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Opinion-Nr.: JUD-UKR/563/2025 [TN]

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# OPINION ON THE DRAFT PROCEDURE FOR CONDUCTING A FULL VERIFICATION OF THE ASSET DECLARATIONS SUBMITTED BY JUDGES OF THE CONSTITUTIONAL COURT OF UKRAINE

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## UKRAINE

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Based on an unofficial English translation of the Draft Procedure commissioned by the OSCE Office for Democratic Institutions and Human Rights.

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## **EXECUTIVE SUMMARY AND KEY RECOMMENDATIONS**

Both judicial independence and judicial accountability are essential components of an efficient judiciary and of the rule of law. International human rights instruments require States to design accountability mechanisms, including integrity and anti-corruption measures, in a manner that ensures transparency and public trust in the judiciary while at the same time safeguarding judges from undue pressure, interference, or arbitrary sanctions that could undermine their independence.

International standards and expert bodies repeatedly affirmed that public officials—including ordinary judges and judges of constitutional courts— should be required to submit annual asset declarations and that such declarations must be subject to effective verification. Mandatory asset declarations and verification procedures are widely recognized as effective tools for preventing corruption and promoting integrity within public institutions and the judiciary. At the same time, the design and implementation of verification procedures must respect judicial independence and must not be used as a means of exerting pressure on judges or influencing their decision-making.

Decision 13-r/2020 of 27 October 2020 of the Constitutional Court of Ukraine (CCU) declared unconstitutional several provisions of the Law of Ukraine on Prevention of Corruption (LPC)—including provisions related to the system for verifying asset declarations of CCU judges— on the grounds that they did not comply with the constitutional principles of judicial independence. Following this decision, the Verkhovna Rada introduced additional procedural safeguards specifically applicable to the verification of asset declarations submitted by ordinary court judges and CCU judges. The Draft Procedure under review aims to operationalize these procedural safeguards by setting out the procedural modalities according to which the National Agency on Corruption Prevention (NACP) conducts full verification of asset declarations submitted by CCU judges. In particular, the Draft Procedure regulates the initiation and timeline of the full verification procedure, the internal allocation of responsibilities within the NACP to conduct the full verification, the notification of the judge concerned and of the Chairperson of the CCU, the approval and publication of verification results, as well as the procedures to be followed when irregularities or disciplinary, administrative, or criminal offences are suspected as a result of the full verification. Importantly, the Draft Procedure foresees that, while CCU judges benefit from additional procedural safeguards, the scope, substance, and depth of the full verification applicable to them remain identical to those applicable to other public officials

**Although there is a broad international consensus on the obligation of judges to declare assets and on the need for effective verification, international standards do not require the establishment of a distinct, separate verification regime for judges as such. The arrangement set out in**

**the LPC, and further operationalized in the Draft Procedure, provides additional, distinct, procedural guarantees for CCU judges compared to other declarants, while maintaining the same scope and content of verification. The Ukrainian legislator may see reasons to provide additional procedural guarantees for CCU judges during full verification procedure, as long as it is ensured that CCU judges are not subject to less stringent or narrower forms of verification.**

**Certain aspects of the Draft Procedure would benefit from greater clarity.** In particular, ambiguities remain with regard to the practical operation of certain procedural safeguards, the handling of clerical or arithmetic errors, the criteria governing internal decision-making and approvals of verification by the Deputy Head and Head of the NACP, and the absence of clear cross-references to applicable legislation when referring to offences that may trigger administrative, criminal or disciplinary liability.

More specifically, and in addition to what is stated above, ODIHR makes the following recommendations to further enhance the compliance of the Draft Procedure with applicable regional and international human rights standards and OSCE commitments:

- A. To supplement the Draft Procedure with provisions governing the NACP's obligations and procedures for examining, responding to, and addressing "mandatory petitions" submitted by the Assembly of Judges of the Constitutional Court when unlawful influence on a CCU judge during full verification is suspected, while ensuring that the design and operation of this mechanism do not impair the independence of the NACP. [par. 67]
- B. Regarding the assignment of responsibilities among NACP staff to conduct the full verification:
  1. Unless regulated elsewhere, to specify in the Draft Procedure objective criteria governing the automated assignment of responsibilities among NACP staff for conducting the full verification; [par. 71]
  2. Unless regulated elsewhere, to specify in the Draft Procedure the grounds on which a change of NACP staff responsible for conducting full verification may occur, ensuring that such grounds are limited and objective [par. 72]
- C. Unless regulated elsewhere, to specify in the Draft Procedure the grounds on which the immediate supervisor, the Deputy Head of the NACP, and the Head of the NACP may refuse to approve the certificate on the results of the full verification; [par. 79]
- D. To specify who is entitled to raise the issue of a clerical or arithmetic error and the procedure for doing so, while explicitly providing that the CCU judge subject of full verification is entitled to this procedural guarantee; [par. 85]
- E. Regarding the procedure when an offence or irregularities is suspected as a result of full verification:

1. To specify the grounds on which the Deputy Head and Head of the NACP decides whether to draw up a report in cases of suspected administrative offence and whether to approve a reasoned conclusion in cases of suspected criminal offence and transmit it to the competent authority for further action, and to require that such decisions be duly reasoned; [par. 89]
  2. To prescribe deadlines for the Deputy Head and Head of the NACP to decide whether to draw up a report in cases of suspected administrative offence and whether to approve a reasoned conclusion in cases of suspected criminal offence, to transmit it to the competent authority for further action, and to notify the chairperson of the CCU; [par. 90]
  3. To require the NACP to transmit relevant verification materials revealing signs of possible disciplinary offence to the chairperson of the CCU; [par. 91]
- F. To explicitly provide in the Draft Procedure that the non-disclosure of categories of information listed in Article 47 of the LPC applies to the publication of the results of full verification of assets declarations submitted by CCU judges. [par. 98]

**These and additional Recommendations, are included throughout the text of this Opinion, highlighted in bold.**

***As part of its mandate to assist OSCE participating States in implementing their OSCE human dimension commitments, ODIHR reviews, upon request, draft and existing laws to assess their compliance with international human rights standards and OSCE commitments and provides concrete recommendations for improvement.***

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**ANNEX:** Draft Procedure for Conducting the Full Verification of Asset Declarations  
Submitted by Judges of the Constitutional Court of Ukraine

## I. INTRODUCTION

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1. On 17 October 2025, the Acting Chair of the Constitutional Court of Ukraine sent to the OSCE Office for Democratic Institutions and Human Rights (hereinafter “ODIHR”) a request for a legal review of the Draft Procedure for Conducting the Full Verification of Asset Declarations Submitted by Judges of the Constitutional Court of Ukraine developed by the National Agency on Corruption Prevention (hereinafter “the Draft Procedure”).
2. On 24 October 2025, ODIHR responded to this request, confirming the Office’s readiness to prepare a legal opinion on the compliance of the Draft Procedure with international human rights standards and OSCE human dimension commitments.
3. This Opinion was prepared in response to the above request. ODIHR conducted this assessment within its mandate to assist the OSCE participating States in the implementation of their OSCE human dimension commitments.<sup>1</sup>

## II. SCOPE OF THE OPINION

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4. The scope of this Opinion covers only the Draft Procedure submitted for review, which further elaborates, supplements and operationalizes the specific aspects of the full verification of asset declarations of Constitutional Court judges set out in Article 52<sup>2</sup> of the *Law of Ukraine on Prevention of Corruption* (hereinafter ‘LPC’).<sup>2</sup> Therefore, this Opinion also references relevant provisions of Article 52<sup>2</sup> of the LPC, where appropriate. The scope of this Opinion does not constitute a full and comprehensive review of the entire legal and institutional framework regulating asset declarations for constitutional court judges in Ukraine.
5. The Opinion raises key issues and provides indications of areas of concern. In the interest of conciseness, it focuses more on those provisions that require amendments or improvements than on the positive aspects of the Draft Procedure. The ensuing legal analysis is based on international and regional human rights and rule of law standards, norms and recommendations as well as relevant OSCE human dimension commitments. The Opinion also highlights, as appropriate, good practices from other OSCE participating States in this field. When referring to national legislation, ODIHR does not advocate for any specific country model; it rather focuses on providing clear information about applicable international standards while illustrating how they are implemented in practice in certain national laws. Any country example should always be approached with caution since it cannot necessarily be replicated in another country and has always to be considered in light of the broader national institutional and legal framework, as well as country context and political culture.
6. Moreover, in accordance with the *Convention on the Elimination of All Forms of Discrimination against Women*<sup>3</sup> (hereinafter “CEDAW”) and the *2004 OSCE Action Plan for the Promotion of Gender Equality*<sup>4</sup> and commitments to mainstream gender into

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1 In particular, ODIHR conducted this assessment within its mandate as established by the [OSCE Bucharest Plan of Action for Combating Terrorism](#). See pars 6, 18 and 22 of the Annex to OSCE Ministerial Council Decision MC(9).DEC/1, Bucharest, 3-4 December 2001.

2 [Law of Ukraine on the Prevention of Corruption](#) (with amendments through 12 September 2025), art. 52.2

3 [UN Convention on the Elimination of All Forms of Discrimination against Women](#) (hereinafter “CEDAW”), adopted by General Assembly resolution 34/180 on 18 December 1979. Ukraine deposited its instrument of ratification of this Convention on 12 March 1981.

