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

**UKRAINE**

**DRAFT LAW**

**ON AMENDING THE LAW OF UKRAINE “ON THE JUDICIARY AND  
THE STATUS OF JUDGES” AS REGARDS INTRODUCTION OF  
ADDITIONAL PROCEDURES TO ENHANCE PUBLIC TRUST IN THE  
JUDICIARY**

**AND**

**EXPLANATORY NOTE**

## LAW OF UKRAINE

### **On Amending the Law of Ukraine “On the Judiciary and the Status of Judges” as regards Introduction of Additional Procedures to Enhance Public Trust in the Judiciary**

The Verkhovna Rada of Ukraine hereby **resolves**:

I. The Law of Ukraine “On the Judiciary and the Status of Judges” (Bulletin of the Verkhovna Rada of Ukraine, 2016, No. 31, Article 545 as amended and supplemented) shall be amended as follows:

1. In Part 7(10) of Article 56, the words “during the monitoring of court operation” shall be added after the words “certify the legality of his/her assets origin”.

2. Chapter 2 of Section III shall be supplemented with Articles 59<sup>1</sup> and 62<sup>1</sup> as follows:  
“Article 59<sup>1</sup>. Monitoring of Court Operation

1. As prescribed by this Law, the High Council of Justice shall have the right to carry out monitoring of court operation.

The procedure for monitoring of court operation shall be established by the High Council of Justice.

2. The High Council of Justice may resolve to carry out monitoring of court operation in case a notice of suspicion of the criminal corruption offence is serviced upon a judge of the corresponding court, and the High Council of Justice resolves to grant consent to custody, detention or arrest of the judge or his/her temporary suspension from administration of justice in connection with criminal liability.

3. The High Council of Justice shall carry out monitoring of court operation regarding all the judges of the corresponding court where the judge who has been informed of suspicion of the criminal corruption offence and as to whom the High Council of Justice has resolved to grant consent to custody, detention or arrest of the judge or his/her temporary suspension from administration of justice in this regard administers justice.

4. The High Council of Justice shall carry out monitoring of court operation to establish possible signs that the judges of the corresponding court commit disciplinary offences (including material ones), gross or persistent negligence of duty, which is inconsistent with the status of a judge or demonstrates their non-conformity for the office, as well as the circumstances that raise reasonable doubt regarding the assets origin.

5. After it is resolved to carry out monitoring of court operation, the High Council of Justice shall apply to the central executive authority with the special status that ensures development of and implements the public anti-corruption policy and request monitoring of the lifestyle of the judges of the corresponding court as well as complete check of declarations of the person authorised to perform state or local-self-government functions that have been submitted by such judges.

6. During the monitoring of court operation, the High Council of Justice shall be entitled to:

1) request explanations, records or information from judges and staff of the corresponding court as well as designated anti-corruption entities, other governmental authorities, local self-government bodies, enterprises, institutions and organisations of any ownership and subordination form, their officials, any legal entities and natural persons, in order to check due performance of duties by the judges of the corresponding court and to establish

whether there are signs that the judges of the corresponding court commit disciplinary offences (including material ones), gross or persistent negligence of duty, which is inconsistent with the status of a judge or demonstrates their non-conformity for the office, as well as the circumstances that raise reasonable doubt regarding the assets origin;

2) schedule a psycho-physiological interview by means of a lie detector for the judges of the corresponding court based on the scope of the monitoring of court operation;

3) summon the judges and staff of the corresponding court to furnish explanations on the matters that pertain to the scope of the monitoring of court operation.

7. Starting from the date when the resolution under Part 2 of this Article is made public by the High Council of Justice, any persons shall have the right to furnish information and materials on the judges of the corresponding court committing disciplinary offences (including material ones), gross or persistent negligence of duty, which is inconsistent with the status of a judge or demonstrates their non-conformity for the office, as well as the circumstances that raise reasonable doubt regarding the assets origin to the High Council of Justice.

