



COMPETITIVE SELECTION TO THE SUPREME COURT

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HEAD, HIGH QUALIFICATION COMMISSION
OF JUDGES OF UKRAINE

START

On November 7, 2016

**the High Qualification Commission of
Judges of Ukraine announced the start of
competition to the Supreme Court**

GROUND

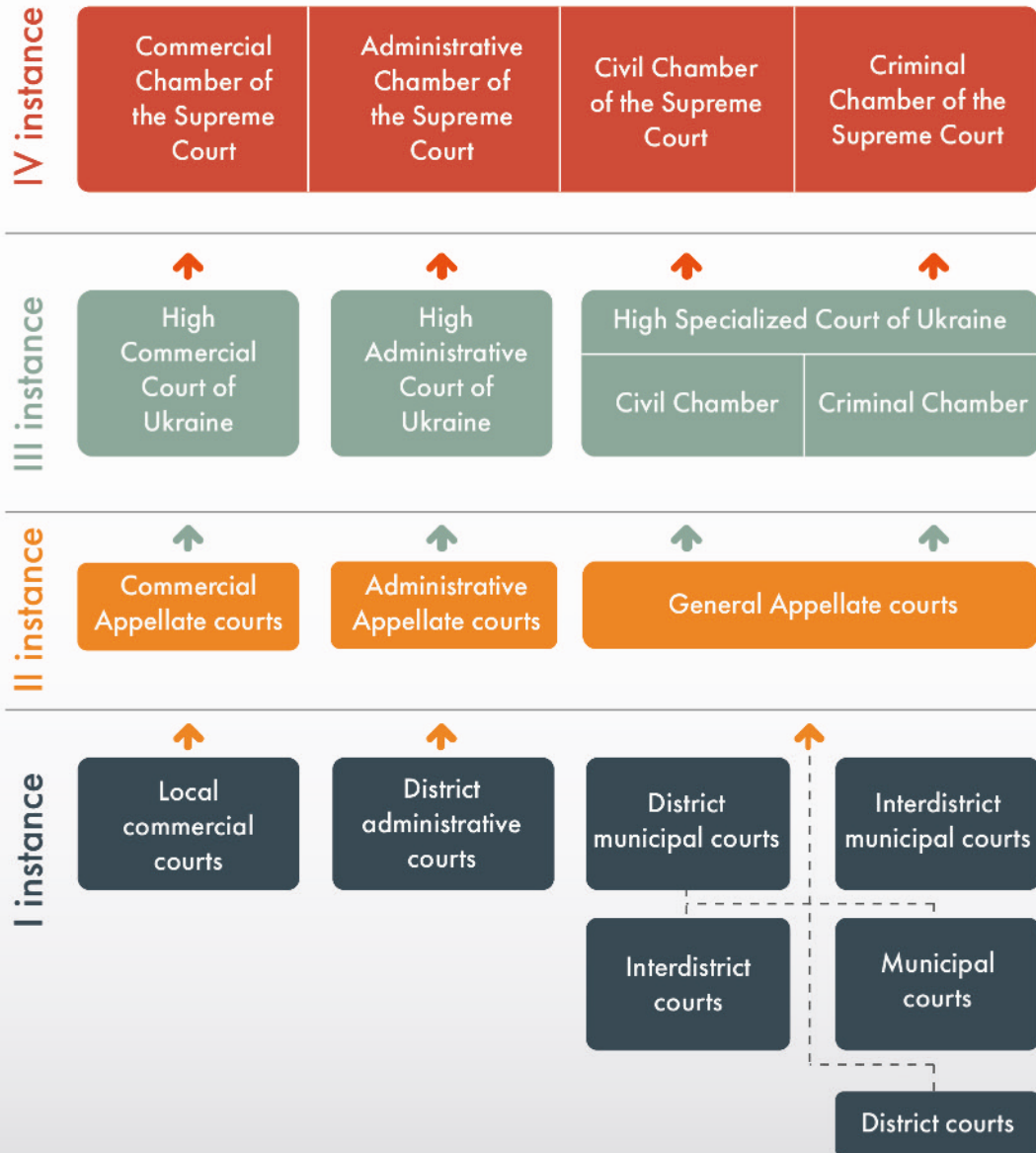
**entry into force of amendments to
the Constitution of Ukraine and of the new
version of the Law of Ukraine “On the
Judiciary and Status of Judges**

