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COMBATING CORRUPTION AND STRENGTHENING RULE OF LAW IN UKRAINE

**FINAL REPORT PHASE I
SEPTEMBER 2007**



“JUSTICE – CORRUPTION OR LAW?” KYIV, 2007

**A Task Order Under the Rule of Law IQC
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EXECUTIVE SUMMARY AND PHASE I NOTABLE ACHIEVEMENTS

Chemonics International signed the USAID/Ukraine Combating Corruption and Strengthening Rule of Law in Ukraine (UROL) contract on April 11, 2006. UROL is a phased “design and implement” project that corresponds to the fluid environment in Ukraine and ensures sufficient flexibility to target assistance appropriately. The 18-month Phase I began in April 2006 and was designed to increase the transparency and accountability of the judicial system; assist in the adoption of policy and legislative reform in rule of law and anti-corruption; and support government and civil society in implementing key reform activities targeted at reducing corruption and strengthening the rule of law. The implementing consortium, led by Chemonics International, included the National Judicial College (NJC), MetaMetrics Inc., Institute for Sustainable Communities (ISC), and Blue Law.

Key accomplishments of the Ukraine Rule of Law Project in Phase I are:

- UROL garnered civil society input from more than 15 of Ukraine’s 27 regions in identifying sources of corruption and making 44 recommendations that propose solutions in areas pertaining to judicial ethics, applying European standards of human rights in Ukrainian courts, increasing court transparency, improving relations between media and courts, and addressing public perception of the judiciary.
- With support from UROL the High Qualifications Commission of Judges of Ukraine (HQC) is now issuing a quarterly judicial bulletin, *Informatsiynyi Visnyk*, which informs the public about judicial selection practices as well as disciplinary procedures and how judges are held accountable for misconduct.
- UROL reviewed case assignment practices in six general jurisdiction courts to identify who in the court enters cases into the system, and whether random case assignment works effectively or whether the distribution of cases can be influenced by any person concerned with the outcome of the case. Positive results concerning random case assignment in these courts will be disseminated to other courts as well as used to develop recommendations on improving court management.
- Together with the Council of Judges, UROL has undertaken a comprehensive review of the Code of Judicial Ethics and provided recommendations for amending the Code to ensure compliance with international and European standards. UROL is also assisting the State Judicial Administration (SJA) in developing an enforceable code of conduct for court personnel.
- UROL completed a curriculum on court monitoring and trained 28 civil society advocates from throughout the country on how to work with the courts to improve judicial practices and procedures. UROL-supported organizations themselves trained 185 volunteers to be court monitors and have

Ukraine Rule of Law Project by the Numbers

- 576 Justice Sector Personnel Trained
- 21 Legal Institutions and Associations Supported
- 192 Civil Society Advocates Trained
- 42 Training Events Conducted
- 4,320 Sets of Printed Materials Distributed
- 53 Civil Society Organizations Supported
- 90 Newspaper Articles Published
- 120 Journalists Trained
- 185 Volunteers Trained as Court Monitors

monitoring activities in 49 courts covering 7 regions of Ukraine, uniquely focusing on gathering useful research that can be used to help courts streamline processes, save costs, and implement other changes that will positively impact both judicial administrators and users of the court system.

- UROL finalized a judicial ethics curriculum in cooperation with the Academy of Judges of Ukraine, the High Qualifications Commission, and the Council of Judges.
- UROL developed with the Academy of Judges and High Administrative Court an administrative law curriculum for newly appointed administrative court judges and drafted a judicial resource manual on the Code of Administrative Adjudication.
- Based on the results of a first-ever nationwide survey of judges, UROL conducted a series of three trainings for judges on how to work with the media. Following a demand by judges for additional media trainings, a second series will be conducted in October 2007.
- 13 of 26 UROL-recommended changes to the draft Law on the Judiciary were approved by the President and forwarded to Parliament. Changes include transferring authority for the appointment and removal of chief judges from the executive branch to the Council of Judges. Also, 11 of 23 UROL-recommended changes to the draft Law on the Status of Judges were included in the final draft submitted to Parliament by the President. This includes mandating financial disclosure for judges on an annual basis.
- UROL brought together 165 key policy-makers from the judicial, legislative, and executive branches of government to participate in consensus building conferences on reforming the judiciary together with lawyers and academics in Kyiv, Odessa and Kharkiv.
- UROL with the National Judicial College, CURE and IREX U-Media conducted a series of trainings for journalists on how to cover the courts. The three-city series featured the results of a baseline survey of journalists measuring the media's awareness of court practices and procedures as well as judicial reform issues, and marked a milestone in UROL's public awareness efforts. Based on journalist evaluations of the training programs, a follow-up series is planned for early October 2007 that will focus more on the rights of journalists to access court information and facilities as well as the legal framework for the judiciary.
- 190 judges, journalists and civil society activists participated in six UROL-led regional public discussions on the judiciary and judicial reform.

PROJECT ACTIVITIES

The following section covers activity highlights by task area, conducted through August or projected through mid-October 2007.

TASK 1: IDENTIFY SOURCES OF CORRUPTION IN THE JUDICIAL SYSTEM

Under Task 1, UROL's activities focused on increasing judicial transparency and accountability by improving court staff knowledge and practice of ethics and court management, improving public access to court decisions, strengthening mechanisms for judicial selection and discipline, and keeping

judges themselves engaged in and responsive to anti-corruption priorities. These are quick-impact activities that can be implemented without requiring changes to legislation.

Programming highlights during Phase I include:

- In July 2006, UROL judicial expert Mary Noel Pepys conducted a diagnostic review of the judicial system that identified three fundamental issues concerning the transparency and accountability of the judicial system, namely, convoluted administration of justice, complex and cumbersome court structure, and weak judicial leadership. Ms. Pepys also provided the UROL team with 9 recommendations for increasing transparency and accountability of the judicial system that formed the basis for activities throughout Phase I, such as limiting the powers of chief judges in selecting judges and promoting random case assignment.
- In September 2006, UROL conducted an “Open Space” conference to identify sources of corrupt behaviour in the judicial system, find possible solutions and new practices in combating judicial corruption, and suggest new approaches for initiating a dialogue between society and the judiciary. The Open Space conference brought together 53 civil society activists, judges, and lawyers from throughout Ukraine that identified main problems and developed action plans to improve transparency and accountability of the court system. Participants identified 9 sources of corruption, including a lack of transparency, particularly related to financial disclosures from judges and information regarding judicial promotions and misconduct. Participants also agreed that the general public has limited access to information about court activities and statistics. In addition, the conference resulted in 44 recommendations to address judicial corruption, some of which are included in action plans developed under the court monitoring program in Task 2.

- In October 2006 Justice John Dooley of the Supreme Court of Vermont conducted a transparency audit of the courts that identified key areas to enhance court operations, paper flow, communication chains, and access to court decisions.

His examination included the identification of where issues hide, where *ex parte* communication takes place, what information is and is not available to whom, and in what form. The audit provided a starting point for UROL’s subsequent work to institute random case assignment, publish court decisions, and update the instructions for case management (*instuktsii z dilovodstva*) for local courts as requested by the State Judicial Administration. Justice Dooley participated through the UROL subcontract with the Institute for Sustainable Communities.

