusive Manner 19

Expected Result 2.1: Ukrainian Judges are Appointed on Objective, Knowledge- and Performance-Based Criteria 20

Expected Result 2.2: Ukrainian Judges are Disciplined in Transparent Processes 24

Expected Result 2.3: The Regulatory and Institutional Framework for Judicial Accountability and Integrity is Strengthened 27

Expected Result 3.1: The Skills and Competencies of Ukrainian Judges and Court Staff are Bolstered through Modern Demand-Driven Training Programs 30

Expected Result 3.2: Judicial Operations are Evaluated and Funded According to an Objective Assessment of Needs and Performance 33

Expected Result 3.3: The SJA's Capacity to Represent and Support the Developing Needs of Ukraine's Judiciary is Strengthened 37

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 38

Expected Result 4.1: Civil Society and the Ukrainian Public are Engaged in the Judicial Reform Process 40

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 43

Expected Result 5.1: The Law on the Purification of Government and Relevant Legislative Framework Improved 46

Expected Result 5.2: Institutions, Procedures and Registry for the Lustration and Vetting of Public Officials and Judges Strengthened 48

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 49

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 50

Donor Coordination 55

Deliverables 55

LOE Utilization 56

Annex A: Performance Management and Evaluation Summary 57

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- June 2016

- 613 courts from all oblasts of Ukraine received assistance.
- Supported 22 government justice sector institutions.
- Targeted programming provided to 47 civil society organizations.
- Promoted 9 amendments to Ukrainian Constitution and 30 amendments to Ukrainian laws to enhance judicial independence and accountability.
- Trained 3,005 judges and judicial personnel.
- 193 trainers qualified under the Training of Trainers programs.
- Developed 15 new legal courses and curricula, including a first ever in Ukraine Judicial Administration Certificate Program and first-ever in Ukraine on-line courses for judges and court staff on judicial ethics, communications and court administration.
- 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 2,200 civil society recommendations to courts to improve court functions.

SUCCESS STORIES AND NOTABLE ACHIEVEMENTS

Under Expected Result 1.1.: *Constitutional Reform Related to the Judiciary is Pursued in an Inclusive Manner*, 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.

On June 2, 2016, the Verkhovna Rada adopted the draft Law on Amending the Constitution regarding the justice sector (No. 3524) with 335 votes (at least 300 were required). The Law was developed by the Constitutional Commission's Working Group on the Judiciary and received a positive review from the Venice Commission. On November 25, 2015, President Petro Poroshenko submitted the draft law to the Verkhovna Rada and on December 22, 2015, the Parliament sent it to the Constitutional Court (CCU) for review to ensure compliance with the Constitution, specifically its Articles 157 and 158. On January 22, 2016, the CCU subsequently issued an opinion confirming that the amendments were fully in line with constitutional requirements. In response to the initiative of a group of Members of Parliament (MPs) who argued that the right of the Verkhovna Rada to vote no-confidence regarding the Prosecutor General should be retained, President Poroshenko on January 26, 2016 submitted a revised version of the Law in line with this. On January 28, 2016, the Verkhovna Rada voted to send the revised draft law back to the CCU for review. On February 1, 2016, the CCU confirmed that the revised draft amendments fully meet the requirements of the Constitution. On February 2, 2016, the Verkhovna Rada approved the revised draft law in the first reading. On June 29, 2016, the amendments were officially published, and will enter into force in three-month time on September 30, 2016.

FAIR conducted an analysis of the adopted amendments and identified the following positive aspects and controversial issues.

Positive aspects:

- Removes the power of the Verkhovna Rada and President to appoint and dismiss judges.
- Limits the role of the President in the establishment and dissolution of courts.
- Strengthens guarantees of judicial independence by eliminating the initial 5-year appointment of judges in favor of lifetime appointments for all judges and giving the judiciary a greater role in the budget process.
- Abolishes the "breach of oath" as a ground for dismissal of the judges.
- Brings the composition of the High Council of Justice in line with European standards, with more than half of its member judges elected by their peers.
- Increases the minimum age to become a judge from 25 to 30.
- Includes the participation of the Verkhovna Rada in determining the composition of the High Council of Justice.
- Limits judicial immunity to conduct on the bench, thereby promoting greater judicial accountability.
- Balances the composition of the Constitutional Court, with its members being appointed by the President, the Verkhovna Rada and the Congress of Judges, after a selection on the basis of a competition among candidates whose qualifications are listed in the Constitution.
- Introduces a constitutional complaint process for individuals to challenge the constitutionality of laws after exhaustion of the domestic remedies.

- Includes termination or dismissal of the Constitutional Court judges by a two-thirds vote of the Court.

Controversial aspects to be resolved by the subsidiary legislation:

- Absence of clear procedure or deadlines for the appointment of judges by the President, which may cause possible delays or gridlocks.
- No clear provisions about a fixed three-tier court system.
- Retains the right of the Verkhovna Rada to conduct a no-confidence vote in the Prosecutor General.
- Limits legal representation in courts to Bar members only.
- Contains incomplete transitional provisions that could potentially cause implementation problems.
- Includes alternative dispute resolution, which is not typically a constitutional right.
- Postpones the ratification of the Rome Statute to take effect three years from the day the Law is published.

Overall these proposed amendments are positive, and demonstrate a progressive approach to judicial reform. The key will be to support the drafting and implementation of the supporting legislation, such as the Law on the Judiciary and Status of Judges and the Law on the High Council of Justice, which FAIR will continue to do.

In addition, in this reporting period, under Expected Result 3.1: *The Skills and Competencies of Ukrainian Judges and Court Staff are Bolstered through Modern Demand-Driven Training Programs*, following the completion of a two-week comprehensive in-class training within the framework of the third round of the Judicial Administration Certificate Program implemented by the State Judicial Administration (SJA) in partnership with the National School of Judges (NSJ) with FAIR support and with the participation of the U.S. Michigan State University (MSU), 40 court administrators successfully prepared and submitted their capstone projects for review and approval by MSU. Analysis of the capstone projects revealed eight main themes. Of these the following three were identified by the graduates of all three of the program cohorts (completed respectively in 2013, 2015, and 2016): 1) building the public trust and confidence in the courts; 2) preparing Ukrainian courts to meet European standards; and 3) aligning employee selection, retention, training, and performance to achieve the goal of meeting the new standards set for the Ukrainian judiciary. Graduates of 2016 also identified five new themes: 1) increasing access to justice in the form of improved services, both face-to-face and electronic; physical facility rehabilitation or new construction; and expanding translation and interpretation services for court users; 2) implementing safety and security systems in court facilities accompanied by disaster preparedness and recovery planning; 3) changing the image of the judiciary and the reputation of judges and court personnel through active participation in social media, mobile applications, and traditional media outreach; 4) engaging in workforce analysis and planning to ensure appropriate leadership structures and delineation of duties are in place, as well as aligning staffing and workflow for optimum performance; and 5) developing better communications among and between leaders and staff.

The court administrators identified several new expected outcomes, and also reconfirmed the outcomes already mentioned by graduates of the 2013 and 2015 cohorts:

New outcomes:

- improved access to justice for people with disabilities and language barriers;
- court facilities that provide a forum for respectable, functional, and transparent services; safety and security; and disaster preparedness and recovery;
- comprehensive workforce analysis and planning;
- image building via social media and mobile applications; and
- individual leadership development, including coherent communication skills that develop shared purpose, vision, mission, and goals.

Graduates of the third round of the Judicial Administration Certificate Program on June 8, 2016 in Kyiv.

Outcomes identified by graduates of 2013, 2015 and 2016:

- improved positive media coverage;
- increased community outreach, education, and information dissemination by the court;
- increased respect for judges and court decisions;
- increased respect for the administration of justice transforming the courts into an employer of choice, resulting in the ability to recruit the best and brightest candidates;
- increased salary and compensation packages reflective of the duties and responsibilities of the positions;
- increased funding for court operations reflective of the mandates and workload;
- improved court services through utilizing traditional methods and new technologies;
- reduced operating costs through employing advanced technologies; and
- reformed management structures that provide for separation of duties, responsibilities, and authorities between the chief judge and chief of staff; thus, allowing for a clear delineation of tasks resulting in efficient and effective management of the courts.

In order to achieve the above-mentioned outcomes, the students proposed using the following primary methods and approaches in their projects: human resource management - job classifications and descriptions; access to justice, including facilities performance management and appraisals; social media, mobile applications, and aggressive media engagement; service improvement for building public trust and confidence; leadership communication and planning; safety, security, and disaster preparedness and recovery; and case-flow management.

On June 8, 2016, the 40 court administrators received MSU and NSJ certificates for their successful completion of the Judicial Administration Certificate Program. Judge Bogdan Monich, Deputy Chair of the COJ, Zenoviy Kholodniuk, Chair of the SJA, Mykola Onishchuk, Rector of the NSJ, Daniel Ryan, Deputy Director, USAID/Ukraine Office of Democracy and Governance, Dr. Maureen E. Conner, Director and Professor, Michigan State University, Judicial Administration Program, Ukrainian faculty, court administrators, FAIR staff members, and media representatives participated in this event.

Following the graduation ceremony, FAIR conducted a presentation on the results of the certificate program, lessons learned, and next steps. The main lessons learned showed that:

- the knowledge and skill base of judicial administration is universal;
- application of the knowledge and skill base must be aligned to the legal and judicial traditions and practices of the country and its systems;
- passion for the mission and mandate of the courts is present among Ukraine's court administrators;
- chief judges and court administrators need joint training on the principles and practices of judicial administration for a strong court executive component;
- sustainability can be achieved through continuing professional education and training;
- specialized knowledge specific to administration is required for court operations, outreach with the public and policy-makers, and strategic advancement of the judicial branch; and
- Ukraine courts are evolving to meet the changing needs of the country.

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 April 1 through June 30, 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 judiciary operations, and continued its efforts to promote and contribute to inclusive judicial reform. During the reporting period, the constitutional amendments regarding the justice sector were a key priority and following extensive political and expert discussions, were successfully adopted.

On May 27, 2016, the Judicial Reform Council held its meeting. The meeting was chaired by President Petro Poroshenko and was focused on the constitutional reform of the judiciary and the relevant legislation issues. The President called for the urgent adoption of the constitutional amendments, which are aimed to decrease the political influence on judicial appointment and dismissal. He listed the main provisions of the draft law, which were developed by the expert working group to meet public demand: (1) the establishment of a three-tier court system; (2) the competitive selection of all judicial positions (starting from the Supreme Court); and (3) the possibility to renew the judicial corps. During the meeting, the members of the Judicial Reform Council discussed the controversial provisions of the draft law, and how implementation could be improved.

On May 30, 2016, President Poroshenko submitted to the Verkhovna Rada of Ukraine the Law on Amendments to the Judiciary and Status of Judges Law (No. 4734) – a product of the Judicial Reform Council meeting. On June 2, 2016, the Verkhovna Rada supported this draft with 281 votes. The law is

aimed to support implementation of the Law on Amending the Constitution of Ukraine regarding the justice sector (No. 3524) adopted by the Verkhovna Rada on June 2, 2016 with 335 votes (see more under Expected Result 1.2). The amended Law on the Judiciary and Status of Judges brings back the three-tier court system, requires competitive selection for all judicial positions, top-down starting with the Supreme Court, and creates an anticorruption and an intellectual property high court. Currently, the Law is in the President's office for signature before being published. It will come into force simultaneously with the constitutional amendments, on September 30, 2016.

FAIR has conducted an analysis of the adopted changes in the Law and identified its positive and the negative aspects. Specifically, it is positive that the law:

- Introduces new integrity requirements and anticorruption measures, including declaration of family ties in courts, judicial institutions and government agencies, as well as declaration of "judicial integrity" which has to consist of information on life style standards, anticorruption and judicial disciplinary violation records;
- Establishes a Public Integrity Council at the High Qualifications Commission of Judges (HQC) to provide greater oversight of the judicial selection process;
- Sets out an exhaustive list of the grounds for judicial discipline;
- Sets out explicit grounds for appealing decisions of the HQC and the High Council of Justice (HCJ);
- Provides for greater role for the judiciary in the budget process;
- Foresees the right for judicial candidates to review the results of background checks and provide additional information and comments if necessary;
- Provides grounds for pre-term removal of chief judges and their deputies;
- Guarantees the status of the NSJ within the judiciary;
- Introduces competitive selection procedures for the appointment of the head of the SJA and his/her deputies to be implemented by the HCJ;
- Ensures improved retirement benefits for judges who choose to retire in order to stimulate renewal of the judiciary corps;
- Establishes the same salary level for all members of the HQC;
- Establishes time compensation policy for jurors; and
- Addresses key implementation issues in transitional provisions, including issues of court security with the National Police providing security services in courthouses until the new Court Security Service is created and requiring judges whose initial 5-year appointment term has expired to go through a qualifications evaluation and competitive procedures to be appointed for a life.

Nevertheless, there are also some negative aspects along with gaps and inconsistencies that would need to be addressed, including:

- Establishes overlapping authorities between judicial institutions, including the HCJ and the HQC, which could lead to inefficient and complicated procedures;
- Establishes confusing and unclear system of judicial self-governance with varying roles played by the HCJ, Congress of Judges, Council of Judges (COJ), Supreme Court (SCU), and meetings of judges in individual courts;

- Gives heads (chief judges) of cassation courts of the SCU too much authority, which could lead to division and confusion within the SCU;
- Authorizes the President to sign the identification cards for chief judges and their deputies, where there is no reason to do so as this an internal judiciary matter;
- Provides unjustified special preferences for judicial assistants (law clerks) in the judicial selection process when they should be treated as any other judicial candidate;
- Lacks a set of objective professional or skills-based criteria for evaluating the qualifications of judicial candidates;
- Does not include a clear mechanism or criteria for comparing judicial dossiers of sitting judges and the dossiers of judicial candidates as a part of the competitive selection process to fill vacancies in individual courts;
- Does not include grounds for appealing judicial disciplinary decisions;
- Introduces different levels of judicial salaries based on the location of the court;
- Maintains a system by which higher courts (appellate courts and the SCU) have the authority to provide "methodological" support to lower courts;
- Does not react on the content of Article 375 of the Criminal Code which prescribes criminal liability for "knowingly illegal decisions" by a judge which in the light of the constitutional changes is no longer relevant;

Despite shortcomings and inconsistencies, the amended law represents a significant step forward in implementing the constitutional amendments, and bringing the legal framework for the judiciary more in line with international and European standards for judicial independence and accountability. In the next reporting period, FAIR will continue to engage policymakers to address these remaining gaps. Nevertheless, the adoption of this law is a clear statement of political will to promote sustainable judicial reform.

In the next reporting period, FAIR will continue to work to improve the quality of the Law by involving Olena Ovcharenko, local short-term FAIR expert with extensive research and teaching experience. She will conduct meetings with key stakeholders, such as the HCJ, HQC, NSJ and SJA, to identify practical implementation problems, inconsistencies, and areas for possible improvement. At the same time, the Judicial Reform Council is working on the text of amendments to the Law on the High Council of Justice, which will be important to properly implement the constitutional amendments. Ms. Ovchrenko will also pay attention to the provisions of this draft.

As the part of the assistance to Ukrainian partners in the development of implementation legislation, FAIR participated in a number of meetings organized with the aim to discuss the amendments to the legislation on the HCJ. On June 10, 2016, FAIR experts and Ms. Ovcharenko attended the working meeting called by the HCJ leadership to discuss European standards and best practices for HCJ operations in light of its new role and composition. On June 24, 2016, FAIR representatives took part in and provided technical support to the Judicial Reform Council meeting to finalize the discussion of the draft Law on amendments to the Law on the High Council of Justice.