JUDICIAL SYSTEM OF UKRAINE



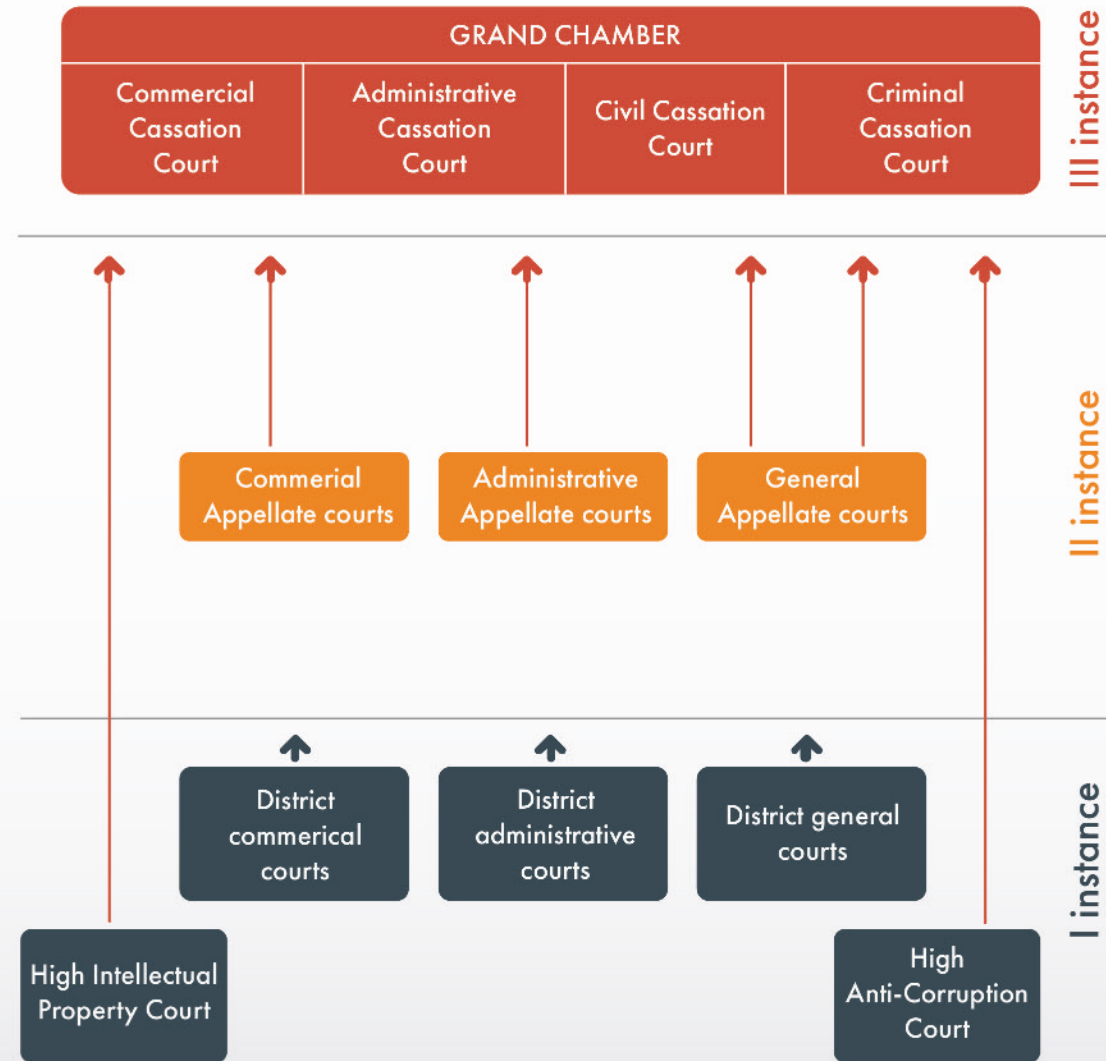
Before the judicial reform

THE SUPREME COURT OF UKRAINE



After the judicial reform

THE SUPREME COURT



THE SUPREME COURT

The highest court in the judicial system of Ukraine, which ensures the consistency and the unity of case law



- **Delivers justice:**
 - As the court of cassation instance
 - As first instance court or appellate court in cases determined by procedural law
- **Ensures uniform application of law by courts**
- **Other powers**
 - Conducts the analysis of court statistics and summarizes the case law
 - Provides opinions on draft laws regarding judicial system
 - Provides opinions on issues regarding impeachment and submits a proposal to the Parliament (following its request) to dismiss the President from his/her office in case of his/her inability to perform duties due to the health reasons
 - Applies to the Constitutional Court of Ukraine regarding the constitutionality of laws and other regulations, as well as regarding the official interpretation of the Constitution

