

Shadow Report

on Chapter 23 "Justice and fundamental rights"
and Chapter 24 "Justice, Freedom and Security" of the
European Commission's Report on Ukraine's Progress under
the 2024 EU Enlargement Package



The Report prepared by:



The Agency for Legislative Initiatives (ALI) is a leading independent Ukrainian think tank which has been operating since 2000. ALI's activities are aimed at strengthening the institutional capacity of the Parliament and Government, continuing European and Euro-Atlantic integration, supporting the stabilisation and reconstruction of Ukraine to overcome the aftermath of the Russian Federation's aggression, monitoring and backing reforms in justice and security, and political and civic awareness-raising.



Transparency International Ukraine is an accredited chapter of the global movement Transparency International, helping Ukraine grow stronger since 2012. The organisation takes a comprehensive approach to the development and implementation of changes for the reduction of corruption levels in certain areas. Transparency International Ukraine helped create and subsequently transferred Prozorro, Prozorro.Sale, eHealth, and Prozvit systems to the state. The team also implemented City Transparency and Accountability Rankings, developed the DOZORRO community to control public procurement, and co-founded the RISE UA Coalition, which protects integrity and efficiency in the rebuilding process.



The Human Rights Centre ZMINA (Ukraine) is engaged in informational, educational, monitoring, analytical and advocacy activities in the field of human rights. ZMINA deals with the protection of freedom of speech, assembly and associations, combating discrimination, torture, and protecting human rights defenders and civic activists in Ukraine, including in the occupied Crimea. After the beginning of the large-scale Russian aggression against Ukraine, ZMINA, together with 38 other NGOs, launched the Ukraine 5AM Coalition, dealing with the documentation of war crimes and aiming at protecting victims of armed Russian aggression in Ukraine and bringing to justice top leadership of the Russian Federation and direct perpetrators of war crimes. In 2022, ZMINA received the OSCE Democracy Defender Award "for outstanding contribution to promoting and protecting fundamental freedoms and human rights in both non-government and government-controlled territories in Ukraine".



Tomorrow's Lawyer is a civic organisation that aims to promote the institutional development of justice to establish the rule of law and protect human rights. Since 2016, Tomorrow's Lawyer has been conducting research on public policy and the state of affairs in the justice sector and developing recommendations for their improvement and development. A special priority of the organisation is the professional development of the legal community. To this end, Tomorrow's Lawyer provides training and professional networking for communities of attorneys and prosecutors who are dedicated to serving justice in accordance with the highest ethical standards and being proactive in implementing democratic reforms.



The Ukrainian Bar Association (UBA), founded in 2002, is a national public organisation that brings together more than 8,000 lawyers across the country. As a robust and influential professional community, the UBA is dedicated to advancing the legal profession, refining legislation, enforcing ethical standards and safeguarding both the professional rights of its members and human rights overall.



Europe Without Barriers (EWB) is a think tank that has been conducting monitoring, analytical, advocacy, information, and outreach activities supporting reforms in the areas of European integration, migration management, labour market, and border management since 2009. EWB provides analytical and advocacy support for Ukraine's integration into the EU labour market, develops arguments for Ukraine's negotiating position on the free movement of workers, analyses visa policy in the context of European integration, and promotes the implementation of strategic reforms in the field of border management as part of the EU accession process.



European Pravda (EP) is an independent Ukrainian media outlet established in 2014. It is the first online media in Ukraine specialising in covering news and analytics on European topics, the process of Ukraine's European and Euro-Atlantic integration, and international security.



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Content

List of Abbreviations	9
Introduction	15
Methodology	17
CHAPTER 23 “JUSTICE AND FUNDAMENTAL RIGHTS”	18
RULE OF LAW	19
Judicial Reform	20
Judicial Reform Strategy: Progress, Challenges, and Prospects	21
Institutional Capacity and Competitive Selection to the Key Judicial Authorities	24
Alternative Dispute Resolution	112
State of Judicial Independence	122
Funding of the Judiciary	129
Digitalization of Justice	134
Fighting Corruption in the Judiciary	139
Judicial Consideration of Cases Concerning International Crimes	147
Enforcement of Court Decisions	155
Prosecution Reform	168
Legal Status of Prosecutors and Guarantees of Their Independence	169
Activities of Prosecutorial Self-Government Bodies	177
Appointments to Senior (Managerial) Positions, Including the Position of Prosecutor General	188
Selection of Prosecutors, Results of the Vetting Process, and Disciplinary Liability of Prosecutors	194
Institutional Support for Prosecutor Training	206
Introduction of Electronic Criminal Proceedings and Case Allocation System for Prosecutors	214
National System for the Prosecution of International Crimes	219
Features of International Cooperation	224
Bar Reform	230
The Bar in Strategic Justice Sector Documents	231
Bar Self-Governance	235
Access to the Legal Profession	243
Continuous Professional Development	248
Disciplinary Liability	255
Finances of the Bar	262
Violations of Professional Rights of Advocates	265

Declaration Obligations of Advocates	272
Mediation	273
Legal Education Reform	276
Strategic Documents in the Field of Legal Education and the Role of State Authorities in Shaping This Area of Public Policy	276
Licensing and Accreditation of Law Schools	283
State-Funded Legal Education. Receipt of State Grants for Legal Studies	288
Updating and Modernising Legal Education Programmes	291
Fighting Corruption and Academic Integrity	294
FIGHTING CORRUPTION	299
Track record	301
Investigation of Corruption Cases by the National Police of Ukraine, the State Bureau of Investigation, and the Economic Security Bureau of Ukraine	306
Institutional Framework	310
Guarantees of Independence of Anti-Corruption Bodies	310
Human Resources	318
Institutional Autonomy and Cooperation	324
External Audit of the Activities of the NACP, NABU, and SAPO	328
Limited Public Oversight and Accountability of the NPU, SBI, and ESB	331
Verification of Declarations and Lifestyle Monitoring	333
State Funding of Political Parties	344
Monitoring of Conflicts of Interest	349
Whistleblower Mechanism	352
Strategic Documents: The National Anti-Corruption Strategy and the State Anti-Corruption Programme	355
Measures and Indicators for Implementing the State Anti-Corruption Programme	355
SAP Implementation	358
National Anti-Corruption Strategy	364
Legal Framework	368
Effectiveness of Judicial Proceedings in the HACC	368
Compliance with Investigative Jurisdiction in the Investigation of Corruption Cases	375
Application of Criminal Law by Anti-Corruption Institutions	377
Verification of Declarations and Lifestyle Monitoring	383
State Funding of Political Parties	390
Corruption Risks Management	396
Monitoring of Conflicts of Interest	402
Whistleblower Mechanism	405

Lobbying	409
De-oligarchisation	414
PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS	416
The Office of the Ukrainian Parliament Commissioner for Human Rights (Ombudsman)	417
Combating Torture, Cruel and Degrading Treatment	428
Freedom of Expression	446
Extrajudicial Blocking of Websites	460
Freedom of Peaceful Assembly, Association and Expression	467
Protection of the Rights of the Child	484
Combating Discrimination and Hate Crimes	494
Rights of Persons with Disabilities	501
Freedom of Religion and Belief, Protection of the Rights of National Minorities	516
Gender Equality and Protection of LGBTIQ+ Rights	525
Reintegration of the Temporarily Occupied Territories of Ukraine and Protection of the Rights of Persons Affected by Russian Aggression	535
War-related justice	552
Citizenship	560
Property Rights	569
Procedural Rights	592
CHAPTER 24 "JUSTICE, FREEDOM AND SECURITY"	606
COMBATING ORGANISED CRIME	607
Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027	610
State of Legislation on Combating Organised Crime. Establishment of a Permanent National Coordination Body on Combating Organised Crime	615
Relaunch of the Economic Security Bureau of Ukraine, including Selection of its Head and Re-attestation of Staff	623
Financial Investigations (Improving Legislation, Enhancing Human Resources, etc.)	631
Reform of the National Agency of Ukraine for Detection, Tracing and Management of Assets Derived from Corruption and Other Crimes. Implementation of the Asset Recovery Strategy Action Plan	634
State Financial Monitoring Service. Assessment of the Committee of Experts on the Evaluation of Anti-Money Laundering and Counter-Terrorist Financing Measures (MONEYVAL)	641
Regulation of Civilian Firearms. Circulation and Control of Firearms, in Particular Small Arms and Light Weapons	647
Parliamentary Oversight of the Security and Intelligence Sector. Review of the Powers of the Security Service of Ukraine	655
Combating Corruption in the Criminal Justice System. Selection for Senior Positions in the National Police and the State Bureau of Investigation	667

International Cooperation of the Police and the Prosecutor's Office with European Institutions	677
Combating Human Trafficking	683
Cybercrime (Cyberattacks on Critical Infrastructure, Preventive Measures Against Online Child Sexual Exploitation, etc.)	697
Counteraction to Money Laundering	707
Witness Protection System	724
COOPERATION IN THE FIELD OF DRUG CONTROL	731
Activities of the Public Health Centre of the Ministry of Health of Ukraine	732
Legislation on the Control of Narcotic Drugs and Psychotropic Substances	736
Activities of Law Enforcement Agencies and International Cooperation in Combating the Illicit Trafficking of Narcotic Substances	740
COUNTER-TERRORISM	746
Legislation of Ukraine in the Field of Counter-Terrorism and the Activities of the Counterterrorism Centre at the SSU	747
Activities of the National Security and Defence Council of Ukraine and Other Public Authorities in Protecting Critical Infrastructure Facilities Against Terrorist Attacks	756
Cooperation Between Law Enforcement Agencies and the Involvement of SSU Units in Investigating War Crimes and Terrorist Attacks by the Russian Federation in the Context of Armed Aggression	761
JUDICIAL COOPERATION IN CRIMINAL, CIVIL AND COMMERCIAL MATTERS	769
Ukraine's Cooperation with International Partners Under International Treaties (Agreements). Interaction with the European Public Prosecutor's Office (EPPO)	770
International Cooperation on the Recognition and Enforcement of Court Decisions, in Particular with Regard to International Recovery of Child Support and the Civil-Law Aspects of Child Abduction	776
Debtor Preventive Restructuring Procedure	785
LEGAL AND ILLEGAL MIGRATION	790
Interaction between the SMS and the MFA in the Coordination of Migration Processes	792
Implementation of the State Migration Policy Strategy of Ukraine until 2025 and the Related Action Plan	798
State of Ukraine's Migration Legislation Regarding the Status of EU Citizens and Third-Country Nationals: Obtaining a Residence or Work Permit, Family Reunification	801
Application of Voluntary or Forced Return Procedures for Migrants. Unlawful Crossing of Ukraine's State Border. Conditions in Temporary Accommodation Centres for Foreigners and Stateless Persons Unlawfully Staying in Ukraine	809
Readmission Procedure. Readmission Dialogue and Return	814
Integrated Migration Management System	816

GRANTING ASYLUM TO REFUGEES (ASYLUM SEEKERS)	820
VISA POLICY	831
Visa-free regime with the European Union and third countries. Alignment of visa policy with the EU	833
Visa Liberalisation. Compliance with Visa-Free Regime Criteria in Relations with the EU	836
SCHENGEN AND EXTERNAL BORDERS	839
Implementation of the Strategy for Integrated Border Management until 2025 and its Action Plan	842
Alignment of National Legislation on Border Control with the Legislation and Best Practices of the European Union	846
Interagency Working Group on the Coordination of Integrated Border Management and the Integrated Border Management Coordination Centre. Cooperation and Coordination in the Field of Integrated Border Management	849
Institutional Capacity of the State Border Guard Service of Ukraine	852
Fighting Corruption at the Border	854
Cooperation with Neighbouring Countries on Joint Customs and Border Control	859
EURO COUNTERFEITING	862
Alignment of National Legislation with European Union Acts on the Prevention of Currency Counterfeiting	863
Annex 1 to the Report	868
Annex 2 to the Report	897
Annex 3 to the Report	1007
Annex 4 to the Report	1009
Annex 5 to the Report	1015
Annex 6 to the Report	1027

List of Abbreviations

AC HACC — Appeal Chamber of the High Anti-Corruption Court

ACC SC — Administrative Cassation Court within the Supreme Court

ACDMS — Automated Court Document Management System

AFU — Armed Forces of Ukraine

AGE — Advisory Group of Experts

AI — artificial intelligence

AMCU — Antimonopoly Committee of Ukraine

AML/CFT — anti-money laundering and counter-terrorism financing

ARMA — National Agency of Ukraine for Finding, Tracing and Management of Assets Derived from Corruption and Other Crimes

ASAR — Arrested Assets Register (Unified State Register of Assets Seized in Criminal Proceedings)

BCR — Bar Council of the Region

BCU — Bar Council of Ukraine

BSG bodies — Bar self-governance bodies

CAPU — Code of Administrative Procedure of Ukraine

CAR — Conference of Advocates of the Region

CC of Ukraine — Criminal Code of Ukraine

CCC SC — Commercial Cassation Court within the Supreme Court

CCPE — Consultative Council of European Prosecutors

CCU — Constitutional Court of Ukraine

CEPEJ — European Commission for the Efficiency of Justice

CEPOL — European Union Agency for Law Enforcement Training

CI — Critical Infrastructure

CICED — Core International Crimes Evidence Database

CIF — Critical Infrastructure Facility

CISA — covert investigative/search actions (in order of CPC of Ukraine)

CivPC of Ukraine — Civil Procedure Code of Ukraine

CJE — Commission on Journalistic Ethics

CJU — Council of Judges of Ukraine

CM CoE — Committee of Ministers of the Council of Europe

Commissions — Commissions for Complaints on Inadequate Detention Conditions in Pre-Trial Detention Centres and Penal Institutions

ComPC of Ukraine — Commercial Procedure Code of Ukraine

Complaints Commissions — Commissions for Considering Complaints Regarding Inadequate Conditions of Detention in Pre-Trial Detention Facilities and Penal Institutions

CPC of Ukraine — Criminal Procedure Code of Ukraine

CPT — European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

CPU — Council of Prosecutors of Ukraine

CrCC SC — Criminal Cassation Court within the Supreme Court

CRGL — Commission for the Regulation of Gambling and Lotteries

CRSV — conflict-related sexual violence

CSO — civil society organization

CUAO — Code of Ukraine on Administrative Offenses

CUBP of Ukraine — Code of Ukraine on Bankruptcy Procedures

DACK — District Administrative Court of Kyiv

Database — Supreme Court's Legal Positions Database

DESS — State Service of Ukraine on Ethnic Policy and Freedom of Conscience

E-Case — E-Case Management System

ECHR — European Convention on Human Rights

ECtHR — European Court of Human Rights

ECTS — European Credit Transfer and Accumulation System

ESBU — Economic Security Bureau of Ukraine

EU — European Union

EUACI — European Union Anti-Corruption Initiative in Ukraine

EUAM — European Union Advisory Mission

EUDA — European Union Drugs Agency

Eurojust — European Union Agency for Criminal Justice Cooperation

Europol — European Union Agency for Law Enforcement Cooperation

Eurosur — European Border Surveillance System

FATF — Financial Action Task Force

FIU — Financial Intelligence Unit

FLA — free legal aid

FRONTEX — European Border and Coast Guard Agency

FTCH — family-type children's home

GC SC — Grand Chamber of the Supreme Court

Government — Cabinet of Ministers of Ukraine

GRECO — Group of States against Corruption

HABC — High Audit Bar Commission

HACC — High Anti-Corruption Court

HCIP — High Court on Intellectual Property

HCJ — High Council of Justice

HEI — higher education institution

HQCJ — High Qualification Commission of Judges of Ukraine

HQDC — High Qualification and Disciplinary Bar Commission

IBM — Integrated Border Management

IBM Coordination Centre — Coordination Centre for Integrated Border Management

IBM IWG — Interagency Working Group on Integrated Border Management

IBM TWG — Temporary Working Group on the State of Integrated Border Management of Ukraine

ICAC — International Commercial Arbitration Court

ICC — International Criminal Court

ICPA — International Centre for the Prosecution of the Crime of Aggression against Ukraine

IDLO — International Development Law Organization

IDP — internally displaced persons

IFES — International Foundation for Electoral Systems

IMF — International Monetary Fund

IOM — International Organization for Migration

IP disputes — cases concerning the protection of intellectual property rights

ISBM — Integrated State Border Management

ISM SAP — Information System for Monitoring the Implementation of State Anti-Corruption Policy

ITA — international technical assistance

JIT — Joint Investigation Teams

KCDAC — Kyiv City District Administrative Court

KDAC — Kyiv District Administrative Court

MCSC — Ministry of Culture and Strategic Communications of Ukraine

MFA — Ministry of Foreign Affairs of Ukraine

Ministry for Development — Ministry for Development of Communities and Territories of Ukraine

Ministry of National Unity — Ministry of National Unity of Ukraine

Ministry of Reintegration — Ministry for the Reintegration of the Temporarily Occupied Territories of Ukraine

ML/TF/PF — Money Laundering, Terrorism Financing, and/or Proliferation Financing

MoD — Ministry of Defence of Ukraine

MoES — Ministry of Education and Science of Ukraine

MoF — Ministry of Finance of Ukraine

MoH — Ministry of Health of Ukraine

MoIA — Ministry of Internal Affairs of Ukraine

MoJ — Ministry of Justice of Ukraine

MONEYVAL — Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism

MSEC — Medical and Social Expert Commission

MSP — Ministry of Social Policy of Ukraine

NABU, **National Bureau** — National Anti-Corruption Bureau of Ukraine

NACP, **Agency** — National Agency on Corruption Prevention

NAQA — Higher Education Quality Assurance

National Council, media regulator — National Council of Television and Radio Broadcasting of Ukraine

NBVIS — National system for biometric verification and identification of Ukrainian citizens, foreigners and stateless persons

NCCC — National Cybersecurity Coordination Centre

NCEC — National Commission for the State Regulation of Electronic Communications, Radio Frequency Spectrum and the Provision of Postal Services

NCON — National Centre for Operational of Networks

NGO — Non-Governmental Organisation

NHRI — National Human Rights Institution

NPBC, **public broadcaster** — Joint Stock Company “National Public Broadcasting Company of Ukraine”

NPM — National Preventive Mechanism

NPU — National Police of Ukraine

NRA — National Risk Assessment

NSDC — National Security and Defence Council of Ukraine

NSJU — National School of Judges of Ukraine

NTNOC — National Centre for Operations and Technology Management of Telecommunications Networks

OAS Action Plan — Action Plan for the implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as part of the Security and Defence Sector of Ukraine for 2023–2027

OECD — Organisation for Economic Co-operation and Development

Office of the President — Office of the President of Ukraine

Ombudsman, Commissioner — Ukrainian Parliament Commissioner for Human Rights

OSA — Covert Operational and Search Activities (in order of special Law)

PCIE — Public Council of International Experts

PEOAU — Private Enforcement Officers Association of Ukraine

PFME — primary financial monitoring entity

PFU — Pension Fund of Ukraine

PGO — Prosecutor General's Office

PHC MoH — Public Health Centre of the Ministry of Health of Ukraine

PIC — Public Integrity Council

President — President of Ukraine

PTCU — Prosecutors' Training Centre of Ukraine

PTDC — pre-trial detention centre

QDCB — Qualification and Disciplinary Commission of Bar

QDCP — Qualification and Disciplinary Commission of Prosecutors

RD4U — Register of Damage Caused by the Aggression of the Russian Federation against Ukraine

Register of Damaged and Destroyed Property — State Register of Property Damaged and Destroyed as a Result of Combat Operations, Acts of Terrorism, Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine

Rome Statute — Rome Statute of the International Criminal Court

SACA — Specialised Administrative Court of Appeal

SAP, Programme — State Anti-Corruption Programme for 2023–2025

SAPO — Specialised Anti-Corruption Prosecutor's Office

SBGS — State Border Guard Service of Ukraine

SBI — State Bureau of Investigation

SC — Supreme Court

SCEP — State Criminal-Executive Service of Ukraine

SCES — State Criminal Enforcement Service of Ukraine

SCS — State Customs Service of Ukraine

SDAC — Specialised District Administrative Court

SDI HCJ — Service of Disciplinary Inspectors of the High Council of Justice

Shadow Report on Chapter 23 — Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine

SFMS — State Financial Monitoring Service of Ukraine

SJA — State Judicial Administration of Ukraine

SLS — State Labour Service of Ukraine

SMS — State Migration Service of Ukraine

SOGI — sexual orientation and gender identity

SPFU — State Property Fund of Ukraine

SRPR — State Register of Property Rights to Immovable Property

SSSCIP — State Service of Special Communications and Information Protection of Ukraine

SSE — State Employment Service

SSU — Security Service of Ukraine

SSU Counterterrorism Centre — Counterterrorism Centre of the Security Service of Ukraine

STS — State Tax Service of Ukraine

TAC — Temporary Accommodation Centre for Foreigners and Stateless Persons

TDC — temporary detention centres

TCR and SS — Territorial Centre for Recruitment and Social Support

TIB — technical inventory bureau

TOT — temporarily occupied territories

UBO — ultimate beneficial owner

UFR — Unified Firearms Register

UIAM MS — Unified Information and Analytical Migration Process Management System

UJICS — Unified Judicial Information and Communication System

UJITS — Unified Judicial Information and Telecommunication System

Ukraine Progress Report 2024 — Ukraine 2024 Progress Report within the European Union Enlargement Package

UMAC — Ukrainian Maritime Arbitration Commission

UNBA — Ukrainian National Bar Association

UNBA HSB — Higher School of the Bar of the Ukrainian National Bar Association

UOC — Ukrainian Orthodox Church

UPEE — Unified Professional Entrance Examination

UPET — Unified Professional Entrance Test

URAU — Unified Register of Advocates of Ukraine

URPI — Unified Register of Pre-Trial Investigations

USAID — United States Agency for International Development

USQE — Unified State Qualification Exam

USRCD — Unified State Register of Court Decisions

USREOU — Unified State Register of Enterprises and Organizations of Ukraine

Verkhovna Rada, Parliament — Verkhovna Rada of Ukraine

Introduction

This report has been prepared based on the results of monitoring and assessing Ukraine's progress in European integration under Chapters 23 "Judiciary and Fundamental Rights" and 24 "Justice, Freedom and Security" of Negotiation Cluster 1 "Fundamentals of the Accession Process". This cluster plays a decisive role in the negotiations on Ukraine's accession to the European Union.

In 2025, experts from a coalition of civil society organisations, led by the Agency for Legislative Initiatives, continued to consistently assess the progress achieved by Ukraine under Chapter 23. The previous Shadow Report on Chapter 23 "Judiciary and Fundamental Rights" of the European Commission's Report on Ukraine in 2023 was highly praised by both the public and international partners, with some of the recommendations it provided having been reflected in the improvement of the relevant areas of state policy.

At the same time, the coalition of civil society organisations began, for the first time, to conduct monitoring and assessment of Ukraine's progress under Chapter 24, with the aim of evaluating the state of play in the respective areas, identifying obstacles that may adversely affect Ukraine's European integration processes, and providing their own recommendations for their effective and timely resolution.

Drawing on their own long-standing experience, knowledge, and the broad sectoral expertise of their specialists, the members of the civil society coalition distributed the areas of responsibility for the preparation of the report under both chapters as follows:

- **Agency for Legislative Initiatives** — "Judicial Reform", "Prosecution Reform", "Combating Organised Crime" (except for certain topics), "Cooperation in the Field of Combating Drug-Related Offences", "Combating Terrorism", "Judicial Cooperation in Criminal, Civil and Commercial Matters".
- **Tomorrow's Lawyer** — "Bar Reform".
- **Ukrainian Bar Association** — "Legal Education Reform".
- **Transparency International Ukraine** — "Fighting Corruption" and certain aspects under the area of "Combating Organised Crime".
- **ZMINA Human Rights Centre** — "Protection of Fundamental Rights and Freedoms", certain aspects under the areas of "Combating Organised Crime" and "Legal and Illegal Migration", as well as "Granting Asylum to Refugees (Asylum Seekers)".
- **Europe Without Barriers** — "Visa Policy", "Schengen and External Borders", certain aspects under "Legal and Illegal Migration", as well as "Counterfeiting of the Euro".

In order to highlight current issues related to Ukraine's European integration processes in 2025, **European Pravda** joined the coalition of civil society organisations as a communication partner.

Monitoring and assessment of Ukraine's progress under Chapter 23 were carried out by experts of the coalition of civil society organisations during the period from *September 2024 to July 2025*. Information on the progress achieved in the relevant areas during August 2024, which is not reflected directly in the text of the report, is provided in a separate annex thereto¹. In the context of Chapter 24, the experts also additionally analysed the state of play in the relevant areas over a broader period (extending to before September 2024) in order to demonstrate the factors that may have contributed either to the emergence of certain negative trends or, conversely, to the adoption of progressive decisions.

This report follows the structure of Chapters 23 and 24 in line with the 2024 European Union Enlargement Package Progress Report on Ukraine. A brief overview of the challenges and recommendations for addressing them is provided in a separate annex to this report².

In autumn 2024, Ukraine received the 2024 European Union Enlargement Package Progress Report on Ukraine, and at the beginning of 2025 — the Screening Report for Cluster 1 "Fundamentals of the Accession Process". The implementation of the recommendations set out in these documents will determine Ukraine's further progress towards European integration. At present, the Government has approved an Action Plan for the implementation of the European Commission's recommendations presented in the 2024 Enlargement Package Progress Report on Ukraine, which includes over 350 measures.

During the reporting period, Ukraine took a number of significant steps towards becoming a full member of the European Union. Chief among these was the approval of the Rule of Law Roadmap, which recommendations will serve as opening benchmarks for negotiations under Cluster 1 "Fundamentals of the Accession Process". It is worth noting that, in developing this roadmap, state authorities actively cooperated with civil society organisations and international technical assistance projects. In addition, bilateral screening meetings between representatives of Ukraine and the European Commission are ongoing under other negotiation chapters.

1 Annex 1 to the Report.

2 Annex 2 to the Report.

Methodology

For the preparation of this report, a methodology was developed with the aim of conducting an alternative independent assessment of Ukraine's progress in the areas of state policy defined under Chapter 23 "Judiciary and Fundamental Rights" and Chapter 24 "Justice, Freedom and Security" of Negotiation Cluster 1 "Fundamentals of the Accession Process"; formulating conclusions on the effectiveness of the mechanisms chosen to achieve their objectives; and providing recommendations reflecting the coalition's own vision for addressing the identified issues.

In accordance with this methodology, experts of the coalition of civil society organisations conducted an analysis for each of the areas outlined in the report, covering national legislation (laws, acts of the President, Government and central executive authorities, and other institutions) and international instruments (conventions, charters, resolutions, principles, etc.); draft legal acts; the practice of the judiciary of Ukraine and the European Court of Human Rights; research and reports by state and civil society institutions; media materials; as well as information obtained through public information access requests.

With the aim of incorporating and reflecting diverse — including alternative — viewpoints in the report, the coalition of civil society organisations conducted approximately 150 semi-structured in-depth interviews with representatives of state authorities³, international technical assistance projects, various non-governmental organisations, as well as academics and experts. These interviews were carried out based on pre-prepared guides tailored to the relevant areas.

³ Annex 3 to the Report.

CHAPTER 23

“JUSTICE AND FUNDAMENTAL RIGHTS”



Rule of Law

- › Judicial Reform
- › Prosecution Reform
- › Bar Reform
- › Legal education reform

ЛЗІ Agency
for Legislative
Initiatives

 **TOMORROW'S
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 АСОЦІАЦІЯ
ПРАВНИКІВ
УКРАЇНИ
UKRAINIAN BAR
ASSOCIATION



Judicial Reform



The period from September 2024 to July 2025 was marked by a certain slowdown in the reform processes of the judiciary and constitutional justice compared to 2023 and the first half of 2024.

Despite the launch of the Service of Disciplinary Inspectors of the High Council of Justice in December 2024, the dismissal of a number of corrupt judges, the approval of the Unified Indicators for Assessing the Integrity and Professional Ethics of a Judge (Judicial Candidate), the appointment of judges to local courts, the start of the selection of candidates for 1,800 vacant judicial positions in local courts, significant progress in the appellate court competition, and the adoption by the Verkhovna Rada of Ukraine of a law on the procedure for the establishment and future functioning of two higher administrative courts to handle cases involving central executive authorities — a number of developments have led to difficulties in the work of key state and judicial institutions.

The most significant among them include the suspension of the work of the Grand Chamber and the Second Senate of the Constitutional Court of Ukraine, pressure from law enforcement agencies (primarily the State Bureau of Investigations) on the High Qualification Commission of Judges of Ukraine, and the failure of the competition for the High Anti-Corruption Court, delays in the establishment of higher administrative courts to consider cases involving central executive authorities, which makes it impossible to commence the competition for them, and new schemes of large-scale corruption in certain courts (regions).

Overall, as a result of more than years of judicial reform (since the resumption of the High Council of Justice's operations in January 2023), the number of vacant judicial positions across all jurisdictions has increased. Against the backdrop of a growing number of cases submitted to the courts (5.3 million cases in 2024), this negatively affects citizens' access to justice.

Persistent problems in the judiciary also remain, including excessive caseloads, shortage of judicial personnel, low level of funding, and encroachments on the independence of the judiciary. A separate issue that has become relevant since June 2025 is the completion of the term of office of the international experts in the Selection Commission for the High Qualification Commission of Judges of Ukraine, which requires immediate response.

Judicial Reform Strategy: Progress, Challenges, and Prospects

Progress and issues

During the reporting period, the Office of the President of Ukraine (Office of the President) continued to develop the draft **Strategy for the Development of the Justice System and Constitutional Adjudication for 2025–2029** (the Strategy). However, despite several public presentations⁴ of the key provisions of the Strategy, it remains unapproved as of 31 July 2025.

The Legal Reform Commission established under the President of Ukraine (the President)⁵ did not participate in the drafting of the document, and its composition has not been updated since 2020⁶. At the same time, the draft Strategy was reviewed and commented on by key justice sector institutions.⁷ Representatives of civil society also had the opportunity to submit their comments and recommendations on the Strategy⁸.

According to experts, the Strategy should align with the Rule of Law Roadmap for Chapters 23 “Justice and Fundamental Rights” and 24 “Justice, Freedom and Security”, and therefore its finalisation and approval ought to have taken place after this Roadmap was agreed upon⁹. Instead, the final version of the Strategy was never published. Although the Office of the President acknowledges that the approval of the Strategy has been delayed, times butrs that “the formalisation of the Strategy is not its delay”¹⁰. The Office of the President also notes that the draft Strategy was presented to the President several times, but has not yet been approved by him¹¹.

On 14 May 2025, the Cabinet of Ministers of Ukraine (the Government) approved the **Rule of Law Roadmap**¹². The sections of the Roadmap contain lists of measures related, among other things, to the development of the judiciary and the subsequent improvement of the judicial system. It is envisaged that the activities of state bodies in the segment of **key reforms** should be directed towards the development of both constitutional justice and the justice system as a whole (in this context, the development and approval of the

4 For example, in October 2024, during the presentation of the first Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine // The presentation of the Shadow Report on Chapter 23 “Justice and Fundamental Rights” took place in Kyiv with the participation of EU Ambassador to Ukraine, Katarína Matherová. 2024.

5 Issues of the Legal Reform Commission: Decree of the President of Ukraine No. 584/2019 of 07.08.2019.

6 Ibid.

7 Information provided by Respondents No. 1 and No. 2 during interviews conducted on 06.03.2025 and 19.03.2025.

8 Letter from the NGO “Agency of Legislative Initiatives” No. 01/09-16038 of 16.09.2024.

9 Information provided by Respondents No. 1 and No. 2 during interviews conducted on 06.03.2025 and 19.03.2025.

10 Speech by Deputy Head of the Office of the President of Ukraine Iryna Mudra at the XIII International Judicial and Legal Forum. YouTube channel of Yurydychna Praktyka. 2025.

11 Ibid.

12 Certain Issues of Ensuring the Negotiation Process on Ukraine’s Accession to the European Union under Cluster 1 “Fundamentals of the Accession Process to the EU”: Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

above-mentioned Strategy is envisaged). This segment also covers measures aimed at strengthening the institutional capacity of judicial governance and self-government bodies.

Some of the measures envisaged by the Rule of Law Roadmap had already been implemented as of July 2025 (for example, the Code of Ethics of Judges of the Constitutional Court of Ukraine (CCU)¹³ was adopted), or are in the process of implementation (for example, the processing by the Service of Disciplinary Inspectors of the High Council of Justice (SDI HCJ) of disciplinary complaints against judges¹⁴). However, part of the measures scheduled for implementation in the second quarter of 2025 was not implemented. For instance, the above-mentioned Strategy was not approved, nor was a law adopted aimed at optimising the declaration system by combining the declaration of integrity of judges and the declaration of family ties, as well as the procedures for their verification¹⁵.

During the reporting period, a number of documents were adopted aimed at implementing the recommendations of the **Ukraine 2024 Progress Report within the European Union Enlargement Package** (Ukraine Progress Report 2024)¹⁶. Thus, in February 2025, the Government's Priority Action Plan for **2025**¹⁷ was approved, which, among other things, envisages the development by the Government of a draft law aimed at strengthening the system for declaring and verifying the integrity of judges, as well as the introduction of a data collection system on the enforcement of court decisions.

In March 2025, the Government approved the **Action Plan¹⁸ for implementing the recommendations of the European Commission presented in the Ukraine Progress Report 2024¹⁹**. However, some of the measures outlined in this act provide for unrealistic implementation timeframes and partially contradict the deadlines set in the Plan for the Ukraine Facility²⁰.

In July 2025, the Government updated its commitments under the Ukraine Facility programme, thereby revising the Ukraine Plan for the Ukraine Facility. The possibility of making such changes is provided for by Regulation (EU) 2024/792 establishing the Ukraine Facility. At present, the approval by the Cabinet of Ministers of Ukraine of the revised version of the Plan is expected, after which the European Commission must assess the changes. On the basis of the European Commission's recommendations, the revised Plan may be approved by the Council of the EU²¹.

It is expected that the new timetables for implementing the planned steps under the Ukraine Plan for the Ukraine Facility will be finally approved by the end of September of

13 For a detailed analysis of the implementation of this measure, see the subsection "Constitutional Court of Ukraine".

14 For a detailed analysis of the implementation of this measure, see the subsection "High Council of Justice".

15 For a detailed analysis, see the subsections "High Qualification Commission of Judges of Ukraine" and "Supreme Court".

16 Ukraine 2024 Progress Report within the European Union Enlargement Package.

17 On the Approval of the Government's Priority Action Plan for 2025: Order of the Cabinet of Ministers of Ukraine No. 131 of 18.02.2025.

18 On the Approval of the Action Plan for the Implementation of the Recommendations of the European Commission Presented in the Ukraine 2024 Progress Report within the European Union Enlargement Package: Order of the Cabinet of Ministers of Ukraine No. 300 of 28.03.2025.

19 A list of individual measures in the context of judicial reform can be found in Annex 4 to the Report.

20 On the Approval of the Ukraine Facility Plan: Order of the Cabinet of Ministers of Ukraine No. 244 of 18.03.2024.

21 Government Updates the Ukraine Facility Plan. Government Portal. 2025.

the current year²². The amendments were prompted by the Government's desire to obtain all EU financial assistance planned for 2025, after the negative experience of its reduction²³. In addition, the Ukraine Plan for the Ukraine Facility diverges from the Rule of Law Roadmap regarding the timelines for implementing certain measures provided for in both documents²⁴.

Overall, the issues described in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine (the Shadow Report on Chapter 23) were not resolved in 2024 and remain relevant in particular in the areas of:

- lack of coordination between state and judicial bodies (implementation deadlines are set by the Government without considering the opinions of the direct implementers;
- parallel implementation of various reform elements by different teams without experience-sharing or unification of approaches;
- absence of thorough analysis of previous stages of the reform, their successes and failures;
- implementation of reforms under pressure from international partners and civil society, etc.

Separate problems that arose during the reporting period include the non-implementation of certain planned measures and the need for their repeated implementation (for example, the competition for the High Anti-Corruption Court (HACC))²⁵, or the completion of measures before achieving irreversible results (for example, the completion of the term of office of international experts in the Selection Commission for the High Qualification Commission of Judges of Ukraine (HQCJ)²⁶). Measures to return international experts to work in the Selection Commission for the HQCJ require urgent action from Parliament and the judicial authorities.

During the reporting period, attention should also be paid to attempts to roll back certain elements of the reform (such as the registration in Verkhovna Rada of Ukraine (Verkhovna Rada, Parliament) of a draft law on judicial disciplinary liability, and the adoption of the law on the establishment of new higher specialised administrative courts), as well as delays in the implementation of certain measures (failure to appoint four judges to the CCU for six months; delays by the Public Integrity Council (PIC) in verifying judges during the qualification assessment procedure)²⁷. Parliament's delay in adopting the draft law on the establishment of new higher specialised administrative courts²⁸.

22 Ibid.

23 Ukraine Aims to Obtain All EU Financial Assistance Planned for This Year. Bloomberg. 2025.

24 Throughout this report, such divergences in timelines will be indicated in the relevant subsections.

25 For a detailed analysis, see the subsections "High Qualification Commission of Judges of Ukraine" and "High Anti-Corruption Court".

26 For a detailed analysis, see the subsection "High Qualification Commission of Judges of Ukraine".

27 For details, see other sections of the Report.

28 For details, see other sections of the Report.

Recommendations

To stabilise the situation in the reform of the justice sector and constitutional adjudication, it is necessary to adopt a strategic document on the development of the judiciary for the next five years (2025–2030), taking into account all international obligations²⁹ and existing capacities, as well as to develop and approve an action plan for its implementation. To this end, prior to implementing each element of the Strategy, it is advisable to conduct an analysis of the steps already taken and the outcomes of judicial reform in previous periods, including its achievements and failures, particularly regarding the effectiveness of the adopted legislative changes³⁰.

It is also advisable to balance the current action plans in terms of implementation timelines and, in cooperation with international partners, to adjust the deadlines within the Ukraine Facility Plan as soon as possible. At the same time, the measures under the Rule of Law Roadmap scheduled for implementation in the second quarter of 2025 must be completed by the end of 2025.

Institutional Capacity and Competitive Selection to the Key Judicial Authorities

High Council of Justice

Progress and issues

Staffing of the HCJ

As of July 2025, the High Council of Justice (HCJ) operates with 15 members out of 21³¹. The quotas of the President and the Congress of Advocates have remained unfilled for an extended period (on average, three years). The quota of the Congress of Judges of Ukraine is partially unfilled (eight out of ten members have been elected)³².

The term of office of two HCJ members appointed by the Congress of Judges expired in March 2025. Accordingly, the HCJ is currently operating at the quorum threshold, which negatively affects its work, as it has become impossible to perform certain functions³³. For example, the review of decisions of disciplinary chambers on bringing judges to disciplinary liability is carried out by the HCJ in plenary composition; however, the members of the disciplinary chamber that adopted the decision on disciplinary liability of a particular judge do not participate in such meetings. Therefore, with only 15 HCJ members, the review of a significant number of disciplinary chamber decisions are blocked.

29 A detailed analysis of the provisions of certain obligations is provided in Appendix 4 to this report.

30 The recommendation previously provided by civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine (p. 13) remains relevant.

31 Composition of the High Council of Justice. High Council of Justice. 2025.

32 Ibid.

33 On the High Council of Justice: Law of Ukraine No. 1798-VIII of 21.12.2016.

On 6 March 2025, the Ethics Council completed the selection of candidates to the HCJ under the quota of the Congress of Judges and recognised two judges — Tetiana Spiridonova and Nataliia Yavorska³⁴ — as meeting the criteria of professional ethics and integrity. However, since the Law of Ukraine “On the High Council of Justice” requires that the number of candidates must be at least twice the number of vacant HCJ member positions for the respective appointing (electing) authority, it became necessary to conduct a new competition for these two vacant positions³⁵.

This provision of the aforementioned Law contains a technical-legal error, as the election (appointment) of candidates takes place for each position individually, not collectively. Therefore, the legislative provision should require at least two candidates for each individual vacant position, without reference to the total number of such positions for a given appointing (electing) authority. An additional argument in favour of amending the Law of Ukraine “On the High Council of Justice” to address these technical-legal issues is the fact that in January 2027, eight HCJ member positions under the quota of the Congress of Judges of Ukraine will become vacant simultaneously. Under the current wording of this provision, there is a risk that the work of the HCJ may be suspended due to the inability to provide the Congress of Judges of Ukraine with at least 16 candidates for eight vacant positions at the same time³⁶. However, this requirement applies not only to the quota of the Congress of Judges, but also to the quota of each appointing (electing) authority, and therefore the issue requires the fastest possible resolution.

The requirement to have at least two candidates per HCJ member position appears excessive, as the task of the Ethics Council is to ensure that the appointing (electing) authorities are provided with candidates who meet the criteria of professional ethics and integrity. Therefore, after a thorough selection of candidates by the Ethics Council, having two or more candidates for each position is not necessary, since the discretion to make decisions regarding each shortlisted candidate lies solely with the appointing (electing) authority.

A new selection of candidates for two vacant positions of HCJ members under the quota of the Congress of Judges of Ukraine was announced in March 2025³⁷. The Ethics Council is currently verifying 26 candidates for compliance with the criteria of professional ethics and integrity³⁸.

Since November 2024, a competition has been ongoing for two vacant HCJ member positions under the President's quota³⁹. In May 2025, the Ethics Council admitted 40 candidates to the interview stage⁴⁰. During July 2025, in accordance with the approved schedule, the Council conducted interviews with 31 candidates⁴¹.

34 Publication of the Ethics Council on the social network Facebook. 2025.

35 On the High Council of Justice: Law of Ukraine No. 1798-VIII of 21.12.2016, Part 8, Article 9.

36 Eight members of the HCJ nominated by the Congress of Judges of Ukraine were appointed in January 2023. Accordingly, their term of office will end in January 2027.

37 Publication of the press service of the Council of Judges of Ukraine on the social network Facebook, 2025.

38 Digest of events of the High Council of Justice for 28 April — 9 May 2025. High Council of Justice, 2025.

39 Announcement of a competition to select candidates for appointment by the President of Ukraine to the High Council of Justice. Office of the President of Ukraine. 2024.

40 On the admission to the interview of candidates for the position of member of the High Council of Justice from the President of Ukraine: Decision of the Ethics Council No. 14 of 12.05.2025.

41 Publications of the Ethics Council on the social network Facebook for the period from 3 to 31 July 2025.

As for the quota of the Congress of Advocates of Ukraine, during the reporting period this authority did not take any action to fulfil its constitutional obligation to elect HCJ members under its quota.

An equally important issue of the procedures for selecting new HCJ members is the timely conduct of competitions for vacant positions, as such competitions generally last six to nine months on average. At the same time, the Law of Ukraine “On the High Council of Justice” requires that a candidate for the position of HCJ member must personally submit documents to the HCJ or send them electronically no later than 30 calendar days before the respective congress or conference⁴².

In practice, the Ethics Council is unable to complete candidate vetting within such a short timeframe. As a result, all congresses (conferences) are forced to announce breaks to allow time for the vetting of candidates⁴³. However, the new dates of the congress (conference) restart the deadline for candidates⁴⁴ to submit their documents and holding the congress (conference) after the break is again postponed. This legal inconsistency requires legislative regulation.

During the reporting period, the Head and Deputy Head of the HCJ were re-elected. These positions are currently held by Hryhorii Usyk⁴⁵ (under the quota of the Congress of Judges of Ukraine) and Oksana Kvasha⁴⁶ (under the quota of the Congress of Representatives of Higher Legal Education Institutions and Scientific Institutions), respectively. However, in March 2025, the Head of the HCJ Secretariat, Mykhailo Shumylo⁴⁷ resigned from his position at his own accord. This position is currently vacant, which may pose risks to the stable functioning of the HCJ.

In December 2024, the SDI HCJ was launched⁴⁸, with 20 disciplinary inspectors, the Head, and his Deputy⁴⁹. In early July 2025, the HCJ decided to increase the number of vacant disciplinary inspector positions for which a competition had been announced on 29 April 2025. As a result, five positions for disciplinary inspectors remain vacant⁵⁰, and two disciplinary inspectors have reported their pregnancies⁵¹. At the same time, 16 disciplinary inspectors are participating in competitions for local and appellate courts⁵². Thus, in the coming months, the SDI HCJ will have 18 disciplinary inspectors working at full capa-

42 On the High Council of Justice: Law of Ukraine No. 1798-VIII of 21.12.2016, Part 3, Article 9.

43 Publication of the Ethics Council on the social network Facebook. 2024.

44 On the High Council of Justice: Law of Ukraine No. 1798-VIII of 21.12.2016, Part 8, Article 9.

45 Hryhorii Usyk elected Head of the High Council of Justice. High Council of Justice. 2025.

46 Oksana Kvasha elected Deputy Head of the High Council of Justice. High Council of Justice. 2025.

47 On the Dismissal of M.M. Shumylo from the Position of Head of the Secretariat of the High Council of Justice at his Own Request: Decision of the High Council of Justice No. 455/0/15-25 of 06.03.2025.

48 The Service of Disciplinary Inspectors of the High Council of Justice commences its work. High Council of Justice. 2024.

49 Composition of the Service of Disciplinary Inspectors. High Council of Justice. 2025.

50 Announcement of a competition for the positions of disciplinary inspectors in the Service of Disciplinary Inspectors of the High Council of Justice : Decision of the High Council of Justice No. 885/0/15-25 of 29.04.2025.

51 Information provided by Respondent No. 2 during the interview conducted on 19.03.2025.

52 List of persons who applied to the Commission to participate in the selection and for transfer to a local court. High Qualification Commission of Judges of Ukraine. 2025.

city, which constitutes 75% of the staff. This will affect the timelines for processing disciplinary complaints against judges. Within the next one to two years, a significant renewal of the SDI HCJ may take place if a large proportion of disciplinary inspectors are appointed as judges.

In early July 2025, the Competition Commission admitted 70 out of 81 applicants to participate in the competition. It was preliminarily announced that all competition procedures would be completed by the end of September⁵³.

In March 2025, **Draft Law No. 13137**⁵⁴ was submitted to Parliament, which, among other things, proposes changes to the HCJ quorum.

The current provision stipulates that a plenary session of the HCJ or a meeting of a Disciplinary Chamber is deemed quorate if a majority of the members of the HCJ or the respective Disciplinary Chamber are present. A plenary session of the HCJ at which the issue of submitting a motion for the appointment of a judge is deemed quorate if at least 14 HCJ members are present. In contrast, the draft law provides that a plenary session of the HCJ or a meeting of a Disciplinary Chamber will be quorate if a majority of the elected (appointed) members of the HCJ or the respective Disciplinary Chamber are present. A plenary session of the HCJ at which the issue of submitting a motion for the appointment of a judge will be considered shall be deemed quorate if at least two-thirds of the elected (appointed) HCJ members are present.

Reducing the quorum in the constitutional body of judicial governance — the HCJ — may result in matters within the HCJ's competence being decided in a manual mode or by a loyal composition. In such a case, the responsibility of the electing (appointing) authorities to fulfil their constitutional duty to fill vacant HCJ member positions under their quota is removed. Overall, this practice of manual management of the quorums of the HCJ and the HJCJ is flawed, carries serious corruption risks, and constitutes a form of pressure on the judiciary.

In May 2025, the HCJ applied to the Venice Commission with a request to provide an opinion⁵⁵ on Draft Law No. 13137⁵⁶ and its alternative, Draft Law No. 13137-1⁵⁷.

Recommendations

1. To expedite the election (appointment) of new HCJ members, the Ethics Council should accelerate its procedures (primarily the conduct of interviews with candidates

53 70 candidates admitted to participate in the competition for disciplinary inspector positions. High Council of Justice, 04.07.2025.

54 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Legislative Acts of Ukraine Regarding the Improvement of Disciplinary and Other Procedures: Draft Law of Ukraine, registration No. 13137 of 26.03.2025.

55 On the request to the European Commission "For Democracy through Law" (Venice Commission): Decision of the High Council of Justice No. 1110/O/15-25 of 22.05.2025.

56 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Legislative Acts of Ukraine Regarding the Improvement of Disciplinary and Other Procedures: Draft Law of Ukraine, registration No. 13137 of 26.03.2025.

57 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Legislative Acts of Ukraine Regarding the Improvement of Disciplinary and Other Procedures: Draft Law of Ukraine, registration No. 13137-1 of 07.04.2025.

under the congress of judges' quota). In case of delays in obtaining information on candidates from certain state bodies, the Ethics Council must take all possible actions to promptly obtain such information.

2. Given the length of the procedures conducted by the Ethics Council, it would be appropriate to amend the Law of Ukraine "On the High Council of Justice" to ensure that all competition procedures are completed by the current composition of the Ethics Council if the term of its members expires during an ongoing competition.
3. To resolve the situation caused by the failure to convene the Congress of Advocates for over three years, it is advisable to develop, at the legislative level, an alternative mechanism for convening the congress and to establish liability for the leadership of the Ukrainian National Bar Association in the event of failure to do so. As a significant number of advocates use, among other things, electronic services for signing documents in the course of their professional activities, the Congress of Advocates could be held online, with the identification of advocates and voting conducted via secure electronic services⁵⁸.
4. The President's prolonged failure to exercise his powers to appoint HCJ members requires broad legal discussion and the development of mechanisms to regulate such situations⁵⁹, in particular by legislatively enshrining the powers of the competition commission under the President and the criteria it uses to evaluate candidates for the HCJ.
5. For candidates for HCJ membership (SDI HCJ, HQCJ, etc.) who have already undergone a special vetting in the past and whose status has not changed, it is necessary to provide for the possibility of using the previous conclusions of the bodies that conducted such vetting. Such conclusions may include, for example, responses from the Ministry of Education and Science of Ukraine if the candidate has not obtained any other education after undergoing the previous (existing) special vetting, or a lustration check that establishes facts that occurred in the past and could not have been repeated.
6. Amend the Law of Ukraine "On the High Council of Justice" to allow appointing (electing) authorities for HCJ members (SDI HCJ, HQCJ, etc.) to start competitive procedures without the special vetting being completed, and to carry out the latter in parallel with the competition. If a negative conclusion is received from state authorities, the candidate's participation in the competition should be automatically terminated. In addition, it is necessary to establish a restriction whereby a person cannot be appointed to the position without passing the special vetting.
7. Parliament should carry out a comprehensive review of the procedure for the election (appointment) of HCJ members, both in terms of technical and legal amendments to clarify the provisions of Part 8, Article 9 of the Law of Ukraine "On the High Council of Justice", and regarding the appropriateness of the requirement to have two candidates for each vacant HCJ member position.

58 The recommendation previously provided by civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine (p. 16) remains relevant.

59 Ibid.

8. It is necessary to address the issue of commencing competitions at least one year before the expiration of the term of current HCJ members under the respective quota. At the same time, it would be advisable to study the experience of EU Member States concerning the duration of the extension of the term of office of current members of high councils of justice until new members are elected to replace them.
9. Draft Law No. 13137 should exclude the provisions concerning changes to the quorum, as they pose corruption risks and risks of political pressure on the judiciary. In future, refrain from making any changes to the HCJ quorum.

Exercise of Powers by the HCJ

In 2024, the HCJ submitted motions to the President for the appointment of 471 judges to local courts⁶⁰, including: 412 judges to local general courts; 31 judges to local administrative courts; and 28 judges to local commercial courts.

Between January and May 2025, the HCJ submitted 45 motions for the appointment of judges to local courts⁶¹. In May–June 2025, the President appointed these candidates to judicial positions⁶². On 3 June and 15 July 2025, the HCJ submitted to the President motions for the appointment of a further 4 judges to local courts⁶³. Information on their appointment is currently unavailable.

During 2024, the HCJ dismissed 285 judges⁶⁴. Of these, 248 judges were dismissed under general circumstances, namely: 10 judges of local courts resigned upon submitting a letter of resignation at their own request, and 238 judges submitted resignation applications for retirement, including:

- 147 judges of local courts;
- 66 judges of courts of appeal;
- 6 judges of the Supreme Court (SC);
- 7 judges of the High Administrative Court of Ukraine;
- 3 judges of the High Commercial Court of Ukraine;
- 9 judges of the High Specialised Court of Ukraine for Civil and Criminal Cases.

Under exceptional circumstances, the HCJ dismissed 37 judges, namely:

- 31 for committing a significant disciplinary offence, including one judge of the SC (the former President of the SC, Vsevolod Kniaziev);

60 In the course of 2024, the HCJ decided to submit to the President of Ukraine a motion for the appointment of 471 judges. High Council of Justice. 2025.

61 Between January and May 2025, the HCJ decided to submit to the President of Ukraine motions for the appointment of 45 judges. Judiciary of Ukraine.

62 Decrees. President of Ukraine. 2025.

63 Acts of the High Council of Justice. 2025.

64 285 judges were dismissed during 2024. High Council of Justice. 2025.

- 6 based on subparagraph 4, paragraph 16¹ of Section XV "Transitional Provisions" of the Constitution of Ukraine⁶⁵, pursuant to recommendations submitted by the HJCJ.

During the first half of 2025, the HCJ adopted decisions on the dismissal of 137 judges⁶⁶. Of these, 29 judges were dismissed under special circumstances, namely: 21 for committing a significant disciplinary offence, and 8 due to the judge's unsuitability for the position⁶⁷.

In July 2025, the HCJ adopted decisions on the dismissal of 12 judges: 8 judges resigned under general circumstances (7 due to retirement, 1 at their own request), and 4 judges were dismissed under special circumstances (for committing a significant disciplinary offence)⁶⁸.

The practice of judges retiring on the eve of qualification assessment continues, which causes negative public perception⁶⁹. At the same time, a new negative trend has recently emerged in the HCJ's practice, where the body does not support HJCJ submissions to dismiss a judge on the grounds of professional incompatibility. As a result, the judge remains in office while holding the status of a person deemed unfit for the position. In February–March 2025, three such cases became known⁷⁰.

In 2024, the HCJ received five submissions requesting consent to place a judge in custody. As a result of their consideration, four decisions granting such consent were adopted, and one submission was returned due to non-compliance with the requirements of the Law of Ukraine "On the High Council of Justice"⁷¹. The HCJ also summarised its practice in such cases (by articles of the Criminal Code of Ukraine (CC of Ukraine) under which the judge is being prosecuted) based on decisions adopted in 2023–2024⁷².

Between January and June 2025, the HCJ received 5 motions for consent to detain judges and hold them in custody. Following consideration, the HCJ adopted 3 decisions granting consent to detention and 2 decisions refusing to satisfy the motions⁷³.

In 2024, the HCJ received 25 motions from the Prosecutor General's Office (PGO), namely: 15 motions for the temporary suspension of judges from the administration of justice due to their criminal prosecution, and 10 motions for the extension of such temporary suspension⁷⁴.

65 The identification, based on such assessment, of the non-compliance of a judge — appointed for a five-year term or elected for an indefinite term prior to the entry into force of the Law of Ukraine "On Amendments to the Constitution of Ukraine (on Justice)" — with the position held, based on the criteria of competence, professional ethics or integrity, or the judge's refusal to undergo such assessment shall constitute grounds for dismissal.

66 137 judges dismissed during the first half of 2025. High Council of Justice. 2025.

67 Ibid.

68 Digest of events of the High Council of Justice for 1–11 July 2025. High Council of Justice. 14.07.2025.; Digest of events of the High Council of Justice for 14–22 July 2025. High Council of Justice. 23.07.2025.

69 Publication of the DEJURE Foundation on the social network Facebook. 2025.

70 Dishonest judges remain in office despite conclusions of the HJCJ. DEJURE Foundation. 2025.

71 In 2024, the HCJ adopted 4 decisions granting consent to detain a judge. High Council of Justice. 2025.

72 Review of decisions of the High Council of Justice adopted following consideration of motions to grant consent to detain a judge in 2023–2024. High Council of Justice.

73 Information on HCJ decisions on temporary suspension, consent to detention, and holding judges in custody during January–June 2025 — Judiciary of Ukraine. 2025.

74 In 2024, the HCJ adopted 4 decisions granting consent to detain a judge. High Council of Justice. 2025.

As a result of the consideration of these motions, the HCJ adopted: 16 decisions granting the PGO's motions for temporary suspension of judges, eight decisions to extend the period of temporary suspension, and one decision to return without consideration a motion for the extension of a judge's temporary suspension from the administration of justice⁷⁵.

Between January and June 2025, the HCJ received 9 motions from the PGO, namely: 6 motions for the temporary suspension of a judge from administering justice in connection with criminal prosecution, and 3 for the extension of the period of temporary suspension from administering justice⁷⁶. The HCJ adopted 7 decisions granting PGO motions, 1 decision refusing to satisfy a PGO motion, and 1 decision to return a motion without consideration⁷⁷.

The practice of the PGO submitting motions for consent to place a judge in custody without simultaneously requesting the judge's suspension from administering justice remains unregulated. Thus, the issue highlighted in the Shadow Report on Chapter 23 remains relevant⁷⁸.

As of 24 December 2024, the Unified Indicators for Assessing the Integrity and Professional Ethics of a Judge (or Judicial Candidate) entered into force, developed with the aim of introducing standardised criteria for evaluating the integrity and professional ethics of judges, to be used by the HCJ, HJCJ, and the PIC in the performance of their respective functions⁷⁹. Their effectiveness can be analysed during the assessment of the integrity and professional ethics of candidates to courts of appeal in 2025–2026.

Draft Law **No. 13137**⁸⁰ contains a proposal to change the number of votes required to submit a motion to the President for the appointment of a judge. Currently, such a decision must be supported by 14 votes. However, the draft law proposes that the decision on appointment must be supported by at least two-thirds of the elected (appointed) HCJ members. Such changes could result in the appointment of candidates lacking integrity as judges. These provisions also carry corruption risks and open the door to political interference in the judicial appointment process.

On 22 July 2025, the HCJ approved the Methodology for assessing a candidate's compliance with the requirements of an impeccable business reputation, high professional qualities, public authority, and the criterion of integrity for the position of member of the Competition Commission for selecting members of the HJCJ⁸¹. The HCJ also announced the launch of the competition to fill vacant positions of members of the Competition Commission for selecting HJCJ members⁸².

75 Ibid.

76 Information on HCJ decisions on temporary suspension, consent to detention, and holding judges in custody during January–June 2025. Judiciary of Ukraine. 2025.

77 Ibid.

78 Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine, p. 17.

79 Unified indicators for assessing the integrity and professional ethics of a judge (judicial candidate) have entered into force. High Council of Justice. 2024.

80 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Legislative Acts of Ukraine Regarding the Improvement of Disciplinary and Other Procedures: Draft Law of Ukraine, registration No. 13137 of 26.03.2025.

81 Digest of events of the High Council of Justice for 14–22 July 2025. High Council of Justice. 2025.

82 Ibid.

On 31 July 2025, the HCJ approved its Communication Strategy for 2025–2029⁸³. At the same time, the HCJ still lacks an HCJ Activity Strategy for 2025–2029. It is known that a relevant working group has been established within the body⁸⁴, but the results of its work have not been made public.

Recommendations

1. Amend the Law of Ukraine “On the High Council of Justice” to provide that when the HCJ grants consent for the keeping in custody or arrest of a judge, the issue of suspension from the administration of justice shall be decided simultaneously.
2. Draft Law No. 13137 should exclude provisions aimed at lowering the number of votes required for the appointment of a judge to office, as such provisions pose corruption risks and risks of political pressure on the judiciary. In future, it is necessary to refrain from making any changes to the HCJ quorum.
3. In the event that a judge submits a resignation letter for retirement, but disciplinary complaints have been filed (though not yet opened) against the judge, the issue of opening and considering such complaints shall be decided by the SDI HCJ and the HCJ Disciplinary Chambers within two months. Following that, a decision shall be made on granting or refusing retirement⁸⁵.
4. The HCJ and HQCJ should hold joint consultations and develop unified standards for the procedure of judicial qualification assessment for compliance with the position held.
5. Adopt the HCJ Activity Strategy for 2025–2029.

Bringing Judges to Disciplinary Responsibility

In 2024, the HCJ received **8,248** complaints regarding judicial disciplinary offences⁸⁶. Nearly 9,000 disciplinary complaints were reviewed (including those received in previous years)⁸⁷. As a result of the disciplinary proceedings, the Disciplinary Chambers of the HCJ adopted **134** decisions on holding **145** judges disciplinarily liable and imposed the following types of disciplinary sanctions⁸⁸:

- warning — 64 judges;
- reprimand with deprivation of the right to receive additional payments to the judge’s official salary for one month — 19 judges;
- severe reprimand with deprivation of the right to receive additional payments to the judge’s official salary for three months — 11 judges;

83 High Council of Justice approved the Communication Strategy for 2025–2029. High Council of Justice. 2025.

84 Working group on developing the HCJ Activity Strategy for 2023–2027. High Council of Justice. 2025.

85 The recommendation previously provided by civil society in the Shadow Report on Chapter 23 “Judiciary and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine (p. 18) remains relevant, but has been further specified.

86 Plan of Activities of the High Council of Justice for 2025–2027 of 17.01.2025. High Council of Justice.

87 Ibid.

88 In 2024, 145 judges were held disciplinarily liable. High Council of Justice. 2025.

- submission for temporary suspension from administering justice — 3 judges;
- submission for dismissal — 48 judges.

During the reporting period, the HCJ adopted 31 decisions to dismiss 31 judges from their positions for committing a serious disciplinary offence, gross or systematic neglect of duties incompatible with the status of a judge or indicating the judge's unfitness for office⁸⁹. Grounds for dismissal of judges for serious disciplinary offences in 2024 included state treason, corruption, driving under the influence, fleeing abroad, refusal to perform judicial duties, etc⁹⁰.

Additionally, HCJ members and disciplinary inspectors of the HCJ individually issued **2,265** rulings to leave disciplinary complaints without consideration⁹¹.

As of 23 December 2024, the allocation of disciplinary complaints to disciplinary inspectors of the SDI HCJ commenced. From 23 December 2024 to 31 March 2025, the SDI HCJ received **13,383** disciplinary complaints, including 10,896 complaints on which, as of the start of the SDI HCJ's operation, the Disciplinary Chamber had not yet issued a decision on initiating disciplinary proceedings. Of these, 6,054 were disciplinary cases not reviewed as of 31 December 2023, and 2,487 were new disciplinary complaints⁹². During this period, **2,273** complaints were reviewed either individually by disciplinary inspectors or by the Disciplinary Chambers based on their conclusions. At that time, the backlog of unreviewed complaints stood at 11,110⁹³.

During the first five months of 2025, the HCJ was receiving about 800 new disciplinary complaints each month. In total, as of 1 June 2025, disciplinary inspectors had completed the review of over 4,100 disciplinary complaints (according to priority criteria). At that point, 15,824 complaints remained unreviewed, of which 111 (0.7%) were classified as priority⁹⁴.

Over the same period, around 1,400 complaints were left without review and returned to complainants by the inspectors. Some complaints against judges' actions or inaction are in fact used by applicants to exert pressure on courts and judges, contain unsubstantiated information, or serve as a means to change the composition of the court or otherwise influence court decisions⁹⁵.

Between January and June 2025, the Disciplinary Chambers adopted 62 decisions on bringing 64 judges to disciplinary liability. The following types of disciplinary sanctions were applied:

- warning — 32 judges;

89 Plan of Activities of the High Council of Justice for 2025–2027 of 17.01.2025. High Council of Justice.

90 Purification of Courts: Whom the HCJ Dismissed After the Resumption of Disciplinary Complaint Review. Dzerkalo Tyzhnia. 2024.

91 Ibid.

92 Judicial Independence and the Authority of Justice Discussed at the Working Group Meeting of the High Council of Justice. High Council of Justice. 2025.

93 Ibid.

94 Disciplinary practice is a way to protect the institution of the court from discrediting — Oleksii Melnyk. High Council of Justice. 2025.

95 Ibid.

- reprimand with deprivation of the right to receive additional payments to the judge's official salary for one month — 8 judges;
- severe reprimand with deprivation of the right to receive additional payments to the judge's official salary for three months — 4 judges;
- submission for temporary suspension from administering justice — 1 judge;
- submission for dismissal — 19 judges⁹⁶.

HCJ members have generally expressed positive feedback regarding the performance of disciplinary inspectors and the overall concept and functions of the SDI HCJ⁹⁷. Since the beginning of December 2024, the detailed monthly reports form for the SDI HCJ has not been implemented.

In April 2025, the EU "Pravo-Justice" Project provided the SDI HCJ with computer and server equipment⁹⁸.

However, despite significant progress in holding judges accountable for disciplinary offences and dismissing those whose actions are incompatible with the status of a judge, the HCJ faced a number of challenges in exercising its disciplinary function during the reporting period. Firstly, the reduction in the number of active HCJ members to 15 blocks the review of a substantial number of decisions made by the HCJ's Disciplinary Chambers⁹⁹. Secondly, this situation affects the timelines for the consideration of disciplinary complaints¹⁰⁰. Another issue is the frequent recusals of HCJ member Roman Maselko, as he is the complainant in many high-profile cases¹⁰¹.

During the reporting period, problems re-emerged regarding inconsistent practices among the HCJ's Disciplinary Chambers in holding judges accountable under similar circumstances¹⁰² (in particular, this relates to the dismissal of cases due to the expiration of time limits in administrative proceedings) and breaches of HCJ practice by individual members¹⁰³, resulting in judges avoiding responsibility or receiving more lenient sanctions¹⁰⁴. There were also cases in which HCJ members voted in favour of granting a judge retirement despite pending disciplinary proceedings¹⁰⁵.

A separate significant problem is the divergence between the practices of the HCJ and the SC in matters of judicial disciplinary liability, as the SC annuls some HCJ decisions, allowing judges who committed disciplinary offences to avoid responsibility¹⁰⁶.

96 Digest of events of the High Council of Justice for 1-11 July 2025. High Council of Justice. 2025.

97 Information provided by Respondent No. 3 during an interview conducted on 21.03.2025.

98 EU "Pravo-Justice" Project Delivered Computer Equipment to the Service of Disciplinary Inspectors of the High Council of Justice. High Council of Justice. 2025.

99 High Council of Justice: Election of the Head 2.0. Dzerkalo Tyzhnia. 2025.

100 Information provided by Respondent No. 3 during an interview conducted on 21.03.2025.

101 On Granting the Application of Member of the Second Disciplinary Chamber of the High Council of Justice, Maselko R.A., for Recusal: Ruling of the High Council of Justice No. 811/2dp/15-25 of 16.04.2025.

102 How the HCJ Handles Complaints Against Judges Who Do Not Punish Drunk Drivers. DEJURE Foundation. 2025.

103 Publication of Automaidan on the social network Facebook. 2025.

104 Ibid.

105 Publication of Automaidan on the social network Facebook. 2025.

106 The Case of Ivan Zhygalkin and Nataliia Chernova. DEJURE Foundation. 2025.

These issues were expected to be addressed by Draft Law No. 13137¹⁰⁷, aimed at improving disciplinary and other procedures concerning judges. The explanatory note¹⁰⁸ to the draft law states that ten years of practical application of the Law of Ukraine “On the Judiciary and the Status of Judges”¹⁰⁹ demonstrate the need for legislative amendments, particularly regarding clearer definition of grounds for holding judges disciplinarily liable and ensuring judges are protected from unfounded or fabricated disciplinary proceedings. According to the authors of Draft Law No. 13137, this also aligns with the recommendation of the XIX Group of States against Corruption (GRECO), which Ukraine has yet to implement¹¹⁰.

Draft Law No. 13137¹¹¹ provides for a classification of disciplinary offences (minor, serious, and grave), as well as limitation periods for bringing judges to disciplinary liability (one, two, or three years respectively from the moment the offence was committed), and the sanctions applicable for such offences. In practice, this would mean that in the context of a large number of disciplinary cases and the HCJ operating at the quorum threshold, judges may avoid punishment for minor disciplinary offences due to the expiration of the limitation period. This also increases corruption risks and the potential for abuse by individual HCJ members, as such cases already occur¹¹².

The provisions of Draft Law No. 13137¹¹³ also broaden judicial discretion in determining the significance of the arguments of the parties in court proceedings (judges will avoid disciplinary liability for disregarding arguments deemed “insignificant”, which in essence opens the door for any argument to be declared insignificant). Furthermore, the draft law effectively dilutes the concept of access to justice and the proper exercise of the rights of a party to the proceedings. At the same time, the grounds for holding a judge disciplinarily liable become less clear rather than being specified.

Additionally, the provisions of Draft Law No. 13137¹¹⁴ carry the risk of being declared unconstitutional in part, particularly in relation to imposing sanctions. For committing a serious disciplinary offence, a judge would be deprived of a percentage of their monthly remuneration, which constitutes interference with judicial independence, as the stability of remuneration is one of the guarantees of a judge’s independence.

According to certain representatives of civil society¹¹⁵, Draft Law No. 13137 narrows the definition of a serious disciplinary offence, the commission of which results in the dismis-

107 On Amendments to the Law of Ukraine “On the Judiciary and the Status of Judges” and Certain Legislative Acts of Ukraine Regarding the Improvement of Disciplinary and Other Procedures: Draft Law of Ukraine, registration No. 13137 of 26.03.2025.

108 Ibid.

109 On the Judiciary and the Status of Judges: Law of Ukraine No. 1402-VIII of 02.06.2016.

110 Preventing Corruption Among Members of Parliament, Judges and Prosecutors: Second Compliance Assessment Report. National Agency on Corruption Prevention. 2022.

111 On Amendments to the Law of Ukraine “On the Judiciary and the Status of Judges” and Certain Legislative Acts of Ukraine Regarding the Improvement of Disciplinary and Other Procedures: Draft Law of Ukraine, registration No. 13137 of 26.03.2025.

112 For example — Was in a Hurry for Leave and Didn’t Manage to Review: The HCJ Suspended Consideration of the Disciplinary Complaint Against Judge Tandy. DEJURE Foundation. 2025.; The HCJ Acquitted Judge Yuriev, Who “Covered” for Drunk Driving. DEJURE Foundation. 2025.; How the HCJ “Leaks” a Case on Drunk Driving. DEJURE Foundation. 2025.

113 Ibid.

114 Ibid.

115 Analysis of Draft Law No. 13137, Which Makes It Impossible to Dismiss Judges Through Disciplinary Proceedings. DEJURE Foundation. 2025.

sal of a judge. In effect, if the draft law is adopted, only property-related violations involving amounts exceeding UAH 1.5 million, cases of domestic violence, and driving under the influence would lead to dismissal. Meanwhile, most of the judges (collaborators, traitors, corrupt officials, holders of Russian passports) dismissed by the HCJ in 2024 would have retained their positions had such provisions been in effect at the time of their dismissal¹¹⁶.

Under the provisions of this draft law, the failure to submit, late submission of, or inclusion of false information in declarations would no longer be considered violations that result in disciplinary liability¹¹⁷.

At the same time, Draft Law No. 13137¹¹⁸ effectively deprives the civil society sector of the right to comprehensively monitor and submit complaints against judges whose actions bear signs of disciplinary misconduct. If a person submits a certain number of complaints within a year, and one of them is found inadmissible, the HCJ may impose an obligation on that person to pay up to UAH 30,000 for each subsequent complaint submitted over a three-year period.

Overall, this draft law would undermine the progress made in the HCJ's exercise of its disciplinary function over the past two years and would contribute to judges who have committed disciplinary offences avoiding liability. This situation requires an immediate response from Parliament and international partners.

As noted, on 22 May 2025 the HCJ applied to the Venice Commission with a request to provide an opinion¹¹⁹ on Draft Law No. 13137¹²⁰ and its alternative, No. 13137-1¹²¹. On 25 July 2025 the HCJ held an online meeting with the Venice Commission and the Council of Europe Directorate for Human Rights and Rule of Law¹²², during which the provisions of these draft laws were discussed.

Recommendations

1. Parliament should refrain from adopting Draft Law No. 13137 (and its alternative, No. 13137-1) until it is substantially revised with the involvement of international experts and civil society with mandatory consideration of the Venice Commission's opinion.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

¹¹⁸ On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Legislative Acts of Ukraine Regarding the Improvement of Disciplinary and Other Procedures: Draft Law of Ukraine, registration No. 13137 of 26.03.2025.

¹¹⁹ On the request to the European Commission "For Democracy through Law" (Venice Commission): Decision of the High Council of Justice No. 1110/0/15-25 of 22.05.2025.

¹²⁰ On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Legislative Acts of Ukraine Regarding the Improvement of Disciplinary and Other Procedures: Draft Law of Ukraine, registration No. 13137 of 26.03.2025.

¹²¹ On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Legislative Acts of Ukraine Regarding the Improvement of Disciplinary and Other Procedures: Draft Law of Ukraine, registration No. 13137-1 of 07.04.2025.

¹²² HCJ held consultations with experts of the Venice Commission and the Council of Europe on draft laws on reforming judicial disciplinary liability. High Council of Justice. 2025.

2. The HCJ should summarise its practice by types of disciplinary offences and types of sanctions in order to identify inconsistencies, and based on the findings, conduct joint training for HCJ members and disciplinary inspectors.
3. The HCJ should refrain from voting in favour of a judge's retirement in cases where disciplinary complaints against that judge are pending — until such complaints are reviewed.
4. The SC should summarise case law arising from its review of HCJ decisions on holding judges disciplinarily liable, to identify inconsistencies. Based on this, training should be conducted, primarily for judges of the the Grand Chamber of the Supreme Court (GC SC), to harmonise legal positions, as well as for judges of the Administrative Cassation Court within the SC (ACC SC).
5. Introduce a format for detailed monthly reports by the SDI HCJ.

High Qualification Commission of Judges of Ukraine

Progress and issues

Staffing

During the reporting period, the Selection Commission for the selection candidates for the HJCJ (the Selection Commission) completed two competitions for the position of one HJCJ member. First competition for the position of one HJCJ member was announced on 5 April 2024¹²³. Following the competition, two successful candidates were submitted to the HCJ¹²⁴; however, after interviews with them, the HCJ decided not to appoint either candidate¹²⁵.

Consequently, on 6 February 2025, the selection commission initiated a new competition for the respective position under the judicial quota¹²⁶. Thirteen candidates submitted their applications¹²⁷. On May 30, 2025, the Competition Commission recommended two candidates for appointment¹²⁸. On July 15, 2025, the HCJ held interviews with the candidates for the position of a member of the HJCJ¹²⁹. Currently, the issue of appointment is under consideration by the HCJ.

123 Announcement on the launch of the competition for the vacant position of a member of the High Qualification Commission of Judges of Ukraine. High Council of Justice. 2024.

124 Publication of the Selection Commission for the Appointment of Members of the High Qualification Commission of Judges of Ukraine on the social network Facebook. 2024.

125 Results of the consideration of agenda items at the meeting of the High Council of Justice No. 5 of 21 January 2025. High Council of Justice. 2025.

126 Publication of the Selection Commission for the Appointment of Members of the High Qualification Commission of Judges of Ukraine on the social network Facebook. 2025.

127 Publication of the High Council of Justice on the social network Facebook. 2025.

128 Publication of the Competition Commission for the Selection of Members of the High Qualification Commission of Judges of Ukraine on the social network Facebook. 2025.

129 Agenda No. 60 of the Meeting of the High Council of Justice of 15.07.2025. High Council of Justice. 2025.

At the same time, following the cessation of funding from the United States Agency for International Development (USAID), which previously supported the activities of the Competition Commission, measures have been taken to find alternative sources of funding¹³⁰. As a result, in May 2025, one of the donor projects provided the necessary funding and ensured the full operation of the Competition Commission's secretariat, which made the conduct of the competition possible¹³¹.

A standalone issue is the expiration of the term for the work of the Competition Commission on June 1, 2025¹³², since the Law of Ukraine "On the Judiciary and the Status of Judges" does not foresee the participation of international experts in its composition thereafter¹³³. Instead, the entities responsible for forming the Competition Commission should be the Council of Judges of Ukraine (CJU) — 3 quotas, the Bar Council of Ukraine (BCU) — 1 quota, the Council of Prosecutors of Ukraine (CPU) — 1 quota, and the National Academy of Legal Sciences of Ukraine represented by the Presidium — 1 quota.

On July 24, 2025, the HCJ announced a competition aimed at forming a new composition of the Competition Commission¹³⁴. Currently, the CJU, CPU, and BCU have already begun selecting candidates according to their quotas¹³⁵. At the same time, such a construction of the Competition Commission is subject to sharp criticism from the civil society sector due to the unreformed status of some of the entities involved in forming the commission¹³⁶.

In June 2025, Draft Law No. 13382¹³⁷ was submitted to the Parliament, proposing to extend the participation of international experts in the selection of members of the HQCJ for another three years. If adopted, the next composition of the HQCJ (which is expected to begin its term from June 2027) will be formed with the participation of international experts with a decisive vote, which is a logical step at this stage of judicial reform and related legal institutions (Bar, prosecution, legal education).

Institutional Capacity of the HQCJ

The institutional capacity of the HQCJ during the reporting period was and continues to be affected by the following factors:

130 Information provided by Respondent No. 4 during interviews conducted on 24.03.2025.

131 Publication of the Competition Commission for the Selection of Members of the High Qualification Commission of Judges of Ukraine on the social network Facebook. 2025.

132 Publication of the Competition Commission for the Selection of Members of the High Qualification Commission of Judges of Ukraine on the social network Facebook. 2025.

133 On the Judiciary and the Status of Judges: Law of Ukraine No. 1402-VIII of 02.06.2016, Part 4 Article 95¹.

134 Announcement on the Launch of the Competition for Vacant Posts of Members of the Competition Commission. High Council of Justice. 2025.

135 Announcement by the Council of Judges of Ukraine regarding the competition for positions on the Competition Commission. Council of Judges of Ukraine. 2025.; The Council of Prosecutors of Ukraine announced the start of accepting documents for participation in the competition for the position of a member of the Competition Commission. Council of Prosecutors of Ukraine. 2025.; The competition commission for the selection of members of the High Council of Justice from the Bar Council of Ukraine has begun accepting applications from candidates. Ukrainian National Bar Association. 2025.

136 CSOs Urge to Preserve and Continue the Involvement of International Experts in Competition Commissions. Transparency International Ukraine. 2025.

137 On amendments to the Law of Ukraine 'On the Judiciary and the Status of Judges' regarding the improvement of the competition procedure for the position of member of the High Qualification Commission of Judges of Ukraine: Draft Law of Ukraine, registration No 13382 of 18.06.2025.

1. A significant number of staffing procedures simultaneously carried out by the HQCJ:
 - competition for the appellate courts (550 positions);
 - competition for the HACC (25 positions);
 - selection of judges for local courts (1,800 positions);
 - qualification assessment of judges to determine their compliance with the position held (approximately 1,700 persons);
 - temporary secondment of judges to courts of the same level and specialisation due to a change in territorial jurisdiction or excessive workload in the courts receiving the seconded judges (up to 500 persons);
 - verification of declarations of integrity and family ties where complainants identify inconsistencies in the information provided by judges in such declarations.
2. **Shortage of personnel and excessive workload of the HQCJ Secretariat due to the large number of simultaneous staffing procedures.** Currently, six positions in the HQCJ Secretariat are vacant¹³⁸. However, according to HQCJ estimates, the Commission requires at least 50 additional staff members¹³⁹. A separate issue is the inability to accommodate such staff within the current HQCJ premises¹⁴⁰.
3. **Understaffing of the HQCJ itself**, which affects the speed and quality of personnel procedures.
4. **Lack of digitalisation of the processes and procedures carried out by the HQCJ.** In 2024, with international financial support, the State Judicial Administration of Ukraine (SJA) developed a preliminary technical specification for the electronic sub-system "Judicial Dossier" ¹⁴¹ for the HQCJ. **However, the HQCJ continues to use paper-based document management**¹⁴². To address this issue, with USAID financial and expert support, it was planned to first introduce electronic document management (estimated project cost from UAH 2 to 10 million) and later launch an electronic cabinet for judicial careers (estimated project cost from UAH 20 million). Currently, the implementation of these projects has been suspended¹⁴³. Alternative sources of funding are being sought¹⁴⁴.
5. **Pressure on the HQCJ through criminal proceedings**, which in effect hampers the Commission's work, as for several months "almost every day one of the Commission members was being interrogated", impacting the ability to consider items on the agenda on any given day¹⁴⁵.

138 Publication of the High Qualification Commission of Judges of Ukraine on the social network Facebook. 2025.

139 Information provided by Respondent No. 5 during interview conducted on 26.03.2025.

140 Ibid.

141 Information provided by Respondent No. 6 during interview conducted on 19.03.2025.

142 Information provided by Respondent No. 5 during interview conducted on 26.03.2025.

143 Ibid.

144 Ibid.

145 As detailed in the "State of Judicial Independence" section.

6. **A degree of internal inconsistency within the HQCJ due to the existence of two groups with differing views (nine members versus six, respectively)**¹⁴⁶. These two groups remain stable. As a result, members of the minority group are often effectively excluded from participating in the development and adoption of HQCJ decisions, since the adoption of most decisions requires nine votes (sometimes fewer)¹⁴⁷.
7. **Dismissal of the Head of the HQCJ Secretariat by the Head of the HQCJ**. Since November 2024, this position has remained vacant and the competition for the post has not yet been launched.¹⁴⁸
8. **Limited throughput capacity of the HQCJ in procedures involving the PIC**. The Council agreed to process 60 judges/candidates dossiers per month; however, during January–March 2025, the PIC processed about 15–20 dossiers. During May–July, it was possible to reach the agreed indicator¹⁴⁹. The participation of the PIC in HQCJ meetings is also problematic, particularly in relation to individuals who are reviewed by the HQCJ more than once, as this requires coordinating the schedule of the repeated interview with the same PIC member who participated in the previous one, thereby increasing the time needed to consider a judge/candidate¹⁵⁰.
9. **Underdeveloped analytical function of the HQCJ due to limited resources**. The lack of sufficient personnel, an appropriate level of digitalisation, and dedicated software (modelled on National Anti-Corruption Bureau of Ukraine's (NABU) analytical tools) results in the staff of the analytical department merely obtaining the necessary data from state registers but being unable to analyse it¹⁵¹.
10. **The HQCJ applies different approaches to the composition in which interviews are conducted — in panels (three persons) or chambers (seven–eight persons), since interviews for the appellate administrative courts and appellate commercial courts are conducted in chambers, while interviews for the appellate general courts are conducted in panels**¹⁵². Both situations negatively affect the timeframe for reviewing individual cases and the overall timeframe for conducting qualification procedures.
11. **Absence of clear requirements for the collection of personal data of judges, candidates, their family members and close associates, as well as third parties who are automatically subject to verification in cases involving, for example, joint business activities, acquisition of property from or by judges or candidates, etc**¹⁵³. As a result, the HQCJ and the PIC have wide discretion in deciding "what and whom to verify", etc. A separate issue at the PIC level is the remote access to

146 Information provided by Respondent No. 7 during interview conducted on 07.03.2025.

147 Ibid.

148 Changes took place in the composition of the Secretariat's leadership. High Qualification Commission of Judges. 2024.

149 As detailed in the "Public Integrity Council" section.

150 Information provided by Respondent No. 7 during interview conducted on 07.03.2025.

151 Information provided by Respondent No. 5 during interview conducted on 26.03.2025.

152 Information provided by Respondent No. 7 during interview conducted on 07.03.2025.

153 Ibid.

the dossiers of judges and candidates, as well as the insufficient protection of such data¹⁵⁴.

- 12. Divergent approaches to the assessment of integrity and ethics of judges and candidates¹⁵⁵.** This issue **was to be regulated by the Unified Indicators for Assessing the Integrity and Professional Ethics of a Judge (Judicial Candidate), adopted by the HCJ** and entered into force in December 2024¹⁵⁶. This document regulates the criteria for determining integrity and professional ethics, as well as the principles for their application by all assessment bodies. However, it also contains certain inconsistencies¹⁵⁷.

The Unified Indicators for Assessing the Integrity and Professional Ethics of a Judge (Judicial Candidate) are methodologically erroneously linked to the integrity and professional ethics assessment criteria set out in the Law of Ukraine "On the Judiciary and the Status of Judges"¹⁵⁸, which excessively limits the bodies applying them¹⁵⁹. That is, the indicators should disclose or clarify each respective criterion, but this does not occur. For example, honesty is an indicator of both integrity and professional ethics, but how to distinguish between them remains unclear.

The document also states that the Unified Indicators for Assessing the Integrity and Professional Ethics of a Judge (Judicial Candidate) apply to the qualification assessment of a judge to determine their compliance with the position held¹⁶⁰. However, the Law of Ukraine "On the Judiciary and the Status of Judges" stipulates that this procedure is to be carried out under the previous rules¹⁶¹.

The first assessment of the effectiveness of the Unified Indicators for Assessing the Integrity and Professional Ethics of a Judge (Judicial Candidate) can be provided following an in-depth analysis of the results of the qualification evaluation of candidates for the appellate administrative courts and appellate commercial courts.

- 13. Frequent changes by Parliament to the rules and procedures implemented by the HQCJ.** For example, the requirement introduced in December 2023 by Law No. 3511-IX¹⁶² obliging judicial candidates to score 75% correct answers in the cognitive abilities test was repealed in December 2024 by Law No. 4072-IX¹⁶³ as being excessive.

154 Ibid.

155 Ibid.

156 The Unified Indicators for Assessing the Integrity and Professional Ethics of a Judge (Judicial Candidate) entered into force. High Council of Justice. 2024.

157 Information provided by Respondent No. 7 during interview conducted on 07.03.2025.

158 On the Judiciary and the Status of Judges: Law of Ukraine No. 1402-VIII of 02.06.2016.

159 Information provided by Respondent No. 7 during interview conducted on 07.03.2025.

160 The Unified Indicators for Assessing the Integrity and Professional Ethics of a Judge (Judicial Candidate) entered into force. High Council of Justice. 2024.

161 On the Judiciary and the Status of Judges: Law of Ukraine No. 1402-VIII of 02.06.2016.

162 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Legislative Acts of Ukraine Regarding the Improvement of Judicial Career Procedures: Law of Ukraine No. 3511-IX of 09.12.2023.

163 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" Regarding the Specifics of the Qualification Examination: Law of Ukraine No. 4072-IX of 20.11.2024.

A similar requirement under Law No. 3511-IX regarding 75% correct answers in the test on knowledge of Ukrainian statehood was abolished in May 2025 following the adoption of the Law No. 3511-IX¹⁶⁴. In both cases, the HJCJ will independently set the passing score. That is, within a year, Parliament has twice changed the rules and procedures it had previously introduced as mandatory. Given that both exams are non-core for assessing the qualifications of judges and candidates, assigning them a cut-off function is excessive. Such exams should affect the overall candidate ranking rather than exclude those who do not pass the threshold from the competition, which would be more consistent with the practice of other European countries for such types of testing.

14. The addition by Parliament of new staffing procedures to be carried out simultaneously with ongoing ones. Moreover, the new procedures differ significantly from the previous ones. Examples of such procedures include:

- competitions for the Specialised District Administrative Court (SDAC) and the Specialised Administrative Court of Appeal (SACA), which, according to the Plan for the Ukraine Facility, are to take place by the end of the third quarter of 2025¹⁶⁵. Instead, the Rule of Law Roadmap sets a different timeframe for the commencement of work of the said courts — no later than the fourth quarter of 2026¹⁶⁶;
- in case Draft Law No. 13165 is adopted, the verification of declarations of integrity and family ties of judges of the Supreme Court and the HACC¹⁶⁷, which is to be conducted within two years from the date the law enters into force (with the participation of PIC members in this procedure). At the same time, the Rule of Law Roadmap provides for the introduction of a temporary procedure for the individual verification of the integrity declarations of judges of higher courts, based on a risk-oriented approach with the participation of independent experts with an advisory vote. Thus, in this part Draft Law No. 13165 contradicts the said Roadmap.

Staffing Procedures in the Judiciary

Competition for 550 Vacant Positions of Judges of Appellate Courts

During the reporting period, candidates for appellate courts completed the qualification examination. As of April 2025, 67 individuals were competing for 67 positions in administrative appellate courts¹⁶⁸; 83 individuals for 58 positions in commercial appellate courts¹⁶⁹; and 706 individuals for 425 positions in general appellate courts¹⁷⁰.

164 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" Regarding the Clarification of Procedures for the Judicial Selection Competition and the Secondment of Judges: Law of Ukraine No. 4433-IX of 14.05.2025.

165 On the Approval of the Ukraine Facility Plan: Order of the Cabinet of Ministers of Ukraine No. 244 of 18.03.2024.

166 Rule of Law Reform Roadmap: Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

167 On the Approval of the Ukraine Facility Plan: Order of the Cabinet of Ministers of Ukraine No. 244 of 18.03.2024.

168 Publication of the High Qualification Commission of Judges of Ukraine on the social network Facebook. 2025.

169 Publication of the High Qualification Commission of Judges of Ukraine on the social network Facebook. 2025.

170 Publication of the High Qualification Commission of Judges of Ukraine on the social network Facebook. 2025.

The second stage of the competition — review of the judicial dossier and interviews with candidates (including PIC verification) — will be conducted in the second and third quarters of 2025 for candidates to administrative and commercial appellate courts by HQCJ chambers. That is, chambers consisting of seven to eight members participate in each interview, and in cases where the PIC has issued a negative opinion on a candidate, the interview will also be conducted by the plenary composition of the HQCJ.

During May–July 2025, the HQCJ almost completed the second stage of the competition for the appellate administrative courts: **43** candidates confirmed their ability to administer justice; **23** did not confirm their ability to administer justice in the respective court; with regard to 1 candidate, the issue was referred to the HQCJ in plenary composition¹⁷¹.

The HQCJ is also conducting interviews with candidates for positions in the appellate commercial courts. As of the end of July 2025: **55** candidates confirmed their ability to administer justice; **21** candidates did not confirm their ability to administer justice in the respective court; with regard to **5** candidates, the issue was referred to the HQCJ in plenary composition¹⁷².

In July, interviews began for positions in the appellate general courts: **7** candidates confirmed their ability to administer justice in the Zhytomyr Appellate Court, **4** did not¹⁷³; **5** candidates confirmed their ability to administer justice in the Sumy Appellate Court, **4** candidates did not¹⁷⁴.

Prioritising the conduct of interviews for the appellate administrative and commercial courts is a mistake, given that the greatest shortage of personnel exists precisely in the appellate general courts. Moreover, it is excessive to conduct interviews with candidates to appellate courts in chambers. For candidates with no concerns raised by the PIC, interviews with HQCJ collegiums would suffice, while for candidates with such concerns, a check by the plenary session of HQCJ is required.

However, there is a risk that the practical task scores of candidates for administrative appellate courts may be declared invalid, as the evaluation of their work was conducted under circumstances in which one of the panel members was absent from the workplace due to leave and illness. Currently, lawsuits challenging the results of the qualification exam have been filed with the SC on this basis¹⁷⁵.

There is also a risk of invalidation of part of the results in the civil specialisation, as one of the practical assignments solved by candidates was not included in the preparatory list. As a result, candidates were placed in unequal conditions compared to other groups who sat the exam on different days and were given different practical tasks¹⁷⁶.

171 Publication of the High Qualification Commission of Judges of Ukraine on the social network Facebook. 2025.

172 Publication of the High Qualification Commission of Judges of Ukraine on the social network Facebook. 2025.

173 Publication of the High Qualification Commission of Judges of Ukraine on the social network Facebook. 2025.

174 Publication of the High Qualification Commission of Judges of Ukraine on the social network Facebook. 2025.

175 Ruling of the Administrative Cassation Court within the Supreme Court on the Opening of Proceedings of 25.03.2025 in Case No. 990/96/25.

176 Publication by Bohdan Karnaukh on the social network Facebook. 2025.

Selection of Judges for Local Courts to Fill 1,800 Vacant Positions

Documents for participation in the selection process were submitted by 9,339 individuals, of whom 595 are judges expressing their intention to transfer to another court¹⁷⁷.

For the first stage of the qualification exam (knowledge testing on the history of Ukrainian statehood), 493 individuals failed to appear. 85.5% (6,790) of candidates and judges passed the exam with nearly the maximum score¹⁷⁸, which raises doubts about the relevance of the chosen assessment methodology¹⁷⁹ and certain decisions of the HQCJ¹⁸⁰, which included not only providing the test questions but also the correct answers to all questions.

For the second stage (testing general legal knowledge and specialized court knowledge), 7,239 individuals have been admitted¹⁸¹. This number of applicants is partly due to the popularisation of the selection process during joint events held by the HQCJ and the Ukrainian Bar Association in major cities, where anyone interested had the opportunity to pose questions directly to HQCJ members¹⁸². This is a positive experience that should be applied to other staffing procedures in Ukraine involving a similarly large number of positions.

According to the HQCJ¹⁸³, in the second and third quarters of 2025, candidates for judicial positions and judges seeking transfer to another local court will sit the qualification exam. In the fourth quarter of 2025, the HQCJ will assess the practical tasks completed by candidates and judges and compile the rankings.

In 2026, the first competitions are expected to take place in the most problematic local courts, followed by interviews with the winners of these competitions¹⁸⁴.

Competition for 25 Vacant Positions of Judges of the HACC and the Appeal Chamber of the HACC

During the reporting period, the HQCJ completed the competition for the HACC and the Appeal Chamber of the HACC (AC HACC), which can generally be characterised as unsuccessful, as ultimately only two candidates — local court judges Tetiana Lytvynko

177 Review of the Results of Work of the High Qualification Commission of Judges of Ukraine for May 2025. High Qualification Commission of Judges of Ukraine. 2025.

178 Review of the Results of Work of the High Qualification Commission of Judges of Ukraine for July 2025. High Qualification Commission of Judges of Ukraine. 2025.

179 Regulation on the Procedure for Sitting the Qualification Examination and the Methodology for Assessing Candidates: Decision of the High Qualification Commission of Judges of Ukraine No. 185/zp-24 of 19.06.2024.

180 On the Implementation of Organisational Measures for the Qualification Examination of Candidates for the Position of Local Court Judge and of Judges Seeking Transfer to Another Local Court: Decision of the High Qualification Commission of Judges of Ukraine No. 29/zp-25 of 29.01.2025.

181 Review of the Results of the Work of the High Qualification Commission of Judges of Ukraine for July 2025. High Qualification Commission of Judges of Ukraine. 2025.

182 Publication of the High Qualification Commission of Judges of Ukraine on the social network Facebook. 2025.

183 Information provided by Respondent No. 5 during interview conducted on 26.03.2025.

184 Ibid.

and Olena Chernova¹⁸⁵ — were declared winners of the competition for 15 vacant first-instance HACC judicial positions¹⁸⁶. On 3 June 2025, the President appointed them as judges of the HACC¹⁸⁷. In the competition for 10 vacant positions of judges of the AC HACC, all candidates dropped out after completing and having their practical tasks assessed¹⁸⁸.

On 4 June 2025, Law No. 4433-IX entered into force, providing that, during the period of martial law and for one year after its termination, individuals who were unsuccessful in a previous competition for the same positions are allowed to participate in competitions again¹⁸⁹. Previously, the Law of Ukraine “On the Judiciary and the Status of Judges” established that a candidate for the position of judge could take part in the qualification assessment (a component of the competition) not earlier than one year after an unsuccessful attempt¹⁹⁰.

Following the adoption of these amendments, on 3 June 2025, the HCCJ announced a competition for 23 vacant positions of HACC judges: 10 for judges of the AC HACC and 13 for judges of the first instance. The deadline for submitting applications to participate in the competition is 6 August 2025¹⁹¹.

Competition for the SDAC and SACA

The competition for the SDAC and SACA must be announced within 30 days from the date the law on the establishment of these courts enters into force¹⁹². In May 2025, the President submitted to the Verkhovna Rada Draft Law No. 13302¹⁹³, which provides for the establishment of the SDAC and SACA. At present, this draft law is awaiting consideration at second reading.

At the same time, according to the HCCJ, the schedule for conducting this competition has not yet been developed¹⁹⁴.

185 The ranking of candidates was approved and the winners of the competition for vacant positions of judges in the High Anti-Corruption Court were determined. High Qualification Commission of Judges of Ukraine. 2025.

186 Two candidates confirmed their ability to administer justice in the High Anti-Corruption Court. High Qualification Commission of Judges of Ukraine. 2025.

187 On the Appointment of Judges of the High Anti-Corruption Court: Order of the President of Ukraine No. 378/2025 of 03.06.2025.

188 The general results of the qualification exam for candidates for the High Anti-Corruption Court and its Appeal Chamber were approved. High Qualification Commission of Judges of Ukraine. 2025.

189 On Amendments to the Law of Ukraine “On the Judiciary and the Status of Judges” Regarding the Clarification of Procedures for the Judicial Selection Competition and the Secondment of Judges: Law of Ukraine No. 4433-IX of 14.05.2025.

190 On the Judiciary and the Status of Judges: Law of Ukraine No. 1402-VIII of 02.06.2016, Part 9 Article 74.

191 On 3 June 2025, a Competition was Announced for Vacant Positions in the High Anti-Corruption Court. High Qualification Commission of Judges of Ukraine. 2025.

192 On amendments to the Law of Ukraine “On the Judiciary and the Status of Judges” and certain other legislative acts of Ukraine regarding the legal framework for the establishment and functioning of the Specialised District Administrative Court and the Specialised Administrative Court of Appeal: Law of Ukraine No. 4264-IX of 26.02.2025.

193 On the Establishment of the Specialised District Administrative Court and the Specialised Appellate Administrative Court: Draft Law of Ukraine, Registration No. 13302 of 19.05.2025.

194 Information provided by Respondent No. 5 during interview conducted on 26.03.2025.

Qualification Assessment of Judges of Local and Appellate Courts for Compliance with the Position Held

Between July 2024 and December 2024, the HQCJ completed the assessment of 62 judges, 18 of whom were found not to meet the requirements of their position¹⁹⁵.

In January 2025, 8 decisions were adopted regarding judges' compliance with their positions (of which 2 judges were found not to comply with their positions)¹⁹⁶; in February — 4¹⁹⁷; in March — 1¹⁹⁸; in April — 16 (of which four judges were found not to comply with their positions)¹⁹⁹; in May — 7 (of which four judges were found not to comply with their positions)²⁰⁰; in July — 1²⁰¹. In June, the HQCJ did not adopt any decisions on judges' compliance with their positions²⁰².

The low pace of HQCJ work in this procedure is due to the Commission's high workload from other procedures and the slow pace of verification of judges by the PIC.

From September 2024 to March 2025, the PIC submitted 98 decisions to the HQCJ concerning 91 judges within the framework of the qualification assessment of compliance with their positions, including:

- › 74 decisions confirming conclusions of non-compliance of judges with the criteria of professional ethics and integrity (33 of which were adopted in a revised version);
- › 16 decisions providing information to the HQCJ;
- › 8 decisions revoking previous conclusions of non-compliance of judges with the criteria of professional ethics and integrity²⁰³.

In April 2025, the HQCJ received 16 opinions from the PIC regarding judges' non-compliance with the criteria of professional ethics and integrity²⁰⁴. In May 2025, in addition to processing the materials of candidates for appellate court judge positions, the PIC processed 3 judicial dossiers within the framework of the qualification assessment of

195 Data for the period from July to December 2024 were calculated on the basis of analysis of the decisions of the High Qualification Commission of Judges of Ukraine.

196 Review of the Results of the Work of the High Qualification Commission of Judges of Ukraine in January 2025. High Qualification Commission of Judges of Ukraine. 2025.

197 Review of the Results of the Work of the High Qualification Commission of Judges of Ukraine in February 2025. High Qualification Commission of Judges of Ukraine. 2025.

198 Review of the Results of the Work of the High Qualification Commission of Judges of Ukraine in March 2025. High Qualification Commission of Judges of Ukraine. 2025.

199 Review of the Results of the Work of the High Qualification Commission of Judges of Ukraine in April 2025. High Qualification Commission of Judges of Ukraine. 2025.

200 Review of the Results of the Work of the High Qualification Commission of Judges of Ukraine in May 2025. High Qualification Commission of Judges of Ukraine. 2025.

201 Review of the Results of the Work of the High Qualification Commission of Judges of Ukraine in July 2025. High Qualification Commission of Judges of Ukraine. 2025.

202 Review of the Results of the Work of the High Qualification Commission of Judges of Ukraine in June 2025. High Qualification Commission of Judges of Ukraine. 2025.

203 Information provided by the Public Integrity Council by e-mail of 14.04.2025.

204 Review of the Results of the Work of the High Qualification Commission of Judges of Ukraine in April 2025. High Qualification Commission of Judges of Ukraine. 2025.

compliance with the position. As a result, decisions were adopted to provide two opinions on judges' non-compliance with the criteria of professional ethics and integrity, and one — to provide information to the HQCJ²⁰⁵.

This situation requires a set of urgent measures to accelerate both the qualification assessment of judges for compliance with the position held and to ensure a faster pace of work by the HQCJ and the PIC during interviews in the appellate court competition.

In addition to the low pace of qualification assessment of sitting judges, there are other issues arising during this procedure. For instance, the HQCJ has completed the qualification assessment of the Head of the Commercial Court of Kyiv Region, Pavlo Horbasenko, concluding that he meets the requirements of the position²⁰⁶. This decision triggered public outcry and raised concerns about the success of judicial reform²⁰⁷.

The HCJ has also adopted a number of decisions regarding HQCJ submissions for the dismissal of judges, submitted as part of qualification assessment procedures, which had long awaited review. For example, on 10 October 2024, the HCJ, agreeing with the position of the HQCJ, dismissed Judge I. Otrosh from the position of judge of the Commercial Court of Kyiv City²⁰⁸. The former judge appealed this decision in the SC²⁰⁹ and has launched a communication campaign against the HQCJ and the HCJ²¹⁰. The ACC SC adopted a decision refusing to satisfy the claims²¹¹; however, the complainant subsequently appealed to the GC SC²¹².

At the same time, on 7 May 2025, the ACC SC delivered a judgment in the case filed by Olena Izovitova-Vakim, who, on similar grounds, challenged the HQCJ's actions in establishing her non-compliance as a judge with her position. The court satisfied the applicant's claim, substantiating its decision by reference to the judgment of the GC SC of 13 June 2024 in case No. 9901/198/20²¹³.

In one of its decisions, the HCJ did not support the HQCJ's submission on the dismissal of a judge in connection with a decision to impose administrative liability in cases related to the Maidan events²¹⁴. The HCJ expressed the view that the judge had committed

205 Results of the Work of the Public Integrity Council in May 2025. Public Integrity Council. 2025.

206 On the compliance of Pavlo Volodymyrovych Horbasenko, Judge of the Commercial Court of Kyiv Region, with the position held: decision of the High Qualification Commission of Judges of Ukraine No. 205/ko-24 of 18.11.2024.

207 Horbasenko stays: HQCJ allows an unscrupulous judge through. DEJURE Foundation. 2025.

208 On the dismissal of I.M. Otrosh from the position of Judge of the Commercial Court of Kyiv City based on subparagraph 4 of paragraph 16-1 of Section XV "Transitional Provisions" of the Constitution of Ukraine: Decision of the High Council of Justice No. 2993/0/15-24 of 10.10.2024.

209 Information obtained through monitoring of the Judiciary Web Portal.

210 Publication by Inna Otrosh on the social network Facebook. 2025.

211 Judgement of the Supreme Court in the panel of judges of the Cassation Administrative Court of 30.06.2025 in Case No. 990/341/24.

212 Ruling of the Grand Chamber of the Supreme Court of 16.07.2025 in Case No. 990/341/24.

213 Judgement of the Supreme Court in the panel of judges of the Cassation Administrative Court of 07.05.2025 in Case No. 990/43/24.

214 On the consideration of the issue of compliance of Olena Ihorivna Shumeiko, Judge of the Obolonskyi District Court of Kyiv City, with the position held: decision of the High Qualification Commission of Judges of Ukraine No. 187/ko-24 of 28.10.2024.

procedural violations that could have disciplinary implications, but did not indicate a breach of the oath or non-compliance with the position held²¹⁵.

Among the grounds for rejecting the HQCJ's submissions on the dismissal of judges is the insufficient substantiation of the HQCJ's decisions regarding judges' non-compliance with their positions. For example, in the decision regarding Judge Yuriy Nahorniuk, who, among other things, failed to declare part of his property, the HCJ drew the HQCJ's attention to the obligation to notify specially authorised anti-corruption bodies in cases where circumstances are identified that may indicate a violation by the judge of anti-corruption legislation. In this case, the HCJ concluded that a response from the competent authority would have allowed the HQCJ to substantiate its position and provide proper reasoning. The HCJ also disagreed with the HQCJ in this case regarding the assessment of the judge's decisions on imposing administrative liability for driving under the influence of alcohol. The HCJ considered such actions to exceed the HQCJ's powers²¹⁶.

The HCJ's practice of identifying insufficient substantiation in HQCJ decisions is also confirmed in the context of considering matters related to the submission to the President on the appointment of judges. In particular, in such a case, the HCJ identified information that had not been examined by the HQCJ²¹⁷.

At the same time, some submissions of the HQCJ following the qualification assessment, in particular concerning the dismissal of judges, have not yet been considered by the HCJ, and thus judges continue to receive salaries despite a negative assessment by the HQCJ. This is often related to judges appealing HQCJ decisions to the SC before the HCJ considers such submissions.

Another important issue within the described procedure is the decision of the GC SC regarding the continuation by the HQCJ of the qualification assessment of a judge's compliance with the position after the HCJ has adopted a decision to submit a recommendation to the President for the appointment of that judge.

Law No. 193-IX²¹⁸ terminated the powers of HQCJ members. Since judges appointed for a five-year term lost their powers, Law No. 679-IX²¹⁹ granted the HCJ the authority to adopt decisions on submitting recommendations to the President for the appointment of such judges, provided that an HQCJ panel had found the judge to be compliant with the position.

215 On the rejection of the submission by the High Qualification Commission of Judges of Ukraine of 28 October 2024 No. 187/ko-24 on the dismissal of O.I. Shumeiko from the position of Judge of the Obolonskyi District Court of Kyiv under subparagraph 4 of paragraph 16-1 of Section XV "Transitional Provisions" of the Constitution of Ukraine: Decision of the High Council of Justice No. 480/0/15-25 of 11.03.2025.

216 On the rejection of the submission by the High Qualification Commission of Judges of Ukraine of 25 March 2024 No. 77/ko-24 on the dismissal of Y.V. Nahorniuk from the position of Judge of the Novograd-Volynskyi City District Court of Zhytomyr Region under subparagraph 4 of paragraph 16-1 of Section XV "Transitional Provisions" of the Constitution of Ukraine: Decision of the High Council of Justice No. 250/0/15-25 of 13.02.2025.

217 On the refusal to submit to the President of Ukraine a proposal to appoint T.Y. Samchenko to the position of Judge of the Zavodskyi District Court of Dniprodzerzhynsk, Dnipropetrovsk Region: Decision of the High Council of Justice No. 439/0/15-25 of 06.03.2025.

218 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Laws of Ukraine Regarding the Activities of Judicial Governance Bodies: Law of Ukraine No. 193-IX of 16.10.2019.

219 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" Regarding the Secondment of Judges and the Regulation of Other Issues of Ensuring the Functioning of the Judiciary in the Absence of a Full Composition of the High Qualification Commission of Judges of Ukraine: Law of Ukraine No. 679-IX of 04.06.2020.

In 2023, the new composition of the HQCJ decided to review the decisions of HQCJ panels in cases where the PIC had issued opinions concerning judges.

In July 2025, the GC SC adopted a decision on this matter, in particular upholding the decision of the ACC SC and declaring unlawful the HQCJ's decision to continue the qualification assessment procedure in cases where there was an HCJ decision²²⁰. In connection with this position of the GC SC, particular attention has been drawn to the case of former judge Inna Otrosh, as she went through precisely the procedure described above.

Separate issues include the coordination of communication and interaction between the HQCJ and the PIC, which primarily requires the effective work of PIC coordinators and HQCJ members, as well as the proper protection of candidate and judge dossiers received by the PIC from the HQCJ.

Declarations of Integrity and Family Ties

In April 2025, the Government submitted Draft Law No. 13165²²¹ to Parliament, aimed at improving the procedures for the submission and verification of judicial declarations of integrity. As stated in the explanatory note to the draft law²²² it clarified the content of declarations of integrity, the grounds for initiating verification, and enhanced verification procedures by detailing the mechanisms and timeframes for such verification.

Additionally, the European Commission, in its 2024 Ukraine Progress Report²²³, noted that in order to enhance the accountability of the judiciary and public trust in it, Ukraine should adopt legislation revising the system of judges' declarations of integrity. An upgraded system should include, for judges of the highest courts, a temporary but meaningful verification procedure that involves independent experts.

Draft Law No. 13165²²⁴ stipulated that within 24 months from the date the law enters into force, the HQCJ, with the involvement of the PIC, shall verify the declarations of integrity and family ties of judges of higher specialised courts (i.e., the HACC) and the Supreme Court. The PIC's conclusion, drawn from its analysis of the relevant declaration, shall be taken into account by the HQCJ when establishing the verification results and in procedures related to the judge's career, and shall also be added to the judicial dossier²²⁵.

This model of declaration verification does not fully meet the European Commission's requirements, as PIC members are not independent experts (given that they are nominated by civil society organisations). Moreover, some PIC members are practising defence counsel who participate in court proceedings.

220 Judgement of the Grand Chamber of the Supreme Court in the panel of judges of 03.07.2025 in Case No. 990/383/24.

221 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Laws of Ukraine on Improving the Procedures for Submitting and Verifying Judges' Integrity Declarations: Draft Law of Ukraine, registration No. 13165 of 09.04.2025.

222 Ibid.

223 Ukraine 2024 Progress Report within the European Union Enlargement Package, p. 30.

224 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Laws of Ukraine on Improving the Procedures for Submitting and Verifying Judges' Integrity Declarations: Draft Law of Ukraine, registration No. 13165 of 09.04.2025.

225 Ibid.

The PIC will also, over the next year and a half, be engaged in procedures for the qualification assessment of judges for compliance with the position held (1,700 individuals) and the qualification assessment of candidates' ability to administer justice in appellate courts (850 individuals). Therefore, involving the PIC in the verification of declarations of integrity and family ties in addition to these two procedures appears excessive and may hinder its effective functioning.

Two alternative draft laws — No. 13165-1²²⁶ and No. 13165-2²²⁷ — were submitted by Members of Parliament to the Verkhovna Rada as alternatives to Draft Law No. 13165. On 3 June 2025, the Parliament considered all three draft laws. As a result, Draft Laws No. 13165 and No. 13165-1 were heard and withdrawn from consideration, while Draft Law No. 13165-2 was adopted as a basis²²⁸.

Unlike Draft Law No. 13165, Draft Law No. 13165-2 proposes that the judicial declaration of integrity and family ties should include statements on: 1) the legality of the origin of property; 2) the compliance of the judge's standard of living, and that of his/her family members, with the property and income available to them; 3) the absence of grounds for disciplinary liability of the judge; 4) diligent performance of judicial duties and compliance with the Code of Judicial Ethics; 5) refraining from actions aimed at acquiring citizenship of a foreign state.

It is also proposed to establish that the verification of the judicial declaration of integrity and family ties regarding the inaccuracy (including incompleteness) of statements or information indicated in the declaration, as well as the untimely submission of the declaration, shall be conducted for the most recent reporting period. In the decision to conduct such verification, the HQCJ shall indicate: the grounds for verification; the judge whose declaration is to be verified; the subject matter of the verification; the timeframe for verification; and other information defined by the HQCJ Regulations.

Such an approach only partially meets the requirements of the European Commission, as set out in the 2024 EU Enlargement Package Report²²⁹. The approach proposed in the Rule of Law Reform Roadmap appears to be the most appropriate²³⁰.

In May 2025, the HCJ decided to submit all three draft laws to the Venice Commission for an opinion²³¹. The opinion is expected to be discussed during the Venice Commission's session in October 2025²³².

226 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Laws of Ukraine Regarding the Improvement of Procedures for Submitting and Verifying Judicial Declarations of Integrity: Draft Law of Ukraine, registration No. 13165-1 of 23.04.2025.

227 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Laws of Ukraine Regarding the Improvement of Procedures for Submitting and Verifying Judicial Declarations of Integrity: Draft Law of Ukraine, registration No. 13165-2 of 25.04.2025.

228 Ibid.

229 Ukraine 2024 Progress Report within the European Union Enlargement Package. P. 30.

230 Rule of Law Reform Roadmap: Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

231 On the Request to the European Commission for Democracy through Law (Venice Commission): Decision of the High Council of Justice No. 1110/0/15-25 of 22.05.2025.

232 The HCJ Held Consultations with Experts of the Venice Commission and the Council of Europe Regarding Draft Laws on the Reform of Disciplinary Liability of Judges. High Council of Justice. 2025.

Recommendations

1. Ensure funding for the activities of the selection commission for HQCJ members from the State Budget of Ukraine, with the SJA assigned as the budget administrator.
2. Expand the staff of the HQCJ Secretariat by at least 50 persons and provide new premises or optimise existing ones for their placement, as well as allocate the necessary financial and material support for the new staff.
3. Seek and secure funding needed to launch electronic document management in the HQCJ and implement the judicial career portal.
4. Establish independent mechanisms to protect HQCJ members from unlawful influence.
5. Take measures to improve communication and cooperation among HQCJ members. Increase the transparency of all internal HQCJ processes.
6. Explore the use of databases analogous to NABU's analytical tools for HQCJ purposes.
7. Clarify the provisions of the Unified Indicators for Assessing Integrity and Professional Ethics to eliminate methodological inconsistencies.
8. Establish at the legislative level a rule that provisions increasing requirements for judicial candidates may only be introduced after the completion of ongoing competition procedures.
9. Abandon the practice of conducting interviews by HQCJ chambers.
10. Appoint two HQCJ members as coordinators for work with the PIC, ensuring their annual rotation.
11. Engage independent international experts to verify the declarations of integrity and family ties of SC and HACC judges.
12. Adopt Draft Law No. 13382²³³, which returns international experts to the selection of HQCJ members for a three-year period. Provide that any selection commission must complete the competition procedures it has initiated.
13. Ensure that the next composition of the HQCJ is formed with the participation of international experts with a decisive vote.
14. The HQCJ should consider the need to accelerate the qualification assessment procedure during interviews in the selection of appellate court judges.
15. The HQCJ should take into account the HCJ's practice when considering submissions, namely regarding the completeness and proper substantiation of decisions.
16. Amend legislation to transfer the authority for conducting interviews with winners of local court competitions from the HQCJ to the HCJ (expand the legally established

233 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" Regarding the Improvement of the Procedure for the Competition for the Position of a Member of the High Qualification Commission of Judges of Ukraine: Draft Law of Ukraine, registration No. 13382 of 18.06.2025.

judicial appointment procedure at the HCJ level and eliminate duplication with the HQCJ).

17. Conduct a competition for the position of Head of the HQCJ Secretariat.
18. Clarify legislative requirements regarding HQCJ discretion in verifying judges, candidates, their family members and third parties, as well as concerning the protection of their personal data.
19. Adopt Draft Laws No. 13302 and No. 13165-2 as soon as possible (after its revision taking into account the recommendations of the Venice Commission, the requirements of the Rule of Law Roadmap, the conclusions of the SC, the HCJ, and this report).
20. Conduct competitions for the HACC, AC HACC, SDAC and SACA in 2025–2026.
21. Conduct an in-depth analysis of the results of the qualification assessment of candidates for the appellate administrative courts and appellate commercial courts regarding the effectiveness of the Unified Indicators for Assessing the Integrity and Professional Ethics of a Judge (Judicial Candidate).

Public Council of International Experts

Progress and issues

On 8 November 2024, Law No. 3996-IX entered into force, providing for the extension of the term of office of the Public Council of International Experts (PCIE) for 18 months, i.e., until May 2026²³⁴.

Within the framework of the competition to the HACC, on 17 February 2025, during a joint meeting of the HQCJ and the PCIE, the compliance of seven candidates for the positions of judges of the HACC with the criteria set out in Law No. 2447-VIII²³⁵ was considered. As a result, two candidates continued to participate in the competition to the HACC as a court of first instance²³⁶ and were selected as winners²³⁷. Five out of six members of the PCIE took part in the joint meeting of the HQCJ and the PCIE (due to the suspension by USAID of funding for the work of certain PCIE members)²³⁸. On 3 June 2025, the President appointed Tetiana Lytvynko and Olena Chernova as judges of the High Anti-Corruption Court (HACC)²³⁹.

234 Amendments to the Law of Ukraine “On the Judiciary and the Status of Judges” and the Law of Ukraine “On the High Anti-Corruption Court” regarding the Public Council of International Experts: Law of Ukraine No. 3996-IX of 08.10.2024.

235 On the High Anti-Corruption Court: Law of Ukraine No. 2447-VIII of 07.06.2018, Part 4, Article 8.

236 Two candidates continue to participate in the competition to the High Anti-Corruption Court. High Qualification Commission of Judges of Ukraine. 2025.

237 List of winners of the competition for the positions of judges in the High Anti-Corruption Court, announced by decision of the HQCJ No. 145/zp-23 of 23 November 2023. High Qualification Commission of Judges of Ukraine. 2025.

238 Information provided by Respondent No. 7 during the interview conducted on 07.03.2025.

239 On the Appointment of Judges of the High Anti-Corruption Court: Decree of the President of Ukraine No. 378/2025 of 03.06.2025.

Overall, the discontinuation of support from USAID, which was one of the key donors of the HQCJ (and accordingly of the PCIE), became a separate challenge in the work of these two institutions. As the PCIE is not operating in its full composition²⁴⁰, this creates risks for further procedures involving its participation.

On 3 June 2025, the HQCJ announced a competition to fill 23 vacant positions of HACC judges: 10 judges of the Appeal Chamber and 13 judges of the first instance. The deadline for submitting documents to participate in the competition is 6 August 2025²⁴¹.

Given that staffing issues at the HACC remain unresolved (a competition was announced for 25 vacant positions²⁴², but only two candidates were selected as winners), and taking into account that a repeated competition for 23 vacant positions was announced only in June 2025, there is a likelihood that all competitive procedures will not be completed by May 2026 (considering that the competitions to the HACC and the AC HACC lasted 16 and 14 months, respectively²⁴³). This constitutes a significant standalone risk requiring an appropriate legislative response.

Recommendations

1. Ensure the functioning of the full composition of the PCIE, in particular by financing its activities, until the completion of the repeated competitions to the HACC (as a court of first instance and to the AC HACC) and the filling of all 23 vacancies in both instances. If necessary, reappoint those members of the PCIE who are unable to participate in its work due to the suspension of USAID activities.
2. Amend Law No. № 1402-VIII²⁴⁴ to extend the mandate of the PCIE until the completion of the repeated competitions to the HACC (as a court of first instance and to the AC HACC) and the filling of all 23 vacancies in both instances.
3. Systematise the practice of the PCIE with a view to analysing and incorporating the experience gained in future competitive selection procedures for the HACC and other higher specialised courts.

Public Integrity Council

Progress and issues

During the reporting period, there was a change in the coordinators of the PIC: as of 31 March 2025, Olha Piskunova and Olha Veretilnyk²⁴⁵ assumed responsibilities for organi-

240 Ukraine already has preliminary decisions regarding programmes funded by USAID — Stefanishyna. Ukrainska Pravda. 2025.

241 Competition announced on 3 June 2025 to fill vacant positions at the High Anti-Corruption Court. High Qualification Commission of Judges of Ukraine. 2025.

242 On 23 November 2023, a competition was announced for 25 vacant positions of judges of the High Anti-Corruption Court. High Qualification Commission of Judges of Ukraine. 2023.

243 Ibid.

244 On the Judiciary and the Status of Judges: Law of Ukraine No. 1402-VIII of 02.06.2016.

245 The PIC Re-elected Co-Coordiators. Public Integrity Council. 2025.

sing the work, planning, and facilitating information exchange with the HQCJ and within the PIC. Former co-coordinator Veronika Kreidenkova stepped down from her duties in early April following a personal request²⁴⁶. In May 2025, Daniil Popkov also ceased his membership in the PIC²⁴⁷.

As of July 2025, the PIC comprises 17 members²⁴⁸. Two PIC members²⁴⁹, Oleksandr Voloshyn and Andrii Kulibaba, have been mobilised into the Armed Forces of Ukraine (AFU), and therefore are presently unable to work in full capacity.

The mandate of the current composition of the PIC expires on 14 August 2025²⁵⁰.

For the purpose of selecting a new composition of the PIC, on 23 June 2025 the HQCJ announced the convocation of the assembly of representatives of civic associations²⁵¹, and on 21 July adopted a decision recognising 12 civic organisations as meeting the requirements for participation in such an assembly²⁵². The assembly of civic associations to elect the new composition of the PIC is scheduled for 4 August 2025²⁵³.

A separate challenge in forming the new composition of the PIC is institutional memory and continuity, which may be ensured provided that a significant part of the members of the previous PIC composition will serve in the next term²⁵⁴.

An equally serious challenge in forming the new composition of the PIC is avoiding conflicts of interest within the Council itself and in its interaction with the HQCJ, particularly regarding the participation in the PIC of relatives or close associates of current members of the PIC or the HQCJ, which is the case with the current composition²⁵⁵. It is also important to ensure a high professional level of PIC members, following the examples set by the Ethics Council, the Advisory Group of Experts (AGE), the Expert Council, and others.

Another important issue is the legislative regulation of the selection of reserve members of the PIC, as well as ensuring access to judges' and candidates' files for those members of the Council who are permanently based outside of Kyiv.

246 Publication of the Public Integrity Council on the social network Facebook. 2025.

247 On 25 May 2025, Daniil Popkov resigned as a member of the PIC. Public Integrity Council. 2025.

248 Third Composition of the Council. Public Integrity Council.

249 Publication by O. Voloshyn on the social network Facebook. 2024.; Publication by A. Kulibaba on the social network Facebook. 2024.

250 About the Public Integrity Council. Public Integrity Council.

251 Announcement on the Convocation of the Assembly of Representatives of Civic Associations. High Qualification Commission of Judges of Ukraine. 2025.

252 On the Compliance of Civic Associations with the Requirements for Participation in the Assembly of Representatives of Civic Associations for the Establishment of the Public Integrity Council: Decision of the High Qualification Commission of Judges of Ukraine No. 138/zp-25 of 21.07.2025.

253 Publication of the Public Integrity Council on the social network Facebook. 2025.

254 The High Qualification Commission of Judges approved the list of organisations for the formation of the new composition of the Public Integrity Council. Watchers. 2025.

255 Asset Declaration of Public Integrity Council Member Anton Zelinskyi for 2024, in which PIC member Maryna Ansiforova is listed as a person with whom the declarant resides. National Agency on Corruption Prevention. 2025.

To accelerate the qualification assessment process, a significant number of joint coordination meetings and strategic sessions have been held between the HQCJ and the PIC²⁵⁶. The effectiveness of such efforts had been acknowledged by both sides²⁵⁷. The dialogue enabled to align approaches to determining the significance of circumstances that may indicate a judge's failure to meet the criteria of professional ethics and integrity, and to resolve procedural matters.

On 24 December 2024, the Unified Criteria for Assessing the Integrity and Professional Ethics of a Judge (judicial candidate), approved by the decision of the HCJ²⁵⁸, entered into force. These are being applied for the first time during the competition for appellate courts²⁵⁹.

Since February 2025, PIC members have been granted full access to the files of judges and candidates for judicial positions²⁶⁰. This became possible following the adoption of the relevant decision²⁶¹ by the HQCJ and the approval by the PIC of the Procedure on the Processing and Protection of Personal Data²⁶², which regulates the handling of such information. Now, PIC (and PCIE) members, after submitting a written commitment not to disclose personal data in any form, receive access to the files in electronic format and are required to destroy the information and any copies of documents no later than 15 working days after the conclusion of the qualification assessment, which is certified by a relevant act²⁶³.

At the same time, PIC members committed to processing 60 judicial files per month²⁶⁴, which was supposed to ensure the proper conduct of the qualification assessment of judges and candidates for appellate courts. However, according to the HQCJ, in January-February 2025 the PIC submitted 8 opinions²⁶⁵, and in March-April — 28²⁶⁶.

The HQCJ noted that such a pace of work is rather slow and highlights the need to process at least 60 files of judges and judicial candidates per month²⁶⁷.

One of the factors slowing down the PIC's activities was the cessation of assistance provided by the American donors. As a result, the PIC Secretariat operated for some

256 The Commission and the PIC Held a Joint Strategic Session. High Qualification Commission of Judges of Ukraine. 2025.

257 For example, information provided by Respondents No. 5 and No. 10 during interviews conducted on 26.02.2025 and 27.03.2025.

258 Unified Indicators for Assessing the Integrity and Professional Ethics of Judges (Judicial Candidates) Have Entered into Force. High Council of Justice. 2024.

259 Information provided by Respondent No. 5 during the interview conducted on 26.03.2025.

260 Information provided by Respondent No. 11 during the interview conducted on 21.03.2025.

261 Attention Judges and Judicial Candidates! High Qualification Commission of Judges of Ukraine. 2025.

262 The PIC Approved the Regulation on the Processing and Protection of Personal Data. Public Integrity Council. 2025.

263 Information provided by Respondent No. 1 during the interview conducted on 21.03.2025.

264 The PIC and HQCJ Held a Joint Strategic Session! Public Integrity Council. 2025.

265 Overview of Results in the High Qualification Commission of Judges of Ukraine in January 2025. High Qualification Commission of Judges of Ukraine. 2025.; Overview of Results in the High Qualification Commission of Judges of Ukraine in February 2025. High Qualification Commission of Judges of Ukraine. 2025.

266 Overview of Results in the High Qualification Commission of Judges of Ukraine in March 2025. High Qualification Commission of Judges of Ukraine. 2025.; Overview of Results in the High Qualification Commission of Judges of Ukraine in April 2025. High Qualification Commission of Judges of Ukraine. 2025.

267 Information provided by Respondent No. 7 during the interview conducted on 07.03.2025.

time with a reduced staff²⁶⁸, which complicated the fulfilment of the PIC's functions²⁶⁹. According to the PIC, this issue is currently being resolved²⁷⁰.

Another factor influencing the pace of the PIC's decisions on judges is the practice of adopting all decisions by the full composition of the Council, despite the fact that Law No. 1402-VIII provides for the possibility of making decisions by panels on behalf of the PIC²⁷¹. The PIC's Rules of Procedure define the procedure for the work of such panels and their ability to adopt decisions on providing information to the HQCJ concerning judges²⁷². However, as PIC practice shows, this provision is not applied²⁷³.

The PIC reported that in May 2025 its members processed 56 files concerning persons participating in the competition for positions of judges of appellate courts²⁷⁴, and in June — 57²⁷⁵, which almost corresponds to the agreements reached between the HQCJ and the PIC. In July, the PIC processed 68 such files²⁷⁶.

Also in May 2025, in addition to processing the files of candidates for positions of judges of appellate courts, the PIC processed three judicial dossiers within the framework of the qualification assessment for compliance with the position held, as a result of which decisions were made to issue two opinions of non-compliance of judges with the criteria of professional ethics and integrity, and one opinion concerning the provision of information to the HQCJ²⁷⁷.

The absence of the full composition of the PIC and the fact that some of its members are based outside Kyiv also complicates and, accordingly, slows down its work. The same applies to the lack of a fully staffed Secretariat and a properly equipped premises for the PIC's operations.

The absence of a fully functioning Secretariat also affects the frequency and quality of the PIC's public communications regarding its activities, both on its website²⁷⁸ and on the Facebook social media platform²⁷⁹. The PIC's communications are irregular, up-to-date statistics on its work are lacking, and even the information on the current composition of the PIC is updated with significant delay²⁸⁰. Since May 2025, the number of PIC publica-

268 Refers to the salary of certain donor-funded experts, such as a communications specialist.

269 Information provided by Respondent No. 11 during the interview conducted on 21.03.2025.

270 Ibid.

271 On the Judiciary and the Status of Judges: Law of Ukraine No. 1402-VIII of 02.06.2018, Part 5, Article 87.

272 Regulation of the Public Integrity Council: Decision of the Public Integrity Council dated 23.11.2016 No. 1/2016, Para. 3, Article 12, Section 3.

273 Information provided based on the analysis of Public Integrity Council decisions.

274 Results of the PIC's in May 2025. Public Integrity Council. 2025.

275 Results of the PIC's in June 2025. Public Integrity Council. 2025.

276 Publication on the Public Integrity Council's page on the social network Facebook. 2025.

277 Results of the PIC's in May 2025. Public Integrity Council. 2025.

278 Only 6 news items were published on the PIC website in 2025. Public Integrity Council. 2025.

279 Public Integrity Council's page on the social network Facebook.

280 Conclusion based on monitoring of the website and Facebook page of the Public Integrity Council.

tions has increased²⁸¹, in particular statistical data are being published, which contributes to better coverage of its work.

Some members of the PIC believe that “it would be most optimal if the secretariat were financed directly by international donors, without the mediation of any state or civic organisations”, which would ensure guarantees of the independence of the PIC²⁸². PIC members also note that those civic organisations which delegate candidates to the PIC could partly finance the work of a PIC member and his/her assistant, or co-finance the PIC secretariat²⁸³. At the same time, they emphasise that PIC members should not receive any payments for their work from civic organisations other than the one that delegated them²⁸⁴. This issue arose in connection with the fact that a certain civic organisation offered some PIC members payment for the analysis of judicial dossiers²⁸⁵. Some members of the PIC refused such payment for ethical and ideological reasons, while others agreed to receive the funds.

The issue of inconsistent practices in the interaction between the PIC and the HQCJ panels remains problematic. At the same time, individual PIC representatives have noted improvements in the organisation of the qualification assessment as part of the competition for appellate courts — in particular, the sequencing of interviews with candidates and the timely provision of their files for analysis by PIC members²⁸⁶.

The PIC notes a gradual transition to partnership relations with the current composition of the HQCJ, however it “is not part of the HQCJ²⁸⁷”. The PIC assesses “from the outside both the work of the Commission and the possible presence in the background of a judge or candidate of indications of certain conduct that demonstrates his/her lack of integrity²⁸⁸”.

The following issues, highlighted in the Shadow Report on Chapter 23²⁸⁹, also remain relevant and were not resolved during the reporting period:

- 1) absence of a “standard of proof” for establishing the lack of integrity of judges and candidates for judicial positions;
- 2) absence of uniform approaches to assessing the gravity of judicial misconduct;
- 3) absence of uniform approaches to the scope/depth of checks on judges and candidates for judicial positions, as well as on their family members (including former family members);

281 Analysis of Publications on the PIC's Page on the social network Facebook. 2025.

282 Interview with PIC members Tetiana Katrychenko and Olha Piskunova for Watchers.Media. 2025.

283 Ibid.

284 Ibid.

285 Ibid.

286 Information provided by Respondent No. 11 during the interview conducted on 21.03.2025.

287 Interview with PIC members Tetiana Katrychenko and Olha Piskunova for Watchers.Media. 2025.

288 Ibid.

289 Issues previously identified by civil society in the Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission's 2023 Report on Ukraine (p. 37) remain relevant.

- 4) absence of consent from family members (especially former ones) and third parties for verifying their assets and referencing their personal data during interviews, etc.;
- 5) instances of delayed submission or publication of “negative” opinions;
- 6) varying quality of “negative” opinions prepared by different PIC members, as well as variation in their number;
- 7) instances where PIC members disclosed confidential information concerning third parties not related to the judge (including in PIC opinions);
- 8) lack of a clear timeline for conducting the qualification assessment procedure for each individual judge, as well as the unpredictability of the final deadline for completing the overall qualification assessment of judges for compliance with their position.

The biggest challenge at this stage, especially for the new composition of the PIC to be elected in August 2025, is the PIC members’ capacity to review at least 60 candidates in the appellate court competition per month. A lack of capacity to review this number of candidates would negatively impact the timeframe for this and other qualification procedures, thereby hindering the staffing of appellate courts with new personnel and delaying the fulfilment of Ukraine’s international commitments. This issue is acknowledged at all levels — within the judiciary, in Parliament — and promises have been made to “respond accordingly to the situation”²⁹⁰.

Recommendations

1. The HQCJ and PIC should take measures to accelerate the qualification assessment process, in particular by ensuring that the PIC processes no fewer than 60 files of candidates for appellate court positions in order to enable interviews with candidates.
2. Parliament should regulate the following issues:
 - prevention of conflicts of interest within the PIC and in its interaction with the HQCJ, primarily concerning the involvement in the PIC of relatives or close associates of PIC or HQCJ members;
 - establishing professional requirements for PIC members, following the examples of the requirements applied to members of the Ethics Council, AGE, and Expert Council;
 - regulating the procedure for selecting reserve members of the PIC (at least three) and ensuring access to judges’ and candidates’ files for those members who are permanently based outside of Kyiv;
 - provide for PIC members to receive remuneration at the level of judges of local courts, which will be transferred through the SJA to those civic organisations that delegated the PIC members, for further payment of this remuneration to the PIC members directly by the civic organisations themselves. Such a construction will ensure the independence of PIC members from the state, on the one hand, and the equality and financial stability of PIC members, on the other. Civic

290 Information provided by Respondent No. 12 during the interview conducted on 21.03.2025.

organisations should have the right to refuse state funding, but in that case they must provide the same level of remuneration to the PIC member they delegated from their own funds (without involving grant funds or ITA);

- prohibit a PIC member, for the period of performing functions as part of the Council, from receiving any other income, except for income from his/her primary employer or the income he/she will receive for his/her activity in the PIC from the civic organisation that delegated him/her;
 - provide the PIC secretariat with full funding from state funds (for example, through the SJA as the manager of such funds) and allow, for the duration of martial law, the direct attraction of funding for ITA projects (modelled on the financing of the secretariats of the Ethics Council, Competition Commissions, the AGE, etc.).
3. When selecting individuals to delegate to the PIC, civil society organisations should choose representatives who are capable of promptly and effectively processing large volumes of data, are well-versed in anti-corruption legislation and key justice sector laws and are prepared to work overtime given the anticipated workload of the PIC in the near term.
 4. Immediately after the election of new members of the PIC, it is advisable to organise appropriate training sessions and joint meetings and strategic sessions with the HQCJ to develop a shared vision for the work of these bodies — primarily within the competition to appellate general courts, with a view to completing it as soon as possible.
 5. It is advisable for the PIC to:
 - consider the possibility of adopting decisions through panels, which would allow members to allocate more time to processing a greater number of files of judges and judicial candidates;
 - ensure the timely publication of opinions or information regarding judges and candidates;
 - standardise approaches to drafting “negative” opinions;
 - unify practices regarding PIC participation in interviews with judges and candidates;
 - ensure the application of uniform approaches to the organisation of PIC work in all personnel procedures, and avoid activities not envisaged by law;
 - remove all confidential information, including personal data of third parties, from decisions (opinions, information) before their publication;
 - ensure proper communication regarding its activities, including the regular publication of statistics.
 6. For the purpose of performing the organisational functions of the PIC, provide it with fully equipped premises for work, technical facilities, and so forth, and digitalise all processes.

Supreme Court

Progress and issues

Staffing and Integrity Verification of SC Judges

During the reporting period, there were no significant staffing changes in the SC. Currently, 151 judges are administering justice at the SC out of 196 established positions, meaning the Court is staffed at approximately 77%²⁹¹.

The President of the SC, Stanislav Kravchenko, during the Plenary Session summarising the results of 2024, emphasised that “the main problem for the justice system overall, and for the SC in particular, remains the significant shortage of judicial personnel. In view of this, to ensure the uninterrupted operation of the SC, the competition for all vacant judicial positions must commence immediately after the completion of the competition for appellate courts”²⁹².

Not everyone in the SC agrees with this thesis: given that one of the main tasks of the SC is to ensure the consistency and uniformity of judicial practice — but with the number of cases considered annually by the SC (approximately 90,000) — it is impossible to fulfil this task even with a fully staffed bench²⁹³. Therefore, it is argued that there is no need to appoint new judges; instead, the number of cases considered by the SC each year should be gradually reduced²⁹⁴. However, given the number of cases that continue to be submitted to the SC each year, this proposal raises reasonable doubts about its effectiveness and feasibility.

Integrity verification of SC judges during the reporting period was not conducted in full. Currently, based on applications from certain civil society representatives, the National Agency on Corruption Prevention (NACP) is conducting lifestyle monitoring of two SC judges²⁹⁵ — Judge of the ACC SC Ihor Dashutin²⁹⁶ and Judge of the Commercial Cassation Court within the SC (CCC SC) Serhii Zhukov²⁹⁷ — in relation to whom journalists allegedly found undeclared assets²⁹⁸. In the case of the last of the mentioned judges, NABU opened criminal proceedings under two articles of the CC of Ukraine — Article 368⁵ (illegal enrichment) and Article 366² (declaration of false information)²⁹⁹.

Also, during the reporting period, the Security Service of Ukraine (SSU) conducted a verification regarding the possible possession of Russian citizenship by Judge of the ACC SC

291 Information provided by Respondent No. 13 during the interview conducted on 19.03.2025.

292 The Plenary Session of the SC heard information on the activities of the Supreme Court in 2024 and considered two constitutional submissions. Supreme Court. 2025.

293 Information provided by Respondent No. 14 during the interview conducted on 13.03.2025.

294 Information provided by Respondents No. 15 and No. 14 during the interviews conducted on 07.03.2025 and 13.03.2025.

295 The NACP is verifying the lifestyle of Judge Zhukov following the news story. Bihus.Info. 2025.

296 Fortunate with Relatives: How Judge of the ACC SC Ihor Dashutin Maintains a Sterile Declaration. DEJURE Foundation. 2024.

297 Supreme Court Judge Living in a \$1 Million Estate with Vineyards, Lakes, and Forests: All Registered in the Names of Long-Time Acquaintances. Bihus.Info. 2025.

298 For further details, see the subsection “Fighting Corruption in the Judiciary”.

299 NABU investigates alleged illegal enrichment of Judge Zhukov following a Bihus.Info investigation. Bihus.Info, 2025.

Semen Stetsenko³⁰⁰. Judge Stetsenko independently requested SSU to verify this information³⁰¹. As a result, the SSU reported that Judge Stetsenko does not hold Russian citizenship, as he voluntarily renounced it on 15 March 2005³⁰².

In April 2025, the Government submitted to Parliament Draft Law No. 13165³⁰³ concerning the improvement of procedures for the submission and verification of judges' declarations of integrity. Its provisions, among other things, stipulate that within 24 months from the date the law enters into force, the HQCJ, with the participation of the PIC, shall conduct verification of the declarations of integrity and family ties of judges of the higher specialised courts (i.e. the HACC) and the SC³⁰⁴. Several alternative draft laws — No. 13165-1³⁰⁵ and No. 13165-2³⁰⁶ — were submitted to Parliament by MPs in relation to this draft law.

At the end of May 2025, the Plenum of the SC determined that certain provisions of Draft Law No. 13165 posed a threat to the independence of the judiciary and would lead to violations of the principle of judicial independence, as well as being inconsistent with the principle of legal certainty and allowing for the possibility of prolonged pressure on the relevant courts³⁰⁷. Therefore, the Plenum of the SC proposed rejecting Draft Law No. 13165 and instead revising Draft Laws No. 13165-1 and No. 13165-2, taking into account the conclusions of the Plenum of the SC³⁰⁸.

On 3 June 2025, Parliament adopted Draft Law No. 13165-2 in the first reading as a basis.

Exercise of the SC's Mandate

In 2024, over 90,000 cases were submitted to the SC for consideration, which is 5% more than in 2023, and the number of cases considered reached 87,000, exceeding the previous year's figure by more than one thousand cases³⁰⁹.

300 Supreme Court Judge Stetsenko May Hold a Russian Passport. Censor.NET. 2024.

301 Publication of the Supreme Court on the social network Facebook. 2025.

302 Attention Media! Supreme Court. 2025.

303 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Laws of Ukraine Regarding the Improvement of Procedures for Submission and Verification of Judges' Declarations of Integrity: Draft Law of Ukraine, registration No. 13165 of 09.04.2025.

304 Analysis of Draft Law No. 13165 is provided in the subsection "High Qualification Commission of Judges of Ukraine".

305 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Laws of Ukraine Regarding the Improvement of Procedures for Submitting and Verifying Judges' Declarations of Integrity: Draft Law of Ukraine, registration No. 13165-1 of 23.04.2025.

306 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Laws of Ukraine Regarding the Improvement of Procedures for Submitting and Verifying Judges' Declarations of Integrity: Draft Law of Ukraine, registration No. 13165-2 of 25.04.2025.

307 Approval of conclusions on draft laws concerning the improvement of procedures for submitting and verifying judges' declarations of integrity and disciplinary and other procedures regarding judges — summary of the meeting of the Plenum of the SC. Judiciary of Ukraine. 2025.

308 Opinion on the Draft Laws of Ukraine "On Amendments to the Law of Ukraine 'On the Judiciary and the Status of Judges' and Certain Laws of Ukraine Regarding the Improvement of Procedures for Submitting and Verifying Judges' Declarations of Integrity" (reg. No. 13165 of 9 April 2025), "On Amendments to the Law of Ukraine 'On the Judiciary and the Status of Judges' and Certain Laws of Ukraine Regarding the Improvement of Procedures for Submitting and Verifying Judges' Declarations of Integrity" (reg. No. 13165-1 of 23 April 2025) and "On Amendments to the Law of Ukraine 'On the Judiciary and the Status of Judges' and Certain Laws of Ukraine Regarding the Improvement of Judges' Declarations of Integrity and Judges' Family Connections" (reg. No. 13165-2 of 25 April 2025): Resolution of the Plenum of the Supreme Court No. 8 of 23.05.2025.

309 The Plenary Session of the SC heard information on the activities of the Supreme Court in 2024 and considered two constitutional submissions. Supreme Court. 2025.

In the first half of 2025, the SC received 46,925 procedural submissions and cases (with 18,308 remaining unreviewed from the previous reporting period). Over the same period, 45,993 procedural submissions and cases were reviewed³¹⁰, which indicates the continuing trend of excessive appeals to the SC by individuals and legal entities.

The overload of court cases has been one of the main problems of the SC since its establishment. This, in turn, leads to **difficulties in ensuring the uniformity of judicial practice**, as the SC hears 80,000–100,000 cases per year³¹¹. This situation is largely due to the **ineffectiveness of the cassation filters**³¹² introduced in 2017³¹³ and 2020³¹⁴.

Parties to judicial proceedings, following the legal tradition existing before 2017, when all cases were subject to cassation review, continue attempts to obtain a decision from the SC even in cases that are no longer subject to such review³¹⁵. The exemption of a large number of applicants from paying court fees only further contributes to the continuation of this tradition³¹⁶. A contributing factor is the provision of the Law of Ukraine “On Court Fees”, under which the SC must refund 100% of the court fee amount in the event of refusal to admit a cassation appeal for consideration³¹⁷. However, the SC spends the same amount of time both on reasoning the admissibility of a case for consideration and on reasoning the refusal to admit a case³¹⁸.

Other factors contributing to the SC’s case overload include **excessive formalism in the application of procedural law**, where even purely technical procedural documents (for example, rulings on setting a case for hearing)³¹⁹ are detailed extensively, and the practical **absence of written proceedings in two cassation courts** — the CCC SC³²⁰ and the Criminal Cassation Court within the SC (CrCC SC)³²¹.

As for the problems related to ensuring the consistency of judicial practice, the main issue remains the **absence of a comprehensive development strategy for the SC**³²², **including a strategy for ensuring the consistency of judicial practice**³²³. This problem remains unresolved in the current period, despite the rather successful work of the working groups

310 Report on the Administration of Justice by the Supreme Court for the First Half of 2025.

311 Supreme Court in figures and facts. 2017–2024. Supreme Court.

312 Information provided by Respondent No. 16 during the interview conducted on 27.03.2025.

313 On Amendments to the Commercial Procedure Code of Ukraine, the Civil Procedure Code of Ukraine, the Code of Administrative Procedure of Ukraine, and Other Legislative Acts: Law of Ukraine No. 2147-VIII of 03.10.2017.

314 On Amendments to the Commercial Procedure Code of Ukraine, the Civil Procedure Code of Ukraine, and the Code of Administrative Procedure of Ukraine Regarding the Improvement of Judicial Case Consideration Procedures: Law of Ukraine No. 460-IX of 15.01.2020.

315 Information provided by Respondent No. 15 during the interview conducted on 07.03.2025.

316 On Court Fees: Law of Ukraine No. 3674-VI of 08.07.2011.

317 Ibid.

318 Information provided by Respondent No. 1 during the interview conducted on 06.03.2025.

319 Information provided by Respondent No. 16 during the interview conducted on 27.03.2025.

320 Information provided by Respondent No. 14 during the interview conducted on 13.03.2025.

321 Information provided by Respondents No. 17 and No. 18 during the interviews conducted on 12.03.2025 and 18.03.2025.

322 Information provided by Respondents No. 4, No. 14, and No. 16 during the interviews conducted on 07.03.2025, 13.03.2025, and 27.03.2025.

323 Information provided by Respondent No. 14 during the interview conducted on 13.03.2025.

on the fundamental principles of judicial management and on the strategy for ensuring the consistency of judicial practice³²⁴.

The working group on the strategy for ensuring the consistency of judicial practice initiated the weekly publication on the SC's communication channels of information about cases referred during the previous week for consideration by judicial chambers, joint chambers of cassation courts, and the GC SC³²⁵. This promotes the timely informing of judges of the first and appellate instances, as well as the legal community in general, about such cases.

Under the aegis of the aforementioned working group, an SC IT product — Supreme LAB — has been created, containing data on cases referred for consideration by judicial chambers, joint chambers of cassation courts, and the GC SC, with detailed information on the grounds for referral and the results of their consideration by the cassation court³²⁶. Currently, the working group is working on the generalisation of judicial practice in cases where decisions are not subject to cassation appeal³²⁷.

The working group on the fundamental principles of judicial management, during the reporting period, jointly with a research institution and with the support of the public, developed Draft Law No. 11133, which simplifies the appointment of videoconferences in civil, commercial, and administrative proceedings, constituting a concrete measure to improve the efficiency of judicial proceedings³²⁸. On 23 May 2024, Parliament adopted Law No. 3755-IX³²⁹.

In April 2025, the updated version of the Supreme Court's Legal Positions Database (Database) was presented, developed with the support of the EU project "Pravo-Justice"³³⁰. The updated Database enables the search for relevant SC practice and the extraction of key conclusions from a judicial decision in one click. The Database also introduced a marking system for departures from legal positions, which helps users better navigate their relevance.

Other problems affecting the consistency of judicial practice include **the structural separation of the SC**³³¹ (four cassation courts and the GC SC) and the fact that the **cassation courts and the GC SC are located in different premises**³³² at a significant distance from each other. A consequence of these problems is the extremely **limited communication**

324 The Plenary Session of the SC heard information on the activities of the Supreme Court in 2024 and considered two constitutional submissions. Supreme Court. 2025.

325 Ibid.

326 Ibid.

327 Ibid.

328 Ibid.

329 On Amendments to the Commercial Procedure Code of Ukraine, the Civil Procedure Code of Ukraine, and the Code of Administrative Procedure of Ukraine Regarding the Improvement of Participation in Court Hearings by Videoconference: Law of Ukraine No. 3755-IX of 23.05.2024.

330 Publication of the Supreme Court on the social network Facebook. 2025.

331 Information provided by Respondents No. 15, No. 14, and No. 16 during the interviews conducted on 07.03.2025, 13.03.2025, and 27.03.2025.

332 Ibid.

between SC judges themselves and with judges of other instances³³³ (with rare exceptions). At the same time, the Plenary Session of the SC does not serve as a platform for communication among judges³³⁴ and internal events with the simultaneous participation of all SC judges are infrequent³³⁵.

To address the problem of communication between the SC and judges and the legal community, a new communication project — the “Supreme Court Podcast” — was launched in 2025. Its aim is to create an open platform for professional discussion of current issues of judicial practice and the exchange of opinions in the search for answers to the most pressing questions for legal practitioners³³⁶. For example, the first podcast was dedicated to the submission of cassation appeals³³⁷. The next two podcasts addressed current issues of criminal procedure law and family disputes³³⁸.

An independent factor affecting the consistency of judicial practice is the **disregard for SC practice by state authorities and local self-government bodies**, despite the fact that ordinary citizens or defence counsel refer to relevant SC practice when addressing such bodies³³⁹. This, in turn, leads to the **overloading of the SC with repetitive cases** where a legal position has already been established³⁴⁰. As a result, such a situation prevents the full **development of strategic approaches to the evolution of judicial practice**³⁴¹. However, in a large number of commercial and civil cases, the SC has ensured legal certainty³⁴².

A separate problem is **the absence of appropriate tools within the SC to monitor the consistency of judicial practice at the appellate court level in cases that are not subject to cassation appeal**³⁴³. Currently, appellate courts **do not have mechanisms for referring preliminary questions to the SC**³⁴⁴.

The issue of how parties prepare cassation appeals also requires special attention, as the persuasiveness of such appeals determines their filtering and admissibility for consideration³⁴⁵.

333 Information provided by Respondents No. 4 and No. 15 during the interviews conducted on 07.03.2025.

334 Information provided by Respondent No. 16 during the interview conducted on 27.03.2025.

335 Information obtained through monitoring of the Supreme Court’s Facebook page. 2025.

336 Publication of the Supreme Court on the social network Facebook. 2025.

337 Ibid.

338 Supreme Court’s channel on the social network YouTube. 2025.

339 Information provided by Respondents No. 1 and No. 15 during the interviews conducted on 06.03.2025 and 07.03.2025.

340 Information provided by Respondent No. 4 during the interview conducted on 07.03.2025.

341 Information provided by Respondent No. 14 during the interview conducted on 13.03.2025.

342 Information provided by Respondent No. 19 during the interview conducted on 18.03.2025.

343 Ibid.

344 Ibid.

345 Publication of the Supreme Court on the social network Facebook. 2025.

GC SC

In 2024, the GC SC stabilised its work (following the case concerning former President of the SC Vsevolod Kniazev³⁴⁶) and, despite a number of judicial decisions that negatively affected judicial reform (the case of Judge V. Usatyi³⁴⁷ and its derivative cases), overall fulfilled its functions of ensuring the consistency of judicial practice.

At the same time, there are several urgent problems affecting the functioning of the GC SC, the SC as a whole, and the judiciary system:

1. **Overload with administrative cases**³⁴⁸, since in cases involving the President, Parliament, the HCJ, and the HQCJ, the GC SC acts as an appellate instance. The GC SC also reviews decisions of the HCJ concerning the disciplinary liability of judges, often annulling them³⁴⁹. It is precisely these decisions that attract the most criticism from the public³⁵⁰.
2. **Acceptance by the GC SC of some cases that should have been considered by joint chambers**³⁵¹. These are cases relating to only one jurisdiction, which does not correspond to the mandate of the GC SC.
3. **Excessive number of judges in the GC SC against the background of an almost quarter reduction in the number of judges in the cassation courts**³⁵².
4. **Lack of reasoning or superficial reasoning regarding the similarity of legal relations in the decisions of the GC SC**³⁵³. As a result, the GC SC opinions often do not explain why the legal position is not deviated from, although a decision contrary to the existing legal position is made. This in fact means the existence of so-called hidden departures and constitutes a significant problem in ensuring the uniformity of judicial practice at the SC level, in particular at the GC SC.

Despite existing problems, during the reporting period there was a reduction in the backlog of cases under consideration by the GC SC, primarily in civil and commercial jurisdictions, as well as an acceleration in the timeframes for case consideration and the preparation of judicial decisions³⁵⁴.

In total, in 2024, the GC SC considered 522 procedural referrals across all jurisdictions, which is almost 8% more than in 2023, and adopted 270 judicial decisions on the merits³⁵⁵.

346 NABU and SAPO Exposed a Corruption Scheme Involving the Supreme Court Leadership. National Anti-Corruption Bureau of Ukraine. 2023.

347 Publication of the Public Integrity Council on the social network Facebook. 2024.

348 Information provided by Respondents No. 19 and No. 13 during the interviews conducted on 18.03.2025 and 19.03.2025.

349 The Plenary Session of the SC heard information on the activities of the Supreme Court in 2024 and considered two constitutional submissions. Supreme Court. 2025.

350 Publication of the DEJURE Foundation on the social network Facebook. 2025.

351 Information provided by Respondent No. 19 during the interview conducted on 18.03.2025.

352 Information provided by Respondent No. 13 during the interview conducted on 19.03.2025.

353 Ibid.

354 Information provided by Respondent No. 19 during the interview conducted on 18.03.2025.

355 The Plenary Session of the SC heard information on the activities of the Supreme Court in 2024 and considered two constitutional submissions. Supreme Court. 2025.

During the first half of 2025, the GC SC had 630 procedural submissions and cases under consideration. This is 30% more than in the first half of 2024 (445 materials). In this period, 462 procedural submissions/complaints were received (58% more than in the first half of 2024), of which: 308 administrative materials, 72 civil, 45 criminal and 37 commercial materials. In total, during this period, the GC SC reviewed 379 procedural submissions in all jurisdictions (27% more) and adopted 168 court decisions on the merits (38 submissions were returned to the cassation courts)³⁵⁶.

During 2024, the cassation courts referred 163 cases to the GC SC for consideration, which is 6% more than in 2023³⁵⁷. Taking into account the 2024 backlog, 220 cases were under cassation review at the GC SC³⁵⁸. In the first half of 2025, the cassation courts referred 58 cases to the GC SC³⁵⁹. Taking into account the backlog, in the first half of 2025, 87 cases were under cassation review at the GC SC³⁶⁰.

Last year, the GC SC also received 231 appellate complaints in administrative cases, accounting for 35% of all incoming cases to the GC SC in 2024³⁶¹. In total, 272 appellate complaints were under consideration over the past year, of which 179 were considered³⁶². In the first half of 2025, the GC SC received 191 appeals and administrative proceedings case³⁶³.

Regarding the consideration of complaints against decisions of the HCJ adopted following the consideration of complaints against decisions of the Disciplinary Chambers of the HCJ, last year 39 such complaints were under consideration by the GC SC. Of these, 23 complaints were considered (17 complaints were dismissed; 6 were upheld)³⁶⁴. In the first half of 2025, 53 such appeals were under consideration by the GC SC (14 remained unreviewed from the previous reporting period, and 39 were newly received for consideration). During this period, the GC SC reviewed 14 such appeals (6 of which were upheld)³⁶⁵.

In addition, during 2024, the GC SC considered applications for the review of court decisions based on exceptional circumstances. Thus, 41 applications were considered on the grounds that an international judicial institution whose jurisdiction is recognised by Ukraine had established a violation of Ukraine's international obligations, including 13 in administrative cases, two in commercial cases, 12 in civil cases, and 14 in criminal procee-

356 Publication of the Supreme Court on the social network Facebook.; Report on the Administration of Justice by the Supreme Court for the First Half of 2025.

357 Plenum of the SC heard information on the activities of the Supreme Court in 2024 and considered two constitutional petitions. Supreme Court. 2025.

358 Ibid.

359 Report on the Administration of Justice by the Grand Chamber of the Supreme Court for the First Half of 2025.

360 Ibid.

361 Plenum of the SC heard information on the activities of the Supreme Court in 2024 and considered two constitutional petitions. Supreme Court. 2025.

362 Ibid.

363 Report on the Administration of Justice by the Supreme Court for the First Half of 2025.

364 Plenum of the SC heard information on the activities of the Supreme Court in 2024 and considered two constitutional petitions. Supreme Court. 2025.

365 Report on the Administration of Justice by the Supreme Court for the First Half of 2025.

dings³⁶⁶. On the grounds of a finding by the CCU of the unconstitutionality (or constitutionality) of a law, another legal act, or their separate provisions applied (or not applied) by the court when resolving a case, four applications were considered (one in a commercial case, one in a criminal proceeding, and two in civil cases)³⁶⁷.

In the first half of 2025, the GC SC had 49 applications for the review of court decisions on exceptional grounds under consideration (34 of them were reviewed). On the grounds of a finding by an international judicial body, whose jurisdiction is recognised by Ukraine, that Ukraine had violated its international obligations, 33 such applications were reviewed³⁶⁸.

In June 2025, a partial rotation of judges of the GC SC took place, and the public raised a number of concerns regarding certain elected judges³⁶⁹.

Specific Issues of the SC Regarding Funding and Management

Independent issues that affected the activities of the SC during the reporting period include the inability, due to the war, to carry out capital expenditures, primarily for the renovation of premises where the majority of SC judges could work. At the same time, the SC has the necessary funds available³⁷⁰.

Another challenge is the disproportionate influence of the SJA (primarily its Head or the person performing the duties of Acting Head) on the appointment and dismissal of the Head of the SC Secretariat, the First Deputy Head, the approval of their bonuses, etc.³⁷¹, which negatively affects the independence of the SC Secretariat's leadership and may create the preconditions for external interference by the SJA in the activities of the SC³⁷².

Another issue is the absence of an HR policy at the level of the judiciary and, as a consequence, the absence of a systematic personnel reserve for any court, including the SC³⁷³.

During the reporting period, the SC suffered a large-scale cyberattack, which suspended the operation of electronic services and automated systems for a certain period³⁷⁴. In particular, the receipt and processing of correspondence and procedural documents, automated distribution and consideration (holding court hearings via videoconference), delivery of court decisions, refunding of court fees, and the provision of other court services to parties to proceedings and other persons were halted³⁷⁵. The consequences of the attack

366 Plenum of the SC heard information on the activities of the Supreme Court in 2024 and considered two constitutional petitions. Supreme Court. 2025.

367 Ibid.

368 Report on the Administration of Justice by the Supreme Court for the First Half of 2025.

369 Under Investigation and with Problematic Declarations: Who Did the Supreme Court Select for the Grand Chamber? DEJURE Foundation. 2025.

370 Information provided by Respondent No. 21 during the interview conducted on 06.03.2025.

371 On the Judiciary and the Status of Judges: Law of Ukraine No. 1402-VIII of 02.06.2016, Part 4, Article 153.

372 Information provided by Respondent No. 1 during the interview conducted on 06.03.2025.

373 Ibid.

374 Publication of the Supreme Court on the social network Facebook. 2025.

375 Ibid.

were promptly overcome³⁷⁶, but this incident demonstrates the need to strengthen counteraction to cyber threats.

Recommendations

1. Introduce effective instruments to ensure the consistency of judicial practice, including a preliminary ruling request mechanism allowing appellate courts and courts of first instance to refer questions to the SC in cases where no conclusion has been provided on the matter; strengthen the reasoning component of SC judicial decisions, particularly regarding the similarity of legal relations, the admissibility/inadmissibility of cassation appeals for consideration in view of cassation filters, and other related matters.
2. The consideration of a preliminary ruling request by the GC SC should involve not an abstract response to the appellate court's question, but the formation of a legal position in a specific case.
3. Equip the SC with appropriate instruments to respond to cases where SC practice is ignored by state authorities and local self-government bodies.
4. Determine the appropriateness of reviewing certain categories of administrative cases, for which the SC has already established legal positions, under a summary procedure (for example, various categories of pension-related disputes).
5. Strengthen the role of joint chambers at the level of the cassation courts.
6. Consider the issue of systematising approaches to filtering cases submitted to the SC, following the model applied by the European Court of Human Rights (ECtHR).
7. Establish rules for the proportional reduction of the number of judges in the GC SC in the event of a change in the overall number of judges in the SC, according to the following formula: a 25% reduction in the total number of SC judges leads to a reduction of one judge representing the cassation courts in the GC SC (i.e., the total number of judges in the GC SC would be 17); a 50% reduction would lead to a reduction of two judges (i.e., the total number of judges in the GC SC would be 13).
8. Automate all processes within the SC, including the introduction of artificial intelligence tools. Develop and implement a new court document management system that takes into account modern threats to information security and complies with international standards and practices.
9. Move away from excessive formalism and overregulation in procedural documents that do not require detailed reasoning.
10. Optimise cassation proceedings and expand the categories of cases that may be considered under the written procedure.
11. Define the strategic development of the SC and adopt the relevant documents, including workload standards, a development strategy for the SC, a strategy for ensuring the consistency of judicial practice, a communication policy, and others.

376 Supreme Court Informs. Supreme Court. 2025.

12. Improve communication quality between courts within the SC, primarily through inter-jurisdictional activities, and enhance communication with first instance and appellate courts, primarily through the organisation of appropriate training. Also, continue communication and educational activities for the legal community.
13. Introduce at the level of the judiciary a platform for forming a personnel reserve for courts of all instances and jurisdictions.
14. To complete the renovation works in the premises of the Civil Cassation Court within the SC and to prevent the loss of progress made in previous years in this matter, capital expenditures should be carried out using the SC's available court fee revenues.
15. Ensure the formation of financial reserves by adopting amendments to the Law of Ukraine "On Court Fees"³⁷⁷, under which at least 50% of the court fee should remain with the SC in the event of refusal to admit a cassation appeal for consideration. This measure would also appropriately prevent the abuse of procedural rights by parties and reduce the number of groundless cassation appeals submitted to the SC.
16. Eliminate administrative and financial influence on the leadership of the SC Secretariat by introducing relevant amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" transferring these powers to the President of the SC.
17. In the event that the number of cases submitted to the SC is not reduced by the beginning of 2027, conduct a competitive selection for judges of the SC for all vacancies available at that time. Independent international experts should be engaged in the selection process instead of the PIC.

High Anti-Corruption Court

Progress and issues

Staffing of the HACC and its Secretariat

As of July 2025, the HACC's judicial staff had increased to 40 judges (29 judges in the first instance and 11 judges in the AC HACC)³⁷⁸. After the completion in March 2025 of the competition for the first instance of the HACC³⁷⁹, two candidates were selected as winners — local court judges Tetiana Lytvynko and Olena Chernova³⁸⁰. On 3 June 2025, the President appointed them as HACC judges³⁸¹. Since June 2023, one judge has been seconded to the HQCJ for a term of four years³⁸².

³⁷⁷ On Court Fees: Law of Ukraine No. 3674-VI of 08.07.2011.

³⁷⁸ Information on the number of judicial positions in higher specialised courts as of 14.07.2025. High Qualification Commission of Judges of Ukraine. 2025.

³⁷⁹ Ranking of candidates approved and winners of the competition for vacant judicial positions at the High Anti-Corruption Court announced. High Qualification Commission of Judges of Ukraine. 2025.

³⁸⁰ Two candidates confirmed their ability to administer justice at the High Anti-Corruption Court. High Qualification Commission of Judges of Ukraine. 2025.

³⁸¹ On the Appointment of Judges of the High Anti-Corruption Court: Decree of the President of Ukraine No. 378/2025 of 03.06.2025.

³⁸² Judge of the High Anti-Corruption Court Oleh Koliush Appointed Member of the HQCJ. High Anti-Corruption Court. 2023.

The competition for 10 vacant positions of judges at the AC HACC concluded in January 2025 with no successful candidates, as none of the applicants passed the qualification examination³⁸³.

On 23 January 2025, the HQCJ, in plenary composition, announced a repeated competition for the 10 vacant judicial positions at the AC HACC³⁸⁴.

The HQCJ at that time acknowledged the mistakes made during the competitions for both chambers of the HACC and emphasised that “over the past two months, the Commission has tested all procedures and is ready to conduct the next wave of selection for the HACC, [...] as well as for the Appeal Chamber”³⁸⁵. A detailed analysis of the competition is provided in the section titled “High Qualification Commission of Judges of Ukraine”.

In June 2025, the Head of the HQCJ stated that work on improving competition procedures is ongoing to ensure their transparency, fairness, and objectivity³⁸⁶.

As of July 2025, the procedural rules for conducting the competition for HACC judicial positions had undergone significant changes. Parliament introduced provisions amending, in particular, Part 3 of Article 84 of the Law of Ukraine “On the Judiciary and the Status of Judges”. As a result, during martial law and for one year after its termination or repeal, candidates who recently had an unsuccessful experience in the competition may participate in a repeated competition (Law No. 4433-IX³⁸⁷ entered into force on 4 June 2025). Before these legislative changes, such candidates could be re-assessed (as part of the competition) no earlier than one year from the date of their last qualification assessment³⁸⁸. In light of these amendments, the HQCJ decided to stop accepting documents for participation in the competition to the AC HACC announced on 23 January 2025³⁸⁹.

On 3 June 2025, the HQCJ announced a new competition to fill 23 vacant HACC positions (10 in the AC HACC and 13 in other HACC judicial posts). The period for submitting applications and undergoing qualification assessment runs from 7 July to 6 August 2025³⁹⁰.

This new competition, in addition to the above-mentioned legislative change, also has other features. For the first time, a candidate may simultaneously apply for both the first-instance HACC and the AC HACC. The qualification exam and interview will be unified.

383 Overall Results of the Qualification Examination for Candidates in the Competition to the High Anti-Corruption Court and its Appeal Chamber Approved. High Qualification Commission of Judges of Ukraine. 2025.

384 On 23 January 2025, the High Qualification Commission of Judges of Ukraine Announced a Competition for the Appeal Chamber of the High Anti-Corruption Court. High Qualification Commission of Judges of Ukraine. 2025.

385 Competition for the Appeal Chamber of the Anti-Corruption Court to Restart. Dzerkalo Tyzhnia. 2025.

386 Andrii Pasichnyk outlined the key challenges in overcoming the staffing crisis in the justice system. High Qualification Commission of Judges of Ukraine. 2025.

387 On Amendments to the Law of Ukraine “On the Judiciary and the Status of Judges” Concerning the Clarification of Procedures for Judicial Appointment Competitions and Secondment of Judges: Law of Ukraine No. 4433-IX of 14.05.2025.

388 On the Judiciary and the Status of Judges: Law of Ukraine No. 1402-VIII of 02.06.2016.

389 To the attention of persons intending to become judges of the High Anti-Corruption Court. High Qualification Commission of Judges of Ukraine. 2025.

390 Competition announced on 3 June 2025 to fill vacant positions at the High Anti-Corruption Court. High Qualification Commission of Judges of Ukraine. 2025.

Candidates for the AC HACC will be those who rank highest in the competition. The number of first-instance HACC vacancies may increase if a sitting first-instance HACC judge (who is also a candidate for the AC HACC) is recommended for appointment to the AC HACC³⁹¹.

Some competition rules have also been amended. In particular, the passing score for the test on knowledge of the history of Ukrainian statehood, previously set at 75%, has been abolished. This score will now be determined by the HQCJ independently, in the same way it determines the passing score for the cognitive abilities test. In addition, the repeated interview with the competition winners after the qualification assessment has been cancelled (it will be conducted only during the qualification assessment)³⁹².

According to the indicative schedule set by the HQCJ, this competition is expected to conclude in March 2026³⁹³.

There were no changes in the leadership of the HACC and its Appeal Chamber during the reporting period. The position of Deputy Head of the HACC has remained vacant for three years due to the inability of any candidate to secure the required number of votes.

At the same time, the HACC has initiated the formation of a personnel reserve composed of civil service and patronage service staff with the aim of promptly filling 110 positions in the Secretariat of the HACC and its Appeal Chamber following the appointment of new judges as a result of the repeated competitions³⁹⁴. On 17 April 2025, the acceptance of applications from candidates was completed. For the specified number of vacancies at the HACC, both first instance and appeals, applications were received from 1,036 candidates. The review of documents is currently ongoing³⁹⁵.

Powers of the HACC and the Workload of its Judges

In 2024, the HACC was handling 375 criminal proceedings and 11,053 motions, complaints, and applications (except for applications for the recusal of a judge) during the pre-trial investigation stage. Of these, 122 criminal proceedings and 10,960 motions, complaints, and applications were submitted directly in 2024³⁹⁶. By the end of the year, the court had considered 88 criminal proceedings and 10,909 motions, complaints, and applications³⁹⁷.

The court also handled 33 administrative cases (27 cases were received in 2024), of which 27 were considered by the end of 2024³⁹⁸. In terms of civil proceedings, the HACC considered 8 out of 16 cases (12 of which were received in 2024)³⁹⁹.

391 Competition for 23 vacant judicial positions at the High Anti-Corruption Court and its Appeal Chamber. High Qualification Commission of Judges of Ukraine. 2025.

392 Ibid.

393 Ibid.

394 Publication by the High Anti-Corruption Court on the social network Facebook. 2025.

395 Publication of the High Anti-Corruption Court on the social network Facebook. 2025.

396 Report on the Timeliness of Judicial Case Consideration for 2024. High Anti-Corruption Court. 2025.

397 Ibid.

398 Ibid.

399 Ibid.

In the first half of 2025, the HACC had 366 criminal proceedings and 5,516 motions, complaints, and applications (excluding applications for the recusal of a judge) under consideration during the pre-trial investigation. At the same time, 82 criminal proceedings and 5,399 motions, complaints, and applications were received directly in the first half of 2025⁴⁰⁰. By the end of the first half of 2025, the court had reviewed 53 criminal proceedings and 5,393 motions, complaints, and applications⁴⁰¹.

Also, in the first half of 2025, the HACC had 20 administrative cases under consideration (14 of which were received during the reporting period), of which 16 were reviewed by the end of the reporting period⁴⁰². In the category of civil cases, the HACC reviewed **39 out of 60 cases (52 of these were received in the first half of 2025)**⁴⁰³. Thus, the statistics indicate that in the first half of 2025, there was a significant increase in the number of civil cases in the HACC as a court of first instance, which creates an additional workload for HACC judges in conditions of staffing shortages.

In 2024, the AC HACC was handling 95 verdicts, 59 rulings, and 1,005 investigating judges' rulings, of which 59 verdicts, 54 rulings, and 963 investigating judges' rulings were received during the year. By the end of the year, the Appeal Chamber had considered 39 verdicts, 58 rulings, and 959 investigating judges' rulings. Twenty-three verdicts have remained pending for over one year⁴⁰⁴.

In 2024, the AC HACC considered 20 out of 23 administrative cases (22 of which were received in 2024)⁴⁰⁵ and 6 out of 8 civil cases (all of which were received during the year)⁴⁰⁶.

As of 31 July 2025, a total of 6,113 appeals and related materials had been submitted to the AC HACC since the commencement of its procedural activity, of which 5,985 had been considered⁴⁰⁷.

The HACC notes a trend of increasing numbers of cases submitted for consideration, and accordingly, an increase in the time required for their examination due to the excessive workload on judges⁴⁰⁸. For instance, the HACC continues to examine cases filed in administrative proceedings concerning the application of sanctions, i.e., exercising powers that are not inherent to its jurisdiction⁴⁰⁹.

400 Report on the Timeliness of Case Consideration for the First Half of 2025. High Anti-Corruption Court. 2025.

401 Ibid.

402 Ibid.

403 Ibid.

404 Report of the Appeal Chamber of the High Anti-Corruption Court on the Consideration of Cases in 2024. Appeal Chamber of the High Anti-Corruption Court. 2025.

405 Ibid.

406 Ibid.

407 Online Counter on the Website of the Appeal Chamber of the HACC. Appeal Chamber of the High Anti-Corruption Court. 2025.

408 Information provided by representatives of the High Anti-Corruption Court during interviews conducted on 05.03.2025 and 11.03.2025.

409 Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's Report on Ukraine in 2023, p. 51. 2024.

Recently, the Government's initiative to transfer cases on administrative offences (conflicts of interest, violations of declaration requirements) to the HACC for consideration has also gained relevance. This would significantly complicate the court's work and increase the timeframes for the consideration of criminal proceedings⁴¹⁰.

At the same time, since the end of 2023, the governmental Draft Law No. 10338 had been under consideration by Parliament, which, in particular, proposed to remove from the Civil Procedure Code of Ukraine (CivPC of Ukraine) and the Code of Administrative Procedure of Ukraine (CAPU) the provisions requiring mandatory collegial consideration in the first instance — by a panel of three judges — of civil and administrative proceedings falling within the jurisdiction of the HACC⁴¹¹. On 17 July 2025, this draft law was withdrawn due to the change of Government.

As a result, there is currently a situation in which more complex criminal cases are considered by the HACC by a single judge⁴¹², while simpler civil and administrative cases must be considered by panels of three judges.

Another issue contributing to the increase in the duration of case consideration by HACC judges is the abuse of procedural rights by the parties⁴¹³. In 2024, the Ministry of Justice of Ukraine (MoJ) was developing a draft law aimed at countering the abuse of procedural rights⁴¹⁴; however, work on it has currently been suspended⁴¹⁵.

Logistical and Financial Support of the HACC Activities

As of July 2025, the issue of providing the HACC with premises that would allow for the simultaneous accommodation of all current and future judges of the HACC's trial chamber, as well as staff of its Secretariat, remains unresolved. The Government has not proposed any premises suitable for the specified purpose⁴¹⁶.

At present, the Government is formally addressing the matter. For example, the HACC is provided with lists of premises either already occupied by other state or judicial bodies — so that the court would have to negotiate their relocation independently — or requiring major renovation, for which there is a shortage of funds in the state budget⁴¹⁷.

Therefore, for more than six years since its establishment, the HACC has continued to operate in three premises, two of which are temporary and do not comply with national

410 Ibid.

411 On Amendments to the Civil Procedure Code of Ukraine and the Code of Administrative Procedure of Ukraine Regarding the Improvement of the Procedure for Case Consideration by the High Anti-Corruption Court: Draft Law of Ukraine, registration No. 10338 of 13.12.2023.

412 On Amendments to Article 31 of the Criminal Procedure Code of Ukraine Regarding the Improvement of the Procedure for Criminal Proceedings: Law of Ukraine No. 3655-IX of 24.04.2024.

413 Information provided by representatives of the High Anti-Corruption Court during interviews conducted on 05.03.2025 and 11.03.2025.

414 Publication by former Minister of Justice of Ukraine Denys Maliuska in a social network Facebook. 2024.

415 Information provided by representatives of the High Anti-Corruption Court during interviews conducted on 05.03.2025 and 11.03.2025.

416 Ibid.

417 Ibid.

construction standards or security requirements⁴¹⁸. At the same time, the trial chamber of the HACC occupies two premises that are located at a considerable distance from each other, creating logistical difficulties (delivery of documents, movement of judges, etc.). It was extremely difficult to accommodate even the two new judges and their offices⁴¹⁹ (a total of 10 persons) in these premises⁴²⁰. Therefore, it is impossible to accommodate a further 23 future judges and their offices (a total of 150 persons) in the current premises.

A separate problem is the suspension of USAID projects, which had also provided the HACC with technical equipment. As a result, there is currently no financial capacity to provide logistical support for the work of new judges of the HACC and its Appeal Chamber. According to the HACC's estimates⁴²¹, technical equipment for 25 new judges and their offices alone would require at least UAH 10 million. These funds were not included in the expenditures of the State Budget of Ukraine for 2025, as the HACC "was counting on American assistance"⁴²².

Recommendations

1. Filling vacant positions at the HACC and its Appeal Chamber through:

- the conduct of a repeated competition for both the trial and appeal chambers of the HACC during the third and fourth quarters of 2025, taking into account previous mistakes.

2. Providing the trial chamber of the HACC with a single, fully functional premises for its operation⁴²³:

- the allocation, during 2025, of a separate building suitable for the administration of justice to accommodate the trial chamber of the HACC (42 judges) and its Secretariat staff;
- the relocation, in 2026, of the trial chamber of the HACC to the new premises, and of the AC HACC to the current HACC premises at: 41 Beresteiskyi Avenue, Kyiv, 01601;
- the abandonment of the idea of further accommodating the trial chamber of the HACC in separate (two or more) premises located at a significant distance from each other, as this negatively affects the functioning of the court;
- the provision of the HACC and its Appeal Chamber with the necessary technical equipment and, if required, the allocation of funds for urgent repair works.

418 Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's Report on Ukraine in 2023, p. 50. 2024.

419 In this section, the term "judges' offices" of the High Anti-Corruption Court refers to judicial assistants and courtroom secretaries.

420 Interview with the HAAC Head Vira Mykhailenko. Watchers, 2025.

421 Information provided by representatives of the High Anti-Corruption Court during interviews conducted on 05.03.2025 and 11.03.2025.

422 Ibid.

423 The recommendation previously provided by civil society in Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's Report on Ukraine in 2023 (pp. 52–53) remains relevant but has been additionally refined in view of the progress achieved.

3. **Resubmit to Parliament the draft law on the single-judge consideration of civil and administrative cases and ensure its prompt adoption**⁴²⁴.
4. **Transfer of jurisdiction over administrative cases (concerning the application of sanctions) from the HACC to the SDAC and the SACA following the commencement of their operation**, with the aim of reducing the workload on the HACC and ensuring the effective allocation of jurisdiction among courts within the judicial system⁴²⁵.
5. Clarification of the legislative provisions on the election of the Deputy Head of the HACC and the conduct of such election under new rules⁴²⁶.
6. **Finalising the draft law on abuse of procedural rights by the parties and its adoption by Parliament in 2025.**
7. **Limiting the expansion of the HACC's jurisdiction until the appointment of 23 new judges (and for at least three years following the commencement of the HACC's operation in its new composition)** and the resolution of issues related to premises. Any further expansion of the court's jurisdiction should take into account the purpose for which the HACC was established.
8. **Implementation of a comprehensive strategy to ensure the effective consideration of cases by the HACC and to reduce the number of pending cases.**

Local and Appellate Courts

Progress and issues

As of 28 July 2025, 3,633 judges were serving in local courts⁴²⁷. The total number of judicial positions in local courts amounts to 4,934. This means 1,301 positions remain vacant (or 26% of the total staff size)⁴²⁸. Thus, the situation has remained almost unchanged compared to the previous reporting period.

In 2024, the HCJ adopted decisions to submit to the President nominations for the appointment of 471 judges to local courts, including: 412 to local general courts; 31 to local administrative courts; and 28 to local commercial courts⁴²⁹. During 2024, 385 judges took the oath and assumed office⁴³⁰.

Between January and May 2025, the HCJ submitted 43 recommendations for the appointment of judges to local courts, including 40 judges to local general courts and 3 judges

424 Ibid, with further clarification.

425 Ibid, with further clarification.

426 Ibid.

427 Register of Judicial Positions. High Qualification Commission of Judges of Ukraine. 2025.

428 Ibid.

429 In 2024, the HCJ decided to submit to the President of Ukraine a proposal to appoint 471 judges. High Council of Justice. 2025.

430 Ibid.

to local commercial courts⁴³¹. In May–June, the President appointed these candidates as judges⁴³². In June and July 2025, the HCJ submitted to the President recommendations for the appointment of another 4 judges to local courts⁴³³. Presidential decrees appointing these candidates as judges have not yet been issued.

At the same time, as of July 2025, no judges had been appointed in 9 local courts (the jurisdiction of four of these courts has been transferred to other courts, and one court ceased operations). In 25 local courts, only one judge has been appointed (with the jurisdiction of ten of these courts transferred), and in 80 courts, two judges are appointed (with the jurisdiction of 12 of them transferred to other courts)⁴³⁴.

In December 2024, the selection of judges to local courts was launched. It is being held for 1,800 vacant positions and is the most extensive in Ukraine's history⁴³⁵. Simultaneously, a procedure for transferring judges from one local court to another is being carried out⁴³⁶. In accordance with the Law⁴³⁷, both sitting judges and judicial candidates must compete on equal terms for vacant posts. No preferential treatment is provided.

The deadline for submitting applications and documents expired on 30 March 2025. Legal professionals who are military servicemen were allowed to submit documents in April as well. As of 1 May 2025, 9,337 candidates had submitted documents to participate in the selection process and for transfer to a local court⁴³⁸.

The HQCJ admitted 7,868 candidates for the position of a local court judge and 562 judges who expressed their intention to be transferred to another local court to take the qualification examination (a total of 8,430 persons)⁴³⁹.

From 15 to 24 July 2025, testing on the history of Ukrainian statehood (the first stage of the qualification examination⁴⁴⁰) was conducted. As of 24 July 2025, a minimum passing score was achieved by 7,807 persons⁴⁴¹.

431 Between January and May 2025, the HCJ decided to submit to the President of Ukraine recommendations for the appointment of 45 judges. Judiciary of Ukraine.

432 Decrees. President of Ukraine, 2025.

433 Acts of the High Council of Justice. High Council of Justice, 2025.

434 Record of judicial positions as of 28.07.2025. High Qualification Commission of Judges of Ukraine. 2025.

435 Announcement on the selection of candidates for the position of local court judge. High Qualification Commission of Judges of Ukraine. 2024.

436 Ibid.

437 On the Judiciary and the Status of Judges: Law of Ukraine No. 1402-VIII of 02.06.2016.

438 List of persons who applied to the Commission to participate in the selection process and for transfer to a local court. High Qualification Commission of Judges of Ukraine. 2025.

439 On the Scheduling of the Test on the History of Ukrainian Statehood Within the Qualification Examination for Candidates for the Position of a Local Court Judge and Judges who Expressed Their Intention to be Transferred to Another Local Court: Decision of the High Qualification Commission of Judges of Ukraine No. 128/zp-25 of 04.07.2025.

440 On the Scheduling of the Qualification Examination for Candidates for the Position of a Local Court Judge and Judges who Expressed Their Intention to be Transferred to Another Local Court: Decision of the High Qualification Commission of Judges of Ukraine No. 105/zp-25 of 12.05.2025.

441 Commission completes testing on the history of Ukrainian statehood. High Qualification Commission of Judges of Ukraine. 2025.

On 25 July 2025, the HQCJ approved the schedule for the test on general knowledge in the field of law and knowledge in the court's specialisation (the second stage of the qualification examination) and admitted 7,239 candidates to take this test⁴⁴².

The qualification examination also includes a third stage (testing cognitive abilities) and a fourth stage (performing a practical task in the specialisation of the relevant court), each of which is scheduled by a separate HQCJ decision⁴⁴³.

As of 28 July, 574 judges have been appointed to appellate courts, out of a total staff number of 1,357. This means 778 positions (or 57.7%)⁴⁴⁴ remain vacant. The situation has deteriorated compared to the previous reporting period (with the number of judges decreasing by 5.4%).

The qualification exam stage has been completed in the competition for 550 appellate court positions. At that time, there were 67 candidates for 67 positions⁴⁴⁵ in appellate administrative courts; 83 candidates⁴⁴⁶ for 58 positions in appellate commercial courts; and 706 candidates⁴⁴⁷ for 425 positions in appellate general courts. Given the current candidate numbers, that not all vacancies — at least in the appellate administrative courts — will be filled following the competition.

The second stage of the competition — review of judicial dossiers and interviews with candidates to appellate administrative and commercial courts (including the vetting of candidates by the PIC) — takes place from May to August 2025. Since July 2025, interviews with candidates for appellate general courts have begun⁴⁴⁸ and are expected to continue until the end of 2026⁴⁴⁹. The prioritisation of interview scheduling was deemed erroneous, considering that the greatest staffing shortages are currently found in appellate general courts.

As of 31 July 2025, in the competition for appellate administrative courts, interviews had been conducted with 67 candidates: 43 candidates confirmed their ability to administer justice in an appellate administrative court, 23 did not, and 1 candidate's interview will be held in a plenary session of the Commission⁴⁵⁰. In the competition for appellate commercial courts, interviews had been conducted with 74 candidates: 46 confirmed their ability to administer justice in an appellate commercial court, 17 did not, and 11 candidates' interviews will be held in a plenary session of the HQCJ⁴⁵¹. The selection by candidates of

442 Test on general knowledge in the field of law and knowledge in the specialisation of the relevant court scheduled. High Qualification Commission of Judges of Ukraine. 2025.

443 On the Scheduling of the Qualification Examination for Candidates for the Position of a Local Court Judge and Judges who Expressed Their Intention to be Transferred to Another Local Court: Decision of the High Qualification Commission of Judges of Ukraine No. 105/zp-25 of 12.05.2025.

444 Register of Judicial Positions (current). High Qualification Commission of Judges of Ukraine. 2025.

445 Publication of the High Qualification Commission of Judges of Ukraine on the social network Facebook. 2025.

446 Publication of the High Qualification Commission of Judges of Ukraine on the social network Facebook. 2025.

447 Publication of the High Qualification Commission of Judges of Ukraine on the social network Facebook. 2025.

448 Publication of the High Qualification Commission of Judges of Ukraine on the social network Facebook. 2025.

449 Information provided by Respondent No. 5 during the interview conducted on 26.03.2025.

450 Publication of the High Qualification Commission of Judges of Ukraine on the social network Facebook. 2025.

451 Ibid.

a specific appellate court, taking into account their ranking position, will take place on 15 August 2025⁴⁵².

In February 2025, Parliament adopted at first reading Draft Law No. 6049⁴⁵³, which envisages the temporary secondment of judges, including those from first-instance courts to appellate courts in the event of their suspension due to a lack of judges and protracted competition procedures.

The decision to advance this draft law in Parliament at the current stage appears to be both mistaken and premature, as its implementation would divert the attention of judicial governance bodies away from core procedures (competitions) toward extremely temporary and ineffective measures (secondment, limited to one year). Given that the most critical staffing shortages are currently in appellate general courts (criminal specialisation), it seems unlikely that a seconded judge would be able to review a significant number of criminal cases within a year. Meanwhile, the cases assigned to such a judge in the first-instance court would need to be redistributed among other judges, thereby increasing their workload.

In 2024, a total of 285 judges left office; of these, 157 judges from local courts and 66 from appellate courts retired or resigned voluntarily⁴⁵⁴. An additional 36 judges from local and appellate courts were dismissed on special grounds: 30 due to having committed a gross disciplinary offence incompatible with judicial status, and 6 due to being deemed unfit for office⁴⁵⁵.

In the first half of 2025, the HCJ adopted decisions on the dismissal of 137 judges⁴⁵⁶. Of these, 101 judges of local and appellate courts (72 and 29 judges respectively) resigned under general circumstances. Under special circumstances, 29 judges of local and appellate courts were dismissed, namely: 21 for committing a significant disciplinary offence, and 8 due to the judge's failure to meet the requirements of the position⁴⁵⁷. Additionally, 5 judges of local and appellate courts resigned of their own accord⁴⁵⁸.

During July 2025, the HCJ adopted decisions on the dismissal of 12 judges of local and appellate courts: 8 judges resigned under general circumstances (7 due to retirement, 1 of their own accord), and 4 judges were dismissed under special circumstances (for committing a significant disciplinary offence)⁴⁵⁹.

At present, approximately 500 judges are serving on temporary transfer (secondment). These secondments have now continued for more than three years. During this period,

452 Ibid.

453 On Amendments to Section XII "Final and Transitional Provisions" of the Law of Ukraine "On the Judiciary and the Status of Judges" regarding the Secondment of Judges to Ensure the Administration of Justice and Prevent the Suspension of Appellate Courts: Draft Law of Ukraine, registration No. 6049 of 14.09.2021.

454 285 Judges Dismissed in 2024. High Council of Justice. 2025.

455 Ibid.

456 137 judges dismissed during the first half of 2025. High Council of Judges. 2025.

457 Ibid.

458 Ibid.

459 Digest of events of the High Council of Justice for 1–11 July 2025. High Council of Justice. 2025.; Digest of events of the High Council of Justice for 14–22 July 2025. High Council of Justice. 2025.

some judges have had their place of secondment changed two or even three times⁴⁶⁰. There are recorded cases where the location of a judge's secondment was determined without their consent (based on the principle that "a judge follows the cases of their 'own' court")⁴⁶¹ as well as cases where a judge's previous secondment was cancelled and replaced with a new one (both with and without the judge's consent)⁴⁶².

As a result, judges lack certainty regarding their life and career. In practice, this situation puts pressure on the judge and excessive interference in their private life. At present, the only possible option for such a judge to get a permanent post (i.e. a transfer rather than a secondment) is to pass the qualification examination and compete for positions in local courts on an equal footing with judicial candidates (this is exactly what is happening in the selection process for local courts).

As of July 2025, the territorial jurisdiction of court cases has been changed in 86 courts⁴⁶³. In the course of 2024, the jurisdiction of 11 courts was altered, 10 of which are located in Donetsk region and one in Sumy region⁴⁶⁴. In 2025, the territorial jurisdiction of three courts was changed — in Donetsk, Kherson and Sumy regions⁴⁶⁵. At present, only two local general courts continue operating in Donetsk region⁴⁶⁶. Another 80 courts located in the territories of Donetsk and Luhansk regions, as well as the Autonomous Republic of Crimea — which have been under occupation since 2014 — have ceased operations⁴⁶⁷. The District Administrative Court of Kyiv (DACK) has also been dissolved⁴⁶⁸.

Meanwhile, during the reporting period, no action was taken to establish rules for changing the jurisdiction of court cases in regions close to the combat zone or those where hostilities are already ongoing.

On 25 April 2025, the Law of Ukraine No. 4273-IX⁴⁶⁹ entered into force, which provides for the renaming of 103 local courts in accordance with legislation on decommunisation, the protection of the state language, and rules for naming legal entities. The law eliminates outdated names associated with totalitarian regimes or those that do not reflect Ukraine's current administrative and territorial structure.

No decisions were adopted during the reporting period regarding the optimisation of the network of local general courts or the approval of a new judicial map. A pilot project for court consolidation in Zakarpattia region, developed with the support of the EU Project "Pravo-Justice"⁴⁷⁰, is currently under consideration. The pilot project is scheduled for

460 For example, this situation concerns judges of the former Krasnoarmiyskiy City District Court of Donetsk Region.

461 Ibid.

462 For example, decision of the High Council of Justice No. 3313/0/15-24 of 14.11.2024.

463 Judicial Position Register. High Qualification Commission of Judges of Ukraine. 2025.

464 Orders on the Determination of Territorial Jurisdiction. Supreme Court. 2025.

465 Ibid.

466 Register of Judicial Positions. High Qualification Commission of Judges of Ukraine. 2025.

467 Ibid.

468 Ibid.

469 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" Regarding the Renaming of Local General Courts: Law of Ukraine No. 4273-IX of 26.02.2025.

470 Information provided by Respondent No. 8 during the interview conducted on 25.03.2025.

implementation in 2026 and will serve as a basis for optimising the network of courts (through consolidation) in other regions of Ukraine⁴⁷¹.

In March 2025, the Subcommittee of the Verkhovna Rada Committee on Legal Policy hosted a discussion of the committee's version of the draft law regulating the procedure for electing (appointing) judges to administrative positions and their dismissal from such positions⁴⁷². This draft law was developed based on Draft Laws No. 8296 and No. 8296-1⁴⁷³.

The concept of the new draft law provides for the following⁴⁷⁴:

- The form of election remains unchanged — the head of court and their deputy shall be elected by the court's collective body at a general meeting of judges. However, if the judges fail to adopt a decision within three months, the appointment will be made by the Council of Judges of Ukraine (CJU), as the judicial self-governance body⁴⁷⁵;
- If there are no candidates for a vacant administrative position in a court, these responsibilities shall be temporarily exercised by judges of the respective court on a rotational basis (from the oldest to the youngest in age) for a period of 180 calendar days;
- The term of office in administrative positions is proposed to be extended from three to four years (as in the case of the cassation court), while introducing a limit — no more than two consecutive terms. Re-election is allowed no earlier than two years after the end of the previous term;
- In the event of a disciplinary sanction being applied to a judge that renders them unable to administer justice, they shall be suspended from their administrative duties;
- The procedure for the election (appointment) and dismissal of court presidents and their deputies provided for in the draft law does not annul the previous term of their service in administrative positions.

At present, Members of Parliament are awaiting official positions on this draft law from the SC, the HCJ, the HQCJ, the SJA, and the CJU⁴⁷⁶.

The proposed extension of the term of office for court presidents and their deputies appears excessive. The current term limits — two consecutive terms of three years each — seem more reasonable, especially as the draft law aims to address the issue of prolonged (indefinite) tenure in these administrative positions and to prevent manipulation regarding terms of office. Moreover, there are numerous instances where the head and deputy simply switch roles and continue to run the court for many years (for example, in the Commercial Court of the City of Kyiv).

471 Ibid.

472 Post by Member of Parliament M. Dyrdin on the social network Facebook. 2025.

473 Ibid.

474 Ibid.

475 On the Judiciary and the Status of Judges: Law of Ukraine No. 1402-VIII of 02.06.2016, Article 127.

476 Ibid.

In 2024, the total number of cases considered across all court instances and jurisdictions reached 5.3 million, of which 4.4 million were resolved⁴⁷⁷. This marks a 15% increase compared to 2023.

Over the course of the year, the courts of first instance received 3.8 million cases and resolved approximately the same number⁴⁷⁸. This figure corresponds to the level of 2023.

The issue of uneven caseload distribution across courts remains unresolved: the number of cases pending before local general courts within a single region can differ by a factor of ten⁴⁷⁹. This is further complicated by the absence in Ukraine of an approved basic judge workload benchmark.

Recommendations

1. In order to address the staffing crisis, especially in the appellate courts (particularly the general appellate courts), it is advisable to complete the competition for this jurisdiction as quickly as possible.
2. A systemic tool at the level of local courts is the comprehensive analysis of the situation with judges temporarily reassigned (seconded) from courts located in temporarily non-government-controlled territories or active combat zones. Legislative measures should be taken to allow for the permanent transfer of such judges to the courts where they have already been working for more than two years. This would improve access to justice in the regions where they are seconded, while also providing judicial safeguards and certainty for judges and their families regarding a permanent place of residence and work⁴⁸⁰.
3. It is advisable to abandon the adoption of Draft Law No. 6049. Instead, in the event that any appellate court ceases to function, the jurisdiction of that court should be temporarily reallocated (following the model used for the appellate courts of Donetsk and Luhansk regions) or priority should be given to expediting interviews with candidates for appellate courts.
4. To balance the workload in the courts, it would be advisable to consider the following measures:
 - introducing extraterritorial jurisdiction for minor cases and cases considered under written proceedings;
 - reassigning jurisdiction over certain civil cases to commercial courts, including disputes involving individuals in the areas of construction, financial and credit relations, mortgages, and consumer protection;
 - increasing the number of judicial assistants in courts with excessive caseloads (exclusively as a temporary measure)⁴⁸¹;

477 The SC Plenum heard information on the activities of the Supreme Court in 2024 and considered two constitutional submissions. Supreme Court. 2025.

478 Ibid.

479 Interactive map of local general courts with workload standards. Council of Judges of Ukraine. 2025.

480 The recommendation previously provided by the civil society in the 2024 Shadow Report (p. 57) remains relevant.

481 Ibid, p. 59.

- expanding the categories of cases eligible for written proceedings (also as a temporary measure)⁴⁸².
5. In the medium term, the optimal solution for balancing the workload is the simultaneous introduction of remote case consideration and the general redistribution of cases between courts (which should be implemented alongside the process of optimisation (consolidation) of courts). This will require significant technical transformations and the full-scale implementation of digital technologies in the operation of the judiciary. Such an approach is the most effective for balancing the workload and combating corruption⁴⁸³.
 6. To address the issue of judicial leadership rotation, it would be appropriate to finalise and subsequently adopt the draft law developed by the Verkhovna Rada Committee on Legal Policy, retaining the current terms of office for heads and deputy heads of courts — two consecutive three-year terms. However, the cooling-off period between administrative appointments after six years in office should be extended to three years and should apply to any administrative position within the court.
 7. For the purpose of developing and implementing a new court map, it is advisable to:
 - conduct a comprehensive study across the government-controlled territory of Ukraine, taking into account internal migration of the population and business, and develop a new Concept for court network optimisation⁴⁸⁴;
 - develop a basic judge workload benchmark;
 - prepare comprehensive terms of reference for the future optimisation, including a map of courts in government-controlled regions and draft designs for model court premises in areas currently lacking appropriate infrastructure;
 - develop an effective methodology for identifying the “hub court”⁴⁸⁵;
 - launch the implementation of a pilot project in Zakarpattia region in 2025, developed with the support of the EU Project “Pravo-Justice”⁴⁸⁶.
 8. To regulate the functioning of courts in frontline regions, it is necessary to define and legally stipulate:
 - the conditions under which the remote working mode for courts is recommended, and those under which it is mandatory (e.g. the line of contact being within 50 km of the court; the court premises located within 50 km of the border with the Russian Federation; destruction of the court building)⁴⁸⁷;
 - the conditions under which the change of territorial jurisdiction is recommended, and those under which it is mandatory (e.g. court premises located near the line

482 Ibid.

483 Ibid.

484 The recommendation previously provided by the civil society in the 2024 Shadow Report (p. 61) remains relevant but has been further clarified.

485 Ibid. Recommendation has been further clarified.

486 Ibid. Further clarified.

487 The recommendation previously provided by the civil society in the 2024 Shadow Report (p. 62) remains relevant.

of contact or within 30 km of the Russian border; courts located in areas of active hostilities or on temporarily occupied territories)⁴⁸⁸.

Higher Specialised Courts for Cases Involving Central Executive Authorities and Issues Related to the Liquidated District Administrative Court of Kyiv

Progress and issues

In March 2025, the Law No. 4264-IX⁴⁸⁹ entered into force, **providing the legal framework for the establishment and operation of the SDAC and SACA**, which will hear administrative cases involving central executive authorities.

Parliament adopted one of the five draft laws⁴⁹⁰ that had been under consideration, each proposing different models for establishing courts to deal with the relevant administrative cases⁴⁹¹. The Verkhovna Rada voted in favour of one of the most controversial draft laws. Civil society was not involved in the development or discussion of this law⁴⁹², and the concerns it had publicly expressed were not taken into account in the final version of the act⁴⁹³.

Ukraine's international obligations over the past few years have included the requirement to establish a court modelled on the HACC for the consideration of a specific category of administrative disputes⁴⁹⁴. For example, according to the Ukraine Facility Plan⁴⁹⁵, such a court should be established by the end of the third quarter of 2025. At the same time, the law was supposed to be adopted by the end of 2024⁴⁹⁶, but this requirement was not fulfilled.

The design of the SDAC and SACA carries risks of these courts being declared unconstitutional and increases the risk of the HACC being found unconstitutional, given the pending constitutional petition filed by 49 MPs in 2020, which is still under review by the CCU⁴⁹⁷.

488 Ibid.

489 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Some Other Legislative Acts of Ukraine on the Legal Framework for the Establishment and Functioning of the Specialized District Administrative Court and the Specialized Administrative Court of Appeal: Law of Ukraine No. 4264-IX of 26.02.2025.

490 DACK-2. What Will Ukraine Get - an Independent Higher Administrative Court or Another Pocket Monster? Dzerkalo Tyzhnia. 2025.

491 Ibid.

492 Parliament to Consider Draft Law on Liquidation of DACK: Experts Criticise the New Court Model. Dzerkalo Tyzhnia. 2025.

493 Ibid.

494 Memorandum with the International Monetary Fund. IMF. 2024.

495 Ukraine Facility Implementation Plan 2024–2027.

496 Ukraine: Fifth Review Under the Extended Arrangement Under the Extended Fund Facility, Requests for Waivers of Applicability of Performance Criteria, Modification of Performance Criterion, Rephasing of Access, and Financing Assurances Review-Press Release; Staff Report; and Statement by the Executive Director for Ukraine. International Monetary Fund. 2024.

497 Constitutional Petition on the Constitutionality of the Law of Ukraine "On the High Anti-Corruption Court" No. 2447-VIII of 07.06.2018. 2020.

Parliament and the Office of the President acknowledge the existence of these risks and have stated that the procedures for selecting judges to these courts are “somewhat extravagant from the perspective of our legislation”⁴⁹⁸, and that until the CCU issues a ruling on the aforementioned constitutional petition, “elevated risks apply to all higher specialized courts”⁴⁹⁹.

The Law No. 4264-IX contains several other issues. In practice, it introduces an eighth procedure for conducting judicial competitions within the judiciary, which does not contribute to consistency of practice or legal certainty in matters of selecting judges for courts of general jurisdiction, members of judicial governance bodies, or CCU judges.

To verify the integrity of candidates for judicial positions, the law provides for the establishment of an Expert Council, three members of which are to be appointed on the recommendation of international partners, and three on the proposal of the CJU. In contrast, judges of the HACC are selected by the PCIE, all six members of which are appointed based solely on nominations by international partners.

Given that the SDAC, SACA and HACC are all higher specialised courts, it would be appropriate to apply identical procedures for selecting judges — procedures that have already been tested and proven effective. In April 2025, the CJU began the selection of a member of the Expert Council to form a list of candidates for this Council under the CJU quota⁵⁰⁰. Based on the review of documents from 11 candidates, the CJU formed a list of 9 candidates for the Expert Council and submitted it to the HQCJ⁵⁰¹.

Law No. 4264-IX⁵⁰² expands the list of individuals eligible to apply for judicial positions in the SDAC and SACA, introducing an additional category: individuals who have worked for at least seven years (for SDAC) or nine years (for SACA) in category “A” and “B” positions in public service within state authorities whose powers extend across the entire territory of Ukraine.

In other words, civil servants have been granted the opportunity to become judges of courts that will hear claims involving central executive authorities, which constitutes a conflict of interest and undermines the achievements of the 2016 reform, which strengthened the judiciary through the inclusion of representatives from independent legal professions — academics and advocates⁵⁰³. That approach was adopted to increase judicial independence, reduce corruption risks, limit political influence, and dismantle vertical power structures. Now, in essence, “the state will be judging the state”, while vertical power structures and political influence will only intensify⁵⁰⁴.

498 Information provided by Respondent No. 12 during the interview conducted on 21.03.2025.

499 Information provided by Respondent No. 8 during the interview conducted on 25.03.2025.

500 Publication of the Council of Judges of Ukraine on the social network Facebook. 2025.

501 The Council of Judges of Ukraine formed a list of candidates for the Expert Council under its quota. Council of Judges of Ukraine. 2025.

502 On Amendments to the Law of Ukraine “On the Judiciary and the Status of Judges” and Certain Other Legislative Acts of Ukraine Regarding the Legal Framework for the Establishment and Functioning of the Specialised District Administrative Court and the Specialised Administrative Court of Appeal: Law of Ukraine No. 4264-IX of 26.02.2025.

503 On the Judiciary and the Status of Judges: Law of Ukraine No. 1402-VIII of 02.06.2016.

504 DACK-2. What Will Ukraine Get - an Independent Higher Administrative Court or Another Pocket Monster? Dzerkalo Tyzhnia. 2025.

The competition for the positions of judges of the SDAC and SACA is to be announced by the HQCJ within one month from the date on which the law establishing these courts enters into force. In May 2025, the President submitted to the Verkhovna Rada Draft Law No. 13302⁵⁰⁵, which provides for the establishment of the SDAC and SACA and instructs the Government and the SJA to ensure their functioning. As of 31 July 2025, the draft law is awaiting its second reading⁵⁰⁶.

The HQCJ currently has no schedule for competitions for the SDAC and SACA⁵⁰⁷. Given the large number of other competition and qualification procedures conducted by the HQCJ, the possibility of holding competitions for these courts within the timeframes set by the Ukraine Facility Plan⁵⁰⁸ appears doubtful. Instead, the Rule of Law Roadmap sets a different deadline for the creation and commencement of the operation of these courts — fourth quarter of 2026⁵⁰⁹. These timeframes appear more realistic for implementation; however, the competitions will require prioritisation by the HQCJ.

According to information from the Government, the SDAC and SACA are to be located in a building at the following address: 38 Mykola Mikhnovsky Boulevard, Kyiv⁵¹⁰.

However, the launch of the SDAC and SACA will only partially address the issues that have persisted since the liquidation of the DACK, as administrative cases of Kyiv residents continue to be temporarily reviewed by the Kyiv District Administrative Court (KDAC) for the third consecutive year. Last year alone, the KDAC (with 29 judges) received 70,023 cases⁵¹¹. This means that the workload per judge amounts to 2,415 cases per year, which effectively deprives residents of Kyiv and the Kyiv region of proper access to justice.

During the reporting period, no actions were taken to initiate the competition for judicial positions at the Kyiv City District Administrative Court (KCDAC). It is currently known that the selection of judges for this court will be carried out as part of the general selection of judges for local courts, announced by the HQCJ in December 2024⁵¹².

Meanwhile, for the third consecutive year, the judges of the former DACK have not been administering justice, while continuing to receive judicial remuneration⁵¹³. Some of them are participating in the qualification assessment procedure⁵¹⁴, while others have been dismissed due to non-compliance with the position or due to being held disciplinarily liable.

505 On the Establishment of the Specialised District Administrative Court and the Specialised Administrative Court of Appeal: Draft Law of Ukraine, registration No. 13302 of 19.05.2025.

506 Ibid.

507 Information provided by Respondent No. 5 during an interview conducted on 26.03.2025.

508 On the Approval of the Ukraine Facility Plan: Order of the Cabinet of Ministers of Ukraine No. 244 of 18.03.2024.

509 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the Accession Process to the EU": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

510 Transcript of the meeting of the Verkhovna Rada of Ukraine Committee on Legal Policy on February 11, 2025. Verkhovna Rada of Ukraine. 2025.

511 Interactive map of courts. Council of Judges of Ukraine.

512 The HQCJ announced the start of the largest-scale selection of local court judges. High Qualification Commission of Judges of Ukraine. 2024.

513 Dozens of DACK Judges Still Receive Salaries from the State Budget. DEJURE Foundation. 2025.2025.

514 Testing of the Personal Moral and Psychological Qualities and General Abilities of 41 Judges Scheduled. High Qualification Commission of Judges of Ukraine. 2025.

On 3 February 2025, the HCJ adopted a decision to dismiss **DACK judge Yevhen Ablov from his position**⁵¹⁵, and on 18 March 2025, following nearly three years of disciplinary proceedings, **dismissed former Head of the court Pavlo Vovk from his position**⁵¹⁶. As for a number of DACK judges whose actions were recorded on the so-called “Vovk tapes”⁵¹⁷, disciplinary cases have not yet been opened⁵¹⁸.

Recommendations

To ensure the proper and prompt fulfilment of Ukraine’s international obligations, particularly those arising under the Ukraine Facility Plan, the following steps should be taken:

1. Parliament should exclude civil servants of categories "A" and "B" from the list of individuals eligible to apply for judicial positions at the SDAC and SACA and adopt Draft Law No. 13302 as soon as possible.
2. The CCU, upon appointment of new judges and resumption of work in plenary composition, should review the constitutional submission on the constitutionality of the HACC (and therefore other higher specialised courts) as a matter of priority (within a period not exceeding three months).
3. International and foreign organisations should compile a list of potential candidates for participation in the Expert Council, ensuring this list is published in advance, and that funding for their work and training is provided. When compiling the list, it would be advisable to involve individuals who have already served on similar commissions or councils.
4. When appointing members of the Expert Council under the CJU quota, the HQCJ should ensure the appointment of candidates with a high level of competence and integrity, against whom there are no objections from civil society, in order to avoid mistrust in the future decisions of the Expert Council.
5. The SDI HCJ should prioritise consideration of complaints against judges of the DACK, particularly those involved in the “Vovk tapes” case, and the HCJ should give priority to the examination of such disciplinary cases.
6. The HQCJ should prioritise the competition for the SDAC and SACA among other procedures (on par with HACC), to ensure the fastest possible fulfilment of the tasks set out in the Rule of Law Roadmap and Ukraine Facility Plan, as well as the selection of judges to the KCDAC and the qualification assessment of former DACK judges.
7. The SJA should ensure the renovation of the premises intended for the SDAC and SACA in 2025–2026 and the procurement of the necessary equipment, including with financial support from international partners.

⁵¹⁵ Judge Yevhen Ablov Temporarily Suspended from Administering Justice on the Basis of a Decision by the First Disciplinary Chamber of the HCJ. High Council of Justice. 2025.

⁵¹⁶ On the Dismissal of P.V. Vovk from the Position of Judge of the District Administrative Court of Kyiv on the Basis of Paragraph 3 of Part 6 of Article 126 of the Constitution of Ukraine: Decision of the High Council of Justice No. 554/0/15-25 of 18.03.2025.

⁵¹⁷ For a detailed description of the case, see Annex 5 to the Report.

⁵¹⁸ The HCJ Stalls on Opening Cases Against 36 DACK Judges. DEJURE Foundation. 2025.

High Court on Intellectual Property

Progress and issues

Draft Law No. 6487 “On the High Court on Intellectual Property”⁵¹⁹, which defines the principles of organisation and operation of the High Court on Intellectual Property (HCIP), the requirements for the judges of this court and their guarantees, has remained unadopted since November 2021. No active steps are being taken to continue the competitive selection procedures for judges of the HCIP⁵²⁰ (including the Appeal Chamber of the HCIP⁵²¹), which began in 2017–2019. As a result, the HCIP remains a court officially registered as a legal entity, but unable to exercise its powers.

According to statistics on the consideration of cases concerning the protection of intellectual property rights (IP disputes) in local courts, appellate courts and the Supreme Court, a decline in their number can be observed in 2020 and 2022, and an increase in 2021 and 2023. As of early 2025, however, the figures have not yet returned to pre-war levels⁵²².

In 2024, most IP disputes in local courts concerned trademark rights (42%), copyright and related rights (40%). Cases on **patent rights, utility models, and industrial designs** are heard less (**16%**). The figure for the right of **prior use** is the lowest (2%)⁵²³.

In 2024, 198 cases were pending before **local commercial courts**, of which 184⁵²⁴ were examined by the end of the year. The appellate instance considered 137 appeals⁵²⁵. In local general courts in 2024, 83 cases were pending, of which 60⁵²⁶ were considered. A total of 60 appeals⁵²⁷ were examined at the appellate level.

Currently, representatives of the Office of the President are voicing proposals to examine the feasibility of such a court existing in Ukraine⁵²⁸. Specifically, it has been noted that following an analysis of case statistics, the question has arisen whether this court would have any workload at all.

519 On the High Court on Intellectual Property: Draft Law of Ukraine, registration No. 6487 of 29.12.2021.

520 Competition for 21 vacant positions of judge of the High Court on Intellectual Property (announced on 30.09.2017). High Qualification Commission of Judges of Ukraine.

521 Competition announced for the Appeal Chamber of the High Court on Intellectual Property. High Qualification Commission of Judges of Ukraine. 2018.

522 Indicators of investigation and adjudication of IP cases have returned to pre-full-scale invasion levels - IPR Monitoring Centre Report. 08.07.2024.

523 State of Intellectual Property Rights Protection in Ukraine: Analytical Report for 2024, p. 10. IPR Observatory Centre. 2025.

524 Report of first-instance courts on the consideration of cases under commercial procedure. State Judicial Administration of Ukraine. 2025.

525 Report of appellate courts on the consideration of appeals under commercial procedure. State Judicial Administration of Ukraine. 2025.

526 Report of first-instance courts on the consideration of cases under civil procedure. State Judicial Administration of Ukraine. 2025.

527 Report of appellate courts on the consideration of appeals under civil procedure. State Judicial Administration of Ukraine. 2025.

528 Director General of the Directorate for Legal Policy of the Office of the President, Viktor Dubovyk, at the VII Judicial Forum of the UAA. 07.03.2025.

At the parliamentary level, the prevailing opinion is that there is no need for such a court⁵²⁹. The Ukrainian National Office for Intellectual Property and Innovation holds the opposite view and emphasises the necessity of launching the HCIP in Ukraine⁵³⁰, however pointing to inaccuracies in how IP disputes are reflected in judicial statistics (either not classifying some such cases as IP disputes or mistakenly classifying cases of other categories as IP disputes⁵³¹).

This view is shared by other representatives of the professional legal community⁵³², who consider the prompt commencement of the HCIP's work to be rational and expedient, given a number of problems in the judicial system with regard to the consideration of IP disputes, namely:

- 1. Lack of uniformity of court practice and instability of court decisions, which creates legal uncertainty.** In contrast, investors, including potential ones, rely on consistency in the application of law⁵³³. The absence of such consistency affects trust and leads to business passivity (due to the perception that protection will not be effective)⁵³⁴.
- 2. Lack of judicial specialisation in local general courts and insufficient numbers of specialised judges in commercial courts.** According to expert assessments, only three out of ten judges understand the specifics of IP disputes⁵³⁵. For example, in the Pecherskyi District Court of Kyiv, IP disputes are considered by investigating judges⁵³⁶. In commercial courts, judges often deal with various categories of cases without having the time to deepen their knowledge in the field of intellectual property rights protection⁵³⁷.
- 3. Protracted timeframes for case consideration:** in the commercial jurisdiction, cases may be considered for up to two years, and in general courts — twice as long⁵³⁸. A separate issue in this context is the lengthy timeframes for preparing full texts of court decisions. For example, the Pecherskyi District Court of Kyiv prepares full texts of court decisions approximately one year after their adoption⁵³⁹.

529 Ibid.

530 Information provided by Respondent No. 22 during the interview conducted on 25.03.2025.

531 For example, decision of the Pecherskyi District Court of Kyiv of 26.03.2025 in case No. 757/7376/21-c.

532 Information provided by respondents No. 23, No. 24, No. 25, No. 14 and No. 26 during interviews conducted on 11.03.2025, 13.03.2025, 18.03.2025.

533 Information provided by respondents No. 25 and by respondents No. 22 during interviews conducted on 13.03.2025, 25.03.2025.

534 Information provided by Respondent No. 22 during the interview conducted on 25.03.2025.

535 Assessment by representatives of the professional community, provided during dedicated interviews (13.03.2025, 11.03.2025, 13.03.2025).

536 Decision of the Pecherskyi District Court of Kyiv of 11.12.2024 in case No. 757/43334/21-c.; Ruling of the Pecherskyi District Court of Kyiv of 12.03.2025 in case No. 757/5202/25-k.

537 Information provided by Respondent No. 22 during the interview conducted on 25.03.2025.

538 Assessment by representatives of the professional community, provided during separate interviews with them (13.03.2025, 11.03.2025, 13.03.2025).

539 Decision of the Pecherskyi District Court of Kyiv of 04.10.2022 in case No. 760/2323/21 (8 months passed between the last court hearing and publication of the full judgment).

4. **Low effectiveness of IP dispute consideration at the appellate court level:** the appellate instance often demonstrates inconsistency in its approach to case consideration, which compels the parties to rely solely on cassation appeals⁵⁴⁰.
5. **Shifting responsibility for judicial decisions from judges to experts:** judges often avoid conducting an in-depth analysis of complex IP disputes and instead rely solely on expert opinions. This may result in unfounded decisions being adopted⁵⁴¹.

Overall, the absence of a specialised court for the consideration of IP disputes may lead to a further decline in trust in the judiciary and the loss of opportunities for the country's economic growth due to weak protection of intellectual property rights. In contrast, the full functioning of the HCIP would contribute to the **introduction of narrow specialisation among judges**, which would improve the quality of judicial decisions; **reduce the duration of case consideration; and strengthen the stability and predictability of judicial practice**.

In March 2025, the Committee on Intellectual Property of the Ukrainian Bar Association published an Open Position on the feasibility of the HCIP's existence, in which it stated, in particular, that the liquidation of this court would cause serious reputational damage to Ukraine's image on the global stage, and would be perceived as a retreat from the concept of the rule of law and a return to a post-Soviet legal framework and mindset. This step would not be justified by arguments related to Ukraine's wartime status⁵⁴².

The functioning of the HCIP in Ukraine is also supported by the successful experience of many other countries around the world — the United Kingdom, Japan, China, and others. Given the legislative changes within the framework of European integration, the military developments undertaken by Ukraine, the rapid development of the field of artificial intelligence, and the growing number of IP disputes globally, a significant increase in the number of such disputes in Ukraine is inevitable⁵⁴³.

Recommendations

In 2025, several steps should be taken to launch the HCIP in 2027. To this end:

1. In 2025, Parliament should substantially revise Draft Law No. 6487 (taking into account the risks analysed in the 2024 Shadow Report), in particular by clarifying and delineating the cases under the jurisdiction of the HCIP and the commercial courts, in order to avoid manipulation of court jurisdictions and reduce corruption risks.
2. The HQCJ should complete the competitive selection procedures for the positions of judges of the HCIP (after the competitions for the appellate courts, HACC, SDAC, and SACA are finalised) and ensure legal certainty regarding the future careers of candidates for the HCIP judgeships.

⁵⁴⁰ Information provided by Respondent No. 25 during the interview conducted on 13.03.2025.

⁵⁴¹ Ibid.

⁵⁴² Public Statement of the UBA Committee on the feasibility of the existence of the High Court on Intellectual Property. 14.03.2025.

⁵⁴³ Information provided by Respondent No. 22 during the interview conducted on 25.03.2025.

3. The SJA should ensure the proper collection of judicial statistics in the field of intellectual property rights protection. To this end, the categories of cases considered as IP disputes across all jurisdictions should be clarified, and in cooperation with the National School of Judges of Ukraine (NSJU), training should be provided for court staff responsible for the collection of judicial statistics.
4. In 2025–2026, the Government should carry out monitoring of the availability of premises for the HCIP and, if necessary, conduct renovation and equipping of such premises.
5. Until the HCIP becomes operational, the NSJU should ensure proper training for judges, primarily of local general courts, who consider IP disputes.

State Judicial Administration of Ukraine

Progress and issues

During the reporting period, no significant changes occurred in the work of the State Judicial Administration of Ukraine (SJA). The competition for the position of Head of the SJA, which began in January 2024⁵⁴⁴, had not been concluded as of July 2025. Therefore, in accordance with decisions of the HCJ, Maksym Pampura is temporarily acting as Head of the SJA (until 15 September 2025)⁵⁴⁵.

According to the HCJ, some applicants who submitted documents for the position of Head of the SJA have withdrawn from the competition. Currently, discussions are ongoing within the HCJ regarding the extension of the application deadline and the resumption of the selection process for this vacant position⁵⁴⁶. The competition is expected to be completed in 2025⁵⁴⁷, as provided for in the Rule of Law Roadmap⁵⁴⁸.

No changes to the rules for conducting the competition for the position of Head of the SJA were adopted during the reporting period, and thus the participation of international partners in this procedure is currently limited to a consultative (advisory) role. For example, in May 2025, the HCJ held a meeting with international partners regarding the activities of the working group on the selection of a candidate for the vacant position of Head of the SJA, during which it was noted that 11 persons were still participating in the selection process and the submitted documents were at the stage of preliminary review⁵⁴⁹. The working group also additionally prepared a draft methodology for assessing candidates' compliance with the criteria of integrity and professionalism, defined compliance indicators, and established

544 The HCJ Approved the Conditions for Holding the Position of Head of the SJA of Ukraine. High Council of Justice. 2024.

545 On the Temporary Assignment of the Duties of the Head of the State Judicial Administration of Ukraine: Decision of the High Council of Justice No. 1279/0/15-25 of 12.06.2025.

546 Information provided by Respondent No. 3 during the interview conducted on 21.03.2025.

547 Ibid.

548 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the Accession Process to the EU": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

549 The HCJ is working to ensure an open selection of the Head of the SJA in cooperation with international partners. High Council of Justice. 2025.

rules and means for their determination. The draft methodology will soon be submitted to the HCJ for approval⁵⁵⁰. Overall, the HCJ considered the SJA's performance in 2024 satisfactory⁵⁵¹.

At the same time, in the opinion of the HCJ, there are other procedures where the involvement of international experts would be appropriate — such as conducting an audit of the activities of judicial governance bodies and developing recommendations aimed at eliminating overlapping powers and delineating competences between the SJA and the HCJ; optimising the structure of the SJA and its territorial offices; and improving procedures for financing the judiciary⁵⁵². The relevant measures are envisaged by the Rule of Law Roadmap⁵⁵³.

In 2025, the Accounting Chamber launched an audit of the organisational support for the functioning of judicial authorities, focusing on the effectiveness of such support. The auditors are examining the activities of the SJA and the work of its 25 territorial offices⁵⁵⁴. The audit will cover the years 2023–2024. The auditors will analyse, in particular, the organisational support for selected local and appellate courts, assess the effectiveness of management processes, and evaluate the use of resources in ensuring the administration of justice⁵⁵⁵. The report based on the findings of this audit is scheduled to be reviewed in October 2025. It will include recommendations by the Accounting Chamber aimed at optimising the functioning of judicial authorities and implementing necessary changes in this area⁵⁵⁶.

During the reporting period, cooperation between the SJA and the CJU somewhat improved. While in 2022–2023 the SJA's performance was assessed by the CJU as unsatisfactory⁵⁵⁷, based on the body's performance in 2024, the decision was made to "recognise the work of the SJA as not fully ensuring the proper functioning of judicial institutions" in terms of staffing, financial, logistical and other support for courts, as well as in addressing existing challenges and planning for 2025⁵⁵⁸.

As of 14 July 2025, since the beginning of the full-scale armed aggression of the Russian Federation against Ukraine, **165** premises of **156** judicial institutions have been damaged to varying degrees, up to complete destruction and looting of property, of which 156 premises belong to courts (143 courts)⁵⁵⁹. Among the damaged premises, 19 premises of 18 courts

550 Ibid.

551 On the Report on the Activities of the State Judicial Administration of Ukraine for 2024: Decision of the High Council of Justice No. 982/0/15-25 of 08.05.2025.

552 In Three Years, We Expect to Have an Optimised Judiciary that Meets Societal Needs and Considers the Interests of Judges. High Council of Justice.

553 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the Accession Process to the EU": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

554 Auditors Will Assess the Effectiveness of the State Judicial Administration in Supporting the Functioning of the Judiciary. Accounting Chamber. 2025.

555 Ibid.

556 Ibid.

557 Decision of the Council of Judges of Ukraine No. 36 of 30.08.2023.

558 Decision of the Council of Judges of Ukraine No. 11 of 18.03.2025.

559 Analytical note on damaged and destroyed court premises as a result of the armed aggression of the Russian Federation and their restoration as of 14 July 2025. State Judicial Administration of Ukraine. 2025.

have been destroyed. The largest numbers of damaged/destroyed judicial premises are in Kharkiv region (28 premises), Donetsk region (24 premises), and Mykolaiv region (21 premises). A total of 145 premises of judicial institutions have been partially damaged⁵⁶⁰.

As of now, information on 51% of the damaged court buildings/premises⁵⁶¹ has been entered into the State Register of Property Damaged and Destroyed as a Result of Hostilities, Terrorist Acts, Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine⁵⁶². Work is nearing completion to enter data on a further 21% of such buildings/premises. Access for conducting a technical inspection by commission is not available for 28% of the premises⁵⁶³.

In 2024, capital repair works were carried out on 33 court premises for a total amount of UAH 44,446.8 thousand, including capital repairs to three buildings damaged as a result of the military aggression of the Russian Federation against Ukraine (the Commercial Court of Chernihiv Region, the Commercial Court of Donetsk Region, and the Chernihiv Court of Appeal) totalling UAH 13,884.2 thousand⁵⁶⁴ using funds from local budgets, capital repairs were carried out on five court premises, totalling UAH 14,860.50 thousand⁵⁶⁵.

Another systemic problem is the outflow of personnel both from the SJA and its territorial offices, as well as from the administrative staff of local and appellate courts. Currently, 130 employees work in the SJA; 28 positions remain vacant⁵⁶⁶. The highest staff turnover is observed in IT departments, where the staffing level is only 50%⁵⁶⁷. A total of 488 individuals are employed in the territorial offices of the SJA⁵⁶⁸.

As of 31 December 2024, the number of civil servants employed in court administrations amounted to 13,951 individuals. Of these, 2,262 held civil service positions of category "B", and 11,689 held positions of category "C", including 5,292 court hearing secretaries⁵⁶⁹. The staffing level for employees of local and appellate court administrations at the end of 2024 was 27,654 positions (compared to 27,528 as of 31 December 2023), with the actual number of staff amounting to 22,781 (compared to 22,959 as of 31 December 2023)⁵⁷⁰. Over the course of the year, the number of court administration staff decreased by nearly 1%, or 178 employees.

560 Ibid.

561 Certain Issues Related to the Operation of the State Register of Property Damaged and Destroyed as a Result of Hostilities, Terrorist Acts, or Sabotage Caused by the Armed Aggression of the Russian Federation Against Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 624 of 13.06.2023.

562 Decision of the Council of Judges of Ukraine No. 11 of 18.03.2025.

563 Ibid.

564 Ibid.

565 Ibid.

566 Information provided by Respondent No. 19 during the interview conducted on 19.03.2025.

567 Ibid.

568 Ibid.

569 Decision of the Council of Judges of Ukraine No. 11 of 18.03.2025.

570 Ibid.

The total number of judge assistant positions across Ukraine does not exceed the number of judicial posts (7,976) and stands at 6,785 positions⁵⁷¹. As of 31 December 2024, 5,509 judge assistants were employed in local and appellate courts (compared to 5,499 in 2023)⁵⁷².

The main reasons for the outflow of personnel from court administrations, the SJA, and its territorial offices include low salary levels and the mobilisation of a portion of male employees into the AFU⁵⁷³.

Following the appointment of new judges to local courts, a number of conflict situations arose between some judges and the leadership of the SJA due to the fact that judges had to carry out renovation works in their offices independently and equip them with furniture and technical equipment⁵⁷⁴. These judges appealed to the HCJ, requesting that no bonus be awarded to Acting Head of the SJA, M. Pampura⁵⁷⁵, for January 2025. The SJA explained the situation as being caused by delays in the public procurement process and restrictions on the cost of furniture and equipment⁵⁷⁶.

At the same time, during a review of the organisation of anti-corruption measures within the SJA, conducted by the NACP⁵⁷⁷, it was found that at the end of 2023, officials of the SJA and its territorial offices procured server equipment worth UAH 25 million from business entities whose founders and participants are linked to individuals under investigation by NABU for corruption-related offences. The procurement was carried out with limited competition: the tender documentation included requirements that could only be fulfilled by a pre-determined entity, indicating prior conspiracy and intent to commit corruption-related criminal offences⁵⁷⁸.

The unlawful rejection of a procurement participant's bid, confirmed by a decision of the Antimonopoly Committee of Ukraine, indicates the interest of officials from the SJA's territorial offices in ensuring the success of the mentioned legal entities in tenders⁵⁷⁹.

Based on the findings of the NACP inspection, the Main Investigative Department of the National Police of Ukraine (NPU) initiated a pre-trial investigation into the commission of a corruption offence by SJA officials in conspiracy with the mentioned legal entities, as provided for under Part 4 of Article 191 of the CC of Ukraine (misappropriation, embezzlement or conversion of property by malversation)⁵⁸⁰. Based on materials provided by the NACP, the Antimonopoly Committee of Ukraine also launched an inquiry into possible anti-

571 Ibid.

572 Ibid.

573 Information provided by Respondent No. 27 during the interview conducted on 19.03.2025.

574 Meeting of the High Council of Justice on 30 January 2025. High Council of Justice.

575 Ibid.

576 Information provided by Respondent No. 27 during the interview conducted on 19.03.2025.

577 Inspection of the Organisation of Anti-Corruption Work in the SJA. National Agency on Corruption Prevention. 2025.

578 Ibid.

579 Decision of the Antimonopoly Committee of Ukraine's Commission on the Consideration of Complaints Regarding Violations of Public Procurement Legislation No. 318-r/pk-pz of 05.01.2024. National Agency on Corruption Prevention. 2025.

580 Inspection of the Organisation of Anti-Corruption Work in the SJA. National Agency on Corruption Prevention. 2025.

competitive concerted actions by the companies with which the SJA's territorial offices concluded the above-mentioned contracts⁵⁸¹.

A separate issue concerns the collection, verification, and consolidation of statistical reporting by local and appellate courts, which is carried out by the SJA and its territorial offices using 24 forms and types of proceedings. Users of judicial statistical data have noted incorrect collection and presentation, which distorts the aggregated data⁵⁸². In 2025, the SJA plans to supplement the statistical reporting forms with data in the field of mediation and other alternative dispute resolution methods, as well as complaints related to the prevention of torture within the criminal justice system⁵⁸³.

A systemic problem is also the difference in approaches to forming the staffing schedules of first-instance and appellate courts. This results in unequal staffing levels in courts of the same tier, specialisation, and workload⁵⁸⁴. By Decision No. 2395/0/15-24 of 6 August 2024, the HCJ established a **working group** to develop and implement standards for staffing, financial, logistical, and other support for Ukrainian courts together with the European Commission for the Efficiency of Justice of the Council of Europe (CEPEJ)⁵⁸⁵. This is intended to promote greater transparency in the financing and maintenance of courts.

In line with CEPEJ requirements, the working group selected five pilot courts in Ukraine (the SC, the Kyiv Court of Appeal, the Zakarpattia Court of Appeal, the Pecherskyi District Court of Kyiv, and the Novovolynsk City Court of Volyn region) to conduct analysis and methodological research for the purpose of developing and implementing staffing, financial, logistical, and other standards for Ukrainian courts⁵⁸⁶. Work on developing and implementing such standards within the working group is currently ongoing. Approval of the staffing, financial, logistical, and other standards for courts is an essential foundation for building a new court network⁵⁸⁷.

Recommendations

To address the problems described, it would be advisable in 2025–2026 to conduct a functional, financial, and staffing audit of the SJA and all its territorial offices, both by the Accounting Chamber and by independent auditors with the participation of international experts. Based on the results of all audits, an updated model for the system of support for the functioning of the judiciary should be developed. Within this framework, among other measures, a reorganisation of the SJA and its territorial offices (including their liqui-

581 Ibid.

582 Information provided by Respondents No. 1, No. 21 and No. 22 during the interviews conducted on 06.03.2025 and 25.03.2025.

583 Information provided by Respondent No. 6 during the interview conducted on 19.03.2025.

584 Information received from court representatives on 24.07.2025 during the presentation of the Green Book on Civil Service and Patronage Service in the Judiciary. Agency for Legislative Initiatives. 2025.

585 On the State of Ensuring the Independence of Judges in Ukraine: Annual Report for 2024. High Council of Justice, 2025

586 Ibid.

587 Ibid.

ation) should be planned by 2027. The implementation of all changes must be carried out based on a separate law⁵⁸⁸.

In addition to this strategic objective, the following actions should be taken in 2025 to improve the situation:

On the staffing policy of the SJA:

- Revise the staffing structure of the SJA and its territorial offices and reduce the number of employees performing overlapping functions or demonstrating low effectiveness. Use the savings from staff reductions to increase the salaries of the remaining employees of the SJA and its territorial offices.
- Attract IT specialists, introduce additional incentive measures (flexible working conditions, the possibility of contractual employment without civil servant status, etc.) and, if necessary, develop relevant amendments to legislation.
- Increase quotas for reserving male employees in the SJA, its territorial offices, and court administrations (particularly those holding positions such as assistants or court hearing secretaries) to ensure the administration of justice.

On the restoration of destroyed infrastructure:

- Prioritise the restoration of courts located in government-controlled territory to ensure citizens' access to justice.
- Identify alternative funding sources: international grants, budgets of local communities in which the damaged or destroyed court buildings are located, etc.

On the support of newly appointed judges:

- Simplify and expedite procurement procedures for furniture and equipment to equip judges' workplaces, in particular by initiating a government review of the maximum procurement limits for court furniture and equipment (in relation to current cases).
- Establish accountability for heads of SJA territorial offices for delays in repairing premises where judges are located and for failing to provide them with furniture and equipment.
- Develop standards for equipping the workplaces of judges, assistants, and secretaries, and ensure uniform approaches to the material and technical provision of newly appointed judges, regardless of court location.

On conducting the competition for the position of Head of the SJA:

- Amend the Law of Ukraine "On the Judiciary and the Status of Judges" to allow the involvement of international experts in the competition commission.
- Hold the competition in the third or fourth quarter of 2025.

⁵⁸⁸ Recommendations previously provided by civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine (p. 70) remain relevant but have been further specified.

On further reform of the SJA:

- Improve transparency in the activities of the SJA's territorial offices until their reorganisation (liquidation) is completed.
- Dismiss officials who are subjects of criminal proceedings from the staff of the SJA or its territorial offices.
- Strengthen internal audit of all procurement procedures for goods, works, or services carried out by the SJA.
- Enhance strategic management and oversight of key tasks, such as the implementation of the Unified Judicial Information and Communication System (UJICS), improving communication between courts and the SJA's territorial offices, and introducing transparent tools for forming the budget request, among others.
- At the legislative level, strengthen the accountability of the SJA to the Council of Judges of Ukraine, in particular through regular reporting to the CJU on the performance of its mandated functions.
- The collection, verification, and consolidation of judicial statistical data should be brought into line with the practices of maintaining relevant statistics in EU countries. Selective parallel data collection and double counting for certain categories of cases should also be introduced to identify issues and inconsistencies. Based on the results of such counting, a model for the collection and systematisation of judicial statistics should be developed to eliminate errors, duplication, incorrect data presentation, etc.
- Develop model projects for first-instance and appellate courts.
- Standardise the staffing schedules of courts of the same tier, specialisation, and workload. Ensure unified approaches to determining the number of court staff in courts of the same tier, specialisation, and workload, as well as their salary levels, bonuses, etc.

Judicial Self-Government: Congress of Judges of Ukraine, Council of Judges of Ukraine, Judges' Assemblies

Progress and issues

During the reporting period, no significant changes were made to address the systemic issues concerning the functioning of judicial self-government. No functional audit was conducted of the judicial governance bodies (HCJ, HQCJ), self-government bodies (Congress of Judges, CJU), or of the SJA and the NSJU, with the aim of balancing functions, avoiding duplication, and introducing effective oversight. The issue of secret ballots during judges' assemblies and the Congress of Judges for the election of court heads, their deputies, members of the HCJ, the CJU, and judges of the CCU remains unresolved.

In 2024, judges' assemblies continued the practice of electing court heads and their deputies after the actual completion of their six-year terms (two terms of three years each). One example is the Kyiv Court of Appeal, where Head Yaroslav Holovachov was

first elected to this position in 2015⁵⁸⁹. Since then, he has continuously held the position of head of this court⁵⁹⁰ (with breaks of two to three weeks every six years — in 2018 and 2024⁵⁹¹). A draft law that could partially address this issue is currently being developed by the Verkhovna Rada Committee on Legal Policy⁵⁹².

Judges of some local courts made decisions during judges' assemblies while in a situation of conflict of interest, which was established by the CJU⁵⁹³. One such case is currently under review by the CJU⁵⁹⁴, and the HCJ has initiated disciplinary proceedings against the judge⁵⁹⁵ has started its consideration in a closed session⁵⁹⁶.

In September 2024, the XX Congress of Judges of Ukraine was held⁵⁹⁷, during which Alla Oliynyk was elected as a judge of the CCU⁵⁹⁸, a new Code of Judicial Ethics⁵⁹⁹ was adopted, and a recess in the work of the Congress was announced⁶⁰⁰. The Code was developed by the CJU, including in cooperation with judicial associations and international experts. The CJU is currently working on a commentary to the Code of Judicial Ethics⁶⁰¹.

In March 2025, the CJU planned to resume the Congress at the end of May 2025⁶⁰², during which two new members of the HCJ were to be elected, and members of the CJU were to be re-elected. However, in early May, the Congress was postponed⁶⁰³, as at that time the HCJ had received documents from 26 candidates⁶⁰⁴ and referred them to the Ethics Council to assess their compliance with the criteria of professional ethics and integrity⁶⁰⁵. This procedure is still ongoing.

In April 2025, the CJU launched the selection process for the position of member of the Expert Council to form the list of candidates for membership in this body under the

589 Kyiv Court of Appeal Elected a New Head to Replace Chernushenko. RBC-Ukraine. 2015.

590 Ibid.

591 Kyiv Court of Appeal. Opendatabot. 2025.

592 Analysis of the provisions of the draft law is provided in the subsection "Local and Appellate Courts".

593 Decision of the Council of Judges of Ukraine No. 46 of 09.12.2024.

594 Decision of the Council of Judges of Ukraine No. 14 of 18.03.2025.

595 On the Opening of Disciplinary Proceedings Against Judge V.D. Baitaliuk of the Commercial Court of Chernivtsi Region: Decision of the High Council of Justice No. 3639/1dp/15-24 of 16.12.2024.

596 28.07.2025 meeting of the First Disciplinary Chamber of the High Council of Justice: YouTube channel of the High Council of Justice. 2025.

597 Publication of the Council of Judges of Ukraine on the social network Facebook. 2024.

598 Publication of the Council of Judges of Ukraine on the social network Facebook. 2024.

599 Publication of the Council of Judges of Ukraine on the social network Facebook. 2024.

600 Ibid.

601 Publication of the Council of Judges of Ukraine on the social network Facebook. 2025.

602 Decision of the Council of Judges of Ukraine No. 13 of 18.03.2025.

603 The Council of Judges of Ukraine postponed the 20th Congress of Judges of Ukraine after the break. Council of Judges of Ukraine. 2025.

604 The HCJ published a list of candidates for two vacant positions from the Congress of Judges of Ukraine. Council of Judges of Ukraine. 2025.

605 The Council of Judges of Ukraine postponed the 20th Congress of Judges of Ukraine after the break. Council of Judges of Ukraine. 2025.

CJU's quota. This selection is related to the need to appoint judges to the new higher specialised administrative courts — the SDAC and SACA⁶⁰⁶. Following the review of documents from 11 candidates participating in the selection, the CJU submitted to the HJCJ a list of 9 candidates for the Expert Council⁶⁰⁷.

In early June 2025, the CJU launched a new competition to select candidates for two positions of judges of the CCU⁶⁰⁸.

The CJU also published a new version of the Regulation on the Automated Court Document Management System (ACDMS), which entered into force on 1 April 2025⁶⁰⁹. The current version of the Regulation on the ACDMS was approved by the CJU to address technical and organisational matters, to ensure automated interaction between the ACDMS and the Unified Judicial Information and Telecommunication System (UJITS) modules, and to promote consistent understanding and application of the relevant provisions by the courts.

Recommendations

Given that the recommendations⁶¹⁰ provided in the Shadow Report on Chapter 23 were not implemented during the reporting period and that the election of new members of the CJU did not take place due to the postponement of the Congress of Judges of Ukraine, it is advisable for all relevant stakeholders to take these recommendations into account in 2025.

The issue of the continued use of secret ballots in the election of court heads, their deputies, members of the HCJ, CJU, and CCU judges requires broad discussion, particularly regarding finding a balance between transparency, accountability, and the independence of the judiciary. It is also advisable to regulate the procedure for conducting judges' assemblies, CJU meetings, and the Congress of Judges online, and for enabling voting during such events through secure electronic services. A separate issue requiring legislative review is the concept of the "Congress of Judges", which, under online voting arrangements, could foresee the participation of all judges in Ukraine rather than delegates selected through a quota-based system, as currently regulated.

Given that the current principle for forming the CJU does not include components such as ensuring gender balance and equal regional representation, the legislative formula for determining the composition of the CJU should also be revised. It is equally important to regulate the procedure for the prior nomination and preliminary vetting of CJU candidates. The vetting of candidates for CJU membership should be conducted at least until the

606 Publication of the Council of Judges of Ukraine on the social network Facebook. 2025.

607 The Council of Judges of Ukraine forms a list of candidates for the Expert Council under its quota. Council of Judges of Ukraine. 2025.

608 Announcement of a new competition for two positions of judges of the Constitutional Court of Ukraine. Council of Judges of Ukraine. 2025.

609 New Version of the Regulation on the Automated Court Document Management System (ACDMS) Published. Council of Judges of Ukraine. 2025.

610 Recommendations previously provided by civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine (pp. 70–72) remain relevant.

completion of their qualification assessment and the consideration of any outstanding disciplinary complaints against them.

When appointing members of the Expert Council under the CJU's quota, the HQCJ should ensure the selection of candidates with a high level of competence and integrity who are not subject to any objections from civil society, to prevent a loss of trust in the future decisions of Expert Council members.

National School of Judges of Ukraine

Progress and issues

Staffing

During the reporting period, the NSJU management did not undergo any changes. Despite the competition announced in autumn 2024 for the position of Vice-Rector of the NSJU⁶¹¹, this position remains vacant, as the Selection Commission did not recommend any of the candidates based on the evaluation results⁶¹². In April 2025, the NSJU announced a competitive selection for the vacant position of Head (Director) of the Communications Centre⁶¹³, which was established in 2024. The practice of selecting candidates for key positions through public competition procedures represents a positive change in the NSJU's approach to recruitment.

No action was taken to dismiss those NSJU staff members who were involved in criminal proceedings (for example, the Head of the Secretariat — former Head of the SJA⁶¹⁴) or who had failed the judicial integrity assessment (in particular, the Head of the Trainer Preparation Department)⁶¹⁵ who is also a former judge of the High Administrative Court of Ukraine, liquidated under the 2017 reform⁶¹⁶. Thus, factors affecting the NSJU's reputation have not yet been addressed. However, the NSJU notes that the work of the Head of the Secretariat, despite reputational risks, has a positive impact on the functioning of the NSJU⁶¹⁷.

During the reporting period, Parliament also did not take steps to introduce income and asset declarations for the leadership and staff of the NSJU. Although the NSJU acknowledges the need to introduce such declarations for all employees of the judiciary, including NSJU staff, no progress has been made on this matter to date⁶¹⁸.

611 The National School of Judges of Ukraine announced a public competition for the position of Vice-Rector. National School of Judges of Ukraine. 2024.

612 The competition for the position of Vice-Rector ended without a winner. National School of Judges of Ukraine. 2025.

613 The National School of Judges of Ukraine announces a competitive selection for the vacant position of Head (Director) of the Communications Centre. National School of Judges of Ukraine. 2025.

614 NABU and SAPO request the suspension of Kholodniuk. Slovo i Dilo. 2020.

615 Programme of the roundtable for judges and judges' assistants of local general and appellate administrative courts. National School of Judges of Ukraine. 2025.

616 On the interview held following the review of the candidate file of Liubov Yaroslavivna Honchar for the vacant position of judge of the Administrative Cassation Court within the Supreme Court under the competition announced by the High Qualification Commission of Judges of Ukraine on 02 August 2018. High Qualification Commission of Judges of Ukraine. 2019.

617 Information provided by a representative of the National School of Judges of Ukraine during the interview conducted on 03.04.2025.

618 Ibid.

Exercise of NSJU's Mandate

According to the NSJU, a total of 43,911 participants took part in the NSJU's training activities during 2024, including⁶¹⁹:

- 205 events for 9,904 judges;
- 492 events for 28,496 court office staff and judges' assistants;
- 20 events for 5,511 employees of the Court Security Service.

In 2024, training was completed by 22 local court judges who had no prior experience in the administration of justice⁶²⁰.

With the aim of aligning Ukraine's judiciary with European standards, in October 2024 the NSJU launched a Training Laboratory for the Study of European Union Law, which focuses on the development of training materials on EU law and their delivery to judges and their assistants⁶²¹. In 2024, 250 judges completed an EU law training course at the NSJU, and in just the first quarter of 2025 — 592 judges. In May, the first 25 national trainers in EU law were trained, and the next wave of training is scheduled for September 2025⁶²².

The NSJU also established cooperation with a number of EU agencies, including ERA (Academy of European Law) and EIPA (European Institute of Public Administration), gaining access to training modules related to EU law and its application⁶²³. Within the framework of cooperation with ERA, several study visits of Ukrainian judges to Trier and Luxembourg⁶²⁴ have already taken place. The partnership with EIPA is aimed at training judges and civil servants in the field of public administration⁶²⁵. As an observer to the European Judicial Training Network (EJTN), the NSJU has also been granted access to the EJTN catalogue of online courses⁶²⁶.

Training programmes are being translated using automated systems, and instructions for registering with ERA/EJTN systems have been published on the NSJU's website. The NSJU notes that, in this way, "a comprehensive and functional mechanism for Ukrainian judges to study EU law" has been created⁶²⁷. The NSJU also reports that approximately 500 judges⁶²⁸ have already enrolled in online English language courses under the state programme (based at Mariupol State University)⁶²⁹.

619 Over 43,000 participants, digitalisation, and responses to the challenges of war: the National School of Judges of Ukraine summed up the results of 2024. National School of Judges of Ukraine. 2025.

620 Ibid.

621 About the National School of Judges of Ukraine. National School of Judges of Ukraine. 2025.

622 Open Day at the National School of Judges: another step towards communication with society. National School of Judges of Ukraine. 2025.

623 Ibid.

624 Information provided by a representative of the National School of Judges of Ukraine during the interview conducted on 03.04.2025.

625 Ibid.

626 Ibid.

627 Ibid.

628 Ibid.

629 English4Ukraine English language learning project. Mariupol State University. 2025.

The issue of training for court office staff requires special attention. According to the results of the study on the functioning of the civil and patronage service in the judiciary of Ukraine⁶³⁰, in response to the question on the usefulness of NSJU training for court office staff, 391 individuals (37.6%) stated that the training was useful but did not always meet real needs; 228 individuals (21.9%) considered it very useful and stated that it significantly increased their work efficiency; 124 individuals (11.9%) found it partially useful and believed it required improvement; 137 individuals (13.2%) described it as of little use and mostly formal; while 40 individuals (3.8%) said the training was not useful at all and described it as a waste of time. A total of 137 individuals (13.2%) did not participate in the training. In other words, only 21.9% of respondents consider the training truly effective, while the rest assess its quality and relevance either critically or cautiously.

Responses to the question regarding court office staff participation in anti-corruption training⁶³¹ are also noteworthy. Only 450 individuals (43.2%) indicated that they had taken part in such training, while 387 individuals (37.3%) had not. A further 204 individuals (19.6%) could not recall. This means that less than half of the court office staff surveyed had received anti-corruption training, which raises serious concerns in the context of the overall integrity agenda.

In response to the question regarding existing shortcomings in the organisation of training⁶³², less than half of the respondents (395 individuals or 30.67%) stated that no such shortcomings were present. This indicates a generally positive perception of the court office staff training system within the judiciary. At the same time, 331 individuals (25.7%) pointed to an insufficient practical focus of the training programmes, which is the most common critical observation among the options provided. Another 241 respondents (18.71%) noted that the format or schedule of the training course was inconvenient, indicating the need for a more flexible approach to schedules, taking into account the actual workload of staff. A total of 95 individuals (7.38%) believed that the training courses contained outdated content or irrelevant topics. A smaller share of respondents highlighted the lack of an individualised approach — 66 respondents (5.12%) — and the low qualification of trainers — 28 respondents (2.17%). 19 respondents (1.48%) identified the insufficient duration of training as a weakness in the training process. Another 113 respondents (8.77%) indicated “other” when identifying shortcomings in training organisation. Thus, while the overall level of satisfaction with training is high, over 60% of respondents noted specific shortcomings, mostly related to practical content, convenience of format, and topical relevance.

In response to the question regarding the frequency of participation in NSJU training during 2020–2024, court office staff responses were distributed as follows: more than three times — 566 respondents (54.4%), twice — 147 respondents (14.1%), did not participate in training — 137 respondents (13.2%), once — 104 respondents (10%), and three times — 873 respondents (8.4%). Thus, more than half of respondents (54.4%) had experience of attending NSJU training more than three times over the past five years. At the same time, over 13% of court staff did not participate in training at all, which may indicate unequal access to professional development or a lack of need/opportunity for certain staff categories.

630 Green Book on the Functioning of the Civil Service and Patronage Service in the Judiciary of Ukraine. Agency for Legislative Initiatives. 2025.

631 Ibid.

632 Ibid.

Meanwhile, representatives of some courts indicated that they are not always satisfied with the level of education offered by the NSJU or with its flexibility in expanding educational programmes⁶³³. Courts often not only have to submit the educational needs of their judges and court office staff to the NSJU but also facilitate the development of courses or individual trainings, as well as the engagement of trainers⁶³⁴.

According to representatives of the NSJU, the main challenges faced by the NSJU in its activities include⁶³⁵:

1. Loss of personnel due to the war, as some qualified NSJU staff were forced to leave the country. This had a negative impact on the continuity of the training process and the ability to implement complex projects.
2. Budgetary constraints: funding for judicial education does not allow for the full-scale development of new training programmes, particularly for the timely translation and adaptation of European training products.
3. Temporary stagnation in the work of the NSJU during the pandemic and the period without the HQCJ.
4. Communication opacity of the NSJU in previous periods.
5. Performing functions that are not typical for other judicial training schools (e.g. training of Court Security Service staff).

NSJU Testology Centre and Support for Competitions

During the reporting period, the HQCJ was on several occasions forced to adopt decisions to exclude certain questions from the testing question lists, as well as to exclude specific court cases used in developing model judicial decisions for the qualification examination within the framework of the qualification assessment of candidates for positions in local⁶³⁶ and appellate courts⁶³⁷ and the HACC⁶³⁸, due to errors /loss of relevance. In 2024, the NSJU prepared over 13,000 tests and 200 practical tasks⁶³⁹.

633 Information provided by Respondents No. 1, No. 21 and No. 28 during interviews conducted on 06.03.2025, 07.03.2025.

634 Ibid.

635 Information provided by a representative of the National School of Judges of Ukraine during the interview conducted on 03.04.2025.

636 On the exclusion of certain questions from the test questions approved in the new editions by the decision of the Commission of 05 June 2024 No. 156/zp-24, for examinations within the qualification assessment of judges of local and appellate courts: Decision of the High Qualification Commission of Judges of Ukraine No. 40/zp-25 of 26.02.2025.

637 On the exclusion of certain questions from the lists of testing questions for the qualification examination within the framework of the qualification assessment of candidates for positions in appellate courts, published pursuant to the Commission's decision of 15 July 2024 No. 221/zp-24, and the exclusion of a specific court case from the list of cases used in the development of model judicial decisions for the qualification examination, published pursuant to the Commission's decision of 21 August 2024 No. 260/zp-24: Decision of the High Qualification Commission of Judges of Ukraine No. 301/zp-24 of 25.09.2024.

638 On the exclusion of certain questions from the lists of anonymous testing questions for the qualification examination within the framework of the qualification assessment of candidates for positions in the High Anti-Corruption Court and the Appeal Chamber of the High Anti-Corruption Court, published pursuant to the Commission's decision of 09 October 2024 No. 312/zp-24: Decision of the High Qualification Commission of Judges of Ukraine No. 350/zp-24 of 13.11.2024.

639 Open Day at the National School of Judges: another step towards communication with society. National School of Judges of Ukraine. 2025.

At the NSJU, the problems with test development are attributed to a shortage of qualified specialists, tight deadlines for the development of test questions and answers, excessive workload on NSJU staff, the complexity and multi-stage nature of the test review system, and the absence of an alternative state institution capable of performing this function⁶⁴⁰. Additionally, due to the short timeframes for test development set by the HQCJ, international technical assistance (ITA) projects⁶⁴¹ are not always able to participate in the process. This highlights the need to reconsider the operational procedure of the NSJU Testology Centre.

Recommendations

The resolution of the issues described above may be achieved through the use of several instruments⁶⁴²:

1. In 2025, it is advisable to conduct a comprehensive functional, staffing, and financial audit of the NSJU with the involvement of international experts.
2. Based on the audit findings, the structure (including regional branches) and functions of the NSJU should be reviewed (in particular, the exclusion of functions not typical for judicial training institutions), and the NSJU should be transformed into a modern training centre.

The appropriateness of changing the legal form of the NSJU's organisational model should be determined based on the results of the audit and taking into account the recommendations of international experts. The relevance of maintaining the NSJU's regional branches should be assessed in the context of further digitalisation of the judiciary, based on the recommendations of international experts and the experience of EU countries comparable to Ukraine in terms of legal system and population size. It should also take into account the fact that in Ukraine, the training of judges and prosecutors is handled by different institutions in accordance with the provisions of the Constitution of Ukraine. Merging the NSJU with the Prosecutors' Training Centre of Ukraine is not considered appropriate.

3. A modern testology unit should be established within the HQCJ, removing the responsibility for developing tests and practical assignments for competitions and judicial assessment procedures from the NSJU. To achieve this, amendments must be made to the Law of Ukraine "On the Judiciary and the Status of Judges", personnel should be selected through open competitive procedures, and ITA projects should be engaged to provide training based on the best global practices. Sitting judges should not be involved in developing test or practical assignments but may participate in their preliminary piloting.
4. A repeat public competition should be conducted for the position of Vice-Rector of the NSJU, and all other vacant leadership positions at the NSJU should be filled through competitive procedures.

640 Information provided by a representative of the National School of Judges of Ukraine during the interview conducted on 03.04.2025.

641 Ibid.

642 The recommendations previously submitted by civil society in the 2024 Shadow Report (p. 78) remain relevant, with further clarifications based on progress achieved and new information from the NSJU.

5. Amendments to legislation should be adopted in 2025 to extend to the NSJU leadership and staff the same declaration requirements applicable to sitting judges (i.e. the same types of asset declarations), as well as to mandate competitive selection for all NSJU positions.
6. In the short term, it is advisable to conduct a performance appraisal of the entire management team of the NSJU, including at the regional level.
7. NSJU communications should be strengthened, particularly with judges and court office staff, to better identify their training needs and receive regular, high-quality feedback on previously delivered training.
8. Transparency should be ensured in the procedures for selecting judges (and court office staff) to participate in EU law training abroad under partnership programmes and/or with ITA project support.
9. A public register of ITA projects should be created, containing information on their involvement in training processes for judges and court office staff, as well as other related activities.
10. Prior to the transfer of the testology centre to the HQCJ, a public register of ITA projects involved in test and practical task development for judicial competitions and other related processes should be established.
11. Regular training opportunities for judges and court office staff (especially judges' assistants) should be introduced through internships in higher-level courts.
12. A study should be conducted to assess judges' satisfaction with the quality of training at the NSJU.

Constitutional Court of Ukraine

Progress and issues

Staffing of the CCU

The core problem in the activities of the CCU was the absence of a quorum. On 27 January 2025, the nine-year term of office expired for Judges Viktor Kolisnyk (Presidential quota), Viktor Kryvenko (Congress of Judges quota), and Volodymyr Moysik (Presidential quota)⁶⁴³.

During the reporting period, Alla Oliinyk (under the quota of the Congress of Judges of Ukraine)⁶⁴⁴ and Oleksandr Vodiannykov (under the President's quota)⁶⁴⁵ were appointed as CCU judges. The appointment of the latter, at the end of June 2025, unblocked the CCU's work after five months of de facto suspension.

⁶⁴³ Publication by the Constitutional Court of Ukraine on the social network Facebook. 2025.

⁶⁴⁴ Publication of the Council of Judges of Ukraine on the social network Facebook. 2024.

⁶⁴⁵ On the Appointment of O. Vodiannykov as a Judge of the Constitutional Court of Ukraine: Decree of the President of Ukraine No. 438/2025 of 27.06.2025.

At present, the **CCU consists of 12 judges⁶⁴⁶ out of 18**. Accordingly, the quorum for holding CCU plenary sessions and adopting decisions has been restored in those cases where the sitting judges of the CCU do not have a conflict of interest and have not recused themselves.

As of July 2025, six positions of CCU judges remain vacant, including under the quotas of: the President (two), the Verkhovna Rada (two), and the Congress of Judges of Ukraine (two)⁶⁴⁷.

In November 2024, staffing changes occurred within the Advisory Group of Experts (AGE). Given the expiry of the one-year term of office of Ales Zalar and Yaroslav Romaniuk as Chair and Secretary respectively, on 18 November 2024, AGE members elected Oksana Vasylenko as Chair and Maureen O'Connor as Secretary⁶⁴⁸.

Within the scope of its mandate, on 19 February 2025, the AGE **submitted ranked lists of assessed candidates to the Selection Commission under the President⁶⁴⁹ and to the Verkhovna Rada Committee on Legal Policy⁶⁵⁰**, recommending six persons for the three vacant CCU judge positions under the Presidential quota and six persons for the two vacant positions under the Parliament's quota.

On 11 March 2025, the Selection Commission under the President adopted a decision to recommend **three candidates to the President for appointment to the CCU**: Yuri Barabash, Oleksandr Vodiannikov, and Mykhailo Savchyn⁶⁵¹. **As noted, the President appointed one candidate as a judge, while no decision has yet been taken regarding the other candidate.**

The Verkhovna Rada Committee on Legal Policy **has not yet considered the matter of nominating the AGE-assessed candidates for a vote in Parliament⁶⁵²**. Moreover, as of today, the Committee has not even conducted interviews with these candidates. After receiving from the NACP the results of the special vetting of these candidates, members of the parliamentary Committee decided to review the practical assignments performed by the applicants for the position of CCU judge during the AGE assessment procedure, and sent a request to the AGE for the relevant documents⁶⁵³. At the same time, a number of Committee members expressed their wish to address their own questions to the AGE members concerning the decisions taken during the assessment of the said candidates for the position of CCU judge⁶⁵⁴.

646 Judges. Constitutional Court of Ukraine.

647 Status of competitions for CCU judge positions. Constitutional Court of Ukraine. 2025.

648 The Advisory Group of Experts elected a new Chair and Secretary. Constitutional Court of Ukraine. 2024.

649 The AGE submitted to Parliament and the President the ranking lists of candidates for the positions of judges of the Constitutional Court of Ukraine. Constitutional Court of Ukraine. 2025.

650 Ibid.

651 Decision of the Selection Commission for the competitive selection of candidates for the position of judge of the Constitutional Court of Ukraine concerning persons to be appointed by the President of Ukraine, regarding recommendations for appointment to the CCU. Office of the President of Ukraine. 2025.

652 Status of competitions for CCU judge positions. Constitutional Court of Ukraine. 2025.

653 Judges of the Constitutional Court under the parliamentary quota will be appointed in April–May – Head of Committee. Ukrinform. 2025.

654 Paralyzed CCU. Why are new judges not being appointed? LB.ua. 2025.

The conflict between the AGE and the Verkhovna Rada Committee on Legal Policy has taken on a formal form. Thus, on 4 July 2025, the Committee published a decision clarifying certain provisions of the Law of Ukraine "On the Constitutional Court of Ukraine" regarding the status and activities of the AGE⁶⁵⁵, in which it stated that:

- when preparing the matter of considering, on a competitive basis, candidates for the position of CCU judge in the Verkhovna Rada, the Committee has the authority to request and obtain, and the AGE is obliged to provide, documents concerning the candidates for the position of CCU judge, submitted by the candidates themselves and/or at the AGE's request during the assessment procedure;
- as an auxiliary body of the Verkhovna Rada, the AGE is obliged to ensure that Members of Parliament are able to familiarise themselves with all documents of the candidates for the position of CCU judge, providing, if necessary, all documents submitted to the AGE by the candidates themselves and/or at its request.

In response, the AGE published a statement⁶⁵⁶ in which it rejected the Committee's position, noting that: (1) all documents required by law had been transmitted by the AGE to the specialised Committee, the list of such documents being exhaustive and unambiguous; the Committee's demands for any additional documents from the AGE have no legal basis and are manipulative in nature. The AGE pointed out that, under similar circumstances in 2024, the Committee conducted interviews and Parliament appointed Serhii Riznyk as a CCU judge without requiring the AGE to provide documents not envisaged by law, and the relevant legislation has not changed since then. In addition, the President and the Congress of Judges of Ukraine also appointed CCU judges under their quotas without requesting from the AGE documents not provided for by law.

According to the AGE, within the framework of this competition its mandate has already been exhausted, since all the documents required by law were transmitted to the Verkhovna Rada Committee on Legal Policy on 19 February 2025⁶⁵⁷. The AGE perceives the delay in considering the candidates for CCU judgeships as being driven solely by political motives and as an attempt to exert pressure on the expert group⁶⁵⁸. At the same time, a number of Members of Parliament continue to express their dissatisfaction with the involvement of representatives of international and foreign organisations in the formation of the CCU, considering such practice unconstitutional⁶⁵⁹.

As regards the competition under the quota of the Congress of Judges of Ukraine, on 30 May and 21 June 2024, the CJU admitted 13 candidates to participate in the competition for two vacant CCU judge positions under its quota.

In November 2024, the AGE announced the need to launch a new competition for one CCU judge position due to the insufficient number of candidates to proceed with the

655 Decision on Clarification of Certain Provisions of the Law of Ukraine "On the Constitutional Court of Ukraine" regarding the Status and Activities of the Advisory Group of Experts. Verkhovna Rada Committee on Legal Policy, 2025.

656 Statement of the AGE regarding the Clarification by the Verkhovna Rada Committee on Legal Policy. Constitutional Court of Ukraine. 2025.

657 Ibid.

658 Advisory Group of Experts accuses the Verkhovna Rada Committee of delaying the appointment of CCU judges. Ukrinform. 2025.

659 Paralyzed CCU. Why are new judges not being appointed? LB.ua. 2025.

selection process for that position. Thus, following the assessment, the AGE found only three candidates to meet the criterion of high moral integrity⁶⁶⁰, however, in December, these candidates were assessed by the AGE as *not meeting* the criterion of a recognised level of legal competence for the purposes of selection for the CCU judge position⁶⁶¹. As a result, **the competition under the Congress of Judges' quota did not take place.**

Considering these circumstances, **on 9 December 2024, the CJU announced a new competition for two CCU judge positions**⁶⁶².

On 20 February 2025, the AGE received documents from the CJU seven candidates. On 18 May 2025, three of these candidates had withdrawn from the competition voluntarily⁶⁶³. Instead, on 29 May 2025, the AGE assessed only one of the remaining four candidates as "meeting" the criterion of high moral character. Given the insufficient number of candidates, the AGE declared the competition for two vacant CCU judge positions under the Congress of Judges' quota terminated⁶⁶⁴.

On 2 June 2025, the CJU announced a new competition for CCU judge positions under the Congress of Judges' quota⁶⁶⁵. Seventeen candidates⁶⁶⁶ submitted documents to participate in this competition, and the CJU has so far decided to admit only seven of them to the competitive selection⁶⁶⁷. A special vetting procedure has been scheduled for these candidates in accordance with the Law of Ukraine "On Preventing Corruption." The other candidates were granted an additional period to correct inaccuracies in their documents.

An analysis of the two-year experience of conducting competitions for CCU judge positions reveals several key issues that affect both the pace of the selection procedures and the quality of the candidate pool.

The first issue is **the sequence of candidate assessments for CCU judge positions**⁶⁶⁸. Law No. 2136-VIII stipulates that the first stage of the selection process is the verification of high moral integrity for all candidates admitted to this stage⁶⁶⁹. In practice, this takes longer than prescribed by law, which causes additional adverse consequences for the selection process due to candidates failing the assessment of a recognised level of legal competence. For instance, in the second competition announced by the Council of Judges, **none of the candidates passed** the respective assessment⁶⁷⁰.

660 The AGE informed the Council of Judges of Ukraine of the need to relaunch the competition for one of the CCU judge positions. Constitutional Court of Ukraine. 2024.

661 The Advisory Group of Experts summarised the results of the competition for a CCU judge position under the quota of the Congress of Judges of Ukraine. Constitutional Court of Ukraine. 2024.

662 Decision of the Council of Judges of Ukraine No. 41 of 09.12.2024.

663 Candidates for the position of CCU judge admitted to the competitive selection under the CJU quota (announced 09.12.2024). Constitutional Court of Ukraine.

664 Publication of the Advisory Group of Experts on the social network Facebook. 2025.

665 Decision of the Council of Judges of Ukraine No. 25 of 02.06.2025.

666 Seventeen candidates are competing for the position of a judge of the Constitutional Court of Ukraine under the Council of Judges of Ukraine. 2025.

667 Decision of the Council of Judges of Ukraine No. 29 of 22.07.2025.

668 Competition to the Constitutional Court of Ukraine: (Un)learned lessons. Dzerkalo Tyzhnia. 2024.

669 On the Constitutional Court of Ukraine: Law of Ukraine No. 2136-VIII of 13.07.2017, Part 2, Article 10⁸.

670 Ibid.

The second, broader, issue is **the low level of interest among candidates** willing to participate in the competition, which in turn affects the quality of the selection of future CCU judges. This problem is relevant to all judicial selections⁶⁷¹.

A separate issue is the legislative **requirement that there must be at least two candidates per one vacant CCU judge position based on the results of the selection/assessment**.

The experience of CCU judge competitions and the lack of a sufficient number of qualified candidates indicates the excessive nature of such a requirement. If the AGE has determined that a candidate meets all the requirements applicable to a CCU judge, then the appointing authority should have the right to decide whether each of the assessed candidates is suitable, without artificially limiting the discretion of such an authority⁶⁷².

The time taken by appointing authorities to perform their functions regarding the consideration of AGE-assessed candidates affects the overall situation concerning the CCU's ability to perform its functions. Quite often, several months pass between the completion of the assessment and the actual appointment. For example, the appointment of A. Oliinyk as a CCU judge, following her nomination by the Congress of Judges of Ukraine, took four months. The President appointed a judge under his quota more than four months later, while as of July 2025 no decision has yet been taken regarding the other two candidates recommended by the AGE. As for the two CCU judge positions under the Verkhovna Rada quota, the candidates recommended by the AGE remained unconsidered by the Verkhovna Rada Committee on Legal Policy during February–July 2025.

Institutional Capacity of the CCU

During the reporting period, a number of systemic issues impacted the institutional capacity of the CCU. In addition to the problems already outlined, attention should be drawn to the **inability of the CCU to adopt collegial decisions given the significant reduction in the number of judges** (in 2024, the CCU operated with 13–14 judges). In such cases, each decision requires approval by all or nearly all members of the Grand Chamber of the CCU (or the relevant Senate), which is unlikely due to the complexity and controversial nature of the issues under consideration by the Court⁶⁷³. Consequently, this affects the overall timeliness of CCU decision-making.

After the restoration of the quorum in the CCU, the presence of 12 judges in the Court is sufficient for its functioning, however, this situation further highlights the problems with decision-making in previous years. At present, at least 10 out of 12 votes are required for a decision to be adopted by the Grand Chamber of the CCU. Therefore, the most pressing issue for the CCU in the coming months is to regulate the functioning of the Court under the conditions of a minimal quorum.

Independent significant issues include **the low quality of draft decisions prepared by the CCU Secretariat and the lack of a methodology for justification of the Court's**

671 Ibid.

672 Ibid.

673 Information provided by Respondent No. 29 during an interview conducted on 15.04.2025.

decisions⁶⁷⁴. These factors **increase the CCU's political vulnerability** during case consideration, particularly in instances where societal relations have not yet developed or are not stable⁶⁷⁵.

According to current legislation and CCU practice, draft decisions are prepared mainly by judges and their scientific advisers⁶⁷⁶. The Secretariat of the Court in fact does not participate in drafting decisions, which makes the preparation process excessively dependent on the individual style and approaches of each judge, as well as on the limited resources of their personal team. This also results in a number of systemic problems: (1) the absence of a unified approach to the structure and reasoning of decisions, which negatively affects their quality and perception by stakeholders; (2) difficulties in ensuring consistency of case law, since coordination takes place only at the stage of discussions in panels, senates, and at the plenary sessions of the Grand Chamber of the CCU; (3) the loss of institutional memory and continuity, as with the change in the composition of the CCU, the experience and established approaches “depart” together with the judges and their teams⁶⁷⁷. By contrast, in leading European courts, in particular the ECtHR, a different model is applied, whereby the drafting of judgments is carried out by the lawyers of the Secretariat of the ECtHR, who work in close cooperation with the judge-rapporteur and the collegial composition of the Court, which allows avoiding the problems inherent in the Ukrainian CCU⁶⁷⁸.

Legislative overregulation may negatively affect the timelines for the CCU to consider cases and undermine its capacity to handle the most complex matters⁶⁷⁹. At the same time, **issues with the enforcement of CCU decisions at the national level — particularly, the legislature's disregard for the Court's rulings — nullify the CCU's capacity to regulate the most challenging societal relations and to properly balance the branches of power**⁶⁸⁰.

The problems described in the Shadow Report on Chapter 23⁶⁸¹ only began to be addressed during the reporting period. In February 2025, it became known that the working group on drafting the CCU Judges' Code of Ethics had developed a first draft of the document⁶⁸². The appointment of a new judge made it possible to discuss the provisions of the draft⁶⁸³ and to adopt, on 22 July 2025, the Rules of Professional Ethics of a CCU Judge⁶⁸⁴. Their practical application can be assessed in the future; however, their adoption took place without broad public discussion. The adopted Rules of Professional Ethics

674 Ibid.

675 Ibid.

676 Information provided by Respondent No. 32 during an interview conducted on 31.07.2025.

677 Ibid.

678 Ibid.

679 Information provided by Respondent No. 29 during an interview conducted on 15.04.2025.

680 Ibid.

681 Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission's 2023 Report on Ukraine, pp. 87–88. 2024.

682 Information provided by Respondent No. 29 during an interview conducted on 15.04.2025.

683 17 July. The Court held a session: considered the draft Rules of Professional Ethics of Judges and adopted two rulings. Constitutional Court of Ukraine. 2025.

684 Rules of Professional Ethics of a Judge of the Constitutional Court of Ukraine: Decision of the Constitutional Court of Ukraine No. 21-p/2025 of 22.07.2025.

of a CCU Judge were transmitted to the Council of Europe and the OSCE Office for Democratic Institutions and Human Rights for opinions and recommendations⁶⁸⁵, which is somewhat illogical given that the document has already been adopted. All consultations should have been conducted prior to the adoption of this act.

The issues of conflicting provisions regarding the powers of the CCU and the SC, delays in the consideration of complex cases, and the adoption of politically motivated decisions remain relevant⁶⁸⁶. Approaches to the organisation of the Court's work require revision to reduce its internal politicisation.

The CCU's approaches and tools for communicating with the public also require revision and improvement, given the complex language of its external communications, limited formats, and a high degree of conservatism, which do not contribute to building trust in the Court and its decisions.

A separate challenge for the CCU is the case concerning the constitutionality of commissions/groups/councils involving international experts, given that the Court must determine, among other things, the constitutionality of the involvement of the AGE in the selection of CCU judges⁶⁸⁷.

No action was taken during the reporting period towards the adoption of the Law of Ukraine "On Constitutional Procedure", the draft of which has been under parliamentary consideration since December 2020 (registration No. 4533)⁶⁸⁸.

Recommendations

The situation within and around the CCU requires the implementation of a series of consistent and balanced measures:

1. The President and Parliament should consider the nominated candidates and appoint CCU judges under their respective quotas as promptly as possible.
2. After receiving from the CJU all the documents of the candidates for CCU judge positions, the AGE should conduct a new competition for two CCU judge positions under the quota of the Congress of Judges of Ukraine without delay. Overall, it is advisable to fill all existing CCU vacancies by the end of 2025.
3. Parliament should revise the competition procedure involving the AGE, taking into account the problems described in the Shadow Report on Chapter 23.

685 Information provided by Respondent No. 32 during an interview conducted on 31.07.2025.

686 Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine, pp. 87-88. 2024.

687 Constitutional petition on the compliance with the Constitution of Ukraine (constitutionality) of certain provisions of the Laws of Ukraine "On the Constitutional Court of Ukraine", "On the High Council of Justice", "On the Judiciary and the Status of Judges", "On the High Anti-Corruption Court of Ukraine", "On the Accounting Chamber", "On the National Anti-Corruption Bureau of Ukraine", "On Preventing Corruption", "On the Public Prosecutor's Office", "On the State Bureau of Investigation", "On Amendments to the Customs Code of Ukraine Concerning the Introduction of Special Provisions on Service in Customs Authorities and Certification of Officials of Customs Authorities" and the Customs Code of Ukraine, as well as the Laws of Ukraine "On Amendments to the Law of Ukraine 'On the Judiciary and the Status of Judges' and Certain Laws of Ukraine on the Resumption of Work of the High Qualification Commission of Judges of Ukraine", "On Amendments to Certain Legislative Acts of Ukraine on the Procedure for Election (Appointment) to the High Council of Justice and the Activities of the Disciplinary Inspectors of the High Council of Justice", and "On Amendments to the Law of Ukraine 'On the Accounting Chamber' and Certain Other Legislative Acts of Ukraine". Constitutional Court of Ukraine. 2024.

688 On Constitutional Procedure: Draft Law of Ukraine, registration No. 4533 of 21.12.2020.

4. The issue of changing the institutional model of the CCU and ensuring continuity in the functioning of the CCU requires broad discussion. It would be appropriate to examine the experience of those EU countries where constitutional courts operate effectively.
5. The CCU needs to strengthen the institutional capacity of its Secretariat through the qualified selection and professional training of personnel, as well as by integrating European legal approaches into the preparation of draft decisions by the Secretariat.
6. Changing the CCU model following the example of the ECtHR will require:
 - legislative regulation of the role and powers of the Secretariat in the preparation of draft decisions;
 - institutional strengthening of the Secretariat — recruitment, training and retention of highly qualified legal analysts;
 - establishment of procedural interaction between the Secretariat and judges, which guarantees the preservation of the judge-rapporteur's leading role and collegial decision-making, while ensuring professional support at all stages of preparation.
7. Amend the legislation and ensure effective oversight of the enforcement of CCU decisions.
8. Ensure transparency and communication between the CCU and the public, especially on politically sensitive matters — to reduce pressure and prevent speculation. Introduce the position of a judge-spokesperson who would regularly inform the public about pending cases and decisions adopted by the CCU.
9. Parliament should finalise, with the participation of CCU judges and Ukrainian and international experts in constitutional adjudication, the Draft Law "On Constitutional Procedure" (registration No. 4533) and submit it for review by the Venice Commission prior to its adoption.
10. In 2025, the Assembly of CCU Judges should analyse the practice of implementing the adopted Rules of Professional Ethics of a CCU Judge.
11. Revise the internal organisational processes of the CCU with a view to reducing its politicisation. To this end, it is advisable to examine the possibility of structuring the CCU's internal processes based on the functioning of the ECtHR.
12. Regulate the conflict of competences between the CCU and the SC to clearly delineate their jurisdictions and prevent the use of the CCU as a "fourth" judicial instance.
13. Strengthen the independence of CCU judges while simultaneously addressing the issue of disciplinary liability, particularly for undue delays in case consideration.
14. Improve the constitutional complaint mechanism, especially with regard to the timeframes for considering such complaints.
15. Carry out digitalisation of all internal CCU processes, in particular the submission to the CCU of constitutional petitions, motions, and complaints in electronic form.
16. Given that the activities of the AGE have, for the second consecutive year, taken place under conditions of a limited pool of candidates participating in the competitions

for CCU judge positions, the AGE should initiate an open dialogue with society and the professional community, jointly analyse the methodology and approaches to assessment, and outline and discuss problematic aspects. It is also necessary to strengthen the understanding that the AGE's role lies not only in selecting and recommending candidates, but also in supporting the legitimacy and authority of the CCU. This would help to avoid the "chilling effect" on potential candidates and improve their willingness to participate in competitive selection.

Alternative Dispute Resolution

Dispute Settlement with the Participation of a Judge

State of play

In 1986, the Committee of Ministers of the Council of Europe adopted Recommendation No. R(86)12⁶⁸⁹, which emphasised the need to enhance the effectiveness of civil justice, in particular by imposing an obligation on judges to seek reconciliation between the parties and the conclusion of a settlement agreement, as well as to take measures to facilitate access to alternative methods of dispute resolution.

In Ukrainian legislation, the procedure of dispute settlement with the participation of a judge was introduced **in 2017 through amendments to three procedural codes** — the CivPC of Ukraine⁶⁹⁰, the Commercial Procedure Code of Ukraine (ComPC of Ukraine)⁶⁹¹, and the CAPU⁶⁹², which may be conducted exclusively with the consent of the parties before the commencement of substantive proceedings, provided there is no third party asserting independent claims regarding the subject matter of the dispute⁶⁹³. In such a case, the court suspends the proceedings⁶⁹⁴ for the duration of the dispute settlement procedure with the participation of a judge, which must not exceed 30 days from the date of issuance of the corresponding ruling⁶⁹⁵.

An important aspect is that the judge who took part in this procedure may not participate in the substantive consideration of the case, or the review of any judicial decision adopted in it⁶⁹⁶. Moreover, the initiation of the procedure may take place only at the stage of first-instance proceedings. Within this procedure, the judge does not act as a mediator between the parties to the conflict but rather as a legal expert whose role is to resolve the dispute through the adoption of a judicial act⁶⁹⁷.

689 Recommendation No. R (86) 12 of the Committee of Ministers of the Council of Europe to member states on measures to prevent and reduce excessive workload in the courts.

690 Civil Procedure Code of Ukraine No. 1618-IV of 18.03.2004.

691 Commercial Procedure Code of Ukraine No. 1798-XII of 06.11.1991.

692 Code of Administrative Procedure of Ukraine No. 2747-IV of 06.07.2005.

693 Civil Procedure Code of Ukraine No. 1618-IV of 18.03.2004, Article 201.

694 Ibid, Art. 202.

695 Ibid, Art. 205.

696 Ibid, Art. 37.

697 Dispute Settlement with the Participation of a Judge: "What?" and "How?". Yurydychna Hazeta. 2020.

The legislation contains a list of categories of cases in which the procedure of dispute settlement with the participation of a judge may not be applied (e.g. bankruptcy cases, during preventive restructuring procedures, etc.⁶⁹⁸).

The Justice and Constitutional Adjudication Development Strategy for 2021–2023⁶⁹⁹ envisaged measures for pre-trial dispute settlement, including through the improvement of the procedure for dispute settlement with the participation of a judge⁷⁰⁰.

The Kyiv Court of Appeal conducted a generalisation of judicial practice regarding the application by district courts of Kyiv city and district (city-district), city courts of Kyiv region of the provisions of the CivPC of Ukraine concerning dispute settlement with the participation of a judge for the years 2018–2019⁷⁰¹.

According to this generalisation of practice, the procedure was most frequently applied in **family disputes**, particularly those related to divorce, recovery of alimony, changes in the amount or method of recovery, division of property, and issues related to parental involvement in upbringing and contact with the child⁷⁰². The generalisation also noted that in 2019, **13 out of 38 courts** in Kyiv city and Kyiv region applied the procedure of dispute settlement with the participation of a judge, with all such cases being handled by only **around three judges** out of the total number of judges in those courts⁷⁰³. In 2018–2019, **21 out of 56 such cases** in the courts of Kyiv city and Kyiv region were successfully concluded⁷⁰⁴.

Positive examples of dispute resolution under the procedure of case consideration with the participation of a judge include cases concerning determination of a child's place of residence, recovery of alimony⁷⁰⁵; division of jointly acquired marital property⁷⁰⁶; and determination of the father's contact arrangements with the child⁷⁰⁷. In all these cases, the procedure resulted in court rulings approving settlement agreements.

According to the Analytical Overview of the State of Civil Justice Administration, **in 2024, local courts issued 41 rulings on initiating case consideration with the participation of a judge and 36 rulings on terminating such consideration** (compared to 53 and 46 rulings, respectively, in 2023)⁷⁰⁸. Of these cases, **six resulted in settlement agreements** between the parties (17 in 2023), and 27 cases were transferred to another judge for consideration (24 in 2023)⁷⁰⁹.

698 Commercial Procedure Code of Ukraine No. 1798-XII of 06.11.1991, Article 186.

699 On the Strategy for the Development of the Justice System and Constitutional Adjudication for 2021–2023: Decree of the President of Ukraine No. 231/2021 of 11.06.2021.

700 Ibid.

701 Dispute Settlement with the Participation of a Judge: "What?" and "How?". Yurydychna Hazeta. 2020.

702 Ibid.

703 Ibid.

704 Ibid.

705 Ruling of the Netishyn City Court of Khmelnytskyi Region of 20.03.2023 in case No. 679/191/22.

706 Ruling of the Solomianskyi District Court of Kyiv City of 23.08.2024 in case No. 760/5295/24.

707 Ruling of the Slavutskyi City District Court of Khmelnytskyi Region of 23.07.2024 in case No. 361/1588/24.

708 Analytical Review of the State of Civil Proceedings in 2024. Supreme Court, p. 7.

709 Ibid.

Thus, despite the relatively small percentage of cases considered under the judge-involved procedure, this mechanism enjoys a certain (albeit limited) level of demand among parties to judicial proceedings. **As of early July 2025, several cases involving settlement agreements are known to have been approved under this procedure**, specifically: 1) by a judge of the Yuzhne City Court of Odesa Region in a case on recognition of ownership of property belonging to one of the spouses, which had been under consideration for over seven years before this procedure was applied⁷¹⁰; 2) by a judge of the Solomianskyi District Court of Kyiv City in a case on the recognition of copyright and related rights⁷¹¹.

During 2024–2025, SC judges participated in national and international cross-professional conferences on dispute resolution⁷¹². As of July 2025, a survey is underway to determine the number of judges and court staff who have received mediator training⁷¹³. A special section on mediation has been integrated into the Judiciary of Ukraine web portal for citizens⁷¹⁴. Today, in any court in Ukraine, on its website and from printed materials, citizens can obtain information about mediation, its relationship with court proceedings, and options for finding mediators.

In addition, the SC signed a Partnership Agreement with the European Association of Judges for Mediation to support European standards for the development of mediation in Ukrainian courts, which is an important step in the context of Ukraine's integration into the EU⁷¹⁵. The Recommendations of the CEPEJ also note that judges play a crucial role in fostering a culture of amicable dispute resolution and provide guidance on how mediation should be promoted in general and what judges should do to achieve this⁷¹⁶. In particular, judges should be able to provide information and organise mediation information sessions⁷¹⁷.

There is currently a certain degree of consensus within the professional community — including judges, mediators, and civil society experts — on the need to introduce **mandatory mediation**⁷¹⁸. The introduction of mandatory mediation may be considered in relation to certain categories of cases, particularly family matters, which aligns with the experience of European countries where mandatory mediation has been introduced in family cases and minor civil claims. This significantly reduces the burden on the courts, shortens the duration of proceedings, and increases the efficiency of justice⁷¹⁹.

710 Dispute Settlement with the Participation of a Judge. Conversation with a Judge. Judiciary of Ukraine. 2025.

711 Ruling of the Solomianskyi District Court of Kyiv City of 24.03.2025 in case No. 760/17288/2.

712 Judges are increasingly contributing to the development of the mediation ecosystem, recognising its value — SC judge. Supreme Observer legal portal. 2025.

713 Ibid.

714 Ibid.

715 Ibid.

716 The Role of Mediation, its Development in Ukraine Today, and Points of Intersection with the Judiciary Discussed at a Round Table in the SC. Supreme Court. 2023.

717 Guidelines for a Better Implementation of the Existing Recommendation on Family Mediation and Mediation in Civil Matters. European Commission for the Efficiency of Justice (CEPEJ) (2007)14. Council of Europe.

718 The Role of Mediation, Its Development in Ukraine Today, and Intersection with Judicial Proceedings Discussed at the Supreme Court Roundtable. Supreme Court. 2023.

719 Ibid.

Progress and issues

An analysis of the practice of applying the procedure of dispute settlement with the participation of a judge shows that only about one-third of courts use this procedure, and the percentage of judges involved in it is minimal.

Judges who have participated in this procedure⁷²⁰ point to the following **main issues**: the challenge of determining the procedure's application in the absence of experience and methodology; violations of the 30-day time limit for case consideration; the lack of clear boundaries between the judge's right to provide clarification to the parties and the prohibition on offering legal advice or evaluating evidence; and the absence of regulation concerning the right to refuse the suspension of proceedings and conduct of the case with the participation of a judge⁷²¹.

Despite a positive trend towards appointing cases for consideration with the participation of a judge, in a certain percentage of cases the procedure was cancelled and standard judicial proceedings resumed⁷²².

A separate issue is that the parties to disputes are generally unaware of the existence and principles of applying the procedure involving a judge. Due to low awareness, the number of disputes considered through this procedure remains small, and courts have not been relieved of their excessive caseload⁷²³.

In addition, the lack of demand for the procedure of case consideration with the participation of a judge is also attributed to the judges' heavy workload and the lack of sufficient knowledge and skills in the field of judicial mediation⁷²⁴.

Arbitration

State of play

Ukraine is a party to all key international treaties in the field of international arbitration, including the Convention on the Recognition and Enforcement of Foreign Arbitral Awards⁷²⁵, the European Convention on International Commercial Arbitration⁷²⁶, the Convention on

720 Dispute Settlement with the Participation of a Judge: "What?" and "How?". Yurydychna Hazeta. 2020.

721 Ibid.

722 For example, 1) Ruling of the Rivne District Administrative Court of 14.03.2018 on the appointment of a procedure for dispute settlement with the participation of a judge in case No. 817/439/18.; However, after two meetings, the parties submitted motions to terminate the dispute settlement procedure with the participation of a judge (court ruling of 04.04.2018 on termination of the procedure and resumption of administrative proceedings.; 2) Ruling of the District Administrative Court of Kyiv City of 04.01.2018 in case No. 826/15673/17 on the appointment of a procedure for dispute settlement with the participation of a judge.; However, the time limit for the dispute settlement procedure expired, and the parties failed to reach an agreement, thus the procedure was terminated and court proceedings resumed (court ruling of 15.02.2018).

723 Dispute Settlement with the Participation of a Judge. Conversation with a Judge.

724 Settlement of Family Disputes with the Participation of a Judge. Procedural Obstacles to Application. High School of the Bar of the UNBA. 2024.

725 United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 10.06.1958.

726 European Convention on International Commercial Arbitration of 1961.

the Settlement of Investment Disputes between States and Nationals of Other States⁷²⁷, and is a party to over 70 bilateral treaties on the promotion and mutual protection of investments.

At the national level, the issue of international arbitration is regulated by the **Law of Ukraine "On International Commercial Arbitration"** (Law No. 4002-XII)⁷²⁸, which was developed based on the UNCITRAL Model Law on International Commercial Arbitration⁷²⁹. Certain issues related to international arbitration are also regulated by the CivPC of Ukraine, concerning the challenge and enforcement of decisions of international commercial arbitration⁷³⁰.

The Law of Ukraine "On Chambers of Commerce and Industry in Ukraine" provides for two permanent and independent arbitration institutions: the International Commercial Arbitration Court (ICAC) and the Ukrainian Maritime Arbitration Commission (UMAC)⁷³¹.

The **ICAC** operates on the basis of Law No. 4002-XII and its Rules⁷³². The Rules provide that a dispute is submitted to the ICAC if the parties have concluded a written arbitration agreement or clause⁷³³. The ICAC's recommended list of arbitrators includes 114 arbitrators from 38 countries worldwide⁷³⁴.

The **UMAC** also operates on the basis of Law No. 4002-XII and its Rules, considering disputes arising from contractual and other civil law relations connected with maritime trade⁷³⁵. The UMAC's recommended list of arbitrators includes 30 arbitrators⁷³⁶.

A significant number of changes in the field of international arbitration have resulted from the full-scale invasion and the functioning of the state under martial law. **On 24 February 2022, the National Bank of Ukraine adopted Resolution No. 18**⁷³⁷, which introduced a number of restrictions the prohibition on cross-border transfers of currency valuables from Ukraine in hryvnia/foreign currency, with certain exceptions in the field of arbitration. These exceptions include, in particular, transactions related to proceedings before the ICAC and UMAC at the Ukrainian Chamber of Commerce and Industry, as well as transactions by state-owned enterprises to cover registration fees, arbitration fees, and advance payments for arbitration costs incurred in the preparation, submission, and consideration of claims in international commercial and investment arbitration proceedings⁷³⁸.

727 Convention on the Settlement of Investment Disputes between States and Nationals of Other States of 18.05.1965.

728 On International Commercial Arbitration: Law of Ukraine No. 4002-XII of 24.02.1994.

729 UNCITRAL Model Law on International Commercial Arbitration (1985). United Nations Commission on International Trade Law.

730 Civil Procedure Code of Ukraine No. 1618-IV of 18.03.2004.

731 On Chambers of Commerce and Industry in Ukraine: Law of Ukraine No. 671/97-VR of 02.12.1997, Part 5, Article 14.

732 Rules of the International Commercial Arbitration Court at the Ukrainian CCI. International Commercial Arbitration Court.

733 Ibid.

734 List of Arbitrators. International Commercial Arbitration Court.

735 Arbitration. Maritime Arbitration Commission.

736 List of Arbitrators. Maritime Arbitration Commission.

737 On the Operation of the Banking System During the Period of Martial Law: Resolution of the Board of the National Bank of Ukraine No. 18 of 24.02.2022.

738 Ibid.

In March 2024, the Committee of the Verkhovna Rada on Legal Policy held hearings on the topic: “Paths to Peace: Challenges and Prospects for Alternative Dispute Resolution in Contemporary Conditions”, which resulted in **Committee Recommendations**⁷³⁹ on international arbitration (approved in July 2024). The Committee’s key proposals included⁷⁴⁰:

- › Amending Article 1 of Law No. 4002-XII to extend the jurisdiction of international commercial arbitration to disputes arising on the basis of an international treaty, a law of Ukraine, a legal act of a foreign state, or an agreement between the parties — namely, between investors and the State of Ukraine (or its bodies), other states (or their bodies) — in connection with investment activity carried out in the territory of Ukraine or another state, in particular concerning the admission, implementation, restriction, modification, termination, protection, and guarantees of investments, and the treatment of such investments and investors.
- › Amending Article 26 of the Law of Ukraine “On the Regime of Foreign Investment” to enable the resolution of investment disputes by the ICAC.
- › Recommending that the Government, in drafting new bilateral agreements on the promotion and mutual protection of investments, as well as free trade agreements containing investment protection provisions, indicate the ICAC as one of the dispute resolution options between the state and the investor.

As a result of these Recommendations, at the end of April 2025, the Verkhovna Rada adopted at first reading as a basis **Draft Law No. 12141**⁷⁴¹. The proposed changes to national legislation pursue two goals. First, the regulation of certain criteria for the international nature of a dispute will expand the range of legal relations that fall under the jurisdiction of the ICAC (currently they are excluded from its jurisdiction)⁷⁴². Second, granting the right to hear investment disputes to commercial arbitration located in Ukraine will enable Ukraine to become a venue for hearing investment disputes between a foreign investor and Ukraine or another state⁷⁴³.

Additionally, during 2022–2025, a number of amendments were introduced to the ICAC Rules, in particular concerning:

- › **the introduction of combined procedures such as “Arbitration-Mediation-Arbitration” and “Mediation-Arbitration”**⁷⁴⁴;
- › the specifics of **admitting claims for consideration that arise from two or more contracts**⁷⁴⁵;

739 Recommendations of the Hearings of the Committee on the Topic: “Paths to Peace: Challenges and Prospects for Alternative Dispute Resolution in Contemporary Conditions”.

740 Ibid.

741 On Amendments to the Law of Ukraine “On International Commercial Arbitration” Regarding the Expansion of the Jurisdiction of International Arbitration: Draft Law of Ukraine, registration No. 12141 of 21.10.2024.

742 Explanatory Note to the Draft Law of Ukraine “On International Commercial Arbitration” on Expanding the Competence of International Arbitration.

743 Ibid.

744 Amendments to the Rules of the International Commercial Arbitration Court at the Ukrainian CCI. 2022. International Commercial Arbitration Court.

745 Amendments to the Rules of the International Commercial Arbitration Court at the Ukrainian CCI. 2024. International Commercial Arbitration Court.

- › the signing of an arbitral award by the Arbitral Tribunal in a number of original copies equal to the number of parties, plus one copy for retention in the case file, and the affixing of the signature of the ICAC Secretary-General and the ICAC seal on the original copies of the arbitral award⁷⁴⁶.

Similar amendments were synchronously introduced into the MAC Rules⁷⁴⁷.

From 2019 to 2024, the ICAC admitted approximately 1,850 cases for consideration: 373 cases in 2022, 584 cases in 2023, and 453 cases in 2024⁷⁴⁸. At the same time, **the number of applications for the annulment of ICAC decisions**⁷⁴⁹ was as follows: 17 in 2019 (181 cases considered), 8 in 2020 (207 cases considered), 41 in 2021 — of which **two decisions were annulled** (263 cases considered), 22 in 2022 (202 cases considered), 24 in 2023 (407 cases considered), and 26 in 2024 (440 cases considered).

In 2024, the ICAC considered 50.46% of cases (222 cases) within a period of up to three months, 33.41% of cases (147 cases) within three to six months, and 8.86% of cases (39 cases) within six to nine months⁷⁵⁰.

Over the past four years, there has been a steady trend towards **an increase in the number of ICAC cases involving claims ranging from USD 1 million to USD 50 million**. Specifically, there were 30 such cases in 2021, 45 in 2022, 56 in 2023, and **95 cases in 2024**⁷⁵¹.

As a result of amendments to the ICAC Rules, the ICAC also **began considering cases involving claims arising from two or more contracts**. In the second half of 2024, nine such cases were admitted for consideration⁷⁵².

An increase has also been observed in the number of cases involving sanctioned elements and disputes in the defence sector⁷⁵³. **In 2024, the ICAC considered 41 cases in the defence sector**, accounting for 9.3% of the total number of cases⁷⁵⁴.

In 2024, the online format for arbitration proceedings became dominant, resulting in 475 online hearings being conducted⁷⁵⁵. For 2025, the ICAC has set the **objective of completing the development and initiating the implementation of an electronic platform** that will provide secure communication for all participants in the arbitration

746 Amendments to the Rules of the International Commercial Arbitration Court at the Ukrainian CCI. 2025. International Commercial Arbitration Court.

747 Amendments to the Rules of the Maritime Arbitration Commission at the Ukrainian CCI. 2022. Maritime Arbitration Commission.; Amendments to the Rules of the Maritime Arbitration Commission at the Ukrainian CCI. 2024. Maritime Arbitration Commission.; Amendments to the Rules of the Maritime Arbitration Commission at the Ukrainian CCI. 2025. Maritime Arbitration Commission.

748 Statistics of the International Commercial Arbitration Court for 2024.

749 Ibid.

750 Ibid.

751 Ibid.

752 Ibid.

753 Ibid.

754 Report of the International Commercial Arbitration Court for 2024.

755 Ibid.

process, enable the uploading and exchange of information through a secure cloud service, support the storage of electronic case files, the conduct of videoconferences, and the use of artificial intelligence tools⁷⁵⁶.

In 2021, the **MAC considered 21 cases**. The claimants in these cases were domestic business entities. In most of these cases, the respondents were foreign companies from various countries (only in 38% of cases were they residents of Ukraine)⁷⁵⁷. About 80% of cases are considered in less than six months. Hearings are conducted online. The most common claims to the MAC in the category of labour disputes concern non-payment of wages, issues with early termination of contracts, repatriation and compensation in cases of loss of working capacity or death of a seafarer, treatment of seafarers abroad, and cases of disappearance⁷⁵⁸. There is also a trend in the number of cases related to suicides of seafarers and deaths under suspicious circumstances⁷⁵⁹.

Experts name, among the advantages of MAC proceedings, in particular: the possibility of arresting a vessel before the case is heard on the merits, lower costs compared to other international institutions, and the absence of appealed decisions⁷⁶⁰.

In 2024, national courts consistently reinforced a pro-arbitration approach in cases concerning the recognition, enforcement, and annulment of international arbitral awards⁷⁶¹. Key trends within the judicial system included: a stronger focus by courts on clearly defining the legal nature of arbitration agreements⁷⁶²; an increase in the number of cases concerning the recognition, enforcement, and annulment of arbitral awards in the defence and industrial sector⁷⁶³; the consolidation of a narrower interpretation of the concept of "public policy", which now allows for the recognition and enforcement of arbitral awards even against state-owned enterprises; and the limitation of judicial interference⁷⁶⁴ in the review of arbitral awards⁷⁶⁵.

From January to March 2025, the CCC SC, when considering applications for the annulment of ICAC awards on the grounds of violation of the public policy of Ukraine, addressed

756 Ibid.

757 Conference "Current Issues of Maritime Law in Modern Conditions". International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry. 2025.

758 Ibid.

759 Ibid.

760 Ibid.

761 How Has Arbitration Changed in Ukraine Under Martial Law? European Business Association. 2023.

762 In particular, in case No. 911/1766/22, the Supreme Court confirmed that an arbitration agreement is not a traditional transaction, as it creates only procedural, not substantive, legal consequences.; Accordingly, in 2024, the Supreme Court clearly outlined a special mechanism for challenging the validity of an arbitration agreement

763 In particular, in case No. 824/41/24 concerning the recognition and enforcement of an ICAC arbitral award against the State Company "Ukrspецexport," the Supreme Court stated that the recovery of debt from a defence industry enterprise during martial law is not grounds for refusing recognition and enforcement of the arbitral award in Ukraine. A similar conclusion by the Supreme Court can be found in case No. 824/64/24.

764 In particular, in case No. 824/83/23 the Civil Cassation Court of the Supreme Court, considering a Polish party's application for the annulment of an ICAC award, established that "the principle of limited intervention by national courts in arbitral awards, as enshrined in Ukrainian legislation, during the review of annulment applications, stipulates that a court may not review the correctness of the arbitral tribunal's application of substantive law, but only determine the presence or absence of grounds for annulment as provided by law."

765 How Has Arbitration Changed in Ukraine Under Martial Law? European Business Association. 2023.

the concept of “public policy” in the context of the alleged procedural violations committed by the ICAC during the hearing of a case. In particular, the court listed the fundamental principles constituting the “procedural aspect” of public policy in the context of arbitration proceedings⁷⁶⁶ and also noted that the public policy of Ukraine may be violated by an ICAC award in cases where the right to judicial protection has been substantially and manifestly infringed in the rendering of the award⁷⁶⁷. The CCC SC also, after considering the applicant’s arguments about the non-compliance of the arbitration procedure with the parties’ agreement, confirmed its position on the competence of the ICAC to consider the dispute between the parties⁷⁶⁸.

Progress and issues

Despite the gradual increase in the number of cases considered by the ICAC, the percentage of cases in which international arbitration is chosen (in comparison to courts) remains low. The expansion of jurisdiction and the digitalisation of the arbitration process are expected to contribute to an increase in the number of cases heard by the ICAC. The expansion of arbitration use will also be encouraged by favourable judicial practice, particularly from the SC.

Arbitral Tribunals

State of play

The establishment and operation of arbitral tribunals in Ukraine is regulated by the Law of Ukraine “On Arbitral Tribunals”⁷⁶⁹. According to the Unified Register of Civil Society Formations maintained by the Ministry of Justice, **over 500 arbitral tribunals** are currently registered in Ukraine⁷⁷⁰. The main arbitral tribunals in Ukraine are the Permanent Arbitral Tribunal at the CCI of Ukraine, the Permanent Arbitral Tribunal at the Association of Ukrainian Banks, the Permanent Arbitral Tribunal at the All-Ukrainian Non-Governmental Organisation “All-Ukrainian Financial Union”⁷⁷¹ and the Permanent Court of Arbitration at the “Information and Financial Business” Association⁷⁷².

According to research data⁷⁷³ in 2018, of the 515 registered arbitral tribunals, only 248 considered at least one case, while 21 arbitral tribunals ceased operations. At the same time, fewer than 40 arbitral institutions comply with the legal requirement to publish their

766 Ruling of the Supreme Court of 23.01.2025 in case No. 824/37/24.

767 Ruling of the Supreme Court of 06.03.2025 in case No. 824/145/24.

768 Ibid.

769 On Arbitral Tribunals: Law of Ukraine No. 1701-IV of 11.05.2004.

770 Arbitral Institutions. Ukrainian Arbitration Association.

771 Ibid.

772 On Arbitration Court. The Permanent Court of Arbitration at the “Information and Financial Business” Association.

773 Arbitral Tribunals in Ukraine: State of Development, Statistics, Practice, and Prospects. DEJURE Foundation. 2018.

arbitration-related documents⁷⁷⁴. Arbitration courts hardly ever publish their statistics, so it is extremely difficult to assess the scale of their activities.

Since 2020, **Draft Law No. 3411**⁷⁷⁵ has been under consideration in Parliament. It proposes reducing the number of arbitral tribunals by requiring all such tribunals to undergo re-registration and by introducing necessary measures to ensure compliance with transparency requirements. The draft law also envisages raising the standards for organisations under which arbitral tribunals may be established, including requirements to engage in statutory activities, maintain a permanent location, and possess the necessary resources to operate. This is intended to enhance the level of accountability of such organisations for the arbitral tribunals they establish⁷⁷⁶. The draft law also proposes a mechanism for oversight of arbitral tribunals, whereby specialists from the Arbitral Chamber would issue a professional opinion on whether an arbitral judge acted appropriately⁷⁷⁷.

On 2 February 2021, Draft Law No. 3411 was adopted at first reading, and there has been no further progress since then.

Progress and issues

Despite the large number of registered arbitral tribunals, their functioning is currently ineffective and does not inspire trust among parties to disputes.

Accordingly, since arbitral tribunals do not operate properly, do not publish their documents and activity results, and are sometimes even unknown to potential parties to disputes, the mechanism of arbitral dispute resolution in Ukraine is effectively absent.

Draft Law No. 3411 could partially address these problems; however, there is currently no information regarding its possible further progress at the parliamentary level.

Recommendations

1. Conduct a broad information campaign and ensure proper awareness-raising among participants in judicial proceedings regarding the procedure of case consideration with the participation of a judge.
2. Approve a methodology for conducting the procedure of dispute settlement with the participation of a judge.
3. Organise training sessions at the NSJU for judges on the procedure of dispute settlement with the participation of a judge.
4. Establish clear boundaries between the permissible clarification of key aspects of a dispute by a judge and the provision of legal advice by a judge.

⁷⁷⁴ Reform of Arbitral Proceedings: "Before" and "After". Ukrainian Bar Association. 2020.

⁷⁷⁵ On Amendments to Certain Laws of Ukraine to Improve the Procedure for the Establishment and Operation of Arbitral Tribunals with a View to Restoring Trust in Arbitral Proceedings: Draft Law of Ukraine, registration No. 3411 of 29.04.2020.

⁷⁷⁶ Reform of Arbitral Tribunals: What Will Change for Businesses? *Economichna Pravda*.

⁷⁷⁷ *Ibid*.

5. Consider the introduction and legislative consolidation of a mandatory procedure for case consideration with the participation of a judge in family disputes to increase the effectiveness of judicial proceedings.
6. Expand the jurisdiction of international arbitration in Ukraine by adopting Draft Law No. 12141 in second reading, which envisages the inclusion of investment arbitration within the jurisdiction of international commercial arbitration.
7. Amend Article 26 of the Law of Ukraine "On the Regime of Foreign Investment" to allow the ICAC to resolve investment disputes.
8. Conduct a study on the operation of arbitral tribunals and based on its results, initiate a broad public discussion on the necessity of maintaining such tribunals in Ukraine. Considering the outcomes of the public discussion, a decision should be made on the advisability of adopting Draft Law No. 3411 and promoting the use of arbitral tribunals for dispute resolution, or alternatively, abandoning this form of alternative dispute resolution as one that does not correspond to Ukrainian legal traditions.

State of Judicial Independence

Progress and issues

In 2024, the HCJ received **224** reports of interference with the professional activities of judges in the administration of justice and actions that violate guarantees of judicial independence or undermine the authority of justice⁷⁷⁸. Taking into account the reports received in previous periods, the HCJ considered **238** judges' reports⁷⁷⁹ in 2024. Based on the results of consideration of **90** reports of interference, **87** decisions⁷⁸⁰ were adopted to take responsive measures:

- referrals to the prosecutor's office and law enforcement agencies requesting information on the detection and investigation of crimes;
- submissions to relevant authorities or officials regarding the identification and holding accountable of persons who committed actions or omitted to act, etc.

Having considered the remaining **148** judges' reports, the HCJ adopted **45** decisions approving **130** conclusions by HCJ members on the absence of grounds for taking measures to ensure judicial independence and the authority of justice⁷⁸¹. Additionally, the HCJ adopted **5** decisions on its own initiative to take appropriate measures⁷⁸².

Additionally, during the first half of 2025, the HCJ received 143 notifications of interference and 3 submissions from the HQCJ regarding compliance with guarantees of

⁷⁷⁸ High Council of Justice. The HCJ considered 238 reports of interference with the professional activities of judges in 2024. 2025.

⁷⁷⁹ Ibid.

⁷⁸⁰ Ibid.

⁷⁸¹ Ibid.

⁷⁸² Ibid.

independence⁷⁸³. Taking into account notifications received in previous periods, the HCJ considered 120 notifications from judges submissions from the HQCJ regarding compliance with guarantees of independence since the beginning of the year. As a result, 50 decisions were adopted on taking response measures in 60 cases⁷⁸⁴. Regarding the remaining 60 notifications, the HCJ approved 54 conclusions by HCJ members indicating no grounds for taking measures to safeguard judicial independence and the authority of justice⁷⁸⁵. One decision to take appropriate measures was adopted by the HCJ on its own initiative and one decision to take measures to ensure the independence of judges and the authority of justice was adopted based on a submission from the HQCJ and the Deputy Head of the HQCJ⁷⁸⁶.

However, despite numerous HCJ decisions on interference with the administration of justice, there is almost no adequate response to such cases from the prosecutor's office and law enforcement agencies. For instance, regarding last year's case of interference with judicial independence during a search conducted at the Dniprovskiy District Court of Kyiv on 9 January 2024, when the State Bureau of Investigation (SBI) carried out investigative actions "without a court order" (a search related to the consideration of a specific court case)⁷⁸⁷, the HCJ received a refusal to initiate criminal proceedings from both the Prosecutor General's Office (PGO) and the SBI⁷⁸⁸.

In certain cases, the prosecutor's office and law enforcement agencies do initiate criminal proceedings on the grounds of interference with the administration of justice⁷⁸⁹, however, investigations in such cases last for months⁷⁹⁰ and do not result in the perpetrators being brought to criminal liability. There are instances where the prosecutor's office acknowledges the improper conduct of investigations by law enforcement agencies in such cases⁷⁹¹.

According to statistical data, over the past five years, 430 criminal proceedings were initiated concerning interference in the activities of judicial authorities, 19 cases were referred to court, and only one court decision was delivered⁷⁹². Overall, from 12 November 2016 to 31 December 2023, the PGO and regional prosecutor's offices received 2,167 notifications from judges regarding interference in the administration of justice⁷⁹³.

As of the beginning of 2025, in 73 cases based on the circumstances set out in judges' notifications of interference in their judicial activities considered by the HCJ in 2024,

783 In January–June 2025, the HCJ reviewed 120 notifications of interference in the professional activities of judges. Judiciary of Ukraine. 2025.

784 Ibid.

785 Ibid.

786 Ibid.

787 Previously described by civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's Report on Ukraine in 2023 (pp. 89–92).

788 Letter of the Prosecutor General's Office No. 1908/5-17984VYH-24 of 28.02.2024. High Council of Justice. 2024.

789 Letter of the Prosecutor General's Office No. 09/1/1-23698VYH-24 of 18.03.2024. High Council of Justice. 2025.

790 Letter of the Prosecutor General's Office No. 09/11-5431VYH-25 of 21.01.2025. High Council of Justice. 2025.

791 Letter of the Kyiv City Prosecutor's Office. High Council of Justice. 2025.

792 Ensuring the Independence of Judges and the Authority of Justice Was Discussed at the Meeting of the Working Group of the High Council of Justice. High Council of Justice. 14.04.2025.

793 Ibid.

criminal proceedings were ongoing⁷⁹⁴. Thus, this mechanism for protecting judicial independence currently proves ineffective, primarily due to the actions (inaction) of law enforcement agencies.

In 2024–2025, the HCJ Secretariat prepared three reviews on the HCJ's practice of taking measures to ensure the independence of judges and the authority of justice⁷⁹⁵. This is a step forward in systematising HCJ practice in terms of categories of violations of judicial independence and serves as a practical tool for judges, lawyers, prosecutors, and other legal professionals.

According to the Unified Report on Criminal Offences, in 2024 in Ukraine, the number of recorded criminal offences against justice increased by 21.4% (from 8,518 to 10,347) compared to the year before last. During the reporting period, 4,189 criminal offences were subject to suspicion notifications, 4,063 indictments were submitted to court, and decisions were made to close proceedings in respect of 2,981 criminal offences⁷⁹⁶.

At the same time, despite the Law of Ukraine "On the High Council of Justice"⁷⁹⁷ providing for the possibility of holding persons administratively liable for failure to respond or delayed response to a corresponding HCJ submission, the HCJ does not take measures to bring such persons to administrative responsibility. Similarly, during the reporting period, no adequate actions were taken to address the problems outlined in the Shadow Report on Chapter 23 in this context⁷⁹⁸.

Throughout 2024 and the first quarter of 2025, no action was taken to resolve the issue of establishing, in the laws on the state budget for the relevant year⁷⁹⁹ a special amount of the minimum subsistence levels for employable persons used to calculate judicial remuneration. In the second quarter of 2025, this issue began to be partially addressed.

As of July 2025, the Verkhovna Rada Committee on Legal Policy was processing Draft Law No. 13467-1⁸⁰⁰, aimed at creating conditions for increasing the subsistence minimum and establishing a fair level of judicial remuneration⁸⁰¹. This draft law proposes to determine the basic salary of a judge not in subsistence minimums for able-bodied persons, as established on 1 January of the calendar year, but in basic (reference) values for determi-

794 On the State of Ensuring the Independence of Judges in Ukraine: Annual Report for 2024. High Council of Justice.

795 Review of Decisions of the High Council of Justice Adopted in 2023 on Measures to Ensure the Independence of Judges and the Authority of Justice. High Council of Justice.; Review of HCJ Decisions on Measures to Ensure the Independence of Judges and the Authority of Justice Adopted in 2024. High Council of Justice.; Review of HCJ Decisions on Measures to Ensure the Independence of Judges and the Authority of Justice Adopted on its Own Initiative in 2023 — First Half of 2024. High Council of Justice.

796 On the State of Ensuring the Independence of Judges in Ukraine: Annual Report for 2024. High Council of Justice. 2025.

797 On the High Council of Justice: Law of Ukraine No. 1798-VIII of 21.12.2016, Part 4, Article 74.

798 Previously described by civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine (pp. 93–94).

799 On the State Budget of Ukraine for 2024: Law of Ukraine No. 3460-IX of 09.11.2023.; On the State Budget of Ukraine for 2025: Law of Ukraine No. 4059-IX of 19.11.2024.

800 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" to Create Conditions for Increasing the Subsistence Minimum: Draft Law of Ukraine, registration No. 13467-1 of 21.07.2025.

801 The Committee on Legal Policy is Working on a Draft Law Providing for Conditions to Increase the Subsistence Minimum and Establish a Fair Level of Judicial Remuneration. Verkhovna Rada of Ukraine. 2025.

ning salaries. Draft Law No. 13467-1 is an alternative to Draft Law No. 13467⁸⁰² and proposes a basic salary for a local court judge of 26 basic (reference) values.

This draft law is directly related to Draft Law No. 13466⁸⁰³, which proposes to replace the use of the subsistence minimum with a basic (reference) value for determining salaries, in particular for employees of institutions, establishments, and organisations in certain sectors of the budget sphere, local self-government bodies, and civil servants. The amount of the basic (reference) value for determining salaries is to be established in the Law on the State Budget of Ukraine for the relevant year upon submission by the Government⁸⁰⁴. These legislative initiatives are intended to enter into force on 1 January 2026⁸⁰⁵.

In 2025 (as in 2024), judicial remuneration is calculated based on the subsistence minimum used to determine the base salary of a judge — **UAH 2,102**, which has remained unchanged since 2021. Meanwhile, the “ordinary” minimum subsistence level for employable persons as of 1 January 2025 amounts to UAH 3,028. As a result, judicial remuneration (including taxes but excluding regional coefficients and additional payments) as of 30 June 2025 amounted to:

- for a judge of a local court — **UAH 63,060** (EUR 1,292.68 instead of the guaranteed EUR 1,862.15⁸⁰⁶);
- for a judge of an appellate court or a high specialised court — **UAH 105,100** (EUR 2,154.47 instead of the guaranteed EUR 3,103.59⁸⁰⁷);
- for a judge of the Supreme Court — **UAH 157,650** (EUR 3,231.71 instead of the guaranteed EUR 4,655.28⁸⁰⁸).

Thus, each judge loses approximately **30%** of monthly remuneration, which, in the opinion of judges who have applied to the courts regarding the subsistence minimum used to determine the basic salary of a judge⁸⁰⁹, constitutes a violation of the guarantees of judicial independence.

At present, judges are widely appealing to national courts to protect their rights⁸¹⁰. In the State Budget of Ukraine for 2025⁸¹¹, only **UAH 10 million** has been allocated for the enforcement of this category of court decisions. Meanwhile, according to preliminary estimates

802 On Amendments to the Law of Ukraine “On the Judiciary and the Status of Judges” to Create Conditions for Increasing the Subsistence Minimum: Draft Law of Ukraine, registration No. 13467 of 11.07.2025.

803 On Amendments to Certain Legislative Acts of Ukraine to Create Conditions for Increasing the Subsistence Minimum: Draft Law of Ukraine, registration No. 13466 of 11.07.2025.

804 The Committee on Legal Policy is currently working on a draft law aimed at creating the conditions for increasing the subsistence minimum and setting a fair level of judicial remuneration. Verkhovna Rada of Ukraine. 2025.

805 On the State Budget of Ukraine for 2024: Law of Ukraine No. 3460-IX of 09.11.2023.; On the State Budget of Ukraine for 2025: Law of Ukraine No. 4059-IX of 19.11.2024.

806 Ibid.

807 Ibid.

808 Ibid.

809 Anti-Corruption Court judge Valeria Chorna sued the state for nearly 2 million hryvnias in judicial compensation. Slidstvo.Info, 2025.

810 For example, the decision of the Kyiv District Administrative Court of 10.10.2024 in case No. 320/27637/24.

811 On the State Budget of Ukraine for 2025: Law of Ukraine No. 4059-IX of 19.11.2024.

by the SJA, by the end of 2024 Ukraine is obliged to pay over **UAH 1.6 billion**⁸¹² pursuant to court decisions in favour of judges.

On 24 April 2025, the GC SC adopted a ruling stating that the amount of a judge's basic salary, which is a component of judicial remuneration, depends on the subsistence minimum for able-bodied persons⁸¹³, the definition of which is set out in the Law of Ukraine "On the Subsistence Minimum"⁸¹⁴. This Law establishes an exhaustive list of the main social and demographic groups for which the subsistence minimum is determined. At the same time, since 2021, the legislator, through separate provisions of the annual laws on the State Budget of Ukraine, has set as of 1 January of the respective calendar year the subsistence minimum for able-bodied persons specifically for the purpose of determining the basic salary of a judge, in the amount of UAH 2,102⁸¹⁵.

According to the GC SC, these laws did not establish a calculation value different from the one defined by the special law for determining judicial remuneration. Rather, they determined this value directly—by setting the monetary amount of the subsistence minimum for able-bodied persons to be applied in calculating a judge's basic salary⁸¹⁶. Thus, in the SC's opinion, the subsistence minimum of UAH 2,102 used to calculate judicial remuneration does not violate the guarantees of judicial independence⁸¹⁷.

Disagreeing with this decision, in June 2025 the CJU decided to appeal to the Plenum of the SC with a proposal to initiate a constitutional petition to the CCU to declare unconstitutional the provision of the Law of Ukraine "On the State Budget of Ukraine for 2025" establishing the subsistence minimum for calculating a judge's basic salary⁸¹⁸.

Likewise, no action was taken during the reporting period to address the issue of compensating for the judicial remuneration not received during the period of restrictions established in 2020 by Law No. 553-IX⁸¹⁹, which were declared unconstitutional by the Constitutional Court of Ukraine on 28 August 2020⁸²⁰.

A separate issue deserving particular attention concerns the violation of guarantees of independence of the HQCJ and its members, as such actions during the reporting period appear to be systemic and deliberate.

812 Information provided by Respondent No. 23 during the interview conducted on 19.03.2025.

813 Ruling of the Grand Chamber of the Supreme Court of 24.04.2025 in case No. 240/9028/24.

814 On the Subsistence Minimum: Law of Ukraine No. 966-XIV of 15.07.1999.

815 Ruling of the Grand Chamber of the Supreme Court of 24.04.2025 in case No. 240/9028/24.

816 Ibid.

817 Ibid.

818 Decision of the Council of Judges of Ukraine No. 24 of 02.06.2025.

819 On Amendments to the Law of Ukraine "On the State Budget of Ukraine for 2020": Law of Ukraine No. 553-IX of 13.04.2020.

820 Decision of the Constitutional Court of Ukraine in the case based on the constitutional submission of the Supreme Court regarding the compliance with the Constitution of Ukraine (constitutionality) of certain provisions of the Resolution of the Cabinet of Ministers of Ukraine "On the Establishment of Quarantine to Prevent the Spread in Ukraine of Acute Respiratory Disease COVID-19 Caused by the Coronavirus SARS-CoV-2, and the Stages of Easing Anti-Epidemic Measures", provisions of Parts One and Three of Article 29 of the Law of Ukraine "On the State Budget of Ukraine for 2020", paragraph nine of Item 2 of Section II "Final Provisions" of the Law of Ukraine "On Amendments to the Law of Ukraine 'On the State Budget of Ukraine for 2020'" of 28.08.2020 No. 10-r/2020.

Thus, on 11 March 2025, within the framework of criminal proceedings registered on 25 July 2024 under Part 1 of Article 376¹ of the CC of Ukraine (unlawful interference in the operation of automated systems in justice sector bodies and institutions), the SBI conducted a search at the premises of the HQCJ⁸²¹.

On 14 March 2025, the SBI conducted a search at the residence of the Deputy Head of the HQCJ, Oleksii Omelian, within criminal proceedings under Article 384 of the CC of Ukraine (knowingly false testimony)⁸²². On the same day, HQCJ members received summonses for interviews as witnesses at the SBI scheduled for 17 and 18 March 2025 in criminal proceedings under Part 1 of Article 182 and Part 3 of Article 382 of the CC of Ukraine (concerning the resumption of the initial qualification assessment of Oksana Tsarevych, judge of the Pecherskyi District Court of Kyiv)⁸²³.

Additionally, the SBI is conducting a pre-trial investigation under Part 5 of Article 191 of the CC of Ukraine concerning the HQCJ's decision-making in the course of the qualification assessment of Judge Inna Otrosh of the Commercial Court of Kyiv, who was dismissed for failing to meet the requirements of the judicial office⁸²⁴.

The HQCJ emphasised that "interference with the HQCJ's exercise of its constitutional function is unacceptable and contradicts the principles of judicial independence. The HQCJ considers the actions of the SBI to constitute an encroachment upon the institutional independence of the Commission as a judicial governance body, aimed at destabilising its work and obstructing the performance of its assigned tasks"⁸²⁵.

On 17 March 2025, members of the HQCJ appealed to the HCJ to take measures to safeguard the authority of justice to prevent violations of the guarantees of the HQCJ's independence⁸²⁶. The HQCJ attributed these events to the intensification of the qualification assessment processes of judges of the DACK and the Pecherskyi District Court of Kyiv (which hear criminal cases involving the SBI and, accordingly, issue warrants to the SBI for searches, temporary access to items and documents, etc.)⁸²⁷.

The Deputy Head of the HQCJ, Oleksii Omelian, also commented on these events, noting that the HQCJ, in accordance with the law, had provided the law enforcement agency with all necessary documents. However, the SBI "was in no hurry to collect the allegedly requested documents"⁸²⁸ for two and a half months. Subsequently, the SBI conducted a search which turned out to be "peculiar", as within the framework of one criminal proceeding (unlawful interference in the operation of automated systems in justice sector bodies and institutions), evidence was being collected for another criminal proceeding (concerning the resumption of the initial qualification assessment of Judge

821 Publication of the Higher Qualification Commission of Judges of Ukraine on the social network Facebook. 2025.

822 Ibid.

823 Ibid.

824 Ibid.

825 Ibid.

826 On Compliance with the Guarantees of Independence of the Higher Qualification Commission of Judges of Ukraine: Decision of the Higher Qualification Commission of Judges of Ukraine No. 51/zp-25 of 17.03.2025.

827 Publication of the Higher Qualification Commission of Judges of Ukraine on the social network Facebook. 2025.

828 Publication by O. Omelian on her personal page on the social network Facebook. 2025.

O. Tsarevych of the Pecherskyi District Court of Kyiv), which, according to the HQCJ, reflects a broader pattern in the conduct of law enforcement agencies⁸²⁹.

In June 2025, in this case, the HCJ decided to:

- request the PGO to provide information on the detection and investigation of crimes in all three criminal proceedings;
- draw the attention of the PGO to the need to address the issue of taking these criminal proceedings under supervision and ensuring their effective pre-trial investigation;
- instruct the HCJ's working group on the development and implementation of measures to ensure the independence of judges and the authority of justice to process the responses to this decision and, if necessary, to initiate additional measures to safeguard judicial independence and the authority of justice;
- draw the attention of the SBI to the need, during investigative actions and pre-trial investigations, to avoid blocking the work of the HQCJ, as this could result in the suspension of its constitutional functions related to the selection and evaluation of judges⁸³⁰.

Recommendations

Given the complexity of the issues related to ensuring the independence of judges and the judiciary as a whole and considering that the recommendations provided in the Shadow Report on Chapter 23⁸³¹ were not implemented during the reporting period, it is advisable that all stakeholders take them into account in 2025. Therefore, it is necessary to:

1. Based on the analysed and summarised HCJ practice in reviewing notifications of interference in the administration of justice, formulate a clear position regarding typical notifications of interference in the administration of justice and common judicial errors in defining the concept and categories of "interference". Based on this, conduct training for all judges through the NSJU on the generalised practice of the HCJ in these matters.
2. Develop and submit to Parliament a draft law to improve mechanisms for responding to interference in judicial activities
3. Continue active measures to reduce the number of reports that do not contain information on interference with the administration of justice, in line with HCJ practice (information letters to courts, updates on the official website and social media, media communications, etc.).

829 Ibid.

830 On Measures to Ensure the Authority of Justice based on the notification from the Deputy Head of the High Qualification Commission of Judges of Ukraine, Omelyan O.S., and the submission of the High Qualification Commission of Judges of Ukraine: HCJ Decision No. 1283/0/15-25 of 17.06.2025.

831 The recommendations previously provided by civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine (pp. 92, 94) remain relevant.

4. Avoid delays in considering reports of interference with the administration of justice, in particular by ensuring they are reviewed as promptly as possible.
5. Introduce the practice of drawing up administrative offence reports in cases of failure to respond or delayed response to HCJ submissions. If the HCJ considers this measure to be ineffective, it should propose alternative response mechanisms to Parliament and initiate a public discussion thereof.
6. Allocate funding in the HCJ's annual budget for public awareness activities on court decisions, judicial reform processes, and the HCJ's efforts to uphold the authority of justice.

Regarding the activities of the prosecution and law enforcement agencies, it is necessary to ensure that investigative actions in courts, judicial governance bodies, and similar institutions — including searches — are carried out based on proper factual and legal grounds and in strict compliance with the procedures established by procedural law.

In addition, measures should be taken to ensure the full independence and stable functioning of the HCJ during the current period.

The state's practice, represented by Parliament and the Government, of determining a separate amount of the minimum subsistence levels for employable persons used to calculate the base salary of a judge, requires adjustment in view of Article 130 of the Constitution of Ukraine and Article 135 of the Law of Ukraine "On the Judiciary and the Status of Judges". To this end, the relevant amendments should be introduced to the Law of Ukraine "On the State Budget" for the respective year.

In the event of introducing the new category of "basic (reference) value," ensure that, when it is used to calculate judicial remuneration, guarantees of judicial independence are fully respected — accordingly, the basic (reference) value cannot be lower than the subsistence minimum for able-bodied persons.

To address the implementation of the Constitutional Court's Decision No. 10-r/2020 of 28 August 2020, it is necessary to allocate expenditures in the State Budget of Ukraine to compensate judges for unpaid judicial remuneration. Given the ongoing Russian aggression, it would be appropriate to resolve this issue with the participation of all branches of power. A consensus solution may involve compensating the unpaid amounts of judicial remuneration after the end of the war or active hostilities. At the same time, when preparing the budget for 2026 (and for all subsequent years), the authorities should refrain from limiting the amount of judicial remuneration, since in any case these sums will be subject to payment — either under the law or pursuant to court decisions.

Funding of the Judiciary

Progress and issues

Since the beginning of the full-scale invasion by the Russian Federation, the level of funding for the judiciary in Ukraine has remained consistently low. While at the beginning of 2022 the judiciary's needs were met at the level of 80.9%, in 2023 this figure dropped

to 59.6%, and in 2024 — to 60.5%⁸³². According to the expenditure ceilings of the State Budget of Ukraine, determined by the Ministry of Finance of Ukraine (MoF) for 2025–2027, the financial needs of the SJA will be met at the level of 57%–61% (60.9% in 2025, 57% in 2026, 57.8% in 2027)⁸³³.

However, the substantial underfunding of the judiciary has been caused not only by the full-scale war. The level of satisfaction of the judiciary's financial needs was insufficient (and in some years — critical) even before the war. For example, in 2018 it stood at 77.9%, in 2019 — at 69.5%, in 2020 — at 64.4%, and in 2021 — only at 42.5%⁸³⁴.

As of early 2025, the Law of Ukraine "On the State Budget of Ukraine for 2025"⁸³⁵ establishes budget allocations for the SJA in the total amount of UAH 22,105.3 million, including UAH 18,505.3 million from the general fund and UAH 3,600.0 million from the special fund. Compared to the previous year, the budget appropriations increased by UAH 1,107.5 million (or by 5.3%)⁸³⁶.

At the same time, the total financial needs of courts, bodies, and institutions of the judicial system for which the SJA is the main spending unit amounted to UAH 36,278.4 million for 2025. This means that the overall level of financial support is 60.9%⁸³⁷.

It should also be noted that the proposals of the HCJ were once again not taken into account during the adoption of the State Budget of Ukraine. The funding gap for the judiciary in 2025 amounts to approximately UAH 16 billion, of which over UAH 15 billion relates to the underfunding of the needs of local and appellate courts⁸³⁸.

Funding of courts, justice sector bodies and institutions, and the CCU in 2024⁸³⁹–2025⁸⁴⁰:

SC (an independent budget holder): 2024 — UAH 2,387,813.8 thousand, 2025 — UAH 2,430,397.5 thousand. Expenditure on remuneration is financed from the general fund of the State Budget of Ukraine and thus constitutes protected budget items.

CCU (independent budget holder): 2024 — UAH 333,843.6 thousand, 2025 — UAH 332,718.7 thousand. Funding has effectively remained at the 2024 level.

HACC (independent budget holder): 2024 — UAH 390,371.6 thousand, 2025 — UAH 507,682.8 thousand. The total amount of expenditures has been increased, taking into account the expected appointment of 25 new judges and 110 staff members. At

832 The HCJ appealed to the Cabinet of Ministers of Ukraine and the Ministry of Finance regarding proper funding of the judiciary. High Council of Justice. 2024.

833 Appeal of the High Council of Justice to the Cabinet of Ministers of Ukraine with proposals concerning priority tasks for ensuring financial support to the judiciary and its independence for 2026–2028. High Council of Justice. 2025.

834 Summary on issues of financing the judiciary in 2021. High Council of Justice. 2021.

835 On the State Budget of Ukraine for 2025: Law of Ukraine No. 4059-IX of 19.11.2024.

836 Decision of the Council of Judges of Ukraine No. 11 of 18.03.2025.

837 Ibid.

838 The HCJ appealed to the Cabinet of Ministers of Ukraine and the Ministry of Finance regarding proper funding of the judiciary. High Council of Justice. 2024.

839 On the State Budget of Ukraine for 2024: Law of Ukraine No. 3460-IX of 09.11.2023.

840 On the State Budget of Ukraine for 2025: Law of Ukraine No. 4059-IX of 19.11.2024.

the same time, the needs related to routine and capital repairs of the court premises remain unfunded.

HCIP (independent budget holder): 2024 — UAH 4,417.8 thousand, 2025 — UAH 4,356.8 thousand. The allocated expenditures cover remuneration for the Head of Office and other staff supporting the operation of this court as a non-operational institution. The funding needs of the HCIP to ensure its full functioning amount annually to UAH 274,684.6 thousand, and UAH 119,180.9 thousand for the administration of justice by the appellate chamber⁸⁴¹. Assessing the projected funding indicators for 2025–2027, the establishment of this court is not a state priority, as expenditures are foreseen only at the level of a non-operational institution.

HCJ (independent budget holder): 2024 — UAH 352,463.6 thousand, 2025 — UAH 372,999.8 thousand. Even though the HCJ's funding increased by UAH 20 million compared to the previous year, certain needs remain underfunded. Additional funding is required for the renovation of the premises housing the SDI HCJ, the creation of a local area network, automated workstations, an access control system for the premises, and the equipment of a conference hall for participation in meetings via videoconference and for holding other events online⁸⁴².

SJA (budget holder for local and appellate courts, the SJA and its territorial offices, HQCJ, NSJU, CJU, and the Court Security Service): 2024 — UAH 20,591,186.3 thousand, 2025 — UAH 22,095,305.2 thousand. Despite an increase in expenditures in 2025 by UAH 1.5 billion, local and appellate courts remain underfunded by 40%. 86% of the total funding is allocated for remuneration and payroll charges. The existing deficit in financing current expenditures and utility payments may result in obstacles to citizens' access to justice. Some capital expenditures are envisaged, intended to complete the construction of two local courts in Zakarpattia and for current repairs in selected court premises damaged as a result of the aggression by the Russian Federation⁸⁴³.

At the same time, the budget does not provide for development expenditures, in particular for the modernisation of the automated document management system (approximately UAH 1 billion), current building repairs, renewal of computer and office equipment, or the provision of social guarantees for judges and staff of local and appellate courts.

The state of material and technical support in local courts and certain appellate courts is unsatisfactory. Courts are located in premises unfit for the administration of justice, often lacking equipped bomb shelters⁸⁴⁴. In addition, over UAH 500 million allocated for remuneration is financed from the special fund of the State Budget of Ukraine, meaning that these budget items are unprotected, and remuneration depends on revenues from court fees.

HQCJ (not an independent budget holder): 2024 — UAH 261,320.1 thousand, 2025 — UAH 252,343.6 thousand. Funding for the HQCJ has remained unchanged compared

841 Appeal of the High Council of Justice to the Cabinet of Ministers of Ukraine with proposals concerning priority tasks for ensuring financial support to the judiciary and its independence for 2026–2028. High Council of Justice. 2025.

842 Information provided by Respondent No. 3 during the interview conducted on 21.03.2025.

843 Information provided by Respondent No. 27 during the interview conducted on 19.03.2025.

844 Ibid.

to previous years. However, considering the tasks facing the HQCJ in 2025–2027, the Commission's material, technical, and staffing needs have increased (and will continue to grow).

The number of candidates for positions in local courts (8,449 candidates admitted to participate in the selection process⁸⁴⁵) requires the creation of appropriate technical conditions for taking four examinations, which are administered using computer equipment. Funding is also required for the digitalisation of the HQCJ's document management system and the creation of an electronic judicial career profile⁸⁴⁶. Given that certain international financial support programmes for the HQCJ ended in early 2025, their replacement requires either securing alternative funding or increasing state budget expenditures.

CJU (not an independent budget holder): 2024 — UAH 3,128.3 thousand, 2025 — UAH 3,128.3 thousand. The funding level in 2025 remained at the 2024 level.

NSJU (not an independent budget holder): 2024 — UAH 83,668.3 thousand, 2025 — UAH 82,587.8 thousand. The funding level in 2025 remained effectively at the 2024 level.

Court Security Service (not an independent budget holder): 2024 — UAH 1,310,859.1 thousand, 2025 — UAH 1,317,743.9 thousand. These expenditures from the State Budget of Ukraine will be directed towards remuneration. At the same time, the level of funding does not ensure adequate remuneration for Court Security Service personnel in comparison with other related professions, which leads to staff attrition. For example, the salary of a Court Security Service officer is approximately UAH 13,250 (EUR 271.62)⁸⁴⁷ per month, whereas a police officer's salary is UAH 30,280 (EUR 620.72).

The most pressing issue requiring special attention remains the critically low level of remuneration for staff of local court offices. Despite the report of the SJA⁸⁴⁸, which states that in 2024 the average salary of court office staff amounted to: in local general courts — UAH 21,682 (EUR 444.46), in local commercial courts — UAH 27,000 (EUR 553.48), and in local administrative courts — UAH 26,650 (EUR 546.3), the actual salary amounts for many categories of court office staff are significantly lower.

During the study on the functioning of the civil and patronage service in the judiciary of Ukraine⁸⁴⁹ in response to the question regarding the average salary that respondents received "net" in 2024, the answers indicated that the salary of a courtroom secretary started at UAH 8,000 (EUR 164), and that of a judge's assistant — from UAH 10,000 (EUR 205)⁸⁵⁰.

845 Information on the admission of individuals who applied to the Commission to participate in the selection process and for transfer to a local court. High Qualification Commission of Judges of Ukraine. 2025.

846 Information provided by Respondent No. 5 during the interview conducted on 26.03.2025.

847 In this subsection, the hryvnia to euro exchange rate is applied as of 31.03.2025.

848 Report on the Activities of the State Judicial Administration of Ukraine in 2024, p. 10. State Judicial Administration of Ukraine. 2025.

849 Green Book on the Functioning of the Civil Service and Patronage Service in the Judiciary of Ukraine. Agency for Legislative Initiatives. 2025.

850 Ibid.

In April 2025, Law No. 4282-IX⁸⁵¹ entered into force, introducing unified approaches to the remuneration of civil servants based on job classification.

However, this law does not address the issue of low base salaries for civil servants in the offices of local courts, particularly district courts in the city of Kyiv. The base salaries of certain court office staff, including IT department specialists, are not comparable to the remuneration of such specialists in the private sector. The law also does not resolve the issue of remuneration for patronage service staff (judicial assistants) and the Court Security Service. At the same time, upon the adoption of this act, the base salaries of those court office staff in appellate courts and territorial departments of the SJA who are classified as civil servants will increase significantly. This may lead to a new wave of staff attrition from local courts.

During 2024 – first half of 2025, the needs of local and appellate courts were also insufficiently funded, in particular with regard to current expenditures related to the administration of justice, utilities, energy resources, and telecommunication services (telephony, Internet). At the same time, it should be noted that even prior to the start of the full-scale war, local and appellate courts required modernisation of their information systems (outdated computer and office equipment, low-quality videoconferencing systems).

According to the results of the study on the functioning of the civil and patronage service in the judiciary of Ukraine⁸⁵², 16.9% of respondents indicated that they had to carry out repairs in their offices at their own expense during their work, 22.3% — purchased furniture and equipment with personal funds, 66.9% — bought paper and other office supplies, 21% — sent correspondence at their own expense, and 40.8% — refilled printer cartridges using personal funds⁸⁵³. Only 23.3% of respondents reported that they had not had to make any such purchases⁸⁵⁴. This issue of limited funding for local and appellate courts remains relevant as of 2025 and is expected to intensify following the appointment of new judges.

In addition, as in previous years, the available level of funding does not cover the needs for current and capital repairs of court premises, implementation of energy efficiency programmes, or alternative energy sources.

In general, the lack of adequate funding for the judiciary, as a result of Ukraine's long-standing budgetary policy, is inconsistent with international standards and Ukraine's commitments within the framework of judicial reform on its path to EU integration.

Recommendations

- 1. Increase funding for the judiciary** to a level that ensures its proper functioning. The MoF should revise the expenditure ceilings for 2026–2028 by increasing the judiciary's budget to the required level.

851 On Amendments to Certain Laws of Ukraine Regarding the Introduction of Unified Approaches to the Remuneration of Civil Servants Based on Position Classification: Draft Law of Ukraine, registration No. 8222 of 11.03.2025.

852 Green Book on the Functioning of the Civil Service and Patronage Service in the Judiciary of Ukraine. Agency for Legislative Initiatives. 2025.

853 Ibid.

854 Ibid.

2. **Allocate funding for the modernisation of courts**, including the renewal of computer equipment, the introduction of new information systems, and the provision of courts with the necessary tools to ensure uninterrupted administration of justice.
3. **Ensure adequate funding for court offices** in 2025 by balancing the base salaries in local and appellate courts, particularly by equalising the salaries of civil service and patronage staff (judicial assistants). Remuneration for IT specialists and the Court Security Service should also be adjusted separately to ensure the effectiveness of their work.
4. **Introduce a separate budget programme to improve the energy efficiency of courts** and develop alternative energy sources to ensure their uninterrupted operation.
5. **Develop transparent standards for the preparation of budget requests** and the calculation of expenditures for ensuring the functioning of courts and justice system bodies.
6. **Engage international support** to ensure stable financing of judicial reform, taking into account Ukraine's commitments within the framework of European integration.
7. **Review the internal structure of judicial funding** to prioritise financing of local and appellate courts, which face the highest workloads and the most significant challenges in material and technical support.

Digitalization of Justice

Progress and issues

In 2024, with the financial support of international partners, technical and functional audits of the UJITS were completed⁸⁵⁵. Based on the results of these audits, the SJA developed a new Concept for the UJICS⁸⁵⁶, intended to provide a comprehensive vision for the development and functioning of the judiciary's IT system and its infrastructure⁸⁵⁷, and adopted a Roadmap for the development of IT solutions in the judicial system⁸⁵⁸.

In April 2025, the Concept of the UJITS was approved, in which the SJA set out its digitalisation objectives for the period up to 2030⁸⁵⁹.

855 UJITS is an organisational and technical system that ensures the functioning of electronic justice in Ukraine following the adoption of new procedural codes in 2017. Since 05.10.2021, three separate subsystems (modules) of UJITS have been officially operational: the Electronic Cabinet, the Electronic Court, and the Videoconferencing Subsystem. The Electronic Interaction Module became operational somewhat later.

856 UJICS is a set of information and telecommunication subsystems that automate processes defined by law related to the functioning of courts, including document circulation, case consideration, preparation of operational and analytical reports, provision of informational support to judges, as well as financial, asset management, organisational, HR, IT, and other needs of UJITS users.

857 Information provided by Respondent No. 6 during the interview conducted on 19.03.2025.

858 On approval of the Roadmap for the development of IT solutions in the Judicial System: Order of the State Judicial Administration of Ukraine No. 534 of 02.12.2024.

859 On the Approval of the Concept of the UJITS: Order of the State Judicial Administration of Ukraine No. 178 of 30 April 2025.

With the financial support of the EU Project “Pravo-Justice”, the SJA also procured services to develop technical requirements for the UJITS subsystems as stipulated in the aforementioned Concept and Roadmap. In addition, the SJA has created and approved standards for the development of UJITS digital products⁸⁶⁰. At the end of May 2025, the Head of the HCJ stated that the HCJ was seeking donors to finance the UJITS modernisation strand⁸⁶¹. Preparations were also under way to draw up the technical requirements for UJITS subsystems and modules with a view to their phased procurement⁸⁶².

With the aim of ensuring electronic interaction between the Unified State Register of Court Decisions and other state registers (systems), the SJA has signed joint orders and agreements on information exchange with more than 10 state authorities, including the MoJ (regarding the transmission of electronic copies of court decisions in criminal cases by specific categories; interaction with the automated enforcement proceedings system; exchange of information in bankruptcy (insolvency) cases, etc.)⁸⁶³.

On 24 October 2024, the SJA and the PGO signed a joint order regulating the procedure for exchanging procedural documents and other data between the “Unified Register of Pre-Trial Investigations” information and communication system and the central database of the court document management automated system⁸⁶⁴. At the same time, as of March 2025, consultations were ongoing between these authorities regarding the creation of a joint information system that would enable data exchange within criminal proceedings, which would, *inter alia*, facilitate cost optimisation in the development of such a software product⁸⁶⁵.

At the same time, with the technical and financial support of the EU Anti-Corruption Initiative (EUACI) in Ukraine, the HACC has implemented iCase (an information and telecommunication system for pre-trial investigation)⁸⁶⁶. From now on, the HACC accepts motions to extend the duration of procedural obligations through iCase. Motions submitted by the pre-trial investigation body via this system will be accessible to the suspect and their defence counsel in the Electronic Court portal⁸⁶⁷. Before this, the HACC had started accepting motions for permission to conduct a search of a person’s home or other premises, as well as motions for temporary access to items and documents⁸⁶⁸.

In 2024, the High Anti-Corruption Court received and examined 2,108 motions in electronic format via the “iCase” system, of which: 1,395 were for searches, 712 were for temporary access to items and documents and 1 was for the inspection of a dwelling

860 Information provided by Respondent No. 6 during the interview conducted on 19.03.2025.

861 The Head of the High Council of Justice outlined the key areas of reform of the judicial. High Council of Justice, 2025.

862 Report on the activities of the State Judicial Administration of Ukraine for 2024. State Judicial Administration of Ukraine, 2025.

863 Information provided by Respondent No. 6 during the interview conducted on 19.03.2025.

864 On the Approval of the Procedure for the Exchange of Procedural Documents and Other Data Between the Information and Communication System “Unified Register of Pre-Trial Investigations” and the Central Database of the Automated Court Document Management System: Joint Order of the Prosecutor General’s Office and the State Judicial Administration of Ukraine No. 249/448 of 24.10.2024.

865 Information provided by Respondent No. 6 during the interview conducted on 19.03.2025.

866 Publication of the High Anti-Corruption Court on the social network Facebook. 2025.

867 Ibid.

868 Ibid.

or other premises⁸⁶⁹. Work to improve the integration processes between “iCase” and the ACDMS is ongoing. As at March 2025, testing and implementation were under way for the submission via “iCase” of other categories of motions considered with the participation of the defence, as well as for data exchange with participants in proceedings using the “Electronic Court” subsystem⁸⁷⁰.

In 2024, with international financial support, the SJA developed the preliminary terms of references for the “Judicial Dossier”⁸⁷¹ electronic subsystem for the HQCJ. Through the **“Electronic Court”** system, the HQCJ was also granted access to the State Register of Individuals — Taxpayers, the State Register of Proprietary Rights to Immovable Property, and the Unified State Register of Enterprises and Organizations of Ukraine⁸⁷².

Over the past few years, the following numbers of documents have been submitted to courts via the “Electronic Court” system: 2022 — 975,025 documents; 2023 — 2,405,713; 2024 — 5,592,354. This dynamic shows a steady increase in the use of the “Electronic Court” subsystem, namely, in 2024 — by 232% compared to 2023⁸⁷³.

The procurement of computerisation equipment increased the level of court equipment provision as of 31 December 2024 to 90% (as of 1 January 2024 this figure was about 80%)⁸⁷⁴. The average level of court equipment provision for audio and video recording of court hearings and videoconferencing (for courtrooms) is 84% (taking into account the need to replace physically worn out and obsolete equipment)⁸⁷⁵.

Throughout 2024, courts of general jurisdiction at all instances widely applied the tool enabling participants in criminal proceedings to take part in court hearings via videoconference, which had a positive impact on the speed and efficiency of criminal case consideration⁸⁷⁶.

In 2022, about 79,079 users were registered in the videoconferencing subsystem, and about 766,419 court hearings were held with the possibility of remote participation of the parties, of which 187,677 were in the mode of technical recording without remote participants. In 2023, about 112,956 users were registered, and about 1,669,282 court hearings were held with the possibility of remote participation of the parties, of which 718,797 were in the mode of technical recording without remote participants. In 2024, about 150,915 users were registered, and about 2,545,803 court hearings were held with the possibility of remote participation of the parties, of which 1,347,981 were in the mode of technical recording without remote participants. These figures show a steady increase in the use of the videoconferencing subsystem, namely, in 2024 — by 190% compared to 2023⁸⁷⁷.

869 Report of the Head of the Office of the High Anti-Corruption Court, Bohdan Kryklyvenko, for 2024–2025, p. 8.

870 Ibid.

871 Information provided by Respondent No. 6 during the interview conducted on 19.03.2025.

872 Ibid.

873 On the State of Ensuring the Independence of Judges in Ukraine: Annual Report for 2024, p. 51. High Council of Justice. 2025.

874 Ibid, p. 54.

875 Ibid.

876 Use of videoconferencing in criminal proceedings: advantages and disadvantages. Yurydychna Hazeta. 2025.

877 On the State of Ensuring the Independence of Judges in Ukraine: Annual Report for 2024, p. 51. High Council of Justice. 2025.

At the same time, the UJITS has not yet been implemented across all types of proceedings. For instance, the Code of Ukraine on Administrative Offences (CUAO) does not provide for the use of tools from the “Electronic Court” subsystem⁸⁷⁸. This subsystem cannot be applied in full, as the courts do not digitise administrative offence cases due to the lack of adequate material and technical resources for converting paper-based cases into electronic format (case digitalization). This gap in procedural legislation places individuals subject to administrative liability in an unequal position.

State authorities acting as claimants in administrative offence cases do not use the “Electronic Court” subsystem to submit materials to the court or to exchange procedural documents electronically with other participants in the proceedings.

The absence of provisions in the CUAO regarding the application of UJITS (by analogy with the Criminal Procedure Code of Ukraine (CPC of Ukraine) leaves judges with broad discretion concerning the use of the “Electronic Court” subsystem, including the right to involve a person subject to administrative liability in a court hearing via videoconference; to hold court hearings without audio or video recording, etc. This procedural gap in administrative offence cases fails to ensure proper access to the court for citizens under war-time conditions.

Publicly available rulings indicate that judges have denied participants in civil cases the opportunity to attend court hearings via videoconference, citing the absence of the necessary technical capacity⁸⁷⁹ at the relevant district court at the time the motion was considered. In this regard, data on the provision of videoconferencing equipment need to be clarified by court and courtroom (or judges’ offices in courts where not all judges are provided with courtrooms).

As of 1 April 2025, the new version of the Regulation on the ACDMS entered into force, establishing new rules for the allocation of cases between judges, the principles for determining investigating judges, and addressing the problem of cases returned to courts after revision⁸⁸⁰.

With regard to the technical condition of information systems, the technical audit of UJITS subsystems (modules)⁸⁸¹ revealed that the ACDMS D3, which is used in local and appellate courts and partially in the Supreme Court (ACC SC, CCC SC), is an outdated software product⁸⁸². Overall, three court document management systems are in operation within the judiciary, and they are not interconnected, which complicates document exchange between courts⁸⁸³.

The SJA explains that the software architecture of UJITS is built in such a way that the “Electronic Court”, “Electronic Cabinet”, and ACDMS modules operate on different software

878 Code of Ukraine on Administrative Offences No. 80731-X of 07.12.1984.

879 For example, ruling of the Podilskyi District Court of Kyiv of 15.03.2024 in case No. 758/11726/22.; Ruling of the Podilskyi District Court of Kyiv of 29.01.2024 in case No. 758/37/24.