Further, pursuant to the Task 1.1.4 (linked to Expected Result 3.1), FAIR continued to support the inclusive development of key reform initiatives in the rule of law sector. FAIR grantee National Association of Mediators of Ukraine (NAMU) successfully completed 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 mediation as an alternative dispute resolution tool and its potential development in Ukraine. NAMU also conducted a training of trainers for the judges-trainers of the NSJ on the mediation curricula. This training aimed to present the curricula and receive final feedback from the practitioners. As the result, NAMU improved and finalized the curricula.

Milestone Progress ER 1.1 (part 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 of 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.

Milestone Progress ER 1.1 (part 2)

- 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, ten rule of law lectures delivered in Lviv and broadcast online.
- One Taras Shevchenko Kyiv National University Law School team and four 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 Honor Code adopted, CNU Committee on Ethics established; LNU Law School Honor Code drafted.
- International on-line anti-corruption course in cooperation with the W&L Law School prepared and implemented.
- MOE pilot admissions testing of candidates for Master's degree programs in law is being prepared for piloting in July 2016.
- 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.
- CNU Law School, the LNU Law School, and the UCU Rule of Law Center provided with international expertise on cutting-edge methods of legal teaching.
- Online anti-corruption course implemented at the LNU Law School and the CNU Law School in cooperation with the Washington and Lee University School of Law (Lexington, Virginia, U.S.A.).
- Grant "Promoting Practical Implementation of Mediation and Establishing Interaction with the Justice System in Ukraine" completed.
- Gap analysis of the Law on Ensuring Right to a Fair Trial with a list of recommendation for improving the legislation developed.
- Justice Maryna Klimenko took part in the Conference of Chief Justices of Central and Eastern Europe (June 20-22, 2016 Belgrade, Serbia).

During the reporting period, FAIR continued to assist the Ministry of Education and Science of Ukraine (MOE), the Ministry of Justice of Ukraine (MOJ), leading law schools, and Ukrainian bar associations in advancing legal education in the country. To this end, on April 4–8, 2016, FAIR, in a partnership and on a cost-share basis with the German Foundation for International Legal Cooperation, conducted a study visit to Bonn, Düsseldorf, and Cologne, Northern Rhine-Westphalia, Germany for Ukrainian key legal education policymakers, opinion leaders, and specialists. Twelve representatives of the MOE, the MOJ, the Parliamentary Committee on Science and Education, the Parliamentary Committee on Legal Policy and Justice, the HCJ, and leading law schools obtained hands-on experience of German best practices and standards for training high quality lawyers, particularly judges. The study tour program included on-site visits to the Ministry of Justice of Northern Rhine Westphalia and its Judicial Examination Office in

The Ukrainian delegation in front of the Ministry of Justice of the North Rhine-Westphalia together with the leadership of the State Office for Law Examinations for the North Rhine-Westphalia region in Düsseldorf on April 6, 2016.

Düsseldorf, the Frydrych Wilhelm University of Bonn Law School, the Applied Science University of Cologne Law School, and the Higher Regional Court of Cologne.

Insightful working meetings at the key institutions related to legal education in North Rhine Westphalia helped the Ukrainian delegation members to learn about the system for legal education quality assurance in Germany, including: a) special status of legal education and its key role in admission to the legal profession and the justice sector as a whole; b) two-tier structure of legal education and two independent external exams; c) compulsory traineeship program for full lawyer candidates and its legal framework; d) delineation of competencies between the Ministry of Justice and the Ministry of Education; and e) German law schools' autonomy and self-governance mechanisms.

The study visit had a positive impact on promoting and enabling legal education reform in Ukraine in light of best international and European practices at the highest level of government. It is noteworthy that Ms. Liliia Hrynevych, a study visit participant, on April 14, 2016, was appointed to the Minister of Education and Science of Ukraine position and became the first one committed to modernize legal education in the country. On May 24, 2016, Ms. Hrynevych together with Minister of Justice Pavlo Petrenko publicly announced their cooperation on advancing legal education reform in Ukraine, including joint efforts to develop national legal education standards compatible with modern job market demands. On April 6, 2016, the MOE by the MOE Decree №375 set up the Academic and Methodological Committee officially in charge of developing national legal education standards. At the first Committee meeting on April 18, 2016, the Committee members elected HCJ Member Andriy Boyko, former Dean of Lviv University Law School for 13 years and one of the participants of the study visit to Germany, as its Head.

FAIR continued to support the development of draft national legal education standards for Law School Bachelor level by providing the Committee members with experts' supervision and samples of other countries' experience such as translation of the United Kingdom Subject Benchmark Statements on Law of 2007 and 2015. The Committee has to develop a draft Paper Standards working out the materials, comments, and recommendations received by July 5, 2016. Wider consultations with representatives of the legal profession and the academia will follow.

FAIR continued to assist the MOE and leading law schools in preparing and implementing the pilot admissions testing as prescribed in the respective Government of Ukraine Decree No. 121-p of January 27, 2016 as well as the MOE Decrees No. 408 and No. 409 of April 8, 2016 and No. 500 of May 12, 2016. The overall goal is to ensure fair and corruption-free admission to graduate programs at nine law schools nationwide that volunteered to partake in this pilot project by introducing an independent, external examination comprised of three sub-tests, namely: a) test to examine legal knowledge; b) test to examine abilities to study (critical thinking, analytical thinking, and logical thinking); and c) test to examine knowledge of the English language. First Deputy Minister of Education and Science of Ukraine Inna Sovsun presented this pilot project at a press conference at the MOE on June 1, 2016, drawing additional media attention to the new generation admissions testing for law schools.

To this end, during the reporting period, FAIR in cooperation and on a cost-share basis with the OSCE Project Coordinator office in Ukraine, delivered three follow-up trainings – on April 14-16 in Poltava, on April 18-20 in Odesa, and on May 16-18 in Lviv – on international standards and best practices of testing for up to 15 different test item developers (per each training) delegated by the nine volunteered

law schools. FAIR Local Short-Term Test Item Policy Development Expert Serhiy Mudruk, based on the results of test items piloting, at each training provided the test item developers with expert feedback on the psychometric features of their test items. The test item developers got further expert support in gaining a better understanding of international standards and best practices of development, peer-review, piloting, and calibration of quality test items as well as on forming and maintaining a test items database, contributing to the implementation of the pilot project and enhancement of the overall culture of good quality testing in Ukraine's law schools.

Further, per the MOE request of May10, 2016, FAIR supported the MOE and the nine law schools to put in place the first ever in Ukraine test to examine candidates' abilities to study the Law, designed by FAIR Local Short-Term Test Item Policy Development Expert Sergiy Rakov who also provided technical and coordination assistance. Mr. Rakov analyzed and reported on the results of the pilot, and also provided a written reasoning on each ability test item used during the pilot. In light of the feedback received from the law schools and FAIR, and following the analysis of the results of piloting, Mr. Rakov is now confidentially working on improving the so far undisclosed two sets of 30 test items.

Furthermore, on June 17, 2016, FAIR supported the MOE, the Ukrainian Center for Evaluation of Education (UCEE), and the nine law schools in conducting a coordination meeting of the Pilot Project Working Group (PPWG) headed by Ms. Sovsun. By virtue of the MOE Decree No. 500 of May 12, 2016 the PPWG appointed Mr. Andriy Boyko responsible for forming several test modules of 70 peer-reviewed and piloted test items to test legal knowledge that are to be taken from the test items database comprised of the test items developed by the FAIR-trained test item writers. Once the test modules are ready, Ms. Sovsun will blindly pick one that the UCEE will use in the actual independent, external admissions exam on July 23, 2016. The PPWG also appointed Mr. Sergiy Rakov responsible for developing the two modules of 30 test items to test abilities to study. The PPWG is also to appoint experts responsible for forming test modules of 42 test items to test the knowledge of the English language, members of the Commission on Establishing the Minimally Admissible Test Score, and members of the Appellate Commission responsible for considering possible appeals as to the substance of the test items used in the actual admissions testing.

During the reporting period, following the study visit to Germany, FAIR worked with the study visit participants to collect their ideas as to the elements of the German system of legal education quality assurance that can and should be implemented in Ukraine. FAIR also advocated for the study visit participants to be included in a yet-to-be-created MOE-MOJ Working Group in charge of developing a draft National Legal Education Reform Strategy and Action Plan.

Further, Representatives of FAIR and the USAID/Ukraine Office of Democracy and Governance had a meeting with Minister of Education and Science of Ukraine Ms. Hrynevych on June 6, 2016. Ms. Hrynevych requested the meeting participants to report the general status of legal education reform and the state of affairs of the pilot external master's degree in law admission test to be conducted on July 23, 2016 with the MOE's supervision, and FAIR and the OSCE Project Coordinator' support. The meeting was also attended by MOJ representatives and select legal education reform experts, including HCJ Member Andriy Boyko and FAIR Short-Term Legal Education Policy Expert Serhiy Holovaty, one of the participants of the study visit to Germany. During the meeting, Ms. Hrynevych emphasized that a concept for legal education reform should be developed to serve as the basis for potential legislative amendments, standards of education in the law area including the nature and scope for an exit

qualifications exam for law school graduates nationwide. Ms. Hrynevych subsequently ordered the creation of a working group together with the MOJ to develop the concept. She also noted that the pilot external entrance exam has been a positive step and a clear response to public demand for legal education modernization. Ms. Hrynevych added that this pilot admission test should receive the broadest media coverage possible.

On June 22, 2016, FAIR had a working meeting with Deputy Minister of Justice Gia Getsadze, who is responsible for the coordination and oversight of the MOJ's efforts in the legal education area. FAIR used this opportunity to brief Mr. Getsadze on the FAIR achievements in moving forward legal education, and discuss the current situation in the field and further steps to modernize legal education in the country. Mr. Andriy Boyko, an opinion leader regarding legal education reform, also participated in the meeting to provide his insights into legal education's problems and present his vision of its future. During the meeting, Mr. Getsadze expressed the position that the MOJ would provide full support to legal education reform initiatives. At the same time, he emphasized that, *"The MOJ would not be the number one player in legal education reform and it should be the MOE's responsibility to lead this important reform."* Mr. Getsadze informed the meeting participants that he would discuss legal education reform issues raised during the meeting with Minister of Justice Pavlo Petrenko and ensure smooth coordination of the activities pertaining to legal education reform with the MOE leadership, in particular a working group activity to contribute to the development of a draft Legal Education Reform Strategy and Action Plan. However, despite the announced MOE-MOJ high-level cooperation on legal education reform, the working group is yet to be established. FAIR will continue to facilitate MOE and MOJ cooperation to reach the goal by the end of September 2016, and will work with the MOE to ensure a high level of public outreach regarding the pilot external independence admissions exam.

FAIR also continued to support Ukrainian bar associations in their efforts to contribute to the legal education reform process. The Association of Ukrainian Lawyers' (AUL) formed the Commission for Advancement of Legal Education and with FAIR's support prepared a questionnaire regarding legal education reform issues and distributed it among AUL members to gather their perspectives on the reform needs. The Committee publicly presented the opinion survey results on May 11, 2016 at the AUL-organized roundtable discussion titled "Legal Education Reform: Issues of Structuring". Further, the AUL in the framework of the 6th Western-Ukrainian Legal Forum organized a panel discussion entitled "Legal Education: Global Standards and Ukrainian Realities". FAIR Judicial Accountability Coordinator took part in both AUL events to present FAIR's efforts to support the MOE, the MOJ, leading law schools, and Ukrainian bar associations in advancing legal education in Ukraine in line with international and European standards, and distributed the FAIR-produced materials among the participants. FAIR will continue to encourage professional community engagement in the process of legal education review and reform.

During the reporting period, FAIR provided further support to the Ivan Franko Lviv National University Law School (LNU), the Yuri Fedkovych Chernivtsi National University Law School (CNU), and the Ukrainian Catholic University Rule of Law Center (UCU) on improving their faculty's teaching skills. On April 12–13, 2016, FAIR conducted a training of trainers on modern methods of teaching law for 20 law professors from the LNU, the CNU, and UCU building on the progress made following the basic training on adult teaching methodologies FAIR conducted on November 23–25, 2015. FAIR Short-Term Legal Education Expert Delaine Swenson delivered the training, providing the participants with hands-on experience of using new skills related to effective and interactive teaching of legal disciplines.

Further, the training participants discussed the prospects of establishing an inter-institutional task force on the advancement of legal teaching in Ukraine and UCU informally expressed its readiness to lead this effort.

During the reporting period, FAIR provided further assistance to the CNU in improving its Honor Code entitled "Moral and Ethical Minimum" developed with FAIR's support and unanimously adopted on December 24, 2015. Following the workshop on implementation and enforcement of the Code that FAIR Short-Term International Legal Education Expert Thomas Speedy Rice conducted on February 16-17, 2016, the law school on April 7, 2016 established the CNU Committee on Ethics comprised of six faculty and administrators, including the Committee Chair Victoria Vasylchuk, the Deputy Dean for Students, and four students elected by their peers.

Further, on June 14, 2016, FAIR Chief of Party (COP) David Vaughn conducted a working visit to the CNU to meet with the law school leadership, faculty, and students and discuss the results of current cooperation and set priorities for future CNU-FAIR joint activities on improving legal education quality in the law school and country-wide. FAIR COP David Vaughn delivered his guest lecture titled "The Judicial System and Rule of Law in the U.S.". In addition, he met with the CNU faculty and students involved in developing the CNU Moral and Ethical Minimum to discuss best practices of implementing honor codes in the U.S., as outlined in FAIR Student Intern Rachel Norby's Report on Rules of Procedure for Implementing Honor Codes in U.S. Law Schools. The CNU Committee on Ethics made a commitment to prepare its draft Rules of Procedure for Implementing the CNU Moral and Ethical Minimum based on Prof. Rice's recommendations and the findings of Ms. Norby's Report by August 2016.

In comparison with the CNU progress made with regard to the development and implementation of the CNU Honor Code, the LNU is lagging behind due to the lack of leadership on the side of its administrators and faculty. However, inspired and empowered by Prof. Rice through a series of webinars and workshops on community ethics and international best practices on developing honor codes for law schools, the LNU law students prepared a draft LNU Honor Code, asked for faculty and administrators' feedback, and are now pushing for the finalization and adoption of the Code.

In the framework of the Rule of Law Lecture Series, FAIR continued to promote quality legal education by raising public awareness about crosscutting rule of law issues related to legal reforms in a democratic society. During the reporting period, FAIR jointly with the UCU Rule of Law Center in Lviv conducted three rule of law lectures. On April 11, 2016, in cooperation with the Kennan Institute (Washington DC, U.S.) FAIR organized a lecture by Kennan Institute Deputy Director William Pomeranz, who delivered his presentation titled "Reforms of the Ukrainian Procuracy". On May 25, 2016, Prof. Gilbert Paul Carrasco of the Willamette University College of Law (Salem OR, U.S.) delivered his lecture entitled "What Is "Equal Protection of the Laws"?", marking the one-year anniversary of the Rule of Law Lecture Series. On June 24, 2016, FAIR in cooperation with the US Department of Justice's Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) supported the UCU Rule of Law Center in conducting the tenth rule of law lecture. Ms. Martha Boersch, former Assistant United States Attorney (United States Attorney Office, Northern District of California) and currently Attorney at Law, delivered her presentation titled "Fight against Corruption: Criminal Investigation Methods".

The speakers elaborated on their topics and shared their insights into the issues raised based on their extensive experience. This helped strengthen the understanding of rule of law among the over 160 law students, academics, various legal practitioners, and public officials who attended the lectures. In addition, the live broadcast attracted over 300 unique viewers.