Conditions required to launch the Supreme Court's work

Appointment of at least 65 judges in result of a contest

Establishing steering committee

Convocation of the Supreme Court Plenum

A decision of the Supreme Court's Plenum to launch the Supreme Court is published at the official website of the Ukrainian judiciary and in the official Ukrainian Parliament bulletin "Holos Ukrainy"

Judges of each cassation court hold meetings to solve issues of their internal activities and election of judges to the Grand Chamber of the Supreme Court

WILL CONSIST OF 120 JUDGES



ADMINISTRATIVE CASSATION COURT

30 JUDGES



CRIMINAL CASSATION COURT

30 JUDGES



GRAND CHAMBER OF THE SUPREME COURT



30 JUDGES

COMMERCIAL CASSATION COURT



30 JUDGES

CIVIL CASSATION COURT



UP TO 200 JUDGES FORESEEN BY THE LAW

STAGES OF COMPETITION TO THE SUPREME COURT



1. High Qualification Commission of Judges **receives documents from candidates and checks each person's** compliance with the requirements envisaged by the Law for candidates to the position of a Supreme Court judge

2. **Background check**

3. **Qualification assessment:**

- Written exam (anonymous written test and written practical task);
- Psychological testing and general skills testing (includes an interview with a psychologist);
- Obtaining information and opinion regarding candidates to the position of a Supreme Court judge from the Public Council of Integrity;
- Examination of candidates' dossiers and an oral interview;

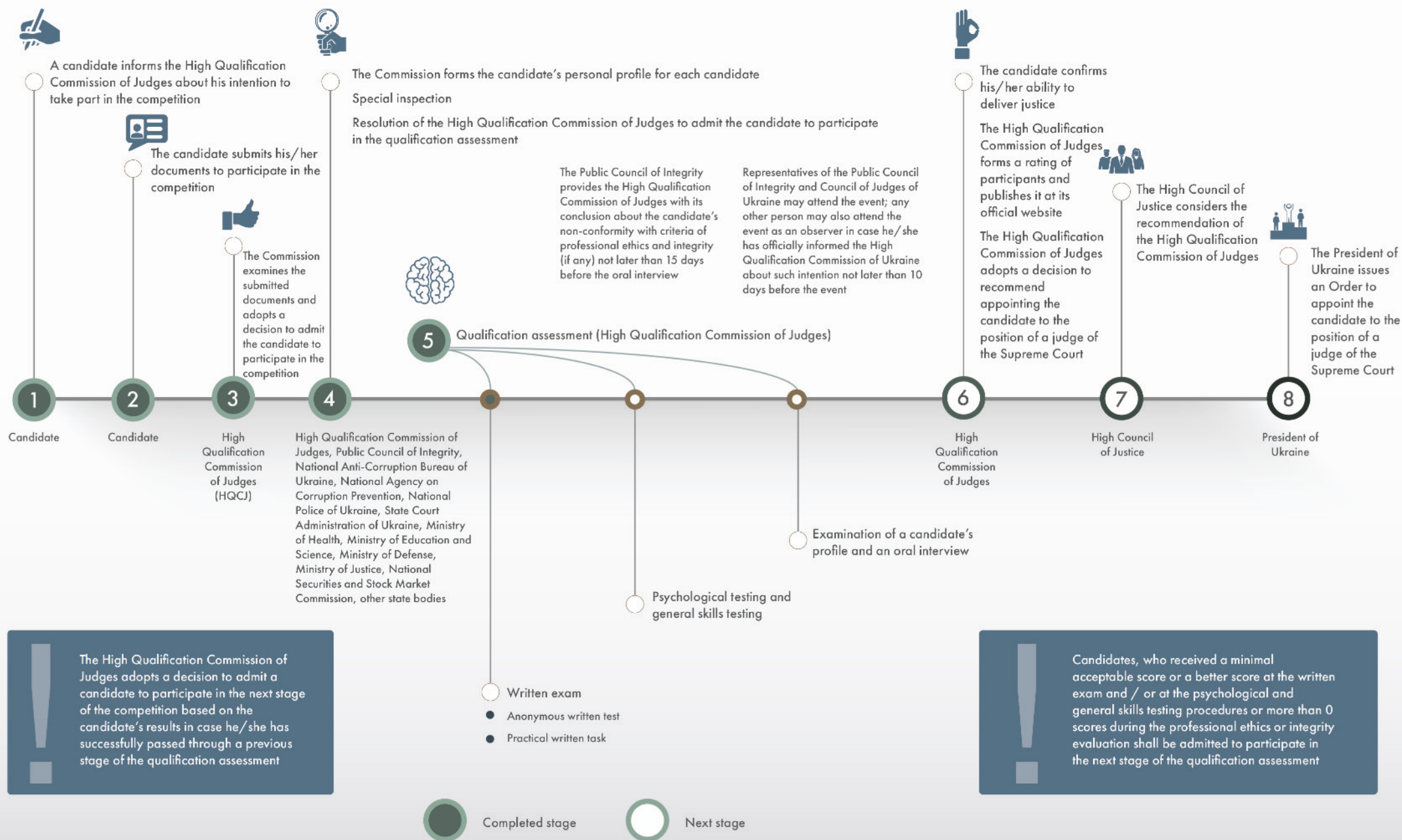
4. **Formation of a rating and determining the winners**