- During January 2007, UROL Strategic Activities Fund recipient the Kyiv International Institute of Sociology (KIIS) completed a judges’ baseline survey against which UROL will measure improvements in judicial selection and discipline, as well as ethics related issues and court administration. The survey covers all aspects of the judiciary in Ukraine, including

“By international standards, the Ukrainian courts are among the least transparent in the world, and that lack of transparency helps breed corruption and prevents establishment of public trust and confidence in the system even when corruption is absent. Some progress is being made, but the reform measures are weak and are slowly being implemented.”

Vermont Supreme Court Justice John Dooley
UROL Transparency Audit
October 2006

court transparency and openness, the sources of corruption, the relationship between courts and press, and judges' attitudes towards judicial reform. The KIIS interviewed more than 500 judges from all types of courts throughout Ukraine. Survey results were presented at public discussions in March 2007 organized to support Task 5, and UROL has recorded the presentation to CD-ROM so that the results can be widely distributed to project partners.

- UROL and the High Qualifications Commission of Judges of Ukraine (HQC) published three issues of the quarterly bulletin *Informatsiynyi Visnyk* since December 2006. The publication provides important information on how judges are held accountable for misconduct and violations of the Code of Judicial Ethics, information on members of regional and specialized qualifications commissions, never-before-published statistics, evaluations on pilot testing of judges, and information on the current state of judicial discipline in Ukraine. Copies of *Visnyk* are given to the HQC for further dissemination among qualifications commissions' members, judges, candidates for judges' positions, journalists and the public. This joint effort is the first time a regular judicial series is being published; HQC Chair Justice Samsin called the publication "a precursor of the openness of the judiciary" and cited its role in ensuring the transparency and accessibility of courts, and judges' compliance with professional and ethical norms.



In launching the *Informatsiynyi Vesnik* (above) HQC Chair Justice Ihor Samsin proclaimed, "This publication is a precursor of the openness of the judiciary. With the information bulletin we shall ensure transparency and accessibility of courts, compliance of judges with the requirements of professional and ethical norms. This is an important step bringing us closer to a democratic society."

- UROL local judicial specialist Nadia Voznyuk reviewed case assignment practices in six Ukrainian courts: the Zaporizhzhia Court of Appeals, Melitopol District Court, the Court of Appeals for the Autonomous Republic of Crimea, Simferopol Central District Court, the Kyiv Court of Appeals, and Boryspil City District Court. Her recommendations for revising these practices, including conducting courses for newly-appointed chief judges, increasing exposure for court staff to model courts, and improving the systems for repairing computers and servicing technical equipment, have been shared with international donors' representatives and are serving as a foundation for planning among a broad spectrum of rule of law implementers.
- In February 2007, UROL, in cooperation with the HQC and Supreme Court, conducted a series of training programs in Kyiv, Ivano-Frankivsk, and Donetsk on judicial selection and discipline for 154 members of Ukraine's eleven regional and three specialized (i.e., economic, administrative, and military) qualifications commissions. This series resulted in two firsts: it was the first time trainings on judicial selection and discipline were organized nationally, and it was the first time regional commissions met together to share lessons learned and best practices with one another. UROL's main partner in these events was the joint program of the Council of Europe (COE) and European Commission "Improving

Independence of the Judiciary of Ukraine,” coordinated by Dr. Cornelia Wöelk. A panel of experts from France, Lithuania, the Russian Federation and the United States engaged participants in a dialogue on international and European standards for judicial selection and discipline practices and procedures within a broad range of legal and judicial systems.



Judge Denis Jardel (right) of the Aix en Provence Court of Appeals, presents comparative materials on European standards for judicial selection and discipline to members of the High Qualifications Commission in Kyiv.

- In May 2007, UROL with the HQC and the Academy of Judges of Ukraine (AOJ) conducted a two-day open discussion on the draft Rules on Competitive Selection of Judges, which was prepared by experts supported by UROL. The representatives of almost all specialized and regional qualifications commissions took part. At the event Ms. Inna Rafalska, Head of the Kyiv Qualifications and Disciplinary Commission of Advocates, presented on the findings that she and UROL expert Professor Ivan Marochkin observed in the pilot testing for judicial candidates conducted in Kharkiv and Odesa in March 2007. Roundtable participants developed recommendations to improve the judicial selection process. A related event with OSCE participation in June gathered the State Judicial Administration, the Council of Judges, the High Council of Justice and the Academy of Judges, to discuss equipping and operationalizing regional testing centers for administering judicial exams by the summer of 2008.
- UROL subcontractor ULYS Systems delivered hardware and software equipment to the High Administrative Court (HAC) to allow it to post court decisions on the Internet. The company has developed and installed a module to generate redacted court decisions and a search engine component (the “Visualization Module of Court Decisions”) that will be linked to the

HAC website and officially launched in September 2007. The software's functionality was created in consultation with IT staff from the HAC. Once finalized, the e-system will greatly increase transparency in the court system.

- UROL court administration experts provided recommendations for improving a draft Code of Conduct for Court Staff that was prepared by the State Judicial Administration (SJA). UROL also completed a translation of the US Code of Conduct for Court Employees. These efforts form the basis for future activities to promote the approval of a Code of Conduct for Court Staff that is in line with international standards by the SJA and Council of Judges.
- UROL initiated technical support to the Council of Justice (COJ), with whom it will assist in publishing a quarterly "Judicial Self-Governance" bulletin. The goal of the publication is to facilitate a dialogue among judges and provide an outlet to share analysis and experience of judicial self-governance bodies in other countries. More specifically, the bulletin will draw judges' attention to the problems of ethics, discipline, and media access to the court room. The first issue of the bulletin is scheduled to be published on October 8, 2007, just before Lawyers Day.
- In June 2007, UROL led a delegation from the COJ and SJA on a demand driven study visit to Russia and Kazakhstan to observe day-to-day court automation operations, including the "SAS Justice" court information system developed in Russia and video recording, posting court decisions on the website of Kazakhstan's Supreme Court, and integrating court information systems in Kazakhstan on a national level. Notably, the delegation learned that in Kazakhstan all cases are assigned randomly by computer with no input from judges. Following the study tour Supreme Court Justice Stanislav Mishchenko asserted before Chief Justice Vasyl Onopenko that Ukraine needs to immediately address a gap in court automation that is three to five years behind Russia and Kazakhstan; Chair of the State Judicial Administration Ivan Balaklytsky made a similar statement during his presentation at the VIII Congress of Judges.
- The study visit has also led to increased cooperation between UROL and the SJA, as the two co-organized a June roundtable with the Council of Judges on Court Automation in Ukraine. Representatives of the judiciary, IT companies and state bodies discussed issues regarding the draft of the Concept of the Unified Court Information System. Study tour participants shared what they learned about court automation developments in Russia and Kazakhstan. Additionally, the event helped identify existing problems in the areas of automation and the posting of Ukrainian court decisions on the Internet, and also facilitated the creation of an informal working group of judges and IT specialists to implement the COJ's decision to create a unified court registry and information system.
- In July 2007, UROL conducted a roundtable on improving judicial transparency together with the Center for Political and Legal Reforms (CPLR) and the International Renaissance Foundation (IRF). The roundtable resulted in a number of recommendations that included improving the structure and search capacity of the Unified Registry of Court Decisions and creating public and media relations secretary positions in courts. The roundtable also resulted in the publication of a brochure on "How to Access Court Decisions" by the CPLR with support from UROL and IRF. The brochure includes information for the public on their rights to access court decisions and where to go to receive such information.