Finally, on June 25, 2016, FAIR in cooperation with OPDAT supported the LNU in conducting a roundtable discussion titled "Fight against Corruption: Criminal Investigation Methods" in a form of a joint session of the LNU Department of Criminal Law and Criminology and the LNU Department of Criminal Procedural Law and Forensics with Ms. Boersch. She shared with the LNU faculty, PhD candidates, and students who earlier took part in the FAIR supported online anti-corruption course by Prof. Thomas Speedy Rice of the Washington and Lee University School of Law (Lexington VA, U.S.) her expertise in criminal investigation methods in complex corruption cases. Associate Professor and Deputy Dean Oleksandr Marin and Prof. Vasyl Nor delivered their presentations on Ukraine's substantive and procedural anti-corruption legislation. Dean Volodymyr Burdin opened the discussion:

> *"The issues related to fight against corruption in Ukraine are very topical and our law school is privileged to have organized this event in cooperation with FAIR and OPDAT. We look forward to continuing our fruitful cooperation to further build on the progress made with the FAIR support."*

This event helped advance not only legal knowledge and raise awareness about effective legal methods to investigate complex corruption cases, but also the legal education methodology at the law school.

SHEDULE 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 and promotion of the constitutional amendments and related implementation legislation. This activity was conducted in a highly politicized and turbulent environment.

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

- FAIR will continue to analyze registered draft laws 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, which aim to ensure the implementation of the constitutional amendments, are adopted in line with the rule of law principle requirements.
- 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.

Performance Indicators ER 1.1

- To build a foundation for a more accountable and independent judiciary, FAIR supported 10 governmental judicial institutions and 15 non-governmental legal associations during this reporting period.
- In this reporting period, Verkhovna Rada adopted the Law on Amending the Constitution regarding the justice sector. FAIR supported these legislative changes through expert and technical assistance to the Judicial Reform Council. The cumulative status of the indicator "Number of laws, regulations, and procedures designed to enhance judicial independence supported with USG assistance," increased to 20.
- The indicator "Number of revised provisions enacted that reflect Venice Commission recommendations" increased this quarter from 30 to 39.
- The "Percentage of Venice Commission recommendations adopted" increased this quarter from 64% to 83%.

- FAIR will assist the MOJ-MOE working group, once it is established, in developing a draft National Legal Education Reform Strategy and Action Plan.
- FAIR will further support the CNU in refining its Honor Code and developing the Rules of Procedure for Implementing the CNU Honor Code, as well advocate for the LNU to inclusively finalize and adopt its Honor Code for Administrators, Faculty, Staff, and Students.
- 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.

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.

On June 10, 2016, FAIR grantee Internews – Ukraine successfully finalized the implementation of the project *"Judging Justly: Informational Campaign for Raising Awareness about the Constitutional Reform Related to Judiciary."* Per the Grant Agreement, the project objectives were: (1) identification of efficient information messages aimed at raising awareness of the target audience about judiciary reform by conducting focus group discussions; (2) raising awareness of the general public about the content and progress of the constitutional reform process in the field of judiciary by means of production and nationwide broadcasting of relevant videos, as well as publication of press materials on the subject; (3) capacity building for journalists enabling them to cover the topic of constitutional reform in the judiciary 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 process of reform and its successes through media materials.

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 completed.
- Information campaign *Constitutional Process in Ukraine: Improvement of the Principles of Justice, Rights, Freedoms and Duties of Man and Citizen* is completed.

On June 23, 2016, FAIR grantee

"Ukrainian Centre for Economic and Political Studies named after Oleksandr Razumkov" (Razumkov Center) successfully finalized the implementation of the project *"Constitutional Process in Ukraine: Improvement of the Principles of Justice and Human Rights".* Per the Grant Agreement, the project objectives were: (1) to analyze the draft amendments to the Constitution; (2) to improve the involvement of civil society institutions, local communities representatives, various public associations and experts in the constitutional process; (3) to conduct a nationwide public opinion poll to gauge the public attitude towards the drafts on improving the constitutional principles in the justice sector and human rights; (4) to conduct an expert survey regarding the drafts; and (5) to develop proposals and recommendations for government agencies, political forces, civil society institutions, and all stakeholders. On June 22, 2016, Razumkov Center conducted the concluding roundtable discussion titled "Reforming the Constitutional Principles of the Judiciary, Rights and Freedoms of Individuals: Current Results and Expected Prospects". The event was aimed at discussing the next steps needed after the amendments to the Constitution of Ukraine (regarding Justice) were adopted; the provisions of the Law of Ukraine on the Judiciary and Status of Judges as the way to implement the constitutional amendments; and the balance of universal and national standards in human rights in amending the Human Rights Chapter of the Constitution. Among the participants of the discussion were independent experts, civic activists, members of Parliament, representatives of the Government and the Administration of the President.

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 continue its work with partners and key stakeholders to ensure an inclusive and transparent approach to the constitutional reform process. FAIR will also continue to closely work with its partners to ensure the smooth implementation of the adopted constitutional amendments and to raise public awareness about them.

Performance Indicators ER 1.2

- In this reporting period, the indicator "Number of USG-supported public sessions held regarding proposed changes to the country's legal framework" did not change since the project end target had been achieved in the previous quarter.
- The status of the indicator "Number of revised provisions in the Constitution enacted that reflect inputs from project-supported public discussions" increased this quarter from 0 to 7 contributing to the achieving project end target. These changes happen due to the adoption of the Law on Amending the Constitution regarding the justice sector. This law enacted seven revised provisions in the Constitution that have inputs from FAIR-supported public discussions: 1) removing the power of the Parliament and President to appoint and dismiss judges; 2) limiting the role of the President in the establishment and dissolution of courts; 3) eliminating the initial 5-year appointment of; 4) abolishes the "breach of oath" as a ground for dismissal of the judges; 5) bringing the composition of the High Council of Justice in line with the European standards, with more than half of its member judges elected by their peer; 6) increasing the minimum age to become a judge from 25 to 30; 7) limit the judicial immunity to conduct on the bench.

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 its institutional development and in developing and implementing transparent, objective, and merit-based judicial selection, transfer, and promotion procedures.

FAIR moved forward with the HQC in automating internal business processes and audio and video recording, aimed at increasing the transparency and accountability of Ukraine's judiciary. During this

reporting period, two FAIR subcontractors fully completed the procurement, switching and installation of the necessary software products and equipment for the HQC: (1) LLC Svit IT - to implement the automation of internal business processes, and (2) PE Bordizhenko – to implement video and audio recording and broadcasting during judicial selection and evaluation processes.

The Law on the Right to Fair Trial adopted on February 12, 2015, provided for an initial qualifications evaluation of all sitting judges in Ukraine to determine whether or not they are capable of administering justice. 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.

As of June 6, 2016, the HQC has conducted two rounds of initial judicial qualifications evaluations. On March 31, 2016, the HQC completed the evaluations for 93 judges who submitted applications for lifetime appointments. The HQC determined that 69 of the 93 judges proved their ability to administer justice, while 12 judges were suspended and sent to the NSJ for additional training, which will be followed by a reevaluation. The HQC postponed rendering decisions on an additional 12 judges due to discrepancies in their dossiers that require additional review. On June 6, 2016, the HQC completed the initial qualification evaluations for 213 appellate court judges from Kyiv and Kyiv oblast. The HQC decided that 160 of the 213 judges proved their ability to administer justice; and eight judges were sent to the NSJ for additional training, which will be followed by a reevaluation. The HQC postponed rendering decisions on 45 judges due to discrepancies in their dossiers requiring additional review. According to the developed evaluation procedures and methodology, the judges completed an anonymous written test, prepared a case study, and have gone through the interview

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).
- Draft professiogram for a judge developed.
- 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 implemented to increase transparency in the processes of judicial selection and performance evaluation.

process with the HQC Qualifications Chamber members on the results of their judicial dossiers' overview. FAIR provided technical assistance to the HQC to provide the video and audio recording/broadcasting of the initial qualifications evaluation.

Mass media, NGOs and public representatives observe the initial qualifications evaluation of Oksana Tsarevych, judge of the Pecherskyi District Court of Kyiv City, at HQC premises on March 31, 2016. FAIR provided technical assistance to the HQC to provide the video and audio recording/broadcasting of the initial qualifications evaluation

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 the HQC and NSJ in this process, FAIR involved testing expert Serhii Mudruk to support the NSJ in piloting 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 during the preparation for the piloting, and supported the NSJ during the administration of four rounds of piloting, conducted on April 5, 8, 19, 22, and the results analyses.

The HQC scope of authority outlined in the Law on the Judiciary and the Status of Judges, includes criteria for the judicial selection. The selection process for judicial candidates as outlined in the Law consists of four main stages: (1) an admissions exam, (2) a background check, (2) training at the NSJ and (4) a qualifications exam. According to the Law, the admissions exam is conducted by the HQC in the format of an anonymous test in order to identify (1) the level of general theoretical legal knowledge of a judicial candidate, (2) his or her knowledge of the state language, and (3) personal moral-psychological qualities of the candidate. This reporting period, per the HQC' request, two experts in psychology from the Faculty of Psychology of Taras Shevchenko National University of Kyiv - Ivan Danyliuk and Inna Kozytska – completed the analysis on the psychological aspects and aptitude of professional judges based on the national and international research and best practices, and developed a draft judge "professiogram", a profile of general and moral-psychological characteristics of the judicial position required to perform functions and professional duties. The profile outlines the cognitive and personal requirements to be assessed to assure a fair, transparent and standardized judicial selection and evaluation process. These two experts will continue their work to develop the methodology and tools for testing the personal moral and psychological qualities of judicial candidates based on the developed judge "professiogram".

On May 16, 2016, considering the request from the HQC and the NSJ, established a working group to provide proposals for a procedure and methodology for an admissions exam for judicial candidates. Three FAIR experts Serhiy Mudruk, Inna Kozytska and Ivan Danyliuk were included to the working group and provided expert support to the NSJ, resulting in providing the HQC with proposals on a

procedure and methodology for an admissions exam for judicial candidates. FAIR experts will continue cooperation with the NSJ's working group.

FAIR experts Inna Kozytska (to the right) and Ivan Danyliuk (second to the right) presenting the draft judge "professiogram" during the meeting of the Working group of the NSJ on developing proposals for procedure and methodology for admissions exam on May 18, 2016

On June 2, 2016, the Verkhovna Rada adopted the Law on Amending the Constitution of Ukraine regarding the justice sector and the new edition of the Law on the Judiciary and Status of Judges to implement constitutional changes. The amendments to the Constitution and the Law are a strong move towards judicial reform in Ukraine aimed at strengthening independence and accountability of the judiciary, while ensuring it is more responsive to citizens. This constitutional reform provides for the reorganization of Ukrainian courts and key judicial self-governance institutions through changes to their structure, composition, scope of duties, and functions. The Law replaces the initial judicial qualifications evaluation procedure with an overall qualifications evaluation in order to determine the capability of a judge to deliver justice properly in a relevant court. According to the Law, the HQC is responsible for developing the procedure and methodology for the judicial qualifications evaluation. The Law stipulates that the criteria for the evaluation shall be as follows: (1) competency (professional, personal, social etc.), (2) professional ethics, and (3) integrity. FAIR will support the HQC and other institutions in developing and implementing the new procedures provided by the Law. In particular, FAIR involved local expert Olena Ovcharenko, associate professor at the National Law University named after Yaroslav the Wise, to analyze the results of the two rounds of initial judicial qualifications evaluation conducted by the HQC according to the provisions of the Law on the Right to Fair Trial, as well as the provisions of the newly adopted edition of the Law on the Judiciary and Status of Judges regarding the judicial qualifications evaluation, and will provide recommendations to the HQC on how to improve the procedure.

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

- Support the HQC and the NSJ in developing methods and instruments to evaluate personal moral and psychological qualities of judicial candidates;
- Continue to support the HQC in developing criteria, procedures, and methodologies for implementing the judicial selection and evaluation system in Ukraine as envisaged by the new amended Law on Judiciary and the Status of Judges; and
- Continue to support the HQC and the NSJ in developing tests for judicial selection and evaluation.

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 the HQC internal business processes.

The adopted constitutional amendments provide for the reorganization of Ukrainian courts and key judicial self-governance institutions through changes to their structure, composition, scope of duties, and functions. According to the Constitution, the HCJ shall be the only judicial authority to develop policies for the judiciary and to deal with individual judges' professional career issues. In particular, the HCJ will be responsible for conducting judicial disciplinary proceedings and considering cases against judges of all courts, lifting judges' immunity in cases where pre-trial detention may be needed, as well as to rule on judges' temporary suspension due to ongoing criminal investigations. The new Law on the Judiciary and Status of Judges adopted on June 2, 2016 also amends disciplinary procedures for judges by expanding disciplinary liability, while setting out an exhaustive list of grounds for dismissal. Thus, judges shall be disciplined for failure to submit full and accurate integrity declaration and declaration on family ties, and failure to confirm the legality of her/his profits. The disciplinary authority may also impose the penalty of temporary suspension of the judge from the bench, where such decision shall be effective on the issuing date. All judicial discipline records shall be kept in judicial dossiers, and the decisions on judges' liability for disciplinary misconduct shall be publicly available. At the same time, the Law does not detail the procedures for judicial discipline, and only makes a reference to the Law on the High Council of Justice that is still to be drafted and approved by the Parliament to implement constitutional changes.

Until the effective date of the new Law at the beginning of September 2016, the HQC will continue to screen the complaints on judicial disciplinary misconduct and to consider disciplinary cases against the judges. During the period of January-May, 2016, the HQC received 23,466 complaints, whereas 95 percent of them mainly concern the substance of the court decisions to be a subject to review by the courts of appeal and/or cassation. During the same period, the HQC examined 10,679 complaints and decided to impose the following disciplinary sanctions over the judges: 37 warnings, 21 reprimands, 2 severe reprimands, and 23 recommendations to dismiss the judge from the office. Thus, currently 12,787 complaints remain under the Commission's examination. As soon as the new Law comes into force, the HQC will remit the remaining complaints to the HCJ for investigation and consideration.

During the reporting period, FAIR continued to support the HQC in automating its internal business processes, including documents' processing, recordkeeping, procedures of judicial selection, qualifications evaluation and discipline, as well as storing and securing the data in line with the requirements of the Law on the Judiciary and Status of Judges (linked to ER 2.1). For this purpose, on May 12, 2016, FAIR finalized a fixed price Subcontract with IQusion LLC for the development and implementation of the "Business Processes Automation System for the High Qualifications Commission of Judges of Ukraine" (BPAS). This software will improve electronic registration of internally and externally facing documents, improve document processing by converting documents into digital versions, and optimize the process of organization and passing of judges' exams and processing the results. This IT solution will be designed based on a Terms of Reference (TOR) previously developed by the FAIR IT Expert Borys Shuster, in line with the Concept for Implementation of E-Justice Tools

and Improvement of the Infrastructure of the Judiciary, developed jointly by FAIR and the Judicial Reform Council of Ukraine and approved in December 2015. It is expected that BPAS will serve as a model for the further automation of other judicial institutions, including all courts nationwide. Under the terms and conditions of the Subcontract, by August 31, 2016, IQusion LLC shall analyze, reengineer and design a "to-be" model for all current HQC business processes, update the TOR (due to changes in legislation that had occurred after the development of the original TOR), develop and install BPAS in up to 200 workplaces, and conduct trainings for system users. During May-June 2016, IQusion LLC delivered to the HQC the first nine results of the performed services, namely:

1) Existing case management processes analyzed and TOR for software BPAS developed based on electronic case management system of court (1st part);
2) Basic services and methods for BPAS operations developed;
3) Information developed and entered into the system and application directories;
4) Package License for software product "Electronic case management and automated business processes system 'Megapolis.DocNet'" provided;
5) Platform and subsystem of BPAS directories installed on the HQC servers;
6) TOR for software BPAS developed based on electronic case management system (2nd part);
7) Additional services and methods for system functioning developed;
8) Setting-up of access rights and roles performed;
9) Arranging and deployment of the BPAS 1st phase on the HQC servers performed.

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 (cancelled).
- 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 (cancelled).
- 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.
- Developed and submitted proposals for publishing and archiving judicial disciplinary information.

