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**The role of international organizations and partners in supporting the development and reform of the judicial system of Ukraine**

Life is inevitably marked by change, and Ukraine, as a young independent state with a rich historical past, has been constantly undergoing transformation throughout its existence. It is good to have someone more qualified and experienced to guide you through this process, especially when changes are required, such as a deliberate restructuring of the judiciary in accordance with democratic principles to bring it closer to the standards set by the civilised world.

Immediately after gaining independence, our country embarked on a course of European integration, declaring its intention to become a member of the Council of Europe in 1992. In 1994, Ukraine signed and ratified the Partnership and Cooperation Agreement between the European Communities and their Member States. By becoming a member of the Council of Europe in 1995, Ukraine confirmed its democratic choice, commitment to the protection of human rights and strengthening of democratic institutions, recognition of the rule of law, and undertook to adapt national legislation to that of the European Union.

The influence of international organisations on the development of the Ukrainian judicial system is generally an interesting aspect of the formation of a fair trial. One of the most high-profile cases on this topic in the past took place during the presidency of Viktor Yanukovych, when the credibility of the Ukrainian judiciary plummeted due to high-profile trials involving opposition figures such as Yulia Tymoshenko and Yuriy Lutsenko. Kyiv’s Pechersk District Court became a hotspot for outlandish rulings and was infamously nicknamed “Pechersk justice” throughout Ukraine. In fact, it became synonymous with the delivery of verdicts that seemed to have been delivered in a masterclass in unfairness and political comedy.

During 2010 – 2012, the European Parliament adopted six resolutions condemning the politically motivated persecution of Yulia Tymoshenko (ex-prime minister of Ukraine) and her supporters in Ukraine. A similar position was taken by the governments of almost all EU countries, as well as the government of the United States. International organisations, including the press service of the UN Secretary-General and the UN Human Rights Committee, PACE, OSCE, as well as well-known human rights organisations such as Freedom House, Amnesty International and Human Rights Watch, also expressed their concern. Prominent figures from various fields, including the largest political parties in the EU, in particular, the European People’s Party, the largest faction in the European Parliament, and the Green Party, joined in condemning these actions. World leaders and politicians such as Hillary Clinton, Angela Merkel, Guido Westerwelle, David Cameron, Stephen Harper and many others added their voices to the chorus of condemnation.

At that moment, the issue of further European integration became more acute than ever. It was necessary to determine the direction in which the country was moving, especially in the face of international criticism of its judicial system. Thus, Ukraine has made its choice. It made a clear choice in favour of European integration. Ukraine’s multifaceted problems, which go beyond the judiciary, have culminated in the transformative Euromaidan movement. Grievances related to corruption, political repression and economic struggles fuelled widespread discontent, prompting Ukrainians to demand comprehensive change.

A turning point came a month later, when, following these tragic events, Ukraine signed the Association Agreement with the European Union. This agreement not only established political and economic association between the two sides, but also committed Ukraine to significant reforms in the justice sector, bringing its initiatives and legislation in line with the European standards. And this is where real communication begins. The trajectory of European integration means Ukraine’s commitment to move closer to the EU’s *acquis communautaire*, where legislation and regulations in all sectors comply with the rule of law. This transformation path also includes fundamental changes in the political, executive and judicial branches of government aimed at ensuring the realisation, protection and guarantee of human rights. Ukrainian courts, including the Courts of Cassation within the Supreme Court, refer to and apply European legal norms in their judgements. This includes direct references to acts of European administrative law, which demonstrates the direct integration of European legal principles into the national judicial system.

The European law, including the treaties ratified by the Verkhovna Rada of Ukraine and the European Convention on Human Rights, has a direct impact on the constitutional and legal framework. For example, there is a recognised obligation to comply with the provisions of Article 9 of the Constitution of Ukraine regarding the application of ratified international treaties. The form and style of judgments delivered by the Supreme Courts of Cassation are closer to those of European judicial institutions, in particular to the European Court of Human Rights (ECtHR). This applies to the structure of judgments, the style of argumentation, and the inclusion of the European legal principles and standards in the reasoning part of decision.

By recognising the judiciary as one of the three pillars of a democratic state, the legislature and executive should acknowledge its crucial role. The judiciary, being independent, operates within the framework of high standards set by the state, emphasising competence and impartiality. The independence of the judiciary is considered fundamental to upholding the rule of law and ensuring fair trials.

The judicial system itself adopts soft law principles, such as those provided by European organisations. This involves not only incorporating soft law provisions into judgments, but also participating in activities that promote the understanding and implementation of European legal standards, including training programmes and international conferences. Cooperation between Ukrainian judicial institutions and their European counterparts has noticeably intensified. It includes active engagement with European judicial institutions and organisations, as well as the publication of analytical reports, data and judgements for wider dissemination and understanding.

Judicial independence is recognised as a key element of the Europeanisation process. Judges emphasise the importance of not only declaring independence, but also ensuring that it is guaranteed by the state. Surveys, for instance, conducted by the European Network of Councils for the Judiciary, indicate that the EU membership contributes to a stronger perception of judicial independence in Ukraine.

But let’s talk not only about the European Union, shall we? In the context of Russia’s full-scale invasion, Ukraine is facing the challenge of optimising its judicial system due to resource constraints caused by the war. Optimisation involves assessing the real state and effectiveness of the judicial system, bringing it in line with social needs, political will, and available resources. In particular, optimisation consists of two key aspects: restructuring the court network, and improving the efficiency of judicial governance. And that’s where the well-known *United States Agency for International Development (USAID)* walks in. The USAID 2019 – 2024 Development Cooperation Strategy for Ukraine focuses on anti-corruption efforts, countering Russian aggression, and supporting economic development and energy independence. Since the start of the war in February 2022, USAID has provided $9.88 billion in development and humanitarian assistance.

The highlighted Program, *Justice for All,* runs from October 2021 to September 2026 and aims to promote justice in Ukraine. The objectives include enhancing the independence and effectiveness of the justice system, improving access to quality legal services, and empowering civil society to monitor judicial accountability. The mission is to assist the government and civil society in establishing the rule of law in Ukraine for the benefit of all citizens. In particular, during the war, at the moment of March 2023, the Justice for All Activity has provided computer hardware and software to several courts in Kyiv region, including those in territories affected by Russian occupation and damage. This assistance aims to ensure the resumption of court operations and access to justice for citizens. The Program collaborates closely with the State Judicial Administration of Ukraine to address the lack of equipment in courts affected by occupation. The provision of equipment, valued at 11.4 million UAH, marks the beginning of a larger project to support courts in de-occupied territories. Given the urgency of access to justice during the ongoing war, this support is crucial, especially in areas affected by martial law. The assistance from USAID is highly valued, as it fills the gap in funds for technical modernization of the judiciary during wartime, ensuring the continuity of justice for Ukrainian citizens.

As regards to the assistance in the process of judicial reforms and supporting the judicial system of Ukraine, the *EU-funded “Pravo-Justice” project* plays an important role and also helps to strengthen the rule of law in Ukraine in accordance with the European standards and comparative practice.

As a conclusion, despite the ongoing war, Ukraine remains committed to developing as a democratic and rule-of-law state, and its judiciary is an integral part of national security and protection of human rights. The challenges posed by the war require the transformation of the political and judicial systems, which necessitates the optimisation of judicial governance to ensure accessible and fair justice. The Ukrainian model, influenced by European practices, has evolved to a dual judicial council model, demonstrating its vulnerability in a crisis. Despite the numerous challenges we confront, the support of the international community empowers us to make positive transformations in our court system, towards more democratic and equitable, as it rightfully should be.

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