880 Publication of the new version of the Regulation on the Automated Court Document Management System (ACDMS). Council of Judges of Ukraine. 2025.

881 Technical audit of UJITS subsystems completed. Pravo-Justice. 2023.

882 Information provided by Respondent No. 6 during the interview conducted on 19.03.2025.

883 Ibid.

platforms that are artificially linked⁸⁸⁴. This prevents them from interacting fully and properly with each other. Improving the software integration between these systems will not yield positive results, as the software of these subsystems is no longer supported and is therefore no longer suitable for modernisation⁸⁸⁵. At the same time, maintaining the existing UJITS — which ensures the operation of the above-mentioned modules — requires ongoing funding for equipment, cyber security, and maintenance⁸⁸⁶.

The popularity of the “Electronic Court” among participants in judicial proceedings creates additional needs for the purchase of servers to store relevant information⁸⁸⁷.

Equally important is the renewal of outdated computer equipment and videoconferencing equipment. However, the SJA is unable to procure high-quality, high-performance computer equipment, as procurement is constrained by the expenditure limits set by a Government resolution⁸⁸⁸. Several appellate courts have proposed to the SJA that it initiate amendments to the said act, as the expenditure limits set therein, in particular for the procurement of computerisation and household equipment, do not correspond to current challenges and the cost level of the required equipment on the relevant market. This prevents the procurement of computer equipment that would meet the SJA's requirements for the proper functioning of courts. As a result, some courts, as budget-spending units, were unable to make full and efficient use of the additional appropriations allocated by the SJA for the procurement of computerisation equipment⁸⁸⁹.

As of March 2025, the key issue in the development and implementation of UJICS was the lack of adequate funding. According to SJA estimates, approximately UAH 1 billion is required for the development of this software (excluding the purchase of necessary equipment and hardware)⁸⁹⁰.

Following the suspension of USAID's operations and the termination of funding for its projects, the need to identify alternative sources of financing for these needs has become critical, as the majority of the mentioned UAH 1 billion was expected to be funded by the Agency.

As of March 2025, the SJA was conducting negotiations with the MoF to ensure that UJICS is financed from the State Budget of Ukraine. At the same time, the SJA is also seeking alternative funding sources to support the needs of UJICS⁸⁹¹.

884 Ibid.

885 Ibid.

886 Ibid.

887 Ibid.

888 On the Maximum Expenditure Limits for the Purchase of Vehicles, Furniture, other Equipment and Appliances, Mobile Phones, and Computers by State Authorities, as Well as Institutions and Organisations Funded from the State Budget: Resolution of the Cabinet of Ministers of Ukraine No. 333 of 04.03.2001.

889 On the Report on the Activities of the State Judicial Administration of Ukraine: Decision of the High Council of Justice No. 982/0/15-25 of 08.05.2025.

890 Information provided by Respondent No. 6 during the interview conducted on 19.03.2025.

891 Ibid.

Recommendations

1. Improving legislative regulation of UJITS:

- Initiate amendments to the CUAO to enable the use of UJITS modules during the consideration of administrative offence cases via videoconference.
- Provide for the mandatory use of the “Electronic Court” subsystem by state authorities for submitting materials to the court and exchanging procedural documents in administrative offence cases.
- Establish uniform procedural rules regarding the participation of all parties to judicial proceedings in hearings via videoconference and oblige courts to ensure the technical capacity for such participation.

2. Modernisation and integration of information systems:

- Develop a unified ACDMS as a modern software complex and ensure its operation across all courts.
- Integrate the information systems of the judiciary and prosecution authorities to enable automated data exchange in criminal proceedings.

3. Funding and technical support:

- Explore opportunities to fund the development and implementation of UJICS from the State Budget of Ukraine.
- Review the Government-imposed restrictions on IT procurement to enable courts to acquire modern equipment.
- Attract international funding to provide necessary server capacity and cybersecurity measures.
- Seek alternative sources of funding (international grants, EU projects, cooperation with international IT companies, etc.) to modernise the judiciary’s IT software and hardware, procure computer equipment, and introduce cutting-edge IT technologies.

Fighting Corruption in the Judiciary

Corruption, as in previous years, consistently remains among the top three problems in the judiciary. According to the NACP’s survey of the public and business⁸⁹², one of the priority tasks is cleansing the judicial system of corruption. In response to the question posed to entrepreneurs about whether they had encountered corruption in the judicial system, 18.1% of entrepreneurs responded affirmatively (compared to 15.2% in 2023)⁸⁹³. However, due to an insufficient number of detailed responses about each corrupt situation,

⁸⁹² Corruption in Ukraine 2024: Understanding, Perception, Prevalence. Analytical report based on a public and business survey. — Kyiv, 2024.

⁸⁹³ Ibid.

it was not possible to conduct statistical analysis regarding who initiated it (visitors or representatives of the judiciary)⁸⁹⁴.

In a recent (June 2025) sociological survey, 44.2% of respondents in Ukraine stated that the level of corruption in the country was “very high”, while a further 38.4% rated the level of corruption as “high”⁸⁹⁵. The level of trust in the judiciary was slightly above 3 points on a ten-point scale, where 1 means “do not trust at all” and 10 means “completely trust”⁸⁹⁶. The existence of a consistently low level of trust in the judiciary in Ukrainian society is also noted in the Review of the Organisation for Economic Co-operation and Development (OECD)⁸⁹⁷.

Progress and issues

A clear sign of progress in combating corruption in the judicial system is the **structured work of the NABU and Specialised Anti-Corruption Prosecutor’s Office**, which from 2015 to February of 2025 have issued **notices of suspicion to 92 judges. As a result, 85 judges have faced trial, and 25 guilty verdicts against them have already entered into force**⁸⁹⁸.

According to final judgments of the HACC for the period from 5 September 2019 to 30 June 2025, 23 judges have been convicted⁸⁹⁹. At the same time, due to the failure of the selection competition for the HACC and the AC HACC in the first quarter of 2025 and the appointment of only two judges to the HACC (instead of 25), the speed and efficiency of HACC’s proceedings has not improved⁹⁰⁰. This trend is expected to continue at least until the end of 2025 — the first half of 2026, due to the need to rerun the selection process for the vacant positions at the HACC and its Appeal Chamber.

In June 2025, the Verkhovna Rada established a **Temporary Investigation Commission to investigate facts of corruption in law enforcement and judicial bodies**, with a term of one year from the date of its establishment⁹⁰¹. Its main tasks include, in particular, the collection, analysis and verification of information on possible facts of corruption in the activities of courts of all levels⁹⁰². The creation of such a commission is an alarming signal, as it may lead to interference in the investigation and further consideration of court cases. The existence in Parliament of a temporary investigation commission of this type goes beyond parliamentary oversight, which may adversely affect the independence of judges, prosecutors and investigators.

894 Ibid.

895 Socio-political Situation in Ukraine, June 2025. Centre for Social and Marketing Research “SOCIS”. 2025.

896 Ibid.

897 OECD Review of Integrity and Anti-Corruption in Ukraine. Organisation for Economic Co-operation and Development. 2025.

898 Publication by the National Agency on Corruption Prevention on the social network Facebook. 2025.

899 Information on Convicted and Acquitted Persons. High Anti-Corruption Court. 2025.

900 For details, see subsection “High Anti-Corruption Court”.

901 On the Establishment of the Temporary Investigation Commission of the Verkhovna Rada of Ukraine on Investigating Possible Facts of Corruption or Corruption-Related Offences in Law Enforcement Agencies, Courts and Judicial Authorities: Resolution of the Verkhovna Rada of Ukraine No. 4511-IX of 19.06.2025.

902 Ibid.

Within the reporting period, three more high-profile cases of top-level corruption in the judiciary became known. For instance, in the second half of 2024, in the **case of “Judicial Corruption in Lviv Region”**, the Head of the Commercial Court of Lviv Region, acting together with his accomplices, was exposed for demanding USD 1 million in unlawful benefit from a representative of a private company⁹⁰³.

In the case **“Wartime Dad”, an organised criminal group operating** within the Bilhorod-Dnistrovskyi City District Court was **exposed** for assisting men in evading mobilisation and travelling abroad. Judges of this court issued a large number of identical decisions (1,040 rulings) on sole custody and legal residence of a child with the father, which entitled such men to defer mobilisation and travel abroad on the grounds of childcare⁹⁰⁴. In July 2025, the investigation in this case was completed⁹⁰⁵.

In July 2025, the NABU and the Specialised Anti-Corruption Prosecutor's Office, together with the Strategic Investigations Department in Volyn Region of the Strategic Investigations Department of the NPU, served the **head of a district court in Volyn Region** and his accomplice with a notice of suspicion of receiving an unlawful benefit⁹⁰⁶. According to the investigation, the suspects incited a local resident to provide an unlawful benefit to one of the judges for delivering a “desired” decision in a civil case. However, they had no plans to reach an agreement with the judge, and the decision he delivered was already in favour of the person. The money provided by the person was divided between the suspects.

Particular attention should also be paid to **journalistic investigations into potential corruption offences committed by judges**.

In October 2024, a journalistic investigation was published regarding Ihor Dashutin, a judge of the ACC SC, who was found to be using property not listed in his asset declaration. According to journalists, Dashutin lived in a flat in an elite residential complex in Kyiv (worth over USD 200,000), later moved to a cottage house (worth around USD 400,000), drove a Volkswagen Arteon, while his wife used a 2024 Audi Q8 (worth over USD 100,000)⁹⁰⁷. According to the investigation, all the property was registered under the judge's mother, who owns a real estate business, or his mother-in-law, who runs a business in Sumy. However, the judge failed to declare the right of use of the mentioned property in his asset declaration⁹⁰⁸.

As a result of the publication of this investigation, lawyers from the “Tysny” project submitted a statement to the NACP regarding the possible inconsistency between Judge Dashutin's standard of living and his declared assets⁹⁰⁹. In response, **the NACP initiated a lifestyle monitoring procedure for Judge Dashutin**⁹¹⁰. Meanwhile, the Supreme Court

903 A detailed description of the case is provided in Annex 5 to the Report.

904 Ibid.

905 “Wartime Dad”: Investigation into the Case of the Judicial-Lawyer Mafia Completed. National Anti-Corruption Bureau of Ukraine. 2025.

906 Court Head in Volyn Exposed for Bribery. National Anti-Corruption Bureau of Ukraine. 2025.

907 Supreme Court judge “spotted” in one of the most expensive cottage towns in Kyiv. Bihus.Info. 2024.

908 Lucky with relatives: a spotless declaration of Ihor Dashutin, judge of the ACC SC. DEJURE Foundation. 2024.

909 NACP investigates Judge Dashutin's lifestyle following Bihus.Info report. Bihus.Info. 2024.

910 Ibid.

published a statement on its official website addressing the media, in which it noted that **Judge Dashutin had questioned the completeness and accuracy of the information contained in the investigation and had submitted a request to the NACP to launch a full audit of his declaration** in accordance with Article 51³ of the Law of Ukraine "On Prevention of Corruption"⁹¹¹.

The second case concerned a **journalistic investigation published in January 2025 about Serhii Zhukov, a judge of the CCC SC**, who likewise failed to declare information about property used by him and his family. According to his declaration, the judge listed a parking space, and two flats located in Kyiv and Dnipro⁹¹². However, the investigation revealed that **Zhukov resides in an estate comprising 11 land plots with a total area of 4 hectares (estimated value of the land and structures on it — USD 1 million)**. The plots themselves belong to various owners, all of whom are close acquaintances or relatives of the judge⁹¹³. Overall, the value of the listed assets does not correspond to the official income of Judge Zhukov's family⁹¹⁴.

As in the previous case, following the release of the journalistic investigation, lawyers from the "Tysny" project submitted a request to the NACP regarding the possible inconsistency between Judge Zhukov's lifestyle and his declared assets⁹¹⁵. Based on this request, the **NACP launched a lifestyle monitoring procedure for Judge Zhukov**⁹¹⁶. At the same time, in June 2025, in response to a journalist's request, the NABU reported that it had opened criminal proceedings against Judge Zhukov under Articles 366² (declaration of false information) and 368⁵ (illicit enrichment) of the CC of Ukraine⁹¹⁷.

Likewise, thanks to a journalistic investigation, evidence was **uncovered concerning Yurii Pidchenko, a judge of the Commercial Court of the city of Kyiv, who received state-owned service housing, immediately privatised it, and "concealed"**⁹¹⁸ **the fact of owning another flat**. Specifically, Pidchenko was granted a three-room flat in the "Motornyi" residential complex by the state, despite the fact that shortly before moving into the service housing, his wife had purchased her own flat in Kyiv⁹¹⁹. On the eve of receiving the service flat, information about the purchase of this flat disappeared from the judge's declaration. Journalists established that the judge's wife had transferred ownership of the flat to her mother. At the same time, in 2021, the judge's mother-in-law purchased a flat in the high-end "Delmar" residential complex in the Pechersk district of Kyiv (estimated cost ranging from USD 170,000 to USD 250,000)⁹²⁰.

911 Media statement. Supreme Court. 2024.

912 Supreme Court judge lives in a \$1 million estate with vineyards, lakes, and forests — all registered to old acquaintances. Bihus.Info. 2025.

913 Ibid.

914 NACP investigates Judge Zhukov's lifestyle following report. Bihus.Info. 2025.

915 Ibid.

916 Ibid.

917 NABU Investigates Alleged Illicit Enrichment of Judge Zhukov Following Bihus.Info Investigation. Bihus.Info, 2025.

918 Judges and police officers massively privatise official housing by inventing ways to "hide" own. Bihus.Info. 2024.

919 Ibid.

920 Ibid.

As of July 2025, the NACP continues to verify the information provided by journalists in all these cases. This, on the one hand, confirms the effectiveness of public monitoring of judges, and on the other hand, indicates the need to accelerate the agency's response to such investigations (in some cases, lifestyle monitoring of judges has already lasted for over six months).

In the first six months of 2025, the NACP sent 12 substantiated conclusions to law enforcement agencies identifying signs of illicit enrichment (Article 368⁵ of the CC of Ukraine) amounting to over UAH 366 million. As a result of their consideration, six officials were served with notices of suspicion of illicit enrichment, one of whom is a former judge — Deputy Head of the High Commercial Court of Ukraine, Artur Yemelyanov (based on materials submitted in 2025)⁹²¹. Among all full verifications of declarations completed by the NACP since the beginning of 2025, the highest number of violations were found in declarations submitted, in particular, by representatives of the judiciary — in 17 cases (13 of them by judges)⁹²².

In June 2025, a journalistic investigation was published concerning the Chair of the Commercial Court of Chernivtsi Region, Oleh Proskurnyak⁹²³, who is linked, in particular, to the declaration of false information and possible illicit enrichment, as well as a fictitious registration in a dormitory in order to obtain free housing from the state. Journalists are currently preparing the relevant appeals to the HCJ and anti-corruption bodies⁹²⁴.

Another issue concerns the **selection of a preventive measure, and the determination of bail amounts for judges** suspected of committing corruption-related offences. In these cases, the **HACC continues to demonstrate a lack of unified and consistent approaches to setting bail amounts and justifying their subsequent reduction**. When determining bail, the HACC considers various factors, including: the amount of the undue benefit; the potential losses that the offence could have caused; the circumstances of the offence and its severity; the suspect's financial and family status; and the risks associated with the investigation (for example, flight, destruction of evidence, or influence on witnesses)⁹²⁵.

At the same time, although bail is formally set as an alternative to pre-trial detention, in practice, the accused often do not have this alternative available to them due to the high amounts set. Subsequently, these amounts are reduced in a disproportionate and inconsistent manner, and the suspects end up posting bail that is five to ten times lower than the amount originally set by the court (in the Kniazev case, the initial bail was set at UAH 107 million, while the amount ultimately paid was UAH 18 million)⁹²⁶.

921 Lifestyle Monitoring: Results for the First Half of 2025. National Agency on Corruption Prevention, 2025.

922 Full Verification of Declarations for June 2025: NACP Detected Violations Amounting to Almost UAH 243 Million. National Agency on Corruption Prevention, 2025.

923 "Naked and Barefoot — Only on Paper": What Journalists Found Out About Chernivtsi Judge Oleh Proskurnyak. Channel 5, 2025.

924 Ibid.

925 How and why bail amounts are reduced in top corruption cases. Law and Business, 2024.

926 Ibid.

No conclusions were drawn from this case, and a similar situation repeated itself in the case of Judge Artymovych⁹²⁷. Initially, he was granted bail in the amount of UAH 20 million, which was reduced to UAH 10 million shortly afterwards, and later further reduced to UAH 6 million⁹²⁸. Only after the last reduction was Artymovych able to post bail and be released from custody.

The issue of closing criminal proceedings due to the expiry of the statute of limitations remains relevant. This is caused by:

- 1) a shortage of judges at the HACCC;
- 2) the prolonged duration of proceedings due to the non-appearance of parties in court;
- 3) investigations being initiated after the statute of limitations has already expired;
- 4) lengthy periods required for the defence to review the case files;
- 5) abuse of procedural rights by the parties involved⁹²⁹.

This problem occurred in the following cases:

- Former Head of the SJA, **Zenovii Kholodniuk** ("Vovk's Tapes"): Kholodniuk avoided criminal liability precisely due to the expiry of the statute of limitations⁹³⁰. This case is particularly illustrative because almost every hearing begins with motions to recuse judges and protracted statements by the numerous defendants, which raises serious concerns about the risk of other defendants also avoiding liability due to limitation periods⁹³¹;
- Judge **Maksym Kovbel** of the Vasylkivskyi District Court of Kyiv Region: although he was found guilty and fined for committing a corruption-related offence, he was released from liability due to the expiration of the limitation period⁹³².

The issue of suspending judicial remuneration following the decision of the HJC to remove judges from administering justice or to grant permission for their detention in connection with a corruption offence remains relevant. At the same time, the practice of the SAPO in addressing the HCJ remains inconsistent: in some cases, the prosecution simultaneously files motions for both the removal of a judge from the exercise of judicial powers and their detention, while in others, only the motion for detention is submitted.

At the level of the judiciary, one of the elements of fighting corruption is bringing judges who have committed corruption-related offences to disciplinarily responsibility. **From**

927 The case "Judicial Corruption in Lviv Region", as detailed in Annex 5 to the Report.

928 Court halves bail amount for former Head of the Commercial Court of Lviv Region. Zaxid.net. 2025.

929 Statute of limitations: what is forgotten, is not condemned. Transparency International Ukraine. 2024.

930 "OASK Tapes": High Anti-Corruption Court closes case against former Head of the State Judicial Administration Kholodniuk. Babel. 2023.

931 Why HACCC cases are not being considered as quickly as one would like, and how to fix it. Just Talk. 2025.

932 Statute of limitations expired: HACCC releases judge from liability for false statement in declaration. Biznes Censor. 2024.

January 2024 to June 2025, the High Council of Justice (HCJ) dismissed 21 judges in connection with the commission of corruption-related offences⁹³³.

Regarding the **implementation of the State Anti-Corruption Programme⁹³⁴** under the section "Fair Judiciary, Prosecutor's Office and Law Enforcement Agencies", as of March 2025, the average result achievement rate stands at 24.4%. At the same time, a high level of implementation has been demonstrated in only five measures (17.2%)⁹³⁵.

The NACP is currently working on the development of a new Anti-Corruption Strategy and State Anti-Corruption Programme for the period after 2025. As of July 2025, the NACP is holding consultations with representatives of the civil sector regarding the problems identified by the agency as a result of its research in the area of "Judicial System and Administration of Justice"⁹³⁶.

On 27 March 2025, the **NACP completed a scheduled inspection of how corruption prevention and detection is organised within the SJA. A positive outcome of the inspection was the establishment of the fact that the SJA's anti-corruption commissioner has been actively engaged** in cooperation with the NACP, implementing a systemic approach to introducing anti-corruption policies in local (appellate) courts by coordinating the work of designated anti-corruption commissioners appointed from among court staff⁹³⁷.

In addition to the positive outcomes, **several shortcomings were identified** that negatively affect the effectiveness of anti-corruption policy implementation within the activities of the SJA, in particular:

- a formalistic approach to the development of the anti-corruption programme and an inadequate analysis of the sources of corruption risks that have accompanied the SJA over the years;
- an insufficiently comprehensive analysis of the causes and conditions that contributed to the commission of a corruption-related offence related to procurement processes within the SJA⁹³⁸.

933 Decision of the High Council of Justice on dismissal: Judge Iryna Hryshchenko No. 96/0/15-24 dated 16.01.2024.; Judge Vsevolod Kniaziev No. 2388/0/15-24 dated 06.08.2024.; Judge Serhii Halionkin No. 2673/0/15-24 dated 12.09.2024.; Judge Inna Maslo No. 2995/0/15-24 dated 10.10.2024.; Judge Volodymyr Serdynskiy No. 3213/0/15-24 dated 05.11.2024.; Judge Volodymyr Honchar No. 3261/0/15-24 dated 07.11.2024.; Judge Viacheslav Dziubin No. 3407/0/15-24 dated 21.11.2024.; Judge Volodymyr Piatkovskiy No. 3574/0/15-24 dated 10.12.2024.; Judge Nadiia Shcherba No. 211/0/15-25 dated 11.02.2025.; Judge Yuri Novak No. 321/0/15-25 dated 25.02.2025.; Judge Pavlo Dobrov No. 385/0/15-25 dated 04.03.2025.; Judge Serhii Vysotskyi No. 481/0/15-25 dated 11.03.2025.; Judge Pavlo Vovk No. 554/0/15-25 dated 18.03.2025.; Judge Aliona Mazur No. 592/0/15-25 dated 20.03.2025.; Judge Ihor Palenyk No. 648/0/15-25 dated 27.03.2025.; Judge Pavlo Ivchenko No. 647/0/15-25 dated 27.03.2025.; Judge Viktor Hlyniani No. 774/0/15-25 dated 10.04.2025.; Judge Mykola Shershak No. 846/0/15-25 dated 22.04.2025.; Judge Yuri Slyva No. 841/0/15-25 dated 22.04.2025.; Judge Valentyn Tomylka No. 1234/0/15-25 dated 10.06.2025.; Judge Serhii Burkhan No. 1372/0/15-25 dated 26.06.2025.

934 On the Approval of the State Anti-Corruption Programme for 2023-2025: Resolution of the Cabinet of Ministers of Ukraine No. 220 of 04.03.2023.

935 Monitoring information system on implementation of the State Anti-Corruption Programme.

936 The Agency for Legislative Initiatives submitted its proposals to the NACP by letter No. 01/05-16244 of 30.05.2025.

937 Inspection of the organisation of anti-corruption work in the SJA: formal approach to anti-corruption programme development and non-transparent procurement. National Agency on Corruption Prevention. 2025.

938 Ibid.

As a result, the **NACP highlighted the need to strengthen the anti-corruption infrastructure within the SJA's support system for the judiciary**. This includes the introduction of counterparty screening, anti-corruption review of contracts, a thorough assessment of the SJA's internal environment, and analysis of mechanisms of corruption-related offences that are already subject to judicial proceedings⁹³⁹.

An independent and significant issue that partially undermines efforts to combat corruption within the judiciary is the absence of a legal requirement for patronage service staff (primarily judges' assistants) to declare their assets and property. This obligation currently applies to courtroom secretaries, registry staff, and others who perform more routine functions and have significantly less influence on decision-making in individual court cases. In contrast, judges' assistants work directly on court cases, prepare draft judgements, yet are subject to no financial oversight by the state. There have been repeated cases where judges attempting to conceal assets have registered them under their assistants' names (e.g. the case of CCC SC judge Serhii Zhukov). Even more frequent are cases in which close relatives of judges (such as children or spouses) are employed as their assistants, further exacerbating corruption risks within the judiciary⁹⁴⁰.

A separate problem is the lack of proper anti-corruption training for court staff. Only 43.2% of 1,041 surveyed court employees underwent such training during 2020–2024⁹⁴¹.

Recommendations

To strengthen the fight against corruption within the judiciary in 2025, a series of consistent steps should be taken, including:

1. The Verkhovna Rada Committee on Legal Policy should consider the issue of suspending the payment of judicial remuneration following a decision by the HCJ to suspend a judge from administering justice⁹⁴².
2. The NACP should accelerate the monitoring of judges' lifestyles initiated on the basis of information obtained through investigative journalism.
3. The HCJ should:
 - 1) Introduce effective mechanisms to monitor the judiciary's implementation of the SAP and expedite the execution of measures provided therein;
 - 2) Strengthen oversight of the activities of the SJA and its territorial branches to eliminate corruption risks;
 - 3) In cooperation with the Verkhovna Rada Committee on Legal Policy and NACP, consider the introduction of declarations of assets, integrity, and family ties for patronage service staff (primarily judges' assistants), as persons authorised to perform the functions of the state or local self-government;

939 Ibid.

940 Family traditions: how relatives of judges pass interviews and try to become judges. Bihus.Info. 2018.

941 Green Book on the Functioning of the State and Patronage Service in the Judicial Authorities of Ukraine. Agency for Legislative Initiatives. 2025.

942 Recommendations of the Shadow Report on Chapter 23 "Judiciary and Fundamental Rights" of the European Commission's Report on Ukraine in 2023 (p. 106) remain unfulfilled and relevant.

- 4) Streamline the practice of suspending judges from administering justice to ensure legal certainty⁹⁴³;
 - 5) Respond promptly to investigative journalism by initiating disciplinary proceedings against judges involved in such investigations;
 - 6) Introduce quarterly public reporting on instances of the judiciary (primarily the courts) independently identifying and mitigating corruption risks within their operations.
4. The SC and the HACC should analyse the current practice of determining the amount of bail at the level of the HACC and develop clear approaches to its reasonable reduction. This would contribute to the consistency of judicial practice, legal certainty, and public trust in court decisions⁹⁴⁴.
 5. The NSJU jointly with the NACP are to conduct mandatory anti-corruption training in 2025–2026 for all court staff without exception.

Judicial Consideration of Cases Concerning International Crimes

In 2014, following the annexation of the Autonomous Republic of Crimea by the Russian Federation and the onset of hostilities in Eastern Ukraine, Ukrainian courts began considering criminal cases related to the commission of international crimes. Over the past two years, however, no mention of criminal proceedings or consideration of this category of cases in criminal proceedings was made in official statistics⁹⁴⁵.

Ukraine ratified the Rome Statute of the International Criminal Court (Rome Statute) only in 2024⁹⁴⁶. However, as early as 2015, the Verkhovna Rada recognised the jurisdiction of the International Criminal Court (ICC) for the purpose of bringing to justice those responsible for crimes against humanity and war crimes committed on the territory of Ukraine since 20 February 2014, including senior officials of the Russian Federation and leaders of the terrorist organisations "DPR" and "LPR"⁹⁴⁷.

In parallel with the ICC, a Special Tribunal on the Crime of Aggression against Ukraine will operate⁹⁴⁸. On 25 June 2025, Ukraine and the Council of Europe signed an Agreement on the establishment of such a tribunal, together with the Statute annexed thereto⁹⁴⁹.

943 Ibid.

944 Ibid.

945 According to the reports of first-instance courts published on the website of the Judiciary of Ukraine in the "Judicial Statistics" section in 2013–2014.

946 On the ratification of the Rome Statute of the International Criminal Court and amendments thereto: Law of Ukraine No. 3909-IX of 21.08.2024.

947 On the Statement of the Verkhovna Rada of Ukraine "On the recognition by Ukraine of the jurisdiction of the International Criminal Court regarding the commission of crimes against humanity and war crimes by senior officials of the Russian Federation and leaders of the terrorist organisations 'DPR' and 'LPR', which resulted in particularly grave consequences and the mass killing of Ukrainian citizens": Resolution of the Verkhovna Rada of Ukraine No. 145-VIII of 04.02.2015.

948 For details — see subsection "Specifics of International Cooperation" in the section "Prosecution Reform".

949 Ukraine and the Council of Europe Signed an Agreement on Establishing a Special Tribunal for the Crime of Aggression against Ukraine. Council of Europe Office in Ukraine. 2025.

Subsequently, Parliament ratified the Agreement⁹⁵⁰. The Prosecutor General announced the creation within the PGO and the SSU of new units that will collect evidence for the future tribunal⁹⁵¹.

Following the full-scale invasion of Ukraine by the Russian Federation, the number of criminal cases concerning international crimes being heard in court has increased significantly. Nevertheless, this remains a small proportion compared to the number of such cases currently at the stage of pre-trial investigation⁹⁵². At the same time, the previous debate on whether these offences should be qualified as international crimes has come to an end; up until 2022, there were issues with qualification, the determination of the subject of evidence, etc.

State of play

On 14 February 2024, Ukraine signed the Ljubljana-Hague Convention on International Cooperation in the Investigation and Prosecution of Genocide, Crimes against Humanity, War Crimes and Other International Crimes⁹⁵³, which is primarily intended to promote interstate cooperation between competent authorities in conducting criminal proceedings in such cases.

Prior to 2024, the CC of Ukraine already provided for criminal liability for certain international crimes, including "Planning, Preparation, Initiation and Conduct of an Aggressive War" (Article 437), "Violation of the Laws and Customs of War" (Article 438), and "Genocide" (Article 442).

In October 2024, following Ukraine's ratification of the Rome Statute of the ICC, the CC of Ukraine was amended in accordance with Law of Ukraine No. 4012-IX⁹⁵⁴. For example, the elements of criminal offences under certain articles of the CC of Ukraine were revised (Article 437 "Crime of Aggression" and Article 438 "War Crimes"), the penalties for committing such crimes were increased, and Article 442 "Genocide" was restated in a new version to bring it closer in wording to the provisions of the Rome Statute. The note to Chapter IX-2 of the CPC of Ukraine, which had stipulated that cooperation with the ICC was only possible in relation to war crimes committed by the aggressor state, was also removed.

The CC of Ukraine was supplemented with a definition of command responsibility (responsibility of commanders) as a separate criminal liability concept. These changes are significant for Ukrainian criminal law, as previously this concept from the Rome Statute of the ICC had been interpreted either through the lens of forms of complicity in the commission of a crime or had not been considered at all.

950 On the Ratification of the Agreement on Establishing a Special Tribunal for the Crime of Aggression against Ukraine: Law of Ukraine No. 4518-IX of 15.07.2025.

951 Ukraine to Establish Units to Collect Evidence for the Special Tribunal — Prosecutor General. Ukrinform, 2025.

952 For details on the specifics of the pre-trial investigation of international crimes, see the "Prosecution Reform" section.

953 Ljubljana-Hague Convention: Opportunities and Prospects for Ukraine. Supreme Observer. 2024.

954 On amendments to the Criminal Code and the Criminal Procedure Code of Ukraine in connection with the ratification of the Rome Statute of the International Criminal Court and amendments thereto: Law of Ukraine No. 4012-IX of 09.10.2024.

Law of Ukraine No. 4012-IX also introduced a new Article 442¹ “Crimes against Humanity” into the CC of Ukraine to enable the criminal prosecution of perpetrators for committing such crimes on a lawful basis. The inclusion of this offence in the CC of Ukraine represents a step forward in harmonising national legislation with international law and contributes to the more effective investigation of crimes committed by the Russian Federation.

The investigation of international crimes falls under the jurisdiction⁹⁵⁵ of the SSU. However, due to several factors (including the limited resources of this agency and its active role in countering crimes against national security) international crimes are also investigated by other pre-trial investigation bodies (such as the NPU and the SBI).

The PGO provides procedural oversight during the investigation of international crimes. Prosecutorial authorities monitor compliance with the law in the process of documenting and investigating such crimes by law enforcement agencies, and they also act as public prosecutors during court proceedings. The prosecutor’s office collects evidence of international crimes and documents it for submission in both national and international judicial proceedings⁹⁵⁶.

Given the specific nature of documenting and investigating international crimes, and the difficulties in locating the perpetrators, only a small number of such cases reaches the courts. According to statistics for the period from 2022 to 2024, local courts received 18 criminal cases under Article 437 of the CC of Ukraine (resulting in 1 conviction), 382 under Article 438 of the CC of Ukraine (with 95 convictions), and only 3 cases under Article 442 of the CC of Ukraine (resulting in 3 convictions)⁹⁵⁷. A detailed overview of key cases under Articles 438 and 442 of the CC of Ukraine is provided in Annex 6 to this Report.

During the period from January to June 2025, 94 criminal proceedings under Article 438 of the CC of Ukraine were brought before local general courts. At the same time, 250 criminal proceedings from the previous reporting period remained pending before the courts. During this period, local general courts delivered 32 judgments in this category of cases. Thus, 312 such cases remain pending before the courts. In the same period, appellate courts reviewed and upheld nine judgments in this category of cases⁹⁵⁸.

In the first half of 2025, the CrCC SC, under Article 438 of the CC of Ukraine, reviewed and upheld the judgment against one person⁹⁵⁹.

An important development is the judgment of the GC SC⁹⁶⁰, which clarified the characteristics of the perpetrator under Article 437 of the CC of Ukraine, stating that the acts defined in this article *may be committed by individuals who, by virtue of their official*

955 Criminal Procedure Code of Ukraine No. 4651-VI of 13.04.2012, Article 216.

956 What is the role of prosecution authorities. Prosecutor General’s Office.

957 Data calculated based on information provided in reports of first-instance courts, published on the website of the Judiciary of Ukraine in the “Judicial Statistics” section for 2022–2024.; It is not possible to provide detailed data disaggregated by the period before and after amendments to the CC of Ukraine under Law of Ukraine No. 4012-IX (Letter from the State Judicial Administration of Ukraine No. inf/VR309-25-314/25 of 02.04.2025 in response to a request from the NGO “Agency for Legislative Initiatives”).

958 The data are calculated based on information published on the website of the Judiciary of Ukraine in the “Judicial Statistics” section “War Crimes”.

959 Analysis of the Administration of Justice by the Criminal Cassation Court of the Supreme Court in the First Half of 2025. Supreme Court.

960 Ruling of the Grand Chamber of the Supreme Court of 28.02.2024 in case No. 415/2182/20.

powers or de facto societal position, are capable of exercising effective control over political or military actions, or of directing them, and/or of having a substantial influence over political, military, economic, financial, informational, or other processes within their own state or beyond, and/or of directing specific areas of political or military activity.

A defining feature of court proceedings concerning international crimes is that the vast majority are conducted in absentia (pre-trial investigations and court proceedings are carried out without the physical presence of the suspect/accused). For instance, nearly **98% of cases involving war crimes are conducted in absentia**⁹⁶¹. The need for such special proceedings arises from the absence of the accused on the territory of Ukraine (due to their presence in the Russian Federation or in temporarily occupied territories) or due to their whereabouts being unknown.

Particular attention should be paid to the ECtHR judgment of 9 July 2025 in the inter-State case of Ukraine and the Netherlands v. Russia⁹⁶². The ECtHR assessed both the materials collected during national investigations and other evidence (intelligence information, reports and statements from non-governmental and international organisations, materials provided by the military, photographic and video evidence, etc.). As a result, the Court delivered a judgment on the admissibility of most of Ukraine's complaints and found large-scale violations by the Russian Federation of human rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) during the period from 11 May 2014 to 16 September 2022.

In 2024, the CJU approved an initiative to implement a **pilot project** during judicial proceedings entitled **"Establishment of Support Units for Victims and Witnesses of War Crimes in Pilot Courts"**. **Four pilot courts** were selected: Vyshhorod and Chernihiv District Courts, as well as Irpin City Court (which are actively handling war crimes cases involving numerous victims and witnesses), and Shevchenkivskyi District Court of Kyiv (one of the most heavily burdened courts in the capital, which also has suitable premises that can be promptly adapted for such units)⁹⁶³.

As part of the project, a **Protocol for Courts on Working with Vulnerable Victims and Witnesses was developed and approved**, aimed at ensuring quality protection for vulnerable witnesses and victims⁹⁶⁴. The aforementioned courts are expected to carry out the necessary architectural and renovation works to establish designated units for working with such individuals. In the future, based on the results of this pilot, the possibility of scaling up this model to other courts across Ukraine will be considered⁹⁶⁵.

In September 2024, the CJU supported an initiative to develop an electronic database of decisions issued by Ukrainian courts in cases concerning war crimes⁹⁶⁶, however, as of July 2025, it had not been established due to a lack of funding. **The creation of**

961 Report on the results of Phase 2 of the project "Monitoring of criminal proceedings in war crimes cases", p. 10. All-Ukrainian Non-Governmental Organization Ukrainian Bar Association. 2024.

962 Case of Ukraine and the Netherlands v. Russia. European Court of Human Rights (Grand Chamber).

963 Decision of the Council of Judges of Ukraine No. 31 of 12.09.2024.

964 Decision of the Council of Judges of Ukraine No. 38 of 11.11.2024.

965 Ibid.

966 Decision of the Council of Judges of Ukraine No. 31 of 12.09.2024.

a web portal named War Crime was also announced, which is intended to provide quick and open access to judicial decisions and to assist legal practitioners and researchers in tracking judicial practice in such cases⁹⁶⁷.

The implementation of the pilot project and the development of the War Crime portal were supported financially by the USAID "Justice for All" Programme. The closure of this Programme has complicated the implementation of these initiatives, and in some cases — brought them to a halt.

Throughout 2024, to enhance the professional competence of judges of first and appellate instance in handling cases on war crimes, crimes against humanity, and crimes against the national security of Ukraine, a total of **39 nationwide thematic seminars were conducted**⁹⁶⁸. In addition, the NSJU began cooperation with Global Rights Compliance with the aim of developing effective judicial practice in war crimes cases⁹⁶⁹.

Several legislative initiatives currently under consideration by the Parliament may affect the judicial review of international crimes. Since August 2023, Draft Law No. 9579 had been under parliamentary review⁹⁷⁰. It proposes amendments to the CC of Ukraine and the CPC of Ukraine, particularly to improve the procedure for summoning individuals in criminal proceedings. The draft law also provided that if a person does not lodge an appeal against a judgment issued following a special (in absentia) trial, they may submit an appeal within 30 days from the date of their detention and receipt of a copy of the judgment. On 17 July 2025, Draft Law No. 9579 was withdrawn due to changes in the composition of the Government.

In May 2024, the Verkhovna Rada adopted in the first reading **Draft Law No. 7033-d**⁹⁷¹, which introduces **restrictions on the disclosure of certain information in judicial decisions related to the war**.

In December 2024, the Parliament adopted in the first reading **Draft Laws No. 11538**⁹⁷² **and No. 11539**⁹⁷³. The first draft law proposes to adjudicate international crimes at the national level under a special law. This law would apply to facts that occur after its adoption, while the CC of Ukraine and CPC of Ukraine would apply to facts that occurred earlier. The second draft law aims to harmonise the provisions of criminal legislation in case the Parliament adopts Draft Law No. 11538.

967 Publication of the Electronic Court on the social network Facebook. 2024.

968 Information and Analytical Report on the Activities of the National School of Judges of Ukraine in 2024, p. 3. 2025.

969 The First War Crimes Trial in Ukraine. National School of Judges of Ukraine.

970 On Amendments to the Criminal Code of Ukraine, the Criminal Procedure Code of Ukraine and Other Legislative Acts on Ensuring Criminal Proceedings that Cannot Be Conducted Due to the Armed Aggression of the Russian Federation against Ukraine and the Temporary Occupation of Certain Territories of Ukraine by the Russian Federation: Draft Law of Ukraine, registration No. 9579 of 07.08.2023.

971 On Amendments to Certain Laws of Ukraine Regarding the Prevention of Disclosure of Certain Information in the Texts of Court Judgments: Draft Law of Ukraine, registration No. 7033-d of 13.01.2023.

972 On Criminal Liability for International Crimes: Draft Law of Ukraine, registration No. 11538 of 02.09.2024.

973 On Amendments to the Criminal and Criminal Procedure Codes of Ukraine in Connection with the Adoption of the Law of Ukraine "On Criminal Liability for International Crimes": Draft Law of Ukraine, registration No. 11539 of 02.09.2024.

At the beginning of 2025, the Verkhovna Rada adopted in the first reading Draft Law No. 10301⁹⁷⁴, which proposes amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" concerning **the introduction of a judicial specialisation for the consideration of cases** involving military criminal offences, **criminal offences against peace, humanity, and international legal order**. Judges of local general and appellate courts with experience in conducting criminal proceedings would be authorised to consider such categories of cases for a five-year term, with the possibility of reappointment.

As of July 2025, the aforementioned three draft laws are being prepared for the second reading in Parliament.

Progress and issues

The *in absentia* procedure is legally justified and does not result in negative consequences⁹⁷⁵. However, the key challenge in applying this procedure lies in **ensuring the quality of criminal proceedings related to international crimes**. This procedure must be conducted in compliance with international standards to minimise potential complaints filed against Ukraine in international judicial institutions. **The key issues that must be addressed during special proceedings include:**

- Proper notification of the person of suspicion, summons to court hearings, and court decisions issued against them. The summons is made via publication of notices in national-level media and on the official website of the PGO;
- Reasoned and substantiated court decisions. Rendering and formulating court rulings in international crimes cases is more complex than in other categories, even for experienced judges, and requires additional expertise;
- Possibility to appeal the verdict delivered in a special judicial proceeding. Part 3 of Article 400 of the CPC of Ukraine provides for the possibility of reinstating the term for filing an appeal (under certain conditions), if such appeal is submitted by the convicted person in respect of whom the verdict was rendered *in absentia*. At the same time, this issue merits further examination, as the need arises from the case law of the ECtHR⁹⁷⁶;
- Ensuring consistency in case law on international crimes. Due to the limited number of rulings in such cases — particularly war crimes — the existing jurisprudence does not yet allow one to conclude that it is consistent and established. Furthermore, since most of these cases are investigated by law enforcement bodies and heard by courts in absentia, they rarely reach the SC.

Some of the above problems could be resolved through the refinement and adoption by the Verkhovna Rada of Draft Law No. 9579 after it is finalised by the working group.

974 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" Regarding the Introduction of Specialisation of Judges in the Consideration of Military Criminal Offences, Criminal Offences against Peace, Security of Humankind and the International Legal Order: Draft Law of Ukraine, registration No. 10301 of 29.11.2023.

975 Information provided by Respondent No. 30 during the interview conducted on 12.03.2025.

976 Judge of the Grand Chamber of the Supreme Court Mykola Mazur: "The quality of court judgments on war crimes is improving". Judiciary of Ukraine.

As for the outlined legislative initiatives, they require further consultation, including with civil society, as well as substantive refinement. For instance, more than 30 civil society organisations have expressed concern over **Draft Law No. 7033-d** and have called on Parliament not to adopt it, arguing that it is undemocratic and inconsistent with the goals and values of the European Union — an issue of critical importance in the context of European integration⁹⁷⁷. Moreover, civil society representatives emphasise that the measures proposed in the draft law are disproportionate and pose a threat to the exercise of public oversight over law enforcement and the judiciary⁹⁷⁸, as they hinder public access to information about the circumstances of the case and the punishment imposed by the court.

Human rights defenders have also pointed out that Draft Law No. 7033-d carries potential corruption risks, as it could grant judges the discretion to remove information from court decisions, raising questions about the justification of such decisions, especially when made outside procedural safeguards⁹⁷⁹.

In the context of legal regulation of international crimes, the potential **adoption of Draft Laws No. 11538 and No. 11539 also raises several concerns** due to the following:

- the uncertainty surrounding the investigation and future of criminal proceedings concerning international crimes that have already been initiated;
- the absence of a unified approach to the application of criminal law, as investigators, prosecutors and judges would be required to apply the new special law to facts occurring after the adoption of the draft laws, while the CC of Ukraine and the CPC of Ukraine would apply to facts that occurred previously⁹⁸⁰;
- excessive overburdening of the justice system, given the need to determine which legal framework should govern the investigation of a specific international crime;
- inconsistency in the terminology, definitions, and constituent elements of international crimes across the different laws, which do not fully correspond to the provisions of the Rome Statute or to international law;
- the potential unconstitutionality of the draft laws, as the Constitution of Ukraine enshrines the principles of the rule of law and legal certainty, which require the predictability of legal norms and prohibit their arbitrary interpretation. Accordingly, Ukrainian law does not provide for the possibility of establishing or detailing criminal liability through any other mechanism than by amending the existing CC of Ukraine⁹⁸¹. Thus, establishing criminal liability in a separate law could be ruled unconstitutional — an issue highlighted by civil society organisations working in the field of international criminal justice⁹⁸².

977 We call on the Verkhovna Rada not to adopt Draft Law No. 7033-d, which restricts access to court decisions. Zmina. 2024.

978 To close, not to reject: 250 MPs voted for the draft law restricting access to court decisions. DEJURE Foundation. 2024.

979 Despite criticism from human rights defenders, the Verkhovna Rada adopted as a basis a draft law restricting access to court decisions. Radio Svoboda. 2024.

980 Draft Laws No. 11538 and No. 11539 will block investigations into international crimes in Ukraine and should not be adopted. Ukrainian Helsinki Human Rights Union. 2024.

981 The human rights community in Ukraine called on MPs not to support the draft laws on international crimes, pointing out a number of their shortcomings. Zmina. 2024.

982 Draft Laws No. 11538 and No. 11539 will block investigations into international crimes in Ukraine and should not be adopted. Ukrainian Helsinki Human Rights Union. 2024.

Another challenge for the judiciary is the initiative provided in **Draft Law No. 10301**, which addresses the issue of judicial specialisation, as the proposed specialisation combines military and war crimes, which differ significantly in nature and substance and therefore require distinct areas of expertise. Military crimes are investigated under national law, whereas war crimes fall under international law.

At present, the judiciary is significantly overburdened due to a high caseload and an insufficient number of judges (with over 2,000 vacancies remaining unfilled, and the number of judges retiring on the rise)⁹⁸³. This places the efficiency and timeliness of war crimes proceedings at risk, as judges assigned to hear such cases are not exempt from handling other matters outside their specialisation. Accordingly, until a substantial increase in the number of judges at both the local and particularly appellate levels is achieved, the appropriateness of introducing this specialisation remains questionable.

Furthermore, the proposed amendments envisage only one criterion for determining such specialisation — prior experience in criminal case adjudication — which, as of July 2025, applies to all judges currently hearing criminal cases.

Following the **suspension of funding for USAID projects**, the question remains open as to whether the initiatives to establish support units for victims and witnesses of war crimes in four pilot courts and to develop an electronic database of Ukrainian court judgments in war crimes cases will be continued in Ukraine.

Recommendations

1. To ensure high-quality consideration of criminal proceedings under *in absentia* procedure, the following steps should be taken:
 - review procedures for notifying individuals of suspicion and initiating court proceedings. For example, as an alternative to publication in the *Uriadovyi Kurier* newspaper, a dedicated international online platform could be established for publishing, systematising and aggregating such information⁹⁸⁴;
 - amend the CPC of Ukraine to introduce a mechanism allowing appeals against court judgments in cases where the convicted person, sentenced in absentia, reappears on Ukrainian territory (by analogy with default judgments in civil proceedings)⁹⁸⁵;
 - ensure systematic training for judges on handling cases involving international crimes, particularly with regard to drafting judgments in such proceedings.
2. Postpone the consideration of Draft Law No. 7033-d to conduct a comprehensive expert review of its provisions with the involvement of civil society.
3. Assess Draft Laws No. 11538 and No. 11539 for compliance with the Constitution of Ukraine and international law.

983 The consideration of war and international crimes requires additional specialised training of judges — Oksana Kvasha. High Council of Justice. 2024.

984 Proposal provided by Respondent No. 30 during the interview conducted on 12.03.2025.

985 Ibid.

4. Revise Draft Law No. 10301 on judicial specialisation to clearly distinguish between military and war crimes and to provide for appropriate distribution of judicial workload. It would be advisable to introduce a minimum experience threshold of criminal case adjudication (e.g. two years) before a judge can be authorised to hear international crimes. This would help avoid situations where a newly appointed judge with limited experience handles such a complex category of cases. Furthermore, the introduction of judicial specialisation should be deferred at least until the appointment of new judges to the appellate courts.
5. Seek and redirect alternative sources of funding for the ongoing projects (the establishment of support units for victims and witnesses of war crimes in pilot courts; the development of an electronic database of Ukrainian court decisions in war crimes cases).

Enforcement of Court Decisions

Enforcement of National Court Decisions

Progress and issues

The total amount of debt in 2024 amounted to UAH 2.2 trillion⁹⁸⁶. Over 164,000 new debts were accumulated by Ukrainians from December 2024 to March 2025. The most noticeable increases were in debts for special confiscation, seizure of property under an enforcement document, and paid seizure of an instrument of offence⁹⁸⁷. In the same year, the State Enforcement Service bodies and private enforcement officers recovered UAH 25 billion under enforcement proceedings, which represents 1.2% of the total amount that debtors were required to pay. In addition, 6.5 million enforcement documents were subject to enforcement, of which only 1.9 million were enforced — including 1.7 million documents enforced by state enforcement officers and 223,000 by private enforcement officers⁹⁸⁸. Compared to 2023, the amount recovered increased by UAH 280 million⁹⁸⁹.

From a financial perspective, enforcement documents totalling UAH 1.87 trillion (85% of the total debt amount) were under enforcement by the State Enforcement Service bodies, of which UAH 16.2 billion was recovered, or **0.86%**. In contrast, enforcement documents totalling UAH 338.5 billion (15% of the total debt amount) were under enforcement by private enforcement officers, of which UAH 9.3 billion was recovered, or **2.74%**⁹⁹⁰. Thus, the monetary recovery efficiency of private enforcement officers was more than three times higher. As of 1 January 2025, **3,291** state enforcement officers were actually carrying out the enforcement of court decisions and decisions of other bodies (officials), while the

986 Information provided by a representative of the Ministry of Justice of Ukraine during an interview conducted on 10.04.2025.

987 Almost 165 thousand new debts appeared among Ukrainians during the period when the Debtors' Register was not operational. Opendatabot. 2025.

988 Information provided by the Ministry of Justice of Ukraine in its letter of 13.05.2025 No. 67746/PI-YuR-1604/20.4.2.

989 Information provided by a representative of the Ministry of Justice of Ukraine during an interview conducted on 10.04.2025.

990 Information provided by the Ministry of Justice of Ukraine in its letter of 13.05.2025 No. 67746/PI-YuR-1604/20.4.2.

Unified Register of Private Enforcement Officers of Ukraine contained information on **364** private enforcement officers⁹⁹¹.

As of 1 June 2025, enforcement authorities across the country had in fact executed more than 800,000 enforcement documents, resulting in the recovery of more than UAH 6 billion. In total, at the beginning of June 2025, the State Enforcement Service had more than 4 million documents for enforcement, amounting to over UAH 1.5 trillion. A total of 1,084,656 documents amounting to more than UAH 60.3 billion were completed. As of 1 June, state enforcement officers had actually executed 583,553 decisions, recovering UAH 2.6 billion to the budget. In total, 2,140,488 documents amounting to over UAH 61.4 billion were subject to enforcement. At present, 776,572 enforcement proceedings amounting to over UAH 8.09 billion have been completed⁹⁹².

At the beginning of 2024, the "electronic funds write-off" function was launched, resulting in an increase of UAH 1.3 billion in recoveries to the state budget over 11 months of operation of the State Enforcement Service bodies⁹⁹³. In 2024, information interaction between the parties to enforcement proceedings was also enabled through the Electronic Cabinet of the USRCD, which saved the state more than UAH 140 million⁹⁹⁴. As of December 2024, approximately 188,000 inquiries submitted to the telephone hotline on the work of the State Enforcement Service bodies (in operation since June 2023) had been considered and resolved⁹⁹⁵.

On 19 December 2024, **Law No. 4094-IX**⁹⁹⁶, entered into force, introducing amendments to the Commercial Procedure Code of Ukraine (ComPC of Ukraine), the Civil Procedure Code of Ukraine (CivPC of Ukraine), and the Code of Administrative Procedure of Ukraine (CAPU)⁹⁹⁷ aimed at improving judicial oversight over the enforcement of court decisions and decisions of other authorities.

Before its adoption, there was a problem regarding the modification of the procedure and method of enforcement of court decisions, as courts adhered to the position that such a modification was equivalent to a change in the substance of the claim and therefore rejected the relevant applications⁹⁹⁸. The adoption of Law No. 4094-IX marked another step towards strengthening judicial oversight of the enforcement of decisions and **facilitating the procedure for changing the procedure and method of enforcement of court decisions**⁹⁹⁹.

991 Ibid.

992 Results of the Work of State Enforcement Officers: More than UAH 7 Billion Recovered since the Beginning of the Year. Ministry of Justice of Ukraine. 2025.

993 State Enforcement Service of the Ministry of Justice of Ukraine: sustainable growth of performance indicators through a combination of digital tools and elements of external communications. Ministry of Justice of Ukraine. 2024.

994 Ibid.

995 Ibid.

996 On Amendments to Certain Legislative Acts of Ukraine to Improve Provisions on Judicial Oversight over the Enforcement of Court Decisions: Law of Ukraine No. 4094-IX of 21.11.2024.

997 Changing the Procedure and Method of Enforcement of Court Decisions Has Become Easier. Yurydychna Praktyka. 2025. 2025.

998 Information obtained during an interview with a representative of the Private Enforcement Officers Association of Ukraine conducted on 17.03.2025.

999 Ibid.

The said Law also **introduced the concept of a report on the enforcement of a court decision in commercial and civil proceedings** (previously, this reporting mechanism existed only in administrative proceedings).

In addition, Law No. 4094-IX **amended Article 148 of the CivPC of Ukraine and Article 135 of the ComPC of Ukraine** by introducing a provision that allows the court, in the course of exercising judicial oversight of the enforcement of a court decision, to impose a fine on the respondent, debtor or their managers (if the respondent or debtor is a legal entity) in the amount of 20 to 40 times of minimum subsistence levels for employable persons¹⁰⁰⁰.

Overall, **the adoption of this Law is a positive step**, as it strengthens the liability of debtors, creates effective mechanisms for protecting the rights of claimants, and enables more effective accountability of state and municipal authorities for disregarding court decisions¹⁰⁰¹. A further advantage of Law No. 4094-IX is that, compared to the previous situation, it shifts the focus from oversight of the actions of the enforcement officer to oversight of the actual enforcement of court decisions¹⁰⁰².

However, **this Law did not provide for the possibility of an alternative formulation of a court decision¹⁰⁰³ or the introduction of the *astreinte* mechanism¹⁰⁰⁴.**

A drawback of the Law is that its provisions are largely **ineffective in the context of administrative proceedings due to the lack of state funds to meet financial obligations¹⁰⁰⁵.**

As of July 2025, the consideration of two competing draft laws remains relevant in Parliament: **No. 5660¹⁰⁰⁶** and **No. 9363¹⁰⁰⁷**. **Draft Law No. 5660** was registered back in June 2021 and adopted at first reading in July of the same year¹⁰⁰⁸. This draft law proposes, inter alia, to regulate the enforcement of decisions concerning the same debtor. When initiating enforcement proceedings, the enforcement officer would be required to join a consolidated enforcement proceeding so that funds are distributed among all claimants, taking into account the rules of priority and proportionality in accordance with the amount of debt¹⁰⁰⁹.

1000 On Amendments to Certain Legislative Acts of Ukraine to Improve Provisions on Judicial Oversight over the Enforcement of Court Decisions: Law of Ukraine No. 4094-IX of 21.11.2024.

1001 The Verkhovna Rada of Ukraine adopted a draft law to strengthen oversight over the enforcement of court decisions. Judiciary of Ukraine. 2024.

1002 Information obtained during an interview with a representative of the Private Enforcement Officers Association of Ukraine conducted on 17.03.2025.

1003 Ibid.

1004 *Astreinte* — a coercive mechanism to compel the debtor to comply with a court decision in non-pecuniary disputes, applied in case of non-compliance, and entails the recovery of a certain sum for each day of delay — *Astreinte Against Debtors*. Pravo. 2021.

1005 Information obtained during an interview with a representative of the Private Enforcement Officers Association of Ukraine conducted on 17.03.2025.

1006 On the Enforcement of Decisions: Draft Law of Ukraine, registration No. 5660 of 14.06.2021.

1007 On Amendments to Certain Laws of Ukraine Regarding the Digitalisation of Enforcement Proceedings: Draft Law of Ukraine, registration No. 9363 of 07.06.2023.

1008 On the Enforcement of Decisions: Draft Law of Ukraine, registration No. 5660 of 14.06.2021.

1009 Draft Law No. 5660 "On the Enforcement of Decisions" is critically needed by the Ukrainian justice system. Private Enforcement Officers Association of Ukraine. 2021.

In addition, Draft Law No. 5660 addresses a number of current issues¹⁰¹⁰: the remuneration of private enforcement officers; the identification of all enforcement proceedings, including through the assignment of a permanent individual number to each proceeding and the introduction of the concept of “suspension of enforcement proceedings” to allow resumption rather than re-initiation; the automation of access to the profession and the improvement of training for new candidates; the equalisation of the powers of private and state enforcement officers; and the digitalisation of enforcement proceedings in line with the Global Code of Enforcement.

Given the novelties introduced by this draft law and its potential positive impact on the enforcement of court decisions, **its further consideration and adoption by Parliament is supported by the Verkhovna Rada Committee on Legal Policy¹⁰¹¹ the Private Enforcement Officers Association of Ukraine (PEOAU)¹⁰¹², the Private Enforcement Officers Association of Ukraine (PEOAU)¹⁰¹³.** For instance, the UIHJ has assessed Draft Law No. 5660 as being in line with the standards applied in leading EU Member States¹⁰¹⁴. Moreover, this draft law has been recognised at the parliamentary level as aligned with **European integration goals¹⁰¹⁵.**

Despite the progressive nature of Draft Law No. 5660, the working group¹⁰¹⁶ has not resumed work on this draft law since the beginning of the full-scale invasion. At the same time, the MoJ notes that equalising the powers of private and state enforcement officers is only possible if the Ministry is granted the authority to revoke unlawful rulings or procedural actions of private enforcement officers¹⁰¹⁷. This need arises from the risk that private enforcement officers, in pursuit of additional remuneration, may commit violations, in particular by unlawfully selling strategic assets of the state that are subject to moratorium¹⁰¹⁸.

Pursuant to Clause 486 of the Government's Priority Action Plan for 2023¹⁰¹⁹ the MoJ prepared **Draft Law No. 9363**, which was adopted by the Verkhovna Rada at first reading on 20 November 2024¹⁰²⁰. At present, this draft law is awaiting the repeated second reading.

1010 The UIHJ recommends that Ukraine adopt Draft Law No. 5660 “On the Enforcement of Decisions”. Private Enforcement Officers Association of Ukraine. 2022.

1011 Draft Law No. 5660 covers the entire enforcement system in Ukraine — Deputy Head of the Verkhovna Rada Committee on Legal Policy Bozhyk. Advokat Post. 2022.

1012 Draft Law No. 5660 “On the Enforcement of Decisions” is critically needed by the Ukrainian justice system. Private Enforcement Officers Association of Ukraine. 2021.

1013 UIHJ recommends that Ukraine adopt Draft Law No. 5660 “On the Enforcement of Decisions”. Private Enforcement Officers Association of Ukraine. 2022.

1014 Ibid.

1015 Opinion of the Main Scientific and Expert Department of the Secretariat of the Verkhovna Rada of Ukraine on the Draft Law of Ukraine “On Amendments to Certain Laws of Ukraine Regarding the Digitalisation of Enforcement Proceedings”. Verkhovna Rada of Ukraine. 2023.

1016 Working group of the Verkhovna Rada of Ukraine on developing legislation in the field of enforcement of decisions.

1017 Ministry of Justice on Draft Law No. 5660: no objection to equalising the powers of private and state enforcement officers, but unregulated activity will not be permitted. Borgexpert. 2021.

1018 Ibid.

1019 Digitalisation of enforcement proceedings - what is proposed in Draft Law no. 9363. Yurydychna praktyka. 2023.

1020 On Amendments to Certain Laws of Ukraine Regarding the Digitalisation of Enforcement Proceedings: Draft Law of Ukraine, registration No. 9363 of 07.06.2023.

The main objective of Draft Law No. 9363 is the digitalisation of enforcement proceedings. **The key amendments introduced by this draft law include** expanding the functionality of the automated enforcement proceedings system, particularly with regard to interaction between enforcement officers and public authorities, banks, other financial institutions, and non-bank payment service providers; establishing interaction between the Unified Register of Debtors and other registers; and implementing automated freezing of funds, among others¹⁰²¹.

At the same time, Draft Law No. 9363 has been subject to criticism from the PEOAU, as the **draft contains certain shortcomings** that must be addressed to achieve its stated goal of digitalisation. PEOAU highlights¹⁰²² the absence of clear deadlines or sanctions for banks' failure to comply with the obligation to join the automated system¹⁰²³. In contrast, the MoJ considers that the issue of applying sanctions for banks' non-compliance with the obligation to connect to the automated system cannot be regulated within Draft Law No. 9363 itself, as it is the National Bank of Ukraine that must introduce the relevant amendments to the legislation governing the activities of banking institutions¹⁰²⁴.

PEOAU also draws attention to the draft's proposed abandonment of the concept of "seizure of property" in enforcement proceedings in favour of the Unified Register of Debtors, which may constitute a disproportionate measure, as individuals would be included in such a register regardless of the amount of debt or the extent of property owned¹⁰²⁵.

In addition, the Main Scientific and Expert Department of the Secretariat of the Verkhovna Rada, in its opinion¹⁰²⁶ noted that the title of Draft Law No. 9363 does not reflect the fact that most of its provisions are aimed at restricting the debtor's rights to dispose of property, funds, and securities due to their inclusion in the Unified Register of Debtors as a debtor in enforcement proceedings¹⁰²⁷. The content of the draft law fails to clarify what digitalisation of the enforcement process entails, as this term is not defined or used in the text¹⁰²⁸. Therefore, it is recommended that the fate of Draft Law No. 5660 be determined first, and only thereafter should further work on Draft Law No. 9363 proceed¹⁰²⁹.

Accordingly, expert opinion regarding the adoption of Draft Laws No. 5660 and No. 9363 is divided, as both drafts have their own advantages and shortcomings and were deve-

1021 The Verkhovna Rada of Ukraine adopted as a basis the draft law on digitalisation of enforcement proceedings. Verkhovna Rada of Ukraine. 2024.

1022 Enforcement of court decisions in Ukraine: 10 years of hopes and disappointments. *Economichna Pravda*. 2025.

1023 According to information provided by a representative of the Private Enforcement Officers Association of Ukraine during an interview conducted on 17.03.2025, as of 2025 only around 20 out of 60 banks had joined the automated system, indicating a general trend of banks avoiding participation in the automated funds seizure system and the absence of a mechanism to change this situation.

1024 Information provided by a representative of the Ministry of Justice of Ukraine during an interview conducted on 10.04.2025.

1025 Draft Law No. 9363: a digital revolution in enforcement proceedings or patching legislative gaps - Blog by Andrii Avtorhov. *Pravo*. 2021.

1026 Opinion of the Main Scientific and Expert Department of the Secretariat of the Verkhovna Rada of Ukraine on the Draft Law of Ukraine "On Amendments to Certain Laws of Ukraine Regarding the Digitalisation of Enforcement Proceedings". Verkhovna Rada of Ukraine. 2023.

1027 Ibid.

1028 Ibid.

1029 Ibid.

loped and proposed by stakeholders with differing views on the enforcement of court decisions.

At the end of May 2025, the Verkhovna Rada Committee on Legal Policy decided to recommend that Parliament adopt Draft Law No. 9363 at the repeated second reading and as a whole, in the version proposed by the Committee¹⁰³⁰.

In January 2025, the Government adopted a decision to **extend until 2027 the implementation period of the National Strategy for Addressing the Issue of Non-Enforcement of Court Decisions where the debtor is a state authority, state-owned enterprise, institution, or organisation**¹⁰³¹. The Cabinet of Ministers also adopted a new version of the Action Plan for implementation of this Strategy, which sets out three main objectives: establishing a mechanism for accounting and verifying court decisions to determine the total amount of debt and ensure its repayment or compensation; reviewing socially-oriented legislation; and creating additional mechanisms for the enforcement of court decisions involving enterprises subject to moratoria¹⁰³².

An important issue remains the **enforcement of court decisions involving individuals subject to sanctions in the form of asset recovery and freezing**¹⁰³³. In this context, on 13 February 2025, the MoJ introduced amendments¹⁰³⁴ to the Instruction on the Organisation of Compulsory Enforcement of Decisions, according to which the enforcement officer, upon initiating enforcement proceedings, will simultaneously submit a request to the State Sanctions Register to verify whether a sanction in the form of asset recovery has been imposed on the debtor. These amendments will only enter into force once an announcement on the commencement of interaction between the Automated Enforcement Proceedings System and the State Sanctions Register is published on the websites of the MoJ and the state enterprise "National Information Systems". At the same time, these amendments do not resolve the issue of conflicting provisions between the Laws of Ukraine "On Sanctions" and "On Enforcement Proceedings".

As of 2025, private enforcement officers **have limited access to state registers**¹⁰³⁵, which negatively affects the speed and effectiveness of their work, as they are often required to submit paper-based requests¹⁰³⁶ to obtain information from certain registers. Meanwhile, the MoJ continues its efforts to expand automated access to state registers for both state and private enforcement officers¹⁰³⁷. This expanded access is to be ensured

1030 Opinion of the Verkhovna Rada of Ukraine Committee on Legal Policy on the Draft Law on Amendments to Certain Laws of Ukraine on the Digitalisation of Enforcement Proceedings (Reg. No. 9363). Verkhovna Rada of Ukraine, 2025.

1031 On the Extension of the Implementation Period of the National Strategy for Addressing the Issue of Non-Enforcement of Court Decisions Where the Debtor Is a State Authority, State-Owned Enterprise, Institution, or Organisation, until 2025, and the Action Plan for Its Implementation: Order of the Cabinet of Ministers of Ukraine No. 47 of 21.01.2025.

1032 Ibid.

1033 Information provided by a representative of the Ministry of Justice of Ukraine during an interview conducted on 10.04.2025.

1034 On Amendments to Certain Regulatory Acts of the Ministry of Justice of Ukraine: Order of the Ministry of Justice of Ukraine No. 379/5 of 13.02.2025.

1035 Information obtained during an interview with a representative of the Private Enforcement Officers Association of Ukraine conducted on 17.03.2025.

1036 Ibid.

1037 Information obtained during an interview with a representative of the Ministry of Justice of Ukraine conducted on 10.04.2025.

through cooperation with public authorities¹⁰³⁸, which must digitise their registers (replacing paper-based formats) and update their software to enable the digitalisation of processes¹⁰³⁹.

Another unresolved issue remains the **equalisation of powers between private and state enforcement officers**¹⁰⁴⁰. At the same time, three government-sponsored European integration draft laws aimed at expanding the powers of private enforcement officers — Nos. 4330¹⁰⁴¹, 4331¹⁰⁴², 4532¹⁰⁴³ — are currently under consideration in Parliament. All three were adopted at first reading by the Verkhovna Rada in 2021, but no further progress has been made in their development.

Draft Law No. 4330, for example, provides for the expansion of the list of decisions enforceable by private enforcement officers, including those in which the debtor is the state, state authorities, the National Bank of Ukraine, local self-government bodies, their officials, as well as judgments of the ECtHR. Nevertheless, the draft law has been met with criticism from both private enforcement officers and Members of Parliament due to its lack of a comprehensive approach¹⁰⁴⁴.

The **issue of digitalisation and automation** of the enforcement of court decisions also remains relevant, as there is currently no unified concept for effective digitalisation and automation. Despite attempts to regulate this issue in Draft Laws Nos. 5660 and 9363, no mechanism has yet been proposed for imposing sanctions on entities required to implement digitalisation and automation who fail to comply.

As of 2025, the **Unified State Register of Enforcement Documents has not yet become operational**¹⁰⁴⁵.

During the reporting period, **the issue of regulating legislatively established moratoria on the compulsory recovery of property/funds from certain categories of debtors (effectively, their cancellation) remained unresolved**.

1038 Cooperation takes place with the Ministry of Social Policy in the context of obtaining information on internally displaced persons, as debtors do not always register at their new place of residence even when moving within Ukraine, which prevents access to information about their assets. In this context, steps are also being taken to transition the State Service of Ukraine on Food Safety and Consumer Protection to digitalisation and to convert its key registers from paper to electronic format (including registers of agricultural machinery, livestock, and grain). - Information obtained during an interview with a representative of the Ministry of Justice of Ukraine conducted on 10.04.2025.

1039 Information obtained during an interview with a representative of the Ministry of Justice of Ukraine conducted on 10.04.2025.

1040 Information obtained during an interview with a representative of the Private Enforcement Officers Association of Ukraine conducted on 17.03.2025.

1041 On Amendments to Certain Legislative Acts of Ukraine Regarding the Expansion of the Powers of Private Enforcement Officers: Draft Law of Ukraine, registration No. 4330 of 05.11.2020.

1042 On Amendments to the Code of Ukraine on Administrative Offences Regarding the Expansion of the Powers of Private Enforcement Officers: Draft Law of Ukraine, registration No. 4331 of 05.11.2020.

1043 On Amendments to the Customs Code of Ukraine Regarding the Expansion of the Powers of Private Enforcement Officers to Enforce Fines for Violations of Customs Rules: Draft Law of Ukraine, registration No. 4532 of 21.12.2020.

1044 Draft Law No. 4330 will be submitted to the session hall despite the fact that it does not resolve the problems of enforcement proceedings. Yurydychna Praktyka. 2021.

1045 Ibid.

Enforcement of Judgments of the European Court of Human Rights

Progress and issues

According to the 2024 Annual Report of the European Court of Human Rights (ECtHR), Ukraine ranked third among the countries with the highest number of applications submitted to the ECtHR (**7,703 applications**)¹⁰⁴⁶.

As of 31 December 2024, the number of cases concerning Ukraine pending before the Committee of Ministers of the Council of Europe (CM CoE) was **842** (compared to 766 in 2023 and 716 in 2022), of which 48 were leading cases examined under the simplified procedure (compared to 50 in 2023 and 51 in 2022), and 58 were leading cases examined under the standard procedure¹⁰⁴⁷.

As of 30 June 2025, the number of applications pending against Ukraine stood at **7,300**¹⁰⁴⁸. As of 7 March 2025, Ukraine had **2,296** ECtHR judgments under supervision, of which execution had been closed in **1,421** cases¹⁰⁴⁹. Among the unexecuted remained 109 judgments classified as "Leading cases". As of the beginning of June 2025, 909 cases against Ukraine were under the supervision of the CM CoE¹⁰⁵⁰.

Among the cases examined under the simplified procedure, 41 cases have been under consideration for five years or more; similarly, 29 cases examined under the standard procedure have been pending for five years or more (compared to 27 in 2023 and 24 in 2022)¹⁰⁵¹.

Despite these figures, the CM CoE noted in its annual report that, notwithstanding the full-scale invasion of Ukraine by the Russian Federation — which has significantly complicated the effective execution of ECtHR judgments — Ukraine has made substantial efforts to uphold the ECHR and to maintain dialogue and cooperation with the Department for the Execution of Judgments of the ECtHR¹⁰⁵².

As a result of Ukraine's efforts to implement ECtHR judgments in 2024, **75 cases were closed**, including three leading cases (one leading case under enhanced supervision and two leading cases under standard supervision)¹⁰⁵³. The closure of the first case, which concerned detention without a court order, was made possible following legislative

1046 Annual Report of the European Court of Human Rights. 2024.

1047 Supervision of the execution of judgments of the European Court of Human Rights 2024 — 18th Annual Report of the Committee of Ministers (2025). Committee of Ministers of the Council of Europe.

1048 Pending applications allocated to a judicial formation. European Court of Human Rights, 2025.

1049 Ukraine Must Execute More than 100 Leading ECtHR Judgments: Which Systemic Problems They Concern. ZMINA. 2025.

1050 Ibid.

1051 Supervision of the execution of judgments of the European Court of Human Rights 2024 — 18th Annual Report of the Committee of Ministers (2025). Committee of Ministers of the Council of Europe.

1052 Ibid.

1053 Ibid.

amendments establishing a procedure for reviewing detention during the period between the end of the investigation and the start of the trial¹⁰⁵⁴.

Another leading case, which concerned legal certainty, was closed due to legislative amendments and changes in national judicial practice. A third case, which dealt with unlawful monitoring of correspondence in places of detention, was closed following legislative changes and reforms in administrative practice that provided additional safeguards¹⁰⁵⁵.

In addition, in view of Ukraine's progress in implementing the *Balitskiy v. Ukraine* group of cases, the CM CoE decided to transfer three cases to the standard supervision procedure¹⁰⁵⁶.

In 2024, the **CM CoE received 151 cases against Ukraine** from the ECtHR for supervision of their execution (compared to 125 cases in 2023 and 145 in 2022)¹⁰⁵⁷. Most of the violations found by the ECtHR in 2024 concerned excessively lengthy judicial proceedings without effective remedies, as well as restrictions on the right to liberty and poor conditions of detention¹⁰⁵⁸.

One of the new cases concerned the ineffective investigation of alleged verbal and physical assaults on the applicant based on his sexual orientation¹⁰⁵⁹. Another new case concerned the refusal of domestic courts to recognise a DNA test in proceedings on establishing paternity¹⁰⁶⁰.

In terms of payments, in 2024 **full payment of just satisfaction** awarded by the ECtHR was **recorded in 126 cases**, while confirmation of full payment and/or default interest was still pending in 290 cases in which the deadline indicated in the ECtHR judgment had passed more than six months earlier¹⁰⁶¹.

In addition, **72 repetitive cases were closed** due to the absence of a need for or possibility of further individual measures¹⁰⁶².

In cases still under examination, the CM CoE noted several **important achievements**: the restoration of the disciplinary function of the HCJ amid continued reform of the judicial disciplinary system; the repeal of the provision on criminal liability of judges for knowingly delivering an unjust judgment; the application of ECtHR-compliant legislation providing safeguards related to legal representation and the admissibility of evidence; and the improvement and expansion of the detainee registration system¹⁰⁶³.

1054 Ibid.

1055 Ibid.

1056 Ibid.

1057 Ibid.

1058 Ibid.

1059 Ibid.

1060 Ibid.

1061 Ibid.

1062 Ibid.

1063 Ibid.

In the course of 2024, the **CM CoE reviewed and adopted decisions on nine leading cases/groups of cases under the enhanced supervision procedure**¹⁰⁶⁴. These included various violations related to the independence and impartiality of the judiciary; unfair disciplinary proceedings against a judge (*the Oleksandr Volkov group v. Ukraine*); non-enforcement of domestic court decisions; excessively lengthy judicial proceedings without effective remedies; and prosecutorial inaction.

During its **1507th meeting** (17–19 September 2024)¹⁰⁶⁵, the CM CoE examined the state of execution by Ukraine of ECtHR judgments in the *M.R. and D.R. v. Ukraine and Shvets v. Ukraine* groups of cases. In the *M.R. and D.R. group v. Ukraine*, the CM CoE noted that in the case of Soto Trevino¹⁰⁶⁶ **no further individual measures were necessary**, as just satisfaction had been paid and the proceedings under the Hague Convention on the Civil Aspects of International Child Abduction¹⁰⁶⁷ had concluded, along with a temporary order establishing contact arrangements between the applicant and his child¹⁰⁶⁸. Therefore, the CM CoE **decided to close its examination of the Soto Trevino case** by adopting a final resolution¹⁰⁶⁹.

However, the CM CoE **noted an increase in the average duration of proceedings under the Hague Convention** in national courts and **called on the authorities to minimise delays at every stage of the proceedings**¹⁰⁷⁰. It also **noted the submission to Parliament of a revised draft law**¹⁰⁷¹ **aimed at expediting the consideration of international child abduction cases and the adoption at first reading of legislative amendments** intended to improve the enforcement of return orders¹⁰⁷². On 17 July 2025, the said draft law was withdrawn due to changes in the composition of the Government.

In the Shvets group v. Ukraine, the CM CoE noted that **in the case of Hen and Others v. Ukraine no further individual measures were required** and decided to close the examination of this case by adopting a final resolution¹⁰⁷³.

On 13 March 2025, the ECtHR delivered a judgment in the case Vyacheslavova and Others v. Ukraine, finding a violation of the right to life and the duty to investigate (Article 2 of the ECHR) due to the authorities' failure to do all that could reasonably have been expected of them to prevent the violence in Odesa on 2 May 2014, to stop it once it began, to take timely measures to rescue those trapped by the fire, and to launch and conduct

1064 Ibid.

1065 CM CoE meeting on Ukraine's implementation of ECtHR judgments. Ministry of Justice of Ukraine. 2024.

1066 Case of Soto Trevino v. Ukraine of 02.02.2021 concerning Ukraine's violation of Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms. Legislation of Ukraine.

1067 Convention on the Civil Aspects of International Child Abduction of 25.10.1980.

1068 1507th meeting, 17–19 September 2024 (DH). H46–39 M.R. and D.R. group v. Ukraine (Application No. 63551/13). Council of Europe.

1069 Ibid.

1070 Ibid.

1071 On Amendments to Certain Legislative Acts of Ukraine to Ensure Ukraine's Implementation of the Convention on the Civil Aspects of International Child Abduction: Draft Law of Ukraine, registration No. 10176 of 23.10.2023.

1072 1507th meeting, 17–19 September 2024 (DH). H46–39 M.R. and D.R. group v. Ukraine (Application No. 63551/13). Council of Europe.

1073 1507th meeting, 17–19 September 2024 (DH). H46–40 Shvets group v. Ukraine (Application No. 22208/17). Council of Europe.

an effective investigation into the events. The ECtHR also found a violation of the right to respect for private and family life (Article 8 of the ECHR) in relation to one applicant due to delays in the release of her father's body for burial¹⁰⁷⁴.

In 2024, the ECtHR also examined the **case of Bogdan v. Ukraine**, which concerned the validity of a waiver of the right to a lawyer signed by a drug-dependent individual suffering from withdrawal symptoms¹⁰⁷⁵. The applicant, while experiencing withdrawal, signed a statement indicating that he was waiving his right to a lawyer and that this decision was not the result of any financial difficulties. The conviction was based primarily on evidence collected in the absence of legal counsel, despite the applicant's objections that his waiver had been signed without the presence of a lawyer and that both the waiver and the on-site reconstruction took place while he was experiencing withdrawal symptoms¹⁰⁷⁶.

The ECtHR found a violation of Article 6 §§ 1 and 3(c) of the ECHR. The Court assessed the overall fairness of the proceedings and concluded that the domestic courts had failed to sufficiently examine key issues in the case, namely: the applicant's mental condition during the on-site reconstruction, the validity of his waiver of the right to a lawyer, and the impact of that waiver on the fairness of the trial as a whole¹⁰⁷⁷.

At the same time, not every application to the ECtHR ends with a finding of a violation by the State. For example, in 2024, the ECtHR delivered a number of judgments in favour of Ukraine — in cases where all necessary guarantees had been observed. Such examples testify that national courts are capable of acting within international standards and that the application of preventive measures can be duly substantiated¹⁰⁷⁸.

From 1 January to 31 March 2025, the ECtHR delivered 47 judgments in cases against Ukraine, 17 of which concerned violations of Article 5 of the ECHR. A significant number of such cases could have been avoided if the conclusions and all fundamental standards of the ECtHR had been fully taken into account¹⁰⁷⁹.

Overall, the most egregious problems identified in the ECtHR's judgments are:

- failure to execute national court judgments;
- ill-treatment by the police and lack of effective investigation;
- inadequate conditions of detention, lack of proper medical care, issues of lawfulness of detention;
- independence of the judiciary;
- effectiveness of the administration of justice, including excessive length of court proceedings¹⁰⁸⁰.

1074 Judgment concerning Ukraine. The case of Vyacheslavova and Others v. Ukraine. ECtHR.

1075 Case of Bogdan v. Ukraine. European Court of Human Rights. 2024.

1076 Annual Report of the European Court of Human Rights. 2024.

1077 Ibid.

1078 Marharyta Sokorenko Discussed the Challenges in Implementing ECtHR Judgments on the Protection of Human Rights and Fundamental Freedoms. Ministry of Justice of Ukraine. 2025.

1079 Ibid.

1080 Execution of ECtHR Judgments in Ukraine Is Accelerating: What Problems Remain and Why It Is Important for European Integration. ZMINA. 2025.

With regard to specific steps taken at the national level to implement ECtHR judgments, the **Council of Europe Action Plan for Ukraine 2023–2026, entitled “Resilience, Recovery and Reconstruction”**, was adopted. It proposes, in order to support better protection and effective observance of human rights, to promote the full execution of ECtHR judgments, with particular attention to cases under enhanced supervision. This is to be achieved, inter alia, through strengthening the capacity of the Secretariat of the Government Agent and the MoJ to provide leadership and coordination in the execution of ECtHR judgments, as well as through enhancing the role of the Verkhovna Rada in improving existing mechanisms for parliamentary oversight of the implementation of court decisions¹⁰⁸¹.

On 9 April 2025, **Law No. 4283-IX entered into force**¹⁰⁸², adopted with the aim of bringing the provisions of procedural legislation into compliance with the decision of the CCU¹⁰⁸³. The new provisions establish the possibility of renewing the time limit for **reviewing a court decision on exceptional grounds in connection with a judgment of an international judicial body** whose jurisdiction is recognised by Ukraine, which has become final, after the expiry of ten years from the date on which such court decision became final. An application for review of a court decision on exceptional grounds must be submitted within 30 days from the date on which the person learned or could have learned that the judgment had become final¹⁰⁸⁴.

At the same time, persons in respect of whom an ECtHR judgment that became final before the entry into force of the Law was delivered, and after the expiry of ten years from the date on which the court decision subject to review on exceptional grounds became final, have the right, within 30 days from the date of entry into force of the Law, to apply to the court for review of the court decision on exceptional grounds in the prescribed manner¹⁰⁸⁵.

A persistent issue in the context of the implementation of ECtHR judgments at the national level remains the mechanism and timelines for their execution. Despite various legislative changes, there is still insufficient alignment in Ukraine between social legislation, administrative and judicial practice, and budgetary allocations.

Another key problem is the execution of domestic court decisions, as failures to enforce them or poor-quality enforcement are often the very reasons that lead Ukrainian citizens to turn to the ECtHR.

1081 Council of Europe Action Plan for Ukraine 2023–2026 “Resilience, Recovery and Reconstruction”. 2022.

1082 On Amendments to Certain Legislative Acts of Ukraine in Connection with the Decision of the Constitutional Court of Ukraine of 14 February 2024 No. 1-r(I)/2024 on Guaranteeing the Protection of the Rights and Freedoms of an Individual by a Judgment of the European Court of Human Rights: Law of Ukraine No. 4283-IX of 11.03.2025.

1083 On Guaranteeing the Protection of the Rights and Freedoms of an Individual by a Judgment of the European Court of Human Rights: Decision of the Constitutional Court of Ukraine No. 1-r(I)/2024 of 14.02.2024.

1084 The Verkhovna Rada of Ukraine Brought Procedural Legislation into Compliance with the Decision of the CCU on Guaranteeing the Protection of the Rights and Freedoms of an Individual by a Judgment of the ECtHR. Judiciary of Ukraine. 2025.

1085 Ibid.

Recommendations

Given the complexity of the issue of enforcement of court decisions, this matter requires particular attention from the Government and Parliament, including through the following actions¹⁰⁸⁶:

1. Finalise Draft Laws No. 5660 and No. 9363 with a view to unifying and harmonising the proposed approaches and developing a single policy on the enforcement of court decisions, taking into account the positions of both the PEOAU and the MoJ. This should include measures to encourage debtors to voluntarily comply with mandatory court decisions, provide for the possibility of alternative formulations of court decisions, and introduce the *astreinte* mechanism.
2. Revise the digitalisation concept for enforcement proceedings to include practical steps for transitioning all levels of enforcement to an electronic format.
3. Regulate at the legislative level the equalisation of powers between private and state enforcement officers in line with European approaches to the effective functioning of both institutions.
4. Regulate by law the specific procedures for enforcement proceedings involving individuals subject to sanctions, to minimise the risk of non-enforcement or improper enforcement of court decisions, and to reduce the likelihood of enforcement officers being held liable for breaches of sanctions legislation or legislation on the enforcement of judgments.
5. Ensure that state and private enforcement officers are granted access to the maximum number of state registers that may contain information about the property and funds of debtors.
6. Ensure the operational launch of the Unified State Register of Enforcement Documents.
7. Review the regulatory role of the MoJ to rebalance its powers, thereby allowing for the expansion of private enforcement officers' powers and enhancing the effectiveness of their work.
8. Resolve the issue of legislative moratoria on the compulsory recovery of property/funds from certain categories of debtors, including the repeal of clearly outdated moratoria.
9. Take appropriate measures to ensure the timely and effective execution of ECtHR judgments, by prioritising and expediting the implementation of compensation awards, and by introducing the necessary legislative amendments to address systemic issues that give rise to repetitive applications from the same groups of cases.

¹⁰⁸⁶ Recommendations previously submitted by the civil society in the Shadow Report on Chapter 23 (pp. 115–116) remain relevant but have been further clarified.

Prosecution Reform



The development of the prosecution service in line with European standards is ongoing. In 2024, two important state policy documents were adopted that serve as a roadmap in this area — the Action Plan for the Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027 and the Plan for the Ukraine Facility. These documents, among other things, include provisions on the implementation of EU recommendations set out in the 2024 EU Enlargement Package Report. In May 2025, the Government approved the Rule of Law Roadmap, which covers a broader range of issues and, as of today, is the key EU integration document in this area.

The V All-Ukrainian Conference of Prosecutors took place. At the end of 2024, the third composition of the Qualification and Disciplinary Commission of Prosecutors began its work. Serious discussions have commenced around the Council of Prosecutors of Ukraine and prosecutorial self-government more broadly regarding how to guarantee their institutional stability in ensuring prosecutorial independence. Some decisions on this matter are already under consideration by working groups within the prosecution service.

Notable progress has been made in areas such as the implementation of the Group of States against Corruption recommendations (XXXV, XXIX, XXX) concerning prosecutorial disciplinary liability, and the competitive appointments to managerial positions. A total of 167 trainee prosecutors began their work following recent recruitment rounds. In June, a competition was announced for a further 230 positions of trainee prosecutors. The Prosecutors' Training Centre of Ukraine launched training for prosecutors on the fundamentals of EU law and is generally integrating EU provisions into all existing training courses. A new prosecutor evaluation system is being piloted, and processes of comprehensive digitalisation (SMEREKA, random distribution of criminal proceedings) are ongoing.

However, persistent problems remain unresolved year after year. Foremost among them is the artificially reduced base salary of prosecutors. Although at the end of 2024, following an appeal by the Council of Prosecutors of Ukraine, the Cabinet of Ministers of Ukraine did not propose reducing this amount (as in previous years), following the “prosecutorial disability” media scandal, the Verkhovna Rada of Ukraine nevertheless maintained the salary at half of the general level. In addition, the Council of Prosecutors of Ukraine still lacks effective mechanisms to counter threats to prosecutorial independence and remains a weak self-governance body overall.

In June 2025, a new Prosecutor General was appointed, who has not yet expressed a vision regarding the further European integration of the prosecution service. The first steps — cancelling the pilot project for forming a personnel reserve, and “passing on” the issue of “prosecutorial disabilities” to the Qualification and Disciplinary Commission of Prosecutors — are debatable. At the same time, the adopted amendments cancelling competitions in regional prosecutor’s offices and the Prosecutor General’s Office during martial law allow the dismissal of “inconvenient” prosecutors and limit the procedural independence of prosecutors, which negatively affects the overall development processes of the prosecution service.

The attestation of prosecutors is still ongoing, and no pathways for its completion have been defined. The withdrawal of financial support from the United States Agency for International Development (USAID) has somewhat slowed this process and has also affected certain projects within the prosecution service; in particular, it may negatively impact the activities of Joint Investigation Teams (JITs).

The national system for prosecuting international crimes continues to develop. The Coordination Centre for the Support of Victims and Witnesses has started operating in the regions and has developed a strategic vision for its future. The ratification of the Rome Statute of the International Criminal Court has had a positive impact on cooperation with the International Criminal Court and other elements of the international crimes prosecution system. The development of amendments to the criminal and criminal procedure legislation aimed at full implementation of the provisions of the Rome Statute of the International Criminal Court into national legislation is ongoing. The establishment of the Special Tribunal for the Crime of Aggression against Ukraine has a positive impact on building a modern architecture of international criminal accountability for this crime.

Legal Status of Prosecutors and Guarantees of Their Independence

Progress and issues

The prosecution service remains in a state of continuous development, especially in the context of European integration. State policy on its further development is defined in the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027¹⁰⁸⁷, the Action Plan for its Implementation (OAS Action Plan)¹⁰⁸⁸, and the Plan for the Ukraine Facility¹⁰⁸⁹.

In May 2025, the Government approved the Rule of Law Roadmap¹⁰⁹⁰, which covers a broad range of issues concerning the development of the prosecution service. In addition

1087 On the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Presidential Decree No. 273/2023 of 11.05.2023.

1088 On the Approval of the Action Plan for the Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024.

1089 Ukraine Facility Implementation Plan 2024–2027.

1090 Certain issues of ensuring the negotiation process on Ukraine’s accession to the European Union under Cluster 1 “Fundamentals of the accession process to the EU”: Order of the Cabinet of Ministers of Ukraine No. 475. of 14.05.2025.

to the still unimplemented recommendations of the Fourth Evaluation Round of the Group of States against Corruption (GRECO), it focuses on issues of developing prosecutorial self-governance, merit-based promotion of prosecutors, and the digitalisation of this justice body. According to this document, the Government is to provide an annual assessment of the state of its implementation.

In addition, the adoption of the Strategy for the Development of the Justice System and Constitutional Justice for 2025–2029¹⁰⁹¹ and its Action Plan, which will also cover the prosecution service as part of the justice system, is planned. According to the Rule of Law Roadmap, such a document was to be approved in the second quarter of 2025; however, as of 31 July, this had not happened.

The Prosecution Development Strategy for 2021–2023¹⁰⁹² has expired, and according to the prosecution service's own assessment, it was 75% implemented. The implementation of this Strategy was also assessed by Council of Europe experts¹⁰⁹³, who concluded that only 30% of the measures were fully implemented, with an additional 35% partially implemented. Thus, under certain interpretations, the overall implementation figure is close to the prosecutors' self-assessment. Nevertheless, the key recommendation of the experts was to define expected outcomes more clearly to enable evaluation using a unified methodology.

As of now, the prosecution service has no valid development strategy. This situation has long been linked to the absence of a permanent Prosecutor General, as there is no tradition within the criminal justice system institutions of approving strategic documents of such high-level public policy by an acting head of the institution. The recently appointed Prosecutor General has not yet approved a new Strategy and has not expressed his vision on this matter. In addition to the issues already outlined in other public policy documents, the Strategy should focus on internal matters concerning the development of the prosecution service, as well as on strengthening its role, in particular the development of constitutional functions, such as representing the interests of the state in court in exceptional cases¹⁰⁹⁴.

Maintaining the functional independence and impartiality of prosecutors is a fundamental principle of the prosecution service's operations. The principle of independence requires that prosecutors be free in their decision-making and protected from unlawful interference, political pressure, or any other improper influence in the course of performing their statutory duties¹⁰⁹⁵. In this context, **decisions of senior prosecutors to remove a case from subordinate prosecutors must be substantiated and set out in writing**¹⁰⁹⁶.

1091 The Office of the President is preparing a draft Strategy for the Development of the Justice System and Constitutional Justice. President of Ukraine. 2024.

1092 On the Approval of the Prosecution Development Strategy for 2021–2023: Order of the Prosecutor General of 16.10.2020 No. 489.

1093 Information provided during an interview with senior officials of the Prosecutor General's Office, conducted on 25.03.2025.

1094 Stefanchuk M.M., Lehkykh K.V. Trends in the functional development of the prosecution service in Ukraine beyond the sphere of criminal justice: in search of doctrinal guidelines. Scientific Bulletin of Uzhhorod National University, 2025. Law Series. Issue 89. Part 4, pp. 46–53.

1095 CCPE Opinion No. 13 (2018) on independence, accountability and ethics of prosecutors.

1096 CCPE Opinion No. 19 (2024) on managing prosecution services to ensure their independence and impartiality. — par. 64.

Recommendation XXVIII of the Fourth Evaluation Round of the GRECO¹⁰⁹⁷ provides for the development and adoption of legislation **aimed at ensuring the possibility of appealing decisions to reassign (remove) a prosecutor in criminal proceedings**. At the same time, the OAS Action Plan¹⁰⁹⁸ also includes a measure to draft, by the end of the fourth quarter of 2024, a draft law to improve the procedural framework for the establishment and functioning of investigative teams and groups of prosecutors. However, **as of July 2025, the relevant draft laws have not yet been developed**. A similar measure is contained in the Rule of Law Roadmap, with a deadline set for the fourth quarter of 2027.

The Criminal Procedure Code of Ukraine (CPC of Ukraine) does not contain provisions requiring the substantiation of the removal (exclusion) of a prosecutor from the investigation of criminal proceedings. The CPC of Ukraine stipulates that the prosecutor exercising prosecutorial powers in a particular criminal proceeding is designated by the head of the relevant prosecution authority after the initiation of a pre-trial investigation. If necessary, the head of the prosecution authority may assign a group of prosecutors to exercise prosecutorial powers in a specific criminal proceeding, as well as a senior prosecutor of that group, who will direct the actions of the other prosecutors¹⁰⁹⁹. In exceptional cases, a prosecutor may be removed from criminal proceedings due to ineffective supervision over compliance with the law during the pre-trial investigation¹¹⁰⁰.

In practice, **groups of prosecutors are formed in every criminal proceeding** on the basis that the head of the group is responsible for the case, while all other prosecutors of the department are included to ensure the principle of immutability of the prosecutor. This interpretation of the CPC of Ukraine allows prosecutors to cover for each other in the event of dismissal, transfer, temporary incapacity, or other circumstances that preclude the same prosecutor from participating in both the pre-trial investigation and the trial stage of criminal proceedings. **In such cases, the main burden of responsibility for the effectiveness of the pre-trial investigation falls on the head of the group, while the individual responsibility of each group member is diluted**¹¹⁰¹.

This practice has been “normalised” by the Supreme Court (SC), which stated in its legal position that *“the prosecutor exercises their powers in the criminal proceeding from beginning to end. The same applies to prosecutors included in the group of prosecutors in a specific criminal proceeding”*.¹¹⁰² Thus, **the issue of appointing a prosecutor-procedural supervisor to a criminal proceeding by their superior, as well as their exclusion (removal) from that proceeding, should be considered in light of the functioning of prosecutor groups**.

A key issue is the **unjustified removal (exclusion) of prosecutors** from a group (or a complete replacement of the group’s composition), for instance, due to disagreement with

1097 GRECO. Fourth Evaluation Round. Published 08/08/2017.

1098 On the Approval of the Action Plan for the Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024, Measure 3.2.3 of Task 3.2 under Strategic Objective 1.

1099 Criminal Procedure Code of Ukraine No. 4651-VI of 13.04.2012, Article 37.

1100 Ibid, p. 3 Art. 37.

1101 Ibid, p. 1 Art. 37, p. 4 Art. 38, p. 4 Art. 39, Art. 571.

1102 Ruling of the Grand Chamber of the Supreme Court of 27.11.2019 in Case No. 629/847/15-k.

leadership decisions — this undermines the procedural independence of prosecutors. **There is no procedural mechanism for appealing such decisions.** These instances are sometimes considered by the Qualification and Disciplinary Commission of Prosecutors (QDCP). For example, a prosecutor was unjustifiably excluded from the group of prosecutors. He submitted a report to the head of the city prosecutor's office, based on which a service investigation was initiated. In 2024, the QDCP held several prosecution officials at various levels liable for the unjustified removal of a prosecutor from procedural supervision following such an investigation¹¹⁰³. Similar decisions are also made directly by the Prosecutor General¹¹⁰⁴.

The amendments introduced by Law No. 4555-IX¹¹⁰⁵ in July 2025 **significantly curtailed the procedural independence of prosecutors.** In particular, this Law enabled the Prosecutor General to influence the decisions of an investigator/detective in criminal proceedings “bypassing” the prosecutor in charge of the case. This allows the prosecutor to remain the procedural supervisor in the criminal proceedings while, at the same time, enabling the Prosecutor General to “manually” manage the proceedings, thereby nullifying the discretionary powers of that prosecutor. Thus, the Prosecutor General or an authorised prosecutor may intervene in any proceedings without providing justification, suspend their progress, or issue instructions to the head of the pre-trial investigation body bypassing the prosecutor in charge of the case. In other words, the prosecutor-procedural supervisor would formally remain assigned to the case, but their procedural powers would be limited, and decisions in the case would be taken without their consent¹¹⁰⁶.

The Law of Ukraine “On the Public Prosecutor’s Office”¹¹⁰⁷ (together with the CPC of Ukraine) introduced functional autonomy of prosecutors — something unprecedented for the Ukrainian prosecution service, which since 1991 had remained a Soviet-style prosecution service. This meant that the vast majority of decisions in a case were taken by the prosecutor assigned to that case, rather than by their superiors. In turn, interventions by supervisors, including the Prosecutor General, were clearly listed in the law, and any instructions given outside those cases were unlawful. Law No. 4555-IX does not formally repeal the provisions introduced more than a decade ago. However, it renders them powerless, completely erasing the functional autonomy of prosecutors. The Prosecutor General can now determine the course, pace, and outcome of any criminal proceedings that may be of interest to him, and this technically would not be considered interference in another prosecutor’s case¹¹⁰⁸.

1103 Example: Decision the Qualification and Disciplinary Commission of Prosecutors No. 14dp-24 of 17.01.2024.; No. 119dp-24 of 21.08.2024.; No. 230dp-22 of 14.12.2022.

1104 Riaboshapka changed prosecutor groups in defence sector investigations. Interfax-Ukraine. 2020.; PGO changed prosecutor group in case of ex-Berkut officers slated for exchange. UNIAN. 2019.

1105 On Amendments to the Criminal Procedure Code of Ukraine regarding the peculiarities of pre-trial investigation of criminal offences related to the disappearance of persons under special circumstances during martial law: Law of Ukraine No. 4555-IX of 22.07.2025.

1106 To Save NABU but Not the Prosecution Service: What the Authorities “Forgot” to Fix After the Attack on Anti-Corruption Bodies. European Pravda. 2025.

1107 On the Public Prosecutor’s Office: Law of Ukraine No. 1697-VII of 14.10.2014.

1108 The Law That Began as Draft No. 12414: Good, Bad, Ugly, Presidential. JustTalk. 2025.

According to GRECO's recommendations¹¹⁰⁹, the functional autonomy of prosecutors was to be strengthened by the mechanism of the aforementioned random allocation of cases among prosecutors. This is necessary to ensure that, from the very outset, prosecution management cannot select loyal prosecutors for certain cases. With the adoption of Law No. 4555-IX, fulfilling these obligations loses its meaning, since it makes no difference who is randomly assigned to a case if another prosecutor — the Prosecutor General — will always be involved in it¹¹¹⁰. In EU countries, the procedural role of the Prosecutor General is always a matter of debate, as it must be balanced with the procedural independence of each individual prosecutor¹¹¹¹.

Moreover, **there has been an unjustified expansion of the Prosecutor General's supervisory powers**. Under the same Law No. 4555-IX, the Prosecutor General has been granted the right to "request" from a prosecutor materials, documents and other information relating to any pre-trial investigation, and to pass them on to third prosecutors for review. These powers are concentrated in the hands of a single person — the Prosecutor General — who is appointed through a political process without any competition and remains politically dependent.

According to European standards, the hierarchical structure of the prosecution service and the subordination of prosecutors to the Prosecutor General is not problematic in itself¹¹¹². The Consultative Council of European Prosecutors (CCPE) "understands governments' interest in retaining some control over the appointment/election of Prosecutors General in certain legal systems, given the decisive role of prosecution services in implementing national criminal law policy."¹¹¹³ However, both the Venice Commission and the CCPE have issued fundamental cautions, stressing that countries should take steps to depoliticise the process of appointing and dismissing the Prosecutor General. They also insist that relationships between the different levels of the hierarchy should be governed by clear, unambiguous and balanced rules. The law should clearly define a limited range of cases in which the Prosecutor General and other managers may intervene in criminal proceedings¹¹¹⁴.

Such a substantial strengthening of the Prosecutor General's role in the prosecution system, without any safeguards, undermines Ukraine's chances of implementing the judgment of the European Court of Human Rights (ECtHR) in *Lutsenko v. Ukraine*¹¹¹⁵. In that case, the ECtHR found that the prosecution service had been used for the political

1109 Fourth evaluation round, Evaluation Report, GRECO 76, § 231.

1110 The Law That Began as Draft No. 12414: Good, Bad, Ugly, Presidential. JustTalk. 2025.

1111 2024 Rule of Law Report. The rule of law situation in the European Union. Brussels, 24.07.2024. COM (2024) 800 final. — P. 14.

1112 Report on European Standards as regards the Independence of the Judicial System: Part II — the Prosecution Service, CDL-AD(2010)040, §§ 28, 31; Rule of Law Checklist, CDL-AD(2016)007, §§ 92, 95; Joint Opinion on the draft Law on the Prosecution Service of the Republic of Moldova, CDL-AD(2015)005, §§ 75, 107, 108; Opinion on Act CLXIII of 2011 on the Prosecution Service and Act CLXIV of 2011 on the Status of the Prosecutor General, Prosecutors and other Prosecution Employees and the Prosecution Career of Hungary, CDL-AD(2012)008, § 32.

1113 CCPE Opinion No. 19 (2024) on the organisation of the prosecution service to ensure its independence and impartiality, § 30.

1114 CCPE Opinion No.9 (2014) on European norms and principles concerning prosecutors, Rome Charter, Art. XIV; Opinion on the draft law on the Public Prosecutors' service of Moldova, CDL-AD(2008)019, §§ 16, 19; Interim Opinion on the Draft Law on the State Prosecution Office of Montenegro, CDL-AD(2014)042, §§ 34, 108; Poland — Opinion on the Act on the Public Prosecutor's office, CDL-AD(2017)028, § 58.

1115 *Lutsenko v. Ukraine* (Application no. 6492/11). 2012. European Court of Human Rights.

persecution of one of the then opposition leaders, and therefore Ukraine must introduce reliable safeguards to prevent the recurrence of such situations. One of these key safeguards is precisely the functional autonomy of prosecutors.

Under the pretext of voicing complaints about the work of anti-corruption bodies, the Verkhovna Rada (Parliament) narrowed the scope of the procedural independence of the Specialised Anti-Corruption Prosecutor's Office (SAPO) and the National Anti-Corruption Bureau of Ukraine (NABU), before later restoring it through the President's Law No. 4560-IX¹¹¹⁶. However, for the prosecution service in general, the negative changes remained in force. Such complaints should not result in the systematic weakening of prosecutorial independence, but rather in improving the quality of the prosecutorial corps while preserving the guarantees of independence of individual prosecutors in criminal proceedings¹¹¹⁷.

The issues related to prosecutors' remuneration, which were examined in detail in the Shadow Report on Chapter 23¹¹¹⁸, remain unresolved. The base salary of a prosecutor is still significantly lower than that of a judge, and the artificially reduced¹¹¹⁹ subsistence minimum for able-bodied persons, which is used in calculating the base salary, still persists.

At the end of 2024, a situation identical to that of the previous four years occurred again — the Verkhovna Rada adopted the Law of Ukraine "On the State Budget for 2025"¹¹²⁰, retaining the discriminatory provision regarding prosecutors' base salary. The Council of Prosecutors of Ukraine (CPU) once again addressed¹¹²¹ Parliament, stating that such provisions pose a threat to the independence of prosecutors, are discriminatory, and do not comply with European standards. The role of the CPU as a prosecution body is important in this process, given the involvement of such bodies in the prosecution service's budgeting process, as noted in European standards on the functioning of prosecution services¹¹²².

The only difference in the 2024 situation was that in **the initial version of the State Budget of Ukraine for 2025, the Cabinet of Ministers of Ukraine (Government) included a provision that equated the subsistence minimum for prosecutors to that of judges and other institutions funded from the state budget, i.e. UAH 2,102¹¹²³**. However, due to a scandal involving "fake disabilities" of prosecutors in several regions, some members of parliament from opposition factions began making public statements in the media claiming that prosecutors' salaries increase every year, which is not true¹¹²⁴.

1116 On Amendments to Certain Legislative Acts of Ukraine to Strengthen the Powers of the National Anti-Corruption Bureau of Ukraine and the Specialised Anti-Corruption Prosecutor's Office: Law of Ukraine No. 4560-IX of 31.07.2025.

1117 What is Prosecutorial Independence and Does Ukraine Really Need It? JustTalk. 2025.

1118 Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine, pp. 120-122.

1119 Ibid.

1120 On the State Budget of Ukraine for 2025: Law of Ukraine No. 4059-IX of 19.11.2024.

1121 Decision of the Council of Prosecutors of Ukraine No. 13-nzp-24 of 28.11.2024.

1122 CCPE. Opinion No. 7 (2012) on the "Management of the means of Prosecution services"; CCPE. Opinion No. 18 (2023) on Councils of Prosecutors as key bodies of prosecutorial self-governance.

1123 On the State Budget for 2025: Draft Law of Ukraine, registration No. 12000 of 14.09.2024 (first reading).

1124 Do Certified Prosecutors Deserve the Promised Salary? Justtalk. 2024.

At the meeting of the Verkhovna Rada Committee on Budget on 28 October 2024, it was decided to retain the subsistence minimum for prosecutors at the same level as for judges, as proposed by the Cabinet of Ministers of Ukraine in the draft Law on the State Budget for 2025. However, during the vote in the parliamentary plenary session, Parliament retained the discriminatory provision of UAH 1,600 as the basis for calculating prosecutors' base salary.

Thus, **for four consecutive years, the state has maintained the lowest level of subsistence minimum for prosecutors, which indicates discrimination compared to other bodies such as the National Agency on Corruption Prevention, the National Anti-Corruption Bureau of Ukraine (NABU), the State Bureau of Investigation (SBI), and the judiciary**¹¹²⁵. In addition, **prosecutors, like police officers, work in all regions of Ukraine, but unlike the latter, do not receive any additional payment for working in frontline regions.**

The issue of providing prosecutors with official housing, which is guaranteed by law, has still not been resolved at the state level. At the same time, all law enforcement officers, including those with significantly higher salaries, are eligible for preferential housing loans under the "EOselia" programme, whereas prosecutors are not.

On 31 July 2025, Parliament adopted Law No. 4561-IX¹¹²⁶, which increased expenditure for the security and defence sector. In particular, during the public discussion, members of parliament expressed the view that the subsistence minimum used to calculate prosecutors' salaries would not be increased, although the original version of these legislative amendments had included such a proposal¹¹²⁷. At the same time, the new Prosecutor General had expressed support for increasing salaries¹¹²⁸. This political stance may be linked to the ongoing media scandal over "prosecutorial disabilities"¹¹²⁹ and public outrage over the existence of special pensions for prosecutors awarded by court decisions (granted under the provisions of the old legislation)¹¹³⁰, which significantly exceed the fair level of pension provision for public servants.

The status of a prosecutor requires significant resources for its maintenance, including institutional and individual independence, the operation of prosecutorial self-government, and so on. **The number of prosecutors in Ukraine is twice the average in EU countries (26 prosecutors¹¹³¹ per 100,000 population versus 12 in EU countries¹¹³²) and exceeds**

1125 A discriminatory provision also applies to judges, though to a lesser extent. By contrast, the subsistence minimum for the National Agency on Corruption Prevention, the National Anti-Corruption Bureau of Ukraine, and the State Bureau of Investigation remains at the full amount of UAH 3,028.

1126 On Amendments to the Law of Ukraine "On the State Budget of Ukraine for 2025" on the financial support of the security and defence sector: Law of Ukraine No. 4561-IX of 31.07.2025.

1127 In the initial version of Draft Law No. 13573 "On Amendments to the Law of Ukraine 'On the State Budget of Ukraine for 2025' on the financial support of the security and defence sector" (adopted as Law No. 4561-IX), the Government proposed to increase the subsistence minimum used to calculate prosecutors' salaries from UAH 1,600 to UAH 2,102.

1128 Kravchenko Protests Prosecutors' Salaries Lagging Behind Other Law Enforcement Officers. Kyiv24, 2025.

1129 The Prosecutor General Wants to Dismiss All Prosecutors with Disabilities: Why This Will Not Help. Ukrainska Pravda. 2025.

1130 Six Pensioners Found in Ukraine Who Are Under 40 Years Old. Who Are They? Ekonomichna Pravda, 2025.

1131 In 2024, the actual number of prosecutors was 9,978, with the statutory maximum set at 10,000.

1132 Police, court and prison personnel statistics. Eurostat. April 2024.

the median figure in Council of Europe countries (11.1 prosecutors per 100,000 population¹¹³³). These figures vary from countries with the lowest number of prosecutors (2.7 in Ireland, 3.2 in France, 3.8 in Italy) to those with the highest (19.5 in Norway and Hungary, 23.9 in Bulgaria, 24.3 in Latvia).

The ratio of prosecutorial to non-prosecutorial positions in Ukraine is 2:1, meaning there are approximately 13 non-prosecutorial positions per 100,000 population. **The median figure in Council of Europe countries is 14.7 (with a ratio of 1:1.3)¹¹³⁴.** Thus, in EU countries, the number of non-prosecutorial positions exceeds the number of prosecutors. In Ukraine, the opposite is true — and significantly so — due to a large number of prosecutorial positions tasked with methodological, analytical, supervisory, organisational, and other functions supporting the prosecution service. In most EU countries, such functions are performed by prosecutorial assistants or civil servants who do not hold the status of prosecutor and whose remuneration and social benefits require fewer resources.

In addition, at the institutional level, it is necessary to consider the distribution of personnel across the Prosecutor General's Office (PGO), regional and district prosecutor's offices, as well as the SAPO, which has held autonomous status as a separate specialised prosecution body (since 1 January 2024). This issue remains unresolved, as there are other specialised prosecutor's offices besides SAPO, whose staffing levels are not aligned with the number of pre-trial investigation bodies or other relevant indicators. Whereas district prosecutor's offices are typically characterised by individual specialisation of staff, higher-level prosecutor's offices are organised according to collective structural specialisation, necessitating the establishment of corresponding structural units¹¹³⁵. Therefore, **optimisation of staffing also involves the specialisation of units within the prosecution service** depending on current crime-related challenges.

Thus, **the number of prosecutors is directly dependent on the functions of the prosecution service** (the lowest figures are usually found in countries where prosecutors only represent public prosecution in court); **the ratio of prosecutorial to non-prosecutorial positions (prosecutors' assistants, civil service positions in organisational and methodological units, etc.); the level of crime; and the need for specialisation of prosecutorial units.**

If such optimisation of prosecutor numbers and the structure of prosecution bodies is carried out, it will be possible to free up resources to increase prosecutors' remuneration, improve their status overall, and ensure their independence.

The Rule of Law Roadmap¹¹³⁶ provides for the adoption, in the fourth quarter of 2026, of legislation on this matter (taking into account best EU practices). This should be preceded by a functional analysis aimed at optimising the number and structure of prosecution bodies, in particular: simplifying the organisational structure, reducing the number of administrative positions, and eliminating duplication of powers by ensuring specialisation.

1133 Dynamic database of European judicial systems (CEPEJ-STAT). Judges and prosecutors.

1134 Ibid.

1135 Lapkin, A.V. The Prosecutor in Criminal Proceedings: Theoretical, Legal, and Organisational-Methodological Issues: Monograph. — Kharkiv: Pravo, 2020. — p. 440.

1136 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the EU Accession Process": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

Recommendations

1. Amend the CPC of Ukraine and the Law of Ukraine “On the Public Prosecutor’s Office” to strengthen the procedural independence of prosecutors, in particular by:
 - introducing the obligation to duly justify decisions to remove (exclude) a prosecutor from criminal proceedings in the form of a ruling;
 - introducing a procedural mechanism for appealing such removal (exclusion);
 - abolishing the practice of forming prosecutor groups in each criminal proceeding, as it dilutes responsibility for the outcomes of investigations;
 - repeal the amendments introduced by Law No. 4555-IX, which significantly restricted the scope of prosecutorial procedural independence and unjustifiably strengthened the procedural role of the Prosecutor General.
2. Abolish the annual practice of the Verkhovna Rada adopting the Law of Ukraine “On the State Budget” with a discriminatory provision against prosecutors — namely, a halved subsistence minimum for able-bodied persons — which threatens prosecutorial independence due to inadequate material support.
3. Optimise the number of prosecutors considering the functions of the prosecution service, the ratio of prosecutorial to non-prosecutorial positions, and the crime rate. Optimise the structure of prosecution offices by reducing administrative (managerial) positions at the lower level and establishing a ratio for the maximum number of staff across the PGO, regional, and district prosecutor’s offices.
4. Ensure an optimal balance between administrative and “line” positions within the prosecution service by reducing the number of the former and requiring prosecutors in such roles to directly perform prosecutorial functions.
5. Introduce administrative staff in prosecution bodies to provide organisational support for prosecutorial activities, separating them from prosecutorial positions and the prosecutorial functions they perform (i.e. reduce the number of prosecutorial positions in favour of non-prosecutorial ones).

Activities of Prosecutorial Self-Government Bodies

Progress and issues

All-Ukrainian Conference of Prosecutors

On 27 August 2024, the V All-Ukrainian Conference of Prosecutors took place, during which five members of the QDCP from the prosecution service were elected and two members of the CPU were appointed¹¹³⁷. A total of 518 delegates from prosecution bodies

¹¹³⁷ Five members appointed to the QDCP and two to the Council of Prosecutors of Ukraine. Yurydychna Hazeta 2024.

at all levels — the PGO, regional and district prosecutor's offices, as well as SAPO — participated in the conference, having been entrusted by their respective prosecutorial collectives to represent their interests.

According to the CPU¹¹³⁸, information about candidates for membership in the QDCP from the prosecution service was collected from open sources. The information gathered and analysed by experts was compiled into individual reports for each candidate, presenting an objective and balanced account of facts without assessments or conclusions.

This step was necessary to **pilot a candidate evaluation model at this year's All-Ukrainian Conference of Prosecutors, which will later be formalised in legislative amendments aimed at fulfilling one of the European Commission's requirements for Ukraine**. This requirement involves conducting an independent and objective pre-selection procedure for all candidates for QDCP membership, including an integrity check. The adoption of relevant legislative amendments is also envisaged in the Plan for the Ukraine Facility for 2026¹¹³⁹.

To this end, the CPU reached out to international partners — in particular, the Council of Europe Office in Ukraine, the European Union Advisory Mission (EUAM) Ukraine, the International Development Law Organization (IDLO), and the EU Project "Pravo-Justice"¹¹⁴⁰ — requesting that they conduct a preliminary collection of information from open sources, including information obtained through requests made under the Law of Ukraine "On Access to Public Information", from the PGO and regional prosecutor's offices, for the benefit of the delegates of the All-Ukrainian Conference of Prosecutors.

Overall, this pilot project on integrity screening of candidates for the QDCP has been successful and has been considered by the working group developing legislative amendments to introduce a mandatory integrity check for candidates to prosecutorial self-government bodies and the QDCP.

The Rule of Law Roadmap¹¹⁴¹ provides that, in the third quarter of 2026, the recommendations of GRECO's Fourth Evaluation Round must be implemented, in particular regarding the conduct of an **independent and objective pre-selection procedure for all candidates for membership of the QDCP, which includes a reliable verification of their professional competence and integrity**. In addition, in the fourth quarter of 2026, amendments to the legislation to strengthen the institutional capacity of the RPU are planned, which should reflect the said GRECO recommendations.

The problem remains that assemblies of prosecutors only function at the national level, which results in many prosecutors being disinterested in issues of prosecutorial self-government and not feeling its impact. There are no assemblies at the district level, although such assemblies could also be held and represent prosecutors at that tier. This would help avoid prosecutors' passivity in participating in prosecutorial self-governance, similarly to judicial

1138 Call for applications: membership of the Qualification and Disciplinary Commission of Prosecutors. Prosecutor General's Office.

1139 Ukraine Facility Implementation Plan 2024–2027.

1140 Call for applications: membership of the Qualification and Disciplinary Commission of Prosecutors. Prosecutor General's Office.

1141 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the EU Accession Process": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

assemblies¹¹⁴² and regional bar conferences¹¹⁴³. This view is supported by representatives of the expert¹¹⁴⁴ and academic communities¹¹⁴⁵, who argue that prosecutors do not have comparable powers to influence the appointment of heads of prosecution bodies, receive reports from them, or address other work-related matters.

In the context of approximating the guarantees of independence for prosecutors and judges, it appears justified to generally align the procedure for forming prosecutorial governance bodies with that for judges¹¹⁴⁶. The decisive criterion for distinguishing between judicial self-governing bodies (assemblies of judges, the Congress of Judges, the Council of Judges of Ukraine) and governance bodies (the High Council of Justice, the High Qualification Commission of Judges of Ukraine) is the presence among members of individuals from outside the judicial profession. A similar situation exists in the prosecution service — the CPU must consist exclusively of prosecutors¹¹⁴⁷ (self-governing body), while the QDCP includes among its members representatives of other legal professions and is therefore a governance body.

Council of Prosecutors of Ukraine

Between All-Ukrainian Conferences of Prosecutors, the highest body of prosecutorial self-government is the CPU¹¹⁴⁸. **Currently, the CPU operates in its full composition of 15 members**, of whom 13 are representatives (prosecutors) from various levels of the prosecution service, and two are representatives (academics) appointed by the congress of representatives of higher legal education institutions and research institutions. The term of office for a CPU member is five years. The CPU's main powers include appointing and dismissing prosecutors to and from administrative positions, as well as considering submissions from prosecutors and other reports concerning threats to prosecutorial independence.

In 2024, the CPU received 14 submissions from prosecutors reporting threats to their independence, including: violations of the procedures for exercising powers defined by procedural and other laws; unlawful influence, pressure, or interference in the exercise of prosecutorial powers; violations of the statutory procedure for financing and organisational support of the prosecution service; violations of adequate material, social, and pension provision for prosecutors. As a result of the review of these submissions, the CPU issued 13 decisions. In five cases, a threat to prosecutorial independence was confirmed; in four cases, no such threat was established; and in the remaining four, the proceedings were closed at the request of the applicants. During the first quarter of 2025, four such submissions were made, the results of which are not yet known¹¹⁴⁹.

1142 On Judiciary and Status of Judges: Law of Ukraine No. 1402-VIII of 02.06.2016, Part 1, Article. 128.

1143 On the Bar and Practice of Law: Law of Ukraine No. 5076-VI of 05.07.2012, Article 46.

1144 Assessment of State Policy in the Field of Prosecution Reform in Ukraine (2014–2023) / Mykola Khavroniuk, Eugene Krapyvin, Daria Pysarenko, 2023 — p. 81.

1145 Maslova, O. Professional Self-Governance as a Guarantee of Prosecutors' and Judges' Independence: A Comparative Aspect. Scientific Bulletin of the National Academy of the Prosecutor's Office of Ukraine. 2016. No. 4, pp. 118–119.

1146 Stefanchuk, M. Bringing Prosecutors' and Judges' Guarantees of Independence Closer in Ukraine: In Search of Preconditions and Trends. Bulletin of Taras Shevchenko National University of Kyiv. Legal Sciences. 2(121)/2022, p. 78.

1147 Currently, 2 out of 15 CPU members are not prosecutors, which lacks proper theoretical justification.

1148 On the Public Prosecutor's Office: Law of Ukraine No. 1697-VII of 14.10.2014, Part 1, Article 71.

1149 Letter from the Prosecutor General's Office of Ukraine No. 27/3-575VYKH-25 of 03.04.2025.

Information on the number of applications in the second quarter of 2025 is currently not publicly available. At the same time, in May 2025 there were three cases of response to such applications: in two cases, no threat to independence was found¹¹⁵⁰, and in one case, the proceedings were closed at the request of the prosecutor who had applied¹¹⁵¹. Given the sequential numbering of decisions and the “nzp” (prosecutorial independence) identifier, these are all the decisions currently issued in 2025. However, it was not possible to establish the reason for the absence of a decision with the sequential number “3-nzp.”

The small number of such applications and responses by the CPU **indicates a lack in the current legislation of real (or effective) mechanisms for the CPU to perform its functions, in particular (but not exclusively) regarding the protection of prosecutors' independence within the prosecution service**. Thus, the Law of Ukraine “On the Public Prosecutor's Office”¹¹⁵² provides for the following response measures: 1) notifying the relevant authorities of grounds for bringing someone to criminal, disciplinary or other liability; 2) initiating consideration of matters concerning measures to ensure the safety of prosecutors; 3) making a public statement on behalf of the prosecutorial corps about facts of violation of a prosecutor's independence; 4) appealing to international organisations with the relevant information. This list is not exhaustive. However, practice shows that it is not only not being expanded, but certain listed measures are not applied at all (for example, appealing to international organisations with the relevant information).

Some powers of the CPU are in fact not applied at all, for instance, in the area of anti-corruption legislation and rules of ethics (in relation to regulating conflicts of interest). The CPU is vested with the right¹¹⁵³ to provide clarifications on compliance with conflict-of-interest legislation in the activities of prosecutors, the head or members of the relevant body conducting disciplinary proceedings. International experts have also drawn attention to this, among other issues¹¹⁵⁴. Strengthening the institutional capacity of the CPU, which would provide it with additional resources and give its members sufficient working time, could have a positive impact on this situation.

At the same time, the CPU draws attention to the positive practice of exercising its powers in that it has repeatedly addressed Parliament with comments regarding draft legislative amendments under consideration which, in the CPU's view, could pose a threat to prosecutorial independence if adopted (for example, in the context of legislative restrictions on prosecutors' salaries)¹¹⁵⁵. There were also submissions concerning the improvement of the legal regulation of prosecutors' housing conditions, as well as issues of legal and social protection for prosecutors and their families¹¹⁵⁶. The CPU's focus on issues of material support reflects a lack of sufficient powers to protect prosecutorial independence, rather

1150 Decision of the Council of Prosecutors of Ukraine No. 04-nzp-25 of 27.05.2025.; Decision of the Council of Prosecutors of Ukraine No. 01-nzp-2025 of 26.05.2025.

1151 Decision of the Council of Prosecutors of Ukraine No. 2-nzp-25 of 26.05.2025.

1152 On the Public Prosecutor's Office: Law of Ukraine No. 1697-VII of 14.10.2014, para. 4, Part 9, Article 71.

1153 Ibid., para. 7-1, P. 1, Art. 71.

1154 Expert Analysis of the Practice of the Council of Prosecutors of Ukraine in Considering Applications by Prosecutors on Threats to Their Independence (2017–2022), pp. 55–56.

1155 Information provided by the Head of the Council of Prosecutors of Ukraine during an interview conducted on 25.03.2025.

1156 Report of the Council of Prosecutors of Ukraine. 2024.

than a deliberate policy orientation. In practice, its submissions may go unanswered, and it does not have the right to file claims in court on behalf of prosecutors¹¹⁵⁷.

In 2024, the CPU held 27 meetings and adopted 78 decisions, of which 54 concerned recommendations for appointments to administrative positions in prosecution bodies. One decision each related to: the activities of the QDCP, providing clarification on legal requirements for managing conflicts of interest, amending the CPU's Rules of Procedure, and holding the V All-Ukrainian Conference of Prosecutors¹¹⁵⁸.

The CCPE notes that councils of prosecutors must have sufficient working time and adequate financial and administrative resources to fulfil their tasks¹¹⁵⁹. Currently, members of the CPU receive no remuneration for their work (except for the salary from their primary place of employment), meet irregularly (mostly online, since members represent various regions of Ukraine), have no secretariat or assistants, and are financially dependent on the HR department of the PGO and the respective HR units in the regions where CPU members are employed. This work format leads to certain complications, as there is no reduction in the workload of CPU members, despite the fact that this activity may require considerable time. The CPU members and their supervisors adopt decisions on such matters on a case-by-case basis. Another issue concerns CPU members' duty travel to attend Council meetings, as the state budget does not allocate funds to cover such expenses¹¹⁶⁰.

As a result, the **CPU lacks the institutional capacity to accurately represent the interests of the prosecutorial community and protect prosecutors' independence**, including by mitigating risks created by other public authorities — a function that should be fulfilled by prosecutorial councils in a democratic society¹¹⁶¹.

The CCPE also emphasises that members of prosecutorial councils must be elected based on predetermined, fair, and clear criteria through a transparent procedure. The process should consider the competence, experience, integrity, independence, and impartiality of candidates, as well as other relevant factors¹¹⁶².

Delegates of the All-Ukrainian Conference of Prosecutors make decisions by a majority vote of the total number of elected delegates¹¹⁶³. An exception is the appointment of members of the High Council of Justice (HCJ), the CPU, and the QDCP, which is conducted through secret ballots. Candidates for membership in the CPU and QDCP simply submit a statement of intent to be elected to these bodies, along with information about themselves and a motivation letter¹¹⁶⁴. According to the Rules of Procedure¹¹⁶⁵, these documents are submit

1157 Position provided in writing by a prosecutor of the Prosecutor General's Office on 21.03.2025.

1158 Letter from the Prosecutor General's Office of Ukraine No. 27/3-575VYKH-25 of 03.04.2025.

1159 CCPE Opinion No. 18 (2023) on Council of Prosecutors as key bodies of prosecutorial self-governance. — para. 82.

1160 Report on the Evaluation of the Strategy for Reforming the Judiciary, Judicial Proceedings and Related Legal Institutions in Ukraine for 2015–2020 and the Action Plan for Its Implementation (Prosecution Component). 2019, p. 30.

1161 CCPE Opinion No. 18 (2023) on Council of Prosecutors as key bodies of prosecutorial self-governance. — par. 27.

1162 Ibid, paras. 51, 52.

1163 On the Public Prosecutor's Office: Law of Ukraine No. 1697-VII of 14.10.2014, Part 6, Article 70.

1164 Rules of Procedure of the All-Ukrainian Conference of Prosecutors, adopted by the All-Ukrainian Conference of Prosecutors on 27.04.2017, subpara. 6.12 para. 6, subpara. 7.3 para. 7.

1165 Ibid.

ted to the CPU. However, due to the absence of a dedicated Secretariat, they are sent to a unit of the PGO¹¹⁶⁶, which effectively performs this function and is responsible, among other things, for organising the All-Ukrainian Conference of Prosecutors.

The primary tasks of prosecutorial self-government are to represent the interests of the prosecutorial community and to protect prosecutorial independence. This requires the participation of prosecutors with the highest level of moral and professional reputation. In addition, they should be well acquainted with the work of the prosecution service at the relevant level and therefore possess a certain length of professional experience, rather than having been recently appointed. Currently, however, **there are no requirements regarding the length of service for candidates for membership in the CPU, and no integrity check is conducted**. The law only prohibits candidacy for prosecutors holding administrative (managerial) positions¹¹⁶⁷.

Thus, **the procedure for electing CPU members by the All-Ukrainian Conference of Prosecutors lacks sufficient transparency, and candidates may not fully understand the role of this body or may have a reputation that undermines their ability to represent the interests of the entire prosecutorial corps**.

The Rule of Law Roadmap¹¹⁶⁸ provides for the **development and adoption, in the fourth quarter of 2026, of a law aimed at strengthening the institutional capacity, independence, and effectiveness of the CPU**, following consultations with the Venice Commission. These changes will regulate the implementation of: 1) an independent and objective pre-selection procedure for all candidates for CPU membership, including proper verification of their integrity; 2) the transformation of the CPU into a separate legal entity, provision of financial, human, and technological resources for its activities, including premises; 3) the exercise of powers on a permanent basis; 4) the establishment within the CPU structure of a unit (secretariat) to perform support functions (organisational support for activities); 5) the involvement of the CPU in the regular evaluation of prosecutors' performance quality; 6) the strengthening of the CPU's powers to protect the independence of prosecutors. The development of such changes will be preceded by a **functional audit of the QDCP and the CPU** with the relevant recommendations (first quarter of 2026).

Qualification and Disciplinary Commission of Prosecutors of Ukraine

The new composition of the QDCP began its work on 4 December 2024¹¹⁶⁹, following the appointment of a quorum (10 out of 11 QDCP members were appointed¹¹⁷⁰). However, due to delays by Parliament in appointing QDCP members under its quota, the Commission

1166 Unit for Coordination with Prosecutorial Self-Government Bodies, Directorate for Organisational Support to Senior Management, Department for Organisational and Control Activities, Legal and Analytical Support of the Prosecutor General's Office.

1167 On the Public Prosecutor's Office: Law of Ukraine No. 1697-VII of 14.10.2014, Part 5, Article 71.

1168 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the EU Accession Process": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

1169 Announcements. Qualification and Disciplinary Commission of Prosecutors. 2024.; On the Formation of the Quorum of the Qualification and Disciplinary Commission of Prosecutors: QDCP Decision No. 41zp-24 of 04.12.2024.

1170 One seat representing the Bar remains vacant — see section "Bar Reform".

was effectively non-operational for three months (from the end of August to the beginning of December 2024), as it lacked a quorum¹¹⁷¹.

In 2024, the QDCP held 161 meetings¹¹⁷² and received 980 complaints alleging disciplinary misconduct by prosecutors (of these, 104 disciplinary proceedings were opened, and in 876 cases, the complainants were notified of the decision not to initiate proceedings). The majority of disciplinary complaints concerned alleged failure or improper performance of prosecutorial duties and violations of prosecutorial ethics¹¹⁷³. A total of 90 prosecutors were held disciplinarily liable (70 decisions adopted¹¹⁷⁴), while proceedings were closed in relation to 41 prosecutors (36 decisions).

In the first half of 2025, the QDCP held 47 meetings¹¹⁷⁵ and received 481 complaints alleging that a prosecutor had committed a disciplinary offence (of which disciplinary proceedings were opened in 66 cases; in 397 cases, opening proceedings was refused). Thirty-two prosecutors were subjected to disciplinary liability (32 decisions adopted), and in respect of 24 prosecutors the proceedings were closed (24 decisions). In 46 disciplinary proceedings, as of 1 July 2025, no decision had been made.

In July 2025, with the support of the EU Project “Pravo-Justice”, the QDCP introduced an electronic document management system¹¹⁷⁶. The new digital tool automates all key QDCP processes: from the handling of citizens’ applications and public information requests to disciplinary proceedings and the selection of candidates for prosecutorial positions. The system offers significant advantages: speeding up document processing, reducing costs, and increasing the transparency and efficiency of management processes. All QDCP staff have undergone relevant training and are already operating in the new digital environment.

The 2024 EU Enlargement Package Report devoted considerable attention to the QDCP¹¹⁷⁷. Its key recommendations included ensuring a prosecutorial majority in the QDCP, conducting pre-selection of QDCP members with integrity screening, guaranteeing financial independence (the QDCP Secretariat should not be a unit of the PGO but operate independently). Also, ensuring fair representation of prosecutors from different levels, in line with European standards (similar to the approach applied to the CPU) is necessary. QDCP decisions should be subject to appeal to the CPU¹¹⁷⁸.

1171 At the end of August 2025, five members were elected at the All-Ukrainian Conference of Prosecutors. In September, the congress of representatives of higher legal education institutions elected two members. The Verkhovna Rada delayed addressing this matter until the end of November and eventually appointed three members under its quota. Thus, 10 out of 11 members were appointed (a quorum requires 9 members — Part 3, Article 74 of the Law of Ukraine “On the Public Prosecutor’s Office”). For details, see: “Prosecution Reform. Four Steps Needed to Break the System and Change the People”. Dzerkalo Tyzhnia. 2024.

1172 Letter from the Qualification and Disciplinary Commission of Prosecutors No. 07/3-407vykh2h of 03.04.2025.

1173 Information on the Practice of Disciplinary Proceedings Against Prosecutors in 2024. Qualification and Disciplinary Commission of Prosecutors.

1174 One decision may concern multiple prosecutors.

1175 Letter of the Qualification and Disciplinary Commission of Prosecutors No. 07/3-804vykh25 of 23.07.2025.

1176 Publication of the EU Project “Pravo-Justice” on the social media Facebook, 2025.

1177 Ukraine 2024 Progress Report within the European Union Enlargement Package. P. 28–29, 30.

1178 For analysis of this recommendation and those from GRECO’s Fourth Evaluation Round regarding the disciplinary procedure, see the subsection “Disciplinary Liability of Prosecutors”.

In June 2024, the PGO established a working group responsible for implementing these recommendations¹¹⁷⁹.

Strengthening the Independence of the QDCP from the PGO, as well as ensuring a prosecutorial majority in its composition, raises the **issue of transforming the QDCP into a prosecutorial self-governance body**. The QDCP exercises personnel (recruitment of prosecutors) and disciplinary powers, which are typical functions of such bodies. The CCPE Conclusion also emphasises that multiple prosecutorial councils may exist simultaneously¹¹⁸⁰, meaning the concurrent existence of both the QDCP and the CPU is in line with European standards.

The inclusion of members from outside the prosecutorial corps, according to the CCPE Conclusion¹¹⁸¹, does not hinder the exercise of self-governance functions. Currently, the QDCP includes five prosecutors (and at least six after the legislative amendments) elected by the All-Ukrainian Conference of Prosecutors **without proportional representation of all levels of the prosecution service**. As a result, it is possible that all QDCP members may represent only the PGO, or conversely, only a single specialised or district prosecutor's office, which prevents the application of diverse perspectives from prosecutors across different levels. An analysis of the current and previous compositions of the QDCP shows that the PGO is overrepresented¹¹⁸², and the absence of regional representation quotas (as applied in the CPU) is a flaw in the current Law of Ukraine "On the Public Prosecutor's Office".

At present, it appears that ensuring a prosecutorial majority has become an end in itself in the development of the QDCP — however, this is insufficient. Neither the GRECO recommendations, nor the Plan for the Ukraine Facility, nor the State Anti-Corruption Programme for 2023–2025 (SAP)¹¹⁸³ provide an answer to why such a prosecutorial majority should be ensured. Therefore, it can be concluded that current public policy documents **avoid answering the question of whether the QDCP is to become a body of prosecutorial self-governance**.

In terms of its personnel and disciplinary functions, the QDCP already qualifies as such a body. It was originally designated as a "body that ensures the functioning of the prosecution service" because, at the time of adopting the Law of Ukraine "On the Public Prosecutor's Office" in 2014, Parliament was not ready to enact such radical changes to the prosecution system. However, the convergence of the statuses of the CPU and the QDCP — through the introduction of common rules for forming these bodies, similar roles in staffing matters (non-managerial positions for the QDCP, managerial ones for the CPU), and comparable guarantees of independence from the PGO and institutional capacity to operate — further

1179 On the Establishment of a Working Group on Strengthening the Institutional Capacity of the Qualification and Disciplinary Commission of Prosecutors, Improving the Disciplinary Procedure for Prosecutors, and the Activities of Prosecutorial Self-Governance Bodies: Order of the Prosecutor General No. 156 of 25.06.2024.

1180 CCPE Opinion No. 18 (2023) on Councils of Prosecutors as Key Prosecutorial Self-Governance Bodies, paras. 32–36.

1181 Ibid, paras 42–50.

1182 In the first composition of the QDCP (2017–2019), only **one of the five** prosecution service representatives was a prosecutor from the Prosecutor General's Office of Ukraine (now the PGO). The Head of the Commission was a regional prosecutor from Vinnytsia region. In the second composition (2021–2024), **three of the five** prosecution service representatives were prosecutors from the PGO; the Head was also an PGO prosecutor. In the third composition (2024–present), **four of the five** prosecution service representatives are PGO prosecutors, and the Head is also from the PGO.

1183 On the Approval of the State Anti-Corruption Programme for 2023–2025: Resolution of the Cabinet of Ministers of Ukraine No. 220 of 04.03.2023.

supports the argument that the QDCP should be defined as a “council of prosecutors” (in CCPE terminology), i.e., a prosecutorial self-governance body¹¹⁸⁴.

At the same time, **opposing views exist**. According to the former head of the QDCP¹¹⁸⁵, this issue has been raised repeatedly in the past. In his opinion, the presence of non-prosecutorial members makes it impossible to classify the QDCP as a self-governance body. He considers the current status most appropriate, particularly because prosecutors seconded to the QDCP cease to perform prosecutorial duties at their main place of work. In contrast, **the current model of the CPU exemplifies self-governance precisely because prosecutors continue to perform their daily prosecutorial duties**. This view may be reasonable as long as the current statuses of the CPU and QDCP remain unchanged, but in light of the development plans for the CPU analysed above, it is significantly weakened.

At the same time, **it is important that such prosecutors do not lose their connection to practice**. The working group on strengthening the institutional capacity of the QDCP is currently considering extending the term of office of QDCP members from three to five years (as is the case for CPU members)¹¹⁸⁶. However, such proposals appear unfounded, since the longer a prosecutor is absent from practice, the more likely they are to lose relevant professional knowledge and skills. On the other hand, daily assessment of prosecutors through disciplinary practice enables QDCP members to remain well informed about practical challenges, thus requiring current and in-depth knowledge of the law.

In the context of the discussion on the composition of the QDCP, it is also worth recalling that in the Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law of the Council of Europe on the draft law that later became the Law of Ukraine “On the Public Prosecutor’s Office”, the approach under which the Ombudsman delegates three members to the QDCP — and does so not directly, but via the Verkhovna Rada Committee on Law Enforcement — was criticised. European experts suggested that this function should be entrusted to an official or body that adheres to neutrality and professional ethics¹¹⁸⁷.

The problem of a non-transparent procedure for electing QDCP members by the All-Ukrainian Conference of Prosecutors is identical to that described in the subsection on the CPU. It is important to emphasise that requirements for professional competence and integrity must apply to all QDCP members, not only those elected by the All-Ukrainian Conference of Prosecutors.

The Rule of Law Roadmap¹¹⁸⁸ provides for a number of measures aimed at improving the work of the QDCP, in particular the conduct of a functional audit (first quarter of 2026)

1184 By analogy with the judicial branch, the term “prosecutorial self-governance body” may be applied to the CPU, and “prosecutorial governance body” to the QDCP. See: Kostenko, S.K. Prosecutorial Self-Governance Bodies and Prosecutorial Governance Bodies: Distinguishing the Concepts. Law and Society, No. 1, Part 2, 2019.; Although the CPU currently includes two non-prosecutorial members (out of 15), it would be reasonable to simply remove them from the CPU’s composition.

1185 Information provided by the former Head of the Qualification and Disciplinary Commission of Prosecutors (2021–2024) during an interview conducted on 25.03.2025.

1186 Ibid.

1187 CDL-AD(2020)022-e Ukraine — Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law(DGI) of the Council of Europe on the draft amendments to the Law ‘On the Judiciary and the Status of Judges’ and certain Laws on the activities of the Supreme Court and Judicial Authorities (draft Law no. 3711), adopted by the Venice Commission at its 124th online Plenary Session (8–9 October 2020) — P. 45.

1188 Certain Issues of Ensuring the Negotiation Process on Ukraine’s Accession to the European Union under Cluster 1 “Fundamentals of the EU Accession Process”: Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

and the drafting and adoption of a law to improve the system of prosecutorial disciplinary liability and to strengthen the institutional capacity of the QDCP (third quarter of 2026), for example by providing it with autonomous resources independent of the PGO, including an independent secretariat.

Some of the changes to be included in the future draft law have in fact already been developed by a dedicated working group at the PGO and submitted to the Government in March 2025 as part of the implementation of the recommendations of GRECO's Fourth Evaluation Round¹¹⁸⁹. These changes concern: 1) the formation of the QDCP's membership to ensure that the majority of seats are held by prosecutors elected by their peers; 2) clarification of disciplinary offences related to prosecutors' conduct and compliance with ethical standards, and expansion of the list of available disciplinary sanctions to increase their proportionality and effectiveness; 3) improving the efficiency of disciplinary proceedings by extending the statute of limitations.

The Rule of Law Roadmap also provides for the systematic summarisation (at least once a year) and publication of the QDCP's disciplinary practice on prosecutors' liability, as well as ensuring consistency of practice and reasoning in decisions in cases where a departure from previously developed and established practice occurs in specific instances involving similar legal relations. At the same time, the QDCP has already begun publishing an analysis of its own practice since 2021¹¹⁹⁰ (prior to that, such analysis was carried out only by external experts).

Recommendations

1. Specify in the Law of Ukraine "On the Public Prosecutor's Office" that prosecutorial self-government is exercised through assemblies of prosecutors of all levels, the All-Ukrainian Conference of Prosecutors, the CPU, and the QDCP. By analogy with the judicial system, differentiate the naming of these bodies depending on the level of prosecutorial representation: assemblies of prosecutors, the All-Ukrainian Conference of Prosecutors, and the CPU should be defined as "prosecutorial self-government bodies" (as all representatives are prosecutors), while the QDCP should be defined as a "prosecutorial governance body" (as it has a mixed composition).
2. Provide for the establishment of assemblies of prosecutors within the PGO, SAPO, regional and district prosecutor's offices as a new organisational form of prosecutorial self-government. Grant these assemblies real self-governing powers, including the ability to:
 - discuss issues of internal organisation of prosecutorial work (e.g., workload, specialisation);
 - hear reports from prosecutors in administrative (managerial) positions;
 - consult with the leadership of prosecution ;
 - discuss instances of threats to prosecutorial independence and submit appeals in this regard to relevant bodies.

1189 For details, see the subsection "Selection of Prosecutors, Results of the Vetting Process, and Disciplinary Liability of Prosecutors".

1190 Commission's Reports. Qualification and Disciplinary Commission of Prosecutors.

3. Conduct a functional audit of the CPU and develop recommendations aimed at strengthening its independence, taking into account the experience of prosecutorial councils as key self-governing bodies in EU Member States.
4. Prepare a draft law to ensure the institutional capacity, independence, and effectiveness of the CPU, particularly with regard to:
 - implementing the results of the functional audit, including a study of EU Member State experience;
 - introducing independent and objective pre-selection procedures for all candidates to the CPU, including integrity screening;
 - ensuring the institutional independence of the QDCP from the PGO (e.g., establishing it as a separate legal entity with its own Secretariat);
 - seconding prosecutors to the CPU (members would be seconded on a full-time basis with adequate remuneration while serving in the CPU);
 - removing the two academic members appointed by the congress of higher legal education institutions to ensure full prosecutorial representation;
 - expanding the CPU's powers, particularly regarding its ability to respond to reports of threats to prosecutorial independence.
5. Prepare a draft law to ensure the institutional capacity, independence, and effectiveness of the QDCP, including:
 - changing the status of the QDCP from a body that ensures the functioning of the prosecution service to a prosecutorial self-government body, once a prosecutorial majority is ensured in its composition;
 - reviewing the appropriateness of the quota of the Verkhovna Rada Commissioner for Human Rights to delegate three members to the QDCP. Given the representation of related legal professions in judicial governance bodies, it would be reasonable to consider including retired judges or exploring other options based on professional rather than political criteria;
 - introducing independent and objective pre-selection procedures for all candidates to the CPU, including integrity screening;
 - guaranteeing the institutional independence of the QDCP from the PGO (e.g., establishing its own Secretariat);
 - ensuring fair representation in the QDCP of prosecutors from different levels (as is the case for the CPU).

Appointments to Senior (Managerial) Positions, Including the Position of Prosecutor General

Progress and issues

Prosecutor General — Prospects for Introducing Competitive Selection Procedures and Eliminating the Possibility of Political Dismissal

In its most recent Opinion¹¹⁹¹, the CCPE notes that the independence and impartiality of the Prosecutor General are of critical importance — particularly the transparency of the appointment/election process, the length of term in office, and guarantees regarding dismissal and protection from any form of undue interference in their work.

The CCPE recognises governments' interest in retaining some control over the appointment/election of Prosecutors General in certain legal systems, given the decisive role of prosecution services in implementing national criminal law policy. In its view, "a way of reducing the risk of politicisation would be to keep to a minimum the role of the executive in the appointment/election of the prosecutors general, or to accompany it by very important safeguards. **This can be achieved through various means, including the involvement of prosecutorial self-governance bodies, such as councils of prosecutors ... in the selection and/or nomination process.**"¹¹⁹² Among the member states of the Council of Europe, prosecutorial self-governing bodies are involved in the selection and/or nomination of candidates in Albania, Andorra, Bosnia and Herzegovina, Bulgaria, Greece, Georgia, Spain, Italy, Latvia, Luxembourg, Moldova, Slovenia, Türkiye, France, and Montenegro¹¹⁹³. In other countries, including EU member states, independent experts may be involved, or other models exist. Thus, **the best European practices provide not only for holding an open competition for the position of Prosecutor General, but also for involving a prosecutorial self-governing body and/or independent experts in the process.**

During the reporting period, no legislation was adopted by the Verkhovna Rada to amend the procedure for appointment (e.g. through a competitive process) or dismissal of the Prosecutor General.

At the end of October 2024, Prosecutor General Andrii Kostin submitted his resignation¹¹⁹⁴. Following the Parliament's consent¹¹⁹⁵, the President dismissed A. Kostin from the position of Prosecutor General¹¹⁹⁶. It should be noted that the dismissal was communicated by

1191 CCPE Opinion No. 19 (2024) on managing prosecution services to ensure their independence and impartiality. — par. 4-5, 12.

1192 Ibid.

1193 Compilation of responses to the questionnaire for the preparation of the CCPE Opinion No. 19 (2024) on managing prosecution services to ensure their independence and impartiality.

1194 Kostin announces resignation as Prosecutor General. Ukrinform. 2024.

1195 On Granting Consent to the Dismissal by the President of Ukraine of A. Kostin from the Position of Prosecutor General: Resolution of the Verkhovna Rada of Ukraine No. 4041-IX of 29.10.2024.

1196 On the Dismissal of A. Kostin from the Position of Prosecutor General: Decree of the Presidential of Ukraine No. 745/2024 of 31.10.2024.

Kostin as an “act of personal political responsibility”¹¹⁹⁷, as it occurred against the backdrop of the high-profile “prosecutorial disability” media scandal, which had a negative impact on the reputation of the prosecution service.

On 21 June 2025, the President appointed Ruslan Kravchenko as the new Prosecutor General¹¹⁹⁸. The seven-month period during which this post remained vacant was in no way explained by the President, who is the subject entitled to submit the relevant candidacy. Neither in public communications nor during the consideration of the candidacy in Parliament were the reasons for appointing R. Kravchenko stated, so the previously identified political concerns regarding the procedure for appointing the Prosecutor General remain¹¹⁹⁹.

Under such circumstances, **the appointment of the Prosecutor General through competitive procedures conducted by the CPU as a prosecutorial self-governance body, with the possible involvement of independent experts, is important for maintaining the political neutrality of the Prosecutor General’s Office.**

The issue of the possibility of dismissing the Prosecutor General through a “vote of no confidence”¹²⁰⁰ by a simple majority of the constitutional composition of the Verkhovna Rada (provided the motion is initiated by one third of the constitutional composition — 150 Members of Parliament) remains relevant)¹²⁰¹.

During the drafting¹²⁰² and after the adoption¹²⁰³ of the Constitution of Ukraine, the Venice Commission stressed that the position of Prosecutor General remained dependent on the political bodies involved in the process of appointment and dismissal. Therefore, it consistently recommended that Ukraine remove from the Constitution the Verkhovna Rada’s power to express no confidence in the Prosecutor General, which results in his or her dismissal, and to stipulate that the appointment and dismissal of the Prosecutor General should require the consent of a qualified majority of the Verkhovna Rada¹²⁰⁴.

The Rule of Law Roadmap¹²⁰⁵ provides, in the second quarter of 2027, for a comprehensive review of the procedure for appointment to and dismissal from the PGO with a view to aligning them with best European practices, with the involvement of the Venice Commission. When this document was being developed, the measure in question was intended to concern the procedure for appointing and dismissing specifically the Prosecutor General,

1197 Post by Andriy Kostin on the social network X (Twitter). 2024.

1198 On the Appointment of R. Kravchenko as Prosecutor General: Decree of the President of Ukraine of 21.06.2025.

1199 Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine, pp. 134–135.

1200 Ibid.

1201 Rules of Procedure of the Verkhovna Rada of Ukraine: Law of Ukraine No. 1861-VI of 10.02.2010, Article 213.

1202 Comments on the draft Constitution of Ukraine / the State prosecution, CDL(1996)014-e.

1203 For example, Opinion on the present law and on the draft law of Ukraine on the Public Prosecutor’s Office, CDL(2001)128-e, para 7; Opinion on the Draft Law amending the Law of Ukraine on the Office of the Public Prosecutor, CDL-AD(2004)038-e, para 22.

1204 Opinion on the Draft law amending the Constitution of Ukraine, CDL-AD(2014)037, para 42-47; Preliminary Opinion on the proposed constitutional amendments regarding the judiciary of Ukraine, CDL-PI(2015)016-e, paras 12, 41-43, 55; Opinion on the Proposed Amendments to the Constitution of Ukraine regarding the Judiciary as approved by the Constitutional Commission, CDL-AD(2015)027, paras 22, 40.

1205 Certain Issues of Ensuring the Negotiation Process on Ukraine’s Accession to the European Union under Cluster 1 “Fundamentals of the Accession Process to the EU”: Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

but at the final stage it underwent significant changes. At the same time, it should be noted that a similar review of European practices was recently carried out by the Venice Commission, and there is currently no need for a new review¹²⁰⁶.

Appointment of Prosecutors to Administrative Positions

The appointment of a prosecutor to an administrative (managerial) position is carried out by the Prosecutor General, or by the head of a regional or district prosecutor's office, depending on the level of the position. No competitive selection procedure is conducted for such appointments.

Only for the positions of First Deputy and Deputy Prosecutor General, head of a regional prosecutor's office (including their first deputy and deputy), and head of a district prosecutor's office is the appointment made based on a recommendation by the CPU. In deciding whether to issue a recommendation for appointment to a managerial position, the CPU considers the professional and moral-business qualities of the candidate, as well as their management and organisational skills and work experience¹²⁰⁷.

According to the Plan for the Ukraine Facility¹²⁰⁸, by the first quarter of 2026, legislation is to enter into force to ensure a transparent and merit-based selection process for the appointment of prosecutors to managerial positions. This legislation will include clear evaluation criteria, including professional competence and integrity/ethics; a transparent, competitive, and meritocratic selection procedure, including an assessment of professional competence and integrity; strengthening the institutional capacity and powers of the PGO and prosecutorial self-governance bodies, particularly the CPU, with regard to the selection of prosecutors for managerial positions. A similar measure is also included in the Rule of Law Roadmap and the OAS Action Plan¹²⁰⁹.

The Rule of Law Roadmap¹²¹⁰ clarifies that managerial (administrative) positions refer to posts in the PGO (head and deputy head of a unit), in regional and district prosecutor's offices (head and deputy head of the prosecution body, and head and deputy head of a unit within it). A "unit" may be understood as departments, divisions, or sections, depending on their presence in the relevant prosecution body. In view of this, at the conceptual level it is necessary to determine precisely which managerial (administrative) positions are meant.

The prosecution service continues to face the problem of an excessive number of administrative positions, in which prosecutors in practice do not perform managerial functions because they either have no subordinates or have only a few¹²¹¹. The reason is that

1206 Compilation of Venice Commission Opinions and Reports Concerning Prosecutors. CDL-PI (2022)023. — Part IV(B) Prosecutor General.

1207 On the Public Prosecutor's Office: Law of Ukraine No. 1697-VII of 14.10.2014, Part 5, Article 39.

1208 Ukraine Facility Implementation Plan 2024–2027.

1209 Action Plan for the Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024, para. 4.6.4.

1210 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the Accession Process to the EU": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

1211 Assessment of State Policy in the Field of Prosecution Reform in Ukraine during 2014–2023 / Khavroniuk M., Krapyvin Y., Pysarenko D., 2023, pp. 48, 107, 160; Lapkin A.V. The Prosecutor in Criminal Proceedings: Theoretical, Legal, and Organisational-Methodological Issues: monograph. Kharkiv: Pravo, 2020, pp. 557–558.

the presence of administrative powers directly affects a prosecutor's salary¹²¹². A significant number of such positions leads to bureaucratisation of the prosecution system and excessive complexity in its management structure¹²¹³. Holding competitive selection for every single administrative position under such circumstances requires significant resources, including financial ones¹²¹⁴. Therefore, attention should be focused on positions that have the greatest strategic and operational impact in the prosecution bodies. Given the plans to optimise the structure of the prosecution service, in particular by reducing the number of administrative positions, the approach under which a competition would be held for all managerial (administrative) positions without exception is inefficient.

In 2024, a **working group** on strengthening the institutional capacity of the QDCP, improving the disciplinary procedure for prosecutors, and enhancing the functioning of prosecutorial self-governance bodies worked on the relevant legislative amendments. The group was established by the Prosecutor General on **25 June 2024**¹²¹⁵. At the same time, under the new Prosecutor General, R. Kravchenko, the work of all working groups on European integration issues has effectively come to a halt, as there has been no communication with the members on future plans or activities¹²¹⁶. Consequently, as of 31 July 2025, there is no information on the state of preparation of these legislative amendments.

In October 2024, a pilot project has been launched to introduce competitive selection for managerial positions in the prosecution service through the formation of a personnel reserve. The Prosecutor General A. Kostin established a Commission for the Selection of Candidates for Inclusion in the Personnel Reserve for filling administrative positions in prosecution bodies (the Selection Commission)¹²¹⁷. The Selection Commission includes three prosecutors (one of whom is the Deputy Head of the CPU) and three representatives of partner organisations providing international technical assistance (ITA) to the prosecution service. The personnel reserve was to be limited only to those positions for which appointments are made on the recommendation of the CPU. Such a reserve is advisory in nature for the CPU and was created exclusively within the framework of the current legislation (its existence did not require amendments to the Law of Ukraine "On the Public Prosecutor's Office").

The Selection Commission functioned as a consultative body to the CPU, which will subsequently submitted nominations to the Prosecutor General for appointment, relying on the personnel reserve list. This mechanism made it possible to minimise nepotism, the appointment of unqualified candidates, oversights in integrity checks, and other factors that negatively affect the quality of managerial staff in the prosecution service.

1212 The prosecutor's salary consists of the official salary, bonuses, and allowances for years of service or for performing duties in an administrative position, as well as other payments provided for by law (Part 2, Article 81 of the Law of Ukraine "On the Public Prosecutor's Office").

1213 Lapkin A.V. The Prosecutor in Criminal Proceedings: Theoretical, Legal, and Organisational-Methodological Issues: monograph. Kharkiv: Pravo, 2020, p. 557.

1214 According to the authors' own preliminary estimates, the difference between the number of positions for which competitions would need to be held ranges from 300 to 2,000.

1215 On the Establishment of a Working Group on Strengthening the Institutional Capacity of the Qualification and Disciplinary Commission of Prosecutors, Improving the Disciplinary Procedure for Prosecutors, and the Functioning of Prosecutorial Self-Governance Bodies: Order of the Prosecutor General No. 156 of 25.06.2024.

1216 Information provided by Y. Krapyvin, a member of the respective working groups within the Prosecutor's General Office.

1217 On the Establishment of a Commission for the Selection of Candidates for Inclusion in the Personnel Reserve for Filling Administrative Positions in the Prosecution Service of Ukraine: Order of the Prosecutor General No. 246 of 22.10.2024.

The procedure for selecting candidates for inclusion in the personnel reserve for administrative positions was set out in a dedicated Regulation¹²¹⁸ and an accompanying Methodology¹²¹⁹. The competition included: an assessment of the candidate's vision for developing prosecution bodies at the relevant level (in the form of a presentation), practical tasks, an integrity check, and an interview with the Selection Commission. **The personnel reserve was to be formed for a term of two years** and would have enabled the CPU and the Prosecutor General to appoint the best prosecutors — those who have expressed interest in holding managerial positions — at the regional and local levels.

The term of office for a prosecutor appointed as head of a regional or district prosecutor's office is five years¹²²⁰. During the last reform of the prosecution service, triggered by the adoption of Law No. 113-IX¹²²¹ in 2019, the structure of the prosecution bodies was changed and prosecutors underwent attestation. The current regional prosecutor's offices began operating on 11 September 2020, and district offices on 15 March 2021, with the corresponding appointments made at that time. This means **the term of office of current heads of these prosecutor's offices will expire in 2025 and 2026**.

The idea behind the personnel reserve is to serve as a pilot project for the introduction of a mandatory competitive selection process for managerial positions in the prosecution service, as envisaged by a number of EU integration commitments. This procedure was to apply only to future appointments, while prosecutors currently holding such positions would have continued in office. Likewise, heads at the corresponding level would have been offered reappointment, and the personnel reserve would, in fact, have applied only to those seeking promotion.

On 15 November 2024, the Selection Commission announced a call for applications from prosecutors to be included in the personnel reserve for managerial positions in regional and district prosecutor's offices. The call concerned vacant and temporarily vacant positions, including heads of regional prosecutor's offices; first deputies and deputies of regional prosecutor's offices; and heads of district prosecutor's offices. Appointments to these positions are made by the Prosecutor General upon the recommendation of the CPU¹²²². **Applications were accepted over a three-week period**. According to one PGO prosecutor, the call for applications was "entirely formal, as the announcement was posted in the PGO's news feed and was lost among other publications within a single day. As a result, only a limited number of people saw the announcement"¹²²³. Despite this, more

1218 Regulation on the Procedure for the Selection of Candidates for Inclusion in the Personnel Reserve for Filling Administrative Positions in the Prosecution Service of Ukraine: Order of the Prosecutor General No. 236 of 14.10.2024.

1219 Methodology for the Selection and Evaluation of Candidates for Inclusion in the Personnel Reserve for Filling Administrative Positions in the Prosecution Service of Ukraine. Annex to the Regulation on the Procedure for the Selection of Candidates for Inclusion in the Personnel Reserve for Filling Administrative Positions in the Prosecution Service of Ukraine: Order of the Prosecutor General No. 236 of 14.10.2024.

1220 On the Public Prosecutor's Office: Law of Ukraine No. 1697-VII of 14.10.2014, Part 4, Article 39.

1221 On Amendments to Certain Legislative Acts of Ukraine Regarding Priority Measures for Prosecutorial Reform: Law of Ukraine No. 113-IX of 19.09.2019.

1222 Ibid, subparas. 6–8, 11, p. 1, Art. 39.

1223 Position provided in writing by a prosecutor of the Prosecutor General's Office on 21.03.2025.

than 500 candidates applied for over 800 positions, and the majority were admitted to the second stage of the selection¹²²⁴.

The second stage, held on 8–10 April 2025, involved a written practical assignment and was attended by approximately 500 prosecutors¹²²⁵. On 15 April, the Selection Commission announced¹²²⁶ the collection of integrity-related information on the candidates for managerial positions. In May–June of this year, the third stage — interviews with the Selection Commission — took place. A total of 480 prosecutors were admitted to this stage, of whom 400 participated in the interviews and were included in the preliminary ranking list based on the selection results¹²²⁷.

On 24 June 2025, Prosecutor General R. Kravchenko cancelled the Regulation on the procedure for selecting candidates for the personnel reserve and dissolved the Selection Commission¹²²⁸ that had formed this reserve. According to him, “the pilot project for implementing this initiative did not fulfil its main task. In addition, the procedures turned out to be excessively complex, over-regulated, protracted, and, in some aspects, discriminatory. The Regulation also allowed appointments outside the reserve, which contradicted the very logic of creating the mechanism.”¹²²⁹

As a result, the procedure for appointing to administrative positions reverted to its previous state — any person could be appointed to the relevant managerial posts at the discretion of the CPU and the Prosecutor General. At the same time, the CPU’s role in this process is largely formal, as, despite all efforts to develop prosecutorial self-governance, it remains weak.

The work of the Selection Commission was to be completed on 3 July 2025. Therefore, the Prosecutor General should have waited for the Commission’s results just one week later and then assessed its work as a whole¹²³⁰. Instead, Ukraine has once again returned to the starting point — the absence of competitive principles in the appointment to managerial positions.

Recommendations

1. Introduce a solely competitive procedure for the appointment of the Prosecutor General, with the involvement of the CPU and, where necessary, independent experts.

1224 On 21 March 2025, the Selection Commission for the Personnel Reserve adopted a decision to approve the results of the candidate presentation assessments. The Commission admitted: 146 candidates for the written assignment for the position of head of a regional prosecutor’s office; 278 candidates for the positions of first deputy and deputy heads of regional prosecutor’s offices; 320 candidates for the position of head of a district prosecutor’s office.

1225 Publication by EU Project Pravo-Justice in the social network Facebook. 2025.

1226 Announcement on the Launch of Integrity Checks for Candidates for Inclusion in the Personnel Reserve for Administrative Positions in the Prosecution Service of Ukraine, with a list of candidates admitted to the interview stage. Prosecutor General’s Office.

1227 The Prosecutor General Cancels the Procedure for Selecting Candidates for the Personnel Reserve — What Does This Mean? Agency for Legislative Initiatives, 2025.

1228 On Repealing the Orders of the Prosecutor General (regarding the selection of candidates for inclusion in the personnel reserve for filling administrative positions in the prosecution service): Order of the Prosecutor General No. 148 of 24.06.2025.

1229 Publication by Prosecutor General R. Kravchenko on the social network Facebook. 2025.

1230 The Prosecutor General Cancels the Procedure for Selecting Candidates for the Personnel Reserve — What Does This Mean? Agency for Legislative Initiatives. 2025.

2. Define an exhaustive list of grounds for early dismissal or termination of the Prosecutor General's powers and develop a special procedure for their application. Dismissal or termination should take place based on a "professional criterion" by simple majority vote (following a conclusion by the QDCP or HCJ), and in the case of dismissal on a "political criterion", by a qualified majority vote (two-thirds of the constitutional composition of Parliament).
3. Introduce a mandatory competitive selection process for administrative (managerial) positions in the prosecution service, including for heads of structural units of the PGO, regional, and district prosecutor's offices. The responsibility for conducting such competitions should lie with the CPU, once its institutional capacity has been strengthened. Take into account the experience of implementing the pilot project on forming a personnel reserve in the prosecution service, which was subsequently discontinued.
4. Define a list of managerial (administrative) positions for which competitive selection is mandatory, considering the optimisation of the number of prosecutors and the structure of the prosecution system, to avoid overloading the CPU with competitions for every position, including the most junior roles.
5. Specify in the Law of Ukraine "On the Public Prosecutor's Office" clear evaluation criteria for candidates for managerial positions, including professional competence and integrity.

Selection of Prosecutors, Results of the Vetting Process, and Disciplinary Liability of Prosecutors

Progress and Issues

Merit-based Selection of Prosecutors in Line with European Commission Recommendations. Trainee Prosecutors, Dismissal from the Prosecution Service

Before Law No. 4555-IX¹²³¹ entered into force (23 July 2025), all prosecutors appointed to positions within the prosecution service (non-managerial positions) were selected on a competitive basis with the involvement of the QDCP. At present, trainee prosecutors for district prosecutor's offices are still recruited through a competitive process with the involvement of the QDCP. In contrast, prosecutors are appointed by the heads of higher-level prosecution offices (regional offices and the PGO) without a competition, based solely on an application.

¹²³¹ On Amendments to the Criminal Procedure Code of Ukraine regarding the peculiarities of pre-trial investigation of criminal offences related to the disappearance of persons under special circumstances during martial law: Law of Ukraine No. 4555-IX of 22.07.2025.

Selection for the Position of Trainee Prosecutor in District Prosecutor's Offices

In 2023, legislative amendments introducing the position of trainee prosecutor entered into force¹²³². After selection for positions within the prosecution service, which is organised by the QDCP, a candidate is appointed as a trainee prosecutor based on their ranking in the list of candidates according to the total number of points scored in the qualification examination. If multiple candidates score the same number of points, preference is given to the candidate who has previously worked as a prosecutor or has greater legal work experience¹²³³.

The trainee prosecutor undergoes initial training for two months at the Prosecutors' Training Centre of Ukraine (PTCU)¹²³⁴, followed by a six-month traineeship in a district prosecutor's office, after which they are appointed to the position of prosecutor¹²³⁵.

Since 2022, three competitive selections have been announced for the positions of trainee prosecutors in the prosecution service. In June 2022 — for 90 positions¹²³⁶; in April 2023 — for 200 positions¹²³⁷; and in July 2024 — for 62 positions¹²³⁸; in July 2025 — 230 positions¹²³⁹. Thus, the prosecution service is undergoing renewal at the entry level, and the trainee prosecutor training model has proven effective.

In June 2024, the Training Programme for a Trainee Prosecutor of a District Prosecutor's Office was approved¹²⁴⁰. The most recent competition for appointment as a trainee prosecutor of a district prosecutor's office took place on 20 June 2024. A total of 182 prosecutor candidates took part in the competition and were enrolled in the reserve for filling vacancies in district prosecutor's offices. **Of them, 167 candidates selected positions and were successful in the competition.** Fifteen candidates who did not select any position, and 30 candidates who did not participate in the competition, remained in the reserve¹²⁴¹.

1232 On Amendments to Certain Laws of Ukraine on Improving the Selection and Training of Prosecutors: Law of Ukraine No. 2203-IX of 14.04.2022.

1233 On the Public Prosecutor's Office: Law of Ukraine No. 1697-VII of 14.10.2014, Part 4, Article 32¹.

1234 Procedure for Initial Training at the Prosecutors' Training Centre of Ukraine for Prosecutors — Trainees of District Prosecutor's Offices: Order of the Prosecutors' Training Centre of Ukraine No. 134 of 20.06.2023.

1235 On the Public Prosecutor's Office: Law of Ukraine No. 1697-VII of 14.10.2014, Article 33.

1236 On the Selection of Candidates for the Position of Prosecutor of a District Prosecutor's Office: Decision of the Qualification and Disciplinary Commission of Prosecutors No. 1dk-22 of 08.06.2022.

1237 On the Selection of Candidates for the Position of Prosecutor of a District Prosecutor's Office: Decision of the Qualification and Disciplinary Commission of Prosecutors No. 3dk-23 of 04.04.2023.

1238 On the Selection of Candidates for the Position of Prosecutor of a District Prosecutor's Office: Decision of the Qualification and Disciplinary Commission of Prosecutors No. 83dk-24 of 08.07.2024.

1239 On the Selection of Candidates for the Position of Prosecutor of a District Prosecutor's Office: Decision of the Qualification and Disciplinary Commission of Prosecutors No. 178dk-25 of 30.06.2025.

1240 Initial Training Programme for Prosecutors — Trainees of District Prosecutor's Offices: Order of the Prosecutors' Training Centre of Ukraine No. 209 of 26.06.2024.

1241 Selection of Candidates for 200 Prosecutor Positions. Qualification and Disciplinary Commission of Prosecutors.

On 21 June 2024, the QDCP adopted a decision¹²⁴² approving the results of the competition for appointment as a trainee prosecutor of a district prosecutor's office following the selection process for the position of prosecutor of a district prosecutor's office.

During July–August 2024, the initial training of trainee prosecutors was conducted at the PTCU¹²⁴³. At present, these prosecutors are undergoing practical training in the prosecution offices designated by the relevant QDCP decision.

The issue concerning the legal status of a trainee prosecutor of a district prosecutor's office — being distinct from that of a prosecutor within the prosecution service of Ukraine — remains unresolved. The Law stipulates the unity of the prosecution service of Ukraine, which is ensured through a single status of prosecutors¹²⁴⁴. The introduction of a separate status for a trainee prosecutor or a prosecutor's assistant or even granting them a distinct procedural status (relevant changes to CPC of Ukraine are currently being discussed within the professional community¹²⁴⁵) **fosters subordination and lack of independence in the prosecution service. Despite the educational rationale, this practice instils behavioural patterns that the prosecutor is likely to reproduce in the future.**

Providing a separate status under the Law of Ukraine "On the Public Prosecutor's Office" unjustifiably distinguishes between trainee prosecutors and prosecutors formally appointed to a position after completing their traineeship. There is no need to differentiate the status of a trainee prosecutor. European experts have noted that "trainee prosecutors should be granted the same status as prosecutors of district prosecutor's offices, as well as equal rights, duties, and social protection guarantees"¹²⁴⁶. Similarly, restrictions regarding the category of criminal proceedings and the requirement for approval of decisions by superiors could be established not by law, but through secondary legislation and the introduction of a mentorship model. **From the first day in the prosecution service, a prosecutor should feel equal in status to any other prosecutor, which would foster awareness of their procedural independence.**

Given this, a mentorship-based model without assigning a separate status to trainee prosecutors appears to be a much more appropriate approach. However, the issue requires a more thorough examination of the practical training process, and the subsequent profes-

1242 On the Approval of the Results of the Competition for Appointment as Prosecutor — Trainee of a District Prosecutor's Office during the Selection of Candidates for the Position of Prosecutor of a District Prosecutor's Office, Announced by Decision of the Qualification and Disciplinary Commission of Prosecutors of 04 April 2023 No. 3dk-23: Decision of the Qualification and Disciplinary Commission of Prosecutors No. 82dk-24 of 21.06.2024.

1243 To the attention of trainee prosecutors! Prosecutors' Training Centre of Ukraine. 2024.

1244 On the Public Prosecutor's Office: Law of Ukraine No. 1697-VII of 14.10.2014, Part 5, Article 7.

1245 Until 2014, it was possible to appoint a prosecutor's assistant within a prosecution unit. Under the previous Criminal Procedure Code of Ukraine of 28.12.1960 (repealed in 2012), such an assistant held procedural status. As a result, prosecutors who worked at that time sometimes refer to this as a positive practice. For example, a legislative amendment proposed restoring this status in the current CPC of Ukraine — Draft Law No. 7165 of 04.10.2017 (8th convocation).; In addition, articles and scholarly studies on this issue are occasionally published, such as: Lapkin A.V. The Prosecutor in Criminal Proceedings: Theoretical, Legal, and Organisational-Methodological Issues: Monograph. — Kharkiv: Pravo, 2020. — pp. 400–401; Skybenko O.I. The Constitutional and Legal Status of the Prosecutor's Office of Ukraine in the Context of Reform. Dissertation for the degree of Candidate of Legal Sciences. Kyiv, 2021. — p. 123; etc. The existence of a prosecutor's assistant is neutral in itself; however, in Ukraine, the discussion mostly centres on independent procedural powers, which contradicts the unified status of the prosecutor.

1246 Expert opinion on Draft Law No. 5158 "On Amendments to Certain Laws of Ukraine on Improving the Selection and Training of Prosecutors" and Draft Law No. 5157 "On Amendments to Section II 'Final and Transitional Provisions' of the Law of Ukraine 'On Amendments to Certain Legislative Acts of Ukraine on Priority Measures for the Reform of Prosecutorial Bodies' concerning Certain Aspects of the Application of Transitional Provisions".

sional activity of prosecutors appointed after 2022. Attempts to introduce a separate status for prosecutors, a distinct procedural status, or unjustified exceptional procedural powers for heads of prosecutor's offices have been made repeatedly and have always raised concerns, as they are seen to "weaken the role of individual prosecutors by reinforcing the hierarchical structure, which runs counter to the goal of strengthening the independence of individual prosecutors"¹²⁴⁷.

Selection for Positions in Higher-Level Prosecution Offices

Law No. 4555-IX has allowed the appointment of prosecutors to the PGO and regional prosecutor's offices without a competition, provided the candidate has a full higher education and the required legal experience (five years for the PGO, three years for a regional prosecutor's office). At the same time, the general procedure for appointing a trainee prosecutor — previously, the typical starting point for a prosecutorial career — has been retained. This has created a **conceptual inconsistency**: in lower-level prosecution offices, recruitment is carried out through a competition with the participation of the independent QDCP, while in higher-level prosecution offices, appointments are made without competition, solely at the discretion of the head of the prosecution body.

The new appointment rules for the prosecution service will only apply **during martial law**. Before the adoption of these legislative changes, prosecution authorities had not publicly communicated any issues with competitive recruitment. On the contrary, during martial law, more than 300 trainee prosecutors were appointed based on competitive selection results.

In effect, the Prosecutor General and the heads of regional prosecutor's offices have regained the powers they held before 2017 (the time when the first composition of the QDCP was established), bypassing the QDCP. Appointments are now made outside the merit-based system, without any assessment criteria, rankings, tests, or interviews. This not only creates corruption risks but also represents a significant step backwards in European integration.

The Rule of Law Roadmap declares the strengthening of the institutional capacity of prosecutorial self-governance bodies and the QDCP, yet in practice they are being partially stripped of powers. Although in the first quarter of 2026 competitions for managerial (administrative) positions in the prosecution service are to become mandatory, the current situation concerns the absence of even a basic competition for entry into the prosecution service, contrary to European standards. The CCPE emphasises that selection must be transparent and based on objective criteria, and that the body conducting the selection must have an appropriate level of competence¹²⁴⁸.

Summary of Prosecutor Vetting

In 2024–2025, the **vetting of prosecutors continued** as a temporary tool for purging the prosecution service of unprofessional and unscrupulous personnel. No publicly available data exists regarding the number of prosecutors, who are successfully/unsuccessfully passed this process and the PGO does not provide this information.

¹²⁴⁷ Expert opinion on the Draft Law of Ukraine No. 3009a "On Amendments to the Criminal Procedure Code of Ukraine Regarding the Implementation of the Functions of the Prosecutor's Office", paras. 26–28. 2020.

¹²⁴⁸ CCPE. Opinion No. 9 (2014) on "European norms and principles concerning prosecutors" — p. 51.

Vetting is carried out by three commissions (for the PGO, regional, and district prosecutor's offices, respectively). Due to the cessation of USAID funding in Ukraine¹²⁴⁹, the commissions temporarily suspended their operations in February-March 2025, as half of their members had been delegated by ITA projects¹²⁵⁰. In June 2025, such activity resumed.

From September 2024 to 25 July 2025, three prosecutors of the Prosecutor General's Office of Ukraine, six prosecutors of regional prosecutor's offices, and seven prosecutors of local prosecutor's offices and military garrison prosecutor's offices (with the status of local) successfully passed certification. Five prosecutors of the Prosecutor General's Office of Ukraine and five prosecutors of local prosecutor's offices failed certification. Thus, **decisions were taken in respect of 26 prosecutors (16 — successful, 10 — unsuccessful)**¹²⁵¹.

The 2024 EU Enlargement Report on Ukraine states that vetting must be completed without further delay. Prosecutors who fail the vetting process must be dismissed in accordance with the law, and ongoing court cases must be concluded¹²⁵².

The main obstacle to completing vetting process is the large number of lawsuits challenging certification commission decisions, which remain pending before administrative courts. According to a member of one of the vetting commissions¹²⁵³, as of late 2024, approximately 700 cases were still pending due to the lengthy appeal process through all instances of the administrative judiciary in Ukraine.

At the same time, certain provisions of Law No. 113-IX¹²⁵⁴ on vetting process were declared unconstitutional by two rulings of the Constitutional Court of Ukraine (CCU) in 2023¹²⁵⁵. In particular, the CCU stated that the Verkhovna Rada lacked the authority to issue blanket warnings of dismissal due to indiscriminate vetting of all prosecutors, effectively ruling out the possibility of conducting such large-scale vetting again. The CCU also ruled on unequal remuneration between prosecutors who passed vetting process and those who did not but remain formally employed. Currently, prosecutors who failed vetting continue to receive salaries as stipulated by law, despite performing no prosecutorial duties.

1249 On Delivering an America First Foreign Assistance Program. Press Statement. U.S. Department of State, 28.03.2025.

1250 Information provided by the Head of the Department of Criminal Policy and Investment Protection of the Prosecutor General's Office during an interview conducted on 25.03.2025.

1251 Information provided by the Prosecutor General's Office, letter of 25.07.2025 No. 30/3-1329VYKH-25.

1252 Ukraine 2024 Progress Report within the European Union Enlargement Package, p. 30.

1253 Information provided in writing by a member of the Personnel Commission of the Prosecutor General's Office on 20.04.2025. Most of the lawsuits have already been resolved (of 2,797 lawsuits, 2,185 have been considered).

1254 On Amendments to Certain Legislative Acts of Ukraine Regarding Priority Measures for the Reform of Prosecutorial Bodies: Law of Ukraine No. 113-IX of 19.09.2019.

1255 Decision of the Constitutional Court of Ukraine in the case of the constitutional complaint of Serhii Mykolaiovych Vasylenko regarding the compliance of paragraph 6 of Section II "Final and Transitional Provisions" of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Regarding Priority Measures for the Reform of Prosecutorial Bodies" with the Constitution of Ukraine (regarding guarantees of prosecutorial independence), No. 1-p(III)/2023 of 01.03.2023.; Decision of the Constitutional Court of Ukraine in the case of the constitutional complaints of Mykola Petrovych Starychenko, Serhii Serhiiiovych Harlyk, Oleksandr Anatoliiovych Petrychuk, Mariia Vasylivna Ostapenko, and Serhii Vitaliiiovych Menchynskyi regarding the compliance of the third paragraph of item 3 of Section II "Final and Transitional Provisions" of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Regarding Priority Measures for the Reform of Prosecutorial Bodies" of 19 September 2019 No. 113-IX with the Constitution of Ukraine (regarding the prosecutor's remuneration as a guarantee of their independence), No. 8-p(III)/2023 of 13.09.2023.

Vetting currently applies to three categories of individuals: prosecutors undergoing re-vetting after reinstatement by court decision¹²⁵⁶; individuals returning from childcare leave; individuals who for various reasons avoided vetting earlier and continue to do so.

Of the three categories, only prosecutors returning from childcare leave may undergo vetting promptly and without delay. However, since the maximum duration of such leave is six years, returns will occur gradually until the end of 2025. Vetting cannot begin until the person submits the appropriate application.

Improvement of the Disciplinary Procedure

The recommendations of GRECO's Fourth Evaluation Round regarding the disciplinary liability of prosecutors¹²⁵⁷, issued in 2017, remain unimplemented. Their implementation is required by the SAP¹²⁵⁸ and the Ukraine Facility Plan¹²⁵⁹.

These recommendations consist of three components:

1) On the disciplinary procedure and composition of the QDCP:

- ensure a prosecutorial majority within the QDCP (currently, five of the 11 Commission members are prosecutors) (Recommendation XXIII);
- clarify the types of disciplinary offences (Recommendation XXIX);
- extend the statute of limitations for initiating disciplinary proceedings (currently one year; in comparison, it is three years for judges) (Recommendation XXX);
- provide the prosecutorial self-governance bodies and heads of prosecution offices with the authority to submit disciplinary complaints (Recommendation XXX)¹²⁶⁰.

2) On management in prosecution offices:

- introduce a new prosecutor performance evaluation system (Recommendation XXV);
- implement random distribution of criminal cases among prosecutors based on predetermined, clear, and objective criteria, including specialisation (Recommendation XXIV);

¹²⁵⁶ To safeguard the attestation of prosecutors from the problems previously encountered in other state authorities, on 15.06.2021, the Law No. 1554-IX "On Amendments to Section II 'Final and Transitional Provisions' of the Law of Ukraine 'On Amendments to Certain Legislative Acts of Ukraine Regarding Priority Measures for the Reform of Prosecutorial Bodies' Regarding Certain Aspects of the Application of Transitional Provisions" was adopted. This law stipulates that prosecutors dismissed following the results of attestation, who were reinstated by a court decision challenging the results of the attestation, must still undergo attestation after such reinstatement.

¹²⁵⁷ Ukraine — Evaluation Report. Fourth evaluation round. Coe, GRECO website, 20.02.2025. — Rec. XXIX, XXX.

¹²⁵⁸ On the Approval of the State Anti-Corruption Programme for 2023–2025: Resolution of the Cabinet of Ministers of Ukraine No. 220 of 04.03.2023, Measure 2.1.5.2.2.

¹²⁵⁹ Section 4. Prosecution Reform.

¹²⁶⁰ It is difficult to agree with such a recommendation, since, pursuant to part 2 of Article 45 of the Law of Ukraine "On the Public Prosecutor's Office", anyone who is aware of facts indicating a disciplinary offence committed by a prosecutor may file a disciplinary complaint. Only anonymous complaints constitute grounds for refusing to initiate proceedings. Moreover, a significant number of complaints are submitted by heads of prosecutor's offices, and the procedure for initiating proceedings is the same for all complaints. The proposed procedural status of such complaints would add nothing to the legal regulation of disciplinary proceedings initiation.

3) *On the procedural independence of prosecutors:*

- improve the procedure for the disqualification/self-recusal of prosecutors (Recommendation XXVIII).

In February 2025, GRECO concluded¹²⁶¹ that Ukraine had satisfactorily implemented or partially implemented 18 out of 31 recommendations from the Fourth Evaluation Round. Eleven recommendations remained partially implemented, and two were unimplemented. Among those considered implemented in relation to the prosecution service were the recommendations on increasing the number of prosecutors in the QDCP (Recommendation XXIII) and extending the limitation period for initiating disciplinary proceedings and for appealing decisions (Recommendation XXX). In response, the PGO prepared draft legislative amendments aimed at reviewing the quota for prosecutors among QDCP members and extending the limitation period.

However, the draft legislation to address Recommendations XXIX and XXX was developed by the second composition of the QDCP (2021–2024) but never submitted to Verkhovna Rada¹²⁶². Therefore, GRECO's positive assessment appears premature.

Following the start of the full-scale invasion, the priorities of the prosecution service shifted to the development of mechanisms for prosecuting international crimes and combating new challenges of crime, particularly in the area of national security, and so forth. The issue of improving the disciplinary procedure was only revisited in 2024.

To implement GRECO's recommendations, the Working Group on Strengthening the Institutional Capacity of the QDCP, Improving the Disciplinary Procedure for Prosecutors, and the Activities of Prosecutorial Self-Governance Bodies¹²⁶³ **prepared a draft Law of Ukraine "On Amendments to the Law of Ukraine 'On the Public Prosecutor's Office' (on Implementation of the Recommendations of the Group of States against Corruption, the Anti-Corruption Strategy 2021–2025, and the Ukraine Facility Implementation Plan 2024–2027 adopted within the framework of the European Union's Ukraine Facility Initiative regarding the Improvement of the Disciplinary Procedure for Prosecutors)".** If adopted, this draft law would fulfil Recommendations XXIII, XXIX, and XXX of GRECO. **On 4 March 2025, the PGO submitted the draft law to the Cabinet of Ministers of Ukraine for review and subsequent submission to Parliament¹²⁶⁴.** The draft law has not yet been made publicly available.

At the same time, another working group on the implementation of specific international obligations (recommendations), established in August 2024¹²⁶⁵, is working on the implementation of GRECO recommendations XXIV, XXV and XXVIII. The issues

1261 Ukraine — Publication of the Fourth Round Addendum to the Second Compliance Report. Coe, GRECO website, 20.02.2025.

1262 Information provided by the Head of the second composition (2021–2024) of the Qualification and Disciplinary Commission of Prosecutors during an interview conducted on 25.03.2025.

1263 On the Establishment of a Working Group on Strengthening the Institutional Capacity of the Qualification and Disciplinary Commission of Prosecutors, Improving the Disciplinary Procedure for Prosecutors, and the Activities of Prosecutorial Self-Governance Bodies: Order of the Prosecutor General No. 156 of 25.06.2024.

1264 Measure 2.1.5.2.2. Information System for Monitoring the Implementation of State Anti-Corruption Policy.

1265 On the Establishment of a Working Group on the Implementation of Specific International Obligations (Recommendations): Order of the Prosecutor General No. 204 of 30.08.2024.

of recusal, its appeal, prosecutor evaluation and the random distribution of criminal proceedings are interrelated and pertain to management activities within the prosecution service in the context of criminal prosecution.

The 2024 EU Enlargement Package Report, in addition to emphasising the need to implement GRECO recommendations concerning the improvement of disciplinary procedures, also notes that the **authority to consider complaints against QDCP decisions should be transferred to the CPU**¹²⁶⁶. Currently, QDCP decisions adopted as a result of disciplinary proceedings may be appealed to the HCJ and to an administrative court¹²⁶⁷.

However, the rationale behind such a recommendation remains unclear, as the CPU has a different mandate and lacks sufficient familiarity with disciplinary practice¹²⁶⁸. The CPU would require substantial resources to allocate specific members for the consideration of such complaints, provide them with professional training, and ensure the necessary infrastructure for adversarial disciplinary proceedings (e.g. equipping dedicated premises for quasi-judicial hearings, establishing a system for summoning participants, and implementing other relevant measures).

In practice, when prosecutors are given the option to appeal¹²⁶⁹ (either to the HCJ or to an administrative court), they tend to choose the latter. In 2017, 31 such complaints were submitted to the HCJ; in 2018 — 46; in 2019 — 44; in 2020 — 6; and in 2021 — 8¹²⁷⁰. Subsequently, due to the legislative framework in place, the HCJ did not exercise its disciplinary function for two years (from August 2021 to October 2023)¹²⁷¹. In 2024, the HCJ received 25 complaints against QDCP decisions¹²⁷².

At the same time, the number of decisions adopted by the QDCP from November 2021 to 2024 amounted to nearly 600¹²⁷³. In 2024, courts of all instances were handling 159 cases related to appeals against actions and decisions adopted in disciplinary proceedings, in which the QDCP was involved¹²⁷⁴. By the end of the year, 99 cases were pending before first instance courts, 20 before appellate courts, and 16 before cassation courts¹²⁷⁵. These statistics indicate that prosecutors predominantly appeal to the courts rather than the HCJ.

1266 Ukraine 2024 Progress Report within the European Union Enlargement Package.

1267 On the Public Prosecutor's Office: Law of Ukraine No. 1697-VII of 14.10.2014, Part 1, Article 50.

1268 This position was also voiced by the Head of the second composition (2021–2024) of the Qualification and Disciplinary Commission of Prosecutors during an interview conducted on 25.03.2025.

1269 On the Public Prosecutor's Office: Law of Ukraine No. 1697-VII of 14.10.2014, Article 50.

1270 Summary of the practice of the High Council of Justice in reviewing complaints against decisions in disciplinary proceedings concerning prosecutors. 2023.

1271 On Amendments to Certain Legislative Acts of Ukraine on the Procedure for Selection (Appointment) to the Positions of Members of the High Council of Justice and the Activities of Disciplinary Inspectors of the High Council of Justice: Law of Ukraine No. 1635-IX of 14.07.2021.

1272 Information on the practice of disciplinary proceedings concerning prosecutors for 2024. Qualification and Disciplinary Commission of Prosecutors

1273 Ibid.

1274 Analysis of the activities of the relevant prosecutorial body conducting disciplinary proceedings (from November 2021 to December 2023), p. 43; Information on the practice of disciplinary proceedings concerning prosecutors for 2024. Qualification and Disciplinary Commission of Prosecutors.

1275 Information on the practice of disciplinary proceedings concerning prosecutors for 2024. Qualification and Disciplinary Commission of Prosecutors.

Moreover, no information has been voiced indicating that the HCJ handles these complaints inadequately or that there are any other concerns regarding its work.

The General Inspectorate, as the internal control unit of the PGO, also deserves particular attention. A significant portion of the complaints submitted to the QDCP consist of materials compiled by the General Inspectorate following internal investigations¹²⁷⁶. Therefore, it should be viewed as an integral part of the disciplinary procedure. However, the Law of Ukraine “On the Public Prosecutor’s Office” stipulates that it is the QDCP members themselves who are to conduct the examination to determine whether grounds exist to bring a prosecutor to disciplinary liability. Consequently, the legal status of materials received from the General Inspectorate remains somewhat unclear¹²⁷⁷. As an internal control unit, the General Inspectorate shall be sufficiently independent from the PGO, while its personnel shall meet integrity standards, have adequate channels for communication with whistle-blowers within the prosecution service, and enjoy the trust of prosecutors themselves.

The Rule of Law Roadmap provides for the adoption, in the fourth quarter of 2027, of a law aimed at strengthening the institutional capacity and effectiveness of the General Inspectorate and improving the system for preventing corruption and ethical violations in the prosecution service. This law should include, in particular, the following elements: 1) ensuring the performance of the function of preventing disciplinary and other offences among prosecution service staff; 2) conducting an independent and objective procedure for selecting employees of the General Inspectorate, including verification of their integrity; 3) granting the General Inspectorate the necessary powers to cooperate with whistleblowers, ensuring their rights and the guarantees of protection provided for by law, etc.

Since 2024, a special procedure for reviewing disciplinary complaints has been introduced for SAPO prosecutors: **any complaint submitted against such a prosecutor is subject to a preliminary review by SAPO’s internal control unit**¹²⁷⁸. However, the position of this unit regarding whether or not to open disciplinary proceedings is not binding on the QDCP member when making the corresponding decision¹²⁷⁹.

As of February 2025, SAPO’s internal control unit remains understaffed — it does not have an approved staffing table but consists of three individuals: a head of unit (a civil service position), a prosecutor, and a chief specialist (a civil service position). Unlike other prosecutors in the prosecution service, disciplinary proceedings against SAPO prosecutors now involve a recommendation on whether to open proceedings, issued by the internal control unit — which is not an independent body, but is fully subordinate to the head of SAPO. In other words, the preliminary assessment by the internal control unit in disciplinary procedures concerning SAPO prosecutors resembles the old system in place

1276 Expert analysis of the disciplinary practice of the relevant prosecutorial body conducting disciplinary proceedings, for the first 9 months of work (2021–2022). Council of Europe Office in Ukraine, 2022. — p. 22.

1277 Needs Assessment Report of the Council of Prosecutors of Ukraine and the Qualification and Disciplinary Commission of Prosecutors / Council of Europe Project “Further Support for Criminal Justice Reform in Ukraine”, 2017, pp. 48–49; Disciplinary Liability of Prosecutors in Ukraine / O. Banchuk, M. Kameniev, E. Krapyvin, B. Malychiev, V. Petrakovskiy, M. Tsapok. — Kyiv: Moskalenko O.M., 2019. — p. 92..

1278 On Amendments to the Criminal Procedure Code of Ukraine and Other Legislative Acts of Ukraine to Strengthen the Autonomy of the Specialised Anti-Corruption Prosecutor’s Office: Law of Ukraine No. 3509-IX of 08.12.2023.

1279 On the Public Prosecutor’s Office: Law of Ukraine No. 1697-VII of 14.10.2014, Part 2, Article 8¹.

prior to the establishment of the QDCP, when heads of prosecution offices held disciplinary powers, which they lost as a result of the 2014 reform¹²⁸⁰.

In 2024, 15 disciplinary complaints were registered against SAPO prosecutors¹²⁸¹. The SAPO internal control unit's recommendations to reject the initiation of disciplinary proceedings coincided with the decisions of QDCP members to refuse such initiation (although the QDCP's decision prevails in case of any divergence). However, this alignment in practice may not be sustained in the future. **The issue with the separate procedure for reviewing disciplinary complaints against SAPO prosecutors lies in the internal control unit's dependence on the head of SAPO, as well as the double filtering of complaints — while the QDCP may ultimately disagree with the unit's conclusion, there is little justification for duplicating prosecutorial system resources to reach the same decision. The level of independence and competence of the QDCP in matters of disciplinary liability is considerably higher than that of SAPO's internal control unit.**

Dismissal from Office

The original version of the Law of Ukraine "On the Public Prosecutor's Office" from 2014 provided for dismissal from the prosecution service on the grounds of the liquidation or reorganisation of the prosecution body in which the prosecutor holds office, or in the event of a reduction in the number of prosecutors in the prosecution body. During the introduction of the prosecutor certification mechanism in 2019, this Law was amended¹²⁸² to stipulate that, in the case of dismissal of prosecutors on these grounds, the provisions of the legislation on offering another position and transferring to other work upon dismissal due to changes in the organisation of production and labour; notice periods for dismissal; preferential retention rights; preferential rights to conclude an employment contract in the event of re-employment; and retention of the position during annual leave and secondment, would not apply. This restriction was considered necessary to "cleanse the prosecution service" of dishonest personnel.

By Decision No. 11-r(II)/2024¹²⁸³ of the Constitutional Court of Ukraine of 18 December 2024, the above provisions of the Law of Ukraine "On the Public Prosecutor's Office" were found to be inconsistent with the Constitution of Ukraine and lost their force on 18 June 2025. In this decision, the Court noted that applying the relevant provisions of the Law of Ukraine "On the Public Prosecutor's Office" **could result in a situation where a prosecutor is "removed from the staffing table" of a prosecution body but retains the status of a prosecutor without the ability to perform the relevant functions. This creates legal uncertainty in the legal relations and their consequences**, particularly with regard to the prosecutor's functional duties and professional future.

¹²⁸⁰ A Separate SAPO Planet. Part 2. Euro-disintegration. Justtalk. 2025.

¹²⁸¹ Information on the practice of disciplinary proceedings concerning prosecutors for 2024. Qualification and Disciplinary Commission of Prosecutors.

¹²⁸² On Amendments to Certain Legislative Acts of Ukraine Regarding Priority Measures for Reforming the Prosecution Service: Law of Ukraine No. 113-IX of 19.09.2019, subpara. 41 para. 21 section I.

¹²⁸³ Decision of the Constitutional Court of Ukraine No. 11-r(II)/2024 of 18.12.2024 in the case upon the constitutional complaint of Bohdan Mykolaiovych Panchenko regarding the constitutionality of para. 9 part one art. 5-1, subpara. 1 para. 51 section XIII "Transitional Provisions" of the Law of Ukraine "On the Public Prosecutor's Office" of 14 October 2014 No. 1697-VII (on constitutional guarantees of prosecutorial independence).

Furthermore, **dismissal of a prosecutor on this ground creates the possibility of influencing or pressuring the prosecutor's independence**, since a prosecutor may be dismissed not only as a result of their decisions, actions, or inaction, but also due to a decision to liquidate or reorganise a prosecution body or reduce the number of prosecutorial posts in a prosecution body.

The CCU's decision should be viewed through the prism of institutional guarantees of prosecutorial independence, given that a prosecutor is appointed to the position indefinitely (except in cases such as retirement, disciplinary liability, and similar grounds — dismissal is otherwise impossible). This is a guarantee that the prosecutor will make decisions at their own discretion (like a judge, since European standards call for the status of prosecutors to be brought closer to that of judges) and will not fear pressure from politicians, procedural opponents, or their superior.

However, prosecution managers have disregarded these guarantees. It was sufficient to reduce the size of a unit, remove people from the staffing table, create a new staffing schedule, and appoint prosecutors at the discretion of the new head. In other words, "off-staff" (out of position) prosecutors retained prosecutorial status and received part of their salary (the basic salary) but were deprived of all powers and placed in an uncertain legal position.

On 22 July 2025, Law No. 4555-IX¹²⁸⁴ amended the procedure, conditions, and processes for dismissing prosecutors, including from administrative positions, and for terminating their powers in the event of the liquidation, reorganisation, change of structure, or staffing changes in the prosecution body in respect of that position. Most importantly, the previous unconstitutional provisions of the Law of Ukraine "On the Public Prosecutor's Office" were removed. At the same time, the Law was supplemented with a new provision stipulating that a prosecutor shall be dismissed from office if they do not agree to be appointed to a vacant or temporarily vacant position, or to be transferred to such a position in another prosecution body, in cases of liquidation, reorganisation, change of structure, or staffing changes in the prosecution body in which the prosecutor holds office.

In effect, Law No. 4555-IX has preserved the "off-staff" (out of position) mechanism, merely replacing "staff reduction" with "change in structure or staffing numbers". Moreover, under the new version of the provision, a prosecutor must, in particular, refuse a transfer to a position in another prosecution body. Thus, Law No. 4555-IX has introduced a new way out of the situation: a prosecutor can be offered a position and, if they refuse it, be dismissed on that ground. For example, in most cases, a prosecutor would refuse a position at the lowest level or a transfer to another prosecution body located in a life-threatening area of Ukraine (frontline territories, particularly in Kharkiv and Sumy regions)¹²⁸⁵.

Representatives of the prosecution service have also drawn attention to similar risks associated with the provisions of Law No. 4555-IX¹²⁸⁶.

¹²⁸⁴ On Amendments to the Criminal Procedure Code of Ukraine regarding the peculiarities of pre-trial investigation of criminal offences related to the disappearance of persons under special circumstances during martial law: Law of Ukraine No. 4555-IX of 22.07.2025, subpara. 4 para. 2 section II.

¹²⁸⁵ Saved NABU but Not the Prosecution Service: What the Authorities "Forgot" to Fix After the Attack on Anti-Corruption Bodies. European Pravda. 2025.

¹²⁸⁶ What Is Prosecutorial Independence and Does Ukraine Really Need It? JustTalk, 2025.; Law No. 4555-IX and Threats to Prosecutorial Independence in Dismissal from Office. JustTalk, 2025.

Therefore, although the **legislator has reformulated the ground for dismissal, in essence this provision does not in any way contribute to guarantees of prosecutorial independence or to the effective implementation of the CCU's decision.**

Recommendations

1. Repeal the amendments introduced by Law No. 4555-IX regarding the non-competitive procedure for appointment to positions in regional prosecutor's offices and the PGO.
2. Remove from the Law of Ukraine "On the Public Prosecutor's Office" all provisions related to the separate status of trainee prosecutors, as well as any provisions that could be interpreted as restricting the independence of newly appointed prosecutors. Improve the system of prosecutorial training so that a structured mentorship and standardised practical training programme fully replaces the need for the trainee prosecutor institution.
3. Complete the vetting of prosecutors. Adopt the necessary legislative and institutional changes to enable this. The relevant units of the PGO should carefully examine possible ways to finalise the vetting process with the involvement of experts and international partners who can provide assistance.
4. Adopt amendments to legislation to implement the recommendations of GRECO's Fourth Evaluation Round regarding the disciplinary procedure and the composition of the QDCP (ensuring a prosecutorial majority), as well as the recommendations of the European Commission concerning the disciplinary procedure and the institutional capacity of the QDCP to carry out its functions.
5. Conduct a detailed assessment of the feasibility of implementing the European Commission's recommendation to transfer the authority to review appeals against QDCP decisions from the HCJ to the CPU.
6. Improve the functioning of the PGO's General Inspectorate by granting it effective powers and adequate resources to carry out its mandate.
7. In view of the unity of the prosecution service, abolish the separate procedure for considering disciplinary complaints against SAPO prosecutors to avoid duplicating prosecutorial system resources when examining complaints for elements of disciplinary misconduct.
8. Ensure the implementation of the CCU's Decision No. 11-r(II)/2024 of 18 December 2024 to prevent prosecutors from being placed in an uncertain legal status due to organisational changes in the prosecution service, and repeal the provisions of Law No. 4555-IX that allow dismissal from the prosecution service as a result of "off-staff" (out of position) placement, as such provisions violate the guarantees of institutional prosecutorial independence.

Institutional Support for Prosecutor Training

Progress and issues

Continuing Professional Development

Prosecutors continuously engage in professional development. The forms of continuing professional development for prosecutors include self-directed learning (self-education); internships at higher-level prosecution bodies; participation in seminars and other collective forms of training; training at the PTCU; trainer (lecturing) activity at the PTCU; and academic research.

A prosecutor is considered to have completed continuing professional development at the PTCU if, within a 48-month period, they have obtained 60 credit points through participation in training courses/trainings¹²⁸⁷. One day in a classroom (offline) is equivalent to approximately ten credit points. This means that over a four-year period, a prosecutor must spend more than one working week on professional development. At the same time, there is an option to count distance learning courses¹²⁸⁸.

The number of credit points set by the Regulation on the Performance Evaluation System of Prosecutors¹²⁸⁹ over four years is not excessive. However, there is a noticeable trend of prosecutors rushing to complete distance courses, as this period expires in 2025, when they will undergo quality assessment of their performance for the first time. There is no formal liability for failing to complete continuing professional development, although non-compliance with this legislative requirement may serve as grounds for a negative assessment in the annual performance evaluation for the purpose of awarding bonuses.

Distance learning courses are designed in such a way that the electronic system monitors the reading of texts, viewing of videos, completion of tests, and other tasks. In other words, they include a degree of interactive learning, the outcomes of which could theoretically be manipulated, but in general, the system will ensure that the prosecutor acquires new knowledge and improves their qualifications. Thus, the continuing professional development system is adequately structured and ensures that **training is delivered at an appropriate level.**

According to information from the PTCU¹²⁹⁰, the Screening Report on the “Fundamentals of the Accession Process” cluster (2025), provided to them by the EU, notes that **more courses should be offered on EU law, the rule of law, judicial craft, professional ethics,**

¹²⁸⁷ According to paragraph 1, Section V of the Regulation on the Professional Development System for Prosecutors, approved by Order of the Prosecutor General No. 200 of 15.06.2021, the training (education) of prosecutors of the PGO, regional and district prosecutor's offices at the Prosecutors' Training Centre of Ukraine and its regional branches shall take place at least once every four years.

¹²⁸⁸ Information provided by the Director and Deputy Director of the Prosecutors' Training Centre of Ukraine during an interview conducted on 27.03.2025.

¹²⁸⁹ Regulation on the Performance Evaluation System for Prosecutors: Order of the Prosecutor General No. 407 of 29.12.2021.

¹²⁹⁰ Information provided by the Director and Deputy Director of the Prosecutors' Training Centre of Ukraine during an interview conducted on 27.03.2025.

integrity, and professional skills. In addition, joint courses for judges and prosecutors should be introduced (as part of the cooperation between the National School of Judges of Ukraine (NSJU) and the PTCU).

The Rule of Law Roadmap¹²⁹¹ provides, in the second quarter of 2026, for the creation of a joint EU law training programme by the NSJU and the PTCU for judges and prosecutors, as well as the integration of EU law into existing trainings and courses for prosecutors. In the same period, it is planned to improve training programmes and courses on gender equality, integrity and professional ethics, the rule of law, leadership (including women's leadership), protection of vulnerable groups, combating domestic and gender-based violence, digitalisation of justice and electronic evidence, and anti-corruption legislation.

Trainings on EU law are already being developed in cooperation with the EU Project "Pravo-Justice", and the first distance learning modules will become available in May 2025. All existing courses are also being reviewed for components of EU law¹²⁹², such as EU Directives or Council of the EU Decisions. This enables the study of EU law in the context of sector-specific issues in prosecutorial practice, for instance, Directives on victim support or whistleblower protection in criminal proceedings. There are also plans to improve training programmes on gender equality, integrity, leadership (including women's leadership), and combating domestic and gender-based violence (in accordance with paragraph 6.4.9 of the OAS Action Plan).

Activities of the Prosecutors' Training Centre of Ukraine

The PTCU was established in 2020¹²⁹³ as one of the effective outcomes of the reform of the prosecution service system. Currently, the PTCU is a reliable partner and assistant to the PGO, regional and district prosecutor's offices, and one of the leaders in implementing the best international standards for training and professional development of personnel in the criminal justice system in Ukraine.

In 2024, the PTCU **conducted 277 professional development events for prosecutors** (in both offline and online formats) (126 events in the first half of 2025), including 147 training events provided for in the approved Catalogues of training programmes for prosecutors (76 in the first half of 2025) and 117 ad hoc training events (38 in the first half of 2025)¹²⁹⁴. A total of **24,195 certificates** were issued (10,531 in the first half of 2025), including 8,563 certificates for offline and online learning formats (3,294 in the first half of 2025), and 15,373 certificates for distance learning formats (7,237 in the first half of 2025); 159 certificates were issued following the completion of Training of Trainers (ToT) courses (89 in the first half of 2025).

Overall, in 2024, **75.7% of prosecutors improved their qualifications** (7,571 prosecutors, including 2,876 women and 4,695 men) through online/offline/distance learning formats

¹²⁹¹ Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the EU Accession Process": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

¹²⁹² Ibid.

¹²⁹³ On Amendments to Certain Legislative Acts of Ukraine on Priority Measures for Prosecutorial Reform: Law of Ukraine No. 113-IX of 19.09.2019.

¹²⁹⁴ Information provided in writing by the management of the Prosecutors' Training Centre of Ukraine on 22.04.2025. Information on statistical data for the first half of 2025 was provided by the management of the Prosecutors' Training Centre of Ukraine in July 2025.

(4,664 in the first half of 2025, including 1,924 women and 2,740 men). Of these, 4,147 prosecutors participated in offline and online formats (2,155 in the first half of 2025), and 3,424 prosecutors participated exclusively in distance learning (2,509 in the first half of 2025)¹²⁹⁵.

The training programme catalogue is publicly available (first half of 2024¹²⁹⁶; second half of 2024¹²⁹⁷; first half of 2025¹²⁹⁸). The catalogue for the first half of 2025 includes training sessions for basic, advanced, and expert levels. A catalogue of training programmes for trainers has also been developed, considering a multi-level trainer training system. In addition, initial steps have been taken to develop a concept (principles, procedures, and methods) for a system of assessment and professional development of PTCU staff¹²⁹⁹.

The training plan is developed based on the topics identified by prosecutors themselves. Most often, prosecutors focus on sector-specific and narrowly defined practical issues, such as certain covert investigative actions in criminal proceedings or clarification of new legal institutions (e.g. criminal liability of military commanders ("command responsibility") introduced in connection with the ratification of the Rome Statute of the International Criminal Court (Rome Statute)). In this context, it is not advisable to rely solely on prosecutors' requests, as **a portion of training sessions should be reserved for general theoretical topics such as "Rule of Law" or "Prosecutorial Ethics". The PTCU should play a proactive role in this regard.** There should not be many such courses, but they may, for example, refer to complex legal reasoning of the CCU and SC. These courses could be conducted jointly with the NSJU to foster productive discussions between judges and prosecutors.

In March 2024, the PTCU Development Strategy for 2024–2026 was approved¹³⁰⁰. This is already the institution's second Strategy. The Strategy provides for the adoption of training standards, a system for identifying priority training topics, the creation of a multi-level training system, improvement of the system for evaluating training sessions by prosecutors, establishment of regional branches, etc. According to PTCU's own assessments¹³⁰¹, the implementation of the Strategy is proceeding in line with the approved Action Plan. At present, approximately half of the tasks set for the PTCU to create conditions for effective professional development and training of prosecutors and civil servants of prosecution bodies, as well as the training of trainee prosecutors of district prosecutor's offices, have been fulfilled. In particular, the Concept of Multi-Level Training for Prosecutors has been developed, which defines standards for continuous professional development of prosecutors through the introduction of level-based training programmes at the PTCU. However, this information is not publicly available and cannot be independently assessed by external experts, as the **PTCU's annual report on its activities is not published.**

1295 Ibid.

1296 Catalogue of Training Programmes for the First Half of 2024. Prosecutors' Training Centre of Ukraine.

1297 Catalogue of Training Programmes for the Second Half of 2024. Prosecutors' Training Centre of Ukraine.

1298 Catalogue of Training Programmes for the First Half of 2025. Prosecutors' Training Centre of Ukraine.

1299 Information provided in writing by the management of the Prosecutors' Training Centre of Ukraine on 22.04.2025.

1300 Development Strategy of the Prosecutors' Training Centre of Ukraine: Order of the Prosecutors' Training Centre of Ukraine No. 78 of 25.03.2024.

1301 Information provided in writing by the management of the Prosecutors' Training Centre of Ukraine on 22.04.2025.

An expert assessment mission of the NSJU and PTCU¹³⁰² **is scheduled for the third quarter of 2025** to evaluate their legal status, content, and forms of activity for compliance with the requirements and standards of EU training institutions for judges and prosecutors (**TAIEX**¹³⁰³). In fact, this constitutes an EU audit of the NSJU and PTCU, the results of which will serve as a roadmap for further development in the context of European integration. Subsequently, the Rule of Law Roadmap¹³⁰⁴ provides that, in the first quarter of 2026, based on the results of such an assessment, the necessary amendments will be made to the Statute and/or other regulatory acts of the PTCU.

The PTCU holds observer status in the European Judicial Training Network (EJTN)¹³⁰⁵. According to the PTCU¹³⁰⁶, this status enables participation in the work of the General Assembly, the network's working groups, as well as in training sessions organised by the EJTN.

A positive step towards implementing the recommendations of the Shadow Report on Chapter 23 was the open call for PTCU trainers for 2025, announced in January 2025¹³⁰⁷.

In 2024, five joint training sessions for prosecutors and judges were conducted¹³⁰⁸, in particular within the framework of cooperation with the NSJU¹³⁰⁹, which is a positive development. However, this is insufficient for **meaningful exchange of information with judges**. Prosecutors engage most frequently with judges due to their role in gathering and presenting evidentiary materials in court, which can be expressed not only through joint training but also through the use of shared channels of information exchange, seminars, etc.

The international experience of joint training of representatives of these two professions within the justice system began to be seriously discussed following the EU's recommen-

1302 Information provided by the Director and Deputy Director of the Prosecutors' Training Centre of Ukraine during an interview conducted on 27.03.2025.

1303 Technical Assistance and Information Exchange.

1304 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the EU Accession Process": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

1305 European Justice Training Network.

1306 Information provided by the Director and Deputy Director of the Prosecutors' Training Centre of Ukraine during an interview conducted on 27.03.2025.

1307 Announcement of the call for applications to join the team of trainers of the Prosecutors' Training Centre of Ukraine in 2025. Prosecutors' Training Centre of Ukraine.

1308 According to information provided in writing by the PTCU on 22.04.2025, the following training activities were conducted:
- 01.03.2024 — round table "Problematic Aspects of Investigation and Judicial Review of War Crimes Cases", organised jointly with the National School of Judges of Ukraine (NSJU), the European Union Advisory Mission (EUAM) Ukraine, and the Council of Europe Project "Strengthening Human Rights in the Criminal Justice System of Ukraine".

- 03.05.2024 — round table "Problematic Aspects of Investigation and Judicial Review of Cases during Martial Law: Interrogation and Jurisdiction", organised jointly with NSJU, EUAM Ukraine, and the Council of Europe Project "Strengthening Human Rights in the Criminal Justice System of Ukraine".

- 16 April–21 June 2024 — distance learning course of the Council of Europe HELP Programme "Cybercrime and Electronic Evidence" implemented jointly with the Council of Europe Project "HELP (Human Rights Education for Legal Professionals) for Ukraine, including in Wartime". The final session of this course was held offline on 28.03.2025 with the support of the Council of Europe Office in Ukraine.

- 28–29 January 2025 — hybrid-format round table "Electronic Evidence in Criminal Proceedings", organised by the team of the PTCU together with the Council of Europe Office in Ukraine, EUAM Ukraine, and NSJU.

- 01–02 April 2025 — offline training "Mock Trial on the Criminal Liability of Military Commanders and Other Superiors", held jointly with NSJU.

1309 A memorandum of cooperation between the PTCU and NSJU was signed back in December 2020.

dations and the Shadow Report on Chapter 23¹³¹⁰ regarding the need to strengthen cooperation between the NSJU and PTCU and to develop joint training courses.

With a view to expanding cooperation with foreign institutions that train specialists in the field of prosecutorial activity and to implementing best international practices, **in 2025 a Memorandum of Cooperation was signed¹³¹¹ between the PTCU and the Academy of European Law (ERA)**, within the framework of which Ukrainian prosecutors gained additional resources for familiarising themselves with EU law and the possibilities for its application¹³¹².

Prosecutor Evaluation System

The Law of Ukraine “On the Public Prosecutor’s Office”, adopted in 2014, did not provide for the existence of a system for evaluating prosecutors. In view of this, GRECO issued Recommendation XXV within the Fourth Evaluation Round¹³¹³ concerning the introduction of a new system for evaluating prosecutors.

De jure, a system for evaluating prosecutors was absent until 2020, while de facto the previous system based on the dynamics of criminal proceedings submitted to court continued to be used (the so-called “quota system” or “tick-box system”¹³¹⁴). Since 2022, only a temporary annual evaluation system¹³¹⁵ has been in force, applied for the purpose of awarding bonuses at the end of the year. A “permanent” system is still under development and has not yet been implemented.

Law No. 113-IX¹³¹⁶ of 2019 introduced amendments to the Law of Ukraine “On the Public Prosecutor’s Office” which, at first glance, provided for the existence of two evaluation systems: evaluation of the quality of prosecutors’ work and individual evaluation of the quality of prosecutors’ work¹³¹⁷.

As a result, it creates the impression that there are two separate evaluation systems in the prosecution service. Therefore, the 2024 EU Enlargement Package Report¹³¹⁸ noted that *“currently, two parallel evaluation systems for prosecutors are envisaged, neither of which involves prosecutorial self-governance bodies. These systems remain questionable”*.

1310 Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine, pp. 135-137.

1311 On 13 March 2025, the Director of the Prosecutors’ Training Centre of Ukraine, Olesia Otradhova, and the Director of the Academy of European Law (ERA), Jean-Philippe Rageade, signed a memorandum of cooperation.

1312 Information provided by the Director and Deputy Director of the Prosecutors’ Training Centre of Ukraine during an interview conducted on 27.03.2025.

1313 GRECO. Fourth Evaluation Round. Published 08/08/2017.

1314 Assessment of Police Performance in Ukraine: From “Sticks” to a New System (Based on the Example of Pre-Trial Investigation Bodies). Scientific and Practical Publication / Eugene Krapyvin. — Kyiv: Sofiia-A, 2016. — pp. 28-29.

1315 On the Approval of the Interim Regulation on the System for Evaluating the Quality of Prosecutors’ Work and Awarding Bonuses to Prosecutors: Order of the Prosecutor General No. 503 of 30.10.2020.

1316 On Amendments to Certain Legislative Acts of Ukraine Regarding Priority Measures for the Reform of the Prosecutor’s Offices: Law of Ukraine No. 113-IX of 19.09.2019.

1317 On the Public Prosecutor’s Office: Law of Ukraine No. 1697-VII of 14.10.2014, paragraph 7², Part 1, Article 9.

1318 Ukraine 2024 Progress Report within the European Union Enlargement Package, p. 31.

The wording of the Law was initially designed to allow for the introduction of a temporary evaluation system followed by a permanent one. This is why the current Regulation¹³¹⁹ includes the term “temporary” in its title. **The intended transition from a “temporary” to a “permanent” system has created the false impression that two separate systems exist¹³²⁰. However, only one system is currently in force (the “temporary” one); once the “permanent” system enters into force, the temporary one will be repealed.**

The Regulation on the “temporary” evaluation system establishes the procedure and conditions for annual performance-based bonuses for prosecutors, as well as guidelines for their professional development. In practice, the head of a prosecutor’s office evaluates their subordinates’ performance at the end of the year at their own discretion, preparing a corresponding report. Based on this evaluation, prosecutors may receive a bonus ranging from 10% to 30% of their annual salary¹³²¹. Prosecutors who received a disciplinary reprimand during the calendar year are not eligible for a bonus, regardless of the outcome of the evaluation.

The current “temporary” system is imperfect and functions as a working model in the absence of a fully-fledged performance evaluation framework. The bonus mechanism — ranging from 10% to 30% of the annual salary — effectively serves as a managerial tool allowing the head of the prosecutor’s office to provide a performance appraisal through material incentives. Moreover, the imposition of disciplinary sanctions also affects bonus eligibility, which encourages prosecutors to fulfil their duties more diligently.

At the same time, **there is a prevailing perception within the prosecution service that bonuses are an integral part of a prosecutor’s salary and should be automatically paid by the management.** In fact, bonuses are a form of financial incentive and should be awarded as a reward for high-quality performance, not as an entitlement for merely fulfilling job duties. Currently, the lack of clear evaluation criteria “often results in performance ratings being based on favouritism rather than actual work outcomes”¹³²².

Moreover, **evaluation results should influence not only bonus allocation but also the career progression of prosecutors — being taken into account in appointments to higher positions or to higher-level prosecutor’s offices, as well as during attestation and future competitions for managerial posts.**

The Regulation¹³²³ on the “permanent” evaluation system was approved by the Prosecutor General in 2021 but has not yet entered into force due to the system’s insufficient readiness. Although the website of the Verkhovna Rada indicates that the regulation is in force, **the pilot implementation of the system has been extended into 2025 in the regional and district prosecutor’s offices of Zakarpattia, Ivano-Frankivsk, and Kirovohrad regions. The entry into force of the Regulation has been postponed**

1319 On the Approval of the Interim Regulation on the System for Evaluating the Quality of Prosecutors’ Work and Awarding Bonuses to Prosecutors: Order of the Prosecutor General No. 503 of 30.10.2020.

1320 Information provided by the Head of the Department of Criminal Policy and Investment Protection of the Prosecutor General’s Office during an interview conducted on 25.03.2025.

1321 On the Public Prosecutor’s Office: Law of Ukraine No. 1697-VII of 14.10.2014, paragraph 2, Part 3, Article 81.

1322 Position provided in writing by a prosecutor of the Prosecutor General’s Office on 21.03.2025.

1323 On the Approval of the Regulation on the System for Evaluating the Quality of Prosecutors’ Work: Order of the Prosecutor General No. 407 of 29.12.2021.

until 1 January 2026¹³²⁴. The relevant order has not been published on the PGO website, which may explain the inaccurate information posted on the parliamentary web portal.

According to the Regulation, the “permanent” evaluation system is aimed at assessing the quality of prosecutors’ work based on established criteria. It is intended to support the professional development of prosecutors in the course of performing their official duties and is to be conducted every four years (periodic evaluation). The evaluation is conducted by the prosecutor’s direct supervisor and relevant units of the PGO. At the same time, the results may be appealed to the Appeals Commission, which consists of prosecutors from different levels of the prosecution service with significant professional experience.

During 2023–2024, the “permanent” evaluation system was piloted within the PGO — specifically in the Department for the Protection of Children’s Rights and the Prevention of Domestic Violence, as well as the Department for Oversight of Compliance with the Law by the Bureau of Economic Security of Ukraine. It was also piloted in the Zhytomyr Regional Prosecutor’s Office and the district prosecutor’s offices of Zhytomyr region.

The implementation of the evaluation system and the analysis of the pilot project results is being led by a working group on the implementation of specific international obligations (recommendations), established within the PGO in August 2024¹³²⁵. The designated unit responsible for this within the PGO is the Prosecutor Performance Evaluation Unit of the Reform Division of the Department for Criminal Policy and Investment Protection.

The OAS Action Plan provides for the introduction of a system for evaluating the quality of work both in law enforcement agencies and within the prosecution service (implementation deadline — fourth quarter of 2025)¹³²⁶. At the same time, according to a representative of the PGO¹³²⁷, **there is a risk that, in an effort to swiftly fulfil the Plan’s requirements**, a simplified list of prosecutors’ duties may be hastily codified and used as the basis for assessment — focusing solely on the completeness and timeliness of task execution. Such an approach **would lack integration with the systems for random case distribution and workload balancing among prosecutors and could exclude prosecutorial self-governance from the evaluation process altogether**. Given the lack of publicly available information on the pilot project’s progress, as well as on broader developments within the prosecution system, these concerns are difficult to confirm or dismiss.

It is worth noting that the Rule of Law Roadmap¹³²⁸ provides for the involvement of prosecutorial self-governance in the appeal of evaluation results. At the same time, European standards regarding the functions of prosecutorial self-governing bodies envisage a much broader scope of issues in this context, for example: 1) approval of the evaluation

1324 Order of the Prosecutor General No. 317 of 24.12.2024 has not been published. The information is available in the Information System for Monitoring the Implementation of the State Anti-Corruption Policy.

1325 On the Establishment of a Working Group on the Implementation of Certain International Commitments (Recommendations): Order of the Prosecutor General No. 204 of 30.08.2024.

1326 On the Approval of the Action Plan Aimed at Implementing the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024, Measure 4.3.1 of Task 4.3 under Strategic objective 4

1327 Information provided by the Head of the Department of Criminal Policy and Investment Protection of the Prosecutor General’s Office during an interview conducted on 25.03.2025.

1328 Certain Issues of Ensuring the Negotiation Process on Ukraine’s Accession to the European Union under Cluster 1 “Fundamentals of the EU Accession Process”: Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

system (regulations, procedures, processes); 2) accumulation and dissemination of standards and best practices on evaluation¹³²⁹; 3) the role of an “appeal instance” in disputes concerning evaluation results¹³³⁰. In view of this, **under the current regulatory framework governing the procedure for evaluating prosecutors, which is now being implemented, the role of prosecutorial self-governing bodies is insufficient.**

Recommendations

1. Greater focus should be placed on developing courses on EU law, the rule of law, judicial craftsmanship, professional ethics, integrity, and professional skills. EU law should be integrated into existing courses addressing sector-specific issues of prosecutorial activity.
2. Training programmes and courses on gender equality, integrity, leadership (including women’s leadership), and the prevention of domestic and gender-based violence should be improved.
3. Cooperation between the PTCU and the NSJU should be strengthened, including through the introduction of joint training programmes for judges and prosecutors.
4. The PTCU should continue engaging professionals from outside the prosecution system (judges, defence counsel, and other legal practitioners) in its training activities. This includes ensuring support for civil society organisations that adapt international best practices and methodologies in the field of prosecutorial professional development¹³³¹.
5. The PTCU should publish an annual public report on its activities, including information on the number and professional background of the trainers involved, a list of training activities conducted, and the results of training evaluations.
6. Amendments should be introduced to the Law of Ukraine “On the Public Prosecutor’s Office” to clarify that only one evaluation system is in place within the prosecutive service, in order to avoid any misinterpretation suggesting the existence of two systems.
7. A report on the results of the pilot project for the implementation of the “permanent” evaluation system in 2023–2025 should be prepared and made publicly available.
8. Based on the results of the pilot project, a new, permanent evaluation system for prosecutors should be implemented. At the appeal stage of the evaluation process, the CPU should be involved as part of the Appeals Commission. The role of prosecutorial self-governance in regulating the procedure for evaluating prosecutors should be expanded.

1329 Opinion No. 18 (2023) on Councils of Prosecutors as key bodies of prosecutorial self-governance, paras 72–74.

1330 Interim Opinion on the Draft Law on the State Prosecution Office of Montenegro, Venice Commission, CDL-AD (2014)042, para 83.; Opinion on the draft Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, Venice Commission, CDL-AD(2014)008-e, para 84.

1331 The recommendation previously provided by civil society in the Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine (p. 137) remains relevant.

Introduction of Electronic Criminal Proceedings and the System of Random Allocation of Cases among Prosecutors

Progress and issues

E-Case Management System and SMEREKA System

The Shadow Report on Chapter 23¹³³² highlighted the simultaneous implementation of two projects aimed at introducing electronic criminal proceedings in Ukraine: the E-Case Management System (E-Case) in anti-corruption institutions (NABU, SAPO, and the High Anti-Corruption Court (HACC)) and the Investigation, Escalation, Control, and Analysis Management System “SMEREKA”¹³³³ in law enforcement and general jurisdiction prosecutorial authorities.

The E-Case system represents a positive example of the potential for digital transformation within the criminal justice system. However, it is currently a pilot project limited to the specialised anti-corruption institutions — NABU, SAPO, and HACC. The relative success of the project so far is largely due to the small number of actors involved and the limited number of criminal cases, given its focus on high-level corruption.

For this reason, there is a risk that the results of this pilot may not be adequately transferred to or integrated with the SMEREKA system. There is already evidence of a lack of communication between institutions and between the respective implementation teams of the two electronic criminal proceeding systems.

At the level of state policy, however, the direction remains unchanged: the SMEREKA system is intended to be gradually integrated with state information registers, including those of law enforcement agencies, and to be linked to the Unified Register of Pre-Trial Investigations (URPI) with the aim to improve the quality and efficiency of pre-trial investigations. At a certain stage, SMEREKA is expected to absorb all other modules, including the anti-corruption E-Case system. Ultimately, SMEREKA may replace the URPI, the technical implementation of which was considered modern in 2010 but is now somewhat outdated.

In August 2024, the Government approved the OAS Action Plan, which envisages the implementation of a consolidated and phased digital transformation of law enforcement and prosecutorial authorities based on strategic management tools aligned with the best EU practices. This document outlines the staged implementation of a unified information and communication system for pre-trial investigations (an electronic criminal case management system)¹³³⁴. The first step will be the development of a draft Regulation on the func-

1332 Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine, pp. 138-141.

1333 “SMEREKA” is an original Ukrainian programme for generating websites and managing their content, which implements a hierarchical data model for the editor and a network model for the site reader (System of Managing web Resources by Network Klient Access — SMEREKA).

1334 On the Approval of the Action Plan Aimed at Implementing the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024, Measures 5.3.1–5.3.12.

tioning of this system. Subsequently, it will be necessary to ensure the establishment of the digital infrastructure (IT solutions), as well as the relevant procedural documents, regulations, and other components of the system. The pilot phase for implementing the electronic criminal case management system is scheduled to commence in the second quarter of 2026. **A clearly defined role for the SMEREKA system at the level of this state policy document — in particular, clarifying the future role of the URPI and the E-Case pilot project — is a positive development.**

To facilitate the implementation of the SMEREKA system, **in December 2024, a Coordinating Interagency Working Group on Digital Transformation was established**¹³³⁵. It includes authorised representatives from the PGO, pre-trial investigation bodies, and other government agencies. The draft Regulation on the functioning of the SMEREKA system was also developed by the PGO and submitted for approval to all relevant state authorities¹³³⁶.

Simultaneously, work on the digital solution itself has begun. As part of an international technical assistance project, on 28 March 2024, the PGO signed a contract with MASKOD LLC, selected as the winner of a procurement process organised and conducted by the non-governmental organisation E-Governance Academy Foundation (Tallinn, Estonia)¹³³⁷. **The first stage of development of the pre-trial investigation information and communication system "SMEREKA" is currently underway. This system is intended to manage electronic criminal proceedings in cases of war crimes.** By the end of 2024, the minimum viable product (MVP) was completed and provided for piloting to pre-trial investigation bodies — primarily the National Police of Ukraine (NPU) and the Security Service of Ukraine (SSU)¹³³⁸.

Taking into account the provisions of the Rule of Law Roadmap, in 2025 it is planned to introduce the "SMEREKA" system in the bodies investigating international crimes. In 2026, the State Bureau of Investigation and the Bureau of Economic Security of Ukraine are to take over the initiative, and preparations will begin for replacing the URPTI. In 2027, the "SMEREKA" system is planned to be extended to all pre-trial investigation bodies and prosecutor's offices. In addition, data from the URPTI will be transferred to this system, and it will be integrated with the Unified Judicial Information and Communication System (UJITS).

The pilot project in the PGO units responsible for procedural guidance in cases of international crimes is being implemented by the e-Governance Academy (Tallinn, Estonia) under the "EU Support to the Digital Transformation of Ukraine" (EU4DigitalUA) programme. As part of this project, **in June 2025 the development team of Maskod LLC deployed the "SMEREKA" test system and began creating a comprehensive information security system**¹³³⁹.

1335 On the Establishment of a Coordinating Interagency Working Group on Digital Transformation and the Approval of the Regulation Thereon: Order of the Prosecutor General No. 310 of 12.12.2024.

1336 Information provided by the Head of the Department of Criminal Policy and Investment Protection of the Prosecutor General's Office during an interview conducted on 25.03.2025.

1337 Status of implementation of Measure "3.3.2.2.5. Establishment and phased implementation of an information and communication system for pre-trial investigation, applied by all prosecutor's offices and pre-trial investigation bodies in each criminal proceeding". Information System for Monitoring the Implementation of the State Anti-Corruption Policy.

1338 Ibid.

1339 Work results on counteracting the crimes committed in the context of the armed conflict for the 1st half of 2025 (ENG). Prosecutor's General Office. 2025.

It is difficult to assess the existing challenges in implementing the SMEREKA system, as its phased rollout is planned over several years. At a minimum, inconsistencies are evident between the sequence of actions laid out in the OAS Action Plan and the current steps taken by the PGO in the context of piloting the SMEREKA system for war crimes cases. Neither the Coordinating Interagency Working Group nor the PGO reports regularly, and the sporadic information that appears in public sources — including with regard to the SAP implementation — often contains contradictions. Given that efforts to implement electronic criminal proceedings in Ukraine date back to the early 2010s¹³⁴⁰, this remains a complex undertaking to be realised over the long term.

System of Random Allocation of cases in Prosecutor's Offices

GRECO's Fourth Evaluation Round Recommendation No. XXIV¹³⁴¹ stipulates the need to introduce random¹³⁴² allocation of cases (criminal proceedings) among prosecutors based on strict and objective pre-established criteria, including specialisation, and coupled with adequate safeguards — including stringent controls — against any possible manipulation of the system. A similar recommendation is included in the 2024 EU Enlargement Package Report.

Analogous to the random¹³⁴³ allocation of court cases, the new system for assigning prosecutors will not only help evenly distribute workloads among prosecutors but also reduce corruption risks in the assignment process. Moreover, it will strengthen the procedural independence of prosecutors by making them less dependent on their superiors.

In August 2024, the PGO established a working group on the implementation of specific international commitments (recommendations)¹³⁴⁴. This group continues the work of previous initiatives aimed at introducing a system for evaluating prosecutors, implementing random case allocation, and fulfilling other GRECO recommendations.

In autumn 2024, a seminar of the working group on defining criteria for random case allocation was held with the participation of representatives from the PGO, heads of district prosecutor's offices of Kyiv and Kyiv region, the EUAM Ukraine, the Council of Europe in Ukraine, and the EU Project "Pravo-Justice". Following the results of this seminar, **in February 2025¹³⁴⁵ the working group developed a set of criteria for the equal measurement of prosecutors' workload**, which is also linked to the random allocation of criminal proceedings. These criteria are currently being finalised. Once approved, they will serve as the basis for preparing a technical assignment for relevant digital solutions.

1340 How the ECASE Electronic Criminal Proceedings System Works. Transparency International Ukraine. 2024.

1341 GRECO. Fourth Evaluation Round. Published 08/08/2017.

1342 Random (automatic)/random allocation of cases — slightly different terminology is used, but in substance, these are synonyms.

1343 The allocation of cases to judges is based on randomised (automatic) system. Meanwhile definitions of «random» and «automatic/automatised» could be different, but in substance, we are talking about the same approach, which is both random and automatic (by the IT-solution).

1344 On the Establishment of a Working Group on the Implementation of Certain International Commitments (Recommendations): Order of the Prosecutor General No. 204 of 30.08.2024.

1345 Prosecutors discussed the mechanism for measuring the workload of the prosecutor—procedural supervisor. Prosecutor General's Office. 2025.

The random allocation of criminal proceedings should, in essence, replicate the success of the automated case allocation system in the courts, which was introduced back in 2010–2011. However, **from a technical standpoint, the task is significantly more complex, as the number of variable data points in a single criminal proceeding is considerably higher than in the judiciary.** Additionally, the functional roles of judges within a single court are uniform. For instance, all judges of local courts hear cases related to administrative offences, criminal, and civil matters. Based on decisions of judicial assemblies, a judge may also be designated to perform the functions of an investigating judge. In contrast, within the prosecution service (for example, in a single district prosecutor's office), there are trainee prosecutors, general jurisdiction prosecutors acting as procedural supervisors, prosecutors with specialised functions assigned by their departments, those solely responsible for representation (without procedural supervision), and heads of prosecution offices who may, in some cases, not be engaged in procedural activities at all.

Judges have benchmarks for the average time required to consider cases of specific types, which were developed by the HCJ¹³⁴⁶. However, determining the average time needed for a prosecutor to exercise procedural supervision in a criminal proceeding is more complex, due to the broader scope of prosecutorial powers during both the pre-trial investigation and trial stages, as well as the need for coordinated work with investigators (detectives), operational officers, and other procedural actors.

In other words, while the case allocation system in courts can choose among several judges eligible to consider a case, in the prosecution service this choice is often limited by internal divisions into departments, areas of specialisation, functions, and the existence of administrative responsibilities. Therefore, **the implementation of a system for the random allocation of criminal cases must be preceded by the optimisation of the number of prosecutors and the organisational structure of prosecution offices, as well as ensuring a balanced workload for prosecutors.** If introduced without the necessary preparatory measures, such a system risks being applied merely formally and artificially adjusted, which would yield no meaningful benefits.

Given this, attention should be paid to the **automatic nature of random allocation and the role of the head of the prosecution office in the process.** The random allocation system is generally perceived as making decisions independently, without the possibility of adjustment. However, it is currently impossible to completely exclude the head of the prosecution office from the process, as the number of variables used in the selection is significantly higher than in courts. Therefore, at least during a transitional period, it is necessary to retain the option for the head of the prosecution office to disagree with the outcome of the random allocation. In such cases, the head must provide a justification for their objection and assign another prosecutor. This information should be stored in the system and subsequently subject to review by relevant units to prevent manipulation and mitigate corruption risks.

Another issue is the practice of forming groups of prosecutors¹³⁴⁷. Once the lead prosecutor in a criminal proceeding has been determined, the random case allocation

1346 On the Results of the Study on Determining Time Standards for the Consideration of Court Cases of Various Categories: Decision of the High Council of Justice No. 3237/0/15-20 of 24.11.2020.; However, these standards are still imperfect and overly averaged –particularly when considering the activities of the investigating judge. — How to apply indicators of the duration of consideration of matters submitted to the investigating judge? Justtalk. 2020.

1347 See in detail in the subsection “Legal Status of Prosecutors and Guarantees of Their Independence”.

system could also suggest candidates to be included in the group, for example, via a ranking mechanism. After all, when determining the most suitable prosecutor for a criminal proceeding through data processing, the system already ranks candidates based on predefined parameters.

Compared to the current practice, where the head of the prosecution office simply includes all prosecutors of the relevant unit, such a system would be more objective. At the same time, it is difficult to calculate the workload coefficient for a prosecutor in a group who is not the lead prosecutor. In one case, the prosecutor may be formally included in the group without any actual involvement in the proceedings, while in another, they may substitute for the lead prosecutor during court hearings, draft procedural documents, or perform other supporting tasks depending on the situation.

Also related to this is the **procedural impossibility of appealing a decision to remove a prosecutor from procedural supervision of a criminal proceeding (replacement of the prosecutor), including exclusion from the group of prosecutors (replacement of the group of prosecutors)**. GRECO, in its Fourth Evaluation Round (Recommendation XVIII), points to the prevalence of this practice of removing “disloyal” prosecutors from specific criminal proceedings. According to the Rule of Law Roadmap¹³⁴⁸, in the fourth quarter of 2027 it is planned to adopt legislative amendments aimed at implementing this recommendation, in particular to ensure the possibility of appealing decisions on changing the prosecutor.

This list of issues is not exhaustive, and therefore the implementation of a case assignment system for criminal proceedings will require considerable time. Moreover, **a brief analysis of the operation of prosecution services in EU Member States suggests that there are no examples of a fully automated and digitalised case assignment system for prosecutors**. Typically, automatic/random allocation exists only in courts, while in prosecution services it is more often a system that compiles data on prosecutors, including their specialisation, workload, etc. However, the final decision on assigning a prosecutor to a criminal case always remains at the discretion of the head of the prosecution office¹³⁴⁹.

Given the threats to the procedural independence of prosecutors¹³⁵⁰ and the entry into force of Law No. 4555-IX (in particular the amendments to Article 36 of the CPC of Ukraine), the need to introduce a system of random allocation remains significant. However, **the effectiveness of the random allocation system will be seriously in question as long as the Prosecutor General retains procedural powers to influence criminal proceedings “bypassing” the prosecutor in charge of the case**. In other words, the anti-corruption objective for which the random allocation system is being introduced, in line with GRECO’s recommendations, will not be achieved.

1348 Certain Issues of Ensuring the Negotiation Process on Ukraine’s Accession to the European Union under Cluster 1 “Fundamentals of the EU Accession Process”: Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

1349 E-tools for criminal case management within selected EU Member States. 2011.; Independence and Accountability of the Prosecution. ENCJ Report 2014-2016.; Analysis of Comparative Practices in Selected Council of Europe Member States regarding criteria for assessing the complexity of cases in relation to the work of public prosecutors. 2021.

1350 For details, see the subsection “Prosecutorial Independence”.

Recommendations

1. Gradually implement the electronic criminal case management system SMEREKA, in accordance with the measures outlined in strategic documents and implementation plans, particularly the OAS Action Plan and the Rule of Law Roadmap.
2. Ensure the integration of related modules into the SMEREKA system, primarily E-Case (a pilot project in anti-corruption bodies), random (automated) distribution of criminal cases within the prosecution service, the functioning of prosecutor — investigator groups with safeguards against arbitrary changes to group composition, and others.
3. Introduce a system of random allocation of cases for criminal proceedings in the prosecution service to reduce the risk of manipulation by prosecution office heads when designating a prosecutor for a criminal case, and to mitigate corruption risks in this process.
4. Repeal the amendments introduced by Law No. 4555-IX that infringe upon prosecutorial independence, and adopt amendments to the CPC of Ukraine allowing for procedural appeals against a decision by a superior to change the prosecutor in a criminal proceeding, in line with GRECO's recommendations.

National System for the Prosecution of International Crimes

Progress and issues

Institutional Capacity Building of the National System for the Prosecution of International Crimes, Prosecutor Specialisation, and Implementation of the Strategy for Countering International Crimes

The investigation of international crimes falls under the investigative jurisdiction of the SSU¹³⁵¹. However, due to limited resources and emerging challenges faced by the SSU (such as large-scale crimes in the field of national security, counterintelligence activities, and the protection of critical infrastructure), international crimes are mostly investigated by the NPU. Nevertheless, SSU investigators also carry out a significant volume of work.

The exclusive investigative jurisdiction of the SSU in cases concerning international crimes does not reflect actual practice, as such crimes are also investigated by the NPU. There are concerns that evidence gathered “in breach of investigative jurisdiction” (since the NPU is not formally authorised to investigate such crimes) may later be deemed

1351 Criminal Procedure Code of Ukraine No. 4651-VI of 13.04.2012, Article 216.

inadmissible in court proceedings¹³⁵². However, there is a legal position of the SC¹³⁵³ which states that a causal link must be established between the violation of investigative jurisdiction and a violation of human rights. Such violations are absent in this category of proceedings, as both NPU and SSU investigators hold the same procedural status and powers.

Procedural oversight in such cases is exercised by specialised departments of the PGO¹³⁵⁴ and regional prosecutor's offices¹³⁵⁵. The Interdepartmental Working Group of Military Advisers¹³⁵⁶ operates under the PGO with the aim of enhancing the effectiveness of criminal investigations into violations by the Russian Federation of the laws and customs of war.

The specialisation of prosecutors is determined exclusively by internal documents of prosecutorial and law enforcement agencies. In the long term, it may be vulnerable to ad hoc decisions by the Prosecutor General or heads of law enforcement agencies (SSU, NPU) to revoke such specialisation and reassign investigators or prosecutors to areas of criminal prosecution deemed more of a priority.

At the beginning of 2024, the Department for Combating Crimes Committed in the Context of Armed Conflict of the PGO published a report on its activities¹³⁵⁷. This is the first comprehensive report containing information on the Department's work since 24 February 2022 (although the Department was established in 2019). The report includes statistical data on the unit's activities, information on "landmark" cases and the PGO's priorities in this area, as well as details of coordination meetings held with law enforcement agencies.

In 2024, the following documents were developed: "Standards for the Investigation of War Crimes: Forcible Deportation and Transfer", a Memo on the Identification and Investigation of Certain Forms of conflict-related sexual violence (CRSV), and a Model Indictment: "Attacks on Civilians". In the first quarter of 2025, standards were prepared for the investigation of the war crime of "Unlawful Deportation or Transfer". These documents complement the "Standards for the Investigation of War Crimes: General Part" and the "Standards for the Investigation of War Crimes: Unlawful Detention and Torture", developed

1352 International Crimes in Ukraine: Overview of National Investigation and Judicial Practice. Ukrainian Helsinki Human Rights Union. 2023.

1353 According to the legal position of the Supreme Court, as stated in the conclusion of the Grand Chamber in its ruling of 31.08.2022 in case No. 756/10060/17, "if evidence is declared inadmissible, the court must provide reasoned conclusions regarding the substantial violation of the requirements of the procedural legislation, specifying which rights and freedoms were breached and in what way". In other words, automatic recognition of evidence as inadmissible due to violation of investigative jurisdiction is not possible; a causal link must be established between the human rights violation and the investigation conducted by NPU investigators rather than the SSU.

1354 The Department for Combating Crimes Committed in the Context of Armed Conflict - the so-called "War Department"; the Specialised Environmental Prosecutor's Office includes a unit responsible for procedural oversight of pre-trial investigations and for maintaining public prosecution in criminal proceedings in the field of environmental protection related to armed aggression. It is primarily responsible for prosecuting the crime of ecocide (Article 441 of the CC of Ukraine). Crimes of unlawful deportation or transfer of children fall under the remit of the Department for the Protection of Children's Interests and Countering Domestic Violence of the PGO.

1355 There are specialised units in 11 regional prosecutor's offices, with a total staff of more than 200 individuals. They also include specialised prosecutors from the CRSV.

1356 Order of the Prosecutor General No. 83 of 24.05.2022 established the IWG aimed at enhancing the effectiveness of investigations into criminal proceedings concerning violations of the laws and customs of war by the Russian Federation. This order is not publicly available. The information (Slide No. 19) was obtained from the Results of the work on counteracting the crimes committed in the context of the armed conflict, for 2024. Prosecutor General's Office. 2025.

1357 Results of the work on counteracting the crimes committed in the context of the armed conflict, for 2024. Prosecutor General's Office. 2025.

in 2023¹³⁵⁸. All standards were approved by the Methodological Council¹³⁵⁹ under the PGO, distributed to the relevant prosecutorial units, and must be taken into account by prosecutors in their work. Representatives of the expert community — including the organisations YurFem, Truth Hounds, and JustGroup — were involved in drafting these documents.

Back in 2023, the PGO approved the *Strategic Plan for the Exercise of the Powers of the Prosecutor's Offices in the Field of Criminal Prosecution for the Commission of International Crimes for 2023–2025*¹³⁶⁰. Through this document, the PGO seeks to improve the quality of pre-trial investigation, protect victims and witnesses, and expand access to national and international justice.

A fundamental shortcoming of this Strategic Plan is that it fails to describe the problems which, in the opinion of the PGO, exist in the current practice in cases concerning international crimes¹³⁶¹. As a result, it is unclear how to assess the implementation of the Strategic Plan, as it is impossible to rely on the problems that prompted its adoption. **No Action Plan was developed to implement the Strategic Plan, so assessment must be based solely on expectations, which are an insufficiently specific objective for measurement.**

In January 2025, the NPU presented the strategy of the Main Investigation Department titled **"Management of the Investigation of International Crimes Committed in the Context of Armed Conflict"**¹³⁶². The document was developed with the support of the Council of Europe within the framework of the project on strengthening law enforcement agencies during wartime and in the post-war period. The text of the document is not publicly available, so its content cannot be analysed. In the first half of 2025, with the aim of establishing uniform practice, **a letter was sent to the heads of regional prosecutor's offices regarding the specifics of applying the provisions of the Rome Statute** in criminal proceedings on war crimes at the national level, with model indictments attached concerning the intentional directing of an attack against a civilian resulting in death¹³⁶³.

Recommendations

1. Amend Article 216 of the CPC of Ukraine to assign investigative jurisdiction over international crimes not only to the SSU, but also to the NPU.

¹³⁵⁸ Prosecutors of the Prosecutor General's Office, together with experts, developed standards for the investigation of war crimes. Prosecutor General's Office. 2023.

¹³⁵⁹ The Methodological Council operates under the Prosecutor General's Office and is an advisory body established to ensure uniform law enforcement practice within the prosecutor's offices when performing the functions entrusted to them by the legislation of Ukraine, and to provide methodological support for prosecutorial activity. Order of the Prosecutor General No. 487 of 15.10.2020 "On the Approval of the Regulation on the Methodological Council".

¹³⁶⁰ Approved by Order of the Prosecutor General of 15.09.2023 for the implementation of subparagraph 2.1.1.4 of the Strategy for the Development of the Prosecutor's Offices for 2021–2023, approved by Order of the Prosecutor General No. 489 of 16.10.2020.

¹³⁶¹ A Strategic Threat in the Strategic Plan. T4P. 2024.

¹³⁶² The National Police presents the Strategy of the Main Investigation Department on the Investigation of International Crimes Committed in the Context of Armed Conflict. National Police of Ukraine. 2025.

¹³⁶³ Results of Work on Combating Crimes Committed in the Context of Armed Conflict for the First Half of 2025. Prosecutor General's Office. 2025.

2. Establish the specialisation of prosecutors and investigators at the level of the Laws of Ukraine “On the Public Prosecutor’s Office”, “On the Security Service of Ukraine”, and “On the National Police of Ukraine” in order to prevent future situations in which the Government or Parliament lack the resources to restore justice for victims of international crimes.
3. Develop and adopt by the end of 2025 a new Strategic Plan for the Criminal Prosecution of International Crimes for 2026–2028 (or a longer period), including more specific measures and expected results.

Activities of the Coordination Centre for the Support of Victims and Witnesses

In 2023, the *Coordination Centre for the Support of Victims and Witnesses* (Coordination Centre) was established as an independent structural unit within the PGO. **It began its operations on 18 January 2024. As of January 2025, the Centre is providing assistance to more than 1,100 victims**¹³⁶⁴.

The Centre’s core mission is to ensure that every victim and witness: feels safe and receives due respect and comprehensive information about their rights and available services; is kept informed about the status of their case; receives psychological support to prevent re-victimisation; is referred, where necessary, to relevant psychological, medical, and social support services. The Coordination Centre includes psychologists, social workers, and lawyers to coordinate a broad range of support for victims of war crimes. It implements the Concept for the Implementation of the Victim and Witness Support Mechanism for War and Other International Crimes, which was approved in 2023.

The Coordination Centre implements the *Concept for the Implementation of the Victim and Witness Support Mechanism for War and Other International Crimes*¹³⁶⁵, approved in 2023.

In October 2024, regulatory provisions were adopted to govern the organisation of prosecutorial activities related to victim and witness support¹³⁶⁶ — specifically, the procedure for interaction between the Coordination Centre and other PGO units.

In 2024, nine regional departments were established in Kyiv, Donetsk, Luhansk, Zaporizhzhia, Mykolaiv, Kherson, Sumy, Kharkiv, and Chernihiv regions. These regions are now served by 20 victim liaison coordinators. The support departments became operational in November 2024.

During 2024, the Coordination Centre adopted: Guiding Principles on engagement with victims of various crimes, cooperation with prosecutors/investigators and courts, as well as internal interaction within the Centre; and Communication Strategy for working with victims and witnesses of war and other international crimes. Representatives of the Coordination Centre also contributed to the development of the Standards of Interaction between

1364 Summary of the Activities of the Coordination Centre for the Support of Victims and Witnesses in 2024. Prosecutor General’s Office. 2025.

1365 On the Organisation of the Work of Prosecutor’s Offices in Supporting Victims and Witnesses of War Crimes and Other International Crimes: Order of the Prosecutor General No. 103 of 11.04.2023.

1366 On the Organisation of Activities of Prosecutor’s Offices in Supporting Victims and Witnesses: Order of the Prosecutor General No. 263 of 28.10.2024.

Prosecutorial Authorities and Civil Society Institutions on the Prosecution of Individuals Responsible for War Crimes. These Standards were signed by representatives of more than 20 non-governmental organisations, alongside a Memorandum of Understanding and Cooperation between the PGO and civil society organisations¹³⁶⁷.

According to the National Social Service of Ukraine, over the 12-month period of 2024, a total of 365 individuals sought assistance in relation to conflict-related sexual violence (CRSV), 60% of whom were women¹³⁶⁸. Among the victims were Ukrainian service members and civilians, including children, internally displaced persons, and persons with disabilities. Of these, 234 individuals were released from enemy captivity. However, the actual number of victims is likely to be significantly higher.

In November 2024, the Verkhovna Rada adopted the Law of Ukraine “On Legal and Social Protection of Persons Affected by Sexual Violence Related to the Armed Aggression of the Russian Federation against Ukraine and the Provision of Urgent Interim Reparations”¹³⁶⁹. The law entered into force on 18 June 2025.

The issues of revictimisation and secondary victimisation in CRSV cases¹³⁷⁰, which were highlighted in the previous Shadow Report, have decreased. This is primarily due to the practical efforts of the Coordination Centre and greater awareness of the problem among prosecutors themselves. Once Law No. 4067-IX comes into effect, more professional engagement with CRSV victims is expected, as they will be afforded new safeguards and protections.

The key areas of development for the Coordination Centre, according to information provided by the Centre itself, include:

- development of a victim registry;
- cooperation with the International Register of Damage established by the Council of Europe;
- establishment of a general referral mechanism;
- capacity-building of the Coordination Centre and its regional offices.

Strengthening the analytical component of the Coordination Centre's work is also of critical importance, as the data collected by the Centre could significantly advance efforts to provide support for victims of violent crimes — such as psychological, medical, social and legal assistance. Currently, there is no unified system in this field, and many support programmes are administered by civil society organisations. Moreover, such units may also be engaged in conducting Needs Assessments for victims¹³⁷¹.

1367 Summary of the Activities of the Coordination Centre for the Support of Victims and Witnesses in 2024. Prosecutor General's Office. 2025.

1368 Psychological Support for Victims of Sexual Violence during the War. National Social Service of Ukraine. 2025.

1369 On the Legal and Social Protection of Persons Affected by Sexual Violence Related to the Armed Aggression of the Russian Federation against Ukraine and the Provision of Urgent Interim Reparations: Law of Ukraine No. 4067-IX of 20.11.2024.

1370 Chovgan Vadym, Krapyvin Eugene. Support For Victims of War Crimes in Ukraine (2022).

1371 See in detail in the subsection “Procedural Rights” of the section “Protection of Fundamental Rights and Freedoms”.

Recommendations

1. Amend Article 216 of the CPC of Ukraine to provide for alternative investigative jurisdiction of the NPU in respect of international crimes.
2. To define the specialization of prosecutors and investigators at the level of the laws of Ukraine "On the Public Prosecutor's Office", "On the Security Service of Ukraine" and "On the National Police of Ukraine" to prevent the situation of lack of resources on the part of the Government and Parliament to restore justice for victims of international crimes in the future.
3. To develop and adopt by the end of 2025 a new Strategic Plan for the Prosecution of International Crimes for 2026–2028 (or longer) with more specific measures and expected results.
4. Further develop the support system for victims and witnesses of war crimes to obtain high-quality information from them for the purpose of proving such crimes, while preventing secondary or repeated victimisation of these individuals.
5. Scale up the experience and tools of the Coordination Centre for the Support of Victims and Witnesses to other categories of victims. This could begin with victims and witnesses of violent crimes and be further expanded based on the level of vulnerability of other categories of victims and witnesses.

Features of International Cooperation

Progress and issues

Cooperation with the International Criminal Court

Ukraine signed the Rome Statute on 20 January 2000 but has not ratified it. Following the signing of the Association Agreement with the European Union in 2014, the ratification of this international treaty became one of Ukraine's direct international obligations¹³⁷². In 2014, Ukraine recognised the jurisdiction of the International Criminal Court (ICC) in relation to the events of the 2013–2014 Revolution of Dignity¹³⁷³, and in 2015¹³⁷⁴ — with regard to the armed aggression of Russia in Eastern Ukraine, which began in 2014.

For a long time, the possibility of ratifying the Rome Statute of the ICC was opposed — initially due to the uncertainty surrounding the status of the "hybrid war" in Eastern Ukraine

¹³⁷² Ukraine's Path to Ratification of the Rome Statute. Agency for Legislative Initiatives. 2025.

¹³⁷³ Statement of the Verkhovna Rada of Ukraine to the International Criminal Court on Ukraine's recognition of the jurisdiction of the International Criminal Court regarding crimes against humanity committed by high-ranking state officials that led to particularly grave consequences and the mass killing of Ukrainian citizens during peaceful protests from 21 November 2013 to 22 February 2014 (No. 790-VII of 25.02.2014).

¹³⁷⁴ On the Statement of the Verkhovna Rada of Ukraine "On Ukraine's Recognition of the Jurisdiction of the International Criminal Court regarding the Commission of Crimes against Humanity and War Crimes by Senior Officials of the Russian Federation and the Leaders of the Terrorist Organisations 'DPR' and 'LPR', Which Led to Particularly Grave Consequences and the Mass Killing of Ukrainian Citizens": Resolution of the Verkhovna Rada of Ukraine No. 145-VIII of 04.02.2015.

(until 2022), and after the full-scale invasion of Ukraine by Russian forces in 2022 — due to “the need to protect Ukrainian service members from possible prosecution for international crimes”¹³⁷⁵.

In 2024, international criminal justice experts finally succeeded in convincing the Government that the policy of delaying the ratification of the Rome Statute of the ICC was misguided and counterproductive in the long term¹³⁷⁶.

In July 2024, the Office of the President publicly mentioned¹³⁷⁷ for the first time the possibility of ratifying the Rome Statute, and by the end of August, the corresponding Ratification Law No. 3909-IX¹³⁷⁸ was adopted. The ratification was accompanied by a declaration under Article 124 to exclude the jurisdiction of the ICC under Article 8 “War Crimes” for seven years. **On 1 January 2025, Ukraine became a full member of the ICC.**

In October 2024, with the aim of aligning national legislation with Article 8 of the Rome Statute, amendments were introduced to the Criminal Code of Ukraine (CC of Ukraine)¹³⁷⁹ to implement the provisions of the Statute, including:

- the introduction of crimes against humanity as a separate category of crime in the CC of Ukraine;
- the specification of command (superior) responsibility in a separate Article 311 of the CC of Ukraine;
- the alignment of the elements of the crime of genocide (Article 442 of the CC of Ukraine) with the requirements of the Rome Statute of the ICC, as established in modern international criminal law.

The same Law No. 4012-IX removed from Chapter IX² “Specifics of Cooperation with the International Criminal Court” of the CPC of Ukraine a note which, from the perspective of international criminal law, was devoid of substance. This note stated that cooperation with the ICC concerned only international crimes committed by subjects of armed aggression against Ukraine. Ukraine recognised the jurisdiction of the ICC under Article 12 of the Rome Statute, which allows a country to recognise jurisdiction over a specific crime, but in no way to predefine the subjects of prosecution.

However, these amendments do not resolve all regulatory issues, and **the current goal is the full implementation of the provisions of the Rome Statute of the ICC into Ukrainian legislation. To this end, on 14 January 2025, the PGO established an Interagency Working Group on Legislative Harmonisation in the Context of Law Enforcement Practice Following Ukraine’s Ratification of the Rome Statute of the International**

¹³⁷⁵ Maliuska explained why Ukraine cannot ratify the Rome Statute during wartime. Radio Svoboda. 2022.

¹³⁷⁶ For example: To ratify or not to ratify the Rome Statute: expert commentary. UPLAN. 10.03.2023.; Ukraine in an Ostrich Position Regarding the Ratification of the Rome Statute. Zmina. 2015.; Ukraine’s Road to Brussels Passes Through Rome. Once Again on the “Pros” and “Cons” of Ratifying the Rome Statute. T4P. 2023.

¹³⁷⁷ Ukraine plans to ratify the Rome Statute by the end of the year — Office of the President. Ukrinform. 2024.

¹³⁷⁸ On the Ratification of the Rome Statute of the International Criminal Court and Its Amendments: Law of Ukraine No. 3909-IX of 21.08.2024.

¹³⁷⁹ On Amendments to the Criminal and Criminal Procedure Codes of Ukraine in Connection with the Ratification of the Rome Statute of the International Criminal Court and Its Amendments: Law of Ukraine No. 4012-IX of 09.10.2024.

Criminal Court¹³⁸⁰. This group includes both national and international experts, as well as representatives of key government bodies — the PGO, the Ministry of Justice of Ukraine, the Ministry of Internal Affairs of Ukraine, the Supreme Court, and others. The working group is tasked with drafting legislative amendments in connection with Ukraine's ratification of the Rome Statute of the ICC, as well as Ukraine's accession to the Ljubljana — The Hague Convention¹³⁸¹. The amendments will concern both the CC of Ukraine and the CPC of Ukraine.

The task of the aforementioned Interagency Working Group is the full implementation of the requirements of the Rome Statute of the ICC into national legislation, which would enable more effective cooperation between the ICC and Ukraine. At a minimum, this refers to the fact that, despite the renaming of Article 438 of the CC of Ukraine to "War Crimes", its content remains unchanged, and the constituent elements of crimes are defined in a blanket manner, which complicates their identification within the norms of international criminal law. The definition of the crime of aggression under Article 437 of the CC of Ukraine does not correspond to the definition provided in Article 8bis of the Rome Statute of the ICC (the perpetrator is defined generally, rather than as military or political leadership; and the objective elements of the crime are incomplete).

Furthermore, procedural changes are needed: in the CPC of Ukraine, the regulation of in absentia pre-trial investigation and trial proceedings does not include an unconditional right to a retrial of a judgment rendered in the absence of a defendant who was not properly notified of such proceedings, which may constitute a potential violation of Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms. At present, only an appeal is foreseen, whereas international standards require a new trial in such cases.

Joint Investigation Teams (JITs)

Since the beginning of the full-scale war, Eurojust has played an active role in prosecuting international crimes. In March 2022, Eurojust supported the establishment of a Joint Investigation Team (JIT)¹³⁸², which now comprises Ukraine and six EU Member States, with the participation of the ICC and Europol¹³⁸³. In 2023, a Memorandum of Understanding was signed between Ukraine and the United States of America¹³⁸⁴.

On 14 April 2023, the JIT members signed an agreement to expand the scope of the investigation to include, in addition to war crimes, the crime of genocide¹³⁸⁵. On 14 September 2024, amendments were made to that agreement to broaden the capacity of JIT members

1380 On the Establishment of an Interagency Working Group on Legislative Harmonisation in the Context of Law Enforcement Practice Following Ukraine's Ratification of the Rome Statute of the International Criminal Court: Order of the Prosecutor General No. 12 of 14.01.2025.

1381 The Ljubljana — The Hague Convention on International Cooperation in the Investigation and Prosecution of Genocide, Crimes against Humanity, War Crimes and Other International Crimes. 26 May 2023.

1382 Joint investigation team into alleged crimes committed in Ukraine. Eurojust.

1383 Europol Joins JIT on International Crimes in Ukraine. Euclid. 2023.

1384 The United States and JIT Member States Signed a Memorandum of Understanding. Prosecutor General's Office. 2023.

1385 International Cooperation of the Prosecutor General's Office: Key Areas and Results. Prosecutor General's Office.

to investigate crimes of torture and ill-treatment of civilians and service members¹³⁸⁶. **The activities of the JIT were extended in February 2024 for another two years (until 25 March 2026)**¹³⁸⁷.

At the same time, according to available information, **in March 2025 the United States of America decided to withdraw from the International Centre for the Prosecution of the Crime of Aggression against Ukraine (ICPA)**, sending the relevant letter to Eurojust¹³⁸⁸. **It is likely that this decision also applies to JIT, although there is currently no official information.** According to foreign media reports, in April the United States dismissed the coordinator responsible for collecting data on war crimes committed by Russia against Ukraine¹³⁸⁹.

The withdrawal of the United States from the process of prosecuting international crimes, including the current Presidential administration's sanctions policy towards the ICC, threatens the effectiveness of the JIT due to the potential political reluctance of other participating countries to allocate resources to such activities.

Eurojust provides the JIT with legal and analytical expertise, as well as logistical and financial support. It also facilitates coordination and cooperation between all national investigative and prosecutorial authorities that have launched investigations into specific crimes.

Eurojust also serves as the administrator of the Core International Crimes Evidence Database (CICED)¹³⁹⁰. Work with CICED is currently of critical importance as it ensures that evidence of international crimes is preserved according to standards recognised by all EU Member States. This evidence will be stored over a long period of time and can thus be used under any scenario involving the prosecution of the military and political leadership of the Russian Federation. According to a representative of the PGO, despite concerns voiced by some non-governmental organisations regarding potential loss of evidence, this system-based anticipatory work has already been carried out¹³⁹¹.

At present, **the CPC of Ukraine provides only for the possibility of establishing JITs but does not regulate their operation.** Specifically, the CPC of Ukraine merely states that special investigation teams may be established to conduct pre-trial investigations of criminal offences committed in the territories of several states or where the interests of such states are affected¹³⁹².

In practice, however, it is not possible to formally define the composition of a joint investigation team, including the senior member responsible for coordinating its activities. Nor is there a provision enabling members of the joint investigation team, with the written consent of the senior member, to carry out investigative (detective) and other procedural actions in

1386 JIT Members Signed Amendments to the Agreement Expanding the Group's Capacity to Investigate Crimes of Torture and Ill-Treatment of Civilians and Service Members. Prosecutor General's Office. 2024.

1387 JIT in Ukraine Prolonged. Eucrim. 2024.

1388 U.S. to Withdraw from Group Investigating Responsibility for Ukraine Invasion. The New York Times. 2025.

1389 Trump Administration Unwinds Efforts to Investigate Russian War Crimes. The Washington Post. 2025.

1390 Core International Crimes Evidence Database. Eurojust.

1391 Information provided by a prosecutor of the Department for International Cooperation of the Prosecutor General's Office during an interview conducted on 27.03.2025.

1392 Criminal Procedure Code of Ukraine No. 4651-VI of 13.04.2012, Article 571.

the territory of the state where the criminal offence was committed, or in the territory of one of the states whose competent authorities are members of the team, where such actions are required for the purposes of the pre-trial investigation and judicial proceedings.

As of today, in such cases, **the provisions of the CPC of Ukraine are applied by analogy, which may ultimately result in the loss of investigation outcomes and the recognition of the collected evidence as inadmissible. To address this issue, Draft Law No. 7330¹³⁹³, has been developed and is currently awaiting consideration in Parliament.**

On 12 February 2025, the PGO launched the development of an electronic system for international legal cooperation. The development is being carried out with financial support from the EU Project "Pravo-Justice"¹³⁹⁴.

The EXILA system will serve as a single digital platform for processing requests related to international legal assistance and extradition, harmonising procedures with European standards, and facilitating interaction with international institutions and Ukrainian law enforcement agencies. The system will help ensure: the preservation and systematisation of information on international cooperation; rapid search of archival and current data; automation of request processing in line with international requirements; monitoring of deadlines and compliance with procedures; and advanced analytical tools for processing large volumes of information.

Special Tribunal for the Crime of Aggression

On 25 June 2025, Ukraine and the Council of Europe signed an Agreement on the establishment of a Special Tribunal for the crime of Russian aggression against Ukraine¹³⁹⁵, and on 15 July it was ratified by the Verkhovna Rada¹³⁹⁶.

According to its Statute¹³⁹⁷, the Special Tribunal is being established within the Council of Europe with a mandate to prosecute high-ranking officials for the crime of aggression against Ukraine. The Tribunal will focus on senior political and military leaders responsible for planning, preparing, initiating, and executing the crime of aggression against Ukraine. It is not limited solely to the Russian military-political leadership — accomplices to the aggression may also be brought before the court (for example, the military-political leadership of Belarus or North Korea).

The Tribunal may conduct proceedings in absentia (unlike the ICC)¹³⁹⁸. However, the "trio" (the sitting head of state, head of government, and minister of foreign affairs) enjoy functional immunity, meaning they can only be brought before the Special Tribunal once they

1393 On Amending the Criminal Procedure Code of Ukraine to Improve the Operation of Joint Investigation Teams: Draft Law of Ukraine, registration No. 7330 of 29.04.2022.

1394 EU Project Pravo-Justice is Starting the Development of an Information System to Facilitate International Judicial Cooperation of the Prosecutor General's Office. Pravo-Justice. 2025.

1395 Ukraine and the Council of Europe sign Agreement on establishing a Special Tribunal for the Crime of Aggression against Ukraine. Council of Europe, 2025.

1396 On the Ratification of the Agreement between Ukraine and the Council of Europe on the Establishment of a Special Tribunal for the Crime of Aggression against Ukraine: Law of Ukraine No. 4518-IX of 15.07.2025.

1397 CM(2025)103-final - [1532/2.3] Consequences of the aggression of the Russian Federation against Ukraine - Statute of the Special Tribunal for the Crime of Aggression against Ukraine.

1398 In absentia: How Views on Trials in Absentia Have Changed after the Full-Scale Invasion? Watchers, 2025.

are no longer in office. This does not, however, preclude investigation, evidence gathering, preparation of indictments, and related procedural actions.

The Special Tribunal is expected to begin its work in 2026, subject to the availability of funding and operational capacity.

Recommendations

1. Implement the provisions of the Rome Statute of the ICC into the Ukrainian criminal and criminal procedure legislation.
2. Regulate the procedural aspects of the activities of joint investigation teams (JITs) on the territory of Ukraine.
3. Periodically publish information on the results of operational-level international cooperation, regarding JITs, provided that such publication does not negatively affect the activities of a specific JIT.

Bar Reform



Between August 2024 and March 2025, individual steps were taken in the area of Bar reform, in particular regarding the preparation of strategic documents at the level of the Government and the Office of the President of Ukraine. These documents took into account the recommendations provided in the Report under the 2024 EU Enlargement Package¹³⁹⁹, as well as certain ad hoc initiatives from the Bar self-governance bodies concerning the professional development of advocates and their disciplinary liability. However, these measures were limited in nature and did not lead to any tangible improvement in the sector, which still requires systemic changes in line with European standards.

In May 2025, the Cabinet of Ministers of Ukraine approved the Rule of Law Roadmap¹⁴⁰⁰, one of the strategic outcomes of which is defined as the functioning of a transparent, accountable, and professional Bar. The timeframe for implementing the measures envisaged by the Roadmap is set for the fourth quarter of 2026.

The failure to resolve key issues during the reporting period only exacerbated their negative impact on the justice system and on the trust in it among advocates and society. The term of office of the bodies of Bar self-governance expired in 2022, with some of them having been elected in 2017 and others in 2012 (for example, the Head of the Ukrainian National Bar Association and the Bar Council of Ukraine). Despite the expiration of their mandates, no elections have been held to re-elect the bodies or to renew the leadership. The Bar has still not delegated representatives to the High Council of Justice¹⁴⁰¹ or to the Qualification and Disciplinary Commission of Prosecutors¹⁴⁰². Meanwhile, in June 2025, the Bar Council of Ukraine will acquire the right to delegate a representative to the selection commission for new members of the High Qualification Commission of Judges of Ukraine¹⁴⁰³, as the mandate of the international experts in the composition of the Selection Commission will come to an end.

1399 Ukraine 2024 Progress Report within the European Union Enlargement Package.

1400 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the EU Accession Process": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

1401 Composition of the High Council of Justice as of 31.03.2025.

1402 Composition of the Qualification and Disciplinary Commission of Prosecutors as of 31.03.2025.

1403 On the Judiciary and the Status of Judges: Law of Ukraine No. 1402-VIII of 02.06.2016, Article 95¹.

It is crucial to ensure that the legislative and institutional framework regulating the activities of the Bar is brought into compliance with the Constitution of Ukraine, European standards, and sound practices. In this context, it is advisable to conduct inclusive and transparent consultations with the legal community and civil society regarding reforms aimed at establishing an independent, professional, accountable, and Bar- and society-governed institution. The reforms should include:

- › the introduction of transparent, comprehensible, and integrity-based procedures for the election and operation of Bar self-governance bodies;
- › significant improvement of admission procedures and qualification requirements;
- › the establishment of a transparent and accountable disciplinary mechanism;
- › effective and transparent financial management;
- › the modernisation of the system of continuous professional development for advocates;
- › the strengthening of guarantees for the practice of law, including effective mechanisms for the protection of advocates in cases of interference in their professional activities;
- › the expansion of professional rights of advocates in line with European standards, particularly in the areas of access to information, court representation, and interaction with public authorities.

The implementation of these measures is critically important for strengthening the independence, integrity, and professionalism of the legal profession, as well as for reinforcing the entire justice system.

The Bar in Strategic Justice Sector Documents

State of play

The issue of Bar reform is gradually being reflected in key strategic documents shaping justice policy in the context of Ukraine's European integration. This aligns with the recommendations of the European Commission, particularly those expressed in the **2023¹⁴⁰⁴ and 2024¹⁴⁰⁵ EU Enlargement Package reports**, where the Bar is recognised as **a key institutional element of the system of access to justice** and the effective functioning of a market economy.

In the first of these reports, the European Commission noted that **an independent, professional, and accountable Bar** is an essential condition for democratic development, while the system of Bar self-governance, financial reporting, disciplinary mechanisms, and access to the profession all require substantial reform. However, already in 2024, the European Commission stated that **no progress had been made during the reporting**

1404 2023 EU Enlargement Report on Ukraine. European Commission.

1405 Ukraine 2024 Progress Report within the European Union Enlargement Package.

period in the reform of the Bar and emphasised the need to **reboot the bodies of the Ukrainian National Bar Association (UNBA)**, improve admission procedures, the qualification system, financial management, and continuous professional development.

In view of these observations, several strategic documents are currently being developed by public authorities, which are expected to positively contribute to the improvement of the Bar as an institution:

I. Rule of Law Roadmap

In May 2025, the Cabinet of Ministers of Ukraine approved the Rule of Law Roadmap¹⁴⁰⁶, which sets out a list of measures aimed at a comprehensive renewal of the Bar. This renewal is to include bringing the legislation on the Bar, as well as acts of bar self-governance, into compliance with European standards and best practices; reforming the bodies of Bar self-governance (BSG); establishing clear and open competitive procedures for election to leadership positions in the BSG bodies and making such elections mandatory and regular. The act emphasises the need to increase the transparency and accountability of the BSG, including the requirement for the national-level BSG bodies to publish annual financial statements, which must be subject to prior review by an independent auditor. The remaining provisions of this Roadmap regulate the need to update approaches to procedures for holding the Congress of Advocates of Ukraine, conducting the examination for those wishing to become lawyers, raising the qualifications of lawyers, and bringing lawyers to disciplinary responsibility, among other matters.

The Roadmap envisages that the measures related to the Bar are to be implemented by the **fourth quarter of 2026**. The institutions designated as responsible for this area are the Ministry of Justice of Ukraine (**MoJ**), the **Verkhovna Rada of Ukraine (Verkhovna Rada, Parliament)**, and the **UNBA**.

At the same time, the Head of the UNBA and the Bar Council of Ukraine (BCU), Lidiia Izovitova, stated that the approval of the Rule of Law Roadmap had taken place without prior consultations with the UNBA. In her view, the real purpose of reforming the “successfully functioning system” is to hinder Ukraine’s accession to the EU, and the current Law of Ukraine “On the Bar and Practice of Law” (Law No 5076-VI) fully complies with European standards¹⁴⁰⁷.

II. The Strategy for the Development of the Justice System and Constitutional Justice until 2029, which is currently being developed by the Office of the President of Ukraine (Office of the President)¹⁴⁰⁸, also devotes considerable attention to Bar reform, focusing on:

- ensuring functional excellence of governance;
- digitalising tools used in leadership elections;
- improving access to the profession and supporting ethical standards;

1406 Certain Issues of Ensuring the Negotiation Process on Ukraine’s Accession to the European Union under Cluster 1 “Fundamentals of the EU Accession Process”: Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

1407 The UNBA Calls for Compliance with Council of Europe Standards on the Legal Profession. Ukrainian National Bar Association. 2025.

1408 XIII Judicial Forum | 6 December 2024, 1:48:00.; Information provided by a representative of the Office of the President of Ukraine during an interview conducted on 03.04.2025.

- › increasing the effectiveness of disciplinary procedures;
- › ensuring proper representation of advocates in the High Council of Justice (HCJ) and the Qualification and Disciplinary Commission of Prosecutors (QDCP);
- › strengthening guarantees for the practice of law and expanding professional rights of advocates¹⁴⁰⁹.

The initial draft of the Strategy was prepared by the Directorate for Legal Policy of the Office of the President. At this initial stage, educational institutions or academic institutes were not involved in the drafting of the Strategy¹⁴¹⁰.

Deputy Head of the Office of the President, Iryna Mudra, has emphasised in public statements¹⁴¹¹ that Bar reform is one of the **strategic objectives within the framework of European integration**, and that the relevant legislative changes should be of a comprehensive nature. Once the Strategy is approved, the Government will have three months to adopt an implementation plan¹⁴¹². The Government is also expected to ensure the development and operation of a monitoring system to track the implementation of the Strategy, as well as to prepare an operational plan for its execution¹⁴¹³.

III. The Anti-Corruption Strategy and the State Anti-Corruption Programme for 2026–2030 include provisions aimed at minimising corruption in the Bar sector. During the development of the concept of the new Anti-Corruption Strategy and the State Anti-Corruption Programme, the National Agency on Corruption Prevention (NACP) conducted a thorough review of all areas of public policy in Ukraine. The Bar sector was among the 17 most corruption-prone areas identified. A comprehensive in-depth study of the Bar sector is currently underway. The issues that are of greatest concern to the state and cause the most harm will be reflected in the forthcoming Strategy and Programme¹⁴¹⁴.

IV. On 2 July 2021, the BCU approved the **UNBA Development Strategy for 2021–2025**¹⁴¹⁵ (UNBA Development Strategy), which serves as a key document intended to define the main strategic directions for the organisation, its vision, mission, values, strategic goals, and objectives. One of the missions of the UNBA is to increase public trust in the legal profession in Ukraine. Its declared values include legality, inadmissibility of conflict of interest, the rule of law, professional integrity, as well as transparency and openness.

Among the key objectives of the UNBA mentioned in the UNBA Development Strategy, the following should be highlighted:

1409 Iryna Mudra: “The presentation of the draft Strategy for the Development of the Justice System until 2029 will take place soon”. Judicial and Legal Newspaper. 2024.; Information provided by a representative of the Office of the President of Ukraine during an interview conducted on 03.04.2025.

1410 Iryna Mudra: “The presentation of the draft Strategy for the Development of the Justice System until 2029 will take place soon”. Judicial and Legal Newspaper. 2024.

1411 Ibid.

1412 XIII Judicial Forum | 6 December 2024, 1:49:20.

1413 Information provided by a representative of the Office of the President of Ukraine during an interview conducted on 03.04.2025.

1414 Information provided by a representative of the National Agency on Corruption Prevention during an interview conducted on 14.04.2025.

1415 On the Approval of the Strategy for the Development of the Ukrainian National Bar Association for 2021–2025: Decision of the Bar Council of Ukraine No. 38 of 02.07.2021.

- › improving the functioning of the system of BSG bodies in Ukraine through more active involvement of advocates;
- › raising the standards for practising law by applying stricter scrutiny to Bar candidates and strengthening disciplinary oversight of the profession;
- › improving the procedures for access to the legal profession;
- › ensuring maximum transparency in the activities of the Bar for both advocates and external stakeholders¹⁴¹⁶.

Progress and issues

The provisions of the Rule of Law Reform Roadmap and the Strategy for the Development of the Justice System and Constitutional Justice until 2029 are aimed at addressing the problems of the Bar and demonstrate a coherent vision of the directions for its reform.

The existence of such documents, which acknowledge the urgency of Bar reform, is an important step forward. However, the decisive factor will be the **political will and the effectiveness of their implementation**, as well as the engagement of the legal community, civil society, and international partners in the development of the implementation plan for both strategic documents and in the implementation of the planned changes.

If the Strategy for the Development of the Justice System and Constitutional Justice until 2029, the new Anti-Corruption Strategy, and the corresponding State Anti-Corruption Programme are not adopted, or if their provisions concerning the Bar are adopted in a narrowed form (as compared to their status as of March 2025), this may lead to a number of serious consequences. First and foremost, a range of systemic problems will remain unresolved, in particular: the lack of transparent leadership election procedures, financial opacity, weak accountability mechanisms, an ineffective disciplinary system, unequal access to the profession, and so forth. This would not only nullify attempts to reform the Bar as an institution but also deepen its negative impact on the entire justice system. Maintaining the status quo would mean preserving the Bar in its current form, which remains vulnerable to abuse, making it impossible to build a truly independent, professional, and accountable legal community and to complete the reform of the justice system.

The UNBA Development Strategy is a comprehensive document which, if effectively implemented, could address a number of issues in the Bar sector that were highlighted by civil society in the Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the 2023 European Commission Report on Ukraine (Shadow Report on Chapter 23)¹⁴¹⁷. At the same time, no information on the interim status of the implementation of this Strategy is publicly available. During the monitoring and assessment of Ukraine’s progress in this area, experts submitted a request¹⁴¹⁸ to the UNBA regarding the state of implementation of the UNBA Development Strategy, but no response has been received to date.

¹⁴¹⁶ Ibid.

¹⁴¹⁷ Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine, pp. 148–196.

¹⁴¹⁸ Letter from the NGO “Tomorrow’s Lawyer” No. 14-04/4/2025 of 14.04.2025.

Recommendations

1. Following the adoption of the Rule of Law Roadmap at the national level, *a detailed action plan for its implementation* should be adopted without delay, including clear deadlines, responsible executors, and monitoring mechanisms. At all stages of the plan's development, implementation, and evaluation, broad engagement of civil society and the inclusive participation of the Bar community should be ensured.
2. The President of Ukraine (President) should approve the Strategy for the Development of the Justice System and Constitutional Justice until 2029, taking into account public consultations, expert discussions, and the institutionalised involvement of representatives of the Bar community and non-governmental organisations. Upon adoption of the Strategy, a transparent mechanism for stakeholder involvement in its implementation and monitoring should be established.
3. The NACP should develop drafts of the Anti-Corruption Strategy and the State Anti-Corruption Programme for 2026–2030, containing provisions aimed at minimising corruption in the Bar sector. Their content should be based on the findings of an in-depth study conducted with the participation of expert and Bar communities.
4. The UNBA and the BCU should:
 - upon completion of the UNBA Development Strategy, conduct an assessment of its implementation, including with the participation of the legal community and the public, and publish the corresponding report;
 - introduce regular public reporting on the state of implementation of strategic documents in the Bar sector, with the involvement of professional associations and academic institutions.

Bar Self-Governance

Progress and issues

The electability of BSG bodies is a key element of the institutional independence of the Bar, and thus one of the fundamental guarantees of the rule of law and access to justice. The system for electing BSG bodies is of critical importance, as these bodies determine the rules for the functioning of the profession in Ukraine. The Law No. 5076-VI¹⁴¹⁹ is largely a framework law and delegates broad powers to the BSG bodies with regard to the regulation of disciplinary procedures, qualification-based access, professional development, financial distribution, and so forth.

Recommendation No. R(2000)21 of the Committee of Ministers of the Council of Europe on the freedom of exercise of the profession of lawyer¹⁴²⁰ emphasises that lawyers should

¹⁴¹⁹ On the Bar and Practice of Law: Law of Ukraine No. 5076-VI of 05.07.2012, Article 43.

¹⁴²⁰ Recommendation No. R (2000) 21 of the Committee of Ministers to member states on the freedom of exercise of the profession of lawyer, adopted by the Committee of Ministers of the Council of Europe on 25.10.2000 at the 727th meeting of the Ministers' Deputies.

be allowed and encouraged to form and join local, national, and international professional associations which, either independently or in cooperation with other bodies, aim to promote professional standards and safeguard the independence and interests of lawyers.

According to the legislation, the term of office in the BSG bodies is five years, with a clear prohibition on holding office for more than two consecutive terms¹⁴²¹. However, the BSG bodies formed at the founding conferences and Congress of Advocates in 2012 and partially re-elected in 2017 have continued to exercise their powers during the reporting period. In 2022, the term of office of the majority of members of the BSG bodies expired. Despite the requirements of the Law, they have continued to hold their positions continuously for over 13 years, including the Head of the UNBA and BCU, who occupies both posts under Law No. 5076-VII¹⁴²². The Head of the UNBA and BCU also chairs the UNBA Expert Council on Accreditation and Certification¹⁴²³. Despite the expiration of their mandates, no elections have been held to re-elect or renew the leadership of the BSG bodies, citing the impossibility of doing so under martial law¹⁴²⁴. However, structurally similar elections have already been held twice under martial law by prosecutorial self-governance bodies¹⁴²⁵. Congresses of judges and representatives of other self-governing organisations have also taken place.

This creates a situation of legal uncertainty and contradicts the principle of periodic rotation of leadership positions, which is a standard of good governance and is widely applied in most European countries, where terms of office are typically limited to one to three years¹⁴²⁶. Failure to comply with term limits not only undermines trust in self-governance bodies but also provokes well-founded criticism from the professional community, international partners¹⁴²⁷, and representatives of the MoJ¹⁴²⁸ and the Office of the President¹⁴²⁹ despite the principle of continuity to which the UNBA continues to refer¹⁴³⁰.

The procedure for forming BSG bodies is defined by Law No. 5076-VI and a number of acts adopted by the self-governance bodies. The highest body is the Congress of Advocates of Ukraine, whose delegates are elected at regional advocates' conferences according to quotas.

1421 On the Bar and Practice of Law: Law of Ukraine No. 5076-VI of 05.07.2012, Article 43.

1422 Ibid, Art. 56.

1423 Regulation on the Expert Council on Accreditation and Certification of the Ukrainian National Bar Association: Order of the Head of the Ukrainian National Bar Association, Bar Council of Ukraine, No. 226 of 30.12.2024.

1424 "The functioning Bar self-governance has become the main shield of the profession's independence". Ukrainian National Bar Association. 2025.

1425 The All-Ukrainian Conference of Prosecutors elected two members to the High Council of Justice. Council of Prosecutors of Ukraine. 2023.

1426 Commentary on the Draft Law of Ukraine "On the Bar and Practice of Law", developed by the Council on Judicial Reform, para. 39. 2016.

1427 Ukraine 2024 Progress Report within the European Union Enlargement Package.

1428 Information provided by a representative of the Ministry of Justice of Ukraine during an interview conducted on 31.03.2025.

1429 Information provided by a representative of the Office of the President of Ukraine during an interview conducted on 03.04.2025.

1430 The functioning Bar self-governance has become the main shield of the profession's independence. Ukrainian National Bar Association. 2025.

At the regional level, the key bodies are:

- the Conference of Advocates of the Region (CAR) — the highest self-governance body in the regions, the city of Kyiv, the city of Sevastopol, and the Autonomous Republic of Crimea, which elects the Bar Council of the Region (BCR) and the regional Qualification and Disciplinary Commission of the Bar (QDCB);
- the BCR — exercises authority between conferences and is accountable and subordinate to the CAR;
- the QDCB and the Regional Bar Audit Commission — elected by the CAR and accountable and subordinate to it.

At the national level:

- the Congress of Advocates of Ukraine elects the Head and Deputy Heads of the BCU, the High Qualification and Disciplinary Bar Commission (HQDC), and the composition of the High Audit Bar Commission (HABC);
- the BCU consists of 30 members: one representative from each region (elected at regional conferences), and the Head and two Deputy Heads (elected at the Congress of Advocates of Ukraine). The BCU is accountable and subordinate to the Congress of Advocates of Ukraine;
- the HQDC is formed in a manner analogous to the BCU;
- the HABC is fully elected by the Congress of Advocates of Ukraine.

One of the key systemic problems of the current model for electing BSG bodies is the centralised **monopoly of the BCU on initiating electoral processes and determining quotas**. It is the BCU that sets representation quotas and approves the procedure for nominating and electing delegates both to the CAR and to the Congress of Advocates of Ukraine¹⁴³¹. Despite Article 47 of Law No. 5076-VI providing for the possibility of convening a CAR at least once a year, as well as upon the initiative of at least 10% of the region's advocates, this mechanism does not work without quota allocations from the BCU. There have been precedents where regional councils attempted to initiate conferences independently, but these were not recognised as valid by the BCU¹⁴³².

An example of such centralised obstruction could be seen in the situation in Khmelnytskyi region. On 21 February 2024, the Bar Council of Khmelnytskyi Region applied to the BCU¹⁴³³ requesting approval of the representation quota, as well as the procedure for nominating and electing delegates to the Khmelnytskyi Regional Conference of Advocates. This followed a **decision** of the same Council¹⁴³⁴ to **convene the CAR** in accordance with Article 47 of Law No. 5076-VI.

1431 On the Bar and Practice of Law: Law of Ukraine No. 5076-VI of 05.07.2012, Articles 47, 54.

1432 The BCU explained the grounds for non-recognition of the status of the Conference of Advocates of Kyiv Region. Ukrainian National Bar Association. 2016.

1433 Letter of the Bar Council of Khmelnytskyi Region No. 19/0/2-24 of 21.02.2024.

1434 On Convening the Conference of Advocates of Khmelnytskyi Region: Decision of the Bar Council of Khmelnytskyi Region No. 3-7/24 of 14.02.2024.

In its application, the Bar Council of Khmelnytskyi Region stated that the purpose of holding the conference was to **address urgent issues of Bar self-governance falling within the exclusive competence of the CAR**. The main items on the conference agenda included: reports (of the Bar Council, the QDCB, representatives to the BCU and the HQDC, and the audit commission); planning (approval of budgets and staffing tables of the Council and the QDCB for 2024–2025); and personnel matters (election of the chairs and members of the Bar Council, the QDCB, the audit commission, and representatives to the BCU and HQDC), among others.

The application **argued** that no provision of the current legislation prohibits holding regional conferences of lawyers during martial law. Moreover, **the BCU has no authority to impose such prohibitions** — this does not fall within its competence. Therefore, the legal grounds for holding the conference in the region were in place.

To ensure a flexible and safe approach, the Bar Council of Khmelnytskyi Region proposed, if necessary, to provide for the possibility of holding both the meetings of lawyers to elect delegates and the conference itself in the **format of a real-time videoconference**. The Council guaranteed full organisation and technical support for such an online meeting, in compliance with legal requirements and safety measures dictated by martial law.

On 8 June 2024, the BCU considered the application of the Bar Council of Khmelnytskyi Region and refused to grant it¹⁴³⁵, citing the fact that during the period of martial law in Ukraine — which had once again been extended from 14 May 2024 — there remained an elevated threat to the life and safety of citizens, including in Khmelnytskyi region. As justification, statistical data were provided showing more than 690 air raid alerts and 90 confirmed explosions in the region since the start of the full-scale invasion.

In addition to referring to the security situation, the BCU stressed that general decisions on the regulations of conferences, the procedure for nominating delegates, and representation quotas (adopted in 2022–2023) had already been made, and no additional approval of such decisions for an individual region was envisaged. The BCU ignored proposals to use online tools for holding the conference.

At the same time, in June 2025 — only a year after adopting the decision on the impossibility of holding the conference of advocates in Khmelnytskyi region — the BCU itself held an off-site meeting in the same region as part of its planned activities¹⁴³⁶. This circumstance understandably raises questions about the consistency of applying security criteria and the level of objectivity in decision-making affecting advocates' ability to exercise their right to self-governance.

The formal refusal to grant the application of the Bar Council of Khmelnytskyi Region, despite the absence of legislative prohibitions on holding conferences even during martial law, and the disregard of a specific decision by the regional Council to convene a conference in accordance with the requirements of the Law, confirms the persistence of the BCU's model of centralised control over the electoral cycle. This once again underscores the need for genuine decentralisation in Bar self-governance.

¹⁴³⁵ On the Results of Consideration of the Application of the Head of the Bar Council of Khmelnytskyi Region, N.A. Vagina, regarding the Holding of the Conference of Advocates of Khmelnytskyi Region: Decision of the Bar Council of Ukraine No. 40 of 08.06.2025.

¹⁴³⁶ Bar Council of Ukraine Simplified the Warrant Form. Ukrainian National Bar Association. 2025.

As a result, **regional advocate communities are effectively deprived of the ability to independently initiate elections of BSG bodies** at the local level, even in cases of the obvious expiry of such bodies' terms of office. Consequently, as of today, in a number of regions, Bar councils and regional QDCBs continue to operate beyond their terms of office, while in some regions the QDCBs do not exercise their powers due to the absence of the statutory minimum composition required to consider a commission duly authorised — in particular, as a result of voluntary resignation, mobilisation, and other factors¹⁴³⁷.

Such legislative regulation and its current implementation create systemic legal uncertainty, undermine the principle of periodic rotation of BSG bodies, and contribute to the entrenchment of power structures, thereby reducing trust in self-governance institutions among the advocate community and other justice sector institutions to which representatives of the Bar are not delegated. The absence of a mechanism for initiating elections at the regional level without intervention from the central body constitutes a significant restriction on the autonomy and democratic nature of the self-governance model.

In addition, the very procedure for establishing quotas is closed and non-transparent: no methodology or formula is provided, and decisions of the BCU are not subject to appeal or coordination with regional bodies. This creates risks of manipulation of the electoral process, undermines trust in the BSG bodies, and discredits the principle of electability as a guarantee of the independence of the Bar.

Another significant gap in the current legislation is the absence of a requirement for secret voting when electing BSG leadership. The law provides that decisions of the Congress of Advocates of Ukraine and regional conferences of advocates are adopted by a majority vote of the delegates participating in the meeting. However, there is no provision requiring that elections to leadership positions be conducted by secret ballot, as is expressly stipulated, for example, in the Law of Ukraine "On the Public Prosecutor's Office"¹⁴³⁸ — where delegates to the All-Ukrainian Conference of Prosecutors are elected by secret ballot with a simple majority vote from among freely nominated alternative candidates.

As a result, in practice, voting at the Congresses of Advocates of Ukraine is conducted in an open format, which contradicts democratic principles, creates space for pressure and group influence, and deprives delegates of freedom of expression. Such a procedure effectively discredits the electoral process, as it fails to ensure the necessary level of impartiality, transparency, and protection of the vote from external factors. In situations where individuals are being elected to represent the interests of the entire professional community, secret voting must be a mandatory guarantee of electoral integrity.

The current model for forming BSG bodies does not comply with the key principles of good governance or with European standards of professional autonomy and democracy. It is characterised by a lack of transparency, centralisation, weak competition, inadequate representation, and insufficient oversight by the advocate community.

The introduction of online voting could not only unblock Bar self-governance but also promote the democratisation of electoral processes. Online tools could also be used to

1437 Information provided by a representative of the Verkhovna Rada Committee on Legal Policy during an interview conducted on 07.04.2025.

1438 On the Public Prosecutor's Office: Law of Ukraine No. 1697-VII of 14.10.2014, Article 65.

conduct meetings of the BCU and the HQDC, which currently take place primarily in person, incurring additional costs.

At the same time, a key precondition for trust in the electoral process is ensuring a transparent and competitive procedure for nominating candidates, open access to information about them, and equal opportunities for presenting their platforms and participating in debates.

Selection of Candidates for the Competition Commission for the Selection of Members of the High Qualification Commission of Judges of Ukraine under the BCU Quota

Despite failing to meet its constitutional obligation towards judicial self-governance, since June 2025 the BCU has obtained the right to delegate its representative to the Competition Commission responsible for forming the composition of the High Qualification Commission of Judges of Ukraine (the Competition Commission). This situation casts a shadow not only over the effectiveness of Bar self-governance, but also over perceptions of selectivity in institutional behaviour.

Previously, the Competition Commission consisted of judges delegated by the Council of Judges of Ukraine, as well as international experts nominated by Ukraine's partners. Their mandates expired on 1 June 2025. On 22 July 2025, the High Council of Justice (HCJ) announced the launch of the competition for the vacant positions of members of the Competition Commission¹⁴³⁹ and subsequently published the methodology for assessing candidates' compliance¹⁴⁴⁰.

On 25 July 2025, the BCU announced the start of accepting applications from lawyers wishing to join this Commission¹⁴⁴¹. However, the published BCU decision contains neither the selection methodology nor the evaluation criteria, which contradicts the principle of legal certainty and deprives candidates of a clear understanding of the conditions and requirements for selection. This, in turn, creates a risk of non-transparent or biased decisions. The document contains only the legal grounds for holding the competition, organisational aspects (including application deadlines), and a list of additional documents that candidates must submit — beyond those required by the HCJ decision.

When discussing the new model for forming the Competition Commission, it is important to note the 2020 opinion of the Venice Commission¹⁴⁴², in which it welcomed the involvement of international experts in the process of selecting members of the High Qualification Commission of Judges of Ukraine. At the same time, the Venice Commission stressed that "such bodies should be established only within the framework of a transitional period

1439 On the Commencement of the Competition for Filling Vacant Positions of Members of the Selection Commission: Decision of the High Council of Justice No. 1543/0/15-25 of 22.07.2025.

1440 On the Approval of the Methodology for Assessing a Candidate's Compliance with the Requirements of an Impeccable Business Reputation, High Professional Qualities, Public Authority, and the Criterion of Integrity: Decision of the High Council of Justice No. 1542/0/15-25 of 22.07.2025.

1441 On the Nomination of Candidates to the Selection Commission for the Selection of Members of the High Qualification Commission of Judges under the Quota of the Bar Council of Ukraine: Decision of the Bar Council of Ukraine No. 78 of 25.07.2025.

1442 Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law of the Council of Europe (DG-I).

until the intended results are achieved. A permanent system may raise issues of constitutional sovereignty.” This raises a logical question: has Ukraine’s justice system — including the Bar, which has long remained without significant reforms — reached the level of development that would allow it to dispense with the participation of international experts and return to a fully national mechanism for forming key bodies of judicial governance?

In this context, the legitimacy of the BCU, whose mandate expired back in 2022, also comes into question. Recognising its delegates to the Competition Commission in effect legitimises both the BCU itself and the practice of disregarding the Congress of Advocates of Ukraine — creating a dangerous precedent.

According to the BCU’s decision, confirmation that a candidate has provided legal assistance in courts and other bodies must take the form of a certificate from the UNBA, BCU Secretariat indicating the number of **warrants issued by the candidate during 2024–2025**, or a certificate from the competent body on the issuance to the candidate of mandates from the Free Legal Aid (FLA) Centre for free legal aid during the same period (if applicable). Such a requirement raises a number of conceptual and law-enforcement concerns.

1. Limitation of the time frame as an artificial narrowing of the evidence base. The introduction of a criterion under which confirmation of experience in providing legal assistance is accepted solely in the form of a certificate from the UNBA/BCU Secretariat indicating the number of warrants issued during 2024–2025, or a certificate from the FLA Centre for the same period, in effect narrows the opportunities for a broad range of qualified advocates to participate in the competition. Such a time restriction not only contradicts the principle of equal access for all advocates but also fails to meet the criterion of representativeness of professional experience, given that legal practice is the result of skills and expertise accumulated over a long period of time. From a legal standpoint, the introduction of an exclusive two-year period without justified necessity appears to be a disproportionate and discriminatory measure not based on objective selection criteria.

2. Violation of the rights of advocates serving in the military. In addition, such a restriction effectively excludes from the competition advocates who have been serving in the Armed Forces of Ukraine or other military formations since 2022, which, under current legislation, has resulted in the suspension of their licences to practise law. Consequently, these individuals have been objectively unable to issue warrants or receive mandates from the FLA system during the specified two-year period, yet they possess substantial experience in providing legal assistance prior to their service. Ignoring this aspect runs counter to the principles of non-discrimination and equal rights for military personnel, who, in peacetime, were fully active members of the legal profession and uphold the highest moral and ethical standards.

3. Exclusive reliance on a certificate of warrants as an unjustified narrowing of sources of proof of experience. Particular concern arises from the restriction of the list of admissible evidence solely to a certificate indicating the number of warrants issued or a certificate on mandates issued within the FLA system. This approach not only limits the range of permissible sources of information about an advocate’s professional activity, but also contradicts explicit provisions of Ukraine’s procedural legislation, under which an advocate’s authority may be confirmed by a contract for the provision of legal assistance. In this context, a warrant is only one of several valid forms of confirmation, not the exclusive one. Accordingly, narrowing the evidentiary base to warrants/mandates alone is not only unjustified

but also discriminatory towards advocates who provide legal assistance under contracts without issuing a warrant, which is allowed under current procedural law.

It should be noted that the BCU's establishment of a restricted list of documents to confirm legal practice — limited to certificates for 2024–2025 and only in the form of warrants or mandates — is legally vulnerable from the standpoint of constitutional principles of equality, proportionality, non-discrimination, and proper consideration of objective circumstances. This approach should be revised towards expanding the list of admissible evidence, taking into account the specifics of the legal profession and the practices of other public governance bodies.

Also of concern is the discrepancy in the **documentary confirmation requirements regarding disciplinary offences between the wording in the HCJ's aforementioned Methodology and the documentary requirements in the BCU decision**. For instance, the HCJ's criteria include the provision that the candidate "has not committed disciplinary offences or unethical conduct established by competent state authorities". In contrast, the BCU requires the submission of a certificate from the UNBA/BCU Secretariat on the presence/absence in the Unified Register of Advocates of Ukraine (URAU) of information on the candidate's disciplinary liability for the period of 2012–2025.

The BCU's requirement to provide a certificate on the presence/absence of an entry in the URAU for 2012–2025 creates a risk of candidates being formally rejected, even in cases where a disciplinary sanction was subsequently annulled by a court but the record of it remains. Such an approach does not align with the HCJ's criteria, which focus solely on established offences confirmed by competent authorities.

Recommendations

1. Amendments to legislation on the Bar and legal practice should provide for:
 - an exhaustive list of grounds on which the previous composition of the BSG bodies may continue to exercise their powers beyond the prescribed term for which they were elected, but in any event for no longer than one year;
 - the commencement of the procedure for selecting new members of the BSG bodies must mandatorily take place in accordance with the requirements of the law and must not require a separate decision of the BCU;
 - mandatory periodic rotation of the BSG bodies, with a clear limitation of holding office to no more than two consecutive terms, with the electoral procedure commencing automatically upon expiry of the term of office;
 - a general term of office in the BSG bodies of between one and three years, in line with European standards;
 - the possibility for elections to the BSG bodies, both at central and regional levels, to be initiated by the regions;
 - a direct provision on the mandatory use of secret ballots when electing officials of the BSG bodies (at regional bar conferences and at the Congress of Advocates of Ukraine), by analogy with legislation for related legal professions;

- provisions on electronic voting based on the “one advocate — one vote” principle, using online platforms independent of the UNBA (for example, the Unified Judicial Information and Telecommunication System (UJITS) or another technological solution that may be developed by the Ministry of Digital Transformation of Ukraine or by one of the justice sector bodies) at both regional and national levels;
 - requirements for a transparent and competitive procedure for nominating candidates, with mandatory publication of their programmes, holding of debates, and open access to information;
 - oversight of elections through the establishment of election commissions drawn from the legal community, as well as mechanisms for appeals and regular reporting on the progress of the electoral process.
2. Consider the possibility of extending the model for forming the Selection Commission for the Selection of Members of the HJC, which was applied until June 2025. This model envisaged the participation of international experts delegated by Ukraine’s international partners and judges elected by the Council of Judges of Ukraine, and was approved by the Venice Commission as a temporary but justified solution for the transitional period.
 3. Harmonise the Bar’s electoral system with international standards, such as Recommendation No. R(2000)21 of the Council of Europe and the principles of the Council of Bars and Law Societies of Europe, by enshrining the principles of democracy, self-regulation, and professional autonomy in law.

Access to the Legal Profession

Progress and issues

Access to the legal profession is a key stage in building a qualified and ethical body of advocates, laying the foundation for standards of professional competence, ethical responsibility, and the ability to provide effective protection of human rights and freedoms. Recommendation No. R(2000)21 of the Committee of Ministers to member states on the freedom of exercise of the profession of lawyer also emphasises the need to take all necessary measures to ensure a high level of legal training and moral integrity as prerequisites for joining the profession¹⁴⁴³.

However, meaningful changes to the regulatory framework governing access to the legal profession — particularly concerning the requirements for individuals seeking to obtain advocate status, the qualification exam procedure, and the internship process — have not been introduced for a prolonged period.

¹⁴⁴³ Recommendation No. R (2000) 21 of the Committee of Ministers to member states on the freedom of exercise of the profession of lawyer, adopted by the Committee of Ministers of the Council of Europe at the 727th meeting of the Ministers’ Deputies on 25.10.2000.

Despite the urgent need to update approaches to regulating access to the legal profession, **the Procedure for Admission to the Qualification Exam**¹⁴⁴⁴, the procedure for sitting the exam itself, and the content of the qualification exam programme¹⁴⁴⁵ **remain unchanged and pose risks of abuse, particularly due to the technical obsolescence of the process, indicating a lack of genuine progress in this area.** Meanwhile, the UNBA Development Strategy envisaged improvements to the procedures for access to the legal profession as early as 2021¹⁴⁴⁶.

In its Official Position on the Shadow Report on Chapter 23, the UNBA stated that work on the implementation of a new procedure for sitting the qualification exam is underway, based on the Concept for Reforming the Procedure for Sitting the Qualification Exam¹⁴⁴⁷. This Concept had envisaged the introduction of a new procedure as early as 1 September 2018; however, the exam procedure remains unchanged and is still the same as it was seven years ago. It does not meet current technical requirements and capabilities, and, more importantly, falls short of the level of transparency ensured by the procedures for access to the professions of judge and prosecutor.

As of 19 March 2024, the URAU dataset, publicly available on the Diia website¹⁴⁴⁸, recorded 68,510 entries on the issuance of advocate's certificates. An analysis covering the period from 2021 to 2024 (when the current Law No. 5076-VI has been in force) shows that the leaders in terms of the relative number of advocate certificates issued are: Kyiv, Dnipropetrovsk, Poltava, Odesa, Lviv, Zakarpattia, Zaporizhzhia, Donetsk, and Rivne regions, as well as the city of Kyiv. The top ten regions by the number of certificates issued per 100,000 inhabitants are: Kyiv, Poltava, Zakarpattia, Chernihiv, Odesa, Zaporizhzhia, Mykolaiv, Rivne, Lviv, and Dnipropetrovsk regions.

These results indicate an abnormal concentration of new advocates in several regions with relatively small populations — particularly in the cases of Poltava, Zakarpattia, and Chernihiv regions. Such a disproportion may point both to uneven access-to-profession procedures and to the existence of “migration” by candidates between regions in order to obtain certificates under conditions of lower competition or procedural burden.

Against this backdrop, state institutions — MoJ and the Office of the President — demonstrate a clear vision of the necessary changes on Ukraine's path to European integration. Representatives of both institutions support the introduction of a standardised, digitalised qualification exam to be conducted on a regular basis, with the aim of ensuring transparency, objectivity, and equal access for all candidates to the legal profession¹⁴⁴⁹.

1444 Procedure for Admission to the Qualification Exam, Procedure for Conducting the Qualification Exam and the Methodology for Assessing Its Results for Obtaining the Right to Practise Law in Ukraine: Decision of the Bar Council of Ukraine No. 270 of 17.12.2013.

1445 Qualification Exam Programme: Decision of the Bar Council of Ukraine No. 113 of 21.09.2019.

1446 On the Approval of the Development Strategy of the Ukrainian National Bar Association for 2021–2025: Decision of the Bar Council of Ukraine No. 38 of 02.07.2021, para. 6.6, Section 6.

1447 On the Approval of the Official Position of the Ukrainian National Bar Association regarding the Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the 2023 European Commission Report on Ukraine: Decision of the Bar Council of Ukraine No. 65 of 21.09.2024.

1448 Unified Register of Advocates of Ukraine.

1449 Information provided by a representative of the Ministry of Justice of Ukraine during an interview conducted on 31.03.2025, and by a representative of the Office of the President of Ukraine during an interview conducted on 03.04.2025.

A representative of the Verkhovna Rada Committee on Legal Policy also emphasised **the need for a transparent, digitalised model of the qualification exam**, which, in terms of logic and technical parameters, could be based on the algorithms of the External Independent Evaluation (EIE). This approach would allow for unifying the procedure, minimising corruption risks related to exam outcomes, and ensuring fairness¹⁴⁵⁰.

It is also important, while reforming the existing qualification exam procedure, to take into account the negative experiences observed during the organisation and conduct of exams for judges, prosecutors, and notaries. Special conditions for access should be considered for legal professionals with proven experience directly in the field of justice. Additionally, models for the Bar exam must be developed in such a way as to eliminate or minimise the risk of any external interference and to ensure trust in the exam results—both among candidates and within society as a whole¹⁴⁵¹.

In a situation where BSG bodies declare their intention to carry out reforms but fail for years to take meaningful steps, initiative on the part of the state becomes decisive. The unified position of the MoJ, the Office of the President, and the relevant parliamentary committee on introducing a digitalised, standardised, and transparent exam demonstrates a clear direction for the anticipated reforms. Such a model would not only ensure openness and objectivity in access to the profession but also restore trust in the Bar as a self-regulating institution that acts in the public interest and in line with high professional standards. The introduction of a new procedure for sitting the qualification exam should become one of the priority steps in reforming access to the legal profession in Ukraine.

The formation of a professional, competent, and ethical Bar institution directly depends on the quality of access procedures to the profession and, accordingly, **on the qualification and moral-ethical requirements imposed on candidates**. In the context of the transformation of the justice system and growing public demand for high-quality legal assistance, there is an objective need to revise current approaches to defining the requirements for future advocates.

Law No. 5076-VI stipulates that an advocate may be a person who has completed full higher legal education, is proficient in the state language, has at least two years of legal work experience, has passed the qualification exam, completed an internship (except in cases provided by law), taken the advocate's oath, and received a certificate of the right to practise law¹⁴⁵².

Currently, individuals holding a full higher education degree in the specialities “Law”, “International Law”, and “Law Enforcement” are eligible to sit the qualification exam. However, there is a position that only individuals who have obtained higher education specifically in the “Law” speciality should be admitted to the exam, as the educational programmes for these specialities differ significantly in terms of structure, content, and training objectives. The “International Law” programme lacks key courses in national law, including civil or criminal law in the Ukrainian context. Similar concerns apply to the “Law Enforcement” speciality, where the focus of training does not correspond to the knowledge

1450 Information provided by a representative of the Verkhovna Rada Committee on Legal Policy during an interview conducted on 07.04.2025.

1451 Information obtained during an interview with a representative of the Office of the President of Ukraine conducted on 03.04.2025.

1452 On the Bar and Practice of Law: Law of Ukraine No. 5076-VI of 05.07.2012.

and skills expected of an advocate practising within the Ukrainian legal system¹⁴⁵³. This approach aims to standardise the educational background of advocates and to raise the overall level of legal competence among candidates.

Unlike other legal professions, where the experience requirements are significantly higher (for example, five years for judges¹⁴⁵⁴ and six years for notaries¹⁴⁵⁵), the Bar requires a minimum of two years of legal experience, which does not always allow candidates to gain sufficient practical expertise. Accordingly, a representative of the Verkhovna Rada Committee on Legal Policy emphasised the need to revise this criterion toward strengthening it¹⁴⁵⁶.

Another persistent issue is the lack of an adequate mechanism for the initial verification of the moral and ethical integrity of candidates seeking the right to practise law. The same parliamentary representative has reasonably raised the issue of the need for the community to discuss the possibility of assigning to the qualification and disciplinary commissions the responsibility to conduct basic background checks of such individuals. This could include reviewing information on instances of administrative liability, adherence to professional ethical standards in prior activities, and assessing the candidate's overall reputation¹⁴⁵⁷.

Thus, improving the qualification and moral-ethical requirements for individuals seeking the right to practise as advocates should become one of the priority areas in the reform of access to the legal profession. This would help enhance the quality of legal assistance, strengthen the authority of the Bar, and ensure compliance with European standards.

The Shadow Report on Chapter 23 identified among the most sensitive issues the growing trend of **active civil servants, representatives of law enforcement agencies, the prosecution service, and judges** obtaining certificates to practise law.

This gap in the access procedure has been taken into account by the Office of the President in the process of preparing the Strategy for the Development of the Justice System and Constitutional Justice until 2029. According to information from the Office of the President, the issue of acquiring the right to practise as an advocate by persons who are under a different professional oath — such as civil servants, judges, or prosecutors — requires proper regulation, with mandatory consideration of European standards for access to legal professions¹⁴⁵⁸. This approach demonstrates a commitment to ensuring equal and objective conditions for access to the Bar and to minimising the risks of formal or politically motivated transitions from public service into legal practice.

Internship is a vital element in the system of access to the legal profession, intended to play a key role in developing the practical skills necessary for independent legal practice.

1453 Information provided by a representative of the Verkhovna Rada Committee on Legal Policy during an interview conducted on 07.04.2025.

1454 On the Judiciary and the Status of Judges: Law of Ukraine No. 1402-VIII of 02.06.2016.

1455 On the Notary: Law of Ukraine No. 3425-XII of 02.09.1993.

1456 Information provided by a representative of the Verkhovna Rada Committee on Legal Policy during an interview conducted on 07.04.2025.

1457 Ibid.

1458 Ibid.

According to the provisions of Law No. 5076-VI, the purpose of the internship is to assess the readiness of a person who has successfully passed the qualification exam to practise law independently¹⁴⁵⁹. However, **the current internship model does not fully allow for this goal to be achieved.**

In practice, internships are often of a formal nature and fail to fulfil their educational, preparatory, or evaluative function¹⁴⁶⁰. This is due in part to the fact that the internship period is only six months, and to the fact that it is often carried out in the intern's free time outside of their main employment, which significantly reduces its intensity, effectiveness, and substantive value. As a result, candidates are frequently deprived of the opportunity to gain in-depth exposure to the specifics of legal practice, to work under proper professional supervision, or to receive consistent feedback.

In a number of European Union countries (including Germany, Austria, the Netherlands, and France), internship precedes the qualification exam. This allows candidates to first acquire practical experience, assess the realities of the professional environment, and only then confirm their readiness to obtain advocate status by means of a standardised examination.

At the same time, improving the internship procedure is impossible without making the relevant amendments to the current Law No. 5076-VI, as the key provisions regarding the purpose, duration, and general conditions of the internship are defined at the legislative level and require a conceptual update.

A decision of the BCU remains in force, establishing a **fee** to be paid to the QDCBs for issuing an **extract (certificate) from the Register** of Persons Wishing to Sit the Qualification Exam for the purpose of obtaining a certificate of the right to practise law. The fee is set at 0.5 of the statutory minimum wage as of the date of submission of the application for admission to the exam¹⁴⁶¹. This payment is not provided for in Law No. 5076-VI and continues to impose an additional financial burden on applicants, who are also required to pay a fee for sitting the qualification exam itself. Under the same decision, the Head of the UNBA and BCU was instructed to approve the Procedure for Maintaining the Register of Persons Wishing to Sit the Exam and the form of the corresponding extract/certificate. However, these documents are not available on the official website of the UNBA.

Recommendations

Given the persistence of a number of systemic problems in access to the legal profession, it is advisable to:

1. Amend the Law of Ukraine "On the Bar and Practice of Law", namely with a view to:
 - ensuring the operation of a transparent and objective procedure for access to the legal profession through the introduction of a standardised, digitalised qualification exam;

¹⁴⁵⁹ On the Bar and Practice of Law: Law of Ukraine No. 5076-VI of 05.07.2012, Part 1, Article 10.

¹⁴⁶⁰ Information obtained during an interview conducted on 07.04.2025 with an authorised representative of the Verkhovna Rada Committee on Legal Policy.

¹⁴⁶¹ On Establishing a Fee for Obtaining an Extract/Certificate from the Register of Persons Wishing to Sit the Exam for the Certificate of the Right to Practice Law: Decision of the Bar Council of Ukraine No. 143 of 16-17.11.2022.

- strengthening the requirements for obtaining the right to practise as an advocate, including by clarifying the criteria regarding full legal education, relevant professional experience in the field of law, and the introduction of clear standards of integrity for candidates;
 - introducing a declaration of integrity as an additional mechanism for assessing a candidate's compliance with ethical standards. This should serve as a tool of personal responsibility and include confirmation of the absence of circumstances that may indicate violations of professional ethics, conflicts of interest, corruption risks, or other facts incompatible with legal practice.
2. Regulate the mechanism for access to the legal profession for individuals subject to another professional oath (judges, prosecutors, and others).
 3. Improve the internship procedure by taking into account the best practices of EU countries to prevent its formalisation and to ensure a balance between the educational, practical, and ethical components of the internship.
 4. Abolish the fee not provided for in the Law of Ukraine "On the Bar and Practice of Law" for the organisational and technical maintenance of the electronic register of persons who have passed/failed the qualification exam.

Continuous Professional Development

Improving the professional level of advocates is a necessary precondition for ensuring the provision of quality legal assistance, which in turn guarantees the effective protection of the rights, freedoms, and legitimate interests of citizens. At the same time, this area is still not reflected in Law No. 5076-VI and is regulated exclusively by the acts of BSG bodies, which gives rise to a number of practical and legal issues. Nevertheless, continuous professional development remains one of the key obligations of an advocate in Ukraine, and failure to fulfil this obligation in practice constitutes grounds for disciplinary liability.

The system of continuing professional development for advocates in Ukraine continues to operate with previously identified systemic shortcomings, without the introduction of substantial institutional or regulatory changes.

Progress and issues

As of 1 January 2025, a new Procedure for the Professional Development of Advocates of Ukraine entered into force¹⁴⁶². In justifying the need to adopt the Procedure in a new version, the BCU emphasised the importance of taking into account the Recommendations of the Council of Bars and Law Societies of Europe on continuing professional development as a key condition for ensuring high-quality legal assistance and adherence to the standards of the legal profession. The BCU also highlighted that the obligation of continuous professional development applies not only to advocates but also to other participants in the justice system — judges and prosecutors — necessitating the establishment

¹⁴⁶² Procedure for the Professional Development of Advocates of Ukraine: Decision of the Bar Council of Ukraine of 13.12.2024 (as amended by Decision of the Bar Council of Ukraine No. 30 of 14.03.2025).

of a comparable level of professional training for advocates¹⁴⁶³. In particular, this concerns setting a minimum number of credit (academic) hours of continuing education, which should not be lower than that required for representatives of related legal professions. Accordingly, from 2025 onwards, all advocates, regardless of the duration of their professional practice, are required to complete **at least 15 credit (academic) hours** of training annually.

The previous version of this Procedure established a differentiated approach to determining the scope of mandatory annual professional training. Advocates practising during their first three years were required to complete **at least 16 credit hours of professional development per year**, while those with over three years of experience were required to complete **at least 10 credit hours annually**.

Despite the declared intention to reflect the Recommendations of the Council of Bars and Law Societies of Europe, the actual impetus for amending the Procedure for the Professional Development of Advocates was the decision of the Sixth Administrative Court of Appeal of 10 December 2024 in case No. 640/1859/22. This ruling declared unlawful and annulled subparagraphs 18, 19, and 20 of paragraph 2 of Section IV “Transitional Provisions” of the Procedure. These provisions concerned heightened training requirements for advocates with less than three years of experience¹⁴⁶⁴. Advocates with less than three years of professional experience were required to complete the modular programme “Young Advocate”, developed and delivered by the Higher School of the Bar of the UNBA (UNBA HSB), and to undergo a minimum of 16 hours of training annually. In contrast, all other advocates were subject to a lower training requirement of 10 hours per year.

In annulling the relevant provisions of the Procedure for the Professional Development of Advocates, the court concluded that the Law of Ukraine “On the Bar and Practice of Law” contains no classification based on the length of an advocate’s professional experience and does not divide advocates into “Young” (i.e. with less than three years of experience) and others with more than three years of experience. Accordingly, it is unclear on what basis the BCU decided that 10 hours of annual professional development is sufficient for an advocate with more than three years of experience, while 16 hours is required for those with less experience.

At present, the Supreme Court is reviewing a cassation appeal filed by the UNBA (joined by the UNBA HSB) against the ruling of the Sixth Administrative Court of Appeal¹⁴⁶⁵. Despite the pending cassation proceedings, the appellate ruling entered into legal force upon adoption and has had immediate legal consequences for the functioning of the professional development system. Nevertheless, the BCU has already adopted a new version of the Procedure for the Professional Development of Advocates, and the outcome of the cassation review in this case will have no actual impact on the current regulatory framework. Such actions by the BCU are not isolated. As already mentioned in the Shadow Report on Chapter 23, a similar incident occurred in which, following the annulment by the Sixth Administrative Court of Appeal of the fee for submitting and review-

1463 On the Approval of the New Version of the Procedure for the Professional Development of Advocates of Ukraine: Decision of the Bar Council of Ukraine No. 90 of 13.12.2024.

1464 Decision of the Sixth Administrative Court of Appeal of 10.09.2024 in case No. 640/1859/22.

1465 Ruling of the Supreme Court of 05.12.2024 in case No. 640/1859/22.

wing applications (complaints) to the qualification and disciplinary commissions of the Bar concerning advocates' conduct, the same fee was reintroduced by the BCU¹⁴⁶⁶.

The updated Procedure has retained the UNBA HSB as the administrator of the professional development process for advocates in Ukraine. As in the previous version, the UNBA HSB retains all key powers, including the organisation and conduct of professional development activities, accreditation of providers and educational programmes, certification of lecturers, recording of credit hours, and compilation of information on advocates' annual professional development. In addition, the Procedure for the Professional Development of Advocates reproduces the provision requiring advocates, within one month of obtaining their certificate of the right to practise law and taking the oath, to register a personal electronic account on the platform of the UNBA HSB Accreditation and Certification Centre. This requirement remains in place despite the fact that it is not provided for in Law No. 5076-VI.

The Procedure also establishes the **obligation to complete at least 50% of professional development credit hours exclusively through events organised by the UNBA HSB or by providers accredited by the UNBA HSB**. The remaining hours may be obtained through teaching or studying at higher education institutions, working within BSG, obtaining an academic degree, and so on).

Given the concentration of all organisational, supervisory, and analytical functions in the hands of a single institution, the **UNBA HSB maintains its status as an artificially created monopolist in the field of continuous professional development of advocates in Ukraine**.

The issue of monopolisation by the UNBA HSB has been subject to criticism from the advocate community, including during the XIII Judicial Forum organised by the Ukrainian Bar Association, which took place on 5–6 December 2024. For instance, advocate Denys Buhai highlighted that digitalisation opens up broad opportunities for realising the principle of continuous professional development for advocates and raised a valid question as to why the UNBA HSB concentrates all key powers in this area, despite the potential of other actors and the availability of technical resources to foster a competitive educational environment¹⁴⁶⁷.

Such monopolisation also appears questionable when compared to practices in EU countries. A comparative analysis of the activities of Bar associations and legal societies in selected European jurisdictions shows that continuing professional development is mandatory in most countries (with the exception of the Czech Republic and Spain), but in the majority of cases there are no requirements for specialised training, apart from in Bulgaria and England & Wales. In most of the jurisdictions reviewed, Bar associations are among the providers of training, but they are generally not the sole provider¹⁴⁶⁸.

This issue also arises in the context of strategic state policy planning, particularly within the draft Strategy for the Development of the Justice System and Constitutional Justice until 2029. Particular emphasis is placed on the critical need to ensure advocates have

¹⁴⁶⁶ Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's Report on Ukraine (p. 182).

¹⁴⁶⁷ Recording of the XIII Judicial Forum organised by the Ukrainian Bar Association, held on 05–06.12.2024.

¹⁴⁶⁸ Comparative analysis of bar associations and law societies in select european jurisdictions, 2017.

the freedom to choose training activities and providers, as well as on the need for a fundamental revision of the current model, which has enabled the UNBA HSB to retain what is effectively a monopoly in the area of professional education¹⁴⁶⁹.

On 30 December 2024, the Expert Council on Accreditation and Certification of the UNBA approved a new **Procedure for Accreditation and Certification**¹⁴⁷⁰, which sets out the criteria, requirements, and procedure for accrediting providers of professional development for advocates in Ukraine, the accreditation of relevant training programmes and events, and the certification of individuals engaged by providers in the professional development process as lecturers, speakers, or experts.

The adoption of the new Procedure for Accreditation and Certification has not resulted in any simplification of the certification process, which remains complex, over-regulated, and non-transparent for potential providers of professional development for advocates. The accreditation materials remain the same for both initial and repeated accreditation and include three groups of documents:

- 1) founding and registration documents (Charter, Extract from the Unified State Register of Enterprises and Organizations of Ukraine, order on the appointment of the director, documents confirming taxpayer status, opening of bank account, etc.);
- 2) regulatory documents concerning the implementation of the professional development process for advocates (information on material and technical resources, copies of ownership or lease documents, etc.);
- 3) regulatory documents defining the content of the training and governing the organisation of the professional development process (regulations on the organisation of the process, a plan of professional development events for the duration of the accreditation, lecturer portfolios, procedures for quality control and evaluation criteria, etc.).

The previous Procedure for the Professional Development of Advocates established a fixed annual fee for external accredited providers in the amount of 50 minimum wages (UAH 355,000 as of 2024), as well as an administrative fee for processing and recording credit hours and issuing certificates, which was calculated at 1% of the statutory minimum wage as of 1 January of each year. In contrast, the current version stipulates that the **amount of such fees shall be determined by decision of the UNBA Expert Council**.

At present, the decision of the UNBA Expert Council establishing the specific amount of such fees has not been published either on the official UNBA website or on the website of the UNBA HSB Accreditation Centre, nor has the methodology for calculating the relevant fees been disclosed. In response to an official request from the NGO "Tomorrow's Lawyer", the UNBA Expert Council stated that in 2025 it had not carried out accreditation or certification of any external providers of professional development for advocates due to the absence of relevant accreditation files. At the same time, the Council had not adopted any decision on the amount of the annual accreditation fee for external providers, nor on the administrative fee for processing, recording credit hours, and issuing certificates. As indicated in the response, should accreditation files be submitted, the Council

¹⁴⁶⁹ Information provided by a representative of the Office of the President of Ukraine during an interview conducted on 03.04.2025.

¹⁴⁷⁰ Accreditation and Certification Procedure approved by the Head of the Expert Council on Accreditation and Certification of the Ukrainian National Bar Association on 30.12.2024.

will determine the amount of the fees at its own discretion, within the limits of its discretionary powers, based on specific criteria, including “the total number of advocates registered in the Unified Register of Advocates of Ukraine (URAU)”¹⁴⁷¹.

This approach raises well-founded concerns, as it indicates the absence of a clearly defined methodology, transparent rules, and objective criteria for determining the relevant fees. In particular, the rationale behind linking the amount of the annual accreditation fee to the number of advocates in the URAU is unclear. The lack of a legally established procedure and a predictable mechanism for determining fees creates risks of legal uncertainty, unjustified discriminatory treatment of different providers, and undermines trust in accreditation procedures and governance decisions in this area.

Despite the adoption of the new Procedure for Accreditation and Certification and the approval of the new version of the Procedure for the Professional Development of Advocates, **the list of accredited providers** published on the official website of the UNBA HSB Accreditation and Certification Centre remains unchanged, indicating a lack of real progress towards openness and competition in the field of educational services for advocates.

The monopolistic position of the UNBA HSB, limited access to the accreditation procedure, and the lack of effective competition among education providers directly affect the **quality and availability of professional development opportunities for advocates**. The majority of such activities — whether organised by the UNBA HSB itself or by accredited providers — are fee-based, while free programmes are, in practice, offered exclusively by the BCRs for advocates in their respective regions. Given the absence of a direct legal provision obliging BCRs to conduct a certain number of educational events, the frequency and availability of such activities vary significantly, which in turn places advocates from different regions in an unequal position with regard to fulfilling their professional development obligations. Considering that Ukraine has over 70,000 registered advocates, and that even those who have suspended their licences are required under the current Procedure to maintain their qualifications, this creates a considerable burden for both the BCRs and the UNBA HSB. Particular attention should be given to the issue of continuing education for advocates in Kyiv, as there are currently no duly authorised self-governance bodies operating in the city¹⁴⁷².

In order to obtain objective information on the actual number of paid and free professional development events for advocates conducted during 2024 and the first quarter of 2025, as well as the number of complaints submitted during this period to the Bar’s disciplinary bodies for failure to comply with the relevant obligation, NGO “Tomorrow’s Lawyer” submitted a corresponding information request to the UNBA HSB. However, the UNBA HSB refused to provide the requested information, citing its status as a privately owned institution that is not included in the list of public information administrators under the Law of Ukraine “On Access to Public Information”¹⁴⁷³.

Despite the fact that the Procedure for the Professional Development of Advocates provides for various forms of professional development — such as participation in training

1471 Letter of the Ukrainian National Bar Association dated 22.04.2025 (regarding the accreditation and certification of professional development operators for advocates).

1472 Decision of the Bar Council of Ukraine No. 6 of 21.01.2022.

1473 Letter of the Higher School of the Bar of the UNBA of 04.04.2025, ref. No. 715/0/02-2 (regarding the provision of information on professional development events).

events, publication of monographs and academic papers, attainment of academic degrees, and performance of functions within BSG bodies — the primary method for fulfilling this obligation remains participation in educational events (webinars) organised by the UNBA HSB or by providers accredited by it. Other forms provided for by the Procedure are rarely implemented on a systematic basis and remain exceptional.

At the same time, advocates continue to post critical feedback on social media regarding the quality of educational events organised by the UNBA HSB and accredited entities, including concerns about the relevance of the topics or the professional competence of certain certified lecturers¹⁴⁷⁴. Moreover, open criticism of such events or failure to formally fulfil the professional development obligation often becomes grounds for initiating disciplinary proceedings against advocates¹⁴⁷⁵.

Instead of ensuring a high-quality, accessible, and diverse system of continuous professional development, the current professional training model continues to pose risks of a formalistic approach, erode trust in the content of the training, and distort the very purpose of professional development as a tool for guaranteeing quality legal assistance.

According to the current Procedure, an advocate's assistant is required to complete 10 credit hours of professional development per reporting year¹⁴⁷⁶. An assistant who fulfils the professional development requirements is issued a corresponding certificate by the UNBA HSB, which is uploaded to their personal electronic profile on the UNBA HSB Accreditation and Certification Centre platform.

In practice, however, the implementation of these amendments to the Regulation on Advocate's Assistants faces significant challenges. Most notably, the official website of the UNBA HSB Accreditation Centre and the relevant regulatory acts lack a clear and accessible mechanism for the registration and authorisation of advocate's assistants to participate in professional development activities. The absence of any public guidance or official information from the UNBA or UNBA HSB on the procedures for such individuals raises valid concerns within the advocate assistant community and creates barriers to the fulfilment of the formal obligation imposed on them.

The current legislation of Ukraine, including Law No. 5076-VI, the Regulation on Advocate's Assistants, and acts of the BSG bodies, does not contain any provisions establishing disciplinary liability for advocate's assistants who fail to fulfil their professional development obligation. Therefore, despite the formal imposition of this obligation on advocate's assistants, the lack of adequate regulatory, procedural, and institutional support renders its effective implementation in practice impossible. Such regulation may serve less of an educational or professional purpose and more as an additional source of financial income for the Higher School of the Bar of the UNBA (UNBA HSB), which remains the sole institution authorised to administer the continuous professional development process and issue the relevant certificates.

1474 For example: How Medvedchuk's allies are preparing for elections in the Ukrainian National Bar Association. Espresso. 2024.; Comments on DEJURE Foundation's publication on the social network Facebook.

1475 Advocate Illia Kostin reported pressure following criticism of Bar self-governance members. ZMINA. 2023.; Publication by advocate Artem Donets on the social network Facebook. 2024.

1476 Regulation on the Assistant to an Advocate: Decision of the Bar Council of Ukraine No. 113 of 25.09.2015 (as amended by the Decision of the Bar Council of Ukraine No. 90 of 13.12.2024).

Despite the adoption of the new version of the Procedure for the Professional Development of Advocates, the problem of **restricted access to the professional development system** remains unresolved, as the right to participate in such activities continues to be granted only to advocates who have no outstanding debts in respect of the annual contribution for the functioning of the Bar self-governance system. This approach effectively prevents a portion of advocates from fulfilling their continuous professional development obligation and creates artificial barriers to professional advancement.

In addition, under the new version of the Procedure, the BCU has effectively established **an obligation for advocates to undergo additional professional development on issues of legal ethics** at the UNBA HSB, amounting to four credit (academic) hours, in the event of being subjected to disciplinary liability for violations of the Rules of Legal Ethics¹⁴⁷⁷. Previously, the HQDC and QDCBs were merely authorised to impose an obligation to undergo specialised additional training in legal ethics, without specifying the number of credit hours (points).

Law No. 5076-VI also does not provide for any such obligation to undertake additional training on the rules of legal ethics in cases of disciplinary liability. Moreover, the requirement to complete this specialised training exclusively at the UNBA HSB is further evidence of the de facto monopolistic position of this institution in the field of professional development for advocates and restricts advocates' right to freely choose their education provider.

Recommendations

To improve the institutional model of continuous professional development for advocates in Ukraine and to address systemic issues in this area, it is advisable to:

1. Amend the Law of Ukraine "On the Bar and Practice of Law" to include provisions on the system of professional development for advocates in Ukraine, with the aim of ensuring the right of advocates to freely choose the forms and providers of educational services for professional development, including the possibility of undergoing training outside Ukraine and/or with foreign providers of educational services (excluding those based in states recognised as aggressors).
2. Develop a separate procedure for the professional development of advocate's assistants, taking into account the specifics of their professional status, the need for practical training, and the prospects of future access to the legal profession.
3. Establish a transparent and legally regulated procedure for accrediting professional development activities and entities providing educational services in this field, as well as for certifying individuals allowed to conduct professional development events for advocates (including speakers, lecturers, trainers, experts, etc.).
4. Abolish fees not provided for in Law No. 5076-VI, including those for the accreditation of external providers, the administrative fee for processing and recording credit hours, and for issuing the relevant certificates.

¹⁴⁷⁷ Procedure for the Professional Development of Advocates of Ukraine: Decision of the Bar Council of Ukraine of 13.12.2024 (as amended by the Decision of the Bar Council of Ukraine No.30 of 14.03.2025), para. 21, Section II.

5. Ensure access to the professional development system for all advocates, including those who are in arrears on their annual contributions for the functioning of Bar self-governance.

Disciplinary Liability

The institution of disciplinary liability in the Bar is intended to ensure compliance with professional standards, the principles of legal ethics, and the strengthening of public trust in the legal profession. At the same time, it should not only respond to violations but also serve preventive, ethical, and reputational functions, maintaining a balance between the independence of the Bar and its accountability to society.

The Shadow Report on Chapter 23 highlighted several deeply rooted problems that have existed in this system since the entry into force of Law No. 5076-VI¹⁴⁷⁸. In its 2024 Report on Ukraine's progress¹⁴⁷⁹ the European Commission emphasised the need to improve the disciplinary procedure. In contrast, the High Qualification and Disciplinary Bar Commission of Ukraine considers the current disciplinary procedure to fully reflect the principles of transparency and effectiveness¹⁴⁸⁰.

Progress and issues

One of the persistent problems is the expired term of office of all BSG bodies, including the regional QDCBs. Disciplinary proceedings continue to be conducted by members of BSG bodies whose mandates have expired, creating legal uncertainty regarding the validity of disciplinary decisions. In some regions, QDCBs are unable to carry out their functions due to the lack of a legislatively defined minimum composition required for a commission to be considered authorised. This has occurred, for example, due to voluntary resignation, mobilisation, or other reasons, resulting in disciplinary complaints being redirected to QDCBs in other regions¹⁴⁸¹.

To confirm these circumstances, information requests were sent to the HQDC and the UNBA regarding the number of QDCBs unable to perform their functions (with regional breakdowns). In its response, the HQDC stated that it does not possess such information, as QDCBs are neither subordinate nor accountable to the HQDC. Accordingly, the relevant requests were redirected to the QDCBs of the respective regions¹⁴⁸².

In contrast, the UNBA responded that as of 1 March 2025, only the QDCB of the Autonomous Republic of Crimea and the QDCB of the city of Sevastopol were not exercising their powers, due to the temporary occupation of the peninsula. In addition, the QDCB of

¹⁴⁷⁸ Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the 2023 European Commission Report on Ukraine, p. 175.

¹⁴⁷⁹ Ukraine 2024 Progress Report within the European Union Enlargement Package.

¹⁴⁸⁰ Recording of the XIII Judicial Forum organised by the Ukrainian Bar Association, held on 05–06 December 2024.; Information provided by a representative of the Verkhovna Rada Committee on Legal Policy during an interview conducted on 07.04.2025.

¹⁴⁸¹ Ibid.

¹⁴⁸² Letter of the High Qualification and Disciplinary Commission of the Bar dated 16.04.2025, ref. No. 2555 of 14.04.2025.

the city of Kyiv is not functioning, as the imposition of martial law in Ukraine since 24 February 2022 has made it impossible to conduct elections for the head and members of the Kyiv QDCB¹⁴⁸³. The information provided in the UNBA's response differs from that received through interviews with individual representatives and members of BSG bodies, which may indicate either a lack of awareness on the part of the UNBA regarding the actual state of QDCB operations in certain regions, or a deliberate concealment of the true situation.

Law No. 5076-VI establishes a five-year term of office for members of BSG and prohibits holding such positions for more than two consecutive terms¹⁴⁸⁴. The current BSG bodies, including QDCBs and the HQDC, were formed at the founding regional conferences and the inaugural Congress of Advocates in 2012 and 2017.

NGO "Tomorrow's Lawyer" initiated a series of interviews with current members of the HQDC to obtain expert commentary on the functioning of the disciplinary procedure and the powers of BSG bodies. In response, the Commission stated that it could only cooperate in the format of joint public events. Members of the HQDC expressed the view that participation in the proposed interviews would be inappropriate due to the tight timeframe and the absence of prior communication regarding the questions to be asked, information on the experts participating on behalf of civil society, or confirmation of their experience in the field of the Bar and their impartiality¹⁴⁸⁵.

Particular attention in this context is drawn to the change in leadership of the HQDC in November 2024. The BCU accepted the resignation of Serhii Vylkov from the position of Head of the HQDC. In addition to dismissing S. Vylkov, the BCU appointed Andrii Misiats as Acting Head of the Commission, in contravention of the requirements of Law No. 5076-VI¹⁴⁸⁶. As a result, the BCU's decision exceeded its powers and violated the law, calling into question both the legitimacy of this appointment and the legal validity of subsequent actions taken by the HQDC under the new leadership.

The disciplinary procedure is increasingly subject to well-founded criticism due to a **lack of transparency and shortcomings in its legal regulation**.

The transparency and effectiveness of disciplinary proceedings have already been identified as key areas for reform within the Rule of Law Roadmap¹⁴⁸⁷, as well as the Strategy for the Development of the Justice System and Constitutional Justice until 2029¹⁴⁸⁸.

At the same time, Acting Head of the HQDC Andrii Misiats has emphasised that the BCU has taken a number of significant steps in recent months to improve the disciplinary procedure within the HQDC. Provisions have been introduced establishing the obligation

1483 Letter of the Secretariat of the Ukrainian National Bar Association dated 22.04.2025 (regarding the authority of QDCBs in Ukraine).

1484 On the Bar and Practice of Law: Law of Ukraine No. 5076-VI of 05.07.2012, Part 2, Article 50, Part 3, Article 52.

1485 Letter of the High Qualification and Disciplinary Commission of the Bar dated 03.04.2025, ref. No. 2099.

1486 Article 52 of the Law provides that the Head and two Deputy Heads of the High Qualification and Disciplinary Commission of the Bar are elected by a vote of the Congress of Advocates of Ukraine.

1487 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the EU Accession Process": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

1488 Information provided by a representative of the Office of the President of Ukraine during an interview conducted on 03.04.2025.

for QDCBs to submit case materials to the HQDC upon request no later than three calendar days from the date of receipt, with personal responsibility placed on the head of the QDCB for any delay. Furthermore, the official websites of the commissions are to ensure the publication of key information on disciplinary cases — namely the subject of the complaint, the names of the complainant, the advocate, and the rapporteur, as well as the approximate time of review. All documents submitted to the HQDC as part of a specific case — including QDCB materials, complaints, statements from the parties, and memoranda from commission members — are systematised in a cloud repository and remain accessible until the case is concluded. In addition, the HQDC's rules of procedure now include detailed requirements for the preparation of meeting minutes. Copies of the introductory and operative parts of HQDC decisions to be entered into the URAU must be certified by the Head of the Commission or the Secretariat using a qualified electronic signature (QES) and sent to the parties no later than three working days from the date of adoption. Full texts of decisions are also to be certified and sent to the advocate and the initiator of the disciplinary proceedings within 10 to 15 working days¹⁴⁸⁹.

These innovations undoubtedly represent positive developments in the disciplinary procedure and reflect a willingness to improve certain aspects of interaction between the HQDC and the QDCBs. At the same time, **these changes do not address the systemic problems** inherent in the current procedure — particularly regarding its transparency, openness to external monitoring, predictability of practice, and guarantees of fair consideration.

In addition to its lack of transparency, the disciplinary procedure for advocates contains significant gaps in legal regulation, which cast doubt on its effectiveness. In particular, current legislation does not define the concept of a disciplinary offence committed by an advocate; it does not establish an exhaustive list of persons entitled to file a complaint concerning a disciplinary violation; it does not specify the content and form of a complaint that QDCBs may accept for consideration; it does not set out requirements for the reasoning of disciplinary decisions; and the procedural aspects of case review and the time limits for decision-making remain only partially regulated, leaving room for arbitrary or inconsistent interpretation.

A separate and particularly serious problem is that **an appeal against a disciplinary decision does not suspend its effect**. The Office of the President has already indicated that the upcoming Strategy for the Development of the Justice System and Constitutional Justice until 2029 will include provisions to address this issue, guaranteeing the possibility of suspending the effect of a disciplinary decision during the period of its appeal¹⁴⁹⁰.

The use of disciplinary proceedings as a tool of pressure and retaliation against dissenting advocates remains one of the most acute concerns in the BSG. This issue received comprehensive coverage in the Shadow Report on Chapter 23¹⁴⁹¹, which analysed a number of cases where the disciplinary liability mechanism was abused to restrict advocates' freedom of expression, discredit their public activity, and establish a punitive practice targeting those who disagree with the actions and decisions of BSG bodies.

1489 Disciplinary Procedure Changes Advocates Should Be Aware Of. Yurydychna Praktyka. 2025.

1490 Information provided by a representative of the Office of the President of Ukraine during an interview conducted on 03.04.2025.

1491 Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the 2023 European Commission Report on Ukraine, pp. 176–180.

One telling example of the persistence of this troubling practice is a study published by advocate Artem Donets, which refers to complaints submitted by the Director of the UNBA HSB to regional QDCBs against advocates who failed to fulfil their professional development obligations, requesting that these advocates be held disciplinarily liable¹⁴⁹². This is a striking example that combines problems in both the professional development system and the disciplinary procedure. No data is available on UNBA HSB public resources regarding the number of advocates who completed professional development training or the scope of such training.

In response to a request for information on the number of complaints submitted by the UNBA HSB in 2024 and the first quarter of 2025 due to advocates' failure to fulfil the professional development obligation, the **UNBA HSB stated that it is a privately owned institution, does not fall under the list of public information holders**, and therefore refused to provide the requested information¹⁴⁹³.

According to the aggregated data obtained by advocate A. Donets in response to professional information requests, the number of complaints submitted by the Director of the UNBA HSB is considerable. For example, **100** complaints were submitted simultaneously to the QDCB of Kyiv Region and **118** to the QDCB of Odesa Region, as well as to QDCBs in 15 other regions. It remains unclear what methodology the UNBA HSB used to select these advocates who had not completed their professional development.

At the same time, advocates who received complaints for failing to fulfil the professional development obligation over the past five years had (and still have) the option to purchase paid courses (tests conducted in accordance with established requirements) on the UNBA HSB website. These courses offer the number of points (credit hours) needed to satisfy the obligation. For example, the cost of a special professional development test for 2024, providing eight credit hours, is UAH 7,992 (discounted; full price — UAH 11,988); a five-hour test costs UAH 4,995 (discounted; full price — UAH 7,495); and a single credit hour costs UAH 999 (discounted; full price — UAH 1,499). A complete price list indicating the cost of each test by year and number of credit hours is available on the official website of the UNBA HSB¹⁴⁹⁴.

One of the advocates against whom the Director of the UNBA HSB filed a complaint for failure to complete professional development over five years — specifically via the UNBA HSB platform or through accredited providers — undertook testing to obtain 50 credit hours (10 hours per year) at a total cost of approximately UAH 50,000 (at a rate of ~ UAH 1,000 per credit hour)¹⁴⁹⁵. Upon completion of the testing, the advocate's account on the UNBA HSB Accreditation Centre website automatically generated a certificate for the corresponding number of credit hours. The advocate then submitted a letter to the QDCB confirming compliance and was not subjected to disciplinary liability.

Another advocate was held disciplinarily liable by a regional QDCB for failing to meet the professional development requirement, receiving a disciplinary sanction in the form of a

1492 Publication by A. Donets on the social network Facebook. 2024.

1493 Letter of the Higher School of the Bar of the Ukrainian National Bar Association dated 04.04.2025, ref. No. 715/0/02-2.

1494 Testing. Higher School of the Bar of the Ukrainian National Bar Association.

1495 Information provided by an advocate who was subject to a disciplinary complaint for failure to undertake professional development, during an interview conducted on 02.04.2025.

warning¹⁴⁹⁶. However, this decision did not satisfy the UNBA HSB, which initiated an appeal to the HQDC. As a result of the review, the disciplinary sanction was increased to suspension of the advocate's right to practise law for one month.

Such actions by the UNBA HSB indicate an intent to exert pressure on advocates, using disciplinary mechanisms not only as instruments of accountability but also as tools of influence. Furthermore, according to BCU Decision No. 90 of 13 December 2024, which approved the new version of the Procedure for the Professional Development of Advocates¹⁴⁹⁷, being subjected to disciplinary liability for failure to fulfil the professional development obligation does not release an advocate from the duty to fulfil that obligation for the year or years in question.

The imposition of disciplinary liability on an advocate for failure to fulfil the professional development obligation, combined with a subsequent requirement to fulfil that same obligation for the same period for which a disciplinary sanction was already imposed, effectively constitutes double punishment for the same violation. Such an approach contradicts constitutional principles and constitutes interference with the professional rights of advocates. Moreover, fulfilling the professional development obligation for past periods is possible only by purchasing paid courses (tests), as described above. This approach by BSG bodies effectively transforms disciplinary liability into a non-negotiable financial obligation.

In December 2024, advocate Vitalii Tytych reported that the UNBA HSB had submitted a complaint against him for failing to fulfil the professional development obligation. Two months prior to receiving the complaint, the advocate had published a post on his Facebook page criticising the granting of de facto monopoly status to the UNBA HSB for providing professional development services without obtaining the necessary licence from the Ministry of Education and Science of Ukraine. Therefore, the complaint submitted by the UNBA HSB may have been a reaction to this public statement¹⁴⁹⁸. Such actions may indicate not only abuse of the disciplinary procedure, but also the existence of a deliberate practice of "mass complaints" aimed at exerting pressure on advocates rather than addressing actual violations.

Particular concern is raised by the absence of amendments to the Rules of Legal Ethics¹⁴⁹⁹, especially Article 12, which imposes restrictions on criticism of the decisions and activities of BSG bodies and their members. According to the provisions of this article, criticism of the activities, decisions, formation procedures, or members of BSG bodies must not be aimed at discrediting the authority of the Bar, the legal profession, or the status of an advocate; must not be expressed in a degrading manner or in a way that damages a person's honour, dignity, or professional reputation; and must not contain knowingly false information or calls to disobey decisions of BSG bodies. This provision is based on subjective and evaluative language and creates risks for advocates' freedom of expression.

1496 Information provided by an advocate who was subject to a disciplinary complaint for failure to undertake professional development, during an interview conducted on 04.04.2025.

1497 On the Approval of the New Version of the Procedure for the Professional Development of Advocates of Ukraine: Decision of the Bar Council of Ukraine No. 90 of 13.12.2024.

1498 Publication by Vitalii Tytych on the social network Facebook. 2024.

1499 Rules of Legal Ethics approved by the Reporting and Electoral Congress of Advocates of Ukraine of 09.06.2017.

Recommendation No. R(2000)21 emphasises that lawyers should enjoy freedom of belief, expression, movement, association, and assembly; in particular, they should be entitled to take part in public discussions on matters concerning law and the administration of justice and to propose legislative reforms¹⁵⁰⁰. Despite calls to revise this provision to bring it into line with freedom of expression standards, no amendments have been made. Therefore, Article 12 of the Rules may continue to be used as a general basis for submitting complaints to QDCBs to initiate disciplinary proceedings against advocates who allow themselves to reasonably criticise the actions or decisions of BSG bodies.

One of the pressing issues in terms of ensuring the openness and accountability of the Bar to society remains **the absence of a public electronic register of disciplinary decisions concerning advocates**. This hinders access to information about disciplinary practice and limits opportunities for public oversight of the activities of BSG bodies. In November 2022, the BCU adopted Decision No. 144¹⁵⁰¹, which provided for the creation of a register of disciplinary proceedings to facilitate the systematisation, accounting, and analytical processing of disciplinary practice. This register was to be maintained by the BCU and published on the official website of the UNBA. **A fee equivalent to one subsistence minimum for able-bodied persons was established for the submission of data to the Register by regional QDCBs**. As of 31 July 2025, the register is not fully operational, and access to information on disciplinary practice remains limited.

Looking at European experience, it is worth noting that in Norway, disciplinary decisions regarding advocates are published in full and remain openly accessible for five years. This practice does not contradict human rights or infringe upon the rights of the advocate, as it complies with the principles of openness, legality, and proportionality¹⁵⁰².

In addition, BSG bodies independently restrict access to information on disciplinary sanctions imposed on advocates. In March 2025, the Supreme Court issued a legal opinion stating that the HQDC holds information regarding the imposition of disciplinary sanctions based on its decisions and is therefore considered an information holder under the Law of Ukraine “On Access to Public Information”. The HQDC’s arguments that it could not disclose advocates’ personal data and its references to the risk of revealing attorney-client privilege if the requested information were provided were not upheld by the cassation court. The court found that information on the list of advocates subjected to disciplinary sanctions does not, by its nature, constitute attorney-client privilege and cannot be classified as such¹⁵⁰³.

The MoJ and the Office of the President share consistent positions regarding the need to establish a public electronic register of disciplinary decisions concerning advocates as one of the key tools for ensuring transparency. According to representatives of the Office of the President, there is no legitimate reason for such a register to remain closed, and references to personal data protection cannot be used as justification against its open-

1500 Recommendation No. R (2000) 21 of the Committee of Ministers to member states on the freedom of exercise of the profession of lawyer, adopted by the Committee of Ministers of the Council of Europe at the 727th meeting of the Ministers’ Deputies on 25.10.2000.

1501 On the Disciplinary Proceedings Register: Decision of the Bar Council of Ukraine No. 144 of 16–17.11.2022.

1502 Improving the legal services in Ukraine.

1503 Ruling of the Supreme Court of 25.03.2025 in case No. 380/25348/23.

ness, given the public nature of disciplinary decisions and their significance for the legal community and recipients of legal services¹⁵⁰⁴.