However, the High Council of Justice shall dismiss the information and materials received from anonymous or unidentifiable sources.

8. When the information that can demonstrate possible signs that the judge of the corresponding court has committed a disciplinary offence (including a material ones), gross or persistent negligence of duty, which is inconsistent with the status of a judge or demonstrates their non-conformity for the office, as well as the information that raises reasonable doubt regarding the assets origin is received as a result of the monitoring of court operation, it can be a basis for the disciplinary chamber of the High Council of Justice to institute disciplinary proceedings against such judge”;

“Article 62<sup>1</sup>. Psycho-Physiological Interview of a Judge by Means of a Lie Detector 1.

1. As prescribed by this Law, a psycho-physiological interview by means of a lie detector may be conducted for a judge (hereinafter the interview).

The procedure for an interview shall be established by the High Council of Justice.

The list of specialised institutions or specialists that may interview judges shall be established by the High Council of Judges.

2. A resolution on an interview shall be adopted by the High Council of Justice as prescribed by this Law.

3. An interview constitutes an interview of a judge that is safe for human life and health, by means of a lie detector, i.e. a multi-channel device used for real-time registration and recording of indicators of the person’s emotional tension arising in response to verbal, visual and other information.

The purpose of an interview of a judge is to obtain information on probable reliability of the person’s answers to the questions associated with possible offences, his/her integrity, adherence to the rules of judicial ethics, legality of assets origin, circumstances that may be or are a basis for disciplinary liability, or other circumstances that may affect public trust in the judiciary.

4. An interview shall be conducted within the tasks set by the High Council of Justice.

The questions that are not directly associated with a judge and his/her administration of justice or questions of intimate or discriminatory nature (about health, religious or political beliefs, national or ethnic origin) may not be asked.

5. The High Council of Justice may resolve to interview a judge during:

1) monitoring of court operation;

2) disciplinary proceedings against a judge.

6. The interview findings shall be attached to the judicial dossier and be confidential, and may not be made public.

Findings of the judge’s interview may be used as a source of information to be assessed

in aggregate with the information and materials collected.

Findings of the interview may not be a basis for the judge's liability or a basis for refusing to submit a proposal regarding appointment of the judge to the President of Ukraine.

7. A judge shall be interviewed by his/her consent.

Refusal from an interview shall not be a basis for the judge's liability.

The list of medical counter-indications to a psycho-physiological interview of a judge by means of a lie detector and the way of certification thereof shall be determined by the central executive authority that ensures development of and implements the public health care policy."

3. In Article 71:

Part 1 shall be supplemented with Clause 11<sup>1</sup> as follows:

"11<sup>1</sup>) written consent to a psycho-physiological interview by means of a lie detector in case he/she wins the competition, or medical records on medical counter-indications to such an interview";

Part 2 shall be amended to read as follows:

"2. The form and content of the application to participate in the selection of candidates for a position of a judge, consent to a psycho-physiological interview by means of a lie detector in case the person wins the competition shall be approved by the High Qualification Commission of Judges of Ukraine and posted on its official website."

4. In Article 79:

Part 18 shall be supplemented with the following paragraph:

"Following the preliminary consideration of appointment of a candidate for a position of a judge, the High Council of Justice may adopt a resolution on his/her psycho-physiological interview by means of a lie detector in accordance with Article 62<sup>1</sup> of this Law."

Part 19 shall be amended as follows:

"19. The High Council of Justice may refuse to submit a proposal to the President of Ukraine regarding appointment of a judge to the position (including when the judge is transferred to the position of a judge to another court following the competition) solely on the following grounds:

1) there is reasonable doubt as to the compliance of a candidate with the criterion of integrity or professional ethics or other circumstances which may have a negative impact on public trust in the judiciary with regard to such appointment;

2) violation of the established by law procedure of appointment to judicial office;

3) candidate's refusal from a psycho-physiological interview by means of a lie detector where there are no medical counter-indications.