4 See [OSCE Action Plan for the Promotion of Gender Equality](#), adopted by Decision No. 14/04, MC.DEC/14/04 (2004), para. 32.

OSCE activities, programmes and projects, the Opinion integrates, as appropriate, a gender and diversity perspective.

7. This Opinion is based on an unofficial English translation of the Draft Procedure commissioned by ODIHR, which is attached to this document as an Annex. Errors from translation may result. Should the Opinion be translated in another language, the English version shall prevail.
8. In view of the above, ODIHR would like to stress that this Opinion does not prevent ODIHR from formulating additional written or oral recommendations or comments on respective subject matters in Ukraine in the future.

### **III. LEGAL ANALYSIS AND RECOMMENDATIONS**

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#### **1. RELEVANT INTERNATIONAL HUMAN RIGHTS STANDARDS AND OSCE HUMAN DIMENSION COMMITMENTS**

9. Several international human rights instruments and OSCE commitments are relevant to the establishment of a procedure for verifying assets declarations of constitutional court judges, including with respect to judicial independence and accountability, prevention of corruption, and the right to respect for private and family life.

##### **1.1. Independence of the Judiciary**

10. The key role of constitutional courts – or comparable institutions undertaking constitutional judicial review – in ensuring that the principles of the rule of law, democracy and human rights are observed in all state institutions has been emphasized in the *OSCE Decision No. 7/08 on Further Strengthening the Rule of Law in the OSCE Area* (2008).<sup>5</sup> While acknowledging the particular nature and specificities of constitutional adjudication, key principles pertaining to judicial independence have to be respected also when conducting integrity reforms of constitutional courts and their judges.
11. The independence of the judiciary is a fundamental principle and an essential element of any democratic state based on the rule of law.<sup>6</sup> The principle is also crucial to respecting the principle of the separation of powers and upholding international human rights standards.<sup>7</sup> Specifically, this independence means that both the judiciary as an institution and individual judges must be able to exercise their professional responsibilities without being subject to internal or external pressure when adjudicating. They must not be influenced by, or fearful of, arbitrary disciplinary investigations and/or sanctions by the executive or legislative branches or other external sources.
12. At the international level, it has long been recognized that litigants in both criminal and civil matters have the right to a fair hearing before an “*independent and impartial tribunal*”, as guaranteed by Article 14 of the *International Covenant on Civil and*

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5 See particular [OSCE Ministerial Council Decision No. 7/08 “Further Strengthening the Rule of Law in the OSCE Area”](#), 8 December 2008, para. 4.

6 See [Resolution on the Independence and Impartiality of the Judiciary, Jurors and Assessors, and the Independence of Lawyers](#), United Nations, Human Rights Council, A/HRC/29/L.11, 30 June 2015. As stated in the [OSCE Copenhagen Document 1990](#), para. 2, “*the rule of law does not mean merely a formal legality which assures regularity and consistency in the achievement and enforcement of democratic order, but justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression*”.

7 See [OSCE Ministerial Council Decision No. 12/05 on “Upholding Human Rights and the Rule of Law in Criminal Justice Systems”](#), 6 December 2005.

*Political Rights* (hereinafter “the ICCPR”),<sup>8</sup> Article 6 of the *European Convention on Human Rights* (hereinafter ECHR)<sup>9</sup> and Article 47 of the *Charter of Fundamental Rights of the European Union*.<sup>10</sup> OSCE participating States have also committed to ensuring that the independence of the judiciary is guaranteed in law and respected in practice, recognizing the independence of judges and the impartial operation of the public judicial service as elements of justice that are “*essential to the full expression of the inherent dignity and equal and inalienable rights of all human beings*”.<sup>11</sup>

13. The institutional relationships and mechanisms required for establishing and maintaining an independent judiciary are outlined in the *UN Basic Principles on the Independence of the Judiciary*,<sup>12</sup> and have been further elaborated upon in the *Bangalore Principles of Judicial Conduct*.<sup>13</sup> International understanding of the practical requirements of judicial independence continues to be shaped by the work of international mechanisms, including the UN Human Rights Committee<sup>14</sup> and the UN Special Rapporteur on the Independence of Judges and Lawyers,<sup>15</sup> the caselaw of the European Court of Human Rights (hereinafter ECtHR)<sup>16</sup> and other regional human rights courts and mechanisms, reports and opinions issued by the OSCE/ODIHR<sup>17</sup> and the European Commission for Democracy through Law of the Council of Europe (hereinafter, “Venice Commission”),<sup>18</sup> as well as the development of soft-law instruments and other non-legally binding guidance documents, including the *OSCE/ODIHR Recommendations on Judicial Independence and Accountability* (hereinafter “*Warsaw Recommendations*”)<sup>19</sup> and the *OSCE/ODIHR Kyiv Recommendations on Judicial Independence in Eastern Europe, South Caucasus and Central Asia* (hereinafter, “*Kyiv Recommendations*”).<sup>20</sup>

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8 [UN International Covenant on Civil and Political Rights](#) (hereinafter “ICCPR”), adopted by the UN General Assembly by resolution 2200A (XXI) of 16 December 1966. Ukraine ratified the ICCPR on 12 November 1973. See also [UN Human Rights Committee, General Comment No. 32 on Article 14 of the ICCPR: Right to Equality before Courts and Tribunals and to Fair Trial](#), 23 August 2007, which provides guiding interpretation of Article 14 of the ICCPR.

9 [The Council of Europe’s Convention for the Protection of Human Rights and Fundamental Freedoms](#) (hereinafter “ECHR”), signed on 4 November 1950, entered into force on 3 September 1953. Ukraine ratified the ECHR on 17 July 1997.

10 [Charter of Fundamental Rights of the European Union](#), adopted on 7 December 2000.

11 See [1990 OSCE Copenhagen Document](#), in which OSCE participating States have committed to ensure “*the independence of judges and the impartial operation of the public judicial service*” (para. 5.12) as one of the elements of justice, “*which are essential to the full expression of the inherent dignity and of the equal and inalienable rights of all human beings*” (para. 5); [Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE](#) (Moscow, 10 September-4 October 1991) in which participating States further committed to “*respect the international standards that relate to the independence of judges [...] and the impartial operation of the public judicial service*” (para. 19.1) and to “*ensure that the independence of the judiciary is guaranteed and enshrined in the constitution or the law of the country and is respected in practice*” (para. 19.2); [Ministerial Council Decision No. 7/08 on Further Strengthening the Rule of Law in the OSCE Area](#), Helsinki, 4-5 December 2008 in which the OSCE Ministerial Council also called upon OSCE participating States “*to honour their obligations under international law and to observe their OSCE commitments regarding the rule of law at both international and national levels, including in all aspects of their legislation, administration and judiciary*”, (para. 1) as a key element of strengthening the rule of law in the OSCE area.

12 [UN Basic Principles on the Independence of the Judiciary](#), United Nations, General Assembly, resolution 40/32, adopted on 29 November 1985, and resolution 40/146, adopted on 13 December 1985.

13 [The Bangalore Principles of Judicial Conduct](#) were adopted by the Judicial Group on Strengthening Judicial Integrity, which is an independent, autonomous, not-for-profit and voluntary entity composed of heads of the judiciary or senior judges from various countries, as revised at the Round Table Meeting of Chief Justices in the Hague (25-26 November 2002), and endorsed by the UN Economic and Social Council in resolution 2006/23 of 27 July 2006. See also [Measures for the Effective Implementation of the Bangalore Principles of Judicial Conduct](#), prepared by the Judicial Group on Strengthening Judicial Integrity, 2010.

14 See, in particular, UN Human Rights Committee, [General Comment No. 32 on Article 14 of the ICCPR: Right to Equality before Courts and Tribunals and to Fair Trial](#), 23 August 2007, para. 19.

15 See [thematic reports and comments on legislation](#) of the UN Special Rapporteur on the Independence of Judges and Lawyers.

16 See the overview of the caselaw of the European Court of Human Rights (ECtHR) relating to Article 6 (1) of the ECHR in [Guide on Article 6 of the ECHR – Right to a Fair Trial \(civil limb\)](#), 28 February 2025.

17 See OSCE/ODIHR, [Legal reviews | Judicial and Prosecution Systems](#).

18 See European Commission for Democracy through Law of the Council of Europe (hereinafter, “Venice Commission”), [Updated Rule of Law Checklist, CDL-AD\(2025\)002, 16 December 2025](#); and [opinions and studies related to judicial reforms](#).

19 OSCE/ODIHR, [Recommendations on Judicial Independence and Accountability](#) (Warsaw Recommendations), 2023.

20 OSCE/ODIHR, [Kyiv Recommendations on Judicial independence in Eastern Europe, South Caucasus and Central Asia](#), 2010.