The MoJ also emphasises that disciplinary practice must be open and accessible, as advocates should clearly understand what actions may result in liability. Moreover, open access to disciplinary decisions is essential for preventing arbitrary or selective interpretation of ethical standards and promotes consistency in law enforcement practice¹⁵⁰⁵.

The Shadow Report on Chapter 23 raises a highly relevant issue for Ukraine in the context of the full-scale invasion — namely, **the combination of legal practice and military service**¹⁵⁰⁶. Following the annulment by the BCU of Decision No. 24¹⁵⁰⁷ which had excluded the possibility of holding advocates disciplinarily liable for performing military service during martial law, the legal community responded with an outpouring of indignation. Advocates had joined the Armed Forces of Ukraine solely to defend the state, not for personal benefit or enrichment. This issue remains unresolved and continues to be of critical relevance.

The overall position of BSG bodies on imposing disciplinary liability on these grounds has caused deep concern within the legal community, as no substantiated explanation has been provided as to what legal or ethical threat such “dual status” poses under martial law. This highlights the need to reconsider the approach to the concept of incompatibility in light of circumstances related to the defence of state sovereignty. Law No. 5076-VI, which establishes this incompatibility, was adopted long before the full-scale invasion and no longer corresponds to current conditions and demands. Despite the public outcry and clear demand from the professional community, BSG bodies have not taken any initiative to revise the relevant legislative provisions.

The issue of BSG bodies establishing fees not provided for by law has also affected the system of disciplinary accountability for advocates. The Shadow Report on Chapter 23¹⁵⁰⁸ previously addressed the introduction of a **fee for the organisational support of the consideration of applications (complaints) to QDCBs and the HQDC**, in the amount of one subsistence minimum for able-bodied persons as defined by law on the date of submission of the respective application¹⁵⁰⁹.

The Supreme Court had already stated that the BCU exceeded its authority by requiring individuals and legal entities (who are not advocates or Bar associations) to pay a fee for the organisational and technical processing of complaints against advocates¹⁵¹⁰. Nevertheless, this practice continues to exist as of today.

1504 Information provided by a representative of the Office of the President of Ukraine during an interview conducted on 03.04.2025.

1505 Information provided by a representative of the Ministry of Justice of Ukraine during an interview conducted on 31.03.2025.

1506 Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the 2023 European Commission Report on Ukraine, pp. 180–181.

1507 On Specifics of Military or Alternative (Non-Military) Service by Advocates during Martial Law: Decision of the Bar Council of Ukraine No. 24 of 03.03.2022.

1508 Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the 2023 European Commission Report on Ukraine, p. 182.

1509 On the Establishment of a Fee for Organisational Support of Consideration of Complaints (Applications) by Qualification and Disciplinary Commissions of the Bar and the High Qualification and Disciplinary Commission of the Bar: BCU Decision No. 37 of 18.06.2020.

1510 Ruling of the Administrative Cassation Court within the Supreme Court of 21.12.2020 in case No. 816/2353/17.

Recommendations

Given the persistent systemic deficiencies in the functioning of the disciplinary liability framework for advocates, it is advisable to:

1. Introduce amendments to the Law of Ukraine “On the Bar and Practice of Law” aimed at establishing transparent, effective, and fair disciplinary procedures through:
 - › the legal definition of a disciplinary offence committed by an advocate and the establishment of an exhaustive list of persons entitled to submit complaints (applications) concerning an advocate’s actions;
 - › the determination of specific requirements for the content of a complaint (application) regarding actions by an advocate that may result in disciplinary liability;
 - › the legislative regulation of rules for disciplinary proceedings;
 - › ensuring the principle of publicity in the consideration of disciplinary proceedings;
 - › establishing requirements for the reasoning of disciplinary decisions.
2. Introduce legislative amendments to provide for the possibility of suspending the enforcement of a disciplinary decision for the duration of its appeal, by the body to which the decision is being appealed, including a court.
3. Establish a public electronic register of disciplinary decisions concerning advocates to ensure openness, accessibility, and transparency of disciplinary practice.
4. Revise the Rules of Legal Ethics to improve ethical standards, define the nature and content of violations, and prevent abuse or misuse of the Rules by BSG bodies as a tool of pressure on advocates.
5. To ensure the legality of disciplinary decisions and public and professional trust in them, it is necessary to re-elect BSG bodies in accordance with the requirements of the Law of Ukraine “On the Bar and Practice of Law” and to improve the overall disciplinary accountability framework for advocates.

Finances of the Bar

Progress and issues

As of 2025, the situation in the area of financial management within the BSG system remains unchanged compared to the previous year, as detailed in the Shadow Report on Chapter 23¹⁵¹¹. Despite the fact that the principles of transparency and openness are enshrined in Law No. 5076-VI and the Statute of the UNBA¹⁵¹², the actual level of financial transparency remains critically low, and financial reports have not been published since 2022. The absence of up-to-date reports on the official UNBA website — particularly

¹⁵¹¹ Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s Report on Ukraine, p. 166.

¹⁵¹² Statute of the non-governmental, non-profit professional organisation “Ukrainian National Bar Association”: Decision of the Founding Congress of Advocates of Ukraine of 17.11.2012.

financial reports for 2022–2024 — demonstrates a disregard for the obligation to disclose financial information. As before:

- **financial reporting by BSG bodies remains unavailable** at the level of central self-governance bodies and BCRs and QDCBs for the years 2022, 2023, and 2024. Back in 2023, the BCU adopted Decision No. 50 “On Restricting Access to Financial Reporting of Bar Self-Governance Bodies During the Period of Martial Law,” referring to the Law of Ukraine “On the Protection of the Interests of Reporting Entities and Other Document Submitters During Martial Law or a State of War”¹⁵¹³;
- **financial resources are managed by BSG bodies without proper external or independent oversight**, the use of open procurement mechanisms, audits, or transparent procedures for approval and accountability;
- **the annual Bar self-governance contribution**, paid by advocates, continues to be set at the maximum level allowed by law (one subsistence minimum), **without the publication of any justification or cost calculations to be covered**¹⁵¹⁴;
- **the financial reporting of the UNBA HSB**, which operates using multiple sources of income (contributions, fees for training, testing, certification, accreditation, and funding from the UNBA), is **likewise not disclosed**.

The only recorded development was the **adoption by the BCU of Decision No. 92 on 14 December 2024, which changed the procedure for distributing annual contributions from advocates** between the UNBA and the BCRs. From now on, the distribution will depend on the number of advocates in the relevant region¹⁵¹⁵:

Number of Advocates in the Region	Bar Councils	Distribution of the Contribution in 2022	
		BCR	UNBA
Up to 1,000	ARC, Volyn, Zhytomyr, Kirovohrad, Luhansk, Rivne, Sumy, Ternopil, Kherson, Khmelnytskyi, Chernivtsi, Chernihiv, Cherkasy, Sevastopol	67.5%	32.5%
1,001 – 3,000	Vinnytsia, Donetsk, Zaporizhzhia, Zakarpattia, Ivano-Frankivsk, Lviv, Mykolaiv, Poltava, Kharkiv	65%	35%
3,001 – 5,000	Dnipropetrovsk, Odesa	60%	40%
More than 5,000	Kyiv region, City of Kyiv	50%	50%
Distribution of Contributions until 2025	All Regional Bar Councils	70%	30%

¹⁵¹³ Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s Report on Ukraine, p. 168.

¹⁵¹⁴ Final day for advocates to pay the annual fee for 2025. Ukrainian National Bar Association. 2025.

¹⁵¹⁵ Annual advocate fee for 2025: BCU changes distribution structure. Ukrainian National Bar Association. 2024.

The key difference introduced by the new procedure for distributing the annual Bar contribution¹⁵¹⁶ is a significant change in the share of funds allocated to the UNBA from advocates registered in the city of Kyiv and Kyiv region. These regions, where the number of advocates exceeds 5,000, will now contribute 50% to the UNBA and 50% to the Bar Council of the respective region.

Thus, compared to the previous distribution mechanism established by the Founding Congress of Advocates of Ukraine in 2012 (70% to BCRs, 30% to the UNBA), the contribution from advocates in Kyiv and Kyiv region to the central self-governance body increases by 20 percentage points. This represents the largest redistribution in favour of the UNBA among all regions, given the number of advocates registered in these Bar Councils and will therefore have a substantial financial impact on the revenue balance between levels of the BSG structure.

BCU Decision No. 92 refers to the existence of a financial imbalance between BSG bodies, whereby some BCRs accumulate surpluses from annual advocate contributions, while other bodies — such as the HQDC and certain QDCBs — are unable to effectively carry out their functions due to the instability of their sole funding source, namely the qualification exam fee. However, the **decision contains no financial or economic calculations, forecasts, or justification for the changes adopted**. Nor is it possible to assess the decision's rationale given the absence of financial reporting. The document provides no explanation of how the new model will affect the functioning of BSG bodies at different levels, no projected budgetary figures under the revised formula, and no reasoning as to the fairness of the new proportions for specific regions.

This approach to decision-making regarding the distribution of financial resources between the central and regional levels of Bar self-governance does not align with the principles of justification, transparency, and financial accountability, which should underpin public administration within an independent professional organisation. It also bears all the hallmarks of power centralisation within BSG bodies.

According to calculations based on data from the URAU¹⁵¹⁷, under the new contribution distribution model, the UNBA will receive UAH 12 million more in revenue compared to the previous model. The financial analysis of the redistribution of advocate membership contributions is based on URAU data (regional breakdown) and the new 2025 distribution model. The calculation uses the number of active advocates in each region (according to UNBA data, as of December 2024 there were approximately 47,000 "active" advocates listed in the URAU¹⁵¹⁸) and the established annual contribution of UAH 3,028. Based on the updated distribution proportions (between BCRs and the UNBA), the amounts each party is to receive in 2025 have been calculated and compared to the previous distribution model.

In the absence of any public financial reporting by the UNBA regarding the actual use of funds, the significant increase in its share of the distribution of annual contribution raises well-founded concerns about the risk of inefficient or non-transparent use of resources.

¹⁵¹⁶ On the Payment of the Annual Fee to Ensure the Functioning of Bar Self-Governance for 2025 and 2026: Decision of the Ukrainian National Bar Association No. 92 of 14.12.2024.

¹⁵¹⁷ Unified Register of Advocates.

¹⁵¹⁸ Official: Over 70,000 advocates in Ukraine. Ukrainian National Bar Association. 2024.

This practice contradicts the fundamental principles of accountability in professional self-governance and only exacerbates the broader challenges associated with financial opacity within the Bar as a whole.

Recommendations

1. Introduce amendments to the Law of Ukraine “On the Bar and Practice of Law” to regulate financial reporting, including its structure and the requirement for independent audits, in order to ensure a sufficient level of transparency and detail to prevent misuse of funds.
2. Introduce a public procurement procedure for goods, works, and services procured by BSG bodies.
3. Standardise and clarify the format of financial reporting, with detailed breakdowns by budget lines, expense items, contracts, remuneration, etc.
4. Require the regular publication of contracts for the procurement of goods, works, and services above a specified threshold, as well as information on the staffing and salaries of BSG bodies.
5. Ensure annual verification of the accuracy of financial reporting by an independent auditor.
6. Review the principles for setting the annual contribution and examination fees, based on a real analysis of needs and expenditures, with public justification.

Violations of Professional Rights of Advocates

State of play

The work of advocates in providing professional legal assistance to clients entails risks associated with the potential violation of their professional rights — both by the state and by individuals. According to the UNBA Committee for the Protection of Advocates’ Rights and Guarantees of Advocacy, in 2024¹⁵¹⁹, **86** written complaints were received from advocates concerning violations of their rights. In 2023¹⁵²⁰, there were **98** such complaints.

An analysis of the available information on this issue shows that violations of advocates’ rights vary in degree and nature — from minor breaches of the law that carry no liability, to criminal offences committed against advocates, including those threatening their life and health. Although it is difficult to assert a definitive trend in this area, one thing remains constant: the overall number of rights violations does not appear to be decreasing, and most of these violations can be considered typical and widespread. This suggests that the measures taken to counter such violations remain insufficient — or, in some cases, that no effective response mechanisms exist at all.

1519 Report of the Committee for the Protection of Advocates’ Rights and Guarantees of Advocacy of the UNBA for 2024.

1520 Report of the Committee for the Protection of Advocates’ Rights and Guarantees of Advocacy of the UNBA for 2023.

The need to ensure respect for the professional rights of advocates is addressed in a number of international instruments, including the UN Basic Principles on the Role of Lawyers¹⁵²¹, the Recommendation of the Committee of Ministers of the Council of Europe on the freedom of exercise of the profession of lawyer¹⁵²², and the Charter of Core Principles of the European Legal Profession¹⁵²³.

The ongoing relevance of this issue is further evidenced by the adoption on 12 March 2025 by the Council of Europe of the Convention on the Protection of the Profession of Lawyer¹⁵²⁴. This Convention aims to serve as an international response mechanism to the growing number of attacks, threats, harassment, and intimidation of lawyers, as well as unlawful interference and obstruction of their professional activities. The Ukrainian Parliament has already held discussions regarding the potential implementation of this instrument, with participation from representatives of the UNBA¹⁵²⁵.

At the national level, the protection of advocates' professional rights and guarantees is ensured through the provisions of the core Law No. 5076-VI¹⁵²⁶ and the Criminal Code of Ukraine¹⁵²⁷, which establishes criminal liability for offences committed against advocates in connection with their professional activities.

Progress and issues

Despite the existence of a solid legal framework, the professional rights of advocates in Ukraine continue to be violated by various actors. While the situation described in the BCU's report for 2013–2016¹⁵²⁸ has seen some improvement, it remains far from satisfactory.

The most common type of violation of advocates' professional rights occurs **in connection with their participation in criminal proceedings. The conduct of overt investigative actions (most often, searches) and covert measures (such as wiretapping and the installation of surveillance equipment in offices) against advocates without sufficient justification** remains the most prevalent issue. This is confirmed by both the annual reports of the respective UNBA Committee and by interviews with representatives of BSG bodies¹⁵²⁹.

1521 Basic Principles on the Role of Lawyers, adopted at the Eighth United Nations Congress on the Prevention of Crime in August 1990.

1522 Recommendation No. R (2000) 21 of the Committee of Ministers to member states on the freedom of exercise of the profession of lawyer, adopted by the Committee of Ministers of the Council of Europe at the 727th meeting of the Ministers' Deputies on 25.10.2000.

1523 Charter of Core Principles of the European Legal Profession.

1524 Council of Europe Convention on the Protection of the Profession of Lawyer (Ukrainian text).

1525 Verkhovna Rada discusses implementation of the Convention on the Protection of the Profession of Lawyer. Ukrainian National Bar Association. 2025.

1526 On the Bar and Practice of Law: Law of Ukraine No. 5076-VI of 05.07.2012, Article 23.

1527 Criminal Code of Ukraine No. 2341-III of 05.04.2001, Articles 374, 397–400.

1528 Report on Violations of Advocates' Rights and Guarantees of Advocacy Activity in Ukraine (2013–2016): Decision of the Bar Council of Ukraine No. 2 of 26.02.2016.

1529 Information provided anonymously by an advocate — member of the Committee on the Protection of Advocates' Rights and Guarantees of Advocacy Activity of a regional Bar Council during an interview conducted on 06.04.2025.

The main purpose of such actions is to exert pressure by law enforcement agencies on advocates whose professional activity may call into question the effectiveness of ongoing or completed pre-trial investigations, or to obtain information of interest to investigative bodies through means that are presented as lawful. A persistent issue in this regard is the lack of sufficient judicial oversight by investigating judges who authorise investigative actions against advocates. An analysis of rulings issued by such judges often reveals superficial reasoning to justify interference with advocates' activities or a complete lack of proper justification¹⁵³⁰.

In this context, the case of Odesa-based advocate Olha Panchenko must be mentioned. She was detained and charged in a criminal proceeding in which she had acted as defence counsel¹⁵³¹. Although the offence she is accused of under Part 1 of Article 260 of the Criminal Code of Ukraine is not classified as serious, the harshest preventive measure — pre-trial detention without the possibility of bail — was applied. In the absence of publicly available materials supporting the necessity of such strict measures, it is troubling that this is not the first instance in which an advocate has been charged with the same crime as their client¹⁵³². In such cases, where an advocate is formally charged in a proceeding in which they are acting as defence counsel, there is a particular need for careful and transparent communication from investigative bodies in order to ensure openness and to prevent any perception of pressure being placed on the legal profession.

At the same time, not all investigative actions involving advocates are entirely unfounded or unlawful. There remains the problem of individuals obtaining the status of advocate without the genuine intention of providing legal assistance to clients, or for purposes inconsistent with those prescribed by law. In practice, representatives of BSG bodies generally demonstrate understanding in such situations and do not devote excessive or unwarranted attention to these cases¹⁵³³.

Other common violations of advocates' rights in the context of criminal proceedings include **obstruction of communication with the client**¹⁵³⁴ and denial of access to the client; refusal to allow or limitation of participation in investigative actions (including instances where physical force is used against advocates); use of operationally obtained information against the advocate and their client; violation of attorney-client privilege; and interference with an advocate's legal position through threats or intimidation.

A positive step by the state towards addressing the above-mentioned problems was the adoption by Parliament of Draft Law No. 12320¹⁵³⁵, which, inter alia, amends the wording of

1530 Investigators mistook the subject of the search. But that didn't stop them. Ukrainian National Bar Association. 2023.; Advocate who was providing defence in a case involving a crime against national security subjected to search. Ukrainian National Bar Association. 2025.

1531 BCU to establish working group to monitor violations of advocates' rights and consider appeal to Parliament. Ukrainian National Bar Association. 2025.

1532 Public statement by the Ukrainian Bar Association on the inadmissibility of interference in advocacy activity. Ukrainian Bar Association. 2025.

1533 Information provided anonymously by an advocate — member of the Committee on the Protection of Advocates' Rights and Guarantees of Advocacy of a regional Bar Council during an interview conducted on 06.04.2025.

1534 Custody Records found threats to human rights and guarantees of advocacy activity. Ukrainian National Bar Association. 2023.

1535 On Amendments to the Code of Ukraine on Administrative Offences, the Criminal Code and the Criminal Procedure Code of Ukraine regarding Ensuring Compliance with Guarantees of Advocacy: Draft Law of Ukraine, registration No. 12320 of 16.12.2024.

Article 397 of the Criminal Code of Ukraine (interference with the activity of an advocate). The amendments significantly expand the list of acts constituting a criminal offence, such as: unlawful obstruction of an advocate's arrival at the relevant location or of their meeting with a client, unlawful interference with confidential communication between an advocate and a client, unlawful search of an advocate, and others. The Law is currently awaiting the President's signature.

A separate form of unlawful pressure on advocates has been the practice whereby representatives of law enforcement agencies invite staff from territorial centres for recruitment and social support centres (TCR and SS) to the sites of investigative or procedural actions (or even to court hearings) in order to take immediate mobilisation measures¹⁵³⁶ (such as serving a summons to report to a TCR and SS or detaining the advocate for forced delivery to a mobilisation point). These actions are directed at defence counsel whose conduct impedes the achievement of desired or pre-planned investigative outcomes¹⁵³⁷.

Although the defence of the Homeland, independence, and territorial integrity of Ukraine is a constitutional duty of every citizen under Article 65 of the Constitution of Ukraine, such conduct by law enforcement agencies assumes a manipulative character and becomes a convenient tool for pressuring and removing particularly principled procedural opponents from participation in criminal proceedings.

In general, violations of advocates' professional rights in their interactions with representatives of TCR and SS have become systemic and alarming. According to the UNBA¹⁵³⁸, on 19 June 2025, an incident occurred involving employees of the Krasnohrad TCR and SS in Kharkiv Region, during which an advocate, while providing legal assistance to a client, sustained serious bodily injuries (a broken leg). On 9 January 2025, an incident¹⁵³⁹ took place involving employees of the Shevchenkivskyi District TCR and SS in Kharkiv, in which physical force was used against advocate Yuliia Palahina to prevent her from reaching her client. Information about similar incidents of violations of advocates' professional rights during 2023–2024 is contained in BCU Decision No. 38 of 8 June 2024¹⁵⁴⁰.

According to the Presidential Commissioner for the Protection of the Rights of Military Personnel¹⁵⁴¹, a coordination group on ensuring the right to legal assistance of military personnel was established to address the above-mentioned problems. However, there is currently no information available to assess the effectiveness of this coordination group's activities.

¹⁵³⁶ In Odesa region, an advocate was taken from a search to a Territorial Recruitment Centre. Ukrainian National Bar Association. 2024.

¹⁵³⁷ Pressure on advocates is an indicator of human rights violations in Ukraine — UNBA. Ukrainian National Bar Association. 2024.

¹⁵³⁸ Another Conflict with the TRC: Lawyer's Leg Broken, Client Jumped Out of the Window. Ukrainian National Bar Association. 2025.

¹⁵³⁹ Violation of the Rights and Guarantees of Advocacy Occurred on 09.01.25 in the Premises of the MMC of the Shevchenkivskyi District TCR. Bar Council of the Kharkiv Region. 2025.

¹⁵⁴⁰ On Violations of Professional Rights of Lawyers and Guarantees of Advocacy during Mobilisation Activities: Decision of the Bar Council of Ukraine No. 38 of 08.06.2024.

¹⁵⁴¹ Publication by the Presidential Commissioner for the Protection of Military Personnel and Their Families on the Social Network Facebook. 2025.

The issue of **ignoring advocates' requests** for information remains problematic, both on the part of public officials and private individuals, despite the fact that Part 5 of Article 212³ of the Code of Ukraine on Administrative Offences (CUAO)¹⁵⁴² provides for administrative liability for failure to provide, untimely provision, or incomplete provision of information in response to an advocate's request. The right to draw up a protocol on an administrative offence under this article is vested in BCRs. However, this enforcement mechanism cannot be applied to the heads of law enforcement agencies, as they are not subject to administrative liability under the CUAO and may only be held disciplinarily liable in accordance with the relevant disciplinary statutes. This effectively prevents any accountability for their failure to respond to advocates' requests.

In addition, another problematic aspect of the application of Article 212³ of the CUAO is the short time limit for its possible application, since the courts of general jurisdiction, overloaded with cases, usually fail to consider within three months the protocols submitted to them by the BCR. In order to address this issue, Draft Law No. 13332¹⁵⁴³, which proposes to extend this period to one year, has been registered in Parliament. At present, this draft law is at the stage of consideration by the competent committee.

The problem of equating advocates with their clients — resulting in reputational harm, threats, and in some cases even violence — also remains highly relevant. With the rise of anonymous Telegram channels (and similar information sources), this issue has become even more widespread.

On 16 July 2025, the Verkhovna Rada responded to this problem by adopting the aforementioned Draft Law No. 12320¹⁵⁴⁴, which drew public criticism¹⁵⁴⁵ regarding the provision equating a lawyer with a client as any identification (association, linking) of a lawyer with a client that affects the lawyer's independent status and/or exerts negative pressure during the practice of law and/or violates guarantees of legal practice and/or hinders the exercise of lawyer's rights provided for by the Law of Ukraine "On the Bar and Practice of Law".

Civil society organisations and the media, in their statements, called on the President to veto this draft law due to the risks it poses to freedom of speech. At the same time, the Ukrainian National Bar Association publicly stated¹⁵⁴⁶ that it welcomed this decision of Parliament, as it addresses the systemic problem of publicly equating lawyers with their clients, which constitutes a form of interference in legal practice. In turn, scepticism has been voiced within the legal community regarding the adopted draft law's ability to effectively address the issue¹⁵⁴⁷.

1542 Code of Ukraine on Administrative Offences No. 8073¹-X of 07.12.1984, Articles 1-212²⁴.

1543 On Amendments to Article 38 of the Code of Ukraine on Administrative Offences regarding the Clarification of Time Limits for Bringing to Administrative Liability for Certain Offences: Draft Law of Ukraine, registration No. 13332 of 30.05.2025.

1544 On Amendments to the Code of Ukraine on Administrative Offences, the Criminal Code and the Criminal Procedure Code of Ukraine to Ensure Compliance with the Guarantees of Advocacy Activity: Draft Law of Ukraine, registration No. 12320 of 16.12.2024.

1545 We Urge MPs to Neutralise the Threats Posed by the Law on Liability for Identifying a Lawyer with Their Client. Transparency International Ukraine. 2025.

1546 Fines Introduced for Identifying Lawyers with Their Clients — Law Adopted. Ukrainian National Bar Association. 2025.

1547 Dead Law No. 12320: Why Protecting Lawyers Should Not Mean an Attack on Freedom of Speech. Dzerkalo Tyzhnia. 2025.; Liability for Identifying a Lawyer with a Client: Risks Posed by the Draft Law. Watchers. 2025.

The Council of Europe Convention on the Protection of the Profession of Lawyer¹⁵⁴⁸ (adopted on 12 March 2025 and scheduled for ratification by the Verkhovna Rada) explicitly provides that the Parties shall ensure that lawyers do not suffer adverse consequences as a result of being identified with their clients or their clients' cases. This provision applies without prejudice to the right to freedom of expression, which is protected by the Convention for the Protection of Human Rights and Fundamental Freedoms and by domestic law.

Overall, despite the existence of numerous legislative mechanisms for prevention and response — such as holding perpetrators accountable for violations of advocates' professional rights — there remains a significant lack of actual enforcement. This creates a climate of impunity and indirectly encourages the disregard of advocates' rights, particularly on the part of public officials and law enforcement agencies.

According to information provided by the Prosecutor General's Office in response to a request from the UNBA, in 2023, data on **167** crimes committed against advocates were entered into the Unified Register of Pre-Trial Investigations. During that period, only five proceedings were reviewed by the courts, and just one case resulted in a conviction¹⁵⁴⁹.

In turn, **112** criminal offences against advocates were recorded in 2024, yet only two indictments in such cases were submitted to court¹⁵⁵⁰. This data clearly shows that the mere existence of a law — without the capacity for its meaningful application — is insufficient to produce a positive impact in countering these negative phenomena.

It is also worth recalling that the highly discussed¹⁵⁵¹ Draft Law No. 9055 on Bar reform (which was not adopted by Parliament in 2018) proposed to significantly expand the scope of professional rights and guarantees for advocates. This included granting advocates identified access to all state registers, prohibiting investigative actions against advocates who had not been served with a notice of suspicion, guaranteeing free access to facilities where their clients are being held, and more. These proposals have not lost their relevance and could still be incorporated into future legislation governing the legal profession.

The ratification of the Convention on the Protection of the Profession of Lawyer should become an important step towards strengthening the guarantees of the independence of the legal profession; however, its implementation must take place with due regard to the need to align the national regulatory framework with European standards and the obligations already undertaken by Ukraine on its path to EU membership.

At the same time, the very issue of ratification of this Convention should be considered once Ukraine has achieved the criteria set out in the Rule of Law Roadmap and the recommendations of the European Union, as indicated in the reports on Ukraine's progress within the framework of the EU Enlargement Package. This will make it possible to ensure its genuine and effective application in the Ukrainian context and avoid potential inconsistencies with legislation that is already being adapted to the EU acquis.

1548 Council of Europe Convention for the Protection of the Profession of Lawyer of 12.03.2025.

1549 No person was served with a notice of suspicion for crimes against advocates in 2023. Ukrainian National Bar Association. 2024.

1550 Unified Report on Criminal Offences for January - December 2024. Prosecutor General's Office.

1551 Public appeal by the Ukrainian Bar Association regarding the Draft Law on the Bar. Ukrainian Bar Association. 2018.

At present, the Convention on the Protection of the Profession of Lawyer has not yet been ratified by any Council of Europe member state, since the process requires a considered approach and the harmonisation of national legal systems.

Recommendations

To reduce the number of violations of advocates' professional rights in Ukraine, it is advisable to:

1. The Government should develop a plan for preparing the ratification of the Council of Europe Convention on the Protection of the Profession of Lawyer, defining specific timelines and stages for updating legislation in the field of the legal profession in accordance with the standards and recommendations of the European Union, the provisions of this Convention, and also elaborate a mechanism for monitoring the implementation of the provisions of the Convention after its ratification.
2. Expand the scope of advocates' professional rights and establish additional guarantees of legal practice by:
 - ensuring unimpeded access for advocates to any official premises where their client is located, for the purpose of providing legal assistance;
 - granting identified access to all state registers, including the Unified Register of Pre-Trial Investigations;
 - allowing overt and covert investigative actions against an advocate in criminal proceedings related to the performance of their professional duties only on the basis of a ruling by an investigating judge of the court of appeal (including the Appeal Chamber of the High Anti-Corruption Court);
 - prohibiting searches and inspections related to legal practice;
 - ensuring personal safety during the exercise of legal practice;
 - developing and introducing a unified interagency mechanism for interaction between TCR and SS and lawyers, which would guarantee the prevention of identifying a lawyer with a client, ensure the inviolability of the right of access to the client, and prevent the use of military registration tools as a means of pressure or obstruction of legal practice.
3. Hold a broad legal discussion with the participation of advocates, experts, and scholars on mechanisms to ensure the effective exercise of BCR powers in drawing up administrative offence protocols under Part 5 of Article 2123 of the CUAO (failure to respond to an advocate's request), as well as on the appropriateness and potential risks of transferring these powers directly to advocates.
4. If the CUAO is supplemented with Article 185¹⁶, in the wording proposed by Draft Law No. 12320, this article should be amended to clarify the definition of "identification of a lawyer with a client" so as to avoid possibilities for its arbitrary or excessive interpretation and to prevent the use of this provision as a tool to restrict lawyers' freedom of expression.

Declaration Obligations of Advocates

The situation regarding mandatory asset declaration by advocates remains unchanged from what was reported in the Shadow Report on Chapter 23¹⁵⁵². The Bar is a component of the justice system on par with the courts and the prosecution service, yet advocates are still not subject to financial or conflict-of-interest declaration requirements, unlike judges and prosecutors.

The NACP lacks tools to monitor the assets of advocates, including members of QDCBs and HQDC. The Constitutional Court of Ukraine is still considering the question of whether members of Bar disciplinary bodies are required to declare their assets¹⁵⁵³. Meanwhile, the UNBA supports Draft Law No. 3602, which proposes to formally exclude advocates from the list of financial disclosure subjects¹⁵⁵⁴. This draft law was adopted by Parliament in the first reading in March 2021, but it is still being prepared for the second reading¹⁵⁵⁵.

The debate centres on whether advocates are public figures and whether they should be required to submit asset declarations. Although advocates are not formally public servants, they exert significant influence over the administration of justice: they represent clients in court, interact with judges and prosecutors, and participate in the governance of the Bar. The absence of financial transparency oversight increases the risks of corruption and conflicts of interest and undermines the principle of equal integrity standards for participants in the justice system.

This existing “blind spot” prevents the detection of illicit enrichment among advocates, conceals potential conflicts of interest, and distorts the balance of transparency obligations among key actors in judicial proceedings. It is especially problematic in contexts where advocates influence decision-making within the Bar. Requiring members of BSG bodies and practising advocates to submit declarations could serve as a mechanism for ensuring the Bar’s accountability to society. The declaration system should not be viewed as a means of exerting state pressure on the Bar, since the legal profession performs a public function as part of the constitutionally recognised justice system.

Recommendations

1. Introduce a legislative requirement for mandatory asset and interest declaration by advocates, including members of BSG bodies.

¹⁵⁵² Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the 2023 European Commission Report on Ukraine, pp. 188–190.

¹⁵⁵³ Consideration of the case based on the constitutional complaint of Oksana Bukhtoyarova: the Constitutional Court to review constitutionality of certain provisions of the Law of Ukraine “On Prevention of Corruption” and the Code of Administrative Procedure of Ukraine. Constitutional Court of Ukraine. 2024.

¹⁵⁵⁴ UNBA calls on Parliament to adopt draft law No. 3602 on clarifying anti-corruption legislation regarding members of the QDCB. Ukrainian National Bar Association. 2021.

¹⁵⁵⁵ On Amendments to Part Five of Article 45 of the Law of Ukraine “On the Prevention of Corruption” to Eliminate Ambiguity Regarding the Duties of Members of Bar Self-Governance Bodies to Submit Declarations of Persons Authorised to Perform Functions of the State or Local Self-Government: Draft Law of Ukraine, registration No. 3602 of 05.06.2020.

Mediation

Over the past year, several important legislative and institutional developments have taken place that are expected to have a positive impact on the development of mediation in Ukraine.

Progress and issues

State Standard for the Social Mediation Service

For a long time, Ukraine applied a State Standard for the Social Service of Counselling (Mediation)¹⁵⁵⁶, which equated the concepts of social mediation service and mediation more broadly. This conflation hindered the proper provision of mediation services.

Finally, on 3 June 2024, a new **State Standard for the Social Mediation Service**¹⁵⁵⁷ was approved. It clearly distinguishes between mediation and counselling (poserednytsvo) and defines the conditions and procedures for delivering mediation services at the community level. The document applies to the provision of services to individuals from vulnerable social groups and/or those facing difficult life circumstances. The new Standard also contains a number of approved templates, including a sample consent form for an information and assessment meeting with a mediator, an individual plan for providing the social mediation service, consent to participate in mediation, an application for the provision of the social mediation service, and several other documents required for the procedure. It further outlines the key components of the social mediation service, forms of service delivery, and the indicative time required for each stage. In addition, the Standard defines quality indicators for the social mediation service. A corresponding questionnaire is to be provided to recipients immediately after the mediation session. The collected feedback is to be analysed by the service provider and taken into account for improving service delivery going forward.

Despite the clear positive developments, social service providers have already pointed out some weaknesses in the new Standard. At the initial stage of engagement in mediation — before it is even determined whether the case is suitable for mediation or whether the other party is willing to engage — the service recipient is immediately required to sign several documents with a social service worker and the mediator.

Given the generally low level of public awareness about mediation, the excessive number of preliminary documents that must be completed together with a potential recipient of mediation services may discourage individuals from seeking out the service altogether¹⁵⁵⁸.

1556 On the Approval of the State Standard of the Social Service of Counselling (Mediation): Order of the Ministry of Social Policy of Ukraine No. 892 of 17.08.2016.

1557 State Standard of the Social Service of Mediation: Order of the Ministry of Social Policy of Ukraine No. 269-N of 03.06.2024.

1558 Information provided in writing on 16.04.2025 by a staff member of the Centre for Social Services and Rehabilitation.

Expansion of Mediation in the Justice System

Mediation as a Form of Legal Aid

The FLA system, in accordance with the Law of Ukraine “On Free Legal Aid,” provides assistance in ensuring individuals' access to mediation¹⁵⁵⁹.

In 2024, FLA system staff informed 55 clients about the possibility of resolving legal disputes (conflicts) through mediation, five of whom were referred to mediators cooperating with the FLA system on a pro bono (free of charge) basis. All legal disputes (conflicts) related to family matters, including child support (alimony); determination of the child's place of residence or visitation schedules; conflict resolution between children in the family; and divorce¹⁵⁶⁰.

Mediation in Criminal Proceedings

Another significant achievement was the July 2024 update of the joint order of the Ministry of Justice, the Ministry of Internal Affairs of Ukraine, and the Prosecutor General's Office concerning the pilot project “Restorative Justice Programme for Juvenile Suspects and Accused Persons” (the Programme)¹⁵⁶¹. This Programme introduces a restorative approach to responding to criminal offences and aims to ensure compensation for harm caused to the victim and their reintegration; prevention of repeated criminal offences by juveniles; resocialisation of juveniles and a reduction in the influence of risk factors that contribute to their unlawful behaviour.

The Ministry of Internal Affairs of Ukraine has joined the implementation of the Programme, which enables the systematic involvement of investigators and other Ministry personnel in informing juveniles and their representatives about the possibility of participating in reconciliation programmes.

To ensure implementation of the Programme throughout the territory of Ukraine, the Coordination Centre for Legal Aid Provision conducted the fourth competitive selection of mediators in the first half of 2025. These mediators are engaged by the free legal aid centres. As of 22 April 2025, a total of 182 mediators had been included in the Register of Mediators Engaged by Free Legal Aid Centres¹⁵⁶², operating across the entire territory of Ukraine.

From the start of the Programme (September 2024) to 31 March 2025, 43 agreements were concluded between participants in the mediation process — namely, the victim and the juvenile suspect or accused person and their legal representatives¹⁵⁶³. In total, as of the end of the first quarter of 2025, 116 assignments were issued to mediators in connec-

1559 On Free Legal Aid: Law of Ukraine No. 3460-VI of 02.06.2011, para. 4 Part 4, Article 7.

1560 Annual Report of the Free Legal Aid System for 2024, p. 15.

1561 On the Implementation of the Pilot Project “Restorative Justice Programme Involving Juveniles Who Are Suspects or Accused of Committing a Criminal Offence”: Joint Order of the Ministry of Justice of Ukraine, the Ministry of Internal Affairs of Ukraine and the Prosecutor General's Office No. 2176/5/501/176 of 22.07.2024.

1562 Register of Mediators Engaged by Free Legal Aid Centres.

1563 Results of the competitive selection of mediators engaged by the free legal aid centres (February — April 2025). Free Legal Aid. 2025.

tion with 97 confirmed cases of consent to participate in the Programme from both victims and juveniles¹⁵⁶⁴.

Recommendations

1. Considering the practical experience of social service providers, it is advisable to amend the State Standard for the Social Mediation Service to simplify the procedure for engaging individuals in mediation.
2. Conduct a national awareness campaign about mediation services and the pilot project "Restorative Justice Programme for Juvenile Suspects and Accused Persons".

¹⁵⁶⁴ Ibid.

Legal Education Reform



Reforming legal education is a critically important component of the broader transformation of Ukraine's legal system in the context of European integration and the fulfilment of its commitments to the EU. Effective changes in the training of legal professionals influence the quality of the judiciary, the state of the rule of law, and the institutional development of the state.

According to the Ukraine 2024 Progress Report, the country has made some progress in reforming legal education. At the same time, the European Commission issued several recommendations to Ukraine, including the need to:

- › separate legal education from the training of specialists for law enforcement agencies;
- › strengthen and unify standards of legal education;
- › improve admission rules, licensing procedures, and funding mechanisms for legal education;
- › place greater emphasis on the study of EU law, practical legal skills, and academic integrity¹⁵⁶⁵.

These same recommendations, presented in greater detail, are also reflected in the Shadow Report on Chapter 23 and have served as the foundation for setting out the goals and directions of legal education reform in Ukraine for 2024–2025.

Strategic Documents in the Field of Legal Education and the Role of State Authorities in Shaping This Area of Public Policy

Concept for the Draft Law of Ukraine on Higher Education and Initial Access to the Legal Profession

¹⁵⁶⁵ Ukraine 2024 Progress Report within the European Union Enlargement Package, p. 32.

Progress and issues

During 2024–2025, certain progress has been observed in the regulation of legal education. Several key developments were implemented during this period:

- In December 2024, the Unified State Qualification Exam (USQE) was conducted for the second time for the specialties “Law” and “International Law”¹⁵⁶⁶;
- The minimum passing score for admission to undergraduate legal studies was raised to 150 points¹⁵⁶⁷;
- The classification of academic specialties, including legal ones, was updated in line with international standards¹⁵⁶⁸;
- The discontinuation of legal training at the level of professional pre-tertiary education is planned starting from 2025¹⁵⁶⁹;
- Requirements for the development of law-related educational programmes have been strengthened¹⁵⁷⁰.

Despite the positive developments, many aspects of the legal education reform still require legislative consolidation and the definition of implementation mechanisms.

One of the key achievements of 2024 was the development of the Concept for the Draft Law of Ukraine on Higher Legal Education and Initial Access to the Legal Profession¹⁵⁷¹. This document was prepared by members of the Working Group on the Reform of Legal Education under the Verkhovna Rada Committee on Legal Policy. The Working Group was established on 14 December 2023 and is currently chaired by Members of Parliament Mykola Stefanchuk and Yuliia Hryshyna¹⁵⁷².

The draft Concept was published for public discussion on 12 September 2024¹⁵⁷³. In December 2024, the Working Group on the Improvement of Higher Legal Education approved the document and recommended that the Committee formally adopt it¹⁵⁷⁴. On 20 February 2025, the Committee endorsed the Concept for the Draft Law on Higher Legal Education and Initial Access to the Legal Profession and submitted it to the Government¹⁵⁷⁵.

¹⁵⁶⁶ USQE retake in the specialties Law and International Law took place. Ministry of Education and Science of Ukraine. 2024.

¹⁵⁶⁷ A small step forward — the MoES approved the admission rules for Law 2024. DEJURE Foundation. 2024.

¹⁵⁶⁸ On Amendments to the List of Fields of Knowledge and Specialties for the Training of Applicants for Higher and Professional Pre-Tertiary Education: Resolution of the Cabinet of Ministers of Ukraine No. 1021 of 30.08.2024.

¹⁵⁶⁹ Ibid.

¹⁵⁷⁰ On Amendments to Certain Laws of Ukraine on the Development of Individual Educational Trajectories and Improvement of the Educational Process: Law of Ukraine No. 3642-IX of 23.04.2024.

¹⁵⁷¹ Concept of the Draft Law of Ukraine on Higher Legal Education and Initial Access to the Legal Profession. Verkhovna Rada Committee on Legal Policy. 2024.

¹⁵⁷² Decision of the Verkhovna Rada Committee on Legal Policy of 14.12.2023 (Protocol No. 150).

¹⁵⁷³ Concept of the Draft Law of Ukraine on Higher Legal Education and Initial Access to the Legal Profession. Verkhovna Rada Committee on Legal Policy. 2024.

¹⁵⁷⁴ Publication by Y. Hryshyna on her personal Facebook page. 2024.

¹⁵⁷⁵ Decision of the Verkhovna Rada Committee on Legal Policy regarding the Concept of the Draft Law of Ukraine on Higher Legal Education and Initial Access to the Legal Profession of 20.02.2025.

These are not the first attempts to adopt documents at the committee level of the Verkhovna Rada aimed at reforming legal education. For instance, two relevant draft laws were registered in 2017¹⁵⁷⁶, and in 2021 the Verkhovna Rada Committee on Education, Science and Innovation published a Concept for the Development of Legal Education¹⁵⁷⁷. However, none of these documents were officially adopted.

The Concept for the Draft Law on Higher Legal Education and Initial Access to the Legal Profession proposes a comprehensive transformation of the legal education system in line with European standards. However, it should be noted that at the beginning of 2025, the Ministry of Education and Science of Ukraine (MoES) developed and submitted for approval a draft law “On Amendments to Certain Laws of Ukraine (Regarding the Creation of Preconditions for the Modernisation of the Educational Institutions Network),” which “contradicts several key provisions of the Concept.”¹⁵⁷⁸

The core of the Concept is the transition from a two-tiered training system (Bachelor + Master) to an integrated five-year Master’s programme (300 ECTS credits¹⁵⁷⁹). This change is expected to eliminate the artificial break in the development of professional competences, optimise the learning process, and reduce the overall duration of legal education. Simultaneously, the Concept provides for the discontinuation of training legal professionals at the levels of “Junior Specialist” and “Junior Bachelor”.

According to Cabinet of Ministers Resolution No. 1021¹⁵⁸⁰, training for junior bachelors in law will no longer be conducted starting from 2025. Another important aspect of structural transformation is the discontinuation of extramural legal education. Statistical data from the results of the Unified Professional Entrance Test (UPET) and the USQE¹⁵⁸¹ reveal a significant gap in the level of preparation between full-time and part-time graduates¹⁵⁸². Instead, the introduction of a blended learning format is proposed — combining in-person and remote learning — which would maintain accessibility while ensuring proper quality control of education.

The second fundamental direction of the reform concerns the clear institutional separation between the training of legal professionals and personnel for law enforcement agencies. It is envisaged that legal training shall be carried out exclusively by civilian higher education institutions (HEIs), while the training of law enforcement personnel will take place under a separate specialty — “Law Enforcement”. This approach aligns with the recommendations of the European Commission¹⁵⁸³ and will help to overcome violations of the principle of equal access to higher education.

1576 On Legal Education and General Access to the Legal Profession: Draft Law of Ukraine, Registration No. 7147 of 28.09.2017; On Legal Education and the Legal Profession: Draft Law of Ukraine, registration No. 7174-1 of 17.10.2017.

1577 Draft Concept for the Development of Legal Education, developed and discussed at working meetings of Members of the Verkhovna Rada of Ukraine together with experts in law and higher education.

1578 Will Legal Education in Ukraine Become Better? DEJURE Foundation. 2025.

1579 European Credit Transfer and Accumulation System.

1580 On Amendments to the List of Fields of Knowledge and Specialties for the Training of Applicants for Higher and Professional Pre-Tertiary Education: Resolution of the Cabinet of Ministers of Ukraine No. 1021 of 30.08.2024.

1581 Report of the Scientific and Methodological Centre of the Higher Education Institutions under the Ministry of Education and Science of Ukraine on the Results of the Unified State Qualification Exam in the Specialties 081 “Law” and 293 “International Law”. 2024.

1582 Training of Legal Professionals through Extramural Study. DEJURE Foundation. 2024.

1583 Ukraine 2024 Progress Report within the European Union Enlargement Package, p. 32.

The Concept envisages a substantial revision of the content and methodology of legal education. It introduces specific licensing requirements for educational programmes, a phased implementation of the USQE throughout the training period, and the establishment of a professional qualification of “Legal Professional” (Pravnyk), which will become a mandatory requirement for access to the legal profession. Particular emphasis is placed on practical training, which is currently one of the weakest elements of the system. The Concept proposes legislative regulation of cooperation mechanisms between higher education institutions (HEIs) and the judiciary, as well as professional associations, and mandates the involvement of legal practitioners in organising student internships.

It is important to acknowledge that implementation of the Concept will face complex challenges at various levels, requiring a strategic approach to overcome them:

1. Political resistance from departmental institutions will pose a significant barrier, as the Ministry of Internal Affairs of Ukraine (MoIA), the Ministry of Defence of Ukraine (MoD), and the Security Service of Ukraine (SSU) are likely to actively oppose losing the right to train legal professionals within HEIs with specific conditions. These agencies will use arguments about the “uniqueness” of their training programmes and lobby for amendments that could weaken the impact of the reform.
2. Institutional resistance from HEIs is also likely — both from departmental institutions at risk of losing prestigious programmes, and from regional universities concerned about losing licences during the optimisation of the legal education network. For many HEIs, legal programmes are financially attractive, and their reduction would result in significant revenue losses.
3. Human resource challenges may arise due to the need to retrain a large number of legal education lecturers and help them adapt to new teaching approaches.

Concept for the Reform of Legal Education

In parallel with the development of the Draft Law “On Higher Legal Education and Initial Access to the Legal Profession”, a broader Concept for the Reform of Legal Education¹⁵⁸⁴ was published in December 2024. This Concept stands out for its comprehensive strategic approach, which goes far beyond legislative regulation alone. The document offers a systemic vision for transforming legal education through an interconnected framework of 12 strategic objectives, each accompanied by detailed tasks aimed at achieving them. The Concept was also developed by the Working Group on the Reform of Legal Education under the Verkhovna Rada Committee on Legal Policy¹⁵⁸⁵.

The Concept for the Reform of Legal Education contains shared provisions with the Concept for the Draft Law “On Higher Legal Education and Initial Access to the Legal Profession”, particularly in the following areas:

- Identification of key issues in legal education (including the mismatch between the content of higher legal education and the quality of graduates’ training with modern requirements; significantly lower quality of training in extramural programmes com-

1584 Draft Concept for the Reform of Legal Education. Verkhovna Rada Committee on Legal Policy. 2024.

1585 Ibid.

pared to full-time education; low effectiveness of the quality assurance system for educational programmes);

- Goals and principles of the reform (such as improving practical legal training; developing strong ethical values and a deep sense of professional responsibility among legal professionals; enhancing the role of legal practitioners in the educational process and quality assurance procedures);
- Key reform mechanisms (including the transition to an integrated (non-split) legal education model (without separation into bachelor's and master's levels); strengthening the role of the USQE; institutional separation of legal education from the training of law enforcement personnel; stricter licensing requirements for higher education institutions offering legal education);
- Reforming legal education in the context of European integration (strengthening the study of foreign languages and EU law; promoting academic mobility to law schools in EU member states; ensuring alignment with EU recommendations and accession requirements).

The Concept for the Reform of Legal Education outlines a comprehensive set of strategic objectives, including:

- Enhancing practical training through the development of legal clinics as distinct structural units within higher education institutions and the introduction of legal clinical practice courses. The Concept also emphasises the implementation of innovative teaching methodologies that simulate real professional scenarios and highlights the importance of student participation in international moot court competitions);
- Advancing academic staff development by promoting their integration into the European research space, introducing effective competitive mechanisms for public funding of legal research, and expanding cooperation between law schools and professional communities for conducting applied research;
- Strengthening international cooperation by introducing a national ranking system for law schools and encouraging their participation in international rankings; creating favourable conditions for the engagement of instructors from foreign law schools; and encouraging Ukrainian law schools to join European and global legal education networks and academic legal communities.

A crucial component of the Concept is the definition of measurable indicators for evaluating the success of the reform. The Concept outlines more than 15 specific indicators, including quantitative benchmarks for participation in legal clinics, academic mobility, foreign language proficiency, and the involvement of practitioners. One of the key indicators is achieving a minimum employment rate of 75% in the legal profession, as well as a defined target for at least five national law schools to be listed in recognised international rankings (such as The Times Higher Education, QS World University Rankings, and Edurank Best Law Schools in Europe).

As of March 2025, the Concept for the Reform of Legal Education has not yet been officially approved, which hampers the systematic implementation of the proposed mechanisms and the achievement of the defined success indicators. This remains a significant obstacle to the comprehensive transformation of legal education in Ukraine in line with European standards.

Legal Education Reform Roadmap

On 14 May 2025, the Cabinet of Ministers of Ukraine approved the Rule of Law Roadmap¹⁵⁸⁶, which represents a reform programme, including the reform of legal education for 2025–2027. Analysis of the provisions of this document indicates the presence of systemic issues in the field of legal education that require urgent resolution. Among the main challenges are:

1. Lack of clear institutional distinction between the training of broad-profile legal professionals and the specialised training of personnel for law enforcement agencies. This leads to the blurring of professional standards and a decline in the quality of training in both areas.
2. Insufficient integration of European law into curricula, creating barriers to further European integration and complicating the adaptation of Ukrainian legal professionals to work under the conditions of applying EU law.
3. Issues with academic integrity, including the prevalence of plagiarism, falsification of research results, and other forms of dishonest conduct in the academic environment.
4. Imperfections in the system of accreditation of legal education programmes, which fails to ensure proper quality control of educational services and compliance with international standards.

The Rule of Law Roadmap identifies the need for a fundamental renewal of the regulatory framework governing the functioning of legal education. This includes the development of new legislative acts that will define the legal foundations for the training of legal professionals and initial access to the legal profession, and the introduction of academic integrity in higher education, including legal education. In addition, it envisages the modernisation of the network of educational institutions, updating of educational standards, reform of the qualification assessment and funding system, as well as regulatory provisions for student support.

The responsible bodies for these measures, within their respective areas of competence, are the Verkhovna Rada, the Ministry of Education and Science of Ukraine (MoES), the Ministry of Justice of Ukraine (MoJ), the MoIA, and the National Agency for Higher Education Quality Assurance (NAQA).

Importantly, the success of the implementation of the Rule of Law Roadmap and the reform of legal education as a whole depends on effective coordination between all responsible bodies. The MoES acts as the main coordinator, but close cooperation with the MoJ and the MoIA is critically important to ensure a comprehensive approach to reforming the system of training legal professionals. This structure of responsibility ensures that all aspects of legal education are covered — from the development of standards to the practical training of specialists for various areas of legal practice.

¹⁵⁸⁶ Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the EU Accession Process": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

The Role of the Ministry of Justice of Ukraine in Shaping Public Policy in the Field of Legal Education

In the context of legal education reform in Ukraine, the issue of institutional support and the involvement of relevant public authorities in policymaking has become particularly pertinent. Historically, the MoJ has played a significant role in the training of legal professionals. For instance, until 2020, MoJ was vested with extensive powers in the field of legal education, including:

- › Participation, jointly with the MoES, in organising the training, retraining, and advanced training of legal professionals in educational institutions, regardless of their form of ownership or subordination.
- › Drafting proposals regarding the training of legal personnel.
- › Submitting proposals to relevant education management bodies on improving legal education in higher, vocational, general secondary, and continuing education institutions.
- › Sharing responsibility with the MoES for conducting the USQE.

However, as a result of amendments made to regulatory acts in 2020–2021, the above-mentioned powers were removed from the Ministry's area of competence¹⁵⁸⁷. It is now important to restore the MoJ's authority in the field of legal education, given the following considerations:

- › Institutional relevance: MoJ is the executive authority responsible for shaping state policy in the areas of justice, the legal profession, and notarial services, and therefore is directly connected to key legal professions.
- › Alignment with EU recommendations: The 2024 EU Progress Report on Ukraine recommends separating legal education from the training of law enforcement personnel.
- › Avoidance of conflicts of interest: The MoIA oversees institutions with special conditions for training lawyers and is thus unlikely to support the separation of legal and law enforcement education.
- › Continuity of reform: MoJ possesses the expert capacity and institutional memory of previous stages of legal education reform.
- › Coordination with professional communities: The Ministry has well-established mechanisms of cooperation with the legal profession, notarial profession, and the judiciary, which would help ensure a more practice-oriented legal education system.

Recommendations

1. The Verkhovna Rada Committee on Legal Policy should review the Concept for the Reform of Legal Education and decide whether to approve it or recommend further revision, particularly given that some of its provisions overlap with those of

¹⁵⁸⁷ On the Approval of the Regulation on the Ministry of Justice of Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 228 of 02.07.2014.

the already approved Concept for the Draft Law of Ukraine on Higher Education and Initial Access to the Legal Profession.

2. In order to improve legal education, the Law of Ukraine “On Higher Legal Education and Initial Access to the Legal Profession” should be adopted, incorporating key provisions from the aforementioned concepts, particularly regarding:
 - Separation of legal and law enforcement education: Legal education should be delivered exclusively by civilian higher education institutions, while the training of personnel for law enforcement agencies should take place under a separate speciality — Law Enforcement Activity.
 - Transition from the two-tiered system (Bachelor + Master) to a five-year integrated Master’s programme (300 ECTS credits): This reform will eliminate the artificial gap in the development of competences, optimise the learning process, and reduce the total duration of study. An important aspect is also the discontinuation of extramural education, as statistical data from UPET and USQE results demonstrate a significant difference in training quality between full-time and part-time graduates. Instead, a blended learning model should be introduced, combining in-person and distance learning to preserve accessibility while maintaining quality assurance.
3. Accelerate the implementation of the measures under the Rule of Law Roadmap on reforming legal education, in particular to ensure compliance with the established deadlines for adopting the law on academic integrity in higher education; unifying standards for legal education applicants with a focus on teaching EU law, ethics, and professional responsibility of legal professionals; extending the requirement to pass the USQE to all graduates without exception; completing the modernisation of the network HEIs; and introducing transparent criteria for the funding of higher education. This requires coordinated efforts by the MoES, the MoJ, the NAQA, and the Verkhovna Rada to ensure a comprehensive approach to reforming the system for training legal professionals in line with European standards.
4. Amend relevant regulatory acts, including the Regulation on the MoJ, to restore its powers in the field of legal education. Additionally, a specialised department within the Ministry should be established, tasked with the development and implementation of public policy in the area of legal education.

Licensing and Accreditation of Law Schools

Progress and issues

Licensing is one of the key quality assurance procedures in higher legal education, as it defines the right of HEIs to carry out educational activities. In 2024, the licensing system for law schools underwent significant transformations following changes made to the list of fields of knowledge and specialties¹⁵⁸⁸.

¹⁵⁸⁸ On Amendments to the List of Fields of Knowledge and Specialties for the Training of Applicants for Higher and Professional Pre-Tertiary Education: Resolution of the Cabinet of Ministers of Ukraine No. 1021 of 30.08.2024.

As of 31 July 2025, **176** HEIs hold licences to deliver educational programmes in the specialty 081 "Law" at the Bachelor's level (of which **142** are accredited), and **138** HEIs at the Master's level (of which **112** are accredited)¹⁵⁸⁹.

According to the Order of the MoES of 19 November 2024 No. 1625¹⁵⁹⁰, a new classification system for legal specialties has been introduced. This transformation involves a shift from a purely numerical coding system to an alphanumeric one, reflecting a more systematic approach to classification.

Changes for the specialty "Law" include:

- At the higher education level: specialty 081 "Law" (List 1) now corresponds to specialty D8 "Law" (List 2);
- At the professional pre-tertiary education level: specialty 081 "Law" (List 1) now corresponds to specialty D6 "Secretarial and Office Work" (List 2).

For the specialty "International Law", changes apply only to higher education:

- Specialty 293 "International Law" (List 1) now corresponds to specialty D9 "International Law" (List 2).

This transformation reflects a fundamental shift in the approach to legal education, in particular the concentration of legal training exclusively at the higher education level and the systematic reorganisation of legal specialties. The relocation of "International Law" from the field of international relations to the group of legal specialties (Group D) represents a more coherent and structured classification approach.

The reissuance of licences for educational activities is carried out in accordance with the Licensing Conditions for Educational Activity¹⁵⁹¹, taking into account the table of correspondence between specialties. The Department for the Certification of Highly Qualified Personnel of the MoES is required to ensure the reissuance of licences within three weeks from the date the application is submitted by the educational institution.

Since the specialties "Law" and "International Law" are included in the list of regulated specialties, a special licensing procedure applies¹⁵⁹². Until the List of Specialties requiring a higher education degree for access to professions subject to additional regulation¹⁵⁹³, is aligned with the new classification of fields of knowledge and specialties, licensing shall be carried out taking into account the correspondence table and the current List of specialties with additional regulation.

An important aspect of the process is the application of higher education standards. Until the approval and enactment of new higher education standards for specialties D8

¹⁵⁸⁹ Data obtained from the Register of Educational Activity Entities.

¹⁵⁹⁰ On the specifics of introducing amendments to the list of fields of knowledge and specialties for which higher and professional pre-higher education is provided: Order of the Ministry of Education and Science of Ukraine No. 1625 of 19.11.2024.

¹⁵⁹¹ On the Approval of the Licensing Conditions for Educational Activity: Order of the Ministry of Education and Science of Ukraine No. 1187 of 30.12.2015.

¹⁵⁹² On the Approval of the List of Specialties for Which Obtaining a Degree Is Required for Access to Professions Subject to Additional Regulation: Order of the Ministry of Education and Science of Ukraine No. 673 of 22.05.2020.

¹⁵⁹³ Ibid.

“Law” and D9 “International Law”, the existing standards developed for specialties 081 “Law” and 293 “International Law” shall continue to apply accordingly.

The transformation of licensing for the specialties “Law” and “International Law” will have a significant impact on the legal education system in Ukraine. In the short term, this will involve the reissuance of licences by HEIs and their adaptation to the new requirements. In the long term, these changes are expected to contribute to improving the quality of legal education, harmonising it with European standards, and enhancing the international competitiveness of Ukrainian legal professionals on the global labour market.

Accreditation is the procedure of external evaluation of an educational programme’s quality, aimed at confirming its compliance with state standards. Currently, the accreditation of legal education programmes is carried out by the NAQA. Upon successful accreditation, an institution receives the right to issue state-recognised diplomas.

At present, the accreditation procedure for legal programmes does not differ from that of other specialties. It is based on a review of documentation, interviews with the institution’s administration, and analysis of the programme’s self-assessment.

According to NAQA, in 2024, decisions were made on the accreditation of **27** educational programmes in the specialty 081 “Law” across Ukrainian HEIs¹⁵⁹⁴. The distribution by educational level was as follows: **11** programmes at the first (Bachelor’s) level, **11** programmes at the second (Master’s) level, **5** programmes at the third (Doctoral/PhD) level. Thus, Bachelor’s and Master’s programmes each accounted for 40.7%, while PhD programmes represented approximately 18.5% of all legal education programmes reviewed in 2024. This balance between Bachelor’s and Master’s levels reflects a strategic focus on both foundational legal education and the training of high-level professionals¹⁵⁹⁵.

The accreditation results for 2024 demonstrate a high level of compliance of legal education programmes with established quality standards. Out of 27 reviewed programmes, the vast majority received positive outcomes: 26 programmes (96.3%) were accredited (for the full five-year term), and only one programme (3.7%) received conditional (provisional) accreditation for a shorter period, requiring further improvement. No legal education programme was denied accreditation in 2024. This indicates that all submitted law programmes met at least the minimum quality requirements, and the overwhelming majority fully complied with NAQA’s criteria and standards.

For comparison, during the entire period from 2019 to 2024, NAQA denied accreditation to only **6** legal education programmes, while **169** programmes were successfully accredited for the maximum five-year term¹⁵⁹⁶. However, NAQA representatives note that among all accredited programmes, only one was granted the status of “exemplary” (model quality) in 2024 — the PhD programme in Law at the National University of “Kyiv-Mohyla Academy”. It was the first to receive this highest distinction due to outstanding achievements in international cooperation, the promotion of academic integrity, faculty development, and overall programme excellence¹⁵⁹⁷.

¹⁵⁹⁴ Annual Report of the National Agency for Higher Education Quality Assurance for 2024, p. 51. 2025.

¹⁵⁹⁵ Ibid.

¹⁵⁹⁶ Legal Education Reform: A New Perspective on Programme Accreditation. Yurydychna Hazeta. 2024.

¹⁵⁹⁷ Ibid.

Despite the low number of accreditation refusals for legal education programmes, issues with the quality of certain programmes persist. Certain law schools are unable to ensure an adequate level of quality in their educational offerings. The current external quality assurance system, which focuses primarily on accreditation, also exhibits weaknesses. In particular, accreditation assessments of legal education programmes do not yet consider several important outcome indicators, such as graduates' performance on the USQE or the rate of graduate employment in the legal profession. Moreover, the involvement of legal practitioners in the accreditation process has been minimal. Accreditation procedures have largely been carried out by representatives from academia, without systematic engagement of professionals from the legal field.

Both of the aforementioned concepts on legal education reform propose making the accreditation system for legal education programmes more effective, transparent, and outcome-oriented, primarily by strengthening accreditation criteria.

At the same time, in 2024, the average number of correct answers out of 115 questions in the USQE was **51.75**. A total of **942** students failed to meet the "Pass/Fail" threshold during the main USQE session, which represents 11.56%. In the repeat USQE held on 5 December 2024, **1,008** students from 108 educational institutions participated. Of these, **550** students from 98 institutions failed to meet the "Pass/Fail" threshold¹⁵⁹⁸.

The employment rate of persons who obtained higher legal education is **59.85%**, as confirmed by the results of the annual employment monitoring conducted by the MoES¹⁵⁹⁹. At the same time, this percentage reflects the overall employment rate, rather than employment specifically in the legal profession¹⁶⁰⁰.

According to the provisions of the Concept of the Draft Law of Ukraine on Higher Legal Education and Primary Access to the Legal Profession¹⁶⁰¹, it is envisaged that the results of the USQE and employment indicators of graduates shall be mandatorily taken into account when deciding on the accreditation of a programme. That is, if graduates of a particular legal education programme demonstrate poor results in the USQE or do not find employment in the profession, this will directly and negatively affect the assessment of the programme's quality by external experts. Previously, such output indicators were not considered during the accreditation process, so their inclusion in the accreditation criteria is a significant innovation aimed at enhancing the practical relevance of accreditation.

It is also proposed to involve the professional legal community in accreditation procedures. Representatives of legal professions (defence counsels, judges, prosecutors, notaries) will be able to participate in expert groups and commissions that assess legal education programmes during accreditation. The Concept of the Reform of Legal Education emphasises the need to ensure adequate involvement of practitioners in external quality assurance procedures, so that the assessment of programmes takes into account current profes-

1598 Report of the Scientific and Methodological Centre of the HVPE under the Ministry of Education and Science of Ukraine on the Results of the Unified State Qualification Exam in the Specialties 081 "Law" and 293 "International Law", p. 33. 2024.

1599 Monitoring Report on the Employment of Graduates of Higher and Professional Pre-Tertiary Education Institutions, p. 10. 2022.

1600 Draft Concept for the Reform of Legal Education. Verkhovna Rada Committee on Legal Policy. 2024.

1601 Decision of the Verkhovna Rada Committee on Legal Policy on the Concept of the Draft Law of Ukraine on Higher Legal Education and Initial Access to the Legal Profession of 20.02.2025.

sional practice requirements¹⁶⁰². This addresses the identified issue of weak interaction between education and the profession — legal experts will be able to provide their opinions on the content of programmes, teaching methods, the level of graduates' preparation, etc., which will enhance trust in the accreditation process.

The next area of reform is the expansion of the range of entities authorised to carry out accreditation. At present, the exclusive right to accredit lies with the NAQA. However, the Concept of the Reform of Legal Education envisages the involvement of other independent institutions in this process¹⁶⁰³. It is proposed that, in addition to NAQA, legal education programmes could also be accredited by foreign accreditation agencies and independent institutions for the evaluation and quality assurance of higher education. This step aligns with European practice and is aimed at introducing elements of competition and specialisation in quality assessment. In particular, it is important to accredit at least one independent quality assurance institution specifically for the field of higher legal education. This would mean the emergence of an organisation focused on evaluating legal programmes (possibly with the participation of international experts), which would conduct accreditation in parallel with NAQA. In this way, an institution would be able to apply to an alternative accreditation body, and the evaluation process would become more objective and multidimensional.

It is to be expected that, following the implementation of these innovations, accreditation will become an effective mechanism for quality control in legal education. The state will regard the results of accreditation as a key instrument for monitoring the quality of legal training. Accordingly, law schools that are unable to meet the enhanced accreditation requirements will lose accreditation of their programmes and, effectively, the right to award diplomas in the speciality "Law". This creates direct incentives for institutions to continuously improve their educational programmes to successfully undergo accreditation assessments under the new standards.

The proposed changes in the Concept of the Reform of Legal (Law) Education concerning accreditation will have a long-term positive effect. In the future, the number of random or weak legal education programmes should be reduced to a minimum. Only those institutions capable of providing a modern level of education and possessing the necessary resources will carry out legal education activities. The annual administration of the USQE and periodic accreditation assessments will help identify problematic aspects, while open rankings will encourage competition based on quality. As a result, both students (who will gain better knowledge and practical skills) and the state (which will have better qualified legal professionals for the judiciary, prosecution service, Bar profession, and other areas of legal practice) will benefit.

Recommendations

With the aim of improving the licensing and accreditation of legal education programmes in terms of enhancing their effectiveness, transparency and results-orientation, it is necessary to:

¹⁶⁰² Ibid.

¹⁶⁰³ Ibid.

- › Develop a separate section in the Licensing Conditions for Educational Activity specifically for specialities D8 “Law” and D9 “International Law”, with increased requirements for the quality and content of education;
- › Introduce the mandatory consideration of the results of the USQE and employment indicators of graduates when deciding on programme accreditation. If graduates of a particular education programme demonstrate low results in the USQE or have a low level of employment in the profession, this should negatively affect the quality assessment of the programme by external experts;
- › Ensure the involvement of representatives of legal professions (defence counsels, judges, prosecutors, notaries) and professional communities in expert groups and commissions that assess legal education programmes;
- › Expand the range of accreditation entities, allowing, in addition to NAQA, foreign accreditation agencies and independent institutions for the evaluation and quality assurance of higher education to conduct accreditation.

State-Funded Legal Education. Receipt of State Grants for Legal Studies

Progress and issues

In 2024, state-funded legal education in Ukraine continued to be provided through the system of state procurement for the training of specialists in the speciality 081 “Law” at the bachelor’s, master’s, and academic levels. However, the volume of such funding decreased compared to previous years¹⁶⁰⁴, reflecting changes in state policy regarding the financing of legal education.

The total number of state-funded places for bachelor’s programmes in “Law” in 2024 amounted to **1,548**. This represents a decrease of 386 places compared to the previous year and 963 fewer than in 2022. Compared to previous years, there was a steady trend towards a reduction in the number of places for training law bachelors; however, **nearly 55%** of these places continue to be funded outside the MoES system — in particular, for such bodies as the MoIA, the MoD, the MoJ, and the SSU¹⁶⁰⁵. This indicates that the state continues to prioritise the training of legal professionals for law enforcement agencies. In particular, in 2025, the MoES received **650 places** and the MoIA — **620 places**, indicating a slight shift in the balance in favour of civilian education, although the difference remains small.

A distinctive feature of 2025 was that the state distributed budget-funded bachelor’s places among **seven contracting authorities**. At the same time, **almost 55%** of budget places still remain outside the MoES system — in agencies with no broad competition or transparent allocation, which is unusual, as the vast majority of state-funded places are generally financed through the higher education system under the MoES’s control.

¹⁶⁰⁴ On the State Order for the Training of Specialists, Scientific, Academic, and Vocational Staff, and for Advanced Training and Retraining of Personnel in 2024: Resolution of the Cabinet of Ministers of Ukraine No. 760 of 28.06.2024.

¹⁶⁰⁵ Minus 586 state-funded places for law students: the Government cuts the state order for 2025. DEJURE Foundation.

As for master's programmes, the total number of state-funded places for the training of law masters in 2025 amounted to **933**. This also represents a decrease by 200 places compared to the previous year. The reduction in the number of places for master's studies affected almost all commissioning institutions: the MoES, the MoD and the Ministry of Finance of Ukraine. At the same time, there is one exception — the SSU received **75 places** compared to **43 in 2024**, of which 60 are for part-time study. Notably, the **MoIA did not receive any state order for master's-level legal training at all**, which is the first time this has happened since 2019.

For speciality 293 International Law, there is a steady increase in the number of places for training both bachelors and masters, indicating changes in priorities for training at the international level. In 2025, **85 places** were allocated for bachelors and **80 for masters** in international law, which is an increase of **15 places** compared to 2024 (2022 — 40, 2023 — 53, 2024 — 65 for masters)¹⁶⁰⁶.

The allocation of a state order for part-time master's studies in law, particularly for the SSU, remains unclear. The state order for part-time legal training was abolished back in 2019, but in 2025 it reappeared.

Overall, despite the reduction in the total volume of state procurement for legal training compared to previous years, the state continues to fund legal education, particularly for security and law enforcement agencies, leaving fewer opportunities for competition among educational institutions. This may affect the level of competition among students, as a significant portion of places is not distributed through open competitions but allocated to specific departmental HIEs.

Government **Draft Law No. 10399**¹⁶⁰⁷, which provides for the improvement of the higher education financing system and the provision of targeted state support to its students by introducing a co-financing mechanism alongside state procurement, has, since March 2024, remained at the stage of preparation for second reading in Parliament.

The draft law proposes the introduction of state grants, which would significantly expand financial support for students entering tuition-based programmes. Grants will be awarded to applicants based on the results of the External Independent Evaluation (EIE) or the National Multi-Subject Test (NMT). The amount of the grant will depend on the scores achieved and the speciality the student is applying for. This will enable a fairer distribution of state funding, as grants will cover part or all of the tuition fees, and a co-financing mechanism will be provided for students with lower scores. The grant amount will range from UAH 15,000 to 50,000, thus allowing a greater number of applicants to receive state support. The draft law also provides for changes to the preferential student loan mechanism. For vulnerable categories of students, preferential terms will remain in place, and they will continue to study under the state procurement system.

In 2024, the Government introduced a grant-based higher education financing system, which significantly enhanced state support for applicants¹⁶⁰⁸. However, as analysis shows,

¹⁶⁰⁶ *ibid.*

¹⁶⁰⁷ On Amendments to Certain Laws of Ukraine Regarding the Financing of Higher Education and the Provision of State Targeted Support to Its Applicants: Draft Law of Ukraine, registration No. 10399 of 10.01.2024.

¹⁶⁰⁸ On the Implementation of the Experimental Project on the Provision of State Grants for Higher Education: Resolution of the Cabinet of Ministers of Ukraine No. 822 of 18.07.2024.

the speciality 081 "Law" proved to be one of the most attractive for students, ranking third in the number of grants awarded (after Psychology and Computer Science)¹⁶⁰⁹. A total of **989** applicants in this speciality received grant support or a state-funded place. This indicates high demand for legal education, which remains a traditional favourite among applicants.

At the same time, grants for the speciality 081 "Law" are awarded only after a rigorous selection process, taking into account high NMT scores. In 2024, the education grant amounted to UAH 15,000 for applicants who scored more than 150 points in two subjects, and UAH 25,000 for those who scored 170 points. However, these amounts were adjusted using coefficients depending on the speciality. This allows the state to send a clear signal about its priority specialities by funding the areas considered most strategic and important for the country's economic development. For the speciality "Law", a coefficient of 1.0 was set, meaning a standard grant amount of UAH 25,000 for applicants with high scores. However, this also highlights that "Law" is not considered a priority from the perspective of state funding compared to more in-demand specialities in Ukraine, such as "Medicine" or "Engineering", where grants may reach higher amounts¹⁶¹⁰.

Recommendations

With the aim of improving the system of financing legal education, it is necessary to:

1. Revise the financing mechanism by transitioning from state procurement to a grant-based system of student support, which has already been partially implemented¹⁶¹¹. Grants should be awarded to applicants based on the results of entrance examinations, with the grant amount differentiated according to the scores obtained.
2. Supplement the Concept of the Draft Law of Ukraine on Higher Legal Education and Primary Access to the Legal Profession with provisions on reducing the expenditures of the State Budget of Ukraine for the training of legal professionals by:
 - reducing the duration of study. For example, it is worth considering the possibility of introducing a more efficient structure of educational programmes, whereby the master's programme would comprise 300 ECTS credits and last five years instead of the previous five and a half to six years. This would allow for a reduction in state budget expenditures, as shortening the duration of study decreases the amount of budget funds allocated for student support;
 - introducing a grant-based system for students instead of the traditional state procurement model. This would enable more efficient allocation of budgetary resources and reduce overall state budget expenditure. Students entering higher education institutions would be able to receive grants covering part of the tuition fees, depending on the results of their entrance examinations.

1609 Mykhailo Vynnytskyi: "Take the Best from the West and Leave Them the Rest. We're Trying to Do That." LB.ua. 2025.

1610 Ibid.

1611 The recommendation previously provided by civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine (p. 208) remains relevant but has been further specified.

Updating and Modernising Legal Education Programmes

Progress and issues

The updating and modernisation of legal education programmes is a key element of the legal education reform aimed at ensuring that the training of legal professionals meets contemporary challenges and labour market demands. For a long time, Ukrainian law schools have been criticised for excessive theorisation¹⁶¹², outdated curricula¹⁶¹³, and a lack of practical training components¹⁶¹⁴. Students often did not acquire sufficient skills during their studies in legal practice, alternative dispute resolution methods, client work, use of public registers, as well as "soft skills" — such as communication, leadership, and others. Importantly, job vacancies for lawyers at the Junior, Middle, and Senior levels frequently specify the need for proficiency in four types of skills:

- 1) knowledge in various branches of law (civil, labour, corporate, administrative, tax, criminal law, etc.);
- 2) practical experience: drafting procedural documents; handling contractual work; general legal support, including legal advice; representing clients in court and analysing case law; working with systems such as "LIGA360", "YouControl", "YC World"¹⁶¹⁵, and the ability to use state registers;
- 3) other practical experience: use of computer equipment and relevant software; knowledge of the marketing basics, record-keeping, reporting, etc.;
- 4) soft skills: ability to work in a team and with clients; analytical thinking; willingness to learn and develop; fluent oral and written language; experience in negotiations; ability to handle large volumes of information, etc¹⁶¹⁶.

It is important that the 2024 Report on Ukraine's Progress highlights the need to focus on the development of practical skills, the integration of European law into educational programmes, and the ethical integrity of future legal professionals.

Ukraine has taken important steps towards updating its educational programmes by approving throughout 2022–2024 the relevant standards for the speciality 081 "Law" at

¹⁶¹² White Paper on the Reform of Ukrainian Legal Education (based on the materials of the international scientific-practical conference "Europeanisation of Ukrainian Legal Education: German-Ukrainian Experience"), p. 22. 2015.

¹⁶¹³ Stepanchuk R.O. On the Issue of Modernising the Organisation and Teaching of Civil Law Subjects. Reforming Legal Education: Challenges of the Time. PrJSC "Yurydychna Praktyka", pp. 219–233. 2019.

¹⁶¹⁴ Analytical Report on the Results of the Project "Engaging the Public in the Development of a Qualifications Framework for the Legal Profession through an Analysis of the Knowledge, Skills and Competences Required of Law Graduates to Meet the Demands of the Modern Labour Market", p. 8. 2015.

¹⁶¹⁵ <https://zakon-pro.ligazakon.net/>; <https://youcontrol.com.ua/>; <https://youcontrol.world/>.

¹⁶¹⁶ Ukraine Does (Not) Need Lawyers: What Is Happening to the Labour Market in Jurisprudence and Will There Be Jobs for Thousands of Graduates? Work.ua. 2024.

all three levels: bachelor's¹⁶¹⁷, master's¹⁶¹⁸, and Doctor of Philosophy¹⁶¹⁹. Following extensive discussion and recognition of the importance of training specialists in international law, particularly international criminal law, the MoES in April 2024 approved the higher education standards for the speciality 293 "International Law" at the first (bachelor's)¹⁶²⁰ and second (master's)¹⁶²¹ levels of higher education.

These standards have been developed in line with European requirements for legal professions. For example, the standard for a Master of Law now requires competencies such as: understanding of European law and the case law of the European Court of Human Rights; legal ethics skills; the ability to conduct legal research; and practical skills in drafting procedural documents, among others. University education programmes must comply with these standards, although the specific content is determined by the institution itself.

An important step towards the study of EU law by students enrolled in the specialities 293 "International Law" and 081 "Law" was the amendment to the USQE programme¹⁶²², in April 2024, which introduced a section entitled "Fundamentals of European Union (EU) Law". The update placed emphasis on the basic principles of EU law, its founding documents, and the functioning of EU institutions. This will encourage HEIs to teach EU law more effectively, as knowledge of European law will directly influence graduates' performance in the examination.

However, discrepancies remain among universities regarding the thematic content of EU law courses. For instance, some HEIs devote considerable attention to the study of history, while issues related to the crises faced by the European Community are barely covered within the curriculum. There are also inconsistencies in the teaching of the EU accession process. Nevertheless, there is positive practice among Ukrainian HEIs to include in EU law course syllabi topics concerning Ukraine's integration and the alignment of national legislation with EU law¹⁶²³. This step is of strategic importance: Ukraine's future legal professionals must be prepared to work in conditions of legislative harmonisation with EU law and the implementation of the Association Agreement¹⁶²⁴.

With the aim of aligning legal education with practical requirements, the development of professional classifications and standards for legal professions in Ukraine continued throughout 2023–2024. Professional standards for judges, prosecutors, and legal advisers are an important element of effective interaction between professional and academic

1617 On the Approval of the Higher Education Standard for Specialty 081 "Law" at the First (Bachelor's) Level: Order of the Ministry of Education and Science of Ukraine No. 644 of 20.07.2022.

1618 On the Approval of the Higher Education Standard for Specialty 081 "Law" at the Second (Master's) Level: Order of the Ministry of Education and Science of Ukraine No. 643 of 20.07.2022.

1619 On the Approval of the Higher Education Standard for Specialty 081 "Law" at the Third (Educational-Scientific) Level: Order of the Ministry of Education and Science of Ukraine No. 924 of 31.07.2023.

1620 On the Approval of the Higher Education Standard for Specialty 293 "International Law" at the First (Bachelor's) Level: Order of the Ministry of Education and Science of Ukraine No. 428 of 01.04.2024.

1621 On the Approval of the Higher Education Standard for Specialty 293 "International Law" at the Second (Master's) Level: Order of the Ministry of Education and Science of Ukraine No. 479 of 08.04.2024.

1622 On Amendments to the Programme of the Unified State Qualification Exam for Specialties 081 "Law" and 293 "International Law" at the Second (Master's) Level: Order of the Ministry of Education and Science of Ukraine No. 503 of 11.04.2024.

1623 Study of European Union Law in Ukrainian Law Schools, p. 34. DEJURE Foundation. 2024.

1624 Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part of 27.06.2014.

communities in ensuring the quality of educational activities and programmes in the speciality 081 "Law".

On 26 December 2024, the National Qualifications Agency registered the professional standards "Judge" and "Prosecutor" in the Qualifications Register¹⁶²⁵. In addition to outlining the professional duties of these legal professions, the standards also define the digital competencies that judges¹⁶²⁶ and prosecutors¹⁶²⁷ must possess.

The adoption of these standards will require amendments to the higher education standards in the field of law at each level. At the same time, it is important not to limit this to a one-off update of legal education content, but to ensure the systematic renewal of educational programmes, with the mandatory involvement not only of the academic community but also of employers and representatives of professional legal associations. Significant differences still exist between the academic community¹⁶²⁸ and the legal profession¹⁶²⁹ regarding what constitutes the optimal balance between theoretical and practical subjects. Some professors prefer a traditional approach with in-depth study of theoretical concepts, while legal practitioners insist on a significant increase in practical training¹⁶³⁰. This creates difficulties in defining the specific content of updated programmes.

The integration of European Union law into traditional national law disciplines presents significant methodological challenges. For example, questions arise as to whether EU law should be taught as a standalone subject or integrated into all sectoral disciplines (civil, criminal, administrative law, etc.). Lecturers lack a clear understanding of the volume of EU law material that should be included in specific subjects and how to appropriately relate it to national legislation.

Many lecturers continue to rely on traditional, often outdated teaching methods, based predominantly on lectures and passive knowledge acquisition. They lack the knowledge and skills to apply interactive methods, problem-based learning, the case method, simulations, and other modern approaches that are more effective in developing practical competencies. In addition, some full-time law school lecturers lack up-to-date practical experience in the legal field, which limits their ability to effectively impart practical skills and current legal trends. At the same time, the involvement of practitioners is hindered by the low level of remuneration in universities compared to the private sector, the difficulty of combining teaching with their primary work, and bureaucratic obstacles.

The procedure for updating educational programmes is often accompanied by an excessive number of formal requirements and bureaucratic procedures. The need to undergo multiple levels of approval (department, faculty academic council, university academic council, methodological commissions) significantly slows down the process of implementing innovations and responding to changes in legislation and the professional environment.

¹⁶²⁵ Professional Standards "Judge" and "Prosecutor" Entered into the Qualifications Register. Ukrainian Bar Association. 2025.

¹⁶²⁶ Professional Standard "Judge". Qualifications Register.

¹⁶²⁷ Professional Standard "Prosecutor". Qualifications Register.

¹⁶²⁸ Legal Education and the Legal Profession.

¹⁶²⁹ Legal Education in Ukraine: Labour Market Needs as a Guiding Principle for Change.

¹⁶³⁰ Ensuring Practice-Oriented Training of Lawyers as an Integral Component of Legal Education Reform: Roundtable Materials (Odesa, 20 May 2021). Odesa: National University "Odesa Law Academy". 2021.

Recommendations

1. To ensure the effective updating and modernisation of educational programmes, standard curricula for key legal disciplines should be developed with the involvement of professional experts and international specialists.
2. In order to bring Ukrainian legal education closer to European standards, it is necessary to strengthen the study of EU law, in particular by introducing a basic course for all students and incorporating specialised modules into sectoral disciplines (10–15% of the total volume). Academic mobility of students and lecturers to EU law schools should also be promoted, as well as the implementation of double degree programmes with European law schools and the encouragement of legal schools to join European and global networks of such institutions. Improving the teaching of foreign languages in law schools (at least 10% of the programme volume) will contribute to enhancing the competitiveness of graduates in the European labour market.
3. To ensure high-quality legal education, it is critically important to:
 - improve the qualifications of academic staff, in particular through internships at European law schools;
 - integrate academic staff into the European research area through participation in international research projects;
 - create favourable conditions for involving practising lawyers in teaching (e.g. flexible working hours and competitive remuneration);
 - introduce effective competitive mechanisms for the public funding of legal research and expand cooperation between law schools and professional communities for conducting applied research.

Fighting Corruption and Academic Integrity

Progress and issues

The problem of corruption in the educational process and breaches of academic integrity in scholarly work has long undermined the quality and reputation of Ukrainian legal education. One of the tasks envisaged in the Draft Concept of the Reform of Legal Education¹⁶³¹ is the establishment of an effective system for preventing corruption and academic dishonesty in the field of higher legal education.

The USQE serves as an important mechanism for quality control in legal education in Ukraine. The introduction of this instrument has had a significant impact on the educational process in law schools, motivating students to acquire deeper professional knowledge and skills. The USQE provides conditions for an impartial assessment of the professional competence of future legal professionals, both in theoretical and practical terms. It is worth noting that centralised testing significantly reduces the opportunities for dishonest prac-

¹⁶³¹ Draft Concept for the Reform of Legal Education. Verkhovna Rada Committee on Legal Policy. 2024.

tices during assessment, ensuring transparency and fairness in the process. An additional advantage of the USQE is the ability to generate objective rankings of law schools based on the performance of their graduates. In the current context, where competition among educational institutions continues to grow, such rankings have become a key factor in shaping the reputation of universities and influence their popularity among applicants. The analysis of USQE results also makes it possible to identify systemic shortcomings in legal training and to promptly adjust educational programmes in line with the current requirements of legal practice.

The consistent administration of the USQE in 2023 and 2024¹⁶³², as well as the scheduled date for 2025¹⁶³³, significantly reduces corruption risks at the graduation stage.

Prior to the administration of the USQE in 2023, the website of the State Institution “Scientific and Methodological Centre for Higher and Professional Pre-Higher Education” (SMC) published sample tasks for the USQE in the specialties 081 “Law” and 293 “International Law”¹⁶³⁴. A significant shortcoming of the USQE procedure lies in the non-disclosure of examination questions after the test has been completed. Students are unable to review their answers, analyse mistakes, and properly prepare for a possible retake of the examination. The SMC justifies this policy by stating that “USQE test tasks are not educational or training materials” and “constitute information of a service nature which cannot be disclosed in accordance with internal rules”¹⁶³⁵.

The lack of transparency leads to undesirable consequences — students seeking preparation materials resort to breaches of academic integrity, including photographing tasks from computer screens during the exam. This practice not only poses risks to the confidentiality of examination materials but also undermines the principles of fair assessment. Although the confidentiality policy is aimed at ensuring objectivity, it also creates problems for lecturers, who are deprived of the information needed to analyse the effectiveness of teaching methods and adjust educational programmes. Addressing this issue requires a balanced approach that ensures both the integrity of the examination process and the right of students to analyse their own results.

The first step towards addressing this situation was the publication in December 2024 on the SMC website of the set of tasks used in the USQE on 30 November 2023, in the form of case studies¹⁶³⁶ and individual test questions¹⁶³⁷. The continuation of this practice in the future will contribute to greater transparency of the USQE procedure. The regular publication of test tasks after a certain period of use would allow students to better prepare for examinations and lecturers to more effectively adjust educational programmes. It may also reduce students’ motivation to breach academic integrity during exams, as they will know they will have legal access to these materials in the future. The introduction of a

1632 USQE retake in the Specialties “Law” and “International Law” Took Place. Ministry of Education and Science of Ukraine. 2024.

1633 On Conducting the Unified State Qualification Exam in 2025: Order of the Ministry of Education and Science of Ukraine No. 1658 of 25.11.2024.

1634 Sample Test Questions for the USQE in the Specialties “Law” and “International Law”.

1635 Letter of the State Institution “Educational and Methodological Centre for Higher Vocational and Pre-Tertiary Education” No. 449 of 16.07.2024.

1636 Set of Questions Used in the USQE on 30 November 2023. Case-Based Task Module.

1637 Set of Questions Used in the USQE on 30 November 2023. Non-Case-Based Task Module.

transparent policy regarding examination materials is an essential component in building an effective quality assessment system for legal education in Ukraine.

The introduction of a higher minimum competitive score of 150 for admission to bachelor's programmes in Law in 2024 also has an anti-corruption effect. The same competitive score has been maintained in 2025 for applicants to the specialities D8 "Law" and D9 "International Law". Previously, with lower thresholds, some applicants with insufficient knowledge were able to gain admission on a tuition-paying basis¹⁶³⁸.

Civil society representatives¹⁶³⁹ regularly emphasise the need to raise the minimum entry requirements for legal specialities. It is important to follow the practice of democratic countries, where future legal professionals are selected from among the most talented and motivated applicants. This is justified by the high level of responsibility inherent in the legal profession, as graduates later take up important positions within the judiciary, prosecution service, and the legal profession. It is worth noting that in 2023, a minimum score of 140 points was required for admission to state-funded education, whereas the threshold for tuition-based education was 120 points.

An important step in the field of academic integrity was the adoption at first reading, on 6 June 2024, of the Draft Law "On Academic Integrity"¹⁶⁴⁰. The proposed draft law has a broad scope of application, covering learners at all levels of education, as well as employees in the scientific, educational, and publishing sectors, experts, and participants in educational and scientific competitions. Compared to the current Law of Ukraine "On Education", the document expands the classification of violations of academic integrity and defines the main types of breaches, including misappropriation of authorship; academic plagiarism; data fabrication; falsification of information; assignment completion by third parties; provision of unlawful assistance; academic sabotage; and institutional violations of academic ethics, among others. The draft law pays particular attention to the use of artificial intelligence (AI) technologies in academic work. For instance, materials created with the help of computer programmes cannot be considered original works of authorship without appropriate disclosure. When using such technologies, the author must indicate the methodology used to produce the material or provide a reference to the programme employed and its characteristics.

The Draft Law "On Academic Integrity" regulates the use of AI solely within the context of academic work. The draft act sets out rules on disclosing the use of AI in scholarly texts and stipulates that materials created with the help of computer programmes cannot be considered fully original works of authorship without proper disclosure of such use. However, the draft law does not cover other aspects of AI application in the educational process, such as its use for assessment, administrative purposes, or in the learning process itself — which could have served as a useful addition to the legislative initiative.

The active introduction of AI technologies into legal practice has created the need to review approaches to legal education. In July 2025, the Recommendations on the Res-

¹⁶³⁸ Admission Regulations for Higher Education in 2025: Order of the Ministry of Education and Science of Ukraine No. 168 of 10.02.2025.

¹⁶³⁹ A Small Step Forward — The MoES Approved the Admission Rules for Law 2024.

¹⁶⁴⁰ On Academic Integrity: Draft Law of Ukraine, registration No. 10392 of 08.01.2024.

possible Use of AI for Legal Professionals¹⁶⁴¹ were published, containing clearly formulated principles and guidelines on the ethical, legal, and safe use of AI systems in the professional legal sphere.

The document emphasises that AI use must not replace human judgement but can significantly increase the efficiency of legal training. In particular, AI is suitable for automating routine tasks, analysing case law, and structuring legal documents. However, such integration is only possible if key principles are observed — legality, good faith, transparency, non-discrimination, personal data protection, and mandatory professional human oversight.

The Recommendations highlight the danger of violating academic integrity when using generative AI in the educational process. A common risk is so-called “hallucination” — the creation of plausible but false content, which can mislead students. They also note the risks of breaching confidentiality if students or lecturers use open AI systems to process personal or sensitive data.

A positive step for the academic sphere is the proposed approach to user awareness: before using AI, a student or lecturer must be informed about the conditions of its use, the risks, and the methods for controlling the input and output of data. The document also supports the idea of establishing internal policies on AI use within higher education institutions, which would help regulate academic standards and protect the rights of participants in the educational process.

Special attention is paid to ethical aspects: legal professionals and educators should avoid developing dependence on AI, ensure verification of results, respect authorship, and declare the use of AI when it is applied in academic work.

It is important to adopt a comprehensive approach to the integration of AI in legal education that ensures the training of competitive legal professionals for the modern digital era.

Recommendations

1. Ensure full transparency of the USQE by publishing examination materials after the completion of testing, granting students access to their own responses for error analysis and adequate preparation for a possible retake, and introducing a feedback mechanism to adjust educational programmes in accordance with identified shortcomings.
2. Continue the practice of maintaining high admission requirements, in particular by upholding the minimum competitive score of 150 for admission to legal specialties as an effective anti-corruption measure and a guarantee of a high-quality student cohort.
3. Improve legislation on academic integrity by refining the Draft Law “On Academic Integrity” to regulate the use of AI more comprehensively, extending its provisions to all aspects of the educational process, and developing mechanisms for detecting and preventing new forms of violations related to technological advancements.

¹⁶⁴¹ Recommendations on the Responsible Use of Artificial Intelligence for Legal Professionals.

4. For the effective integration of AI in legal education, it is necessary to introduce specialised academic courses such as "Legal Technologies and AI", "Critical Thinking" and "AI in Jurisprudence", and a course on the ethical and legal aspects of AI use. These subjects will equip law students with practical skills and critical understanding of working with AI in the legal context.
5. Instead of prohibiting the use of AI technologies, a comprehensive policy for their ethical use in the educational process of higher legal education institutions should be developed and implemented. Such a policy should include: declaring the use of AI in academic works; a clear distinction between tasks where the involvement of intelligent systems is appropriate or restricted, especially for junior students; prohibiting the input of personal and confidential data into open AI services; creating internal regulations on the permitted use of AI in the learning process; providing mandatory training for teachers and staff on the principles of ethical AI use; conducting regular risk assessments related to its application; implementing mechanisms for verifying academic texts generated with the help of AI; and initiating the development of a student code of ethical AI use aimed at fostering a culture of academic responsibility.

Fighting Corruption



The period from September 2024 to July 2025 was characterised by mixed trends in the field of combating corruption in Ukraine, with certain positive changes and persistent challenges in the work of anti-corruption institutions.

Positive developments include the large-scale recruitment of new staff by the National Anti-Corruption Bureau of Ukraine (NABU) and the Specialised Anti-Corruption Prosecutor's Office (SAPO), the approval of NABU's development strategy, and the start of work on SAPO's institutional development strategy. Some achievements include the adoption of a law that improved the procedure for concluding plea bargains in corruption cases, the formulation by the Supreme Court of important legal positions on the differentiation of official offences, as well as measures taken by NABU to enhance the level of information security. In addition, the first request of the High Anti-Corruption Court (HACC) for the enforcement of special confiscation is under consideration in Switzerland. While in October, the Cabinet of Ministers of Ukraine updated the State Anti-Corruption Programme for 2023–2025, retaining its key measures, its implementation is currently not reaching a satisfactory level.

At the same time, significant challenges persist that hinder effective anti-corruption efforts. By Law No. 4555-IX (Draft Law No. 12414), the institutional independence and autonomy of the SAPO and NABU were put at risk for 9 days. The adoption of this Law was accompanied by violations of democratic procedures and provoked a strongly negative reaction from both society and the international community. Although the harmful Law No. 4555-IX was almost entirely deactivated on 31 July 2025, certain of its provisions remain in force and may have negative consequences, as do the disputed provisions of Law No. 4560-IX.

The Verkhovna Rada of Ukraine has for a long time failed to improve the tools for responding to procedural abuses, resulting in an average case duration at the High Anti-Corruption Court (HACC) of 618 days — the highest figure since the court began its operation, with procedural abuses recorded in 55% of cases. The problem of effective confiscation of criminal assets continues to exist, and the instruments of "extended" confiscation require improvement with regard to the grounds for seizure of property. The situation has worsened concerning the dissemination of restricted-access information in NABU cases.

Critical problems remain the lack of quality forensic expertise for NABU, the retention in the Criminal Procedure Code of Ukraine of the provision on mandatory closure of criminal proceedings due to the expiry of pre-trial investigation deadlines, unsynchronised approaches to the compilation of statistical reporting across various institutions, and insufficient information on the implementation of HACC judgments on confiscated assets. Against the background of these problems, particular concern is caused by cases of suspects and defendants fleeing, as well as the growing number of cases at risk of closure due to expiration of limitation periods. Gaps also remain relevant in the effectiveness of electronic asset declaration, state funding of political parties, the whistleblower mechanism, lobbying, de-oligarchisation, corruption risk management, and monitoring of conflicts of interest and related anti-corruption requirements.

During the reporting period, new problems also emerged, primarily related to the ineffective second competitive selection of judges for the HACC and the Appeal Chamber of the HACC, which may lead to future judicial selections taking place without the participation of the Public Council of International Experts (PCIE). Concerns are also raised by the registration of a constitutional submission regarding the unconstitutionality of the participation in selection commissions for the heads and staff of anti-corruption bodies of members delegated by international organisations.

Track record

Progress and issues

The effectiveness of the work of NABU, SAPO, and HACC has generally increased each year. As of the end of 2024, 329 individuals were suspects and 1,275 were accused in NABU and SAPO cases¹⁶⁴². HACC delivered 256 verdicts since the beginning of its operations as of 2 April 2025¹⁶⁴³.

The performance indicators of NABU, SAPO, and HACC regarding the investigation and judicial consideration of corruption-related criminal proceedings remain high, and in certain areas, they achieved the largest increase ever recorded in 2024. In the same year, NABU and SAPO drew up and submitted indictments to HACC concerning the highest number of accused persons — 243¹⁶⁴⁴. By comparison, 233 individuals were accused in 2023, and 129 individuals each in 2022 and 2021. The number of suspects served with notices of suspicion also remained quite high in 2024 — 229. Although in 2024 there were 61 fewer notices of suspicion served compared to 2023, this figure remains significantly better compared to previous years¹⁶⁴⁵.

The average duration of the pre-trial investigation of criminal proceedings concluded with the submission of an indictment to the court in 2024 by the Bureau's detectives was approximately 13–14 months for cases related to the receipt/provision of undue benefit (Articles 368, 369, and 369² of the Criminal Code of Ukraine (CC of Ukraine)), and significantly longer — around 36–40 months — for cases concerning the appropriation or embezzlement of property, or its acquisition through abuse of office (Article 191 of the CC of Ukraine) and abuse of authority or office (Article 364 of the CC of Ukraine)¹⁶⁴⁶.

The consideration of top-level corruption-related criminal cases by the HACC from 2021 to 2024 shows an upward trend — each year, judges consider an increasing number of cases. The year 2024 reflects the highest performance results of the court to date, with 88 proceedings considered and 77 verdicts delivered. There is also a noticeable trend towards an increase in the number of verdicts rendered on the basis of plea agreements: 38¹⁶⁴⁷, in 2024, 27¹⁶⁴⁸, in 2023, 10¹⁶⁴⁹ in 2022, and 9¹⁶⁵⁰ in 2021. The Appeal Chamber of the High Anti-Corruption Court (AC HACC) reviewed 37 verdicts on appeal in 2024, of which 11 were overturned¹⁶⁵¹.

¹⁶⁴² Report on the Performance of the National Anti-Corruption Bureau of Ukraine for the Second Half of 2024. 2025.

¹⁶⁴³ Official website of the HACC First Instance.

¹⁶⁴⁴ Report on the Performance of the National Anti-Corruption Bureau of Ukraine for the Second Half of 2024. 2025.; Report on the Performance of the National Anti-Corruption Bureau of Ukraine for the First Half of 2024. 2024.

¹⁶⁴⁵ Conclusion of the COC on NABU's Report for the Second Half of 2023. 2024.

¹⁶⁴⁶ Letter from the National Anti-Corruption Bureau of Ukraine No. 112-299/10594 of 14.04.2025.

¹⁶⁴⁷ Report of the High Anti-Corruption Court on the Timeliness of Case Consideration for 2024. 2025.

¹⁶⁴⁸ Report of the High Anti-Corruption Court on the Timeliness of Case Consideration for 2023. 2024.

¹⁶⁴⁹ Report of the High Anti-Corruption Court on the Timeliness of Case Consideration for 2022. 2023.

¹⁶⁵⁰ Report of the High Anti-Corruption Court on the Timeliness of Case Consideration for 2021. 2022.

¹⁶⁵¹ Report of the Appeal Chamber of the HACC on the Consideration of Appeals in Criminal Proceedings for 2024. 2025.

The practice of special confiscation of criminal assets obtained as a result of corruption and corruption-related criminal offences requires improvement, due to the poor quality of the tracing and identification of such assets, as well as the low effectiveness of the direct enforcement of confiscation verdicts. The amounts of damages established by NABU and SAPO continue to significantly exceed the amounts of criminal assets confiscated. Thus, as of 2024, with established damages amounting to UAH 63.4 billion¹⁶⁵², only UAH 0.53 billion was confiscated through special confiscation under HACC decisions¹⁶⁵³. According to NABU data, only UAH 823.4 million¹⁶⁵⁴ was compensated in 2024, compared to UAH 3.39 billion¹⁶⁵⁵ in 2023, UAH 1.99 billion¹⁶⁵⁶ in 2022, and UAH 1.95 billion¹⁶⁵⁷ in 2021.

Each year, the workload of NABU, SAPO, and HACC increases along with the complexity and scale of the cases. Serious challenges are posed by problems such as the ineffective detection, tracing, seizure, and confiscation of criminal assets; frequent absconding by suspects in corruption cases from investigation and trial; the overburdening of HACC due to unfilled judicial vacancies; and the delaying of proceedings by participants in criminal proceedings. These and other problems will be described in detail in other parts of the report.

Strategic approaches are being developed to comprehensively address the problems in the activities of the bodies within the anti-corruption segment of the criminal justice system. The NABU continued to operate without an up-to-date strategy, as the previous one was designed for the period 2021–2023¹⁶⁵⁸. On December 4, 2023, the NABU set up a working group to develop a relevant strategic document for the next period¹⁶⁵⁹. On March 4, 2025, the National Bureau approved the NABU Development Strategy for 2025–2030¹⁶⁶⁰. In the context of progress, it is also worth noting the introduction of the prioritisation of the investigation of criminal proceedings aimed at detecting corruption among top officials, corruption in sectors sensitive to the country, and corruption leading to significant losses. The second component is the focus on ongoing corruption schemes, where they are disrupted in real time rather than retrospectively¹⁶⁶¹.

The institutional autonomy of **SAPO**, strengthened on 21 March 2024, also requires the development of a strategy for institutional growth. At present, such a document is begin-

1652 Annexes to the Report on the Performance of the National Anti-Corruption Bureau of Ukraine for the Second Half of 2024. 2025.

1653 HACC statistical reports on the administration of justice. High Anti-Corruption Court.

1654 Report on the Performance of the National Anti-Corruption Bureau of Ukraine for the Second Half of 2024.; Report on the Performance of the National Anti-Corruption Bureau of Ukraine for the First Half of 2024.

1655 Report on the Performance of the National Anti-Corruption Bureau of Ukraine for the Second Half of 2023.; Report on the Performance of the National Anti-Corruption Bureau of Ukraine for the First Half of 2023.

1656 Report on the Performance of the National Anti-Corruption Bureau of Ukraine for the Second Half of 2022.; Report on the Performance of the National Anti-Corruption Bureau of Ukraine for the First Half of 2022.

1657 Report on the Performance of the National Anti-Corruption Bureau of Ukraine for the Second Half of 2021.; Report on the Performance of the National Anti-Corruption Bureau of Ukraine for the First Half of 2021.

1658 NABU Development Strategy for 2021–2023. National Anti-Corruption Bureau of Ukraine.

1659 On the Approval of the Composition of the Working Group on the Development of the NABU Institutional Development Strategy for 2024–2030: Order of the National Anti-Corruption Bureau of Ukraine No. 276-A of 04.12.2023.

1660 Letter from the National Anti-Corruption Bureau of Ukraine No. 112-299/10594 of 14.04.2025. NABU Development Strategy for 2025-2030. National Anti-Corruption Bureau of Ukraine.

1661 A Year of Results and Transformations. What NABU Will Do in 2025. Ukrainska Pravda.

ning to be developed with the support of the European Union Anti-Corruption Initiative in Ukraine (EUACI), which announced a tender on 7 January 2025 for the development of a strategy covering the approximate period 2025–2027¹⁶⁶².

Certain experts have noted that although the approval of the strategy of the Prosecutor General's Office (PGO) is currently "on hold," the development of a separate strategy for SAPO as a specialised body may be underway. However, questions arise regarding the extent to which they should be aligned with one another¹⁶⁶³.

HACC still lacks its own formalised developments regarding the challenges, threats, and opportunities in its work, as well as strategic goals and mechanisms for their implementation in an organisational development strategy. The Accounting Chamber noted in its report that the absence of an approved development strategy for HACC makes it impossible to determine long-term priorities and to respond to current challenges; strategic planning, on the other hand, would enable the clear definition of development priorities and the effective allocation of resources¹⁶⁶⁴. According to HACC, the development and approval of such a strategy is expected to take place by 1 December 2025¹⁶⁶⁵.

At the same time, on 25–26 April 2025, the HACC held a strategic session aimed at developing a strategic vision for the institution's development in the coming years¹⁶⁶⁶. The Rule of Law Roadmap identifies among its measures the continuous implementation of a comprehensive strategy to ensure the effective consideration of cases by this court, the gradual reduction of case consideration timeframes, and the decrease of the number of pending cases, with a deadline set for the second quarter of 2026¹⁶⁶⁷.

Regarding the **analytical function**, which could serve as the basis for the development of high-quality strategic documents, Ukrainian legislation establishes the obligation of anti-corruption bodies to maintain records, analyse statistical data on their activities, and summarise the practice of applying anti-corruption legislation to enhance the effectiveness of combating corruption.

Such measures are important to enable the development and implementation of evidence-based policymaking, which is ensured through the collection and analysis of data. The European Commission highlighted the problem in implementing such an approach, indicating that the capacity for evidence-based policymaking remains insufficient, and that the quality of explanatory notes and impact assessments accompanying legislative proposals is low and requires improvement¹⁶⁶⁸.

In accordance with the provisions of the current legislation, NABU reports on its activities in the manner prescribed by the Law of Ukraine "On the National Anti-Corruption Bureau

1662 Local Expert on National Law for the Development of the Institutional Strategy for the Specialized Anti-Corruption Prosecutor's Office of Ukraine. European Union Anti-Corruption Initiative in Ukraine. 2025.

1663 Information provided by Y. Krapyvin during an interview conducted on 21.03.2025.

1664 Compliance Audit Report: "Ensuring the Functioning of the High Anti-Corruption Court": Decision of the Accounting Chamber No. 58-2 of 19.12.2024.

1665 Letter from the High Anti-Corruption Court No. 03.11-06/63/2025 of 02.04.2025.

1666 Publication of the EU Anti-Corruption Initiative on the social network Facebook. 2025.

1667 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the Accession Process to the EU": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

1668 Ukraine 2024 Progress Report within the European Union Enlargement Package.

of Ukraine” and informs the public about the results of its work. At the same time, the descriptive part of the report contains summaries and analyses of NABU's activities to the extent that can be made public and is published on the official website of the Bureau and in nationwide printed media. While NABU's structural units systematically summarise and analyse information on the results of their activities, part of this information is included in public reports, while the rest constitutes information with restricted access and, in accordance with Article 6 of Law of Ukraine "On Access to Public Information", is not subject to dissemination¹⁶⁶⁹.

At the same time, the capabilities of the “iCase” system can allow for the timely tracking of analytical information on the state of pre-trial investigations of criminal proceedings and its use for the formulation of evidence-based policies, strategies, and legislative proposals. The Rule of Law Roadmap identifies among its measures the introduction of a system for collecting and analysing statistical data on pre-trial investigations and court decisions regarding corruption offences, including indictments, court cases, arrests, confiscations, and the application of anti-corruption preventive measures, as well as on criminal-law measures applied to legal entities for corruption offences and bribery¹⁶⁷⁰. This measure is to be implemented by the fourth quarter of 2026.

SAPO provides statistical reports under Form No. P “Report on the Work of Prosecutor's Offices” annually. At the same time, pursuant to Part 2 of Article 6 of the Law of Ukraine “On the Public Prosecutor's Office”¹⁶⁷¹, the Prosecutor General annually, by 1 April, submits to the Verkhovna Rada of Ukraine (Verkhovna Rada, Parliament) a report on the activities of the prosecution service for the previous year, which includes information on the activities of SAPO¹⁶⁷².

The **National Agency on Corruption Prevention (NACP, Agency)** consolidates and analyses statistical data on the results of the work of anti-corruption bodies based on the Law of Ukraine “On the Principles of State Anti-Corruption Policy for 2021–2025”¹⁶⁷³ and Article 18³ of the Law of Ukraine “On the Prevention of Corruption”¹⁶⁷⁴, receiving annually by 15 February detailed information from specially authorised entities (NABU, HACC, PGO, and others) according to approved forms, which, after summarisation and visualisation, is published by 15 April in the Information System for Monitoring the Implementation of State Anti-Corruption Policy (ISM SAP)¹⁶⁷⁵, presenting structured data on recovered funds, awarded amounts, confiscated property, the number of persons prosecuted, and other indicators of anti-corruption efforts¹⁶⁷⁶.

As a result of the analysis and summarisation of the **HACC's** judicial practice, a comprehensive package of analytical documents has been formed, which includes analyses of

1669 Letter from the National Anti-Corruption Bureau of Ukraine No. 112-299/7980 of 20.03.2025.

1670 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 “Fundamentals of the Accession Process to the EU”: Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

1671 On the Public Prosecutor's Office: Law of Ukraine No. 1697-VII of 14.10.2014.

1672 Letter from the Specialised Anti-Corruption Prosecutor's Office No. 27/3-429vykh25 of 12.03.2025.

1673 On the Principles of the State Anti-Corruption Policy for 2021–2025: Law of Ukraine No. 2322-IX of 20.06.2022.

1674 On Preventing Corruption: Law of Ukraine No. 1700-VII of 14.10.2014.

1675 Statistical Information. Information System for Monitoring the Implementation of the State Anti-Corruption Policy.

1676 Letter from the National Agency on Corruption Prevention No. 92-02/19345-25 of 06.03.2025.

the administration of justice by HACC as a first-instance court for 2023 and 2024, an analysis of AC HACC decisions overturned by the cassation instance for 2023, reports of the AC HACC on the consideration of court cases and appeals in criminal proceedings for 2023–2024, key performance indicators of the Appeal Chamber for the same period, as well as documents regarding the state of the administration of justice for 2023 and summaries of the practice of reviewing decisions of investigating judges in cases concerning complaints against decisions to close criminal proceedings¹⁶⁷⁷.

Despite the fact that HACC possesses the largest and most comprehensive publicly available analytical information base, the actual performance of the summarisation of judicial practice remains in question, although HACC is vested with such powers under its specialised law, as is the Supreme Court (SC)¹⁶⁷⁸. It is also concerning that, following amendments to the State Anti-Corruption Programme (SAP)¹⁶⁷⁹, the executor of the measure concerning the annual preparation of summaries of HACC's judicial practice became not HACC itself, but the NACP¹⁶⁸⁰. This may be due to the fact that HACC lacks sufficient resources to carry out such annual summarisation and indicate the need to strengthen the analytical capacity of the institution concerned.

Recommendations

1. All anti-corruption bodies should complete the development and updating of strategic development documents (for NABU — considering the results of the external audit; for SAPO — considering the specifics of its activities within the prosecution system; for HACC — formalising its own developments)¹⁶⁸¹.
2. Develop a system for assessing the effectiveness of the activities of anti-corruption bodies, focusing not only on quantitative indicators of investigations and cases submitted to court but also on qualitative results — actual recovery of damages and confiscation of criminal assets¹⁶⁸².
3. Improve the collection, analysis, and use of statistical data for the development of state policy and legislative proposals. Develop a system for monitoring criminal proceedings with the tracking of investigation durations, reasons for delays, and grounds for case closures.
4. Strengthen the analytical capacity of HACC for the independent summarisation of judicial practice.

¹⁶⁷⁷ Letter from the High Anti-Corruption Court No. 03.11-06/42/2025 of 07.03.2025.

¹⁶⁷⁸ On the High Anti-Corruption Court: Law of Ukraine No. 2447-VIII of 07.06.2018, Part 1, Article 4.; On the Judiciary and the Status of Judges: Law of Ukraine No. 1402-VIII of 02.06.2016, Part 2, Article 36.

¹⁶⁷⁹ On the Approval of the State Anti-Corruption Programme for 2023–2025: Resolution of the Cabinet of Ministers of Ukraine No. 220 of 04.03.2023.

¹⁶⁸⁰ On Amendments to the State Anti-Corruption Programme for 2023–2025: Resolution of the Cabinet of Ministers of Ukraine No. 1194 of 18.10.2024.

¹⁶⁸¹ The recommendation previously provided by civil society in the Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission's Report on Ukraine in 2023 (p. 242) remains relevant but has been further refined, taking into account the progress achieved.

¹⁶⁸² Ibid, the recommendation previously provided by civil society remains relevant but has been further refined, taking into account the progress achieved (p. 242).

5. Introduce a system for evaluating the effectiveness of the enforcement of HACC verdicts regarding the confiscation of property and recovery of damages, including the public communication of the execution of court decisions.

Investigation of Corruption Cases by the National Police of Ukraine, the State Bureau of Investigation, and the Economic Security Bureau of Ukraine

Progress and issues

The analysis of the work of pre-trial investigation bodies in corruption cases for 2022–2024 demonstrates a downward trend in performance indicators. The number of recorded offences under the section “Criminal Offences in the Sphere of Official Activity and Professional Activity Related to the Provision of Public Services” decreased from 16,820 in 2022 to 14,820 in 2023 and to 11,617 in 2024. At the same time, the number of cases in which a notice of suspicion was served also declined from 7,682 in 2022 to 6,048 in 2023 and to 4,355 in 2024. Particular concern is caused by the consistently high number of proceedings without a decision at the end of the reporting period (10,638 in 2022, 9,885 in 2023, and 8,066 in 2024) and the increasing share of closed cases (3,248 in 2022, 4,160 in 2023, and 3,551 in 2024). Even in cases where a notice of suspicion was served, a decrease is observed in the number of cases submitted to court — from 6,094 in 2022 to 4,760 in 2023 and to 3,262 in 2024¹⁶⁸³.

At the same time, problems should be noted concerning the quality or the differing methodologies of collecting statistical information, as reflected in the reports of the PGO and the semi-annual reports of NABU. According to NABU's reports, there were 64 indictments in the first half of 2024 and 49 in the second half, totalling 113 for the year. However, according to the PGO report, indictments were submitted by NABU in only 20 criminal offences¹⁶⁸⁴. This makes an effective comparative analysis of the performance results of the relevant bodies impossible.

In terms of the capacity of the **National Police of Ukraine** (NPU) to investigate corruption cases, the analysis of the information provided upon request shows that the NPU has established a specialisation for the investigation of corruption offences — corresponding units operate within the investigative departments of the Main Departments of the National Police and a separate department functions within the Main Investigation Department. Regular anti-corruption training is conducted, which was completed by 946 investigators in 2024 (out of a total of 10,100 personnel). However, the effectiveness of this system is questionable due to staffing problems — there are 1,700 vacant positions (14% of the staff), and disciplinary sanctions were applied to 4,030 employees of investigative units (approximately 40%)¹⁶⁸⁵.

¹⁶⁸³ Unified Report on Criminal Offences for January–December 2022. Prosecutor General's Office.; Unified Report on Criminal Offences for January–December 2023. Prosecutor General's Office.; Unified Report on Criminal Offences for January–December 2024. Prosecutor General's Office.

¹⁶⁸⁴ Unified Report on Criminal Offences for January–December 2024. Prosecutor General's Office.; Report on the Performance of the National Anti-Corruption Bureau of Ukraine for the Second Half of 2024.; Report on the Performance of the National Anti-Corruption Bureau of Ukraine for the First Half of 2024.

¹⁶⁸⁵ Letter from the Main Investigation Department of the National Police of Ukraine No. 444962025 of 25.03.2025.

The effectiveness of the investigation of corruption crimes, particularly serious crimes, remains low. Statistics show that out of 2,299 registered serious crimes, only 440 cases (19.1%) were submitted to court. Most of the investigated cases — 9,366 instances (78.1% out of a total of 11,993) — concern non-serious crimes, which may indicate a concentration of efforts on less complex cases. At the same time, NABU's investigated cases are focused on complex and large-scale corruption schemes, with statistics showing that in 70.7% (395 cases) they concerned serious or especially serious crimes, and only in 29.3% (164 cases) non-serious crimes and misdemeanours¹⁶⁸⁶. Concern is raised by the absence of analytical accounting and monitoring of the results of corruption investigations — the Main Investigation Department officially acknowledges that “information regarding the investigation of corruption-related criminal offences, instances of their transfer under investigative jurisdiction to NABU, the amount of established and recovered damages is not summarized”¹⁶⁸⁷.

Based on statistical data on specific types of criminal offences, it can be determined that NPU investigators most often investigate the following: official forgery (Article 366) — 5,075 cases; acceptance of an offer, promise, or receipt of an undue benefit by an official (Article 368) — 811 cases; abuse of authority or office (Article 364) — 1,518 cases; and official negligence (Article 367) — 1,233 cases. In comparison, the offences most frequently investigated by NABU are: acceptance of an offer, promise, or receipt of an undue benefit by an official (Article 368) — 93 cases; misappropriation, embezzlement of property or acquisition of it by abuse of office (Article 191) — 89 cases; abuse of authority or office (Article 364) — 74 cases; and submission of false information in declarations (Article 366²) — 61 cases. In terms of the NPU effectiveness, the highest number of indictments submitted to court concern Article 366 (official forgery) — 3,145 cases (62% of the 5,075 registered), and Article 368 (acceptance of an undue benefit) — 214 cases (26.4% of the 811 registered). Statistics also show that for Article 367 (official negligence), 233 cases were submitted to court (18.9% of the 1,233 registered), and for Article 364 (abuse of authority), 121 cases (8% of the 1,518 registered)¹⁶⁸⁸.

When analysing the statistics on the investigation of criminal offences by the **Economic Security Bureau of Ukraine** (ESBU), significant differences compared to the indicators of the National Police can be observed. According to the statistics, ESBU investigates significantly fewer cases in the sphere of official activity — only 190 cases, which accounts for about 1.6% of the number investigated by the National Police (11,993 cases). The structure of ESBU investigations is concentrated on several main articles: abuse of authority or office (Article 364) — 93 cases; official forgery (Article 366) — 80 cases; and official negligence (Article 367) — 12 cases. In terms of effectiveness, ESBU demonstrates somewhat higher rates of cases submitted to court: under Article 364, 25 cases were submitted to court (26.9% of the 93 registered), under Article 366 — 29 cases (36.3% of the 80 registered), and under Article 367 — 3 cases (25% of the 12 registered). For all categories of official criminal offences, ESBU submitted 57 cases out of 190 registered (30%), whereas the NPU submitted 5,608 out of 11,993 (46.8%)¹⁶⁸⁹.

1686 Unified Report on Criminal Offences for January–December 2024. Prosecutor General's Office.

1687 Letter from the Main Investigation Department of the National Police of Ukraine No. 444962025 of 25.03.2025.

1688 Unified Report on Criminal Offences for January–December 2024. Prosecutor General's Office.

1689 Ibid.

It should be noted that, as a specialised body, ESBU has a significantly narrower focus of work and a smaller number of cases, which theoretically should allow for their more thorough investigation. However, the percentage of cases submitted to court is lower than that of the NPU, which may indicate either the greater complexity of the cases investigated by ESBU or the insufficient experience and efficiency of this relatively new body.

At the same time, attention should be paid to the discrepancy between the statistical data collected by the PGO and the information indicated in the ESBU report for 2024. The latter document states that ESBU detectives investigated 660 criminal offences in the sphere of official activity and professional activity related to the provision of public services¹⁶⁹⁰. This is 470 more than indicated in the above-mentioned ESBU statistics.

According to ESBU information, in 2024, ESBU detectives completed pre-trial investigations and submitted 35 criminal proceedings to court with an indictment concerning 60 persons suspected of committing corruption-related offences. As of 1 January 2025, the approved staffing of the Main Detective Unit of ESBU was 175 positions, with an actual staffing of 147 persons and 28 vacant positions (16% vacancy rate). During 2024, four competitions were held to fill 22 vacant positions in the Main Detective Unit of ESBU. The ESBU Disciplinary Commission conducted 12 internal investigations regarding certified employees (detectives of the central office units and territorial offices), resulting in disciplinary sanctions being applied to four employees of the Main Detective Unit.

At the same time, in 2024, no training, retraining, or advanced training was conducted for ESBU employees holding special ranks and serving in detective units on the subject of the specifics of investigating corruption-related criminal offences and the methodology of their detection¹⁶⁹¹.

According to the statistics of the PGO, **the State Bureau of Investigation (SBI)** records a significant number of criminal offences in the sphere of official activity — 4,035 cases, accounting for approximately one-third of the number of cases investigated by the NPU (11,993 cases). The structure of SBI investigations shows a specific distribution: the highest number of cases is registered for abuse of power by a law enforcement officer (Article 365) — 1,159 cases; acceptance of an undue benefit (Article 368) — 662 cases; abuse of authority (Article 364) — 646 cases; and official forgery (Article 366) — 549 cases. A significant share is also made up of cases of official negligence (Article 367) — 639 cases. In terms of effectiveness, the SBI demonstrates the lowest rate of cases submitted to court among all law enforcement agencies: only 387 cases out of 4,035 registered (9.6%) were submitted to court. For specific articles, the effectiveness is also low: under Article 365, only 12 cases out of 1,159 were submitted to court (1%); under Article 364 — 40 out of 646 cases (6.2%); under Article 366 — 77 out of 549 cases (14%); and under Article 368 — 130 out of 662 cases (19.6%)¹⁶⁹².

Experts note that as long as the SBI remains the body responsible for investigating all military criminal offences without exception, its resources cannot be effectively focused on mid-level corruption, as originally intended (official offences, including corruption-related offences). According to official statistics, 98,300 criminal offences were recorded

¹⁶⁹⁰ Report on the Activities of the Economic Security Bureau for 2024.

¹⁶⁹¹ Letter from the Economic Security Bureau of Ukraine No. 3ПІ/34/0/13 of 09.04.2025.

¹⁶⁹² Unified Report on Criminal Offences for January–December 2024. Prosecutor General's Office.

in 2024, of which 89,100 were criminal offences against the established procedure for military service (military criminal offences)¹⁶⁹³.

Such performance should align with the SBI's public communications, which reported that in 2024, 455 indictments for corruption-related offences were submitted to court, resulting in 89 criminal proceedings ending in convictions. During the reporting period, damages of approximately UAH 1.99 billion were established in completed corruption proceedings, of which only UAH 119.1 million were recovered. In the budgetary system, damages amounting to UAH 3.72 billion were established, of which UAH 277.8 million were recovered. It is important to note that the SBI does not maintain a separate record of the number of criminal proceedings initiated under corruption-related offence articles in 2024, nor is there information available on the interaction of SBI investigative units with other law enforcement agencies regarding the investigation of corruption cases¹⁶⁹⁴.

Despite providing detailed justification of the public interest, the SBI refused to provide the requested information regarding the staffing levels and specialisation of units responsible for investigating corruption offences, citing service information with restricted access and the protection of the interests of SBI employees. Regarding staffing matters, it is reported that during 2024, 156 competitions were announced to fill 239 vacant positions, resulting in 233 winners being determined. The Internal Control Unit completed 31 internal investigations concerning SBI employees, resulting in the dismissal of one employee, reprimands issued to two employees, and warnings issued to four employees¹⁶⁹⁵.

These results of the pre-trial investigation bodies do not fully align with the outcomes of the judicial consideration of the corresponding category of criminal cases. Judicial consideration is key in the investigation of corruption cases, as its outcomes allow for the assessment of the effectiveness of the work of pre-trial investigation bodies and the prosecution service. Statistics for 2022–2024 demonstrate a steady increase in the number of proceedings considered in the sphere of official activity (from 2,394 to 3,209), as well as an increase in the number of verdicts delivered (from 1,562 to 2,188). However, more than half of all verdicts (1,115 out of 2,188 in 2024) are still rendered based on plea agreements, which may indicate insufficient readiness of the prosecution to pursue full trials. Particular concern is raised by the consistently high level of closed proceedings (1,036 cases or 32% in 2024) and the higher-than-average level of acquittals (196 persons or 6.1% in 2024), indicating systemic problems in the formation of the evidence base and the preparation of case materials. Such indicators require detailed analysis of the reasons for the closure of proceedings and acquittals¹⁶⁹⁶.

The analysis of the results of appellate review of corruption cases demonstrates, that over 2022–2024, the percentage of verdicts that remained unchanged has steadily declined: from 55% (157 out of 283) in 2022 to 46% (175 out of 384) in 2023, and to 42% (136 out of 327) in 2024. Particularly low is the “stability” of verdicts in bribery cases — only 39% (33 out of 85) of verdicts under Article 368 of the CC of Ukraine (receipt of an

¹⁶⁹³ Information provided by Y. Krapyvin during an interview conducted on 21.03.2025.

¹⁶⁹⁴ Letter from the State Bureau of Investigation No. 371П11/10-13-06-391/25 of 04.04.2025.

¹⁶⁹⁵ Ibid.

¹⁶⁹⁶ No. 1-k: Report of first-instance courts on the consideration of materials in criminal proceedings for 2022.; No. 1-k: Report of first-instance courts on the consideration of materials in criminal proceedings for 2023.; No. 1-k: Report of first-instance courts on the consideration of materials in criminal proceedings for 2024.

undue benefit) and 37% (19 out of 51) under Article 369 of the CC of Ukraine (provision of an undue benefit) remained unchanged in 2024¹⁶⁹⁷.

Recommendations

1. Implement a unified methodology for the collection and analysis of statistical data with monitoring of the results of investigations of corruption and corruption-related criminal offences by all law enforcement agencies and by the prosecution service, including the tracking of reasons for the closure of proceedings, the annulment of verdicts, and the recording of recovered damages.
2. Strengthen the specialisation and professional training of investigators in the field of investigating corruption and corruption-related criminal offences.
3. The PGO should introduce a comprehensive analysis of the systemic causes of the low effectiveness of case referrals to court and the high share of closed proceedings, investigated by the NPU, SBI and ESBUE.

Institutional Framework

Guarantees of Independence of Anti-Corruption Bodies

Progress and issues

The procedure for selecting the heads of anti-corruption bodies did not undergo significant changes during the year. This means that the problematic issue remains the political leadership's discretion in choosing a particular candidate from among three (in the case of NABU) or two (in the case of SAPO) proposed by the selection commissions.

On 22 July 2025, the independence of the SAPO and NABU was put at risk, since, in violation of the Rules of Procedure of the Verkhovna Rada¹⁶⁹⁸, MPs completely altered the content of Draft Law No. 12414¹⁶⁹⁹, adopted at first reading, and introduced amendments which:

- made the Prosecutor General the *de facto* head of the SAPO, thereby nullifying the role of its Head;
- allowed the Prosecutor General to independently close cases against top officials;
- abolished the prohibition on removing cases from NABU and gave the Prosecutor General the possibility to transfer them to other bodies;

1697 No. 2-k: Report of appellate courts on the consideration of appeals in criminal proceedings for 2022.; No. 2-k: Report of appellate courts on the consideration of appeals in criminal proceedings for 2024.; No. 2-k: Report of appellate courts on the consideration of appeals in criminal proceedings for 2024.

1698 Rules of Procedure of the Verkhovna Rada of Ukraine: Law of Ukraine No. 1861-VI of 10.02.2010.

1699 On Amendments to the Criminal Procedure Code of Ukraine Regarding the Specifics of Pre-Trial Investigation of Criminal Offences Related to the Disappearance of Persons under Special Circumstances under Martial Law: Draft Law of Ukraine, registration No. 12414 of 16.01.2025.

- obliged NABU/SAPO to coordinate with the Prosecutor General notifications of suspicion to top officials;
- made binding the instructions of the Prosecutor General regarding NABU investigations;
- prohibited “urgent” searches in corruption cases before the adoption of an investigative judge’s ruling granting authorisation;
- allowed prosecutors to be hired in the PGO and regional prosecutor’s offices without competition.

On the eve of the registration in Parliament of the respective amendments, more than 70 searches were carried out against NABU employees without authorising court rulings, and 5 employees received notifications of suspicion: 3 in connection with traffic accidents, one in connection with treason, and one in connection with aiding the aggressor state. Preventive measures were applied to all of them. At the same time, the SSU launched a review of the SAPO’s security clearances for access to state secrets. Civil society assessed these coordinated actions as an attempt to undermine the independence of the anti-corruption bodies created after the Revolution of Dignity and to use forceful methods to obtain information and influence investigations concerning top officials¹⁷⁰⁰.

Despite civil society’s calls on Parliament not to adopt Draft Law No. 12414, MPs passed Law No. 4555-IX¹⁷⁰¹. Peaceful protests and statements by civil society organisations did not persuade the President of Ukraine (the President) to veto the law, and already on 23 July Law No. 4555-IX entered into force.

On 24 July 2025, in response to public outcry and peaceful demonstrations, two draft laws were registered in Parliament. Draft Law No. 13531, submitted by several MPs, in effect proposed to repeal all harmful amendments introduced by Law No. 4555-IX. The presidential Draft Law No. 13533 proposed restoring all guarantees to NABU and SAPO, while at the same time introducing an obligation for employees, including NABU staff, to undergo a polygraph test every two years, providing for a one-time vetting of employees, including NABU staff, by the SSU, as well as retaining the non-competitive recruitment procedure for the PGO and regional prosecutor’s offices.

On 31 July 2025, Parliament supported the presidential Draft Law No. 13533, which restored the independence previously taken away from NABU and SAPO. At the same time, concerns remain that the use of polygraph testing for NABU employees may have unpredictable consequences in practice, and that the appointment of prosecutors to the PGO and regional prosecutor’s offices is now possible on a non-competitive basis¹⁷⁰². On the same day, the President signed the adopted Law No. 4560-IX.

The independence of anti-corruption bodies is also determined by the quality of the organisation of competitive selection procedures. It may be affected by the independence of the court that will hear cases related to the appeal of the competition procedure. Thus,

1700 Statement on the Intent to Dismantle Ukraine’s Anti-Corruption System. Transparency International Ukraine. 2025.

1701 On Amendments to the Criminal Procedure Code of Ukraine Regarding the Specifics of Pre-Trial Investigation of Criminal Offences Related to the Disappearance of Persons under Special Circumstances During Martial Law: Law of Ukraine No. 4555-IX of 22.07.2025.

1702 Restoring NABU and SAPO Independence: Analysis of Presidential Draft Law 13533. Transparency International Ukraine. 2025.

one of the structural benchmarks of the International Monetary Fund (IMF)¹⁷⁰³ was the adoption of a law on the establishment of a new administrative court to replace the dissolved District Administrative Court of Kyiv (DACK). As indicated by the IMF, this measure is aimed at ensuring the independent, competent, and objective consideration of administrative cases against the National Bank of Ukraine (NBU), NABU, NACP, and other national state bodies¹⁷⁰⁴. Specifically, this concerned the appeals against decisions of selection commissions in the procedure for appointing the heads of anti-corruption bodies.

The adoption of the draft law was initially scheduled to take place by July 2024. Subsequently, the deadline for fulfilling this structural benchmark was postponed to the end of the year.

In November 2024, three draft laws on the establishment of a higher court to consider cases involving national bodies were registered in Parliament. The submitters of the draft laws were Members of Parliament (No. 12206¹⁷⁰⁵, No. 12206-2¹⁷⁰⁶) and the Cabinet of Ministers of Ukraine (Government) (No. 12206-1¹⁷⁰⁷). On 3 December 2024, Parliament rejected all three draft laws.

The condition regarding the adoption of the law was fulfilled on 26 February 2025. Parliament supported draft law No. 12368-1¹⁷⁰⁸ at second reading. It provides for the establishment of two courts — the Specialised District Administrative Court and the Specialised Administrative Court of Appeal. The court's jurisdiction includes cases concerning appeals against the decisions of selection commissions, which, among others, select the heads of the NACP, NABU, SAPO, and the National Agency of Ukraine for Finding, Tracing and Management of Assets Derived from Corruption and Other Crimes (ARMA), as well as decisions of commissions regarding the audit of NABU and SAPO. On 24 March 2025, the President signed Law No. 4264-IX¹⁷⁰⁹. On 19 May 2025, the President submitted the relevant initiative on the establishment of specialised courts — Draft Law No. 13302¹⁷¹⁰. Following the adoption of this draft law, the formation of these courts will be able to commence. This can be assessed as progress in the relevant measure.

1703 Ukraine: 2023 Article IV Consultation, Second Review Under the Extended Arrangement Under the Extended Fund Facility, and Requests for Modification of Performance Criteria and a Waiver of Nonobservance of Performance Criterion—Press Release; Staff Report; and Statement by the Executive Director for Ukraine.

1704 Ibid.

1705 On Amendments to the Law of Ukraine “On the Judiciary and the Status of Judges” and Certain Legislative Acts of Ukraine Regarding the Activities of the High Court for Public Law Disputes: Draft Law of Ukraine, registration No. 12206 of 14.11.2024.

1706 On Amendments to the Law of Ukraine “On the Judiciary and the Status of Judges” and Certain Legislative Acts of Ukraine Regarding the Activities of the High Administrative Court: Draft Law of Ukraine, registration No. 12206-2 of 28.11.2024.

1707 On Amendments to the Law of Ukraine “On the Judiciary and the Status of Judges” and Certain Legislative Acts of Ukraine Regarding the Activities of the High Specialised Administrative Court: Draft Law of Ukraine, registration No. 12206-1 of 22.11.2024.

1708 On Amendments to the Law of Ukraine “On the Judiciary and the Status of Judges” and Certain Other Legislative Acts of Ukraine Regarding the Establishment and Functioning of the Kyiv City District Administrative Court and the Kyiv City Administrative Court of Appeal: Draft Law of Ukraine, registration No. 12368-1 of 07.01.2025.

1709 On Amendments to the Law of Ukraine “On the Judiciary and the Status of Judges” and Certain Other Legislative Acts of Ukraine Regarding the Legal Foundations for the Establishment and Functioning of the Specialised District Administrative Court and the Specialised Administrative Court of Appeal: Law of Ukraine No. 4264-IX of 26.02.2025.

1710 On the Establishment of the Specialised District Administrative Court and the Specialised Administrative Court of Appeal: Draft Law of Ukraine, registration No. 13302 of 19.05.2025.

However, there were events that could potentially lead to serious regression. On 4 December 2024, Members of Parliament of Ukraine submitted a petition to the Constitutional Court of Ukraine (CCU) requesting the verification of the constitutionality of the participation of foreigners in the formation of state bodies. In particular, the petition¹⁷¹¹ indicated that the participation of international experts in the selection of HACC judges, and in the competitions for the positions of Director of NABU, Head of the NACP, and Head of SAPO, is accompanied by a number of negative aspects that could have serious consequences for sovereignty, independence, and citizens' trust in state bodies.

According to information from the CCU website, this petition has been assigned to a reporting judge, who submitted a request for recusal. Therefore, the consideration of the petition on the merits has not yet commenced¹⁷¹². The consideration of this petition and the CCU's decision following its review require monitoring, as they could have significant negative consequences for the selection procedures for these bodies.

Another aspect of the guarantees of independence is the clarity of the grounds for dismissal. This aspect is closely linked to the issue of external independent audits of bodies. In this context, the legislation governing the conduct of external independent audits of NABU, SAPO, and the NACP remains problematic¹⁷¹³. Specifically, it does not specify what consequences may apply to the head of an institution if the violations established by the commission relate to the former head.

At the same time, the criteria and methodology for the NABU audit specify that in the case of an "ineffective" assessment under any measurement of efficiency, the Commission will determine whether the ineffectiveness was caused by the improper performance of duties by the Director (meaning intentional or unintentional failure to perform official duties) or by the abuse of discretionary powers (that is, the use of powers beyond legal limits in a manner that no objective official would have chosen, or for improper motives). Only if the cause of ineffectiveness is due to external factors beyond the Director's control will no negative conclusions be drawn regarding their performance¹⁷¹⁴.

Thus, this legislative deficiency is addressed by the decision of the Commission conducting the external independent assessment (audit) of NABU's performance. It is necessary to ensure that the methodology remains consistent during future audits, except for those aspects which the Commission identifies as needing improvement following the current audit.

In addition, the provisions regulating the procedure for conducting the external independent audit of SAPO still lack requirements regarding the scope of the assessment and the deadlines for forming the Commission responsible for the assessment. There is only a reference to the procedure for forming the selection commission for SAPO leadership.

1711 Constitutional submission by Members of Parliament No. 04-03/08-2024271975 of 04.12.2024.

1712 Constitutional Court of Ukraine. Constitutional submissions.

1713 On the National Anti-Corruption Bureau of Ukraine: Law of Ukraine of 14.10.2014 No. 1698-VII, Article 26.; On the Public Prosecutor's Office: Law of Ukraine No. 1697-VII of 14.10.2014, Art. 8-1.; On Prevention of Corruption: Law of Ukraine No. 1700-VII of 14.10.2014, Article 14.

1714 Criteria and Methodology for the Evaluation. Commission for External Independent Evaluation (Audit) of the Effectiveness of the National Anti-Corruption Bureau of Ukraine of 18.11.2024.

In the area of disciplinary liability of representatives of anti-corruption bodies, the main focus was on the dismissal¹⁷¹⁵ of the First Deputy Director of NABU. According to NABU, the reason for the dismissal was the commission of a disciplinary offence — specifically, a violation of the Oath of a Civil Servant, the rules of ethical conduct for civil servants, the Law of Ukraine “On Civil Service”, and the NABU Employee Code of Ethics. However, according to journalists¹⁷¹⁶, correspondence between an adviser to the Office of the President of Ukraine (Office of the President) and officials from NABU, as well as correspondence with one of the suspects in the “Big Construction” case, contained information from a criminal proceeding.

This situation prompted a discussion about information leaks within NABU. The unlawful disclosure of information with restricted access constitutes grounds for disciplinary liability.

In December 2023, by order of the then-First Deputy Director of NABU, a working group was established to analyse internal processes, identify information leakage risks, and develop response measures. At the same time, NABU reported that by order of the Director of the National Bureau dated 8 August 2024, the Risk Register for Information Leakage or Disclosure was approved, which had been compiled based on the work of that same group. This appears to be a step towards addressing the problem of compliance with information secrecy protocols in the work of detectives¹⁷¹⁷. It is necessary to continue monitoring the effectiveness of the measures taken.

At the same time, Transparency International Ukraine has already drawn attention to the non-transparent nature of disciplinary proceedings — the conclusions of the disciplinary commission are not made public¹⁷¹⁸.

The absence of public communication by NABU regarding its response to violations of the presumption of innocence identified by HACC judges remains a relevant issue¹⁷¹⁹. According to HACC data, as of 2 April 2025, no further rulings of this kind had been issued¹⁷²⁰. In other words, the number of such cases has not increased.

There has been no significant progress in regulating the disciplinary liability of prosecutors. The recommendations to clarify the grounds for liability, as outlined in the GRECO report, remain unimplemented, as noted by the organisation itself¹⁷²¹. At the same time, the PGO has prepared a draft law that provides for the extension of the limitation period for disciplinary liability¹⁷²².

1715 By Order of the Director of NABU, the First Deputy Director dismissed. National Anti-Corruption Bureau of Ukraine. 2024.

1716 Leaks from NABU: who is the “mole”, screenshots of correspondence from the suspect and polygraph testing. Bihus Info. 2024.

1717 NABU Leaks Investigation: Legal Analysis. Transparency International Ukraine. 2024.

1718 Change in NABU Management — A Reaction, not a Solution to Leakage Problem. Transparency International Ukraine. 2024.

1719 Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s Report on Ukraine 2023, p. 230. 2024.

1720 Letter from the High Anti-Corruption Court No. 03.11-06/63/2025 of 02.04.2025.

1721 GRECO. Fourth evaluation round. Corruption prevention in respect of members of parliament, judges and prosecutors. Addendum to the second compliance report.

1722 GRECO Report: Progress of Ukraine in implementing anti-corruption recommendations for judges, prosecutors and parliamentarians (Ukrainian-language report). National Agency on Corruption Prevention. 2025.

The recommendation to clarify the grounds for the disciplinary liability of judges also remains unimplemented¹⁷²³. However, on 26 March 2025, Members of Parliament registered Draft Law No. 13137 on the improvement of disciplinary and other procedures, which aims to revise the grounds for the disciplinary liability of judges¹⁷²⁴. The explanatory note mentions the failure to implement the GRECO recommendation. The draft law proposes not only to clarify individual grounds for the disciplinary liability of judges, but also to specify the disciplinary sanctions that may be applied to judges, to introduce the concept of abuse of the right to file disciplinary complaints, to amend the regulation on the temporary suspension of a judge, to clarify the status of a separate ruling of a court in the context of disciplinary proceedings, and to define the moment when the decision of the disciplinary body enters into force. The draft law is currently being prepared for its first reading in Parliament.

In 2024, the High Council of Justice (HCJ) continued to consider disciplinary complaints against judges. On 23 December 2024, the HCJ also announced that the Service of Disciplinary Inspectors had commenced its work¹⁷²⁵.

Over the course of the year, the HCJ adopted several decisions to hold HACC judges disciplinarily liable. In one case, a judge, instead of considering a motion for detention within 72 hours, examined it for over three months and denied the motions, citing HACC's lack of jurisdiction, despite such rulings being overturned by the AC HACC¹⁷²⁶. In another case, a judge considered a case in the absence of the prosecutor and the suspect, despite a motion to postpone the hearing, thereby depriving the parties of their procedural rights¹⁷²⁷. In another case, the HCJ Chamber found that the investigating judge had not specified the names of the individuals with whom the suspect was prohibited from communicating during the application of the preventive measure¹⁷²⁸.

The HCJ also upheld the decision of the First Disciplinary Chamber of the HCJ to impose disciplinary liability on a panel of judges of the AC HACC¹⁷²⁹. The reason was the panel's consideration of a motion to change a preventive measure without the participation of the defence counsel and the suspect. The HCJ found that, after a recess was announced due to an air raid alert, the defence counsel had warned of a possible delay in returning to the courtroom and of their intention to participate in the debate. However, the panel of the AC HACC, after waiting 28 minutes following the end of the alert, concluded the hearing in their absence. The HCJ upheld the conclusion of the First Disciplinary Chamber

1723 Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's Report on Ukraine 2023, p. 232. 2024.

1724 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Legislative Acts of Ukraine Regarding the Improvement of Disciplinary and Other Procedures: Draft Law of Ukraine, registration No. 13137 of 26.03.2025.

1725 The Service of Disciplinary Inspectors of the High Council of Justice begins its work. High Council of Justice. 2024.

1726 On Disciplinary Action Against Judge O.V. Tkachenko of the High Anti-Corruption Court: Decision of the Second Disciplinary Chamber of the High Council of Justice No. 501/2dp/15-25 of 12.03.2025.

1727 On Disciplinary Action Against Judge Y.V. Shkodin of the High Anti-Corruption Court: Decision of the Second Disciplinary Chamber of the High Council of Justice No. 229/2dp/15-25 of 12.02.2025.

1728 On Bringing Judge of the High Anti-Corruption Court V. V. Maslov to Disciplinary Liability: Decision of the First Disciplinary Chamber of the High Council of Justice No. 1325/1dp/15-25 of 23.06.2025.

1729 On Upholding the Decision of the First Disciplinary Chamber of the High Council of Justice of 9 December 2024 No. 3569/1dp/15-24 on Disciplinary Action Against Judges S.B. Bodnar, V.I. Pankulych, and I.V. Panaid of the Appeal Chamber of the High Anti-Corruption Court: Decision of the High Council of Justice No. 520/0/15-25 of 13.03.2025.

of the HCJ that the judges failed to provide the defence with sufficient time to return to the courtroom after the air raid alert was lifted. This placed the defence in an unequal position compared to the other parties, which contradicts the principle of adversarial proceedings and equality of arms.

The analysed decisions of the HCJ on holding HACC judges disciplinarily liable do not contain signs of disciplinary proceedings being used as a means of pressure on judges.

The consideration by the HCJ of judges' notifications of interference in their activities remains a matter of debate — particularly regarding the effectiveness of this mechanism and the availability of information about it.

In 2024, the HCJ considered 238 notifications of interference submitted by judges. This year, the HCJ has already received eight notifications from HACC judges, two of which may concern the conduct of covert investigative or operational activities against judges or court staff¹⁷³⁰. Information on the completion of review is available for seven of them.

The HCJ systematically publishes the notifications themselves in the relevant register, along with the conclusions of HCJ members following the review and the decision of the body itself. The HCJ also publishes responses received from the PGO and other prosecution bodies. However, information on the actual consequences of appealing to the HCJ regarding interference is lacking, raising questions about the effectiveness of this mechanism.

Despite the corrections made to the errors introduced by Law No. 4555-IX, the issue of the limited autonomy of the Head of SAPO in certain matters also remains unresolved. In particular, the implementation of international cooperation measures falls solely within the competence of the Prosecutor General. Parliament has made several attempts to address this issue.

On 9 November 2024, Members of Parliament registered Draft Law No. 10242¹⁷³¹, which, among other things, proposed changes to SAPO's powers in the area of international legal assistance, including granting the Head of SAPO the authority to make decisions on extradition and the establishment of joint investigation teams. On 4 December 2024, the Verkhovna Rada sent the draft law for repeated second reading.

Subsequently, on 30 December 2024, the Government registered Draft Law No. 12367¹⁷³² to address several procedural issues in criminal proceedings. The development of this draft law took place in the context of Ukraine's fulfilment of its international obligations, in particular the structural benchmark under the Memorandum of Economic and Financial Policies with the IMF regarding the proper autonomy of SAPO¹⁷³³.

1730 Notification on Interference in the Administration of Justice by Judge of the High Anti-Corruption Court V. V. Maslov of 24.07.2025; Notification on Interference in the Administration of Justice by Judge of the High Anti-Corruption Court O. V. Fedorov of 25.05.2025.

1731 On Amendments to the Criminal Code of Ukraine Regarding Criminal Liability for Unauthorised Interference, Sale or Distribution of Information Processed in Public Electronic Registers, and Strengthening Criminal Liability During Martial Law for Offences in the Use of Information and Communication Systems: Draft Law of Ukraine, registration No. 10242 of 09.11.2023.

1732 On Amendments to the Criminal Procedure Code of Ukraine and the Law of Ukraine "On the Prosecutor's Office" Regarding the Removal of Obstacles for the Parties to Criminal Proceedings in Access to Justice: Draft Law of Ukraine, registration No. 12367 of 30.12.2024.

1733 The Government Proposes Partial Repeal of the "Lozovyi Amendments": Legal Analysis of Draft Law No. 12367. Transparency International Ukraine. 2025.

One of the proposals in the draft law is to grant SAPO the authority to establish joint investigation teams and to send extradition requests in NABU criminal proceedings. In essence, this is one of the first attempts to strengthen SAPO's capacity in this regard. The draft law has not reached the parliamentary hall for consideration and on 17 July 2025 was withdrawn and removed from consideration. At the same time, the alternative to the government draft law No. 12367-2¹⁷³⁴, which proposes to regulate these issues in an appropriate manner, remains relevant.

On 19 June 2025, the IMF adopted an updated Memorandum of Economic and Financial Policies, in which Ukraine commits to amending the Criminal Procedure Code of Ukraine (CPC of Ukraine) to enable the Prosecutor General to delegate to SAPO the management of extradition requests and mutual legal assistance in connection with the investigation of corruption offences¹⁷³⁵. The deadline for this measure is the end of July 2025.

At the same time, the issue of granting the Head of SAPO the authority to initiate criminal proceedings and to approve investigative actions concerning Members of Parliament remains unresolved and without any attempts at resolution. These problems have also not been included in the Rule of Law Roadmap¹⁷³⁶.

Recommendations

1. Amend the legislation to stipulate that, following the competitive selection process for the position of Head of NABU/SAPO, the selection commission shall select only one candidate and submit a nomination for appointment to the Prime Minister/Prosecutor General¹⁷³⁷.
2. Ensure the proper implementation of the Final and Transitional Provisions of Law No. 4560-IX regarding polygraph examinations and verification by the SSU, in particular of NABU and SAPO staff, so as to prevent any encroachment on their independence and the effectiveness of investigations into high-level corruption.
3. The consequences of negative conclusions from external independent audits of the activities of NABU, SAPO, and the NACP should be specified in relation to the heads of these bodies whose activities did not concern the periods during which shortcomings affecting effectiveness were identified¹⁷³⁸.
4. Strengthen the institutional autonomy of SAPO by granting the Head of SAPO the authority to initiate criminal proceedings and to approve investigative actions concerning Members of Parliament, as well as powers in the field of international

1734 On Amendments to the Criminal Procedure Code of Ukraine and the Law of Ukraine "On the Public Prosecutor's Office" to Remove Obstacles for the Parties to Criminal Proceedings in Access to Justice: Draft Law of Ukraine, registration No. 12367-2 of 14.01.2025.

1735 Ukraine: Eighth Seventh Review Under the Extended Arrangement Under the Extended Fund Facility, Requests for Modification of a Performance Criterion, Rephrasing of Access, and Financing Assurances Review-Press Release; Staff Report; and Statement by the Alternate Executive Director for Ukraine.

1736 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the Accession Process to the EU". Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

1737 The recommendation previously provided by civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's Report on Ukraine in 2023 (p. 219) remains relevant.

1738 Ibid, the previously provided recommendation remains relevant (p. 221).

cooperation (not only through amendments to the CPC of Ukraine, but also to the respective ratification laws on international treaties)¹⁷³⁹.

5. The results of measures taken in response to judges' notifications of interference in the administration of justice should be communicated by the HCJ to monitor their effectiveness¹⁷⁴⁰.
6. Ensure the effective protection of guarantees of independence of anti-corruption bodies in the context of the CCU's consideration of the constitutionality of international experts' participation in the formation of these bodies.
7. Develop comprehensive mechanisms to counter information leakage within anti-corruption bodies, including regular information security audits, rotation of access rights, and monitoring of abnormal user activity in information systems.
8. Specify certain grounds for the disciplinary liability of prosecutors and judges in accordance with GRECO recommendations, particularly by supporting and improving Draft Law No. 131377.

Human Resources

Progress and issues

On 2 April 2024, the **NABU** announced the launch of a large-scale recruitment campaign: between 2024 and 2026, it plans to increase its staff by 300 employees¹⁷⁴¹. In 2024, the goal was to recruit 100 additional employees, primarily detectives and analysts¹⁷⁴².

NABU noted that it had significantly optimised the application process for participating in the competition. In particular, the report for the first half of 2024 states that an online application form was introduced on NABU's website. The system reduces the response time for vacancies and digitises the entire process. It also stated that NABU had introduced enhanced integrity screening for candidates and online interviews for applicants for managerial positions¹⁷⁴³.

As of 1 January 2025, NABU's authorised staffing increased from 800 to 900 positions, although the actual number of employees remained unchanged — 681 positions. The number of vacant positions was 219 (119 vacancies as of 31 December 2024 and 100 new positions added as of 1 January 2025 in accordance with the Law of Ukraine "On the National Anti-Corruption Bureau of Ukraine"). In 2024, competitions were announced for the 100 newly created positions (90 for command staff and 10 for civil service positions), attracting 4,811 applicants — including 3,199 for detective positions and 386 for detective-analyst positions. As a result of the competitions, 94 individuals (31 women and 63 men) were appointed, with an average age of 33, including 43 detectives (10 women,

1739 Ibid, the previously submitted recommendation remains relevant but has been additionally clarified, taking into account the progress achieved (p. 224).

1740 Ibid, the previously submitted recommendation remains relevant (p. 224).

1741 Large-scale recruitment at the National Bureau has begun. National Anti-Corruption Bureau of Ukraine. 2024.

1742 Report. First Half-Year. National Anti-Corruption Bureau of Ukraine.

1743 Ibid.

33 men) and 6 detective-analysts (all men); as of 31 December 2024, another 6 successful candidates for detective/analyst positions were at the appointment stage, and 106 candidates were undergoing moral and professional suitability checks¹⁷⁴⁴.

At the same time, the issue of evaluating NABU detectives not only based on quantitative indicators remains relevant.

In September 2024, the NABU, by Order No. 163 of 27 September 2024, approved the Procedure for Evaluating the Performance Results of Detectives and Heads of Detective Units of the National Anti-Corruption Bureau of Ukraine¹⁷⁴⁵. The document states that the recalculation (reduction) of scores in reporting forms may be carried out retrospectively in cases of: detection of inaccurate information or errors in reporting; identification of artificial inflation of performance results for which points have already been awarded; or where an evaluation participant, through action or inaction, nullified a previously achieved result within an operational and investigative case or criminal proceeding, or caused the failure to achieve the intended goal of operational-investigative activity, investigative or covert investigative action.

The effectiveness of this Procedure requires further monitoring, particularly in terms of how it reflects in practice such aspects as: the cancellation of a detective's decisions by the SAPO prosecutors or investigating judges; the confirmation of violations by those actors; and the outcomes of judicial proceedings, particularly regarding the admissibility of evidence collected by the NABU detectives. However, overall, the system still relies primarily on quantitative indicators. Specific problems of qualitative assessment — for instance, related to acquittals due to insufficient or unlawfully collected evidence — are not purposefully addressed, as the evaluation system lacks specific mechanisms to assess the quality of investigations, the preparation of the evidentiary base, and the legality of evidence collection.

In 2025, the **SAPO** also plans to expand its staff — an open competition has been announced for 27 vacant positions. This is the first competition announced after the Verkhovna Rada adopted a law in December 2023 that strengthened the institutional autonomy of the body¹⁷⁴⁶.

Regarding the evaluation of prosecutors, available information¹⁷⁴⁷, indicates that, from 1 January 2026, the Regulation on the System for Evaluating the Quality of Prosecutors' Work will enter into force, as approved by Order No. 407 of the Prosecutor General dated 29 December 2021 (as amended)¹⁷⁴⁸. This order introduces a so-called "pilot" evaluation of the quality of prosecutors' work within the Department for the Protection of Children's Interests and Combating Domestic Violence of the PGO, the unit supervising compliance with the law by the Bureau of Economic Security of Ukraine, the Zhytomyr Regional

1744 Letter from the National Anti-Corruption Bureau of Ukraine No. 112-299/10594 of 14.04.2025.

1745 On the Approval of the Procedure for Assessing the Performance Results of Detectives and Heads of Detective Units of the National Anti-Corruption Bureau of Ukraine: Order of the National Anti-Corruption Bureau of Ukraine No. 163 of 27.09.2024.

1746 Selection of SAPO Prosecutors: Commission Announces Competition for 27 positions. Transparency International Ukraine. 2025.

1747 Measure 2.1.5.1.2. Introduction of a Prosecutor Performance Evaluation System Based on e-HR. Information System for Monitoring the Implementation of the State Anti-Corruption Policy.

1748 On the Approval of the Regulation on the Prosecutor Performance Evaluation System: Order of the Prosecutor General's Office No. 407 of 29.12.2021.

Prosecutor's Office, and the district prosecutor's offices in Zhytomyr region. By Order No. 317 of the Prosecutor General dated 24 December 2024, the aforementioned pilot evaluation of the quality of prosecutors' work was extended for 2025 in the Zakarpattia, Ivano-Frankivsk, and Kirovohrad Regional Prosecutor's Offices and their respective district prosecutor's offices¹⁷⁴⁹.

The evaluation process consists of the following stages: defining duties, self-assessment, evaluation by the immediate supervisor, agreement on directions for professional development, determination of evaluation results, and performance-based bonuses. The assessment is conducted on a defined scale and covers the fulfilment of administrative duties, service responsibilities, professional development, and levels of demonstrated competencies.

According to the website of the Verkhovna Rada, the relevant Regulation entered into force at the beginning of 2025, meaning that such a system should now be operational in all prosecution bodies. However, according to experts, the infrastructure for its effective implementation has not been established, and the prosecution service does not treat this system as operative¹⁷⁵⁰.

On 3 June 2025, the President appointed two new first-instance judges of the HACC¹⁷⁵¹, who on 13 March, within the framework of the **competition for 25 HACC judges**, successfully completed the qualification assessment¹⁷⁵². The completion of the HACC competition, announced on 23 November 2023, was one of the measures to implement the recommendations of the European Commission presented in the Ukraine 2024 Progress Report within the European Union Enlargement Package.

At the same time, no candidate for the position of judge of the AC HACC managed to reach the final stage of the competition. The competition for HACC judicial positions proved insufficiently effective, as it will allow for the filling of no more than 8% of the vacant positions. The reasons for this outcome include the excessively prolonged competition procedures, issues with the quality of legal and practical test tasks, the delayed adoption by Parliament of Draft Law No. 11425-d¹⁷⁵³ concerning the possible reduction of the 75% threshold for the cognitive abilities test, and the lack of transparency in the system for evaluating practical assignments by High Qualification Commission of Judges of Ukraine (HQCJ).

On 23 January 2025, the HQCJ announced the launch of a new competition for the AC HACC¹⁷⁵⁴, which is also to be followed by a competition for the remaining unfilled positions of first-instance judges at HACC. Transparency International Ukraine considered the HQCJ's decision to announce a new competition for the AC HACC premature, as a

1749 Measure 2.1.5.1.2. Introduction of a Prosecutor Performance Evaluation System Based on e-HR. Information System for Monitoring the Implementation of the State Anti-Corruption Policy.

1750 Information provided by Y. Krapyvin during an interview conducted on 21.03.2025.

1751 On the Appointment of Judges of the High Anti-Corruption Court: Decree of the President of Ukraine No. 378/2025 of 03.06.2025.

1752 Two candidates confirmed their ability to administer justice in the High Anti-Corruption Court. High Qualification Commission of Judges of Ukraine. 2025.

1753 Changes in Second HACC Competition. Transparency International Ukraine. 2024.

1754 On announcing the competition for vacant judge positions in the Appeal Chamber of the High Anti-Corruption Court: Decision of the High Qualification Commission of Judges of Ukraine No. 25/zp-25 of 23.01.2025.

number of legislative and organisational issues remain unresolved¹⁷⁵⁵.

On 31 March 2025, the HQCJ, by its decision, postponed the start date for the submission of documents from 1 April to 1 June¹⁷⁵⁶. During the meeting, HQCJ member-rapporteur Oleh Koliush stated that the basis for the postponement was the anticipated adoption of Draft Law No. 13114, which aims to improve competition procedures.

On 18 March 2025, Draft Law No. 13114¹⁷⁵⁷, was registered in Parliament. It would allow for the reduction of the threshold score for the test on the history of Ukrainian statehood, by analogy with the cognitive ability test; reduce the ban on former law enforcement officials (except NABU and SAPO) from participating in HACC judicial competitions from 10 to 5 years; and, for the duration of martial law, lift the prohibition on reapplying for the same judicial position within one year. These changes are intended to increase the pool of potential candidates and reduce the rate of disqualification at non-critical testing stages. Transparency International Ukraine has submitted its recommendations on this draft law¹⁷⁵⁸, however it was never included on the parliamentary agenda.

On 14 May 2025, Parliament supported Draft Law No. 12331-2¹⁷⁵⁹, which included certain provisions concerning the competition for the position of judge of the HACC: participants who had previously failed, not appeared for, or withdrawn from the qualification exam would be able to re-apply; the minimum threshold of 75% for successfully passing the test on Ukrainian statehood was removed — now the HQCJ will determine the passing percentage; and the additional session of an HQCJ panel held after a successful interview with the PCIE and HQCJ was abolished — a step intended to accelerate the recommendation process for candidates. These changes may to some extent influence the effectiveness of the competition, though their implementation will need further monitoring. Accordingly, on 3 June 2025, the HQCJ announced a competition for 23 vacant positions in the HACC and the AC HACC¹⁷⁶⁰.

An important component of the judicial selection process for HACC is the involvement of the **PCIE**, whose mandate was originally set to expire on 6 November 2024. However, on 8 October 2024, the Verkhovna Rada adopted Law No. 3996-IX, which extended this mandate by 18 months — until 8 May 2026¹⁷⁶¹. Parliament only partially heeded the recommendations of civil society to ensure that the timeframe would be sufficient for the

1755 Why Announcing a Competition in the AC HACC is Premature. Transparency International Ukraine. 2025.

1756 Deadline for submission of documents in the competition for the Appeal Chamber of the HACC postponed. High Qualification Commission of Judges of Ukraine. 2025.

1757 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" regarding certain issues of the judicial selection procedure: Draft Law of Ukraine, registration No. 13114 of 18.03.2025.

1758 Competitive Maze: What Draft Law No. 13114 Aims to Simplify to Select HACC Judges. Transparency International Ukraine. 2025.

1759 On Amendments to Section XII "Final and Transitional Provisions" of the Law of Ukraine "On the Judiciary and the Status of Judges" Regarding the General Term of Secondment of a Judge: Draft Law of Ukraine, registration No. 12331-2 of 26.12.2024.

1760 Competition for 23 Vacant Positions of Judges in the High Anti-Corruption Court and Its Appeal Chamber. High Qualification Commission of Judges of Ukraine.

1761 On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and the Law of Ukraine "On the High Anti-Corruption Court" regarding the Public Council of International Experts: Law of Ukraine No. 3996-IX of 08.10.2024, subpara. 3 para. 2 of Section I.

full appointment of all vacant HACC judicial positions¹⁷⁶². It is important to note that the Rule of Law Roadmap sets the deadline for filling all vacant judicial positions in the HACC by the first quarter of 2026¹⁷⁶³. If this deadline is met, a quality selection process with the involvement of the PCIE can be expected.

On 17 March 2025, the HACC announced a recruitment process to form a personnel reserve for the court's administrative office. Specifically, the court plans to form a reserve for the following positions: 50 judicial assistants; 24 courtroom secretaries; 7 court ushers; and 29 other positions in the court's administrative office¹⁷⁶⁴. As indicated in the announcement, this reserve is being formed to ensure the effective organisational support of HACC's operations and in anticipation of a 60% increase in the number of judges. This step is both necessary and appropriate to enable newly appointed judges to begin their work as quickly as possible.

The NACP continues to appoint candidates to vacant positions under parts 5 and 7 of Article 10 of the Law of Ukraine "On the Legal Regime of Martial Law"¹⁷⁶⁵ without competitive procedures, although the Agency has published information about 30 vacancies. The situation is further complicated by the adoption by the Verkhovna Rada and signing by the President of Draft Law No. 8222¹⁷⁶⁶, which envisages a change in the system and approach to the legal regulation of remuneration in the civil service by introducing a classification-based salary system for civil servants. This could potentially have a negative impact on the salary levels of NACP civil servants, given that nearly 100% of the Agency's staff consists of civil servants whose remuneration is governed by civil service legislation. This could lead to an outflow of qualified personnel due to a reduction in income levels and, consequently, impact the institution's ability to effectively fulfil its mandate.

Moreover, the current conditions of remuneration for NACP staff do not ensure an adequate income level for attracting highly qualified personnel. According to Article 16 of the Law of Ukraine "On the Prevention of Corruption", the official salary of the vast majority of the Agency's civil servants — from the deputy head of an independent structural unit and below — is determined in accordance with a government resolution¹⁷⁶⁷ that sets salary levels for civil servants. The provisions of this resolution have not been reviewed since January 2023. This is due to changes in the general approach to remuneration based on position classification, introduced as of 2024 pursuant to the Laws of Ukraine on the State Budget for the respective year. The linkage of NACP civil servants' official salaries to a government regulatory act whose provisions are not reviewed — and therefore do not reflect macroeconomic indicators and are not dynamic — also results in a violation of the guarantees of NACP's independence, one of which is the provision of adequate remuneration. This situation, taking into account international standards for

1762 Potential Changes in HACC competition: Analysis of Draft Laws No. 11425 and No. 11426. Transparency International Ukraine. 2024.

1763 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the Accession Process to the EU". Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

1764 HACC launches recruitment of staff to form a personnel reserve of the court apparatus. 2025.

1765 On the Legal Regime of Martial Law: Law of Ukraine No. 389-VIII of 12.05.2015.

1766 On Amendments to Certain Laws of Ukraine on the Introduction of Unified approaches to Civil Servant Remuneration Based on Job Classification: Draft Law of Ukraine, registration No. 8222 of 23.11.2022.

1767 On the Remuneration of Employees of Public Authorities: Resolution of the Cabinet of Ministers of Ukraine No. 15 of 18.01.2017.

the functioning of anti-corruption institutions, necessitates the regulation of salary levels for all NACP civil servants, as well as other remuneration conditions, at the level of law to ensure the independence of Agency officials from external influence¹⁷⁶⁸.

To increase staffing and implement new practices, the institutions require increased funding.

In 2024, funding for the NACP, NABU, and HACC increased compared to the previous year: NACP — UAH 1.28 billion (+9.4%); NABU — UAH 1.88 billion (+49.2%); HACC — UAH 0.39 billion (+34.5%). At the same time, funding for SAPO in 2024 remained at the previous year's level — UAH 0.2 billion¹⁷⁶⁹.

The Law of Ukraine "On the State Budget of Ukraine for 2025" also provides for increased funding for anti-corruption bodies: NACP — UAH 1.48 billion; NABU — UAH 2.17 billion; SAPO — UAH 0.33 billion; HACC — UAH 0.5 billion¹⁷⁷⁰.

At the same time, the discontinuation of international technical assistance projects funded by the US Government may have a negative impact on the development of institutional capacity.

Provision of new premises for the HACC is one of the measures included in the Government's Action Plan to implement the recommendations of the European Commission¹⁷⁷¹. However, the Audit Report of the Accounting Chamber on HACC states that the **Government failed to provide the court with adequate premises**, which hinders the exercise of its powers¹⁷⁷². The ongoing recruitment of new HACC judges is accompanied by the expansion of the court's administrative office and its patronage service, and the lack of premises for the court will exacerbate organisational difficulties in its functioning.

A continuing negative phenomenon is the existence in law of a separate approach to calculating the amount of judicial remuneration. A significant element of the remuneration is the judge's base salary, which is calculated on the basis of the subsistence minimum for able-bodied persons as of 1 January of the calendar year. At the same time, the legislation establishes both a "standard" subsistence minimum, which changes annually, and a "separate" subsistence minimum, which is applied for the purpose of determining the base amount of judicial remuneration¹⁷⁷³.

Such a violation prompts judges to file claims seeking the recalculation and payment of judicial remuneration. Specifically, HACC judges have also filed such claims. In 2024, the Kyiv District Administrative Court issued rulings in favour of the judges and ordered the payment of underpaid remuneration¹⁷⁷⁴.

1768 Letter from the National Agency on Corruption Prevention No. 10-13/32570-2 of 15.04.2025.

1769 How much anti-corruption costs the state budget. Slovo i Dilo.

1770 On the State Budget of Ukraine for 2025: Law of Ukraine No. 4059-IX of 19.11.2024.

1771 On the Approval of the Action Plan for the Implementation of the Recommendations of the European Commission Presented in the Ukraine 2024 Progress Report within the European Union Enlargement Package: Order of the Cabinet of Ministers of Ukraine No. 300 of 28.03.2025.

1772 Report based on the results of the compliance audit "Ensuring the operation of the High Anti-Corruption Court": Decision of the Accounting Chamber No. 58-2 of 19.12.2024.

1773 See the section "State of Judicial Independence" for details.

1774 Decision of the Kyiv District Administrative Court of 14.08.2024 in case No. 320/22481/24.; Decision of the Kyiv District Administrative Court of 10.10.2024 in case No. 320/27637/24.; Decision of the Kyiv District Administrative Court of 22.05.2024 in case No. 320/13058/24.

Recommendations

1. Improve the evaluation criteria for NABU detectives by focusing not only on quantitative but also qualitative indicators. In particular, consideration should be given to the cancellation of detectives' decisions by SAPO prosecutors and investigating judges, confirmation of violations by these actors, and the outcomes of judicial proceedings (e.g. regarding the admissibility of evidence collected by NABU detectives)¹⁷⁷⁵.
2. Ensure the full implementation of the system for evaluating the quality of prosecutors' work, including SAPO prosecutors, by creating the necessary infrastructure and optimising management processes within the prosecution bodies¹⁷⁷⁶.
3. Provide anti-corruption institutions with adequate financial resources to ensure their effective operation¹⁷⁷⁷.
4. Adopt comprehensive legislative amendments to improve the HACC judicial selection process, including reviewing the requirements for specific prior professional experience of candidates.
5. Provide HACC with adequate office space to ensure the effective functioning of the court, especially given the expansion of the judicial and administrative staff.
6. Continue the comprehensive staff retention programme in anti-corruption bodies, including a system for professional development, career advancement, and competitive remuneration under martial law conditions.

Institutional Autonomy and Cooperation

Progress and issues

Analysing the issue of **internal cooperation**, the Shadow Report on Chapter 23 noted problems within NABU regarding interaction between analyst units and detective units, which was bureaucratised and overly formalised. The situation has improved following the assignment of some analysts to specific detective departments. The next steps for NABU involve the expansion of analyst units that will perform proactive functions and will not be "attached" to particular detective units. However, the lengthy duration of competition procedures prevents the prompt filling of all vacant positions.

The Action Plan for the Implementation of the Recommendations of the European Commission, presented in the Ukraine 2024 Progress Report within the European Union Enlargement Package, provides for granting the NABU the ability to autonomously conduct

¹⁷⁷⁵ The recommendation previously provided by the civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the 2023 European Commission Report on Ukraine (p. 229) remains relevant.

¹⁷⁷⁶ Ibid, the previously provided recommendation remains relevant but has been further clarified, taking into account the progress achieved (p. 229).

¹⁷⁷⁷ Ibid, the previously provided recommendation remains relevant (p. 229).

telephone tapping through cellular networks within the scope of its operational and search activities¹⁷⁷⁸. However, the NABU still lacks this capability.

There has been **certain progress in expanding the functionality of the “iCase” system**. In December 2024, NABU reported that a “defence counsel” role had been implemented in the system, providing the technical capability for granting access to criminal case materials¹⁷⁷⁹. In addition, from 3 April 2025, it will be possible to submit motions to investigating judges via the “iCase” system for the extension of preventive measures¹⁷⁸⁰. In such cases, the defence side will be involved, and access to the motion materials will be provided through the personal account in the Electronic Court system. At the same time, the development of full-fledged access for defence counsel to criminal case materials in the “iCase” system requires a proactive role from the Bar self-government bodies, which is currently lacking.

However, a number of other problems remain relevant, preventing the full deployment and use of the “iCase” system. In particular reference can be made to the absence of the capability for the full involvement of other participants in criminal proceedings and the lack of full integration of the system with the courts’ document management systems¹⁷⁸¹. The Government included remedies for these problems in the Action Plan for the Implementation of the Recommendations of the European Commission, presented in the Ukraine 2024 Progress Report within the European Union Enlargement Package¹⁷⁸².

There remains an **urgent need to ensure NABU’s access to high-quality forensic expertise**, a concern also confirmed by the European Commission¹⁷⁸³ and the Commission for External Independent Evaluation (Audit) of NABU¹⁷⁸⁴. The Government also identified granting NABU access to independent expertise as one of the measures under the Action Plan to implement the European Commission’s recommendations¹⁷⁸⁵. In its report on activities in the second half of 2024, NABU notes that one of the key challenges remains the absence of an expert institution capable of accelerating investigative processes¹⁷⁸⁶. Currently, expert institutions exist only under the Ministry of Justice of Ukraine (MoJ), the

1778 On the Approval of the Action Plan for the Implementation of the Recommendations of the European Commission Presented in the Ukraine 2024 Progress Report within the European Union Enlargement Package: Order of the Cabinet of Ministers of Ukraine No. 300 of 28.03.2025.

1779 Measure 3.3.2.2.4. Access to materials of criminal proceedings in accordance with Articles 221, 290 of the Criminal Procedure Code of Ukraine is carried out in the “iCase” system. Information system for monitoring the implementation of the state anti-corruption policy.

1780 Advancing the digitalisation of criminal justice: integration of iCase and the Electronic Court. High Anti-Corruption Court. 2025.

1781 How the iCase Electronic Criminal Proceedings System Works. Transparency International Ukraine. 2024.

1782 On the Approval of the Action Plan for the Implementation of the Recommendations of the European Commission Presented in the Ukraine 2024 Progress Report within the European Union Enlargement Package: Order of the Cabinet of Ministers of Ukraine No. 300 of 28.03.2025.

1783 Ukraine 2024 Progress Report within the European Union Enlargement Package.

1784 Report on the Results of the External Independent Evaluation (Audit) of the National Anti-Corruption Bureau of Ukraine. Commission for the External Independent Evaluation (Audit) of the Effectiveness of the Activities of the National Anti-Corruption Bureau of Ukraine.

1785 On the Approval of the Action Plan for the Implementation of the Recommendations of the European Commission Presented in the Ukraine 2024 Progress Report within the European Union Enlargement Package: Order of the Cabinet of Ministers of Ukraine No. 300 of 28.03.2025.

1786 Report: Second half of 2024. National Anti-Corruption Bureau of Ukraine.

Ministry of Internal Affairs of Ukraine (MoIA), the Ministry of Defence of Ukraine (MoD), the Security Service of Ukraine (SSU), the State Border Guard Service of Ukraine (SBGS), as well as in private companies, creating risks of information leaks, delays, and potential unlawful interference.

In autumn 2024, information was published regarding the commencement of activities by the Scientific Research Centre for Independent Forensic Examinations of the MoJ (the Centre), which positions itself as a pilot project of the Ministry within the framework of forensic reform and as an institution with built-in mechanisms of independence and anti-corruption safeguards¹⁷⁸⁷. However, based on publicly available data, it is currently not possible to assess the quality of these mechanisms, as the Centre's website remains under development.

According to information released on 19 March 2025, the Centre conducts, among other types, the following forensic examinations: video and audio recordings — authentication and voice identification; economic examinations — analysis of financial operations, audits; and commodity examinations — assessment of the quality and value of property¹⁷⁸⁸.

There is no publicly available information as to whether the Centre conducts forensic examinations in cases investigated by NABU and, if so, how effective this process is.

The issue of forensic reform is also addressed in the Action Plan aimed at implementing the Overarching Strategic Plan for Reforming Law Enforcement Agencies as part of the Security and Defence Sector of Ukraine for 2023–2027 (OAS Action Plan)¹⁷⁸⁹, which identifies the establishment of an independent and effective forensic support system for justice in general, and for law enforcement and prosecution activities in particular, as one of its tasks. According to the Plan, by the second quarter of 2025, a draft law should be developed to improve the regulatory framework for the modern forensic support system for justice¹⁷⁹⁰.

Issues of compliance with investigative jurisdiction in the investigation of anti-corruption cases will be considered in detail in another section of this report. However, in the context of autonomy, it is worth noting a gap in NABU's jurisdiction as defined in Article 216 of the CPC of Ukraine, concerning top officials of the Office of the President. As of now, there is only one case with an active suspicion against a former Deputy Head of the Office of the President¹⁷⁹¹. In response to a request by Transparency International Ukraine, the NABU detective did not provide information on the status of the pre-trial investigation. Currently, NABU's jurisdiction extends to advisers and assistants to the President, but not to the Head of the Office of the President or their deputies, who are also not classified as

1787 Scientific Research Centre for Independent Forensic Examinations of the Ministry of Justice of Ukraine.

1788 Publication of the Scientific Research Centre for Independent Forensic Examinations of the Ministry of Justice of Ukraine on the social network Facebook. 2025.

1789 On the Approval of the Action Plan Aimed at Implementing the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024.

1790 Ibid.

1791 Illicit Enrichment of UAH 15.7 Million: Former Deputy Head of the Office of the President Suspected. National Anti-Corruption Bureau. 2024.

civil servants¹⁷⁹². Based on publicly available information, it appears that the investigation of the aforementioned case is being conducted by NABU under ad hoc assigned jurisdiction.

In August 2024, the Regulation on the Internal Control Unit of NABU was amended. The key changes concern: the establishment of a new Special Verification Department; the expansion of powers regarding access to information systems and the receipt of data from banks and financial institutions; the update of functions related to the verification of counterparties and procurement participants; the introduction of a new function for monitoring declarations of persons related to state secrets; the optimisation of lifestyle monitoring procedures for employees; and the strengthening of protection mechanisms for NABU employees who report violations¹⁷⁹³. The practical implementation of these changes remains to be observed.

Recommendations

1. Continue optimising NABU's structure by expanding analyst units with proactive functions¹⁷⁹⁴.
2. It is critically important to ensure NABU's autonomy in conducting telephone interception, without dependency on the SSU¹⁷⁹⁵.
3. Ensure the full functioning of the "iCase" system by involving all participants in criminal proceedings and integrating it with the courts' document management systems¹⁷⁹⁶.
4. Strengthen expert support for NABU through the establishment of a specialised expert institution. Independence of both experts and management must be guaranteed — from NABU itself and from external actors¹⁷⁹⁷.
5. Expand NABU's investigative jurisdiction to fully cover all top officials, including the Head of the Presidential Office and his deputies.
6. Strengthen responses to threats of information leaks during NABU and SAPO pre-trial investigations and introduce adequate public communication regarding the results of investigations into such cases.

1792 Criminal Procedure Code of Ukraine No. 4651-VI of 13.04.2012, para. 1, Part 5, Article 216.; On Civil Service: Law of Ukraine No. 889-VIII of 10.12.2015, Part 3, Article 3.

1793 On Amendments to the Orders of the National Anti-Corruption Bureau of Ukraine of 29 November 2019 No. 142 and of 29 November 2023 No. 168; Order of the National Anti-Corruption Bureau of Ukraine No. 135 of 14.08.2024.

1794 The recommendation previously provided by the civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the 2023 European Commission Report on Ukraine (p. 236) remains relevant, but has been further clarified, considering the progress achieved.

1795 Ibid, the previously provided recommendation remains relevant (p. 236).

1796 Ibid, the previously provided recommendation remains relevant (p. 236).

1797 Ibid, the previously provided recommendation remains relevant (p. 236).

External Audit of the Activities of the NACP, NABU, and SAPO

Progress and issues

The IMF Memorandum of Economic and Financial Policies stipulates that the completion of the NABU audit and the publication of the report on its results is one of the structural benchmarks, which was to be fulfilled by February 2025¹⁷⁹⁸.

The Commission for the External Independent Evaluation (Audit) of the Effectiveness of the NABU's Activities approved its report on 2 May 2025¹⁷⁹⁹. Based on the audit, which covered the period from March 2023 to November 2024, NABU's performance was assessed as moderately effective. Despite the Bureau's extensive preparation for this procedure, the Commission identified significant areas for improvement. The Commission issued 26 recommendations to NABU concerning planning, data collection and use, progress tracking, and other operational aspects. Implementing these recommendations will require joint efforts by the Bureau itself and the Verkhovna Rada, as some involve legislative amendments.

The Commission for the External Independent Evaluation (Audit) of the Effectiveness of NABU's Activities conducted its work under the Criteria and Methodology for Evaluating Effectiveness, approved on 18 November 2024¹⁸⁰⁰. The evaluation focused on the detection and investigation of high-level corruption; integrity, accountability, and transparency; leadership, strategy, and resource management; interagency cooperation; and international cooperation. The NABU Director has declared that the Bureau has already begun developing an implementation plan for the audit's conclusions and promised that in the near future a detailed plan with specific executors, funding, and performance indicators will be finalised¹⁸⁰¹.

The Memorandum also obliges Ukraine to conduct an audit of SAPO, as **envisaged by Law No. 3509-IX**¹⁸⁰². According to official information, SAPO, as a separate structure, commenced its operations on 21 March 2024¹⁸⁰³. Therefore, the audit of its activities should take place from 21 March 2026, in accordance with the provisions of the applicable legislation on the prosecution service.

1798 Letter of Intent and Memorandum of Economic and Financial Policies of 11.12.2024.

1799 Report on the results of an external independent assessment (audit) of the National Anti-Corruption Bureau of Ukraine. Commission for conducting an external independent assessment (audit) of the effectiveness of the National Anti-Corruption Bureau of Ukraine.

1800 Criteria and methodology for assessing the effectiveness of the National Anti-Corruption Bureau of Ukraine of 18.11.2024.

1801 The suspicion of the Deputy Prime Minister demonstrates that NABU and SAP are completely independent institutions — Semen Kryvonos. National Anti-Corruption Bureau of Ukraine, 2025.

1802 On Amendments to the Criminal Procedure Code of Ukraine and Other Legislative Acts of Ukraine Concerning the Strengthening of the Autonomy of the Specialised Anti-Corruption Prosecutor's Office: Law of Ukraine No. 3509-IX of 08.12.2023.

1803 Measure 2.1.7.3.3. Ensuring the Conduct and Publication of the Report on the Results of the External Independent Evaluation (Audit) of the Effectiveness of the Specialised Anti-Corruption Prosecutor's Office at the Frequency Established by Law. Information System for Monitoring the Implementation of State Anti-Corruption Policy.

A problematic aspect of the periodic audits of NABU and SAPO remains **the inconsistency of the methodology and evaluation criteria for assessing their effectiveness**, as both laws regulating this issue stipulate that each newly appointed commission is responsible for approving them. At present, there are no legislative proposals to eliminate this shortcoming by transferring these powers to the Government, although doing so would help produce comparable audit results for tracking trends in the work of NABU and SAPO, as well as save the commissions' time and resources. Meanwhile, the methodology and evaluation criteria developed by the current NABU audit commission could be used for other such audits, although this will depend on the decision of the new commission.

The experience of conducting the NABU audit shows that it is a lengthy and exhausting process; therefore, its periodicity needs to be regulated. Conducting an audit annually is burdensome both for the body being audited and for the audit commission and donors, who bear responsibility for the organisational support of such external evaluations. Thus, it would be advisable to consider **reducing the frequency of NABU audits** from once a year to a longer interval, for example, following the model provided for the SAPO audit, which is conducted every two years. Identical recommendations were also provided by the Commission for the External Independent Evaluation (Audit) of the Effectiveness of the Activities of NABU, which advised amending the Law of Ukraine "On the National Anti-Corruption Bureau of Ukraine" to:

- conduct the external evaluation every two years instead of annually;
- standardise the evaluation period to reduce duplication and eliminate gaps;
- establish key dimensions of effectiveness to be assessed, while allowing the Commission flexibility in developing methodologies and specific criteria based on risk assessment¹⁸⁰⁴.

For the future, the European Commission has also recommended that the conclusions of the NABU and SAPO audits be properly processed and that appropriate measures be taken to implement them¹⁸⁰⁵.

Most of the recommendations provided by the Commission for Conducting Independent Assessment of the Effectiveness of the NACP's effectiveness after the last audit¹⁸⁰⁶, remain unimplemented, even after the replacement of the Agency's leadership at the beginning of 2024¹⁸⁰⁷, and certain practices have even deteriorated¹⁸⁰⁸. Moreover, the auditors' recommendations often overlap with those provided by the European Commission¹⁸⁰⁹ the Organisation for Economic Co-operation and Development (OECD)¹⁸¹⁰ and other international partners of Ukraine.

1804 Report on the Results of the External Independent Evaluation (Audit) of the National Anti-Corruption Bureau of Ukraine. Commission for the External Independent Evaluation (Audit) of the Effectiveness of the National Anti-Corruption Bureau of Ukraine.

1805 EU Enlargement Report 2024: Three Priority Reforms for Next Year According to TI Ukraine. Transparency International Ukraine. 2024.

1806 Report of the Commission for Conducting Independent Assessment of the Effectiveness of the NACP of 24.07.2023.

1807 Information provided by experts during interviews conducted on 17.03.2025, 20.03.2025, 21.03.2025, and 26.03.2025.

1808 See subsection "Declaration and Monitoring of the Lifestyle of Declarants" for details.

1809 Ukraine 2024 Progress Report within the European Union Enlargement Package.

1810 Combating High-Level Corruption in Eastern Europe: Insights and Solutions. OECD Publishing. Paris, 2024.

The NACP does not publish any statistical or analytical information regarding the status of the implementation of specific auditors' recommendations. Similarly, there is no information on whether the conclusions of the external independent evaluation report were considered when amending the SAP. On 1 December 2023, the NACP, by Order No. 276/23, approved the List of Recommendations contained in the Agency's Effectiveness Evaluation Report, the implementation of which could be ensured by the National Agency within the limits of its powers. Of the 47 recommendations, 27 have been implemented, 13 partially implemented, and 7 have not been implemented. Given the significant period that has passed since the adoption of this Order, the issue of updating the list, its subsequent approval by the National Agency, and its publication is currently under consideration¹⁸¹¹.

The Methodology and Criteria¹⁸¹² approved by the Cabinet of Ministers of Ukraine in 2020, without open inclusive consultations with stakeholders, also remain in force. Given the new challenges posed by martial law and other circumstances, the current Methodology and Criteria for Evaluation have become even less relevant and require a systemic update. According to the instructions of the Cabinet of Ministers of Ukraine, this task is being handled by the MoJ.

The current Methodology lacks new evaluation objects regarding lobbying activities and the conduct of judges and CCU judges in relation to the observance by the NACP of guarantees of judicial independence. It also lacks an expanded range of personal evaluation criteria for the Head of the NACP, such as accountability, leadership, independence, competence, etc., with unsatisfactory results in these areas intended to serve as grounds for early termination of the Head's powers. The mathematical formula regarding the number of unfulfilled non-personal evaluation criteria required for such early termination remains strict. No broad public consultations have been held so far while developing the draft of the new Methodology and evaluation criteria.

Recommendations

1. Amend the legislation to stipulate that the criteria and methodology for conducting audits of anti-corruption bodies must remain consistent for subsequent audits after being determined by the first composition of the Commission for the External Independent Evaluation (Audit) of Effectiveness, except where the Commission, in its report, identifies an objective need for changes¹⁸¹³.
2. The Parliament and NABU should implement the recommendations of the Commission for the External Independent Evaluation (Audit) of the Effectiveness of NABU, provided in the report of 6 May 2025.
3. Amend the legislation to establish that the external independent evaluation (audit) of NABU's effectiveness should be conducted every two years, but no more than

1811 Letter from the National Agency on Corruption Prevention No. 10-13/32570-2 of 15.04.2025.

1812 On the Approval of the Criteria and Methodology for Evaluating the Effectiveness of the National Agency on Corruption Prevention: Resolution of the Cabinet of Ministers of Ukraine No. 458 of 20.05.2020.

1813 The recommendation previously provided by the civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the 2023 European Commission Report on Ukraine (p. 238) remains relevant, but has been further clarified, considering the progress achieved.

three times during the term of office of the NABU Director as defined by the Law of Ukraine “On the National Anti-Corruption Bureau of Ukraine”

4. The NACP should implement the recommendations provided by the Commission for the External Independent Evaluation of the Agency’s effectiveness for 2020–2021. To monitor such implementation or to provide justification for any non-implementation, it is proposed to create a dedicated section on the NACP website or to ensure the periodic publication of relevant analytical and statistical reports. Such monitoring would also be valuable for future audits of the Agency’s activities.
5. Following broad consultations with stakeholders, including civil society, the Cabinet of Ministers of Ukraine should update the Methodology and Criteria for the external evaluation of the NACP’s effectiveness. The number of evaluation criteria should be reduced, duplication eliminated, and the focus shifted to qualitative indicators measuring the impact of the NACP’s activities on corruption prevention, granting appropriate discretion to the Commission. The basic questionnaires for external stakeholders and state authorities should also be significantly simplified¹⁸¹⁴.

Limited Public Oversight and Accountability of the NPU, SBI, and ESBU

Progress and issues

In this area, there has been no significant progress regarding the SSU, SBI, and NPU, apart from the approval of the Action Plan for the implementation of the OAS Action Plan¹⁸¹⁵. Section 4 of this document refers to the following tasks:

- › the development and submission to the Verkhovna Rada of a draft law aimed at improving the **selection procedure for candidates** for leadership positions in law enforcement agencies (excluding the SSU, SBGS, and National Guard of Ukraine) and senior leadership positions within these agencies, on a competitive basis and in accordance with integrity requirements; the improvement of internal control mechanisms and anti-corruption measures; and the application of uniform criteria and standards of integrity for the verification and continuous monitoring of employees of all law enforcement agencies and the prosecution service;
- › the introduction of unified ethical principles for employees of law enforcement agencies and the prosecution service;
- › the implementation of **transparent human resource management**, ensuring compliance with the principles of gender equality, whereby the selection and career advancement of employees of law enforcement agencies and the prosecution service is carried out based on their professional competence/merit and integrity.

¹⁸¹⁴ Ibid, previously provided recommendations remain relevant (p. 267).

¹⁸¹⁵ Action Plan Aimed at Implementing the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024.

However, the improvement of competition procedures for the appointment of heads of law enforcement agencies is planned only after the lifting of martial law. Furthermore, although the OAS Action Plan states that integrity must be defined as one of the criteria that a candidate for the position of head of a law enforcement agency or a senior leadership position must meet, it does not mention the involvement of independent (including international) experts in the composition of the respective selection commissions.

A problematic issue remains that the Government has still not appointed the winner of the competition for the position of Director of the ESBU. Recently, the selection of the Director of the ESBU was completed, which included eight stages: anonymous testing of general skills (at least 107 out of 145 points) and knowledge of legislation (at least 28 out of 40 points), practical tasks to assess professional and leadership skills, evaluation of personal competencies, integrity screening (taking into account information from the public), a public interview, and the final approval of no more than two candidates for submission to the Government.

On 30 June 2025, the Commission for the Selection of the Director of the ESBU submitted to the Prime Minister of Ukraine a recommendation regarding the winner of the competition, Oleksandr Tsyvinskyi¹⁸¹⁶. At the same time, on 7 July 2025, the Government, contrary to the law, decided not to appoint the winner to the position of Director of the ESBU¹⁸¹⁷. As of 31 July 2025, the winner of the competition has not been appointed.

As for the reform of selection procedures within the National Police, the Minister of Internal Affairs of Ukraine reports that police reform is ongoing. For example, every candidate for the position of head, deputy head, head of a police department, or head of regional subdivisions will undergo enhanced screening¹⁸¹⁸. However, no specific practical steps for the implementation of this statement have yet been established.

Recommendation

1. Improve the legislation regarding the selection of heads of the NPU and the SBI in terms of transparency, integrity assessment and professionalism. Particular attention should be paid to ensuring that the position of representatives of development partners, who must be involved in the composition of the selection commissions, is unanimous¹⁸¹⁹.
2. Executive authorities should ensure the timely implementation of the OAS Action Plan with the involvement of experts and civil society in the development of draft regulatory acts.

1816 Publication of the Commission for the Selection of the Director of the ESBU of Ukraine on the social network Facebook. 2025.

1817 Publication of the Commission for the Selection of the Director of the ESBU of Ukraine on the social network Facebook. 2025.

1818 Since the Beginning of the War, the Powers of the Police Have Increased by 80% — Ihor Klymenko on the Reform of the National Police. Government Portal. 2024.

1819 The recommendation previously provided by the civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the 2023 European Commission Report on Ukraine (p. 283) remains relevant.

3. The Government should appoint as Director of the ESBU the winner of the competition, whose candidacy was resubmitted by the Commission for the Selection of the Director of the ESBU.

Verification of Declarations and Lifestyle Monitoring

Progress and issues

In its 2024 Enlargement Report on Ukraine, the European Commission stated that the NACP had achieved good results and demonstrated independence from political and vested interests. At the same time, the European Commission noted the need for further streamlining of internal procedures. The Commission also indicated that the NACP should increase the number of cases in which it identifies unjustified assets based on its own analysis, as many successful cases currently stem from external reports, while several registers and databases to which the Agency has access are outdated and require substantial upgrading¹⁸²⁰.

GRECO also assessed the Agency's work mostly positively in its latest report. In particular, partners noted that the Agency had significantly improved the effectiveness of financial control¹⁸²¹ — but highlighted that the NACP does not keep records of the total number of submitted declarations "due to the constant flow of appointments and dismissals of personnel in relevant positions, the possibility for declarants to submit revised declarations, as well as the removal of part of the declarations from public access under martial law"¹⁸²².

However, the NACP has retained most of the negative practices that were previously criticised by civil society¹⁸²³, as well as by the Commission for Conducting the Independent External Assessment of the Agency's Activities for 2020–2021¹⁸²⁴. In particular, the Agency continues to apply an artificially separated "control of declaration completeness"¹⁸²⁵ and maintains a dedicated unit for this function, while it is not possible to clearly conclude that such a procedure has had a substantial impact on the level of corruption¹⁸²⁶. The NACP also continues to apply automated full verifications of declarations, which allows the Agency to increase its quantitative indicators of effectiveness at the expense of the quality of such verifications. Thus, the Agency carried out around 620,000 automated verifications of declarations in 2023 and about 600,000 such verifications in 2024¹⁸²⁷.

1820 Ukraine 2024 Progress Report within the European Union Enlargement Package.

1821 GRECO Positively Assessed Ukraine's Progress in Implementing Recommendations on Preventing Corruption Among Judges, Prosecutors, and Parliamentarians. National Agency on Corruption Prevention. 2025.

1822 GRECO Report: Progress Noted in Ukraine's Implementation of Anti-Corruption Recommendations for Judges, Prosecutors, and Parliamentarians (Report in Ukrainian). National Agency on Corruption Prevention. 2025.

1823 Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine. 2024.

1824 Report of the Commission for Conducting Independent Assessment of the Effectiveness of the NACP of 24.07.2023.

1825 NACP's New "Fast" Declaration Checks: Law Compliance and Risks. Transparency International Ukraine. 2021.

1826 NACP Structure. 2025.

1827 NACP to Begin Verification of 2024 Declarations in May. National Agency on Corruption Prevention. 2025.

This criticism is also echoed by the OECD in its report on combating high-level corruption in Eastern Europe¹⁸²⁸. It notes that despite significant resources invested in the development and operation of electronic asset declaration registers, this tool is mostly used to hold public officials accountable for rather petty cases of concealment of assets or the submission of inaccurate information in declarations. It is relatively rare for e-declaration verification to escalate into serious cases of high-level corruption. Such cases require comprehensive analysis and effective cooperation among national anti-corruption bodies, financial monitoring services, asset recovery agencies, tax authorities, as well as at the international level¹⁸²⁹.

The need to remedy this situation is also reflected among the measures of the Rule of Law Roadmap. In particular, by the end of 2025, the NACP together with the MoJ are designated as responsible for adopting and implementing changes in the internal procedures for the control and analysis of asset declarations, aimed at simplifying and increasing their effectiveness, as well as ensuring consistency between various financial control measures. Additionally, it is specified that the authorities should take “appropriate measures to ensure an increase in the detection of unjustified assets and signs of illicit enrichment, including those identified during the National Agency on Corruption Prevention’s own analysis¹⁸³⁰”.

According to the information provided in the ISM SAP, measure 1.4.3.1.2 concerning the optimisation of full verifications and other types of control was assessed by the NACP as fully implemented. The key indicator for implementing this measure, according to the NACP, is the increased number of declarations subjected to full verification during the year. However, the NACP omits direct optimisation of other types of financial control, focusing instead on improving the process of declaration completion by declarants¹⁸³¹. At the same time, the Agency has not conducted a comprehensive review to determine whether the financial control procedures involve duplication, unjustified complexity, conflicts, or inconsistencies between by-laws and the Law of Ukraine “On Preventing Corruption”, or whether they are properly implemented. Similarly, the Agency does not conduct adequate analysis of the effectiveness of full verifications of declarations, including by tracking the subsequent status of materials referred to other state authorities, law enforcement bodies, and courts on its official website, which could help to improve the current financial control system.

According to the NACP’s 2024 performance report, in 353 declarations — i.e., in 50% of completed verifications — inaccurate information amounting to UAH 3.8 billion was identified, signs of illicit enrichment were found in the amount of UAH 192.1 million, and unjustified assets totalling over UAH 47 million were discovered. The Agency compares these results to those of 2021, when violations were identified in 27% of completed verifications, and claims that the application of a risk-based approach in 2024 significantly increased the effectiveness of its operations¹⁸³². Nevertheless, it is important to note that in 2024 the NACP verified declarations submitted in 2021, 2022, and 2023, which means that the increased percentage of violations identified is most likely linked to the increase in

1828 Combating High-Level Corruption in Eastern Europe: Insights and Solutions. OECD Publishing. Paris, 2024.

1829 Ibid.

1830 On Certain Issues of Ensuring the Negotiation Process for Ukraine’s Accession to the European Union under Cluster 1 “Fundamentals of the Accession Process”: Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

1831 Information System for Monitoring the Implementation of the State Anti-Corruption Policy.

1832 NACP Summarised the Results of 2024. National Agency on Corruption Prevention. 2025.

the overall number of declarations (an average of 600,000 per year during each declaration campaign)¹⁸³³.

In the most recent declaration campaign, nearly 627,000 declarations were submitted¹⁸³⁴. This campaign concluded on 31 March 2025, and the Agency began verifying the new declarations from May onwards, in line with the provision of the Law that grants declarants 30 calendar days to correct errors in submitted documents¹⁸³⁵. According to the official NACP website, from March through June the Agency completed 323 full verifications of declarations, of which 172 were found to contain inaccurate information, 11 showed signs of unjustified assets, and 8 declarations revealed signs of illicit enrichment¹⁸³⁶.

According to statistical information on the results of the work of specially authorised entities in the field of anti-corruption and other state authorities, in 2024, law enforcement officers served notices of suspicion of inaccurate declaration to 35 individuals and of illicit enrichment to 15 individuals¹⁸³⁷. At the same time, based on the results of court proceedings concerning the declaration of inaccurate information in 2024, only one individual was convicted, another was acquitted, and one case was closed¹⁸³⁸. As for illicit enrichment, in 2024, one person was convicted, and another case remains under court consideration¹⁸³⁹. Data for 2025 are not yet available.

During an expert interview, a significant decrease was noted in the level of positions held by individuals whose declarations were selected for full verification after the introduction of the risk-based approach. In particular, some of the highest-ranking positions in this category were deputy chair of a regional council and deputy mayor of Uman. At the same time, the number of full verifications of MPs' declarations significantly declined¹⁸⁴⁰. According to the latest media analysis, the declarations submitted by top officials for 2024 raise many questions regarding the reported values of purchased vehicles, which appear significantly below market rates¹⁸⁴¹. However, due to the lack of transparency in the rules of logical and arithmetic control, it is impossible to provide recommendations on the selection of specific declarations for verification by the Agency.

The Head of the Agency himself emphasised that the new risk-based approach results in the declarations of the same officials not being verified annually. In particular, he stated:

1833 Publication by the National Agency on Corruption Prevention on the social network Facebook. 2025.

1834 Declaration Campaign 2024: Almost 627,000 Public Officials Submitted Their Declarations. National Agency on Corruption Prevention. 2025.

1835 On Prevention of Corruption: Law of Ukraine No. 1700-VII of 14.10.2014, paras. 2–7, Chapter XIII.

1836 Full Declaration Checks for March: NACP Identified Violations Worth Over UAH 234 Million. National Agency on Corruption Prevention. 2025.; Full verifications of declarations for April: the NACP detected violations amounting to almost UAH 459 million. National Agency on Corruption Prevention. 2025.; Full verifications of declarations for May: the NACP detected violations amounting to almost UAH 518 million. National Agency on Corruption Prevention. 2025.; Full verifications of declarations for June: the NACP detected violations amounting to almost UAH 243 million. National Agency on Corruption Prevention. 2025.

1837 Statistical Information on the Performance of Specially Authorised Anti-Corruption Entities and Other Government Bodies. National Agency on Corruption Prevention. 2024.

1838 Report on the Review of Cases and Criminal Proceedings Materials for 2024. High Anti-Corruption Court.

1839 Ibid.

1840 Information provided during expert interview conducted on 17.03.2025.

1841 Cars for Pennies: How Senior Officials Manipulate Their Declarations. *Economichna Pravda*. 2025.

“Because this is a very good method. It is effective both for verifications and as a preventive measure... And every public official must understand that their declaration may become the subject of verification.”¹⁸⁴²

The deterioration in the practice of conducting full verifications is also evidenced by the analysis of summary reports published by the Agency following this type of financial control. From January to June 2024, the NACP verified 206 declarations¹⁸⁴³ and published 200 summary reports based on the results of the verification¹⁸⁴⁴. Six out of the 206 summary reports were temporarily removed by the NACP from public access due to the application of security measures to the declarants as provided by law — including the exclusion of the respective declarations from the register. Based on the analysis, only one out of the 200 reviewed reports contains no deficiencies in the full verification of the public official's declaration¹⁸⁴⁵.

Based on the analysis of the published summary reports and declarations, Transparency International Ukraine identified a number of systemic problems and risks that negatively affect or may affect the effectiveness of financial control over the integrity of public officials. Specifically, in:

- ▶ 31% of cases, the NACP failed to take sufficient verification measures (for example, it did not request additional explanations from the declarant and family members regarding the origin of a large amount of declared cash and its correlation with official income);
- ▶ 40% of cases, authorised officials incorrectly or incompletely verified and determined the value indicators of declared assets (in most cases, the NACP limits itself to comparing the declared value of assets only with the conclusions of the Kyiv Scientific Research Institute of Forensic Expertise or with title documents);
- ▶ 21% of cases, the NACP failed to include all discrepancies in various assets in the overall calculation, which affects the determination of whether the case involves criminal or administrative liability for false declaration;
- ▶ 24.5% of cases, authorised officials focused on minor discrepancies between the declaration and registries, etc¹⁸⁴⁶.

For example, based on the results of a full verification of the declaration submitted by the Head of a Department at the State Tax Service of Ukraine (STS), authorised officials focused on a discrepancy of 1 UAH in the declared value of a parking lot¹⁸⁴⁷. Such an approach appears to be an inefficient use of the NACP's limited resources. At the same time, the NACP does not always verify the financial status of the lender, donor, or testator

1842 Head of the NACP Viktor Pavlushchuk: “Specialists Responsible for Verifying Top Officials Earn an Average of UAH 35,000”. LB.ua. 2024.

1843 NACP Completed Over 200 Full Declaration Checks: Violations Worth UAH 700 Million Identified. National Agency on Corruption Prevention. 2024.

1844 Full Declaration Checks. National Agency on Corruption Prevention. 2025.

1845 Transparency International Ukraine. Analysis of the Results of the NACP's Full Verifications of Declarations Completed in the First Half of 2024. 2025.

1846 Ibid.

1847 Certificate No. 148/24 of 07.06.2024. National Agency on Corruption Prevention.

to determine whether the person's means (for example, when their sole source of income is a pension) allow them to make expensive gifts, loans, or bequests, nor does it consistently verify compliance with the restrictions on receiving gifts. Another challenge for the NACP's financial control system is posed by assets held in the form of cryptocurrency. Practice shows a growing interest among declarants in digital assets¹⁸⁴⁸, which requires increased attention and a revised approach by the Agency to the verification of crypto-assets¹⁸⁴⁹.

There are also isolated cases in which the Agency ignored potential tax evasion, as well as instances where the NACP subsequently detected issues in declarations that had previously passed automated full verification¹⁸⁵⁰.

Due to the abovementioned shortcomings in the procedure for full verification of declarations, which weaken their effectiveness, experts note a further shift in the Agency's focus towards monitoring the lifestyle of public officials¹⁸⁵¹. This is explained by the fact that the lifestyle monitoring procedure allows the Agency to reach more substantiated conclusions regarding illicit enrichment or unjustified assets, thanks to its broad discretion and the absence of time limits. By contrast, full verifications of declarations are mostly limited to identifying signs of inaccurate data disclosure, with minimal attempts to detect undeclared assets. Moreover, the statute of limitations for criminal liability for such an offence is three years from the date of its commission¹⁸⁵², which is insufficient. In comparison, the statute of limitations for illicit enrichment is ten years¹⁸⁵³, and for filing a civil forfeiture claim for unjustified assets — four years¹⁸⁵⁴.

The NACP provides access to the asset declaration dataset through an Application Programming Interface (API)¹⁸⁵⁵; the latest update of this dataset was published in March 2024¹⁸⁵⁶. At the same time, under the "Implemented Measures" column of the "Performance" section on its official website, the Agency does not publish updates on the further developments of full declaration verifications, particularly in court, after substantiated conclusions, reports, or materials have been submitted to other state authorities or NACP units. As a result, systematic analysis of the disciplinary or criminal consequences for officials is difficult, as it requires consulting the Unified State Register of Court Decisions to examine each individual case. The Agency states that after submitting substantiated conclusions to pre-trial investigation bodies, it is no longer a party to the criminal proceedings and does not influence them; the results of such proceedings are made public by other government authorities, including pre-trial investigation bodies¹⁸⁵⁷.

1848 A 10% Increase in cryptocurrency in officials' declarations over the year. Opendatabot. 2025.

1849 Transparency International Ukraine. Analysis of the Results of the NACP's Full Verifications of Declarations Completed in the First Half of 2024. 2025.

1850 Ibid.

1851 Information provided by experts during interviews conducted on 17.03.2025 and 20.03.2025.

1852 Criminal Code of Ukraine No. 2341-III of 05.04.2001, Article 49.

1853 Ibid.

1854 Civil Code of Ukraine No. 40-44 of 16.01.2003, p. 5, Article. 258.

1855 Open API. Unified State Register of Declarations of Persons Authorised to Perform Functions of the State or Local Self-Government. 2025.

1856 Unified State Web Portal of Open Data.

1857 Letter of the National Agency on Corruption Prevention No. 10-13/32570-2 of 15.04.2025.

In 2024, based on the results of full verifications, the NACP submitted 228 substantiated conclusions to pre-trial investigation bodies concerning the identification of elements of corruption or corruption-related offences punishable under criminal law: under **Article 366² of the CC of Ukraine**, to the NPU — 161; the SBI — 26; the NABU — 28; the PGO — 4; and the SSU — 1. Under **Article 368⁵ of the CC of Ukraine**, to the NPU — 4; the NABU — 2; the SBI — 1; and the PGO — 1.

According to the information available to the NACP, based on the review of the above-mentioned substantiated conclusions, pre-trial investigation bodies initiated 209 criminal proceedings, of which 13 indictments had been submitted to court as of 9 April 2025. In addition, during the abovementioned period, 48 substantiated conclusions were submitted to the NPU concerning indications of corruption-related administrative offences punishable under Part 4 of Article 172⁶ of the Code of Ukraine on Administrative Offences (CUAO).

Between January and March 2025, based on the results of full verifications, 84 reasoned opinions identifying signs of corruption or corruption-related criminal offences subject to criminal liability were referred to law enforcement agencies: under **Article 366² of the CC of Ukraine** — 53 to the NPU, 13 to the SBI, 15 to NABU, and 2 to the PGO; under **Article 368⁵ of the CC of Ukraine** — 1 reasoned opinion was submitted to NABU.

As a result of reviewing these reasoned opinions, an additional 46 criminal proceedings were initiated from the beginning of 2025. Additionally, during the above-mentioned period, 24 reasoned opinions were submitted to the NPU concerning signs of corruption-related offences subject to administrative liability under Part 4 of Article 172⁶ of the CUAO¹⁸⁵⁸.

Also, from March to June 2025 inclusive, the NACP submitted 178 substantiated conclusions to law enforcement bodies regarding detected signs of corruption or corruption-related offences subject to criminal liability: 172 under **Article 366² of the CC of Ukraine**, 6 under **Article 368⁵ of the CC of Ukraine**. In addition, 3 case files concerning the detection of unjustified assets were forwarded to SAPO¹⁸⁵⁹.

Experts note extremely low performance indicators regarding court consideration of administrative offence protocols drawn up by the Agency following full verifications¹⁸⁶⁰. One of the measures outlined in the SAP to improve this situation is to transfer some administrative cases for consideration by the HACC¹⁸⁶¹. However, this decision is currently premature and may be reconsidered once all HACC judicial vacancies are filled and the case review dynamics are monitored.

According to official communication from the Agency, the NACP conducted 167 lifestyle monitoring procedures of declaration subjects in 2024. A total of 42 files and substantiated conclusions identifying signs of illicit enrichment and unexplained assets amount-

1858 Ibid.

1859 Full verifications of declarations for March: the NACP detected violations amounting to over UAH 234 million. National Agency on Corruption Prevention. 2025.; Full verifications of declarations for April: the NACP detected violations amounting to almost UAH 459 million. National Agency on Corruption Prevention. 2025.; Full verifications of declarations for May: the NACP detected violations amounting to almost UAH 518 million. National Agency on Corruption Prevention. 2025.; Full verifications of declarations for June: the NACP detected violations amounting to almost UAH 243 million. National Agency on Corruption Prevention. 2025.

1860 Information provided by an expert during an interview conducted on 17.03.2025.

1861 State Anti-Corruption Policy Monitoring Information System.

ting to approximately UAH 740 million¹⁸⁶² were forwarded to law enforcement agencies. Also, during the first half of 2025, the NACP conducted 95 lifestyle monitoring procedures of declarants. As a result, 36 case files were referred to law enforcement agencies: 24 were submitted to SAPO regarding detected signs of unjustified assets worth over UAH 130 million, and the remaining 12 concerned detected signs of illicit enrichment (Article 368⁵ of the CC of Ukraine) worth over UAH 366 million¹⁸⁶³.

Despite the higher effectiveness of this type of financial control compared to full verifications, it is important to recall that the lifestyle monitoring mechanism for declaration subjects remains insufficiently regulated. Specifically, no legislative initiatives have yet been introduced to clarify the Agency's inspection powers or to eliminate inappropriate discretionary authority — such as by implementing the automatic distribution of monitoring cases among authorised NACP staff based on random allocation and setting time limits for their completion¹⁸⁶⁴.

Certain legislative amendments aimed at changing the lifestyle monitoring of public officials were proposed in Draft Law No. 12347-d, which focuses on the comprehensive reform of ARMA¹⁸⁶⁵. This approach is problematic, as legislators should avoid the poor practice of introducing provisions unrelated to the subject matter into legislation regulating an entirely different domain¹⁸⁶⁶.

Later, the proposed amendments regarding lifestyle monitoring were excluded by the Verkhovna Rada Committee on Anti-Corruption Policy from the draft law that had been submitted for plenary consideration.

It is also worth noting that the NACP does not publish the results of lifestyle monitoring in the same manner as the results of full declaration verifications, which hinders deeper analysis of the practice. The Agency has stated that disclosing the results of lifestyle monitoring, which may contain confidential personal data of the declarant, their family members, close associates, and affiliated persons, could pose a risk of asset concealment or alienation by the declarants prior to the imposition of asset seizure¹⁸⁶⁷. However, in the case of full verifications, the reports include specific information about the declarant's assets identified as potentially unjustified, which undermines the consistency of the Agency's position. Moreover, a mechanism exists for redacting personal data without compromising the disclosure of other relevant findings. It is also important to highlight that the officials held liable as a result of lifestyle monitoring generally occupy lower-ranking positions compared to those targeted in full declaration verifications¹⁸⁶⁸.

1862 Publication by the National Agency on Corruption Prevention on the social network Facebook. 2025.

1863 Lifestyle Monitoring: Results for the First Half of 2025. National Agency on Corruption Prevention. 2025.

1864 In its communication on potential amendments to the legislative regulation of the lifestyle monitoring procedure, the Agency stated: "Even a simple lifestyle monitoring may last six months, and in complex cases - over a year." Such lengthy timeframes are disproportionate for this procedure. NACP calls on Members of Parliament to preserve the lifestyle monitoring tool. National Agency on Corruption Prevention. 2025.

1865 On Amending Certain Legislative Acts of Ukraine to Strengthen the Institutional Capacity of the National Agency of Ukraine for Detection, Investigation and Management of Assets Obtained from Corruption and Other Crimes, and to Improve Asset Management Mechanisms: Draft Law of Ukraine, registration No. 12374-d of 10.02.2025.

1866 Reform of ARMA's Institutional Capacity: Analysis of Draft Law No. 12374-d before Second Reading. Transparency International Ukraine. 2025.

1867 Letter of the National Agency on Corruption Prevention No. 10-13/32570-2 of 15.04.2025.

1868 Information provided by an expert during the interview conducted on 17.03.2025.

The following high-profile case of lifestyle monitoring received significant public attention. On 4 April 2024, investigative journalists from “Slidstvo.info” reported¹⁸⁶⁹ that the entrepreneur wife of the Head of the Cybersecurity Department of the SSU had purchased a luxury apartment of 195 m² in the Pecherskyi district of Kyiv in December 2023, declaring it at UAH 12.8 million, whereas its market value was estimated at UAH 21.5 million. According to the journalists, she was unlikely to have had sufficient legitimate income to afford such a purchase, as they were unable to find evidence of her legal business activity, and she refused to provide any comment. On 9 April, the SSU Head suspended the Chief of the Cybersecurity Department, from duty pending verification of the circumstances¹⁸⁷⁰. In April, the NACP also initiated a lifestyle monitoring procedure and restricted access to an official’s asset declaration¹⁸⁷¹. However, in September 2024, the NACP concluded there were no grounds for further action, having found no signs of illicit enrichment or unjustified acquisition of assets¹⁸⁷². At the same time, in May, the President dismissed the official from office¹⁸⁷³, and NABU launched a pre-trial investigation under Article 209 of the CC of Ukraine (legalisation [laundering] of proceeds of crime). NABU also stated that it had not received any requests from the NACP to freeze the apartment, although the HACC imposed such a seizure. In turn, the NACP declined to respond to journalists’ inquiries about whether a property valuation was carried out during the lifestyle monitoring¹⁸⁷⁴. Following these developments, civil society representatives expressed doubts about the NACP’s effectiveness and suggested the Agency’s decision may have been politically motivated¹⁸⁷⁵. In response, the Head of the NACP stated that he had no personal acquaintance with the official in question¹⁸⁷⁶.

The complete removal of the lifestyle monitoring mechanism from legislation would allow the NACP to focus on full verifications of officials’ declarations, particularly in detecting unjustified assets¹⁸⁷⁷. This approach would also be more in line with international standards, which provide for a single procedure for asset verification, rather than a variety of mechanisms.

Another important issue is that the NACP is currently not listed among the authorities responsible for taking measures to detect unjustified assets and collect evidence of their unjustified origin, as stipulated in part 5 of Article 290 of the Civil Procedure Code of

1869 Wife of SSU Cybersecurity Department Chief Bought an Apartment Worth Over UAH 20 Million During Wartime. Slidstvo.info. 2024.

1870 SSU Head Suspended Cybersecurity Department Chief Vityuk During Investigation of Circumstances Revealed by Slidstvo.info. Interfax-Ukraine. 2024.

1871 NACP Launched Lifestyle Monitoring of SSU General Vityuk Following Slidstvo.info Investigation. Slidstvo.info. 2024.

1872 NACP Found No Issues with the UAH 21.5 Million Apartment of the SSU General. Slidstvo.info.

1873 On the Dismissal of I. Vityuk from the Position of Head of the Department for Counterintelligence Protection of the Interests of the State in the Sphere of Information Security of the Security Service of Ukraine: Presidential Decree No. 257/2024 of 01.05.2024.

1874 Luxury Property of SSU General Vityuk Seized Despite NACP Finding No Violations. Hromadske. 2024.

1875 Publication by the Anti-Corruption Action Centre on social network X. 2024.

1876 Head of the NACP Comments on the Investigation Regarding Former SSU Cyber Department Chief Vityuk. Suspilne. 2024.

1877 Lifestyle Monitoring: How Effective Is This Procedure? Transparency International Ukraine. 2021.

Ukraine (CivPC of Ukraine)¹⁸⁷⁸. Including the Agency in this list, without subjecting its work to restrictive special procedures, would align its financial control practices with those of NABU, SAPO, SBI, and the PGO, without setting rigid boundaries or procedural requirements.

At present, if the NACP establishes evidence that a person authorised to perform state or local self-government functions has acquired unjustified assets, or that such assets have been acquired by another person on their behalf or in other cases provided for by Article 290 of the Civil Procedure Code of Ukraine (CivPC of Ukraine), the NACP has the right to raise the issue before the SAPO or, in legally defined cases, before the PGO, for filing a lawsuit seeking recognition of the assets as unjustified and their recovery to the state¹⁸⁷⁹.

The issue of NACP's full verification practices also drew attention due to a scandal that erupted in autumn 2024 involving the heads of regional Medical and Social Expert Commissions (MSECs). During searches of Head of the Khmelnytskyi Regional MSEC, law enforcement officers discovered USD 6.5 million in undeclared cash and evidence that she had issued disability certificates unlawfully. She was subsequently served with a notice of suspicion of illicit enrichment. Law enforcement authorities also initiated investigations into other MSEC heads. Following the scandal, Transparency International Ukraine analysed the declarations of these officials and found that the majority could indicate signs of legal violations. Specifically, in 18 out of 23 cases, the heads of regional MSECs or their family members were receiving pensions, which may indicate a conflict of interest¹⁸⁸⁰.

Meanwhile, only six regional MSEC heads' declarations had been selected for automated verification prior to the scandal — a process that consists of cross-checking declarations against official registries. These checks did not reveal any signs of administrative or criminal offences. The declaration of Head of the Khmelnytskyi Regional MSEC, had been manually verified by authorised NACP officials, and the initial verification only identified indications of an administrative offence, but not a crime¹⁸⁸¹. Following the scandal, the NACP announced a repeated manual full verification of declaration¹⁸⁸², which resulted in the detection of signs of criminal violations amounting to over UAH 34.8 million¹⁸⁸³. The NACP later reported that during 2024–2025 it launched full verifications of 17 MSEC employees' declarations — seven were selected using the risk-based logic and arithmetic control system, and ten were selected based on notifications. A total of 11 verifications have been completed, revealing indicators of inaccurate information totalling UAH 58.2 million and signs of illicit enrichment in one declaration totalling UAH 16.4 million. Nine substantiated reports were forwarded to law enforcement agencies¹⁸⁸⁴.

1878 Civil Procedure Code of Ukraine No. 40-41 of 18.03.2004, 42, Part 5, Article 290.

1879 On Prevention of Corruption: Law of Ukraine No. 1700-VII of 14.10.2014, paras. 5–7, Part 1, Article 12.

1880 Scandals in MSECs: Any Prospects for Punishment? Transparency International Ukraine. 2024.

1881 Ibid.

1882 The NACP Launches a Repeated Verification of the Declaration of the Head of the MSEC in Khmelnytskyi Region Based on Newly Discovered Circumstances. National Agency on Corruption Prevention. 2024.

1883 Full Verification of the Declaration of the Head of the Khmelnytskyi MSEC: Violations Worth Almost UAH 35 Million Identified. 2025. National Agency on Corruption Prevention.

1884 Full Verification of MSEC Officials' Declarations: 11 Verifications Completed, Inaccurate Information Amounting to UAH 58.2 Million and Illicit Enrichment of UAH 16.4 Million Identified. 2025.

In April 2025, news appeared in open sources regarding cryptocurrency holdings by 23 NABU detectives¹⁸⁸⁵. According to information from the head of NABU's Public Oversight Council, the declaration of one of these detectives was automatically verified by the NACP at the request of NABU. This verification did not reveal significant issues, and the amount of discrepancies in the data, according to the NACP, was too minor to warrant further manual verification¹⁸⁸⁶.

This situation supports the argument for reverting to the NACP's previous approach to full verifications, which did not include the possibility of fully automated checks. Moreover, the criteria for selecting declarations for automated full verification remain non-transparent, as determined by the NACP¹⁸⁸⁷ — a point that has drawn public criticism. During an expert interview, it was noted that full verifications currently constitute a disproportionate use of resources relative to their limited results¹⁸⁸⁸.

The low effectiveness of full verifications is partly due to the insufficient human and financial resources of the NACP. According to the Head of the NACP, the current salary of authorised officers ranges from UAH 35,000 to 45,000¹⁸⁸⁹. Considering the difficult economic conditions under martial law and the corruption risks inherent in the work of authorised officers, this level of remuneration is not competitive.

The Deputy Chair of the NACP Public Council expressed a positive view of the staffing decisions made by the new Head of the Agency¹⁸⁹⁰. However, questions remain regarding the integrity of certain department and unit heads who were appointed before the Agency's reorganisation¹⁸⁹¹. Despite this, they continue to hold their positions to this day¹⁸⁹².

The need to recruit qualified personnel to the NACP has also been emphasised by international partners in the most recent OECD report mentioned above. Specifically, the report highlights that despite a high level of automation in the declaration verification processes, meaningful results — such as the initiation of criminal proceedings — are only achieved with the involvement of well-trained and motivated professionals capable of conducting comprehensive data analysis and financial investigations. Therefore, one of the top priorities for agencies responsible for e-declaration is to attract, train, motivate, and retain professional staff¹⁸⁹³.

1885 Scandalous Detective Braverman Caught with "Crypto": Media Exposed NABU Detectives Who Hid Millions in Bitcoins. Oboz.ua. 2025.

1886 Publication by the Head of the Public Oversight Council of the National Anti-Corruption Bureau of Ukraine on the social network Facebook. 2025.

1887 On Amending the Procedure for Full Verification of the Declaration of a Person Authorised to Perform State or Local Government Functions: Order of the National Agency on Corruption Prevention No. 424/24 of 20.12.2024.

1888 Information provided by an expert during an interview conducted on 17.03.2025.

1889 Head of the NACP Viktor Pavlushchuk: "The First Whistleblowers Have Started Receiving Million-Hryvnia Rewards." Glavcom. 2024.

1890 Viktor Pavlushchuk Has Been Leading the NACP for a Year: How the Agency Has Changed. Ukrainska Pravda. 2025.

1891 Assessment of Implementation of Recommendations on the Capacity and Effectiveness of the NACP. Transparency International Ukraine. 2021, p. 22.

1892 NACP Structure. 2025.

1893 Combating high-level corruption in Eastern Europe: Insights and Solutions. OECD Publishing. Paris, 2024.

The OECD report also recommends prioritising efforts aimed at in-depth analysis of declarations submitted by individuals holding high-risk positions and using the results of such analysis in the detection and investigation of high-level corruption cases¹⁸⁹⁴.

In the report of the external independent assessment of the Agency's activities for 2020–2021, a recommendation was made for the NACP to develop its own Data Warehouse, which could have a positive impact on all analytical and oversight functions of the Agency — particularly the verification of declarations and other inspection activities¹⁸⁹⁵. However, the development of this project is currently uncertain due to the suspension of operations and funding by one of the international technical assistance donors¹⁸⁹⁶.

Recommendations

1. Revert to the previous concept of full verification of declarations, which did not allow for declarations to be fully verified through automated procedures¹⁸⁹⁷.
2. Improve systematic access to information from foreign partners and registry-of-registries systems by enabling the Agency to conclude multilateral international agreements on information exchange for the purpose of verifying public officials' asset declarations.
3. Ensure a competitive level of remuneration for authorised NACP personnel responsible for conducting full verifications. In addition, to increase the Agency's human resource capacity with qualified professionals, it is necessary to amend legislation to introduce an objective, transparent, and merit-based competitive procedure for employment in the NACP, as well as to revise internal recruitment procedures accordingly.
4. Improve the methodology for conducting full verifications of declarations. Publish information on the further handling of findings resulting from verifications, including referrals to other agencies and outcomes of court proceedings.
5. The NACP's subordinate regulation on the new procedure for lifestyle monitoring should be revised to prevent excessive interference in declarants' private lives¹⁸⁹⁸. Consideration should also be given to fully removing the lifestyle monitoring mechanism from legislation, which would allow the NACP to focus on full verification of officials' declarations, particularly in identifying unexplained assets.
6. Include the NACP in the list of authorities empowered to identify unexplained assets and collect evidence of their unjustified origin pursuant to Part 5 of Article 290 of the CivPC of Ukraine.

1894 Ibid.

1895 Report of the Commission for Conducting Independent Assessment of the Effectiveness of the NACP of 24 July 2023, p. 83.

1896 Information provided by an expert during an interview conducted on 17.03.2025.

1897 Recommendation previously provided by civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine (p. 256) remains relevant.

1898 Ibid. The recommendation previously submitted by civil society remains relevant (p. 249).

State Funding of Political Parties

Progress and issues

As of the end of March 2025, the NACP had reviewed 94% (236 out of 250¹⁸⁹⁹) of the financial reports submitted by political parties for the third quarter 88% (225 out of 253¹⁹⁰⁰) — for the fourth quarter of 2024¹⁹⁰¹. A total of 150 political parties failed to submit reports to the NACP for the third quarter of 2024¹⁹⁰², and 132 political parties failed to submit reports for the fourth quarter of 2024¹⁹⁰³, and 148 — for first quarter of 2025¹⁹⁰⁴. It is worth noting that, as of 1 January 2025, three parliamentary parties received UAH 192 million in state funding. In total, the NACP drew up 651 protocols, including 5 under Article 188⁴⁶ of the CUAO¹⁹⁰⁵, 12 under Article 212¹⁵ of the CUAO, and 634 under Article 212²¹ of the CUAO¹⁹⁰⁶.

In the context of reporting periodicity, quarterly reporting in the absence of an annual automatic distribution of audits creates an excessive administrative burden on the NACP. Although the NACP reports that an annual distribution of political parties for audit could be introduced, it argues that such distribution is inefficient in terms of workload for authorised personnel, without explaining why quarterly distribution is more effective¹⁹⁰⁷. In the case of parliamentary parties, the need for more frequent reporting may be justified by the link to state funding. However, for other parties, annual reporting — precedent for which was already established in Ukraine during the resumption of reporting — would allow for a comprehensive assessment of a party's financial activity over a full period, help identify recurring transactions and facilitate analysis. This approach is applied in most countries and is less burdensome for parties, while also aligning with the NACP's limited resources, whose staffing capacity is not increasing.

Nevertheless, progress has been observed in the quality of the NACP's findings following the review of reports. While in 2020, prior to the suspension of reporting, a typical conclusion was limited to 1–3 pages, in 2024, after reporting resumed, it could exceed 15 pages. This marks a step forward in terms of public awareness and access to information. However, in practice, NACP audits mostly consist of identifying formal procedural violations that are easy to detect. For instance, cases where reports did not reflect expenses related to the payment of registration fees, which may have been funded by third parties, were qualified by the NACP as improper declaration of contributions. Technically, revisiting

1899 Analysis of political party reports for Q3 2024.

1900 Analysis of political party reports for Q4 2024.

1901 Statistics on the review of submitted quarterly financial reports. Unified State Register of Political Party Reports. 2025.

1902 150 political parties did not submit reports to the NACP for Q3 2024. National Agency on Corruption Prevention.

1903 Over 130 political parties failed to submit reports to the NACP for the first quarter of 2024. National Agency on Corruption Prevention.

1904 Over 150 political parties failed to submit reports to the NACP for the first quarter of 2025. National Agency on Corruption Prevention.

1905 Code of Ukraine on Administrative Offences No. 80731-X of 07.12.1984.

1906 Results of the NACP's activities. 2025.

1907 Letter from the National Agency on Corruption Prevention No. 10-13/32570-2 of 15.04.2025.

previously reviewed reports in the future is possible, but no cases of such review or renewed analysis have been recorded.

The review of such a volume of reports within a limited timeframe after the resumption of reporting was extensive. In this context, it should be acknowledged that the Agency fulfilled its technical function — it completed the audits, identified violations, approved the findings, and prepared the relevant protocols — however, it did not demonstrate the capacity to detect systemic abuses or significant risks.

Changes in the types of identified violations are partly due to access to new sources of information — for example, whereas previously most protocols and court decisions concerned contributions from individuals with tax arrears¹⁹⁰⁸, current violations often relate to failure to pay court fees, etc. Experts point¹⁹⁰⁹ to the prevalence of violations in the procedure for providing/receiving contributions¹⁹¹⁰ from individuals who simultaneously concluded contracts for the procurement of works, goods, or services to meet the needs of the state or territorial community¹⁹¹¹, which is prohibited. In several cases, the NACP recorded violations but did not draw up protocols due to the expiration of the limitation period for liability (six months from the moment of detection or no later than two years from the moment of the offence)¹⁹¹². This was especially relevant for audits of reports for 2020–2022.

Experts note¹⁹¹³ that the fundamental behaviours of parties have generally not changed significantly and have mostly transformed due to external circumstances — particularly the full-scale war — rather than as a result of NACP oversight mechanisms. Previous evident abuses are now often replaced with cautiously formalised conduct that indicates adaptation to oversight requirements rather than integrity. Cooperation with civil society and regional journalists to enhance oversight effectiveness remains mostly reactive — the NACP usually does not initiate such engagement on its own. Even when there is information about potential violations, the NACP does not always act upon it properly. The absence of a consistent practice of institutionalised cooperation with civil society limits the capacity to comprehensively detect undeclared offices, staff, and expenses of political parties.

A significant challenge for the NACP's accountability remains the lack of transparency in determining the risk-based criteria for future audits. The failure to make these criteria public deprives political parties of the opportunity to foresee the legal consequences of their actions, even when they intend to act in good faith and comply with the requirements. It also renders full public oversight of the rationale behind the selected audit approaches impossible, as the Agency independently defines which methods it considers effective. Openness to dialogue and the dissemination of practical guidance are key elements

1908 Money and Politics: Why is Liability for Violating Political Finance Rules Ineffective? OPORA. 2023.

1909 Information provided by experts during interviews conducted on 19.03.2025 and 26.03.2025.

1910 Code of Ukraine on Administrative Offences No. 80731-X of 07.12.1984, Article 212¹⁵.

1911 In the total amount exceeding 50 times the subsistence minimum for able-bodied persons established as of 1 January of the year in which the contribution is made, during the term of such agreement and within one year after its termination.

1912 Code of Ukraine on Administrative Offences No. 80731-X of 07.12.1984, Article 38.

1913 Information provided by experts during interviews conducted on 19.03.2025, 21.03.2025, 25.03.2025, and 26.03.2025.

of the preventive function assigned to the NACP under current legislation. However, the Agency does not always ensure sufficient communication with stakeholders, particularly political parties and the public. This results in the perception that the NACP focuses primarily on bureaucratic control and the imposition of liability, rather than on preventing violations through advisory or explanatory activities. For its part, the NACP argues that the concept of audit criteria for political party reporting is not established in Ukrainian legislation, and that the organisation and conduct of audits of political parties' reports on property, income, expenses, and financial obligations — including the information subject to analysis and the relevant procedure — is public information¹⁹¹⁴.

A separate issue is the NACP's inability to ensure comprehensive monitoring of the financial activities of political parties in the digital environment. Some campaigning and political advertising is placed on social media platforms, particularly TikTok and Telegram, where information is partially or completely inaccessible, unlike on Facebook. In such cases, assessing expenditures on political communication becomes more difficult, which necessitates both the expansion of the NACP's technical and financial capacities for media monitoring and inter-agency cooperation with the STS, the State Financial Monitoring Service of Ukraine (SFMS), and other bodies. Effective monitoring during the election period will require timely allocation of resources. Another challenge lies in classifying the content — whether it constitutes editorial material or paid political advertising.

At the same time, the issue of monitoring the targeted and effective use of state funding by political parties remains unresolved. Although the NACP does review the financial reports of parties, it does not have a mandate to assess the relevance of budgetary expenditure. Its functions are limited to verifying reported data, including confirming the provision of services or the execution of payments, as well as identifying procedural violations — the Agency lacks tools or methodology to determine the appropriateness or effectiveness of spending.

This function falls within the remit of the Accounting Chamber, but the format of its reports, despite their overall analytical value, does not meet performance audit standards. These reports primarily provide aggregated spending statistics, without offering assessments of the appropriateness, justification, or effectiveness of the use of budget funds, and are incomplete in terms of covering or investigating potentially abusive practices that have received public attention. Instead of providing a substantive analysis of the nature of expenditures, the reports focus mainly on the categorisation of spending and remain at a descriptive level. As a result, such documents effectively do not fulfil the function of a performance audit, and their content does not allow for conclusions to be drawn regarding the justification and productivity of public funding used by political parties.

One of the reasons for this issue is the legislative ambiguity surrounding the concept of "statutory activities of a political party". The state does not establish an exhaustive list of permitted or prohibited areas for spending budget funds within the scope of such activities. As a result, the criteria based on which violations of the principles of efficiency or relevance could be identified remain vague, highlighting the need to formalise and standardise approaches to defining targeted expenditures.

1914 Letter from the National Agency on Corruption Prevention No. 10-13/32570-2 of 15.04.2025.

Among the priorities of the Department for the Integrity of Political Finance of the NACP for 2025 is the continued modernisation of the POLITDATA Register, which “will enable automation of the submission and monitoring of financial reports of electoral funds during local elections; automate the integration of banking data into the financial reports of electoral funds for all types of elections; automate the audit process using a risk-based approach, and expand public access to political finance information contained in the Register”¹⁹¹⁵. The NACP has already conducted:

- modernisation (development) of the subsystem of business process modules for the submission and verification of reports by political parties and financial reports on the receipt and use of funds by electoral funds in national elections, as well as development of auxiliary software modules and components with the support of international technical assistance projects “Effective and Accountable Politics Programme” and “Resilient Institutions, Society and Elections” (implemented by the International Foundation for Electoral Systems — IFES);
- development of a subsystem for logical and arithmetic control, which ensures automatic analysis of data in the reports of political parties and electoral fund managers, as well as verification of the consistency of the data provided in the reports with information from registers, databases, and other information systems of state authorities;
- implementation of a process for the automated generation of findings based on the results of political party report audits.

On 1 July 2025, the NACP launched an upgraded version — POLITDATA 2.0 — featuring a redesigned interface, improved navigation and search functions, accessibility for persons with disabilities, an enhanced API to facilitate comprehensive data analysis, and additional tools for examining the finances and assets of political parties. Users can now view and download not only individual reports but also the entire set of reports at once¹⁹¹⁶. Previously, the functionality of the electronic register of political party reports required users to manually select a political party and reporting period, and to view a report individually. In the new version, a more intuitive interface, higher processing speed, and a logical display of information on local party branches have been introduced¹⁹¹⁷. In the earlier version, the API was overly complex, requiring specialized knowledge. The new API is designed to improve accessibility and user-friendliness, although it still requires further testing and adaptation to the needs of journalists, civil society organizations, and the general public.

It should be noted that some political parties have expressed concerns about the new features. The launch of the updated Register was both timely and necessary, given the need for further development of digital tools for transparent political financing. At the same time, the reorganization process is far from complete: while the system is already publicly available, its technical and functional improvements are ongoing due to the project's considerable scale. The final result is expected to encompass a complex data architec-

¹⁹¹⁵ Results of the NACP's activities for 2024: ensuring the integrity of political finance. National Agency on Corruption Prevention.

¹⁹¹⁶ NACP launched the updated version of the POLITDATA 2.0 register. National Agency on Corruption Prevention. 2025.

¹⁹¹⁷ Information provided by an expert during the interview conducted on 29.07.2025.

ture, integration with other state information systems, as well as the automation of reporting verification and analysis processes¹⁹¹⁸.

Under an optimistic scenario, the aforementioned automation of audits will free up NACP resources for more in-depth analytical work in areas requiring additional human and expert capacity. At the same time, there is a risk that this may lead to overreliance by the NACP on machine-processed results, which can only cover a portion of the report. Other aspects still require thorough analysis, particularly using external sources of information — such as party expenditures, unofficial funding, methods of covert campaigning, and political advertising.

It is noteworthy that party reports for 2016–2017 have still not been returned to open access, and the NACP does not plan to do so, citing the expiration of the mandatory five-year retention period¹⁹¹⁹. Considering that an average uploaded textual report is not particularly large in size, there appear to be no relevant technical obstacles related to data volume that would prevent the publication of these archived records. If the relevant department of the NACP positions itself as a structural unit responsible for ensuring the integrity of political finance — as reflected in its revised name¹⁹²⁰ — then, in the absence of any legal requirement to delete such reports, it has every reason to retain this data in the public domain.

Experts are not aware of any recent cases in which materials were referred to court by the NPU as a result of audits in the area of political finance, which precludes speaking of any systematic law enforcement activity in this sphere¹⁹²¹. It is expected that the situation may partially change during the upcoming election campaign; however, the effectiveness of police investigations into such offences currently remains critically low¹⁹²². This is due to both the objective complexity of classifying and proving the relevant offences and the insufficient institutional capacity of law enforcement bodies — the continued development of which through training programmes is at risk due to cuts in international technical assistance funding. Effective documentation of offences requires the conduct of covert investigative (detective) actions yet proving intent without the use of specialised investigative tools — which are not permitted due to the non-serious nature of the offence¹⁹²³ — is extremely difficult. Therefore, the issues of qualification and proportionality of sanctions remain subject to debate.

There is ongoing discussion about the possibility of differentiating the elements of offences — for example, based on the level of harm caused or the profile of the perpetrator (high-ranking officials, large amounts involved, etc.) — which could theoretically provide grounds for involving NABU. At present, the National Bureau is not formally authorised to investigate such offences, as they are not classified as corruption-related in the narrow sense defined by legislation. Even if NABU were politically willing to pursue certain, most socially dangerous cases, the corresponding change in jurisdiction would

¹⁹¹⁸ Information provided by an expert during the interview conducted on 30.07.2025.

¹⁹¹⁹ Ibid.

¹⁹²⁰ NACP Structure. 2025

¹⁹²¹ Information provided by experts during interviews conducted on 19.03.2025, 21.03.2025, 25.03.2025, and 26.03.2025.

¹⁹²² Ibid.

¹⁹²³ Criminal Code of Ukraine No. 2341-III of 05.04.2001, Article 159¹.

appear premature given the Bureau's current institutional and analytical capacity. The same observation regarding insufficient capacity also applies to the potential referral of cases concerning political parties to the HACC for judicial review.

Recommendations

1. The NACP's capacity to audit political party reports should be strengthened, particularly by introducing an annual automatic distribution of audits among the Agency's staff. The practice of annual reporting should be continued for non-parliamentary parties.
2. The criteria for auditing reports — as part of the NACP's preventive function — should be widely discussed with political parties and external stakeholders. Rather than marking such criteria as "for official use only", they should be made publicly accessible.
3. The results of new audits of political party reports should be published comprehensively, not in a fragmented manner.
4. The National Police should conduct more thorough investigations of materials from the NACP concerning possible criminal offences committed by political parties, and the prosecutorial authorities should ensure their referral to court.
5. The NACP should further modernise the POLITDATA System to improve its usability for political parties and other users — particularly by introducing automatic verification of available information and integration with other state registers¹⁹²⁴.
6. It would be appropriate for the NACP to initiate the formalisation of cooperation with the STS, the SFMS, civil society, and journalistic networks by creating an institutionalised platform or advisory body for information exchange, joint risk identification, and the development of methodological materials.
7. The Accounting Chamber should carry out more in-depth audits of the effectiveness of state funding used by political parties.

Monitoring of Conflicts of Interest

Progress and issues

There has been almost no improvement in monitoring conflicts of interest and compliance with other anti-corruption restrictions. In particular, the Agency has still not implemented the automated distribution of monitoring assignments among its authorised personnel — an issue previously raised in the Report of the Commission for Conducting Independent Assessment of the Effectiveness of the NACP for 2020–2021¹⁹²⁵ and the Shadow Report on Chapter 23¹⁹²⁶.

¹⁹²⁴ Recommendations 1–5 previously provided by civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine remain relevant (pp. 256–257).

¹⁹²⁵ Report of the Commission for Conducting Independent Assessment of the Effectiveness of the NACP of 24.07.2023.

¹⁹²⁶ Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine. 2024.

The Rule of Law Roadmap, with a deadline set for the end of 2025, also identifies among the necessary measures the “definition of internal procedures of the National Agency on Corruption Prevention to ensure reliable monitoring and control over compliance with the requirements of legislation on the prevention and settlement of conflicts of interest, as well as the requirements and restrictions established by Chapter IV of the Law of Ukraine ‘On Prevention of Corruption.’” It also provides for the “adoption of relevant regulatory acts to ensure legal certainty, further optimization, accountability, and transparency of the results of such proceedings¹⁹²⁷.”

According to information published by the NACP, the number of recorded violations of legislation on conflicts of interest in 2024 even decreased compared to 2023. Thus, in 2024, the NACP completed 213 monitoring and oversight actions concerning compliance with legislation on ethical conduct, prevention and resolution of conflicts of interest — 143 of which were based on reports of corruption. In comparison, in 2023, reports of corruption received by the NACP served as the basis for 219 monitoring and oversight actions¹⁹²⁸.

Based on the activities conducted in 2024, the NACP drew up 27 administrative offence protocols related to corruption against 25 individuals (compared to 42 protocols against 38 individuals in 2023) and issued 35 precepts to eliminate violations of anti-corruption legislation (compared to 16 precepts issued in this area of work in 2023)¹⁹²⁹.

In the first half of 2025, the NACP also prepared 26 substantiated conclusions identifying signs of corruption or corruption-related offences, including 18 with indications of corruption offences causing potential damage exceeding UAH 290 million, and 8 concerning corruption-related offences. In addition, during this six-month period, the Agency drew up 7 administrative offence protocols against 7 individuals and issued 35 prescriptions regarding violations of legislation on ethical conduct and the prevention of conflicts of interest¹⁹³⁰.

At the same time, the Agency does not publish full statistical information on the outcomes of court proceedings related to the relevant protocols. Instead, it notes that in 2024, the percentage of individuals subjected to administrative sanctions increased from 26% in 2023 to 32% in 2024¹⁹³¹. The official NACP website, under the “Results of Activity” section, also lacks information on cases related to the monitoring of conflict of interest prevention and resolution, and compliance with anti-corruption legislation concerning gifts, incompatibilities, etc. The Department for Monitoring and Control over the Implementation of Legislation on Conflicts of Interest and Prevention of Corruption has developed technical specifications for updating the website, which have been submitted to the relevant structural unit of the NACP. Currently, the section of the Agency’s official website dedicated to the results of the Department’s activities is under development at the design stage, taking into account the prepared technical specifications¹⁹³².

1927 Certain Issues of Ensuring the Negotiation Process on Ukraine’s Accession to the European Union under Cluster 1 “Fundamentals of the Accession Process”: Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

1928 Results of the NACP’s activities for 2024: monitoring and control over compliance with legislation on conflicts of interest. National Agency on Corruption Prevention. 2025.

1929 Ibid.

1930 The NACP Detected Conflict-of-Interest Violations Amounting to UAH 290 Million – Results for the First Half of 2025. National Agency on Corruption Prevention. 2025.

1931 Ibid.

1932 Letter from the National Agency on Corruption Prevention No. 10-13/32570-2 of 15.04.2025.

The number of reports of conflicts of interest received in 2024 by the Department for Monitoring and Control over the Implementation of Legislation on Conflicts of Interest and Prevention of Corruption amounted to 838¹⁹³³. However, there is no statistical breakdown by other public authorities, nor any information on the methods used by the Agency to resolve conflicts of interest. In its communication on 2024 performance results, the Agency merely states that, in cooperation with authorised departments for the prevention and detection of corruption, it examined 140 instances of potential conflicts of interest in the activities of public officials¹⁹³⁴. However, it does not indicate the total number of such reports received by the Agency. The absence of this information prevents adequate tracking of the NACP's activity dynamics in this area — from the receipt of a report to the court's decision on the protocol drawn up.

In February 2025, the NACP partially updated its methodological recommendations for anti-corruption officers regarding the prevention and resolution of conflicts of interest and compliance with other restrictions, while maintaining the overall template for defining terms and describing practical examples¹⁹³⁵.

For the assessment of the NACP's work in monitoring conflicts of interest among top officials, it is also important to consider the Agency's position regarding the parliamentary vote on the notorious Draft Law No. 12414, which undermined the independence of the SAPO and NABU. Among the 263 members of parliament who voted in favor of the draft law were nine MPs under suspicion or indictment for corruption offences and another ten whose cases had been closed by NABU¹⁹³⁶.

The Rules of Procedure of the Verkhovna Rada¹⁹³⁷, as well as the current clarifications of the NACP¹⁹³⁸, stipulate that, having a conflict of interest in relation to a certain issue, a member of parliament must publicly declare it at the sitting before the start of voting or discussion. However, the MPs failed to do so. Despite the clear requirements of the above-mentioned documents, which contain no exceptions, the Agency commented to journalists that the legislative provisions on preventing conflicts of interest do not apply to MPs' participation in voting on draft laws that concern a broad group of persons, including themselves as citizens¹⁹³⁹.

1933 Ibid.

1934 Results of the NACP's work in 2024: monitoring and control over compliance with legislation on conflicts of interest. National Agency on Corruption Prevention. 2025.

1935 Methodological recommendations on the application of certain provisions of the Law of Ukraine "On Prevention of Corruption" concerning the prevention and resolution of conflicts of interest and compliance with anti-corruption restrictions. National Agency on Corruption Prevention. 2025.

1936 Which MPs Voted to Destroy the Independence of NABU and SAPO in a Conflict of Interest Situation? Transparency International Ukraine. 2025.

1937 On the Rules of Procedure of the Verkhovna Rada of Ukraine: Law of Ukraine No. 1861-VI of 10.02.2010, Part 6 Article 37.

1938 Knowledge Base: Clarifications on the Peculiarities of Resolving Conflicts of Interest Arising in the Activities of Certain Categories of Persons Authorized to Perform State or Local Self-Government Functions of 12.01.2024. National Agency on Corruption Prevention.

1939 The NACP Commented on the Participation of Suspected MPs in the Vote on the Law on NABU and SAPO. Slovo i Dilo. 2025.

Recommendations

1. Introduce automated distribution of conflict of interest monitoring cases among authorised NACP personnel.
2. The Agency should publish complete statistical and analytical information on the outcomes of court proceedings regarding administrative offence protocols related to corruption, as well as statistical data on the number of conflict of interest reports received by the NACP across various authorities, and the methods the Agency applied to resolve such conflicts.

Whistleblower Mechanism

Progress and issues

The Unified Whistleblower Reporting Portal, launched by the NACP and noted in the European Commission's report¹⁹⁴⁰ continues to fall short of best practices — primarily in terms of user-friendliness, anonymity, and confidentiality¹⁹⁴¹. This currently appears to be the key issue, rather than the low level of public authority connection to the Portal. As of 31 July 2025, 10,046 organisations¹⁹⁴² had been connected to the Portal — only 10,9%, while the NACP anticipates connecting 92,000 organisations¹⁹⁴³.

In an interview in July 2024, the Head of the NACP stated: "Indeed, there are many proposals from civil society on how to improve the functioning of the whistleblowing system and the whistleblower portal... We still need time to gather a comprehensive list of issues to be addressed and resolved in a single round, rather than redesigning the portal 10 times. It must be done properly once¹⁹⁴⁴". The NACP notes that the Portal is a relatively new system, which involves interaction among a wide range of organisations — from ministries to state and municipal institutions and organisations. As new users are connected to the Portal, shortcomings that were not previously apparent continue to emerge, which, subject to the availability of resources, are promptly addressed. At present, the relevant specialised units are working on implementing several proposals — particularly those received following the most recent survey of anti-corruption officers and designated units responsible for preventing and detecting corruption¹⁹⁴⁵. Communication and consultations are also ongoing with the contractor responsible for the Portal's technical support.

At the same time, gathering information (comments and proposals) is only one of many important elements in the process of deploying and modernising the Portal. After each round of collecting proposals, they must be analysed and summarised, with distinctions

1940 Ukraine 2024 Progress Report within the European Union Enlargement Package.

1941 Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine, p. 265. 2024.

1942 Organisations connected to the Portal. Unified Whistleblower Reporting Portal. 2025.

1943 Over 90,000 organisations are expected to be connected to the Whistleblower Portal — NACP. Ukrinform. 2023.

1944 NACP Head Viktor Pavlushchuk: "Specialists responsible for verifying top officials earn an average of UAH 35,000." LB.ua. 2024.

1945 Whistleblower Portal: user evaluation and plans for further improvement. National Agency on Corruption Prevention. 2025.

made between those that can be implemented directly by the Agency, those requiring the involvement of external specialists, and others that, while also important, cannot currently be implemented due to legislative inconsistencies or conflicts¹⁹⁴⁶. However, previously voiced recommendations from civil society¹⁹⁴⁷ on improving the effectiveness of the NACP's work in the field of whistleblower protection remain unaddressed¹⁹⁴⁸.

The NACP notes that it — like much of the public sector — faces challenges in staffing with qualified personnel in the IT field and therefore cannot implement all aspects of Portal modernisation using only its internal capacity. Moreover, the Agency's resources are also limited, and thus any involvement of public or private funding for the implementation of a given project requires in-depth assessment and careful preparation of the necessary documentation¹⁹⁴⁹.

Under such conditions, whistleblowers in newly connected organisations face serious risks — especially if more organisations join the Portal and the focus shifts to maintaining technical capacity under increased load, rather than substantively correcting its shortcomings. No comprehensive communication campaign to promote the Portal¹⁹⁵⁰ has been observed, and the relevant online course for anti-corruption officers on using the Portal merely repeats previously published NACP instructions and does not provide additional answers to debated questions¹⁹⁵¹. This is particularly relevant given that the percentage of citizens in Ukraine who do not tolerate corruption and choose whistleblowing behaviour has significantly increased, as evidenced by the results of the nationwide sociological survey "Corruption in Ukraine 2024: Understanding, Perception, Prevalence," conducted by the research company Info Sapiens on behalf of the NACP¹⁹⁵². A positive development is the national communication campaign "Corruption Is Not a Legacy," supported by the EUACI, which focused on the use of budget funds during the war, reconstruction financing, targeted use of local budgets, urban planning, and the construction of civil defence structures. The campaign materials include references to the NACP's educational video course on public oversight¹⁹⁵³.

Civil society conducted an assessment, accompanied by relevant recommendations, of how 19 ministries implemented the provisions of the Law of Ukraine "On Prevention of Corruption" concerning the functioning and protection of whistleblowers. The assessment revealed uneven implementation of the legislation and incomplete development of institutional capacity in this area¹⁹⁵⁴.

1946 Letter from the National Agency on Corruption Prevention No 10-13/32570-2 of 15.04.2025.

1947 Key recommendations for relaunching the NACP's work in the area of whistleblower protection. ACREC. 2024.

1948 One year of the Whistleblower Reporting Portal: achievements and challenges of the whistleblower mechanism. National Agency on Corruption Prevention. 2024.

1949 Letter from the National Agency on Corruption Prevention No 10-13/32570-2 of 15.04.2025.

1950 Working with the Unified Whistleblower Reporting Portal. Online course for anti-corruption officers. National Agency on Corruption Prevention. 2024.

1951 Information provided by experts during an interview conducted on 20.03.2025.

1952 Public support for whistleblowers reaches a historic high: survey results. National Agency on Corruption Prevention. 2025.

1953 Corruption fears your oversight: NACP launches a nationwide information campaign. National Agency on Corruption Prevention. 2025.

1954 Monitoring Report on the Implementation by Ministries of Ukrainian Legislation on Whistleblower Protection. ACREC. 2024.

According to the Unified Register of Pre-trial Investigations, from January to December 2024, 26 criminal proceedings related to corruption offences were initiated based on whistleblower reports. In 12 of these cases, decisions were made to refer the case to court following pre-trial investigations, in accordance with subparagraphs 2 and 3 of paragraph 2 of Article 283 of the CPC of Ukraine. Overall, in 2024, taking into account offences recorded both in 2024 and in previous years, a total of 25 cases based on whistleblower reports were referred to court following the completion of pre-trial investigations. According to analytical information available on the Unified Whistleblower Reporting Portal, the NACP received 2,148 reports in 2024, and as a result of their consideration, 18 individuals were granted whistleblower status¹⁹⁵⁵.

The NACP reported that five whistleblowers were reinstated to their positions through court decisions¹⁹⁵⁶. In 2024, the share of court rulings in favor of whistleblowers increased by 56% compared to 2023 (16 versus 9), while the total amount of compensation awarded to whistleblowers for violations of their labor rights amounted to UAH 2.56 million. Among the challenges identified in the NACP's 2024 annual analysis in the field of whistleblower protection were: non-compliance by certain state bodies with legislative requirements to implement whistleblower incentive mechanisms; inadequate recording of reports in the Unified Portal; and the low level of citizens' legal awareness. Separately, the Agency highlighted attempts to abuse whistleblower status for personal purposes. The NACP proposes a series of changes, including: accelerating judicial procedures, strengthening sanctions and introducing personal liability, adapting best international whistleblowing practices, and raising awareness¹⁹⁵⁷.

Recommendations¹⁹⁵⁸

1. The Unified Whistleblower Reporting Portal must comply with international standards and best practices regarding the protection of whistleblower anonymity and confidentiality.
2. The NACP should conduct a comprehensive communication campaign to promote the Portal and raise awareness among potential whistleblowers about the mechanisms and safeguards of the whistleblower system.
3. The NACP and ministries should take into account the recommendations of civil society representatives concerning the improvement of their work with whistleblowers.

¹⁹⁵⁵ Data on the number of whistleblower reports, whistleblower status grants, and criminal proceedings initiated based on such reports. National Agency on Corruption Prevention. 2025.

¹⁹⁵⁶ How the NACP Protects Whistleblowers: Legislative Guarantees and Practice. National Agency on Corruption Prevention. 2025.

¹⁹⁵⁷ The Number of Court Decisions in Favor of Whistleblowers Increased by 56% – NACP Analysis. National Agency on Corruption Prevention. 2025.

¹⁹⁵⁸ Recommendations 1 and 3 previously provided by civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine (p. 265) remain relevant; Recommendation 2 has been further clarified considering the progress achieved.

Strategic Documents: The National Anti-Corruption Strategy and the State Anti-Corruption Programme

The State Anti-Corruption Programme¹⁹⁵⁹ is a document that defines a system of specific measures that are mandatory for implementation and aimed at implementing the Anti-Corruption Strategy for 2021–2025 (the Anti-Corruption Strategy)¹⁹⁶⁰. The current Anti-Corruption Strategy and SAP are valid until 31 December 2025.

Measures and Indicators for Implementing the State Anti-Corruption Programme

Progress and issues

On 18 October 2024, the Cabinet of Ministers of Ukraine, by Resolution No. 1194, approved amendments to the SAP for 2023–2025¹⁹⁶¹. According to the official statement by the NACP, the amendments were made due to the need to adjust state policy priorities in connection with martial law, the redistribution of powers among state authorities, and the shortened implementation period of the SAP¹⁹⁶².

According to the Agency, the adopted amendments are the result of joint and constructive work of 85 authorities, which, over the course of 30 expert meetings, reached a consolidated position.

Prior to this, in December 2023, the NACP invited¹⁹⁶³ experts to participate in a public discussion on the draft amendments to the SAP¹⁹⁶⁴. Unlike previous practice, following this discussion and the submission of proposals from civil society on the draft SAP, the Agency did not publish a table explaining whether and how these proposals were considered, which represents a step back from the very high standard previously established by the NACP. For the sake of transparency, feedback from the NACP on the general areas of the proposed amendments would have been useful. Moreover, while nearly a year passed from the beginning of the amendment process to its adoption, the NACP organised a public discussion only at the initial stage, despite stakeholders continuing to raise proposals throughout the entire drafting period¹⁹⁶⁵.

¹⁹⁵⁹ On the Approval of the State Anti-Corruption Programme for 2023–2025: Resolution of the Cabinet of Ministers of Ukraine No. 220 of 04.03.2023.

¹⁹⁶⁰ On the Principles of the State Anti-Corruption Policy for 2021–2025: Law of Ukraine No. 2322-IX of 20.06.2022.

¹⁹⁶¹ On Amendments to the State Anti-Corruption Programme for 2023–2025: Resolution of the Cabinet of Ministers of Ukraine No. 1194 of 18.10.2024.

¹⁹⁶² The Government has amended the State Anti-Corruption Programme for 2023–2025. National Agency on Corruption Prevention. 2024.

¹⁹⁶³ The NACP invites participation in the public discussion of the draft amendments to the State Anti-Corruption Programme for 2023–2025. National Agency on Corruption Prevention. 2023.

¹⁹⁶⁴ Representatives of Transparency International Ukraine were among those who submitted proposals to the NACP; however, the majority of these proposals were not taken into account.

¹⁹⁶⁵ Information provided by interviewed experts during interviews conducted on 17.03.2025, 20.03.2025, and 21.03.2025.

The current version of the SAP has largely retained the core measures, which is a positive development, even though the overall implementation rate of all measures remains below expectations, particularly towards the end of the SAP's implementation period. Some positive changes should also be noted, for example, the removal from the document of the previously criticised measures on lifestyle monitoring of the declarants¹⁹⁶⁶. However, no adequate alternatives to improve the relevant procedure have been introduced in their place.

The updated SAP includes several negative changes in areas such as whistleblower-protection¹⁹⁶⁷, financial control over declarants¹⁹⁶⁸, and the establishment of zero tolerance for corruption¹⁹⁶⁹. In addition, the measure requiring the implementation of a full public policy cycle at the general governmental level was removed¹⁹⁷⁰, however, some sections of the SAP now include analytical studies as a prerequisite for further decision-making¹⁹⁷¹, which is a welcome development. As a result, a significant number of recommendations for improving the SAP — voiced by the European Commission in its 2024 Ukraine Progress Report¹⁹⁷² and by civil society in the Shadow Report on Chapter 23¹⁹⁷³ — have not been fully implemented¹⁹⁷⁴.

In particular, the Shadow Report on Chapter 23 recommended revising the timelines for especially complex measures to make them more realistic. The postponement of deadlines for most measures, which did occur, is considered justified by experts¹⁹⁷⁵, as it relates to new challenges arising from martial law in Ukraine.

There is still potential for improvement in further detailing the performance indicators for SAP measures. These technical changes were not introduced in the current SAP, but experts note the NACP's plans to implement this approach in the next State Anti-Corruption Programme. Experts also positively note the broader regulation of several important

1966 The Cabinet of Ministers adopted the State Anti-Corruption Programme — Details. Transparency International Ukraine. 2023.

1967 A significant negative step was the replacement in the SAP of the measure to create a psychological support system for whistleblowers with the development of methodological recommendations for providing such assistance.

1968 In the area of e-declarations, the measure to conduct surveys among declarants on the quality of the NACP's outreach and education work was excluded. This could potentially make the NACP's work in this area less effective.

1969 The SAP no longer envisages systematic outreach activities to raise public awareness on the accountability of elected officials and monitoring of their activities. Similarly, the development of an elective course on academic integrity for grades 7–8 and 10–11 was cancelled.

1970 The SAP lacks a measure to amend the Rules of Procedure of the Cabinet of Ministers of Ukraine that would introduce a full-fledged public policy cycle, thereby eliminating the Government's intuitive approach to developing anti-corruption decisions. Such a cycle would define:

- procedures ensuring systematic study of the situation in each area of public life, identification of key problems, their prioritisation, and consideration of solutions with selection of the most optimal one;
- the obligation and potential forms of coordination and monitoring of implementation, evaluation of outcomes as a basis for the next policy cycle in the relevant field, with a requirement to prepare scientifically grounded legislative development concepts.

1971 An example of this approach is the section on defence procurement. Previously, SAP developers planned for the Government to resolve the issues of admissibility and inadmissibility of expenses, pricing, and profit margins on defence products in accordance with NATO member state principles and procedures. Now, however, regulation of these matters will be preceded by an analytical study.

1972 Ukraine 2024 Progress Report within the European Union Enlargement Package.

1973 Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine. 2024.

1974 What amendments to the State Anti-Corruption Programme did the Cabinet of Ministers adopt? Transparency International Ukraine. 2024.

1975 Information provided by interviewed experts during interviews conducted on 17.03.2025, 20.03.2025, and 21.03.2025.

sectors in the draft of the new State Anti-Corruption Programme, including the transport sector¹⁹⁷⁶.

It is important, when preparing the new State Anti-Corruption Programme and Anti-Corruption Strategy, to include reforms that remain relevant but were excluded or never incorporated into the current documents. In particular, this concerns granting SAPO the authority to carry out investigative actions with respect to Members of Parliament, as well as holding competitions for the positions of the Prosecutor General, the heads of the SBI, and the NPU¹⁹⁷⁷.

Given that less than one year remains until the expiry of the current SAP and that the NACP has already begun developing new strategic documents, it is important to take into account the shortcomings made in the preparation of the initial version of the SAP for 2023–2025, as well as in its subsequent amendments, and to avoid repeating them during the development of the next programme.

Some interviewed experts also noted an additional risk that may arise during the approval of new strategic documents. It concerns the fact that certain SAP implementers who failed to properly fulfil the current programme may attempt to minimise their responsibilities during the coordination of the new State Anti-Corruption Programme, as this would help shield them from potential accountability¹⁹⁷⁸. Therefore, it is crucial to prevent the dilution of provisions in the new State Anti-Corruption Programme at the approval stage, particularly when coordinated with implementing bodies, including state authorities.

The recommendations set out below partly reiterate earlier proposals and remain relevant for the preparation of the next State Anti-Corruption Programme.

Recommendation

1. Instead of broad, large-scale measures, the State Anti-Corruption Programme should include more specific actions with realistic implementation timelines.
2. Measures should be aimed at achieving the expected strategic outcome in accordance with current conditions, taking into account the legal regime of martial law and the resources of state authorities. Each measure should be accompanied by a detailed implementation plan with clear stages, completion percentages, and achievement indicators¹⁹⁷⁹.
3. The performance indicators for relevant measures of the State Anti-Corruption Programme should include the effective advocacy for the adoption of legal acts by Parliament (not merely their registration as draft laws), as well as the assessment of the implementation of their provisions after adoption¹⁹⁸⁰.

¹⁹⁷⁶ Ibid.

¹⁹⁷⁷ Progress in Ukraine's Anti-Corruption Efforts. July 2025 update. Transparency International Ukraine, 2025.

¹⁹⁷⁸ Information provided by interviewed experts during interviews conducted on 17.03.2025, 20.03.2025, and 21.03.2025.

¹⁹⁷⁹ The recommendations 1–2 previously provided by civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine (p. 211) remain relevant.

¹⁹⁸⁰ The recommendation previously provided by civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine (p. 212) remains relevant but has been further specified, considering the progress achieved.

4. Include in the new strategic documents key reforms that were not incorporated into the current Anti-Corruption Strategy and the SAP. These should provide SAPO with the authority to conduct investigative actions against MPs and ensure that open and competitive selection procedures are held for the positions of the Prosecutor General, the Heads of the SBI, and the NPU.
5. When developing the draft of the next State Anti-Corruption Programme, the practice of disregarding civil society recommendations without any explanation should be avoided.

SAP Implementation

Progress and issues

According to official data from the Information System for Monitoring the Implementation of the SAP (ISM SAP), as of July 2025, out of 1,146 measures: 383 (33,2%) were fully implemented, 110 (9,6%) partially implemented, 112 (9,7%) not implemented, 261 (22,7%) are in progress, and 285 (24,7%) have not yet been started¹⁹⁸¹. As for the quality of implementation, the NACP assesses 49 measures (18.1%) as implemented at a high level, 51 (18.8%) at a medium level, and 171 (63.1%) at a low level¹⁹⁸². Such statistics are difficult to describe as positive, and it is equally difficult to expect significant improvement in these indicators with less than a year of the current SAP's validity remaining.

In this context, it is also worth highlighting that the 2024 EU progress report on Ukraine stated the SAP should be implemented at a "satisfactory" level¹⁹⁸³. Meanwhile, an acceptable level of implementation of the current SAP, according to OECD indicators, will be 90% of measures implemented¹⁹⁸⁴ — provided that the remaining 10% of measures have either justifiably lost relevance or remain unimplemented due to financial constraints.

The Rule of Law Roadmap also defines among its permanent measures the need to "ensure a high level of implementation of the Anti-Corruption Strategy and the State Anti-Corruption Programme"¹⁹⁸⁵.

No new public monitoring of SAP implementation was conducted during the reporting period. However, interim conclusions can already be drawn regarding the need to change the approach to implementing both the current SAP and the new State Anti-Corruption Programme, in line with recommendations previously provided by civil society¹⁹⁸⁶.

To improve the rate of measure implementation, there remains a relevant need to grant the NACP the authority to issue binding precepts to heads of implementing bodies (institu-

¹⁹⁸¹ Information System for Monitoring the Implementation of State Anti-Corruption Policy.

¹⁹⁸² Ibid.

¹⁹⁸³ Ukraine 2024 Progress Report within the European Union Enlargement Package.

¹⁹⁸⁴ Review of Anti-Corruption Reforms in Ukraine under the Fifth Round of Monitoring: The Istanbul Anti-Corruption Action Plan. OECD, 2024. OECD Publishing, Paris. P. 19.

¹⁹⁸⁵ Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the Accession Process to the EU": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

¹⁹⁸⁶ Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine. 2024.

tions, enterprises, organisations) in cases of unjustified failure to implement SAP measures. At present, the NACP¹⁹⁸⁷, as well as experts are not aware of any cases where personal sanctions have been applied to non-compliant implementers¹⁹⁸⁸. Moreover, they highlight a general issue regarding the lack of disciplinary accountability for public officials who fail to implement SAP measures, which requires correction. To address this situation, measures have also been included in the Rule of Law Roadmap¹⁹⁸⁹.

In addition to the NACP's lack of authority to issue binding precepts, other mechanisms for incentivising and monitoring the heads of public bodies responsible for SAP implementation are currently lacking. In particular, there is no practice of setting specific goals and key performance indicators, awarding bonuses, or imposing disciplinary measures for systemic shortcomings, etc.

Experts have expressed concern about the formalistic approach to the implementation of SAP measures, particularly those involving the adoption of regulatory legal acts without assessing their subsequent implementation. However, even measures that envisage the creation of new information platforms or other products are sometimes limited to formal fulfilment only¹⁹⁹⁰. For example, the SAP includes measure 2.7.4.1.4. on the launch of a unified website for vacant positions in state and municipal healthcare institutions. This measure is the last one needed to achieve a strategic result and is considered by the NACP to be implemented at a high level¹⁹⁹¹, despite the fact that following the website's launch, no further work on promoting it among users or filling it with content is foreseen by the SAP. This raises doubts among experts regarding the actual effectiveness of such measures and the achievement of strategic objectives¹⁹⁹².

Another challenging situation is the non-implementation or delay in implementation of SAP measures based on formal grounds. Experts cite the example of SAP direction 2.5. on construction, land relations, and infrastructure. Responsibility for implementing measures in this area largely lies with the Ministry for Communities and Territories Development of Ukraine. However, according to experts, such implementation was effectively suspended after the adoption of the controversial Draft Law No. 5655, which, although intended to change the legal framework for urban planning, has not entered into force due to it not being signed by the President¹⁹⁹³.

The NACP publishes quarterly digests on the results of the implementation of SAP¹⁹⁹⁴ measures, uploads its letters to the Government, Parliament (in particular to the committee of the Verkhovna Rada whose remit includes anti-corruption issues), and the President

1987 Letter of the National Agency on Corruption Prevention No. 10-13/32570-25 of 15.04.2025.

1988 Information provided by experts during interviews conducted on 17.03.2025, 20.03.2025, and 21.03.2025.

1989 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the Accession Process to the EU": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

1990 Information provided by interviewed experts during interviews conducted on 17.03.2025, 20.03.2025, and 21.03.2025.

1991 Information System for Monitoring the Implementation of State Anti-Corruption Policy.

1992 Information provided by interviewed experts during the interview conducted on 20.03.2025.

1993 President of Ukraine on Draft Law No. 5655. Association of Ukrainian Cities. 2023.

1994 Results of the implementation of the measures of the State Anti-Corruption Programme as of 31.12.2024. National Agency on Corruption Prevention. 2024.

regarding the state of implementation of the SAP¹⁹⁹⁵ to the SAP IMS, and also publishes the National Report on the effectiveness of the implementation of the state anti-corruption policy¹⁹⁹⁶. However, systematic and comprehensive analytical reports that would highlight overall trends in the implementation of measures and strategic goals in the anti-corruption sphere and would enable more effective information collection are currently lacking.

Likewise, there is still no feature in the ISM SAP that would allow the submission of non-personalised feedback or the upload of additional useful information by SAP implementers. According to the NACP¹⁹⁹⁷, such recommendation of the Shadow Report on Chapter 23 does not correlate with the main tasks of the SAP IMS, which was created to support SAP implementers in organising, planning, and ensuring the proper implementation of its measures, as well as to automate the processes of collecting, summarising, and disclosing information on the state of their implementation, the results of monitoring, and the evaluation of the effectiveness of the implementation of the Anti-Corruption Strategy and the SAP. The introduction of a feature enabling the submission of anonymised feedback messages via the SAP IMS would require additional resources (in terms of time and personnel): amendments to the Regulation¹⁹⁹⁸ refinement of the software, and updates to the technical documentation related to the SAP IMS. The corresponding authorisation enables the NACP, if necessary, to establish communication with such a user to obtain additional relevant information (or clarify it) regarding the analysis of the implementation of a specific SAP measure.

At the same time, in April 2025, the NACP updated the “Public Feedback” functionality of the SAP IMS during user authorisation, in particular by adding instructional materials to facilitate quick authorisation. In the context of the development of a new Anti-Corruption Strategy and the corresponding State Anti-Corruption Programme for its implementation for 2026–2030, an update of the SAP IMS and an expansion of its functionality are also envisaged. Particularly, within the framework of discussions involving representatives of the civil anti-corruption sector, the issue of effectively using stakeholder feedback to monitor the implementation of SAP measures through the system will be considered, along with the issue of changing the approaches to information processing and the functionality of the SAP IMS accordingly¹⁹⁹⁹. At the same time, it is worth positively noting that on 3 February 2025, the NACP updated in the SAP IMS the indicators and sub-indicators for achieving the expected strategic outcomes of the SAP implementation²⁰⁰⁰.

The NACP considers²⁰⁰¹ the idea proposed in the Shadow Report on Chapter 23 regarding the creation of an online platform within the SAP IMS for publishing information on planned public events related to the implementation of specific SAP measures as one that certainly

1995 Information System for Monitoring the Implementation of the State Anti-Corruption Policy.

1996 National Report on the Effectiveness of the Implementation of the State Anti-Corruption Policy in 2021–2025. National Agency on Corruption Prevention. 2025.

1997 Letter of the National Agency on Corruption Prevention No. 10-13/32570-2 of 15.04.2025

1998 Regulation on the Information System for Monitoring the Implementation of the State Anti-Corruption Policy: Order of the National Agency on Corruption Prevention No. 134/23 of 28.06.2023.

1999 Letter of the National Agency on Corruption Prevention No. 10-13/32570-2 of 15.04.2025.

2000 On Amendments to the Regulation on the Information System for Monitoring the Implementation of the State Anti-Corruption Policy: Order of the National Agency on Corruption Prevention No. 191/43597 of 03.02.2025.

2001 Letter of the National Agency on Corruption Prevention No. 10-13/32570-2 of 15.04.2025.

merits attention. Such published information may be useful for anti-corruption experts and the media, thereby generally promoting the efforts of state authorities in implementing anti-corruption measures. However, the SAP IMS currently does not provide for the possibility of entering information on such public events. The processing of such information and its subsequent display in the SAP IMS would require a significant software update, as well as amendments to regulatory documents and technical documentation, which will take a certain amount of time. Approaches to the implementation of such a project and the development of the corresponding technical specification to update the SAP IMS functionality will be considered and discussed within the framework of the system's update, which will be used to monitor the implementation of the new State Anti-Corruption Programme concerning the implementation of the Anti-Corruption Strategy for 2026–2030²⁰⁰².

European partners also confirmed the need to allocate additional resources for the implementation and monitoring of the SAP in the 2024 EU Progress Report on Ukraine. While acknowledging the high quality of both the Anti-Corruption Strategy and the SAP, they noted delays in their implementation due to a lack of staffing and budgetary resources²⁰⁰³. This issue concerns not only the implementers of anti-corruption measures but also the staff of the relevant department within the NACP itself, which lacks the capacity to carry out the required volume of tasks — a point also raised in the OECD report²⁰⁰⁴. The existing specialists are overloaded, and the department's funding should be higher and sufficient to support its expansion²⁰⁰⁵.

Some experts confirm that the state budget in fact does not provide funding for the full programme activities of the NACP²⁰⁰⁶. Other areas of the Agency's work also suffer from underfunding, particularly those within the competence of the Department for Awareness-Raising and Training Programmes.

In this context, one of the significant shortcomings that has considerably impacted the effective implementation of the current SAP was the unbalanced distribution of responsibility for implementing measures between the NACP and other executive authorities²⁰⁰⁷. Moreover, despite the existence of the Coordination Working Group on Anti-Corruption Policy²⁰⁰⁸, the NACP's Department of Anti-Corruption Policy is largely solely responsible for coordinating the implementation of SAP measures. Since the beginning of the accession negotiation process, this department has also taken on the additional role of coordinating the work of government bodies under Chapter 23 of Negotiation Cluster 1 "Fundamentals of the EU Accession Process" in the area of anti-corruption.

These challenges have become increasingly critical given the NACP's extremely limited human resources, especially as preparations begin for new strategic documents. Without

2002 Ibid.

2003 Ukraine 2024 Progress Report within the European Union Enlargement Package.

2004 Review of Anti-Corruption Reforms in Ukraine under the Fifth Round of Monitoring: The Istanbul Anti-Corruption Action Plan. OECD. 2024. OECD Publishing, Paris, p. 21.

2005 What Anti-Corruption Steps Should Ukraine Take in 2025? Transparency International Ukraine. 2024.

2006 Ibid.

2007 Information provided by interviewed experts during interviews conducted on 17.03.2025, 20.03.2025, and 21.03.2025.

2008 On the Approval of the Composition of the Coordination Working Group on Anti-Corruption Policy: Order of the Cabinet of Ministers of Ukraine No. 784 of 16.08.2024.

prioritising the use of its limited resources — particularly for the anti-corruption policy direction — the Agency risks compromising the quality of implementation of strategic documents.

The last meeting of the Coordination Working Group took place in 2025²⁰⁰⁹. During the meeting, materials were presented on the overall state of implementation of the SAP, as well as the main challenges and achievements in this process²⁰¹⁰.

In general, regular meetings of the Group are to be held once a year following the NACP's current (annual) assessment of the effectiveness of the implementation of the Anti-Corruption Strategy and the SAP, while extraordinary meetings are to be held by decision of the Group's co-chairs, but no more than once per quarter²⁰¹¹.

To improve this situation, the Shadow Report on Chapter 23 included a recommendation from civil society to designate certain SAP measures that could be implemented by project teams of executing agencies with the support of development partners and the civil society sector²⁰¹². In order to ensure coordination among SAP implementers in the execution of interrelated systemic measures aimed at achieving the expected strategic outcomes and addressing issues within the same area (sector), sectoral coordination and monitoring groups may be established under the NACP for the period of SAP implementation²⁰¹³.

In this regard, some interviewed experts noted that they had been engaged by the NACP in the implementation of certain SAP measures — for instance, in the development of draft amendments to the Criminal Procedure Code of Ukraine, the Civil Procedure Code of Ukraine, and the Code of Administrative Procedure of Ukraine, as well as draft laws on single-judge proceedings in the HACC and on preventing abuse of procedural rights²⁰¹⁴. External experts were also involved by the NACP in the preparation of a study on judicial practice related to criminal and administrative liability²⁰¹⁵.

The NACP, in turn, reports²⁰¹⁶ on the operation of several sectoral coordination and monitoring groups: on identifying and eliminating corruption-prone factors in the field of forestry; in land, water relations, and subsoil use; on issues related to the implementation of SAP measures in the field of digitalisation; and for exchanging information on initiatives and services — particularly electronic or simplified ones — introduced by executive authorities as alternatives to corrupt practices. It should also be noted that, in order to implement SAP measures, the Agency has sent requests for development partner assistance

2009 CWG Meeting. National Agency on Corruption Prevention. 2025.

2010 Ibid.

2011 Regulation on the Coordination Working Group on Anti-Corruption Policy: Order of the National Agency on Corruption Prevention No. 123/24 of 22.05.2024, para. 12.

2012 Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine, p. 215. 2024.

2013 On the Approval of the Procedure for Coordinating the Implementation of the Anti-Corruption Strategy for 2021–2025 and the State Anti-Corruption Programme for 2023–2025: Order of the National Agency on Corruption Prevention No. 145/23 of 14.07.2023, para. 3, Section III.

2014 Information provided by experts during interviews conducted on 17.03.2025, 20.03.2025, and 21.03.2025.

2015 Ibid.

2016 Letter of the National Agency on Corruption Prevention No. 10-13/32570-2 of 15.04.2025.

in the implementation of specific measures²⁰¹⁷. At the same time, on 28 January 2025, USAID announced the suspension of all expenditures by its subcontractors, grantees, suppliers, and consultants, and advised to cancel or postpone any planned meetings, trainings, events, and trips financed or organised jointly with USAID²⁰¹⁸.

Recommendations

1. Hold a broad legal discussion involving all key stakeholders on the possibility of applying enforcement measures to the heads of SAP implementing bodies (institutions, enterprises, organisations) in cases of unjustified failure to implement SAP measures, particularly regarding:
 - granting the NACP the authority to issue binding precepts to the respective heads of SAP implementing bodies;
 - introducing mechanisms for incentivising and overseeing the heads of public bodies responsible for SAP implementation, through the establishment of specific goals and key performance indicators, performance-based bonuses, disciplinary sanctions, and other tools.
2. Periodically publish comprehensive analytical reports that highlight overall trends in the implementation of SAP measures and strategic goals. In the absence of sufficient resources within the NACP to carry out high-quality analysis, involve external experts in its preparation.
3. Introduce a feature in the ISM SAP that allows the public to submit non-personalised feedback (without the use of a qualified electronic signature) at the level of specific measures or expected strategic outcomes. This option could encourage broader public engagement by providing a space to share corruption-related experiences, assessments, or concerns outside of social media and the Unified Whistleblower Reporting Portal, which is limited to reporting specific offences.
4. To promote the ISM SAP, include a dedicated section containing information about events such as workshops, trainings, roundtables, conferences, etc., organised by SAP implementers or external stakeholders in fields relevant to the SAP. This could be particularly useful for implementers' specialists by providing answers to complex questions or facilitating experience exchange²⁰¹⁹.
5. Ensure a more balanced distribution of responsibility for the implementation of measures in the new State Anti-Corruption Programme between the NACP and other executive authorities, thereby reducing the burden on the Agency.

2017 Regarding measures 1.1.1.1, 1.1.5.2.6, 1.2.1.2, 1.2.1.1, 1.2.1.2.5, 3.3.1.2.1 to EUACI and 1.1.1.7.5–1.1.1.7.10, 1.4.3.2.1, 1.1.1.8.8, 1.6.1.4.1, 1.6.3.4 to Pro-Integrity.

2018 Letter of the National Agency on Corruption Prevention No. 10-13/32570-2 of 15.04.2025.

2019 Recommendations 3 and 4 previously provided by civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine (p. 215) remain relevant.

6. It should also be stipulated that the Coordination Working Group on Anti-Corruption Policy shall meet at least quarterly²⁰²⁰.
7. Increase funding for the NACP's programme-related activities and ensure that the new State Anti-Corruption Programme includes provisions for state budget allocations to implement its strategic goals and measures. This would enable a realistic assessment of the financial feasibility of SAP implementation under the difficult economic conditions of martial law in Ukraine and, if necessary, facilitate the planning of additional funding.
8. Establish 90% as the acceptable level of implementation for the current SAP, taking into account the potential justified loss of relevance and underfunding of individual measures.

National Anti-Corruption Strategy

Progress and issues

According to the Law of Ukraine "On Preventing Corruption", the Verkhovna Rada must hold the final parliamentary hearings on the implementation of the Anti-Corruption Strategy no later than 1 June 2025. Since the Law entered into force, parliamentary hearings on corruption in the Verkhovna Rada have been held only twice (in 2016 and 2017), with relevant recommendations adopted only in 2016. At the same time, the NACP must develop a draft of the new Anti-Corruption Strategy no later than 1 August 2025²⁰²¹. In addition, the Action Plan for the implementation of the recommendations of the European Commission presented in the 2024 EU Enlargement Report on Ukraine sets August 2025 as the deadline for drafting and submitting to the Cabinet of Ministers of Ukraine a draft law on the approval of the Anti-Corruption Strategy for the next period²⁰²².

The NACP has begun preparing the new Anti-Corruption Strategy for 2026–2030. According to information on the Agency's official website, implementing recommendations on incorporating anti-corruption initiatives across all negotiation chapters (anti-corruption mainstreaming²⁰²³) with the EU will be a central focus in the preparation of the new strategic document²⁰²⁴. Experts are optimistic about the content of the new Anti-Corruption Strategy, despite the short timeframe for its preparation, as it is expected to be based on high-quality expert research²⁰²⁵.

2020 Recommendations 1, 5, and 7 previously provided by civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine (p. 215) remain relevant but have been further specified in light of the progress achieved.

2021 On Preventing Corruption: Law of Ukraine No. 1700-VII of 14.10.2014, Part 3, Article 18.

2022 On the Approval of the Action Plan for the Implementation of the Recommendations of the European Commission Presented in the Ukraine 2024 Progress Report within the European Union Enlargement Package: Order of the Cabinet of Ministers of Ukraine No. 300 of 28.03.2025, Measure 29.

2023 Inescapable Anti-Corruption: What Requirements Will Be at the Centre of Ukraine's EU Accession Talks. European Pravda. 2025.

2024 Anti-Corruption Strategy 2026–2030 and Anti-Corruption Mainstreaming in EU Accession Negotiations — Priorities of Cooperation Between the NACP and EUACI. National Agency on Corruption Prevention. 2023.

2025 Information provided by interviewed experts during interviews conducted on 17.03.2025, 20.03.2025, and 21.03.2025.

The conduct of these studies is planned to be carried out with the support of international technical assistance projects (programmes), namely: the EU Anti-Corruption Initiative in Ukraine (EUACI) — five studies; “Support to Ukraine’s Efforts in Preventing Corruption and Recovering Assets (ACARSU)” — two studies; and “Digitalisation for Growth, Integrity and Transparency (UK DIGIT)” — nine studies (currently, measures are being taken to include the NACP as a beneficiary in the registration cards of UK DIGIT and ACARSU). At present, the NACP’s research areas include those sectors that are preliminarily planned to be incorporated into the draft of the new Anti-Corruption Strategy: judiciary and administration of justice; prosecutorial activity; advocacy and legal aid; law enforcement and crime prevention; defence; construction; recovery; energy; public procurement; state regulation and control in the economic sphere; taxation; customs; subsoil use; land sector; agricultural sector; healthcare; education and science²⁰²⁶.

Indeed, some non-governmental stakeholders noted their involvement in the preparation of specific sections of the new Anti-Corruption Strategy, as well as in evaluating the effectiveness of certain measures within the current SAP²⁰²⁷. The interviewed experts pointed to the Agency’s new approach to drafting the Anti-Corruption Strategy through the establishment of expert groups working according to a methodology developed by the NACP. Currently, over 10 expert groups have been established by the Agency to prepare both the new Anti-Corruption Strategy and the new State Anti-Corruption Programme, each responsible for different thematic sections. These expert groups are engaged by the NACP via international technical assistance mechanisms, which experts note may lead to delays due to bureaucratic coordination processes²⁰²⁸. However, the Agency has not yet published systematic information regarding broad public engagement through, particularly, the possibility to submit written proposals and participate in discussions, but it plans to organise a series of public consultations to discuss the outcomes of the work of the respective expert groups and proposals for the draft of the new Anti-Corruption Strategy.

The NACP develops the new State Anti-Corruption Programme concurrently with the Strategy. Both documents are to be based on research conducted by the engaged expert groups, which will help the Agency formulate a more detailed analytical picture and consider diverse perspectives. Such research will enable the NACP to take a more informed stance during the programme’s coordination with implementing institutions and throughout its advocacy process. Experts involved in preparing these studies noted that they were not restricted in consulting external parties, however, their engagement by the Agency, particularly in regard to anti-corruption mainstreaming, could have been more systematic²⁰²⁹.

Regarding anti-corruption mainstreaming, the NACP participates in the work of all working groups²⁰³⁰ involved in discussions of the 36 negotiation chapters, which is closely related to the development of the new Anti-Corruption Strategy and the SAP.

2026 Letter of the National Agency on Corruption Prevention No. 10-13/32570-2 of 15.04.2025.

2027 At the request of the Ministry of Digital Transformation of Ukraine, the CEP KSE team and Transparency International Ukraine conducted a study on the challenges of IT procurement: Challenges in IT Procurement. Transparency International Ukraine. 2025.; The NACP Developed Recommendations to Eliminate Corruption Risks in the Forestry Sector. National Agency on Corruption Prevention. 2025.

2028 Information provided by experts during interviews conducted on 17.03.2025, 20.03.2025, and 21.03.2025.

2029 Ibid.

2030 Certain Issues of Ensuring the Negotiation Process on Ukraine’s Accession to the European Union: Order of the Cabinet of Ministers of Ukraine No. 987 of 27.08.2024.

At the initial stage, a challenge for the Agency was the lack of guidance regarding the content, scope, and required presentation of relevant information that would meet the European Commission's expectations, given the absence of experience in applying a common methodology during EU accession negotiations by other candidate countries. Therefore, the NACP, together with EUACI experts, developed Recommendations on the organisation of work for preparing materials on anti-corruption mainstreaming within the framework of the bilateral screening with the EC²⁰³¹. In order to improve the quality of responses to EC questionnaires and the content of presentation materials in the context of implementing the Recommendations, representatives of the Government Secretariat and the NACP conducted a series of workshops for representatives of state authorities with the involvement of experts from the European Commission and EUACI²⁰³².

The NACP currently tends to refer to internal anti-corruption programmes of public bodies in its interaction with the public sector. However, there is a lack of more proactive coordination and methodological support on the part of the Agency — in particular, in terms of providing information and recommendations to public institutions on implementing specific anti-corruption practices in their operations²⁰³³. The NACP has even established new sectoral expertise units (e.g. the Directorate for the Development of Integrity Policy in the Security and Defence Sector, the Directorate for the Implementation of Anti-Corruption Policy in the Areas of Economy and Law Enforcement, and in Recovery and the Socio-Humanitarian Sphere), which could provide greater methodological assistance to public bodies and state-owned enterprises within their respective areas of competence²⁰³⁴.

There is also potential for improving anti-corruption mainstreaming in the area of public procurement. In particular, the current SAP lacks clarity in the formulation of goals and indicators aimed at preventing corruption in the field of public and defence procurement.

Under martial law, Government Resolution No. 1178²⁰³⁵ establishes a list of grounds for carrying out procurement without competitive procedures. However, there are no clear rules for determining the price of the procurement item in such cases. Moreover, procurement monitoring conducted by state financial control bodies remains insufficiently effective. The majority of monitoring activities (over 80%) are carried out after the procurement contract has already been concluded, at which point significant procedural violations can no longer be corrected except by terminating the contract. The legislation does not define categories of procurements subject to mandatory monitoring (based on value, sector, etc.) or provide mechanisms for addressing identified violations.

The Rule of Law Roadmap, in the part concerning anti-corruption mainstreaming measures in public procurement, also does not cover certain aspects of the current imperfect system²⁰³⁶.

2031 Letter of the National Agency on Corruption Prevention No. 10-13/32570-2 of 15.04.2025.

2032 Anti-Corruption Mainstreaming: Deputy Head of the National Agency on Corruption Prevention Presented Recommendations on Preparing Materials for the European Commission. National Agency on Corruption Prevention. 2025.

2033 Ibid.

2034 NACP Structure. 2025.

2035 On the Approval of the Specifics of Public Procurement of Goods, Works and Services for Procuring Entities Covered by the Law of Ukraine "On Public Procurement" During the Period of Martial Law in Ukraine and for 90 Days Following Its Termination or Cancellation: Resolution of the Cabinet of Ministers of Ukraine No. 1178 of 12.10.2022.

2036 Analysis of the Rule of Law Roadmap: Anti-Corruption Aspects. Transparency International Ukraine, 2025.

Experts have highlighted as a significant positive development the fact that, during their analytical work on the new strategic documents, special emphasis has been placed on aligning the proposed solutions with the EU *acquis* and Ukraine's international commitments under the Ukraine Facility Plan, as well as with the International Monetary Fund, the World Bank, GRECO, the OECD, and others. However, experts also stress the importance of enhancing the expertise of Agency's staff in European and international law during the preparation of the new cycle of state anti-corruption policy, and the need to move away from relying too heavily on anti-corruption practices developed during the EU integration process in Western Balkan countries such as Albania and North Macedonia, as their experiences are not always relevant or applicable to the Ukrainian context.

A current challenge for the expert groups involved in developing the new Anti-Corruption Strategy — and for the NACP itself — is the need to assess the state of implementation of the current SAP. This is primarily due to the fact that many measures have an implementation deadline of 31 December 2025, meaning that both experts and NACP staff can only make projections about whether these measures will be completed when preparing the new documents, which significantly complicates answering the question of what will happen to the currently unfulfilled measures. This situation further confirms the need to carefully balance the justification of anti-corruption policy with its sustainability — a point previously raised by civil society in the Shadow Report on Chapter 23.

Despite the deeper involvement of expert groups in drafting the new strategic documents, the potential of civil society, investigative journalists, the expert community, and other interested stakeholders remains underutilised when it comes to joint advocacy and the future implementation of the proposed solutions.

Another relevant issue is whether to retain the current approach under the law²⁰³⁷, which requires the Anti-Corruption Strategy for 2026–2030 to be approved by the Verkhovna Rada through the adoption of a separate law.

Recommendations

1. Conduct a comprehensive analysis, based on a pre-developed methodology, of the sectors of public life most affected by corruption, with the participation of the non-governmental sector. The results of this analysis should serve as the foundation for the new Anti-Corruption Strategy and State Anti-Corruption Programme. Ensure inclusiveness and transparency in the preparation of the Anti-Corruption Strategy and Programme by engaging the public, following the example of the previous anti-corruption policy cycle.
2. Adopt the new Anti-Corruption Strategy and State Anti-Corruption Programme, developed based on a public analysis of the corruption situation and the results of implementing previous strategic documents. Ensure an adequate level of human and financial resources, as well as the ongoing involvement of the public, professionals, experts, and other stakeholders — including at a high level²⁰³⁸ — in the advocacy and implementation of the Strategy and Programme following their adoption.

2037 On Prevention of Corruption: Law of Ukraine No. 1700-VII of 14.10.2014, Part 1, Article 18.

2038 An indicative list could include top officials, heads of parliamentary factions, top representatives of European and international institutions, etc.

3. The NACP should engage the public and external experts in the systematic implementation of the EU's anti-corruption mainstreaming requirements and play a more proactive coordinating and methodological role in promoting anti-corruption mainstreaming in the public sector. Particularly, it should provide information and recommendations to public bodies on the introduction of anti-corruption practices in their operations, rather than relying solely on references to their internal anti-corruption programmes.
4. Introduce legislative amendments allowing the NACP to prepare a national report on the effectiveness of the implementation of state anti-corruption policy, as well as a draft of the new Anti-Corruption Strategy in the year following the final year of the previous Strategy and Programme²⁰³⁹. In addition, clarify the relevant provisions of the Ukraine Facility Plan for 2024–2027²⁰⁴⁰.
5. Preserve the current provision of the Law of Ukraine “On Preventing Corruption” that stipulates the Anti-Corruption Strategy must be approved by Parliament through the adoption of a separate law²⁰⁴¹.

Legal Framework

Effectiveness of Judicial Proceedings in the HACC

Progress and issues

Due to the expansion of jurisdiction and increased activity by NABU and SAPO, the average **duration of criminal case consideration in the HACC** in 2024 was the highest on record — 618 days per case²⁰⁴². In its report, the Accounting Chamber noted that the percentage of cases lasting more than one year should decrease over time; however, no such trend has been observed in the HACC's operation²⁰⁴³. At the same time, the number of judges has not increased.

One of the main reasons for delays in the substantive hearing of cases at the HACC is bad faith conduct by participants in the proceedings. According to monitoring of HACC hearings, procedural abuse aimed at delaying court proceedings was recorded in 55% of cases. In one high-profile case, since June 2022, nearly every hearing has started with challenges to the judges. In another case, concerning damage to a state-owned enterprise amounting to USD 8 million, the questioning of a single defendant has continued for several months. It is also common for defendants to request postponement of their

2039 The recommendation previously provided by civil society in the Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission's 2023 Report on Ukraine (p. 215) remains relevant.

2040 Ukraine Facility Implementation Plan 2024–2027.

2041 The recommendation previously provided by civil society in the Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission's 2023 Report on Ukraine (p. 216) remains relevant.

2042 Report of the High Anti-Corruption Court on the Timeliness of Judicial Proceedings for 2024.

2043 Report on the Results of the Compliance Audit on the Topic “Ensuring the Operation of the High Anti-Corruption Court”: Decision of the Accounting Chamber No. 58-2 of 19.12.2024.

questioning to another hearing, even when more than an hour of scheduled time remains, or for participants to seek medical consultations the day before the hearing and submit notifications of their inability to attend just before the session. Another emerging delay tactic has become the mobilisation of defendants²⁰⁴⁴.

This reflects a negative trend in the declining effectiveness of criminal justice in high-level corruption cases. The Accounting Chamber also pointed out that the measures set out in the SAP — particularly those aimed at preventing abuse of procedural rights by participants in criminal proceedings — remain unimplemented, complicating the court's work in the administration of justice²⁰⁴⁵.

To address this problem, several draft laws have been registered in Parliament aimed at partially reducing the intensity of procedural abuse during the consideration of criminal proceedings.

Recently, the Verkhovna Rada Committee on Law Enforcement finalised Draft Law No. 11387 on ensuring respect for the court and the expeditious consideration of criminal proceedings by the court, which had previously been adopted by Parliament at first reading²⁰⁴⁶. However, the revised version proposed for second reading does not consider key comments from civil society regarding the ability to impose financial penalties on defence counsel who fail to appear at court hearings without valid reason. Recommendations to enable courts to impose administrative liability on participants for contempt of court in a risk-free and unblocked manner were also disregarded²⁰⁴⁷.

A draft law amending the CPC of Ukraine to prohibit the abuse of procedural rights — developed by the NACP to implement one of the SAP measures²⁰⁴⁸ — remains unregistered. This draft law proposes a comprehensive introduction of the legal framework to counter procedural abuse.

Partially addressing the issue of procedural abuse is Draft Law No. 12439, registered on 24 January 2025 and adopted by Parliament in the first reading on 25 February 2025 as a basis. It concerns strengthening the safeguards for economic entities during criminal proceedings. Among other provisions, it proposes to allow first-instance judges, during criminal proceedings, to issue separate rulings regarding violations of obligations by participants — a positive, though not comprehensive, change²⁰⁴⁹. In addition, the draft contains other controversial provisions, as outlined below. At the same time, part of the prob-

2044 Why are HACC cases not heard as quickly as desired and how can this be fixed? Transparency International Ukraine. 2025.

2045 Report on the Results of the Compliance Audit on the Topic "Ensuring the Operation of the High Anti-Corruption Court": Decision of the Accounting Chamber No. 58-2 of 19.12.2024.

2046 On Amending the Code of Ukraine on Administrative Offences, the Criminal Code and the Criminal Procedure Code of Ukraine to Ensure Respect for the Court and Timeliness of Criminal Proceedings: Draft Law of Ukraine, registration No. 11387 of 28.06.2024.

2047 Strengthening liability for abuse and disrespect for the court: Legal analysis of Draft Law No. 11387. Transparency International Ukraine. 2025.

2048 Comparative Table to the Draft Law of Ukraine "On Amending the Criminal Procedure Code of Ukraine on the Inadmissibility of Abuse of Procedural Rights".

2049 Improving the Provisions of the CPC of Ukraine for the Protection of Business: Analysis of Draft Law No. 12439. Transparency International Ukraine. 2025.

lem related to delays in judicial proceedings may be resolved not only through legislative amendments but also by changing the organisational approaches of judges to conducting hearings²⁰⁵⁰.

The Rule of Law Roadmap identifies as one of the measures the adoption and implementation of amendments to legislation aimed at eliminating procedural delays and increasing the efficiency of criminal justice, particularly in cases involving high-ranking officials, with an implementation deadline by the third quarter of 2025²⁰⁵¹. According to Transparency International Ukraine, a shortcoming of the Roadmap in this part is the absence of specific formulations regarding legislative amendments to eliminate procedural delays and increase the efficiency of criminal justice in cases involving high-ranking officials. The proposals of Transparency International Ukraine to introduce the possibility of continuing the trial in the event of a change of judge without the consent of the participants in the proceedings, and to establish liability for procedural abuses, have not been taken into account²⁰⁵².

A positive development is the introduction of a **more optimal regulation of the issue of suspension of criminal proceedings**, provided for by Article 335 of the CPC of Ukraine. Thus, Law No. 4496-IX²⁰⁵³ supplements the Final and Transitional Provisions of the CPC of Ukraine concerning the mobilisation of accused persons in grave and especially grave corruption-related offences. The Law grants the court the right to suspend criminal proceedings against a person accused of a grave or especially grave corruption-related offence and called up for military service during mobilisation or under contract, if the court establishes that their direct participation in measures for the defence of Ukraine makes participation in the court proceedings impossible, including remote hearings via videoconference. However, the adopted Law does not provide for the suspension of the limitation periods during mobilisation of the accused, as is envisaged in Draft Law No. 13284²⁰⁵⁴, which is under consideration by Parliament.

The adoption of Law No. 3655-IX on 24 April 2024, which unblocked the **possibility for the HACC to conduct single-judge trials** on the merits²⁰⁵⁵, provided partial optimisation of proceedings. However, this law was adopted without incorporating the critical comments from Transparency International Ukraine²⁰⁵⁶, creating a space for legal uncertainty and potential abuses. The European Commission, in its 2024 Enlargement Package Report,

2050 Why are HACC cases not heard as quickly as desired and how can this be fixed? Transparency International Ukraine. 2025.

2051 Certain issues of ensuring the negotiation process on Ukraine's accession to the European Union under Cluster 1 "Fundamentals of the accession process to the EU": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

2052 Analysis of the Rule of Law Roadmap: Anti-Corruption Aspects. Transparency International Ukraine. 2025.

2053 On Amendments to the Code of Ukraine on Administrative Offences, the Criminal Code of Ukraine, the Criminal Procedure Code of Ukraine and other legislative acts of Ukraine regarding strengthening liability for corruption or corruption-related offences: Law of Ukraine No. 4496-IX of 17.06.2025.

2054 On Amendments to the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine regarding the peculiarities of bringing to criminal liability persons called up for military service: Draft Law of Ukraine, registration No. 13284 of 14.05.2025.

2055 On Amending Article 31 of the Criminal Procedure Code of Ukraine to Improve the Procedure for Criminal Proceedings: Law of Ukraine No. 3655-IX of 24.04.2024.

2056 We Urge MPs Not to Adopt Draft Law No. 11130 on "Facilitating" HACC Operation. Transparency International Ukraine. 2024.

also pointed to the need to reassess these provisions in terms of their effectiveness and impact on judicial proceedings²⁰⁵⁷.

Since the introduction of the relevant provisions on single-judge proceedings, situations of ambiguous interpretation have arisen concerning the moment from which the trial must proceed in a collegiate (panel) format. In some cases, the court interpreted the provision to mean that collegiate proceedings should commence after the preparatory hearing²⁰⁵⁸, while in others, that they should begin immediately after the defendant's motion at the preparatory hearing is granted²⁰⁵⁹.

The institute of plea agreements in corruption cases also underwent changes with the adoption of Law No. 4033-IX²⁰⁶⁰ on 29 October 2024. Particularly, this law resolved the terminological inconsistency between parts 1 and 2 of Article 75 of the CC of Ukraine and explicitly established the possibility for the court to release participants in corruption cases from actual serving of sentences if they enter into a plea agreement.

To balance interests, the draft law allowed courts to impose, based on the agreement, fines greater than those prescribed in the sanctions (up to UAH 204 million), as well as property confiscation as a punishment. Notably, the confiscation provision was deleted from the text of Article 77 of the CC of Ukraine by Law No. 4074-IX²⁰⁶¹ on 20 November 2024 but was reinstated only on 5 December of the same year²⁰⁶².

The conditions for court approval of a plea agreement have also changed, now requiring that, for its conclusion and approval, the defendant must disclose information implicating other persons and fully or partially compensate for the damage caused.

Although some of the changes are positive, Parliament did not heed the warnings of Transparency International Ukraine regarding the lack of qualitative regulation of the confiscation of criminal assets²⁰⁶³.

The Government's Draft Law No. 11340²⁰⁶⁴, registered on 14 June 2024, did not reach second reading, as it was withdrawn from consideration on 11 February 2025.

Unresolved issues remain regarding the **court's ability to request pre-trial investigation materials to verify the circumstances outlined in the agreement**, as well as the lack of clarification regarding the category of "public interest," which judges must assess when approving a plea agreement.

2057 2024 European Commission Report: Three Priority for Next Year According to TI Ukraine. Transparency International Ukraine. 2024.

2058 Ruling of the High Anti-Corruption Court of 29.07.2024 in Case No. 991/6293/24.

2059 Ruling of the High Anti-Corruption Court of 19.09.2024 in Case No. 991/6364/24.

2060 On Amending the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine to Improve Regulation of Plea Bargains in Criminal Proceedings Related to Corruption Offences and Offences Related to Corruption: Law of Ukraine No. 4033-IX of 29.10.2024.

2061 On Amending the Criminal Code of Ukraine, the Criminal Procedure Code of Ukraine, and Other Legislative Acts of Ukraine Regarding the Deprivation of State Awards for Promoting or Propagandising the Aggressor State or Committing Other Unlawful Acts Against Ukraine: Law of Ukraine No. 4074-IX of 20.11.2024.

2062 On Amending Article 77 of the Criminal Code of Ukraine on the Application of Confiscation of Property in Case of Conditional Discharge: Law of Ukraine No. 4120-IX of 05.12.2024.

2063 Parliament Adopts Draft Law No. 12039 on Plea Bargains in First Reading. Transparency International Ukraine. 2024.

2064 On Amendments to the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine regarding improving the effectiveness of plea agreements: Draft Law of Ukraine, registration No. 11340 of 14.06.2024.

Even after the legislative amendments allowing prosecutors to approve fines of up to UAH 204 million, prosecutors continue the practice of considering “donations” to the Defence Forces of Ukraine²⁰⁶⁵. No significant increase in the use of special confiscation has been observed. Although, in March 2025, there was a case where a plea agreement was approved with a suspended custodial sentence combined with the actual confiscation of part of the property (as punishment)²⁰⁶⁶.

The effectiveness of judicial proceedings continues to be negatively affected by the obligation on courts to close criminal proceedings upon expiry of the pre-trial investigation period, even in cases of minor delay, as provided for in paragraph 10 of Part 1 of Article 284 of the CPC of Ukraine. The European Commission²⁰⁶⁷ has also insisted on the removal of paragraph 10, and corresponding proposals can already be found in Draft Law No. 12367²⁰⁶⁸, registered on 30 December 2024. Due to public outcry, three alternative draft laws were registered in Parliament²⁰⁶⁹, however, none of them gained the support of Members of Parliament. On 17 July 2025 the main draft law, however, was withdrawn and removed from consideration due to the change in the composition of the Government.

The possibility for local courts to consider matters of release from serving a sentence or the substitution of a sentence imposed by HACC verdicts should also be abolished. Local courts continue to consider such matters in relation to convicted corrupt officials²⁰⁷⁰, although such powers should be vested exclusively in the HACC.

The public communication of the results of HACC verdict enforcement is important. For example, an analysis of the results of property confiscation as punishment in cases heard in absentia revealed that, out of eight such verdicts that entered into legal force and were forwarded for enforcement, public auctions of confiscated assets on CETAM took place in only one case. Even then, the auction could hardly be considered successful, as the sale only occurred on the third attempt with a reduction of the starting price by almost UAH 200,000²⁰⁷¹. This points to problems in communicating the outcomes of HACC decision enforcement and in the capacity of the State Enforcement Service, which manages these processes.

On 25 February 2025, the Verkhovna Rada adopted Draft Law No. 12439 on improving safeguards for business entities during criminal proceedings as a basis in the first

2065 Judgment of the High Anti-Corruption Court of 20.02.2025 in Case No. 991/3528/24.

2066 HACC Finds Trubitsyn's Accomplice Guilty. “HACC Decided” Platform. 2025. 2025.

2067 2024 European Commission Report: Three Priority Reforms for Next Year According to TI Ukraine. Transparency International Ukraine. 2024.

2068 On Amending the Criminal Procedure Code of Ukraine and the Law of Ukraine “On the Public Prosecutor's Office” to Remove Obstacles for the Parties to Criminal Proceedings in Access to Justice: Draft Law of Ukraine, registration No. 12367 of 30.12.2024.

2069 On Amending the Criminal Procedure Code of Ukraine and the Law of Ukraine “On the Public Prosecutor's Office” to Remove Obstacles for the Parties to Criminal Proceedings in Access to Justice: Draft Law of Ukraine, registration No. 12367-1 of 08.01.2025.; On Amending the Criminal Procedure Code of Ukraine and the Law of Ukraine ‘On the Public Prosecutor's Office’ to Remove Obstacles for the Parties to Criminal Proceedings in Access to Justice: Draft Law of Ukraine, registration No. 12367-2 of 14.01.2025.; On Amending the Criminal Procedure Code of Ukraine and the Law of Ukraine “On the Public Prosecutor's Office” to Remove Obstacles for the Parties to Criminal Proceedings in Access to Justice: Draft Law of Ukraine, registration No. 12367-3 of 14.01.2025.

2070 Ruling of Solomyanskyi District Court of Kyiv of 04.02.2025 in Case No. 760/30891/24.

2071 Five-room Flat, Total Area of 140.0 sq.m., Located at: Dnipropetrovsk Region, Kamianske District, Zhovti Vody, Svobody Boulevard, Building 31, Flat 43-44. OpenMarket.

reading²⁰⁷². Among other novelties, this draft law proposes **a risky innovation in the form of a two-month time limit for property seizure orders**, with the possibility of extension. There is a risk that such a short time frame for asset seizure will overload law enforcement bodies and the courts, and that applying these rules to all types of cases, including those where assets are seized abroad, will negatively affect the quality and volume of recovered criminal assets. This draft law also introduces other innovations which may excessively complicate the work of pre-trial investigation bodies and the prosecution service, with dubious advantages for business protection²⁰⁷³. The Commission for the External Independent Evaluation (audit) of the effectiveness of the NABU also recommended in its report to refrain from adopting such provisions²⁰⁷⁴.

The **effectiveness of preventive measures applied to suspects** also influences the effectiveness of criminal liability for corruption. Open data reveals at least 14 cases of suspects, accused persons, and convicted individuals fleeing in NABU corruption cases. Recently, cases of high-profile figures absconding from anti-corruption investigations have become more frequent. For example, an individual identified in the media as the "supervisor" of Kyiv reportedly relied on advice from officers of other law enforcement agencies, some of whom have already been served with suspicion²⁰⁷⁵. Of particular note is the especially cynical method of "cover" employed by this figure while moving towards Ukraine's western regions²⁰⁷⁶.

An analysis of certain cases of flight highlights several trends:

- flights most often occur at the later stages of court proceedings when the accused realise there is a high likelihood of a conviction;
- preventive measures in some cases prove ineffective due to the relaxation of restrictions or the removal of electronic monitoring bracelets;
- despite the full-scale invasion and systemic problems with detention conditions, the practice of extradition is showing positive trends;
- some defendants abuse special permits allowing them to travel abroad;
- despite the issuance of 14 in absentia convictions (8 of which have entered into legal force), there is no information about the return of any convicted individuals to Ukraine.

There have been cases where flights occurred before the application of preventive measures, mainly due to connections within law enforcement agencies, and other cases where they occurred after the application of preventive measures that are supposed to

2072 On Amending the Criminal Procedure Code of Ukraine to Improve Guarantees for the Protection of Business Entities During Criminal Proceedings: Draft Law of Ukraine, registration No. 12439 of 24.01.2025.

2073 Enhancing Business Protection in Ukraine: Analysis of Draft Law No. 12439 and Proposed Amendments to the Criminal Procedure Code. Transparency International Ukraine. 2025.

2074 Report on the results of the external independent evaluation (audit) of the National Anti-Corruption Bureau of Ukraine. Commission for the External Independent Evaluation (audit) of the effectiveness of the National Anti-Corruption Bureau of Ukraine.

2075 Officers Who Helped Denys Komarnytskyi Flee Abroad Were Dismissed; the SSU Informed Them of Suspicion. ZN.UA. 2025. 2025.

2076 SSU and "Cargo 200": How the Main Suspect in the Kyiv Corruption Case Managed to Leave Ukraine. BBC Ukraine. 2025.

prevent the suspect or accused from fleeing. One of the reasons for this may be the insufficient number of electronic monitoring bracelets available to the NPU for monitoring suspects and accused persons²⁰⁷⁷. Although the choice of preventive measure is a complex process involving risk assessment for flight and obstruction of investigation, a major problem remains the lack of systematic analysis of each case of flight to prevent such incidents in the future²⁰⁷⁸.

Recommendations

1. Revise and adopt legislation introducing the institution for counteracting the abuse of procedural rights in criminal proceedings, including the possibility of imposing financial penalties on participants and holding them liable for contempt of court²⁰⁷⁹.
2. Amend the CPC of Ukraine by removing the obligation of the court to close criminal proceedings due to the expiry of the pre-trial investigation period (paragraph 10 of Part 1 of Article 284 of the CPC of Ukraine) and empower the court to take such action only in cases of violation of the accused's right to have the criminal case considered within a reasonable time²⁰⁸⁰.
3. Improve the legal regulation of plea agreements in corruption cases by establishing: clear criteria for assessing the "public interest"; the mandatory application of special confiscation where grounds exist; and the authority of the court to request pre-trial investigation materials²⁰⁸¹.
4. Amend Article 539 of the CPC of Ukraine to stipulate that matters related to the enforcement of court verdicts convicting a person of a corruption-related criminal offence shall be considered by the HACC²⁰⁸².
5. Review the provisions on single-judge proceedings in the HACC in terms of their effectiveness and impact on judicial proceedings, eliminating ambiguities regarding the moment of transition to collegiate consideration, and expand the application of single-judge proceedings at the HACC to cases concerning the recognition of unjustified assets.
6. Ensure the availability of a sufficient number of electronic monitoring bracelets for controlling suspects and accused persons in corruption cases.
7. Establish a transparent procedure for the public communication of the results of HACC verdict enforcement, particularly concerning the confiscation of assets and recovery of damages and strengthen the capacity of the State Enforcement Service.

2077 The Number of Functioning Electronic Bracelets Across Ukraine Has Decreased from 150 to 135. Transparency International Ukraine. Transparency International Ukraine.

2078 "Clean City" and Dirty Escapes: How Corruption Suspects Evade Justice. Transparency International Ukraine. 2025.

2079 Recommendation, previously provided by the civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine (p. 242) remains relevant but has been further specified considering the progress achieved.

2080 Ibid, the previously provided recommendation remains relevant (p. 242).

2081 Ibid, the previously provided recommendation remains relevant but has been further specified considering the progress achieved (p. 242).

2082 Ibid, the previously provided recommendation remains relevant (p. 242).

Compliance with Investigative Jurisdiction in the Investigation of Corruption Cases

Progress and issues

One of the most comprehensive documents whose adoption may indicate some progress in this area is the OAS Action Plan. This Plan, approved by the Government on 23 August 2024, includes a task aimed at improving the institution of investigative jurisdiction, coordination of activities, and interaction between law enforcement agencies based on systemic principles and procedural economy while maintaining guarantees for the protection of human rights.

In particular, it envisages the development of a draft law that will provide for the systematic regulation of investigative jurisdiction through the clear delimitation of powers among pre-trial investigation bodies, the concentration of investigations of economic offences within the ESBU (except for cases under NABU's jurisdiction), the expansion of prosecutors' discretionary powers to reassign investigative jurisdiction (except for NABU cases), and the clarification of the procedure for assigning investigations to other bodies, as well as the regulation of procedural consequences for violations of jurisdictional rules. Overall, these measures aim to enhance the effectiveness of pre-trial investigations and eliminate duplication of functions among different law enforcement agencies²⁰⁸³. However, the completion of this task is scheduled only for the fourth quarter of 2025.

In 2024, NABU detectives identified at least five cases where other law enforcement agencies investigated criminal offences that, under Part 5 of Article 216 of the CPC of Ukraine, fall under the exclusive jurisdiction of the National Bureau²⁰⁸⁴. Although there were no high-profile cases of interference with NABU's jurisdiction over the past year, it cannot be ruled out that without an effective system of safeguards, such interference could occur in the future. Moreover, in certain cases, courts have acquitted officials on the grounds that the investigation was conducted not by NABU but by other law enforcement agencies, in line with the legal positions of the SC²⁰⁸⁵.

In this context, it is worth noting that the number of cases investigated by NABU jointly with (or with operational support from) the SSU has increased, indicating improved cooperation. Since the beginning of 2025 alone, indictments have been issued in three criminal proceedings²⁰⁸⁶. This may confirm that when the SSU obtains data indicating signs of such offences during counterintelligence activities, the information is promptly transferred to other authorised bodies — the ESBU, NABU, SBI, and NPU — in accordance with their

2083 On the Approval of the Action Plan for the Implementation of the Comprehensive Strategic Plan for the Reform of Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024.

2084 Letter of the National Anti-Corruption Bureau of Ukraine No. 112-299/10594 of 14.04.2025.

2085 Judgment of the Ordzhonikidze District Court of Zaporizhzhia of 14.02.2025 in Case No. 335/7326/17; The Chief Psychiatrist of the AFU, served a notice of suspicion by the SSU for illicit enrichment, acquitted in a previous bribery case due to breach of investigative jurisdiction. Transparency International Ukraine. 2025.

2086 The SSU and NABU uncovered the head of a court in Odesa region who, together with accomplices, was "earning" from draft dodgers. 2025.; The SSU and NABU uncovered former officials of Ukroboronprom embezzling over UAH 107 million in public funds. 2025.; The SSU and NABU uncovered a scheme for embezzling nearly UAH 60 million from Ukrenergo. 2025.

jurisdiction²⁰⁸⁷. At the same time, according to statistical data from the PGO, the number of recorded criminal offences under the “official offences” category continues to rise: 76 were recorded in 2022, 96 in 2023, and 175 in 2024²⁰⁸⁸.

The SSU provided information that the majority of criminal proceedings in this category, in which SSU investigators participated during 2022–2024, were referred to other law enforcement agencies after the initial stage of the investigation. According to data from the Unified Register of Pre-trial Investigations, in 2024, SSU investigators conducted pre-trial investigations in 94 criminal proceedings of this category. This represents 0.07% of the total number of proceedings (over 131,000 proceedings overall) during the reporting period. Even out of this number, the SSU referred 53 criminal proceedings to other law enforcement agencies in accordance with investigative jurisdiction²⁰⁸⁹.

The National Bureau conducts information and analytical work to identify criminal proceedings that fall within its detectives’ jurisdiction. However, Ukrainian legislation currently contains a gap concerning the regulation of the procedure and time frame for enforcing the NABU Director’s decision to request the transfer of a criminal proceeding. This gap can be exploited to delay the transfer of proceedings, for example, by reassigning them to other units, changing the case number, or separating episodes into a new proceeding²⁰⁹⁰.

In its report, the Commission for the External Independent Evaluation (audit) of the effectiveness of the NABU also recommended that Parliament amend the legislation regarding: clear rules and time limits for the transfer of criminal proceedings between bodies, in particular in cases of NABU taking over cases; the introduction of administrative or disciplinary liability for officials of the PGO, the SBI and other bodies for violations of investigative jurisdiction or failure to comply with the decisions of the NABU, the SAPO or prosecutors regarding the transfer of cases²⁰⁹¹.

The Rule of Law Roadmap identifies as one of the measures the adoption and implementation of amendments to the CPC of Ukraine to improve the institution of investigative jurisdiction by clearly delimiting the jurisdiction of pre-trial investigation bodies; consolidating the powers of law enforcement bodies to investigate criminal offences in the sphere of the economy in a single law enforcement body – the ESBU (except for criminal offences under the jurisdiction of the NABU); consolidating the pre-trial investigation of criminal offences against national and state security under the SSU; establishing a clear procedure for the transfer of criminal proceedings between pre-trial investigation bodies; and introducing liability for prosecutors for violations of investigative jurisdiction or failure to comply with the decisions of the SAPO

2087 Strengthening the Capabilities of the SSU. Security Service of Ukraine.

2088 Unified Report on Criminal Offences for January–December 2022. Prosecutor General's Office.; Unified Report on Criminal Offences for January–December 2023. Prosecutor General's Office.; Unified Report on Criminal Offences for January–December 2024. Prosecutor General's Office.

2089 Information from Security Service of Ukraine staff, obtained via the press service on 07.04.2025.

2090 Letter of the National Anti-Corruption Bureau of Ukraine No. 112-299/10594 of 14.04.2025.

2091 Report on the results of the external independent evaluation (audit) of the National Anti-Corruption Bureau of Ukraine. Commission for the External Independent Evaluation (audit) of the effectiveness of the National Anti-Corruption Bureau of Ukraine.

or other prosecutors on the transfer of proceedings within the competence of the NABU²⁰⁹². However, the deadline for implementing this measure is set only for the fourth quarter of 2027, which is excessively remote given that the formulation of such changes does not require significant analytical resources.

Recommendations

1. The SSU, SBI, NPU, ESBU, and prosecution authorities must strictly comply with the requirements of procedural legislation regarding the investigative jurisdiction of NABU cases and ensure effective cooperation among themselves. For example, if the SSU, in the course of investigating a case within its specialisation, uncovers facts indicating that a suspect has committed corruption or corruption-related criminal offences falling under NABU's jurisdiction, the prompt and efficient transfer of the relevant case materials to NABU must be ensured²⁰⁹³.
2. Examine the issue of introducing disciplinary liability for the heads of pre-trial investigation bodies (i.e., investigative units) for cases where their units investigate matters in violation of NABU's exclusive jurisdiction, as well as for prosecutors who incorrectly determine the investigative jurisdiction of a criminal proceeding²⁰⁹⁴.
3. Amend the legislation to clearly regulate the procedure and deadlines for transferring criminal proceedings to NABU from other pre-trial investigation bodies, including introducing liability for failure to comply with a decision to request the transfer of a case.

Application of Criminal Law by Anti-Corruption Institutions

Progress and issues

Despite the Supreme Court's regular publication of overviews of judicial practice in criminal proceedings related to corruption and corruption-related offences²⁰⁹⁵, **the problem of the absence of generalised summaries by the SC** concerning the practice of holding individuals criminally liable for corruption and corruption-related offences persists. The Supreme Court's 2024 Report notes that the Plenum considered issues such as appealing to the CCU and addressing other organisational aspects of the Court's functioning²⁰⁹⁶.

According to the HACC audit report, in order to inform its judges of new legal positions adopted by the SC, the HACC Secretariat maintains internal registers of criminal proceedings that have been referred to, accepted for review by, or examined by the Grand Chamber of

2092 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the Accession Process to the EU". Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

2093 Recommendation, previously provided by the civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine (p. 280) remains relevant.

2094 Ibid, the previously provided recommendation remains relevant (p. 280).

2095 Review of the SC's Case Law in Criminal Proceedings on Corruption and Corruption-Related Offences. Supreme Court. 2024.

2096 The Supreme Court in Figures and Facts for 2024.

the Supreme Court, the Joint Chamber, or the judicial chambers of the Criminal Cassation Court within the Supreme Court (CrCC SC)²⁰⁹⁷ — which is a positive, although not comprehensive, practice.

Such a mechanism does not fully meet the need for providing generalised recommendations to HACC judges regarding the practice of imposing criminal liability for corruption and corruption-related criminal offences. In addition, no such summaries exist for other law enforcement actors — namely, prosecutors, detectives, or defence counsel.

In this context, **the broad interpretation of certain aspects of the disposition of Article 364 of the CC of Ukraine** also appears problematic at times — particularly regarding the distinction between abuse of power and abuse of office, the relationship between the person abusing their authority and the beneficiary, and the type of harm that may constitute an element of this criminal offence.

On 27 November 2024, the SC, in a case concerning the abuse of parliamentary guarantees, provided its interpretation of the distinction between abuse of power and abuse of office, adopting a broad approach to the interpretation of the term “abuse of power”²⁰⁹⁸. The Court also stated that this distinction should be based on the content of the powers, rights, obligations, and resulting opportunities granted to fulfil the relevant functions entrusted to the individual²⁰⁹⁹. On 10 February 2025, the Joint Chamber of the CrCC SC also issued a legal opinion that liability under Article 364 of the CC of Ukraine arises for an official regardless of whether any agreement exists between them and another natural or legal person who received an unlawful benefit²¹⁰⁰.

However, the issue of whether it is permissible to impute damage in the form of so-called “lost profit” remains unexplained. This has already prompted considerable discussion within the professional community²¹⁰¹. This gap could be addressed by means of a comprehensive generalisation of judicial practice in such cases²¹⁰².

The issue of practically distinguishing between offences under Articles 364 and 191 of the CC of Ukraine remains relevant, as the SC has not conducted a comprehensive generalisation of judicial practice on this matter. To develop clear and practical guidelines to simplify the differentiation of these offences in the work of detectives, a working group was created with the participation of NABU detectives, SAPO prosecutors, and experts from the International Development Law Organization (IDLO). On 15 January 2025, the group presented its recommendations, although they have not been made public²¹⁰³.

The legislation still does not define what constitutes the solicitation of an undue advantage by a person abusing influence under Part 3 of Article 369² of the CC of

2097 Report on the Compliance Audit on “Ensuring the Operation of the High Anti-Corruption Court”: Decision of the Accounting Chamber No. 58-2 of 19.12.2024.

2098 MPs and Abuse of Housing Privileges: What Did the Supreme Court Decide? Transparency International Ukraine. 2024.

2099 Ruling of the Supreme Court of 27.11.2023 in Case No. 991/3966/20.

2100 Ruling of the Supreme Court of 10.02.2025 in Case No. 757/11969/18-k.

2101 For example — Article 364 of the CC of Ukraine: Formulation and Practice of Its Application | JustTalk Discussion. 2023.

2102 Don't Mock Frankenstein: Some Thoughts on Article 364 of the CC of Ukraine. Transparency International Ukraine. 2023.

2103 Publication of the National Anti-Corruption Bureau of Ukraine on the social network Facebook. 2025.

Ukraine. To address this issue, on 9 July 2024, the SC clarified that, to establish the fact of solicitation, it is necessary to determine whether the person threatened to take or not take actions that could harm the lawful rights or interests of another person who offers, promises, or gives them an undue advantage, and whether such threats were real and capable of causing harm to that person's lawful rights or interests — or whether the perpetrator created circumstances in which the other person was compelled to offer, promise, or give an undue advantage to avoid harmful consequences for themselves or their lawful interests²¹⁰⁴. Overall, this interpretation may help judicial bodies develop consistent practice in applying the provisions of Part 3 of Article 369² of the CC of Ukraine.

In the context of the quality of criminal legislation concerning the criminalisation of corruption and corruption-related offences, interviewed experts noted that, despite its overall compliance with international standards, certain provisions are poorly drafted²¹⁰⁵. For example, there is an inconsistency between the list of corruption-related criminal offences and the features of corruption and corruption offences as defined in the Law of Ukraine "On Preventing Corruption"²¹⁰⁶. Specifically, all criminal offences committed by persons authorised to perform state or local self-government functions, using their authority, official powers, or related opportunities to obtain an undue advantage, should be classified as corruption-related. At the same time, certain articles — such as Article 320 of the CC of Ukraine²¹⁰⁷ — have been incorrectly categorised as corruption offences.

Another major issue is the disproportionality of sanctions and the availability of avenues for avoiding criminal liability or punishment. Sanctions do not always reflect the degree of danger posed by corruption offences; the scales of various types of punishment are insufficiently harmonised, and the legislation allows for numerous ways to escape liability or receive unduly lenient sentences. In addition, confiscation of property and special confiscation are not provided for in many corruption-related offences, which undermines the effectiveness of anti-corruption policy²¹⁰⁸.

On 4 December 2024, the Verkhovna Rada adopted **Law No. 4111-IX**²¹⁰⁹ **aimed at improving the mechanisms for holding legal entities liable for the bribery of foreign public officials**. Its adoption, in particular, became one of the prerequisites for the Government's request to accede to the OECD Convention on Combating Bribery, as well as for obtaining membership in the OECD Working Group on Bribery in International Business Transactions²¹¹⁰.

The Law contains shortcomings that were not addressed at the time of its adoption, despite the recommendations provided²¹¹¹. The proposed amendments to improve liability

2104 Ruling of the Supreme Court of 09.07.2024 in Case No. 464/233/22.

2105 Information provided by M. Khavroniuk during the interview conducted on 24.03.2025.

2106 On Prevention of Corruption: Law of Ukraine No. 1700-VII of 14.10.2014, Article 1.

2107 Violation of established rules for the circulation of narcotic drugs, psychotropic substances, their analogues or precursors.

2108 Khavroniuk M.I. Analysis of National Criminal Legislation and Legislation on Administrative Offences with the Purpose of Improving Anti-Corruption Policy and Existing Anti-Corruption Instruments. 2024.

2109 On Amendments to the Criminal Code of Ukraine, the Criminal Procedure Code of Ukraine and Other Legislative Acts of Ukraine on Improving the Mechanisms of Holding Legal Entities Liable for Bribing Foreign Officials: Law of Ukraine No. 4111-IX of 04.12.2024.

2110 The Government Approved the Draft Letter on Ukraine's Accession to the OECD Convention on Combating Bribery. State Audit Service of Ukraine. 2025.

2111 Criminal Liability of Legal Entities for Corruption: Proposed Measures by MPs. Transparency International Ukraine. 2024.

for legal entities are not comprehensive, as they apply only to cases of bribery involving foreign public officials, while excluding national officials.

In 2024, the HACC delivered 24 verdicts imposing confiscation of property as punishment on 47 defendants²¹¹². At the same time, **the enforcement of confiscations remains at a low level**, due to the poor quality of asset identification and tracing, as well as the deficiencies in the legislation governing seizure and confiscation²¹¹³.

A step forward in terms of confiscation of property as punishment for corruption and corruption-related criminal offences was the adoption of Law No. 4120-IX on 5 December 2024²¹¹⁴, which definitively established the possibility of agreeing on confiscation as an additional punishment under a plea agreement. However, the Law does not provide for the mandatory application of special confiscation when entering into plea agreements in corruption cases where there are grounds to do so — contrary to the recommendations of the European Commission²¹¹⁵.

The overall situation with the enforcement of property confiscation as punishment abroad remains unsatisfactory, as the majority of Ukrainian court decisions are refused enforcement by foreign competent authorities due to the non-compliance of national legislation with international standards.

This form of punishment is problematic and requires replacement with improved mechanisms specifically for the confiscation of criminal assets²¹¹⁶. Parliament did not take into account repeated recommendations to add relevant provisions aimed at improving “extended” and special confiscation — particularly to enable the proper seizure of assets for this purpose²¹¹⁷. Nor has the recommendation to expand international cooperation in the context of asset-sharing and the return of illicit assets been implemented²¹¹⁸.

Unjustified competition between civil confiscation and criminal liability for illicit enrichment creates legal gaps that may result in impunity. Although the CivPC of Ukraine stipulate that assets already included in criminal proceedings under Article 3685 of the CC of Ukraine shall not be considered in calculating the difference between the value of acquired assets and lawful income, in practice, the system still demonstrates deficiencies — as illustrated by the case of the former deputy head of a department of the NPU, where the same funds were simultaneously treated as unjustified assets in civil proceedings and as material evidence in criminal proceedings²¹¹⁹. Furthermore, if a person is acquitted in a criminal case

2112 Report of the High Anti-Corruption Court on the Consideration of Criminal Cases and Materials for 2024.

2113 Effective Confiscation of Top Corrupt Officials’ Property. Transparency International Ukraine. 2024.

2114 On Amendments to Article 77 of the Criminal Code of Ukraine Regarding the Application of Asset Confiscation in Case of Probation: Law of Ukraine No. 4120-IX of 05.12.2024.

2115 2024 European Commission Report: Three Priority Reforms for Next Year According to TI Ukraine. Transparency International Ukraine. 2024.

2116 Parliament Restores Property Confiscation When Concluding Plea Agreement in Corruption Crimes. Transparency International Ukraine. 2024.

2117 For example: Enhancing Business Protection in Ukraine: Analysis of Draft Law No. 12439 and Proposed Amendments to the Criminal Procedure Code. Transparency International Ukraine. 2025.

2118 Recovering Criminal Assets From Abroad: What Should be Changed in Ukrainian Legislation. Transparency International Ukraine. 2023.

2119 Civil Forfeiture in Ukraine. Transparency International Ukraine. 2024.

on illicit enrichment charges, it is **currently not possible to initiate a civil confiscation claim** — which appears unjustified, given the higher standard of proof required in criminal proceedings.

In June 2025, Law No. 4496-IX²¹²⁰ (Draft Law No. 13271-1) introduced amendments to the regulation of the institution of civil confiscation, while the aforementioned recommendations were not taken into account by Parliament²¹²¹. In fact, this draft law was an alternative to the significantly worse Draft Law No. 13271 authored by Serhii Vlasenko, a Member of Parliament from the Batkivshchyna faction, which concerned the “improvement of the procedure for bringing officials to justice”. Vlasenko registered a separate draft law because a significant part of the same initiatives of his had not been taken into account in Law No. 4503-IX on the ARMA reform (Draft Law No. 12374-d), adopted on 12 February 2025. At that time, the main Committee of the Verkhovna Rada on Anti-Corruption Policy rejected all these amendments at the second reading and proposed for consideration in the session hall a substantially revised version of the draft law, which Transparency International Ukraine recommended adopting as a whole.

With the new provisions, MPs amended the criteria for criminal and administrative liability in the sphere of asset declaration and illicit enrichment, the range of persons and thresholds for the application of civil confiscation, the investigative jurisdiction of the NABU, as well as set maximum time limits for the inclusion of persons in the Unified State Register of Persons Who Have Committed Corruption or Corruption-Related Offences, and so forth.

Earlier, Transparency International Ukraine expressed the position that Draft Law No. 13271-1 should be adopted as a basis with future revision in accordance with the recommendations provided. International partners, as well as representatives of civil society and anti-corruption bodies, should be involved in this improvement²¹²².

It should also be noted that the future development of the civil confiscation framework includes the expansion of grounds for its application, as proposed in the 2023 Asset Recovery Strategy²¹²³, and the extension of this instrument to assets of criminal organisations, in line with EU Directive 2024/1260²¹²⁴. However, it is essential to implement such mechanisms in compliance with human rights standards and with consideration of factors such as the disproportionality between the value of the property and lawful income, the absence of a lawful source of origin, and the owner’s connection to criminal organisations. Accordingly, the current issue lies in the narrow scope of actors authorised to bring such claims, as well as the limited grounds for civil confiscation, which do not meet the requirements of EU Directive 2024/1260.

An important step in the return of criminal assets was HACC’s first request, submitted to Switzerland in January 2024, to enforce special confiscation of laundered assets amount-

2120 On Amendments to the Code of Ukraine on Administrative Offences, the Criminal Code of Ukraine, the Criminal Procedure Code of Ukraine and other legislative acts of Ukraine regarding strengthening liability for corruption or corruption-related offences: Law of Ukraine No. 4496-IX of 17.07.2025.

2121 What MPs Propose to Change in Asset Declaration and the Jurisdiction of the Anti-Corruption System. Transparency International Ukraine. 2025.

2122 Ibid.

2123 Asset Recovery Strategy for 2023–2025: Order of the Cabinet of Ministers of Ukraine No. 670 of 01.08.2023.

2124 Directive (EU) 2024/1260 of the European Parliament and of the Council of 24 April 2024 on asset recovery and confiscation.

ting to USD 1.4 million and EUR 1.2 million²¹²⁵. This supports the view that **special confiscation should be used more frequently**, as it enhances the effectiveness of asset recovery from abroad.

Reporting by the HACC and the State Judicial Administration (SJA) does not account for the status of enforcement of confiscations in corruption cases, which raises concerns regarding courts' statistical reporting on the enforcement of verdicts in terms of property confiscation and special confiscation. For example, there is currently no record of timelines for case consideration, reasons for case closure or delays, outcomes of case examination, punishments imposed, application of other criminal law measures, or the effectiveness of property confiscation (i.e. the ratio between the value of identified and actually confiscated assets). There is also a lack of data on judges' caseloads and the results of international cooperation, along with a failure to ensure the mandatory publication of semi-annual reports and an annual trend analysis on the judiciary's web portal.

The Rule of Law Roadmap contains important measures on drafting and adopting a law to bring legislation into line with the provisions of Directive (EU) 2024/1260 of the European Parliament and of the Council of 24 April 2024 on asset recovery and confiscation. The adoption of such a law is planned by the second quarter of 2027. The Roadmap also contains measures to ensure the unification, maintenance and publication of statistical reporting on freezing and confiscation in accordance with the provisions of Directive 2014/42/EU and Directive (EU) 2024/1260 — with implementation by the fourth quarter of 2026²¹²⁶.

A considerable number of HACC cases are at risk of closure due to the expiry of the statute of limitations within one to two years, including high-profile cases concerning the alleged abuse of office by the former Head of the State Fiscal Service involving over UAH 2 billion²¹²⁷, the abuse involving over USD 13 million by JSC UMCC²¹²⁸ among others.

The European Commission has highlighted this issue and recommended a change in the approach to calculating limitation periods to ensure more effective accountability for corruption offences²¹²⁹. Draft Law No. 10100, currently registered in Parliament, proposes excluding certain types of corruption offences from the statute of limitations. However, this draft law has not been considered for more than two years²¹³⁰, and the legislative proposals themselves require improvement²¹³¹.

The Rule of Law Roadmap includes, as one of the measures, the adoption and implementation of legislative amendments to ensure the deterrent effect, proportionality and effectiveness of criminal sanctions for corruption and corruption-related offences in

2125 For the First Time Ukraine Sends a Request for Special Confiscation Abroad. Transparency International Ukraine. 2024.

2126 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the Accession Process to the EU": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

2127 The Case of Former Head of the SFS Roman Nasirov: Onyshchenko's "Gas Scheme". "HACC Decided" Platform.

2128 UMCC Case. "HACC Decided" Platform.

2129 2024 European Commission Report: Three Priority Reforms for Next Year According to TI Ukraine. Transparency International Ukraine. 2024.

2130 On Amendments to the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine to Ensure the Effectiveness of Criminal Proceedings and Liability for Corruption Offences: Draft Law of Ukraine, registration No. 10100 of 29.09.2023.

2131 How MPs Propose to Improve the Time Frames in Criminal Cases. Transparency International Ukraine. 2023.

accordance with the Proposal for a Directive of the European Parliament and of the Council on combating corruption. The implementation of these measures is planned by the second quarter of 2027 through extending limitation periods and improving the grounds for suspension and expiry of such periods, revising sanctions for corruption and corruption-related offences, as well as reviewing threshold values for illicit enrichment and false declaration with a view to enhancing effectiveness and impact, including the effective coordination of criminal and civil proceedings²¹³².

Recommendations

1. The SC should provide comprehensive generalisations on the application of legislation in corruption cases²¹³³.
2. Improve legislation on liability for corruption-related criminal offences by: aligning the list of corruption-related criminal offences with the features of corruption; clarifying the disposition of Article 364 of the CC of Ukraine; extending mechanisms of liability for legal entities for bribery to include not only foreign but also national public officials; and refining the rules for calculating limitation periods²¹³⁴.
3. Introduce a comprehensive reform of the asset confiscation and recovery system, which should include: improving mechanisms for "extended" and special confiscation of criminal assets in place of general property confiscation as punishment; introducing the mandatory application of special confiscation in plea agreements in corruption cases; expanding the range of actors authorised to bring relevant claims; and broadening the grounds for civil confiscation in line with the requirements of EU Directive 2024/12600²¹³⁵.
4. Develop a unified analytical system for monitoring corruption cases, enabling the collection and analysis of data on case consideration, outcomes, sanctions, and the effectiveness of property confiscation, with mandatory publication of periodic reports.

Verification of Declarations and Lifestyle Monitoring

Progress and issues

Despite some partially positive assessments from international partners, civil society and the expert community agree²¹³⁶ that certain shortcomings of the declaration system remain unaddressed, and most recommendations provided to the Agency have not been implemented. In particular, the NACP's approach to the secrecy of the rules for logical and

2132 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the Accession Process to the EU": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

2133 The recommendation previously provided by civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the 2023 European Commission Report on Ukraine (p. 244) remains relevant.

2134 Ibid, the previously provided recommendation remains relevant but has been further clarified considering the progress achieved (p. 244).

2135 Ibid, the previously provided recommendation remains relevant but has been further clarified considering the progress achieved (p. 247).

2136 Information provided by experts during an interview conducted on 17.03.2025, 21.03.2025.

arithmetic control has not changed. Moreover, in 2024, the Head of the Agency issued, and the Ministry of Justice approved, an additional order that restricts access to these rules²¹³⁷.

This decision was taken by the Head of the Agency despite criticism from the Public Council, which in its opinion on the draft order had recommended adopting it with due consideration of the comments on transparency and openness²¹³⁸. Furthermore, the rules of logical and arithmetic control are not even available to the Public Council under the Agency²¹³⁹, which makes public oversight — as envisaged by Article 14 of the Law of Ukraine “On Prevention of Corruption” — impossible²¹⁴⁰.

Beyond the closed procedures for verifying declarations of staff in certain categories, it was only in February 2025 that the NACP adopted an order to regulate the conduct of lifestyle monitoring for these individuals²¹⁴¹. In this regard, the Head of the NACP stated: “We are currently communicating with all bodies that fall under this category to ensure the possibility of conducting such checks²¹⁴²”. According to the NACP, the Agency did not conduct full verifications of declarations by individuals listed in Part 1 of Article 521 of the Law, as they have the right to defer submission of their declarations during martial law. At the same time, 15 lifestyle monitoring procedures have been initiated for the relevant declarants to determine whether their standard of living corresponds to the assets owned by them and their family members, as well as their declared income. To date, five such procedures have been completed. Meanwhile, the Agency is also examining the possibility of defining specific regulatory provisions for the full verification of declarations and lifestyle monitoring of judges and judges of the CCU²¹⁴³.

In its 2024 report, the OECD also draws attention to the lack of a requirement to declare information about the settlor of a trust — neither in law nor within the asset declaration form. The same applies to trustees and beneficiaries, if they are not the controller of the trust. This means that other individuals connected to a trust, where the declarant or their family member is the ultimate beneficial owner (controller), are not disclosed in the form²¹⁴⁴. International partners also criticised the fact that the law does not require disclosure of expenditures by family members²¹⁴⁵.

In November 2024, the Procedure for ARMA's access to the Unified State Register of Declarations of Persons Authorised to Perform State or Local Self-Government Func-

2137 On the Approval of the Procedure for Logical and Arithmetic Control of Declarations of Persons Authorised to Perform State or Local Self-Government Functions: Order of the National Agency on Corruption Prevention No. 161/24 of 21.06.2024.

2138 Opinion of the Public Council under the NACP on the Draft Order “On Amending the Procedure for Full Verification of Declarations of Persons Authorised to Perform State or Local Self-Government Functions”. 2024.

2139 Information provided by experts during an interview conducted on 19.03.2025.

2140 On Prevention of Corruption: Law of Ukraine No. 1700-VII of 14.10.2014, Part 2, Article 14.

2141 On Amending the Procedure for Lifestyle Monitoring of Declarants: Order of the National Agency on Corruption Prevention No. 314/43720 of 12.02.2025.

2142 Full interview with NACP Head Viktor Pavlushchuk for NV. National Agency on Corruption Prevention. 2025.

2143 Letter from the National Agency on Corruption Prevention No. 10-13/32570-2 of 15.04.2025.

2144 Review of Anti-Corruption Reforms in Ukraine under the Fifth Round of Monitoring: The Istanbul Anti-Corruption Action Plan. OECD. 2024. OECD Publishing, Paris, p. 34.

2145 Ibid, p. 32.

tions²¹⁴⁶ entered into force. This followed the adoption in July 2024 of the Procedure for Interaction between ARMA and the NACP regarding the detection of unjustified assets²¹⁴⁷. In this way, the Agency enhanced its cooperation with ARMA to identify hidden assets of declarants abroad. However, NACP's cooperation in this area with foreign partners and registers remains underdeveloped. Some progress was made after the NACP joined the international network of anti-corruption and police oversight bodies from 35 Council of Europe member states (EPAC/EACN)²¹⁴⁸, as well as Europol's SIENA network platform²¹⁴⁹. Nevertheless, experts have expressed concern over the lack of sufficient funding for the NACP to prepare and submit international information requests²¹⁵⁰.

The Agency's cooperation with the STS and the SFMS could also be more effective, since full verifications of declarations may reveal signs of tax evasion and other financial crimes not directly related to corruption.

In its 2024 Enlargement Package Report, the European Commission also recommended strengthening liability for unjustified assets and significantly lowering the applicable thresholds in order to make sanctions more relevant and effective²¹⁵¹. This issue likewise remains unresolved, despite the consensus among international partners and the expert community²¹⁵² that the current thresholds are too high by international standards. Moreover, there appears to be a need to lower the thresholds for criminal liability for illicit enrichment, linking them to the average salaries of various categories of public officials over a clearly defined period. At present, the threshold for the value of illicit assets established in the CC of Ukraine is disproportionate to the average salaries of officials at various levels²¹⁵³.

In this context, in June 2025 Parliament adopted Law No. 4496-IX²¹⁵⁴, which increases the thresholds for bringing a person to administrative liability for false declaration by 50%, and to criminal liability by 25–50%. This Law also raises by 50% the threshold for filing claims for confiscation and recovery to the State of unjustified assets. These increases are explained by the general devaluation of the hryvnia over the past five years and are therefore not critical, although they do not comply with international recommendations. At the same time, the Law lowered by 7.5% the threshold for liability for illicit enrichment

2146 On the Approval of the Procedure for ARMA's access to the Unified State Register of Declarations of Persons Authorised to Perform State or Local Self-Government Functions: Joint Order of the NACP and ARMA No. 509/365/24 of 01.11.2024.

2147 On the Approval of the Procedure for Interaction between ARMA and the National Agency on Corruption Prevention regarding the detection of unjustified assets: Joint Order of the NACP and ARMA No. 1094/42439 of 19.07.2024.

2148 NACP joins the European Partners Against Corruption (EPAC/EACN) network. National Agency on Corruption Prevention. 2024.

2149 Identifying hidden assets abroad becomes easier: NACP joins Europol's SIENA network platform. National Agency on Corruption Prevention. 2024.

2150 Information provided by experts during interviews conducted on 17.03.2025 and 21.03.2025.

2151 Ukraine 2024 Progress Report within the European Union Enlargement Package.

2152 Information provided by an expert during an interview conducted on 17.03.2025.

2153 Ibid.

2154 On amendments to the Code of Ukraine on Administrative Offences, the Criminal Code of Ukraine, the Criminal Procedure Code of Ukraine and other legislative acts of Ukraine regarding increased liability for corruption or corruption-related offences : Law of Ukraine No 4496-IX of 19.06.2025.

and expanded the range of subjects of corruption offences, which are positive changes that should be further deepened in the future²¹⁵⁵.

However, lowering the thresholds for criminal and administrative liability for inaccurate declarations may entail the additional risk of increased workload for anti-corruption bodies.

In addition, the current statutes of limitation for liability for inaccurate declarations and the limitation period for civil confiscation of unjustified assets also appear inconsistent with best European practices. These insufficient timeframes affect the ability to hold individuals accountable²¹⁵⁶.

During an expert interview, it was also proposed to alternatively consider changing the approach to calculating limitation periods by expanding the grounds for their suspension or interruption — following the European example²¹⁵⁷. Such an approach may be relevant for all corruption-related and corruption-adjacent criminal offences, for which proceedings are frequently closed due to the expiration of limitation periods.

The recommendation of the European Commission²¹⁵⁸ and civil society to extend the asset declaration obligation to staff of private offices of high-ranking political officials — including their advisers and assistants — remains unimplemented by the legislator²¹⁵⁹. The same applies to legal entities under public law. For instance, state-owned enterprises still can independently designate themselves as legal entities under private — rather than public — law and thereby avoid the obligation to file declarations²¹⁶⁰. Heads of separate subdivisions and branches of legal entities, as well as their deputies, are likewise still not required to declare assets, despite recommendations to that effect included in the Shadow Report on Chapter 23²¹⁶¹.

Following the reinstatement of asset declaration in 2023, certain provisions of the Law of Ukraine “On Prevention of Corruption” remain in force that allow Members of Parliament not to declare rented property under 75 m² if the cost is reimbursed by the state²¹⁶². Another provision still in effect permits declarants to conceal full information about an asset by including it in only one section of the declaration, which is not considered a violation. In addition, declarants retain unrestricted access to all materials from the full verification of their declarations after the procedure is completed — creating an additional risk of misuse of this information to conceal assets.

2155 What MPs Propose to Change in Asset Declaration and the Jurisdiction of the Anti-Corruption System. Transparency International Ukraine, 2025.

2156 One of the most controversial examples of exemption from liability for inaccurate declarations due to the expiration of limitation periods is the case of former NACP Head Nataliia Korchak. HACC ruling in case No. 991/2228/19 of 26.05.2020.

2157 Information provided by an expert during an interview conducted on 17.03.2025.

2158 Ukraine 2024 Progress Report within the European Union Enlargement Package.

2159 For more details, see the section “Lobbying”.

2160 Among the state-owned companies that have classified themselves as legal entities under private law in their charters are some of the largest in Ukraine: JSC NJSC Naftogaz, JSC NNEGC Energoatom, JSC Ukrainian Railways, and JSC Ukrposhta. Naftogaz Charter of 26.01.2024 No. 85, para. 2.; Energoatom Charter of 29.12.2023 No. 142, para. 15.; Ukrzaliznytsia Charter of 21.12.2023, para. 15.; Ukrposhta Statute of 01.01.2025, para. 3.5.

2161 Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine. 2024.

2162 On Prevention of Corruption: Law of Ukraine No. 1700-VII of 14.10.2014, para. 2, Part 1, Article 46.

The previously mentioned corruption scandal involving the leadership of the MSEs also highlighted the lack of proper regulation on the declaration of cash holdings by public officials. During an interview, an expert noted that authorised NACP officials often flag large declared amounts of cash savings during special checks of candidates for public office; however, this does not lead to any systemic resolution of the issue²¹⁶³.