In order to improve judicial discipline practices, FAIR supported the HQC in studying and analyzing disciplinary case-law to reveal the drawbacks and unify judicial discipline procedures and practice. On June 16, 2016, FAIR grantee Institute of Applied Humanitarian Research (IAHR) (Kharkiv) conducted a roundtable for the HQC to present the results of monitoring of judicial discipline decisions and appeals of the judicial discipline decisions. The main objectives of monitoring were to analyze the different decisions delivered in 2015-2016 by the HQC, HCJ and High Administrative Court (HAC) in the course of disciplinary proceedings against judges in order to learn about the impact of disciplinary practices on the judges and to provide recommendations on the elimination of judicial offences and misconduct. Among the participants of the meeting were: HQC Chairman Mr. Serhiy Kozyakov, HQC Disciplinary Chamber Head Mr. Mykola Patryuk, HQC Member Mr. Myhailo Makarchuk, representatives of the HQC Secretariat, President of the IAHR Mr. Myhailo Buromenskiy, as well as the experts who conducted the research. As a result of the study, the IAHR provided a set of recommendations on amending the legislation governing judicial disciplinary practices, on the administration of disciplinary proceedings and improvement of HQC decisions in disciplinary cases, as well as on introducing judicial discipline issues in the NSJ training programs, and enhancing public control over judicial discipline procedures. Mr. Koziakov stressed the importance of the research not only for the improvement of the HQC disciplinary practices, but also for other Commission activities and functions, in particular related to judicial performance evaluation.

HQC Chair Mr. Serhiy Koziakov and HQC Disciplinary Chamber Head Mr. Mykola Patryuk during presentation of the judicial discipline decisions monitoring results on June 16, 2016 in Kyiv

To increase public awareness about judicial discipline issues and ensure transparency and openness of the HQC activities and procedures, FAIR Expert Ms. Reiko Callner, Executive Director of the Washington State Commission on Judicial Conduct (U.S.), developed recommendations for the HQC regarding basic principles, rules, and procedures for disclosing information on judicial disciplinary proceedings and decisions in disciplinary cases, as well as on archiving and ensuring public access to such information. Ms. Callner also reviewed the Procedure of Publishing Information on the HQC Official Website, which was approved by the Commission on July 9, 2015, and put forward recommendations on amending this regulation to ensure the clarity, transparency, and effectiveness of the related procedures. Besides, the Expert provided the HQC with the U.S. best practices on confidentiality of the judicial disciplinary cases and factors to be considered while imposing disciplinary sanctions on the judges.

SCHEDULE CHANGES: FAIR withdrew the activity related to drafting recommendations to amend the HQC Procedure of Verification and Decision-Making in Disciplinary Proceedings against Judges, Formalization and Storage of Relevant Documents (Task 2.2.3) due to the recent changes to the Law providing that the HQC will not be authorized anymore to conduct judicial disciplinary proceedings, whereas the HCJ will be the only authority to discipline judges of all courts. Therefore, FAIR redesigned the assignment to support the HCJ in drafting legal provisions governing judicial discipline issues (under Expected Result 2.3).

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.
- This quarter, FAIR updated the data on the indicator "Percent of judicial misconduct complaints submitted to the HQC using the standardized form" based on the information received from the HQC as of March 31, 2016. The HQC did not provide the data for the period through June 2016. Cumulative status of the indicator remains 14.5%.
- Percent of judicial discipline decisions posted on the HQC website is 47% this quarter. For the period from January to March 2016 HQC made 19 decisions, 9 out of them are available on the HQC website. The HQC did not provide the data for the period through June 2016.

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

- Continue to support the HQC in coordinating activities between HQC representatives and subcontractor IQusion IT LLC for software development and implementation of the BPAS; and
- Assist the HCJ in developing recommendations to amend the legal provisions governing judicial discipline issues provided by the Law on the Judiciary and Status of Judges and the Law on High Council of Justice.

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 identified a grantee, the Association of Judges of Ukraine (linked to Expected Result 4.1.), to print a limited number of copies of the Commentary to the Code of Judicial Ethics and distribute them to courts nationwide. FAIR also suggested introducing a number of changes to the Commentary, adding a number of model situations to illustrate the decisions

Ukrainian delegation meeting with Thomas Jipping, Chief Counsel to U.S. Senator Orrin Hatch on the Senate Judiciary Committee, on April 21, 2016 in Washington, D.C.

and challenges which judges face in their professional and private life. These changes were approved by the COJ, and FAIR proceeded with printing the Commentary.

FAIR also conducted, in partnership with the Open World Leadership Center, a study tour to the United States to share U.S. practices of managing judicial self-governance bodies and their respective committees with COJ and SJA members. The tour took place from April 20 to 30, 2016, and included eight newly-elected COJ members as well as two representatives of the SJA. During the tour, the delegation visited key judicial institutions in Washington, D.C., as well as in the states of Maryland and Virginia. The study tour focused on topics related to the efficient operations of judicial self-governance bodies and court administration, including the preparation, submission, and defense of court budgets, judicial ethics, court performance evaluation, use of e-governance tools, and communications. The delegates had an opportunity to meet their direct counterparts at the federal and state level, as well as learn about the operations of the U.S. judiciary.

As a result of the study tour, several members of the COJ published articles in legal newspapers and magazines, and started working on implementing public outreach initiatives at the level of their courts. To capitalize on the achievements of the study tour, on May 26, 2016, FAIR conducted a follow-up meeting of the delegation, to discuss lessons learned and lay the foundations for continued cooperation with the COJ. As a result of this meeting, FAIR prepared a draft action plan laying out the potential options for joint activities aimed at supporting judicial reform in Ukraine.

During the reporting period FAIR continued to support the HCJ in its capacity building. On April 8, 2016, FAIR and the HCJ conducted a joint coordination meeting where they discussed the results of the ongoing activities and outlined the areas of future cooperation. Ihor Benedysiuk, Chair of the HCJ; Daniel Ryan, Democracy Officer of Democracy and Governance office at the USAID Regional Mission for Ukraine, Moldova and Belarus and Cyprus; Oleksandr Piskun, Democracy Project Management Specialist of Democracy and Governance office at the USAID Regional Mission for Ukraine, Moldova and Belarus and Cyprus; and David Vaughn, FAIR COP, participated in the meeting. In the course of the discussion parties agreed to focus joint efforts on the following activities:

HCJ Chair Mr. Ihor Benedysyuk is handing a certificate of appreciation to FAIR COP David Vaughn during the coordination meeting between FAIR and the HCJ on April 8, 2016.

- supporting the HCJ in considering case files submitted by the ISC;
- developing and promoting legislative changes related to the HCJ operations in line with European best practices;
- developing the HCJ Conception of Actions and communications strategy and implementation thereof;

- establishing a dialogue between and coordinating the operations of the HCJ with other judicial institutions including judicial self-governance bodies to build consensus in applying legislation which regulates disciplinary proceedings and dismissal of judges; and
- conducting comparative study to explore the scope of functions, duties, and authority of the councils of justice of the European countries.

Following the outcomes of the meeting, FAIR conducted research exploring the structure and duties of the councils that are members of the European Network of Councils of Justice. The findings of the research were translated into Ukrainian, assembled into a comprehensive set of materials and presented on June 10, 2016, during the second meeting of the working group on developing changes to the Law on the HCJ to bring it into compliance with the recent constitutional amendments (http://www.vru.gov.ua/news/1582). The working group was created under the HCJ initiative and includes members of the HCJ Ihor Benedysyuk, Vadym Belianevych and Tetiana Malashenkova, Head of the COJ Valentyna Simonenko, member of the COJ Valeriy Sukhoviy and member of the HQC Andriy Vasylenko. Representatives of other projects and civil society organizations, including the Council of Europe (CE) Project "Support in Implementing Judicial Reform in Ukraine", joint European Union (EU) and CE Project "Consolidation of Efforts in Justice Sector of Ukraine", Consultative Mission of the EU in Ukraine, National Association of Lawyers of Ukraine also attended the event.

In the course of the event participants agreed that anticipated legislative changes should strengthen the role of the HCJ in safeguarding judicial independency, provide the Council with the authority to coordinate activities of judicial institutions, institute a judicial disciplinary inspectors department within the HCJ, and stipulate procedures for transferring judicial discipline records from the HQC to the HCJ, among others. The outcomes of the meeting were presented by the Head of the HCJ Mr. Benedysyuk to the members of the Judicial Reform Council during the meeting on June 17, 2016.

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.
- Commentary to the Code of Judicial Ethics printed and disseminated (ongoing)
- Study tour to the USA for SJA and COJ members successfully conducted.
- 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.

The HCJ then shared with FAIR the initial draft of the new Law on the HCJ developed by the Judicial Reform Council for commenting. FAIR feedback to the Council included recommendations to:

- incorporate a requirement to submit the integrity declaration for candidates for a position at the HCJ member;
- envisage membership in foreign associations and organizations for the HCJ;
- clarify the term "consult President on creation/abolishment of the courts";
- shorten the term for considering the issue of judicial arrest/detention, etc.

On June 24, 2016, these recommendations were accepted by the Judicial Reform Council and included into the draft bill.

Finally, on June 28, 2016, the President signed the Law on Amending the Constitution regarding the justice sector (No. 3524) changing the scope of the HCJ duties and functions, institutional structure, and extent of authority. To support and safeguard the creation of the new HCJ, FAIR engaged two pro bono experts Judge Jose Manuel Cardozo (Portugal) and Judge Grzegorz Borkowski (Poland). Using their different country contexts as examples, the experts will share the specific ways in which these institutions manage the judiciary, arrange judicial selection, discipline, and dismissal procedures, identify the overall mission and vision of the judiciary, plan activities to improve the services provided by the judiciary, and provide for the protection necessary for the development of the judicial branch of power. The two experts will outline the responsibilities of such institutions within the judicial system as well as outside the system, and their relationships with other institutions including judicial self-governance bodies, and government agencies.

Performance Indicators ER 2.3

FAIR continue working on improving the Internal Decision-Making Regulations for the High Council of Justice.

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;
- Present the outcomes of the expert analysis to the HCJ, Judicial Reform Council, and the EU Project to discuss and scheduled joint activities in the Strategic Action Plan; and
- Support drafting of the new Law on the High Council of Justice based on the best European and international standards, practices, and lessons learned.

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

ACCOMPLISHMENTS: During the reporting period 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.

As a result of this cooperation, from September 2014 to June 2016, about 460 judges successfully passed and received certificates for the online Judicial Ethics course, which was developed and updated with

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.
- Training-of-trainers 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 2013 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 third round of the two-week Judicial Administration Certificate Program.
- 40 capstone projects prepared by the students of the third round of the Judicial Administration Certificate Program and approved by MSU.
- 40 graduates of the third round of the Judicial Administration Certificate Program awarded the MSU and NSJ certificates.
- Five court administrators and NGO members improved their knowledge and shared their experience through participation in the 2016 IACA Regional Conference.

FAIR's support. Two new courses: on Courts and Community Communications and on Judicial Administration were developed and piloted.

Per the request of the NSJ, on April 19 and May 12-13, 2016, FAIR grantee "Environment-People-Law," in cooperation with the Kharkiv and Chernivtsi regional branches of the NSJ, conducted two trainings based on the curriculum "Environmental Protection and Human Rights" with the participation of 23 general and 32 commercial court judges. During these events, participants learned about the Aarhus Convention, which established a number of public rights 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.

On April 25–26, 2016, FAIR jointly with the NSJ and SJA conducted 2 two-day workshops for developers, trainers, and administrators of the online courses on Courts and Community Communications and Judicial Administration to test these courses before piloting them. The participants of the workshops finalized course materials. On June 3, 2016, the NSJ conducted with FAIR's support a workshop for the developers of the Judicial Administration online course to test it on the Internet platform Moodle before piloting it. Starting from May 30 through July 7, 2016 this online course is piloting. The online course on Courts and Community Communications piloted from May 23 through June 30, 2016 and 38 participants received the NSJ certificates. More information can be found at: http://nsj.gov.ua/ua/news/novi-mojlivosti-navchitis-efektivniy-komunikatsii/.

Trainers of the course on Judicial Administration invites court administrators to participate in the course that was piloted from May 30 to July 7, 2016.

In addition, on May 18, 2016, FAIR grantee Volyn Regional Non-governmental organization "Center for Legal Aid" conducted a final roundtable on the results of the implementation of the grant program *"Support to Development of Mediation in Eight Courts of Volyn Oblast as an Alternative Way of Conflict Resolution."* After conducting mediations in Volyn oblast courts during the grant program implementation, participants of the event – local courts judges, representatives of NAMU and mediators – discussed if mediation is myth or reality and what legislative changes are needed to implement mediation in courts.

Finally, in order to build upon the successful implementation of the third round of the Judicial Administration Certificate Program, as well as to support and promote the newly-established NGO Court Management Institute of Ukraine (CMI), FAIR supported the participation of a delegation composed of five court administrators and NGO leaders in the International Association for Court Administration (IACA) Conference "Promoting Regional and Global Approaches to Justice Administration" in the Hague, Netherlands on May 18-20, 2016. During the conference, three delegation members gave presentations on Ukraine's experience in applying new tools to measure user

Andriy Bury, Chair of the Law and Democracy Foundation; Nataliya Chumak, CMI President; Olga Pasichnyk, Court Administrator, Odesa Circuit Administrative Court; and FAIR COP David Vaughn during the IACA Conference in the Hague on May 18-20, 2016.

satisfaction, improve accessibility and enhance the professionalism of Ukrainian court staff. The participants also had the possibility to learn new approaches for improving court administration from judicial system leaders, judges, academic specialists, justice system experts, and judicial training personnel from throughout Europe, Asia, Africa, and the United States. The program also included site visits to hybrid courts based in The Hague, including the International Court of Justice, the International Criminal Court, the International Criminal Tribunal for the Former Yugoslavia, and the Special Tribunal for Lebanon. As a result of the CMI's participation in the conference, the NGO received an invitation to become a member of the IACA with free membership for one year. In addition, IACA offered CMI an opportunity to write an article for IACA's next newsletter to share the progress that it is making. It will be excellent opportunity for CMI to showcase their work on improving court administration in Ukraine.

Performance Indicators ER 3.1

- Number of USG-assisted courts with improved case management this quarter is 164. It refers to those courts that implement FAIR-developed court performance indicators for management and reporting purposes. This indicator also courts equipped with electronic information kiosks and pilot e-courts.
- Number of judges and judicial personnel trained with USG assistance is 336 (40% men and 60% women) in this reporting period.
- During this reporting period, FAIR conducted post-training survey of justice sector representatives who participated in FAIR trainings from February to June 2016. 246 individuals were surveyed, 237 of them reported that they use new or improved skills and knowledge in their work.
- Number of new legal courses or curricula developed with USG assistance increased in this reporting period from 21 to 23. 15 of new courses and curricula developed under FAIR and 8 developed under FAIR predecessor UROL Project.

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; 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 (July 2016).

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

ACCOMPLISHMENTS: During the reporting period, FAIR continued to capitalize on previous project achievements. Since project inception, FAIR has been working with the COJ and SJA on developing, pilot testing and formally approving the Court Performance Evaluation (CPE) System for Ukrainian courts. 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 the implementation of the CPE System and its utilization for proper management of courts and more effective reporting to the public.

In this reporting period, FAIR completed the draft guidelines for courts on implementing the CPE System and using it for management and reporting purposes (CPE Guidelines) and submitted them to the COJ for consideration and approval. 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.

On April 8, 2016, the COJ considered the FAIR-developed CPE Guidelines and approved them without any remarks or comments. The COJ Decision No. 26 as of April 8, 2016 contains the following provisions:

1) Approves the CPE Guidelines in full.
2) Approves the standardized form "Basic court performance indicators" for regular semi-annual reporting on court performance and publishing results on court web-pages.
3) Recommends Ukrainian courts to use standardized templates for Court Performance Analytical Report and Court Performance Improvement Plan which are annexes to the CPE Guidelines.