## 1.2. Judicial Accountability, Integrity and Verification of Asset Declarations of Judges

14. The UN Human Rights Council emphasized the importance of ensuring accountability, transparency and integrity in the judiciary as an essential element of judicial independence and a concept inherent to the rule of law.<sup>21</sup> Both judicial independence and accountability are “*essential elements of an efficient judiciary*” and states must find ways to balance the two.<sup>22</sup> In its report on judicial accountability, the UN Special Rapporteur on the Independence of Judges and Lawyers stressed that “*it is paramount that States undertake efforts to enact specific legislation establishing a comprehensive system of judicial accountability that is effective, objective and transparent with a view to strengthening the rule of law and improving the administration of justice*”.<sup>23</sup>
15. The *UN Basic Principles on the Independence of the Judiciary* provide that “*judges shall always conduct themselves in such a manner as to preserve the dignity of their office and the impartiality and independence of the judiciary*” (Principle 8). The *Bangalore Principles of Judicial Conduct*, which establish international standards for the ethical conduct of judges and judicial integrity, in its preamble, underline the importance of ensuring “*that judges are accountable for their conduct to appropriate institutions established to maintain judicial standards, which are themselves independent and impartial, and are intended to supplement and not to derogate from existing rules of law and conduct which bind the judge*”. The *Bangalore Principles* further provide that judges should devote their professional activity to judicial duties and that their conduct should not be incompatible with those duties (value 6).
16. Several international and regional human rights instruments, as well as expert bodies, have called on States to establish asset declaration systems for public officials, including for judges, as a means of preventing corruption and, more broadly, of fostering integrity and accountability in the public service and the judiciary. The *UN Convention against Corruption* (hereinafter ‘UNCAC’), adopted in 2003, requires States Parties to endeavour “*to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials*”.<sup>24</sup> Article 52 (5) of the UNCAC further provides that “*each State Party shall consider establishing, in accordance with its domestic law, effective financial disclosure systems for appropriate public officials and shall provide for appropriate sanctions for non-compliance*”. While the UNCAC does not explicitly distinguish judges from other public officials for the purposes of asset declarations, Article 11(1) specifically calls on States Parties to take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary “*without prejudice to judicial independence*”. The UN Special Rapporteur on the Independence of Judges and Lawyers have emphasized the importance of asset declaration systems for judges. In two thematic reports on judicial accountability and judicial corruption, the UN Special Rapporteur recommended that “*disclosing one’s financial and other assets through an official registration system*” form part of a broader set of individual accountability mechanisms applicable to judges.<sup>25</sup> More recently, in a

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21 See UN Human Rights Council, [resolution 29/6 \(2015\) on Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers](#), Preamble.

22 See [Report of the UN Special Rapporteur on the independence of judges and lawyers](#), Gabriela Knaut, submitted to the 26th session of the UN Human Rights Council, A/HRC/26/32, 28 April 2014, para. 23.

23 *Ibid.* para. 50.

24 [UN Convention Against Corruption \(UNCAC\)](#), which Ukraine ratified on 2 December 2009.

25 UN Special Rapporteur on the Independence of Judges and Lawyers, [Report on Judicial Accountability](#), A/HRC/26/32, 28 April 2014, para. 116; and UN Special Rapporteur on the Independence of Judges and Lawyers, [Report on Judicial Corruption](#), A/67/305, 13 August 2012, para. 79.

2024 report, the UN Special Rapporteur further clarified that mandatory asset declarations systems for judges serve as a key mechanism for managing the risk of improper influence exerted on judges by economic actors.<sup>26</sup>

17. At the regional level, the European Union Council and Parliament reached a provisional agreement, on 9 December 2025, on the text for the proposed EU Directive on Combatting Corruption.<sup>27</sup> If the Parliament adopts the text and the Council approves it as agreed, the Directive will be enacted. The proposed Directive foresees that EU member states will have to take measures to “ensure preventive tools are in place”, such as “rules for asset declaration and verification of such declarations” and “rules regarding failure to report substantial assets or interests”.<sup>28</sup> In addition, EU member states will be required to establish “measures to prevent corruption”, and these measures will have to include actions to “strengthen integrity and prevent opportunity for corruption” among “high level officials” and “law enforcement and judicial authorities”.<sup>29</sup>
18. Within the Council of Europe (CoE), the CoE Group of States Against Corruption (hereinafter “GRECO”) has also called for introducing compulsory declaration of interests and assets for public officials,<sup>30</sup> and specifically in respect of Ukraine, expressed support to the obligation for judges and their family members to submit such declarations.<sup>31</sup> The Consultative Council of European Judges (CCJE) published the Opinion No. 21 on Preventing Corruption Among Judges where it underlined that “[j]udicial integrity is the foremost pre-condition for effective, efficient and impartial national justice systems. It is closely interlinked with the concept of judicial independence: the latter enables integrity, and integrity reinforces independence”.<sup>32</sup> The CoE’s Venice Commission, in its Updated Rule of Law Checklist (2025), underlines the importance of corruption prevention measures, including regular disclosure of income, assets and interests, and/or further requirements at the beginning and the end of the public officials’ office or mandate, also with respect to judges.<sup>33</sup>
19. Ukraine is also a member of the Organisation for Economic Co-operation and Development (hereinafter “OECD”) peer review programme called the Istanbul Anti-Corruption Action Plan, an initiative part of the OECD Anti-Corruption Network for Eastern Europe and Central Asia (hereinafter “OECD/ACN”)<sup>34</sup>. One of the key benchmarks used by the OECD in this monitoring mechanism is the existence of an obligation for public officials exposed to high corruption risks, including judges of general courts and constitutional court judges, to submit annual asset declarations.<sup>35</sup>
20. Beyond mandatory asset declarations for judges, international expert bodies have also long called for and supported the establishment of effective verification procedures of asset declarations submitted by judges. Acknowledging the importance of asset

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26 UN Special Rapporteur on the Independence of Judges and Lawyers, [Justice if Not for Sale: The Improper Influence of Economic Actors on the Judiciary](#), A/79/362, 20 September 2024, para. 38.

27 See [Proposal for a Directive of The European Parliament and of the Council on Combating Corruption](#), Confirmation of the final compromise text with a view to agreement at first reading, 9 December 2025. See also, [Council and European Union Parliament Reach Deal on New EU Law to Step Up Fight Against Corruption](#), Council of the European Union, Press Release, 2 December 2025. For background see: European Parliament, [Briefing EU Legislation in Progress – Directive on Combatting Corruption](#), 2024.

28 [Proposal for a Directive of The European Parliament and of the Council on Combating Corruption](#), Confirmation of the final compromise text with a view to agreement at first reading, 9 December 2025, art. 21a.3.

29 Ibid. art. 21a.4.

30 See GRECO, [Code of conduct for public officials: GRECO findings & recommendations](#), pp. 13-16

31 See GRECO, Fourth Evaluation Round: Corruption prevention in respect of members of parliament, judges and prosecutors, Evaluation Report Ukraine, 2017, p. 180. See also, GRECO, [Fourth Evaluation Round, Revised Questionnaire on Corruption Prevention in respect of Members of Parliament, Judges and Prosecutors](#), 19 October 2012, section 15 which requests States to provide information on the measures in place requiring judges to declare assets; as well as GRECO, [Corruption Prevention, Members of Parliament, Judges and Prosecutors, Conclusions and Trends](#), October 2017, p.21

32 See Consultative Council of European Judges, [CCJE Opinion No. 21 Preventing Corruption Among Judge](#), 9 November 2018, para. 2.

33 See Venice Commission, Updated [Rule of Law Checklist](#), CDL-AD(2025)002, 16 December 2025, para. 76.

34 See [OECD Anti-Corruption Network for Eastern Europe and Central Asia](#).

35 See OECD, [Istanbul Anti-Corruption Action Plan 5th Round of Monitoring Guide](#), 17 November 2022, performance area 2: conflict of interests and asset declarations, indicator 3, benchmarks 3.1.F.

declarations to prevent corruption, the Venice Commission explained that “*for this tool to be of use, the results of asset declarations must not just remain on the record; in case of stark discrepancies between the official income and wealth of judges and prosecutors needs to be actively scrutinised and disciplinary and/or penal measures must be taken in case of misbehaviour*”.<sup>36</sup> The Venice Commission also underlined that members of certain judicial bodies such as the Constitutional Court, the Supreme Court, the high specialized courts, should be subjected to systematic and enhanced financial supervision in view of their high positions in the judicial hierarchy.<sup>37</sup> In several of its country evaluation reports, GRECO recommended “*developing an effective system for reviewing annual financial statements*”<sup>38</sup> and called on authorities “*to continue in their endeavors to strengthen the scrutiny of financial declaration forms*” of judges.<sup>39</sup> In addition, one of the indicators used by the OECD in monitoring implementation of the Istanbul Anti-Corruption Action Plan is the existence of “*unbiased and effective verification of declarations with enforcement of dissuasive sanctions*”, including in respect of judges.<sup>40</sup>

21. **While there is a general consensus that public officials, including ordinary and constitutional court judges, should be required to submit annual asset declarations and that such declarations must be subject to effective verification, international standards do not require the establishment of a distinct, separate verification procedure for judges,<sup>41</sup> provided that the applicable verification procedure does not undermine judicial independence.**
22. From a comparative perspective, different verification systems exist, including using a single verification procedure for all public officials, or alternately, using differentiated verification systems for different categories of officials.<sup>42</sup> The prevailing approach among CoE member states is one in which asset declarations submitted by judges are examined by bodies outside the judiciary,<sup>43</sup> using the same verification procedures applicable to other public officials subject to financial disclosure obligations. In an Opinion concerning Armenia, the Venice Commission concluded that the choice between entrusting the verification of asset declarations to an external body responsible for all public officials, including judges, or to a specialized body within the judiciary, depends on the specific national context and local realities.<sup>44</sup>

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36 Venice Commission, Opinion no. 1064/2021 on the Concept Paper on the Vetting of Judges and Prosecutors and Draft Amendments to the Constitution of Kosovo, CDL-AD(2022)011, 20 June 2022, para. 68.

