



DELEGATION OF UKRAINE

STATEMENT

at the 2006 Human Dimension Implementation Meeting

“ACCESS TO JUSTICE”

(Warsaw, October 2006)

In accordance with the Constitution of Ukraine human rights and freedoms are inalienable and inviolable. Everyone has the right to legal assistance and in cases envisaged by law such assistance is provided free of charge.

Human rights and freedoms are protected by the court.

Everyone is guaranteed the right to challenge in court the decisions, action or omission of bodies of state power, bodies of local self-government, officials and officers.

Everyone has the right to appeal for the protection of his or her rights to the Authorised Human Rights Representative of the Verkhovna Rada of Ukraine.

After exhausting all domestic legal remedies, everyone has the right to appeal for the protection of his or her rights and freedoms to the relevant international judicial institutions or to the relevant bodies of international organisations of which Ukraine is a member or participant.

Everyone has the right to protect his or her rights and freedoms from violations and illegal encroachments by any means not prohibited by law.

Courts administer justice on the basis of supremacy of law and guarantee the protection of human rights and freedoms, rights and legal interests of legal persons, interests of society and the State settled by the Constitution and laws.

Nobody can be deprived of the right to study his or her case in the court of appropriate jurisdiction according to the law. Treaties on refusal of appeal for protection are ineffective. Foreigners, stateless persons and foreign legal persons in Ukraine shall use the same right on judicial protection as citizens and legal persons of Ukraine.

In accordance with the Law of Ukraine “On judicial system of Ukraine” justice of Ukraine is administered on the basis of equality of all participants of law proceedings irrespective of sex, race, colour of the skin, language, political, religious and other beliefs, national or social birth, financial status, kind and character of work, residence and other conditions.

In June 2006 a new Law of Ukraine was enacted – the Law “On the Access to Court Decisions” which provides that each person has the right of access to court decisions. This right is ensured through official publication of all court decisions on the official web-portal of the judicial power of Ukraine according to procedure established by law.

With the aim to effect constitutional right to appeal against acts, action or omission by State authorities, local self-government bodies and their officials the

Code of Administrative Justice of Ukraine established the administrative jurisdiction in Ukraine. The Code came into effect on 1 September 2005.

At present time the judicial reform gained a new momentum in Ukraine. In May 2006 the President of Ukraine adopted by his Decree the **Concept for the Improvement of the Judiciary in order to Ensure Fair Trial in Ukraine in line with European Standards**. The objective of this Concept is to ensure establishment in Ukraine of a judiciary as a unified system of courts and court proceedings, which functions basing on the rule of law principles according to European standards and guarantees the right to fair trial.

The tasks of the Concept stemming from its objective are the following:

- to create a purposeful and scientifically sound methodical basis for the development of the judiciary in Ukraine in the nearest decade;
- to identify ways of improving the legislation in this field;
- to work out measures to reverse negative tendencies caused by the inconsistent nature of the previous judicial reform;
- to ensure accessible and fair trial, transparent functioning of courts, and the optimisation of the system of general jurisdiction courts;
- to strengthen guarantees of the independence of judges;
- to enhance the professional competence of judges;
- to raise the social status of judges;
- to significantly improve the working conditions of judges;
- to radically improve efficiency in the enforcement of judgements;
- to create opportunities for the development of alternative (extrajudicial) dispute resolution instruments.

Earlier, in March 2006, the President of Ukraine approved a plan of priority actions to implement the judicial reform in 2006.

On the basis of these presidential decrees the Ministry of Justice together with the National Commission on the Strengthening of the Rule of Law, an advisory body to the President, prepared comprehensive amendments to the legislation on the judiciary and the status of judges. This package of draft legislation is soon to be submitted by the President to the Parliament.

Another direction of the reform in this sphere is the setting up of a system of free legal aid which is guaranteed by the Constitution of Ukraine and the European Convention of Human Rights. To this end a special working group was established in the Ministry of Justice with active involvement of civil society. The working group prepared a strategy for the establishment of free legal aid system in Ukraine which was enacted by the President of Ukraine in June this year. On the basis of this strategy pilot office were installed in several regions which have to test different models of rendering legal aid to people. Afterwards a draft law on free legal aid will be prepared.