The High Council of Justice shall determine grounds set forth in Clause 1 of this Part being guided by its own evaluation of circumstances related to a judicial candidate and his/her personal qualities.

4. Part 2 of Article 82 shall be supplemented with the following paragraphs:

"In order to be admitted to such competition, a judge shall submit written consent to a psycho-physiological interview by means of a lie detector in case he/she wins the competition, or medical records on medical counter-indications to such an interview.

Failure to furnish such records shall be a basis for denial of admission to the competition."

5. Section XII shall be supplemented with clause 57 as follows:

"57. In order to enhance public respect for the rank of a judge of the Supreme Court and maintain the reputation of the judiciary, to deepen public trust in the Supreme Court and assure the society of honesty and integrity of the judges of the Supreme Court, the High Council of Justice shall immediately, but in any case within fourteen days upon the effective date of the Law of Ukraine "On Amending the 'On the Judiciary and the Status of Judges' as regards

Introduction of Additional Procedures to Enhance Public Trust in the Judiciary”, commence the monitoring of operation of the Supreme Court in accordance with Article 59<sup>1</sup> of this Law.”

II. Final Provisions.

1. This Law enters into force on the day following the date of its publication.

2. In the Law of Ukraine “On the High Council of Justice” (Bulletin of the Verkhovna Rada of Ukraine, 2017, No. 7-8, Article 50 as amended and supplemented):

1) Part 1 of Article 3 shall be supplemented with Clause 5<sup>1</sup> as follows:

“5<sup>1</sup>) approve the Procedure for Monitoring of Court Operation, the Procedure for Psycho-Physiological Interview of a Judge (Candidate for a Position of a Judge) by Means of a Lie Detector”;

2) in Part 1 of Article 31:

Clause 1 shall be amended as follows:

“1) judges, court staff, courts, judicial self-governance bodies, other bodies and institutions in the judiciary;”

Clause 4 shall be added as follows:

“4) individuals.”

3) Part 2 of Article 36 shall be supplemented with the new paragraph as follows:

The reporter may submit a proposal to conduct a psycho-physiological interview of a candidate for the position of a judge by means of a lie detector to the High Council of Justice for consideration.“

4) in Article 42:

a) the second paragraph of Part 2 shall be supplemented with the words “of the High Council of Justice,” after the words “at the initiative”;

b) Part 4 shall be added as follows:

“4. If other disciplinary proceedings have already been instituted against the judge as of the institution of the disciplinary proceedings at the initiative of the High Council of Justice pursuant to Article 59<sup>1</sup> of the Law of Ukraine “On the Judiciary and the Status of Judges”, such proceedings shall be conducted by the Disciplinary Chambers of the High Council of Justice on the priority basis.”

3. This Law enters into force on the day following the date of its publication.

4. The High Council of Justice shall approve the procedure for conducting a psycho-physiological interview of a judge (a candidate for a position of a judge) by means of a lie detector within two months upon the effective date of this Law.

**Chairman of the Verkhovna Rada of  
Ukraine**

**R. STEFANCHUK**

## EXPLANATORY NOTE

### on the Draft Law of Ukraine “On Amending the Law of Ukraine ‘On the Judiciary and the Status of Judges’ as regards Introduction of Additional Procedures to Enhance Public Trust in the Judiciary” (hereinafter the “draft Law”)

**Purpose:** the draft Law has been developed in order to enhance public trust in the judiciary and institutions of justice and to improve the judges’ reputation in the state.

#### 1. Grounds for Drafting the Law.

Enhancing public trust in the judiciary and institutions of justice is one of the tasks of the Strategy for the Development of Judiciary and Constitutional Justice for 2021-2023 approved by Decree of the President of Ukraine No. 231/2021 dated 11 June 2021, and the low level of such trust has been determined to be one of the principal problems.