37 Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe, *Joint Follow-up Opinion of the to the joint opinion 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 of Ukraine*, CDL-AD(2023)027, para. 39.

38 See GRECO, Fourth Evaluation Round, Corruption Prevention in Respect of members of Parliament, Judges and Prosecutors, Evaluation Report Bosnia and Herzegovina, 4 December 2015, para. 120.

39 See, GRECO, Fourth Evaluation Round, Corruption Prevention in Respect of members of Parliament, Judges and prosecutors, Evaluation Report Croatia, 20 June 2014, para. 119. See also, GRECO, Fourth Evaluation Round, Revised Questionnaire on Corruption Prevention in respect of Members of Parliament, Judges and Prosecutors, 19 October 2012, section 16.5 which requests States ‘describe the mechanism(s) in place for verifying, reviewing or otherwise checking whether the information contained in the declarations submitted by judges (...) is complete and accurate. What are the sanctions and procedures if incomplete or inaccurate information is provided? What are the sanctions available and procedures to be followed if the information reported discloses a potential violation of any other law or regulation?’

40 See OECD, *Istanbul Anti-Corruption Action Plan 5th Round of Monitoring Guide*, 17 November 2022, performance area 2: conflict of interests and asset declarations, indicator 4.

41 *Ibid.*, para. 47. See also e.g., Venice Commission, *Armenia - Joint opinion of the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate General of Human Rights, and rule of law (DGI) of the Council of Europe, on the amendments to the Judicial Code and some other laws*, CDL-AD(2019)024, 14 October 2019, para. 28, where the Venice Commission underlines that there is no common European standard as to whether asset declarations of judges should be verified through a distinct procedure by a separate institution.

42 See OECD, *Asset Declarations for Public Officials: A Tool to Prevent Corruption*, section 3.3; see also Venice Commission, *Ukraine - Urgent Joint Opinion of the Venice Commission and the DGI on the Legislative Situation Regarding Anti-Corruption Mechanisms following Decision No.13-R/2020 of the Constitutional Court of Ukraine*, CDL-AD(2020)038, 11 December 2020, para. 47.

43 See e.g., Venice Commission, *Ukraine - Urgent Joint Opinion of the Venice Commission and the DGI on the Legislative Situation Regarding Anti-Corruption Mechanisms following Decision No.13-R/2020 of the Constitutional Court of Ukraine*, CDL-AD(2020)038, 11 December 2020, para. 51.

44 Venice Commission, *Armenia - Joint opinion of the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate General of Human Rights, and rule of law (DGI) of the Council of Europe, on the amendments to the Judicial Code and some other laws*. (CDL-AD(2019)024), 2019), para. 28.

### **1.3. Right to Respect for Private and Family Life**

23. Asset declaration systems involve the collection, retention, and possible disclosure of personal and financial information by public authorities. As such, while pursuing legitimate corruption prevention objectives, they also constitute an interference with the right to respect for private and family life protected inter alia by Article 17 of the ICCPR,<sup>45</sup> Article 8 of the ECHR<sup>46</sup> and Article 7 of the EU Charter of Fundamental Rights.<sup>47</sup> In order not to unduly impact that right, the interference must be provided by law (test of legality), pursue one of the legitimate aims listed in international instruments (namely, national security, public safety or the economic well-being of the country, the prevention of disorder or crime, the protection of health or morals, or the protection of the rights and freedoms of others – test of legitimacy) and be necessary in a democratic society (test of necessity and proportionality). In particular, consideration should be given to ensuring that the scope of information required, the modalities of verification, the level of public access, and the applicable data protection safeguards are tailored to the functions and responsibilities of the officials concerned, including judges.

## **2. BACKGROUND**

### **2.1. National Legal Framework Regulating the Status, Independence and Accountability of Constitutional Court Judges**

24. Under the Constitution, the Constitutional Court of Ukraine (hereinafter “CCU”) is not regulated by the same legal regime that governs the rest of the judiciary. Its composition, status, powers and operations are regulated separately by Chapter XII of the Constitution and by the *Law of Ukraine on the Constitutional Court of Ukraine* (hereinafter “LCCU”).
25. Pursuant to Article 148 of the Constitution, the CCU consists of eighteen judges appointed for a non-renewable nine-year term. The Constitution and the LCCU include several provisions designed to safeguard the independence of CCU judges. They guarantee the independence of CCU judges and prohibit “any influence” on them.<sup>48</sup> A CCU judge cannot be held legally liable for voting on decisions or opinions of the CCU, except in case of committing a crime or a disciplinary offence.<sup>49</sup> A CCU judge may not be detained or kept under custody or under arrest without the consent of the CCU until a guilty verdict is delivered by a court, except in cases of *in flagrante delicto* involving a serious or grave crime.<sup>50</sup> A decision granting consent to the detention, custody or arrest of a CCU judge – upon a petition from the the Prosecutor General – must be approved by the CCU in plenary session.<sup>51</sup> Furthermore, CCU judges are protected from “coercive enforcement” by any “authority or institution” other than the CCU itself.<sup>52</sup> A CCU judge must be notified ‘of suspicion of committing a criminal offence’ by the Prosecutor General.<sup>53</sup> Disciplinary proceedings against a CCU judge are conducted by the CCU itself.<sup>54</sup>

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45 [ICCPR, Article 17.](#)

46 [ECHR, Article 8.](#)

47 [Charter of Fundamental Rights of the European Union, Article 7.](#)

48 Article 149 of the Constitution; Article 24.1 of the [Law of Ukraine on the Constitutional Court of Ukraine](#) (hereinafter LCCU).

49 Article 149 of the Constitution; Article 24.3 of the [LCCU](#).

50 Article 149 of the Constitution; Article 24.4 of the [LCCU](#).

51 Articles 24.5 and 24.6 of the [LCCU](#).

52 Article 24.7 of the [LCCU](#).

53 Article 24.9 of the [LCCU](#).

54 Articles 21.3 and 22 of the [LCCU](#).

26. Article 149-1 of the Constitution, introduced by the 2016 constitutional amendments,<sup>55</sup> sets out the grounds for “*termination of the powers*” and dismissal of a CCU judge. Notably, the powers of a CCU judge terminate, among other circumstances, when a guilty verdict against him/her for a criminal offence enters into force.<sup>56</sup> A judge may be dismissed, among other grounds, for committing “a serious disciplinary offence, flagrant or permanent disregard of his or her duties which are incompatible with the status of judge of the Court or has proved non-conformity with being in the office” or for violating incompatibility requirements.<sup>57</sup> Dismissal on such grounds is considered in a “special plenary session” of the CCU, based on an opinion of the CCU’s Standing Committee of the Court on Rules of Procedure and Ethics.<sup>58</sup> A decision to dismiss a CCU judge is made by the CCU itself and requires the approval of at least two-thirds of its constitutional composition (i.e., twelve CCU judges).<sup>59</sup>
27. The CCU’s internal procedure for deciding on dismissal is set out in paragraphs 12 (for violation of incompatibility requirements) and 13 (for serious disciplinary offence or gross systemic neglect of duties) of the *Rules of Procedure of the CCU*.<sup>60</sup> In both situations, the CCU judge concerned is invited to provide oral or written explanations. The Standing Committee of the Court on Rules of Procedure and Ethics may request information from state bodies, enterprises, institutions and organizations to verify the allegations. The CCU judge concerned can also provide explanations to the special plenary session of the CCU regarding the information contained in the Standing Committee’s opinion.
28. On 22 July 2025, the CCU adopted the *Rules of Professional Ethics for Judges of the Constitutional Court of Ukraine*,<sup>61</sup> which call upon CCU judges’ adherence to recognized ethical principles of judicial conduct, including independence, impartiality, honesty, integrity (incorruptibility), competence and good faith. At the same time, as noted in the ODIHR Opinion analysing these Rules, the provisions regarding honesty and integrity are not further elaborated and would necessitate more detailed guidance, either in the Rules or in separate guidance documents.<sup>62</sup>
29. Importantly for the present opinion, Article 11.5 of the LCCU explicitly provides that the *Law of Ukraine on Prevention of Corruption* applies to CCU judges.

## **2.2. National Legal Framework Regulating Asset Declarations for Constitutional Court Judges**

30. The *Law of Ukraine on Prevention of Corruption* (hereinafter “LPC”), enacted on 14 October 2014 and last amended in August 2025,<sup>63</sup> establishes the corruption-prevention system in Ukraine. As per its Article 3, the LPC applies to a wide range of public officials, including ordinary judges and CCU judges (Article 3.1.1.e). It provides preventive anti-corruption mechanisms for public officials, sets out the procedures for their implementation, and creates the National Agency on Corruption Prevention (hereinafter “NACP”) responsible for implementing these preventive mechanisms. Such mechanisms include rules of professional and ethical conduct for public officials, for example as regards acceptance of gifts (Article 23) or rules to follow in a situation of conflict of interest (Section V). Most importantly for the purpose of the present Opinion, Article 45

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55 See [Law of Ukraine on Amendments to the Constitution of Ukraine No.1401-VIII](#), 2 June 2016.

