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**Competition for the post of a judge of the Supreme Court of Ukraine**

In this essay, I would like to discuss a critical matter that lies at the heart of Ukrainian democratic transformation: the competition for the post of a judge of the Supreme Court. This competition is not merely a matter of filing vacancies, but rather a critical point in Ukraine’s journey towards a fair and unbiased judiciary. Firstly, this essay will go through the history of the Supreme Court of Ukraine for readers to understand the depth of the problem. Secondly, I will discuss the competition itself, its advantages and disadvantages and how it was perceived by society. And last but not least, weather this competition brought a major difference in the judiciary of the Supreme Court.

The Supreme Court’s history is complex and presents a multitude of challenges. Starting from the moment Ukraine finally gained independence, it was faced with the task of constructing a novel legal tapestry. The Supreme Court of Ukraine (SCU) was supposed to be a steadfast champion of justice, envisioned as the heart of an independent judiciary. Unfortunately, its pass was more than complicated, very much resembling Ukraine’s own tumultuous quest for the rule of law. The Supreme Court’s history showcases the country’s ongoing struggle to establish a just, impartial legal system.

After the Orange Revolution of 2004, the prerequisite of it being the disputed elections, the focus switched to the Ukrainian judiciary, making it necessary to reform the system. The Supreme Court, once covered by a shadow, found itself thrown right in the middle of the events. In one fallen swoop, it nullified the tainted election, ordered a re-run, and laid a new pass for democracy. The results of the second round were protested by the opposition in connection with massive falsifications. Massive street protests in support of the opposition demands as well as the blockade and picketing of the government buildings with the demands to cancel the results of the elections went off in the country. The Supreme Court annulled the November runoff election and ordered the third round of election (a rerun of the second round) which took place on December 26, 2004. This act was a turning point, but passing to a truly transparent and accountable judiciary remained difficult. Reforms, though built on a shaky ground, and maybe not as efficient as one may hope, gave something vary important: hope for a more just and equitable legal landscape.

In the wake of the changes that occurred in Ukraine following the 2014 Euromaidan uprising, the SCU found itself trying to navigate the new landscape. The annexation of Crimea loomed a large, casting a long shadow over the judicial system. Many accused it of bias and political interference, particularly concerning cases that involved conflict in the East. Despite these complaints, people still showed a strong desire for a court that has unwavering neutrality and can be trusted without any doubts.

Finally, real actions began to take place in 2016. The establishment of a completely new Supreme Court that replaced the old one. Thus, all the judges underwent competition. New selection bodies were created, namely, the *High Council of Justice* and the *Public Council of International Experts*. They were created to oversee the selection of judges but also played an important role in some of the competition’s staps. Furthermore, new criteria for judges were established, emphasizing competence, integrity, experience, and the ability to pass stricter ethical screening. Transparency was a key element of this competition, and the *High Qualification Commission of Judges of Ukraine* (HQCJ) ensured its implementation. In particular, all interested participants may attend all qualification assessment stages and be present during the evaluation of the results.

The post of a judge of the SCU is understandably a huge responsibility, and the power concentrated in the hands of people who occupy the position of the judge is immense. They are responsible for the future trajectory of Ukrainian law. However, who are these people worthy of wielding such enormous powers? The answer is that the most prominent professionals in the legal field, citizens of Ukraine (aged 30 to 65 years), who have at least ten years of work experience as judges, lawyers, or legal scholars, are eligible to participate. Their resumes are meticulously crafted arguments that are supposed to showcase contenders’ prowess in law, depth of experience, and the weight of published works.

The first step in competition is easy: an open application. Contenders only need to submit their resumes and supporting documents; their qualifications and achievements are available to the public to make these competitions as transparent as possible. In the next step the HQCJ enters the scene. Its task is to examine the submitted application and adopt a decision to admit the candidate to participate in the competition. Then, the same Commission forms the candidate’s profile, at which point the HQCJ conducts a special inspection, which is a background check on every candidate. Based on the results of these checks, it admits the candidate to participate in the qualification assessment. The qualification assessment consists of four parts: a writing exam, which is anonymous and contains a written practical task; a psychological testing; after these two steps, the HQCJ obtains information and opinions regarding the candidates from the Public Council of Integrity; and finally the last step, which is the examination of the candidate’s profile and an oral interview.

After all the examinations listed above, the HQCJ forms a rating of the candidates and publishes it on the official website; then, it adopts a decision concerning the appointment of the candidates to the position of a judge of the Supreme Court of Ukraine. The High Council of Judges then considers the recommendations from the HQCJ and appoints candidates to the positions of judges of the Supreme Court. Finally, the last step in this journey, that is the President of Ukraine, who issues a decree on the appointment of specific candidate to the position of a judge of the Supreme Court of Ukraine.

Overall, I think that we have to agree that the whole process of the competition in 2016 was conducted meticulously, but ignoring its flow would be a mistake. Criticism of the said competition highlights that scoring and evaluation criteria are, for the most part, rather unclear, raising concerns regarding potential bias and manipulation. In addition, the limited involvement of the public in the selection process hinders accountability and raises concerns in respect of its legitimacy. Moreover, some claim that external political forces may have influenced the selection process and some candidates may be perceived as having political affiliations that could compromise their impartiality.

The general public’s reaction to competition may only be mixed and complex, with varying degrees of engagement and concern. Unfortunately, the confidence of society in the judiciary remains low, mainly because of past issues, such as corruption and political interference, and this competition did little to sooth it. There is a noticeable urge for a more robust selection process based on merit and integrity, emphasizing a clean track record and relevant experience, and many citizens also advocate for clearer criteria, more independent control, and increased public scrutiny to ensure the fairness of the process and strengthen the judiciary. However, while criticisms such as those mentioned above exist, there are also those who trust the process and hope that it will bring about changes and ensure that appointed judges are suitable for their positions. In addition, it is necessary to mention that in some cases, regional variations might influence how people perceive competition.

In conclusion, I want to underline that due to the ongoing nature of the competition and the complex of public opinion, it is hard to determine today, whether the reform and competition brought about desirable changes. However, this is definitely an improvement from what was before, while the procedure of this competition is not perfect. The question of the transparency and qualifications of judges still remains. Though not flowless, this competition and reforms are definitely the stepstone towards a just and equitable society with unwavering trust in the judiciary and a state that is governed by law and not by arbitrary power.

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