Positively, the introduction in October 2024 by the NACP of a feature for partially auto-filling a declaration draft²¹⁶⁴ along with the ability to submit a “Data for Declaration” request²¹⁶⁵ — which automatically retrieves information on the assets of the declarant and their family members from state registers and databases — is a welcome development. However, the quality of such data remains questionable, a concern acknowledged by the Agency itself. Despite the new auto-fill function, the Agency still advises officials to verify additional information sourced from registers and databases. Moreover, following a hack of the Ministry of Justice registers at the end of 2024, the “Data for Declaration” feature was temporarily inoperative, and the risk of inadequate functioning of these registers remains an ongoing concern²¹⁶⁶. Nonetheless, the legal provision on the presumption of the accuracy of information from state registers remains in force²¹⁶⁷.

It is also positive that, at the end of 2024, the NACP — in response to the recommendation provided in the Shadow Report on Chapter 23²¹⁶⁸, — improved the integration of explanatory notes into the declaration-filling process and updated them based on the latest legislative changes and feedback from declarants²¹⁶⁹. For example, in the Unified State Register of Declarations of Persons Authorised to Perform State or Local Self-Government Functions, there are:

- ▶ textual descriptions for each section of the declaration, detailing the most common issues, including hyperlinks to specific explanatory points in the Agency’s Knowledge Base;
- ▶ in each section of the declaration, a hyperlink to the corresponding section of explanatory notes in the Agency’s Knowledge Base, as well as to a video course on declaration;
- ▶ pop-up hints for specific declaration fields²¹⁷⁰.

Following the above updates, the NACP conducted its annual survey among declarants regarding their interaction with the Unified State Register of Declarations of Persons Authorised to Perform the Functions of the State or Local Self-Government, the results

2163 Information provided by an expert during an interview conducted on 17.03.2025.

2164 How to generate a “Data for Declarations” certificate: step-by-step guide. National Agency on Corruption Prevention. 2025.

2165 Auto-filling of declarations: NACP presents a new function. National Agency on Corruption Prevention. 2024.

2166 The “Data for Declarations” function will be temporarily unavailable until the Ministry of Justice’s registers are restored. National Agency on Corruption Prevention. 2024.

2167 On Prevention of Corruption: Law of Ukraine No. 1700-VII of 14.10.2014, Part 8, Article 46.

2168 Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine. 2024.

2169 NACP updates its guidance for the 2024 declaration campaign. National Agency on Corruption Prevention. 2024.

2170 Letter from the National Agency on Corruption Prevention No. 10-13/32570-2 of 15.04.2025.

of which showed that half of the declarants rated their interaction with it at the highest level. The vast majority of declarants did not encounter technical difficulties and spent only a few hours completing their declarations²¹⁷¹.

It is also worth noting positively that the NACP regulated the retention period of declarations of candidates for positions in the said Register²¹⁷² and the mechanism for returning declarations to open access once the circumstances on the basis of which such declarations were removed cease to exist²¹⁷³.

In addition, the legislator re-regulated the retention period of information in the Unified State Register of Persons who Committed a Corruption or Corruption-Related Offence. The provisions on limiting the retention period of information in such a register were provided for in Draft Law No. 9587-d, which was adopted by Parliament²¹⁷⁴ as early as 2023, but was never signed by the President. As a result, the retention periods for information on offenders were updated through the adoption of Law No. 4496-IX in June 2025²¹⁷⁵.

Most of the problems in the work of the NACP described in this subsection have been reflected in the measures provided for by the Rule of Law Roadmap²¹⁷⁶. In particular, among such measures are: improving the circle of declarants and the list of declared assets; optimising internal procedures for verification of declarations and strengthening the NACP's analytical function in detecting unjustified assets; improving interagency and international cooperation; ensuring the reliability of state registers; reviewing threshold values for illicit enrichment and false declaration, including effective coordination of criminal and civil proceedings²¹⁷⁷.

Recommendations

1. Improve the provisions of the Law of Ukraine "On Prevention of Corruption" concerning the requirements for electronic asset declaration and the procedure for full verification conducted by the NACP, namely:
 - eliminate the provision allowing Members of Parliament not to declare rented property under 75 m² if the rent is reimbursed by the state;
 - eliminate the provision that allows information about the same asset to be included in only one section of the declaration;

2171 Half of surveyed declarants rate their interaction with the Register of Declarations at the highest level — study. National Agency on Corruption Prevention. 2025.

2172 NACP regulated the procedure for the removal of "candidate for position" declarations. National Agency on Corruption Prevention. 2025.

2173 NACP regulated the mechanism for returning declarations to the public part of the Register of Declarations. National Agency on Corruption Prevention. 2025.

2174 Another veto needed: how the adopted draft law No. 9587-d can ruin the e-declaration system. Transparency International Ukraine, 2025.

2175 On Amendments to the Code of Ukraine on Administrative Offences, the Criminal Code of Ukraine, the Criminal Procedure Code of Ukraine and other legislative acts of Ukraine regarding strengthening liability for corruption or corruption-related offences: Law of Ukraine No. 4496-IX of 19.06.2025.

2176 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the Accession Process to the EU": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

2177 Ibid.

- restrict the declarant's right to access all materials from the full verification of their own declaration after the procedure is completed;
 - expand the list of officials of legal entities under public law and include in the list of declarants the heads of separate subdivisions and branches of legal entities, as well as their deputies²¹⁷⁸.
- 2. Amend the legislation to reduce the thresholds for administrative and criminal liability for illicit enrichment and inaccurate declarations. Such reductions should be based on the ratio between the value of the offence and the average official income of public officials of various categories.
- 3. Introduce a legal requirement — through legislation and/or subordinate regulations — for public officials to declare information on the settlor of a trust, as well as trustees and beneficiaries, even if they are not the controller of the trust. It should also be mandatory to disclose information about family members' expenditures.
- 4. Amend legislation to extend the limitation periods for liability for inaccurate declarations and consider increasing the statute of limitations for civil confiscation of unjustified assets. Legally provide for the possibility of suspending or interrupting limitation periods in cases involving corruption and corruption-related criminal offences, in line with European approaches.
- 5. Conduct a comprehensive assessment of the entire system of financial control business processes, identifying procedures in which duplication, conflicts, or inconsistencies may occur between subordinate regulations and the Law of Ukraine "On Prevention of Corruption". Based on the results of this assessment, introduce the necessary amendments to the legislative framework to improve the financial control procedure²¹⁷⁹.
- 6. Adopt legislation and implement practical measures to ensure the quality and relevance of data on the identification of individuals and registered assets contained in registers and databases used for completing, verifying, and auditing asset declarations, including impartial and timely responses to incomplete or inaccurate data identified in state registers and databases.
- 7. Introduce legislative amendments to require the STS and the SFMS to cooperate with the NACP by providing information available to them about declarants' assets abroad and notifying the Agency of any undeclared assets of such individuals in Ukraine.
- 8. Ensure adequate budgetary funding for the NACP's activities related to submitting international information requests within the framework of financial control.
- 9. Amend legislation to ensure the openness of the rules for logical and arithmetic control, including for the Civil Council under the NACP.

2178 The recommendation previously provided by civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine (pp. 249–250) remains relevant but has been further clarified considering the progress achieved.

2179 The recommendation previously provided by civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine (p. 252) remains relevant but has been further specified considering the progress achieved.

10. Develop and agree with the HCJ and the CCU separate procedures for full verification of declarations and lifestyle monitoring of judges and CCU judges.
11. Prevent public officials of legal entities under public law from avoiding asset declaration by self-designating as legal entities under private law.

State Funding of Political Parties

Progress and issues

Following the reinstatement of the obligation for political parties to submit financial reports under Law No. 3337-IX²¹⁸⁰ the NACP did not amend the Procedure for Submitting the Political Party Report on Property, Income, Expenditures, and Financial Liabilities²¹⁸¹ in view of the changes introduced by the legislator. According to the Agency, the said Law did not contain provisions altering the procedures for reporting and reviewing political party reports, and therefore, as of now, the Agency's by-laws did not require amendment²¹⁸². However, Law No. 3337-IX did introduce special conditions for submitting reports for previous periods, including the option to submit an annual report instead of quarterly ones for the corresponding year. This legislative innovation raised several practical questions, including whether a party that had previously submitted quarterly reports could also submit an annual report for the same period.

In addition to the general procedure for submitting reports, certain specifics remain unregulated at the by-law level — in particular, the scope and format of information regarding local party branches located in temporarily occupied territories or areas of active hostilities. Law No. 3337-IX provides that a political party is exempt from liability for incomplete or inaccurate information in reports on such local organisations.

In practice, this provision has been interpreted inconsistently. On the one hand, it seems logical that a party should list all its known branches (including their names, Unified State Register codes, etc.) and indicate where information is lacking due to the above-mentioned objective circumstances. On the other hand, in its position the NACP allowed for the possibility of not including such units in the report at all, which reduced public oversight in this area. The NACP justifies this practice by stating that a similar approach was previously applied to party branches located in temporarily occupied territories prior to the full-scale invasion. However, this approach has not been formalised through amendments to the relevant by-law.

Instead, in mid-March 2022, the NACP unilaterally authorised the use of state funding for purposes related to national defence and public security by adopting a still-valid explanatory document²¹⁸³ of a recommendatory nature, without amending the relevant by-laws.

2180 On Amendments to Certain Legislative Acts of Ukraine Aimed at Improving State Financing and Oversight of Political Parties' Activities: Law of Ukraine No. 3337-IX of 23.08.2023.

2181 On Certain Issues Concerning the Submission of Reports by Political Parties on Property, Income, Expenditures and Financial Liabilities: Order of the National Agency on Corruption Prevention No. 102/21 of 19.02.2021.

2182 Letter from the National Agency on Corruption Prevention No. 10-13/32570-2 of 15.04.2025.

2183 Clarification on the Application and Compliance with Certain Provisions of the Law of Ukraine "On Political Parties in Ukraine" Concerning the Use of Party Funds for State Defence and Public Security: Clarification of the National Agency on Corruption Prevention No. 5 of 14.03.2022.

Such expenditures contradict the legal nature of political parties as actors in the political process — the combination of political and charitable functions is not justified either legally or democratically. In the Ukrainian context, this may take the form of covert voter bribery, particularly through attempts by politicians or prospective candidates to influence voters' choices directly or via third parties by distributing goods, providing services, or offering other material or non-material assets. This risk increases when charitable activities are funded from the state budget.

Therefore, the explanatory document has elicited mixed assessments²¹⁸⁴. On the one hand, it may be seen as situationally legitimate given the extraordinary circumstances in which it was issued; on the other, it contradicts current legislation, as public security and national defence are not considered statutory activities of political parties. Moreover, it contradicts the Agency's full-scale war declared prohibition on charity by political parties²¹⁸⁵. The lack of an appropriate legal form for such decisions creates risks both for law enforcement and public trust in the NACP. Notably, the legal status of such explanatory documents remains unclear. They do not carry the force of a normative legal act, are not subject to state registration, yet simultaneously serve as a basis for regulatory practice. This creates a potential threat of legal uncertainty: a position developed in crisis conditions may be used in the future to hold political parties accountable under changed circumstances. The resumption of party reporting even during martial law could have prompted a revision of this explanatory document, but the NACP did not take advantage of the partial stabilisation of the situation and failed to eliminate problematic practices that artificially blurred the distinction — enshrined in law — between the activities of charitable organisations and political parties.

Overall, the current legislation — in particular the Law of Ukraine "On Political Parties"²¹⁸⁶ — has largely become outdated and no longer reflects the realities of modern political practice. In this context, updating the regulatory framework is viewed as a necessary step to ensure a democratic process, especially in preparation for the first post-war elections. In the area of political finance reform, two working groups are currently operating: one has resumed work on drafting a new law on political parties, while the other is focused on updating the legal mechanisms for liability in the area of political finance violations. Both initiatives are timely, but they face significant challenges.

In 2024, the drafting of a new law on political parties gained momentum with the support of the National Democratic Institute (NDI)²¹⁸⁷, which facilitated meetings involving representatives of political factions, the NACP, the Central Election Commission, the NPU, civil society organisations, and other stakeholders. Despite well-structured weekly preparatory meetings, the outcomes of the discussions revealed deep political divisions. Representatives of leading parliamentary parties — both from the ruling coalition and the opposition — showed little interest in reforming the current system.

Some experts have pointed to the insufficient activity of the NACP in advancing the relevant reform, which in spring 2025 even was excluded from the measures of the draft

2184 Charity, Support for the Front, or PR? How Parties Spend State Funding. Glavcom, 2023.

2185 Political Parties Should Not Engage in Charity — NACP Clarification. National Agency on Corruption Prevention, 2020.

2186 On Political Parties in Ukraine: Law of Ukraine No. 2365-III of 05.04.2001, Article 118.

2187 Fourth Roundtable Discussion on Challenges and Opportunities for Ukraine in 2024. NDI, 2024.

European integration roadmap on the functioning of democratic institutions²¹⁸⁸. There were expectations that the NACP would more actively advocate for the need to update legislation that directly affects its mandate and operational effectiveness²¹⁸⁹.

Later, such a measure on the entry into force of the law ensuring the compliance of party legislation with key international standards and the previous recommendations of the Venice Commission and the OSCE was returned to the Rule of Law Roadmap approved by the Government in May 2025, with an implementation deadline in the fourth quarter of 2027. Therefore, the likelihood of the draft law being supported before the next elections remains low, as political parties continue to demonstrate inertia and a lack of political will for reform. In the optimistic scenario, the draft may be registered and adopted in the first reading — which would already be considered an achievement at this stage. One of the key factors that could help advance the reform is its framing as part of the EU integration agenda, rather than an autonomous discretionary decision of the Ukrainian state, since draft laws with an “EU integration” component have a significantly higher chance of progressing through parliamentary procedures.

On 5 August 2024, Draft Law No. 11462²¹⁹⁰ was registered in the Verkhovna Rada. It is the result of joint work by the NACP, the Central Election Commission, IFES, the Civil Network OPORA, and experts from other civil society organisations as part of a thematic working group. It is currently under review by the Verkhovna Rada Committee on State Building, Local Governance, Regional and Urban Development. Despite extensive analytical and preparatory work, the prospects for the adoption of this legislative initiative remain uncertain as well.

The aim of the draft law is to modernise outdated approaches in the field of election financing. Its provisions mainly concern the electoral period rather than the inter-election activities of political parties, where some progress has been made through the introduction of the POLITDATA register. Financial reporting during election campaigns remains archaic: paper documents, digital media (CDs, flash drives), and scanned copies without machine-readable formats are still in use, which hinders access to information for both election fund managers and the public, including voters and civil society.

Draft Law No. 11462 proposes the introduction within POLITDATA of two modules — “National Elections” and “Local Elections” — tailored to the electoral process²¹⁹¹. One of the key innovations is the introduction of dynamic disclosure of information on incoming funds to electoral accounts, based on data transmitted by banks on behalf of fund managers. This would allow the public to access financial data during the election campaign, not just retrospectively after the final report is submitted. The draft law also proposes to revise the method for determining electoral fund limits by linking them to the calculated cost per voter. This mechanism is intended to make expenditure limits more reasonable

2188 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 “Fundamentals of the Accession Process to the EU”: Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

2189 Information provided by experts during interviews conducted on 19.03.2025, 21.03.2025, 25.03.2025 and 26.03.2025.

2190 On Amendments to Certain Legislative Acts of Ukraine to Improve the Rules for Financing Election Campaigns and Oversight of Electoral Funds: Draft Law of Ukraine, registration No. 11462 of 05.08.2024.

2191 NACP and the CEC Discussed Cooperation in the Supervision of Election Campaign Financing. National Agency on Corruption Prevention, 2024.

and evidence-based, in contrast to the current rule, which allows spending up to 90,000 times the subsistence minimum (over half a billion hryvnias)²¹⁹² — a figure that contradicts the principle of equal opportunities for electoral contestants.

Another major issue is the duplication of mandates among institutions responsible for overseeing election campaign financing. While the verification of political parties' financial reports outside election periods falls solely within the competence of the NACP, during the electoral process these functions overlap with those of the Central Election Commission, and at the local level — with territorial election commissions. The latter mostly conduct accounting-based checks of the compliance between income and expenses, without analytical assessment of the scale of campaign spending or the potential circumvention of financing rules through third parties. Draft Law No. 11462 proposes eliminating this duplication by assigning the NACP exclusive powers to oversee election campaign financing, including at the local level.

In this context, the issue of the NACP's institutional capacity becomes particularly relevant. If the Agency is assigned the mandate to verify financial reporting across all election campaigns, the volume of information to be processed would increase significantly — potentially amounting to thousands, or even tens of thousands, of reports submitted by election fund managers at the community, city, district, and regional levels. The draft law provides for the possibility of engaging additional experts to carry out these functions, but in practice, this is unlikely to ensure coverage of the entire volume of information that would need to be reviewed.

A particularly serious threat — to which the country's top leadership has not yet adequately responded — is the global risk of external interference in the upcoming electoral process, particularly from the aggressor state. Given the complex security situation, the financing of election campaigns through third parties presents a potential channel for influencing election outcomes. Mechanisms of such interference may include both direct financing and information campaigns via social media, including from temporarily occupied territories. While the law formally prohibits third-party involvement in the electoral process, the current enforcement mechanisms do not ensure proper compliance with this provision. Even when there is evidence of third-party involvement in campaign financing, there are virtually no effective legal mechanisms to respond.

Despite the obvious relevance of this issue, the NACP's preparedness to prevent such interference — beyond classical forms of voter bribery — remains insufficient. According to experts²¹⁹³, the Agency does not conduct systematic analytical work to identify and prevent opaque campaign financing from external sources, despite ongoing discussions about potential elections. There is a significant risk that the Agency will once again be unprepared to fully exercise its powers under new conditions — as was the case following the resumption of political party reporting.

Special attention should also be given to improving sanctions for violations of political finance rules, which must be effective, proportionate, and enforceable under both the CUAO and the CC of Ukraine. There is ongoing discussion about introducing criteria

2192 Electoral Campaign Finances Reform: What Recommendations of International Observation Missions Were Taken Into Account? OPORA. 2024.

2193 Information provided by experts during interviews conducted on 19.03.2025, 25.03.2025 and 26.03.2025.

similar to those used for asset declarations — for example, differentiating liability based on the scale of discrepancies in reporting, or introducing a mechanism whereby fines are linked to the amount of the illegal contribution (in the event of such a violation, a fine of 50% of the contribution would apply, and 100% for repeat violations). This approach already has certain precedents in national law enforcement, such as in parking or fare evasion, where fines are linked to the value of the service. Current criminal and administrative legislation does not fully ensure the inevitability of punishment for violations of political finance rules²¹⁹⁴.

There is also a proposal to introduce a mechanism that would restrict participation in elections for parties that knowingly and repeatedly violate their financial reporting obligations. This measure is viewed as a more proportionate and necessary tool for ensuring transparency and as a legitimate incentive for promoting integrity in the political process — in contrast to, for example, party dissolution, which constitutes an excessive interference with the right to freedom of association. The current approach, which allows parties to exercise their rights without fulfilling their obligations — potentially enabling covert foreign interference — undermines the integrity of the electoral system. Existing accountability mechanisms for political parties that fail to submit financial reports are particularly insufficient when it comes to ensuring proper oversight in cases involving banned political forces.

An illustrative example is the case of the political party “Opposition Platform — For Life” (OPFL), which has not submitted a single financial report since 2020. It is worth noting that local elections were held in 2020, yet there is still no publicly available information on the sources of this party’s funding during those election campaigns. A further complication is that OPFL, as a parliamentary party, received state funding for an extended period. Some of this information is partially reflected in the reports of the Accounting Chamber, but the data is general and lacks detailed breakdowns of expenditures, aside from aggregated figures for 2021–2022 (e.g. staffing costs). As a result, full transparency regarding the use of public funds by this political force is lacking.

The banning of political parties — particularly under martial law — gives rise to specific legal contradictions in the area of financial reporting. Once a party is banned, a liquidation commission chair or another authorised entity is formally appointed and becomes responsible for completing legal procedures, including the submission of financial reports. In some cases, this practice is implemented: for example, the former “Party of Regions” submitted the relevant reports²¹⁹⁵.

However, in the case of OPFL, a situation of legal uncertainty arose. Contradictory approaches have been recorded in judicial practice: some courts upheld the obligation to pay fines for failure to submit reports, while others accepted the argument that the head of a liquidation commission is not required to report as a representative of the party (this approach was notably taken by the Pecherskyi District Court of Kyiv²¹⁹⁶). The publication of OPFL’s financial reports for 2020–2022 remains unlikely.

2194 Criminal and Administrative Legislation Requires Amendments on Political Financing. OPORA. 2024.

2195 For example, the report of the political party “Party of Regions” for Q4 2024. Unified State Register of Political Parties’ Reports, 2025.

2196 Yurii Boiko vs NACP: Bilotserkivets from the Pechersk District Court Sided with the Leader of OPFL. DEJURE Foundation. 2024.

The legislation that reinstated the obligation for political parties to submit financial reports did not properly regulate the duties and liability of liquidation commissions, making it impossible to obtain comprehensive data on the financing of banned parties. As a result, a position has emerged according to which a political party that has ceased to exist has already faced the “harshest” punishment, and that further investigation of its financing falls within the competence of law enforcement bodies, not the NACP. In this regard, it would be appropriate to consider alternative approaches to legal accountability for banned parties — approaches that go beyond the standard tools tied to the electoral process. After all, for such parties, restrictions on participation in elections no longer function as either a preventive or punitive measure.

Recommendations

1. To eliminate legal uncertainty and prevent potential abuses, it is advisable to regulate the use of state funding by political parties for purposes related to national defence and public security through subordinate legal acts of the NACP.
2. A new draft law on the functioning of political parties should be submitted to Parliament and adopted before the next regular elections, to ensure its inclusion in the EU integration agenda. Draft law No. 11462 on improving the rules for election campaign financing, the oversight of election funds, and the creation of “National Elections” and “Local Elections” modules in the POLITDATA system should also be adopted.
3. The system of legislative sanctions for violations by political parties — particularly banned ones — should be revised to ensure greater balance, proportionality, and a wider range of enforcement tools.
4. Amend the Law of Ukraine “On Prevention of Corruption” to clarify the legal status of NACP explanations, particularly those addressed to political parties, to remove their merely recommendatory nature. The NACP should also revise its approach to issuing explanations to avoid including provisions that contradict legislation and should organise public consultations on such documents.
5. The NACP should take measures to make the 2016—2017 political party reports publicly accessible, and initiate amendments to the Law of Ukraine “On Political Parties in Ukraine” to ensure that reports remain public for more than five years, thus preserving continuity and enabling comparison over time²¹⁹⁷.
6. The NACP should strengthen institutional capacity to detect signs of external interference in the financing of election campaigns and establish analytical cooperation with relevant stakeholders.

²¹⁹⁷ Recommendations 1, 3–5 previously provided by civil society in the Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine (pp. 255–257) remain relevant, while Recommendation 2 has been further specified considering the progress achieved.

Corruption Risks Management

Progress and issues

As of the end of 2024, 144 public authorities had valid anti-corruption programmes, while 23 did not²¹⁹⁸ — which remains a concerning indicator of compliance with the Law²¹⁹⁹. The legislative list of entities required to develop and approve such programmes has not changed²²⁰⁰. Overall, internal anti-corruption programmes demonstrate low effectiveness and fail to meet the expectations placed upon them. At present, it is difficult to argue that their content leads to tangible results rather than merely serving as formalistic imitation.

These programmes — especially those of territorial bodies of executive authority and local self-government — often include standard, repetitive risks that appear year after year, with templated response measures (such as enhanced oversight or additional approval procedures) that do not directly address the sources or root causes of threats and fail to respond to the real challenges organisations face in the area of corruption prevention²²⁰¹. Only in a few cases is the quality of these programmes sufficiently high — for example, at the National Bank of Ukraine²²⁰², where systemic risk assessment is present, and efforts are being made to implement relevant mitigation measures.

Moreover, there is an extremely low level of systematic engagement of non-governmental stakeholders in the development and implementation of anti-corruption measures within these programmes. Cases where programme-adopting entities initiate such engagement with civil society organisations — for example, the HACC — remain isolated exceptions rather than the norm. Even in the context of European integration, which requires the involvement of civil society in policy-making, the relevant practices remain insufficiently developed. This highlights the need for a more deliberate effort to identify and integrate non-governmental stakeholders into anti-corruption planning and policy implementation processes.

The NACP's analytical capacity in approving anti-corruption programmes also requires strengthening, and the Agency does not fully utilise its mechanism for returning programmes for revision. Effective quality control of anti-corruption programmes requires a clear understanding of sector-specific risks — whether a given programme addresses the relevant threats, whether it is fit for purpose, and whether the proposed measures respond to actual needs. This calls for deep sectoral expertise, which the NACP still lacks despite efforts to develop it.

The wording used in such programmes — even after approval by the Agency — typically remains general, declarative, and unmeasurable, making proper monitoring or evaluation

2198 Anti-Corruption Programmes of Public Authorities. National Agency on Corruption Prevention. 2025.

2199 On Prevention of Corruption: Law of Ukraine No. 1700-VII of 14.10.2014, Article 19.

2200 Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine, p. 258. 2024.

2201 One example is the Anti-Corruption Programme of the Ministry of Culture and Information Policy of Ukraine for 2023–2025. 2023.

2202 Anti-Corruption Programme of the National Bank of Ukraine for 2024–2026. 2024.

of the implementation of proposed measures impossible. More over, the NACP's own anti-corruption programme does not fully demonstrate the potential of this instrument as a model example for other institutions²²⁰³. In July 2025, the NACP began updating the personal composition of the working group on the assessment of corruption risks in the body as the initial stage of developing the Agency's new anti-corruption programme²²⁰⁴.

Thus, at present, most anti-corruption programmes — as well as the institution of anticorruption officers — bring little tangible benefit in practice. A significant number of personnel involved in this area — numbering in the thousands — perform functions without which the state apparatus could arguably continue to operate. The situation is further complicated by the NACP's lack of a strategic vision for the development of the institution of anti-corruption officers. In practice, anti-corruption functions are often assigned on a residual basis to staff of legal or HR departments who lack adequate competencies in risk assessment, project management, or the implementation of integrity policies — and for whom these duties are not primary responsibilities. Their work, the quality of which is not monitored, is frequently limited to isolated training sessions and the routine tracking of timely declaration submissions — tasks that can be replaced by the NACP's declaration call centre. This underscores the deep systemic crisis facing the institution of anti-corruption officers²²⁰⁵. The successful initiatives that the NACP highlighted in its list of 15 recognised practices²²⁰⁶ are more the exception than the rule and do not reflect a comprehensive model.

The political will of an organisation's leadership and the anti-corruption officer's understanding of corruption risks are key elements in building an effective risk management system. In public procurement — an area where anti-corruption officers are often excluded, despite their mandate to detect conflicts of interest and similar risks — comparable roles are subject to mandatory certification and higher education requirements. By contrast, there are currently no requirements for initial training, ongoing professional development, or formal certification for anti-corruption officers.

Previous attempts to institutionalise the professional development of anti-corruption officers have not been brought to completion. The NACP developed proposals to address the disproportion between the responsibilities of anti-corruption officers and their level of remuneration. It was proposed to increase financial compensation by establishing a statutory salary structure, which would eliminate dependence on bonuses and allowances determined at the discretion of the head of the institution. A professional standard outlining requirements for anti-corruption officers was also developed²²⁰⁷. Furthermore, the profession itself was included in the national occupational classifier²²⁰⁸. Parallel efforts were made to

2203 Anti-Corruption Programme of the NACP 2023–2025. National Agency on Corruption Prevention. 2023.

2204 NACP invites candidates to join the working group on the assessment of corruption risks in the Agency. National Agency on Corruption Prevention. 2025.

2205 Information provided during an expert interview conducted on 17.03.2025.

2206 NACP Recognized Good Practices of Corruption Prevention and Building Integrity Implemented by Various Agencies and Institutions. National Agency on Corruption Prevention. 2024.

2207 NACP Developed a Professional Standard for Anti-Corruption Officers. National Agency on Corruption Prevention. 2022.

2208 Anti-Corruption Officer. Qualifications Register. 2022.

create opportunities for peer exchange, including in the format of an anti-corruption officers' club²²⁰⁹. However, these steps have not led to the development of systemic solutions.

From 13 September to 10 October 2024, a practical training marathon entitled "Corruption Risk Management"²²¹⁰ was held for more than 150 participants from public service and the private sector. Nevertheless, institutional support for anti-corruption officers from the NACP remains limited. While annual performance evaluations are provided for in the model regulation²²¹¹, in practice they are carried out in the form of collecting quantitative reports without qualitative analysis or timely publication.

The creation of the anti-corruption portal (Integrity Portal) more than three years ago²²¹² demonstrates the NACP's potential in this area²²¹³. However, concerns remain regarding the relevance and completeness of the information it contains²²¹⁴ — in particular, the catalogue of corruption risks that arise in the activities of public authorities and local self-government bodies. The last updates were made in early 2023 and related to the area of public procurement. Based on this, it can be concluded that the database is outdated and does not reflect new areas of need. An update of the corruption risk catalogue on the Integrity Portal is planned, with a comprehensive review of existing entries to be conducted, taking into account new practices and common scenarios. The involvement of experts and representatives of civil society is envisaged in this process to ensure an objective and well-rounded approach²²¹⁵.

The Integrity Portal also does not duplicate the publication of anti-corruption programmes of entities alongside their official websites. Authorised persons of the aforementioned entities upload approved anti-corruption programmes only to the internal section of the Integrity Portal, which is accessible solely to NACP staff and anti-corruption officers, in accordance with the user functionality granted by the NACP²²¹⁶. The measures contained in anti-corruption programmes can only be viewed on the Integrity Portal within the corresponding implementation reports²²¹⁷, the publication of which is subject to justified delays. Although the Agency has conducted a number of strategic analyses of corruption risks in recent years²²¹⁸, its work²²¹⁹ in this area requires scaling up.

2209 Forum of Anti-Corruption Officers. Facebook Group. 2020.

2210 First Educational Marathon for Anti-Corruption Officers: NACP Summarised the Results. National Agency on Corruption Prevention. 2024.

2211 On the Approval of the Model Regulation on the Authorised Unit (Authorised Person) for Prevention and Detection of Corruption: Order of the National Agency on Corruption Prevention No. 277/21 of 27.05.2021.

2212 Three Years of the NACP Integrity Portal: Results. National Agency on Corruption Prevention. 2024.

2213 Integrity Portal. National Agency on Corruption Prevention. 2025.

2214 Catalogue of Corruption Risks. Integrity Portal. National Agency on Corruption Prevention. 2025.

2215 Letter from the National Agency on Corruption Prevention No 10-1332570-2 of 15.04.2025.

2216 Ibid.

2217 For example, with regard to the Ministry of Internal Affairs, "Download Report" buttons are available for various reporting periods. Integrity Portal. National Agency on Corruption Prevention. 2025.

2218 Strategic analysis of corruption risks. National Agency on Corruption Prevention, 2025.

2219 NACP 2024 Results: Strategic Analysis of Corruption Risks and Anti-Corruption Expertise. National Agency on Corruption Prevention.

The model anti-corruption programme for legal entities²²²⁰ also remains unsupported by methodological guidance from the NACP²²²¹, which is necessary to ensure that international standards and approaches to risk management are genuinely reflected in the work of anti-corruption officers at the local level. It is important that in applying this document, officers are realistically able to assess their resources, set priorities under constraints, focus on actual corruption risks, and take into account past corruption disclosures in their sector, as well as input from the non-governmental sector, etc.

The issue of the legal accountability of anti-corruption officers also remains effectively unregulated. Formally, they report to the head of their institution, which creates a risk of conflict of interest and limits their independence. One possible solution could be to place anti-corruption officers under the authority of the NACP; however, this would introduce other risks. For example, the NACP may face difficulties in identifying qualified candidates, and the perception of the officer as an external actor may complicate their interaction with staff, limit access to internal resources, and, in some cases — such as those involving secure facilities — even hinder their physical access to premises.

Another legislative gap is that the law still provides for the adoption of anti-corruption programmes by the Presidential Administration²²²², not by the Office of the President²²²³, where such a programme is currently absent, according to the NACP²²²⁴. The legislation also does not provide for any sanctions for the absence of an anti-corruption programme or an anti-corruption officer. The Presidential Administration is also mentioned in the law in the context of conducting special vetting procedures for candidates for positions appointed (or elected) by the President²²²⁵.

Between August 2024 and July 2025, the NACP issued 141 anti-corruption expert opinions²²²⁶, of which, for example, in the second quarter of 2025 forty draft regulatory legal acts underwent such an examination²²²⁷. Legislative gaps in this area, previously highlighted in the Shadow Report on Chapter 23²²²⁸, remain unaddressed. The institution of anti-corruption expertise in Ukraine continues to function only partially. This is largely due to the absence of clear procedures and criteria for determining the objects and procedures of such reviews, as well as the overlapping and undefined distribution of powers among different actors. Despite the creation of a dedicated body — the NACP — ten years

2220 On Amendments to the Order of the National Agency on Corruption Prevention of 28.12.2021 No. 830/21: Order of the National Agency on Corruption Prevention No. 22/24 of 15.01.2024.

2221 Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine, p. 259. 2024.

2222 On Prevention of Corruption: Law of Ukraine No. 1700-VII of 14.10.2014, Article 19.

2223 Currently, the Office of the President of Ukraine operates in place of the Presidential Administration of Ukraine.

2224 Entities required to adopt Anti-Corruption Programmes under Article 19 of the Law of Ukraine “On Prevention of Corruption” and Information on the Availability of Anti-Corruption Programmes. Integrity Portal. National Agency on Corruption Prevention. 2025.

2225 On Prevention of Corruption: Law of Ukraine No. 1700-VII of 14.10.2014, Article 56.

2226 Anti-Corruption Expertise. National Agency on Corruption Prevention. 2025.

2227 Results of the NACP’s work in the second quarter of 2025 in the field of anti-corruption expertise. National Agency on Corruption Prevention. 2025.

2228 Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine, p. 260. 2024.

ago, some powers related to anti-corruption expertise, as defined by earlier legislation, remain with the MoJ.

As a result, two methodologies for anti-corruption expertise²²²⁹ are currently in circulation. The methodology²²³⁰ developed by the MoJ nearly a decade ago has proven overly complex and poorly suited for practical use — even for experienced professionals. Its five-tier structure no longer meets present-day needs. The failure to introduce a unified methodology and the parallel use of multiple approaches create gaps in identifying corruption risks and pose difficulties for anti-corruption officers when choosing which method to apply.

In addition, the Verkhovna Rada Committee on Anti-Corruption Policy does not provide anti-corruption conclusions for every draft law, partly due to limited capacity to conduct comprehensive reviews. When such conclusions are drawn, they often identify only a few risks, even though more may be present in reality.

The NACP's discretionary power in selecting acts for review also lacks clear criteria, creating the risk of selective application. There are currently no legislative or regulatory standards defining which acts must undergo anti-corruption expertise. Such standards could include a set of risk factors indicating the potential presence of corruption-prone provisions. Given NACP's limited staffing capacity, it is not feasible to systematically review all relevant draft laws. Time constraints — such as the 10-day deadline for NACP expertise — further complicate in-depth analysis, particularly for lengthy and complex documents that require significant resources and coordination within the Agency.

The broad discretion of the NACP led to the Agency not even attempting to carry out, on its own initiative, an anti-corruption review of the controversial Draft Law No. 12414 on depriving the NABU and the SAPO of independence. The exercise of such a right by the NACP constitutes grounds for suspending the procedure of its consideration or adoption for a period not exceeding ten days. The Head of the Verkhovna Rada Committee on Anti-Corruption Policy recorded the absence of a corresponding public position from the Head of the NACP (a former NABU employee) and from the Agency itself. The Committee Head criticised the fact that the NACP leadership did not find it possible to express a position regarding the law on subordinating the NABU and the SAPO, despite the fact that the statement that “the guarantees of the institutional and operational independence of the NABU and the SAPO are properly defined and implemented in practice” is one of the measures of the Anti-Corruption Strategy, the coordination of the implementation of which is the responsibility of the Agency. Instead, the NACP declared its readiness to participate in the preparation of legislative amendments, while avoiding the question of why there arose a need for such amendments²²³¹.

On 29 July 2025, the Public Council under the NACP approved a statement to the NACP as the central executive authority which shapes and implements state anti-corruption policy and has the tools and powers that in fact oblige it to respond without delay to the situation

2229 On the Approval of the Methodology for Conducting Anti-Corruption Expertise by the National Agency on Corruption Prevention: Order of the National Agency on Corruption Prevention No. 109/23 of 18.05.2023.

2230 On the Approval of the Methodology for Conducting Anti-Corruption Expertise: Order of the Ministry of Justice of Ukraine No. 1395/5 of 24.04.2017.

2231 Publication by Anastasiia Radina on the social network Facebook, 2025.

surrounding the adoption of Law No. 4555-IX, including the gross violation of the Rules of Procedure of the Verkhovna Rada during the consideration of the draft law. The Public Council emphasised that, given the public resonance, the NACP had not reacted to the situation, had insufficiently communicated about the challenges of conducting the anti-corruption review, and so forth. It called on the Agency to take a public legal position and to take all possible response measures, the absence of which constitutes a risk to the authority of the NACP²²³².

The Agency, in response, stated that it had not been invited to the meeting of the Verkhovna Rada Committee on Law Enforcement, and therefore could not participate in the processing of the draft law or express its position on its provisions. At the same time, the NACP noted that it had not received requests from state authorities or representatives of the public regarding the conduct of an anti-corruption review²²³³. Such a position of the body gives rise to serious and well-founded doubts as to its independence.

Interaction between the Verkhovna Rada Committee on Anti-Corruption Policy and the NACP also remains insufficiently regulated. The lack of formalised coordination mechanisms leads to situations in which, even when corruption risks are identified, MPs do not take all necessary steps to eliminate them. While NACP experts do cooperate with the drafters of normative legal acts — including through participation in coordination meetings, working groups, and consultations — and while NACP leadership participates in government committee meetings²²³⁴ these efforts are not always sufficient.

There are examples²²³⁵ in which well-substantiated conclusions by the NACP were ignored by central executive authorities or legislators, which illustrates that the Agency's influence on law-making is limited both in terms of resources and tools. In such cases, corrections are often only possible after the fact, including through public pressure. The current system of anti-corruption expertise mostly operates at later stages of the legislative process — after draft laws have already passed first reading or even after final adoption. Without shifting the focus of anti-corruption expertise to the earlier stages of law-making, and in the absence of an enacted Law on law-making activity²²³⁶, the opportunities to make substantive changes to draft legislation remain extremely limited.

Recommendations

1. Public authorities and local self-government bodies must have internal anti-corruption programmes, approved by the NACP, that adequately reflect corruption risk assessments, with liability for their absence introduced into legislation.
2. The legislative list of entities required to adopt anti-corruption programmes should be expanded to include village and settlement councils, district state administrations,

2232 The Public Council calls on the NACP to take measures in connection with the adoption of Law No. 4555-IX, which eliminated the independence and autonomy of the NABU and the SAPO. Public Council under the NACP. 2025.

2233 Letter of the National Agency on Corruption Prevention No. 27-13/66015-25 of 31.07.2025..

2234 Letter from the National Agency on Corruption Prevention No. 10-13/32570-2 of 15.04.2025.

2235 Classified Documents: What Is "Servant of the People" Party Chair Shuliak Hiding — and What's the NACP's Role? LB.ua. 2023.

2236 On Law-Making Activity: Law of Ukraine No. 3354-IX of 24.08.2023, Article 43.

separate structural subdivisions of local state administrations, and the Office of the President.

3. Amend legislation to address gaps and legal uncertainty in the area of anti-corruption expertise, by:
 - › establishing clear deadlines and procedures for the Verkhovna Rada to review the results of anti-corruption expertise;
 - › limiting the NACP's discretion in selecting draft normative legal acts for anti-corruption review;
 - › introducing a unified methodology for anti-corruption expertise that meets current needs;
 - › shifting the focus of expertise to the early stages of law-making by enacting the Law of Ukraine "On Law-Making Activity" and amending the Rules of Procedure of the Verkhovna Rada and the Cabinet of Ministers of Ukraine²²³⁷.
4. Amend legislation to enhance the institutional capacity, independence, and funding of anti-corruption officers. Reinstate systematic institutional and methodological support for anti-corruption officers by the NACP.
5. Ensure regular updates to the corruption risk catalogue maintained by the NACP — at least once every six months — while expanding its coverage to include new sectors.

Monitoring of Conflicts of Interest

Progress and issues

Experts agree that the legal definitions of conflict of interest, the content of applicable restrictions, their scope, and duration could be improved by following better European examples²²³⁸. Most European countries have dedicated legislation on regulating conflicts of interest and related restrictions, which introduces simpler but broader definitions that allow for a clear distinction between these issues and corruption²²³⁹. Ukrainian legislation in this area remains weak. The Rule of Law Roadmap also provides among its measures for 2026 amendments to legislation to further strengthen the institution of conflict of interest, including by improving the definition of conflict of interest, the provisions of legislation on its regulation, gift policies, strengthening post-employment restrictions, and rules for the transfer of corporate rights by officials. In addition, the separate need is identified to introduce into legislation the concept of an "apparent conflict of interest"²²⁴⁰.

2237 Recommendations 1–3 previously provided by civil society in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine (pp. 259–260) remain relevant.

2238 Information provided by experts during interviews conducted on 17.03.2025, 21.03.2025.

2239 Information provided by an expert during an interview conducted on 24.03.2025.

2240 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the Accession Process to the EU": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

The introduction of the concept of a “perceived conflict of interest” is relevant but may be premature. This concept should apply only to public officials holding positions of responsibility or high responsibility, as well as positions associated with a high level of corruption risk. Extending this new definition to all persons subject to anti-corruption obligations and restrictions could result in excessive burdens.

Despite recommendations made in the Report of the Commission for Conducting Independent Assessment of the Effectiveness of the NACP for 2020–2021²²⁴¹ and in the Shadow Report on Chapter 23²²⁴², the NACP still lacks an internal mandatory procedure for monitoring compliance with legislation on the prevention and resolution of conflicts of interest, as well as restrictions on gifts, dual employment and compatibility, management of corporate rights, and similar issues.

A major problem in the current legislation is the absence of an adequate mechanism for regulating extra-procedural conflicts of interest involving members of the HQCJ and the HCJ, as well as judges of courts of general jurisdiction and judges of the CCU. The Law of Ukraine “On Prevention of Corruption” contains no provisions on regulating extra-procedural conflicts of interest for members of the HQCJ and HCJ. For judges and CCU judges, only general rules apply — which do not take into account the specific nature of their roles and partly conflict with the Law of Ukraine “On the Judiciary and the Status of Judges”.

There are also legislative shortcomings in the regulation of procedural conflicts of interest involving judges and CCU judges. According to the CUAO, a protocol on an administrative offence committed by a judge or CCU judge must be sent to the local general court at the place where the offence was committed²²⁴³. This is often the very court where the judge in question serves. As a result, their judicial colleagues may recuse themselves, after which the protocol is forwarded to an appellate court to determine the jurisdiction of another court. This leads to significant delays in initiating proceedings, which enables judges to avoid liability due to the expiry of statutory time limits²²⁴⁴.

Current provisions of the law establish a one-year post-public service restriction period for all officials in Ukraine²²⁴⁵. However, there is no differentiated system of restriction duration for different categories of positions, as is the case in many other countries²²⁴⁶. Another legislative gap concerns the management of corporate rights by public officials. The law only establishes the obligation to transfer all corporate rights upon entering public office. However, during public service itself, there is no clear prohibition on owning corporate rights or exercising control over enterprises²²⁴⁷. In addition, the procedures for external and self-regulation of conflicts of interest²²⁴⁸ are insufficiently harmonised, while the thresholds

2241 Report of the Commission for Conducting Independent Assessment of the Effectiveness of the NACP of 24.07.2023.

2242 Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine. 2024.

2243 Code of Ukraine on Administrative Offences: Law No. 8073²-X of 07.12.1984, Article 257-1.

2244 Information provided by an expert during an interview conducted on 17.03.2025.

2245 On Prevention of Corruption: Law of Ukraine No. 1700-VII of 14.10.2014, Article 26.

2246 Information provided by an expert during an interview conducted on 17.03.2025.

2247 On Prevention of Corruption: Law of Ukraine No. 1700-VII of 14.10.2014, Article 36.

2248 Ibid, Art. 29.

for permissible gifts received by officials are too high in comparison to the more stringent restrictions applied in European countries²²⁴⁹.

In the area of regulating restrictions on dual employment and combining positions²²⁵⁰, the legal definition of permitted types of activity — particularly with regard to creative, scientific, and teaching work — is not clearly established. The existing terminology refers to provisions of other laws, which do not always align with the objectives of anti-corruption regulation. In certain cases, broad interpretations of terms such as “creative activity” may create risks of abuse, particularly in the form of legalising income received in violation of established restrictions.

The absence of unified judicial practice in handling NACP protocols remains problematic, due to several procedural shortcomings described in the Shadow Report on Chapter 23²²⁵¹. The lack of consistent case law makes it difficult to develop legislative solutions to improve the functioning of the system. In this context, it is worth noting that a draft Code of Ukraine on Administrative Infractions is currently registered in Parliament. It proposes amendments to the regulation of proceedings concerning infractions related to corruption and the corresponding liability²²⁵². This draft has been under consideration by parliamentary committees since summer 2024. No other draft laws have yet been registered that aim to amend the CUAO or the Law of Ukraine “On Prevention of Corruption” with respect to the prevention and resolution of conflicts of interest and related restrictions.

The adoption of relevant legislative amendments is also among the measures identified for addressing issue 3.2.1 of the SAP: “A portion of the rules, prohibitions and restrictions established by anti-corruption legislation is not backed by legal liability measures. Articles 172⁴–172⁹, 212¹⁵, and 212²¹ of the Code of Ukraine on Administrative Offences contain several deficiencies that significantly reduce their enforcement and preventive potential, as well as the effectiveness of the National Agency, the National Police, the Prosecutor’s Office and the courts”. At present, however, only one of the nine measures under this section is marked as “in progress,” while the others have not yet been initiated²²⁵³.

Recommendations

1. Adoption of legislative amendments to further strengthen the institution of conflict of interest and the relevant anti-corruption requirements — including by improving the definition of conflict of interest, provisions on its resolution, dual employment and combining roles, strengthening restrictions on gifts and post-employment activity, and refining the rules on the transfer of corporate rights by public officials.
2. Introducing comprehensive amendments to the CUAO to improve provisions related to: ensuring equality of parties; implementing an effective method for notifying individuals of the preparation of a protocol on an offence and its referral to court;

2249 Ibid, Art. 23

2250 Ibid, Art. 25.

2251 Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine. 2024.

2252 Code of Administrative Infractions: Draft Law of Ukraine No. 11386 of 28.06.2024.

2253 Information System for Monitoring the Implementation of State Anti-Corruption Policy.

and establishing clear and sufficient deadlines to enable the NACP to collect the necessary evidence and timely submit case materials to the court in accordance with established procedures.

3. Amend the CUAO to include a provision granting the NACP the right to participate in court hearings concerning individuals for whom it has prepared a protocol on an administrative offence. The NACP should also be granted the right to file appeals in cases concerning administrative offences related to corruption²²⁵⁴.

Whistleblower Mechanism

Progress and issues

The 2024 EU Enlargement Package Report emphasised that the legislative framework for whistleblower protection in Ukraine still needs to be aligned with EU law²²⁵⁵. Indeed, Ukraine continues to lack a dedicated law on the protection of whistleblowers who disclose information of public interest²²⁵⁶, and the existing Ukrainian legislation does not fully reflect the requirements of Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law²²⁵⁷, as well as best international practices, since the Directive itself sets minimum standards.

While the NACP has noted that Ukraine's level of alignment with the Directive is currently comparable to that of many EU Member States²²⁵⁸, the overall level of implementation across the EU remains unsatisfactory²²⁵⁹. Civil society, for its part, has developed key indicators based on international legal instruments, which should serve as guiding principles for the drafting of a comprehensive law on whistleblower protection²²⁶⁰ and for improving existing whistleblower legislation²²⁶¹ — including in the fields of national security and defence of Ukraine²²⁶². Its development, according to the approved Rule of Law Roadmap, is to begin in the second quarter of 2027, rather than in the fourth quarter of 2025 as indicated in the SAP. At the same time, from the final version of the Rule of Law Roadmap the specification of safeguards was excluded, which currently do not extend to persons

2254 Recommendations 2–3 previously provided by civil society in the Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission's 2023 Report on Ukraine (p. 262) remain relevant.

2255 Ukraine 2024 Progress Report within the European Union Enlargement Package.

2256 Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission's 2023 Report on Ukraine, pp. 262–264. 2024.

2257 Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

2258 The NACP Presented Ukraine's Experience for the First Time at a Meeting of the Expert Group on Implementation of the EU Directive. National Agency on Corruption Prevention. 2024.

2259 EU Whistleblower Protection: Falling short when it matters most. Transparency International, 2024.

2260 The gold standard of legal safeguards for whistleblower protection: 20 core benchmarks that should define Ukraine's whistleblower protection law. ACREC.

2261 Report on the Compliance of Ukrainian Legislation with International Standards and Best Practices for Whistleblower Protection in Ukraine. ACREC. 2025.

2262 Policy Recommendations for Improving Whistleblower Reporting Channels in the Field of National Security and Defence of Ukraine. ACREC. 2024.

mistakenly identified as whistleblowers, those who were preparing to make a disclosure but did not complete it, those who assisted whistleblowers, and those who report information with restricted access, including state secrets, and so forth²²⁶³.

A major scandal erupted around Draft Law No. 10242, in which Members of Parliament attempted to significantly curtail the functioning of the whistleblower mechanism. The draft was strongly opposed by a wide range of non-governmental stakeholders, although it still stands a chance of being adopted. In response, civil society developed an alternative approach to the provisions of the draft law²²⁶⁴ and called for its full rejection²²⁶⁵. It poses a serious threat to whistleblowers and investigative journalists, exposing them to imprisonment for copying and publishing information from closed registries, while also legalising surveillance of whistleblowers by law enforcement agencies.

Draft Law No. 10242 also poses threats to freedom of expression, as a significant number of investigative journalism pieces rely on evidence provided by insiders. Its adoption would have a strong “chilling effect” on future disclosures and investigations, without addressing the root problem — namely, the sale of restricted registry data by unscrupulous law enforcement officers²²⁶⁶, instead undermining the journalist’s right not to reveal their source of information.

Even the current version of the CC of Ukraine does not adequately protect whistleblowers who disclose information of public interest, including restricted-access information. The CC of Ukraine contains no provision ensuring immunity from criminal liability for the dissemination of such information under Articles 361 (unauthorised interference with computer networks), 361² (unauthorised distribution or sale of restricted-access information), 328 (disclosure of state secrets), 330 (transmission or collection of classified defence-related information from operational, counterintelligence activities), or 422 (disclosure of military information constituting a state secret). Article 39, which provides for exemption from liability under the doctrine of necessity, also contains no reference to the term “whistleblower”.

However, such guarantees are already provided by Ukraine’s existing information legislation. Specifically, Articles 29 and 30 of the Law of Ukraine “On Information” and Article 11 of the Law of Ukraine “On Access to Public Information” contain guarantees for the protection of individuals who disclose information of public interest with restricted access, including immunity from liability for such disclosure even in violation of official duties.

To apply these guarantees, a court must establish that the information was of public interest or related to an offence. The CC of Ukraine is not aligned with these laws — unlike, for instance, the amendment clarifying immunity from liability under Article 231 of the CC of Ukraine for disclosing commercial or banking secrets. Moreover, Article 53² of the Law of Ukraine “On Prevention of Corruption” does not address the issue of disclosing

2263 Analysis of the Rule of Law Roadmap: Anti-Corruption Aspects. Transparency International Ukraine. 2025.

2264 Amendments to Draft Law No. 10242: New Version of Articles 361 and 361-2 of the Criminal Code of Ukraine on Protection of Whistleblowers Against Retaliation for Disclosing Information on Harm or Threats to the Public Interest. ACREC. 2024.

2265 Incomplete Powers of the SAPO Within “International Cooperation”, Persecution of Journalists and Whistleblowers: What’s Behind Draft Law No. 10242? Transparency International Ukraine. 2024.

2266 How much are Ukrainians’ personal data worth – and how easy are they to buy? Radio Svoboda. 2021.

restricted-access information containing state secrets. As a result, in practice, a whistleblower who reports corruption involving state secrets may still face criminal prosecution²²⁶⁷.

It is noteworthy that NABU and SAPO did not mention any risks to whistleblowers²²⁶⁸ in their official statement on the draft law in question, and the NACP has not publicly expressed its position on the threats posed to the institution of whistleblowing. The situation was repeated with the adoption of the controversial Draft Law No. 12414. Instead of the NABU, the SAPO and the NACP, it was the Chair of the four annual conferences “Whistleblowers of Corruption in Ukraine: Successes and Challenges”, successfully held in 2021–2024, who spoke out about the undermining of a safe environment for whistleblowing²²⁶⁹. She warned of the threat of a “chilling effect” — when potential whistleblowers may refuse to report corruption due to loss of trust in the manner of investigation, making cases against top-level corruption less likely. While whistleblowers already cooperating with the NABU and who had reasonable grounds to expect that this very body would complete the investigation based on their information, are now faced with discrediting risks of proceedings being transferred to other bodies with leaks of information or the deliberate “dumping” of cases, additional procedural burdens, disclosure of the whistleblower’s personal data, and physical or reputational harm²²⁷⁰.

A troubling sign that the NACP focuses solely on whistleblowers within criminal proceedings²²⁷¹ is that its recommendatory clarification²²⁷² — which narrows the conditions for granting whistleblower status contrary to the Law of Ukraine “On Prevention of Corruption” — remains in force. This clarification ties whistleblower status to the legal qualification of the disclosed information by a public authority, while under the law, the only conditions for obtaining whistleblower status should be that the individual is an “insider” and reports information about possible offences in any manner. Contrary to international practice, this issue has worsened and is now shaping negative judicial practice, in which individuals are denied whistleblower status based on the NACP’s clarification²²⁷³.

It is also inconsistent with international standards or best whistleblower protection practices when a law enforcement “agent” systematically engaged in covert cooperation is recognised by the court as a whistleblower entitled to a reward. The differentiation between whistleblowers and freelance collaborators of law enforcement agencies, who cannot have the right to a reward²²⁷⁴, is not clearly defined in practice.

2267 Ibid.

2268 Publication by the National Anti-Corruption Bureau of Ukraine on the social network Facebook. 2024.

2269 International Conference “Whistleblowers of Corruption in Ukraine: Successes and Challenges”. Interdisciplinary Scientific and Educational Centre for Combating Corruption in Ukraine (ACREC). 2025.

2270 Undermining the Independence of the NABU and the SAPO. What Have Whistleblowers of Corruption Got to Do with It? *Ukrainska Pravda*, 2025.

2271 Whistleblower in Criminal Proceedings: NACP United the Anti-Corruption Community to Address Controversial Issues. National Agency on Corruption Prevention. 2024.

2272 Clarification of the National Agency on Corruption Prevention No. 2 of 12.06.2023 “On the Legal Status of Whistleblowers”.

2273 Information provided by experts during an interview conducted on 20.03.2025.

2274 Reward for Reporting Corruption: Another Whistleblower Received a Payout. National Agency on Corruption Prevention.

The problem of differentiating between confidential informants and whistleblowers was already noted in 2021 in a publication initiated by the NACP and recommended for use in administrative and judicial practice²²⁷⁵. The mechanisms for paying rewards to whistleblowers are also not perfect from the perspective of state funding. Likewise, the legislation does not provide²²⁷⁶ safeguards against strategic lawsuits against public participation (SLAPP) in accordance with the EU acquis²²⁷⁷. The working group on developing effective mechanisms to counter SLAPP, which was established in June 2025 on the initiative of the Committee of the Verkhovna Rada on Freedom of Speech and which included 28 participants — MPs, lawyers, media experts, representatives of the Ombudsman and civil society — is working on the relevant amendments, with the first draft laws expected in autumn 2025²²⁷⁸.

Recommendations

1. Adopt a dedicated legislative act that would provide for:
 - a “broad definition” of a whistleblower who discloses information of public interest;
 - extension of protection guarantees to individuals who: assisted whistleblowers or facilitated disclosures; were perceived as whistleblowers; prepared to report but did not complete the disclosure; are members of professional organisations; are volunteers or interns, etc.;
 - security guarantees for persons involved in disclosures, without being limited to criminal justice contexts;
 - inclusion of competent public authorities as regular reporting channels, i.e. those authorised to consider and take decisions on matters related to the disclosed information. Regular channels must also be established within bodies responsible for ensuring compliance with laws in relevant fields, as well as other state authorities, institutions, and organisations;
 - disclosure of restricted information, including state secrets, through external reporting channels where such information serves the public interest — without triggering legal liability. The legislator should develop and adopt inclusive amendments to ensure legal immunity for whistleblowers disclosing information of public interest, including state secrets, under Articles 361, 361², 328, 330, 422, and 39 of the CC of Ukraine.

2275 Scientific and Practical Commentary on the Legislation of Ukraine on the Protection of Whistleblowers, General Editorship by O. Nesterenko. 2021.

2276 Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine, p. 435. 2024.

2277 Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings (“Strategic lawsuits against public participation”).

2278 Countering SLAPP Lawsuits in Ukraine: Challenges, Responses and the International Context. National Council of Ukraine on Television and Radio Broadcasting. 2025.

2. Bring national legislation on countering strategic lawsuits against public participation (SLAPP) in line with Directive (EU) 2024/1069, taking into account the experience of implementing the institution of whistleblower protection in Ukraine²²⁷⁹.
3. Amend the NACP clarification of 12 June 2023 No. 2 “On the Legal Status of a Whistleblower” regarding the interpretation of the provision of the law on the conditions for acquiring the rights and guarantees of a whistleblower, in particular, revise the NACP’s legal position that a person acquires the rights of a whistleblower only if they have reported possible facts of the commission of a corruption-related criminal offence and/or a criminal offence related to corruption, and the pre-trial investigation body, based on the report, has entered information into the Unified Register of Pre-trial Investigations specifically about a corruption offence.
4. Differentiate in the CPC of Ukraine whistleblowers from informants — freelance “agents” of law enforcement agencies — with a prohibition on the latter claiming a reward. Develop a mechanism for the payment of rewards to whistleblowers exclusively from funds actually returned to the state budget as a result of the disclosure of the offence.
5. The NABU, the NACP, and the SAPO shall participate in the discussion and in countering negative changes in the field of effective whistleblower protection that may affect their work.

Lobbying

Progress and issues

In implementation of Law No. 3606-IX²²⁸⁰, in October 2024 the Government adopted the Rules of Ethical Conduct for Lobbying Entities²²⁸¹ (entering into force on 1 September 2025) and the Regulation on the Transparency Register (already entered into force²²⁸²). Not all proposals from the non-governmental sector regarding the Rules of Ethical Conduct for Lobbying Entities were incorporated²²⁸³, although the publication of the NACP’s report on the results of the public consultation was a positive step²²⁸⁴. As part of the implementation of the Regulation on the Transparency Register²²⁸⁵, the NACP has not yet adopted regulatory legal acts defining the requirements for the Register’s objects, the procedure

2279 Recommendations 1 and 2 previously provided by civil society in the Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine (pp. 264, 435) remain relevant.

2280 On Lobbying: Law of Ukraine No. 3606-IX of 23.02.2024.

2281 On the Approval of the Rules of Ethical Conduct for Lobbying Entities: Resolution of the Cabinet of Ministers of Ukraine No. 1128 of 01.10.2024.

2282 Certain Issues Related to the Creation and Functioning of the Transparency Register: Order of the Cabinet of Ministers of Ukraine No. 1175 of 15.10.2024.

2283 Information provided during an expert interview conducted on 17.03.2025.

2284 Report on the Results of Public Consultations on the Draft Resolution of the Cabinet of Ministers of Ukraine “On the Approval of the Rules of Ethical Conduct for Lobbying Entities”, developed by the National Agency on Corruption Prevention. National Agency on Corruption Prevention. 2024.

2285 Certain Issues Related to the Creation and Functioning of the Transparency Register: Resolution of the Cabinet of Ministers of Ukraine No. 1175 of 15.10.2024, paras. 8, 28.

for their submission and inclusion, as well as the list, structure, and requirements for the information. In November 2024, the NACP and the European Business Association (EBA) signed a Memorandum of Cooperation in the field of lobbying²²⁸⁶.

Despite the recommendations provided in the Shadow Report on Chapter 23²²⁸⁷, no amendments were introduced during the reporting period to Law No. 3606-IX to improve the transparency of commercial lobbying or extend the limitation period²²⁸⁸. The Verkhovna Rada Committee on Legal Policy is reviewing Draft Law No. 13027, developed by the Batkivshchyna political party, on amendments regarding state registration of lobbying entities and the conduct of lobbying in Ukraine²²⁸⁹. This Committee also issued an opinion to include Draft Law No. 13339²²⁹⁰ on the agenda of the Verkhovna Rada and to adopt it at first reading as a basis, and to reject Draft Law No. 13340²²⁹¹. Instead, as a basis and as a whole with the necessary technical and legal refinement, the Committee recommended adopting the alternative Draft Law No. 13340-1²²⁹², which provides for the entry into force of administrative liability 12 months later, rather than immediately from the date of entry into force of the Law of Ukraine "On Lobbying", and does not envisage the introduction of Article 212³ of the CUAO concerning failure to respond to a lobbying request, unlawful refusal to accept and consider a lobbying request.

These draft laws are of a more technical and clarifying nature and do not conceptually change the design of the lobbying framework. Civil society representatives noted that these draft laws have the potential to improve the regulation of lobbying in Ukraine, but only if they are revised taking into account the specifics of the activities of non-profit organisations. The regulation of lobbying activities should not restrict the public activities of civil society organisations²²⁹³.

The business community, united under the American Chamber of Commerce in Ukraine and the European Business Association, called on the Verkhovna Rada to adopt Draft Laws No. 13339 and No. 13340-1 as soon as possible, namely no later than 1 September 2025. Business also supported the expediency of establishing a 12-month transition period for the introduction of administrative liability, given the novelty of the legal regulation and the absence of enforcement practice²²⁹⁴.

2286 The NACP and the EBA Will Work on Promoting Ethical Lobbying and Transparency in Business. National Agency on Corruption Prevention.

2287 Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine, pp. 274–275. 2024.

2288 Ibid.

2289 On Amendments to the Law of Ukraine "On Lobbying" Regarding the State Registration of Lobbying Entities and the Conduct of Lobbying in Ukraine: Draft Law of Ukraine, registration No. 13027 of 18.02.2025.

2290 On Amendments to the Law of Ukraine "On Lobbying" regarding the clarification of certain provisions: Draft Law of Ukraine, registration No. 13339 of 03.06.2025.

2291 On Amendments to Certain Legislative Acts of Ukraine regarding the clarification of liability for violations of legislation in the field of lobbying: Draft Law of Ukraine, registration No. 13340 of 03.06.2025.

2292 On Amendment to paragraph 2 of the Law of Ukraine "On Amendments to the Code of Ukraine on Administrative Offences regarding establishing liability for violations of legislation in the field of lobbying": Draft Law of Ukraine, registration No. 13340-1 of 20.06.2025.

2293 Amendments to the Law "On Lobbying": An Opportunity for Transparency or Risks for Civil Society? NGO "Ukrainian Centre for Independent Political Research". 2025.

2294 The business community expresses gratitude to the Verkhovna Rada Committee on Legal Policy for issuing an opinion recommending that Parliament adopt Draft Law No. 13339, and calls on Parliament to adopt Draft Laws No. 13339 and No. 13340-1 by 1 September 2025, ensuring the proper implementation of the provisions of the Law of Ukraine "On Lobbying". 2025.

The NACP, for its part, stated that it would have time to analyse the effectiveness of the provisions of the Law of Ukraine “On Lobbying” and to improve it in line with the recommendations of the Roadmaps in the framework of negotiations on Ukraine’s EU membership²²⁹⁵. It is important that such an analysis should not remain unpublished, and that all future legislative and regulatory changes in the field of lobbying should provide for broad consultation with stakeholders.

When the Verkhovna Rada postponed the entry into force of the Law of Ukraine “On Lobbying” by eight months in October 2024²²⁹⁶, the NACP supported this decision, noting that such a postponement would allow for a wide-scale information campaign to clarify the provisions of this Law and its application²²⁹⁷. However, the NACP has not conducted systematic communication campaigns aimed at reducing the negative perception of lobbying. Nevertheless, it is worth noting positively that the NACP organised a coordination forum of state communications specialists involved in the implementation of the Communications Strategy in the field of preventing and countering corruption for the period up to 2025²²⁹⁸.

The exercise by the NACP of its new powers in lobbying may be complicated due to the novelty of this institution. At the same time, as of July 2025, there is no dedicated unit within the NACP’s staffing structure responsible for monitoring compliance with lobbying requirements and restrictions²²⁹⁹.

The NACP has only reported on the functioning of a structural unit whose mandate includes the development of state anti-corruption policy in the field of lobbying in Ukraine. This unit supported the drafting of the adopted legislation — the Division for the Organisation of Work with Stakeholders and Support for the Adoption of Anti-Corruption Policy Acts, with a staff ceiling of five and an actual staff of three. The issue of determining the unit to be entrusted with lobbying powers, as well as its structure and staffing levels, will be resolved after the National Agency acquires the relevant powers upon the entry into force of the Law of Ukraine “On Lobbying”²³⁰⁰.

This division, together with the involvement of the Department for Information Systems, Analytical Work and Information Protection, and the Division for Digital Transformation and Innovative Development of the NACP, is also responsible for the development of the Transparency Register. Given that the State Budget of Ukraine for 2024 did not allocate funds for the creation of such a register, in April 2024 the Agency received support for the establishment of the Transparency Register from the international technical assistance

2295 The Establishment of the Lobbying Framework: Legislative Changes Will Simplify Procedures for Business and Postpone the Application of Sanctions. National Agency on Corruption Prevention. 2024.

2296 Under the Law of Ukraine “On the State Budget of Ukraine for 2025”, amendments were introduced to Section III “Final Provisions” of the Law of Ukraine “On Lobbying”, stipulating that the Law shall enter into force no later than 1 September 2025, and that the Transparency Register must be established and become operational within 14 months from the effective date of the Law, i.e. by May 2025.

2297 The Verkhovna Rada Postponed the Entry into Force of the Law of Ukraine “On Lobbying”. National Agency on Corruption Prevention. 2024.

2298 Anti-Corruption Communications — 2024: The NACP Brings Together Public Sector Communicators, Media, and Activists. National Agency on Corruption Prevention. 2024.

2299 NACP Structure. National Agency on Corruption Prevention. 2025.

2300 Letter from the National Agency on Corruption Prevention № 10-13/32570-2 of 15.04.2025.

project “Support to Integrity in the Public Sector (Pro-Integrity)”, funded by USAID and the UK Foreign, Commonwealth & Development Office (UKaid).

In January 2025, Pro-Integrity project informed the Agency of the suspension of all expenditures by subcontractors, grantees, suppliers, and consultants, due to the suspension of the provision of international technical and humanitarian assistance for a period of 90 days in accordance with a Decree of the President of the United States. After a long break and the suspension of funding, in June 2025 the NACP, within the framework of cooperation with the Eurasia Foundation, which is implementing the international technical assistance project “Digitalisation for Growth, Integrity and Transparency (UK DIGIT)”, concluded a service contract for the creation of the Transparency Register, which is to be established no later than 14 August 2025. At present, part of the specialised software has already been developed and the functional capabilities of the Transparency Register are being tested²³⁰¹.

In addition, with the adoption of the Rules of Ethical Conduct for Lobbyists, the regulation of ethical issues in lobbying remains one-sided, as Draft Law No. 8327 on amendments to certain legislative acts of Ukraine concerning the rules of ethical conduct for Members of Parliament of Ukraine (Ethical Code), registered in Parliament at the end of 2022, has still not been considered by the relevant Verkhovna Rada Committee on Rules of Procedure, Parliamentary Ethics and the Organisation of Work of the Verkhovna Rada of Ukraine²³⁰². The Code defines the principles, rules and liability for violations of the norms of parliamentary ethics, together with the grounds for appealing such decisions; establishes a committee on monitoring compliance with discipline and the norms of parliamentary ethics; and sets out the principles for considering the relevant complaints.

It is worth noting positively the introduction, in March 2025, by the Computerised Systems Administration of the Verkhovna Rada of new analytical online tools for visualising the timeline of plenary sessions, detailed voting statistics, the legislative process of draft laws, and the redesign of MPs’ profiles (including for all previous convocations), as well as committee and faction pages²³⁰³. However, regarding the data on MPs’ assistants, only the design has been updated, while the content remains unchanged (e.g. no data on former parliamentary assistants, etc.).

Recommendations

1. The NACP should carry out a communication campaign to reduce the negative perception of lobbying and clarify the purpose of its regulation, to enhance the transparency of public authorities.
2. Introduce amendments to Law No. 3606-IX, in particular to improve the regulation of commercial lobbying and to achieve the objectives of the Law, it is advisable to:

2301 Lobbying in Ukraine: Development of the Transparency Register Continues. National Agency on Corruption Prevention. 2025.

2302 On Amendments to Certain Legislative Acts of Ukraine Regarding the Rules of Ethical Conduct for Members of Parliament of Ukraine (Code of Ethics): Draft Law of Ukraine, registration No. 8327 of 30.12.2022.

2303 Parliament in Smartphone: Major Update of the Ukrainian Parliament’s Website. Chesno. 2025.

- › expand the scope of lobbying to include individual acts, for example, decision-making in the course of public procurement or the appointment of certain officials;
 - › clarify the mechanisms for verification, monitoring and enforcement of compliance to be carried out by the NACP (the Law should refer to a special procedure — a subordinate act to be adopted by the NACP);
 - › the activities of associations of local self-government bodies and scientific and technical activities are currently excluded from the scope of the Law — this may enable circumvention of registration as a lobbyist; such provisions should be reviewed and clarified in order to prevent their abuse;
 - › introduce a condition whereby civil servants may meet with lobbyists only after their registration in the Transparency Register;
 - › require lobbyists to submit the amounts of lobbying expenditures and information on the officials targeted by such lobbying to the Transparency Register upon registration, with subsequent updates;
 - › increase the frequency of lobbyists' reporting to more than twice a year;
 - › expand the public section of the Transparency Register by including additional disclosure requirements concerning lobbying contacts, the officials lobbied and their functions, the purpose and type of lobbying, disclosure of meetings (date, subject, duration, format, etc.), references to the decision being influenced, and documents evidencing lobbying activities;
 - › establish an open and regularly updated system for publishing the agendas of public meetings and official encounters with lobbyists, with an appropriate level of automation.
3. Extend the application of the Laws of Ukraine "On Lobbying" and "On Prevention of Corruption" to patronage services, in particular to advisers to senior officials, and revise the legal framework regarding the number, status and activities of assistants to Members of Parliament of Ukraine. It is necessary to limit the maximum number of such assistants to six persons and to narrow the powers of parliamentary assistants who are not employed under a labour contract. As an alternative, the status of parliamentary assistants on a voluntary basis could be abolished altogether. To increase transparency of assistants' work, it is necessary to introduce comprehensive publication of their profiles and activity reports on the website of the Verkhovna Rada. In addition, a requirement should be introduced for the disclosure of private interests of MPs' advisers, and a provision should be established prohibiting relatives of MPs from serving as their assistants.
 4. Adopt the Ethical Code for Members of Parliament, providing for mechanisms of its effectiveness, along with amendments to legislation on local self-government bodies obliging local councils to adopt their own codes of ethics.
 5. Amend the CUAO to allow the imposition of administrative sanctions for violations in the area of lobbying both on lobbyists and on civil servants within six months of the commission of such offence, but no later than two years from the date of the

offence, by analogy with the provisions currently in place for corruption-related offences²³⁰⁴.

6. The NACP, in implementation of the law, should establish within its structure a separate unit for monitoring compliance with lobbying requirements and strengthen the internal expertise of its staff.

De-oligarchisation

Progress and issues

No changes in the legislative regulation of de-oligarchisation occurred during the reporting period. Thus, only minor amendments were introduced in 2022 to the Law of Ukraine “On Preventing Threats to National Security Associated with Excessive Influence by Persons with Significant Economic and Political Weight in Public Life (Oligarchs)”²³⁰⁵ (Law No. 1780-IX), in connection with the adoption of the new Law of Ukraine “On Media”²³⁰⁶. However, none of the shortcomings described in the opinion of the Venice Commission²³⁰⁷ and the Shadow Report on Chapter 23²³⁰⁸ have been addressed.

The Action Plan for Preventing the Abuse of Excessive Influence by Persons with Significant Economic and Political Weight in Public Life (Oligarchs) also remained unchanged during the reporting period; therefore, the criticisms thereof remain relevant²³⁰⁹.

In July 2024, experts from the Centre of Policy and Legal Reform developed a draft De-oligarchisation Strategy, which provides for the comprehensive reform of such key public sectors as the economy, finance, taxation, anti-corruption, customs control, law enforcement, combating organised crime, and money laundering²³¹⁰. This draft is noteworthy as a high-quality strategic document offering a systemic solution to the problem of excessive oligarchic influence on public life, in contrast to the current Law No. 1780-IX.

Of particular importance in the context of Ukraine’s de-oligarchisation is the reform of the Antimonopoly Committee of Ukraine (AMCU)²³¹¹. Unlike other bodies whose reform or strengthening is embedded in Ukraine’s international commitments within the framework of European integration, the issue of AMCU reform has so far not been on the agenda.

It is also worth noting with concern not only the lack of systemic progress in the area of de-oligarchisation in Ukraine, but also that Parliament has taken steps aimed at restoring

2304 Recommendations 1–5 previously provided by civil society in the Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine (pp. 274–275) remain relevant.

2305 On Preventing Threats to National Security Associated with Excessive Influence by Persons with Significant Economic and Political Weight in Public Life (Oligarchs): Law of Ukraine No. 1780-IX of 23.09.2021.

2306 On Media: Law of Ukraine of 13.12.2022 No. 289-IX.

2307 Opinion on the Law on the prevention of threats to national security, associated with excessive influence of persons having significant economic or political weight in public life (oligarchs). Venice Commission, 9–10 June 2023.

2308 Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine, pp. 268–272. 2024.

2309 Ibid.

2310 Draft Strategy for Addressing Threats Associated with Excessive Influence by Persons with Significant Economic and Political Weight in Public Life (De-oligarchisation Strategy). Centre of Policy and Legal Reform, 2024. 2024.

2311 Information provided by an expert during an interview conducted on 21.03.2025.

the pre-full-scale-invasion status quo for oligarchs. This refers to the adoption in March 2025 of Law No. 4292-IX on strengthening the protection of the rights of bona fide acquirers²³¹², which in effect legalises the unlawful alienation of state or communal property through fraudulent schemes and abuse of office²³¹³.

Recommendations

1. Law No. 1780-IX requires substantial amendments, as its current version poses significant risks of violating the Constitution of Ukraine and international human rights standards.
2. It is necessary to establish an effective and comprehensive system of anti-oligarchic measures, which should primarily focus on reforming and strengthening existing institutions that are currently not fully effective and thus contribute to the growing oligarchic influence on political processes in Ukraine. This concerns the AMCU, the judiciary, the NBU, and the anti-corruption system.
3. For the implementation of a full-fledged anti-oligarchic reform, effective antitrust measures, the fight against and prevention of corruption, counteraction to money laundering, measures to ensure media pluralism, and rules on the financing of political parties and election campaigns are all of key importance.
4. The Action Plan for Preventing the Abuse of Excessive Influence by Persons with Significant Economic and Political Weight in Public Life (Oligarchs) should be revised in cooperation with national and international experts and civil society. This would help avoid declarative and vague reform processes and, consequently, inefficiency²³¹⁴.
5. When reviewing the current legislative approach to addressing the problem of excessive oligarchic influence on public life, the authorities should take into account the draft De-oligarchisation Strategy developed by experts in 2024.

2312 On Strengthening the Protection of the Bona Fide Acquirer: Law of Ukraine No. 4292-IX of 12.03.2025.

2313 We Urge the President to Veto Draft Law No. 12089. Transparency International Ukraine, 2025.

2314 Recommendations 1–4 previously provided by civil society in the Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine (pp. 268–272) remain relevant.

Protection of Fundamental Rights and Freedoms

ZMİNA

HUMAN RIGHTS CENTER

Experts from the Human Rights Center ZMINA, NGO 'Digital Security Lab Ukraine', NGO 'Kharkiv Institute for Social Research', NGO 'Social Action Centre', NGO 'Fight For Right', NGO 'Congress of National Communities of Ukraine', NGO 'Fulcrum UA', NGO 'Ukrainian Legal Advisory Group', CF 'Right to Protection', NGO 'Centre of Policy and Legal Reform', NGO 'The Centre for Democracy and Rule of Law', NGO 'La Strada-Ukraine' worked on this section.



The Office of the Ukrainian Parliament Commissioner for Human Rights (Ombudsman)

The overall situation regarding the regulatory framework for the functioning of the Ukrainian Parliament Commissioner for Human Rights (Ombudsman, Commissioner) remained unchanged during the reporting period. In the Verkhovna Rada of Ukraine (Verkhovna Rada, Parliament), Draft Law No. 13181 “On the Ukrainian Parliament Commissioner for Human Rights” was registered, as well as three other draft laws aimed at strengthening the institution of the Commissioner. At the same time, they do not ensure bringing national legislation on the functioning of the National Human Rights Institution (NHRI) into compliance with international standards in this area. However, as early as April 2024, a draft law developed by a working group under the Advisory Council of the Commissioner was presented, which, among other things, provided for a competitive procedure for the election of the Commissioner, as well as strengthened guarantees of his financial independence. The latter are of particular relevance now, when the Commissioner has stated that the institution is underfunded while its workload has increased significantly. In addition, no amendments have been made to Article 12 of the Law of Ukraine “On the Legal Regime of Martial Law” to eliminate the possibility of dismissing the Commissioner during martial law on the grounds of a vote of no confidence.

The National Human Rights Strategy requires updating. In 2022, following the full-scale invasion, the process of preparing updates to the Strategy began, and in 2023 a draft of proposed amendments was developed and submitted to the Office of the President of Ukraine (Office of the President). As of the end of July 2025, the Strategy has not been updated, the previous Action Plan expired in 2023, and no new plan has been adopted. On 4 June 2025, the Ministry of Justice of Ukraine withdrew the draft Presidential Decree “On Amendments to the Decree of the President of Ukraine No. 119 of 24 March 2021”, which contained proposals for updating the Strategy developed back in 2023. This was justified by the need to align its provisions with the approved Rule of Law Roadmap.

The Commissioner continues to carry out the mandate of the National Preventive Mechanism (NPM), anti-discrimination tasks, personal data protection functions, and the protection of information rights. The NPM in Ukraine operates under the “Ombudsman+” model, which involves the civil society participation in monitoring visits. The NPM’s budget for 2025 was reduced by almost 10% — from UAH 2.658 million in 2024 to UAH 2.393 million in 2025. At the same time, even within this limited budget, the Secretariat of the Commissioner is unable to allocate funds to cover expenses such as travel, meals, and accommodation for NPM monitors from among civil society activists.

Among the key challenges in the Commissioner’s work in the area of protection against discrimination is the lack of a thematic focus, which is a consequence of the Commissioner’s broad mandate.

The legislation on personal data protection is outdated and not aligned with core EU legal instruments. The Law of Ukraine “On Personal Data Protection” was adopted in 2010 and, after 15 years of implementation, is considered outdated: it fails to address a significant part of the current issues of data protection, including online data security, the digitalisation of public and commercial services, cybersecurity, and high technologies.

The issue of whether the Commissioner has effective mechanisms for responding to violations of the right to access public information also remains relevant. One such response tool — in cases of violations of information rights and data protection legislation — is the preparation of administrative offence protocols. However, this tool cannot currently be considered effective.

The Ombudsman serves as the National Human Rights Institution in Ukraine. In 2024, the Commissioner received 123,221 appeals, including 1,509 collective appeals (involving 34,510 individuals) and 121,712 individual appeals. This represents a 28.6% increase compared to the previous year (95,796 appeals in 2023)²³¹⁵. The increase is largely due to the development and expansion of the Commissioner's regional representation network — representatives are now present in all regions of Ukraine. In nine regions — Volyn, Dnipropetrovsk, Zhytomyr, Zakarpattia, Zaporizhzhia, Ivano-Frankivsk, Poltava, Sumy, and Chernivtsi — Human Rights Protection Centres have been established and are functioning with the support of international partners.

Despite the Commissioner's growing regional and public presence, there remains a pressing need to amend a number of legal acts to strengthen the guarantees of the Ombudsman's independence and to support the full implementation of specific mandates — including the operation of the NPM, protection against discrimination, personal data protection, and the safeguarding of information rights.

A cross-cutting issue affecting all areas of the Ombudsman's work is the need to ensure the stability of the team, improve the qualifications of staff within the Secretariat of the Commissioner, provide systematic training, and strengthen the institution's capacity to respond to human rights violations in specific sectors. This need is identified by the majority of interviewed experts as one of the key prerequisites for ensuring the effective functioning of the Commissioner as Ukraine's National Human Rights Institution.

Lack of Necessary Legislative Amendments to Ensure the Independence and Functioning of the Ombudsman

The key legislative act governing the activities of the Ombudsman — the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" (Law on the Commissioner)²³¹⁶ — requires updating and alignment with the UN Paris Principles²³¹⁷, as well as consideration of the recommendations of international organisations, to ensure the sustainability and independence of the Ombudsman institution in Ukraine.

A corresponding draft law aimed at amending the core legislation on the Commissioner was developed by a Working Group under the Office of the Ombudsman in 2023 and was first presented by the Commissioner in April 2024 to Members of Parliament and

2315 Annual Report of the Ukrainian Parliament Commissioner for Human Rights on the State of Observance and Protection of Human and Civil Rights and Freedoms in Ukraine in 2024.

2316 On the Ukrainian Parliament Commissioner for Human Rights: Law of Ukraine No. 776/97-VR of 23.12.1997.

2317 Principles Relating to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles). Annex to UN General Assembly Resolution 48/134 of 20.12.1993.

representatives of human rights organisations. The draft received positive feedback from experts of the Council of Europe and the European Network of National Human Rights Institutions (ENNHRI).

Over the course of the year, the draft law was revised and in April 2025 was registered with Verkhovna Rada. Draft Law No. 13181²³¹⁸ constitutes a draft of a new version of the Law on the Commissioner. It also proposes numerous amendments to other Ukrainian laws, including "On Citizens' Appeals", "On the Protection of Childhood", "On International Treaties of Ukraine", "On the State Voter Register", "On Civil Service", "On the Social and Legal Protection of Persons Deprived of Personal Liberty as a Result of Armed Aggression Against Ukraine and Members of Their Families", among others.

In May 2025, three further draft laws were submitted to Parliament²³¹⁹, which correspond to Draft Law No. 13181 and provide for amendments to the Budget Code of Ukraine, the Criminal Code of Ukraine (CC of Ukraine), the Civil Procedure Code of Ukraine, the Criminal Procedure Code of Ukraine (CPC of Ukraine), the Code of Ukraine on Administrative Offences (CUAO), and the Law of Ukraine "On Court Fees". All these draft laws are currently under consideration by the relevant parliamentary committees.

The new version of the Law on the Commissioner provides for a number of positive steps, in particular:

- › reducing the age requirement for candidates for the post of Commissioner from 40 to 35 years; introducing a procedure for appointment to this post with clearly defined timelines for each stage of the process;
- › granting the Ombudsman the right to submit proposals on the ratification of international treaties in the field of human rights;
- › granting the Commissioner the right to assist in documenting war crimes and gross human rights violations, the return of Ukrainian citizens from the territory of the aggressor state, and departure from the temporarily occupied territory of Ukraine (TOT of Ukraine);
- › submitting proposals to Parliament on the establishment of a temporary inquiry or special commission;
- › monitoring the observance of human rights and freedoms, among other powers.

Draft Law No. 13181 contains provisions aimed at positively influencing the financial stability of the Commissioner's activities. At the same time, the proposed procedure for nominating candidates for this post does not comply with international principles and standards, in particular, the Venice Principles of the Council of Europe²³²⁰ the Paris Principles of the United

2318 On the Ukrainian Parliament Commissioner for Human Rights: Draft Law of Ukraine, registration No. 13181 of 17.04.2025.

2319 On Amendments to the Budget Code of Ukraine to Improve the Legal Framework for the Activities of the Ukrainian Parliament Commissioner for Human Rights: Draft Law of Ukraine, registration No. 13248 of 01.05.2025.; On Amendments to the Civil Procedure Code of Ukraine and the Law of Ukraine "On Court Fees" to Improve the Legal Framework for the Activities of the Ukrainian Parliament Commissioner for Human Rights: Draft Law of Ukraine, registration No. 13249 of 01.05.2025.; On Amendments to the Code of Ukraine on Administrative Offences, the Criminal Code of Ukraine, and the Criminal Procedure Code of Ukraine to Improve the Legal Framework for the Activities of the Ukrainian Parliament Commissioner for Human Rights: Draft Law of Ukraine, registration No. 13250 of 01.05.2025.

2320 Principles on the Protection and Promotion of the Ombudsman Institution ("Venice Principles"), adopted by the Venice Commission at its 118th Plenary Session (Venice, 15–16 March 2019).

Nations²³²¹, and the Council of Europe Recommendation CM/Rec(2019)6 on the development of the ombudsman institution²³²², and therefore contradicts the Rule of Law Roadmap approved by the Government of Ukraine in May 2025²³²³.

Draft Law No. 13181 does not contain provisions on any involvement of representatives of civil society, human rights organisations, academics, or the media in the procedure for selecting candidates for the post of Commissioner through open consultations, public discussions, or by providing for a broader range of sources for nominating candidates. At present, the right to nominate candidates for the post of Commissioner rests solely with the Speaker of the Verkhovna Rada or one quarter of the constitutional composition of Parliament²³²⁴. This, in turn, does not ensure compliance with the principle of pluralism and openness at the stage of appointing the Ombudsman. In addition, the draft law provides that the Commissioner's oversight of the observance of constitutional human and civil rights and freedoms will extend to an unreasonably wide range of entities (for example, civic associations, enterprises, institutions, and organisations regardless of their organisational and legal form or form of ownership)²³²⁵.

Thus, if Draft Law No. 13181 is adopted in its current version, alongside the institutional strengthening of the Commissioner, the possibility of political influence on the institution will remain due to the non-transparent and non-inclusive procedure for nominating a candidate for the post of Commissioner.

For the period of martial law, the possibility of dismissing the Commissioner from office on the grounds of a vote of no confidence remains in place. The relevant amendments²³²⁶ to Article 12 of the Law of Ukraine "On the Legal Regime of Martial Law²³²⁷", introduced in May 2022, have in effect created conditions under which, during the period of martial law, the Ombudsman may be dismissed on grounds not provided for by the Law on the Commissioner.

On 27 February 2025, the Supreme Court (SC) issued a ruling²³²⁸ in the case filed by the former Ukrainian Parliament Commissioner for Human Rights. She had been dismissed from her post by Parliament on 31 May 2022 on the basis of a resolution expressing no confidence²³²⁹. The Court concluded that a vote of no confidence by Parliament in an official

2321 Principles Relating to the Status of National Institutions for the Promotion and Protection of Human Rights ("Paris Principles"), adopted by UN General Assembly Resolution 48/134 of 1993.

2322 Recommendation CM/Rec(2019)6 of the Committee of Ministers to member States on the development of the Ombudsman institution. CM/Rec(2019)6.

2323 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the EU Accession Process": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

2324 According to Article 76 of the Constitution of Ukraine, the constitutional composition of the Verkhovna Rada of Ukraine is 450 Members of Parliament of Ukraine.

2325 Draft Law on the Ukrainian Parliament Commissioner for Human Rights Does Not Comply with International Standards — ZMINA Analysis. ZMINA. 2025.

2326 On Amendments to Certain Laws of Ukraine on the Functioning of the Civil Service and Local Self-Government during Martial Law: Law of Ukraine No. 2259-IX of 12.05.2022.

2327 On the Legal Regime of Martial Law: Law of Ukraine No. 389-VIII of 12.05.2015.

2328 Ruling of the Supreme Court of 27.02.2025 in case No. 990/92/22.

2329 On expressing no confidence in the Commissioner of the Verkhovna Rada of Ukraine for Human Rights, L. Denisova: Resolution of the Verkhovna Rada of Ukraine No. 2294-IX of 31.05.2022.

it has appointed is a form of exercising the Parliament's constituent function. Although the Court classified the amendments to Article 12 of the Law of Ukraine "On the Legal Regime of Martial Law" as an exceptional provision supplementing a special one, the introduction of additional grounds for dismissal of the Ombudsman not foreseen by the Law on the Commissioner creates a risk of political pressure on the Ombudsman institution.

Particular attention should also be paid to the fact that the **National Human Rights Strategy** (the Strategy)²³³⁰. This is a foundational document outlining the key directions for human rights protection in Ukraine. To implement the Strategy, the Government approved an Action Plan for 2021–2023²³³¹. Following the launch of the full-scale invasion in autumn 2022, the Ministry of Justice of Ukraine (MoJ) initiated a process to update the provisions of the Strategy in light of the needs and consequences of Russia's full-scale invasion in February 2022. Representatives of human rights organisations were invited to submit proposals for updating the text. These proposals from government agencies and civil society organisations (CSOs) were finalised and submitted to the Office of the President in 2023. However, the Strategy has not yet been updated. No new government Action Plan for its implementation has been adopted beyond 2023.

At the same time, the proposals developed in 2022–2023 are now outdated; therefore, it would be appropriate to relaunch the process of collecting proposals for updating the Strategy and drafting a corresponding Action Plan for 2026–2028.

On 4 June 2025, the MoJ withdrew the draft Decree of the President of Ukraine "On Amendments to the Decree of the President of Ukraine No. 119 of 24 March 2021", which contained proposals for updating the Strategy developed back in 2023. This was justified by the need to bring the Strategy into line with the approved Rule of Law Roadmap²³³².

At the end of July 2025, the Ministry of Justice appealed²³³³ to human rights civil society organisations with a request to submit proposals for updating the Strategy.

Implementation of the National Preventive Mechanism Function

In 2024, the Ombudsman, within the framework of the NPM and jointly with representatives of civil society organisations, conducted 543 visits to places of deprivation of liberty under the jurisdiction of various authorities, including: Ministry of Social Policy of Ukraine (MSP) — 142; Ministry of Internal Affairs of Ukraine (MoIA) — 129; State Judicial Administration of Ukraine (SJA) — 120; MoJ — 64; Ministry of Health of Ukraine (MoH) — 16; Ministry of Education and Science of Ukraine (MoES) — 13; Ministry of Defence of Ukraine (MoD) — 11; State Migration Service of Ukraine (SMS) — 5; State Border Guard Service of Ukraine (SBGS) — 3; Security Service of Ukraine (SSU) — 2; and 38 institutions under

2330 On the National Human Rights Strategy: Decree of the President of Ukraine No. 119/2021 of 24.03.2021.

2331 On the Approval of the Action Plan for the implementation of the National Human Rights Strategy for 2021–2023: Order of the Cabinet of Ministers of Ukraine No. 756 of 23.06.2021.

2332 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the EU Accession Process": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

2333 E-mail of the Ministry of Justice of Ukraine of 30.07.2025.

private ownership were also visited²³³⁴. The armed aggression has had a negative impact on the system of places of deprivation of liberty in Ukraine, some of which have been destroyed or damaged. It is not possible to systematically monitor the conditions in places of detention located in TOT of Ukraine.

The visits revealed systemic violations of human and civil rights and freedoms in places of deprivation of liberty, including violations of the rights to: protection from torture, cruel, inhuman, or degrading treatment or punishment; an adequate standard of living; liberty and personal security; health care and medical assistance; life and safe conditions of detention; work and protection from exploitation; and the rights of persons with disabilities and persons with limited mobility, among others.

In 2024, the Commissioner submitted 70 recommendations to state authorities, local self-government bodies, civil society organisations, enterprises, institutions, and organisations, regardless of their form of ownership, requesting that measures be taken to address identified violations²³³⁵. As a result of the consideration of submissions made by the Commissioner, 27 officials of state authorities were brought to disciplinary liability²³³⁶.

However, some issues (such as the absence of shelters in places of deprivation of liberty or insufficient living space for detainees) cannot be resolved through the NPM alone. The outcome of NPM visits most often takes the form of recommendations. Therefore, changes in the state's approach to the creation and operation of the system of places of deprivation of liberty, based on international standards, are necessary.

In Ukraine, the NPM operates under the "Ombudsman+²³³⁷" model, which provides for the involvement of representatives of civil society organisations in monitoring visits. Currently, the NPM includes approximately 150 monitors, who maintain communication both with the NPM Department of the Commissioner's Secretariat and with the Commissioner's regional representatives. Recruitment of monitors from among civil society activists is ongoing and is carried out both by the Commissioner's Secretariat and with the support of a small number of civil society organisations — the number of which has been steadily decreasing in recent years. It is important to ensure the continuous improvement of the quality and consistency of the Secretariat's cooperation with civil society monitors. In particular, there should be proper planning and timely notification of potential participants from among the public monitors regarding upcoming visits (at present, it is not uncommon for such notifications to be given only the day before the visit).

There also remains the issue of providing compensation to NPM monitors who are not staff members of the Commissioner's Secretariat, including reimbursement for travel, meals during visits, and accommodation (in the case of cluster visits). For example, compensation could take the form of a payment amounting to 20% of the minimum monthly wage for each day of monitoring. Regardless of the model chosen, compensating civil society monitors is crucial for building a sustainable and professional monitoring community that is willing to undergo training and participate in monitoring visits. At present, the

2334 Annual Report of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights on the State of Observance and Protection of Human and Civil Rights and Freedoms in Ukraine in 2024.

2335 On the state of affairs regarding the prevention of torture and other cruel, inhuman or degrading treatment or punishment in Ukraine in 2024. Special report by the Verkhovna Rada of Ukraine for Human Rights.

2336 Ibid.

2337 Ombudsman+ model.

Commissioner's Secretariat is developing a draft procedure for compensating monitors, which has not yet been approved²³³⁸.

Meanwhile, the NPM's budget continues to decline: in 2025, funding was reduced by nearly 10% — from UAH 2.658 million in 2024 to UAH 2.393 million in 2025. Moreover, the Commissioner's Secretariat faces restrictions on how these funds may be used (for instance, they cannot be allocated for funding visits, procuring training services, or reimbursing travel, meals, and accommodation for NPM monitors from among civil society activists).

Combating Discrimination

Under the Law of Ukraine "On the Principles of Prevention and Combating Discrimination in Ukraine"²³³⁹, the Ombudsman holds a broad mandate to prevent all forms of discrimination and to implement measures aimed at combating it.

One of the main challenges in the Commissioner's work in anti-discrimination is **the lack of thematic focus in the respective area**, which results from the breadth of the Ombudsman's mandate. According to the Ombudsman's Annual Report²³⁴⁰, the scope of work in the field of equality and non-discrimination currently covers a wide range of issues, including combating domestic violence, human trafficking, and conflict-related sexual violence (CRSV). However, despite the broad mandate, Ukrainian legislation **does not explicitly define the Ombudsman's role in preventing and combating hate speech as part of the non-discrimination agenda**.

It is difficult to assess the effectiveness of the Ombudsman's response to discrimination cases, or to determine the extent to which systemic violations are prioritised for analysis and strategy development, as compared to the handling of individual complaints. It also remains unclear how the Ombudsman coordinates with other state authorities to promote the values of equality and non-discrimination across all sectors.

For this purpose, it would be appropriate to **maintain a registry (database) of discrimination cases to increase the consistency and systematic nature of responses**.

Personal Data Protection

The Ombudsman is one of the actors involved in the system of personal data protection. As part of exercising parliamentary oversight of compliance with personal data protection legislation, the Commissioner received **857 appeals from individuals and legal entities** in 2024. The appeals concerned issues such as the unlawful processing of personal data (including the improper collection, use, and dissemination of personal data), violations of the right to access one's own personal information, and inadequate organisation of personal data processing by data controllers and processors. Data controllers, processors, and data

2338 From the interview with V. Nikulin, Representative of the Commissioner for Human Rights in Places of Detention (01.04.2025).

2339 On the Principles of Preventing and Combating Discrimination in Ukraine: Law of Ukraine No 5207-VI of 06.09.2012.

2340 Annual Report of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights on the State of Observance and Protection of Human and Civil Rights and Freedoms in Ukraine in 2024.

subjects also contacted the Commissioner for advice and clarification on the practical application of personal data protection legislation during data processing²³⁴¹.

In responding to violations of the right to personal data protection, **the Commissioner may issue administrative offence protocols** under Article 188³⁹ (violation of personal data protection legislation) of the CUAO. In 2024, the Commissioner issued only two protocols under this article²³⁴², which may indicate the **low effectiveness of this enforcement mechanism for violations in the area of personal data protection**. The overall practice of holding violators administratively accountable for infringements of information rights and personal data protection legislation shares a number of shortcomings, which will be discussed further below.

The Commissioner systematically conducts inspections of personal data controllers to ensure compliance with personal data protection requirements across various areas of activity (in 2024, a total of 103 inspections were carried out, resulting in orders to eliminate deficiencies and violations).

The Law of Ukraine “On Personal Data Protection”²³⁴³ grants the Ombudsman the authority to provide recommendations on the practical application of personal data protection legislation. In 2024, the Commissioner issued a number of recommendations to state authorities, including: to the MoES — regarding the legal basis for processing personal data in electronic educational information systems; to the MoJ — concerning the handling of third-party requests and the anonymisation of personal data contained in documents; to the Ministry for Veterans Affairs of Ukraine — on specific issues related to the application of personal data protection legislation in connection with the disclosure of information about deceased persons; to the Secretariat of the Constitutional Court of Ukraine — regarding the legal basis for the processing of personal data; to the National Agency on Corruption Prevention — concerning the disclosure of personal data in response to third-party requests²³⁴⁴.

The Ombudsman also provides general recommendations for a broad range of entities that process personal data within a specific sector. For example, in September 2024, the Commissioner published Recommendations on Certain Issues of the Practical Application of Personal Data Protection Legislation in the Healthcare Sector²³⁴⁵.

As part of the European integration process, Ukraine is working to align its national legislation on personal data protection with European Union standards, particularly the General Data Protection Regulation (GDPR)²³⁴⁶ and the Modernised Convention 108+²³⁴⁷. Two draft laws aimed at reforming Ukraine’s approach to personal data protection are currently

2341 Ibid.

2342 Ibid.

2343 On Personal Data Protection: Law of Ukraine No. 2297-VI of 01.06.2010.

2344 Annual Report of the Ukrainian Parliament Commissioner for Human Rights on the Observance and Protection of Human and Citizens’ Rights and Freedoms in Ukraine in 2024.

2345 Recommendations of the Commissioner on Certain Issues of the Practical Application of Personal Data Protection Legislation in the Field of Healthcare. Ukrainian Parliament Commissioner for Human Rights. 2024.

2346 Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

2347 Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No. 223).

registered in the Verkhovna Rada: “On the National Commission for the Protection of Personal Data and Access to Public Information” (registration No. 6177)²³⁴⁸ and “On Personal Data Protection” (registration No. 8153)²³⁴⁹. Both draft laws are classified as part of Ukraine’s EU integration commitments.

Draft Law No. 8153 was adopted by Parliament at first reading in November 2024 and is currently being prepared for the second reading. However, despite the broad consultations held during the development of the draft law, there is a view that the business sector may not be interested in its adoption²³⁵⁰. This primarily concerns the additional measures businesses would need to take to align existing processes with the new personal data protection requirements (such as updating privacy policies, potentially amending procedures for obtaining consent to data processing, appointing a data protection officer, among other steps). Another issue is the significant level of fines: under draft law No. 8153, the maximum fine for legal entities may reach up to UAH 150 million or up to 8% of the total annual turnover of such entity in the preceding financial year. This may present serious challenges for businesses that have underinvested in data protection. Nonetheless, since the draft is still under discussion, transitional provisions may be introduced to allow for a gradual increase in fines.

The Ombudsman submitted proposals and amendments to improve the Draft Law No. 8153. However, he does not have access to the revised version of the draft law being prepared for the second reading, which creates a risk of excluding the Ombudsman from the legislative refinement process — despite the institution’s substantial experience in exercising its powers in the field of personal data protection.

The Law of Ukraine “On Personal Data Protection” is outdated and does not cover many currently relevant issues related to personal data protection — including data protection online, in the digitalisation of public and commercial services, cybersecurity, and high technologies. **Personal data protection legislation has not been modernised, particularly with regard to the protection of personal data in the context of the armed aggression against Ukraine**²³⁵¹.

Protection of Information Rights

Issues related to the protection of citizens’ information rights — primarily the right of access to public information — remain relevant in the context of the armed aggression against Ukraine.

The Law of Ukraine “On Access to Public Information”²³⁵² provides that the Commissioner exercises parliamentary oversight over the observance of the human right to access information.

2348 On the National Commission on Personal Data Protection and Access to Public Information: Draft Law of Ukraine, registration No. 6177 of 18.10.2021.

2349 On Personal Data Protection: Draft Law of Ukraine, registration No. 8153 of 25.10.2022.

2350 Personal Data Protection: Practical Recommendations for Business. Juscutum. 2025.

2351 Personal Data Protection During Wartime. Lists of Ukrainians / Uliana Shadska, 2023.

2352 On Access to Public Information: Law of Ukraine No. 2939-VI of 13.01.2011.

In 2024, the Commissioner considered **3,388 appeals, which contained a total of 5,195 submissions from individuals and legal entities regarding access to public information**. The main issues raised by applicants included: the unjustified classification of information as restricted; restriction of access to information or its classification as restricted in cases where this is expressly prohibited by law; the imposition of additional requirements for submitting information requests; failure to publish information; and unlawful refusals to provide information.

At the same time, **the issue of whether the Commissioner has effective mechanisms for responding to violations of the right of access to public information remains unresolved**. In general, public authorities do respond to the Commissioner's requests, which increases the likelihood that an applicant will receive a response following a request submitted by the Commissioner's Secretariat.

One of the tools available to the Commissioner for responding to violations of information rights and personal data protection legislation is the issuance of administrative offence protocols. These protocols must subsequently be reviewed by a court. However, under the challenging conditions in which the judiciary operates during the armed aggression against Ukraine, there are significant risks of delays in the substantive consideration of such protocols. At present, the statute of limitations for bringing individuals to administrative liability is three months from the date of the offence²³⁵³.

A detailed analysis of court practice in reviewing administrative offence cases under Articles 188³⁹ (violation of personal data protection legislation), 188⁴⁰ (failure to comply with the Commissioner's lawful demands), and 212³ (violation of the right to information and the right to petition) of the CUAO, based on protocols prepared by authorised staff of the Commissioner's Secretariat and regional representatives in 2022–2024²³⁵⁴, demonstrates that **a significant number of cases (43%) were dismissed due to the expiration of the statute of limitations. This is the result of both legislative and organisational shortcomings. Only 20% of cases under Article 212³ CUAO (violation of the right to information and the right to petition) resulted in fines, indicating the low effectiveness of the accountability mechanism.**

In May 2025, a number of draft laws aimed at enhancing the effectiveness of the Ombudsman's activities were registered in Parliament, as mentioned above. Among these draft laws is Draft Law No. 13250²³⁵⁵, which, in particular, provides for amendments to the CUAO. Thus, it is proposed that an administrative penalty for offences under Articles 188³⁹, 188⁴⁰, and 212³ of the CUAO may be imposed within six months from the date of the offence, and in the case of a continuing offence — within six months from the date of its detection. As of the end of July 2025, the draft law was being considered by the Verkhovna Rada Committee on Law Enforcement.

2353 Code of Ukraine on Administrative Offences No. 80731-X of 07.12.1984, Article 38.

2354 Analysis of Court Practice in Cases of Administrative Offences under Articles 188³⁹, 188⁴⁰, and 212³ of the Code of Ukraine on Administrative Offences Regarding Protocols Compiled by Authorised Representatives of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights and the Commissioner's Regional Representatives in 2022–2024. NGO "Human Rights Platform", p. 31. 2025.

2355 On Amendments to the Code of Ukraine on Administrative Offences, the Criminal Code of Ukraine, and the Criminal Procedure Code of Ukraine to Improve the Legal Framework for the Activities of the Ukrainian Parliament Commissioner for Human Rights: Draft Law of Ukraine, registration No. 13250 of 01.05.2025.

Furthermore, **the Commissioner does not have the right to appeal a court decision following the review of an administrative offence protocol**, due to the limitations set out in Article 294 of the CUAO concerning the entry into force and review of judges' rulings in administrative offence cases.

Additionally, an analysis of court practice revealed that a significant number of rulings do not meet the minimum requirements set out in Article 283 of the CUAO²³⁵⁶. Judgments often contain only brief information stating that the case materials were received, that the statute of limitations for imposing an administrative penalty had expired, and a decision to close the proceedings. Such documents lack a description of the circumstances of the offence, the case summary, and legal justification, thereby violating the principle of legal certainty²³⁵⁷. In response to this deficiency, the Commissioner's Secretariat has begun systematically conducting training sessions for regional representatives of the Ombudsman, which include modules on preparing protocols for administrative offences.

The issue of defining and legally assessing the phenomenon of abuse of the right of access to public information remains under-researched and controversial. Ukrainian legislation does not contain the concept of "abuse of rights"; however, in practice, public authorities and local self-government bodies encounter actions by applicants that effectively **disrupt the functioning of public institutions through submission of a large number of requests within a short period of time** (often from different individuals but identical in content), or requests containing extensive lists of questions requiring disproportionate resources to answer. The Council of Europe Convention on Access to Official Documents²³⁵⁸, adopted in 2009 and ratified by Ukraine in 2020, provides a range of safeguards against such abuses. Some clarifications as to which actions by applicants may be regarded as abuse of rights can be found in the judgment of the European Court of Human Rights (ECtHR) in *Volodymyr Torbich v. Ukraine*²³⁵⁹. Nevertheless, the issue of introducing safeguards against abuse of rights into national legislation requires further study and public consultation.

Recommendations

1. Adopt the Draft Law "On the Ukrainian Parliament Commissioner for Human Rights" (registration No. 13181) in the first reading and, during its preparation for the second reading, revise it with a view to bringing certain provisions into line with NHRI standards and best practices, in particular as regards ensuring a transparent and inclusive process for the nomination and appointment of the Commissioner.
2. Amend Article 12 of the Law of Ukraine "On the Legal Regime of Martial Law" to eliminate the possibility of dismissing the Commissioner during the period of martial law on the grounds of a vote of no confidence.
3. Update the National Human Rights Strategy considering the challenges of 2025 and with due consideration of proposals from public authorities and civil society. Based

2356 A court ruling (judge's ruling) on the imposition of an administrative sanction must include a provision on collecting court fees from the person against whom it is issued.

2357 Ibid.

2358 Council of Europe Convention on Access to Official Documents of 18.06.2009.

2359 Judgment of the European Court of Human Rights in the case "Volodymyr Torbich v. Ukraine" (Application No. 14957/13) of 13.07.2023.

on the revised Strategy, develop and approve an Action Plan for its implementation through 2028.

4. Ensure adequate funding for the activities of the NPM, including compensation for civil society monitors participating in NPM visits (at minimum, travel, meals, and accommodation).
5. Adopt the draft laws "On the National Commission for the Protection of Personal Data and Access to Public Information" (registration No. 6177) and "On Personal Data Protection" (registration No. 8153) to align Ukraine's legislation with EU law on personal data processing and storage.
6. Introduce comprehensive amendments to the CUAO, which should include, at a minimum, extending the statute of limitations for bringing administrative liability under Articles 188³⁹, 188⁴⁰, and 212³ of the CUAO to six months, and granting the Commissioner or their representative the right to appeal court decisions concerning administrative liability following the issuance of a protocol by the Commissioner.

Combating Torture, Cruel and Degrading Treatment

The definition of "torture" under national criminal legislation (Article 127 of the CC of Ukraine) still does not comply with international standards, which stipulate that only a state official — a "special subject" — can be the perpetrator of torture. Therefore, there remains a longstanding need to amend Article 127 of the CC of Ukraine to establish that the crime of "torture" can be committed only by public officials or other individuals acting in an official capacity.

The problem of ineffective pre-trial investigation under Article 127 of the CC of Ukraine (torture) also remains relevant. It is manifested in the failure to bring perpetrators to criminal liability and the absence of public reporting on the process and outcomes of investigations.

Further implementation of the Istanbul Protocol should be ensured to enable the effective application of the medical standard for early detection and documentation of evidence of torture, as well as the proper recording and investigation of torture cases through the introduction of standardised forms for documenting bodily injuries and oversight of their timely completion.

No progress has been achieved in the area of medical care within the penitentiary system. It is recommended to integrate penitentiary healthcare into the general healthcare system, which is coordinated and financed by the MoH.

Substitution maintenance therapy for individuals in places of detention requires further implementation, and the right of individuals to choose treatment methods should be guaranteed in accordance with Article 38 of the Law of Ukraine "Fundamentals of Ukrainian Health Legislation".

The problem of evacuating Ukrainian citizens from places of deprivation of liberty located in regions near combat zones remains unresolved. It is urgently necessary to relocate

institutions or evacuate persons held in places of deprivation of liberty situated in active combat zones or in settlements adjacent to them, to appropriate institutions located in safer areas.

With the aim to protect the rights of convicted and remanded individuals, Commissions for Complaints on Inadequate Detention Conditions in pre-trial detention centres and penal institutions were introduced on 1 January 2025. However, the legislative acts establishing and regulating these Commissions contain blanket provisions, legal inconsistencies, and contradictions. In particular, they fail to define a mechanism for reducing the term from which conditional early release may be applied, replacing a court-imposed sentence with a more lenient one, or expunging a conviction; no procedure is envisaged for appealing a Commission's decision, and the right to confidential correspondence between inmates and the Commission has not been implemented.

In connection with the introduction of new positions in penitentiary institutions — senior inspectors for the observance of the rights of convicts and the prevention of torture — regular monitoring of their activities should be introduced in order to determine the effectiveness of this mechanism. Further competitive selection must be carried out, and pre-trial detention centres (PTDCs) and temporary detention centres (TDCs) must be staffed with inspectors for the observance of human rights and the prevention of torture.

Probation supervision, as a form of punishment, is applied only in isolated cases. The number of individuals registered with authorised probation bodies has decreased. Probation programmes require further implementation to ensure broader application and effectiveness.

Protection of the Rights of Convicted and Detained Persons in the Penitentiary System, as well as Other Individuals in Places of Detention

Several initiatives have been implemented and are currently underway in Ukraine to protect the rights of convicted and detained individuals.

1. **The National Preventive Mechanism (NPM)** continues its work in preventing torture and other cruel, inhuman or degrading treatment. Although the NPM does not have direct powers to respond to complaints, the Ombudsman, within the framework of the monitoring function, responds to human rights violations in places of detention by submitting recommendations and appeals to law enforcement agencies based on the findings of NPM monitoring visits²³⁶⁰. Thus, in 2024, the Ombudsman submitted 70 recommendations to state authorities, local self-government bodies, civil society organisations, enterprises, institutions, and organisations — regardless of ownership status — requesting action to eliminate the identified violations. Also, at the initiative of the Commissioner and based on the results of visits, information was entered into the Unified Register of Pre-Trial Investigations and 19 criminal proceedings were initiated, in particular under parts 1 and 2 of Article 127 (torture) of the CC of Ukraine²³⁶¹.

2360 For more details on the NPM activities, see the section “The Institution of the Ukrainian Parliament Commissioner for Human Rights (Ombudsman)”.

2361 Special report of the Ukrainian Parliament Commissioner for Human Rights “On the state of affairs on the prevention of torture and other cruel, inhuman or degrading treatment or punishment in Ukraine in 2024”, p. 15. 2025.

2. Commissions for Complaints on Inadequate Detention Conditions in Pre-Trial Detention Centres and Penal Institutions (the Commissions). It is worth noting that during the reporting period, new legislative acts were adopted to regulate the activities of the Commissions for complaints on Inadequate detention conditions in pre-trial detention centres and penal institutions: the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on Measures Aimed at Restoring the Rights of Convicted and Detained Persons in Connection with Inadequate Detention Conditions”²³⁶² and the Regulation on the Commission for Complaints on Inadequate Detention Conditions in Pre-Trial Detention Centres and Penal Institutions²³⁶³. However, analysis of these legal acts raises concerns about their compliance with the principles of legal certainty and the recommendations of the European Committee for the Prevention of Torture (CPT). In particular:

- › The texts of the aforementioned Law and the Regulation on the Commission²³⁶⁴ fail to clarify the mechanism and procedure for reducing the term from which conditional early release may be applied, or for the replacement of a court-imposed sentence with a more lenient one, or the expungement of a conviction. Importantly, the mechanism for such reductions or sentence substitutions is expected to come into effect only after amendments are made to the CC of Ukraine, which have not yet been adopted. As a result, the **Commissions have significantly limited capacity to respond to instances of inadequate detention conditions, and their activities remain largely formal** rather than a genuine mechanism for addressing violations of detention standards.
- › The use of the term “inspection”²³⁶⁵ in relation to the activities of the Commissions raises concerns, given the constitutional provisions regarding the establishment of penitentiary inspections (paragraph 9 of Section XV of the Constitution of Ukraine)²³⁶⁶. **The conduct of “inspections” by the Commissions may create a conflict between their mandate and the future powers of constitutionally mandated penitentiary inspections**²³⁶⁷.
- › Although the texts of the relevant legal acts provide for the right to appeal Commission decisions in court under the procedure established by the CPC of Ukraine²³⁶⁸, no corresponding amendments have been made to Article 303 or any other provisions of the CPC of Ukraine to enable such appeals. Consequently, **this legal provision remains unimplemented in practice, and the possibility to appeal Commission decisions is effectively unavailable.**

2362 On Amendments to Certain Legislative Acts of Ukraine on Measures Aimed at Restoring the Rights of Convicted Persons and Persons Held in Custody Due to Inadequate Conditions of Detention: Law of Ukraine No. 4093-IX of 21.11.2024.

2363 On the Approval of the Regulation on the Commission for the Consideration of Complaints Regarding Inadequate Conditions of Detention in Pre-Trial Detention Facilities and Penal Institutions: Resolution of the Cabinet of Ministers of Ukraine No. 1549 of 31.12.2024.

2364 Ibid, para. 5, Section I.

2365 Ibid, subpara. 3, para. 1, Section I.

2366 On Amendments to the Constitution of Ukraine (on Justice): Law of Ukraine No. 1401-VIII of 02.06.2016.

2367 Penitentiary inspections have still not been established, despite the explicit provision since 2016 in the Transitional Provisions of the Constitution of Ukraine (para. 9, Section XV) on the need to establish a dual system of regular penitentiary inspections. At present, the prosecution service continues to perform the function of oversight of law observance in the execution of court decisions in criminal cases and the application of other coercive measures involving the restriction of personal liberty of citizens.

2368 Ibid, subpara. 3, para. 1, Section I.

- › It is stipulated that a copy of the complaint submitted to the Commissions must be sent to the administration of the facility (para. 20), which **renders confidentiality of correspondence impossible**.

In certain regions, the Commissions have already begun their activities by visiting places of deprivation of liberty. Particularly, a Commission for the Consideration of Complaints Regarding Inadequate Conditions of Detention in Pre-trial Detention Facilities and Penal Institutions has been established within the North-Eastern Interregional Directorate for the Execution of Criminal Sentences of the Ministry of Justice. The Commission comprises representatives of civil society and charitable organisations, executive authorities, supervisory commissions, and the interregional directorate. The total number of Commission members is 11. The first meeting was held on 25 February 2025, and complaints from convicted persons and their relatives were considered, which mainly concerned inadequate conditions of detention in pre-trial detention centres and the lack of medical assistance in previous years²³⁶⁹. Issues relating to release from serving a sentence are also regularly raised before the Commission, although such powers have not been granted to it, despite their formal enshrinement in legislative acts.

3. Introduction of human rights inspectors to penal colonies. At the end of November 2024, new staff positions were introduced in Ukrainian penal colonies — senior inspectors for the observance of the rights of convicted persons and for the prevention of torture. These new officials are expected to monitor detention procedures — particularly, the arrival of convicted persons in the colonies — respond to complaints from prisoners, and report human rights violations to the management. The introduction of this position is intended to prevent instances of torture and ensure their proper investigation, which should have a positive impact on Ukraine's compliance with its international convention obligations²³⁷⁰.

The Department for the Execution of Criminal Sentences conducted a competitive selection process to fill these positions in various colonies across Ukraine. Priority was given to institutions where human rights violations had previously been recorded.

As of December 2024, candidates had been selected for human rights inspector positions in 35 out of 56 institutions, with 23 inspectors already appointed. As of the end of the year, 12 selected candidates were awaiting appointment²³⁷¹. At the end of May 2025, the selection process was resumed. At the same time, within the framework of a Council of Europe project, the training of inspectors continues on a permanent basis²³⁷².

In addition to introducing the inspector position to the staffing structure of penal colonies, at the end of 2024, the MoIA approved the Instruction on the Organisation of Activities of

2369 Publication of the North-Eastern Interregional Department for the Execution of Criminal Sentences on the social network Facebook.; Information provided by a representative of the Commission for the Consideration of Complaints regarding Inadequate Conditions of Detention in Pre-Trial Detention Centres and Penitentiary Institutions on 29.07.2025 in the framework of the preparation of this Report.

2370 Obligations under Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms "Prohibition of Torture".

2371 Control Within the System Itself: How Colony-Based Commissioners for the Rights of Convicted Persons Work. ZMINA. 2025.

2372 Presentation of the Results of the Analysis on the Activities of Prisoners' Rights Inspectors: Ukraine Strengthens Torture Prevention Mechanisms. Council of Europe Office in Ukraine. 2025.

Human Rights Compliance Units of the National Police of Ukraine²³⁷³. Among other things, inspectors working in the National Police of Ukraine (NPU) are tasked with the following:

- › preventing violations of human rights and fundamental freedoms in police activities, identifying and stopping such violations, and taking appropriate response measures;
- › ensuring the observance of the rights of detainees;
- › identifying factors that negatively affect the state of human rights and fundamental freedoms in police activities, analysing the causes and conditions of their occurrence, and taking measures within their competence to eliminate them, including by submitting proposals and recommendations to the head of the police body (unit);
- › assisting individuals who contact police bodies (units) in exercising their rights and freedoms, among other things.

At present, **PTDCs and TDCs, where repeated cases of human rights violations have been recorded, remain without inspector coverage**²³⁷⁴. However, after the completion of the selection of inspectors for penitentiary institutions, the State Criminal Enforcement Service of Ukraine (SCES) plans to announce a competition to fill these positions

Overall, the introduction of the position of human rights inspectors raises concerns due to their dependence on the system of which they remain employees. At the same time, the inclusion of inspectors in the staffing structure of penal colonies should be viewed as a positive development, indicating the state's interest in strengthening human rights protection mechanisms and its general commitment to reducing instances of torture and ill-treatment.

4. Independent applications by convicted persons to state authorities for the protection of their rights. In addition to external factors influencing the observance of human rights in places of deprivation of liberty, prisoners independently appeal for the protection of their rights. According to official data, in 2024 the SCES received **11,663 applications from citizens and convicted persons**. At the same time, applications from relatives and human rights organisations are not recorded separately, which creates problems with systematising the information and monitoring the review of such applications. The issues raised in the applications included: 190 concerning the lack of medical assistance; 144 concerning violations of the rights of convicted persons and detainees; and 9,578 concerning other issues (not specified). Following the consideration of these applications, 96 were rejected; 3,777 were resolved positively; and 6,588 resulted in the provision of explanations. According to the SCES, **separate records of applications concerning torture and conditions of detention are not maintained**²³⁷⁵, which casts doubt on the achievement of the goals set out in the Strategy for Combating Torture in the Criminal Justice System and the Action Plan for its Implementation²³⁷⁶.

2373 On the Approval of the Instruction on the Organisation of Activities of Human Rights Compliance Units of the National Police of Ukraine: Order of the Ministry of Internal Affairs of Ukraine No. 699 of 16.10.2024.

2374 Overcrowded Cells and Beatings: What Violations Were Identified in Kyiv PTDC by NPM Monitors. ZMINA. 2025.; Death in Kyiv PTDC: Eight Staff Members and Five Prisoners of the Institution Charged. ZMINA. 2025.

2375 Appeals to the Department for the Execution of Criminal Sentences in 2024: Statistics and Problems. Prisoners' Protection of Ukraine. 2025.

2376 On the Approval of the Strategy for Combating Torture in the Criminal Justice System and the Action Plan for Its Implementation: Order of the Cabinet of Ministers of Ukraine No. 1344 of 28.10.2021.

Provision of Medical Assistance in the Penitentiary System

The state of medical assistance in the penitentiary system remains highly unsatisfactory. No tangible progress has been made in this area compared to the previous year. The solutions proposed in the Shadow Report on Chapter 23 — namely, integrating penitentiary medicine into the general healthcare system coordinated and funded by the MoH — have not been implemented²³⁷⁷. At the same time, the issue of medical assistance remains under the special supervision of the ECtHR and is a separate focus of the CPT²³⁷⁸.

State authorities acknowledge that medical and material-technical provision for convicted persons and those held in custody is not fully compliant with European standards across all institutions. This has led to an increase in ECtHR judgments finding violations of the rights of convicted persons and detainees in Ukraine, resulting in financial, reputational, and image-related losses for the state. To address this situation, a strategic goal has been set for 2026: “to ensure the right to healthcare, medical assistance, and social protection in penal institutions and pre-trial detention centres²³⁷⁹”.

In the Special Report of the Ombudsman “On the State of Affairs Regarding the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Ukraine in 2023”, it was noted that there is **no procedure for the provision of medical assistance to persons held in PTDCs**. This results in the ineffective organisation of medical services in PTDCs. As a consequence, detainees regularly face refusals to provide necessary medical care, delays in hospitalisation to healthcare institutions, and similar issues. The lack of proper regulation regarding medical care in PTDCs significantly impairs such individuals’ access to healthcare and poses a threat to their health and life²³⁸⁰. As of July 2025, **the relevant legislative regulation has not been adopted**.

Currently, the procedure for access to medical services for detainees and convicted persons in PTDCs is regulated by the Internal Regulations of Pre-trial Detention Centres of the SCES of Ukraine (Section X)²³⁸¹, while no specialised legal act has been adopted. The text of these Regulations repeatedly states that “the receipt, recording and dispensing of medicinal products and medical devices is carried out by the staff of the medical unit (healthcare facility) in accordance with the Procedure for the Organisation of Medical Assistance to Persons Sentenced to Imprisonment...”. Thus, the legislator is attempting to unify the procedure for the provision of medical assistance in places of detention for suspects, accused persons, and convicted persons. However, the blanket nature of these provisions does not ensure access to the law and undermines the principle of legal certainty. At the same time, the rules and procedures for the provision of medical care to different categories of detained persons have their own specificities due to differences in the organisational structures of detention facilities, staffing positions of medical personnel, and other factors.

2377 Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s Report on Ukraine, p. 302. 2024.

2378 Ukraine 2024 Progress Report within the European Union Enlargement Package, p. 37.

2379 Penitentiary System Reform Strategy for the Period up to 2026: Order of the Cabinet of Ministers of Ukraine No. 1153 of 16.12.2022, Section 2.

2380 Special Report of the Ukrainian Parliament Commissioner for Human Rights “On the Situation Regarding the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Ukraine in 2023”, p. 41.

2381 On the Approval of the Internal Regulations of Pre-Trial Detention Centres of the State Criminal-Executive Service of Ukraine: Order of the Ministry of Justice of Ukraine No. 1769/5 of 14.06.2019.

The Operational Plan for the Implementation of the Penitentiary System Reform Strategy, adopted in 2022²³⁸², provides for the development of a model for the provision of medical assistance to convicted persons and detainees within a unified healthcare space of Ukraine, as well as the implementation of a pilot project on the provision of medical assistance to convicted persons and detainees within this unified healthcare space in the III–IV quarters of 2023. At the end of 2024, the Ministry of Justice submitted for public electronic consultation a draft Order of the Cabinet of Ministers of Ukraine “On the Implementation of a Pilot Project on the Provision of Medical Assistance to Convicted Persons and Detainees Held in the State Institution ‘Bilotserkivska Penal Colony (No. 35)’²³⁸³”. This draft is currently undergoing the approval process and may potentially become a step towards the implementation of the measure envisaged by the Operational Plan for the Implementation of the Penitentiary System Reform Strategy.

Another issue is that **programmes of opioid substitution therapy for convicted and detained persons with substance dependencies are only partially implemented in penitentiary institutions in Ukraine**. Based on the findings of its visit, the CPT issued observations and recommendations concerning access for convicted persons to psychiatric and psychological care, as well as assistance for those using drugs²³⁸⁴. In particular, during its visits, the CPT delegation found that each institution visited held a number of convicted persons who used drugs. The delegation noted that many prisoners with opioid dependence were receiving opioid agonists (methadone). However, under current regulations, prison doctors are not authorised to initiate opioid agonist therapy; it is available only to those prisoners who had already been receiving such treatment prior to conviction. In this regard, the CPT considers that entering a penitentiary facility should represent an opportunity to address drug-related problems and that appropriate support should therefore be offered to all those concerned. As such, appropriate medical care should be available in all institutions.

The support offered to such individuals should be diverse; substitution therapy programmes for persons with drug dependence should be combined with genuine psychosocial and educational programmes for those with opioid dependence who are unable to stop using drugs. Furthermore, access to opioid substitution therapy programmes in institutions should be easily available and managed by penitentiary doctors, who must undergo specialised training on issues related to drug use. In this regard, the CPT recommends that the Ukrainian authorities develop a comprehensive strategy for assisting convicted persons with drug-related problems as part of a broader national drug control strategy, taking into account the above-mentioned observations (para. 23).

Furthermore, the majority of such convicted and detained persons were not referred to healthcare institutions where opioid substitution therapy is implemented, for the purpose of registration. However, they were referred to healthcare institutions for detoxification, which

2382 On the Approval of the Strategy for Reforming the Penitentiary System for the Period Until 2026 and the Operational Plan for Its Implementation in 2022–2024: Order of the Cabinet of Ministers of Ukraine No. 1153 of 16.12.2022.

2383 Notice on the Conduct of Electronic Public Consultations on the Draft Order of the Cabinet of Ministers of Ukraine “On the Implementation of a Pilot Project on the Provision of Medical Assistance to Convicted Persons and Persons in Custody Held in the State Institution ‘Bilotserkivska Correctional Colony (No. 35)’ Within a Unified Medical Space”. Ministry of Justice of Ukraine, 2024.

2384 Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 27 October 2023.

violates their right to choose methods of treatment, as provided by Article 38 of the Law of Ukraine “Fundamentals of Ukrainian Health Care Legislation” (paragraph 86)²³⁸⁵.

In addition, in a significant number of SCES institutions, the provision of opioid substitution therapy for persons with mental and behavioural disorders due to opioid use²³⁸⁶ not organised in accordance with the procedure established by law²³⁸⁷. Another issue related to the provision of healthcare in places of deprivation of liberty concerns **the procedure for releasing convicted persons from further serving their sentence on health grounds**. The decision to release or refuse such release falls within the jurisdiction of the court. One of the key conditions for release is that the illness of the convicted person must correspond to the List of Diseases Serving as Grounds for Submitting Case Materials to the Court Regarding the Release of Convicted Persons from Further Serving Their Sentence²³⁸⁸. However, the diseases listed therein are such that they effectively preclude continued life. Statistical data show that the share of granted motions relative to the total number of persons in 2024 amounted to only 0.19%²³⁸⁹.

The problem, among other things, lies in the **complexity of judicial procedures and other procedural obstacles, particularly when the prosecutor’s office files appeals as part of a general practice of challenging all decisions that are not in its favour**²³⁹⁰. There are frequent cases in which, in proceedings concerning the release of a life-sentenced prisoner suffering from severe illnesses and in critical condition — unable to move or eat independently — the person is returned to a correctional facility due to procedural impediments, where neither palliative care nor adequate medical assistance can be provided²³⁹¹. Another problem is that in places of deprivation of liberty, it is not possible to access such a social service as personal care.

Statistical data on the overall number of court applications for release from serving a sentence, the number of releases granted, and mortality rates vary across different institutions. For example, at the Stryzhavska Multiprofile Hospital No. 81 in Vinnytsia region, in 2024 the number of persons released under Article 84 of the CC of Ukraine (release from punishment due to illness) amounted to 4; the number of cases reviewed by the medical advisory commission — 14; the number of cases referred to the court — 14; granted — 5; refused by the court — 0; number of deaths during court proceedings — 3²³⁹².

2385 Ibid.

2386 Report on the Results of the Visit to Medical Unit No. 71, Branch of the State Institution “Health Care Centre of the State Criminal-Executive Service of Ukraine” in Zhytomyr Region. Ukrainian Ombudsman. 2024.; Report on the Results of the Monitoring Visit to Kropyvnytskyi Correctional Colony No. 6. Kharkiv Human Rights Protection Group. 2024.

2387 On the Approval of the Procedure for the Administration of Opioid Substitution Therapy to Persons with Mental and Behavioural Disorders Due to Opioid Use: Order of the Ministry of Health of Ukraine No. 200 of 27.03.2012.

2388 Annex 13 to the Procedure for the Organisation of Medical Care for Persons Sentenced to Imprisonment: Joint Order of the Ministry of Justice of Ukraine and the Ministry of Health of Ukraine No. 1348/5/572 of 15.08.2014.

2389 Verdict — Death by Illness. Grim Statistics from Places of Imprisonment in Ukraine. Prisoners’ Protection of Ukraine. 2025.

2390 Dying Behind Bars: How the Prosecutor’s Office Turns Justice into a Death Sentence. Prisoners’ Protection of Ukraine. 2025.

2391 A Prisoner, Oleksandr Kushnirenko, Dies in a Colony After the Court Refuses to Release Him Despite Severe Illness. ZMINA.; Dying Behind Bars: How the Prosecutor’s Office Turns Justice into a Death Sentence. Prisoners’ Protection of Ukraine. 2025.; Deaths Behind Bars: How Convicts Are Released for Health Reasons in Ukraine, and Why Not All Live to See a Positive Decision. ZMINA. 2025.

2392 Verdict — Death by Illness. Grim Statistics from Places of Imprisonment in Ukraine. Prisoners’ Protection of Ukraine. 2025.

This data illustrates that refusals are virtually non-existent and that when such a case does reach the court, the court rules in favour of the individual. The problem, among other things, lies in procedural difficulties, the duration of consideration of such motions, and the high mortality rate among those applying for release.

There is also **a certain number of convicted persons whose illnesses are not included in the official list, and thus they cannot be released on health grounds, despite being unable to care for themselves.** Their continued detention constitutes a de facto violation of Article 3 of the European Convention on Human Rights (ECHR) (prohibition of torture). The ECtHR has repeatedly found violations of this Article in cases against Ukraine related to the lack or inadequacy of medical assistance in PTDCs and/or penal colonies (*Sokil v. Ukraine, Sergey Antonov v. Ukraine, Ponomarenko v. Ukraine, among many others*)²³⁹³. Therefore, the optimal solution would be the legislative establishment of an approach under which it is **not the name of the illness that is the determining factor for release, but rather the individual's condition, to be established by a commission of independent medical professionals.**

Impact of the War on the Situation in Places of Deprivation of Liberty

The presence of Ukrainian citizens in places of deprivation of liberty in areas close to the frontline creates a danger to their life and health. This problem can conventionally be divided into two parts: the evacuation/relocation of penitentiary institutions from dangerous regions close to the border with the Russian Federation or combat zones is either not carried out or carried out with delay; and security measures within the institutions themselves are not observed (the absence of equipped shelters or cases where the Air Raid Alert signal is deliberately ignored by staff and detainees are not moved to shelters).

In the TOT of Ukraine, places of deprivation of liberty remain that were not evacuated in time. As reported in the Ombudsman's reports, the key difficulty in timely and proper evacuation is the lack of available transport and sufficient escorts, even when "green corridors" are in place²³⁹⁴.

The problem of evacuating Ukrainian citizens from places of deprivation of liberty located in regions near combat zones remains unresolved. In 2024, the following penitentiary institutions came under shelling: SE "Orikhiv Correctional Colony (No. 88)", SE "Kryvyi Rih Penal Institution (No. 3)", SE "Kachanivka Correctional Colony (No. 54)", SE "Selydove Correctional Colony (No. 82)", SE "Bilenke Correctional Colony (No. 99)", SE "Konotop Correctional Colony (No. 130)", SE "Dnipro Penal Institution (No. 4)", SE "Poltava Correctional Colony (No. 64)", SE "Zaporizhzhia Pre-Trial Detention Centre". After a drone carrying explosives struck the territory of SE "Bilenke Correctional Colony (No. 99)", convicts sustained bodily injuries²³⁹⁵.

2393 This issue was also raised by the CPT during its 2023 visit, requesting updated information on a wheelchair-bound patient who had suffered a stroke and was almost completely unable to move independently, relying on other patients to move around, wash, and use the toilet. He also suffered from incontinence. According to staff, the patient no longer required inpatient treatment, only appropriate care. The delegation was informed that legal procedures had been initiated to secure his release on compassionate grounds. Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 27 October 2023, p. 91.

2394 On the State of Affairs Regarding the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Ukraine in 2024: Special Report of the Ukrainian Parliament Commissioner for Human Rights. 2025, p. 24.

2395 Ibid, p. 21.

Despite repeated recommendations of the Ombudsman to urgently relocate institutions or evacuate persons held in places of deprivation of liberty located in active combat zones or in nearby settlements, as well as in areas less than 50 km from the state border with the Russian Federation, to appropriate institutions situated in safer areas, some institutions continue to operate in dangerous regions, including the **“Bilenke Correctional Colony (No. 99)”**. This situation caused the **death of 16 convicts and injuries to more than 40 people as a result of a Russian strike** on Zaporizhzhia region on 29 July 2025.

Implementation of the Istanbul Protocol

In recent years, Ukraine has taken a number of steps to implement the Istanbul Protocol. However, it has not yet fully integrated it into national practice, as noted in the Ombudsman's reports²³⁹⁶.

In February 2024, a new form of primary medical documentation No. 511/o Certificate of Bodily Injuries Recording and the accompanying Instructions for Completing Form No. 511/o²³⁹⁷ were approved. However, the conflict of norms remains unresolved between the order approving this new form and Order No. 318-OD of the Healthcare Centre of the SCES, which approved the Form for Primary Recording of External Injuries, the related instructions for its completion, and the Register for Recording Detected Bodily Injuries²³⁹⁸. Instead, the responsible authorities rarely engage in public reporting on the number of bodily injuries recorded and the subsequent legal consequences of such cases²³⁹⁹.

In contrast to state authorities, human rights organisations independently collect statistical data on the number of recorded cases of bodily injuries in places of deprivation of liberty. In 2023, the number of recorded cases of bodily injuries totalled 4,321. The majority of these were injuries sustained upon arrival (3,221), while 1,100 occurred during detention. **In 2024, there was a significant increase in the number of bodily injuries** — up to 7,357 cases. Of these, 5,748 were recorded upon arrival at the institution, indicating systemic problems in the prisoner intake process. During detention, 1,609 cases of injuries were recorded. A five-year comparison shows a consistent deterioration in the situation regarding bodily injuries in penal institutions. Particularly alarming **is the number of injuries recorded upon arrival, which requires urgent intervention by both state authorities and human rights organisations**²⁴⁰⁰.

2396 Special Report of the Ukrainian Parliament Commissioner for Human Rights “On the Situation Regarding the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Ukraine in 2023”, p. 115.

2397 On Amending Paragraph 1 of the Order of the Ministry of Health of Ukraine of 14 February 2012 No. 110: Order of the Ministry of Health of Ukraine No. 186 of 02.02.2024.

2398 On the Approval of the Primary Record Form for External Injuries, Instructions for Its Completion, and the Form of the Log for Recording Identified Bodily Injuries: Order of the Health Care Centre of the State Criminal Executive Service of Ukraine No. 318-OD of 29.10.2021.

2399 An exception is the data for 2021, when the Health Care Centre of the SCES published information indicating that, in implementation of the order “On the Approval of the Primary Record Form for External Injuries, Instructions for Its Completion, and the Form of the Log for Recording Identified Bodily Injuries,” medical personnel of healthcare institutions of the Centre recorded 3,000 bodily injuries in penal institutions and pre-trial detention centres in 2022. Of these, 2,103 cases (70%) were recorded upon admission and 897 cases (30%) during detention. Each identified injury case was reported to the relevant prosecution authorities; in 31 cases (1%) — to the SBI. Photo documentation was conducted in 2,870 cases (96% of all recorded), including 2,036 (71%) upon admission and 834 (29%) during detention. For 130 convicted persons and detainees (4%), photo documentation was not conducted due to their refusal to be photographed (Implementation of the Order of the Health Care Centre of the SCES of Ukraine).

2400 Bodily Injuries in Penal Institutions: Alarming Trends. Prisoners’ Protection of Ukraine. 2025.

In the context of implementing the Istanbul Protocol, particular attention should be paid to medical personnel. Formally, healthcare workers in the penitentiary system are independent from the administration of the institution. However, in practice, they are directly influenced by it²⁴⁰¹. The previously mentioned proposal to integrate penitentiary medicine into the general healthcare system, coordinated and funded by the MoH, could partially address this issue. In addition, human rights organisations have recommended developing a unified standard for recording bodily injuries, mandatory for all types of places of deprivation of liberty and under all jurisdictions, as well as a unified procedure for informing the competent investigative body — the State Bureau of Investigations (SBI) — about all cases of suspected torture in places of deprivation of liberty²⁴⁰².

The low level of training of medical personnel involved in the process of recording bodily injuries also remains a problem. In its report, the CPT urges the Ukrainian authorities to take the necessary measures to ensure that medical staff working in penitentiary institutions undergo specialised training. Furthermore, to develop the necessary competence in documenting and interpreting bodily injuries, as well as to ensure full awareness of reporting duties and procedures, the training should also cover techniques for interviewing individuals who may have been subjected to ill-treatment (para. 82)²⁴⁰³.

Custody Records System

As noted in the Shadow Report on Chapter 23, the Custody Records system²⁴⁰⁴ contributes to the prevention of torture and provides for the electronic documentation of actions taken with detainees in the TDCs of the NPU and also entails the introduction of a dedicated position — *custody officer* (human rights compliance inspector)²⁴⁰⁵.

In February 2024, the Government's Priority Action Plan for 2024 was approved, which, among other things, envisaged the introduction of the Custody Records information subsystem as part of the information and communication system Information Portal of the National Police of Ukraine. The indicator for implementation was defined as the introduction of the Custody Records information subsystem of the information and communication system Information Portal of the National Police of Ukraine in 50 territorial (separate) units of the Main Departments of the NPU in the regions and in the city of Kyiv (para. 74)²⁴⁰⁶. At the same time, no public reporting on the implementation of the 2024 Plan has yet taken place, which makes it difficult to assess progress. For example, only in December 2024 was the automated Custody Records system introduced in the Holosiivskiyi Police Department. This department became the first in the capital — and the 125th in Ukraine — where all actions by law enforcement officers involving detainees are automa-

2401 The Practice of Documenting Torture in Places of Detention. Report on the Research Findings.

2402 Ibid.

2403 Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 27 October 2023.

2404 See also the section "Procedural rights".

2405 Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine, pp. 296. 2024.

2406 On the Approval of the Government's Priority Action Plan for 2024: Order of the Cabinet of Ministers of Ukraine No. 137 of 16.02.2024.

tically recorded with continuous video surveillance. Compared with the data from 2023²⁴⁰⁷, it can be concluded that the system was not introduced in 50 police departments during 2024.

Regarding legislative changes, it should be noted that in March 2024 amendments were made to the CPC of Ukraine with the aim of providing detained persons with additional safeguards²⁴⁰⁸. These amendments are intended to strengthen the effectiveness of the mechanism for ensuring the rights of detained persons and those taken into custody by clarifying the status of the official responsible for their detention and the observance of their rights. Such officials must be part of the staff of the NPU Department of Chief Inspection and Law, which will ensure their independence and autonomy.

In June 2024, amendments were made to the Instruction on the Formation and Maintenance of the Custody Records Information Subsystem of the information and communication system Information Portal of the National Police of Ukraine, in particular regarding the definition of inspector categories²⁴⁰⁹.

These legislative changes indicate ongoing efforts to improve the regulatory framework for the operation of the Custody Records system in Ukraine.

As for the Government's Priority Actions for 2025, one of the planned steps includes the introduction of the Custody Records information subsystem of the Information Portal of the National Police of Ukraine in 15 territorial (separate) police units of the Main Departments of the NPU in the regions and in the city of Kyiv (para. 55)²⁴¹⁰.

Investigation of Torture and Punishment of Perpetrators, Activities of the State Bureau of Investigations

Problems in the investigation of torture begin with the fact that the **definition of "torture" under national criminal legislation (Article 127 of the CC of Ukraine) does not meet international standards**, particularly the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987). Despite recent amendments²⁴¹¹ to Article 127 of the CC of Ukraine, torture is defined as actions committed both by a special subject (representatives of the state) and by a general

2407 As of March 2024, the Custody Records system had been implemented in 109 temporary detention centres (ITTs) and 95 units equipped with detainee holding rooms. Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine, p. 304. 2024.

2408 On Amendments to the Criminal Procedure Code of Ukraine to Enhance the Effectiveness of the Institution of Officials Responsible for the Detention and Safeguarding of Detainees' Rights: Law of Ukraine No. 3623-IX of 21.03.2024.

2409 On Amendments to the Instruction on the Formation and Maintenance of the "Custody Records" Information Subsystem of the Information and Communication System "Information Portal of the National Police of Ukraine": Order of the Ministry of Internal Affairs of Ukraine No. 412 of 17.06.2024.

2410 On the Approval of the Government's Priority Action Plan for 2025: Order of the Cabinet of Ministers of Ukraine No. 131 of 18.02.2025.

2411 On Amendments to the Criminal Code of Ukraine to Improve Liability for Torture: Law of Ukraine No. 2812-IX of 01.12.2022.

subject (any legally capable individual over the age of 16)²⁴¹². However, according to Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the perpetrator of torture must be a public official or another person acting in an official capacity, or someone acting at their instigation, with their consent, or with their acquiescence²⁴¹³. If such actions are committed by a private individual without the involvement of state authorities, they do not constitute torture within the meaning of the Convention, though they may qualify under other articles providing for liability for acts of violence. In other words, under international norms, only a representative of the state — a “special subject” — may be considered the perpetrator of torture, a distinction that has not yet been incorporated into national legislation.

At the end of 2024, Draft Law No. 12319²⁴¹⁴, was submitted to Parliament. It proposes to amend the CC of Ukraine by introducing new articles: 365⁴ (torture committed by an official), 365⁵ (degrading treatment committed by an official), and 365⁶ (failure to perform or improper performance of official duties resulting in torture or degrading treatment). At the same time, Article 127 (torture) would remain in the text of the CC of Ukraine. If this draft law is adopted as a basis, it would allow for the differentiation between torture committed by a state representative and torture committed by a general subject. However, it would not, in itself, resolve the broader issue of the definition of torture in national legislation not aligning with international standards. At present, this draft law is still awaiting consideration by Parliament, and national legislation continues not to comply with international standards.

In addition, **the investigation of torture in Ukraine remains ineffective**. This is evidenced by numerous cases involving charges of torture against state representatives, in which final court decisions have either not been adopted or were adopted in violation of the principle of reasonable time limits²⁴¹⁵.

A serious concern in torture cases is the **expiration of the statute of limitations for criminal prosecution**. In the case concerning the beating and death of a detainee in Zamkova Penal Colony No. 58 in 2015, the pre-trial investigation authorities established that the person died as a result of multiple blows delivered with fists, feet, and rubber batons to various parts of the body, including at least 19 blows to the head. However, both the trial and appellate courts found the accused not guilty, and in summer 2023, the case began to be heard before the cassation court. In its ruling of 19 February 2024, the SC concluded that violations of the criminal procedure legislation committed by the appellate court during the consideration of the criminal proceedings were substantial, as they may have prevented the court from delivering a lawful and well-reasoned judgment,

2412 The possibility of recognising an ordinary person as a subject of torture leads to situations where actions such as those of a person who gathered with peers in a local park and invited a 12-year-old victim are qualified as torture. The suspect allegedly threatened the girl, hit her on the head, and sprayed tear gas in her face. In addition, he may have exerted psychological pressure by demanding 15,000 UAH from her. Law enforcement authorities classified these actions under Part 4 of Article 189 and Part 1 of Article 127 of the CC of Ukraine, which provides for up to 12 years' imprisonment.

2413 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 12.10.1984.

2414 On Amendments to the Criminal Code of Ukraine to Strengthen Liability for Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Draft Law of Ukraine, registration No. 12319 of 16.12.2024.

2415 For example, the case of torture and rape at the Kaharlyk Police Department of the Obukhiv DPO of the MD NPU in Kyiv Region began in 2020. It was only in November 2024 that the appellate court upheld the convictions, and the decision entered into legal force. However, on 10.02.2025, the Criminal Cassation Court of the Supreme Court opened cassation proceedings following the convicts' appeal, and the case review has only just begun.

thus ordering a new hearing before the appellate court²⁴¹⁶. At the end of 2025, the statute of limitations for prosecuting those responsible will expire, which may make it impossible to reach a lawful and fair decision in this case.

The Russian armed aggression has also had a negative impact on the process of holding perpetrators accountable. The occupation of parts of Ukraine, in particular parts of Zaporizhzhia region, made it impossible for the first instance court to re-examine the case concerning torture at Berdiansk Penal Colony No. 77. In this case, in 2021, the SC ruled to refer the case for a new trial in the court of first instance²⁴¹⁷. However, following the onset of the Russian armed aggression and the occupation of parts of Ukraine, the proceedings were halted. At the same time, on 12 October 2023, the ECtHR delivered a unanimous judgment finding a violation of Article 3 of the ECHR²⁴¹⁸ in this case and awarded compensation to the victim of torture.

One of the reasons for the ineffectiveness of pre-trial investigations is the intimidation and transfer of witnesses of torture to other facilities. Such witnesses are usually other convicted or detained persons, and the administration of the facility attempts to remove them by transferring them to another institution, citing the need to ensure their safety. According to Article 10 of the Criminal Enforcement Code of Ukraine²⁴¹⁹, convicted persons have the right to safety and the right to submit a request for protection to any official of the body or institution executing the punishment. In such cases, the official is obliged to take immediate measures to ensure the personal safety of the convicted person. The administration of the penal institution must also take measures to transfer the convicted person to a safe place, eliminate the danger, and decide on the location where the sentence will continue to be served. However, the key point is that the legislation does not provide for automatic or unilateral decisions on transfer without a corresponding request from the convicted person. Thus, the administration of the institution uses legal provisions regarding the need to ensure safety solely at its own initiative, without proper justification and pursuing objectives unrelated to the safety of these individuals.

Statistics for 2024 indicate that transfers have become a widespread phenomenon, particularly to colonies in Kharkiv region. Over the past year, there has been a sharp increase in the number of transferred individuals, including: 40 persons transferred to Temnivska Penal Colony No. 100 (compared to 8 in 2021–2023); 35 persons transferred to Kharkiv Penal Colony No. 43 (compared to 13 in 2021–2023); 40 persons transferred to Oleksiivska Penal Colony No. 25 (compared to 8 in 2021–2023). This data includes a case in which, following a monitoring visit to Sofiivska Penal Colony No. 45 on 31 August 2024 (the results of which served as grounds for initiating criminal proceedings under the jurisdiction of the SBI), the Central Commission decided, on 12 September 2024, to transfer a group of convicted persons — including witnesses of torture — to penal colonies in Kharkiv region²⁴²⁰.

2416 Ruling of the Supreme Court of 19.02.2024 in case No. 686/13590/16-k.

2417 Ruling of the Supreme Court of 13.04.2021 in case No. 310/3065/15-k.

2418 Case of “Molokov v. Ukraine” (Application No. 60865/16): Judgment of the European Court of Human Rights of 12.10.2023.

2419 Criminal Enforcement Code of Ukraine No. 1129-IV of 11.07.2003.

2420 Transfer as a Means of Pressure on Complainants: Kharkiv Colonies as a Tool of Persecution. Prisoners’ Protection of Ukraine. 2025.

The only way to influence the transfer process or its outcomes is by challenging the decisions of the administration in court. However, filing a claim to annul a decision of the Central Commission of the Administration for the Execution of Sentences of the SCES of Ukraine requires legal knowledge and skills, making it difficult for convicted persons to do so independently. Nevertheless, in some cases, convicted persons have filed lawsuits resulting in the courts annulling the transfer decisions²⁴²¹.

Activities of the State Bureau of Investigations

In 2023, SBI investigators, together with the Prosecutor General's Office (PGO), launched pre-trial investigations in criminal proceedings based on judgments of the ECtHR that found violations by Ukraine of Article 3 of the ECHR. These cases concern cruel and degrading treatment by law enforcement officials, in particular for the purpose of obtaining confessions to criminal offences, as well as the lack of effective investigation into complaints of such treatment. As a result of the pre-trial investigations, these criminal proceedings were removed from the supervision of the Committee of Ministers of the Council of Europe. For example, under this initiative, members of a criminal organisation were served with notices of suspicion, which under the leadership of the former head and first deputy head of the state institution "Berdiansk Penal Colony (No. 77)", had tortured detainees and extorted money from them and their relatives between 2018 and 2021²⁴²².

In total, in 2023 the SBI conducted pre-trial investigations in 2,466 criminal proceedings concerning acts of torture committed by public officials. During the year, pre-trial investigations were initiated in 768 criminal proceedings. Following the verification of complaints, most of these proceedings were closed due to the absence of elements of a criminal offence. As a result of the investigations, 125 individuals were served with notices of suspicion, and indictments were submitted to court in 73 criminal proceedings against 113 law enforcement officers²⁴²³. However, the SBI's 2023 report does not indicate the number of individuals actually held accountable following the notices of suspicion and the submission of indictments to the courts. CPT has highlighted this gap, stating in particular that it is important not only to report on the course of pre-trial investigations, but also on how many of them resulted in indictments and criminal convictions²⁴²⁴.

In 2024, the SBI was handling **2,211 proceedings concerning criminal offences committed by law enforcement officers involving the use of torture and other forms of ill-treatment**. SBI investigators initiated pre-trial investigations in **649** criminal proceedings in this category. Over the course of 2024, **53 individuals were served with notices of suspicion in such cases. Indictments were submitted to court in 42 proceedings concerning 60 individuals**. As a result of court hearings, guilty verdicts were issued in 10 criminal cases²⁴²⁵.

2421 Ruling of the District Administrative Court of the City of Kyiv of 03.01.2020 in case No. 640/10153/19.

2422 However, due to the criminal occupation by the Russian Armed Forces of part of Zaporizhzhia region, it is currently impossible to track the proceedings in the first-instance court to which the Supreme Court remitted the case for a new trial.

2423 Report on the Activities of the State Bureau of Investigations for 2023.

2424 Report to the Government of Ukraine on the Visit Carried Out by the CPT to Ukraine from 16 to 27 October 2023, para. 31.

2425 Report on the Activities of the State Bureau of Investigations for 2024.

The statistical data indicate that **the rate of accountability for perpetrators is 1.5% of the total number of proceedings initiated in 2024. This figure raises doubts about the effectiveness of pre-trial investigations in torture cases.**

The lack of inevitability of punishment for perpetrators is also confirmed by judicial statistics. For example, **in 2023, first instance courts convicted 24 individuals under Article 127 of the CC of Ukraine²⁴²⁶, and in 2024 — 25 individuals²⁴²⁷. These figures cover torture committed by both general and special subjects**, as judicial statistics do not disaggregate data by the status of the perpetrator.

One of the 2024 proceedings concerns the investigation of torture at the state institution “Bozhkivska Penal Colony (No. 16)”, carried out by officials. During the pre-trial investigation, it was possible to establish not only instances of abuse and beatings but also actual killings of prisoners, where the brutality of the torture resulted in their deaths. Five officials were served with new notices of suspicion under Part 3 of Article 28 of the CC of Ukraine (organised group) and Part 2 of Article 127 (torture). The actions of the leader of the organised group were additionally qualified under Part 2 of Article 121 of the CC of Ukraine (intentional grievous bodily harm)²⁴²⁸. In February 2025, the indictment against the five accused was submitted to the court²⁴²⁹. In the same month, the court extended the preventive measure for the accused in the form of detention without the possibility of bail²⁴³⁰.

Another step taken by the SBI in combating torture was an internal reform within the Main Investigative Department. Specifically, organisational and staffing measures were carried out and a specialised unit was established — the Department for Pre-Trial Investigation of Criminal Offences Committed by Law Enforcement Officers and Judges, Including Torture and Other Forms of Ill-Treatment of Individuals²⁴³¹.

At the same time, official reports from the SBI do not indicate any recruitment of new investigators or expansion of staff in either 2023 or 2024. The CPT highlighted the issue of SBI staffing levels following its 2023 visit. In particular, the Committee noted that the 150 investigators handling ill-treatment cases are not entirely functionally independent — that is, they may also be assigned to investigate other offences committed by high-ranking officials, judges, law enforcement officers, or persons suspected of committing war crimes. As acknowledged by the SBI, the number of investigators specialising in torture cases is still insufficient, and the recruitment and training of such investigators has been planned in the context of a broader increase in the overall staff of the SBI²⁴³². However, no official data on the results of this measure have yet been published.

2426 Report of First-Instance Courts on the Consideration of Criminal Proceedings Materials for 2023.

2427 Report of First-Instance Courts on the Consideration of Criminal Proceedings Materials for 2024.

2428 The SBI established that an organised group operated in Bozhkivska Colony No. 16, which not only tortured but also murdered prisoners. State Bureau of Investigations. 2025.

2429 The SBI Referred the Case on Torture and Murders in Bozhkivska Colony No. 16 to Court. State Bureau of Investigations. 2025.

2430 Ruling of the Poltava District Court of Poltava Region of 25.02.2025 in case No. 545/753/25.

2431 Report on the Activities of the State Bureau of Investigations for 2024.

2432 Report to the Government of Ukraine on the Visit Carried Out by the CPT to Ukraine from 16 to 27 October 2023, para. 32.

Development of the Probation System

The development of the probation system is among the strategic goals set by the Government for the reform of the penitentiary system by 2026. Specifically, it envisages an increase in the use of punishments and preventive measures not involving deprivation of liberty, as well as the continued development of probation bodies. The state plans to expand the use of non-custodial penalties, as the effectiveness of punishment lies in its inevitability rather than its severity. This approach aims to ensure the resocialisation of the convicted person and correction of their behaviour without isolating them from society. In this way, the convicted person retains employment, family relationships, and social ties, which in turn reduces the influence of factors that lead to criminal behaviour. The implementation of this goal will also result in budget savings for the state by reducing the costs associated with maintaining individuals in penal institutions²⁴³³.

The development of the probation system in Ukraine is taking place in several directions.

1. Probation supervision as a new type of punishment. In 2023, amendments were made to the CC of Ukraine introducing a new type of punishment — probation supervision²⁴³⁴. A court may impose the following obligations on a person sentenced to probation supervision:
 - 1) to report periodically to the authorised probation body for registration;
 - 2) to notify the authorised probation body of any change of residence, place of work, or place of study;
 - 3) not to leave the territory of Ukraine without the permission of the authorised probation body²⁴³⁵.

At the same time, an analysis of official judicial statistics for 2024 on the types of criminal punishments imposed shows that **probation supervision was not applied in any recorded case throughout the year**²⁴³⁶. However, isolated instances of its use are known in practice. For example, on 2 April 2024, the Novograd-Volynskyi City District Court of Zhytomyr Region found an individual guilty under Part 1 of Article 309 of the CC of Ukraine and sentenced them to one year of probation supervision²⁴³⁷. Thus, although the official judicial statistics appear to contain data collection errors, probation supervision has not yet become a widely applied form of punishment.

2. **There was no increase in the use of non-custodial sentences and no increase in the number of probationers.** As of 1 January 2024, the authorised probation bodies were supervising 67,345 individuals sentenced to non-custodial punish-

2433 On the Approval of the Penitentiary System Reform Strategy for the Period Until 2026 and the Endorsement of the Operational Plan for Its Implementation in 2022–2024: Order of the Cabinet of Ministers of Ukraine No. 1153 of 16.12.2022, Section 2.

2434 On Amendments to the Criminal Code, the Criminal Procedure Code of Ukraine, and Other Legislative Acts of Ukraine on Improving Types of Criminal Punishment: Law of Ukraine No. 3342-IX of 23.08.2023.

2435 Criminal Code of Ukraine No. 2341-III of 05.04.2005.

2436 Report on Persons Brought to Criminal Responsibility and Types of Criminal Punishment in 2024. Judiciary of Ukraine. 2024.

2437 Case Law. The Novograd-Volynskyi City District Court Applied Probation Supervision for the First Time as a New Type of Principal Punishment. Judiciary of Ukraine. 2024.

ments or conditionally released from serving a sentence²⁴³⁸. However, by 1 January 2025, this number had decreased to 63,336 individuals, including 309 minors.

3. Juvenile probation. According to official data from the SCES, the juvenile probation system provides minors with support for social adaptation, and the recidivism rate among programme participants is only 1.6%. In 2024, a total of 1,075 minors underwent juvenile probation, and in 97% of cases, specialists concluded that positive behavioural change was possible without isolation²⁴³⁹.

If the overall objective of reducing the number of people in places of deprivation of liberty is taken as a basis, then the reduction in the use of custodial preventive measures during criminal proceedings can also be considered one of the directions for the development of the probation system in Ukraine. According to judicial statistics, in 2024 investigating judges granted 35,241 motions for the application of preventive measures, the vast majority of which — 21,620 — concerned detention in custody. The second most common measure was house arrest (6,997 motions), followed by personal recognisance (5,992), bail (596), personal surety (24), placement of a minor under the supervision of parents, guardians or custodians (11), and placement of a minor being raised in a child care institution under the supervision of that institution's administration (1 motion)²⁴⁴⁰. Therefore, the goal of increasing the use of non-custodial preventive measures — or making progress toward that goal — was not achieved in 2024.

Recommendations

1. Amend Article 127 of the CC of Ukraine to establish that only a special subject — public officials or other persons acting in an official capacity — may be held liable for the offence of torture.
2. Amend the legislation regulating the activities of the Commission for the Consideration of Complaints Regarding Inadequate Conditions of Detention in Pre-trial Detention Facilities and Penal Institutions, in particular to provide for a legislative mechanism to reduce the period after which conditional early release may be applied, allow for the substitution of a court-imposed sentence with a more lenient one, or enable expungement of conviction; introduce into the criminal procedure legislation the possibility to appeal decisions of the Commission; ensure the possibility of confidential correspondence between detainees, convicted persons and the Commission.
3. Amend the CPC of Ukraine to provide for the possibility of appealing decisions of the Commission for the Consideration of Complaints Regarding Inadequate Conditions of Detention in Pre-trial Detention Facilities and Penal Institutions to an investigating judge.
4. Conduct further competitive recruitment and ensure that penal colonies, PTDC, and TDCs are staffed with senior inspectors for the observance of human rights and the prevention of torture.

2438 Criminal Enforcement System of Ukraine. Statistical Overview.

2439 Juvenile Probation: 97% of Minors Have a Chance of Rehabilitation Without Isolation. State Criminal-Executive Service of Ukraine. 2025.

2440 Report of First-Instance Courts on the Consideration of Criminal Proceedings Materials for 2024.

5. Resolve the issue of medical assistance in penitentiary institutions by integrating penitentiary medicine into the general healthcare system, which is coordinated and funded by the MoH. Ensure the improvement of medical services.
6. Implement opioid substitution therapy for individuals in places of deprivation of liberty.
7. Ensure the further implementation of the Istanbul Protocol with a view to effectively applying the medical standard for the early detection and documentation of evidence of torture, as well as the proper recording and investigation of cases of torture.
8. Continue the implementation of the Custody Records system in units of the NPU, in particular by ensuring the system is operational in all departments.
9. Ensure the effectiveness of pre-trial investigations under Article 127 of the CC of Ukraine (torture) and guarantee public reporting by the SBI on the progress of investigations and the prosecution of perpetrators. Expand the number of SBI investigators specialising in torture cases.
10. Ensure the implementation of probation programmes and the application of probation supervision as a type of punishment.

Freedom of Expression

During the reporting period, the implementation of the Law of Ukraine “On Media” (Law on Media) continued. For the third consecutive year, the provisions of this law concerning the funding of the National Council of Television and Radio Broadcasting of Ukraine (the National Council, media regulator) and the functioning of its members have remained suspended.

As of 31 July 2025, the methodology for defining media market boundaries and the methodology for determining the boundaries of the advertising information distribution (dissemination) and consumption market had not been approved. This makes it impossible to assess the level of concentration in the aforementioned markets and to properly evaluate potential risks to media pluralism in Ukraine.

The state continues to allocate funding for the unified TV marathon despite a significant decline in public trust in it. The issue of underfunding of the Joint Stock Company “National Public Broadcasting Company of Ukraine” (NPBC or public broadcaster) also remains unresolved, which significantly hinders its development.

Progress has been observed in holding individuals accountable for war crimes and in the investigation of offences committed against journalists and media workers operating in the regions of Ukraine. However, no significant progress has been made in the investigation of high-profile cases. Problems related to the lack of adequate insurance coverage for journalists, other media workers, and fixers remain unresolved²⁴⁴¹.

2441 Fixer is a locally hired coordinator who assists in organising the workflow for journalists, photographers, and TV crews during their foreign assignments.

The level of remuneration for journalists, freelancers, and other media workers remains low, particularly in the regions. The sudden suspension of grant funding from the United States of America has negatively impacted the work of independent media in Ukraine.

The risk of restricted public access to court decisions contained in the Unified State Register of Court Decisions (USRCD), which may include information of public importance, has not been eliminated. This risk arises from the provisions of Draft Law No. 7033-d, which is currently being prepared for the second reading. Draft Law No. 12320, adopted on 16 July 2025, which introduces administrative liability for publicly identifying a lawyer with a client, also contains potential threats to freedom of expression.

Draft Law No. 11321, adopted by Parliament in January 2025, has still not been signed by the President. Accordingly, the problem of access to the committees of the Verkhovna Rada remains relevant. Civil society organisations and the media are calling on the leadership of the Verkhovna Rada to resume online broadcasting of plenary sessions on the Rada TV channel and to publish the agendas of these sessions in advance.

Issues related to the Law of Ukraine "On Preventing Threats to National Security Associated with the Excessive Influence of Persons with Significant Economic and Political Weight in Public Life (Oligarchs)" also remain unresolved. Furthermore, the problem of inconsistency between the procedure for appointment and dismissal of the Head of the Antimonopoly Committee of Ukraine (AMCU), as defined in the Law of Ukraine "On the Antimonopoly Committee of Ukraine" and the Constitution of Ukraine, remains relevant, undermining its independence and creating opportunities for political pressure.

Implementation of the Law of Ukraine "On Media"

The Law on Media²⁴⁴², adopted on 13 December 2022, entered into force on 31 March 2023 (except for certain provisions).

The provisions of this Law are aimed, inter alia, at strengthening the financial independence of the National Council. However, **in 2024, Parliament continued the practice of suspending the provisions of the Law on Media regarding the funding of the media regulator**²⁴⁴³.

As of 1 June 2024, the revised wording of Subparagraphs 2 and 3 of Part 1 of Article 36 of the Law on Media entered into force, expanding the categories of information prohibited from dissemination in Ukraine through media and video-sharing platforms. They are now prohibited from distributing expressions that incite hatred, enmity or cruelty towards individuals or groups not only on the grounds of nationality, race, and religion, but also on the grounds of ethnic or social origin, citizenship, beliefs, age, sex, sexual orientation, gender identity, or disability; as well as expressions that incite discrimination or oppression of individuals or groups not only on the grounds of ethnic or social origin, citizenship, race, religion and beliefs, age, sex, sexual orientation, gender identity, or disability or other grounds but also on the basis of nationality²⁴⁴⁴.

2442 On Media: Law of Ukraine No. 2849-IX of 13.12.2022.

2443 On the State Budget of Ukraine for 2025: Law of Ukraine No. 4059-IX of 19.11.2024, para. 3 of the "Final Provisions" section.

2444 On Media: Law of Ukraine No. 2849-IX of 13.12.2022, paras. 1–1, Section X and paras. 2, 3, Part 1, Article 36.

An important issue that requires resolution is the implementation of the provisions of Paragraph 2 of Part 2 and Part 5 of Article 7 of the Law on Media. According to these provisions, the AMCU, in agreement with the National Council, must approve a methodology for defining media market boundaries and **a methodology for information determining (dissemination) the boundaries of the advertising distribution and consumption market. As of July 2025, neither of these methodologies has been approved.**

On 5 September 2024, the National Council submitted its comments and proposals regarding the draft resolution of the AMCU "On the Approval of the Methodology for Determining the Boundaries of the Advertising Information Distribution (Dissemination) and Consumption Market". The media regulator noted that the methodology must be aligned with the provisions of the Laws of Ukraine "On Media" and "On Advertising" and therefore requires revision. However, if the National Council's comments and proposals are taken into account, the revised draft methodology could be approved by the media regulator²⁴⁴⁵.

On 23 January 2025, the National Council once again submitted proposals and comments on the mentioned draft order of the AMCU, suggesting that the AMCU establish a working group to develop the provisions of the draft Methodology for Determining the Boundaries of the Market for the Distribution and Consumption of Advertising Information, with the participation of representatives of the AMCU, the National Council, and entities that had previously submitted proposals on the said draft Methodology²⁴⁴⁶.

At the same time, the National Council did not approve the draft resolution of the AMCU "On the Approval of the Methodology for Determining Media Market Boundaries" due to fundamental conceptual inconsistencies and the AMCU's failure to take into account earlier proposals from the National Council, media industry associations, and the Public Council under the National Council. To address this problem, the media regulator proposed establishing a relevant working group comprising representatives of the AMCU, the National Council, and entities that had previously submitted proposals on the draft of this Methodology²⁴⁴⁷.

At the same time, the AMCU has noted that granting it the authority to approve the above-mentioned methodologies is inconsistent with legislation on competition protection²⁴⁴⁸.

In view of this, **a more in-depth academic research is needed to assess the justification for the distribution of powers between the AMCU and the National Council**, as set out in Paragraph 2 of Part 2 and Part 5 of Article 7 of the Law on Media, and to determine

2445 Comments on the Draft Order of the Antimonopoly Committee of Ukraine "On Approval of the Methodology for Determining the Boundaries of the Market for the Distribution and Consumption of Advertising Information": Annex to the Decision of the National Council of Ukraine on Television and Radio Broadcasting No. 2696 of 05.09.2024.

2446 Comments on the Draft Order of the Antimonopoly Committee of Ukraine "On Approval of the Methodology for Determining the Boundaries of the Market for the Distribution and Consumption of Advertising Information": Annex to the Decision of the National Council of Ukraine on Television and Radio Broadcasting No. 171 of 23.01.2025.

2447 On the Consideration of the Draft Order of the Antimonopoly Committee of Ukraine "On the Approval of the Methodology for Determining the Market Boundaries in the Media Sector": Decision of the National Council of Ukraine on Television and Radio Broadcasting No. 3111 of 28.11.2024, Annex.; Justification for rejecting the Draft Order of the Antimonopoly Committee of Ukraine "On Approval of the Methodology for Determining Market Boundaries in the Media Sector": Annex to the Decision of the National Council of Ukraine on Television and Radio Broadcasting No. 172 of 23.01.2025.

2448 Letter of the Antimonopoly Committee of Ukraine No. 300-29.1/01-12634e of 30.12.2024.

whether these provisions comply with Article 22 of Regulation (EU) 2024/1083 (the European Media Freedom Act)²⁴⁴⁹ and other acts of the European Union.

In 2024, four co-regulatory bodies were established in Ukraine in the field of media — covering audiovisual media services, audio media services, online media, and print media.

The co-regulatory body in the field of audiovisual media services established working groups to develop codes (rules)²⁴⁵⁰ for the creation and dissemination of content related to: programme classification and age rating standards; broadcasting on days of remembrance; protection of national interests and counteraction to totalitarianism; advertising of alcoholic beverages, gambling, sponsorship, and product placement; as well as criteria for determining harmful advertising²⁴⁵¹.

On 2 June 2025, the draft Rules on Broadcasting on Days of Remembrance were submitted for public consultation²⁴⁵². In addition, systematic work is underway on the development of the code (rules) for the creation and dissemination of information in the field of protection of national interests and counteraction to totalitarianism²⁴⁵³.

The development of codes (rules) by the other co-regulatory bodies has not yet commenced. In some cases, this hinders the resolution of issues important to the functioning of the media sector and the work of the National Council (for example, the establishment of criteria for classifying individuals as subjects in the field of online media)²⁴⁵⁴.

Attention should also be paid to the implementation of Article 126 of the Law on Media, which regulates matters related to the formation of the List of Persons Who Pose a Threat to the National Security of Ukraine²⁴⁵⁵ (the List). As of 31 July 2025, the List contains 247 individuals. Information on the persons added to the List after the Law on Media entered into force, as well as the grounds for their inclusion, is generally available via hyperlinks. This indicates compliance with the requirements of Article 126 of the Law on Media.

On 10 October 2024, Draft Law No. 12111²⁴⁵⁶, was registered in Parliament. It proposes, in particular, to:

2449 Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act).

2450 The codes (rules) for the creation and dissemination of information define the requirements for disseminating content subject to legislative regulation. They are developed by industry representatives jointly with the media regulator. The draft code (rules) is approved by the board of the co-regulatory body and submitted to the National Council for approval. After the media regulator adopts a decision approving the code (rules), the chairperson of the co-regulatory body initiates the procedure for signing the code (rules) by entities in the media sector. Signing the code is voluntary. The draft code (rules) enters into force once signed by no less than 50 percent of the total membership of the co-regulatory body as of the date the signing procedure begins. The code (rules) remains open for signing by any entity in the media sector (Part 2 of Article 92, Parts 1, 4, 5, 6 of Article 95 of the Law on Media).

2451 National Council of Ukraine on Television and Radio Broadcasting. Co-regulation.

2452 Public Consultation on the Draft Rules on Broadcasting on Days of Remembrance Begins. National Council of Ukraine on Television and Radio Broadcasting. 2025.

2453 Information obtained from an interview with a representative of the NGO "Human Rights Platform" (27.03.2025).

2454 Ibid.

2455 List of Persons Who Pose a Threat to National Security. Ministry of Culture and Information Policy of Ukraine.

2456 On Amendments to Certain Laws of Ukraine Regarding Media Activity: Draft Law of Ukraine, registration No. 12111 of 10.10.2024.

- › improve the procedure for the appointment, dismissal, and termination of powers of members of the National Council;
- › expand the powers of the National Council in examining compliance by media entities with ownership structure requirements;
- › reduce of the official salaries of the Head, First Deputy Head, Deputy Head, Executive Secretary, and members of the National Council (foreseen in the current version of the Law on Media) during the period of martial law;
- › expand the scope of co-regulation to include the development of recommendations on the responsible use of artificial intelligence systems in the media sector;
- › define the conditions under which the National Council may refuse to register online media during the period of application of Section IX of the Law on Media, etc.

Experts do not consider Draft Law No. 12111²⁴⁵⁷ to pose a threat to the right to freedom of expression. The draft underwent an expert review by the Council of Europe and received an overall positive assessment (with a disclaimer that during implementation, special attention should be paid “to ensure that procedural simplifications do not compromise transparency or accountability, and that the regulatory authorities are equipped with the necessary resources to fulfil their expanded roles²⁴⁵⁸”.

On 5 December 2024, Draft Law No. 12111 was adopted by Parliament at first reading. On 19 May 2025, the comparative table to the draft law for the second reading was submitted to the Verkhovna Rada. It should be noted that the proposals aimed at abolishing the obligation of the National Council to carry out state registration of its regulatory legal acts with the Ministry of Justice, which were contained in Draft Law No. 12111 as submitted for the first reading, have been revised. The final version of Draft Law No. 12111, proposed by the lead committee, resolves this issue. If adopted, it will eliminate the legal conflict between the Laws of Ukraine “On Law-Making Activity” and “On Media” and the threat to the independence of the National Council related to the requirement that its regulatory legal acts undergo state registration with the Ministry of Justice.

Activities of the National Council of Television and Radio Broadcasting

The issue of inadequate funding for the media regulator and its management remains relevant.

The remuneration of the Head, First Deputy Head, Deputy Head, Executive Secretary, and members of the National Council continues to depend on the Cabinet of Ministers of Ukraine²⁴⁵⁹. The salaries of the members of the media regulator are lower

2457 Information obtained from an interview with a representative of the NGO “Human Rights Platform” (27.03.2025).

2458 Legal opinion On the Draft Law of Ukraine “On Amendments to Certain Laws on Media Activity”: Tanja Kerševan, Deidre Kevin. Council of Europe Project “Safeguarding Freedom of Expression and Freedom of Media in Ukraine” (SFEM-UA), LEX_2025_1, 10.01.2025, p. 8.

2459 On Amendments to Annex 1 of the Resolution of the Cabinet of Ministers of Ukraine of 20 April 2016 No. 304: Resolution of the Cabinet of Ministers of Ukraine No. 276 of 30.03.2023.

than those of the staff of the National Council — employees who are subordinate to them²⁴⁶⁰.

According to the Ministry of Finance of Ukraine, **the remuneration level of the media regulator's leadership is one of the lowest among state bodies** — out of 79 state bodies, the National Council ranks 78th²⁴⁶¹. As of January 2025, the average monthly salary of the media regulator's leadership amounts to UAH 57,300 (approximately EUR 1,315.13²⁴⁶²), which includes bonuses, annual leave payments, financial assistance for social and domestic needs, etc. (data on the remuneration of bodies in the security and defence sector are not disclosed and therefore not included in the comparison chart). For comparison: as of January 2025, the average monthly salary of the leadership of the State Financial Monitoring Service of Ukraine (ranking first in the comparison chart) is UAH 423,500 (approximately EUR 9,720), while for the Ministry of Culture and Strategic Communications (ranked 37th) it is UAH 105,600 (approximately EUR 2,423.69).

This situation is unacceptable, as it creates conditions for the outflow of qualified personnel and increases the risk of corruption²⁴⁶³.

Operation of the Public Broadcaster and the Unified Television Marathon

In 2025, the issue of underfunding of the NPBC remains relevant. **The State Budget for 2025 allocates UAH 2.18 billion for the funding of the public broadcaster, which is significantly lower than the amount stipulated by the Law of Ukraine "On Public Media of Ukraine"**²⁴⁶⁴.

A major factor influencing the level of funding is the ongoing war. However, even taking into account that Ukraine's budget expenditures are primarily directed towards defence needs in response to the aggressor state, the underfunding of the public broadcaster remains substantial.

Experts and representatives of the public broadcaster note that the allocated funding allows the company to maintain its current state (including an increase in staff salaries at NPBC), but it is insufficient to support the further development of Suspilne public broadcaster²⁴⁶⁵. In addition, NPBC has faced problems related to delays by the State Treasury

2460 Oleksandr Burmagin: "There is a Systemic Restriction of the Independence of the Media Regulator." Detector Media. 2024.

2461 Ministry of Finance of Ukraine. Public Administration.

2462 According to the information of the National Bank of Ukraine, as of January 2025, the average official exchange rate was 43.57 hryvnias per 1 euro.

2463 Information obtained from an interview with a representative of the NGO "Centre for Democracy and Rule of Law" (28.03.2025).

2464 According to the Law of Ukraine "On Public Media of Ukraine", the funding of the NPBC shall be not less than 0.2% of the expenditures of the general fund of the State Budget of Ukraine for the previous year (Part 3 of Article 14). In accordance with the Law of Ukraine "On the State Budget of Ukraine for 2024" (as amended on 18.09.2024), the expenditures of the general fund of the State Budget of Ukraine amounted to 3,546,982,419.1 thousand UAH (paragraph 3 of Article 1). Accordingly, the funding of the public broadcaster in 2025 should have amounted to slightly more than UAH 7 billion.

2465 Mykola Chernotytskyi: We Have Preserved Independence, Loyalty to Journalistic Standards and Our Mission. Detector Media Suspilne. 2025.; information obtained from an interview with a representative of the NGO "Centre for Democracy and Rule of Law" (28.03.2025).

of Ukraine in processing the broadcaster's payments (for example, licensing payments to NPBC's international partners)²⁴⁶⁶.

Against this backdrop, the state continues to fund the Unified Television Marathon.

In 2025, according to the Prozorro public procurement platform, the total amount of public funds allocated to private media companies participating in the marathon amounted to nearly UAH 738 million²⁴⁶⁷. In addition, the parliamentary TV channel Rada signed an agreement with Kinokit LLC for the provision of services for the creation (production) of audiovisual works (television programmes) to support the Unified Television Marathon, totalling UAH 101,520,000²⁴⁶⁸. Thus, the total amount of state funding allocated to the television marathon stood at approximately UAH 840 million.

At the same time, **the viewing frequency and trust in the marathon continue to decline**. According to research, the frequency of weekly viewing frequency of the marathon dropped from 55% in 2023 to 47% in 2024, and the level of trust declined from 71% in 2023²⁴⁶⁹ to 37% in 2024²⁴⁷⁰. Among the most frequently cited reasons for distrust are perceived bias in the information, avoidance of criticism and negative news, a one-sided tone suggesting a lack of pluralism of opinions, and a perceived lack of independence (according to respondents, the news broadcast in the marathon appears to be agreed upon or approved by the authorities)²⁴⁷¹.

Experts note that the **TV marathon lacks political balance, and topics that are inconvenient for the authorities are often not covered at all or are addressed only superficially**²⁴⁷². Experts also question the necessity of the marathon itself²⁴⁷³, as well as the effectiveness of the international broadcasting channel FreeDom and the English-language website The Gaze, emphasising the need to revise Ukraine's information policy²⁴⁷⁴.

2466 Information obtained from an interview with a representative of the NGO "Centre for Democracy and Rule of Law" (28.03.2025).

2467 Contract No. 96/1303/25 on the Provision of Services at the Expense of Budgetary Funds of 13.03.2025, concluded between LLC "Television and Radio Company Studio 1+1" and SE "Multimedia Broadcasting Platform of Ukraine": subpara. 2.1 para. 2.; Contract No. 97/1303/25 on the Provision of Services at the Expense of Budgetary Funds of 13.03.2025, concluded between LLC "We Are Ukraine" and SE "Multimedia Broadcasting Platform of Ukraine": subpara. 2.1 para. 2.; Contract No. 98/1303/25 on the Provision of Services at the Expense of Budgetary Funds of 13.03.2025, concluded between LLC "SLM News" and SE "Multimedia Broadcasting Platform of Ukraine": subpara. 2.1 para. 2.; Contract No. 99/1303/25 on the Provision of Services at the Expense of Budgetary Funds of 13.03.2025, concluded between PJSC "Inter TV Channel" and SE "Multimedia Broadcasting Platform of Ukraine": subpara. 2.1 para. 2.

2468 Contract No. 2/P on the Provision of Services of 01.01.2025, concluded between SE "Parliamentary TV Channel Rada" and LLC "Kinokit": subpara. 2.1 para. 2.

2469 Ukrainian Media, Attitudes and Trust in 2023. USAID-Internews Media Consumption Survey. InMind. November 2023, pp. 21–22.

2470 Ukrainian Media, Attitudes and Trust in 2024. USAID-Internews Media Consumption Survey. InMind. November 2024, pp. 21, 23.

2471 Ibid, p. 26.

2472 Information obtained from an interview with a representative of the NGO "Detector Media", which conducts weekly monitoring of the national marathon broadcast and the First Channel of the Public Broadcaster (01.04.2025).

2473 Information obtained from interviews with representatives of the NGO "Centre for Democracy and Rule of Law" (28.03.2025), the NGO "Ukrainian Institute of Media and Communication" (01.04.2024), and the NGO "Detector Media" (01.04.2025).

2474 Information obtained from interviews with representatives of the NGO "Ukrainian Institute of Media and Communication" (01.04.2024) and the NGO "Detector Media" (01.04.2025).

Persecution and Intimidation of Journalists, Investigation of Attacks and Other Forms of Pressure on Journalists

In 2024, **the number of offences committed against journalists and media outlets increased**. In 2024, experts from the CSO Institute of Mass Information (IMI) recorded 268 violations. Of these, 155 were committed by Russia, while in 113 cases the responsibility lies with the Ukrainian side²⁴⁷⁵. In addition, according to IMI data, from 24 February 2022 to 24 March 2025, the Russian Federation committed 829 crimes against journalists and media. It is reported that due to the Russian invasion, 332 editorial offices were forced to shut down completely, and 102 journalists were killed, including 12 who died while performing their professional duties²⁴⁷⁶.

A specialised department has been established within the PGO to oversee the prosecution of war crimes committed by the Russian Federation. Particularly, it is conducting proceedings related to crimes against journalists. As of November 2024, 57 journalists had been killed, 45 injured, 20 unlawfully detained or imprisoned, one was being held in captivity, and one was missing²⁴⁷⁷.

Cooperation between representatives of law enforcement agencies and civil society institutions in the media sector includes, among other things, collaboration in the prosecution of individuals responsible for war crimes²⁴⁷⁸, the improvement of mechanisms for protecting journalists' rights from unlawful interference²⁴⁷⁹, and the prosecution of genocidal hate speech²⁴⁸⁰.

Progress has been observed in holding individuals accountable for war crimes, as well as in the investigation of offences committed against journalists and media outlets operating in Ukraine's regions. However, **there has been little to no progress in investigating high-profile cases**²⁴⁸¹ — such as attempts to intimidate Yuriy Nikolov²⁴⁸² or the prolonged covert surveillance of the investigative journalism team Bihus.Info carried out by employees of the Ukrainian special services²⁴⁸³.

2475 Summary of the State of Freedom of Speech in Ukraine in 2024: 268 Violations, the Majority Committed by Russia. Institute of Mass Information. 2025.

2476 829 Crimes Against Journalists and Media in Ukraine Committed by Russia Over Three Years and One Month of Full-Scale War. Institute of Mass Information. 2025.

2477 Ukraine is Investigating the Killings of 57 Journalists as Russian War Crimes. Ukrinform. 2024.

2478 Memorandum of Understanding and Cooperation Between the Prosecutor General's Office and Civil Society Organisations (Institutions) of 06.09.2024.

2479 Memorandum of Understanding and Cooperation Between the Prosecutor General's Office and Media and Human Rights Civil Society Organisations of 14.09.2021.

2480 Information obtained from an interview with a representative of the NGO "Institute of Mass Information" (25.03.2025).

2481 Ibid.

2482 Unknown Individuals Stage Provocation Against Investigative Journalist Yuriy Nikolov — Broke Into His Apartment, Demanding That He "Go Serve." Detector Media. 2024.

2483 Verkhovna Rada Summons Head of the SSU to Explain Surveillance of Bihus.Info. Detector Media. 2024.

In addition, cases of smear campaigns and pressure on journalists and civil society activists are being recorded. These include, for example, the information attack against investigative journalist Olena Mudra²⁴⁸⁴.

Issues related to the implementation of the ECtHR judgment in *Sedletska v. Ukraine* (concerning guarantees for the protection of journalistic sources) remain unresolved²⁴⁸⁵. In this context, it is worth noting Draft Law No. 7033-d²⁴⁸⁶, which proposes granting access to court rulings on temporary access to items and documents only one year after their entry into the USRCD. While previously it was difficult to detect violations similar to those identified in *Sedletska v. Ukraine*, the adoption of Draft Law No. 7033-d would make it impossible. This creates serious risks for the protection of journalistic sources and the confidentiality of journalists' communications.

The aforementioned draft law aims to restrict general access to court decisions in cases of particular public interest. It was registered in the Verkhovna Rada on 13 January 2023 and, despite public criticism²⁴⁸⁷, had not been withdrawn from consideration at the time of writing this report. Moreover, on 21 March 2025, a comparative table for Draft Law No. 7033-d was submitted to the Verkhovna Rada for its second reading²⁴⁸⁸. The adoption of this draft law would significantly restrict the public's right to access information of public importance, greatly reduce the ability of society to exercise oversight over the administration of justice, and increase corruption risks.

On 16 July 2025, Parliament adopted at the second reading Draft Law No. 12320²⁴⁸⁹, which proposes to supplement the CUAO with a new Article 185¹⁶. This article establishes administrative liability for publicly identifying a lawyer with the client to whom legal assistance is provided. It is envisaged that the liability measures will extend to the media, journalists, civic associations, and trade unions. The proposed provisions of Article 185¹⁶ of the CUAO and its notes are drafted too broadly and vaguely, which does not comply with the principle of legal certainty and creates potential risks for freedom of expression.

Human rights defenders emphasise that if the adopted Law enters into force, any journalistic material, statement by civic organisations or trade unions, or publication on social media relating to high-profile cases involving lawyers of significant public interest could serve as grounds for imposing administrative liability²⁴⁹⁰. In view of this, the public and the

2484 Journalist from Zakarpattia Olena Mudra Reported a Smear Campaign Against Her in the Media. Institute of Mass Information. 2025.

2485 Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's Report on Ukraine, pp. 309–310. 2024.

2486 Ibid.

2487 We Call on the Verkhovna Rada Not to Adopt Draft Law No. 7033-d, Which Restricts Access to Court Decisions. DEJURE Foundation. 2024.; ANALYSIS of the Draft Law "On Amendments to Certain Laws of Ukraine on Preventing the Disclosure of Certain Information in the Texts of Court Decisions" (Reg. No. 7033-d) and the Draft Law "On Amendments to Certain Legislative Acts of Ukraine Regarding Ensuring the Holding of Court Hearings in the Absence of Full Technical Recording in Conditions of Martial Law or State of Emergency" (Reg. No. 8359). ZMINA Human Rights Centre, DEJURE Foundation, Kharkiv Anti-Corruption Centre.

2488 On Amendments to Certain Laws of Ukraine on Preventing the Disclosure of Certain Information in the Texts of Court Decisions: Draft Law of Ukraine, registration No. 7033-d of 13.01.2023.

2489 On Amendments to the Code of Ukraine on Administrative Offences, the Criminal Code of Ukraine, and the Criminal Procedure Code of Ukraine to Ensure Compliance with the Guarantees of Advocacy: Draft Law of Ukraine, registration No. 12320 of 16.12.2024.

2490 Why Is the Law on Guarantees of Legal Practice a Threat to Civil Society? ZMINA. 2025.; Encroachment on Freedom of Speech: MPs Want to Punish References to Whom Lawyers Defend. DEJURE Foundation. 2025.

media called on Members of Parliament to repeal the decision of the Verkhovna Rada of 16 July 2025 to adopt Draft Law No. 12320 at the second reading and in full²⁴⁹¹. However, on 22 July 2025 this Law was submitted for signature by the President.

Journalists' Work in Combat Zones and the Impact of War on the Media

Amendments to the Order of the Commander-in-Chief of the Armed Forces of Ukraine "On the Organisation of Interaction between the Armed Forces of Ukraine, Other Components of the Defence Forces and Media Representatives during Martial Law" No. 73²⁴⁹² have, overall, **resolved the issue of journalists' access to areas of active hostilities**. From July 2024 to March 2025, experts recorded only isolated cases of restrictions on journalists' and media access to combat zones or sites affected by Russian shelling²⁴⁹³. As of July 2025, no significant changes have taken place in this regard.

The insurance for the life and health of journalists (both staff and freelancers), other media workers, and fixers²⁴⁹⁴ remains unresolved²⁴⁹⁵. During the reporting period, insurance for a small number of journalists working on the front lines continued to be provided. As of July 2025, no significant changes have taken place in this regard through a special fund financially supported by international donors²⁴⁹⁶. However, to address this issue, a comprehensive state policy should be developed to create the necessary conditions for the establishment of special insurance programmes covering risks associated with the work of journalists, media personnel, and fixers in areas of hostilities.

Problems related to the **forced closure of numerous media outlets due to the armed aggression of the Russian Federation²⁴⁹⁷ and the low level of remuneration for journalists, freelancers, and other media workers — especially in the regions²⁴⁹⁸** — remain relevant. Following the suspension of grant support previously provided by organisations such as USAID, IREX, and others, this issue has become critical²⁴⁹⁹.

2491 Media and Civil Society Organisations Call for the Repeal of the Adoption of Draft Law No. 12320, Which Threatens Freedom of Speech. Detector Media. 2025.

2492 On the Organisation of Interaction Between the Armed Forces of Ukraine, Other Defence Forces Components, and Media Representatives During Martial Law: Order of the Commander-in-Chief of the Armed Forces of Ukraine No. 73 of 03.03.2022.

2493 Information obtained from an interview with a representative of the NGO "Institute of Mass Information" (25.03.2025).

2494 Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's Report on Ukraine, pp. 310–311. 2024.

2495 Information obtained from an interview with a representative of the NGO "Centre for Democracy and Rule of Law" (28.03.2025).

2496 International Insurance Fund for Journalists.

2497 Information obtained from interviews with representatives of the NGO "Institute of Mass Information" (25.03.2025).

2498 Information obtained from interviews with representatives of the CSO "Ukrainian Association of Media Business" (27.03.2025), the NGO "Centre for Democracy and Rule of Law" (28.03.2025), the NGO "Ukrainian Institute of Media and Communication" (01.04.2024), and the NGO "Detector Media" (01.04.2025).

2499 Information obtained from interviews with representatives of the NGO "Institute of Mass Information" (25.03.2025), the NGO "Human Rights Platform" (27.03.2025), the CSO "Ukrainian Association of Media Business" (27.03.2025), the NGO "Centre for Democracy and Rule of Law" (28.03.2025), the NGO "Ukrainian Institute of Media and Communication" (01.04.2024), and the NGO "Detector Media" (01.04.2025).

The termination of grant funding has led to the closure of several media outlets²⁵⁰⁰. According to a survey by the IMI, around 60% of media outlets consider the situation “catastrophic,” particularly for regional media²⁵⁰¹. According to the Head of the Verkhovna Rada Committee on Humanitarian and Information Policy, Mykyta Poturaiev, the end of grant funding could result in the closure of 51% of independent media in Ukraine in 2025, with 51% to 70% of them being regional outlets²⁵⁰².

Experts also stress that the abrupt suspension of grant funding will have a significant negative impact on the work of independent media in Ukraine²⁵⁰³. This is due to the fact that in many regional media outlets — especially in regions where the advertising market has not yet recovered — over 70% of their budgets consisted of grant funding²⁵⁰⁴. Additionally, regional media received material assistance through grants, such as professional equipment (cameras, computers, drones for filming), batteries (in case of power outages), and more²⁵⁰⁵.

At the same time, according to a representative of the civil union “Ukrainian Media Business Association”, even in the face of insufficient or absent funding — which may lead to the closure of a significant number of regional media outlets — a number of local media editors will continue their work. This is because such media serve as platforms for community communication and cooperation, as well as for the dissemination of information of public importance²⁵⁰⁶.

Funding problems have led to an increase in the phenomenon of “jeans”²⁵⁰⁷. In addition, the risks of non-compliance with media professional standards (compliance with which was a mandatory requirement for receiving grant funding) are rising, as is the amount of disinformation, manipulative content, and Russian-sponsored propaganda²⁵⁰⁸.

The end of grant funding has been a serious blow to media outlets engaged in investigative journalism, as well as to media and human rights organisations. In many cases, grants made up 85–90% of the budgets of such organisations²⁵⁰⁹.

2500 Information obtained from interviews with representatives of the NGO “Institute of Mass Information” (25.03.2025), the NGO “Centre for Democracy and Rule of Law” (28.03.2025), and the NGO “Detector Media” (01.04.2025).

2501 Information obtained from an interview with a representative of the NGO “Institute of Mass Information” (25.03.2025).

2502 The Role of Media in Conflict and Humanitarian Crises Discussed at the First OSCE Supplementary Human Dimension Meeting. Verkhovna Rada Committee on Humanitarian and Information Policy. 2025.

2503 Information obtained from interviews with representatives of the NGO “Institute of Mass Information” (25.03.2025), the CSO “Ukrainian Association of Media Business” (27.03.2025), the NGO “Centre for Democracy and Rule of Law” (28.03.2025), the NGO “Ukrainian Institute of Media and Communication” (01.04.2024), and the NGO “Detector Media” (01.04.2025).

2504 Information obtained from an interview with a representative of the NGO “Institute of Mass Information” (25.03.2025).

2505 Information obtained from an interview with a representative of the NGO “Ukrainian Institute of Media and Communication” (01.04.2024).

2506 Information obtained from an interview with a representative of the CSO “Ukrainian Association of Media Business” (27.03.2025).

2507 The term “jeans” refers to hidden advertising. Information obtained from interviews with representatives of the NGO “Institute of Mass Information” (25.03.2025), the NGO “Ukrainian Institute of Media and Communication” (01.04.2024), and the NGO “Detector Media” (01.04.2025).

2508 Information obtained from an interview with a representative of the NGO “Detector Media” (01.04.2025).

2509 Information obtained from an interview with a representative of the NGO “Institute of Mass Information” (25.03.2025).

This situation is critical for the media market and could have a significant negative impact on media pluralism in Ukraine. This **crisis may deepen due to the significant decline in the capacity of Ukrainian and international human rights organisations to effectively protect the professional rights of journalists and media workers, and freedom of expression more broadly**. All of this will complicate efforts to counter disinformation and propaganda, potentially weakening societal resilience to information manipulation.

Ethics of Journalists and the Activities of Professional Journalistic Associations

Professional and creative journalistic associations and bodies of journalistic self-regulation continue to operate in Ukraine, including the Commission on Journalistic Ethics (CJE or the Commission) and the National Union of Journalists of Ukraine.

Many media outlets publish the Code of Ethics of Ukrainian Journalists on their websites and establish dedicated pages for submitting complaints to the CJE²⁵¹⁰, which highlights the importance of the Commission's self-regulatory role. In 2024, the CJE actively cooperated with journalism faculties of Ukrainian higher education institutions²⁵¹¹, and in 2025, two more memoranda of cooperation were signed between the CJE and higher education institutions²⁵¹². However, the termination of CJE's grant-funded projects may have a negative impact on the Commission's activities, as it will hinder the involvement of external experts (e.g., legal professionals) in its work — especially given that all Commission members operate on a voluntary basis²⁵¹³.

In addition, Ukraine has several informal associations of journalists, media professionals, and human rights defenders — for example, Mediarukh (Media Movement). This professional community was created to protect signatories of the memorandum establishing Mediarukh from pressure and persecution by authorities, political forces, financial and political groups, criminal structures, and others²⁵¹⁴. Mediarukh also regularly issues public statements regarding legislative initiatives that may affect the exercise of the right to freedom of expression in Ukraine.

2510 Information obtained from an interview with a representative of the CSO "Ukrainian Association of Media Business" (27.03.2025). See, in particular: JSC "NPBC"; NGL.media.; Sylva Pravdy.; etc.

2511 Information obtained from an interview with a representative of the NGO "Ukrainian Institute of Media and Communication" (01.04.2024).

2512 Information obtained from an interview with a representative of the CSO "Ukrainian Association of Media Business" (27.03.2025).

2513 Information obtained from an interview with a representative of the NGO "Ukrainian Institute of Media and Communication" (01.04.2024).

2514 The media movement "Media for Informed Choice" was launched in Ukraine. Text of the memorandum. Institute of Mass Information, 2019.

Restrictions on Access to Parliament for Media and the Public

In Ukraine, problems with access to information and the lack of transparency of state authorities persist. According to the IMI²⁵¹⁵, half of local councils do not allow journalists to attend their meetings.

Draft Law No. 11321²⁵¹⁶, aimed at resolving the issue of access for media, journalists, and the public to the committees of the Verkhovna Rada, was adopted on 14 January 2025. However, as of 31 July, it had not been signed by the President. As a result, this legal act has not entered into force, and the problem of access to parliamentary committees remains relevant²⁵¹⁷.

On 28 July 2025, a number of civil society organisations and media outlets called on the leadership of the Verkhovna Rada to resume online broadcasting of plenary sessions on the Rada TV channel and the advance publication of the agendas of these sessions²⁵¹⁸. Already on 30 July 2025, the Chair of the Verkhovna Rada Committee on Freedom of Speech, Yaroslav Yurchyshyn, registered Resolution No. 1963027, which provides for the resumption of live broadcasts of plenary sessions of Parliament²⁵¹⁹.

On 31 July 2025, for the first time since the beginning of Russia's full-scale invasion of Ukraine, an online broadcast of a session of the Verkhovna Rada took place, at which the issue of restoring the independence of the National Anti-Corruption Bureau of Ukraine (NABU) and the Specialised Anti-Corruption Prosecutor's Office (SAPO) was considered²⁵²⁰ — following protests held in many cities of Ukraine over attacks by the authorities on anti-corruption bodies. This is a positive step aimed at ensuring the transparency of Parliament's activities.

Other Issues

Issues related to the Law of Ukraine "On Preventing Threats to National Security Associated with the Excessive Influence of Persons with Significant Economic and Political Weight in Public Life (Oligarchs)"²⁵²¹ remain unresolved, as does the inconsistency between the procedure for appointing and dismissing the Head of the AMCU, as defined

2515 Information obtained from an interview with a representative of the NGO "Institute of Mass Information" (25.03.2025).

2516 On amendments to certain laws of Ukraine to strengthen certain guarantees for the activities of the media, journalists and citizens' access to information: Draft Law of Ukraine, registration No. 11321 of 05.06.2024.

2517 Information obtained from interviews with representatives of the NGO "Institute of Mass Information" (25.03.2025), the NGO "Human Rights Platform" (27.03.2025).

2518 Statement: We Call on the Leadership of the Verkhovna Rada to Resume Live Broadcasts of Parliamentary Sessions. CHESNO. 2025.

2519 Yaroslav Yurchyshyn Registered a Resolution Providing for the Resumption of Online Broadcasts of Rada Sessions. Detector Media. 2025.

2520 Rada Session on Restoring the Independence of NABU and SAPO Will Be Broadcast on the Parliament's YouTube Channel, — Yurchyshyn. Detector Media. 2025.

2521 On Preventing Threats to National Security Related to Excessive Influence by Persons with Significant Economic and Political Weight in Public Life (Oligarchs): Law of Ukraine No. 1780-IX of 23.09.2021.

in the Law of Ukraine “On the Antimonopoly Committee of Ukraine”, and the Constitution of Ukraine — a matter that was addressed in detail in the previous Shadow Report on Chapter 23²⁵²².

Recommendations

1. Discontinue the practice of suspending the provisions of the Law on Media related to the funding of the National Council, in particular regarding the remuneration of the Head, First Deputy Head, Deputy Head, Executive Secretary, and members of the regulator, and fully comply with the provisions of the Law.
2. Conduct an academic study to assess the justification for the distribution of powers between the AMCU and the National Council, as set out in Paragraph 2 of Part 2 and Part 5 of Article 7 of the Law on Media and determine whether these provisions comply with Article 22 of Regulation (EU) 2024/1083 (European Media Freedom Act) and other acts of the European Union.
3. Ensure adequate funding for the public broadcaster in accordance with the Law of Ukraine “On Public Media of Ukraine”.
4. Reassess the appropriateness of further unification of nationwide TV channels into a single information platform within the 24/7 news marathon United News #UAtogether and revise the format for implementing unified information policy during martial law.
5. Repeal the Law of Ukraine “On Preventing Threats to National Security Associated with the Excessive Influence of Persons with Significant Economic and Political Weight in Public Life (Oligarchs)” and prepare amendments to Ukrainian legislation in accordance with the recommendations of the Venice Commission.
6. Align the provisions of the Law of Ukraine “On the Antimonopoly Committee of Ukraine” with the Constitution of Ukraine in terms of the procedure for appointing and dismissing the Head of the AMCU.
7. Ensure proper implementation of the ECtHR judgment in *Gongadze v. Ukraine*, in particular by increasing the effectiveness of investigations into offences committed against journalists and media workers.
8. Amend Ukrainian legislation to implement the ECtHR judgment in *Sedletska v. Ukraine* and eliminate the possibility of covert access to journalists’ communications data and geolocation.
9. The President of Ukraine should veto the Law of Ukraine “On Amendments to the Code of Ukraine on Administrative Offences, the Criminal Code of Ukraine, and the Criminal Procedure Code of Ukraine to Ensure Compliance with the Guarantees of Advocacy” (Draft Law No. 12320).

2522 Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine, pp. 308–309. 2024.

10. Develop a comprehensive state policy that will create the conditions for establishing special insurance programmes to cover risks associated with the work of journalists, other media workers, and fixers in areas of active hostilities.
11. Take measures to ensure the entry into force of the Law of Ukraine “On Amendments to Certain Laws of Ukraine to Strengthen Certain Guarantees for the Activities of Media, Journalists, and Citizens to Access Information”, adopted by Parliament on 14 January 2025, and ensure actual access of journalists and the public to Verkhovna Rada committees for the independent coverage of their activities.

Extrajudicial Blocking of Websites

In Ukraine, there are five procedures that can be used to block websites without a court decision:

- › imposition of sanctions (special restrictive measures) by decision of the National Security and Defence Council of Ukraine (NSDC);
- › decision of the Commission for the Regulation of Gambling and Lotteries (CRGL) to require the website owner or hosting provider to restrict access to a website providing unlicensed access to gambling;
- › prohibition of online media distribution by the National Council;
- › inclusion of the relevant services by the National Council in the List of Audiovisual On-demand Media Services and Services of Audiovisual Service Providers of the Aggressor State;
- › blocking by order of the National Centre for Operational of Networks (NCON).

During the reporting period, the legislation relating to two out of the five mechanisms was amended. At the end of January 2025, the Cabinet of Ministers of Ukraine adopted a new resolution regulating the activities of NCON and detailing the list of its powers in the field of restricting access to websites. In addition, amendments to the regulation of activities in the field of gambling, which change the mechanism for blocking websites providing unlicensed access to gambling by borrowing a mechanism similar to that used under the Law of Ukraine “On Media”, entered into force on 1 April 2025.

The use of these procedures to restrict access to illegal content and the websites disseminating it can generally be considered justified and proportionate. The CRGL (and from 1 April 2025 — the new Authorised Body, the State Agency of Ukraine “PlayCity”) will restrict access to websites that fail to meet the requirements for carrying out economic activities posing a high level of risk to citizens. The blocking of services of the aggressor state by decisions of the National Council, orders of NCON, and NSDC sanctions is limited in time.

However, the legal grounds for applying blocking measures both by the NSDC within the framework of the sanctions apparatus and by NCOM within the framework of its emergency powers are excessively discretionary and do not allow for concluding that they fully comply with international standards on freedom of expression, as guaranteed

by Article 10 of the ECHR²⁵²³ and Article 19 of the International Covenant on Civil and Political Rights²⁵²⁴.

Despite legislative changes regarding the activities of NCON, the Centre's work in this area still does not fully comply with the aforementioned standards. Regarding the application of the sanctions mechanism, during the reporting period the ECtHR communicated to the Government the case concerning the blocking of Russian social networks in 2017, the decision in which will be key for the design of future legislative solutions in this area.

Overall, it can be stated that the Government does not use the mechanism of extrajudicial website blocking to restrict access to socially important resources. In general terms, the bodies responsible for blocking attempt to direct their measures towards achieving national security interests. Despite the implementation of some recommendations expressed by both civil society and representatives of the European Union, several legislative mechanisms still leave excessive discretion, which may allow the law enforcement practice to be steered in a negative direction. This should be limited to ensure that the practice of extrajudicial blocking complies with international standards on the protection of human rights.

Regulatory Changes in the Field of Extrajudicial Website Blocking and the Practice of Their Application

During the period from 1 September 2024 to 31 July 2025, three legislative acts were adopted in Ukraine that directly affect the field of extrajudicial website blocking. Law No. 4156-IX, which entered into force on 9 January 2025²⁵²⁵, provides for the procedure for compiling a list of terrorist organisations. Its introduction, as well as the formation of the relevant list, adds clarity to the possible application of such a sanction as "blocking access to information resources used for the demonstration and use of symbols of terrorist organisations and groups, the promotion of ideas and programme objectives of such organisations (groups)", which has been provided for by sanctions legislation since 2023²⁵²⁶.

Chronologically, the second legislative change was the entry into force of the Resolution of the Cabinet of Ministers of Ukraine of 24 January 2025 No. 75 "Certain Issues of Operational and Technical Management of Electronic Communications Networks in the Conditions of Emergency Situation, Emergency or Martial Law²⁵²⁷". It replaced Government Resolution No. 812²⁵²⁸, which had been in force since 2004. In paragraph 16 of the new resolution, the Cabinet of Ministers of Ukraine provided for the competence of NCOM

2523 Convention for the Protection of Human Rights and Fundamental Freedoms (with protocols) of 04.11.1950.

2524 International Covenant on Civil and Political Rights of 16.12.1966.

2525 On Amendments to Certain Laws of Ukraine Regarding the Formation and Maintenance of the List of Terrorist Organisations (Groups): Law of Ukraine No. 4156-IX of 18.12.2024.

2526 On Amendments to the Criminal Code and the Criminal Procedure Code of Ukraine in Connection with the Ratification of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, as well as to Certain Legislative Acts of Ukraine to Improve the Fight Against Terrorism: Law of Ukraine No. 2997-IX of 21.03.2023.

2527 Certain Issues of Operational and Technical Management of Electronic Communications Networks in the Conditions of Emergency Situation, Emergency or Martial Law: Resolution of the Cabinet of Ministers of Ukraine No. 75 of 24.01.2025.

2528 Certain Issues of Operational and Technical Management of Telecommunications Networks in the Conditions of Emergency Situations, Emergency and Martial Law: Resolution of the Cabinet of Ministers of Ukraine No. 812 of 29.06.2004.

to issue orders as stipulated by Article 32 of the Law of Ukraine “On Electronic Communications”²⁵²⁹. As regards website blocking, NCON received the right to:

- restrict access to Internet resources (websites, autonomous systems, IP addresses) in a technically possible manner for providers;
- restrict access to websites used to organise or conduct gambling or provide access to gambling without the appropriate licence by blocking domain names.

Such blocking measures will be applied until the termination or cancellation of the emergency or martial law regime to ensure the resilience of electronic communications networks. They may be carried out by NCON in execution of decisions of the President, the Government, the NSDC, the National Bank of Ukraine, or upon official requests from the heads of the SSU, SBI, NPU, Economic Security Bureau of Ukraine, or security and defence forces. The aim for such blocking is the achievement of the objectives of state defence and security and compliance with constitutional human rights and freedoms that are not subject to restriction.

The third legislative change modifies the powers regarding the restriction of access to websites providing unlicensed access to gambling. Law No. 4116-IX, adopted in December 2024, entered into force on 1 April 2025²⁵³⁰. Its provisions envisage the liquidation of the CRGL as the regulator in this sphere and the amendment of Article 25 of the Law of Ukraine “On State Regulation of Activities on the Organisation and Conduct of Gambling”²⁵³¹, which provides for the procedure for restricting access to websites or applications providing access to gambling in violation of legal requirements. The decision on this will be taken by the Authorised Body, now the State Agency of Ukraine “PlayCity”²⁵³², which will then transmit the information to the National Commission for the State Regulation of Electronic Communications, Radio Frequency Spectrum and the Provision of Postal Services (NCEC) for further communication to electronic service providers. This procedure is similar to the procedure for filling the List of Audiovisual On-demand Media Services and Services of Audiovisual Service Providers of the Aggressor State in accordance with the requirements of the Law of Ukraine “On Media”²⁵³³.

Among the legislative proposals submitted to the Verkhovna Rada during this period, special mention should be made of the Government's Draft Law No. 11492²⁵³⁴. It proposes the introduction of a sanction such as “prohibition of access to electronic information resources on the Internet (web pages, websites, other web resources), electronic communications networks, electronic communications systems, information systems, information

2529 On Electronic Communications: Law of Ukraine No. 1089-IX of 16.12.2020.

2530 On Amendments to Certain Legislative Acts of Ukraine to Combat Gambling Addiction (Ludomania) and to Improve the State Regulation of Activities Related to the Organisation and Conduct of Gambling and Lotteries: Law of Ukraine No. 4116-IX of 04.12.2024.

2531 On State Regulation of Activities Related to the Organisation and Conduct of Gambling: Law of Ukraine No. 768-IX of 14.07.2020.

2532 On the Central Executive Body Implementing State Policy in the Sphere of Organisation and Conduct of Gambling and Lotteries: Resolution of the Cabinet of Ministers of Ukraine No. 314 of 21.03.2025.

2533 On Media: Law of Ukraine No. 2849-IX of 13.12.2022.

2534 On Amendments to the Law of Ukraine “On Sanctions” Regarding the Prohibition of the Use of Software Products and Access to Electronic Information Resources: Draft Law of Ukraine, registration No. 11492 of 19.08.2024.

and communications systems". However, due to the change of Government, this draft law was withdrawn in July 2025.

It is also worth mentioning an important ECtHR case in the field of sanctions, communicated to the Government in September 2014. The case of *Boyarov and Others v. Ukraine*²⁵³⁵ concerns four applicants who challenged the legality of the use of the provisions of the Law of Ukraine "On Sanctions" to block the Russian online platforms VKontakte, Odnoklasniki, Mail.ru, and Yandex for a period of three years in 2017²⁵³⁶. The sanction in the form of a "prohibition for Internet providers to provide services granting users access to Internet resources" was applied on the basis of para. 25 of part 1 of Article 4 of the Law of Ukraine "On Sanctions"²⁵³⁷, which allows for the imposition of "other sanctions corresponding to the principles of their application established by this Law". Among the questions addressed by the Court to the Government is a request to explain whether the interference with the applicants' rights was prescribed by law and necessary, as well as a request to provide detailed information on the legislative procedure applied and the specific measures undertaken to implement the sanctions.

All the mechanisms mentioned above were actively used to restrict access to various resources in 2024. Thus, the NSDC applied the so-called terrorist blocking in three decisions (concerning Russian media²⁵³⁸, the media of Ihor Huzhva²⁵³⁹, and Ukrainian citizen Oleksii Selivanov)²⁵⁴⁰, without specifying which exact resources were to be blocked. The older provision in paragraph 25 of Part 1 of Article 4 of the Law of Ukraine "On Sanctions" on "other sanctions" was applied in 2024 and reflected in six presidential decrees, as well as in nine decrees in 2025 — among others, concerning Svitlana Kryukova, Oleksii Arestovych, and Yulia Latynina²⁵⁴¹. It should be noted that in 2025 the new wording began to be used much more actively for attempts to block accounts on online platforms — "restriction by electronic service providers (social networking services) of access from the territory of Ukraine to content posted on web pages/channels". Through this instrument, over 800 websites remain blocked²⁵⁴².

2535 Artur Volodymyrovych BOYAROV against Ukraine, Application no. 79083/17 (and three other applications).

2536 On the Decision of the National Security and Defence Council of Ukraine of 28.04.2017 "On the Application of Personal Special Economic and Other Restrictive Measures (Sanctions)": Decree of the President of Ukraine No. 133/2017 of 15.05.2017.

2537 On Sanctions: Law of Ukraine No. 1644-VII of 14.08.2014.

2538 On the Decision of the National Security and Defence Council of Ukraine of 24 June 2024 "On the Application, Cancellation, and Amendment of Personal Special Economic and Other Restrictive Measures (Sanctions)": Decree of the President of Ukraine No. 376/2024 of 24.06.2024.

2539 On the Decision of the National Security and Defence Council of Ukraine of 21 August 2024 "On the Application, Cancellation, and Amendment of Personal Special Economic and Other Restrictive Measures (Sanctions)": Decree of the President of Ukraine No. 511/2024 of 21.08.2024.

2540 On the Decision of the National Security and Defence Council of Ukraine of 2 September 2024 "On the Application, Cancellation, and Amendment of Personal Special Economic and Other Restrictive Measures (Sanctions)": Decree of the President of Ukraine No. 601/2024 of 02.09.2024.

2541 On the Decision of the National Security and Defence Council of Ukraine of 19 January 2025 "On the Application of and Amendments to Personal Special Economic and Other Restrictive Measures (Sanctions)": Decree of the President of Ukraine No. 38/2025 of 19.01.2025.; On the Decision of the National Security and Defence Council of Ukraine of 1 May 2025 "On the Application of Personal Special Economic and Other Restrictive Measures (Sanctions)": Decree of the President of Ukraine No. 267/2025 of 01.05.2025.; On the Decision of the National Security and Defence Council of Ukraine of 20 July 2025 "On the Application of Personal Special Economic and Other Restrictive Measures (Sanctions)": Decree of the President of Ukraine No 502/2025 of 20.07.2025.

2542 Sanctions Registry. Digital Security Laboratory.

In 2024, the CRGL restricted access to 105 websites providing access to gambling without a licence²⁵⁴³. In 2025, the Commission did not adopt such decisions, which may be related to legislative changes aimed at the liquidation of the body. At the same time, under the updated procedure in force since April 2025, the **State Agency of Ukraine “PlayCity” restricted access to 1,202 websites as of the end of July 2025.**

The National Council did not apply the blocking of online media but updated the List of Audiovisual On-demand Media Services and Services of Audiovisual Service Providers of the Aggressor State. During 2024, five services were added to the list and subsequently blocked, with access to them provided through 15 websites²⁵⁴⁴. In 2025, 22 new services were added to the list, and the National Council also updated the number of blocked domain names through which access was provided to the previously blocked 27 services²⁵⁴⁵. Thus, 460 websites were added to the list in 2025. NCON also actively exercised its powers: in 2024, 131 orders of NCON on the blocking of domain names and IP addresses can be found on the website of the State Service of Special Communications and Information Protection of Ukraine (SSSCIP). As of July 2025, 149 such orders were also issued²⁵⁴⁶.

It is also worth mentioning the efforts aimed at restricting access in Ukraine to online platforms associated with the aggressor state, namely Telegram. To date, Ukraine has not resorted to blocking this platform, despite public calls and certain legislative initiatives²⁵⁴⁷. On 19 September 2024, the National Cybersecurity Coordination Centre (NCCC), operating under the NSDC, adopted a recommendation to restrict the use of Telegram on official devices in public authorities, military formations, and critical infrastructure facilities²⁵⁴⁸.

Impact of Regulatory Changes on Identified Problems

Problem 1. Use of the Law of Ukraine “On Sanctions” for Website Blocking

The regulatory possibility of blocking websites or requiring online platform providers to restrict access to accounts using the provision on “other sanctions” remains open. No legislative act in Ukraine contains such a measure as a “prohibition for Internet providers to provide services granting users access to Internet resources/services”. The predictability of this provision will be examined by the ECtHR in the near future and may become a driver for legislative changes, the need for which has been repeatedly emphasised by representatives of civil society²⁵⁴⁹, particularly in the context that such an extraordinary mechanism cannot be applied permanently for eight years²⁵⁵⁰.

2543 Illegal Websites. Commission for the Regulation of Gambling and Lotteries.

2544 Report: Human Rights in the Digital Dimension 2024. Digital Security Lab. 2025.

2545 List of Audiovisual On-demand Media Services and Services of Audiovisual Service Providers of the Aggressor State.

2546 Orders of the State Service of Special Communications and Information Protection of Ukraine.

2547 On Amendments to Certain Laws of Ukraine Regarding the Regulation of the Activities of Information Sharing Platforms Through Which Mass Information is Disseminated: Draft Law of Ukraine, registration No. 11115 of 25.03.2024.

2548 The NCCC Adopted a Decision to Restrict the Use of Telegram in Public Authorities, Military Formations, and Critical Infrastructure Facilities. National Security and Defence Council of Ukraine. 2024.

2549 Can't Stop: The President Sanctioned Blocking Again. Digital Security Laboratory. 2021.

2550 Information obtained based on an interview conducted with a representative of the NGO “Ukrainian Helsinki Human Rights Union” (25.03.2025).

The use of the sanction “blocking access to information resources used for the demonstration and use of symbols of terrorist organisations and groups, the promotion of ideas and programme objectives of such organisations (groups)” prior to the legislative changes that entered into force in January 2025 highlighted the problem of identifying the resources intended to be blocked within the application of the new sanction. Moreover, within the framework of its application, the connection between the relevant sanction and specific terrorist organisations or groups remained unclear. The practice of applying this sanction should be analysed throughout 2025 in order to assess whether there has been any change in the approaches of the relevant state authorities.

The situation regarding the development of the functionality and legislative foundations for the operation of the **State Register of Sanctions**²⁵⁵¹ remains unchanged. It **does not contain information on the reasons for the imposition of sanctions against individuals**²⁵⁵², **which also undermines the transparency of sanction policy, including in the context of the continued application of the relevant measures for website blocking.** Therefore, the procedure for blocking websites under sanctions legislation in its current form cannot be considered as compliant with international standards in the field of human rights protection, as it is not prescribed by law within the meaning of Article 10 of the ECHR and Article 19 of the International Covenant on Civil and Political Rights.

Problem 2. Unlimited Discretion of NCON Regarding Website Blocking

The Cabinet of Ministers of Ukraine partially heeded the recommendations of the Shadow Report on Chapter 23 and updated the regulatory framework concerning the activities of NCON²⁵⁵³. A similar recommendation was also contained in the 2024 EU Enlargement Package Report²⁵⁵⁴. The powers of this body in issuing orders to restrict access to Internet resources are now directly provided for at the level of subordinate acts and have been brought into line with the requirements of Article 32 of the Law of Ukraine “On Electronic Communications²⁵⁵⁵”. In addition, since the publication of the Shadow Report on Chapter 23, the accessibility for the public to NCON's website blocking decisions has improved, as they are now centrally available on the website of the SSSCIP.

At the same time, several provisions of the Resolution of the Cabinet of Ministers of Ukraine of 24 January 2025 No. 75²⁵⁵⁶ require improvement. Firstly, the document again contains no instructions on how providers should technically implement NCON's decisions (via DNS, IP address, etc.) in order to avoid the blocking of lawful content²⁵⁵⁷. This position

2551 On Amendments to Certain Legislative Acts of Ukraine Regarding the Application of Sanctions: Law of Ukraine No. 3223-IX of 13.07.2023.

2552 On the Approval of the Regulation on the State Register of Sanctions: Decision of the National Security and Defence Council of Ukraine of 29.01.2024.

2553 Information obtained based on an interview conducted with a representative of the NGO “Human Rights Platform” (25.03.2025).

2554 Ukraine 2024 Progress Report within the European Union Enlargement Package.

2555 On Electronic Communications: Law of Ukraine No. 1089-IX of 16.12.2020.

2556 Certain Issues of Operational and Technical Management of Electronic Communications Networks in the Conditions of Emergency Situation, Emergency or Martial Law: Resolution of the Cabinet of Ministers of Ukraine No. 75 of 24.01.2025.

2557 Information obtained based on an interview conducted with a representative of the NGO “Ukrainian Helsinki Human Rights Union” (25.03.2025).

is inconsistent even within the same provision, which stipulates that websites providing unlicensed access to gambling must be blocked by IP address.

Secondly, the Resolution does not describe the types of unlawful content for which a website may be subject to blocking but merely outlines the circle of authorities that may request such blocking and the purpose of such a request — namely, the objectives of state defence and security. Although this has not yet led to significant negative consequences, the discretion in NCON's powers has already resulted in certain incidents, such as the blocking of Linktree²⁵⁵⁸. Even after the adoption of the new Resolution of the Cabinet of Ministers of Ukraine, NCON used its powers to block websites for the sale of alcohol²⁵⁵⁹, the provision of legal services²⁵⁶⁰, advice on crossing the state border²⁵⁶¹, as well as the website of the Hungarian far-right parliamentary political party Mi Hazánk²⁵⁶². While it cannot be denied that many of these resources may pose harm to Ukrainian citizens or to Ukraine's state interests, the application of blocking measures to some of these resources is unlikely to fall within the objectives of ensuring Ukraine's security and defence.

Thirdly, the resolution introduces overlapping powers between NCON and the Authorised Body, which from 1 April 2025 is the State Agency of Ukraine "PlayCity", in blocking websites providing access to gambling. The two acts provide for different procedures, which contradict each other, and therefore, from the point of view of legal certainty, it is unclear which procedure will apply.

The activities of NCON²⁵⁶³ also remain insufficiently transparent, which continues to be a problem²⁵⁶⁴. The updated resolution does not contain provisions on the mandatory publication of the Centre's orders. Attempts to gain access to all orders through judicial proceedings in 2024 were unsuccessful: the court indicated that this information falls under the category of official information, and therefore access to it may be restricted under the legal regime of martial law²⁵⁶⁵.

Another important document regulating the activities of NCON, namely the Regulation on NCON approved by the Administration of the SSSCIP in 2019²⁵⁶⁶, is also restricted in access. All these factors prevent the conclusion that the procedure for the functioning of NCON complies with human rights protection standards, despite the recent legislative changes.

2558 The National Centre for Operational and Technical Management of Telecommunications Networks Adopted a Decision to Unblock the Linktree Service. State Service of Special Communications and Information Protection of Ukraine. 2023.

2559 On Restriction of Access to Internet Resources: Order of the National Centre for Operational and Technical Management of Telecommunications Networks No. 181/2982 of 29.03.2025.

2560 On Restriction of Access to Internet Resources: Order of the National Centre for Operational and Technical Management of Telecommunications Networks No. 104/2905 of 28.02.2025.

2561 On Restriction of Access to Internet Resources: Order of the National Centre for Operational and Technical Management of Telecommunications Networks No. 80/2881 of 14.02.2025.

2562 On Restriction of Access to Internet Resources: Order of the National Centre for Operational and Technical Management of Telecommunications Networks No. 58/2859 of 03.02.2025.

2563 Information obtained based on an interview conducted with a representative of the NGO "Ukrainian Helsinki Human Rights Union" (25.03.2025).

2564 During the War, a Super-Regulator of the Internet Emerged. SSSCIP. Dead Lawyers Society. 2023.

2565 Unified State Register of Court Decisions.

2566 Information obtained based on an interview conducted with a representative of the NGO "Ukrainian Helsinki Human Rights Union" (25.03.2025).

Recommendations

1. Review the Law of Ukraine “On Sanctions” and the practice of its application in the field of restricting access to websites, in particular by clarifying the grounds and procedure for restricting access to websites and ensuring that the sanction procedure is applied exclusively to foreign natural or legal persons, stateless persons, as well as organisations recognised as terrorist under international law or national legislation, and is not used to block the activities of national media and civil society organisations.
2. Ensure the transparency of sanction application, particularly through the publication of the grounds for the imposition of sanctions on the relevant subjects in the State Register of Sanctions.
3. Adopt amendments to the Resolution of the Cabinet of Ministers of Ukraine of 24 January 2025 No. 75, clarifying the types of unlawful content in respect of which NCON may issue blocking decisions, the proper substantiation of such blocking decisions with an indication of the grounds for blocking, as well as introducing requirements for the publication of NCON orders that do not contain restricted information.
4. Delimit the overlapping competences of NCON and the Authorised Body (the State Agency of Ukraine “PlayCity”) regarding the restriction of access to websites providing unlicensed access to gambling.
5. After the termination of the legal regime of martial law, ensure the unblocking of websites blocked in virtue of NCON decisions where there are no longer legislative grounds for their continued blocking.
6. In the event of the introduction of the legislative changes outlined above, review previous decisions on the blocking of websites based on sanctions and NCON decisions in terms of their necessity, proportionality, and compliance with the law.

Freedom of Peaceful Assembly, Association and Expression

In 2024, the activities of CSOs, as in the previous two years of full-scale war, were focused on providing humanitarian response, assistance to the military, documenting crimes, supporting victims, and engaging in international advocacy for Ukraine. Efforts to promote better legislation on citizen participation in decision-making, volunteer activities, and risk mitigation in lobbying-related legislation intensified further in the context of CSO involvement in Ukraine’s EU accession negotiations. Most of the issues posing risks to CSO operations remained relevant.

Although the Law of Ukraine “On Lobbying” declares that it does not apply to CSO activities unless such activities relate to commercial interests, the Law continues to pose risks to CSOs. Furthermore, CSOs are not allowed to import vehicles as humanitarian aid for carrying out their statutory activities related to the provision of humanitarian assistance and humanitarian or medical evacuation. Additional challenges exist for CSOs engaging

volunteers, including: the absence of a state support mechanism for volunteers injured while assisting civilians; an additional 23% tax burden on CSOs that insure their volunteers; and the lack of favourable conditions for foreign volunteer activities in Ukraine. In addition, the possibility of online registration of CSOs — critical under martial law — has not been introduced. Financial monitoring by banks and the classification of the non-profit sector as high-risk for the purposes of anti-money laundering, countering the financing of terrorism and/or proliferation financing (AML/CFT), as well as the identification and registration of ultimate beneficial owners (UBOs), remain problematic for CSOs, with no current clarifications or guidance from the state on these issues.

The beginning of 2025 brought new challenges related to the termination of funding for CSO projects previously provided by, among others, USAID and the US Department of State. The consequences of such termination and its impact on the work of Ukrainian CSOs require separate assessment and response, particularly regarding the activities of local CSOs, which may be left without any support.

CSOs remain reliable partners of the state in advancing policy reforms across a wide range of sectors and require stable support and genuine, not merely declarative, mechanisms of influence.

As regards freedom of peaceful assembly, the state does not restrict citizens' right to assemble peacefully to draw attention to the most sensitive issues. However, the legislative regulation of bans and procedures for holding peaceful assemblies under martial law requires further refinement. Ukraine has developed an inconsistent practice of restricting and banning peaceful assemblies that does not always correlate with proximity to the frontline or to the border with the aggressor state.

Legislative Regulation of the Establishment and Activities of CSOs

As of 1 January 2025, nearly 106,000 public associations, 2,500 public unions, 32,000 charitable organisations, and 1,800 bodies of self-organisation of the population were registered in Ukraine²⁵⁶⁷. The number of organisations in each of these legal forms has increased compared to 2024.

The legislation governing the establishment and activities of CSOs in Ukraine is generally quite enabling. At the same time, a number of issues remain unresolved, and when combined with inconsistent implementation of legal provisions in practice, they create obstacles to the registration and operation of CSOs.

In 2023, the government's Draft Law No. 8084²⁵⁶⁸, was adopted at first reading. It provides for the **possibility of establishing a public association on the basis of a model charter — an important step towards enabling online registration via the state e-services platform "Diia"**²⁵⁶⁹. The draft law also proposes to shorten registration timelines and expand

²⁵⁶⁷ Number of registered legal entities by organisational and legal form, disaggregated by sex of the head as of 1 January 2025. State Statistics Service of Ukraine. 2025.

²⁵⁶⁸ On Amendments to Certain Laws of Ukraine Regarding the Regulation of Activities and State Registration of Public Associations: Draft Law of Ukraine, registration No. 8084 of 28.09.2022.

²⁵⁶⁹ Public services online.

the number of authorised registration entities for public associations. However, no further progress has yet been observed in Parliament's consideration of the draft law at second reading.

Progress in introducing the mechanism for online registration of civil society organisations through the state online services platform Diia was the adoption by the Government in April 2025 of Resolution No. 460 "On the Implementation of a Pilot Project to Ensure the Possibility of Activities of a Civil Society Organisation on the Basis of a Model Charter"²⁵⁷⁰, which, inter alia, approved the text of the model charter and the procedure for the implementation of such a pilot project, to be carried out over a period of two years. At the stage of implementing the model charter, the work of state registrars should become the subject of control and monitoring in order to avoid the risk of organisations being induced to use precisely this version of the founding document, for the purpose of simplifying registrars' work in the process of analysing charters.

The law provides for the possibility of extending the period for reviewing documents submitted for the state registration of a public association for up to 15 working days²⁵⁷¹. However, it does not specify the grounds for such an extension, thereby leaving room for abuse by registration authorities.

The legislation governing the activities of bodies of self-organisation of the population requires systemic reform²⁵⁷². The procedure for establishing such bodies is overly complex and needs to be updated. In particular, the procedure for registering a body of self-organisation of the population with legal entity status requires regulation. The very definition of a body of self-organisation of the population also requires legislative clarification. Government Draft Law No. 6319²⁵⁷³, which could address these, and other issues related to the activities of such bodies, was adopted at first reading as a basis. However, no further progress has been made on its consideration at second reading since May 2023.

Moreover, the conditions of martial law have brought other issues to the fore that require regulation, such as: the continuation of activities of bodies of self-organisation established in occupied territories; how to hold residents' meetings (conferences) under martial law; and how and by which authority permission should be granted for the establishment of bodies of self-organisation in territories governed by military administrations.

Restrictions on the Right to Peaceful Assembly under Martial Law and Curfew

In July 2025, the Verkhovna Rada once again extended²⁵⁷⁴ martial law, thereby also extending the authorities' — particularly local military administrations' — ability to restrict

2570 On the Implementation of a Pilot Project to Ensure the Possibility of Activities of a Civil Society Organisation on the Basis of a Model Charter: Resolution of the Cabinet of Ministers of Ukraine No. 460 of 18.04.2025.

2571 On State Registration of Legal Entities, Individual Entrepreneurs and Public Associations: Law of Ukraine No. 755-IV of 15.05.2003, Article 26.

2572 On Bodies of Self-Organisation of the Population: Law of Ukraine No. 2625-III of 11.07.2001.

2573 On Amendments to the Law of Ukraine "On Bodies of Self-Organisation of the Population" on Improving the Procedure for the Organisation, Operation and Termination of Such Bodies: Draft Law of Ukraine, registration No. 6319 of 18.11.2021.

2574 On the Approval of the Decree of the President of Ukraine "On the Extension of Martial Law in Ukraine": Law of Ukraine No. 4524-IX of 15.07.2025.

citizens' right to peaceful assembly²⁵⁷⁵. Nevertheless, **rallies and demonstrations continue to take place in most regions of Ukraine**. However, peaceful assemblies in front of the main institutions in Kyiv (the Government, Parliament, and the Office of the President) are prohibited. For security reasons, access to the government quarter is only possible with special passes.

Peaceful assemblies most frequently take place in large cities, and rallies calling for the release of prisoners of war held by Russia continue²⁵⁷⁶. Demonstrations in support of prisoners of war and the missing are not being blocked, even in regions where peaceful assemblies are officially banned²⁵⁷⁷.

Overall, however, **an inconsistent practice of restrictions and bans on peaceful assemblies** has developed in Ukraine, which does not always correlate with a region's proximity to the frontline or the border with the aggressor state. At the same time, there is no legislative regulation granting military administrations the authority to adopt specific procedures for holding peaceful assemblies. Furthermore, paragraph 8 of part 1 of Article 8 of the Law of Ukraine "On the Legal Regime of Martial Law" provides that the military command, together with military administrations, may prohibit the holding of peaceful gatherings, rallies, marches, demonstrations, and other mass events. In contrast, part 1 of Article 19 of the same Law broadly refers to a ban on strikes, mass gatherings, and actions during martial law. These formulations create **legal uncertainty for public authorities and citizens in exercising the right to peaceful assembly**.

Bans on peaceful assemblies have been imposed in four regions: in Donetsk and Odesa, separate decisions have been adopted to this effect²⁵⁷⁸, while in Ivano-Frankivsk and Kherson, the ban is justified under Article 19 of the Law of Ukraine "On the Legal Regime of Martial Law". Specific requirements regarding the conditions or grounds for holding peaceful assemblies (e.g. limits on the number of participants, prescribed notification periods, requirements to hold gatherings in or near shelters, etc.) have been introduced in Zhytomyr, Zaporizhzhia, Kyiv, Kirovohrad, Rivne, Sumy, Ternopil, Kharkiv, Cherkasy, and Chernivtsi regions. No act or decision establishing general rules for holding peaceful assemblies — rather than bans on assemblies on specific days or in certain locations — has been adopted in Vinnytsia, Volyn, Dnipropetrovsk, Zakarpattia, Luhansk, Mykolaiv, or Poltava regions, or in the city of Kyiv.

In May 2024, the Verkhovna Rada did not support a draft law²⁵⁷⁹ **introducing administrative liability for violations of curfew by citizens**, which had proposed rather high fines ranging from UAH 8,500 to 17,000. However, in December 2024, the Cabinet of Ministers of Ukraine submitted to the Verkhovna Rada a new draft law²⁵⁸⁰ providing for adminis-

2575 On the Legal Regime of Martial Law: Law of Ukraine No. 389-VIII of 12.05.2015.

2576 Relatives of prisoners of war held a picket near the Verkhovna Rada. Suspilne. 2025.

2577 A rally in support of prisoners of war and the missing took place in Odesa. Suspilne Odesa. 2025.

2578 Freedom of peaceful assembly under martial law in Ukraine. Civil Network OPORA. 2025.

2579 On Amendments to the Code of Ukraine on Administrative Offences and Other Laws Regarding the Introduction of Administrative Liability for Violating Requirements or Failing to Implement Certain Measures of the Martial Law Regime: Draft Law of Ukraine, registration No. 10195 of 27.10.2023.

2580 On Amendments to the Code of Ukraine on Administrative Offences to Strengthen Liability for Violating the Requirements of the Special Legal Regime — Martial Law Introduced in Ukraine or in Certain Localities: Draft Law of Ukraine, registration No. 12354 of 23.12.2024.

trative liability for curfew violations, setting fines from 50 to 100 non-taxable minimum incomes of citizens (UAH 850–1,700). At the same time, fines should not have been applied to persons heading to shelters, providing medical (or first aid) assistance or accompanying the severely ill or wounded, conducting evacuation or salvaging property, or in other situations involving threats to human life. In July 2025, this draft law was withdrawn due to changes in the composition of the Government.

Overall, it can be stated that **Ukrainian authorities do not abuse their powers to restrict freedom of movement and peaceful assembly** and continue working on introducing curfew-related liability in a way that takes into account public opinion on the proportionality of fines.

Dissolution of Political Parties

The MoJ is pursuing the dissolution (through judicial proceedings) of political parties that do not comply with the requirements set out in the Law of Ukraine “On Political Parties in Ukraine²⁵⁸¹”: for instance, if a party has not established branches in the majority of regions of Ukraine; if false information is found in the submitted documents within three years of registration; or if the party has not nominated candidates in presidential and parliamentary elections within ten years.

As of 2025, the **MoJ has filed 54 claims to annul the registration of political parties for failing to nominate candidates** in presidential and parliamentary elections over a ten-year period. Of these, **court decisions to cancel the registration of 17 political parties** have already entered into force²⁵⁸².

Work is also ongoing to **ban pro-Russian political parties, of which there are at least 22²⁵⁸³**. Although the MoJ continues to initiate bans, **Parliament has not yet resolved what should be done with representatives of banned parties in local councils**. Back in 2022, the Committee on State Building, Local Governance, Regional and Urban Development recommended that the Verkhovna Rada adopt at first reading Draft Law No. 7476²⁵⁸⁴ on the consequences of a court decision banning a political party for the status of local councillors, and revise it for second reading, taking into account the need to amend the Electoral Code of Ukraine²⁵⁸⁵. However, on 17 July 2025, the draft law was withdrawn due to the change in the composition of the Government.

Cooperation between the Ministry of Justice and law enforcement agencies in the process of dissolving political parties is well established. Law enforcement bodies have access to state registers and the capacity to investigate violations related to the activities of political parties. The Ministry of Justice, as the body responsible for state registration, files a claim to dissolve a political party based on a submission from law enforcement, which includes

2581 On Political Parties in Ukraine: Law of Ukraine No. 2365-III of 05.04.2001.

2582 Ministry of Justice initiates lawsuits against fictitious parties. Ministry of Justice of Ukraine. 2025.

2583 Court bans two more pro-Russian parties. CHESNO Movement. 2024.

2584 On Amendments to Certain Laws of Ukraine Regarding the Consequences of Court Decisions to Ban Political Parties for the Status of Local Council Members: Draft Law of Ukraine, registration No. 7476 of 20.06.2022.

2585 Opinion on Draft Laws of Ukraine (Nos. 7476, 7476-1, 7476-2, 7476-3). Committee on State Building, Local Self-Government, Regional and Urban Development. 2022.

supporting evidence that forms the basis of the claim. At the same time, the role of law enforcement in the state oversight of political party activities²⁵⁸⁶ is not clearly defined in special legislation, nor is there a mechanism that ensures the Ministry of Justice has access to sufficient information and an adequate evidentiary base to support its claims.

Court hearings on the prohibition of political parties are held in open session, and the public is informed about the scheduling of such hearings²⁵⁸⁷.

Implementation Status of the National Strategy for Promoting Civil Society Development in Ukraine

Throughout 2024, the Secretariat of the Cabinet of Ministers of Ukraine ensured the conduct of **inclusive consultations with the public and state authorities regarding the development of the Action Plan for the implementation of the National Strategy for Promoting Civil Society Development in Ukraine for 2025–2026**²⁵⁸⁸. **The Action Plan was approved by a government decision** on 21 March 2025²⁵⁸⁹.

As for the implementation²⁵⁹⁰ of the previous Action Plan for 2023–2024, although it was assessed by the Secretariat of the Cabinet of Ministers of Ukraine as highly successful, the implementation of certain measures was postponed²⁵⁹¹.

The Secretariat of the Cabinet of Ministers of Ukraine created conditions for public participation in the development of action plans and the assessment of their implementation through consultations with the public²⁵⁹². However, vague wording of some measures and the results of expert interviews indicate that executive authorities tend to avoid responsibility for implementing measures proposed by civil society, particularly those that require the development and adoption of legislative amendments.

Regulation of Volunteer Activity

The legislation regulating the activities of volunteers and the organisations that engage them is framework-based and does not impose restrictions on volunteer activity. However, the absence of a systematic state policy on the development of volunteering has led to

2586 On Political Parties in Ukraine: Law of Ukraine No. 2365-III of 05.04.2001.

2587 Publication by the Ministry of Justice of Ukraine on the social network Facebook. 2025.

2588 Invitation to discuss the draft Order of the Cabinet of Ministers "On the Approval of the Action Plan for 2025–2026 for the Implementation of the National Strategy for Promoting Civil Society Development in Ukraine for 2021–2026". Secretariat of the Cabinet of Ministers of Ukraine. 2024.

2589 On the Approval of the Action Plan for 2025–2026 for the Implementation of the National Strategy for Promoting Civil Society Development in Ukraine for 2021–2026: Order of the Cabinet of Ministers of Ukraine No. 246 of 21.03.2025.

2590 Information on the implementation of the Action Plan for 2024. Secretariat of the Cabinet of Ministers of Ukraine. 2025.

2591 On Amendments to the Action Plan for 2024 for the Implementation of the National Strategy for Promoting Civil Society Development in Ukraine for 2021–2026: Order of the Cabinet of Ministers of Ukraine No. 636 of 09.07.2024.

2592 Invitation to discuss the draft Order of the Cabinet of Ministers "On the Approval of the Action Plan for 2025–2026 for the Implementation of the National Strategy for Promoting Civil Society Development in Ukraine for 2021–2026". Cabinet of Ministers of Ukraine. 2024.

numerous challenges. Most of the issues requiring resolution remain relevant²⁵⁹³. A specific problem is the conflation of volunteer activity with activities related to the receipt and distribution of humanitarian aid. Although these areas are closely connected in practice, they are subject to different legal regulations.

In the context of full-scale war and the growth of the volunteer movement, the issue of **insurance for volunteers engaged by CSOs** has become increasingly pressing — especially for organisations working in humanitarian response and civilian evacuation. **The practice of insuring volunteers is not widespread, and tax legislation does not facilitate such insurance.** Draft Law No. 10040, intended to reduce the tax burden on CSOs for insuring volunteers²⁵⁹⁴, is not being considered by the relevant parliamentary committee. The Ministry of Finance of Ukraine (MoF) continues to block legislative initiatives related to changes in tax legislation, citing Ukraine's commitments to the International Monetary Fund²⁵⁹⁵ not to introduce tax policy measures that could negatively affect budget revenues²⁵⁹⁶.

The state has not established an effective mechanism for providing financial assistance to the families of deceased volunteers or to volunteers who became disabled while carrying out activities in support of national defence during wartime. Government Resolution No. 604²⁵⁹⁷ still only provides for assistance to volunteers who were injured while helping service members and law enforcement officers. A separate procedure for granting assistance to volunteers who became disabled, or to the families of volunteers who died while assisting civilians, has not been developed.

At the same time, **progress has been made in facilitating the activities of foreign volunteers in Ukraine.** On 11 March 2025, following civil society advocacy²⁵⁹⁸, Draft Law No. 13071²⁵⁹⁹ was registered in Parliament. It proposes to abolish the requirement for foreign volunteers to obtain a type D long-term visa to receive a temporary residence permit in Ukraine. The proposed changes would apply during martial law and for one year after its termination. If adopted, these changes would simplify migration procedures for volunteers entering Ukraine under visa-free arrangements, for whom obtaining a long-term visa is often a time-consuming and costly formality.

2593 Updated Section 5 "Development of Volunteer Activity" of the Legal Reform Roadmap for Civil Society in Ukraine. Centre for Democracy and Rule of Law. 2023.

2594 On Amendments to the Tax Code of Ukraine on Supporting Volunteer Activities under Martial Law: Draft Law of Ukraine, registration No. 10040 of 13.09.2023.

2595 Memorandum of Economic and Financial Policies. Ministry of Finance of Ukraine. 2025.

2596 This position of the Ministry of Finance of Ukraine is stated in the Ministry's responses to requests from CSOs, including the Centre for Democracy and Rule of Law, and in the expert opinion of the Ministry of Finance of Ukraine on Draft Law No. 10040 of 13.09.2023.

2597 Certain Issues Regarding One-Time Financial Assistance in the Event of the Death or Disability of a Volunteer as a Result of Injury (Concussion, Trauma or Mutilation) Sustained While Providing Volunteer Assistance in the Area of the Anti-Terrorist Operation, Measures to Ensure National Security and Defence, Repelling and Deterring Armed Aggression by the Russian Federation in Donetsk and Luhansk Regions, Measures Necessary for Defence of Ukraine, Protection of the Population and National Interests in Connection with Armed Aggression by the Russian Federation and/or Another State Against Ukraine, Combat Actions and Armed Conflicts: Resolution of the Cabinet of Ministers of Ukraine No. 604 of 19.08.2015.

2598 Ukraine plans to simplify migration legislation for foreign volunteers and humanitarian workers. Centre for Democracy and Rule of Law. 2025.

2599 On Amendments to the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons" Regarding the Abolition of Visa Requirements for Foreigners and Stateless Persons Who Are Humanitarian Workers and Volunteers During Martial Law: Draft Law of Ukraine, registration No. 13071 of 11.03.2025.

On 15 May 2015, Parliament adopted Draft Law No. 13071 as a basis in the first reading. As of July 2025, the bill card of Draft Law No. 13071 contains a comparative table with the text of the draft law and the conclusion of the main committee²⁶⁰⁰ for the second reading²⁶⁰¹. The preparation of the text for the second reading was carried out hastily and without the involvement of civil society, as a result of which the text underwent changes that may significantly complicate the implementation of the draft law if adopted. Members of Parliament who authored the draft law and representatives of the relevant committee, following comments from CSOs, agreed on the need to revise the draft law through its repeated consideration by the relevant committee.

In November 2024, a draft Concept of the State Target Programme for the Development of Volunteer Activity in Ukraine for the period until 2030²⁶⁰² was released for public consultation. Its adoption is expected in April 2025. In July 2025, the Government adopted Order No. 715 approving this Concept²⁶⁰³. According to the Order, the Ministry of Social Policy, together with other concerned central and local executive authorities, is obliged to develop and submit to the Cabinet of Ministers of Ukraine, within six months, a draft State Target Social Programme for the Development of Volunteer Activity for the Period until 2030.

Legislative Regulation of CSO Humanitarian Assistance Activities

Throughout 2024 and early 2025, a number of decisions were adopted to regulate issues related to the import and distribution of humanitarian aid.

During 2023–2024, CSOs working in the field of humanitarian response adapted to the new procedures for importing and accounting for humanitarian aid²⁶⁰⁴, as well as to amendments to the Law of Ukraine “On Humanitarian Aid²⁶⁰⁵”.

At the beginning of 2025, **amendments were made to Government Resolution No. 112 to expand the list of goods that may be provided as aid to the military²⁶⁰⁶**. Amendments were also introduced to the Tax Code of Ukraine to **simplify the provision of assistance**

2600 Committee of the Verkhovna Rada of Ukraine on Human Rights, De-occupation and Reintegration of the Temporarily Occupied Territories of Ukraine, National Minorities and Interethnic Relations.

2601 Ibid.

2602 Report on the Results of Public Consultation on the Draft Order of the Cabinet of Ministers of Ukraine “On the Approval of the Concept of the State Target Programme for the Development of Volunteer Activity in Ukraine Until 2030”. Ministry of Social Policy of Ukraine. 2024.

2603 On the Approval of the Concept of the State Target Social Programme for the Development of Volunteer Activity for the Period until 2030: Order of the Cabinet of Ministers of Ukraine No. 715 of 15.07.2025.

2604 Certain Issues on the Movement and Accounting of Humanitarian Aid under Martial Law: Resolution of the Cabinet of Ministers of Ukraine No. 953 of 05.09.2023.

2605 On Amendments to Certain Laws of Ukraine Regarding the Import, Accounting, and Distribution of Humanitarian Aid, Taxation of Relevant Transactions and Reporting: Law of Ukraine No. 3448-IX of 08.11.2023.

2606 On the Approval of the List of Means, Goods (Works, Services), the Amount (Value) of Charitable Assistance for the Purchase of or in the Form of Which Is Not Included in the Taxable Income of Personal Income Tax Payers: Resolution of the Cabinet of Ministers of Ukraine No. 112 of 24.02.2016.

to persons affected by hostilities²⁶⁰⁷, and the use of fuel and spare parts for vehicles received by the military as humanitarian aid was formalised²⁶⁰⁸.

On 21 March 2025, a new procedure²⁶⁰⁹ was adopted regulating the provision of humanitarian aid and the return of humanitarian items to the donor in cases where they cannot be used for their intended purpose. However, for CSOs to operate smoothly and systematically in the humanitarian field, **several additional issues still require regulation — such as procedures for the disposal of substandard humanitarian aid.**

Parliament supported Draft Law No. 12010²⁶¹⁰ at first reading, which aims to enable CSOs to import vehicles as humanitarian aid for the purpose of carrying out their statutory activities related to humanitarian assistance and humanitarian or medical evacuation.

State Funding of Civil Society Organisations. Legislation on Percentage Philanthropy

The issue of state support for CSO activities has become particularly relevant in the context of the discontinuation of humanitarian, advocacy, educational, research, monitoring, and security initiatives previously implemented by civil society with support from the US Government. At the same time, the **state has extremely limited financial capacity to fund CSOs during the full-scale invasion** by the Russian Federation.

The issue of the restricted list of CSOs (by field of activity) eligible for state funding remains pressing. These are primarily organisations of persons with disabilities, veterans' organisations, and youth organisations. **The scope of eligible expenditure categories is limited**, and caps on the value of goods and services that CSOs may procure with state funds **do not reflect market prices**. There is no institutional support for CSOs based on competitive procedures, which undermines the conditions for their predictable and sustainable development. An additional obstacle is the requirement for state-funded CSOs **to receive funds through the State Treasury Service of Ukraine**²⁶¹¹, which **significantly complicates access to and use of these funds.**

Competitive funding for CSO projects continues to be carried out in accordance with Cabinet of Ministers Resolution No. 1049²⁶¹², which is mandatory for central executive authori-

2607 On Amendments to the Tax Code of Ukraine (Regarding the Introduction of a Percentage Allocation Mechanism for Supporting Non-Profit Organisations): Draft Law of Ukraine, registration No. 7500 of 28.06.2022.

2608 On Amendments to Paragraph 16 of the Regulation on the Procedure for Accounting, Storage, Write-Off and Use of Military Property in the Armed Forces: Resolution of the Cabinet of Ministers of Ukraine No. 192 of 21.02.2025.

2609 Certain Issues on the Redistribution and Targeted Use of Humanitarian Aid: Resolution of the Cabinet of Ministers of Ukraine No. 321 of 21.03.2025.

2610 On Amendments to Articles 6 and 15 of the Law of Ukraine "On Humanitarian Aid": Draft Law of Ukraine, registration No. 12010 of 04.09.2024.

2611 State Treasury Service of Ukraine. Ministry of Finance of Ukraine.

2612 On the Approval of the Procedure for Conducting a Competition to Select Programmes (Projects, Measures) Developed by Civil Society Institutions for the Implementation (Execution) of Which Financial Support Is Provided: Resolution of the Cabinet of Ministers of Ukraine No. 1049 of 12.10.2011.

ties and recommended for local self-government bodies. This resolution was amended²⁶¹³ in May 2024 to improve the procedures governing the work of selection committees.

In 2024, the Ukrainian Youth Foundation launched its first grant competition. The total budget of the initiative amounted to nearly UAH 4 million (EUR 85,000), with the maximum allowable amount for a single grant set at UAH 380,000 (EUR 8,100)²⁶¹⁴.

As a result of this competition, the Ukrainian Veterans' Foundation supported 16 civil society organisations in 2024, providing funding for projects aimed at veterans' reintegration²⁶¹⁵. The minimum requested project amount was UAH 500,000 (EUR 10,100), while the maximum was UAH 1 million (EUR 21,000).

An important tool for state support of CSO activities is the procurement of social services. The Law of Ukraine "On Social Services"²⁶¹⁶ designates public associations and charitable organisations as providers of social services, **thus enabling CSOs to participate in tenders for the provision of such services funded from the state budget. However, the supply of social services by non-state providers was subject to value-added tax (VAT)** under general rules at the standard rate of 20%. At the same time, as part of aligning its legislation with EU law, Ukraine is expected to harmonise its tax system with that of the EU, including in terms of VAT exemptions for the supply of goods and services closely linked to social welfare and social protection²⁶¹⁷.

In July 2025, **Law No. 4505-IX²⁶¹⁸ entered into force, introducing amendments to tax legislation and exempting providers of social services from value added tax, regardless of whether they are state, municipal, or CSO providers.**

The "VzaemoDiia" platform has been introduced as a competitive and transparent mechanism for accessing funds from the state and local budgets, as well as for monitoring and reporting by CSOs on the outcomes of funded projects²⁶¹⁹. Overall, **funding priorities for CSOs in Ukraine remain focused on veterans' organisations, youth organisations, and organisations providing social support for persons with disabilities.**

In March 2025, amendments to the Tax Code of Ukraine²⁶²⁰ were adopted, allowing businesses, until the end of the year in which martial law is lifted, **to exclude from their taxable profit charitable donations made to charitable organisations in an amount of up to 8% of the previous year's profit (compared to 4% under normal conditions).**

2613 On Amendments to the Procedure for Conducting a Competition to Select Programmes (Projects, Measures) Developed by Civil Society Institutions for the Implementation (Execution) of Which Financial Support Is Provided: Resolution of the Cabinet of Ministers of Ukraine No. 511 of 07.05.2024.

2614 Ukraine launches a grant competition to support the employment of vocational education graduates. Ukrinform. 2024.

2615 Ukrainian Veterans' Foundation: 2024 Activity Report.

2616 On Social Services: Law of Ukraine No. 2671-VIII of 17.01.2019.

2617 Social Services in Ukraine: Current Situation, Problems, and Limitations. Agency for Legislative Initiatives. 2024.

2618 On Amendments to the Tax Code of Ukraine and Other Laws of Ukraine on Expanding Patients' Access to Medicines Procured by the Entity Authorised to Carry Out Public Procurement in the Field of Healthcare through the Conclusion of Managed Access Agreements: Law of Ukraine No. 4505-IX of 18.06.2025.

2619 Electronic Grant Platform.

2620 On Amendments to the Tax Code of Ukraine Regarding the Promotion of Philanthropy During Martial Law: Law of Ukraine No. 4254-IX of 25.02.2025.

Draft Law No. 7500²⁶²¹ which proposes the introduction of a percentage allocation mechanism to support CSO activities by citizens regardless of the state of martial law, remains stalled in Parliament. The percentage allocation mechanism would allow citizens to allocate 2% of their personal income tax to benefit CSOs. Similar instruments for citizen support of CSOs have been successfully implemented in Poland, Lithuania, Hungary, and Slovakia.

The government continues to allocate funds for the financing of CSO projects, but the **overall level of state support remains limited. Combined with a significant reduction in funding from the US Government, this poses a threat to the stable operation of CSOs**, particularly at the local level.

Citizen Participation in Decision-Making by Public Authorities

Significant progress has been made in adopting legislative initiatives aimed at improving citizens' access to decision-making at both the national and local levels. Laws of Ukraine have been adopted "On Amendments to the Law of Ukraine on Local Self-Government in Ukraine" (regarding ensuring transparency of local self-government)²⁶²², "On Public Consultations", and "On Amendments to Certain Laws of Ukraine Regarding Popular Sovereignty at the Local Self-Government Level"²⁶²³.

On 8 January 2025, Law No. 3703-IX²⁶²⁴ entered into force. Its provisions outline the main forms of participation by territorial communities in addressing local issues and specify the procedures for their implementation. In addition, the Law **establishes that from 1 January 2027, the approval of territorial community statutes will be mandatory**. The rather **short timeframe for updating statutes** may lead to the adoption of documents that do not reflect the needs and specifics of the communities, as many will lack the capacity to involve experts in drafting individualised statutes.

Currently, there are 1,439²⁶²⁵ territorial communities in Ukraine. In those where military administrations are in place, questions arise regarding the possibility and appropriateness of adopting community statutes through unilateral decisions by the heads of such administrations.

The exercise of all forms of popular sovereignty by relocated administrations requires separate legislative regulation²⁶²⁶. The use of any public participation tool becomes extremely difficult in the absence of a connection to the respective territory.

2621 On Amendments to the Tax Code of Ukraine (Regarding the Introduction of a Percentage Allocation Mechanism for Supporting Non-Profit Organisations): Draft Law of Ukraine, registration No. 7500 of 28.06.2022.

2622 On Amendments to the Law of Ukraine "On Local Self-Government in Ukraine" on Ensuring Transparency of Local Self-Government: Law of Ukraine No. 3590-IX of 22.02.2024.

2623 CSO Meter 2024: Ukraine Country Report. Period: January – October 2024.

2624 On Amendments to Certain Laws of Ukraine Regarding Popular Sovereignty at the Local Self-Government Level: Law of Ukraine No. 3703-IX of 09.05.2024.

2625 Decentralisation Portal.

2626 Reintegration Scenarios for the Occupied East: Highlights from the Conference on Reintegration of the Territories. International Renaissance Foundation. 2024.

In October 2024, the President signed into law the Law of Ukraine “On Public Consultations²⁶²⁷”, which provides for the **conduct of public consultations by all executive authorities, local self-government bodies, and others when adopting any managerial decisions**. The law defines the range of entities responsible for conducting public consultations, regulates the procedure and key stages of such consultations, introduces various formats for conducting them, mandates the creation of an online platform for public consultations, and provides for reporting on the results of consultations, including whether and how public proposals were taken into account, with justification of the final decision²⁶²⁸.

At the same time, **the Law does not apply to public consultations on draft laws initiated by Members of Parliament**, meaning that this tool cannot be used in the area of greatest public demand. **The Law will enter into force only one year after the termination or cancellation of martial law** in Ukraine, effectively postponing the implementation of its provisions indefinitely. Moreover, the deadlines set for the Government to adopt and update the necessary secondary legislation are excessively short. It is stipulated that this work may begin only six months prior to the Law’s entry into force, which prevents the early preparation of the required legal acts. Given the limited timeframe, it will be practically impossible to complete and adopt the necessary regulations within the six months allocated.

The Law of Ukraine “On Lobbying” and Its Risks

The Law of Ukraine “On Lobbying”²⁶²⁹, adopted in February 2024, poses risks to the activities of CSOs²⁶³⁰. In September 2024, the Parliamentary Committee on Legal Policy involved the public in discussions on a draft amendment to the Law, as a result of which **Parliament postponed the Law’s entry into force until 1 September 2025**²⁶³¹. The Transparency Register, which will include information on lobbying entities and their reporting, was scheduled to be launched by May 2025. In October 2024, the Government approved the Regulation on the Transparency Register²⁶³² and the Rules of Ethical Conduct for Lobbying Entities²⁶³³, developed by the National Agency on Corruption Prevention (NACP).

Despite public involvement in the process of amending the Law, several issues remain that continue to raise concerns among experts. Article 3 of the Law of Ukraine “On Lobbying” formally excludes the activities of public associations and other non-profit organisations from its scope, provided such activities are not related to commercial interests.

2627 On Public Consultations: Law of Ukraine No. 3841-IX of 20.06.2024.

2628 Pros and Cons of the Adopted Law “On Public Consultations”. UPLAN Portal. 2024.

2629 On Lobbying: Law of Ukraine No. 3606-IX of 23.02.2024.

2630 CSO Meter 2024: Ukraine Country Report. Period: January – October 2024.

2631 Verkhovna Rada postponed the entry into force of the Law of Ukraine “On Lobbying”. National Agency on Corruption Prevention. 2024.

2632 Certain Issues Regarding the Creation and Functioning of the Transparency Register: Resolution of the Cabinet of Ministers of Ukraine No. 1175 of 15.10.2024.

2633 On the Approval of the Rules of Ethical Conduct for Lobbying Entities: Resolution of the Cabinet of Ministers of Ukraine No. 1128 of 01.10.2024.

However, **the definition of “commercial interest” remains vague and grants excessive discretionary powers to the NACP in interpreting CSO activity as lobbying.**

For CSOs that independently decide to register in the Transparency Register — and thereby recognise themselves as lobbying entities — a number of questions arise regarding the implementation of the Law’s provisions: the volume and type of information required to be disclosed in the Register, the possibility of applying for foreign project funding while listed in the Register, and more. At the same time, there are no obligations imposed on lobbying targets, which creates an overall imbalance in the rights and responsibilities of the parties.

Impact of Anti-Money Laundering and Counter-Terrorism Financing Measures on CSO Access to Banking Services

The implementation of legislation on anti-money laundering (AML) and counter-terrorism financing (CTF)²⁶³⁴ has not only led to **uncertainty regarding the definition of UBOs for CSOs**, but has also resulted in **restrictions on bank transfers, difficulties with correspondent banks, and the freezing of funds in accounts**. These issues have become especially acute since the start of the full-scale invasion of Ukraine by the Russian Federation, as financial monitoring has intensified in wartime conditions.

Risk assessments on the potential misuse of non-profit organisations²⁶³⁵ for AML/CTF purposes are conducted **without adequate communication with CSO representatives** and tend to interpret fully lawful rights and activities of CSOs as indicators or means of illegal activity. Moreover, these assessments often contain **poorly substantiated conclusions about the risk profile of CSO activities**. Since primary financial monitoring entities (e.g. banking institutions) are required to take such assessments into account, **this threatens to further increase banking de-risking targeting CSOs**. In addition, **the classification of the CSO sector as high-risk has led to enhanced financial monitoring and increased scrutiny by law enforcement agencies**, which obstructs the lawful activities of organisations — contrary to the provisions of FATF Recommendation 8²⁶³⁶.

The high-risk level attributed to non-profit organisations in the 2022 National Risk Assessment report (which will be published only after martial law is lifted²⁶³⁷) lacks proper justification and supporting evidence. In the context of the **state’s limited understanding of the specific nature of CSO operations**, this situation creates risks of excessive or unjustified measures being applied to non-profit organisations.

To ensure a more transparent and fair National Risk Assessment process for CSOs, scheduled for 2025, the Centre for Democracy and Rule of Law conducted an independent

2634 On Prevention and Counteraction to Legalisation (Laundering) of the Proceeds of Crime, Financing of Terrorism and Financing of the Proliferation of Weapons of Mass Destruction: Law of Ukraine No. 361-IX of 06.12.2019.

2635 Overview on the Use of Non-Profit Organisations for the Purpose of Legalisation (Laundering) of the Proceeds of Crime and Financing of Terrorism. State Financial Monitoring Service of Ukraine. 2024.

2636 International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation — FATF Recommendations. State Financial Monitoring Service of Ukraine. 2024.

2637 Information on the Publication of the 2022 National Risk Assessment Report: State Financial Monitoring Service of Ukraine. 2024.

risk assessment²⁶³⁸. However, the **methodology²⁶³⁹ for the upcoming national assessment has already been approved by the State Financial Monitoring Service of Ukraine without proper consultation with civil society.**

As a result of assessing the CSO sector as high-risk for AML/CFT purposes — without considering the specific legal and regulatory framework for non-profit organisations — **excessive and unjustified financial monitoring measures²⁶⁴⁰ are being applied to CSOs.** This leads to practical difficulties in their operations, such as the blocking of financial transactions and the suspension of banking services.

Prohibition of Public Associations in Cases Where Their Officials Are Convicted of Collaboration

The Law of Ukraine “On Public Associations” provides for the **possibility of prohibiting organisations by court decision if their authorised persons are convicted of criminal offences against the foundations of national security of Ukraine**, specifically for collaboration²⁶⁴¹.

These provisions of the Law, in effect, create conditions under which the ban may be applied to organisations whose governing body members have been found guilty of collaboration. However, since such a ban concerns a legal entity, if the public association itself was not involved in the offence and did not violate Articles 36 or 37 of the Constitution of Ukraine²⁶⁴², **the prohibition and forced dissolution of the organisation is not a justified measure.**

No documented cases of abuse of this provision have been identified, and the state's ability to initiate the dissolution of organisations whose activities violate the Constitution of Ukraine — as also stipulated in Article 28 of the Law of Ukraine “On Public Associations” — remains necessary. Nevertheless, with regard to liability for criminal offences committed by “authorised persons,” the law requires revision to avoid potential risks.

Identification of the Ultimate Beneficial Owner for CSOs

Under current Ukrainian legislation²⁶⁴³ on anti-money laundering and counter-terrorism financing (AML/CFT), all legal entities are required to maintain information on their UBO or the absence thereof, as well as their ownership structure, subject to certain exceptions. Public associations and charitable organisations are not among these exceptions and

2638 Report on the Independent Risk Assessment of the Non-Profit Sector in Ukraine. Centre for Democracy and Rule of Law. 2024.

2639 Methodology for the National Risk Assessment of Money Laundering, Terrorist Financing and Financing of the Proliferation of Weapons of Mass Destruction in Ukraine. 2024.

2640 On the Approval of the Regulation on the Financial Monitoring Procedures Carried Out by Banks: Resolution of the Board of the National Bank of Ukraine No. 65 of 19.05.2020.

2641 Criminal Code of Ukraine No. 2341-III of 05.04.2001, Article 111¹.

2642 Constitution of Ukraine No. 254k/96-VR of 28.06.1996, Articles 36 and 37.

2643 On Prevention and Counteraction to Legalisation (Laundering) of the Proceeds of Crime, Financing of Terrorism and Financing of the Proliferation of Weapons of Mass Destruction: Law of Ukraine No. 361-IX of 06.12.2019.

are therefore required to determine whether they have a UBO, and to disclose their ownership structure accordingly.

As noted in the Shadow Report on Chapter 23²⁶⁴⁴, the mandatory submission of UBO information by legal entities has been postponed until the termination of martial law and 90 days thereafter. This postponement applies only to entities registered before the AML/CFT legislation entered into force. Newly established organisations must submit UBO information upon registration as legal entities. In addition, some CSOs have already submitted declarations of the absence of a UBO to the Unified State Register of Enterprises and Organizations of Ukraine (USREOU). However, during data updates, banks do not accept such declarations of absence and insist on identifying a specific individual or individuals as UBOs (e.g. founders or the head of the organisation). This inconsistency forces organisations to correct the discrepancy by submitting updated UBO information to state registration authorities.

In 2023, the approach to identifying UBOs was revised. The introduction of martial law brought changes to UBO reporting requirements, which also apply to CSOs, including public associations and charitable organisations²⁶⁴⁵.

The identification and registration of UBO information for CSOs remains problematic, with no up-to-date guidance or recommendations from the state on this matter. The website of the MoF features sample ownership structure diagrams, including for non-profit organisations, that are intended to help determine the presence or absence of a UBO²⁶⁴⁶. These samples are submitted to state registration authorities for inclusion in the USREOU. However, these **samples fail to comply with the updated requirements for non-profit CSOs approved by the MoF**²⁶⁴⁷.

Meanwhile, as of September 2024, a MoJ²⁶⁴⁸ order came into force establishing the Procedure for notifying the MoJ about discrepancies between UBO data in the USREOU and information obtained by banking institutions from clients. This means that **CSOs may face problems due to reports of discrepancies**, as banks frequently require the identification of a UBO and do not accept declarations of its absence, whereas CSO entries in the USREOU typically state that no UBO exists.

In the course of communication with banking institutions, CSOs are often advised to designate their founders as UBOs. However, for public associations, this is entirely incorrect, as the powers of a founder terminate immediately after the public association is registered²⁶⁴⁹ — this is, in essence, a one-time function performed by a natural person during

2644 Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine. Human Rights Centre ZMINA. 2024.

2645 Guide to Identifying the Ultimate Beneficial Owner for Public Associations and Charitable Organisations. Centre for Democracy and Rule of Law. 2024.

2646 Ownership Structure of a Legal Entity. Ministry of Finance of Ukraine. 2021.

2647 On the Approval of the Regulation on the Form and Content of the Ownership Structure: Order of the Ministry of Finance of Ukraine No. 163 of 19.03.2021.

2648 On the Approval of the Procedure for Notifying the Holder of the Unified State Register of Enterprises and Organizations of Ukraine of Identified Discrepancies Between Information Obtained by a Primary Financial Monitoring Entity as a Result of Due Diligence and Information Entered in the Register on Ultimate Beneficial Owners and/or Ownership Structure of a Legal Entity: Order of the Ministry of Justice of Ukraine No. 2542/5 of 12.07.2023.

2649 On Public Associations: Law of Ukraine No. 4572-VI of 22.03.2012.

the establishment of the organisation. As a result, CSOs may face fines²⁶⁵⁰ ranging from UAH 17,000 to 340,000 for discrepancies in submitted information. Although no such sanctions have been recorded to date, the risks remain significant.

Recommendations

1. Adopt Draft Law No. 8084 to regulate the activities and state registration of public associations.
2. Adopt Draft Law No. 6319 to ensure enabling legislation for the activities of community organisations, with revisions to address the regulation of their activities under martial law.
3. Introduce an online registration service for public associations and other CSOs via the "Diia" public services platform.
4. Legally regulate the exercise of the right to peaceful assembly under martial law, taking into account risk diversification and specifying the grounds and conditions for holding assemblies. In particular, address inconsistencies between paragraph 8, Part 1, Article 8 and Part 1, Article 19 of the Law of Ukraine "On the Legal Regime of Martial Law" and clearly define the powers to impose bans on peaceful assemblies (who has the authority, and under what conditions, to prohibit a specific peaceful assembly or assemblies in a given territory).
5. Legally regulate the status of local council members who represent political parties that have been banned by court decision.
6. Continue the practice of open court hearings on the dissolution of political parties and allow closed hearings only in part and only where restricted information is disclosed.
7. Define the powers of law enforcement agencies to detect violations of special legislation and the Constitution of Ukraine in the activities of political parties (Article 18 of the Law of Ukraine "On Political Parties").
8. Ensure the effective implementation of the Action Plan for the National Strategy for Promoting Civil Society Development in Ukraine for 2025–2026.
9. In cooperation with CSOs, initiate the development of the next National Strategy for Promoting Civil Society Development in Ukraine. Develop effective mechanisms for monitoring the implementation of action plans.
10. Develop and adopt a State Target Programme for the Development of Volunteering in Ukraine and ensure funding for its implementation.
11. Introduce the necessary legislative amendments to reduce the tax burden on non-profit organisations in relation to volunteer insurance.

²⁶⁵⁰ On the Approval of the Procedure for Bringing to Responsibility and the Procedure for Determining the Amount of Fines for Violations in the Sphere of State Registration of Legal Entities: Order of the Ministry of Justice of Ukraine No. 3258/5 of 13.09.2023.

12. Adopt Draft Law No. 13071 to simplify the process for foreign volunteers to obtain a temporary residence permit in Ukraine during martial law, following the review of the draft law text by the relevant committee for the second reading.
13. Develop a government procedure for providing financial assistance to volunteers who have become disabled, and to the families of deceased volunteers who were injured while assisting civilians.
14. Adopt Draft Law No. 12010 to provide CSOs working with humanitarian aid with the necessary vehicles.
15. Assess CSO funding needs to account for losses resulting from the suspension of US Government funding at the beginning of 2025 and the challenges facing local CSOs.
16. Expand the scope of state funding for CSOs beyond the areas of youth, veterans, and persons with disabilities, and continue improving the transparency and effectiveness of competitive procedures for CSO support.
17. Increase the volume of state funding distributed through competitive mechanisms, while also ensuring institutional support for CSOs based on competitive procedures and review the approach to the list and limits of eligible expenses within CSO project implementation.
18. Adopt Draft Law No. 7500 to introduce a percentage allocation mechanism for supporting CSOs and develop and adopt the necessary amendments to the Budget Code of Ukraine to implement this mechanism.
19. Revise the provision delaying the entry into force of the Law of Ukraine "On Public Consultations" until one year after the end of martial law and introduce an obligation for Members of Parliament to conduct public consultations on draft laws they initiate.
20. Legally regulate the exercise of forms of public participation in addressing local issues by military administrations in occupied territories.
21. Prevent the unjustified application of the Law of Ukraine "On Lobbying" to CSOs.
22. Clarify definitions — particularly that of "commercial interest" — in the Law of Ukraine "On Lobbying", in line with Council of Europe recommendations, to ensure compliance with the principle of legal certainty.
23. Conduct the 2025 National Risk Assessment in the AML/CFT sector, taking into account the results of the independent assessment of risks for non-profit organisations and applying a risk-based approach.
24. Ensure training for AML/CFT system actors on the specifics of CSO legal regulation and activities to enable accurate application of the risk-based approach in light of those specifics.
25. Update sample ownership structure diagrams for submitting UBO information for CSOs and improve coordination between primary and state-level financial monitoring entities.
26. Develop future updates to the National Risk Assessment Methodology for AML/CFT in Ukraine with the participation of CSOs and through active, inclusive consultations with international experts and partners (going beyond FATF Recommendation 8).

Protection of the Rights of the Child

Russia continues to commit the gravest crimes against Ukrainian children — due to the mass shelling of civilian and infrastructure facilities, children are being killed and maimed. There is evidence of a lack of humanitarian assistance and of sexual violence against children in the TOT of Ukraine. The occupiers actively use prohibited weapons against the civilian population. Such weapons cause more severe injuries and damage than other types of munitions. Cluster munitions, phosphorus and thermobaric weapons, munitions with chemical agents, butterfly mines, and others pose particular danger.

The Russian Federation continues to involve Ukrainian children in the war. Russian intelligence services use mobile gaming applications to recruit minors and establish contact through social networks and messaging platforms. In addition, Russia continues to expand its network of military-patriotic education programmes for youth in the Russian Federation and in the temporarily occupied territories of Ukraine, with the aim of waging a long-term war against Ukraine and preparing for potential future armed conflicts with Western countries.

The forced displacement of children remains widespread in territories that are temporarily occupied or under constant shelling. At the same time, there is still no unified and transparent algorithm or mechanism that would enable the return of Ukrainian children deported to Russia. Another pressing issue is the absence of a state-run systematic reintegration process for returned children, which should provide long-term support and accompaniment for the child and their family.

In the investigation of war crimes, the training of juvenile investigators and the overall development of juvenile justice in Ukraine remain necessary.

In the context of deinstitutionalisation, no significant changes have taken place. The newly adopted strategy to ensure the right of every child in Ukraine to grow up in a family environment carries significant risks of non-implementation due to a lack of state funding and the often-declarative nature of the commitments undertaken. The development of the social protection sector in communities also remains very slow. Some communities, especially those with small budgets, cannot afford to employ even one social worker or specialist. At the same time, even those communities that do have such specialists, or where social service centres and child welfare services are operating, are not fully carrying out their functions due to inadequate staffing norms and an increasing number of socially vulnerable population groups.

Impact of the War and Investigation of Crimes Against Children, Including War Crimes

According to the Optional Protocol to the Convention on the Rights of the Child, six grave crimes against children are defined: killing or maiming, recruitment or use in armed forces, attacks on schools and hospitals, rape, abduction/displacement, and denial of humanitarian access²⁶⁵¹. Due to Russia's mass shelling of Ukrainian civilian and infrastructure facilities, children are being killed and maimed. There is evidence of a lack of humanita-

²⁶⁵¹ Six grave violations against children in times of war.

rian assistance and of sexual violence against children in the temporarily occupied territories. Militarisation and the involvement of children in the war are taking place, as well as the deportation of Ukrainians to Russia.

As of December 2024, approximately **737,000 children were internally displaced persons (IDP's)** as a result of hostilities. A further 1.7 million are refugees, many of whom have been separated from their parents²⁶⁵². As of July 2025, **646 children had been killed, 2,100 had sustained varying degrees of injury, and 19 cases of sexual violence against children had been confirmed**²⁶⁵³.

As a result of targeted as well as indiscriminate attacks, Russian military forces are destroying not only residential buildings but also schools, hospitals, sports grounds, and historical and cultural sites. Even after the war ends, it will be impossible to return to many cities and villages, as the infrastructure there has been almost entirely destroyed. Over the three years of full-scale war, 236,000 residential buildings have been damaged or destroyed, including 209,000 private houses, 27,000 apartment buildings, and another 600 dormitories. More than 4,000 educational institutions have also been damaged or destroyed, including 229 schools, 110 kindergartens, and 97 universities. Hospitals, polyclinics, and other medical institutions are regularly targeted. In total, 1,554 medical facilities have been damaged, including 515 hospitals and 465 outpatient clinics. Also affected were 3,921 cultural sites, 399 religious buildings, and 343 sports facilities²⁶⁵⁴. There are ongoing attacks on energy and water supply infrastructure, as a result of which Ukrainians face problems with electricity, water and heating supply, as well as communications — all of which worsen the conditions for the care and upbringing of children.

Russia is actively using prohibited weapons on the territory of Ukraine against the civilian population. Such weapons cause more severe injuries and trauma than other types of munitions. Particularly dangerous are cluster munitions, phosphorus and thermobaric weapons, butterfly mines, etc. Over the three years of full-scale war between Russia and Ukraine, more than 6,900 cases of the use of munitions containing hazardous chemical substances by Russian occupiers have also been confirmed²⁶⁵⁵. According to the Mine Action Centre, approximately 30% of Ukraine's territory is contaminated with mines and unexploded ordnance, with over 139,000 km² of land and 14,000 km² of water bodies requiring clearance by demining units²⁶⁵⁶.

In the TOT of Ukraine, **there is considerable evidence that the occupiers are using civilian facilities** as military headquarters and/or storage sites for military equipment and ammunition. Given that children are forced to attend schools and kindergartens in the TOT, and must access medical facilities when needed, this equates to the use of civilians as human shields during hostilities. It also means the absence of proper access to medical, social and educational services for the population, which only exacerbates the humanitarian crisis in these areas.

2652 UN report details devastating impact of hostilities on children in Ukraine.

2653 Children of War website.

2654 Direct infrastructure damage to Ukraine due to the war has reached \$170 billion - KSE Institute estimate as of November 2024. Kyiv School of Economics. 2025.

2655 In three years of war, the Russian Federation has used munitions containing hazardous chemical substances more than 6,900 times. Ministry of Defence of Ukraine. 2025.

2656 Mine Action Centre website.

The Russian Federation continues to involve Ukrainian children in the war. In particular, Russian intelligence services use mobile gaming applications to **recruit minors**, establishing contact through social media and messaging platforms. Children are usually offered monetary remuneration for completing various tasks — taking photographs of specific locations, monitoring certain sites, distributing posters, and so on. For more serious tasks (such as delivering a bag containing explosives or setting a vehicle on fire), psychological pressure and manipulation are also applied. As of the end of July 2025, the prosecution authorities had initiated 200 criminal proceedings in relation to the recruitment of Ukrainian children for subversive activities²⁶⁵⁷.

In addition, Russia continues to expand its network of military-patriotic education programmes for youth both in the Russian Federation and in the temporarily occupied territories of Ukraine, with the aim of waging a long-term war against Ukraine and preparing for possible future armed conflicts with Western countries. As of early 2025, the Russian occupiers had forced nearly 60,000 children from temporarily occupied settlements in Luhansk region²⁶⁵⁸, around 1,800 children from Zaporizhzhya region²⁶⁵⁹, and 45,000 children from Crimea²⁶⁶⁰ to join propaganda-driven military-patriotic movements.

The militarisation of children is actively promoted from school age. One example is the publication last year of the first textbook for studying drones in school technology classes for pupils in Years 8–9²⁶⁶¹. Another example is the active production of weapons components for specific military units by students in schools in Crimea²⁶⁶².

Forced displacement remains widespread in territories that are temporarily occupied or under constant shelling. **Children are often forcibly sent to “re-education camps”** in Russian-controlled territories, where propaganda and indoctrination are used to alter their perception of identity, Ukraine, and the course of the war. In such camps, children are forced to listen to the national anthem and publicly express support for Russia. Teenagers are often issued Russian passports, which significantly complicates their return home. The militarisation of boys is also widespread, including attempts to enlist them into the Russian army. In addition, the conditions in which children are held in such camps are unfit for living. The Russians neglect to meet the basic needs of children, including hygiene, medical care, and adequate nutrition²⁶⁶³.

According to statements by representatives of the occupation administrations, during the summer season of 2024, **40,000 Ukrainian children** were taken to “re-education camps” under the “Useful Holidays” project. This is almost twice as many as the previous year. Children from the occupied territories took part in propaganda trips to Moscow, Saint

2657 Data from the Department for the Protection of Children's Interests and Countering Domestic Violence of the Prosecutor General's Office.

2658 Nearly 60,000 children from the temporarily occupied territory of Luhansk region being “retrained” in the ranks of “Yunarmiya” and “Dvisheniye Pervykh”. Publication by Sprotyv on the social network Facebook. 2025.

2659 Telegram channel of Ivan Fedorov, Head of Zaporizhzhia Regional Military Administration.

2660 Publication by the Crimean Tatar Resource Centre on the social network Facebook. 2025.

2661 How the Kremlin prepares children for war starting from school. Centre for Countering Disinformation, 2024.

2662 Clubs of War: In Crimean schools, children manufacture weapons components and are taught to kill “enemies of Russia”. Krym.Realii. 2025.

2663 Special report by the Ukrainian Parliament Commissioner for Human Rights on the situation in the territories of Ukraine temporarily occupied by the Russian Federation: What tools does the Russian Federation use to occupy and subjugate the population of the temporarily occupied territories of Ukraine? 2025.

Petersburg, Rostov-on-Don, and Tula under programmes such as “Cultural Map 4+85”, “Youth Route”, and “University Shifts”, and participated in several “patriotic” camps, in some cases more than 8,000 kilometres from home²⁶⁶⁴.

As of 31 July 2025, **Ukraine has confirmed the deportation of 19,546 Ukrainian children** who were unlawfully taken to the Russian Federation, Belarus, and the TOT of Ukraine. The actual number of displaced children is likely much higher, but it is currently impossible to fully assess the scale due to lack of access to the TOT and the protracted nature of the full-scale war. According to open sources cited by Russia, 744,000 children have been taken. At present, joint efforts by civil society organisations and the Government have resulted in the **return of 1,480 children**²⁶⁶⁵.

A positive step towards the prevention of and return from the deportation of Ukrainian children was the development of the White Book “Protecting Children from Forced Displacement and Deportation” by the International Task force #BringKidsBackUA. The book consistently debunks Kremlin myths about “evacuation” and, through the lens of international law, describes how the Russian Federation has systematically and deliberately committed the crime of deportation and forced displacement of Ukrainian children. It strengthens Ukraine’s capacity to develop effective international legal mechanisms for the return of abducted children, as well as to ensure their rehabilitation and reintegration²⁶⁶⁶.

The regulatory framework for the registration of deported and forcibly displaced Ukrainian children has also been improved. In autumn 2024, the Law of Ukraine “On the Registration of Information on Damage Caused to the Personal Non-Property Rights of Individuals as a Result of the Armed Aggression of the Russian Federation against Ukraine” was adopted. It provides for the **establishment and functioning of a Register of Information on Deported Children**²⁶⁶⁷. Resolution of the Cabinet of Ministers of Ukraine No. 1240 of 29 October 2024 entered into force, defining the mechanism for the creation, maintenance, access to, and use of the Register of Information on Children Deported or Forcibly Displaced in Connection with the Armed Aggression of the Russian Federation against Ukraine²⁶⁶⁸. An Interdepartmental Commission on the Verification of Information on Children Deported or Forcibly Displaced in Connection with the Armed Aggression of the Russian Federation against Ukraine has been established, and its regulation approved²⁶⁶⁹.

Also, in October 2024, the Verkhovna Rada adopted Implementation Law No. 4012-IX in connection with the ratification of the Rome Statute of the International Criminal Court and its amendments, under which the **deportation of children is now recognised as genocide**²⁶⁷⁰.

2664 Publication by the Regional Center for Human Rights in social network Facebook. 2024.

2665 Children of War website.

2666 Protecting children from forced displacement and deportation: The International Expert Group Bring Kids Back UA presents the White Book. President of Ukraine. 2024.

2667 On the Registration of Information on Damage Caused to the Personal Non-Property Rights of Individuals as a Result of the Armed Aggression of the Russian Federation against Ukraine: Law of Ukraine No. 4071-IX of 20.11.2024.

2668 Certain Issues Regarding the Protection of Children Deported or Forcibly Displaced as a Result of the Armed Aggression of the Russian Federation against Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 1240 of 29.10.2024.

2669 Ibid.

2670 On Amendments to the Criminal Code and the Criminal Procedure Code of Ukraine in Connection with the Ratification of the Rome Statute of the International Criminal Court and Its Amendments: Law of Ukraine No. 4012-IX of 09.10.2024.

At the same time, **there is still no unified and transparent algorithm or mechanism enabling the return of Ukrainian children deported to Russia.** The practice of returning children varies greatly — with the assistance of other countries, international organisations, through the offices of Ombudsmen, and often privately, when parents or guardians themselves travel to the Russian Federation to retrieve the child.

Another pressing issue is the **absence of a state-run systemic reintegration programme** for children returning from the TOT, the Russian Federation, and the Republic of Belarus, which would include long-term support and accompaniment for the child and their family. Currently, only civil society initiatives exist regarding the development of certain reintegration concepts in Ukraine, which involve the engagement of social services, educational institutions, and the broader community in working with returned children. In practice, these children are currently supported by the Child Rights Protection Centre and civil society organisations, which, where possible, provide assistance to meet children's humanitarian, psychological, social, legal, educational, and other needs. However, in the event of a significant increase in the number of returned deported children, the existing assistance model will not be able to withstand the demand. The state has partially addressed this issue through the adoption of the Procedure for the Identification, Return, Provision of Support, and Reintegration of Children Deported or Forcibly Displaced as a Result of the Armed Aggression of the Russian Federation against Ukraine²⁶⁷¹, which obliges the placement of all returned children exclusively in family-based forms of care.

As of 31 July 2025, according to the PGO, a total of 179,500 crimes of aggression and war crimes committed by the Russian Federation are under investigation in Ukraine. As of July 2025, **around more than 4,000 criminal proceedings concern crimes specifically against children.** The largest number of proceedings has been initiated in Luhansk, Donetsk, and Kherson regions. These relate to cases of abduction and unlawful imprisonment, forced deportation, and sexual violence. Fifty-four individuals have been formally charged with war crimes against children. Investigations have been completed against 44 individuals, and their cases have been submitted to court. Thirty-one war criminals have been convicted²⁶⁷².

Among the positive developments is the implementation of **pilot projects in the field of juvenile justice.** In November 2024, Ukraine launched a pilot project on the specialisation of judges in family and child-related cases. Its objective is to introduce child-friendly justice. Nearly 60 judges will undergo training. The pilot project is being implemented by the NGO "All-Ukrainian Public Centre 'Volunteer'" in cooperation with the Civil Cassation Court within the Supreme Court and the Interagency Coordination Council on Juvenile Justice Issues, with the support of the United Nations Children's Fund (UNICEF) Representation in Ukraine. It is envisaged that the adjudication of cases by specialised judges with in-depth knowledge of children's rights and an understanding of age-specific and psychological aspects of child development will ensure proper protection of the rights and well-being of every child who comes into contact with the justice system, taking into account their individual needs and life circumstances. This may also significantly accelerate the consideration of cases related to ensuring the child's right to a family²⁶⁷³.

2671 On the Approval of the Procedure for the Identification, Return, Provision of Support, and Reintegration of Children Deported or Forcibly Displaced as a Result of the Armed Aggression of the Russian Federation against Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 551 of 14.05.2024.

2672 Telegram channel of the Prosecutor General's Office. 2024.

2673 Pilot project launched on the introduction of judge specialisation in family and child-related cases. Judiciary of Ukraine. 2024.

Another pilot project has also proven effective. It was initiated by the Interagency Coordination Council on Juvenile Justice Issues, the Ministry of Justice, the NGO “All-Ukrainian Public Centre ‘Volunteer’”, with the support of the United Nations Children’s Fund (UNICEF) Representation in Ukraine. Since autumn 2024, the project has been operational across the entire territory of Ukraine. It provides for the functioning of a register of psychologists involved in criminal proceedings involving children. The availability of this database significantly facilitates the search for qualified specialists in the regions and ensures that the best interests of the child are upheld during procedural actions involving or concerning children²⁶⁷⁴.

The training of juvenile investigators remains essential, particularly in the context of working on war crimes. Currently, there are almost no such investigators, and law enforcement bodies in general are overloaded, with many officers handling hundreds or even thousands of cases simultaneously.

It is also worth noting that, at the beginning of 2025, a key and positive decision for Ukraine was the **appointment by the Council of Europe of a Special Representative on Ukrainian Children**. The role was created to draw attention to the challenges faced by Ukrainian children, as well as to promote standards and initiatives aimed at their support. The mandate also includes the coordination of international cooperation and interaction with bodies such as the Register of Damage and the Advisory Group on Ukrainian Children²⁶⁷⁵.

Deinstitutionalisation

On 26 November 2024, **the Cabinet of Ministers of Ukraine approved the Strategy for Ensuring the Right of Every Child in Ukraine to Grow Up in a Family Environment for 2024–2028**, as well as the operational action plan for its implementation for 2024–2026²⁶⁷⁶. This Strategy effectively represents a new deinstitutionalisation plan in Ukraine, as one of its key objectives is to uphold the rights and interests of children during the reform of institutions providing institutional care and upbringing. It also envisages the retention and redirection of the resources of such institutions to support children and families with children in territorial communities.

Importantly, the **deinstitutionalisation process is now directly linked to the development of social services at the local level and the support of family-based forms of care**. By 2028, it is projected that:

- › The share of orphans and children deprived of parental care placed in family-based forms of care will increase to 95%;
- › The number of children receiving institutional care and upbringing will decrease by 30%, and the number of such children under the age of three — by 80%, compared to 2023 figures;

²⁶⁷⁴ Website of the Information Platform for Psychologists Involved in Criminal Proceedings Involving Children.

²⁶⁷⁵ Special Envoy of Council of Europe Secretary General on the situation of children of Ukraine appointed. Council of Europe, 2025.

²⁶⁷⁶ On the Approval of the Strategy for Ensuring the Right of Every Child in Ukraine to Grow Up in a Family Environment for 2024–2028 and the Endorsement of the Operational Action Plan for 2024–2026 for Its Implementation: Order of the Cabinet of Ministers of Ukraine No. 1201 of 26.11.2024.

- › The number of children with disabilities and/or children with special educational needs receiving social, medical, and educational services in territorial communities will increase by 30%.

A positive feature of the Strategy is its consideration of the context of war and its consequences, such as internal displacement, deportation, the traumatising of children, etc.

At the same time, one of the main shortcomings is the **reliance on local budgets and off-budget funds to finance the implementation of the Strategy**, which poses significant risks to the fulfilment of planned actions and objectives. In addition, the Strategy lacks definitions of key concepts such as institution, deinstitutionalisation, reintegration, and others, which may affect the implementation of the Strategy in its intended form.

As of early 2025, **more than 80,000 children in Ukraine are placed in approximately 500 institutional care facilities** (children's homes, boarding schools, baby homes, shelters, and other institutions). **Of these, only 5,152 are orphans or children deprived of parental care**²⁶⁷⁷. The remaining children have parents but are not raised in families for various reasons, many of which relate to the lack of necessary social services at the local level.

It is also important to note the problems with statistical data. **Some of the statistics are inaccurate, and there is no unified electronic data system** that is updated immediately upon any changes. Various state authorities hold fragmented data, including on the placement of children in residential institutions, which complicates both the accurate assessment and forecasting of the situation in the context of reforming institutional childcare facilities. Another issue is the absence of an analytical approach to working with statistical data. State bodies mostly rely on the annual dynamic change of specific indicators in their reports, without considering the factors that may influence those indicators.

The adoption in 2025 of Law No. 4250-IX²⁶⁷⁸ **on the provision of rehabilitation services to service members in special educational institutions** is also a controversial development. The law allows special institutions of general secondary education to provide rehabilitation services to persons with special learning needs and other persons with visual and/or hearing impairments, including service members, discharged military personnel, war veterans, and individuals with special merits before Ukraine. While this decision is important in terms of providing rehabilitation support to service members, it poses potential risks to the safety of children and may also hinder the reform of such institutions in Ukraine.

At the same time, there is also a positive legislative initiative. A draft law is being prepared this year on mentorship for various categories of children, including orphans and children deprived of parental care placed in institutional settings, as well as children from families in difficult life circumstances who are growing up in family-based forms of care²⁶⁷⁹.

Family-Based Forms of Care and the Work of Social Services

A key factor for the successful deinstitutionalisation process in Ukraine is the development of family-based forms of care. According to operational data from the child welfare services

2677 "Not a child for an adult, but an adult for a child": How the orphanage system is being reformed. Ukrainian Radio. 2025.

2678 On Amendments to Certain Laws of Ukraine Regarding the Provision of Rehabilitation Services (Rehabilitation Assistance) by Educational Institutions: Law of Ukraine No. 4250-IX of 25.02.2025.

2679 Mentorship support to become accessible to more children and youth. Ministry of Social Policy of Ukraine. 2025.

of regional state (military) administrations, as of the end of 2024, 1,270 orphans and children deprived of parental care were adopted by court decision. Of these, 1,268 children (including 33 children with disabilities) were adopted by Ukrainian citizens; two children were adopted by foreign nationals. It is worth noting that this figure represents a 27% increase compared to 2023, when 927 such children were adopted²⁶⁸⁰. Nonetheless, **overall adoption rates remain low**.

The same applies to guardianship and custody arrangements. As of the end of 2024, there were 1,287 family-type children's homes (FTCHs) operating in Ukraine, accommodating 8,668 children, including 889 biological or adopted children. There were also 2,789 foster families, with 5,294 children in their care, of whom 1,357 were biological or adopted. During 2024, 75 new FTCHs were established, accommodating 1,160 children, as well as 372 new foster families, which took in 865 children²⁶⁸¹.

The key obstacles to the development of family-based forms of care include the **shortage of social services personnel**, which slows down the processes of adoption and placement of children into foster families and FTCHs, inadequate staff training, the prioritisation of adoption of younger children, and the lack of juvenile judges, resulting in delays of several months in the consideration of cases concerning a child's right to a family.

One positive development is the increase in the number of foster care (patronage) families over the past year. As of the end of 2024, there were 444 foster families (190 of which were created in 2024), caring for 865 children. At the current rate of preparation, it is entirely feasible to move away from the temporary placement of children in shelters and centres for the socio-psychological rehabilitation of children²⁶⁸².

Among the problems that have worsened over the past year is the **inadequate financial support for family-based care**, which has not been revised since the beginning of the full-scale invasion. The purchasing power of foster families and FTCHs has significantly declined since then and urgently requires review.

It is also important to note that the issue of hidden social orphanhood is widespread in Ukraine. Due to a shortage of child welfare specialists, low professional capacity, and high overall workloads — alongside the absence of measures for the prevention and identification of families in difficult life circumstances — the number of children who should be under the supervision of social services is significantly higher than the number monitored. At present, Ukraine lacks accurate statistics on the number of families in difficult life circumstances and children who require social support and/or removal from their biological families. Therefore, the potential number of children in need of placement into family-based forms of care is significantly higher than what is known to local social services. As a result, the development of family-based forms of care in Ukraine requires considerably greater state effort. Particular attention must be paid to preparing families who can take in children with disabilities or special educational needs, and this must include comprehensive support — from psychological assistance to methodological guidance. Currently, there are very few such families. It is also particularly difficult to place large sibling groups or

2680 Public Report by the Head of the State Service for Children's Affairs of Ukraine, Petro Dobromilskyi, on the Results of Activities in 2024.

2681 Ibid.

2682 Ibid.

children over the age of 11. There are hardly any programmes aimed at developing such forms of family-based care.

Overall, **the development of the social protection sector in communities remains very slow**, including due to the reallocation of collected tax revenues in favour of military expenditures. Some communities, especially those with limited budgets, are unable to hire even a single social worker or specialist. At the same time, communities that do have such personnel, or even operate social service centres and child welfare services, are also not fully performing their functions due to inadequate staffing norms and the growing number of socially vulnerable population groups. According to the Office of the Ombudsman, more than 60% of child welfare services are understaffed²⁶⁸³. In general, there is a lack of understanding among the heads of amalgamated territorial communities of the importance of organising proper social support for residents. Combined with the absence of state subventions for the social sector, this results in the limitation or absence of social services at the local level.

The lack of proper attention to these problems is due, in part, to an inadequate division of responsibilities between several state bodies responsible for protecting and ensuring the rights and interests of children. In practice, these bodies currently include the MSP, the National Social Service, and the State Service for Children's Affairs. Their mandates overlap, and some important functions are not carried out by any authority. Furthermore, the subordination of some bodies to others appears illogical.

On 21 July 2025, the Cabinet of Ministers of Ukraine adopted a **decision**²⁶⁸⁴ **to transform the Ministry of Social Policy into the Ministry of Social Policy, Family and Unity, merging into it the Ministry of National Unity**. Although this reorganisation has its advantages, it may also carry certain risks. In particular, given the wide range of issues overseen by the Ministry of Social Policy, **the addition of another area may lead to a loss of focus on more complex and less prioritised topics, such as the development of family-based care, deinstitutionalisation**, and others.

Thus, there is a pressing need to reform the child social protection system with a clear division of responsibilities among state bodies concerning the development, implementation, and oversight of public policy.

One of the few recent improvements is the **partial support for civil society organisations as providers of social services**. Thanks to the efforts of the civic sector, there are examples of successful pilot projects for the development of various services for children and youth, including graduates of institutional care facilities. However, such experiences are scarcely scaled up or replicated in other communities and regions.

Recommendations

1. Ensure the documentation of all crimes committed by Russian military personnel against children: killings, maiming, ill-treatment, and other violations.

²⁶⁸³ Not a child for an adult, but an adult for a child: How the orphanage system is being reformed. Ukrainian Radio. 2025.

²⁶⁸⁴ Certain Issues of Optimising the System of Central Executive Authorities: Resolution of the Cabinet of Ministers of Ukraine No. 904 of 21.07.2025.

2. Involve international partners in monitoring the situation of children deported to the Russian Federation and facilitating their return to Ukraine or relocation to third safe countries.
3. Apply child-friendly justice approaches, including the training of an adequate number of specialised professionals.
4. Establish juvenile specialisation in the work of the police, prosecution, judiciary, and probation through legislative regulation.
5. Develop a clear algorithm for the reintegration of children affected by the war, particularly those returned from deportation and the temporarily occupied territories of Ukraine.
6. Disseminate guidance for parents and educators on recognising potential risks of child recruitment and protecting children from harmful influences.
7. Allocate state funding for the implementation of the Strategy for Ensuring the Right of Every Child in Ukraine to Grow Up in a Family Environment for 2024–2028 and for the development of community-based services.
8. Create a unified electronic database on children, including those placed in institutional care facilities.
9. Properly analyse statistical data on children.
10. Revise the principles of financing social services for children by enabling communities to fully procure such services from various providers, thereby demonopolising the market currently dominated by state and municipal providers.
11. Consider the allocation of subventions to communities for the development of the social protection sector.
12. Reform the child social protection system with a clear division of responsibilities among state bodies in the development, implementation, and oversight of public policy.
13. Review staffing norms for social service centres and child welfare services in line with their assigned responsibilities.
14. Develop a mechanism for reallocating funds from the institutional care system to support family-based forms of care.
15. Conduct awareness-raising activities with community heads regarding the need to develop the social protection sector at the local level.
16. Increase the share of tax revenues retained for the development of local communities.

Combating Discrimination and Hate Crimes

As of July 2025, Ukraine has not recorded significant progress in combating discrimination and hate crimes. Despite certain legislative initiatives, the core anti-discrimination legislation remains fragmented and does not fully comply with the provisions of EU Directives, particularly with regard to the list of protected characteristics and the forms and manifestations of discrimination. The Law of Ukraine “On Principles of Preventing and Combating Discrimination in Ukraine” still does not include such characteristics as sexual orientation, gender identity, HIV status, health status, or displacement experience, which limits protection for these groups.

The system of legal protection for victims of discrimination remains weak — there are no effective mechanisms for prompt case review, shifting the burden of proof, or out-of-court dispute resolution. The Ukrainian Parliament Commissioner for Human Rights formally performs the function of an equality body but lacks the powers to impose sanctions and the capacity to participate in proceedings as an expert institution, and the courts rarely involve the Commissioner in such cases. Recent versions of legislation (in particular, on the protection of the right to work for persons with disabilities) lack clear definitions of positive action or “denial of reasonable accommodation”, as required by relevant EU standards.

Ukraine’s criminal legislation does not comply with the standards of the Council of the EU Framework Decision 2008/913/JHA. The CC of Ukraine restricts the motive of intolerance to racial, national or religious intolerance, excluding sexual orientation and gender identity (SOGI) or other protected characteristics. Private prosecution under Article 161 of the CC of Ukraine (violation of the equality of citizens based on their race, nationality, religious beliefs, disability and other characteristics), the absence of liability for legal entities, protracted investigations of complaints, and their termination due to the expiry of the statute of limitations caused by ineffective actions of law enforcement bodies — all these factors render the effective prosecution of hate crimes impossible.

In addition, there is no protection system in Ukraine for victims of manifestations of intolerance. There is no assessment of individual needs, and free legal aid is only conditionally available — after the end of martial law. Although a Coordination Centre for the Support of Victims and Witnesses has been established within the Prosecutor General’s Office, it operates solely in the field of international crimes.

Over the years, Ukraine has still not established a system for data collection: data remain undisaggregated, collected in a decentralised and unsystematic manner, which prevents the development of effective anti-discrimination policy. Furthermore, Ukraine has not yet joined the *European Union Agency for Fundamental Rights (FRA)* and does not apply its methodology. Overall, the state demonstrates a formalistic approach, consisting in the adoption of norms without proper implementation, and the recommendations from previous periods remain largely unfulfilled.

Compliance of National Legislative Regulation with the Requirements of the “Equality Directives”

As of July 2025, no significant legislative changes have taken place in the field of preventing and combating discrimination in Ukraine²⁶⁸⁵. The current legislative framework is based on the Constitution of Ukraine and the Law of Ukraine “On Principles of Preventing and Combating Discrimination in Ukraine”, adopted back in 2012, as well as several sectoral laws that primarily relate to labour issues²⁶⁸⁶.

The basic anti-discrimination law²⁶⁸⁷, although it follows the general logic of the four main EU equality directives, does not comply with a number of their key provisions²⁶⁸⁸:

- › **The Constitution of Ukraine and certain laws that guarantee equality contain non-unified and incomplete lists of characteristics protected against discrimination.** The basic law does not include such characteristics as “sexual orientation” and “gender identity” (SOGI), “HIV status”, “health status”, or “internal displacement” — although some of these are present in other acts (e.g. the Labour Code of Ukraine and the Law of Ukraine “On Employment of the Population”). Such fragmentation prevents the establishment of a consistent and coherent approach to the prohibition of discrimination.
- › **The basic law lacks references to and definitions of a number of forms of discrimination mentioned in EU directives** and in the case law of the European Court of Justice. These include “multiple discrimination”, “discrimination by association”, “segregation”, and “denial of reasonable accommodation”. At present, one of the few legislative changes in 2025 is the adoption of Law No. 4219-IX²⁶⁸⁹, which amends the Law of Ukraine “On the Fundamentals of Social Protection of Persons with Disabilities”. These amendments retained the reference to the definition of “reasonable accommodation” as provided in the UN Convention on the Rights of Persons with Disabilities²⁶⁹⁰ but failed to introduce the form of “denial of reasonable accommodation” into the basic anti-discrimination law. Moreover, the obligation to determine what constitutes reasonable accommodation for a person with a disability was assigned to employers, thereby depriving the person with a disability of agency. Additionally, the Cabinet of Ministers of Ukraine has been tasked with developing a

2685 In particular, draft Law of Ukraine “On Amendments to the Code of Ukraine on Administrative Offences and the Criminal Code of Ukraine on Combating Manifestations of Discrimination” (registration No. 5488 of 13.05.2021) was withdrawn from consideration in July 2025. However, on 4 July 2025, a new Draft Law No. 13507 was submitted to the Verkhovna Rada, which, if revised, may partially fill the existing gaps.

2686 See the Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine, pp. 343–345. 2024.

2687 On the Principles of Preventing and Combating Discrimination in Ukraine: Law of Ukraine No. 5207-VI of 06.09.2012.

2688 Namely: Directive 2000/43/EC (racial equality), Directive 2000/78/EC (equality in employment), Directive 2004/113/EC (equality in access to goods and services), Directive 2006/54/EC (equality between women and men in employment) — this is a non-exhaustive list of EU equality directives.

2689 On Amendments to Certain Laws of Ukraine on Ensuring the Right for Persons with Disabilities to Work: Law of Ukraine No. 4219-IX of 15.01.2025.

2690 Convention on the Rights of Persons with Disabilities of 13.12.2006.

list of reasonable accommodation criteria (within an undefined timeframe)²⁶⁹¹. All these changes are inconsistent with the substance of Directive 2000/78/EC²⁶⁹² which requires not merely quoting the definition of “reasonable accommodation”, but defining what constitutes a violation — namely, “denial of reasonable accommodation”²⁶⁹³.

- › National **legislation still does not guarantee access to effective, prompt, and low-cost legal remedies**, as required by Article 7 of Directive 2000/43/EC²⁶⁹⁴, and similar provisions of other directives. There is no procedure for the expedited consideration of discrimination cases by the competent authority or court, nor are there mediation mechanisms in discrimination cases. An analysis of court decisions on discrimination shows that the average duration of case consideration by a court is one to two years²⁶⁹⁵. Victims often lack the resources for prolonged legal proceedings, and the process itself is not adapted to their need.
- › The basic law on preventing and combating discrimination, as well as the CUAO, **do not provide for forms of administrative liability for various types and manifestations of discrimination**. Administrative liability for violations of the principle of equality exists only in limited areas (e.g. advertising)²⁶⁹⁶, which contradicts the requirements of Directive 2000/43/EC regarding effective and proportionate sanctions. The Ukrainian Parliament Commissioner for Human Rights does not have a mandate to impose sanctions, despite performing the functions of an equality body in accordance with Article 13 of Directive 2000/43/EC. Other executive authorities do not perform such functions either, leaving the courts as the only recourse for appealing against discrimination and depriving victims of the opportunity to restore their violated rights²⁶⁹⁷.
- › The law **allows courts to request expert opinions from the Ukrainian Parliament Commissioner for Human Rights in discrimination cases**, but courts rarely do so, even at the request of claimants, which effectively negates the involvement of a competent equality body.
- › The law does not establish criteria for reasonableness or justification (particularly in the context of positive actions, special measures, etc.). Despite more than 10 years of enforcement, **judicial practice remains rather inconsistent**, and stable approaches have not been developed, especially regarding the understanding of forms of discrimination (judges face particular difficulties with indirect discrimination), the

2691 Ibid.: “The principles, criteria, and limits of reasonable accommodation and universal design shall be determined by the Cabinet of Ministers of Ukraine”.

2692 Council Directive 2000/78/EC of 27.11.2000 establishing a general framework for equal treatment in employment and occupation.

2693 Non-compliance of Draft Law No. 5344-D with international standards: we demand adequate protection mechanisms against discrimination and the fulfilment of the obligation to ensure reasonable accommodation. Fight for Right. 2024.

2694 Council Directive 2000/43/EC of 29.06.2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

2695 Discrimination: Judicial Practice 2012–2020. Review of Court Judgments in Discrimination Cases in Ukraine, 2012–2020.

2696 This sanction has not been applied since 2022 due to martial law restrictions.

2697 The court only establishes the violation and may award compensation for material or moral damage.

shifting of the burden of proof, and the application of the “other characteristics” clause²⁶⁹⁸. It was only in 2025 that a Supreme Court decision²⁶⁹⁹ was published explaining a certain logic in the consideration of discrimination cases, but it does not fully reflect the approach used by the ECtHR and does not provide for a clear distribution of the burden of proof between victims and respondents.

- › An analysis of the current national legislation to identify and eliminate systemic and structural discrimination has not been carried out. For example, the **Family Code of Ukraine still discriminates against same-sex unmarried couples** (notably Article 74 (property rights of a woman and a man living as one family but not married to each other or in any other marriage), Article 91 (right to maintenance for a woman and a man who are not married to each other), and Part 3 of Article 211 (persons of the same sex cannot be adoptive parents) — issues that should be addressed independently of whether registered same-sex partnerships are introduced. The equality body should initiate such reviews of existing legal regulations to prevent systemic human rights violations.

Other Manifestations of Intolerance — Hate Speech and Hate Crimes

As of 2025, no amendments have been made to the CC of Ukraine to align it with the provisions of Council Framework Decision 2008/913/JHA²⁷⁰⁰ (the Framework Decision). Despite the existence of certain legal mechanisms intended to criminalise severe forms of hate speech (Article 161 of the CC of Ukraine) and various manifestations of hate crimes (commission of a crime “motivated by racial, national or religious intolerance” under Articles 115, 121, 122, 126, 127, and 129 of the CC of Ukraine), their structure, content, and the list of protected characteristics they cover do not meet most key requirements of the Framework Decision 2008/913/JHA. The main gaps include:

- › Most articles of the CC of Ukraine that include “motive of intolerance” as an aggravating circumstance prescribe punishment only for crimes committed on the grounds of “racial, national or religious intolerance²⁷⁰¹”. This **excludes from protection such groups as LGBT+, persons with disabilities, IDPs**, etc. The practice of law enforcement shows that the combined application of Article 161 with other articles of the CC of Ukraine, and the use of the phrase “and other characteristics”, is ineffective²⁷⁰².

2698 Discrimination: case law 2012–2020. Overview of court decisions in discrimination cases in Ukraine in 2012–2020.

2699 Judgment of the Supreme Court of 20.11.2024 in case No. 755/8130/23.

2700 Council Framework Decision 2008/913/JHA of 28.11.2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.

2701 Article 67 of the CC of Ukraine, which includes the separate aggravating circumstance of “gender,” was used only once in court practice, in conjunction with Article 296 (hooliganism). In November 2023, Podilskyi District Court of Kyiv delivered a verdict in a homophobic attack case that occurred in late May. For the first time in Ukraine, the court applied Article 67 of the CC of Ukraine to a crime motivated by homo-/transphobia, recognising as an aggravating circumstance the commission of a criminal offence “on the grounds of gender identity”; In 2023, court practice recorded a single case of applying Article 161 of the CC of Ukraine to a crime motivated by transphobia. In the verdict in a case concerning the assault of a transgender service member in Lviv on 15 August 2023, the Halytskyi District Court of Lviv stated that the accused initiated the conflict based on discrimination “on certain grounds,” which in this specific case were expressed by the general term “transgender identity”.

2702 Case *Karter v. Ukraine*. ECtHR. 2024.; Case *Uzu v. Ukraine*. ECtHR. 2024.

- ▶ Although the structure of Article 161 of the CC of Ukraine ostensibly defines the offence as “intentional actions aimed at inciting national, regional, racial or religious enmity and hatred, at humiliating national honour and dignity, or insulting citizens’ feelings in connection with their religious beliefs”, it is **rarely applied to penalise the dissemination of hate speech**. Other laws lack non-criminal liability for other forms of hate speech (as required by General Policy Recommendation No. 15 of the Council of Europe and repeatedly highlighted by the European Commission against Racism and Intolerance — ECRI)²⁷⁰³. Despite obligations under the Law of Ukraine “On Media”, **the National Council has still not published a mechanism for continuous monitoring of media, including online media, for the dissemination of hate speech**. Only one decision is known, in which the National Council initiated an unscheduled remote inspection of the NGO “Civic Movement ‘All Together!’” for violation of paragraph 3, part 1, Article 36 of the Law of Ukraine “On Media”²⁷⁰⁴.
- ▶ Article 161 of the CC of Ukraine provides for **prosecution by private accusation only, which contradicts Article 8 of Council Framework Decision 2008/913/JHA**, which requires that the initiation of proceedings be independent of the victim’s complaint.
- ▶ A significant number of complaints remain unpunished **due to the expiry of the statute of limitations** resulting from protracted procedures (for example, the judgment in the case of *Kornilova v. Ukraine*²⁷⁰⁵). The current wording of Part 5 of Article 49 of the CC of Ukraine (release from criminal liability due to expiry of the limitation period) provides for exemption from punishment in cases where the limitation period elapses (during the lengthy investigation of a crime, which is a common issue in hate crime cases).
- ▶ According to Part 1 of Article 335 of the CPC of Ukraine, judicial proceedings may be suspended if the accused has been called up for military service during mobilisation in a special period, until their discharge from military service. Considering that victims may also be called up for military service, this renders their participation in judicial proceedings impossible or significantly limited.
- ▶ There is no liability for legal entities for racist or xenophobic acts, as well as for incitement and aiding or abetting in the commission of such offences, as required by Article 5 of the Framework Decision.

2703 ECRI — Country monitoring in Ukraine.

2704 The organisation published on its website the article “More and more printing houses in Ukraine refuse to print LGBT products,” which aims to create and reinforce negative stereotypes and stigmatise LGBTIQ+ persons in Ukraine, inciting hostile attitudes towards the LGBTIQ+ community in Ukraine. See: Compliance with legislation — the regulator responded to the violation. National Council of Ukraine on Television and Radio Broadcasting. 2025.

2705 Judgment of the European Court of Human Rights of 12.11.2020 in the case of “Kornilova v. Ukraine” (Application No. 47283/14).

Protection of Victims' Rights and Data Collection

Although the number of criminal proceedings initiated under Article 161 of the CC of Ukraine²⁷⁰⁶ has increased in recent years, most of the cases submitted to court between 2022 and 2024 concern offences committed in the context of the Russian Federation's war against Ukraine. **The ratio between hate crime cases recorded by human rights organisations and those investigated by the police remains disproportionate**²⁷⁰⁷.

National legislation on the protection of victims' rights does not comply with Directive 2012/29/EU²⁷⁰⁸, which establishes minimum standards on the rights, support, and protection of victims of crime. Ukrainian legislation does not provide for a procedure for assessing the individual needs of victims or for the provision of specialised support services, including accompaniment, legal and psychological assistance. These gaps are especially critical for victims of hate crimes.

In 2023, a Coordination Centre for the Support of Victims and Witnesses was established within the PGO, but its mandate is limited exclusively to supporting victims of international crimes and CRSV, and its operational algorithms do not provide assistance to victims of hate crimes²⁷⁰⁹.

Legislative changes that did not improve protection against certain forms of discrimination or the rights of victims during the reporting period:

- ▶ The Law of Ukraine "On Preventing and Combating Antisemitism in Ukraine"²⁷¹⁰, adopted back in 2021, contains a definition of and a prohibition on antisemitism, but does not establish any sanctions for antisemitic rhetoric or acts of vandalism, despite such acts being recorded in Ukraine annually²⁷¹¹.
- ▶ In 2024, amendments were made to the Law of Ukraine "On Free Legal Aid"²⁷¹², introducing the right of victims of hate crimes to receive free legal aid. Despite the wide range of characteristics of victims listed in the new paragraph 30 of Part 1 of Article 14 of the said Law, this list does not include SOGI. In addition, such amendments will enter into force only after the end of martial law and therefore are not yet applicable in practice.

2706 55 judgments under Article 161 of the CC of Ukraine were recorded in the Unified State Register of Court Decisions for 2022–2024. The vast majority of the offences in 2022–2024 occurred in the digital space — these are cases concerning the dissemination of hate speech on social media (Facebook, Telegram, TikTok, YouTube). In 2021 and early 2022, they involved public speeches, distribution of leaflets, and statements during religious services. More than half of the judgments (approximately 70% of cases) were based on plea agreements, resulting in limited court attention to the motive of intolerance and its examination or thorough analysis.

2707 Over four years, "Nash Svit" documented 291 hate-motivated crimes. ZMINA. 2024.; Fighting for the Future. The Situation of LGBTQ People in Ukraine in 2024. Nash Svit.

2708 Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

2709 Summary of the work of the Coordination Centre for Victim and Witness Support in 2024. Prosecutor General's Office of Ukraine. 2025.

2710 On Preventing and Combating Antisemitism in Ukraine: Law of Ukraine No. 1770-IX of 22.09.2021.

2711 Why a Jewish symbol on Maidan has sparked debate in Ukraine. BBC. 2024.

2712 On Amendments to the Law of Ukraine "On Free Legal Aid" on Expanding the List of Persons Entitled to Free Secondary Legal Aid: Law of Ukraine No. 4133-IX of 05.12.2024.

These shortcomings reflect a **formalistic approach to fulfilling obligations**: the state adopts provisions that are supposed to provide protection against discrimination on paper but fails to ensure actual effective protection of victims and real mechanisms for the restoration of violated rights.

No changes have occurred during the reporting period in the approach to data collection and analysis regarding discrimination and intolerance. The data on cases of discrimination, hate speech, and hate crimes collected by state authorities and civil society organisations differ significantly in terms of content, structure, and completeness. **A centralised mechanism for the collection, exchange, and analysis of data on discrimination is still lacking**, which renders the effective development of state policy in this area impossible.

There are no obligations for executive authorities or the judicial administration to collect and regularly publish disaggregated statistics on complaints and responses to manifestations of discrimination and intolerance (including data on the number of court claims, etc.).

Ukraine has not yet joined the European Union Agency for Fundamental Rights (FRA) and does not apply its recommendations or methodologies for developing its own system of data collection and analysis.

Recommendations

1. Amend the Law of Ukraine "On Principles of Preventing and Combating Discrimination in Ukraine" to:
 - expand the list of characteristics protected from discrimination (to include SOGI, HIV status, disability, veteran status, HIV-positive status, displacement experience, etc.);
 - incorporate in the law definitions of multiple discrimination, discrimination by association, segregation, and denial of reasonable accommodation.
2. Harmonise the provisions of the CC of Ukraine with Council Framework Decision 2008/913/JHA by:
 - removing the provision on private prosecution from Article 161 of the CC of Ukraine;
 - expanding the list of protected characteristics (specifically including SOGI);
 - abolishing the statute of limitations for hate crimes (Part 5 of Article 49 of the CC of Ukraine);
 - introducing liability of legal entities for incitement to and aiding and abetting in the commission of hate crimes.
3. Develop legislation for the protection of the rights of victims of hate crimes in accordance with Directive 2012/29/EU by:
 - ensuring procedures for the assessment of individual needs of victims of hate crimes;
 - establishing a system of specialised victim support services (psychological, legal, and social).

4. Ensure the implementation of the right to free legal aid for victims of hate crimes, regardless of the duration or termination of martial law.
5. Establish a centralised system for the collection, exchange, and analysis of disaggregated data on discrimination and hate crimes, including:
 - designating a coordinating body;
 - defining a unified approach to data disaggregation for further analysis and comparison;
 - involving representatives of law enforcement agencies and the judiciary in data collection and analysis.
6. Apply for Ukraine's membership in the European Union Agency for Fundamental Rights (FRA) and apply its methodology in the collection and analysis of data.
7. Develop a national strategy for preventing discrimination and intolerance, including:
 - designating a coordinating body (e.g. an equality body);
 - establishing intergovernmental cooperation mechanisms.
8. Grant the Ukrainian Parliament Commissioner for Human Rights the authority to provide mandatory expert opinions in discrimination cases (upon the request of the court or the parties).
9. Strengthen the capacity of executive authorities, law enforcement agencies, and judges to prevent and combat discrimination, namely:
 - introduce specialisation, instructions, and standard operating procedures (SOPs) for the police and prosecution service for the investigation of hate crimes;
 - conduct large-scale training for judges, prosecutors, and police officers on the investigation and adjudication of discrimination and hate crime cases;
 - introduce regular mandatory training for civil servants on equality, non-discrimination, accessibility, and positive action.

Rights of Persons with Disabilities

Over the past year, Ukraine has demonstrated certain progress in developing the regulatory framework concerning the rights of persons with disabilities, particularly in areas highlighted by the European Commission in its reports and by the UN Committee on the Rights of Persons with Disabilities in its concluding observations. Work has begun on the deinstitutionalisation process, the reform of the social services system, disability assessment, and employment. Certain legislative changes have been introduced in relation to accessibility of the reconstruction process. However, these processes are being implemented slowly and do not always meet the standards of the UN Convention on the Rights of Persons with Disabilities and EU legislation, which the state must incorporate into national law.

The problem of institutionalisation leaves a deep mark on the lives of persons with disabilities, as many continue to remain in institutions, which poses a risk to their life and health.

Despite the adoption of several strategic documents in the area of deinstitutionalisation, actual changes have not yet been as large-scale and dynamic as expected. The adoption in 2024 of the Strategy for Reforming Psychoneurological and Other Residential Institutions and for the Deinstitutionalisation of Care for Adults with Disabilities and Elderly Persons until 2034 is indeed an important step by the state. However, this Strategy does not define the process of transition from institutions to independent living in the community but only outlines certain prerequisites for this process.

As deinstitutionalisation is impossible without a comprehensive reform of disability assessment, social services, and the employment system, these processes are currently pivotal to ensuring independent living for persons with disabilities in the community and must progress in a synchronised manner. The reform of the disability assessment system currently does not envisage changes that would replace the medical approach to disability with a human rights-based approach. The reform process and the introduction of community-based services is slow and does not cover the full range of services a person must receive to live independently. Regulatory progress in the area of employment is not accompanied by better integration of the standards and provisions of the UN Convention on the Rights of Persons with Disabilities. Due to the slow pace of all these processes, the disability community does not expect visible changes in the deinstitutionalisation process in the coming years.

Inclusive reconstruction is currently the area where the least progress has been made. Overall, the issue of monitoring and oversight of the reconstruction process remains legally unregulated. As a result, a systemic oversight process for ensuring accessibility throughout all stages of construction is largely impossible.

Deinstitutionalisation

The level of institutionalisation in Ukraine continues to grow, despite certain attempts by the state to change the situation in 2024. Despite the adoption of the Strategy for Reforming Psychoneurological and Other Residential Institutions and for the Deinstitutionalisation of Care for Adults with Disabilities and Elderly Persons until 2034 (the Strategy)²⁷¹³, **genuine efforts to eradicate institutional culture and dismantle the institutional system have not yet begun.** The full-scale war has exacerbated the problem of institutionalisation due to the increasing number of displaced persons with disabilities and elderly individuals, the destruction of communities, and the collapse of traditional support networks.

As of 2024, there are at least 564 institutions operating in Ukraine, of which 259 are various types of residential institutions, and 305 are inpatient departments of territorial social service centres providing segregated services ("inpatient care"). A total of at least 46,000 individuals reside in these facilities²⁷¹⁴. **The number of "conventional" institutional facilities continues to grow with the emergence of new-format institutions**, which appear as a result of the inability to provide displaced persons with disabilities and elderly persons with housing in communities that is accessible both architecturally and financially.

²⁷¹³ On the Approval of the Strategy for Reforming Psychoneurological and Other Residential Institutions and the De-institutionalisation of Care for Adults with Disabilities and Older Persons until 2034, and the Adoption of the Operational Plan for its Implementation in 2025–2027: Order of the Cabinet of Ministers of Ukraine No. 1315 of 24.12.2024.

²⁷¹⁴ The right to live one's own life: the state and civil society organisations are developing a De-institutionalisation Strategy. Ministry of Social Policy of Ukraine. 2024.

A legislative ‘gap’ allowing for the effective expansion of the institutional system without altering statistical data is the practice of launching branches or departments of the institutions. Open sources contain information about the establishment of new branches of institutions after the start of the full-scale war of the Russian Federation against Ukraine in 2022. For example, in Khmelnytskyi region, in September 2022, the Staroushysia department of the Kytaihorod Residential Institution for Elderly Citizens was opened, accommodating at least 35 elderly persons and persons with disabilities from among IDPs²⁷¹⁵. In summer 2022, a branch of the Hrushkiv Psychoneurological Residential Institution was established in Lviv region, where, as of 2023, over 100 persons with disabilities were residing, both from local communities and evacuated institutions²⁷¹⁶.

Signs of institutionalisation can also be observed in various types of rehabilitation service facilities, particularly those intended for veterans. The practice of placing persons with disabilities and elderly persons in residential institutions during crisis situations is spreading not only to IDPs, but also to local residents, as demonstrated by the case in the village of Sknyliv in Lviv region. After a Russian missile strike in January 2025, the first proposed solution for two affected women was their placement in a hospice or a residential care home for elderly persons²⁷¹⁷.

At the community level, the reconstruction of institutional infrastructure continues: in the Bilopillia community, a new facility with full utilities and equipment was effectively created from scratch by local authorities with the support of the International Organization for Migration (IOM) to relocate the Atyn Psychoneurological Residential Institution from the border area²⁷¹⁸.

At the same time, **the institutional system remains a major consumer of budget funds** and requires significant financial resources to sustain its operations²⁷¹⁹. Meanwhile, the UN Committee on the Rights of Persons with Disabilities emphasises the inadmissibility of using international financial assistance to support institutionalisation²⁷²⁰.

At the same time, most of society remains unaware of the scale and inadmissibility of institutionalisation as a human rights violation, particularly in relation to persons with psychosocial and intellectual disabilities, while the state continues to present institutionalisation as one of the social services. Information on how to apply for a “voucher to a residential institution” can be found on the state “Diia” portal in the “Social Protection” section²⁷²¹.

2715 A residential care unit opens in Stara Ushytsia for internally displaced persons at a care home. Stara Ushytsia Territorial Community. 2022.

2716 The Lviv RMA conducts monitoring visits to regional social protection institutions: summary. Lviv RMA. 2023.

2717 “The house is gone, everything is destroyed”. A resident of Sknyliv on the morning shelling in Lviv region. Suspilne, 2025.

2718 “They lived a kilometre from the border with Russia”: in Sumy region, a psychoneurological institution was evacuated and given a new home. Shotam. 2024.

2719 Research report: Analysis of funding sources, allocation and cost estimates for maintaining institutional facilities based on the example of Khmelnytskyi region.

2720 Concluding Observations of the UN Committee on the Rights of Persons with Disabilities on the Second and Third Periodic Reports of Ukraine. 2 October 2024, para. 38 (d).

2721 Voucher for placement in a care home for older persons and persons with disabilities, geriatric boarding house, veterans’ home, psychoneurological institution, children’s residential care home or youth unit of a children’s residential care home. Diia Portal.

Flaws in the Strategy and its Operational Action Plan

Over the past year, civil society, particularly organisations of persons with disabilities, has made significant efforts to encourage the state to develop and adopt a De-institutionalisation Strategy²⁷²². For this purpose, organisations enlisted the expert support of international professionals and donors, formed informal coalitions, and carried out preparatory work involving situational research and the development of a theory of change²⁷²³. A dedicated web portal on deinstitutionalisation was created²⁷²⁴, featuring detailed explanations of all relevant international standards and practices. In effect, civil society prepared a platform for the state to launch deinstitutionalisation. Despite active involvement in the development of the Strategy, the organisations involved point out that it **does not align with its primary objective of abandoning institutional culture and dismantling the institutional system** to ensure inclusion and independent living for all persons with disabilities in communities.

Although the Strategy states that its development “complies with Ukraine’s obligations under the Association Agreement [...] and is envisaged by Ukraine’s Plan, approved by Order of the Cabinet of Ministers of Ukraine No. 244 of 18 March 2024, for the implementation of the EU initiative ‘Ukraine Facility’, introduced by Regulation (EU) No. 2024/792 of the European Parliament and of the Council of 29 February 2024,” civil society organisations believe that it largely does not comply with the provisions of the UN Convention on the Rights of Persons with Disabilities, in particular Articles 12 and 19, and the Guidelines on Independent Living and Inclusion in the Community for Persons with Disabilities in the Context of EU Funding²⁷²⁵:

- › The Strategy places its primary focus on reforming the existing institutional system and its transformation, rather than on a complete abandonment of the institutional system and culture.
- › The Strategy does not prioritise the right to independent living for all persons with disabilities, particularly those with psychosocial and intellectual disabilities, and lacks a roadmap for closing all institutions and ensuring a clear and accessible path for transitioning individuals from institutions to community life.
- › The absence of a clear provision on a moratorium on new placements in institutions is a serious gap, which contradicts the recommendations of the UN Committee on the Rights of Persons with Disabilities²⁷²⁶.
- › The language of the Strategy frames care and support for persons with disabilities in terms of guardianship, without reflecting their active role and participation, hence reinforcing the charitable model of disability.

2722 On the Approval of the Strategy for Reforming Psychoneurological and Other Residential Institutions and the De-institutionalisation of Care for Adults with Disabilities and Older Persons until 2034, and the Adoption of the Operational Plan for its Implementation in 2025–2027: Order of the Cabinet of Ministers of Ukraine No. 1315 of 24.12.2024.

2723 Theory of Change — De-institutionalisation is Possible. Fight for Right. 2024.

2724 De-institutionalisation in Ukraine. Everything about the path of persons with disabilities from confinement in institutions to independent living in the community. Fight for Right.

2725 Commission adopts guidance on independent living for persons with disabilities. 2024.

2726 Concluding Observations of the UN Committee on the Rights of Persons with Disabilities on the Second and Third Periodic Reports of Ukraine, 02.10.2024, paras. 38 (c) and 39 (b).

- › The state views the main causes of institutionalisation solely as the lack of various social services, accessible housing, and the full-scale Russian invasion, without addressing the root causes that normalise the existence of institutions — such as the deprivation of legal capacity, the guardianship system, and substitute decision-making.
- › **The state continues to uphold the institutions of guardianship and care**, proposing to continue providing them with social support and training, thus investing significant resources into the maintenance of the institutional system rather than recognising the problem in the existence of guardianship²⁷²⁷. The preservation of full deprivation of legal capacity and the transfer of institutional placement decisions to guardians as third parties further entrenches institutional culture.

The majority of the goals and tasks set out in the Operational Action Plan for the implementation of the Strategy in 2025–2027 do not directly concern deinstitutionalisation, community inclusion, or independent living for persons with disabilities. Like the Strategy itself, the Plan is primarily filled with various measures related to the rights of persons with disabilities, such as accessibility, assistive technologies, and the development of social, housing, educational and other services²⁷²⁸.

The introduction of supported decision-making (without which community living is not possible, especially for persons with psychosocial and intellectual disabilities) has also not received sufficient attention from the state. This is evidenced by the fact that only in 2027 is it planned to develop proposals for amendments to the Civil Code of Ukraine, the Civil Procedure Code of Ukraine, and the Family Code of Ukraine concerning the introduction of a supported decision-making model²⁷²⁹.

The Strategy covers only a limited number of types of institutions, leaving out a significant share of facilities that, according to the methodology of the UN Committee on the Rights of Persons with Disabilities, also exhibit characteristics of institutions. The definition and functioning of institutional facilities in Ukraine are governed by Standard Regulations No. 957²⁷³⁰ and No. 772²⁷³¹, as well as the Law of Ukraine "On Social Services"²⁷³². **Ukrainian legislation defines institutional facilities rather narrowly** — as establishments that provide round-the-clock care for persons with disabilities and elderly citizens — which results in a limited list of facility types classified by the state as institutions. Applying the standards of the UN Committee on the Rights of Persons with Disabilities clearly shows that official statistics do not reflect the full picture, and the actual number of institutions and individuals residing in them is significantly higher.

The state appears to acknowledge the possibility of introducing a moratorium on the functioning of residential institutions, but does so in a cursory and contradictory man-

2727 Tasks 4.5–4.8 of the Operational Plan for the Implementation in 2025–2027 of the Strategy.

2728 Task 5 of the Operational Plan for the Implementation in 2025–2027 of the Strategy.

2729 Objective 4.4 of the Operational Plan for the Implementation in 2025–2027 of the Strategy.

2730 On the Approval of the Model Regulation on Psychoneurological Residential Care Homes: Resolution of the Cabinet of Ministers of Ukraine No. 957 of 14.12.2016.

2731 On the Approval of the Model Regulation on Care Homes for Older Persons and Persons with Disabilities: Resolution of the Cabinet of Ministers of Ukraine No. 772 of 02.09.2020.

2732 On Social Services: Law of Ukraine No. 2671-VIII of 17.01.2019.

ner, merely proposing the development of such a legislative proposal in 2026. Additional evidence of this is the inclusion of an activity on mapping institutional facilities and developing a transition plan, which is not expected to be completed until 2027²⁷³³. There is no mention of a moratorium on the admission of new residents to institutions. The state does not intend to eliminate institutions altogether — despite the very name of the Strategy — but rather proposes their transformation²⁷³⁴.

It is also common to observe **discrepancies between the stated objectives and the measures and indicators provided**. For example, Objective 18 refers to “the development of mechanisms for urgent support for persons with disabilities and elderly persons who wish to leave residential institutions,” which is an extremely important task. Nevertheless, the two measures listed for its implementation concern, first, access to means of communication within institutions in order to receive legal aid, and second, the development of a draft act on liability for violations of the rights of persons with disabilities, breaches of legislation on the provision of social services, and cruel or degrading treatment of persons with disabilities and elderly persons residing in institutions. In other words, the content of this objective does not clarify what kind of support should be provided to help people leave institutions, what authority should be responsible for this process, or how this support system will be structured.

The Operational Plan continues to reflect the medical approach to the rights of persons with disabilities. The assessment of “functional abilities” and the determination of “capabilities” and “potential” are presented as grounds for claiming that not all persons with disabilities can live independently and in the community²⁷³⁵.

There is also concern about the approach to defining performance indicators for the implementation of the Strategy’s Operational Plan: in most cases, the indicator is “an analytical note and proposals for legislative amendments have been prepared and published on the official website”.

Within a month of the Strategy’s approval, the state committed to establishing an auxiliary body under the Cabinet of Ministers of Ukraine to ensure coordinated action by central and local executive authorities in implementing and monitoring the Strategy, including the development of tools for implementing deinstitutionalisation at the local level²⁷³⁶. However, by the end of July 2025, this task had not been fulfilled.

Consequences of (Non-)Evacuation and Occupation under the Institutional Approach

During the three years of the full-scale war of the Russian Federation against Ukraine, **the evacuation of people from institutions has been ineffective and carried out by transferring them to similar facilities in safer regions or abroad**, without consideration

2733 Operational Plan for the Implementation in 2025–2027 of the Strategy for Reforming Psychoneurological and Other Residential Institutions and the De-institutionalisation of Care for Adults with Disabilities and Older Persons until 2034: Resolution of the Cabinet of Ministers of Ukraine No. 1315 of 24.12.2024, Task 16.

2734 Ibid, Task 2.2.

2735 Ibid, Tasks 8.2 and 17.2.

2736 Ibid, Task 1.2.

of individual needs or social ties. This not only deepens their isolation but also causes serious psychological harm due to the loss of familiar surroundings, disruption of communication, and daily routines. Re-institutionalisation is the process by which persons with disabilities, after being evacuated from one institution (e.g. in a combat zone), are placed in another closed facility instead of being given the opportunity to live in the community with the necessary support. This constitutes a human rights violation under Article 19 "Living independently and being included in the community" of the UN Convention on the Rights of Persons with Disabilities, as it maintains isolation, dependency on the system, and restricts freedom of choice, autonomy, and access to services on an equal basis with others.

The new facilities receiving evacuees are overcrowded, making it impossible to adequately meet people's basic needs. The absence of familiar staff and the change of environment exacerbate trauma. This model requires significant additional investment in an already outdated institutional system, while simultaneously hindering progress.

Many institutions remain in frontline areas. They are unable to ensure even basic safety for their residents. In September 2024, as a result of a guided aerial bomb strike on the Sumy Geriatric Boarding Institution, where 221 people were residing, one person was killed and 12 were injured. Despite repeated appeals by civil society organisations²⁷³⁷ for the immediate evacuation of persons with disabilities from dangerous regions, the Sumy Regional Military Administration took no action before the tragedy, and evacuation plans began to be implemented only post factum. Overall, 12 institutions in the Sumy region remained operational, housing 1,599 individuals who were not evacuated despite ongoing heavy shelling.

Similar issues have been identified in other regions: most institutions lack both accessible shelters and alert systems, and people residing in institutions lack information about the security situation. Monitoring visits also confirmed the lack of actual access to basements and protective structures in facilities in Cherkasy and Dnipropetrovsk regions. **Since the beginning of the full-scale war, at least 25 institutions have been affected by shelling, with injuries and fatalities recorded.** At the same time, the issue of holding officials accountable for failing to properly protect people has not been raised²⁷³⁸.

Ukraine still does not possess reliable information on the fate of persons in institutions located in the TOT. According to the Donetsk and Kherson Regional Military Administrations, some residents of residential institutions were illegally transported to Donetsk, temporarily occupied Crimea, and various regions of the Russian Federation under the guise of "health improvement" or "recreation". Meanwhile, the directors of the Orlivka and Pereslav Psychoneurological Residential Institutions in Zaporizhzhia region sided with the occupation administration as early as September 2022, completely severing contact with the Ukrainian side — no information about the residents of these facilities has been received since. The situation is further complicated by the fact that **most regional administrations do not have up-to-date data on the number of persons remaining in institutions in the TOT**; they operate solely on the basis of the planned capacity of facilities or the number of beds²⁷³⁹. Responses to information requests confirm that the actual number of persons

2737 The organisation of persons with disabilities Fight for Right reported during the interview (28.03.2025) that such appeals had been submitted.

2738 Study of the Institutional System in Ukraine on the Eve of De-institutionalisation. Fight For Right. 2025.

2739 Ibid.

is unknown, which prevents assessing the scale of human rights violations or planning for the return of these individuals²⁷⁴⁰.

From 2022 to 2024, **not a single person from an institution in the TOT has been returned as part of official exchanges**, and information about their situation remains inaccessible. **At the state level, no register of such individuals has been created, no programmes or mechanisms for the return of institutionalised persons from the TOT have been introduced**, and no authority responsible for this area has been designated. In response to official inquiries sent to relevant ministries and the Secretariat of the Ukrainian Parliament Commissioner for Human Rights, only formal replies are provided, stating that this issue does not fall within their area of responsibility.

Practices of ill-treatment, violence, and neglect continue in institutions. One example is the Yaryshiv Psychoneurological Residential Institution in Vinnytsia region, where 27 people died under unclear circumstances over a two-year period, and media outlets and human rights defenders reported systematic violence and gross violations of living conditions²⁷⁴¹. Despite the documented facts and public outcry, as of 2025, there is no information about the results of any investigation or follow-up inspections of the facility by the competent authorities²⁷⁴².

Additionally, on 4 January 2025, a fire broke out at the Komariv Psychoneurological Residential Institution, located in the city of Pivdenne, Kharkiv region, approximately 100 km from the frontline. As a result, six people were injured, one of whom later died in hospital²⁷⁴³.

Disability Assessment System

The transition from a medical understanding of disability to a human rights-based approach in the disability assessment system is progressing very slowly and remains highly complex. For many years, the state attempted to reform the process of disability determination, but without substantial results. In 2023, an Action Plan was adopted to change the assessment of needs and the mechanism for meeting them for persons with limitations in daily functioning, and to reform the system of medical and social expertise in Ukraine²⁷⁴⁴, yet no tangible progress was achieved.

The reform officially began with the adoption of Law No. 4170-IX²⁷⁴⁵ in December 2024. This Law essentially replaces the medical and social expertise process with a comprehensive assessment of an individual's daily functioning, which is nearly identical in procedural terms, conducted by expert commissions where doctors continue to play the dominant

2740 The organisation of persons with disabilities Fight for Right reported during the interview (28.03.2025) that such appeals had been submitted.

2741 "People Began to Turn Yellow and Die". What Is Happening in the Psychoneurological Care Home in Vinnytsia Region Where Mortality Has Increased. Hromadske. 2024.

2742 Study of the Institutional System in Ukraine on the Eve of De-institutionalisation. Fight For Right, 2025.

2743 A Psychoneurological Care Home Caught Fire in Kharkiv Region, Six People Injured. Ukrinform. 2025.

2744 On the Approval of the Action Plan for Changing the Needs Assessment and Provision Mechanism for Persons with Limitations in Everyday Functioning and Reforming the Medical and Social Expertise System in Ukraine: Order of the Cabinet of Ministers of Ukraine No. 483 of 26.05.2023.

2745 On Amendments to Certain Legislative Acts of Ukraine on Reforming Medical and Social Expertise and Introducing the Assessment of Everyday Functioning of a Person: Law of Ukraine No. 4170-IX of 19.12.2024.

role²⁷⁴⁶. The International Classification of Functioning, Disability and Health (ICF) plays a crucial role in the transition to a human rights-based approach to disability assessment. In 2022, the National Classifier of Functioning, Limitations of Vital Activity and Health was approved²⁷⁴⁷, intended to integrate ICF standards into national legislation. However, **due to an incorrect translation of the document into Ukrainian, many concepts and terms currently do not align with the substance** of the ICF. For example, the term “disability” was translated as “limitation of vital activity”, thereby shifting the entire focus of the document and creating a basis for the emergence of a new status — “limitation of vital activity and functioning” — in addition to the existing status of “disability”.

The MoH continues to develop regulatory acts for the implementation of disability assessment reform, and this reform is expected to continue over the coming years. However, there is no clear understanding of how the state envisions the disability assessment system once the reform is completed.

The initiative of the Ministry of Social Policy concerning comprehensive social support for persons with disabilities, reflected in Draft Law No. 12209²⁷⁴⁸, currently lacks support within the disability community. The draft law proposes recognising part of persons with disabilities as “incapable of working”. Additional assessments, new statuses, and no support beyond benefits based on status do not align with international and European standards or the human rights-based approach to disability. “Limitation of vital activity”, “limitation of daily functioning”, and “limitation of working capacity” are just some of the medical terms that have become, or may become, part of current legislation — undermining attempts to shift toward a human rights-based approach.

The disability community welcomes the state’s approach towards greater involvement of persons with disabilities in this process, but such cooperation should be qualitative rather than merely quantitative. Mechanisms for engaging the public in the adoption of critically important framework laws must be reconsidered.

Social Services

Since 1 January 2020, the Law of Ukraine “On Social Services²⁷⁴⁹” has been in force. A significant number of subordinate regulations have not been adopted to date, which has been — and remains — one of the key factors preventing full implementation of the Law’s provisions, and thus also the creation of an effective system for delivering social services. The standards for social services are being updated and developed at an extremely slow pace. It was only in 2023 that the MSP approved an order on assessing community needs in social services²⁷⁵⁰. It can be assumed that prior to 2023, such needs assessments were either performed formally or not carried out at all.

2746 Based on an interview with the Charitable Foundation “Patients of Ukraine”, 31.03.2025.

2747 Classifier of Functioning, Disability and Health NC 030:2022: Order of the Ministry of Economy of Ukraine No. 810-22 of 09.04.2022.

2748 On Amendments to Certain Legislative Acts of Ukraine on the Formation of Comprehensive and Fair Social Support (Benefits and Services) for Persons with Limited Work Capacity, in Particular Persons with Disabilities: Draft Law of Ukraine, registration No. 12209 of 14.11.2024.

2749 On Social Services: Law of Ukraine No. 2671-VIII of 17.01.2019.

2750 On the Approval of the Procedure for Determining the Needs of the Population of an Administrative-Territorial Unit/Territorial Community for Social Services: Order of the Ministry of Social Policy of Ukraine No. 130-N of 19.04.2023.

One of the greatest challenges for communities is their inability to provide, using their own resources, the full range of basic services, currently numbering 18²⁷⁵¹. Experts note that only economically successful and attractive communities are able to properly fund the provision of social services. However, it is precisely in economically depressed communities that the risk of people falling into difficult life circumstances is most prevalent. Among the basic services that are often not ensured are many specifically for persons with disabilities: supported living; day care/daytime stay; support during inclusive education; physical assistance for persons with disabilities; and sign language interpretation²⁷⁵².

Despite the reform of services intended to enable persons with disabilities to live independently in the community, such services remain insufficient, and their quality is also highly questionable. In 2025, **work began on the development of a standard for the social service of supported living**. The MSP has submitted for consultation with non-governmental organisations a draft order "On the Approval of the State Standard for the Social Service of Supported Living for Elderly Persons and Persons with Disabilities." At the same time, it remains unclear whether a standard for a personal assistant is being developed. Among **recent positive practices is a pilot project**²⁷⁵³ for the provision of social services — namely, **residential care and supported living** — for elderly IDPs and persons with disabilities, based on **the "money follows the person" principle**. This initiative could meet real service needs if expanded and scaled up at the national level.

Particular attention should be drawn to **the challenges in accessing rehabilitation services**. Ukraine does have a certain legal framework for the rehabilitation of persons with disabilities, including the Law of Ukraine "On Rehabilitation in the Healthcare Sector"²⁷⁵⁴ and the ratified UN Convention on the Rights of Persons with Disabilities. However, due to insufficient funding, a shortage of specialists, limited regional availability of rehabilitation services, and the lack of modern rehabilitation programmes, many people are unable to access rehabilitation services in a timely manner — or at all. For example, in 2023, **only 5% of patients received rehabilitation following a stroke**²⁷⁵⁵.

An additional challenge is the underdeveloped outpatient rehabilitation system, and the bureaucratic complexities involved in its regulation²⁷⁵⁶. A partial solution to this issue is envisaged in Resolution of the Cabinet of Ministers of Ukraine No. 132, adopted on 7 February 2025²⁷⁵⁷. It effectively introduces a new rehabilitation format — a rehabilitation single service (so-called 'monoservice') — which can be provided either at the patient's home or within the community. Its practical effectiveness can only be assessed in the near future.

2751 Social Services in Ukraine: Existing Legal Regulation and Its Shortcomings. Fight For Right. 2024.

2752 Social Services for Veterans in Communities: Challenges and Needs. Cedoss. 2024.

2753 On Certain Issues of Implementation of the Pilot Project on Provision of Social Services of Inpatient Care and Supported Living to Internally Displaced Elderly Persons and Persons with Disabilities Based on the "Money Follows the Person" Principle: Resolution of the Cabinet of Ministers of Ukraine No. 888 of 06.08.2024.

2754 On Rehabilitation in the Healthcare Sector: Law of Ukraine No. 1053-IX of 03.12.2020.

2755 Only 5% of stroke patients received rehabilitation services, despite 95% requiring them. NHSU. Livyi Bereh, 2024.

2756 Based on the Interview with the Charitable Foundation "Patients of Ukraine" (31.03.2025).

2757 On Amendments to the Procedures Approved by the Resolutions of the Cabinet of Ministers of Ukraine No. 1268 of 03.11.2021 and No. 1462 of 16.12.2022: Resolution of the Cabinet of Ministers of Ukraine No. 132 of 07.02.2025.

Employment

Over the past year, significant changes have taken place in Ukraine in the area of regulatory policy on the employment of persons with disabilities. On 15 January 2025, the Verkhovna Rada adopted Law No. 4219-IX²⁷⁵⁸, which will enter into force on 1 January 2026. The adoption of this framework law is an important step towards improving employment policy for persons with disabilities in Ukraine. Overall, **the disability community positively assesses the state's initiative to harmonise national legislation with international and European standards in the field of employment**. At the same time, to fully comply with these standards, **Law No. 4219-IX requires further revision**, particularly to improve specific implementation mechanisms. Since it introduces substantial changes to the legal regulation of issues concerning the protection of the rights of persons with disabilities in various spheres of life, its underdeveloped provisions may negatively impact all areas of public life. The main shortcomings of Law No. 4219-IX:

- › **Law No. 4219-IX does not provide for amendments to the Law of Ukraine “On the Principles of Preventing and Combating Discrimination in Ukraine”²⁷⁵⁹ to recognise denial of reasonable accommodation as a form of discrimination in all areas of life.** The UN Committee on the Rights of Persons with Disabilities also emphasised the need to recognise denial of reasonable accommodation as a form of discrimination on the grounds of disability in all spheres of life in its Concluding Observations on the combined second and third periodic reports of Ukraine, dated 2 October 2024²⁷⁶⁰.
- › The procedure for determining reasonable accommodation for an employee, as established in the Law, does not comply with the standards of the UN Convention on the Rights of Persons with Disabilities²⁷⁶¹. The approval by the Cabinet of Ministers of Ukraine of a list of measures for reasonable accommodation and universal design²⁷⁶² undermines the very concept of reasonable accommodation. According to General Comment No. 8 (2022) of the UN Committee on the Rights of Persons with Disabilities on the right of persons with disabilities to work and employment²⁷⁶³, the employer and the employee jointly develop an individual solution to eliminate barriers at work — that is, measures of reasonable accommodation. Such a solution cannot be restricted by a predetermined list of reasonable accommodations defined by regulatory acts. Therefore, **approving and limiting reasonable accommodations to a predefined list at the state level is not an effective tool** for fulfilling obligations related to reasonable accommodation.