56 Article 149-1 of the Constitution; Article 20.5 of the LCCU.

57 Article 149-1 of the Constitution; Articles 21.2 and 21.3 of the LCCU.

58 Article 21.3 of the LCCU.

59 Article 149-1 of the Constitution; Article 21 of the LCCU. See also [Rules of Procedure of the CCU](#), para. 13.5.

60 See [Rules of Procedure of the Constitutional Court of Ukraine](#), 22 February 2018.

61 See [Rules of Professional Ethics for Judges of the Constitutional Court of Ukraine](#), 22 July 2025.

62 See OSCE/ODIHR, [Opinion on the Rules of Professional Ethics for Judges of the Constitutional Court of Ukraine](#), 30 December 2025.

63 See [Law of Ukraine on Prevention of Corruption](#) (hereinafter LPC).

of the LPC establishes the duty of all public officials to submit an annual asset declaration. It also mandates public officials to notify the NACP about the opening of a foreign currency account in non-resident banks (Article 52.1) and significant receipt of income or important acquisitions or expenditures (Article 52.4).

31. The LPC regulates the different components of the asset declaration system in great detail.<sup>64</sup> Article 46 lists the information that should be entered into the asset declaration by declarants. Asset declarations are to be filled in and submitted electronically and stored on a digital register managed by the NACP.<sup>65</sup> The digital register of asset declarations is accessible to the public – except enumerated information not subject to public disclosure<sup>66</sup> – and the data therein are organized in a format that allows automatic comparison with other electronic registers (Article 47).
32. The NACP verifies asset declarations of public officials through several types of control, using both automated tools and manual verification.<sup>67</sup> Precisely, the LPC and Decrees issued by the NACP establish a complex multi-layered process of verification comprising the following types of controls:<sup>68</sup>
  - i. Control over timeliness: performed on all declarations to check whether declarants submitted their declaration within the legally required deadline (Article 51<sup>2</sup>);
  - ii. Control over accuracy and completeness of submitted data: performed automatically on all declarations to verify whether all required fields are filled in and whether information declared match with other state registers and databases (Article 51<sup>1.1.2</sup>);
  - iii. Logical and Arithmetic Control (LAC) as per Article 51<sup>1.1.3</sup> of the LPC: this control is performed automatically on all declarations and has two main components:
    - *Control over internal consistency*, which verifies whether data submitted in the declaration are logically and arithmetically consistent within the current declaration and with previous asset declarations;
    - *Cross data / register comparison*, which cross-checks the data from the declaration with other state registers (e.g., property rights register, vehicle register) and bank databases;
    - Based on the results of this control, each declaration receives a risk rating (low or high) indicating possible discrepancies or signs of unjustified assets, which then informs the decision on whether a full (or comprehensive, “Повна” in Ukrainian) verification (manual in-depth audit) is required.
  - iv. Automated verification: performed automatically on declarations that have received a low-risk rating following the LAC. If significant discrepancies, signs of illicit enrichment or unjustified assets are identified at this stage, a full

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<sup>64</sup> Articles 45, 46, 47, 51<sup>1</sup>, 51<sup>2</sup>, 51<sup>3</sup> and 51<sup>4</sup> of the LPC.

<sup>65</sup> Asset declarations are submitted through, and accessible on the [Unified State Register of Declarations](#).

<sup>66</sup> i.e., the taxpayers’ registration card numbers or passports’ series and numbers, the entry numbers in the Unified State Demographic Register, the place of residence, the date of birth of individuals indicated in the declaration, the location of the objects specified in the declaration (except for the region, district, settlement where the object is located), the account number in a bank or other financial institution.

<sup>67</sup> Articles 11.1.7<sup>1</sup>, 51<sup>1.1</sup>, 51<sup>2</sup>, 51<sup>3</sup> and 51<sup>4</sup> of the LPC.

<sup>68</sup> For a comprehensive overview of the legal framework regulating verification of assets declarations in Ukraine, see OECD, [Ukraine Fifth Round of Anti-Corruption Monitoring Follow Up Report, the Istanbul Anti-Corruption plan](#), pp. 45-54, 2025. For an overview of verification of assets declarations in Ukraine, see also National Agency on Corruption Prevention, [Control and Verification of Declarations: timeliness of filing, completeness, logical and arithmetic controls, automated verification, full verification](#), PowerPoint presentation.

verification (manual in-depth audit) is initiated; otherwise the declaration is marked as “automatically verified”.<sup>69</sup> Automated verification did not apply to ordinary judges nor constitutional court judges until December 2024 (NACP decree No. 424/24, Article 1).<sup>70</sup>

- v. **Full verification (manual in-depth audit):** performed on declarations submitted by officials holding positions of high level responsibility (including all ordinary judges and CCU judges), officials in positions of high corruption risk,<sup>71</sup> declarants whose submission received a high-risk rating (as flagged by LAC), declarants whose submission have a low-risk rating but for which automated verification detected discrepancies, and on declarations flagged by external actors (from media, individuals, legal entities) for possible false information or illicit enrichment (Article 51<sup>3</sup> of the LPC). Given the high volume of declarations eligible to full verification, declarations selected for full verification are prioritized in accordance with risk criteria established by the NACP (Article 51<sup>3</sup> of the LPC and section II of NACP Decree No 26/21). Priority is given to declarations submitted by officials holding positions of high level responsibility, and officials in positions of high corruption risk, that have received the highest risk ratings.<sup>72</sup> Full verification consists of a manual in-depth audit through which NACP staff examine the asset declaration against data from other registers, databases, and open sources, verify actual asset ownership, check the valuation of declared assets, analyse the consistency between declared income and assets, check the presence of a conflict of interest and signs of illegal enrichment.<sup>73</sup> As part of a full verification procedure, the NACP can request information or documents from public authorities, including foreign ones, legal entities and individuals.<sup>74</sup>
33. The main features of full verification are set out in Article 51<sup>3</sup> of the LPC. For most public officials, the procedure for conducting full verification of asset declarations is elaborated in NACP Decree No. 26/21.<sup>75</sup>
  34. The procedure for the full verification of asset declarations submitted by judges and CCU judges has certain peculiarities and provide for specific safeguards elaborated in Article 52<sup>2</sup> of the LPC, with differences also between the procedures for ordinary judges and for CCU judges (see paras. 41 *infra*). The Draft Procedure under review aims to set out the specific procedural modalities for the NACP’s conduct of a full evaluation of asset declarations submitted by CCU judges. It is issued by way of a Decree of the NACP.
  35. Once the verification is concluded, and if irregularities are found, the NACP issues a protocol of verification outlining the irregularities detected in the public official’s asset declaration. Depending on the declarant and on the nature and seriousness of these

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69 National Agency on Corruption Prevention, [Decree No. 26/21](#), section IV, 29 January 2021. (NACP decree No. 26/21)

70 NACP, [Decree No. 424/24](#), art. 1, 24 December 2024.

71 As determined by NACP, [Decree No. 284/23](#), 7 December 2023.

72 See NACP, [Decree No. 284/23](#), 7 December 2023, paras. 3, 6 and 7. NACP Decree 284/23 which defines the “*Procedure for the selection of declarations of persons authorized to perform state or local self-government functions, for the purpose of conducting a full verification and the frequency of such verifications on the basis of a risk assessment*” sets out a prioritization mechanism for selecting declarations for full verification. Under this procedure, NACP selects and prioritizes declarations as follows: declarations of officials holding positions of high-level responsibility, and of officials in positions of high corruption risk, with the highest risk rating (first level priority); declarations of other officials with the highest risk rating (second level priority); declarations flagged by external actors (from media, individuals, legal entities) for possible false information or illicit enrichment (third and fourth level priorities). The risk rating of a declaration is calculated based on the degree of identified inconsistencies in the declaration following the LAC. The risk rating does not seem to include any weighting factor related to the position held by the declarant. In addition, Decree 284/23 does not differentiate or further rank officials within the category of officials holding positions of high-level responsibility. Consequently, the same selection and prioritization rules appear to apply equally to judges of ordinary courts and CCU judges.

73 NACP, [Decree No. 26/21](#), Article III.1.

74 NACP, [Decree No. 26/21](#) Articles V.8 and V.10.

75 NACP, [Decree No. 26/21](#), 29 January 2021.

irregularities, the protocol is forwarded to the competent authority for further action.<sup>76</sup> Aside from the simple corrections of minor mistakes, the outcome of irregularities may result in the initiation of appropriate proceedings: disciplinary, administrative (e.g., for false declaration or conflict of interest violations), civil (for confiscation of unexplained assets), or in more serious cases, criminal proceedings when the irregularities fall under Articles 366-2 or 366-3 of the Criminal Code (submission of knowingly incorrect information or failure to submit an asset declaration) or when there is evidence of another criminal offence (such as bribery or illicit enrichment). Such proceeding, and eventual ensuing sanction or sentence, are issued by a competent court or disciplinary body, and not by the NACP.

36. In the case of CCU judges specifically, the competent disciplinary body is the CCU itself as per Articles 21.3 and 22 of the LCCU (see paras. 24-26 above). Thus, verification protocols issued by the NACP with regards to asset declarations submitted by CCU judges may be transmitted, among others, to the CCU, which has the authority to take disciplinary measures, which may lead to the dismissal of a CCU judge if it is considered to amount to a “significant disciplinary offense” which is incompatible with the status of a CCU judge or reveals his/her inadequacy to the position held (Article 21.1 of the LCCU).