TASK 2: CONDUCT A PUBLIC EDUCATION INITIATIVE

Under Task 2 UROL has sought to increase citizen input into the judicial reform process, public confidence in the judiciary, and demand for reform through nationwide campaigns conducted by civil society organizations (CSOs). Activities focus on creating positive dialogue between courts and civil society groups while increasing their capacity to identify and advocate for improved access to justice, benefiting citizens and courts alike. UROL's court monitoring partners have identified simple, solution-oriented actions to improve the "customer service" provided by courts, and a complementary public education campaign carried out by the Civil Society Institute has been geared to raise awareness of the efforts courts are taking to be more open and transparent, and how alliances between courts and communities can help impact better allocated resources, better information dissemination, and better interaction with court personnel.

Programming highlights during Phase I include:

- The concept for UROL's court monitoring program gained ground during the Open Space event in September 2006, and was further solidified by a series of meetings conducted with stakeholders in October. The development of the comprehensive court monitoring curriculum has involved intensive ground-truthing over the course of Phase I, and most recently during a 3-day event in June 2006, where UROL's court monitoring implementers shared lessons learned and helped validate the final set of materials. The result is a curriculum offering maximum utility for Ukrainian CSOs, particularly related to how to communicate the idea of increased court and civil society cooperation to judges, and how to ensure that court monitors can gain meaningful access to courts. The court monitoring curriculum will be finalized in September.
- Each court monitoring partner has received substantive and procedural training in conducting court monitoring, as well as trainers' training and training in using Citizen Report Card (CRC) methodology— a cheap, quick and easy way to measure public satisfaction with government— as a barometer for the perception of court services and the level of public trust or distrust in the judicial system. Finally, partners have been engaged by ISC/UCAN in a peer-to-peer coaching process designed to help overcome weaknesses and improve coordination among the geographically and substantively diverse group.



Civil society leaders, lawyers, and judges discuss ways to initiate a dialogue between courts and society. Pictured above (from left to right) are Andriy Polishchuk and Julia Ionenko of the European Law Students Association (ELSA), Andriy Vovk of “Your Rights”, Judge Volodymyr Babenko, President of the Cherkasy Oblast Judges Association, and Sveta Franchuk, President of Freedom House Ukraine.

- UROL partnered with the Civil Society Initiative to conduct a public education campaign for court monitoring partners and develop communications products including a “Pocket Guide” for monitors, a public education supplement, a Guide to the Judicial System, a Citizens Report Card user manual for court monitors, and a brochure on judicial reform, The Guide to the Judicial System and the Brochure on Judicial Reform may be used as a tool by Ukrainian CSOs in implementing advocacy and education campaigns, but also by trainers, watchdog groups, and law students as resources for the future.



Former Ukrainian Supreme Court Chief Justice and Vice President of the Ukrainian Judges Association Vitaliy Boyko (center) and U.S. Federal Court Judge Timothy Tymkovich (right) open conference on improving interaction between civil society and the courts in Pushcha-Vodytsia.

- Court monitoring partners are contributing to discussions about cooperation between civil society and the courts. A June 2007 event featured a judge from the Kyiv Oblast Appellate Court talking about the current need to build public trust and confidence in the courts, and U.S. Federal Court Judge Timothy Tymkovich sharing the U.S. experience of relations between courts, media, and civil society, and emphasizing mutual respect and the principles of impartiality and efficiency in responding to public needs. Participants identified ways in which coordination between courts and civil society can be improved include observation, monitoring, protecting human rights, conducting pilot projects, providing services like alternative conflict resolution or legal consultation, and holding forums such as dialogues and focus groups.
- UROL's court monitoring program improves the judiciary by activating a system of checks and balances, ascertaining and monitoring the public's view of courts' performance to build trust and confidence, engaging the media as a vehicle for public opinion, promoting public understanding of the courts, and improving public access to courts. Court monitoring partners conducted quantitative data and qualitative case analysis; carried out empirical research in courts; and analyzed court decisions and court practices in areas such as children's rights, ecological rights, and drivers' rights. The particular activities of each of UROL's court monitoring partners are described below:



Executive Director of the Ukrainian Judges Association Judge Rozhenko shares his views on civic engagement in the judicial reform process during court monitoring training program.

- The Institute for Applied Humanitarian Research (IAHR) conducted media monitoring related to the judiciary and court decisions, and conducted interviews with journalists and judges. Active in Kharkiv, Simferopol, Sevastopol, Bakhchisaray, and Feodosia, the IAHR project reports that it has established a good relationship with judges and courts.

- The Law and Democracy Foundation (LDF) monitored access to courts and conducted court visits in the city of Lviv. Volunteers used monitoring forms to record their observations for further analysis, and LDF employed sociologists to design questionnaires for judges. The organization conducted a seminar for human rights organizations, lawyers, judges and regional media on the results of their court monitoring efforts. LDF plans to share the results of the program with the public during a press conference in October 2007.

- Environment-People-Law (EPL)

tracked environmental law decisions, promoting compliance with the Aarhus Convention (the UN convention on access to information, access to justice, and public participation in decision-making in environmental matters) and has agreed with LDF on a common approach to communicating with judges in the Lviv oblast. EPL and LDF experts consolidated their judges' questionnaires to collect the broadest amount of information for analysis and summarizing. The two civil society organizations are also cooperating with judges in presenting the results of court monitoring.

- The Committee of Voters of Ukraine of Rivne Oblast (CVU) operated in three cities: Rivne, Dubno, and Sarny. CVU analyzed court decisions in administrative cases regarding traffic violations, tracking such details as judges' caseloads, the number of decisions, types of decisions, and the protection of drivers' rights in administrative cases. These activities are also expected to result in stakeholder roundtables to develop policy recommendations.
- The European Law Students Association – Ukraine implemented a court-monitoring program in Donetsk, Lviv, Odessa, Kharkiv, and Kyiv. Law student groups used standardized forms to monitor courts, and also developed a questionnaire for judges. ELSA has reported that judges are particularly helpful in Donetsk in improving the questionnaires and easing access to courts; additionally monitors report no problem with access to courts in Lviv, Kyiv, and Kharkiv. In April 2007, monitors reported a

problem accessing the Odessa Oblast Court of Appeals, even with a letter of support from the Odessa National Law Academy.



Members of the European Law Students Association (ELSA) Ukraine discuss progress of court monitoring project in Donetsk.