The persisting tendency of the low level of public trust is also proven by findings of the sociological survey<sup>1</sup> conducted by the Kyiv International Institute of Sociology from 4 to 27 December 2022, the survey of the population and professional lawyers who take part in judicial proceedings, but are not judges or court staff, for 2021 within the USAID Project called New Justice, as well as other sociological surveys conducted for the last few years.

The mass media post regular reports on certain notorious facts of negative conduct by the judges<sup>2</sup>, which discredit the rank of a judge and undermine the reputation of the judiciary in the society.

On 16 May 2023, the Plenum of the Supreme Court gave a vote of non-confidence to the Chief Justice of the Supreme Court and terminated his powers early due to undermining of the reputation of the Supreme Court and reduction of public trust in the court, based on Article 41 of the Law of Ukraine “On the Judiciary and the Status of Judges”, as the mass media had published the report of the National Anti-Corruption Bureau of Ukraine and the Specialised Anti-Corruption Prosecutor’s Office on probable commitment of the corruption acts by the Chief Justice of the Supreme Court.

That event had had no precedents in the Ukrainian history and materially damaged the reputation and public trust in the judiciary institutions.

It should be noted that the martial law was imposed in Ukraine on 24 February 2022 in connection with the military aggression of the Russian Federation against the State of Ukraine and the Ukrainians. The society has especially acute response to the matters of justice and injustice in the context of the military aggression.

The same way as any other representatives of the public authorities, the judges must exercise their powers with extreme responsibility during the war.

However, the High Council of Justice, which is a sole body authorised to impose disciplinary penalties upon judges, has received almost ten thousand complaints against the judges’ disciplinary offences, but they have not been considered since August 2021.

In aggregate, these circumstances give rise to a sense of injustice in the society, so they urge the state to take decisive, reasonable and balanced measures in order to establish public respect for and trust in the judiciary and institutes of justice, to improve the judges’ reputation, and to ensure the right to a fair trial.

In its Statement “On the Uncompromising Need to Harshly Overcome Corruption in the Judiciary”, the Verkhovna Rada of Ukraine emphasised the need to continue the harsh and uncompromising battle against notorious facts of intolerable conduct of the judges that discredit the

<sup>1</sup><https://kiis.com.ua/?lang=ukr&cat=reports&id=1174&page=1>[https://newjustice.org.ua/wp-content/uploads/2021/06/2021\\_Survey\\_Population\\_Report\\_UKR.pdf](https://newjustice.org.ua/wp-content/uploads/2021/06/2021_Survey_Population_Report_UKR.pdf)

<sup>2</sup><https://www.rferl.org/a/ukraine-supreme-court-judge-lvov-russian-citizenship/32067034.html>,  
<https://hromadske.ua/posts/sud-vidpraviv-pid-vartu-suddyu-tandira-yakogo-pidozryuyut-u-smertelnomu-dtp>,  
<https://suspilne.media/471551-golovu-poltavskogo-rajsudu-larisu-bogomolovu-uzali-pid-vartu/>,  
<https://suspilne.media/392597-visa-rada-pravosudda-vidstoronila-vid-roboti-suddu-z-kirovogradsini-akogo-pidozruut-u-korupcii/>

judge's rank and undermine the reputation of the judiciary, and to consider introduction of regular checks of integrity of judges.

On 23 June 2023, following the meeting of the National Security and Defence Council of Ukraine<sup>3</sup>, the Rada applied to the entities holding the legislative initiative right regarding the need to consider legislative amendments as regards:

1) check by the High Council of Justice of all the judges of the Supreme Court to establish whether they have committed disciplinary offences or gross or persistent negligence of the judge's duties, confirmation of legality of assets origin;

2) check by the decision of the High Council of Justice to establish possible disciplinary offences or gross or persistent negligence of the judge's duties, confirmation of legality of assets origin of all the judges of the corresponding court in case one of the judges of this court is informed of suspicion of gaining an improper advantage that undermines public trust in the court and reputation of justice;

3) possibility of introduction of a periodic psycho-physiological interview by means of a lie detector;

4) introduction of a psycho-physiological interview by means of a lie detector as a condition during selection of candidates for a position of a judge of the local court, the competition for vacant positions of judges in courts of appeal, high specialised courts and the Supreme Court in order to develop the optimum and efficient procedure for checking whether candidates meet the criteria of integrity, professional ethics or other circumstances capable of affecting public trust in the judiciary in connection with such candidate's appointment to the position of a judge.