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.
- All courts of Ukraine implement mandatory court performance standards.
- 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.
- Electronic publication of CPE system available online.
- Guidelines for courts on implementation of the CPE system developed, published, and distributed to courts.
- More than 140 judges and court staff trained on the implementation of the CPE system.
- Case weights resulting from case weighting study discussed, validated, and submitted for SJA/COJ review.
- Case weighting study and implementation scheduled, designed, prepared, and approved by the COJ.
- Human resource management software for the SJA procured, installed, and operational.
- 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)
- Concept for judicial statistics report approved by the COJ. (ongoing)
- Training curricula for the National School of Judges of Ukraine (NSJ) on court performance evaluation developed. (ongoing)

In addition, the mentioned above COJ Decision orders the COJ Committee for Court Administration to monitor the utilization of the CPE Guidelines in Ukrainian courts and to study the possibility to create a network of court performance evaluation regional advisors and coordinators who will have the capacity to provide consultations and assistance to courts implementing CPE System. This network is part of the FAIR-recommended infrastructure for proper implementation of the CPE System in Ukrainian courts without FAIR expert support in the future. The COJ also uploaded the CPE Guidelines on its website to make sure that all courts can download them for their use.

Simultaneously, the COJ Committee for Court Administration conducted monitoring of the CPE System's implementation and its use for improving court performance and user satisfaction, which

revealed that the availability of CPE Guidelines helps Ukrainian courts to implement the System using their own resources without additional expert support and additional funding. Taking this into account, the COJ issued decision No. 35 as of May 12, 2016 recommending that all courts of Ukraine implement the two evaluation modules proposed by the CPE System – court user satisfaction surveys and internal surveys of judges and court staff. The COJ proposed that these surveys be completed in all courts of Ukraine by October 1, 2016.

In addition, FAIR reviewed publicly available court reports on the implementation the CPE System and concluded that courts are making a lot of serious errors. These errors may further mislead court leadership, as well as the COJ itself, about the CPE results and cause improper management actions and reporting to public. The most common types of errors identified are:

- 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.
- Courts implementing the CPE System often confused user satisfaction and public trust in the judiciary.
- Many courts do not correctly interpret the complex (integral) indicators. For example, for the user satisfaction surveys courts may consider the average score of 3.4 by a 5-point scale as a satisfactory level of performance while experts would conclude that due to the large number of arguments (e.g. user responses), the minimum score that can be considered satisfactory is 3.5. The lower score in this case means that there is a significant number of respondents who gave the court very low, unsatisfactory scores of 1 and 2.
- Courts often confuse simple and complex indicators. In the case of simple indicators, the measure to analyze is the percentage of responses to a specific question, whereas in the case of complex indicators the measure to analyze is integral score; and courts very often do vice versa.

Overall, FAIR experts identified more than a dozen types of errors that courts commit when implementing the CPE System. Thus, in order to facilitate a more efficient application of CPE System, FAIR developed a training program on court performance evaluation for judges and court staff. This is an intensive two-day training program that raises awareness among judges and court staff of court performance evaluation standards, criteria, indicators and methods. The training also helps develop the participants' skills in accurately using the court performance evaluation criteria, indicators and methods for planning activities, making efficient managerial decisions and reporting to the public on court operations. Finally, this training program supports the establishment of a Ukrainian network of regional advisors or /coordinators who will be able to assist their counterparts in the proper implementation of the CPE System.

The developed CPE training program covers the following topics:

- Court performance evaluation quality policies and international best practices including the International Framework for Court Excellence (IFCE);
- Conducting self-assessment in courts using the IFCE;
- Ukrainian CPE System and its evaluation modules, indicators and methods. Implementation of basic and complex levels of the CPE System;

- Conducting user satisfaction surveys in courts;
- Internal surveys of judges and court staff;
- Evaluation of timeliness of court proceedings through analysis of case files and case management system data;
- Evaluation of quality judgement through expert assessment of select court decisions; and
- Analysis of the CPE results, and developing plans for court performance improvement.

During this reporting period, with the support of the COJ, FAIR successfully implemented the developed CPE training program in five cities. All five trainings were conducted in close cooperation with FAIR partner civil society organizations (CSO), and so the activity is linked to FAIR Expected Result 4.2 and partially reported in the related section of this Quarterly Report. Two out of five trainings were also conducted in close cooperation with courts of appeals who served as co-organizers of the events.

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 32 performance indicators including basic court performance indicators and complex performance indicators which are part of FAIR-developed and COJ-approved Court Performance Evaluation (CPE) System.
- 253 courts in this reporting period implementing FAIR-supported Court Performance Evaluation (CPE) System including 110 courts implementing user satisfaction surveys and 143 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.

The CPE trainings conducted this quarter are as follows:

1) On April 14 and 15, 2016, FAIR conducted the CPE training in Kharkiv in cooperation with FAIR grantee Institute for Applied Humanitarian Research (IAHR). Twenty four judges and court staff from Kharkiv and Kharkiv Oblast participated.
2) On April 21 and 22, 2016, FAIR conducted the CPE training in Odesa in cooperation with grantee Center for Social Adaptation from Cherkasy and Odesa Circuit Administrative Court. Forty three judges and court staff from Odesa and Cherkasy Oblasts participated.
3) On May 30 and 31, 2016, FAIR conducted the CPE training in Lviv for 30 judges and court staff from Lviv, Ivano-Frankivsk, Ternopil, Volyn and Zakarpattya Oblasts. FAIR grantee All-Ukrainian Coalition for Free Legal Aid served as co-organizer.
4) On June 2 and 3, 2016, in cooperation with IAHR, FAIR conducted the CPE training in Kyiv for 26 judges and court staff from Cherhiniv, Dnipropetrovsk, Donetsk, Kyiv, Khmelnytskyy, Luhansk, Sumy, and Zhytomyr oblasts.
5) Taking into consideration the success of the four trainings listed above and responding to the request of the Chernihiv Oblast Court of Appeals, on June 22 and 23, 2016 FAIR conducted the CPE training in Chernihiv. Thirty two court staff representing all courts of Chernihiv oblast attended this training. FAIR organized this training in cooperation with Chernihiv Oblast Court of Appeals, the All-Ukrainian Coalition for Free Legal Aid and Kyiv-based NGO Court Management Institute (CMI), recently established by graduates of the FAIR Court Administration Certificate Program.

The following indicators demonstrate the high effectiveness of the CPE trainings conducted in this reporting period:

- 98% of training participants garnered new or improved their existing knowledge of court performance evaluation, specifically regarding CPE standards, indicators, criteria and methods;
- 95% of participants developed new court performance evaluation skills, specifically in conducting court user surveys, internal surveys of judges and court staff, court performance data processing and analysis;
- 92% of training participants are going to use new knowledge and skills in their work conducting performance evaluation in their courts; and
- 70% of participants reported that they are able to help other courts to implement the CPE System by providing consultations and sharing their experience.

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. FAIR submitted the final draft report on the final case weights to the SJA on March 30, 2016. On June 9, 2016, the COJ passed its decision No. 46, by which it approved the methodology used to calculate the case weights, the resulting time and case complexity rating values, and recommended the SJA to use the results of the case weighting study when taking managerial decisions with regard to workload and staffing of the courts.

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

- 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.

Milestone Progress ER 3.3

- Strategic plan drafted and discussed by key stakeholders.
- Content for SJA manual on human resources determined.
- Strategic Plan for the Judiciary finalized and submitted for COJ and SJA approval.
- Congress of Judges adopted the Strategic Plan for the Judiciary.
- Manual on human resources printed and sent to all courts.
- Three HRM trainings conducted for chiefs of staff.
- 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.
- Concept for collection of electronic court fees drafted and submitted to the SJA.
- 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.
- Up to two working group meetings conducted to revise court administration and management policies.
- "Paperless court" project implemented in up to three courts in Odessa and fully operational.
- Court Automation Strategy updated and presented to the Administration of the President of Ukraine.
- Presentation of the results of the "E-Court" pilot project in Odesa conducted (new).

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 and the Presidential Administration to support implementation of the Concept for Improvement of the Infrastructure for Logistical and Administrative support of the

Judiciary, prepared by FAIR in cooperation with the Presidential Administration. In order to promote the advantages of electronic document exchange, FAIR is preparing a presentation to highlight the results of the "E-Court" project in Odesa to major stakeholders, including the COJ, SJA, MOJ and HCJ. The presentation will stress the time and money the E-Court project has saved, and will discuss the potential financial savings for the courts of Odesa Oblast.. The presentation is scheduled to take place on July 18, 2016.

SCHEDULE CHANGES: FAIR planned to conduct the "E-Court" project presentation in June, however, due to scheduling conflicts FAIR decided to postpone it to July 2016.

Performance Indicators ER 3.3

- The indicator "Number of data-fed analytical techniques incorporated into judicial budgeting" increased from 1 to 2. The cumulative data counts Case Weighting Study for the General Courts and Case Weights for Appellate and Specialized Courts.
- The indicator "Number of project-supported new or improved policies within the SJA" did not change this quarter and remains three as of the end of FY2015.

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

- Present the results of the "E-Court" pilot project in Odesa.
- Provide support to the administration committee established within the COJ to revise existing, and establish new policies in court automation as needed.
- Continue working with the Presidential Administration to update and revise the Strategy for Automating Ukraine's Judiciary based on feedback from Judicial Reform Council members.

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, together with the joint EU/COE Project "Consolidation of Justice Sector Policy Development in Ukraine," finalized the updated version of the Courts and Media Manual for journalists, which is currently undergoing editorial review and layout design. The Manual informs journalists on international standards and principles covering court activities in media, including numerous decisions of the European Court of Human Rights. It also provides simple yet useful advice to journalists on how to approach and build constructive and sustainable relations with courts. FAIR will to present the Manual to most prominent media throughout Ukraine as well journalism departments at universities and institutes throughout the country. This Manual will have a twofold purpose: it will be used as a daily guideline for journalists to prepare their materials on court activities, and it will serve as a textbook

Unexpected interview exercise for judge-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.

for journalism students to support their skill and knowledge development, and professional capacity. The updated manual will be also used as foundational tool for journalist trainings in court activity coverage.

The Kitsoft IT Company, which was selected by FAIR together with the COJ leadership, has officially launched the new COJ website, which is now more informative, interactive, and user-friendly. It may be found at http://rsu.gov.ua.

On May 18-27, 2016, FAIR conducted four one-day trainings on Court and Community Communications for judge-speakers of Kherson (May 18), Mykolayiv (May 20), Dnipro (May 25) and Zaporizhzhia (May 27) together with the European Union Advisory Mission, NSJ, COJ, and the SJA. The purpose of these trainings was to share European 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 Scambiato Licciardi Luciano, Strategic Communications Adviser of the European Union Advisory Mission and Kleine Vineta, Senior Adviser on Communications of the European Union Advisory Mission.

The trainings were preceded by a four roundtables with representatives of local mass media on the ways to establish dialog and constructive cooperation between the courts and mass media, specifically in Kherson (May 17), Mykolayiv (May 19), Dnipro (May 24) and Zaporizhzhia (May 26). The roundtables were conducted by national specialists on court communication along with international experts Scambiato Licciardi Luciano, Strategic Communications Adviser of the European Union Advisory Mission and Kleine Vineta, Senior Adviser on Communications of the European Union Advisory Mission. In total, 60 journalists participated in the roundtables and 97 judges participated in the trainings.

FAIR also supported the NSJ in conducting the second round of the online distance learning course on Courts and Community Communications (linked to Expected Result 3.1). The pilot course for 70 participants was launched on May 23 and is expected to be completed on July 1. FAIR plans to support a summary meeting of a developers and trainers Working Group following the piloting of the renewed on-line course on court and community communication. During this meeting, the participants plan to discuss and analyze the results of the pilot to introduce necessary alterations for improvements to the course materials, and to evaluate the work of teachers.

Milestone Progress ER 3.4

- A conference on “Strengthening Public Trust in the Judiciary through Effective Court Communications” conducted.
- Three 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.
- Nine one-day regional trainings for PIOs and judge-speakers working in courts of Lviv, Kharkiv, Odesa, Chernigiv, Kherson, Mykolayiv, Dnipro, Zaporizhzhia and Kyiv oblasts conducted; the trainings were preceded by roundtables with representatives of local mass media (320 PIOs and judges participated in the trainings and 115 journalists participated in the roundtables).
- Civic education materials on judicial reform and public information materials on court operations updated.
- COJ new website developed; it is more informative and user-friendly.
- Court communications curriculum updated.
- Courts and Media manual for journalists updated.
- The Courts and Media Manual for journalists updated.

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 May 12, 2016, "CCC Creative Center" conducted a press tour to three courts of Cherkasy region: Uman City -District Court, Mankivskyi District Court of Chrekasy Region and Monastyryshchenskyi District Court of Chrekasy Region for journalists from the local mass media. Six participants attended the press tour. On May 13 "CCC Creative Center" conducted a Final Conference entitled "To Mutual Trust through Effective Communication of the Courts with the General Public." The Conference was attended by 20 participants, including the court staff, local mass media, and civil society organizations. The purpose of the conference was to identify and present best practices of the courts and mass media cooperation in Cherkasy region. During the roundtable, the participants discussed lessons learned, successes reached, and obstacles faced by "CCC Creative Center" during the implementation of the grant project. Thus, "CCC Creative Center" completed its grant activities.

Also during this reporting period, FAIR's short-term strategic communications expert Iryna Khymchak, worked with the HCJ to elaborate on its Communications Strategy until the next reporting period. During this reporting period, FAIR received the first draft of the HCJ communication strategy. FAIR and the HCJ had two working meetings on the June 1 and on June 15. This activity is expected to be completed in the next reporting period.

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 remains unchanged this quarter is amounts to 26. This number counts 25 courts that developed, published and implement their communication strategies. In addition, FAIR counts COJ-approved Communication Strategy for Ukrainian Judiciary.

SCHEDULE CHANGES: In this reporting period, FAIR contracted Euromedia company to produce a promotional video for the SCU. The scenario was approved and filming was complete, however, on June 2, 2016, the Parliament adopted the Law on the Judiciary and Status of Judges (Bill No. 4734 as of May 30, 2016) and the Law on Amendments to Constitution (on the Judiciary) (Bill No. 3524 as of November 25, 2015). Once these laws come into force and new ones are adopted to specify the changes that have to take place, the structure and authority of the SCU will changed so drastically that the material in the video will no longer be current. Thus, FAIR decided put a hold on work on the video and postpone its release.

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

- Publish an updated version of the in-class curriculum on Court and Community Communications.
- Publish the Courts and Media Manual for journalists;
- Conduct presentations on the Courts and Media Manual for journalists in three cities in Ukraine.
- Assist the HCJ in elaborating on the Communications Strategy.
- Conduct TOT on communications for judge-speakers and public information officers (PIOs) together with the EU/COE Project "Consolidation of Justice Sector Policy Development in Ukraine."

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

ACCOMPLISHMENTS: FAIR grantees conducted a series of gender in justice initiatives. Civil society organization "Women's Perspective Center" (WPC) conducted a series of roundtables to present its findings of a review of court decisions based on gender equality and non-discrimination and trainings for judges (April 18-19, 2016 in Odesa, May 18-19, 2016 in Chernivtsi, June 22-23, 2016 in Uzhorod). During these trainings, judges increased their knowledge and skills to applicate the Ukrainian and international legislation on gender discrimination. WPS established cooperation with regional departments of the NSJ, Association of Women Judges to develop sustainability of the gender initiatives. More information about events in Uzhorod can be found at the following link: http://nsj.gov.ua/ua/news/dotrimannya-printsipiv-gendernoi-rivnosti-odna-z-oznak-yakosti-pravosuddya.