- Freedom House Ukraine focused on examining the practice of the newly-created administrative courts with its court monitoring activities, and reported no problems accessing courts. They gave the High Administrative Court high marks for supporting the role and responsibilities of civil society organizations in creating demand for the administrative court system. However, they did note that access to the new regional administrative court of appeals for Kyiv was very poor and isolated due to its remote location. Freedom House Ukraine activities are expected to lead to policy recommendations, and a comparative analysis of administrative court operations in different regions.
- The Public Alternative civil society organization tracked children’s rights to family care as upheld in the courts, and conducted a legislative review on the subject in April 2007. Public Alternative’s court monitors were psychology students, and cooperation with the Association of Judges of Kharkiv Oblast and state child-welfare organizations was enlisted during the project. The Public Alternative also attracted psychologist volunteers to design interview methodology. The organization reported no problems accessing courts, but did report problems accessing information on court hearings, many of which were postponed.
- Through trainings and other UROL-sponsored events, partner CSOs say they have accumulated enough experience working with the judiciary to be able to assist courts in improving efficiency and increasing transparency. This is illustrated by a July 13 seminar hosted for the legal community by UROL’s Lviv-based court monitoring partners, where a low level of public awareness, heavy caseloads— particularly administrative cases— and a lack of legal aid for the indigent were identified as the main problems in accessing courts.

TASK 3: TRAINING OF ADMINISTRATIVE JUDGES

Under Task 3, UROL provided targeted training and materials to judges that address reform efforts as well as increase access to quality information. Such trainings and resources help to raise judges' level of understanding and commitment to judicial independence and accountability.

Programmatic highlights under Phase I include:

- In December 2006, a delegation of the HAC participated in a study visit to Lithuania, supported by UROL, on the invitation of the Supreme Administrative Court of Lithuania. The Ukrainian delegation was chaired by the Chairman of the HAC Oleksandr Pasenyuk and included Supreme Court Justice Oleksandr Terletsyy. The Ukrainian delegation learned best practices related to the separation of jurisdiction between the administrative courts and the courts of general jurisdiction, innovative approaches to resolving civil service, pensions, tax and customs cases, the application of the European Union Law in Lithuanian administrative courts, disciplinary liability of Lithuanian judges, as well as the publication of court information on the Internet. As a result of the visit, the judges of two of Ukraine's highest judicial institutions familiarized themselves with the history of establishing a system of administrative courts, including some problems in relation to other branches of power, in a state which has just recently gained membership in the European Union.
- UROL supported the publication of an administrative law resource manual for administrative court judges in Ukraine. The manual serves as a practical tool to orient judges to their daily work. Presented in nine chapters, the manual covers the history and development of administrative justice, the organization and operation of administrative courts, the procedures for executing court decisions in a variety of cases including those involving the European Court of Human Rights, and specific features of cases on election or referendum disputes, the right to peaceful gatherings, and customs and military authorities, among other topics. International administrative law expert Professor Howard Fenton assisted the HAC in developing the framework for the manual. It will be published in September 2007.
- UROL recruited court media relations expert Gary Hengstler of the National Judicial College to conduct three trainings with judges on courts and the media, in Kyiv, Chernivtsi and Kharkiv in January and February. The trainings were conducted in cooperation with the Academy of Judges and garnered broad-based support among the 84 participants for complying with the ethical demands of their positions, as well as for establishing a press office in every court to strengthen public trust and further support the openness of the judicial system.



A judge of the Kharkiv Court of Appeals practices giving a media interview with BBC journalist Tony Howson at courts and media training program.

- In cooperation with the Academy of Judges, the Organization for Security and Cooperation in Europe (OSCE) and the Centre for Political and Legal Reforms(CPLR) UROL has conducted four, week-long trainings on administrative adjudication for 106 administrative court judges in February, March, May, and June. Participants have highly rated the programs and have benefited from sessions delivered by prominent experts, HAC and Supreme Court judges, on subjects including adjudication procedures in administrative courts, election law, European human rights standards in administrative law, and other topics. The training program is part of UROL efforts to help develop the administrative justice system in Ukraine, which protects individual rights and freedoms vis-à-vis public administration. Following this initial series, the Academy of Judges of Ukraine, the OSCE, the HAC, and the CPLR have formed a working group to improve the training for an expanded group of participants in 2008, when the UROL MCC task order will sponsor the activity.
- UROL completed a judicial ethics curriculum in cooperation with the Academy of Judges in November 2006. Judicial ethics training was subsequently conducted with the Academy of Judges and the Canadian-Ukrainian Judicial Reform Project in Kyiv, Lutsk, and Donetsk in February and March. U.S. judges Betty Barteau and Sue Shields with Canadian Justice James Spence provided analysis of Ukraine’s Code on Professional Ethics adopted in 2002, and instructed the participants on internationally recognized principles for judicial conduct. A training-of-trainers portion of the program was designed to furnish participants with modern methodologies for teaching adults, while substantive trainings organized small group sessions to maximize discussion of real-life scenarios and to further opinion sharing. The seminars allowed judges, many of whom are serving their first term, to examine particular examples of judicial misconduct or possible misconduct in an article-by-article discussion of the Code of Professional Ethics. A total of 115 judges from general jurisdiction and commercial courts of appeal and first instance participated in the series.

- UROL has worked with the Ukrainian Legal Foundation (ULF) to develop a training program for administrative court judges on the European Convention on Human Rights and the case law of the European Court of Human Rights. Collaboration for this effort involves the Rector of the AOJ Iryna Voytuk, Government of Ukraine Agent to the European Court of Human Rights Yurii Zaitsev, President of the HAC Oleksandr Pasenyuk, and President of the ULF MP Serhiy Holovaty. Two training seminars scheduled for September 2007 will cover the application of Articles 8, 9, 10, and 11 of the Convention in adjudicating administrative cases and the 2006 Law on the Execution of Judgments.



After participation at judicial ethics training of trainers program, Judge Hennadii Kondakov (right) and Judge Oleh Kravtsov (center) both of the Donetsk Oblast Court of Appeals leading judicial ethics training program at the regional branch of the Academy of Judges in Donetsk.

- UROL recruited Professor Ronald Hofer, a co-author of the *American Bar Association Judicial Opinion Writing Manual* and author of *The Art of Writing Resolutions* training course, to contribute to a judicial opinion writing curriculum. Training on judicial opinion writing is a priority prompted by new mandates for publishing judicial decisions contained in the 2005 Law on Access to Court Decisions, and addresses a general concern that the quality of written decisions is poor. The curriculum will be finalized in September 2007 and related training will occur in Phase II.

TASK 4: SUPPORT JUDICIAL REFORM STRATEGY

Under Task 4, UROL promoted consensus for reform as outlined in the Concept for Improving the Judicial System and Ensuring Fair Trials in Ukraine in line with European Standards (Concept Paper) and the Presidential 2006 Action Plan for Judicial Reform. Activities have included support for the National Commission for Strengthening Democracy and the Rule of Law (“National Commission”), which has spearheaded revisions to the draft Law on the Judiciary and draft Law on the Status of Judges with the participation of judges in the discussion around the draft laws. The draft laws propose changes to the structure of the court system, court administration, the selection and appointment of judges, judicial training, judicial discipline, and judicial self-governance. Since the draft laws passed their contested first reading, UROL has supported efforts to combine them with a third law on judicial education, and has participated in discussions about revising the Constitutional provisions on the judiciary to comply with international standards of judicial independence. UROL assumes that the new parliament elected in September will honor the decision of its predecessor and convene a working group to take the draft laws mentioned above to second, and likely final, reading.