With due consideration of the above, in the opinion of the drafters of the Law, introduction of additional procedures and means in form of monitoring of court operation by the High Council of Justice as well as an interview of judges (candidates for a position of a judge) by means of a lie detector will enable enhancing public trust in court and improving the judges' reputation.

## **2. Rationale of the Need to Adopt the Law.**

### *2.1. Regarding monitoring of court operation.*

Violation of the law by the judge, improper performance of his/her duties entail individual disciplinary or other liability of such judge as prescribed by the law.

At the same time, individual facts of negative conduct by judges in eyes of a third-party observer can cast doubt upon trust not only in a specific judge, but also the court where such judge or judges<sup>4</sup> work, and undermine the reputation of the judiciary in general.

The existing legal mechanisms and tools granted to the High Council of Justice do not enable adequate and efficient response to such cases.

The legislation currently provides for no powers of the High Council of Justice to initiate broad check of all the judges of the specific court notorious events in which are objectively capable of undermining the reputation of the judiciary in the society, with a view to establishing whether such judges have committed possible disciplinary offences. This matter becomes especially pressing when the information that can demonstrate commitment of possible violations by several judges from the same court or awareness of such violations by individual judges and concealment thereof is made public.

Therefore, it seems expedient to grant the High Council of Justice the powers to commence monitoring of court operation as prescribed by the law, checking whether all the judges of the corresponding court duly perform their duties, whether there are signs of disciplinary offences, and whether origin of their assets is legal.

In case findings of the monitoring contain information that can demonstrate that the judge of the corresponding court has committed a disciplinary offence (including a material one), gross or

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<sup>3</sup> <https://www.rnbo.gov.ua/ua/Diialnist/6430.html>

<sup>4</sup> <https://nabu.gov.ua/news/novyny-zlovzhvannya-v-oask-materialy-vidkryto/>  
<https://zakon.rada.gov.ua/rada/show/2825-IX#Text>      <https://rsu.gov.ua/ua/news/zaava-radi-suddiv-ukraini-stosovno-podij-navkolo-golovi-vs-vsevoloda-knazeva>

persistent negligence of duty, which is inconsistent with the status of a judge or demonstrates his/her non-conformity for the office as well as that origin of his/her assets is illegal, the High Council of Justice will have to institute disciplinary proceedings against such judge to find out the circumstances in accordance with the prescribed procedures and, where justified, take respective measures.

*2.2. Regarding an interview of judges (candidates for a position of a judge) by means of a lie detector.*

Lie detector testing is applied in many developed countries (the United States of America, Canada, Japan, the UK, Belgium, Bulgaria, Croatia, Estonia, Latvia, Lithuania, Poland, Hungary, France, Italy, Spain, and Moldova).

The general principle is that lie detector testing is only carried out by consent of the person being interviewed. However, such testing is an imperative condition in some cases: within certain criminal proceedings or in order to gain access to a specific profession connected with public or civil service; a condition for lie detector testing can be stipulated in an employment contract (the USA, the UK, Canada, Latvia, Lithuania, Poland, Moldova).

In certain countries, a person has to pass a lie detector test to hold a position of a judge (Moldova).

Findings of lie detector testing are probable, so they are treated as one of sources of information that can be used in decision-making in most cases. In this regard, lie detector findings may not be the only basis for any decision on the person who has taken the test (for instance, refusal to admit to the profession or dismissal)<sup>5</sup>.