²⁷⁵⁸ On Amendments to Certain Laws of Ukraine on Ensuring the Rights of Persons with Disabilities to Work: Law of Ukraine No. 4219-IX of 15.01.2025.

²⁷⁵⁹ On the Principles of Preventing and Combating Discrimination in Ukraine: Law of Ukraine No. 5207-VI of 06.09.2012.

²⁷⁶⁰ Concluding Observations on the Combined Second and Third Periodic Reports of Ukraine CRPD/C/UKR/CO/2-3 of 02.10.2024, para. 10.

²⁷⁶¹ On Ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol Thereto: Law of Ukraine No. 1767-VI of 16.12.2009.

²⁷⁶² On Amendments to Certain Legislative Acts of Ukraine on Ensuring the Right of Persons with Disabilities to Work: Law of Ukraine No. 4219-IX of 15.01.2025, Articles 1, 13.

²⁷⁶³ General Comment No. 8 (2022) of the UN Committee on the Rights of Persons with Disabilities on the Right of Persons with Disabilities to Work and Employment, CRPD/C/GC/8, para. 45.

- › **Excluding the employee from the decision-making process regarding the determination of reasonable accommodation measures violates the core principles of the UN Convention on the Rights of Persons with Disabilities**²⁷⁶⁴ and the human rights-based approach to disability in general. The Law states that reasonable accommodation measures are approved by the employer²⁷⁶⁵. In accordance with the standards of the UN Convention on the Rights of Persons with Disabilities, it is the employer who must implement the solution that the employee considers most appropriate, provided it does not impose a disproportionate burden²⁷⁶⁶.
- › The Law proposes **a definition of the term “organisation of persons with disabilities” that does not comply with the standards set by the UN Committee** on the Rights of Persons with Disabilities in General Comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organisations in the implementation and monitoring of the Convention. Specifically, **it is necessary to clearly distinguish between representative organisations and organisations of persons with disabilities to ensure the effective participation of the disability community** in the implementation of employment programmes and policies, among other areas. Currently, under Law No. 4219-IX, any organisation promoting the rights of persons with disabilities is considered an organisation of persons with disabilities.

At the beginning of 2025, **changes were introduced in Ukraine to the system of reimbursing employers for the implementation of reasonable accommodation in workplaces** for employees with disabilities, pursuant to Resolution of the Cabinet of Ministers of Ukraine No. 893²⁷⁶⁷. This initiative, which has been in effect for a year and a half, is to be welcomed. However, without first amending Law No. 4219-IX, further regulatory acts necessary for its implementation or revision — including Resolution No. 893 — will not be able to realise their full potential. This is because the regulatory framework continues to replicate the concepts and principles of Law No. 4219-IX, which are not aligned with the provisions of the UN Convention.

Overall, despite certain positive changes in legal regulation, **the actual situation regarding employment levels among persons with disabilities has changed little over the past year**. National and local employment programmes for persons with disabilities yield only **isolated results, without systemic change**. Due to the still-functioning quota system, **the practice of fictitiously employing persons with disabilities to meet enterprise quota requirements remains widespread**²⁷⁶⁸ and continues to be relevant in 2025. Law No. 4219-IX introduces some changes in this area, but their effectiveness will only be measurable by the end of 2026.

2764 Convention on the Rights of Persons with Disabilities: Preamble paras. (n), (o), Article 3(a).

2765 On Amendments to Certain Legislative Acts of Ukraine on Ensuring the Right of Persons with Disabilities to Work: Law of Ukraine No. 4219-IX of 15.01.2025, Article 13.

2766 General Comment No. 8 (2022) of the UN Committee on the Rights of Persons with Disabilities on the Right of Persons with Disabilities to Work and Employment, CRPD/C/GC/8, para. 45.

2767 Concerning certain issues of providing compensation for actual expenses for equipping workplaces/places of business/independent professional activity for persons with disabilities: Resolution of the Cabinet of Ministers of Ukraine No. 893 of 22.08.2023.

2768 Based on an interview with the NGO “National Assembly of People with Disabilities” (28.03.2025).

Inclusive Reconstruction

Over the past year, there have been minimal changes in the regulation of inclusive reconstruction. Cabinet of Ministers Resolution No. 303²⁷⁶⁹ remains in effect, which effectively suspends the state's oversight procedures in the construction process, including monitoring compliance with accessibility standards during construction. In cases where there is a threat that "negatively affects the rights, lawful interests, life and health of individuals, environmental protection, or state security²⁷⁷⁰", unscheduled state architectural and construction inspections may be conducted at the request of individuals or legal entities, state architectural and construction control bodies, or law enforcement agencies. However, there is currently no publicly available information indicating the systematic use of this mechanism to monitor compliance with accessibility standards in reconstructed facilities.

In May 2025, amendments were made to the State Building Standards (DBN) V.2.2-40:2018 "Accessibility of Buildings and Structures. General Provisions"²⁷⁷¹, which will enter into force in September 2025. **The innovations provide for improved architectural requirements for the installation of ramps and tactile elements, as well as introducing new definitions of such terms as "inclusive environment", "tactile information", "accessibility zone", and others.**

Cabinet of Ministers Resolution No. 152²⁷⁷² adopted in 2023, obliges urban planning entities to comply with accessibility requirements during the design, construction, and restoration of damaged facilities. All goods purchased using budget funds and funds from international financial organisations must also meet accessibility requirements for persons with disabilities. However, due to **the near-complete absence of a monitoring mechanism for these processes, it is difficult to assess the efficiency of these provisions.**

To improve the situation regarding accessibility in communities, local Barrier-Free Councils — **advisory and consultative bodies — were established in 2024 to promote accessibility issues at the community level**²⁷⁷³. If functioning properly, these bodies could serve as an effective tool for public monitoring of accessibility in reconstruction processes, as monitoring visits are included in the list of council activities. However, firstly, **establishing such a body under local executive authorities is not mandatory.** As a result, these councils cannot serve as a systemic solution. Secondly, **the participation of disability experts in the councils is also not mandatory.** According to the methodology, "it is recommended (where possible) to ensure the participation of motivated representatives of relevant civil society organisations"²⁷⁷⁴ working on disability issues, yet the

2769 On Suspension of State Supervision (Control) and State Market Surveillance Measures under Martial Law: Resolution of the Cabinet of Ministers of Ukraine No. 303 of 13.03.2022.

2770 On the Implementation of Unscheduled State Architectural and Construction Control (Supervision) Measures During Martial Law: Order of the Ministry for Development of Communities and Territories of Ukraine No. 424 of 19.05.2023.

2771 DBN V.2.2-40:2018 "Accessibility of Buildings and Structures. General Provisions". Unified State Electronic System in the Field of Construction Portal.

2772 On Certain Issues of Ensuring Accessibility, Energy Efficiency and Civil Protection Requirements: Resolution of the Cabinet of Ministers of Ukraine No. 152 of 14.02.2023.

2773 Methodological Recommendations for Considering the Needs of People with Reduced Mobility in the Development of Urban Planning Documentation. Ministry for Development of Communities and Territories of Ukraine. 2019.

2774 Ibid.

participation of persons with disabilities themselves is not foreseen. As a result, **Barrier-Free Councils often do not include representatives of the disability community at all**. Thirdly, participation in these councils is on a voluntary basis, which limits the level and consistency of civil society involvement.

In 2024, the Ministry for Development of Communities and Territories of Ukraine conducted **a monitoring exercise on the accessibility of 93,000 sites across Ukraine**, including streets, public transport stops, and urban infrastructure²⁷⁷⁵. **Only 20% of the sites were found to be accessible, 32.5% partially accessible**, and 47.5% inaccessible. According to experts in the field of architectural accessibility²⁷⁷⁶, **these figures are not objective**, as monitoring is conducted in most cases by the facility owners or managers, who are not specialised experts. Additionally, the monitoring questionnaire is generic²⁷⁷⁷ for all types of facilities, making it ineffective to use a single monitoring system to assess the accessibility of different types of facilities.

A positive development is the introduction of updates to the DREAM²⁷⁷⁸ platform — the unified portal for managing reconstruction projects across Ukraine — which now includes fields for entering information about the accessibility of facilities for persons with disabilities. As a result, all reconstruction project implementers, as well as those procuring transport or other goods, must indicate in the project form whether the project accounts for accessibility for persons with disabilities. However, based on the information currently available, **it remains difficult to verify whether implementers are genuinely conducting accessibility assessments** during the design and publication of projects on the platform.

For example, information regarding the project for the procurement of urban public transport in Ukraine is general in nature. It is not possible to verify whether the transport models actually comply with accessibility standards²⁷⁷⁹.

Recommendations

1. Legally prohibit the admission of new individuals to institutions, with the immediate development of tools and a plan for preventive measures to avoid institutionalisation.
2. Adopt a ban on the construction of new institutions, as well as the reconstruction of destroyed institutions and their capital repairs.
3. Abolish the practice of limiting legal capacity and the guardianship system and develop supported decision-making mechanisms.
4. Expand the range of community-based support services in line with international standards. The service delivery mechanism must enable persons with disabilities to control and choose the services they receive.

2775 The Ministry for Communities Development conducted monitoring and evaluation of the level of accessibility of the physical environment and services for persons with disabilities. Ministry for Communities and Territories Development of Ukraine. 2025.

2776 Interview with representatives of a non-governmental organisation of persons with disabilities (28.03.2025).

2777 On the Approval of the Procedure for Monitoring and Assessing the Level of Accessibility of the Physical Environment and Services for Persons with Disabilities: Resolution of the Cabinet of Ministers of Ukraine No. 537 of 26.05.2021.

2778 DREAM website: a digital ecosystem for accountable recovery management.

2779 Urban Public Transport of Ukraine Project.

5. Implement Task 2.1 of the Operational Plan for 2025–2027 of the Strategy for Reforming Psychoneurological and Other Residential Institutions and the De-institutionalisation of Care for Adults with Disabilities and Older Persons until 2034, establish an auxiliary body under the Cabinet of Ministers of Ukraine to accelerate implementation of the Strategy with the involvement of international experts, and create mechanisms for public oversight of institutions and broader access to them.
6. Ensure the return of persons previously residing in institutions in the TOT, designate responsible government authorities and establish a register of persons with disabilities and older persons residing in institutions in the TOT.
7. Immediately evacuate institutions from all frontline areas, ensuring that re-institutionalisation is prevented.
8. Establish mechanisms for public oversight of institutions and for broader access to them.
9. Abandon the “incapable of work” status and amend the Ukrainian regulatory framework accordingly. Revise the Draft Law “On Amendments to Certain Legislative Acts of Ukraine on the Formation of Comprehensive and Fair Social Support (Payments and Services) for Persons with Limited Working Capacity, including Persons with Disabilities” (registration No. 12209), by introducing comprehensive employment support (beyond social benefits) and discontinuing the use of the medical status “incapable of work”.
10. Introduce a human rights-based approach to disability assessment, based on international best practices.
11. Ensure an accurate Ukrainian translation of the UN Convention on the Rights of Persons with Disabilities and the International Classification of Functioning, Disability and Health, with the aim of removing medically framed terms and concepts stemming from incorrect translations. Once validated, update existing legislation accordingly.
12. Recognise denial of reasonable accommodation as a form of discrimination in the Law of Ukraine “On the Principles of Preventing and Combating Discrimination in Ukraine”.
13. Engage the Council of Europe, within the rapid response mechanism, to carry out an independent assessment of Law of Ukraine No. 4219-IX of 15 January 2025 “On Amendments to Certain Laws of Ukraine on Ensuring the Rights of Persons with Disabilities to Work” for its compliance with the provisions of EU Council Directive 2000/78/EC and the UN Convention on the Rights of Persons with Disabilities.
14. Amend Cabinet of Ministers Resolution No. 303 of 13 March 2022 “On the Suspension of State Supervision (Control) and State Market Surveillance Measures under Martial Law” and restore state oversight of the reconstruction process, particularly regarding compliance with accessibility standards.
15. Standardise the functioning of local Barrier-Free Councils. Develop the area of monitoring inclusive reconstruction in communities through local Barrier-Free Councils.
16. Formalise the participation of representatives of the disability community as members of local Barrier-Free Councils. Define conditions for the involvement of civil

society representatives in local Barrier-Free Councils in line with their level of employment and workload.

17. Encourage project implementers to provide detailed data on the accessibility of construction projects on the DREAM platform, including specifications of procured goods (e.g. model of transport vehicles) funded by public and international financial institution resources, or to upload detailed expert assessments of project documentation for facilities under construction or reconstruction, to ensure compliance with State Building Code DBN B.2.2-40:2018 and enhance public monitoring through open sources.
18. Ensure the effective participation of the disability community in decision-making on changes to disability assessment approaches at all stages. Develop a mechanism enabling the community to influence decisions rather than merely participate nominally through consultative practices.

Freedom of Religion and Belief, Protection of the Rights of National Minorities

In the area of freedom of religion and belief, the greatest concern is caused by the prospect of initiating the procedure for terminating religious organisations affiliated with a foreign religious organisation whose activities are prohibited in Ukraine, as a result of the adoption last year of the Law of Ukraine “On the Protection of the Constitutional Order in the Activities of Religious Organisations”. According to the definition of affiliation in this Law, a religious organisation cannot unilaterally terminate such affiliation, which provides grounds for the termination of the Ukrainian Orthodox Church regardless of the actions of the leadership of this network of religious organisations.

In the area of combating xenophobia, the previously recorded trend of decreasing the number of hate crimes continues. However, the legislation in this area remains imperfect and requires certain amendments. It is necessary to introduce amendments to the CC of Ukraine and the CUAO to decriminalise discrimination and hate speech.

In the field of ethnopolicy, the observations made by the Venice Commission in 2023 regarding the amendments proposed at the time — and adopted in December of the same year — to a number of laws concerning the educational, cultural, linguistic and informational rights of persons belonging to national minorities remain partially relevant. These legislative amendments took into account the Venice Commission’s observations only partially and not in full. It is advisable to fully implement the recommendations of the Venice Commission. In particular, this refers to the permission to conduct commercial advertising and election campaigning in the languages of national minorities in areas of their compact residence without mandatory translation into Ukrainian. In addition, it is necessary to establish clear time limits for the restriction of rights of persons belonging to the Russian national minority and for the use of the Russian language in the public domain.

With regard to the implementation of legislative changes concerning national minorities, it is worth noting the intensive, high-quality and well-coordinated work of state authorities, in particular the State Service of Ukraine for Ethnic Policy and Freedom of Conscience (DESS).

In the area of promoting the integration of Roma into Ukrainian society, the initiative to conduct a needs assessment study of the Roma community is to be welcomed. The results of this study should be taken into account when preparing the new Action Plan for the Roma Strategy for the period 2026–2028.

In the field of the protection of the rights of national minorities, the year 2024, unlike the previous one, was marked by minimal legislative changes. In contrast, significant changes took place in the area of freedom of religion.

Ban on the Russian Orthodox Church and affiliated religious organisations

On 23 September 2024, the **Law of Ukraine “On the Protection of the Constitutional Order in the Activities of Religious Organisations”** (Law No. 3894-IX)²⁷⁸⁰, adopted in August 2024, entered into force. Under this Law, the activities of the Russian Orthodox Church (ROC) and religious organisations affiliated with it are terminated in the territory of Ukraine. The definition of affiliation in the new Law is highly likely to provide **grounds for terminating the activities of the Ukrainian Orthodox Church (UOC)**²⁷⁸¹, which is the largest network of religious organisations in Ukraine.

In practice, Law No. 3894-IX is specifically aimed at banning the UOC, as repeatedly stated by its authors and promoters²⁷⁸². In the media, it is often simplistically referred to as the “law banning the UOC”. Notably, the criteria defining affiliation of a Ukrainian religious organisation with Russia in the Law appear to be tailored specifically to the UOC. Moreover, the state has already conducted a religious studies (in fact, theological) examination and established the existence of ties between the ROC and the UOC (even after the UOC declared its “full independence” in May 2022)²⁷⁸³, which paves the way for the liquidation of the UOC²⁷⁸⁴.

At the same time, **the provision of Law No. 3894-IX that allows filing a claim with a court for the termination of a religious organisation’s activities** if there are grounds to believe it is affiliated with the ROC, **enters into force only nine months**²⁷⁸⁵. According to clarifications by the Head of the DESS, Viktor Yelenskyi, this period was provided in the

2780 On the Protection of the Constitutional Order in the Activities of Religious Organisations: Law of Ukraine No. 3894-IX of 20.08.2024.

2781 Poturaiev explains the procedure for banning the UOC MP following the adoption of the law. Ukrinform. 2024.

2782 See, for example: Parliament has the votes to ban the UOC (MP) — MP Aliksiychuk. Radio Svoboda. 2024.; Parliament adopted the law on banning the UOC (MP) in Ukraine — MPs. Radio Svoboda. 2024.; MP voted for banning the UOC MP: he was punished for it. Comments.ua. 2024.; “This law is not about religion, but about security” — MP Arieu on the vote to ban the UOC MP. Espresso. 2024.; etc.

2783 According to the experts’ opinion, “The UOC is canonically linked to the ROC as a part to a whole”. See: Conclusion of the religious studies expert examination of the Statute on the Governance of the Ukrainian Orthodox Church regarding the existence of a canonical link with the Moscow Patriarchate. State Service of Ukraine for Ethnic Policy and Freedom of Conscience. 31 January 2023.; Full text of the expert opinion.

2784 Publication by Dmytro Vovk on the social network Facebook. 2024.

2785 Lavryshyn Y. “After Nine Months, Both Sides Will Only Take Positions for Battle”: How the Law on the Ban of Religious Organizations Affiliated with Russia Will Work. Detector Media, 2024.

Law to give religious organisations that may be potential violators time to amend their statutory documents and take other actions necessary to sever ties with a religious centre in the aggressor state²⁷⁸⁶.

This period expired in May 2025. On 20 May, the DESS officially launched a study into the possible signs of affiliation between the Kyiv Metropolis of the UOC and a foreign religious organisation whose activities are prohibited in Ukraine²⁷⁸⁷. At the same, V. Yelenskyi asserted that Law No. 3894-IX allegedly is not intended to ban the UOC but offers the Church an opportunity to break ties with the Moscow Patriarchate²⁷⁸⁸. However, the UOC was unable to fully comply with all the requirements of the Law, which means that the option of a ban remained in any case. **A study conducted by employees of the State Service of Ukraine for Ethnic Affairs and Freedom of Conscience (DESS) established the existence of signs of affiliation of the Kyiv Metropolis of the UOC with a foreign religious organisation whose activities are prohibited in Ukraine.**

On 8 July 2025, the DESS published Order “On Identifying Signs of Affiliation of the Kyiv Metropolis of the Ukrainian Orthodox Church²⁷⁸⁹”. On 17 July 2025, the **Kyiv Metropolis of the UOC was issued a prescription to eliminate the violations²⁷⁹⁰**. The UOC has one month to remedy the violations. However, according to the prescription, the actions of the leadership of the Kyiv Metropolis of the UOC are incapable of changing the situation with regard to at least several affiliation indicators stipulated by the law. In other words, **regardless of the further actions of the UOC leadership, grounds for finding that the violations continue will remain**, and accordingly, so will grounds for filing a lawsuit to suspend the activities of the UOC.

At the same time, the DESS approved a **List of organisations connected with the Kyiv Metropolis of the UOC²⁷⁹¹**, so that the procedure for terminating their activities could begin together with or immediately after the Kyiv Metropolis. This process was accompanied by rhetoric such as “This is not a religious organisation, but a branch of the aggressor state” addressed to the UOC by the head of the body responsible for freedom of religion²⁷⁹², which indicates a clear course towards the liquidation of the UOC.

The gradual process of certain communities changing jurisdiction from the UOC to the Orthodox Church of Ukraine (OCU) continued, sometimes supported by local authorities and occasionally accompanied by violent actions²⁷⁹³, although the pace of the

2786 The End of the Moscow Patriarchate? Will the State Cope with the “Ukrainisation” of the UOC. Hromadske. 2024.

2787 DESS Announces the Launch of a Study on the Possible Affiliation of the Kyiv Metropolis of the UOC. State Service of Ukraine for Ethnic Policy and Freedom of Conscience. 2025.

2788 See, for example: Romanyuk R. Yelenskyi: The Moscow Patriarchate Has Demands Like Putin’s — “Withdraw Troops from Zaporizhzhia”. Ukrainska Pravda. 2024.

2789 Signs of Affiliation of the Kyiv Metropolis of the Ukrainian Orthodox Church with the Russian Orthodox Church, Whose Activities Are Prohibited in Ukraine Identified. State Service of Ukraine for Ethnic Affairs and Freedom of Conscience. 2025.

2790 Prescription Issued to the Kyiv Metropolis of the UOC to Eliminate Violations. State Service of Ukraine for Ethnic Affairs and Freedom of Conscience. 2025.

2791 List of Organisations Connected with the Kyiv Metropolis of the UOC Approved. State Service of Ukraine for Ethnic Affairs and Freedom of Conscience. 2025.

2792 “This Is Not a Religious Organisation, but a Branch of the Aggressor State.” State Service of Ukraine for Ethnic Affairs and Freedom of Conscience. 2025.

2793 See, for example: They Fought for the Church from 4 a.m. to Noon. TSN. 2024.; In Bukovyna, Representatives of Two Religious Communities Clashed over a Church. Espresso. 2025.

process has slowed. Investigative actions and criminal proceedings against representatives of the UOC also continue. The accusations do not always appear sufficiently substantiated²⁷⁹⁴. In early July 2025, **the Ukrainian citizenship of the Primate of the UOC, Metropolitan Onufriy, was terminated**²⁷⁹⁵.

On 24 December 2024, the President held a meeting with representatives of the All-Ukrainian Council of Churches and Religious Organisations, during which support was expressed for the above-mentioned Law, which was referred to as the "Law on the Protection of Ukraine's Spiritual Independence"²⁷⁹⁶. It is worth noting that representatives of the UOC are not part of the Council.

The Right to Alternative Non-Military Service under Conditions of General Mobilisation

Another important issue not previously covered in the Shadow Report on Chapter 23 concerns conscientious objection to military service. The problem arose with the onset of mobilisation. The current legislation, including the Constitution of Ukraine (Article 35) and the Law of Ukraine "On Military Duty and Military Service"²⁷⁹⁷, provides for the possibility of performing alternative non-military service on religious grounds. The Presidential Decree introducing martial law does not affect this provision — it does not mention any restriction on the application of Article 35 of the Constitution of Ukraine. However, with the introduction of martial law, a legal conflict emerged. The specialised Law of Ukraine "On Alternative (Non-Military) Service"²⁷⁹⁸ only refers to conscription for compulsory military service, without mentioning mobilisation. Conversely, the Law of Ukraine "On Mobilisation" does not provide for the possibility of performing non-military service on religious grounds²⁷⁹⁹.

This legal inconsistency has resulted in numerous court disputes, in which citizens refusing mobilisation on grounds of conscience have invoked their right by referring to the Constitution of Ukraine, as well as to Article 9 of the ECHR²⁸⁰⁰ and Article 18 of the International Covenant on Civil and Political Rights²⁸⁰¹. None of these provisions are subject to derogation. In several cases that reached the SC, the latter ruled that "religious beliefs cannot be grounds for evading mobilisation by a person found fit for military service, and do not exempt them from their constitutional duty — to defend their country"²⁸⁰².

2794 See, for example, one of the most recent cases: In Zakarpattia, a UOC MP cleric convicted for making disparaging remarks about Epiphanius. Religious Truth, 2025.

2795 "Deeply Mistaken Strategy": Human Rights Defender Commented on the Termination of the Ukrainian Citizenship of the Primate of the UOC MP, Onufriy. ZMINA. 2025.

2796 On the eve of Christmas and Hanukkah, President of Ukraine Volodymyr Zelenskyy met with representatives of the All-Ukrainian Council of Churches and Religious Organisations. State Service of Ukraine for Ethnic Policy and Freedom of Conscience. 2024.

2797 On Military Duty and Military Service: Law of Ukraine No. 2232-XII of 25.03.1992.

2798 On Alternative (Non-Military) Service: Law of Ukraine No. 1975-XII of 12.12.1991.

2799 On Mobilisation Preparation and Mobilisation: Law of Ukraine No. 3543-XII of 21.10.1993.

2800 Convention for the Protection of Human Rights and Fundamental Freedoms of 04.11.1950, Article 9.

2801 International Covenant on Civil and Political Rights of 16.12.1966, Article 18.

2802 Can You Get a Deferral for Religious Beliefs: A Lawyer Explains Everything. TSN. 2025.

In March 2025, the Venice Commission published its opinion on the right to refuse military service on grounds of conscience, following a request from the Constitutional Court of Ukraine. According to the opinion, **even under conditions of general mobilisation, a person cannot be forced to bear or use arms if this is incompatible with their religious beliefs**²⁸⁰³. On 18 March 2025, referring in particular to this opinion, the Kyiv District Court of Kharkiv acquitted a member of the Baptist Church who had been accused of evading mobilisation²⁸⁰⁴.

Hate Crimes against Members of National Minorities: Antisemitic Vandalism

Hate crimes against members of national minorities **have not constituted a significant issue**. In 2024, three incidents of antisemitic vandalism were recorded. Since the beginning of 2025, three more such cases have been registered²⁸⁰⁵. **This is the lowest level** observed since systematic monitoring began (i.e. in **more than twenty years**). With the exception of an attempted arson attack on a synagogue in Mykolaiv²⁸⁰⁶, the incidents over the past year and a half have been minor. In two cases, suspects were identified, but **in none of them did the official legal qualification take into account the hate motive**²⁸⁰⁷.

At the beginning of 2025, the DESS prepared a **draft law amending the Law of Ukraine "On Preventing and Combating Antisemitism"**²⁸⁰⁸, which was adopted in 2021. The proposed amendments were aimed at implementing the recommendations of the EU Strategy on Combating Antisemitism and Fostering Jewish Life 2021–2030²⁸⁰⁹. In particular, the draft law, in line with the Strategy, proposed designating an official or a body responsible for coordinating the efforts of state authorities in countering all manifestations of antisemitism²⁸¹⁰. On 12 June 2025, the relevant draft law²⁸¹¹ was submitted to Parliament for consideration, but on 17 July it was withdrawn due to the change in the composition of the Government.

2803 European Commission for Democracy through Law (Venice Commission). Ukraine — Amicus curiae brief on alternative (non-military) service, adopted by the Venice Commission at its 142nd Plenary Session (Venice, 14–15 March 2025).

2804 Judgment of the Kyiv District Court of Kharkiv in Case No. 953/9807/24.

2805 For example, in Lviv, the police detained a 19-year-old young man who, while intoxicated, extinguished the candles on a Hanukkah menorah. 2025.

2806 Mykolaiv Police Identifies Individuals Involved in the Arson of Synagogue Doors. Main Directorate of the National Police in Mykolaiv Region. 2024.

2807 See also on this issue in the subsection "Combating Discrimination and Hate Crimes".

2808 On Preventing and Combating Antisemitism: Law of Ukraine No. 1770-IX of 22.09.2021.

2809 EU Strategy on combating antisemitism and fostering Jewish life (2021–2030).

2810 Draft Law of Ukraine "On Amendments to the Law of Ukraine 'On Preventing and Combating Antisemitism' Regarding the Designation of a Special Coordinator on Antisemitism".

2811 On Amendments to the Law of Ukraine "On Preventing and Combating Antisemitism in Ukraine" Regarding the Definition of a Special Coordinator on Preventing and Combating Antisemitism: Draft Law of Ukraine, registration No. 13366 of 12.06.2025.

Implementation and Challenges of the Law of Ukraine “On National Minorities (Communities) of Ukraine”

The state's renewed interest in the development of ethnopolitics has emerged in recent years after a long period of inattention. **The legislative amendments adopted in 2023**²⁸¹², despite certain shortcomings (incomplete implementation of the Venice Commission's recommendations), **significantly expanded the rights of persons belonging to national minorities**, primarily in the area of the public use of national minority languages.

In recent months, the main efforts of state authorities have been focused on **developing and implementing concrete instruments aimed at meeting the cultural needs of ethnic communities**. On 14 May 2025, the Government approved the Action Plan on the Protection of the Rights of Persons Belonging to National Minorities (Communities) of Ukraine²⁸¹³. According to the Plan, state efforts will focus on expanding opportunities for education in national minority languages, supporting cultural initiatives, combating hate speech, and promoting cultural diversity, among other things. The Plan became the most detailed list of specific commitments on the protection of the rights of persons belonging to national minorities ever formulated by the Government of Ukraine. However, **the measures it envisages are not systemic in nature**. It is sufficient to point out that this Plan provides for annual amendments to the Law on National Minorities.

Even before the Action Plan has been formally approved, the state has made certain efforts to expand the opportunities available to associations of national minorities. According to the Head of the DESS, V. Yelenskyi, 16 regulatory acts have been developed and adopted²⁸¹⁴. All initiatives mentioned in this section, as well as the proposed legislative amendments, were developed through an intensive and inclusive dialogue with community representatives and experts, and with consideration of the recommendations of international organisations (primarily the Council of Europe). In the past six months alone, the DESS has organised around two dozen thematic discussions, both offline and online, as well as expert consultations.

On 27 December 2024, Volodymyr Zelenskyy signed a Decree **establishing the Day of Interethnic Harmony and Cultural Diversity**²⁸¹⁵, which will be celebrated annually on 21 May. On the same day, the **President met with representatives of civil society organisations from various ethnic communities**²⁸¹⁶. This was the first such dedicated meeting of the Head of State with representatives of national minorities not only during V. Zelenskyy's presidency, but also in nearly 20 years (the last such event took place under Presi-

2812 On Amendments to Certain Laws of Ukraine Taking into Account the Expert Assessment of the Council of Europe and Its Bodies Regarding the Rights of National Minorities (Communities) in Certain Areas: Law of Ukraine No. 3504-IX of 08.12.2023.

2813 Action Plan on the Protection of the Rights of Persons Belonging to National Minorities (Communities) of Ukraine. Government Office for Coordination of European and Euro-Atlantic Integration. 2025.

2814 A Nation Is Defined Not Only by a Shared Territory or Language, but Above All by the Aspiration to Be Together: Viktor Yelenskyi. State Service of Ukraine for Ethnic Policy and Freedom of Conscience. 2025.

2815 On the Day of Interethnic Harmony and Cultural Diversity: Decree of the President of Ukraine No. 883 of 27.12.2024.

2816 Zelenskyy Meets Representatives of National Communities and Indigenous Peoples of Ukraine. Ukrinform. 2024.

dent Viktor Yushchenko). On 22 May 2025, the second meeting of the President with representatives of national minorities took place²⁸¹⁷.

In 2025, within the framework of the State Target Programme “Unity in Diversity²⁸¹⁸”, a thematic grant competition was held through the Ukrainian Cultural Foundation, which included a designated lot²⁸¹⁹ providing **funding for projects aimed at preserving and developing the cultures of indigenous peoples**.

Education and the Use of National Minority Languages

In general, in accordance with the amendments to the Law on National Minorities adopted in 2023²⁸²⁰, **the educational rights of persons belonging to national minorities and the cultural needs of ethnic communities have been taken into account by the state**.

In February 2025, **work began on the development of a Strategy for the Preservation of Endangered Languages**²⁸²¹ (the list of languages had previously been approved by the Cabinet of Ministers of Ukraine²⁸²²).

The public authorities responsible for state policy in this area continue to improve the regulatory framework and implement the provisions of the Law of Ukraine “On National Minorities (Communities) of Ukraine”. In recent months, the MoES has been developing support programmes for national minority languages, working on the possibility of taking entrance examinations with translation, and expanding the network of lyceums taking into account the needs of minorities²⁸²³. The latter issue relates to the most significant concern of national communities (in particular, the Romanian community) regarding reduced opportunities for instruction in national minority languages in the final years of secondary school due to the general education reform. This issue has been repeatedly discussed with representatives of the Government, who have demonstrated readiness to take into account the specific educational needs of national minorities.

Certain concerns have been raised regarding Draft Law No. 13072²⁸²⁴, registered in Parliament on 11 March 2025. **According to the draft, educational institutions would be required to create a Ukrainian-language educational environment for students, including communication on the premises of the institution outside of the classroom**

2817 Volodymyr Zelenskyy Met with Representatives of National Minorities and Indigenous Peoples of Ukraine. President of Ukraine. 2025.

2818 On the Approval of the State Target National and Cultural Programme “Unity in Diversity” for the Period Until 2034: Order of the Cabinet of Ministers of Ukraine No. 850 of 26.09.2023.

2819 See, for example: “Culture of the Indigenous Peoples of Ukraine” Lot. Ukrainian Cultural Foundation. 2024.

2820 See, for example: Likhachev V. Rights of National Minorities: European Standards and Ukrainian Legislation in Dynamics. 2024.

2821 Launch of the Drafting Process for the Strategy on the Preservation of Endangered Languages. State Service of Ukraine for Ethnic Policy and Freedom of Conscience. 2025.

2822 On the Approval of the List of Languages of National Minorities (Communities) and Indigenous Peoples of Ukraine That Are Endangered: Resolution of the Cabinet of Ministers of Ukraine No. 670 of 07.06.2024.

2823 Consultations on the Protection of the Rights of National Minorities: Ukraine Implements the Best European Standards. State Service of Ukraine for Ethnic Policy and Freedom of Conscience. 2025.

2824 On Amendments to Certain Laws Regarding the Use of Language in the Educational Process: Draft Law of Ukraine, registration No. 13072 of 11.03.2025.

setting. The justification for regulating the personal linguistic space of staff and students provided in the explanatory note is unconvincing and appears to represent **excessive state interference in the private lives of citizens.**

Draft Law No. 13072 does not affect “instruction in accordance with the law in the language of an indigenous people or national minority of Ukraine alongside the state language”, but it aims to restrict the use of languages outside classroom hours in educational institutions, where instruction in these languages is not permitted. Primarily, this refers to the Russian language (the prohibition of which, even in private educational institutions, is mentioned separately in the draft law)²⁸²⁵. However, it also affects other national minority languages that are not official languages of the European Union, such as Urum and Romeyka (traditional languages of the Azov Greeks), Hebrew and Yiddish, Gagauz, Meskhetian, Romani, and others. If adopted, this draft law would further highlight the unjustified “hierarchy” of different national minorities in terms of the state guarantees for protecting the rights of individuals belonging to them and the varying levels of permitted use of their languages in the public sphere. Such an approach is discriminatory and contradicts even the national legislation of Ukraine. The Venice Commission²⁸²⁶ had previously drawn attention to the flawed nature of such an approach.

Another legislative initiative that has been ambiguously received by the expert community and civil society organisations of national communities is **Draft Law No. 12364**²⁸²⁷, **which proposes amendments to the Law of Ukraine “On the Ratification of the European Charter for Regional or Minority Languages”**. In addition to updating terminology in line with the revised official translation of the European Charter, the draft proposes changing the list of languages to which the Charter is to apply. Under the current law, the Charter applies to “the languages of the following national minorities of Ukraine: Belarusian, Bulgarian, Gagauz, Greek, Jewish, Crimean Tatar, Moldovan, German, Polish, Russian, Romanian, Slovak and Hungarian²⁸²⁸”. The new draft proposes to apply the Charter to Crimean Tatar, Gagauz, Modern Greek, German, Bulgarian, Polish, Romanian, Slovak, Hungarian, Czech, Belarusian, and Hebrew.

While generally agreeing on the need to revise the conceptual approach of the law in line with the clarified formulation (i.e. to extend the guarantees provided by the Charter to specific languages rather than the languages of specific minorities), a more responsible approach to the list of languages should be insisted upon. **The principle behind the selection of the languages listed in the draft law is not apparent.** Even without addressing the issue of the Russian language, the list clearly omits a number of languages relevant to the Ukrainian context (for example, Urum, Romeyka, Karaim, Krymchak, Yiddish), while including Modern Greek — a language that has never been spoken by Ukrainian

2825 The provisions of Draft Law No. 13072 restrict the use by private educational institutions of a language in the educational process if it is the state (official) language of a country recognised by the Verkhovna Rada as an aggressor state or occupying state. The Russian Federation, whose state language is Russian, was recognised by the Verkhovna Rada as an aggressor state on 27 January 2015.

2826 Opinion on the Law on National Minorities (Ukraine). European Commission for Democracy through Law (Venice Commission). 12 June 2023. P. 5.

2827 On Amendments to Certain Laws of Ukraine in Connection with the Updated Official Translation of the European Charter for Regional or Minority Languages: Draft Law of Ukraine, registration No. 12364 of 26.12.2024.

2828 On the Ratification of the European Charter for Regional or Minority Languages: Law of Ukraine No. 802-IV of 15.05.2003.

Greeks — and Hebrew, which is a scriptural and liturgical language of Judaism, but has never been the spoken language of Ukrainian Jews.

Integration of the Roma Community

The implementation of the Strategy for Promoting the Rights and Opportunities of Persons Belonging to the Roma National Minority in Ukrainian Society until 2030²⁸²⁹ and the related Action Plan²⁸³⁰ remains a core priority for the Government.

On 30–31 January 2025, the National Forum on the Implementation of the Roma Strategy was held in Kyiv, with the participation of ethnic community representatives, international organisations, Ukrainian government officials, and others. The event served as an important platform for discussion and for taking stock of the interim results of the Strategy's implementation. During the discussions, on the one hand, government representatives, including the Ministry of Social Policy, demonstrated their interest in the issue and intention to address all the existing challenges. On the other hand, the lack of objective data on the needs of the community and assessment of state action became evident. Community representatives from the regions complained about the lack of resources available to local self-government bodies and poor communication between local authorities and central executive bodies on issues related to Roma integration measures. At the current stage, it appears justified to focus on **establishing a monitoring system for the implementation of the Strategy** in order to develop concrete further steps²⁸³¹.

With methodological support from the Council of Europe, the DESS launched a sociological study to assess the current state of meeting the needs and improving the living conditions of Ukrainian Roma. The findings of this study are to be taken into account during the preparation of the Action Plan for the period 2026–2028.

Joint efforts by the SMS, the Ombudsman's Office (which has established a Roma department), and the Chiricli Foundation on documenting Roma individuals continue. In 2024, documentation was provided for 120 individuals²⁸³².

Recommendations

1. Amend the Law of Ukraine "On Freedom of Conscience and Religious Organisations" regarding the definition of affiliation, to allow for the unilateral termination of a religious organisation's affiliation with another.
2. Amend the Law of Ukraine "On Mobilisation Preparation and Mobilisation" to enable the performance of alternative (non-military) service during mobilisation.

2829 On the Approval of the Strategy for Promoting the Rights and Opportunities of Persons Belonging to the Roma National Minority in Ukrainian Society for the Period Until 2030: Order of the Cabinet of Ministers of Ukraine No. 866 of 28.07.2021.

2830 On the Approval of the Action Plan for 2024–2025 for the Implementation of the Strategy for Promoting the Rights and Opportunities of Persons Belonging to the Roma National Minority in Ukrainian Society for the Period Until 2030: Order of the Cabinet of Ministers of Ukraine No. 1197 of 22.12.2023.

2831 See the Forum Resolution.

2832 According to information provided by Zola Kondur, Head of the Roma Programme at the Council of Europe.

3. Introduce amendments to the legislation allowing commercial advertising and election campaigning in national minority languages in areas of compact residence of national minorities without mandatory translation into Ukrainian.
4. Introduce amendments to the legislation that would establish clear and well-reasoned time limits for the restriction of rights of persons belonging to the Russian national minority and for the use of the Russian language in the public sphere (for example, for five years after the lifting of martial law or after the Verkhovna Rada revokes the status of the Russian Federation as an aggressor state).
5. Improve the list of languages to which the European Charter for Regional or Minority Languages applies, in the draft law amending the law on the ratification of the Charter.

Gender Equality and Protection of LGBTIQ+ Rights

The war continues to have a significant impact on women and LGBTIQ+ persons, requiring increased attention to the challenges they face. Positive developments are observed in the security and defence sector; however, issues of preventing discrimination and sexual harassment in the army remain relevant. In political and public life, women are becoming more visible, yet their participation in decision-making processes is still insufficient, and their representation in the media remains very low.

Gender equality in the labour sphere remains a challenge, as the volume of unpaid domestic work performed by women increases, limiting their career opportunities, and the issue of unequal pay between men and women persists, although the number of female entrepreneurs is growing.

Implementation of the provisions of the Istanbul Convention shows significant progress, but there is still a need to accelerate the adoption of draft laws that implement its norms. At the same time, the number of hate crimes against LGBTIQ+ persons is rising, while the lack of an adequate legislative framework and the authorities' disregard for this issue make effective investigation impossible.

An important step towards protecting the rights of LGBTIQ+ persons is the introduction of registered partnerships, which would ensure legal protection for same-sex couples. While some progress is observed in advancing this initiative, the Government has yet to take action to adopt the relevant legislation.

Overall, both achievements and new challenges should be acknowledged, requiring continued efforts by the state and civil society, as well as attention to stagnation and the actual inaction of the state in addressing certain problems.

Disproportionate Impact of the War on Women

The situation regarding the disproportionate impact of the war on women remains largely unchanged and continues to be a cause for serious concern. Russia's full-scale invasion continues to negatively affect the position of women in the areas of security, access to justice, social services, employment, and support for mental, sexual, and reproductive health.

The number of support programmes for women, especially those from vulnerable groups, remains insufficient, as does the provision of information about available opportunities and assistance.

Gender equality in the security and defence sector and implementation status of the National Action Plan for the implementation of UN Security Council Resolution 1325 on Women, Peace and Security.

In connection with Russia's war against Ukraine, the security and defence sector in Ukraine has received significant attention and resources, which has led to **numerous positive changes** during the monitoring period.

According to the Ministry of Defence, **the number of women in the Armed Forces of Ukraine (AFU)** has increased to 70,000, of whom 48,000 are servicewomen, and over 5,500 are deployed on the front line²⁸³³. This is a 20% increase compared to 2022.

To improve responses to cases of harassment, sexual violence, gender-based violence, and gender-based discrimination, **the position of Gender Adviser to the AFU has been introduced**²⁸³⁴. Nevertheless, the presence of only one Gender Adviser to the AFU and seven gender advisers for different branches of the military is **insufficient to comprehensively ensure gender equality and non-discrimination in the defence forces**. This highlights the need to introduce full-time positions of gender advisers at the level of units, operational commands, and corps, which currently only have part-time gender adviser positions²⁸³⁵.

The issue recorded in the Shadow Report on Chapter 23 — **the absence of a procedure for identifying, responding to, investigating, and conducting internal reviews of cases of sexual harassment in the AFU**²⁸³⁶ — is currently being addressed. Members of Parliament, together with the Ministry of Defence, developed and registered Draft Law No. 13037²⁸³⁷ on 21 February 2025. The draft law introduces an obligation for service members to observe the principles of equal rights for women and men, and for commanders to respond immediately to cases of discrimination and sexual violence. It also provides for the possibility of suspending individuals involved in crimes against sexual freedom from their duties and improves the mechanism for internal investigations. The document complies with international standards, including NATO approaches and UN Security Council Resolution 1325 "Women, Peace and Security"²⁸³⁸. On 30 April 2025, Draft Law No. 13037 was adopted by Parliament at the first reading as a basis and is currently being prepared for the second reading.

Additionally, to address this issue, the Ministry of Defence has prepared a draft Instruction on the Submission and Consideration of Reports on Violations Related to Gender-Based

2833 Ministry of Defence reports how many women are serving in the AFU. Suspilne. 2025.

2834 AFU now has a gender adviser — General Staff. Radio Svoboda. 2025.

2835 The Armed Forces need more full-time gender adviser positions — Oksana Hryhoriieva. ZMINA. 2025.

2836 Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's Report on Ukraine 2023, pp. 361–362. ZMINA. 2024.

2837 On Amendments to the Disciplinary Statute of the Armed Forces of Ukraine and the Internal Service Statute of the Armed Forces of Ukraine on Improving Mechanisms for Ensuring Military Discipline, Preventing and Combating Discrimination and Sexual Harassment: Draft Law of Ukraine, registration No. 13037 of 21.02.2025.

2838 Resolution 1325 (2000) Adopted by the Security Council at its 4213th meeting, on 31 October 2000.

Discrimination, Sexual Harassment, Gender-Based Violence, Offences Against Sexual Freedom and Sexual Integrity, which has not yet been adopted and therefore has not entered into force²⁸³⁹.

On 29 October 2024, the Procedure for the Provision of Material, Medical, Psychological and Social Support to Service Members, Considering the Needs of Women and Men²⁸⁴⁰ entered into force. This document **prohibits discrimination against service members, including on the grounds of sex, gender identity, and sexual orientation**. The Procedure also provides for the supply of uniforms and equipment tailored to the anthropometric data of service members, the provision of personal hygiene products, and the improvement of annual medical examinations. It regulates the application of a gender-oriented approach in the development of budget programmes for the security and defence forces.

In March 2025, a certified online course entitled “Gender Equality in the Armed Forces of Ukraine: Policy and Practice” was launched on the Prometheus platform. Developed with the participation of the Ministry of Defence, the course is intended for service members and aims to strengthen their knowledge of Ukrainian and international human rights and gender legislation, communication practices, and approaches to preventing violence and discrimination²⁸⁴¹.

Gender Equality in the Political Process and Public Life of the Country

Compared to the previous period, women’s inclusion in decision-making processes has undergone some changes. There have been **isolated positive cases of women being appointed to managerial positions at the national and local levels** — for example, the appointment or election of women to the positions of Prime Minister, Minister of Culture, Minister of Energy, Minister for Veterans’ Rights, Minister of Justice, and Head of Zaporizhzhia Amalgamated Territorial Community. At present, among the 17 ministers in the Government there are four women (including the Prime Minister), accounting for 24 per cent of the total²⁸⁴². As of the end of 2024, women head 22% of diplomatic missions. At the local level, women make up around 35% of management positions, including 41.3% in small communities²⁸⁴³.

However, **women’s representation in managerial positions within the executive authorities remains low**. According to the National Agency of Ukraine on Civil Service, in the fourth quarter of 2024, only 60 out of 220 civil servants in category “A” were women (27.27%). In contrast, women comprised 66.48% (25,026) of civil servants in category “B”, and 78.71% (93,129) in category “C”²⁸⁴⁴.

2839 Publication by the Government Commissioner for Gender Policy Kateryna Levchenko on the social network Facebook. 2024.

2840 On the Approval of the Procedure for the Provision of Material, Medical, Psychological and Social Support to Service Members, Considering the Needs of Women and Men: Resolution of the Cabinet of Ministers of Ukraine No. 1234 of 29.10.2024.

2841 Service members can take an online course on gender equality. Ministry of Defence of Ukraine. 2025.

2842 Cabinet of Ministers of Ukraine. Government Portal as of 31.07.2025.

2843 Publication by the Office of the Deputy Prime Minister for European and Euro-Atlantic Integration on the social network Facebook. 2024.

2844 Statistical data on the number of civil servants. National Agency of Ukraine on Civil Service. 2024.

The issue of the ban on border crossing for members of local councils, which previously led to female councillors resigning their mandates, remains unresolved — Cabinet of Ministers Resolution No. 69 of 2023²⁸⁴⁵ has not been repealed. There is no statistical data indicating whether this has led to an increase in the number of such resignations compared to the previous period, but isolated cases of female councillors stepping down continue to be reported²⁸⁴⁶.

The issue of repealing the legal requirement of continuous residence in Ukraine for candidacy — which prevents women who were forced to leave the country due to the war from standing in future elections — has also not been resolved. Draft Law No. 11300²⁸⁴⁷ and the alternative Draft Law No. 11300-1²⁸⁴⁸ aimed at addressing this issue, have not been considered by the Verkhovna Rada. However, the Verkhovna Rada Committee on Ukraine's Integration into the EU has determined that the draft laws require further revision²⁸⁴⁹.

The problem of women being pushed out of the information space persists. The number of women represented in the United News marathon (a joint initiative of five national TV channels) is six times lower than that of men. Based on ten months of monitoring, the presence of women experts is as follows: "ICTV"/"STB" — 25.2% women; "1+1" — 22.4% women; "Inter" — 16.9% women; "Rada" — 15.7% women; "We Are Ukraine" — 9% women²⁸⁵⁰. These figures reaffirm the trends identified during the previous observation period.

Gender Equality in the Labour Sphere

The level of unpaid domestic work performed by women has increased: in 2024, women spent 56 hours per week caring for children, compared to 49 hours before the start of the full-scale war²⁸⁵¹. At the same time, according to job search platforms, around 39% of women with young children face discrimination during the job search process²⁸⁵², 20% of women are forced to refuse employment due to the inability to enrol their child in kindergarten, and 31% of women reported that childcare significantly or partially limits their ability to work²⁸⁵³.

2845 On Amendments to the Rules for Crossing the State Border by Citizens of Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 69 of 27.01.2023.

2846 In Rivne region, local councillors resign as they cannot leave the country. Rivne Media. 2024.

2847 On Amendments to the Electoral Code of Ukraine on Combating Sexism in Electoral Processes and Ensuring Balanced Representation of Women and Men in the Verkhovna Rada of Ukraine and Local Councils: Draft Law of Ukraine, registration No. 11300 of 27.05.2024.

2848 On Amendments to the Electoral Code of Ukraine on Combating Sexism in Electoral Processes and Ensuring Balanced Representation of Women and Men in the Verkhovna Rada of Ukraine and Local Councils: Draft Law of Ukraine, registration No. 11300-1 of 05.06.2024.

2849 Committee on Ukraine's Integration into the EU reviewed a draft law on balanced representation of women and men in the Verkhovna Rada and local councils. Verkhovna Rada of Ukraine. 2024.

2850 Invisible women. Guest policy of the "United News" marathon. Detector Media. 2024.

2851 Three years of full-scale war in Ukraine roll back decades of progress for women's rights, safety and economic opportunities. UN Ukraine. 2025.

2852 Women in the labour market: what professions they choose and what motivates job changes. RBC-Ukraine. 2024.

2853 Study conducted by job search site Work.ua and education portal Education.ua. NV Business. 2025.

At the same time, positive changes are also evident: compared to the previous period, **there has been a rise in the number of businesses opened by women**. In 2024, women opened 155,000 new businesses, accounting for 61%, compared to 56% in the previous year. The number of women in director positions of newly established companies also increased — at the end of 2024, this figure reached a record 38.8%²⁸⁵⁴.

Regarding equal pay, there is no updated information on the gender pay gap (as of 2021, women in Ukraine earned 18.6% less than men)²⁸⁵⁵. However, it is worth noting that **Ukraine's national legislation does not yet fully implement the provisions of Directive (EU) 2023/970** on strengthening the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms²⁸⁵⁶. The Labour Code and the Law of Ukraine "On Remuneration of Labour" do not contain specific provisions on ensuring equal pay regardless of sex, and Chapter VII of the Labour Code ("Remuneration of Labour") does not incorporate a gender perspective. There are no obligations for employers to inform job candidates, prior to employment, about salary levels based on gender-neutral criteria. Employees do not have a guaranteed right to access information about their own salary or the average salary disaggregated by sex, and there is no mandatory reporting by employers on the gender pay gap.

Implementation of the Istanbul Convention and Combating Sexual Violence

The Istanbul Convention remains in the process of implementation, with **a number of positive developments** recorded in this area. Notably, in November 2024, the Verkhovna Rada adopted at second reading and in full Law No. 4073-IX²⁸⁵⁷, which introduces a range of provisions to improve mechanisms for preventing and combating domestic violence. These include a prohibition on reconciliation measures where one spouse has committed or is committing domestic violence, and a ban on mediation in cases of domestic or gender-based violence.

Progress has also been made in providing support to CRSV survivors. In November 2024, Laws No. 4067-IX²⁸⁵⁸ and No. 4071-IX²⁸⁵⁹ were adopted, which together established a framework for granting survivors of CRSV and their families a special status, enabling them to receive interim reparations from the state and access rehabilitation services. The Government is currently still developing the regulatory framework for implementing these

2854 61% of newly registered private entrepreneurship in 2024 were opened by women. Data by Opendatabot. Diia. 2024.

2855 National Strategy for Eliminating the Gender Pay Gap until 2030: the path to equality. Eastern Interregional Department of the State Labour Service of Ukraine. 2025.

2856 Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms.

2857 On Amendments to Certain Legislative Acts of Ukraine on Improving the Mechanism for Preventing and Combating Domestic Violence and Gender-Based Violence: Law of Ukraine No. 4073-IX of 26.11.2024.

2858 On Legal and Social Protection of Persons Affected by Sexual Violence Related to the Armed Aggression of the Russian Federation Against Ukraine, and Urgent Interim Reparations: Law of Ukraine No. 4067-IX of 20.11.2024.

2859 On the Registration of Information on Damage Caused to the Personal Non-Property Rights of Individuals as a Result of the Armed Aggression of the Russian Federation Against Ukraine: Law of Ukraine No. 4071-IX of 20.11.2024.

laws. Further improvements are needed in budgetary funding for programmes, particularly for long-term support and comprehensive rehabilitation of survivors²⁸⁶⁰.

In December 2024, another important Draft Law — No. 12297 — was registered in the Verkhovna Rada, aimed at implementing a range of provisions of the Istanbul Convention²⁸⁶¹. It proposes the introduction of criminal liability for stalking, modernisation of terminology used in legislation, clarification of the concept of systematic offences, and tougher penalties for criminal offences related to domestic violence or against the sexual freedom and sexual integrity of minors. The draft law is currently under review by parliamentary committees.

Back in May 2024, the Parliament adopted at first reading Draft Law No. 10420, which proposes shifting reports of offences from private prosecution to public prosecution, protecting victims from re-traumatisation, and setting conditions for reconciliation agreements. As of July 2025, the draft law is at the stage of preparation for second reading²⁸⁶².

Despite the growing number of draft laws aimed at implementing the provisions of the Istanbul Convention and some progress in their consideration, there remains a general trend of excessively prolonged legislative review periods.

Homophobic Attacks and the State of Their Investigation

In previous years, the situation with hate crimes based on SOGI showed improvement; however, this year the **situation has deteriorated**. In 2024, the monitoring network of the “Nash Svit” Centre recorded 75 cases of homophobic or transphobic acts, discrimination, and other human rights violations, compared to 56 cases in 2023. Of these, 36 cases had characteristics of hate crimes and 22 were classified as hate incidents. In 33 cases, there was documented interaction between victims and law enforcement agencies. In 11 such interactions, violations by representatives of the NPU were recorded, and in three cases — by representatives of the SBGS. Most police-related violations concerned the denial of the right to effective legal remedies, in particular the failure to consider homophobic or transphobic motives in the commission of crimes²⁸⁶³.

This, in turn, is made impossible by **the lack of legal definition of crimes motivated by intolerance against LGBTIQ+ persons**. The increase in hate-motivated offences reinforces the need to adopt legislation that would ensure appropriate classification of such offences during investigation and introduce new aggravating circumstances into the relevant articles of the CC of Ukraine — in particular, Draft Law No. 5488 on amendments to the CUAOs and the CC of Ukraine concerning combating manifestations of discrimi-

2860 Availability, challenges and needs: analysis of the assistance system for CRSV survivors in Ukraine. YurFem. 2025.

2861 On Amendments to the Criminal Code and the Criminal Procedure Code of Ukraine to Ensure the Full Implementation of International Law Provisions on Combating Domestic and Other Types of Violence, Including Against Children: Draft Law of Ukraine, registration No. 12297 of 09.12.2024.

2862 On Amendments to the Criminal Procedure Code of Ukraine Regarding Medical Examination and Forensic Expertise, Conclusion of Reconciliation Agreements, and Criminal Proceedings in the Form of Private Prosecution in Connection with the Ratification of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention): Draft Law of Ukraine, registration No. 10420 of 22.01.2024.

2863 The fight for the future status of LGBTQ people in Ukraine in 2024. Human Rights LGBT Centre “Nash Svit”. 2025.

nation²⁸⁶⁴. This draft law was submitted to Parliament by the Government back in 2021 but, due to the change of Government in July 2025, it was withdrawn. The Rule of Law Roadmap²⁸⁶⁵ provides for the development and adoption of a law amending the CUAO and the CC of Ukraine in order to establish: administrative liability for manifestations of discrimination; the commission of a criminal offence motivated by intolerance (including the grounds of “gender identity” and “sexual orientation”) as an aggravating circumstance; and criminal liability for public incitement to violence motivated by intolerance (including the grounds of “gender identity” and “sexual orientation”). The deadline for the measure is the fourth quarter of 2025.

Civil Partnership and Recognition of Same-Sex Marriages

Ukraine has yet to fulfil its positive obligations under the ECtHR judgment in *Maymulakhin and Markiv v. Ukraine*, concerning a violation of Article 14 (prohibition of discrimination) in conjunction with Article 8 (right to respect for private and family life) of the ECHR, due to the **absence of a mechanism for legal recognition and protection of same-sex couples in Ukraine**²⁸⁶⁶.

Draft Law No. 9103 on the institution of registered partnerships²⁸⁶⁷ is currently under consideration in the Parliament. In August 2024, the draft law was supported by the Verkhovna Rada Committee on Public Health²⁸⁶⁸, in addition to four other committees that had endorsed it earlier. However, the Verkhovna Rada Committee on Legal Policy, designated as the lead committee and whose decision is required for the draft law to be brought to a vote, is reportedly blocking its adoption, according to co-authoring MPs²⁸⁶⁹.

To unblock the process, on 27 November 2024, a group of 28 MPs from the “Holos”, “Servant of the People” and “European Solidarity” factions registered Draft Law No. 12252²⁸⁷⁰. The new draft law is a revised version of the previous one and contains the same set of rights, with the exception of those requiring amendments to the Civil Code of Ukraine through a separate draft law. Both draft laws, to the maximum extent possible, fulfil Ukraine’s positive obligations under the ECtHR judgment.

In November 2024, the President, during a meeting with students, pledged to sign the draft law on registered partnerships once it is supported by the Verkhovna Rada²⁸⁷¹. However,

2864 On Amendments to the Code of Ukraine on Administrative Offences and the Criminal Code of Ukraine on Combating Discrimination: Draft Law of Ukraine, registration No. 5488 of 13.05.2021.

2865 Certain Issues of Ensuring the Negotiation Process on Ukraine’s Accession to the European Union under Cluster 1 “Fundamentals of the EU Accession Process”: Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

2866 *Maymulakhin and Markiv v. Ukraine*. ECtHR, App. No 75135/14, 01.09.2023.

2867 On the Institute of Registered Partnerships: Draft Law of Ukraine, registration No. 9103 of 13.03.2023.

2868 Parliamentary Committee on National Health supported the draft law on civil partnerships. ZMINA. 2024.

2869 Red light for European integration: how MPs are blocking the civil partnership law. ZMINA. 2024.

2870 On Amendments to Certain Legislative Acts of Ukraine to Align Them with Articles 8 and 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and Council Regulation (EU) 2016/1104 Implementing Enhanced Cooperation in the Area of Jurisdiction, Applicable Law and the Recognition and Enforcement of Decisions in Matters of the Property Consequences of Registered Partnerships: Draft Law of Ukraine, registration No. 12252 of 27.11.2024.

2871 Zelenskyy promises to sign the civil partnership law. Channel 24. 2024.

this did not influence the adoption of the draft laws. Draft Law No. 12252 has received opinions from several central executive authorities²⁸⁷² but has not yet been considered by parliamentary committees or submitted for a vote.

Neither Draft Law No. 12252 nor Draft Law No. 9103 contains provisions on the recognition of same-sex marriages. Both introduce registered partnerships as a new form of family union. At the same time, **the introduction of legislation on same-sex marriage remains impossible due to the prohibition on amending the Constitution of Ukraine during martial law**, which currently defines marriage.

One of the measures of the Rule of Law Roadmap²⁸⁷³, scheduled for implementation in the third quarter of 2025, is the adoption of a law defining the legal status of registered partnerships, the personal property and non-property rights and obligations of partners, and their protection. The purpose of the measure is to ensure equal rights for LGBTIQ+ persons through the introduction of the institution of registered partnership.

On 26 August 2024, Members of Parliament also registered Draft Law No. 11523²⁸⁷⁴, which provides for the recognition in Ukraine of registered partnerships concluded abroad between foreigners, a foreign national and a stateless person, or between stateless persons. The draft law is still under consideration by parliamentary committees.

LGBTIQ+ Rights and Legislative Improvements

There are several other initiatives aimed at protecting or enhancing the protection of LGBTIQ+ rights. Since November 2024, the Verkhovna Rada has been considering Draft Law No. 12253, which proposes adding SOGI to the list of discriminatory grounds in the definition of “discriminatory advertising”, the use of which is prohibited. In March 2025, the draft law was adopted at first reading and is currently being prepared for the second reading²⁸⁷⁵.

Positive changes are observed at the government level through the adoption of several regulatory legal acts that include SOGI characteristics. During 2024 and the first quarter of 2025, seven legal acts adopted by central executive authorities entered into force in Ukraine, which enshrine or guarantee non-discrimination on the grounds of sexual orientation and/or gender identity — including four acts by the MoH²⁸⁷⁶, two acts by the Cabinet

2872 Conclusions and proposals of central executive authorities on Draft Law No. 12252. Government Portal.

2873 Certain Issues of Ensuring the Negotiation Process on Ukraine’s Accession to the European Union under Cluster 1 “Fundamentals of the EU Accession Process”: Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025..

2874 On Amendments to the Law of Ukraine “On Private International Law” on Introducing Conflict-of-Law Rules for De Facto Marital Relations and Registered Partnerships: Draft Law of Ukraine, registration No. 11523 of 26.08.2024.

2875 On Amendments to the Law of Ukraine “On Advertising” and Other Laws of Ukraine: Draft Law of Ukraine, registration No. 12253 of 27.11.2024.

2876 On the Approval of Methodological Recommendations on the Introduction of Barrier-Free Principles in the Provision of Medical and Rehabilitation Services in Healthcare Facilities: Order of the Ministry of Health of Ukraine No. 198 of 06.02.2024.; On the Approval of the Procedure for Providing Care and Support Services to People Living with HIV: Order of the Ministry of Health of Ukraine No. 140 of 26.01.2024.; Procedure for the Provision of HIV Prevention Services among Representatives of Certain Key Populations at Risk of HIV Infection: Order of the Ministry of Health of Ukraine No. 288 of 20.02.2024.; On the Approval of Methodological Recommendations for Medical Workers on the Response Mechanism to Physical and/or Psychological Violence in Case of Suspected Acts of Violence Against Children: Order of the Ministry of Health of Ukraine No. 1334 of 29.07.2024.

of Ministers of Ukraine²⁸⁷⁷ and one act by the MoD²⁸⁷⁸. These acts guarantee non-discrimination in the provision of medical services and during military service.

Despite this, **several issues remain unaddressed and unresolved:**

- 1) Transgender people in Ukraine face difficulties in confirming the recognition of their marriages after changing their name as part of gender transition.
- 2) Same-sex couples and unmarried men face restricted access to assisted reproductive technologies.
- 3) Non-binary and intersex persons are not provided with the option to officially register an "X" gender marker in identity documents.

A separate challenge is **the inability of Ukrainian diplomats who are in same-sex family relationships to obtain official recognition of their partner and the opportunity to accompany them on long-term foreign postings**, in accordance with the Law of Ukraine "On the Diplomatic Service". This creates discriminatory restrictions based on sexual orientation. Currently, cases are pending in the judicial system seeking to establish the fact of a marital relationship between same-sex individuals to enable the partner of a diplomatic service representative to accompany them on a long-term foreign assignment²⁸⁷⁹.

Recommendations

1. Continue to take measures to address the consequences of the disproportionate impact of the war on certain groups of women in the areas of access to security, justice, social services, mental, sexual and reproductive health services, and employment.
2. Expand the number of support programmes for women, particularly for representatives of vulnerable groups, and enhance awareness about available opportunities and assistance.
3. Introduce full-time positions of gender advisers at the level of units, operational commands, and corps of the AFU.
4. Adopt the Draft Law "On Amendments to the Disciplinary Statute of the Armed Forces of Ukraine and the Internal Service Statute of the Armed Forces of Ukraine on Improving Mechanisms for Ensuring Military Discipline, Preventing and Combating Discrimination and Sexual Harassment" (registration No. 13037 of 21 February 2025).
5. Adopt the instruction on the submission and consideration of reports on violations related to gender-based discrimination, sexual harassment, gender-based violence, offences against sexual freedom and sexual integrity.

2877 Procedure for the Provision of Material, Medical, Psychological and Social Support to Service Members, Taking into Account the Needs of Women and Men: Resolution of the Cabinet of Ministers of Ukraine No. 1234 of 29.10.2024.; On the Approval of the Strategy for the Development of the Healthcare System Until 2030 and Approval of the Operational Action Plan for Its Implementation in 2025–2027: Order of the Cabinet of Ministers of Ukraine No. 34 of 17.01.2025.

2878 On the Approval of Methodological Recommendations on the Use of Gender-Sensitive Language in the System of the Ministry of Defence of Ukraine: Order of the Ministry of Health of Ukraine No. 236 of 13.04.2024.

2879 Case No. № 754/12856/24. Supreme Court.

6. Promote the increase in the number of women in managerial positions in the Government, diplomatic missions, and civil service.
7. Lift restrictions on border crossing for female members of local councils.
8. Finalise and adopt Draft Law No. 11300 to enable women who left Ukraine due to the war to participate in future elections.
9. Promote greater visibility of women in the media by increasing the involvement of female experts and politicians in broadcasts on national television channels and online media, including the United News marathon.
10. Increase opportunities for parents to enrol children in kindergartens to facilitate earlier return of women from maternity leave to employment.
11. Implement the provisions of Directive (EU) 2023/970 on strengthening the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms, in particular by obliging employers to inform candidates, prior to employment, of the salary level based on gender-neutral criteria, granting employees the right to access information about their own salary and average salary disaggregated by sex, and introducing mandatory employer reporting on the gender pay gap.
12. Accelerate the development of the regulatory framework for the implementation of the Law of Ukraine "On the Status of Persons Affected by Sexual Violence Related to the Armed Aggression of the Russian Federation Against Ukraine, and Urgent Interim Reparations."
13. Ensure stable budgetary funding for long-term support and rehabilitation of survivors of conflict-related sexual violence (CRSVK).
14. Adopt Draft Laws No. 10420 and No. 12297, which implement the provisions of the Istanbul Convention.
15. Ensure further implementation of the remaining provisions of the Istanbul Convention and consider the possibility of withdrawing the reservations made during its ratification.
16. Develop and adopt a draft law amending the CUAO and the CC of Ukraine in order to establish: administrative liability for manifestations of discrimination; the commission of a criminal offence motivated by intolerance (including SOGI grounds) as an aggravating circumstance; and criminal liability for public incitement to violence motivated by intolerance (including SOGI grounds).
17. Introduce proper and systematic monitoring of hate crimes based on SOGI.
18. Adopt the Draft Law "On Amendments to Certain Legislative Acts of Ukraine to Bring Them into Compliance with Articles 8 and 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and Council Regulation (EU) 2016/1104 on Enhanced Cooperation in the Area of Jurisdiction, Applicable Law and the Recognition and Enforcement of Decisions in Matters of the Property Consequences of Registered Partnerships" (registration No. 12252 of 27 November 2024) or "On the Institution of Registered Partnerships" (registration No. 9103 of 13 March 2023).

19. Adopt the Draft Law "On Amendments to the Law of Ukraine 'On Advertising' and Other Laws of Ukraine" (registration No. 12253 of 27 November 2024), which adds SOGI to the list of discriminatory grounds in the definition of "discriminatory advertising".
20. Develop a procedure for confirming the validity of a marriage concluded by a transgender person prior to their name change in connection with gender transition.
21. Expand access to assisted reproductive technologies for same-sex couples and unmarried men.
22. Introduce the option to select a third gender marker "X" in identity documents for non-binary and intersex persons.
23. Amend the Law of Ukraine "On the Diplomatic Service" to guarantee the rights of same-sex partners (family members) of diplomats to accompany them on long-term foreign postings.

Reintegration of the Temporarily Occupied Territories of Ukraine and Protection of the Rights of Persons Affected by Russian Aggression

Since 2014, Ukraine has not recognised the occupation of parts of its territory, has actively worked towards their de-occupation and reintegration, and has provided support to IDPs who left these territories. Over the course of 11 years, the dynamics and trends in this area have evolved. Organisational changes in the Government — in particular, the reorganisation of the Ministry for the Reintegration of the Temporarily Occupied Territories of Ukraine (Ministry of Reintegration) into the Ministry of National Unity, with most of its powers transferred to the Ministry for Development — have created risks to a coherent policy on reintegration and support for affected individuals. Subsequently, the Ministry for National Unity was merged into the Ministry of Social Policy.

A new version of the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" is awaiting consideration.

At the same time, there is no clear vision or coordination among public authorities regarding the continued maintenance of ties with Ukrainian citizens in the occupied territories.

Ukrainian legislation still does not contain a clear definition of persons affected by the armed aggression against Ukraine. However, in 2024, Law No. 4071-IX was adopted, providing for the establishment of a Damage Information Recording System. Law No. 4067-IX was also adopted, introducing urgent interim reparations for persons affected by sexual violence related to the armed aggression against Ukraine. As of the end of July 2025, the Government had adopted certain by-laws to implement these laws. A draft law on measures to support persons affected by the armed aggression against Ukraine has not been submitted to Parliament. In addition, there is duplication of registers concerning unlawfully displaced children.

Documents issued by the occupation authorities remain invalid and are not recognised by Ukraine. However, the non-recognition of these documents without providing a possibility to obtain replacement documents of Ukrainian standard through an out-of-court procedure creates additional difficulties for the civilian population, effectively shifting the negative consequences of the occupation onto them. The administrative procedure for registering facts of birth and death has still not been introduced.

Since 2014, the Government has imposed different conditions for the payment of pensions to IDPs and citizens residing in government-controlled territories, introducing additional restrictions. In April 2024, the Verkhovna Rada adopted Law No. 3674-IX, which allows for the restoration of pensions for persons residing in the TOT, provided they confirm that they have not received a pension from the Russian Federation.

On 20 March 2025, Government Resolution No. 299 entered into force, repealing discriminatory requirements for IDPs and introducing a procedure for paying pensions to persons in the TOT based on their annual identification. However, new problems have also emerged, in particular related to the provisions of Article 40 of the Law of Ukraine "On the State Budget for 2025", which provides for the withdrawal of funds from IDP accounts if they have not been used within a year.

The current approach to providing payments to IDPs continues to draw criticism due to the insufficient amount of assistance and the use of property-based criteria. In response, the Government launched an experimental project providing housing rent subsidies, but the short-term nature of this support and the risks for landlords raise doubts about its effectiveness. Other long-term housing solutions remain limited.

State Policy on Reintegration

Since 2014, Ukraine has consistently refused to recognise the occupation of parts of its territory, has demonstrated its intention for de-occupation and further reintegration, and has provided support to IDPs who have relocated from those territories. Over the course of 11 years, trends and dynamics in this area and its individual components have shifted. Nevertheless, these issues remain in the focus of various public authorities.

In Parliament, the Committee on Human Rights, De-occupation and Reintegration of the Temporarily Occupied Territories of Ukraine, National Minorities and Interethnic Relations²⁸⁸⁰ continues to operate, as does the Temporary Special Commission of the Verkhovna Rada on the Protection of Property and Non-Property Rights of Internally Displaced Persons and Other Persons Affected by the Armed Aggression of the Russian Federation against Ukraine (its mandate has been extended for one year until 17 December 2025²⁸⁸¹).

Until 24 January 2025, the Government included the Ministry of Reintegration²⁸⁸² and the position of Deputy Prime Minister of Reintegration of the Temporarily Occupied Territories

2880 Committee of the Verkhovna Rada of Ukraine on Human Rights, De-occupation and Reintegration of the Temporarily Occupied Territories of Ukraine, National Minorities and Interethnic Relations.

2881 On the Preparation of Certain Matters Regarding the Protection of Property and Non-property Rights of Internally Displaced and Other Persons Affected by the Armed Aggression of the Russian Federation Against Ukraine: Resolution of the Verkhovna Rada of Ukraine No. 4152-IX of 17.12.2024.

2882 Certain Issues of the Ministry for the Reintegration of the Temporarily Occupied Territories: Resolution of the Cabinet of Ministers of Ukraine No. 376 of 08.06.2016.

of Ukraine. However, **the Ministry of Reintegration was reorganised into the Ministry of National Unity**²⁸⁸³, with first focus on Ukrainians abroad; the Deputy Prime Minister position was first abolished, and most of the powers were transferred to the **Ministry for Development**²⁸⁸⁴. Already in July 2025²⁸⁸⁵, the Government reorganised the Ministry for National Unity by merging it into the Ministry of Social Policy, which in turn was renamed the Ministry of Social Policy, Family and Unity²⁸⁸⁶.

It was the Ministry of Reintegration that ensured the fulfilment of a wide range of powers related to overcoming the consequences of the war: from coordinating the evacuation of the population from frontline areas to supporting the families of political prisoners and maintaining ties with Ukrainians in the TOT. However, powers related to transitional justice, the protection of the rights and freedoms of persons residing in the TOT — including indigenous peoples and national minorities — were not transferred to the Ministry for Development (nor to any other ministry).

The risk of losing part of the mandate concerning persons affected by the armed aggression against Ukraine was raised by representatives of organisations²⁸⁸⁷, working to protect the rights of such persons as early as September 2024 (when the first informal discussions about government restructuring began), and this concern was later realised. This redistribution of responsibilities will also affect IDPs, as **there is currently no single authority responsible for adopting and promoting decisions on the support and protection of this category of persons**. The establishment of a body focused on the return of Ukrainians from abroad — in the context of ongoing armed aggression and unresolved issues related to IDPs — raises serious concerns.

The Operational Action Plan for the implementation in 2023–2025 of the State Policy Strategy on Internal Displacement until 2025²⁸⁸⁸ has not been updated in line with the recommendations provided in the Shadow Report on Chapter 23²⁸⁸⁹. This document defines the vectors of state policy on internal displacement: evacuation, adaptation, integration, dignified voluntary return to the abandoned place of residence, and reintegration. A draft of the relevant amendments was developed and discussed with a broad range of stakeholders. On 15 January 2025, the Temporary Special Commission of the Verkhovna Rada on the Protection of Property and Non-Property Rights of Internally Displaced Persons and Other Persons Affected by the Armed Aggression of the Russian Federation against

2883 Certain Issues of the Ministry of National Unity: Resolution of the Cabinet of Ministers of Ukraine No. 113 of 24.01.2025.

2884 On Amendments to the Regulation on the Ministry for Development of Communities and Territories of Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 1545 of 31.12.2024.

2885 Certain Issues of Optimising the System of Central Executive Authorities: Resolution of the Cabinet of Ministers of Ukraine No. 904 of 21.07.2025..

2886 Ibid.

2887 Position on ensuring the implementation of the powers of the Ministry for the Reintegration of the Temporarily Occupied Territories of Ukraine. Krym.SOS. 2024.

2888 Decision of the Temporary Special Commission of the Verkhovna Rada of Ukraine on the protection of property and non-property rights of internally displaced and other persons affected by the armed aggression of the Russian Federation against Ukraine of 11 January 2024, which recognised the work on implementing the Operational Action Plan for 2023–2025 as insufficient and proposed that the Cabinet of Ministers of Ukraine update the provisions of the Operational Plan in view of current realities and main needs.

2889 Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the European Commission's 2023 Report on Ukraine, pp. 371–373. 2024.

Ukraine once again deemed the efforts in this area insufficient²⁸⁹⁰ and recommended that the amendments be adopted by 1 March 2025. The Government was also advised to prepare a new programme document establishing clear qualitative and quantitative indicators of expected results. As of the end of July 2025, there has been no progress on either of these recommendations.

An analysis of the implementation of the State Policy Strategy on Internal Displacement until 2025 was presented by the Secretariat of the Ukrainian Parliament Commissioner for Human Rights in August 2024²⁸⁹¹. As of the end of July 2025, the process of preparing the document for the new period had not been initiated.

The developments carried out by the Ministry of Reintegration with the involvement of national and international organisations regarding the draft State Policy Strategy in the areas of employment and housing provision²⁸⁹² have been put on hold. There is a risk that the Ministry for Development will not take them into account in its activities.

In turn, in April 2025, the Verkhovna Rada adopted Draft Law No. 12301²⁸⁹³ in its first reading as a basis, which proposes **a new version of the Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons”**. The draft text incorporates all the amendment proposals submitted to Parliament in previous periods, with the aim of comprehensive regulation and avoiding a situation of unjustified expectations. The draft law is supported by human rights organisations that participated in its development at various stages²⁸⁹⁴.

It remains necessary to define a general state vision regarding the TOT of Ukraine and support for the people residing there. Although the Law of Ukraine “On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine” sets out the features of such state policy, **there is a noticeable lack of an overarching state vision concerning the TOT of Ukraine**. This is consistently evident in the actions of state authorities and their contradictory approaches. For instance, the Law No. 4502-IX²⁸⁹⁵ adopted in June 2025, creates unjustified risks of revoking Ukrainian citizenship from persons residing in the TOT of Ukraine²⁸⁹⁶.

An analysis of state policy documents, legal acts, and certain statements by officials indicates that the absence of a clear vision for the future of the TOT of Ukraine and its resi-

2890 Decision of the Temporary Special Commission of the Verkhovna Rada of Ukraine on the protection of property and non-property rights of internally displaced and other persons affected by the armed aggression of the Russian Federation against Ukraine “On the state of implementation of the State Policy Strategy on Internal Displacement for the period until 2025” of 15.01.2025.

2891 Analysis of the implementation of the State Policy Strategy on Internal Displacement for the period until 2025 (April 2023 – April 2024).

2892 State strategy on housing for internally displaced persons until 2027 presented in Ukraine. Ukrinform. 2025.

2893 On Amendments to the Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons” and other laws of Ukraine: Draft Law of Ukraine, registration No. 12301 of 11.12.2024.

2894 Position of human rights organisations on the new version of the Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons” (reg. No. 12301). Influence Group. 2025.

2895 On Amendments to Certain Laws of Ukraine Regarding the Implementation of the Right to Acquire and Retain Ukrainian Citizenship: Law of Ukraine No. 11469 of 18.06.2025.

2896 Position of the Coalition of Organisations Working on the Protection of the Rights of Persons Affected by the Armed Aggression Against Ukraine regarding the Draft Law on Amendments to Certain Laws of Ukraine on Ensuring the Right to Acquire and Retain Ukrainian Citizenship (reg. No. 11469). ZMINA. 2025.

dents — combined with unpredictability and a reactive approach — may pose further **threats to the preservation of ties between Ukrainians under occupation and the state**. Therefore, the authorities must take concrete steps to support people who remain in the occupied territories and to strengthen their connections with the state²⁸⁹⁷.

Moreover, the issue of ensuring the rights of residents of the TOT of Ukraine — who are, for the most part, citizens of Ukraine — must remain on the agenda of any negotiations and conditions put forward to the Russian Federation as the occupying power²⁸⁹⁸, despite its deliberate policy of displacing the Ukrainian population and attempting to eradicate Ukrainian identity.

Approaches to the Recording of Non-Property Damage

Despite the ongoing armed aggression against Ukraine, **national legislation still does not contain a definition of “a person affected by the armed aggression against Ukraine”**. The Law No. 4071-IX²⁸⁹⁹ adopted by Parliament on 20 November 2024 (which entered into force on 18 January 2025), uses the term “affected persons” without disclosing its meaning. At the same time, Part 4 of Article 10 of this Law stipulates that it is within the Government’s authority to determine the categories of affected persons, which may be an important step toward ensuring a unified approach to the protection of such individuals’ rights.

Law No. 4071-IX established the legal and organisational foundations for the creation and functioning of the System for Recording Information on Damage to Personal Non-Property Rights of Individuals as a Result of the Armed Aggression of the Russian Federation against Ukraine (Recording System), as well as the Register of Information on Children Deported or Forcibly Transferred in Connection with the Armed Aggression of the Russian Federation against Ukraine. This **Recording System provides for a unified approach to recording damage to personal non-property rights** and will include information on individuals whose personal non-property rights were violated as a result of the armed aggression of the Russian Federation against Ukraine, the damage caused, support measures undertaken, and the amount of expenditure from the state and local budgets allocated for this purpose. **It will cover information on damage to personal non-property rights starting from 19 February 2014.**

The adoption of this Law is an important step toward achieving social justice and restoring the rights of affected persons. As of the end of July 2025, the Cabinet of Ministers of Ukraine adopted Resolution No. 450, which regulates the functioning of the Information Recording System²⁹⁰⁰. However, a draft law on support for persons whose personal non-property rights were violated as a result of the armed aggression of the Russian Federa-

2897 Human rights defenders affirm the necessity of supporting Ukrainian citizens under occupation. ZMINA. 2024.

2898 Human rights defenders call for including humanitarian issues of residents of occupied territories in the negotiation process. ZMINA. 2025.

2899 On the Registration of Information on Damage Caused to the Personal Non-Property Rights of Individuals as a Result of the Armed Aggression of the Russian Federation Against Ukraine: Law of Ukraine No. 4071-IX of 20.11.2024.

2900 Certain Issues of Ensuring the Functioning of the Information Recording System on Damage Caused to the Personal Non-Property Rights of Individuals as a Result of the Armed Aggression of the Russian Federation against Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 450 of 15.04.2025.

tion against Ukraine has also not been developed or submitted to Parliament. These actions were to be carried out within one month of the publication of Law No. 4071-IX. This may be linked to the suspension of funding, as one of the donors envisaged for the establishment of the Recording System — USAID — halted its operations in January 2025.

On 20 November 2024, Law No. 4067-IX²⁹⁰¹ was also adopted (entered into force on 18 June 2025), introducing the institution of urgent interim reparations, which includes the **provision of immediate financial assistance to persons affected by sexual violence related to the armed aggression against Ukraine**. It would be advisable for such support to also be made available to other victims who have suffered the most severe or multiple forms of harm as a result of the armed aggression against Ukraine and from other types of crimes.

The continued placement of different categories of affected persons in separate registers — and, more importantly, the lack of defined support measures for them based on an assessment of their needs and demands — affects their current situation. At present, access is provided to services such as medical rehabilitation, provision of assistive devices, and social services. However, some experts have noted²⁹⁰² that this support is not comprehensive, and certain categories of individuals may be deprived of any targeted assistance.

Residents of the TOT, who are systematically subjected to violations of their rights in these territories, remain largely overlooked by the state.

The Concept for the Improvement of the National System of Legal Remedies and Support for Persons Affected by the Armed Aggression against Ukraine²⁹⁰³, presented by the Ombudsman and submitted to the Government, has not yet been reflected in the form of an adopted policy document. The possibility of adopting a strategy for such support by Presidential Decree is currently under consideration.

Moreover, **inconsistencies** at the legislative level **persist in regulating the same issue**. For instance, Law No. 4071-IX provides for the establishment of a register of information on children who were deported or forcibly transferred. Law No. 3999-IX²⁹⁰⁴ provides for the creation of another register — of children affected by the armed aggression of the Russian Federation against Ukraine. The data in this register will also include, among other things, information on the deportation or forced transfer of a child. Additionally, in June 2025, Parliament adopted Law No. 4438-IX²⁹⁰⁵, which defines the concepts of “deportation of a child” and “forced displacement”. The functioning of two registers may lead to data duplication, complicate the processes of collecting and exchanging information, and hinder the provision of an adequate level of support to affected children.

2901 On Legal and Social Protection of Persons Affected by Sexual Violence Related to the Armed Aggression of the Russian Federation Against Ukraine and the Provision of Urgent Interim Reparations: Law of Ukraine No. 4067-IX of 20.11.2024.

2902 Information obtained from an interview with a representative of the CF Right to Protection (25.03.2025).

2903 Concept for Improving the National System of Legal Remedies and Support for Persons Affected by the Armed Aggression Against Ukraine, as well as Other Recommendations to the Government. Ombudsman of Ukraine. 2024.

2904 On Social Protection and Support for Children Affected by the Armed Aggression of the Russian Federation Against Ukraine, and on Amendments to Certain Legislative Acts of Ukraine Regarding the Regulation of the Provision of Social Services and Payments: Law of Ukraine No. 3999-IX of 08.10.2024.

2905 On Amendments to the Law of Ukraine “On the Protection of Childhood” concerning the Protection of the Rights of Deported and Forcibly Displaced Children: Law of Ukraine No. 4438-IX of 14.05.2025.

At the international level, efforts continue to secure reparations for the damage caused by the Russian Federation's violations of international law in Ukraine and to **establish a compensation mechanism**. Particularly, negotiations are ongoing regarding the preparation of a Treaty on the establishment of an International Claims Commission for Ukraine. The Register of Damage Caused by the Aggression of the Russian Federation against Ukraine²⁹⁰⁶ — which represents the first and important step — is, as of the end of July 2025, accepting applications under the first 11 of 45 categories: forced internal displacement; death of a close family member; disappearance of a close family member; serious bodily injury; sexual violence; torture or inhuman or degrading treatment or punishment; deprivation of liberty; forced labour or service; damage to or destruction of non-residential real estate, loss of access to or control over real estate in the TOT; and damage to or destruction of residential real estate. However, the Register is limited to the period starting from the beginning of the full-scale armed aggression of the Russian Federation against Ukraine and does not cover the submission of claims for incidents that occurred from February 2014 onwards.

Recognition of Civil Status Acts That Took Place in Occupation and Other Documents Issued by the Occupation Authorities

Any documents issued by the occupation authorities are invalid and do not produce legal consequences. An exception is made for documents confirming the fact of birth, death, or registration (or dissolution) of marriage of a person in such territories, which may be submitted as part of an application for the state registration of the corresponding civil status act²⁹⁰⁷.

As of 31 July 2025, **there remains only a judicial procedure — although simplified in 2016 — for establishing facts of birth and death. Ukrainian legislation does not provide for a simplified judicial procedure for the registration (or dissolution) of marriage**. Establishing such facts through standard judicial proceedings is complicated, and judicial practice remains limited. Although the law²⁹⁰⁸ provides for an **administrative procedure, it has not yet been implemented**.

Facts of birth and death, as well as marriage and divorce registration, play a critical role in recognising legal personality and ensuring the exercise of human rights and freedoms.

A request to obtain such documents is often a person's first point of contact²⁹⁰⁹ with the authorities, as access to rights, entitlements, and even the decision to leave the occupied territory may depend on them. However, the process is often burdened by the risk of errors made either by the courts or by civil registry offices. Individuals are frequently compelled to seek professional legal assistance.

2906 Register of Damage for Ukraine.

2907 On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine: Law of Ukraine No. 1207-VII of 15.04.2014, Article 9.

2908 Ibid.

2909 Information obtained from an interview with a representative of the NGO CrimeaSOS (24.03.2025).

The number of registered facts of birth that occurred in the TOT of Ukraine, based on decisions of Ukrainian courts, indicates a **deterioration of the situation** over the past year. In 2022, 3,531 births were established; in 2023 — 4,864; and in 2024 — only 1,425. For comparison: in 2019, 11,359 births were established (in Crimea and Sevastopol — 3,660; in Donetsk region — 5,150; in Luhansk region — 2,549). This decline is explained by significant difficulties following the full-scale invasion, particularly in relation to travelling to government-controlled territory to carry out the necessary legal actions. It should also be noted that, according to the data of the occupation administration, 1,485 children were born in the TOT of Zaporizhzhia region in just the first nine months of 2024. This demonstrates that **only a small portion of births occurring in the occupied territories are being documented by Ukraine. The situation regarding the establishment of facts of death follows similar trends.**

In cases concerning the establishment of facts of birth or death, exemption from court fees is provided; however, the practice of applying this exemption varies. **There are frequent instances of refusals to open proceedings**²⁹¹⁰ on the grounds that the current legislation provides for an out-of-court procedure for establishing legal facts. Although the Civil Procedure Code of Ukraine²⁹¹¹ requires such applications to be considered without delay from the date of receipt by the court, the consideration may be delayed for up to one year²⁹¹². Furthermore, there is a discernible trend of courts refusing to grant exemption from court fees. This is linked to the wording of the Law of Ukraine “On Court Fees”²⁹¹³ and the requirement to prove a causal link between the person's death and the armed aggression or temporary occupation. As a result, these factors increase the level of tension and reduce the willingness of individuals to use the procedure. Only a minority make use of online applications to the court²⁹¹⁴ primarily due to the inability of residents in occupied territories to authorise themselves (authorisation requires an electronic digital signature or the Diia.Signature). The digitalisation of this process must be prioritised by the Government.

The government Draft Law No. 9069²⁹¹⁵, registered in Parliament in February 2023, proposes introducing an administrative (rather than the existing judicial) procedure for recognising civil status acts that took place in the TOT, **was withdrawn in July 2025 (due to the change in the composition of the Government)**. Representatives of organisations within the Coalition working on the protection of the rights of persons affected by the armed aggression against Ukraine²⁹¹⁶ have noted that the obstruction of this draft law may have significant negative consequences — in particular, an increased risk of statelessness

2910 For example, during the period from 07.05.2022 to 29.06.2024, more than 600 such rulings appeared in the Unified State Register of Court Decisions.

2911 Civil Procedure Code of Ukraine No. 1618-IV of 18.03.2004, Article 317.

2912 Supreme Court rulings of 24.04.2025 in case No. 761/13911/23.; of 10.07.2024 in case No. 761/32986/23.

2913 On Court Fees: Law of Ukraine No. 3674-VI of 08.07.2011.

2914 Electronic Court.

2915 On Amendments to Certain Legislative Acts of Ukraine Regarding the Specifics of State Registration of Civil Status Acts That Occurred in the Temporarily Occupied Territory of Ukraine by the Russian Federation and Abroad: Draft Law of Ukraine, registration No. 9069 of 28.02.2023.

2916 The Coalition includes: the ZMINA Human Rights Centre, NGO Donbas SOS, NGO CrimeaSOS, CF Right to Protection, CF East SOS, NGO Public Holding “Group of Influence”, CF Stabilization Support Services, and the Crimean Human Rights Group.

for residents of such territories, especially children, and the obstruction or complete lack of access to the exercise of rights and freedoms, such as medical care, social protection, family and inheritance rights, among others.

Beyond civil status acts, the de facto authorities in the TOT may have issued numerous other types of documents during the period of occupation (e.g., medical certificates, education documents, court decisions, documents certifying property rights, etc.)²⁹¹⁷. Currently, all such documents are not recognised by the Ukrainian state. However, according to the “Namibian exception” principle²⁹¹⁸, **recognition of facts does not imply recognition of the occupying authorities or documents issued by them**. Rather, it serves to avoid a situation of total legal exclusion for people residing in the occupied territories and contributes to their legal protection both within Ukraine and internationally. It is therefore necessary to determine mechanisms and procedures for taking into account key categories of documents issued by the occupation authorities in the TOT of Ukraine that are critical for the exercise of Ukrainian citizens’ rights and freedoms²⁹¹⁹. This includes **the recognition of educational attainment by persons who lived under occupation** — a measure already provided for by a decision of Parliament²⁹²⁰ in November 2023. Only on 15 July 2025 did the Cabinet of Ministers of Ukraine approve the Procedure for the Recognition of Learning Outcomes Obtained in the Temporarily Occupied Territory of Ukraine at the Levels of Vocational (Vocational-Technical), Professional Pre-Higher, and Higher Education²⁹²¹. The actual implementation of this Procedure is expected to take place on the basis of authorised educational institutions to be designated by the MoES.

Access to Pensions, Including for Residents of the Autonomous Republic of Crimea and the City of Sevastopol

Since 2014, the Government has differentiated its approach to the payment of pensions to IDPs and to other citizens of Ukraine residing in government-controlled territory. Additional restrictive requirements were introduced for IDPs (e.g. mandatory registration as an IDP, periodic identification, and use of a single bank — JSC Oschadbank). At the same time, persons displaced after 24 February 2022 received pensions under general conditions, resulting in **discrimination both between IDPs displaced at different times and between IDPs and those who were not displaced at all**. This disparity was primarily due to the provisions of Government Resolution No. 637²⁹²². Moreover, remote resumption

2917 The assessment is based on information provided by non-governmental organisations and statements by occupation authorities.

2918 Refers to the Advisory Opinion of the International Court of Justice in the case “Legal Consequences for States of the Continued Presence of South Africa in Namibia” (1971), in which the Court established the so-called “Namibian exceptions”.

2919 What are the possible approaches regarding documents issued under the occupation? Analytical Note. ZMINA. 2025.

2920 On Amendments to Certain Laws of Ukraine Regarding the Recognition of Learning Outcomes of Persons Who Resided in the Temporarily Occupied Territory of Ukraine: Law of Ukraine No. 3482-IX of 21.11.2023.

2921 On the Approval of the Procedure for the Recognition of Learning Outcomes Obtained in the Temporarily Occupied Territory of Ukraine at the Levels of Vocational (Vocational-Technical), Professional Pre-Higher, and Higher Education: Resolution of the Cabinet of Ministers of Ukraine No. 871 of 15.07.2025.

2922 On the Provision of Social Payments to Internally Displaced Persons: Resolution of the Cabinet of Ministers of Ukraine No. 637 of 05.11.2014.

of pension payments in cases where payments had been suspended was not possible without obtaining an IDP registration certificate — and, accordingly, without triggering the application of restrictive conditions — for Ukrainian citizens residing in territories occupied before 24 February 2022.

In April 2024, the Verkhovna Rada adopted Law No. 3674-IX²⁹²³ (entered into force on 23 June 2024), which, among other provisions, establishes the procedure for granting, renewing, and continuing pension payments for persons residing in the TOT or those who left the occupied territories for government-controlled territory during the occupation, provided they submit a declaration to the Pension Fund of Ukraine (PFU) confirming non-receipt of a pension from the Russian Federation.

As a result of an extended process of preparation and consultation, on 11 February 2025 the Government adopted Resolution No. 299²⁹²⁴ (entered into force on 20 March 2025), which **cancels the requirement that IDPs receive pensions exclusively through JSC Oschadbank**. It also allows persons who left the TOT and reside in government-controlled territory to receive pensions without needing to obtain an IDP registration certificate. Additionally, pension payments to persons residing in the TOT (regardless of the date of occupation) will now be made on the condition that they undergo physical identification by 31 December of each calendar year. Identification may be completed by personally visiting the PFU, remotely via the PFU portal using Diia.Signature, or through video communication²⁹²⁵. This decision marks **an important step toward ensuring fairness and consistency in policies affecting affected citizens**. It is expected that implementation of this resolution will enable people from the TOT who were previously deprived of pension payments to have their rights restored²⁹²⁶.

However, doubts remain as to how this will affect people residing in the TOT, particularly in view of actions taken by the Russian Federation, which forces individuals to choose between obtaining a Russian passport (and thus receiving Russian pension payments), leaving the TOT of Ukraine, or facing deportation (as living without a Russian passport may be deemed illegal residence by the Russian authorities).

The unresolved issue of pension payments to IDPs who left the territory of the Autonomous Republic of Crimea and the city of Sevastopol **must also be addressed through legislative or policy changes**. These individuals have previously found themselves in a vulnerable position due to refusals by the PFU to provide pension payments, based on the assumption that they were already receiving pensions from the Russian Federation, or due to their inability to either confirm or deny whether such payments were being made²⁹²⁷. Until 20 March 2025 — when the relevant legislative changes entered into force — the

2923 On Amendments to Certain Laws of Ukraine Regarding the Regulation of Pensionable Service Calculation and Pension Provision: Law of Ukraine No. 3674-IX of 25.04.2024.

2924 On Certain Peculiarities of Pension Payments (Lifelong Monthly Allowances) and Insurance Payments for Occupational Accidents and Occupational Diseases Resulting in Disability: Resolution of the Cabinet of Ministers of Ukraine No. 299 of 11.02.2025.

2925 How pensions will be paid to IDPs and citizens temporarily residing abroad or in occupied territories. Group of Influence. 2025.

2926 Information obtained from an interview with a representative of CF Stabilization Support Services (27.03.2025).

2927 Resolution of the Cabinet of Ministers of Ukraine No. 234 of 02.07.2014 "On the Approval of the Procedure for Pension Payments and Provision of Social Services to Citizens of Ukraine Residing in the Territory of the Autonomous Republic of Crimea and the City of Sevastopol" was repealed on 20.03.2025.

practice of the PFU in such cases varied. Some pensioners were granted payments based on the provisions of the law. In other cases, pensions were awarded following a renewed application accompanied by a legal argument challenging the unlawful refusal — such submissions were often prepared and filed by lawyers from non-governmental human rights organisations following requests for legal assistance²⁹²⁸.

Alongside the state's positive steps to eliminate long-standing injustices, **new unlawful restrictions are being introduced**. This concerns Article 40 of the Law of Ukraine "On the State Budget of Ukraine for 2025", which provides for **the return of funds from IDP accounts to the PFU if such funds remain unused for more than one year**. According to the Ministry of Finance of Ukraine, the estimated amount to be withdrawn from IDP accounts and redirected toward covering the budget expenditure deficit amounts to UAH 11.3 billion. This proposed withdrawal raises serious concerns, as it violates Ukrainian legislation²⁹²⁹ and may be classified as the unlawful deprivation of IDPs' property rights²⁹³⁰. On 1 July 2025, the Cabinet of Ministers of Ukraine approved the Procedure for the Restoration and Payment of Pensions (Monthly Lifetime Allowances)²⁹³¹. It is expected that, the procedure would facilitate the relatively swift return of funds to pensioners' accounts²⁹³². In this regard, an information campaign by executive authorities²⁹³³ and non-governmental organisations²⁹³⁴ is ongoing.

Access to Social Services and Payments

As of the end of July 2025, nearly 4.6 million IDPs were officially registered in Ukraine²⁹³⁵. Following changes introduced by the Government in the previous period aimed at reducing payments²⁹³⁶ to encourage economic self-sufficiency among IDPs, **1.3 million IDPs still remain recipients of subsistence support**. The amount of the assistance is UAH 2,000 (approximately EUR 45) or UAH 3,000 (approximately EUR 67) — for persons with disabilities and children. Payments continue to be granted to vulnerable categories, including persons with disabilities, carers of severely ill children, and pensioners whose monthly pensions are less than UAH 9,444 (approximately EUR 210), among others. However, the results of focus group studies show that the majority of respondents view the current

2928 Information obtained from an interview with a representative of NGO CrimeaSOS (24.03.2025).

2929 The Law of Ukraine on the State Budget of Ukraine is a special law and may not regulate matters beyond the scope of budgetary regulation.

2930 Position on the Transfer to the Pension Fund of Ukraine of Unused Funds Remaining in the Accounts of Internally Displaced Persons Opened in JSC "Oschadbank" Pursuant to Article 41 of the Draft Law of Ukraine "On the State Budget of Ukraine for 2025". East-SOS. 2024.

2931 Certain Specifics of the Application of Article 40 of the Law of Ukraine "On the State Budget of Ukraine for 2025": Resolution of the Cabinet of Ministers of Ukraine No. 745 of 25.06.2025.

2932 Information obtained from an interview with a representative of Stabilization Support Services (27.03.2025).

2933 The payment of pensions to IDP pensioners who have not undergone identification is resumed after its completion. Ministry of Social Policy, Family and Unity of Ukraine. 2024.

2934 What Happens to the Pensions of IDPs Who Have Not Undergone Physical Identification or Have Not Used Their Pension Accounts During the Year?: NGO Group of Influence. 2025.

2935 Internally Displaced Persons. State Enterprise "Information and Computing Centre of the Ministry of Social Policy of Ukraine".

2936 Certain Issues of Housing Assistance to Internally Displaced Persons: Resolution of the Cabinet of Ministers of Ukraine No. 332 of 20.03.2022.

payment system as inadequate and unfair²⁹³⁷. **The main shortcomings identified include the insufficient size of the payments and the asset-based criteria applied during eligibility assessment.** There is a recognised need to reinstate payments for all children and persons with disabilities, while access to affordable housing could be considered as an alternative to cash assistance.

Once the subsistence support ends, there are no alternative or effective support options, such as accommodation services²⁹³⁸. Housing remains a priority need, second only to “safety”. After the initial six-month period, during which individuals may stabilise their situation and rely on state support, additional alternative support mechanisms become necessary.

In view of the reduction in the number of benefit recipients and the absence of systemic measures to provide housing, at the end of January 2025 the MSP **launched an experimental project²⁹³⁹ to provide subsidies for the payment of rent (or part thereof) for residential premises and tax compensation²⁹⁴⁰**. The project is to be implemented over two years and targets IDP families who spend more than 20% of their total income on rent. However, this is not the sole criterion for eligibility²⁹⁴¹. Approximately UAH 6,9 billion has been allocated in the State Budget of Ukraine for 2025 for the implementation of the project. Concerns have been raised about the short-term nature of such support (limited to no more than two six-month periods), after which IDP families may be left without further state assistance. As of the end of July 2025, only UAH 1.02 million had been utilised. The Ministry of Social Policy expects the number of beneficiaries to increase to 1,000 households by the end of the year, which will require UAH 5 million²⁹⁴².

There are also considerable concerns among landlords regarding the conclusion of lease agreements, the requirement to submit tax declarations, and the conduct of periodic inspections by territorial offices of the National Social Service. The most recent amendments to the resolution governing the implementation of the project demonstrate the Government’s intention to operationalise this mechanism²⁹⁴³. However, addressing the issue of the shadow rental market solely at the expense of IDPs is not a realistic solution. Additionally, lease agreements may be concluded via an intermediary — a legal entity acting as a tax agent — which would reduce some of the administrative burdens related to document preparation, reporting, and other formalities²⁹⁴⁴.

Furthermore, it is important to continue seeking long-term housing solutions, including through the parallel implementation of credit and investment programmes in partnership

2937 Analytical report based on focus group research “Integration of Internally Displaced Persons into Host Communities. — 2025”. Group of Influence. 2025

2938 Information obtained from an interview with a representative of Stabilization Support Services (27.03.2025).

2939 On the Implementation of a Pilot Project to Provide a Housing Rent Subsidy and Compensation of Income Tax or Single Tax and Military Levy: Resolution of the Cabinet of Ministers of Ukraine No. 1225 of 25.10.2024.

2940 Full or partial reimbursement of the single tax (for private entrepreneurs), income tax (for private entrepreneurs and individuals), and military levy (for private entrepreneurs and individuals).

2941 Housing Rent Subsidy for Internally Displaced Persons. Group of Influence. 2024.

2942 Information obtained from an interview with a representative of the CF Right to Protection (27.07.2025).

2943 Information obtained from an interview with a representative of Group of Influence (25.03.2025).

2944 Information obtained from an interview with a representative of Stabilization Support Services (27.03.2025).

between the state and international partners. On 3 March 2025, Law No. 4080-IX²⁹⁴⁵ entered into force, regulating the establishment of an Information and Analytical System for Real Estate Objects to support the housing needs of IDPs. This system will collect data on state-, municipal-, and, at the owner's discretion, privately-owned properties that are currently used or could potentially be used for IDP accommodation. It is envisaged that the information will be made publicly accessible via an interactive map. IDPs will be able to submit applications for accommodation in selected properties, while the state, international partners, and humanitarian organisations will be able to access information about properties suitable for investment in repair or reconstruction, as well as indicative costs associated with each property.

In April 2025, the Government approved the Procedure for the Inspection of Real Estate Objects for the Accommodation of Internally Displaced Persons and the Standard Form of the Real Estate Inspection Act²⁹⁴⁶, and in July 2025 — the Procedure for the Functioning of the Information and Analytical System of Real Estate Objects for Providing Internally Displaced Persons with Housing and its Interaction with Other Information and Communication Systems²⁹⁴⁷. The launch and testing of the respective information and analytical system is planned for the fourth quarter of 2025, while full implementation is expected in 2026²⁹⁴⁸.

In December 2024, Parliament adopted Law No. 4114-IX²⁹⁴⁹, which grants IDPs **priority entitlement to compensation for destroyed housing under the eVidnovlennia programme**. The law allows the remaining balance of the 2024 State Budget of Ukraine — approximately UAH 15 billion (which arose as a result of reduced IDP assistance payments) — to be allocated for compensation for destroyed or damaged IDP housing. For example, in March 2025, UAH 2 billion received by the Ministry for Development was allocated for payments via housing certificates to more than 1,300 IDP families²⁹⁵⁰.

In addition, Draft Law No. 12300²⁹⁵¹ has been registered in Parliament, which, if adopted, will ensure that IDPs gain access to social guarantees and benefits established by the Law of Ukraine "On the Status of Mountain Settlements in Ukraine", including a 20% increase in the amount of state pensions, scholarships, and other state financial assistance. On 25 March 2025, the Verkhovna Rada Committee on the Organisation of State

2945 On Amendments to Certain Laws of Ukraine Concerning Additional Measures Related to Housing Provision for Internally Displaced Persons: Law of Ukraine No. 4080-IX of 20.11.2024.

2946 On the Approval of the Procedure for the Inspection of Real Estate Objects for the Accommodation of Internally Displaced Persons and the Standard Form of the Real Estate Inspection Act: Resolution of the Cabinet of Ministers of Ukraine No. 489 of 29.04.2025.

2947 Certain Issues of the Establishment and Functioning of the Information and Analytical System of Real Estate Objects for Providing Internally Displaced Persons with Housing and its Interaction with Other Information and Communication Systems: Resolution of the Cabinet of Ministers of Ukraine No. 894 of 16.07.2025.

2948 From the speech of Theresa Smith, UNHCR Representative, at the International Forum "Housing for the Affected Population: Partnership for Sustainable Solutions", held on 30 July 2025. Video recording.

2949 On Amendments to Certain Laws of Ukraine Concerning the Priority Right of Certain Categories of Internally Displaced Persons to Receive Compensation for Destroyed Immovable Property: Law of Ukraine No. 4114-IX of 04.12.2024.

2950 Ministry of Development allocates another UAH 2 billion for compensation payments to IDPs. Ministry for Communities and Territories Development of Ukraine. 2025.

2951 On Amending Article 5 of the Law of Ukraine "On the Status of Mountain Settlements in Ukraine" to Protect the Rights of Internally Displaced Persons: Draft Law of Ukraine, registration No. 12300 of 11.12.2024.

Power, Local Self-Government, Regional Development and Urban Planning (the lead committee) decided to recommend that the Parliament adopt the draft law at first reading and as a whole, subject to the Committee's proposals²⁹⁵².

Given the reduction in financial assistance, the development of social services must advance further. On 11 June 2024, Government Resolution No. 664 entered into force, introducing **reimbursement for the "municipal nanny" service for the care of a child under the age of three if one of the parents or guardians is an IDP**²⁹⁵³. This is intended to facilitate retraining, employment, and the adaptation of parents and their families. The programme is particularly relevant for communities where nurseries for children under three are unavailable or lack sufficient capacity. However, despite the allocation in the state budget to fund municipal nanny services for 3,000 Ukrainian families in 2024 and up to 6,000 families in 2025²⁹⁵⁴, as of early March 2025, only 2,433 children (not only IDPs) were under the care of a nanny. As of the end of July 2025, such changes were minor. This situation has been attributed to an insufficient information campaign (including lack of outreach through employment centres and job search platforms), as well as limitations in the capacity to deliver the service at the local level. There are also concerns regarding the restriction of eligibility to children under the age of three.

Access to social services for people residing in the TOT remains impossible, as most such services require physical presence and are implemented at the community level. There is no consolidated information available about the provision of any social services in a remote format by displaced communities for their residents who remain under occupation.

Damage to Cultural Heritage Caused by the Russian Federation

The jurisdiction of the Russian Federation was unlawfully extended to the Autonomous Republic of Crimea and the city of Sevastopol immediately after the annexation in 2014. This enabled the Russian Federation to control the cultural sphere of the peninsula as a tool of ideological influence. **All Ukrainian cultural heritage sites in Crimea were re-registered in Russian registries, and Russian researchers and cultural figures were granted unrestricted access to them.** From 2014 to 2024 alone, the Russian Federation conducted more than 1,385 archaeological excavations in the Autonomous Republic of Crimea. Millions of archaeological artefacts were removed from the cultural layers of archaeological sites across the Crimean Peninsula. Within the construction area of the propaganda complex known as "New Chersonesus" alone, 6,495,877 items were extracted — of which 351,780 items of museum significance were looted, and the remainder destroyed²⁹⁵⁵. Large-scale excavations across the Crimean Peninsula have also been

2952 Ibid.

2953 Certain Issues Concerning Reimbursement of the Cost of the "Municipal Nanny" Childcare Service During Martial Law and for Three Months Thereafter: Resolution of the Cabinet of Ministers of Ukraine No. 664 of 07.06.2024.

2954 The Government forecasts a significant increase in the number of families employing municipal nannies next year. ZMINA. 2024.

2955 Panel Discussion: "Destruction of Cultural Heritage: How to Hold Russia Accountable?" Regional Center for Human Rights, 2025.

announced for 2025²⁹⁵⁶. Specifically, 5–6 archaeological expeditions by the State Hermitage Museum²⁹⁵⁷ are planned in Kerch, on the site of the ancient settlement of Acre, in Feodosia, Old Crimea, Sudak, and the area of Chersonesus Taurica. Additional works are planned in Yalta and Alushta.

Following the full-scale invasion, the Russian Federation's influence on cultural policy in the TOT has become more severe. In the newly occupied territories, Russia immediately implemented a repressive policy, involving persecution, the removal of Ukrainian cultural assets from museums, their destruction by burning, or their transfer to the territory of the Russian Federation. This policy is pursued, among other things, to suppress attempts at resistance by the local population²⁹⁵⁸.

Additionally, from 1 January 2025, pursuant to an order of the President of the Russian Federation, the programme “Zemsky Cultural Worker”²⁹⁵⁹ was launched. It provides financial support of RUB 2 million (approximately EUR 22,000) to cultural sector professionals who relocate to settlements located in Donetsk, Luhansk, Zaporizhzhia and Kherson regions, and RUB 1 million (approximately EUR 11,000) for relocation to the Crimean Peninsula. The relocation of cultural professionals and their likely appointment primarily to leadership positions in local cultural institutions enables the Russian Federation to fully control cultural resources in the occupied territories and to disseminate its narratives through tools of soft power.

Ukrainian experts, together with law enforcement authorities, are attempting to trace stolen artefacts and identify those responsible for participating in these crimes. **However, the documentation and accounting of the losses and damage inflicted upon cultural heritage as a result of the Russian Federation’s armed aggression still lack a systemic approach.**

The Ministry of Culture and Strategic Communications of Ukraine (MCSC) has presented an updated State Register of Immovable Monuments of Ukraine²⁹⁶⁰, which includes information on monuments of architecture, history, and archaeology that are officially protected by the state. Information for the Register may be submitted by regional state administrations, cultural heritage protection bodies, and the Cultural Heritage Protection Department of MCSC. Nevertheless, challenges remain in uploading data on objects located in the TOT.

Overall, the changes in the leadership of MCSC that took place in September 2024 have revitalised cooperation with civil society organisations in this area and, crucially, shifted focus to the preparation of sanctions lists of individuals and organisations involved in the looting and destruction of Ukraine’s cultural heritage. On 5 February 2025, Presidential Decree No. 68²⁹⁶¹ imposed sanctions on 55 individuals and three legal entities whose

2956 Archaeologists Plan Large-Scale Excavations Throughout the Crimean Peninsula. Kafanews, 2025.

2957 See statements by Aleksandr Butyagin, Senior Research Fellow of the Hermitage: “Looting of Artefacts: What Does Russia Plan to Export from Annexed Crimea in 2025?” Krym.Realii, 2025.

2958 Information obtained from an interview with a representative of the Regional Centre for Human Rights (01.04.2025).

2959 List of Instructions for the Implementation of the Presidential Address to the Federal Assembly (Approved by the President of the Russian Federation on 30 March 2024 No. Pr-616).

2960 Immovable Cultural Heritage. MCSC.

2961 On the Decision of the National Security and Defence Council of Ukraine of 4 February 2025 “On the Application of Personal Special Economic and Other Restrictive Measures (Sanctions): Presidential Decree No. 68/2025 of 05.02.2025.

activities are aimed at plundering Ukraine's cultural assets and promoting the narrative of the Russian Federation's alleged historical right to possess both the territory and all cultural heritage sites of Ukraine. A package of sanctions against these individuals is currently under consideration by the EU.

In April 2024, a specialised unit was established within the Department for Combating Crimes Committed in the Context of Armed Conflict of the PGO to address violations relating to cultural heritage. Despite having limited resources, PGO representatives approached civil society organisations to establish coordinated cooperation, which would facilitate extraterritorial investigations and help concentrate efforts on complex, multi-episode, and resource-intensive war crimes²⁹⁶². Work is also underway to develop a methodology for the effective investigation of identified violations relating to cultural heritage.

The Prosecutor's Office of the Autonomous Republic of Crimea and the city of Sevastopol is conducting pre-trial investigations into cases involving the illegal removal and destruction of Ukraine's cultural heritage in the territory of the Autonomous Republic of Crimea and the city of Sevastopol. For instance, in November 2024, an archaeologist of the Russian "State Hermitage" was notified in absentia of suspicion under Article 298(4) of the CC of Ukraine for illegally conducting excavations at the cultural heritage site "Ancient City of Myrmekion" in the city of Kerch²⁹⁶³.

Recommendations

1. The Cabinet of Ministers of Ukraine should ensure coordination between central executive authorities regarding the protection of the rights and interests of the affected population, as well as determine the powers which, after the reorganisation of the Ministry of Reintegration, were not assigned to any authority.
2. Adopt a new version of the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" (registration No. 12301), which will ensure that legal regulation is aligned with the current challenges posed by the full-scale armed aggression against Ukraine (including the distribution of responsibilities among ministries and the establishment of a legal framework for securing the housing rights of IDPs).
3. The Cabinet of Ministers of Ukraine should ensure the development and approval of a State Policy Strategy on Internal Displacement for the next period, ensuring an open consultation process.
4. Establish and ensure the functioning of the System for the Registration of Information on Damage Caused to the Non-Property Rights of Individuals as a Result of the Armed Aggression of the Russian Federation against Ukraine.
5. Develop and adopt a draft law on support for individuals whose non-property rights have been violated as a result of the armed aggression of the Russian Federation

²⁹⁶² Prosecutor General's Office Strengthens Cooperation with Civil Society to Protect Cultural Heritage Sites. Prosecutor General's Office. 2024.

²⁹⁶³ Publication by the Prosecutor's Office of the Autonomous Republic of Crimea and the City of Sevastopol on the social network Facebook. 2024.

against Ukraine and ensure the development of subordinate legal acts for the implementation of Law No. 4071-IX. The term “affected persons” should be codified at the legislative level.

6. Introduce a system of urgent interim reparations for individuals who have suffered the most serious harm to life and health as a result of the armed aggression of the Russian Federation against Ukraine (including victims of war crimes).
7. Ensure thoughtful and timely communication regarding state support for individuals affected by the armed aggression against Ukraine.
8. Adopt amendments to the Civil Code of Ukraine, the Civil Procedure Code of Ukraine, the Laws of Ukraine “On State Registration of Civil Status Acts”, “On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine”, “On Court Fee”, as well as subordinate normative legal acts necessary for the introduction of an administrative procedure for the registration of civil status acts that took place in the TOT and abroad, and for the establishment of a fee exemption for applications for establishing the facts of birth, death, marriage, and divorce that occurred in the territory of Ukraine temporarily occupied by the Russian Federation.
9. Develop a concept (vision of mechanisms) for the use of information contained in documents issued in the TOT of Ukraine.
10. Ensure the recognition of learning outcomes of persons who resided in the TOT of Ukraine at all levels on the basis of authorised educational institutions.
11. Ensure consistent practice, particularly through systematic communication, by the PFU in implementing Government Resolution No. 299, which regulates pension payments to persons residing in the TOT, those displaced from it, or residing abroad.
12. Repeal the provisions of Article 40 of the Law of Ukraine “On the State Budget of Ukraine for 2025”, which stipulate the return to the PFU of funds held in the accounts of IDPs if unused for over one year, due to the adverse impact on a significant number of people, particularly the most vulnerable groups with limited access to information.
13. Ensure monitoring and evaluation of the implementation of support programmes for IDPs to guarantee the sustainability of such support and provide broad public awareness of existing programmes.
14. Develop a variety of long-term housing solutions for IDPs, including programmes for temporary housing, concessional lending schemes, rent-to-own programmes, and others.
15. Ensure the further development of social services (e.g. the comprehensive resilience-building service, the “municipal nanny” service, etc.) in communities for people affected by the armed aggression against Ukraine, including IDPs.
16. Ensure the creation and maintenance of a register of destroyed or stolen cultural heritage to serve as a basis for compensation and reparation of damages caused by the Russian Federation. It is important to continue cooperation with international partners, in particular UNESCO, to support the protection of cultural heritage and compensation for the damage caused.

17. Continue active efforts to strengthen the sanctions package targeting Russian scholars and cultural figures, including archaeologists and restorers, who may be involved in the unlawful appropriation and destruction of Ukraine's cultural heritage in the TOT.
18. Recommend that partner states introduce stricter visa policy measures for citizens of the Russian Federation with a view to their participation in international events and projects, assessing their potential involvement in unlawful activities in the TOT of Ukraine.

War-Related Justice

Ukraine continues to develop a system of justice and accountability for the most serious international crimes at the national level while also engaging with international mechanisms. An important step in this direction was the ratification of the Rome Statute of the International Criminal Court (Rome Statute) and Its Amendments. At the same time, Ukraine submitted a declaration under Article 124 of the Rome Statute, stating that it does not accept the jurisdiction of the International Criminal Court (ICC) with respect to alleged crimes committed by Ukrainian nationals for a period of seven years from the date the Statute enters into force for Ukraine. The greatest risk of this step lies in the unpredictability of its consequences for the investigation of alleged crimes committed on the territory of Ukraine after 1 January 2025. There is also concern about the perception of this decision in the context of political pressure on the ICC and shifts in international justice policy by certain states, particularly the United States.

The ratification of the Rome Statute also led to the adoption of an implementing law that introduced amendments to Ukraine's criminal legislation concerning the most serious international crimes. However, this step should only mark the beginning of the process of harmonising Ukrainian legislation in this area with international standards, as it does not cover all the issues requiring changes and contains amendments that still need to be improved. Further refinement is needed with regard to the definitions of specific crimes (war crimes, the crime of aggression), the possibility of retroactive application of these provisions, and the impact of certain changes on existing judgments and ongoing proceedings. The area of criminal procedure also requires substantial revision, particularly in terms of the exclusive jurisdiction over proceedings concerning the most serious international crimes being assigned to security investigation bodies, the legal recognition of open-source and intelligence information as admissible evidence, the preservation of such evidence, and the establishment of an adequate system for the protection and support of witnesses and victims, among other matters.

The politicisation of the accountability for crimes against the foundations of national security has hindered qualitative changes to legislation, which currently contains broad wording that effectively criminalise any activity in the occupied territory. This, in turn, has led to the development of investigative and judicial practice in breach of the principle of legal certainty, without consideration for international humanitarian law norms and the conditions of occupation. Furthermore, the current approach to accountability for crimes against the foundations of national security, for collaboration activities, places an excessive burden on the criminal justice system and diverts limited resources from ensuring effective investigation of international crimes.

Ratification of the Rome Statute of the International Criminal Court

On 21 August 2024, the Verkhovna Rada adopted the Law of Ukraine “On the Ratification of the Rome Statute of the International Criminal Court and Its Amendments”²⁹⁶⁴. The importance of this step toward holding accountable those responsible for the most serious international crimes has been emphasised in both the European Commission’s²⁹⁶⁵ reports and the Shadow Report on Chapter 23²⁹⁶⁶. As of 1 January 2025, Ukraine became a full State Party to the Rome Statute.

However, **upon ratification, Ukraine submitted a declaration under Article 124 of the Rome Statute**. This is a transitional provision that allows a State, for which the Rome Statute enters into force, to declare that it does not accept the jurisdiction of the ICC over alleged war crimes committed on its territory or by its nationals for a period of seven years from the date of entry into force of the Rome Statute for that State (i.e. in the case of Ukraine — from 1 January 2025). Ukraine’s declaration stipulates non-acceptance of jurisdiction under Article 124 of the Rome Statute only with respect to its own nationals, but not in relation to its territory. **According to official state representatives, this decision is explained as a “compromise with the military”²⁹⁶⁷ due to the “spread of disinformation about the Rome Statute”²⁹⁶⁸.**

The consequences of such a step are difficult to predict given its unprecedented nature — in the only two other cases where declarations under Article 124 were submitted, the states in question had not previously recognised the jurisdiction of the ICC under the procedure of Article 12(3)²⁹⁶⁹. Moreover, in both of those cases, the declarations concerned non-acceptance of the ICC’s jurisdiction with respect to both the territory and the nationals of the respective states.

International²⁹⁷⁰ and Ukrainian²⁹⁷¹ experts and human rights defenders voiced concerns about such a step even before the ratification law was adopted. The main concerns are based on the fact that neither the provisions of the Rome Statute nor the practice of their application provide a clear answer as to how a declaration under Article 124 in Ukraine’s

2964 On the Ratification of the Rome Statute of the International Criminal Court and Its Amendments: Law of Ukraine No. 3909-IX of 21.08.2024.

2965 Ukraine 2023 Report accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2023.

2966 Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine. ZMINA. 2024.

2967 Iryna Mudra: “Following the ratification of the Rome Statute, Ukraine may nominate a judge to the ICC and put forward a candidate for Prosecutor”. LB.ua. 2024.

2968 Ratification of the Rome Statute: the Office of the President explains why Ukraine had to reach a compromise. Ukrinform. 2024.

2969 Procedure for recognising jurisdiction by a state not party to the Rome Statute through submission of a declaration to the Registrar accepting the Court’s jurisdiction over a particular crime.

2970 ICC Jurisdiction in Ukraine and Article 124: Does Article 12(3) Leave the Stage Lit on War Crimes? *OpinioJuris*. 2024.; Unforced Error: Article 124 and the Regrettable Caveat to Ukraine’s Proposed Ratification of the ICC Statute. *Just Security*, 2024.; ‘There’s life in the old dog yet ...’ or: the news of the death of Art. 124 Rome Statute were premature, *EJIL Talk*, 2024.

2971 Ukraine is getting closer to the court that issued Putin’s arrest warrant. But there’s a catch. *Ukrainska Pravda*. Blogs. 2024.

case will affect ICC investigations. It remains an open question whether a state may choose to reject ICC jurisdiction partially — recognising jurisdiction on a territorial basis while rejecting it on the basis of nationality. There is also no clear answer as to how the declaration under Article 124 relates to Ukraine's previous declarations under Article 12(3)²⁹⁷² recognising the ICC's jurisdiction without limitation.

In the worst-case scenario, the ICC's Pre-Trial Chamber may rule that "selective" jurisdiction is not permissible and that Article 124 should be interpreted cumulatively — as providing for non-acceptance of ICC jurisdiction both on the basis of nationality and territory. This would **jeopardise the investigation of alleged crimes committed on the territory of Ukraine by nationals of any state for a period of seven years, starting from 1 January 2025**. Furthermore, even after the expiry of this period, investigations into these crimes would remain impossible.

In the best-case scenario, the interpretation of the inadmissibility of "selective" jurisdiction would be the opposite — the ICC may apply full jurisdiction over Ukraine, relying on Ukraine's recognition of territorial jurisdiction (thus enabling the investigation of alleged crimes committed by nationals of any country on the territory of Ukraine), or on Ukraine's previous recognition of the ICC's unrestricted jurisdiction under Article 12(3). In this case, the declaration under Article 124 would not pose a threat to the investigation of alleged crimes but would prove to be without legal consequence.

In the context of Ukraine's submission of a declaration under Article 124, it is also important to consider **the reputational risks and the impact of such a step on the broader system of accountability for the most serious international crimes**. Given Ukraine's declared aspiration to restore justice for victims of armed aggression, a declaration that may be perceived as a move towards one-sided justice appears inappropriate. This step could also be used by the defence in future proceedings before the ICC. Moreover, in the broader context of **increasing political pressure on justice processes — including the use of sanctions by the United States²⁹⁷³ to that end**, which weakens the position of the ICC — such a step further **undermines the authority of the Court**. The weakening of the Court's position is particularly dangerous in the context of the **ongoing negotiation process on a peace settlement**, which may have an **unpredictable impact on accountability for those who committed the most serious international crimes within the framework of the national justice system**.

Ukraine ratified the amendments to the Rome Statute concerning the crime of aggression, adopted on 11 June 2010 in Kampala²⁹⁷⁴. In addition, **Ukraine and the Council of Europe signed the Agreement on the Establishment of a Special Tribunal for the**

2972 Statement of the Verkhovna Rada of Ukraine to the International Criminal Court on Ukraine's recognition of the ICC's jurisdiction over the commission of crimes against humanity by senior state officials that resulted in particularly serious consequences and the mass killing of Ukrainian citizens during peaceful protests from 21 November 2013 to 22 February 2014, dated 25.02.2014.; Resolution of the Verkhovna Rada of Ukraine on the Statement of the Verkhovna Rada of Ukraine "On Ukraine's recognition of the jurisdiction of the International Criminal Court over the commission of crimes against humanity and war crimes by senior officials of the Russian Federation and leaders of the terrorist organisations 'DPR' and 'LPR', which resulted in particularly serious consequences and the mass killing of Ukrainian citizens", dated 04.02.2015.

2973 Trump imposes sanctions against the International Criminal Court. Radio Svoboda. 2025.

2974 On the Ratification of the Rome Statute of the International Criminal Court and Its Amendments: Law of Ukraine No. 3909-IX of 21.08.2024.

Crime of Aggression against Ukraine²⁹⁷⁵, which also contains the Statute of the Tribunal²⁹⁷⁶. On 15 July 2025, the Verkhovna Rada ratified the said Agreement²⁹⁷⁷. However, the further functioning of the Tribunal, as well as the enforcement of its decisions, depends on the political will of states and on changes in the position of certain states²⁹⁷⁸, which confirms the importance of parallel work on introducing amendments to the Rome Statute in the context of the crime of aggression.

The Assembly of States Parties to the ICC at the Special Session on the Review of the Jurisdiction of the ICC over the Crime of Aggression²⁹⁷⁹ did not reach a consensus — the adopted Resolution²⁹⁸⁰ only recorded the commitment to consider the proposed amendments at the next Special Session in 2029. To ensure accountability for the crime of aggression, Ukraine should also actively contribute to the development and promotion of the relevant amendments.

Harmonisation of Ukrainian Criminal Legislation with International Law

The need to align Ukraine's criminal legislation with international standards was noted by the European Commission in its 2023 report, particularly by calling for an expansion of the elements of international crimes, the establishment of criminal liability for crimes against humanity, and the introduction of the doctrine of command responsibility²⁹⁸¹. The most recent report notes that the relevant legislation still requires adoption²⁹⁸².

On 9 October 2024, the **Verkhovna Rada adopted an implementing law**²⁹⁸³, aimed at aligning Ukraine's criminal and criminal procedure legislation with the norms of international criminal law, particularly the provisions of the Rome Statute. The law establishes **liability for crimes against humanity, introduces the principle of universal jurisdiction, defines the concept of command responsibility, introduces the concept of "war crimes"**, and amends **the articles providing for liability for the crime of aggression and the crime of genocide**.

2975 Ukraine and the Council of Europe sign Agreement on establishing a Special Tribunal for the Crime of Aggression against Ukraine. Council of Europe. 2025.

2976 Consequences of the aggression of the Russian Federation against Ukraine - Statute of the Special Tribunal for the Crime of Aggression against Ukraine. Committee of Ministers, Council of Europe, 24.06.2025.

2977 On the Ratification of the Agreement between Ukraine and the Council of Europe on the Establishment of a Special Tribunal for the Crime of Aggression against Ukraine: Law of Ukraine No. 4518-IX of 15.07.2025.

2978 The International Centre for the Prosecution of the Crime of Aggression against Ukraine Will Continue to Operate without the United States. Yurydychna Hazeta. 2025.

2979 Assembly of States Parties held a three-day special session on the review of amendments of the crime of aggression. International Criminal Court. 2025.

2980 The review of the amendments on the crime of aggression: ICC-ASP/S-1/Res.1, Adopted at the 5th plenary meeting, on 9 July 2025.

2981 Ukraine 2023 Report accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. 2023.

2982 Ukraine 2024 Report accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. 2024.

2983 On Amendments to the Criminal Code and the Criminal Procedure Code of Ukraine in Connection with the Ratification of the Rome Statute of the International Criminal Court and Its Amendments: Law of Ukraine No. 4012-IX of 09.10.2024.

The adoption of the implementing law is a positive step; however, it is **only the beginning of the process of aligning Ukrainian legislation with the norms of international criminal law**. In particular, the provisions of the implementing law themselves require improvement. Article 438 “Violation of the Laws and Customs of War” and Article 437 “Planning, Preparation, Initiation and Waging of an Aggressive War” of the CC of Ukraine have been renamed to “War Crimes” and “Crime of Aggression”, respectively, but the wording of the articles has not undergone significant changes. **Article 438 retains its blanket nature, which does not comply with the principle of legal certainty**, and its title does not correspond to its content, as it includes liability for “other violations of the laws and customs of war”. **Article 437 has likewise not been substantively aligned with the relevant provision of the Rome Statute and continues to include a broad category of subjects liable for this crime**, rather than limiting it to those in a position effectively to exercise control over or direct the political or military action of a state²⁹⁸⁴. It is worth noting that an approach consistent with international criminal law regarding the possible subjects of the crime of aggression is set out in a ruling of the SC²⁹⁸⁵.

The definition of the crime of genocide in Article 442 has been amended to include the criterion of “direct incitement”. This aligns the wording with the definition of the crime set out in the Convention on the Prevention and Punishment of the Crime of Genocide²⁹⁸⁶; however, it raises questions regarding previously delivered judgments under this article in its earlier, broader wording.

A separate issue concerns **the possibility of retroactive application of the new provisions on crimes against humanity and command responsibility**. One of the approaches under consideration with regard to command responsibility is the view that the concept of war crimes inherently includes command responsibility and that, accordingly, this doctrine was already envisaged in Article 438 of the CC of Ukraine, with the amendments merely allocating it to a separate article²⁹⁸⁷. The issue of crimes against humanity remains unresolved — without the possibility of retroactive application of the relevant article, it can only be applied to crimes committed after the implementing law has entered into force. **As of now, there are no proceedings concerning acts that would be qualified as crimes against humanity**, and the position of the prosecutorial authorities, particularly the PGO, on the application of this qualification is still pending.

The implementing law pays less attention to procedural issues, with the sole exception of assigning investigative jurisdiction over crimes against humanity to security investigation bodies. **The problems highlighted in the Shadow Report on Chapter 23²⁹⁸⁸ remain unresolved**, namely:

- the exclusive investigative jurisdiction over the most serious international crimes assigned to security investigation bodies;

2984 Rome Statute of the International Criminal Court. 1998.

2985 Ruling of the Supreme Court of 28.02.2024 in case No. 415/2182/20.

2986 Convention on the Prevention and Punishment of the Crime of Genocide. 1948.

2987 Information obtained during an interview with a representative of the NGO “Ukrainian Legal Advisory Group”.

2988 Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine. ZMINA. 2024.

- › the lack of regulation regarding the use of certain types of information (intelligence data, open-source information) as evidence, as well as their proper verification and preservation²⁹⁸⁹;
- › the undefined status of international experts in proceedings, except in cases involving chemical, biological, radiological, nuclear or other weapons²⁹⁹⁰.

The absence of an adequate system to ensure the safety and protection of witnesses and victims of the most serious crimes also remains unresolved. As of January 2025, the Coordination Centre for the Support of Victims and Witnesses, operating under the PGO, had provided assistance to 1,100 victims and opened regional offices in Kyiv, Donetsk, Luhansk, Zaporizhzhia, Mykolaiv, Kherson, Sumy, Kharkiv and Chernihiv regions²⁹⁹¹. However, the Centre mainly operates by referring victims' requests to civil society organisations²⁹⁹² and its functioning has not yet been established in legislation. Draft Law No. 5751 on the protection of victims and witnesses remains stagnant in Parliament and has not been revised to respond to the challenges posed by the war²⁹⁹³.

A separate issue is the **proper protection of defence counsel** representing accused persons in cases concerning international crimes and crimes against the foundations of national security. They face **negative public reactions to the defence of those accused or suspected of committing such crimes, including the conflation of the defence counsel with the accused, and overt or covert judicial bias**²⁹⁹⁴. At the same time, **the system of Bar self-governance bodies fails to provide adequate protection and, in some cases, even persecutes individual defence counsel** for dissenting from the leadership of the Ukrainian National Bar Association²⁹⁹⁵.

The changes adopted since the preparation of the Shadow Report on Chapter 23 represent a positive development. However, they require a systematic approach: proper, rather than declarative, alignment with the provisions and standards of international criminal law; consideration of existing judgments and ongoing proceedings concerning the most serious international crimes; greater attention to procedural issues that hinder the investigation of such crimes; and continued training for investigators, prosecutors, defence counsel, and judges on the specificities and standards for investigating international crimes and the norms of international humanitarian law.

2989 Needs Assessment of Ukraine's Legal System: Ensuring Quality Justice for War-Affected Persons and Survivors. ULAG. 2025.

2990 On Amendments to the Code of Ukraine on Administrative Offences, the Criminal Code, and the Criminal Procedure Code of Ukraine Concerning the Optimisation of the Work of Specialists in Criminal Proceedings: Law of Ukraine No. 4009-IX of 09.10.2024.

2991 Annual Summary of the Work of the Victim and Witness Support Coordination Centre for 2024. Prosecutor General's Office. 2025.

2992 Information obtained during an interview with a representative of the NGO "Ukrainian Legal Advisory Group".

2993 On Ensuring the Security of Participants in Criminal Proceedings and Other Persons in the Interests of Justice: Draft Law of Ukraine, registration No. 5751 of 12.07.2021.

2994 Needs Assessment of Ukraine's Legal System: Ensuring Quality Justice for War-Affected Persons and Survivors. ULAG. 2025.

2995 Information obtained during an interview with a partner at the law firm Azones.

Prosecution for Collaboration Activities and Other Crimes Against the Foundations of National Security

As of 31 July 2025, a total of 22,656 criminal proceedings had been registered for crimes against the foundations of national security, including: 2,852 under Article 110 (encroachment on the territorial integrity and inviolability of Ukraine), 4,454 under Article 111 (treason), 10,108 under Article 111¹ (collaboration activities), 1,570 under Article 111² (aiding the aggressor state), among others²⁹⁹⁶.

Proceedings concerning collaboration activities (Article 111¹ of the CC of Ukraine)²⁹⁹⁷ still constitute the largest share. According to the USRCD, 2,942 judgments have been issued in proceedings under Article 111¹ of the CC of Ukraine. Unlike the period until the end of 2024, when the largest number of convictions under Part 1 of Article 111¹ (public denial of Russian aggression and calls to support the decisions of the aggressor state) was recorded — 517²⁹⁹⁸, in 2025 the situation changed. As of June 2025, 532 convictions under Part 1 of Article 111¹ were recorded although the proportion of judgments under the parts of Article 111¹ that provide for felony continues to grow. These include: Part 3 (propaganda in educational institutions and implementation of the aggressor state's education standards); Part 4 (transfer of material resources and/or business activity in cooperation with the aggressor state); Part 5 (voluntary acceptance of a position involving organisational, executive or administrative-economic functions in illegal authorities); Part 6 (organisation and conduct of political events, information activity in cooperation with the aggressor state); Part 7 (voluntary acceptance by a Ukrainian citizen of a position in illegal judicial or law enforcement bodies, as well as voluntary participation of a Ukrainian citizen in illegal armed or paramilitary formations). At the same time, the highest number of convictions under Article 111¹ was recorded under Parts 5 and 7 — 659 and 539 convictions respectively²⁹⁹⁹.

No new draft laws proposing amendments to the CC of Ukraine regarding liability for collaboration activities have been registered, and none of the already registered draft laws have progressed. Accordingly, **the legislation — and the problems it creates in investigative and judicial practice — remain unchanged**, namely:

- 1) violation of the principle of legal certainty in the wording of Article 111¹ of the Criminal Code of Ukraine and, as a result, its inconsistent application;
- 2) failure to take into account international humanitarian law standards when qualifying acts as collaboration activities (Ukrainian legislation does not provide exceptions for individuals considered to be ensuring the functioning of life in occupied territories, and international humanitarian law norms are not adequately taken into account in court proceedings);

2996 Statistics of the Prosecutor General's Office. 2025.

2997 Survival or Crime: How Ukraine Prosecutes Collaborationism. Analytical Report. 2024.

2998 Responsibility for Collaborationism: How Has Judicial Practice Changed? Analytical Report / D. Deputat, O. Syniuk, edited by A. Luniyova, A. Pavliuk, I. Kapalkina — Kyiv. 2025.

2999 As of 12.07.2025, according to the data of the Human Rights Centre ZMINA.

- 3) failure to consider the conditions of occupation, which in themselves create an atmosphere of fear, as well as the specific circumstances in which the accused were situated.

Despite expectations that judicial practice — in particular that of the SC — might, through interpretation of the provisions, help to distinguish acts subject to criminal liability from those not constituting a criminal offence, the above-mentioned approaches are actively being entrenched in the SC's practice and are becoming guiding principles for the further adjudication of proceedings concerning collaboration activities. **At the level of SC rulings, a formalistic approach has been consolidated**, under which liability is imposed for the mere fact of holding a position in an occupation authority, rather than for the performance of specific actions; direct intent is presumed; and a narrow approach is taken to assessing coercion in occupied territory.

The need to clarify the wording of the article establishing liability for collaboration activities, to align it with international law to ensure legal certainty and prevent harm to social cohesion, was also reiterated in the latest report of the UN Commission of Inquiry on Human Rights Violations in Ukraine³⁰⁰⁰.

One of the greatest obstacles to improving both legislation and practice is the **politicisation of the issue of accountability for crimes against the foundations of national security, particularly collaboration activities**. This hinders the adoption of qualitative changes to legislation and creates pressure on investigators, prosecutors, and judges handling collaboration-related cases, as well as on defence counsel representing clients in such proceedings.

Furthermore, **Ukrainian legislation provides for a single response to civilian cooperation with occupation authorities — criminal liability**. This approach results in excessive criminalisation of acts committed in occupied territory and increases social tension both in regions that have not experienced occupation and in those that have been liberated or remain wholly or partially under occupation. An effective state response must include, in addition to clearly defined criminal liability, measures to restore public trust through lustration mechanisms and the use of memorialisation tools to promote social cohesion³⁰⁰¹.

Recommendations

1. Withdraw Ukraine's declaration under Article 124 of the Rome Statute in accordance with the procedure provided for in that Article.
2. Ensure Ukraine's active participation in the process of developing amendments to the Rome Statute concerning the crime of aggression.
3. Continue amending the CC of Ukraine (defining/specifying the concepts of war crimes and the crime of aggression, ensuring the retroactive effect of provisions

3000 Report of the Independent International Commission of Inquiry on Ukraine 24 February – 4 April 2025, 11.03.2025.

3001 What Tools Does the Russian Federation Use to Occupy and Subjugate the Population of the Temporarily Occupied Territories of Ukraine? Special Report of the Ukrainian Parliament Commissioner for Human Rights on the Situation in the Territories of Ukraine Temporarily Occupied by the Russian Federation / Ombudsman of Ukraine. 2025.

concerning international crimes) in order to properly harmonise Ukrainian legislation with the norms of international criminal and international humanitarian law.

4. Continue amending the CPC of Ukraine (expanding jurisdiction over the most serious international crimes, legally recognising the use of open-source and intelligence data as evidence, providing for the participation of international experts) to strengthen the national justice system's capacity to investigate the most serious international crimes.
5. Finalise and adopt Draft Law No. 5751, considering international standards for the protection of witnesses, victims, and defence counsel in cases concerning the investigation of the most serious crimes.
6. Conduct awareness-raising activities to counter the conflation of defence counsel with their clients and provide effective mechanisms for response and protection of defence counsel representing clients in cases related to international crimes and crimes against the foundations of national security.
7. Amend Ukrainian legislation to incorporate norms of international humanitarian law, clarify the *actus reus* of the relevant parts of Article 111¹ of the CC of Ukraine, and consider the conditions of occupation.
8. Develop a policy on memorialisation, amnesty, and lustration, and consider removing the least serious categories of offences related to collaboration activities from the scope of criminal justice.
9. Continue capacity building for the judiciary at all levels, as well as for investigators and prosecutors, on international humanitarian law, including a focus on the legal regime of occupation.

Citizenship

Ukraine has ratified the European Convention on Nationality and the UN Convention on the Reduction of Statelessness. The grounds for the acquisition and loss of citizenship in Ukraine are defined by the Law of Ukraine "On Citizenship of Ukraine", the provisions of which partially do not comply with Ukraine's international obligations. Despite the development of legislation and the digitalisation of services in the field of passport documentation, the main obstacles to acquiring citizenship remain administrative barriers, especially for vulnerable population groups. In addition, due to the historical context of the migration situation in Ukraine, the current legislative provisions pose a significant obstacle to acquiring citizenship.

During the reporting period, three main problems of access to citizenship, previously recorded in the Shadow Report on Chapter 23, persist in Ukraine:

- 1) the complex situation regarding the documentation of stateless persons and individuals with an irregular status in Ukraine and their children, who have resided in Ukraine for decades;
- 2) the ongoing war, which has complicated access to citizenship confirmation and the restoration of Ukrainian documents;

3) the absence of a simplified procedure for acquiring Ukrainian citizenship for persons recognised as in need of complementary protection, despite the emergence in Ukraine of this form of protection with the adoption of the Law of Ukraine "On Refugees and Persons in Need of Complementary or Temporary Protection", and the refusal of citizenship to children born to persons in need of complementary protection and asylum seekers.

This situation continues to cause serious violations of rights, including the right to freedom of movement, medical care, social security, as well as access to housing and humanitarian aid.

During the reporting period, the Russian invasion of Ukraine has persisted, exacerbating the scale of the problem related to the realisation of the right to citizenship. A significant number of people have lost and continue to lose documents that certify their identity and confirm their Ukrainian citizenship. This creates difficulties in restoring these documents and confirming affiliation with Ukrainian citizenship. Access to citizenship is particularly complicated for those Ukrainian citizens residing in territories occupied by the Russian Federation since 2014, as well as for children born in those territories, due to the loss of access to the SMS archives from before 2014.

The introduction of martial law and other national security measures has led to the revision of certain provisions of the legislation on the acquisition of Ukrainian citizenship, and current legislative initiatives indicate a trend towards introducing new approaches to the acquisition and loss of Ukrainian citizenship. Thus, in 2024 alone, the President submitted two draft laws in this area of legal regulation to the Verkhovna Rada: No. 10425 and No. 11469. Law No. 4502-IX (Draft Law No. 11469) on Ensuring the Exercise of the Right to Acquire and Retain the Citizenship of Ukraine was adopted by the Verkhovna Rada on 18 June 2025, and already on 15 July it was signed by the President. This means that six months after its official publication, children of persons enjoying complementary protection, as well as children of asylum seekers, may lose the current right to acquire the citizenship of Ukraine. At the same time, children of certain categories of stateless persons residing in the territory of Ukraine on lawful grounds, within the meaning of the current version of the law, may lose the current right to acquire Ukrainian citizenship by birth. Such a step contradicts Ukraine's international obligations and the fundamental principles of human rights protection. Despite the discretionary powers of the state in the area of citizenship, it is important to maintain a balance between state interests and human rights, with particular attention to the situation of those who have long been unable to legalise their status or realise their right to citizenship, especially those affected by the consequences of the war.

Issue of Access to Citizenship

Children born to persons unlawfully residing on the territory of Ukraine

Despite the ratification of the European Convention on Nationality³⁰⁰² and the Convention on the Reduction of Statelessness³⁰⁰³, which oblige the state to grant its citizenship to a

3002 European Convention on Nationality of 06.11.1997 No. ETS N 166.

3003 UN Convention on the Reduction of Statelessness of 30.08.1961.

person born on its territory who would otherwise be stateless, **Ukrainian legislation on the acquisition of citizenship by birth contradicts Ukraine's international obligations.** As of 2024, children born in Ukraine to persons who do not have legal grounds for residing in Ukraine are not entitled to acquire citizenship by birth. As a result, in cases where no foreign citizenship is acquired, such children become stateless persons.

Due to migration processes in Ukraine following the collapse of the USSR and as a result of the ongoing war since 2014, **a significant number of people in Ukraine have become undocumented and often lack any legal affiliation with a state. The problem of documentation and access to Ukrainian citizenship for citizens of the former USSR** (both refugees from former Soviet republics and those born in the territories of these former republics) persists. Many of these individuals possess no documents other than Soviet passports, do not hold the citizenship of any state, and are effectively deprived of the possibility of acquiring Ukrainian citizenship. Owing to the absence of a legislative opportunity to regulate their legal status for over 30 years, the majority of such individuals have been residing in Ukraine without legal grounds. Consequently, children born to such parents also face the risk of being undocumented and stateless. As of March 2020, the World Bank estimated the number of persons in Ukraine aged 15 and over who do not possess a national identity document confirming their identity and citizenship at 999,000. Among them, 310,000 are women and 689,000 are men³⁰⁰⁴.

This situation not only negatively affects the legal status of such persons' children and their ability to exercise their rights but also contributes to the growing problem of statelessness.

The UN Committee on the Rights of the Child has twice — in 2011 and 2022 — issued recommendations to Ukraine to amend its legislation in order to provide legal and practical guarantees of the child's right to citizenship and the right not to be deprived of it under any circumstances and regardless of the status of the child's parents³⁰⁰⁵. The Committee highlighted the need to amend citizenship legislation to simplify access to citizenship for children who would otherwise be stateless.

Under the current legal framework in Ukraine, the situation remains in which this category of children is at risk of statelessness. This creates obstacles to the full realisation of their rights and complicates Ukraine's fulfilment of its international obligations in the field of child rights protection.

Children born on the territory of Ukraine to parents recognised as persons in need of complementary protection (children of persons with complementary protection) and children born on the territory of Ukraine to persons who have applied for recognition as refugees or persons in need of complementary protection (children of asylum seekers).

Children of persons with complementary protection have the right to acquire citizenship by birth (Part 4, Article 7 of the Law of Ukraine "On Citizenship of Ukraine"³⁰⁰⁶) and by territorial origin (Part 9, Article 8), while children of asylum seekers — by territorial origin (Part 9, Article 8).

3004 Stateless persons in Ukraine; United Nations High Commissioner for Refugees (UNHCR).

3005 CCPR General Comment No. 17: Article 24 (Rights of the child).

3006 On Citizenship of Ukraine: Law of Ukraine No. 2235-III of 18.01.2001.

The issue of refusals by the SMS to grant citizenship to children of asylum seekers and persons with complementary protection remained unresolved in 2024. In 2024, the President submitted two draft laws in this area of legal regulation to the Verkhovna Rada. The Draft Law “On Certain Issues in the Field of Migration Regarding the Grounds and Procedure for the Acquisition and Termination of Ukrainian Citizenship” (registration No. 10425³⁰⁰⁷) was recommended for adoption at first reading by the lead committee — the Verkhovna Rada Committee on Human Rights, De-occupation and Reintegration of the Temporarily Occupied Territories of Ukraine, National Minorities and Interethnic Relations. The shortcomings of this draft law were already analysed in the Shadow Report on Chapter 23³⁰⁰⁸, in particular concerning its proposed amendments to Article 7 of the Law of Ukraine “On Citizenship of Ukraine³⁰⁰⁹”, under which children born on the territory of Ukraine to stateless parents (residing on legal grounds, except those residing under a temporary or permanent residence permit), or those recognised as persons in need of complementary protection, or children born on the territory of Ukraine to parents who have applied for recognition as refugees or as persons in need of complementary protection (children of asylum seekers), would lose the right to acquire citizenship currently granted to them under this Law.

At the same time, on 18 June 2025, Draft Law No. 11469³⁰¹⁰ on ensuring the right to acquire and retain Ukrainian citizenship was adopted by the Verkhovna Rada at second reading. Despite the importance of improving Ukraine’s citizenship legislation, the adopted amendments will have a directly negative impact on the possibility of acquiring Ukrainian citizenship for stateless persons and those at risk of statelessness, undocumented Ukrainian citizens from the TOT of Ukraine, refugees, persons in need of complementary protection, asylum seekers, and their children³⁰¹¹.

It should also be emphasised that children born on the territory of Ukraine to persons who did not apply for recognition as refugees or as persons in need of complementary protection, but attempted to do so, have no right to acquire Ukrainian citizenship under the current legislation.

Therefore, such refusals by the SMS and the legislative proposals in question do not comply with the current legislation of Ukraine or with Ukraine’s international obligations, in particular the Convention on the Reduction of Statelessness³⁰¹² and the Convention on the Rights of the Child³⁰¹³, as well as with the practice of EU Member States, where a liberal

3007 On Certain Issues in the Field of Migration Regarding the Grounds and Procedure for the Acquisition and Termination of Citizenship: Draft Law of Ukraine, registration No. 10425 of 22.01.2024.

3008 Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s 2023 Report on Ukraine, pp. 393–395.

3009 On Citizenship of Ukraine: Law of Ukraine No. 2235-III of 18.01.2001.

3010 On Amendments to Certain Laws of Ukraine on Ensuring the Realisation of the Right to Acquire and Retain Ukrainian Citizenship: Draft Law of Ukraine, registration No. 11469 of 07.08.2024.

3011 Position of the Coalition of Organisations Dealing with the Protection of the Rights of Victims of Armed Aggression against Ukraine regarding Draft Law No. 11469. Right to Protection. 2025.

3012 UN Convention on the Reduction of Statelessness of 30.08.1961.

3013 UN Convention on the Rights of the Child of 20.11.1989.

approach to granting citizenship to children — regardless of their own status or that of their parents — prevails (notably in Belgium³⁰¹⁴ and the Netherlands³⁰¹⁵).

Special attention should be paid to Law No. 3897-IX³⁰¹⁶, adopted in 2024, pursuant to which the acceptance and consideration of applications for the acquisition of Ukrainian citizenship submitted before the entry into force of this Law are suspended until the expiry of 12 months from the date of termination or cancellation of martial law in Ukraine. At the same time, this provision does not apply to certain categories of persons, namely those with outstanding services to Ukraine, those whose acquisition of citizenship is of state interest, as well as persons who are or were serving under contract in the AFU, the State Special Transport Service, or the National Guard of Ukraine, their spouses and minor children, who have legal grounds for acquiring citizenship. It is important to note that the exceptions provided for in the Law do not extend to persons recognised as refugees, persons in need of complementary protection, or asylum seekers. Therefore, this Law creates certain legal and humanitarian challenges for persons in need of international protection.

At the same time, it is appropriate to consider the case law of the ECtHR concerning refusals to grant citizenship. For instance, in *Genovese v. Malta*³⁰¹⁷, the Court noted that a refusal of citizenship may raise issues under Article 8 of the ECHR due to its impact on private life, with the concept of private life being broad enough to encompass aspects of a person's social identity. Even though the right to citizenship is not guaranteed by the ECHR, and the refusal in the applicant's case did not result in a violation of Article 8, the ECtHR found that the impact on the applicant's social identity brought the matter within the general scope of that provision. The Court reaffirmed its findings in *Mennesson v. France*³⁰¹⁸.

Issue of Access to Citizenship Confirmation and the Risk of Loss of Citizenship

As a result of the ongoing invasion of Ukraine by the Russian Federation since 2014, a **significant number of Ukrainian citizens have either lost documents that confirm their legal affiliation with Ukraine or never received such documents**. Due to the **lack of access by the SMS to archives** that remained in the territory occupied since 2014 and were not digitalised, **difficulties arise in identifying** such individuals and confirming their affiliation with Ukrainian citizenship.

In such cases, it is necessary to undergo an administrative procedure to confirm citizenship and establish identity. However, if these facts cannot be confirmed within the administrative procedure, recourse to the courts is required. At the same time, the number of cases is increasing in which undocumented Ukrainian citizens have been unable to confirm their affiliation with Ukrainian citizenship and have therefore been compelled to undergo the

3014 Wetboek van de Belgische nationaliteit.

3015 Rijkswet op het Nederlanderschap.

3016 On Amendments to Certain Laws of Ukraine Regarding the Legal Status of Foreigners and Stateless Persons Participating in the Protection of the Territorial Integrity and Inviolability of Ukraine: Law of Ukraine No. 3897-IX of 20.08.2024.

3017 Case of *Genovese v. Malta* of October 11, 2011.

3018 Case of *Mennesson v. France* of June 26, 2014.

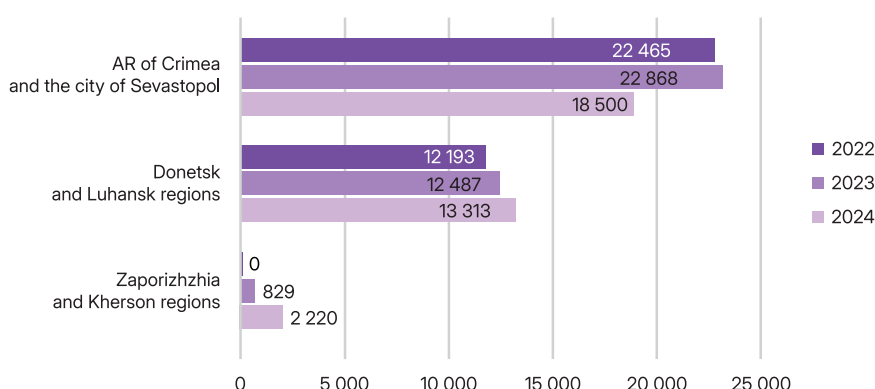
procedure for recognition as stateless persons to obtain a legal status and an identity document³⁰¹⁹.

Despite measures taken by the state to simplify the procedures for obtaining a Ukrainian passport and other documents certifying legal facts of a person's life (birth, death, marriage, and divorce), administrative barriers to access to the relevant procedures persist. Authorised public authorities often issue oral refusals to accept documents and require documents not stipulated by law. As a result of such legal violations, **in some cases, Ukrainian citizens who were unable to confirm their citizenship have been forced to obtain stateless person status.**

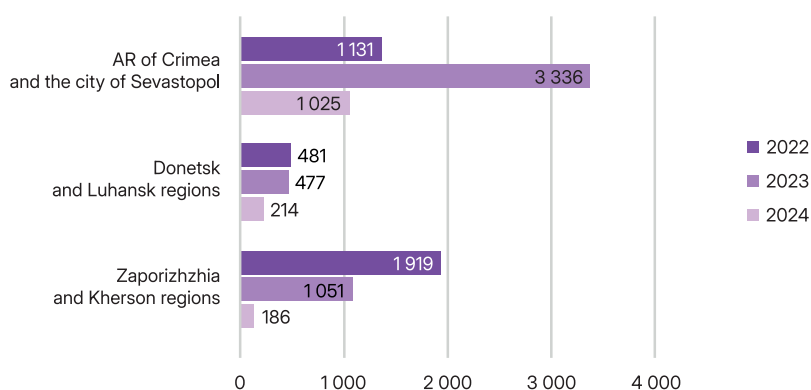
Access to citizenship confirmation is also affected by the **absence of an effective administrative procedure** for establishing legal facts of life, such as birth, death, marriage, and divorce, which occurred in territories under the temporary military control of the Russian Federation.

According to the United Nations Refugee Agency (UNHCR), from mid-2015 to the end of 2021, 72,211 children born in the non-government-controlled areas of Donetsk and Luhansk regions did not receive Ukrainian birth certificates. According to unofficial statistics, from 2015 to 2021, **up to 200,000 children born in eastern Ukraine and in the Autonomous Republic of Crimea did not receive Ukrainian birth certificates.**

Estimated number of births in the TOT of Ukraine, per year



Number of registered birth events that occurred in the TOT of Ukraine, based on decisions of Ukrainian courts, per year



3019 Statelessness in Ukraine: scope and causes of the problem. Right to Protection Charitable Foundation. 2021.

The data presented above indicate a **deterioration in the situation regarding the issuance of Ukrainian-standard birth certificates for residents of the occupied territories**³⁰²⁰.

At present, **a judicial procedure is in place to establish the facts of birth, death, marriage, and divorce that occurred in the temporarily occupied territories**. In practice, this procedure is lengthy and complex. Given the number of persons who still do not possess Ukrainian documents and the number of persons who will continue to face this problem, as well as the workload of the judicial system, the effective implementation of legislative provisions on establishing the facts of birth, death, marriage, and divorce that occurred in territories under the temporary military control of the Russian Federation remains a pressing issue.

At the same time, Draft Law No. 9069³⁰²¹ initiated by the MoJ, which proposes a simplified extrajudicial procedure for registering facts of birth, death, marriage, and divorce that occurred in the TOT of Ukraine and abroad, despite the support of the Ombudsman, international partners, and civil society, was never considered by Parliament. In July 2025, this draft law was withdrawn pursuant to Article 105 of the Rules of Procedure of the Verkhovna Rada in connection with the termination of the powers of the Cabinet of Ministers of Ukraine.

The absence of documents confirming the aforementioned legal facts of a person's life constitutes an obstacle to confirming affiliation with Ukrainian citizenship and to obtaining a Ukrainian passport. **The lengthy process of citizenship confirmation in Ukraine, which is burdened with administrative barriers, leads to serious human rights violations.** Such individuals are unable to register as IDPs and benefit from the guarantees of protection provided to Ukrainian citizens. They are not entitled to free medical treatment, employment, housing, social protection, pension provision, and are deprived of access to humanitarian aid. A significant number of these individuals are particularly vulnerable, having suffered from the consequences of hostilities, and are unable to care for themselves, requiring urgent medical assistance, rehabilitation, and social services. Since their housing is often either destroyed or remains in non-government-controlled territory, they face challenges in accessing temporary accommodation (collective centres), social housing, or housing for temporary residence.

During the reporting period, **the issue also arose of Ukrainian citizens under occupation who were forcibly transferred to the Russian Federation** and are continuously subjected to violations of their rights. A large number of such individuals have lost their documents and are unable to restore them while on the territory of the Russian Federation. Ukraine developed a simplified procedure for issuing documents enabling return to Ukraine³⁰²² through the implementation of a one-year pilot project (from 15 November 2022 to 14 November 2023) **on issuing identity certificates for return to Ukraine within the country**. Since the implementation of this project has ended and no corresponding amendments to current legislation were adopted based on its outcomes, **the problem**

3020 What are the possible approaches regarding documents issued under the occupation? Analytical Note. ZMINA. 2025.

3021 On Amendments to Certain Legislative Acts of Ukraine Concerning the Specifics of State Registration of Civil Status Act Occurring in Temporarily Occupied Territories of Ukraine and Abroad: Draft Law of Ukraine, registration No. 9069 of 28.02/2023.

3022 Procedure for the Implementation of a Pilot Project on Issuing Identity Certificates for Return to Ukraine within the Territory of Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 1202 of 21.10.2022.

of confirming citizenship and obtaining documents for forcibly deported individuals who served sentences remains particularly acute³⁰²³.

At the same time, in 2024, a Procedure was introduced for the implementation of a pilot project for issuing a temporary certificate of a citizen of Ukraine to Ukrainian citizens residing in territories where hostilities are ongoing or which are temporarily occupied by the Russian Federation³⁰²⁴. It provides for the issuance by the SMS of a temporary certificate of a citizen of Ukraine to a person without their presence, based on a request submitted by one of the parents or other legal representatives, or by a spouse, an adult child or grandchild, a sibling, or an official request from the Ministry for the Reintegration. However, this procedure cannot be used by those adult citizens of Ukraine whose data is absent from the SMS registers. Moreover, obtaining a temporary certificate of a citizen of Ukraine on the basis of an official request from the Ministry for Reintegration is no longer possible due to its renaming (reorganisation) into the Ministry for National Unity on 3 December 2024³⁰²⁵ and the subsequent transfer of its powers concerning the formation and implementation of state policy on the TOT of Ukraine and adjacent territories to the Ministry for Regional Development on 31 December 2024³⁰²⁶.

Undocumented Ukrainian citizens from the occupied territories, lacking any prospect of obtaining documents that confirm their identity and Ukrainian citizenship, are compelled to leave the country. In such circumstances, the absence of a simplified procedure for issuing a Ukrainian passport and documents certifying legal facts of a person's life only exacerbates their already extremely vulnerable situation, significantly restricting their access to basic rights and essential services. The European Convention on Nationality provides that states are obliged to ensure the consideration of applications for the acquisition or confirmation of nationality within a reasonable period. According to the Convention, decisions on the acquisition or confirmation of nationality must be reasoned and set out in writing. The practical implementation of these obligations would help to ensure the right to citizenship for individuals from territories under the temporary military control of the Russian Federation.

Absence of a Simplified Procedure for the Acquisition of Ukrainian Citizenship by Persons Recognised as in Need of Complementary Protection

The Law of Ukraine "On Citizenship of Ukraine³⁰²⁷" provides for a **simplified procedure for the acquisition of citizenship only for persons recognised as refugees or those**

3023 How can Ukraine Help Ukrainian prisoners deported to Russia return home? Analytical report / I. Vyshnevskaya; ed. O. Syniuk, O. Luniova. — Kyiv. 2025.

3024 Procedure for the Implementation of a Pilot Project on Issuing Temporary Certificate of Citizens of Ukraine to Citizens Residing in Territories Where Hostilities Are Ongoing or Temporarily Occupied by the Russian Federation: Resolution of the Cabinet of Ministers of Ukraine No. 194 of 23.02.2024.

3025 On the Renaming of the Ministry for Reintegration of the Temporarily Occupied Territories of Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 1366 of 03.12.2024.

3026 On Amendments to the Regulation on the Ministry for Communities and Territories Development of Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 1545 of 31.12.2024.

3027 On Citizenship of Ukraine: Law of Ukraine No. 2235-III of 18.01.2001, Article 9.

granted asylum in Ukraine. For these categories, a reduced period of continuous residence in Ukraine is established, and some other requirements that apply to other foreigners or stateless persons are waived.

At the same time, **for persons recognised as in need of complementary protection, a simplified procedure is not provided under Ukrainian legislation.** This contradicts the provisions of the Law of Ukraine “On Refugees and Persons in Need of Complementary or Temporary Protection”³⁰²⁸, which stipulates that refugees and persons with complementary protection shall have equal rights and obligations under the Constitution and laws of Ukraine. Moreover, the procedure for recognition as a refugee or a person in need of complementary protection is unified, and the grounds for loss or revocation of these statuses are not differentiated. Therefore, persons with complementary protection have a special status that distinguishes them from other foreigners who may acquire Ukrainian citizenship.

Complementary protection is a form of protection granted on an individual basis in accordance with the Law of Ukraine “On Refugees and Persons in Need of Complementary or Temporary Protection”³⁰²⁹ and EU law. Most EU countries have already taken this into account and have provided for the possibility of naturalisation of persons with complementary protection through a simplified procedure. For example, many EU Member States (Belgium, Bulgaria, Ireland, Cyprus, the Netherlands, France, Sweden) have established a reduced period of residence — five years; in Greece — seven years; and in Germany — eight years³⁰³⁰.

Thus, the absence of a simplified procedure for acquiring citizenship for persons in need of complementary protection contradicts both the principle of equality of rights enshrined in Ukrainian legislation and international practice. The Law No. 4502-IX³⁰³¹ (Draft Law No. 11469), adopted in July 2025, also does not introduce a simplified procedure for acquiring citizenship for this category, and therefore this problem will persist.

Recommendations

1. Amend the legislation to grant the right to Ukrainian citizenship to all children born on the territory of Ukraine who do not acquire another citizenship at birth.
2. Amend the current legislation of Ukraine defining the legal content of citizenship, the grounds and procedure for its acquisition and termination, in order to ensure access to the right to citizenship for children born in the territory of Ukraine to parents who have been recognised as persons in need of complementary protection, or who have applied for recognition as refugees or as persons in need of complementary protection — regardless of their country of origin.
3. Refrain from adopting and implementing amendments to Ukrainian legislation that may restrict the right to acquire Ukrainian citizenship for children born on its terri-

³⁰²⁸ On Refugees and Persons in Need of Complementary or Temporary Protection: Law of Ukraine No. 3671-VI of 08.07.2011, Article 15.

³⁰²⁹ Ibid.

³⁰³⁰ Refugee rights subsiding? Europe's two-tier protection regime and its effect on the rights of beneficiaries. ECRE, 2016.

³⁰³¹ On Amendments to Certain Laws of Ukraine on Ensuring the Exercise of the Right to Acquire and Retain the Citizenship of Ukraine: Law of Ukraine No. 4502-IX of 18.06.2025.

tory to persons in need of complementary protection or who have applied for recognition as refugees or persons in need of complementary protection.

4. Simplify the procedure for obtaining a Ukrainian passport for individuals residing in the TOT of Ukraine.
5. Ensure the effective implementation of legislative provisions on the recognition of documents certifying legal facts of a person's life issued in territories under the temporary military control of the Russian Federation and introduce an extrajudicial (administrative) procedure for the registration of birth for persons from temporarily occupied territories.
6. Ensure that applications for the acquisition or confirmation of Ukrainian citizenship are considered within a reasonable period.
7. Ensure the proper and effective implementation of rights guaranteed by law during the confirmation of citizenship and issuance of Ukrainian passports by authorised public authorities.
8. Establish a simplified procedure in Ukrainian legislation for acquiring Ukrainian citizenship for persons recognised as in need of complementary protection.

Property Rights

As in previous years, the issue of fair compensation for those whose property was damaged or completely destroyed as a result of the armed aggression of the Russian Federation requires special attention in the context of protecting the right to property. This issue is particularly critical in cases involving the destruction or damage of residential property.

A significant breakthrough in ensuring such compensation for victims was the establishment and launch in 2023 of a new compensation mechanism for the destruction and damage of residential property. While this can be considered an important step in safeguarding citizens' property rights, the mechanism in question has several shortcomings both at the regulatory level and in terms of its practical implementation. At the same time, an analysis of legislative initiatives and government efforts aimed at its refinement and improvement indicates the absence of a unified systemic approach to addressing the identified problems and to its further development. Therefore, this task will require active dialogue and the consolidation of efforts among the authorities, human rights organisations, and the expert community. In addition, the compensation process could be significantly improved through the comprehensive accounting of both immovable and movable property destroyed or damaged as a result of Russian armed aggression, the development of a mechanism for compensation for the damage and destruction of movable property — primarily vehicles (while still giving top priority to compensation for destroyed or damaged housing), and the elaboration of approaches to protecting the rights of those whose property remains in the territories of Ukraine temporarily occupied by the Russian Federation.

Another set of issues related both to the protection of property rights in general and to the ability to obtain compensation for the destruction or damage of immovable property concerns the filling of the State Register of Property Rights to Immovable Property (SRPR) with data on ownership rights to immovable property acquired prior to its launch in 2013, as well as the improvement of procedures for entering such data into the register. At present,

in many cases, citizens do not have ownership documents, the archives of the technical inventory bureaus (TIBs) have been destroyed or are difficult to access, and homeowners lack sufficient awareness of the applicable requirements, necessary conditions and documents needed to register their ownership rights in the SRPR.

The judicial procedure for confirming ownership rights to immovable property destroyed or damaged as a result of Russian armed aggression also requires simplification, in particular by introducing the consideration of this category of cases under simplified separate proceedings (provided there is no dispute over the right) and exempting applicants — owners of destroyed or damaged immovable property — from the payment of court fees. Successfully addressing these issues would contribute to ensuring adequate protection of citizens' property rights, particularly in the context of the ongoing armed aggression against Ukraine.

Current Regulation and Practical Implementation of the Compensation Mechanism for the Destruction and Damage of Immovable Property

According to an assessment conducted by the analytical team of the Kyiv School of Economics jointly with the Ministry for Development, the Ministry of Economy of Ukraine, and in cooperation with other relevant ministries and the National Bank of Ukraine, **the amount of direct losses caused to immovable property, other infrastructure, vehicles, and inventories from February 2022 to November 2024 totalled nearly USD 170 billion**. Of this amount, **direct losses to the housing stock account for nearly USD 60 billion** (as of January 2024 — USD 58.9 billion³⁰³²). A total of **236,000 housing stock objects were destroyed or damaged**, including 209,000 private (individual) houses, 27,000 apartment buildings, and 0.6 thousand dormitories³⁰³³.

Given the scale of destruction and the continued intensity of attacks on civilian infrastructure across various regions of Ukraine, adequate regulation and implementation of the compensation mechanism are critically important not only to address the issue of providing housing to those whose homes have been destroyed, but also to **prevent future waves of migration of Ukrainian citizens abroad and to create the conditions for the return of Ukrainians** who are currently outside the country.

The existing mechanism for compensation for the destruction and damage of residential property was established in 2023. On 23 February 2023, the Verkhovna Rada adopted Law No. 2923-IX³⁰³⁴, which defined the legal and organisational principles for the provision of compensation, as well as for the establishment and maintenance of the State Register of Property Damaged and Destroyed as a Result of Combat Operations, Acts of Terrorism,

3032 Total losses to Ukraine's infrastructure reached almost USD 155 billion — KSE Institute estimate as of January 2024. Kyiv School of Economics. 2024.

3033 Andriienko D., Horiunov D., Hrudova V., Markuts Yu., et al. Report on Direct Infrastructure Losses Due to Destruction Caused by the Military Aggression of Russia Against Ukraine, as of November 2024. Kyiv School of Economics. 2025.

3034 On Compensation for Damage and Destruction of Certain Categories of Immovable Property as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine, and the State Register of Property Damaged and Destroyed as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine: Law of Ukraine No. 2923-IX of 23.02.2023.

Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine (Register of Damaged and Destroyed Property). Subsequently, the procedure and specific provisions for granting compensation for damaged and destroyed housing, as well as the administration of this register, were further defined and regulated at the level of Cabinet of Ministers Resolutions.

In practice, the compensation mechanism began operating in May 2023. Within a year of its implementation, that is, as of May 2024, 54,500 citizens received payments for the reconstruction of damaged housing totalling over UAH 5.8 billion, and 2,800 Ukrainians purchased new homes using housing certificates for the acquisition of residential property (housing certificates), which they received as compensation for destroyed housing³⁰³⁵. From the beginning of the acceptance of applications for compensation for completely destroyed housing in August 2023 to October 2024, **citizens received 10,700 housing certificates as compensation, 4,700 of which had already been used by the recipients**³⁰³⁶.

As of 30 June 2025, according to the information of the Ministry for Development, applicants had **submitted 56,139 applications for compensation for destroyed real estate objects, as well as 153,676 applications for compensation for damaged ones**. Decisions on granting compensation had been adopted for 17,533 applications concerning destroyed property. As of that date, **19,970 housing certificates had been issued**, on the basis of which 10,060 purchase and sale agreements for real estate objects had been concluded. Decisions on granting compensation for damaged property had been adopted for 100,292 applications. The total amount of compensation paid for repair works on damaged property amounted to **UAH 9.6 billion**³⁰³⁷.

Over 2024–2025 the provisions of Law No. 2923-IX, as well as relevant Government resolutions regulating the procedure for granting compensation, have undergone important amendments. On 1 January 2024, new provisions of Law No. 2923-IX came into force, under which compensation for damaged housing may be granted by reimbursing the recipient for construction materials purchased and/or repair works carried out at the damaged immovable property using their own funds. However, even more than a year after these provisions entered into force, **the mechanism for providing compensation to owners of damaged housing for repairs carried out at their own expense has not been launched**. Consequently, those who have undertaken the restoration of their damaged housing independently and at their own cost still remain deprived of the opportunity to receive the compensation envisaged by Law No. 2923-IX.

The next amendments to Law No. 2923-IX came into force in April 2024, expanding the list of properties that may be purchased using a housing certificate granted as compensation for completely destroyed housing. From that point on, it became possible to use a housing certificate to purchase a land plot on which a residential property is located, or a share in the ownership of such property. It was also established that if the difference between the actual value of the property and the amount specified in the housing certi-

3035 57,000 Ukrainians have rebuilt or purchased new housing through the eRestoration programme: Results of the first year of the programme. Ministry of Digital Transformation of Ukraine. 2024.

3036 Changes to the eRestoration programme: Applications for destroyed housing can now be submitted via the Diia portal. Ministry of Digital Transformation of Ukraine. 2024.

3037 Letter of the Ministry for Communities and Territories Development of Ukraine No. 16727/28/10-25 of 09.07.2025.

cate is covered by a loan, the existence of a prohibition on alienation of the residential property or the land plot on which the property is located does not prevent them from being mortgaged to secure obligations under a credit agreement for such acquisition, followed by the encumbrance of proprietary rights to such property (including through a mortgage). Thus, in the event of enforcement against relevant property before the expiry of the five-year period during which, under Law No. 2923-IX, the recipient of compensation is prohibited from alienating property acquired with a housing certificate, a notary shall lift the prohibition on alienation prematurely and carry out state registration of the termination of the respective encumbrance. However, the recipient of compensation is not entitled to use the acquired property or the land plot on which it is located as collateral in a subsequent mortgage (i.e. a mortgage of property that is already the subject of another mortgage agreement)³⁰³⁸.

In September 2024, amendments were made to Law No. 2923-IX providing for an **expansion of the means by which compensation for destroyed housing may be granted**. According to the new provisions, such compensation may now be provided not only in the form of monetary funds to finance the construction of a detached house, garden or country house, or to finance the purchase of a residential property (including investment in or financing of its construction), the land plot on which such property is located, or a share in the ownership of such property using a housing certificate, but also through the transfer of ownership of immovable property restored under local recovery programmes as a replacement for the destroyed immovable property. Local self-government bodies have thereby been granted the authority to approve local programmes for the restoration of damaged immovable property. At the same time, it was established that decisions on granting compensation for damaged (destroyed) immovable property, adopted before Law No. 2923-IX entered into force in accordance with procedures established under local programmes for the restoration of damaged or destroyed immovable property, shall be deemed to have been adopted in compliance with this Law.

In December 2024, amendments³⁰³⁹ were made to Law No. 2923-IX aimed at providing additional protection to IDPs whose housing was destroyed as a result of the armed aggression of the Russian Federation. From that point on, IDPs who meet the criteria defined by the Cabinet of Ministers of Ukraine were included in the list of persons entitled to priority compensation for destroyed immovable property. In determining these criteria, the Government established **that compensation is granted to individuals registered as IDPs who are experiencing difficult life circumstances** that adversely affect their life, health, and development, or the functioning of their family — circumstances which the individual or family cannot overcome independently. Factors that may give rise to difficult life circumstances include, in particular: old age, disability, homelessness, unemployment, as well as direct harm caused by fire, disaster, hostilities, terrorist acts, armed conflict, or temporary occupation³⁰⁴⁰.

3038 Use of housing certificate: New provisions on mortgages of acquired properties. Analytical material. CF "Right to Protection". 2024.

3039 On Amendments to Certain Legislative Acts of Ukraine Regarding the Priority Right of Certain Categories of Internally Displaced Persons to Receive Compensation for Destroyed Immovable Property: Law of Ukraine No. 4114-IX of 04.12.2024.

3040 On Social Services: Law of Ukraine No. 2671-VIII of 17.01.2019.

Compensation is granted to such IDPs if the destroyed property was their only residential immovable property and no ownership rights to other residential property are registered in the SRPR. However, for the purpose of determining whether an IDP owns other residential property, the following are not taken into account: residential property registered in the SRPR that is located in territories where active hostilities are (or were) possible — including areas where state electronic information resources are operational — or in temporarily occupied territories of Ukraine under the control of the Russian Federation, as included in the officially approved list of territories where hostilities are (or were) taking place or that are temporarily occupied by the Russian Federation³⁰⁴¹, for which no date has been determined for the end of hostilities (or the cessation of the possibility of hostilities) or temporary occupation; as well as destroyed residential properties for which information has been entered in the Register of Damaged and Destroyed Property³⁰⁴².

Simultaneously with the definition of the above-mentioned criteria, Cabinet of Ministers Resolution No. 1432³⁰⁴³ authorised the allocation of unused general fund resources from the 2024 State Budget of Ukraine managed by the Ministry of Social Policy — under budget programme 2501530 “Social protection of citizens in difficult life circumstances” — in the amount of UAH 15 billion to finance the provision of compensation to such IDPs. According to information from the Ministry for Development, as of 7 March 2025, **1,500 families had become owners of new homes** since the launch of this programme³⁰⁴⁴. On the other hand, since anyone whose housing was destroyed or damaged to the point of uninhabitability as a result of armed aggression is eligible for registration as an IDP³⁰⁴⁵, granting priority rights to this category may potentially place additional pressure on the authorities responsible for IDP registration. It may also raise broader concerns and public debate regarding the prioritisation of specific categories of IDPs.

On 19 December 2024, **the Verkhovna Rada adopted in second reading Draft Law No. 11161**³⁰⁴⁶, which introduced amendments to Law No. 2923-IX regarding the provision of compensation for destroyed and damaged property located in areas of active hostilities or territories of Ukraine temporarily occupied by the Russian Federation. Among other things, the amendments provide for the following:

- › Immovable property located in areas that were added to the official list of territories of hostilities or occupation after 24 February 2022 and cannot be inspected is considered destroyed for the purpose of obtaining compensation.

3041 On the Approval of the List of Territories Where Hostilities Are (Were) Conducted or Temporarily Occupied by the Russian Federation: Order of the Ministry for Development of Communities and Territories of Ukraine No. 376 of 28.02.2025.

3042 Certain Issues Regarding the Provision of Compensation to Internally Displaced Persons for Damaged/Destroyed Immovable Property as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 1432 of 13.12.2024.

3043 Ibid.

3044 Compensation for IDPs: How to Receive Payments and Purchase New Housing. Ministry for Communities and Territories Development of Ukraine. 2025.

3045 On the Registration of Internally Displaced Persons: Resolution of the Cabinet of Ministers of Ukraine No. 509 of 01.10.2014.

3046 On Amendments to the Law of Ukraine “On Compensation for Damage and Destruction of Certain Categories of Immovable Property as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine, and the State Register of Property Damaged and Destroyed as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine” Regarding Compensation for Destroyed or Damaged Property Located in Areas of Active Hostilities or Temporarily Occupied by the Russian Federation: Draft Law of Ukraine, registration No. 11161 of 10.04.2024.

- › Immovable property destroyed in territories occupied before that date does not fall within the scope of the law, creating a legal vacuum for a significant number of affected persons.
- › A requirement has been introduced that, in the event the property cannot be inspected, compensation shall be granted only to individuals who have resided in Ukraine for at least the past two years. An exception is made for persons who left the country after 24 February 2022 due to the war and obtained temporary or international protection (excluding the Russian Federation and Belarus). Although this provision may be linked to limited budgetary resources, it raises concerns over the risk of discrimination and restricted access to compensation for a significant portion of citizens.
- › After compensation is paid, ownership of the immovable property transfers to the state or local community. This approach requires additional legal regulation, in particular, amendments to the Civil Code of Ukraine³⁰⁴⁷, and raises questions regarding the further use of such properties.

Overall, despite the potential positive impact of the adopted Law, the proposed mechanism remains incomplete, financially vulnerable, and — as of the end of July 2025 — has not yet been signed by the President.

On 26 March 2025, **Draft Law No. 13136**³⁰⁴⁸, was registered in the Verkhovna Rada. It is aimed at **improving the mechanism for providing compensation and recording immovable property**. The most significant proposed amendment to Law No. 2923-IX is **the expansion of the scope of the compensation mechanism** to ensure the provision of compensation for the damage and destruction of certain categories of immovable property resulting from the armed aggression of the Russian Federation **starting from 19 February 2014**. In addition, Draft Law No. 13136 proposes to eliminate the territorial restriction regarding the location of the property for which compensation may be granted, thereby enabling owners of housing located in territories occupied by the Russian Federation before 24 February 2022 to receive compensation.

Another important proposal introduced by Draft Law No. 13136 concerns **the regulation of compensation for immovable property located in multi-apartment buildings**. In the event of damage to or destruction of immovable property located in a multi-apartment building that is subject to major repairs or demolition followed by new construction, compensation may be provided through the restoration and/or reconstruction of the immovable property. In such cases, the right to receive compensation for damaged or destroyed premises in multi-apartment residential buildings will be granted not only to Ukrainian citizens, but also to foreigners and stateless persons who legally reside in Ukraine on a permanent or temporary basis, as well as to legal entities (taking into account a number of restrictions regarding persons who may not be recipients of compensation).

3047 Civil Code of Ukraine No. 435-IV of 16.01.2003

3048 On Amendments to the Law of Ukraine “On Compensation for Damage and Destruction of Certain Categories of Immovable Property as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine, and the State Register of Property Damaged and Destroyed as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine” and Certain Other Laws of Ukraine Regarding the Improvement of the Compensation Mechanism and the Accounting of Immovable Property: Draft Law of Ukraine, registration No. 13136 of 26.03.2025.

As of the end of July 2025, Draft Law No. 13136 was being revised the Verkhovna Rada Committee on Economic Development for consideration. Adoption of the draft law in its registered version may **significantly improve access to the national compensation procedure for the affected population.**

Recently, the procedures for granting compensation for destroyed property (Cabinet of Ministers Resolution No. 600³⁰⁴⁹) and for damaged immovable property (Cabinet of Ministers Resolution No. 381³⁰⁵⁰). have undergone a number of amendments. However, some of these changes not only fail to simplify the compensation process for applicants, but in certain respects make it more complicated. For example, in March of this year, the Government amended the deadline for submitting objections to the authorised body in the event of disagreement with the decision of the commission on whether to grant compensation — or on the amount of compensation — reducing it from five working days to five calendar days, thereby effectively shortening the timeframe available to applicants. The rationale and justification for this decision remain unclear.

Similar concerns arise with respect to amendments to the mechanism for granting compensation for damaged housing as approved by Cabinet of Ministers Resolution No. 381. Some of the changes³⁰⁵¹ introduced in March 2025 simplify the compensation process for applicants. In particular, this concerns the abolition of the requirement to obtain the consent of a co-owner of the damaged property was abolished in cases where the co-owner is a foreign national or stateless person and, accordingly, is not entitled to receive compensation in any case.

At the same time, a number of the amendments made to Resolution No. 381 do not address applicants' practical problems and, in some cases, may in fact complicate the process of receiving and using compensation. These include provisions that stipulate:

- » The procedure for compensation recipients when repair of damaged housing is impossible due to the inclusion of the settlement where the damaged property is located in the list of areas of active hostilities, areas of active hostilities where state electronic information resources are operational, or territories of Ukraine temporarily occupied by the Russian Federation, according to the list of such territories³⁰⁵² approved by the Ministry for Development, for which no end date for hostilities or temporary occupation has been defined.

In such cases, the recipient of compensation is required to return the full amount or the unspent balance of the compensation for the damaged property and later reapply for

3049 On the Approval of the Procedure for Granting Compensation for Destroyed Immovable Property: Resolution of the Cabinet of Ministers of Ukraine No. 600 of 30.05.2023.

3050 On the Approval of the Procedure for Providing Compensation for the Restoration of Certain Categories of Immovable Property Damaged as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation, Using the Electronic Public Service "eRestoration": Resolution of the Cabinet of Ministers of Ukraine No. 381 of 21.04.2023.

3051 On Amendments to Certain Resolutions of the Cabinet of Ministers of Ukraine Regarding the Restoration of Certain Categories of Immovable Property Damaged as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation, and the Provision of Compensation for Such Property: Resolution of the Cabinet of Ministers of Ukraine No. 296 of 14.03.2025.

3052 On the Approval of the List of Territories Where Hostilities Are (Were) Conducted or Temporarily Occupied by the Russian Federation: Order of the Ministry for Development of Communities and Territories of Ukraine No. 376 of 28.02.2025.

compensation. However, if compensation funds are returned for this reason, it would be reasonable to allow the applicant to reapply through a simplified procedure without undergoing the full application process again.

In July 2025, similar conditions were introduced for cases where a compensation recipient, who for objective reasons did not use the compensation funds (in full or in part) within the time limits established by law, may reapply for compensation or its remainder. Objective reasons in this case are: (i) performing military service in the AFU, other military formations established in accordance with the law, or in special law enforcement agencies; and (ii) a negative security situation (a threat to life and health caused by military (combat) actions), determined on the basis of an order of the Commander-in-Chief of the AFU on the designation of areas of military (combat) operations and confirmed in writing in free form by the authorised local bodies³⁰⁵³. Despite the important positive effect of the clear legislative establishment of the possibility to reapply for compensation funds in such cases, it would appear that the applicant's recourse to the commission under such circumstances could be carried out in a simplified procedure.

- › The condition that if the extent of damage exceeds the compensation amount defined by Resolution No. 381, the commission shall decide to deny compensation — except where co-financing is available from Ukrainian or international organisations, local self-government bodies, executive authorities, or other funding sources. These conditions effectively deprive applicants of the opportunity to receive at least partial funding for essential repairs of damaged housing and cannot be considered as provisions that protect the rights of affected individuals.

In addition, the amendments³⁰⁵⁴ introduced to Government Resolution No. 381 in July 2025 established that if the commission detects a case of misuse of compensation funds, the recipient shall be held liable for the misuse of the compensation and must return the funds in full. At the same time, these amendments do not specify what type of liability the applicant bears, nor whether in such a case only the amount in respect of which the commission established the misuse is subject to return, or the entire amount of compensation provided. The lack of clear regulation of these issues creates additional risks for compensation recipients, especially in cases where the misuse of compensation funds results from an error, insufficient awareness, or understanding of the regulatory framework governing the granting and use of compensation.

Shortcomings of the Compensation Mechanism for the Destruction and Damage of Immovable Property and Necessary Improvements

While the very creation, rapid launch, and continued implementation of the compensation mechanism may be considered a significant step towards protecting the rights of individuals whose property was destroyed or damaged as a result of armed aggression,

3053 On Amendments to the Procedure for Granting Compensation for the Restoration of Certain Categories of Real Estate Objects Damaged as a Result of Hostilities, Terrorist Acts, or Sabotage Caused by the Armed Aggression of the Russian Federation, Using the Electronic Public Service "eRestoration": Resolution of the Cabinet of Ministers of Ukraine No. 802 of 07.07.2025.

3054 Ibid.

the mechanism has several shortcomings and problematic aspects that require resolution and improvement.

In particular, the following issues can be identified:

- › ***Lack of access to compensation under Law No. 2923-IX for individuals whose housing was destroyed or damaged as a result of Russian armed aggression prior to 24 February 2022***

One of the most problematic aspects of the compensation mechanism for the destruction and damage of housing, established in 2023, is that Law No. 2923-IX provides compensation only in cases of destruction or damage to certain categories of immovable property as a result of combat operations, acts of terrorism, or sabotage caused by the armed aggression of the Russian Federation against Ukraine beginning on 24 February 2022. However, a large number of properties located in Donetsk and Luhansk regions were destroyed or damaged before this date. At present, the owners of such property are not eligible for compensation under the mechanism established by Law No. 2923-IX or Cabinet of Ministers Resolutions No. 381³⁰⁵⁵ and No. 600³⁰⁵⁶.

- › ***Lack of access to compensation for damage and destruction of properties that, as of 24 February 2022, were located in the TOT of Ukraine***

According to the preamble of Law No. 2923-IX, its provisions on compensation for the destruction and damage of certain categories of immovable property do not apply to properties that, as of 24 February 2022, were located in the TOT of Ukraine. This discriminatory approach restricts access to the national compensation procedure for those citizens whose destroyed or damaged housing was situated in areas occupied by the Russian Federation as of 24 February 2022.

- › ***Lack of proper regulation of compensation for the destruction and damage of a range of properties not covered by Resolutions No. 381 and No. 600***

Currently, specific compensation mechanisms are lacking for properties for which compensation is envisaged under Law No. 2923-IX:

- 1) for damage to construction objects (detached houses, garden and country houses) and components of construction objects (flats and other residential premises in a building) which, after being put into operation, constitute independent immovable property (compensation for the destruction of these objects will also require appropriate adaptation of existing procedures);
- 2) for damage to common property in multi-apartment buildings, excluding the land plot;
- 3) for destruction and damage to immovable property owned by members of housing construction (residential) cooperatives who have purchased a flat, another residential

3055 On the Approval of the Procedure for Providing Compensation for the Restoration of Certain Categories of Immovable Property Damaged as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation, Using the Electronic Public Service "eRestoration": Resolution of the Cabinet of Ministers of Ukraine No. 381 of 21.04.2023.

3056 On the Approval of the Procedure for Granting Compensation for Destroyed Immovable Property: Resolution of the Cabinet of Ministers of Ukraine No. 600 of 30.05.2023.

unit in a building, a detached house, or a garden or country house of the cooperative, but have not formalised ownership rights. (Given that ownership of such property was not formalised, certain aspects of the current compensation mechanism will need to be adjusted in these cases).

In addition, Resolution No. 381 **sets a maximum compensation limit for damaged housing** depending on the category of repair and the type of damaged property (for example, up to UAH 350,000 for flats (residential premises) in multi-apartment buildings in the case of category B repairs). **If the cost of necessary repairs exceeds the established limits and there is no additional co-financing from Ukrainian or international charitable organisations or other funding sources, the owners of damaged housing will not be able to receive compensation** under this Resolution. At present, there is no alternative procedure for providing compensation for more expensive restoration.

› ***Delayed launch of the compensation mechanism for owners of damaged housing who carried out repairs at their own expense***

Despite the fact that the relevant provisions of Law No. 2923-IX entered into force at the beginning of 2024, those who have independently restored their damaged housing at their own expense still remain deprived of the opportunity to receive compensation. Additional steps are also required from the Ministry of Digital Transformation of Ukraine. In particular, these include **the absence of technical functionality on the Diia portal for submitting compensation claims related to the destruction or damage of dormitory rooms**, ownership of which is registered in the SRPR.

› ***The need to regulate the inheritance of the right to compensation in cases of property destruction***

According to the Ukrainian Institute for the Future, in certain regions of Ukraine an ambiguous practice has begun to emerge whereby commissions reviewing compensation applications request that the heirs of the applicant submit two certificates of inheritance: one for the destroyed immovable property and another for the right to compensation. The request for the second certificate further complicates heirs' access to compensation. The issuance of such a certificate should be preceded by the commission's own decision confirming whether the deceased had grounds to receive compensation and whether the heir falls under any criteria that would disqualify them from receiving compensation (such as the imposition of sanctions or a criminal conviction for offences specified by law)³⁰⁵⁷. These circumstances should be verified by the relevant commission, not by the notary when issuing the inheritance certificate.

Additional issues may also arise in attempts to inherit a housing certificate and its use by heirs³⁰⁵⁸. Therefore, the inheritance of the right to receive compensation and of housing certificates, as well as the rights and responsibilities of the commissions, heirs, and notaries, require further legislative regulation.

› ***Lack of a systemic approach to the development of the compensation mechanism***

3057 Onyshchuk O. Problematic Issues of Inheriting Destroyed Property and Housing Certificates. Ukrainian Institute for the Future. 2024.

3058 Ibid.

Over the period of the national compensation mechanism's operation, a number of draft laws have been registered in Parliament aimed at amending it (Nos. 10053³⁰⁵⁹, 11085³⁰⁶⁰, 1161³⁰⁶¹, 11262³⁰⁶², 11444³⁰⁶³, 11147³⁰⁶⁴, 12071³⁰⁶⁵, 12173³⁰⁶⁶ etc.). While these draft laws generally aim to improve the compensation mechanism and provide greater protection for certain categories of affected persons, such efforts remain fragmented and do not offer a comprehensive approach to reforming the existing mechanism. A closer analysis of these draft laws also indicates the need for their further refinement³⁰⁶⁷. In this context, it is important that members of Parliament develop a common vision for the necessary changes to the mechanism for compensation for destroyed and damaged housing, as well as to the procedures for compensating damage or destruction of other types of property³⁰⁶⁸.

3059 On Amendments to the Law of Ukraine "On Compensation for Damage and Destruction of Certain Categories of Immovable Property as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine, and the State Register of Property Damaged and Destroyed as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine" Regarding the Rights of Certain Categories of Affected Citizens to Receive Compensation for Damaged or Destroyed Housing: Draft Law of Ukraine, registration No. 10053 of 15.09.2023.

3060 On Amendments to the Law of Ukraine "On Compensation for Damage and Destruction of Certain Categories of Immovable Property as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine, and the State Register of Property Damaged and Destroyed as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine" Regarding the Expansion of the Categories of Persons Eligible for Compensation for Damaged Property: Draft Law of Ukraine, registration No. 11085 of 14.03.2024.

3061 On Amendments to the Law of Ukraine "On Compensation for Damage and Destruction of Certain Categories of Immovable Property as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine, and the State Register of Property Damaged and Destroyed as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine" Regarding Compensation for Destroyed or Damaged Property Located in Areas of Active Hostilities or Temporarily Occupied by the Russian Federation: Draft Law of Ukraine, registration No. 11161 of 10.04.2024.

3062 On Amendments to the Law of Ukraine "On Compensation for Damage and Destruction of Certain Categories of Immovable Property as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine, and the State Register of Property Damaged and Destroyed as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine" Regarding the Regulation of Certain Issues Related to the Consideration of Applications for Compensation for Damaged or Destroyed Immovable Property: Draft Law of Ukraine, registration No. 11262 of 16.05.2024.

3063 On Amendments to Certain Laws of Ukraine to Improve the Legal Regulation of Issues Related to Compensation for Damage and Destruction of Certain Categories of Immovable Property as a Result of the Armed Aggression of the Russian Federation against Ukraine and the Maintenance of the State Register of Property Damaged and Destroyed as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation: Draft Law of Ukraine, registration No. 11444 of 26.07.2024.

3064 On Compensation for Damage and Destruction of Motor Vehicles as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Military Aggression of the Russian Federation against Ukraine: Draft Law of Ukraine, registration No. 11147 of 03.04.2024.

3065 On Amendments to Article 7 of the Law of Ukraine "On Compensation for Damage and Destruction of Certain Categories of Immovable Property as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine, and the State Register of Property Damaged and Destroyed as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine" Regarding Certain Issues Related to the Resumption of Consideration of Applications for Compensation for Destroyed Immovable Property: Draft Law of Ukraine, registration No. 12071 of 25.09.2024.

3066 On Amendments to Article 9 of the Law of Ukraine "On Compensation for Damage and Destruction of Certain Categories of Immovable Property as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine, and the State Register of Property Damaged and Destroyed as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine": Draft Law of Ukraine, registration No. 12173 of 01.11.2024.

3067 Roadmap of Draft Laws on the Protection of the Rights of Victims of the Armed Aggression of the Russian Federation against Ukraine: Twelfth Session of the Verkhovna Rada of Ukraine of the IX Convocation. Coalition of Organisations Concerned with the Protection of the Rights of Victims of Armed Aggression against Ukraine. 2024.

3068 Roadmap of Draft Laws Related to the Protection of the Rights of Victims of the Armed Aggression of the Russian Federation against Ukraine: Thirteenth Session of the Verkhovna Rada of Ukraine of the IX Convocation. Coalition of Organisations Concerned with the Protection of the Rights of Victims of Armed Aggression against Ukraine. 2025.

- ***Lack of a shared platform for systematising, addressing issues, and evaluating the implementation of the compensation mechanism, and for developing coordinated approaches to its improvement***

One of the reasons for the fragmented and inconsistent nature of the amendments contained in the draft laws registered in Parliament is the absence of an evaluation of the current compensation mechanism's implementation, as well as the absence of a shared platform for systematising and addressing problems that arise in its operation. The lack of stable communication among public authorities, compensation recipients, civil society organisations, and the expert community complicates the development of coordinated responses to the needs of the affected population.

The Issue of Establishing a Mechanism for Collecting and Recording Information and Providing Compensation for the Destruction and Damage of Movable Property

According to the Kyiv School of Economics, from February 2022 to November 2024, **direct losses incurred by municipal enterprises and private carriers** — particularly in relation to destroyed transport (trolleybuses, trams, buses) — **amounted to USD 0.83 billion. Direct losses to private passenger vehicles are estimated at approximately USD 2.2 billion, or 260,000 vehicles** (this estimate does not account for potential losses of passenger vehicles not registered in Ukraine)³⁰⁶⁹. However, despite these substantial losses, **Ukraine does not maintain a centralised record of vehicles destroyed or damaged as a result of Russian armed aggression, nor is there any mechanism in place to provide compensation to their owners.**

An attempt to regulate this issue is contained in Draft Law No. 11147³⁰⁷⁰. However, its provisions in many respects replicate the relevant norms of Law No. 2923-IX, which were intended to regulate compensation for the damage or destruction of immovable property, without proper adaptation to the context of vehicles³⁰⁷¹. The draft law provides for compensation for the damage and destruction of motor vehicles resulting from combat operations, acts of terrorism, or sabotage caused by the armed aggression of the Russian Federation against Ukraine — but only for incidents that occurred on or after 24 February 2022. As with immovable property, limiting the eligible period for destruction or damage of vehicles for the purpose of compensation appears unjustified and results in the unlawful discrimination of part of the affected population.

Draft Law No. 11147, like Law No. 2923-IX, does not extend its compensation provisions to vehicles that, as of 24 February 2022, were located in the TOT of Ukraine. Its provisions cover all types of motor vehicles, including those acquired and used by the AFU during

3069 Andriienko D., Horiunov D., Hrudova V., Markuts Yu. Report on Direct Infrastructure Losses from Destruction Caused by the Military Aggression of Russia against Ukraine as of November 2024. Kyiv School of Economics. 2025.

3070 On Compensation for Damage and Destruction of Motor Vehicles as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Military Aggression of the Russian Federation against Ukraine: Draft Law of Ukraine, registration No. 11147 of 03.04.2024.

3071 Roadmap of Draft Laws on the Protection of the Rights of Victims of the Armed Aggression of the Russian Federation against Ukraine: Twelfth Session of the Verkhovna Rada of Ukraine of the IX Convocation. Coalition of Organisations Concerned with the Protection of the Rights of Victims of Armed Aggression against Ukraine. 2024.

combat operations. Compensation may be granted only to natural persons who are citizens of Ukraine; however, for legal entities, no such residency-based restriction is applied. Further complications arise from the requirement to submit the compensation application at the place where the vehicle was damaged or destroyed — an approach that does not take into account the inherently mobile nature of this type of property.

Draft Law No. 11147, despite containing provisions that require further refinement, is an important legislative initiative. Given the limited financial resources available for compensation payments, **the primary focus and priority remain on housing-related issues. At the same time, the proper documentation, registration, and preservation of information on vehicles damaged or destroyed as a result of the armed aggression** also remain relevant — particularly for the purpose of assessing the overall scale of damage caused by the Russian Federation's armed aggression. Such registration could be carried out using the Register of Damaged and Destroyed Property and applying the procedures set out in Resolution No. 381.

Issues Related to the Recording of Damaged and Destroyed Property

Another issue requiring attention is the proper recording of property damaged or destroyed as a result of armed aggression. To this end, Law No. 2923-IX laid the foundation for the establishment and maintenance of the Register of Damaged and Destroyed Property.

The Register is a unified state information and communication system designed to collect, accumulate, record, process, store, and protect information (documents) about movable and immovable property damaged or destroyed as a result of the armed aggression of the Russian Federation against Ukraine; individuals whose property was damaged or destroyed; material damage (including losses) caused as a result of such destruction or damage; compensation for such damage; restoration funding; and related information. Other provisions of Law No. 2923-IX further specify that the property subject to collection, recording, and other data-processing activities under the Register includes damage to land plots, soils, the destruction and damage of subsoil resources, forest, water and other natural resources, and biodiversity — regardless of whether compensation for such damage or destruction is foreseen under the Law. Similar provisions are set out in the procedure for maintaining the Register of Damaged and Destroyed Property approved by the Government, which includes, among the listed objects of the Register, documentation on damaged and destroyed property of all forms of ownership—both movable and immovable — including linear engineering, transport, and energy infrastructure facilities, likewise regardless of whether compensation for the damage or destruction of such property is envisaged³⁰⁷².

According to the Ministry for Development, as of 5 March 2025, the **Register of Damaged and Destroyed Property contained over 259,000 objects, the majority of which belong to the housing stock**³⁰⁷³. Thus, the Register of Damaged and Destroyed Property

3072 Certain Issues Related to the Functioning of the State Register of Property Damaged and Destroyed as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 624 of 13.06.2023.

3073 1,000 IDP Families Have Already Received New Housing Through the Compensation Programme. Ministry for Development of Communities and Territories of Ukraine. 2025.

may become the sole information platform for recording data on movable and immovable property of all forms of ownership that was destroyed or damaged as a result of the armed aggression of the Russian Federation — both for the purpose of providing compensation and for assessing the overall extent of damage inflicted by the Russian Federation. At the same time, this will require a number of additional steps to ensure the necessary regulatory framework and the practical implementation of related processes.

Collection of information on immovable property destroyed or damaged as a result of the armed aggression of the Russian Federation during the period from 19 February 2014 to 24 February 2022.

The ability to submit an information notice regarding immovable property destroyed or damaged during the period from 19 February 2014 to 24 February 2022 was to have been ensured as early as September 2022³⁰⁷⁴. However, in practice — and in violation of this provision — **the possibility of submitting such a notice is currently available only to those whose property was destroyed or damaged after the start of the full-scale invasion by the Russian Federation.**

The full-scale launch of a mechanism for remote inspection of objects located in areas of active hostilities or temporarily occupied by the Russian Federation.

From 14 November 2023 to 14 February 2024, the Ministry for Development implemented a **pilot project for remote inspection of destroyed immovable property in the city of Melitopol**. The goal was to establish, based on the results of such inspections — particularly using Earth remote sensing data products — the fact of destruction of certain categories of immovable property and to ensure compensation is provided to their owners in accordance with the established procedure³⁰⁷⁵.

As part of the project, **more than 30,000 objects were analysed**. Based on the results of this project, it can be concluded that it is **feasible to introduce inspections of destroyed immovable property, particularly using Earth remote sensing data products**, in territorial communities located in areas of active hostilities or under temporary occupation, encirclement (blockade) — although conducting such inspections will require the provision of certain additional technical capabilities. The report on the implementation of the pilot project also indicates the advisability of introducing a separate procedure for inspecting destroyed immovable property of certain categories, including with the use of Earth remote sensing data products³⁰⁷⁶.

However, despite these findings, for a long time, there was **no legislative regulation of the procedure for remote inspection of destroyed objects located in areas of active hostilities**. The specifics of conducting such inspections of destroyed properties in the territory of active hostilities were determined by the Government only at the beginning of

3074 On Amendments to the Procedure for Submitting an Information Notice Regarding Immovable Property Damaged or Destroyed as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Military Aggression of the Russian Federation: Resolution of the Cabinet of Ministers of Ukraine No. 885 of 09.08.2022.

3075 On the Implementation of a Pilot Project on the Inspection of Destroyed Categories of Immovable Property, Including Through the Use of Earth Remote Sensing Products: Resolution of the Cabinet of Ministers of Ukraine No. 1185 of 27.10.2023.

3076 Report on the Results of the Pilot Project on the Inspection of Destroyed Categories of Immovable Property, Including Through the Use of Earth Remote Sensing Products, No. 4981/30/10-24 of 18.03.2024. Ministry for Development of Communities, Territories and Infrastructure of Ukraine.

July 2025³⁰⁷⁷. Thus, at present, in order to record the fact of destruction of real estate in the said territories, inspections may be carried out: (i) in the absence of a direct threat to life and health during the inspection due to hostilities and provided that the safety measures established by law can be observed — by means of a commission and/or technical inspection; or (ii) in other cases — by means of remote inspection. The only current possibility for inspecting destroyed property in areas of active hostilities remains on-site physical inspection, subject to favourable security conditions — specifically, the absence of direct threats to life and health due to military (combat) activity at the time of inspection — and provided that it is possible to comply with the necessary safety measures prescribed by law. Decisions to conduct such inspections may be taken by the relevant military administrations on the ground and must include information on the type of inspection³⁰⁷⁸.

At the same time, the specifics of remote inspection approved by the Government in July 2025 do not extend to the inspection of real estate located in the TOT of Ukraine³⁰⁷⁹, and therefore the possibility of confirming the fact of destruction of such properties is currently absent. This, in turn, limits access to compensation for owners of destroyed housing located in territories occupied after the beginning of the full-scale invasion, leaving the rights of such persons unprotected.

International Register of Damage Caused by the Aggression of the Russian Federation against Ukraine

On 2 April 2024, the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine (RD4U) officially opened the process for submitting claims for compensation for damage, loss, or injury resulting from the aggression of the Russian Federation³⁰⁸⁰. The submission of claims began with those related to damage or destruction of residential property, with an expected volume of 300,000 to 600,000 claims in this category³⁰⁸¹.

At the national level, the procedure for submitting such claims is defined by Cabinet of Ministers Resolution No. 365³⁰⁸². According to this resolution, initial claims could be submitted, among other conditions, where:

3077 Certain Issues Regarding Remote Inspection of Destroyed Categories of Real Estate Located in Areas of Active Combat Operations, Areas of Active Combat Operations Where State Electronic Information Resources Operate: Resolution of the Cabinet of Ministers of Ukraine No 815 of 07.07.2025.

3078 On the Approval of the Procedure for Emergency Works to Eliminate the Consequences of the Armed Aggression of the Russian Federation Related to Damage to Buildings and Structures: Resolution of the Cabinet of Ministers of Ukraine No. 473 of 19.04.2022.

3079 Certain Issues Regarding Remote Inspection of Destroyed Categories of Real Estate Located in Areas of Active Combat Operations, Areas of Active Combat Operations Where State Electronic Information Resources Operate: Resolution of the Cabinet of Ministers of Ukraine No 815 of 07.07.2025.

3080 Register of Damage for Ukraine to Open for Claims Submission on 2 April 2024. Register of Damage for Ukraine (RD4U). 2024.

3081 Ibid.

3082 On the Approval of the Procedure for Submitting Claims for Compensation of Damage, Loss or Injury Caused by the Aggression of the Russian Federation against Ukraine to the Register of Damage for Ukraine, via the Unified State Web Portal of Electronic Services: Resolution of the Cabinet of Ministers of Ukraine No. 365 of 29.03.2024.

- › The immovable property was damaged or destroyed as a result of internationally wrongful acts committed by the Russian Federation in or against Ukraine after the entry into force of Presidential Decree No. 64 "On the Introduction of Martial Law in Ukraine" of 24 February 2022. Thus, like the national compensation mechanism, the RD4U procedures do not apply to or protect the rights of those whose housing was damaged or destroyed as a result of Russian armed aggression before that date;
- › The damaged or destroyed immovable property is located within the territory of Ukraine, within its internationally recognised borders, including its territorial waters. These provisions are broader than the corresponding norms of Law No. 2923-IX;
- › Ownership of the damaged or destroyed immovable property must be registered in the SRPR;
- › The Register of Damaged and Destroyed Property must contain a commission inspection report for the damaged object, which implies that the claimant submitted at least an information notice with the relevant documents to that register.

However, during 2024 and early 2025, a number of amendments were introduced to Resolution No. 365. In particular, the requirement for a commission inspection report to be present in the Register of Damaged and Destroyed Property was removed. Instead, commission inspection reports and technical assessment reports are submitted to RD4U only if they are already available in the Register of Damaged and Destroyed Property³⁰⁸³.

In addition, the conditions regarding the claimant's ownership of the destroyed or damaged property were eased. Under the current version of Resolution No. 365, if the claim includes information about a refusal to register ownership of the immovable property, the claimant may attach to the application: a request for state registration of rights, the decision refusing the registration action, and a document confirming acquisition of ownership of the residential property. Claimants may also optionally submit additional materials (evidence), including proof of ownership of the residential property.

In addition, the requirements concerning the claimant's ownership of the destroyed or damaged property have been eased. Currently, under Resolution No. 365, if the application includes information on the refusal to register ownership of the immovable property, the application may be accompanied by a request for state registration of rights, the decision refusing the registration action, and a document confirming acquisition of ownership of the residential property. The claimant may also, at their discretion, include additional materials (evidence) with the application, including documents confirming ownership of the residential property³⁰⁸⁴.

Thus, **in contrast to the national compensation mechanism under Law No. 2923-IX, the requirements for claims submitted to RD4U are more flexible for claimants who are unable to register ownership rights to the relevant property — acquired, for example, before 2013** — due to the lack of access to paper archives of TIBs. In the future, once the international compensation mechanism is fully established, such conditions could potentially allow victims who were unable to obtain compensation at the

3083 Ibid.

3084 Ibid.

national level to seek reparations under the RD4U procedures. At this stage — while the formation of the international mechanism is still underway — RD4U may play an important role in collecting and consolidating information on the total amount of damage caused by the armed aggression of the Russian Federation.

As of 1 October 2024, more than 10,000 claims had been submitted to RD4U in the category of damage or destruction of residential immovable property. These claims concern damaged housing in 621 settlements across 19 regions of Ukraine. By region, the largest share of claims originates from Donetsk region (approximately 35%), and among cities, the highest number — nearly 1,150 claims — has been submitted from Mariupol³⁰⁸⁵. In December 2024, the first decisions on the admissibility of submitted claims to RD4U were announced. These decisions concerned 832 claims related to damage or destruction of residential property³⁰⁸⁶.

In May 2025, RD4U also announced the opening of applications concerning damage to or destruction of non-residential immovable property (Category A3.2)³⁰⁸⁷, and in June 2025 — applications concerning loss of access to or control over immovable property in the TOT (Category A3.6)³⁰⁸⁸.

Violations of Property Rights in the Temporarily Occupied Territories of Ukraine

In the current context of ongoing armed aggression against Ukraine, the property rights of Ukrainian citizens in the TOT of Ukraine remain the most vulnerable. Numerous violations of property rights in these territories include, in particular:

- › Nationalisation of property. According to the Ukrainian Institute for the Future, by the end of 2023, 2,600 various objects owned by Ukrainian citizens and legal entities had been nationalised in Crimea³⁰⁸⁹.
- › Appropriation of property declared “ownerless”, a practice already present in the occupied territories prior to the full-scale invasion.
- › Prohibition of land ownership in Crimea for foreign nationals³⁰⁹⁰.

At the same time, **Ukraine has yet to develop a comprehensive approach to counter these violations or measures to protect the rights of citizens affected** by them. One step aimed at protecting the rights of those whose immovable property remains in the

3085 More than 10,000 Claims for Damage or Destruction to Residential Housing Submitted to the Register of Damage for Ukraine. Register of Damage for Ukraine (RD4U). 2024.

3086 The Register of Damage for Ukraine Adopts the First Decisions on the Recording of Claims and Finalises the Adoption of Claim Forms in All Categories. Register of Damage for Ukraine (RD4U). 2024.

3087 The Register of Damage for Ukraine Announces the Opening of Applications under Category A3.2 Concerning Damage to or Destruction of Non-Residential Immovable Property. Register of Damage for Ukraine (RD4U). 2025.

3088 The Register of Damage for Ukraine Announces the Launch of Category A3.6 of Applications Concerning Loss of Access to or Control over Immovable Property in the Temporarily Occupied Territories. Register of Damage for Ukraine (RD4U). 2025.

3089 Onyshchuk O., Kyriienko O. Property Aggression by the Kremlin. Ukrainian Institute for the Future. 2024.

3090 Ibid.

TOT of Ukraine is Draft Law No. 11161³⁰⁹¹, adopted by Parliament on 19 December 2024. However, one of the most pressing issues with regard to the proposed procedures remains the **availability of financial resources to pay compensation to all individuals whose housing (which regardless of its physical condition will be considered destroyed for the purpose of compensation), is located in the TOT of Ukraine** — even though the mechanism applies only to territories occupied after the beginning of the full-scale invasion. In view of this, further solutions are needed to ensure the protection of the rights of these individuals, including through prioritising them for access to housing from temporary accommodation funds for IDPs, social housing stock, or local housing programmes; establishing preferential conditions for housing loans and interest compensation on such loans; and determining the condition of immovable property located in the TOT of Ukraine through remote inspection.

In addition, the protection of property rights in the TOT of Ukraine remains linked to the need to develop approaches to the convalidation of legal transactions. According to the Law of Ukraine “On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine”, the acquisition and termination of ownership rights to immovable property located in the TOT of Ukraine must be carried out in accordance with Ukrainian legislation outside the TOT of Ukraine. Moreover, any legal transaction involving immovable property in the TOT of Ukraine, including land plots, carried out in violation of these requirements or other Ukrainian laws, is deemed null and void from the moment of its conclusion and does not create legal consequences, except those related to its invalidity³⁰⁹². However, it is not possible to rule out the likelihood of cases in which citizens alienated their immovable property under the de facto illegitimate regulations in force in the TOT of Ukraine, without compliance with the legislation of Ukraine. Under Ukrainian law, such individuals may still be considered the lawful owners of the respective property and may claim compensation for its damage or destruction. On the other hand, some of these transactions may have been conducted under duress, coercion, or in dire circumstances, in which a person was effectively unlawfully deprived of their rightful property. This creates a need for the proper documentation and recording of all such incidents, as well as for legal regulation of approaches to their legal qualification and assessment.

Improvement of the SRPR and Issues Related to Entering Information into the Register

One of the most pressing issues in the context of protecting property rights to immovable property — which also determines the possibility of receiving compensation in the event of its damage or destruction due to the armed aggression of the Russian Federation — is the proper state registration of ownership rights to the relevant immovable property.

3091 On Amendments to the Law of Ukraine “On Compensation for Damage and Destruction of Certain Categories of Immovable Property as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine, and the State Register of Property Damaged and Destroyed as a Result of Hostilities, Acts of Terrorism, and Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine” Regarding Compensation for Destroyed or Damaged Property Located in Areas of Active Hostilities or Temporarily Occupied by the Russian Federation: Draft Law of Ukraine, registration No. 11161 of 10.04.2024.

3092 On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine: Law of Ukraine No. 1207-VII of 15.04.2014.

Under Ukrainian legislation, ownership rights to immovable property are subject to state registration through the entry of relevant information into the State Register of Property Rights (SRPR), which is carried out in accordance with the Law of Ukraine “On State Registration of Property Rights to Immovable Property and Their Encumbrances”³⁰⁹³ and Cabinet of Ministers Resolution No. 1127³⁰⁹⁴.

The mechanism for state registration of property rights to immovable property in the SRPR has been in operation since 2013. However, **as of October 2022, the register was only 40% populated**, given that the vast majority of property rights to immovable assets acquired before 2013 had not been entered into the SRPR. **For territories that were occupied in 2014, the share of properties recorded in the SRPR is significantly lower**³⁰⁹⁵.

According to the Ministry for Development, there are approximately **9.6 million unverified homeowners** in Ukraine — that is, individuals who have not registered their ownership rights to real estate in the SRPR. The absence of registered ownership rights for destroyed or damaged housing significantly complicates access to compensation³⁰⁹⁶. At the same time, **out of more than 815,000 information notices contained in the Register of Damaged and Destroyed Property as of the end of March 2025, only about 420,000 include a registration number from the SRPR** — meaning 48.5% of submissions by citizens do not contain this number³⁰⁹⁷.

Currently, persons who acquired ownership rights to immovable property before 2013 can apply to have their ownership registered in the SRPR. This can be done by contacting a state registrar or online via the Diia portal³⁰⁹⁸. The corresponding online service is available in 22 regions, excluding the Autonomous Republic of Crimea, Luhansk and Donetsk regions³⁰⁹⁹. The absence of this electronic service in certain areas can be seen as a factor that negatively affects citizens’ ability to submit information about their ownership rights to immovable property into the SRPR — and, accordingly, their ability to receive compensation as provided by law in the event of damage or destruction of such property. Improving this situation could be facilitated by ensuring an adequate number of qualified state registrars in the region to carry out offline registration — though under current conditions, this remains a considerable challenge.

Another issue that significantly affects the ability to register ownership rights to immovable property acquired before 2013 is the requirement to provide a TIB certificate for the property. Due to the ongoing armed aggression against Ukraine, there is **a high risk of loss, damage, or complete destruction of TIB paper archives**, which would prevent

3093 On State Registration of Property Rights to Immovable Property and Their Encumbrances: Law of Ukraine No. 1952-IV of 01.07.2004.

3094 On State Registration of Property Rights to Immovable Property and Their Encumbrances: Resolution of the Cabinet of Ministers of Ukraine No. 1127 of 25.12.2015.

3095 Analytical Note, October 2022: Rapid Needs Assessment — Protection of Property Rights During and After the War in Ukraine. 2022.

3096 Public Discussion Held: “Information Security of Property Amid Wartime Challenges and Cyber Threats”. Ministry for Development of Communities and Territories of Ukraine. 2025.

3097 Ibid.

3098 State Registration of Property Rights to Immovable Property. Diia.

3099 Ibid.

applicants from obtaining the necessary documents for state registration of their ownership rights. This risk is further exacerbated by the lack of proper support for the digitisation of TIB archives, which is a necessary precondition for the preservation and protection of such records from loss or destruction³¹⁰⁰.

Another way to **address the problem of lacking access to TIB documentation is proposed in Draft Law No. 11440**³¹⁰¹. Among other provisions, this draft law proposes to amend the Law of Ukraine “On State Registration of Property Rights to Immovable Property and Their Encumbrances” with regulations on the specifics of state registration of ownership rights previously recorded by TIB enterprises through registry books, where such books are unavailable due to their destruction or storage in areas of active hostilities or temporarily occupied territories of Ukraine under Russian control. In such cases — i.e., where TIB registry books are unavailable — ownership rights previously registered by TIB may be entered into the SRPR, provided that the location of the immovable property falls within the list of territories where access to TIB registry books is unavailable, or such books have been destroyed. This list is to be approved by the authorised state body. At the same time, the state registration of an encumbrance on such ownership rights will be carried out concurrently, lasting for the duration of martial law and for one year after its termination or cancellation. While the encumbrance is in effect, the owner will be prohibited from carrying out any legal transactions involving the immovable property (except for state registration of termination of ownership due to destruction of the object), and enforcement against such property will be prohibited on any grounds, including through compulsory procedures. In some cases specified in the draft law, the encumbrance may be lifted early³¹⁰².

As of 31 July 2025, the draft law is being prepared for second reading. If adopted by Parliament, the mechanism it proposes could help simplify the procedure for state registration of ownership rights acquired before 2013 during the period of martial law.

In the meantime, as TIBs remain necessary, the state should give attention to regulating their operations in order to make the process of obtaining the required documentation as simple and financially accessible as possible for those whose homes have been destroyed or damaged.

Alongside the simplification of the administrative procedure for entering information into the SRPR, attention should also be given to **simplifying the judicial procedure for recognising ownership rights** — particularly by introducing the examination of such cases under simplified separate proceedings (where there is no dispute over title) and exempting applicant-owners from court fees **in cases concerning housing destroyed or damaged as a result of armed aggression** and related to the ability to obtain compensation.

At the same time, raising public awareness about the existing procedures for entering information into the SRPR, the required documents, and other related matters is becoming increasingly important³¹⁰³.

3100 Digitisation of Technical Documentation: Domestic Challenges in Ukraine and International Experience. Analytical Material. CF “Right to Protection”. 2023.

3101 On Amendments to the Law of Ukraine “On State Registration of Property Rights to Immovable Property and Their Encumbrances” Regarding the Mechanism for State Registration of Ownership Rights in the Absence of Access to Technical Inventory Bureau Materials: Draft Law of Ukraine, registration No. 11440 of 24.07.2024.

3102 Ibid.

3103 Profile of an Unverified Property Owner: Why Some Ukrainians Do Not Enter Their Data into the State Register of Rights? NGO “Get It Back”. 2025.

Privatisation of Assets and Procedural Updates in the Work of the State Property Fund of Ukraine

According to the State Property Fund of Ukraine (SPFU), over the past ten years — from 2015 to 2024 — the State Budget of Ukraine has received more than UAH 26.6 billion from privatisation. Notably, in the three years following the start of the full-scale invasion on 24 February 2022, revenues from the sale of state assets exceeded the cumulative figures of the previous seven years by 10%³¹⁰⁴. In total, in 2024 the state budget received UAH 11.1 billion from privatisation: UAH 9.9 billion from the sale price of assets and UAH 1.2 billion from value-added tax³¹⁰⁵. As a result of the first half of 2025, UAH 820.5 million from privatisation and UAH 156.59 million in value added tax had already been received by the State Budget³¹⁰⁶.

In addition, in 2024, as a result of work with nationalised assets previously owned by sanctioned individuals, the SPFU transferred more than UAH 809.7 million³¹⁰⁷ to the Fund for Eliminating the Consequences of Armed Aggression.

An important development in the activities of the SPFU was the launch of the “Land Bank” project, within which a limited liability company — State Land Bank — was established based on the state enterprise “Agrarian Investment Fund”. It is the first state operator of agricultural land³¹⁰⁸. **The “Land Bank” is intended to create a transparent rental market for state-owned agricultural land used by state agricultural enterprises**³¹⁰⁹. The SPFU considers this project a strategic tool to ensure openness and fairness in land relations³¹¹⁰. According to the SPFU, nearly UAH 344 million was transferred to the state budget in 2024 from online sublease auctions of state-owned land (these funds were paid by sublessees who obtained the right to use state land)³¹¹¹. In addition, it was reported that in 2024 the Land Bank paid UAH 55.7 million in minimum tax liability for plots covering approximately 100,000 hectares³¹¹².

In 2024, **the regulation of the lease of state and municipal property was amended**. In particular, in May 2024, the Government approved changes to Resolution No. 634³¹¹³, which, among other things, provide that during martial law and for six months after its termination or cancellation, it is **possible to lease state-owned property without an auction for the purpose of establishing dormitories for the temporary accommodation of IDPs** (evacuated persons) whose housing was destroyed or damaged as a result of

3104 Privatisation over 10 Years: UAH 14.7 Billion During Full-Scale War and Record Budget Revenues in 2024. State Property Fund of Ukraine. 2025.

3105 Ibid.

3106 Results of Privatisation for the First Half of 2025. State Property Fund of Ukraine. 2025.

3107 Summary of the SPFU Team's Work with Nationalised Property in 2024. State Property Fund of Ukraine. 2025.

3108 Land Bank: SPFU Establishes the First State Operator of Agricultural Land. State Property Fund of Ukraine.

3109 Q&A. Land Bank.

3110 “Land Bank” Paid UAH 55.7 Million in Minimum Tax Liability for 2024. State Property Fund of Ukraine. 2025.

3111 Ibid.

3112 Ibid.

3113 On the Specifics of Leasing State and Municipal Property During Martial Law: Resolution of the Cabinet of Ministers of Ukraine No. 634 of 27.05.2022.

the armed aggression of the Russian Federation. This right is granted to municipal enterprises that are fully or partially funded from local budgets and established by local self-government bodies whose jurisdiction covers areas of active hostilities or the TOT of Ukraine, for which no end date for hostilities or occupation has been determined. The monthly rental fee for state property used for these purposes by the relevant local authorities and the municipal enterprises, institutions, and organisations they have established and that are fully or partially funded from local budgets is set at 1 hryvnia per 1 square metre of rental space.

In March 2025, amendments to the Law of Ukraine “On the Lease of State and Municipal Property”³¹¹⁴, adopted in November of the previous year entered into force. These amendments grant state and municipal enterprises, public associations, and charitable organisations the right to **lease state and municipal property** (not included in the list of assets designated for lease through auction) **without holding an auction, for the purpose of providing temporary accommodation for IDPs**. At the same time, the Government is required to establish preferential terms for calculating lease payments for state property used to accommodate IDPs by such lessees as state and municipal enterprises, public associations, and charitable organisations.

In the area of privatisation, Draft Law No. 12377³¹¹⁵ also warrants attention. Its Final and Transitional Provisions provide for the repeal of the relevant provisions of the Housing Code of Ukraine (which enshrines, in particular, the right of citizens to privatise certain types of housing provided to them) and the Law of Ukraine “On the Privatisation of the State Housing Fund”. Under the draft law, the Housing Code of Ukraine would be repealed upon the entry into force of the law adopted on the basis of this draft, while the Law “On the Privatisation of the State Housing Fund” would be repealed one year later, but not earlier than one year after the termination or cancellation of martial law in Ukraine. Thus, if Draft Law No. 12377 is adopted in its current version, **the privatisation sector will undergo fundamental changes**. On 16 July 2025, the said draft law was adopted by Parliament at first reading, with its provisions to be revised for the second reading.

Recommendations

1. Ensure the possibility of granting compensation for the destruction and damage of immovable property caused by combat operations, acts of terrorism, or sabotage resulting from the armed aggression of the Russian Federation against Ukraine during the period from 19 February 2014 to 24 February 2022, by amending Law No. 2923-IX or adopting another equivalent regulation to address compensation for owners of such property.
2. Ensure the possibility of granting compensation to owners of immovable property that was destroyed or damaged due to combat operations, acts of terrorism, or sabotage resulting from the armed aggression of the Russian Federation against Ukraine, and which, as of 24 February 2022, was located in the territory of Ukraine temporarily occupied by the Russian Federation.

3114 On Amendments to Certain Laws of Ukraine Regarding Additional Measures Related to the Provision of Housing for Internally Displaced Persons: Law of Ukraine No. 4080-IX of 20.11.2024.

3115 On the Fundamentals of Housing Policy: Draft Law of Ukraine, registration No. 12377 of 06.01.2025.

3. Develop and adopt (including through amendments to previously adopted Cabinet of Ministers resolutions) procedures for granting compensation for the destruction and damage of a range of properties provided for by Law No. 2923-IX (construction objects, components of construction objects that constitute independent immovable property once put into operation, common property in multi-apartment buildings, etc.) for which the Government has not yet established a corresponding procedure.
4. Ensure the possibility of obtaining compensation for housing damage in cases where the cost of necessary repairs exceeds the maximum compensation amount established by Cabinet of Ministers Resolution No. 381.
5. Ensure the implementation of the mechanism for granting compensation for repair works on damaged immovable property carried out at the owner's own expense.
6. Develop and approve a mechanism for remote inspection of immovable property located in areas of active hostilities and in the TOT of Ukraine.
7. Ensure the comprehensive recording of movable and immovable property destroyed or damaged as a result of the armed aggression of the Russian Federation, and the systematic collection and accumulation of information on such property in the Register of Damaged and Destroyed Property.
8. Initiate the development of mechanisms to protect the rights of owners of immovable property located in areas of active hostilities and in temporarily occupied territories, in particular through the documentation and recording of instances of appropriation, nationalisation, or other seizure of property by the occupying authorities/Russian Federation in the TOT of Ukraine, as well as instances in which owners have lost access to immovable property located in the TOT or areas of active hostilities.
9. Develop the necessary mechanism and ensure the simplification of the procedure for entering information into the SRPR on ownership of immovable property acquired before 2013, with the aim of increasing the coverage of the register and enabling compensation in the event of the destruction or damage of such property.
10. Ensure the simplification of the judicial procedure for recognising ownership rights to immovable property destroyed or damaged as a result of the armed aggression of the Russian Federation, in particular through the introduction of separate proceedings for this category of cases (in the absence of a dispute over title) and by exempting applicant-owners from the payment of court fees.
11. Where technically feasible, ensure the availability of the electronic service for state registration of ownership rights to immovable property via the Diia portal in government-controlled territories of Ukraine where this service is currently unavailable.
12. Ensure the digitisation of TIB archives in order to preserve information necessary or entering ownership data on immovable property acquired before 2013 into the SRPR.
13. Conduct an information campaign to raise public awareness of the need for, conditions of, and procedure for entering information on their ownership rights to immovable property into the SRPR.

Procedural Rights

The procedural rights of the child in criminal proceedings do not fully comply with the EU *acquis* (including Directives 2016/800/EU and 2012/29/EU). Thus, state policy documents envisage the development in 2025 of a comprehensive draft law that will introduce the mandatory involvement of a defence counsel and a psychologist for minor victims and witnesses, risk assessment for minors in criminal proceedings, and improved legal regulation of issues related to restorative justice, mediation, and other components of juvenile justice. In 2024, the implementation of a large-scale Restorative Justice Programme involving minors who are suspects or accused of committing a criminal offence was launched.

These and other measures also form part of the National Strategy for Protecting Children's Rights in the Justice System until 2028, approved by the Government in July 2025.

The presumption of innocence as a principle of criminal proceedings is properly implemented at the legislative level. Work has commenced on improving the rules of ethical conduct of law enforcement agencies, which partly include the presumption of innocence as an ethical category (and a ground for disciplinary liability). Procedural guarantees concerning the notification of rights are highly dependent on whether the individual has proper procedural status. To reduce the number of "shadow" detentions and eliminate "grey" areas, the Custody Records system is being further implemented in NPU units. In 2024, the number of such units increased from 88 to 129. The Government is developing a draft law to improve the *in absentia* procedure, primarily with regard to proper notification about the conduct of pre-trial investigation and trial in the absence of the person concerned, as well as the possibility to appeal a court verdict *ex novo* if such notification was not properly made.

The Government is also drafting a law to improve the right to interpretation, specifically to introduce the procedural possibility to challenge the quality of interpretation or the interpreter where the interpretation is provided improperly. Separate efforts are being undertaken to improve the financial conditions for engaging qualified interpreters in criminal proceedings in line with Directive 2010/64/EU. In July, Law No. 4490-IX expanded the right of access to free legal aid for detainees and convicted persons who are subject to disciplinary liability.

The digitalisation of justice is ongoing, and the Unified Judicial Information and Telecommunication System (UJITS) continues to be gradually implemented, improving conditions for access to justice. In the period 2024–2025, it became mandatory for participants in civil and administrative proceedings to have an Electronic Cabinet. The functionality for registering a request for a summons in a specific criminal proceeding using UJITS has been technically implemented.

Protection of Children's Rights in Civil and Criminal Cases (Juvenile Justice)

Directive 2016/800/EU³¹¹⁶ on procedural safeguards for children who are suspects or accused persons in criminal proceedings provides for additional procedural guarantees

³¹¹⁶ Directive 2016/800/EU of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.

to protect children's rights. Furthermore, in the context of juvenile justice, Directive 2012/29/EU³¹¹⁷ on the rights of victims is also important, as it envisages a comprehensive system of protection and support for victims and includes relevant recommendations concerning vulnerable groups, particularly children.

In July 2025, the Government approved the National Strategy for Protecting Children's Rights in the Justice System until 2028 and the Operational Plan for its Implementation for 2025–2028³¹¹⁸. The validity of the previous strategy in this field — the National Strategy for Reforming the Justice System for Children — expired in 2023. The document is aimed at: (1) ensuring the protection and observance of children's rights in conditions of armed conflict; (2) introducing legal and procedural safeguards and mechanisms for children in contact with the criminal justice system; (3) strengthening inter-agency cooperation on these issues; (4) ensuring better protection, representation, and participation of children in the justice system; (5) ensuring children's rights and freedoms in the digital environment; (6) improving preventive measures concerning children at risk of committing offences.

The relevant provisions have been implemented in the CPC of Ukraine mostly with regard to minor suspects and accused persons³¹¹⁹, while at the level of state policy, approaches to juvenile justice and child-friendly justice are being introduced. For example, the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice³¹²⁰, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)³¹²¹ and other international legal instruments. Projects falling within this scope include "Barnahus", "Green Room", the prioritisation of procedural matters concerning children, and the establishment of juvenile units within the prosecution service and police, among others.

According to statistical data from recent years, **a significant number of children in Ukraine are victims in criminal proceedings**. For example, in 2024, there were 3,390 minor victims aged 14–18 and 3,324 under the age of 14; in 2023, there were 7,289 victims aged 14–18 and 4,206 under the age of 14; and in 2022, 6,047 aged 14–18 and 2,561 under the age of 14³¹²².

In 2024, a downward trend in juvenile crime was observed. Thus, the number of minors who committed criminal offences decreased by 8.4 per cent (from 1,752 to 1,604 persons). At the same time, in 2024 compared with 2023, the number of criminal offences com-

3117 Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

3118 On the Approval of the National Strategy for Protecting Children's Rights in the Justice System until 2028 and the Endorsement of the Operational Plan for its Implementation in 2025–2028: Order of the Cabinet of Ministers of Ukraine No. 708 of 14.07.2025.

3119 Chapter 38 "Criminal Proceedings Involving Juveniles" of the CPC of Ukraine and other provisions of procedural legislation.

3120 Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, adopted by the Committee of Ministers of the Council of Europe on 17.11.2010, and the explanatory memorandum.

3121 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. Ratified by Ukraine with declarations by Law No. 4988-VI of 20.06.2012.

3122 Criminal statistics. Prosecutor General's Office. On registered criminal offences and the results of their pre-trial investigation.

mitted by minors against the foundations of national security increased by 97 per cent, against life and health by 16 per cent, and against sexual freedom and inviolability by 29 per cent³¹²³.

However, there is no statistical data on children who have witnessed a criminal offence, as such information is not recorded. The available data concern only children who witnessed domestic violence — 526 children fell into this category, while 590 children became victims of such offences, representing an increase of 3.3 per cent compared with 2023 (571 children)³¹²⁴.

The CPC of Ukraine does not provide for the mandatory involvement of a defence counsel representing a minor victim or a minor witness, nor of a psychologist to prevent psychological traumatising. Such involvement must be ensured through the system of free legal aid (FLA). At present, the mandatory participation of a defence counsel is provided only for minor suspects and accused persons³¹²⁵.

The development of a draft law to address these issues is envisaged in the Rule of Law Roadmap³¹²⁶ for the fourth quarter of 2025. A more detailed set of measures is defined in the already mentioned Operational Plan for the Implementation in 2025–2028 of the National Strategy for Protecting Children's Rights in the Justice System until 2028. In addition to amendments to the criminal procedure legislation and the Law of Ukraine "On Free Legal Aid", provision is also made for a system of training and preparation of such lawyers and psychologists.

Restorative Justice

On 22 July 2024, the Procedure for Implementing the Pilot Project "Restorative Justice Programme Involving Minors who are Suspects or Accused of Committing a Criminal Offence" (the Programme)³¹²⁷ was approved. The Programme introduces a restorative approach to responding to criminal offences and aims to ensure: compensation for damage caused to the victim and their reintegration; prevention of reoffending by minors; resocialisation of minors and reduction of risk factors that contribute to their unlawful behaviour.

Implementation of the Programme began on 9 September 2024. During the period until 31 March 2025, in 97 cases, investigators, detectives, and prosecutors submitted the parties' consent to the criminal-law conflict to participate in the Programme³¹²⁸. The Programme is primarily applied to minors facing significant penalties for the crimes committed.

3123 On the Approval of the National Strategy for Protecting Children's Rights in the Justice System until 2028 and the Endorsement of the Operational Plan for its Implementation in 2025–2028: Order of the Cabinet of Ministers of Ukraine No. 708 of 14.07.2025..

3124 Ibid.

3125 Criminal Procedure Code of Ukraine No. 4651-VI of 13.04.2012, para 1, Part 2, Article 52.

3126 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the EU Accession Process": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

3127 On the Implementation of the Pilot Project "Restorative Justice Programme involving Juveniles who are Suspects or Accused of Committing a Criminal Offence": Joint Order of the Ministry of Justice of Ukraine, Ministry of Internal Affairs of Ukraine, and the Prosecutor General's Office No. 2176/5/501/176 of 22.07.2024.

3128 Results of the Competitive Selection of Mediators Engaged by Free Legal Aid Centres (February–April 2025). Free Legal Aid. 2025.

Overall, the measures under the Programme are aimed at: behaviour correction; development of personal qualities; motivation for education and constructive leisure activities; improving relationships with parents or legal guardians; enhanced social supervision; development of assertiveness skills; participation in extracurricular activities, and more.

To implement the resocialisation aspect of the Programme, the Coordination Centre for Legal Aid Provision and the State Institution “Probation Centre” signed a joint order defining the procedure for interaction between their territorial bodies³¹²⁹.

To ensure the implementation of the Programme throughout the territory of Ukraine, the Coordination Centre for Legal Aid Provision conducted the fourth **competitive selection of mediators, engaged by FLA centres**, during February–April 2025. As a result of the competition, 48 mediators were selected. In total, as of 22 April 2025, the Register of Mediators contained information on 182 mediators working across the entire territory of Ukraine³¹³⁰.

This represents a successful step in the development of restorative justice, which still requires further improvement. At the same time, **there is no comprehensive regulation of this issue at the level of a separate law on restorative justice for minors, nor is there a procedural framework for the implementation of restorative justice programmes.** Additionally, limited awareness among juvenile justice professionals and an incomplete understanding of the benefits of restorative justice reduce the effectiveness of applying the restorative approach in juvenile justice³¹³¹.

The development and adoption of such a law is envisaged in point 2.6.5 of the Action Plan to the Overarching Strategic Plan for Reforming Law Enforcement Agencies for 2023–2027 (OAS Action Plan)³¹³². The Ministry of Justice was expected, in the first quarter of 2025, to develop a draft law providing for the immediate involvement of a defence counsel and/or representative for a child who is a victim or witness of a criminal offence, or a child who has committed a criminal offence; the involvement of psychologists in criminal proceedings involving young children and minors; and early access of minors suspected of committing a criminal offence to restorative justice in the form of mediation. The draft law is also expected to introduce performance assessment of pre-trial investigation officers and prosecutors based on their observance of the best interests of the child and the establishment of reporting on the outcomes of pre-trial investigation and court proceedings in criminal cases involving children.

3129 On the Approval of the Procedure for Interaction between Interregional Centres for Free Legal Aid Provision and the Authorised Probation Bodies within the Implementation of the Pilot Project “Restorative Justice Programme Involving Juveniles who are Suspects or Accused of Committing a Criminal Offence”: Joint Order of the Coordination Centre for Legal Aid Provision and the State Institution “Probation Centre” No. 99/312 of 27.09.2024.

3130 Results of the Competitive Selection of Mediators Engaged by Free Legal Aid Centres (February–April 2025). Free Legal Aid. 2025.

3131 Khmelevska N.V. Concept for the Development of Juvenile Justice in Ukraine. Scientific Bulletin of Uzhhorod National University, 2025. Law Series. Issue 87, Part 4 — p. 156.

3132 On the Approval of the Action Plan Aimed at Implementing the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024.

In addition to the OAS Action Plan, the development of the draft law should also take into account the existing problems such as the absence of a defined procedural status for psychologists in criminal proceedings involving young children and minors; the lack of individualised risk and needs assessments for children who are suspects, accused persons, or victims; and the procedural impossibility of ensuring audio-visual recording of interviews with child victims that may be used as evidence in criminal proceedings (as a general rule³¹³³).

Presumption of Innocence, Right to Information on Fundamental Procedural Rights, and Right to Be Present at Trial

Ukrainian legislation generally ensures the guarantees of the presumption of innocence, including the right to remain silent and the privilege against self-incrimination; the right to oral and written interpretation for suspects and accused persons who do not speak or understand the language of the proceedings; the right to information on relevant procedural rights; the right of access to a defence counsel and legal aid³¹³⁴; and other related rights. Since 2014, the CPC of Ukraine has provided for *in absentia*³¹³⁵ proceedings for certain categories of crimes, though this procedure does not fully comply with EU legal standards. Similar measures are envisaged by the Rule of Law Roadmap and the National Strategy for Protecting Children's Rights in the Justice System until 2028.

Presumption of Innocence

Problems with adherence to the principle of the presumption of innocence are mostly rooted in the **public communication by law enforcement agencies regarding the outcomes of their activities**. These issues remained unchanged throughout the reporting period³¹³⁶.

Both the Constitution of Ukraine and sectoral legislation prohibit the violation of the principle of the presumption of innocence. Moreover, criminal legislation provides for liability for the prosecution of a knowingly innocent person³¹³⁷. However, during the period 2021–2024, only two criminal proceedings under Article 372 of the CC of Ukraine were submitted to court (in 2021 and 2023)³¹³⁸. In 2024, local courts delivered one sentence under this article³¹³⁹, while proceedings were closed in three other cases. Thus, liabi-

3133 Such a possibility currently exists under Article 615 of the CPC of Ukraine but is limited to the conditions of martial law. At other times, such a recording that would have evidentiary value is not permitted.

3134 Criminal Procedure Code of Ukraine No. 4651-VI of 13.04.2012, Article 18, Parts 3 and 4 of Article 29, Article 45, Part 4, Article 208, Articles 276 and 345.

3135 Ibid, Chapter 24¹.

3136 Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the 2023 European Commission Report on Ukraine, pp. 413–414.

3137 Criminal Code of Ukraine No. 2341-III of 05.04.2001, Article 372.

3138 Unified report on criminal offences for January–December 2021, January–December 2022, January–December 2023, and January – December 2024.

3139 No. 1-k. Report of first instance courts on the consideration of criminal proceedings for 2024.

lity for the prosecution of a knowingly innocent person, which includes violation of the presumption of innocence, is rarely applied in practice, and there have been no cases of actual punishment in recent years.

At the same time, the Code of Professional Ethics and Conduct of Prosecutors³¹⁴⁰, as well as the ethical codes of the NABU³¹⁴¹, the SBI³¹⁴², the SSU³¹⁴³, and the ESB³¹⁴⁴ contain relevant prohibitions as a form of ethical conduct rules, and legislation establishes disciplinary liability for their violation. However, the ethical code of the NPU³¹⁴⁵ does not contain such provisions, although, under a more systematic interpretation, disciplinary bodies could formulate such a rule based on other ethical norms.

The Overarching Strategic Plan for Reforming Law Enforcement Agencies for 2023–2027³¹⁴⁶ and OAS Action Plan³¹⁴⁷ provide that a Model Code of Ethics for law enforcement officers is to be developed, which will subsequently serve as a basis for updating departmental codes of ethical conduct (point 4.5.2). It can be assumed that, during the development of the Model Code, provisions concerning the inadmissibility of violating the principle of the presumption of innocence will be unified in the texts of all such codes. It is also worth noting that the Code of Professional Ethics and Conduct of Prosecutors details the content of.

By contrast, the disciplinary practice of both the prosecution service and law enforcement agencies contains no cases regarding violation of this principle. Although in the past the disciplinary practice of the Qualification and Disciplinary Commission of Prosecutors included such cases³¹⁴⁸, and in 2023–2024 the High Anti-Corruption Court issued decisions regarding NABU's violation of this principle³¹⁴⁹. The results of disciplinary review of these breaches by NABU are not publicly available.

3140 Code of Professional Ethics and Conduct of Prosecutors: approved by the All-Ukrainian Conference of Prosecutors on 27.04.2017, Article 9.

3141 Code of Professional Ethics for Employees of the National Anti-Corruption Bureau of Ukraine: Order of the National Anti-Corruption Bureau of Ukraine No. 242 of 01.09.2016, paragraph 1.3 of Section III.

3142 Rules of Professional Ethics for Employees of the State Bureau of Investigation: Order of the State Bureau of Investigation No. 30 of 16.01.2021, paragraph 2.4 of Section 2.

3143 Rules of Professional Ethics and Integrity of Service Members of the Security Service of Ukraine: Order of the Security Service of Ukraine No. 474 of 27.11.2023, paragraph 2 of Section II.

3144 Rules of Professional Ethics for Employees of the Bureau of Economic Security of Ukraine: Order of the Bureau of Economic Security No. 129 of 30.06.2022, paragraph 9 of Section II.

3145 On the Approval of the Rules of Ethical Conduct for Police Officers: Order of the Ministry of Internal Affairs of Ukraine No. 1179 of 09.11.2016.

3146 On the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Decree of the President No. 273 of 11.05.2023.

3147 On the Approval of the Action Plan Aimed at Implementing the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers No. 792 of 23.08.2024.

3148 In most cases, such proceedings were closed (the prosecutor was not found guilty of committing a disciplinary offence). See for details: Disciplinary Responsibility of Prosecutors in Ukraine / O. Banchuk, M. Kamenev, E. Kravchuk, B. Malyshev, V. Petukhovskyi, M. Tsapok. — Kyiv: Moskalenko O. M., 2019. — pp. 83, 88, 134.

3149 Decision of the High Anti-Corruption Court of 31.10.2023 in case No. 991/392/23.; Decision of the High Anti-Corruption Court of 17.01.2024 in case No. 991/4071/22.; No similar rulings were issued in 2024. This case law is described in more detail in last year's Shadow Report: Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the 2023 European Commission Report on Ukraine, pp. 413–414.

In 2024, Ukrainian human rights defenders, civil society activists and organisations, attorneys, and retired judges published an Open Letter on Improving the Work of the Anti-Corruption Infrastructure in Ukraine³¹⁵⁰, in which they expressed concern over negative trends in the activities of anti-corruption agencies — namely, violations of the constitutional principles of the rule of law and the presumption of innocence, coordination between pre-trial investigation agencies and the courts to secure repressive decisions without alternatives, treating suspects as criminals (although their guilt has not been proven in accordance with the procedure established by law), and the unjustified application of coercive procedural measures against suspects and accused persons.

Striking examples of violations of the presumption of innocence in the public communication of the activities of law enforcement bodies and the prosecution include two cases that occurred in July 2025: the disclosure by the Prosecutor General of the first name and surname of a detained person;³¹⁵¹ and the disclosure by the Security Service of Ukraine of the first name and surname of a person subjected to a search, namely a NABU detective³¹⁵².

The Rule of Law Roadmap³¹⁵³ provides for the development and adoption of legislation on the implementation of the presumption of innocence by prohibiting public statements made by state authorities from referring to a suspect/accused as guilty before a conviction is handed down by a court (fourth quarter of 2027).

Notification of Procedural Rights

The CPC of Ukraine requires that suspects and accused persons be informed of their rights. At the same time, the effectiveness of such notification depends on whether the individual has procedural status in criminal proceedings. **In practice, the problem with informing individuals of their rights** lies in the fact that: a person is **not always formally recognised as having procedural status** — as a detainee or suspect of committing a criminal offence; or **procedural status is recognised with delay**, which allows law enforcement officers to carry out unlawful evidence-gathering actions while the person remains in a “grey zone” and is not aware of their rights not to incriminate themselves, to have a defence counsel, to submit motions, etc³¹⁵⁴.

In its judgments, the ECtHR has repeatedly found Ukraine to be in violation of Article 5 of the ECHR (for example, *Grinenko v. Ukraine*, application no. 33627/06³¹⁵⁵; *Malyk v. Ukraine*, application no. 37198/10³¹⁵⁶, *Rytikov v. Ukraine*, application no. 52855/19³¹⁵⁷). The Court emphasised that detention without sufficient legal grounds is contrary to Article 5

3150 Open Letter on Improving the Operation of the Anti-Corruption Infrastructure in Ukraine. Kharkiv Human Rights Protection Group. 2024.

3151 Publication by Prosecutor General R. Kravchenko on the social network Facebook. 2025.

3152 SSU and the PGO Detain a NABU Detective Leader on Suspicion of Doing Business in Russia (video).

3153 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 “Fundamentals of the EU Accession Process”: Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

3154 Prosecutor: Manages? Coordinates? Supervises? Investigates? Report based on the results of the study “The Role of the Prosecutor at the Pre-Trial Stage of Criminal Proceedings” / Y. Bielousov, V. Venger, V. Mitko, A. Orlean, V. Sushchenko, V. Yavorska; general edit. by Yu. Bielousov. ST-Druk, 2017, p. 238.

3155 Case of *Grinenko v. Ukraine*. 2012.

3156 Case of *Malyk v. Ukraine*, 2015.

3157 Case of *Rytikov v. Ukraine*, 2024.

of the ECHR, and that the review of its lawfulness must be effective and conducted without delay. In practice, however, judicial practice indicates a lack of real and effective opportunity to challenge unlawful detention (both during the imposition of a preventive measure and under Article 206 of the CPC of Ukraine — a motion to an investigating judge within their general duty to protect human rights, the Ukrainian analogue of *habeas corpus*)³¹⁵⁸.

To address this systemic issue, Ukraine has been developing the Custody Records³¹⁵⁹ system since 2017 — a UK-inspired practice of recording all actions concerning a detained person to ensure the timely protection of their rights and freedoms. As of 31 July 2025, the Custody Records system was operating in 132 police units and 91 TDCs³¹⁶⁰. **The existence of the system reduces the number of “shadow detentions/arrests”**, which improves the situation with informing individuals of their rights, as the person receives procedural status. In addition, an authorised officer (custody officer) can devote more attention and time to explaining rights to the detainee than the detaining officer or investigator, who have other official duties.

In April 2024, amendments to the CPC of Ukraine entered into force to enhance the effectiveness of the institution of officials responsible for the custody and protection of detainees' rights³¹⁶¹. During 2024, subordinate regulations were brought into compliance with these legislative changes³¹⁶².

The Rule of Law Roadmap³¹⁶³ provides for the development and adoption of legislation to improve the procedure for informing participants in criminal proceedings about their procedural rights, including the provision of information in an accessible format. These changes will also ensure the application of procedural rights of suspects from the moment a person de facto becomes aware of their status as a suspect (fourth quarter of 2027).

In absentia

Issues with the *in absentia* procedure remain unresolved³¹⁶⁴. The procedure for notifying suspects and accused persons must not be merely formal, and the review of court decisions should take place not only through appellate proceedings but also ex novo in cases where the person was not properly notified about the pre-trial investigation and trial of their case.

3158 Unlawful Detention without a Court Order: Analysis of Article 208 of the CPC of Ukraine and ECtHR Case Law. Yurydychna Hazeta. 2025.

3159 Custody Records: System for Recording All Actions Regarding a Detained Person — Status of Regulatory Framework. JustTalk. 2022.

3160 Letter of the Department of the Chief Inspectorate and Human Rights Compliance of the National Police of Ukraine No. 114063-2025 of 01.08.2025.

3161 Article 212 of the CPC of Ukraine "Person Responsible for the Detention and for Ensuring the Rights of Detainees" was amended by Law No. 3623-IX of 21.03.2024.

3162 On the Approval of the Instruction on the Organisation of Activities of Human Rights Compliance Units of the National Police of Ukraine: Order of the Ministry of Internal Affairs No. 699 of 16.10.2024.

3163 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the EU Accession Process": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

3164 Shadow Report on Chapter 23 "Justice and Fundamental Rights" of the 2023 European Commission Report on Ukraine, pp. 414–416.

The EU legal system allows for the possibility of in absentia trial, but only if effective subsequent remedies are available. Council Framework Decision 2009/299/JHA³¹⁶⁵. The EU legal system allows for the possibility of in absentia trial, but only if effective subsequent remedies are available. Council Framework Decision 2009/299/JHA³¹⁶⁶). Accused persons must themselves submit a request for a retrial (CJEU Ruling in Case C-400/23 VB II (16 January 2025)³¹⁶⁷, para. 46; Article 9 of Directive 2016/343). The procedure for submitting a request for a new trial must comply with the principles of equivalence (ensuring that the procedure is no less favourable than in comparable domestic situations) and effectiveness (ensuring that the process genuinely enables a retrial where the conditions so require) (CJEU Ruling in Case C-400/23 VB II (16 January 2025), para. 50; Article 9 of Directive 2016/343).

Since the summer of 2023, Draft Law No. 9579³¹⁶⁸ on improving the procedure for appealing a trial in absentia verdict had been under consideration by Parliament; however, in July 2025 it was withdrawn due to the change in the composition of the Government. Instead, **Draft Law No. 9351³¹⁶⁹ on improving the procedure for informing in absentia pre-trial investigations in CRSV cases** was included in the agenda of the 13th session of the Verkhovna Rada. **At the same time, it does not fully resolve the above-mentioned problems³¹⁷⁰.**

The OAS Action Plan³¹⁷¹ provides that in the first quarter of 2025, a draft law should be developed and submitted to the Verkhovna Rada to improve the provisions of the CPC of Ukraine concerning the conduct of criminal proceedings *in absentia* (special pre-trial investigation and special judicial proceedings) (point 3.8.2). However, no information is currently available regarding the status of the draft law's development.

Meanwhile, on 14 January 2025, the PGO established an Interagency Working Group on the Harmonisation of Legislation in the Context of Law Enforcement Practice in connection with Ukraine's ratification of the Rome Statute³¹⁷². The group includes both nati-

3165 The Council Framework Decision 2009/299/JHA of 26 February 2009 amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA, thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial, Official Journal of the European Union L 81. 27.03.2009.

3166 Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings.

3167 Judgment of the Court (Fourth Chamber) of 16 January 2025. Case C-400/23.

3168 On Amendments to the Criminal Code of Ukraine, the Criminal Procedure Code of Ukraine and Other Legislative Acts on Ensuring Criminal Proceedings that Cannot Be Conducted Due to the Armed Aggression of the Russian Federation against Ukraine and the Temporary Occupation by the Russian Federation of Certain Territories of Ukraine: Draft Law of Ukraine, registration No. 9579 of 07.08.2023.

3169 On Amendments to the Criminal Procedure Code of Ukraine on Improving the Procedure for Pre-Trial Investigation and Trial in Criminal Proceedings Concerning Crimes Related to Sexual Violence Committed in Conditions of Armed Conflict: Draft Law of Ukraine, registration No. 9351 of 05.06.2023.

3170 A detailed analysis is provided in the Shadow Report to Chapter 23 "Justice and Fundamental Rights" of the European Commission's Report on Ukraine in 2023. Prosecution Reform / Coalition of Civil Society Organisations led by the Agency for Legislative Initiatives, pp. 428–429.

3171 On the Approval of the Action Plan Aimed at Implementing the Comprehensive Strategic Plan for the Reform of Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers No. 792 of 23.08.2024, para. 3.8.2.

3172 On the Establishment of an Interagency Working Group on Legislative Harmonisation in the Context of Law Enforcement Practice Following the Ratification of the Rome Statute of the International Criminal Court by Ukraine: Order of the Prosecutor General No. 12. of 14.01.2025.

onal and international experts, as well as representatives of relevant state authorities — PGO, MoJ, MoIA, SC, among others. The working group is tasked with drafting **legislative amendments arising from Ukraine's ratification of the Rome Statute and accession to the Ljubljana — The Hague Convention**. These amendments will apply to both the CC of Ukraine and the CPC of Ukraine.

In March 2025, work began within subgroups, including on amendments to procedural legislation — regulating the in absentia procedure, the retroactive effect of law, the implementation of the principle of universal jurisdiction, and specific procedural aspects of support for victims and witnesses of war crimes and other international crimes.

Right of Access to a Defence Counsel and the Right to an Interpreter at the State's Expense

Right of Access to a Defence Counsel

In 2024, the FLA system provided over 1 million legal services (including both primary and secondary legal aid). During the year, more than 111,000 assignments for the appointment of a defence counsel in criminal proceedings were issued (5.5% more than the previous year). Of the clients receiving this type of assistance, 91.9% were men. At the institutional level, in 2024, **the quality monitoring system for legal services was improved; training events were held** for FLA lawyers and defence counsel cooperating with the system; legal awareness activities were conducted; and new memoranda were signed with national and international partners³¹⁷³.

In 2025, the "Defence Counsel's Guide: Defence in War Crimes Cases"³¹⁷⁴ was developed. It is important to note that in 2024, based on procedural decisions by pre-trial investigation bodies and courts, 493 assignments were issued in war crimes cases. In March, the Coordination Centre for Legal Aid Provision, the Ministry of Justice, and the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine signed a memorandum of cooperation³¹⁷⁵. The Register of Damage for Ukraine constitutes the first element of a future international compensation mechanism for damage caused by Russian aggression. The Register is intended to record all admissible claims for compensation of damage, losses, or harm resulting from the aggression of the Russian Federation in or against Ukraine.

On 4 July 2025, Law No. 4490-IX on ensuring the right to FLA Ensuring the Right to Free Legal Aid entered into force³¹⁷⁶, strengthening the guarantees of the right of detainees and convicted persons to such aid. It guarantees that no disciplinary sanction in prison shall be imposed without a real possibility of defence. **Persons serving sentences will be able to use the services of a lawyer or legal professional even before a disciplinary commission meeting. If there is no access to a defence lawyer, the admi-**

³¹⁷³ Annual Report of the Free Legal Aid System. Free Legal Aid. 2024.

³¹⁷⁴ Defence Counsel's Guide: Defence in War Crimes Cases. 2025.

³¹⁷⁵ Free Legal Aid System, Ministry of Justice, and the Register of Damage for Ukraine Signed a Memorandum of Cooperation. Free Legal Aid. 2025.

³¹⁷⁶ On Amendments to Certain Legislative Acts of Ukraine on Ensuring the Right to Free Legal Aid: Law of Ukraine No. 4490-IX of 05.06.2025.

nistration of the colony must provide the convicted person with the opportunity to apply for FLA within 24 hours. The proceedings are automatically suspended until the official appointment of free defence counsel. Under the Law, when imposing a sanction on a convicted person, the administration of the colony shall immediately, but no later than 24 hours from the moment of imposing the sanction, provide the convicted person with the opportunity to inform, in a manner chosen by them, close relatives, a lawyer, or other legal professionals who are entitled by law to provide legal assistance, either personally or on behalf of a legal entity.

Right to Interpretation

In practice, numerous problems arise when interpreters are engaged by investigators and judges, with varying approaches observed concerning the appointment and disqualification of interpreters. The main issue lies in finding an interpreter and officially admitting and documenting their participation in the proceedings.

The CPC of Ukraine does not require an interpreter to hold a translation degree or qualification; a native speaker confirmed by a secondary education certificate may be appointed³¹⁷⁷. **Engaging a professional interpreter** from a company (or agency) that provides legal document translation or legal client support services on a commercial basis **is nearly impossible at the state's expense**, as the remuneration level for interpreters is not competitive on the market, and professional interpreters are generally unwilling to dedicate time to such assignments. However, court practice includes cases in which suspects or accused persons have complained about poor-quality interpretation, which has subsequently resulted in the replacement of the interpreter³¹⁷⁸.

Directive 2010/64/EU provides for the establishment of a register of independent and qualified written and oral interpreters, which must be accessible to defence counsel and the relevant authorities. Since 2013, Ukraine has operated a Reference and Information Register of Interpreters³¹⁷⁹ (administered by the SMS), which is used, inter alia, in criminal proceedings. The judiciary also uses the Register of Sign Language Interpreters³¹⁸⁰, maintained by the All-Ukrainian Association of Translators for People with Disabilities. However, the extent to which interpreters from this register can be easily engaged, and whether the register requires improvement for the purpose of interpreter engagement in criminal proceedings, are questions that require further study.

Directive 2010/64/EU also provides, among other things, for the introduction of a mechanism to challenge the quality of interpretation, and the option to replace written translation of important documents with oral interpretation. Meanwhile, **the CPC of Ukraine does not establish any mechanisms for challenging the quality of interpretation or replacing an interpreter, and these elements of the Directive have not been implemented in Ukrainian legislation.**

The Rule of Law Roadmap provides for a comprehensive study aimed at addressing the problem of ensuring high-quality translation within criminal proceedings, followed

3177 Ruling of the Supreme Court of 04.03.2021 in case No. 732/415/19.

3178 Ruling of the Supreme Court of 04.03.2021 in case No. 759/4149/17.

3179 Reference and Information Register of Interpreters. State Migration Service of Ukraine.

3180 Register of Sign Language Interpreters. All-Ukrainian Association of Translators of for People with Disabilities.

by the development of recommendations (from the second quarter of 2025). This document also provides for the need to secure financial resources to address the issue of high-quality translation in line with EU standards (the measure is to be implemented on a permanent basis).

Right of Access to Justice

The digitalisation of judicial proceedings continues in Ukraine, enabling access to justice for all participants in court proceedings.

As of 18 October 2023, the use of an electronic cabinet in the UJITS has become mandatory for participants in court proceedings (except for natural persons and legal entities under private ownership). **As of 21 February 2025, the use of an electronic cabinet also became mandatory for all private legal entities participating in civil and administrative cases**³¹⁸¹.

The digitalisation of criminal justice is a more complex task and is progressing more slowly. Law No. 3604-IX³¹⁸² ensures the **gradual introduction of UJITS into criminal proceedings**. It provides for the possibility for participants in a case to submit procedural documents to the court in electronic form via UJITS, as well as for procedural actions to be carried out by videoconference during court proceedings.

The implementation of UJITS is a long and complex process, as it requires not only legislative amendments and the establishment of appropriate infrastructure but also changes in the behaviour of court proceeding participants, as well as established practices and customs during the administration of justice.

An example is the SC ruling by a panel of judges of the Third Judicial Chamber of the Criminal Cassation Court³¹⁸³, which stated that the criminal procedure legislation does not contain provisions clearly indicating that the court's initiative to send a copy of a court decision by electronic means (to an email address or via UJITS) constitutes proper service to a participant in criminal proceedings. Thus, at the level of judicial practice, the question arises whether notifying a participant solely through electronic means (email) or UJITS (if the person has submitted a relevant request) is sufficient, as indicated by the legal provision, or whether a paper copy of such notice must also be provided. These and other transitional provisions will remain in place for some time while the system is being implemented, which requires close attention in the context of ensuring the right of access to justice. Similarly, technical failures in the system have been noted, as reported by defence counsel in 2024³¹⁸⁴.

To address technical and organisational matters and ensure the automated interaction between the Regulation on the Automated Court Document Management System and UJITS modules — as well as their uniform understanding and application by courts —

3181 From 21 February, registration of e-Cabinets in the UJITS becomes mandatory for participation in civil and administrative proceedings. Liga.Zakon. 2024.

3182 On Amendments to the Criminal Procedure Code of Ukraine to Ensure the Gradual Introduction of the Unified Judicial Information and Telecommunication System: Law of Ukraine No. 3604-IX of 23.02.2024.

3183 Ruling of the Supreme Court of 02.09.2024 in case No. 202/9867/22.

3184 Malfunctions of the Electronic Court Violate Constitutional Guarantees. Ukrainian National Bar Association. 2024.

on 26 April 2024, the Council of Judges of Ukraine (CJU) adopted Decision No. 10 on the need to set out the Regulation on the Automated Court Document Management System in a new version³¹⁸⁵. On 6 March 2025, the CJU adopted a decision that the **automated court document management system would be put into effect as of 1 April 2025**³¹⁸⁶. In doing so, the CJU seeks to unify the practice of applying UJITS.

As of 1 April 2025, the amendments to the Regulation on the Automated Court Document Management System entered into legal force. From that date, **the functionality for registering a motion to summon a party in a specific criminal proceeding using UJITS** and/or its individual subsystem (module) has been technically implemented. Such a motion may be registered when received by the court in paper form, via email, or through the "Electronic Court" subsystem³¹⁸⁷.

Recommendations

1. Improve the system for collecting criminal statistics on juveniles, in particular by adding the capability to record the number of children who have witnessed a criminal offence (according to their procedural status).
2. Introduce the mandatory involvement of a defence counsel for juvenile victims or witnesses of a criminal offence, as well as a psychologist. Clarify the procedural status of such a psychologist.
3. Adopt a comprehensive draft law on child protection within the juvenile justice system, taking into account the provisions of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as part of the Security and Defence Sector of Ukraine for 2023–2027.
4. Respond appropriately to cases of violation of the presumption of innocence and improve the professional competence of all law enforcement officials with regard to public communication of their activities.
5. Develop disciplinary practice concerning the violation of the presumption of innocence as an ethical category in the work of law enforcement disciplinary bodies and the Qualification and Disciplinary Commission of Prosecutors; unify the ethical codes of law enforcement bodies.
6. Improve the procedure for informing suspects and accused persons about investigations and the consideration of cases against them under special pre-trial investigation and trial procedures (*in absentia*). Introduce a system for reviewing *in absentia* verdicts not only by way of appeal, but also through a new trial (*ex novo*).
7. Develop the system for informing participants in criminal proceedings of their rights, in particular the Custody Records system, and extend its application to all law enforcement agencies involved in detentions (beyond the NPU — to include the SBI, NABU, SSU, and ESBUS).

3185 Regulation on the Automated Court Document Management System. Decision of the Council of Judges of Ukraine No. 39 of 11.11.2024.

3186 Decision of the Council of Judges of Ukraine No. 7 of 06.03.2025.

3187 To the Attention of Participants in Criminal Court Proceedings. Judiciary of Ukraine. 2025.

8. Strengthen the free legal aid system in Ukraine, particularly by expanding the categories of persons affected by war crimes who require state protection due to their vulnerable status and lack of resources to defend their rights. Conduct an independent audit of the system's capacity to evolve and meet such challenges.
9. Amend the CPC of Ukraine to establish a procedure for challenging the quality of interpretation in criminal proceedings and for replacing an interpreter who performs their duties inadequately, in accordance with Directive 2010/64/EU (2010).
10. Ensure an adequate level of remuneration for qualified professional interpreters involved in criminal proceedings when engaged at the state's expense.
11. Improve the procedures for participating in court hearings by videoconference outside the court premises using personal technical equipment. This procedure may be applied to judicial proceedings conducted in territories most affected by hostilities during wartime.
12. Facilitate access to justice, especially under wartime conditions, gradually implement the UJITS system in the administration of justice, including in criminal proceedings.

CHAPTER 24

“JUSTICE, FREEDOM AND SECURITY”



Combating Organised Crime

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During 2023–2024, the Overarching Strategic Plan for Reforming Law Enforcement Agencies as part of the Security and Defence Sector of Ukraine for 2023–2027 and the Government's Action Plan for its implementation were adopted. These documents are key to *state policy* in the field of law enforcement system development.

Legislation in the field of combating *organised crime* requires improvement. In September 2020, the National Security Strategy and the Strategy for Combating Organised Crime were approved. It is important to define the status of the National Coordinator, who will provide organisational support for the implementation of state policy in the field of combating organised crime. Currently, these functions are temporarily assigned to the Ministry of Internal Affairs of Ukraine. In 2022, an Interagency Working Group was established to coordinate the introduction of the SOCTA assessment system. In 2024, the Ministry of Internal Affairs of Ukraine submitted a report on the results of the assessment of threats posed by serious organised crime to the Cabinet of Ministers of Ukraine and the National Security and Defence Council of Ukraine. The results of this assessment should form the basis for the Strategy for Combating Organised Crime for 2026–2030. In 2025, a phased transformation of operational and search activities into criminal intelligence is planned, with the establishment of clear criteria for distinguishing it from criminal procedural, intelligence and counterintelligence activities.

In June 2024, the law on the “relaunch” of the *Economic Security Bureau of Ukraine* entered into force. The competition for the position of Director of this body has been completed, but the process of appointing the winner of the competition has been complicated. After this, the process of attesting its staff is expected to begin, which will last up to 18 months. At the same time, these steps should be a priority, and subsequently, efforts should focus on enhancing the analytical capacity of the Economic Security Bureau of Ukraine, introducing modern management practices, assessment systems, etc., for the comprehensive reform of this law enforcement body.

All pre-trial investigation bodies are to varying degrees responsible for investigating *financial crimes*. In October 2024, Ukraine approved a Procedure that defines the concepts of financial investigation, financial analysis, their purpose, and the principles of financial analysis in the meanings provided in the Financial Action Task Force (FATF) Recommendation 30. The issue of delineating the investigative jurisdiction of pre-trial investigation bodies regarding financial investigations, including predicate offences, remains relevant, as does the improvement of the criminal statistics collection system concerning financial investigations as a separate category of criminal proceedings.

The reform of the National Agency of Ukraine for Detection, Search and Management of Assets Obtained from Corruption and Other Crimes has begun. There are certain improvements in the anti-money laundering system at the level of draft laws. The quality of implementation of the Action Plan for the Asset Recovery Strategy remains formal and lacks an adequate level of public engagement in practice.

A separate law on *civilian firearms* has not yet been adopted, and the conditions for the acquisition, storage, registration, safeguarding, carrying, transportation and use of firearms are regulated by a subordinate legal act. In 2023, the Unified Firearms Register became operational, and in 2024, a Coordination Centre for Combating the Illicit Trafficking in Firearms, Their Essential Parts and Components, and Ammunition (NFFP) was established. Criminal liability for illicit trafficking in firearms is inadequate, and the illicit trafficking in essential parts of firearms has not been criminalised at all. Legislative decisions on these matters are under consideration by the Verkhovna Rada of Ukraine.

The reform of the *Security Service of Ukraine* remains an open issue, considering the requirements of wartime. The general direction of the reform — transforming the SSU into a counterintelligence body — is supported by all stakeholders. However, the scope of such reform is viewed differently, primarily in relation to the retention of investigative functions for crimes against national security and terrorism.

Combating corruption within law enforcement agencies is carried out through the implementation of several anti-corruption measures provided for in anti-corruption strategies, the adoption of which is mandatory. Relevant anti-corruption prevention and enforcement units are responsible for this. Overall, the internal control system is well-developed, and the requirements for professional ethics and integrity are gradually being strengthened.

Recruitment to positions in all law enforcement agencies is carried out on a competitive basis. *Appointments to managerial positions* in new agencies (the National Anti-Corruption Bureau of Ukraine, the State Bureau of Investigation, and the Economic Security Bureau of Ukraine) are made following competitive selection. In contrast, such competitions are currently not mandatory in the National Police of Ukraine. The competitive appointment of the Head of the National Police of Ukraine and the overall depoliticisation of the police remain pressing issues. The Rule of Law Roadmap has provided clarity regarding the Government's plans on this matter, but the relevant measures require effective implementation.

Ukraine actively *cooperates with European bodies for international cooperation* — Eurojust and the European Union Agency for Law Enforcement Cooperation (Europol). It has working arrangements with the European Union Agency for Law Enforcement Training (CEPOL) and actively uses such instruments as Joint Investigation Teams (JITs).

The full-scale invasion of Ukraine by Russia has brought new challenges in the field of combating trafficking in human beings, associated with increased risks of falling into situations of trafficking due to internal displacement or travel abroad, lack of access to occupied territories, destruction of critical infrastructure, economic destabilisation, and other factors. These challenges significantly complicate the activities and affect the entire system of actors involved in combating trafficking in human beings in Ukraine. Certain systemic issues that existed before the full-scale invasion of Ukraine by Russia remain unresolved, and no substantial progress was made in addressing them during 2023–2024. Specifically, these relate to gaps in legislation and inconsistency with international standards and recommendations of international institutions; the ineffectiveness of criminal prosecution of trafficking-related crimes by law enforcement agencies, with a low number of convictions and a near-total absence of compensation paid to victims, among other issues.

Cybersecurity and combating *cybercrime* are priorities under the Strategy adopted in 2021. A new challenge in the context of war has been cyberattacks on critical infrastructure facilities. Liability for cybercrimes requires improvement, primarily through the introduction of the concept of “cyberviolence.” The concept of electronic evidence is still absent from the Criminal Procedure Code of Ukraine, unlike in other proceedings (administrative, civil, commercial).

The *witness protection* system mainly consists of physical security measures — personal protection and warning of danger. At the same time, no threat assessment is carried out, and the material support of the system is insufficient. The legal framework is outdated and does not meet current needs, as the relevant law was adopted back in 1993 and has not undergone significant amendments since then. The current vision of the Government is to

assign these functions exclusively to law enforcement bodies, although earlier public policy documents envisaged the establishment of a separate independent body for this purpose.

Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027

State of play

In fulfilment of one of the recommendations³¹⁸⁸ of the European Commission regarding Ukraine's application for membership in the European Union (EU), in May 2023 the President of Ukraine (the President) approved the **Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027 (OAS)**³¹⁸⁹. The act itself was developed by an interagency working group³¹⁹⁰ comprising representatives of law enforcement agencies, the prosecution service, other state authorities, and international experts — under the coordination of the Prosecutor General's Office (PGO).

The **strategic priorities** for reforming law enforcement agencies, as defined in the OAS, include in particular:

1. Effectiveness and efficiency of law enforcement agencies and the prosecution service.
2. Coherent criminal justice policy.
3. Expedited criminal proceedings.
4. Result-oriented management system.
5. Comprehensive digital transformation.
6. Openness, transparency, accountability and independence.

In August 2024, the Cabinet of Ministers of Ukraine (the Government) approved the **Action Plan aimed at implementing the OAS (OAS Action Plan)**³¹⁹¹. It takes into account the recommendations of the European Commission set out in the 2023 Enlargement Package Ukraine Progress Report³¹⁹². The adoption of the OAS Action Plan was also one of the

3188 Opinion on the EU membership application by Ukraine. European Commission, 2022.

3189 Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Presidential Decree No. 273/2023 of 11.05.2023.

3190 Report on the Implementation of the Association Agreement between Ukraine and the European Union for 2022, p. 12.

3191 Action Plan for the Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024.

3192 Ukraine Report 2023. European Commission, 2023.; The Enlargement Report (2023) included a recommendation on the adoption of this Action Plan (p. 55). Following publication of the Report, during the finalisation of the draft Action Plan (the first draft was ready as of November 2023), the need for ESBU reform was clarified (points 1.1.4, 1.1.5) (in line with the recommendation on p. 56); the procedure for implementing the SOCTA threat assessment methodology in Ukraine was also clarified (points 2.4.1, 2.4.2) (in line with the recommendation on p. 56), among other aspects.

priorities of the adapted Annual National Programme for 2024 within the framework of co-operation with NATO³¹⁹³.

Among the measures included in the Plan are those aimed at enhancing the efficiency of criminal proceedings, preventing and combating crime in communities, strengthening support for victims and witnesses, and developing and implementing technological solutions, in particular an electronic criminal proceedings system.

The content of the OAS Action Plan relates not only to the institutional capacity of law enforcement agencies — unifying their legal status, introducing common management practices, or the institution of detectives — but also to criminal policy (e.g. implementing a coherent criminal justice policy and criminological research such as crime surveys, which have proven effective in other countries) and criminal procedure legislation (strengthening the protection of participants in criminal proceedings, focusing on the rights of victims, introducing alternative procedures for resolving criminal law disputes, etc.).

Thus, in order to combat crime (by subject matter — in the areas of drug trafficking, illicit arms trafficking, cybercrime, etc.), law enforcement agencies must possess an adequate level of institutional capacity. This is why the focus of the European Commission is not on individual agencies (with certain exceptions), but on areas of criminality (cybercrime, drug-related crime, illicit arms trafficking, financial crime, etc.) that pose a threat not only to the national law enforcement system but also to the pan-European system, given their cross-border nature.

A key recommendation of the 2024 Enlargement Package Ukraine Progress Report³¹⁹⁴ is the continued advancement of the implementation of the measures set out in the OAS and its Action Plan. The successful implementation of the OAS by the end of 2027 will be crucial for the reform of Ukraine's civil security sector in line with EU standards and best practices³¹⁹⁵.

The Rule of Law Roadmap³¹⁹⁶ contains a separate measure on ensuring the implementation of the OAS and its Action Plan (on a permanent basis), which incorporates it into the system of European integration commitments at the level of this public policy document.

Progress and issues

A fundamental problem of the OAS and its Action Plan is that the document was prepared under peacetime conditions, which was a direct requirement of European partners expressed during consultations on the implementation of this European Commission recommendation. This does not align in any way with the timeframe for its implementation — 2023–2027 — as during this entire period the main challenges for the criminal justice system remain the issues of **wartime and military justice**. This concerns both the investigation of international crimes (primarily war crimes) and military offences (against

3193 The Commission on Euro-Atlantic Integration Coordination approved the list of responsible agencies for implementing the adapted ANP for 2024. Cabinet of Ministers of Ukraine. 2024.

3194 Ukraine 2024 Progress Report within the European Union Enlargement Package. P. 8.

3195 Ibid, p. 44.

3196 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the Accession Process to the EU": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

the rules of military service). Moreover, the challenge of countering threats to national security (primarily collaboration activity) and the overall deterioration of the criminal situation due to the war remains acute³¹⁹⁷.

These areas require the most comprehensive regulation. For instance, prosecution for international crimes usually takes decades (as demonstrated by the example of the countries of the former Yugoslavia), while restoring order in de-occupied territories or fighting crime in wartime conditions requires significant resources³¹⁹⁸. Answers regarding the institutional stability of the prosecution service and law enforcement agencies in this area are needed today to plan the allocation of resources for specialised units — or possibly even dedicated institutions — that will handle these issues.

Military justice is an element of ensuring the combat readiness of a state's armed forces. Given the uncertainty surrounding the end of the war with the Russian Federation, as well as the likelihood of other military threats, military justice in Ukraine must be operational³¹⁹⁹.

However, the OAS makes no mention of military justice, and the OAS Action Plan addresses military justice in only one provision, which envisages the development of a draft concept for reforming Ukraine's military law enforcement bodies in the post-war period³²⁰⁰.

The decision to set such a late timeframe for the implementation of the OAS Action Plan — namely "after the end or cancellation of martial law" (from the perspective of 2024, it was already clear that martial law would not end or be cancelled any time soon — i.e. not before the OAS's end date in 2027) — was a deliberate Government strategy regarding measures whose implementation is politically sensitive and lacks support within the criminal justice system itself. Examples of such measures in the Action Plan include:

- amendments to legislation on competitive selection for the appointment of heads of law enforcement agencies and senior management positions within these agencies;
- ratification of the Rome Statute of the International Criminal Court (Rome Statute)³²⁰¹;
- reform of the Security Service of Ukraine (SSU);
- reform of legal education, in particular the gradual phasing out of departmental educational institutions for legal training.

Nevertheless, these issues have been addressed in a balanced manner through other public policy documents. For example, at the end of 2024, Ukraine ratified the Rome Statute. The reform of legal education is gradually gaining momentum within the framework of the Verkhovna Rada Committee on Legal Policy³²⁰².

3197 Where Is Law Enforcement Reform Headed? Comments on the Plan Approved by the President. Dzerkalo Tyzhnia. 2023.

3198 International Crimes in Ukraine: Review of National Investigations and Judicial Practice, pp. 23–31. Ukrainian Helsinki Human Rights Union. 2023.

3199 Military Justice in Ukraine. Green Book. Agency for Legislative Initiatives. 2024, p. 9.

3200 Action Plan for the Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024, measure 1.1.2.

3201 Implemented at the end of 2024.

3202 See section "Reform of Legal Education" for details.

The very fact of the **adoption of the OAS and its Action Plan** is undoubtedly a **success** for Ukraine in defining a comprehensive long-term policy for reforming law enforcement agencies and constitutes a genuine step towards the **country's European integration aspirations**. Moreover, the **OAS concerns not only institutional reforms** (staffing, management system, powers) but also **strategic planning tools within the criminal justice system** (criminal policy, prioritisation of criminal proceedings) **and rules for investigation** (amendments to criminal procedure).

At the same time, its development under peacetime conditions **does not address the real challenges currently facing law enforcement agencies — namely the issues of war-time and military justice**. Meanwhile, the efforts of the Verkhovna Rada of Ukraine (the Verkhovna Rada, the Parliament), the PGO, the Ministry of Foreign Affairs of Ukraine (MFA), the Ministry of Justice of Ukraine (MoJ), as well as civil society and the Ministry of Defence of Ukraine (MoD) — in the field of military justice — in 2022–2025 have somewhat balanced the situation and mitigated the problem to the extent possible. Thus, during these years, several documents were adopted that define the ways forward for the development of the wartime and military justice system³²⁰³.

It is too early to assess the state of implementation of the OAS Action Plan, as only a small portion of the measures have reached their execution deadlines. Some of them have been implemented, others not. This is partly due to objective reasons (task complexity, parliamentary delays in adopting legislative initiatives, etc.) and partly due to delays by law enforcement agencies in carrying out specific tasks.

On 1 July 2025, the conference “Comprehensive Reform of the Law Enforcement System as a Key Element of Ukraine’s European Integration” was held, during which the OAS and its Action Plan were discussed. The Deputy Prime Minister for European and Euro-Atlantic Integration — the Minister of Justice, the Ministry of Internal Affairs of Ukraine (MoIA) and the PGO, as the key implementers, discussed the state of implementation of these documents. It was also announced during the discussion that a two-tier Coordination Council, which will deal with the evaluation of the OAS Action Plan, is to be established soon³²⁰⁴. At the same time, the creation of a two-tier governance structure for the implementation of this Plan, to ensure regular supervision and monitoring, ought to have taken place back in the second quarter of 2025 in accordance with the Rule of Law Roadmap. However, no information on the establishment of such a system is currently publicly available.

An important feature of the OAS and its Action Plan is its comprehensive nature, which, among other things, provides for the phased implementation of certain measures and interlinkages between its structural components. **The OAS and its Action Plan have a multi-level structure, interconnected tasks, and foresee the adoption of further sectoral-level documents.** For example, without improving legislation in the field of criminal

3203 Strategic Plan for the Exercise of the Powers of the Prosecution Service in Criminal Prosecution for the Commission of International Crimes for 2023–2025; Strategy for Managing the Investigation of International Crimes Committed in the Context of Armed Conflict; On Amendments to the Code of Ukraine on Administrative Offences, the Criminal Code of Ukraine and Other Legislative Acts of Ukraine Regarding the Specifics of Military Service under Martial Law or in a Combat Situation: Law of Ukraine No. 2839-IX of 13.12.2022; On the Military Police: Draft Law of Ukraine, registration No. 6569-d of 31.05.2024.

3204 Oleksii Serhieiev Presented the Government’s European Integration Reform Action Plan for the Law Enforcement System. Ministry of Internal Affairs of Ukraine. 2025.i; The System of Law and Order in the Process of European Integration: ALI Joined the Conference. Agency for Legislative Initiatives. 2025.

policy, it is impossible to approve a National Crime Prevention Plan, and on its basis, regional and local crime prevention programmes are to be adopted accordingly³²⁰⁵.

The OAS Action Plan includes certain measures which, due to their scale and complexity, could not realistically be implemented within the specified deadlines. These measures remain unimplemented to date, although active work is underway in this direction. An example is the implementation of a consolidated and phased digital transformation of law enforcement agencies and the prosecution service, which envisaged the implementation of a series of measures³²⁰⁶.

Likewise, in some cases the timelines set out in the OAS Action Plan diverge from more recent public policy documents, in particular the Rule of Law Roadmap. For example, the adoption of the Law of Ukraine “On Law Enforcement Agencies” is envisaged in the former document for the second quarter of 2025, while in the latter — for the second quarter of 2026. The adoption of such a law should become the first step towards comprehensive reforms in the organisation of the activities of law enforcement bodies, and the postponement of the measure by one year undermines the overall logic of the OAS Action Plan, since the implementation of subsequent measures directly depends on the adoption of this systemically important law.

There are also measures that contain several sub-measures of varying degrees of complexity. The inclusion in one measure³²⁰⁷ of four sub-measures of different scopes (improvement of legislation, establishment of a Coordination Centre, ensuring full operation of a register, conducting regular threat assessments) complicates the objective assessment of the overall implementation status of such a measure.

Another example of the difficulty in assessing the implementation of the OAS Action Plan measures is the “over-implementation” of certain measures,³²⁰⁸ which in fact did not produce results. For instance, in implementation of one of the measures, several draft laws with differing concepts were developed, but none of them were adopted.

Recommendations

1. Continue the implementation of the measures set out in the OAS and its Action Plan.
2. The Government, with the involvement of international technical assistance (ITA), should approve a methodology for evaluating the OAS and its Action Plan, which would systematise the measures by their structure, determine the level of implementation (especially for ongoing processes), and formulate “chains” of interrelated measures.
3. Establish an Interagency Working Group (or other coordination mechanism) on Monitoring and Evaluating the Implementation of the OAS and its Action Plan, comp-

3205 Action Plan for the Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024, Measures 2.11, 2.31, 2.3.2.

3206 Ibid, Measures 5.1.1 – 5.1.5.

3207 Ibid, Measure 1.4.3.

3208 Ibid, Measure 1.5.1.

rising representatives of all state institutions involved in implementing these documents. The respective interagency working group should be empowered to carry out an annual assessment of the implementation of the OAS and its Action Plan in accordance with the methodology approved by the Government.

State of Legislation on Combating Organised Crime. Establishment of a Permanent National Coordination Body on Combating Organised Crime

State of play

As early as 1993, Ukraine adopted **Law No. 3341-XII**³²⁰⁹, which **defines organised crime as** a set of criminal offences committed in connection with the establishment and operation of organised criminal groups.

The system of bodies involved in combating organised crime includes:

- **pecially established state bodies for combating organised crime** (e.g. the Coordination Committee for Combating Corruption and Organised Crime under the President of Ukraine);
- **state bodies that participate in combating organised crime within the scope of their other core functions** (the National Police of Ukraine (NPU), SSU, the prosecution service, the revenue and customs authorities, the State Border Guard Service of Ukraine (SBGS), bodies of state financial control, penitentiary bodies and pre-trial detention facilities, the intelligence agency of the Ministry of Defence of Ukraine, the Foreign Intelligence Service of Ukraine, the National Anti-Corruption Bureau of Ukraine (NABU), and the Economic Security Bureau of Ukraine (ESBU))³²¹⁰.

Even if the SSU is transformed into a classical counterintelligence agency, it should retain this function, as the vast majority of NATO member states' special services have the function of combating organised crime³²¹¹.

In September 2020, the National Security Strategy of Ukraine³²¹² was approved. It states that the special services of foreign states, primarily the Russian Federation, continue to conduct intelligence and subversive activities against Ukraine, seek to fuel separatist sentiments, use organised criminal groups and corrupt officials, and aim to strengthen their influence infrastructure³²¹³.

3209 On the Organisational and Legal Foundations for Combating Organised Crime: Law of Ukraine No. 3341-XII of 30.06.1993.

3210 Ibid, Art. 5.

3211 "Inherent" Functions of the SSU: Myth and Reality. Liga.net. 2019.; Viedienieiev D., Semeniuk O. The Place and Functions of Criminal Intelligence in the System of National Security in Ukraine. Scientific Works of the Interregional Academy of Personnel Management. Legal Sciences. Issue 2 (70). 2024, p. 25.

3212 On the Decision of the National Security and Defence Council of Ukraine of 14 September 2020 "On the National Security Strategy of Ukraine": Presidential Decree No. 392 of 14.09.2020.

3213 Ibid, para. 19.

Also in September 2020, the **Strategy for Combating Organised Crime**³²¹⁴ was approved. It states that organising a systemic fight against organised crime should become one of the priority objectives of state policy and requires effective coordinated interagency measures and enhanced international cooperation.

Implementation of this Strategy is to be carried out in three stages³²¹⁵: assessment of threats of serious crime and organised crime (SOCTA Ukraine); identification of a limited number of strategic objectives based on the findings of such an assessment and the development of comprehensive action plans; and implementation of those plans.

In 2022, the **Action Plan for the implementation of the above-mentioned Strategy was approved**³²¹⁶. **The functions of the National Coordinator (until its establishment) were assigned to the MoIA**³²¹⁷.

In October 2024, participants of the interagency meeting on the implementation of the said Strategy agreed to develop a single comprehensive action plan for 2025, which will be implemented within its framework³²¹⁸.

During 2018–2019, the National Police of Ukraine developed³²¹⁹ the **methodology of the European Union Agency for Law Enforcement Cooperation (Europol) for the assessment of threats of organised and serious crime (SOCTA)**³²²⁰. Using this methodology, an assessment of threats of serious and organised crime — SOCTA Ukraine — was carried out for the period 2019–2022³²²¹. This assessment was used during the development of the Strategy for Combating Organised Crime for the period 2020–2025³²²².

In January 2022, an **Interagency Working Group was established to coordinate the implementation of the SOCTA Ukraine assessment system in the activities of central executive authorities**³²²³. The Regulation on its activities was approved, along with the procedure for collecting and aggregating information and conducting threat assessments of organised crime and serious crimes in accordance with the SOCTA Ukraine assessment system³²²⁴.

3214 On the Approval of the Strategy for Combating Organised Crime: Order of the Cabinet of Ministers of Ukraine No. 1126 of 16.09.2020.

3215 Ibid.

3216 On the Approval of the Action Plan for the Implementation of the Strategy for Combating Organised Crime: Order of the Cabinet of Ministers of Ukraine No. 850 of 27.09.2022.

3217 Ibid.

3218 Interagency Meeting on the Implementation of the Strategy for Combating Organised Crime Held at the MoIA. Ministry of Internal Affairs of Ukraine. 2024.

3219 Our Partners. Ministry of Internal Affairs of Ukraine.

3220 Serious and Organised Crime Threat Assessment.

3221 Threat Assessment of Serious and/or Organised Crime (Threat Assessment Report for 2019–2022 — SOCTA Ukraine). Ministry of Internal Affairs of Ukraine.

3222 Threat Assessment of Serious and Organised Crime According to European Methodology — This Is European Integration.

3223 Certain Issues of Implementing the SOCTA Ukraine Assessment System in the Activities of Central Executive Authorities: Resolution of the Cabinet of Ministers of Ukraine No. 59 of 26.01.2022.

3224 Ibid.

As part of the work of the above-mentioned Interagency Working Group, the **National Police of Ukraine prepared for the commissioning of the "SOCTA" information sub-system**, which is part of the information and communication system "Information Portal of the National Police of Ukraine"³²²⁵.

In 2021, GI-TOC published its assessment of organised crime in Ukraine for the Global Organised Crime Index³²²⁶. According to the assessment results, **Ukraine's crime score was 6.18** (34th out of 193 countries worldwide, **3rd out of 44 European countries**, 3rd out of 17 Central and Eastern European countries). These indicators provide an overview of the criminal situation in Ukraine as of February 2022, before the start of the Russian invasion. Despite the fact that the circumstances may have changed significantly due to the invasion, the existence of entrenched illicit markets in several conflict-related areas (arms and human trafficking), as well as the influence of corrupt public officials, indicates key vulnerabilities and risks that the conflict may further exacerbate³²²⁷.

In 2024, criminal proceedings were investigated in relation to **663 organised groups and criminal organisations** (of which: 532 by the NPU, 32 by the SSU, 33 by the ESBU, 63 by the State Bureau of Investigation (SBI), and 3 by NABU). Of these, **614 (93%) organised groups and criminal organisations were independently detected by law enforcement units**. For comparison, in 2021 there were 499 organised criminal groups and organisations under investigation (25% fewer)³²²⁸.

According to the statistics of the PGO for the first half of 2025, there is a trend towards an increase in the number of organised groups and criminal organisations detected in Ukraine — **509** (for the same period in 2024 — **448**³²²⁹), of which 386 were detected by the NPU, 25 by the SSU, 35 by the ESBU, 52 by the SBI, and 11 by the NABU³²³⁰.

Progress and issues

Combating organised crime, especially under conditions of full-scale war, requires fundamental changes in institutional, organisational and legal measures to effectively address this anti-social phenomenon.

In particular, the lack of a systematic approach to combating organised crime, the inadequate level of cooperation among law enforcement agencies in this area, outdated and inconsistent legal and regulatory frameworks concerning organised crime, deficiencies in the procedure for monitoring the criminal situation, the absence of a consolidated and objec-

3225 Threat Assessment of Serious and/or Organised Crime (Threat Assessment Report for 2019–2022 — SOCTA Ukraine). Ministry of Internal Affairs of Ukraine.

3226 New Front Lines. Organized criminal economies in Ukraine in 2022. Research Report. 2023. Global Initiative Against Transnational Organized Crime (GI-TOC); GI-TOC is an international non-governmental organisation focused on research, analysis, and response to transnational organised crime.

3227 Ibid.

3228 Report on the Results of Combating Organised Groups and Criminal Organisations, January–December 2024. Prosecutor General's Office.

3229 Report on the Results of Combating Organised Groups and Criminal Organisations for January–June 2024. Prosecutor General's Office.

3230 Report on the Results of Combating Organised Groups and Criminal Organisations for January–June 2025. Prosecutor General's Office.

tive methodology for assessing organised crime threats, and the use of outdated forms and methods of combating this phenomenon contribute to the worsening of problems related to organised crime and the low effectiveness of efforts to counter it³²³¹.

A positive step has been the adoption of the Strategy for Combating Organised Crime and its corresponding Action Plan. However, the current Law No. 3341-XII, which regulates the organisational and legal foundations for combating organised crime, no longer meets current requirements. In particular, it requires:

- › clarification of the functions of combating organised crime for the specifically designated unit within the structure of the NPU and the operational units of the SSU;
- › delineation of their functions from those of other bodies defined in the Strategy as part of the subsystem for combating organised crime;
- › improvement of the procedures for interaction and coordination among state bodies involved in combating organised crime.

A critical issue is the **definition of the status of the National Coordinator**, who would provide organisational support for the implementation of state policy in the field of combating organised crime and be responsible for the effective functioning of coordination, cooperation, monitoring, and reporting mechanisms in this area.

The procedure for monitoring the criminal situation is currently being improved, primarily through the further development and application of the SOCTA methodology. Ultimately, a broader range of issues requires regulatory support, including the transformation of the institution of operational and search activities into a criminal intelligence framework, as well as the application of intelligence-led policing instruments (i.e. policing based on analytical intelligence).

National Coordinator on Combating Organised Crime

The establishment of a permanent National Coordinator on Combating Organised Crime is part of the recommendations of the European Commission set out in the 2023 Enlargement Package Ukraine Progress Report³²³².

The National Coordinator has not yet been established, and these functions are currently temporarily assigned to the Ministry of Internal Affairs. In effect, the Government attempted to establish a body which, by certain features, corresponds to a central executive authority in terms of powers. However, this step was taken without formalising the creation of the Interagency Commission — a coordination body (National Coordinator) — in the relevant law that defines the main directions of national policy and the organisational and legal foundations for combating organised crime³²³³. For this reason, it remains temporary, since a body with such powers must be explicitly provided for by the relevant law.

3231 On the Approval of the Strategy for Combating Organised Crime: Order of the Cabinet of Ministers of Ukraine No. 1126 of 16.09.2020.

3232 Ukraine Report 2023. European Commission, p. 56. 2023.

3233 Organisational and Legal Foundations for Combating Organised Crime in Ukraine: Problems of Legislative Regulation. Information and Law, No. 2(49)/2024, p. 154.

In August 2024, the MoIA developed and submitted to the Government for consideration **Draft Law No. 11532**³²³⁴ on the establishment of an Interagency Coordination Commission in the field of combating organised crime (National Coordinator)³²³⁵. On 17 July 2025, the draft law was withdrawn due to the change of Government. At the same time, the Rule of Law Roadmap provides that such a law must be adopted by the first quarter of 2026.

SOCTA

Organised crime is a significant problem for all countries. It is not only an issue of national law enforcement that undermines state security but also has the potential to affect other important areas of human security — whether social, political, economic, or environmental³²³⁶. A noteworthy example is the long-term policy cycle for responding to serious and organised crime, developed by the EU in 2010 with the aim of systematically and methodically eliminating the most significant criminal threats through effective cooperation among the relevant services of Member States, EU institutions, and agencies. This approach was endorsed by the Council of the EU in December 2010³²³⁷.

In accordance with its requirements, SOCTA is a strategic report that assesses and places particular emphasis on combating serious and organised crime in the EU. The SOCTA report contains an analysis and assessment of vulnerable sectors and specific regions of Member States targeted by criminal groups. In addition, SOCTA provides a detailed analysis of areas of criminal activity, individual organised criminal groups — including their methods of operation and the infrastructure used. The overall impact of serious and organised crime on society is also analysed and reflected in the SOCTA report. All of this is carried out on the basis of a clearly defined and transparent methodology. The SOCTA methodology focuses on identifying key threats and risks in the systematic fight against serious and organised crime in the EU³²³⁸.

Since 2016, various initiatives have emerged in Ukraine to introduce the Europol SOCTA methodology into the law enforcement system. The key initiative was led by the European Union Advisory Mission (EUAM) Ukraine, under whose platform an interagency working group was established to study and implement SOCTA in Ukraine. Members of the working group participated in study visits to Europol and in seminars held by Europol representatives in Ukraine. The process of adapting Ukraine's regulatory framework to the Europol SOCTA methodology, taking into account the specificities of national law enforcement agencies, was launched³²³⁹.

3234 On Amendments to the Law of Ukraine "On the Organisational and Legal Foundations for Combating Organised Crime" Regarding the Establishment of an Interagency Coordination Commission in the Field of Combating Organised Crime (National Coordinator): Draft Law of Ukraine, registration No. 11532 of 28.08.2024.

3235 Interagency Meeting on the Implementation of the Strategy for Combating Organised Crime Held at the MoIA. Ministry of Internal Affairs of Ukraine. 2024.

3236 The evolving challenge of transnational organized crime, Trends in Crime and Justice. The SOCTA Handbook. 2005 (UNODC/UNICRI), pp. 5, 25–54.

3237 Svyrydiuk N.P. "SOCTA" in the System of Combating Organised Crime in Ukraine. Topical Issues and Prospects for the Development of Criminal Analysis in the Law Enforcement System of Ukraine. 2022, p. 151.

3238 Ibid.

3239 Ibid.

In July 2024, the Interagency Working Group on Coordinating the Implementation of the SOCTA Ukraine Assessment System in the Activities of Central Executive Authorities approved an updated Methodology for Assessing Threats of Organised Crime and Serious Crime in accordance with the SOCTA Ukraine assessment system³²⁴⁰.

In 2024, the **MolA** submitted **a report on the results of the assessment of threats of serious organised crime to the Cabinet of Ministers of Ukraine and the National Security and Defence Council of Ukraine (NSDC)**³²⁴¹.

The results of this assessment are expected to form the basis for the **Strategy for Combating Organised Crime for the period 2026–2030** and the corresponding action plan for its implementation, taking into account the EMPACT methodology³²⁴².

On 4 June 2025, the inaugural meeting of the interagency working group on the development and approval of the Strategy for Combating Organised Crime for the period 2026–2030 was held, with the participation of representatives of more than 20 state authorities³²⁴³. According to the MolA³²⁴⁴, the approval of this Strategy is **expected in December 2025**. At the same time, the Rule of Law Roadmap envisages the adoption of these documents in the second quarter of 2026.

In addition, the results of implementing the SOCTA Ukraine model are expected to be taken into account in the future when drafting the concept of criminal policy for the medium term. This concept will define long-term measures to combat crime and the need for strategic planning in specific areas of crime prevention, in particular organised crime³²⁴⁵.

The Rule of Law Roadmap also provides, in the third quarter of 2025, for strengthening the institutional capacity of law enforcement agencies to continue the implementation of the national SOCTA assessment, in particular with regard to their intelligence-led activities (intelligence analysis), information management and analysis, access to IT systems while simultaneously enhancing the level of cybersecurity and data security, as well as interagency information exchange.

Criminal Intelligence

The institution of covert operational and search activities (OSA) was formed in the mid-20th century under the Soviet criminal justice system as a set of covert actions regulated by

3240 Association Agreement. Ministry of Internal Affairs of Ukraine.

3241 Interagency Meeting on the Implementation of the Strategy for Combating Organised Crime Held at the MolA. Ministry of Internal Affairs of Ukraine. 2024.

3242 European Multidisciplinary Platform Against Criminal Threats (EMPACT). This is a European platform addressing criminal threats through a multidisciplinary approach to EU internal security. It includes measures ranging from external border control and cooperation among police, customs and judiciary, to information management, innovation, training, prevention, and the external dimension of internal security, including, where appropriate, public-private partnerships.

3243 MolA Held the Inaugural Meeting of the Interagency Working Group on the Development and Approval of the Strategy for Combating Organised Crime for the Period 2026–2030. Ministry of Internal Affairs of Ukraine. 2025.

3244 Information provided by representatives of the Ministry of Internal Affairs of Ukraine during an interview conducted on 02.04.2025.

3245 Action Plan for the Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024, measure 2.1.4.

departmental instructions bearing classification marks. Intrusions into individuals' private lives during such covert surveillance were considered the norm, while genuine safeguards for the protection of human rights were not characteristic of Soviet legislation. Today, it encompasses not only operational and search measures aimed at gathering evidence within the framework of criminal proceedings, but also provisions on intelligence and counterintelligence activities, vetting for access to state secrets, etc³²⁴⁶.

While the 1960 Criminal Procedure Code of Ukraine remained in force — a code that did not provide for procedures for conducting covert actions by law enforcement agencies — the Law on OSA logically complemented the criminal procedure legislation with relevant provisions. In 2012, **with the adoption of the current Criminal Procedure Code of Ukraine (CPC of Ukraine)**, the institution of covert investigative/search actions (CISA) in criminal proceedings, provided for in Chapter 21 of the CPC of Ukraine, replaced the OSA in the area of documenting criminal activity. Covert actions are now carried out in accordance with the provisions of the CPC of Ukraine³²⁴⁷.

A **gradual transformation of the OSA institution** is needed — away from its criminal procedural component (which essentially occurred in 2012), intelligence and counterintelligence activities — and towards the expansion of tools for countering security threats. The current discussion concerns two components that should replace the OSA institution: criminal intelligence; and intelligence-led policing — a form of policing based on analytical intelligence.

The OAS Action Plan provides for the development and submission to Parliament, in the fourth quarter of 2025, of a draft law on criminal intelligence as a system of overt and covert search and surveillance measures and tools based on analytics, aimed at the timely prevention, detection and neutralisation of real and potential threats to Ukraine's national interests. It also envisages the phased transformation of OSA into criminal intelligence, taking into account the objective of the gradual approximation of Ukrainian legislation to EU acquis, and the establishment of clear criteria for distinguishing criminal intelligence from criminal procedural, intelligence, and counterintelligence activities³²⁴⁸.

A similar measure is also envisaged by the Rule of Law Roadmap, with the deadline set for the fourth quarter of 2026.

Other issues

Council Framework Decision 2008/841/JHA³²⁴⁹ on the fight against organised crime provides for the criminalisation of offences related to participation in criminal organisations. Its aim is to harmonise the laws of EU Member States concerning the criminalisation of such offences and to define penalties for them.

Legal persons must be held liable for any offences referred to in Article 2 of the Council Framework Decision. In Ukraine, criminal liability of legal persons was introduced as early

3246 Why Ukraine Does Not Need a New Law on Operational and Search Activities. Dzerkalo Tyzhnia. 2017.

3247 Ibid.

3248 Action Plan for the Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024, measure 1.7.1.

3249 Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime.

as 2014³²⁵⁰; however, its scope is significantly narrower than in EU countries, and enforcement practice shows that this institution is rarely applied due to flawed regulatory provisions.

In December 2024, **Law No. 4111-IX**³²⁵¹ entered into force in Ukraine, aimed at improving mechanisms for holding legal persons criminally liable for corruption offences involving foreign public officials. The amendments are intended to align Ukrainian legislation with the standards of the Organisation for Economic Co-operation and Development (OECD) and represent only part of Ukraine's efforts towards membership in this organisation³²⁵². At the same time, the legislative amendments concern only corruption-related offences defined under specific articles of the Criminal Code of Ukraine (CC of Ukraine)³²⁵³. These changes do not extend to other types of crimes committed in connection with legal persons.

Council Framework Decision 2008/841/JHA **also concerns the criminalisation of smuggling**. Ukraine has long been a major hub for cigarette smuggling and, until recently, remained one of the largest sources of illicit tobacco products entering the EU³²⁵⁴.

The European experience of introducing criminal liability for smuggling shows that in a number of developed countries with stable and robust economies, the emphasis is placed on applying economic incentives to counter smuggling, taking into account the high level of legal compliance among businesses and citizens. At the same time, criminal liability for smuggling, including excisable goods, remains among the enforcement tools. In some EU Member States, quite strict criminal liability is established for smuggling³²⁵⁵.

As of January 2024, **amendments to the CC of Ukraine**³²⁵⁶ **entered into force, establishing criminal liability for the smuggling of goods**³²⁵⁷ **and excisable goods**³²⁵⁸, as well as for false declarations of goods that resulted or could have resulted in an unlawful reduction or exemption from customs payments.

Recommendations

1. Develop and adopt the Law of Ukraine "On Criminal Intelligence", which will transform the institution of operational and search activities by distinguishing it from criminal procedural, intelligence, and counterintelligence activities.

3250 Criminal Code of Ukraine No. 2341-III of 05.04.2001, Section XIV¹.

3251 On Amendments to the Criminal Code of Ukraine, the Criminal Procedure Code of Ukraine and Other Legislative Acts of Ukraine Regarding the Improvement of Mechanisms for Holding Legal Entities Liable for Bribery of Foreign Public Officials: Law of Ukraine No. 4111-IX of 04.12.2024.

3252 Exploring New Horizons: Corporate Criminal Liability for Bribery of Foreign Officials and Its Impact on Global Business. Sayenko Kharenko. 2025.

3253 Ibid.

3254 Masaskiavicius D., Palazzo P., Perduca A., Bill T. Functional Review of Organised Crime Combat in Ukraine. Mission timeframe: online from 3 to 14 April 2023 and on-site visit from 17 to 21 April 2023, p. 10.

3255 On Amendments to the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine Regarding the Criminalisation of Smuggling of Goods and Excise Goods, as well as False Declaration of Goods: Draft Law of Ukraine, registration No. 5420 of 23.04.2021, explanatory note.

3256 On Amendments to the Criminal Code and the Criminal Procedure Code of Ukraine Regarding the Criminalisation of Smuggling of Goods: Law of Ukraine No. 3513-IX of 09.12.2023.

3257 Criminal Code of Ukraine No. 2341-III of 05.04.2001, Article 201³.

3258 Ibid, Art. 201⁴.

2. Improve the Law of Ukraine “On the Organisational and Legal Foundations for Combating Organised Crime”, in particular by introducing amendments concerning:
 - › clarification of the functions of combating organised crime for the specifically designated unit within the structure of the NPU and the operational units of the SSU;
 - › delineation of their functions from those of other bodies defined in the Strategy as part of the subsystem for combating organised crime;
 - › improvement of the procedures for interaction and coordination among state bodies involved in combating organised crime.
3. Conduct an assessment of the threats of serious criminal offences and organised crime under the SOCTA Ukraine system for the period 2021–2024 and, based on its findings, adopt a new Strategy for Combating Organised Crime for the period 2026–2030 (and an action plan for its implementation, taking into account the EMPACT methodology). Strengthen the institutional capacity of law enforcement agencies for the implementation of the national SOCTA assessment.
4. Submit to Parliament a draft law (similar in content to Draft Law No. 11532), which would establish the National Coordinator for Combating Organised Crime and define its powers at the level of the Law of Ukraine “On the Organisational and Legal Foundations for Combating Organised Crime”.
5. Expand the institution of criminal liability of legal persons, preceded by an analysis of the effectiveness of this institution during 2014–2023, and improve it with regard to corruption-related criminal offences in 2024 (the analysis should be conducted through the lens of Council Framework Decision 2008/841/JHA).

Relaunch of the Economic Security Bureau of Ukraine, including Selection of its Head and Re-attestation of Staff

State of play

The **ESBU** is a central executive authority tasked with combating offences that undermine the functioning of the state’s economy.

In accordance with its assigned tasks, the **ESBU performs law enforcement, analytical, economic, informational and other functions**³²⁵⁹. The main tasks³²⁶⁰ of the ESBU include, in particular:

- › ensuring the state’s economic security by preventing, detecting, stopping, and investigating criminal offences that affect the functioning of the economy;
- › collecting and analysing information on offences affecting economic security and identifying ways to prevent them in the future;
- › detecting and investigating offences related to the receipt and use of ITA.

3259 On the Economic Security Bureau of Ukraine: Law of Ukraine No. 1150-IX of 28.01.2021, Article 1.

3260 Ibid, Art. 4.

The Government established the ESBU in May 2021 as a central executive authority whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine³²⁶¹. Later, following the selection of the Director and a minimum number of detectives required to investigate criminal proceedings, the **ESBU officially announced the start of its operations in November 2021**³²⁶².

Compared to other pre-trial investigation bodies, in addition to detectives specialising in the investigation of criminal offences in the economic sphere, the ESBU also provides for the position of an analyst³²⁶³. The main task of such an analyst is to conduct criminal analysis in order to fulfil the functions assigned to the Bureau. To do so, the analyst must possess specialised knowledge and skills in the fields of economics and criminal analysis. In effect, the analyst is an operational officer, but the scope of their functions is significantly broader.

The ESBU is entrusted with the investigation of economic criminal offences (against property, in the field of economic activity, and in the field of official activity under certain conditions)³²⁶⁴, in particular: tax evasion, including failure to pay taxes, duties (mandatory payments)³²⁶⁵; illegal manufacture, storage, sale or transportation for the purpose of sale of excisable goods³²⁶⁶; forgery of documents submitted for state registration of legal entities and individual entrepreneurs³²⁶⁷; embezzlement, misappropriation of property or taking possession of it through abuse of office³²⁶⁸.

In 2024, ESBU detectives handled 7,441 criminal offences (of which 4,406 were registered during 2024). A total of 905 individuals were served with notices of suspicion, and prosecutors submitted 681 indictments to the court based on ESBU investigations. The caseload per detective amounted to 12.2 reports and notifications of criminal offences³²⁶⁹.

As of 1 January 2025, the actual staffing level of the ESBU was 1,224 employees (533 in the central office and 691 in ESBU's regional offices)³²⁷⁰. At the same time, the maximum number of staff for the central office and regional units of the ESBU is capped at 4,000 persons³²⁷¹. Thus, the **ESBU's staffing level as of 1 January 2025 was 30.6% (compared to 26.5% as of 1 January 2024)**³²⁷².

3261 On the Establishment of the Economic Security Bureau of Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 510 of 12.05.2021.

3262 The Cabinet of Ministers of Ukraine Launched the Official Start of the ESBU's Operations. Economic Security Bureau of Ukraine. 2021.

3263 On the Economic Security Bureau of Ukraine: Law of Ukraine No. 1150-IX of 28.01.2021, Article 21.

3264 Criminal Procedure Code of Ukraine No. 4651-VI of 13.04.2012, Part 3, Article 216.

3265 Criminal Code of Ukraine No. 2341-III of 05.04.2001, Article 212.

3266 Ibid, Art. 204.

3267 Ibid, Art. 205¹.

3268 Ibid, Art. 191.

3269 ESBU Annual Report for 2024, pp. 26–27.

3270 Ibid, p. 65.

3271 On the Economic Security Bureau of Ukraine: Law of Ukraine No. 1150-IX of 28.01.2021, Part 2, Article 14.

3272 Annual Report of the Economic Security Bureau of Ukraine for 2024, p. 65.

In fulfilment of its obligation to report annually on its activities³²⁷³, the ESBU published the relevant reports for 2022³²⁷⁴, 2023³²⁷⁵, 2024³²⁷⁶.

In 2024, the ESBU Institutional Development Strategy through 2027³²⁷⁷ was approved.

Progress and issues

The ESBU is a new pre-trial investigation body that began operating in 2021 following many years of attempts to reform the tax police and relevant units of the NPU and other pre-trial investigation bodies, which at various times investigated financial and economic crimes.

Proposals included the creation of a Financial Police (2016)³²⁷⁸, the Financial Investigation Service (2017)³²⁷⁹ and the National Financial Security Bureau (2018)³²⁸⁰. The key idea was the establishment of a separate pre-trial investigation body, including not only detectives but also analysts, and a shift to an “analytical” model of investigation instead of a “force-based” approach. That is, the focus was to be placed not on applying procedural enforcement measures (such as searches and seizure of property with subsequent arrest), but on prior information gathering, using risk-oriented approaches for the business environment, and relying as much as possible on digital data. In this model, conducting a search at a business or summoning its management for questioning was to become a measure of last resort (*ultima ratio*).

However, following the start of its operations, the ESBU faced negative assessments from Members of Parliament, the expert community, and civil society³²⁸¹. Despite intentions to reform the tax police, enhance the effectiveness of combating financial and economic criminal offences, and shift from “force-based” to “analytical” methods of investigation, the outcomes of such reform failed to meet expectations.

As a result, in 2022, a **Temporary Investigative Commission of the Verkhovna Rada** was established, with its main task being the investigation of possible violations of Ukrainian legislation; abuses and/or improper performance of duties, including by ESBU officials³²⁸².

3273 On the Economic Security Bureau of Ukraine: Law of Ukraine No. 1150-IX of 28.01.2021, Article 35.

3274 Annual Report of the Economic Security Bureau of Ukraine for 2022.

3275 Annual Report of the Economic Security Bureau of Ukraine for 2023.

3276 Annual Report of the Economic Security Bureau of Ukraine for 2024.

3277 On the Approval of the Institutional Development Strategy of the Economic Security Bureau of Ukraine until 2027: Order of the Economic Security Bureau of Ukraine No. 1 of 01.01.2024.

3278 On the Financial Police: Draft Law of Ukraine, registration No. 4228 of 15.03.2016.

3279 Government Approved Draft Law on the Establishment of the Financial Investigation Service. Cabinet of Ministers of Ukraine. 2017.

3280 On the National Financial Security Bureau of Ukraine: Draft Law of Ukraine, registration No. 8157 of 19.03.2018.

3281 Verkhovna Rada Adopted the Law on Improving the Work of the Economic Security Bureau. Centre of Policy and Legal Reform. 2024.

3282 On the Establishment of the Temporary Investigative Commission of the Verkhovna Rada of Ukraine to Investigate Possible Violations of Ukrainian Legislation by Officials of the Economic Security Bureau of Ukraine, State Authorities and Other Public Bodies Exercising Powers in the Field of Economic Security that May Have Led to Reduced Revenue to the State and Local Budgets: Resolution of the Verkhovna Rada of Ukraine No. 2838-IX of 13.12.2022.

In February 2023, the **Verkhovna Rada Committee on Finance, Tax and Customs Policy found the work of the ESBU leadership unsatisfactory**³²⁸³ and recommended that the Government “relaunch” the leadership of the ESBU, clarify the procedure for conducting competitions for positions within the Bureau, and conduct attestation of its staff. At the end of 2023, the report of the Verkhovna Rada Temporary Investigative Commission was also published, containing critical remarks regarding the Bureau’s performance and emphasising the need for its reform³²⁸⁴.

It has been repeatedly stated that reform of the ESBU is necessary for the implementation of fiscal structural reforms provided for in the Memorandum of Economic and Financial Policies³²⁸⁵, aimed at improving the legal framework for the ESBU’s operations. According to the updated Extended Fund Facility (EFF) programme totalling \$17.5 billion, the relevant legislative initiative — the so-called “relaunch of the ESBU” — was to be adopted by the end of June 2024³²⁸⁶. In addition, the Ukraine Facility Plan³²⁸⁷ provided for the adoption of the Law “on the relaunch of the ESBU” in the second quarter of 2024.

The 2023 European Commission Report on Ukraine³²⁸⁸ stated that Ukraine must introduce legislation that would enable a competitive, transparent selection process for a new Head and other staff of the ESBU, including robust integrity screening.

The issue of ESBU reform also came to the forefront in the context of protecting entrepreneurs from unlawful pressure by law enforcement agencies. The matter became so acute that a decision of the NSDC on safeguarding economic security³²⁸⁹ was enacted, instructing the Government to urgently submit draft laws to Parliament to amend the Law of Ukraine “On the Economic Security Bureau of Ukraine” in order to strengthen the mechanisms for the ESBU’s functioning.

Ultimately, **in June 2024, Law No. 3840-IX³²⁹⁰ entered into force, starting the “relaunch” of the ESBU. This includes, in particular, a new procedure for selecting the ESBU Director³²⁹¹ and attesting staff, with the involvement of international experts.** Under this Law, the new ESBU Director is selected by a competition commission comprising three persons from the Government and three representatives nominated by the Government

3283 Decision of the Verkhovna Rada Committee on Finance, Tax and Customs Policy on the Results of the Hearing of the ESBU Leadership on the Fulfilment of Its Mandate in Combating Offences Affecting the Functioning of the Economy, of 20.02.2023, Minutes No. 129.

3284 Report of the Temporary Investigative Commission of the Verkhovna Rada of Ukraine to Investigate Possible Violations of Ukrainian Legislation by Officials of the Economic Security Bureau of Ukraine, State Authorities and Other Public Bodies Exercising Powers in the Field of Economic Security that May Have Led to Reduced Revenue to the State and Local Budgets, of 12.12.2023 No. 212d9/1-2023/273375.

3285 Letter of Intent and Memorandum of Economic and Financial Policies of 24.03.2023. Ministry of Finance of Ukraine; Letter of Intent and Memorandum of Economic and Financial Policies of 19.06.2023. Ministry of Finance of Ukraine.

3286 Weekly Analysis for 21–27 February 2024. Centre of Policy and Legal Reform. 2024.

3287 On the Approval of the Ukraine Facility Plan: Order of the Cabinet of Ministers of Ukraine No. 244 of 18.03.2024, pp. 184–185, 204.

3288 Ukraine Report 2023. European Commission. 08.11.2023, p. 56.

3289 On the Decision of the National Security and Defence Council of Ukraine of 23 January 2024 “On Urgent Measures to Ensure Economic Security During Martial Law”: Presidential Decree No. 21 of 23.01.2024.

3290 On Amendments to Certain Legislative Acts of Ukraine to Improve the Work of the Economic Security Bureau of Ukraine: Law of Ukraine No. 3840-IX of 20.06.2024.

3291 As of 18 April 2024, the functions are performed by an acting official.

from ITA projects. In addition, the Law stipulates that the ESBU Director must meet integrity and professional competence requirements³²⁹². However, Law No. 3840-IX **does not specify the timeframe within which the competition must be conducted**.

Following the appointment of a new ESBU Director, in order to confirm the proper level of integrity and professional competence, ESBU staff are subject to a one-time attestation. The attestation period may not exceed 18 months from the date of appointment of the ESBU Director³²⁹³. Overall, setting a limited timeframe for attestation is a positive step, since, for example, the attestation of the prosecution service is still ongoing, although it began back in 2019, and due to certain legislative constraints there are no prospects for its completion under the current version of Law No. 113-IX³²⁹⁴.

Attestation begins after the appointment of the new Director of the ESBU and the issuance of the corresponding order to commence attestation. Within 14 days from the date of issuance of this order, ESBU staff subject to attestation must submit a written application either consenting to undergo attestation or refusing to do so.

Attestation is conducted by attestation commissions established by decision of the ESBU. The procedure for organising and conducting attestation, the criteria and methodology for assessing the integrity and professional competence of staff during attestation, which are not regulated by Law No. 3840-IX, are determined by the Director of the ESBU following consultations with members of the attestation commissions.

Each commission consists of 12 persons: six appointed by the Director of the ESBU, and six nominated by international organisations operating in this field (representatives of business associations, academics, lawyers, etc. may be delegated). At the same time, qualification requirements are established: higher education, impeccable business reputation, high professional and moral qualities, possession of the necessary knowledge and skills to perform the duties of a commission member, and compliance with the integrity criterion.

Attestation consists of three stages: (1) a test on knowledge of legislation; (2) a general abilities test; (3) an interview with the commission, including an assessment of the candidate's integrity.

In general, attestation follows the procedure already applied to police officers and prosecutors and partly takes into account mistakes in legislative regulation made earlier. However, the key threat³²⁹⁵ — the vagueness of evaluation criteria, insufficient reasoning of commission decisions, and absence of commission members during court appeals by dismissed employees — may lead to the formation of judicial practice in favour of dismissed ESBU staff and the payment of significant compensations from the state budget. Furthermore, the appointment of a new ESBU Director allows for the establishment of appropriate

3292 On Amendments to Certain Legislative Acts of Ukraine to Improve the Work of the Economic Security Bureau of Ukraine: Law of Ukraine No. 3840-IX of 20.06.2024.

3293 Ibid, Section II "Final and Transitional Provisions".

3294 For details, see the section "Prosecution Reform".

3295 See, for example: Police Attestation: Results and Conclusions. In: Human Rights in the Activities of the Ukrainian Police – 2016: A Scientific and Practical Publication / Compiled and edited by Krapyvin Y. O. – Kyiv: Sofia-A, 2017. – pp. 25–52.; Attestation of Prosecutors: Turn a Blind Eye to Some or Fail Others? UPLAN. 30.07.2020. UPLAN, 30.07.2020.

staffing and disciplinary commissions and is generally aimed at a comprehensive renewal of personnel within the Bureau, which includes not only attestation but also internal control mechanisms.

In October 2024, the Government approved, by **its ordinance**³²⁹⁶ **the composition of the commission for the competitive selection to the position of Director of the ESBU.**

On 9 March 2025, the Commission reviewed the documents of 43 candidates who had applied to participate in the competition and shortlisted **30 applicants**³²⁹⁷ whose documentation met the requirements. On 16 April of the same year, **three stages of the competition** took place (practical tasks assessing professional skills and abilities; organisational and leadership qualities; and personal testing). All **16 candidates** admitted to these stages participated³²⁹⁸.

On 13 May 2025, the final stage of the competition — interviews with candidates — was announced. Only on 11 June was the schedule of these interviews set, on the basis of which a ranking list was formed. Finally, at its meeting of 23–24 June, the Commission adopted the final decision, and on 30 June submitted to the Prime Minister of Ukraine its proposal concerning the winner of the competition — Head of the NABU Detectives Unit, O. Tsyvinskyi³²⁹⁹.

On 7 July 2025, the Government refused to appoint O. Tsyvinskyi as Director of the ESBU, referring to the “existence of a letter from the SSU regarding security risks”, and requested that the Commission submit a proposal for another candidate. However, on 14 July, the Commission stated that its mandate had been exhausted with the completion of all stages of the competition, and that it could not propose another candidate for appointment. The Chair of the Commission, Laura Ștefan, also stressed that the Commission had reviewed the information provided by the SSU before adopting its decision to approve the winning candidate. In the relevant letter, the SSU did not formulate any final conclusions as to the existence of risks, but merely indicated that work was ongoing to carry out measures aimed at establishing risks for the functioning of the ESBU.

At the same time, information on the possible citizenship of the Russian Federation held by his father has been publicly available since at least 2023. O. Tsyvinskyi has more than 20 years of experience in law enforcement, as well as a clearance for state secrets, which has not been revoked. Moreover, all 16 finalists of the competition, including the winner, underwent a special vetting procedure in May 2025 pursuant to the Law of Ukraine “On Prevention of Corruption”. No reservations were identified as a result, and the outcomes of that vetting remain valid. In view of the above, the Chair of the Commission, Laura Ștefan, concluded that the only action available to the Commission in this situation was to return the materials to the Cabinet of Ministers of Ukraine³³⁰⁰.

3296 On the Approval of the Composition of the Commission for the Competitive Selection to the Position of Director of the Economic Security Bureau: Order of the Cabinet of Ministers of Ukraine No. 941 of 04.10.2024.

3297 30 Candidates to Continue in the Competition for the Position of ESBU Director: List. Dzerkalo Tyzhnia. 2025.

3298 Publication by the Commission for the Selection of the ESBU Director on the Social Network Facebook. 2025.

3299 All documents on the course of the competition are published on the Government Portal in the section “Competition for the Position of Director of the Economic Security Bureau of Ukraine”.

3300 Minutes of the meeting of the Commission for the Competition for the Position of Director of the Economic Security Bureau of Ukraine No. 14 of 14.07.2025.

According to the winner of the competition, O. Tsyvinskyi³³⁰¹, the SSU letter on which the Government based its position was dated 30 June — already after the competition had been completed and the documents had been transmitted to the Government. This document was destroyed upon its return from the Cabinet of Ministers of Ukraine, and no other copy exists. At the same time, no official security warnings from the SSU were received.

The Law of Ukraine “On the Economic Security Bureau³³⁰²” provides for the procedure of holding a repeat competition if the Government does not approve the candidate selected by the Commission. However, there must be a clear ground for this — in particular, security risks such as failure to pass the special vetting procedure. No such grounds existed, and the Government referred solely to the “SSU letter” without presenting any other arguments in support of its decision.

Finally, on **30 July 2025, the Cabinet of Ministers of Ukraine again rejected the candidacy of O. Tsyvinskyi on the same grounds**³³⁰³.

The appointment of a new Director of the ESBU following the results of the competition constitutes a structural benchmark in the fiscal sphere under the IMF Extended Fund Facility (EFF) programme. It was originally scheduled for February 2025, later postponed to July 2025. However, the Government has still not appointed the competition winner, O. Tsyvinskyi, as Director of the ESBU, and the commitment therefore remains unfulfilled.

The appointment of a new ESBU Director and the attestation of its staff should be only the first step in the reform of this institution. **Law No. 3840-IX (Draft Law No. 10439) addresses the effectiveness of the ESBU only partially**, as staffing reform is only one element among several other factors that influence the effectiveness of this body. Even with the appointment of the best possible ESBU Director and successful attestation of all staff without subsequent reinstatement through the courts, this alone is not sufficient to bring about a qualitative shift in the approach to investigating criminal offences in the economic sphere.

It should be noted that after the adoption of Draft Law No. 10439³³⁰⁴ in the first reading, a number of business associations issued a joint statement³³⁰⁵ criticising the adopted version of the draft law, noting that the Government's version lacked:

- 1) a clear procedure for the re-attestation of all personnel, including key safeguards — in particular, to prevent the reinstatement through courts of employees who failed the re-attestation;
- 2) inclusion of international experts in the personnel commission for the re-attestation of all current ESBU staff and the commission for selecting new ESBU staff;

3301 Tsyvinskyi: The SSU Found No Grounds for Blocking My Appointment to the ESBU. *Ekonomichna Pravda*. 2025.

3302 On the Economic Security Bureau of Ukraine: Law of Ukraine No. 1150-IX of 28.01.2021, para. 9 Part 9, Article 15, para. 8 Part 3, Article 16.

3303 The Government has again failed to appoint a Head of the Economic Security Bureau. This is the last day before the IMF deadline. *Hromadske*. 2025.

3304 On Amendments to the Law of Ukraine “On the Economic Security Bureau of Ukraine” regarding the improvement of the Bureau's work: Draft Law of Ukraine, registration No. 10439 of 21.09.2024.

3305 Joint Statement by Ukrainian Business on the Relaunch of the ESBU. Ukrainian Business Council. 2024.

- 3) strengthening of the ESBU's analytical function by granting it free access to existing state information systems;
- 4) establishment of performance criteria for the reformed ESBU and mechanisms for their ongoing monitoring;
- 5) granting the personnel commission the right, during staff re-attestation, to rely on reasonable doubt based on facts, documents, etc., when verifying a candidate's integrity.

The OAS Action Plan also specifies that, in addition to implementing the provisions of Law No. 3840-IX, it is necessary to enhance the analytical capacity of the ESBU and define it as a central executive authority with special status to ensure the effective implementation of guarantees of its independence. The relevant draft law is to be developed by the fourth quarter of 2025³³⁰⁶.

A similar measure is included in the Rule of Law Roadmap, but its implementation deadline is set for the fourth quarter of 2026³³⁰⁷. The Roadmap also envisages the opening of 15 regional offices of the ESBU (fourth quarter of 2027) and the introduction of a unified ESBU information system to strengthen the analytical work of this law-enforcement agency (fourth quarter of 2027). In addition, this strategic document provides for the consolidation of law-enforcement powers to investigate criminal offences in the economic sphere within a single law-enforcement agency — the ESBU (with the exception of offences under the jurisdiction of the NABU) (fourth quarter of 2027).

Recommendations

1. Appoint the winner of the competition as Director of the ESBU in accordance with the procedure established by law.
2. Eliminate overlaps between the economic and financial elements of criminal offences under the investigative jurisdiction of the ESBU, the NPU, and NABU.
3. Strengthen prosecutorial oversight of the ESBU's activities within the prosecution service, primarily through the establishment of a Specialised Economic Prosecutor's Office, modelled after the Specialised Anti-Corruption Prosecutor's Office (SAPO), the Specialised Environmental Prosecutor's Office, and the Specialised Defence Prosecutor's Office.
4. Support the development of analytical approaches in the ESBU's activities, in particular by introducing profiles of detective-analysts, employing criminal analysis tools, and integrating with databases (data banks) of European and other foreign countries.
5. Promote the development of alternative measures for resolving criminal law conflicts (e.g. international experience with transactions), to be applied at the pre-trial stage of criminal proceedings in the investigation of certain categories of offences, primarily those of a financial nature.

³³⁰⁶ Action Plan for the Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024, measure 1.1.5.

³³⁰⁷ Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the Accession Process to the EU": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

6. Introduce an external and internal evaluation system for the ESBU and its staff, including unified key performance indicators aligned with those of other law enforcement agencies, taking into account the Bureau's specialisation.
7. Establish unified principles of ethical conduct and integrity criteria in line with other law enforcement agencies and ensure the development of the ESBU's internal control units.

Financial Investigations (Improving Legislation, Enhancing Human Resources, etc.)

State of play

The field of financial investigations³³⁰⁸ covers the detection and prevention of various abuses related to tax evasion, fraud, corruption, and more. The purpose of conducting financial investigations is to counteract the laundering of criminal proceeds and the financing of terrorism, as well as the illegal outflow of funds abroad, which negatively impacts the economy and undermines the economic security of the state.

The primary task of state bodies engaged in financial investigations is to ensure the state's economic security, prevent, detect and suppress crimes and administrative offences committed in the economic sphere, including corruption offences and money legalisation (laundering).

According to international standards, all countries must ensure that financial investigations are a mandatory component of all criminal proceedings related to crimes that generate criminal proceeds³³⁰⁹. In order to assess the economic gain from illegal activity, it is necessary to identify, trace and freeze available assets. This requires conducting financial investigations not only in relation to the main perpetrators of the crimes, but also their associates. Financial investigations may also be carried out to identify motives, gather additional evidence, uncover accomplices, and more³³¹⁰.

Combating economic crime in Ukraine is one of the priority areas of work for law enforcement agencies, as offences committed in sectors of the national economy affect the entire society and the interests of every individual. However, rapid changes in the technical and information infrastructure of business operations, along with ambiguity and constant changes in legal norms, contribute to the commission of economic crimes.

3308 **Financial investigation** — a set of investigative (detective), covert investigative (detective) and other procedural actions carried out within pre-trial investigation of a crime resulting in the acquisition of property (income), aimed at detecting such property, tracing its movement, transformation, concealment of origin, conversion, valuation, seizure, in order to use the collected evidence as provided for by the Criminal Procedure Code of Ukraine (CPC of Ukraine), and to apply confiscation/special confiscation. On the Approval of the Procedure for the Organisation and Conduct of Pre-Trial Investigation of Crimes Resulting in the Acquisition of Property (Income): Joint Order of the PGO, MoIA, SSU, SBI, NABU, and ESBU No. 254/724/520/401/177/185 of 28.10.2024.

3309 Manual on Selected Aspects of Financial Investigations (Examination of Financial Relations). The EU-ACT Project (funded by the European Union and implemented by FIAPP), p. 8.

3310 Ibid.

According to the jurisdiction rules set out in the CPC of Ukraine³³¹¹, all pre-trial investigation bodies are currently authorised to investigate crimes that generate criminal proceeds. In criminal proceedings³³¹² related to offences involving the legalisation (laundering) of proceeds or property³³¹³, the pre-trial investigation is conducted by an investigator from the body that initiated the investigation or by the body that has jurisdiction over the predicate offence which preceded the laundering of criminally obtained assets, except where such offences fall under the jurisdiction of NABU pursuant to this article.

Accordingly, **the NPU, NABU, ESBU, SSU, and SBI are responsible for investigating predicate offences and money laundering offences related to predicate crimes within their respective jurisdictions.** The SSU is also responsible for investigating crimes related to the financing of terrorism. In addition, all pre-trial investigations are conducted under the procedural supervision of the prosecution service (PGO and SAPO)³³¹⁴.

In October 2024, Ukraine approved a **Procedure**³³¹⁵, that defines the concepts of financial investigation and financial analysis, as well as their purpose and the principles of financial analysis in accordance with the definitions provided in FATF Recommendation 30³³¹⁶ and its Interpretive Note. The overall aim is to align Ukrainian financial investigation practices with FATF standards (financial investigation being one of the tools aimed at achieving the priority objectives set out in the 40 FATF Recommendations³³¹⁷).

The above-mentioned Procedure sets out the procedure for detecting such cases, predicate offences, and other elements indicative of a financial criminal offence, as well as the procedure for interaction between investigators and prosecutors. It also outlines the substance of prosecutorial procedural supervision in this area.

If, during a pre-trial investigation, factual data is obtained regarding the acquisition, possession, use, or disposal of property obtained through criminal means, the relevant information must be entered into the Unified Register of Pre-Trial Investigations (URPTI) under the classification of an offence involving the legalisation (laundering) of criminally obtained property. Such an investigation runs in parallel with the documentation of other criminal activity, such as corruption, official misconduct, terrorism, illicit trafficking of narcotic substances, and others³³¹⁸.

This approach is commonly referred to as “follow the money”³³¹⁹. Legalisation is typically a routine mechanism used by perpetrators to give illicit funds the appearance of lawful origin.

3311 Criminal Procedure Code of Ukraine No. 4651-VI of 13.04.2012, Article 216.

3312 Ibid, p. 9, Art. 216.

3313 Criminal Code of Ukraine No. 2341-III of 05.04.2001, Article 209.

3314 Manual on Selected Aspects of Financial Investigations (Examination of Financial Relations). The EU-ACT Project (funded by the European Union and implemented by FIIAPP), p. 12.

3315 On the Approval of the Procedure for the Organisation and Conduct of Pre-Trial Investigation of Crimes Resulting in the Acquisition of Property (Income): Joint Order of the PGO, MoIA, SSU, SBI, NABU, and ESBU No. 254/724/520/401/177/185 of 28.10.2024.

3316 Financial Action Task Force on Money Laundering — an intergovernmental body combating money laundering.

3317 FATF Recommendations 2012 (updated — February 2025).

3318 See subsection “Counteraction to Money Laundering” in this section.

3319 Financial investigations. European Commission.

Progress and issues

A significant step in strengthening the institutional capacity for conducting financial investigations was the launch of the ESBU. However, other pre-trial investigation bodies have also begun to pay increased attention to financial investigations, which is a result of Ukraine's fulfilment of its European integration commitments.

The approval in 2024 of the **interagency order by the PGO, MoIA, NABU, ESBU, SBI, and SSU marked an important step in introducing FATF terminology and enhancing coordination between law enforcement agencies and the prosecution service in this area.** At the same time, this only created a framework for further progress in this direction, as standards for pre-trial investigations in this field still need to be defined, and the qualifications of investigators and detectives handling such crimes must be improved.

The issue of delineating investigative jurisdiction in financial investigations — particularly regarding predicate offences — remains relevant. The OAS Action Plan provides for a clear demarcation of investigative jurisdiction among pre-trial investigation bodies and the consolidation of law enforcement powers to investigate offences that undermine the functioning of the national economy in a single body — the ESBU (with the exception of criminal offences under the jurisdiction of NABU)³³²⁰.

Interagency cooperation and information exchange on financial investigations remain inconsistent, which results from the multiple responsibilities of different bodies for financial investigations and the unfamiliar — for Ukraine's law enforcement system — requirement to investigate predicate offences. On the one hand, a single agency must take a leading role in this area (either the ESBU or the relevant unit of prosecutorial supervision within the PGO); on the other hand, it is precisely the improvement of the information exchange system and the shared understanding by all pre-trial investigation bodies of FATF standards that can bring Ukraine closer to achieving positive outcomes. Additionally, the limited interoperability of the information systems used by law enforcement agencies leads to inaccuracies, incomplete records, or duplication of data.

Criminal statistics on financial investigations as a separate category of criminal proceedings are lacking, as "financial crime" is a collective term encompassing money laundering and predicate offences. In 2019, the concept of a predicate offence was introduced³³²¹ into the URPTI, but due to the absence of a specific offence of "financial crime," no statistical accounting of this category is maintained. The Rule of Law Roadmap provides for the introduction of the registration of financial investigations in the URPTI (fourth quarter of 2025)³³²².

The 2024 EU Enlargement Package Report notes that further progress is needed in legislation related to financial investigations, particularly in adopting the necessary secondary legislation. It is essential to allocate sufficient resources, organise training, and take other

3320 Action Plan for the Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024, para. 3.2.1.

3321 On the Approval of Amendments to the Regulation on the Procedure for Maintaining the Unified Register of Pre-Trial Investigations: Order of the Prosecutor General's Office of Ukraine No. 16 of 31.01.2019.

3322 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the Accession Process to the EU": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

necessary measures to ensure that financial investigations are carried out systematically, comprehensively, and effectively³³²³.

At the same time, the OAS Action Plan provides for the following measures in this area:

- improving the institutional capacity of law enforcement agencies and the prosecution service to conduct financial investigations, recover assets, and manage them;
- developing and approving a strategy for financial investigations in the field of combating criminal offences related to the acquisition of proceeds;
- developing, on the basis of the said strategy, methodological guidelines and standards on conducting financial investigations, asset recovery, and asset management³³²⁴.

These measures were scheduled for implementation in the first quarter of 2025; however, as of now, they remain unfulfilled.

The Roadmap on the Rule of Law provides for the development and approval by the Government of a Financial Investigation Strategy and an Action Plan for its implementation (second quarter of 2026). In addition, methodological recommendations for investigating criminal proceedings in this category, investigation tools, and the creation of financial investigation teams must be developed on an ongoing basis, and access to the necessary databases and relevant resources must be ensured.

Recommendations

1. Approve the Strategy for financial investigations in the field of combating criminal offences related to the acquisition of proceeds, along with its Action Plan.
2. Develop methodological guidelines (pre-trial investigation standards) on conducting financial investigations, which should serve as a foundation for training investigators and detectives engaged in such work.
3. Introduce a dedicated module in the URPTI for recording financial investigations and ensure access to relevant databases necessary for the effective investigation of financial offences.

Reform of the National Agency of Ukraine for Detection, Tracing and Management of Assets Derived from Corruption and Other Crimes. Implementation of the Asset Recovery Strategy Action Plan

State of play

The National Agency of Ukraine for Detection, Tracing and Management of Assets Derived from Corruption and Other Crimes (ARMA) was established based on the model of similar

3323 Ukraine 2024 Progress Report within the European Union Enlargement Package, p. 8.

3324 Action Plan for the Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024, measure 3.5.6.

ARO-AMO bodies in EU Member States as a specialised agency with broad powers, a sufficient level of independence at the time of its creation, and a corresponding number of external oversight mechanisms from the expert community and civil society.

The European Commission, in its 2024 EU Enlargement Package Report, noted that Ukraine had adopted an action plan for implementing the asset recovery strategy, advancing reforms in several critical areas — including reforming mechanisms for confiscation, asset recovery, tracing and identification of assets — in line with international law and best practices. It is now important to make progress in implementing this strategy. Ukraine must also continue the comprehensive reform of ARMA in accordance with EU legislation³³²⁵.

The key performance results of ARMA for 2024 are reflected in the Information on the Achievement of Planned Goals, Objectives and Performance Indicators of Budget Programmes and State Policy Objectives³³²⁶. According to this document, the number of detected and traced assets in 2024 increased compared to 2023, but still did not reach the level of 2022. Specifically, ARMA traced 141.5 thousand asset units in 2024, compared to 96 thousand in 2023 and 196.6 thousand in 2022. The number of asset management agreements concluded in 2024 decreased to 7, while the number of on-site inspections remained almost unchanged — 10³³²⁷. Notably, the number of assets transferred to ARMA for management decreased to 2,468 in 2024, compared to 3,078 in 2023 and 14,161 in 2022³³²⁸. The success rate of asset manager selection procedures remains low: in 2024, according to ARMA, 33 selection announcements were published, resulting in only 7 management agreements being concluded³³²⁹.

On 1 August 2023, the Cabinet of Ministers of Ukraine approved, by Order No. 670, the Asset Recovery Strategy for 2023–2025 and instructed ARMA, together with relevant central executive authorities, to draft and submit an Action Plan for its implementation within three months³³³⁰. However, the Action Plan was approved only on 13 August 2024³³³¹.

At the end of 2024 and the beginning of 2025, a new phase of ARMA reform began in accordance with the requirements of the Ukraine Facility Plan³³³². On 2 January 2025, the Government submitted to the Verkhovna Rada a draft law aimed at strengthening ARMA's institutional capacity³³³³. In January 2025, MPs submitted alternative draft laws No. 12374-1

3325 Ukraine 2024 Progress Report within the European Union Enlargement Package.

3326 Information on the Achievement of the Planned Objectives, Tasks and Performance Indicators of Budget Programmes, as well as Public Policy Objectives for 2024. Asset Recovery and Management Agency.

3327 Annual Report of the Asset Recovery and Management Agency for 2024. Asset Recovery and Management Agency.

3328 Far-Fetched Figures VS. Harsh Reality: ARMA Head Reports on Agency's Performance in 2023. Transparency International Ukraine. 2024.

3329 Annual Report of the Asset Recovery and Management Agency for 2024. Asset Recovery and Management Agency.

3330 On the Approval of the Asset Recovery Strategy for 2023–2025: Order of the Cabinet of Ministers of Ukraine No. 670 of 01.08.2023.

3331 On the Approval of the Action Plan for the Implementation of the Asset Recovery Strategy for 2024–2025: Order of the Cabinet of Ministers of Ukraine No. 759 of 13.08.2024.

3332 Ukraine Facility Implementation Plan 2024–2027.

3333 On Amendments to the Law of Ukraine "On the Asset Recovery and Management Agency" Regarding Guarantees of Independence and Enhancement of Institutional Capacity: Draft Law of Ukraine, registration No. 12374 of 02.01.2025.

and No. 12374-2³³³⁴. On 10 February 2025, following a meeting of the Verkhovna Rada Committee on Anti-Corruption Policy, a revised draft law No. 12374-d was registered, and on 12 February 2025, Parliament adopted it at first reading (with the need for revision)³³³⁵. In March 2025, the aforementioned Committee approved a substantially revised version of draft law No. 12374-d³³³⁶. Only on 18 June 2025 did the Parliament support the said draft law.

However, as early as 20 June 2025, Members of Parliament led by Yulia Tymoshenko registered a draft resolution to annul the adopted decision³³³⁷. This blocked the Speaker of the Verkhovna Rada from signing the adopted law until 15 July 2025. Nevertheless, on 27 July the President signed Law No. 4503-IX, which entered into force on 30 July.

Furthermore, on 30 July 2025, the Government dismissed the Head of ARMA at her own request³³³⁸.

Progress and issues

Despite the time that has passed since ARMA began operating in February 2016, the effectiveness of this agency remains unsatisfactory.

According to the results of an audit of ARMA conducted by an auditing company for 2023, it was found that key functions of the agency were not properly carried out. In particular, the following shortcomings were identified: there is no integrated record of statistical information for all assets transferred to ARMA; the function of organising measures related to asset valuation, registration, and management was performed at an inadequate level in 2023³³³⁹.

At the end of 2024, the Accounting Chamber completed an audit of ARMA covering the period 2022–2023 and the first half of 2024. The audit revealed significant problems in the management of seized assets:

- shortcomings in the mechanisms for selecting asset managers and appraisers, and deficiencies in internal regulatory procedures necessary for effective monitoring and control;

3334 On Amendments to the Law of Ukraine "On the Asset Recovery and Management Agency" Regarding Guarantees of Independence and Enhancement of Institutional Capacity: Draft Law of Ukraine, registration No. 12374-1 of 08.01.2025; On Amendments to Certain Legislative Acts of Ukraine on the Reboot of the Asset Recovery and Management Agency and Strengthening of Its Institutional Capacity: Draft Law of Ukraine, registration No. 12374-2 of 14.01.2025.

3335 On Amendments to Certain Legislative Acts of Ukraine on Strengthening the Institutional Capacity of the Asset Recovery and Management Agency and Improving Asset Management Mechanisms: Draft Law of Ukraine, registration No. 12374-d of 10.02.2025.

3336 Institutional Capacity Reform of ARMA: Analysis of Draft Law 12374-d for Second Reading. Transparency International Ukraine. 2025.

3337 On the Annulment of the Decision of the Verkhovna Rada of Ukraine to Adopt in the Second Reading and as a Whole the Draft Law "On Amendments to Certain Legislative Acts of Ukraine to Strengthen the Institutional Capacity of the National Agency of Ukraine for Finding, Tracing and Management of Assets Derived from Corruption and Other Crimes, and to Improve Asset Management Mechanisms" (Reg. No. 12374-d of 10.02.2025): Draft Resolution of the Verkhovna Rada of Ukraine, registration No. 12374-d-P of 20.06.2025.

3338 On the Dismissal of O. O. Duma from the Post of Head of the National Agency of Ukraine for Finding, Tracing and Management of Assets Derived from Corruption and Other Crimes: Order of the Cabinet of Ministers of Ukraine No. 799 of 30.07.2025.

3339 Report on the Operational Audit of the Asset Recovery and Management Agency for 2023.

- › lack of comprehensive information about assets in the Unified State Register of Assets Seized in Criminal Proceedings, resulting in distorted data regarding their value;
- › management of seized assets was conducted under conditions of unregulated interaction between ARMA and the prosecution service and pre-trial investigation bodies at the asset transfer stage. Additionally, there is a lack of tools necessary to ensure the effective preservation and enhancement of the economic value of assets³³⁴⁰.

According to research findings, several factors may exacerbate ARMA's problems: holding the competition for selecting the Head of ARMA without the full involvement of international members of the selection commission; possible political influence on the process; the absence of a regulatory framework for high-quality, independent external evaluation of ARMA's performance; inadequate regulation of the selection of asset managers for seized assets; and the lack of established joint planning between law enforcement agencies and ARMA representatives concerning the management of specific seized assets³³⁴¹.

Law No. 4503-IX introduces substantial changes in the part concerning the management of seized assets:

- › Improved competitive selection of the Head of ARMA — the range of eligible candidates has been expanded. Individuals with an economics degree, at least five years of relevant professional experience, and at least three years of managerial experience are now eligible. A new requirement has been added for proficiency in a foreign language that is one of the official languages of the Council of Europe. The draft also limits the Head of ARMA to a single term. The selection will be conducted by a commission that includes representatives of international organisations and will follow a defined methodology.
- › Changes to the external audit procedure — the draft law stipulates that the audit will be conducted by a three-member commission appointed by the Government based on nominations from international partners. Negative audit findings may lead to the dismissal of the Head of ARMA.
- › Updating the model for managing seized assets — classifying assets as either simple or complex, with corresponding management procedures for each category. An identification stage will be introduced to assess whether effective management of a given asset is feasible. ARMA will prepare a provisional asset management plan that includes detailed information about each asset, its value, potential revenues, and associated risks.
- › Enhancing transparency — in addition to its annual report, ARMA will be required to submit a quarterly report on the management of seized assets. The list of information to be published in the Unified State Register of Assets Seized in Criminal Proceedings will be expanded.