Programmatic highlights under Phase I include:

- During October 2006, the UROL team conducted a series of four roundtable discussions on judicial reform that resulted in recommendations from European and American experts related to judicial self-governance, accountability, ethics, selection and discipline. Comments from U.S. judges Paul Magnuson, Charles Simpson, John Dooley, and Robert Henry and Slovenian Judge Ales Zalar, focused on improving the draft Law on the Judiciary and Law on the Status of Judges, approved by the National Commission in July 2006. The roundtables also included key Ukrainian policy makers, like National Commission members Ihor Koliushko and Judge Viktor Shyshkin, as well as a mix of representatives from the High Council of Justice, Presidential Secretariat, High Economic Court, Ukrainian Judges Association, Kyiv Court of Appeals, Kharkiv Human Rights Group, and the media, and focused on ways to bring the draft laws in line with international and European standards. Following the roundtables, UROL provided a complete set of recommendations for improvements to the drafters, who subsequently agreed to consider revising the drafts before submission to the Verkhovna Rada.



Member of the National Commission for Strengthening Democracy and the Rule of Law and Constitutional Court Judge Viktor Shyshkin (second from the left) discusses recommendations for improving the package of draft laws on the judiciary by U.S. Federal Judge Charles Simpson (far left).

- UROL together with the Council of Europe solicited written commentaries on the draft Law on the Status of Judges and draft law on the Judiciary by Judge Ales Zalar (Slovenia), Judge Stephan Gass (Switzerland), and Attorney Mary Noel Pepys (United States), sharing them with the Chairman of the National Commission in November. The UROL team, represented by Chief of Party David Vaughn and Deputy Chief of Party Nataliya Petrova, utilized an article-by-article comparative table cataloging the expert recommendation to brief the

National Commission Chair Serhiy Holovaty. Issues included placing the State Judicial Administration within the judiciary.

- Three consensus-building activities surrounding two key draft laws were conducted by UROL with support from the Verkhovna Rada Judiciary Committee, National Commission, the Council of Europe and academic institutions in Kharkiv, Kyiv and Odessa. More than 165 participants representing the highest levels of the judiciary, legislators, and legal community representatives agreed on the importance of applying European standards of judicial independence, selection and discipline of judges in Ukraine, and concentrated on preserving the reform goals of better access to justice, the right to a fair trial, and a reduction of case processing time. The laws, which incorporated 24 out of 49 recommendations by UROL experts, passed the first reading in the Verkhovna Rada on April 3, 2007.



Serhiy Holovaty, Chair of the National Commission for Strengthening Democracy and the Rule of Law, and Serhiy Kyvalov, Chair of the Verkhovna Rada Judiciary Committee, lead consensus building conference on draft laws related to the judiciary at the Odessa National Law Academy.

- In preparation for the draft laws' second reading and at the request of the Academy of Judges of Ukraine, UROL-supported consultants prepared draft provisions related to judicial training, and UROL experts provided commentary on the draft provisions focusing on comportment with international standards for judicial education. Commentary centered on structuring the law to provide a foundation for an accountable institution with a clear mandate, effective organization, and experienced leadership. One area that the commentary recommended clarifying is the respective relationship and responsibilities between the Academy of Judges and the State Judicial Administration. The commentary also suggested that some of the draft's current details about operations may be better addressed in a subsequent, strategic planning process for education and research.

- Along with the Academy of Judges and the Council of Europe, in June 2007 UROL supported a roundtable on the draft provisions related to judicial training that will either be incorporated into the draft Law on the Judiciary or be used as a stand-alone law. The roundtable was an opportunity for stakeholders to discuss the interaction of these reforms with broader issues being considered by the Ukrainian judiciary, including methods of judicial selection and the mechanics of judicial administration. To the extent that disagreements over the appropriate structure, role, authority and responsibility of the Academy of Judges emerged, the roundtable provided a forum to air the differences and will be followed by future dialogue and efforts to re-draft the legislation to address the identified weaknesses.
- A June roundtable sponsored by UROL on the constitutional aspects of judicial reform focused on Chapter VIII of the current Constitution of Ukraine (organization of the judiciary). Participants discussed provisions of the draft law on the judiciary, draft law on the Status of Judges, the Venice Commission recommendations thereon, and expert comments by the Council of Europe on the Draft Concept for the Improvement of the Judiciary. While agreeing that the need for constitutional changes should not impede ongoing judicial reform, the group forwarded 13 substantive recommendations to the Verkhovna Rada, President, Prime Minister, Minister of Justice, Supreme Court, other bodies of the judiciary, and leaders of opposition political parties.

“There is not only a problem with public access to courts... The big problem is judges’ access to the public through the media.”

Judge Petro Kablak
Lviv Oblast Court of Appeals
Court Monitoring Program in Lviv
April 2007

TASK 5: ORGANIZE PUBLIC DISCUSSIONS

Under Task 5, UROL activities enhanced media coverage of the judiciary to improve public knowledge and perception of the judicial system as well as increase public support for the judicial reform process. Task 5 has extended the reach of UROL’s consensus-building and public-confidence-raising efforts by equipping national media to provide accurate coverage of judicial reform, and by sponsoring public discussion on judicial issues.

- UROL with the Ukraine Reform Education Program CURE (and, in Kyiv, IREX U-Media) sponsored training for 111 journalists covering judicial terminology, the rights of journalists in the courts, an overview of laws journalists are likely to encounter while covering a case, and practical examples of cooperation between judges and journalists. Training were implemented in Chernivsti, Kyiv and Kharkiv in January 2007 and February 2007 and featured Tony Howson of the BBC World Service Trust, Gary Hengstler of the National Center for Courts and Media in the United States, Chief Judge Viktor Horodovenko of the Court of Appeal of Zaporizhzhia Oblast, Judge Galina Yurovska of the Kyiv Oblast Court of Appeals, Attorney Ludmila Opryshko of the “Kononov and Sozanovski” law firm, Vecheslav Yakubenko of the Kyiv National Linguistics University and the International Media Lawyers’ Association, IREX U-Media staff lawyers Liudmilla Pankratova and Tetiana Kotiuzhynska, and UROL DCOP Nataliya Petrova and Legal and Training Specialist Serhii Kalchenko. The trainings provided the media with the critical knowledge, tools and resources they need to facilitate an informed, public discussion on court reform and court procedures.