Although use of a lie detector in present-day conditions is connected with analysis of mental and physiological indicators of a human, it is consistent with Articles 3 and 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter the “Convention”). It is also proven by the case law of the European Court of Human Rights in related categories of cases regarding compulsory medical treatment (cases of *M.A.K. and R.K. v. The United Kingdom* (2010), *Solomakhin v. Ukraine* (2012), *Jehovah's Witnesses of Moscow and Others v. Russia* (2010), and effective Ukrainian legislation, which obliges certain categories of citizens to take medical examinations (Articles 159, 169 and 191 of the Labour Code of Ukraine, Article 17 of the Law of Ukraine “On Occupational Safety”).

Moreover, a psycho-physiological interview by means of a lie detector has already been embodied in the Laws of Ukraine “On the National Police”, “On the Economic Security Bureau of Ukraine”, “On the State Bureau of Investigation”.

Interviews by means of a lie detector are also used in the Armed Forces of Ukraine<sup>6</sup>, the General Prosecutor’s Office<sup>7</sup>, prosecution authorities<sup>8</sup>, and the National Anti-Corruption Bureau of Ukraine<sup>9</sup>.

With due consideration of the existing global and Ukrainian best practices of interviews by means of a lie detector, in the opinion of the drafters of the Law, introduction of such interviews for judges and candidates for a position of a judge:

- 1) will be socially demanded — the sociological surveys conducted for the last few years confirm the long-term and stable low level of public trust in the judiciary, and the latest events associated with suspected corruption of the senior executives of the supreme court in the Ukrainian judiciary have materially damaged the reputation of the judiciary;
- 2) will have the legitimate purpose — to enhance public trust in the judiciary and institutions of justice and to improve the judges’ reputation in the state;
- 3) is the least demanding measure since judges will be interviewed by means of a lie detector upon their consent, and findings of such interviews will not result in automatic

<sup>5</sup> <https://www.constcourt.md/ccdocview.php?tip=hotariri&docid=652&l=ro>

<sup>6</sup> <https://zakon.rada.gov.ua/laws/show/z0477-15#Text>

<sup>7</sup> [https://zakon.rada.gov.ua/rada/show/v265\\_900-19#Text](https://zakon.rada.gov.ua/rada/show/v265_900-19#Text)

<sup>8</sup> <https://zakon.rada.gov.ua/rada/show/v0293905-21#Text>

<sup>9</sup> <https://nabu.gov.ua/nakazi/nakaz-n99-vid-01092020-pro-zatverdzhennya-instrukciyi-z-organizaciyi-ta-provedennya/>



imposition of any type of liability (either administrative or criminal or disciplinary one), will only be used as an additional source of information to be attached to the judicial dossier, and will be confidential. Those with medical counter-indications will be not interviewed;

- 4) is a proportional and necessary measure in the democratic society in the present-day reality, which will improve publicity and openness of the judiciary, ensure public confidence in judicial integrity and incorruptibility, and help appoint the best candidates to judicial positions.

According to Part 7(2) of Article 56 of the Law of Ukraine “On the Judiciary and the Status of Judges”, a judge shall be obligated to comply with the rules of judicial ethics, inter alia, manifest and maintain high standards of conduct in any activity in order to strengthen public trust in court, and ensure public confidence in judicial integrity and incorruptibility.

In the opinion of the drafters of the Law, the public interests in forming the integral, professional and qualified judiciary and ensuring the citizens’ right to a fair trial prevail over personal interests of judges and candidates for a position of a judge. It is confirmed by the fact that the law establishes harsher requirements and imposes special duties connected with personal conduct upon a judge, with such duties being directly related to and arising out of his/her high status.

In this regard, to the mind of the drafters of the Law, possibility of an interview of judges and candidates for a position of a judge by means of a lie detector will definitely help ensure public confidence in judicial integrity and incorruptibility.

