



January 2026

## THE PRESIDENCY COMMITTEE OF THE INTERNATIONAL ASSOCIATION OF JUDGES

### STATEMENT

concerning

**Ukraine Draft Law No. 13165-2 on “Amendments to the ‘Law on the Judiciary and the Status of Judges’ and Certain Laws of Ukraine on Improving Declarations of Integrity of Judges and Judges' Family Relations”**

#### 1. Introductory

The International Association of Judges – “IAJ” – has been asked by the Association of Judges of Ukraine (*Асоціація суддів України*) for an opinion on certain aspects of Draft Law No. 13165-2 on “Amendments to the ‘Law on the Judiciary and the Status of Judges’ and Certain Laws of Ukraine on Improving Declarations of Integrity of Judges and Judges' Family Relations”. As its title indicates, the draft law includes proposals to amend the legal provisions on declarations of integrity of judges and their family relationships. The draft has already been submitted to parliament and has passed its first reading but the legislative process is still in course

In its request, the Association of Judges of Ukraine emphasises that it is committed to the ongoing reforms to enhance the rule of law in Ukraine, through the creation of an independent, accountable, ethical, and professional judiciary. However, the Association is concerned that some of the provisions of the draft law jeopardize the independence of judges and contradict the aim of the draft law to strengthen accountability, integrity and professionalism within the judicial branch

After analysing the Association of Judges of Ukraine 's request and the accompanying comparative table of changes introduced by the draft law<sup>1</sup>, and taking into account the opinion of the Venice Commission CDL-AD (2025)044 of October 14, 2025, paragraphs 84-91, the IAJ offers the following views on the concerns raised by the Association of Judges of Ukraine:

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<sup>1</sup> Not all of the legislative proposals to which the Association refers could be identified in the table provided. The IAJ proceeds on the important assumption that the effects asserted by the Association of Judges of Ukraine are based on a further developed version of the proposed law.

## **2. *Ad hoc* procedure**

in its request to the IAJ the Association of Judges of Ukraine advises that the draft law will introduce an ad hoc procedure for reviewing the integrity declarations and family ties of judges currently sitting in the higher courts by independent experts from outside the judiciary.

The IAJ considers such an extraordinary ad hoc procedure, carried out without any specific indication of misconduct on the part of the judge concerned, to be a process of lustration or “vetting”. There is consensus among judicial authorities in Europe that such vetting should be confined to instances in which an exceptional situation has arisen in a country and that a vetting should not take place on a regular or repeated basis. The judges in Ukraine have already been vetted several times. The IAJ therefore rejects this further round of vetting and sees it as a dangerous opportunity to exert pressure on the judiciary.

In so saying the IAJ recognises that where a state requires its judiciary to make a declaration of interests at regular intervals, for example annually, sanctions may be imposed for violations of the relevant requirements following disciplinary proceedings with all guarantees of fair trial.

## **3. Removal of time limits**

The Association of Judges of Ukraine advises that the draft law envisages no time limitation for verification of past declarations and abolishes existing provisions laying down such limits. The Association of Judges of Ukraine maintains that there should be time limits for the review of past declarations.

The IAJ agrees with the Association of Judges of Ukraine that an absence of any time limits would place undue pressure on judges, who might be burdened with proving events that lie far in the past. Further, it may be even more unacceptable that verification procedures can be initiated at any time during a judge's career in relation to such elements of the declarations, thereby placing judges under constant pressure and uncertainty.

## **4. Sole sanction to be dismissal**

The Association of Judges of Ukraine also states in its request that the draft law provides that the late submission of a declaration of integrity and a declaration of family ties or the giving of any incorrect information will be deemed to be a serious disciplinary offence for which the only sanction will be dismissal from office.

The IAJ agrees that this clearly violates the principle of proportionality.

## **5. Anonymous complaints**

The Association of Judges of Ukraine is opposed to provision in legislative proposals which in its request the Association of Judges of Ukraine advises would allow proceedings for review of a declaration to be commenced on the basis of an anonymous complaint.

The IAJ supports the view of the Association of Judges of Ukraine that review proceedings initiated solely on the basis of an anonymous complaint should be excluded. Anonymity facilitates the making of malicious or unfounded allegations, without any liability for any consequences, and thus the exertion of improper pressure on a judge. Fairness requires that for his or her defence the judge concerned should know the identity of the complainer.

## **6. Premature publication**

The Association of Judges of Ukraine is also opposed to the provisions in the draft laws which would allow the publication of the (negative) decision by the High Qualification Commission, notwithstanding that an appeal by the judge against that decision is pending in court.

The IAJ agrees that such premature publication is likely to cause damage to the judge's reputation which will not be repaired even if the court overturns the decision of the High Qualification Commission.

## **7. Decision *in absentia***

The Association of Judges of Ukraine sees it as an infringement of fair trial requirements that the High Qualification Commission can decide on the outcome of a review even in the absence of the judge concerned.

The IAJ notes that, according to the version of the draft law in the comparative table, the High Qualification Commission may consider the outcome of a review in the absence of the judge concerned if the judge fails to attend the meeting “without valid reasons” and also in the event of “systematic (threefold) absence”.

The IAJ considers giving a decision in absentia when there are valid reasons for absence to be objectionable in light of the principles of fair trial. Given the need for a swift and effective procedure, it might be helpful for the legislation to provide a non-exclusive list of “valid reasons”.

The provision relating to “systematic” absence would seemingly apply to cases in which there had been valid reasons for absence on three occasions. Recognising that a decision on the results of a review cannot be prolonged indefinitely by reason of the inability of a judge to attend a hearing, the IAJ considers that it would be preferable to combine the limit after which the decision may be taken in absence to include not only the three occasions but also a set period of months.