- UROL engaged the Democratic Initiatives Foundation to poll 207 national and regional journalists for a sociological survey concerning judicial reform. Key findings include the fact that journalists believe judicial reform is a priority issue for Ukraine, while at the same time journalists' own lack of legal literacy contributes to poor representation of the issue in the media. Journalists rate the areas in which they need more information as the stages of judicial reform (68%), civil rights and civil cases (59%), business law and business cases (48%), and criminal law and criminal cases (44%). UROL recorded a presentation on this survey to CD-ROM so that the results can be widely distributed to project partners.
- Six broad-based public discussions sponsored by UROL in February focused on issues concerning relationships between media and the courts. More than 190 judges and media and civil society representatives engaged in events held in Chernivtsi, Donetsk, Kharkiv, Kyiv, Simferopol and Zaporizhzhia. The discussions were structured around surveys conducted with journalists and judges that revealed common frustrations and the need for better education on both sides. The events highlighted how many citizens think it is too expensive and complicated to go to court, and how interest in the introduction of court press secretaries is high. Evaluation comments revealed appreciation for judges' willingness to talk openly about problems between courts and the media and interest in conducting similar public forums in the future.



Kharkiv Oblast Court of Appeals Judge Olena Sitnik argues that the media should increase its efforts of informing the public about the judiciary at a public discussion on judicial reform in Kharkiv.



Judges, media, and civil society representatives participate in public discussion on judicial reform that included presentations on the results of UROL surveys of judges and journalists in Kyiv.

- UROL partnered again with the Democratic Initiatives Foundation to conduct a baseline survey on public attitudes towards the judiciary and judicial reform in June and July 2007, so that the public's change in perception of the judicial system can be measured over time. The baseline survey reveals a very low percentage of respondents claiming to be well-versed in either court activity or judicial reform, as well as low numbers of respondents who believe the Ukrainian judiciary is open and trustworthy. The official presentation of the survey results is scheduled for October 2007. The results will be utilized in conducting public education campaigns, helping establish points of immediate assistance to promote transparency and accountability in the judicial system, and clarifying public opinion with regard to the need for judicial reform.
- UROL will conduct a second round of courts and media trainings in October 2007, to expand the regional reach of the trainings, and to further support a need expressed by judges to establish press offices in courts. Sites for the trainings are Uzhgorod, Dnipropetrovsk and Sevastopol; however, journalists and editors from throughout Ukraine will participate.

DONOR COORDINATION

Throughout the course of Phase I, UROL implemented the majority of its activities in partnership with other U.S. government supported projects and international donors. UROL has led monthly coordination meetings for rule of law implementers since November 2006 in an effort to leverage donor assistance from a range of programs for the maximum benefit of the Ukrainian judiciary.

Participants from USAID, the World Bank, the European Commission, the Council of Europe (COE), the Canada-Ukraine Judicial Reform Project, the OSCE, the Swiss Agency for Development and Cooperation (SDC), the Indiana University Parliamentary Development Program (IUPDP), the Canadian International Development Agency (CIDA), the American Bar Association Rule of Law Initiative, and other organizations have gathered to share knowledge, lessons learned and materials concerning their joint efforts— and specifically subjects like civil society and courts, case management, and judicial training. This coordination has resulted in the following:

- Harmonized expert analyses on draft laws related to the judiciary with the COE;
- Effective cost-sharing and enhanced expertise for judicial training programs on judicial selection and discipline, media and the courts, and judicial ethics with CIDA, SDC, and COE;
- Faster and broader dissemination of the 60-page, English-language Paper Flow Instructions for the courts of general jurisdiction, which is enhancing efforts to improve case management, implement the mandated, unified registry of court decisions, and automate courts with the World Bank and European Commission; and
- Uniform, rather than competing, judicial training curricula on administrative adjudication— in cooperation with OSCE— that can be used throughout Ukraine. This further contributes to bringing judicial and anti-corruption reforms in line with international and European standards.

In addition to leveraging expertise and resources, the UROL-led coordination effort has also helped avoid duplicated efforts among donor organizations and mixed messages to Ukrainian stakeholders.

PERFORMANCE MANAGEMENT AND EVALUATION

UROL designed the Phase I Performance Management and Evaluation Plan (PMEP) to include twenty expected results within five project tasks. Thirty-five indicators were selected to evaluate project performance against the expected results. This report presents the status of indicators as of mid-September and incorporates estimated data through the end of Phase I on October 13, 2007.

PMEP results can be summarized as follows:

- Out of the 20 expected results under the five project tasks, 10 expected results were achieved in full, 8 expected results were partially achieved and 2 expected results were not achieved.
- Out of the 35 indicator targets, 5 were achieved and exceeded, 12 were achieved at a level sufficient to illustrate meeting the expected results, 16 targets were achieved to a degree to illustrate partially meeting the expected result, and 2 targets were not met.

The following table provides a complete summary of expected results broken down by project tasks:

Project Task	Number of Expected Results	Expected Results Fully Achieved	Expected Results Partially Achieved	Expected Results Not Achieved
Task 1	5	3	2	0
Task 2	3	1	1	1
Task 3	3	3	0	0
Task 4	4	1	3	0
Task 5	5	2	2	1
TOTAL	20	10	8	2

The next table provides a summary of indicator targets broken down by project tasks:

Project Task	Number of Targets	Targets Exceeded	Targets Fully Achieved	Targets Partially Achieved	Targets Not Achieved
Task 1	12	1	4	7	0
Task 2	7	0	3	3	1
Task 3	4	1	3	0	0
Task 4	4	1	1	2	0
Task 5	8	2	1	4	1
TOTAL	35	5	12	16	2

As reflected in the tables above, UROL successfully completed all five project tasks under Phase I, namely, each task has been fully or partially achieved, and the same is true in relation to indicator targets. However, it is also necessary to report on why not all of the expected results were achieved in full and, accordingly, why not all targets were achieved. There are five key reasons:

- Cancellation of activities related to certain expected results, i.e., both the training of trainers for journalists and civil society advocacy campaigns were cancelled due to changes in programmatic focus.
- Delay or postponement of activities, specifically under Task 2 and Task 4. Implementation of Task 4 had faced serious challenges caused by the dissolution of the Parliament in April 2007 and the resulting pre-term parliamentary elections in September 2007. These two factors led to delays in the lawmaking process.
- Some initial planning inconsistencies between the PMEP and Phase I Work Plan. For example, the Work Plan envisioned one set of surveys for journalists, judges and the general public to be conducted to measure the baseline data for certain indicators. The PMEP, however, required follow-up surveys to measure changes in time for the same indicators. Such surveys cannot be conducted immediately after the baseline survey; a solid one year of project intervention is required.
- Lack of precise definitions in some indicators led to inconsistent measurement during project implementation. As a result certain targets were not managed for results. Nationwide targets under Expected Result (ER) 1.2, ER 2.3, and ER 5.1 initially were set as end-of-project, not as end-of-Phase-I, with the timeline for the related expected results set as October 2007.
- Targets were too ambitious for some indicators, i.e., 100 court decisions analyzed and published.

In conclusion, those expected results that were not achieved in full due to delay, postponement, or initial planning inconsistencies are expected to be achieved during Phase II. Moreover, postponed or delayed activities are expected to be completed during the first two to three months of Phase II. Planning inconsistencies were eliminated in the design of the Phase II Performance Management and Evaluation Plan together with the identification of realistic targets for Phase II.

