

The chance for real judicial reform: The Rada supported cleansing of the High Council of Justice

Judicial reform HCJ HCQJ

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On Wednesday, July 14, the Verkhovna Rada supported draft law No.5068 on the reform of the High Council of Justice by 259 votes. It provides for a review of the integrity of the HCJ members, and also changes the procedure for bringing judges to disciplinary responsibility.

The main advantage of the law is that it provides for relaunch of the HCJ with the participation of international experts, who will have decisive vote in the process. International partners and the [Venice Commission](#) have previously called for it.

"Today, Ukrainians have chance for justice following the adoption of the draft laws on the reform of the HCJ and the High Qualification Commission of Judges of Ukraine. These two bodies are key bodies in the judiciary. And it depends on their integrity whether various "Vovks" will keep their judicial positions or will be dismissed", commented expert of the AntAC Halyna Chyzyhuk.

The law provides for establishment of the independent body, the Ethics Council, which will assess integrity of all candidates to the HCJ, regardless of the entity of appointment (selection), namely judges, lawyers, prosecutors, etc. The appointing entities themselves will consider only those candidates who have successfully passed examination of the Ethics Council.

Any decision of the Ethics Council will not be adopted unless at least two international experts have voted for it, and in case of equal distribution of votes, the vote of two international experts will prevail and will be considered a decisive one.

Members of Parliament supported important amendment No.733, which allows to clean the HCJ within next year and not to wait for the time when powers of unworthy members expire. This amendment proposes changes to the voting procedure at Congresses of Judges, lawyers, and prosecutors regarding dismissal of members of the HCJ. According to this amendment, delegates of the Congress must adopt by majority of votes one of decisions, namely to support the recommendation of the Ethics Council or to reject it. If they evade and do not make any decision within three months, then powers of member of the HCJ are terminated by the law.

MPs also dismissed amendment of MP Andriy Kostin No. 666, which reduced the period of involvement of international experts from six to three years. The Venice Commission has previously supported a six-year period for involving experts. Thus, the Ethics Council with international experts will work for 6 years and will be able to completely renew the HCJ.

We would like to remind that today the High Council of Justice is the main body in system of the judicial governance of the country. It has full control over appointment and dismissal of judges, their protection from unlawful encroachment and bringing to responsibility for violations [is concentrated](#) in hands of members of the HCJ. For instance, almost all judges who had banned peaceful assemblies and persecuted activists during the Revolution of Dignity kept their positions thanks to the HCJ. The HCJ also covers [judges of KDAC](#) and puts [pressure](#) on judges of the High Anti-Corruption Court through disciplinary cases and refuses to dismiss judges who lie in declarations, make arbitrary decisions or get drunk while driving.

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