The next step is the drafting and adoption of a separate draft law amending the CPC of Ukraine in order to align its provisions with the novelties of Law No. 4503-IX. In addi-

3340 Compliance Audit Report on the Use of State Budget Funds and Asset Management by the Asset Recovery and Management Agency: Decision of the Accounting Chamber of Ukraine No. 59-1 of 25.12.2024.

3341 Capable, Effective, and Independent: Analysis of Anti-Corruption Agencies. Transparency International Ukraine. 2023.

tion, a significant portion of the regulatory framework in the field of detection, tracing, and management of seized assets will be defined by secondary legislation approved by the Cabinet of Ministers of Ukraine. Therefore, primary efforts should be directed at ensuring high-quality secondary legislation and proper oversight of ARMA's compliance with the provisions of the Law No. 4503-IX.

In connection with the dismissal of the Head of ARMA, the Government must, within 14 days, establish a selection commission for the competition to fill the post of Head of ARMA. The commission is to consist of six persons, three of whom are to be nominated by development partners.

Critical flaws were made in the formulation of the Asset Recovery Strategy, and challenges are now evident in its effective implementation. The Strategy does not fully meet the requirements applicable to this type of document. Its objectives are poorly defined in relation to the intended goals, and the procedures for monitoring, evaluation, and reporting on its implementation lack sufficient clarity. The approved Action Plan does not align with best practices for planning the implementation of strategic documents³³⁴².

The timely implementation of the declared measures is also in question. By the end of 2024, state authorities were required to complete 17 measures, and by the end of the first quarter of 2025 — an additional eight. However, it was only on 27 December 2024 that ARMA held the first meeting of the Interagency Working Group on the Implementation of the Asset Recovery Strategy for 2023–2025 (Interagency Working Group)³³⁴³, during which ARMA reported on the implementation of selected measures. Notably, the implemented measures included draft laws developed and submitted to Parliament by individual Members of Parliament³³⁴⁴. Thus, the quality of implementation of the Asset Recovery Strategy Action Plan requires serious attention, as most measures are being executed largely in a formalistic manner and do not correspond to established international practices.

An analysis of the draft regulations developed by ARMA to implement the Strategy indicates that ARMA is initiating measures aimed at expanding its own mandate — particularly with regard to managing the assets of sanctioned individuals and engaging in international legal cooperation on asset recovery³³⁴⁵. These topics are of high interest to both the public and government representatives. However, such powers are not currently provided for under ARMA's existing mandate, given the provisions of the enabling law³³⁴⁶, which should focus on managing assets seized in criminal proceedings, complying with sanctions legislation, and utilising available mechanisms of informal international cooperation.

3342 A relevant example is the State Anti-Corruption Programme adopted to implement the Anti-Corruption Strategy.

3343 ARMA Holds the First Meeting of the Interagency Working Group on the Implementation of the Asset Recovery Strategy for 2023–2025. Asset Recovery and Management Agency. 2024.

3344 On Amendments to Certain Legislative Acts of Ukraine to Improve the Activities of the Asset Recovery and Management Agency Regarding Asset Management: Draft Law of Ukraine, registration No. 12445 of 27.01.2025.; On Amendments to the Criminal Procedure Code of Ukraine on International Cooperation in the Field of Asset Recovery and Management: Draft Law of Ukraine, registration No. 12446 of 27.01.2025.

3345 How Criminal Seizure “Hinders” Sanction-Based Confiscation, and Who Benefits from It. *Ukrainska Pravda*. 2025.

3346 On the National Agency of Ukraine for Finding, Tracing and Management of Assets Derived from Corruption and Other Crimes: Law of Ukraine No. 772-VIII of 10.11.2015.

The document published by ARMA as the Report on the Implementation Status of the Asset Recovery Strategy Action Plan for 2024³³⁴⁷ warrants separate analysis. Instead of providing a structured analytical report containing a summarised progress assessment and clear performance indicators, ARMA effectively presented a table listing the current status of measures without proper analytical processing of the data. The report lacks a critical assessment of the reasons behind the non-implementation or delay of six measures whose deadlines had already passed.

ARMA shows a consistent pattern of delaying tasks with critical deadlines. Numerous examples support this: the preparation and submission of draft laws for coordination and anti-corruption review, as required by the Action Plan, only took place in February 2025 instead of the fourth quarter of 2024, and the internal working group on asset redistribution was formed late (Order of 4 February 2025³³⁴⁸).

Moreover, the implementation process of the Strategy cannot be considered transparent, as many draft laws were not shared with certain civil society representatives included in the Interagency Working Group by its own decision³³⁴⁹. Nor were any public discussions held on these draft laws — contrary to best practices adopted, for example, by the NACP³³⁵⁰.

It is also noteworthy that during the reporting period ARMA did not use the Interagency Working Group mechanism defined in the Strategy as a tool for resolving problematic issues and coordinating the efforts of different government bodies. This is confirmed by the absence of any mention of the Interagency Working Group's outcomes in the Report³³⁵¹.

Further analysis of the Report shows that monitoring mechanisms for the Strategy's implementation are applied in a formalistic manner. The procedure for coordinating results among different government bodies, as prescribed by the Strategy, is also not properly reflected in the Report. This indicates the absence of a systematic approach to planning and implementing the Strategy's measures, as well as insufficient attention to defining clear performance indicators that would allow for an objective assessment of progress toward achieving strategic goals.

Meanwhile, 2024 saw an increase in ARMA's communication activity: over 90 interviews and media comments³³⁵². An analysis of ARMA's public communications in 2024 reveals instances of disseminating information that does not fully reflect the mechanisms for asset

3347 Report on the State of Implementation for 2024. National Agency of Ukraine for Finding, Tracing and Management of Assets Derived from Corruption and Other Crimes.

3348 Certain Issues Regarding Interagency Cooperation on the Internal Distribution of Assets Returned to the State: Order of the National Agency of Ukraine for Finding, Tracing and Management of Assets Derived from Corruption and Other Crimes No. 42 of 04.02.2025.

3349 Transparency International Ukraine was included in the Interagency Working Group but did not receive the above-mentioned draft laws for review, which was communicated to the Government. In response, ARMA stated that "provision of such materials to other persons, including those invited to participate in the group's work without voting rights, is not provided for by the legal instruments regulating the activities of this group. Therefore, the distribution of materials to persons who are not members of the working group is lawfully restricted".

3350 NACP Invites Public Discussion of Draft Laws to Improve the Consideration of Cases in Court. National Agency on Corruption Prevention. 2023.

3351 On the Approval of the Asset Recovery Strategy for 2023–2025: Order of the Cabinet of Ministers of Ukraine No. 670 of 01.08.2023.

3352 Information on the Achievement of the Planned Objectives, Tasks and Performance Indicators of Budget Programmes, as well as Public Policy Objectives for 2024. National Agency of Ukraine for Finding, Tracing and Management of Assets Derived from Corruption and Other Crimes.

recovery, as well as public discussion of issues related to a potential expansion of ARMA's mandate, particularly in the context of cooperation with other state bodies. For example, the Head of ARMA publicly stated that the agency received income from asset management in 2024 totalling UAH 12.3 billion³³⁵³. However, ARMA's official statistical report for 2024 indicates that the actual income was UAH 1.2 billion³³⁵⁴. The Head of the Verkhovna Rada Committee on Anti-Corruption Policy noted that the Head of ARMA inflated the reported figure by adding UAH 10.5 billion in funds seized from criminal suspects, which are placed in deposit accounts and government bonds. As the Head of the Committee rightly pointed out, the amount of funds seized from suspects in criminal proceedings does not and cannot constitute ARMA's income from the management of seized assets³³⁵⁵.

One example of ARMA's controversial external communication is the dissemination of information about assets identified in connection with suspects in criminal proceedings prior to the imposition of seizure orders on those assets. This may adversely affect the effectiveness of subsequent asset seizure efforts. For example, in the case involving the former head of the Khmelnytskyi Medical and Social Expert Commission (MSEC), despite the seizure of more than 150 real estate properties in Ukraine, the investigation has encountered difficulties in freezing her accounts holding USD 2.8 million in banks in Poland, Switzerland, and Austria. This demonstrates that asset recovery requires not only international cooperation but also confidentiality. Public statements by ARMA about foreign assets identified prior to their seizure may give suspects the opportunity to hide their property³³⁵⁶.

ARMA's public communications also include cases where information is provided about potential volumes of assets to be returned to Ukraine, without fully reflecting the complexity and length of the related procedures. For instance, in one interview, the Head of ARMA, while referring to the number of assets seized abroad, failed to acknowledge that the confiscation process involves several stages: first detection and seizure, then a court verdict, and only then — confiscation³³⁵⁷. Financial aspects of international cooperation and improvements to confiscation legislation remain crucial. Therefore, ARMA's activities should be focused on implementing its statutory mandate and coordinating with other competent authorities — without undermining the work of law enforcement agencies.

In ARMA's public communications, there is a discernible tendency to attribute difficulties in performing certain functions to the actions or inaction of other state bodies. This is evident, for example, in the case concerning the confiscation of a yacht belonging to a pro-Russian politician, where ARMA places emphasis on the absence of an indictment from the PGO, while making no public mention of its own responsibility to organise a competitive selection process for an asset manager³³⁵⁸. Similar patterns can be observed in relation to decisions of the High Anti-Corruption Court³³⁵⁹ and the actions of the State Property Fund of

3353 Episode of the Programme "Ye Pytannia". 2025.

3354 Information on the Achievement of the Planned Objectives, Tasks and Performance Indicators of Budget Programmes, as well as Public Policy Objectives for 2024. National Agency of Ukraine for Finding, Tracing and Management of Assets Derived from Corruption and Other Crimes.

3355 Publication by Anastasiia Radina on the social network Facebook. 2025.

3356 How the Krupa Case Highlights Broader Issues in the Recovery of Assets from Abroad. Glavcom. 2025.

3357 Head of ARMA Olena Duma on High-Profile Cases of 2024 and Challenges Facing ARMA in 2025. Olena Duma.

3358 HACC Prohibits Sale of Medvedchuk's Seized Property: What Will Happen to the 92-Metre Yacht "Royal Romance". TSN. 2024.

3359 Lifting Arrest of Firtash-Affiliated Regional Gas Companies. What Was That? Transparency International Ukraine.

Ukraine, which is responsible for enforcing court rulings on asset recovery under sanctions procedures³³⁶⁰.

Thus, ARMA's public communications reflect a trend of proactively highlighting its own activities — sometimes accompanied by statements that distort facts or present information in a manipulative manner. Such a communication approach is questionable for a state institution that forms part of the anti-corruption segment of the criminal justice system.

Recommendations

To further improve ARMA's operations and ensure effective implementation of the Asset Recovery Strategy, it is advisable:

1. The Parliament should, with the participation of the expert community, develop and adopt amendments to the CPC of Ukraine to ensure the full implementation of all provisions of Law No. 4503-IX.
2. The Government, the PGO, and ARMA to ensure transparency in the development of all secondary legislation envisaged by the ARMA reform, involving experts, civil society representatives, and international partners.
3. The Government to revise the Asset Recovery Strategy and its Action Plan to ensure that the document reflects best practices, is grounded in evidence-based policy-making, and contains realistically achievable objectives.
4. The Government should form in a timely manner the selection commission for the competition to appoint the Head of ARMA, and the selection commission should determine the candidate for the post of Head of ARMA effectively and taking into account best practices.
5. ARMA to focus its communication efforts on explaining to the public its core mission and functions within the anti-corruption and asset recovery system, as well as on reporting the results achieved within the scope of its current mandate.

State Financial Monitoring Service. Assessment of the Committee of Experts on the Evaluation of Anti-Money Laundering and Counter-Terrorist Financing Measures (MONEYVAL)

State of play

The legal mechanism for preventing and combating the legalisation (laundering) of criminal proceeds, terrorist financing, and financing of the proliferation of weapons of mass destruction is defined by a special law (Law on the Prevention of Money Laundering)³³⁶¹.

3360 How Criminal Seizure "Hinders" Sanction-Based Confiscation, and Who Benefits from It. *Ukrainska Pravda*. 2025.

3361 On the Prevention and Counteraction to the Legalisation (Laundering) of Criminal Proceeds, the Financing of Terrorism and the Financing of the Proliferation of Weapons of Mass Destruction: Law of Ukraine No. 361-IX of 06.12.2019.

The explanatory note to Recommendation 29 of the FATF outlines the core powers and functions of a Financial Intelligence Unit (FIU). Specifically, the FIU must be operationally independent and autonomous, with the authority to freely carry out its functions. This includes the autonomy to decide independently on the analysis, request, and dissemination of information, as well as the independent authority to forward data to competent authorities. To ensure its independence, the FIU must be provided with adequate financial, staffing, and technical resources. Countries are required to implement procedures that guarantee high professional standards for FIU personnel, including confidentiality, integrity, and appropriate qualifications. It is essential that the FIU is able to access and utilise the necessary resources without undue political, governmental, or sectoral influence that could compromise its operational independence³³⁶².

According to the Law on the Prevention of Money Laundering, the specially authorised body responsible for implementing state policy in this field is the State Financial Monitoring Service of Ukraine (SFMS). Among the **guarantees of political independence** for this body, the following are specified:

- the Head of the specially authorised body is appointed based on the results of an open competition and dismissed in accordance with the procedure established by law;
- the use of the specially authorised body for party, group, or personal interests is not permitted;
- during the period of service or employment under a labour contract, the membership of officials and employees of the specially authorised body in political parties, movements, and other associations pursuing political goals is suspended;
- the Head of the specially authorised body may not be a member of a political party, movement, or other association with political objectives;
- employees under a labour contract with the specially authorised body may join trade unions and other associations that do not have political goals³³⁶³.

The Regulation on the SFMS stipulates that the agency is headed by a Head appointed and dismissed by the Cabinet of Ministers of Ukraine in accordance with civil service legislation³³⁶⁴. As of 31 July 2025, the current Head of the SFMS was appointed without a competitive selection process, in accordance with the Law of Ukraine "On the Legal Regime of Martial Law"³³⁶⁵.

3362 FATF (2012-2025), *International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation*, FATF, Paris, France, p. 108.

3363 On the Prevention and Counteraction to the Legalisation (Laundering) of Criminal Proceeds, the Financing of Terrorism and the Financing of the Proliferation of Weapons of Mass Destruction: Law of Ukraine No. 361-IX of 06.12.2019. Article 26.

3364 On the Approval of the Regulation on the State Financial Monitoring Service of Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 537 of 29.07.2015.

3365 On the Legal Regime of Martial Law: Law of Ukraine No. 389-VIII of 12.05.2015, Part 5, Article 10; On the Appointment of F.Y. Pronin as Head of the State Financial Monitoring Service of Ukraine: Order of the Cabinet of Ministers of Ukraine No. 1335 of 31.12.2024.

The sectoral law does not set a term limit for the office of the Head of the SFMS. This is evidenced by the fact that the previous Head held the position from 1 March 2014 until December 2024, despite documented concerns regarding his integrity³³⁶⁶.

From the perspective of organising the anti-money laundering system **at the strategic level**, the powers of the SFMS include conducting strategic analysis of financial transaction data and national risk assessments, which form the basis for developing a strategic approach to countering money laundering³³⁶⁷. This strategic analysis enables the identification of trends and typologies in the laundering of criminal proceeds, which, in turn, can be used to formulate proposals for the development and adjustment of state policy in this area³³⁶⁸. In addition, the State Financial Monitoring Service coordinates the activities of state bodies in the field of preventing and countering money laundering and ensures the annual consolidation of information on the national state of anti-money laundering efforts. It also reviews draft legal acts submitted by entities subject to state financial monitoring³³⁶⁹.

In May 2021, the Government approved the Key Directions for the Development of the System for Preventing and Countering the Legalisation (Laundering) of Criminal Proceeds, Terrorist Financing and Financing of the Proliferation of Weapons of Mass Destruction in Ukraine for the Period Until 2023³³⁷⁰. In January 2022, the Ministry of Finance of Ukraine (MoF) approved the Strategic Development Programme of the SFMS for the Period Until 2024³³⁷¹.

Regarding **accountability**, according to the Law on the Prevention of Money Laundering, the SFMS is required to submit an annual report to the Verkhovna Rada by 31 March of the year following the reporting year, using a prescribed format. This report covers the state of prevention and counteraction of the legalisation (laundering) of criminal proceeds, terrorist financing, and the financing of the proliferation of weapons of mass destruction³³⁷².

The Regulation on the SFMS stipulates that the activities of this body are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Finance of Ukraine, who is responsible for implementing state policy in the area of preventing and countering the legalisation (laundering) of criminal proceeds, terrorist financing, and the financing of the proliferation of weapons of mass destruction. The Head of the SFMS reports to the Minister of Finance of Ukraine on the implementation of the SFMS's work

3366 Wife of the Head of the Financial Monitoring Service Triples Her Income Within a Year. TEXTY.org.ua. 2016.

3367 On the Prevention and Counteraction to the Legalisation (Laundering) of Criminal Proceeds, the Financing of Terrorism and the Financing of the Proliferation of Weapons of Mass Destruction: Law of Ukraine No. 361-IX of 06.12.2019, paras. 1, 5, Part 1, Article 25.

3368 Ibid, paras. 7, 11, p. 2, Art. 25.

3369 Ibid, paras. 8, 9, 13, p. 2, Art. 25.

3370 On the Approval of Main Directions for the Development of the System of Prevention and Counteraction to the Legalisation (Laundering) of Criminal Proceeds, the Financing of Terrorism and the Financing of the Proliferation of Weapons of Mass Destruction in Ukraine for the Period Until 2023: Order of the Cabinet of Ministers of Ukraine No. 435 of 12.05.2021.

3371 Strategic Development Programme of the State Financial Monitoring Service of Ukraine for the Period Until 2024: Order of the Ministry of Finance of Ukraine No. 16 of 17.01.2022.

3372 On the Prevention and Counteraction to the Legalisation (Laundering) of Criminal Proceeds, the Financing of Terrorism and the Financing of the Proliferation of Weapons of Mass Destruction: Law of Ukraine No. 361-IX of 06.12.2019, Part 2, Article 36.

plans and assigned tasks, the rectification of violations and shortcomings identified during audits of the SFMS's operations, and the accountability of officials responsible for those violations³³⁷³.

The SFMS **interacts** with various government bodies in Ukraine, primarily law enforcement and intelligence agencies. According to its report, in 2024, the SFMS transmitted 1,053 case files to law enforcement and intelligence agencies, including 572 generalised case files and 481 additional generalised case files³³⁷⁴.

As part of its cooperation with primary financial monitoring entities (PFMEs) — including banks, insurers, pawnshops, and others — the SFMS processed and registered 1,750,940 reports of threshold and suspicious financial transactions received from PFMEs in 2024. In addition, the SFMS issued 192 recommendations and other documents to financial monitoring entities to enhance the effectiveness of the financial monitoring system³³⁷⁵.

In 2024, as part of its international cooperation activities, the SFMS submitted 621 requests to foreign financial intelligence units³³⁷⁶. The SFMS's international engagement also includes cooperation with the FATF, the Council of Europe's Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), the European Union, the World Bank, the IMF, the Egmont Group of Financial Intelligence Units, and the United Nations³³⁷⁷.

Progress and issues

Despite the provisions enshrined in the Law on the Prevention of Money Laundering regarding the political independence of the specially authorised body, the absence of concrete mechanisms to safeguard against political influence renders these provisions largely declarative.

Particularly serious concerns about political independence arise from the practice of using the SFMS as an instrument for imposing sanctions. In February 2025, media reports circulated suggesting that sanctions were imposed on a Ukrainian politician based on information provided by the SFMS. Combined with publicly disclosed details about the nature of these processes, questions have been raised regarding the independence of the Head of the SFMS³³⁷⁸.

On 19 February 2025, Draft Law No. 13029 was registered in Parliament. It proposes amendments to certain legislative acts of Ukraine to establish the procedure for selecting the head

3373 Regulation on the State Financial Monitoring Service of Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 537 of 29.07.2015, subparas. 1, 10.

3374 Report of the State Financial Monitoring Service of Ukraine for 2024.

3375 Information on the Budget Implementation by Budget Programmes of the State Financial Monitoring Service of Ukraine and the Indicators Characterising Their Implementation for 2024. State Financial Monitoring Service of Ukraine. 2025.

3376 Ibid.

3377 Regulation on the State Financial Monitoring Service of Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 537 of 29.07.2015, subpara. 6 para. 4.

3378 Sanctions Against Poroshenko: Zelenskyy's Parting Gesture or a Way to Retain Power? Dzerkalo Tyzhnia. 2025.

of the specially authorised body and conducting performance audits of that body³³⁷⁹. The proposed changes include:

- › competitive selection for the position of Head of the SFMS, similar to the appointment procedures for the heads of NABU, NACP, ESBUE, and the customs authorities;
- › a limitation on the term of office: the Head shall be appointed for a five-year term, with the possibility of holding office for no more than two consecutive terms, provided that the appointment is made through an open competition;
- › an independent audit of the institution's performance to assess its effectiveness³³⁸⁰.

The Draft Law is currently under consideration by the committees of the Verkhovna Rada.

Experts note that the provisions of Draft Law No. 13029 fail to take into account the status of the SFMS as a financial intelligence unit, particularly its role in handling sensitive information protected by banking secrecy. Therefore, the draft law requires further revision³³⁸¹.

The validity period of the strategic documents mentioned above, which define the strategic foundations for the development of the SFMS, has already expired. At the same time, in April 2024, a national interagency forum entitled "Strategy for the Development of the Financial Monitoring System in Ukraine 2024–2026" was held, during which aspects of the development of the system for preventing and countering the legalisation (laundering) of criminal proceeds, terrorist financing, and financing of the proliferation of weapons of mass destruction were discussed, along with current trends in this area³³⁸².

Thus, the strategic component of the SFMS's activities in terms of regulatory framework is already outdated, which may negatively affect the effectiveness of long-term planning and the implementation of state policy in the field of anti-money laundering. In addition, according to interviewed experts, the typology studies being conducted often provide outdated information on money laundering schemes (based on the previous year), which may no longer be relevant by the time the studies are completed — and therefore may be of limited practical use for PFMEs³³⁸³.

Information on the strategic directions of the SFMS's work was included in activity reports from previous years; however, there is no analysis of the extent to which strategic goals have been achieved, nor of the challenges encountered during their implementation. Overall, the reporting documents of the SFMS contain fairly comprehensive information on the fulfilment of its core functions. At the same time, they lack analysis of the problems hindering maximum operational effectiveness.

As for interaction with civil society, interviewed experts note that, due to the SFMS's special status, only a limited number of civil society organisations engage with the agency in the execution of its functions. In the context of public disclosure of information on the SFMS's

3379 On Amendments to Certain Legislative Acts of Ukraine on Establishing the Procedure for Selection of the Head of the Specially Authorised Body and the Procedure for Auditing the Effectiveness of the Specially Authorised Body: Draft Law of Ukraine, registration No. 13029 of 19.02.2025.

3380 Ukraine Reforms Tracker Weekly — Issue 15. The Kyiv Independent. 2025.

3381 Information provided by CEDEM experts during an interview conducted on 26.03.2025.

3382 Materials of the Interagency National Forum "Strategy for the Development of the Financial Monitoring System in Ukraine 2024–2026" are available for review. Financial Monitoring Academy. 2024.

3383 Information provided by expert Hanna Horbenko during an interview conducted on 24.03.2025.

website, it should be noted that despite the generally high quality of the site's content, there appears to be no consistent approach within the agency as to what information is considered restricted and what may be publicly disseminated³³⁸⁴.

Regarding the steps taken by the SFMS to implement the MONEYVAL recommendations, the SFMS responded to a formal request by reporting that, together with all relevant government authorities, it developed an Action Plan for Improving the National Financial Monitoring System based on the results of MONEYVAL's 5th round of evaluation of Ukraine. This Action Plan was approved on 12 April 2018 and supported by an order of the Cabinet of Ministers of Ukraine dated 29 May 2018 No. 16465/1/1-18. It was updated on 30 June 2020 during the 9th meeting of the Council and supported by Government Order No. 28615/1/1-20 of 10 July 2020. Joint efforts of the SFMS and relevant government and law enforcement bodies led to the implementation of the following key measures:

- › adoption of an updated version of the law on anti-money laundering;
- › amendments to the Criminal Code and the Criminal Procedure Code of Ukraine in the area of anti-money laundering and counter-terrorist financing (AML/CTF);
- › development of a manual on detecting, investigating, and prosecuting money laundering offences;
- › development of a manual on aspects of conducting financial investigations;
- › introduction of tools for verifying the accuracy of information on ultimate beneficial owners (UBOs);
- › establishment of the ESBUE; introduction of a comprehensive system of administrative reporting and adoption of a range of secondary legislation to improve the financial monitoring system³³⁸⁵.

In its 2024 EU Enlargement Package Report, the European Commission notes that MONEYVAL is currently assessing Ukraine's anti-money laundering and counter-terrorist financing measures, and its next report was expected by the end of 2024³³⁸⁶. Despite the fact that in its Report the European Commission indicated the expectation of the MONEYVAL report at the end of 2024, the SFMS has reported that the review and adoption of Ukraine's third Progress Report (which includes a request for the re-rating of two FATF Recommendations), initially scheduled for the 68th Plenary Meeting of the MONEYVAL Committee in December 2024, has been postponed to a later date due to adverse circumstances caused by the ongoing war of aggression by the Russian Federation against Ukraine³³⁸⁷.

Recommendations

To strengthen the institutional capacity and cooperation of the State Financial Monitoring Service (SFMS), the following measures are recommended:

3384 Information provided by CEDEM experts during an interview conducted on 26.03.2025.

3385 Letter of the State Financial Monitoring Service No. 1318/310-11 of 25.03.2025.

3386 Ukraine 2024 Progress Report within the European Union Enlargement Package.

3387 Letter of the State Financial Monitoring Service No. 1318/310-11 of 25.03.2025.

1. Finalise and adopt Draft Law No. 13029, taking into account the specific nature of the SFMS as a financial intelligence unit that works with information protected by banking secrecy.
2. Develop a clear regulatory procedure for the formulation, implementation, and monitoring of the SFMS's strategic activities, and update the relevant strategic documents, as the strategic framework currently defined in legislation is fragmented and outdated.
3. Enhance the analytical component of SFMS reporting documents by including an analysis of the challenges that hinder the agency's effective operation.
4. Develop a unified approach to classifying which categories of information may be publicly disclosed and which must remain confidential, and expand cooperation with civil society, taking into account the specific nature of the SFMS's work, to improve the transparency and effectiveness of its operations.
5. Ensure the proper and timely implementation of the MONEYVAL recommendations expected in the forthcoming 2025 report and incorporate their outcomes into future activities.

Regulation of Civilian Firearms. Circulation and Control of Firearms, in Particular Small Arms and Light Weapons

State of play

Various public authorities are involved in implementing state policy in the area of combating the illicit circulation of firearms and ammunition. The NPU is responsible for taking measures to counter the illicit circulation of firearms and is authorised to verify compliance with the licensing system requirements by internal affairs bodies.

In January 2022, the Regulation on the functional subsystem "Unified Firearms Register"³³⁸⁸ was approved. Following the technical implementation of its provisions, the **Unified Firearms Register (UFR)**³³⁸⁹ **became operational in June 2023** with the purpose of maintaining records on the complete "life cycle" of firearms and ensuring effective control over compliance with firearms legislation. The availability of the register also enables a transition to the use of electronic permits and enhances the transparency of licensing and registration activities.

As of July 2025, the UFR includes over 260,000 users³³⁹⁰. As of October 2024, the UFR contained 750,000 registry entries on firearms, while the total number of firearms was estimated at 1.4 million units (paper-based permits remain valid until 2026)³³⁹¹.

3388 On the Approval of the Regulation on the Functional Subsystem "Unified Firearms Register" of the Unified Information System of the Ministry of Internal Affairs: Order of the Ministry of Internal Affairs of Ukraine No. 2 of 10.01.2022.

3389 As of 23 June, the Unified Firearms Register has been launched in Ukraine. Ministry of Internal Affairs of Ukraine. 2023.

3390 One-stop shop for citizens. Ministry of Internal Affairs of Ukraine.

3391 There are currently over 1.4 million units of firearms registered in Ukraine — MoIA. Ukrinform. 2024.

Currently, the UFR covers the licensing and registration system for cold weapons, blank-firing weapons, pneumatic weapons, smoothbore hunting weapons, and rifled hunting weapons. Pneumatic weapons with a calibre of up to 4.5 millimetres and a bullet velocity of up to 100 metres per second are not subject to registration at all. However, civilian access to firearms remains prohibited, and it is precisely this category of weapons that lies at the heart of discussions on regulating civilian firearms circulation.

Due to this prohibition, Ukraine currently lacks a law that would regulate the circulation of civilian firearms among the population. **Draft Law No. 5708³³⁹², which is under consideration in Parliament**, is pending second reading and, according to MoIA representatives³³⁹³, is still regarded as the main legislative initiative, currently being revised and expected to be adopted.

In July 2024, the **Coordination Centre on Combating the Illicit Circulation of Firearms, Their Components and Parts, and Ammunition (Coordination Centre) was established³³⁹⁴** — a temporary advisory body under the Cabinet of Ministers of Ukraine. It was formed to coordinate the actions of state authorities, institutions, and organisations in the area of combating the illicit circulation of firearms, their components and parts, and ammunition.

Its main tasks include defining mechanisms and methods for resolving issues related to combating the illicit circulation of firearms, their components and parts, and ammunition; and organising information exchange between executive authorities and other state bodies, institutions, and organisations to enhance the effectiveness of such efforts³³⁹⁵.

In early February 2025, a **constituent meeting of the Coordination Centre³³⁹⁶** took place. In July of the same year, the adoption of a Strategy (Roadmap) for combating the illicit circulation of weapons is planned³³⁹⁷.

In November 2024, **amendments to Law No. 3899-IX³³⁹⁸** came into force, improving the mechanism for declaring and controlling firearms. In practice, this Law rectifies the situation that arose during the first month of the full-scale invasion of Ukraine by the Russian Federation, during which the procedure for issuing and registering weapons for the defence of the population lacked sufficient control due to the objective security circumstances. After the entry into force of the above amendments, the MIA launched a communication campaign on weapons declaration. To date, over 4,600 units of firearms and more than 1.3 million rounds of ammunition have been declared³³⁹⁹.

3392 On the Right to Civilian Firearms: Draft Law of Ukraine, registration No. 5708 of 25.06.2021.

3393 Information provided by representatives of the Ministry of Internal Affairs of Ukraine during an interview held on 02.04.2025.

3394 On the Establishment of the Coordination Centre on Combating the Illicit Trafficking in Firearms, Their Components and Ammunition: Resolution of the Cabinet of Ministers of Ukraine No. 790 of 05.07.2024.

3395 Ibid.

3396 Ihor Klymenko: The launch of the Coordination Centre on Combating the Illicit Trafficking in Firearms is our contribution to building the European security architecture. Ministry of Internal Affairs of Ukraine. 2025.

3397 Information provided by representatives of the Ministry of Internal Affairs of Ukraine during an interview held on 02.04.2025.

3398 On Amendments to the Law of Ukraine "On Ensuring Civilian Participation in the Defence of Ukraine" to Improve the Procedure for Receiving, Declaring and Handling Firearms: Law of Ukraine No. 3899-IX of 20.08.2024.

3399 Combating the Illicit Trafficking in Firearms. Ministry of Internal Affairs of Ukraine. 2025.

Administrative liability is established for violations of the procedure for acquiring, storing, transferring to other persons, or selling firearms, cold weapons, or pneumatic weapons (within the licensing system — legal weapons)³⁴⁰⁰. Administrative offences include obtaining a permit with violations, late registration (re-registration) of a weapon, violation of procedures for selling weapons, and others.

Criminal liability is established for the illegal handling of weapons, ammunition, or explosives³⁴⁰¹. However, a person who voluntarily surrenders them to the authorities is exempt from criminal liability³⁴⁰².

At the same time, separate criminal liability is established for the **illegal manufacture, modification, or repair of firearms**, falsification, unlawful removal or alteration of their markings, or the illegal manufacture of ammunition, explosives, or explosive devices³⁴⁰³. Moreover, negligent storage of firearms or ammunition that results in loss of life or other serious consequences³⁴⁰⁴ is also subject to criminal liability.

As of the end of 2024, **the number of offences committed on the territory of Ukraine using firearms, explosives, and ammunition increased 42-fold compared to the period before the full-scale invasion**. Thus, in 2021, 273 such crimes were registered; in 2022, this number rose more than 4.6 times to 1,267. In 2023, the figure was 11,186. For the incomplete year of 2024 (as of the end of November), 11,489 such crimes were recorded³⁴⁰⁵. Therefore, in addition to the number of illegally held weapons, it is also important to consider the number of crimes committed with the use of weapons overall (both legal and illegal), which indicates a change in the structure of crime — namely, an increase in its violent nature in the context of the ongoing full-scale war.

Progress and issues

Before the full-scale invasion of Ukraine by the Russian Federation, the majority of Ukrainians did not support the idea of unrestricted civilian access to firearms³⁴⁰⁶. This is confirmed by surveys conducted at different times. For example, in 2015, approximately 80% of citizens did not support the liberalisation of arms circulation, with only 11% in favour³⁴⁰⁷. This trend remained largely unchanged for a long time — in 2021, 73% of Ukrainians did not believe³⁴⁰⁸ that firearms would improve their personal safety.

3400 Code of Ukraine on Administrative Offences No. 80731-X of 07.12.1984, Articles 190–195.

3401 Criminal Code of Ukraine No. 2341-III of 05.04.2001, Article 263.

3402 Ibid, p. 3, Art. 263.

3403 Ibid, Art. 263¹.

3404 Ibid, Art. 264.

3405 Armed Legally: How Civilians Can Declare Unregistered Firearms. Interfax. 2024.

3406 I. Bekeshkina: No more than 11% of the public support liberalising firearms possession rules. Ilko Kucheriv Democratic Initiatives Foundation. 2015.

3407 Ibid.

3408 Firearms for civilians in Ukraine: What is happening in the legal framework? Agency for Legislative Initiatives. 2023.

However, the full-scale invasion changed Ukrainians' attitudes towards weapons. In May 2022, the results of a survey³⁴⁰⁹ were published showing that during the war, **the number of citizens who support granting civilians the right to own firearms had doubled**. The initiative to legalise firearms was supported by 58% of respondents, while 39% were against it. Thus, for the first time in the history of research on this issue, **the number of supporters exceeded the number of opponents** (in 2018–2021, around a quarter supported the idea, while more than 70% opposed it).

Ukraine does not rank last among European countries³⁴¹⁰ in the ratio of illegal to legally registered firearms. As of 2018, there were 9.9 units of civilian firearms per 100 people in Ukraine³⁴¹¹. The scale of the problem increased significantly when looking at the dynamics: in 2007, this figure was 6.6 units per 100 people³⁴¹². These numbers reflect the pre-war situation; however, there are no prerequisites for a positive shift — on the contrary, the situation has only worsened.

Moreover, the full-scale war launched by the Russian Federation has led to a further increase in the number of firearms in the hands of Ukrainian citizens. Several factors contributed to this trend:

- › A sharp rise in demand³⁴¹³ for the purchase of firearms occurred shortly before and in the first days of the Russian invasion;
- › The officially reported issuance of firearms by the Ministry of Internal Affairs and the Ministry of Defence for the needs of territorial defence amounted to 25,000 units³⁴¹⁴;
- › Under such conditions, controlling the flow of weapons became increasingly difficult, raising concerns about potential diversion to black markets.

Despite this significant volume of firearms in civilian circulation, Ukraine still lacks a dedicated law regulating this sector, which directly contradicts the Constitution of Ukraine. Specifically, Article 92 of the Constitution³⁴¹⁵ stipulates that the legal regime of property must be regulated exclusively by laws of Ukraine. Deviation from this norm can only be justified in the context of a transitional period during which Parliament is developing a specific law. However, this process in Ukraine has been protracted, and in reality, this constitutional requirement has remained unfulfilled for over 25 years³⁴¹⁶.

3409 Eleventh Nationwide Survey: Personal Freedom, Security and Firearms Issues. Rating Sociological Group. 2022.

3410 Guns In Europe. RadioFreeEurope, 2018.

3411 Ibid.

3412 Annexe 4. The largest civilian firearms arsenals for 178 countries (ranked by averaged rate of civilian ownership, guns per 100 people).

3413 Ukrainians are massively buying firearms: media reveal new details. UNIAN. 2022.

3414 Over 25,000 units of firearms already issued to citizens in Kyiv. UKRINFORM. 2022.

3415 Constitution of Ukraine No. 254к/96-VR of 28.06.1996, Article 92.

3416 Firearms for civilians in Ukraine: What is happening in the legal framework. Agency for Legislative Initiatives. 2023.

At present, the conditions for acquiring, storing, accounting, securing, carrying, transporting, and using firearms have long been regulated **by Order No. 622³⁴¹⁷ of the Ministry of Internal Affairs**. Key stakeholders consistently acknowledge that the current legal framework is fragmented, contains inconsistencies, and fails to reflect advanced European practices.

The inability to reach a compromise has been the main obstacle preventing the adoption of a special law. Between 1998 and 2020 alone, 20 draft laws on weapons regulation were submitted to Parliament. Diverging approaches and differing interpretations have fuelled a debate that remains active in Ukraine in recent years³⁴¹⁸.

The right to civilian ownership of firearms in Ukraine partially exists, as the country is classified among those where firearms are partially legalised. For instance, certain categories of individuals may obtain firearms for self-defence purposes — such as journalists or persons under threat — as part of security measures, as well as members of public order protection formations. All of these individuals are civilians; however, this cannot be considered a legal firearms market in the full sense.

Ukraine remains a country without a dedicated firearms law. The adoption of **Draft Law No. 5708³⁴¹⁹** at first reading is a significant step toward the partial legalisation of firearms for civilian use. This draft law aims to make the process of acquiring, owning, and handling firearms by individuals and legal entities clearer and more transparent. In addition, it seeks to regulate the activities of law enforcement agencies regarding the oversight of civilian firearms circulation.

The current version of the legislative initiative (prepared as a comparative table for the second reading) proposes to allow the legal purchase of short-barrelled firearms only five years after the end of martial law. It also proposes to grant the right to carry such firearms only to persons aged 30 and over who have at least five years of legal experience owning another category of weapon.

In addition, Draft Law No. 5708 introduces a categorisation of firearms based on their technical characteristics. Access to each category varies, and when combined with age-based restrictions, certain elements of this regulation may be considered discriminatory. For example, the right to possess Category C weapons is granted only to citizens who practice shooting sports or have been awarded departmental or honorary weapons. These restrictions have been widely criticised in public discourse³⁴²⁰.

However, the most widely debated issue concerns the rules on carrying firearms. The proposed version stipulates that firearms must be kept at home in a safe in an unloaded state and transported to shooting ranges or permit authorities in the same condition. The draft law does not grant the right to concealed carry, for example, while walking in a park or spending

3417 On the Approval of the Instruction on the Procedure for the Manufacture, Acquisition, Storage, Registration, Transportation and Use of Firearms, Pneumatic, Cold and Deactivated Weapons, Domestic Devices for Shooting Cartridges Equipped with Rubber or Similar Non-Lethal Projectiles, and Ammunition, Main Components of Weapons and Explosives: Order of the Ministry of Internal Affairs of Ukraine No. 622 of 21.08.1998.

3418 Firearms for civilians in Ukraine: What is happening in the legal framework. Agency for Legislative Initiatives. 2023.

3419 On the Right to Civilian Firearms: Draft Law of Ukraine, registration No. 5708 of 25.06.2021.

3420 Second Roundtable Held on “Problematic Issues of Legislative Regulation of Civilian Firearms Circulation in Ukraine”. Ukrainian Gun Owners Association. 2021.

time in nature. Proponents of legalisation and concealed carry of short-barrelled rifled firearms argue that such a step would strengthen citizens' right to self-defence. In this context, the Ukrainian Gun Owners Association has criticised this provision of Draft Law No. 5708, stating that it entirely deprives Ukrainians of the ability to exercise the right to armed self-defence, and instead guarantees impunity for criminals³⁴²¹. A number of civil society organisations³⁴²² have raised concerns about the draft law and emphasised the need for its revision.

Although Draft Law No. 5708 currently has the highest likelihood of being adopted in full, it still contains other shortcomings. The Main Scientific and Expert Department of the Verkhovna Rada Secretariat (MSED) and the Parliamentary Committee on Law Enforcement have expressed a number of comments regarding specific provisions of the draft. In particular, the draft law's terminology and the rules for marking firearms and international cooperation require further refinement. Its provisions also need to be aligned with the requirements of international law. **According to the MoIA³⁴²³, work on revising Draft Law No. 5708 is ongoing.** At the same time, the Rule of Law Roadmap³⁴²⁴ stipulates that by the fourth quarter of 2026 a law must be drafted and adopted establishing the legal regulation of the circulation of firearms in Ukraine, the provisions of which comply with the EU acquis.

The Coordination Centre operates as the National Focal Point on Firearms (NFFP)³⁴²⁵ in Ukraine. The NFFP is a key component in the complex network of European policies aimed at combating the threat posed by the proliferation of illegal firearms. These centres combine elements of legal control, intelligence, ballistic analysis, investigation, and prevention. For Ukraine, which aspires to join the EU, the establishment of an NFFP is a critical element of adopting the EU acquis and tackling organised crime, including the illicit trade in firearms³⁴²⁶.

The Coordination Centre and the authorities involved in its work are expected to carry out regular threat assessments in order to prevent the illegal possession and circulation of firearms and other types of small arms and light weapons³⁴²⁷. As of April 2025, two meetings of working groups had been held within the framework of the Coordination Centre³⁴²⁸. At the same time, the Coordination Centre currently has limited powers.

3421 Constitutional Experts: "Lack of the Right to Handguns Narrows Citizens' Constitutional Right to Protect Life and Health". Ukrainian Gun Owners Association. 2022.

3422 Conclusion on Draft Law 5708 "On the Right to Civilian Firearms". Institute of Legislative Ideas.

3423 Information provided by representatives of the Ministry of Internal Affairs of Ukraine during an interview held on 02.04.2025.

3424 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the Accession Process to the EU": Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

3425 National Firearms Focal Point.

3426 National Firearms Focal Points: Ukraine's Quest for EU Best Practices. European Union Advisory Mission for Civilian Security Sector Reform in Ukraine. 2023.

3427 Action Plan for the Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024, para. 1.4.3.

3428 Information provided by representatives of the Ministry of Internal Affairs of Ukraine during an interview conducted on 02.04.2025.

With a view to expanding the powers of the Coordination Centre, the Rule of Law Roadmap provides for ensuring its access to the Unified State Register of Weapons and to the SIENA communication channel for the purpose of exchanging information through this channel, as well as for improving cooperation with military command bodies. Such powers are planned to be granted within 18 months after the entry into force of the Law on the legal regulation of the circulation of firearms.

The outcome of the Coordination Centre's work should also include a Roadmap for Combating the Illicit Trafficking of Firearms, which will envisage measures to reduce the quantity of illegal firearms among the population, as well as to promote a culture of responsible firearm ownership and handling by raising awareness of the liability for the illegal possession, use and sale of firearms, and by conducting public information and educational campaigns. The adoption of such a document is stipulated in the Rule of Law Roadmap (deadline — fourth quarter of 2025).

On a permanent basis, it is also envisaged to respond to challenges caused by the war, in particular by ensuring interagency cooperation between law enforcement bodies and military command bodies with a view to preventing the illicit circulation of firearms, their ammunition and explosives, especially weapons of military standard.

Criminal liability for the illicit trafficking of firearms remains inadequate. The CC of Ukraine does not fully align with international obligations, particularly with regard to the legal circulation of firearms. Certain categories of weapons, especially military-grade firearms, require stricter control. The Rule of Law Roadmap specifies that such amendments to the CC of Ukraine are to be introduced by the fourth quarter of 2026.

Article 263 of the CC of Ukraine requires improvement through the differentiation of offence categories, specifically by introducing harsher liability under martial law (as a separate offence). Draft Law No. 10041³⁴²⁹ proposes to implement such changes by increasing the sanction under the Article. This would result in the reclassification of the offence into the category of serious or especially serious crimes, which would procedurally preclude the conclusion of a plea agreement³⁴³⁰ and significantly increase the bail amount as a preventive measure³⁴³¹. Moreover, the proposed punishment is disproportionate to other crimes, as it exceeds, in terms of severity, such offences as grievous bodily harm or rape.

It is essential to differentiate between crimes committed during and under martial law. The social danger of the analysed acts increases significantly by default under conditions of martial or state of emergency, regardless of whether the acts were committed by taking advantage of such conditions or independently of them. However, the current wording of the aggravating circumstances³⁴³² provision allows the judge greater discretion in differentiating liability by establishing a causal link between the offence and the conditions of martial law.

3429 On Amendments to Article 263 of the Criminal Code of Ukraine to Strengthen Liability for the Illegal Acquisition, Transfer or Sale of Firearms, Ammunition, Explosives or Explosive Devices under Martial Law or a State of Emergency: Draft Law of Ukraine, registration No. 10041 of 13.09.2023.

3430 Article 469 of the CPC of Ukraine prohibits the conclusion of a plea agreement in cases of particularly serious crimes.

3431 Criminal Procedure Code of Ukraine No. 4651-VI of 13.04.2012, para. 3, Part 5, Article 182.

3432 According to para. 11 Part 1, Article 67 of the CC of Ukraine, the commission of a crime using conditions of martial law, a state of emergency or other extraordinary events is considered an aggravating circumstance.

Under such circumstances, a more appropriate approach would be to differentiate liability by fragmenting the elements of the offence using a list of its forms. A relevant example is the draft of the new Criminal Code of Ukraine developed by the Commission on Legal Reform³⁴³³. It clearly distinguishes between manufacture or production; repair; acquisition; storage; transportation; and sale of small arms or ammunition³⁴³⁴. Some of these offences are reclassified as criminal misdemeanours if they involve a small quantity of weapons, ammunition, or cold weapons.

Only under this approach can harsher penalties be justified for specific forms of offences, taking into account the current security context — the full-scale war. Therefore, **Draft Law No. 10041 not only fails to address the flaws in the current criminal legislation but also creates new** and more complex problems by introducing a disproportionately severe liability for the illicit trafficking of firearms.

It is necessary to introduce the criminalisation of the illicit circulation of firearm components, ammunition, and explosives. Currently, Ukrainian legislation provides for liability for theft, misappropriation, extortion, unlawful transfer, storage, acquisition, sale, handling, manufacture, modification, or repair of weapons. However, it does not establish liability for such acts when committed with components of firearms. This legislative gap leads to an increase in the number of latent crimes related to the illicit circulation of weapons and ammunition, particularly through the homemade assembly of firearms from industrially manufactured components and parts.

To address this issue, in October 2023, **Draft Law No. 10179**³⁴³⁵ was submitted to Parliament. It proposes to introduce liability for carrying, storing, acquiring, transporting, or sending firearms (except smoothbore hunting weapons), components of firearms (except smoothbore hunting weapons), ammunition, explosives, or explosive devices without a statutory permit and without the intent to sell. Such acts would be punishable by imprisonment for a term of two to six years, with no alternative sanction. The draft law also proposes to establish criminal liability for the theft, misappropriation, or extortion by a service member of components of firearms.

According to the authors of **Draft Law No. 10179**, its adoption would enable law enforcement agencies to effectively counter illegal armed groups and crimes related to the illicit circulation of weapons and ammunition. It would also help block the channels through which firearms are assembled from legally or illegally imported industrial parts and components and enter the black market.

The MoIA supports this draft law and emphasises³⁴³⁶ the importance of its adoption for effectively combating the illicit circulation of weapons, as the differentiation of liability based on various offences would allow for more proportionate and effective application of criminal law measures.

3433 The Commission on Legal Reform was established by the Presidential Decree No. 584 of 07.08.2019. A working group on the development of criminal law was formed within the Commission, consisting of representatives of leading law schools of Ukraine and tasked with preparing proposals for amending Ukrainian criminal liability legislation. The result of the group's work is the draft of the new Criminal Code of Ukraine.

3434 Paras. 7.3.13, 7.3.14 Article 7.3.4 of the new draft of the Criminal Code of Ukraine (as of 02.04.2025).

3435 On Amendments to the Criminal Code of Ukraine to Improve Liability for the Illegal Manufacture and Circulation of Firearms, Components of Firearms, Ammunition, and Explosives: Draft Law of Ukraine, registration No. 10179 of 23.10.2023.

3436 Information provided by representatives of the Ministry of Internal Affairs of Ukraine during an interview conducted on 02.04.2025.

Recommendations

1. Adopt Draft Law No. 5708 on firearms for the civilian population (civilian firearms), revising its provisions based on expert feedback.
2. The Coordination Centre and the bodies involved in its operation should conduct regular threat assessments to prevent the illegal possession and circulation of firearms and other types of small arms and light weapons. It is advisable to develop and approve a Roadmap for combating the illicit circulation of weapons within the time limits defined by state policy documents.
3. Strengthen the institutional capacity of the Coordination Centre, which performs the functions of the National Focal Point on Firearms (NFFP), by ensuring its connection to Europol's SIENA Platform for information exchange via this channel and by improving cooperation with military command bodies.
4. Improve criminal liability for the illicit circulation of weapons and ammunition, in particular by adapting it to the conditions of full-scale war and clarifying liability concerning firearm components and ammunition. The wording of the relevant articles in the draft of the new Criminal Code of Ukraine and the adoption of Draft Law No. 10179 could serve as a basis for such improvements.

Parliamentary Oversight of the Security and Intelligence Sector. Review of the Powers of the Security Service of Ukraine

State of play

In Ukraine, the issue of establishing democratic civilian control was officially raised in the context of the development and adoption of the core documents under the NATO "Partnership for Peace" programme³⁴³⁷. The need to democratise the defence sector and to optimise civil-military relations by establishing democratic civilian control over the security and defence sector — an integral part of which is parliamentary oversight — was reflected in the Concept of National Security³⁴³⁸, which provisions were later elaborated in Laws No. 964-IV³⁴³⁹ and No. 975-IV³⁴⁴⁰.

Subsequently, both laws were repealed following a new codification introduced **in 2018 through the adoption of Law No. 2469-VIII³⁴⁴¹, which defines the current legal framework of national security regulation, including democratic civilian control over the security and defence sector of Ukraine.**

3437 The Partnership for Peace (PfP) Programme is a NATO cooperation instrument with partner countries based on practical collaboration and a commitment to democratic principles.

3438 On the Concept (Fundamentals of State Policy) of National Security of Ukraine: Resolution of the Verkhovna Rada of Ukraine No. 3/97-VR of 16.01.1997.

3439 On the Fundamentals of National Security of Ukraine: Law of Ukraine No. 964-IV of 19.06.2003.

3440 On Democratic Civilian Control over the Military Organisation and Law Enforcement Agencies of the State: Law of Ukraine No. 975-IV of 19.06.2003.

3441 On National Security of Ukraine: Law of Ukraine No. 2469-VII of 21.06.2018.

Ukraine's security and defence sector comprises four interrelated components³⁴⁴²: security forces; defence forces; the defence-industrial complex; and citizens and civil society associations voluntarily involved in ensuring national security.

The system of civilian control consists of oversight exercised by the President; the Verkhovna Rada; the NSDC; the Government, executive authorities and local self-government bodies; judicial control; and public oversight³⁴⁴³. The subject of such control includes:

- compliance with the Constitution and laws of Ukraine in the activities of security and defence sector bodies, and the prevention of their use for usurpation of power or violation of human and civil rights and freedoms;
- the substance and implementation status of strategies, doctrines, concepts, state programmes and plans in the fields of national security and defence;
- the state of law and order within the security and defence sector bodies, their staffing, provision with modern armaments, military and special equipment, availability of required stockpiles of material resources, and readiness to carry out their assigned tasks in peacetime and under special conditions;
- the effectiveness of resource utilisation, including budgetary funds, by security and defence sector agencies³⁴⁴⁴.

The Verkhovna Rada exercises parliamentary oversight and adopts laws of Ukraine that define and regulate the activities and powers of security and defence sector agencies, approves the corresponding budget appropriations, and takes decisions based on reports concerning their use³⁴⁴⁵. The Verkhovna Rada performs its oversight function, in particular through committees authorised to monitor the activities of security and defence sector agencies³⁴⁴⁶. **In the current 9th convocation, these powers are primarily exercised by the Committee on National Security, Defence and Intelligence**³⁴⁴⁷.

Additionally, the Parliament has the authority to:

- establish temporary special commissions and, for the purpose of investigating matters of public interest, temporary investigative commissions³⁴⁴⁸;
- exercise parliamentary oversight over compliance with constitutional human and civil rights and freedoms through the Ukrainian Parliament Commissioner for Human Rights (Ombudsman)³⁴⁴⁹;

3442 Ibid, p. 1, Art. 12.

3443 Ibid, p. 1, Art. 4.

3444 Ibid, p. 4, Art. 4.

3445 Ibid, p. 1, Art. 6.

3446 On National Security of Ukraine: Law of Ukraine No. 2469-VII of 21.06.2018, Part 2, Article 6.

3447 On the List, Numerical Composition and Areas of Competence of Committees of the Verkhovna Rada of Ukraine of the Ninth Convocation: Resolution of the Verkhovna Rada of Ukraine No. 19-IX of 29.08.2019.

3448 On Temporary Investigative Commissions and Temporary Special Commissions of the Verkhovna Rada of Ukraine: Law of Ukraine No. 400-IX of 19.12.2019.

3449 On the Ukrainian Parliament Commissioner for Human Rights: Law of Ukraine No. 776/97-VR of 23.12.1997.

- › annually receive written reports from the Government, the SSU, and the Department on State Protection of Ukraine on the activities of security and defence sector components;
- › hold parliamentary hearings, as needed, on matters of national security and defence that are of public interest and require legislative regulation;
- › officially invite or demand the presence of officials or employees of security and defence sector bodies at plenary sessions for questioning or reporting³⁴⁵⁰.

In 2020, Law No. 912-IX³⁴⁵¹ was adopted, which excluded the Foreign Intelligence Service of Ukraine (FISU) from the scope of the Law of Ukraine "On National Security of Ukraine", introducing a distinct procedure for democratic civilian oversight of its intelligence activities³⁴⁵². While general rules remain in effect under the Law on National Security, the procedure for visiting intelligence agency facilities and accessing information containing intelligence secrets during oversight is defined through joint acts of the intelligence agencies and the respective oversight entities. Information about individuals, methods, assets, and means used in intelligence operations is not disclosed until the intelligence task is fully completed. Information provided as part of democratic civilian oversight is limited in accordance with legal procedure and must not be disclosed³⁴⁵³.

Members of Parliament, the Ombudsman, members of the Accounting Chamber, and other persons involved in parliamentary oversight must undergo a special clearance process and obtain the necessary access to state and intelligence secrets, in line with established procedures³⁴⁵⁴.

The SSU is a special-purpose state body with law enforcement functions, responsible for ensuring national security³⁴⁵⁵. The SSU is subordinated to the President of Ukraine and accountable to the Verkhovna Rada. The Head of the SSU is appointed and dismissed by the President³⁴⁵⁶ and is also a member of the NSDC³⁴⁵⁷.

The SSU is tasked³⁴⁵⁸ with both counterintelligence operations and pre-trial investigation of criminal offences.

The issue of SSU reform has been raised repeatedly since Ukraine's independence. In 2002, the Ukraine-NATO Action Plan³⁴⁵⁹ was adopted, which included provisions for reforming the security agencies. This was followed by the 2003 Target Plan³⁴⁶⁰, the first annual

3450 On National Security of Ukraine: Law of Ukraine No. 2469-VII of 21.06.2018, Article 6.

3451 On Intelligence: Law of Ukraine No. 912-IX of 17.09.2020.

3452 Ibid, p. 2, Art. 8.

3453 Ibid, Arts 46, 51.

3454 Ibid, p. 2, Art. 53.

3455 On the Security Service of Ukraine: Law of Ukraine No. 2229-XII of 25.03.1992.

3456 Ibid, Art. 13.

3457 On National Security of Ukraine: Law of Ukraine No. 2469-VII of 21.06.2018, Article 19.

3458 On the Security Service of Ukraine: Law of Ukraine No. 2229-XII of 25.03.1992, Article 2.

3459 NATO - Ukraine Action Plan. 2002.

3460 On the Approval of the NATO-Ukraine Action Plan and the Target Plan for Ukraine-NATO Cooperation for 2003: Decision of the State Council on European and Euro-Atlantic Integration of Ukraine No. 2 of 06.02.2003.

document outlining the scope of measures, goals, and objectives aimed at aligning Ukraine's legislative framework and state apparatus with the standards of NATO member states in the field of national security.

In 2007, the Ukraine-NATO Target Plan for 2007³⁴⁶¹ reaffirmed these priorities, explicitly calling for the transformation of the SSU into a European-style intelligence agency. These intentions were formalised in the Concept for SSU Reform³⁴⁶², which defined the primary task of the reformed SSU as ensuring national security within the domain of state security through counterintelligence and operational-search activities, counterterrorism, the prevention and investigation of crimes and offences in the sphere of national security, and information-analytical work. Despite being defined in the Annual National Programmes for 2009³⁴⁶³ and 2010³⁴⁶⁴ as part of Ukraine's preparations for NATO accession, the reform of the SSU in line with the adopted Concept was never implemented.

The reform of the SSU was subsequently referenced — explicitly or implicitly — in a number of key strategic documents, including the Sustainable Development Strategy "Ukraine-2020"³⁴⁶⁵, the National Security and Defence Strategies of Ukraine for 2015³⁴⁶⁶, and 2020³⁴⁶⁷, the Concept for the Development of the Security and Defence Sector of Ukraine³⁴⁶⁸ and the Cybersecurity Strategy of Ukraine³⁴⁶⁹.

The overarching goal of the SSU reform is to transform the agency into a compact, mobile, and high-tech service modelled after institutions such as the UK's MI5. The SSU's mandate should be limited to a clearly defined scope of responsibilities, namely: counterintelligence, counterterrorism, and protection of state secrets³⁴⁷⁰.

Pursuant to the Law No. 2469-VIII³⁴⁷¹, the SSU was tasked with preparing a draft law amending the Law of Ukraine "On the Security Service of Ukraine" within six months of the Law's entry into force (21 June 2018) and submitting it to the President for further consideration by Parliament.

3461 On the Target Plan for Ukraine – NATO Cooperation for 2007 under the NATO – Ukraine Action Plan: Decree of the President of Ukraine No. 535/2007 of 18.06.2007.

3462 On the Concept of Reforming the Security Service of Ukraine: Decision of the National Security and Defence Council of Ukraine of 15.02.2008 (enforced by Decree of the President of Ukraine No. 249/2008 of 20.03.2008).

3463 On the Approval of the Annual National Programme for 2009 on Ukraine's Preparation for Membership in the North Atlantic Treaty Organisation: Decree of the President of Ukraine No. 600/2009 of 07.08.2009.

3464 On the Approval of the Annual National Programme for 2010 on Ukraine's Preparation for Membership in the North Atlantic Treaty Organisation: Decree of the President of Ukraine No. 92/2010 of 03.02.2010.

3465 On the Strategy for Sustainable Development "Ukraine 2020": Decree of the President of Ukraine No. 5/2015 of 12.01.2015.

3466 On the Decision of the National Security and Defence Council of Ukraine of 06 May 2015 "On the National Security Strategy of Ukraine": Decree of the President of Ukraine No. 287/2015 of 26.05.2015.

3467 On the Decision of the National Security and Defence Council of Ukraine of 14 September 2020 "On the National Security Strategy of Ukraine": Decree of the President of Ukraine No. 392/2020 of 14.09.2020.

3468 On the Concept for the Development of the Security and Defence Sector of Ukraine: Decision of the National Security and Defence Council of Ukraine of 04.03.2016 (enforced by Decree of the President of Ukraine No. 92/2016 of 14.03.2016).

3469 Cybersecurity Strategy of Ukraine. A Secure Cyberspace — a Guarantee of the Country's Successful Development: Decree of the President of Ukraine No. 447 of 26.08.2021.

3470 Reform of the SSU: Challenges and Prospects. Study. Kharkiv Human Rights Protection Group Information Portal, p. 5. 2021.

3471 On National Security of Ukraine: Law of Ukraine No. 2469-VII of 21.06.2018, para. 6, Section VI.

In March 2020, Draft Law No. 3196³⁴⁷² was submitted to Parliament. It was later revised and reintroduced as **No. 3196-d**³⁴⁷³. **In early 2021, the Verkhovna Rada adopted this revised version of the draft law on SSU reform at first reading.** Among other provisions, it envisaged a gradual reorganisation of the SSU, including its removal from the law enforcement system by 2024, primarily through the elimination of its pre-trial investigation function.

The draft law in question was developed with due consideration of Ukraine's strategic and conceptual documents on the development of the security and defence sector, the reform of the law enforcement system, as well as the recommendations of Ukraine's international and European partners. The draft law envisages the adoption of two new laws: "On the Security Service of Ukraine", and "On the General Structure and Staffing Levels of the Security Service of Ukraine". It also proposes removing the SSU from the list of agencies established by the Law of Ukraine "On the Organisational and Legal Framework for Combating Organised Crime", which would result in the abolition of specialised anti-corruption and organised crime units within the SSU. Instead, the SSU's ability to counter organised and transnational crime would be reframed in terms of countering intelligence and subversive activities against Ukraine, conducted outside the scope of criminal proceedings. In other words, SSU's law enforcement function would be curtailed, with its pre-trial investigation powers gradually transferred to the SBI (by 2024)³⁴⁷⁴.

At the end of 2021, Members of Parliament were provided with a comparative table for the second reading³⁴⁷⁵, after which the reform process stalled due to its complexity and the onset of the full-scale invasion of Ukraine by the Russian Federation. Nonetheless, the adoption of the draft law at first reading may be viewed as a declaration of intent in the area of public policy, and the possibility of its eventual adoption remains valid until the end of the mandate of the current convocation of the Verkhovna Rada.

The OAS envisages the unification of the legal foundations for the organisation of the law enforcement system, by establishing criteria to delineate areas of activity carried out by law enforcement agencies and other public bodies, based on exclusive functional orientation³⁴⁷⁶. The OAS Action Plan specifies this principle in relation to the SSU as follows: **"Implementation of a set of measures aimed at the development (drafting of necessary legislative amendments) of the SSU** as a state body with special status and law enforcement functions, ensuring the state security of Ukraine, and strengthening its capacities in the areas of counterintelligence, information security and cyber protection, counter-terrorism, and the

3472 On Amendments to the Law of Ukraine "On the Security Service of Ukraine" Aimed at Improving the Organisational and Legal Principles of the Security Service of Ukraine: Draft Law of Ukraine, registration No. 3196 of 10.03.2020.

3473 On Amendments to the Law of Ukraine "On the Security Service of Ukraine" Aimed at Improving the Organisational and Legal Principles of the Security Service of Ukraine: Draft Law of Ukraine, registration No. 3196-d of 26.10.2020. Adopted at first reading on 28.01.2021.

3474 White Paper on the Depoliticisation of Law Enforcement and Prosecutorial Authorities: Appointments/Dismissals of Leadership. Centre of Policy and Legal Reform, pp. 33–34. 2023.

3475 The comparative table for the second reading was submitted on 23.08.2021; resubmitted on 19.10.2021. Further progress on this legislative initiative has stalled.

3476 Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of Ukraine's Security and Defence Sector for 2023–2027: Decree of the President of Ukraine No. 273/2023 of 11.05.2023, Direction 1.1.

protection of state secrets". The development of the relevant legislative initiatives is scheduled to be completed by the fourth quarter of 2025³⁴⁷⁷.

The Annual National Programmes (ANPs) under the auspices of the Ukraine–NATO³⁴⁷⁸ Commission and the Ukraine — NATO Council for the years 2022–2024 have envisaged a human-centred approach to the reform of the SSU. The core focus of state policy within the Euro-Atlantic integration process is placed on ensuring the security and well-being of the individual as a key subject of national security. The Adapted Annual National Programme for 2024³⁴⁷⁹ envisaged the amendment of several legislative acts of Ukraine to strengthen democratic civilian control over the Armed Forces of Ukraine (AFU), enhance the unified command of the national defence forces, and improve security and defence planning. The same document also provided for the SSU's review and adoption of military standards already implemented by the Ministry of Defence, as well as NATO military and doctrinal documents, for their further use in the operational and service activities of SSU bodies and units.

Progress and issues

According to the Law of Ukraine "On National Security of Ukraine", the Government was tasked, within six months from the date of entry into force of this Law (i.e. by 8 January 2019), with ensuring the development and submission to the Verkhovna Rada of a draft law on the tasks and powers of the Verkhovna Rada Committee responsible for exercising the Parliament's oversight functions over the activities of state bodies of special purpose with law enforcement functions, law enforcement agencies, law enforcement agencies of special purpose, and intelligence agencies in accordance with the requirements of the Constitution of Ukraine regarding the assurance of national security. Within the established time frame, this draft law was not submitted to Parliament, and this obligation was altogether removed³⁴⁸⁰ from the relevant Law in 2020.

In January 2019, Draft Law No. 9462³⁴⁸¹ was submitted to Parliament. An analysis of the draft law indicates that its authors proposed not to limit parliamentary oversight to matters of compliance with legislation but to introduce mandatory practices such as reporting by special services to the Verkhovna Rada, holding closed hearings on the situation within the special services with the obligatory presence of the heads of state bodies in the security sector, obtaining approval from the profile committee for appointments to senior posi-

3477 Action Plan for the Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of Ukraine's Security and Defence Sector for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024, measure 11.3.

3478 The Annual National Programme under the NATO - Ukraine Commission is a key instrument for Ukraine's achievement of NATO membership criteria. The programme's structure corresponds to the Membership Action Plan, outlining strategic goals, content, tasks and activities in the areas of political and economic issues, defence and military issues, resources, security, and legal matters. In 2023, the NATO - Ukraine Council was established as the successor to the NATO - Ukraine Commission. The shift from Commission to Council reflects strengthened political ties between Ukraine and NATO and a higher level of Ukraine's integration into the Alliance.

3479 Adapted Annual National Programme "Ukraine–NATO" for 2024.

3480 Subparagraph 3 of Paragraph 5, Section VI, was repealed pursuant to Law No. 912-IX of 17.09.2020.

3481 On Parliamentary Oversight of Compliance with Legal Provisions in the Activities of the State's Special Services and Law Enforcement Agencies: Draft Law of Ukraine, registration No. 9462 of 09.01.2019. This draft law was submitted during the previous 8th convocation of the Verkhovna Rada of Ukraine. Pursuant to legislative provisions, on 29.08.2019 Draft Law No. 9462 was automatically withdrawn as it had not passed its first reading before the expiration of the 8th convocation's term.

tions in the special services, etc. In addition, it was proposed to define the term “special services”. These are understood to be state bodies whose activities are carried out using special means and methods with the aim of ensuring national security. The authors of the draft law classified the following as special services: the SSU; the Foreign Intelligence Service; the Main Directorate of Intelligence of the Ministry of Defence; the Intelligence Directorate of the Administration of the State Border Guard Service; the Department of the State Protection of Ukraine³⁴⁸².

In effect, this draft law was re-registered during the new 9th convocation of the Verkhovna Rada under No. 1204³⁴⁸³, but after discussions and revisions, it was never adopted. Thus, the issue of detailing the forms and procedures for parliamentary oversight of the security and defence sector of Ukraine remains on the agenda. However, its revision must take into account subsequent legislative changes, primarily the adopted Law of Ukraine “On Intelligence”, as well as the requirements of the legal regime of martial law.

The legislator has overlooked the principles according to which such oversight should be carried out. The powers of the committee enshrined in law do not take into account the specific nature of the activities of special purpose bodies, do not provide mechanisms for effective interaction between the committee and the relevant body, and do not adequately guarantee the committee’s non-interference in the work of these bodies. This may in one way or another have a negative impact on ensuring the rights of service members in those subordinate bodies to which they belong, as committees should in fact represent the interests of these bodies and their personnel in Parliament, which, it appears, is only possible if these aspects are duly considered³⁴⁸⁴.

A separate issue highlighted by representatives of the SSU during the interview³⁴⁸⁵ is the **failure of Members of Parliament, specifically members of the Verkhovna Rada Committee on National Security, Defence and Intelligence, to undergo the special vetting procedure as required by law when exercising their powers of parliamentary oversight.** Instead, Members of Parliament rely solely on their existing access to state secrets, which is a significantly less robust safeguard against information leaks and misuse. In response to this problem, the **Rule of Law Roadmap provides for the introduction of a procedure for organising and conducting such checks** in respect of Members of Parliament, the Ombudsman, staff of the Secretariat and experts engaged by the relevant parliamentary committee (deadline — fourth quarter of 2025).

The Rule of Law Roadmap also provides for strengthening democratic civilian control over the SSU through the implementation of two initiatives. The first initiative consists in the adoption of a law aimed at establishing an independent ombudsman/oversight body for investigating individual complaints and other issues related to the activities of the SSU (first quarter of 2027). The second consists in establishing effective mechanisms of inte-

3482 Parliamentary Oversight of Special Services: Foreign and National Experience, Conclusions for Ukraine. Information Agency “Defence-Industrial Courier”. 2019.

3483 On Parliamentary Oversight of Compliance with the Constitution and Laws of Ukraine in Ensuring National Security in the Activities of Special Services and Law Enforcement Agencies: Draft Law of Ukraine, registration No. 1204 of 29.08.2019.

3484 Parliamentary Oversight of the Protection of Service Members’ Rights: Ways of Improvement. Law and Society. No. 6/2022, p. 6.

3485 Information provided by representatives of the Security Service of Ukraine during an interview conducted on 31.03.2025.

reaction with the parliamentary committee whose competence includes the exercise of the Parliament's oversight functions over the activities of law enforcement special bodies, law enforcement agencies of special jurisdiction and intelligence agencies (deadline — fourth quarter of 2027).

Plans for **reforming the SSU** under martial law conditions have undergone significant changes. Primarily, these relate to staff reductions, the narrowing of the SSU's functions, and other measures that may adversely affect national security in the context of full-scale war. This represents the consolidated position of the Government, the Verkhovna Rada, and the Office of the President of Ukraine.

The main legislative initiative concerning SSU reform — Draft Law No. 3196-d — is no longer considered the principal one. Instead, according to SSU³⁴⁸⁶, the Service *supports a pluralistic approach, whereby there should be several legislative initiatives in the area of SSU development, as Draft Law No. 3196-d requires substantial revision to meet current needs.*

The Rule of Law Roadmap states that by the first quarter of 2026 a Law of Ukraine "On the Security Service of Ukraine" is to be drafted and adopted with the aim of introducing a flexible organisational structure of the SSU taking into account changes in the security environment, bringing the tasks and powers of the SSU into line with the scope necessary for the proper performance of tasks and functions focused on counter-intelligence, counter-terrorism, cyber security and the protection of state secrets, as well as the detection, prevention and investigation of relevant offences. This is to be preceded by an analysis of the legislation governing the activities of national security services in EU and NATO member states, to be carried out by the SSU with the involvement of international partners (fourth quarter of 2025).

In March 2025, the SSU itself emphasised³⁴⁸⁷ that the reform of the Service is ongoing, in particular the *Development Strategy of the Security Service of Ukraine until 2030* is being drafted, which will provide answers to questions of institutional reforms in the Service. The approval of such a document was planned for the second quarter of 2025³⁴⁸⁸, but there is no information as to whether this took place. At the same time, the Rule of Law Reform Roadmap envisages a number of managerial measures to be implemented during 2025–2026, namely: improving the procedure for evaluating SSU staff, developing a new procedure for the attestation of SSU staff, and improving the procedure for the SSU's annual reporting.

On the one hand, a comprehensive draft law on SSU reform (such as Draft Law No. 3196-d) would make it possible to address all institutional components of the reform (structure, powers, personnel, etc.) and to determine a phased approach to its implementation without undermining the effectiveness of its assigned functions. On the other hand, taking into account the requirements of wartime, unlike the situation in 2019 when the discussion on a large-scale SSU reform began, the current focus is on the need to streamline counterintelligence and operational investigative functions, the protection of critical infra-

3486 Ibid.

3487 Ibid.

3488 Ibid.

structure (CI) facilities, response to cybersecurity threats, and so on. Thus, the scope of legislative regulation encompasses a range of foundational laws that cannot be comprehensively addressed within a single draft law. Only comprehensive changes can result in high-quality reform of the SSU in line with EU standards.

The issue of whether the SSU should retain the *function of pre-trial investigation of criminal offences* remains a matter of debate. As of now, the SSU combines the functions of a counterintelligence body (special service) and a pre-trial investigation body. According to SSU representatives, *this situation is not unique in Europe, as around seven countries also combine these functions, which does not contradict EU or NATO standards*³⁴⁸⁹.

The SSU conducts pre-trial investigations of criminal offences in five categories of cases³⁴⁹⁰: crimes against the foundations of Ukraine's national security; terrorism³⁴⁹¹; cybersecurity, smuggling and protection of critical infrastructure; protection of state secrets; international crimes.

Whereas prior to 2022 the discussion focused on the complete removal of the SSU's function of pre-trial investigation, the exponential increase — by thousands of times — in criminal proceedings related to national security or war crimes has changed this position. Today, given the unique experience of SSU investigators and the infrastructural difficulties associated with transferring such cases to another pre-trial investigation body, the complete removal of the SSU's investigative function is no longer under consideration. According to SSU representatives, they oppose the reduction of the pre-trial investigation function, except for smuggling, which may be transferred to the ESBU given its subject-matter competence³⁴⁹².

Furthermore, SSU operational units are widely involved in the investigation of criminal offences by all pre-trial investigation bodies. At the same time, the "K" units (counterintelligence in the field of combating corruption and organised crime) and "E" units (counterintelligence in the economic sphere), which had been criticised by human rights³⁴⁹³ and anti-corruption³⁴⁹⁴ organisations after 2021³⁴⁹⁵, have been reoriented towards the protection of critical infrastructure (in effect, their functions have been significantly narrowed). Nevertheless, they will in any case continue to operate within the SSU, since counterintelligence is an inherently characteristic function of a special service (unlike pre-trial investigation).

3489 Ibid.

3490 The investigative jurisdiction of pre-trial investigation bodies is defined in Article 216 of the CPC of Ukraine.

3491 Relevant elements of criminal offences were amended by the Law of Ukraine No. 2997-IX of 21.03.2023 "On Amendments to the Criminal Code and the Criminal Procedure Code of Ukraine in Connection with the Ratification of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, and to Certain Legislative Acts of Ukraine on Improving the Fight against Terrorism".

3492 Information provided by representatives of the Security Service of Ukraine during an interview conducted on 31.03.2025.

3493 A Security Service Without Borders or Oversight: What Is Wrong with the Draft Law on the SSU? European Pravda. 2021.

3494 Anti-Corruption Powers of Internal Security Agencies in Central European Countries: Review of Experience and Lessons for Ukraine. Anti-Corruption Action Centre. 2020.

3495 On 28.01.2021, the Law of Ukraine "On the Economic Security Bureau of Ukraine" entered into force. Paragraph 3 of its Final and Transitional Provisions provided for the removal from Article 10 of the Law of Ukraine "On the Security Service of Ukraine" (structure of the SSU Central Directorate) of "units for combating corruption and organised crime".

SSU's counterintelligence activities cover a much broader scope than the sphere of criminal justice, as they also include issues such as sanctions policy, the protection of critical infrastructure, and combating threats in cyberspace. For example, according to the SSU³⁴⁹⁶, sanctions have been imposed on 13,505 individuals based on SSU materials, which accounts for 94% of all sanctions applied by Ukraine. Of these, sanctions against 2,253 individuals were imposed in coordination with partner countries (Ukraine provided information to partner states on comprehensive support for Russian aggression).

Between 2022 and 2024, 12,264 cyberattacks and cyber incidents were neutralised. The targets of hacker groups controlled by the intelligence services of the Russian Federation included central executive authorities, transport companies, energy facilities, the communications sector, the media, and others. By contrast, the Rule of Law Roadmap, which reflects the Government's plans, provides for the consolidation, in the fourth quarter of 2027, of the pre-trial investigation of criminal offences encroaching upon the foundations of national and state security, including international crimes, terrorist offences and offences in the field of protection of state secrets. These categories of criminal offences are planned to remain within the investigative jurisdiction of the SSU, and therefore the function of pretrial investigation of criminal offences will be retained at least to this extent.

A separate issue concerns the definition of SSU functions beyond pre-trial investigation. For instance, the distinction between operational and search activities (OSA) and counterintelligence activity under the current legislation is not clearly delineated. In fact, since the adoption of the CPC of Ukraine in 2012, the reform of the OSA framework has remained on the agenda³⁴⁹⁷.

The OAS Action Plan provides for a phased transformation of OIA into criminal intelligence, including the establishment of clear criteria to distinguish it from criminal procedural, intelligence, and counterintelligence activities³⁴⁹⁸.

For example, during the interview³⁴⁹⁹, SSU representatives expressed the view that such a covert investigative (detective) action as the monitoring of bank accounts³⁵⁰⁰ — initially introduced exclusively for NABU and later extended to the ESBU — could significantly improve the effectiveness of the SSU's activities, particularly in the investigation of terrorism financing. Monitoring of bank accounts, as a type of covert investigative action, involves receiving real-time information about transactions conducted on one or several bank accounts. "Monitoring" means that information about transactions carried out on bank accounts must be made known to the subject conducting the covert action either before the respective transaction is executed or immediately afterwards. However, the

3496 Statistical data provided by representatives of the Security Service of Ukraine after the interview conducted on 31.03.2025.

3497 Why Ukraine Does Not Need a New Law on Operational and Investigative Activity? Dzerkalo Tyzhnia. 2017.

3498 Action Plan for the Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of Ukraine's Security and Defence Sector for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024, measure 1.71.

3499 Information provided by representatives of the Security Service of Ukraine during an interview conducted on 31.03.2025.

3500 Criminal Procedure Code of Ukraine No. 4651-VI of 13.04.2012, Article 269¹.

application of this covert investigative action is not widespread due to deficiencies in the legal regulation, which requires amendments to the CPC of Ukraine³⁵⁰¹.

Draft Law No. 7684-d³⁵⁰², which has been under parliamentary consideration since 2022, partially addresses this issue by expanding the grounds for counterintelligence activities but does not cover other related problems. Some issues relating to confidential cooperation and the relationship between counterintelligence measures and covert investigative actions were addressed in Draft Law No. 11228³⁵⁰³, registered in 2024, but later withdrawn from consideration. These draft laws were developed at different times and under different circumstances and lack a comprehensive approach.

In June 2024, the Parliament adopted at first reading as a basis the alternative Draft Law No. 11228-1³⁵⁰⁴, which proposes to expand the circumstances that exclude the criminal unlawfulness of acts committed by persons engaged in counterintelligence activities. This does not concern exemption from liability or punishment, but rather that such acts do not constitute the elements of a criminal offence. Whereas at present this concerns the performance of tasks within the framework of "incorporation" into criminal groups/organisations (the current version of Article 43 of the CC of Ukraine), the draft law proposes to extend this also to the performance of tasks within the framework of counterintelligence activity. The adoption of Draft Law No. 11228-1 partially fulfils the measures envisaged in the Rule of Law Roadmap.

Draft Law No. 11228-1 solves practical problems related to the liability of counterintelligence officers, which simplifies the search for agents to perform such tasks, especially in occupied territories. Exemption from criminal liability is granted by a court decision, so judicial control must ensure proper oversight of the content of counterintelligence activities. Negative consequences in the event of the adoption of this draft law are possible only in the event of improper organization of work in counterintelligence agencies, which should be prevented by proper internal control.

At the same time, the Rule of Law Roadmap provides for the development and adoption of appropriate amendments regarding the counterintelligence capacities of the SSU, enabling it to deprive the adversary of the ability to conduct terrorist, espionage, subversive, sabotage and organised criminal activity against Ukraine and against its partners and allies (fourth quarter of 2027).

On 9 June 2025, Draft Law No. 13353³⁵⁰⁵ on enhancing the effectiveness of the SSU in connection with its participation in repelling and deterring armed aggression against

3501 Starenkyi O.S. Monitoring of Bank Accounts as a Means of Obtaining Evidence: Issues of Improving Procedural Form. Bulletin of Criminal Justice No. 3/2019, pp. 67–69.

3502 On Amendments to Certain Laws of Ukraine Aimed at Improving Counterintelligence Activity and Strengthening the Institutional Capacity of Its Subjects During Repulsion of Armed Aggression Against Ukraine: Draft Law of Ukraine, registration No. 7684-d of 29.11.2022.

3503 On Amendments to the Criminal Code and the Criminal Procedure Code of Ukraine and Other Legislative Acts of Ukraine Concerning Counteraction to Intelligence and Subversive Activities of Foreign Special Services: Draft Law of Ukraine, registration No. 11228 of 30.04.2024.

3504 On Amendments to the Criminal Code and the Criminal Procedure Code of Ukraine and Other Legislative Acts of Ukraine on Regulating Issues of Countering Intelligence and Subversive Activities of Special Services of Foreign States: Draft Law of Ukraine, registration No. 11228-1 of 10.05.2024.

3505 On Amendments to Certain Laws of Ukraine on Improving Certain Issues of the Activities of the Security Service of Ukraine and Enhancing its Effectiveness in Connection with Participation in Repelling and Deterring Armed Aggression against Ukraine: Draft Law of Ukraine, registration No. 13353 of 09.06.2025.

Ukraine was submitted to Parliament. Already on **16 July it was adopted, and on 31 July it entered into force as Law No. 4542-IX**³⁵⁰⁶. This Law updated the powers of the SSU regarding the use of advanced technologies and supplemented the Law of Ukraine “On the Security Service of Ukraine” with provisions on the right of SSU servicemen to use weapons and military equipment in the manner and cases established for units, military formations and subdivisions of the AFU. Law No. 4542-IX also increased the personnel strength of the SSU in peacetime and in special periods. The personnel strength of the SSU during martial law is determined in accordance with the Mobilisation Plan of Ukraine and constitutes classified information. However, the amendments specify that the personnel of the SSU unit carrying out operational and combat activities and special measures (the Special Operations Centre “A”) during martial law shall amount to not less than 10,000 persons.

Recommendations

1. Take measures to promote the perception of parliamentary oversight not as “external interference” but as a mechanism for enhancing the effectiveness of the activities of Ukraine’s security and defence sector bodies and for upholding democratic standards in the functioning of special services.
2. At the legislative level, it is necessary to differentiate between the terms “law enforcement agency”, “public order body”, “intelligence agency”, and other organisational and legal terms used in legislation regulating the activities of the security and defence sector of Ukraine.
3. Consider the possibility of establishing a separate Verkhovna Rada Committee on Special Services to organise parliamentary oversight of the activities of special services.
4. Finalise Draft Law No. 1204 in terms of detailing the forms and procedures for parliamentary oversight in the field of security and defence of Ukraine or consider similar proposals for amendments to the legislation.
5. Adopt a number of legislative measures aimed at reforming the SSU, which should be transformed into a classical special service with counterintelligence activity as its core function. At the same time, other functions — primarily pre-trial investigation — may remain within the SSU, but only in relation to specific categories of criminal proceedings where the SSU possesses unique expertise and relevant resources: terrorism, cybersecurity, and protection of state secrets. In addition, the advisability of retaining such powers in relation to crimes against the foundations of national security, international crimes, and smuggling should be examined separately.
6. Ensure the implementation of planned measures to improve the functioning of the SSU (performance evaluation and certification of SSU personnel, improvement of appointment procedures), maintaining a balance between alignment with EU and NATO standards and the threats to the institutional resilience of the SSU under war-time conditions.

³⁵⁰⁶ On Amendments to Certain Laws of Ukraine on Improving Certain Issues of the Activities of the Security Service of Ukraine and Enhancing its Effectiveness in Connection with Participation in Repelling and Deterring Armed Aggression against Ukraine: Law of Ukraine No. 4542-IX of 16.07.2025.

7. Develop a comprehensive draft law, as provided for in the OAS Action Plan³⁵⁰⁷, on the clear delineation between counterintelligence activity, operational and investigative activity, and covert investigative (detective) actions.

Combating Corruption in the Criminal Justice System. Selection for Senior Positions in the National Police and the State Bureau of Investigation

State of play

The specially authorised entities in the field of anti-corruption are: the prosecutorial authorities, the NPU, the NABU, and the National Agency on Corruption Prevention (NACP)³⁵⁰⁸. The SBI also investigates crimes committed by high-ranking officials, law enforcement officers, and judges, as well as individuals holding positions classified as Category "A", except in cases where pre-trial investigation falls within NABU's jurisdiction. This category also includes corruption-related criminal offences and criminal offences connected with corruption. The NACP is not a law enforcement or prosecutorial body; it is responsible for the prevention of corruption at the national level.

At the same time, within the system of law enforcement agencies and prosecutorial bodies:

- 1) units have been established that are responsible for the prevention of and response to corruption offences;
- 2) anti-corruption programmes have been adopted for defined time periods³⁵⁰⁹. The essence of any anti-corruption programme lies in identifying corruption risks and determining measures to eliminate (minimise) them. The methodology³⁵¹⁰ for managing corruption risks in the activities of public authorities has been approved by the NACP;
- 3) a number of measures have been implemented in accordance with national-level policy documents (the Anti-Corruption Strategy for 2021–2025³⁵¹¹ and the State Anti-Corruption Programme for 2023–2025 (SAP)³⁵¹²).

In the **NPU**, the Department of Internal Security³⁵¹³ (the internal control unit) is responsible for combating corruption. To prevent corruption, a separate unit — the Corruption Prevention Directorate — was established, with its central and regional offices staffed during

3507 Action Plan for the Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of Ukraine's Security and Defence Sector for 2023–2027: resolution of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024, measure 1.71.

3508 On the Prevention of Corruption: Law of Ukraine No. 1700-VII of 14.10.2014, Part 1, Article 1.

3509 Ibid, Art.19.

3510 On Improving the Process of Corruption Risk Management: Order of the National Agency on Corruption Prevention No. 830/21 of 28.12.2021.

3511 On the Fundamentals of State Anti-Corruption Policy for 2021–2025: Law of Ukraine No. 2322-IX of 20.06.2022.

3512 On the Approval of the State Anti-Corruption Programme for 2023–2025: Resolution of the Cabinet of Ministers of Ukraine No. 220 of 04.03.2023.

3513 On the Organisation of Implementation of Anti-Corruption Legislation Requirements: Order of the National Police of Ukraine No. 997 of 02.11.2018.

2020–2021³⁵¹⁴. Anti-corruption officers have also been designated within NPU units. Their tasks include preventing corruption within the organisation, in particular through monitoring and verifying compliance with anti-corruption restrictions, working with whistleblowers, and participating in corruption risk management activities.

Since 2018, the NPU has been developing and approving anti-corruption programmes. In March 2025, the NPU Anti-Corruption Programme (Integrity Programme) for 2025–2027³⁵¹⁵ was approved. To assess corruption risks and monitor its implementation, a dedicated Commission³⁵¹⁶ has been operating since 2021, composed of representatives of the NPU, EUAM, civil society, and the Bar.

It is also worth noting that in 2024, the NPU, in cooperation with the NACP, launched an online course entitled “Integrity-Oriented Police”³⁵¹⁷ with the aim of fostering a culture of integrity among police officers and ensuring the effective prevention, detection, and counteraction of corruption.

In the **SBI**, the prevention of and counteraction to corruption is the responsibility of the Internal Control Directorate³⁵¹⁸. Since 2019, the SBI has operated a Commission for the Assessment of Corruption Risks³⁵¹⁹, and since 2021, anti-corruption programmes have been adopted³⁵²⁰. In February 2023, the SBI Anti-Corruption Programme for 2023–2025 was approved³⁵²¹.

In the **ESBU**, powers related to anti-corruption counteraction are assigned to the Internal Control Unit, while corruption prevention is entrusted to the Corruption Prevention Unit. Unlike other law enforcement bodies, the legislation explicitly provides that a separate corruption prevention unit must operate within the structure of the ESBU³⁵²².

Anti-corruption programmes have been adopted within the ESBU since 2022³⁵²³. In December 2024, the ESBU Anti-Corruption Programme for 2025–2027³⁵²⁴ was approved.

3514 On the Approval of the Regulation on the Corruption Prevention Directorate of the National Police of Ukraine: Order of the National Police of Ukraine No. 798 of 23.09.2021.

3515 Anti-Corruption Programme (Integrity Programme) of the National Police of Ukraine for 2025–2027: Order of the National Police of Ukraine No. 270 of 18.03.2025.

3516 On Amendments to the Composition of the Commission for the Assessment of Corruption Risks and Monitoring of the Implementation of the Anti-Corruption Programme of the National Police of Ukraine: Order of the National Police of Ukraine No. 757 of 09.09.2021.

3517 Online Course “Integrity-Oriented Police”.

3518 On the Approval of the Procedure for Organising and Implementing Internal Control at the State Bureau of Investigation: Order of the State Bureau of Investigation No. 147 of 27.04.2020.

3519 On the Establishment of the Corruption Risk Assessment Commission at the State Bureau of Investigation and Its Membership: Order of the State Bureau of Investigation No. 116 of 12.08.2019.

3520 Anti-Corruption Programme. State Bureau of Investigation.

3521 On the Approval of the Anti-Corruption Programme of the State Bureau of Investigation for 2023–2025: Order of the State Bureau of Investigation No. 101 of 14.02.2023.

3522 On the Economic Security Bureau: Law of Ukraine No. 1150-IX of 28.01.2021, Article 35¹.

3523 Reporting on the Implementation of the Anti-Corruption Programme of the Economic Security Bureau of Ukraine. Economic Security Bureau of Ukraine.

3524 On the Approval of the Anti-Corruption Programme of the Economic Security Bureau of Ukraine for 2025–2027: Order of the Economic Security Bureau of Ukraine No. 223 of 27.12.2024.

A separate order³⁵²⁵ defined the procedure for introducing, within the ESBU and its territorial departments, mechanisms for encouraging whistleblowers and for fostering a culture of reporting potential acts of corruption or corruption-related offences.

At **NABU**, the function of anti-corruption counteraction is assigned to the Internal Control Unit³⁵²⁶, within which a separate department is responsible for corruption prevention. Since 2020, anti-corruption programmes have been approved at NABU³⁵²⁷. In August 2023, the NABU Anti-Corruption Programme for 2023–2025 was approved³⁵²⁸.

Due to security restrictions, the structure of the **SSU** is not publicly available, making it currently impossible to specify which structural unit is responsible for exercising powers related to anti-corruption prevention and counteraction within the SSU. Nonetheless, anti-corruption programmes have been adopted within the SSU since 2017. According to information from the NACP, as of July 2025 the SSU has an approved Anti-Corruption Programme³⁵²⁹.

In the **prosecutorial authorities**, anti-corruption prevention and counteraction is the responsibility of internal control units (the General Inspectorate of the PGO³⁵³⁰ and the Internal Control Unit of the SAPO³⁵³¹). Anti-corruption programmes have been adopted in the prosecution bodies since 2018³⁵³². In July 2023, the PGO approved its Anti-Corruption Programme for 2023–2025³⁵³³.

A prosecutor is required to undergo an annual confidential integrity check³⁵³⁴, the procedure for which is established by the Prosecutor General³⁵³⁵. This involves the annual submission of a Prosecutor's Integrity Declaration, which is subject to publication on the official website of the PGO, except during periods when a legal regime of martial law is in effect in the country³⁵³⁶.

3525 On Ensuring Conditions for Reporting Possible Corruption or Corruption-Related Offences and Other Violations of the Law of Ukraine "On the Prevention of Corruption" within the Economic Security Bureau of Ukraine: Order of the Economic Security Bureau of Ukraine No. 134 of 05.07.2022.

3526 On the Approval of the Regulation on the Internal Control Directorate of the National Anti-Corruption Bureau of Ukraine: Order of the National Anti-Corruption Bureau of Ukraine No. 142 of 29.11.2019.

3527 Anti-Corruption Programme. National Anti-Corruption Bureau of Ukraine.

3528 On the Approval of the Anti-Corruption Programme of the National Anti-Corruption Bureau of Ukraine for 2023–2025: Order of the National Anti-Corruption Bureau of Ukraine No. 110 of 03.08.2023.

3529 Entities Obligated to Adopt Anti-Corruption Programmes Pursuant to Article 19 of the Law of Ukraine "On the Prevention of Corruption" and Information on the Availability of Anti-Corruption Programmes. National Agency on Corruption Prevention.

3530 On the Approval of the Regulation on the General Inspectorate of the Prosecutor General's Office: Order of the Prosecutor General's Office No. 230 of 14.07.2021.

3531 Currently being formed pursuant to the Transitional Provisions of the Law of Ukraine "On Amendments to the Criminal Procedure Code of Ukraine Regarding the Strengthening of the Independence of the Specialised Anti-Corruption Prosecutor's Office" No. 3509-IX of 08.12.2023, which entered into force on 1 January 2024.

3532 Anti-Corruption Programmes of the Prosecutor General's Office. Prosecutor General's Office. Prior to the establishment of the PGO in 2019, the Prosecutor General's Office also adopted anti-corruption programmes: for 2018; for 2019–2020.

3533 On the Approval of the Anti-Corruption Programme of the Prosecutor General's Office for 2023–2025: Order of the Prosecutor General's Office No. 205 of 27.07.2023.

3534 On the Public Prosecutor's Office: Law of Ukraine No. 1697-VII of 14.10.2014, Part 5, Article 19.

3535 On the Approval of the Procedure for the Confidential Integrity Check of Prosecutors: Order of the Prosecutor General's Office No. 293 of 29.12.2022.

3536 Ibid.

On 31 July 2025, the Verkhovna Rada adopted Law No. 4560-IX³⁵³⁷, which introduced polygraph examinations as an internal control tool in the NABU, the ESBU, the SBI, the NPU, the PGO and the SAPO. For six months such examinations are to be carried out by the SSU, after which the internal control units of the above-mentioned bodies are to conduct them at least once every two years, according to a methodology agreed with the SSU. These polygraph examinations apply only to employees with access to state secrets and are used for the purpose of verifying whether such employees have acted in favour of a state recognised by Parliament as an aggressor state.

Progress and issues

Prevention of and counteraction to corruption in the bodies of criminal justice may be entrusted either to separate units or to one of them. At the same time, the question arises as to the capacity of such units to prepare high-quality anti-corruption programmes. **An analysis of the existing anti-corruption programmes and the state of their implementation makes it possible to conclude that approaches to their content are often formal, and evaluation is reduced to "implemented" and "ongoing/being implemented", which produces a generally positive result but depends on the limitations of the evaluation methodology.**

The only evaluation, the existence of which is mentioned by the bodies themselves, was conducted by the NPU. Thus, according to the NPU Corruption Prevention Department, the previous NPU Anti-Corruption Programme for 2022–2024 was implemented by 31 December 2024 at the level of 98% (174 of 178 measures implemented)³⁵³⁸. At the same time, according to NACP data, the NPU Report on the Implementation of the Anti-Corruption Programme for the second half of 2024 refers to 187 measures (total number)³⁵³⁹, of which, according to the Agency's assessment, 183 were implemented (three measures — not implemented, one measure — partially implemented)³⁵⁴⁰. Thus, according to this information, the percentage of implemented measures to prevent and counter corruption and to address corruption risks in the NPU system is slightly lower — 97%.

Overall, the activities of internal control units require thorough evaluation not only in terms of their anti-corruption control functions but also their overall ability to prevent and counter offences within the public authority itself.

Among law enforcement bodies, particular attention should be paid to the SBI, which has recently been criticised by lawyers³⁵⁴¹ and civil society³⁵⁴², in particular regarding

3537 On Amendments to Certain Legislative Acts of Ukraine to Strengthen the Powers of the National Anti-Corruption Bureau of Ukraine and the Specialised Anti-Corruption Prosecutor's Office: Law of Ukraine No. 4560-IX of 31.07.2025.

3538 On the Results of the Assessment of the Implementation of the Anti-Corruption Programme of the National Police of Ukraine for 2022–2024: Memorandum of the Head of the Corruption Prevention Department of the National Police of Ukraine, Police Colonel Zvezdin I., No. 21983 of 04.03.2025.

3539 NACP. National Police of Ukraine. Page with information on current anti-corruption programmes and reporting on their implementation.

3540 Report for the Second Half of 2024. Authority: National Police of Ukraine.

3541 For example, "Haven't They Searched You Yet? They Just Haven't Got Round to It! (Everything about the SBI)". Yurydychna Hazeta. 2025.; The SBI Conducts Searches in the Former Deputy Minister of Economy Panaiotidi. Another Violation of Lawyers' Rights: Reaction of the Professional Community". Yurydychna Hazeta. 2025.

3542 Human Rights Club "Can Lawyers Defend Themselves?" Centre for Civil Liberties. 2025.

the increasing practice of conducting urgent searches without the authorisation of an investigating judge (turning it from an exception into a general rule)³⁵⁴³. Internal control mechanisms should prevent such practices, in particular through internal investigations and bringing those responsible to disciplinary liability, but this is not happening on an adequate scale.

In view of this, the Rule of Law Roadmap³⁵⁴⁴ provides that in the fourth quarter of 2026 an independent comprehensive review of the institutional structure of the SBI, integrity mechanisms and oversight functions will be conducted in order to assess the necessity and expediency of further reform in line with best European practices, which should lead to the preparation, adoption and implementation of a law taking into account the necessary recommendations.

The polygraph examination (test) by internal control units, introduced by Law No. 4560-IX, contains a number of risks of exerting pressure on investigators, detectives and prosecutors who have access to state secrets. At present it is provided for only in the "Final and Transitional" provisions of this Law and requires regulatory and legal regulation at the subordinate level. Without such regulation, issues remain undefined such as the maximum frequency of such tests, the prohibition on conducting a test in respect of the same person within a certain period, the legal consequences of a test, etc. Regulation of these restrictions is necessary in order to establish a clear legal procedure for undergoing polygraph examinations, which would preclude the misuse of this instrument for the purpose of exerting pressure on these public officials.

As regards the further improvement of anti-corruption control in law enforcement agencies, the Rule of Law Roadmap provides for a number of measures, in particular: the introduction of the integrity institute (definition of uniform criteria, standardised mechanisms for their verification, etc.) (fourth quarter of 2026); strengthening the institutional capacity of the internal control units of law enforcement agencies (fourth quarter of 2026); substantial improvement of the disciplinary procedure and internal control instruments (second quarter of 2026); introduction of a model code of ethics for employees of law enforcement agencies (fourth quarter of 2026); ensuring the conduct of annual sociological external monitoring of the activities of law enforcement agencies (within six months after the termination or cancellation of martial law).

Special attention should be paid to the anti-corruption measure known as the "confidential integrity check of prosecutors". The Prosecutor's Integrity Declaration is a formal affirmation that the prosecutor has not engaged in any conduct over the course of the year that would violate legislation (including anti-corruption laws, internal disciplinary rules, ethical standards, etc.). The idea behind this check was that, following publication (which does not occur under martial law), concerned citizens could submit information to the PGO indicating that the prosecutor had not answered truthfully, and such information could then be used as grounds for disciplinary proceedings. In the absence of such information, the presumption of integrity applies. That is, unless evidence to

3543 This is evidenced, among other things, by structural changes in the submission of motions for searches to the court, the number of which has been decreasing in recent years. See in detail: "Urgent Search: How to Ensure a Balance between Respect for Private Life and the Need to Obtain Evidence?" Watchers. 2025.

3544 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the Accession Process to the EU". Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

the contrary is obtained during an internal investigation, the information provided by the prosecutor in the Integrity Declaration is presumed to be accurate.

According to a prosecutor, “there is a formalistic approach to conducting the confidential integrity check. Each year, the prosecutor is required to undergo a confidential integrity check, which consists of completing a questionnaire with several questions to which the declarant must respond ‘confirm’/‘do not confirm’. The oversight exercised by the PGO is limited solely to timeliness control — at least, most complaints submitted by the Inspectorate relate to delays in the submission of declarations by prosecutors, rather than to the substance of the checks³⁵⁴⁵”. **Given that public awareness of the existence of such declarations is minimal, and that they are not published at all during martial law, the effectiveness of this tool appears to be extremely low.** Thus, it requires substantial transformation.

The Rule of Law Roadmap provides, in the fourth quarter of 2027, for a number of measures to improve the work of the General Inspectorate (the main internal control unit in the prosecution service). Among other things, it is planned to expand the list of information verified during covert integrity checks of prosecutors. At the same time, prosecutorial self-governing bodies are to approve uniform integrity criteria that could be applied for this purpose (taking into account the experience of judges, who approved such criteria in 2024). These and other measures of a comprehensive nature would make it possible to transform integrity checks so that they become effective.

With regard to the prosecution service, it should also be noted that the polygraph examinations introduced by Law No. 4560-IX in respect of prosecutors may serve as an instrument of pressure. The Venice Commission has recently stated that the idea of applying a polygraph to a judge is inappropriate, and that the status of prosecutors, according to European standards, should be brought closer to that of judges. In view of the guarantees of independence of prosecutors, the application of the polygraph to them should contain higher safeguards against abuse than in the case of investigators and detectives of law enforcement agencies.

Selection for Senior Positions in the NPU and SBI

In defined cases, appointments to positions in the NPU are carried out on a competitive basis. Such a competition is mandatory for individuals entering police service for the first time and being appointed to positions of the junior police corps³⁵⁴⁶. For this purpose, police commissions are established³⁵⁴⁷.

At the same time, appointments through promotion to positions within the junior, middle, and senior police corps may, by decision of the official authorised to make such appointments, be preceded either by a competition or by an attestation³⁵⁴⁸. In other words, **a competition for promotion is possible at the discretion of the relevant-level official, but it is not mandatory.**

3545 Position provided in writing by a prosecutor of the Prosecutor General's Office on 21.03.2025.

3546 On the National Police: Law of Ukraine No. 580-VIII of 02.07.2015, Article 52.

3547 Ibid, Art. 51.

3548 Ibid, p. 4, Art. 52.

Heads of territorial police bodies are appointed to and dismissed from their positions by the Head of Police upon agreement with the Minister of Internal Affairs of Ukraine³⁵⁴⁹. The First Deputy and Deputy Heads of Police are appointed to and dismissed from their positions by the Minister of Internal Affairs of Ukraine upon submission by the Head of Police³⁵⁵⁰.

The appointment and dismissal of the Chief of Police (Head of the NPU) is carried out by the Government upon submission by the Prime Minister of Ukraine, based on proposals from the Minister of Internal Affairs of Ukraine³⁵⁵¹. Legislation does not provide for any mandatory³⁵⁵² competitive procedures. However, a coalition of civil society organisations and analytical centres has been advocating for the prompt introduction of a competition for this position, arguing that “only an independent national police chief can continue to drive institutional change — from competitive selection of territorial unit heads to integrity checks and increased effectiveness”³⁵⁵³.

Appointments to positions in the **SBI** are made based on the results of a competitive selection³⁵⁵⁴. Directors of territorial departments, heads of central SBI units, and their deputies are appointed to and dismissed from their positions by the Director of the SBI. These individuals are appointed by the SBI Director *upon submission by the competition commissions* conducting the selection process for SBI staff positions³⁵⁵⁵. An exception to this rule applies to the Head of the Internal Control Unit at the central level, the heads of internal control units of the SBI’s territorial departments, and the Director of the SBI³⁵⁵⁶.

The Director of the SBI is appointed by the President of Ukraine upon submission by the commission for conducting the *competition* for the position of SBI Director³⁵⁵⁷. This commission consists of nine members (three appointed by the President; three by the Verkhovna Rada upon submission from the committee responsible for the organisation and functioning of pre-trial investigation bodies; and three by the Government based on proposals from international organisations with which Ukraine cooperates in the area of anti-corruption in accordance with Ukraine’s international treaties)³⁵⁵⁸.

Progress and issues

In its 2024 Enlargement Package Report³⁵⁵⁹, the European Commission noted that the rules for appointing senior police officials must ensure independent and accountable

3549 Ibid, p. 5, Art. 15.

3550 Ibid, p. 4, Art. 21.

3551 Ibid, p. 2, Art. 21.

3552 No such procedure is provided for by legislation. However, there is precedent for competitive procedures. In 2016, a “consultative” competition for the position of Head of the NPU was held, although it was not legislated. Subsequently, the Head of the NPU was appointed twice (in 2019 and 2022) without any competitions being announced. For details on the conditions of the “consultative” competition, see: “Announcement of the Competition for the Position of Head of the National Police of Ukraine”. Ukrainska Pravda. 2016.

3553 Plans to Appoint the Head of Police Without a Competitive Selection Process. Ukrainska Pravda. 2023.

3554 On the State Bureau of Investigation: Law of Ukraine No. 794-VIII of 12.11.2015, Part 3, Article 14.

3555 Ibid, p. 1, Art. 13.

3556 Ibid, p. 3, Art. 14.

3557 Ibid, Art. 11.

3558 Ibid, p. 3, Art. 11.

3559 Ukraine 2024 Progress Report within the European Union Enlargement Package.

procedures. Ukraine must introduce transparent and merit-based procedures for recruitment and selection to senior positions in the NPU and SBI in particular with the meaningful involvement of independent experts to this process.

Currently, Ukrainian legislation does not require that a competition be held for the promotion of police officers within the NPU. An analysis of the activities of police commissions from their establishment (in 2016) until February 2022 (when the introduction of martial law suspended their work) showed³⁵⁶⁰ that 394 competitions were conducted for serving police officers seeking promotion. These included:

- 577 competitions for positions within the middle-ranking³⁵⁶¹ police corps (of which 277 and 187 competitions were held in the Main Departments of the NPU in Dnipropetrovsk and Khmelnytskyi regions, respectively, indicating a regional rather than generalised practice);
- 21 competitions for positions within the junior³⁵⁶² police corps (with the majority — 20 competitions — held by the Department of Security Police and local security police units).

At the same time, no competitions were conducted³⁵⁶³ for positions within the senior³⁵⁶⁴ police corps among serving officers.

The presented statistical data indicate that, since the holding of a competition is subject solely to the discretion of the relevant official, this procedure is not widely applied in practice. The question of who should conduct such competitions also remains open. **Police commissions are not merely formal bodies.** An analysis of statistical data shows that a candidate applying for a specific position through a competition has a 72.9% chance of success versus a 17.1% chance of failure. This distribution demonstrates that competitions are genuinely conducted, candidates are properly assessed, and the competitive selection process within the police is not approached in a purely formalistic manner³⁵⁶⁵. At the same time, an analysis of the practical³⁵⁶⁶ operation of police commissions reveals the complexity of their formation (with the involvement of regional councils), and the absence of material support and guarantees of independence may adversely affect their effectiveness, particularly if they are to conduct competitive selection for positions above the junior police corps.

The State Anti-Corruption Programme for 2023–2025 (SAP) provides for the **introduction of mandatory competitive selection for appointments to senior police positions**

3560 Report on the Results of the Analytical Study of the Activities of Standing Police Commissions Over the Entire Period of Their Existence (until February 2022) (May–September 2023). Ministry of Internal Affairs of Ukraine.

3561 On the National Police: Law of Ukraine No. 580-VIII of 02.07.2015, para. 2 Part 1, Article 80.

3562 On the List of Police Positions and Corresponding Maximum Special Ranks: Order of the National Police of Ukraine No. 142 of 04.12.2015.

3563 On the List of Positions to Be Filled by Senior Officers and the Maximum Military and Special Ranks for Such Positions: Decree of the President of Ukraine No. 166/2020 of 05.05.2020.

3564 Report on the Results of the Analytical Study of the Activities of Standing Police Commissions Over the Entire Period of Their Existence (until February 2022) (May–September 2023). Ministry of Internal Affairs of Ukraine.

3565 Ibid.

3566 Police Commissions in Ukraine: Report on the Results of the Study. Centre of Policy and Legal Reform. 2018.

that involve managerial functions³⁵⁶⁷. On 28 October 2024, Draft Law No. 12159³⁵⁶⁸ was registered in the Verkhovna Rada, stipulating that a competition for a police position had to be held for candidates applying for senior positions in accordance with a list approved by the MoIA.

The proposed wording carried a risk of interpretation whereby the Minister of Internal Affairs of Ukraine would not define the list of senior police positions as such, but rather the list of senior positions for which appointment must be made through a competitive procedure. According to the NACP³⁵⁶⁹, this approach significantly undermines the reform potential envisaged in the SAP for the selection of senior police officers, while granting the Minister of Internal Affairs unfettered discretion to determine which senior positions are to be subject to competitive procedures. In July 2025, Draft Law No. 12159 was withdrawn due to a change in the composition of the Government.

The Rule of Law Roadmap also provides for the adoption of a law introducing a competitive selection procedure, with the involvement of independent experts if necessary, for the senior positions in the NPU, in accordance with integrity criteria and with observance of the principles of gender equality and non-discrimination (IV quarter of 2025).

Another problem is the political dependence of the NPU on the Ministry of Internal Affairs in personnel matters. In 2015, the reform of the MoIA began. The Minister of Internal Affairs assumed responsibility for shaping state policy in the field of law enforcement, while the Head of the NPU became responsible for managing the police. This is a European model intended to minimise ministerial influence over the operational management of the police. In essence, it was designed as a safeguard against the use of law enforcement officers for political purposes. At the level of public communication on police reform, this process was referred to as the “depoliticisation of the police”, and de jure it took place — albeit only partially³⁵⁷⁰.

At the same time, a number of powers remain in place that allow the Minister of Internal Affairs to exercise indirect control over the police. These include the requirement that the appointment and dismissal of the First Deputy Head, Deputy Heads, and Heads of the NPU's territorial bodies be agreed with the Minister.

A separate problem in the current legislation of Ukraine is that it still contains provisions allowing the **Head of the NPU to be appointed without any competitive procedure**. This does not promote transparency in the selection and appointment of individuals to this position.

Competitive procedures at the senior management level of the **SBI** have previously been criticised for a lack of transparency and consistency in the operation of selection commissions, which undermined their effectiveness³⁵⁷¹. However, under martial law condi-

3567 State Anti-Corruption Programme for 2023–2025, subpara. 2.1.6.1.3, para. 2.1.6 of the SAP Implementation Measures.

3568 On Amendments to the Law of Ukraine ‘On the National Police’ to Increase the Effectiveness of Police Service Performance: Draft Law of Ukraine, registration No. 12159 of 28.10.2024.

3569 NACP. Status of Implementation of Measure 2.1.6.1.3 of the SAP.

3570 White Paper on the Depoliticisation of Law Enforcement and Prosecutorial Authorities: Appointments/Dismissals of Leadership. Centre of Policy and Legal Reform. 2023, p. 30.

3571 External Expert Analysis of the First Years of Operation of the State Bureau of Investigation. Centre of Policy and Legal Reform. 2021, pp. 45–50.

tions, no analysis of the effectiveness of competitive procedures within the SBI has been conducted.

Since 2020, the Public Oversight Council at the SBI has been operating and has been involved in the personnel processes of the institution. During the existence of this Council, only one report on the results of its activities was made public — in 2021³⁵⁷². A new composition of the Council was formed in December 2024.

Recommendations

1. Strengthen the institutional capacity of authorised units within criminal justice bodies responsible for preventing and detecting corruption, and grant them the authority to effectively monitor and support the implementation of anti-corruption programmes.
2. Transform the institution of the prosecutor's integrity check, including covert verification, and strengthen the role of the General Inspectorate of the PGO. The prosecutorial self-government bodies should approve uniform criteria for the prosecutor's integrity, drawing on the experience of judges.
3. Approve a joint procedure for polygraph examinations by law enforcement agencies and the prosecution, in accordance with the list defined by Law No. 4560-IX, determining the frequency of such examinations, the prohibition of repeated examination of the same person within a certain period, and the legal consequences of such examinations.
4. Introduce mandatory competitive selection procedures for candidates for the position of Chief of Police (Head of the NPU), senior leadership positions, and selected middle management positions within the police. For the competitive selection of the Head of the NPU — including the composition of the selection commission — it would be advisable to build on the relevant practice used in the ESBUE.
5. Consider reducing the influence of the Minister of Internal Affairs in NPU personnel matters (in relation to the appointment/dismissal of the First Deputy Head and Deputy Heads of Police, and the approval of appointments/dismissals of heads of territorial police bodies).
6. If competitive procedures within the SBI are expanded, issues related to ensuring the stability of selection commissions, their accountability to the public (in particular through the proper formation of the Public Oversight Council at the SBI), and their independence from the agency's leadership should be analysed.

3572 Reports on the Activities of the POC at the SBI. State Bureau of Investigation.

International Cooperation of the Police and the Prosecutor's Office with European Institutions

Europol, SIENA and SIENA-CT

The Europol³⁵⁷³ was established to support and strengthen the actions of the competent authorities of EU Member States and their mutual cooperation in preventing and combating organised crime, terrorism, and other forms of serious crime affecting two or more Member States³⁵⁷⁴ (crimes affecting shared interests covered by Union policy³⁵⁷⁵).

In 2023, Europol adopted the strategy "Security Through Partnership," which reflects changes in the European criminal landscape and political context since the adoption of the previous Europol strategy in 2019, including, in particular, in response to the war in Ukraine³⁵⁷⁶.

Ukraine has been cooperating with Europol since the ratification of the first Agreement on Strategic Cooperation in 2010³⁵⁷⁷. In 2015, Ukraine and Europol signed a Memorandum of Understanding on the Establishment of a Secure Communication Line³⁵⁷⁸, the purpose of which is to regulate the procedure for establishing, launching and operating a secure communication line for information exchange between the parties³⁵⁷⁹. The transfer of classified information via the secure communication line is limited to the level of access RESTREINT UE/EU RESTRICTED and its equivalent in Ukraine.

Subsequently, due to the expansion of cooperation with Europol, in December 2016, the second **Agreement on Operational and Strategic Cooperation between Ukraine and Europol** was signed (ratified in 2017)³⁵⁸⁰. Under this Agreement, cooperation includes both the exchange of information and the sharing of specialised knowledge, general summaries, results of strategic analysis, information on criminal investigation procedures, crime prevention methods, participation in training activities, as well as the provision of advice and support in individual criminal investigations³⁵⁸¹.

The national contact point for Ukraine, acting as the central liaison between other competent authorities of Ukraine and Europol, is the Europol Liaison Unit of the NPU³⁵⁸². It is currently the **Department of International Police Cooperation of the NPU**³⁵⁸³.

3573 Former name — European Police Office.

3574 In 2016, the Regulation (EU) on the European Union Agency for Law Enforcement Cooperation (Europol) (the "initial" regulation) was adopted.

3575 In 2022, a further Regulation (EU) was adopted amending the previous Regulation (the "amended" Regulation).

3576 Europol Strategy — Delivering Security in Partnership. Europol, 2023.

3577 On the Ratification of the Agreement between Ukraine and the European Police Office on Strategic Cooperation: Law of Ukraine No. 2576-VI of 05.10.2010.

3578 On the Ratification of the Memorandum of Understanding between Ukraine and the European Police Office on the Establishment of a Secure Communication Line: Law of Ukraine No. 507-VIII of 04.06.2015.

3579 Memorandum of Understanding between Ukraine and the European Police Office on the Establishment of a Secure Communication Line of 11.03.2015.

3580 On the Ratification of the Agreement between Ukraine and the European Police Office on Operational and Strategic Cooperation: Law of Ukraine No. 2129-VIII of 12.07.2017.

3581 Agreement between Ukraine and the European Police Office on Operational and Strategic Cooperation of 14.12.2016.

3582 Ibid.

3583 Department of International Police Cooperation. National Police of Ukraine.

For the purpose of ensuring cooperation within the framework of the above-mentioned Agreement, police officers are seconded to Europol to serve as liaison officers of Ukraine³⁵⁸⁴. According to Resolution of the Cabinet of Ministers of Ukraine No. 494 of 22 May 2019, no more than three police officers may be seconded to Europol³⁵⁸⁵. The duration of such a secondment is up to three years³⁵⁸⁶.

In 2021, the Verkhovna Rada ratified the **Memorandum of Understanding between Ukraine and the European Police Office concerning the confidentiality and protection of information**³⁵⁸⁷, the purpose of which is to regulate the procedure for safeguarding information exchanged between the parties by implementing principles of security and confidentiality.

One of Europol's key tasks in the exchange of information is the secure and prompt transfer of confidential information, including personal data³⁵⁸⁸. Among the main channels of information exchange³⁵⁸⁹ between Europol, EU Member States, non-EU countries, and third parties is the Secure Information Exchange Network Application (SIENA platform³⁵⁹⁰).

This platform has been operating since 2009, and in recent years access has also been granted to specialised law enforcement units and various initiatives, including Asset Recovery Offices (AROs), Police and Customs Cooperation Centres (PCCCs), Financial Intelligence Units (FIUs), the European Network of Fugitive Active Search Teams (ENFAST), Special Intervention Units (ATLAS), and the Joint Cybercrime Action Taskforce (J-CAT)³⁵⁹¹.

The Europol Strategy 2020+³⁵⁹² provides for the further development of the SIENA platform by improving Europol's information exchange with law enforcement units of other countries³⁵⁹³. In 2024, more than 3,000 law enforcement authorities from over 70 countries and international organisations were connected to the SIENA platform³⁵⁹⁴. As of February 2025, this number had increased to 3,500³⁵⁹⁵.

In addition, in 2023, Directive (EU) 2023/977 of the European Parliament and of the Council on the exchange of information between law enforcement authorities of Member States

3584 On the Approval of the Procedure for Seconding Liaison Officers to the European Police Office: Order of the Ministry of Internal Affairs of Ukraine No. 905 of 29.10.2019.

3585 On the Secondment of Liaison Officers to the European Police Office: Resolution of the Cabinet of Ministers of Ukraine No. 494 of 22.05.2019.

3586 Ibid.

3587 On the Ratification of the Memorandum of Understanding between Ukraine and the European Police Office concerning Confidentiality and the Protection of Information: Law of Ukraine No. 1823-IX of 21.10.2021.

3588 Information Exchange. Europol, 2021.

3589 Ibid.

3590 Secure Information Exchange Network Application (SIENA). Europol, 2025.

3591 Ibid.

3592 Europol Strategy 2020+. Europol, 2018.

3593 Secure Information Exchange Network Application (SIENA). Europol, 2025.

3594 More than 3 000 law enforcement authorities now connected to Europol. Europol, 2024.

3595 Casting a wider net: 3 500 authorities now linked via Europol. Europol, 2025.

was adopted³⁵⁹⁶, which enhanced international police cooperation by making SIENA the "default channel" of cooperation for European law enforcement authorities.

Ukraine joined SIENA in 2015³⁵⁹⁷. In 2023–2024, Ukrainian public authorities also obtained access to SIENA within their respective areas of competence. For example, in 2023, the SBI and ARMA were connected to the SIENA platform³⁵⁹⁸. Notably, the SBI is the only Ukrainian law enforcement body that has defined the procedure for using the platform within its institution by means of an internal order³⁵⁹⁹.

In 2023, the SSU was granted an extended level of access to SIENA (the highest level of access, which allows direct sending and receiving of messages from Europol Member States as well as Europol's operational and strategic partners)³⁶⁰⁰. This step was necessary for the coordination between Ukraine and the EU in the field of counter-terrorism. In addition, in June 2024, **Ukraine was granted access to the specialised SIENA-CT application**³⁶⁰¹.

In 2024, the NACP joined the SIENA platform³⁶⁰².

European Union Agency for Law Enforcement Training

The European Union Agency for Law Enforcement Training (CEPOL)³⁶⁰³ is an EU agency that brings together a network of training institutes for law enforcement personnel of EU Member States and supports them in delivering priority training on security priorities, law enforcement cooperation, and information exchange. CEPOL also cooperates with EU bodies, international organisations, and third countries to ensure a collective response to the most serious security threats³⁶⁰⁴.

In 2020, a **Working Arrangement** was signed between the MoIA and CEPOL³⁶⁰⁵, which serves as the legal basis for cooperation, in particular regarding mutual participation in organised trainings and events, as well as further harmonisation of standards for law enforcement personnel training in the context of cross-border cooperation³⁶⁰⁶. The arrange-

3596 Directive (EU) 2023/977 of the European Parliament and of the Council of 10 May 2023 on the exchange of information between the law enforcement authorities of Member States and repealing Council Framework Decision 2006/960/JHA. European Union.

3597 Cooperation with the EU. Ministry of Internal Affairs of Ukraine.

3598 Asset Recovery and Management Agency. Asset Recovery and Management Agency.

3599 On the Approval of the Instruction on the Procedure for Using the Secure Information Exchange Network Application (SIENA) of the European Police Office within the State Bureau of Investigation: Order of the State Bureau of Investigation No. 149 of 10.03.2023.

3600 Information provided by representatives of the Security Service of Ukraine during an interview conducted on 31.03.2025.

3601 SIENA-Counter-terrorism.

3602 Detection of Assets Hidden Abroad Made Easier: NACP Joins Europol's SIENA Platform. National Agency on Corruption Prevention. 2024.

3603 European Union Agency for Law Enforcement Training.

3604 The Agency. European Union Agency for Law Enforcement Training, 2023.

3605 Working Arrangement between the Ministry of Internal Affairs of Ukraine and the European Union Agency for Law Enforcement Training (CEPOL) of 05.02.2020.

3606 Ibid.

ment identifies a contact point for cooperation, as well as the E-Net network operator (which are the respective structural units of the MoIA)³⁶⁰⁷.

During 2020–2022, a number of joint activities were conducted by the MoIA and CEPOL to enhance police professionalism and exchange experience³⁶⁰⁸. In 2023, offline training sessions were also held with the participation of Ukrainian police officers, SBI and SSU personnel on investigations using OSINT data³⁶⁰⁹ and the investigation of war crimes³⁶¹⁰.

In 2024, representatives of MoIA and NPU units held a working meeting with the EU Delegation and CEPOL on cooperation and support for law enforcement agencies in implementing European integration measures. During this meeting, the needs of the MoIA and NPU in the context of aligning Ukrainian legislation with EU standards were discussed, as well as opportunities for cooperation in the field of IT and digital technologies, law enforcement reform, justice, investigation of war crimes, and demining of Ukrainian territory³⁶¹¹.

Joint Investigation Teams (JITs)

Joint Investigation Teams (JITs), as an instrument of international cooperation based on an agreement between the competent authorities of two or more countries, are established for a limited period and with a specific purpose to conduct criminal investigations in one or more of the participating states³⁶¹². The conditions under which a JIT operates vary from case to case, but they are based on the model agreement for setting up a JIT contained in the Annex to the Council of the EU Resolution (2017/C 18/01)³⁶¹³.

JITs are generally established for various categories of criminal offences, such as organised crime, money laundering, and fraud. By nature, the activities of JITs constitute international cooperation at the operational level, and therefore open information on their number and outcomes is limited.

At the same time, the greatest attention is paid to JITs focused on the prosecution of international crimes. In this context, JITs serve as joint forces of national states for investigating international crimes under the principle of universal jurisdiction (regardless of territoriality or nationality, over 150 countries may prosecute perpetrators of international crimes on their own initiative)³⁶¹⁴.

3607 Cooperation with the EU. Ministry of Internal Affairs of Ukraine.

3608 Ukraine–EU Partnership in the Security Sphere: Current Status and Prospects. Razumkov Centre. 2021, p. 38.; Webinar 3078/2022: Border guard management in the context of the Ukrainian refugee crisis. CEPOL. 2022.

3609 Ukrainian investigators and prosecutors strengthen their skills on open-source intelligence. CEPOL, 2023.

3610 CEPOL delivers training on war crime investigations to Ukrainian and Moldovan officials. CEPOL, 2023.

3611 MoIA Hosts Meeting with Delegation of the EU Delegation to Ukraine and CEPOL. Ministry of Internal Affairs of Ukraine. 2024.

3612 Joint Investigation Teams (JIT). Europol.

3613 Official Journal of the European Union, C 18, 19 January 2017. Document C:2017:018:TOC.

3614 See subsection “Specifics of International Cooperation” in the “Prosecutorial Reform” section of the Shadow Report on Chapter 23 “Justice and Fundamental Rights” of the European Commission’s Report on Ukraine, 2023, pp. 146.

In March 2022, Eurojust³⁶¹⁵ supported the establishment of a Joint Investigation Team (JIT) for the investigation of serious international crimes committed in Ukraine³⁶¹⁶. The participants of this JIT include: Ukraine, six EU Member States, the International Criminal Court³⁶¹⁷, Europol³⁶¹⁸, and the United States of America (based on a Memorandum of Understanding with the USA)³⁶¹⁹. The activities of this JIT were extended in February 2024 for an additional two years (until 25 March 2026)³⁶²⁰.

Eurojust provides the JIT with legal and analytical expertise, as well as logistical and financial support. Eurojust also supports coordination and cooperation between all national investigative and prosecutorial authorities that have initiated investigations into specific crimes³⁶²¹, including through the administration of the Core International Crimes Evidence Database (CICED)³⁶²² and the International Centre for the Prosecution of the Crime of Aggression against Ukraine (ICPA)³⁶²³.

In April 2023, the JIT members concluded an agreement to expand the scope of the investigation to include, in addition to war crimes, the crime of genocide³⁶²⁴. Subsequently, in September 2024, further amendments were made to the JIT Agreement to expand the members' ability to investigate crimes of torture and ill-treatment of civilians and military personnel³⁶²⁵.

In March 2025, the United States informed Eurojust of its decision to end its participation in the ICPA³⁶²⁶. It is likely that this decision also applies to the JIT, although no official information is currently available. According to information in foreign media, in April the United States dismissed the coordinator authorised to collect data on war crimes committed by Russia against Ukraine³⁶²⁷.

Progress and issues

In recent years, there has been increased activity in the field of international cooperation between national law enforcement bodies and various international institutions in areas

3615 The European Agency Cooperating with Judicial and Police Authorities of EU Member States (European Union Agency for Criminal Justice Cooperation).

3616 Joint investigation team into alleged crimes committed in Ukraine. Eurojust.

3617 Ibid.

3618 Europol participates in joint investigation team into alleged core international crimes in Ukraine. Europol, 2023.

3619 The USA and JIT Member States Sign Memorandum of Understanding. Prosecutor General's Office. 2023.

3620 JIT Mandate Extended for Two Years — Joint Statement by Participants of the International Investigation Team on the Gravest War Crimes Committed by the Russian Federation in Ukraine. Prosecutor General's Office. 2024.

3621 Agreement to extend the joint investigation team into alleged core international crimes in Ukraine for two years. European Union, 2024.

3622 Core International Crimes Evidence Database. Eurojust.

3623 International Centre for the Prosecution of the Crime of Aggression against Ukraine. Eurojust.

3624 International Cooperation of the Prosecutor General's Office: Key Areas and Results. Prosecutor General's Office. 2024.

3625 JIT Members Sign Amendments to the Agreement Expanding the Team's Mandate to Investigate Crimes of Torture and Ill-Treatment of Civilians and Military Personnel. Prosecutor General's Office. 2024.

3626 U.S. to Withdraw From Group Investigating Responsibility for Ukraine Invasion. The New York Times, 2025.

3627 Trump administration unwinds efforts to investigate Russian war crimes. The Washington Post, 2025.

such as joint investigations into committed crimes, information exchange, and strengthening the institutional capacity of such bodies, for example through participation in training activities.

In light of the full-scale invasion by the Russian Federation, particular attention in such cooperation has been focused on war crimes and counter-sabotage efforts. At the same time, Ukraine actively engages in bilateral³⁶²⁸ and multilateral cooperation with other countries and institutions in countering organised crime, including human trafficking, illicit arms trafficking, smuggling of cultural property³⁶²⁹, and other areas.

However, due to security risks and the threat of data leaks before investigations are concluded, there is very limited publicly available information regarding the results of joint activities between Ukrainian law enforcement bodies and other countries or international organisations. As a result, it is difficult to assess the effectiveness of such cooperation.

Notably, progress has been made in connecting certain public authorities and law enforcement agencies to the SIENA system. However, only the SBI has regulated the procedure for internal interaction between its structural units when using the SIENA application at the level of its own institutional act.

The Rule of Law Roadmap also provides for the introduction, in the fourth quarter of 2026, of a mechanism to ensure reimbursement by Eurojust of the expenses of state authorities (the PGO, the SSU, the NPU, the NABU, the SBI, the ESBU) related to participation in the activities of joint investigation teams.

Recommendations

1. Develop subordinate regulatory legal acts on the use of the SIENA platform by law enforcement agencies connected to this system.
2. Continue expanding the areas/issues of cooperation between Ukrainian law enforcement and prosecutorial bodies and Europol and Eurojust. Introduce a mechanism for the reimbursement of the expenses of state authorities related to participation in the activities of joint investigation teams.
3. Establish a system of regular experience exchange between Ukrainian and EU law enforcement agencies, through training sessions and project implementation based on CEPOL.
4. Periodically publish information on the results of international cooperation, primarily regarding the outcomes of Joint Investigation Teams (JITs), provided that this does not negatively affect the activities of a specific JIT.

3628 For example: Ukrainian and Austrian Police Discussed Cooperation Against Crime. Ministry of Internal Affairs of Ukraine. 2025; Ukrainian Police Delegation at Security & Policing 2025: New Technologies and International Cooperation. Ministry of Internal Affairs of Ukraine. 2025.

3629 How the INTERPOL App Helps Police Check Whether Valuable Items Are Under International Search. Ministry of Internal Affairs of Ukraine. 2025.

Combating Human Trafficking

Ukrainian Legislation in the Field of Combating Human Trafficking

State of play

Ukrainian legislation on combating human trafficking contains a number of gaps and inconsistencies with international standards.

Ukraine is involved in international monitoring mechanisms regarding the human trafficking situation. At present, the Group of Experts on Action against Trafficking in Human Beings (GRETA), the monitoring body of the Council of Europe Convention on Action against Trafficking in Human Beings, to which Ukraine is a party, is conducting the third evaluation round of the implementation of the Convention. In May 2024, GRETA carried out a monitoring visit to Ukraine, and the final report on the results of the third monitoring round published in 2025³⁶³⁰. The focus of the third monitoring round was on victims' access to justice and effective remedies³⁶³¹. Among the main remarks noted by GRETA with regard to Ukraine were:

- › **insufficient provision of qualified legal aid to victims by the state;**
- › insufficient attention to the issue of victims claiming and receiving compensation during judicial proceedings, as well as the **absence of a state compensation mechanism** in cases where victims cannot obtain compensation from the accused;
- › limited powers of labour inspectors and the **absence of licensing and monitoring of overseas employment agencies**, along with insufficient involvement of the private sector in the prevention of and fight against trafficking in human beings;
- › the need to **strengthen anti-corruption measures in the context of combating trafficking in human beings;**
- › insufficient identification of and **assistance to child victims.**

According to the US Department of State monitoring results, Ukraine was placed in Tier 2, which means that the **state does not fully meet the minimum standards but is making significant efforts to combat human trafficking**. Among the most significant achievements noted were the adoption of the State Targeted Social Programme on Combating Human Trafficking for 2023–2025³⁶³², the reinstatement of labour inspections, as well as cooperation with European counterparts in investigating cases of human trafficking, despite reduced resources and capacity due to the full-scale Russian invasion of Ukraine³⁶³³. The most problematic aspects, according to the US Department of State, included the **issuance by judges of overly lenient sentences** that did not involve imprisonment for those convicted of human trafficking, thus undermining the deterrent effect of punishment; **insufficient**

3630 Action against Trafficking in Human Beings. GRETA carries out third evaluation visit to Ukraine.

3631 Group of Experts on Action against Trafficking in Human Beings, Evaluations report: Ukraine. Third evaluation round. Access to justice and effective remedies for victims of trafficking in human beings, GRETA(2025)08, 12 June 2025.

3632 On the Approval of the State Targeted Social Programme on Combating Human Trafficking for the Period Until 2025: Order of the Cabinet of Ministers of Ukraine No. 496 of 02.06.2023.

3633 2024 Trafficking in Persons Report: Ukraine. US Department of State.

identification of victims among foreigners; and shortcomings in state oversight of children evacuated from Ukrainian institutional care facilities³⁶³⁴.

Progress and issues

In 2023–2024, the legislation in the field of combating human trafficking did not undergo significant updates, although relevant draft laws are under development. **As of July 2025, the most significant legislative gaps include:** the absence of provisions on the criminal liability of legal entities involved in the commission of human trafficking offences³⁶³⁵; the lack of a clear definition of the “recovery and reflection period” in legislation and of the list of required assistance and protection measures for the victim during this period³⁶³⁶; and the absence of provisions on the non-punishment of victims who were compelled to engage in criminal activities³⁶³⁷.

In addition, considering the provisions of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, particularly in light of the amendments made to the Directive on 13 June 2024³⁶³⁸, there is a **need for further improvement of Ukrainian legislation** regarding:

- › the introduction of an aggravating circumstance in trafficking in human beings, namely “the use of information and communication technologies to disseminate photos/videos or other similar materials of a sexual nature concerning the victim, for the purpose of committing or facilitating the commission of the offence”³⁶³⁹;
- › the calculation of limitation periods for the offence of trafficking in human beings involving a child victim, starting from the moment the victim reaches the age of majority³⁶⁴⁰;
- › the criminalisation of the intentional use of services provided by victims of trafficking in human beings when such persons are exploited to provide those services and the user is aware that the service provider is a victim of trafficking³⁶⁴¹.

3634 Ibid.

3635 Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings, Recommendation CP(2018)29 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ukraine.; Council of Europe Convention on Action against Trafficking in Human Beings, Art. 22.; Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, Art. 5.

3636 Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings, Recommendation CP(2018)29 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ukraine.; Council of Europe Convention on Action against Trafficking in Human Beings, Art. 13.; Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, Art. 11.

3637 Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings, Recommendation CP(2018)29 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ukraine.; Council of Europe Convention on Action against Trafficking in Human Beings, Art. 26.; Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, para. 14.

3638 Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, para. 6, Art. 2(3).

3639 Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, Art. 4(3)(b).

3640 Ibid, Art. 9(2).

3641 Ibid, Art. 18a.

At present, Ukraine has designated a competent authority the **Ministry of Social Policy of Ukraine (MSP) as the coordinator in the field of combating human trafficking**³⁶⁴², as required, in particular, by Article 29(2) of the Council of Europe Convention on Action against Trafficking in Human Beings³⁶⁴³ and by Directive 2011/36/EU³⁶⁴⁴. However, both of these instruments also recommend the **establishment of independent bodies (rapporteurs)** tasked with monitoring the implementation of anti-trafficking policies, reporting on specific issues, and analysing the causes and trends in the area of human trafficking³⁶⁴⁵. Despite the relevance of this matter and its ongoing discussion for many years, **such a mechanism has yet to be established in Ukraine.**

Legislation requires amendment with regard to including local self-government bodies in the list of entities involved in anti-trafficking measures, so that they may function as part of the National Referral Mechanism of actors engaged in combating human trafficking. This is due to the fact that **local self-government bodies are not currently involved in the mechanisms for identifying and assisting victims of human trafficking**. As a result, access to support at the local level — particularly at the level of territorial communities where a significant number of victims are located — is practically non-existent. At present, victims must travel at their own expense to district and regional centres, where local executive authorities operate, in order to receive the necessary services.

Currently, the MSP continues work on the relevant draft law³⁶⁴⁶. Amendments are also being developed to the Procedure for Granting the Status of a Victim of Human Trafficking³⁶⁴⁷ to allow for applications for victim status to be submitted electronically³⁶⁴⁸. The option of submitting an application electronically will improve access to relevant services for victims residing abroad.

There is a problem with establishing effective cooperation between law enforcement agencies and victim support services, as well as among the services themselves — particularly in cases where **a victim is interviewed multiple times about the circumstances of the incident, which leads to re-traumatisation**³⁶⁴⁹.

Attention should be paid to certain legislative developments concerning the registration of harm suffered by victims of human trafficking in connection with the armed aggression of the Russian Federation. On 20 November 2024, the Law of Ukraine “On the Registration of Information on Harm Caused to the Personal Non-Property Rights of Individuals

3642 On the National Coordinator in the Field of Combating Human Trafficking: Decree of the President of Ukraine No. 306/2020 of 05.08.2020.

3643 Council of Europe Convention on Action against Trafficking in Human Beings.

3644 Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, Art. 19(1).

3645 Ibid, Article 19(3); Council of Europe Convention on Action against Trafficking in Human Beings, Article 29(4).

3646 Draft Law “On Amendments to the Law of Ukraine ‘On Combating Human Trafficking’ Aimed at Improving Certain Provisions Regulating Issues in the Field of Combating Human Trafficking”. Ministry of Social Policy of Ukraine.

3647 On the Approval of the Procedure for Granting the Status of a Victim of Human Trafficking: Resolution of the Cabinet of Ministers of Ukraine No. 417 of 23.05.2012.

3648 Final Report on the Implementation Plan under the Framework Cooperation Programme Between the Government of Ukraine and the United Nations on the Prevention and Response to Conflict-Related Sexual Violence. Reporting period: 01.01.2024–31.12.2024, p. 27.

3649 Information provided by a representative of the NGO “Chystyi Arkus” during an interview (01.04.2025).

as a Result of the Armed Aggression of the Russian Federation against Ukraine”³⁶⁵⁰ was adopted. **Human trafficking is listed as one of the types of harm caused to the personal non-property rights of victims resulting from the armed aggression of the Russian Federation against Ukraine**, and it is subject to entry into the Harm Registration System, including for the purpose of future compensation through international reparation mechanisms. In addition, the international Register of Damage for Ukraine, established under the auspices of the Council of Europe, currently contains at least two categories of claims under which cases of human trafficking may fall: A2.4 (sexual violence) and A2.7 (forced labour or service)³⁶⁵¹.

Surrogacy

State of play

The issue of the exploitation of surrogacy in Ukraine remains problematic. The regulation of surrogacy at the legislative level in Ukraine is limited, effectively creating a “grey zone” and contributing to increased risks of exploitation in this area, particularly by reproductive medicine clinics. At present, Ukrainian legislation does not contain a definition of surrogacy; the regulation of such relationships is limited to a single provision of the Family Code of Ukraine³⁶⁵² and one subordinate legal act³⁶⁵³. However, these documents regulate only the procedure and do not provide a list of the rights of surrogate mothers, children born through surrogacy, or guarantees for the protection of such rights.

The exploitation of surrogacy is not defined as a separate form of exploitation in Article 149 of the CC of Ukraine³⁶⁵⁴, although the list of forms is open, and law enforcement authorities do maintain statistics on this type of exploitation. Given that the exploitation of surrogacy was explicitly included as a form of exploitation in Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims through the amendments introduced by Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024³⁶⁵⁵, corresponding amendments should also be made to the CC of Ukraine.

Draft laws aimed at regulating the issue of surrogacy have been submitted to the Verkhovna Rada³⁶⁵⁶ on multiple occasions. Most recently, two alternative draft laws on the regulation of surrogacy relationships were submitted to Parliament in January 2022³⁶⁵⁷. Among other

3650 On the Registration of Information on Harm Caused to the Personal Non-Property Rights of Individuals as a Result of the Armed Aggression of the Russian Federation against Ukraine: Law of Ukraine No. 4071-IX of 20.11.2024.

3651 Register of Damage for Ukraine, “Submit a Claim”.

3652 Family Code of Ukraine No. 2947-III of 10.01.2002, Part 2, Article 123.

3653 On the Approval of the Procedure for the Use of Assisted Reproductive Technologies in Ukraine: Order of the Ministry of Health of Ukraine No. 787 of 09.09.2013.

3654 Criminal Code of Ukraine No. 2341-III of 05.04.2001.

3655 Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, para. 6, Art. 2(3).

3656 Surrogacy: Problems of Legal Regulation and Judicial Practice. Yurydychna Hazeta. 2020.

3657 On the Use of Assisted Reproductive Technologies: Draft Law of Ukraine, registration No. 6475-1 of 11.01.2022.; On the Use of Assisted Reproductive Technologies and Surrogacy: Draft Law of Ukraine, registration No. 6475-2 of 13.01.2022.

things, they proposed relevant amendments to the CC of Ukraine³⁶⁵⁸ and the CUAO³⁶⁵⁹, in particular regarding the establishment of liability for the use of assisted reproductive technologies without a special permit. None of these draft laws were adopted.

Progress and issues

The lack of detailed legislative regulation of surrogacy in Ukraine and inconsistencies with the legislation of other countries result in a **legal vacuum that enables abuse and increases risks for surrogate mothers and the children born to them**. For example, in some European countries, surrogacy is prohibited, which means that a child born to a surrogate mother in Ukraine cannot automatically be recognised as the child of the foreign intended parents, including in their country of citizenship³⁶⁶⁰. One way to address this issue is to establish parentage through Ukrainian courts³⁶⁶¹. Despite the absence of direct regulation of this matter in Ukrainian legislation, **Ukrainian courts generally accommodate such requests and establish parentage**, acting in the best interests of the child and referring, in particular, to provisions of international treaties such as the UN Convention on the Rights of the Child and Article 8 of the European Convention on Human Rights³⁶⁶². However, if this procedure fails for any reason — for example, if a relevant court decision issued in Ukraine proves insufficient to legalise the family relationship in the country of the genetic parents' citizenship — the child may ultimately be left without parental care.

There have also been **numerous cases of child trafficking linked to the use of surrogacy**. In 2023, law enforcement authorities uncovered a criminal scheme organised by the heads of reproductive medicine clinics. Under the guise of a surrogacy programme, the perpetrators recruited women as egg donors and women willing to become surrogate mothers. After the birth of the children, they were transferred abroad — approximately 40 such cases were identified³⁶⁶³. The scheme involved recruiting women from Kharkiv region, which is located near the combat zone; they agreed to participate in the programme due to their vulnerable situation and financial hardship. In addition, the women were intimidated and threatened if they refused certain conditions, and the amount paid to them was significantly less than promised³⁶⁶⁴.

It is also important to note that the absence of legislative regulation of surrogacy contracts contributes to the inclusion of provisions that impose **disproportionately high obligations on surrogate mothers and, in some cases, effectively restrict human rights and freedoms guaranteed by law — particularly the freedom of movement**. Breach of these conditions, even minor ones, results in penalties and significant reductions in the agreed compensation. However, when courts consider civil claims for breach of such contracts

3658 On Amendments to the Criminal Code of Ukraine Regarding Offences in the Field of Assisted Reproductive Technologies: Draft Law of Ukraine, registration No. 6517 of 13.01.2022.

3659 On Amendments to the Code of Ukraine on Administrative Offences and the Criminal Code of Ukraine Regarding Liability for Offences in the Field of Assisted Reproductive Technologies: Draft Law of Ukraine, registration No. 6517-1 of 24.01.2022.

3660 Surrogacy: Problems of Legal Regulation and Judicial Practice. Yurydychna Hazeta Online. No. 13 (719). 2020.

3661 A Child for Sale, or How Ukraine Risks Becoming a Cheap Incubator for Europe. Pershyi. 2019.

3662 Decision of the Makariv District Court of Kyiv Region of 27.02.2025 in Case No. 370/327/25.

3663 Child Trafficking — Large-Scale Scheme for Smuggling Newborns Abroad under the Guise of Surrogacy Exposed. Prosecutor General's Office of Ukraine. 2023.

3664 Ibid.

(which are most frequently brought against surrogate mothers), they often fail to give due attention to these issues³⁶⁶⁵. In addition, women who become surrogate mothers often experience health problems as a result of the fertilisation procedure, the pregnancy, and childbirth. These consequences are not accounted for **in surrogacy contracts, no insurance is provided to cover them, and the women are therefore forced to pay for treatment themselves**³⁶⁶⁶.

Criminal Prosecution of the Crime of Human Trafficking

State of play

Since the start of the full-scale invasion of Ukraine by the Russian Federation, the **effectiveness of prosecuting the crime of human trafficking (Article 149 of the CC of Ukraine) has remained insufficient** — this was also the case prior to 2022³⁶⁶⁷.

According to the Migration Police Department of the National Police of Ukraine, in 2023 the police identified 148 instances of human trafficking, and 104 instances in 2024. By type of exploitation, the most common forms in 2023 were: labour exploitation (61 cases), sexual exploitation (51), involvement in criminal activity (13), surrogacy (10), forced begging (6), and child trafficking (7). In 2024, the most common forms were: sexual exploitation (46), labour exploitation (23), surrogacy (9), involvement in criminal activity (7), forced begging (14), and child trafficking (5)³⁶⁶⁸.

Progress and issues

According to the NPU, in 2023, 164 individuals were granted the status of victim in criminal proceedings in accordance with Article 55 of the CPC of Ukraine, and 107 individuals in 2024³⁶⁶⁹. Overall, the number of identified offences and victims decreased by nearly one-third in 2024 compared to 2023. The data from the PGO are almost identical to those of the NPU in terms of the number of recorded offences under Article 149 of the CC of Ukraine (human trafficking) but differ significantly in terms of the number of victims: 91 victims were registered in 2023 and 55 in 2024³⁶⁷⁰. This discrepancy may indicate that victims are withdrawing from the process at later stages of pre-trial investigation for various reasons, which should serve as an important signal for law enforcement agencies to pay closer attention and investigate the causes of this phenomenon more thoroughly.

3665 Judgment of the Supreme Court of 23.10.2019 in Case No. 150/628/16-C.

3666 Information provided by a representative of the NGO "Chystyi Arkus" during an interview (01.04.2025).

3667 Beijing +25, Ukraine Parallel Report 2014–2019, p. 61.

3668 Information provided by the National Police of Ukraine (Letter No. 44129/012025 of 25.03.2025) in response to a public information request submitted by the NGO "La Strada-Ukraine". Statistics on the form of exploitation "use in armed conflicts" were not included in the response. The most likely explanation is that this form was categorised under another type of exploitation, such as labour exploitation in the context of armed conflict. For comparison, the National Social Service of Ukraine records the highest number of trafficking cases under this form of exploitation.

3669 Ibid.

3670 Ibid.

According to data from the PGO, of the 148 criminal proceedings under Article 149 of the CC of Ukraine registered in 2023, only 82 were submitted to court with an indictment, and 18 were closed. In 2024, of the 104 proceedings, less than half — specifically 49 — were submitted to court with an indictment, and 10 were closed³⁶⁷¹. As for the perpetrators, in 2023, 42 individuals were served with a notice of suspicion, and 26 were indicted in proceedings submitted to court. In 2024, the corresponding figures were 22 suspects and 15 accused, respectively³⁶⁷². These figures indicate a **significant attrition of proceedings from the point of registration to submission to court**.

At the same time, even more cases are filtered out as they proceed through the court system, and as a result, only **a small number of defendants receive actual punishment**. In 2023, Ukrainian courts handled 167 proceedings under Article 149 of the CC of Ukraine; 33 proceedings were adjudicated, resulting in 30 judgments. A total of 37 individuals were convicted, including 8 sentenced to imprisonment, while 20 were released on probation; confiscation of property was applied in only 2 cases. In 2024, 173 human trafficking cases were pending in court, 28 were adjudicated, and 18 judgments were issued. Twelve individuals were convicted, including 3 sentenced to imprisonment and 9 released on probation; confiscation of property was applied to 2 individuals³⁶⁷³. When comparing the number of identified cases of human trafficking per year to the number of judgments issued, it can be concluded that **only one in five registered proceedings progresses through all stages and results in a verdict**.

Another persistent issue is the compensation of damage caused by the crime of human trafficking. In general, victims either do not claim compensation or claim only minimal amounts when filing a civil claim in criminal proceedings. For instance, in 2024, the total amount of damage claimed by victims was only UAH 70,000³⁶⁷⁴. This may be due to the fact that in practice **it is difficult to obtain actual compensation from offenders, especially given that confiscation of property is applied in only isolated cases**. A potential solution to this problem could be the **establishment of a dedicated compensation fund**, as provided for in Article 15(4) of the Council of Europe Convention on Action against Trafficking in Human Beings³⁶⁷⁵ and Article 17 of Directive 2011/36/EU³⁶⁷⁶.

Although the SBGS, in cooperation with the NPU and law enforcement agencies of Ukraine and other countries³⁶⁷⁷, is actively involved in investigating human trafficking cases — particularly crossborder cases — it is difficult to assess and analyse the effectiveness of this work due to the lack of adequate statistical data.

3671 Statistics, Prosecutor General's Office.

3672 Ibid.

3673 Judicial Statistics, Judiciary of Ukraine.

3674 Ibid.

3675 Council of Europe Convention on Action against Trafficking in Human Beings.

3676 Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.

3677 Border Guards in Odesa Detain Woman Recruiting Women Abroad for Sexual Exploitation. State Border Guard Service of Ukraine. 2025.; Resident of Ternopil Recruited Ukrainians into Illegal Activity of Transporting Irregular Migrants to EU Countries. State Border Guard Service of Ukraine. 2025.; Law Enforcement Officers from Several Continents Join Forces to Combat Crime. State Border Guard Service of Ukraine. 2024.

Recognition of Victim Status and Provision of Specialised Assistance

State of play

The statistics of the National Social Service of Ukraine (NSSU) on the granting of victim status to persons affected by human trafficking differ somewhat from the statistics provided by law enforcement agencies — both in terms of the number of victims and the prevalence of certain forms of exploitation, as well as overall trends. For example, there was an increase in the number of persons who applied for victim status in 2024 compared to 2023. Such **inconsistencies in statistics are largely due to the lack of proper unification of statistical data among different state authorities**. In addition, there is a lack of detailed data on the specific status of individuals — for instance, whether a person has a disability, is an internally displaced person (IDP), or belongs to a particular ethnic minority³⁶⁷⁸. Collecting all of this data would not only help to improve the assessment of the human trafficking situation in Ukraine but would also support the assessment of victims' needs and the implementation of a victim-centred approach, enabling the provision of higher-quality and more individualised assistance.

In 2023, the NSSU granted victim status to 118 individuals (47 women, 53 men, 9 girls, and 9 boys) out of 134 applications. All victims were Ukrainian citizens. A total of 89 cases of internal trafficking and 29 cases of cross-border trafficking were recorded. The most frequent countries of destination outside Ukraine were the Russian Federation (12), France (5), Germany (4), Poland (3), Romania (2), Turkey (2), and Egypt (1). By forms of exploitation: use in armed conflicts (55), labour exploitation (22), involvement in criminal activity (17), sexual exploitation (11), sale of a child (2), begging (1), and other forms (10). In 2024, 182 individuals were granted victim status (105 men, 67 women, 5 girls, and 5 boys) out of 208 submitted applications. All victims were Ukrainian citizens. A total of 105 cases of internal trafficking, 74 of cross-border trafficking, and 3 of mixed trafficking were recorded. The most frequent countries of destination outside Ukraine were: the Russian Federation (70), Poland (4), Belarus (2), and Italy (1). By forms of exploitation: use in armed conflicts (19), labour exploitation (15), sexual exploitation (13), begging (7), involvement in criminal activity (4), sale of a child (1), and other forms (123)³⁶⁷⁹.

Progress and issues

In both 2023 and 2024, not a single foreign national applied for or was granted the status of a victim of human trafficking. This does not indicate the absence of such victims, but rather suggests that they are insufficiently identified, are afraid to seek help, or face obstacles in submitting applications to the competent authorities. Moreover, the total number of individuals who report the crime or apply for victim status is not indicative of the actual number of victims, as not all are ready or willing to come forward³⁶⁸⁰.

3678 According to representatives of NGOs working with victims of human trafficking in Ukraine, internally displaced persons and persons with disabilities make up a significant share of cases, which underlines the importance of collecting statistics disaggregated by these categories. Information provided by representatives of the Anti-Trafficking Coalition and the NGO "Chystyi Arkus" during an interview (01.04.2025).

3679 Information provided by the National Social Service of Ukraine (Letter No. 0000-041-5/ГО/151/2025/3595 of 24.03.2025) in response to a public information request submitted by the NGO "La Strada-Ukraine". For comparison with previous years.

3680 Information provided by representatives of the Anti-Trafficking Coalition during an interview (31.03.2025).

According to NSSU statistics, **the most frequently identified form of exploitation is use in armed conflicts**. However, this does not automatically mean that the more traditionally prevalent forms — such as labour or sexual exploitation — have become less frequent. For example, according to data from the International Organization for Migration (IOM), **cases of labour exploitation accounted for 73%** of all 186 identified victims of trafficking in human beings who sought assistance from the organisation between 1 January and 30 June 2024³⁶⁸¹. These figures are also confirmed by other organisations providing assistance to victims³⁶⁸². A possible explanation is that victims of exploitation in armed conflicts may have found it easier to obtain victim status, as many had already been recognised as victims in relevant criminal proceedings, and thus possessed sufficient documentation to confirm their victimisation when applying to the NSSU. According to the PGO, the PGO's Coordination Centre for the Support of Victims and Witnesses is supporting 20 victims in criminal proceedings entered in the Unified Register of Pre-Trial Investigations under Article 438 of the CC of Ukraine (war crimes), who were granted the status of victim of human trafficking by the NSSU³⁶⁸³.

With regard to victims of other forms of exploitation — particularly labour exploitation — there are concerns about under-identification and possible obstacles in the process of submitting applications and obtaining victim status. One such obstacle may be the perceived requirement of mandatory participation in criminal proceedings as a victim of human trafficking. However, under current legislation, the granting of victim status is not dependent on the victim contacting law enforcement agencies or participating in criminal proceedings³⁶⁸⁴.

Furthermore, **in the context of general mobilisation, a large proportion of men who are not eligible for deferral and are not officially employed agree to questionable work involving high risks of labour exploitation**. Victims in such cases fear mobilisation and therefore do not report to the authorities or access the services they need³⁶⁸⁵. At the same time, due to the challenges posed by the full-scale invasion, state authorities — including the NPU and the SBGS³⁶⁸⁶ — may be paying less attention to cases of labour exploitation. As a result of all these factors, **a misleading impression may emerge that cases of labour exploitation have declined**.

As for the provision of assistance to victims of human trafficking, 2024 saw an overall positive trend compared to 2023, both in terms of the number of victim statuses granted and the number of individuals receiving assistance. According to NSSU data for 2023, a total of 88 victims of human trafficking (51 men and 37 women) sought assistance. Of these, 6 received shelter services, 23 received financial assistance, 13 received legal and medical assistance, and 37 received psychological support. In 2024, 130 individuals

3681 Trafficking in persons: IOM Ukraine caseload (January-June 2024), International Organization for Migration.

3682 Information provided by representatives of the Anti-Trafficking Coalition during an interview (31.03.2025).

3683 Information provided by the Prosecutor General's Office (Letter No. 27/3-526Вих25 of 25.03.2025) in response to a public information request submitted by the NGO "La Strada-Ukraine". Identified victims during the occupation of their residential areas in Donetsk, Kherson, Kyiv, and Zaporizhzhia regions were deprived of liberty and subjected to forced labour.

3684 On Combating Human Trafficking: Law of Ukraine No. 3739-VI of 20.09.2011, Part 6, Article 16.

3685 Information provided by representatives of the Anti-Trafficking Coalition during an interview (31.03.2025).

3686 Human Trafficking in the Ukraine Crisis: Regional Anti-Trafficking Task Force — March 2023. P. 23–24. International Organization for Migration.

sought assistance (68 men and 62 women). One-time financial assistance payments were made to 77 individuals. Shelter services were provided to 22 individuals. A total of 34 individuals received financial assistance, 41 received legal assistance, 30 received medical assistance, and 77 were provided with psychological support³⁶⁸⁷.

In August 2023, amendments were adopted to the Law of Ukraine “On Free Legal Aid”³⁶⁸⁸, under which **victims of human trafficking became entitled to secondary legal aid, including representation in court**. However, only a very small proportion of victims have made use of this option to date. According to the Coordination Centre for Legal Aid Provision, only 10 decisions to provide free secondary legal aid to victims of human trafficking were made in 2023–2024 — 8 in 2023 and 2 in 2024³⁶⁸⁹.

Representatives of organisations working with victims of human trafficking have reported an increase in demand for services related to the internally displaced status of such persons (requests for assistance with rent payments, utilities, employment; the establishment of shelters for male victims, particularly those subjected to labour exploitation through use in armed conflicts in the occupied territories, etc.). There is an ongoing problem with access to services in territorial communities, where there is a lack of specialists and insufficient provision of specialised medical and psychiatric care³⁶⁹⁰. Since the start of the full-scale invasion in 2022, many specialists from local-level social services have left their positions, and have been replaced by new staff who have not yet received proper training in the identification of and assistance to victims of human trafficking³⁶⁹¹.

Prevention and Response to Human Trafficking Related to Forced Displacement Abroad

State of play

According to UN estimates, as a result of the full-scale invasion, around 7 million Ukrainians were forcibly displaced abroad, nearly 6.4 million of whom fled to EU countries³⁶⁹². The activation of the EU Temporary Protection Directive³⁶⁹³ created the conditions for obtaining appropriate legal status, and therefore better protection, for such persons — particularly through the granting of residence and work permits, as well as access to social, educational, and medical services³⁶⁹⁴. However, in practice, Ukrainians in the EU face challenges related to social and cultural integration into host countries, learning the language

3687 Information provided by the National Social Service of Ukraine (Letter No. 0000-04.1-5/ГО/151/2025/3595 of 24.03.2025) in response to a public information request submitted by the NGO “La Strada–Ukraine”.

3688 On Amendments to Certain Legislative Acts of Ukraine to Simplify Access to Free Legal Aid: Law of Ukraine No. 3022-IX of 10.04.2023.

3689 Information provided by the National Social Service of Ukraine (Letter No. 0000-04.1-5/ГО/151/2025/3595 of 24.03.2025) in response to a public information request submitted by the NGO “La Strada–Ukraine”.

3690 Information provided by representatives of the Anti-Trafficking Coalition during an interview (31.03.2025).

3691 Ibid.

3692 Ukraine Refugee Situation, UNHCR.

3693 Temporary Protection, European Commission.

3694 UNODC Research on Trafficking in Persons and Smuggling of Migrants in the Context of War-Induced Displacement from Ukraine. UNODC.

of the country of residence, finding employment and housing, accessing education, and more³⁶⁹⁵. Particularly vulnerable remain those displaced persons who, for various reasons, have not received temporary protection status, as well as children who left for EU countries — especially at the onset of the full-scale invasion — without parental accompaniment (e.g., during evacuations from institutional care facilities or in the company of distant relatives or acquaintances) and without proper registration that would allow their movement and placement within the EU to be monitored³⁶⁹⁶. These factors contribute to an increased risk of falling into situations of human trafficking.

Progress and issues

Statistics on the prevalence of human trafficking situations involving Ukrainian citizens abroad remain very limited. For example, the analytical report based on monitoring visits conducted by the Office of the Ukrainian Parliament Commissioner for Human Rights to EU Member States mentions that 0.5% of over 4,000 surveyed Ukrainians who fled to EU countries were victims of human trafficking³⁶⁹⁷. In reality, this figure may be significantly higher, given the latent nature of this crime and the difficulties victims may face in reporting it and being identified within a foreign jurisdiction.

In theory, **legislation provides for a response mechanism in cases where Ukrainian citizens become victims of human trafficking abroad**. They may contact Ukrainian diplomatic missions in their host countries, which are officially included in the National Referral Mechanism for entities involved in anti-trafficking measures³⁶⁹⁸. These missions are required by law to notify the NPU, which would initiate a pre-trial investigation and potentially international cooperation with law enforcement agencies in other countries during the course of the investigation. However, according to the NPU, no such referrals were received in 2023–2024³⁶⁹⁹. This indicates that the **mechanism is not being used in practice**.

According to UNODC, between 2022 and 2024, over 24,000 Ukrainians — primarily men — attempted to enter the EU illegally³⁷⁰⁰. Eleven thousand men who attempted to cross the border illegally were detained by Ukrainian authorities. Such attempts are often facilitated by criminal groups, which charge between USD 2,000 and 10,000 for their “services”³⁷⁰¹. Compared to cases of forced displacement abroad with the acquisition of legal temporary protection status, **irregular migration significantly increases the risk of human trafficking and decreases the likelihood of identification**, as victims may go into hiding and refuse to cooperate with law enforcement authorities in the destination countries.

3695 Forced Displacement Abroad: Analytical Report. Council of Europe, 2025.

3696 Human Trafficking in the Ukraine Crisis: Regional Anti-Trafficking Task Force — March 2023. P. 22. International Organization for Migration.

3697 Forced Displacement Abroad: Analytical Report. Council of Europe, 2025. P. 106.

3698 On Combating Human Trafficking: Law of Ukraine No. 3739-VI of 20.09.2011, Articles 5, 13.

3699 Information provided by the National Police of Ukraine (Letter No. 44129/012025 of 25.03.2025) in response to a public information request submitted by the NGO “La Strada–Ukraine”.

3700 UNODC Research on Trafficking in Persons and Smuggling of Migrants in the Context of War-Induced Displacement from Ukraine. UNODC.

3701 Ibid.

There are currently **no statistics available on the number of Ukrainian victims of trafficking registered in the EU during 2023–2024**. However, when comparing 2021 and 2022, the number of victims increased more than sixfold (65 victims in 2021 compared to 402 in 2022)³⁷⁰². **Labour exploitation remains the most common form of exploitation of Ukrainians in the EU**³⁷⁰³. Since the beginning of the full-scale invasion, there has been a reported **increase in demand for sexual services and pornography, including involving Ukrainian refugee women**³⁷⁰⁴.

Capacity Building and International Cooperation of Law Enforcement Agencies Combating Human Trafficking

State of play

Law enforcement agencies involved in the prevention of and response to human trafficking undergo training and are actively engaged in international cooperation.

In particular, in 2024, 42 representatives of the State Border Guard Service participated in four capacity-building training events on the prevention of and response to human trafficking³⁷⁰⁵. Staff of the Migration Police Department of the NPU took part in a seminar on combating trafficking in persons belonging to national minorities, and jointly with the IOM organised an online training on the use of open-source intelligence (OSINT) in documenting criminal activities related to human trafficking. The Prosecutors' Training Centre of Ukraine was involved in the development and delivery of four regional simulation exercises entitled "Strengthening the Cooperation of Actors in Combating Human Trafficking" (in partnership with the Organization for Security and Co-operation in Europe (OSCE)). A total of 24 prosecutors from regional prosecutor's offices and 100 other participants — including investigators, representatives of the migration police, social service centres, psychosocial assistance centres, social protection departments, NGOs, and labour inspectors — received training through these simulation exercises (124 professionals in total).

A two-day in-person training titled "Procedural Supervision of Pre-Trial Investigations of Criminal Offences Related to Human Trafficking" was also developed and delivered in partnership with the Programme Office of the United Nations Office on Drugs and Crime (UNODC) in Ukraine. Fifteen prosecutors completed the training. UNODC, in partnership with the Prosecutor General's Office, the Coordination Centre for the Support of Victims and Witnesses, the Prosecutors' Training Centre of Ukraine, the State Financial Monitoring Service of Ukraine, and the NPU, conducted a professional development programme for 50 specialised regional prosecutors on trafficking in human beings, as well as regional investigators of the National Police and operatives of the Migration Police Department from 11 regions.

³⁷⁰² Ibid.

³⁷⁰³ Ibid.

³⁷⁰⁴ Ukrainian refugees increasingly targeted for sexual exploitation, research finds. The Guardian, 2023; UNODC Research on Trafficking in Persons and Smuggling of Migrants in the Context of War-Induced Displacement from Ukraine. UNODC; Human Trafficking in the Ukraine Crisis: Regional Anti-Trafficking Task Force - March 2023, p. 23. International Organization for Migration.

³⁷⁰⁵ Final Report on the Implementation Plan under the Framework Cooperation Programme Between the Government of Ukraine and the United Nations on the Prevention and Response to Conflict-Related Sexual Violence. Reporting period: 01.01.2024–31.12.2024, p. 27.

In May 2024, prosecutors, including deputy heads of regional prosecutor's offices responsible for overseeing compliance with the law by the NPU and for representing public prosecution in court, along with heads of the respective structural units of these offices (96 participants in total), held a seminar on the topic: "Specifics of Organising Procedural Supervision and Maintaining Public Prosecution in Criminal Proceedings Related to Human Trafficking"³⁷⁰⁶.

Due to the need to establish effective cooperation between law enforcement agencies and authorised entities providing assistance to victims, experts have identified simulation exercises and trainings based on practical case studies as the most promising and effective form of training and professional development for specialists involved in combating human trafficking³⁷⁰⁷.

According to the Migration Police Department of the NPU, the department is actively engaged in international cooperation. It participates in the implementation of Operational Action Plans under the EMPACT focused on combating human trafficking, irregular migration, and the sexual exploitation of children. It is also involved in the establishment of international operational teams coordinated by Europol and participates in monthly meetings of the UATF task force, established in 2022 under Europol to counter trafficking in human beings involving Ukrainian nationals evacuated to Europe due to the full-scale Russian invasion.

In 2024, bilateral cooperation was carried out with the Homeland Security Investigations (HSI) of the U.S. Immigration and Customs Enforcement, focusing on combating human trafficking in EU countries and exchanging best international practices in this area. In 2023, cooperation was launched with the international non-governmental organisation International Justice Mission, and in late 2024, the NPU signed a Memorandum of Cooperation with this organisation³⁷⁰⁸.

In a recent monitoring report on Ukraine, GRETA generally gave a positive assessment of the state's efforts in training and strengthening the capacities of law enforcement agencies in the field of preventing and combating trafficking in human beings. At the same time, GRETA recommended paying particular attention to **enhancing judges' knowledge and specialisation regarding the crime of trafficking in human beings**³⁷⁰⁹, **training law enforcement representatives on supporting victims in seeking compensation**³⁷¹⁰, as well as developing international cooperation on trafficking in human beings committed through the use of information and communication technologies, in particular by **ratifying the Second Additional Protocol to the Convention on Cybercrime, aimed at strengthening cooperation and the disclosure of electronic evidence**³⁷¹¹.

3706 Ibid.

3707 Information provided by a representative of the OSCE Support Programme for Ukraine during an interview (31.03.2025).

3708 Information provided by the National Police of Ukraine (Letter No. 44129/012025 of 25.03.2025) in response to a public information request submitted by the NGO "La Strada - Ukraine".

3709 Group of Experts on Action against Trafficking in Human Beings, Evaluations report: Ukraine. Third evaluation round. Access to justice and effective remedies for victims of trafficking in human beings, GRETA(2025)08, 12 June 2025, para. 138, p. 57.

3710 Ibid, p. 56.

3711 Ibid, p. 146

Recommendations

1. Adopt amendments to Article 5 of the Law of Ukraine "On Combating Human Trafficking" to include local self-government bodies among the actors involved in anti-trafficking measures; introduce the possibility of submitting applications for recognition as a victim of human trafficking online.
2. Amend the Criminal Code of Ukraine to: introduce criminal liability for legal entities for the offence of human trafficking (Section XIV¹ of the CC of Ukraine); add Article 149 of the CC of Ukraine to the list of offences for which the statute of limitations is calculated from the moment the victim reaches the age of majority (Part 6 of Article 49 of the CC of Ukraine); and establish criminal liability for the intentional use of services provided by victims of human trafficking.
3. Adopt further legislative amendments to align Ukrainian law with the standards of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, and the Council of Europe Convention on Action against Trafficking in Human Beings. Amend the Law of Ukraine "On Combating Human Trafficking" to clearly define the concept of the "recovery and reflection period" and list the guaranteed measures of assistance and protection for the victim during this period; introduce provisions on the non-punishment of victims who were compelled to engage in criminal activities.
4. Establish the position of an independent rapporteur on trafficking in human beings.
5. Regulate the legal protection of the rights and interests of participants in surrogacy programmes, particularly women who agree to become surrogate mothers and the children born through such programmes.
6. Include the exploitation of surrogacy among the forms of exploitation listed in Article 149 of the CC of Ukraine.
7. Improve the effectiveness of criminal proceedings by increasing the number of cases that reach the trial stage; imposing custodial sentences on a greater number of convicted offenders; and improving victims' access to compensation.
8. Enhance and unify the collection of statistical data on human trafficking by law enforcement bodies and the judiciary. The State Border Guard Service should collect and publish statistical data on anti-trafficking activities.
9. Explore the possibility of establishing a state compensation fund for victims of violent crimes, including human trafficking.
10. Improve the procedure for submitting applications and obtaining the status of a victim of human trafficking. Introduce the possibility of submitting applications to local self-government bodies and allow for applications to be submitted in electronic form.
11. Examine barriers to accessing support services and submitting applications for victim status among various categories of victims (persons with disabilities, IDPs, foreigners, undocumented persons, men evading mobilisation, individuals living in rural areas, persons displaced abroad, etc.) and develop measures aimed at overcoming these barriers. Develop detailed guidelines on the procedure for identifying victims, as well as for receiving and processing applications for recognition of victim status (including

examples of documents that may be submitted, circumstances requiring verification, indicators and manifestations of different forms of trafficking in human beings, etc.).

12. Improve the system of service provision for victims of human trafficking in view of the challenges posed by the full-scale invasion of Ukraine by the Russian Federation. In particular, allocate more resources for housing victims who have lost or cannot access their homes due to occupation; establish specialised shelters for victims of human trafficking, including male victims; fund programmes for specialised medical and psychological care, as well as rehabilitation programmes for victims.
13. Strengthen the institutional capacity and funding of local self-government bodies in the field of combating human trafficking and providing social services.
14. Develop a mechanism for cooperation between law enforcement agencies and Ukrainian diplomatic missions, involving law enforcement authorities of other countries and civil society and international organisations, to ensure proper identification, registration, and investigation of cases of human trafficking involving Ukrainian citizens abroad.
15. Improve mechanisms for registering Ukrainian children who have been forcibly displaced abroad, assess their service needs, and establish cooperation with competent authorities and civil society organisations in other countries to ensure the provision of such services (e.g., hotline counselling, psychological support, access to diplomatic missions, domestic violence prevention, etc.).
16. Conduct specialised trainings and strengthen the institutional capacity and cooperation skills of actors involved in anti-trafficking efforts, including the NPU, prosecution bodies, SBGS, diplomatic missions, civil servants of local state administrations, local self-government officials, social service providers, and free legal aid centres.
17. Provide training on implementing victim-centred and trauma-informed approaches in work with victims of human trafficking.
18. Strengthen cooperation and the exchange of experience between Ukrainian law enforcement agencies and their European counterparts in the field of combating human trafficking, particularly in the context of Ukraine's European integration processes and the future need to ensure close cross-border cooperation and coordination on anti-trafficking efforts in line with EU legislative requirements.

Cybercrime (Cyberattacks on Critical Infrastructure, Preventive Measures Against Online Child Sexual Exploitation, etc.)

State of play

In 2005, **Ukraine ratified** (with reservations and declarations)³⁷¹² the **Convention on Cybercrime** (the Budapest Convention)³⁷¹³, which is aimed at combating cybercrime and

3712 On the Ratification of the Convention on Cybercrime: Law of Ukraine No. 2824-IV of 07.09.2005.

3713 Convention on Cybercrime of 23.11.2001.

computer-related offences by harmonising national legislation, improving investigative techniques, and enhancing international cooperation.

In 2006, Ukraine ratified (with reservations)³⁷¹⁴ the Additional Protocol to the Convention³⁷¹⁵, which concerns the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

In 2017, the Verkhovna Rada adopted **Law No. 2163-VIII³⁷¹⁶**, aimed at establishing a national cybersecurity system as a set of political, social, economic and information relations combined with organisational, administrative, and technical-technological measures through a comprehensive approach in close cooperation between the public and private sectors and civil society³⁷¹⁷.

The investigation of cybercrime³⁷¹⁸ falls under the jurisdiction of the NPU³⁷¹⁹, which has established a specialised unit — the Cyber Police Department³⁷²⁰. The SSU, which is currently responsible for countering cyberthreats to critical infrastructure (CI), has also established a specialised unit — the Department for Counterintelligence Protection of the State's Interests in the Sphere of Information Security³⁷²¹.

In 2021, the **Cybersecurity Strategy of Ukraine³⁷²²** was adopted. It outlines cyber threats (including cyberattacks on information systems of Ukrainian public authorities and critical infrastructure), the division of powers among state bodies responsible for cybersecurity, as well as the strategic goals and priorities in this field. In the same year, the Strategy Implementation Plan³⁷²³ was adopted, with measures scheduled for implementation by 2024. Subsequently, the Government approved more detailed action plans for 2023–2024³⁷²⁴ and for 2025³⁷²⁵.

3714 On the Ratification of the Additional Protocol to the Convention on Cybercrime Concerning the Criminalisation of Acts of a Racist and Xenophobic Nature Committed through Computer Systems: Law of Ukraine No. 23-V of 21.07.2006.

3715 Additional Protocol to the Convention on Cybercrime Concerning the Criminalisation of Acts of a Racist and Xenophobic Nature Committed through Computer Systems of 28.01.2003.

3716 On the Basic Principles of Ensuring Cybersecurity of Ukraine: Law of Ukraine No. 2163-VIII of 05.10.2017.

3717 On the Basic Principles of Ensuring Cybersecurity of Ukraine: Draft Law of Ukraine, registration No. 2126a of 19.06.2015 (Explanatory Note).

3718 On the Basic Principles of Ensuring Cybersecurity of Ukraine: Law of Ukraine No. 2163-VIII of 05.10.2017.

3719 Criminal Procedure Code of Ukraine No. 4651-VI of 13.04.2012, Article 216.

3720 On the Establishment of a Territorial Body of the National Police: Resolution of the Cabinet of Ministers of Ukraine No. 831 of 13.10.2015.

3721 On Amendments to the Decree of the President of Ukraine of 27 December 2005 No. 1860: Decree of the President of Ukraine No. 34 of 25.01.2012.

3722 On the Decision of the National Security and Defence Council of Ukraine of 14 May 2021 "On the Cybersecurity Strategy of Ukraine": Decree of the President of Ukraine No. 447/2021 of 26.08.2021.

3723 On the Decision of the National Security and Defence Council of Ukraine of 30 December 2021 "On the Implementation Plan of the Cybersecurity Strategy of Ukraine: Decree of the President of Ukraine No. 37/2022 of 01.02.2022.

3724 On the Approval of the Action Plan for 2023–2024 for the Implementation of the Cybersecurity Strategy of Ukraine: Order of the Cabinet of Ministers of Ukraine No. 1163 of 19.12.2023.

3725 On the Approval of the Action Plan for 2025 for the Implementation of the Cybersecurity Strategy of Ukraine: Order of the Cabinet of Ministers of Ukraine No. 204 of 07.03.2025.

Also in 2021, the **Organisational and Technical Model of Cyber Defence**³⁷²⁶ was approved. This is a set of measures, actors, and actions aimed at enhancing the capabilities of the national cybersecurity system in responding to cyberattacks (including those targeting CI) and cyber incidents.

In December 2024, new Recommendations and a model plan for protection against cyber threats for CI³⁷²⁷ were approved. These documents establish modern cybersecurity standards and include updated templates for CI protection plans, mandatory risk assessments, consideration of interdependencies between infrastructure objects, and adaptation to emerging threats.

Electronic (Digital) Evidence

The issue of electronic (digital) evidence in criminal proceedings has remained on the agenda for an extended period. In 2017, amendments were made to the Civil Procedure Code of Ukraine, the Commercial Procedure Code of Ukraine, and the Code of Administrative Justice of Ukraine, expanding the concept of evidence to include "electronic evidence"³⁷²⁸.

However, the CPC of Ukraine and the Code of Ukraine on Administrative Offences (CUAO) have not yet incorporated provisions regulating the institution of electronic evidence. The Report on Ukraine³⁷²⁹ notes that it would be advisable to define the concept of electronic evidence either by introducing a specific definition into the Criminal Procedure Code of Ukraine or by amending the general definition of evidence in a way that would allow for sufficient clarity and foreseeability to ensure that the scope of the new definition includes evidence in electronic form.

In practice, the absence of rules governing the use of electronic evidence in legal acts where such provisions would be natural and necessary has led to a mismatch between the factual existence of this legal institution and its formal legal regulation. Electronic evidence is used across various categories of cases — from road traffic accidents to intellectual property protection³⁷³⁰. **In 2023, the Supreme Court**³⁷³¹ **ruled that electronic evidence may be submitted in digital format with an electronic signature. At the same time, if a party to the proceedings questions the authenticity of the evidence, they must substantiate their doubts, and the court may request the original**³⁷³².

3726 On the Approval of the Regulation on the Organisational and Technical Model of Cyber Defence: Resolution of the Cabinet of Ministers of Ukraine No. 1426 of 29.12.2021.

3727 On Certain Issues of Developing, Approving, and Endorsing Protection Plans for Critical Infrastructure Objects Based on a National-Level Projected Threat "Cyberattack/Cyber Incident": Joint Order of the Security Service of Ukraine and the Administration of the State Service of Special Communications and Information Protection of Ukraine No. 627/772 of 19.12.2024.

3728 On Amendments to the Commercial Procedure Code of Ukraine, Civil Procedure Code of Ukraine, Code of Administrative Justice of Ukraine, and Other Legislative Acts: Law of Ukraine No. 2147-VIII of 03.10.2017.

3729 Report on Ukraine on Existing Legislation and Draft Laws Supplementing Various Cybercrime and Electronic Evidence-Related Issues and Amending Them, No. 2016/DGI/JP/3608 of 03.11.2016. Council of Europe.

3730 Electronic Evidence in Judicial Practice. Sudovo-Yurydychna Hazeta. 2019.

3731 Decision of the Supreme Court of 21.06.2023 in Case No. 916/3027/21.

3732 Supreme Court Judge Analysed the Criteria of Admissibility and Reliability of Electronic Evidence in Criminal Proceedings. Supreme Court. 2025.

The Rule of Law Roadmap provides for the drafting and adoption, in the fourth quarter of 2026, of laws aimed at improving the procedure for the use of electronic (digital) evidence in criminal proceedings, the partial disclosure of traffic data and the application of expedited preservation of information, with a view to the full implementation of the Convention on Cybercrime.

Cyberviolence on the Internet

In 2021, the European Parliamentary Research Service estimated the total losses from cyber harassment and cyberstalking at €49–89.3 billion³⁷³³.

A study conducted by the Economist Intelligence Unit covering 45 countries (including Ukraine) showed that 85% of women surveyed had either experienced or witnessed violence online, while 38% reported personal experiences of such violence. In European countries, 74% of respondents reported having experienced or observed online violence against themselves or other women³⁷³⁴.

The European Committee on the Convention on Cybercrime identifies six main categories of violence: cyber harassment; cybercrime; violations of the right to privacy; hate crimes; direct threats or physical violence with digital consequences; and online sexual exploitation and abuse of children³⁷³⁵.

In addition to the Convention on Cybercrime, several other international legal instruments are relevant in this context:

- The Istanbul Convention³⁷³⁶. In 2021, GREVIO (the Group of Experts on Action against Violence against Women and Domestic Violence) published General Recommendation No. 1³⁷³⁷, stating that violence against women and girls in the digital sphere constitutes gender-based violence and falls within the scope of the Istanbul Convention.
- The Lanzarote Convention³⁷³⁸. It obliges states to criminalise all forms of child abuse, including digital forms of sexual exploitation and sexual violence online.

In 2024, another key EU document entered into force — the Digital Services Act (DSA)³⁷³⁹— as part of the European Digital Strategy. It regulates, among other things, the fight against gender-based online violence. The Act obliges large online platform providers to comply with all regulations regarding the prevention of the dissemination of illegal content that constitutes cyberviolence.

3733 Regulatory Approaches to Cyberviolence in the European Union. Ministry of Justice of Ukraine. 2024.

3734 Ibid.

3735 Regulatory Approaches to Cyberviolence in the European Union. Publication by the Ministry of Justice of Ukraine on the social network Facebook. 2024.

3736 Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence of 11.05.2011 (ratified by Ukraine on 20.06.2022, entered into force for Ukraine on 01.11.2022).

3737 GREVIO General Recommendation No. 1 on the Digital Dimension of Violence Against Women. Council of Europe. 2021.

3738 Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse (ratified by Ukraine on 20.06.2012, entered into force for Ukraine on 01.12.2012).

3739 Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC. European Union, 2020.

To address sexualised cyberviolence, the EU adopted Directive 2024/1385 in 2024, which provides for the criminalisation of stalking, harassment, incitement to violence or hatred in online environments³⁷⁴⁰. The Directive requires all EU Member States to criminalise cyberviolence.

Cyberattacks on Critical Infrastructure

When assessing the level of cyber threats to Ukraine, it is important to consider the weaknesses of the national critical infrastructure protection system, including the absence of a single state authority responsible for coordinating actions in this area. Cyberattacks are widely used in today's cyberspace for unlawful purposes not only by private individuals but also by foreign intelligence services and affiliated groups and organisations.

To improve the effectiveness of countering cyberterrorism, the SSU created a threat indicator sharing platform known as MISP-UA³⁷⁴¹. Since 2023, the integration of IT companies and CI operators into this platform has significantly improved the security of Ukraine's critical infrastructure and state information resources compared to 2022. This progress reflects the successful use of modern technologies to strengthen national cybersecurity and ensure more effective coordination of efforts in detecting and neutralising threats³⁷⁴².

Cybersecurity specialists of the SSU have also ensured the integration of several critically important facilities into the unified Security Information and Event Management (SIEM³⁷⁴³) system, which provides real-time monitoring of events and enables in-depth analysis of the state of information security³⁷⁴⁴. Potentially critical events identified by the system are analysed by qualified experts, allowing for timely detection, response, and prevention of threats.

The SSU combats cybercrime that may pose a threat to the vital interests of the state, investigates cyber incidents and cyberattacks targeting CI and state electronic information resources, and ensures the response to cyber incidents in the area of national security³⁷⁴⁵. Its responsibilities also include counterintelligence and operational investigative measures to counter cyber sabotage, cyberterrorism, and cyber espionage, as well as testing the preparedness of critical infrastructure for potential cyberattacks and incidents. As of 2024, the SSU has been investigating all cyberattacks on critical cyber infrastructure.

3740 Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence. European Union. 2024.

3741 MISP (Malware Information Sharing Platform) is a specialised platform for collecting and sharing cyber threat intelligence. The platform is based on open-source code and is used by professionals involved in monitoring and responding to cyber incidents: SOC, CIRC, CIRT, CSIRT, CERT, etc.

3742 Current Issues in Ensuring the Cybersecurity of Critical Infrastructure Facilities. Legal Scientific Electronic Journal. No. 10/2024.

3743 Security Information and Event Management.

3744 Since the Beginning of the Year, the SSU Has Neutralised Nearly 4,000 Cyberattacks on Government Bodies and Critical Infrastructure of Ukraine. Security Service of Ukraine. 2023.

3745 Skitsko O.I., Shirshov R.A. Current Issues in Ensuring the Cybersecurity of Critical Infrastructure Facilities. Legal Scientific Electronic Journal. No. 10/2024, p. 314.

In April 2025, Law No. 4336-IX³⁷⁴⁶ entered into force. It provides for the creation and assurance of cybersecurity, the operation of national systems for responding to cyberattack incidents, cyber threats, and the exchange of information on cybersecurity incidents related to information, electronic communications, and information and communication technology systems that process state information resources or restricted-access information protected by law. The operation of this system will be ensured by the State Service of Special Communications and Information Protection of Ukraine (SSSCIP). In addition, specialised cybersecurity units will be established within all state bodies and at CI facilities.

The OAS Action Plan³⁷⁴⁷ provides, in the fourth quarter of 2026, for the development and submission to Parliament of a draft law aimed at strengthening the liability of owners and/or managers of enterprises, institutions, and organisations classified as CI, for the improper cybersecurity protection of their communication and technological systems, and for failure to promptly notify Ukraine's government computer emergency response team (CERT-UA), the authorised information security unit of the SSU, and the NPU about cybersecurity incidents.

IOCTA

To assess threats posed by organised crime in cyberspace, the European Cybercrime Centre (EC3) a division of Europol — has developed the IOCTA system³⁷⁴⁸. The purpose of this threat assessment is to provide a comprehensive overview of current and anticipated future threats and trends in crimes committed on the Internet and/or facilitated by it. IOCTA focuses primarily on crime areas under the mandate of EC3³⁷⁴⁹: cyberattacks, child sexual exploitation, online fraud, and payment-related schemes³⁷⁵⁰.

The OAS Action Plan³⁷⁵¹ provides, in the fourth quarter of 2025, for the development and adoption — together with Europol's European Cybercrime Centre — of a legal and regulatory framework to institutionalise the implementation of the IOCTA system in the operations of Ukrainian law enforcement agencies and the prosecution service. The goal is to strengthen their capacity to counter internal and external threats in the fight against cybercrime. A similar measure is envisaged in the Rule of Law Roadmap.

3746 On Amendments to Certain Laws of Ukraine Regarding the Protection of Information and Cybersecurity of State Information Resources and Critical Information Infrastructure Facilities: Law of Ukraine No. 4336-IX of 27.03.2025.

3747 Action Plan for the Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024, Measure 1.3.1.

3748 Internet Organised Crime Threat Assessment (IOCTA).

3749 European Council on Computing in Construction (EC3).

3750 Internet Organised Crime Threat Assessment (IOCTA). Europol.

3751 Action Plan for the Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024, para. 1.3.2.

Directive (EU) 2019/713

In April 2019, the EU adopted Directive 2019/713³⁷⁵² on combating fraud and counterfeiting of non-cash means of payment, which establishes minimum rules for defining criminal offences and penalties in the area of fraud and counterfeiting of non-cash payment instruments. The Directive aims to prevent such offences and to provide assistance and support to victims.

In 2023, the State Tax Service of Ukraine (STS) received data from the National Bank of Ukraine (NBU), acting as the regulator, on 728 drop accounts, with incomes per individual ranging from UAH 28,000 to UAH 36 million³⁷⁵³. On 1 October 2024, the NBU temporarily introduced a monthly limit of UAH 150,000 for peer-to-peer (P2P) transfers between individuals ("card-to-card" transfers) to counter criminal transactions made through accounts held by proxy individuals (drops)³⁷⁵⁴. **On 1 April 2025, the NBU did not extend the validity of these restrictions³⁷⁵⁵, and they were therefore lifted.**

According to representatives of the Cyber Police, the restrictions on money transfers initially led to a decrease in the use of drop accounts; however, fraudsters have since shifted to using individual entrepreneurs. Law enforcement officials report that an entire infrastructure has developed around the drop market, serving not only fraud schemes, but also drug trafficking and illegal gambling³⁷⁵⁶.

To address this issue, Law No. 3994-IX³⁷⁵⁷ entered into force in November 2024, increasing fines for payment service providers for violations of legislation to up to 5% of the volume of transactions conducted in breach of the law. **Among the next steps in combating drop account activity are the creation of a unified register of drop accounts and the introduction of criminal liability for such activity³⁷⁵⁸.**

As of 25 April 2025, Draft Law No. 10190³⁷⁵⁹ — which criminalises electronic communication fraud; the creation and leadership of an electronic communication fraud organisation, as well as participation in and recruitment for such organisations — is being prepared for its second reading in Parliament.

3752 Directive (EU) 2019/713 of the European Parliament and of the Council of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA.

3753 Combating Drop Accounts: NBU Prepares to Restrict Transfers, National Police Proposes Introducing Liability. Yurydychna Hazeta. 2024.

3754 Temporary Limit on "Card-to-Card" Transfers Will Prevent the Use of Payment Infrastructure for Unlawful Purposes and Will Not Affect the Work of Volunteers (Updated). National Bank of Ukraine. 2024.

3755 The National Bank of Ukraine Did Not Extend the Regulatory Limit of UAH 150,000 per Month for "Card-to-Card" Transfers by Individuals. National Bank of Ukraine. 2025.

3756 Business Associations, Cyber Police, and Members of Parliament Discussed the Problem of Money Laundering and "Drop" Schemes. Ukrainian Business Council. 2025.

3757 On Amendments to Certain Legislative Acts of Ukraine to Improve the Functions of the National Bank of Ukraine in the State Regulation of Financial Services Markets: Law of Ukraine No. 3994-IX of 08.10.2024.

3758 Business Associations, Cyber Police, and Members of Parliament Discussed the Problem of Money Laundering and "Drop" Schemes. Ukrainian Business Council. 2025.

3759 On Amendments to the Criminal Code of Ukraine on Establishing Liability for Electronic Communication Fraud: Draft Law of Ukraine, registration No. 10190 of 25.10.2023.

Progress and issues

According to cybersecurity experts, most leading countries in the world are experiencing a steady increase in both the number and variety of cyberattacks aimed at undermining the confidentiality, integrity, and availability of state information resources, particularly those circulating within CI³⁷⁶⁰.

At present, the actual manifestations of cyberattacks are largely unpredictable, and their outcomes typically involve significant financial and economic losses or unforeseeable disruptions in the functioning of information and communications systems, which directly affect national security and defence. In this context, existing threats require the implementation of comprehensive measures aimed at ensuring cybersecurity.

Ukraine ratified the Convention on Cybercrime with reservations. At the same time, current legislation does not sufficiently regulate the procedures for the use of electronic (digital) evidence in criminal proceedings, the partial disclosure of data flows, or the application of emergency data preservation measures.

The Rule of Law Roadmap envisages, in the fourth quarter of 2027, the adoption of laws to strengthen the cooperation of Ukrainian electronic communications service providers within the framework of the ratification of the Second Additional Protocol to the Convention on Cybercrime (CETS No. 224)³⁷⁶¹. Ukraine signed it on 30 November 2022³⁷⁶², and ratification is planned by the fourth quarter of 2027.

In 2020, Members of Parliament submitted Draft Law No. 4004³⁷⁶³ for consideration, which proposed, among other things, to define the concept and types of electronic evidence in the CPC of Ukraine, as well as procedures for their storage. However, the draft requires revision, as scholars have voiced critical concerns regarding the terminology used in this legislative initiative³⁷⁶⁴. In addition, the MSER pointed out the illogical nature of certain provisions, the potential for evidence tampering, and other shortcomings of the draft law³⁷⁶⁵. The Committee on Ukraine's Integration into the EU also noted that the draft must be revised to reflect the provisions of Recommendation No. R(95)4 and the Convention on Cybercrime, to prevent abuse in the field of personal data protection³⁷⁶⁶. As of July 2025, the draft law remains pending consideration.

3760 CERT-UA Processed 4,315 Cyber Incidents Last Year. State Service of Special Communications and Information Protection of Ukraine. 2025.; Cybersecurity Market Overview in Ukraine, pp. 11–14. DataDriven Research & Consulting. 2025.; Salii A.Y. Specifics of Criminal Liability for Cyberattacks in EU Countries. Scientific Bulletin of Uzhhorod National University. Law Series. 2024. Issue 81, Part 2, pp. 331–332.; Cherevko K.O., Pashniev D.V. Cyberattacks on Critical Infrastructure during Armed Conflict: Key Concepts. Bulletin of the Criminological Association of Ukraine. No. 1(31). 2024, pp. 210–211.

3761 Second Additional Protocol to the Cybercrime Convention on enhanced co-operation and disclosure of electronic evidence (CETS No. 224).

3762 Chart of signatures and ratifications of Treaty 224. Council of Europe.

3763 On Amendments to the Criminal Procedure Code of Ukraine to Improve the Effectiveness of Combating Cybercrime and the Use of Electronic Evidence: Draft Law of Ukraine, registration No. 4004 of 01.09.2020.

3764 Fihurskyi V.M. Electronic Evidence in Criminal Proceedings. Halytski Studii: Legal Sciences. 2023. No. 4, pp. 97–105.; Romaniuk V.V., Ablamskyi S.Ye. Admissibility Criteria for Digital (Electronic) Evidence in Criminal Procedure. Law and Safety. 2024. No. 2 (93), p. 142.

3765 Opinion on Draft Law No. 4004 of 01.09.2020. Main Scientific and Expert Department of the Secretariat of the Verkhovna Rada of Ukraine.

3766 Opinion on Draft Law No. 4004 of 01.09.2020. Committee on Ukraine's Integration into the European Union.

Cyberviolence is not recognised as a distinct criminal offence under Ukrainian criminal law. Direct verbal, written, or technology-assisted statements that express explicit hostility or insult, aimed at inciting national, racial or religious enmity and hatred, degrading national honour and dignity, or offending citizens' religious sentiments, may serve as grounds for bringing a person to criminal liability³⁷⁶⁷.

However, such offences fall under the category of private prosecution, meaning that an investigation can only be initiated upon the complaint of the victim³⁷⁶⁸. A separate offence under the Criminal Code is incitement to suicide³⁷⁶⁹. Thus, **Ukrainian legislation does not currently provide for criminal liability for cyberviolence as a standalone offence.**

In the Rule of Law Roadmap, a separate subsection is devoted to strengthening the institutional capacity of the NPU to combat sexual violence and the sexual exploitation of children, in particular through online means. A number of measures envisage the drafting of amendments to legislation in this area, and it is also planned to establish, within the structure of the Migration Police of the NPU, a specialised unit to combat the online sexual exploitation of children, which overall should strengthen efforts to counter crime in this sphere.

The growing dependence of national critical infrastructure on automated control systems of CI is one of the key preconditions for the persistence and further development of cybercrime and cyberterrorism. Modern information and communication technologies are actively used by cybercriminals to destabilise the functioning of automated technological process control systems at CI facilities, in parallel with the use of traditional methods of sabotage and terrorist attacks. Cyberterrorism represents one of the most serious security threats, generating numerous cyber risks to CI.

The issue of child sexual exploitation has received limited attention in current state policy, as cyber threats in other areas appear more pressing in the context of war. However, greater efforts within the framework of the Lanzarote Convention and the criminalisation of cyberbullying could help address this imbalance. The European Commission, in its 2024 Enlargement Package Report, rightly notes that "active measures to counter child sexual exploitation online are currently temporarily limited in scope due to war-related staffing shortages"³⁷⁷⁰.

Current Ukrainian legislation is also not fully aligned with the provisions of Directive (EU) 2019/713. For instance, as of today, there is no legal liability for "renting out" one's payment card for the purpose of committing criminal acts, despite the widespread nature of such offences. At the same time, some provisions do not require separate implementation — for example, the existing offence of "Fraud"³⁷⁷¹ provides a sufficient legal basis to conclude that, in this respect, national legislation fully complies with the requirements of Article 3 of the Directive.

3767 Criminal Code of Ukraine № 2341-III of 05.04.2001, Article 161.

3768 Criminal Procedure Code of Ukraine No. 4651-VI of 13.04.2012, Article 477.

3769 Criminal Code of Ukraine No. 2341-III of 05.04.2001, Article 120.

3770 Ukraine 2024 Progress Report within the European Union Enlargement Package. P. 47.

3771 Criminal Code of Ukraine No. 2341-III of 05.04.2001, Article 190.

By contrast, the Rule of Law Roadmap envisages the adoption of amendments to legislation for the implementation of Directive (EU) 2019/713, in particular with regard to the optimisation of pre-trial investigation in criminal proceedings (fourth quarter of 2025) and the establishment of criminal liability for unlawful actions with payment cards or other payment instruments in the interests of third parties (fourth quarter of 2027).

Existing criminal statistics reflect data on individual offences, but the definition of “cyber-crime” varies across contexts, making it **difficult to track trends and developments in this area**.

On 9 July 2025, the PGO approved a new form of statistical reporting on the results of law enforcement bodies’ activities **concerning the state of prevention of and counteraction to criminal offences committed in the field of cybersecurity (cybercrime)** (Form No. 1-CYB)³⁷⁷². Reporting under this form belongs to administrative reporting, which is prepared by the prosecution authorities on the basis of information entered by registrars into the URPTI, on a monthly cumulative basis for the country as a whole and for the region where the pre-trial investigation body is located. **The preparation of such reporting will begin in January 2026 on the results of 2025, and thereafter will take place monthly.**

The statistical form covers various types of cybercrime — from phishing-related fraud to unauthorised actions with computers. The list is not exhaustive and includes a column “other”, the content of which is not specified. The attempt to outline a list of cybercrimes is a positive step in monitoring crime trends in this field.

In the IV quarter of 2026, pursuant to the Rule of Law Roadmap, a unified statistical reporting system of law enforcement bodies and prosecution authorities on countering criminal offences in the field of cybersecurity is to be established. Accordingly, statistical reporting will continue to be improved.

Recommendations

1. Adopt amendments to legislation to fully implement the Convention on Cybercrime, in particular by introducing the concept of electronic (digital) evidence into the CPC of Ukraine (by analogy with the Commercial Procedure Code of Ukraine, Civil Procedure Code of Ukraine, and Code of Administrative Justice of Ukraine).
2. Draft and adopt laws on the ratification of the Second Additional Protocol to the Convention on Cybercrime, and on strengthening cooperation between electronic communications service providers in Ukraine and the competent authorities of the signatory states to the Convention.
3. Criminalise cyberviolence in line with the provisions of Directive (EU) 2024/1385 on combating violence against women and domestic violence, which provides for the criminalisation of stalking, harassment, and incitement to violence or hatred in online environments.

³⁷⁷² On the Approval of Reporting under Form No. 1-CYB “Report on the Results of the Activities of Law Enforcement Agencies Regarding the State of Prevention of and Counteraction to Criminal Offences Committed in the Field of Cybersecurity (Cybercrime)”: Order of the Prosecutor General’s Office No. 177 of 09.07.2025.

4. Develop and adopt a law on optimising pre-trial investigation in criminal proceedings, aimed at aligning Ukrainian legislation with the requirements of Directive (EU) 2019/713, in particular by:
 - supplementing existing provisions of sectoral laws with terminology such as “means of remote communication”, “secured device, object or record”, etc.;
 - clarifying the offence of “unlawful actions involving intangible non-cash payment instruments”;
 - increasing the penalties for unlawful actions involving payment documents, payment cards, and other means of accessing bank accounts, electronic money, and equipment for their production³⁷⁷³;
 - expanding the list of criminal law measures that may be applied by the court to legal entities³⁷⁷⁴.
5. Introduce criminal liability for unlawful actions involving payment cards or other payment instruments in the interests of third parties, in accordance with Directive (EU) 2019/713, in particular through the adoption of Draft Law No. 10190.
6. Institutionalise the Internet Organised Crime Threat Assessment (IOCTA) system within the operations of Ukrainian law enforcement and prosecution authorities.
7. Improve a unified statistical reporting system for law enforcement and prosecution authorities on criminal offences in the field of cybersecurity, based on the assessment of crime data for 2025 and the analysis of the list of offences classified in this area.

Counteraction to Money Laundering

State of play

The system for countering money laundering in Ukraine is defined by a special law³⁷⁷⁵, as well as subordinate regulatory legal acts adopted for its implementation, and is based on three key components. The first is the prevention of the use of the financial system for laundering “dirty” money by introducing mandatory client identification and imposing restrictions on suspicious transactions. The second is the detection of suspicious financial operations through the collection and analysis of information by a specially authorised body. The third is the establishment of criminal liability for laundering criminal proceeds, including the possibility of freezing accounts and confiscating funds³⁷⁷⁶.

The preventive component of the anti-money laundering system is ensured through the work of the State Financial Monitoring Service and reporting entities (REs). In 2024, the

3773 Criminal Code of Ukraine No. 2341-III of 05.04.2001, Article 200.

3774 Criminal Code of Ukraine and Directive (EU) 2019/713 of the European Parliament and of the Council of 17.04.2019 on Combating Fraud and Counterfeiting of Non-Cash Means of Payment: A Comparative Legal Analysis in the Context of the *Acquis Communautaire*. Bulletin of the Criminological Association of Ukraine. 2024. No. 2(32), pp. 39–49.

3775 On the Prevention and Counteraction to Legalisation (Laundering) of Criminal Proceeds, Financing of Terrorism and Financing of the Proliferation of Weapons of Mass Destruction: Law of Ukraine No. 361-IX of 06.12.2019.

3776 Counteraction to the Laundering of “Dirty” Assets: European Standards and the Criminal Code of Ukraine: Monograph. Kyiv: Vaite, 2015. 392 p. P. 11.

SFMS processed and recorded 1,750,940 reports of threshold and suspicious financial transactions. According to the response from the SFMS, based on the conducted analysis, 6,497 case files were compiled³⁷⁷⁷.

An important element of the preventive system is the conduct of a National Risk Assessment (NRA), which makes it possible to identify vulnerabilities in the financial system and determine priority areas for investigation. The most recent published NRA report was released in 2019³⁷⁷⁸. According to the decision of the Council for the Prevention and Counteraction of the Legalisation (Laundering) of Criminal Proceeds, the Financing of Terrorism, and the Financing of the Proliferation of Weapons of Mass Destruction³⁷⁷⁹, the NRA Report for 2022 will be published within one month following the lifting of martial law³⁷⁸⁰.

On 6 February 2024, the NBU issued recommendations to financial institutions on applying a risk-based approach when dealing with **domestic politically exposed persons (PEPs)**³⁷⁸¹. Similar recommendations on the proper application of the risk-based approach to servicing PEPs were issued on 30 January 2024 by the National Securities and Stock Market Commission (NSSMC)³⁷⁸².

Counteraction to money laundering is also ensured through the criminalisation of such acts. Article 209 of the CC of Ukraine establishes criminal liability for the legalisation (laundering) of property obtained through criminal means. According to reporting data from the PGO, in 2024, 3,187 criminal proceedings under Article 209 of the CC of Ukraine were under investigation, 496 indictments were submitted to court, and 248 criminal proceedings were closed. As a result of investigations into money laundering under this article, the value of criminally obtained property that was legalised (as per the indictments) amounted to UAH 2,926,636.48 thousand. Law enforcement authorities succeeded in recovering damages in the amount of UAH 8,618.00 thousand. Seizure was imposed on suspects' property with a total value of UAH 163,490.22 thousand, of which UAH 5,552.71 thousand was with the purpose of ensuring special confiscation³⁷⁸³.

At the same time, in 2024, only 94 criminal proceedings were investigated based on materials from the State Financial Monitoring Service, with only one indictment submitted to court and 17 proceedings closed. Also, in the proceedings initiated on the basis of

3777 Letter of the State Financial Monitoring Service No. 1318/310-11 of 25.03.2025.

3778 Report on the National Risk Assessment in the Sphere of Prevention and Counteraction to the Legalisation (Laundering) of Criminal Proceeds and Financing of Terrorism. State Financial Monitoring Service of Ukraine. 2019.

3779 The Council for the Prevention and Counteraction to Legalisation (Laundering) of Criminal Proceeds, Financing of Terrorism and Financing of the Proliferation of Weapons of Mass Destruction — a temporary advisory body under the Cabinet of Ministers of Ukraine established to examine issues related to the implementation of state policy in this field. Regulation on the Council approved by Resolution of the Cabinet of Ministers of Ukraine No. 613 of 08.09.2016.

3780 Information on the Publication of the National Risk Assessment Report (2022). State Financial Monitoring Service of Ukraine. 2024.

3781 On the Provision of Clarifications and Recommendations on Financial Monitoring Issues: Letter of the National Bank of Ukraine No. 25-0005/9103 of 06.02.2024.

3782 On the Approval of Recommendations on the Proper Application by Reporting Entities Regulated and Supervised by the National Securities and Stock Market Commission of the Risk-Based Approach when Serving Politically Exposed Persons, Their Family Members and Close Associates: Decision of the National Securities and Stock Market Commission No. 115 of 30.01.2024.

3783 Report on the Results of Investigations of Criminal Proceedings for Criminal Offences Related to the Legalisation (Laundering) of Criminal Proceeds, Financing of Terrorism, and Proliferation of Weapons of Mass Destruction for January-December 2024. Prosecutor General's Office.

SFMS materials, no material damages were identified. Meanwhile, the established value of criminally obtained property legalised (as per the indictment) amounted to UAH 277.83 thousand. The statistics show that in these criminal proceedings, no damages were recovered and no seizures were imposed on property, including for the purpose of ensuring special confiscation³⁷⁸⁴.

If one examines the statistical reporting on the consideration of cases concerning the legalisation (laundering) of criminal proceeds, the financing of terrorism, and the financing of the proliferation of weapons of mass destruction for 2024, 1,111 criminal cases under Article 209 of the CC of Ukraine were under consideration by first-instance courts. Of these, 517 new cases were received during the reporting period. A total of 241 cases were examined, resulting in 164 convictions and 43 closures of proceedings. These convictions led to the sentencing of 157 individuals, while 12 were acquitted. At the same time, 105 individuals were released from punishment. At the end of the reporting period, 870 cases of this category remained pending³⁷⁸⁵. If one considers the statistical reporting on the adjudication of criminal proceedings for 2024, 98 convictions were issued under Article 209 of the CC of Ukraine, 64 of which were based on plea agreements³⁷⁸⁶.

Progress and issues

In its 2024 Enlargement Package Report, the European Commission outlines a range of issues concerning the fight against money laundering and the financing of terrorism in Ukraine. Despite some progress in the legislative sphere, including the revision of the Law on the Prevention of the Legalisation of Criminal Proceeds and the expansion of the Unified State Register of Enterprises and Organizations of Ukraine, the European Commission emphasises the need to adopt the relevant subordinate legal acts and to ensure the systematic conduct of financial investigations. The Commission also highlights the need to establish a register of bank account holders, payment accounts and safe deposit boxes, as well as to amend legislation to enable the proper registration of beneficial owners of all corporate and other legal entities. Oversight of virtual asset service providers and the improvement of the financial investigations system remain important issues, although progress has been noted in monitoring suspicious financial transactions and in improved statistics on the investigation of money laundering cases compared to previous years³⁷⁸⁷.

The risk-based approach is a fundamental of the Law on the Prevention of the Legalisation of Criminal Proceeds. It involves identifying, assessing, and understanding the risks of money laundering and terrorist financing, as well as taking appropriate measures to manage these risks in a way that ensures their minimisation depending on the level of threat. REs are obliged to apply this approach in their activities, which requires them to understand, identify and assess risks based on approved criteria³⁷⁸⁸.

3784 Ibid, Table 1.7.

3785 Form No. 1-LT - Report of the Courts on the Status of Cases Concerning the Legalisation (Laundering) of Criminal Proceeds, Financing of Terrorism and Financing of the Proliferation of Weapons of Mass Destruction for 2024. Judiciary of Ukraine.

3786 Form No. 1-K - Report of First-Instance Courts on the Consideration of Criminal Proceedings for 2024. Judiciary of Ukraine.

3787 Ukraine 2024 Progress Report within the European Union Enlargement Package.

3788 On the Prevention and Counteraction to Legalisation (Laundering) of Criminal Proceeds, Financing of Terrorism and Financing of the Proliferation of Weapons of Mass Destruction: Law of Ukraine No. 361-IX of 06.12.2019, Article 7.

In determining risk criteria, REs must take into account typology studies in the field of prevention and counteraction prepared by the SFMS and published on its website, the results of the NRA, and recommendations of state financial monitoring authorities³⁷⁸⁹.

The SFMS reported³⁷⁹⁰ that, in preparation for the fourth NRA, the relevant methodology was updated: the approach to identifying threats and vulnerabilities was improved; risk assessment mechanisms were revised for the financing of the proliferation of weapons of mass destruction, the use of virtual assets, the non-profit sector, and legal entities; and new mechanisms were introduced for assessing money laundering risks related to environmental crimes, modern slavery, and the trade sector. The updated Methodology was approved by the Ministry of Finance of Ukraine and endorsed on 26 December 2024, after which the fourth NRA was launched in 2025. On 28 February 2025, the Working Group on the NRA approved a tentative implementation plan, defined the level of stakeholder involvement, and is currently collecting the necessary information.

Experts note³⁷⁹¹ that the 2024 NRA Methodology³⁷⁹² contains inconsistencies and legal inaccuracies that may pose a risk to the objective assessment of the non-profit organisation (NPO) sector. The use of the term "dilemma" in the interpretation of NPO functioning is considered unfounded, as is the application of a universal approach to assessing the risk of all NPOs across the entire territory of Ukraine as a "conflict zone." The Methodology, even prior to the assessment, predefines risks for charitable foundations as "use for transferring funds under the guise of charitable activity," which contradicts the logic of evaluation. Particularly problematic are provisions that directly conflict with FATF standards by designating all NPOs falling under Recommendation 8 as vulnerable, and the erroneous interpretation of the absence of data as an indicator of elevated risk. At the same time, the document also contains positive elements: a recommendation to include representatives of NPOs in the working subgroup under the SFMS on the assessment of risks related to the use of the non-profit sector for ML/TF/PF purposes, and to take into account the results of independent assessments of the sector, which provides an opportunity for a more objective evaluation in the 2025 NRA.

On 9 April 2025, a meeting of the Working Subgroup on the assessment of risks of misuse of the NPO sector for ML/TF purposes was held, which also included representatives of Transparency International Ukraine. At this meeting, in order to avoid misinterpretation of the provisions of the NRA Methodology on assessing the risks of misuse of the NPO sector for ML/TF purposes, it was decided to take into account the following clarifications to the risk assessment mechanism:

- › at the final stage of assessing the risks of misuse of the NGO sector for ML/TF purposes, risk levels shall be established by types of NGOs in accordance with the list approved by the Working Subgroup. At the same time, the establishment of an overall risk level for the NPO sector is not applied;

3789 Ibid, p. 4, Art. 7.

3790 Letter of the State Financial Monitoring Service No. 1318/310-11 of 25.03.2025.

3791 Expert Opinion on the Methodology for the National Risk Assessment of Money Laundering, Terrorist Financing and Financing of the Proliferation of Weapons of Mass Destruction in Ukraine (updated 2024). CEDEM. 2025. Not publicly available; provided upon request to Transparency International Ukraine.

3792 Methodology for the National Risk Assessment of Money Laundering, Terrorist Financing and Financing of the Proliferation of Weapons of Mass Destruction in Ukraine. State Financial Monitoring Service of Ukraine. 2024.

- › the statement that the absence of data does not necessarily mean the absence of risk and may indicate an increased risk if it points to the vulnerability of the NPO sector in the AML/CFT system should not be applied unconditionally; a decision on the presence of an increased risk shall be taken on the basis of proper justification;
- › for the proper analysis of the ML/TF risks of the NPO sector, information on violations of tax legislation by NPOs should be taken into account, if such violations preceded ML/TF-related crimes or are connected with such crimes;
- › the provisions of the NRA Methodology regarding risk assessment factors of misuse of the NPO sector for ML/TF purposes shall be used as a mechanism for assessment, and not as the final conclusions of such an assessment. At the same time, decisions on risk assessment factors, indicators or factors of vulnerability and threats, taken through the application of such a mechanism, shall be based on proper justification³⁷⁹³.

The Review on the Use of Non-Profit Organisations for Money Laundering and Terrorist Financing, published by the SFMS, also raised serious concerns³⁷⁹⁴. An expert opinion by CEDEM criticises the document for unjustifiably defining lawful activities of NPOs as risk indicators, particularly with regard to organisations working with IDPs, operating in front-line areas, or carrying out financial transactions for consulting, legal, and IT services. Despite the overall tone of the Review suggesting a high-risk nature of the non-profit sector, its own statistics indicate that only 0.07% of organisations were involved in criminal schemes. Instead, experts highlight a sharp increase in “de-risking” — the refusal of financial institutions to cooperate with NPOs — which creates obstacles for the legitimate activities of organisations that, during wartime, have assumed important roles in providing humanitarian assistance to the population and supporting the AFU. They recommend that the SFMS revise the provisions of the document with the involvement of civil society representatives³⁷⁹⁵.

In addition, the SFMS typology study “Risks and Threats of the Legalisation of Criminal Proceeds and Terrorist Financing under Conditions of Armed Aggression by the Russian Federation — 2024” also contains inconsistencies in the assessment of NPOs, as pointed out by CEDEM experts³⁷⁹⁶. They note that the document demonstrates a complete lack of understanding of the specifics of NPO activities in Ukraine. It is described as absurd and legally unfounded to categorise “NPO operations” as high-risk alongside terrorist financing and fraud, which are criminal offences under Ukrainian law. The document also unjustifiably includes the provision of charitable assistance and the use of NPOs among the tools allegedly employed in unlawful schemes, without offering any substantiated reasoning for such conclusions. The indicators of suspicious financial transactions involving NPOs, as defined in the Typology, do not consider the specific nature of their activities and often

3793 Minutes No. 1 of the meeting of the Working Subgroup on the assessment of risks of misuse of the NPO sector for ML/TF purposes of 09.04.2025.

3794 Review on the Use of Non-Profit Organisations for the Purpose of Legalisation (Laundering) of Criminal Proceeds and Terrorist Financing. State Financial Monitoring Service of Ukraine. 2024.

3795 Expert Opinion on the SFMS Review “Use of Non-Profit Organisations for the Purpose of Legalisation (Laundering) of Criminal Proceeds and Terrorist Financing”. CEDEM. 2025. Not publicly available; provided upon request to Transparency International Ukraine.

3796 Expert Opinion on the Typology Study: “Risks and Threats of Legalisation (Laundering) of Criminal Proceeds and Terrorist Financing Under Conditions of Armed Aggression by the Russian Federation — 2024”. CEDEM. 2025. Not publicly available; provided upon request to Transparency International Ukraine.

contradict standard practices — for example, the opening of separate accounts for different projects or conducting humanitarian work through the provision of financial assistance³⁷⁹⁷.

As an element of the risk-based approach, the new Risk Criteria for the Legalisation (Laundering) of Criminal Proceeds, the Financing of Terrorism and the Financing of the Proliferation of Weapons of Mass Destruction were approved on 28 December 2022 and entered into force on 24 February 2023³⁷⁹⁸. Experts note that the document is twice as long and more comprehensive than the previous one and contains detailed instructions on the risk assessment procedure, including the stages of evaluating the risk profile of a reporting entity and its clients. The criteria cover 36 parameters by client type, an expanded list of high-risk jurisdictions, and 47 criteria by type of service and method of provision³⁷⁹⁹. In this regard, REs were required to update their internal financial monitoring documents by 24 May 2023, familiarise staff with them, and, at their own discretion, conduct a reassessment of client risks.

Experts interviewed emphasise³⁸⁰⁰ that the proper application of the risk-based approach in the work of reporting entities is hindered by a lack of specialised training and detailed guidance on specific categories of clients, including in the context of communication between the NBU and the Independent Association of Ukrainian Banks and the Association of Ukrainian Banks. In some cases, banks would rather terminate service to a client than take the time to assess their situation in detail, in order to avoid the risk of significant fines.

The adoption of the widely welcomed Law No. 3419-IX³⁸⁰¹, aimed at implementing FATF standards³⁸⁰² and EU Directive 2015/849³⁸⁰³ as a structural benchmark of the IMF and part of the seven requirements of the European Union for initiating accession negotiations with Ukraine, sparked significant public debate. Within this debate, Transparency International Ukraine debunked myths and manipulations concerning the legislator's updated approach³⁸⁰⁴. In turn, the NBU emphasised that automatically assigning a high level of risk to all PEPs or refusing cooperation solely on the basis of their status contradicts anti-money laundering legislation. Banks must develop dynamic scoring systems for the individual risk assessment of each client, taking into account a list of indicators of potential PEP influence. The NBU also stressed the need for specialised training of personnel on the correct application of the risk-based approach when servicing PEPs and on adherence to internal financial monitoring procedures³⁸⁰⁵.

3797 Ibid.

3798 On the Approval of the Risk Criteria for Legalisation (Laundering) of Criminal Proceeds, Financing of Terrorism and Financing of the Proliferation of Weapons of Mass Destruction: Order of the Ministry of Finance of Ukraine No. 465 of 28.12.2022.

3799 New Risk Criteria for Financial Monitoring: What REs Should Pay Attention To. LIGA ZAKON. 2023.

3800 Information provided by CEDEM experts during an interview conducted on 26.03.2025.

3801 On Amendments to the Law of Ukraine "On the Prevention and Counteraction to Legalisation (Laundering) of Criminal Proceeds, Financing of Terrorism and Financing of the Proliferation of Weapons of Mass Destruction" Concerning Politically Exposed Persons: Law of Ukraine No. 3419-IX of 17.10.2023.

3802 FATF Guidance. Politically exposed persons (recommendations 12 and 22). FATF, 2013.

3803 Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing.

3804 7 Myths About PEPs: Debunking Manipulations Concerning the Law on Financial Monitoring of Politically Exposed Persons. European Pravda. 2023.

3805 Financial Institutions Must Apply a Risk-Based Approach When Working with PEPs. National Bank of Ukraine. 2024.

An analysis of data on the processing of reports on threshold and suspicious financial transactions shows an increase in the number of processed reports: from 1,429,594 in 2023 to 1,750,940 in 2024, representing a 22.5% rise. The volume of processed information on threshold and suspicious financial transactions per employee also increased — from 7,886 in 2023 to 9,673.7 in 2024 (a 22.7% increase), indicating a growing workload on SFMS personnel³⁸⁰⁶.

The SFMS Annual Report for 2023 shows that banks were the most active reporting entities, submitting 1,423,311 reports (99.6% of the total), while non-banking institutions submitted 6,283 reports. Among non-banking institutions, the most active were participants in the capital and organised commodity markets, with 2,788 reports (44.62% of the total from the non-banking sector), followed by financial companies with 1,535 reports (24.56%), and entities engaged in gambling activities with 1,075 reports (17.20%)³⁸⁰⁷.

According to the SFMS report for 2024, banks remain the most active reporting entities, having submitted 1,736,196 reports, while non-banking institutions submitted 14,744 reports. Among non-banking institutions, the most active were financial companies, which submitted 5,574 reports (37.81% of the total number of reports from the non-banking sector), followed by other reporting entities — 3,233 reports (21.93%), and participants in the capital and organised commodity markets — 2,614 reports (17.73%). Entities engaged in gambling activities submitted 2,407 reports (16.33%), and insurance institutions submitted 638 reports (4.33%). The lowest number of reports came from entities conducting lotteries — 278 reports (1.89%)³⁸⁰⁸.

In this context, the question arises as to how effective the risk-based approach is in practice, and whether it actually enables the detection of financial transactions related to the legalisation of assets. Despite the increase in the share of reports submitted by non-banking institutions, the question also remains as to why such a low number of relevant reports is received from them.

Experts interviewed during the study highlighted problems with the fact that, after receiving a report — such as from a bank — on a suspicious transaction, the SFMS often requires additional information. This process consumes valuable time, which is critical for conducting an effective financial investigation³⁸⁰⁹.

This is also confirmed by data provided by the SFMS: during 2024, the State Financial Monitoring Service sent 16,124 file requests for additional information to 63 banking institutions³⁸¹⁰.

The operational capacity of the SFMS to **prepare generalised materials**, which are subsequently transmitted to law enforcement authorities, leaves much to be desired. Experts interviewed noted that this process is overburdened with unjustified formalities — for

3806 Annual Report of the State Financial Monitoring Service for 2023. State Financial Monitoring Service of Ukraine. 2024.; Annual Report of the State Financial Monitoring Service for 2024. State Financial Monitoring Service of Ukraine. 2025.

3807 Annual Report of the State Financial Monitoring Service for 2023. State Financial Monitoring Service of Ukraine. 2024.

3808 Annual Report of the State Financial Monitoring Service for 2024. State Financial Monitoring Service of Ukraine. 2025.

3809 Information provided by expert Hanna Horbenko during an interview conducted on 24.03.2025.

3810 Ibid.

example, the requirement for such materials to be approved by the Expert Commission³⁸¹¹. Moreover, according to legislation, generalised materials may not be used as evidence in criminal proceedings. This necessitates duplicating the results of financial investigations through procedural actions within criminal proceedings — such as obtaining temporary access and conducting investigative actions³⁸¹².

As for practical steps to improve the conduct of financial investigations, the SFMS has planned to modernise its software tools for processing and analysing information and transmitting analytical materials to law enforcement/intelligence agencies. The goal is to improve both operational and strategic information analysis, identify and assess risks, and detect complex money laundering schemes, terrorist financing, or financing of the proliferation of weapons of mass destruction. It also aims to enhance the effectiveness of financial research by introducing Big Data tools, artificial intelligence, and other analytical technologies, and by expanding the use of modern analytical systems — provided funding is secured through the state budget and ITA programmes³⁸¹³.

According to experts interviewed, there is currently a need for specialised training for law enforcement officers with the participation of SFMS specialists on methods of proving the presence of elements of a criminal offence under Article 209 of the CC of Ukraine³⁸¹⁴. At present, such training sessions are periodically held at the Prosecutors' Training Centre of Ukraine³⁸¹⁵.

It is not possible to determine from publicly available statistical reports the share of materials transmitted for further use by law enforcement authorities. However, according to publicly disclosed information, the number of materials transmitted by the SFMS to law enforcement agencies between 2020 and 2024 varied — from a peak of 1,170 materials in 2021 to a low of 934 in 2022 (likely due to the full-scale invasion of Ukraine by Russia), followed by an increase to 1,122 materials in 2023 and a slight decrease to 1,053 materials in 2024³⁸¹⁶.

In 2024, the SFMS transmitted 1,053 materials (572 generalised and 481 additional) to law enforcement agencies, which is 69 fewer than in 2023, when 1,122 materials were transmitted (608 generalised and 514 additional). There were changes in distribution by agency: 323 materials were sent to the NPU (an increase of 45), 289 to the SSU (a decrease of 59), 156 to NABU (a decrease of 11), 118 to the SBI (an increase of 9), 95 to the ESBU (a decrease of 24), and 71 to the prosecution authorities (a decrease of 30)³⁸¹⁷.

When comparing SFMS materials by category for 2023 and 2024, the following changes can be observed: materials on corruption-related acts decreased from 250 to 239; mate-

3811 Expert Commission — the SFMS Commission for reviewing generalised and additional generalised materials prepared for submission to law enforcement and intelligence agencies.

3812 Information provided by expert Hanna Horbenko during an interview conducted on 24.03.2025.

3813 Letter of the State Financial Monitoring Service No. 1318/310-11 of 25.03.2025.

3814 Information provided by expert Hanna Horbenko during an interview conducted on 24.03.2025.

3815 Prosecutors' Training Centre of Ukraine page on the social network Facebook.

3816 Total Number of Materials Transmitted by the SFMS to Law Enforcement Agencies.

3817 Annual Report of the State Financial Monitoring Service for 2023. State Financial Monitoring Service of Ukraine. 2024.; Annual Report of the State Financial Monitoring Service for 2024. State Financial Monitoring Service of Ukraine.

rials related to terrorist/separatist financing and the Russian Federation's military aggression significantly declined from 267 to 164; materials on fraudulent misappropriation of funds increased from 114 to 136; materials related to the use of funds for humanitarian and social projects rose substantially from 55 to 96; and materials concerning budgetary assets for the AFU decreased from 88 to 76, which may reflect a shift in monitoring priorities or changes in potentially criminal activity³⁸¹⁸.

In 2024, the SFMS transmitted 239 materials (83 generalised and 156 additional) to law enforcement agencies on suspicion of money laundering involving proceeds of corruption. The largest number of materials was sent to NABU (156), followed by the SBI (36), NPU (27), PGO (8), SSU (7), and ESBUE (5). The total amount of financial transactions referenced in these materials, which may be linked to money laundering and the commission of other criminal offences, amounted to UAH 14 billion³⁸¹⁹.

NABU reported that during 2024, it received 46 generalised materials from the SFMS, of which 35 were either entered into the URPI or added to existing criminal proceedings. In 11 cases, no sufficient grounds were found for entering data into the URPI (some of these are still undergoing information and analytical review)³⁸²⁰.

This raises the question of the accuracy of data recording in the SFMS annual report, as well as the quality of the materials presented. Notably, among the experts interviewed with experience in the prosecution or law enforcement bodies, the quality of generalised materials from the SFMS is generally assessed as quite high³⁸²¹. However, they also note that collecting additional information consumes a considerable amount of time³⁸²².

Raising the issue of statistical reporting — which should also serve as an evidentiary basis for the development of strategic documents in the area of countering the legalisation of criminal proceeds (including the development of the NRA and typologies) — it is worth noting that, since 2020, data on the sectors most affected by money laundering is no longer collected. For example, in the Report on Counteraction to the Legalisation of Criminal Proceeds (Form 1-LV), Table 4 contained statistical data on the total number of identified individuals, including those with corrupt connections, in public authorities and administration, with interregional links, and in the budgetary sphere, as well as data on the duration of activities of organised groups and criminal organisations³⁸²³. Although the reports currently prepared in this field by the PGO are more comprehensive, they lack information on the sectors most affected by money laundering — information that could be useful for strategic planning.

An important element of the financial monitoring system is the **disclosure of information on UBOs**. The Law on the Prevention of the Legalisation of Criminal Proceeds has improved the definition of UBOs and expanded the requirements for their disclosure compared

3818 Ibid.

3819 Annual Report of the State Financial Monitoring Service for 2024. State Financial Monitoring Service of Ukraine.

3820 Letter of the National Anti-Corruption Bureau of Ukraine No. 112-299/10594 of 14.04.2025.

3821 Information provided by experts during interviews conducted on 21.03.2025 and 27.03.2025.

3822 Information provided by expert Hanna Horbenko during an interview conducted on 24.03.2025.

3823 Report on Counteraction to the Legalisation of Criminal Proceeds for the 12 Months of 2019. Prosecutor General's Office.

to previous legislation, thereby establishing a basic mechanism for disclosing information on UBOs³⁸²⁴.

In September 2022, the Parliament amended the Law on the Prevention of the Legalisation of Criminal Proceeds by introducing Article 5¹, which defines the requirements for disclosing information on UBOs and the ownership structure of legal entities in Ukraine. It establishes the obligation for legal entities to submit and update information on UBOs in the Unified State Register of Enterprises and Organizations of Ukraine; regulates the procedure for identifying discrepancies in submitted information and verifying its accuracy; outlines the process for entering notes on possible inaccuracy of data; and includes a list of legal entities to which these requirements do not apply³⁸²⁵.

In September 2023, the NBU approved the Methodology for the Identification of the Ultimate Beneficial Owner by a Legal Entity, with the aim of creating an effective system for UBO disclosure and improving the process by which legal entities determine their UBOs³⁸²⁶.

Experts note³⁸²⁷ that there are problems related to the identification of UBOs in public and charitable organisations in Ukraine under the new rules. In particular, there is no unified approach among the civil society sector, regulators, and reporting entities, and there is a lack of awareness among non-profit organisations regarding these requirements. An analysis of the registers revealed that information on UBOs is often insufficient, outdated, or inaccurate due to a formalistic approach to their identification. Of particular concern is the phenomenon of “de-risking”, whereby financial institutions refuse to cooperate with non-profit organisations due to perceived risks associated with uncertainty regarding UBOs. The issue of adapting FATF international standards to the Ukrainian context also remains unresolved, particularly in relation to the activities of non-profit organisations.

In addition, the mechanism for reporting discrepancies between information on UBOs and the ownership structure of a client still faces several issues. First, the Ministry of Finance introduced amendments to the Regulation on the Form and Content of Ownership Structure (which will enter into force 90 days after the termination or cancellation of martial law in Ukraine)³⁸²⁸. However, it has yet to approve the new templates for diagrams of the ownership structure of legal entities. In contrast, the NBU has already regulated the procedure for banks and non-banking institutions to report discrepancies between UBO data and the client’s ownership structure in line with current legislative requirements³⁸²⁹. Second, according to some experts³⁸³⁰, the MoJ’s capacity to process such notifications — given

3824 On Amendments to Certain Legislative Acts of Ukraine Regarding the Identification of Ultimate Beneficial Owners of Legal Entities and Public Officials: Law of Ukraine No. 1701-VII of 14.10.2014.

3825 On Amendments to Certain Laws of Ukraine to Improve the Regulation of Ultimate Beneficial Ownership and Ownership Structure of Legal Entities: Law of Ukraine No. 2571-IX of 06.09.2022, subpara. 1 para. 7, Section I.

3826 On the Approval of the Methodology for Identifying the Ultimate Beneficial Owner by a Legal Entity: Resolution of the Cabinet of Ministers of Ukraine and the National Bank of Ukraine No. 1011 of 19.09.2023.

3827 Training Seminar “Mission Possible: Identifying the Ultimate Beneficial Owner in Public and Charitable Organisations under the New Rules” Held. Centre for Democracy and Rule of Law. 2024.

3828 On Amendments to the Order of the Ministry of Finance of Ukraine No. 163 of 19.03.2021: Order of the Ministry of Finance of Ukraine No. 161 of 02.04.2024.

3829 The Procedure for Reporting by Banks and Non-Banking Institutions on Identified Discrepancies Regarding Ultimate Beneficial Owners and the Ownership Structure of Clients Has Been Regulated. National Bank of Ukraine. 2024.

3830 Information provided by CEDEM experts during an interview conducted on 26.03.2025.

their volume — needs to be strengthened, as they are currently handled by a small department. Third, the reporting system was launched without beta testing.

Particular attention in the context of countering the legalisation of criminal proceeds is given to the **regulation of issues related to the circulation of virtual assets**. The Law of Ukraine “On Virtual Assets” was adopted in February 2022; however, it will enter into force only after amendments are made to the Tax Code of Ukraine regarding the specifics of taxation of operations with virtual assets³⁸³¹. As of now, the virtual asset market remains in a certain legal vacuum.

The NSSMC, together with the NBU, is actively working on creating a regulatory environment for the virtual asset market. As noted by a member of the NSSMC³⁸³², the regulators aim to avoid unpredictable changes — especially in the taxation system — that could negatively affect the crypto business.

The IMF Memorandum of Economic and Financial Policies of 19 June 2025 notes that, due to the lack of adequate legal regulation, virtual assets in Ukraine pose risks to price stability, monetary policy, and tax revenues. By the end of October 2025, the NBU and the NSSMC, with the assistance of the IMF, will prepare relevant legislative amendments aligned with international practices, with regulatory roles to be defined following consultations with the Financial Stability Council³⁸³³. By the end of September 2025, a Memorandum of Understanding on coordination mechanisms between the regulators will be prepared³⁸³⁴. Currently, to address the issue of legal regulation of virtual asset circulation, two draft laws have been registered in the Verkhovna Rada: No. 10225, which proposes to legalise the cryptocurrency market and establish taxation rules, and the alternative Draft Law No. 10225-1³⁸³⁵. At present, these draft laws have been reviewed by the committees of the Verkhovna Rada and are awaiting consideration by Parliament.

CEDEM experts, having analysed draft laws No. 10225 and No. 10225-1, note that draft law No. 10225 contains significant shortcomings that may negatively affect the activities of civil society organisations (CSOs). Its definition of virtual assets does not include cryptocurrencies (such as Bitcoin, Ethereum, etc.), rendering it irrelevant for CSOs that use these assets, while at the same time creating risks for organisations working with tokens. Particularly problematic is the broad definition of “marketing”, which could potentially encompass educational and advocacy activities by CSOs in the field of virtual assets, thereby threatening the loss of their non-profit status. The absence of specific provisions for non-profit organisations may also result in the automatic withholding of 18% tax by the tax agent when conducting operations involving virtual assets.

3831 On Virtual Assets: Law of Ukraine No. 2074-IX of 17.02.2022.

3832 NSSMC and NBU Are Working on Developing Quality Regulation of the Virtual Asset Market. LIGA ZAKON. 2024.

3833 The Financial Stability Council is an inter-agency body tasked with: information exchange and timely identification of current and potential internal and external threats and systemic risks to ensure financial stability and mitigate their negative impact on the country's financial system; coordination of preventive and rapid response measures (crisis management) in the event of signs of financial instability in the banking system or threats to the stability of the banking and/or financial system. The Statute of the Council is approved by Decree of the President of Ukraine No. 170/2015 of 24.03.2015.

3834 Letter of Intent and Memorandum of Economic and Financial Policies of 19.06.2025.

3835 On Amendments to the Tax Code of Ukraine and Other Legislative Acts of Ukraine on the Regulation of Virtual Asset Circulation in Ukraine: Draft Law of Ukraine, registration No. 10225 of 07.11.2023.; On Amendments to the Tax Code of Ukraine and Other Legislative Acts of Ukraine on the Regulation of Virtual Asset Circulation in Ukraine: Draft Law of Ukraine, registration No. 10225-1 of 17.11.2023.

The alternative Draft Law No. 10225-1, although better formulated than the previous draft, has its own shortcomings. It does not limit the definition of virtual assets to tokens only, but includes all existing types of virtual assets, thereby broadening its scope of impact to all CSOs that use any form of digital assets. It also does not contain specific provisions on taxation for non-profit organisations; however, the investment income of CSOs will not be subject to taxation if used to finance the organisation's maintenance costs and the implementation of its statutory objectives. It is worth noting that this draft law is primarily focused on transactions involving individuals rather than legal entities, which does not contribute to the development of practices concerning virtual asset ownership by organisations³⁸³⁶.

On 24 April 2025, the Verkhovna Rada Committee on Finance, Tax and Customs Policy, designated as the lead committee for the consideration of the said draft laws, delivered its opinion in which it supported the version of the Draft Law of Ukraine "On Amendments to the Tax Code of Ukraine and Certain Other Legislative Acts of Ukraine on the Regulation of the Circulation of Virtual Assets in Ukraine" (registration No. 10225-d) revised by the Committee, and recommended that Parliament adopt it as a basis³⁸³⁷.

The implementation of the EU recommendation to establish a **Unified Register of Accounts in Ukraine** is taking concrete shape through a draft law developed by the Government. The recommendation to create such a register, outlined in the 2024 EU Enlargement Package Report, was reflected in the "Reform Matrix" presented by the Ministry of Finance in early 2024³⁸³⁸.

On 30 April 2025, the Government submitted to Parliament Draft Law No. 13233³⁸³⁹, which proposed to: establish two new registers under the management of the STS — a register of accounts and bank safes of individuals and a register of ultimate beneficial owners of trusts; impose an obligation on banks to notify the STS of the opening/closure of citizens' accounts; provide whistleblowers with free legal aid and additional protection; expand the list of financial monitoring entities by including business entities that store or trade in cultural property through free ports (operations from UAH 400,000) and trustee owners of resident trusts; introduce a requirement that internal financial monitoring rules be approved by the management of organisations; establish obligations regarding verification of discrepancies in the registers of beneficial owners and the exchange of information on offences between state authorities; prohibit persons convicted of crimes against national security from managing financial institutions; and implement effective sanctions for violations of legislative requirements in line with FATF standards and EU directives.

3836 Expert Opinion on Draft Law No. 10225 of 07.11.2023 of 22 November 2023: Key Findings of the Draft Act Analysis. CEDEM. Expert Opinion on Draft Law No. 10225-1 of 17.11.2023 of 27 November 2023: Proposals and Recommendations. CEDEM. The expert opinions were not published publicly but were provided upon request of Transparency International Ukraine.

3837 Opinion of the Verkhovna Rada Committee on Finance, Tax and Customs Policy on the Draft Laws of Ukraine on Amendments to the Tax Code of Ukraine and Other Legislative Acts of Ukraine on the Regulation of the Circulation of Virtual Assets in Ukraine: Reg. No. 10225 of 07.11.2023 and on Amendments to the Tax Code of Ukraine and Other Legislative Acts of Ukraine on the Regulation of the Circulation of Virtual Assets in Ukraine: registration No. 10225-1 of 17.11.2023.

3838 Ukraine to Establish a Register of Bank Account and Safe Deposit Box Holders. Ministry of Finance of Ukraine. 2024.

3839 On Amendments to Certain Legislative Acts of Ukraine to Ensure Compliance with the Acts of European Union Law and the Relevant Criteria Established by the European Payments Council for the Purpose of Ukraine's Accession to the Single Euro Payments Area (SEPA): Draft Law of Ukraine, registration No. 13233 of 30.04.2025.

On 10 July 2025, the Verkhovna Rada Committee on Finance, Tax and Customs Policy held a public discussion of Draft Law No. 13233³⁸⁴⁰. However, already on 17 July 2025, this draft law was withdrawn due to a change in the composition of the Government.

CEDEM experts pointed out the strategic importance of this draft law for Ukraine's accession to SEPA and financial integration with the EU, but expressed reservations about a number of provisions requiring further revision. The main concerns related to the possibility of entering into the Unified State Register of Legal Entities, Individual Entrepreneurs and Civic Formations notes of "possible inaccuracy" of information on UBOs based on unverified discrepancy reports. This could lead to the suspension of donor funding or banking services for CSOs, restricting access to UBO registers only to civic associations instead of all civil society organisations in accordance with EU Directive 2024/1640. Also missing were provisions on free access of CSOs to information from the register of beneficial owners of trusts, and it was deemed inappropriate to designate the STS as the holder and administrator of the Register of Accounts and Bank Safes of Individuals due to risks of unlawful disclosure of banking secrecy. Experts emphasised the need to involve representatives of civil society in the process of revising the draft law, to take into account international expertise, and to ensure effective inter-agency coordination in order to avoid negative consequences for transparent and bona fide participants in the process³⁸⁴¹.

On 14 May 2025, a group of Members of Parliament registered an alternative draft law to Draft Law No. 13233 — Draft Law No. 13233-1³⁸⁴², which is currently awaiting consideration by Parliament. Among other things, this draft law contains restrictions on the accrual of wages, financial support for employees, officials and office-holders of state authorities, other state bodies and budgetary institutions, etc. The MoF, the MoJ and the SFMS expressed their comments³⁸⁴³ on the draft law, in particular regarding the absence of provisions on the Register of Accounts and Individual Bank Safes of Individuals, which fails to take into account Ukraine's obligations in the field of European integration.

An analysis of the **dynamics of court proceedings under Article 209 of the CC of Ukraine**, based on the relevant reports of the State Judicial Administration of Ukraine, shows that over a two-year period, the number of pending cases doubled, the number of cases examined increased by 4.6 times, and the number of convicted individuals rose nearly tenfold³⁸⁴⁴.

3840 Ukraine to Join SEPA (Single Euro Payments Area). CEDEM. 2025.

3841 Legislative Changes for Accession to the Single Euro Payments Area (SEPA): Where We Stand Today. CEDEM. 2025.

3842 On Amendments to the Tax Code of Ukraine and Certain Legislative Acts of Ukraine on the Implementation of European Union Law and the Relevant Criteria Established by the European Payments Council, and on Ensuring the Sustainable Functioning of the Ukrainian Economy during the War and Post-War Recovery: Draft Law of Ukraine, registration No. 13233-1 of 14.05.2025.

3843 Draft Law on Amendments to the Tax Code of Ukraine and Certain Legislative Acts of Ukraine on the Implementation of European Union Law and the Relevant Criteria Established by the European Payments Council, and on Ensuring the Sustainable Functioning of the Ukrainian Economy during the War and Post-War Recovery. Government Portal.

3844 No. 1-I. Report of the Courts on the Status of Consideration of Criminal Cases Related to Legalisation (Money Laundering) of Criminal Proceeds, Financing of Terrorism, and Financing of the Proliferation of Weapons of Mass Destruction for 2022. Judiciary of Ukraine.; No. 1-I. Report of the Courts on the Status of Consideration of Criminal Cases Related to Legalisation (Money Laundering) of Criminal Proceeds, Financing of Terrorism, and Financing of the Proliferation of Weapons of Mass Destruction for 2023. Judiciary of Ukraine.; No. 1-I. Report of the Courts on the Status of Consideration of Criminal Cases Related to Legalisation (Money Laundering) of Criminal Proceeds, Financing of Terrorism, and Financing of the Proliferation of Weapons of Mass Destruction for 2024. Judiciary of Ukraine.

At first glance, the court statistics on Article 209 of the CC of Ukraine indicate significant progress between 2022 and 2024, which could suggest a positive trend in improving the quality of the evidentiary base and in the increased activity of pre-trial investigation bodies. However, the issue of the growing number of unresolved cases remains acute — their number increased by 377 over the two-year period.

There is also a notable trend of an increasing number of individuals being released from punishment under Article 209 of the CC of Ukraine: in 2022, 10 individuals were released; in 2023, this figure rose to 51; and in 2024, the number of those released reached 105 — which accounts for over two-thirds of the total number of convicted individuals (157) during this period³⁸⁴⁵.

This trend, especially when combined with the fact that in 2024, out of 98 convictions under Article 209 of the CC of Ukraine, 64 were issued based on plea agreements³⁸⁴⁶, suggests that a significant proportion of cases are being considered under simplified procedures without thorough examination of the evidence. This raises concerns about the quality of justice and may indicate a **formalistic approach to criminal prosecution for money laundering, where the primary objective appears to be the generation of statistical outcomes rather than genuine counteraction to the legalisation of criminal proceeds**. Such practice may also point to systemic problems in proving offences under Article 209 of the CC of Ukraine, forcing the prosecution to offer defendants plea agreements with exemption from punishment, in order to secure at least a formal conviction.

When comparing statistical reports Form 1-LT (report of the courts on the status of cases concerning the legalisation (laundering) of criminal proceeds, the financing of terrorism, and the financing of the proliferation of weapons of mass destruction) and Form 1-K (report of first-instance courts on the consideration of criminal proceedings), discrepancies can be observed in the total number of cases under consideration under Article 209 of the CC of Ukraine. In the different reporting forms for 2024, the figures recorded are 1,111 and 524 respectively; for 2023 — 735 and 334, which represent significant inconsistencies.

On the other hand, even the discrepancy in statistical data allows us to conclude that the majority of convictions under Article 209 of the CC of Ukraine are issued on the basis of plea agreements, followed by exemption from serving a sentence. In 2022, out of 26 proceedings considered, 11 convictions were issued, of which 2 were based on plea agreements — representing 18.2% of the total number of convictions³⁸⁴⁷. In 2023, out of 56 proceedings considered, 33 convictions were issued, 18 of which were based on plea agreements³⁸⁴⁸. Thus, the share of convictions based on agreements constituted 54.5% of the total. In 2024, out of 134 proceedings considered, 98 convictions were issued, of which 64 were based on plea agreements — amounting to 65.3% of all convictions³⁸⁴⁹. Therefore, a clear trend is observed in the increase of both the absolute number and the relative share of convictions based on plea agreements: from 18.2% in 2022 to 65.3% in 2024.

3845 Ibid.

3846 No. 1-k. Report of First-Instance Courts on the Review of Criminal Proceedings Materials for 2024. Judiciary of Ukraine.

3847 No. 1-k. Report of First-Instance Courts on the Review of Criminal Proceedings Materials for 2022. Judiciary of Ukraine.

3848 No. 1-k. Report of First-Instance Courts on the Review of Criminal Proceedings Materials for 2023. Judiciary of Ukraine.

3849 No. 1-k. Report of First-Instance Courts on the Review of Criminal Proceedings Materials for 2024. Judiciary of Ukraine.

Thus, by analysing the correlation with the number of individuals released from punishment, a clear link can be traced with the growing number of plea agreements, which supports the hypothesis that the majority of convictions under Article 209 of the CC of Ukraine are issued on the basis of plea agreements, followed by exemption from punishment.

If one examines the results of statistical reporting on criminal offences that investigative authorities consider predicate offences preceding the legalisation of criminal proceeds, then out of 1,489 proceedings submitted to court in 2024, the most common are: fraud (Article 190 of the CC of Ukraine) — 381 proceedings; unlawful production and distribution of narcotic drugs (Article 307) — 238 proceedings; misappropriation, embezzlement of property or taking possession by abuse of office (Article 191) — 174 proceedings. This reflects the predominance of property-related offences and drug-related crimes as the main sources of proceeds subject to laundering. The number of offences in the sphere of official activities amounted to only 119 criminal offences, the majority of which were forgery in office (Article 366 of the CC of Ukraine) — 85 proceedings³⁸⁵⁰.

The high number of cases submitted to court involving predicate fraud offences prior to the legalisation of proceeds raises questions. It may support the above-mentioned hypothesis that most money laundering cases are investigated formally, and prosecutors conclude plea agreements with the accused for the purpose of improving statistical indicators. Also noteworthy is the relatively low number of official offences as predicate crimes to money laundering, despite the fact that cases under Article 191 of the CC of Ukraine still account for a significant share of the total number of money laundering cases.

An analysis of judicial statistics for 2024 on predicate offences to the legalisation (laundering) of proceeds as established in court judgements reveals similar trends, with some differences compared to the number of proceedings submitted to court. Fraud (Article 190 of the CC of Ukraine) leads with 44 convictions, followed by unlawful actions with payment cards and money transfer documents (Article 200) — 30 convictions, drug offences (Article 307) — 29 convictions, theft (Article 185) — 20 convictions, and misappropriation of property through abuse of office (Article 191) — 16 convictions. At the same time, offences in the sphere of official and professional activities related to the provision of public services were predicate offences in a relatively small number of convictions — only in 2.2% of cases³⁸⁵¹.

In analysing the **legal basis for criminal liability for the legalisation of proceeds**, scholars note that the new version of Article 209 of the CC of Ukraine, in force since 2020, contains both positive changes and certain problematic aspects. Among the positive developments is the unification of terminology concerning the object of the offence. Whereas the previous version of the article used three different terms ("proceeds," "funds," and "property"), the new version applies a single term — "property" — which simplifies interpretation of the provision. Another important improvement is the expansion of the subjective element of the offence: criminal liability now arises not only when a person knew of the criminal origin of the property, but also when they "should have known" about it. This change aligns with interna-

3850 Report on the Results of Investigation of Criminal Proceedings on Criminal Offences Related to Legalisation (Money Laundering) of Criminal Proceeds, Financing of Terrorism, and Proliferation of Weapons of Mass Destruction for January–December 2024. Prosecutor General's Office.

3851 No. 1-It. Report of the Courts on the Status of Consideration of Criminal Cases Related to Legalisation (Money Laundering) of Criminal Proceeds, Financing of Terrorism, and Financing of the Proliferation of Weapons of Mass Destruction for 2024. Judiciary of Ukraine.

tional standards and facilitates the proof of guilt, considering the high level of latency associated with this category of offences.

At the same time, the analysis reveals a number of shortcomings in the new version. In particular, the phrase “property in respect of which the factual circumstances indicate its criminal origin” is too vague and fails to specify which circumstances should be considered sufficient. The new version also omits the note that previously explicitly stated that predicate offences could include acts committed outside Ukraine. Although this issue can be addressed through interpretation of international legal norms, the absence of a direct provision creates legal uncertainty³⁸⁵².

The CC of Ukraine uses the term “property”, while special anti-money laundering legislation employs the term “proceeds”. According to some scholars, this discrepancy makes it impossible to recognise intangible assets — such as cryptocurrencies, which are becoming a popular tool for laundering criminal funds — as the object of money laundering. Moreover, the mechanical borrowing of the international formulation of the subjective element (“knew or should have known”) is considered unsuccessful, as it does not fully reflect national legal traditions. A more appropriate formulation from the draft Criminal Code is proposed: “did not know but should have and could have known”) ³⁸⁵³.

It appears that these shortcomings of the criminal law, which scholars raise in their publications, negatively affect the application of Article 209 of the Criminal Code of Ukraine in practice. Furthermore, there are no approved methodological guidelines for pre-trial investigation bodies on how to investigate such categories of cases, nor are there any up-to-date clarifications from the Supreme Court.

For example, the most recent interpretative document from the highest judicial authority on the application of Article 209 of the CC of Ukraine dates back to 15 April 2005³⁸⁵⁴. It refers to the application of Article 209, which differs significantly from the current one, particularly in requiring the presence of intent as part of the subjective element of the criminal offence.

The legal position database of the Supreme Court contains only two relatively recent decisions under the article in question, but these also concern the application of the previous version of Article 209 of the CC of Ukraine and relate to cases involving money laundering charges in combination with charges for predicate offences, rather than “non-predicate” laundering³⁸⁵⁵.

In September 2021, a Council of Europe expert, within the framework of the project “Enhancing Ukraine’s Measures to Prevent Money Laundering and the Financing of Terrorism,” prepared an analytical document dedicated to the analysis of Article 209 of the CC of Ukraine. This document is available on the website of the National School of Judges of

3852 Aydynyan A.V. Legalisation (Laundering) of Criminal Proceeds (Article 209 of the Criminal Code of Ukraine): Analysis of the New Version (Pursuant to Law of Ukraine No. 361-IX of 6 December 2019). Legal Scientific Electronic Journal. 2020.

3853 Dudorov O.O. Legalisation (Laundering) of Criminal Proceeds: Comparative Analysis of Provisions of Current and Prospective Criminal Law. Legal Scientific Electronic Journal. 2023.

3854 On the Application by Courts of Legislation on Criminal Liability for Legalisation (Money Laundering) of Criminal Proceeds: Resolution of the Plenum of the Supreme Court of Ukraine No. 5 of 15.04.2005.

3855 Decision of the Supreme Court of 13.02.2020 in Case No. 667/5470/14-k; Judgment of the Supreme Court of 04.08.2021 in Case No. 390/934/13-k.

Ukraine and contains a detailed analysis of the elements of the offence provided for in Article 209 of the CC of Ukraine, as well as an examination of the issue of “indirect evidence” in money laundering cases and the case law of the European Court of Human Rights (ECtHR) on similar matters. At the same time, the expert highlights certain problematic aspects that may require additional judicial interpretation or legislative clarification³⁸⁵⁶. In other words, this document cannot substitute for authoritative judicial interpretation or official methodological guidance for law enforcement bodies.

In October 2024, the Procedure for the Organisation and Conduct of Pre-Trial Investigation of Crimes Resulting in the Acquisition of Property (Proceeds)³⁸⁵⁷ was approved. It sets out procedures for investigators and prosecutors to ensure the completeness of criminal legal qualification, the conduct of financial investigations, the identification and tracing of property obtained through crime, its seizure and confiscation, and it defines methods of financial analysis and coordination among law enforcement agencies in combating the legalisation (laundering) of funds in accordance with Ukraine’s international obligations and FATF recommendations.

This Procedure provides basic information, including a definition of the term “financial investigation,” and directs investigators towards effective inter-agency and even international cooperation.

On 14 May 2025, the Government approved the Rule of Law Roadmap, which contains measures aimed at improving coordination and information exchange in the field of preventing and countering money laundering between the SFMS and law enforcement agencies, in particular through the implementation of a pilot project with NABU on information exchange via electronic means of transmission. Measures are also envisaged to ensure effective pre-trial investigations and reasonable timeframes for court proceedings in money laundering cases, which should lead to reliable accounting of final convictions³⁸⁵⁸.

However, some important aspects remain insufficiently addressed. In particular, there is no specification as to the practical mechanisms for detecting and investigating complex money laundering schemes, especially in the context of modern financial technologies and cryptocurrencies. Nor are the measures to strengthen international cooperation in combating cross-border money laundering detailed. It is worth noting that a significant part of the measures is planned for 2026–2027, which may delay their practical implementation³⁸⁵⁹.

Recommendations

1. The Parliament should improve the legislative framework for combating money laundering, particularly concerning the legal status of virtual assets, the creation of the

3856 Analysis and Commentary on Article 209 of the Criminal Code of Ukraine (as amended by Law No. 361 of 28 April 2020). 2021.

3857 Procedure for the Organisation and Conduct of Pre-Trial Investigation of Crimes Resulting in the Acquisition of Property (Proceeds), approved by Order of the Prosecutor General’s Office, Ministry of Internal Affairs of Ukraine, Security Service of Ukraine, State Bureau of Investigation, National Anti-Corruption Bureau of Ukraine, Bureau of Economic Security of Ukraine No. 254/724/520/401/177/185 of 28.10.2024.

3858 Certain Issues of Ensuring the Negotiation Process on Ukraine’s Accession to the European Union under Cluster 1 “Fundamentals of the Accession Process to the EU”: Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

3859 Analysis of the Rule of Law Roadmap: Anti-Corruption Aspects. Transparency International Ukraine. 2025.

Unified Register of Accounts, and granting evidentiary value to the materials of financial investigations.

2. The Government should ensure strategic planning and adequate resourcing of the anti-money laundering system, including the regular updating of the National Risk Assessment and the introduction of modern technological solutions into the activities of the SFMS.
3. The State Financial Monitoring Service should enhance the effectiveness of its analytical work and the quality of generalised materials by streamlining internal procedures, optimising interaction with REs, and updating the risk assessment methodology, taking into account the specific nature of non-profit organisations.
4. The NBU and other regulators should continue the development and implementation of a balanced approach to risk regulation in the financial system, one that ensures effective counteraction to the legalisation of criminal proceeds without imposing unjustified restrictions on law-abiding participants in the financial market.
5. Law enforcement bodies and the prosecution service should enhance the effectiveness of money laundering investigations through the introduction of specialisation, improved knowledge and practical skills, refinement of investigative methodology, and a shift away from a formalistic approach to criminal prosecution — placing emphasis instead on the actual confiscation of criminal assets.
6. The judiciary should develop a modern and consistent judicial practice in the application of anti-money laundering legislation, ensuring uniformity in the methodology for compiling judicial statistics and improving the qualifications of judges in handling such cases.

Witness Protection System

State of play

The main European standards in this area are primarily concentrated in Resolution (1995)³⁸⁶⁰, Recommendation Rec(2005) 9 of the Committee of Ministers of the Council of Europe³⁸⁶¹, and Recommendation CM/Rec(2022) 9³⁸⁶². The Directive 2012/29/EU of the European Parliament and of the Council of the European Union (2012)³⁸⁶³ should also be considered.

Witness protection is a process in which witnesses who testify in criminal proceedings are provided with special procedural and non-procedural protection measures aimed at effectively ensuring their safety — sometimes including their relatives — before, during

3860 Resolution of the Council of 23 November 1995 on the protection of witnesses in the fight against international organized crime. European Union.

3861 Rec. (2005) 9 of the Committee of Ministers to member states on the protection of witnesses and collaborators of justice. Council of Europe.

3862 Recommendation CM/Rec(2022)9 of the Committee of Ministers to member States on the protection of witnesses and collaborators of justice. Council of Europe.

3863 Directive 2012/29/EU of the European Parliament and of the Council of October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. European Union.

and after their testimony³⁸⁶⁴. The EU Council has developed several resolutions (secondary legislation) concerning witness protection, particularly in the fight against organised crime and terrorism³⁸⁶⁵.

There are many forms of witness protection. The level and means of protection depend on the threat faced by the witness³⁸⁶⁶. These protection measures may include, for example, electronic surveillance and guarding of the witness's residence, temporary alteration of the witness's personal data, personal protection measures, as well as relocation and permanent identity change. In such cases, the witness must build a new life from scratch in a remote and often unfamiliar environment abroad. This is the most comprehensive form of witness protection, namely inclusion in the witness protection programme, under which the witness comes under the control of the members of the witness protection unit³⁸⁶⁷.

In 1993, Law No. 3782-XII³⁸⁶⁸ was adopted. Its scope extends to a number of participants in criminal proceedings, primarily the victim, the witness, and the suspect. The Law sets out the grounds, reasons, and procedure for authorised Ukrainian authorities to implement measures aimed at protecting individuals involved in the detection, prevention, suppression, solving, or investigation of crimes, or in the judicial examination of criminal cases, from unlawful encroachments on their life, health, home, and property. The aim of these measures is to create the necessary conditions for the proper administration of justice.

Provisions concerning security measures in criminal proceedings are laid down in the norms of the CPC of Ukraine³⁸⁶⁹. An important guarantee for ensuring the safety of participants in criminal proceedings is the existence, in the CC of Ukraine, of liability for failure to take security measures with regard to persons placed under protection³⁸⁷⁰, for the disclosure of information about security measures concerning such a person³⁸⁷¹, as well as for obstructing the appearance of a witness, victim, or expert, or for coercing them to refuse to give testimony or an expert opinion³⁸⁷².

The grounds for applying security measures to participants in criminal proceedings are data indicating the existence of a real threat to their life, health, home, and property³⁸⁷³.

3864 Commission working document on the feasibility of EU legislation in the area of protection of witnesses and collaborators with justice. European Union.

3865 Council Resolution of 23 November 1995 on the protection of witnesses in the fight against international organized crime, OJ C 327, 07/12/1995.; Council Resolution of 20 December 1996 on individuals who cooperate with the judicial process in the fight against international organized crime, OJ C 010, 11/01/1997.

3866 Dr. Yvon Dandurand, Kristin Farr. A Review of Selected Witness Protection Programs. Report No. 001, 2010 Canada: University of the Fraser Valley, 2010. P. 17–18.

3867 Yorik van Lent. Legal Regulation of witness protection in the European Union. Mykolo Romerio Universitetas, Public Security and Public Order, 2018 (21), 141.

3868 On Ensuring the Safety of Persons Involved in Criminal Proceedings: Law of Ukraine No. 3782-XII of 23.12.1993.

3869 The provisions concerning security measures in criminal proceedings are set out in the norms contained in Chapters 1–3, 18–21, 24, 26–28, and 43 of the CPC of Ukraine.

3870 Criminal Code of Ukraine No. 2341-III of 05.04.2001, Article 380.

3871 Ibid, Art. 381.

3872 Ibid, Art. 386.

3873 On Ensuring the Security of Persons Involved in Criminal Proceedings: Law of Ukraine No. 3782-XII of 23.12.1993, Article 20.

The authorities responsible for ensuring the security of persons entitled to such protection include state bodies that³⁸⁷⁴:

- take decisions on the application of security measures (investigator, inquirer, prosecutor, court, investigating judge³⁸⁷⁵, or the authority (unit) conducting OSA);
- implement security measures — depending on investigative jurisdiction, this is assigned to the SSU, SBI, internal affairs bodies, NPU bodies, and NABU, within the structures of which special units are established for this purpose.

Progress and issues

Compared to EU standards, the following problems exist in Ukraine in relation to witness protection:

- 1) security measures are currently applied in any criminal proceeding, rather than being limited to cases involving serious or particularly serious crimes (primarily cases of terrorism and organised crime);
- 2) no assessment is carried out of the threats to the witness or the importance of their testimony for the investigation of the criminal proceeding. Instead, inclusion in the witness protection programme should be based on a high level of threat and the critical “weight” of the witness’s testimony for the investigation. The system for verifying threat information, making and executing decisions on the application (or termination) of security measures, as set out in the current version of Law No. 3782-XII³⁸⁷⁶, is extremely flawed and fails to take into account a number of criteria that should guide such decisions;
- 3) in practice, the broad range of available security measures has been reduced to physical protection — guarding the person and alerting them to danger.

Given that these problems have persisted for a long time, criticism of the witness protection system by EUAM Ukraine³⁸⁷⁷ and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment remains relevant³⁸⁷⁸.

When assessing the administration of justice, it is also necessary to consider a number of systemic issues, such as staff shortages, inadequate material support for courts, and others, which indirectly affect criminal proceedings. A general analysis of the justice system in Ukraine provides insight into the potential challenges that may arise during the implementation of the witness protection programme at various stages of the proceedings³⁸⁷⁹.

3874 Ibid, Art. 3.

3875 In the event of application of general obligations to protect human rights in accordance with Article 206 of the CPC of Ukraine.

3876 On Ensuring the Security of Persons Involved in Criminal Proceedings: Law of Ukraine No. 3782-XII of 23.12.1993.

3877 Witness Protection: A Valuable Tool to Combat Serious Organised Crime. EU Advisory Mission Ukraine, 24 April 2017.

3878 Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 24 February 2013. Council of Europe.

3879 Developing an Effective Witness Protection Programme in Criminal Proceedings Related to Armed Conflict, p. 9. ULAG. 2024.

In addition to general issues concerning witness protection in criminal proceedings, in view of the challenges of wartime, attention is also drawn to the need to ensure a witness protection system in criminal proceedings concerning crimes committed in the context of armed conflict. Alongside general challenges, relevant issues include the proper protection of witnesses' personal data — particularly given the creation of international registries and cooperation with the International Criminal Court; the duration of proceedings and the need for a realistic assessment of the period during which security measures are applied; and the presence of witnesses in territories not controlled by Ukraine³⁸⁸⁰.

In 2021, Draft Law No. 5751³⁸⁸¹ was submitted to the Verkhovna Rada for consideration.

It stated that the current system for ensuring the security of persons involved in criminal proceedings is outdated and fails to provide the necessary conditions for the proper administration of justice. The draft law proposed to ensure:

- › adequate security and social guarantees for the person placed under protection;
- › improvement of the procedure for taking decisions on the application, cancellation, termination, and extension of security measures;
- › improvement of the security protection system and the procedure for its application;
- › development and approval of a National Strategy for Ensuring the Security of Participants in Criminal Proceedings.

The Draft Law also envisages the creation of a two-level security system and a new body within this system — the National Agency for Ensuring the Security of Participants in Criminal Proceedings. As of July 2025, the Draft Law is under consideration by the committees of the Verkhovna Rada.

The OAS³⁸⁸² envisages the development of the institution for ensuring the protection of participants in criminal proceedings, primarily applicants, whistle-blowers, victims, and witnesses (third quarter of 2025). The OAS Action Plan³⁸⁸³ provides for the development and submission to Parliament of draft laws on ensuring the security of participants in criminal proceedings, as well as the establishment of a national service for guaranteeing the security of participants in criminal proceedings.

The Rule of Law Roadmap also envisages, in the third quarter of 2027, the adoption of a law on ensuring that law enforcement bodies provide security measures for participants in criminal proceedings, with a view to building an effective system of their state protection, in particular for applicants, whistleblowers, victims and witnesses, taking into account best international practice and the requirements of the EU acquis. However, unlike the OAS, the Rule of Law Roadmap does not envisage the establishment of a national service for guaranteeing the security of participants in criminal proceedings, but assigns these functions

3880 Ibid, pp. 5-10.

3881 On Ensuring the Security of Participants in Criminal Proceedings and Other Persons in the Interests of Justice: Draft Law of Ukraine, registration No. 5751 of 12.07.2021.

3882 On the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Decree of the President of Ukraine No. 273/2023 of 11.05.2023, Direction 3.6.

3883 On the Approval of the Action Plan Aimed at Implementing the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024, measures 3.6.1, 3.6.2.

exclusively to law enforcement agencies, which may negatively affect the effectiveness of the implementation of this institution.

The current system for ensuring the security of participants in criminal proceedings, which has remained unreformed for nearly 30 years, has today lost its effectiveness and public trust. Witnesses and victims in criminal proceedings concerning serious and particularly serious offences who face a real threat often knowingly refuse to give incriminating testimony and to cooperate with the investigation. They understand, firstly, that the state is unable to protect them from this danger, and secondly, that any state protection will in effect end with the conclusion of the criminal proceedings and the delivery of the verdict — regardless of whether the threats remain relevant³⁸⁸⁴. As a result, the organisers — and sometimes even the perpetrators — of crimes related to organised and transnational crime, terrorism, war and other international crimes, human trafficking, illicit trafficking in weapons and narcotic drugs, contract killings for political reasons, and high-level corruption involving especially large amounts and state officials, often go unpunished³⁸⁸⁵.

The situation in this field is currently complicated by the fact that victims of trafficking in human beings are being exploited in armed conflicts, in labour and sexual exploitation, and are being involved in criminal activity³⁸⁸⁶. The problem has acquired new challenges and requires an appropriate response, in particular by guaranteeing the security of participants in criminal proceedings in cases of such criminal offences. The Rule of Law Roadmap envisages a number of measures to strengthen the fight against trafficking in human beings, in particular the introduction, in the second quarter of 2026, of the institution of a National Rapporteur on Trafficking in Human Beings, whose functions will be performed by an independent body, the cooperation of which with the witness protection system and other participants in criminal proceedings will need to be developed.

Current national legislation does not provide for proactive actions by law enforcement bodies aimed at the timely individual identification of risks and the protection needs of a victim in order to determine the necessary special measures. Only general provisions are in place, stating that the grounds for applying security measures to participants in criminal proceedings are data indicating a real threat to their life, health, home, and property³⁸⁸⁷. At the same time, in addition to threats and specific encroachments on life, health, home and property, the existence of a real threat may also be indicated by the nature of the offence, the characteristics and connections of the person posing a potential threat, and the importance of the testimony of the person who is under threat.

The procedure for individualising the decision on the selection of specific protection measures is not regulated by law. It is only stipulated that the authority responsible for implementing security measures shall determine the list of necessary measures and the methods for their implementation, guided by the specific circumstances of the case and the need to eliminate the existing threat³⁸⁸⁸.

3884 Ibid. Explanatory note.

3885 Ibid.

3886 Hrynkiv O.O. Problematic Issues of Combating Trafficking in Human Beings. *Journal of Kyiv University of Law*. 2024/2, pp. 121–122.

3887 On Ensuring the Security of Persons Involved in Criminal Proceedings: Law of Ukraine No. 3782-XII of 23.12.1993, Article 20.

3888 Ibid, p. 3, Art. 22.

Law enforcement officers who receive a report of a threat to security, including that of a witness, are obliged to verify it and, within no more than three days — or immediately in urgent cases — take a decision on the application or refusal to apply security measures³⁸⁸⁹. Practitioners note that at the local level, the application of security measures is problematic, as law enforcement bodies lack adequate financial and material resources³⁸⁹⁰. In view of this, the application of security measures becomes more difficult.

According to expert assessments, this is the greatest challenge to the application of security measures — economic challenges, namely problems related to the inadequate funding of the process of ensuring the security of participants in criminal proceedings³⁸⁹¹. As the law enforcement bodies themselves are responsible for ensuring the security of participants in criminal proceedings, the main expenditures are directed towards the salaries of their personnel, as well as the provision of safe houses, vehicles, personal protective equipment, and so on. Information on the costs of such activities or equipment is not published, and even data on the number of security measures applied are not subject to public disclosure. As a result, it is difficult to calculate the extent to which the system for protecting the security of participants in criminal proceedings is underfunded.

According to expert estimates, as of 2017, the protection of one witness cost the state at least UAH 1.5 million per year. At the same time, according to the same estimates, in 2017 long-term protection measures were being applied to approximately 300 individuals in Ukraine (more than a quarter of whom were not witnesses but court or law enforcement personnel)³⁸⁹². No possibility currently exists to compare these figures with the expenditures of other countries³⁸⁹³. Such a comparison would allow conclusions to be drawn regarding the institutional capacity of the system for protecting participants in criminal proceedings, the adequacy of funds for its effective operation, and the proportionality of such expenditures in light of potential future savings related to improved criminal justice or a better crime situation in the country.

The protection of a witness or another participant in criminal proceedings is provided through the assignment of personal physical security — four to six special-purpose officers who accompany the witness (and their close relatives and family members) in shifts. Such protection for one person costs the state up to UAH 500 million per year (excluding the cost of protecting the property of protected persons). At the same time, in practice, personal protection does not prevent armed attacks in crowded places, or the bombing of a protected person's vehicle or place of residence. Acknowledging this, EU Member States and the United States predominantly rely not on personal protection but on relocation to a different place of temporary or permanent residence (including abroad), as well as the change of personal data (replacement of documents). In this case, the protected person is

3889 Ibid, p. 2, Art. 22.

3890 Rights of Victims of Violent Crimes in Ukraine: International Standards and National Practices. Human Rights Expertise Centre, p. 128. 2020.

3891 Rights of Victims of Violent Crimes in Ukraine: International Standards and National Practices, pp. 128–129. 2020.; Romtsiv, O.I. Particularities of Ensuring the Security of Persons Involved in Criminal Proceedings in Ukraine, p. 70. Legal Horizons. 2020.

3892 Witness Protection in Ukraine: UIF Presents Concept for a New Law. Monastyrskiy, D. Ukrainian Institute for the Future. 2017.

3893 Romtsiv, O.I. Particularities of Ensuring the Security of Persons Involved in Criminal Proceedings in Ukraine, p. 70. Legal Horizons. 2020.

also provided with psychological, material, and organisational support (relocation, retraining for a new profession, etc)³⁸⁹⁴.

As an effective model for ensuring the security of particularly important participants in criminal proceedings, these countries operate a specialised body whose operational officers often use cover documentation to properly conduct activities aimed at detecting, preventing, and eliminating threats to the life and health of the person under protection³⁸⁹⁵.

At present, an Interagency Working Group is functioning under the coordination of the MoIA, tasked with developing a new draft law on the protection of participants in criminal proceedings. According to MoIA³⁸⁹⁶, members of the aforementioned Interagency Working Group tend to favour strengthening the existing units within law enforcement agencies as the main direction of reform, rather than creating a two-tier system with a new specialised body. This is due to the fact that not all agencies are prepared to entrust the protection of witnesses and other participants in criminal proceedings to other entities — for example, NABU in cases of high-level corruption, or the NPU in cases involving organised criminal groups. Moreover, establishing a new body is a costly and time-consuming process. The experience of conducting recruitment competitions for positions in newly created law enforcement bodies has proven difficult, so a simpler approach would be to enhance the qualifications and reprofile the staff of existing law enforcement units.

This position of the MoIA diverges from the main legislative initiative in this area; however, the final decision rests with the Verkhovna Rada, and the risks highlighted by the MoIA do indeed merit attention.

Recommendations

1. In implementation of the OAS Action Plan:
 - adopt a new Law of Ukraine “On Ensuring the Security of Participants in Criminal Proceedings”, which will address the shortcomings of the current Law and comply with EU and Council of Europe standards;
 - establish a national service for guaranteeing the security of participants in criminal proceedings, ensuring its autonomy from law enforcement bodies and the prosecution service.
2. Develop, adopt and implement Guidelines on risk assessment for the security of participants in criminal proceedings within the activities of law enforcement agencies and the prosecution service.
3. Ensure adequate funding for the newly established service, taking into account substantiated calculations for the effective provision of security measures.

3894 On Ensuring the Security of Participants in Criminal Proceedings and Other Persons in the Interests of Justice: Draft Law of Ukraine, registration No. 5751 of 12.07.2021. Explanatory note.

3895 Ibid.

3896 Information provided by representatives of the Ministry of Internal Affairs of Ukraine during an interview conducted on 02.04.2025.

Cooperation in the Field of Drug Control

ЛЗИ Agency
for Legislative
Initiatives



The Public Health Centre of the Ministry of Health of Ukraine has been operating since 2015. Since 2019, the monitoring of the drug situation has officially been carried out in accordance with the standards of the European Monitoring Centre for Drugs and Drug Addiction. Since 2023, this monitoring has been gradually and fully transitioned to the responsibilities of the State Institution “Public Health Centre of the Ministry of Health of Ukraine”.

On 1 April 2025, the Ministry of Health of Ukraine (MoH) announced the publication of the draft State Drug Policy Strategy until 2030 for public consultation. At the same time, such a draft had already been published in 2021 and 2023, but public consultations were not completed. Criminal liability for drug-related offences does not fully comply with Council Framework Decision of 25 October 2004 No. 2004/757/JHA.

Drug-related crime remains a significant challenge for Ukraine, especially under martial law. The NPU operates a specialised unit — the Drug Crime Counteraction Department, while the SSU is also involved in dismantling drug laboratories. In recent years, some progress has been made in addressing a problem faced by the Ukrainian law enforcement system — the prosecution of drug users instead of drug dealers (persons who distribute narcotic drugs). Ukraine cooperates with the relevant EU bodies. In 2024, largescale cooperation took place with law enforcement authorities of Poland, involving Europol, which resulted in the dismantling of drug and psychotropic substance production sites. The estimated value of the seized substances on the black market amounted to over UAH 600 million (approximately EUR 1.27 million).

Activities of the Public Health Centre of the Ministry of Health of Ukraine

State of play

The State Institution “Public Health Centre of the Ministry of Health of Ukraine” (PHC MoH) is a healthcare institution responsible for preserving and promoting public health, conducting socio-hygienic monitoring of diseases, epidemiological surveillance and biological safety, group and population-level disease prevention, epidemic control, and strategic management in the field of public health. **The PHC MoH was established by the MoH in 2015**³⁸⁹⁷ pursuant to a Government decision³⁸⁹⁸ and operates on the basis of its Statute³⁸⁹⁹.

The PHC MoH performs the functions of the MoH's principal institution in the field of public health and in countering dangerous and particularly dangerous infectious and non-infectious diseases, biological protection and biosafety, immunoprophylaxis, laboratory diagnostics of infectious diseases, hygienic and microbiological aspects of human health related to the environment, acting as the national coordinator for the International Health Regulations, and coordinating emergency response in the public health sector.

3897 On the Establishment of the State Institution “Public Health Centre of the Ministry of Health of Ukraine”: Order of the Ministry of Health of Ukraine No. 604 of 18.09.2015.

3898 Issues Concerning the Ministry of Health: Order of the Cabinet of Ministers of Ukraine No. 909 of 02.09.2015.

3899 Statute of the State Institution “Public Health Centre of the Ministry of Health of Ukraine” (new version), approved by Order of the Ministry of Health of Ukraine No. 224 of 09.02.2024.

The remit of the PHC MoH includes issues related to countering drug dependence, in particular the monitoring of the drug situation in Ukraine and the implementation of the opioid substitution therapy programme.

In its activities, the PHC MoH is guided by the laws of Ukraine “On the Public Health System”³⁹⁰⁰, “On Measures to Counter Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Precursors and Their Abuse”³⁹⁰¹, and “On Narcotic Drugs, Psychotropic Substances and Precursors”³⁹⁰².

In 2004, the functions of the **National Observatory on Monitoring the Illicit Use of Narcotic Drugs and Psychotropic Substances** were assigned to the Scientific, Methodological, Clinical and Rehabilitation Centre on Chemical Dependency Issues of the MoH³⁹⁰³.

The monitoring of the drug situation in Ukraine was introduced by Resolution of the Cabinet of Ministers of Ukraine No. 689 of 10 July 2019 “On the Monitoring of the Drug and Alcohol Situation in Ukraine”³⁹⁰⁴. According to the approved Procedure for Monitoring the Drug and Alcohol Situation, the submission and collection of information/data reflecting the state of the drug and alcohol situation are envisaged, based on the indicators defined by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)³⁹⁰⁵. The Procedure also determines the range of entities responsible for monitoring the drug and alcohol situation, which are required to provide such information/data for analysis.

Based on the results of the monitoring, **analytical reports titled “Drug Situation in Ukraine”** are prepared annually. The reports are based on the analysis of aggregated data provided by the key entities involved in monitoring the drug situation in Ukraine and, among other topics, cover issues such as public security (drug-related crime) and the activities of law enforcement agencies. The most recent report, for 2024, was published in January 2025³⁹⁰⁶.

During the period from 2015 until the adoption of Resolution No. 689 of the Cabinet of Ministers of Ukraine, the monitoring of the drug situation was carried out on the basis of a Memorandum of Understanding between the MoH and the European Monitoring Centre for Drugs and Drug Addiction.

Initially, the function of monitoring was entrusted to the State Institution “Mental Health and Monitoring of Drugs and Alcohol Centre of the Ministry of Health of Ukraine”, which was later reorganised, and the functions of monitoring the drug situation in Ukraine were transferred to the State Institution “Institute of Psychiatry, Forensic Psychiatric Examination and Drug Monitoring of the Ministry of Health of Ukraine”³⁹⁰⁷. **Since 8 September 2023**,

3900 On the Public Health System: Law of Ukraine No. 2573-IX of 06.09.2022.

3901 On Measures to Counter Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Precursors and Their Abuse: Law of Ukraine No. 62/95-VR of 15.02.1995.

3902 On Narcotic Drugs, Psychotropic Substances and Precursors: Law of Ukraine No. 60/95-VR of 15.02.1995.

3903 On the National Observatory for Monitoring the Illicit Use of Narcotic Drugs and Psychotropic Substances: Order of the Ministry of Health of Ukraine No. 392 of 04.08.2004.

3904 On the Monitoring of the Drug and Alcohol Situation in Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 689 of 10.07.2019.

3905 Due to the termination of EMCDDA and the launch of EUDA in 2023, the indicators are now defined by EUDA.

3906 Report 2024 “Drug Situation in Ukraine”

3907 National Reports on the Drug Situation (2015–2023).

the functions of monitoring the drug situation in Ukraine have been in the process of being transferred to the PHC MoH³⁹⁰⁸. Consequently, annual reports are currently prepared by the PHC MoH.

Regulation (EU) 2023/1322 of the European Parliament and of the Council of 27 June 2023 established the European Union Drugs Agency (EUDA), which is the legal successor of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). The objective of the EUDA is to strengthen the European Union's preparedness to address new challenges in the field of health and security caused by the spread and use of drugs.

On 4–5 July 2024, the EUDA held its first Management Board meeting, during which the Ukrainian representative³⁹⁰⁹ delivered a speech on the impact of the Russian invasion on various aspects of the drug situation in Ukraine since February 2022. She also outlined plans for further cooperation between the PHC MoH and the EUDA. In particular, it is planned to transfer the monitoring functions related to the alcohol and drug situation to the PHC MoH, **introduce an early warning system for the emergence of new psychoactive substances**, and enhance interagency cooperation with all key stakeholders.

Progress and issues

The transfer of the drug situation monitoring functions from the Mental Health and Monitoring of Drugs and Alcohol Centre of the MoH to the PHC MoH remains incomplete, although it has been ongoing since mid-2023.

Moreover, pursuant to Resolution No. 689 of the Cabinet of Ministers of Ukraine, which regulates the procedure for carrying out such monitoring, the sole responsible entity for monitoring remains the Mental Health and Monitoring of Drugs and Alcohol Centre of the MoH. Although the PHC MoH has indicated that, in order to regulate the transfer of these functions, a draft Government decision to amend Resolution No. 689 of the Cabinet of Ministers of Ukraine was prepared, as of January 2025 this draft was still undergoing the procedure of coordination with the relevant stakeholders³⁹¹⁰. Thus, at the level of the subordinate regulatory legal act that defines the procedure for monitoring the drug situation, the PHC MoH is still not designated as the responsible entity for conducting such monitoring.

The last amendments to Government Resolution No. 689 were made in 2021; therefore, its provisions do not fully reflect the actual state of affairs in this area — primarily due to the replacement of the European Monitoring Centre for Drugs and Drug Addiction with EUDA. At the same time, the Rule of Law Roadmap³⁹¹¹ envisages strengthening the capacity of the National Drugs Observatory in the fourth quarter of 2026.

In addition to monitoring the drug situation, the EU also applies an *early warning system for new psychoactive substances*, as provided for in Regulation (EU) 2023/1322 of the

3908 Monitoring of the Drug Situation in Ukraine. State Institution Institute of Forensic Psychiatry of the Ministry of Health of Ukraine.

3909 Acting Deputy Director General of the Public Health Centre of the Ministry of Health of Ukraine, Olha Hvozdecka.

3910 Report 2024 "Drug Situation in Ukraine", p. 4.

3911 Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 "Fundamentals of the Accession Process to the EU". Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

European Parliament and of the Council of 27 June 2023 on the EUDA³⁹¹². Ukraine received a corresponding recommendation to implement an early warning system in the 2023 European Commission Report on Ukraine³⁹¹³.

The existence of such a system allows for early public notification regarding the harmful effects of new psychoactive substances on the human body before they are included in the list of prohibited substances. Early warning is carried out by institutions whose functions and mandates are similar to those of the PHC MoH in Ukraine.

The draft Drug Policy Strategy until 2030 provides for the introduction of an early warning system regarding the emergence of narcotic drugs, psychotropic substances, their analogues and precursors in illicit circulation in the territory of Ukraine, as well as the development of a mechanism for collecting information on such substances that are not yet subject to state control. This includes information on their chemical composition, forms of abuse, distribution channels, trade names, and origin (Operational Objective No. 2)³⁹¹⁴.

Ukraine's intention to implement an early warning system for the appearance of new psychoactive substances was also officially announced during the first EUDA Management Board meeting in 2024. Subsequently, such initiatives were enshrined in the Rule of Law Roadmap.

Recommendations

1. Complete the transfer of drug situation monitoring functions in Ukraine to the PHC MoH.
2. Amend the Procedure for Monitoring the Drug and Alcohol Situation in Ukraine, approved by Resolution No. 689 of the Cabinet of Ministers of Ukraine, to align it with the actual state of affairs — in particular, by assigning the responsibility for monitoring the drug situation to the PHC MoH and by including EUDA indicators among those used for monitoring.
3. Implement an early warning system for the appearance of narcotic drugs, psychotropic substances, their analogues and precursors in illicit circulation in the territory of Ukraine and develop a mechanism for collecting information on such substances.

3912 Regulation (EU) 2023/1322 of the European Parliament and of the Council of 27 June 2023 on the European Union Drugs Agency (EUDA) and repealing Regulation (EC) No 1920/2006.

3913 Ukraine 2024 Progress Report within the European Union Enlargement Package, p 62.

3914 Drug Policy Strategy until 2030: Draft Resolution of the Cabinet of Ministers of Ukraine. Ministry of Health of Ukraine, 2025.

Legislation on the Control of Narcotic Drugs and Psychotropic Substances

State of play

In 1995, Law No. 62/95-VR³⁹¹⁵ was adopted, which provides for both measures to counter offences related to the illicit trafficking of narcotic drugs, psychotropic substances and precursors, and measures for compulsory and voluntary treatment, prevention of cultivation of narcotic-containing plants, among others.

The coordination of activities in the field of combating illicit trafficking in narcotic drugs, psychotropic substances and precursors is carried out by executive authorities authorised to address tasks in this field. For instance, the MoH is responsible for formulating state policy in the field of the circulation of narcotic drugs, psychotropic substances and precursors and in combating their illicit trafficking. The main authority responsible for implementing state policy in this area is the State Service of Ukraine on Medicines and Drugs Control³⁹¹⁶, which includes the **Department for State Regulation and Control in the Field of Circulation of Narcotic Drugs, Psychotropic Substances, Precursors, and Combating Their Illicit Trafficking**.

In 2013, the State Drug Policy Strategy until 2020 was approved³⁹¹⁷. To implement the Strategy, Action Plans for its implementation were approved for 2015³⁹¹⁸ and for 2019–2020³⁹¹⁹ (in 2017, a draft Action Plan³⁹²⁰ was developed but was never approved). Since then, no strategic documents in the field of state drug policy have been adopted.

In 2019, a system for monitoring the drug and alcohol situation in Ukraine was introduced at the state level³⁹²¹ (at the same time, as noted above, monitoring had in fact been carried out since 2015). Monitoring is conducted under the indicator “Illicit trafficking of psychoactive substances and related crime”. Within this area, monitoring entities (law enforcement agencies) provide information/data on the quantities of narcotic drugs and psychotropic substances seized/detected during the current year (by class, type, and price), their availability and sources of supply, crime related to their illicit trafficking, and the elimination of illegal laboratories and cultivation of narcotic-containing plants.

3915 On Measures to Counter Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Precursors and Their Abuse: Law of Ukraine No. 62/95-VR of 15.02.1995.

3916 On the Approval of the Regulation on the State Service of Ukraine on Medicines and Drugs Control: Order of the Cabinet of Ministers of Ukraine No. 647 of 12.08.2015.

3917 On the Approval of the State Drug Policy Strategy until 2020: Order of the Cabinet of Ministers of Ukraine No. 735 of 28.08.2013.

3918 On the Approval of the Action Plan for 2015 for the Implementation of the State Drug Policy Strategy until 2020: Order of the Cabinet of Ministers of Ukraine No. 514 of 25.03.2015.

3919 On the Approval of the Action Plan for 2019–2020 for the Implementation of the State Drug Policy Strategy until 2020: Order of the Cabinet of Ministers of Ukraine No. 56 of 06.02.2019.

3920 On the Approval of the Action Plan for 2017 for the Implementation of the State Drug Policy Strategy until 2020: Draft Order of the Cabinet of Ministers of Ukraine. State Service of Ukraine on Medicines and Drugs Control.

3921 On the Monitoring of the Drug and Alcohol Situation in Ukraine: Order of the Cabinet of Ministers of Ukraine No. 689 of 10.06.2019.

On 1 April 2025, the MoH announced the publication for public consultation of the draft Resolution of the Cabinet of Ministers of Ukraine “On the Approval of the State Drug Policy Strategy until 2030 and the Adoption of the Operational Plan for its Implementation for 2025–2027”³⁹²². The draft Government Resolution also instructs the Ministry of Health to submit, by 1 December 2027, a draft operational plan for the implementation of the Strategy for 2028–2030. This draft State Strategy had already been published previously (in 2021 and 2023).

Progress and issues

Ukraine has not fully implemented Council Framework Decision No. 2004/757/JHA³⁹²³ of 25 October 2004 — which sets out a common EU approach to combating illicit drug trafficking — into national legislation. In particular, the following issues remain unresolved:

- the definition and regulation of the circulation of new psychoactive substances (e.g. the psychostimulant alpha-PvP and others);
- the inclusion in the provisions of articles establishing criminal liability for offences related to the circulation of narcotic drugs³⁹²⁴ of a qualifying element such as “causing harm to the health of multiple persons”;
- the full implementation of criminal liability of legal entities for criminal offences related to the circulation of narcotic drugs (currently, liability is only provided for the use of funds obtained as a result of such offences³⁹²⁵);
- the sanctions of the articles of national legislation do not correspond to the level of sanctions set out in the Council Framework Decision³⁹²⁶.

The method of implementing the EU Framework Decision is defined in a number of EU documents, namely: in the European Commission report³⁹²⁷ on the implementation of Framework Decision 2004/757/JHA, which assesses the extent to which Member States have taken the necessary measures to harmonise national legislation with the provisions of the Framework Decision; in the interpretation given by the EU Court of Justice regarding

3922 Public Consultation on the State Drug Policy Strategy until 2030. Ukrainian Medical Journal, 2025.

3923 Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking. European Union.

3924 For example: Articles 307, 309, 311 and other articles of the Criminal Code of Ukraine provide for liability for criminal offences in the field of drug trafficking but only include such qualifying elements as: commission by a group of persons; repeated commission within a year; involvement of a minor; large quantity of narcotic substances.

3925 For example: Article 306 of the Criminal Code of Ukraine provides for liability, including that of legal entities, for the use of funds obtained from the illicit trafficking of narcotic drugs, psychotropic substances, their analogues, precursors, poisonous or potent substances, or poisonous or potent medicinal products.

3926 Some sanctions of the articles of the criminal law establishing liability for illicit drug trafficking also do not comply with the Council Framework Decision. For example, the national criminal law does not provide for liability in the form of imprisonment for more than 10 years for acts referred to in subparagraphs 3 and 4 of Article 4 of Council Framework Decision 2004/757/JHA.

3927 Report from the Commission on the implementation of Framework Decision 2004/757/JHA laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking.

the provisions of the Framework Decision³⁹²⁸; and in the EU Roadmap on combating illicit drug trafficking and organised crime³⁹²⁹.

The Rule of Law Roadmap also envisages, in the third quarter of 2026, the implementation of sectoral healthcare standards for the treatment of diseases related to the use of psychoactive substances, in line with Council Recommendation 2003/488³⁹³⁰, and in the fourth quarter of 2026, the adoption of amendments to legislation concerning the definition and regulation of the circulation of new psychoactive substances, also in accordance with this Council Recommendation.

At present, Ukraine lacks effective state policy documents in the field of drugs (including drug-related crime). The most recent policy document — *the State Drug Policy Strategy until 2020* — ceased to be in force after the expiry of its designated period.

In 2021, the MoH announced³⁹³¹ that it had developed a draft Order of the Cabinet of Ministers of Ukraine “On the Approval of the State Drug Policy Strategy until 2030”. The draft Order was published on 18 May 2021 on the MoH official website. Based on the comments and proposals received, the draft Order was revised and endorsed by a protocol decision³⁹³². However, the Strategy was never formally approved.

On 31 July 2023, the Ministry of Health once again published the draft Order of the Cabinet of Ministers of Ukraine “On the Approval of the State Drug Policy Strategy until 2030 and the Adoption of the Operational Plan for its Implementation for 2023–2025”³⁹³³. The draft Strategy set out the strategic paradigm of drug policy — the need for a comprehensive shift from punitive, criminal law-oriented anti-drug measures to treatment and prevention approaches, as the most effective in addressing drug dependence.

A number of civil society organisations that are part of the open public association DRUG-POLICY.UA expressed a range of concerns³⁹³⁴ regarding the draft Strategy, in particular:

1. The adoption of a new Strategy should take place only after an analysis of the implementation status of the previous strategic document.
2. The approval of the operational plan for the implementation of the Strategy should occur only after the Strategy itself has been adopted.
3. The Strategy should contain clear indicators for assessing the effectiveness of its implementation, comply with the qualification criteria for Ukraine's accession to the

3928 Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking – Document information – Affected by case.

3929 Communication from the Commission to the European Parliament and the Council on the EU roadmap to fight drug trafficking and organised crime (COM/2023/641).

3930 Council Recommendation 2003/488/EC “On the Prevention and Reduction of Health-Related Harm Associated with Drug Dependence” of 18.06.2003.

3931 Draft Order of the Cabinet of Ministers of Ukraine “On the Approval of the State Drug Policy Strategy until 2030”. Ministry of Health of Ukraine. 2021.

3932 Report on the Public Consultation on the Draft Order of the Cabinet of Ministers of Ukraine “On the Approval of the State Drug Policy Strategy until 2030”. Ministry of Health of Ukraine. 2021.

3933 Announcement on the Publication of the Draft Order of the Cabinet of Ministers of Ukraine “On the Approval of the State Drug Policy Strategy until 2030 and the Adoption of the Operational Plan for its Implementation for 2023–2025”. Ministry of Health of Ukraine.

3934 State Drug Policy Strategy: Summary of the Public Consultation. UKRINFORM. 2023.

European Union, and take into account the realities of martial law and the full-scale war with Russia.

The new Strategy should establish a balance between the law enforcement system and the healthcare system — the NPU should combat drug trafficking (drug dealers), while the MoH should care for those affected by the use of narcotic substances (drug users). In view of the European integration process, the new Strategy should also be aligned with the European Union Drugs Strategy and the EU Drugs Action Plan for 2021–2025³⁹³⁵.

At present, it is expected that the draft Order of the Cabinet of Ministers of Ukraine “On the Approval of the State Drug Policy Strategy until 2030 and the Adoption of the Operational Plan for its Implementation for 2025–2027”³⁹³⁶, **published for the third time** by the MoH on 1 April 2025, will be approved by the Government. This will contribute to reducing the demand for psychoactive substances, ensuring counteraction to their illicit trafficking, and improving the state of human rights protection and the social, medical, psychological, and economic well-being of the population of the country.

One of the tasks defined in the draft Strategy is to enhance the effectiveness of combating criminal offences related to the circulation of narcotic drugs, psychotropic substances, their analogues and precursors, and to counter the activities of organised groups and criminal organisations in this field. **At the strategic level, a transition is planned from routine monitoring to a system for generating and continuously updating strategic information, disseminating it, and using it in the development and implementation of measures to counter drug-related crime.**

In June 2025, the MoH reviewed the public’s proposals to the draft Strategy and operational plan for its implementation, submitted within the framework of the public consultation, and partially took them into account³⁹³⁷. As of July, no information is publicly available regarding the next steps towards the adoption of the State Drug Policy Strategy for the period up to 2030. At the same time, the Rule of Law Roadmap envisages the adoption of the Strategy and the operational plan of measures for 2025–2027 in the second quarter of 2025.

Recommendations

1. Fully implement Council Framework Decision No. 2004/757/JHA of 25 October 2004 into national legislation, in particular with regard to the definition of the concept of new psychoactive substances, the introduction of the qualifying element “causing harm to the health of multiple persons” for criminal offences related to the circulation of narcotic drugs, and the improvement of criminal liability of legal entities for committing such offences. Implement amendments to legislation to give effect to Council Recommendation 2003/488/EC.
2. Approve the draft *State Drug Policy Strategy until 2030*, which aims to promote a healthy lifestyle, reduce illicit demand for narcotic drugs, counter the illicit trafficking

3935 EU Drugs Strategy 2021–2025.

3936 Public Consultation on the State Drug Policy Strategy until 2030. Ukrainian Medical Journal. 2025.

3937 Announcement on the Publication of the Draft Order of the Cabinet of Ministers of Ukraine “On the Approval of the State Drug Policy Strategy until 2030 and the Adoption of the Operational Plan for its Implementation for 2025–2027”. Ministry of Health of Ukraine. 2025.

of narcotic drugs, psychotropic substances, their analogues and precursors, ensure effective epidemiological surveillance, provide quality medical and social services to persons who use such substances, improve the procedure for the destruction of narcotics, and harmonise the system for the transfer of controlled substance samples.

3. Approve the operational Action Plan for 2025–2027 under the State Drug Policy Strategy until 2030, taking into account the results of a broad consultation process, including public discussion among experts.

Activities of Law Enforcement Agencies and International Cooperation in Combating the Illicit Trafficking of Narcotic Substances

State of play

The full-scale armed aggression by Russia and the imposition of martial law in Ukraine have had a significant impact on the crime situation in the field of illicit drug trafficking during 2022–2023.

Until 2022, Ukraine mainly performed a transit function for narcotic drugs such as heroin and cocaine. After the closure of airports and part of the seaports, transit volumes decreased. At the same time, as in other Eastern European countries, the scale of production of synthetic narcotic drugs, in particular methadone and cathinones, increased in Ukraine. This trend did not last long: at present, there is a noticeable decrease in their production due to restricted access to precursors. However, the scale of fraud and cyber fraud remains significant, and the demand for synthetic drugs, in particular methadone, persists³⁹³⁸.

According to the latest National Report on the Drug Situation in Ukraine for 2024 (based on 2023 data), the following trends in drug-related crime were observed in 2023:

- › an increase in the number of administrative cases related to offences in the field of drug circulation or committed under the influence of narcotic substances, in particular:
 - a 20.7% increase in the number of administrative cases under court review;
 - an 11% increase in the number of administrative offence reports for offences committed under the influence of narcotic or alcoholic intoxication;
 - a 22.5% increase in the number of administrative offence reports for domestic violence committed under the influence of narcotic or alcoholic intoxication;
- › an increase in the number of criminal cases related to offences in the field of drug circulation and the number of persons convicted for such offences, in particular:
 - a 35.6% increase in the number of criminal cases under court review (from 21,816 in 2022 to 29,581 in 2023);

3938 UNODC, Ukraine: Organized Crime Dynamics in the Context of War, July 2025.

- a 48.5% increase in the number of women convicted of offences in criminal cases (from 645 in 2022 to 958 in 2023);
- a 40.7% increase in the number of registered criminal offences related to the illicit trafficking of drugs with the intent to sell (from 10,162 in 2022 to 14,302 in 2023);
- a 55.9% increase in the number of persons convicted of criminal offences in the field of drug circulation (from 7,948 in 2022 to 12,388 in 2023);
- a 67% increase in the number of drug laboratories detected in Ukraine³⁹³⁹.

In 2024, a total of 48,233 criminal offences were registered in the field of circulation of narcotic drugs, psychotropic substances, their analogues or precursors, of which 41,042 were offences in which individuals were served with a notice of suspicion³⁹⁴⁰.

Out of the total number of registered offences (48,233): **20,627 cases (42.7%) were registered under Article 309 of the CC of Ukraine** (unlawful production, acquisition, possession, transportation or transfer of narcotic drugs, psychotropic substances or their analogues without the intent to sell); **17,601 cases (36.5%) under Article 307 of the CC of Ukraine** (unlawful production, manufacture, acquisition, possession, transportation or transfer of narcotic drugs, psychotropic substances or their analogues with the intent to sell); and 4,484 cases (20.8%) concerned other criminal offences (Articles 305, 306, 308, 310–327 of the CC of Ukraine).

In the first half of 2025, 33,789 criminal offences were registered in the sphere of trafficking in narcotic drugs, psychotropic substances, their analogues or precursors, of which 27,089 offences involved persons being served with a notice of suspicion³⁹⁴¹. Of the total number of registered offences, **11,597 cases (34.3%) were under Article 309 of the CC of Ukraine; 11,401 (33.8%) under Article 307 of the CC of Ukraine**; and 10,791 (31.9%) other criminal offences in this sphere. Taking into account the practice of “levelling” criminal statistics at the end of the reporting period, the positive trend towards equalisation of the number of registered criminal offences under Article 307 of the CC of Ukraine and Article 309 of the CC of Ukraine may change by the end of the year. However, it falls within the general trend towards a change in the priorities of the NPU.

For comparison, **in 2021, a total of 29,587 criminal offences were registered in the field of circulation of narcotic drugs, psychotropic substances, their analogues or precursors**, of which 21,949 were offences in which individuals were served with a notice of suspicion³⁹⁴². Out of the total number of registered offences (29,587): **14,109 cases (47.7%) were registered under Article 309 of the CC of Ukraine** (unlawful production, acquisition, possession, transportation or transfer of narcotic drugs, psychotropic substances or their analogues without the intent to sell); **10,994 cases (37.2%) under Article 307 of the CC of Ukraine** (unlawful production, manufacture, acquisition, possession, transportation or transfer of narcotic drugs, psychotropic substances or their analogues with the intent to sell); and 4,484 cases (15.2%) concerned other offences (Articles 305, 306, 308, 310–327 of the CC of Ukraine).

3939 Drug Situation in Ukraine (based on 2023 data). Report 2024. Public Health Centre.

3940 Unified Report on Criminal Offences for January–December 2024. Prosecutor General's Office.

3941 Unified Report on Criminal Offences for January–June 2025. Prosecutor General's Office.

3942 Unified Report on Criminal Offences for January–December 2021. Prosecutor General's Office.

Pre-trial investigations of criminal offences are conducted by the NPU³⁹⁴³, which includes a specialised unit — the **Drug Crime Counteraction Department**. Until January 2023³⁹⁴⁴, the Department operated as a separate legal entity under public law — an interregional territorial body. It currently functions as a department within the Criminal Police of the NPU's Central Management Body.

The responsibility for dismantling illegal drug laboratories lies with the NPU and the SSU. According to the NPU, 102 clandestine laboratories engaged in the production of narcotic drugs or psychotropic substances were detected in 2023. In 2023, the total volume of narcotic drugs and psychotropic substances seized in completed criminal proceedings amounted to 3,174.06 kg — a 16.5% increase compared to 2022 (2,725 kg)³⁹⁴⁵.

Interagency cooperation in combating the illicit trafficking of narcotic substances is coordinated by the MoH. The MoIA ensures the development of state policy in the field of protection of human rights and freedoms, the interests of society and the state, combating crime, maintaining public safety and order, and providing police services. The MoIA is responsible for combating the illicit trafficking of narcotic drugs.

According to the Rule of Law Roadmap, in the fourth quarter of 2026 an advisory inter-agency body under the MoH is to be established with the aim of introducing a coordination mechanism for countering the illicit trafficking of narcotic drugs, psychotropic substances and precursors.

In terms of international cooperation in combating the illicit trafficking of narcotic substances, the MoIA and the NPU systematically cooperate with the EUDA, Interpol and Europol, as well as within the framework of international legal cooperation, including through the use of JITS³⁹⁴⁶. Combating drug trafficking — which continues to be in high demand on the EU market — in particular preventing the establishment of new routes and/or the movement of contraband from Ukrainian ports to other ports (EU) in the Black Sea, is one of the priorities of Ukraine-EU cooperation within the framework of EMPACT³⁹⁴⁷.

For example, in 2024, a large-scale special operation³⁹⁴⁸ was carried out by Ukrainian and Polish law enforcement officers in cooperation with Europol, which resulted in the dismantling of drug and psychotropic substance production sites. Methadone in crystalline form and synthetic cathinones — mephedrone and Alpha-PVP — were produced in drug laboratories on the territories of Ukraine and Poland. As part of the investigation, searches were conducted at 38 sites where narcotic substances, precursors, chemical reagents, and equipment for production were being manufactured or stored. Seized items included 195 kg of crystalline methadone — which, according to medical assessments, equals 4

3943 Criminal Procedure Code of Ukraine No. 4651-VI of 13.04.2012, Article 216.

3944 On the Liquidation of a Territorial Body of the National Police: Resolution of the Cabinet of Ministers of Ukraine No. 131 of 13.01.2023.

3945 Drug Situation in Ukraine (based on 2023 data). Report 2024. Public Health Centre, pp. 90–91.

3946 Ovsianiuk D., Ustymenko O. Exchange of Information as a Form of International Cooperation in Combating Drug Trafficking". *NovumJus* 18, no. 1 (2024): 181–216.

3947 Activation of the EMPACT community to address and counter serious and organised crime threats linked to the war in Ukraine. March, 2022.

3948 Ukrainian and Polish Law Enforcement Dismantled a Major Drug Trafficking Group, Seizing Almost 350 kg of Psychotropic Substances. Prosecutor General's Office, 2024.

million lethal doses — 153 kg of Alpha-PVP, over 430 litres of reaction mixtures, and 2 tonnes of precursors necessary for the production of synthetic opioids and cathinones. The estimated value of the seized substances on the black market exceeds UAH 600 million (approximately EUR 1.27 million).

Poland is currently one of the main regional leaders in the production of psychotropic substances, as well as in the transit, consumption, and distribution of narcotic drugs. Polish organised criminal groups are actively involved in profiting from drug trafficking. Given the shared border, drug-related crime threats to Poland also pose threats to Ukraine³⁹⁴⁹. Therefore, the operation carried out serves as an example of effective cooperation on this issue.

Progress and issues

Drugs, particularly synthetic ones, are widely available in Ukraine. As demand for narcotic substances increases, so does the illicit production of synthetic drugs. Drug trafficking using communication technologies — including open websites on the Internet and communication channels (messaging) — poses an increasing threat. Virtual assets facilitate the laundering of money obtained through drug trafficking, while legislative regulation in this area does not meet current demands.

The Law of Ukraine “On Virtual Assets”³⁹⁵⁰ was adopted back in 2022, but it has not yet entered into force. A condition for its entry into force is the adoption of amendments to the Tax Code of Ukraine concerning the taxation of transactions involving virtual assets. These amendments are expected to be adopted in 2025 and come into effect on 1 January 2026³⁹⁵¹.

A separate threat at present is the full-scale war, which complicates control over the circulation of narcotic drugs. The difficult socio-economic situation and ongoing psychological stress caused by the security environment contribute to an increase in the number of people resorting to the use of narcotic drugs, alcohol, gambling, and so on. Service members are no exception³⁹⁵², as these negative social phenomena are also spreading among them.

At the same time, there is no response in the form of criminal policy documents to the issue of a strategic vision for addressing the new challenges of drug-related crime. Even the adoption of the State Drug Policy Strategy until 2030 will not improve this situation, as a sector-specific strategy for criminal prosecution of offences related to the circulation of narcotic drugs will still be lacking. It is expected that such strategic priorities for combating crime in specific areas will be adopted following the implementation of a set of measures under Direction 2 of the OAS Action Plan³⁹⁵³ concerning the system of criminal policy documents.

3949 Konopelskyi V.Y. “International Practice of Preventing Illicit Trafficking of Narcotic Drugs.” Scientific Bulletin of Uzhhorod National University. Law Series, Issue 81, Part 2, 2024, p. 288.

3950 On Virtual Assets: Law of Ukraine No. 2074-IX of 17.02.2022.

3951 Taxation of Cryptocurrency Starting from 2026 — Hetmantsev. Liga.Zakon. 2025.

3952 Drugs on the front line. The war in Ukraine is fuelling drug use among soldiers, particularly of synthetic substances. Global Initiative Against Transnational Organized Crime. 2024.

3953 Action Plan for the Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024, Section II.

Some progress has been made in addressing a persistent problem within the Ukrainian law enforcement system — the prosecution of drug users instead of drug dealers (persons who distribute narcotic drugs). The main focus of criminal policy on offences related to the circulation of narcotic drugs should be the prosecution of drug dealers³⁹⁵⁴. In 2024, the share of criminal proceedings against drug users³⁹⁵⁵ among all drug-related offences was less than half (42.7%³⁹⁵⁶). For comparison, in 2014–2015, this share ranged between 55–58%³⁹⁵⁷. In 2016, the situation worsened: 74% of drug-related offences detected by the police in 2016 concerned the unlawful production, manufacture, acquisition, or possession of drugs without the intent to sell. At the same time, offences related to the sale of narcotic drugs accounted for only 8%, while those connected to the organisation of drug trafficking operations made up less than 2%³⁹⁵⁸.

A similar conclusion regarding the reduction of this issue — based on the analysis of court judgments under Articles 307 and 309 of the CC of Ukraine — is found in certain academic publications. However, the author attributes this trend not to the humanisation of legislation or a decrease in the severity of the social problem, but to the reform processes within the NPU units responsible for combating the illicit trafficking of narcotic drugs³⁹⁵⁹.

The situation was also improved by **amendments to the CC of Ukraine introduced in 2018, under which a person who voluntarily applies to a medical institution and begins treatment for drug addiction is exempted from criminal liability for the acquisition or manufacture of narcotic drugs for personal use**³⁹⁶⁰. In other words, some registered criminal proceedings may be closed prior to trial.

Drug policy issues are also being highlighted in the EU. For example, this year a Member of the European Parliament published an article noting that “Ukraine must accelerate drug policy reform and should not in 2025 still be guided by Soviet approaches of punishing the sick”³⁹⁶¹.

A positive step was the legalisation of medical cannabis in 2024 — Law No. 3528-IX³⁹⁶² authorised the circulation of cannabis for medical and industrial purposes, as well as for scientific and scientific-technical activities. Cannabis, its resin, extracts, and tinctures were removed from the list of especially dangerous substances. Previously, their circulation had been prohibited and subject to criminal liability, meaning that individuals who produced

3954 Modern anti-drug policy of Ukraine and human rights. *Oñati Socio-Legal Series*, 2023. Vol. 13, No. 5. P. 1598.

3955 Criminal Code of Ukraine No. 2341-III of 05.04.2001, Article 309.

3956 Unified Report on Criminal Offences for January–December 2024. Prosecutor General's Office.

3957 Observance of the Rights of Vulnerable Groups (Drug Users and Sex Workers) in the Activities of Law Enforcement Agencies: Analytical Report Based on the Results of the Study, 2016, p. 15.

3958 Ukrainian Police Fight Drug Users Rather Than Drug Mafias – Human Rights Defenders. Human Rights Expertise Centre. 2017.

3959 Karchevskiy M.V. “Combating Crime in Ukraine in Data Science Format”. *Bulletin of Luhansk State University of Internal Affairs named after E.O. Didorenko*, 2022, pp. 211, 220.

3960 Criminal Code of Ukraine No. 2341-III of 05.04.2001, Part 4, Article 309.

3961 Why Ukraine Should Abandon Soviet Practices and Change Its Drug Policy. *European Pravda*. 2025.

3962 On Amendments to Certain Laws of Ukraine on the State Regulation of the Circulation of Cannabis Plants (Cannabis) for Use in Educational Purposes, Scientific and Scientific-Technical Activities, and the Production of Narcotic Drugs, Psychotropic Substances and Medicinal Products with the Aim of Expanding Patient Access to Necessary Treatment: Law of Ukraine No. 3528-IX of 21.12.2023 (entered into force on 16.08.2024).

and distributed medical cannabis without criminal intent often came under the scrutiny of law enforcement agencies.

Recommendation

1. Continue to implement a criminal prosecution policy primarily targeting individuals and criminal organisations engaged in the distribution of narcotic drugs (drug dealers). In contrast, alternative mechanisms to criminal liability should be applied to drug users for resolving the criminal law conflict.

Counter-terrorism

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The SSU is the main authority within the counter-terrorism system, which includes the Counterterrorism Centre (SSU Counterterrorism Centre). The number of terrorist acts over the past five years has decreased, in particular due to the criminalisation of new offences in the context of the armed conflict.

In 2022, Ukraine ratified the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, under which the SSU was designated as the national contact point. The implementation of the Additional Protocol and relevant EU directives is ongoing. Regarding the implementation of Directive (EU) 2016/681, there are competing concepts proposed by the SSU Counterterrorism Centre and the State Border Guard Service, although the Directive clearly defines the purpose of border control of passenger data (API/PNR) — the prevention of terrorism.

Ukraine currently lacks a strategic vision for the prevention and counteraction of violent extremism and radicalisation leading to terrorism (P/CVERLT). The EU recommendations on preventing radicalisation in general require extensive discussion given the local context.

The establishment of a critical infrastructure (CI) protection system is one of the priorities in the reform of Ukraine's security and defence sector. A relevant Concept has been adopted for 2021—2027. In 2021, the Law of Ukraine "On Critical Infrastructure" was adopted; however, it requires improvement in light of the adoption of EU Directive 2022/2557 in 2022. The current focus of the CI protection system is on ensuring the uninterrupted and secure functioning of infrastructure through emphasis on physical protection, whereas broader resilience measures, in particular involving CI operators on the market, are insufficiently addressed. During martial law, as well as for 12 months after its termination or cancellation, the powers of the authorised body in the field of CI protection in Ukraine are exercised by the State Service of Special Communications and Information Protection. At present, there is no clear vision as to which body these functions will be transferred to in the future.

In terms of cooperation between various law enforcement agencies during the investigation of crimes involving terrorist attacks and international crimes, the provisions of the CPC of Ukraine that establish the rules of investigative jurisdiction require amendments to resolve procedural conflicts. The main challenge for each law enforcement agency remains improving the qualifications and competencies of investigators — their training and effective application of international humanitarian law and international criminal law standards.

Legislation of Ukraine in the Field of Counter-Terrorism and the Activities of the Counterterrorism Centre at the SSU

State of play

The SSU is the main authority within the nationwide system for combating terrorist activities³⁹⁶³. Its tasks include, inter alia, the prevention, detection, suppression and solving of criminal offences against peace and security of humanity, terrorism, and other unlawful acts

³⁹⁶³ On Combating Terrorism: Law of Ukraine No. 638-IV of 20.03.2003, Part 3, Article 4.

that directly threaten the vital interests of Ukraine³⁹⁶⁴. SSU investigators conduct pre-trial investigations of criminal offences in the field of terrorist activity³⁹⁶⁵.

For the organisation and conduct of anti-terrorist operations and coordination of the activities of entities engaged in counter-terrorism or involved in anti-terrorist operations, the **Counterterrorism Centre operates under the SSU**³⁹⁶⁶. It is a permanent body that coordinates the activities of counter-terrorism entities in preventing terrorist acts against state officials, critical public infrastructure, high-risk facilities, acts threatening the lives and health of a significant number of people, and in responding to such acts³⁹⁶⁷.

The SSU Counterterrorism Centre consists of the Interagency Coordination Commission and the Centre's headquarters, as well as coordination groups and their headquarters at the regional SSU bodies³⁹⁶⁸. Its key tasks include, inter alia: organising and conducting anti-terrorist operations; collecting, summarising, analysing and assessing information on the state and trends of terrorism in Ukraine and beyond; and developing conceptual frameworks and programmes for combating terrorism³⁹⁶⁹. Since 24 February 2022, the primary task of the SSU Counterterrorism Centre has also been counteracting terrorist and subversive activities by Russian intelligence services³⁹⁷⁰.

Since 2016, Ukraine has operated the **Unified State System for the Prevention of, Response to and Termination of Terrorist Acts and the Mitigation of Their Consequences**³⁹⁷¹, aimed at preventing terrorist acts. This system enables round-the-clock monitoring, analysis and assessment of information on the state and trends of terrorism in Ukraine and beyond. Its participants develop strategic counter-terrorism programmes and more localised recommendations and formulate plans for preventing terrorist manifestations³⁹⁷².

The procedure for the participation of counter-terrorism entities in joint anti-terrorist measures and operations has also been defined³⁹⁷³.

At the level of state policy, the current document is the **Counter-Terrorism Concept of Ukraine**³⁹⁷⁴, which defines the goal, objectives, key principles and directions for improving

3964 On the Security Service of Ukraine: Law of Ukraine No. 2229-XII of 25.03.1992, Article 2.

3965 Criminal Code of Ukraine of No. 2341-III of 05.04.2001, Articles 258–258-6.; Criminal Procedure Code of Ukraine No. 4651-VI of 13.04.2012, Article 216.

3966 On the Security Service of Ukraine: Law of Ukraine No. 2229-XII of 25.03.1992, Article 9.

3967 On the Regulation on the Counterterrorism Centre and Its Coordination Groups at the Regional Bodies of the Security Service of Ukraine: Decree of the President of Ukraine No. 379 of 14.04.1999.

3968 Ibid, para. 7.

3969 Ibid, para. 3.

3970 Counterterrorism Centre at the SSU. Security Service of Ukraine.

3971 On the Approval of the Unified State System for the Prevention of, Response to and Termination of Terrorist Acts and the Mitigation of Their Consequences: Resolution of the Cabinet of Ministers of Ukraine No. 92 of 18.02.2016.

3972 Counterterrorism Centre at the SSU. Security Service of Ukraine.

3973 On the Approval of the Procedure for Participation of Counter-Terrorism Entities in Joint Anti-Terrorist Measures Involving Foreign States or Interstate Associations, and for Conducting Anti-Terrorist Measures and Operations Involving Forces and Means of Foreign States or Interstate Associations in the Territory of Ukraine and Other States: Resolution of the Cabinet of Ministers of Ukraine No. 1246 of 24.11.2023.

3974 On the Counter-Terrorism Concept in Ukraine: Decree of the President of Ukraine No. 53 of 05.03.2019.

the nationwide counter-terrorism system in view of the current terrorist threats to Ukraine's national security and their projected development. The implementation of this Concept aims to improve the efficiency of the functioning of the nationwide counter-terrorism system³⁹⁷⁵.

A corresponding Action Plan³⁹⁷⁶ has been adopted for its implementation.

According to criminal statistics³⁹⁷⁷, **the number of registered terrorist acts has significantly decreased over the past five years**. While in 2020 and 2021, 465 and 332 terrorist acts were registered respectively (Article 258 of the CC of Ukraine), in 2023 and 2024, there were 14 and 51 such acts respectively. In the first half of 2025, there was an increase — 96 registered cases. The same applies to the creation of a terrorist group or terrorist organisation (Article 258³ of the CC of Ukraine): in 2020 and 2021, there were 123 and 136 such cases respectively, whereas in 2024 — only 65. In the first half of 2025, the trend remained unchanged — 18 registered cases. At the same time, such criminal statistics require proper interpretation, taking into account other factors, including the existence of an international armed conflict.

Thus, in 2022, the list of crimes in the field of national security was significantly expanded, and some acts previously qualified as terrorist acts or the creation of terrorist organisations are now classified under different categories of crimes³⁹⁷⁸. Certain criminal offences that were not applied in peacetime (prior to the full-scale invasion and when hostilities were localised only in the area of the Joint Forces Operation) are now classified under other articles, as they were committed "during a special period"³⁹⁷⁹.

It is also worth noting that, given the above figures on committed terrorist acts by year, only 24 individuals were served with a notice of suspicion in 2020, and only one individual in 2021. At the same time, in 2024, 27 individuals were served with a notice of suspicion (53% of the total number of incidents), and in the first half of 2025 — 56 persons (58.3% of the number of cases). This is related both to the change in the structure of crime³⁹⁸⁰, as these are cases that are relatively easy to investigate and prove in court, and to the increased effectiveness of the SSU's work in this area overall, as operational measures have been strengthened under martial law.

3975 Ibid.

3976 On the Approval of the Action Plan for the Implementation of the Counter-Terrorism Concept in Ukraine: Order of the Cabinet of Ministers of Ukraine No. 7 of 05.01.2021.

3977 On Registered Criminal Offences and the Results of Their Pre-Trial Investigation. Prosecutor General's Office.

3978 Article 111 of the CC of Ukraine - High Treason; Article 1111 - Collaboration Activities; Article 1112 - Aiding the Aggressor State.

3979 For example, arson of vehicles belonging to service members, which is now qualified under Article 114-1 of the CC of Ukraine - Obstruction of the Lawful Activities of the Armed Forces of Ukraine and Other Military Formations. This offence applies only in a "special period", i.e. during wartime.

3980 A wave of building attacks targeting Territorial Recruitment and Social Support Centres, police departments and other authorities is currently being carried out by teenagers recruited by Russian intelligence services. - The FSB Is Recruiting Teenagers for Terrorist Acts - SSU. Korrespondent. 2025.; How Russian Intelligence Services Turn Ukrainian Teenagers into Terrorists. DW. 2025.; How the Russian Intelligence Services Recruit Teenagers for Terrorist Acts: Comments from Police in Ternopil Region. Suspilne. 2025.

To date, Ukraine has ratified (acceded to) a number of international treaties in the field of organisational and legal support for combating and countering terrorism³⁹⁸¹. As for EU legislation on combating terrorism:

1. *Directive (EU) 2017/541*³⁹⁸² on combating terrorism establishes minimum requirements for the definition of offences and related penalties in this area, and introduces measures for the protection, support, and assistance of victims³⁹⁸³. Ukraine actively cooperates with the EU and international organisations in the field of information exchange on terrorist threats, with Europol³⁹⁸⁴ and the Eurojust³⁹⁸⁵. Legislation on the protection, support, and assistance of victims of terrorism³⁹⁸⁶ has recently been improved in line with the Directive.

In the fourth quarter of 2026, within the framework of the implementation of this Directive, it is planned to define the propaganda of terrorism, its public justification, public incitement to commit a terrorist act, the dissemination, production or storage for the purpose of dissemination of materials containing such incitement or propaganda, as well as the propaganda of the ideology of terrorism, the production of materials containing calls to commit such acts for the purpose of their dissemination or the dissemination of such materials, including when committed through the use of the media, and to establish liability for these acts.

2. *Council Decision 2005/671/JHA*³⁹⁸⁷ establishes Ukraine's obligations regarding the exchange of information with EU countries in the context of terrorist offences³⁹⁸⁸. Ukraine has signed cooperation agreements with Europol providing for the exchange of operational information, including data on terrorist crimes and radical elements.
3. *Council Decision 2008/615*³⁹⁸⁹ on enhancing **cross-border cooperation**, particularly in combating terrorism and international crime. It includes information exchange,

3981 Including the Convention on Offences and Certain Other Acts Committed on Board Aircraft of 14.09.1963; the European Convention on the Suppression of Terrorism of 1977; the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 10.03.1988; the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf of 10.03.1988; the Convention on the Physical Protection of Nuclear Material of 03.03.1980; the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, of 14.12.1973; the UN International Convention for the Suppression of the Financing of Terrorism of 1999; the International Convention for the Suppression of Acts of Nuclear Terrorism of 2005; the International Convention against the Taking of Hostages of 17.12.1979, among others.

3982 Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA. European Union.

3983 EU Legislation on Combating Terrorism. State Border Guard Service of Ukraine.

3984 Agreement between Ukraine and the European Police Office on Operational and Strategic Cooperation No. 2129-VIII of 12.07.2017.

3985 Agreement on Cooperation between Ukraine and the European Union Agency for Criminal Justice Cooperation (Eurojust) of 27.06.2016, ratified by the Law of Ukraine No. 1839-VIII of 08.02.2017, defines the key aspects of cooperation in combating serious international crimes and terrorism and provides a legal framework for active cooperation between Ukraine and Eurojust.

3986 Law of Ukraine No. 2997-IX of 21.03.2023 "On Amendments to the Criminal and Criminal Procedure Codes of Ukraine due to the Ratification of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, and to Certain Legislative Acts of Ukraine to Improve Counter-Terrorism Efforts" provides for compensation for damage caused by a terrorist act in accordance with the procedure established by the Government.

3987 Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences. European Union.

3988 EU Legislation on Counter-Terrorism. State Border Guard Service of Ukraine.

3989 Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime. European Union.

automatic access to DNA profiles, fingerprints, national vehicle registration data, data on terrorist operations, and other measures to strengthen cross-border police cooperation³⁹⁹⁰. This Decision has not yet been implemented into Ukrainian legislation.

4. *Directive (EU) 2016/681*³⁹⁹¹ on the use of passenger name record data for the prevention, detection, investigation, and prosecution of terrorist and serious crimes. Information on passengers collected by commercial air carriers is used by governments to identify individuals who may pose a threat to national security before they enter the country to carry out unlawful activities. Passenger information is divided into Advance Passenger Information (API) and Passenger Name Record (PNR) data. This Directive³⁹⁹² has not yet been implemented into Ukrainian legislation.
5. EU Regulation 2021/784³⁹⁹³ on addressing the dissemination of terrorist content online. It obliges internet service providers to remove or restrict access to such content within one hour of receiving the relevant order from the competent authorities. The Regulation also introduces mechanisms of cooperation between the law enforcement bodies of EU Member States, in particular with the support of Europol.

In 2022, Ukraine ratified the **Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism**³⁹⁹⁴, under which the SSU was designated as the national contact point responsible for the exchange of information on individuals travelling abroad for terrorist purposes³⁹⁹⁵.

In 2023, **Law No. 2997-IX**³⁹⁹⁶ was adopted, which, inter alia, assigned to the SSU Counterterrorism Centre the role of national coordinator for the implementation of UN Security Council resolutions on countering international terrorism. The law also granted the Centre and counter-terrorism entities the authority to obtain and use passenger information for the purpose of counteracting the movement of persons suspected of engaging in terrorist activities. It authorised the formation and maintenance of a list of terrorist organisations and groups to facilitate interstate information exchange regarding individuals travelling abroad.

Progress and issues

The Concept for Combating Terrorism in Ukraine, approved by the President in 2019, requires substantial updating in light of current challenges, in particular the transformation of terrorist manifestations in connection with the full-scale war on the territory of Ukraine.

3990 EU Legislation on Combating Terrorism. State Border Guard Service of Ukraine.

3991 Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime. European Union.

3992 Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime.

3993 Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021 on addressing the dissemination of terrorist content online.

3994 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism of 22.10.2015.

3995 On the Ratification of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism: Law of Ukraine No. 2589-IX of 20.09.2022.

3996 On Amendments to the Criminal and Criminal Procedure Codes of Ukraine due to the Ratification of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, and to Certain Legislative Acts of Ukraine to Improve Counter-Terrorism Efforts: Law of Ukraine No. 2997-IX of 21.03.2023.

Thus, the Rule of Law Roadmap envisages that in the fourth quarter of 2025 a new version of this Concept for 2025–2030 will be adopted, as well as an Action Plan for its implementation developed in line with the EU acquis.

In implementation of the powers provided for by Law No. 2997-IX³⁹⁹⁷, in December 2024, amendments were adopted to the Law of Ukraine “On Combating Terrorism”³⁹⁹⁸, which **defined the powers of the SSU concerning the administration of the list of terrorist organisations (groups)**. The list shall include organisations engaged in terrorist activities in the territory of Ukraine and/or abroad, as well as those posing a threat to national security, regardless of whether they possess legal entity status or are registered with authorised bodies of Ukraine or foreign states. The list of organisations will be compiled publicly. Information regarding the organisation (group) must be published on the SSU website and on the Unified State Open Data Portal. In implementation of the respective legislative amendments, in April 2025, the SSU approved the Procedure for the Formation and Maintenance of the List of Terrorist Organisations (Groups)³⁹⁹⁹.

Legislative work is ongoing to introduce a training system for civil servants, heads of local state administrations, their first deputies and deputy heads, and local self-government officials, with the aim of developing counter-terrorism competencies among this category of personnel⁴⁰⁰⁰. According to the Rule of Law Roadmap, for the first quarter of 2026, the introduction of professional training is planned for representatives of the civil sector, state authorities and local self-government on counter-terrorism issues, as well as the involvement of the relevant representatives in anti-terrorist exercises.

In addition, in the fourth quarter of 2027, the implementation of the provisions of EU Regulation 2021/784 on addressing the dissemination of terrorist content online is planned. Thus, the Rule of Law Roadmap envisages designating the competent authorities authorised to issue orders to hosting service providers for the removal of such content, with due respect for fundamental human rights and freedoms; establishing an obligation for hosting service providers to comply with such orders and report on their implementation; establishing legal liability for non-compliance with orders; and setting out a procedure for annual transparent reporting by the competent authorities on such activities.

Work is also underway to further improve legislation to implement *Council Decision 2008/615/JHA*, in particular concerning information exchange within the framework of law enforcement cooperation on maintaining public order during major cross-border events and the coordination of joint operations; the adoption of legal and organisational frameworks for the participation of officials from competent authorities of EU Member States in joint patrolling and other joint operations and in providing assistance in connection with mass events, disasters, and serious accidents in the territory of Ukraine; as well as the participation of Ukrainian law enforcement authorities in such activities on the territory of EU Member

3997 On Amendments to the Criminal and Criminal Procedure Codes of Ukraine due to the Ratification of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, and to Certain Legislative Acts of Ukraine to Improve Counter-Terrorism Efforts: Law of Ukraine No. 2997-IX of 21.03.2023.

3998 On Amendments to Certain Laws of Ukraine Regarding the Formation and Maintenance of the List of Terrorist Organisations (Groups): Law of Ukraine No. 4156-IX of 18.12.2024.

3999 On the Approval of the Procedure for the Formation and Maintenance of the List of Terrorist Organisations and Groups: Order of the Security Service of Ukraine No. 165 of 15.04.2025.

4000 Letter of the Security Service of Ukraine of 15.04.2025, ref. No. 33.8.1-92.

States⁴⁰⁰¹. The Rule of Law Roadmap envisages the completion of work on this issue in the fourth quarter of 2027.

With regard to the implementation of *Directive (EU) 2016/681*, it should be noted that the OAS Action Plan provides for the development and submission to Parliament of draft laws on:

- › ensuring the operation of a unified system for receiving, protecting and exchanging passenger information in order to improve border control, combat illegal migration, and identify potential threats to national security, in particular the establishment in Ukraine of a system for processing advance passenger data (PNR/API);
- › automating risk profiling and expanding criminal analysis capabilities to enhance the effectiveness of border control;
- › granting the SSU, as the main authority within the nationwide counter-terrorism system, direct access to passenger information;
- › processing advance passenger data to ensure effective counteraction to transnational crime, taking into account the objective of gradually aligning Ukrainian legislation with the EU acquis⁴⁰⁰².

In implementation of the above provisions, the SSU Counterterrorism Centre has developed a **Draft Law of Ukraine “On the Use of Passenger Information for Countering Terrorism, Serious and Especially Serious Crimes”, which has not yet been registered in Parliament**⁴⁰⁰³. At the same time, the State Border Guard Service submitted its own draft law on this issue to the Government. In terms of content, both drafts regulate the same set of issues but contain competing concepts, depending on which body collects and processes the data and for what purpose. Unlike the SBGS, the SSU possesses all the necessary tools for the effective use of PNR data within the framework of counterintelligence, operational and search activities, and pre-trial investigation. Moreover, the model proposed by the draft law of the SBGS, in addition to being ineffective due to the limited functions of this body as a counter-terrorism entity, poses certain risks to the right to privacy, as it allows for the conflation of the concepts of API and PNR data processing, which are clearly distinguished in EU acquis⁴⁰⁰⁴.

In March 2025, the SSU presented⁴⁰⁰⁵ its draft law to the Verkhovna Rada Committee on National Security, Defence and Intelligence. Following the committee meeting, the SSU was advised to establish a working group to finalise the draft law, taking into account

4001 The SSU, with the direct involvement of the SSU Counterterrorism Centre, participated in the development of the draft Roadmap on the Rule of Law, which is currently being coordinated between the Parties. The SSU's proposals to Section 4.4 “Combating Terrorism and Preventing Radicalisation” of the Roadmap were taken into account by the EU Side. Information provided by the SSU in the letter of 15.04.2025, ref. No. 33.8.1-92 and during an interview with SSU representatives on 31.03.2025.

4002 Action Plan for the Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No. 792 of 23.08.2024, measure 1.5.1.

4003 Information on the draft law and related issues was provided during an interview with SSU representatives conducted on 31.03.2025. Additional details were provided by the SSU in a letter of 15.04.2025, ref. No. 33.8.1-92.

4004 Ibid.

4005 Publication by the Verkhovna Rada Committee on National Security, Defence and Intelligence on the social network Facebook. 2025.

the positions of all relevant government authorities. At the same time, competition between the different concepts for implementing *Directive (EU) 2016/681* persists. It is essential that the Directive be implemented under the leadership of the SSU Counterterrorism Centre, given the Directive's primary objective — combating terrorism — and not merely the regulation of border-crossing procedures. The Rule of Law Roadmap envisages that the institutionalisation of the national contact point for processing passenger information (PNR) and the functioning of the system for processing and exchanging PNR data should be ensured by the fourth quarter of 2027.

Difficulties also remain in the relationship between the SSU and the MoIA regarding the submission of SSU's draft legal acts to the Government⁴⁰⁰⁶. At present, such SSU draft acts must be submitted to the Government by the MoIA, as the central executive authority responsible for policymaking in the relevant area. However, the SBGS, which is directly subordinate to the MoIA, is also developing its own acts on similar matters, which contain proposals that differ from those of the SSU. In order to grant the SSU the right to independently submit draft legal acts to the Government, in April 2025, Parliament adopted at first reading Draft Law No. 12028⁴⁰⁰⁷ as a basis. The draft law is currently waiting second reading in the Verkhovna Rada.

As a UN Member State⁴⁰⁰⁸, Ukraine bears responsibility for implementing the UN Global Counter-Terrorism Strategy and for preventing and countering terrorism and violent extremism conducive to terrorism⁴⁰⁰⁹. Ukraine is also a participating State of the OSCE⁴⁰¹⁰, one of whose strategic directions in the field of counter-terrorism is the prevention of violent extremism and radicalisation that lead to terrorism⁴⁰¹¹.

At present, Ukraine lacks a strategic vision for the prevention and counteraction of violent extremism and radicalisation leading to terrorism (P/CVERLT)⁴⁰¹². Among its priorities, the Counter-Terrorism Concept⁴⁰¹³ includes preventing the spread of extremist views in society and preventing the involvement of youth in terrorist activities. However, there is no action plan to achieve these objectives. Although a draft decision of the NSDC on updating the Counter-Terrorism Concept in Ukraine — and incorporating provisions of certain EU legal acts on counter-terrorism into this strategic document — has been submitted by the NSDC Secretariat to the Office of the President, the draft does not include provisions addressing the issue of radicalisation and violent extremism or their prevention⁴⁰¹⁴.

4006 Information on the draft law and related issues was provided during an interview with SSU representatives conducted on 31.03.2025. Additional details were provided by the SSU in a letter of 15.04.2025, ref. No. 33.8.1-92.

4007 On Amendments to Certain Legislative Acts of Ukraine to Improve the Procedure for Preparing Draft Legal Acts: Draft Law of Ukraine, registration No. 12028 of 11.09.2024.

4008 Ukraine and the United Nations. Permanent Mission of Ukraine to the United Nations. 2025.

4009 United Nations Global Counter-Terrorism Strategy. United Nations.

4010 Organization for Security and Co-operation in Europe (OSCE). Ministry of Foreign Affairs of Ukraine. 2022.

4011 Countering terrorism. Organization for Security and Co-operation in Europe.

4012 Preventing and countering violent extremism and radicalization that lead to terrorism (P/CVERLT).

4013 On the Counter-Terrorism Concept in Ukraine: Decree of the President of Ukraine No. 53 of 05.03.2019.

4014 Shevchuk, Y. Prevention of Radicalisation and Violent Extremism as a Tool for Countering Terrorism: European Experience and Ways of Its Implementation in Ukraine. Law of Ukraine, No. 12, 2024, p. 112.

Prevention in the context of counter-terrorism policy refers to a system of measures aimed at averting acts of terrorism before they occur. This includes the development and implementation of strategies and programmes aimed at identifying, monitoring, and responding to potential threats, as well as counteracting the processes of radicalisation that may lead to individuals becoming involved in terrorist activities⁴⁰¹⁵. The EU Security Strategy of 2020⁴⁰¹⁶ identified practices for preventing radicalisation as one of the main priorities in counter-terrorism and as a key goal in developing overall security.

At present, Ukraine **lacks a central authority responsible for preventing radicalisation and violent extremism**. The system of bodies engaged in countering radicalisation is currently decentralised. The powers to prevent radicalisation are distributed among various institutions. The SSU, the State Criminal Enforcement Service, the MoJ, and local authorities are all involved. In view of the EU's experience in countering radicalisation and violent extremism, it is also important to ensure the broad involvement of civil society organisations and religious communities in the implementation of programmes aimed at preventing such destructive phenomena and integrating individuals who have been influenced by extremist ideologies⁴⁰¹⁷.

In practice, this function could be assumed by the SSU Counterterrorism Centre, in particular by coordinating other public authorities in this area. To this end, a strategic policy document on the prevention and counteraction of violent extremism and radicalisation leading to terrorism is required. Among other things, it should take into account the unique nature of internal threats posed by Ukrainian extremism and terrorism in light of the challenges of martial law.

The Rule of Law Roadmap envisages the drafting of such a document. Thus, by the fourth quarter of 2026, a Strategy and Action Plan on the prevention of and counteraction to radicalisation and violent manifestations that may lead to terrorism are to be adopted, in line with EU policy and the core principles of prevention and counteraction in this field.

The same document envisages, in the fourth quarter of 2027, the adoption of a law which will define the main coordinating body on combating radicalisation and violent manifestations that may lead to terrorism, as well as the procedure for involving other actors and non-state institutions in such activities.

There is no definition of radicalisation in national legislation; however, Ukraine intends to adopt legislation to address this gap in 2027 (as announced to the European Commission)⁴⁰¹⁸. A number of agencies are involved in combating terrorist content on the Internet, but a responsible central authority has yet to be designated.

At the same time, according to representatives of the SSU⁴⁰¹⁹, *there is no problem with radicalism in Ukraine as such (neither before 2022, nor now, nor after the end of the war). This EU recommendation is applicable to countries where right-wing political parties and move-*

4015 Tarasiuk, T. Implementation of Preventive Practices for Countering Radicalisation in Ukraine: Potential and Examples of Partner Infrastructure. Ilko Kucheriv Democratic Initiatives Foundation. 2023.

4016 Communication from the Commission on the EU Security Union Strategy. COM/2020/605. European Union.

4017 Shevchuk, Y. Prevention of Radicalisation and Violent Extremism as a Tool for Countering Terrorism: European Experience and Ways of Its Implementation in Ukraine. Law of Ukraine, No. 12, 2024, p. 112.

4018 Information provided by representatives of the Security Service of Ukraine during an interview conducted on 31.03.2025.

4019 Ibid.

ments have achieved significant success at the political level, which is not a significant issue in Ukraine. It thus appears that the problem of radicalism is being “imposed” from outside within the framework of Russian propaganda narratives about the “denazification of Ukraine” and the “Azov battalion”, which does not reflect reality.

Recommendations

1. Implement Council Decision 2008/615/JHA, in particular by carrying out the planned set of measures to ensure the operation of the SSU Counterterrorism Centre as the national contact point for information exchange aimed at preventing terrorist offences.
2. Develop and adopt legislation to ensure the functioning of a system for receiving, protecting, and exchanging passenger information and for establishing a data processing system in Ukraine in line with Directive (EU) 2016/681.
3. Develop and adopt a strategic public policy document on the prevention and counteraction of violent extremism, which would include, inter alia, the coordinating role of the SSU Counterterrorism Centre and cooperation between central and local executive authorities and civil society.
4. Conduct a broad expert discussion between representatives of Ukraine and the European Commission on the advisability of regulating the issue of countering radicalisation at the legislative level, particularly with regard to the specific prevention and response tools to be applied in Ukraine, given that the EU does not have binding standards on this matter.

Activities of the National Security and Defence Council of Ukraine and Other Public Authorities in Protecting Critical Infrastructure Facilities Against Terrorist Attacks

State of play

Enhancing the resilience of national and European critical infrastructure (CI) is defined as one of the priorities of the EU security policy and is enshrined in the decisions of the EU Council aimed at strengthening measures to improve the resilience of critical infrastructure. In 2008, the EU adopted Directive 2008/114/EC on the identification and designation of European critical infrastructure and the assessment of the need to improve their protection⁴⁰²⁰.

⁴⁰²⁰ Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection.

The new Directive (EU) 2022/2557 on the resilience of critical entities⁴⁰²¹, which concerns the provision of essential services/functions by operators of critical infrastructure, establishes the legislative framework and requirements for implementing the declared policy and organising national systems to ensure the resilience of the delivery of specified services. This Directive strengthens the regulation of the CI sector by both expanding and deepening supranational trends in this area⁴⁰²².

In 2017, the UN Security Council adopted the first-ever resolution (Resolution 2341⁴⁰²³) on the protection of CI against terrorist threats, initiated by Ukraine⁴⁰²⁴. Its aim is to enhance the effectiveness of international efforts to counter terrorist acts against CI facilities⁴⁰²⁵.

In the same year, Ukraine approved the **Concept for the Establishment of a State System for the Protection of Critical Infrastructure**⁴⁰²⁶, which defines the establishment of a CI protection system as one of the priorities in the reform of the defence and security sector of Ukraine. The Concept is intended to be implemented over the period 2017–2027⁴⁰²⁷.

In 2021, **Law No. 1882-IX**⁴⁰²⁸ was adopted, establishing the legal and organisational foundations for the creation and functioning of the national CI protection system, and forms part of the legislation on national security.

The subjects of the national CI protection system include, inter alia: the Government, the Secretariat of the NSDC, the SSU, the Administration of the State Service of Special Communications, and the authorised body in the field of CI protection of Ukraine⁴⁰²⁹. **During martial law**, as well as for 12 months following its termination or cancellation, **the powers of the authorised body in the field of CI protection of Ukraine are exercised by the State Service of Special Communications**⁴⁰³⁰.

To coordinate the actions of the subjects of the national CI protection system, a **Register of Critical Infrastructure Facilities**⁴⁰³¹ operates. It is compiled and maintained by the authorised body in the field of CI protection of Ukraine based on submissions from the subjects of the national CI protection system⁴⁰³². In 2023, the **Procedure for its maintenance** was

4021 Directive (EU) 2022/2557 of the European Parliament and of the Council of 14 December 2022 on the resilience of critical entities and repealing Council Directive 2008/114/EC.

4022 Pursiainen, C., Kytömaa, E. From Protection of European Critical Infrastructure to the Resilience of European Critical Entities: What Does This Mean?, pp. 100–101. Sustainable and Resilient Infrastructure, 2023.

4023 Resolution 2341 (2017) / adopted by the Security Council at its 7882nd meeting, on 13 February 2017. United Nations, 2017.

4024 The UN Security Council adopted a Ukrainian resolution and held an open debate on the protection of critical infrastructure from terrorist attacks. Ministry of Foreign Affairs of Ukraine. 2017.

4025 Ibid.

4026 On the Approval of the Concept for the Establishment of a State System for the Protection of Critical Infrastructure: Order of the Cabinet of Ministers of Ukraine No. 1009 of 06.12.2017.

4027 Ibid.

4028 On Critical Infrastructure: Law of Ukraine No. 1882-IX of 16.11.2021.

4029 Ibid, Art. 14.

4030 On the State Service of Special Communications and Information Protection of Ukraine: Law of Ukraine No. 3475-IV of 23.02.2006.

4031 On Critical Infrastructure: Law of Ukraine No. 1882-IX of 16.11.2021, Article 11.

4032 Ibid.

approved, establishing the procedures for compiling and maintaining the said Register, entering and removing information on critical infrastructure facilities, and accessing and providing information from it⁴⁰³³.

The NSDC is a coordination body for national security and defence matters under the President⁴⁰³⁴. Its functions include submitting proposals to the President on the implementation of the principles of domestic and foreign policy in the field of national security and defence, as well as coordinating and overseeing the activities of executive authorities in this sphere⁴⁰³⁵.

In 2022, the NSDC's decision⁴⁰³⁶ on the **State Security Strategy** was enacted. Its **implementation requires measures such as** the preparation and adoption of legislative and other regulatory acts concerning, inter alia, the protection of critical infrastructure facilities and the introduction of a national resilience system⁴⁰³⁷. The implementation of the provisions of the Strategy is to be carried out on a planned basis until 2025⁴⁰³⁸. For the purpose of its implementation, a relevant Action Plan⁴⁰³⁹ was approved, one of whose measures is the development of international cooperation in the field of security, primarily on issues related to the protection of critical infrastructure facilities and the establishment of a national resilience system⁴⁰⁴⁰.

In 2023, the NSDC's decision⁴⁰⁴¹ on the **organisation of protection and security of the functioning of critical infrastructure facilities and Ukraine's energy sector under conditions of warfare** was enacted. To ensure compliance of the CI protection status with legislative requirements, the reliability of information submitted by designated subjects of the national CI protection system, and to provide methodological assistance to CI operators in improving protection systems for such infrastructure, it is envisaged to carry out monitoring of the security level of CI⁴⁰⁴². The procedure for such monitoring, classification of facilities as CI, determination of the structure of the CI sector, etc., is defined by the Government⁴⁰⁴³.

In 2023, the **National Plan for Protection, Security, and Resilience of Critical Infrastructure**⁴⁰⁴⁴ was approved. It provides for the establishment of requirements and monito-

4033 On the Approval of the Procedure for Maintaining the Register of Critical Infrastructure Facilities, Inclusion of Such Facilities in the Register, Access to and Provision of Information Therefrom: Resolution of the Cabinet of Ministers of Ukraine No. 415 of 28.04.2023.

4034 On the National Security and Defence Council of Ukraine: Law of Ukraine No. 183/98-VR of 05.03.1998, Article 1.

4035 Ibid, Art. 3.

4036 On the Decision of the National Security and Defence Council of Ukraine of 30 December 2021 "On the State Security Strategy": Decree of the President of Ukraine No. 56 of 16.02.2022.

4037 Ibid.

4038 Ibid.

4039 On the Approval of the Action Plan for the Implementation of the State Security Strategy: Order of the Cabinet of Ministers of Ukraine No. 328 of 18.04.2023.

4040 Ibid.

4041 On the Organisation of the Protection and Security of the Functioning of Critical Infrastructure Facilities and Ukraine's Energy Sector under Conditions of Warfare: Decision of the National Security and Defence Council of Ukraine of 17.10.2023 (enforced by Presidential Decree No. 695 of 17.10.2023).

4042 On Critical Infrastructure: Law of Ukraine No. 1882-IX of 16.11.2021, Article 23.

4043 On the Procedure for Monitoring the Security Level of Critical Infrastructure Facilities: Resolution of the Cabinet of Ministers of Ukraine No. 821 of 22.07.2022; Certain Issues of Critical Infrastructure Facilities: Resolution of the Cabinet of Ministers of Ukraine No. 1109 of 09.10.2020.

4044 On the Approval of the National Plan for the Protection, Security and Resilience of Critical Infrastructure: Order of the Cabinet of Ministers of Ukraine No. 825 of 19.09.2023.

ring of the protection level of CI facilities; assessment of CI risks and threats; strengthening the resilience of CI; development of programmes for community engagement and population support in case of crises; and interaction of the national CI protection system with international systems.

Implementation of the measures of the National Plan will facilitate the uninterrupted operation of CI facilities of various categories, ensure protection against threats, and guarantee the continuous delivery of vital services to the population⁴⁰⁴⁵.

In 2024, the NSDC launched the **Critical Infrastructure Security and Resilience platform**⁴⁰⁴⁶ on its web resources to provide free online training to all those involved in the national CI protection system⁴⁰⁴⁷.

Progress and issues

Directive (EU) 2022/2557 has been only partially implemented, and there remains room for further action. Thus, the implementation of the provisions of Law No. 1882-IX⁴⁰⁴⁸ in the context of the EU Directive indicates that the subjects of the national CI protection system are predominantly focused on establishing requirements for the physical security of CI facilities, their protection against missile and drone attacks, and oversight of the activities of CI operators. In other words, the current focus of the CI protection system is on the uninterrupted and safe operation of infrastructure.

However, the Directive refers not so much to the concept of protection as to the *resilience* of CI facilities⁴⁰⁴⁹. The aim of EU policy is to enhance the capacity of Member States to improve the resilience of the provision of essential services in the internal market — i.e. services that are crucial for maintaining vital societal functions, economic activity, public health, and environmental safety in the EU.

Therefore, without developing mechanisms to ensure the resilience of the provision of defined services/functions, incentivising and supporting CI operators, analysing CI risks, exchanging information, and coordinating activities in a public-private partnership format, Ukraine's efforts will only be partially aligned with the priorities of EU policy in this area⁴⁰⁵⁰.

The **Draft Law No. 12208**⁴⁰⁵¹ is aimed at addressing these issues. It fully implements the provisions of Directive (EU) 2022/2557 that were not taken into account in Law No. 1882-IX

4045 The Government Approved the National Plan for the Protection, Security and Resilience of Critical Infrastructure. 2023. State Service of Special Communications and Information Protection of Ukraine.

4046 Critical Infrastructure Security and Resilience. State Service of Special Communications and Information Protection of Ukraine.

4047 For Online Training: The "Critical Infrastructure Security and Resilience" Platform Was Launched. National Security and Defence Council of Ukraine. 2024.

4048 On Critical Infrastructure: Law of Ukraine No. 1882-IX of 16.11.2021.

4049 Berdychenko I., Dorohyi Y., Doroha-Ivaniuk O. Prospects for Implementing EU Legislation for Effective Protection of the Critical Infrastructure of the Financial Sector. Proceedings of the 5th International Scientific and Practical Conference "Information Security and Information Technologies" (27.11.2024), p. 301.

4050 Sukhodolia O. The New EU Directive on Critical Infrastructure Resilience (CER DIRECTIVE). National Institute for Strategic Studies. 12.04.2023.

4051 On Amendments to the Law of Ukraine "On Critical Infrastructure" Regarding the Implementation of Directive (EU) 2022/2557 of the European Parliament and of the Council of 14 December 2022 on the Resilience of Critical Entities and Repealing Council Directive 2008/114/EC: Draft Law, registration No. 12208 of 14.11.2024.

at the time of its adoption in 2021, namely: the obligation of CI operators to conduct risk assessments every four years; provisions on oversight in the field of CI protection, as well as the liability of CI operators for violations of CI protection requirements; provisions on state financial support for CI operators, as well as legislative grounds (incentives) for voluntary certification and conformity assessment, among others. At the same time, the draft law received a number of comments from the Verkhovna Rada Committee on Environmental Policy and Nature Management and from the MSED⁴⁰⁵².

The Rule of Law Roadmap envisages the adoption of the relevant law by the fourth quarter of 2026. It must necessarily include the following components: 1) determination of the list of critical sectors; 2) determination of the competent authorities and their powers, in particular in the field of supervision and control; 3) development of a resilience strategy for critical entities; 4) designation of the entity that will perform the functions of the single contact point responsible for coordinating issues related to the resilience of critical entities and international cooperation in this area; 5) risk assessment of the provision of vital services to the population of Ukraine and the corresponding identification and registration of critical entities, including critical entities of pan-European significance located on the territory of Ukraine.