### **3. Scope of the Draft Law.**

3.1. It is proposed to prescribe by the draft law that in case a notice of suspicion of the criminal corruption offence is serviced upon a judge of the corresponding court, and the High Council of Justice resolves to grant consent to custody, detention or arrest of the judge or his/her temporary suspension from administration of justice, the High Council of Justice may resolve to carry out monitoring of the corresponding court where such judge administers justice. Monitoring shall be carried out for all the judges of the corresponding court by checking whether the judges of the corresponding court duly perform their duties, whether they have committed disciplinary offences, and whether origin of their assets is legal.

During such monitoring, the High Council of Justice may request information from any persons and summon judges and court staff to furnish explanations on the matters regarding which monitoring is carried out.

When the information that can demonstrate possible signs that the judge of the corresponding court has committed a disciplinary offence (including a material ones), gross or persistent negligence of duty, which is inconsistent with the status of a judge or demonstrates their non-conformity for the office, as well as the information that raises reasonable doubt regarding the assets origin is received as a result of such monitoring, it can be a basis for the High Council of Justice to institute disciplinary proceedings against such judge.

3.2. It is also proposed to prescribe by the draft that in order to enhance public respect for the rank of a judge of the Supreme Court and maintain the reputation of the judiciary, to deepen public trust in the Supreme Court and assure the society of honesty and integrity of the judges of the Supreme Court, the High Council of Justice shall immediately commence the monitoring of operation of the Supreme Court regarding all the judges of the Supreme Court.

3.3. Moreover, it is prescribed by the draft Law that if other disciplinary proceedings have already been instituted against the judge as of the institution of the disciplinary proceedings instituted following the monitoring of court operation, such proceedings shall be conducted by the Disciplinary Chambers of the High Council of Justice on the priority basis.

3.4. It is also proposed to prescribe by the draft Law that a psycho-physiological interview by means of a lie detector may be conducted by the decision of the High Council of Justice regarding a judge as well as a person who intends to hold a position of a judge (a candidate for a position of a judge).

An interview may be conducted within disciplinary proceedings, monitoring of court operation as well as when the matter of appointing a candidate for a position of a judge based on the recommendation of the High Qualification Commission of Judges of Ukraine is considered.

An interview will constitute an interview of a judge (a candidate for a position of a judge) that is safe for human life and health, by means of a lie detector, i.e. a multi-channel device used for real-time registration and recording of indicators of the person's emotional tension arising in response to verbal, visual and other information.

The purpose of an interview of a judge (a candidate for a position of a judge) is to obtain information on probable reliability of the person's answers to the questions associated with possible offences, his/her integrity, adherence to the rules of judicial ethics, legality of assets origin, circumstances that may be or are a basis for disciplinary liability, or other circumstances that may affect public trust in the judiciary.

Findings of the judge's interview are confidential, shall not be made public, and may be used as a source of information to be assessed in aggregate with the information and materials collected. They may not be a basis for liability of a judge (a candidate for a position of a judge) or a basis for refusing to submit a proposal regarding appointment of the judge to the President of Ukraine.

A judge (a candidate for a position of a judge) shall be interviewed by his/her consent.

The person's refusal from an interview during the consideration of the matter of appointing the candidate for a position of a judge shall be a basis for refusing to submit a proposal to the President of Ukraine to appoint the judge to the position except when the person has certified medical counter-indications.

#### **4. Legal Aspects**

The legal framework regarding this area of legal regulation includes the following: Constitution of Ukraine, Law of Ukraine "On the Judiciary and the Status of Judges", Law of Ukraine "On the High Council of Justice".

#### **5. Financial Feasibility.**

The Draft Law is balanced and does not require additional expenditures from the budget.

#### **6. Anti-Discrimination.**

The Draft Law contains no discriminatory provisions.

#### **7. Anti-Corruption.**

The draft Law contains no rules and procedures with inherent risks of corruption offences. The draft Law does not require an anti-corruption expert examination.

#### **8. Estimated Outcome**

Implementation of the draft Law will enhance public trust in the judiciary and institutions of justice and improve the judges' reputation in the state; it will ensure public confidence in judicial integrity and incorruptibility.

### **People's Deputies of Ukraine**