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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**UKRAINE**

**DRAFT LAW ON THE  
AMENDMENTS TO THE LAW "ON JUDICIAL SYSTEM AND STATUS  
OF JUDGES" (CONCERNING THE INTRODUCTION OF MANDATORY  
SPECIALIZATION OF JUDGES  
ON THE CONSIDERATION OF CORRUPTION AND CORRUPTION-  
RELATED OFFENSES)\***

\* Unofficial translation

**The Verkhovna Rada of Ukraine hereby R E S O L V E S:**

I. To amend the Law of Ukraine "On Judicial System and Status of Judges" (Vidomosti of the Verkhovna Rada of Ukraine, 2016, No. 31, p. 545, with the following changes changes):

1) In Article 18:

a) Part 3 shall be restated as follows:

“3. Local courts of general jurisdiction and courts of appeal have specialization for judges in the area of:

1) juvenile criminal proceedings;

2) criminal proceedings on corruption crimes and the proceedings on administrative offenses related to corruption.”;

b) Part 4 shall be supplemented with new paragraphs as follows:

“Judges of local general court authorized to conduct court proceedings in cases provided for in paragraph 2 of Part 3 of this Article shall be appointed to a position from among persons meeting the requirements provided for in Article 23 of this Law in accordance with the procedure established by this Law.

Judges of court of appeal authorized to conduct court proceedings in cases provided for in paragraph 2 of Part 3 of this Article shall be elected from among the judges of the relevant court by the assembly of judges of that court on the proposal of the Chairman of the Court or, in case the proposal of the Chairman of the Court has not been supported, on the proposal of any judge of that court for no longer than three years and may be re-elected.”

c) Part 5 shall be supplemented with new paragraphs as follows:

“The number of judges authorized to conduct proceedings in cases provided for in paragraph 2 of Part 3 of this Article shall be determined separately for each court, but not less than three judges for local general courts – by the State Judicial Administration of Ukraine in accordance with Part 6 of Article 19 of this Law and not less than five judges for courts of appeal by the assembly of judges of this court.”

2) Part 6 of Article 19 after the words "of the caseload", shall be supplemented with the words ", the requirements of this Law regarding the specialization of judges";

3) In Article 21:

a) Part 4 shall be supplemented with a new paragraph as follows:

“At least three positions of judges authorized to conduct proceedings in cases provided for by paragraph 2 of Part 3 of Article 18 of this Law shall be established within general local court.”

b) shall be supplemented with Part 9 as follows:

«9. Judges authorized to conduct proceedings in cases provided for by paragraph 2 of Part 3 of Article 18 of this Law shall be released from the duties of a judge of first instance in other proceedings (cases), except for the case of being elected as an investigating judge in accordance with the procedure specified in this Article.»;

4) Article 23 shall be supplemented with a new Part 2 of the following content:

«2. The judge of local general court authorized to conduct court proceedings in cases provided for by paragraph 2 of Part 3 of Article 18 of this Law may be a person who meets the requirements for candidates for the position of a judge and also meets one of the following requirements:

1) has at least three years of experience as a judge;

2) has a scientific degree in law and experience in law science for at least five years;

3) has experience of professional activity as a lawyer or prosecutorial and investigative activity for at least five years;

4) has accumulated experience (work experience) (professional activity) in accordance with the requirements specified in clauses 1-3 of this part for at least five years.";

5) Clause 2 of Part 2 of Article 31 shall be excluded;

6) Part 2 of Article 33 shall be excluded;

7) Article 37 shall be supplemented with a new Part 7 as follows:

“7. A separate chamber for the administration of justice as the court of cassation for criminal proceedings against corruption crimes shall be necessarily established in the Cassation criminal court.”

Given this, Parts 7 - 8 shall be considered as 8 -9 respectively.

8) Part 1 of Article 69 shall be supplemented with a new paragraph as follows:

“A person who also meets the requirements specified in Article 23 of this Law may also be appointed to the post of a judge of local general court authorized to conduct court proceedings in cases provided for by paragraph 2 of Part 3 of Article 18 of this Law”

9) Part 16 of Article 79 shall be excluded;

10) Part 16 of Section XII "Final and transitional provisions" shall be excluded.

## II. Final and transitional provisions

1. This law shall enter into force on the day following the day of its publication.

2. The provisions of Part 1 of Section I of this Law with regard to the specialization of judges of general local courts shall be enacted after determining in the established order in the structure of these courts of the positions of judges authorized to conduct court proceedings in cases provided for by paragraph 2 of Part 3 of Article 18 of the Law of Ukraine "On the Judicial System and Status of Judges", and the appointment to these positions of two judges who meet the requirements set by Article 23 of the Law of Ukraine "On the Judicial System and Status of Judges".

The State judicial administration of Ukraine shall inform on its official website and on the web-portal of judiciary about the enactment of provisions of paragraph 1 of Section 1 of this Law in each separate general local court,

3. Before the enactment of the provisions of Part 1 of Section 1 of this Law the number and composition of judges authorized to conduct court proceedings in cases provided for by paragraph 2 of Part 3 of Article 18 of the Law of Ukraine "On the Judicial System and Status of Judges" shall be determined separately for each court by the assembly of judges of this court.

4. After the enactment of the provisions of Part 1 of Section 1 of this Law criminal proceedings concerning corruption offenses and proceedings on corruption-related administrative offenses taken up prior to the enactment of these provisions continue to be conducted by the judges determined by the assembly of judges.

**Chairman of the Verkhovna Rada of Ukraine**