### **2.3. Context: Decision 13-r/2020 of the Constitutional Court of Ukraine and Ensuing Legal Reforms**

37. In 2020, the CCU issued several decisions that affected the mandate and operation of both the NACP, and the *National Anti-Corruption Bureau* (hereinafter “NABU”), which is responsible for criminal investigations into corruption-related criminal offences.<sup>77</sup> In its decision 13-r/2020 of 27 October 2020, the CCU declared unconstitutional several provisions of the LPC concerning the NACP’s powers to verify the accuracy of the asset declarations submitted by public officials, and Article 366-1 of the Criminal Code of Ukraine, which established criminal liability for knowingly submitting false declarations or intentionally failing to submit a declaration. The CCU reasoned that the then-existing system for verifying asset declarations submitted by judges was not compliant with the constitutional principles of judicial independence and the independence of the CCU. The CCU argued that “*declaring the income of persons exercising public power is an indisputable requirement in any modern democratic state. There is no doubt that public figures in the state must file a declaration of income. However, based on the principle of judicial independence, the public importance and significance of ensuring the real independence of judges, international principles and standards, such declaration and verification should be made taking into account the principle of judicial independence*”.<sup>78</sup> Having analyzed several provisions of the LPC and taking into account the principle of independence of the judiciary and of the Constitutional Court of Ukraine, the CCU concluded that various provisions of the LPC contradicted the Constitution of Ukraine.<sup>79</sup> Two CCU judges filed dissenting opinions arguing that the CCU decision was “not properly justified” and that “*control over legality of income and property status of judges by executive bodies established based on laws of Ukraine is not an interference into the independence of judges and courts*”.<sup>80</sup>

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76 For example, in case of signs of acquisition of unjustified asset, the NACP notifies the *National Anti-Corruption Bureau of Ukraine* and the *Specialised Anti-Corruption Prosecution* for further action (Article 51<sup>3</sup>.3 of the LPC)

77 See CCU decision No. 11-r/2020 of 16 October 2020; CCU decision No. 13-r/2020 of 27 October 2020.

78 CCU decision No. 13-r/2020 of 27 October 2020, para. 15.

79 CCU decision No. 13-r/2020 of 27 October 2020, para. 16.

80 See *Dissenting Opinion by Justice S. Holovaty and Dissenting Opinion by judge V. V. Lemak* concerning CCU decision No. 13-r/2020.

38. At the time of the CCU decision, the LPC provided that judges may be governed by special rules for certain procedures – for example, as regards conflict of interests (Article 35) – but did not make a distinction between judges and other public officials with respect to the procedure for conducting a full verification of asset declarations.
39. Decision 13-r/2020 of the CCU effectively curtailed the NACP’s powers to perform verification of asset declarations of all public officials, and removed the legal basis for NABU to investigate cases of intentional false declarations and failure to submit declarations.
40. Decision 13-r/2020 of the CCU, which gave rise to critical reactions, was the subject of an Urgent Joint Opinion by the Venice Commission and the Directorate General of Human Rights and Rule of Law of the Council of Europe.<sup>81</sup> The Joint Opinion concluded that the CCU decision “*lacks clear reasoning, has no firm basis in international law, and was possibly tainted with a major procedural flaw – an unresolved question of a conflict of interest of some judges*”.<sup>82</sup> As a potential means of resolving the situation, the Venice Commission invited the Parliament of Ukraine to consider introducing additional safeguards for judges, including: (i) improving the independence of the NACP and public control over its activities, (ii) more precisely and narrowly formulating certain NACP investigative powers or introducing specific exceptions and procedural safeguards for judges, (iii) establishing in the law a mechanism to supervise NACP’s activities vis-à-vis judges, either through a complaints mechanism, or in the form of regular reporting by the NACP to an appropriate judicial body.<sup>83</sup>
41. On 15 December 2020, the legislature introduced Article 52<sup>2</sup> of the LPC, which as noted above, sets out additional safeguards for the verification of asset declarations submitted by judges and CCU judges. Article 52<sup>2</sup>.1 of the LPC mandates the NACP to determine a specific procedure for conducting the full (or comprehensive) verification of asset declarations submitted by CCU judges. Articles 52<sup>2</sup>.1 to 52<sup>2</sup>.7 of the LPC set special requirements for this procedure, which appear to be aimed at providing additional safeguards for the independence of CCU judges. First, the specific procedure to be developed by the NACP for conducting a full verification of asset declaration submitted by a CCU judge must be approved by the Assembly of Judges of the Constitutional Court (Article 52<sup>2</sup>.1). When a full verification of a CCU judge’s declaration is initiated, the NACP must inform the Chairperson of the CCU no later than the next working day after the verification begins (Article 52<sup>2</sup>.2). The certificate containing the results of the comprehensive verification must be approved by the Chairperson of the NACP or his/her Deputy (Article 52<sup>2</sup>.3). Furthermore, Article 52<sup>2</sup>.4 prohibits “*any illegal influence, pressure or interference*” in the activities of a CCU judge during the full verification (Article 52<sup>2</sup>.4). If such interference occurs, the Assembly of Judges of the Constitutional Court may submit a “mandatory petition” to the NACP requesting the elimination of such violation (Article 52<sup>2</sup>.6). Finally, Article 52<sup>2</sup>.7 establishes disciplinary liability for NACP staff who violate the independence of judges, including CCU judges.
42. While these additional safeguards respond to Decision 13-r/2020 of the CCU, it must be ensured that these safeguards do not function as immunity mechanisms that shield ordinary and CCU judges from the consequences of inaccurate asset declarations.

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81 See Venice Commission and CoE Directorate General of Human Rights and Rule of Law (DG I), Urgent Joint Opinion on the Legislative Situation Regarding Anti-Corruption Mechanisms Following Decision No. 13-R/2020 of the Constitutional Court of Ukraine, [CDL-AD\(2020\)038](#), 11 December 2020.

82 *Ibid.* para. 73.

83 *Ibid.* para. 75.

### **3. GENERAL COMMENT ON ASSET DECLARATION SYSTEMS FOR JUDGES**

43. At the outset, it is worth underlining that international standards do not call for different asset declaration systems and/or procedures for verifying asset declarations of judges, compared to other public officials. While a legal assessment of the entire asset declaration framework for judges set out in the LPC goes beyond the scope of the present Opinion, it is important to recall that any such framework – whether it is a single asset declarations system applicable to all public officials or a distinct system specifically for judges – must comply with the rule of law while not undermining judicial independence and respecting the right to respect for private and family life.
44. First, the system of asset declarations should have a clear legal basis. Legal frameworks establishing a system of asset declarations should comprise and regulate several core components, including:<sup>84</sup>
- (i) the personal scope of declarants (i.e., which public officials, and which of their family members, are required to submit asset declarations);
  - (ii) the material scope of declarations (i.e., the information and assets that declarants are required to disclose in the declaration form);
  - (iii) the procedure for submitting asset declarations (i.e., the manner in which declarants fill in and submit their declaration forms);
  - (iv) monitoring compliance with declaration regulations and verification of asset declarations (i.e., specifying the institution responsible for collecting, recording, and verifying asset declarations, its legal status, composition, and mandate, the types and criteria of verification, and the investigative powers available in the context of full verification procedures);
  - (v) sanctions for non-compliance (i.e., the range of sanctions applicable to different forms of non-compliance – disciplinary, administrative and/or criminal – and the authorities competent to impose them);
  - (vi) rules for public disclosure (i.e., determining which information contained in declarations and verification outcomes is publicly accessible, which information remains confidential in order to protect the privacy and personal security of declarants, and the conditions under which courts and competent investigative authorities may access confidential information); and
  - (vii) evaluation and review of the asset declaration system (i.e., mechanisms for assessing the effectiveness of the asset declaration regime against its objectives and for identifying areas for improvement and reform).
45. Second, the institution responsible for collecting and recording asset declarations and for verifying their accuracy should be independent and have the necessary financial, material and human resources to carry out its responsibilities.<sup>85</sup>
46. Third, the scope of information and assets that declarants are required to disclose in the declaration form should be proportionate and relevant for preventing corruption and ensuring integrity, taking into account the specific office-holder and level of corruption

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<sup>84</sup> See OECD, *Asset Declarations for Public Officials, a Tool to Prevent Corruption*, 2011.