It is also worth noting the **challenges of involving private actors in the protection of CI facilities**. *The State Security Strategy*⁴⁰⁵³ provides that one of the directions of state policy in the field of ensuring state security is the development of public-private partnership, taking into account the prioritisation of state interests within the state security system. As of today, the Law of Ukraine "On Public-Private Partnership"⁴⁰⁵⁴ is in force, which defines the organisational and legal principles of interaction between public and private partners, as well as the basic principles of public-private partnership on a contractual basis.

At the same time, its provisions should be improved taking into account Directive (EU) 2022/2557, particularly with regard to the legal regulation of relations between the state and the private sector in ensuring the resilience and security of CI facilities. It is necessary to introduce into the activities of business entities the practice of contingency planning, mechanisms and tools for interaction and coordination of actions between public and private business entities and civil society, as well as a mechanism for the allocation of responsibilities and obligations (including financial ones).

In EU countries, the primary responsibility for the security of critical infrastructure facilities/systems lies with their owners/operators; therefore, effective public-private partnership is a key element of a viable and sustainable policy aimed at maintaining an adequate level of CI security and resilience.

In line with this model, the *OAS Action Plan*⁴⁰⁵⁵ provides for the development and submission to the Verkhovna Rada by the fourth quarter of 2026 of a draft law on strengthening

4052 Ibid.

4053 On the Decision of the National Security and Defence Council of Ukraine of 30 December 2021 "On the State Security Strategy": Decree of the President of Ukraine No. 56 of 16.02.2022.

4054 On Public-Private Partnership: Law of Ukraine No. 2404-VI of 16.02.2022.

4055 Action Plan for the Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023–2027: Order of the Cabinet of Ministers of Ukraine No 792 of 23.08.2024, Measure 1.3.1.

the liability of owners and/or heads of enterprises, institutions and organisations classified as CI facilities for inadequate cyber protection of CI communication and technological systems and for failure to ensure immediate notification of the national Computer Emergency Response Team of Ukraine (CERT-UA), the authorised SSU information security unit, and the NPU about cybersecurity incidents.

At present, the powers of the authorised body in the field of critical infrastructure protection in Ukraine are exercised by the **State Service of Special Communications**. However, this is a temporary function, driven by the urgent need to coordinate the activities of the subjects of the national CI protection system and implement state policy in this field⁴⁰⁵⁶. The Business Ombudsman Council notes that, in the long term, there may be a need to establish a specialised body that could subsequently focus entirely on the management and protection of critical infrastructure⁴⁰⁵⁷.

Recommendations

With a view to the full implementation of Directive (EU) 2022/2557, it is advisable to adopt Draft Law No. 12208, taking into account the comments made by experts, in particular with regard to the inclusion of provisions on the development of mechanisms to ensure the resilience of the provision of defined services/functions, the incentivisation and support of CI operators, the analysis of CI risks, information exchange, and coordination of activities in the format of public-private partnership in the process of ensuring the resilience and security of CI facilities.

Cooperation Between Law Enforcement Agencies and the Involvement of SSU Units in Investigating War Crimes and Terrorist Attacks by the Russian Federation in the Context of Armed Aggression

State of play

The activity of the SSU Counterterrorism Centre⁴⁰⁵⁸ came to the forefront with the launch of the Anti-Terrorist Operation⁴⁰⁵⁹ (ATO) in certain territories of Ukraine in 2014. The Centre's powers encompass the SSU's activities in the field of national security, counterterrorism,

4056 See subsection "Cybercrimes (Cyberattacks on Critical Infrastructure, Preventive Measures Against the Online Sexual Exploitation of Children, etc.)" in the section "Combating Organised Crime".

4057 Challenges of Protecting and Rebuilding Critical Infrastructure with Private Sector Involvement. Business Ombudsman Council. February 2025, p. 12.

4058 On the Regulation on the Counterterrorism Centre and Its Coordination Groups at the Regional Bodies of the Security Service of Ukraine: Decree of the President of Ukraine No. 379/99 of 14.04.1999.

4059 On the Decision of the National Security and Defence Council of Ukraine of 13 April 2014 "On Urgent Measures to Overcome the Terrorist Threat and Preserve the Territorial Integrity of Ukraine": Decree of the President of Ukraine No. 405 of 14.04.2014.

the identification of potential threats, and the provision of mechanisms for prompt response to such threats⁴⁰⁶⁰. Although the Centre itself does not conduct criminal prosecution within this area of activity, the outcomes of its work serve as grounds for the investigation of criminal offences by SSU investigators.

The declaration of the ATO in 2014 contributed to the formation of a legal position in the context of criminal prosecution for the consequences of the armed conflict on the territory of Ukraine. The actions of representatives of the self-proclaimed "Donetsk People's Republic" and "Luhansk People's Republic" were classified under Article 110 (trespass against territorial integrity and inviolability of Ukraine), Article 258 (act of terrorism), and Article 258³ (creation of a terrorist group or terrorist organisation) of the CC of Ukraine⁴⁰⁶¹. Statistics on registered criminal proceedings show, in particular, that **from 2014 to 2020, around 1,000 cases concerning terrorist acts were registered annually**.

CC of Ukraine	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 ⁴⁰⁶²
Art. 110	285	217	93	136	165	135	140	149	10 487	614	505
Art. 258	1499	1295	1865	1385	950	909	465	332	95	14	51
Art. 258 ³	478	849	319	277	175	164	123	136	148	148	65

The very fact of the ATO being introduced became a sufficient argument for applying such legal classification in criminal proceedings. Law enforcement bodies relied on the provisions of the Law of Ukraine "On Combating Terrorism", which define the characteristics of a terrorist organisation, to support their position. These characteristics include:

- › a stable association of three or more persons;
- › established with the specific purpose of carrying out terrorist activities;
- › has a distribution of functions;
- › has certain rules of conduct mandatory for these persons during the preparation and commission of terrorist acts;
- › at least one structural unit engages in terrorist activities with the knowledge of at least one of the leaders (governing bodies) of the entire organisation⁴⁰⁶³.

The approach to qualifying terrorist activity did not take into account the context of the armed conflict on the territory of Ukraine. The introduction of the ATO (later — the Joint Forces Operation) became a form of internal state response to a real threat within its own territory, which required the mobilisation of internal resources, entailed a number of

4060 On the Regulation on the Counterterrorism Centre and Its Coordination Groups at the Regional Bodies of the Security Service of Ukraine: Decree of the President of Ukraine No. 379/99 of 14.04.1999; On Combating Terrorism: Law of Ukraine No. 638-IV of 20.03.2003.

4061 Criminal Code of Ukraine No. 2341-III of 05.04.2001.

4062 Data obtained from reports on registered criminal offences and results of their pre-trial investigation: Prosecutor General's Office.

4063 On Combating Terrorism: Law of Ukraine No. 638-IV of 20.03.2003, Article 1.

administrative decisions, and established procedures for the use of security forces to respond to the threat. In practice, however, this decision was perceived by the courts as a generally known fact⁴⁰⁶⁴ — an argument used within the legal classification of the consequences of the armed conflict.

The involvement of the SSU Counterterrorism Centre in state security processes did not require the automatic classification of events as terrorist acts or the qualification of unlawful acts as such, without substantiating the relevant legal position within criminal proceedings. Accordingly, **the legal regime of international humanitarian law and international criminal law — whose provisions determine the status of participants in an armed conflict, the existence of combatant immunity, and the specifics of their criminal prosecution — was not taken into account.** As a result, a law enforcement practice emerged whereby Articles 110, 258, and 258³ of the CC of Ukraine were applied to acts that, from the perspective of the legal regime governing armed conflict, may be interpreted, inter alia, as participation in hostilities.

Since 2014, under the provisions of the CPC of Ukraine, the main burden of investigating the consequences of the armed conflict has remained with the SSU⁴⁰⁶⁵. The SSU has investigative jurisdiction over crimes against the foundations of Ukraine's national security and a range of offences against public safety. In practice, grave international crimes defined in Articles 437, 438, 442, and 442¹ of the CC of Ukraine also fall under the investigative jurisdiction of the SSU. **However, in practice, the SSU's resources alone have proved insufficient to cope with the significant workload associated with the investigation of such proceedings.**

It was only starting in 2020 that the consequences of the armed conflict began to be actively addressed within the legal classification under Article 438 of the CC of Ukraine — as violations of the laws and customs of war⁴⁰⁶⁶:

CC of Ukraine	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 ⁴⁰⁶⁷
Art. 438	1	4	6	14	5	12	223	172	60 387	60 944	28 788

The shift in approach in practice is linked to the establishment in 2019 of the Department for Oversight of Criminal Proceedings Concerning Crimes Committed in the Context of Armed Conflict within the PGO⁴⁰⁶⁸. Its work focused on the consequences of the temporary occupation of the Crimean Peninsula, certain areas of Donetsk and Luhansk

4064 When considering criminal proceedings under Articles 258 and 258-3 of the Criminal Code of Ukraine, courts referred to the decision to launch the ATO as a legal argument proving the existence of terrorist activity on the territory of Ukraine since 2014. For example, judgment of the Korolivskiy District Court of Zhytomyr of 10.05.2023 in case No. 296/4949/18.; judgment of the Kostiantynivka City District Court of Donetsk Region of 27.03.2018 in case No. 229/3626/16-k.

4065 Criminal Procedure Code of Ukraine: Law of Ukraine No. 4651-VI of 13.04.2012, Article 216.

4066 According to the Law of Ukraine No. 4012-IX of 09.10.2024 "On Amendments to the Criminal Code and the Criminal Procedure Code of Ukraine in Connection with the Ratification of the Rome Statute of the International Criminal Court and Its Amendments," the title of Article 438 of the CC of Ukraine was changed to "War Crimes".

4067 Data obtained from reports on registered criminal offences and results of their pre-trial investigation: Prosecutor General's Office.

4068 The Department for Oversight of Criminal Proceedings Concerning Crimes Committed in the Context of Armed Conflict was established within the Prosecutor General's Office. Prosecutor General's Office of Ukraine. 2019.

regions, and active hostilities. The Department coordinated the practice of classifying criminal offences as grave international crimes, seeking to introduce systematic approaches to assessing the consequences of the armed conflict on the territory of Ukraine.

In response to the introduction of this specialisation at the level of the PGO, in 2021 the leadership of the NPU and SSU **decided to establish specialised investigative units within their main investigation departments, as well as within their territorial bodies** in Donetsk and Luhansk regions⁴⁰⁶⁹. However, after 24 February 2022, due to the full-scale invasion of Ukraine by the Russian Federation and the growing scale of documented consequences of the armed conflict, such criminal proceedings began to be investigated in all regions of Ukraine. The context of events required, in practice, a decision to expand the specialisation of investigative bodies to other regions. In 2022, the NPU established departments within nine regional investigation units most affected by the war in Kyiv, Chernihiv, Sumy, Kharkiv, Luhansk, Donetsk, Zaporizhzhia, Kherson, Dnipropetrovsk, and Mykolaiv regions. Thus, today, pre-trial investigations of international crimes in Ukraine are carried out by both the SSU and the NPU, which has a broad presence across all regions of Ukraine down to the smallest territorial communities. A limited number of proceedings also remain with the SBI.

The involvement of the NPU in documenting and investigating the consequences of the armed conflict on the territory of Ukraine was a necessary decision in response to the large-scale nature of the crimes committed. Article 36 of the CPC of Ukraine allows for the transfer of a criminal proceeding to the investigative jurisdiction of another pre-trial investigation body or another unit within the same body⁴⁰⁷⁰. Such a decision may be justified by ineffectiveness, for example, the failure to take necessary measures within the framework of the criminal proceeding, the failure to carry out required investigative actions, non-compliance with the prosecutor's instructions, or other arguments. Thus, from a procedural standpoint, such criminal proceedings are transferred to the NPU "due to ineffectiveness".

In 2022, an additional instrument was introduced at the level of the CPC of Ukraine to ensure cooperation between law enforcement bodies, which is mostly used in criminal proceedings concerning the consequences of the armed conflict. **It became possible, by order of the head of the pre-trial investigation body, to establish inter-agency investigative teams composed of investigators from several agencies**⁴⁰⁷¹. In practice, such teams allow for the involvement in the pre-trial investigation not only of the body with the relevant investigative jurisdiction in a given proceeding (in this case, the SSU) but also of other law enforcement bodies simultaneously (in particular, the NPU or SBI). The establishment of inter-agency investigative teams does not override the general rules of investigative jurisdiction; it merely adds formal procedural requirements for determining the powers of investigators within investigations. Moreover, such powers of the head of the pre-trial investigation body are provided for only under martial law, while the need to investigate grave international crimes will not disappear after its termination or cancellation.

In the context of national security challenges and the ongoing armed conflict since 2014, Ukraine's law enforcement bodies remain the entities responsible for documenting and

4069 Specialised units for investigating crimes committed during the armed conflict will be established within the Police and SSU. Ukrinform. 2021; Special units for investigating crimes in the context of armed conflict to be set up within the SSU and National Police. Dzerkalo Tyzhnia. 2021.

4070 Criminal Procedure Code of Ukraine: Law of Ukraine No. 4651-VI of 13.04.2012, Article 36.

4071 On Amendments to the Criminal Procedure Code of Ukraine on Improving Criminal Proceedings Under Martial Law: Law of Ukraine No. 2201-IX of 14.04.2022.

directly responding to criminal offences committed. The scale of the consequences of the armed conflict and the limited resources of pre-trial investigation bodies necessitate the establishment of effective cooperation between them, which must be supported by efficient coordination by the prosecution authorities. Given that no single pre-trial investigation body is capable of independently addressing the consequences of the armed conflict on the territory of Ukraine, the allocation of their resources currently depends on the decisions of procedural supervisors in criminal proceedings.

Progress and issues

The onset of the armed conflict on the territory of Ukraine in 2014 gave impetus to the development of national practice in prosecuting grave international crimes. As events unfolded — particularly following the full-scale invasion of Ukraine by the Russian Federation on 24 February 2022 — practical approaches to the legal classification of the consequences of the armed conflict evolved.

On the one hand, the perception of the self-proclaimed “Donetsk People’s Republic” and “Luhansk People’s Republic” as terrorist organisations was reflected in the corresponding criminal proceedings against their participants. Alongside this, the role of representatives of the Russian Federation in the armed conflict was addressed through the application of Article 437 of the CC of Ukraine⁴⁰⁷², which provides for a rather broad interpretation of the crime of aggression⁴⁰⁷³ (under which the perpetrator is not limited to the military-political leadership of a state but may be any person who has reached the age of criminal responsibility). It was only in 2024 that the Supreme Court developed a legal position allowing the classification of the perpetrator of this crime to be limited to the military-political leadership — an approach consistent with internationally accepted standards in international criminal law. At the same time, legal practice continued to develop in examining the consequences of the armed conflict as war crimes committed on the territory of Ukraine since 2014.

The blanket wording of Article 438 of the CC of Ukraine has long been subject to criticism, as it makes it difficult for law enforcement bodies to distinguish between the types and forms of criminal offences that fall under the legal classification of war crimes. Ukraine’s ratification of the Rome Statute in 2024⁴⁰⁷⁴ opened the way for the introduction of Article 4421 into the CC of Ukraine, which criminalises crimes against humanity⁴⁰⁷⁵. The absence of this category of grave international crimes had significantly limited the ability of Ukrainian law enforcement bodies to investigate systematic and large-scale crimes committed in the context of armed conflict. Discussions on the possibility of applying this classification have been ongoing since 2014. Currently, the PGO is reviewing all criminal proceedings related to grave international crimes to identify individual elements that may be classified under this article.

4072 Ruling of the Supreme Court of 28.02.2024 in case No. 415/2182/20.

4073 According to the Law of Ukraine No. 4012-IX of 09.10.2024 “On Amendments to the Criminal Code and the Criminal Procedure Code of Ukraine in Connection with the Ratification of the Rome Statute of the International Criminal Court and Its Amendments,” the title of Article 437 of the CC of Ukraine was changed to “Crime of Aggression”.

4074 On the Ratification of the Rome Statute of the International Criminal Court and Its Amendments: Law of Ukraine No. 3909-IX of 21.08.2024.

4075 On Amendments to the Criminal Code and the Criminal Procedure Code of Ukraine in Connection with the Ratification of the Rome Statute of the International Criminal Court and Its Amendments: Law of Ukraine No. 4012-IX of 09.10.2024.

Given the legal qualifications under which criminal proceedings related to the consequences of the armed conflict are conducted, **the greatest investigative burden remains with the SSU, which has investigative jurisdiction over these criminal offences**⁴⁰⁷⁶.

CC of Ukraine	2022	2023	2024 ⁴⁰⁷⁷
Art. 110	10 003	571	464
Art. 258	88	14	51
Art. 258 ³	137	126	48
Art. 438	49 483	53 463	26 322

At the same time, **the SSU lacks the resources necessary to ensure the effective investigation of such large-scale crimes. Most of the SSU staff are not investigators:**

- › The territorial structure of the security bodies is less extensive and only covers the regional level, meaning a smaller number of personnel are engaged in the work. For example, compared to the SSU, the regional presence of the NPU includes investigative departments in the regions and territorial units at the local level. Whereas an SSU investigator may need to travel from the regional centre to various parts of the region to reach the crime scene, police investigators can arrive more quickly from a town, settlement, or district.

As a result, the NPU gets involved in such investigations. Criminal proceedings legally classified as offences against the foundations of Ukraine's national security and crimes against peace, human security, and the international legal order may be registered by other pre-trial investigation bodies but are still transferred to the SSU.

When comparing the investigation of war crimes with other proceedings falling under the SSU's investigative jurisdiction, the priority in their work remains the investigation of crimes against the foundations of national security — both in areas not affected by active hostilities and in liberated territories⁴⁰⁷⁸.

Following the introduction of the possibility to establish inter-agency investigative teams, the main practical outcome has been the simplification of the collection of primary evidence on the ground. However, the establishment of an inter-agency investigative team within a proceeding does not alter the fact that the proceeding remains with the SSU as the primary pre-trial investigation body. This format of cooperation between law enforcement bodies within criminal proceedings has not replaced the process of transferring proceedings between different pre-trial investigation bodies in accordance with Part 5 of Article 36 of the CPC of Ukraine.

4076 Criminal Procedure Code of Ukraine: Law of Ukraine No. 4651-VI of 13.04.2012, Article 216.

4077 Data obtained from reports on registered criminal offences and results of their pre-trial investigation: Prosecutor General's Office.

4078 According to its main tasks, the SSU is required to contribute to the enforcement of martial law and the state of emergency in the event of their declaration, as well as to the elimination of the consequences of natural disasters, major accidents, catastrophes, epidemics, epizootics, and other emergencies: On the Security Service of Ukraine: Law of Ukraine No. 2229-XII of 25.03.1992, Part 1, Clause 11 of Article 24.

Since 24 February 2022, **NPU investigators have taken on the majority of the security service's workload related to documenting grave international crimes.** In addition to having to ensure security on the ground, investigators and operational units of the NPU have been required to examine the crime scenes, even where such acts do not fall within their investigative jurisdiction⁴⁰⁷⁹. It is the NPU bodies that collect evidence at sites of shelling and other consequences of the armed conflict⁴⁰⁸⁰.

In addition, **SBI investigators are also involved** in criminal proceedings concerning the consequences of the armed conflict on the territory of Ukraine. For example, a separate unit has been established within the Main Investigation Department to conduct pre-trial investigations into military offences, offences against peace, human security, and the international legal order committed as a result of the aggressive war waged by the Russian Federation — together with representatives of other countries — against Ukraine⁴⁰⁸¹. Investigators from this department have been involved in documenting the consequences of the war in Kyiv, Sumy, and Chernihiv regions⁴⁰⁸². According to public statements made by the SBI leadership, this format of work has become possible within the framework of inter-agency investigative teams in cooperation with other pre-trial investigation bodies⁴⁰⁸³. At present, there are only isolated criminal proceedings for war crimes that continue to be investigated by the SBI, and no new ones are being transferred.

The need to coordinate the work of various law enforcement agencies within criminal proceedings related to the consequences of the armed conflict on the territory of Ukraine has become one of the key tasks for the prosecution authorities. **In 2023, the PGO adopted several documents that define the prosecution bodies' general approaches to proceedings of this category:** the the Concept for the Implementation of the Mechanism for Supporting Victims and Witnesses of War and Other International Crimes⁴⁰⁸⁴ and the Strategic Plan for the Prosecution of International Crimes for 2023–2025⁴⁰⁸⁵. However, **their implementation remains uncertain**, as the approaches set out do not take into

4079 Since the beginning of the full-scale invasion of Ukraine by the Russian Federation, NPU investigators have initiated 49,001 criminal proceedings concerning crimes committed on Ukrainian territory by members of the Russian armed forces and their accomplices. Of these: 37,487 under Article 438 of the CC of Ukraine (violation of the laws and customs of war), 9,129 under Article 110 (encroachment on the territorial integrity and inviolability of Ukraine), 2,197 under Article 111 (collaborative activities), 103 under Article 111 (high treason), and 37 under Article 113 (sabotage), among others. Crimes Committed by Russian Military Personnel During the Full-Scale Invasion of Ukraine (as of 16.12.2022). National Police of Ukraine. 2022.

4080 For example: Police documented the consequences of 26 Russian shelling attacks in Donetsk Region. National Police of Ukraine. 2022.; The police opened 51 criminal proceedings concerning war crimes committed by the Russian army in Kherson Region. National Police of Ukraine. 2022.; Police in Sumy Region documented the consequences of artillery shelling by Russian forces. National Police of Ukraine. 2022.

4081 The SBI established a special investigative department to investigate war crimes committed by the Russian Federation. State Bureau of Investigation. 2022.

4082 The SBI documented war crimes committed by Russian troops in Irpin. An investigative team will continue working in Sumy Region — Oleksii Sukhachov. State Bureau of Investigation. 2022.; The SBI continues to thoroughly document the aggressor's crimes against the civilian population: Chernihiv Region is next — Oleksii Sukhachov. State Bureau of Investigation. 2022.; Within one week, the SBI documented around 20 cases of torture of local residents in Trostianets. State Bureau of Investigation. 2022.

4083 The SBI is actively involved in repelling the aggression of the Russian Federation — Oleksii Sukhachov. State Bureau of Investigation. 2022.; Chief of the Main Investigation Department of the SBI Oleksandr Udovychenko: "A number of criminal proceedings are being investigated concerning companies whose beneficial owners are Russian citizens and which include shares of state-owned enterprises". Censor.NET. 2022.

4084 On the Organisation of the Work of Prosecutor's Offices on Supporting Victims and Witnesses of War and Other International Crimes: Order of the Prosecutor General No. 103 of 11.04.2023.

4085 Strategic Plan for the Exercise of Prosecutorial Powers in the Field of Criminal Prosecution for the Commission of International Crimes for 2023–2025. Prosecutor General's Office. 2023.

account the practical capacity of law enforcement bodies to implement the adopted provisions, require amendments to legislation, or offer only fragmented solutions to practical problems⁴⁰⁸⁶.

In parallel, law enforcement agencies have also proposed their own vision for work related to investigating the consequences of the armed conflict. At the beginning of 2025, **the NPU presented its own strategy for managing the investigation of grave international crimes committed in the context of the armed conflict**⁴⁰⁸⁷. However, at present, it is difficult to assess the contents of this strategy, as it is not publicly available.

At the same time, strategic documents, in particular the OAS, the Action Plan for its implementation and the Rule of Law Roadmap, envisage a number of measures aimed at improving the procedure for investigating international crimes, in particular with regard to clarifying the rules of investigative jurisdiction, clearly delineating the jurisdiction of different pre-trial investigation bodies, and expanding the discretionary powers of the prosecutor in determining the jurisdiction of criminal proceedings.

Recommendations

1. Amend Article 216 of the CPC of Ukraine to provide for alternative investigative jurisdiction of the NPU in relation to grave international crimes.
2. Ensure the harmonisation of the provisions of the Criminal Code of Ukraine with international law regarding the definition of grave international crimes: genocide, crimes against humanity, war crimes, and the crime of aggression⁴⁰⁸⁸.
3. Develop and implement systematic training programmes to enhance the qualifications and competencies of investigators, in order to ensure the effective application of international humanitarian law and international criminal law standards in the conduct of criminal proceedings concerning the consequences of the armed conflict on the territory of Ukraine.

4086 The Prosecutor is Not a Prosecutor but a Defender of Victims — the Prosecutor General's Office Presented New Approaches to Handling Conflict-Related Sexual Violence Cases. Prosecutor General's Office. 2022.; Protection, Respect, Justice. New Approaches to Investigating War Crimes Related to Sexual Violence. Ukrainska Pravda. 2022.

4087 The National Police Presented the Strategy of the Main Investigation Department on the Investigation of International Crimes Committed in the Context of War. National Police of Ukraine. 2025.

4088 For detailed recommendations, see the subsection "National System for the Prosecution of International Crimes" under the section "Prosecution Reform".

Judicial Cooperation in Criminal, Civil and Commercial Matters

ЛЗИ Agency
for Legislative
Initiatives



International cooperation in criminal matters takes place on a regular basis. In 2022, Ukraine became the first non-EU country to conclude a working arrangement on cooperation with the European Public Prosecutor's Office (EPPO). As of now, under cooperation with the EPPO, the PGO has organised the execution of five incoming requests for mutual legal assistance. In 2023, Ukraine appointed a Liaison Officer to Eurojust, responsible for maintaining contacts between Ukraine and Eurojust.

Ukraine engages in international cooperation in civil and family matters in accordance with the international treaties it has concluded, in particular through the mutual recognition of judicial and extrajudicial decisions. Ukraine has implemented the provisions of, inter alia, the 2007 Convention on the Recovery of Child Support and the 1980 Convention on the Civil Aspects of International Child Abduction in this category of cases. At the same time, Ukrainian legislation does not systematically regulate issues related to the application of the 1980 Convention, which results in lengthy consideration of this category of cases (in particular, the absence of: requirements for the procedure and specific features of court proceedings in Ukraine under the said Convention; provisions on the specific features of enforcement actions in such cases). Further relevant in this category of cases are issues related to: enhancing the competence of professionals; strengthening the role of mediation; and continuing the implementation of the pilot project on the specialisation of judges in family and child-related cases. In addition, as regards international recovery of child support, there are discrepancies between the forms of child support recovery in Ukraine and in other countries. This results in the inability to enforce such decisions and leads to repeated applications by claimants for a court decision.

In September 2024, Parliament adopted amendments to the Code of Ukraine on Bankruptcy Procedures and certain other legislative acts of Ukraine concerning the implementation of Directive (EU) 2019/1023 of the European Parliament and of the Council and the introduction of preventive restructuring procedures. At present, it is difficult to assess the effectiveness of the implementation of this procedure, as only one case on the application of preventive restructuring is currently under consideration in court.

Ukraine's Cooperation with International Partners Under International Treaties (Agreements). Interaction with the European Public Prosecutor's Office (EPPO)

State of play

International cooperation in criminal matters enables states to effectively combat cross-border criminal activity and ensures the protection of human rights⁴⁰⁸⁹. Ukraine continues to

4089 International cooperation in criminal proceedings. P. 10, 2022.

work on strengthening international judicial cooperation and is developing draft laws aimed at improving the enforcement of decisions, including in criminal cases⁴⁰⁹⁰.

Issues of international cooperation in the field of criminal justice are governed by a number of bilateral and **multilateral** international treaties⁴⁰⁹¹.

The central authority of Ukraine in the course of international cooperation in criminal proceedings at the stage of pre-trial investigation is the PGO (except for the pre-trial investigation of criminal offences falling under the jurisdiction of NABU, in which case NABU performs the functions of the central authority of Ukraine). During judicial proceedings, this role is performed by the MoJ, which submits court requests for mutual legal assistance in criminal proceedings and considers the relevant requests from foreign courts⁴⁰⁹².

The CPC of Ukraine contains a separate chapter regulating international cooperation in criminal proceedings⁴⁰⁹³. Certain aspects of the organisation of the activities of prosecutorial authorities in the field of international cooperation during criminal proceedings are governed by an internal departmental order⁴⁰⁹⁴.

Ukraine has working arrangements on cooperation with the **European Public Prosecutor's Office** (EPPO), which commenced its operations on 1 June 2021⁴⁰⁹⁵. The EPPO is an independent EU prosecution office responsible for investigating, prosecuting and bringing to judgment offences against the financial interests of the EU (including various types of fraud, VAT fraud causing damages of over EUR 10 million, money laundering, corruption, etc.)⁴⁰⁹⁶. The mandate of the European Public Prosecutor's Office is defined in Council Regulation (EU) 2017/1939⁴⁰⁹⁷.

In 2022, Ukraine concluded a **Working Arrangement on Cooperation between the EPPO and the PGO**⁴⁰⁹⁸. **Ukraine is the first country⁴⁰⁹⁹ with which the EPPO has concluded such a document, as Ukraine is not currently a member of the EU.** The agreement provides for cooperation in the areas of evidence collection, asset freezing, joint investigation teams (JITs), and extradition⁴¹⁰⁰. In 2023, a **Cooperation Agreement was also concluded between the EPPO and NABU**⁴¹⁰¹.

4090 Publication by the Ministry of Justice of Ukraine on the social network Facebook. 2024.

4091 International Legal Cooperation in Civil and Criminal Matters. Ministry of Justice of Ukraine.

4092 Ibid, Art. 545.

4093 Criminal Procedure Code of Ukraine: Law of Ukraine No. 4651-VI of 13.04.2012, Section IX.

4094 On the Organisation of the Work of Prosecutor's Offices of Ukraine in the Field of International Cooperation: Order of the Prosecutor General's Office No. 258 of 12.09.2023.

4095 The independent public prosecution office of the EU. Background. European Public Prosecutor's Office.

4096 The independent public prosecution office of the EU. Mission and tasks. European Public Prosecutor's Office.

4097 Council Regulation (EU) 2017/1939 of 12.10.2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO'). European Union, 2017.; Council Regulation (EU) 2017/1939 of 12.10.2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office (EPPO).

4098 Working Arrangement on Cooperation Between the European Public Prosecutor's Office (EPPO) and the Prosecutor General's Office of Ukraine of 18.03.2022. European Public Prosecutor's Office.

4099 Working Arrangements on Cooperation between the EPPO and Third Countries' authorities. EPPO.

4100 Ibid.

4101 Working Arrangement on Cooperation Between the European Public Prosecutor's Office (EPPO) and the National Anti-Corruption Bureau of Ukraine of 03.07.2023. European Public Prosecutor's Office.

A comparison of the two agreements leads to the conclusion that, as a general rule, the EPPO addresses the Department for International Legal Cooperation of the PGO; in cases of cooperation concerning the investigation of criminal proceedings falling under NABU's jurisdiction, it communicates with the International Legal Department of NABU.

The PGO is an organisational member of the International Association of Prosecutors (IAP)⁴¹⁰².

In February 2025, Ukraine ratified the Council of Europe Convention on Offences relating to Cultural Property (the Nicosia Convention)⁴¹⁰³, but the ratification Law⁴¹⁰⁴ has not entered into force, since this requires the adoption of implementing legislation. The Nicosia Convention is the first international treaty aimed at combating the illicit trafficking of cultural property through criminal law. It defines a list of criminal offences related to theft, illegal excavations, smuggling, document falsification and money laundering from the illicit trade in cultural objects. The Nicosia Convention obliges the States Parties to strengthen cooperation in the investigation of crimes and the return of stolen cultural property.

Since 2022, due to the full-scale invasion of Ukraine by the Russian Federation and the commission of an unprecedented number of international crimes in modern history, cooperation between the PGO and Eurojust has been actively developing. In 2023, Ukraine **appointed a Liaison Officer to Eurojust, responsible for maintaining contacts between Ukraine and Eurojust**⁴¹⁰⁵.

Almost a year after the beginning of the full-scale war in Ukraine, Eurojust took important steps to support judicial responses to alleged international crimes (primarily war crimes). One such step was the launch of the Core International Crimes Evidence Database (CICED). CICED, as a specialised judicial database, was created to preserve, accumulate and analyse evidence of core international crimes in a secure environment. The centralised functioning of the CICED database will support national and international investigations by shedding light not only on individual crimes but also on the systemic actions behind them⁴¹⁰⁶.

In 2023, the International Centre for the Prosecution of the Crime of Aggression (ICPA) also began operating at Eurojust. Its main objective is to support and enhance investigations into the crime of aggression by securing key evidence and facilitating the development of cases at the earliest possible stages⁴¹⁰⁷. As part of the Joint Investigation Team (JIT), the ICPA provides a coordination structure to support and strengthen ongoing and future investigations of the crime of aggression and promotes the exchange and analysis of evi-

4102 International Association of Prosecutors. Prosecutor General's Office.

4103 Council of Europe Convention on Offences relating to Cultural Property of 19.05.2017.

4104 On the Ratification of the Council of Europe Convention on Offences relating to Cultural Property: Law of Ukraine No. 4261-IX of 25.02.2025.

4105 Staff of the Embassy of Ukraine in the Kingdom of the Netherlands. Embassy of Ukraine in the Kingdom of the Netherlands. 2024.

4106 Core International Crimes Evidence Database (CICED). European Union Agency for Criminal Justice Cooperation, 2023.

4107 History in the making — the International Centre for the Prosecution of the Crime of Aggression Against Ukraine starts operations at Eurojust. European Union Agency for Criminal Justice Cooperation. 2023.

dence collected since the start of the Russian aggression⁴¹⁰⁸. The ICPA serves as a foundation for the establishment of a Special Tribunal for the Crime of Aggression⁴¹⁰⁹.

On 30 April 2024, the Committee of Ministers of the Council of Europe adopted a decision mandating the Secretary General of the organisation to prepare a package of documents to facilitate consultations within the Core Group — a coalition of 40 states advocating for the establishment of a Special Tribunal for the Crime of Aggression against Ukraine. Among the proposed documents are a draft Agreement between the Council of Europe and Ukraine on the establishment of the Special Tribunal; a draft Statute of the Special Tribunal; and a draft Enlarged Partial Agreement regulating the financial and administrative aspects of its functioning⁴¹¹⁰.

In February 2025, leading legal experts from the European Commission, the European External Action Service, the Council of Europe, Ukraine, and 37 states laid the legal foundations for the creation of a Special Tribunal for the Crime of Aggression against Ukraine. The participants also outlined the key elements of the “Schuman draft Statute” — the core legal text that will govern the functioning of the Special Tribunal⁴¹¹¹.

On 25 June 2025, Ukraine and the Council of Europe concluded an Agreement on the establishment of a Special Tribunal for the Crime of Russian Aggression against Ukraine⁴¹¹², and on 15 July it was ratified by the Verkhovna Rada⁴¹¹³. The Special Tribunal is expected to begin its work in 2026.

According to its Statute⁴¹¹⁴, the Special Tribunal is established within the Council of Europe with a mandate to prosecute senior officials for the crime of aggression against Ukraine. The Tribunal will focus on high-ranking political and military leaders responsible for planning, preparing, initiating and executing the crime of aggression against Ukraine. At the same time, the Tribunal is not limited exclusively to the Russian military-political leadership. Accomplices to the aggression may also be brought before the court (for example, the military-political leadership of Belarus or North Korea).

The Tribunal may apply proceedings in absentia (unlike the International Criminal Court)⁴¹¹⁵, however the “trio” (the sitting Head of State, Head of Government and Minister of Foreign Affairs) enjoy functional immunity. These officials may appear before the Special Tribunal if

4108 The Commission and High Representative Kaja Kallas welcome a major step towards holding Russia accountable for its war of aggression against Ukraine. European Union, 2025.

4109 History in the making — the International Centre for the Prosecution of the Crime of Aggression Against Ukraine starts operations at Eurojust. European Union Agency for Criminal Justice Cooperation. 2023.

4110 A Special Tribunal for the Crime of Aggression Against Ukraine: One Step Closer to Establishment. JustTalk. 2024.

4111 Coalition of States Defines the Legal Basis for Establishing a Special Tribunal for the Crime of Aggression by Russia Against Ukraine - Committee on Ukraine's Integration into the EU. Press Service of the Secretariat of the Verkhovna Rada of Ukraine. 2025.

4112 Ukraine and the Council of Europe sign Agreement on establishing a Special Tribunal for the Crime of Aggression against Ukraine.

4113 On ratification of the Agreement between Ukraine and the Council of Europe on the establishment of a Special Tribunal for the crime of aggression against Ukraine: Law of Ukraine No. 4518-IX of 15.07.2025.

4114 CM(2025)103-final - [1532/2.3] Consequences of the aggression of the Russian Federation against Ukraine - Statute of the Special Tribunal for the Crime of Aggression against Ukraine.

4115 In absentia: how have views on in absentia convictions changed after the full-scale invasion? Watchers, 2025.

they no longer hold office or if they waive their immunity. However, this does not prevent the investigation and collection of evidence, the preparation of indictments, etc.

Progress and issues

Within the framework of cooperation with the EPPO, the PGO has organised the execution of five incoming requests for mutual legal assistance (as of March 2025), of which four have been completed and one is in progress⁴¹¹⁶. In addition, in April 2023, a one-week study visit to the EPPO was organised for four prosecutors⁴¹¹⁷. In January 2025, an online training entitled "Cooperation with the European Public Prosecutor's Office (EPPO), the European Anti-Fraud Office (OLAF), and Application of the European Arrest Warrant (EAW)" took place, with trainers from the EUAM⁴¹¹⁸.

In June 2024, Ukraine undertook a commitment that its competent authorities would closely cooperate in order to prevent, detect, and remedy irregularities, fraud, corruption and other illegal activities, as well as to investigate and prosecute crimes affecting assistance provided to Ukraine under the Ukraine Facility, including cooperation with the European Public Prosecutor's Office⁴¹¹⁹.

During 2024, 54 agreements were signed between Ukraine and EU Member States on the establishment of JITs, as well as documents on the extension of their activities, changes in leadership and composition; the participation of prosecution representatives in 48 Eurojust coordination meetings was ensured. The participants of the ICPA held more than 50 in-person working meetings and 12 online working meetings⁴¹²⁰.

The PGO submits requests for mutual legal assistance in criminal proceedings during the pre-trial investigation stage and considers relevant requests from foreign competent authorities. At the same time, there is an exception: in cases involving pre-trial investigations of criminal offences falling under the jurisdiction of NABU, the functions of the central authority are performed by NABU⁴¹²¹. This procedure was established upon the creation of NABU in 2014, at which time SAPO did not yet exist⁴¹²². One of SAPO's functions is to supervise compliance with the law during NABU's operational and search activities⁴¹²³. **As of 21 March 2024, SAPO's autonomy from the PGO was strengthened** — in particular, it became a separate legal entity under public law⁴¹²⁴.

4116 Information provided by a representative of the Department for International Legal Cooperation of the Prosecutor General's Office during an interview held on 27.03.2025.

4117 International Cooperation of the Prosecutor General's Office. Key Priorities and Results. Prosecutor General's Office. 2024.

4118 Publication by the Prosecutors' Training Centre of Ukraine on the social network Facebook. 2025.

4119 Ukraine 2024 Progress Report within the European Union Enlargement Package. P. 49.

4120 Report on the Implementation of the Association Agreement between Ukraine and the European Union for 2024, pp. 55–56.

4121 Criminal Procedure Code of Ukraine No. 4651-VI of 13.04.2012, Article 545.

4122 New Approaches to the Autonomy of SAPO. LexInform. 2023.

4123 On the Public Prosecutor's Office: Law of Ukraine No. 1697-VII of 14.10.2014, Part 3, Article 8¹.

4124 Announcement on the Launch of the Specialised Anti-Corruption Prosecutor's Office, established pursuant to the Law of Ukraine "On Amendments to the Criminal Procedure Code of Ukraine and Other Legislative Acts of Ukraine to Strengthen the Autonomy of the Specialised Anti-Corruption Prosecutor's Office" of 08.12.2023 No. 3509-IX. Prosecutor General's Office. 2024.

An ongoing issue is the improvement of criminal procedure legislation on international cooperation. In 2024, Draft Law No. 11223⁴¹²⁵ was developed, which, inter alia, provided for the implementation of the conclusions of the Report of the 5th Round of Mutual Evaluations of Ukraine by the Council of Europe's Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL). It aimed to eliminate discrepancies between Ukrainian legislation and the recommendations of the Financial Action Task Force (FATF), which sets standards for international cooperation in criminal matters and anti-money laundering. The adoption of these amendments is also envisaged by the SAP⁴¹²⁶.

Among other things, Draft Law No. 11223 proposed to define the concept of "international search" in procedural legislation; to establish a legal basis for cooperation with the European Public Prosecutor's Office by extending the definition of "requesting party" to include, in addition to a foreign state, a body or institution of an international organisation authorised to conduct criminal proceedings; and to introduce requirements for the protection of information and materials obtained through international cooperation in the course of criminal proceedings, among other provisions. In July 2025, the said draft law was withdrawn due to a change in the composition of the Government.

Recommendations

1. Consider the possibility of concluding an agreement between the European Public Prosecutor's Office and SAPO.
2. Include SAPO in the list of central actors in international cooperation in criminal proceedings by introducing the relevant amendments to the CPC of Ukraine.
3. Improve criminal procedural legislation on international legal cooperation in criminal justice by drafting and adopting the relevant draft law. The provisions contained in Draft Law No. 11223 should be used as the basis for such a draft law.
4. Expand the scope of cooperation with the European Public Prosecutor's Office in the form of study visits, exchange of best practices, establishment of joint working groups on legislative improvement, and so forth.

⁴¹²⁵ On Amendments to the Criminal Procedure Code of Ukraine and Other Legislative Acts of Ukraine Regarding International Cooperation During Criminal Proceedings: Draft Law of Ukraine, registration No. 11223 of 29.04.2024.

⁴¹²⁶ Measure No. 3.3.3.11.3. Support for the consideration in the Verkhovna Rada of Ukraine of the draft law clarifying the provisions of the Criminal Procedure Code of Ukraine on international cooperation in criminal proceedings, taking into account the comments set out in the MONEYVAL reports (in particular, in the event of a presidential veto).

International Cooperation on the Recognition and Enforcement of Court Decisions, in Particular with Regard to International Recovery of Child Support and the Civil-Law Aspects of Child Abduction

State of play

Ukraine engages in international cooperation in civil and family matters in accordance with its international treaties. This cooperation is based on the **principle of mutual recognition of judicial and extrajudicial decisions** in such categories of cases⁴¹²⁷. The procedure for the recognition and enforcement of a foreign court decision **on the territory of Ukraine** is regulated by Chapter IX of the Civil Procedure Code of Ukraine⁴¹²⁸. **Decisions of foreign courts** in cases arising from **civil and family legal relations**⁴¹²⁹ may be recognised and enforced in Ukraine.

International cooperation is carried out by the respective competent authorities. In Ukraine, such authorities are the **MFA** (which exercises general oversight of the implementation of Ukraine's international treaties⁴¹³⁰) and the **MoJ** (which carries out international legal cooperation and ensures compliance with and fulfilment of obligations assumed under Ukraine's international treaties on legal matters⁴¹³¹).

Issues of international cooperation in the field of civil proceedings and family legal relations are governed by several **multilateral** international treaties⁴¹³² to which Ukraine is a party. These also include four so-called **Hague Children's Conventions**⁴¹³³. At the same time, since 23 December 2022, pursuant to Law of Ukraine No. 2783-IX⁴¹³⁴, the operation of the **Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal**

4127 Consolidated version of the Treaty on the Functioning of the European Union, Article 67.

4128 Civil Procedure Code of Ukraine No. 1618-IV of 18.03.2004.

4129 On Private International Law: Law of Ukraine No. 2709-IV of 23.06.2005, Part 1, Article 81.

4130 Ibid, p. 1, Art. 17.

4131 Regulation on the Ministry of Justice of Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 228 of 02.07.2014, subpara. 9 para. 3.

4132 Multilateral international treaties on civil proceedings and parent-child legal relations (with useful links). Ministry of Justice of Ukraine.

4133 The HCCH Children's Conventions: the 1996 Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children; the 1980 Convention on the Civil Aspects of International Child Abduction; the 2007 Convention on the International Recovery of Child Support and Other Forms of Family Maintenance; the 1973 Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations.

4134 On Suspension and Withdrawal from the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters and the Protocol to the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 22 January 1993: Law of Ukraine No. 2783-IX of 01.12.2022.

Matters of 1993⁴¹³⁵ (Minsk Convention) and **its 1997 Protocol** has been **suspended** in relations with the Russian Federation and the Republic of Belarus⁴¹³⁶.

Ukraine is also a party to a number of **bilateral** international treaties⁴¹³⁷ on legal assistance in civil and family matters containing provisions on the procedure for mutual recognition and enforcement of court decisions.

Since 2003, Ukraine has been a member of the **Hague Conference on Private International Law**⁴¹³⁸ (the Hague Conference) — an intergovernmental organisation that works on the progressive unification of the rules of private international law⁴¹³⁹. It may establish special commissions to **develop draft conventions** or to examine various matters of private international law (in particular, maintenance obligations, protection of children)⁴¹⁴⁰.

In early March 2025, the Ukrainian delegation comprising representatives of the MoJ, as the National Body for facilitating contacts with the Permanent Bureau of the Hague Conference, and representatives of the Embassy of Ukraine in the Kingdom of the Netherlands **participated in a meeting of the Council on General Affairs and Policy of the Hague Conference**⁴¹⁴¹. The meeting included discussions, inter alia, on the identification of future directions of the Hague Conference's work in relation to the application of the Hague Conventions concerning judicial cooperation in international legal assistance in civil and commercial matters, and in the area of international legal protection of the family and children⁴¹⁴².

In May 2025, a round table was held with the participation of judges, lawyers, representatives of the MoJ and UNICEF, to discuss issues that arise in the practice of formulating the operative part of decisions on the return of a child to a foreign state, the drafting of claims in cases of this category, as well as certain aspects of the enforcement of such decisions⁴¹⁴³. Following the event, the participants agreed on an action plan for the further consolidation of efforts to ensure the proper enforcement of decisions adopted on the basis of the 1980 Convention and to strengthen guarantees for the protection of children's rights⁴¹⁴⁴.

In 2006, Ukraine acceded to the **1980 Convention on the Civil Aspects of International Child Abduction**⁴¹⁴⁵ (the 1980 Convention), which entered into force for Ukraine the same year. This Convention aims to protect children from wrongful removal and/or retention.

4135 Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 22.01.1993.

4136 Protocol to the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 22.01.1993.

4137 Ukraine's bilateral international treaties (by date of conclusion). Ministry of Justice of Ukraine.

4138 Ukraine joins the Hague Conference. The Hague Conference on International Private Law. 2003.

4139 Statute of the Hague Conference on Private International Law of 31.10.1951, Article 1.

4140 Ibid, Art. 7.

4141 Announcement on the participation of the Ukrainian delegation in the meeting of the Council on General Affairs and Policy of the Hague Conference on Private International Law. Ministry of Justice of Ukraine. 2025.

4142 Ibid.

4143 Protection of the Rights of the Child in International Cases: Expert Discussion with UNICEF Held at the Ministry of Justice. Ministry of Justice of Ukraine. 2025.

4144 Ibid.

4145 Convention on the Civil Aspects of International Child Abduction of 25.10.1980.

To ensure its implementation, a **Procedure for the Implementation of this Convention on the Territory of Ukraine** was approved⁴¹⁴⁶.

Among the **conventions governing the international recovery of maintenance to which Ukraine is a party** are the 1956 Convention on the Recovery Abroad of Maintenance, the 1973 Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations, and the 2007 Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (the 2007 Convention)⁴¹⁴⁷. If a decision on the recovery of maintenance rendered prior to the entry into force of the 2007 Convention cannot be recognised and enforced under the provisions of that Convention, it is recognised and enforced under the provisions of the other conventions mentioned above⁴¹⁴⁸.

Ukraine ratified the **2007 Convention** in 2013, which also marked its entry into force for Ukraine. The purpose of the Convention is to ensure the effective international recovery of child support and other forms of family maintenance⁴¹⁴⁹. To ensure the proper implementation of its provisions, the MoJ approved the relevant Instruction⁴¹⁵⁰.

In 2022, Ukraine also ratified the **Protocol on the Law Applicable to Maintenance Obligations (the Protocol)**⁴¹⁵¹, which complements the 2007 Convention. Unlike the said Convention, which applies only in relations between states that have ratified it, the Protocol has universal application — its rules apply in the country that has acceded to it even if the case concerns the law of a state that is not a party to the Protocol⁴¹⁵².

An analysis of statistical data provided by the MoJ⁴¹⁵³ shows that the largest number of applications during the period from 2020 to June 2025 inclusive concerned assistance with the return of a child to Ukraine (377 such applications were sent by the MoJ). The largest number of applications of this category was submitted in 2023 (119).

A significant was recorded in the first half of 2025 in the **number of applications** for the recognition and/or enforcement of Ukrainian court decisions **on the recovery of maintenance**; for the establishment of decisions on the recovery of maintenance, **sent by the MoJ to other countries** (84 applications compared to 22 applications in 2024).

It is not deemed possible to account for the **number of applications** that have been **recognised in foreign countries** and for which **enforcement has been authorised**, as in some countries decisions are executed by debtors on a voluntary basis⁴¹⁵⁴.

4146 Procedure for the Implementation of the Convention on the Civil Aspects of International Child Abduction on the Territory of Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 952 of 10.07.2006.

4147 Recognition and enforcement abroad of judgments of Ukrainian courts on the recovery of maintenance payments. Western Interregional Department of the Ministry of Justice of Ukraine. 2025.

4148 Convention on the International Recovery of Child Support and Other Forms of Family Maintenance of 23.11.2007, Article 48, paragraph 2 of Article 56.

4149 Ibid, Art. 1.

4150 Instruction on the Implementation in Ukraine of the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance: Order of the Ministry of Justice of Ukraine No. 2904/5 of 15.09.2017.

4151 Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations.

4152 Hague Protocol on law applicable to maintenance obligations. The Hague Conference on International Private Law.

4153 Letter of the Ministry of Justice of Ukraine No. 103045/PI-YuR-2920/12.2 of 21.07.2025.

4154 Information obtained during interviews with representatives of the Ministry of Justice of Ukraine (14.04.2025).

There has also been a noticeable **increase** during 2022–2024 in the number of applications **sent by the MoJ** to other countries **for assistance in returning a child to Ukraine**. This also applies to applications **for ensuring the exercise of the right of access to a child** residing abroad. This is primarily due to the mass departure of Ukrainian citizens abroad as a result of the armed aggression of the Russian Federation against Ukraine. In the vast majority of cases, these are mothers with children who were granted permission to leave the country without the written consent of the child's father — a man of conscription age who remains in Ukraine⁴¹⁵⁵.

At the same time, a number of **decisions adopted by Ukrainian courts on the return of a child to the country of habitual residence** are still pending enforcement, as debtors generally refuse to comply with the decision voluntarily and conceal the child's whereabouts⁴¹⁵⁶.

As regards the number of decisions **adopted by foreign competent authorities on the return of a child to Ukraine**, such statistics have been **recorded** by the MoJ **since 2022** due to the full-scale invasion of Ukraine by the Russian Federation. Thus, in 2023 and 2024, the **highest** number of **decisions by foreign competent authorities refusing to return a child to Ukraine** was recorded. In the majority of cases, the ground for such decisions was the existence of a grave risk that return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation (Article 13 of the 1980 Convention)⁴¹⁵⁷. At the same time, in the first half of 2025, this trend is no longer observed. During this period, there were 9 decisions refusing the return of a child to Ukraine, whereas in 2023 this figure was 48, and in 2024 — 28⁴¹⁵⁸.

With the aim of facilitating communication and cooperation between judges at the international level and assisting in the effective implementation of the **1980 Convention**, the Hague Conference established the **International Hague Network of Judges** — a network of judges specialising in family law matters⁴¹⁵⁹. As of June 2025, **two judges of the Supreme Court of Ukraine are members of the International Hague Network of Judges** ("liaison" judges)⁴¹⁶⁰. **A guide entitled "Direct Judicial Communications"**⁴¹⁶¹ has been developed for the network's members ("liaison" judges), outlining the main principles and types of judicial interaction.

Under the auspices of the Hague Conference, **the leading legal database on international child abduction** (International Child Abduction Database — **INCADAT**) was created in 1999 with the aim of promoting consistent interpretation of the 1980 Convention⁴¹⁶². This database contains court decisions issued under the Convention, which may be used, inter

4155 Ibid.

4156 Ibid.

4157 Ibid.

4158 Letter of the Ministry of Justice of Ukraine No. № 103045/ПІ-YuR-2920/12.2 of 21.07.2025.

4159 1980 Hague Convention on the Civil Aspects of International Child Abduction. Guide to Good Practice, Part VI. Article 13, para. 1, subpara (b), p. 12. Hague Conference on Private International Law. 2020.

4160 International Hague Network of Judges (IHNJ), p. 11.

4161 Direct Judicial Communications. Emerging Guidance regarding the development of the International Hague Network of Judges and General Principles for Judicial Communications, including commonly accepted safeguards for Direct Judicial Communications in specific cases, within the context of the International Hague Network of Judges. Hague Conference on Private International Law, 2013.

4162 The International Child Abduction Database (INCADAT). Guide for correspondents.

alia, by judges to study relevant case law⁴¹⁶³. **In four cases, Ukraine acts as the requesting state, and in two cases as the requested state** (as of 31 July 2025)⁴¹⁶⁴.

In 2021, the Ukrainian National Bar Association (UNBA), the UNBA Higher School of the Bar, and the MoJ developed **methodological recommendations entitled “Disputes Concerning International Child Abduction”**⁴¹⁶⁵. These are intended to draw the attention of defence counsel to the specific features of proceedings involving a child where a foreign element is present, and the child's place of residence has been unlawfully changed⁴¹⁶⁶.

Since November 2024, a pilot project on the **specialisation of judges in family and child-related cases**⁴¹⁶⁷ has been underway in Ukraine. The pilot project is being **implemented** by the NGO “All-Ukrainian Public Centre ‘Volunteer’” in cooperation with the Civil Cassation Court within the Supreme Court and the Interagency Coordination Council on Juvenile Justice, with the support of the United Nations Children's Fund (UNICEF) Representative Office in Ukraine. At present, **11 pilot courts**⁴¹⁶⁸ are involved in the project. In total, within the framework of the pilot project, 17 online webinars and 4 in-person trainings were conducted for judges, psychologists and child protection service staff⁴¹⁶⁹.

The **objectives of the pilot** include introducing the specialisation of judges in family and child-related cases; improving access to justice by involving judges with the relevant sectoral specialisation in resolving such cases; and promoting the qualitative and expeditious consideration of family and child-related court cases by judges with in-depth knowledge and skills in handling this category of cases⁴¹⁷⁰.

This pilot project is important in the context of Ukraine's compliance with international standards on ensuring children's access to justice in civil proceedings affecting their rights and interests, the guarantee of the best interests of the child, and addressing problematic issues arising during the consideration of cases related to the child's right to a family, including under martial law conditions⁴¹⁷¹.

At the end of March 2025, the Cabinet of Ministers of Ukraine **adopted Resolution No. 338**, which approved **a new version of the Procedure for the Implementation of the 1980 Convention on the Territory of Ukraine**⁴¹⁷². The amendments introduced to the Procedure aim to clarify:

4163 Case Law Search. INCADAT.

4164 Ibid.

4165 Methodological Recommendations. Disputes Concerning International Child Abduction. Ukrainian National Bar Association. 2021.

4166 Ibid.

4167 Pilot Project on the Introduction of Specialisation of Judges in Family and Child-Related Cases Launched. Supreme Court. 2024.

4168 Ibid.

4169 Publication of the All-Ukrainian Civic Centre “Volunteer” on the social network Facebook, 2025.

4170 Pilot Project on the Introduction of Specialisation of Judges in Family and Child-Related Cases Launched. Supreme Court.

4171 Ibid.

4172 On Amending the Procedure for the Implementation of the Convention on the Civil Aspects of International Child Abduction on the Territory of Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 338 of 25.03.2025.

- 1) the circumstances under which the MoJ contacts other public authorities of Ukraine with requests for information about the child and/or the person who removed or is retaining the child in Ukraine or in a foreign state that is a party to the 1980 Convention;
- 2) the measures taken by the MoJ and its interregional offices when processing applications under the Convention.

The Procedure also includes updated application forms for the return of the child and for access to the child submitted under the Convention, taking into account the new model forms approved by the Hague Conference in 2024⁴¹⁷³. In addition, the amendments are intended to broaden the use of mediation in cases covered by the Convention.

Mediation and other methods of reaching agreed solutions are of significant importance in the handling of cases initiated under the 1980 Convention. All applicants, as well as the person who has removed and is retaining the child in Ukraine, are **informed by the MoJ** directly or through its territorial offices (via the central authorities of foreign states) that, at any stage of the case, a settlement may be reached or mutual agreement may be achieved between the child's parents, for example, **through mediation**⁴¹⁷⁴.

The MoJ's Work Plan for 2025⁴¹⁷⁵ provides for the launch of a **pilot project on the involvement of mediators** for the resolution and prevention of legal disputes (conflicts), in particular cross-border disputes (conflicts) arising in international cases concerning children's rights. As part of the pilot, a **draft joint order** has been prepared together **with the Coordination Centre for Legal Aid Provision**, aimed at introducing cooperation in exchanging applications and information on mediation in cases under the 1980 Convention⁴¹⁷⁶.

On 17–19 September 2024, the 1507th (DH) **meeting of the Committee of Ministers of the Council of Europe** was held on the execution of ECtHR judgments by Ukraine. As a result of this meeting, the Committee of Ministers of the Council of Europe, inter alia, **welcomed: the gradual introduction of mediation in child abduction cases** and the measures taken to promote the use of mediation during enforcement proceedings; **the establishment of a forum for resolving family disputes through mediation**, including during enforcement proceedings; and the steps taken to promote the use of mediation⁴¹⁷⁷.

The compulsory enforcement of a court decision obliging a debtor to return a child is carried out in accordance with the procedure established by the Law of Ukraine "On Enforcement Proceedings"⁴¹⁷⁸ and other regulatory legal acts by the bodies of the State Enforcement Service⁴¹⁷⁹. At the same time, the said Law does not contain provisions on the conduct of enforcement actions in cases of this category.

4173 Ibid.

4174 Information obtained during interviews with representatives of the Ministry of Justice of Ukraine (14.04.2025).

4175 Work Plan of the Ministry of Justice of Ukraine for 2025. Ministry of Justice of Ukraine. 2025.

4176 Information obtained during interviews with representatives of the Ministry of Justice of Ukraine (14.04.2025).

4177 Meeting of the Committee of Ministers of the Council of Europe on the Execution of ECtHR Judgments by Ukraine. Publication by the Ministry of Justice of Ukraine on the social network Facebook. 2024.

4178 On Enforcement Proceedings: Law of Ukraine No. 1404-VIII of 02.06.2016.

4179 Procedure for the Implementation of the Convention on the Civil Aspects of International Child Abduction on the Territory of Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 952 of 10.07.2006, paragraph 11.

To address this issue, the MoJ approved an Order⁴¹⁸⁰ **amending the Instruction on the Organisation of the Compulsory Enforcement of Decisions**⁴¹⁸¹. These amendments regulated the specific features of the compulsory enforcement of the relevant court decisions, and to set out the procedure for enforcement actions by state enforcement officers depending on the operative part of the decision⁴¹⁸². The Order also provides that if the debtor fails to comply with the decision due to the child's refusal to communicate with the claimant, the state enforcement officer must, in the prescribed manner, involve representatives of guardianship and custody authorities, an expert or a specialist (psychologist) to identify and/or confirm the reasons for such refusal.

One of the government's legislative initiatives aimed at strengthening the protection of children's rights and improving the effectiveness of the enforcement of court decisions in international family-related cases was **Draft Law No. 10176**⁴¹⁸³. It provided, *inter alia*, for the introduction of a new Chapter 13 in the CPC of Ukraine to regulate the specific features of court proceedings initiated under the 1980 Convention⁴¹⁸⁴. In its opinion⁴¹⁸⁵, the MSSED provided **comments and suggestions** on the draft law. Specifically, it noted that its provisions should also apply to cases concerning the return of children located abroad to Ukraine. The opinion also stated that the proposed provision classifying as non-appealable, except in specific cases, the decisions and rulings of first instance courts and the judgments and rulings of appellate courts in child return cases would limit children's rights in determining their place of residence. At the same time, in July 2025, Draft Law No. 10176 was withdrawn due to a change in the composition of the Government.

Progress and issues

In the area of international **recovery of maintenance**, a current challenge concerns the submission of **additional documents** by applicants, as requested by foreign authorities for the purpose of considering applications for the recognition and enforcement of decisions of Ukrainian courts. Since **the applicants are currently outside Ukraine, it is not deemed possible for them to provide such documents**. Moreover, many case files remain in courts located in **temporarily occupied territories**, making it impossible to obtain the required documents.

According to Ukrainian legislation, maintenance may be recovered either as a percentage of the debtor's income or as a fixed monetary amount⁴¹⁸⁶. However, in many countries, court decisions awarding maintenance as a percentage of income cannot be accepted for consideration or enforcement, as the legislation of those countries **requires recovery to be**

4180 Information obtained during interviews with representatives of the Ministry of Justice of Ukraine (14.04.2025).

4181 Instruction on the Organisation of Compulsory Enforcement of Decisions: Order of the Ministry of Justice of Ukraine No. 512/5 of 02.04.2012.

4182 Information obtained during interviews with representatives of the Ministry of Justice of Ukraine (14.04.2025).

4183 On Amending Certain Legislative Acts of Ukraine to Ensure the Implementation by Ukraine of the Convention on the Civil Aspects of International Child Abduction: Draft Law of Ukraine, registration No. 10176 of 23.10.2023.

4184 Ibid.

4185 Ibid.

4186 Family Code of Ukraine No. 2947-III of 10.01.2002, Part 3, Article 181.

awarded in a fixed monetary amount. As a result, applicants are compelled to apply to the court to obtain a new decision specifying the amount of maintenance in a fixed sum⁴¹⁸⁷.

Regarding the civil-law aspects of child abduction, it should be noted that the competence of Ukrainian judges and the quality of the decisions they issue in this category of cases are crucial to shaping a positive image of Ukraine on the international stage. At the same time, a major challenge is the protracted consideration of cases by national courts under the 1980 Convention.

The said Convention establishes a **requirement for the prompt handling of child return cases** by national authorities of the contracting states⁴¹⁸⁸. These authorities must **issue a decision within six weeks from the commencement of proceedings**. If no decision has been reached within that timeframe, the applicant or the Central Authority of the requested state, either on its own initiative or at the request of the Central Authority of the requesting state, is entitled to request an explanation for the delay⁴¹⁸⁹. At the same time, in its **judgments** in the cases of *M.R. and D.R. v. Ukraine*⁴¹⁹⁰, *Chabrowski v. Ukraine*⁴¹⁹¹, and *Vilenchik v. Ukraine*⁴¹⁹² the **ECtHR** found **violations by Ukraine** of Article 8 (right to respect for private and family life) of the Convention for the Protection of Human Rights and Fundamental Freedoms⁴¹⁹³ given that the total **duration of the proceedings in these child return cases exceeded the six-week timeframe** provided for by the 1980 Convention.

The absence of provisions in the CPC of Ukraine regulating the procedure for the consideration of cases under the said Convention on the territory of Ukraine leads to violations of its requirements for prompt consideration. **The lengthy court proceedings are also linked to the armed aggression of the Russian Federation against Ukraine**, as air raid alerts result in the suspension of hearings, with judges and participants having to take shelter and court sessions being forcibly postponed.

A recent **study**⁴¹⁹⁴ has shown that the absence of specialisation among judges in family and child-related cases in Ukraine constitutes a significant obstacle to the proper consideration of cases concerning the child's right to a family. It adversely affects the timeframe for considering such cases, leading to delays that are not in the best interests of the child⁴¹⁹⁵.

4187 Ibid.

4188 Convention on the Civil Aspects of International Child Abduction of 25.10.1980, Article 2.

4189 Ibid, Art. 11.

4190 Case of M.R. and D.R. v. Ukraine (application no. 63551/13), judgment of the European Court of Human Rights of 22.08.2018.

4191 Case of Chabrowski v. Ukraine (application no. 61680/10), judgment of the European Court of Human Rights of 17.04.2013.

4192 Case of Vilenchik v. Ukraine (application no. 21267/14), judgment of the European Court of Human Rights of 03.01.2018.

4193 Convention for the Protection of Human Rights and Fundamental Freedoms of 04.11.1950.

4194 Report on the Results of the Study on Problematic Issues in Cases Concerning the Protection of the Child's Right to a Family. The study was conducted within the projects of the UNICEF Country Office in Ukraine, in cooperation with the Civil Union "Ukrainian Network for Children's Rights" and the NGO "All-Ukrainian Public Centre 'Volunteer'", with the support of the Interagency Coordination Council on Juvenile Justice. 2023.

4195 Specialisation of Judges in Family and Child-Related Cases as a Key Condition for a Child-Centred Approach to Decision-Making Concerning Children. Interagency Coordination Council on Juvenile Justice.

Furthermore, the **Report on the Results of Court Monitoring in Ukraine**⁴¹⁹⁶ states that the level of training among practitioners, particularly judges, is often insufficient for the proper consideration of child-related cases. One of the identified reasons for this **insufficient training is the lack of knowledge and experience in child-related matters**, since judicial specialisation in child-related cases is absent, except within the scope of criminal jurisdiction, where such specialisation is required by law. There is also **high demand among practitioners for training in child-friendly justice**⁴¹⁹⁷.

In July 2025, the **National Strategy for Protecting Children's Rights** in the Justice System for the period up to 2028 was approved⁴¹⁹⁸, and the operational plan for its implementation was adopted⁴¹⁹⁹. One of its strategic objectives is defined as the protection of children's rights in civil proceedings, which is to consist in the introduction of mandatory specialisation of judges in family disputes and ensuring access to mediation services and psychological support for the child.

Since Ukrainian legislation does not comprehensively regulate issues related to the application of the 1980 Convention, this, in turn, causes certain **difficulties at the enforcement stage** in this category of cases (there is a low rate of effective enforcement of decisions on the return of children to their state of habitual residence). In court decisions ordering the return of a child to the state of habitual residence, various formulations are used in the operative part. This, accordingly, complicates the compulsory enforcement of court decisions on the return of a child, as state enforcement officers are required to apply **different procedures for the enforcement of decisions**. Moreover, state enforcement officers **lack significant experience** in enforcing such decisions due to their limited number. In addition, the compulsory enforcement of such court decisions is complicated by the **ongoing aggression of the Russian Federation against Ukraine**. For instance, the person and the child may be in an active combat zone or a temporarily occupied territory where enforcement actions are prohibited under Ukrainian law.

Another challenge arising from the armed aggression of the Russian Federation against Ukraine — both in relation to the international recovery of maintenance and to the civil-law aspects of child abduction is the **change in territorial jurisdiction** as some cases that were pending in the courts remain on temporarily occupied territory. Furthermore, **certain documents have been destroyed** due to fire or the destruction of court premises⁴²⁰⁰.

Recommendations

1. Amend the legislation with a view to the effective implementation by Ukraine of its international obligations under the 1980 Convention, in particular with regard to

4196 Standards of Child-Friendly Justice and Their Implementation in Ukraine (Non-Criminal Aspect). Report on the Results of Court Monitoring in Ukraine, p. 78. The report was developed and published at the request of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights by the OSCE Project Co-ordinator in Ukraine, in cooperation with the NGOs "Centre of Policy and Legal Reform" and "Human Rights Vector". 2020.

4197 Ibid.

4198 On the Approval of the National Strategy for Protecting Children's Rights in the Justice System for the Period up to 2028 and the Adoption of the Operational Plan for its Implementation in 2025–2028: Order of the Cabinet of Ministers of Ukraine No. 708. of 14.07.2025.

4199 The Government Approved the National Strategy for Protecting Children's Rights in the Justice System until 2028: Main Objectives and Tasks. Ministry of Justice of Ukraine. 2025.

4200 Information obtained during interviews with representatives of the Ministry of Justice of Ukraine (14.04.2025).

strengthening the protection of children's rights and improving the effectiveness of the enforcement of court decisions in international cases relating to family matters.

2. Continue the implementation of the pilot project on the specialisation of judges in family and child-related cases and, if the results of the pilot are positive, consider developing a concept for scaling up judicial specialisation in family matters in Ukraine, as well as introducing legislative provisions establishing the specialisation of judges in cases arising from family legal relations and concerning the protection of children's rights and legitimate interests.
3. Improve legislation on enforcement proceedings by introducing provisions on the specific features of enforcing court decisions adopted under the 1980 Convention.
4. Continue taking measures to promote the further use of mediation in cases initiated under the 1980 Convention.
5. Continue taking measures to raise awareness among applicants who apply to Ukrainian courts for the recovery of maintenance from a person residing abroad about the importance of specifying the amount of maintenance in a fixed monetary sum.
6. Support the provision of appropriate training and education for professionals (judges, state enforcement officers) in cases involving international family disputes in order to develop specialised knowledge, competencies, and skills necessary for adopting and enforcing decisions in the best interests of the child in accordance with international standards.

Debtor Preventive Restructuring Procedure

Preventive restructuring is a system of organisational, managerial, investment, technical, financial-economic, and legal measures aimed at preventing or averting the insolvency of a debtor. These measures may include changes in the composition, terms, or structure of the debtor's assets and liabilities, as well as any necessary operational changes or a combination thereof, implemented in accordance with the preventive restructuring plan⁴²⁰¹.

State of play

The debtor preventive restructuring procedure has effectively replaced the pre-trial rehabilitation procedure and began to be applied in Ukraine at the beginning of 2025.

Prior to 2019, the rehabilitation of a debtor before the opening of bankruptcy proceedings (pre-trial rehabilitation) was governed by the Law of Ukraine "On Restoring the Debtor's Solvency or Declaring It Bankrupt"⁴²⁰². One of the main shortcomings of this legislative act was that the procedure could not last longer than 12 months from the date on which the court approved the relevant rehabilitation plan. Given the constant changes in the economy, which directly affected entrepreneurs' business activities, it was virtually impossible to adhere to such strict time limits.

4201 Code of Ukraine on Bankruptcy Procedures No. 2597-VIII of 18.10.2018, Para. 17, Part 1, Article 1.

4202 On Restoring the Debtor's Solvency or Declaring It Bankrupt: Law of Ukraine No. 2343-XII of 14.05.1992.

In April 2019, the Code of Ukraine on Bankruptcy Procedures (CUBP) entered into force, which abolished the aforementioned time constraints. However, the pre-trial rehabilitation procedure itself did not become widely used among debtors and creditors.

For example, according to data from the State Judicial Administration of Ukraine⁴²⁰³, in 2021 debtors submitted **12** claims to the court for the approval of a rehabilitation plan; in 2022 — **9**; in 2023 — **10**. Only in 2024 was there an increase in this indicator to 21 claims⁴²⁰⁴.

The reasons for the low popularity of pre-trial rehabilitation stemmed from the following issues:

- 1) Legislative shortcomings. Pre-trial rehabilitation did not provide any procedures for communication between creditors and the debtor regarding measures to restore solvency, and making amendments to the rehabilitation plan after the procedure had commenced proved to be virtually impossible⁴²⁰⁵. Furthermore, the legislator did not define any preconditions or limitations for initiating pre-trial rehabilitation, such as a minimum debt threshold or any official confirmation of insolvency indicators⁴²⁰⁶.
- 2) The CUBP was largely comprised of dispositive norms, which were interpreted broadly and ambiguously by debtors and creditors. At the same time, the absence or inadequacy of subordinate regulations, methodological guidelines, or other supporting materials meant that both debtors and creditors lacked a clear understanding of how the rehabilitation plan was to be implemented and what monitoring measures could be applied⁴²⁰⁷.
- 3) Abuse by debtors, who used the procedure to delay bankruptcy while simultaneously taking advantage of the benefits of rehabilitation (e.g. tax debt relief).
- 4) Reluctance of creditors to engage with this procedure due to the perception that bankruptcy proceedings offered a greater likelihood of funds recovery.

On 16 January 2023, Ukraine and the EU signed a Memorandum of Understanding (concerning the 2023 Ukraine Support Instrument (Macro-Financial Assistance+) for an amount of up to EUR 18 billion)⁴²⁰⁸. In fulfilment of the conditions of this Memorandum, Ukraine committed to improving its legislation in line with the principles of EU Directive 2019/1023 on preventive restructuring⁴²⁰⁹.

4203 Judicial Statistics. Judiciary of Ukraine.

4204 It should be taken into account that due to the inability to amend an already submitted pre-trial rehabilitation plan, resulting from procedural shortcomings, debtors whose plans were rejected by the court re-applied. Therefore, the number of claims submitted may exceed the number of actual pre-trial rehabilitation procedures.

4205 The EU Project “Pravo-Justice” held a webinar on the introduction of the preventive restructuring procedure in Ukraine. Pravo-Justice. 2024.

4206 Certain Aspects of Pre-trial Rehabilitation as a Type of Business Entity Restructuring. Current Issues of Law: Theory and Practice No. 1. 2024.

4207 Information provided by Respondent No.31 during the interview conducted on 17.03.2025.

4208 Memorandum of Understanding between Ukraine as the Borrower and the European Union as the Lender (regarding the Instrument for providing support to Ukraine in 2023 (macro-financial assistance +) amounting up to EUR 18 billion) of 16.01.2023.

4209 Directive (EU) 2019/1023 of the European Parliament and of the Council of 20 June 2019 on preventive restructuring frameworks, on discharge of debt and disqualifications, and on measures to increase the efficiency of procedures concerning restructuring, insolvency and discharge of debt. European Union.

In March 2024, the Government approved the Plan for the Ukraine Facility⁴²¹⁰, which envisaged that, by the end of the year, a Law of Ukraine introducing a system for the prevention of insolvency and an early warning tool for legal entities and entrepreneurs would enter into force, in line with the principles of the aforementioned Directive.

Law No. 3985-IX⁴²¹¹, which introduced the preventive restructuring procedure, was adopted by Parliament on 19 October 2024 and entered into force on 1 January 2025. Although, according to its initial version, the law was to enter into force only at the end of January 2025, the provisions concerning preventive restructuring were scheduled to come into effect on 23 July 2025.

At the end of 2024, the MoJ, as the state authority responsible for insolvency matters, developed several documents aimed at the effective implementation of Law No. 3985-IX, namely:

- a list of tools for the early warning system for insolvency⁴²¹²;
- a list of conditions for the development of preventive restructuring plans by micro and small enterprises⁴²¹³, along with standard forms of such plans⁴²¹⁴;
- a model agreement with the administrator⁴²¹⁵;
- procedures for collecting, aggregating and publishing statistical information on preventive restructuring, bankruptcy, and individual insolvency procedures⁴²¹⁶.

In order to exchange experience, experts of the EU Project “Pravo-Justice” conducted two events⁴²¹⁷ in December 2024 and January 2025 for judges, insolvency practitioners, legal professionals and leading experts, to demonstrate how preventive restructuring is applied in EU Member States — its stages, requirements, and the role of the court.

As of July 2025, only three cases on the application of the preventive restructuring procedure are being considered in Ukrainian courts, concerning the limited liability companies “Try O” (Kyiv)⁴²¹⁸ and “Slon” (Kharkiv)⁴²¹⁹, as well as the private joint-stock company “Kharkiv Tractor Plant” (Kharkiv)⁴²²⁰.

4210 On the Approval of the Ukraine Facility Plan: Order of Ministers of Ukraine No. 244 of 18.03.2024.

4211 On Amendments to the Bankruptcy Procedure Code of Ukraine and Certain Other Legislative Acts of Ukraine on the Implementation of Directive (EU) 2019/1023 of the European Parliament and of the Council and the Introduction of Preventive Restructuring Procedures: Law of Ukraine No. 3985-IX of 19.09.2024.

4212 List of Early Warning System Instruments for Insolvency. Ministry of Justice of Ukraine.

4213 List of Conditions for the Preparation of Preventive Restructuring Plans by Micro and Small Enterprises. Ministry of Justice of Ukraine.

4214 On the Approval of the Model Forms of the Preventive Restructuring Plan for Micro and Small Enterprises and of the Contract with the Preventive Restructuring Administrator: Order of the Ministry of Justice of Ukraine No. 3734/5 of 25.12.2024.

4215 Ibid.

4216 On the Approval of the Procedure for Collection, Consolidation and Publication on the Website of the Ministry of Justice of Ukraine of Statistical Information on Preventive Restructuring Procedures, Bankruptcy and Insolvency of Individuals: Order of the Ministry of Justice of Ukraine No. 3710/5 of 23.12.2024.

4217 The EU Project “Pravo-Justice” held a webinar dedicated to the introduction of the preventive restructuring procedure in Ukraine. Pravo-Justice. 2024.; The EU Project “Pravo-Justice” together with INSOL Europe held a webinar on the application of the preventive restructuring procedure. 2025.

4218 Ruling of the Commercial Court of the City of Kyiv of 03.03.2025 in Case No. 910/2221/25.

4219 Ruling of the Commercial Court of Kharkiv Region of 18.06.2025 in Case No. 922/2062/25.

4220 Ruling of the Commercial Court of Kharkiv Region of 23.07.2025 in Case No. 922/2471/25.

In the case of the first of the said companies, the Northern Commercial Court of Appeal has currently announced a recess in court hearings until 17 September 2025 in respect of the appeals of the joint-stock companies “State Savings Bank of Ukraine” and “State Export-Import Bank of Ukraine”, which are requesting the court to overturn the ruling of the court of first instance on the application of the preventive restructuring procedure⁴²²¹. A similar recess in this case has been announced regarding the appeal of ARMA against the refusal of the court of first instance to involve it as a third party in the status of asset manager of the debtor’s property⁴²²².

Progress and issues

The adoption of Law No. 3985-IX was generally well received by the professional community⁴²²³, as — unlike pre-trial rehabilitation — the mechanism for implementing preventive restructuring is more detailed and is expected to have a positive impact on restoring the solvency of debtors, especially under the conditions of ongoing hostilities.

This procedure allows the debtor to recover more quickly in the event of indebtedness, as it lasts only six months, and enables the debtor to retain economic viability. The debtor may benefit from protective measures, such as a ban on initiating bankruptcy proceedings, or a suspension of penalties or other financial sanctions, etc. This is intended to facilitate dialogue between the debtor and creditor regarding the development and approval of a preventive restructuring plan and to ensure its subsequent implementation⁴²²⁴.

A novelty for national legislation is the classification of creditors by the debtor into categories (secured, unsecured, and creditors with claims against the state budget). This classification determines whether a creditor will be involved in the preventive restructuring plan and to what extent.

Overall, it is currently difficult to draw conclusions about the presence or absence of problems in the application of the preventive restructuring procedure, as only one case of this type is currently under consideration in Ukrainian courts. Depending on the outcome of this case, it will become clear what improvements the existing legislative framework may require.

The expanded powers of the MoJ in terms of compiling statistical data on preventive restructuring, bankruptcy, and individual insolvency procedures are expected to eliminate inconsistencies in the data published by various stakeholders.

A further positive development is that the MoJ promptly prepared a number of regulatory acts and methodological recommendations for the application of the preventive restructuring procedure by micro and small enterprises, even before Law No. 3985-IX entered into force. However, these documents may prove insufficient for entrepreneurs to independently understand how to apply the provisions of the CUBP in practice. Seeking legal assistance in this area may also become an additional financial burden for them⁴²²⁵.

4221 Ruling of the Northern Commercial Court of Appeal of 07.07.2025 in Case No. 910/2221/25.

4222 Ruling of the Northern Commercial Court of Appeal of 07.07.2025 in Case No. 910/2221/25.

4223 For example, information provided by Respondent No. 31 during the interview conducted on 17.03.2025.

4224 Code of Ukraine on Bankruptcy Procedure of 18.10.2018 No. 2597-VIII, Article 33¹¹.

4225 Information provided by bankruptcy expert Y. Khorunzhyi during the interview conducted on 25.03.2025.

As for Ukraine's readiness to launch the relevant procedure, some experts have noted⁴²²⁶ that the initial date for the entry into force of Law No. 3985-IX in this part had sound justification — namely, to allow time to translate into Ukrainian the accumulated experience of other countries in the field of preventive restructuring (including methodological recommendations, opinions, positions, etc.) and to conduct training for judges (especially of first instance), insolvency practitioners, and legal professionals. Since the Law entered into force earlier than initially planned, the number of training sessions and methodological materials proved insufficient.

Recommendations

1. Continue monitoring and evaluating the implementation of the preventive restructuring procedure, taking into account existing judicial practice.
2. The MoJ, as the competent state authority on bankruptcy matters, should:
 - develop step-by-step algorithms for the application of the preventive restructuring procedure specifically tailored to micro and small enterprises, with detailed explanations of those provisions that are new to national legislation — for example, in relation to cross-class cram-down approval of a preventive restructuring plan;
 - conduct training sessions for judges, insolvency practitioners, and legal professionals, with the involvement of international experts in the field of bankruptcy and insolvency, focusing both on the procedure as a whole and on specific aspects such as the best interests of creditors test, creditor ranking, etc)⁴²²⁷.

⁴²²⁶ Ibid.

⁴²²⁷ Ibid.

Legal and Illegal Migration

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Migration is one of the key areas of public policy, encompassing the regulation of migration flows, the protection of the rights and freedoms of migrants, as well as the prevention of irregular migration. Ukraine regulates migration processes on the basis of national legislation, international treaties, and European standards.

In the field of migration policy, the interaction of the MoIA, the State Migration Service (SMS), the SBGS, and the MFA is of particular importance. These bodies are responsible for ensuring coordination of state migration policy, including the registration of foreigners and stateless persons, issuance of residence permits, monitoring compliance with migration legislation, and implementation of decisions on forced return and expulsion of persons unlawfully staying on the territory of Ukraine.

Migration legislation regarding the status of EU citizens and third-country nationals, in terms of obtaining a residence or work permit and family reunification, remains only partially aligned with the EU acquis. During the reporting period, no legislative changes were adopted concerning the recognition of EU citizens as a special category of workers or the simplification of procedures for obtaining residence or work permits and family reunification for them. No progress was made in adopting a single procedure or single permits for work and residence for citizens of other countries, although the preparation of relevant legislation is ongoing.

Ukraine continues to regulate access to labour markets with certain EU countries on the basis of bilateral agreements. In recent times, work has continued on aligning the protection of social and general rights of foreign workers; issues under consideration included changing the applicant for a work permit and expanding the practice of employment in Ukraine without a work permit for citizens of donor countries of highly qualified workers and specialists. The Government has continued an in-depth examination of the issues outlined in the Action Plan for preparation to join the European Network of Employment Services. The issue of strengthening inter-agency coordination for effective management of general and labour migration remains relevant.

Particular attention should be paid to the issue of the unlawful crossing of Ukraine's state border, the conditions of detention of persons held in temporary accommodation centres for foreigners and stateless persons (TACs), and the mechanism for the forced expulsion of migrants. The Law of Ukraine No. 2952-IX of 24 February 2023 "On Amendments to Certain Legislative Acts of Ukraine Regarding the Protection of the State Border of Ukraine", which entered into force on 23 March 2023, granted law enforcement agencies additional powers in the field of forced expulsion of foreigners. However, its provisions have been criticised by human rights defenders due to possible violations of individuals' constitutional rights, breaches of international law, and non-compliance with European Union standards, in particular the principle of non-refoulement, which prohibits the expulsion of individuals to countries where they may face persecution.

Readmission is a complex policy aimed at returning irregular migrants to their countries of origin based on respect for human rights and the migration security of the states implementing such a policy. Ukraine, like any other state, is interested in signing readmission agreements with countries of origin of irregular migration. At the same time, the state must fulfil the corresponding readmission obligations towards foreign countries if it acts as a source and/or transit country for irregular migration.

Ukraine has concluded readmission agreements with both the EU and most post-Soviet countries, as well as with a number of other countries around the world. By concluding such agreements, Ukraine seeks to establish a single “readmission space” around itself, under which Ukraine assumes responsibility for migrants of its own origin, while migrants from third countries who have been returned to Ukraine under readmission procedures must be further returned — either to their country of origin or to the country from which they entered the territory of Ukraine.

Thus, with regard to migrants from third countries, “readmission chains” must be formed, through which, on the one hand, Ukraine fulfils its obligations towards other countries, and on the other hand, the accumulation of readmitted migrants from third countries on the territory of Ukraine is prevented. At present, such a system is in the process of formation; therefore, it is important to monitor the existing dynamics of readmission flows in the context of updating the country’s migration profile.

Between September 2024 and July 2025, no amendments to legislation were introduced that would facilitate the full functioning of the so-called **integrated migration management system (the National System of Biometric Verification and Identification of Citizens of Ukraine, Foreigners and Stateless Persons — NSBVI)**. Draft Law No. 8151, which provides for the comprehensive regulation of the identification of citizens of Ukraine, foreigners and stateless persons by their biometric data, as well as the regulation of the operation of departmental information systems, including the NSBVI, has been included in the agenda of the Verkhovna Rada for 2025.

Interaction between the SMS and the MFA in the Coordination of Migration Processes

Lack of Coordination between the SMS and the MFA in the Context of the Return of Ukrainians from Abroad and Deported Persons from the Temporarily Occupied Territories

State of play

As a result of the armed aggression of the Russian Federation against Ukraine, a significant number of Ukrainian citizens with various legal statuses were forced to leave their place of residence in Ukraine and, fleeing the hostilities, moved abroad. At the same time, a considerable number of people from the temporarily occupied territories were forcibly deported to the territory of the aggressor state. Due to the complex security situation in 2022, border guard officers allowed individuals to leave Ukraine with whatever documents they had, as not everyone had the opportunity to take the necessary documents with them or lost them during the hostilities and evacuation. Subsequently, a problem arose concerning the return of these categories of people to Ukraine and, accordingly, the impossibility of issuing return documents abroad via Ukrainian consular institutions or separate units of the SMS.

To simplify documentation procedures, on 10 June 2022, the Government adopted the Procedure for the Implementation of a Pilot Project for Issuing a Passport of a Citizen of Ukraine and a Passport of a Citizen of Ukraine for Travel Abroad to Citizens of Ukraine

Staying Outside Ukraine, and for the Issuance and Exchange of Permanent Residence Permits for Foreigners and Stateless Persons Permanently Residing in Ukraine during Their Stay Abroad⁴²²⁸.

Progress and issues

The Procedure⁴²²⁹ does not provide legal regulation for foreigners and stateless persons holding temporary residence permits who, due to the war, found themselves in the same situation as Ukrainian citizens. That is, this Procedure does not grant the right to issue a temporary residence permit, nor to issue a stateless person's travel document (the only document that grants the right to enter and leave the territory of Ukraine for stateless persons).

In addition, in 2024, the Law of Ukraine No. 3633-IX of 11 April 2024 "On Amendments to Certain Legislative Acts of Ukraine Regarding Specific Issues of Military Service, Mobilisation and Military Registration"⁴²³⁰ was adopted. Certain provisions of this law **prevent male persons aged 18 to 60 from the temporarily occupied territories from obtaining a passport of a citizen of Ukraine at an overseas unit of the SMS**. This is due to the introduction of a requirement to submit military registration documents when applying for a passport of a citizen of Ukraine. This requirement creates barriers to applying for a Ukrainian passport, as many Ukrainian citizens are unable to obtain military registration documents because they lack identity and citizenship documents — and often any other documents — and because there is no information about them in state registers. The adoption of Resolution of the Cabinet of Ministers of Ukraine No. 370⁴²³¹ of 1 April 2025 has not changed the situation for the aforementioned categories of the population.

With regard to the mechanism for documenting Ukrainian citizens forcibly displaced by Russia who lack identity and citizenship documents, the **mechanisms introduced by the state apply only to those categories of persons whose data is available in the relevant registers**. By contrast, persons for whom such data has been lost are **unable to confirm their Ukrainian citizenship or return to Ukraine**. Moreover, such individuals face administrative obstacles from the SMS and MFA when undergoing these procedures, including **excessively long application processing times**.

One of the key issues remains the inconsistency of documentation procedures for persons who were forced to leave Ukraine due to the war or were deported by the aggressor state. The documentation procedures for such persons involve a number of challenges, including complex identity verification requirements, the fragmented nature of documentation mechanisms, and insufficient inter-agency coordination in the relevant processes.

4228 Procedure for the Implementation of a Pilot Project for Issuing a Passport of a Citizen of Ukraine and a Passport of a Citizen of Ukraine for Travel Abroad to Citizens of Ukraine Staying Outside Ukraine, and for the Issuance and Exchange of Permanent Residence Permits for Foreigners and Stateless Persons Permanently Residing in Ukraine during Their Stay Abroad: Resolution of the Cabinet of Ministers of Ukraine No. 678 of 10.06.2022.

4229 Ibid.

4230 On Amendments to Certain Legislative Acts of Ukraine Regarding Specific Issues of Military Service, Mobilisation and Military Registration: Law of Ukraine No. 3633-IX of 11.04.2024.

4231 On Amendments to the Procedure for the Implementation of the Pilot Project on Automatic Verification and Checking of Information on Conscripts, Persons Liable for Military Service, and Reservists: Resolution of the Cabinet of Ministers of Ukraine No. 370 of 01.04.2025.

Lack of Coordination between the SMS and the MFA in the Context of Assistance to Refugees and Asylum Seekers Abroad

State of play

The full-scale armed aggression of the Russian Federation against Ukraine, which began on 24 February 2022, caused mass displacement not only of Ukrainian citizens but also of foreigners and stateless persons who were present in its territory. Among them are individuals recognised in Ukraine as refugees or persons in need of complementary protection.

In response to this unprecedented flow of displaced persons, on 4 March 2022⁴²³², the European Union for the first time activated the 2001 Temporary Protection Directive⁴²³³, which also granted the right to temporary protection to these vulnerable categories of the population.

Progress and issues

Refugees and persons granted complementary protection in Ukraine face numerous legal and administrative challenges when leaving for EU countries. They are forced to navigate complex EU protection legislation on their own, often without any legal assistance. Additional difficulties arise upon re-entry to and exit from Ukraine. They also face barriers in accessing social and humanitarian aid, and in opening bank accounts, due to the lack of appropriate documents in EU countries⁴²³⁴.

Potential support for such persons **could be provided by Ukrainian diplomatic and consular missions abroad**, since it is Ukraine that granted them international protection — refugee status or equivalent national protection in the form of complementary protection. However, in practice, these individuals face numerous obstacles due to **insufficient coordination between the SMS and the MFA**.

The issue of the lack of such coordination was expected to be resolved after 15 December 2023, when the Law of Ukraine “On Administrative Procedure”⁴²³⁵ (Law No. 2073-IX) entered into force. This law establishes general standards for administrative procedures, regulating interactions between citizens and public administration bodies in all spheres of life. The application of the administrative procedure was intended to ensure access to basic essential services and to assist asylum seekers, refugees, and persons in need of complementary protection not only abroad but also within the country.

4232 Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection.

4233 Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

4234 Protection Risks Facing Non-Ukrainian Asylum Seekers and Refugees Fleeing Ukraine to the EU. CF «Right to protection», 2023.

4235 On Administrative Procedure: Law of Ukraine No. 2073-IX of 17.02.2022.

Article 16 of Law No. 2073-IX stipulates that the administrative body is obliged to establish the circumstances relevant to the resolution of a case and, where necessary, to collect documents and other evidence on its own initiative, including obtaining documents and information, approvals, and conclusions required for resolving the case, without involving the individual. The administrative body may not require the person to obtain documents and other evidence necessary for the conduct of administrative proceedings, unless such an obligation is established by law. Furthermore, the administrative body may not require the person to provide documents and information that are held by the administrative body itself or by another state authority, authority of the Autonomous Republic of Crimea, local self-government body, enterprise, institution, or organisation falling under the jurisdiction of such an authority.

Thus, **in the event that a refugee or a person in need of complementary protection applies to Ukrainian diplomatic missions or consular offices abroad, their staff should independently contact SMS units to verify the applicant's status.** However, according to human rights organisations, in practice, **foreign diplomatic missions subordinated to the MFA orally refuse such persons assistance**⁴²³⁶, referring to Article 1 of the Consular Charter, approved by Presidential Decree No. 127/94 of 2 April 1994⁴²³⁷, according to which consular offices of Ukraine protect the rights and interests of Ukraine, legal entities, and Ukrainian citizens abroad. As a result, foreigners and stateless persons who have refugee status or complementary protection in Ukraine are effectively excluded from their jurisdiction and thus deprived of appropriate consular protection.

Nevertheless, **there is one service that this vulnerable category of persons can receive abroad — the issuance of a certificate for return to Ukraine.** The procedure for its issuance is regulated by Resolution of the Cabinet of Ministers of Ukraine No. 285 of 5 April 2017⁴²³⁸. According to paragraph 15 of this Procedure, a certificate for return may be issued, in particular, to foreigners and stateless persons who have been recognised in Ukraine as refugees or persons in need of complementary protection. However, this possibility is limited to specific cases: the loss or theft while abroad of identity documents entitling the holder to exit from and enter Ukraine; the expiry of such documents; or their invalidation for other reasons.

At the same time, **certain Ukrainian diplomatic missions do not provide even this service**, as they do not have access to the relevant servers. Furthermore, some refugees report that they were denied the issuance of a certificate for return to Ukraine on the grounds that they are not citizens of Ukraine. For example, in May 2022, the MFA stated⁴²³⁹, that it lacked the funding to issue return certificates to those fleeing Ukraine⁴²⁴⁰. Thus, despite the fact that legislation provides for minimal support for these individuals, their opportunities remain extremely limited.

4236 Information based on the practice of lawyers of the CF "Right to Protection" for 2022–2025.

4237 On the Consular Charter of Ukraine: Presidential Decree No. 127/94 of 02.04.1994.

4238 On the Approval of the Sample Form, Technical Description and Procedure for Issuing a Certificate for Return to Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 285 of 05.04.2017.

4239 Protection Risks Facing Non-Ukrainian Asylum Seekers and Refugees Fleeing Ukraine to the EU. CF «Right to protection», 2023.

4240 As of 2025, no up-to-date information on this issue is publicly available.

Asylum seekers who left the country after the start of the full-scale invasion found themselves in even more difficult conditions than refugees or persons in need of complementary protection. According to the Rules for the Consideration of Applications and Issuance of Documents Required for the Recognition of a Person as a Refugee or a Person in Need of Complementary Protection, Loss and Deprivation of Refugee Status and Complementary Protection, and Cancellation of the Decision on Recognition as a Refugee or a Person in Need of Complementary Protection, approved by Order of the Ministry of Internal Affairs No. 649 of 7 September 2011⁴²⁴¹, when submitting an application for recognition as a refugee or a person in need of complementary protection, the applicant is required to surrender their national passport and other documents to the SMS for safekeeping. As a result, **asylum seekers find themselves in the EU with only valid or expired certificates of application for protection in Ukraine, which do not serve as identity documents**. They cannot travel to other countries or re-enter Ukraine due to the absence of a national passport. This issue could be resolved through proper coordination between the SMS and the MFA; however, instead, representatives of Ukrainian diplomatic missions abroad inform such individuals that they must return to Ukraine on their own (without a valid national passport) in order to collect their documents, which were handed over to the SMS for safekeeping when the application for recognition as a refugee or a person in need of complementary protection was submitted⁴²⁴².

According to the Law of Ukraine "On Refugees and Persons in Need of Complementary or Temporary Protection"⁴²⁴³, a person recognised as a refugee and a person in need of complementary protection who has reached the age of sixteen has the right to obtain a travel document for leaving the country, in accordance with the procedure established by the legislation of Ukraine. However, as of 24 February 2022, not all such persons possessed this document, although due to the full-scale invasion they were able to evacuate and cross the border without it. At the same time, **refugees and persons in need of complementary protection are deprived of the possibility to obtain travel documents abroad**.

Moreover, **these documents are still not biometric**, meaning they do not contain a contactless electronic chip. This is due to the fact that the Cabinet of Ministers of Ukraine allowed the SMS to use up remaining stocks of the old-style blank forms for issuing travel documents to refugees⁴²⁴⁴ and persons in need of complementary protection⁴²⁴⁵.

Ukrainian citizens abroad have the legal option to obtain passports for travel abroad either through diplomatic missions and consular offices, or via the State Enterprise "Document". That is, Ukrainian citizens who were forced to leave Ukraine without a valid travel document, as well as those whose document expired while abroad, have the opportunity to obtain travel documents without the need to return to Ukraine. By contrast, refugees and

4241 On the Approval of the Rules for Considering Applications and Issuing Documents Required for the Recognition of a Person as a Refugee or a Person in Need of Complementary Protection, Loss and Deprivation of Refugee or Complementary Protection Status and Revocation of the Decision on Recognition: Order of the Ministry of Internal Affairs of Ukraine No. 649 of 07.09.2011.

4242 Information based on the practice of lawyers of the CF "Right to Protection" for 2022–2025.

4243 On Refugees and Persons in Need of Complementary or Temporary Protection: Law of Ukraine No. 3671-VI of 08.07.2011.

4244 On the Approval of the Regulation on the Travel Document for a Refugee: Resolution of the Cabinet of Ministers of Ukraine No. 203 of 14.03.2012.

4245 Procedure for Issuing, Exchanging, Sending, Withdrawing, Returning to the State, and Destroying a Travel Document for a Person Granted Complementary Protection: Resolution of the Cabinet of Ministers of Ukraine No. 610 of 22.05.2019.

persons in need of complementary protection do not have such an opportunity, even though some among them also left without a travel document.

Diplomatic missions and consular offices are unable to issue travel documents to such individuals, since, according to paragraph 3 of the Procedure for Issuing, Exchanging, Sending, Withdrawing, Returning to the State, and Destroying Travel Documents of Refugees with a Contactless Electronic Chip⁴²⁴⁶, these documents are issued by territorial bodies of the SMS at the place of residence of the refugee.

Likewise, overseas units of the State Enterprise "Document", which operates under the management of the SMS, although authorised to receive applications for Ukrainian citizen passports and passports for travel abroad, are not authorised to accept applications from refugees and persons in need of complementary protection⁴²⁴⁷.

It is equally important to note that **not all EU countries recognise Ukrainian travel documents for refugees and persons in need of complementary protection**. In particular, the refugee travel document is not recognised by France, Denmark, Italy, and the Benelux countries, while the travel document for persons in need of complementary protection is not recognised by Croatia, Latvia, Poland, Portugal, Romania, and Sweden⁴²⁴⁸. This means that holders of such documents cannot use these countries as entry points into the EU; their documents cannot be used to obtain visas; and difficulties may arise in applying for temporary protection in these countries. It is the responsibility of the Ukrainian authorities, in particular the MFA, to ensure the recognition of Ukrainian travel documents in EU countries as official identity documents for refugees and persons in need of complementary protection.

Therefore, the lack of coordination between the SMS and the MFA regarding assistance to refugees and asylum seekers abroad, as well as the inability of these individuals to obtain travel documents while abroad, creates significant obstacles to their mobility and access to basic needs and services.

Recommendations

1. The SMS and the MFA should establish coordination mechanisms to enable the issuance of travel documents for refugees and persons in need of complementary protection who are abroad.
2. The SMS and the MFA should coordinate efforts to confirm Ukrainian citizenship and ensure the timely issuance of return documents for individuals who were deported to the aggressor state.

4246 On the Approval of the Sample Form, Technical Description and Procedure for Issuing, Exchanging, Sending, Withdrawing, Returning to the State, and Destroying a Refugee Travel Document with a Contactless Electronic Chip: Resolution of the Cabinet of Ministers of Ukraine No. 154 of 07.05.2014.

4247 On the Implementation of a Pilot Project on Issuing a Passport of a Citizen of Ukraine and a Passport for Travel Abroad to Citizens of Ukraine Abroad, and on Issuing and Exchanging Permanent Residence Permits for Foreigners and Stateless Persons Permanently Residing in Ukraine While Abroad: Resolution of the Cabinet of Ministers of Ukraine No. 678 of 10.06.2022.

4248 Travel documents issued by third countries and territorial entities (Part I). Migration and Home Affairs. European Commission.

3. The SMS and the MFA must facilitate and strictly comply with legislative requirements for issuing identity documents, proof of Ukrainian citizenship, or other legal status within a reasonable time frame.
4. Amend Ukrainian legislation to grant refugees and persons in need of complementary protection the right to access services at Ukrainian diplomatic missions and consular offices.
5. Intensify the efforts of Ukrainian state authorities, particularly the MFA, in engaging with foreign states to secure official recognition of Ukrainian travel documents issued to refugees and persons in need of complementary protection.

Implementation of the State Migration Policy Strategy of Ukraine until 2025 and the Related Action Plan

State of play

The State Migration Policy Strategy of Ukraine until 2025⁴²⁴⁹ remains in effect. Among other provisions, it envisages reducing administrative barriers to the freedom of movement of Ukraine's population and establishing user-friendly systems for issuing identity documents and confirming Ukrainian citizenship. To implement the Strategy, an Action Plan for 2024 and 2025 was adopted⁴²⁵⁰.

These systems must be built in compliance with the guarantees enshrined in the Constitution of Ukraine, including the prohibition of interference in private and family life, protection of personal data, and other human rights and freedoms.

Progress and issues

However, systemic issues persist in access to procedures for acquiring and confirming Ukrainian citizenship, issuing a passport of a citizen of Ukraine, and the procedure for recognition as a stateless person. These obstacles predominantly affect undocumented Ukrainian citizens from temporarily occupied territories, stateless persons, and individuals at risk of statelessness. **SMS and MFA staff, in violation of the law, demand documents not stipulated by law and issue oral refusals to accept documents**⁴²⁵¹.

This situation creates significant obstacles to acquiring legal status, as well as to obtaining an identity document confirming Ukrainian citizenship or the status of a stateless person. This, in turn, negatively affects the ability of such individuals to exercise their rights and fulfil

4249 State Migration Policy Strategy of Ukraine until 2025, approved by the Order of the Cabinet of Ministers of Ukraine No. 482 of 12.07.2017.

4250 Action Plan for 2024 and 2025 for the Implementation of the State Migration Policy Strategy of Ukraine until 2025: Order of the Cabinet of Ministers of Ukraine No. 837 of 03.09.2024.

4251 Information based on the practice of the CF "Right to Protection".

their obligations. In addition, these individuals are at risk of being subjected to administrative penalties⁴²⁵² for residing in Ukraine without legal grounds, including placement in TACs⁴²⁵³.

At the same time, Strategic Goal 5 of the Strategy envisages the **integration of foreigners and stateless persons residing in Ukraine on legal grounds into Ukrainian society**. It aims to include these categories of people in the economic, socio-cultural, and political life of the state by enabling them to take advantage of opportunities available in the labour market, the education system, and healthcare services.

Among other provisions, the Strategy envisages continued integration support for vulnerable groups of immigrants, the organisation of state language learning for migrants, and the development of adaptation programmes for migrant children within the Ukrainian education system. However, for **most categories of migrants — and for stateless persons — the state has not taken measures aimed at their integration**, and Ukraine's social protection system completely deprives these categories of any instruments of state support.

Stateless persons are a vulnerable group within Ukrainian society, who have often lacked access to the exercise of any rights for extended periods. This situation has arisen in part due to the **absence of legal regulation of stateless status in Ukraine prior to 2021**. As a result, such individuals **lived in Ukraine for decades without any documents, had no access to education, were not integrated**, and remain excluded from Ukrainian society to this day. It was only with the entry into force on 16 April 2021 of Cabinet of Ministers Resolution No. 31717⁴²⁵⁴ of 24 March 2021 "Certain Issues of Recognition as a Stateless Person" that a mechanism was introduced for submitting an application for recognition as a stateless person and a procedure for its consideration was defined.

In addition, since by law **stateless persons are not considered a vulnerable group of the population at the highest risk of finding themselves in difficult life circumstances, the mere fact of statelessness is not a ground for receiving social services**⁴²⁵⁵. As a result, such people do not have any benefits, state assistance, additional protection or improved access to education.

Due to the failure to take into account their extremely vulnerable position in Ukraine, these individuals are required to pay high administrative fees for the issuance of official documents and undergo complex procedures for naturalisation. They are not exempt from passing exams for acquiring Ukrainian citizenship and, unlike refugees, are required to **pay a total of approximately 18,000 hryvnias (around 380 euros) for exams in the Ukrainian language**⁴²⁵⁶, **the basics of the Constitution, and the history of Ukraine**⁴²⁵⁷. This creates barriers to the naturalisation and integration of these individuals into Ukrainian society. Given the above, this strategic objective cannot be considered fulfilled.

4252 Code of Ukraine on Administrative Offences No. 8073¹-X of 07.12.1984, Article 203.

4253 Code of Ukraine on Administrative Offences No. 8073²-X of 07.12.1984, Articles 261 and 263.

4254 Certain Issues of Recognition as a Stateless Person: Resolution of the Cabinet of Ministers of Ukraine No. 317 of 24.03.2021.

4255 On Social Services: Law of Ukraine No. 2671-VIII of 17.01.2019.

4256 Notice on the Payment Procedure for the State Language Proficiency Exam for Foreigners and Stateless Persons. National Commission on State Language Standards.

4257 Payment Details for the Exams on the Basics of the Constitution of Ukraine and the History of Ukraine. Exams for Ukrainian Citizenship.

Another category of foreigners and stateless persons residing in Ukraine on legal grounds are **refugees and persons in need of complementary protection**. To date, **no integration programmes have been established in Ukraine for such individuals**.

Indeed, **there are no state-run Ukrainian language courses** for refugees, persons in need of complementary protection, or asylum seekers. Recently adopted amendments to the citizenship law⁴²⁵⁸, which introduce mandatory exams in the Ukrainian language, history, and Constitution of Ukraine as a requirement for acquiring Ukrainian citizenship, highlight the need to establish such courses. Although the website of the Commissioner for the Protection of the State Language contains a list of online and offline resources for learning Ukrainian, there remains an overall **lack of developed standards and a unified certification system for assessing language proficiency**, which significantly hinders instruction. The National Commission on State Language Standards currently offers only two types of Ukrainian language tests: for acquiring citizenship and for performing official duties⁴²⁵⁹.

When discussing successful examples of free courses for foreigners and stateless persons, particularly refugees, it is worth highlighting the case of Germany. There, the Federal Office for Migration and Refugees (BAMF) funds integration courses that include German language instruction up to the B1 level⁴²⁶⁰. In Sweden, the national programme Swedish for Immigrants (SFI) offers free education to newly arrived migrants regardless of their status. Courses are organised by municipalities and are available in various formats, including evening and distance learning⁴²⁶¹. France also provides integration opportunities through the French Office for Immigration and Integration (OFII), which offers free language courses for migrants. The programme includes up to 400 hours of instruction, after which participants take a French language proficiency exam — a key step towards successful adaptation and employment⁴²⁶².

In Ukraine, **local self-government bodies and regional state authorities remain insufficiently involved in migrant integration policy**⁴²⁶³.

By contrast, in the European Union, it is the Member States that bear primary responsibility for integration, while the EU supports national and local authorities by coordinating policies, facilitating knowledge exchange, and providing financial resources. In 2020, the European Commission presented the Action Plan on Integration and Inclusion 2021–2027⁴²⁶⁴, which outlines priorities and key areas of integration work. The Action Plan specifically emphasises the importance of providing support to migrants and host communities as early as possible in the migration process. This may include orientation, language courses, and vocational training. The Plan also highlights that the local level plays a key role in receiving and orienting newly arrived migrants when they first come to a new country.

4258 On Amendments to the Laws of Ukraine “On Ukrainian Citizenship” and “On Ensuring the Functioning of the Ukrainian Language as the State Language” Regarding the Conditions for Acquisition of Ukrainian Citizenship: Law of Ukraine No. 2996-IX of 21.03.2023.

4259 Study: Migration Policy of Ukraine Regarding Foreigners with Consideration for Post-War Recovery Prospects, CF “Right to Protection”. 2023.

4260 Professional Language Courses. Bundesamt für Migration und Flüchtlinge.

4261 This is Swedish for Immigrants, SFI. Göteborgs Stad.

4262 French Office for Immigration and Integration website.

4263 Policy and Practice of Integration of Foreigners in the Czech Republic and Ukraine, Europe Without Barriers, 2021.

4264 Action plan on integration and inclusion. Migration and Home Affairs. European Commission.

In Ukraine, however, a comprehensive integration programme for foreigners and stateless persons is lacking. The Social Services Classifier⁴²⁶⁵ does not provide for the delivery of social services to foreigners and stateless persons, except for two services: in-kind assistance (code 019.0) and social integration and reintegration (code 014.0). At the same time, the standard for the social integration service for refugees and asylum seekers has yet to be approved by the Ministry of Social Policy of Ukraine. Standardised state-run integration courses, including Ukrainian language courses, are also not available at present, which hinders the successful integration of these individuals into society.

Recommendations

1. Simplify existing procedures for issuing passports of a citizen of Ukraine both within the country and abroad and ensure the protection of applicants' rights in the process of passport issuance and recognition as a stateless person.
2. The SMS and MFA should ensure the protection of applicants' rights during the procedures for issuing identity documents, confirmation of Ukrainian citizenship, or other legal status, within a reasonable timeframe.
3. Amend Ukrainian legislation to abolish the requirement for undocumented citizens of Ukraine from temporarily occupied territories to submit a military registration document when applying for a passport of a citizen of Ukraine abroad.
4. Ensure the implementation of Strategic Goal 5 of the State Migration Policy Strategy of Ukraine until 2025 concerning the integration of foreigners and stateless persons, including refugees and persons in need of complementary protection, into Ukrainian society by introducing the provision of integration-related social services and free education in the Ukrainian language, Ukrainian history, and the Constitution.
5. Exempt stateless persons from paying for exams in the basics of the Constitution of Ukraine, the history of Ukraine, and the Ukrainian language when applying for Ukrainian citizenship.

State of Ukraine's Migration Legislation Regarding the Status of EU Citizens and Third-Country Nationals: Obtaining a Residence or Work Permit, Family Reunification

State of Play

The development of migration policy in Ukraine is overseen by the MoIA. The main national authority responsible for the implementation of migration policy is the SMS.

⁴²⁶⁵ Social Services Classifier, approved by Order of the Ministry of Social Policy of Ukraine No. 429 of 23.06.2020.

Powers in the field of migration are also exercised by: the SBGS Administration — in relation to border security; the MFA — in the area of visa policy; the Ministry of Economy of Ukraine (Ministry of Economy) — in shaping and implementing labour migration policy; and the Ministry of Education and Science of Ukraine (MoES) — in identifying priority areas for providing educational services to foreigners and stateless persons. The Ministry of Social Policy — regarding the regulation of migration flows. In July 2025, the Ministry of National Unity of Ukraine, established in December 2024 and vested with powers to support Ukrainian migrants abroad, was merged into the Ministry of Social Policy⁴²⁶⁶.

In November 2024, pursuant to paragraph 13 of the Government's Priority Action Plan for 2024⁴²⁶⁷, and in implementation of the State Migration Policy Strategy of Ukraine for the period up to 2025⁴²⁶⁸, the Government established the Coordination Centre for Cooperation with the European Migration Network (EMN), with the aim of facilitating the coordination of the activities of state authorities in providing the EMN with up-to-date, objective, reliable and comparable information on the situation in Ukraine in the field of migration⁴²⁶⁹. The Coordination Centre included representatives of a wide range of state authorities, international organisations and independent experts.

The first inaugural meeting⁴²⁷⁰ of the Coordination Centre was held on 7 February 2025, and the first working meeting on 29 May 2025⁴²⁷¹. Thus, in May 2025 **the actual launch of the new coordination mechanism in the field of migration took place.**

The legal framework for legal and irregular migration is **partially aligned with the EU acquis**. Ukrainian legislation regulates the rules for family reunification, the general scheme and specific categories within the field of labour migration, as well as administrative fines for employers who hire workers without a work permit.

Amendments to Ukraine's migration legislation following the start of the full-scale invasion by the Russian Federation contributed to the partial harmonisation of national regulations with EU law. In 2023, **immigration quotas**⁴²⁷² for entry permits for the purpose of family reunification and employment were **abolished** (the quota mechanism is to be applied only in the event of a large migration influx). In 2023, **access to the labour market was also**

4266 Certain Issues of Optimising the System of Central Executive Authorities: Resolution of the Cabinet of Ministers of Ukraine No. 904 of 21.07.2025.

4267 On the Approval of the Government's Priority Action Plan for 2024: Order of the Cabinet of Ministers of Ukraine No. 137 of 16.02.2024.

4268 On the Approval of the State Migration Policy Strategy of Ukraine for the Period up to 2025: Order of the Cabinet of Ministers of Ukraine No. 482 of 12.07.2017.

4269 Certain Issues of Cooperation with the European Migration Network: Resolution of the Cabinet of Ministers of Ukraine No. 1322 of 19.11.2024.

4270 The Inaugural Meeting of the Coordination Centre for Cooperation with the European Migration Network Took Place. State Migration Service of Ukraine. 2025.

4271 Meeting of the Coordination Centre for Cooperation with the European Migration Network. State Migration Service of Ukraine. 2025.

4272 On Amendments to the Law of Ukraine "On Immigration" to Improve the Conditions and Procedure for Immigration to Ukraine of Foreigners and Stateless Persons: Law of Ukraine No. 3180-IX of 29.06.2023, para. 2, Section I.

regulated for foreign students, asylum seekers, and stateless persons⁴²⁷³. Research shows that Ukraine should not expect displacement of national workers by workers from the EU⁴²⁷⁴.

As a means of facilitating access to shared labour markets between Ukraine and EU Member States, Ukraine applies **bilateral agreements** on mutual employment and the social protection of citizens during their lawful residence in the territory of the other party (signed with five EU countries — Lithuania⁴²⁷⁵, Spain⁴²⁷⁶, Latvia⁴²⁷⁷, the Czech Republic⁴²⁷⁸, and Poland⁴²⁷⁹) and continues its work in this area.

Throughout 2024, several draft laws aimed at improving legislation on the employment and immigration of foreigners and stateless persons were submitted to the Verkhovna Rada. Draft Law No. 11006⁴²⁸⁰ proposes the abolition of work permits for foreigners and stateless persons.

Draft Law No. 11405⁴²⁸¹ also provides for the **abolition of work permits for EU citizens** as a special category of foreign workers and the **introduction of a single permit** for residence and employment **for other foreigners** in Ukraine. In addition, the draft law envisages: the creation of conditions to encourage foreign graduates of higher education institutions to seek employment in Ukraine; the replacement of the quota mechanism for labour immigration with a priority procedure based on a List of shortage occupations (jobs) in Ukraine's economy that remain unfilled for one year or more and may be filled by foreign workers; and other provisions aimed at increasing Ukraine's attractiveness to foreign workers and aligning Ukrainian legislation with the requirements of Directive 2003/109/EC on the status of long-term residents⁴²⁸², Directive 2011/98/EU on a single permit⁴²⁸³, and Direc-

4273 On Amendments to Certain Laws of Ukraine Regarding the Employment of Foreigners and Stateless Persons in Ukraine and the Provision of Employment Intermediation Services Abroad: Law of Ukraine No. 2623-IX of 21.09.2022, subpara. 6, para. 2, Section I.

4274 Transition Periods on the Path to a Single Labour Market: Experience Applicable to Ukraine, analytical note, NGO "Europe Without Barriers". 2025.

4275 Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Lithuania on Employment and Cooperation in the Field of Labour Migration of 07.12.2018.

4276 Agreement between Ukraine and Spain on the Regulation and Organisation of Labour Migration Flows Between the Two States of 12.05.2009.

4277 Agreement between the Government of Ukraine and the Government of the Republic of Latvia on Employment and Social Protection of Persons Permanently Residing in Ukraine and Latvia and Working in the Territory of Both States of 21.11.1995.

4278 Agreement between the Government of Ukraine and the Government of the Czech Republic on the Mutual Employment of Citizens of Ukraine and Citizens of the Czech Republic of 21.03.1996.

4279 Agreement between the Government of Ukraine and the Government of the Republic of Poland on the Mutual Employment of Workers of 16.02.1994.

4280 On Amendments to Certain Laws of Ukraine on the Abolition of Work Permits for Foreigners and Stateless Persons: Draft Law of Ukraine, registration No. 11006 of 09.02.2024.

4281 On Amendments to Certain Legislative Acts of Ukraine to Improve the Procedure for the Employment of Foreigners in Ukraine: Draft Law of Ukraine, registration No. 11405 of 15.07.2024.

4282 Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents.

4283 Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.

tive (EU) 2016/801 on the conditions of entry and residence of third-country nationals for the purposes of research and studies⁴²⁸⁴. The draft law is currently under review in the committees of the Verkhovna Rada.

At the same time, Draft Law No. 12326⁴²⁸⁵ provides for the expansion of immigration quotas for foreigners and stateless persons who have arrived in Ukraine for the purpose of employment on the basis of long-term visas and have been lawfully residing in Ukraine for more than three years, as well as the abolition of requirements to obtain an immigration permit and a work permit for foreigners and stateless persons in Ukraine.

In parallel with work on the introduction of a single permit for residence and employment for foreigners and the prioritisation of EU citizens, during the reporting period, the competent authorities worked on **aligning the mechanisms for protecting the social and general rights of foreign workers**. Proposals are being considered to change the applicant for a work permit — from the employer⁴²⁸⁶ to the foreign national — allowing the individual to choose employment freely and compete on the labour market on equal terms with Ukrainian citizens. Consideration is also being given to expanding the practice of employing foreign nationals in Ukraine, particularly from countries that supply highly qualified workers and specialists, without the need for a work permit.

On 29 October 2024, the Action Plan for Preparation for Accession to the European Employment Services Network (EURES)⁴²⁸⁷ was approved. The responsible implementers of the measures, the main one being the Ministry of Economy, are working on its implementation.

During the reporting period, the implementation of the State Migration Policy Strategy of Ukraine until 2025⁴²⁸⁸ and the Action Plan for its implementation for 2024 and 2025⁴²⁸⁹ approved.

Since June 2025, work has begun on drafting the State Migration Policy Strategy for the next period (the duration of the strategy will be determined in the course of its development)⁴²⁹⁰.

On 11 June 2025, by Government Resolution No. 735, the Coordination Centre for Cooperation with the EMN was granted powers to participate in the drafting of draft legislative acts and policy documents in the field of migration submitted for consideration by the

4284 Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast).

4285 On Amendments to Certain Laws of Ukraine on Stimulating Labour Migration and Eliminating Discrimination in Labour Relations: Draft Law of Ukraine, registration No. 12326 of 16.12.2024.

4286 On Employment of the Population: Law of Ukraine No. 5067-VI of 05.07.2012, Articles 22 and 42.

4287 On the Approval of the Action Plan for Preparation for Accession to the European Employment Services Network (EURES): Order of the Cabinet of Ministers of Ukraine No. 1058 of 29.10.2024.

4288 On the Approval of the State Migration Policy Strategy of Ukraine for the Period up to 2025: Order of the Cabinet of Ministers of Ukraine No. 482 of 12.07.2017.

4289 On the Approval of the Action Plan for 2024 and 2025 for the Implementation of the State Migration Policy Strategy of Ukraine until 2025: Order of the Cabinet of Ministers of Ukraine No. 837 of 03.09.2024.

4290 Information obtained from an interview with a Representative of the State Migration Service of Ukraine, conducted on 16.06.2025.

Government⁴²⁹¹. At the meeting of the Coordination Centre on 26 June 2025, working groups composed of representatives of state authorities and international organisations were formed to prepare and review the draft State Migration Policy Strategy for the next period.

Progress and issues

As of July 2025, **more than ten stakeholders** were involved in migration management, including labour migration. In addition to the main authorities mentioned above, other state bodies have also been engaged to varying degrees, including, the MoH, the State Employment Service (SES), the State Labour Service of Ukraine (State Labour Service), and others. The field is characterised by fragmentation of powers among actors and duplication of functions, and in some cases — a lack of self-identification of certain actors with migration issues (for example, following the transfer in 2019 of the mandate for forming state policy in the field of labour migration from the Ministry of Social Policy to the Ministry of Economy).

The transfer of functions resulting from ministerial reforms has not led to qualitative improvements. Despite the establishment of the Coordination Centre for Cooperation with the EMN, **inter-agency coordination** requires further strengthening, particularly in view of the latest change in the composition of the Government in July 2025.

Ukraine's migration and labour legislation continues to **apply equally to citizens of EU Member States (EU citizens)** and their family members, as well as **to third-country nationals (as defined by EU acquis)**.

The **period** established by the 2022 legislative amendments⁴²⁹² for foreign students **to seek employment after graduation** remains misaligned with Directive (EU) 2016/801⁴²⁹³. Special legislation on **granting entry permits to students and researchers** from third countries has not been adopted, nor has legislation **on long-term residence, a single procedure**, or single permits for employment and residence.

Despite Ukraine's application of bilateral agreements with EU Member States on mutual employment and the social protection of citizens to facilitate access to shared labour markets, this mechanism can only serve as a **temporary substitute for the introduction of appropriate legislation** — a point consistently emphasised by the European Commission during consultations and events.

While the Ministry of Economy is working on liberalising access to the labour market for foreigners, EU citizens continue to be subject to the same cumbersome and costly procedures for obtaining a work permit and a residence permit on the basis of employment as citizens of other countries⁴²⁹⁴.

4291 On Amendments to the Resolution of the Cabinet of Ministers of Ukraine No. 1322 of 19 November 2024: Resolution of the Cabinet of Ministers of Ukraine No. 735 of 11.06.2025.

4292 On Amendments to the Law of Ukraine "On Immigration" to Improve the Conditions and Procedure for Immigration to Ukraine of Foreigners and Stateless Persons: Law of Ukraine No. 3180-IX of 29.06.2023, para. 2, Section I.

4293 Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast).

4294 Work Permit for Foreigners and Stateless Persons. State Employment Service.

An **exception** applies to Polish citizens and their family members, who in 2022 were granted special status and the ability to work without a permit⁴²⁹⁵. By contrast, since the second half of 2022, citizens of Russia and Belarus have been subject to additional vetting by the SSU when being issued or renewing a work permit⁴²⁹⁶.

In addition, asylum seekers face obstacles in accessing the labour market, as legislation requires this category of persons to obtain a work permit⁴²⁹⁷. Although the issuance and renewal of such permits for asylum seekers are free of charge, obtaining a permit is often complicated by the fact that asylum seekers frequently lack a national passport.

According to Rules No. 649⁴²⁹⁸, when submitting an application for recognition as a refugee or a person in need of complementary protection, the territorial bodies of the SMS retain the applicant's national passport or other identity document for safekeeping. Therefore, to obtain a copy of such a document, the applicant must additionally apply to the relevant territorial SMS body. In some cases, however, asylum seekers do not possess a national passport at all due to circumstances of forced displacement, which renders them unable to seek employment under Ukrainian law. Moreover, even when documents are available, a major obstacle remains the **lack of awareness** — both among employers and the asylum seekers themselves — regarding the procedure for obtaining the relevant work permit. According to the SES, only four applications for such permits were submitted during 2023–2024⁴²⁹⁹.

Despite the fact that several draft laws aimed at improving the regulatory framework in the field of employment and immigration of foreigners and stateless persons were submitted to the Verkhovna Rada during 2024, the proposed legislative initiatives proved to be underdeveloped. In particular, the MSED, in its conclusions, recommended that Draft Law No. 11006⁴³⁰⁰ be rejected since, in its view, the provisions of this draft law could create risks of uncontrolled employment of citizens of aggressor states, facilitate illegal migration, be used as a mechanism for the unlawful legalisation of foreigners, and also contradicted Ukraine's obligations on harmonising legislation with EU law.

At the same time, the MSED recommended that Draft Law No. 12326⁴³⁰¹ be returned to the initiator for revision. As of 31 July 2025, this draft law has been included in the agenda of the Verkhovna Rada⁴³⁰², but the final vote has not yet taken place.

4295 On Establishing Additional Legal and Social Guarantees for Citizens of the Republic of Poland Residing in the Territory of Ukraine: Law of Ukraine No. 2471-IX of 28.07.2022, Article 2.

4296 On Amendments to Certain Laws of Ukraine on the Functioning of Employment and Compulsory State Social Insurance in Case of Unemployment During Martial Law: Law of Ukraine No. 2220-IX of 21.04.2022, subpara. 7, para. 2, Section I; On Amendments to Certain Laws of Ukraine on the Employment of Foreigners and Stateless Persons in Ukraine and the Provision of Employment Intermediation Services Abroad: Law of Ukraine No. 2623-IX of 21.09.2022, subpara. 5, para. 2, Section I.

4297 On Employment of the Population: Law of Ukraine No. 5067-VI of 05.07.2012.

4298 Rules for Considering Applications and Issuing Documents Required for the Recognition of a Person as a Refugee or a Person in Need of Complementary Protection, Loss and Deprivation of Refugee or Complementary Protection Status, and Revocation of the Decision on Recognition: Order of the Ministry of Internal Affairs of Ukraine No. 649 of 07.09.2011.

4299 Ensuring Access to Social Rights of Refugees and Asylum Seekers in Ukraine: Study, Right to Protection, 2024.

4300 On Amendments to Certain Laws of Ukraine Regarding the Cancellation of the Work Permit for Foreigners and Stateless Persons: Draft Law of Ukraine, registration No. 11006 of 09.02.2024.

4301 On Amendments to Certain Laws of Ukraine on Stimulating Labour Migration and Eliminating Discrimination in Labour Relations: Draft Law of Ukraine, registration No. 12326 of 16.12.2024.

4302 On the Agenda of the Thirteenth Session of the Verkhovna Rada of Ukraine of the Ninth Convocation: Resolution of the Verkhovna Rada of Ukraine No. 4229-IX of 11.02.2025.

Most of the measures under the Action Plan for Preparation for Accession to the European Employment Services Network (EURES), approved in October 2024, are scheduled for completion by the end of 2025. However, for one third of these measures, **the indicative timelines for completion are unclear**, raising doubts about the feasibility of implementing the Plan.

The current Action Plan for 2024 and 2025 for the implementation of the State Migration Policy Strategy of Ukraine until 2025 generally lacks proper alignment of its measures with the objectives of the Strategy, as well as measurable indicators for monitoring implementation. In particular, the Action Plan, despite the labour shortage in Ukraine, does not include measures for implementing Strategic Goal 10, which envisages the introduction of a mechanism and programme for the regularisation of irregular migrants. Similarly, the Plan lacks measures for directly assessing Ukraine's need for migrants and for introducing effective integration programmes for foreigners and their family members, including within educational institutions.

As of 31 July 2025, active work is under way on the preparation of the new Migration Policy Strategy and the Action Plan for its implementation for the next period⁴³⁰³.

Currently, Ukrainian legislation remains **unaligned** with the following **EU directives**:

- **Directive 2014/54/EU** on measures facilitating the exercise of rights conferred on workers in the context of the freedom of movement for workers⁴³⁰⁴ — in terms of designating a body to ensure the protection of the rights of EU workers against discrimination based on nationality regarding access to employment, employment and working conditions, particularly remuneration, dismissal, tax and social advantages, ensuring equal treatment in accordance with national law, practice and collective agreements; and developing a **mechanism to combat indirect discrimination** against workers from the EU.
- **Directive 2004/38/EC** on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States⁴³⁰⁵ — in terms of simplifying border checks, establishing a mechanism for protecting the rights of family members, aligning border control procedures with EU standards, and eliminating potential abuses such as unjustified refusal of entry or expulsion.

Recommendations

When developing the Migration Policy Strategy and the corresponding Action Plan for the next period, **special attention** should be given to including a strategic objective on regularisation programmes for migrants in Ukraine, assessing Ukraine's needs for migrants, and introducing integration programmes for foreigners and their family members, particularly within educational institutions.

⁴³⁰³ Information obtained from an interview with a Representative of the State Migration Service of Ukraine, conducted on 16.06.2025

⁴³⁰⁴ Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers.

⁴³⁰⁵ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.

When drafting the Action Plan for implementing the Migration Policy Strategy for the next period, it is essential to **align** the Plan's **measures** with the Strategy's **strategic objectives** and **assess implementation indicators based on measurability criteria**.

To improve migration legislation, the following steps are necessary:

- Finalise Draft Law No. 11405 in accordance with the conclusions provided by parliamentary committees and experts or develop a new draft law.
- The State Employment Service and the Ministry of Economy should prepare and submit to the Cabinet of Ministers of Ukraine, as the subject of legislative initiative, a draft amendment to the Law of Ukraine "On Employment of the Population", ensuring that asylum seekers can be employed on equal terms with refugees, without the need to obtain work permits for foreigners.
- Maintain the proper level of functioning of the Coordination Centre for Cooperation with the EMN.

To **further align Ukrainian legislation with EU acquis**, it is necessary to:

- Amend legislation to **assign the State Labour Service the function of a body responsible for ensuring the protection of the rights of EU citizens** on an equal footing with national workers, in accordance with Directive 2014/54/EU.
- **Bring anti-discrimination legislation in line** with Directive 2014/54/EU, particularly regarding the development of a mechanism to combat indirect discrimination against EU workers.
- Implement Directive 2004/38/EC with regard to **simplifying border checks, establishing a mechanism for protecting the rights of family members, aligning border control procedures with EU standards, and eliminating possible abuses** related to unjustified refusal of entry or expulsion.

Improving migration legislation concerning the status of EU citizens and third-country nationals in terms of obtaining residence or work permits and family reunification will strengthen Ukraine's position in accession negotiations with the EU, reduce the risks of irregular migration and undeclared employment, help avoid bureaucratic obstacles and abuses, and ensure protection from illegal exploitation and labour trafficking.

Application of Voluntary or Forced Return Procedures for Migrants. Unlawful Crossing of Ukraine's State Border. Conditions in Temporary Accommodation Centres for Foreigners and Stateless Persons Unlawfully Staying in Ukraine

Legal Risks of Forced Expulsion and Non-Compliance of Law No. 2952-IX with International Standards

State of play

On 23 March 2023, Law No. 2952-IX⁴³⁰⁶ entered into force, granting the **SMS, border protection authorities, and the SSU powers to issue decisions on the forced expulsion of foreigners and stateless persons without the need for a ruling from an administrative court.**

According to Article 19 of the Constitution of Ukraine⁴³⁰⁷, public authorities and local self-government bodies, as well as their officials, are obliged to act only on the basis of, within the limits of, and in the manner prescribed by the Constitution and laws of Ukraine. The discretionary powers granted to law enforcement agencies to make decisions on forced expulsion violate Article 124 of the Constitution of Ukraine, which stipulates that justice in Ukraine is administered exclusively by the courts. The delegation of judicial functions, as well as the assumption of these functions by other bodies or officials, is not permitted⁴³⁰⁸.

In addition, the procedure for making decisions on the forced expulsion of foreigners and stateless persons from Ukraine, as proposed by Law No. 2952-IX, is not consistent with Part Three of Article 22 of the Constitution of Ukraine⁴³⁰⁹, which states that when new laws are adopted or existing laws are amended, it is not permitted to narrow the scope or content of existing rights and freedoms.

Progress and issues

An analysis of judicial practice in Ukraine concerning forced expulsion cases, taking into account the amendments introduced by Law No. 2952-IX to Article 30 of the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons"⁴³¹⁰, shows that such cases are often treated as a formal procedure, without a thorough examination of the lega-

4306 On Amendments to Certain Legislative Acts of Ukraine on the Protection of the State Border of Ukraine: Law of Ukraine No. 2952-IX of 24.02.2023.

4307 Constitution of Ukraine No. 254k/96-VR of 28.06.1996.

4308 Ibid.

4309 Ibid.

4310 On the Legal Status of Foreigners and Stateless Persons: Law of Ukraine No. 3773-VI of 22.09.2011.

lity of the expulsion decision. This contrasts with judicial practice prior to the amendments introduced by Law No. 2952-IX. **Courts rarely question the legality of administrative expulsion decisions during proceedings** and often fail to consider the possibility of applying alternative measures, such as voluntary or forced return, which is a mandatory requirement under EU law. According to the SMS, in 2023, 412 forced expulsion decisions⁴³¹¹ were issued in relation to irregular migrants, while in 2022, the number was nearly half as many — 248⁴³¹². However, following the entry into force of Law No. 2952-IX, there was a significant decrease in the number of decisions on forced return⁴³¹³. In 2022, the SMS adopted 4,744 forced return decisions, whereas in 2023, this number fell to 2,891⁴³¹⁴.

In contrast to European Union *acquis*, where an individual assessment of each case by public authorities is mandatory, Ukrainian legislation lacks such a legal safeguard, and **cases are reviewed in a formalistic manner**⁴³¹⁵. This approach, as reflected in the decisions of public authorities, indicates the absence of thorough consideration of individual circumstances in forced expulsion cases.

The amendments to Ukrainian legislation introduced by Law No. 2952-IX establish new restrictions on the admission of foreigners into the country and on access to the protection procedure. Under the new provisions, entry is denied to third-country nationals if they have already been banned from entering by competent authorities, if they arrived from a safe country, if they attempt to cross the border unlawfully during martial law, or if they are returned under a readmission agreement.

The law does not contain any exceptions that would allow for the consideration of individual circumstances, which contradicts Ukraine's international obligations — in particular, the principle of non-refoulement. According to Article 33 of the 1951 Refugee Convention⁴³¹⁶, this principle prohibits the forced return of individuals to countries where they may face persecution. Recognition of refugee status is declaratory in nature⁴³¹⁷, thus, the state merely affirms the status rather than confers it.

In June 2025, the UN Committee on the Elimination of Racial Discrimination (CERD) published its Concluding Observations on Ukraine's reports, in which it expressed serious concern about Law No. 2952-IX. In the Committee's view, this Law **expands the grounds for refusal of entry and restricts the possibilities for appealing refusals of protection, which may violate the principle of non-refoulement** and hinder access to the territory for persons in need of international protection⁴³¹⁸.

4311 Performance Indicators of the SMS for 2023. State Migration Service of Ukraine.

4312 Performance Indicators of the SMS for 2022. State Migration Service of Ukraine.

4313 Ibid.

4314 Performance Indicators of the SMS for 2023. State Migration Service of Ukraine.

4315 For example: Decision of the Kiverts District Court of Volyn Region of 06.09.2023 in Case No. 158/2719/23.; Decision of the Odesa District Administrative Court of 05.10.2023 in Case No. 420/20724/23.; Decision of the Izmail City District Court of Odesa Region of 17.10.2023 in Case No. 946/8080/23.; Decision of the Kotovsk City District Court of Odesa Region of 26.09.2023 in Case No. 505/3945/23.

4316 UN Convention Relating to the Status of Refugees of 28.07.1951.

4317 Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, UNHCR, 2019. HCR/IP/4/ENG/REV. 4, par. 28.

4318 Concluding observations on the combined twenty-fourth to twenty-sixth periodic reports of Ukraine adopted by the Committee at its 115th session (22 April–9 May 2025).

Under international law, the prohibition of expulsion applies not only to refugees but to all individuals at risk of serious human rights violations⁴³¹⁹. This obligation is absolute and cannot be restricted, even on grounds of national security⁴³²⁰. In view of this, the amendments introduced by Law No. 2952-IX require revision to bring them into compliance with international human rights protection standards.

Conditions in Temporary Accommodation Centres for Foreigners and Stateless Persons Unlawfully Staying in Ukraine

State of play

According to Ukrainian legislation, TACs must provide separate accommodation for men and women, with designated residential areas for pregnant women, parents with children, and families. The facility must include a medical centre with an isolation ward, as well as a kitchen, dining area, and laundry room. Detainees have the right to wear their own clothes, send and receive letters and parcels, and perform religious rites. In addition, they must be granted access to meetings with human rights defenders, lawyers, representatives of diplomatic missions or consular offices, and international and human rights organisations. These provisions aim to ensure the welfare, privacy, and protection of the rights of individuals held in TACs⁴³²¹.

Progress and issues

Formally, the rules established by Ukrainian legislation are partially aligned with EU requirements. However, broader safeguards for vulnerable categories of persons are lacking. For example, there is no requirement to detain such persons only in the absence of alternative forms of detention.

In general, the detention of a foreigner or stateless person is a measure of administrative coercion — specifically, a preventive administrative measure. Detention is not a punishment but a means of ensuring the implementation of certain procedures. Unlike EU legislation, Ukrainian law does not provide for the prioritisation of less coercive measures over detention.

Furthermore, although Ukrainian legislation provides limited alternatives to detention — such as personal guarantee or bail (Article 289 of the Code of Administrative Procedure of Ukraine⁴³²²) — these alternatives are clearly insufficient compared to EU practice.

4319 Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol January 26, 2007. P. 20.

4320 Including in the context of combating terrorism or during wartime: CAT, *Agiza v. Sweden*; *Adel Tebourski v. France*, communication Nº 300/2006, May 1, 2007.; Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

4321 On the Approval of the Model Regulation on Temporary Accommodation Centres for Foreigners and Stateless Persons Unlawfully Staying in Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 1110 of 17.07.2003.

4322 Code of Administrative Procedure of Ukraine No. 2747-IV of 06.07.2005.

Adoption of Decisions on Forced Return, Forced Expulsion, and Entry Ban in Respect of Undocumented Stateless Persons

State of play

According to Ukrainian legislation, foreigners and stateless persons are required to comply with migration legislation and the established rules for lawful residence and stay on the territory of Ukraine and must possess a document confirming their identity and citizenship or legal status as a stateless person.

However, due to the **absence of a procedure for granting legal status to stateless persons in Ukraine prior to 2021**, a large number of individuals who did not hold the citizenship of any country or were unable to prove it resided in Ukraine without legal grounds. It should be noted that **most of these individuals were born in or have permanently resided in Ukraine**, but due to the dissolution of the USSR, the armed aggression of the Russian Federation ongoing since 2014, and legislative gaps (particularly regarding the acquisition of citizenship by birth), they either had no right to Ukrainian or any other citizenship, or could not confirm such a right due to the loss of documents and the inability to restore them.

Progress and issues

According to human rights organisations⁴³²³, in practice, **when such individuals are identified, authorised officers of the SMS or law enforcement agencies have applied administrative sanctions**, including issuing decisions on forced return, forced expulsion, and entry bans. It is important to note that such decisions cannot be enforced due to the absence of identity documents and proof of country of origin for these categories of persons. As a result, **such decisions have remained unenforced** for years. In certain cases, these individuals have been placed in TACs without the possibility of carrying out forced expulsion — that is, without a lawful purpose.

The procedure for recognition as a stateless person, introduced in 2021, was designed to change this situation and provide stateless persons with the opportunity to legalise their stay in the country regardless of the existence of decisions on forced return, forced expulsion, entry bans, or the legality of their stay. Once recognised as a stateless person, the individual is required to apply for a temporary residence permit, which serves as a document confirming both identity and stateless status.

Despite the introduction of the statelessness determination procedure, which is intended to provide the opportunity to obtain legal status and an identity document to all persons who do not hold the citizenship of any state — regardless of the legality of their stay in the territory of Ukraine — **decisions on forced return, forced expulsion, and entry bans continue to be issued in respect of such individuals**.

At the same time, **the problem persists of documenting stateless persons who are subject to unenforced decisions of a court or state authority on forced return, expul-**

4323 Information based on the practice of lawyers of the CF “Right to Protection” for 2022–2025.

sion, entry ban, or other property-related obligations established by law. Such individuals, even after being recognised as stateless persons, cannot obtain a temporary residence permit — the document that certifies identity and stateless status — because the procedure for issuing the permit does not take into account the changes introduced by the statelessness determination procedure, which grants legal status regardless of the existence of such decisions or obligations.

This situation has arisen due to inconsistencies between the provisions on grounds for issuing a temporary residence permit as set out in the Procedure for Issuing, Exchanging, Cancelling, Sending, Withdrawing, Returning to the State, Invalidating and Destroying a Temporary Residence Permit, approved by Cabinet of Ministers Resolution No. 322⁴³²⁴ of 25 April 2018, and the provisions of Article 6¹ of the Law of Ukraine “On the Legal Status of Foreigners and Stateless Persons”⁴³²⁵. As a result, **such individuals are denied the issuance of a temporary residence permit, lose the grounds for lawful stay in Ukraine, and once again face the risk of administrative sanctions**. At the same time, they are unable to comply with the imposed decisions or obligations due to the lack of an identity document and the absence of a country to return to.

However, on 17 December 2024, the Supreme Court, sitting as the Administrative Cassation Court, issued a ruling⁴³²⁶ obliging the Cabinet of Ministers of Ukraine to resolve this issue by amending Procedure No. 322 accordingly.

At the same time, **the practice of issuing forced expulsion decisions and placing undocumented stateless persons in TACs continues**. This constitutes a violation of Article 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms⁴³²⁷, which guarantees the right to liberty and personal security — as confirmed by the European Court of Human Rights in the case of *Shoygo v. Ukraine*⁴³²⁸.

Recommendations

1. The Verkhovna Rada should amend the Law of Ukraine “On the Legal Status of Foreigners and Stateless Persons” by removing the provisions introduced by Law No. 2952-IX that eliminated the requirement of judicial control prior to adopting expulsion decisions concerning foreigners and stateless persons.
2. The list of alternatives to the detention of foreigners and stateless persons should be expanded by introducing supervisory programmes, electronic monitoring, and regular reporting. It is important to prioritise less coercive measures and to improve conditions in TACs, particularly by ensuring access to medical care and the separate accommodation of families and vulnerable individuals.
3. Amend Ukrainian legislation to grant persons held in penitentiary institutions and TACs the right to apply for recognition as stateless persons.

4324 Procedure for Registration, Issuance, Exchange, Cancellation, Transfer, Withdrawal, Return to the State, Invalidation and Destruction of a Temporary Residence Permit: Resolution of the Cabinet of Ministers of Ukraine No. 332 of 25.04.2018.

4325 On the Legal Status of Foreigners and Stateless Persons: Law of Ukraine No. 3773-VI of 22.09.2011, Article 6¹.

4326 Decision of the Supreme Court of 17.12.2024 in Case No. 640/15163/22.

4327 Convention for the Protection of Human Rights and Fundamental Freedoms of 04.11.1950.

4328 ECtHR judgment in the case of *Shoygo v. Ukraine*.

4. Facilitate the ability of undocumented individuals to submit an application for recognition as a stateless person during apprehension by law enforcement authorities.
5. Ensure the protection of the rights of undocumented stateless persons during the adoption of decisions on forced return, forced expulsion, and entry bans.

Readmission Procedure. Readmission Dialogue and Return

State of play

The full implementation of the Readmission Agreement with the EU⁴³²⁹, in force since 2008, as well as other agreements of this type, requires the conclusion of **implementing protocols** that define the procedure for applying the provisions of such agreements.

At present, implementing protocols to the Agreement between Ukraine and the European Community on the readmission of persons are in force and being implemented between the Cabinet of Ministers of Ukraine and the Governments of nine EU Member States: Austria, the Czech Republic, Estonia, Poland, Lithuania, Latvia, and the Benelux countries (*Belgium, Luxembourg, the Netherlands*)⁴³³⁰.

As of 31 July 2025, the parties are at various stages of **negotiating draft texts** of implementing protocols to the EU-Ukraine Readmission Agreement between the Government of Ukraine and the following EU Member States: *Malta, Slovenia, Croatia, Cyprus, Portugal, France, Italy, Germany, and Sweden*.

In July 2025, the Government approved an implementation protocol with Bulgaria⁴³³¹.

The **preparation for the signing** of implementing protocols with *Hungary and Spain*, the texts of which have been approved by the Government⁴³³², is at its final stage.

During October and November 2023, implementing protocols were signed in the city of Kyiv with Romania (on 18 October 2023) and the Republic of Latvia (on 28 November 2023). In 2024, by Government Resolutions of 23 February 2024 No. 195⁴³³³ and 22 March 2024 No. 326⁴³³⁴, the implementing protocols with Romania and the Republic of Latvia were approved (entered into force on 20 October 2024).

4329 Agreement between Ukraine and the European Community on the Readmission of Persons of 18.06.2007.

4330 For example: On the Approval of the Implementation Protocol between Ukraine and the Benelux States to the Agreement between Ukraine and the European Community on the Readmission of Persons: Presidential Decree No. 481 of 27.09.2021.

4331 On the Signing of the Implementation Protocol between the Cabinet of Ministers of Ukraine and the Government of the Republic of Bulgaria to the Agreement between Ukraine and the European Community on the Readmission of Persons, signed on 18 June 2007 in Luxembourg: Order of the Cabinet of Ministers of Ukraine No. 718 of 15.07.2025.

4332 For example: On the Signing of the Implementation Protocol between the Cabinet of Ministers of Ukraine and the Government of Hungary on the Implementation of the Agreement between Ukraine and the European Community on the Readmission of Persons, concluded on 18.06.2007 in Luxembourg: Order of the Cabinet of Ministers of Ukraine No. 700 of 09.08.2022.

4333 On the Approval of the Implementation Protocol between the Cabinet of Ministers of Ukraine and the Government of Romania to the Agreement between Ukraine and the European Community on the Readmission of Persons: Resolution of the Cabinet of Ministers of Ukraine No. 195 of 23.02.2024.

4334 On the Approval of the Implementation Protocol between the Cabinet of Ministers of Ukraine and the Government of the Republic of Latvia to the Agreement between Ukraine and the European Community on the Readmission of Persons: Resolution of the Cabinet of Ministers of Ukraine No. 326 of 22.03.2024.

At present, the Romanian side is completing the domestic procedures necessary for the Ukrainian-Romanian implementing protocol to enter into force.

On 7 October 2024, the Ukrainian-Slovak implementing protocol was signed in Uzhhorod and approved by Government decision⁴³³⁵ on 21 February 2025. Domestic procedures for its entry into force are ongoing.

On 24 August 2023, Parliament adopted the Law of Ukraine "On the Suspension of the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation on Readmission"⁴³³⁶.

With the aim of monitoring the implementation of the provisions of the Readmission Agreement with the EU, the Ukraine-EU Joint Readmission Committee operates, with meetings generally held once a year⁴³³⁷.

As of July 2025, the readmission dialogue is ongoing at various stages with Bosnia and Herzegovina, Montenegro, Kazakhstan, Armenia, Libya, Georgia, Lebanon, Tajikistan, Azerbaijan, Afghanistan, India, Sri Lanka, Bangladesh, Iraq, Nigeria, Vietnam, and Pakistan.

On 12 January 2022, the Cabinet of Ministers of Ukraine approved the Implementation Protocol between the Cabinet of Ministers of Ukraine and the Government of the Republic of Serbia to the Agreement between Ukraine and the Republic of Serbia on the Readmission of Persons⁴³³⁸.

Progress and issues

A key problem in the readmission dialogue between Ukraine and the countries of origin of irregular migration is the slow pace of agreeing on all components of the readmission procedure. Another issue is the collection of evidence to establish grounds for the readmission of third-country nationals and stateless persons. In particular, the exchange of statistical and analytical information on combating irregular migration is carried out between state authorities in accordance with the Methodology⁴³³⁹, which was approved in 2015 and requires updating. At the same time, in some cases, the country of origin of an irregular migrant is not willing to take back such a citizen or stateless person⁴³⁴⁰.

4335 On the Approval of the Implementation Protocol between the Cabinet of Ministers of Ukraine and the Government of the Slovak Republic on the Implementation of the Agreement between Ukraine and the European Community on the Readmission of Persons: Resolution of the Cabinet of Ministers of Ukraine No. 191 of 21.02.2025.

4336 On the Suspension of the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation on Readmission: Law of Ukraine No. 3359-IX of 24.08.2023.

4337 Agreement between Ukraine and the European Community on the Readmission of Persons of 18.06.2007, Article 15.

4338 On the Signing of the Implementation Protocol between the Cabinet of Ministers of Ukraine and the Government of the Republic of Serbia to the Agreement between Ukraine and the Republic of Serbia on the Readmission of Persons: Order of the Cabinet of Ministers of Ukraine No. 38 of 12.01.2022.

4339 On the Approval of the Methodology for Risk Analysis for the Purpose of Combating Illegal Migration: Order of the Ministry of Internal Affairs of Ukraine, the Ministry of Foreign Affairs of Ukraine, the Ministry of Social Policy of Ukraine, the Ministry of Education and Science of Ukraine, the Foreign Intelligence Service of Ukraine, and the Security Service of Ukraine No. 494/132/467/497/141/281 of 29.04.2015.

4340 Theoretical and Applied Problems of Protecting the Interests of the State Border Guard Service of Ukraine in the Courts of Ukraine and Other States: Monograph, Bohdan Khmelnytskyi National Academy of the State Border Guard Service of Ukraine. 2020.

In addition, the meetings of the Ukraine-EU Joint Readmission Committee are not held regularly enough. While the Committee typically meets once a year, its meetings were suspended following the start of the full-scale invasion of Ukraine by Russia. The last meeting took place in 2021⁴³⁴¹.

Recommendations

1. Step up the **negotiation process** with migration risk countries on the conclusion of readmission agreements.
2. Establish **cooperation** with diplomatic missions of foreign states on the identification and documentation of irregular migrants.
3. Conduct a comprehensive **assessment** of the implementation of existing readmission agreements. Based on the assessment results, initiate amendments and additions to such agreements where their provisions and mechanisms do not fully ensure the achievement of the agreements' objectives.
4. **Resume** the **regular** work of the Joint Expert Committee on Readmission between Ukraine and the EU.

Integrated Migration Management System

State of play

The SMS does not use in its work the term "Integrated Migration Management System", which appears in the European Commission's reports within the EU Enlargement Package of 2023 and 2024, and considers such wording to be incorrect⁴³⁴².

As of 31 July 2025, two main systems are functioning within the SMS: the Unified Information and Analytical System for Migration Process Management (UIAS MPM) and the NSBVI. The UIAS MPM, as part of the Unified Information System of the Ministry of Internal Affairs, is a key tool for the effective control and analysis of migration flows in Ukraine.

The UIAS MPM is an information and communication system, created with the help of the tools of the Unified State Demographic Register, which automates the SMS's activities, ensures electronic information interaction between the subjects of the Unified State Demographic Register and the subjects of the NSBVI with a view to implementing state policy in the field of migration (immigration and emigration), in particular countering irregular (illegal) migration, citizenship, registration of individuals, refugees and other categories of migrants defined by law, and the issuance, replacement, transfer, withdrawal, return to the state, invalidation and destruction of identity documents, documents con-

4341 Representatives of the SMS took part in the Fourteenth Meeting of the Joint Committee on Readmission "Ukraine — EU". State Migration Service of Ukraine. 2021.

4342 Information obtained from an interview with a representative of the State Migration Service of Ukraine, conducted on 16.06.2025.

firming Ukrainian citizenship or a special status of a person⁴³⁴³. In addition, the UIAS MPM contributes to improving the system of state management of migration processes in line with international standards in the field of human rights protection.

The UIAS MPM was developed back in 2015, but the Regulation on the UIAS MPM, which defines the tasks, purpose, functions and structure of the system, was only adopted in October 2023.

The NSBVI is an automated system created in the interests of national security, economic welfare and human rights, which enables the identification of foreigners and stateless persons entering and leaving Ukraine, monitoring their compliance with the rules of stay in the territory of Ukraine, and ensuring the performance by the subjects of the national system of the powers and tasks defined by the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons"⁴³⁴⁴.

The NSBVI is used for the processing and issuance of documents confirming Ukrainian citizenship, identifying a person or confirming their special status in the territorial bodies and territorial divisions of the SMS. The Regulation on the NSBVI⁴³⁴⁵ was adopted in December 2017, and in December 2018 the system was put into industrial operation⁴³⁴⁶.

During 2016–2021, within the framework of the project "Support to Migration and Asylum Management in Ukraine", IOM cooperated with the SMS and the SBGS on aligning the UIAS MPM with European standards.

At the same time, IOM experts worked on drafting a law to regulate the identification and verification of citizens of Ukraine, foreigners and stateless persons⁴³⁴⁷, in order to ensure proper legal regulation of all elements of the modernised specialised NSBVI software, whose subjects are the SMS, the Administration of the State Border Guard Service, the NPU, the MoIA, the ESBV, the SBI, the MFA, foreign diplomatic missions, the Ministry for Communities and Territories Development of Ukraine, the SSU, the Department of State Protection of Ukraine, the Foreign Intelligence Service, the NABU and the Ministry of Defence.

According to representatives of the SMS, it is precisely the NSBVI that may have been referred to in the European Commission's reports as the "integrated migration management system".

Progress and issues

As of 31 July 2025, the NSBVI provides, by law, for the processing of biometric parameters **exclusively of foreigners and stateless persons**. That is, at present there is a problem with biometric data templates, consisting in the absence of comprehensive legislative

4343 Regulation on the Unified Information and Analytical System for Migration Process Management: Order of the Ministry of Internal Affairs of Ukraine No. 811 of 04.10.2023.

4344 On the Legal Status of Foreigners and Stateless Persons: Law of Ukraine No. 3773-VI of 22.09.2011.

4345 On the Approval of the Regulation on the National System of Biometric Verification and Identification of Citizens of Ukraine, Foreigners and Stateless Persons: Resolution of the Cabinet of Ministers of Ukraine No. 1073 of 27.12.2017.

4346 Information obtained from an interview with a representative of the State Migration Service of Ukraine, conducted on 16.06.2025.

4347 Cooperation with the EU within the framework of the project "Support to Migration and Asylum Management in Ukraine" (IMMIS): State Migration Service of Ukraine.

regulation of their processing for citizens of Ukraine. The NSBVI works mainly with the biometric data of foreigners and stateless persons, whereas legislative provisions for the processing of biometric templates of citizens of Ukraine have not yet been introduced. This creates legal uncertainty and complicates the integration of biometric data of citizens of Ukraine into the system for identification, control and security purposes.

In the draft of the new IBM Strategy, which as of 31 July is under consideration by the Government, the problem is formulated as "imperfect inter-agency interaction due to the untimely filling of departmental information systems of the National System of Biometric Verification and Identification of Citizens of Ukraine, Foreigners and Stateless Persons, and the absence of automated data exchange between state registers held by IBM entities".

To provide legislative regulation of the possibility to process biometric data of **citizens of Ukraine**, the SMS, in cooperation with the IOM, developed Draft Law No. 8151⁴³⁴⁸, which has been under consideration in the committees of the Verkhovna Rada since 2022.

The purpose of this draft law is the comprehensive regulation of issues relating to the identification of citizens of Ukraine, foreigners and stateless persons by their biometric data, the establishment of clear rules of interaction between the NSBVI and related systems, the determination of the procedure for the transfer of biometric data templates, and the provision of legal grounds for their use by all authorised entities, which should enhance the effectiveness and security of personal identification.

Draft Law No. 8151 proposes amendments to a number of laws of Ukraine, namely:

1. "On the Unified State Demographic Register and Documents Confirming Citizenship of Ukraine, Identifying a Person or Their Special Status" — with regard to regulating the transfer of biometric data templates to the NSBVI and establishing the interconnection between the Unified State Demographic Register and the NSBVI;
2. "On the Legal Status of Foreigners and Stateless Persons" — by supplementing it with a new section that will define: the purpose of the submission of biometric data, the methods of identification of foreigners and stateless persons; an exhaustive list of cases in which a foreigner or stateless person is obliged to submit biometric data; the specificities of processing biometric data of foreigners and stateless persons carried out in the interests of ensuring Ukraine's national security; and the procedure for NSBVI entities to access NSBVI sectors containing biometric data templates;
3. "On Citizenship of Ukraine" — regarding the regulation of the submission of biometric data by citizens of Ukraine, foreigners and stateless persons when submitting applications on citizenship issues, and the identification of persons through the NSBVI in the consideration of applications and submissions on citizenship matters.

The provisions of Draft Law No. 8151 also propose to align the provisions of the Laws of Ukraine "On the State Border Guard Service of Ukraine", "On Border Control", and "On the National Police" with the relevant provisions of the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons" in terms of the powers of the state border protection bodies and the bodies of the National Police regarding the recording (processing) of biometric data of foreigners and stateless persons.

4348 On Amendments to Certain Legislative Acts of Ukraine on the Regulation of the Identification and Verification of Citizens of Ukraine, Foreigners and Stateless Persons: Draft Law of Ukraine, registration. No. 8151 of 24.10.2022.

Recommendations

With a view to the comprehensive regulation of the identification of citizens of Ukraine, foreigners and stateless persons by their biometric data, as well as to ensuring the filling of departmental information systems of the NSBVI, it is advisable to adopt the Draft Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on the Regulation of the Identification and Verification of Citizens of Ukraine, Foreigners and Stateless Persons", registered in the Verkhovna Rada under No. 8151.

Granting Asylum to Refugees (Asylum Seekers)

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The right to international protection is one of the key aspects of respecting human rights and fulfilling the state's international obligations. As a party to international legal instruments, Ukraine guarantees access to the procedure for granting refugee status and subsidiary protection to persons seeking protection. This right is enshrined in a number of international instruments, including the 1951 Convention Relating to the Status of Refugees and the Protocol Relating to the Status of Refugees, as well as in the Universal Declaration of Human Rights⁴³⁴⁹.

At the national level, the procedure for granting international protection is defined by the Constitution of Ukraine⁴³⁵⁰, the Law of Ukraine "On Refugees and Persons in Need of Subsidiary or Temporary Protection"⁴³⁵¹, as well as other normative legal acts. These documents establish the mechanism for considering applications for refugee status or for subsidiary protection, as well as the rights and obligations of applicants. However, Ukrainian legislation does not contain a clear definition of the term "asylum" or the relevant procedures for granting it.

As of the end of 2021, 2,391 officially registered refugees and persons with subsidiary protection, as well as approximately 2,700 asylum seekers⁴³⁵², were residing in the territory of Ukraine. Following the onset of the full-scale invasion of Ukraine by the Russian Federation, the number of such persons in Ukraine significantly decreased. Despite the existence of clear legal mechanisms, access to international protection in Ukraine remains a challenge due to legislative gaps, administrative difficulties, lengthy application processing times, and issues with the integration of individuals who have been granted refugee status or subsidiary protection.

State authorities, in particular the SMS as the central executive authority implementing state policy in the field of refugees and persons in need of subsidiary or temporary protection, as well as the courts, play an important role in the implementation of international protection policy. Since the beginning of the full-scale invasion of Ukraine by the Russian Federation, access to the procedure for determining refugee status or granting subsidiary protection has become even more difficult, as the SMS often refuses to accept relevant applications orally, thereby depriving applicants of their right to appeal and to an effective legal remedy. The absence of clear legal grounds for such refusals indicates serious violations of Ukraine's international human rights obligations.

In addition, the procedure for recognising refugee status or granting subsidiary protection is affected by a number of other systemic issues. Among them are the certificate of application for protection in Ukraine is not recognised as an identity document; there is a shortage of interpreters, which complicates communication during the consideration of applications; there are delays in case consideration, which can last for years; the level of document digitalisation is insufficient, creating obstacles to the exercise of applicants' rights. Moreover, there are issues with obtaining reliable information about the applicants' countries of origin.

4349 Universal Declaration of Human Rights of 10.12.1948.

4350 Constitution of Ukraine of 28.06.1996.

4351 On Refugees and Persons in Need of Complementary or Temporary Protection: Law of Ukraine No. 3671-VI of 08.07.2011.

4352 Refugees and Asylum Seekers. The UN Refugee Agency — Ukraine.

Therefore, the procedure for determining refugee status or granting subsidiary protection requires comprehensive reform. It is important to develop and adopt a dedicated law on asylum, ensure transparency of procedures, introduce clear standards for assessing applications, and improve access to international protection in accordance with international and EU law.

Definition of the Term “Asylum” in the Legislation of Ukraine

State of play

According to para. 26 of Part 1 of Article 106 of the Constitution of Ukraine⁴³⁵³, the President decides on the granting of asylum in Ukraine.

The Law of Ukraine “On Refugees and Persons in Need of Subsidiary or Temporary Protection” (Law No. 3671-VI)⁴³⁵⁴, as well as subordinate normative legal acts, define the procedure for making decisions on the status of a refugee or a person in need of subsidiary protection in Ukraine, the powers of public authorities in this area, and the rights and obligations of applicants.

According to Article 10 of Law No. 3671-VI⁴³⁵⁵, the decision on an application for recognition as a refugee or a person in need of subsidiary protection is taken by the central executive authority that implements state policy in the field of refugees and persons in need of subsidiary or temporary protection, within one month from the date of receipt of the applicant's personal file and the written conclusion.

It follows that the **final decision on granting an individual refugee status or subsidiary protection is made by the SMS** as the central executive authority implementing state policy in the field of refugees and persons in need of subsidiary or temporary protection. In contrast, pursuant to para. 26 of Part 1 of Article 106 of the Constitution of Ukraine⁴³⁵⁶, the decision on granting asylum in Ukraine is taken by the President.

Therefore, an analysis of the legislative provisions clearly shows that **granting refugee status or subsidiary protection and granting asylum in Ukraine are distinct legal categories, each governed by different decision-making procedures**. In fact, the only reference that even indirectly suggests the procedure for granting asylum in Ukraine is the aforementioned para. 26 of Part 1 of Article 106 of the Constitution of Ukraine.

The reliance solely on this constitutional provision as the only source mentioning the granting of asylum highlights several significant shortcomings that underscore the inadequacy of legal regulation in this area.

4353 Constitution of Ukraine of 28.06.1996.

4354 On Refugees and Persons in Need of Complementary or Temporary Protection: Law of Ukraine No. 3671-VI of 08.07.2011.

4355 Ibid, Art. 10.

4356 Constitution of Ukraine of 28.06.1996.

Progress and issues

Neither the Constitution of Ukraine nor the provisions of special legislation contain specific procedures, criteria, or conditions relating directly to the granting of asylum in Ukraine. There is no dedicated law or subordinate legal acts in Ukraine that would regulate the process of granting asylum in detail. The absence of such legislation not only creates legal uncertainty but also complicates the state's ability to fulfil its international obligations.

Such **shortcomings in the legal regulation of asylum may lead to violations of international obligations**, in particular the 1951 Convention Relating to the Status of Refugees⁴³⁵⁷ and the Protocol Relating to the Status of Refugees⁴³⁵⁸. The lack of detailed regulation at the national level creates significant risks to Ukraine's full compliance with international standards, which may result in the violation of the rights of those seeking protection and criticism from the international community. This situation also renders the asylum procedure in Ukraine unpredictable, creating additional difficulties for applicants, as well as risks of discrimination, unequal treatment of different categories of persons, and a decline in trust in state institutions.

Finally, in light of its candidate status for accession to the European Union, Ukraine has an obligation to align its legislation with European standards, including in the area of asylum. The lack of legal regulation in this field complicates the harmonisation of Ukrainian legislation with EU law, which may become an obstacle on the path to European integration.

At the same time, the **absence of clear rules creates legal uncertainty and leads to varying interpretations in practice**, which significantly hinders the protection of the rights of protection seekers (persons who have submitted an application for recognition as a refugee or a person in need of subsidiary protection) and asylum seekers (persons seeking asylum in Ukraine). An example of this problem is the Classifier of Social Services, approved by Order of the Ministry of Social Policy of 23 June 2020 No. 429⁴³⁵⁹. This document defines the list of social services and categories of recipients of social services. According to the Classifier, among the recipients of social services are only "asylum seekers", although the current legislation of Ukraine does not provide for such a status. At the same time, the Classifier does not include protection seekers among the recipients of social services.

Therefore, the legislation of Ukraine is currently characterised by the absence of a clear distinction between the procedure for "granting asylum" and the procedure for recognition as a refugee or a person in need of subsidiary protection. This creates legal uncertainty, leads to discrepancies in the interpretation of norms, and complicates the provision of protection for persons seeking protection or asylum in Ukraine.

4357 Convention Relating to the Status of Refugees of 28.07.1951.

4358 Protocol Relating to the Status of Refugees of 16.12.1966.

4359 On the Approval of the Social Services Classifier: Order of the Ministry of Social Policy of Ukraine No. 429 of 23.06.2020.

Access to the Procedure for Determining Refugee Status or Granting Subsidiary Protection after the Start of the Full-Scale Invasion of Ukraine by the Russian Federation

State of play

It is extremely difficult to apply for international protection in Ukraine, especially since the beginning of the full-scale invasion of Ukraine by the Russian Federation. From 24 February to 15 March 2022, the SMS suspended the operation of its territorial bodies and units, as well as its information systems. However, **even after resuming operations, SMS territorial bodies have continued to invoke martial law as a justification for suspending the registration or consideration of applications for recognition as a refugee or a person in need of subsidiary protection.** Neither the Law of Ukraine "On the Legal Regime of Martial Law"⁴³⁶⁰ nor the Presidential Decree "On the Introduction of Martial Law in Ukraine" No. 64⁴³⁶¹ of 24 February 2022 restricts the right of individuals to seek protection in Ukraine.

On 24 February 2023, the Verkhovna Rada adopted the Law of Ukraine No. 2952-IX "On Amendments to Certain Legislative Acts of Ukraine Regarding the Protection of the State Border of Ukraine"⁴³⁶², which entered into force on 23 March 2023. This law amended Article 5 of Law No. 3671-VI⁴³⁶³ and stipulated that the State Border Guard Service shall not accept applications from protection seekers during martial law.

Order of the MoIA No. 678⁴³⁶⁴ of 16 August 2023 introduced amendments to the Instruction on the Procedure for Actions of Officials of the SBGS and Interaction with Territorial Bodies of the SMS upon Applications from Foreigners or Stateless Persons for Recognition as Refugees or Persons in Need of Subsidiary Protection⁴³⁶⁵. These amendments expanded the grounds for the SBGS to refuse to accept applications for protection, including from persons applying during martial law.

Progress and issues

Protection seekers are regularly deprived of effective legal remedies, and applications for protection are verbally rejected without any written notice or indication of a lawful reason⁴³⁶⁶.

4360 On the Legal Regime of Martial Law: Law of Ukraine No. 389-VIII of 12.05.2015.

4361 On the Introduction of Martial Law in Ukraine: Presidential Decree No. 64/2022 of 24.02.2022.

4362 On Amendments to Certain Legislative Acts of Ukraine on the Protection of the State Border of Ukraine: Law of Ukraine No. 2952-IX of 24.02.2023.

4363 On Refugees and Persons in Need of Complementary or Temporary Protection: Law of Ukraine No. 3671-VI of 08.07.2011.

4364 On the Approval of Amendments to Certain Normative Legal Acts of the Ministry of Internal Affairs of Ukraine and the Administration of the State Border Guard Service of Ukraine on the Activities of the State Border Guard Service of Ukraine: Order of the Ministry of Internal Affairs of Ukraine No. 678 of 16.08.2023.

4365 On the Approval of the Instruction on the Procedure for the Actions of Officials of the State Border Guard Service of Ukraine and Their Interaction with Territorial Bodies of the State Migration Service of Ukraine When Foreigners or Stateless Persons Submit Applications for Recognition as Refugees or Persons in Need of Complementary Protection: Order of the Ministry of Internal Affairs of Ukraine No. 772 of 10.08.2016.

4366 Difficulties Faced by Asylum Seekers and Refugees During Martial Law in Ukraine. CF "Right to Protection". 2023.

According to Article 5 of Law No. 3671-VI⁴³⁶⁷, a decision to refuse acceptance of an application for recognition as a refugee or a person in need of subsidiary protection may be made only if the applicant is impersonating another person or if the applicant has previously been refused recognition as a refugee or a person in need of subsidiary protection and the repeated application does not contain any new circumstances, i.e. the circumstances have not changed.

Instead, the **SMS refuses to accept applications without issuing a corresponding written notice**, thereby depriving individuals of the opportunity to appeal the decision and of their right to an effective legal remedy.

In order to gain access to the procedure, applicants are forced to document their attempts to submit an application and insist on receiving an official refusal in accordance with the procedure established by the Law of Ukraine "On Citizens' Appeals"⁴³⁶⁸. In responses to such appeals — which are not part of the procedure for determining refugee status or granting subsidiary protection — the **SMS justifies refusals by citing martial law, failure to comply with the established five-day time limit for submitting the relevant application, or referring to the position of the UN Refugee Agency (UNHCR)** from March 2022 and June 2023, **according to which Ukraine is not considered a "safe country of origin"**, and foreigners who failed to apply for international protection in time are advised to seek protection in a third safe country⁴³⁶⁹.

However, Ukraine has not declared any derogations from the provisions of the 1951 Convention⁴³⁷⁰, and such refusals by the SMS are therefore unlawful. In response, **protection seekers are forced to apply to the courts, challenging the denial of access to the procedure**. Case law shows that such actions by the SMS are recognised as inaction, and court rulings are issued in favour of the applicants. Courts usually oblige the SMS to reconsider the application for recognition as a refugee or a person in need of subsidiary protection and, following the reconsideration, to issue a decision taking into account the legal assessment provided by the court⁴³⁷¹.

Such actions by the SMS directly contradict the State Migration Policy Strategy of Ukraine for the Period up to 2025⁴³⁷², which identifies, as one of its key objectives (Goal 11), ensuring that foreigners and stateless persons have access to the consideration of their applications for recognition as refugees or persons in need of subsidiary protection through an effective and fair procedure. Therefore, the restriction of access to the procedure for determining refugee status or granting subsidiary protection following the onset of the full-scale invasion of Ukraine by the Russian Federation directly violates this principle, undermining trust in the system of international protection in Ukraine.

4367 On Refugees and Persons in Need of Complementary or Temporary Protection: Law of Ukraine No. 3671-VI of 08.07.2011, Part 6, Article 5.

4368 On Citizens' Appeals: Law of Ukraine No. 393/96-VR of 02.10.1996.

4369 Information based on the practice of CF "Right to Protection" for 2022–2025.

4370 Convention Relating to the Status of Refugees of 28.07.1951.

4371 For example: Decision of the Volyn District Administrative Court of 28.11.2023 in Case No. 140/23778/23.; Judgment of the Second Administrative Court of Appeal of 25.07.2024 in Case No. 520/4940/23.; Court of Appeal of 13.11.2024 in Case No. 160/9818/24.; Judgment of the Seventh Administrative Court of Appeal of 08.10.2024 in Case No. 120/1738/24.; Decision of the Kharkiv District Administrative Court of 06.06.2023 in Case No. 520/4934/23.

4372 On the Approval of the State Migration Policy Strategy of Ukraine until 2025: Order of the Cabinet of Ministers of Ukraine No. 482 of 12.07.2017.

It should additionally be noted that such appeals by protection seekers to the court are non-pecuniary claims heard by administrative courts. The court fee for filing such a claim amounts to 0.4 of the subsistence minimum for able-bodied persons, which in 2024 was approximately UAH 1,212⁴³⁷³. At the same time, there is positive case law where courts exempt claimants from paying the court fee, reasoning that they are challenging the refusal to accept an application for recognition as a refugee or a person in need of subsidiary protection⁴³⁷⁴.

Legal Status of the Certificate of Application for Protection in Ukraine

State of play

According to Law No. 3671-VI⁴³⁷⁵, a person who submits an application for recognition as a refugee or a person in need of subsidiary protection receives a certificate of application for protection in Ukraine. At the same time, the **applicant hands over their national passport or another identity document for safekeeping to the territorial body of the SMS**. The fact of transfer is documented by a receipt, which remains with the applicant. The submitted documents are kept by the SMS until a final decision is made on the application.

Thus, while the SMS is considering such an application, the individual possesses only the certificate of application for protection in Ukraine — a document that confirms the lawfulness of the person's stay on the territory of Ukraine for the period starting from the moment of submitting the relevant application for recognition as a refugee or a person in need of subsidiary protection. This certificate is valid for the exercise of rights and fulfilment of obligations provided for by this law and other laws of Ukraine until the individual's status is finally determined or until they leave the territory of Ukraine⁴³⁷⁶. **Due to the length of the procedure in Ukraine, which may last for years⁴³⁷⁷, applicants are forced to live throughout this entire period relying solely on this certificate.**

Progress and issues

The certificate of application for protection in Ukraine is not recognised by the state as an identification document (a document certifying identity), but merely confirms the lawfulness or legality of a person's stay as a protection seeker. As a result, the applicant finds themselves in a state of legal uncertainty and is deprived of the ability to exercise their rights due to the absence of identity documents⁴³⁷⁸. Protection seekers holding such a certificate report difficulties with the recognition of their documents by state institutions,

4373 On Court Fees: Law of Ukraine No. 3674-VI of 08.07.2011.

4374 Information based on the practice of CF "Right to Protection". Decision of the Lviv District Administrative Court of 10.01.2025 in Case No. 380/18267/24; Decision of the Kharkiv District Administrative Court of 03.12.2024 in Case No. 520/26132/24.; Decision of the Kyiv District Administrative Court of 07.02.2024 in Case No. 320/34649/23.

4375 On Refugees and Persons in Need of Complementary or Temporary Protection: Law of Ukraine No. 3671-VI of 08.07.2011.

4376 Ibid.

4377 Infographic and legal note to help refugees eligible for temporary protection in the EU. CF «Right to protection», 2023.

4378 Legal Protection of Asylum Seekers, Refugees and Stateless Persons in Ukraine. CF "Right to Protection", 2021.

as well as unsatisfactory access to social or medical services, the labour market, and housing⁴³⁷⁹.

This issue has become even more acute during the period of martial law in Ukraine, when protection seekers have been forced to leave the country. Upon arriving in EU Member States, they are unable to travel to other countries or re-enter Ukraine, as the certificate is not a valid travel document, and their passports remain in the custody of the territorial bodies of the SMS⁴³⁸⁰.

Thus, due to the non-recognition of the certificate of application for protection as an identity document and the absence of a national passport, protection seekers face restrictions in accessing their rights.

Specific Issues of the National Procedure for Recognition as a Refugee or a Person in Need of Subsidiary Protection

Shortage of Interpreters for Interviews with Protection Seekers

State of play

According to Part 1 of Article 8 of Law No. 3671-VI⁴³⁸¹, the SMS is obliged to conduct an interview with the applicant within 15 days from the date of registration of the application. At the same time, the SMS must ensure interpretation during the interview. For this purpose, the Reference and Information Register of Interpreters of Ukraine is used. It functions as a webpage on the official website of the SMS and contains information about interpreters who may be engaged by public authorities to provide interpretation services during the consideration of applications and interviews with protection seekers, during their detention, provision of legal assistance, consideration by administrative courts of cases concerning refugees and the expulsion of foreigners and stateless persons from Ukraine, as well as during pre-trial investigations and court proceedings in criminal cases and cases on administrative offences committed by refugees and other categories of migrants in the territory of Ukraine⁴³⁸².

Progress and issues

The shortage of qualified interpreters in the Register of Interpreters of Ukraine complicates protection seekers' access to the asylum procedure. The Register contains information only on interpreters of widely spoken languages, so applicants who speak rare languages are often forced to find and pay for an interpreter themselves, which may be financially burdensome⁴³⁸³.

4379 Difficulties Faced by Asylum Seekers and Refugees During Martial Law in Ukraine. CF "Right to Protection". 2023.

4380 Ibid.

4381 On Refugees and Persons in Need of Complementary or Temporary Protection: Law of Ukraine No. 3671-VI of 08.07.2011.

4382 On the Approval of the Procedure for Maintaining the Reference and Information Register of Translators by the State Migration Service of Ukraine: Order of the Ministry of Internal Affairs of Ukraine No. 228 of 11.03.2013.

4383 The interim report "State of observance of the rights of refugees, asylum seekers and stateless persons in Ukraine". CF «Right to protection», 2020.

Insufficient Digitalisation of Documents for Refugees, Persons in Need of Subsidiary Protection, and Protection Seekers

State of play

Neither the certificate of application for protection in Ukraine nor the refugee or subsidiary protection ID cards are digitalised or integrated into the state electronic public services platform Diia⁴³⁸⁴.

Given that the Diia Portal functions as a platform for the provision of public (electronic public) services by receiving and using information from national electronic information resources and other information and communication systems, and by providing user access through an electronic user cabinet⁴³⁸⁵, its effectiveness directly depends on the completeness and relevance of data in the respective information resources and systems.

Progress and issues

The absence of digital records regarding applications for protection in Ukraine and the granting of refugee status or subsidiary protection significantly limits the ability of this category of persons to integrate into the state's system of digital services, complicating access to administrative services. This creates additional obstacles to the exercise of their rights, especially under martial law conditions, when documents may be lost or destroyed, and restoring paper versions is a complex and lengthy process.

Delays in the Consideration of Applications for Protection

State of play

According to Part 1 of Article 9 of Law No. 3671-VI⁴³⁸⁶, the SMS must consider an application for recognition as a refugee or a person in need of subsidiary protection and take a decision within two months, with the possibility of extending the period to three months.

Progress and issues

However, neither **Law No. 3671-VI⁴³⁸⁷** nor other normative legal acts provide for the **mandatory notification of the applicant about such delays**.

In addition, according to the UN Refugee Agency, **about a quarter of protection seekers have remained in the territory of Ukraine for five years or more while awaiting**

4384 State Services Online. Unified State Web Portal of Electronic Services.

4385 On the Unified State Web Portal of Electronic Services and the Register of Administrative Services: Resolution of the Cabinet of Ministers of Ukraine No. 1137 of 04.12.2019.

4386 On Refugees and Persons in Need of Complementary or Temporary Protection: Law of Ukraine No. 3671-VI of 08.07.2011.

4387 Ibid.

decisions on their applications⁴³⁸⁸. These delays arise, in particular, due to **lengthy court proceedings challenging the actions and inaction of the SMS** at all levels of the judiciary.

In the EU, by contrast, the competent authority must decide on applications for asylum as soon as possible, but no later than six months from the date of application, except in specific circumstances. If a decision cannot be made within six months, the applicant must be informed of the delay⁴³⁸⁹.

Use of Country-of-Origin Information Without Proper Verification

State of play

Law No. 3671-VI⁴³⁹⁰ does not specify the sources from which the SMS obtains information about the situation in the country of origin, other than that provided by the MFA and Ukrainian diplomatic missions abroad.

The rules for the consideration of applications stipulate that country of origin information may be obtained from information reports prepared by the MFA, the SMS, the UN Refugee Agency, and other national and international organisations specialising in the collection and publication of such information or reports⁴³⁹¹.

Progress and issues

Despite the existence of a list of admissible sources, in practice, **SMS staff sometimes use unreliable information resources when preparing conclusions for decision-making, including Wikipedia, travel agency websites, and web resources that have repeatedly disseminated fake information**⁴³⁹². The absence of clear standards for source verification and the lack of institutional access to verified databases pose a risk of unjustified decisions being taken on applications for protection.

In contrast, in the EU, the European Union Agency for Asylum (EUAA) has developed the COI⁴³⁹³ (Country of Origin Information) Portal to support EU asylum authorities in making accurate and fair decisions in asylum procedures. The COI Portal collects relevant information and compiles reports that provide accurate, reliable, and up-to-date information on third countries. The COI is a vital tool for supporting the assessment of applications for international protection.

4388 Difficulties Faced by Asylum Seekers and Refugees During Martial Law in Ukraine. CF "Right to Protection", 2023.

4389 Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast).

4390 On Refugees and Persons in Need of Complementary or Temporary Protection: Law of Ukraine No. 3671-VI of 08.07.2011

4391 On the Approval of the Rules for Considering Applications and Issuing Documents Required for the Recognition of a Person as a Refugee or a Person in Need of Complementary Protection, Loss and Deprivation of Refugee or Complementary Protection Status, and Revocation of the Decision on Recognition: Order of the Ministry of Internal Affairs of Ukraine No. 649 of 07.09.2011.

4392 The interim report "State of observance of the rights of refugees, asylum seekers and stateless persons in Ukraine". CF "Right to protection", 2020.

4393 European Union Agency for Asylum (EUAA).

Recommendations

1. The Parliament should adopt a dedicated law or introduce amendments to the current legislation to clearly define the procedure for granting asylum and distinguish it from the procedure for recognition as a refugee or a person in need of subsidiary protection.
2. The SMS should resume accepting applications for recognition as a refugee or a person in need of subsidiary protection without any discrimination. Refusal to accept an application may only be carried out in accordance with the procedure and under the conditions set out in Article 5 of Law No. 3671-VI.
3. In order to ensure the fundamental rights of protection seekers in Ukraine, measures should be taken to recognise the certificate of application for protection in Ukraine as an identity document for the period during which the application for recognition as a refugee or a person in need of subsidiary protection is being considered. Additionally, the practice of seizing passports and other identity documents from protection seekers at the time of application should be discontinued.
4. The Reference and Information Register of Interpreters of Ukraine should be expanded to include specialists in rare languages. Furthermore, a mechanism of budgetary funding should be introduced for interpretation services for protection seekers who require an interpreter in a rare language and are unable to access a registered interpreter or pay for such services themselves.
5. Refugee documents, documents of persons in need of subsidiary protection, and those of protection seekers should be digitalised and recognised as equivalent to their paper versions.
6. Amendments should be made to Ukrainian legislation, in particular to Law No. 3671-VI, with a view to introducing the mandatory notification of applicants regarding delays in the consideration of their applications. This will enhance transparency and safeguard the rights of protection seekers. Procedures should also be improved to accelerate the consideration of applications in line with European standards.
7. To improve the quality and accuracy of decisions in the procedure for recognising refugee status or granting subsidiary protection in Ukraine, it is essential to ensure the use of reliable and verified sources of information regarding the situation in applicants' countries of origin.

Visa Policy



The fundamental documents for the implementation of European standards in the field of **visa policy** are the Association Agreement between Ukraine and the EU and the State Migration Policy Strategy of Ukraine for the period until 2025. At the same time, issues of visa policy are also partially included in the Integrated Border Management Strategy for the period until 2025.

The impetus for changes in visa policy was the process of visa liberalisation with the EU, which culminated in 2017 with the abolition of the visa regime for Ukrainian citizens for short-term trips to the EU. At present, Ukraine complies with the criteria of a visa-free country and reports on the criteria defined by the “suspension mechanism”.

In 2018, the national system of biometric verification and identification of citizens of Ukraine, foreigners, and stateless persons became operational. To ensure the protection of information in the national biometric verification and identification system, a comprehensive information protection system was established. Since 2019, Ukraine has been using a mixed visa system that provides for the submission of applications both online and in paper form.

In Ukraine's visa policy, two groups of countries can be distinguished based on the stringency of visa issuance requirements: 52 “electronic visa countries” and 70 “migration risk countries”. The former can obtain an e-visa relatively simply and quickly for a period of up to 30 days, while the latter, in addition to standard consular procedures, must also undergo additional screening, including an interview and a SSU check. Standard consular procedures apply to all other countries and territories.

With the start of the full-scale invasion of Ukraine by Russia, the issuance of electronic visas was suspended due to security risks. As of 19 February 2025, the Consular Service Department of the MFA announced the resumption of electronic visa (e-Visa) issuance in order to facilitate entry to Ukraine for foreigners from 45 countries. The e-Visa will be issued for tourist, private, business, educational, cultural, and scientific purposes, as well as for professional activities of journalists, athletes, and for medical treatment.

A key task in the field of visa policy within the framework of European integration is the need to align it with the EU's policy. This means that Ukraine must bring its visa regimes with other countries in line with the “black” and “white” lists of the Schengen area. The list of countries is defined in Annex II to Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018⁴³⁹⁴. In other words, this refers to the introduction of visas for citizens of countries with which the EU has a visa regime, and conversely, the abolition of visas for citizens of countries that travel to the EU visa-free.

4394 Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (codification), PE/50/2018/REV/1.

Visa-free regime with the European Union and third countries. Alignment of visa policy with the EU

State of play

As of July 2025, Ukraine's visa policy is aligned with the EU's visa policy with the majority of states and territories included in the so-called Schengen "black list". Regarding the Schengen "white list", Ukraine's visa policy corresponds to the EU's policy in half of the cases.

In addition to aligning the lists of "visa-required" and "visa-free" countries, Ukraine must fulfil the entry requirements for passport holders from 28 out of 64 states and territories⁴³⁹⁵.

To fulfil the tasks in the visa sphere, Ukraine has prepared and adopted a number of legal and regulatory acts bringing the country closer to the standards of the EU visa policy.

In response to the full-scale invasion by the Russian Federation, the Cabinet of Ministers of Ukraine adopted Resolution No. 692⁴³⁹⁶ of 17 June 2022, which terminated visa-free entry to Ukraine for citizens of the Russian Federation.

On 9 November 2023, the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation on the procedure for crossing the Ukrainian-Russian state border by residents of the border regions of Ukraine and the Russian Federation, concluded in Donetsk on 18 October 2011⁴³⁹⁷, was terminated.

By Presidential Decree No. 12/2025 of 3 January 2025 "On Amendments to Presidential Decree No. 28 of 29 January 2020"⁴³⁹⁸, the visa-free regime for citizens of the United Kingdom entering Ukraine for up to 90 days within a 180-day period was extended for another year (until 30 January 2026).

Between January 2022 and March 2025, the Government of Ukraine concluded a number of international bilateral agreements on visa matters, in particular:

- › Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Indonesia on the mutual abolition of visa requirements, signed on 29 June 2022 in Kyiv. The provisions of the Agreement introduce a visa-free regime for mutual trips of holders of ordinary passports of Ukraine and Indonesia for a period of up to 30/60 days for Indonesian citizens travelling to Ukraine, and for a period of up to 30 days for each trip of Ukrainian citizens to Indonesia.

⁴³⁹⁵ Information obtained from an interview with a representative of the Consular Service Department of the MFA of Ukraine, conducted on 31 March 2025.

⁴³⁹⁶ On the Termination of the Agreement between the Government of Ukraine and the Government of the Russian Federation on Visa-Free Travel of Citizens of Ukraine and the Russian Federation and the Application of Certain International Treaties of Ukraine with the Russian Federation: Resolution of the Cabinet of Ministers of Ukraine No. 692 of 17.06.2022.

⁴³⁹⁷ On the Termination of the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation on the Procedure for Crossing the Ukraine–Russia State Border by Residents of Border Regions of Ukraine and the Russian Federation: Law of Ukraine No. 3027-IX of 10.04.2023.

⁴³⁹⁸ On Amendments to Presidential Decree No. 28/2020 of 29 January 2020: Presidential Decree of Ukraine No. 12 of 03.01.2025.

On 14 October 2022, the Government approved the Agreement by Resolution No. 1166⁴³⁹⁹. The Agreement shall enter into force after the Indonesian Side completes the necessary domestic procedures.

- › Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Guatemala on the mutual abolition of visa requirements, signed on 24 July 2022 in Kyiv and approved on 18 October 2022 by Resolution of the Cabinet of Ministers of Ukraine No. 1181⁴⁴⁰⁰.
- › Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Mauritius on the mutual abolition of visa requirements, signed on 8 August 2024 in Kyiv and approved on 15 October 2024 by Resolution of the Cabinet of Ministers of Ukraine No. 1165 (entered into force on 19 April 2025)⁴⁴⁰¹.
- › Agreement between the Cabinet of Ministers of Ukraine and the Government of the Kingdom of Cambodia on the mutual abolition of visa requirements for holders of diplomatic, service or official passports, signed on 25 September 2024 in New York and approved on 10 January 2025 by Resolution of the Cabinet of Ministers of Ukraine No. 16 (entered into force on 14 February 2025)⁴⁴⁰².
- › Agreement between the Cabinet of Ministers of Ukraine and the Government of Nepal on the Abolition of Visa Requirements for Holders of Diplomatic, Official and Service Passports, signed on 18 March 2025 in New Delhi and approved on 9 May 2025 by Resolution of the Cabinet of Ministers of Ukraine No. 532⁴⁴⁰³.
- › Protocol between the Cabinet of Ministers of Ukraine and the Government of the Republic of India on Amendments to the Agreement on Visa-Free Travel for Citizens Holding Diplomatic Passports of 25 November 2011, signed on 18 March 2025 in New Delhi and approved on 6 May 2025 by Resolution of the Cabinet of Ministers of Ukraine No. 521⁴⁴⁰⁴.

The entry into force of the international treaties signed in 2025 is pending. The Ukrainian side has completed all necessary domestic procedures and is awaiting notification from its counterparts on the completion of the respective formalities.

4399 On the Approval of the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Indonesia on the Mutual Waiver of Visa Requirements: Resolution of the Cabinet of Ministers of Ukraine No. 1166 of 14.10.2022.

4400 On the Approval of the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Guatemala on the Mutual Waiver of Visa Requirements: Resolution of the Cabinet of Ministers of Ukraine No. 1181 of 18.10.2022.

4401 On the Approval of the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Mauritius on the Mutual Waiver of Visa Requirements: Resolution of the Cabinet of Ministers of Ukraine No. 1165 of 15.10.2024.

4402 On the Approval of the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Kingdom of Cambodia on the Mutual Waiver of Visa Requirements for Holders of Diplomatic, Service or Official Passports: Resolution of the Cabinet of Ministers of Ukraine No. 16 of 10.01.2025.

4403 On the Approval of the Agreement between the Cabinet of Ministers of Ukraine and the Government of Nepal on the Abolition of Visa Requirements for Holders of Diplomatic, Official and Service Passports: Resolution of the Cabinet of Ministers of Ukraine No. 532 of 09.05.2025.

4404 On the Approval of the Protocol between the Cabinet of Ministers of Ukraine and the Government of the Republic of India on Amendments to the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of India on Visa-Free Travel for Citizens Holding Diplomatic Passports of 25 November 2011: Resolution of the Cabinet of Ministers of Ukraine No. 521 of 16.05.2025.

Progress and issues

According to Task 11 of the 2024–2025 Action Plan for the Implementation of the State Migration Policy Strategy of Ukraine up to 2025⁴⁴⁰⁵, the MFA has been designated as the implementing authority for Measure 3, the performance indicator of which is the determination of the modality for aligning Ukraine's visa policy with the EU visa policy.

In this context, the MFA is working on developing proposals for determining the modality of bringing Ukrainian legal acts on the entry of foreigners into Ukraine into line with the requirements of EU Regulation No. 2018/1806 of the European Parliament and of the Council, which establishes the list of third countries whose citizens are exempt from such a requirement.

The development of the modality entails amending the requirements for visa issuance for entry into Ukraine. Thus, for example, authorised officials of the bodies responsible for controlling the crossing of the state border by foreign nationals are guided by the Requirements for the Organisation of Work on the Issuance of Visas for Entry into Ukraine and Transit through its Territory⁴⁴⁰⁶. During checks of the intentions of foreign nationals and stateless persons seeking to enter Ukraine, the list of "migration risk" countries is also applied. This list includes 70 countries whose citizens are subject to enhanced control at the visa issuance stage or at the border crossing point.

At the same time, the Requirements for the Organisation of Work on the Issuance of Visas for Entry into Ukraine and Transit through its Territory were last revised in 2021⁴⁴⁰⁷, while the Risk Analysis Methodology for the Purpose of Combating Illegal Migration⁴⁴⁰⁸ (on the basis of which the competent authorities determine which countries are considered migration risk countries) requires substantial updates⁴⁴⁰⁹.

In addition, there is a need to **review the entry requirements** for citizens of 15 out of 103 states/territories, namely: Armenia, Azerbaijan, Bahrain, Belarus, Ecuador, Kazakhstan, Kuwait, Kyrgyzstan, Oman, Qatar, Saudi Arabia, Tajikistan, Türkiye, Uzbekistan, and Mongolia⁴⁴¹⁰.

The document requirements need to be **fully or partially revised** for the following countries and territories: the Bahamas, Barbados, Venezuela, Mauritania, Mexico, Nauru, Palau, Samoa, Singapore, Solomon Islands, Timor-Leste, Trinidad and Tobago.

4405 On the Approval of the Action Plan for 2024 and 2025 for the Implementation of the State Migration Policy Strategy of Ukraine up to 2025: Order of the Cabinet of Ministers of Ukraine No. 837 of 03.09.2024.

4406 On the Approval of the Requirements for the Organisation of Visa Processing for Entry into Ukraine and Transit Through Its Territory: Joint Order of the Ministry of Internal Affairs of Ukraine, the Ministry of Foreign Affairs of Ukraine, and the Security Service of Ukraine No. 469/897/605 of 30.10.2017.

4407 Ibid.

4408 On the Approval of the Methodology for Risk Analysis for the Purpose of Combating Irregular Migration: Order of the Ministry of Internal Affairs of Ukraine, the Ministry of Foreign Affairs of Ukraine, the Ministry of Social Policy of Ukraine, the Ministry of Education and Science of Ukraine, the Foreign Intelligence Service of Ukraine, and the Security Service of Ukraine No. 494/132/467/497/141/281 of 29.04.2015.

4409 A New List of "Migration Risk Countries" Published, Including Russia. NGO "Europe Without Barriers", 2017.

4410 Information obtained from an interview with a representative of the Consular Service Department of the MFA of Ukraine, conducted on 31 March 2025.

Recommendations

1. Align Ukraine's visa policy with the EU visa policy, in particular by considering revising the visa regime to introduce a visa regime for citizens of countries included in the Schengen "black list", as well as abolishing the visa regime for citizens of countries included in the Schengen "white list".
2. Establish a **mechanism** for the regular review of the list of migration risk countries (at least once every two years). This would enable a flexible response to changes in the situation in these countries.
3. Introduce **stricter requirements** for the submission of information on the situation in countries of origin of refugees and asylum seekers, with an emphasis on compliance with basic human rights, the state of protection of life, health, and the fundamental rights of citizens.

Visa Liberalisation. Compliance with Visa-Free Regime Criteria in Relations with the EU

State of play

Prior to the abolition of visas for Ukrainian citizens in 2017, the European Union introduced the **suspension mechanism for the visa-free regime**, as set out in Article 8 of the Visa Regulation⁴⁴¹¹. Its main objective is to provide for the temporary suspension of the visa-free regime in the event of a sudden and significant increase in irregular migration or risks to the EU's security.

The main criteria monitored include: a sharp increase in the number of asylum seekers, migrants with irregular status/illegal migrants in the host country, the number of refusals of entry at the border, and readmission. The continuation of the visa-free regime also depends to a significant extent on whether the state maintains its course in combating corruption, money laundering, and organised crime.

All these criteria are a continuation of the tasks set out in the Visa Liberalisation Action Plan (2010–2017)⁴⁴¹², which Ukraine implemented in order to obtain a visa-free regime with the EU.

In March 2025, the permanent representatives of EU Member States **endorsed a draft regulation aimed at strengthening the suspension mechanism** of the visa-free regime for third countries, including Ukraine⁴⁴¹³. It is expected that, once adopted, the updated regulation will enable the EU to better address situations in which the visa-free regime is abused or operates contrary to the interests of the EU.

4411 Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018.

4412 On the Approval of the National Action Plan for the Implementation of the Second Phase of the Action Plan on Visa Liberalisation by the European Union for Ukraine: Order of the Cabinet of Ministers of Ukraine No. 805 of 20.08.2014.

4413 Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018.

In addition to the rather clear criteria of the suspension mechanism, **new grounds** for suspending the visa-free regime have been introduced. These include a third country's misalignment with the EU's visa policy if it may lead to an influx of people into the EU (e.g. due to geographical proximity); the existence in a third country of a citizenship-by-investment scheme without any genuine link to that country; hybrid threats; and deficiencies in legislation or procedures related to document security. The requirement to respect fundamental human rights and basic freedoms remains relevant.

Over the seven years of the visa-free regime with the EU, the European Commission has prepared and published seven reports assessing compliance with the defined criteria and highlighting problematic areas that require continued efforts. The latest (seventh) Report indicated that **Ukraine meets the "migration and security" indicators**. At the same time, the Report contains three recommendations relating to Ukraine's visa policy, the block of issues "Public Order and Security," and the strengthening of the anti-corruption system⁴⁴¹⁴.

Progress and issues

While noting **Ukraine's compliance with the "migration and security" indicators**, the European Commission in its latest Report does not assess the sharp increase in asylum requests or the number of migrants with irregular status that has resulted from the full-scale war in Ukraine⁴⁴¹⁵. Instead, the Report focuses on policies requiring transformative changes — for example, the need to align visa policy with the EU, as discussed in the corresponding section.

The Report notes that in 2023 no meetings of the EU-Ukraine Joint Readmission Committee were held⁴⁴¹⁶. However, cooperation on readmission with EU Member States continued in 2023 through the signing of implementation protocols with Romania and Latvia.

The report also highlights the need to **intensify efforts to combat organised crime**, paying particular attention to countering the smuggling of firearms and drugs, fighting human trafficking, and addressing the financial dimension of organised crime, despite the challenges posed by the war⁴⁴¹⁷.

In this context, international cooperation with law enforcement agencies of neighbouring countries in combating organised crime, in particular Romania⁴⁴¹⁸ and the Federal Police of Germany⁴⁴¹⁹.

4414 The Commission adopted the seventh report under the Visa Suspension Mechanism. European Commission, 2024.

4415 Ibid.

4416 For details — see the subsection "Readmission Procedure. Readmission Dialogue and Return".

4417 Report from the Commission to the European Parliament and the Council seventh report under the visa suspension mechanism COM/2024/571 final.

4418 Agreement on Cooperation in the Field of Security between Ukraine and Romania of 11.07.2024.

4419 Agreement on Cooperation in the Field of Security and Long-Term Support between Ukraine and the Federal Republic of Germany of 16.02.2024.

In July 2024, in response to a recommendation of the European Commission, the MoIA established the Coordination Centre on Combating the Illicit Trafficking of Firearms, Their Essential Components and Parts, and Ammunition⁴⁴²⁰.

In February 2025, the inaugural meeting of the Coordination Centre was held, attended by representatives of the NPU, the MoD, the SSU, the PGO, the SBI, as well as international partners from the OSCE, the EUAM Ukraine, the Delegation of the European Union, and others⁴⁴²¹.

Operational cooperation between the EU and Ukraine on combating the illicit trafficking of arms is carried out within the framework of the European Firearms Experts Group (EFE), which includes representatives of Ukraine, five EU Member States and Europol. The EU has provided support in the form of training and expert advice, coordinated by the EUAM Ukraine. The issue of illicit trafficking of firearms has been addressed by EUAM Ukraine since 2019, in particular within the framework of an OSCE project ("In Support of Ukraine's Efforts to Combat Illicit Trafficking in Weapons, Ammunition and Explosives").

An important step towards regulating the circulation of firearms among citizens was the adoption of Law No. 3899-IX⁴⁴²², which regulates the procedure for declaring firearms acquired by citizens during martial law.

The Report also contains a recommendation on improving drug control policy. At present, the MoH has developed a draft Order "On the Approval of the State Drug Policy Strategy for the Period up to 2030 and the Adoption of the Operational Plan for its Implementation for 2023–2025". The draft new Strategy contains the following objectives: the creation of a system for monitoring the prevalence of drug addiction among the population; the improvement of mechanisms for countering the distribution of narcotic drugs via the Internet; and the enhancement of the effectiveness of the control of substances entering the territory of the state by legal means⁴⁴²³.

At the same time, the Report recommends that Ukraine continue strengthening the anti-corruption system by ensuring the full independence of anti-corruption institutions and their ability to achieve tangible and significant results.

Recommendations

Continue international cooperation with law enforcement agencies and organisations: Interpol, Europol, and Eurojust.

4420 For details — see the subsection "Legislative Regulation of Civilian Firearms. Circulation and Control of Firearms, including Small Arms and Light Weapons".

4421 Ihor Klymenko: Launch of the Coordination Centre on Combating the Illicit Trafficking of Arms – Our Contribution to Building the European Security Architecture. Ministry of Internal Affairs of Ukraine. 2025.

4422 MoIA, OSCE and the EU Advisory Mission Held a Conference on Combating the Illicit Trafficking of Arms, Ammunition and Explosives. Ministry of Internal Affairs of Ukraine. 2024.

4423 For details — see the section "Cooperation in the Field of Drug Control".

Schengen and External Borders



From September 2024 to July 2025, the **Strategy for Integrated Border Management (IBM) until 2025 and the Action Plan for its implementation for 2023–2025** were under implementation.

In March 2025, work on the review of the state of integrated management of Ukraine's state border was completed, and the relevant draft report was approved⁴⁴²⁴. This report, together with the report on the implementation of the Action Plan in 2024, formed the basis for the development of the Strategy for Integrated State Border Management of Ukraine (ISBM Strategy)⁴⁴²⁵ and the Action Plan for its implementation for the next period.

On 27 May 2025, work on the draft ISBM Strategy was completed, and on 2 July the Action Plan for drafting the Action Plan for 2026–2028 on the implementation of the ISBM Strategy was approved⁴⁴²⁶. As of 31 July 2025, the draft ISBM Strategy is under consideration by the Cabinet of Ministers of Ukraine. The appointment of the new Government on 17 July 2025 necessitated the re-submission of the ISBM Strategy to the Government for consideration.

According to interim assessments of independent experts, the involvement of such a wide range of stakeholders in the preparation of the draft ISBM Strategy contributed to the fact that the document contains clearly defined objectives, formulated in line with new challenges and fully reflecting the context of European integration. The formulation of the objectives and tasks of the ISBM Strategy is based on measurable, achievable and relevant indicators⁴⁴²⁷.

It is expected that these new approaches to the development of strategic documents will enable Ukraine to focus more clearly on European integration priorities, ensure compliance with EU requirements and enhance the effectiveness of the implementation of strategic objectives.

In adapting its legislation to EU standards, Ukraine has made progress in many areas. Certain provisions have been largely implemented into national legislation. At the same time, some provisions require further refinement to bring them into line with the criteria defined by the commitments in the area of European integration. There also remain a number of issues where implementation has not yet begun.

As part of **counter-terrorism efforts, the strengthening of national and border security requires** legislative regulation of the obligation for carriers in the field of international passenger transport to transmit passenger data to the authorised authorities. In Ukraine, the issue of obtaining such information from air carriers has been partially regulated, but there is no legislative mechanism for collecting it.

Legislative regulation will also be required for the issues of information exchange and cooperation with international partners within the framework of the European Border

4424 Analysis of the state of integrated border management completed. State Border Guard Service of Ukraine. 2025.

4425 The wording "Strategy for Integrated State Border Management of Ukraine" to replace "Integrated Border Management Strategy" first appeared in the Law of Ukraine of 16 July 2024 No. 3858-IX "On Amendments to the Law of Ukraine 'On National Security of Ukraine' regarding the strategic foundations of integrated border management of Ukraine".

4426 According to the materials of the meetings of the Temporary Working Group on IBM of 27.05.2025 and 02.07.2025.

4427 According to the position of independent experts provided during the consultation within the framework of this report of 13.06.2025.

Surveillance System (Eurosur), in particular regarding risk analysis, and the planning and implementation of border control operations.

Among the priority tasks is the adoption of a law on the processing of passenger data (API/PNR) with the aim of improving the national system for combating terrorism and organised crime.

Ukraine's comprehensive border management policy is focused on systemic coordination and cooperation, rather than solely on the individual institutional capacity of separate bodies. Ensuring high-quality and effective management of border-related processes is a priority of state policy and is seen as an important element in the development of Ukraine's relations with the EU. Stated priorities include border protection, optimisation of control procedures, information exchange, joint operations, risk analysis, the establishment of an **effective coordination mechanism for IBM actors**, and others. Horizontal cooperation and coordination practices between state authorities began to be introduced in Ukraine in 2015, but they took their most complete form following the establishment of the IBM Interagency Working Group in 2019 and the IBM Coordination Centre in 2024.

For the effective implementation of tasks aimed at the development of policy and practice in the area of border management, it is necessary to strengthen the **institutional capacity of the SBGS**, which plays a key role in this area. The current IBM Strategy includes a dedicated task on enhancing the efficiency of personnel management under the objective "Introduction of an effective mechanism for coordinating the activities of IBM actors". In particular, the focus is placed on improving the system for assessment and planning of future staffing needs.

A key role should be assigned to the development of the system of education and professional training of personnel, which should be based on harmonised and high-quality training standards, taking into account operational needs, tasks and legal competence. Such training should be grounded in respect for the rights, freedoms and lawful interests of individuals and citizens. The draft of the new ISBM Strategy considers the needs of strengthening the institutional capacity of the SBGS. This Strategy envisages Strategic Goal 14: "Education and professional development of the personnel of the actors of integrated state border management"⁴⁴²⁸.

The SBGS and the State Customs Service of Ukraine (SCS) are continuously implementing **measures to combat corruption at the border**, including the implementation of anti-corruption programmes, staff training, the introduction of internal control mechanisms, and cooperation with the public, state authorities and international organisations. Active work is being carried out with whistleblowers. From September 2024 to July 2025, additional reporting services for notifying cases of corruption were launched.

Positive developments have occurred in the digitalisation of customs procedures and the establishment of mechanisms for customs information exchange. Further efforts are needed to reform the customs service, integrate customs systems with European ones, strengthen anti-corruption mechanisms for prevention and control, and improve inter-agency and international cooperation. In 2025, the development of high-quality anti-corruption documents at all levels is expected, taking into account current challenges.

⁴⁴²⁸ Strategy for Integrated State Border Management: Draft Decree of the President of Ukraine. State Border Guard Service of Ukraine. 2025.

One of the important tasks of the IBM Strategy is joint customs and border control, which is intended to speed up the border crossing of goods and passengers, optimise control resources, and contribute to combating corruption at the border⁴⁴²⁹. In general, joint control involves the conduct of control procedures either jointly by the services of two countries or alternately, but at checkpoints located entirely on the territory of one of the parties. Its introduction facilitates the exchange of information to accelerate border and customs procedures, as well as more effective counteraction to organised crime, smuggling, and illegal migration.

Implementation of the Strategy for Integrated Border Management until 2025 and its Action Plan

State of play

The Administration of the SBGS is responsible for implementing state policy in the area of protection of the state border of Ukraine and for the development of the IBM Strategy (since 16 July 202 — ISBM⁴⁴³⁰) and the Action Plan for its implementation.

The IBM Strategy until 2025 was adopted in 2019⁴⁴³¹. It defines nine strategic objectives of state policy in the field of integrated border management and sets out the state's priority tasks for their implementation. The IBM Strategy envisages integrated cooperation among government authorities, law enforcement bodies, customs services, and other institutions to achieve the highest level of security and minimise risks in border management.

The Action Plan for 2023–2025 for the implementation of the IBM Strategy⁴⁴³² provides for steps aimed at developing infrastructure and technologies at the borders, improving coordination between public authorities, enhancing staff qualifications, and aligning with European and international border control standards. The period until 2025 also envisages measures aimed at strengthening cooperation with neighbouring countries, establishing joint monitoring centres, and enhancing cooperation with international organisations on border security issues.

In 2023, following an instruction from the Prime Minister of Ukraine, the **IBM Strategy was aligned with the National Security Strategy of Ukraine**⁴⁴³³, and amendments were made to reflect current and potential wartime threats and Ukraine's status as an EU candi-

4429 Why Ukraine and the EU cannot launch a joint border control system. European Pravda. 2023.

4430 On Amendments to the Law of Ukraine "On National Security of Ukraine" Regarding the Strategic Foundations of Integrated State Border Management of Ukraine: Law of Ukraine No. 3858-IX of 16.07.2024.

4431 On the Approval of the Strategy for Integrated Border Management until 2025: Order of the Cabinet of Ministers of Ukraine No. 687 of 24.07.2019.

4432 On the Approval of the Action Plan for 2023–2025 for the Implementation of the Strategy for Integrated Border Management until 2025: Order of the Cabinet of Ministers of Ukraine No. 1212 of 27.12.2023.

4433 National Security Strategy of Ukraine, approved by the Decree of the President of Ukraine No. 392/2020 of 14.09.2020.

date country. The Action Plan for 2023–2025 for the implementation of the IBM Strategy was also approved.

The IBM Strategy is one of the 15 strategic planning documents envisaged by the National Security Strategy of Ukraine. It is a long-term planning document addressing a permanent and integral element of Ukraine's territorial integrity and sovereignty — the state border.

During the implementation period of the IBM Strategy, two Action Plans were carried out: for 2020–2022⁴⁴³⁴ and for 2023–2025⁴⁴³⁵. During the reporting period, the implementation of the 2023–2025 Action Plan continued. It envisages the implementation of 132 actions and the achievement of positive values for 280 performance metrics under 143 indicators.

In 2024, the IBM Strategy was formally designated as **a separate area of strategic planning in the field of national security**⁴⁴³⁶. Amendments to the Law of Ukraine "On National Security of Ukraine"⁴⁴³⁷ established the requirement to conduct a review of the state of integrated management of Ukraine's state border.

The first review was completed in March 2025. Based on its results, the temporary working group for analysing the state of integrated management of Ukraine's state border (ISBM TWG) approved the respective draft report on 17 March 2025.

The next steps include the approval of the review results by the Interagency Working Group on Coordination of Integrated Management of the State Border, (the review results were approved at the regular meeting held on 7 May 2025), their subsequent approval by the NSDC, and the President⁴⁴³⁸, as well as the development of draft ISBM Strategy documents for 2026–2031 and the corresponding Action Plan for its implementation.

Since 19 December 2024, the **ISBM TWG has been operating in an intensive mode**⁴⁴³⁹, with meetings were held every other week. In March 2025, the results of the ISBM TWG's work were summarised, and the corresponding **report on the implementation status of the Action Plan in 2024**⁴⁴⁴⁰ was approved. It was submitted for consideration by the Interagency Working Group on IBM Coordination in May. This work also served as the basis for developing the new ISBM Strategy and its corresponding Action Plan, which is scheduled for adoption by December of the current year.

Progress and issues

The main achievements in implementing the current Action Plan for the IBM Strategy include the establishment of the Integrated Border Management Coordination Centre in

4434 On the Approval of the Action Plan for 2020–2022 for the Implementation of the Strategy for Integrated Border Management until 2025: Order of the Cabinet of Ministers of Ukraine No. 1409 of 27.12.2019.

4435 On the Approval of the Action Plan for 2023–2025 for the Implementation of the Strategy for Integrated Border Management until 2025: Order of the Cabinet of Ministers of Ukraine No. 1212 of 27.12.2023.

4436 On Amendments to the Law of Ukraine "On National Security of Ukraine" regarding the Strategic Foundations of Integrated Management of the State Border of Ukraine: Law of Ukraine No. 3858-IX of 16.07.2024.

4437 Ibid, para. 5, Section I.

4438 On National Security of Ukraine: Law of Ukraine No. 2469-VIII of 21.06.2018, Article 27.

4439 A new stage of strategic planning in the development of integrated management of the state border has started in Ukraine. State Border Guard Service of Ukraine. 2024.

4440 Analysis of the State of Integrated Border Management Completed. State Border Guard Service of Ukraine. 2025.

April 2024⁴⁴⁴¹ and the adoption, during the reporting period, of the Strategy for the Development and Expansion of Border Infrastructure with the EU and Moldova until 2030⁴⁴⁴². However, funding for measures aimed at increasing the throughput capacity of border infrastructure remains a challenge⁴⁴⁴³.

Despite the amendments made to the current IBM Strategy in 2023⁴⁴⁴⁴, the document still **does not clearly cover aspects related to Ukraine's integration into the EU**. Furthermore, the Action Plan for its implementation continues to lack **concrete indicators for measuring progress**, a deficiency highlighted for two consecutive years in the European Commission's reports.

The current IBM Strategy was adopted six years ago, at a time when the EU began implementing a new "multiannual IBM Strategy" approach, based on a five-year political cycle⁴⁴⁴⁵. As Ukraine has obtained EU candidate status, its strategic political cycle in the area of IBM should move towards **synchronisation with the corresponding EU cycles**.

The IBM Strategy is also partially outdated in terms of strategic approaches to European integration following Ukraine's acquisition of EU candidate status. Regarding its stated **objective**, the current IBM Strategy was "developed to fulfil national obligations related to the implementation of the Association Agreement". This objective has not been updated to reflect the **prospect of Ukraine's EU membership** and the **focus on achieving an adequate level of readiness for managing** the EU's external and internal borders after Ukraine's accession, as well as preparations for joining the **Schengen Area**.

Among the **shortcomings and inconsistencies in the measurability of the Action Plan** are the absence of high-level indicators and complete lack of baseline values, ambiguous terminology, and a focus on process rather than results⁴⁴⁴⁶.

As the plan contains many disputable performance indicators, concerns arise regarding the effectiveness of applying the National Methodology for Quality Control of IBM Task Implementation⁴⁴⁴⁷, which is based on the indicators defined in the Action Plan.

4441 On the Establishment of the Integrated Border Management Coordination Centre: Resolution of the Cabinet of Ministers of Ukraine No. 426 of 12.04.2024.

4442 On the Approval of the Strategy for the Development and Expansion of Border Infrastructure with the European Union and the Republic of Moldova until 2030 and the Approval of the Operational Action Plan for Its Implementation in 2024–2030: Order of the Cabinet of Ministers of Ukraine No. 1337 of 24.12.2024.

4443 Due to the Suspension of USAID Funding, the Development of Feasibility Studies for the Modernisation of 9 Border Checkpoints Was Halted. Centre for Transport Strategies. 2025.

4444 On Amendments to Resolution of the Cabinet of Ministers of Ukraine No. 687 of 24 July 2019: Order of the Cabinet of Ministers of Ukraine No. 660 of 21.07.2023.

4445 Policy document developing a multiannual strategic policy for European integrated border management in accordance with Article 8(4) of Regulation (EU) 2019/1896.

4446 Integrated Border Management (IBM) of Ukraine in the Context of EU Accession: Analytical Note. Europe Without Barriers, p. 14, 2024.

4447 On the Approval of the National Methodology for Assessing the Quality of Integrated State Border Management Task Implementation: Resolution of the Cabinet of Ministers of Ukraine No. 595 of 13.06.2023.

Recommendations

The new ISBM Strategy should include the following key directions:

- › **Synchronisation of the ISBM political cycle with the EU political cycle** and the establishment of regular data exchange on strategy implementation at the end of the political cycle to adapt approaches and monitor the achievement of objectives.
- › **Strengthening readiness to manage the EU borders** by identifying, among the main objectives of the strategy, the attainment of an adequate level of preparedness for managing the EU's external and internal borders and preparing for possible accession to the Schengen Area.
- › **Integration of all 15 European ISBM principles** into the Ukrainian ISBM Strategy to promote the harmonisation of approaches and alignment with international standards.
- › **Application of integrated planning principles** to ensure coherence of actions among all stakeholders, which will help to effectively implement the ISBM Strategy by coordinating the activities of public authorities, local governments, the private sector, and other partners.

In addition, current challenges and risks — **both military and civil** — must be clearly defined, as the content of the ISBM Strategy's priorities should be built around them.

To **improve the measurability and monitoring capacities** of the future Action Plan for the implementation of the ISBM Strategy, it is necessary to:

- › ensure the inclusion in the Action Plan for the next period of the **high-level IBM impact indicators**⁴⁴⁴⁸ developed by ISBM actors during the preparation of the 2023–2025 draft Action Plan;
- › **unify the terminology** for performance indicators of actions;
- › **remove** or substantially rephrase indicators that are process-oriented rather than result-oriented;
- › introduce **baseline values and units of measurement** for the quantitative indicators of the plan;
- › divide actions lasting more than one year into smaller phases.

Such updates to the ISBM Strategy and its Action Plan will help Ukraine focus more clearly on European integration priorities, ensure alignment with current EU requirements in border management, and enhance the effectiveness of implementing strategic tasks in this field.

These recommendations remain relevant until the Cabinet of Ministers of Ukraine approves the draft of the new ISBM Strategy and the Action Plan for its implementation.

⁴⁴⁴⁸ Integrated Border Management (IBM) of Ukraine in the Context of EU Accession: Analytical Note. Europe Without Barriers.

Alignment of National Legislation on Border Control with the Legislation and Best Practices of the European Union

State of play

The regulatory framework in the field of IBM is **partially aligned with the EU acquis**. In the second half of 2024, mock sessions were held during which the Administration of the State Border Guard Service, together with other IBM actors, reported on the work carried out to approximate legislation to EU standards⁴⁴⁴⁹.

Amendments and additions to the current legislation are also expected in order to meet EU criteria, particularly in the areas of the functioning of EU information systems (SIS, VIS, EES, ETIAS), establishing the liability of carriers in the field of international passenger transport, processing passenger data (API/PNR) to improve the national system for combating terrorism and organised crime, and other areas⁴⁴⁵⁰.

The EU Enlargement Package 2024 Report mentions the absence of a **Schengen Action Plan**⁴⁴⁵¹ in the Action Plan for 2023–2025 on the implementation of the IBM Strategy. It is important to note that the European Commission, in the mentioned report, does not impose a direct requirement on Ukraine to have a Schengen Action Plan at this stage of integration, but merely states the fact of its absence. Although Action Plan includes the item “elaboration of proposals for the implementation of the Schengen acquis”, its abstract wording and narrow context (this item falls under the objective “Optimisation of control procedures”) do not allow it to be considered equivalent to a Schengen Action Plan.

On 1 July 2025, a field meeting of the Verkhovna Rada Committee on Ukraine's Integration into the European Union was held at the Ukrainian-Moldovan section of the border, during which the issue of the Schengen Action Plan and its content was considered⁴⁴⁵². Experts voiced a proposal on the priority tasks of the Schengen Action Plan, in particular the need to align Ukraine's visa policy with the EU visa policy and to develop an algorithm for bringing the SBGS closer to EU information systems.

Schengen legislation is integrated into EU legislation and closely intertwined with IBM-related matters. However, during consultations with the EU at various levels, it is often stated that this issue is not a priority at the current stage of integration.

The EU Enlargement Package 2024 Report also mentions the need for Ukraine to adopt a law on the processing of passenger data (API/PNR) with the aim of improving the national system for combating terrorism and organised crime.

4449 Review of Events in the Field of Integrated Border Management. International Centre for Migration Policy Development, 2024.

4450 Consultation with representatives of the State Border Guard Service of Ukraine, held on 04.12.2024.

4451 Ukraine 2024 Progress Report within the European Union Enlargement Package. P. 52.

4452 Transcript of the field meeting of the Committee on Ukraine's Integration into the European Union, 01.07.2025, Vinnytsia.

Progress and issues

Ukrainian competent authorities are working on adapting national legislation to EU legislation. As of 31 March 2025, Ukrainian legislation has been only partially harmonised with EU acts. In particular, the following are subject to implementation:

1. Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on the Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)⁴⁴⁵³.

The requirements of this Regulation have already been partially implemented into current legislation, in particular **regarding the procedure for checking individuals, vehicles, and goods when crossing the state border**. However, the provisions requiring the mandatory use of EU information systems (SIS, VIS, EES, ETIAS) by border guards remain unimplemented. It is also necessary to develop a Schengen Action Plan in the field of ISBM.

2. Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985⁴⁴⁵⁴.

Overall, the provisions set out in the Directive are reflected in Ukrainian legislation. In particular, the procedure for bringing transport operators to legal liability is regulated. At the same time, amendments need to be made to the Law of Ukraine "On the Liability of Carriers during International Passenger Transport"⁴⁴⁵⁵ to increase the amount of fines in line with European levels. This concerns failure by carriers to fulfil their obligation to verify, prior to commencing international passenger transport, whether a passenger possesses a passport, visa, or other documents required for entry into the destination or transit country.

3. Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624⁴⁴⁵⁶.

The provisions of this Regulation have been partially implemented into Ukrainian legislation, specifically regarding cooperation with the European Border and Coast Guard Agency (FRONTEX). However, the rules governing the functioning of Eurosur⁴⁴⁵⁷ and the False and Authentic Documents Online (FADO)⁴⁴⁵⁸ system remain unimplemented.

4453 Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

4454 Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985.

4455 On the liability of carriers in international passenger transportation: Law of Ukraine No. 2920-III of 10.01.2002.

4456 Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624.

4457 Eurosur is used for border checks and for surveillance of the external land, sea, and air borders, including monitoring, detection, identification, tracking, prevention, and interception of unauthorised border crossings for the purpose of detecting, preventing, and combating irregular immigration and cross-border crime.

4458 EU Legislation and Best European Practices on the Control of the External Borders of the Schengen Area. State Border Guard Service of Ukraine.

To address this issue, amendments must be made to the Law of Ukraine “On the State Border Guard Service of Ukraine”⁴⁴⁵⁹.

4. Council Directive 2004/82/EC of 29 April 2004⁴⁴⁶⁰ on the obligation of carriers to communicate passenger data, and Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016⁴⁴⁶¹ on the use of Passenger Name Record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime.
5. Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of a mechanism for evaluating and monitoring the application of the Schengen acquis and repealing Regulation (EU) No 1053/2013⁴⁴⁶².

Ukraine is gradually adapting its legislation to pan-European standards and assessment criteria for evaluating the effectiveness of measures taken within the IBM framework. Specifically, the following **core aspects have been regulated**:

- › indicators for evaluating the SBGS performance, customs authorities, and other border management agencies have been defined;
- › a monitoring and analysis system for the activities of bodies responsible for implementing IBM tasks has been introduced;
- › a management practices evaluation system has been implemented, which helps identify weaknesses in border management and allows for the improvement of procedures, technologies, and control approaches;
- › cooperation mechanisms have been introduced between various state institutions, local authorities, and international partners in the field of border management.

Recommendations

The proactive development and implementation of a Schengen Action Plan by Ukraine, and its integration into the ISBM Strategy or the Action Plan for implementing the recommendations of the European Commission⁴⁴⁶³, would contribute to the achievement of other ISBM Strategy objectives and preparations for EU membership. The priority tasks of the Schengen Action Plan should include the alignment of Ukraine’s visa policy with the EU visa policy and the bringing of the authorised state authorities closer to the EU information systems.

It is necessary to regulate the procedure for information exchange in accordance with the criteria defined by Eurosur, taking into account risk analysis, to ensure effective planning and implementation of border control measures.

4459 On the State Border Guard Service of Ukraine: Law of Ukraine No. 661-IV of 03.04.2003.

4460 Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data.

4461 Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime.

4462 Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, and repealing Regulation (EU) No 1053/2013.

4463 On Approval of the Action Plan for the Implementation of the Recommendations of the European Commission presented in the Report on Ukraine’s Progress within the European Union Enlargement Package 2024: Order of the Cabinet of Ministers of Ukraine No. 300 of 28.03.2025.

To improve the national system for combating terrorism and organised crime, it is important to harmonise national legislation with EU requirements in the areas of EU information systems (SIS, VIS, EES, ETIAS), the liability of carriers in international passenger transport, and the processing of passenger data (API/PNR).

It is also important to analyse and begin the implementation of the following Regulations:

- Regulation (EU) 2021/1148⁴⁴⁶⁴ of the European Parliament and of the Council of 7 July 2021 on the establishment, as part of the Integrated Border Management Fund, of the instrument for financial support for border management and visa policy. The Integrated Border Management Fund is aimed at ensuring secure and effective integrated management of Europe's external borders.
- Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021⁴⁴⁶⁵, laying down common provisions for the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund, and the European Maritime, Fisheries and Aquaculture Fund, as well as financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund, and the instrument for financial support for border management and visa policy.

Interagency Working Group on the Coordination of Integrated Border Management and the Integrated Border Management Coordination Centre. Cooperation and Coordination in the Field of Integrated Border Management

State of play

An integrated approach to managing Ukraine's borders has been applied since 2015⁴⁴⁶⁶. In 2019, the IBM Strategy until 2025 was developed, and a high-level interagency Working Group on Coordination of Integrated Border Management (IBM IWG) was established to facilitate the implementation of tasks in the field of IBM⁴⁴⁶⁷.

4464 Regulation (EU) 2021/1148 of the European Parliament and of the Council of 7 July 2021 establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy.

4465 Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy.

4466 On the Approval of the Concept of Integrated Border Management: Order of the Cabinet of Ministers of Ukraine No. 1149 of 28.10.2015 (repealed as of 24.07.2019).

4467 On the Establishment of the Interagency Working Group on Coordination of Integrated Management of the State Border: Resolution of the Cabinet of Ministers of Ukraine No. 83 of 30.01.2019.

According to the European Commission's Handbook on Integrated Border Management for Third Countries, the IBM IWG is a key mechanism for cooperation among the competent authorities in the field of border management⁴⁴⁶⁸.

The IBM IWG includes more than ten competent authorities operating in the field of border management, as well as international partners. The official composition of the IBM IWG is approved by the Cabinet of Ministers of Ukraine. At the same time, the Head of the IBM IWG approves its individual composition and makes changes to it as necessary. In addition, the IBM IWG has the authority to establish permanent or temporary working groups for the fulfilment of its assigned tasks. The key tasks of the IBM IWG include: facilitating the coordination of actions by central and local executive authorities; preparing proposals for the development of state policy; addressing problematic issues; and improving the efficiency of IBM actors.

Since the IBM IWG covers only strategic areas of activity and is not capable of ensuring coordination among IBM actors at the operational level, the **IBM Coordination Centre** (IBM CC)⁴⁴⁶⁹ was established in 2024. The establishment of the IBM CC is also one of the tasks set out in the 2023–2025 Action Plan for the implementation of the IBM Strategy and serves as a practical response to the recommendations of the European Commission reflected in the EU Enlargement Package 2024 Report.

Thus, two key platforms for the coordination and cooperation of authorities involved in IBM have been established and are operational. The IBM IWG is aimed at maintaining a well-functioning cooperation system among all actors working at or related to the border.

The IBM CC began operating in April 2024. According to the European Commission's interpretation, the IBM CC should be responsible for "coordinating all national border management agencies", preparing daily, weekly, and ad hoc situational reports, providing immediate situational information and early warning. All information exchange must be conducted in electronic format. The work of the IBM CC is expected to accelerate and simplify not only interagency cooperation but also cooperation with other countries and international organisations. In particular, under Article 21 of Regulation (EU) 2019/1896⁴⁴⁷⁰, the IBM CC is the single point of contact for information exchange with other coordination centres and FRONTEX.

The IBM CC was established on the basis of the MoIA's Situation Centre and is coordinated by the Administration of the State Border Guard Service. Its activities involve representatives of the SBGS, the NPU, the NGU, the SMS, the SCS, and other agencies. The work of the IBM CC is aimed at ensuring coordination of cooperation between IBM actors responsible for external borders and facilitating information exchange between these actors and search and rescue services, law enforcement agencies, and migration and asylum authorities. The IBM CC also supports and carries out the planning and coordination of national border control, participating in the assessment of the effectiveness of that control.

4468 Guidelines for Integrated Border Management in European Commission External Cooperation. ICMPD, 2010.

4469 On the Establishment of the Integrated Border Management Coordination Centre: Resolution of the Cabinet of Ministers of Ukraine No. 426 of 12.04.2024.

4470 Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624.

Progress and issues

July 2024 marked the beginning of significant changes in the field of IBM, when Law No. 3858-IX⁴⁴⁷¹ on the strategic foundations of integrated management of Ukraine's state border was adopted. This initiated the update of the IBM Strategy and the development of a new Action Plan in line with European integration requirements and taking into account the realities of wartime.

In October 2024, the assessment of the state of Ukraine's state border⁴⁴⁷² and the development of a new IBM Strategy for the next cycle began. Over five months of work, the IBM TWG assessing the state of the state border of Ukraine carried out an analysis of the situation in every area related to the border, including the resources needed for the formulation of new IBM objectives and tasks⁴⁴⁷³.

In March 2025, members of the IBM TWG participated in a training organised by FRONTEX on the development of an IBM Strategy in line with EU standards⁴⁴⁷⁴. The new ISBM Strategy is expected to be finalised by approved by the end of 2025 and will include all 15 components of the EU IBM model.

Regarding the activities of the IBM CC, throughout 2024 and early 2025 the main focus was on enhancing staff qualifications in the area of risk analysis. IBM CC personnel also worked on improving interagency IT-based information exchange, including through the development of a new Regulation on the Integrated Interagency Information and Communication System "Arkan". The relevant Regulation was approved by the Government in February 2025⁴⁴⁷⁵.

According to its Statute⁴⁴⁷⁶, the IBM IWG is supposed to hold meetings twice a year. However, during the two years following the start of Russia's full-scale invasion of Ukraine (2022–2023), the IBM IWG met only once⁴⁴⁷⁷. The suspension of the IWG's activities during 2022–2023 was offset by the work of the Verkhovna Rada Committee on Ukraine's Integration into the EU, which, in addition to performing monitoring and oversight functions in the area of IBM, also played a de facto coordinating role during this period.

In particular, the Committee held field meetings at various sections of the border to inspect ongoing problems and organised sessions involving all IBM actors and international partners⁴⁴⁷⁸.

4471 On Amendments to the Law of Ukraine "On National Security of Ukraine" Concerning the Strategic Foundations of Integrated Management of the State Border of Ukraine: Law of Ukraine No. 3858-IX of 16.07.2024.

4472 The Process of Preparing the Draft Strategy for Integrated Management of Ukraine's State Border Continues. State Border Guard Service of Ukraine. 2025.

4473 Fifth Meeting of the Temporary Working Group on the Analysis of Integrated Management of Ukraine's State Border Held. State Border Guard Service of Ukraine. 2025.

4474 Analysis of the State of Integrated Border Management Completed. State Border Guard Service of Ukraine. 2025.

4475 Regulation on the Integrated Interagency Information and Communication System for the Control of Persons, Vehicles and Goods Crossing the State Border: Resolution of the Cabinet of Ministers of Ukraine No. 148 of 11.02.2025.

4476 Regulation on the Interagency Working Group on Coordination of Integrated Border Management: Resolution of the Cabinet of Ministers of Ukraine No. 83 of 30.01.2019.

4477 New Border Stakeholders: Analytical Note. Europe Without Barriers. 2022.

4478 Meeting of the Verkhovna Rada Committee on Ukraine's Integration into the European Union in Chernivtsi on 16 April 2024.

Since 2024, the IBM IWG has resumed its work under the Deputy Prime Minister for European and Euro-Atlantic Integration, Olha Stefanishyna⁴⁴⁷⁹.

On 17 July 2025, a new Vice Prime Minister for European and Euro-Atlantic Integration of Ukraine, Taras Kachka, was appointed⁴⁴⁸⁰. In connection with the change of Government and the restructuring of certain ministries, an update of the composition of the IBM IWG is envisaged. Due to periodic changes in the composition of the Government, the role and influence of the Verkhovna Rada Committee on Ukraine's Integration into the EU has increased, particularly through the regular holding of field meetings, which have become an authoritative platform bringing together all stakeholders and contributing to the implementation of IBM policy.

Recommendations

The implementation of a border management mechanism such as the IBM CC is expected to ensure proper information exchange and risk analysis, especially among key IBM actors directly responsible for implementing the four-tier control system and countering irregular crossings, cross-border crime, and related threats. This would represent a step forward compared to the current state of play.

At the same time, it is important that the new model includes **clearly defined mechanisms for international cooperation and coordination with neighbouring countries and international organisations**. Specifically, Ukraine's accession to Eurosur should take place, as it is expected to improve IBM and help prevent cross-border crime and irregular migration.

As regards the IBM IWG, in light of Ukraine's current needs and the upcoming update of the IBM Strategy, it is necessary to review the list of IBM actors and/or the extent of their involvement in the implementation of IBM tasks.

There is a need to determine the proportionality and/or role of ministries and agencies involved in the IBM process, but which demonstrate little practical engagement or operate autonomously without coordination with other IBM actors.

Institutional Capacity of the State Border Guard Service of Ukraine

State of play

The total number of personnel of the State Border Guard Service needs to reach 75,000, including 65,000 service members⁴⁴⁸¹. This decision is driven by the need to form combat units that will carry out tasks on the front line⁴⁴⁸².

4479 A New Stage of Strategic Planning in the Development of Integrated Border Management Has Started in Ukraine. State Border Guard Service of Ukraine. 2024.

4480 Cabinet of Ministers of Ukraine. Government Portal.

4481 On Amendments to Paragraph 1 of Section IX "Final Provisions" of the Law of Ukraine "On the State Border Guard Service of Ukraine": Law of Ukraine No. 3656-IX of 24.04.2024.

4482 Demchenko on Increasing the Staffing of the SBGS: A New Border Protection Model Will Be Introduced. Ukrainska Pravda. 2024.

Training and professional development of personnel are conducted at the Bohdan Khmelnytskyi National Academy of the State Border Guard Service of Ukraine. Its training programmes cover the full range of issues related to the activities of the SBGS, as well as general professional education programmes. These programmes are **regularly adapted** in response to changes in legislation, particularly regarding the legal foundations of cooperation with other law enforcement bodies and taking into account evolving approaches and practices in the relevant field⁴⁴⁸³.

The current IBM Strategy⁴⁴⁸⁴ includes a dedicated task aimed at enhancing the effectiveness of personnel management, as part of the implementation of the objective "Introduction of an effective mechanism for coordinating the activities of IBM actors".

In the draft of the new ISBM Strategy, greater attention is devoted to the development of the personnel of the IBM actors, in particular Strategic Goal 14, which is entirely dedicated to the education and professional development of the personnel of the IBM actors⁴⁴⁸⁵.

According to the provisions of the draft of the new ISBM Strategy, the education and professional training of personnel will be carried out taking into account European and international standards. It also envisages the introduction of the principle of "Career-long Education" and foresees the expansion of cooperation between the higher education institutions of the ISBM actors, foreign specialised educational institutions, and FRONTEX.

Progress and issues

In 2019, the NFL project — new faces of the leadership of the State Border Guard Service — was launched with the support of the U.S. Embassy in Ukraine and the Representation of the International Organization for Migration in Ukraine⁴⁴⁸⁶. As of 2025, 18 competitive selection processes have been conducted, involving 328 participants, resulting in the appointment of 91 officers to leadership positions within the SBGS. The project aims to: change the mindset and traditional attitudes of border guards towards career advancement; promote a new and transparent approach to human resource management; ensure appointment to positions based on assessment and ranking; and eliminate corruption risks and unethical lobbying for appointments.

Selection was based on polygraph testing, psychological suitability monitoring, professional field-specific testing, IQ tests, foreign language proficiency, knowledge of official Ukrainian, physical and firearms training, and a qualification interview.

At the same time, there is a need to introduce a dedicated objective on "Fundamental Human Rights" in the new ISBM Strategy and to continue training (conducting workshops) for border guard personnel on the **protection of fundamental human rights** at the border.

4483 Professional Development. Bohdan Khmelnytskyi National Academy of the State Border Guard Service of Ukraine.

4484 On the Approval of the Strategy for Integrated Border Management until 2025: Order of the Cabinet of Ministers of Ukraine No. 687 of 24.07.2019.

4485 Strategy for Integrated State Border Management of Ukraine: Draft Decree of the President of Ukraine. State Border Guard Service of Ukraine. 2025.

4486 "New Face of Leadership": A New Competitive Selection Has Started in the State Border Guard Service. State Border Guard Service of Ukraine. 2022.

Ukrainian legislation provides for the possibility of refusing entry to the territory of Ukraine to foreign nationals and stateless persons. The decision is made by a border guard officer; it must be properly reasoned and state the grounds for refusal. The issue of the rights of “ordinary” travellers at the border is underdeveloped and is generally limited to fragmented references to basic human rights⁴⁴⁸⁷. Therefore, there is a need to continue training SBGS personnel on human rights compliance, in particular concerning refugees, asylum seekers, and persons in need of complementary protection when crossing the border.

Recommendations

To strengthen the institutional capacity of the State Border Guard Service, it is necessary to:

- continue the NFL project and expand the merit-based selection approach for leadership positions to other categories of posts;
- strengthen the professional training component for State Border Guard Service personnel on compliance with international standards and Ukrainian legislation concerning refugees, asylum seekers, and persons in need of complementary protection. Human rights defenders and experts on international standards and practices should be engaged in the delivery of such training;
- enhance cooperation with the Secretariat of the Ukrainian Parliament Commissioner for Human Rights on the full range of human rights protection issues arising at the border.

Fighting Corruption at the Border

State of play

According to the results of the 2024 annual survey of the public and businesses on the understanding, perception and prevalence of corruption in Ukraine⁴⁴⁸⁸, customs and border control ranked among the top sectors with the highest levels of corruption.

Customs has traditionally topped these rankings, while border control entered the list after the start of Russia’s full-scale invasion of Ukraine, due to the exposure of schemes enabling the illegal departure of conscription-age men abroad and unlawful facilitation of accelerated vehicle crossing at the border. Over the past three years, the area of border control has consistently ranked among the top three sectors with the highest prevalence of corruption. In 2023, the relevant government committee approved the **Border Crossing Corruption Risk Mitigation Plan**⁴⁴⁸⁹, but the Government failed to adopt it⁴⁴⁹⁰.

4487 Human Rights at the Border: Analytical Note. NGO “Europe Without Barriers”. 2021.

4488 Corruption in Ukraine 2024: Understanding, Perception, Prevalence. Analytical Report Based on a Survey of the Population and Businesses. National Agency on Corruption Prevention. 2024.

4489 Action Plan to Eliminate Corruption Risks During the Departure of Ukrainian Citizens Abroad Under Martial Law Conditions: Draft Order of the Cabinet of Ministers of Ukraine.

4490 Corruption at the Border Has Become the Main Source of Illicit Enrichment – Head of the NACP. UKRINFORM. 2023.

The European Commission's reports for 2023 and 2024 highlighted the need to strengthen integrity and accountability mechanisms alongside institutional cooperation and coordination — particularly regarding the investigation of organised crime, as well as migration and border control. The technical capacities for border control were deemed in need of improvement, along with anti-corruption measures. The reports underscored the need for more effective measures to combat corruption, particularly in the areas of prevention and control.

Ukraine is actively working on harmonising its legislation with EU law in the area of anti-corruption, including measures to combat corruption at the border. **The most significant achievement** in this area since Ukraine submitted its application for EU membership has been the **adoption of the law criminalising smuggling** in 2023⁴⁴⁹¹. In May 2024, the State Customs Service officially became a partner of the World Customs Organization's Anti-Corruption and Integrity Promotion Programme (A-CIP)⁴⁴⁹². In 2024, the State Border Guard Service, in partnership with the EUAM Ukraine, also conducted **a large-scale information campaign** entitled Act Now! aimed at exposing corruption⁴⁴⁹³.

In 2025, the **validity periods of strategic anti-corruption documents at all levels are coming to an end**: the Anti-Corruption Strategy for 2021–2025⁴⁴⁹⁴, the State Anti-Corruption Programme for 2023–2025⁴⁴⁹⁵, and the Anti-Corruption Programmes of the SBGS for 2023–2025⁴⁴⁹⁶ and the SCS for 2023–2025⁴⁴⁹⁷. During the **reporting period, preparations began for the development of new documents**, which will continue until the end of 2025⁴⁴⁹⁸.

Progress and issues

The current Anti-Corruption Strategy was developed back in 2020; therefore, **some of its provisions are now outdated**, while certain relevant issues — such as border control — were not included and need to be incorporated into the new strategy. The involvement of the public in the development and monitoring of anti-corruption documents and measures is in **high demand from the NACP**.

Ongoing efforts by the SBGS and the SCS have led to some improvements in combating border-related corruption. These agencies are **actively implementing a range of measures**, including the introduction of anti-corruption programmes, certification under the international ISO 37001 standard, training of staff on anti-corruption legislation and ethical conduct, the introduction of new internal control mechanisms such as polygraph-based

4491 On Amendments to the Criminal Code and the Criminal Procedure Code of Ukraine on the Criminalisation of Goods Smuggling: Law of Ukraine No. 3513-IX of 09.12.2023.

4492 Revenue Strategy of Ukraine in 2024: Key Results in the Customs Sector. State Customs Service of Ukraine. 2025.

4493 Act Now — Report Corruption. State Border Guard Service of Ukraine. 2024.

4494 On the Principles of State Anti-Corruption Policy for 2021–2025: Law of Ukraine No. 2322-IX of 20.06.2022.

4495 On the Approval of the State Anti-Corruption Programme for 2023–2025: Resolution of the Cabinet of Ministers of Ukraine No. 220 of 04.03.2023.

4496 Anti-Corruption Programmes of the State Border Guard Service and Information on Their Implementation. State Border Guard Service of Ukraine.

4497 Anti-Corruption Programme of the State Customs Service of Ukraine for 2023–2025. State Customs Service of Ukraine.

4498 Anti-Corruption Strategy 2026 - 2030 and Anti-Corruption Mainstreaming in EU Negotiations - Priorities for Cooperation between the NACP and EUACI. National Agency on Corruption Prevention.

psychophysiological assessments to verify staff integrity, and cooperation with the public, government authorities, and international organisations to enhance transparency and accountability⁴⁴⁹⁹.

The SCS and SBGS regularly conduct **anonymous surveys** open to all stakeholders to identify and assess corruption risks in their operations⁴⁵⁰⁰. However, the most recent references to such surveys in official sources date back to 2022 and 2023 respectively.

In January 2025, the SBGS reported 100% implementation of its Anti-Corruption Programme for 2024⁴⁵⁰¹. On the SCS website, however, the most recent report on the implementation of its **Anti-Corruption Programme** relates to the first half of 2023⁴⁵⁰².

State Customs Service

In February 2025, **40 authorised officers of the SCS responsible for the prevention and detection of corruption underwent training by the NACP** on integrity screening, monitoring of officials' lifestyles, and working with whistleblowers⁴⁵⁰³.

On 1 April 2025, the Government approved the Procedure for conducting psychophysiological questioning of officials of the customs authorities and candidates for positions in the civil service in the customs authorities with the use of a polygraph⁴⁵⁰⁴, and on 29 April 2025 – the Procedure for conducting integrity checks and lifestyle monitoring of officials of the customs authorities⁴⁵⁰⁵.

All customs officers will undergo a regular check once every three years, as well as an unscheduled one in the event of signals of possible corruption. The responsible anti-corruption units have been granted the right to initiate disciplinary proceedings based on the results of such checks. In addition, the annual submission of a declaration of integrity has been introduced, in which customs officers are obliged to indicate their income level, property and lifestyle for verification against official data.

During the reporting period, the SCS also launched a service on its official website **for submitting complaints about customs operations**, linked to specific border crossing points⁴⁵⁰⁶.

4499 The State Customs Service Adopts European Experience in Corruption Prevention. State Customs Service of Ukraine. 2025.; Radio Kordon page on the social network Facebook. 2024.

4500 Prevention and Counteraction of Corruption. State Customs Service of Ukraine.; Information on the Implementation Status in 2024 of the Tasks and Measures under the Anti-Corruption Programme of the State Border Guard Service of Ukraine for 2023–2025: Annex to the Report on the Implementation Status in 2024 of the Anti-Corruption Programme of the State Border Guard Service of Ukraine for 2023–2025, subpara. 2, para. 4, Objective I.

4501 Report on the Implementation Status in 2024 of the Anti-Corruption Programme of the State Border Guard Service of Ukraine for 2023–2025. State Border Guard Service of Ukraine.

4502 Report on the Implementation in the First Half of 2023 of the Anti-Corruption Programme of the State Customs Service of Ukraine for 2023–2025. State Customs Service of Ukraine.

4503 Strengthening Integrity at Customs: Anti-Corruption Officers Trained by the NACP. State Customs Service of Ukraine. 2025.

4504 On the Approval of the Procedure for Conducting Psychophysiological Questioning of Officials of the Customs Authorities and Candidates for Civil Service Positions in the Customs Authorities with the Use of a Polygraph: Resolution of the Cabinet of Ministers of Ukraine No. 366 of 01.04.2025.

4505 Certain Issues of Conducting Integrity Checks and Lifestyle Monitoring of Officials of the Customs Authorities: Resolution of the Cabinet of Ministers of Ukraine No. 487 of 29.04.2025.

4506 Online Complaint System for Customs Service Performance. State Customs Service of Ukraine.

As part of the Strategic Digitalisation Plan of the SCS for 2024–2026⁴⁵⁰⁷, the **implementation of the NCTS** (a system through which foreign economic activity entities submit customs declarations electronically to place goods under the common transit procedure) and the **centralised system for customs clearance and risk management** continued. These initiatives contribute to the reduction of corruption risks.

Since November 2024, the SCS has begun introducing the possibility of carrying out customs formalities automatically, without the involvement of officials⁴⁵⁰⁸, which also reduces corruption risks. In 2024, the SCS strengthened post-clearance audits and conducted documentary checks, which led to significant customs revenues and the assessment of additional obligations on foreign trade operators⁴⁵⁰⁹. In April 2025, the implementation of the pilot project on post-customs control was completed. It had been running from November 2023 until 19 April 2025⁴⁵¹⁰ (the date of entry into force of the new Article 344¹ of the Customs Code of Ukraine, which regulates the issue of conducting post-customs control)⁴⁵¹¹.

Pilot projects for automated customs information exchange continue to develop at selected sections of the border with the EU and with more distant countries (with Romania and Moldova in 2023–2024, and **in October 2024 with Lithuania**). The agreement between Ukraine and Lithuania⁴⁵¹² marked the **first instance** of a formal commitment to bilateral customs data exchange **between two countries without a shared border**. This created a precedent for future cooperation and demonstrates the potential of digital solutions to overcome geographic barriers and expand international collaboration.

However, despite considerable progress — also recognised by business representatives in the first-ever WCO Customs Integrity Perception Survey (CIPS) conducted in Ukraine in September 2024⁴⁵¹³ — the customs service still **lacks a positive EU decision** on the implementation of sustainable automated customs declaration data exchange⁴⁵¹⁴. This step is a logical continuation of the already implemented pilot projects and one of the key measures for minimising corruption risks.

Raising customs officers' **salaries** is still regarded as one of the critical factors in preventing violations in the field of customs control.

4507 The Ministry of Finance Approves the Strategic Digitalisation Plan of the State Customs Service. Ministry of Finance of Ukraine. 2024.

4508 Faster, More Transparent, More Efficient: The State Customs Service Has Begun Processing Customs Declarations Automatically Without the Involvement of Customs Officials. State Customs Service of Ukraine.

4509 Post-Clearance Control and Documentary Audits — Effective Tools for Verifying the Accuracy and Completeness of Customs Payments. State Customs Service of Ukraine.

4510 Results of the Implementation of the Pilot Project on Post-Customs Control. State Customs Service of Ukraine, 2025.

4511 On Amendments to the Customs Code of Ukraine regarding the Implementation of Certain Provisions of the Customs Code of the European Union: Law of Ukraine No. 3926-IX of 22.08.2024.

4512 Ukraine and Lithuania Reach Key Milestone in EU4Digital eCustoms Pilot. EU4Digital. 2024.

4513 Integrity Assessment as a Tool for Customs Transformation: Business and Officials Took Part in a Survey. State Customs Service of Ukraine.

4514 The EU Will Continue Supporting Ukraine in the Customs Sector Through the EU4PFM Programme Until 2025: Priorities Announced. State Customs Service of Ukraine.

State Border Guard Service

During the reporting period, the **staffing of authorised anti-corruption units within the SBGS** was increased by 38%⁴⁵¹⁵. Work on strengthening the institutional capacity of the **SBGS** and aligning the number of personnel in these units with NACP⁴⁵¹⁶ requirements is ongoing.

The SBGS is improving its whistleblower mechanism: to ensure transparency in combating misconduct and to strengthen public trust in the agency, a dedicated telephone hotline has been established⁴⁵¹⁷. Additionally, from September 2024 to July 2025, the **SBGS continued digitalising border management processes** to enhance the traceability and accountability of inspectors.

Throughout the reporting period, representatives of the Anti-Corruption Prevention and Detection Directorate of the **SBGS** delivered training to improve the professional competence of authorised anti-corruption officers⁴⁵¹⁸.

In 2024, the **SBGS** reported only **36** cases of possible **violations** of anti-corruption legislation by its personnel and seven convictions handed down by courts. These figures do not correspond with the findings of the 2024 annual public and business survey on the understanding, perception, and prevalence of corruption in Ukraine⁴⁵¹⁹. At the same time, approximately **400 instances** of refusal to accept undue benefits were recorded, in 150 of which personnel received financial or other types of rewards⁴⁵²⁰.

Despite challenging conditions, the **SBGS**, the SCS, and anti-corruption institutions have demonstrated the ability to adapt and continue combating corruption at the border. However, **more effective measures are needed**.

Recommendations

The role of SCS and SBGS officials in decision making on the clearance of goods, individuals, and vehicles at the border should be reduced **to the necessary minimum**. Despite substantial progress in customs reform, further efforts are required to **integrate customs systems** with those of the European Union.

4515 Report on the Implementation Status in 2024 of the Anti-Corruption Programme of the State Border Guard Service of Ukraine for 2023–2025, subpara. 1, para. 2, Objective 3.

4516 On the Establishment of Mandatory Requirements for the Minimum Staffing of Authorised Anti-Corruption Units in Public Authorities: Order of the National Agency on Corruption Prevention No. 240/21 of 26.04.2021.

4517 On the Approval of the Procedure for Operating the Telephone Hotline of the State Border Guard Service of Ukraine: Order of the Ministry of Internal Affairs of Ukraine No. 153 of 12.03.2024.

4518 For example: Online Session. Page of the Anti-Corruption Prevention and Detection Directorate of the State Border Guard Service of Ukraine on the social network Facebook. 2025.; Training Activities. Page of the Anti-Corruption Prevention and Detection Directorate of the State Border Guard Service of Ukraine on the social network Facebook. 2025.; Training Activities. Page of the Anti-Corruption Prevention and Detection Directorate of the State Border Guard Service of Ukraine on the social network Facebook. 2024.; Anti-Corruption Unity at the Borders: State Border Guard Service conducted training sessions with the participation of international experts. State Border Guard Service of Ukraine, 2025.

4519 Corruption in Ukraine 2024: Understanding, Perception, Prevalence. Analytical Report Based on a Survey of the Population and Businesses. NACP. 2024.

4520 Radio Kordon page on the social network Facebook. 2024.

To improve the situation in combating corruption at the border, it is also necessary to:

- › **develop high-quality anti-corruption documents:** the Anti-Corruption Strategy, the State Anti-Corruption Programme, and the Anti-Corruption Programmes of the SCS and the SBGS for the next period, considering current challenges. Border control issues should be included in the new Anti-Corruption Strategy;
- › **strengthen anti-corruption mechanisms:** it is important to continue reforming customs and border agencies by introducing transparent procedures, electronic data exchange systems, and independent oversight;
- › **improve interagency and international cooperation:** establishing effective interaction between different government bodies and international partners is critical, particularly in implementing a sustainable automated exchange of customs declaration data with the EU. Joint actions, information exchange, and coordination will enable more effective prevention of corruption schemes and other border-related offences;
- › resume the practice of **conducting anonymous surveys** open to all stakeholders to identify and assess corruption risks in the activities of the SBGS and the SCS, with public reporting through open sources;
- › ensure the timely **publication** of reports on the implementation of the Anti-Corruption Programme on the official website of the SCS;
- › **ensure the update** of the NACP's Border Crossing Corruption Risk Mitigation **Plan** and its resubmission for approval by the Government;
- › ensure that the NACP, the SBGS, and the SCS broadly involve the public in the development and monitoring of anti-corruption documents and measures at the appropriate level.

A comprehensive approach — combining the development of high-quality legislation and its integration with European systems and standards, the strengthening of anti-corruption measures, and improved cooperation at all levels — is key to effectively combating border-related corruption in Ukraine.

Cooperation with Neighbouring Countries on Joint Customs and Border Control

State of play

Although the objective of introducing joint control with neighbouring EU countries is reflected in all strategic documents on border management, progress in its implementation remains limited. Joint control — or more precisely, sequential control at a shared location — is currently in place only on the Ukrainian Polish border at four road border crossing points: Smilnytsia–Krościenko, Hrushiv–Budomierz, Uhryniv–Dołhobyczów, and Ustyluh–Zosin (only on exit from Ukraine, for entry into the Republic of Poland)⁴⁵²¹. At the same time, the process of revising the Agreement on Joint Control between Ukraine

⁴⁵²¹ At the Border with the Republic of Poland. State Border Guard Service of Ukraine.

and Poland, which required updating, was launched in 2022⁴⁵²². As of today, the Agreement has been worked out bilaterally between Poland and Ukraine and is **currently undergoing coordination with the third party** — the European Commission⁴⁵²³.

Negotiations and the drafting of agreements on joint control with Hungary and Slovakia are still ongoing. These agreements are intended to establish the legal framework for the functioning of such crossing points⁴⁵²⁴. The process is complicated by inconsistencies between the provisions of Ukrainian legislation and the requirements of the Schengen Area. The current stagnation in negotiations on joint control is also affecting plans for the development of new crossing points. At least several planned crossing points are linked to the prospect of implementing joint border control.

With Romania, dialogue on joint control had not been initiated due to the country's incomplete compliance with the requirements of Schengen legislation. However, in January 2025, Romania became a full member of the Schengen Area, abolishing checks at internal borders with EU Member States⁴⁵²⁵.

During the field meeting of the Verkhovna Rada Committee on Ukraine's Integration into the European Union in Vinnytsia, held on 1 July 2025, experts called on the competent authorities to launch the negotiation process on the introduction of Joint Control with Romania⁴⁵²⁶.

Progress and issues

The key problem lies in the misalignment between Schengen and Ukrainian legislation. As of now, the term "joint control" cannot legally be applied at the border with EU Member States, because under the Schengen Borders Code⁴⁵²⁷, joint control is only permissible between EU Member States. Between an EU Member State — such as Poland — and a third country, such as Ukraine, only control at a shared border crossing point is legally possible. Therefore, Ukraine will only be able to formally apply the term "joint control" once it becomes an EU Member State. Given these circumstances, the control procedures at shared border crossing points with the EU are currently sequential: checks are first conducted by the authorities of the country of departure, followed by those of the country of entry.

The only reason joint control is operational at several crossing points on the border with Poland is because the relevant agreement was signed before Poland joined the EU and the Schengen Area.

As a result of long and complex negotiations, draft agreements on joint control have been developed with Poland, Slovakia, and Hungary. As of now, approval by the European Commission of the updated agreement with the Republic of Poland is pending.

4522 Ukraine Gets Closer to Schengen: What to Expect from Joint Customs Control with Poland. European Pravda 2022.

4523 Ukraine and Poland Move Closer to an Agreement on Joint Customs and Border Control. European Pravda. 2024.

4524 Consultation with the Administration of the State Border Guard Service of Ukraine, held on 16.04.2025.

4525 Romania and Bulgaria are full members of the Schengen Area. DW. 2025.

4526 Transcript of the field meeting of the Committee on Ukraine's Integration into the European Union, 01.07.2025, Vinnytsia.

4527 Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (codification).

Another problematic aspect is the absence of an agreement on joint control with Romania. Negotiations with Romania had not been initiated due to its lengthy path to the Schengen Area. However, after Romania acquired the status of a full member of Schengen at the beginning of 2025, a “green light” appeared for the opening of the negotiation process between the two countries.

Recommendations

1. **Step up trilateral consultations** between Ukraine, neighbouring countries, and representatives of the European Commission to identify compromise solutions acceptable to all parties.
2. **Intensify the work of the government delegation** led by the MFA, shifting the focus of negotiations from the Ministry for Development of Communities and Territories of Ukraine — currently leading the process — to the MFA and the MoJ, which oversee negotiations with neighbouring countries.
3. **Draw the attention of relevant EU stakeholders** to the issue; prepare a report on the challenges related to the implementation of joint control. Present and discuss the report during the meetings of the EU-Ukraine Association Agreement bodies — the Association Council and the EU-Ukraine Parliamentary Association Committee.
4. Develop **alternative proposals** for addressing inconsistencies between Ukrainian legislation and the Schengen Borders Code, involving EU experts in the process.
5. Launch negotiation process with Romania on the introduction of joint border control with Ukraine.

Euro Counterfeiting



The level of **euro counterfeiting** in Ukraine is low compared to other foreign currencies. Ukraine is actively working on harmonising its national legislation with EU law in the field of euro counterfeiting prevention. The CC of Ukraine provides for penalties for the main types of offences related to currency counterfeiting, which partially aligns with EU legal acts. However, the issue of criminalisation of counterfeiting requires further expansion, including the redefinition of the elements of the offence, the establishment of penalties for the use of official materials for the illegal production of currency, and the introduction of liability for legal persons for such offences.

During the reporting period, no significant legislative changes were adopted, but active work continued on the draft of the new CC of Ukraine, which pays considerable attention to the prevention of foreign currency counterfeiting and the alignment of Ukrainian legislation with EU standards.

Alignment of National Legislation with European Union Acts on the Prevention of Currency Counterfeiting

State of play

Counterfeiting of foreign currency in Ukraine does not pose a threat to banks and financial institutions but is primarily aimed at defrauding individuals. The level of foreign currency counterfeiting in Ukraine moderately increased in 2024 compared to 2022–2023. Among the counterfeit foreign banknotes withdrawn from circulation in 2024, only 7% were euro banknotes (denominations of 200, 100, and 50⁴⁵²⁸).

If necessary, citizens may contact banks, which forward suspicious banknotes to the NBU for examination. Counterfeit banknotes are confiscated without reimbursement. The NBU informs law enforcement agencies of such cases, and the counterfeit notes are handed over to their authorised personnel for investigation.

Responsibility for combating counterfeit currency, including foreign currency, in Ukraine lies with the ESBU, the SBI, the MoIA, the SSU, and the prosecution authorities. In addition, the NBU cooperates with the NPU and expert institutions of the Ministry of Justice to prevent the spread of counterfeits. The distribution of powers among these agencies requires clarification. For example, the ESBU, NPU, SSU, and SBI have overlapping mandates in detecting and investigating economic crimes, which may result in multiple cases being opened simultaneously by different bodies, parallel investigations, and jurisdictional conflicts⁴⁵²⁹.

Ukraine also cooperates with Europol, the European Central Bank, and Interpol in detecting counterfeit banknotes, in line with European standards in combating counterfeiting. This includes information exchange and joint efforts to prevent fraud involving European financial resources.

4528 The Level of Counterfeiting of National Currency Banknotes Remains Under Control. National Bank of Ukraine. 2025.

4529 Information provided by the Economic Security Bureau of Ukraine on 31.07.2025 in response to the written request of the NGO "Europe without Barriers".

The analysis and processing of counterfeit euro banknotes withdrawn from circulation by banks is carried out by the Currency Production and Protection Directorate of the NBU. **The current volume of euro circulation and counterfeiting in Ukraine is insufficient** to warrant the use of automated banknote processing systems capable of detecting all possible counterfeits (such systems are not currently supported by any software in Ukraine). The analysis is conducted manually using desktop machines — detectors or banknote sorters — which provide only a relatively low level of detection⁴⁵³⁰.

In the 2024 EU Enlargement Package Report, the issue of euro counterfeiting prevention was addressed under Chapter 24 “Justice, Freedom and Security”, which highlighted the non-compliance of Ukrainian legislation with EU law⁴⁵³¹.

Ukrainian legislation provides for a **unified criminal liability** for counterfeiting currency, including foreign currency such as the euro (Article 199 of the CC of Ukraine)⁴⁵³². According to this article, the **manufacture, possession, acquisition, transportation, shipment, or importation with the intent to distribute, or the actual distribution** of counterfeit currency is punishable by imprisonment for a term of three to seven years. If the offence is committed repeatedly, by prior conspiracy by a group of persons, or on a large scale, the punishment is imprisonment for five to ten years with confiscation of property. If the offence is committed by an organised group or on an especially large scale, the penalty is imprisonment for eight to twelve years with confiscation of property.

As of today, Ukrainian legislation on the prevention of euro counterfeiting is **partially aligned** with key international and European legal instruments in this field, such as:

- › the International Convention for the Suppression of Counterfeiting Currency (Geneva Convention of 1929)⁴⁵³³, which establishes the foundation for international cooperation in combating currency counterfeiting;
- › Directive 2014/62/EU on the protection of the euro and other currencies against counterfeiting by criminal law, which replaces Council Framework Decision 2000/383/JHA and complements the provisions and facilitates the application of the Geneva Convention⁴⁵³⁴.

The ratification of the International Convention for the Suppression of Counterfeiting Currency, signed in Geneva on 20 April 1929, is one of Ukraine's obligations within the negotiation process on Ukraine's accession to the European Union under Chapters 24 “Justice, Freedom and Security” and 32 “Financial Control”⁴⁵³⁵.

4530 Information obtained from an interview with a representatives of the National Bank of Ukraine on 27.03.2025.

4531 Ukraine 2024 Progress Report within the European Union Enlargement Package.

4532 Criminal Code of Ukraine No. 2341-III of 05.04.2001, Article 199.

4533 International Convention for the Suppression of Counterfeiting Currency: Convention No. 995_589 of 03.05.1931.

4534 Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA.

4535 Information provided by the Economic Security Bureau of Ukraine on 31.07.2025 in response to the written request of the NGO “Europe without Barriers”.

The ESBU, in pursuance of the instruction of the Prime Minister of Ukraine No. 34207/1/1-24 of 30.10.2024, the Legislative Work Plan of the Verkhovna Rada of Ukraine for 2025⁴⁵³⁶, the Rule of Law Roadmap⁴⁵³⁷, and in accordance with the provisions of the Law of Ukraine “On International Treaties”, has developed the Draft Law of Ukraine “On Ukraine’s Accession to the International Convention for the Suppression of Counterfeiting Currency of 1929”, which is currently under consideration by the competent authorities in the manner provided for by law⁴⁵³⁸.

Directive 2014/62/EU requires that the **manufacture or distribution** of counterfeit currency be punishable by a term of imprisonment of at least eight years, and that **handling** counterfeit currency be punishable by a maximum sentence of at least five years. The unlawful use of legitimate means or materials from authorised printing facilities or mints to produce **unauthorised banknotes or coins** with fraudulent intent must also be treated as a criminal offence. Criminal intent must be a component of all elements of such offences.

Ukrainian legislation provides a **mechanism for the prompt forensic examination of signs of currency counterfeiting and methods of manufacture within the framework of judicial proceedings**⁴⁵³⁹. However, the timelines for such examinations may vary on a case-by-case basis. One of the key provisions of Directive 2014/62/EU is the requirement for the possibility of analysing seized counterfeit banknotes and coins at an early stage of judicial proceedings⁴⁵⁴⁰.

Progress and issues

During the reporting period, no **significant changes were recorded** in Ukrainian legislation **regulating liability** for counterfeiting foreign currency. Full harmonisation of national legislation with the provisions of Directive 2014/62/EU remains an outstanding task as does the adoption of the Law of Ukraine “On Ukraine’s Accession to the International Convention for the Suppression of Counterfeiting Currency of 1929”.

At present, Ukraine has not introduced a clear procedure for the mandatory analysis of counterfeit euro banknotes at the early stage of investigation⁴⁵⁴¹. There are no specific legal or regulatory acts that would establish the obligation of such a procedure, its algorithm, and the responsible authorities. The analysis of counterfeits is carried out irregularly — mainly at the request of an investigator or at the initiative of a specific law enforcement body, rather than as a standardised part of the criminal process.

4536 On the Legislative Work Plan of the Verkhovna Rada of Ukraine for 2025: Resolution of the Verkhovna Rada of Ukraine No. 4228-IX of 11.02.2025.

4537 Certain Issues of Ensuring the Negotiation Process on Ukraine’s Accession to the European Union under Cluster 1 “Fundamentals of the EU Accession Process”: Order of the Cabinet of Ministers of Ukraine No. 475 of 14.05.2025.

4538 Information provided by the Economic Security Bureau of Ukraine on 31.07.2025 in response to the written request of the NGO “Europe without Barriers”.

4539 On Judicial Practice in Criminal Cases Related to the Manufacture or Distribution of Counterfeit Money or Securities: Resolution of the Plenum of the Supreme Court of Ukraine No. 6 of 12.04.1996.; On the Approval of the Instruction on the Procedure for Organising Cash Operations by Banks and Payment Transactions by Payment Service Providers in Ukraine: Resolution of the Board of the National Bank of Ukraine No. 174 of 01.06.2011.

4540 Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA.

4541 Information obtained from an interview with a representative of the National Bank of Ukraine on 23.07.2025.

There is no designated authority that would centrally perform the functions of technical analysis of euro banknotes, similar to the national analysis centres in EU Member States⁴⁵⁴². The NBU does not have official accreditation as a National Analysis Centre (NAC) or a Coin National Analysis Centre (CNAC) in accordance with Regulation (EC) No. 1338/2001⁴⁵⁴³, since Ukraine is not a member of the EU and the NBU is not included in the list of national centres recognised by the European Commission and the European Central Bank in the field of counterfeit euro analysis.

Ukraine is not integrated into pan-European information exchange systems on counterfeits, which limits access to operational analytics and hampers the timely detection of new types of counterfeit banknotes. This situation creates gaps in the system of countering currency counterfeiting and reduces the effectiveness of investigations⁴⁵⁴⁴.

At present, there is no systemic interaction in Ukraine between the NBU and the ESBU in terms of the operational exchange of information on counterfeit euro banknotes, in particular in an automated mode. This is due to the absence of legal acts or interagency instructions regulating such cooperation, the lack of integrated information systems and technical solutions for automated exchange, as well as differences in the functional priorities of these institutions. Information exchange is unsystematic, taking place mainly upon request, without the creation of a centralised mechanism or platform similar to the European NAC/CNAC models. Such a situation limits the effectiveness of countering euro counterfeiting and slows down the response to the emergence of new counterfeits⁴⁵⁴⁵.

There is a need to **strengthen liability** for foreign currency counterfeiting, **improve technical tools for counterfeit detection**, and **unify the terminology** related to currency counterfeiting.

Criminal liability must also be established for preparatory acts related to such offences, such as the manufacture of counterfeit instruments and components. In addition, Ukrainian legislation needs to be aligned with the provisions of Directive 2014/62/EU concerning the **liability of legal persons** for offences related to currency counterfeiting.

From September 2024 to July 2025, **active work continued on the draft of the new CC of Ukraine**, coordinated by the EUAM Ukraine. The draft Criminal Code devotes significantly more attention to the prevention of foreign currency counterfeiting and alignment with Directive 2014/62/EU than the current CC of Ukraine⁴⁵⁴⁶. However, the date for submitting the bill to the Verkhovna Rada for registration is not yet known.

4542 Ibid.

4543 Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting.

4544 Information obtained from an interview with a representative of the National Bank of Ukraine on 23.07.2025.

4545 Ibid.

4546 Draft of the new Criminal Code of Ukraine, 2025. Section, 6.3.

Recommendations

To align Ukrainian legislation with Directive 2014/62/EU, Ukraine should:

- › introduce **mandatory technical analysis of counterfeit euro banknotes at the early stage of investigation**, designating the responsible authority and a clear procedure for conducting examinations;
- › **establish or accredit a national analysis centre** capable of carrying out systematic analysis of counterfeits in accordance with EU standards;
- › **set up regular automated information exchange** between the NBU and the ESBU regarding types of counterfeits and channels of their distribution;
- › **step up cooperation with European agencies** in order to ensure access to joint databases and methodologies for detecting counterfeits.

It is also necessary to introduce the following legislative changes:

1. **Expand the scope of criminalisation of acts related to currency counterfeiting:**
 - › establish criminal liability for the manufacture of materials or equipment intended for currency counterfeiting;
 - › introduce criminal liability for the use of such materials or equipment, regardless of whether counterfeit currency was actually produced;
 - › hold expert consultations on the advisability of removing the intent to distribute as a mandatory element of the offence.
2. **Establish liability of legal persons for such offences.**
3. **Regulate offences involving counterfeiting using legitimate materials, by establishing liability for the manufacture or use of materials** intended for producing official currency without proper authorisation.
4. **Unify terminology**, particularly by aligning the terminology used in the Criminal Code of Ukraine on currency counterfeiting with that of Directive 2014/62/EU.

In addition, it is necessary to adopt the Law of Ukraine "On Ukraine's Accession to the International Convention for the Suppression of Counterfeiting Currency of 1929".

Although no legislative changes in the field of foreign currency counterfeiting were adopted during the reporting period, the moderate increase in counterfeiting cases underscores the importance of further legislative adaptation. Work must continue on aligning criminal law, enhancing cooperation with European financial institutions, and implementing modern technologies to detect and prevent counterfeiting.

Annex 1 to the Report



Information on the progress achieved during August 2025 in the areas outlined in Chapter 23 “Justice and Fundamental Rights” and Chapter 24 “Justice, Freedom and Security” of Negotiation Cluster 1 “Fundamentals of the Accession Process”

CHAPTER 23 “JUSTICE AND FUNDAMENTAL RIGHTS”

RULE OF LAW

Judicial Reform

High Council of Justice

The Ethics Council completed the evaluation of candidates for the position of member of the High Council of Justice (HCJ) under the quota of the President of Ukraine (the President) and recognised 16 candidates as meeting the criteria of professional ethics and integrity⁴⁵⁴⁷.

Between 21–28 August 2025, the Selection Commission for the competition to appoint members of the HCJ held interviews with all candidates recommended by the Ethics Council. Based on the results, it compiled a shortlist of six candidates, recommended to the President for appointment to the HCJ⁴⁵⁴⁸. As of 31 August 2025, these candidates were still under consideration by the President, who is to appoint two members of the HCJ under his quota.

The Ethics Council also began the verification of candidates nominated by the Congress of Judges. Twenty-four individuals were admitted to interviews for two vacant HCJ positions under the Congress of Judges’ quota⁴⁵⁴⁹.

4547 Publication of the Ethical Council on the social network Facebook. 2025.

4548 List of candidates recommended for appointment by the President of Ukraine to the position of member of the High Council of Justice. Office of the President of Ukraine. 2025.

4549 Publication of the Ethical Council on the social network Facebook. 2025.

Two members of the Ethics Council — Sir Anthony Hooper and Peter F. Schenk — submitted resignations, requesting the termination of their powers as members of the Ethics Council from 31 August 2025⁴⁵⁵⁰. These resignations were approved by the Head of the HCJ.

In August 2025, Draft Law No. 13697⁴⁵⁵¹ was submitted to the Verkhovna Rada of Ukraine (the Verkhovna Rada, Parliament). The draft proposes to exclude international experts from all selection commissions relating to the judiciary and the Constitutional Court of Ukraine, including the Ethics Council, as well as other bodies whose selection commissions currently involve international experts. Instead, the draft law proposes the establishment of a National Assembly of Heroes of Ukraine as a permanent consultative and advisory body. According to the proposal, this Assembly would, in cases defined by law, participate in the formation of state bodies and exercise oversight of their activities. The Assembly would consist of Ukrainian citizens awarded the title Hero of Ukraine for participation in combat operations defending the state's sovereignty and territorial integrity⁴⁵⁵². Such a framework raises serious concerns regarding its effectiveness, particularly in terms of ensuring the principle of non-discrimination towards Heroes of Ukraine who have sustained injuries incompatible with daily activity.

The Selection Commission for the HCJ conducted two stages of selection for five vacant inspector positions. On 8 August, the Commission held cognitive skills testing for candidates to the Service of Disciplinary Inspectors of the HCJ⁴⁵⁵³, successfully completed by 22 candidates⁴⁵⁵⁴. On 22 August, the candidates completed situational tasks⁴⁵⁵⁵. Based on these results, the 10 candidates with the highest scores will be invited to the next stage — interviews⁴⁵⁵⁶.

In August 2025, a working group under the HCJ began its work to develop indicators of the average duration of proceedings within the jurisdiction of the High Anti-Corruption Court (HACC)⁴⁵⁵⁷. The need for this initiative arose from the findings of audits by the Accounting Chamber, which highlighted the absence of criteria for assessing the workload of HACC judges⁴⁵⁵⁸. This gap complicates analysis of the efficiency of judicial proceedings and the determination of actual organisational needs.

Between January and July 2025, the HCJ adopted decisions on the dismissal of 150 judges⁴⁵⁵⁹. Of these, 117 judges were dismissed under general circumstances, and 33

4550 Publication of the Ethical Council on the social network Facebook. 2025.

4551 Ibid.

4552 On Amendments to Certain Legislative Acts of Ukraine on the Restoration of State Sovereignty of Ukraine: Draft Law of Ukraine, registration No. 13697 of 25.08.2025.

4553 Ibid.

4554 Publication of the Selection Commission for the Service of Disciplinary Inspectors of the High Council of Justice on the social network Facebook. 2025.

4555 Ibid.

4556 Publication of the Selection Commission for the Service of Disciplinary Inspectors of the High Council of Justice on the social network Facebook. 2025.

4557 Ibid.

4558 The HCJ to develop workload indicators for judges of the High Anti-Corruption Court. High Council of Justice. 2025.

4559 Publication of the High Council of Justice on the social network Facebook. 2025.

judge⁴⁵⁶⁰ under special circumstances: 25 judges for committing serious disciplinary misconduct, and 8 judges for failure to meet the requirements of their position.

During the same period (January – July 2025), 73 judges were subjected to disciplinary liability, with the following sanctions applied⁴⁵⁶¹: warning — 36 judges; reprimand with deprivation of salary supplements for one month — 10 judges; severe reprimand with deprivation of salary supplements for three months — 4 judges; submission for temporary suspension from administering justice — 1 judge; submission for dismissal — 22 judges.

Recommendations

It is advisable for international and foreign organisations to promptly submit proposals regarding the candidacies of two new members of the Ethics Council to replace those who resigned in August 2025.

The Parliament should refrain from adopting Draft Law No. 13697 in its current version and instead initiate a broad discussion on the continuation of the participation of international experts in all selection commissions (and other similar bodies) at least until the Rule of Law Roadmap has been fully implemented, as well as on the advisability of involving Ukrainian citizens awarded the title Hero of Ukraine in such commissions.

High Qualification Commission of Judges of Ukraine

In August 2025, a new leadership of the High Qualification Commission of Judges of Ukraine (HQCJ) was elected: Andrii Pasichnyk (Head), Oleh Koliush (Deputy Head), Ruslan Melnyk and Serhii Chumak (Secretaries of Chambers)⁴⁵⁶². At the same time, the HCJ appointed Ihor Kushnir as a member of the HQCJ⁴⁵⁶³. Thus, the HQCJ is now functioning in its full composition of 16 members.

As part of the procedure for forming a new Selection Commission for the appointment of HQCJ members (Selection Commission), on 12 August 2025 the Bar Council of Ukraine (BCU) nominated three candidates: Oleksii Shevchuk, Hanna Kolesnyk, and Oksana Kadenko⁴⁵⁶⁴. Civil society actors have raised concerns about the impeccable business reputation and public authority of these nominees, highlighting aspects of their professional and public activity⁴⁵⁶⁵. From among the candidates proposed by the BCU, the HCJ must appoint one.

4560 Ibid.

4561 Publication of the High Council of Justice on the social network Facebook. 2025.

4562 Composition of the Commission. High Qualification Commission of Judges of Ukraine. 2025.

4563 The HCJ appoints Ihor Kushnir as a member of the High Qualification Commission of Judges of Ukraine. High Council of Justice. 2025.

4564 The BCU selects candidates for members of the Competition Commission for the selection of members of the HQCJ. Ukrainian National Bar Association. 2025.

4565 Competition Commission without international experts: who will guarantee the integrity of the selection to the High Qualification Commission of Judges. LB.ua. 2025.

On 22 August 2025, the Council of Judges of Ukraine (CJU) extended the deadline for submission of documents by candidates to the Selection Commission under its quota, since only two candidates had applied within the initial deadline⁴⁵⁶⁶. The CJU must nominate at least six candidates for three positions to be submitted to the HCJ⁴⁵⁶⁷.

The Council of Prosecutors of Ukraine nominated two representatives for the appointment of one member of the Selection Commission⁴⁵⁶⁸. The Presidium of the National Academy of Legal Sciences also submitted its nominees under its quota⁴⁵⁶⁹.

On 15 August 2025, the HQCJ announced the winners of the competition for vacant posts in the appellate administrative courts and appellate commercial courts: 42 judges for the appellate administrative courts (with 67 vacancies available) and 55 judges for the appellate commercial courts (with 58 vacancies available)⁴⁵⁷⁰.

At the same time, top places in the competition for appellate commercial courts — and accordingly, appointments to some of the most prestigious courts — were awarded to sitting members of the HCJ, their relatives, and relatives of HQCJ members⁴⁵⁷¹. Following this, a Member of Parliament submitted Draft Law No. 13698⁴⁵⁷² to Parliament, which proposes to expand the circle of persons who may not apply for judicial positions.

Within the framework of the selection of local court judges, between 5 and 26 August 2025, 7,239 candidates (including candidates for appointment as local court judges and current judges seeking transfer to another local court) undertook general legal knowledge tests and tests on the specialisation of the respective court⁴⁵⁷³. As a result, 4,842 candidates⁴⁵⁷⁴ were admitted to the third stage — cognitive skills testing — scheduled to take place between 9 and 17 September 2025⁴⁵⁷⁵.

In August 2025, the HQCJ completed the acceptance of applications for the competition to the HACC. A total of 205 individuals expressed their intention to compete for 23 vacant HACC judgeships⁴⁵⁷⁶.

4566 Announcement on the extension of the competition for the selection of candidates to the Competition Commission for the appointment of members of the HQCJ. Council of Judges of Ukraine. 2025.

4567 On the Judiciary and the Status of Judges: Law of Ukraine No. 1402-VIII of 02.06.2016, paras. 4–5 Art. 951.

4568 On the Submission of Proposals Regarding Candidates for the Competition Commission: Decision of the Council of Prosecutors of Ukraine No. 122-25p of 08.08.2025.

4569 The Presidium of the National Academy of Legal Sciences of Ukraine Holds an Extraordinary Meeting. National Academy of Legal Sciences of Ukraine. 2025.

4570 The first open competition in the history of Ukraine for appellate administrative and appellate commercial courts comes to an end. High Qualification Commission of Judges of Ukraine. 2025.

4571 List of winners of the competition for vacant judicial positions in appellate commercial courts within the framework of the competition announced by decision of the High Qualification Commission of Judges of Ukraine No. 94/zp-23 of 14 September 2023 (as amended). High Qualification Commission of Judges of Ukraine. 2025.

4572 On Amendments to the Law of Ukraine “On the Judiciary and the Status of Judges” and Certain Legislative Acts of Ukraine to Ensure Fairness and Equality in the Appointment of Judges: Draft Law of Ukraine, registration No. 13698 of 26.08.2025.

4573 Publication of the High Qualification Commission of Judges of Ukraine on the social network Facebook. 2025.

4574 Cognitive ability testing schedule. High Qualification Commission of Judges of Ukraine. 2025.

4575 Ibid.

4576 Competition for the High Anti-Corruption Court: the period for submission of documents has ended. High Qualification Commission of Judges of Ukraine. 2025.

The HQCJ also began preparations for the approval of the Regulation on Regular Judicial Evaluation⁴⁵⁷⁷. The draft of this Regulation has currently been published for public consultation and submission of proposals⁴⁵⁷⁸.

Recommendations

The Parliament should further refine Draft Law No. 13698 to prevent not only nepotism and favouritism during judicial selection competitions, but also within the day-to-day functioning of the courts. This should include measures to prohibit close relatives from working within the same court or across the judicial hierarchy.

Public Integrity Council

On 4 August 2025, during a meeting of civil society organisations that had been preliminarily vetted by the HQCJ for compliance with established requirements, 20 members of the new composition of the Public Integrity Council (PIC) were elected⁴⁵⁷⁹.

At the same time, media reports indicated that the candidacies of certain individuals for PIC membership had been submitted multiple times by different civil society organisations, raising concerns about the impartiality of the selection process for the new composition of the Council⁴⁵⁸⁰.

During the preparations for the meeting, information circulated among civil society that the executive director of one NGO had proposed to other organisations a list of candidates with marks placed next to certain names. This information was also confirmed by members of the third convocation of the PIC⁴⁵⁸¹. In this regard, the Chair of the Supervisory Board of the relevant NGO publicly condemned such practices⁴⁵⁸². At the meeting of civil society organisations, this issue was also raised, as a result of which three candidates from the third convocation of the PIC withdrew their candidacies⁴⁵⁸³.

The meeting also addressed the operational support of the PIC and its secretariat. Members of the third convocation of the PIC expressed the position that the organisation which had previously supported the PIC's work was no longer capable of carrying out these functions effectively.

Furthermore, during the meeting it became known that in January 2025, the Executive Director of the DEJURE Foundation had proposed a memorandum of understanding between the PIC and DEJURE. Under this memorandum, the PIC would authorise the

4577 Publication of the High Qualification Commission of Judges of Ukraine on the social network Facebook. 2025.

4578 Ibid.

4579 List of members of the Public Integrity Council appointed on 04.06.2025. High Qualification Commission of Judges of Ukraine. 2025.

4580 The High Qualification Commission of Judges approves the list of organisations for the creation of the new composition of the Public Integrity Council. Watchers. 2025.

4581 "You're legitimising backroom directives": how the new Public Integrity Council was chosen Watchers. 2025.

4582 Publication by Larysa Denysenko on the social network Facebook. 2025.

4583 The subjectivity of the Public Integrity Council: between de jure and de facto. Ukrainska Pravda. 2025.

organisation to conduct negotiations on its behalf regarding support for the institution. The memorandum also contained provisions prohibiting either party from criticising the other, both publicly and privately⁴⁵⁸⁴. Such actions cast doubt on the independence and objectivity of communication between the two structures and may result in excessive influence of an NGO over the activities of the PIC.

On 15 August 2025, the fourth convocation of the PIC assumed its powers. A few days later, the new composition held its first meeting, at which Olha Veretilnyk and Eleonora Yemets were elected as co-coordinators of the PIC. Following amendments to the PIC's Rules of Procedure, co-coordinators will henceforth be elected for a six-month term, with the possibility of re-election⁴⁵⁸⁵.

One of the newly elected members, Hanna Sokolova-Stekh, resigned her mandate, and as of the end of August 2025 the PIC consists of 19 members⁴⁵⁸⁶.

Recommendations

At the legislative level, it is necessary to prevent any NGO from exerting monopolistic influence either on the formation of the PIC's composition (no more than three representatives from a single NGO) or on the financing of the PIC's activities.

State Judicial Administration of Ukraine

The HCJ has launched preparations for a methodology to conduct a functional audit of the State Judicial Administration of Ukraine (SJA) and of judicial governance bodies. This audit aims to eliminate duplication of powers, optimise the SJA's structure, and improve its procedures⁴⁵⁸⁷.

In August 2025, the HCJ adopted a decision to conduct an additional call for applications for the position of Head of the State Judicial Administration of Ukraine (SJA). The application period runs from 8 August to 8 September 2025 inclusive⁴⁵⁸⁸. At the start of this additional call, 11 candidates had already been admitted to the competition for the vacant post of Head of the SJA⁴⁵⁸⁹. Between 8 and 31 August, a further six candidates submitted their applications⁴⁵⁹⁰.

On 7 August 2025, the HCJ also approved the Methodology for Assessing Candidates' Compliance with the Criteria of Integrity and Professional Competence, as well as the Methodological Recommendations for preparing the examination within the framework of the competitive selection for the vacant post of Head of the SJA⁴⁵⁹¹.

4584 Ibid.

4585 On 21 August 2025, the first official meeting of the fourth composition of the PIC took place. Public Integrity Council. 2025.

4586 Ibid.

4587 Publication of the High Council of Justice on the social network Facebook. 2025.

4588 Publication of the High Council of Justice on the social network Facebook. 2025.

4589 Ibid.

4590 Candidates for the post of Head of the State Judicial Administration of Ukraine. High Council of Justice. 2025.

4591 Decision of the High Council of Justice No. 1661/0/15-25 of 7 August 2025. High Council of Justice. 2025.

State of Judicial Independence

Between January and July 2025, the High Council of Justice (HCJ) received: 157 notifications from judges regarding interference in their professional activities in the administration of justice, or actions violating judicial independence guarantees or undermining the authority of justice; 3 submissions from the HCJ concerning observance of judicial independence guarantees; 1 memorandum from an HCJ member; 2 submissions from the CJU; 1 submission from the Prosecutor's Office on ensuring judicial independence and the authority of justice⁴⁵⁹².

Taking into account notifications submitted in previous periods, since the beginning of 2025 the HCJ has examined: 147 judges' notifications; 3 submissions from the HCJ on judicial independence guarantees; 1 submission from the CJU; 1 submission from the Prosecutor's Office; 2 memoranda from an HCJ member regarding guarantees of independence and authority of justice⁴⁵⁹³. As a result of examining 76 notifications of interference in judges' activities related to the administration of justice, the HCJ adopted 62 decisions on the application of responsive measures⁴⁵⁹⁴.

During the reporting period, the issue of compliance with the guarantees of judicial independence and immunity gained particular relevance following the case of a former judge of the Commercial Cassation Court within the Supreme Court (CCC SC). He was removed from the staff of the CCC SC due to holding Russian citizenship, based on information from the SSU⁴⁵⁹⁵. Subsequently, similar cases became subject to consideration by the HCJ within disciplinary proceedings⁴⁵⁹⁶. Thus, removal from the court staff entails the termination of judicial powers, while disciplinary liability proceedings concern the dismissal of a judge⁴⁵⁹⁷.

The difference in these approaches was outlined in a ruling of the HACC when deciding on the matter of holding the former judge of the CCC SC in custody⁴⁵⁹⁸. The CJU and the HCJ expressed opposing views regarding guarantees of judicial independence and immunity. The CJU stated that a judge whose powers were terminated on the grounds specified in Article 126(7) of the Constitution of Ukraine (except in cases where a final conviction for a criminal offence has been issued against the judge) — but who has not been dismissed from office in the manner prescribed by law, and has not been stripped of judicial status by an HCJ decision — continues to enjoy guarantees of judicial immunity, in particular the prohibition on detention or custody without prior HCJ consent⁴⁵⁹⁹.

4592 Publication of the High Council of Justice on the social network Facebook. 2025.

4593 Ibid.

4594 Ibid.

4595 Publication of the Supreme Court on the social network Facebook. 2022.

4596 The HCJ dismissed a judge of the Kyiv District Administrative Court for committing a gross disciplinary offence. High Council of Justice. 2025.

4597 Constitution of Ukraine of 28.06.1996, Article 126.

4598 Ruling of the High Anti-Corruption Court of 12 August 2025 in case No. 991/8094/25 (proceeding 1-ks/991/8164/25). Unified State Register of Court Decisions.

4599 Decision of the Council of Judges of Ukraine No. 34 of 22.07.2025. Council of Judges of Ukraine. 2025.

The HCJ, however, concluded that the CJU's position was incorrect, and therefore refused to take measures to safeguard judicial independence and the authority of justice in response to the CJU's submission⁴⁶⁰⁰.

At the same time, for more than a year the SC has been considering a cassation appeal lodged by the former CCC SC judge, in which he challenges the termination of his judicial powers⁴⁶⁰¹.

Given these circumstances, there is an ongoing debate on ensuring guarantees of judicial independence in relation to the resolution of the following issues:

- 1) Clarification of the powers of the authority which, in the absence of diplomatic relations with the Russian Federation, should possess information on whether an individual holds Russian citizenship and provide the relevant confirming (or refuting) documents;
- 2) Determining within which procedure — dismissal of a judge or termination of judicial powers — judicial bodies (court heads) should act;
- 3) Developing an algorithm for how a court head should act upon receiving information that one of the court's judges may hold Russian citizenship;
- 4) Defining the mechanism to be applied in such situations where the HCJ is not functioning in a full composition.

Recommendations

Ensure the prompt consideration of the case of the former judge of the CCC SC, in order to establish legal certainty regarding guarantees of judicial independence.

Conduct a broad legal discussion to address the legislative conflicts described, and on that basis, develop the necessary legislative initiatives.

Financing of the Judiciary

In August 2025, the HCJ appealed to the President and the Cabinet of Ministers of Ukraine (the Government) regarding adequate organisational and financial support for the judiciary⁴⁶⁰². In its appeal to the President, the HCJ requested the signing of a law, which regulates the remuneration of civil servants of court administrations and other justice sector institutions in 2025 (Draft Law No. 9478)⁴⁶⁰³.

4600 On the Refusal to Take Measures to Ensure the Independence of Judges and the Authority of Justice at the Request of the Council of Judges of Ukraine: Decision of the High Council of Justice No. 1727/0/15-25 of 14.08.2025. High Council of Justice. 2025.

4601 Ruling of the Supreme Court of 8 August 2024 in case No. 640/18519/22 (administrative proceeding No. K/990/28919/24). Unified State Register of Court Decisions.

4602 Publication of the High Council of Justice on the social network Facebook. 2025.

4603 On Amendments to the Law of Ukraine "On Civil Service" Regarding the Improvement of the Procedure for Correlation Between the Ranks of Civil Servants and the Ranks of Local Self-Government Officials, Military Ranks, Diplomatic Ranks and Other Special Ranks, and the Inclusion in the Length of Civil Service of the Time of Work in Certain Positions in Military Administrations: Draft Law of Ukraine, registration No. 9478 of 10.07.2023, voted by the Verkhovna Rada of Ukraine on 25.03.2025 and sent to the President of Ukraine for signature on 17.04.2025.

In its appeal to the Government, the HCJ emphasised the need for stable financing of the judiciary, competitive remuneration for judges and court staff, and the provision of resources in line with the Rule of Law Roadmap⁴⁶⁰⁴.

As a result, on 1 September 2025, the Cabinet of Ministers of Ukraine supported draft resolutions initiated and developed by the State Judicial Administration (SJA) to increase the salaries of court staff and judicial assistants. These resolutions establish higher coefficients for the calculation of remuneration for the specified categories of employees⁴⁶⁰⁵.

Prosecution Reform

The new Prosecutor General, R. Kravchenko, confirmed his intentions to continue the reform of the prosecution service⁴⁶⁰⁶. On 6 August 2025, during a meeting with Ambassador Rolf Holmboe, Head of the EU Advisory Mission for Civilian Security Sector Reform in Ukraine, he reaffirmed his commitment to implementing the measures outlined in the Rule of Law Roadmap, the Overarching Strategic Plan for Law Enforcement Reform for 2023–2027 (OAS), and its Action Plan. However, the lack of progress in implementing these measures — in particular, as of the second quarter of 2025 — does not yet allow confirmation of the seriousness of these intentions.

On 13 August 2025, the Government approved the draft Agreement between the Government of Ukraine and the Office of the Prosecutor of the International Criminal Court (ICC) on the deployment of staff to the ICC Office in Ukraine⁴⁶⁰⁷, and authorised the Ambassador of Ukraine to the Kingdom of the Netherlands to sign it.

The Agreement provides for the secondment of Ukrainian prosecutors, who will directly carry out the collection of evidence and procedural support in investigations of international crimes committed by the aggressor state during its armed aggression against Ukraine. They will work alongside ICC prosecutors, ensuring effective information exchange, coordination of actions, and the application of best practices of international criminal justice. The Agreement regulates the procedure for secondment, guarantees the independence of the prosecutors, and establishes their legal status. The text was developed on the basis of the ICC's standard Staff Secondment Agreement and refined by the Ministry of Justice of Ukraine (MoJ) in cooperation with the Prosecutor General's Office, with the agreement of ICC representatives.

This new Agreement is concluded pursuant to Article 44 of the Rome Statute of the ICC, which Ukraine acceded to on 1 January 2025. The step will ensure the permanent presence of Ukrainian prosecutors in the office of international justice in Ukraine, significantly strengthen the evidentiary base in cases of war crimes and crimes against humanity committed by the Russian Federation, support the protection of victims' rights, and reinforce the principle of the inevitability of punishment.

4604 The HCJ appealed to the President of Ukraine and the Cabinet of Ministers of Ukraine regarding the proper organisational and financial support of the courts' activities. High Council of Justice. 2025.

4605 The CMU adopted resolutions developed by the SJA of Ukraine on increasing the salaries of court staff. High Council of Justice. 2025.

4606 Publication of the Prosecutor General R. Kravchenko on the social network Facebook. 2025.

4607 On the Signing of the Agreement between the Cabinet of Ministers of Ukraine and the Office of the Prosecutor of the International Criminal Court on the Secondment of Staff to the Office of the International Criminal Court in Ukraine: Order of the Cabinet of Ministers of Ukraine No. 857 of 13.08.2025.

During August 2025, **a number of draft laws were submitted to the Verkhovna Rada aimed at restoring competitive procedures for the appointment of prosecutors at all levels**, and repealing the negative amendments introduced by Law No. 4555-IX⁴⁶⁰⁸. Specifically, Draft Law No. 13601⁴⁶⁰⁹ provides for the reinstatement of the mandatory competitive procedure for the appointment of prosecutors, to be conducted by the Qualification and Disciplinary Commission of Prosecutors. Other negative amendments introduced by Law No. 4555-IX are also removed, namely the additional grounds for dismissing disloyal prosecutors through structural changes⁴⁶¹⁰.

The alternative Draft Law No. 13601-1⁴⁶¹¹, if adopted, would in fact worsen the situation, as it provides for the abolition of the competitive procedure for appointments to district-level prosecution offices. The Members of Parliament who initiated this draft law propose that, for the duration of martial law, no competitions at all should be held for appointments within the prosecution service. The criticism regarding the inconsistency of such provisions with Ukraine's EU integration commitments, set out in the Prosecution Reform section of this report, is fully applicable in this case.

Draft Law No. 13699⁴⁶¹², aimed at improving the functioning of criminal justice bodies, primarily those of an anti-corruption specialisation, also proposes the restoration of competitions for prosecutor posts at all levels. On personnel matters in the prosecution service, its provisions coincide with those of Draft Law No. 13601. At the same time, Draft Law No. 13699 proposes to repeal the provisions of Law No. 4555-IX which granted the Prosecutor General supervisory powers bypassing the independent procedural prosecutor in criminal proceedings⁴⁶¹³.

On 20 August 2025, the Verkhovna Rada approved in principle an increase in prosecutors' salaries through a rise in the subsistence minimum used to calculate the prosecutor's basic salary (Draft Law No. 13439-3⁴⁶¹⁴). Under this draft law, the monthly subsistence minimum per person for able-bodied individuals, used to determine the salary of a prosecutor in a district prosecution office, is set as follows: from 1 January 2025 to 31 July 2025 — UAH 1,600; from 1 August 2025 to 31 December 2025 — UAH 2,102. Thus, whereas the previous base salary in a district prosecution office (the lowest tier of the prosecution service) was UAH 40,000, it will now amount to UAH 52,550. This step is significant for ensuring the institutional guarantees of prosecutorial independence, given that since 2021 the subsistence minimum has been annually understated during the budget

4608 On Amendments to the Criminal Procedure Code of Ukraine on the Peculiarities of Pre-Trial Investigation of Criminal Offences Related to the Disappearance of Persons under Special Circumstances During Martial Law: Law of Ukraine No. 4555-IX of 22.07.2025.

4609 On Amendments to the Law of Ukraine "On the Public Prosecutor's Office" Regarding the Resumption of Competitions for the Appointment of Prosecutors During Martial Law and Grounds for Dismissal: Draft Law of Ukraine, registration No. 13601 of 06.08.2025.

4610 For details — see the section "Prosecution reform".

4611 On Amendments to the Law of Ukraine "On the Public Prosecutor's Office" Regarding the Improvement of Certain Provisions of the Law on the Appointment of Prosecutors During Martial Law: Draft Law of Ukraine, registration No. 13601-1 of 22.08.2025.

4612 On Amendments to the Criminal Procedure Code of Ukraine and Certain Legislative Acts of Ukraine Regarding the Improvement of the Activities of Criminal Justice Bodies: Draft Law of Ukraine, registration No. 13699 of 26.08.2025.

4613 For details — see the section "Prosecution reform".

4614 On Amendments to the Law of Ukraine "On the State Budget of Ukraine for 2025" Regarding the Financial Support of the Security and Defence Sector and the Resolution of Priority Issues: Draft Law of Ukraine, registration No. 13439-3 of 14.07.2025.

process⁴⁶¹⁵. As of 31 August 2025, the legislative amendments were being prepared for transmission to the President for signature.

At the same time, the issue remains of aligning the subsistence minimum used to calculate prosecutors' salaries with the general subsistence minimum for able-bodied persons (UAH 3,028). Resolving this would eliminate existing discrimination in public service pay.

Bar Reform

Delegation of Representatives from the Bar to the Selection Commission for the Appointment of Members of the High Qualification Commission of Judges of Ukraine

On 12 August 2025, the BCU, whose mandate had in fact expired back in 2022, adopted a decision to nominate candidates to the Selection Commission. According to the website of the Ukrainian National Bar Association⁴⁶¹⁶, only three advocates expressed interest in joining the Commission: Oksana Kadenko, Hanna Kolesnyk, and Oleksii Shevchuk. Given the practical absence of competition, the BCU decided to delegate all three advocates to the Selection Commission for the appointment of HJCJ members. These candidacies shall now be reviewed by the HCJ.

When adopting its decision on delegating candidates, the BCU stated⁴⁶¹⁷ that the documents submitted by the applicants complied with the requirements of the Methodology for Assessing Candidates for Membership of the Selection Commission, approved by an HCJ decision⁴⁶¹⁸, as well as with the BCU's own decision⁴⁶¹⁹.

However, the BCU's conclusions on the compliance of the selected candidates with the criteria set out in the Methodology have drawn public criticism⁴⁶²⁰. According to the Methodology, candidates to the Commission must meet the criteria of impeccable reputation, integrity, and political neutrality, among others. Civil society actors have voiced doubts as to whether the delegated advocates in fact meet these requirements.

Functionality of Qualification and Disciplinary Bodies of the Bar

In five out of sixteen regions, the disciplinary chambers of the Qualification and Disciplinary Commissions of the Bar (QDCBs) are unable to issue final decisions in disciplinary cases⁴⁶²¹. The main reason is the lack of quorum and the consequent impossibility of securing the

4615 For details — see the section "Prosecution reform".

4616 The BCU selected candidates for membership of the Selection Commission for the appointment of members of the HJCJ. Ukrainian National Bar Association. 2025.

4617 Ibid.

4618 On the Approval of the Methodology for Assessing the Compliance of a Candidate for the Position of Member of the Selection Commission with the Requirements of Impeccable Business Reputation, High Professional Qualities, Public Authority and the Criterion of Integrity: Decision of the High Council of Justice No. 1542/0/15-25 of 22.07.2025.

4619 On the Nomination of Candidates for Membership of the Selection Commission for the Appointment of Members of the High Qualification Commission of Judges under the quota of the Bar Council of Ukraine: Decision of the Bar Council of Ukraine No. 78 of 25.07.2025.

4620 Selection Commission without international experts: who will guarantee the integrity of the selection to the High Qualification Commission of Judges.

4621 Analysis based on 16 responses from regional QDCBs. In total, 25 requests were sent to the QDCBs.

required two-thirds majority of votes. In such cases, complaints against advocates are transferred to other regional QDCBs with functional disciplinary chambers. In one region, the qualification chamber itself was found to be non-functional.

As regards the QDCB of Kyiv, the Bar Council of Ukraine (BCU) as early as 2021 adopted a decision declaring the Kyiv QDCB non-functional and incompetent to perform its functions⁴⁶²². Subsequently, the BCU adopted a resolution establishing a nominated list of advocates deemed not to have acquired their powers. During 2021–2022, the BCU adopted a series of similar decisions in relation to the Bar Council of Kyiv.

In practice, these actions of the BCU went beyond mere technical measures and amounted to serious interference in the activities of regional bar self-governance. They contradict the basic principles enshrined in Article 43 of the Law of Ukraine “On the Bar and Practice of Law⁴⁶²³”, which explicitly provides that Bar self-governance is based on the principles of electivity, transparency, and accountability. Depriving the capital’s body of the ability to perform its functions, declaring representatives elected by advocates as non-authorised, and annulling the results of the Conference of Advocates of the City of Kyiv have in effect nullified the right of the legal community to resolve organisational matters independently. As of August 2025, the situation remains unchanged: in Kyiv, Bar self-governance is effectively absent.

FIGHTING CORRUPTION

I. Institutional Framework

On 6 August 2025, the Government appointed Oleksandr Tsyvinskyi as Director of the Economic Security Bureau of Ukraine (ESBU) following his successful completion of a polygraph examination⁴⁶²⁴.

On the same day, the HQCJ closed the application process for 23 vacant judicial posts at the HACC. A total of 205 candidates — including advocates, judges, and academics — applied. This means that, on average, around nine candidates will compete for each post. These figures are nearly identical to those of the previous HACC competition, when 238 candidates applied. The most recent improvements to the selection procedures may allow a greater number of applicants to reach the final stages of evaluation⁴⁶²⁵.

Despite the fact that the provisions of Law No. 4555-IX, which temporarily weakened the independence of the National Anti-Corruption Bureau of Ukraine (NABU) and the Specialised Anti-Corruption Prosecutor’s Office (SAPO), remained in effect until 31 July 2025, the Prosecutor General did not request, examine, or reassign any NABU cases to other law enforcement agencies⁴⁶²⁶.

4622 On the lack of authority and incompetence of the Qualification and Disciplinary Commission of the Bar of Kyiv to perform its functions: Decision of the Bar Council of Ukraine No. 128 of 15.12.2021.

4623 On the Bar and Practice of Law: Law of Ukraine No. 5076-VI of 05.07.2012.

4624 Government appoints Tsyvinskyi as Head of ESBU. Slovo i Dilo. 2025.

4625 205 applicants submit documents to participate in the new HACC competition. Transparency International Ukraine. 2025.

4626 The Prosecutor General had no access to NABU cases after the adoption of Law 12414 — Kryvonos. Suspilne. 2025.

However, a NABU official remains in custody after being detained on 21 July 2025 on suspicion of conducting business with the Russian Federation. The materials⁴⁶²⁷ published by the Security Service of Ukraine (SSU) have not convinced the public that the pre-trial investigation is based on genuine grounds rather than being an attempt to exert pressure on the anti-corruption agency. Specifically, a forensic phonoscopic examination, which could confirm the authenticity of the disclosed recordings, has not been conducted⁴⁶²⁸, while the court hearings were held behind closed doors, preventing scrutiny of what evidence beyond the published materials was being relied upon by the prosecution.

Moreover, the Head of the SAPO noted that the situation is affecting morale within both NABU and SAPO, with some detectives becoming significantly more cautious in investigating serious cases involving the SSU or senior officials⁴⁶²⁹.

On 19 August 2025, the Temporary Investigative Commission of the Verkhovna Rada on investigating possible corruption-related offences in law enforcement agencies, courts, and judicial bodies (TIC) decided to approve the composition of its advisory body (expert group). At the same time, in its official communication, the TIC noted that it had not received responses from a number of civil society organisations to letters inviting them to cooperate and join the work of the expert group⁴⁶³⁰.

However, Transparency International Ukraine confirmed, with verification from the Centre of Policy and Legal Reform, that the organisation had twice sent responses to the TIC's official address. Nevertheless, its representatives were never included in the work of the expert group. In addition, according to the Head of SAPO, the work of the TIC was planned as a tool of pressure on the anti-corruption bodies, and in his view, this tool is likely to be used⁴⁶³¹.

On 25 August 2025, the HCJ held the inaugural meeting of the working group on developing and implementing indicators of the average duration of proceedings under the jurisdiction of the HACC. The need for such a group arose from the findings of State Audit Service reports, which highlighted the absence of criteria for assessing the workload of HACC judges, complicating the analysis of judicial efficiency and the identification of the real need for organisational changes⁴⁶³².

II. Verification of Declarations and Lifestyle Monitoring

According to analytics published at the beginning of August 2025, in the first half of 2025, only 0.9% of verified declarations showed no violations (based on 1,203 inspections

4627 The SSU publishes new evidence in the case of a senior NABU official suspected of trading with the Russian Federation. TSN. 2025.

4628 How the case is being falsified against the head of NABU detectives who documented Zelenskyy's friend — Mindich. Ukrainska Pravda. 2025.

4629 Head of the SAPO Oleksandr Klymenko: "The team does not understand why their colleagues are in custody, while no real evidence of breaking the law has been provided." Dzerkalo Tyzhnia. 2025.

4630 Composition of the advisory body (expert group) at the Temporary Investigative Commission of the Verkhovna Rada of Ukraine on the investigation of possible facts of corruption or corruption-related offences in law enforcement bodies, courts and judicial authorities. Verkhovna Rada of Ukraine.

4631 Head of the SAPO Oleksandr Klymenko: "After Kaufman's plea bargain, Odesa Airport was returned to the community." Dzerkalo Tyzhnia. 2025.

4632 The HCJ has started work on developing workload indicators for HACC judges. High Council of Justice. 2025.

conducted by the end of June 2025)⁴⁶³³. One in three verified declarations (423 cases) contained signs of knowingly submitting false information, which constitutes a violation under Article 366² of the Criminal Code of Ukraine (CC of Ukraine). The total amount of such “discrepancies” exceeded UAH 5.8 billion, averaging UAH 13.6 million per declaration.

In total, 358 criminal cases under Article 366² of the CC of Ukraine were opened in 2024, and 258 cases so far this year. However, the effectiveness of such proceedings remains low — approximately 9%. In 2024, 33 notices of suspicion were served, and 24 more this year. Only 20 cases (6%) reached the courts in 2024, and 17 cases (7%) this year.

In addition, 159 declarations (13%) contained inaccurate information qualifying as an administrative offence under Article 1726 of the Code of Administrative Offences of Ukraine (CUAO). The total amount involved was over UAH 129.5 million, averaging UAH 814,000 per declaration. For such actions, the law provides for a fine of UAH 17,000 to 42,500.

In 21 declarations (2%), signs of illicit enrichment were identified. These involved assets amounting to UAH 646.2 million (an average of UAH 30.7 million per declarant). Following declaration checks last year, 102 criminal proceedings were initiated under Article 368⁵ of the CC of Ukraine, yet only 7 notices of suspicion were served. This year, 52 proceedings have been opened, with only 2 suspicions served. So far, only one case has reached the court this year.

In a further 30 declarations (3%), there were indications of unjustified assets under Article 290 of the Civil Procedure Code of Ukraine (CPC of Ukraine), totalling over UAH 129.1 million (approximately UAH 4.3 million per declaration).

Additionally, in 18 declarations, violations were found simultaneously under two provisions: submission of false data (Article 366² of the CC of Ukraine) and illicit enrichment (Article 368⁵ of the CC of Ukraine). In 24 declarations, false data (Article 366² of the CC of Ukraine) were combined with signs of unjustified assets (Article 290 of the CPC of Ukraine)⁴⁶³⁴.

In August 2025, it became known that the annual declarations of a number of officials, who are subjects of ongoing corruption-related criminal proceedings, had nevertheless successfully passed the automated full verification by the National Agency on Corruption Prevention (NACP, the Agency). For example, this applies to a former Deputy Minister of Environmental Protection and Natural Resources of Ukraine, against whom the SAPO filed a lawsuit in the HACC for civil confiscation of assets worth over UAH 3 million⁴⁶³⁵. Earlier, the official's declarations for 2021–2024 had all successfully passed NACP's automated full verification⁴⁶³⁶. At the same time, the Agency noted that the SAPO lawsuit was based on materials obtained from both the NACP and the State Bureau of Investigation (SBI)⁴⁶³⁷.

In addition, among declarants whose assets or declarations successfully passed NACP's automated full verification in 2025 — despite the fact that civil confiscation proceedings

4633 In every third declaration officials made mistakes — totalling UAH 5.8 billion. Opendatabot. 2025.

4634 Ibid.

4635 The SAPO files a lawsuit for the confiscation of property of the former Deputy Minister of Environmental Protection. HACC Decided.

4636 Annual declaration for 2024. Unified State Register of Declarations of Persons Authorised to Perform State or Local Self-Government Functions.

4637 Publication of the National Agency on Corruption Prevention on the social network Facebook. 2025.

were initiated or considered against them — were: the Head of the Main Directorate of the State Tax Service (STS) of Ukraine in Chernihiv region⁴⁶³⁸, the former Acting Head of the STS Main Directorate in Sumy region⁴⁶³⁹, the Deputy Head of Obukhiv District Council of Kyiv region⁴⁶⁴⁰, the Mayor of Sambir⁴⁶⁴¹, the Head of a settlement council in Rivne region⁴⁶⁴², and the Head of the Notarial Affairs Department in Zakarpattia region of the Notarial Directorate of the Western Interregional Department of the Ministry of Justice⁴⁶⁴³.

A similar situation arose with the declaration of a former Deputy Director of the SBI, who became the subject of a journalistic investigation in summer 2024 due to an undeclared property worth USD 900,000. On the basis of this information, NABU initiated criminal proceedings⁴⁶⁴⁴. Despite this, the official's declaration for 2024, submitted in spring 2025 and which likewise omitted mention of the property, successfully passed the NACP's automated full verification⁴⁶⁴⁵.

At the TIC meeting on 19 August 2025, the Head of the NACP presented information to Members of Parliament on the effectiveness of financial control and other areas of the Agency's work⁴⁶⁴⁶. In particular, he reported on a category of declarants defined in Article 521 of the Law of Ukraine "On Prevention of Corruption"⁴⁶⁴⁷, for whom the NACP refuses to publish the procedures for conducting financial control. According to the Head of the Agency, this category currently includes employees of 12 state bodies: NABU, SBI, the Department on State Protection of Ukraine, the ESB, the Main Intelligence Directorate of the Ministry of Defence of Ukraine, the Ministry of Defence of Ukraine, the State Criminal Enforcement Service of Ukraine (SCES), the National Police of Ukraine (NPU), the Foreign Intelligence Service, the Security Service of Ukraine (SSU), the State Border Guard Service of Ukraine (SBGS), and the Special Operations Forces. The Head of the NACP explained that "in many cases, these employees currently have the right to defer submission of declarations due to martial law. Some of them file their declarations either in written form or electronically within their own institutions"⁴⁶⁴⁸.

4638 Annual declaration for 2023. Unified State Register of Declarations of Persons Authorised to Perform State or Local Self-Government Functions.

4639 Annual declaration for 2024. Unified State Register of Declarations of Persons Authorised to Perform State or Local Self-Government Functions.

4640 Annual declaration for 2024. Unified State Register of Declarations of Persons Authorised to Perform State or Local Self-Government Functions.

4641 Annual declaration for 2024. Unified State Register of Declarations of Persons Authorised to Perform State or Local Self-Government Functions.

4642 Annual declaration for 2023. Unified State Register of Declarations of Persons Authorised to Perform State or Local Self-Government Functions.

4643 Annual declaration for 2024. Unified State Register of Declarations of Persons Authorised to Perform State or Local Self-Government Functions.

4644 The NABU launched proceedings against a DBR official — the subject of a Hromadske investigation. Hromadske. 2024.

4645 Annual declaration for 2024. Unified State Register of Declarations of Persons Authorised to Perform State or Local Self-Government Functions.

4646 Transcript of the meeting of the Temporary Investigative Commission of the Verkhovna Rada of Ukraine on the investigation of possible facts of corruption or corruption-related offences in law enforcement bodies, courts and judicial authorities of 19.08.2025.

4647 On Prevention of Corruption: Law of Ukraine No. 1700-VII of 14.10.2014, Article 52¹.

4648 Recording of the broadcast of the meeting of the Temporary Investigative Commission of the Verkhovna Rada of Ukraine on the investigation of possible facts of corruption or corruption-related offences in law enforcement bodies, courts and judicial authorities of 19.08.2025.

At the same time, the Head of the NACP assured⁴⁶⁴⁹ that this fact does not prevent the Agency from carrying out financial control measures in respect of the specified category of officials, since the Agency can obtain the necessary information directly from the relevant bodies. At present, there are eight regulations in force governing the conduct of financial control measures, full verifications, and monitoring of timely submission of declarations for subjects defined in Article 521 of the Law of Ukraine "On Prevention of Corruption". In this context, the open question remains why there are only eight regulations, while the number of bodies falling under this category is twelve⁴⁶⁵⁰.

During the TIC meeting, MPs also pointed out that the written information provided by the NACP suggested that the Agency does not appear to hold data on the number of SSU employees entitled to defer the submission of their declarations. Moreover, MPs expressed doubts as to whether most SSU employees actually submit declarations and undergo full verifications at all⁴⁶⁵¹. In response, the Head of the NACP stated that monitoring the deferment and submission of declarations by SSU employees is not the Agency's responsibility, but instead falls within the remit of the SSU itself. Overall, the information provided by the Head of the NACP indicates that, at present, the Agency does not carry out full financial control over SSU employees and possibly a number of other special categories of officials entitled to defer the submission of declarations⁴⁶⁵².

During the first half of 2025, the Agency received approximately 9,500 reports concerning cases of failure to submit, or late submission of, asset declarations following the 2024 declaration campaign. The NACP noted that part of these reports from authorised units were unfounded. This applied in cases where:

- the employee had a lawful right to defer submission of the declaration;
- the person in question had died;
- the declaration had, in fact, been submitted on time;
- the employee was not a declarant and therefore not obliged to file a declaration;
- the matter concerned a "candidate declaration";
- the matter concerned a "dismissal declaration" (e.g. cases where the law requires a declaration to be filed upon dismissal, such as when an individual is transferred or reappointed to a new post within 30 days)⁴⁶⁵³.

In public communications, the Head of the NACP emphasised the effectiveness of the new risk-based approach, noting that thanks to this system "in over 50% of declarations subjected to full verification, signs of false information are detected. By comparison, in 2021, when mandatory checks were carried out only according to the position of declarants, the effectiveness rate was 21%"⁴⁶⁵⁴.

4649 On Prevention of Corruption: Law of Ukraine No. 1700-VII of 14.10.2014, Art. 52¹.

4650 Ibid.

4651 Ibid.

4652 Ibid.

4653 Late submission of declarations: in 2025 the NACP received 9.5 thousand notifications from authorised units. National Agency on Corruption Prevention. 2025.

4654 Viktor Pavlushchyk, Head of the NACP, Prevention is about effective anti-corruption, not flashy headlines. Ukrinform. 2025.

Nevertheless, during the meeting of the TIC, the risk-based approach to the selection of declarations — which moreover is not publicly accessible — came under sharp criticism from MPs. Members of the Verkhovna Rada Committee on Anti-Corruption Policy had earlier noted that the information provided by the NACP does not allow the conclusion that genuinely high-risk declarations are subject to full verification⁴⁶⁵⁵. Among other concerns, MPs also raised the issue of the unlawfulness of restricting public access to the criteria of the risk-based approach and the rules of logical and arithmetic control, as well as the performance indicators for monitoring lifestyle. The Head of the NACP failed to provide substantive comments on these concerns⁴⁶⁵⁶. At the same time, the Agency's leadership admitted to the imperfections in the quality of data in public registers, which the system automatically uses for the function of partially filling in draft declarations⁴⁶⁵⁷.

III. State Funding of Political Parties

On 11 August 2025, the reporting campaign for parliamentary and non-parliamentary political parties for the second quarter of 2025 came to an end. The NACP continues to lack a significant number of reports — 136 political parties failed to submit to the Agency reports on property, income, expenditure and financial liabilities for this reporting period⁴⁶⁵⁸.

In July 2025, the Supreme Court annulled the ban on the activities of the political party Nash Kraj ("Our Land"), citing the absence of anti-Ukrainian provisions in the party's programme. By contrast, the first instance court had recognised a direct link between anti-Ukrainian statements and the activities of certain members of the party, and the position of the entire political force⁴⁶⁵⁹. At an extraordinary 40th congress in August, the Nash Kraj party decided on its self-dissolution, citing the critical reputational damage caused⁴⁶⁶⁰.

IV. Monitoring of Conflict of Interest

In July, the NACP drew up and submitted three opinions on the commission of administrative offences related to corruption under Articles 172⁴ and 172⁷ of the CUAO and issued two prescriptions for violations of Article 36 of the Law of Ukraine "On Prevention of Corruption"⁴⁶⁶¹.

The Public Council under the NACP addressed the Agency regarding a possible conflict of interest involving Members of Parliament who, on 22 July 2025, voted in favour of Draft Law No. 12414 (subsequently Law No. 4555-IX), aimed at weakening the independence of NABU and SAPO. In response, the Head of the NACP confirmed the Agency's position

4655 Transcript of the meeting of the Temporary Investigative Commission of the Verkhovna Rada of Ukraine on the investigation of possible facts of corruption or corruption-related offences in law enforcement bodies, courts and judicial authorities of 19.08.2025.

4656 Ibid.

4657 Ibid.

4658 More than 130 political parties failed to submit reports for the 2nd quarter of 2025. National Agency on Corruption Prevention. 2025.

4659 "Nash Kraj" is back in the saddle. Why the Supreme Court lifted the ban on Derkach and Saldo's party? Chesno Movement. 2025.

4660 Appeal to fellow party members and MPs elected from the political party "Nash Kraj". Nash Kraj. 2025.

4661 Reasoned conclusions and orders: results of the NACP in the field of conflict of interest for July. National Agency on Corruption Prevention. 2025.

that MPs had no private interest when voting on this draft law, and therefore the Agency saw no grounds for intervention⁴⁶⁶². Instead, the Head of the NACP publicly stated to the state information agency that the Agency had been fully and continuously fulfilling its core function, including conducting a series of negotiations with partners, responding to parliamentary inquiries, and presenting its position to the Verkhovna Rada Committee on Law Enforcement Activities⁴⁶⁶³.

By contrast, the Head of SAPO, when asked by journalists about the risks of external influence on Ukraine's anti-corruption infrastructure, did not list the NACP among the institutions he considered to be politically independent⁴⁶⁶⁴.

V. Strategic Documents: The National Anti-Corruption Strategy and the State Anti-Corruption Programme

As of 31 August 2025, official monitoring by the NACP indicates that 36.1% of the measures of the State Anti-Corruption Programme (SAP) have been fully implemented and 9.8% partially implemented (a further 20.7% are in progress). At the same time, 11.4% of measures have not been implemented, and implementation of 22% has not yet started⁴⁶⁶⁵.

On 1 August, the NACP published a draft Anti-Corruption Strategy for 2026–2030. The document consists of two sections: the general system for preventing and combating corruption; prevention of corruption in priority areas, including the judiciary and judicial proceedings, prosecutorial activity, advocacy and legal assistance, construction, state regulation and economic oversight, customs, agriculture, and healthcare⁴⁶⁶⁶. The first draft of this document — essentially a compilation of problems with corresponding negative consequences — does not yet amount to a comprehensive national anti-corruption strategy. A number of the problems listed are either irrelevant or only tangentially related to corruption, requiring stronger justification. Conversely, some negative phenomena and sector-specific corruption risks are not yet reflected in the draft.

On 18 August 2025, the new Prime Minister of Ukraine, Yuliia Svyrydenko, together with the Cabinet of Ministers, presented the Draft Government Programme of Action, which contains proposals across the key directions of government policy⁴⁶⁶⁷. Among the twelve priority reform areas is anti-corruption policy, with measures aimed at the deeper digitalisation of public administration and the implementation of European approaches through sectoral roadmaps.

Despite this, some measures in the 2025 Action Plan⁴⁶⁶⁸ are of a duplicative nature, as they are already mandated by existing legislation. For example, the plan provides for the

4662 Publication of the Public Council at the NACP on the social network Facebook. 2025.

4663 Viktor Pavlushchuk, Head of the NACP, Prevention is about effective anti-corruption, not flashy headlines. Ukrinform. 2025.

4664 Oleksandr Klymenko, Head of the SAPO: "The team does not understand why their colleagues are in custody, while no real evidence of breaking the law has been provided." Dzerkalo Tyzhnia. 2025.

4665 Results of monitoring and evaluation of the effectiveness of implementation of the State Anti-Corruption Programme for 2023–2025. National Agency on Corruption Prevention.

4666 Anti-Corruption Strategy for 2026–2030. National Agency on Corruption Prevention. 2025.

4667 Draft Government Programme of Action. Cabinet of Ministers of Ukraine. 2025.

4668 Draft Government Programme of Action (Government's Strategic Initiatives). Cabinet of Ministers of Ukraine. 2025.

development and approval of an anti-corruption programme and the establishment of a whistleblowing channel in the SCES, both of which are already required by law. Conversely, the draft Government Programme of Action does not include certain reforms that are neither reflected in legislation nor in current anti-corruption strategic documents.

VI. Legal Framework

On 27 August 2025, the Parliamentary Committee on Law Enforcement reviewed Draft Law No. 12439 on improving guarantees for the protection of business entities during criminal proceedings and recommended that Parliament adopt it in the second reading and as a whole⁴⁶⁶⁹. However, by the second reading, harmful provisions had been added, introducing amendments to the CC of Ukraine that would expand the range of circumstances excluding criminal liability. In addition, if the law is passed, there would be a risk of leaks of investigative tactics, as complaints against refusals to grant access to case materials could be considered before the investigation is completed. Moreover, in most corruption cases, it would become impossible to carry out urgent searches, which would negatively impact the quality of investigations⁴⁶⁷⁰. The proposals made by civil society ahead of the first reading of Draft Law No. 12439 were not considered⁴⁶⁷¹.

Recommendation

Parliament should refrain from unjustified expansion of the grounds excluding criminal liability, as well as from complicating the exercise of powers by the criminal justice authorities.

VII. Whistleblower Mechanism

The Cabinet of Ministers of Ukraine supported a draft law on the protection of the rights of servicemembers who report possible facts of corruption or corruption-related offences⁴⁶⁷², in the development of which the NACP participated⁴⁶⁷³. In August 2025, the NACP presented a new guide "Heroes Nearby: A Guide for Whistleblowers of Corruption", with a printed edition expected shortly⁴⁶⁷⁴.

At the same time, the NACP did not react (while NABU expressed no objections⁴⁶⁷⁵) to Draft Law No. 11533, adopted by Parliament on 21 August 2025, concerning the specificities of providing information from public electronic registers. More than 40 civil society organisations

4669 On 27 August 2025 an extraordinary meeting of the Committee on Law Enforcement was held. Committee of the Verkhovna Rada of Ukraine on Law Enforcement. 2025.

4670 Protecting Business or Opening Doors for Corruption: Analysis of Draft Law No. 12439 Before the Second Reading. Transparency International Ukraine. 2025.

4671 Enhancing Business Protection in Ukraine: Analysis of Draft Law No. 12439 and Proposed Amendments to the Criminal Procedure Code. Transparency International Ukraine. 2025.

4672 Government supports draft law to strengthen the rights of military whistleblowers of corruption. Government Portal. 2025.

4673 Protection of whistleblowers in the army: Cabinet of Ministers supports draft law. National Agency on Corruption Prevention. 2025.

4674 NACP presents a unique guide for whistleblowers of corruption in the format of a comic book. National Agency on Corruption Prevention. 2025.

4675 Letter of the National Anti-Corruption Bureau of Ukraine No. 01-015/28374 of 25.09.2024.

signed an appeal to the President calling for a veto of this draft law⁴⁶⁷⁶. Draft Law No. 11533 introduces restrictions on access to electronic information regarding property rights to real estate registered under any legal entities. This includes cadastral numbers of land plots and details of the location of such property at a level below the regional (oblast) level. Such disproportionate and broad restrictions will complicate the fight against corruption. Civil society organisations will face significant difficulties in monitoring competitions for certain top positions, while whistleblowers of corruption will encounter reduced mechanisms for verifying violations of anti-corruption legislation⁴⁶⁷⁷.

Experts note⁴⁶⁷⁸ that the number of hours actually allocated by free secondary legal aid centres, or by the lawyers engaged by them, to assist whistleblowers in complex cases is insufficient. There are also risks of potential collusion at the level of law enforcement officials with the aim of subsequently distributing the whistleblower's reward. Excessive emphasis on whistleblower rewards may also be perceived within organisations as a form of "paid denunciation", thereby undermining trust in the whistleblowing mechanism.

VIII. Lobbying

On 1 September 2025, the Law of Ukraine "On Lobbying" enters into force⁴⁶⁷⁹. On the same day, the Transparency Register is scheduled to be launched⁴⁶⁸⁰. Previously, the NACP held electronic consultations on the draft order approving the Procedure for Monitoring Compliance with Lobbying Legislation⁴⁶⁸¹.

Protection of Fundamental Rights and Freedoms

Combating torture, Cruel and Degrading Treatment

On 20 August 2025 the Cabinet of Ministers of Ukraine approved the updated Drug Policy Strategy, designed until 2030⁴⁶⁸², as well as adopted the Operational Plan for its implementation until 2027 (Operational Plan)⁴⁶⁸³. One of the operational objectives of the Strategy is the organisation in penitentiary institutions and pre-trial detention centres of treatment for persons who use narcotic drugs, psychotropic substances, their analogues. For this purpose, it is planned to further implement programmes of comprehensive treatment with the use of substitution maintenance therapy medicines for persons with mental and behavioural disorders as a result of the use of narcotic drugs, psychotropic substances, their analogues, who are in penitentiary institutions and pre-trial detention centres.

4676 Over 40 CSOs call to veto Law 11533. Anti-Corruption Headquarters. 2025.

4677 Publication of the Transparency International Ukraine on the social network Facebook. 2025.

4678 Information provided during an expert interview conducted on 29.08.2025.

4679 On Lobbying: Law of Ukraine No. 3606-IX of 23.02.2024.

4680 Launch of the lobbying mechanism: invitation to media. National Agency on Corruption Prevention. 2025.

4681 NACP invites the public to electronic consultations on the Procedure for monitoring compliance with lobbying legislation. National Agency on Corruption Prevention. 2025.

4682 On the Approval of the Drug Policy Strategy Until 2030 and Approval of the Operational Plan of Measures for its Implementation in 2025—2027: Order of the Cabinet of Ministers of Ukraine No. 920 of 20.08.2025.

4683 Ibid.

The Operational Plan contains a detailed description of the implementation of strategic objectives and, in particular, such a measure as the support/continuation of the substitution maintenance therapy programme for persons who are in penitentiary institutions and pre-trial detention centres. The measure will be implemented during the validity of the Operational Plan, and the Ministry of Justice has been identified as the responsible body. At the same time, the performance indicator of the measure consists in the introduction of substitution maintenance therapy in five penitentiary institutions and pre-trial detention centres annually during 2025–2027.

In August 2025, a substitution maintenance therapy office was opened in the Kyiv Pre-Trial Detention Centre — the largest pre-trial detention centre (PTDC) in Ukraine. This step is part of the systemic work of the State Institution “Health Care Centre of the SCES of Ukraine” aimed at ensuring uninterrupted treatment for persons in custody with mental and behavioural disorders resulting from the use of opioids. The opening of the substitution maintenance therapy office directly in the PTDC makes it possible to provide patients with unimpeded access to life-saving therapy without the need to transport them outside the institution. The inclusion of the Kyiv PTDC among the institutions where substitution maintenance therapy has been introduced has become the result of a consistent policy on expanding the network of such offices within the SCES system. In total, as of 1 August 2025, the programme has already been implemented in 21 health care institutions of the State Institution “Health Care Centre of the SCES of Ukraine”. Altogether, as of 1 August 2025, 570 persons were covered by the substitution maintenance therapy programme⁴⁶⁸⁴.

Thus, the performance indicators set out in the Operational Plan do not correspond to the current number of institutions where therapy has already been introduced. In addition, since the performance indicator includes both pre-trial detention centres and penitentiary institutions, it appears that the implementation of substitution maintenance therapy will proceed at an extremely slow pace compared with the number of institutions on the territory of Ukraine.

As of the beginning of 2025, there were 177 institutions within the SCES system, including: correctional colonies — 115; correctional centres — 23; pre-trial detention centres (PTDC) — 19; penitentiary institutions with the function of pre-trial detention centres — 15; juvenile correctional colonies — 5⁴⁶⁸⁵. Therefore, when speaking of more than 170 institutions, the pace of implementing substitution maintenance therapy must be significantly faster than five institutions per year providing such services. As of August 2025, the SCES officially reports 21 institutions across Ukraine where citizens are provided with therapy.

Recommendations

1. Amend the Operational Plan for 2023–2025 for the implementation of the State Drug Policy Strategy until 2030 in the part concerning aligning the performance indicator of the measure on supporting/continuing the substitution maintenance therapy programme for persons held in penitentiary institutions and pre-trial detention centres

4684 Ukraine’s largest PTDC opens a new OSMT room: another step towards barrier-free medical services in the penitentiary system. State Criminal Enforcement Service of Ukraine. 2025.

4685 Letter of the Department for the Execution of Criminal Sentences of the Ministry of Justice of Ukraine No. 01_0012 of 20.01.2025.

with the current situation, in particular the number of institutions where such therapy has already been introduced.

2. Carry out measures for the prompt implementation, during 2025 and thereafter, of substitution maintenance therapy for persons held in penitentiary institutions and pre-trial detention centres.

Combating Discrimination and Hate Crimes

On 4 August 2025, a group of Members of Parliament of Ukraine registered in Parliament Draft Law No. 13597⁴⁶⁸⁶, which, inter alia, envisages amendments to the Code of Ukraine on Administrative Offences and the CC of Ukraine regarding combating manifestations of discrimination. However, this draft law only partially addresses the problems in the relevant field⁴⁶⁸⁷. Among the positive aspects of this draft law the following can be highlighted:

- 1) The concept of “discrimination”, contained in Article 1 of the Law of Ukraine “On the Principles of Prevention and Combating Discrimination in Ukraine⁴⁶⁸⁸”, will finally be supplemented by sexual orientation and gender identity (SOGI) as protected characteristics. Symmetrically, SOGI as protected characteristics are added to the definition of “intolerance”, which also expanded Article 1 of the said Law. This, according to the legislators, should protect the LGBT+ community both from manifestations of discrimination and from hate crimes.
- 2) Administrative liability for discrimination is established, which would potentially simplify the path for victims in cases of minor manifestations of discrimination and remove the burden of judicial appeal (in civil proceedings).
- 3) The wording of Article 161 of the CC of Ukraine has been amended⁴⁶⁸⁹. It is now the article that criminalises hate speech, as required by both the EU Framework Decision 2008/913/JHA⁴⁶⁹⁰ and the foreign policy recommendations of the Council of Europe. This will potentially make it possible to prosecute extreme manifestations of incitement to hatred or intolerance.
- 4) The removal of Article 161 of the CC of Ukraine from the list of articles of private prosecution should allow law enforcement officers to open cases of incitement to hatred without a complaint from victims, which in cases of hate speech is often an obstacle to access to justice.
- 5) The prohibition of incitement to hatred or intolerance will finally extend to legal entities, as required by the standards of the European Union and the Council of Europe.

4686 On Amendments to the Code of Ukraine on Administrative Offences and the Criminal Code of Ukraine on Combating Manifestations of Discrimination: Draft Law of Ukraine, registration No. 13597 of 04.08.2025.

4687 50% victory, or why Draft Law 13597 is insufficient to remedy the shortcomings of anti-discrimination legislation. ZMINA. 2025.

4688 On the Principles of Preventing and Combating Discrimination in Ukraine: Law of Ukraine No. 5207-VI of 06.09.2012.

4689 Criminal Code of Ukraine No. 2341-III of 05.04.2001.

4690 Council Framework Decision 2008/913/JHA of 28.11.2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.

At the same time, Draft Law No. 13597 contains a number of shortcomings⁴⁶⁹¹ which should be addressed during its revision, in particular:

- 1) The list of protected characteristics contained in the Law of Ukraine “On the Principles of Prevention and Combating Discrimination in Ukraine” should be supplemented with other characteristics (for example, internally displaced persons, veterans, people living with HIV, or state of health, etc.).
- 2) Given the evolution of discrimination and the diversity of its manifestations, Article 1 of the Law of Ukraine “On the Principles of Prevention and Combating Discrimination in Ukraine” should be supplemented with a prohibition of discrimination on multiple grounds (intersectionality), discrimination by association, and refusal to provide reasonable accommodation.
- 3) The definition of the motive of intolerance should be contained not in a separate law, but in the Criminal Code of Ukraine.
- 4) Administrative liability should be established not only for discrimination, but also for each of its forms.
- 5) Articles 125 (intentional minor bodily injury) and 296 (hooliganism) of the CC of Ukraine are not proposed to be supplemented with the motive of intolerance as an aggravating circumstance, whereas public monitoring of cases of intolerance-motivated attacks and ECtHR judgments indicate that such types of criminal offences are the most widespread. Therefore, failure to take the motive of intolerance into account will deprive victims of access to justice and allow offenders to continue to evade liability.
- 6) In addition to the removal of Article 161 of the CC of Ukraine from the list of articles of private prosecution, articles criminalising intolerance-motivated criminal offences, and not only hate speech, should also be removed, since victims often do not turn to the police due to lack of trust, fear of revictimisation, etc., which leads to offenders evading punishment.

Freedom of Religion and Belief, Protection of the Rights of National Minorities

In August 2025, the Ukrainian Orthodox Church (UOC) ignored the requirements contained in the order of the State Service for Ethnopolitics and Freedom of Conscience (DESS) regarding the need to eliminate violations and sever ties with the Russian Orthodox Church, the existence of which had previously been set out in an expert opinion prepared by SSEFC staff. The UOC’s position is that the order itself violates Ukrainian and international law⁴⁶⁹².

On 28 August 2025, the DESS recognised the Kyiv Metropolis of the UOC as affiliated with a foreign religious organisation whose activities are banned in Ukraine⁴⁶⁹³.

4691 50% victory, or why Draft Law 13597 is insufficient to remedy the shortcomings of anti-discrimination legislation. ZMINA. 2025.

4692 Kyiv Metropolis sent a letter to the DESS on issues of state policy towards the UOC. Ukrainian Orthodox Church. 2025.

4693 Kyiv Metropolis of the Ukrainian Orthodox Church recognised as affiliated with a foreign religious organisation, the activity of which is prohibited in Ukraine. State Service of Ukraine for Ethnopolitics and Freedom of Conscience. 2025.

Gender Equality and Protection of LGBTIQ+ Rights

The problem of the ban on travelling abroad for members of local councils, which in the previous period led to women resigning their mandates, remains unresolved. However, on 27 August 2025 the Cabinet of Ministers of Ukraine adopted Resolution No. 1054⁴⁶⁹⁴, which granted women members of local councils working on a voluntary basis the right to cross the state border freely during martial law. The changes apply to women who are members of local councils of all levels, except those who receive a salary for work in local self-government bodies.

Reintegration of the TOT of Ukraine and Protection of the Rights of Persons Affected by Russian Aggression

The experimental project launched by the Government to provide subsidies for rental housing has attracted an insignificant number of recipients: the majority of the allocated funds (around 6.9 billion) remain unused. Nevertheless, the Government, in particular the Ministry of Social Policy, Family and Unity of Ukraine, continues to consider this support instrument, relying on the argument that the success of state projects can only be assessed over time, and that communication plays a key role at the beginning.

State Policy on Reintegration

Following the change in the composition of the Government, agreement is under way on the redistribution of responsibilities for coordination in the sphere of the affected population. At a meeting on ensuring the realisation of the rights and freedoms of internally displaced persons (IDPs), chaired by the Deputy Head of the Office of the President of Ukraine, Iryna Vereshchuk, the Minister of Social Policy, Family and Unity of Ukraine, Denys Uliutin, stated that the ministry he heads had been designated as responsible for coordinating policy in the field of IDPs. The ministry will also conduct an audit of existing social support programmes to determine possibilities for their improvement⁴⁶⁹⁵.

The Ministry for Communities and Territories Development of Ukraine announced⁴⁶⁹⁶ the formation of a working group to draft the Internal Displacement Strategy for the period of 2026. In addition, this ministry initiated a review of the Law of Ukraine "On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine".⁴⁶⁹⁷ Representatives of non-governmental organisations and charitable foundations dealing with the protection of the rights of those affected by the armed aggression against Ukraine have been invited to join the working group to work on amendments to this Law⁴⁶⁹⁸. However, no public decisions in the form of an order on the

4694 Certain Issues of Crossing the State Border by Citizens of Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 1054 of 27.08.2025.

4695 According to information provided by a participant of the meeting on ensuring the rights and freedoms of internally displaced persons, chaired by I. Vereshchuk, Deputy Head of the Office of the President of Ukraine, held on 15.08.2025.

4696 Ibid. The relevant information was voiced by Deputy Minister for Communities and Territories Development O. Riabykin.

4697 On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine: Law of Ukraine No. 1207-VII of 15.04.2024.

4698 Letter of the Ministry for Communities and Territories Development of Ukraine to non-governmental organisations (according to the list) No. 29174/6/14-25 of 13.08.2025.

establishment of the working group or announcements of discussions are currently available, which raises concerns regarding the openness of the process and its transparency.

Access to Social Services and Payments

On 26 August 2025, the Government extended the housing payment programme for IDPs from vulnerable categories until February 2026, while at the same time simplifying the conditions for its provision for orphans, children deprived of parental care, and those who registered at the employment centre after losing payments⁴⁶⁹⁹.

The Government continues to seek long-term housing solutions. IDPs have been identified among the categories covered by the pilot project to establish a municipal rental housing fund⁴⁷⁰⁰. In the city of Bila Tserkva, a project has been launched to build municipal housing for over 1,500 Mariupol residents: the construction of three housing complexes with 1,218 flats in the format of social rental, with priority given to vulnerable categories of IDPs⁴⁷⁰¹.

On 13 August 2025, the Government adopted Resolution No. 998⁴⁷⁰², aimed at removing key barriers to mortgage access for IDPs and persons residing in areas where hostilities are (or were) taking place, or who have relocated to these areas from territories temporarily occupied by the Russian Federation.

The Government also launched a new support mechanism for IDPs from the temporarily occupied territories — housing certificates of up to UAH 2 million, which can be used to purchase housing, make a down payment, or for a mortgage. The programme will start at the end of October 2025. The first to receive assistance will be combatants and persons with disabilities as a result of the war among the IDPs. Funding has already been confirmed for approximately 3,700 families, amounting to 180 million US dollars⁴⁷⁰³.

SECTION 24 "JUSTICE, FREEDOM AND SECURITY"

Combating Organised Crime

On 21 August the Government submitted to Parliament Draft Law No. 13676⁴⁷⁰⁴, which provides for the establishment of an Interagency Coordination Commission in the field of combating organised crime. Following the adoption of this legislative initiative,

4699 Housing payments for the most vulnerable categories of IDPs extended for another six months. Ministry of Social Policy, Family and Unity of Ukraine. 2025.

4700 On the Implementation of an Experimental Project on the Creation of a Municipal (Social) Rental Housing Fund and its Provision for Rent: Resolution of the Cabinet of Ministers of Ukraine No. 796 of 02.07.2025.

4701 Housing for Mariupol residents in Bila Tserkva. Association of Communities. 2025.

4702 Certain Issues of Providing State Aid for a Loan Secured by a Mortgage to Internally Displaced Persons and Persons Living in Territories Where Hostilities Are (or Were) Taking Place, or Who Have Relocated to These Territories from Areas Temporarily Occupied by the Russian Federation: Resolution of the Cabinet of Ministers of Ukraine No. 998 of 13.08.2025.

4703 Internally displaced persons who lived in the TOT will be able to receive assistance to purchase new housing. Ministry for Communities and Territories Development of Ukraine. 2025.

4704 On Amendments to the Law of Ukraine "On the Organisational and Legal Foundations of Combating Organised Crime" on the Establishment of an Interdepartmental Coordinating Commission in the Field of Combating Organised Crime (National Coordinator): Draft Law of Ukraine, registration No. 13676 of 21.08.2025.

the functions of the National Coordinator, which have temporarily since 2022 been exercised by the Ministry of Internal Affairs of Ukraine (MoIA), are to be transferred to this Interagency Coordination Commission.

Draft Law No. 13716⁴⁷⁰⁵ on improving the efficiency of police service activities was submitted by the Cabinet of Ministers of Ukraine to the Verkhovna Rada on 29 August 2025. In substance, it is identical to Draft Law No. 12159⁴⁷⁰⁶, which had been withdrawn shortly beforehand due to the change in the composition of the Government. The previous draft law had been developed to implement the provisions of the State Anti-Corruption Programme for 2023–2025 (SAP) concerning the introduction of a mandatory competition for appointment to senior police positions involving the exercise of managerial functions. At the same time, the problems of the above-mentioned draft laws coincide, the critical issue is that the MoIA is vested with the power to determine at the subordinate regulatory level the list of positions for which a competition will be held⁴⁷⁰⁷. Consequently, even in the event of the adoption of Draft Law No. 13716, the requirements of the SAP and the Rule of Law Roadmap cannot be considered fulfilled.

On 6 August 2025 the Cabinet of Ministers of Ukraine appointed Oleksandr Tsyvinskyi as Director of the ESB⁴⁷⁰⁸. This brought to an end the issue of the non-appointment of the winner of the competition on grounds not provided for by law. On 1 August the Prime Minister of Ukraine, Y. Svyrydenko, proposed that O. Tsyvinskyi voluntarily undergo a polygraph test in order to “remove all [security] questions in a civilised manner⁴⁷⁰⁹”, which became a precondition for the implementation of the decision of the Competition Commission.

The first challenge for the new Director will be to carry out the attestation of current ESB staff (at present this body is staffed at 30% of its authorised strength) and to recruit new staff on a competitive basis. At the same time, the attestation must be completed within 18 months. The formation of attestation commissions⁴⁷¹⁰ is currently under way, with the involvement of representatives of the public. To this end, the new Director held a series of meetings with the Business Ombudsman of Ukraine, business associations and civil society organisations⁴⁷¹¹.

The Director of the ESB has publicly expressed⁴⁷¹² plans to establish four attestation commissions in order to carry out all attestation procedures as efficiently as possible within

4705 On Amendments to the Law of Ukraine “On the National Police” on Increasing the Efficiency of Police Service Activities: Draft Law of Ukraine, registration No. 13716 of 29.08.2025.

4706 On Amendments to the Law of Ukraine “On the National Police” on Increasing the Efficiency of Police Service activities: Draft Law of Ukraine, registration No. 12159 of 28.10.2024.

4707 For details, see the section “Combating Organised Crime”.

4708 On the Appointment of O. Tsyvinskyi as Director of the Economic Security Bureau of Ukraine: Order of the Cabinet of Ministers of Ukraine No. 821 of 06.08.2025.

4709 Svyrydenko stated that Tsyvinskyi agreed to undergo a polygraph test. DW. 2025.

4710 The count will reach thousands of dismissals. The ESB explained how staff may be reduced after re-attestation: NV. Business. 2025.

4711 Resetting relations: the first meeting of business with the new ESB leadership. Public Union of SME Associations. 2025.; From the “presumption of guilt” to partnership: the first meeting of the new ESB leadership with the business community. Taxpayers Association of Ukraine. 2025.

4712 Head of the ESB Oleksandr Tsyvinskyi: “A corruption back office in the ESB? Okay. If someone tries their luck — I have excellent relations with NABU”. Dzerkalo Tyzhnia. 2025.

the prescribed time limits. At the same time, a sufficient number of representatives of international and foreign organisations — 24 — are to take part in these commissions⁴⁷¹³.

At the beginning of August 2025, a group of Members of Parliament registered in the Verkhovna Rada **Draft Law No. 13602**⁴⁷¹⁴ **on improving the work of the SBI**, which provides for:

- 1) Changing the status of the SBI from a law enforcement agency to a central executive authority.
- 2) The organisational structure to be determined by the Director of the SBI instead of the President.
- 3) The appointment and dismissal of the Director of the ESBU to fall within the powers of the Cabinet of Ministers of Ukraine (currently the President).
- 4) The selection of a candidate for the post of Director of the SBI to be carried out by a competition commission consisting of six members, three of whom are delegated by the Government and three by international/foreign civil society organisations which, during the last three years, have provided Ukraine with international technical assistance in the field of anti-corruption or law enforcement activities. When deciding on the winner of the competition, the votes of representatives of international/foreign organisations will take precedence (following the model of the competition for the post of Director of the ESBU).
- 5) The commencement of the work of two commissions after the re-election of the head of the SBI — on re-attestation and recruitment of new staff (in both cases, half of the commission must consist of independent experts from civil society), etc.

Thus, the provisions of Draft Law No. 13602 improve the guarantees of the institutional independence of the SBI and remedy the existing shortcomings regarding compliance with the Constitution of Ukraine (primarily concerning the subordination and accountability of the body to the President, who, under the Fundamental Law, is not vested with such powers). Some of the measures concerning the change of the organisational status of the SBI are reflected in the OAS and the Rule of Law Roadmap.

At the same time, this draft law proposes to "reboot" the SBI by analogy with the ESBU, which took place in June 2024. In fact, the provisions of Draft Law No. 13602 are aimed at implementing the recommendations of the European Commission's Screening Report (January 2025)⁴⁷¹⁵. The proposed procedure for selecting the Director of the SBI is not new and was tested during the competition for the Director of the ESBU, so overall it can be assessed positively. However, the approach of "preventing mistakes in the competition for the Director of the BES", under which the Government is to be presented with only one

4713 According to the Law of Ukraine "On the Economic Security Bureau of Ukraine", each attestation commission must include **six persons** designated by international and foreign organisations which, under international or interstate agreements, have provided Ukraine with international technical assistance in the field of preventing and combating corruption and/or reforming law enforcement agencies during the past three years. The list of such international and foreign organisations is provided by the Ministry of Foreign Affairs of Ukraine at the request of the Director of the ESBU and is published on the website of this body.

4714 On Amendments to Certain Legislative Acts of Ukraine on Improving the Work of the State Bureau of Investigation: Draft Law of Ukraine, registration No. 13602 of 06.08.2025.

4715 Publication of MP Yaroslav Zhelezniak on the Telegram messenger. 2025

candidate from among the competition participants, deemed the winner of the competition, is not without flaws. The function of the Cabinet of Ministers of Ukraine in essence turns into a ceremonial one and will consist solely of approving the submitted candidacy. The Government, as a constitutional body, should be provided with no fewer than two candidates for the position of Director of the SBI.

Experts also express the view⁴⁷¹⁶ that it is worth providing candidates with the possibility to submit a reasoned application and, on this basis, to have the competition commission conduct a review procedure (appeal) of all types of tests (assignments) that are not assessed automatically by computer programmes but are based on a subjective factor. Such a step is necessary in order to consider the mistakes of previous attestations in the criminal justice system.

On 14 August 2025, the Minister of Economy, Environment and Agriculture of Ukraine, Oleksii Sobolev, presented Yaroslava Maksymenko to the staff of the National Agency for the Detection and Management of Assets (ARMA) as Acting Head of the Agency⁴⁷¹⁷.

On 20 August 2025, ARMA established an Interagency Working Group on the preparation of regulatory legal acts necessary for the implementation of Law No. 4503-IX⁴⁷¹⁸.

