



# USAID | UKRAINE

FROM THE AMERICAN PEOPLE

## RULE OF LAW



A judicial candidate takes an anonymous test at Kyiv National University on May 22, 2011. (Photo credit: Olha Myrtsalo)

### THE CHALLENGE

A challenging rule of law environment in Ukraine and widespread corruption have constrained progress in democratic institution-building, integration into European institutions and economic reform.

In 2012, judicial reform remains highly politicized. Although critical legislative reform is advancing, many key challenges remain, including:

- Lack of consensus among key stakeholders on the overall scope and implementation of reform strategy;
- Inconsistent or inadequate legislation;
- Lack of transparency in court operations;
- Opportunities for outside influence on judicial decision making; and
- Low level of public understanding and confidence in, and limited access to, the judicial system.

### OVERVIEW

USAID's activities in the Rule of Law sector focus on three main areas: (1) increasing judicial independence, accountability and transparency; (2) strengthening the ability of local advocacy organizations to provide broader access to justice in the areas of healthcare, equal employment, and property rights; and (3) developing and enhancing democratic culture through civic education to university students and legal professionals.

### OUR PROGRAMS

#### Fair, Accountable, Independent and Responsible (FAIR) Judiciary Program

USAID supports legislative, regulatory and institutional reform of judicial institutions to build a foundation for a more accountable and independent judiciary. The FAIR program promotes Ukrainian legislative and regulatory compliance with international and European standards; strengthens the accountability and transparency of key judicial institutions; bolsters the professionalism and effectiveness of the Ukrainian judiciary; and supports civil society organizations in advocating for and monitoring judicial reform. FAIR program activities include: the preparation of draft laws and regulations; analyses of current laws and procedures; the design, implementation and evaluation of training programs for the judiciary; and support to working groups, conferences, and roundtables focused on judicial reform. Through the FAIR program, USAID also supports organizations engaged in court performance monitoring and evaluation, public awareness of judicial process and procedures, and advocacy on issues related to judicial reform.

#### Access to Justice and Legal Empowerment Program (LEP)

USAID works to improve access to justice in the areas of employment, healthcare, and property rights by increasing the availability of *pro bono* legal services and the impact of legal advocacy organizations in Ukraine. LEP supports the capacity building of advocacy networks – comprised of law school clinics, advocacy NGOs, private attorneys, and Ministry of Justice legal aid centers – that provide public consultations and legal representation to vulnerable and underrepresented groups. Through the network referral system, individuals are connected to lawyers and receive quality and timely legal assistance. The network also carries out public information campaigns on the legal rights of citizens. In addition, the LEP program engages private law firms, businesses and judicial officials to promote a culture of *pro bono* services among Ukrainian attorneys.

#### Building Ukrainian Independence for a Lasting Democracy (BUILD)

In partnership with Ukrainian higher education institutions, USAID works to incorporate democratic principles and elements of an adversarial legal system into university law curricula. BUILD trains university students, faculty

## PROGRAM OBJECTIVES

- To promote the establishment of an effective, transparent and independent judiciary.
- To support legal education reform and expand access to justice by making legal services available to greater segments of the population.
- To aid Ukraine's efforts to reduce and deter corruption.

## IMPLEMENTING PARTNERS

### **Fair, Accountable, Independent and Responsible Judiciary Program:**

Chemonics International Inc.

### **Access to Justice and Legal Empowerment Program:**

Management Systems International

### **Building Ukrainian Independence and a Lasting Democracy:**

Leavitt Institute for International Development

**For more information, please contact USAID/Ukraine Development Outreach & Communications, tel. (+380-44) 537-4600 or visit <http://ukraine.usaid.gov> or <http://www.facebook.com/USAIDUkraine>**

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and professionals on adversarial legal skills that include persuasion, fact analysis, team-building, collaboration and advocacy. In 2011, BUILD created 15 university partnerships and enrolled 515 students in its two-semester course. BUILD has also created partnerships with three universities in Crimea and the *Crimean Association of Lawyers*. To reach students in other universities, BUILD promotes video lecture series and an adversarial proceedings competition, after which they may receive course certificates. Further, BUILD has cooperated with the Ministry of Justice to provide master-level classes and training to practicing Ukrainian lawyers.

## PROGRAM HIGHLIGHTS

USAID assisted in improving the legal and regulatory framework related to judicial independence through support of expert reviews on the *Law on the Judiciary and Status of Judges* and the development of the law's draft implementation plan for submission to the Presidential Administration. USAID also developed recommendations to improve the *Law on Access to Court Decisions and Regulations for Unified Registry of Court Decisions*.

Around Ukraine, USAID assisted different courts to increase the transparency and efficiency of judicial operations. In the Donetsk region, USAID helped develop an implementation plan for court automation, which later became a model for other regions. USAID also supported the establishment of a computer training lab at the State Judicial Administration (SJA) national headquarters and the development of a website template for administrative courts. In addition, USAID supported the drafting of a public outreach curriculum and manual for judges and court staff, as well as the development and implementation of regional communications strategies for appellate courts in Ivano-Frankivsk and Kharkiv.

USAID strengthened the professionalism and accountability of the judiciary by supporting training to 2,946 justice sector personnel, from 562 courts throughout Ukraine, of which 34 were Ukrainian judges who will serve as trainers in judicial ethics and judicial opinion writing. USAID assistance also helped standardize the judicial application process and develop rules and procedures for conducting and evaluating the two judicial qualifications examinations. In addition, USAID built the capacity of the High Qualifications Commission to carry out the first national standardized anonymous judicial exam in Ukraine.

USAID partnered with civil society stakeholders to reform and improve judicial processes through Citizen Report Cards (CRC) surveys in 20 courts. As a result, 14 courts improved their operations by implementing civil society organization recommendations based on the CRCs. USAID assistance also built the capacity of a number of key civil society organizations, including the Ukrainian Association for Court Advancement (UACA), which now carries out USAID-developed court administration training programs.

USAID supported improved access to justice through specialized trainings in legal skills and subject areas to legal practitioners from more than 80 civil society organizations and student legal clinics, now providing quality legal services to more than 590 low-income individuals. USAID also encouraged the development of a pro bono culture in the Ukrainian legal community, promoting the delivery of free legal services to the poor and disadvantaged at the National Law Week in collaboration with the Ministry of Justice.