<sup>85</sup> UNCAC, Article 6.2, which provides that: “Each State Party shall grant the body or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided”. See also OECD, *Asset Declarations for Public Officials, a Tool to Prevent Corruption*, 2011, Section 3.5. See also, G20, *High Level Principles on Asset Declaration for Public Officials*, Principle 4, which provides that “disclosure system administrators should have sufficient authority, expertise, independence, and resources to carry out the purpose of the system as designed”.

risks associated with their positions. In an Opinion on Armenia, the Venice Commission considered that the required content of asset declarations should be reasonable so that “they do not put an impossible obligation on judges and on their close relatives, and do not expose their private lives more than necessary for preventing corruption”.<sup>86</sup> Similarly, the G20 High Level Principles on Asset Declaration of Public Officials provide that “disclosure systems should be as comprehensive as necessary to combat corruption but should require only the submission of information reasonably and directly related to the implementation of laws, regulations, and administrative guidelines, as appropriate, governing the conduct of public officials”.<sup>87</sup>

47. Fourth, the procedures for verifying asset declarations should be objective and transparent. The legal framework regulating asset declarations should clearly define the different types of verification, their scope and timing, as well as the criteria used for selecting asset declarations for review. Good comparative practices include a tiered verification system, whereby basic checks are carried out automatically in respect of all declarations (such as control of timeliness and completeness, arithmetic and logical checking) while more in-depth controls (such as full audit) are conducted only on selected declarations. Selection for enhanced scrutiny may be based on a combination of clearly defined criteria, including *ex officio* verification for top level officials and officials holding positions with high corruption risks, risk-based assessments, irregularities or risks identified with the declared information itself, or information received from third parties concerning suspected violation or unexplained wealth.<sup>88</sup>
48. Fifth, declarants, including judges, should be afforded procedural guarantees throughout the verification process and in any ensuing proceedings. In cases of in-depth or full verification, declarants should be duly informed that verification is taking place and of its outcomes, and should be given the opportunity to correct unintentional or minor mistakes and to respond to findings. The legal framework should also establish clear procedural deadlines and ensure that verification decisions are taken within a reasonable time. Declarants should have the right to challenge findings of the verification body before an independent and impartial tribunal established by law and should benefit from fair trial guarantees during such appeal. Depending on the status of the declarant and the nature and seriousness of the offence, sanctions for non-compliance or irregularities should be imposed by the competent disciplinary body or by an independent and impartial tribunal established by law, and not by the institution responsible for collecting and verifying asset declarations. With specific regards to judges, disciplinary proceedings and sanctions should be conducted and decided by an independent body (such as a disciplinary committee of the judicial council) composed of a majority of judges or by a court, and the judge concerned should benefit from fair trial guarantees during these proceedings.<sup>89</sup>
49. Sixth, the legal framework regulating asset declaration should provide a range of proportionate sanctions – disciplinary, administrative, civil and criminal sentences – applicable to different forms of non-compliance and irregularities, such as for non-submission of asset declaration, intentional submission of incomplete or false

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86 Venice Commission, [Armenia - Joint opinion of the Venice Commission and the Directorate of Human Rights \(DHR\) of the Directorate General of Human Rights, and rule of law \(DGI\) of the Council of Europe, on the amendments to the Judicial Code and some other laws.](#) (CDL-AD(2019)024), 2019), para. 42.

87 G20, [High Level Principles on Asset Declaration for Public Officials](#), Principle 1.

88 See OECD, [Asset Declarations for Public Officials, a Tool to Prevent Corruption](#), 2011, Section 6.4; and OECD, [Istanbul Anti-Corruption Action Plan 5th Round of Monitoring Guide](#), 17 November 2022, Performance Area 2: conflict of interests and asset declarations, Benchmark 4.4.

89 See, OSCE/ODIHR [Kyiv Recommendations on Judicial Independence in Eastern Europe, South Caucasus and Central Asia](#), 25 June 2010, para. 9; OSCE/ODIHR, [Recommendations on Judicial Independence and Accountability \(Warsaw Recommendations\)](#), 2023, para. 17; Council of Europe Committee of Ministers, [Recommendation CM/Rec\(2010\)12, Judges: Independence, Efficiency and responsibilities](#), November 2010, para. 69; Consultative Council of European Judges, [CCJE Opinion No. 21 Preventing Corruption Among Judge](#), 9 November 2018, para. 30.

information, or illicit enrichment or bribery.<sup>90</sup> With respect to judges, offences that carry disciplinary sanctions should be “*set out clearly in the law*”<sup>91</sup> and dismissal of a judge should only be considered in exceptional circumstances for serious misconduct<sup>92</sup> or conviction of a serious crime.<sup>93</sup>

50. Seventh, the legal framework governing asset declaration should take into account the right to privacy of judges and of any family members who are required to submit asset declarations. The law should clearly determine which categories of information contained in asset declarations and verification outcomes are subject to public disclosure, while providing that certain specified information remain confidential in order to protect the privacy and personal security of declarants. The legal framework should further set out the conditions, procedures and safeguards under which certain other institutions – such as law enforcement agencies, public prosecutor’s offices, courts, or tax authorities – may request and obtain access to confidential information for the purposes of investigations or judicial proceedings.
51. Eighth, the legal framework regulating the asset declaration system for judges should be developed and reformed in consultation with the judiciary. In particular, the judicial council – or other similar judicial self-governing body – and association of judges should be given the opportunity to provide inputs during the law-making process. Such consultation can contribute to increasing legitimacy and acceptance of the asset declaration system and ensures due consideration is given to the need to find an appropriate balance between judicial integrity and respect for judicial independence.

#### **4. GENERAL COMMENT ON THE LEGAL FRAMEWORK GOVERNING THE VERIFICATION OF ASSET DECLARATIONS AND THE DRAFT PROCEDURE**

52. The Draft Procedure under review sets out the specific procedural modalities for the NACP’s conduct of a full evaluation of asset declarations submitted by CCU judges as required under Article 52<sup>2</sup>.1 of the LPC. It is issued by way of Decree of the NACP.
53. An OECD Report of September 2025 provides a comprehensive overview and takes note of the “*complex framework in place for conducting verification of asset declarations*”.<sup>94</sup> The Report also underlined “*frequent changes to the verification system and the NACP’s practice of updating internal procedures*”.<sup>95</sup> Overly frequent amendments to legal provisions undermine the stability of the regulatory framework and legal certainty in general, and should be avoided to the extent possible.<sup>96</sup> It is thus essential that the Draft Procedure be subject to meaningful consultation with interested stakeholders, while ensuring regular evaluation of the LPC and sub-regulations/NACP’s internal procedures to assess their effectiveness and envisage possible amendments, rather than proceeding in an *ad hoc* manner with amendments and/or updates.

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90 See [UNCAC](#), art. 52.5; G20, [High Level Principles on Asset Declaration for Public Officials](#), principle 6 which provides that ‘*Penalties and/or administrative sanctions for late submission of, failure to submit, and submitting false information on a required disclosure report should be effective, proportionate, and dissuasive*’.

91 Venice Commission, Updated [Rule of Law Checklist](#), CDL-AD(2025)002, 16 December 2025, para. 107; OSCE/ODIHR, [Recommendations on Judicial Independence and Accountability \(Warsaw Recommendations\)](#), 2023, para. 24.

92 See UN Human Rights Committee, [General Comment No. 32 Article 14: Right to equality before courts and tribunals and to a fair trial](#), 23 August 2007, para. 20; [UN Basic Principles on the Independence of the Judiciary](#), art. 18; Judicial Integrity Group, [Measures for the Effective Implementation of the Bangalore Principles of Judicial Conduct](#), 22 January 2010, para. 16.1; GRECO, [Fourth Evaluation Round, Corruption Prevention in respect of Members of Parliament, Judges and Prosecutors, Evaluation Report, The Former Yugoslav Republic of North Macedonia](#), 6 December 2013, para. 168.

93 Judicial Integrity Group, [Measures for the Effective Implementation of the Bangalore Principles of Judicial Conduct](#), 22 January 2010, para. 16.1.

94 OECD, [Ukraine Fifth Round of Anti-Corruption Monitoring Follow Up Report](#) (2025), pp. 45-53, at page 46.

95 *Ibid.* page 48.

96 ODIHR, [Guidelines on Democratic Lawmaking for Better Laws](#) (2024) – which also apply to secondary legislation, Principle 9.

54. It is noted that several provisions of the Draft Procedure restate the provisions already contained in the Law or general procedures applicable to public officials. While this may be viewed as an additional layer strengthening the foreseeability of the law, the existence of multiple parallel layers of regulation may complicate both compliance and implementation. In particular, affected persons and those responsible for applying the rules may be required to consult several regulatory instruments to assess potential overlaps and/or divergences, which increase the risk of ambiguities arising from minor inconsistencies, which undermine legal certainty and foreseeability.<sup>97</sup> In this respect, it is worth recalling that the rule of law “*requires that accountability mechanisms and procedures be clearly established by law to enhance the transparency, fairness, integrity and predictability of public and private institutions and entities*”.<sup>98</sup> Because accountability requires the control of public power, and therefore some form of supervision over the exercise of power, to “*prevent abuses of power and improper influence by supervising parties, a clear set of standards must be established so that justice operators and institutions are not held to account in an arbitrary way*”.<sup>99</sup> Accountability “presupposes” the legitimacy of established standards, clear mechanisms and procedures established by law, and clear rules on the authority of the supervising parties.<sup>100</sup> It is thus essential that the legal framework on judicial accountability and integrity be clear and consistent, avoiding potential overlaps and duplication.

## **5. LEGAL BASIS OF THE DRAFT PROCEDURE**

55. Article 52<sup>2</sup>.1 of the LPC mandates the NACP to determine the procedure for conducting a comprehensive verification of asset declarations submitted by CCU judges “*with the consent of (...) the Assembly of Judges of the Constitutional Court of Ukraine*”.<sup>101</sup> Articles 52<sup>2</sup>.2 to 52<sup>2</sup>.7 of the LPC sets some specific requirements for this procedure which provide additional procedural safeguards for the independence of CCU judges. The Draft Procedure under review sets out that procedure and is issued by way of a decree of the NACP.
56. The rule of law and the principle of legality require that the powers of public authorities be defined by law, that public authorities are authorized to act, and that they do not exceed the limit of their powers.<sup>102</sup> Accordingly, it is important that the legal basis for the exercise of a public authority’s powers be clearly and explicitly identified.
57. In the case of the Draft Procedure under review, that authority is not clearly set out. Although the Draft Procedure refers to Article 45 of the LPC, which establishes a duty for public officials to submit annual asset declarations,<sup>103</sup> it does not explicitly indicate the specific provision conferring upon the NACP the authority to determine the procedure for conducting a comprehensive verification of asset declarations of CCU judges. The absence of a clear reference to the source of authority may undermine legal certainty and readability.