At the same time, under Law No. 4503-IX⁴⁷¹⁹, which introduces the reform of ARMA, the Government was required by 8 August 2025 to form a competition commission for the selection of the Head of ARMA, which did not take place.

However, on 21 August 2025, in implementation of the provisions of the same Law, the Government began to form a Commission for the external audit of ARMA. By protocol decision, the Secretariat of the Cabinet of Ministers of Ukraine was instructed to prepare within ten days a list of international partners who had provided relevant support to Ukraine, and the Ministry of Foreign Affairs and the Ministry of Justice were tasked with approaching these partners with an invitation to nominate candidates for membership of the Commission⁴⁷²⁰.

At the beginning of August 2025, Bihus.info published an investigation that drew attention to the lack of transparency in staffing appointments at the State Financial Monitoring Service of Ukraine. It reported that important positions in the agency were often occupied either by people very close to the head or by those who had no prior experience at all⁴⁷²¹. As of the end of August, no information is publicly available about the initiation of pre-

4716 "Restart" of the SBI following the model of the ESBU. Centre of Policy and Legal Reform. 2025.

4717 The Minister of Economy, Environment and Agriculture of Ukraine introduced the new head of ARMA. National Agency of Ukraine for Detection, Tracing and Management of Assets Derived from Corruption and Other Crimes. 2025.

4718 On the Establishment of an Interdepartmental Working Group for the Preparation of Legal Acts Necessary for the Implementation of the Law of Ukraine No. 4503-IX of 18 June 2025: Order of the National Agency of Ukraine for Detection, Tracing and Management of Assets Derived from Corruption and Other Crimes No. 266 of 20.08.2025.

4719 On Amendments to the Law of Ukraine "On the National Agency of Ukraine for Detection, Tracing and Management of Assets Derived from Corruption and Other Crimes" to Strengthen the Institutional Capacity of the National Agency of Ukraine for Detection, Tracing and Management of Assets Derived from Corruption and Other Crimes, and to Improve Asset Management Mechanisms: Law of Ukraine No. 4503-IX of 18.06.2025.

4720 The Government has started forming the Commission for conducting an external audit of ARMA. National Agency of Ukraine for Detection, Tracing and Management of Assets Derived from Corruption and Other Crimes. 2025.

4721 Photographer, McDonald's employee and "insiders": whom the state entrusted with financial intelligence. Bihus.info. 2025.

trial investigations by law enforcement bodies or the conducting of internal investigations into the identified facts.

Combating Drug-Related Crime

On 20 August 2025, the Cabinet of Ministers of Ukraine approved the National Drug Policy Strategy until 2030 and adopted the operational plan for its implementation for 2025–2027⁴⁷²². These documents will allow the continuation of the state drugs policy that was in force until 2020. The approved Strategy is based on the key provisions of the European Union Drugs Strategy 2021–2025.

State drug policy will contribute to reducing the use of psychoactive substances and combating their illicit trafficking. Its aim is the protection of human rights and the improvement of people's psychosocial, medical, psychological and economic well-being. One of the principles of the Strategy is to direct the efforts of the law enforcement system primarily towards combating organised criminal groups and large drug traffickers, rather than pursuing users or minor participants in the network.

Schengen and External Borders

On 1 August 2025, the Anti-corruption Prevention and Detection Unit of the SBGS published updated contacts for reporting information on acts of corruption by border guards under the title "Border without Corruption!"⁴⁷²³.

During August 2025, employees of the State Customs Service of Ukraine undertook training on the protection of intellectual property rights, which enhances anti-corruption potential by improving qualifications in identifying counterfeit goods⁴⁷²⁴.

At the same time, from 21 August to 23 September, the State Customs Service is piloting a project for processing customs formalities through the Customs Competence Centre, which operates on the basis of the Coordinating and Monitoring Customs Office. This entails automated selection of declarations based on risk management and represents a step towards transparency and reducing the human factor⁴⁷²⁵.

4722 On the Approval of the Drug Policy Strategy until 2030 and the Approval of the Operational Plan of Measures for its Implementation in 2025–2027: Order of the Cabinet of Ministers of Ukraine No. 920 of 20.08.2025.

4723 If you have witnessed or have information about facts of corruption by border guards — use the updated contacts. Publication of the Department for Prevention and Detection of Corruption of the State Border Guard Service of Ukraine. 2025.

4724 Officials of customs authorities completed a training course on the protection of intellectual property rights. State Customs Service of Ukraine. 2025.

4725 The State Customs Service is implementing the next stage of the pilot project for carrying out customs formalities through the Customs Competence Unit. State Customs Service of Ukraine. 2025.

Annex 2 to the Report



Brief Overview of Challenges in the Areas Covered by Chapters 23 “Judiciary and Fundamental Rights” and 24 “Justice, Freedom and Security” of Negotiation Cluster 1 “Fundamentals of the Accession Process”, and Recommendations for Their Resolution

Nº	Problems	Recommendations
CHAPTER 23 “JUSTICE AND FUNDAMENTAL RIGHTS”		
RULE OF LAW		
Judicial Reform		
1	Lack of a unified strategy for the development of the judiciary as a fundamental document that would regulate key tasks and expectations for the next stages of reform in this field.	Adopt a strategic document on the development of the judiciary for the next five years (2025–2030), taking into account all international obligations and existing capacities, and develop and approve an action plan for its implementation.
2	Lack of a thorough analysis of previous stages of judicial reform, their successes and failures, which negatively affects further reform progress and the avoidance of repeated mistakes.	Conduct an analysis of the steps already taken and the results of judicial reform in previous periods, its achievements and shortcomings, including the effectiveness of the legislative amendments adopted.
3	Lack of coordination between state and judicial bodies, in particular regarding the deadlines for implementing measures set by the Cabinet of Ministers of Ukraine (the Government) without considering the opinions of direct implementers.	Align the current action plans with regard to implementation deadlines and, together with international partners, adjust timelines as soon as possible within the framework of the Ukraine Facility Plan.

4	Since March 2025, the High Council of Justice (HCJ) has been operating at the quorum threshold, which does not allow it to fully perform its legally mandated functions, primarily the imposition of disciplinary liability on judges.	To expedite the election (appointment) of new HCJ members, the Ethics Council should accelerate its procedures (primarily the conduct of interviews with candidates under the quota of the Congress of Judges). In case of delays in obtaining information on candidates from certain state bodies, the Ethics Council must take all possible actions to promptly obtain such information. For candidates for HCJ membership who have already undergone a special vetting previously and whose status has not changed, it is necessary to provide for the possibility of using the earlier conclusions of the bodies conducting such vetting.
5	Lack of legislative regulation concerning the suspension of the Ethics Council's activities if its mandate expires during the selection of candidates for vacant HCJ posts.	Amend the Law of Ukraine "On the High Council of Justice" to ensure that all competitive procedures are completed by the current composition of the Ethics Council if the term of its members expires during an ongoing competition.
6	Prolonged vacancy of the quota allocated to the Congress of Advocates in the HCJ (on average for three years) and the lack of action to fulfil the constitutional duty to elect HCJ members, negatively affecting the HCJ quorum.	Develop an alternative legislative mechanism for convening the Congress of Advocates and provide for the liability of the leadership of the Ukrainian National Bar Association (UNBA) in case of its failure to do so.
7	Longstanding vacancies in the President's quota in the HCJ, negatively affecting the HCJ quorum.	Hold a broad legal discussion and develop mechanisms to address situations in which the President fails to exercise the power to appoint HCJ members for a prolonged period, in particular through the legislative enshrinement of the powers of the Presidential Selection Commission and of the criteria it applies in assessing candidates for the HCJ.
8	Technical and legal error in the provisions of the Law of Ukraine "On the High Council of Justice": the law requires that the number of candidates must be at least twice the number of vacant HCJ posts. However, candidates are elected (appointed) for each post individually, not collectively.	Conduct a comprehensive review of the procedure for electing (appointing) HCJ members, including both technical and legal amendments to clarify the provisions of Part 8 Article 9 of the Law of Ukraine "On the High Council of Justice", and reconsider the overall advisability of the requirement to have two candidates per vacant post.
9	Excessive duration of competitions for vacant HCJ posts, which leads to quorum problems and prevents the HCJ from fully performing its functions.	Address the issue of commencing competitions at least than one year before the expiration of the term of current HCJ members under the relevant quota. Study the experience of EU Member States concerning the duration of the extension of the term of office of current members of high councils of justice until new members are elected to replace them.

		Amend the Law of Ukraine "On the High Council of Justice" to allow the entities responsible for the election (appointment) of HCJ members to launch competitive selection procedures without the prior completion of a special vetting, with the latter to be conducted in parallel with the competition. In the event of a negative conclusion from state bodies, the candidate shall automatically cease to participate in the competition. In addition, it is necessary to establish a restriction whereby a person may not be appointed to the position without undergoing a special vetting.
10	A reduction in the quorum of the HCJ may lead to decisions within the HCJ's competence being made in manual mode or by a loyal composition.	Exclude from Draft Law No. 13137 the provisions on changes to the quorum, as they pose corruption risks and risks of political pressure on the judiciary. In the future, refrain from any changes to the quorum in the HCJ.
11	The practice continues of submitting motions to the HCJ on detaining a judge without simultaneously suspending them from the administration of justice.	Amend the Law of Ukraine "On the High Council of Justice" to stipulate that when the HCJ grants consent for the detention or arrest of a judge, the issue of suspension from the administration of justice shall be decided simultaneously.
12	Draft Law No. 13137 contains a proposal to change the number of votes required to submit a recommendation to the President on the appointment of a judge (instead of 14 votes, it is proposed that no fewer than two-thirds of the elected (appointed) HCJ members vote in favour).	Exclude from Draft Law No. 13137 the provisions on lowering the number of votes required for judicial appointments, as they pose corruption risks and risks of political pressure on the judiciary. In the future, refrain from any changes to the quorum in the HCJ.
13	Systematic attempts by judges to resign in cases where disciplinary complaints have been filed against them, to avoid adverse consequences.	The decision to review disciplinary complaints and to open proceedings against judges who have submitted a resignation letter should be taken by the HCJ Service of Disciplinary Inspectors (HCJ SDI) and disciplinary chambers within two months. Following that, a decision shall be made on whether to grant or refuse retirement.
14	Insufficient standardisation of criteria for assessing judges' integrity and professional ethics, which leads to inconsistencies in qualification procedures for judges and judicial candidates.	The HCJ and the High Qualification Commission of Judges (HQCJ) should hold joint consultations and develop unified standards for the judicial qualification assessment procedure for compliance with the position held.
15	Absence of the HCJ Activity Strategy for 2025–2029.	Adopt the HCJ Activity Strategy for 2025–2029.
16	Provisions of Draft Law No. 13137 contain corruption risks and the risk of certain provisions being declared unconstitutional.	Refrain from adopting Draft Law No. 13137 (and its alternative No. 13137-1) until it has been substantially revised with the involvement of international experts and civil society with mandatory consideration of the opinion of the Venice Commission.
17	Inconsistent practice in the HCJ's disciplinary chambers, leading to different outcomes in disciplinary proceedings against judges, including exemption from liability.	Summarise HCJ practice by types of disciplinary offences and sanctions to identify discrepancies and conduct joint training for HCJ members and disciplinary inspectors based on the findings.

18	Voting by HCJ members in favour of a judge's retirement despite pending disciplinary proceedings, and divergence between the HCJ and the Supreme Court (SC) in disciplinary practice.	Refrain from voting in favour of a judge's retirement if disciplinary complaints have been filed — until such complaints have been reviewed. Summarise the SC's case law on the review of HCJ disciplinary decisions to identify discrepancies. Conduct training sessions, primarily for judges of the Grand Chamber of the SC (GC SC), to harmonise positions, as well as for judges of the Administrative Cassation Court within the SC (ACC SC).
19	Absence of established forms of detailed monthly reports of the SDI HCJ.	Introduce a form of detailed monthly reports of the SDI HCJ.
20	Inability to support the secretariat of the selection commission for HJCJ members due to discontinued USAID funding.	Ensure funding for the activities of the selection commission for HJCJ members from the State Budget of Ukraine, with the State Judicial Administration of Ukraine (SJA) assigned as the budget administrator.
21	Staff shortage in the HJCJ Secretariat and lack of material support, which negatively impacts HJCJ's institutional capacity and the timeline of qualification procedures.	Expand the HJCJ Secretariat staff by at least 50 persons, provide new premises or optimise existing ones, and allocate the necessary financial and material support for new staff.
22	Lack of digitalisation of HJCJ processes and procedures, negatively affecting institutional capacity and the timeline of qualification procedures.	Seek and secure funding needed to launch electronic document management in the HJCJ and implement the judicial career portal.
23	Pressure on individual HJCJ members through criminal cases, undermining the Commission's operations.	Establish independent mechanisms to protect HJCJ members from unlawful influence.
24	Lack of coordination among HJCJ members, resulting in the retention of dishonest judges, delays in decision-making, and reduced decision quality.	Take measures to improve communication and cooperation among HJCJ members. Increase the transparency of all internal HJCJ processes.
25	Underdeveloped analytical function of the HJCJ due to limited resources, affecting the quality of its decisions and the timelines for processing judges and judicial candidates in qualification procedures.	Explore the use of databases analogous to the analytical tools of the National Anti-Corruption Bureau of Ukraine (NABU) for HJCJ purposes.
26	Divergent approaches to assessing the integrity and ethics of judges and candidates, undermining legal certainty in these matters, posing risks of HJCJ decisions being overturned, and potentially resulting in dishonest	Clarify the provisions of the Unified Indicators for Assessing Integrity and Professional Ethics to eliminate methodological inconsistencies.

	judges remaining in their positions in the SC and High Anticorruption Court (HACC)	Engage independent international experts to verify the declarations of integrity and family ties of SC and HACC judges.
27	Frequent amendments by the Verkhovna Rada of Ukraine (Parliament) to the rules and procedures implemented by the HQCJ, negatively impacting the conduct of competitions and discouraging candidate participation.	Establish at the legislative level a rule that provisions increasing requirements for judicial candidates may only be introduced after the completion of ongoing competition procedures.
28	Lack of clarity on conditions for conducting interviews with appellate court candidates; duplication of functions between the HQCJ and the HCJ during interviews of candidates for local courts.	Amend legislation to transfer the authority for conducting interviews with winners of local court competitions from the HQCJ to the HCJ (expand the legally established judicial appointment procedure at the HCJ level and eliminate duplication with the HQCJ).
29	Absence of designated coordinators within the HQCJ for cooperation with the Public Integrity Council (PIC), affecting the timeliness and quality of interaction between the two bodies.	Appoint two HQCJ members as coordinators for work with the PIC, ensuring their annual rotation.
30	Expiry of the mandate of the selection commission for HQCJ members before completion of ongoing competition procedures, which would hinder the timely filling of a vacant HQCJ position under the judicial quota.	Adopt Draft Law No. 13382, which for three years reinstates international experts in the selection of members of the HQCJ. Provide that any selection commission must complete the selection procedures it has initiated. Ensure that the next composition of the HQCJ is formed with the participation of international experts with the right to a decisive vote.
31	Issues with the reasoning of some HQCJ decisions, leading to their annulment by the HCJ or the SC.	Consider the HCJ practice when considering submissions, namely regarding the completeness and proper substantiation of decisions.
32	Inconsistencies in the Unified Criteria for Assessing the Integrity and Professional Ethics of a Judge (Candidate for the Position of Judge), adopted by the HCJ and entered into force in December 2024.	Conduct an in-depth analysis of the results of the qualification assessment of candidates for the appellate administrative and appellate commercial courts with regard to the effectiveness of the Unified Criteria for Assessing the Integrity and Professional Ethics of a Judge (judicial candidate).
33	Vacancy of the Head of the HQCJ Secretariat, affecting the Commission's institutional capacity.	Conduct a competition for the position of Head of the HQCJ Secretariat.
34	Lack of clear requirements for collecting judges' personal data, leading to excessive interference in the private lives of judges, their family members, and related third parties.	Clarify legislative requirements regarding HQCJ discretion in verifying judges, candidates, their family members and third parties, as well as concerning the protection of their personal data.

35	Lack of legislative regulation of certain aspects of HQCJ activity, including stages of competitions, exam result determination, and the inability to start the selection of judges for the Specialised District Administrative Court (SDAC) and the Specialised Administrative Court of Appeal (SACA) due to the absence of legal preconditions for their establishment.	Adopt as soon as possible Draft Laws No. 13302 and No. 13165-2 (after its revision taking into account the recommendations of the Venice Commission, the requirements of the Rule of Law Roadmap, the conclusions of the Supreme Court, the HCJ, and this report).
36	Large number of judicial vacancies, which affects the quality and efficiency of court operations and public access to justice.	Conduct competitions for the HACC, AC HACC, SDAC and SACA in 2025–2026.
37	Public Council of International Experts (PCIE) operating with an incomplete composition and at risk of not completing all competition procedures due to funding issues following the end of USAID support.	Ensure the functioning of the full composition of the PCIE, in particular by financing its activities, until the completion of the repeated competitions to the HACC (as a court of first instance and to the Appeal Chamber of the HACC) and the filling of all 23 vacancies in both instances. If necessary, reappoint those members of the PCIE who are unable to participate in its work due to the suspension of USAID activities.
38	Lack of systematised practice of the PCIE, which affects institutional memory and prevents the use of PCIE's past work in future procedures.	Systematise the practice of the PCIE with a view to analysing and incorporating the experience gained in future competitive selection procedures for the HACC and other higher specialised courts.
39	Slow pace of judicial qualification assessment, which impacts the overall independence of the judiciary and of individual judges.	Take measures to accelerate the qualification assessment process, in particular by ensuring that the PIC processes no fewer than 60 files of candidates/judges per month.
40	Risks in forming the new composition of the PIC, related to the qualifications and impartiality of new members, as well as the ability of the PIC to fully perform its duties in the procedures in which it is involved.	Parliament should regulate the following issues: • prevention of conflicts of interest within the PIC and in its interaction with the HQCJ, primarily concerning the involvement in the PIC of relatives or close associates of PIC or HQCJ members; • establishing professional requirements for PIC members, following the examples of the requirements applied to members of the Ethics Council, AGE, and Expert Council; • regulating the procedure for selecting reserve members of the PIC (at least three) and ensuring access to judges' and candidates' files for those members who are permanently based outside of Kyiv.

		• ensure for members of the PIC remuneration at the level of judges of local courts, which shall be transferred via the SJA to those civil society organisations that delegated members of the PIC, for the subsequent direct payment of this remuneration to PIC members by the respective civil society organisations. Civil society organisations shall have the right to refuse state funding, but in such a case they must provide the same level of remuneration to the PIC member they delegated from their own funds (without the use of grant or international technical assistance (ITA) funds); • prohibit a PIC member, while performing functions within the Council, from receiving any other income, except for income from his or her primary employer or income received for PIC activities from the civil society organisation that delegated him or her; • ensure that the PIC Secretariat has adequate funding from state funds (for example, through the SJA as the manager of such funds) and allow, for the period of martial law, the direct attraction of funding for ITA projects (following the model of financing the Secretariats of the Ethics Council, Selection Commissions, the PCIE, etc.). It is advisable to select representatives capable of promptly and effectively processing large volumes of data, are well-versed in anti-corruption legislation and key justice sector laws and are prepared to work overtime given the anticipated workload of the PIC in the near term.
41	Divergent practices of interaction between the PIC and HQCJ panels, which affects the timelines of HQCJ and PIC work within qualification procedures.	Organise training sessions and joint meetings and strategic sessions with the HQCJ to develop a shared vision for the work of these bodies — primarily within the competition to appellate general courts, with a view to completing it as soon as possible.
42	Systemic shortcomings and legal uncertainty in the PIC's operations, which result in violations of the rights of judges, their family members, and third parties, and negatively affect the timelines of the PIC's participation in relevant procedures.	It is advisable for the PIC to: • consider the possibility of adopting decisions through panels, which would allow members to allocate more time to processing a greater number of files of judges and judicial candidates; • ensure the timely publication of opinions or information regarding judges and candidates; • standardise approaches to drafting "negative" opinions;

		• unify practices regarding PIC participation in interviews with judges and candidates; • ensure the application of uniform approaches to the organisation of PIC work in all personnel procedures, and avoid activities not envisaged by law; • remove all confidential information, including personal data of third parties, from decisions (opinions, information) before their publication; • ensure proper communication regarding its activities, including the regular publication of statistics.
43	Termination of assistance from American donors and the absence of adequately equipped premises for the PIC's work, which affects the institutional capacity of the PIC and the timeline of HQCJ competitions and other qualification procedures.	The PIC should also be provided with a fully equipped premises for its operations, including technical equipment, and all processes should be digitalised.
44	Lack of uniformity in judicial practice in certain categories of cases. Absence of legislative mechanisms to ensure uniformity of judicial practice in cases not subject to cassation appeal, which impacts consistency, predictability, and legal certainty in certain types of cases.	Introduce effective instruments to ensure the consistency of judicial practice, including a preliminary ruling request mechanism allowing appellate courts and first-instance courts to refer questions to the SC in cases where no position has yet been taken on the matter; strengthen the reasoning component of SC judicial decisions, particularly regarding the similarity of legal relations, the admissibility/inadmissibility of cassation appeals for consideration in view of cassation filters, and other related matters. The consideration of a preliminary ruling request by the GC SC should involve not an abstract response to the appellate court's question, but the formation of a legal position in a specific case.
45	Disregard for the SC case law by state and local authorities.	Equip the SC with appropriate instruments to respond to cases where SC practice is ignored by state authorities and local self-government bodies.
46	Overload of the SC and the judiciary as a whole with administrative cases.	Determine the appropriateness of reviewing certain categories of administrative cases, for which the SC has already established legal positions, under a summary procedure (for example, various categories of pension-related disputes).
47	GC SC admitting cases for consideration that should be resolved by joint chambers.	Strengthen the role of joint chambers at the level of the cassation courts.
48	Ineffectiveness of cassation filters, resulting in the SC being overloaded with cases that do not present a legal issue and fall outside its intended scope.	Consider the issue of systematising approaches to filtering cases submitted to the SC, following the model applied by the European Court of Human Rights (ECtHR).

49	Excessive number of judges in the GC SC, while the number of judges in cassation courts has been reduced by nearly a quarter.	Establish rules for the proportional reduction of the number of judges in the GC SC in the event of a change in the overall number of judges in the SC, according to the following formula: • a 25% reduction in the total number of SC judges leads to a reduction of one judge representing the cassation courts in the GC SC (i.e., the total number of judges in the GC SC would be 17); • a 50% reduction would lead to a reduction of two judges (i.e., the total number of judges in the GC SC would be 13).
50	Excessive formalism in the application of procedural law, affecting the timeframe for case consideration and the clarity of court decisions.	Move away from excessive formalism and overregulation in procedural documents that do not require detailed reasoning.
51	Existence of risks regarding information protection and the threat of possible repeated cyberattacks.	Automate all processes in the SC, in particular through the introduction of artificial intelligence. Develop and implement a new court document management system that will take into account modern threats to information security and comply with international standards and practices.
52	Absence of written proceedings for certain categories of cases considered by the ACC SC and the Criminal Cassation Court within the SC (CrCC SC).	Optimise cassation proceedings and expand the categories of cases that may be considered under the written procedure.
53	Lack of strategic approaches to the SC development, which negatively impacts the uniformity of judicial practice both at the level of the SC and across the judiciary as a whole.	Define the strategic development of the SC and adopt the relevant documents, including workload standards, a development strategy for the SC, a strategy for ensuring the consistency of judicial practice, a communication policy, and others.
54	Limited communication among SC judges and with judges of other instances, which negatively affects the consistency of judicial practice.	Improve communication quality between courts within the SC, primarily through inter-jurisdictional activities, and enhance communication with first instance and appellate courts, primarily through the organisation of appropriate training. Continue communication and educational activities for the legal community.
55	Absence of a systematic personnel reserve for court staff, which prevents timely filling of vacancies.	Introduce at the level of the judiciary a platform for forming a personnel reserve for courts of all instances and jurisdictions.
56	Disproportionate influence of the SJA on the management of the SC Secretariat, undermining the independence of the Secretariat's leadership and negatively affecting the independence of the SC.	Eliminate administrative and financial influence on the leadership of the SC Secretariat by introducing relevant amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" transferring these powers to the President of the SC.

57	Reduction in the number of SC judges, while the number of cases submitted to the SC remains consistently high.	In the event that the number of cases submitted to the SC is not reduced by the beginning of 2027, conduct a competitive selection for judges of the SC for all vacancies available at that time. Independent international experts should be engaged in the selection process instead of the PIC.
58	Failure of the competition to the HACC and the AC HACC. Most judicial vacancies in the HACC and AC HACC remain unfilled.	Filling vacant positions at the HACC and its Appeal Chamber through the conduct of a repeated competition for both the trial and appeal chambers of the HACC during the third and fourth quarters of 2025, taking into account previous mistakes.
59	Unresolved issue of material and financial support for the HACC, which affects the institutional capacity of the Court.	Providing the trial chamber of the HACC with a single, fully functional premises for its operation: - the allocation, in 2025, of a separate building suitable for the administration of justice to accommodate the trial chamber of the HACC (42 judges) and its Secretariat staff; - the relocation, in 2026, of the trial chamber of the HACC to the new premises, and of the Appeal Chamber of the HACC to the current HACC premises at: 41 Beresteiskyi Avenue, Kyiv, 01601; - the abandonment of the idea of further accommodating the trial chamber of the HACC in separate (two or more) premises located at a significant distance from each other, as this negatively affects the functioning of the court; - the provision of the HACC and its Appeal Chamber with the necessary technical equipment and, if required, the allocation of funds for urgent repair works.
60	Consideration by HACC of administrative and civil cases by panels of three judges, which is excessive and negatively affects the handling of criminal cases under HACC's jurisdiction.	Resubmit to Parliament the draft law on single-judge consideration of civil and administrative cases and adopt it as soon as possible.
61	HACC considering cases on the application of sanctions under administrative proceedings, which falls outside its jurisdiction.	Transfer of jurisdiction over administrative cases (concerning the application of sanctions) from the HACC to the SDAC and the SACA following the commencement of their operation, with the aim of reducing the workload on the HACC and ensuring the effective allocation of jurisdiction among courts within the judicial system.
62	Abuse of procedural rights by parties, which negatively impacts case processing times and may allow guilty parties to avoid criminal liability due to the expiry of limitation periods.	Finalising the draft law on abuse of procedural rights by the parties and its adoption by Parliament in 2025.

63	Unjustified expansion of HACC's jurisdiction, which affects the speed and quality of its operations.	Limiting the expansion of the HACC's jurisdiction until the appointment of 25 new judges (and for at least three years following the commencement of the HACC's operation in its new composition) and the resolution of issues related to premises. Any further expansion of the court's jurisdiction should take into account the purpose for which the HACC was established.
64	Excessive workload on HACC judges, which affects the timeframe for case consideration.	Implement a comprehensive strategy to ensure the effective consideration of cases by the HACC and to reduce the number of pending cases.
65	Insufficient staffing of the appellate instance, which affects access to justice, the duration of case consideration, and the quality of judicial decisions.	Complete the competition for appellate courts as quickly as possible.
66	Lack of an effective approach to resolving the issue of temporarily transferred (seconded) judges, which constitutes excessive interference in judges' private lives.	Conduct comprehensive analysis of the situation with judges temporarily reassigned (seconded) from courts located in temporarily non-government-controlled territories or active combat zones. Legislative measures should be taken to allow for the permanent transfer of such judges to the courts where they have already been working for more than two years.
67	Adoption as a basis of Draft Law No. 6049, which provides for the temporary transfer of judges from first to appellate instances, violating the principle of instance hierarchy, negatively affecting access to justice in local courts, and failing to resolve problems in appellate courts.	Abandon the adoption of Draft Law No. 6049. Instead, in the event that any appellate court ceases to function, the jurisdiction of that court should be temporarily reallocated (following the model used for the appellate courts of Donetsk and Luhansk regions) or give priority to accelerating interviews with candidates for the appellate courts.
68	Uneven workload among courts, affecting the speed of case consideration, the quality of judicial decisions, citizens' access to justice, and the motivation of judges and court staff to remain within the judicial system.	To balance the workload in the courts, it would be advisable to consider the following measures: • introducing extraterritorial jurisdiction for minor cases and cases considered under written proceedings; • reassigning jurisdiction over certain civil cases to commercial courts, including disputes involving individuals in the areas of construction, financial and credit relations, mortgages, and consumer protection;

		- increasing the number of judicial assistants in courts with excessive caseloads (exclusively as a temporary measure); - expanding the categories of cases eligible for written proceedings (also as a temporary measure). Introduce simultaneously the remote case consideration and the general redistribution of cases between courts (which should be implemented alongside the process of optimisation (consolidation) of courts).
69	Extended terms of court leadership positions, leading to issues with rotation.	Finalise and subsequently adopt the draft law developed by the Verkhovna Rada Committee on Legal Policy, retaining the current terms of office for heads and deputy heads of courts — two consecutive three-year terms. The cooling-off period between administrative appointments after six years in office should be extended to three years and should apply to any administrative position within the court.
70	Lack of optimisation of the network of local general courts, which for nearly five years has not corresponded to Ukraine's administrative-territorial structure and negatively affects citizens' access to justice.	Develop and implement a new court map, namely by means of: - conducting a comprehensive study across the government-controlled territory of Ukraine, taking into account internal migration of the population and business, and develop a new Concept for court network optimisation; - develop a baseline indicator of judicial workload; - preparing comprehensive terms of reference for the future optimisation, including a map of courts in government-controlled regions and draft designs for model court premises in areas currently lacking appropriate infrastructure; - developing an effective methodology for identifying the "hub court"; - launching the implementation of a pilot project in Zakarpattia region in 2025, developed with the support of the EU Project "Pravo-Justice".
71	Lack of regulation of court operations in frontline regions, affecting the safety of judges, court staff, and participants in judicial proceedings.	It is advisable to define and legally stipulate: the conditions under which the remote working mode for courts is recommended, and those under which it is mandatory (e.g. the line of contact being within 50 km of the court; the court premises located within 50 km of the border with Russia; destruction of the court building);

		the conditions under which the change of territorial jurisdiction is recommended, and those under which it is mandatory (e.g. court premises located near the line of contact or within 30 km of the Russian border; courts located in areas of active hostilities or on temporarily occupied territories).
72	Risk of conflict of interest and undermining of the 2016 reform achievements, resulting from Law No. 4264-IX, which expands the list of persons eligible to apply for positions in the SDAC and SACA.	Exclude civil servants of categories "A" and "B" from the list of individuals eligible to apply for judicial positions at the SDAC and SACA.
73	Increased risk of the HACC and other higher specialised courts being declared unconstitutional.	The Constitutional Court of Ukraine (CCU), upon appointment of new judges and resumption of work in plenary composition, should review the constitutional submission on the constitutionality of the HACC (and therefore other higher specialised courts) as a matter of priority (within a period not exceeding three months).
74	Risks in forming the list of potential candidates for the Expert Council, which may lead to the involvement of individuals of questionable integrity in the judicial selection process.	Compile a list of potential candidates for participation in the Expert Council, ensuring this list is published in advance, and that funding for their work and training is provided. When compiling the list, it would be advisable to involve individuals who have already served on similar commissions or councils. In appointing members of the Expert Council under the quota of the Council of Judges of Ukraine (CJU), the HCCJ should ensure the appointment of candidates with a high level of competence and integrity, against whom there are no objections from civil society, in order to avoid distrust of the subsequent decisions of the Expert Council.
75	Lack of progress on disciplinary complaints concerning some judges of the District Administrative Court of Kyiv (DACK), which affects the timelines for imposing disciplinary liability.	The SDI HCJ should prioritise consideration of complaints against judges of the DACK, particularly those involved in the "Vovk tapes" case, and the HCJ should give priority to the examination of such disciplinary cases.
76	Absence of a preliminary schedule for the competition to the SDAC and SACA, making it impossible to fulfil Ukraine's international obligations within the established deadlines.	Prioritise at the level of HCCJ, the competition for the SDAC and SACA among other procedures (on a par with the HACC), to ensure the fastest possible fulfilment of the tasks set out in the Rule of Law Roadmap and the Ukraine Facility Plan, as well as the selection of judges to the Kyiv City Administrative Court and the qualification assessment of former DACK judges.
77	Lack of logistical support for the SDAC and SACA, which prevents these courts from commencing operations.	Ensure the renovation of the premises intended for the SDAC and SACA in 2025–2026 and the procurement of the necessary equipment, including with financial support from international partners.

78	No action taken to finalise or advance Draft Law No. 6487 (on the High Court on Intellectual Property — HCIP), which prevents this court from starting work and negatively affects the handling of intellectual property (IP) disputes.	Parliament should substantially revise Draft Law No. 6487 (taking into account the risks analysed in the 2024 Shadow Report), namely by clarifying and delineating the cases under the jurisdiction of the HCIP and the commercial courts, in order to avoid manipulation of court jurisdictions and reduce corruption risks.
79	No action taken to continue the selection of judges to the HCIP, which prevents the court from starting operations and negatively affects the adjudication of IP disputes.	The HQCJ should complete the competitive selection procedures for the positions of judges of the HCIP (after the competitions for the appellate courts, HACCC, SDAC, and SACA are finalised) and ensure legal certainty regarding the future careers of candidates for the HCIP judgeships.
80	Inadequate collection of judicial statistics on IP disputes, which affects the accuracy of overall judicial statistics.	Ensure the proper collection of judicial statistics in the field of intellectual property rights protection. The categories of cases considered as IP disputes across all jurisdictions should be clarified, and in cooperation with the National School of Judges of Ukraine (NSJU), training should be provided for court staff responsible for the collection of judicial statistics.
81	Insufficient material and technical support for the HCIP, preventing the court from commencing operations.	In 2025–2026, the Government should carry out monitoring of the availability of premises for the HCIP and, if necessary, conduct renovation and equipping of such premises.
82	Inadequate support for the operation of first- and appellate-instance courts by the SJA, which negatively affects the institutional capacity of courts and citizens' access to justice.	In 2025–2026, conduct a functional, financial, and staffing audit of the SJA and all its territorial offices, both by the Accounting Chamber and by independent auditors with the participation of international experts. Based on the results of all audits, an updated model for the system of support for the functioning of the judiciary should be developed. Within this framework, among other measures, a reorganisation of the SJA and its territorial offices (including their liquidation) should be planned by 2027.
83	Outflow of personnel from the SJA and its territorial offices. Outflow of personnel from the courts. This impacts the institutional capacity of the courts, the SJA, and territorial offices.	Revise the staffing structure of the SJA and its territorial offices and reduce the number of employees performing overlapping functions or demonstrating low effectiveness. Use the savings from staff reductions to increase the salaries of the remaining employees of the SJA and its territorial offices. Attract IT specialists, introduce additional incentive measures (flexible working conditions, the possibility of contractual employment without civil servant status, etc.) and, if necessary, develop relevant amendments to legislation.

		Increase quotas for reserving male employees in the SJA, its territorial offices, and court administrations (particularly those holding positions such as assistants or court hearing secretaries) to ensure the administration of justice.
84	Damage and destruction of the infrastructure of the SJA and its territorial offices, hindering citizens' access to justice.	Prioritise the restoration of courts located in government-controlled territory to ensure citizens' access to justice. Identify alternative funding sources: international grants, budgets of local communities in which the damaged or destroyed court buildings are located, etc.
85	Lack of sufficient material and technical support for the courts.	Simplify and expedite procurement procedures for furniture and equipment to equip judges' workplaces, in particular by initiating a government review of the maximum procurement limits for court furniture and equipment (in relation to current cases). Establish accountability for heads of SJA territorial offices for delays in repairing premises where judges are located and for failing to provide them with furniture and equipment. Develop standards for equipping the workplaces of judges, assistants, and secretaries, and ensure uniform approaches to the material and technical provision of newly appointed judges, regardless of court location.
86	Incomplete procedure for the competition to appoint the Head of the SJA, which negatively affects the operation of the SJA and its territorial offices.	Amend the Law of Ukraine "On the Judiciary and the Status of Judges" to allow the involvement of international experts in the competition commission. Hold the competition in the third or fourth quarter of 2025.
87	Systemic shortcomings in the functioning of the SJA that have not been addressed for an extended period.	Improve transparency in the activities of the SJA's territorial offices until their reorganisation (liquidation) is completed. Dismiss officials who are subjects of criminal proceedings from the staff of the SJA or its territorial offices. Strengthen internal audit of all procurement procedures for goods, works, or services carried out by the SJA. Enhance strategic management and oversight of key tasks, such as the implementation of the UJICS, improving communication between courts and the SJA's territorial offices, and introducing transparent tools for forming the budget request, among others. At the legislative level, strengthen the accountability of the SJA to the CJU, in particular through regular reporting to the CJU on the performance of its mandated functions. Align the collection, verification, and aggregation of judicial statistics with the practices used for maintaining such statistics in EU Member States.

		Introduce selective parallel collection of statistical data and dual counting for certain categories of cases to identify problems and discrepancies. Based on the results of such counting, develop a model for the collection and systematisation of judicial statistics that would eliminate errors, duplication, and incorrect data representation. Develop pilot projects of model courts of first instance and appellate instance. Unify the staffing tables of courts of the same level, specialisation and workload. Ensure uniform approaches to determining the number of staff of court administrations in courts of the same level, specialisation and workload, as well as to the level of their salaries, bonuses, etc.
88	Instances of behind-the-scenes decision-making at the Congress of Judges of Ukraine, particularly regarding the nomination of candidates for the CJU, election of members of the HCJ, appointment of judges to the CCU, and the procedure for electing congress delegates. Moreover, holding the Congress in an offline format currently fails to meet both security requirements and standards of transparency and independence of the judiciary.	Organise a broad discussion on the advisability of continuing secret ballots during the elections of court presidents, their deputies, members of the HCJ, the CJU, and judges of the CCU, and on finding a balance between transparency, accountability, and the independence of the judiciary. Regulate the procedure for holding judges' assemblies, CJU meetings, and the Congress of Judges online, including voting during such events via secure electronic services. Undertake a legislative review of the concept of the "Congress of Judges", which, in the context of online voting, could provide for the participation of all judges of Ukraine rather than delegates selected according to a quota-based system, as currently regulated.
89	The election of CJU members without a procedure for prior nomination and without any vetting effectively makes it impossible to elect members of the CJU in a democratic manner and without the use of tactics such as "lists", "package deals", influence by court presidents and third parties, and, in essence, corruption. Appointment to leadership positions in the CJU of judges who received negative opinions from the PIC and against whom concerns regarding their reputation were expressed, which undermines trust in the CJU and its decisions.	Review the formula for forming the composition of the CJU as provided by law, taking into account gender balance and equal regional representation. Regulate the procedure for the prior nomination and vetting of CJU candidates. Conduct vetting of CJU candidates at least until the completion of the qualification assessment of judges and the consideration of accumulated disciplinary complaints against them.

90	Vacancy for the position of Vice-Rector of the NSJU remains unfilled due to a failed competition, along with other unfilled leadership positions within the NSJU.	Conduct a comprehensive functional, staffing, and financial audit of the NSJU with the involvement of international experts. Based on the audit findings, the structure (including regional branches) and functions of the NSJU should be reviewed (in particular, the exclusion of functions not typical for judicial training institutions), and the NSJU should be transformed into a modern training centre. The appropriateness of changing the legal form of the NSJU's organisational model should be determined based on the results of the audit and taking into account the recommendations of international experts. The relevance of maintaining the NSJU's regional branches should be assessed in the context of further digitalisation of the judiciary, based on the recommendations of international experts and the experience of EU countries comparable to Ukraine in terms of legal system and population size. It should also take into account the fact that in Ukraine, the training of judges and prosecutors is handled by different institutions in accordance with the provisions of the Constitution of Ukraine. Conduct a performance appraisal of the entire management team of the NSJU, including at the regional level. Establish a modern testology unit the HQCJ, removing the responsibility for developing tests and practical assignments for competitions and judicial assessment procedures from the NSJU. To achieve this, amendments shall be made to the Law of Ukraine "On the Judiciary and the Status of Judges", personnel should be selected through open competitive procedures, and ITA projects should be engaged to provide training based on the best global practices. Sitting judges should not be involved in developing test or practical assignments but may participate in their preliminary piloting.
91	Vacancy for the position of Vice-Rector of the NSJU remains unfilled due to a failed competition, along with other unfilled leadership positions within the NSJU.	A repeat public competition should be conducted for the position of Vice-Rector of the NSJU, and all other vacant leadership positions at the NSJU should be filled through competitive procedures.
92	Parliament has taken no action to introduce income and asset declarations for the NSJU leadership and staff, nor to conduct competitions for vacant positions.	Amend the legislation in 2025 to extend to the NSJU leadership and staff the same declaration requirements applicable to sitting judges (i.e. the same types of asset declarations), as well as to mandate competitive selection for all NSJU positions.

93	Absence of clear criteria for selecting judges for EU law training abroad, which creates unequal conditions among judges and allows manipulation, resulting in the same judges being repeatedly sent for international training while others are deprived of such opportunities.	Ensure transparency in the procedures for selecting judges (and court office staff) to participate in EU law training abroad under partnership programmes and/or with ITA project support. Create a public register of ITA projects, containing information on their involvement in training processes for judges and court office staff, as well as other related activities.
94	The formal and somewhat outdated nature of the training programmes fails to equip court staff with the necessary knowledge and practical skills.	Introduce regular training opportunities for judges and court office staff (especially judges' assistants) through internships in higher-level courts.
95	Representatives from some courts report dissatisfaction with the quality of education provided by the NSJU and its flexibility in expanding educational programmes, which affects the effectiveness of training and judges' willingness to participate in such programmes.	Conduct a study to assess judges' satisfaction with the quality of training at the NSJU.
96	The quorum for holding plenary sessions of the CCU and for adopting decisions has been restored only in those cases where the sitting judges of the CCU have no conflict of interest and have not recused themselves.	The President and Parliament should consider the nominated candidates and appoint CCU judges under their respective quotas as promptly as possible. Conduct a new competition for two CCU judge positions under the quota of the Congress of Judges of Ukraine without delay. Overall, it is advisable to fill all existing CCU vacancies by the end of 2025. Changes to the CCU institutional model aimed ensuring continuity in its functioning require broad discussion. It would be appropriate to examine the experience of those EU countries where constitutional courts operate effectively.
97	Outdated approaches to the organisation of the CCU's work have for years contributed to the internal politicisation of the Court.	Revise the internal organisational processes of the CCU with a view to reducing its politicisation. To this end, it is advisable to examine the possibility of structuring the CCU's internal processes based on the functioning of the ECtHR. Strengthen the independence of CCU judges while simultaneously addressing the issue of disciplinary liability, particularly for undue delays in case consideration. In 2025, it would be appropriate for the Assembly of Judges of the CCU to analyse the practice of implementing the adopted Rules of Professional Ethics of a CCU Judge. Digitalise all internal processes of the CCU, in particular the submission to the CCU of constitutional petitions, appeals and complaints in electronic form. Change the CCU model following the example of the ECtHR model.

98	Low quality of draft rulings prepared by the CCU's Secretariat and the absence of a methodology for substantiating Court decisions affect the quality and effectiveness of the CCU's work, as well as its political vulnerability.	Changing the CCU model after the example of the ECtHR model will require: • legislative regulation of the role and powers of the Secretariat in preparing draft decisions; • institutional strengthening of the Secretariat — recruitment, training and retention of highly qualified lawyer-analysts; • establishing procedural interaction between the Secretariat and judges, which guarantees the preservation of the priority role of the reporting judge and the collegial adoption of decisions, while ensuring professional support at all stages of preparation.
99	Problems with the implementation of CCU decisions at the national level, including the legislature's disregard of Court rulings, undermine the CCU's capacity to regulate complex societal relations and to properly balance the branches of power.	Amend the legislation and ensure effective oversight of the enforcement of CCU decisions.
100	The CCU's complex external communication language, limited formats, and high level of conservatism do not contribute to building public trust in the Court and its decisions.	Ensure transparency and communication between the CCU and the public, especially on politically sensitive matters — to reduce pressure and prevent speculation. Introduce the position of a judge—spokesperson who would regularly inform the public about pending cases and decisions adopted by the CCU.
101	No action has been taken to adopt the Law of Ukraine "On Constitutional Procedure", the draft of which has been under parliamentary consideration since December 2020 (registration No. 4533).	Parliament should finalise, with the participation of CCU judges and Ukrainian and international experts in constitutional adjudication, the draft Law "On Constitutional Procedure" (registration No. 4533) and submit it for review by the Venice Commission prior to its adoption.
102	Normative conflicts regarding the powers of the CCU and the SC result in interference by CCU and SC judges in one another's competencies.	Regulate the conflict of competences between the CCU and the SC to clearly delineate their jurisdictions and prevent the use of the CCU as a "fourth" judicial instance.
103	Ineffectiveness of the protection of constitutional rights through the constitutional complaint mechanism, primarily due to the lengthy review process for such complaints.	Improve the constitutional complaint mechanism, especially with regard to the timeframes for considering such complaints.
104	Limited pool of candidates participating in competitions for the position of CCU judge.	The AGE should initiate an open dialogue with society and the professional community, and jointly analyse the methodology and approaches to assessing candidates for the position of CCU judge, as well as outline and discuss problematic aspects.

105	Due to parties' lack of awareness of the existence and principles of the judge-led dispute settlement procedure, this mechanism is rarely applied, which does not contribute to reducing the courts' workload.	Conduct a broad information campaign and ensure proper awareness-raising among participants in judicial proceedings regarding the procedure of case consideration with the participation of a judge.
106	The absence of a methodology for conducting judge-led dispute settlement procedures prevents the full use of this mechanism.	Approve a methodology for conducting the procedure of dispute settlement with the participation of a judge. Organise training sessions at the NSJU for judges on the procedure of dispute settlement with the participation of a judge.
107	Excessive workload on judges in family disputes and lengthy proceedings in this category of cases negatively affect the quality of justice delivery.	Consider the introduction and legislative consolidation of a mandatory procedure for case consideration with the participation of a judge in family disputes to increase the effectiveness of judicial proceedings.
108	At the national level, the concept of "arbitration" currently does not align with the internationally recognised understanding, which includes not only commercial but also investment arbitration. This discrepancy negatively affects the scope and effectiveness of arbitration institutions.	Expand the jurisdiction of international arbitration in Ukraine by adopting Draft Law No. 12141, which envisages the inclusion of investment arbitration within the jurisdiction of international commercial arbitration. Amend Article 26 of the Law of Ukraine "On the Regime of Foreign Investment" to allow the International Commercial Arbitration Court to resolve investment disputes.
109	There are currently over 500 registered arbitral tribunals in Ukraine, of which only about 248 are actually operational and hear cases. At the same time, arbitral tribunals do not publish their documents, decisions, or activity statistics, raising doubts about the feasibility and justification for the existence of such a number of arbitral bodies.	Conduct a study on the operation of arbitral tribunals and based on its results, initiate a broad public discussion on the necessity of maintaining such tribunals in Ukraine. Considering the outcomes of the public discussion, a decision should be made on the advisability of adopting Draft Law No. 3414 and promoting the use of arbitral tribunals for dispute resolution, or alternatively, abandoning this form of alternative dispute resolution as one that does not correspond to Ukrainian legal traditions.
110	The HCJ does not take sufficient measures to effectively communicate its positions on what constitutes interference in the administration of justice and what does not.	Formulate a clear position on typical reports of interference and common errors made by judges in interpreting the notion and categories of "interference" (based on the analysed and summarised practice of the HCJ regarding the consideration of reports on interference in the administration of justice). Conduct training for all judges through the NSJU on the generalised practice of the HCJ in these matters.
111	The current legislation lacks adequate sanctions for failure to take appropriate measures in response to the HCJ's findings of interference in the administration of justice.	Introduce the practice of drawing up administrative offence reports in cases of failure to respond or delayed response to HCJ submissions. If the HCJ considers this measure to be ineffective, it should propose alternative response mechanisms to Parliament and initiate a public discussion thereof.

		Develop and submit to Parliament a draft law on improving the mechanisms for responding to interference in the judicial activity.
112	Unregulated issue of establishing in the annual Laws of Ukraine on the State Budget a special subsistence minimum for able-bodied persons, which is applied for the calculation of judicial remuneration. Judicial remuneration is calculated on the basis of the subsistence minimum used to determine the basic salary of a judge — UAH 2,102, which has remained unchanged since 2021. At the same time, the ordinary subsistence minimum for able-bodied persons as of 1 January 2025 amounts to UAH 3,028. Consequently, each judge loses approximately 30% of judicial remuneration per month, which some judges interpret as a violation of the guarantees of judicial independence.	Ensure (in the event of its introduction) that when using a basic (reference) value for the calculation of judicial remuneration, the guarantees of judicial independence are fully observed, namely that the amount of the basic (reference) value cannot be lower than the subsistence minimum for able-bodied persons.
113	Consistently low level of funding for the judiciary, which negatively impacts the ability to meet judicial needs. In particular, the financial shortfall for the judiciary in 2025 amounts to approximately UAH 16 billion.	The Ministry of Finance of Ukraine should revise the expenditure ceilings for 2026–2028 by increasing the judiciary’s budget to the required level.
114	The current budget does not provide for development expenditures, including funding for updating the automated document management system (approximately UAH 1 billion), ongoing building repairs, upgrading of computers and office equipment, and ensuring social guarantees for judges and staff of local and appellate courts.	Allocate funding for the modernisation of courts, including the renewal of computer equipment, the introduction of new information systems, and the provision of courts with the necessary tools to ensure uninterrupted administration of justice.
115	Remuneration for staff of local court secretariats remains critically low, particularly due to the introduction of a new position classification system, which adversely affects the functioning of court secretariats and contributes to staff attrition.	Ensure adequate funding for court offices in 2025 by balancing the base salaries in local and appellate courts, particularly by equalising the salaries of civil service and patronage staff (judicial assistants). Remuneration for IT specialists and the Court Security Service should also be adjusted separately to ensure the effectiveness of their work.
116	The available level of funding does not meet the needs for implementing energy efficiency programmes and alternative energy sources.	Introduce a separate budget programme to improve the energy efficiency of courts and develop alternative energy sources to ensure their uninterrupted operation.

117	There is no transparent and consistent policy for budgeting judicial support.	Develop transparent standards for the preparation of budget requests and the calculation of expenditures for ensuring the functioning of courts and justice system bodies.
118	The use of the UJITS is not regulated in the Code of Ukraine on Administrative Offences (CUAO), which results in unequal treatment of parties in judicial proceedings.	Improve legislative regulation of UJITS: • Initiate amendments to the CUAO to enable the use of UJITS modules during the consideration of administrative offence cases via videoconference. • Provide for the mandatory use of the "Electronic Court" subsystem by state authorities for submitting materials to the court and exchanging procedural documents in administrative offence cases. • Establish uniform procedural rules regarding the participation of all parties to judicial proceedings in hearings via videoconference and oblige courts to ensure the technical capacity for such participation.
119	The current automated court document management system (D3), used in local and appellate courts and partially in the SC (Administrative Cassation Court, Criminal and Commercial Courts within the SC), is an outdated software product. Moreover, three separate automated systems operate within the judiciary without interoperability, which complicates document exchange between courts.	Modernise and integrate the following information systems: • Develop a unified CDMS as a modern software complex and ensure its operation across all courts. • Integrate the information systems of the judiciary and prosecution authorities to enable automated data exchange in criminal proceedings.
120	There is no adequate funding for the development and implementation of the UJICS, particularly due to the discontinuation of funding from USAID.	Explore opportunities to fund the development and implementation of UJICS from the State Budget of Ukraine. Review the Government-imposed restrictions on IT procurement to enable courts to acquire modern equipment. Attract international funding to provide necessary server capacity and cybersecurity measures. Seek alternative sources of funding (international grants, EU projects, cooperation with international IT companies, etc.) to modernise the judiciary's IT software and hardware, procure computer equipment, and introduce cutting-edge IT technologies.

121	Payment of judicial remuneration following the HCJ's decision to suspend a judge from the administration of justice, which results in unjustified expenditures from the State Budget of Ukraine when the judge is not performing judicial duties.	The Verkhovna Rada Committee on Legal Policy should consider the issue of suspending the payment of judicial remuneration following a decision by the HCJ to suspend a judge from administering justice.
122	Prolonged lifestyle monitoring by the National Agency on Corruption Prevention (NACP) in cases of reported discrepancies between a judge's lifestyle and declared income.	The NACP should accelerate the monitoring of judges' lifestyles initiated on the basis of information obtained through investigative journalism.
123	Insufficiently effective efforts to combat corruption within the judiciary by the judiciary itself.	The HCJ should: • Introduce effective mechanisms to monitor the judiciary's implementation of the SAP and expedite the execution of measures provided therein. • Strengthen oversight of the activities of the SJA and its territorial branches to eliminate corruption risks. • In cooperation with the Verkhovna Rada Committee on Legal Policy and NACP, consider the introduction of declarations of assets, integrity, and family ties for patronage service staff (primarily judges' assistants), as persons authorised to perform the functions of the state or local self-government. • Streamline the practice of suspending judges from administering justice to ensure legal certainty. • Respond promptly to investigative journalism by initiating disciplinary proceedings against judges involved in such investigations. • Introduce quarterly public reporting on instances of the judiciary (primarily the courts) independently identifying and mitigating corruption risks within their operations.
124	Lack of consistency between the SC and the HACC in determining the amount of bail at the level of HACC, which negatively affects legal certainty and trust in judicial decisions.	The SC and the HACC should analyse the current practice of determining the amount of bail at the level of the HACC and develop clear approaches to its reasonable reduction. This would contribute to the consistency of judicial practice, legal certainty, and public trust in court decisions.
125	Absence of proper anti-corruption training for court staff.	The NSJU, together with the National Agency on Corruption Prevention (NACP), should in 2025–2026 conduct mandatory anti-corruption training for all court staff without exception.

126	Almost 98% of war crimes cases are tried in absentia, which may negatively impact the rights of the defence.	To ensure high-quality consideration of criminal proceedings under in absentia procedure, the following steps should be taken: • review procedures for notifying individuals of suspicion and initiating court proceedings. For example, as an alternative to publication in the Uriadovyi Kurier newspaper, a dedicated international online platform could be established for publishing, systematising and aggregating such information; • amend the Criminal Procedure Code of Ukraine (CPC of Ukraine) to introduce a mechanism allowing appeals against court judgments in cases where the convicted person, sentenced in absentia, reappears on Ukrainian territory (by analogy with default judgments in civil proceedings); • ensure systematic training for judges on handling cases involving international crimes, particularly with regard to drafting judgments in such proceedings.
127	Adoption at first reading of Draft Law No. 7033-d, which proposes restricting the disclosure of certain information in the texts of court decisions related to the war. This draft law may affect openness, public access, and impartiality of justice, and may also introduce corruption risks.	Postpone the consideration of Draft Law No. 7033-d in order to conduct a comprehensive expert review of its provisions with the involvement of civil society.
128	Parliament has adopted at first reading draft laws No. 11538 and No. 11539, which propose adjudicating international crimes at the national level under a special law for acts committed after its adoption, while the Criminal Code of Ukraine (CC of Ukraine) and the CPC of Ukraine would apply to earlier acts. This approach carries a risk of being declared unconstitutional.	Assess Draft Laws No. 11538 and No. 11539 for compliance with the Constitution of Ukraine and international law.
129	Parliament has adopted at first reading Draft Law No. 10301 as a basis, which proposes amendments to the Law of Ukraine "On Judiciary and the Status of Judges" introducing specialisation of judges in cases involving war crimes, crimes against peace, humanity, and international law and order. However, this draft law may result in an additional burden on courts and judges.	Revise Draft Law No. 10301 on judicial specialisation to clearly distinguish between military and war crimes and to provide for appropriate distribution of judicial workload. It would be advisable to introduce a minimum experience threshold of criminal case adjudication (e.g. two years) before a judge can be authorised to hear international crimes. This would help avoid situations where a newly appointed judge with limited experience handles such a complex category of cases. Furthermore, the introduction of judicial specialisation should be deferred at least until the appointment of new judges to the appellate courts.

130	Lack of a unified approach to the enforcement of court decisions that would take into account the positions and interests of both state and private enforcement officers.	Finalise Draft Laws No. 5660 and No. 9363 with a view to unifying and harmonising the proposed approaches and developing a single policy on the enforcement of court decisions, taking into account the positions of both the Private Enforcement Officers Association of Ukraine and the Ministry of Justice of Ukraine (MoJ). This should include measures to encourage debtors to voluntarily comply with mandatory court decisions, provide for the possibility of alternative formulations of court decisions, and introduce the astreinte mechanism.
131	Fragmented approach to the digitalisation of enforcement proceedings, limited to the introduction of certain electronic tools without implementing full automation of the process.	Revise the digitalisation concept for enforcement proceedings to include practical steps for transitioning all levels of enforcement to an electronic format.
132	Lack of equality in rights between private and state enforcement officers, resulting in limitations on the ability of private officers to properly fulfil their functions.	Regulate at the legislative level the equalisation of powers between private and state enforcement officers in line with European approaches to the effective functioning of both institutions.
133	Insufficient regulation of enforcement proceedings involving persons subject to sanctions in the form of asset recovery and asset blocking.	Regulate by law the specific procedures for enforcement proceedings involving individuals subject to sanctions, in order to minimise the risk of non-enforcement or improper enforcement of court decisions, and to reduce the likelihood of enforcement officers being held liable for breaches of sanctions legislation or legislation on the enforcement of judgments.
134	Limited access to state registers for both private and state enforcement officers, which negatively affects the speed and efficiency of their work.	Ensure that state and private enforcement officers are granted access to the maximum number of state registers that may contain information about the property and funds of debtors. Ensure the operational launch of the Unified State Register of Enforcement Documents.
135	The MoJ currently holds extensive regulatory powers over the supervision of private enforcement officers, which undermines the effectiveness of their activities and hinders the development of the private enforcement institution as a whole.	Review the regulatory role of the MoJ to rebalance its powers, thereby allowing for the expansion of private enforcement officers' powers and enhancing the effectiveness of their work.
136	Lack of regulation on legislative moratoria on the enforcement of property or monetary claims against certain categories of debtors.	Resolve the issue of legislative moratoria on the compulsory recovery of property/funds from certain categories of debtors, including the repeal of clearly outdated moratoria.

137	Systemic non-enforcement or excessive delay in the execution of ECtHR judgments negatively impacts the national justice system, particularly the protection of applicants' violated rights.	Take appropriate measures to ensure the timely and effective execution of ECtHR judgments, by prioritising and expediting the implementation of compensation awards, and by introducing the necessary legislative amendments to address systemic issues that give rise to repetitive applications from the same groups of cases.
Prosecution reform		
1	The procedural independence of prosecutor is primarily threatened by unjustified decisions of the superior to remove a prosecutor from a case. In July 2025, Law No. 4555-IX substantially expanded the procedural powers of the Prosecutor General, enabling the management of criminal proceedings "bypassing" the prosecutor-procedural supervisor, thereby undermining his or her procedural independence.	Introduce an obligation for the head to duly justify the decision to remove (exclude) a prosecutor from criminal proceedings, as well as a mechanism for appealing such decisions. Abolish the practice of unjustified formation of groups of prosecutors in each criminal proceeding. Repeal the amendments introduced by Law No. 4555-IX, which significantly limited the scope of the procedural independence of prosecutors and unjustifiably strengthened the procedural role of the Prosecutor General.
2	The remuneration of prosecutors does not always adequately reflect the specific nature of their work and does not serve as a deterrent to threats to independence. At the same time, the number of prosecutors is twice the European average.	Abolish the annual practice of halving prosecutors' salaries through the Law of Ukraine "On the State Budget of Ukraine". Optimise the number of prosecutors in line with the functions of the prosecution service and the ratio of prosecutorial to non-prosecutorial positions, including management roles.
3	Prosecutorial self-government is overly dependent on the Prosecutor General's Office (PGO) and lacks the powers to effectively fulfil its tasks. The institutional capacity of the Council of Prosecutors of Ukraine (CPU) is weak.	Strengthen the role of prosecutorial self-government. Conduct a functional audit of the CPU. Prepare a draft law to ensure the institutional capacity, independence, and effectiveness of the CPU and the Qualification and Disciplinary Commission of Prosecutors (QDCP).
4	Local-level prosecutors are unable to properly participate in prosecutorial self-government. There are no assemblies of local-level prosecutors.	Specify in the Law of Ukraine "On the Public Prosecutor's Office" that prosecutorial self-government is exercised through assemblies of prosecutors of all levels, the All-Ukrainian Conference of Prosecutors, the CPU and the QDCP. Establish a procedure for the formation of assemblies and vest them with relevant powers to address issues in the interest of the prosecutorial community.

5	The political procedure for appointing and dismissing the Prosecutor General negatively affects the independence of this official and the entire prosecution system.	Introduce a solely competitive procedure for the appointment of the Prosecutor General with the involvement of the CPU and, if necessary, independent experts. Define an exhaustive list of grounds for early dismissal or termination of powers of the Prosecutor General, as well as a special procedure for their application. Dismissal or termination of powers should be based on a “professional criterion” by a simple majority vote (preceded by an opinion of the QDCP or the HCJ), and in the case of dismissal based on a ‘political criterion’ — by a qualified majority vote (2/3 of the constitutional composition of Parliament).
6	Prosecutors are appointed to management positions without a competitive selection process, leading to biased appointments, favouritism in the prosecution bodies, and a lack of integrity checks. In June 2025, the new Prosecutor General cancelled the pilot project on the formation of a personnel reserve, which had preceded the introduction of mandatory competition for managerial (administrative) positions in prosecution bodies, thereby preventing the use of the experience of the relevant Commission, which had almost completed its work at the time of its dissolution.	Introduce a mandatory competitive selection process for managerial (administrative) positions in prosecution bodies, taking into account the experience of implementing the pilot project on the formation of a personnel reserve in prosecution bodies, which was cancelled. Define a list of such positions taking into account the optimisation of the number of prosecutors and the structure of the prosecution service. Specify in the Law of Ukraine “On the Public Prosecutor’s Office” clear evaluation criteria for candidates for managerial positions, including professional competence and integrity.
7	Abolition of the competitive basis for appointments to positions in regional prosecutor’s offices and the PGO. Lower status of trainee prosecutor despite the unified status of prosecutors.	Cancel the non-competitive procedure for appointments to the regional prosecutor’s offices and the Prosecutor General’s Office, which became possible after the adoption of Law No. 4555-IX. Remove provisions on the separate status of trainee prosecutor from the Law of Ukraine “On the Public Prosecutor’s Office” and all provisions that could be interpreted as imposing restrictions on the independence of newly appointed prosecutors. Improve the training procedure for prosecutors so that the mentoring system and standardised practical training fully replace the need for the introduction of trainee prosecutors.
8	The extraordinary procedure for prosecutors’ attestation, initially introduced for a two-year period, has already lasted more than five years. There is no strategic vision for completing the attestation after issues raised by judicial practice and two decisions of the CCU.	Complete the attestation of prosecutors. Adopt the necessary legislative and institutional changes for this purpose. The responsible units of the PGO should thoroughly examine possible ways to complete the attestation, involving experts and international partners who can assist in this matter.

9	Most recommendations of GRECO's Fourth Evaluation Round (2017) remain unfulfilled, and the disciplinary procedure for prosecutors has deficiencies, particularly regarding the elements of disciplinary offences, proportionality of sanctions, limitation periods, etc.	Adopt legislative amendments to implement the recommendations of GRECO's Fourth Evaluation Round concerning disciplinary procedures and the composition of the QDCP (ensuring a prosecutorial majority), and the recommendations of the European Commission regarding the disciplinary procedure and the institutional capacity of the QDCP to fulfil its functions.
10	Internal control units are not sufficiently effective in preventing and detecting offences within the prosecution system. The powers of the Specialised Anti-Corruption Prosecutor's Office (SAPO) internal control unit are excessive and may negatively affect the impartiality of the QDCP's conclusions following the consideration of disciplinary complaints.	Improve the performance of the General Inspectorate of the PGO by granting it effective powers and appropriate resources to exercise them. Considering the unity of the prosecution system, abolish the separate procedure for considering disciplinary complaints against SAPO prosecutors to avoid duplication of prosecutorial resources when checking for signs of disciplinary misconduct in complaints concerning the actions of SAPO prosecutors.
11	On 18 June 2025, the Decision of the CCU of 18 December 2024 No. 11-r(II)/2024 entered into force, which declared unconstitutional the practice of "out-of-staff placement" as one that threatens the independence of prosecutors. At the same time, Law No. 4555-IX introduced a new procedure for out-of-staff placement in connection with organisational changes in the prosecution service, as well as a ground for dismissal that undermines prosecutorial independence. The current mechanism of dismissal by means of out-of-staff placement and the offering of a position which the prosecutor is knowingly unlikely to accept may be used as a tool for "personnel purges", i.e. the dismissal from prosecution bodies of "disloyal" prosecutors. Even after the repeal of the amendments introduced by Law No. 4555-IX, the issue remains open as to how to implement the relevant CCU Decision in a manner that would make structural changes in prosecution bodies possible while at the same time safeguarding the institutional independence of prosecutors working in such units.	Implement the CCU Decision of 18 December 2024 No. 11-r(II)/2024 to ensure the impossibility of a prosecutor remaining in an undefined legal status due to organisational changes in the prosecution service. Repeal the provisions of Law No. 4555-IX that make possible dismissal from prosecution bodies through "out-of-staff placement" as they violate the guarantees of the institutional independence of prosecutors.

12	The level of prosecutors' knowledge of EU law is minimal, and no systematic training has ever been conducted. Cooperation between the Prosecutors' Training Centre of Ukraine (PTCU) and the NSJU is weak, and prosecutors do not spend enough time with judges in the framework of professional development. Training programmes are overly specialised and tailored to the practical needs of prosecutors. At the same time, due to the lack of understanding of the importance of knowledge of the rule of law, professional ethics, leadership and management, prosecutors' requests do not always adequately reflect their needs as professionals. Information about the activities of the Prosecutors' Training Centre is limited; there is no practice of publishing annual reports.	Greater focus should be placed on developing courses on EU law, the rule of law, judicial craft, professional ethics, integrity, and professional skills. EU law should be integrated into existing courses on sectoral issues of prosecutorial activity. Improve training programmes and courses on gender equality, integrity, leadership (including women's leadership), and combating domestic and gender-based violence. Establish cooperation between the PTCU and the NSJU, by implementing joint training programmes for judges and prosecutors. Continue engaging experts from outside the prosecution system in training activities at the PTCU (judges, defence counsel and other legal professionals), including ensuring support for civil society organisations that adapt best international practices and methodologies in the field of prosecutorial professional development. The PTCU should publish an annual report on its activities, including information on the number and professional profile of trainers involved, a list of training events conducted, and the results of their evaluation
13	Information on the system of prosecutors' evaluation is extremely confusing and contradictory. It creates the impression that there are two evaluation systems. Pilot projects launched since 2023 are not properly covered, and even practitioners in the prosecutorial field are unaware of their outcomes. The CPU is not involved in the evaluation of prosecutors.	Amend the Law of Ukraine "On the Public Prosecutor's Office" to specify that only one evaluation system is applied in the prosecution service to prevent misinterpretation regarding the existence of two systems. Prepare and publish a report on the results of the pilot project on the introduction of the "permanent" evaluation system in 2023–2025. Based on the results of the pilot project, introduce a new, permanent system for evaluating prosecutors. The CPU should be involved at the stage of appealing the evaluation results (as part of the Appeals Commission). The role of prosecutorial self-governance in regulating the procedure for the evaluation of prosecutors should be expanded.
14	The outdated functionality of the Unified Register of Pre-Trial Investigations (URPI) limits the prosecution's ability to implement digital solutions, access analytical data, and monitor criminal proceedings in real time. There is no possibility to work exclusively with procedural documents in digital format (paperless).	Gradually implement the SMEREKA electronic criminal proceedings system, taking into account the measures provided for in strategic documents and implementation plans, including the Action Plan for the Implementation of the Overarching Strategic Plan for Reforming Law Enforcement Agencies for 2023–2027. Provide for the integration of related modules into the SMEREKA system, in particular the E-Case (pilot project in anti-corruption agencies, random (automated) allocation of criminal proceedings in the prosecution service, operation of groups of prosecutors and investigators with safeguards against their unlawful change at any time, etc.).

15	Existing practices of manipulation by heads of prosecution bodies when appointing prosecutors to criminal proceedings create corruption risks in criminal procedure or lead to excessive workload for a prosecutor or the appointment of a prosecutor with insufficient professional competence.	Introduce a system for the random distribution of criminal proceedings in prosecution bodies.
16	Unprofessional work with witnesses and victims of war crimes leads, on the one hand, to their closedness and the inability to obtain evidentiary information from them, and on the other hand, to repeated and secondary victimisation. Resources are allocated only for victims of war crimes, although there are many vulnerable categories of victims and no clear plans to scale up the Coordination Centre for the Support of Victims and Witnesses to include other categories.	Develop a system to support victims and witnesses of war crimes to obtain high-quality information from them to prove these crimes, while preventing secondary or repeated victimisation. Scale up the experience and tools of the Coordination Centre for the Support of Victims and Witnesses to other categories of victims. The first step may be to include victims and witnesses of violent crimes, with further scaling depending on the vulnerability level of other victim and witness categories.
17	International crimes fall under the jurisdiction of the Security Service of Ukraine (SSU) only, although investigations are carried out by both the SSU and the National Police of Ukraine (NPU). There is no long-term institutional framework for criminal prosecution in cases of international crimes.	Amend Article 216 of the CPC of Ukraine to provide for the alternative investigative jurisdiction of the National Police of Ukraine with regard to international crimes. Define the specialisation of prosecutors and investigators in the Laws of Ukraine "On the Public Prosecutor's Office", "On the Security Service of Ukraine" and "On the National Police of Ukraine" to prevent future situations where lack of resources from the Government or Parliament hinders the delivery of justice to victims of international crimes. Develop and adopt by the end of 2025 a new Strategic Plan for Criminal Prosecution for International Crimes for 2026–2028 (or for a longer period), with more specific measures and expected outcomes, as well as a mechanism for the annual adoption of its implementation Action Plan.
18	The provisions of the criminal and criminal procedural legislation do not conform to the provisions of the Rome Statute of the International Criminal Court (Rome Statute). The procedural legislation also does not clearly define the functioning of Joint Investigation Teams (JITs), and the PGO does not sufficiently inform the public about their activities.	Implement the provisions of the Rome Statute into Ukrainian criminal and criminal procedural legislation. Regulate procedural aspects of the functioning of JITs on the territory of Ukraine. Periodically publish information on the results of international operational-level cooperation, regarding Joint Investigation Teams (JITs) (provided that this does not negatively affect the operation of a specific JIT).

Bar Reform		
1	Currently, strategic documents containing sections on reforms in the Bar system are either still being drafted or pending adoption, which creates a risk of maintaining the status quo and exacerbating the negative impact of the Bar on the entire justice system.	Following the adoption of the Rule of Law Reform Roadmap, a detailed implementation plan for the section on the Bar should be adopted, with clear deadlines, responsible executors, and monitoring mechanisms, ensuring broad engagement of civil society and the Bar community. The President should approve the Strategy for the Development of the Justice System until 2029, taking into account public consultations, expert discussions, and the institutionalised involvement of representatives of the Bar community and non-governmental organisations. The NACP should develop its Anti-Corruption Strategy and Programme with a focus on minimising corruption within the legal profession.
2	The election of Bar self-governance bodies (BSG bodies) in Ukraine remains non-transparent and centralised, which contradicts the principles of good governance and European standards. BSG bodies continue to operate beyond their term limits, without regular rotation or appropriate democratic renewal. The initiation of elections depends solely on the central body — the Bar Council of Ukraine (BCU) — and the mechanisms for determining quotas remain opaque and unclear. The absence of a requirement for secret voting during the election of governing bodies, the lack of transparent procedures, and the absence of instruments for fair and competitive elections undermine trust in the Bar self-governance system and reduce its legitimacy within the justice system. Risk of the justice system being unprepared to dispense with the participation of international experts in the formation of the HQCJ selection commission.	The legislation on the Bar and practice of law should provide the following: • an exhaustive list of grounds under which the previous composition of the BSG bodies may continue to exercise its powers beyond the established term for which it was elected, but in any case for no more than one year; • the procedure for the selection of new members of BSG bodies must in all cases begin as stipulated by the Law and shall not require a separate decision of the BCU; • mandatory periodic rotation of the BSG members, with a clear restriction of no more than two consecutive terms in office, with the automatic commencement of the electoral procedure upon the expiry of the term of office; • the overall term of office in the BSG bodies should be from one to three years, in line with European standards; • the possibility for the regions to initiate elections of the BSG at both the central and regional levels; • a direct rule on the mandatory secret ballot in the election of BSG officials (at regional Bar conferences and the Congress of Advocates of Ukraine), following the example of legislation in related legal professions; • the possibility of electronic online voting on the principle of “one lawyer — one vote”, using online platforms independent of the UNBA;

		• requirements for a transparent and competitive nomination procedure, with the mandatory publication of candidates' programmes, the holding of debates, and open access to information; • independent oversight of the elections through the establishment of electoral commissions from among the legal profession, appeal mechanisms, and regular reporting on the course of the electoral process. Consider the possibility of extending the application of the model for the formation of the Selection Commission for the selection of HQCJ members, which was applied until June 2025. This model provided for the participation of international experts delegated by Ukraine's international partners, as well as elected judges. Grant Bar Council of the Region (BCRs) the right to independently initiate elections, introduce mandatory secret voting in the election of leadership, and establish requirements for a transparent and competitive procedure for nominating candidates. Provide for the possibility of electronic online voting based on the principle of "one advocate — one vote", using online platforms independent of the UNBA. Harmonise the Bar electoral system with international standards, such as Recommendation No. R (2000) 21 of the Council of Europe and the principles of the Council of Bars and Law Societies of Europe (CCBE), by enshrining the principles of democracy, self-regulation, and professional autonomy in law.
3	The procedures for access to the legal profession in Ukraine remain outdated, non-transparent, and vulnerable to abuse. The qualification exam has not been updated for many years and does not meet modern requirements for technical organisation or objective assessment. The educational criteria for admission to the exam are insufficiently clear, and the requirements for professional experience are too low to ensure the quality of legal practice. Internships are often merely formal and fail to adequately prepare candidates for independent practice. Moreover, there are no mechanisms for basic checks of candidates' moral and ethical integrity, which undermines trust in the entry process to the profession.	Amend the legislation to introduce a standardised, digitalised qualification exam for access to the legal profession that will ensure objective assessment of knowledge and minimise corruption risks. Raise the requirements for candidates by clarifying educational criteria and introducing a mechanism for the preliminary integrity screening of candidates. Reform the existing internship model by ensuring its genuine educational function and aligning it with best European practices to achieve a balance between the educational, practical, and ethical components of advocate training.

4	The system of professional development for advocates in Ukraine continues to exhibit traits of being closed, monopolised, and formalised, lacking genuine competition among educational providers. The Higher School of the Bar of the UNBA maintains an artificial monopoly, concentrating organisational, oversight, and accreditation functions without transparent rules for access by other providers. Accreditation procedures remain overly regulated and opaque, while the predominantly paid nature of most activities places advocates in unequal conditions depending on their region. The new rules on professional development reinforce formalism, and mechanisms to incentivise genuine professional growth are effectively absent.	Amend the legislation to guarantee advocates the right to freely choose the forms and providers of professional development. Establish a transparent and legally regulated procedure for the accreditation of training providers and certification of lecturers in the field of continuing legal education. Eliminate unjustified financial barriers to accreditation and access to training. Develop a separate procedure for the professional development of assistants to advocates, taking into account their professional status and preparation for future access to the legal profession.
5	The disciplinary liability system for advocates in Ukraine remains non-transparent and is characterised by significant legal gaps. Disciplinary cases are reviewed by BSG bodies whose mandates have expired, raising doubts about the legitimacy of the decisions adopted. The disciplinary procedure remains only partially regulated. The absence of a public register of disciplinary decisions creates risks of selective application of sanctions and legal uncertainty. Furthermore, there is an existing practice of repeated disciplinary action against advocates for the same breach of the professional development obligation, as well as the use of disciplinary mechanisms as a tool of pressure against advocates who criticise BSG bodies.	Amend the legislation to establish clear rules for disciplinary proceedings, define the scope of disciplinary offences, and expand the range of disciplinary sanctions. Amend the legislation to provide for the possibility of suspending the execution of a disciplinary decision during the period of its appeal, by the body to which the decision is appealed, including a court. Regulate the disciplinary procedure normatively, ensuring the principle of transparency. Create a public, open register of disciplinary decisions to ensure accessibility and accountability of disciplinary practice for the sake of legal certainty. Review the Rules of Legal Ethics to remove provisions that allow them to be used to restrict advocates' freedom of expression.
6	The financial system of the BSG bodies remains closed and non-transparent: financial reports for 2022–2024 have not been made public. BSG bodies manage financial resources without proper external oversight, open procurement procedures, or mandatory independent audit. The new procedure for distributing annual fees between the CARs and the UNBA, adopted in December 2024, significantly increases the share	Regulate at the legislative level the obligation of BSG bodies to provide financial reporting to advocates and conduct annual independent audits. Introduce public procurement procedures for goods, works, and services for all BSG bodies. Standardise and detail the financial reporting format, including breakdowns by expenditure items, contracts, remuneration, and other key indicators.

	allocated to the UNBA without any financial and economic justification or impact assessment for the regions. The absence of objective information on expenditures and resource allocation creates risks of inefficient management, centralisation of power, and undermines the legal profession's trust in the UNBA's financial policy.	Provide for mandatory regular publication of procurement contracts above a defined threshold and disclosure of staffing and salary data of BSG body employees. Review the principles for calculating the annual advocate fee and the qualification exam fee based on a realistic analysis of needs and expenditures, with their public justification.
7	Cases of violations of professional rights of advocates persist in Ukraine, including unjustified searches, wiretapping, interference with client communication, and failure to respond to advocates' requests. There is insufficient judicial oversight over authorisations for interference in legal practice, and mechanisms for holding those responsible to account remain ineffective. The problem of equating advocates with their clients also persists. Moreover, there is still no effective protection against abuse during investigative actions against advocates or unauthorised access to confidential attorney-client information. Violations of the professional rights of advocates in the course of interaction with representatives of the Territorial Centres of Recruitment and Social Support (TCR and SS) have acquired a systemic and threatening character. Moreover, the law introducing the definition of "identification of a lawyer with a client" carries the risk of overly broad interpretation and abuse, posing a threat to freedom of expression.	Expand the professional rights and guarantees of advocates: ensure unhindered access to official premises where their clients are held; provide identified access to state registers; and allow searches and covert investigative actions against an advocate within criminal proceedings related to the performance of their professional duties only on the basis of a ruling by an investigating judge of an appellate court (including the Appeal Chamber of the HACC). Hold a broad legal discussion involving advocates, experts, and academics on the mechanisms for the effective exercise by BCRs of their powers to draw up administrative offence reports under Part 5 of Article 212³ of the CUAO (failure to respond to an advocate's request), as well as on the advisability and potential risks of transferring these powers directly to advocates. Strengthen judicial oversight over authorisations for interference with legal practice. The Government should develop a plan for preparing the ratification of the Council of Europe Convention on the Protection of the Profession of Lawyer, defining specific timelines and stages for updating legislation in the field of the legal profession in accordance with the standards and recommendations of the European Union, the provisions of this Convention, and also elaborate a mechanism for monitoring the implementation of the provisions of the Convention after its ratification. Develop and introduce a unified interagency mechanism of interaction between the TCR and SS and advocates, which would guarantee the prevention of identifying a lawyer with a client, ensure the inviolability of the right of access to a client, and preclude the use of military registration instruments as a means of pressure or obstruction of legal practice. In the event of supplementing the CUAO with Article 185¹⁶, in the version proposed by Draft Law No. 12320, amend this article by clarifying the definition of "identification of a lawyer with a client" in such a way as to avoid possibilities for its arbitrary or excessive interpretation and to prevent the use of this provision as a tool to restrict the advocate's freedom of expression.

8	Advocates, who are key participants in the justice system, remain the only ones not subject to mandatory financial disclosure. This creates a “blind spot” in the anti-corruption system, increases the risk of conflicts of interest, and undermines the principle of equality in integrity standards among justice sector actors.	Introduce by law the obligation for advocates, including members of BSG bodies, to submit asset declarations.
9	Despite the adoption of the State Standard for the Social Mediation Service, the procedure for engaging in mediation remains excessively formalised at early stages, which may discourage potential recipients of the service. Public awareness of mediation opportunities, including the restorative justice programme for minors, remains low, which limits its effective implementation.	Taking into account the practical experience of social services, amend the State Standard for the Provision of Mediation Services to simplify the procedure for engaging in mediation. Conduct a national information campaign on the availability of mediation services, including the pilot project “Restorative Justice Programme Involving Juveniles Who Are Suspects or Accused of Committing a Criminal Offence”.
Reform of Legal Education		
1	Absence of comprehensive legal and regulatory framework for the reform of legal education at the legislative level, which prevents systemic transformational processes.	Adopt the Law of Ukraine “On Higher Legal Education and Primary Access to the Legal Profession”, taking into account the provisions of the concepts for the reform of legal education.
2	Absence of a single coordinating body in the field of legal education following the revocation of relevant powers from the MoJ, which negatively affects the consistency of reform and effective interaction with professional legal communities.	Amend regulatory acts, in particular the Regulation on the Ministry of Justice of Ukraine, to restore its powers in the field of legal education and establish a specialised unit within the Ministry responsible for shaping and implementing policy in this area.
3	Institutional dualism in the training of legal professionals: the parallel functioning of civilian higher education institutions and institutions with specific training conditions (Ministry of Internal Affairs of Ukraine (MoIA), SSU, Ministry of Defence of Ukraine (MoD)), which leads to an imbalance in the level of training and a violation of the principle of equal access to higher education.	Implement institutional separation between the training of legal professionals and that of law enforcement and military bodies, ensuring that legal professionals are trained exclusively by civilian higher education institutions, while simultaneously transforming the training of personnel for law enforcement bodies into a separate speciality — Law Enforcement Activity.

4	Dysfunctionality in the structure of legal education, marked by a disruptive gap in the development of professional competencies between the bachelor's and master's levels of higher education.	Introduce an integrated five-year master's programme (300 ECTS credits) instead of the current two-tier system, and discontinue the part-time form of education, transitioning to blended learning based on statistical data from the UPEE and the Unified State Qualification Exam (USQE).
5	Inertia and formalism in the accreditation system for educational programmes in the speciality "Law", characterised by the lack of consideration of USQE results, graduate employment indicators, and proper integration of representatives from the legal community.	Diversify the accreditation criteria for legal programmes by mandating the consideration of USQE results and graduate employment indicators, integrating legal professionals into accreditation procedures, and expanding the range of accreditation institutions.
6	Ineffectiveness of state funding for legal education, which leads to irrational allocation of budgetary resources and a mismatch with qualitative indicators of professional training.	Transform the system of financing legal education by shifting from state procurement to grant-based support for higher education students, with the introduction of co-financing mechanisms. This will ensure a more rational allocation of state funding and support for the most promising applicants.
7	Misalignment of educational programme content with the current requirements of legal practice, European standards, and employer expectations in the legal field.	Modernise the content of educational programmes by strengthening the study of EU law (at least 10–15% of the curriculum), enhancing practical training, and fostering the development of professional soft skills and ethical values; develop recommended model curricula for core legal disciplines with the involvement of professional experts.
8	Insufficient transparency of the USQE procedure and challenges in implementing principles of academic integrity, particularly in the context of AI development.	Increase the transparency of the USQE procedure by publishing examination materials after the test, maintain high entry requirements for applicants (minimum competitive score of 150), and institutionalise policies for the ethical use of artificial intelligence technologies in the educational process.
9	Limited integration of Ukrainian law schools into the European educational and research space.	Intensify the internationalisation of legal education by promoting academic mobility, participation in international rankings, implementation of double degree programmes with European law schools, and joining European and global networks of law schools.
10	Lack of a systematic policy for the professional development of academic staff in law schools.	Implement professional development programmes for lecturers at leading European law schools; create financial and organisational incentives for attracting highly qualified practising lawyers to teaching; and introduce competitive mechanisms for funding legal research.

FIGHTING CORRUPTION		
1	SAPO and the HACC lack up-to-date formalised institutional development strategies.	All anti-corruption bodies should complete the development and updating of strategic development documents (for NABU — considering the results of the external audit; for SAPO — considering the specifics of its activities within the prosecution system; for HACC — formalising its own developments).
2	Reporting by anti-corruption bodies reflects only quantitative performance indicators without any assessment of qualitative results.	Develop a system for assessing the effectiveness of the activities of anti-corruption bodies, focusing not only on quantitative indicators of investigations and cases submitted to court but also on qualitative results — actual recovery of damages and confiscation of criminal assets.
3	The capacity for evidence-based policymaking within the criminal justice system remains inadequate.	Improve the collection, analysis, and use of statistical data for the development of state policy and legislative proposals. Develop a system for monitoring criminal proceedings with the tracking of investigation durations, reasons for delays, and grounds for case closures.
4	Despite having the authority and the necessary databases to generalise judicial practice, the performer of the relevant measure in the State Anti-Corruption Programme for 2023–2025 (SAP) was changed from the HACC to the NACP, raising doubts about the HACC's ability to independently carry out analytical functions.	Strengthen the analytical capacity of HACC for the independent summarisation of judicial practice.
5	The lack of information and public communication regarding the enforcement of HACC verdicts prevents a comprehensive assessment of the effectiveness of efforts to combat high-level corruption.	Introduce a system for evaluating the effectiveness of the enforcement of HACC verdicts regarding the confiscation of property and recovery of damages, including the public communication of the execution of court decisions.
6	The criminal justice system lacks a unified qualitative methodology for collecting statistical data, which prevents comprehensive analysis and comparison of the performance of different pre-trial investigation bodies and the development of recommendations for improving their work.	Implement a unified methodology for the collection and analysis of statistical data with monitoring of the results of investigations of corruption and corruption-related criminal offences by all law enforcement agencies, as well as by the prosecution service including the tracking of reasons for the closure of proceedings, the annulment of verdicts, and the recording of recovered damages.
7	The effectiveness of criminal proceedings on corruption and corruption-related offences investigated by the NPU, State Bureau of Investigation (SBI), and Economic Security Bureau of Ukraine (ESBU) remains low.	Strengthen the specialisation and professional training of investigators in the field of investigating corruption and corruption-related criminal offences.

8	There is a consistently high rate of closed proceedings and a rate of acquittals exceeding the overall average.	The PGO should introduce a comprehensive analysis of the systemic causes of the low effectiveness of case referrals to court and the high share of closed proceedings, investigated by the NPU, the SBI, and the ESBV.
9	Selection commissions for the appointment of NABU and SAPO leadership propose several candidates to the appointing authorities. This enables unjustified discretion on the part of political leadership and prevents the commissions from concluding their work by selecting the single candidate who best meets the criteria.	Amend the legislation to stipulate that, following the competitive selection process for the position of Head of NABU/SAPO, the selection commission shall select only one candidate and submit a nomination for appointment to the Prime Minister/Prosecutor General.
10	The polygraph examinations introduced by Law No. 4560-IX, in particular with regard to NABU employees and their verification by the SSU, may have unpredictable and negative consequences in practice.	Ensure the proper implementation of the Final and Transitional Provisions of Law No. 4560-IX concerning the conduct of polygraph examinations and SSU verification, in particular of NABU and SAPO employees, so as to prevent encroachments on their independence and the effectiveness of investigations of high-level corruption.
11	External independent audits of the activities of NABU, SAPO, and the NACP may cover periods during which the respective body was fully or partially headed by a previous director. The legislation does not specify the consequences of negative audit findings for those heads whose activities were not covered, or not fully covered, by the period under review by the commission.	The consequences of negative conclusions from external independent audits of the activities of NABU, SAPO, and the NACP should be specified in relation to the heads of these bodies whose activities did not concern the periods during which shortcomings affecting effectiveness were identified.
12	Although the Head of SAPO is a procedurally independent figure, certain powers related to initiating criminal proceedings against specific subjects and certain aspects of international cooperation still belong exclusively to the Prosecutor General. This increases the risk of delays or information leakage.	Strengthen the institutional autonomy of SAPO by granting the Head of SAPO the authority to initiate criminal proceedings and to approve investigative actions concerning Members of Parliament, as well as powers in the field of international cooperation (not only through amendments to the CPC of Ukraine, but also to the respective ratification laws on international treaties).
13	Judges may submit notifications to the HCJ regarding interference in their activities. However, no information is available on the effectiveness of such submissions.	The results of measures taken in response to judges' notifications of interference in the administration of justice should be communicated by the HCJ to monitor their effectiveness.

14	The pending review by the CCU of the submission concerning the unconstitutionality of international experts' participation in the formation of anti-corruption bodies may have negative consequences for selection procedures for these institutions.	Ensure the effective protection of guarantees of independence of anti-corruption bodies in the context of the CCU's consideration of the constitutionality of international experts' participation in the formation of these bodies.
15	Leaks of information within anti-corruption bodies occur systematically, adversely affecting the effectiveness of accountability for corruption offences.	Develop comprehensive mechanisms to counter information leakage within anti-corruption bodies, including regular information security audits, rotation of access rights, and monitoring of abnormal user activity in information systems.
16	Certain grounds for disciplinary liability of judges and prosecutors are excessively broad and fail to comply with the principle of legal certainty.	Specify certain grounds for the disciplinary liability of prosecutors and judges in accordance with GRECO recommendations, particularly by supporting and improving Draft Law No. 13137.
17	The performance assessment of NABU detectives is based mainly on quantitative indicators, while qualitative criteria are not considered.	Improve the evaluation criteria for NABU detectives by focusing not only on quantitative but also qualitative indicators. Consideration should be given to the cancellation of detectives' decisions by SAPO prosecutors and investigating judges, confirmation of violations by these actors, and the outcomes of judicial proceedings (e.g. regarding the admissibility of evidence collected by NABU detectives)
18	The current system for evaluating prosecutors is used solely for the purpose of awarding bonuses.	Ensure the full implementation of the system for evaluating the quality of prosecutors' work, including SAPO prosecutors, by creating the necessary infrastructure and optimising management processes within the prosecution bodies.
19	The staffing levels of NABU, SAPO and the HACC have been increased, which requires an increase in material and technical resources. Additionally, it should be noted that HACC judges' salaries — like those of other judges — remain tied to the subsistence minimum set in 2021. At the same time, the salaries of law enforcement personnel increase annually.	Provide anti-corruption institutions with adequate financial resources to ensure their effective operation.
20	Overly demanding requirements for the position of HACC judge limit the pool of qualified legal professionals eligible to participate in the competition.	Adopt comprehensive legislative amendments to improve the HACC judicial selection process, including reviewing the requirements for specific prior professional experience of candidates.
21	The HACC lacks adequate premises, which hinders the exercise of its powers.	Provide HACC with adequate office space to ensure the effective functioning of the court, especially given the expansion of the judicial and administrative staff.

22	A significant number of vacancies within anti-corruption institutions remain unfilled, adversely affecting the institutional capacity of these bodies.	Continue the comprehensive staff retention programme in anti-corruption bodies, including a system for professional development, career advancement, and competitive remuneration under martial law conditions.
23	The NABU analytical units are understaffed, depriving them of the capacity to perform proactive functions.	Continue optimising NABU's structure by expanding analyst units with proactive functions.
24	Despite legislative amendments, NABU still lacks the ability to autonomously conduct wiretapping.	It is critically important to legislatively ensure NABU's autonomy in conducting telephone interception, without dependency on the SSU.
25	The "eCase" system is currently implemented only at the level of NABU, SAPO and the HACC. It covers a limited range of procedural actions and lacks full integration with the document management systems of higher-instance courts.	Ensure the full functioning of the "iCase" system by involving all participants in criminal proceedings and integrating it with the courts' document management systems.
26	The appointment and conduct of forensic examinations in NABU criminal cases remain challenging due to external influence on experts, information leaks, and prolonged timeframes for the completion of examinations.	Strengthen expert support for NABU through the establishment of a specialised expert institution. Independence of both experts and management must be guaranteed — from NABU itself and from external actors.
27	The investigative jurisdiction of NABU defined in the CPC of Ukraine does not extend to all top officials, including the Head of the Office of the President of Ukraine and their deputies. As a result, NABU investigations into such officials must proceed under ad hoc assigned jurisdiction.	Expand NABU's investigative jurisdiction to fully cover all top officials, in particular the Head of the Presidential Office and their deputies.
28	Despite comprehensive amendments to the NABU Internal Control Department Regulations, the effectiveness of their application remains to be assessed in practice, considering recurring information leaks and insufficiently balanced communication efforts.	Strengthen responses to threats of information leaks during NABU and SAPO pre-trial investigations and introduce adequate public communication regarding the results of investigations into such cases.
29	The NABU audit commission approves and publishes the criteria and methodology for assessing performance. However, if each composition of the commission adopts substantially different evaluation criteria, this will undermine the consistency of audits and may negatively impact NABU's work. Given the similarity in the regulation of NABU and SAPO audit procedures, the problems of	Amend the legislation to stipulate that the criteria and methodology for conducting audits of anti-corruption bodies must remain consistent for subsequent audits after being determined by the first composition of the Commission for the External Independent Evaluation (Audit) of Effectiveness, except where the Commission, in its report, identifies an objective need for changes.

	legal certainty and consistency of external independent performance evaluation (audit) criteria and methodology may also be relevant for SAPO.	
30	On 6 May 2025, the commission for the external independent evaluation (audit) of NABU's effectiveness published its report, in which it provided recommendations addressed both to NABU and to the Verkhovna Rada, since certain problems require legislative resolution.	Parliament and NABU should implement the recommendations of the commission for the external independent evaluation (audit) of NABU's effectiveness, set out in the report of 6 May 2025.
31	The annual frequency of NABU audits is unjustifiably short and poses challenges both for the institution itself and for the commission and donors.	Amend the legislation to establish that the external independent evaluation (audit) of NABU's effectiveness should be conducted every two years, but no more than three times during the term of office of the NABU Director as defined by the Law of Ukraine "On the National Anti-Corruption Bureau of Ukraine".
32	Most of the recommendations issued by the Commission for the External Independent Evaluation of the Effectiveness of the NACP following the latest audit remain inadequately implemented, even after the appointment of a new Head of the NACP in early 2024, and some practices have even deteriorated. Moreover, the auditors' recommendations often echo those issued by the European Commission, the Organisation for Economic Co-operation and Development (OECD), and other international partners of Ukraine.	The NACP should implement the recommendations provided by the Commission for the External Independent Evaluation of the Agency's effectiveness for 2020–2021. To monitor such implementation or to provide justification for any non-implementation, it is proposed to create a dedicated section on the NACP website or to ensure the periodic publication of relevant analytical and statistical reports. Such monitoring would also be valuable for future audits of the Agency's activities.
33	The Methodology and Criteria for the External Evaluation of the Effectiveness of the NACP, approved by the Cabinet of Ministers of Ukraine in 2020 without open and inclusive consultations with relevant stakeholders, remain in force. In light of new challenges posed by martial law and other circumstances, the current Methodology and Criteria have become even less relevant and require a systematic update.	Following broad consultations with stakeholders, including civil society, the Cabinet of Ministers of Ukraine should update the Methodology and Criteria for the external evaluation of the NACP's effectiveness. The number of evaluation criteria should be reduced, duplication eliminated, and the focus shifted to qualitative indicators measuring the impact of the NACP's activities on corruption prevention, granting appropriate discretion to the Commission. The basic questionnaires for external stakeholders and state authorities should also be significantly simplified.

34	The selection of leadership for the NPU and the SBI allows for politically motivated appointments rather than being based on a qualitative assessment of integrity and competence. However, these bodies are also authorised to investigate corruption.	Improve the legislation regarding the selection of heads of the NPU and the SBI in terms of transparency, integrity assessment and professionalism. Particular attention should be paid to ensuring that the position of the representatives of development partners, who must be involved in the composition of the selection commissions, is unanimous.
35	The Action Plan under the Overarching Strategic Plan for Reforming of Law Enforcement Agencies as part of the Security and Defence Sector of Ukraine for 2023–2027 (OAS Action Plan) includes measures aimed at strengthening public oversight and accountability of the NPU, SBI and ESB. However, certain measures could be improved during the development of draft regulations. For example, under the OAS Action Plan, candidate screening for leadership positions in law enforcement bodies may be conducted without the involvement of independent (including international) experts in the composition of the relevant selection commissions.	Executive authorities should ensure the timely implementation of the OAS Action Plan with the involvement of experts and civil society in the development of draft regulatory acts.
36	The Government unlawfully failed to support the draft order on appointing as Director of the ESB the winner of the competition selected by the Selection Commission.	The Government should appoint as Director of the ESB the winner of the competition whose candidacy was resubmitted by the Selection Commission for the Selection of the ESB Director.
37	In December 2023, the NACP introduced automated full checks of asset declarations, which was met with criticism from civil society representatives. The purpose of this update — moreover, not provided for in the relevant Law — remains ambiguous and insufficiently distinguished from the artificially separated control of the completeness of the declaration.	Revert to the previous concept of full verification of declarations, which did not allow for declarations to be fully verified through automated procedures.
38	Currently, checks of electronic declarations provide grounds for the investigation of serious high-level corruption cases. Such cases require comprehensive analysis and effective cooperation among national anti-corruption bodies, financial intelligence services, asset recovery agencies, tax authorities, and also at the international level.	Improve systematic access to information from foreign partners and registry-of-registries systems by enabling the Agency to conclude multilateral international agreements on information exchange for the purpose of verifying public officials' asset declarations.

39	The low effectiveness of full checks is also due, in part, to the lack of human and financial resources available to the NACP. According to the Head of the NACP, the current salary of authorised officials is UAH 35,000–45,000. Given the difficult economic conditions under martial law and the corruption risks inherent in their work, this level of remuneration is not competitive.	Ensure a competitive level of remuneration for authorised NACP personnel responsible for conducting full verifications. In addition, to increase the Agency's human resource capacity with qualified professionals, it is necessary to amend legislation to introduce an objective, transparent, and merit-based competitive procedure for employment in the NACP, as well as to revise internal recruitment procedures accordingly.
40	Currently, full checks of declarations are mostly limited to identifying indications of inaccurate information, with minimal attempts to uncover issues beyond the declaration itself. Moreover, the NACP does not publish, under the "Measures Taken" column in the "Performance Results" section of its official website, information on the further developments of full declaration checks — particularly court proceedings — following the drafting and referral of substantiated conclusions, protocols, and materials to other public authorities and NACP departments. As a result, systematic information on whether officials have been held liable or exempted from liability is difficult to analyse, since such analysis would require referring to the Unified State Register of Court Decisions and reviewing each case individually.	Improve the methodology for conducting full verifications of declarations. Publish information on the further handling of findings resulting from verifications, including referrals to other agencies and outcomes of court proceedings.
41	In autumn 2023, the NACP approved and registered with the Ministry of Justice the procedure for monitoring the lifestyle of declarants. However, the substance of this procedure underwent no conceptual changes and was criticised by civil society representatives. In particular, the procedure fails to define specific timeframes for conducting lifestyle monitoring, which should be time-limited in order to avoid excessive interference in the private life of a declarant.	The NACP's subordinate regulation on the new procedure for lifestyle monitoring should be revised to prevent excessive interference in declarants' private lives. Consideration should also be given to fully removing the lifestyle monitoring mechanism from legislation, which would allow the NACP to focus on full verification of officials' declarations, particularly in identifying unexplained assets.
42	Currently, the NACP is not included in the list of bodies authorised to take measures to identify unjustified assets and collect evidence of their unjustified nature, as outlined in Part 5 of Article 290 of the Civil Procedure Code of	Include the NACP in the list of authorities empowered to identify unexplained assets and collect evidence of their unjustified origin pursuant to Part 5 of Article 290 of the CivPC of Ukraine.

	Ukraine (CivPC of Ukraine). Including the NACP in this list — without restricting its operations by special procedures — would allow the Agency's financial control practice to align with the investigative practice of the NABU, SAPO, SBI, and the PGO, without establishing any clear boundaries or specific procedures.	
43	In the context of the periodicity of financial reporting, quarterly reporting in the absence of an annual automated allocation of audits imposes excessive administrative burdens on the NACP. While more frequent reporting may be justified in the case of parliamentary parties due to their receipt of public funding, for other parties, annual reporting — as previously piloted in Ukraine during the resumption of reporting — would enable a comprehensive assessment of a party's financial activity over the full period, the identification of recurring transactions, and would simplify analysis.	The NACP's capacity to audit political party reports should be strengthened, particularly by introducing an annual automatic distribution of audits among the Agency's staff. The practice of annual reporting should be continued for non-parliamentary parties.
44	A significant challenge to the accountability of the NACP remains the lack of transparency in determining the risk-based criteria for future audits of political parties. The non-disclosure of such criteria deprives political parties of the ability to anticipate the legal consequences of their actions, even when they intend to comply in good faith. It also renders full civic oversight of the justification for the audit approaches impossible, as the Agency has autonomously defined such approaches as effective.	The criteria for auditing reports — as part of the NACP's preventive function — should be widely discussed with political parties and external stakeholders. Rather than marking such criteria as “for official use only”, they should be made publicly accessible.
45	The POLITDATA system is at an active stage of modernisation, but a number of functional, technical and organisational challenges remain, which require gradual yet systematic resolution.	The results of new audits of political party reports should be published comprehensively, not in a fragmented manner.
46	The effectiveness of police investigations into such offences remains critically low. This is due both to objective difficulties in qualifying and proving the relevant offences, and to the insufficient institutional capacity of law enforcement bodies. The continued development of	The NPU should conduct more thorough investigations of materials from the NACP concerning possible criminal offences committed by political parties, and the prosecutorial authorities should ensure their referral to court.

	this capacity through training programmes is now at risk due to limitations in funding from international technical assistance.	
47	An ongoing issue is that the POLITDATA system even after a significant upgrade in July 2025, is far from completing its technical and functional modernisation. The new API is aimed at improving accessibility and user-friendliness, but it has not yet been sufficiently tested or adapted to the needs of journalists, civil society organisations, and the wider public.	The NACP should further modernise the POLITDATA System to improve its usability for political parties and other users — particularly by introducing automatic verification of available information and integration with other state registers.
48	The NACP remains unable to ensure full-fledged monitoring of political party financial activities in the digital environment. A portion of campaigning and political advertising takes place on social media, where information is partially or fully restricted. In such cases, assessing expenditure on political communication becomes complicated. This requires not only enhanced technical and financial capacity of the NACP for media monitoring, but also inter-agency cooperation with the State Tax Service of Ukraine (STS), the State Financial Monitoring Service of Ukraine (SFMS), and other entities. Effective monitoring during election periods also requires advance resource planning.	It would be appropriate for the NACP to initiate the formalisation of cooperation with the STS, the SFMS, civil society, and journalistic networks by creating an institutionalised platform or advisory body for information exchange, joint risk identification, and the development of methodological materials.
49	Reports of the Accounting Chamber on political party spending, despite their overall analytical value, do not meet performance audit standards. These reports mainly contain aggregate statistics on expenditures but do not provide assessments of the appropriateness, justification, or effectiveness of the use of public funds. They are also incomplete in terms of covering or analysing publicly known cases of possible misuse. Instead of an in-depth analysis of the nature of expenditures, the reports focus primarily on the distribution of costs by category, remaining at a purely descriptive level. As a result, these documents do not effectively fulfil the function of	The Accounting Chamber should carry out more in-depth audits of the effectiveness of state funding used by political parties.

	a performance audit, and their content does not allow conclusions to be drawn regarding the justification or efficiency of the use of public funding by political parties.	
50	The NACP has yet to implement the automated distribution of monitoring tasks among its authorised officials, as previously mentioned in the report of the External Independent Evaluation of the NACP's activities for 2020–2021 and in the Shadow Report on Chapter 23.	Introduce automated distribution of conflict of interest monitoring cases among authorised NACP personnel.
51	The NACP does not publish comprehensive statistical data on court decisions concerning protocols on violations in the areas of monitoring, prevention and resolution of conflicts of interest, or compliance with anti-corruption legislation regarding gifts, dual employment, etc. Nor is there information on the total number of reports of such potential violations received by the NACP. The absence of this information prevents adequate tracking of the NACP's performance in this area — from the receipt of a report to the court's ruling on the protocol.	The NACP should publish complete statistical and analytical information on the outcomes of court proceedings regarding administrative offence protocols related to corruption, as well as statistical data on the number of conflict of interest reports received by the NACP across various authorities, and the methods the Agency applied to resolve such conflicts..
52	The Unified Whistleblower Reporting Portal (the Portal), launched by the NACP and referenced in the European Commission's report, continues to fall short of best practices, particularly in terms of usability, anonymity, and confidentiality.	The Portal must comply with international standards and best practices regarding the protection of whistleblower anonymity and confidentiality.
53	The Portal was launched without appropriate emphasis on its launch or the functionalities it offers.	The NACP should conduct a comprehensive communication campaign to promote the Portal and raise awareness among potential whistleblowers about the mechanisms and safeguards of the whistleblower system.
54	Civil society actors have pointed out a number of shortcomings in the NACP's execution of its mandate on whistleblower protection. A civil society assessment of how 19 ministries implemented provisions of the Law of Ukraine "On Preventing Corruption" related to whistleblower support and protection showed uneven implementation and underdeveloped institutional capacity in this area.	The NACP and ministries should take into account the recommendations of civil society representatives concerning the improvement of their work with whistleblowers.

55	The SAP contains inconsistent problems that are described as large-scale tasks but are defined by only a single framework measure. This complicates effective monitoring of such measures and tracking of progress or regression. In addition, some measures in the SAP have arbitrarily determined deadlines that are not always realistic for the implementers, especially considering possible personnel changes and other circumstances.	Instead of broad, large-scale measures, the State Anti-Corruption Programme should include more specific actions with realistic implementation timelines.
56	Certain issues — particularly those that emerged during martial law — are not addressed in the SAP at all. Some measures aimed at mitigating corruption risks require revision in substance in order to achieve the expected strategic result, as they have lost relevance due to changes in objective circumstances, the regulatory framework, and the capacity of implementing institutions.	Measures should be aimed at achieving the expected strategic outcome in accordance with current conditions, taking into account the legal regime of martial law and the resources of state authorities. Each measure should be accompanied by a detailed implementation plan with clear stages, completion percentages, and achievement indicators.
57	In the adopted version of the SAP, the performance indicators for certain measures related to draft legal acts were weakened due to political pressure during the adoption stage. The results of such measures are assessed based merely on the development or submission of draft legislation to Parliament or the Government — advocacy and adoption are not required.	The performance indicators for relevant measures of the State Anti-Corruption Programme should include the effective advocacy for the adoption of legal acts by Parliament (not merely their registration as draft laws), as well as the assessment of the implementation of their provisions after adoption.
58	Some important anti-corruption reforms were excluded from the current Anti-Corruption Strategy and the SAP at the time of their approval or were not included in these strategic documents at all.	Include in the new strategic documents the important reforms that were not part of the current Anti-Corruption Strategy and the SAP, namely granting SAPO the powers to carry out investigative actions in relation to Members of Parliament and holding competitive selections for the Prosecutor General, the Heads of the SBI and the NPU.
59	In December 2023, the NACP invited experts to participate in a public consultation on the draft amendments to the SAP. Unlike previous practice, however, following the consultation and submission of proposals by civil society, the Agency did not publish a summary table explaining whether and how proposals were considered. This represents a step backwards from the very high standard previously set by the NACP.	When developing the draft of the next State Anti-Corruption Programme, the practice of disregarding civil society recommendations without any explanation should be avoided.

60	In addition to the absence of the power to issue binding orders, the NACP currently lacks other mechanisms for incentivising and overseeing the performance of heads of public authorities who are responsible for implementing the SAP. For example, there is no practice of introducing concrete goals and key performance indicators, performance-based bonuses, or disciplinary measures for systemic shortcomings.	Hold a broad legal discussion involving all key stakeholders on the possibility of applying enforcement measures to the heads of SAP implementing bodies (institutions, enterprises, organisations) in cases of unjustified failure to implement SAP measures, particularly regarding: - granting the NACP the authority to issue binding instructions to the respective heads of SAP implementing bodies; - introducing mechanisms for incentivising and overseeing the heads of public bodies responsible for SAP implementation, through the establishment of specific goals and key performance indicators, performance-based bonuses, disciplinary sanctions, and other tools.
61	There is a lack of systematic, comprehensive analytical reports by the NACP that would highlight overall trends in the implementation of SAP measures and strategic goals in the anti-corruption sphere and would enable more effective information gathering.	Periodically publish comprehensive analytical reports that highlight overall trends in the implementation of SAP measures and strategic goals. In the absence of sufficient resources within the NACP to carry out high-quality analysis, involve external experts in its preparation.
62	The Information System for Monitoring the Implementation of State Anti-Corruption Policy (ISM SAP) still lacks a function that would allow users to submit non-personalised feedback.	Introduce a feature in the ISM SAP that allows the public to submit non-personalised feedback (without the use of a qualified electronic signature) at the level of specific measures or expected strategic outcomes. This option could encourage broader public engagement by providing a space to share corruption-related experiences, assessments, or concerns outside of social media and the Unified Whistleblower Reporting Portal, which is limited to reporting specific offences.
63	At present, the ISM SAP used by the NACP is limited to indicators on the implementation of specific measures, without fully utilising the potential of the platform.	To promote the ISM SAP, include a dedicated section containing information about events such as workshops, trainings, roundtables, conferences, etc., organised by SAP implementers or external stakeholders in fields relevant to the SAP. This can be particularly useful for implementers' specialists by providing answers to complex questions or facilitating experience exchange.
64	One of the key weaknesses that has significantly impacted the effectiveness of the current SAP is the unbalanced distribution of implementation responsibilities between the NACP and other executive authorities. The NACP is responsible for implementing the majority of measures compared to other bodies.	Ensure a more balanced distribution of responsibility for the implementation of measures in the new State Anti-Corruption Programme between the NACP and other executive authorities, thereby reducing the burden on the Agency.

65	Regular meetings of the Coordination Working Group on Anti-Corruption Policy are to be held once a year following the NACP's current (annual) assessment of the effectiveness of the implementation of the Anti-Corruption Strategy and SAP, while extraordinary meetings may be held by the decision of the Group's co-chairs, but no more than once per quarter. This frequency is insufficient for the effective functioning of the Coordination Working Group.	Stipulated that the Coordination Working Group on Anti-Corruption Policy shall meet at least quarterly.
66	The funding of the Anti-Corruption Policy Department within the NACP is insufficient to fulfil the number of tasks assigned to it, as highlighted in the OECD report. As a result, existing specialists are overburdened.	Increase funding for the NACP's programme-related activities and ensure that the new State Anti-Corruption Programme includes provisions for state budget allocations to implement its strategic goals and measures. This would enable a realistic assessment of the financial feasibility of SAP implementation under the difficult economic conditions of martial law in Ukraine and, if necessary, facilitate the planning of additional funding.
67	The 2024 Report on Ukraine's progress notes that the SAP must be implemented at a "satisfactory" level. At the same time, according to OECD indicators, the acceptable level of implementation of the current SAP is 90% of measures completed, provided that the remaining 10% have either reasonably lost relevance or have not been implemented due to financial constraints.	Establish 90% as the acceptable level of implementation for the current SAP, taking into account the potential justified loss of relevance and underfunding of individual measures.
68	To prepare the new Anti-Corruption Strategy and State Anti-Corruption Programme, the NACP has set up over 10 expert groups for various chapters. However, the NACP has not yet published systematic information about broad public engagement, including the possibility to submit written proposals and participate in discussions.	Conduct a comprehensive analysis, based on a pre-developed methodology, of the sectors of public life most affected by corruption, with the participation of the non-governmental sector. The results of this analysis should serve as the foundation for the new Anti-Corruption Strategy and State Anti-Corruption Programme. Ensure inclusiveness and transparency in the preparation of the Anti-Corruption Strategy and Programme by engaging the public, following the example of the previous anti-corruption policy cycle.
69	The NACP plans to develop the new State Anti-Corruption Programme in parallel with the Anti-Corruption Strategy. The foundation of these documents should also be based on the research conducted by the expert groups involved. It is important that the drafting process for the SAP and the Strategy be transparent, and that the proposed	Adopt the new Anti-Corruption Strategy and State Anti-Corruption Programme, developed based on a public analysis of the corruption situation and the results of implementing previous strategic documents. Ensure an adequate level of human and financial resources, as well as the ongoing involvement of the public, professionals, experts, and other stakeholders — including at a high level – in the advocacy and implementation of the Strategy and Programme following their adoption.

	solutions take into account the implementation of previous strategic documents and emerging challenges. The Agency should also not limit expert involvement solely to the drafting stage of the documents.	
70	The NACP participates in all working groups involved in discussions of the 36 negotiation chapters for Ukraine's EU accession. In this process, the NACP needs to play a more active coordinating and methodological role, including through the provision of information and recommendations to state authorities.	The NACP should engage the public and external experts in the systematic implementation of the EU's anti-corruption mainstreaming requirements and play a more proactive coordinating and methodological role in promoting anti-corruption mainstreaming in the public sector. Particularly, it should provide information and recommendations to public bodies on the introduction of anti-corruption practices in their operations, rather than relying solely on references to their internal anti-corruption programmes.
71	The National Report on the effectiveness of the implementation of state anti-corruption policy and the draft of the new Anti-Corruption Strategy must be prepared by the NACP before the expiration of the current Strategy's term. This disproportionately increases the workload of the NACP and may render the prepared documents outdated.	Introduce legislative amendments allowing the NACP to prepare a national report on the effectiveness of the implementation of state anti-corruption policy, as well as a draft of the new Anti-Corruption Strategy in the year following the final year of the previous Strategy and Programme. In addition, clarify the relevant provisions of the Ukraine Facility Plan for 2024—2027.
72	Given the previous negative experience with the delay in the adoption of the Anti-Corruption Strategy by the Verkhovna Rada, some stakeholders have proposed transferring the relevant powers to the Cabinet of Ministers of Ukraine.	Preserve the current provision of the Law of Ukraine "On Preventing Corruption" that stipulates the Anti-Corruption Strategy must be approved by Parliament through the adoption of a separate law.
73	Participants in criminal proceedings sometimes abuse their procedural rights to hinder the timely consideration of cases.	Revise and adopt legislation introducing the institution for counteracting the abuse of procedural rights in criminal proceedings, including the possibility of imposing financial penalties on participants and holding them liable for contempt of court.
74	Currently, courts do not have the authority to assess whether the expiry of the pre-trial investigation period has affected the realisation of the accused's rights. This results in criminal proceedings being closed even due to minor breaches of deadlines, which is disproportionate to the nature of the procedural violation.	Amend the CPC of Ukraine by removing the obligation of the court to close criminal proceedings due to the expiry of the pre-trial investigation period (paragraph 10 of Part 1 of Article 284 of the CPC of Ukraine) and empower the court to take such action only in cases of violation of the accused's right to have the criminal case considered within a reasonable time.

75	The legal framework for plea agreements in corruption cases does not require the mandatory application of special confiscation, which may result in some corruption-related assets remaining unrecovered. Furthermore, there are no clear criteria for judges to assess the “public interest”, nor does the court have the authority to request evidence, which undermines the quality of plea agreement approvals.	Improve the legal regulation of plea agreements in corruption cases by establishing clear criteria for assessing the “public interest”; the mandatory application of special confiscation where grounds exist; and the authority of the court to request pre-trial investigation materials.
76	The issue of early release from punishment of individuals convicted by the HACC, including for the purpose of military service, is decided by local courts rather than the HACC itself. This creates space for abuse.	Amend Article 539 of the CPC of Ukraine to stipulate that matters related to the enforcement of court verdicts convicting a person of a corruption-related criminal offence shall be considered by the HACC.
77	Due to the flawed implementation of single-judge proceedings in corruption cases, inconsistent practice has developed in the HACC regarding the point at which the trial must proceed in a panel format upon the defendant’s motion. Current legislation does not allow for single-judge proceedings in civil cases on the recognition of unjustified assets by the HACC.	Review the provisions on single-judge proceedings in the HACC in terms of their effectiveness and impact on judicial proceedings, eliminating ambiguities regarding the moment of transition to collegiate consideration, and expand the application of single-judge proceedings at the HACC to cases concerning the recognition of unjustified assets.
78	As of March 2025, the NPU has only 135 functioning electronic bracelets for monitoring suspects and defendants in corruption-related cases, whereas the actual demand is significantly higher.	Ensure the availability of a sufficient number of electronic monitoring bracelets for controlling suspects and accused persons in corruption cases.
79	There is no public communication of the enforcement of HACC verdicts, particularly with regard to property confiscation and compensation for damages, which prevents proper assessment of the court’s effectiveness and the efficiency of enforcement by the State Enforcement Service.	Establish a transparent procedure for the public communication of the results of HACC verdict enforcement, particularly concerning the confiscation of assets and recovery of damages and strengthen the capacity of the State Enforcement Service.
80	In 2024, NABU detectives identified at least five cases where other law enforcement agencies were investigating criminal offences falling under NABU’s jurisdiction. The subsequent parallel conduct of pre-trial investigations	The SSU, SBI, NPU, ESB, and prosecution authorities must strictly comply with the requirements of procedural legislation regarding the investigative jurisdiction of NABU cases and ensure effective cooperation among themselves. For example, if the SSU, in the course of investigating a case within its specialisation, uncovers facts indicating that a suspect has committed corruption or corruption-related criminal offences falling under

	by such bodies hampers NABU's ability to conduct full, comprehensive, and impartial investigations.	NABU's jurisdiction, the prompt and efficient transfer of the relevant case materials to NABU must be ensured.
81	Legislation does not provide for disciplinary liability of the heads of pre-trial investigation bodies or prosecutors for violations of jurisdictional rules.	Examine the issue of introducing disciplinary liability for the heads of pre-trial investigation bodies (i.e., investigative units) for cases where their units investigate matters in violation of NABU's exclusive jurisdiction, as well as for prosecutors who incorrectly determine the investigative jurisdiction of a criminal proceeding.
82	There is no established procedure or deadline for the execution of NABU Director's decisions on the transfer of criminal proceedings from other pre-trial investigation bodies, which may be used to delay the transfer process.	Amend the legislation to clearly regulate the procedure and deadlines for transferring criminal proceedings to NABU from other pre-trial investigation bodies, including introducing liability for failure to comply with a decision to request the transfer of a case.
83	Despite having the relevant powers, the SC has not conducted a generalisation of case law on the prosecution of individuals for corruption and corruption-related criminal offences. This negatively affects the quality of relevant judicial practice.	The SC should provide comprehensive generalisations on the application of legislation in corruption cases.
84	Criminal law classifies certain offences as corruption-related even though they are not in substance, including Article 320 of the CC of Ukraine (violation of the rules on the circulation of narcotic drugs, psychotropic substances, their analogues or precursors). Some corruption-related articles, such as Article 364 of the CC of Ukraine (abuse of power or official position), are poorly drafted, allowing for varying interpretations under the same conditions. While liability has been introduced for legal entities for bribery of foreign officials, there is no equivalent liability for bribery of domestic officials. Current rules on the calculation of the statute of limitations allow suspects in corruption cases to avoid criminal liability.	Improve legislation on liability for corruption-related criminal offences by aligning the list of corruption-related criminal offences with the features of corruption; clarifying the disposition of Article 364 of the CC of Ukraine; extending mechanisms of liability for legal entities for bribery to include not only foreign but also national public officials; and refining the rules for calculating limitation periods.
85	The volume and speed of the return of criminal assets — especially from abroad — remain low due to a range of legislative and institutional challenges related to their detection, tracing, seizure, and confiscation. Civil confiscation is also applied in a limited manner, currently covering only public officials.	Introduce a comprehensive reform of the asset confiscation and recovery system, which should include: improving mechanisms for “extended” and special confiscation of criminal assets in place of general property confiscation as punishment; introducing the mandatory application of special confiscation in plea agreements in corruption cases; expanding the range of actors authorised to bring relevant claims; and broadening the grounds for civil confiscation in line with the requirements of EU Directive 2024/1260.

86	The reporting of the HACC and the SJA is presented in separate documents and is not processed within dedicated analytical systems. The HACC and the SJA do not keep records on the enforcement status of confiscations in corruption cases.	Develop a unified analytical system for monitoring corruption cases, enabling the collection and analysis of data on case consideration, outcomes, sanctions, and the effectiveness of property confiscation, with mandatory publication of periodic reports.
87	In December 2023, Parliament adopted a Law amending the Law of Ukraine “On Preventing Corruption” to align certain provisions with the European Commission’s conclusions on Ukraine. However, the Law “On Preventing Corruption” still contains provisions requiring revision, in particular with regard to electronic asset declarations and the procedure for full verification by the NACP.	Improve the provisions of the Law of Ukraine “On Prevention of Corruption” concerning the requirements for electronic asset declaration and the procedure for full verification conducted by the NACP, namely: • eliminate the provision allowing Members of Parliament not to declare rented property under 75 m² if the rent is reimbursed by the state; • eliminate the provision that allows information about the same asset to be included in only one section of the declaration; • restrict the declarant’s right to access all materials from the full verification of their own declaration after the procedure is completed; • expand the list of officials of legal entities under public law and include in the list of declarants the heads of separate subdivisions and branches of legal entities, as well as their deputies.
88	The European Commission’s recommendation outlined in the 2024 Enlargement Package Report on strengthening liability for unjustified assets and lowering the relevant thresholds for liability remains unimplemented.	Amend the legislation to reduce the thresholds for administrative and criminal liability for illicit enrichment and inaccurate declarations. Such reductions should be based on the ratio between the value of the offence and the average official income of public officials of various categories.
89	In its 2024 report, the OECD also draws attention to the lack of a requirement to declare information on the settlor of a trust — neither in law nor within the asset declaration form. The same applies to trustees and beneficiaries if they are not the controller of the trust. This means that other persons linked to a trust whose ultimate beneficial owner (controller) is the declarant or a family member are not disclosed in the declaration. International partners also criticised the absence of a legal requirement to disclose information on family members’ expenditures.	Introduce a legal requirement — through legislation and/or subordinate regulations — for public officials to declare information on the settlor of a trust, as well as trustees and beneficiaries, even if they are not the controller of the trust. It should also be mandatory to disclose information about family members’ expenditures.

90	The statutes of limitations for holding individuals accountable for inaccurate declarations and the limitation period for civil confiscation of unjustified assets do not meet best European practices. The insufficient duration of these periods affects the ability to bring individuals to justice.	Amend legislation to extend the limitation periods for liability for inaccurate declarations and consider increasing the statute of limitations for civil confiscation of unjustified assets. Legally provide for the possibility of suspending or interrupting limitation periods in cases involving corruption and corruption-related criminal offences, in line with European approaches.
91	There are several issues that reduce the effectiveness of specific aspects of financial control. These include: the non-transparent procedures for verifying intelligence officers and their unlawful checks by the NACP's Internal Control Unit; the lack of transparency in rules for logical and arithmetic control; the artificially separated control of declaration completeness; and automated full checks, among others.	Conduct a comprehensive assessment of the entire system of financial control business processes, identifying procedures in which duplication, conflicts, or inconsistencies may occur between subordinate regulations and the Law of Ukraine "On Prevention of Corruption". Based on the results of this assessment, introduce the necessary amendments to the legislative framework to improve the financial control procedure.
92	The quality of data in state registers and databases remains questionable, a fact acknowledged by the NACP itself. Despite the introduction of a new function enabling partial auto-filling of draft declarations, the NACP advises officials to additionally verify information drawn from such registers and databases. Moreover, following the hacking of the Ministry of Justice registers in late 2024, the "Data for Declaration" function was temporarily unavailable, and the risk of registry malfunction remains relevant.	Adopt legislation and implement practical measures to ensure the quality and relevance of data on the identification of individuals and registered assets contained in registers and databases used for completing, verifying, and auditing asset declarations, by developing mechanisms for including impartial and timely responses to incomplete or inaccurate data identified in state registers and databases.
93	Cooperation between the NACP and the STS and the State SFMS could be more effective, as full checks of declarations may reveal indications of tax evasion or other financial crimes not related to corruption. These bodies could also provide the NACP with information on undeclared assets of public officials both in Ukraine and abroad.	Introduce legislative amendments to require the STS and the SFMS to cooperate with the NACP by providing information available to them about declarants' assets abroad and notifying the Agency of any undeclared assets of such individuals in Ukraine.
94	Despite the NACP's engagement with new international anti-corruption and law enforcement systems and platforms, experts have raised concerns about insufficient funding for the Agency to prepare and submit international information requests.	Ensure adequate budgetary funding for the NACP's activities related to submitting international information requests within the framework of financial control.

95	The rules for logical and arithmetic control remain unavailable even to the NACP's Civil Council, making public oversight — as envisaged under Article 14 of the Law of Ukraine "On Preventing Corruption" — impossible.	Amend legislation to ensure the openness of the rules for logical and arithmetic control, including for the Civil Council under the NACP.
96	Separate procedures for full checks of declarations and lifestyle monitoring of judges and CCU judges are still absent.	Develop and agree with the HCJ and the CCU separate procedures for full verification of declarations and lifestyle monitoring of judges and CCU judges.
97	State-owned enterprises still have the ability to unilaterally classify themselves as private legal entities rather than public ones, thereby avoiding the obligation to submit asset declarations under the Law.	Prevent public officials of legal entities under public law from avoiding asset declaration by self-designating as legal entities under private law.
98	In mid-March 2022, the NACP independently authorised the use of state funding for purposes related to Ukraine's defence and the security of the population by adopting a still-effective interpretive clarification of a recommendatory nature, without amending the relevant legal acts. Such expenditure contradicts the legal nature of political parties as subjects of the political process: the combination of political and charitable functions is not legally or democratically justified.	To eliminate legal uncertainty and prevent potential abuses, it is advisable to regulate the use of state funding by political parties for purposes related to national defence and public security through subordinate legal acts of the NACP.
99	The need to revise the overall concept of the system of public funding of political parties remains relevant.	A new draft law on the functioning of political parties should be submitted to Parliament and adopted before the next regular elections, to ensure its inclusion in the EU integration agenda. Draft law No. 11462 on improving the rules for election campaign financing, the oversight of election funds, and the creation of "National Elections" and "Local Elections" modules in the POLITDATA system should also be adopted.
100	Particular attention should be given to the need to improve sanctions for violations of political financing rules. These sanctions must be effective, proportionate, and enforceable under both the CUAO and the CC of Ukraine.	The system of legislative sanctions for violations by political parties — particularly banned ones — should be revised to ensure greater balance, proportionality, and a wider range of enforcement tools.
101	Due to the recommendatory status of the NACP's clarifications for political parties, such clarifications may be disregarded by the NPU in favour of applying the law. The legal status of such clarifications remains unresolved. They do not carry the force of a	Amend the Law of Ukraine "On Prevention of Corruption" to clarify the legal status of NACP explanations, particularly those addressed to political parties, to remove their merely recommendatory nature. The NACP should also revise its approach to issuing explanations to avoid including provisions that contradict legislation and should organise public consultations on such documents.

	normative legal act and are not subject to official registration, yet they serve as a basis for regulatory practice. This creates a potential risk of legal uncertainty.	
102	As of now, the POLITDATA system provides access to data only up to 2020, excluding 2016–2017, as the law requires reports to remain publicly available for five years. However, the starting point for this five-year period is subject to debate, since the system was offline for an extended time, meaning this timeframe does not allow comparisons of reports even among parliamentary parties of different convocations.	The NACP should take measures to make the 2016–2017 political party reports publicly accessible, and initiate amendments to the Law of Ukraine “On Political Parties in Ukraine” to ensure that reports remain public for more than five years, thus preserving continuity and enabling comparison over time.
103	A particularly serious threat, to which the country’s top leadership has not yet responded adequately, is the global risk of external interference in future electoral processes, including from the aggressor state. Given the complex security environment, the financing of election campaigns through third parties poses a potential channel of influence on election outcomes. Such interference mechanisms may include both direct funding and information campaigns via social media, including from temporarily occupied territories. While the law formally prohibits the participation of third parties in the electoral process, existing mechanisms do not ensure adequate oversight of compliance with this prohibition. The NACP does not conduct systematic analytical work to identify and prevent non-transparent campaign financing from foreign sources, despite the ongoing public discussion of potential elections.	The NACP should strengthen institutional capacity to detect signs of external interference in the financing of election campaigns and establish analytical cooperation with relevant stakeholders.
104	As of the end of 2024, 144 public authorities had valid anti-corruption programmes in place, while 23 did not — an ongoing alarming indicator of compliance with legal requirements. To date, most anti-corruption programmes, as well as the institution of authorised anti-corruption officers, have yielded little tangible benefit in practice. The law does not provide for any liability for the absence of an	Public authorities and local self-government bodies must have internal anti-corruption programmes, approved by the NACP, that adequately reflect corruption risk assessments, with liability for their absence introduced into legislation.

	anti-corruption programme in a public authority or local government body.	
105	The list of entities required to adopt internal anti-corruption programmes is not exhaustive in terms of actual corruption risks and needs to be expanded. Another legislative gap is that the law still provides for the adoption of anti-corruption programmes by the Presidential Administration, rather than the Office of the President, where such a programme is currently absent.	The legislative list of entities required to adopt anti-corruption programmes should be expanded to include village and settlement councils, district state administrations, separate structural subdivisions of local state administrations, and the Office of the President.
106	According to Part 8 of Article 55 of the Law of Ukraine "On Preventing Corruption", the results of anti-corruption expertise, including public expertise, must be mandatorily considered by the authority adopting the respective act. However, the Law does not provide clear guidance on the procedure or timeframe for such consideration, allowing authorities to act at their discretion and potentially disregard expert conclusions. Currently, two methodologies for conducting anti-corruption expertise are in circulation. The methodology developed by the Ministry of Justice nearly a decade ago has proven overly complex and poorly suited for practical use — even by experienced professionals. The absence of a unified methodology and the parallel application of multiple approaches lead to gaps in identifying corruption risk factors and create uncertainty for authorised anti-corruption officers when selecting the appropriate method. The NACP's discretionary power in selecting acts for anti-corruption expertise is not governed by clear criteria, creating risks of a selective approach. There are no legislative or regulatory provisions identifying which acts must undergo mandatory anti-corruption review. There have been instances where the NACP's well-founded conclusions received no appropriate response from central executive authorities or legislators — thus, the	Consider introducing and legislatively enshrining a mandatory procedure for judicial involvement in the examination of family disputes in order to improve the efficiency of judicial proceedings. Expand the jurisdiction of international arbitration in Ukraine by adopting Draft Law No. 12141, which proposes the inclusion of investment arbitration within the competence of international commercial arbitration. Amend Article 26 of the Law of Ukraine "On the Regime of Foreign Investment" to authorise the International Commercial Arbitration Court to adjudicate investment disputes.

	central executive authorities or legislators — thus, the NACP's influence on law-making remains limited both in terms of resources and instruments. In such cases, corrective action can only be taken retrospectively, often as a result of public pressure.	
107	The issue of legal accountability of authorised anti-corruption officers remains insufficiently regulated. Formally, they report to the head of their institution, which creates a risk of conflict of interest and limits their independence. Institutional support from the NACP remains limited. Although annual performance evaluations are envisaged by the model regulation, in practice they are implemented in the form of collecting quantitative reports without qualitative analysis or timely publication.	Amend legislation to enhance the institutional capacity, independence, and funding of anti-corruption officers. Reinstate systematic institutional and methodological support for anti-corruption officers by the NACP.
108	Concerns persist regarding the relevance and completeness of the information available on the Anti-Corruption Portal, particularly the catalogue of corruption risks arising in the activities of public authorities and local self-government bodies. The last update to this catalogue took place in early 2023 and concerned the area of public procurement.	Ensure regular updates to the corruption risk catalogue maintained by the NACP — at least once every six months - while expanding its coverage to include new sectors.
109	The current legislative definitions of conflict of interest, the scope and content of related restrictions, as well as their duration, do not comply with best European practices.	Adopt legislative amendments to further strengthen the institution of conflict of interest and the relevant anti-corruption requirements — including by improving the definition of conflict of interest, provisions on its resolution, dual employment and combining roles, strengthening restrictions on gifts and post-employment activity, and refining the rules on the transfer of corporate rights by public officials.
110	A persistent negative trend — ongoing for over ten years — is the low number of NACP protocols that result in the imposition of administrative sanctions by the court. The main reason for this is shortcomings in the administrative procedure for handling such cases, particularly the excessively short time limits for imposing administrative penalties.	Introduce comprehensive amendments to the CUAO to improve provisions related to: ensuring equality of parties; implementing an effective method for notifying individuals of the preparation of a protocol on an offence and its referral to court; and establishing clear and sufficient deadlines to enable the NACP to collect the necessary evidence and timely submit case materials to the court in accordance with established procedures.

111	Currently, NACP protocols are represented in court by prosecutors rather than by Agency staff. Moreover, there is no right to appeal decisions of the court of first instance.	Amend the CUAO to include a provision granting the NACP the right to participate in court hearings concerning individuals for whom it has prepared a protocol on an administrative offence. The NACP should also be granted the right to file appeals in cases concerning administrative offences related to corruption.
112	At present, there is no law protecting whistleblowers of socially important information (e.g. abuse of power, violations of food, transport or environmental safety, torture or other human rights violations) under the so-called broad definition. Additionally, Ukrainian legislation in this area does not comply with EU Directive 2019/1937.	Adopt a dedicated legislative act that would provide for: • a “broad definition” of a whistleblower who discloses information of public interest; • extension of protection guarantees to individuals who: assisted whistleblowers or facilitated disclosures; were perceived as whistleblowers; prepared to report but did not complete the disclosure; are members of professional organisations; are volunteers or interns, etc.; • security guarantees for persons involved in disclosures, without being limited to criminal justice contexts; • inclusion of competent public authorities as regular reporting channels, i.e. those authorised to consider and take decisions on matters related to the disclosed information. Regular channels must also be established within bodies responsible for ensuring compliance with laws in relevant fields, as well as other state authorities, institutions, and organisations; • disclosure of restricted information, including state secrets, through external reporting channels where such information serves the public interest — without triggering legal liability. The legislator should develop and adopt inclusive amendments to ensure legal immunity for whistleblowers disclosing information of public interest, including state secrets, under Articles 361, 361², 328, 330, 422, and 39 of the CC of Ukraine.
113	Given the adoption in spring 2024 of EU Directive 2024/1069 on combating strategic lawsuits against public participation (SLAPPs), develop and adopt a law to counter such practices against whistleblowers.	Bring national legislation on countering SLAPP in line with Directive (EU) 2024/1069, taking into account the experience of implementing the institution of whistleblower protection in Ukraine.
114	The NACP’s current interpretive clarification — which remains in force — narrows the conditions for obtaining whistleblower status in contradiction to the Law of Ukraine “On Preventing Corruption”. It ties such status to the legal qualification of the information provided by the	Amend the NACP clarification of 12 June 2023 No. 2 “On the Legal Status of a Whistleblower” regarding the interpretation of the provision of the law on the conditions for acquiring the rights and guarantees of a whistleblower, in particular, revise the NACP’s legal position that a person acquires the rights of a whistleblower only if they have reported possible facts of the commission of a corruption-related criminal offence and/or a criminal offence related to corruption, and the pre-trial investigation

	whistleblower, as determined by a public authority, rather than the act of reporting itself.	body, based on the report, has entered information into the URPI specifically about a corruption offence.
115	There is no clear distinction between the status of a whistleblower and that of a confidential informant in criminal proceedings, particularly in terms of the right to receive a reward. The mechanism for awarding such rewards remains flawed.	Differentiate in the CPC of Ukraine whistleblowers from informants — freelance “agents” of law enforcement agencies — with a prohibition on the latter claiming a reward. Develop a mechanism for the payment of rewards to whistleblowers exclusively from funds actually returned to the state budget as a result of the disclosure of the offence.
116	The NABU, NACP and SAPO refrain from expressing public positions regarding the threat to the whistleblowing institution in controversial draft laws currently under consideration by the Verkhovna Rada.	The NABU, NACP and SAPO should take part in the discussion of and opposition to negative changes in the sphere of effective whistleblower protection that may affect their work.
117	The initiators of the draft Law “On Lobbying” did not conduct an information campaign prior to its adoption and failed to clearly distinguish between advocacy and lobbying in their public communication. This may lead to a general misunderstanding among the public regarding the implications and purpose of regulating lobbying, as the available communication was largely limited to stating that the law was part of Ukraine’s EU integration commitments and therefore needed to be adopted.	The NACP should conduct a communication campaign to reduce the negative perception of lobbying and clarify the purpose of its regulation, to enhance the transparency of public authorities.
118	The Law of Ukraine “On Lobbying” does not establish effective mechanisms for detecting the influence of oligarchs on decision-making, nor does it ensure that lobbyists are registered in the Transparency Register.	Introduce amendments to Law No. 3606-IX, in particular to improve the regulation of commercial lobbying and to achieve the objectives of the Law, it is advisable to: • expand the scope of lobbying to include individual acts, for example, decision-making in the course of public procurement or the appointment of certain officials; • clarify the mechanisms for verification, monitoring and enforcement of compliance to be carried out by the NACP (the Law should refer to a special procedure — a subordinate act to be adopted by the NACP); • the activities of associations of local self-government bodies and scientific and technical activities are currently excluded from the scope of the Law — this may enable circumvention of registration as a lobbyist; such provisions should be clarified in order to prevent their abuse; • introduce a condition whereby civil servants may meet with lobbyists only after their registration in the Transparency Register;

		• require lobbyists to submit the amounts of lobbying expenditures and information on the officials targeted by such lobbying to the Transparency Register upon registration, with subsequent updates; increase the frequency of lobbyists' reporting to more than twice a year; • expand the public section of the Transparency Register by including additional disclosure requirements concerning lobbying contacts, the officials lobbied and their functions, the purpose and type of lobbying, disclosure of meetings (date, subject, duration, format, etc.), references to the decision being influenced, and documents evidencing lobbying activities; • establish an open and regularly updated system for publishing the agendas of public meetings and official encounters with lobbyists, with an appropriate level of automation.
119	A major shortcoming of the Law of Ukraine "On Lobbying" is its failure to regulate lobbying practices that have historically evolved in Ukraine, in particular through the patronage service. Some non-staff advisers, in practice, wield powers equivalent to or even exceeding those of certain ministers, while not falling under the scope of anti-corruption legislation. Furthermore, there is a lack of transparency and proportional regulation of the activities of the Secretariat of the Verkhovna Rada and the assistants to Members of Parliament.	Extend the application of the Laws of Ukraine "On Lobbying" and "On Prevention of Corruption" to patronage services, in particular to advisers to senior officials, and revise the legal framework regarding the number, status and activities of assistants to Members of Parliament of Ukraine. It is necessary to limit the maximum number of such assistants to six persons and to narrow the powers of parliamentary assistants who are not employed under a labour contract. As an alternative, the status of parliamentary assistants on a voluntary basis could be abolished altogether. To increase transparency of assistants' work, it is necessary to introduce comprehensive publication of their profiles and activity reports on the website of the Verkhovna Rada. In addition, a requirement should be introduced for the disclosure of private interests of MPs' advisers, and a provision should be established prohibiting relatives of MPs from serving as their assistants.
120	The absence of unified ethical standards of conduct for Members of Parliament and city councillors are additional corruption risk factors..	Adopt the Ethical Code for Members of Parliament providing for mechanisms to ensure its effectiveness, along with amendments to legislation on local self-government bodies obliging local councils to adopt their own codes of ethics.
121	The current statutes of limitation are too short to provide a realistic prospect of bringing individuals to administrative liability for violations of lobbying regulations. Similarly, liability for offences in the field of lobbying does not extend to civil servants.	Amend the CUAO to allow the imposition of administrative sanctions for violations in the area of lobbying, both on lobbyists and on civil servants, within six months of detection, but no later than two years from the date of the offence, by analogy with the provisions currently in place for corruption-related offences.

122	The NACP currently lacks a dedicated structural unit for monitoring compliance with lobbying legislation, with no developed internal expertise among its staff in this area.	The NACP, in implementation of the law, should establish within its structure a separate unit for monitoring compliance with lobbying requirements and strengthen the internal expertise of its staff.
123	The Law of Ukraine “On Preventing Threats to National Security Associated with Excessive Influence by Persons with Significant Economic and Political Weight in Public Life (Oligarchs)” grants the National Security and Defence Council of Ukraine powers that are not explicitly provided for in the Constitution. Moreover, it prohibits individuals listed in the Register of Oligarchs from financing political parties or engaging in political campaigning, or from purchasing assets during privatisation. This restricts the constitutional right of citizens to freely elect and be elected to public office and violates the constitutional principle of equality of citizens of Ukraine. It may also constitute a potential violation of the Convention for the Protection of Human Rights and Fundamental Freedoms and other international human rights standards.	The Law of Ukraine “On Preventing Threats to National Security Associated with Excessive Influence by Persons with Significant Economic and Political Weight in Public Life (Oligarchs)” requires substantial amendments, as its current version poses significant risks of violating the Constitution of Ukraine and international human rights standards.
124	Certain institutional reforms are embedded in Ukraine’s international commitments within the framework of European integration, among others. However, there is no systemic approach to de-oligarchisation. In particular, the issue of reforming the Anti-Monopoly Committee of Ukraine (AMCU) remains off the policy agenda.	It is necessary to establish an effective and comprehensive system of anti-oligarchic measures, which should primarily focus on reforming and strengthening existing institutions that are currently not fully effective and thus contribute to the growing oligarchic influence on political processes in Ukraine. This concerns the AMCU, the judiciary, the National Bank of Ukraine, and the anti-corruption system.
125	State regulation of excessive oligarchic influence remains weak.	For the implementation of a full-fledged anti-oligarchic reform, effective antitrust measures, the fight against and prevention of corruption, counteraction to money laundering, measures to ensure media pluralism, and rules on the financing of political parties and election campaigns are all of key importance.
126	In 2021, the Government adopted an Action Plan for Preventing the Abuse of Excessive Influence by Persons with Significant Economic and Political Weight in Public Life (Oligarchs). The plan was intended to provide strategic planning and a comprehensive framework for implementing de-oligarchisation reform. However, it was developed without public or expert involvement, resulting	The Action Plan for Preventing the Abuse of Excessive Influence by Persons with Significant Economic and Political Weight in Public Life (Oligarchs) should be revised in cooperation with national and international experts and civil society. This would help avoid declarative and vague reform processes and, consequently, inefficiency.

	in a superficial and declarative document, lacking specificity and any monitoring mechanism.	
127	Instead of the current declarative Action Plan for Preventing the Abuse of Excessive Influence by Persons with Significant Economic and Political Weight in Public Life (Oligarchs), a comprehensive strategic document is needed.	When reviewing the current legislative approach to addressing the problem of excessive oligarchic influence on public life, the authorities should take into account the draft De-oligarchisation Strategy developed by experts in 2024.
PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS		
1	The legislation on the Ukrainian Parliament Commissioner for Human Rights (Ombudsman, Commissioner) does not comply with international standards, particularly regarding the appointment/election process, guarantees of independence, and available response mechanisms.	Adopt Draft Law "On the Ukrainian Parliament Commissioner for Human Rights" (Reg. No. 13181) and, during its preparation for the second reading, revise it in order to bring certain provisions into line with the standards and best practices of NHRIs, in particular with regard to ensuring a transparent and inclusive process for the nomination and appointment of the Commissioner to office.
2	Amendments made in 2022 to the Law of Ukraine "On the Legal Regime of Martial Law" pose risks to the independence of the Ombudsman and enable potential political pressure on the institution.	Amend Article 12 of the Law "On the Legal Regime of Martial Law" to eliminate the possibility of dismissing the Ombudsman during martial law on the grounds of a vote of no confidence.
3	The National Human Rights Strategy (2021) does not reflect the current challenges posed by the full-scale war and requires updating.	Launch broad consultations and update the National Human Rights Strategy to address the needs and challenges of 2025. Based on the revised Strategy, develop and approve an Action Plan for its implementation through 2028.
4	The National Preventive Mechanism (NPM) in Ukraine operates under the "Ombudsman+" model, which involves civil society organization (CSO) participation in visits but does not provide reimbursement (e.g., for travel, meals). The NPM budget for 2025 has been cut by almost 10% — from UAH 2.658 million in 2024 to UAH 2.393 million in 2025.	Ensure adequate funding for the NPM. Enable compensation for civil society monitors participating in NPM visits (at minimum, covering travel, meals, and accommodation).
5	The legislation on personal data protection is outdated and not harmonised with core EU regulations. The Law of Ukraine "On Personal Data Protection" fails to address key issues, including data protection online, in digitalised public and private services, cybersecurity, and high-tech.	Adopt the draft laws "On the National Commission for the Protection of Personal Data and Access to Public Information" (No. 6177 of 18 October 2021) and "On Personal Data Protection" (No. 8153 of 25 October 2022) to align Ukrainian legislation with EU requirements for the processing and storage of personal data.

6	The Ombudsman's current mechanisms for responding to violations of the right to access public information and personal data protection legislation are ineffective.	Introduce comprehensive amendments to the CUAO to: (1) extend the statute of limitations for administrative offences under Articles 188 ³⁹ (personal data protection violations), Article 188 ⁴⁰ (non-compliance with Ombudsman's legal demands), and Article 212 ³ (violations of the right to information and the right to petition) to six months; and grant the Ombudsman or their representative the right to appeal court decisions on administrative offences based on protocols issued by the Ombudsman.
7	The definition of "torture" under national criminal law (Article 127 of the CC of Ukraine) does not comply with international standards, which stipulate that the perpetrator of torture must be a state official — a "special subject".	Amend Article 127 of the CC of Ukraine to establish a special subject of the crime of "torture" — public officials or other persons acting in an official capacity.
8	The Istanbul Protocol has not been fully implemented in Ukraine. In particular, the procedure for conducting physical examinations of individuals in line with the Protocol's recommendations has not been introduced, and the corresponding medical forms for proper documentation of torture and other cruel, inhuman, or degrading treatment or punishment are not consistently completed.	Ensure further implementation of the Istanbul Protocol to enable effective application of the medical standard for early detection and documentation of evidence of torture, proper recording and investigation of torture cases by introducing unified forms for documenting bodily injuries, and oversight of the timely completion of such forms, etc.
9	Ineffectiveness of pre-trial investigations under Article 127 of the CC of Ukraine (torture), failure to bring perpetrators to justice, and lack of public reporting on the process and results of investigations, etc.	Ensure effective pre-trial investigations under Article 127 of the CC of Ukraine by expanding the staff of SBI investigators specialising in torture cases, creating dedicated units with appropriate specialisation, and publishing SBI reports on the progress of investigations and the prosecution of perpetrators, etc.
10	The state of medical care in the penitentiary system remains extremely unsatisfactory. Medical provision for convicted and remanded individuals in a number of facilities does not meet European standards, leading to an increasing number of judgments by the ECtHR regarding violations of the rights of prisoners and detainees in Ukraine.	Integrate penitentiary healthcare into the general healthcare system coordinated and financed by the Ministry of Health of Ukraine. Ensure improvements in medical services.
11	The problem of evacuating Ukrainian citizens from places of detention located in regions near combat zones remains unresolved.	Urgently relocate institutions or evacuate persons held in places of detention located in active combat zones or in nearby settlements to appropriate institutions situated in safe areas.

12	In a significant number of facilities under the State Criminal Enforcement Service of Ukraine, opioid substitution therapy for individuals with mental and behavioural disorders due to opioid use has not been organised.	Ensure the implementation of opioid substitution therapy programmes in places of detention.
13	As of the end of July 2025, remand prisons and temporary detention facilities, in which repeated cases of human rights violations have been recorded, have not been provided with human rights inspectors. There is no mechanism for monitoring the performance and effectiveness of such inspectors.	Conduct further competitive selection and ensure that pre-trial detention centres, and temporary holding facilities are staffed with senior inspectors for human rights and torture prevention. Implement regular oversight of their activities to assess the effectiveness of this mechanism.
14	Legislation does not define a mechanism or procedure for reducing the term from which conditional early release may be applied, or for replacing a court-imposed sentence with a more lenient one or expunging a conviction. The law also lacks a clear mandate for the Commission for Complaints on Inadequate Detention Conditions in pre-trial and penal institutions and fails to guarantee the confidentiality of communication between inmates and the Commission.	Amend legislation regulating the activities of Commissions for Complaints on Inadequate Detention Conditions in pre-trial detention centres and correctional facilities, namely, to establish procedures for reducing the term for early release, replacing a court-imposed sentence with a milder one, or expunging a conviction; ensuring the right to appeal Commission decisions; and guaranteeing confidential correspondence between inmates and the Commission, etc.
15	Probation supervision as a form of punishment is applied only in isolated cases. The number of individuals under the supervision of authorised probation authorities has decreased.	Ensure further implementation of probation programmes and expand the use of probation supervision as a form of punishment.
16	Threat to the independence of the National Council of Television and Radio Broadcasting of Ukraine (the National Council) due to changes in the funding procedure.	Discontinue the practice of suspending the provisions of the Law of Ukraine "On Media" regarding the funding of the National Council, in particular with respect to remuneration of the Head, First Deputy Head, Deputy Head, Executive Secretary, and members of the regulator, and fully comply with the provisions of the Law.
17	Lack of justification in the distribution of powers in the areas of assessment and control of media concentration, and in methodologies for defining media market boundaries and the boundaries of the advertising distribution and consumption market, which makes it impossible to assess the level of concentration in	Conduct an academic study to assess the justification for the distribution of powers between the AMCU and the National Council, as provided for in Paragraph 2 of Part 2 and Part 5 of Article 7 of the Law "On Media", and to determine whether these provisions comply with Article 22 of Regulation (EU) 2024/1083 and other acts of the European Union.

	the above-mentioned markets. This situation prevents proper assessment of potential risks to media pluralism in Ukraine.	
18	Significant underfunding of the public broadcaster, which severely hinders its development.	Ensure adequate funding of the public broadcaster in accordance with the Law of Ukraine "On Public Media of Ukraine".
19	The unification of nationwide TV channels into a single information platform within the 24/7 news marathon United News #UATogether poses risks to media pluralism in Ukraine.	Reassess the appropriateness of continuing the unification of nationwide TV channels into a single platform within the United News #UATogether marathon and revise the format of implementing unified information policy during martial law.
20	The Law of Ukraine "On Preventing Threats to National Security Associated with the Excessive Influence of Persons with Significant Economic and Political Weight in Public Life (Oligarchs)" does not conform to the rule of law and is ineffective in addressing the problem of oligarchic influence.	Repeal the Law of Ukraine "On Preventing Threats to National Security Associated with the Excessive Influence of Persons with Significant Economic and Political Weight in Public Life (Oligarchs)" and prepare legislative amendments in line with the recommendations of the Venice Commission.
21	Existence of a legal conflict regarding the procedure for the appointment and dismissal of the Head of the AMCU, which undermines its independence and makes it vulnerable to political pressure, particularly in the context of granting the AMCU powers to define media markets and the market for the distribution and consumption of advertising.	Bring the provisions of the Law of Ukraine "On the Antimonopoly Committee of Ukraine" into compliance with the Constitution of Ukraine in terms of the procedure for appointing and dismissing the Head of the AMCU.
22	Lack of progress in the investigation of high-profile offences committed against journalists and other media workers.	Ensure proper implementation of the ECtHR judgment in <i>Gongadze v. Ukraine</i> , particularly by improving the effectiveness of investigations into offences committed against journalists and media workers.
23	Insufficient procedural safeguards for the protection of journalistic sources and confidential communications, particularly during the temporary seizure of items and documents, and the conduct of covert investigative actions.	Amend Ukrainian legislation to implement the ECtHR judgment in <i>Sedletska v. Ukraine</i> and eliminate the possibility of covert access to journalists' communications data and geolocation.
24	The provisions of Article 185 ¹⁶ of the CUAO and its notes, as proposed by the Law of Ukraine "On Amendments to the Code of Ukraine on Administrative Offences, the Criminal Code and the Criminal Procedure Code of	The President should veto the Law of Ukraine "On Amendments to the Code of Ukraine on Administrative Offences, the Criminal Code and the Criminal Procedure Code of Ukraine regarding Ensuring Compliance with the Guarantees of Advocacy" (registration No. 12320).

	Ukraine regarding Ensuring Compliance with the Guarantees of Advocacy" (registration No. 12320), are drafted too broadly and ambiguously, which with the principle of legal certainty and creates potential risks for freedom of expression.	
25	Lack of appropriate insurance for journalists, other media workers, and fixers, particularly in the context of hostilities.	Develop a comprehensive state policy to create the conditions for the establishment of special insurance programmes covering the risks associated with the work of journalists, other media workers, and fixers in conflict zones.
26	Restrictions on media, journalists, and the public from accessing parliamentary committee meetings, the absence of online broadcasts of Parliament's sessions, and the lack of agendas published in advance hinder independent coverage of the work of the Verkhovna Rada.	Take steps to ensure the entry into force of the Law of Ukraine "On Amendments to Certain Laws of Ukraine to Strengthen Certain Guarantees for the Activities of Media, Journalists, and Citizens to Access Information", adopted by Parliament on 14 January 2025, and ensure actual access of journalists and the public to Verkhovna Rada committee meetings for independent coverage of their work. Adopt regulatory acts that will allow live broadcasts of Verkhovna Rada sessions with the prior publication of their agendas.
27	Sanctions legislation continues to be used to block websites without proper legal grounds and transparency.	Introduce amendments to the Law of Ukraine "On Sanctions" to prevent the blocking of websites without proper legal grounds, to ensure transparency, and to require the publication of the reasons for the imposition of sanctions against the relevant persons in the State Register of Sanctions.
28	The powers of the National Centre for Operational and Technical Management of Telecommunications Networks (NCOMTN) in website blocking during martial law are excessively discretionary, and its activities fail to meet transparency requirements.	Introduce amendments to the Resolution of the Cabinet of Ministers of Ukraine of 24 January 2025 No. 75 "Certain Issues of Operational and Technical Management of Electronic Communications Networks in the Conditions of Emergency Situation, Emergency or Martial Law" to clarify the powers of NCOMTN in website blocking.
29		Delimit the competences of NCOMTN and the State Agency of Ukraine "PlayCity" regarding the blocking of access to websites providing unlicensed access to gambling by introducing amendments to the legislation.
30	Draft laws aimed at regulating the establishment and activities of CSOs, including public associations and bodies of self-organisation of the population, are not being considered. The possibility of online registration of CSOs, which is important under martial law, has not been introduced.	Adopt Draft Law No. 8084 to regulate the activities and state registration of public associations. Adopt Draft Law No. 6319 to ensure enabling legislation on the activities of bodies of self-organisation of the population, subject to revision to regulate their activities under martial law. Introduce an online service for the registration of public associations and other CSOs through the "Diia" public services portal.

31	An inconsistent practice of restrictions and bans on peaceful assemblies has developed in Ukraine, not always linked to proximity to the frontline or the border with the aggressor state. Bans have been imposed in frontline regions such as Donetsk, Kherson and Odesa, but also in distant regions such as Ivano-Frankivsk.	Legally regulate the exercise of freedom of peaceful assembly under martial law, taking into account differentiated risks and specifying the grounds and conditions for holding assemblies. In particular, resolve inconsistencies between paragraph 8, Part 1, Article 8 and Part 1, Article 19 of the Law of Ukraine "On the Legal Regime of Martial Law", and clearly define who has the authority to ban a specific assembly or impose blanket bans over territories.
32	The status of local council members who represent parties banned by court decisions is not regulated. There is also a need to regulate the interaction between law enforcement agencies and the Ministry of Justice in detecting violations and terminating parties.	Legally regulate the status of local council members who represent parties banned by court decisions. The practice of open court hearings on party bans should be maintained; closed hearings should be permitted only partially, when restricted information is involved. Define the powers of law enforcement agencies to detect violations of special legislation and the Constitution of Ukraine in the activities of political parties (Article 18 of the Law of Ukraine "On Political Parties").
33	Proposals by CSO representatives for measures to implement the National Strategy for Promoting Civil Society Development that require concrete action — particularly those involving legislative amendments - face resistance from the responsible state authorities.	Ensure the effective implementation of the Action Plan for the National Strategy for Promoting Civil Society Development of Ukraine for 2025–2026. In cooperation with CSOs, initiate the development of the next National Strategy for Promoting Civil Society Development. Develop effective mechanisms to monitor the implementation of action plans.
34	State policy on regulation and support of volunteer activities is not systematic, namely there is no mechanism of state support for volunteers injured while helping civilians; CSOs that insure volunteers face an additional 23% tax burden; and favourable conditions for foreign volunteers in Ukraine have not been created.	Develop and adopt a State Target Programme for the Development of Volunteering in Ukraine and ensure funding for its activities. Amend legislation to reduce the tax burden on non-profit organisations insuring their volunteers. Adopt Draft Law No. 13071 to simplify the process of obtaining temporary residence permits in Ukraine for foreign volunteers during martial law, after the text of the draft law has been reviewed by the Verkhovna Rada Committee on Human Rights, De-occupation and Reintegration of the Temporarily Occupied Territories of Ukraine, National Minorities and Interethnic Relations for the second reading. Develop a government procedure for financial assistance to volunteers who become disabled, or to the families of deceased volunteers injured while helping civilians

35	CSOs are unable to import vehicles as humanitarian aid for their statutory activities related to providing humanitarian assistance, and humanitarian or medical evacuation.	Adopt Draft Law No. 12010 to provide CSOs working in the humanitarian field with the necessary vehicles.
36	The volume of state support for CSOs remains low. In the context of reduced funding from the US Government (including through USAID), this threatens the stability of CSOs, especially at local level. At the same time, state support for CSOs remains limited. Only CSOs working in the areas of youth, veterans, and persons with disabilities are eligible for state funding. Competitive procedures for providing state support to CSOs are insufficiently transparent and effective, and the budgets allocated for financing the civil society sector are minimal.	Assess CSO funding needs, taking into account losses due to the suspension of US Government funding in early 2025 and challenges facing local CSOs. Expand the scope of state funding of CSOs beyond youth, veterans, and persons with disabilities, and improve transparency and efficiency of grant procedures. Increase state funding available through competitive mechanisms while ensuring institutional support for CSOs, and revise approaches to permissible types and amounts of project-related expenses of CSOs. Adopt Draft Law No. 7500 to introduce a percentage allocation mechanism to support CSOs and adopt corresponding amendments to the Budget Code of Ukraine.
37	The Law of Ukraine “On Public Consultations” adopted in 2024 does not apply to consultations on draft laws initiated by Members of Parliament. Moreover, the law enters into force only one year after the end or cancellation of martial law, delaying its implementation indefinitely.	Revise the provision delaying the entry into force of the Law of Ukraine “On Public Consultations” until one year after the end of martial law and introduce a requirement for Members of Parliament to conduct public consultations on their draft laws. Legally regulate the exercise of public participation in decision-making on local matters by military administrations in occupied territories.
38	Although the Law of Ukraine “On Lobbying” declares it does not apply to CSO activities unless commercial interests are involved, the law still poses risks for CSO work. The definition of “commercial interest” is vague and grants excessive discretion to the NACP in classifying CSO activity as lobbying.	Prevent unjustified application of the Law of Ukraine “On Lobbying” to CSOs. Clarify definitions — particularly that of “commercial interest” — in the Law of Ukraine “On Lobbying” in line with Council of Europe recommendations to ensure legal certainty.
39	Measures to counteract the legalisation (laundering) of criminal proceeds, the financing of terrorism, and/or the financing of the proliferation of weapons of mass destruction (AML/CFT) are implemented without consideration of the specific nature of CSO activities. Organisations face enhanced monitoring and control	Conduct the 2025 National Risk Assessment in the AML/CFT field taking into account the results of an independent risk assessment of non-profit organisations, using a risk-based approach. Provide training for AML/CFT system actors on the legal regulation and operational specifics of CSOs to ensure appropriate application of the risk-based approach.

	measures, banking de-risking, etc., due to the classification of the non-profit sector as high-risk for AML/CFT purposes, without sufficient justification. The identification and registration of ultimate beneficial owners (UBOs) remains problematic for CSOs, and there are no up-to-date explanations or recommendations from the state on this matter.	Update sample ownership structure diagrams for submitting UBO information for CSOs and improve interaction between primary and state financial monitoring entities. Involve CSOs in the development of future updates to the National Risk Assessment Methodology for AML/CFT in Ukraine and hold active, inclusive (beyond FATF Recommendation 8) consultations with international experts and partners.
40	Russia continues to commit the gravest crimes against Ukrainian children — due to mass shelling of civilian and infrastructure facilities, children are being killed and maimed. There is evidence of a lack of humanitarian aid and of sexual violence against children in the temporarily occupied territories. Militarisation and the involvement of children in the war are taking place, as well as the deportation of Ukrainians to Russia.	Ensure documentation of all crimes committed by Russian military personnel against children: killings, maiming, ill-treatment of children, and others. Engage international partners to monitor the situation of children who were deported to the Russian Federation, and to support their return to Ukraine or relocation to third safe countries. Develop a clear algorithm for the reintegration of children affected by the war, particularly those returned from deportation and temporarily occupied territories of Ukraine. Disseminate guidance for parents and educators on identifying potential risks of child recruitment and protecting children from negative influence.
41	There is an extremely low number of juvenile prosecutors, judges, and investigators, particularly for work on war crimes.	Regulate juvenile specialisation in the work of the police, prosecution, judiciary, and probation at the legislative level. Apply child-friendly justice approaches, including training the necessary number of relevant specialists.
42	The deinstitutionalisation of care and education services for children is practically non-existent. The newly adopted strategy for ensuring the right of every child in Ukraine to grow up in a family environment carries significant risks of non-implementation due to a lack of state funding and often declarative nature of the commitments made.	Allocate state funds for the implementation of the strategy to ensure the right of every child in Ukraine to grow up in a family environment and for the development of services in communities. Establish a unified electronic database on children, including those in institutional care facilities. Change the principles of financing social services for children, allowing communities to fully procure such services from various providers, thus demonopolising the market currently dominated by state and municipal providers. Appropriately analyse statistical data on children.

43	Due to the lack of understanding by heads of communities of the importance of organising social support for the population, and the absence of state subventions for social services, the development of the social protection sector in amalgamated territorial communities remains very slow. This also affects support for and development of family-based forms of child care.	Consider the possibility of allocating subventions to communities for the development of the social protection sector. Reform the child social protection system with a clear division of responsibilities between state bodies regarding the development, implementation, and oversight of public policy. Review staffing norms of social service centres and child welfare services in line with their assigned responsibilities. Develop a mechanism for reallocating funds from the institutional care system to the support of family-based forms of upbringing. Conduct awareness-raising activities with heads of communities on the importance of developing the social protection sector at the local level. Increase the share of taxes retained for the development of local communities.
44	Fragmentation of national anti-discrimination legislation; the absence of reference to protected characteristics such as health status, sexual orientation and gender identity (SOGI), veteran status, HIV-positive status, displacement experience, etc., in the basic law.	Amend the basic anti-discrimination law by adding such protected characteristics as health status, sexual orientation and gender identity (SOGI), veteran status, HIV-positive status, displacement experience, etc.
45	The Law of Ukraine "On Principles of Preventing and Combating Discrimination in Ukraine" lacks recognition of such forms of discrimination as denial of reasonable accommodation, as well as manifestations of discrimination such as multiple discrimination, discrimination by association, segregation, etc.	Amend the basic anti-discrimination law to include relevant forms and manifestations of discrimination. Ensure the unification of legislation in the field of anti-discrimination.
46	Lack of effective mechanisms for protection against discrimination (both judicial and non-judicial); the burden of proof mechanism does not reflect a fair distribution between the claimant and the respondent.	Analyse shortcomings and barriers of the existing system of protection against discrimination; develop and implement alternative mechanisms for handling discrimination complaints.
47	Lack of powers and resources of the Ukrainian Parliament Commissioner for Human Rights, who is supposed to fully perform all functions of an equality body.	Establish a fully-fledged, separate equality body or expand the mandate and strengthen the capacity of the Ukrainian Parliament Commissioner for Human Rights in the field of combating discrimination.

48	Slow development of judicial practice regarding combating discrimination and lack of thematic training for judges, which adversely affects access to judicial protection from discrimination (quality of court decisions).	Standardise approaches, summarise judicial practice, and conduct training for judges on combating discrimination.
49	Shortcomings in the CC of Ukraine hinder the effective investigation of hate crimes (protected characteristics, investigative procedures, consideration of motive, etc.); such investigations depend on private prosecution.	Amend the CC of Ukraine to eliminate the provision on private prosecution in hate crime investigations; expand the list of protected characteristics to align it with the basic anti-discrimination law.
50	The CC of Ukraine lacks provisions on the liability of legal entities for incitement or xenophobic actions, which results in impunity for hate crimes (lack of investigations and justice for victims).	Amend the CC of Ukraine to introduce the liability of legal entities for incitement or xenophobic actions in accordance with the requirements of Framework Decision 2008/913/JHA.
51	There is no system for collecting, analysing, and disseminating disaggregated data on various manifestations of discrimination, which prevents the use of such data for developing state anti-discrimination policy.	Establish a centralised system for collecting and analysing data on various manifestations of discrimination, guided by the recommendations of the European Union Agency for Fundamental Rights (FRA) on data regarding all forms of discrimination.
52	The EU Victims' Directive has not been implemented, resulting in a lack of support for victims of hate crimes.	Ensure legal protection and support for victims of hate crimes in accordance with Directive 2012/29/EU.
53	The Strategy for Reforming Psychoneurological and Other Residential Institutions and for the Deinstitutionalisation of Care for Adults with Disabilities and Elderly Persons until 2034, adopted in 2024, does not define the transition process from deinstitutionalisation to independent living in the community, but only outlines certain prerequisites for deinstitutionalisation.	Abolish the practice of restricting legal capacity and the guardianship system and develop supported decision-making mechanisms. Expand the range of support services in communities based on international standards, while ensuring the service provision mechanism enables persons with disabilities to monitor and choose the services. In implementation of Task 2.1 of the Operational Action Plan for the implementation in 2025–2027 of the Strategy for Reforming Psychoneurological and Other Residential Institutions and for the Deinstitutionalisation of Care for Adults with Disabilities and Elderly Persons until 2034, establish an auxiliary body under the Cabinet of Ministers of Ukraine to accelerate implementation of the Strategy with the involvement of international experts. Establish mechanisms for public oversight of institutions and greater access to them.

54	Increased danger to the life and health of persons with disabilities living in institutions during the war due to constant shelling threats, untimely evacuation, lack of access to necessary services, and the impossibility of ensuring safety under rapidly changing conditions.	Legally restrict the admission of new individuals to institutions with the immediate development of tools and a plan of preventive measures to avoid institutionalisation. Prohibit the construction of new or the rebuilding of destroyed institutions and their capital repairs. To facilitate the return of persons who were in closed institutions in the TOT of Ukraine to government-controlled territory, determine the responsible public authorities, which shall also be responsible for creating and maintaining a register of persons with disabilities and elderly persons in institutions in the TOT. Urgently evacuate persons living in institutions from all frontline territories, preventing re-institutionalisation, i.e., further placement of evacuated persons in institutions.
55	The Law of Ukraine of 19 December 2024 No. 4170-IX "On Amendments to Certain Legislative Acts of Ukraine on Reforming the Medical and Social Assessment System and Introducing the Assessment of an Individual's Daily Functioning" does not provide for substantive reform of the medical and social assessment system. The medical approach to disability assessment remains in the new "assessment of an individual's daily functioning" system.	Amend the Ukrainian translation of the International Classification of Functioning, Disability and Health to eliminate medical terms and approaches from the regulatory framework. After approval of a correct translation, introduce corresponding amendments to the current legislation. Introduce a human rights-based approach to disability assessment based on international best practices.
56	The medical status of "incapable of working" in Ukrainian legal acts does not comply with the UN Convention on the Rights of Persons with Disabilities, in particular Article 27 on work and employment. The state continues to apply this status in the development of new legislative acts, which hinders the development of comprehensive and inclusive support for persons with disabilities in employment.	Abandon the "incapable of working" status and introduce corresponding amendments to Ukrainian legislation. Finalise the Draft Law "On Amendments to Certain Legislative Acts of Ukraine on Forming Comprehensive and Fair Social Support (Payments and Services) for Persons with Limited Working Capacity, in Particular Persons with Disabilities" (registration No. 12209 of 14 November 2024), by introducing comprehensive employment support (in addition to social payments) for persons with disabilities and abandoning the "incapable of working" medical status.
57	The community of persons with disabilities is mainly invited to cooperate with the state within the framework of consultative mechanisms, including on issues related to disability determination. Proposals and recommendations developed by the community for draft legal acts and strategies are often not taken into account. The practice of tokenistic participation remains widespread.	Ensure meaningful participation of the community of persons with disabilities in the development of decisions on changes in disability determination approaches at all stages. Develop a mechanism that allows the community to influence decisions rather than only nominally participate through consultative practices.

58	The Law of Ukraine No. 4219-IX of 15 January 2025 "On Amendments to Certain Laws of Ukraine to Ensure the Rights of Persons with Disabilities to Work" does not comply with international and European standards, in particular regarding the definition and implementation of the concept of reasonable accommodation.	Engage the Council of Europe, within the rapid response mechanism, to conduct an independent assessment of the Law of Ukraine No. 4219-IX of 15 January 2025 "On Amendments to Certain Laws of Ukraine to Ensure the Rights of Persons with Disabilities to Work" for its compliance with the provisions of Council Directive 2000/78/EC and the UN Convention. Recognise denial of reasonable accommodation as a form of discrimination in the Law of Ukraine "On Principles of Prevention and Combating Discrimination in Ukraine".
59	Ukraine currently lacks a system of oversight and monitoring of the reconstruction process, including accessibility at all construction stages, which leads to the construction or reconstruction of facilities that are inaccessible to persons with disabilities.	Amend Resolution of the Cabinet of Ministers of Ukraine No. 303 of 13 March 2022 "On Suspension of State Supervision (Control) and State Market Surveillance Measures under Martial Law" to restore state oversight of the reconstruction process, especially regarding compliance with accessibility standards.
60	The establishment and functioning of local accessibility councils is not mandatory, so they cannot yet serve as a systemic solution at the national level to address accessibility issues in communities.	Legally establish the functioning of local accessibility councils. Develop the area of monitoring inclusive reconstruction in communities through local accessibility councils.
61	The membership of representatives of the disability community in local accessibility councils is not mandatory. As such, this does not comply with the requirement of the UN Convention on the Rights of Persons with Disabilities for the inclusion of persons with disabilities in all processes and policies concerning disability.	Legally establish the participation of representatives of the disability community as members of local accessibility councils. Define the conditions of cooperation for public representatives in local accessibility councils in accordance with the level of engagement and workload.
62	Information on the inclusiveness of reconstruction projects on the DREAM platform is general and does not allow monitoring of project implementers' commitments regarding accessibility through open data.	Encourage project implementers to provide detailed data on the accessibility of construction projects on the DREAM platform, in particular by providing specifications of procured goods (e.g. model of the transport vehicle) purchased with public funds and funds of international financial organisations, or by uploading detailed conclusions of expert assessments of project documentation for constructed or reconstructed facilities regarding compliance with DBN B.2.2-40:2018, in order to strengthen public monitoring through open sources.
63	The adoption of the Law of Ukraine "On the Protection of the Constitutional Order in the Activities of Religious Organisations" creates a risk of termination of the Ukrainian Orthodox Church, as it may be recognised	Amend the Law of Ukraine "On Freedom of Conscience and Religious Organisations" with regard to defining affiliation with a foreign religious organisation whose activities are prohibited in Ukraine in such a way as to allow for unilateral termination of such affiliation.

	as affiliated with a foreign religious organisation whose activities are prohibited in Ukraine. Currently, the definition of affiliation is formulated in such a way that an affiliated organisation cannot unilaterally terminate the affiliation. The UOC is the largest network of religious organisations in Ukraine. Forced termination of its activities may lead to increased tension in Ukrainian society.	
64	The absence of the possibility to perform alternative (non-military) service in the army on religious grounds during mobilisation.	Amend the Law of Ukraine "On Mobilisation Preparation and Mobilisation" to enable alternative (non-military) service in the army on religious grounds during mobilisation.
65	Incomplete implementation of the Venice Commission's recommendations during the most recent amendments to the Law of Ukraine "On National Minorities" and other laws of Ukraine, provided in December 2023.	Adopt new amendments to the legislation allowing commercial advertising and election campaigning in national minority languages in areas of compact residence of national minorities without mandatory translation into Ukrainian.
66	Violation of the principle of equality in rights with regard to citizens belonging to the Russian national minority, due to the absence of a time limitation in the wording of the Law of Ukraine "On National Minorities", under which citizens belonging to the Russian national minority are not entitled to a number of rights available to representatives of other national minorities (in particular, restrictions on the use of the Russian language in public life).	Adopt amendments to the legislation to establish clear and well-grounded time limits on the restriction of rights of persons belonging to the Russian national minority and on the use of the Russian language in the public domain (e.g. for five years after martial law is lifted or after the Verkhovna Rada revokes the aggressor state designation of the Russian Federation).
67	The draft law amending the law on ratification of the European Charter for Regional or Minority Languages includes an incomplete list of languages covered by the Charter.	Improve the list of languages following consultations with experts and representatives of national minorities.
68	Women are not protected from harassment, sexual violence, gender-based violence, and gender-based discrimination in the Armed Forces of Ukraine (AFU).	Introduce full-time positions of gender advisers at the level of units, operational commands, and AFU corps. Adopt the Draft Law "On Amendments to the Disciplinary Statute of the Armed Forces of Ukraine and the Internal Service Statute of the Armed Forces of Ukraine on Improving Mechanisms for Ensuring Military Discipline, Preventing and Combating Discrimination and Sexual Harassment" (registration No. 13037). Approve an instruction on the submission and consideration of reports of violations related to gender-based discrimination, sexual harassment, gender-based violence, offences against sexual freedom and sexual integrity.

69	Low representation of women in the political and public sphere leads to violations of women's rights to participate in decision-making and public administration.	Promote the increase in the number of women in managerial positions in the government, diplomatic missions, and civil service. Lift restrictions on border crossing for female members of local councils. Finalise and adopt the Draft Law "On Amendments to the Electoral Code of Ukraine on Countering Sexism in Electoral Processes and Ensuring Balanced Representation of Women and Men in the Verkhovna Rada of Ukraine and Local Councils" (registration No. 11300), to allow women who went abroad due to the war to participate in future elections in Ukraine. Promote increased visibility of women in the media by increasing the involvement of female experts and politicians in national television and online media broadcasts.
70	Women perform more unpaid (domestic) work and receive lower wages compared to men.	Increase opportunities for parents to enrol children in kindergartens to facilitate earlier return of women from parental leave to the labour market. Implement the provisions of Directive (EU) 2023/970 on strengthening the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms.
71	The provisions of the Istanbul Convention have not been fully implemented, which results in ineffective protection of women from domestic and gender-based violence, its prevention and investigation.	Adopt the draft laws "On Amendments to the Criminal Procedure Code of Ukraine regarding Medical Examination and Expert Assessment, Conclusion of a Reconciliation Agreement, and Criminal Proceedings in the Form of Private Prosecution in Connection with the Ratification of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (the Istanbul Convention)" (registration No. 10420) and "On Amendments to the Criminal and Criminal Procedure Codes of Ukraine on Ensuring Full Implementation of International Law Provisions on Combating Domestic and Other Forms of Violence, Including Against Children" (registration No. 12297), which implement the provisions of the Istanbul Convention, and ensure further implementation of its remaining provisions. Consider the possibility of withdrawing the reservations to the Istanbul Convention made during its ratification.
72	Hate crimes are misclassified and not investigated.	Draft and adopt a law amending the CUAO and the CC of Ukraine in order to establish administrative liability for manifestations of discrimination; classify the commission of a criminal offence on grounds of intolerance (including SOGI grounds) as an aggravating circumstance; and introduce criminal liability for public calls to violence on grounds of intolerance (including SOGI grounds).

73	Same-sex couples cannot enter into partnership or marriage and do not enjoy the same rights as opposite-sex couples.	Adopt Draft Law No. 12252 on amendments to certain legislative acts of Ukraine to bring them in line with Articles 8 and 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and Council Regulation (EU) 2016/1104 on enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships, or an alternative Draft Law No. 9103 on the institution of registered partnerships. Amend the Law of Ukraine "On the Diplomatic Service" to guarantee the rights of same-sex partners (family members) of diplomats to accompany them on long-term foreign postings. Expand access to assisted reproductive technologies for same-sex couples and unmarried men.
74	Transgender, non-binary, and intersex persons face difficulties with identity documents and marriage registration.	Develop a procedure for confirming the validity of a marriage concluded by a transgender person prior to their name change in connection with gender transition. Introduce the option of selecting a third gender marker "X" in identity documents for non-binary and intersex persons.
75	A portion of powers was not transferred to the Ministry for Development of Communities and Territories of Ukraine (Ministry for Development), or any other ministry, following the reorganisation of the Ministry for the Reintegration of the Temporarily Occupied Territories of Ukraine. As a result, there is no state vision regarding the TOT and Ukrainians residing there. This gives rise to initiatives that pose unjustified risks to people, for example, regarding the loss of citizenship.	Review the powers of central executive authorities concerning the protection of the rights and interests of the affected population, particularly those which, after the reorganisation of the Ministry for the Reintegration of the Temporarily Occupied Territories, were not assigned to any authority. The Government must ensure the development of a vision concerning the TOT and the Ukrainians residing there.
76	The Government has failed to fulfil its obligation to establish and ensure the functioning of the System for Recording Information on Damage, and has not developed or submitted to Parliament a draft law on support for persons whose personal non-property rights have been violated due to the armed aggression of the Russian Federation against Ukraine, as stipulated by the Law of Ukraine "On Recording Information on Damage to Personal Non-Property Rights of Individuals as a Result of	Establish and ensure the functioning of the System for Recording Information on Damage to Personal Non-Property Rights of Individuals as a Result of the Armed Aggression of the Russian Federation against Ukraine. Develop and adopt a draft law on support for persons whose personal non-property rights were violated due to the armed aggression of the Russian Federation against Ukraine and ensure the development of by-laws to implement the Law of Ukraine "On Recording Information on Damage to Personal Non-Property Rights of Individuals as a Result of the Armed Aggression of the Russian Federation against Ukraine".

	the Armed Aggression of the Russian Federation against Ukraine". Consequently, affected persons do not receive support to the extent they require.	
77	The administrative procedure for registering facts of birth and death that occurred in the TOT has still not been approved, creating an excessive burden on the judicial system and applicants.	Submit to Parliament and adopt a draft law on the state registration of civil status acts that took place in the TOT of Ukraine and outside Ukraine through an administrative procedure.
78	There are no procedures for other important facts that occurred in the TOT (e.g. medical documents, etc.), which require formalisation and practical implementation to enable access to public services for persons from the TOT.	Develop a concept (vision of mechanisms) for the use of information contained in documents issued in the TOT of Ukraine.
79	Despite being defined at the legislative level, the procedure for recognising educational attainments at the level of general secondary education acquired in the TOT has not been developed.	Approve by-laws to implement the Law of Ukraine No. 3482-IX of 21 November 2023 'On Amendments to Certain Laws of Ukraine Regarding the Recognition of Learning Outcomes of Persons Who Resided in the Temporarily Occupied Territory of Ukraine'.
80	The introduction of the possibility to return funds placed in the accounts of internally displaced persons (IDPs) to the Pension Fund of Ukraine if unused for more than one year violates the right to private property, which includes pensions. It also negatively affects a large number of people, particularly the most vulnerable, who lack access to information.	Exclude the provisions of Article 40 of the Law of Ukraine "On the State Budget of Ukraine for 2025", which provide for the return to the Pension Fund of Ukraine of funds placed in IDP accounts if not used for more than one year.
81	The programmes introduced as an alternative (or as a subsequent stage) to support IDPs, in particular subsidies for housing rent, are short-term (up to one year). This causes concern among IDPs about their future place of residence after this period ends.	Develop diverse long-term housing solutions for IDPs, including programmes for temporary housing, preferential loans, rent-to-own schemes, etc.
82	Since 2014, the Russian Federation has carried out re-registration of cultural heritage objects in Russian registers, removal and destruction of Ukrainian cultural assets, as well as illegal archaeological excavations, including in Crimea. Ukraine does not comprehensively record this information.	Ensure the creation and maintenance of a register of destroyed or stolen cultural heritage, which should serve as the basis for compensation and reparation for the damage caused by the Russian Federation. It is important to continue cooperation with international partners, including UNESCO, to support the protection of cultural heritage and compensation for damages.

83	Following the full-scale invasion, the policy of the Russian Federation has become even more aggressive, including the implementation of the 'Zemsky Cultural Worker' programme, which enables Russian officials to manage cultural resources in the TOT.	Continue efforts to strengthen the sanctions package against Russian scholars and cultural figures, including archaeologists and restorers, who may be involved in the illegal seizure and destruction of Ukrainian cultural heritage in the TOT.
84	Uncertainty regarding the consequences of Ukraine's submission of a declaration under Article 124 of the Rome Statute, which allows a state, upon becoming a party to the Statute, to declare that it does not accept the jurisdiction of the ICC with respect to alleged crimes committed by its nationals or on its territory. In Ukraine's case, the declaration concerns only its nationals, for a period of seven years from the date the Statute enters into force for it.	Withdrawal of the declaration under Article 124 of the Rome Statute.
85	Inconsistency between the definitions of the most serious international crimes in Ukrainian legislation and the provisions of international criminal law.	Amend the legislation based on the provisions of international criminal law, particularly, to define (specify the elements of) war crimes, the crime of aggression, and to ensure the retroactive effect of provisions concerning international crimes.
86	Incompatibility of the provisions of the CPC of Ukraine with the challenges of proceedings concerning the most serious international crimes (jurisdiction, admissibility of certain types of information as evidence, their proper preservation, protection of victims and witnesses).	Amend the legislation to expand the jurisdiction of proceedings related to the most serious international crimes, legally recognise open-source information and intelligence data as admissible evidence and ensure their proper preservation, as well as establish a system for the protection of victims and witnesses.
87	Lack of legal certainty, failure to consider norms of international humanitarian law and the conditions of occupation in proceedings related to collaboration activities.	Amend the legislation to clarify the actus reus of collaboration activities, take into account the norms of international humanitarian law, provide for exceptions concerning persons ensuring vital services in occupied territory, and consider the conditions of occupation in assessing voluntariness and coercion. Continue training for the judiciary in international humanitarian law, particularly the law of occupation.
88	Contrary to international obligations, the Law of Ukraine "On Citizenship of Ukraine" deprives children born to persons residing in Ukraine without legal grounds of access to Ukrainian citizenship. Children born in Ukraine to parents who have the status of persons in need of complementary protection, or who have applied for recognition as refugees or as persons in need of	Amend the Law of Ukraine "On Citizenship of Ukraine" to grant the right to Ukrainian citizenship to all children born on the territory of Ukraine if they do not acquire another citizenship at birth. Amend the current legislation of Ukraine, which defines the legal content of citizenship, the grounds and procedure for its acquisition and termination, in order to ensure access to the right to citizenship for children born on the territory of Ukraine to parents who

	protection, are refused citizenship, which contradicts Articles 7 and 8 of the Law of Ukraine "On Citizenship of Ukraine". As a result, such children are at risk of statelessness from birth, which leads to the violation of their fundamental rights and limits their access to public services.	have been recognised as persons in need of complementary protection, or who have applied for recognition as refugees or persons in need of complementary protection — regardless of their country of origin. Refrain from adopting and implementing changes to current Ukrainian legislation that restrict the right to acquire Ukrainian citizenship for children born on its territory to persons in need of complementary protection or who have applied for recognition as refugees or persons in need of complementary protection.
89	Due to the war on the territory of Ukraine since 2014 and the full-scale invasion by the Russian Federation in 2022, a large number of Ukrainian citizens residing in temporarily occupied territories face difficulties in confirming their Ukrainian citizenship. This negatively affects their situation, limits opportunities to leave the occupied territories, creates obstacles in registering civil status acts, deprives them of access to the realisation of their rights, and causes significant risks, including statelessness.	Simplify the procedure for issuing a passport of a citizen of Ukraine. Ensure the effective implementation of legislative provisions on the recognition of documents certifying legal facts of a person's life issued in territories under temporary military control of the Russian Federation and introduce an extrajudicial (administrative) procedure for the registration of birth for persons from temporarily occupied territories. Ensure that applications regarding the acquisition or confirmation of Ukrainian citizenship are considered within a reasonable period. Ensure the proper and effective implementation of rights guaranteed by law during the confirmation of citizenship and issuance of Ukrainian passports by authorised public authorities.
90	There is no simplified procedure for acquiring Ukrainian citizenship for persons recognised as in need of complementary protection.	Establish a simplified procedure in Ukrainian legislation for acquiring Ukrainian citizenship for persons recognised as in need of complementary protection.
91	Lack of access to compensation under the Law of Ukraine "On Compensation for Damage and Destruction of Certain Categories of Immovable Property as a Result of Combat Operations, Acts of Terrorism, Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine, and the State Register of Property Damaged and Destroyed as a Result of Combat Operations, Acts of Terrorism, Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine" (Law No. 2923-IX) for persons whose housing was destroyed or damaged as a result of Russian aggression before 24 February 2022, as well as for those whose destroyed or damaged housing as a result of Russian aggression is located in the TOT of Ukraine.	Expand the compensation mechanism for the destruction or damage of certain categories of immovable property caused by Russian aggression, as established by Law No. 2923-IX, to include persons whose immovable property was destroyed or damaged before 24 February 2022 and those whose housing, destroyed or damaged as a result of Russian aggression, is located in the TOT of Ukraine, by amending the said Law or developing other equivalent solutions to ensure they are provided with compensation.

92	The absence of mechanisms for providing compensation for certain types of property whose destruction or damage is covered by Law No. 2923-IX: • procedure for granting compensation for damage to construction objects (detached houses, garden and country houses) and components of construction objects (flats, other residential premises in a building) which, after being put into operation, constitute independent immovable property (the procedure for compensation for destruction of such objects will also require appropriate adaptation of existing procedures); • procedure for granting compensation for damage to common property in multi-apartment buildings, excluding land plots; • the issue of compensation for destruction and damage to the relevant immovable property of members of housing construction (residential) cooperatives who have purchased a flat, another residential premise in a building, detached house, garden or country house belonging to the cooperative, but have not formalised ownership rights to it (as ownership rights were not formalised, certain aspects of the current compensation mechanism will require revision in these cases).	Approve the relevant procedures at the Government level or amend the existing Cabinet of Ministers Resolutions No. 381 of 21 April 2023 and No. 600 of 30 May 2023 to regulate the above issues.
93	Inability to obtain compensation for housing damage where the cost of necessary repairs exceeds the maximum compensation amount set by Cabinet of Ministers Resolution No. 381 of 21 April 2023, in the absence of additional co-financing from Ukrainian or international charitable organisations or other sources. No alternative procedure exists for providing compensation for more expensive restoration of damaged housing.	Ensure the possibility of granting compensation to owners of damaged housing where the cost of necessary repairs exceeds the maximum compensation amount currently provided under Cabinet of Ministers Resolution No. 381 of 21 April 2023, by amending said Resolution and providing the necessary funding for repair works or by approving a separate procedure for compensation in such cases.

94	Despite the fact that the provisions of Law No. 2923-IX concerning compensation for repairs to damaged property carried out at one's own expense came into force on 1 January 2024, this mechanism has not yet been implemented in practice. Consequently, those who have independently restored their damaged housing at their own expense are still unable to obtain compensation. Among other issues requiring refinement, including technical ones, is the absence of a technical possibility to submit an application via the Diia portal for compensation for destruction or damage to a room in a dormitory, ownership rights to which are registered in the State Register of Property Rights to Immovable Property (SRPR).	Review and, if necessary, revise the conditions for granting such compensation as defined in Cabinet of Ministers Resolution No. 381 of 21 April 2023. In addition, the Ministry of Digital Transformation of Ukraine should ensure the technical functionality for submitting applications for compensation for self-funded repairs of damaged housing, as well as the technical capability to submit applications for compensation regarding destroyed or damaged dormitory rooms owned by citizens, in order to protect the rights of owners and enable them to access the compensation mechanism (eVidnovlennia service).
95	Absence of a systemic approach to the development and improvement of the compensation mechanism, resulting in diverse and uncoordinated proposals in Parliament to amend the compensation mechanism established by Law No. 2923-IX. Absence of a common platform for systematising and addressing problems in the implementation of the compensation mechanism and for developing coordinated approaches to its improvement.	Develop a common vision in Parliament of the necessary amendments to the mechanism for compensation for destroyed and damaged housing, procedures for compensation for damage or destruction of other property and consolidate efforts for their effective and expert elaboration and implementation. This may be facilitated by creating a common platform for systematising and addressing problems of the compensation mechanism, developing coordinated approaches to its improvement, and establishing a permanent communication channel between authorities and representatives of the expert community and human rights organisations involved in these matters.
96	Absence of a systemic record of movable and immovable property damaged or destroyed as a result of Russian armed aggression since 2014. Maintaining such a record is important both for the development and implementation of effective compensation mechanisms for victims and for determining the overall amount of damage caused to the state as a whole.	Ensure the collection and recording of information on immovable property destroyed or damaged as a result of Russian armed aggression during the period from 19 February 2014 to 24 February 2022, including by enabling submission of information notices on damaged and destroyed immovable property as a result of combat operations, acts of terrorism, sabotage caused by the armed aggression of the Russian Federation against Ukraine, in accordance with Cabinet of Ministers Resolution No. 380 of 26 March 2022 by persons whose housing was destroyed or damaged during this period. Create a mechanism for collecting and processing information on destroyed and damaged movable property, primarily vehicles, by introducing a procedure for submitting information notices regarding such property, similar to that established by Government Resolution No. 380 of 26 March 2022 for immovable property.

		Define and approve a mechanism for remote inspection and assessment of the condition of objects located in areas of active hostilities or in the TOT of Ukraine. Ensure comprehensive and systematic recording of information on property destroyed or damaged due to Russian armed aggression, based on the Register of Damaged and Destroyed Property. Ensure the development and approval of a procedure for documenting and systematically recording cases of appropriation, nationalisation or other seizure of property by the occupation authorities/Russian Federation located in the TOT of Ukraine, as well as (cases of) loss of access by owners to immovable property located in the TOT of Ukraine and in areas of active hostilities.
97	Insufficient filling of the SRPR, in particular the widespread absence of data in the SRPR on ownership rights to immovable property acquired before 2013, which negatively affects citizens' ability to obtain compensation under Law No. 2923-IX in the event of destruction or damage to housing as a result of Russian armed aggression.	Ensure the simplification of the administrative procedure for entering ownership data into the SRPR for immovable property acquired before 2013 to increase the register's coverage and enable citizens to receive compensation in cases where such property has been destroyed or damaged. Where possible, ensure the availability of an electronic service for state registration of ownership rights to immovable property via the Diia portal in government-controlled territories where this service is currently unavailable. Ensure the digitisation of archives of technical inventory bureaus to preserve information necessary for entering ownership data on immovable property acquired before 2013 into the SRPR. Conduct an information campaign to raise public awareness about the need, conditions and procedure for entering information on their ownership rights to immovable property into the SRPR. Simplify the judicial procedure for recognising ownership of immovable property destroyed or damaged as a result of Russian armed aggression, in particular by introducing the consideration of such cases under the simplified separate proceedings procedure (in the absence of a dispute over ownership), and by exempting applicants — owners of destroyed or damaged property — from paying the court fee
98	The juvenile justice system needs to be brought into compliance with international and European standards, the EU acquis (including Directives 2016/800/EU and 2012/29/EU, the Council of Europe Strategy for the Rights of the Child), and the standards and priorities of the	Improve criminal data collection systems concerning minors, particularly by adding the capacity to record the number of children who have witnessed a criminal offence (in accordance with their procedural status).

	Council of Europe in order to ensure the best interests of the child. The recording of criminal statistics concerning minors is incomplete, and not all procedural rights envisaged by international standards are implemented in the CPC of Ukraine. There is no obligation to involve a defence counsel and a psychologist for minor victims and witnesses.	Introduce the mandatory involvement of a defence counsel for minors who are victims of a criminal offence or witnesses thereof, as well as a psychologist. Clarify the procedural status of such a psychologist. Adopt a comprehensive draft law on the protection of children within the juvenile justice system (which will include provisions of the Overarching Strategic Plan for Reforming of Law Enforcement Agencies as part of the Security and Defence Sector of Ukraine for 2023–2027 for 2023–2027, considering other recommendations outlined in this report).
99	The presumption of innocence as a principle of criminal proceedings is properly implemented at the legislative level. At the same time, the ethical codes of conduct of not all law enforcement agencies include the presumption of innocence as an ethical category (and a ground for disciplinary liability), and only the Code of Professional Ethics and Conduct of Prosecutors elaborates its content. The practice of using linguistic markers of guilt in public communication and in the attitude of law enforcement and prosecutorial authorities towards suspects and accused persons persists. There is no appropriate response even in cases where the court has established a violation of the presumption of innocence. As a result, the presumption of innocence is an abstract, illusory right rather than an actual safeguard against biased criminal prosecution.	Respond appropriately to cases of violation of the presumption of innocence and improve the professional level of all law enforcement personnel regarding public communication of their activities. Disciplinary bodies of law enforcement agencies and the Qualification and Disciplinary Commission of Prosecutors should develop practice concerning the violation of the presumption of innocence as an ethical category, and the ethical codes of law enforcement agencies should be standardised.
100	Procedural requirements regarding the notification of rights are not fully implemented and are often formal in nature. The problem of “shadow” detentions, summonses and other procedural actions that are not recorded persists, meaning the person does not receive the relevant procedural rights or information about their rights. As a result, the risk of violation of human rights (their procedural rights) increases. The biggest challenge to the right to be present at trial remains the <i>in-absentia</i> procedure. Ukraine has not yet introduced rules on proper notification about the conduct	Develop a system of informing participants in criminal proceedings about their rights, in particular the Custody Records system, and extend it to all law enforcement agencies that carry out detentions (in addition to the NPU — to the SBI, NABU, SSU, and the ESBU). Improve the procedure for informing suspects and accused persons about investigations and proceedings against them within special pre-trial investigation and trial (<i>in absentia</i>) proceedings. Introduce a system for reviewing in absentia verdicts not only through appellate proceedings but also via new (<i>ex novo</i>) proceedings.

	of special pre-trial investigation and trial proceedings, nor a procedure for appealing a court verdict ex novo if the person was not duly notified prior to its adoption.	
101	The right of access to a defence counsel and to interpretation in criminal proceedings is guaranteed. At the same time, the right to interpretation is not fully ensured in accordance with the provisions of Directive 2010/64/EU (2010). A suspect or accused person does not have a procedural opportunity to challenge the quality of interpretation or the interpreter if such interpretation is provided improperly. Moreover, the system for engaging interpreters from the relevant Register at the expense of the state budget is imperfect, and the payment for such services is insufficient to attract qualified interpreters to criminal proceedings.	Develop the system of free legal aid in Ukraine, in particular by expanding the categories of persons who have suffered from war crimes and require state protection due to their vulnerable condition and lack of resources to defend their rights and conduct an independent audit of the system's capacity to address such challenges. Amend the CPC of Ukraine regarding the procedure for appealing the quality of interpretation in criminal proceedings and replacing the interpreter in the event of improper performance of their duties, in accordance with Directive 2010/64/EU (2010). Ensure an adequate level of remuneration for qualified professional interpreters in criminal proceedings when engaged at the expense of the state budget.
102	Access to justice under martial law has become more difficult. The digitalisation of justice, which has been gradually taking place in recent years, is still in progress, and at times informal practices or technical failures hinder the proper exercise of this right and the trust of participants in court proceedings in the Electronic Court system.	Improve procedures for participation in court hearings via videoconference outside the court premises using personal technical devices. This procedure may apply to justice administered in areas most affected by hostilities during wartime. To facilitate access to justice, especially under wartime conditions, gradually implement the UJITS in the administration of justice, including criminal proceedings.
CHAPTER 24 "JUSTICE, FREEDOM AND SECURITY"		
COMBATING ORGANISED CRIME		
1	The Overarching Strategic Plan for Reforming of Law Enforcement Agencies as part of the Security and Defence Sector of Ukraine for 2023–2027 (OAS) and the OAS Action Plan is a large-scale document containing measures of varying structure. Some measures are more strategic and envisage the adoption of a concept or strategy, while others are more operational, involving the implementation of certain decisions or the development of draft legislative initiatives. At the same time, some measures include sub-measures or comprise several	Continue the implementation of the measures set out in the OAS and its Action Plan. Approve a methodology for evaluating these policy documents and establish an Interagency Working Group (or other coordinating mechanism) for this purpose.

	substantively different elements. This structure hinders straightforward assessment based on “implemented/not implemented” criteria, leading to a lack of a proper evaluation methodology and the absence of a responsible assessment body. In addition to the Government, the PGO is also involved in the implementation of these documents, although it is not subordinate to the Government.	
2	The institution of operational and search activities was significantly restricted following the adoption of the current CPC of Ukraine in 2012. At present, covert measures involving interference with human rights and freedoms are carried out under judicial control within the framework of this Code. However, matters such as the formation of agent networks, the collection and analysis of potentially criminal information, and other operational activities require proper regulation using modern criminal intelligence practices.	Develop and adopt the Law of Ukraine “On Criminal Intelligence”, which would transform the institution of operational and search activities by distinguishing it from criminal procedural, intelligence, and counterintelligence activities.
3	There is no systemic approach to combating organised crime, with insufficient cooperation among law enforcement agencies in this area; outdated and unbalanced legal regulation of organised crime issues; deficiencies in crime situation monitoring procedures; lack of a consolidated and objective methodology for assessing organised crime threats; and the use of outdated forms and methods for combating this phenomenon. A permanent National Coordinator for Combating Organised Crime has not yet been established, and these functions are currently temporarily assigned to the MoIA.	Improve the Law of Ukraine “On Organisational and Legal Foundations of Combating Organised Crime”, including by: • clarification of the functions of combating organised crime for the specifically designated unit within the structure of the NPU and the operational units of the SSU; • delineation of their functions from those of other bodies defined in the Strategy as part of the subsystem for combating organised crime; • improvement of the procedures for interaction and coordination among state bodies involved in combating organised crime. Submit to Parliament a draft law (similar in content to Draft Law No. 11532), which would establish the National Coordinator for Combating Organised Crime.
4	Since 2016, with the support of ITA projects, various parallel initiatives have emerged in Ukraine to implement the relevant EUROPOL SOCTA methodology within the law enforcement system. However, SOCTA has not	Conduct a threat assessment of serious criminal offences and organised crime using the SOCTA Ukraine assessment system for the period 2021–2024, and, on this basis, adopt a new Strategy for Combating Organised Crime for the period 2026–2030 and an action plan for its implementation, taking into account the EMPACT methodology).

	become a part of criminal threat forecasting conducted on a regular basis in line with the requirements of a state policy document, such as the Strategy for Combating Organised Crime. The practical implementation of the results of the national SOCTA assessment is taking place only within the NPU and on a limited scale, whereas it should become a practical tool for the entire law enforcement system.	Strengthen the institutional capacity of law enforcement agencies to conduct the national SOCTA assessment.
5	Criminal liability of legal persons was introduced back in 2014; however, its scope is significantly narrower than that of EU Member States, and practice shows that this institution is rarely applied due to shortcomings in legal regulation. In 2024, as part of Ukraine's accession to the OECD, it was improved and extended to corruption offences, yet it remains relevant to extend its application to a wider range of crimes.	Expand the institution of criminal liability of legal persons, preceded by an analysis of the effectiveness of this institution during 2014–2023, and improve it with regard to corruption-related criminal offences in 2024 (the analysis should be conducted through the lens of Council Framework Decision 2008/841/JHA).
6	The ESBU, established in 2021 as a new law enforcement agency, has not met expectations regarding the improved effectiveness of investigating economic crimes while respecting human rights, particularly those of business entities. The Law on “relaunching” the ESBU, adopted in 2024, does not address all of the Bureau's problems, but only provides for initial steps towards personnel changes. The powers of the Bureau, particularly analytical functions and process management, remain unaddressed. At present, the first stage of the implementation of this Law has begun — the competition for the position of Director of the ESBU. The Commission has completed its work and submitted to the Government the candidacy of the winner; however, the Government, without any legal grounds, is not appointing him to the position.	Appoint the winner of the competition as Director of the ESBU in the manner provided for by law. Ensure the effective implementation of the provisions of the Law of Ukraine No. 3840-IX of 20.06.2024 “On Amendments to Certain Legislative Acts of Ukraine to Improve the Work of the Economic Security Bureau of Ukraine” with regard to the appointment of the Director and the certification of ESBU staff, as well as other state policy measures in this area. In particular: strengthen the ESBU's analytical functions, implement both internal and external evaluation systems, and ensure an effective internal control system.
7	The term “economic crime” is a collective category encompassing a range of criminal offences. Currently, their investigation falls under the jurisdiction of various	Eliminate competition over economic and financial offences falling within the jurisdiction of the ESBU, NPU and NABU.

	bodies. Interaction between them, as well as prosecutorial oversight, is at times weak; actions may be duplicated, and competition over criminal proceedings may undermine the interests of justice.	Strengthen the institutional capacity of prosecutorial authorities to exercise procedural oversight in such cases.
8	Criminal procedure legislation is limited in terms of applying alternative methods for resolving criminal law conflicts concerning financial offences. The institution of plea agreements is rarely used in this category of cases (as in general), and international experience with other forms of alternative resolution is not applied.	Develop alternative mechanisms for resolving criminal law conflicts (e.g. international practices of transactions), to be applied at the pre-trial investigation stage in certain types of criminal offences, primarily financial in nature.
9	There are no strategic documents concerning financial investigations. While there are some standards in the areas of war crimes investigations or the protection of entrepreneurship, they are lacking in financial investigations, where coordination among different law enforcement bodies is essential. Forecasting financial crime based on statistical data is difficult, as the aggregation of data is hindered by the fact that “financial crime” is a collective concept covering several types of criminal offences.	Approve the Strategy for financial investigations in the field of combating criminal offences related to the acquisition of proceeds, along with pre-trial investigation standards in this sphere. Improve statistical recording of this category of offences by introducing a dedicated module in the Unified Register of Pre-Trial Investigations.
10	Following the adoption of the Law No. 4503-IX on the reform of ARMA, it is necessary to ensure the development of quality amendments to the CPC of Ukraine in order to make all the mechanisms provided for by this legal act operational.	Parliament should, with the participation of the expert community, develop and adopt a draft law amending the CPC of Ukraine to ensure the full implementation of all the provisions of Law No. 4503-IX.
11	Draft Law No. 12374-d envisages the regulation of numerous mechanisms at the level of subordinate legislation, which must be developed by the Government, the Prosecutor General's Office, and ARMA. It is therefore critical to ensure the development of high-quality regulatory instruments.	The Government, the PGO and ARMA should ensure transparency in the development of all secondary legislation envisaged by the ARMA reform, with the involvement of experts, civil society representatives and international partners.
12	Following the dismissal of the Head of ARMA, this vacant position should be filled as soon as possible under the new rules of competitive procedures.	The Government should promptly establish a selection commission for choosing a candidate for the position of Head of ARMA, and the selection commission should determine the candidate effectively and in line with best practices.

13	The Asset Recovery Strategy expires in 2025. However, its effective implementation remains questionable due to issues embedded in the document's initial design.	The Government should revise the Asset Recovery Strategy and its Action Plan to ensure that the document reflects best practice examples, is grounded in evidence-based policy-making, and contains realistically achievable objectives.
14	In its public communications, ARMA tends to employ tactics of actively promoting its activities, which are sometimes accompanied by messages containing factual distortions or manipulative presentation of information. This approach is questionable for a state body that forms part of the anti-corruption segment of the criminal justice system.	ARMA should focus its communication efforts on explaining to the public its core mission and functions within the system of corruption prevention and counteraction, as well as on reporting the results achieved within the scope of its current mandate.
15	The current system does not ensure the proper political independence of the State Financial Monitoring Service due to the absence of a competitive selection process for its Head and limitations on the term of office. Draft Law No. 13029, registered in Parliament, requires revision to reflect the specifics of the SFMS's work with information protected by banking secrecy.	Finalise and adopt Draft Law No. 13029, taking into account the specific nature of the SFMS as a financial intelligence unit that works with information protected by banking secrecy.
16	The SFMS's strategic documents (whose validity has expired) and the regulatory framework for strategic planning are fragmented, which negatively affects the effectiveness of long-term planning.	Develop a clear regulatory procedure for the formulation, implementation, and monitoring of the SFMS's strategic activities, and update the relevant documents, as the strategic framework currently defined in legislation is fragmented and outdated.
17	SFMS reporting documents lack sufficient analytical information on the challenges hindering the effective functioning of the institution and are primarily focused on statistical data.	Enhance the analytical component of SFMS reporting documents by including an analysis of the challenges that hinder the agency's effective operation.
18	The SFMS lacks a unified approach to defining categories of information subject to disclosure, and engagement with the civil society sector is limited due to the institution's specific status. This reduces the transparency of its activities and complicates public oversight	Develop a unified approach to classifying which categories of information may be publicly disclosed and which must remain confidential, and expand cooperation with civil society, taking into account the specific nature of the SFMS's work, to improve the transparency and effectiveness of its operations.
19	The MONEYVAL Committee's report assessing anti-money laundering and counter-terrorist financing measures, initially expected by the end of 2024, has been postponed.	Ensure the proper and timely implementation of the MONEYVAL recommendations expected in the forthcoming 2025 report and incorporate their outcomes into future activities.

20	A standalone law on civilian firearms has yet to be adopted (although it was passed at first reading in early 2022), while conditions for the purchase, storage, registration, security, carrying, transportation, and use of firearms are regulated by subordinate legislation. Only a limited category of civilians is entitled to carry firearms of various types.	Adopt Draft Law No. 5708 on civilian firearms, finalising its provisions based on expert feedback.
21	In 2024, the Coordination Centre on Combating the Illicit Circulation of Firearms, Their Components and Parts, and Ammunition was launched and currently performs the NFFP function. However, its operating procedures, threat assessment mechanisms, and other components of its mandate are not yet fully developed. There is also no strategic vision for countering the illicit circulation of firearms in Ukraine, especially in light of wartime challenges.	Strengthen the institutional capacity of the Coordination Centre, which performs the functions of the NFFP. Develop and adopt a Roadmap for countering the illicit circulation of firearms within the deadlines set by state policy documents.
22	Criminal liability for the illicit circulation of firearms is inadequate, and the illicit circulation of firearm components and ammunition is not criminalised at all.	Improve criminal liability for the illicit circulation of weapons and ammunition, in particular by adapting it to the conditions of full-scale war and clarifying liability concerning firearm components and ammunition. The wording of the relevant articles in the draft of the new CC of Ukraine and the adoption of Draft Law No. 10179 could serve as a basis for such improvements.
23	Parliamentary oversight of the activities of special services is limited. The latest regulatory development in this area — the adoption of the Law of Ukraine “On National Security of Ukraine” in 2018 — improved the situation, but in practice, problems persist with access to information for members of the Verkhovna Rada Committee on National Security, Defence and Intelligence, along with other issues.	Consider the possibility of establishing a separate Verkhovna Rada Committee on Special Services to organise parliamentary oversight of the activities of special services. Finalise Draft Law No. 1204 by detailing the forms and procedure for exercising parliamentary oversight in this area.
24	The SSU currently concentrates powers both as a counterintelligence body and as a pre-trial investigation body. The effectiveness of the Service is limited, and the scope of democratic civilian oversight does not cover all areas of its activity. Although a number of decisions to	Adopt a number of legislative decisions on SSU reform, transforming it into a classical special service with counterintelligence activity as its core function.

	reform the SSU have been adopted, the process has been stalled due to the war.	
25	The SSU combines the functions of both a law enforcement agency (pre-trial investigation body) and a counterintelligence body. Since the adoption of the CPC of Ukraine in 2012 and amendments to the Constitution of Ukraine concerning the judiciary in 2016, the issue of clearly delineating concepts in the organisational and legal framework of security and defence sector bodies has remained relevant.	At the legislative level, distinguish between such terms as “law enforcement body”, “public order body”, “intelligence body”, and other organisational and legal terms used in the legislation governing the activities of the security and defence sector of Ukraine.
26	The development of internal control units in recent years — particularly the adoption of anti-corruption programmes — has increased their effectiveness. However, the approach to such units and the resources allocated to them vary significantly. The OAS provides for several measures to introduce a standard code of professional ethics and integrity criteria into recruitment procedures within law enforcement agencies, which will require greater involvement of these units. In this context, their institutional capacity is currently insufficient. The prosecution service has a unique tool called the “confidential integrity check”, which requires prosecutors to submit an annual integrity declaration. However, this mechanism has largely become a formality. During martial law, the failure to publish these declarations on the PGO website has rendered the tool ineffective, as it was originally designed to allow members of the local community to report on the integrity of prosecutors operating in their area. The concept of “integrity” lacks unified criteria, which complicates its assessment when resolving practical issues of internal control.	Strengthen the institutional capacity of authorised units within the criminal justice bodies responsible for preventing and detecting corruption and grant them the authority to effectively monitor and support the implementation of anti-corruption programmes. Consider discontinuing the practice of the confidential integrity check for prosecutors. Transform the institution of prosecutorial integrity checks. Prosecutorial self-governance bodies should approve unified criteria for assessing the integrity of prosecutors, based on the experience of judges. The role of the General Inspectorate should be strengthened while preserving the scope of guarantees of the institutional independence of prosecutors.

27	Unlike “new” law enforcement agencies (NABU, SBI, ESBU), the NPU does not conduct a competitive selection process for the appointment of its Head, and competitions for managerial positions are optional. As a result, there is a different approach to appointments in the NPU, which is neither meritocratic nor fair, and undermines public trust in the police.	Introduce mandatory competitive selection for the post of Chief of Police (Head of the NPU), senior leadership positions, and selected middle management positions within the police.
28	The adoption of the Law of Ukraine “On the National Police” in 2015 led to a formal separation between the MoIA and the NPU. However, the Minister of Internal Affairs has retained certain operational management powers over the police, particularly in relation to personnel matters. As a result, the MoIA holds powers that are not characteristic of a ministry in relation to the NPU, and the depoliticisation process remains incomplete.	Consider reducing the influence of the Minister of Internal Affairs in NPU personnel matters (in relation to the appointment/dismissal of the First Deputy Head and Deputy Heads of Police, and the approval of appointments/dismissals of heads of territorial police bodies).
29	In recent years, a number of Ukrainian law enforcement agencies have joined the SIENA system (with the SSU obtaining extended access to SIENA-CT). However, only the SBI has regulated the use of this platform through subordinate legislation.	Develop subordinate regulatory acts on the use of the SIENA platform by law enforcement agencies connected to this system.
30	Law No. 4560-IX, which restored the procedural independence of the SAPO and NABU, introduced a compromise procedure for conducting polygraph examinations as a tool of internal control. This was defined only in the Final Provisions of the Law, whereas the application of such a rule should be permanent. Accordingly, there is an issue with proper secondary regulation, in particular with the establishment of safeguards against abuse of this tool.	Approve a joint procedure for the conduct of polygraph examinations by law enforcement and prosecution bodies in accordance with the list defined by Law No. 4560-IX, determining the frequency of such checks, the prohibition of repeated checks of the same person within a certain period, and the legal consequences of such checks.
31	There is very limited publicly available information on international cooperation between Ukrainian law enforcement bodies and their European counterparts. Summary data on the outcomes of such cooperation	Continue expanding the areas/topics of cooperation between Ukrainian law enforcement and prosecutorial bodies and Europol and Eurojust, and support training at CEPOL.

	are not published. As a result, it is difficult for experts to provide an alternative (external) assessment of how effectively Ukraine cooperates with European law enforcement institutions.	Introduce a mechanism for reimbursing the expenses of public authorities related to participation in the activities of JITs. Periodically publish information on the outcomes of international cooperation, particularly concerning JITs.
32	The issue of identification and access to assistance for victims of trafficking in human beings at the local level remains unregulated.	Amend Article 5 of the Law of Ukraine "On Combating Human Trafficking" to include local self-government bodies among the actors involved in anti-trafficking measures; introduce the possibility of submitting an application for victim status online.
33	Criminal legislation is not fully aligned with EU and Council of Europe standards in the area of combating trafficking in human beings.	• Amend the CC of Ukraine to: • introduce criminal liability of legal persons for the offence of human trafficking (Chapter XIV¹ of the CC of Ukraine); • add Article 149 of the CC of Ukraine in the list of offences for which the statute of limitations is calculated from the moment the victim reaches the age of majority (Part 6 of Article 49 of the CC of Ukraine); • establish criminal liability for the intentional use of services provided by victims of human trafficking.
34	Inconsistency of current legislation with the provisions of Directive 2011/36/EU.	Amend Ukrainian legislation to bring it into compliance with the standards of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, as well as the Council of Europe Convention on Action against Trafficking in Human Beings. Amend the Law of Ukraine "On Combating Human Trafficking" to clearly define the concept of the "recovery and reflection period" and list the guaranteed measures of assistance and protection for the victim during this period; introduce provisions on the non-punishment of victims who were compelled to engage in criminal activities.
35	Absence of adequate and independent national-level monitoring of the implementation of anti-trafficking legislation.	Establish the position of an independent national rapporteur on trafficking in human beings.
36	Absence of legislation regulating the process of surrogacy, including the provision of rights and guarantees for all participants in the process.	Regulate the legal protection of the rights and interests of participants in surrogacy programmes, particularly women who agree to become surrogate mothers and children born through such programmes.
37	A significant number of criminal proceedings related to trafficking in human beings are dismissed at the pre-trial	Increase the effectiveness of handling criminal proceedings by raising the number of cases that reach trial stage; impose custodial sentences on a greater number of convicted offenders.

	or trial stages, and convicted offenders often receive disproportionately lenient sentences.	
38	Statistical data on trafficking in human beings collected by various law enforcement agencies are not unified.	Improve and unify the collection of statistical data on trafficking in human beings by law enforcement agencies and courts. The SBGS should collect and publish statistical data on its activities in the area of combating trafficking in human beings.
39	Victims of violent crimes rarely receive compensation for the harm suffered and often do not apply for it, as the compensation mechanism (filing a civil claim against the accused) is ineffective.	Explore the possibility of establishing a state compensation fund for victims of violent crimes, including victims of trafficking in human beings.
40	The procedure for obtaining the status of a person who has suffered from trafficking in human beings has shortcomings that complicate access for victims (access at the local level, access from abroad, access for vulnerable categories of individuals).	Improve the procedure for submitting an application and obtaining the status of a victim of human trafficking. Introduce the possibility of submitting applications to local self-government bodies and allow for applications to be submitted in electronic form. Examine barriers to accessing support services and submitting applications for victim status among various categories of victims (persons with disabilities, IDPs, foreigners, undocumented persons, men evading mobilisation, individuals living in rural areas, persons displaced abroad, etc.) and develop measures aimed at overcoming these barriers.
41	The existing system of social services for victims of trafficking in human beings has not sufficiently adapted to the challenges posed by Russia's full-scale invasion of Ukraine.	Improve the system of service provision for victims of human trafficking in view of the challenges posed by the full-scale invasion. In particular, allocate more resources for housing victims who have lost or cannot access their homes due to occupation; establish specialised shelters for victims of human trafficking, including male victims; fund programmes for specialised medical and psychological care, as well as rehabilitation programmes for victims.
42	There is no effective mechanism for addressing cases in which Ukrainian citizens abroad become victims of trafficking in human beings.	Develop a mechanism for cooperation between Ukrainian law enforcement agencies and diplomatic missions, involving law enforcement authorities of other countries and civil society and international organisations, to ensure proper identification, registration, and investigation of cases of human trafficking involving Ukrainian citizens abroad.
43	The situation of Ukrainian children forcibly displaced abroad is barely monitored; their needs are not assessed, and anti-trafficking prevention measures are not undertaken.	Improve mechanisms for registering Ukrainian children who have been forcibly displaced abroad, assess their service needs, and establish cooperation with competent authorities and civil society organisations in other countries to ensure the provision of such services (e.g. hotline counselling, psychological support, access to diplomatic missions, domestic violence prevention, etc.).

44	The capacity of responsible actors in combating trafficking in human beings is insufficient.	Conduct specialised training and strengthen the institutional capacity and interaction skills of actors involved in anti-trafficking measures, including the NPU, prosecution authorities, State Border Guard Service, diplomatic missions, civil servants of local state administrations, local self-government officials, specialists from social services, and free legal aid centres.
45	Specialised training on combating trafficking in human beings pays insufficient attention to victim-centred approaches.	Provide training on the implementation of victim-centred and trauma-informed approaches when working with victims of human trafficking.
46	The concept of electronic evidence is still absent from the CPC of Ukraine, unlike in other proceedings (administrative, civil, commercial). Issues such as partial data disclosure and urgent data preservation remain insufficiently regulated.	Adopt legislative amendments to fully implement the Convention on Cybercrime and its Second Additional Protocol, including introducing the concept of electronic (digital) evidence into the CPC of Ukraine (analogous to the Commercial, Civil, and Administrative Procedure Codes).
47	Cyberviolence is not recognised as a separate offence under Ukrainian criminal law. Common phenomena such as stalking, harassment, and incitement to violence or hatred in the online space are widespread, but there are no adequate criminal law tools to address them.	Criminalise cyberviolence, considering the provisions of Directive (EU) 2024/1385.
48	There is no criminal liability for “renting out” one’s payment card for the commission of criminal acts, although such crimes are widespread and significantly harm the national economy. During wartime, the problem of “money mules” has increased, and the regulator’s (National Bank of Ukraine) response has been insufficient.	Implement Directive (EU) 2019/713 into national legislation on non-cash payment instruments, including the introduction of criminal liability for illegal actions involving payment cards or other payment tools in the interests of third parties.
49	Forecasting of organised crime, including cybercrime, is not conducted at an adequate level. “Cybercrime” is a collective concept encompassing various criminal offences, which complicates proper statistical accounting of crime in this area.	Introduce the Internet Organised Crime Threat Assessment (IOCTA) system into the operations of Ukrainian law enforcement and prosecutorial bodies. Improve unified statistical reporting by law enforcement and prosecution bodies on countering criminal offences in the field of cybersecurity, based on the results of the assessment of crime data for 2025 and the analysis of the list of offences classified as relating to cybersecurity.
50	The legislative framework for anti-money laundering has significant gaps, including the undefined legal status of virtual assets, the absence of a Unified Account Register,	The Parliament should improve the legislative framework for combating money laundering, particularly concerning the legal status of virtual assets, the creation of the

	and the lack of evidentiary value of financial investigation materials in criminal proceedings, which necessitates duplicating results through procedural actions.	Unified Register of Accounts, and granting evidentiary value to the materials of financial investigations.
51	Existing strategic documents on countering money laundering have mostly expired, and the SFMS requires the implementation of modern analytical technologies for effective information analysis.	The Government should ensure strategic planning and adequate resourcing of the anti-money laundering system, including the regular update of the National Risk Assessment and the introduction of modern technological solutions into the operations of the SFMS.
52	The analytical work of the SFMS is burdened by unnecessary formalities, such as the requirement for Expert Commission approval of generalised materials. In addition, the risk assessment methodology does not account for the specific nature of non-profit organisations, leading to the erroneous classification of legitimate non-profit activities as high-risk indicators and unjustified restrictions on their operations.	The SFMS should enhance the effectiveness of its analytical work and the quality of generalised materials by streamlining internal procedures, optimising interaction with reporting entities, and updating the risk assessment methodology, taking into account the specific nature of non-profit organisations.
53	In certain cases, an unbalanced approach to risk regulation in the financial system results in unjustified denial of service by financial institutions, particularly towards non-profit organisations and politically exposed persons, as banks may prefer to refuse service rather than examine a client's situation in detail due to the risk of regulatory penalties.	The National Bank of Ukraine and other regulators should continue the development and implementation of a balanced approach to risk regulation in the financial system, one that ensures effective counteraction to the legalisation of criminal proceeds without imposing unjustified restrictions on law-abiding participants in the financial market.
54	Criminal prosecution for money laundering tends to be formalistic and focused on statistical indicators rather than on genuinely combating the laundering of criminal proceeds.	Law enforcement bodies and the prosecution service should enhance the effectiveness of money laundering investigations through the introduction of specialisation, improved knowledge and practical skills, refinement of investigative methodology, and a shift away from a formalistic approach in favour of real asset confiscation.
55	The lack of up-to-date generalised judicial practice on the application of anti-money laundering legislation and the absence of a unified methodology for compiling judicial statistics hinder effective prosecution for money laundering and complicate the assessment of its effectiveness.	The judiciary should develop a modern and consistent judicial practice in the application of anti-money laundering legislation, ensuring uniformity in the methodology for compiling judicial statistics and improving the qualifications of judges in handling such cases.

56	The existing witness protection system, which has remained unreformed for almost 30 years, has lost its effectiveness and public trust. Witnesses and victims in criminal proceedings involving serious and particularly serious crimes, who face real threats, often consciously refuse to give incriminating testimony or cooperate with investigators. Protection measures are largely limited to physical means — providing guards and issuing warnings — and due to a lack of resources, receiving state protection is difficult. Threat assessments for witnesses are not conducted.	Adopt a new Law of Ukraine “On Ensuring the Safety of Participants in Criminal Proceedings”. Establish a national service for guaranteeing the security of participants in criminal proceedings, ensuring its autonomy from law enforcement and prosecutorial bodies, and provide it with appropriate funding. Implement Guidelines on risk assessment for the security of participants in criminal proceedings.
COOPERATION IN THE FIELD OF DRUG CONTROL		
1	Monitoring of the drug situation in Ukraine is stipulated by a 2019 Government Resolution. However, this document does not reflect the current state of play. Notably, it does not assign these functions to the State Institution “Public Health Centre of the Ministry of Health of Ukraine” (PHC MoH), does not take into account the establishment of the EUDA in 2024, and lacks an early warning system for substances before they are added to the list of prohibited substances.	Complete the transfer of drug situation monitoring functions in Ukraine to the PHC MoH. Amend the Procedure for Monitoring the Drug and Alcohol Situation in Ukraine, approved by Resolution No. 689 of the Cabinet of Ministers of Ukraine. Implement an early warning system for the appearance of relevant substances in illicit circulation.
2	Ukrainian legislation lacks definitions for new psychoactive substances, a qualifying element of “causing harm to the health of multiple persons” in drug-related offences, and criminal liability of legal persons for such crimes. Similarly, the level of sanctions for drug-related offences in national legislation does not fully comply with Council Framework Decision of 25 October 2004 No. 2004/757/JHA.	Fully implement Council Framework Decision 2004/757/JHA of 25 October 2004 into national legislation. Implement amendments to legislation in order to comply with Council Recommendation 2003/488/EC of 18 June 2023.
3	Ukraine lacks a comprehensive policy document in the area of drug policy. The last strategy expired in 2020, and despite efforts in 2021 and 2023, a new one has not yet been adopted.	Approve the draft State Drug Policy Strategy until 2030 and adopt an operational Action Plan for its implementation.

4	In recent years, some progress has been made in addressing a key problem in the Ukrainian law enforcement system — the focus on prosecuting drug users instead of drug dealers (those who distribute narcotic drugs). Currently, drug users account for 42% of all drug-related cases, which remains high due to insufficient prioritisation of cases against drug dealers. Exemption from liability through voluntary treatment or the use of mediation tools is not widespread.	Continue implementing a criminal prosecution policy primarily targeting individuals and criminal organisations engaged in the distribution of narcotic drugs (drug dealers). In contrast, apply alternative mechanisms to criminal liability for drug users to resolve criminal law conflicts.
COUNTER-TERRORISM		
1	Cooperation between the SSU Counterterrorism Centre and local authorities and civil society is insufficient, while the counterterrorism competence of these bodies needs improvement.	Ensure the functioning of the SSU Counterterrorism Centre as the national contact point for information exchange aimed at preventing terrorist offences.
2	Directive (EU) 2016/681 has not been implemented in Ukrainian legislation. At the same time, there is a divergence of views between the SSU Counterterrorism Centre and the State Border Guard Service regarding the method of implementation.	Develop and adopt legislation to ensure the functioning of a system for collecting, protecting, and exchanging passenger data, and establish a data processing system (API/PNR) in Ukraine.
3	There is no comprehensive document on the prevention and counteraction of violent extremism.	Develop and adopt a strategic public policy document on preventing and countering violent extremism.
4	The issue of radicalisation is not currently a priority for Ukraine due to the low prevalence of the phenomenon, and allegations of widespread right-wing radical movements in Ukraine are largely hostile propaganda rather than reality.	Conduct a broad expert dialogue between Ukrainian representatives and the European Commission on the advisability of regulating the issue of countering radicalisation at the legislative level.
5	The function of protecting critical infrastructure is temporarily performed by the State Service of Special Communications and Information Protection of Ukraine. The focus in this area is on physical measures rather than broader resilience in line with European standards. Public-private partnerships in critical infrastructure protection are minimal.	To fully implement Directive (EU) 2022/2557, it is advisable to adopt Draft Law No. 12208 on strengthening the protection of critical infrastructure facilities.

6	Since 2014, the consequences of the armed conflict on the territory of Ukraine have been accompanied by a practice of incorrect application of international humanitarian law, which negatively affects the study and assessment of the consequences of the war. In particular, a practice has developed of classifying participation in the armed conflict under Article 2583 of the CC of Ukraine and violations of the laws and customs of war as terrorist acts under Article 258 of the CC of Ukraine.	Establish consistent practice in the legal qualification of criminal offences committed in the context of armed conflict since 2014. In particular, ensure unified approaches to the qualification of violations of the laws and customs of war committed since 2014 in the context of events in Crimea, certain areas of Donetsk and Luhansk regions, and incidents following the full-scale invasion of Ukraine by the Russian Federation on 24 February 2022. Avoid applying the legal qualification of general criminal offences (e.g. under Articles 115, 127, 146 of the CC of Ukraine) to acts that should be classified as war crimes.
7	The pre-trial investigation of criminal offences under Articles 438 and 442 ¹ of the CC of Ukraine is assigned to the investigative jurisdiction of the SSU. However, a significant number of criminal proceedings with this legal qualification are conducted by NPU investigators due to the transfer of investigations under Article 36 of the CPC of Ukraine.	Amend Article 216 of the CPC of Ukraine to provide for alternative investigative jurisdiction for the NPU in relation to crimes under Articles 438 and 442 ¹ of the CC of Ukraine.
8	The definitions of international crimes under the Criminal Code of Ukraine (Articles 437, 438, 442, and 442 ¹) do not conform to the provisions of international law, which negatively affects the effectiveness of investigating the consequences of the armed conflict on the territory of Ukraine.	Harmonise the provisions of the CC of Ukraine with international law regarding the definitions of international crimes: genocide, crimes against humanity, war crimes, and the crime of aggression.
JUDICIAL COOPERATION IN CRIMINAL, CIVIL AND COMMERCIAL MATTERS		
1	As a general rule, international cooperation during the pre-trial investigation stage is carried out by the PGO, and during the trial stage — by the Ministry of Justice. In 2022, the PGO signed a cooperation agreement with the European Public Prosecutor's Office (EPPO), and in 2023 — NABU. In 2024, the autonomy of SAPO was significantly strengthened. Given the functions of the prosecution service and the conclusion of a similar cooperation agreement between EPPO and the PGO, it appears that under the new institutional arrangement, international cooperation should be the responsibility of SAPO rather than NABU.	Consider the possibility of concluding a cooperation agreement between the European Public Prosecutor's Office and SAPO. Include SAPO in the list of central authorities for international cooperation in criminal proceedings by introducing the relevant amendments to the CPC of Ukraine.

2	The level of cooperation with the European Public Prosecutor's Office is minimal. At the same time, considering Ukraine's candidate status for EU membership, the country has more opportunities to deepen such cooperation than it currently applies in practice. The term "international search" is absent from Ukrainian legislation, which causes a number of practical issues in aligning terminology between Ukrainian competent authorities and international bodies. Several other aspects concerning extradition arrest, the procedure for information exchange and its protection also require regulation.	Expand the scope of cooperation with the European Public Prosecutor's Office through study visits, exchange of best practices, and the establishment of joint working groups to improve legislation. Improve criminal procedural legislation on international legal cooperation in criminal justice by drafting and adopting the relevant draft law. The provisions contained in Draft Law No. 11223 should be used as the basis for such a draft law.
3	The Council of Europe Convention on Offences relating to Cultural Property (the Nicosia Convention) has been signed by Ukraine, but the ratification procedure has not been completed. The relevant implementing laws are still under consideration by the Verkhovna Rada.	Complete the ratification of the Council of Europe Convention on Offences relating to Cultural Property in order to enhance the effectiveness of countering international crimes against cultural heritage.
4	National courts take a long time to consider cases under the 1980 Hague Convention. Ukrainian legislation lacks provisions governing the procedure and specific features of court proceedings in Ukraine under this Convention, as well as the specifics of enforcing decisions in such cases.	Introduce legislative provisions to regulate the specific features of court proceedings and the enforcement of decisions in cases initiated under the 1980 Hague Convention.
5	There is no specialisation of judges in family and child-related cases in Ukraine (except within criminal jurisdiction, where it is legally required), which negatively affects the timeframe for considering such cases, delaying them in a manner that does not serve the best interests of the child.	Continue implementing the pilot project on the specialisation of judges in family and child-related cases, and, if positive results are achieved, proceed with its legislative consolidation.
6	The level of mediation use in cases governed by the 1980 Hague Convention remains insufficient.	Continue taking measures to promote the increased use of mediation in cases initiated under the 1980 Hague Convention.
7	The level of training among practitioners, including judges and state enforcement officers, is often inadequate for the proper handling of international family disputes.	Support appropriate training and capacity building for judges and state enforcement officers in cases involving international family disputes.

8	Discrepancies between the child support enforcement formats in Ukraine and other countries lead to non-enforceability of such decisions and repeated applications by claimants for new court rulings.	Take measures to raise awareness among applicants who apply to Ukrainian courts for the recovery of maintenance from a person residing abroad about the importance of specifying the amount of maintenance in a fixed monetary sum.
9	The methodological recommendations developed by the MoJ for the application of preventive restructuring procedures by micro and small enterprises may prove insufficient for entrepreneurs to independently understand how to apply the provisions of the Code of Ukraine on Bankruptcy Procedures in practice. Seeking legal assistance in this area may impose an additional financial burden on them. Likewise, the number of trainings and methodological materials provided to judges (especially at the first-instance level), insolvency practitioners, and legal professionals has been insufficient to effectively begin implementing the Law of Ukraine No. 3985-IX of 19 December 2024 “On Amendments to the Code of Ukraine on Bankruptcy Procedures and Certain Other Legislative Acts of Ukraine to Implement Directive (EU) 2019/1023 of the European Parliament and of the Council and Introduce Preventive Restructuring Procedures”.	The MoJ, as the state authority responsible for bankruptcy matters, should: • develop step-by-step algorithms for the application of the preventive restructuring procedure specifically tailored to micro and small enterprises, with detailed explanations of those provisions that are new to national legislation — for example, in relation to cross-class cram-down approval of a preventive restructuring plan; • conduct training sessions for judges, insolvency practitioners, and legal professionals, with the involvement of international experts in the field of bankruptcy and insolvency, focusing both on the procedure as a whole and on specific aspects such as the best interests of creditors test, creditor ranking, etc.
LEGAL AND ILLEGAL MIGRATION		
1	There is no coordination between the SMS and the MFA regarding the return of Ukrainians from abroad and deported persons from temporarily occupied territories. Persons who, due to the war, relocated abroad or were forcibly transferred to the territory of the aggressor state and lack or have lost identity and citizenship documents face numerous administrative barriers to obtaining such documents. This situation hinders their return to Ukraine.	The SMS and the MFA should coordinate efforts to confirm Ukrainian citizenship and ensure the timely issuance of return documents for individuals who were deported to the aggressor state. The SMS and the MFA should ensure compliance with legislation during the processing of identity documents, Ukrainian citizenship, or other legal status within a reasonable timeframe. The SMS and the MFA should establish coordination mechanisms to enable the issuance of travel documents for refugees and persons in need of complementary protection who are abroad.

	The lack of cooperation between the SMS and the MFA in assisting refugees and asylum seekers abroad creates critical obstacles, limiting access to consular assistance and the possibility of obtaining travel documents.	Amend legislation to grant refugees and persons in need of additional protection the right to receive services at Ukrainian diplomatic missions and consular posts. Intensify the efforts of Ukrainian state authorities, particularly the MFA, in engaging with foreign states to secure official recognition of Ukrainian travel documents issued to refugees and persons in need of complementary protection.
2	Key provisions of the State Migration Policy Strategy of Ukraine for the period up to 2025 and its implementation plan remain unfulfilled and require revision. It is necessary to reduce administrative barriers in issuing identity documents, confirming Ukrainian citizenship or special status, and protect the rights of persons who were forced to leave their homes due to the armed aggression of the Russian Federation against Ukraine, as well as create conditions for their return to Ukraine. At the same time, the integration process for foreigners and stateless persons, including refugees and persons in need of additional protection who are lawfully residing in Ukraine, needs to be improved.	Simplify existing procedures for issuing passports of a citizen of Ukraine both within the country and abroad and ensure the protection of applicants' rights in the process of passport issuance and recognition as a stateless person. The SMS and MFA should ensure the protection of applicants' rights during the procedures for issuing identity documents, confirmation of Ukrainian citizenship, or other legal status, within a reasonable timeframe. Amend Ukrainian legislation to abolish the requirement for undocumented citizens of Ukraine from temporarily occupied territories to submit a military registration document when applying for a passport of a citizen of Ukraine abroad. Ensure the implementation of Strategic Goal 5 of the State Migration Policy Strategy of Ukraine until 2025 concerning the integration of foreigners and stateless persons, including refugees and persons in need of complementary protection, into Ukrainian society by introducing the provision of integration-related social services and free education in the Ukrainian language, Ukrainian history, and the Constitution.
3	There is no specific migration (or labour) legislation in Ukraine distinguishing EU citizens and their family members from non-EU nationals.	Define EU citizens in Ukrainian legislation as a distinct category of foreign workers.
4	No progress has been made in aligning legislation on the introduction of a single permit for work and residence for third-country nationals.	Revise Draft Law No. 11405 in accordance with the conclusions provided by the committees of the Verkhovna Rada of Ukraine and expert feedback or develop a new draft law.
5	Asylum seekers face barriers in accessing the labour market due to the requirement to obtain a work permit. In Ukraine, asylum seekers may only work if they hold a special permit, the issuance of which is hindered by the lack of identity documents and limited awareness among employers of the relevant procedures. Despite legislative initiatives aimed at simplifying these procedures, the necessary changes have not been adopted.	The State Employment Service and the Ministry of Economy should prepare and submit to the Cabinet of Ministers of Ukraine, as the subject of legislative initiative, a draft amendment to the Law of Ukraine "On Employment of the Population", ensuring that asylum seekers can be employed on equal terms with refugees, without the need to obtain work permits for foreigners.

6	Fragmentation of powers and duplication of functions among institutions responsible for the development and implementation of migration policy, and a lack of institutional identification with migration issues.	Maintain the proper level of functioning of the newly established Coordination Centre for Cooperation with the European Migration Network.
7	The Action Plan for Ukraine's accession to the European Employment Services Network (EURES) lacks clear deadlines for four out of nine measures.	Set implementation deadlines for all activities outlined in the Action Plan for accession to EURES.
8	Ukraine does not have an authority responsible for ensuring the protection of the rights of EU national workers.	Align Ukrainian legislation with Directive 2014/54/EU to assign the State Labour Service of Ukraine the function of ensuring the protection of EU citizens' employment rights.
9	Ukraine lacks a mechanism to address indirect discrimination against workers from the EU.	Align Ukraine's anti-discrimination legislation with Directive 2014/54/EU.
10	There are no simplified border checks for EU citizens or mechanisms to protect the rights of family members of EU citizens.	Implement Directive 2004/38/EC into Ukrainian legislation regarding simplified border checks for EU citizens and preventing abuses in denying entry to EU nationals.
11	There are legal risks related to the forced removal of foreigners, and the Law of Ukraine No. 2952-IX of 24 February 2023 "On Amendments to Certain Legislative Acts of Ukraine on the Protection of the State Border of Ukraine" does not comply with international standards. Specifically, this law granted law enforcement agencies the power to issue forced removal decisions without judicial review, violating the constitutional principle that justice may only be administered by courts. As a result, the number of return orders has declined while the proportion of removals carried out without proper consideration of individual circumstances has increased. The law also restricts foreigners' access to protection procedures, which may contradict Ukraine's international obligations, particularly the principle of non-refoulement. The absence of guarantees for judicial oversight and individual case review highlights the need to revise these amendments in line with European human rights standards.	The Verkhovna Rada should amend the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons" and repeal the provisions introduced by Law No. 2952-IX of 24 February 2023 "On Amendments to Certain Legislative Acts of Ukraine on the Protection of the State Border of Ukraine" that eliminate the requirement for judicial oversight prior to the issuance of expulsion decisions concerning foreigners and stateless persons.

12	There are effectively no alternatives to detention. Ukrainian legislation does not provide additional guarantees to address the needs of vulnerable persons or alternatives to detention, unlike EU legislation.	Expand the list of alternatives to the detention of foreigners and stateless persons by introducing supervisory programmes, electronic monitoring, and regular reporting. It is important to prioritise less coercive measures and to improve conditions in temporary accommodation centres for foreigners and stateless persons (TACs), particularly by ensuring access to medical care and the separate accommodation of families and vulnerable individuals.
13	Forced return, removal, and entry bans continue to be imposed on undocumented stateless persons. Although a statelessness determination procedure was introduced in 2021 to enable individuals who are not nationals of any country to obtain legal status and identity documents, such individuals are still subjected to forced return, removal, and entry bans. These decisions are unenforceable due to the lack of identity documents and proof of country of origin. As a result, undocumented stateless persons are placed in TACs without the possibility of being documented or removed.	Amend Ukrainian legislation to grant persons held in penitentiary institutions and TACs the right to apply for recognition as stateless persons. Facilitate the ability of undocumented individuals to submit an application for recognition as a stateless person during apprehension by law enforcement authorities Ensure the protection of the rights of undocumented stateless persons during the adoption of decisions on forced return, forced expulsion, and entry bans.
14	The texts of operational protocols to the EU–Ukraine Readmission Agreement with the governments of Malta, Slovenia, Croatia, Bulgaria, Cyprus, Portugal, France, Italy, Germany, and Sweden have not been finalised. The readmission agreement and its implementing protocol between Ukraine and the Republic of Serbia have also not been signed.	Step up negotiations with high migration risk countries on the conclusion of readmission agreements. Establish cooperation with diplomatic missions of foreign states on the identification and documentation of irregular migrants. Conduct a comprehensive assessment of the implementation of existing readmission agreements. Based on the assessment results, initiate amendments and additions to such agreements where their provisions and mechanisms do not fully ensure the achievement of the agreements' objectives. Resume the regular work of the Joint Expert Committee on Readmission between Ukraine and the EU.
15	The National Biometric Verification and Identification System of Citizens of Ukraine, Foreigners and Stateless Persons (NBVIS) processes biometric data of foreigners and stateless persons, whereas legislative regulation of the processing of biometric templates of citizens of	The Verkhovna Rada should adopt Draft Law No. 8151 in order to: - comprehensively regulate the issues of identification of citizens of Ukraine, foreigners and stateless persons by their biometric data;

	Ukraine has not been introduced. This creates legal uncertainty and complicates the integration of biometric data of Ukrainian citizens into the system for identification, control and security purposes.	- ensure the filling of the departmental information systems of the NBVIS and establish clear rules for interaction between them; - define the procedure for the transfer of biometric templates and ensure legal grounds for their use by all authorised entities. Make the corresponding amendments to the Laws of Ukraine "On the Legal Status of Foreigners and Stateless Persons", "On Citizenship of Ukraine", "On the State Border Guard Service of Ukraine", "On Border Control", "On the National Police", and "On the Unified State Demographic Register and Documents Confirming the Citizenship of Ukraine, Certifying an Individual or Their Special Status".
GRANTING ASYLUM TO REFUGEES (ASYLUM SEEKERS)		
1	Ukrainian legislation lacks a definition of the term "asylum", which is referenced in the Constitution of Ukraine. This creates legal uncertainty and inconsistencies in the regulatory framework.	Clearly define the procedure for granting asylum in a dedicated law or by amending existing legislation and distinguish it from the procedure for recognising refugee status or granting subsidiary protection.
2	Since 2022, asylum seekers have faced difficulties in accessing the procedure for recognition as a refugee or the granting of subsidiary protection in Ukraine. In practice, the SMS refuses to accept applications but does not issue a written refusal. Such informal oral refusals are challenged in court, which finds the SMS's failure to accept the application and to issue a decision on it to be unlawful.	The SMS should resume the acceptance and consideration of applications for recognition as a refugee or as a person in need of subsidiary protection without discrimination. Refusals to accept an application may only be issued in accordance with the procedure set out in Article 5 of the Law of Ukraine "On Refugees and Persons in Need of Subsidiary or Temporary Protection".
3	The certificate of application for protection in Ukraine is not recognised by the state as an identity document for the asylum seeker.	To ensure the fundamental rights of protection seekers in Ukraine, measures should be taken to recognise the certificate of application for protection in Ukraine as an identity document for the period during which the application for recognition as a refugee or as a person in need of subsidiary protection is being considered. Additionally, the practice of seizing passports and other identity documents from protection seekers at the time of application should be discontinued.
4	Other issues within the national procedure for recognition as a refugee or a person in need of subsidiary protection remain unresolved. These include: shortage of interpreters for interviews with asylum seekers; insufficient digitalisation of documents for refugees, persons in need	Expand the Reference and Information Register of Interpreters of Ukraine to include specialists in rare languages and introduce a mechanism for state-funded interpretation services for the protection seekers who require rare-language interpretation and cannot access or afford interpreters from the Register.

	of subsidiary protection, and asylum seekers; delays in the processing of protection applications; and use of unverified country-of-origin information.	Digitalise documents issued to refugees, persons in need of subsidiary protection, and protection seekers, ensuring their equivalence with paper documents. Amend Ukrainian legislation, including the Law of Ukraine “On Refugees and Persons in Need of Complementary or Temporary Protection”, to introduce mandatory notification of applicants regarding delays in the consideration of their applications — this would enhance transparency and better protect the rights of applicants. Improve procedures to accelerate the processing of applications in accordance with European standards. Ensure the use of reliable and verified sources of information on countries of origin to improve the quality and accuracy of decisions in refugee and subsidiary protection status determination procedures in Ukraine.
VISA POLICY		
1	Ukraine’s visa policy is not aligned with the EU visa policy. There is a need to review entry requirements for citizens of 15 out of 103 countries/territories, including: Armenia, Azerbaijan, Bahrain, Belarus, Ecuador, Kazakhstan, Kuwait, Kyrgyzstan, Oman, Qatar, Saudi Arabia, Tajikistan, Turkey, Uzbekistan, and Mongolia.	Consider reviewing the visa regime by introducing visa requirements for citizens of countries on the Schengen “black list” and lifting visa requirements for citizens of countries on the Schengen “white list”. Introduce stricter requirements for submitting information on the situation in the countries of origin of refugees and asylum seekers, with an emphasis on compliance with basic human rights, the state of protection of life, health, and the fundamental rights of citizens.
2	Entry document requirements need to be fully or partially revised for countries and territories including: Bahamas, Barbados, Venezuela, Guatemala, Honduras, Kiribati, Costa Rica, Mauritius, Mauritania, Macau SAR (PRC), Malaysia, Mexico, Micronesia, Nauru, Nicaragua, Palau, El Salvador, Samoa, Seychelles, Saint Lucia, Singapore, Solomon Islands, Timor-Leste, Trinidad and Tobago, Tonga, Tuvalu. The current Risk Analysis Methodology for the Purpose of Combating Illegal Migration (used by competent authorities to determine which countries are classified as migration risk countries) requires substantial revision.	Establish a mechanism for the regular review of the list of “migration risk” countries (at least once every two years), enabling a flexible response to changes in these countries.

3	Despite wartime challenges, greater efforts are required to combat organised crime, with particular attention to the fight against firearms and drug trafficking, human trafficking, and the financial dimension of organised crime.	Continue international cooperation with law enforcement agencies and organisations such as INTERPOL, Europol, and Eurojust.
SCHENGEN AND EXTERNAL BORDERS		
1	Despite amendments made to the current Integrated Border Management (IBM) Strategy in 2023, the document still does not clearly reflect the aspects of Ukraine's integration into the EU.	When drafting a new Strategy for the Integrated State Border Management (ISBM): - align the IBM policy cycle with the EU policy cycle; - define an appropriate level of preparedness for managing the EU's external and internal borders, and include preparations for accession to the Schengen area as one of the goals of the ISBM Strategy; - integrate all 15 European IBM principles and the apply integrated planning principles.
2	The current IBM Strategy Implementation Plan lacks specific indicators for measuring progress.	When developing a new IBM Strategy Implementation Plan: - ensure the inclusion of high-level impact indicators for ISBM; - unify the terminology used for performance indicators; - eliminate process-oriented indicators in favour of result-oriented ones; - introduce baseline values and define measurement units for quantitative indicators; - break down multi-year measures into smaller stages.
3	Information exchange between Ukraine and EU Member States and FRONTEX is not sufficiently effective.	Regulate the procedure for information exchange between Ukraine, EU Member States, and FRONTEX in accordance with Eurosur criteria, taking risk analysis into account, to enable effective planning and implementation of border control measure.
4	Border management legislation contains gaps in meeting EU criteria for the EU information systems (SIS, VIS, EES, ETIAS), carrier liability in international passenger transport, and processing of passenger data (API/PNR), which are essential for improving the national system for combating terrorism and organised crime. At present, Ukraine does not have a Schengen Action Plan.	Harmonise national legislation with EU requirements in the field of EU information systems (SIS, VIS, EES, ETIAS), carrier liability in international passenger transport, and the processing of passenger data (API/PNR) to strengthen counter-terrorism and the fight against organised crime. The priority steps of the Schengen Action Plan should include aligning Ukraine's visa policy with the EU visa policy and bringing the authorised state authorities closer to EU information systems.

5	Work on the implementation of the following EU Regulations is at an early stage: Regulation (EU) 2021/1148 of the European Parliament and of the Council of 7 July 2021 and Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021.	Analyse and initiate the implementation of the following Regulations: • Regulation (EU) 2021/1148 of the European Parliament and of the Council of 7 July 2021 establishing, as part of the Integrated Border Management Fund, the instrument for financial support for border management and visa policy; • Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions for the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund, and financial rules for those funds and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the instrument for financial support for border management and visa policy.
6	Irregular meetings of the Interagency Working Group (IWG) have weakened interinstitutional cooperation among competent border management authorities.	Resume regular meetings of the IWG and continue the practice of convening meetings of the Verkhovna Rada Committee on European Integration, including field visits to the border.
7	Information exchange between the competent services on both sides of the border is underdeveloped.	Step up cooperation between the State Border Guard Service and the IBM National Coordination Centre with FRONTEX. The State Border Guard Service should join the European Border Surveillance System (Eurosir), which will enhance integrated border management and help prevent cross-border crime and irregular migration.
8	The forthcoming update of the IBM Strategy may change the composition of the IWG, as well as the workload and roles of its members in the implementation of tasks.	Review the list of IBM stakeholders and/or the scope of their involvement in the implementation of IBM tasks.
9	The current IBM Strategy until 2025 does not include a goal on fundamental human rights, whereas such rights are considered a priority in the IBM strategies of EU Member States.	Include a dedicated goal on fundamental human rights in the new IBM Strategy. Strengthen the professional training component for State Border Guard Service officers on compliance with international standards and Ukrainian legislation on refugees, asylum seekers, and persons in need of subsidiary protection. Involve human rights defenders and international law experts in training activities. Strengthen cooperation with the Secretariat of the Ukrainian Parliament Commissioner for Human Rights on the full range of human rights issues arising at the border.

10	The training component for representatives of the State Border Guard Service is not sufficiently developed in accordance with EU IBM standards.	Continue the “New Faces of Leadership” (NFL) project and scale the concept of merit-based selection to other management positions within the State Border Guard Service. Include a new goal, “Innovation and Education”, in the updated IBM Strategy in line with EU integrated border management.
11	Some provisions of the Anti-Corruption Strategy for 2021–2025 have become outdated, while several relevant issues — particularly in the area of border control — were not included.	Include border control issues in the new Anti-Corruption Strategy and update lower-level anti-corruption policy documents to reflect current challenges and risks.
12	Anonymous surveys of all willing participants for the identification and assessment of corruption risks in the activities of the State Border Guard Service and the State Customs Service have not been conducted in recent years (2024–2025).	Resume the practice of conducting anonymous surveys open to all interested individuals to identify and assess corruption risks in the activities of the State Border Guard Service and the State Customs Service, and publish the results in open sources
13	The most recent report on the implementation of the Anti-Corruption Programme published on the official website of the State Customs Service concerns the first half of 2023, making it impossible to monitor progress.	Publish reports on the implementation of the Anti-Corruption Programme of the State Customs Service starting from the second half of 2023 and ensure timely publication of subsequent reports.
14	The Plan for Eliminating Corruption Risks at the Border, developed by the NACP in 2023, has not been approved by the Government.	Update the Border Crossing Corruption Risk Mitigation Plan and resubmit it for Government approval.
15	The development of automated customs information exchange projects lacks a positive decision from the EU regarding the establishment of a stable system for automated exchange of customs declaration data.	Establish effective cooperation among national authorities and with international partners to implement a sustainable system for automated exchange of customs declaration data with the EU.
16	The NACP has expressed a need for greater public engagement in the development and monitoring of anti-corruption policies and measures.	The NACP, State Border Guard Service, and State Customs Service should ensure the involvement of civil society in the development and monitoring of anti-corruption documents and measures at the appropriate level.
17	Inconsistencies remain between Ukrainian and Schengen legislation. Absence of joint control on the Ukrainian-Romanian section of the border.	Step up trilateral consultations between Ukraine, neighbouring countries, and representatives of the European Commission to find solutions acceptable to all parties. Reinforce the role of the government delegation led by the MFA, shifting the focus of negotiations from the Ministry for Development of Communities and Territories of

		Ukraine - currently leading the process - to the MFA and the Ministry of Justice, which oversee negotiations with neighbouring countries Raise awareness among EU stakeholders regarding the issue of joint border control implementation; prepare a report on the current situation and present it for discussion at meetings of the EU-Ukraine Association bodies (e.g. Association Council, EU-Ukraine Parliamentary Association Committee). Develop alternative proposals for addressing inconsistencies between Ukrainian legislation and the Schengen Borders Code with the involvement of EU experts. Launch the negotiation process with Romania on joint control.
EURO COUNTERFEITING		
1	Ukrainian legislation is not aligned with Directive 2014/62/EU. Ukraine has not acceded to the International Convention for the Suppression of Counterfeiting Currency of 1929.	Introduce mandatory technical analysis of counterfeit euro banknotes, establish a national analysis centre, set up interagency information exchange, and strengthen cooperation with European structures. Amend the Criminal Code of Ukraine as follows: • expand the scope of criminalisation of counterfeiting, including the production and use of materials for counterfeiting currency, and conduct expert consultations on the advisability of removing the requirement of intent to distribute as a mandatory element of the offence; • establish criminal liability for the unlawful use of materials intended for the production of official currency; • establish criminal liability for preparatory acts related to currency counterfeiting, including the production of counterfeit instruments and components; • establish liability of legal persons for offences related to currency counterfeiting; • harmonise currency counterfeiting terminology with Directive 2014/62/EU.

Annex 3 to the Report



List of public authorities, auxiliary and advisory bodies, and state institutions that shape and/or implement state policy in the relevant areas, whose representatives took part in interviews within the framework of monitoring and assessing Ukraine's progress in the field of European integration under Chapter 23 "Judiciary and Fundamental Rights" and Chapter 24 "Justice, Freedom and Security" of Negotiation Cluster 1 "Fundamentals of the Accession Process"

1. Commissioner of the Verkhovna Rada of Ukraine for Human Rights (representatives)
2. Constitutional Court of Ukraine
3. Council of Judges of Ukraine
4. Council of Prosecutors of Ukraine
5. High Anti-Corruption Court
6. High Council of Justice
7. High Qualification Commission of Judges of Ukraine
8. Ministry of Foreign Affairs of Ukraine
9. Ministry of Internal Affairs of Ukraine
10. Ministry of Justice of Ukraine
11. National Agency on Corruption Prevention
12. National Anti-Corruption Bureau of Ukraine
13. National Bank of Ukraine
14. National Police of Ukraine
15. National School of Judges of Ukraine
16. National University "Kyiv-Mohyla Academy"
17. Office of the President of Ukraine

18. Prosecutor General's Office
19. Prosecutors' Training Centre of Ukraine
20. Public Integrity Council
21. Qualification and Disciplinary Commission of Prosecutors of Ukraine
22. Secretariat of the Cabinet of Ministers of Ukraine
23. Security Service of Ukraine
24. State Judicial Administration of Ukraine
25. State Migration Service of Ukraine
26. State Organisation "Ukrainian National Office for Intellectual Property and Innovation"
27. Supreme Court
28. Verkhovna Rada of Ukraine
29. Yaroslav Mudryi National Law University

Annex 4 to the Report



Summary Table on Judicial Reform Commitments Defined in National Acts and International Programmes

Measure Name	Ukraine Facility Plan for 2024–2027	Reform Matrix Presented to Donors by the Ministry of Finance	Action Plan for Implementing the Recommendations of the European Commission Presented in the 2024 EU Enlargement Progress Report on Ukraine (Government Order of 28.03.2025 No. 300-r)	2024 EU Enlargement Progress Report on Ukraine	Government Priority Action Plan for 2025 (Government Order of 18.02.2025 No. 131-r)	IMF (30.06.2025) — Executive Board Completed the 8th Review under the Extended Fund Facility Programme for Ukraine	G7 Ambassadors' Priorities for 2024
Establishment of the High Administrative Court	Establishment of a new court for hearing administrative cases involving national state authorities, staffed by judges who have undergone proper vetting, composed of first and appellate instance courts, with judges selected following integrity and professionalism checks with the involvement of independent experts.	Establishment of the High Administrative Court of Ukraine to hear administrative cases against national state authorities.	1) Ensuring support for the Draft Law of Ukraine "On Amendments to the Law of Ukraine 'On the Judiciary and the Status of Judges' and Certain Other Legislative Acts of Ukraine on the Establishment and Functioning of the Kyiv City District Administrative Court and the Kyiv City Administrative Court of Appeal" (registration No. 12368-1) during its consideration in committees and plenary sessions of the Verkhovna Rada of Ukraine. 2) Adoption of a decision to announce a competition for	Establishment of a new court for hearing administrative cases involving national state authorities based on a transparent judge selection procedure involving independent experts and grounded in their professional qualifications.	—	Adoption of the law establishing a new court to hear administrative cases against national state authorities (e.g. the National Bank of Ukraine, the National Anti-Corruption Bureau of Ukraine (NABU), the National Agency on Corruption Prevention (NACP)) by judges who have passed proper vetting for professional competence and integrity.	Support for steps to establish a new administrative court in Kyiv to hear administrative disputes involving central state authorities following a transparent, merit-based selection of judges, including reliable integrity and professional competence checks with the involvement of independent experts.

			vacant judicial positions in the new court for hearing administrative cases.				
Integrity Verification of Supreme Court (SC) Judges	Addressing corruption risks in the SC and other courts, in particular by strengthening the system for verifying judges' declarations of integrity. It is also important to further improve the selection of new SC judges by refining the procedure for integrity checks and ensuring meaningful involvement of independent experts.	Adopt legislative acts that establish the legal framework for reviewing the integrity of judges serving in the SC. Select new SC judges to fill vacant positions in due order. Take effective measures to eliminate corruption risks in the SC.	Taking effective measures to eliminate corruption risks in the SC: 1) Improvement of the regulatory framework of the High Qualification Commission of Judges regarding the conduct of special vetting. 2) Monitoring of SC judges' lifestyles and full verification of their submitted declarations. 3) Verification of integrity declarations and family ties declarations of SC judges. 4) Development and approval of the SC's anti-corruption programme in accordance with the Law of Ukraine "On Prevention of Corruption".	Taking effective measures to eliminate corruption risks in the SC.	—	—	Encouraging the strengthening of existing integrity tools, particularly the verification of judges' declarations of integrity, to address corruption risks in all Ukrainian courts, including the SC; supporting the renewal of the SC's composition by further improving the selection of its judges through an open, competitive, merit-based process with mandatory integrity checks and a significant role for independent experts and civil society.
Disciplinary Responsibility of Judges, High Council of Justice (HCJ), Service of Disciplinary Inspectors of the HCJ (SDI HCJ)	Ensuring effective and independent functioning of the HCJ, in particular the full-scale launch of the SDI. *Implemented	Disciplinary proceedings against judges are now handled by the SDI HCJ. *Implemented	Ensuring the review of 10 percent of outstanding disciplinary proceedings (complaints) not reviewed as of 31 December 2023, with the involvement of the SDI and based on the criteria of priority for disciplinary complaint review as defined by the HCJ Rules of Procedure of the High Council of Justice. *Implemented	Filling two HCJ vacancies under the President's quota (competition ongoing) and two under the quota of the Congress of Advocates. The HCJ should accelerate the consideration of submissions from the HCJ on dismissing judges who did not pass the qualification assessment. Urgent establishment of the SDI HCJ to address the large backlog of unreviewed disciplinary *Implemented	—	—	Support for the establishment of the DI and the resumption of disciplinary proceedings against judges, with priority given to high-profile cases and those approaching the statute of limitations. *Implemented

				HCJ rules on prioritising disciplinary cases should be applied systematically, and priority cases reviewed without delay. The HCJ should improve the reasoning and consistency in its disciplinary case practice. Disciplinary offences related to judges' conduct must be defined more clearly, in line with the recommendations of the Council of Europe's Group of States against Corruption (GRECO).			
High Anti-Corruption Court (HACC)	Increase in HACC staffing (number of HACC judges — by 60%, court staff — by 40%).	Amend the legislation to allow certain cases to be heard by a single judge rather than by a panel of three. <u>* Implemented with regard to criminal cases; for administrative and civil cases, such amendments still need to be adopted.</u> Complete the selection process for new judges of the first instance and appellate chambers of the HACC; increase the number of judges by 50%.	1) Completion of the competition for 25 vacant judicial positions at the HACC based on a transparent and integrity-based selection with the participation of the Public Council of International Experts (PCIE), announced on 23 November 2023. <u>*The competition has been completed; however, the goal of appointing 25 new judges was not achieved since only two judges have been appointed.</u> 2) Take measures within the remit of the authorities to fill vacant positions in the HACC and its Appellate Chamber (inclusion in staff) and to appoint support staff to ensure their functioning.	The HCJ and HQCJ have announced a competition to select 25 new judges to the HACC, which will bring the total number of judges to 63. *Implemented in part. In this regard, it is important that the current mandate of the PCIE be extended to ensure the selection of these judges with full participation of the PCIE. *Implemented The HACC also intends to recruit additional staff and is in urgent need of appropriate permanent premises.	—	—	Further strengthening the effectiveness, independence, integrity, and capacity of NABU, the Specialised Anti-Corruption Prosecutor's Office, and the HACC, including through improvement of the legislative framework. Supporting an objective, transparent, merit-based and timely selection of HACC judges with substantial involvement and a decisive role of the PCIE in this process.

			*Implemented in part, since only two judges have been appointed 3) Adoption of a decision on admission to the competition for vacant judicial positions in the Appellate Chamber of the HACC, announced on 23 January 2025. *Implemented 4) Adoption of a decision to announce a new competition for the HACC as a court of first instance. *Implemented				
Procedures of the High Qualification and Disciplinary Commission of Judges of Ukraine (HQCJ)	Improving the procedure for the selection of judges by regulating the selection stages, changing their sequence, and reviewing the duration of mandatory initial training will ensure Ukraine fulfils its international obligations and enables the timely filling of judicial vacancies based on criteria of professional competence and integrity. This will fully guarantee the right to access justice and a fair trial. In particular, the renewed HQCJ should resume the selection of new judges to fill at least 20% of judicial vacancies.	Resumption of the qualification assessment of judges, which had been suspended since 2019 (vetting). *Implemented	1) Completion of the first stage of the qualification assessment — taking the qualification exam as part of the competition for 550 vacant positions in appellate courts, announced on 14 September 2023. *Implemented 2) Adoption of a decision to admit candidates to the selection process for the position of local court judge. *Implemented 3) Completion of the qualification assessment of 47% of judges who were due to undergo it as of 30 September 2016, in the prescribed manner and with the involvement of the Public Integrity Council (PIC). *Implemented	The HQCJ must systematically ensure transparency and proper reasoning in its decisions. In addition, both the HQCJ and the PIC must continue improving their cooperation. The HQCJ must also develop autonomous capacities, such as legal knowledge testing and robust integrity checks. The PIC's capacity and efficiency should be strengthened, for example by providing support staff and expanding access to information. To strengthen the accountability of the judiciary and public trust in it, Ukraine should adopt legislation to revise the system of judges' integrity declaration.	Drafting and submission to the Cabinet of Ministers of Ukraine of a draft law amending the Law of Ukraine "On the Judiciary and the Status of Judges" and other laws to strengthen the system for declaration and verification of judges' integrity. *Implemented	—	Support for the resumption of the selection and qualification assessment of judges by the reformed HQCJ with meaningful involvement of the PIC. *Implemented

	<u>* Implemented in part — selection announced</u> The HQCJ must also resume and complete the qualification assessment of incumbent judges. <u>* Implemented in part — qualification assessment resumed</u>		4) Development and adoption of regulations on the review and verification of judges' integrity declarations. 5) Amendments to HQCJ regulations aimed at improving the procedure for verifying judges' integrity declarations.	The renewed system should include a temporary but meaningful integrity check procedure for judges of higher courts, with the involvement of independent experts. Corruption risks in the Supreme Court still require appropriate response, including through the use of improved integrity declarations and HQCJ checks, as well as asset declaration verifications and lifestyle monitoring by the NACP, and improved selection of SC judges based on a new legislative framework and unified integrity assessment criteria approved by the HCJ.			
Constitutional Court of Ukraine (CCU)	Completion of the selection and appointment of CCU judges in accordance with the new legal framework.	Implementation of the recently adopted Law No. 3277-IX by establishing the Advisory Group of Experts with the participation of experts from the Venice Commission, the EU, and the USA, and by supporting the candidate vetting process for CCU judicial appointments. <u>*Implemented</u> Filling vacant positions in the CCU in accordance with the adopted legislation. *Implemented in part	1) Completion of the competitive selection for vacant CCU judicial positions. 2) Measures taken for the appointment of CCU judges. *Implemented in part	The competition for filling four vacant CCU judicial positions is ongoing. Ukraine must adopt legislation to improve the constitutional procedure in line with the 2021 recommendations of the Venice Commission. *Implemented in part	—	—	Support for the ongoing implementation of CCU reform, the work of the Advisory Group of Experts, and the candidate vetting process for CCU judicial appointments. *Implemented in part

IT Audit in the Judiciary / Development of the Unified Judicial Information and Telecommunication System (UJITS) Based on Cloud Infrastructure	Introduction of new IT solutions in the judiciary to replace and/or modernise UJITS modules and/or introduce new IT systems, implemented in line with the roadmap.	Completion of a comprehensive IT audit in the judiciary, including the development of a new case management system. *Implemented in part	1) Development and approval of a new UJITS concept taking into account the results of the technical and functional audit of UJITS. 2) Ensuring the development and approval of the UJITS Concept. 3) Initiation of the development of the electronic interaction service and the Unified State Register of Court Decisions. 4) Ensuring the support of the Verkhovna Rada of Ukraine's consideration of the draft Law of Ukraine "On Amendments to Certain Laws of Ukraine Regarding the Digitalisation of Enforcement Proceedings" (registration No. 9363).	Case assignment among judges is based on a randomised (automated) system and objective criteria, but further improvement is needed as part of the UJITS update. According to the Ukraine Action Plan: adopt a law on the enforcement of court decisions on monetary and non-monetary obligations and further digitalisation of enforcement proceedings; launch a data collection system on the enforcement of court decisions; adopt and begin implementing the IT modernisation roadmap for the judiciary based on the audit results.	Implementation of a data collection system on the enforcement of court decisions Drafting and submission to the Cabinet of Ministers of Ukraine of a draft law on the information and analytical system "Record of Information on Criminal Prosecution and Convictions".	—	—
High Court on Intellectual Property	—	—	1) Adoption of a decision to continue the competition for filling vacant judicial positions at the High Court on Intellectual Property.	—	—	—	—

Annex 5 to the Report



Progress in the Consideration of High-Profile Cases Concerning Judges and Officials of the Judiciary Under Review by the High Anti-Corruption Court

Case No. 1. Case of the President of the Supreme Court, Vsevolod Kniazev

Case No. 991/1692/24

Summary

On 4 March 2024, the prosecutor of the Specialised Anti-Corruption Prosecutor's Office (SAPO), based on materials from the pre-trial investigation conducted by the National Anti-Corruption Bureau of Ukraine (NABU), submitted an indictment to the court against the former President of the Supreme Court (SC), V. Kniazev, who is accused of receiving an undue advantage in an especially large amount (USD 2.7 million).

The actions of the former President of the SC are qualified under Part 4 of Article 368 of the Criminal Code of Ukraine (CC of Ukraine). The sanction of the article provides for imprisonment for a term of eight to twelve years, with disqualification from holding certain positions or engaging in certain activities for up to three years, and confiscation of property.

Progress

Case status

On 20 August 2024, the High Anti-Corruption Court (HACC) ruled to **commence the trial of Kniazev in an open court hearing**, thereby moving to the stage of substantive consideration of the case.

On 12 February 2025, the HACC granted the motion of the SAPO prosecutor and **extended the duration of the procedural obligations** imposed on Kniazev until **12 April 2025 inclusive**⁴⁷²⁶.

On 18 March 2025, HACC **rejected the defence counsel's motion to change the measure of restraint for Kniazev**⁴⁷²⁷. The defence argued that the amount of bail was excessive.

⁴⁷²⁶ The HACC extended the term of procedural obligations imposed on the former President of the Supreme Court. Yurydychna Praktyka.

⁴⁷²⁷ Ruling of the High Anti-Corruption Court of 18 March 2025 in Case No. 991/1692/24.

However, HACC ruled that such a request was unfounded and illogical, given that the bail amount had already been reduced and was posted more than a year ago.

On 26 March 2025, the HACC granted the motion of the SAPO prosecutor and **extended the duration of the procedural obligations** imposed on Kniazev until 26 May 2025 inclusive⁴⁷²⁸. On the same day, the HACC rejected the motion of Kniazev's lawyer for temporary access to items and documents⁴⁷²⁹.

In May⁴⁷³⁰ and July 2025, the HACC granted the SAPO prosecutor's motions to **extend the duration of the procedural obligations** imposed on Kniazev — first until 21 July 2025 inclusive, and later until 18 September 2025⁴⁷³¹. At the same time, in June 2025, the HACC again rejected the motion of Kniazev's lawyer for temporary access to items and documents⁴⁷³².

At present, the case is at the stage of examining the materials of covert investigative/search actions.

Dismissal

On 6 August 2024, the High Council of Justice (HCJ) dismissed V. Kniazev from the position of SC judge as part of disciplinary proceedings for committing a significant disciplinary offence. Kniazev appealed this decision to the Supreme Court, as a result of which, on 12 December 2024, the **SC Grand Chamber upheld the HCJ's decision to dismiss V. Kniazev** from the position of SC judge⁴⁷³³. This decision is final and not subject to appeal.

Case No. 2. Case of the Head of the State Judicial Administration of Ukraine, Oleksii Salnikov

Case No. 991/1196/24

Summary

On 14 February 2024, the SAPO prosecutor submitted an indictment to the court, based on pre-trial investigation materials from NABU, concerning the former Head of the State Judicial Administration of Ukraine (SJA), O. Salnikov, who was exposed for inciting the provision of an undue advantage to SC judges in exchange for a ruling in favour of a commercial enterprise, and for misappropriating someone else's property through deceit.

The pre-trial investigation established that in March 2023, the Head of the SJA received USD 7,500 from his acquaintance Oleksii Honchar. He was to retain part of the money for himself, while USD 5,000 was allegedly intended for judges of the Administrative Cassation Court within the SC in exchange for a judgement in favour of the commercial enterprise.

4728 Ruling of the High Anti-Corruption Court of 26.03.2025 in Case No. 991/1692/24.

4729 Ruling of the High Anti-Corruption Court of 26.03.2025 in Case No. 991/1692/24.

4730 Ruling of the High Anti-Corruption Court of 21.05.2025 in Case No. 991/1692/24.

4731 Ruling of the High Anti-Corruption Court of 18.07.2025 in Case No. 991/1692/24.

4732 Ruling of the High Anti-Corruption Court of 02.06.2025 in Case No. 991/1692/24.

4733 Kniazev was finally dismissed from the Supreme Court. Suspilne Media. 2024.

Progress

On 26 February 2025, HACC **questioned former President of the SC, V. Kniazev, in the case against Salnikov**⁴⁷³⁴. During the questioning, Kniazev confirmed that he had maintained friendly relations with Salnikov since 2017, having been introduced to him by the applicant, Oleksii Honchar. Regarding the alleged undue advantage in the case, Kniazev stated that Salnikov had not approached him with any requests in this matter. At the same time, Kniazev noted that from February to April 2023, Salnikov had proposed a meeting with Honchar concerning another case in which he sought Kniazev's assistance. However, Kniazev refused to testify about that case, citing his right not to testify against himself⁴⁷³⁵.

On 21 May 2025, the HACC questioned the former wife of the applicant, O. Honchar — Kseniia Shevchenko, who spoke about a close "family friendship" with the family of the former President of the SC, V. Kniazev. She also stated that, during searches at Honchar's premises, lawyer Oleh Horetskyi was present and "directed" the actions of the investigators. The security guard at Honchar's house confirmed the delivery of unidentified packages to the applicant⁴⁷³⁶.

On 28 May 2025, the High Anti-Corruption Court began questioning the former Head of SJA, O. Salnikov, who denies receiving any undue advantage, claiming that the money was intended for the purchase of a car for the military, and that Honchar had pressured him, offering dubious schemes. The former Head of the SJA insists that he learned about the commercial enterprise's case later, returned the money, and had no intention of assisting in this matter⁴⁷³⁷.

The court proceedings in the said case are still ongoing.

Case No. 3. "Vovk Tapes"

Case No. 991/2030/22

Summary

The case of the so-called "Vovk tapes" has been under review by HACC since June 2022. The accused include seven judges of the District Administrative Court of Kyiv (DACK), former members of the High Qualification Commission of Judges of Ukraine (HQCJ), and a defence counsel. According to the investigation, these individuals acted within a criminal organisation led by the Head of that court, Pavlo Vovk, which aimed to seize state power by establishing control over the HQCJ and the HCJ and by creating artificial obstacles to their functioning. In practice, the organisation made tailor-made decisions in its own interests as well as in the interest of political elites and business circles. The case is currently at the stage of substantive consideration.

4734 Former President of the Supreme Court Kniazev was questioned in the Salnikov case. The platform "HACC decided". 2025.

4735 Ibid.

4736 The HACC has completed questioning witnesses in the case of former Head of the SJA Salnikov. Platform "HACC Decided". 2025.

4737 The HACC began questioning the accused former Head of the SJA, Salnikov. Platform "HACC Decided", 2025.

Progress

On 25 November 2024, HACC began **reconsideration of the “Vovk tapes” case from the start** due to the replacement of a judge in the panel⁴⁷³⁸.

Dismissal

On 3 February 2025, the HCJ submitted **a motion for the dismissal of judge Yevhenii Ablov**⁴⁷³⁹.

On 18 March 2025, following nearly three years of disciplinary proceedings, the HCJ **dismissed P. Vovk from his position**⁴⁷⁴⁰.

In May–June 2025, the High Council of Justice decided to open disciplinary proceedings against OASK judges Oleksii Ohurtsov⁴⁷⁴¹ and Bohdan Sanin⁴⁷⁴², but suspended consideration of the dismissal of Volodymyr Keleberda in connection with his application for retirement⁴⁷⁴³.

Case No. 4. Case of Judges of the Kyiv Court of Appeal

Summary

On 29 November 2023, four judges of the Kyiv Court of Appeal were exposed for receiving an undue advantage in the amount of USD 35,000 in exchange for issuing a ruling to lift the seizure of property — namely, two aircraft linked to the enterprise Motor Sich, formerly headed by ex-MP Viacheslav Bohuslaiev (currently a suspect in a case of high treason).

After the relevant ruling lifting the seizure was delivered, the judges divided the money as follows: Viacheslav Dziubin received USD 10,000, while the other judges each received USD 8,300 from Dziubin.

Progress

Case status

On 20 September 2024, SAPO **submitted the indictment** against the four judges **for substantive consideration by HACC**⁴⁷⁴⁴.

On 11 March 2025, **HACC proceeded to the stage of substantive review of the case**.

The court proceedings in the said case are still ongoing.

4738 Case of the “OASK tapes”. The platform “HACC decided”.

4739 OASK judge Yevhenii Ablov referred for dismissal — DEJURE Foundation. 2025.

4740 The HCJ finally dismissed the scandalous Head of the District Administrative Court Vovk. Slidstvo.Info. 2025.

4741 Ruling of the Second Disciplinary Chamber of the High Council of Justice No. 1077/2дп/15-25 of 21.05.2025.

4742 Ruling of the First Disciplinary Chamber of the High Council of Justice No.1166/1дп/15-25 of 02.06.2025.

4743 Ruling of the High Council of Justice No. 1172/0/15-25 of 03.06.2025.

4744 Corruption in the KCA: four judges suspended from administering justice pending verdict. Suspilne Media. 2024.

Dismissal

On 30 September 2024, the HCJ **temporarily suspended four judges** of the Kyiv Court of Appeal from administering justice due to their involvement in criminal proceedings⁴⁷⁴⁵.

On 21 November 2024, the HCJ decided to **dismiss Judge Viacheslav Dziubin** on the grounds set out in Paragraph 3, Part 6, Article 126 of the Constitution of Ukraine⁴⁷⁴⁶.

In March–April 2025, the High Council of Justice adopted decisions to dismiss judges **Viktor Hlynianyi**⁴⁷⁴⁷, **Yurii Slyva**⁴⁷⁴⁸, and **Ihor Palenyk**⁴⁷⁴⁹.

Case No. 5. Case of Ludmyla Saltan, Judge of the Kyiv District Court of the city of Odesa

Case No. 991/5786/23

Summary

Judge Saltan was exposed on 29 March 2023 for receiving an undue advantage of USD 4,000. According to the investigation, Saltan received the money from Serhii Baranetskyi, a resident of Odesa, in exchange for a favourable ruling in a civil case (regarding debt recovery and legal assistance costs).

Progress

In September 2024, Saltan decided to **enlist to avoid** liability for a corruption offence and as of 24 October, she began serving in a unit of the Armed Forces of Ukraine⁴⁷⁵⁰.

On 5 December 2024, the HCJ **received a letter from the command of the military unit** in which Saltan served, stating that since the beginning of her service she had not participated directly in combat operations and **had reported for duty in a state of alcohol intoxication**⁴⁷⁵¹.

On 26 February 2025, the HCJ decided to impose a disciplinary sanction on Judge Saltan in the form of **a motion for dismissal from office**⁴⁷⁵².

The court proceedings in the said case are still ongoing.

4745 Ibid.

4746 Bribe in a whisky bag: the HCJ finally dismissed one of the judges in the Bohuslaiev case. Slidstvo.Info. 2024.

4747 Decision of the High Council of Justice No. 774/0/15-25 of 10.04.2025.

4748 Decision of the High Council of Justice No. 841/0/15-25 of 22.04.2025.

4749 The HCJ dismissed a judge of the Kyiv Court of Appeal for committing a gross disciplinary offence. High Council of Justice. 2025.

4750 Odesa judge suspected of bribery joined the Armed Forces. New Voice. 2025.

4751 Judge suspected of bribery joined the Armed Forces where she was caught drinking. Slidstvo.Info. 2025.

4752 Decision of the High Council of Justice No. 340/2dp/15-25 of 26.02.2025.

**Case No. 6. Case of Illia Lonskyi, Judge of the Prymorskyi District Court
of the City of Odesa**

Case No. 991/10516/23

Summary

On 4 August 2023, NABU and SAPO informed Judge of the Prymorskyi District Court of Odesa, Illia Lonskyi, of suspicion in connection with an attempt to provide an undue advantage to another judge of the same court for delivering a favourable decision in an administrative offence case under Article 130 of the Code of Ukraine on Administrative Offences (CUAO)⁴⁷⁵³, as well as for misappropriating part of the undue advantage through deceit. Judge I. Lonskyi, having received money from defence counsel Yevhen Berestovyi, attempted to persuade his colleague, also a judge of the Prymorskyi District Court, Anzhelika Rusieva, who was presiding over the case under Article 130 of the CUAO involving Berestovyi's client — to make a "right" decision. Judge I. Lonskyi was to transfer USD 1,000 to Judge A. Rusieva and keep USD 250 for himself as a "mediation fee".

On 25 July 2024, HACC suspended the substantive hearing in the case against Judge I. Lonskyi of the Prymorskyi District Court of the City of Odesa on charges of incitement to provide an undue advantage and fraud, due to Lonskyi's mobilisation into the army.

Progress

On 23 December 2024, the HCJ adopted a decision to hold Judge Lonskyi disciplinarily liable and applied a disciplinary sanction in the form of **a motion for dismissal from office**⁴⁷⁵⁴.

On 9 September 2024, HACC sentenced defence counsel Berestovyi to two years of probation under a plea agreement with the SAPO prosecutor⁴⁷⁵⁵.

**Case No. 7. Case of Pavlo Ivchenko, Judge of the Oleksandrivskyi District Court
of Kirovohrad Region**

Case No. 991/264/23

Summary

According to the prosecution, together with his two assistants, P. Ivchenko helped drivers who operated vehicles under the influence of alcohol to avoid liability under Article 130 of the Code of Ukraine on Administrative Offences (CUAO). On the most recent occasion, he received an undue advantage of USD 1,000 from a local resident in exchange for closing a protocol under Article 130 CUAO, however, on 26 August 2022, he was exposed by officers of the Security Service of Ukraine (SSU) and NABU.

4753 Driving vehicles by persons under the influence of alcohol or drugs.

4754 Odesa judge who mobilised amid a criminal case over bribery was suspended from duty. Intent Press. 2024.

4755 Bribery case of Odesa judge Illia Lonskyi. The platform "HACC decided".

Progress

The criminal proceedings are ongoing. On 27 March 2025, the HCJ adopted a decision to **dismiss Judge Pavlo Ivchenko**⁴⁷⁵⁶.

Case No. 8. Case of Oleksandr Boiarskyi, Judge of the Bilhorod-Dnistrovskyi City District Court of Odesa Region

Summary

According to the investigation, the judge received USD 1,500 in exchange for a promise to deliver a ruling on determining the child's place of residence with the father. The man could subsequently use the ruling to avoid mobilisation and as grounds for leaving the country with the child.

Progress

On 12 January 2025, the HCJ granted **permission for Judge Boiarskyi to be held in custody**⁴⁷⁵⁷.

On 3 February 2025, the HCJ adopted a decision to hold the judge disciplinarily liable and applied a disciplinary sanction in the form of **a motion for dismissal from office**⁴⁷⁵⁸. In May 2025, the HACC approved a plea agreement concerning Tetiana Berezhna, lawyer from Odesa, who pleaded guilty to offering an undue advantage to Oleksandr Boiarskyi⁴⁷⁵⁹.

Case No. 9. Case of Volodymyr Serdynskyi, Judge of the Brovary City District Court of Kyiv Region

Case No. 991/452/24

Summary

According to the investigation, on 26 September 2023, Judge V. Serdynskyi received an undue advantage of USD 4,000 from defence counsel Oleksandr Vorotylenko in exchange for issuing a ruling on securing a claim in a civil case.

In July 2024, the SSU served Serdynskyi with an additional notice of suspicion for forging documents that allowed him to travel to the Caribbean on a cruise ship under the pretext of a business trip. The Prosecutor General's Office submitted the indictment to court⁴⁷⁶⁰.

4756 Decision of the High Council of Justice No. 647/0/15-25 of 27.03.2025.

4757 Letting draft dodgers go abroad: judge from Odesa region suspended from office. Sylva Hromad. 2025.

4758 Judge Oleksandr Boiarskyi temporarily suspended from administering justice based on the decision of the First Disciplinary Chamber of the HCJ. High Council of Justice. 2025.

4759 Judge Boiarskyi "will soon be stitching up his pockets". Lawyer Berezhna from the corruption case in the Bilhorod-Dnistrovskyi Court entered into a plea agreement. Legal online resource "Protokol". 2025.

4760 Holiday on a cruise liner under the guise of a business trip — judge and lawyer to be prosecuted. Prosecutor General's Office. 2025.

On 12 February 2025, the case was submitted to the Pecherskyi District Court of the City of Kyiv.

Progress

On 5 October 2024, the HCJ granted permission **for Serdynskyi to be held in custody**⁴⁷⁶¹.

On 9 October 2024, the HCJ adopted a decision to hold Serdynskyi disciplinarily liable and applied a disciplinary sanction in the form of **a motion for dismissal from office**⁴⁷⁶².

On 22 January 2025, HACC decided to **suspend the hearings in Serdynskyi's case, as he is serving in the military** in the position of rifleman–grenade launcher assistant in a rifle platoon, as confirmed by a letter signed by the commander of the relevant military unit⁴⁷⁶³.

Case No. 10. Case of Volodymyr Honchar, Judge of the Kropyvnytskyi Court of Appeal

Summary

On 26 May 2022, in a case concerning a road traffic offence that resulted in the death of a victim, Judge Honchar received USD 10,500 from an intermediary in exchange for a "right" decision by the panel of judges. However, on 28 September 2023, the panel upheld the trial court's verdict without changes.

Thus, the arrangement to "resolve" the case was not fulfilled. On the same day, 28 September, according to the investigation, Volodymyr Honchar returned USD 10,000 to the intermediary. However, according to SAPO, the judge kept approximately USD 500 "for his troubles," which was later discovered during a search on 26 October 2023.

Progress

On 7 November 2024, the HCJ adopted a decision to hold Honchar disciplinarily liable and imposed a disciplinary sanction in the form of **a motion for dismissal from office**⁴⁷⁶⁴.

On 24 February 2025, HACC **reduced the bail amount** set for Judge Honchar **from UAH 1.01 million to UAH 700,000**⁴⁷⁶⁵.

The HACC extended until 30 July 2025 the obligations imposed on Honchar (to appear in court upon each request; to inform the court of any change in place of residence and work; to refrain from communicating with a number of persons; and to surrender foreign passports for safekeeping)⁴⁷⁶⁶.

4761 HCJ seeks to dismiss judge suspected of forging documents to go on a cruise. Slidstvo.Info. 2024.

4762 Decision of the High Council of Justice No. 2968/2dp/15-24 of 09.10.2024.

4763 HACC suspended hearings in the case of a judge from Kyiv region due to his mobilisation. Slovo i Dilo. 2025.

4764 Decision of the High Council of Justice No. 1928/1dp/15-24 of 24.06.2024.

4765 Bail reduced for the accused judge of the Kropyvnytskyi Court of Appeal. Slovo i Dilo. 2025.

4766 Accused judge from Kropyvnytskyi again has obligations extended. Slovo i Dilo. 2025.

Overview of High-Profile Judicial Corruption Cases in 2024 — first half of 2025

Case No. 1. Case of Vasyl Artymovych, Head of the Commercial Court of Lviv Region

Pre-trial investigation: Proceeding No. 52024000000000534

In the second half of 2024, within the framework of the **case “Judicial Corruption in Lviv Region”, the head of a specialised court of general jurisdiction**, Vasyl Artymovych, then the current head of the Commercial Court of Lviv Region, **was exposed for the first time** for colluding with Mykhailo Yurkevych (former head of the same court) and Borys Plotnytskyi (former head of the Western Commercial Court of Appeal). The three demanded an undue advantage of USD 1 million from a representative of a private company⁴⁷⁶⁷.

In exchange for this sum, the suspects promised to ensure the adoption of “favourable” decisions in commercial cases under consideration by one of the courts of appeal, and to prevent the murder of the whistle-blower allegedly planned by his opponents in the legal proceedings. The case is currently at the stage of pre-trial investigation⁴⁷⁶⁸.

During the investigation, **NABU documented the transfer of part of the undue advantage in the amount of USD 75,000**⁴⁷⁶⁹.

On 6 November 2024, NABU detectives conducted a search of the residence of Judge Maksym Zhelyk, who had been appointed as Head of the Western Commercial Court of Appeal, replacing Plotnytskyi. During the search, an Apple iPhone 16 Pro and over USD 271,000 in cash were seized from Zhelyk⁴⁷⁷⁰.

HACC ordered the seizure of the judge’s funds; however, he appealed this decision, stating that USD 100,000 were savings declared in his 2023 asset declaration, and the remaining amount represented savings accumulated in 2024⁴⁷⁷¹. On 10 March 2025, the Appeal Chamber of the HACC ruled to return to Zhelyk the USD 100,000 that had been declared, while upholding the seizure of the remaining USD 171,000⁴⁷⁷².

On 9 December 2024, **NABU served notices of suspicion to two judges (Artymovych and Yurkevych)**, and on 26 December, **a notice of suspicion was served to Plotnytskyi**⁴⁷⁷³.

As of July 2025, **the pre-trial investigation is ongoing**, and the involvement of other judges is being established⁴⁷⁷⁴. Thus, on 26 May 2025, the HACC imposed a preventive mea-

4767 Judicial corruption in Lviv region: sitting and former heads of a specialised court exposed demanding USD 1 million. National Anti-Corruption Bureau of Ukraine. 2024.

4768 Ibid.

4769 Ibid.

4770 During a search of the head of the Western Commercial Court of Appeal, USD 271,000 in cash was seized. 2025.

4771 Ibid.

4772 Ibid.

4773 Over UAH 30 million bail posted for the former head of the Western Commercial Court of Appeal. Suspilne Lviv. 2025.

4774 Judicial corruption in Lviv region. National Anti-Corruption Bureau of Ukraine.

sure (bail of UAH 3 million) on judge of the Western Commercial Court of Appeal Iryna Malekh, who is suspected of receiving an undue demand in connection with the same case. The day before, the HCJ had suspended Malekh from administering justice⁴⁷⁷⁵.

The actions of the suspects are **classified under the following Articles of the CC of Ukraine**: Part 2 of Article 28 — commission of a criminal offence by a group of individuals, a group of individuals upon prior conspiracy, an organised group or a criminal organisation; Part 3 of Article 369-2 — abuse of influence⁴⁷⁷⁶.

Regarding **preventive measures**, as of July 2025:

1. **Plotnytskyi was released from the pre-trial detention facility** after posting bail in the amount of UAH 30.28 million⁴⁷⁷⁷.

2. On 5 February 2025, HACC extended the detention of Artymovych but reduced the bail amount to UAH 6 million⁴⁷⁷⁸. **Artymovych posted the bail in the amount of UAH 6 million** and was released under obligations, which were extended until 28 April 2025⁴⁷⁷⁹.

3. HACC ordered that Yurkevych be held in custody until 20 February 2025, with the possibility of posting bail in the amount of UAH 12 million⁴⁷⁸⁰. On 13 March 2025, the Appeal Chamber of the HACC considered Yurkevych's complaint against the HACC ruling extending his detention and the alternative of UAH 12 million bail. The AC HACC partially upheld Yurkevych's complaint **reducing the bail to UAH 8 million**⁴⁷⁸¹. On 15 May 2025, the AC HACC partially upheld the appeal of the defence of M. Yurkevych and reduced the amount of bail to UAH 3 million. The defence had appealed the ruling of the HACC investigating judge of 15 April 2025 on the extension of detention with the alternative of posting bail in the amount of UAH 6 million⁴⁷⁸².

V. Artymovych was dismissed from the position of Head of the Commercial Court of Lviv Region at his **own request**⁴⁷⁸³, but he remains a judge of that court. Plotnytskyi and Yurkevych were retired judges at the time of the offence.

Case No. 2. The "Wartime Dad" Case

Stage: Under investigation

Within the framework of this case, **an organised criminal group was uncovered** inside the Bilhorod-Dnistrovskiy City District Court in Odesa region, **which assisted men in**

4775 Corruption case in Lviv region. Platform "HACC Decided".

4776 Over UAH 30 million bail posted for the former head of the Western Commercial Court of Appeal. Suspilne Lviv. 2025.

4777 Former judge from Lviv Plotnytskyi released from detention after UAH 30 million bail posted. Lviv Portal. 2025.

4778 NABU found over USD 270,000 at the head of the Western Commercial Court of Appeal. Slovo i Dilo. 2025.

4779 Former head of the Commercial Court of Lviv region posted bail and was released. Lviv Portal. 2025.

4780 Million-dollar bribe case: former head of the Commercial Court of Lviv region remains in custody. Lviv Media. 2025.

4781 Court reduced bail for assistant to the Rector of Lviv National University in the case of a USD 1 million bribe demand. Zaxid.net. 2025.

4782 Former Head of the Commercial Court of Lviv Region, Yurkevych, has had his bail reduced. Platform "HACC Decided".

4783 Head of the Commercial Court of Lviv Region Artymovych, suspected of extortion, resigned. Ukrinform. 2024.

evading mobilisation and travelling abroad⁴⁷⁸⁴. The case of Judge **Oleksandr Boiarskyi** from this court is described above.

The judges issued a large number of identical rulings **(1,040 decisions)** regarding sole custody and legal cohabitation of a child with the father, which entitled these men to defer mobilisation and leave the country under the pretext of childcare.

These services cost between USD 1,500 and 3,500, which were paid to defence counsels under formal legal aid agreements, after which the lawyers transferred the funds to judges⁴⁷⁸⁵. To implement the scheme, the perpetrators set up a “back office” of the court in a law firm and advertised their “services” on social media⁴⁷⁸⁶.

The decisions on the child’s place of residence with the father were issued by **four judges** of the Bilhorod-Dnistrovskyi City District Court: Oleksandr Boiarskyi (364 rulings); Serhii Savytskyi (312 rulings); Valentyn Zaveriukha (124 rulings); and Yuliia Shevchuk (30 rulings)⁴⁷⁸⁷.

On 9 January 2024, **NABU documented the transfer of an unlawful benefit to one of the judges in exchange for a promise to deliver a “right” court decision**⁴⁷⁸⁸.

On 30 July 2024, **new offences committed by participants in the scheme were documented, resulting in six more individuals being notified of suspicion**⁴⁷⁸⁹.

On 19 February 2025, NABU and SAPO reported the exposure of an organised criminal group (11 individuals in total)⁴⁷⁹⁰.

The actions of the suspects have legal qualification under the following articles of the CC of Ukraine:

- Article 368 — Acceptance of an unlawful benefit;
- Article 369 — Provision of an unlawful benefit;
- Article 332 — Organisation of illegal border crossing;
- Article 114¹ — Obstruction of the lawful activities of the Armed Forces of Ukraine;
- Article 376¹ — Unlawful interference with the operation of automated justice systems⁴⁷⁹¹.

On 26 February 2025, **HACC issued a ruling imposing preventive measures in the form of bail** in the amounts of UAH 2 million, UAH 3 million, and UAH 787,000 against three judges involved in the case — V. Zaveriukha, O. Boiarskyi, and S. Savytskyi⁴⁷⁹².

4784 Report of the National Anti-Corruption Bureau of Ukraine.

4785 Dad during martial law. In Ukraine, the number of fathers gaining custody through court to avoid mobilisation has sharply increased. NGL Media. 2024.

4786 “Wartime Dad”: the judicial-legal mafia. National Anti-Corruption Bureau of Ukraine. 2025.

4787 Dad during martial law. In Ukraine, the number of fathers gaining custody through court to avoid mobilisation has sharply increased. NGL Media. 2024.

4788 “Wartime Dad”: the judicial-legal mafia. National Anti-Corruption Bureau of Ukraine. 2025.

4789 Ibid.

4790 Ibid.

4791 “Dad during the war”. In Odesa region, judges helped draft dodgers leave the country. RBK — Ukraine. 2025.

4792 Publication of the Appeal Chamber of the High Anti-Corruption Court on the social network Facebook. 2025.

The defence counsel filed appeals against the HACC ruling; however, on 13 March 2025, the **Appeal Chamber of the HACC dismissed the appeals** and upheld the investigating judges' rulings without changes⁴⁷⁹³.

In addition, three judges — Savytskyi (as of 25 November 2024), Zaveriukha (as of 13 January 2025), and Boiarskyi (as of 3 February 2025) — received disciplinary sanctions in the form of **submissions for dismissal**⁴⁷⁹⁴.

On 28 March 2025, the High Council of Justice granted consent for Zaveriukha and Savytskyi to be held in custody⁴⁷⁹⁵. However, in April 2025, Savytskyi was **released** after bail of UAH1.5 million⁴⁷⁹⁶ was posted for him, and Zaveriukha — after bail of UAH 1.75 million⁴⁷⁹⁷ was posted.

In June 2025, the HACC extended until 16 August of that year the obligations imposed on Zaveriukha (not to leave Odesa region without permission; to notify of any change of place of residence and work; to refrain from communicating with certain individuals; to surrender passports for travelling abroad for safekeeping; and to wear an electronic bracelet)⁴⁷⁹⁸.

In July 2025, NABU and SAPO completed the investigation and disclosed the case materials⁴⁷⁹⁹.

Currently, three members of an organised criminal group and two individuals connected with its activities are suspected⁴⁸⁰⁰: a court head (organiser); a judge; a lawyer (co-organiser); and two judicial assistants. Their actions are qualified under the following Articles of the CC of Ukraine⁴⁸⁰¹: Article 368 (acceptance of an undue advantage), Article 369 (offering an undue advantage), Article 332 (organisation of illegal border crossing), Article 114¹ (obstruction of the lawful activities of the Armed Forces of Ukraine), and Article 376¹ (unlawful interference with the operation of automated judicial systems).

Another six individuals have agreed to plea deals with the investigation. Their testimonies will be used to prove the guilt of the remaining members of the group, including its organisers⁴⁸⁰².

4793 Ibid.

4794 Information on disciplinary proceedings against judges. High Council of Justice.

4795 Decision of the High Council of Justice Nos. 659/0/15-25, 659/0/15-25 of 28.03.2025.

4796 Judge of the Bilhorod-Dnistrovskyi Court released from custody. Slovo i Dilo. 2025.

4797 Former Head of the Bilhorod-Dnistrovskyi Court released from custody on bail. Bessarabia INFORM.

4798 Former Head of the Bilhorod-Dnistrovskyi Court, who "stamped" decisions for draft dodgers, again has obligations extended. Bessarabia INFORM.

4799 "Wartime Dad": Investigation completed in the case of the judge-lawyer mafia. National Anti-Corruption Bureau of Ukraine, 2025.

4800 Ibid.

4801 Ibid.

4802 Ibid.

Annex 6 to the Report



Description of Selected High-Profile Cases Concerning International Crimes Committed by Russian Service Members During the Armed Aggression of the Russian Federation Against Ukraine

Case No. 1. The Case of Sergeant Shishimarin — the First Verdict in a Case Concerning War Crimes Committed by Russian Service Members During the Full-Scale Invasion of Ukraine

- › Case No 760/5257/22.
- › Legal qualification — Part 2 of Article 438 of the Criminal Code of Ukraine (CC of Ukraine) (violation of the laws and customs of war combined with premeditated murder) (*in the wording of the article in force on the date of the verdict*).
- › The trial within the criminal proceedings was conducted **with the direct participation of the accused**.

Information about the accused

Vadim Shishimarin — Russian service member, unit commander of military unit 32010, “4th Tank Kantemyrivska Division, Moscow region”.

Chronology of events. Essence of the charges. Outcome

In February 2022, on the instructions of another service member of the Armed Forces of the Russian Federation, Shishimarin **shot and killed an unarmed civilian** — a resident of the village of Chupakhivka, Okhtyrka district, Sumy region — who posed no threat to the said service members.

After committing the crime, together with other Russian service members, he was ambushed by local residents, surrendered, and was taken into custody at the Okhtyrka District Police Department of the Main Directorate of the National Police in Sumy Region.

In court, Shishimarin admitted his guilt. The wife of the deceased stated that she expected a life sentence for the accused but did not object to his exchange for the defenders of Mariupol. Shishimarin’s defence lawyer pleaded for an acquittal, arguing that he was following orders.

In May 2022, by **verdict**⁴⁸⁰³ of the Solomianskyi District Court of Kyiv, Shishimarin was found guilty of committing a criminal offence under Part 2 of Article 438 of the CC of Ukraine and sentenced to **life imprisonment**.

Already in July of the same year, following an appeal lodged by Shishimarin's defence lawyer against the verdict, the Kyiv Court of Appeal issued a ruling⁴⁸⁰⁴ **mitigating his sentence to 15 years of imprisonment**.

In early July 2024, the Prosecutor General's Office (PGO)⁴⁸⁰⁵ reported that the Russian side had raised the issue of Shishimarin's exchange; the matter had been discussed, but Ukraine had not agreed to extradite him.

Case No. 2. Cases of Russian TV Journalist Kuznetsov-Krasovsky — Public Calls for the Genocide of the Ukrainian People

- Cases Nos. 761/17683/22, 761/27379/23.
- Legal qualification — Part 2 of Article 442 of the CC of Ukraine (public incitement to genocide, as well as the production of materials containing incitement to genocide for the purpose of distribution, or the distribution of such materials) (*in the wording of the article in force on the date of the verdict*).
- The trial within the criminal proceedings was conducted in the absence of the accused (*in absentia*).

Information about the accused

Anton Kuznetsov-Krasovsky — Russian journalist, television presenter, publicist, and political technologist; former director of the Russian-language TV channel "RT" (Russia Today) (until October 2022), co-founder of the media project "Konservator"⁴⁸⁰⁶.

He is one of the key figures of Kremlin propaganda, directly influencing public opinion in Russia and beyond. He actively supports the occupation of Crimea and the full-scale invasion of Ukraine by Russia, justifies the aggression of the Russian Federation, and openly calls for violence against Ukrainians.

In his public speeches, he repeatedly called for the escalation of violence against Ukraine, advocating for massive strikes on Ukrainian cities and justifying the war crimes committed by the Russian army. His aggressive anti-Ukrainian rhetoric is aimed at discrediting Ukraine, inciting hatred towards the Ukrainian people, and creating an informational basis for legitimising war crimes. He also actively spreads narratives about "denazification", positioning it as a necessary component of the war against Ukraine.

4803 Verdict of the Solomianskyi District Court of the city of Kyiv dated 23.05.2022 in Case No. 760/5257/22.

4804 Ruling of the Kyiv Court of Appeal dated 29.07.2022 in Case No. 760/5257/22.

4805 New Russian Defence Minister under ICC scrutiny. Interview with the Head of the War Department of the Prosecutor General's Office. Ukrinform, 2024.

4806 According to information published on the War & Sanctions portal of the Main Intelligence Directorate of the Ministry of Defence of Ukraine regarding sponsors and accomplices of aggression (section "Kremlin Mouthpieces" listing Russian propagandists and media managers).

Chronology of events. Essence of the charges. Outcome

In June 2022, the Security Service of Ukraine (SSU) notified⁴⁸⁰⁷ Kuznetsov-Krasovsky of suspicion of having committed criminal offences under **Part 3 of Article 109** (*public calls for the violent overthrow of the constitutional order, as well as the distribution of materials containing such calls using mass media*) and **Part 2 of Article 442 of the CC of Ukraine** (*public calls for genocide, as well as the production of materials calling for genocide with the intent to distribute them, or the distribution of such materials*).

In his publications posted on YouTube and Telegram channels, the suspect called on the Russian authorities to **physically destroy Ukrainians** and spread anti-Ukrainian propaganda. At the same time, he attempted to convince viewers of the necessity of conducting the so-called “special military operation” on the territory of Ukraine.

In August 2022, the SSU announced⁴⁸⁰⁸ that the pre-trial investigation in the said criminal proceedings had been completed, and the **indictment was submitted to the court**.

Already in February 2023, by **verdict**⁴⁸⁰⁹ of the Shevchenkivskyi District Court of Kyiv in case No. 761/17683/22, Kuznetsov-Krasovsky was found guilty of committing criminal offences under Part 3 of Article 109 and Part 2 of Article 442 of the CC of Ukraine and was sentenced to a final punishment of **five years’ imprisonment with confiscation of property**.

In July 2023, the SSU notified⁴⁸¹⁰ Kuznetsov-Krasovsky of a **new suspicion** under **Part 2 of Article 442 of the CC of Ukraine**.

In one of the broadcasts of his own programme “Antonyms”, he **publicly called for the drowning and burning of Ukrainian children**. This story was broadcasted on Russia Today, as well as on the Kuznetsov-Krasovsky own YouTube and Telegram channels, which have several hundred thousand subscribers.

In June 2024, by **verdict**⁴⁸¹¹ of the Shevchenkivskyi District Court of Kyiv in case No. 761/27379/23, Kuznetsov-Krasovsky was found guilty of committing a criminal offence under Part 2 of Article 442 of the CC of Ukraine, and was sentenced to a final punishment of **five years’ imprisonment with confiscation of property**⁴⁸¹² (*taking into account the verdict of the Shevchenkivskyi District Court of Kyiv in case No. 761/17683/22*).

As the perpetrator is hiding from justice abroad, comprehensive measures are ongoing to bring him to justice⁴⁸¹³. On 13 February 2025, the SSU Office in Vinnytsia region served

4807 Publication on the website of the Prosecutor General's Office, 2022.

4808 Publication by the Security Service of Ukraine on the social network Facebook, 2022.

4809 Verdict of the Shevchenkivskyi District Court of the city of Kyiv dated 13.02.2023 in Case No. 761/17683/22.

4810 Publication on the Telegram channel of the Security Service of Ukraine, 2023.

4811 Verdict of the Shevchenkivskyi District Court of the city of Kyiv dated 25.06.2024 in Case No. 761/27379/23.

4812 At the time the court delivered the verdict, this was the most severe punishment provided for under the sanction of Part 2 of Article 442 of the CC of Ukraine. Since 24.10.2024 (following the entry into force of the Law of Ukraine dated 09.10.2024 No. 4012-IX “On Amendments to the Criminal Code and the Criminal Procedure Code of Ukraine in Connection with the Ratification of the Rome Statute of the International Criminal Court and its Amendments”), Article 442 of the CC of Ukraine now better aligns with international law and corresponds to Article 6 of the Rome Statute of the International Criminal Court. The sanction under this article was also amended — the maximum term of punishment was increased to 7 years of imprisonment.

4813 The SSU has notified the former director of Russia Today of a new suspicion — he had called for the killing of Ukrainian children. Security Service of Ukraine, 2023.

Kuznietsov-Krasovskiy with a new notice of suspicion of committing criminal offences under Part 2 of Article 110 and Article 436 of the CC of Ukraine⁴⁸¹⁴.

Case No. 3. The Case of Martynov (Associate of Kadyrov) — Seizure of a Care Facility in the Settlement of Borodianka

- Case No. 939/1435/22.
- Legal qualification — Part 1 of Article 438 of the CC of Ukraine (violation of the laws and customs of war) (*in the wording of the article in force on the date of the verdict*).
- The trial within the criminal proceedings was conducted in the absence of the accused (*in absentia*).

Information about the accused

Daniil Martynov — Adviser to the Minister of the Ministry of Emergency Situations of the Russian Federation; member of the Presidium of the Supreme Council of the All-Russian Union of Public Organisations "Russian Union of Martial Arts"; member of the Supervisory Board of the Military and Sports Training Centre "Voin"; founder of the Autonomous Non-Profit Organisation "Russian University of Special Forces"; Russian sports official, personal security trainer, and assistant on interaction with law enforcement agencies to the Head of the Chechen Republic, Ramzan Kadyrov.

As a curator and member of the Supervisory Board of the Military and Sports Training Centre "Voin", which has regional training centres, he is responsible for the militarisation and indoctrination of Ukrainian youth, as well as for the relocation (transfer) of Ukrainian children from the temporarily occupied territories (TOT) of Ukraine to the territory of the Russian Federation under the pretext of "rehabilitation and education"⁴⁸¹⁵.

Chronology of events. Essence of the charges. Outcome

In March 2022, Martynov, serving as Deputy Head of the Directorate of the Federal Service of the National Guard Troops of the Russian Federation for the Chechen Republic and commanding military personnel of certain units during their participation in combat operations in Ukraine, issued orders concerning:

- **the forcible detention of patients and staff of the Borodyansky psychoneurological institution with a geriatric department**, restricting their access to food, water, medicines and medical care, communication with relatives, free movement and other necessary needs, as well as threatening them with reprisals;
- **the deployment** of military equipment around the perimeter of the said psychoneurological institution, setting up their positions and using hostages as human shields.

4814 Publication on the website of the Prosecutor General's Office. 2025.

4815 According to information published on the War & Sanctions portal of the Main Intelligence Directorate of the Ministry of Defence of Ukraine regarding sponsors and accomplices of aggression (section "Champions of Terror" listing Russian athletes).

In addition, during a video recording organised by him on a mobile phone, Martynov stated that they had come to “liberate Kyiv from the Nazis” and forced the head of the care facility to express gratitude for being kept alive.

In August 2022, the SSU notified Martynov of **suspicion**⁴⁸¹⁶ under Part 1 of Article 438 of the CC of Ukraine. Based on SSU materials, suspicions were also issued to **Ramzan Kadyrov** — Head of the Chechen Republic of the Russian Federation — and **Khusein Mezhidov** — Commander of the tactical group of the 249th Separate Motorised Battalion “Yug” of the 46th Separate Operational Brigade of the North Caucasus District of the National Guard Troops of the Russian Federation.

In September 2024, by **verdict**⁴⁸¹⁷ of the Borodianka District Court of Kyiv Region, Martynov was found guilty of committing a criminal offence under Part 1 of Article 438 of the CC of Ukraine and was sentenced to **11 years of imprisonment**.

In May 2025, following an appeal lodged by Martynov’s defence counsel against the said verdict, the Kyiv Court of Appeal issued a **ruling**⁴⁸¹⁸ **leaving the first-instance verdict unchanged** and the appeal unsatisfied.

Case No. 4. The Case of 15 Russian Service Members — Concentration Camp in the Village of Yahidne

- Case No. 748/1278/23.
- Legal qualification — Part 1 of Article 28, Part 1 of Article 438 of the CC of Ukraine (violation of the laws and customs of war committed by a group of individuals without prior conspiracy) (*in the wording of the article in force on the date of the verdict*).
- The trial within this criminal proceeding was conducted in the absence of the accused (*in absentia*).

Information about the accused

Russian service members of the 55th Separate Motorised Rifle Brigade (Mountain), Russian Federation; military unit 55115: Suvan Syin-ool; Aigarym Mongush; Nazity Mongush; Eres Oorzhak; Arian Khertek; Sayan Khomushka; Aleksey Borysov; Buyan Dadar-ool; Sholban Dambar-ool; Dorzhu Demir-ool; Sayn Kenden; Vitaly Mongush; Arzhan Saai; Buyan Dorzhu; Amir Kendenov.

Chronology of events. Essence of the charges. Outcome

In March 2022, the listed Russian service members, acting on orders from their military command and under threat of weapons, **illegally detained 368 civilians — including 69 minors** — from the village of Yahidne, Chernihiv region, for an extended period in the

4816 Ramzan Kadyrov and two of his closest associates received suspicion notices based on SSU materials. Security Service of Ukraine. 2022.

4817 Verdict of the Borodianka District Court of Kyiv Region dated 12.09.2024 in Case No. 939/1435/22.

4818 Ruling of the Kyiv Court of Appeal dated 08.05.2025 in Case No. 939/1435/22.

basement of the Yahidne school. The specified non-residential premises lacked ventilation for fresh air access, artificial or natural lighting, water supply, sewage, and toilet facilities. There was a lack of sufficient seating and sleeping furniture and means for preparing food. The room was unsanitary, unfit for normal habitation, and measured 197.6 square metres. As a result of this detention, **10 civilians died**.

The captives were also used as a **“human shield”**, as the Russian forces had set up a military headquarters inside the school itself.

In March 2024, by **verdict**⁴⁸¹⁹ of the Chernihiv District Court of Chernihiv Region, 15 Russian service members were found guilty of committing criminal offences under Part 1 of Article 28 and Part 1 of Article 438 of the CC of Ukraine and were each **sentenced to 12 years of imprisonment**.

In May of the same year, by its ruling⁴⁸²⁰, the Chernihiv Court of Appeal dismissed the defence lawyers' appeals and upheld the **verdict of the Chernihiv District Court of Chernihiv Region dated 11 March 2024 without changes**.

In February 2024, the **SSU announced a suspicion**⁴⁸²¹ under Part 2 of Article 28 and Part 1 of Article 438 of the CC of Ukraine (violation of the laws and customs of war committed by a group of individuals by prior conspiracy) (in the wording of the article in force on the date of the verdict) against Semyon Solovov, call sign “Klyon” — **the commander of the combined unit who issued the orders** to the aforementioned subordinate Russian service members **to detain civilians from the village of Yahidne in the school basement**.

In July 2025, by the verdict of the Chernihiv District Court of Chernihiv Region⁴⁸²², Solovov was found guilty of committing a criminal offence under Part 2 of Article 28 and Part 1 of Article 438 of the CC of Ukraine and was sentenced to **12 years'** imprisonment.

Case No. 5. The Case of Nine Russian Service Members — War Crimes Committed During the Occupation of the City of Bucha

- › Case No. 367/3477/22.
- › Legal qualification — Part 1 of Article 438 of the CC of Ukraine (violation of the laws and customs of war) (*in the wording of the article in force on the date of the verdict*).
- › The trial within this criminal proceeding was conducted in the absence of the accused (*in absentia*).

Information about the accused

Russian service members of the 64th Guards Motorised Rifle Brigade of the Ground Forces of the Armed Forces of the Russian Federation, part of the 35th Combined Arms Army:

4819 Verdict of the Chernihiv District Court of Chernihiv Region dated 11.03.2024 in Case No. 748/1278/23.

4820 Ruling of the Chernihiv Court of Appeal dated 28.05.2024 in Case No. 748/127823.

4821 Publication on the website of the Prosecutor General's Office. 2024.

4822 Verdict of the Chernihiv District Court of Chernihiv Region dated 07.07.2025 in Case No.748/1793/24.

Junior Sergeant Vyacheslav Lavrentyev, Privates Grigory Naryshkin, Vasily Kniazev, Sergey Peskaryov, Albert Radnaev, Corporals Semyon Maltsev, Mykhail Kashin, Andrey Bizyaev, and Dmitry Sergiyenko.

Chronology of events. Essence of the charges. Outcome

In March 2022, during the occupation of the city of Bucha, Kyiv region, the listed Russian service members **repeatedly unlawfully detained a civilian** — a resident of the said locality — who had not participated in hostilities and was unarmed. In an effort to obtain information about the location of Ukrainian armed forces, territorial defence, and communication stations, they **inflicted bodily harm on him**, bound his hands with plastic ties, taped his eyes shut, **threatened him with death**, and did not provide him with food and water.

In May 2023, by **verdict**⁴⁸²³ of the Irpin City Court of Kyiv Region, nine Russian service members were found guilty of committing criminal offences under Part 1 of Article 438 of the CC of Ukraine and were sentenced as follows: one service member was sentenced to **12 years of imprisonment**, four others received **11 years and 6 months**, and the remaining were sentenced to **11 years of imprisonment**.

The Irpin City Court of Kyiv Region reported⁴⁸²⁴ that this was the first verdict in a case involving Russian service members in the Irpin region since the start of the full-scale invasion.

Case No. 6. The Case of Lebed — Russian Service Member and Rapist

- › Case No. 650/2358/23.
- › Legal qualification — Part 1 of Article 438 of the CC of Ukraine (violation of the laws and customs of war) (*in the wording of the article in force on the date of the verdict*).
- › The trial within this criminal proceeding was conducted in the absence of the accused (*in absentia*).

Information about the accused

Aleksandr Lebed — Lieutenant of the FSB of the Russian Federation.

Chronology of events. Essence of the charges. Outcome

During April–May 2022, while the territory of the Vysokopillia territorial community in Beryslav district, Kherson region, was under occupation, Lebed, threatening to use firearms, **raped local residents: a minor girl and a woman**. He also threatened them with violence should they disclose what had happened.

4823 Verdict of the Irpin City Court of Kyiv Region dated 12.05.2023 in Case No. 367/3477/22.

4824 Verdict rendered against service members of the Russian Armed Forces. Irpin City Court of Kyiv Region. 2023. 2023.

In August 2023, the National Police of Ukraine notified⁴⁸²⁵ Lebed of **suspicion** of committing criminal offences under Part 1 of Article 438 of the CC of Ukraine.

In January 2025, by **verdict**⁴⁸²⁶ of the Velykooleksandrivskyi District Court of Kherson Region, Lebed was found guilty of committing a criminal offence under Part 1 of Article 438 of the CC of Ukraine and was sentenced to **12 years of imprisonment** (information restricted from publication under Paragraph 4, Part 1, Article 7 of the Law of Ukraine "On Access to Court Decisions"⁴⁸²⁷, but became known due to a statement by the PGO⁴⁸²⁸).

It is currently known that Lebed was killed on 6 October 2022 during combat operations in Ukraine⁴⁸²⁹.

Case No. 7. The Case of Sat Arzhaan — Execution of Two Unarmed Service Members of the Armed Forces of Ukraine (AFU)

- › Case No. 748/2095/23.
- › Legal qualification — Part 2 of Article 28, Part 2 of Article 438 of the CC of Ukraine (violation of the laws and customs of war, combined with premeditated murder committed by a group of individuals by prior conspiracy) (*in the wording of the article in force on the date of the verdict*).
- › The trial within this criminal proceeding was conducted in the absence of the accused (*in absentia*).

Information about the accused

Sat Arzhaan — Russian service member of the 55th Separate Motorised Rifle Brigade of the Armed Forces of the Russian Federation; military unit 55115.

Chronology of events. Essence of the charges. Outcome

In March 2022, in the village of Sloboda, Chernihiv region, which was temporarily occupied by Russian forces, Sat, acting in prior conspiracy with other unidentified service members of the Russian Armed Forces, **executed two service members of the AFU — Oleh Snizhko and Mykhailo Loshak**, of the 58th Separate Motorised Infantry Brigade named after Hetman Ivan Vyhovskyi. The Ukrainian service members had fallen out of formation and ceased participating in hostilities, as their unit had been dispersed during a combat mission in the village, and they were unarmed, having hidden for several days in the cellar of a local resident.

4825 Notice of suspicion of committing a criminal offence dated 29.08.2023. Prosecutor General's Office.

4826 Verdict of the Velykooleksandrivskyi District Court of Kherson Region dated 14.01.2025 in Case No. 650/2358/23.

4827 On Access to Court Decisions: Law of Ukraine No. 3262-IV of 22.12.2005, para 4, Part 1, Article 7.

4828 12 years' imprisonment for a Russian service member for the rape and intimidation of two girls in Kherson region, one of whom was a minor. Prosecutor General's Office. 2025.

4829 Russian occupier who raped Ukrainian women identified: he has already been punished by the AFU (photo). Telegraf portal. 2023.

In June 2024, by **verdict**⁴⁸³⁰ of the Desnianskyi District Court of the city of Chernihiv, Sat was found guilty of committing a criminal offence under Part 2 of Article 28 and Part 2 of Article 438 of the CC of Ukraine and was sentenced to **life imprisonment**.

In October of the same year, by its **ruling**⁴⁸³¹, the Chernihiv Court of Appeal dismissed the appeal lodged by the defence lawyer and upheld the **verdict of the Desnianskyi District Court of the city of Chernihiv dated 13 June 2024 without changes**.

Case No. 8. The Case of Hukasyan — Execution of a Civilian

- › Case No. 939/2083/23.
- › Legal qualification — Part 2 of Article 28, Part 1 of Article 438 and Part 2 of Article 28, Part 2 of Article 438 of the CC of Ukraine (violation of the laws and customs of war, combined with premeditated murder by a group of individuals by prior conspiracy) *(in the wording of the article in force on the date of the verdict)*.
- › The trial within this criminal proceeding was conducted with the **direct participation of the accused** *(he participated via videoconference from the premises of the state institution "Kyiv Pre-Trial Detention Centre"; part of the interrogation of the accused took place in a closed court session)*.

Information about the accused

Radik Hukasyan — Russian service member, driver-mechanic of the 7th Company, 3rd Battalion of the 331st Parachute Regiment of the 98th Airborne Division of the Airborne Forces of the Armed Forces of the Russian Federation; military unit 71211.

Chronology of events. Essence of the charges. Outcome

From approximately 26 February 2022 and at least until 10 March 2022, while stationed at fortified positions near a roadway by the village of Zdvizhivka, Bucha district, Kyiv region, Hukasyan, acting on the order of the deputy company commander and together with other Russian service members, **opened fire on a civilian car**. The vehicle, driven by an **unarmed civilian** — a citizen of Ukraine from Chernihiv region — was travelling along the road and showed no signs of military equipment. As a result of the shooting, **the driver was killed on the spot**. In an attempt to conceal the crime, the Russian service members **buried the body of the man** near the scene of the killing.

On 20 March 2022, Hukasyan, together with other Russian service members, entered the premises of a private household in the village of Lubianka, Bucha district, Kyiv region, and **stole a portable gaming console (PlayStation)**.

In August 2022, Hukasyan **was taken prisoner** in Kherson region, where he confessed to the crimes committed.

4830 Verdict of the Desnianskyi District Court of the city of Chernihiv dated 13.06.2024 in Case No. 748/2095/23.

4831 Ruling of the Chernihiv Court of Appeal dated 11.10.2024 in Case No. 748/209523.

In September 2022, an **investigative experiment**⁴⁸³² was conducted with his participation, during which he showed the location where the body of the deceased had been buried.

In April 2024, by **verdict**⁴⁸³³ of the Borodianka District Court of Kyiv Region, Hukasyan was found guilty of committing criminal offences under Part 2 of Article 28, Part 1 of Article 438 and Part 2 of Article 28, Part 2 of Article 438 of the CC of Ukraine, and was sentenced to **12 years of imprisonment**.

In August 2023, the SSU reported⁴⁸³⁴ that other Russian service members involved in the shooting of the vehicle with a civilian in Kyiv region had been identified in this case (*Deputy Company Commander Senior Lieutenant of the Russian Army **Nikolay Symov**, who issued the criminal orders to his subordinates, including Hukasyan; Deputy Platoon Commander — Squad Leader **Illya Astakhov**; Squad Leader Sergeant **Andrey Dvoret-sky**; Gunner-Operator Corporal **Ruslan Kharitonov**; and Rifleman Private **Oleg Bakh-misov***).

The same SSU statement also indicated that information regarding Symov's possible death during the war in Ukraine was being verified. His death does not constitute grounds for terminating the investigation into the criminal proceedings involving the other participants.

Case No. 9. The Case of Downed Russian Military Pilot Krasnoyartsev — Bombing of Chernihiv and the Killing of a Civilian

- › Case No. 751/1303/23.
- › Legal qualification — Part 2 of Article 438 of the CC of Ukraine (violation of the laws and customs of war, combined with premeditated murder) (*in the wording of the article in force on the date of the verdict*).
- › The trial within this criminal proceeding was conducted in the absence of the accused (*in absentia*).

Information about the accused

Aleksandr Krasnoyartsev — senior pilot, head of air-to-ground and tactical training of military unit 86789 of the Russian Federation; participated in the war in Syria.

Chronology of events. Essence of the charges. Outcome

In March 2022, Krasnoyartsev conducted **aerial bombings** on the territory of Ukraine, including **civilian targets** in the city of Chernihiv. On 5 March of the same year, the SU-34 fighter jet, carrying aerial bombs and piloted by Krasnoyartsev, was shot down by Ukrainian Armed Forces during a combat mission over Chernihiv. After ejecting, the second pilot of

4832 Publication on the Telegram channel of the Security Service of Ukraine. 2022.

4833 Verdict of the Borodianka District Court of Kyiv Region dated 09.04.2024 in Case No. 939/2083/23.

4834 The SSU notified five Russian paratroopers of suspicion for shooting at a civilian vehicle with a Kyiv resident during the occupation of Bucha. Security Service of Ukraine. 2023.

the jet, Konstantin Kryvolapov, was killed. Upon landing in the yard of a residential house, Krasnoyartsev attempted to flee but was spotted by an unarmed male civilian. Krasnoyartsev **deliberately shot the man** with his service weapon, resulting in the **civilian's death**. He was almost immediately apprehended by local territorial defence forces and taken captive.

In April 2022, the SSU notified Krasnoyartsev of **suspicion**⁴⁸³⁵ of committing a criminal offence under Part 2 of Article 438 of the CC of Ukraine.

In October 2023, by **verdict**⁴⁸³⁶ of the Novozavodskyi District Court of the city of Chernihiv, Krasnoyartsev was found guilty of committing a criminal offence under Part 2 of Article 438 of the CC of Ukraine and was sentenced to **14 years of imprisonment, along with an award of 2 million hryvnias in moral damages to the sister of the deceased**.

In January 2024, by its **ruling**⁴⁸³⁷, the Chernihiv Court of Appeal dismissed the appeal submitted by his defence lawyer and upheld the **verdict of the Novozavodskyi District Court of the city of Chernihiv dated 26 October 2023 without changes**.

In April 2022⁴⁸³⁸, Krasnoyartsev confirmed that he had fired several shots at the man who was chasing him. In autumn of the same year, the Head of the Main Intelligence Directorate of the Ministry of Defence of Ukraine, Kyrylo Budanov, reported that Russian pilot A. Krasnoyartsev had been **exchanged** in spring 2022 for five Ukrainian pilots⁴⁸³⁹.

Case No. 10. The Case of Another Downed Russian Military Pilot, Kryshstop — Bombing of Kharkiv and Shelling of a TV Tower

- › Case No. 638/1343/23.
- › Legal qualification — Part 2 of Article 28, Part 1 of Article 438 of the CC of Ukraine (violation of the laws and customs of war committed by a group of persons by prior conspiracy) (*in the wording of the article in force on the date of the verdict*).
- › The trial within this criminal proceeding was conducted with the **direct participation of the accused** (*the court partially granted the motion of Kryshstop's defence lawyer to conduct the criminal proceedings in closed session and decided that a part of the proceedings — namely the testimony of the accused — would take place in closed court session*).

Information about the accused

Maksim Kryshstop — Deputy Commander of Military Unit 47 of the Bomber Aviation Regiment, 105th Mixed Aviation Division, 6th Army of the Air Force and Air Defence of the Western Military District of the Armed Forces of the Russian Federation.

4835 Publication on the website of the Prosecutor General's Office. 2022.

4836 Verdict of the Novozavodskyi District Court of the city of Chernihiv dated 26.10.2023 in Case No. 751/1303/23.

4837 Ruling of the Chernihiv Court of Appeal dated 22.01.2024 in Case No. 751/1303/23.

4838 Interview by journalist Volodymyr Zolkin with captured Major Krasnoyartsev | @VolodymyrZolkin. YouTube. 2022.

4839 Budanov: Relatives of prisoners of war received answers and, I hope, also hope. Ukrinform. 2022.

Chronology of events. Essence of the charges. Outcome

No later than 6 March 2022, the commander of the 6th Army of the Air Force and Air Defence of the Russian Armed Forces, **Oleg Makovetsky**, issued a combat order to the commander of military unit 45117, **Aleksey Loboda**, which, among other things, contained objectives for the destruction of civilian objects through bombing, including the coordinates of the Kharkiv radio and television transmission station. The said station is a **civilian object** not utilized for military purposes, providing telecommunications services, operating the alert system, and broadcasting television and radio programmes.

On 6 March 2022, Loboda conveyed this order to:

- Deputy Commander of Military Unit 47 of the Bomber Aviation Regiment of the 105th Mixed Aviation Division, 6th Army of the Air Force and Air Defence of the Western Military District of the Russian Armed Forces — **M. Kryshstop**;
- Senior Pilot of the Aviation Flight Section of the Second Aviation Squadron — Captain **Yevgeny Korolyov**;
- Navigator of the Aviation Flight Section of the Aviation Squadron — **Artem Norin**;
- Navigator — **Igor Shagiakhmetov**.

Loboda also ordered them to proceed with the direct execution of the order and designated the Su-34 flight crews as follows: pilot Kryshstop and navigator Norin (lead aircraft); pilot Korolyov and navigator Shagiakhmetov (trailing aircraft).

Later that day, Kryshstop, together with other accomplices, **bombed the Kharkiv radio and television transmission station** using aerial bombs with a total TNT equivalent of over 2 tonnes, causing damage to TV tower's metal structure, significantly reducing its load-bearing capacity and rendering its further safe operation impossible. However, just one minute after the air strike, the aircraft piloted by Kryshstop was shot down by Ukrainian military. Kryshstop managed to eject, and after landing, was later detained by service members of the National Guard of Ukraine.

There is no official information regarding the further fate of navigator Artem Norin, aside from reports in Russian sources claiming that he was killed during a combat mission in Kharkiv region. The wingman aircraft with Korolyov and Shagiakhmetov returned to base.

On 11 March 2022, a press conference⁴⁸⁴⁰ was held involving three captured Russian pilots (*Golovensky, Kozlov, and Kryshstop*), during which Kryshstop stated that, starting from 24 February 2022, he had carried out orders to bomb civilian targets in Kharkiv region, expressed regret, and admitted his guilt.

On 2 March 2023, by **verdict**⁴⁸⁴¹ of the Dzerzhynskyi District Court of the city of Kharkiv, Kryshstop was found guilty of committing a criminal offence under Part 2 of Article 28 and Part 1 of Article 438 of the CC of Ukraine, and was sentenced to **12 years of imprisonment, along with an order to pay damages to three Ukrainian telecommunications companies**. The court verdict noted that Kryshstop fully admitted his guilt in committing the offence.

4840 Press conference of Russian captured pilots. Interfax-Ukraine. 2022.

4841 Verdict of the Dzerzhynskyi District Court of the city of Kharkiv dated 02.03.2023 in Case No. 638/1343/23.

A few days later, by ruling dated 6 March 2023, the same court granted the motion⁴⁸⁴² of a prosecutor of the PGO to release the Russian pilot from serving his sentence due to the decision of the Coordination Headquarters for the Treatment of Prisoners of War to transfer him for exchange as a prisoner of war. The court also ruled to place Kryshchuk under the supervision of representatives of the Main Intelligence Directorate of the Ministry of Defence of Ukraine for the purpose of organising and conducting his exchange as a prisoner of war.

On 6 May 2023, an **exchange** took place in which three Russian military pilots (*Kryshchuk, Kosyk, and Malov*) were swapped for 45 Ukrainian defenders of Azovstal⁴⁸⁴³.

Case No. 11. The Case of Ustalkov — Russian Service Member and Looter

- › Case No. 588/1009/22.
- › Legal qualification — Part 1 of Article 438 of the CC of Ukraine (violation of the laws and customs of war) (*in the wording of the article in force on the date of the verdict*).
- › The trial within this criminal proceeding was conducted in the absence of the accused (*in absentia*).

Information about the accused

Dmytry Ustalkov — Squad Commander of Military Unit 19612 (4th Guards Tank Kantemirovskaya Order of Lenin Red Banner Division named after Yuri Andropov, Naro-Fominsk, Moscow region).

Chronology of events. Essence of the charges. Outcome

In March 2022, while stationed at a checkpoint set up during the occupation of the city of Trostianets, Sumy region, Ustalkov conducted inspections of vehicles and individuals moving through the city. During vehicle stops, he forced civilians — both drivers and passengers — out of their cars and, **under threat of a firearm, took valuable items from them**, including expensive gadgets and cash, which he later used exclusively for personal purposes.

In July 2022, the National Police of Ukraine reported that Ustalkov had been officially notified of **suspicion**⁴⁸⁴⁴.

Summonses for Ustalkov, along with information about procedural documents, were delivered and published in accordance with Article 323 of the Criminal Procedure Code of

4842 Ruling of the Dzerzhynskiy District Court of the city of Kharkiv dated 06.03.2023 in Case No. 638/1343/23.

4843 Documentary film "Downed Pilots of Russia" from the series "Ukrainian Military Intelligence: in the Sky, at Sea, on Land". Defence Intelligence of Ukraine. YouTube. 2023.

4844 Publication on the website of the National Police of Ukraine. 2022.

Ukraine on the official website of the Trostianets District Court of Sumy Region⁴⁸⁴⁵, as well as in a nationwide media outlet — the Uriadovyi Kurier newspaper⁴⁸⁴⁶.

On 1 March 2023, by **verdict**⁴⁸⁴⁷ of the Trostianets District Court of Sumy Region, Ustalkov was found guilty of committing a criminal offence under Part 1 of Article 438 of the CC of Ukraine and was sentenced to **10 years of imprisonment**.

In October of the same year, by its **ruling**⁴⁸⁴⁸, the Sumy Court of Appeal dismissed the appeal lodged by his defence lawyer and **upheld the verdict of the Trostianets District Court of Sumy Region dated 1 March 2023 without changes**.

At the same time, on 30 January 2024, by **ruling**⁴⁸⁴⁹ of the panel of judges of the First Judicial Chamber of the Criminal Cassation Court of the **Supreme Court, the request to initiate cassation proceedings** was denied in relation to the cassation appeal submitted by Ustalkov's defence lawyer against the verdict of the Trostianets District Court of Sumy Region dated 1 March 2023 and the ruling of the Sumy Court of Appeal dated 18 October 2023.

Case No. 12. The Case of Semenchatenko — “Military Commandant” of the Occupation Authorities in Melitopol

- Case No 333/2316/23.
- Legal qualification — Part 2 of Article 28, Part 1 of Article 438 of the CC of Ukraine (violation of the laws and customs of war committed by a group of persons by prior conspiracy) (*in the wording of the article in force on the date of the verdict*).
- The trial within this criminal proceeding was conducted in the absence of the accused (*in absentia*) (*the court granted the victim's motion to conduct closed court sessions in the criminal proceedings against Semenchatenko*).

Information about the accused

Sergey Semenchatenko — Commander of a tactical group of the “22nd Separate Order of Zhukov Operational Brigade”, military unit 3642, National Guard Troops of the Russian Federation. In the course of his unlawful activities, he used the call sign “Saigon” to conceal his identity and evade criminal liability. Following the occupation of Melitopol in February 2022, he became the military commandant of the occupation administration.

Chronology of events. Essence of the charges. Outcome

After the occupation of the city of Melitopol, Zaporizhzhia region, in February 2022 by representatives of the Russian armed formations, a so-called “military commandant's office

4845 Publication on the website of the Trostianets District Court of Sumy Region. 2023.

4846 Publication in the newspaper “Uriadovyi Kurier”. Issue No. 159 (7280). 2022. ; Publication in the newspaper “Uriadovyi Kurier”. Issue No. 215 (7336). 2022.

4847 Verdict of the Trostianets District Court of Sumy Region dated 01.03.2023 in Case No. 588/1009/22.

4848 Ruling of the Sumy Court of Appeal dated 18.10.2023 in Case No. 588/1009/22.

4849 Ruling of the Supreme Court dated 30.01.2024 in Case No. 588/1009/22.

of Melitopol" was established in the occupied territory, with Semenchatenko appointed as its military commandant.

Acting in prior conspiracy with a group of other Russian service members, he devised and implemented a criminal plan aimed at **enforcing the policies of the aggressor state — the Russian Federation — in the TOT** of Zaporizhzhia region, through deliberate actions involving the **use of violence against individuals with patriotic sentiments and an active pro-Ukrainian civic stance**.

Semenchatenko also issued orders for the **unlawful detention, abduction, and imprisonment of a civilian** — the Acting Director of the State Educational Institution "Melitopol Multi-Profile Centre for Vocational and Technical Education" — followed by acts of violence against her life and person, including degrading and humiliating treatment that caused severe suffering. The woman was held in a room with constant lighting, in a stifling space without access to fresh air, without sufficient drinking water or food, no sanitary facilities or hygiene products, and no area for rest. She was subjected to repeated night-time interrogations, which deprived her of sleep.

In December 2022, the SSU notified Semenchatenko of **suspicion**⁴⁸⁵⁰. In April 2023, the PGO announced⁴⁸⁵¹ that prosecutors from the Zaporizhzhia Regional Prosecutor's Office had **submitted the indictment** against Semenchatenko **to the court**.

On 22 November 2023, by **verdict**⁴⁸⁵² of the Komunarskyi District Court of the city of Zaporizhzhia, Semenchatenko was found guilty of committing a criminal offence under Part 2 of Article 28 and Part 1 of Article 438 of the CC of Ukraine and was sentenced to **12 years of imprisonment** (publication of the verdict is restricted for publication in accordance with Paragraph 4, Part 1, Article 7 of the Law of Ukraine "On Access to Court Decisions"⁴⁸⁵³, however, the information became known due to a notification published on the court's website⁴⁸⁵⁴).

In August 2024, by its **ruling**⁴⁸⁵⁵, the Zaporizhzhia Court of Appeal dismissed the defence lawyer's appeal and upheld the **verdict of the Komunarskyi District Court of the city of Zaporizhzhia dated 22 November 2023 without changes**.

On 14 November 2024, by **ruling**⁴⁸⁵⁶ of the panel of judges of the Third Judicial Chamber of the Criminal Cassation Court of the **Supreme Court, the request to initiate cassation proceedings was denied** in relation to the cassation appeal submitted by Semenchatenko's defence lawyer against the verdict of the Komunarskyi District Court of the city of Zaporizhzhia dated 22 November 2023 and the ruling of the Zaporizhzhia Court of Appeal dated 22 August 2024.

4850 Publication on the website of the Prosecutor General's Office. 2022.

4851 "Military commandant" of the Melitopol occupation administration who tortured pro-Ukrainian civilians to stand trial. Prosecutor General's Office. 2023.

4852 Verdict of the Komunarskyi District Court of the city of Zaporizhzhia dated 22.11.2023 in Case No. 333/2316/23.

4853 On Access to Court Decisions: Law of Ukraine No. 3262-IV of 22.12.2005, Paragraph 4, Part 1, Article 7.

4854 Publication on the website of the Komunarskyi District Court of the city of Zaporizhzhia. 2023.

4855 Ruling of the Zaporizhzhia Court of Appeal dated 22.08.2024 in Case No. 333/2316/23.

4856 Ruling of the Supreme Court dated 14.11.2024 in Case No. 333/2316/23.

Case No. 13. The Case of Kabashnyi — “Military Commissar” from Crimea Who Carried Out Forced Conscription into the Russian Army on the Peninsula

- › Case No. 753/14148/2.
- › Legal qualification — Part 1 of Article 438 of the CC of Ukraine (violation of the laws and customs of war) (*in the wording of the article in force on the date of the verdict*).
- › The trial within this criminal proceeding was conducted in the absence of the accused (*in absentia*).

Information about the accused

Aleksandr Kabashnyi — born in the village of Koshmanivka, Poltava region. While residing in the TOT, he subsequently acquired Russian citizenship. He voluntarily took up a position in the administrative bodies of the occupying state, serving from 27 March 2019 as so-called “Senior Assistant to the Military Commissar of the City of Feodosia and Kirovskyi District of the ‘Republic of Crimea’”, and from 28 May 2020 as the so-called “Military Commissar of the City of Feodosia and Kirovskyi District of the Republic of Crimea”.

Chronology of events. Essence of the charges. Outcome

While holding the above-mentioned positions during conscription campaigns, and being aware of the existence of an international armed conflict and the temporary occupation of the Autonomous Republic of Crimea and the city of Sevastopol, Kabashnyi carried out **forced conscription of Ukrainian civilians** residing in the TOT of Ukraine — the Autonomous Republic of Crimea and the city of Sevastopol — **into compulsory military service in the Armed Forces of the Russian Federation**.

In July 2021, the prosecutorial authorities reported that Kabashnyi had been notified of **suspicion**⁴⁸⁵⁷.

On 24 April 2023, by **verdict**⁴⁸⁵⁸ of the Darnytskyi District Court of the city of Kyiv, Kabashnyi was found guilty of committing a criminal offence under Part 1 of Article 438 of the CC of Ukraine and was sentenced to **8 years of imprisonment**.

In July 2023, by its **ruling**⁴⁸⁵⁹, the Kyiv Court of Appeal dismissed the appeal submitted by Kabashnyi’s defence lawyer and upheld the **verdict of the Darnytskyi District Court of the city of Kyiv dated 24 April 2023 without changes**.

In February 2024, by **decision**⁴⁸⁶⁰ of the panel of judges of the Third Judicial Chamber of the Criminal Cassation Court of the **Supreme Court**, the cassation appeal submitted by

4857 Over 30,000 Crimean residents unlawfully conscripted into the occupying state’s army: “Military Commissar of the Republic of Crimea” notified of suspicion. Prosecutor’s Office of the Autonomous Republic of Crimea and the City of Sevastopol. 2021.

4858 Verdict of the Darnytskyi District Court of the city of Kyiv dated 24.04.2023 in Case No. 753/14148/21.

4859 Ruling of the Kyiv Court of Appeal dated 10.07.2023 in Case No. 753/14148/21.

4860 Decision of the Supreme Court dated 28.02.2024 in Case No. 753/14148/21.

Kabashny's defence lawyer was dismissed, and the verdict of the Darnytskyi District Court of the city of Kyiv dated 24 April 2023 and the ruling of the Kyiv Court of Appeal dated 10 July 2023 were upheld without changes.

Case No. 14. The Case of Assault Trooper Kurashov — First Trial with the Suspect Physically Present in the Dock

- › Case No. 332/3499/24.
- › Legal qualification — Part 2 of Article 438 of the CC of Ukraine (violation of the laws and customs of war, combined with premeditated murder) (*in the wording of the article in force at the time the suspicion was issued*).
- › The pre-trial and trial proceedings in this criminal case are being conducted with the accused physically present.

Information about the accused

Dmitry Kurashov — Russian service member, rifleman in the assault unit "Shtorm-V" of the 218th Tank Regiment, 127th Motorised Rifle Division, 5th Combined Arms Army of the Eastern Military District of the Armed Forces of the Russian Federation.

Chronology of events. Essence of the charges. Outcome

On 6 January 2024, Kurashov **killed a Ukrainian prisoner of war** in the vicinity of the village of Pryyutne, Zaporizhzhia region. During the assault on this village, Kurashov found **Vitalii Hodniuk**, a Ukrainian soldier, in a dugout. He ordered him to exit the dugout and surrender his weapon. In compliance with this order, the Ukrainian service member exited the dugout, laid down his weapon, raised his hands, and knelt. Despite the soldier's compliance and unarmed status, Kurashov executed Hodnyuk by firing at least three aimed shots.

In January 2024, Kurashov was taken prisoner along with other Russian service members, and criminal proceedings were opened against him, within which he has been present at court hearings.

In court, Kurashov admitted his guilt but refused to give testimony. However, during a recess, he claimed that he had not committed the crime and had only incriminated himself in the hope of being included in a prisoner exchange.

Three witnesses — Russian prisoners of war who had been in the same assault group as Kurashov — confirmed in court that Kurashov had executed the Ukrainian prisoner of war, and one of them submitted video footage from the scene.

In March 2024, the SSU notified Kurashov of **suspicion**⁴⁸⁶¹, and in June, the PGO announced⁴⁸⁶² that the **indictment** against Kurashov had been **submitted to the court**.

4861 Publication on the Telegram channel of the Security Service of Ukraine. 2024.

4862 Russian service member who executed a Ukrainian prisoner of war in Zaporizhzhia to stand trial. Prosecutor General's Office. 2024.

The court proceedings are currently ongoing. On June 19, 2025, the court extended Kurashov's pre-trial detention until August 17, 2025⁴⁸⁶³.

Case No. 15. The Case of Russian Service Member Rubanov — Conflict-Related Sexual Violence

- Case No 522/6292/23.
- Legal qualification — Part 1 of Article 438 of the CC of Ukraine (*violation of the laws and customs of war*) (*in the wording of the article in force at the time of the verdict*).
- The trial within this criminal proceeding was conducted in the absence of the accused (*in absentia*) (*the court granted the prosecutor's motion to hold the trial in closed session*).

Information about the accused

Aleksandr Rubanov — Russian service member of the 34th Separate Motorised Rifle Brigade (Mountain), 49th Combined Arms Army of the Southern Military District of the Armed Forces of the Russian Federation; military unit 01485.

Chronology of events. Essence of the charges. Outcome

In late March 2022, Rubanov, as part of a Russian military unit, was carrying out combat missions contributing to the occupation of Beryslav district, Kherson region. In one of the settlements, he moved into the home of a local woman, **threatening her and her young son with violence**. While living in the victim's house without her consent, Rubanov **repeatedly committed acts of sexual violence** against her, threatening her with a weapon and forcing her to **destroy biological evidence of the assaults**. As a result of the sexual violence against his mother, **the child suffered secondary psychological trauma**. Rubanov committed acts of sexual violence from April to August 2022.

In February 2023, the SSU notified Rubanov of **suspicion**⁴⁸⁶⁴, and in April 2023, the PGO announced⁴⁸⁶⁵ that the **indictment** against Rubanov had been **submitted to the court**.

In May 2024, by **verdict**⁴⁸⁶⁶ of the Prymorskyi District Court of the city of Odesa, Rubanov was found guilty of committing a criminal offence under Part 1 of Article 438 of the CC of Ukraine and was sentenced to **11 years of imprisonment** (publication of the verdict is restricted in accordance with Paragraph 4, Part 1, Article 7 of the Law of Ukraine "On Access to Court Decisions"⁴⁸⁶⁷, the information became known from an announcement by the PGO⁴⁸⁶⁸).

4863 Ruling of the Zavodskyi District Court of Zaporizhzhia dated 19.06.2025 in the case № 332/3499/24.

4864 Publication on the website of the Prosecutor General's Office. 2023.

4865 Threatened civilians in Kherson Region and raped a local woman — Russian service member to stand trial. Prosecutor General's Office. 2023.

4866 Verdict of the Prymorskyi District Court of the city of Odesa dated 20.05.2024 in Case No. 522/6292/23.

4867 On Access to Court Decisions: Law of Ukraine No. 3262-IV of 22.12.2005, Paragraph 4, Part 1, Article 7.

4868 Russian service member who threatened civilians in Kherson region and raped a local woman sentenced to 11 years in prison. Prosecutor General's Office. 2024.

Case No. 16. The Case of Russian Publicist Kholmogorov — Public Incitement to Genocide of the Ukrainian People

- › Case No. 761/23038/23.
- › Legal qualification — Part 2 of Article 442 of the CC of Ukraine (public incitement to genocide, production of materials containing incitement to genocide for the purpose of distribution, or distribution of such materials); Article 436 of the CC of Ukraine (propaganda of war).
- › The trial within this criminal proceeding was conducted in the absence of the accused (*in absentia*).

Information about the accused

Yegor Kholmogorov — Russian publicist, documentary filmmaker, blogger, and commentator for the Russian TV channel Russia Today, host of the programmes Yegor Stanislavovich on Russia Today and Kholmogorskaya Rezbа on Radio Sputnik⁴⁸⁶⁹. He systematically supports and justifies the armed aggression of the Russian Federation against Ukraine and the annexation of Ukrainian Crimea by Russia, spreading typical Kremlin propaganda narratives.

He is the author of the term “Russkaya Vesna” (“Russian Spring”) and one of the co-authors of the “Russian Donbas” doctrine, according to which the so-called “DPR” and “LPR” are proclaimed “national states of the Russian people”. He is an active supporter of the so-called “Novorossiya”, he advocated for open intervention by the Russian Federation in Ukraine. Kholmogorov is known for his aggressive anti-Ukrainian rhetoric and is a staunch proponent of warfare, opposing peace negotiations and demanding the seizure of Kyiv. He has repeatedly visited the TOT of Ukraine to participate in propaganda events.

Chronology of events. Essence of the charges. Outcome

In May 2022, Kholmogorov produced and distributed a post on his personal Telegram channel “Kholmogorov” on the Telegram social network, containing public incitement to genocide of the Ukrainian nation, specifically calling for the partial destruction of the nation in its compact area of residence in the city of Lviv, by means of killing and/or inflicting grievous bodily harm. The publication was accessible to an unlimited number of users.

In this post, Kholmogorov called on his followers to do the following: “*And don’t forget to hit Bandera in Lviv. On Friday, for the 80th anniversary of the UPA.*”

In May 2023, the SSU notified Kholmogorov of **suspicion**⁴⁸⁷⁰.

4869 According to information published on the War & Sanctions portal of the Main Intelligence Directorate of the Ministry of Defence of Ukraine regarding sponsors and accomplices of aggression (section “Kremlin Mouthpieces” listing Russian propagandists and media managers).

4870 Publication on the website of the Prosecutor General’s Office. 2023.

In August 2024, by **verdict**⁴⁸⁷¹ of the Shevchenkivskyi District Court of the city of Kyiv, Kholmogorov was found guilty of committing criminal offences under Article 436 and Part 2 of Article 442 of the CC of Ukraine and was sentenced to **5 years of imprisonment**.

4871 Verdict of the Shevchenkivskyi District Court of the city of Kyiv dated 09.08.2024 in Case No. 761/123038/23.