On April 20, 2016, FAIR grantee CSO Public Alternative conducted round table to present the results of the level of application of international documents - the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and European Court of Human Rights decisions - for judges of Kharkiv region courts. On May 27, 2016, the grantee conducted a roundtable to present monitoring results for judges of Kyiv region in cooperation with the Ukrainian Parliamentary Human Rights Commissioner and Civic Coalition on Protection from Discrimination. Ms. Aksana Filipishyna, Representative of the Commissioner for observance of the rights of the child, non-discrimination and gender equality mentioned, that

"the carried-out analysis of judgments concerning gender discrimination is extremely important for change of approaches while adopting such decisions by the Ukrainian courts in the future" (http://www.ombudsman.gov.ua/en/all-news/pr/1616-qy-ms-aksana-filipishyna-the-carried-out-analysis-of-judgments-concerning/).

Both reports findings are included in the shadow report of civil society to the UN Committee on the Elimination of Discrimination Against Women developed by the CSOs. 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.

FAIR also supported the participation of Mr. Tetyna Fuley, NSJ's Gender Advisor for participation in the 2016 Law and Society Association Annual Meeting on June 2-5, 2016 in New Orleans, USA. Tetyana Fuley conducted a presentation "Transformation of Gender Stereotypes in Judiciary: Impact of Social Changes and Armed Conflict".

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 and 7 manuals on court operations.
- Awarded 54 grants that engage civil society and the public in the judicial reform process.
- Developed and disseminated two new civic education materials on judicial reform (ongoing).
- Specialized research and policy proposals related to pending judicial reform legislation (ongoing).
- Conducted two joint events with CSOs and Parliament.
- Prepared mechanisms of sustainable advocacy campaigns for pending judicial reform legislation adoption (ongoing).

On June 9, 2016, FAIR conducted the first-ever forum "Gender Issues in Ukrainian Judiciary" in cooperation with other international projects: Rule of Law and Human Rights Program of the OSCE Project Co-ordinator in Ukraine and the Canadian Project "Judicial Education for Economic Growth." One hundred participants including judges, court staff, and civic activists discussed analysis of court decisions on protection from gender discrimination including application of international and Ukrainian legislation on protection from gender discrimination, specifically international laws. Participants also discussed findings from court decisions that were monitored and related to challenging the use of gender quotas during local 2015 elections. During the session on judicial education, the NSJ representatives and judges discussed international approaches to advancing gender education for judges. Representative of the SJA and FAIR presented international requirements for gender disaggregated court statistics and status of collected judicial data. Participants developed a list of recommendations to improve legislation on including a gender component that will involve judicial data collection and education of judges to improve application of international, constitutional, and legislative obligations, thus ensuring equality between men and women in court proceedings.

Left to right: OSCE Rule of Law and Human Rights Project Manager Natalia Stupnytska, FAIR COP David Vaughn , MP Iryna Suslova, NSJ Vice Rector Nataliya Shuklina, OSCE Senior Project Officer Jeffrey Erlich, Director of Legal and Education Programming National Judicial Institute of Canada Donald Chiasson opened the Forum on June 9, 2016, Kyiv.

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.

On June 16, 2016, FAIR presented to representatives of the State Committee on Statistic and SJA the problems in collecting gender disaggregated statistical data in judiciary and developed recommendations to improve data collection at the working meeting initiated by the Ministry on Social Policy.

FAIR grantee All-Ukrainian Civic Organization "Association of Judges of Ukraine" (AJU), in partnership with High Specialized Court of Ukraine for Civil and Criminal Cases conducted a final roundtable to present and discuss implemented initiatives and findings developed under grant on June 10, 2016. The AJU President Olena Yevtushenko mentioned that under FAIR support the AJU conducted 10 roundtables and workshops to present analysis of drafts law on judicial reform, application of Ukrainian legislation and international standards on judicial independence. The most important conclusion the AJU made is that it is important to assess and monitor the impact of legislation in force and legislative drafts on the justice system by judges. Ms. Yevtushenko mentioned that thanks to the AJU's cooperation with FAIR, it has increased its capacity to conduct legal expertise of draft laws, present findings at public events, and establish cooperation with MPs of the Parliamentary Committee on Legal Policy and Justice, Foreign Affairs. Additionally, the AJU expanded its network and established partnerships with High

Commercial Court of Ukraine, High Administrative Court, Working Group on Justice of the Constitutional Commission.

On June 30, 2016, FAIR grantee Civic Organization "Institute for Applied Humanitarian Research" presented the main findings and recommendations in implementing a follow-on grant to "Monitoring of Court Performance and Decisions Related to Elections in Ukraine: Local Elections 2015." Civic experts analyzed 600 court decisions related to local elections conducted in autumn 2015 including analysis of 40 court decisions of gender quotas at the political parties' lists at 2015 local election in Ukraine. The grantee summarized findings and provided recommendations for the NSJ, HAC and Parliament Committee on Legal Policy and Justice to improve court proceedings in election cases, legislation on election, protecting election rights of internally displaced persons, women's participation in election as candidates.

PLANS: During the next reporting period, FAIR plans to finalize all grantee activities and submit the final report to achieve Expected Result 4.1.

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 grantees have nearly completed monitoring the implementation of CSO recommendations provided to the courts of Kyiv, Lviv, Odesa, Sumy, Ivano-Frankivsk, Chernivtsi, and Cherkasy oblasts based on the citizen report card (CRC) surveys results, and developed CRC methodology sustainability through trainings to court staff on how to conduct CRC surveys. FAIR grantees established cooperation with the COJ to implement the monitoring activities.

Milestone Progress ER 4.2

- CRC surveys expanded 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, Khmenlnytskiy, 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.
- Produced an assessment report on impact of the CRC program implementation.
- Produced an assessment report on equal access to court facilities and services for people with disabilities.
- Presented 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."
- Selected an NGO to implement grant program to increase access to courts for people with disabilities.
- Monitored access to courts and court services for people with disabilities in 20 courts.
- Prepared audio and Braille materials on the judiciary.
- Conducted public awareness and lobbying campaign on legislative changes to improve access to justice for people with disabilities.
- Selected NGOs to develop a manual on court staff's communication skills and work with people with disabilities in cooperation with the NSJ.
- Developed manual on court staff's communication skills and work with people with disabilities in cooperation with the NSJ.
- Conducted TOT for 20 faculty members through grant on improving communications skills of court staff in their work with disable.
- Conducted seven trainings on improving court staff's communication skills and work with people with disabilities for 216 court staff members.
- Revised and transferred to the NSJ a manual on improving court staff's communication skills in their work with people with disabilities.
- Dissemintated he information book with contacts of the NGOs that represent people with disabilities among training participants and judiciary bodies.

During the reporting period, the results of the CRC surveys on public satisfaction with court performance from 107 court in Ternopil, Khmenlnytskiy, Chernihiv, Volyn, and Kherson oblasts as well some courts of Vinnytsya and Mykolaiv were presented to the respective courts.

On April 1, 2016, grantee CSO Podillya Human Right Foundation (Khmelnytsky) presented the CRC survey results on public satisfaction of court performance conducted for the first time for the Appellate Court of Vinnytsya Oblast. The court performed well with average score 4.47 out of 5.00. On April 7, 2016, the same CSO presented the results of CRC court user satisfaction surveys for 19 courts in the Khmelnytsky region in cooperation with the Khmelnytsky Court of Appeals and the Territorial Department (TD) of the SJA. The Khmelnytsky oblast courts performed fairly well during this round of surveys with average scores ranging from 4.1 to 4.8 out of 5.0. On April 8, 2016, FAIR in cooperation with its grantee CSO the Intellectual Headquarters of Civil Society (Ternopil) presented the results for all 20 courts in the Ternopil region in cooperation with the Ternopil Court of Appeals and the TD of the SJA. The Ternopil courts received an average score from 3.3 to 4.4 out of 5.00. FAIR representative also participated in the TV program "What to do?" of the Ternopil regional branch of the National TV company of Ukraine to introduce FAIR activities to improve court performance using CRC methodology. Video is available here https://www.youtube.com/watch?v=U556lZU9qyU.

On May 11, 2016, FAIR grantee Chernihiv Public Committee for Human Rights Protection presented the CRC survey results conducted for 26 courts in the Chernihiv oblast in cooperation with the Chernihiv Appellate Court. During this stage, Chernihiv oblast courts have performed with an average score from 3.72 to 4.68 out of 5.00. On May 25, 2016, FAIR grantee CSO Partner (Lutsk) presented the results of CRC court user satisfaction surveys for 19 courts in the Volyn region in cooperation with the Volyn TD SJA, during this stage Volyn's courts have performed very well with an average score from 4.06 to 4.98 out of 5.00. FAIR grantee CSO New Generation (Kherson) on June 16, 2016 presented the results of CRC court user satisfaction surveys for 22 courts in the Kherson region in cooperation with the Kherson Court of Appeals. The Kherson oblast courts performed during this round of surveys with an average score from 3.30 to 4.60 out of 5.00. Some videos from local channels are available here (TV channel KRATU https://www.youtube.com/watch?v=ZrN-EEwkWEI, TV channel Kherson https://www.youtube.com/watch?v=j5dX4SZC6Qg). Mykolaiv oblast Commercial Court has performed with average 4.30 out of 5.00 under survey conducted by the CSO New Generation. These round tables included presentations of recommendations to improve the quality of court performance by providing more timely information about court processes and hearings, adequate space for waiting for court hearings and preparing documents, and better access for persons with disabilities. An overarching theme across all courts in the region was improving court communications and outreach with the public at large.

Focus group with court staff on monitoring the implementation by Zolochiv Rayon Court of Lviv Oblast the recommendations provided by court users on April 18, 2016 in Zolochiv town, Lviv Oblas.

During this reporting period, FAIR grantees and their local partners monitored the implementation of recommendations provided by court users in 200 courts, including all courts of seven oblasts of Ukraine (Lviv, Odesa, Sumy, Ivano-Frankivsk, Chernivtsi, and Cherkasy oblasts) and additional courts of other

oblasts. Civic activists reported that from 45% to 79.8% of CRC recommendations enhancing court services have been implemented or are in process of implementation. The most widely implemented recommendations to improve accessibility to the courts include: installing ramps and call buttons for people with disabilities; updating lifts; including signs in Braille, marking stairs with bright paint, lowering sidewalks at the courthouses.

Also this quarter, FAIR in cooperation with CSOs "Center on Social Adaptation," Kharkiv City Civic Organization "Institute for Applied Humanitarian Research" and Ukrainian Coalition for Legal Aid conducted four trainings for judges and court staff from Odesa, Cherkasy, Lviv, Chernihiv and Kharkiv oblasts on implementation of the CPE System and court user satisfaction surveys using CRC methodology approved by the COJ (April 15-16, 2016, Kharkiv, April 21-22, 2016, Odesa and Cherkasy, May 30-31, 2016, Lviv and June 22-23, 2016 Chernihiv). Also CSO grantees "Center on Social Adaptation," Kharkiv City Civic Organization "Institute for Applied Humanitarian Research," and Ukrainian Coalition for Legal Aid conducted three trainings for court staff to conduct CRC surveys without CSO support (May 5-6, 2016, Cherkasy, June 12-13, 2016, Sumy and June 16-17, 2016, Chernivtsi). As a result of these trainings, approximately 230 judges and court staff from seven oblasts increased their knowledge and skills to implement CPE system including court user satisfaction surveys and judges and court staff surveys, as well as using judicial statistics to develop decisions aimed at improving court performance. In addition, participants were trained to develop and implement action plans to improve court performance and build court excellence.

During this reporting period, the NSJ and FAIR continued 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. From April through June 2016, 150 court staff members from Vinnytsya, Odesa, Khmelnytsky, Chernivtsi and Uzhgorod improved communication skills in their work with people with disabilities. Additionally, the "Law and Democracy" NGO disseminated an information book with contacts at NGOs that represent people with disabilities among training participants.

The Law and Democracy NGO also conducted its final roundtable to present results of training programs to improving access to courts and court services for persons with disabilities. The presentation included recommendations on improving the training curriculum. Representatives of the NSJ, SJA, HCJ, Parliament, Assembly of People with Disabilities of Ukraine, NGOs representing people with disabilities, trainers and FAIR participated in roundtable discussion. Representatives of the Assembly of People with Disabilities of Ukraine noted that the training programs were largely successful due to the approach

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.
- FAIR updated the indicator "Percentage of partner Civil Society Organizations' performance improvement recommendations implemented by judicial institutions" this quarter. Analysis of CSO recommendations implementation is still in the process. FAIR expects results of analysis in the next reporting period. FAIR CSO partners completed the assessment of implementation of the performance improvement recommendations by selected 194 courts. The assessment results show that these courts received 1,315 CSO recommendations to improve court performance. Courts implemented 537 recommendations in full (41%). In addition, courts mostly implemented 126 recommendations (7%), and partially implemented 354 recommendations (13%). The weighted percentage is 61.5%.

of engaging with organizations representing people with disabilities (PWD). According to court staff representatives, the trainings changed their priorities and attitudes toward PWD and taught them how to appropriately communicate with PWDs. The important impact of the developing and implementing the training programs led to additional trainings for 373 court staff members in Kharkiv, Dnepropetrovsk, Volyn, Odesa, Kyiv, Chernihiv regions by NSJ using their own resources. As result of the above-mentioned grant activities, 589 court staff members participated in training programs and 20 trainers took part in TOT. One roundtable recommendation was to develop an online version of this training program for judges. In addition, as a result of the roundtable, SJA will place the audio materials on court operations produced by "Law and Democracy" NGO on the Ukrainian Judiciary's website.

Participants of the roundtable on access to justice for people with disabilities on June 23, 2016 in Kyiv.

PLANS: FAIR plans to finalize grantees activities and submit the final report to achieve Expected Result 4.2.

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.

As of April 14, 2016, the HCJ completed review of all 41 cases against 46 judges originally submitted by the Interim Special Commission for Vetting Judges (ISC). The Council has acquitted nine judges, recommended criminal investigation of one judge and disciplinary measures against seven judges, while ordering the dismissal of 29 judges with seven of them already dismissed by the President. Twenty dismissals are still pending with the Parliament and one with the President. One case was closed as transferred files were not properly prepared by the ISC and one case is pending with the HCJ as the judge was mobilized and now serves in the Anti-Terroristic Operation zone. Moreover, during the reporting period the ISC transferred files of the remaining materials against 305 judges to the HCJ (http://www.vru.gov.ua/news/1414). Based on the decision of HCJ's Chair Mr. Ihor Benedysyuk, these files were distributed among all members of the Council. As of June 16, 2016, according to the HCJ it opened disciplinary cases against 12 judges out of those 305, rejected to open case in relation to three judges and left one file without review as judge is already dismissed by the President and is wanted.

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).

On April 20, 2016, the Parliament of Ukraine supported recommendations of the HCJ by dismissing 193 judges who left to serve in the occupied Crimea for the breach of oath (http://www.vru.gov.ua/news/1468). Also the Verkhovna Rada gave permission to arrest the judge of Malynivskyi Disctict Court of Odessa City Oleksiy Buran (http://zakon5.rada.gov.ua/laws/show/1065-viii). The judge started to shoot at the representatives of the National Anticorruption Bureau of Ukraine when they were trying to arrest him for taking bribe. The HCJ in its turn supported the HQC's recommendation to dismiss Judge Pecherskiy District Court of Kyiv City Svitlana Volkovafor for breach of oath , due to her decision to change preventive measure in case of ex-commander of "Berkut" troops Dmytro Sadovyk who is suspected of mass murders of Maidan activists, from detention to house arrest, which opened the possibility for the commander to flee the controlled by Ukraine territories presumably to Crimea. Finally, 924 public officials were lustrated as of June 30, 2016, with 179,442 acting public officials, including judges, and 62,831 candidates for position of public office, undergoing lustration verification procedures at the moment.

