

Impressions of the Brussels launch of the “Rule of Law in Ukraine” Report By the Lord Slynn of Hadley European Law Foundation

We would summarise our impressions of the meeting as follows:

1. Our first impression was that the EUUBC, and JW in particular, had done an excellent job in assembling such a large and influential group. The list of participants speaks for itself.
2. It seemed to us to be clear that, though some of those present had not read the Report, there was a general recognition of the urgent need for an improvement in the standard of the judiciary. It was very encouraging to note that both the EC and the Council of Europe attach such importance to the advancement of the Rule of Law in Ukraine. On the other hand, there appeared to be general agreement that, in the light of the general culture in the country, the eradication of corruption would take many years.
3. In addition there was general recognition of the fact that it is unlikely that any legislation affecting the judiciary will be introduced until next year at the earliest.
4. It is also clear that several different groups are working in this field and that it is imperative that anything done by the Foundation should be in cooperation with one or more of those other groups. David Vaughn of USAID has done admirable work as a coordinator so far, but, as we understand it, his time in Ukraine terminates in 2010. We understand that both he and the Danish judge associated with the TACIS Action Programme on *Transparency and Efficiency of the Judicial System of Ukraine* are anxious to discuss with the Foundation the ways in which it could contribute to their programmes.
5. We were a little troubled by the cautious approach of Mr. Kachka from the Ministry of Justice, who wanted to avoid any discussion of honesty and thought that one should move only by a series of small steps, suggesting as he did that the content of any relevant legislation affecting the judiciary should be left entirely to Parliamentarians. The attitude of the Ministry of Justice is crucial if we are to attempt any widespread changes.

6. We were left with the impression that, though much goodwill exists, it will be for the Foundation to put forward specific proposals as to what we could do. This task is, however, complicated by the fact that at present we have no idea as to the extent of any financial assistance that may be forthcoming. One can only list, in ascending order of potential expense, some of the tasks we might undertake:

(a) Comments on the present drafts of the judicial code of ethics and of any proposed legislation affecting the judiciary and the judicial system.

(b) A seminar with judges of the Supreme Court, and (perhaps) other very senior judges.

(c) A series of seminars in Kyiv with judges at different levels.

(d) A series of seminars in Kyiv and other court centres with judges at different levels.

(e) As (d), but including academics and those in charge of judicial training in Ukraine.

(f) As (d) or (e), but adding a series of visits (for, say, 3 weeks) by selected judges to UK courts.

Sir Brian Neil and Sir Henry Brooke - 6 April 2009

Subsequent to the meeting, the EUUBC has written to the Secretary General of the Council of Europe and to the European Commission's Ambassador in Kyiv, to enquire whether funds for a micro-project might be available, which could be integrated and coordinated in to the excellent work that is already being undertaken by the Council of Europe and USAID in this area.

On a sombre note, the Council has been deeply saddened to learn of the death of Lord Gordon Slyn yesterday, following a long illness. The Council and its members extend our deepest sympathies and condolences to his many friends and family, and the Council commits to supporting the ideals and principles of the Foundation that he established, so that its excellent work may continue.