ANNEX A: UROL PERFORMANCE MANAGEMENT AND EVALUATION PLAN

Country Mission Objective: Increased Social and Economic Well-being of All Ukrainians within a Framework of Democratic Governance
Strategic Objective 4: Government Institutions Are More Effective, Transparent, and Accountable to the Citizens
Intermediate Result 4.3: Adherence to the Rule of Law

Expected Result	Indicator	Target	Baseline	Timeline	Phase 1 Performance Results	Notes and Explanations
TASK 1: IDENTIFY SOURCES OF CORRUPTION IN THE JUDICIAL SYSTEM THAT CAN BE ADDRESSED IMMEDIATELY						
ER 1.1: Sources of corruption identified	Sources of corruption identified by CSOs	List of identified sources provided	Zero	September 2006	9 sources of corruption identified by CSOs on OS conference. List is available within this report (see Annex A)	Target met. ER achieved.
	CSO recommendations to address corruption issues immediately	List of recommendations provided	Zero	September 2006	44 recommendations provided CSOs. List of recommendations is available within this report (see Annex A)	Target met.
ER 1.2: Public access to court decisions improved	Increased access to High Administrative Court decisions via Internet	TBD % of High Administrative Court decisions available online	Zero	October 2007	High Administrative Court started posting its decisions on the internet using comprehensive and user friendly software provided by UROL. 7 decisions made in August 2007 were posted as of the day of this report submission.	ER 1.2 is achieved. High Administrative Court did not post its decisions on its website before UROL project. It is expected that by the end of UROL Phase I at least 1% of High Administrative court decisions will be available online.
	Journalists that believe the judiciary is providing them with full opportunity to observe court proceedings	25% increase of journalists that believe they are provided with full access to court proceedings by the end of project	2% per March 07 survey	October 2007	Survey for journalists conducted and results presented to wide audience. Only 2 % of journalists believe that the judiciary is providing them with full opportunity to observe court proceedings (Baseline)	Only baseline figure was measured during the implementation of Phase I. Follow-up survey to measure changes will be conducted during the Phase II.

Expected Result	Indicator	Target	Baseline	Timeline	Phase 1 Performance Results	Notes and Explanations
	Degree of access to court information as reported by journalists	25% increase in journalists who report full access to court information by the end of project	1% par March 07 survey	October 2007	Survey for journalists conducted and results presented to wide audience. Only 1 % of journalists believe that the judiciary is providing them with full opportunity to observe court proceedings (Baseline)	Only baseline figure was measured during the implementation of Phase I. Follow-up survey to measure changes will be conducted during the Phase II.
ER 1.3: Random case assignment implemented according to laws	Cases assigned at random, rather than selectively, in selected courts	100% of cases in selected courts	Zero	October 2007	Random case assignment research has been completed with 6 courts . Research results were presented and currently are analyzed for further implementation during the Phase 2.	ER 1.3 is achieved partially. Implementation of random case assignment in selected courts will become part of complex court administration and case management improvement in Phase II.
	Selected courts implementing random case assignment according to laws	8 courts	Zero	October 2007	Court management review at 6 selected courts completed. Recommendations developed.	
ER 1.4: Judicial selection and discipline processes improved	New and improved procedures for selection and discipline processes according to international standards introduced by appropriate bodies	3 procedures	Zero	October 2007	99 participants took part in the event and provided their recommendations how to improve procedures for selection and discipline process. First draft of the rules and regulations for the competitive selection of judges developed. Initial assessment on designing a unified information system for judicial selection and discipline was conducted.	ER 1.4 is achieved partially. Further strengthening of judicial selection and discipline is planned for Phase II.
	Published judicial disciplinary decisions analyzed	TBD based on annual # of decisions	Zero	October 2007	Three issues of High Qualification Commission bulletin <i>Informatsiyny Visnyk</i> published.	
ER 1.5: Court staff knowledge and practice of ethics and court management	Understanding of court ethics and management skills improved by the court staff as a result of trainings	40 participants	Zero	October 2007	Need to improve court staff ethics and management skills was one the priorities on the list of 108 judges and court heads that participated in Judicial Ethics Training.	ER 1.4 is achieved. Target met and exceed by 150%.

Expected Result	Indicator	Target	Baseline	Timeline	Phase 1 Performance Results	Notes and Explanations
	Code of ethics for court staff prepared	Code of ethics	Zero; No code exists	October 2007	Draft of the Code of Court Staff Conduct was prepared by SJA based on the translated US Code of Conduct for Court Employees. This draft was given to US expert for review.	Target met.
	Amendments made to court instructions and adopted by Council of Judges	TBD	TBD	October 2007	The process of an instructions for general court under the progress	UROL will monitor the process of instructions development and adoption by Council of Judges during Phase II.
TASK 2: CONDUCT A PUBLIC EDUCATION INITIATIVE FOCUSING ON LEGAL AND ANTI-CORRUPTION REFORMS						
ER 2.1: CSOs monitor, analyze and publicize court decisions	Court monitoring curriculum developed and implemented	Curriculum	Zero	October 2007	Court Monitoring Curriculum is developed and expected to be issued by the end of Phase 1. Court CSO monitors were trained in accordance with Curriculum draft(s) and applied skills and knowledge gained in the process of implementing court monitoring program.	ER 2.1 achieved. Target met.
	Court decisions and procedures analysed and published	100 decisions	Zero	October 2007	7 selected CSOs are in the process of collecting and analyzing data in 49 courts in 7 regions of Ukraine.	Number of court decisions finalized and published is not available at the day of preparation this report since reports from CSOs are scheduled to be delivered by September 25, 2007. The exact number will be available by the end of Phase I (October 13, 2007) and provided additionally.
	CSOs with specialized expertise and capacity to monitor, analyse and publicize judicial related information improved their skills	7 CSOs	Zero	October 2007	7 CSOs are implementing their court monitoring projects; 185 volunteers are trained to be observers; CSOs report on improved knowledge and capacity to observe and analyze court activities; 7 CSOs participated in TOT reviewing the Curriculum and provided their contribution to it.	Target met.

Expected Result	Indicator	Target	Baseline	Timeline	Phase 1 Performance Results	Notes and Explanations
ER 2.2: CSOs advocate for judicial and anti-corruption reform	Campaigns conducted by CSOs to combat corruption and promote judicial and legislative reform	5 campaigns	Zero	October 2007	The implementation is cancelled.	ER 2.2 not achieved. CSOs advocating activity is cancelled.
ER 2.3: Citizens' knowledge of judicial system improved	Monitors and general public reporting an increase in knowledge of the judicial system	15% increase by the end of project	30,9%	October 2007	Nation-wide citizens survey conducted and results presented to wide audience. 30,9 % of citizens indicated that they are fully aware or aware in general about the judicial system.	ER. 2.3 achieved partially. Only baseline figure was measured during the implementation of Phase I. Follow-up survey to measure changes will be conducted during the Phase II.
	Increased citizen satisfaction of court services	10% increase by the end of project	Zero	October 2007	Citizen report cards methodology developed . CSOs will review the CRC user manual and methodology and start conducting survey.	ER. 2.3 achieved partially. Delays in implementation of the Citizen Report Cards (CRC) methodology and guide development caused delays in conducting surveys.
	Court-tour participants reporting a positive change in their perception of public access to courts	25% increase by the end of project	Zero	October 2007	CSOs are conducting court visits and collecting feedback; courts visitors are civil society activists, law students, and media representatives	Data was planned to be obtained from CRC surveys and pre- and post-training evaluation. Delays in implementation of the Citizen Report Cards (CRC) methodology and guide development caused delays in conducting surveys. Post-training evaluation will be conducted through review of CSO reports before the end of Phase I.
TASK 3: TRAIN ADMINISTRATIVE JUDGES						
ER 3.1: Judges knowledge and practice of ethics, media relations, human rights, and	Judicial training curricula developed and used by AOJ	4 (judicial ethics, media relations, human rights, and administrative law)	Zero	October 2007	4 curricula are developed and used by the Academy of Judges: judicial ethics, media relations, resolving administrative disputes and human rights.	ER 3.1 achieved. Target met.

