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Working to Strengthen the Rule of Law in the Ukraine

The Ukrainian Section of the ISHR is working in the field of observance of the right to a fair trial in Ukraine. We started this work in 2017, and since then we have been constantly improving on the quality and quantity of the monitoring. The year 2019 became the next big and logical step in this direction. We received official support from the Federal Ministry of Economic Cooperation and Development of Germany. This opens new opportunities; besides the monitoring of the court hearings we now have the capacity to conduct meetings and roundtables with government officials, judges, prosecutors and attorneys. That is exactly what we did in August and September when we had seven roundtables in six regions of Ukraine.



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I think it is important to give some numbers (i.e. number of participants and their professional background) which will show the involvement of the major target groups of the project. Seven meetings were attended by 129 participants, out of which 26 were judges and officials of the judicial system; 34 attorneys; 13 journalists; as well as lawyers, prosecutors, representatives of OSCE, and human rights activists. This “numerical” result shows that law professionals are interested in the work of the ISHR. We are receiving invitations to participate in the meetings of the Communication Committee of the Justice System of the High Council of Justice and events of the Ukrainian National Bar Association. Attorneys and court officials are communicating with ISHR observers in order to insure their presence at court hearings which might contain violations of human rights.

This is a good start for a multiyear project that will last until spring 2021. What did we learn during this first couple of months?

First, we see the openness of the judges and representatives of the judicial branch of the government. In previous years majority of communication of our observers with lawyers was concentrated around attorneys, they were willing to talk to our representatives, provide us with the relevant information and documents considering the criminal cases we were monitoring. Today, we still maintain good relations with attorneys, but we also managed to establish connection with representatives of the judicial branch. Court officials showed interest in our project, their main goal is to show the international community the problems that Ukrainian judges are facing. ISHR project can become a good “Communication Bridge” between civil society and judicial system.



A Cross section of participants © ISHR Ukraine

Second thing we discovered is the existence of problems that affect every participant of the trial (the judge, the side of defense and prosecution). These problems were confirmed to us by judges, attorneys and the prosecution in all six regions of Ukraine which are covered by the project (this is Kiev, Kharkov, Lvov, Zaporozhie, Poltava and Zhytomir). What are these problems?

- Deficit of judges, Ukrainian judicial system has a huge shortage of judges. In Zhytomir we talked to a head of a local court who told us his court have only three judges. In Lvov region one of the courts has only one judge! This situation arose about five years ago, when the new post-Maidan government decided to reform the judicial system. A lot of judges were fired or resigned on their own, but the state did not appoint new judges to replace the ones that were fired. This problem is one of the main causes for violation of the right to receiving a trial within reasonable



time. ISHR wrote about it in 2018 Report on observance of the right to a fair trial in Ukraine.

- Aggressive behavior of certain groups of activists (groups of radical Ukrainian nationalists, veterans of the war in the East of Ukraine, etc.) towards the judges, attorneys and prosecutors. After Maidan, in 2014 the special police unit that was responsible for security of courts was disbanded. This led to drastic decrease of security in the courts. Participants of our roundtables talked about numerous attacks and treats to judges and attorneys right in the courtrooms. This problem was confirmed at every roundtable we held. Law enforcement officials are afraid to stop such violations, because they fear to lose their jobs, freedom or even life in case they interfere. After 2014 a lot of policemen and other government officials (including judges) were fired or criminally persecuted for trying to stop the Maidan protestors.
- Aggressive Media campaigns against certain judges and attorneys. Pressure from the Media on a judge, which passed an unpopular decision or an attorney who defends the “wrong” person is a usual situation in today’s Ukrainian society. This negatively affects the conduction of a fair trial. Participants of ISHR’s roundtables expressed hope that ISHR will assist in providing objective information about the trials to the Ukrainian society and the international community.

This project already gave ISHR an opportunity to help establish a dialog among different parts of the Ukrainian society which are affected by the judicial system; they are willing to listen to us and to tell us their stories. It is up to all of us to use this opportunity to help making Ukraine a fair and just place.

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