5. **Submission of recommendations to the High Council of Justice to appoint candidates to the positions of judges of Supreme Court**

6. **The President of Ukraine issues** an Order to appoint competition winners to the positions of Supreme Court judges



STAGES OF COMPETITION TO THE SUPREME COURT





QUALIFICATION
ASSESSMENT CRITERIA
FOR A CANDIDATE
TO THE POSITION OF
THE SUPREME COURT
JUDGE ARE:

#1 Competence
(professional, personal, social, etc.)

2 Professional ethics

3 Integrity

Maximum total score: 1000

TRANSPARENCY

The High Qualification Commission of Judges of Ukraine ensures the transparency of the exam. All persons concerned may attend all the qualification assessment stages and be present during the evaluation of results



THE PUBLIC COUNCIL OF INTEGRITY (PCI)

OBJECTIVE:

assist the High Qualification Commission of Judges in determining the compliance of judges (candidates to positions of judges) with professional ethics and integrity criteria for the purposes of qualification assessment

TASK:

- collecting and checking the information on the judge (candidate to the position of a judge)
- providing the information about the judge (candidate to the position of a judge) or an opinion on his/her non-conformity (candidate to judicial position) with professional ethics and integrity criteria

STRUCTURE:

- 20 Members (NGO representatives);
- 4 Boards (5 Members of the Public Council of Integrity per each Board)

THE PUBLIC COUNCIL OF INTEGRITY (PCI)

REQUIREMENTS FOR NGOs WISHING TO BECOME PART OF THE PCI:

- no less than 2 years of experience in activities aimed at combating corruption and at supporting institutional reforms
- successful experience of cooperation with international organization having an unchallenged reputation

REQUIREMENTS TO A MEMBER OF THE PCI:

- representative of a human rights organization, legal scholar, advocate or a journalist;
- distinguished expert in his/her field;
- has good professional reputation;
- non-partisan and meets the criterion of integrity

WHO CAN NOT BE A MEMBER OF THE PCI:

- persons having criminal record (not canceled or withdrawn)
- persons that have committed corruption offenses (within the past year)
- officials of the law enforcement authorities (at last 5 years in office)
- judges and retired judges

THE PUBLIC COUNCIL OF INTEGRITY (PCI)

42 NGOs applied to the High Qualification Commission of Judges to take part in a meeting to establish the PCI, namely:
41 organization (documents) have been submitted on time;
1 organization (document) have been submitted with violation of terms;
1 individual.

9 NGOs were recognized by the Commission as those that met the requirements, namely:

- Centre for Democracy and Rule of Law (CEDEM);
- Center of Policy and Legal Reform;
- All-Ukrainian Civil Platform “New Country”;
- Transparency International Ukraine;
- Public Lustration Committee;
- Ukrainian Bar Association (UBA);
- “European dimension”;
- “Centre of United Actions” (CentreUA);
- All-Ukrainian Union “Automaidan”.

24 candidates were nominated by mentioned NGOs to establish the PCI

20 candidates have been elected as Members of the PCI

ESTABLISHING OF THE PUBLIC COUNCIL OF INTEGRITY



SUPREME COURT COMPETITION PROCESS



FIRST STEP: SUBMITTING DOCUMENTS TO THE COMMISSION

On November 7, 2016

the Commission announced the start of competition to the Supreme Court

A total of **1436 candidates applied** to the competition

**During the period of
November 17 – December 9,
2016**

the Commission **has accepted documents** from a total of **846 candidates**

**Following the examination of
documents**

the Commission **admitted 653 candidates to participate** in the competition

**In order to carry out the
special inspection of
candidates**

Over 6,000 requests have been sent out by the Commission to relevant state institutions