FAIR reviewed updated draft law on Amendments to Certain Legislative Acts of Ukraine Regarding Purification of the Government that (No. 2695) that was re-submitted by its authors to the Parliament on March 18, 2016. The updated version of the bill extends the lustration investigation procedures on Justices of the Constitutional Court of Ukraine and Heads of Higher Educational Institutions; implements new target groups subject for assets declaration verification, namely "persons of a high and/or very high standing"; extends the list of the positions subject for the lustration, including those who works based on labor contract or are "acting as"; details the list of grounds for excluding the person from the lustration registry including decision of the court, death, and decision to cancel results of lustration investigation. On June 16, 2016, the draft was included into the agenda of the current Parliament session with 228 MPs votes, however the exact date of the hearing is not yet known. Meanwhile, the Constitutional Court of Ukraine continues to review 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 in closed plenary sessions.

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. Ten FAIR-developed recommendations to amend the Law on the Purification of Government included in the current Draft Law.

Furthermore, FAIR engaged leading expert in national criminal law Viacheslav Navrotskyi to conduct a comprehensive analysis of article 375 of the CCU together with the requirement of other relevant articles such as article 371 Knowingly Illegal Detention, Arrest and House Arrest, article 372 Bringing to Criminal Liability Obviously/Knowingly Innocent Person and article 374 *Violation of the Right on Defense*. Additionally, based on the report by Mr. Volodymyr Moisyk and Mr. Markyian Halabala, which proved that judges often were knowingly rendering illegal decisions under threat or other influence from the Presidential Administration, prosecutors, and other influential individuals, articles 369 *The Offer, Promise or Giving of an Undue Benefit to a Public Officials* and 369-2 *Abuse of Influence* should also be analyzed and interpreted. The outcomes of the research will be presented to the counterparts during the next reporting period.

Finally, FAIR competitively selected the company to prepare the layout for the e-book *Crimen Laesae Iustititae* by Witold Kulesza and produce CDs with it.

PLANS: During the next reporting period, FAIR plans to conduct 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 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 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 Professor Hans Petter Graver, Pavol Zilinchik, Radoslaw Peterman, Roman David, Doctor Stanislav Balik, Prof. Viacheslav Navrotsyi, Roman Veresha, Markiyan 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
- Distribute the e-book *Crimen Laesae Iustititae* 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 reviewing and improving internal procedures for lustration.

Milestone Progress ER 5.2

- Developed recommendations for improving procedures for vetting developed.
- Conducted Assessment of the Registry.

FAIR local short-term expert Roman Kuybida completed assessment of 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 related data regulations. Based on the expertise Mr. Kuybida came to the following conclusions and recommendations:

- The clear goals and objectives for maintaining the Registry are not stipulated by the legislation and should be formulated.
- The amount of data available in the Registry is not sufficient and does not contribute to the transparency of the lustration process and level of public trust in it.
- The searching tools of the Registry are very limited and should be expanded

Performance Indicators ER 5.2

- In this quarter FAIR completed the Registry assessment and developing recommendations to improve the Registry. 11 substantial recommendations submitted to the MOJ for consideration.
- 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.

with the ability to conduct searches by the region, institution, position, etc.
- Add the registry with the scanned copy of the document based on every specific person was lustrated/vetted.
- Incorporate a statistic module that will help the public to track lustration progress in figures.

Mr. Kuybida shared the report with the Head of the MOJ Department on Lustration Tetiana Kozachenko and the Head of the NGO Public Lustration Committee Oleksandra Drik for commenting and feedback. FAIR will continue facilitate the discussion of the report outcomes with the MOJ and other relevant counterparts including leading civil society organizations.

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

- Continue the discussion of expert analysis of existing regulations adopted pursuant to the amended Law on the Purification of Government and provided 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.
- 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 and raising public awareness about the reforms in administrative services providing.

On April 14-15, 2016, FAIR together with the MOJ conducted a follow-on training program for MOJ regional department heads and deputy heads who participated in the Modern Management Training Program in the fall of 2015. This event focused on measuring the impact of the previous training

Participants of the training program for the MOJ heads and deputy heads of the regional headquarters on April 15, 2016 in Lviv.

program and developing new professional skills. Deputy Minister of Justice Gia Getsadze launched the program by praising cooperation with USAID stating,

> *"In all three directions, including public awareness, monitoring and training, we have concrete results that can be touched and measured."*

Milestone Progress ER 5.3

- Conducted training program for the MOJ.
- Resource materials assembled and disseminated (ongoing).
- Conducted training program for the MOJ Department on Lustration.
- Organized expert discussion on lustration and vetting with the MOJ Lustration Department and Public Council on lustration.
- Supported Ukrainian delegation in participation at a conference and study visit to Romania. Conducted follow-up event.

Participants also noted that newly-acquired management skills were useful in driving MOJ reforms at the local level through selecting new employees, establishing online tools for communicating with the public, organizing educational and media events in cooperation with civil society organizations, and negotiating with local authorities to implement administrative service delivery reforms. "We became more interesting, reachable and understandable for civil society. This resulted in improving our cooperation with them and speeded up the reform process," stated Roman Voznyak, Head of the MOJ Regional Department in Mykolaiv. In addition, the event provided a platform for developing action plans for improving professional development, motivation and evaluation of staff; integrating modern technologies and tools into MOJ operations and services; and identifying ways for cooperation with local authorities, businesses and civil society. During the program, FAIR international legal education expert Mr. Delaine Swenson presented practical analytical methods for solving legal problems and conducted a workshop on the art of storytelling. Leader of the EY (Ernst & Young) Academy of Business Natalia Kopylenko trained participants in time management. FAIR local expert Tamara Sukhenko delivered sessions on stress management, coaching and teamwork.

Performance Indicators ER 5.3

- Number of training days provided to executive branch personnel increased from 16 to 18 in this reporting period. FAIR conducted the follow-on training program for MOJ regional department heads and deputy heads who participated in the Modern Management Training Program in the fall of 2015.
- 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.
- In this reporting period, FAIR trained 52 representatives of Ukrainian executive branch in modern management contributing to the indicator "Number of people trained with newly developed programs on implementation the lustration and vetting."
- All participants of this quarter training reported that they improved their knowledge and skills to manage GOU functions including those related to vetting officials. Cumulative LOP data on the indicators "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 is 99%.

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

- 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.

On April 22, 2016, FAIR grantee "Civic Lustration Committee" conducted a roundtable on issues related to implementation of lustration legislation. At the event, representatives of the Civic Lustration Committee presented its guidelines for monitoring lustration and anticorruption processes. Speakers included Tetyana Kozachenko, Head of the MOJ Lustration Department, Maksym Mankovskiy, Secretary of the Public Council of the MOJ Lustration Department, and MP Yegor Sobolev, Head of the Parliament Anticorruption Committee. Representatives of the regional and local civil society organizations shared concrete examples of preventing appointment or ensuring dismissal of public officials subject to lustration as a result of cooperation with the Civic Lustration Committee and MOJ Lustration Department. The "Slidstvo.Info" journalist Maria Zemlyanska shared practical tools for investigating corruption schemes in public service by using electronic registries. Yevgen Chernyak member of the Transparency International presented new anticorruption legislation and a public initiative entitled "Coalition "Declarations under Control".

Member of the "Civic Lustration Committee" and the "Law Society of Odesa Region" sign the memorandum of understanding on April 22, 2016 in Kyiv.

> *"The USAID FAIR Justice Project is the only donor which supported civil society in monitoring the lustration process. Surely, any reforms in our country cannot be implemented without judicial reform; and the civil society plays a key role in driving this reform,"* stated Oleksandra Drik, Head of the Civic Lustration Committee.

At the end of the event, CSOs signed a memorandum of understanding for future cooperation in monitoring of lustration and preventing corruption in Ukraine with four local CSOs.

Participants of the round table on the results of the monitoring of the vetting of judges who handled Maidan cases on April 27, 2016 in Kyiv.

On April 25, 2016, FAIR grantee "European Dimension" conducted a roundtable "Testing of the Methodology of the Judges' Performance Evaluation by Civil Society

Organizations." The aim of the event was to present the results of the methodology tested in Sumy region and develop recommendations for the methodology improvement. Event participants included judges of the local courts, civil society representatives, and students of the law departments in Sumy universities.

> *"This grant program gave us an opportunity to initiate communication between students of law faculties and courts by monitoring judges performance, conducting visits to courts; and organizing moot courts and training for students,"* stated the Head of the "European Dimention" Svitlana Zapara.

On April 27-28, 2016, FAIR grantee "Universal Examination Network" (UEN) conducted the training on the methodology of the judges' performance evaluation by civil society organizations. Member of the COJ Tetyana Chumachenko, member of the HQC Roman Savchuk; and Vice-Rector of the NSJ Volodymyr Mazurok conducted lectures regarding judges' evaluation in Ukraine. On June 24, 2016, at the roundtable organized by the UEN the methodology and the manual on the judges' performance evaluation by civil society organizations was presented to the HQC and relevant stakeholders.

On April 27, 2016, FAIR grantee "Center for Civic Liberties" (CCL) conducted a roundtable on the results of its monitoring of the vetting of judges who handled Maidan protest cases. The event included more than 40 participants, including representatives of the HCJ, MOJ, HQC, and ISC. CCL experts presented their analysis of 80 lustration related cases against judges, as well as HCJ consideration of ISC recommendations to remove judges. CCL experts noted that the HCJ generally performed its functions in line with Ukrainian laws, but procedures for notifying complainants and those subject to removal should be improved, and consideration of cases by the HCJ Disciplinary Chamber should be eliminated to avoid duplication and to speed up the process. CCL experts also recommend expanding the list of' rights of complainants during hearings against judges, while suggesting the monitoring of HAC decisions related to the review of HCJ decisions dismissing judges.

> *"This civic monitoring project was conducted in very independent and professional way and is a fair assessment of the High Council of Justice's efforts to act in a transparent and impartial manner to gain public trust. This activity will definitely improve our cooperation with civil society,"* stated HCJ's Deputy Chair Oleksii Muravyov.

Milestone Progress ER 5.4

- Supported six civil society organizations in implementing public awareness campaign on lustration and vetting process.
- Supported four civil society organizations in implementing monitoring and overseeing of lustration and vetting process.
- Supported one civil society organization in implementing monitoring of administrative services provided by the MOJ.
- Supported one civil society organization in raising public awareness on administrative services provided by the MOJ.
- Analyzed and presented the national survey on public opinion regarding democratic, economic, and judicial reforms, including implementation of the Law on Purification of Government.
- Implemented surveys of court staff and shared with judicial stakeholders.
- Conducted 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."
- Produced three short animation videos about the MOJ reforms.
- Conducted National Public Survey Regarding Democratic Changes in Political and Social Spheres, Judicial Reform and the Process of Purification of Government.

On April 28, 2016, FAIR grantee "Open Dialog" Foundation conducted a roundtable aimed to discuss the results of the public awareness campaign on vetting and lustration process. Representatives of the state authorities, media and CSOs discussed main obstacles and achievements in implementing lustration process. Vitaliy Kasko, ex-Deputy Prosecutor General of Ukraine reported on the specific features of lustration in the Prosecutor's Office. He stated that the main characteristic of lustration in the Ukrainian Prosecutor's Office is "selectivity, i.e. some prosecutors were lustrated, while the others managed to avoid dismissals through unlawful court cases in their favour or transfer to other positions to escape from vetting and lustration". Member of the Public Council of the Lustration Department at the MOJ and CSOs representatives shared experience of civic monitoring of the lustration process. All participants agreed to continue cooperation in this field.

Performance Indicators ER 5.4

- Number of project-supported public events on lustration and vetting involving CSO activists is six in this reporting period and it counts the roundtables on lustration and vetting public officials conducted by FAIR grantees.
- Number of CSOs participating in and contributing to the process of lustration and vetting remains 10 this quarter.
- In June 2016 FAIR conducted the national survey of public opinion regarding democratic changes in political and social spheres, judicial reform, and the process of purification of government. Survey indicated that only 2% of Ukrainians are fully confident and 10% are mostly confident that the lustration and vetting processes are implemented in accordance with public demands. Thus, the indicator "Per cent of Ukrainian citizens who are confident that the lustration and vetting processes are properly implemented and lead to purification of government" decreased from 17% in 2015 to 12% in 2016.

On May 20, 2016, FAIR grantee the "Committee of Voters of Ukraine" conducted the roundtable "Lustration as It Is". The aim of the event was to present the results of the public awareness and monitoring of lustration process nationwide campaign. Some of the results are: 191 civil society organizations from all regions of Ukraine joined this initiative; 53 state authorities were monitored on implementation of the Law "On Purification of Government"; 7.5 million of Ukrainians were informed about the lustration process through media and social ads. In general, civil activists positively evaluated the implementation of lustration process. However, monitoring showed delays in the procedures, absence of relevant information on the websites, unlawful dismissals etc. Oleksiy Malovatskiy, secretary of the HCJ's Section on Judges' Appointment and Dismissal, stressed that the HCJ lacks resources to consider all cases in a timely manner. Some cases are pending since 1998. In addition, he pointed on some ambiguous cases in vetting of judges:

> *"For example, judges from Donetsk and Lugansk regions physically could not submit the application for being vetted in time. Formally, these judges must be dismissed even though it is not their fault."*
>
> Oleksiy Koshel, Head of the "Committee of Voters of Ukraine", underlined that "*Lustration is not purely tool for purification of government but basic element for successful reforms in Ukraine."*

As a result of the event, the participants developed recommendations on improving effectiveness of the process of purification of government and cooperation between civil society and justice sector.

On May 31, 2016, FAIR grantee Civic Organization "Institute Republic" conducted a presentation of the monitoring of the Law "On Purification of Government" implementation. Civic activist from 15 regions of Ukraine monitored information about the vetting of public officials and judges on the websites of the

state authorities including websites of the 620 courts, all departments of the State Fiscal Service and regional administrations, State Security Service, Presidential Administration, etc. The monitoring showed that approximately 50% of the information about the lustration process is not posted on the websites. Monitors named careless attitude of the responsible public officials and systematic violations of the procedural timeframes as main gaps in implementation of the vetting and lustration process. As a result of the monitoring, recommendations on improving the lustration procedures were developed. During the reporting period, FAIR conducted the national survey of the judges of Ukraine regarding the judicial reform in Ukraine and the implementation of the Law "On The Restoration Of Trust In The Judiciary," "On Purification of Government," and "On Ensuring The Right For Fair Trial". The aim of the survey is to evaluate the efficiency of reform process of judiciary as seen by judges, and facilitate the search for effective ways to increase the efficiency of this process. In total, 717 judges were surveyed. The results are representative for all judges of Ukraine. Key findings are:

- Judges indicated that their personal load increased while the financial situation declined in the last 2 years.
- One of the problems that judges are concerned about the most is personal security: the vast majority of judges feel unsecured and believe that judges' independency is not guaranteed in practice.
- Approximately one in three judges (37%) reported about receiving threats related to professional activity in the last 2 years.

The survey results were analyzed by FAIR local statistical experts Maryna Ogay and Oleksandr Serdyuk. Expert analysis and recommendations together with the survey results have been delivered to the COJ for review. FAIR International lustration expert Roman David will prepare expert opinion based on the survey results in the next reporting period.

FAIR conducted the 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 political and social spheres and judicial reform. The results of the survey accomplished with expert recommendations will be shared with FAIR partners in the next reporting period.

FAIR in response to the MOJ request selected a subcontractor to produce three short animation videos about the MOJ reforms in administrative services providing. These materials explain in a simple and positive way such complicated and critical reforms as handover of the key responsibilities in registration from the MOJ to the notary and local authorities, new apostille procedure; and main functions of the recently established network of free legal aid bureaus in all regions of Ukraine. The videos delivered to the MOJ for further distribution.

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

- Analyze and present the 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

- Analyze and present the National Public Survey Regarding Democratic Changes in Political and Social Spheres, Judicial Reform, and the Process of Purification of Government.