Expected Result	Indicator	Target	Baseline	Timeline	Phase 1 Performance Results	Notes and Explanations
	Training participants reporting understanding of judicial ethics, media relations, human rights and administrative law expertise has been increased as a result of the training	75 participants	Zero	October 2007	273 participants in total of Training on Relations between the Media and Courts, Judicial Ethics Trainings and Seminar on Specific Issues of Adjudicating Administrative Cases reporting increased understanding of raised issues.	Target met and exceed by 3.6 times.
ER 3.2: Judicial training capacity improved	Judges trained in training of trainers methodology reporting improved training skills/capacity	15 judges	Zero	October 2007	13 participants judges reported improved training skills and recommended to organize similar events on regular bases	ER 3.2 achieved. Target met at the level of 87%.
ER 3.3: Resources on judicial practice and administrative justice published	Bench books on administrative justice printed and distributed for judges	1 bench book on administrative justice made available to every administrative court judge	Zero; No bench book exists	October 2007	The resource manual for administrative judges is printed and distributed for judges (1,000 copies).	Target met.
TASK 4: SUPPORT JUDICIAL REFORM STRATEGY						
ER 4.1: Progress made in Verkhovna Rada consideration of anti-corruption legislation	Anti-corruption package of the laws passed by Verkhovna Rada	3 laws passed by Verkhovna Rada under certain circumstances	3 of 6 total passed by VR	October 2007	Drafts laws were prepared and reviewed by international experts to meet international standards	Due to controversial situation within the Parliament of Ukraine and upcoming special Parliament Elections, the implementation of anti-corruption package of laws is postponed till Phase II.
ER 4.2: Key activities of the 2006 Action Plan for Judicial Reform successfully implemented	Key activities of the 2006 Action Plan for Judicial Reform successfully implemented	3 activities (transparent competitive system of selection, efficient system of education and training of judges and random distribution of cases among judges within courts introduced)	Zero	October 2007	169 members of QJC have been introduced with US and European practices of judges' selection	ER 4.2 is achieved partially. Target met partially.

Expected Result	Indicator	Target	Baseline	Timeline	Phase 1 Performance Results	Notes and Explanations
ER 4.3: Identified sources of corruption addressed in Law on the Judiciary and Law on the Status of Judges	Changes made in draft laws according to expert recommendations	5 changes	Zero	October 2007	New draft laws incorporated 24 of 49 recommendations provided by UROL experts	ER 4.3 is achieved. Target met and exceeded by 4,8 times.
ER 4.4: Progress made in Verkhovna Rada consideration judicial reform legislation consistent with European standards	Law on the Judiciary and Law on the Status of Judges in line with international standards passed by Verkhovna Rada in first reading	Stage 3 (laws past first reading)	Draft laws completed by National Commission for Strengthening Democracy and Rule of Law (2006)	October 2007	Committee on Judiciary recommended both drafts for the Rada's first reading. Two drafts are pending before the Parliament.	Due to controversial situation within the Parliament of Ukraine and upcoming special Parliament Elections, the ER 4.4 is achieved partially.
TASK 5: ORGANIZE PUBLIC DISCUSSIONS OF KEY CONCEPTS AND DRAFT LAWS						
ER 5.1: Citizens' knowledge of judicial reform and its impact on their rights improved	Population aware of judicial reform process	15% increase in awareness of judicial reform by the EoP	18.6%	October 2007	According to the country-wide Citizen Opinion Baseline Survey conducted by DIF at the request of UROL, 1.8% of those surveyed are fully aware about the status of judicial reform In Ukraine, 16.8% are generally aware . The rest of the respondents indicated that they are not aware about this subject.	Only baseline figure was measured during the implementation of Phase I. Follow-up survey to measure changes will be conducted during the Phase II.
ER 5.2: Journalists' knowledge of the judicial reform improved	Training participants reporting increased understanding of judicial reform as a result of the training	75 participants	Zero	October 2007	111 participants trained on "Courts and media relations" Target exceeded by 50%. Training participants reported better understanding on media and courts relations and provided recommendations on media and courts communications improvement	ER5.2 achieved. Target met and exceeded by approximately 50%.
	Articles concerning judicial reform issues published by trained journalists	75 articles by the end of project	Zero	October 2007	90 articles were published after the seminar for the journalists as of September 1, 2007 and keep on appearing.	Target met and exceeded by 20%.

Expected Result	Indicator	Target	Baseline	Timeline	Phase 1 Performance Results	Notes and Explanations
ER 5.3: Journalists' training capacity improved	Journalists trained in training of trainers methodology reporting improved training skills/capacity	15 journalists	Zero	October 2007	Training of trainers for journalist was cancelled.	ER5.3 was not achieved due to the cancellation of related activity.
ER 5.4: Public discussions on judicial reform held	Public forums held to discuss key concepts in judicial reform	6 forums held in Kyiv and the regions	Zero	October 2007	6 public discussions were organized to present baseline survey results and to discuss key issues of judicial reform. A number of articles were published after the public discussion in regions.	ER 5.4 achieved. Target met.
	Citizens are aware of key concepts and draft laws	15% increase in awareness	TBD based on baseline survey	October 2007	Total of 190 individuals including 32 judges, 78 journalists and 80 CSO leaders participated in 6 public discussions on judicial reforms. This is a substitute (proxy) indicator to replace per cent of increase in awareness.	Citizen Opinion Baseline Survey conducted by DIF at the request of UROL has included the question in regards to knowledge on status of judicial reforms (30,9% of positive answers – under the ER 5.1). However this survey did not address the question about citizen awareness of key concepts and draft laws. Thus, the substitute (proxy) measure of individuals participated in public discussions is used to illustrate the progress under this ER.
ER 5.5: Public comments and recommendations on Law on the Judiciary and Law on the Status of Judges compiled and accepted by drafters	Public legislative drafting sessions involving GOU institutions held to discuss revisions of legislation	6 sessions	Zero	October 2007	6 public discussion were organized to discuss key issues of judicial reform included legislation drafting elements.	ER 5.5 achieved partially. No specifically legislative drafting sessions were organized however drafting legislation elements were included in 6 public discussion of judicial reform.
	Comments and recommendations made by CSOs accepted by drafters	5 comments and recommendations	Zero	October 2007	Comments and recommendations made by CSOs during public discussions on judicial reform were considered by drafters of laws.	