**Following the special
inspection**

**a total of 625 candidates have been admitted to the
take part in the written exam**

GENERAL PROFILE OF A CANDIDATE TO THE SUPREME COURT

1436 APPLICATIONS



625

CANDIDATES ADMITTED TO
QUALIFICATION ASSESSMENT



70,2%



JUDGES

12,2%



SCHOLARS

10,4%



ADVOCATES

7,2%



MIXED BACKGROUND

199
CIVIL CASSATION
COURT

30 SEATS

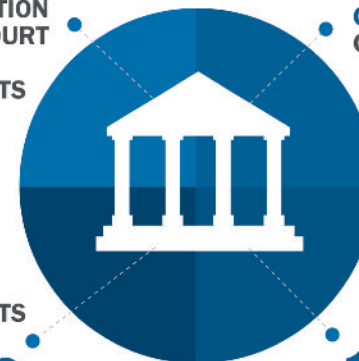
130
COMMERCIAL
CASSATION COURT
30 SEATS

30 SEATS

119
ADMINISTRATIVE
CASSATION COURT

30 SEATS

177
CRIMINAL
CASSATION COURT



SUPREME COURT

OF THEM



225



400

32



32

years

THE YOUNGEST CANDIDATE

63

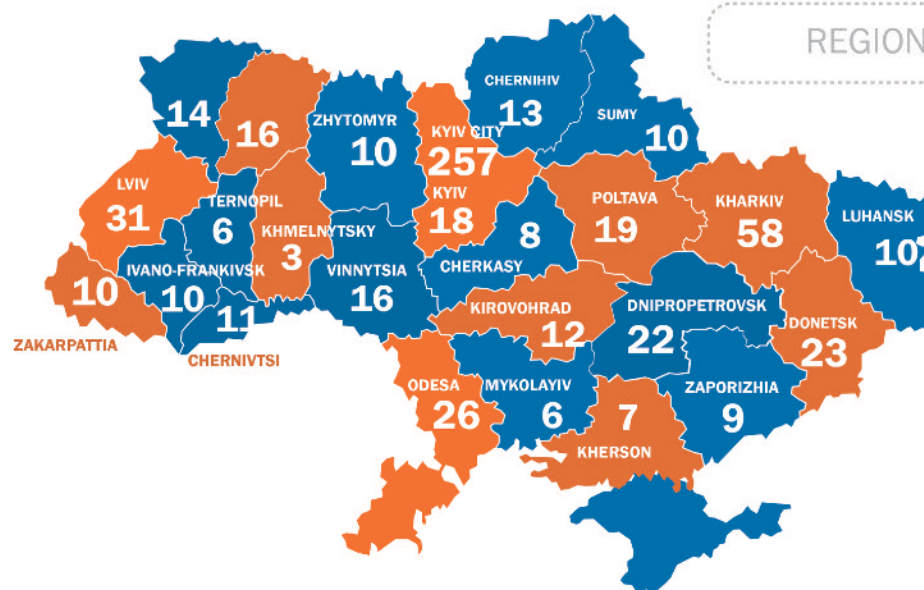


62

years

THE OLDEST CANDIDATE

REGIONS



SUPREME COURT COMPETITION PROCESS SECOND STEP: QUALIFICATION ASSESSMENT (ANONYMOUS WRITTEN TESTING)

On February 16, 2017 the Commission held the first part of the qualification assessment – the anonymous written testing

A total of **613 candidates** took part in event:

70.2% - of them were judges

12.2% - scientists

10.4% - advocates

7.2% - candidates with an overall term of service / employment in legal sphere

About 200 policemen and a bomb squad provided security for the qualification assessment





SUPREME COURT COMPETITION PROCESS

SECOND STEP: QUALIFICATION ASSESSMENT

(PRACTICAL WRITTEN TASK)

On February 21, 2017 the Commission held the second part of the qualification assessment –

the practical written task

A total of 521 candidates took part in this event:

68.3% of them were judges

12.7% - scientists

10.7% - advocates

8.3% - candidates with an overall term of service / employment in legal sphere



SUPREME COURT COMPETITION PROCESS

TRANSPARENCY OF THE QUALIFICATION ASSESSMENT

- The testing procedures **were organized by 130 professionals**
- More than **120 video cameras** were recording the process
- More than **30 representatives of media** and the Public Council of Integrity
- **25 observers from international NGOs** monitored the qualification assessment

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Anonymous written testing and a written test were at the very top end of the scale. The process is very-very transparent. In Ukraine, interviews with candidates and their dossiers will be available to the public. And that's remarkable.

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Mr. John Cabbon,

senior advisor on judicial system of Advisory Mission of EU



THANK YOU FOR YOUR ATTENTION!