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**Duration and effectiveness of court proceedings in Ukraine: problems and ways of improvement**

Court proceeding is an important part of public life in each country. It guarantees rights and freedoms of citizens. A proper functioning of judicial system is a cornerstone of democratic societies, ensuring that laws are applied consistently and fairly. There are many important characteristics, which directly influence on the effectiveness of court proceedings, first of all, these are duration and an effectiveness of court proceeding. Timely and fair resolution of legal matters is fundamental for the functioning of a just civil society. If these two parts of process work badly, the right of citizens for fair justice and defence will not have any matter.

Article 6 of the European Convention on Human Rights (ECHR) provides *“the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of the civil rights and obligations of an individual or of any criminal charge against him or her”.* A court proceeding can last for a different period of time and it depends on various factors. In particular, the complexity of the case, the number of parties, the availability of evidence, the qualifications of the judges play a major role. In many countries, there are certain time limits that can determine the duration of this process. However, they are only recommendations and the actual duration depends on the above factors.

Thus, a case must be considered/resolved in a reasonable timeframe. The current legislation of Ukraine does not set a single time limit for the consideration of all court cases, it all depends on the jurisdiction of the court (on average 2 – 3 months), complexity, and so on. Analysing statistics we see, that the average duration of a court proceeding in the first instance is from 6 to 9 months.

This problem is quite long-lasting in Ukraine and beyond. There are a number of key factors that influence this process, such as insufficient number of judges and staff, corruption and formalism (excessive bureaucracy), and postponement of court hearings.

Let’s start with the first problem, – the insufficient number of judges. The low level of staffing leads to an overload of cases for judges, which leads to delays in the trial process. It also directly affects the efficiency and objectivity of judgements. Currently, Ukraine has an extremely high staffing shortage, which accounts for more than 56% of judicial positions. This huge deficit has arisen because the High Qualification Commission of Judges (HQCJ), a key body in the formation of the judiciary, did not work from October 2019 to June 2023.

The second factor in this problem is the postponement of court hearings. There can be many reasons for this, and some of them will not depend on the judges themselves. These include tactical postponements (abuse of procedural rights of parties to the case or other participants of trial), where litigants may try to delay the proceedings by filing requests for adjournments, using a variety of reasons, including the unavailability of lawyers, difficulty in collecting evidence, or the absence of witnesses. The problem of adjournments is directly related to the problem of insufficient number of judges.

All these problems make the judicial system inefficient. The European Court of Human Rights (ECtHR) constantly reiterates that Ukraine violates the time limits for court proceedings, which is one of the key requirements of the right to a fair trial under Art. 6 of the ECHR. In view of this, the first option to solve this problem is to introduce competitions to fill vacant seats. This was the first step in the work of the HQCJ after its renewal. On December 15, 2023, the competition (submission of applications) for the positions of appellate judges was launched. However, it is a new experience for us, as it is held during a full-scale war and, in general, they were previously appointed by the Verkhovna Rada of Ukraine. Other alternative solutions to this problem are to improve the system of work distribution and to carry out certain reforms in the field of human resources.

Herewith, we move on to the effectiveness of court proceedings. The duration and effectiveness are quite interrelated factors, because their success depends on the same factors, and the problems are common. The main characteristic should be the independence and transparency of the judiciary, therefore, in this part I would like to highlight such phenomenon, as corruption and external influence in this regard. Paragraphs 1 and 2 of Article 48 of the Law “On the Judicial System and Status of Judges” read as follows:

*“1. A judge shall be independent of any unlawful influence, pressure or interference in the administration of justice.*

*2. A judge shall administer justice on the basis of the Constitution and laws of Ukraine, guided by the rule of law. Interference in the activities of a judge in the administration of justice is prohibited and entails liability established by law”.*

Corruption in the judicial system can take different forms and have a different impact on the effectiveness of court proceedings. In Ukraine, there is a problem of political influence on court decisions. Political actors may try to interfere in court proceedings, for instance, by putting pressure on judges or influencing the composition of judicial panels. Judges may be subject to corruption schemes where their independence is compromised through bribery or other forms of influence. This can lead to unfair rulings or delays in court proceedings.

The solution to this problem has been in development for quite some time. But since the last report of the European Commission (EC), some work has been done. New legislative, policy and institutional improvements have been made, including the adoption of a national Anti-Corruption Strategy accompanied by a comprehensive State Program for its implementation. Ukraine’s judicial system requires major reforms to improve the efficiency, transparency and independence of judges. This includes reform of case administration (management), provision of necessary resources for judicial institutions, as well as professional development and independence of judges.

In conclusion, the efficiency and duration of court proceedings are very important factors for judicial proceedings and the provision of the right to a fair trial. In order to solve the above problems in these areas, it is important to ensure that judges are independent from the influence of politics, business and other undesirable factors. It is also important to ensure proper training and professional development of judges and other judicial officers. This will help to strengthen their professional skills and responsibility to society.

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