DONOR COORDINATION

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

- On April 6, 2016, First Deputy Minister of Education and Science Inna Sovsun provided an update on the Ministry's efforts to improve the quality of legal education, including a pilot external independent admissions test for candidates for master's degree programs in law being implemented with support from FAIR and the OSCE Project Coordinator in Ukraine. First Deputy Minister Sovsun also provided the MOE's vision for legal education reform, including the standards for legal education in Ukraine.
- On June 1, 2016, FAIR International Expert Dr. Pim Albers (the Netherlands) gave a presentation on "Court Excellence in Europe vs. Other Parts of the World". Also during the event, FAIR experts provided the participants with an overview of the new Law on the Judiciary and Status of Judges (No. 4734) that President Poroshenko submitted to the Verkhovna Rada on May 30, 2016.

In addition, FAIR representatives participated in two meetings on International Parliamentary Technical Assistance Coordination conducted by the USAID RADA Program in May and June 2016.

DELIVERABLES

FAIR submitted the following deliverable this reporting period:

- Analysis on the Psychological Aspects and Aptitude of Professional Judges and Judicial Competencies. Draft Judge's Professiogram (Ukr.);
- Case Weighting Final Report (Ukr.);
- Report on Ukrainian Judicial Leadership Program, Washington, DC, April 20-30, 2016 (Eng.);
- Judicial Administration Program Capstone Proposals (Eng. and Ukr.);
- Report with Recommendations for Publishing and Archiving Information on Bringing Judges to Disciplinary Liability by the HQC (Eng. and Ukr.);
- Leaflet "Costs and Expenses in a Civil Case" (Ukr.);
- Leaflet "Costs and Expenses in an Administrative Case" (Ukr.);
- Leaflet "Enforcement of Court Decisions in Civil Cases" (Ukr.);
- Leaflet "How to Appeal a Court Decision in an Administrative Case" (Ukr.);
- Leaflet "How to Appeal a Court Decision in a Civil Case" (Ukr.);
- Leaflet "Enforcement of Court Decisions in Civil Cases" (Ukr.);
- Leaflet "How to Settle a Dispute Without Trial" (Ukr.);
- Leaflet "How to File an Administrative Claim" (Ukr.);
- Leaflet "Why Do I Need a Lawyer and Who Can Provide Legal Aid" (Ukr.);
- Leaflet "How to File a Civil Case" (Ukr.);

- Leaflet “What Is a Court Order” (Ukr.);
- Leaflet “A Guide to the Judicial System of Ukraine” (Ukr.);
- Leaflet “How to Complain about Misconduct of a Judge or Court Staff” (Ukr.);
- Leaflet “Rules to Follow in Court Room” (Ukr.);
- Leaflet “Rights of Suspects and Accused in Criminal Proceedings” (Ukr.);
- Leaflet “What a Victim of Crime Needs to Know” (Ukr.);
- Leaflet “What to Do If You Are Detained” (Ukr.);
- Leaflet “How to Bring the Case Before the European Court of Human Rights” (Ukr.);
- Leaflet “Challenging a Decision of the Bodies of Preliminary Investigation, Prosecution and Court” (Ukr.);
- Manual “Implementation of Court Performance Evaluation System” (Ukr.);
- Monitoring How Courts Implemented Recommendations Provided by Court Users in Sumy Region (Ukr.);
- Monitoring How Courts Implemented Recommendations Provided by Court Users in Kharkiv Region (Ukr.);
- Monitoring How Courts Implemented Recommendations Provided by Court Users in Cherkasy and Odesa Regions (Ukr.);
- Monitoring How Courts Implemented Recommendations Provided by Court Users in Oblasts of Western Ukraine (Ukr.);
- Commentary for the Code of Judicial Ethics (Ukr.);
- Citizen Report Card Methodology Survey: Appellate Court of Vinnytsya Oblast (Ukr.);
- Citizen Report Card Methodology Survey: Courts of Ternopil Oblast (Ukr.);
- Citizen Report Card Methodology Survey: Courts of Khmenlnytskiy Oblast (Ukr.);
- Citizen Report Card Methodology Survey: Courts of Chernihiv Oblast (Ukr.);
- Citizen Report Card Methodology Survey: Courts of Kherson Oblast and Commercial Court of Mykolaiv Oblast (Ukr.);
- Citizen Report Card Methodology Survey: Courts of Volyn Oblast (Ukr.);
- Review of the Best Practice on Resolving Disputes Related to Gender Discrimination (Ukr.);
- Report “Protection Against Gender Discrimination in the Ukrainian Courts” (Ukr.);
- Monitoring of Court Performance and Decisions Related to Elections in Ukraine: Local Elections 2015 (Ukr.).

LOE UTILIZATION

[redacted]	[redacted]
[redacted]	[redacted]
[redacted]	[redacted]

ANNEX A: PERFORMANCE MANAGEMENT AND EVALUATION SUMMARY

PERFORMANCE INDICATORS	Baseline		Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/ Year	Value			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[1]	37	24	**25**	**29**	**51**	45	This quarter FAIR supported 10 governmental judicial institutions and 15 non-governmental legal associations.
Objective 1: The constitutional, legislative and regulatory framework for judicial reform complies with European and international norms and supports judicial accountability and independence									
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[2]	3 (4)[3]	3	**1 (4)**	**1 (4)**	**20 (19)[4]**	25	In this reporting period, Verkhovna Rada adopted the Law on Amending the Constitution regarding the justice sector. FAIR supported these legislative changes through expert and technical assistance to the Judicial Reform Council. 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.

[1] Total since 2006 counts support by the USAID Ukraine Rule of Law Project (UROL) and FAIR
[2] Total since 2006, includes 8 under the UROL Project and 9 under the FAIR Project
[3] 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.
[4] Total since 2006, includes 8 under the UROL Project and 12 under the FAIR Project

PERFORMANCE INDICATORS	Baseline		Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/ Year	Value			This quarter	Annual 2016			
3. Number of revised provisions enacted that reflect Venice Commission recommendations	Dec 2014	6	24	10	**9**	**9**	**39**	36	The adopted Law on Amending the Constitution regarding the justice sector fully addressed seven Venice Commission recommendations and partially addressed two of them.
4. Percentage of Venice Commission recommendations adopted	Dec 2014	12%[5]	51%	21%	**19%**	**19%**	**83%%**	77%	In total during 2010-2014 the Venice Commission provided 47 recommendations to the legislation related to the judiciary. This quarter changes to the Constitution represent the adoption of 9 of these recommendations (19%). In total during the life of project 39 Venice Commission recommendations adopted with FAIR support which is 83% of 47.
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	**0**	**7**	**12**	11	Project end target met in previous reporting period. No changes this quarter.
6. Number of revised provisions in the Constitution enacted that reflect inputs from project-supported public discussions	Dec 2014	0	0	7	**7**	**7**	**7**	7	Law on Amending the Constitution regarding the justice sector adopted by Parliament on June 2, 2016. This law enacted seven revised provisions in the Constitution that have inputs from FAIR-supported public discussions[6].

[5] 12% baseline refers to 6 Venice Commission recommendations addressed by changes in laws dated 2013-2014 in ratio to total 47 recommendations provided

[6] The adopted changes in the Constitution include: 1) removing the power of the Parliament and President to appoint and dismiss judges; 2) limiting the role of the President in the establishment and dissolution of courts; 3) eliminating the initial 5-year appointment of; 4) abolishes the

PERFORMANCE INDICATORS	Baseline		Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/ Year	Value			This quarter	Annual 2016			
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]	**1**	**1**	**2**	10	In this reporting period FAIR assisted HQC with providing equipment for video and audio recording/broadcasting of the initial qualifications evaluation. FAIR continues assisting HQC with automating the internal business processing.
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, 213 judges underwent the judicial performance evaluation. 160 of them proved their ability to administer justice, 8 were suspended from the bench and sent to NSJ for additional training, 45 are under additional review of their dossier.
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.

"breach of oath" as a ground for dismissal of the judges; 5) bringing the composition of the High Council of Justice in line with the European standards, with more than half of its member judges elected by their peer; 6) increasing the minimum age to become a judge from 25 to 30; 7) limit the judicial immunity to conduct on the bench.

[7] FY2016 target revised based on the FY2015 results

PERFORMANCE INDICATORS	Baseline		Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/ Year	Value			This quarter	Annual 2016			
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%	**35%**	**35%**	**14.5**[9]**%**	20%	In this reporting period, the HQC did not provide updated information on this indicator. This quarter data represents the period from January to March 2016 since HQC did not submit this information in time for the previous quarterly report. According to the HQC, in the previous reporting period the HQC received 3,111 judicial misconduct complaints and 35% of them are on standardized form.
12. Percent of judicial discipline decisions posted on HQC website	Dec 2014	79,5%	61%[10]	100%	**47%**	**51%**	**61%**	100%	During the period from January 2016 to March 2016 the HQC made 19 judicial discipline decisions. 9 of them are available on HQC web-site. Other decisions were cancelled by the High Administrative Court of Ukraine and thus the HQC never made the text of these decisions publicly available.

[8] FY2015 target revised based on FY2014 actual indicator status
[9] Cumulative LOP data as of December 31, 2015
[10] Data revised on April 12, 2016 due to HQC web-site updates

PERFORMANCE INDICATORS	Baseline		Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/ Year	Value			This quarter	Annual 2016			
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	**0**	**1**	**6**	8	No changes in this reporting period. 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									
14. Number of USG-assisted courts with improved case management (FAF)	Dec 2014	62	66	60	**164**	**164**	**164**	80	In this reporting period, FAIR counts 164 courts that are equipped with electronic information kiosks with capacity to process court fees, and/or, courts that report on basic court performance indicators including clearance rate, backlog, average number of cases per one judge, average duration of proceedings and others.
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	**336** **(40% men and 60% women)**	**1,045** **(43% men and 57% women)**	**3,005[12]** **(45% men and 55% women)**	4,700[13]	This quarter, FAIR trained 336 justice sector personnel (134 men and 202 women) in topics of Communications, Court Performance Evaluation, Test Items Development and Interactive Teaching Methods. This number includes 107 judges (62 men and 45 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. In the final report for USAID FAIR Justice Project we will calculate grand total actual for both projects.

PERFORMANCE INDICATORS	Baseline		Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/ Year	Value			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%	**96%**	**96%**	**88%**	85%	During this reporting period, FAIR conducted post-training survey of justice sector representatives who participated in FAIR trainings from February to June 2016. Survey was conducted through two identical methods: 1) filling in paper questionnaire by training participants; 2) filling in on-line questionnaire by participants. 246 individuals were surveyed, 237 of them reported that they use new or improved skills and knowledge in their work.
17. Number of new legal courses or curricula developed with USG assistance	Dec 2014	19[14]	2	1	**2**	**2**	**23**	22	In this reporting period, FAIR completed developing and piloting Court Administration On-Line Course. In addition, we count previously under-counted Rule of Law and Human Rights for Judicial Candidates training curriculum (2015).
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		Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/ Year	Value			This quarter	Annual 2016			
19. Number of court performance indicators implemented	Dec 2014	17	21	31	**32**	**32**	**32**	31	After FAIR developed and published Court Performance Evaluation (CPE) Manual, and conducted five CPE trainings Ukrainian courts significantly increased using court performance indicators. Now courts implement not only basic performance indicators (for example clearance rate, average caseload, backload, average duration of proceedings) but also complex performance indicators, for example level of judges/court staff satisfaction with working conditions by 5-point scale, integral score of user satisfaction with timeliness of court proceedings/ competence of court staff/ completeness and clarity of court information and others. See samples at http://vnm.vn.court.gov.ua/sud0232/pokaznuku/bazovi_pokaznuku/248819/ (basic indicators) and court.gov.ua/documents/570/67646/analiz.docx (complex indicators).
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, FAIR counts 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).

[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		Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/ Year	Value			This quarter	Annual 2016			
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, Khmelnytskyy, Volyn, and Ternopil Oblasts. The annual FY2016 data represents 307 courts where FAIR supported CRC surveys in FY2016.
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]	**1**	**1**	**2**	4	In this reporting period COJ approved FAIR-developed case weights for appellate and specialized courts. COJ recommended to include the approved case weights in judicial budgeting.
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		Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/ Year	Value			This quarter	Annual 2016			
24. Number of communication strategies implemented by courts and judicial institutions	Dec 2014	4	2	3	**25**	**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		Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/ Year	Value			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)**	**26,984**[20]	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.

[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		Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/ Year	Value			This quarter	Annual 2016			
29. Percentage of partner Civil Society Organizations' performance improvement recommendations implemented by judicial institutions	Dec 2014	39%	N/A	55%	**61.5%**	**61.5%**	**52%**[21]	50%	FAIR CSO partners completed the assessment of implementation of the performance improvement recommendations by selected 194 courts who participated in CRC surveys in 2015-2016. The assessment results show that these courts received 1,315 CSO recommendations to improve court performance. Courts implemented 537 recommendations in full (41%). In addition, courts mostly implemented 126 recommendations (7%), and partially implemented 354 recommendations (13%). Partially implemented recommendations also include those that are currently in the process of implementation, e.g. may end with complete or partial implementation. The weighted percentage is 61.5%[22].
Objective 5: The Lustration and Vetting of Public Officials and Judges Implemented Fairly, Transparently and Effectively and in Compliance with International and European Standards									
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.

[21] Cumulative LOP number is counted as 351 of 900 (39%) which is 2012 assessment results plus 809 of 1315 (61.5%) which is 2016 assessment results. The cumulative data is 1,160 of 2,215 (52%).
[22] Weights are: 1 for fully implemented recommendation, 0.75 for mostly implemented recommendation and 0.5 for partially implemented recommendation.

PERFORMANCE INDICATORS	Baseline		Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/ Year	Value			This quarter	Annual 2016			
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%[23]	24.6% / 0.2%[24]	N/A	**5.8% / 0.0%**	**23.5% / 0.04%**	**48.2% / 0.24%**	N/A	As of July 13, 2016 GOU screened through vetting procedures 183,134 officials and judges which is 48.2% of public officials and judges applicable for vetting according to the Law on Purification of Government. 919 officials were dismissed as the result of vetting.
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									
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 Restauration 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.

[23] 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

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

PERFORMANCE INDICATORS	Baseline		Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/ Year	Value			This quarter	Annual 2016			
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.
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. FAIR completed the Registry assessment and developing recommendations to improve the registry. 11 substantial recommendations submitted to the MOJ for consideration.

PERFORMANCE INDICATORS	Baseline		Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/ Year	Value			This quarter	Annual 2016			
38. Number of procedures for lustration and vetting of public officials developed with Project support	Dec 2014	0	0	3[25]	**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	**2**	**5**	**18**	50	This quarter data refers to a follow-on training program for MOJ regional department heads and deputy heads who participated in the Modern Management Training Program in the fall of 2015.
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.

[25] 2016 target revised based on 2015 results

PERFORMANCE INDICATORS	Baseline		Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/ Year	Value			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	**52 (37% women, 63% men)**	**98 (39% women, 61% men)**	**150 (47% women, 53% men)**	100	In this reporting period, FAIR trained 52 representatives of Ukrainian executive branch. The topic of training is modern management.
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%[26]	**100%**	**100%**	**99%**	80%	All participants of this quarter training reported that they improved their knowledge and skills to manage GOU functions including those related to vetting officials.
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[27]	**6**	**9**	**9**	26	This quarter data counts 6 roundtables on lustration and vetting public officials conducted by FAIR grantees. The information on these events is available under the ER 5.4 section of this quarterly report.
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.

[26] 2016 target revised based on 2015 result
[27] 2016 target revised based on 2015 results

PERFORMANCE INDICATORS	Baseline		Actual 2015	Target 2016	Actual 2016		Cumulative LOP	Target Cumulative Project End	Notes and explanations
	Month/ Year	Value			This quarter	Annual 2016			
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 [28]	**12%**	**12%**	**Decrease from 17% to 12%**	Increase	National public survey conducted in June 2016. Survey indicated that only 2% of Ukrainians are fully confident and 10% are mostly confident that the lustration and vetting processes are implemented in accordance with public demands. In 2015, these numbers were higher – 3% and 14% accordingly.

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