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97 ODIHR, [Guidelines on Democratic Lawmaking for Better Laws](#) (2024) – which also apply to secondary legislation, Principles 15 and 16. See also Cooperation Council and Regional Anti-Corruption Initiative for the Southeast Europe 2020 Strategy, Tilman Hoppe, [Anti-Corruption Assessment of Laws in South-East Europe \(‘Corruption Proofing’\)](#), 2014, p. 118: “*Legal coherence refers to the logical and orderly relationship of different provisions in the same law or of different laws with each other. Whenever the relationship is not clear, this ambiguity can constitute a corruption risk*”.

98 UN Human Rights Council, [Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul. Submitted to the 26th session of the Human Rights Council, A/HRC/26/32](#), 2014, para. 19.

99 *Ibid.* para. 48.

100 *Ibid.* para. 48.

101 [Law of Ukraine on the Prevention of Corruption](#) (with amendments through 12 September 2025), art. 52.2.

102 Venice Commission, Updated [Rule of Law Checklist](#), CDL-AD(2025)002, 16 December 2025, para. 28.

103 See Draft Procedure, Art. I.2.

58. **In the interest of legal clarity and certainty, it is therefore recommended that the Draft Procedure be supplemented with an explicit reference to Article 52<sup>2.1</sup> of the LPC, to clearly identify the legal basis and source of the NACP’s authority to adopt the Draft Procedure.**

## **6. ADDITIONAL PROCEDURAL GUARANTEES FOR CCU JUDGES PROVIDED IN ARTICLE 52<sup>2</sup> OF THE LPC AND THEIR OPERATIONALIZATION IN THE DRAFT PROCEDURE**

59. Article 52<sup>2</sup> of the LPC provides CCU judges with six additional procedural guarantees in relation to the full verification of their asset declarations by the NACP (see para. 41 *supra*).<sup>104</sup> These six additional procedural guarantees appear intended to afford additional safeguards for the independence of CCU judges. Pursuant to Article 52<sup>2.1</sup> of the LPC, the NACP is required to operationalize these procedural guarantees through a specific procedure for conducting full verification of asset declarations submitted by CCU judges.
60. The decision of the Verkhovna Rada to enshrine the main safeguards of the procedure for the full verification of asset declarations of CCU judges in a statute while deferring the regulation of the details and the operationalization of these safeguards to sub-statutory regulations is overall commendable. Indeed, given the importance of the full verification procedure and its potential outcome and consequences on CCU judges, it is important that the main features and safeguards of the procedure are regulated at statutory level.<sup>105</sup>
61. The Draft Procedure under review incorporates three out of these six guarantees. Specifically, it provides for: (i) the obligation of the NACP to notify the Chairperson of the CCU of the start of the full verification procedure of a CCU judge’s declaration (Article II.1 of the Draft Procedure), (ii) the requirement that the certificate containing the results of the comprehensive verification be approved by the Chairperson of the NACP or his/her Deputy (Articles III.3 and III.5 of the Draft Procedure), and (iii) the prohibition of “any illegal influence, pressure or interference” in the activities of a CCU judge during the full verification (Article I.5 of the Draft Procedure).
62. However, the Draft Procedure neither refers to nor operationalizes the mechanism provided for in Article 52<sup>2.6</sup> of the LPC, under which the Assembly of Judges of the Constitutional Court may submit a “mandatory petition” to the NACP requesting the “elimination” of “any illegal influence, pressure or interference” by NACP staff in the activities of a CCU judge during a comprehensive verification (see para. 67 *infra*). **It is recommended that this safeguard also be incorporated and operationalized in the Draft Procedure (see recommendation A *infra*).**

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104 i.e., (1) the specific procedure to be developed by the NACP for conducting a full verification of asset declaration submitted by a CCU judge must be approved by the Assembly of Judges of the Constitutional Court (Article 52<sup>2.1</sup>); (2) when a full verification of a CCU judge’s declaration is initiated, the NACP must inform the Chairperson of the CCU no later than the next working day after the verification begins (Article 52<sup>2.2</sup>); (3) the certificate containing the results of the comprehensive verification must be approved by the Chairperson of the NACP or his/her Deputy (Article 52<sup>2.3</sup>); (4) Article 52<sup>2.4</sup> prohibits “any illegal influence, pressure or interference” in the activities of a CCU judge during the full verification (Article 52<sup>2.4</sup>); (5) if such interference occurs, the Assembly of Judges of the Constitutional Court may submit a “mandatory petition” to the NACP requesting the elimination of such violation (Article 52<sup>2.6</sup>); and (6) Article 52<sup>2.7</sup> establishes disciplinary liability for NACP staff who violate the independence of judges, including CCU judges.

105 See Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe, [Ukraine Joint Opinion on Draft Amendments on Disciplinary Procedures against Judges, Declarations of Integrity, and Other Procedures](#), CDL-AD(2025)044, 14 October 2025, para. 89 in which the Venice Commission stated in relation to the procedure for verification of declarations made by judges to the HQCJ (set out in the Rules of procedure of the HQCJ), that given the importance and possible consequences of decisions by the HQCJ, ‘the main features and safeguards should be regulated at statutory level and only the regulation of the details should be left to the sub-statutory regulations’.

## **7. GENERAL PROVISIONS (ARTICLES I.1 TO I.5 OF THE DRAFT PROCEDURE)**

63. Section I of the Draft Procedure sets out the purpose of the Draft Procedure (Article I.1), defines the terms used therein by reference to the definitions provided in the LPC and NACP Decree No. 26/21 (Article I.2), specifies the scope and substance of the different types of verification conducted on asset declarations submitted by CCU judges (Articles I.3 and I.4), and reiterates the prohibition of “*any unlawful influence, pressure or interference in the activities of a judge during a comprehensive verification*” provided in Article 52<sup>2</sup>.4 of the LPC (Article I.5).

### **7.1. Equal Scope of Verification**

64. Articles I.3 and I.4 of the Draft Procedure provide that the various types of controls conducted on asset declarations submitted by CCU judges, including their scope and substance, the criteria for selecting asset declarations for control, and the rules for recording asset declarations and certificate of verification results, are the same as those applicable to all other public officials. This approach appears to be line with Article 52<sup>2</sup>.1 of the LPC which provides that the procedure for the full verification of asset declarations submitted by CCU judges to be determined by the NACP “*may not establish the features of the full verification (...) not provided for by the Law*”. Although the formulation of this provision (double negation) is not entirely clear, it may be interpreted as requiring that the substance and scope of verification applicable to CCU judges be equivalent to those applicable to other public officials, while allowing for some differences in procedural aspects.
65. In essence, these provisions mean that, while CCU judges benefit from a distinct set of procedural safeguards (see para. 41 above), they remain subject to the same types of verifications, the same scope and substance of control, and the same procedures and criteria for deciding whether to conduct such controls as other public officials. **While the Ukrainian legislator may see reasons to provide additional procedural guarantees for CCU judges during full verification procedure, CCU judges should not be subject to less stringent or narrower forms of verification.**

### **7.2. Prohibition of “Unlawful Influence, Pressure or Interference” in the Activities of a Judge During Full Verification**

66. Both the LPC and the Draft Procedure prohibit “*any unlawful influence, pressure or interference in the activities of a judge during a full verification*”.<sup>106</sup> While this prohibition pursues the legitimate aim of protecting CCU judges from any undue influence, it lacks clarity as to the acts or conduct that would constitute such “unlawful influence, pressure or interference”. Moreover, neither the LPC nor the Draft Procedure specify the procedure to be followed when such influence is suspected, nor do they indicate applicable forms of liability and potential sanctions for breaches of this prohibition.
67. Article 52<sup>2</sup>.6 of the LPC further provides that if such interference occurs, the Assembly of Judges of the Constitutional Court can submit a “mandatory petition” to the NACP requesting the “elimination” of such influence. However, the Draft Procedure does not regulate the manner in which the NACP is required to examine, respond to, and address such a petition. **For legal clarity purposes, the Draft Procedure should set out the NACP’s obligations and procedures for responding to, and addressing such petitions, including by further elaborating on the actions to be taken by the NACP**

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106 Article 52<sup>2</sup>.4 of the LPC and Article I.5 of the Draft Procedure.

**upon receipt of the petition, the officials responsible within the NACP for handling the petition, the timeline for responding and other relevant procedural modalities. This procedure should be framed in a way that the mandatory petition of the Assembly of Judges of the Constitutional Court does not impair the independence of the NACP. Notably, to prevent the mandatory petition from being used to stall legitimate verifications, the Draft Procedure should clarify that such “mandatory petition” must be based on concrete evidence of procedural violations that constitute “unlawful influence, pressure or interference”, rather than a general disagreement with the NACP’s findings.**

#### **RECOMMENDATION A.**

To supplement the Draft Procedure with provisions governing the NACP’s obligations and procedures for examining, responding to, and addressing “mandatory petitions” submitted by the Assembly of Judges of the Constitutional Court when unlawful influence on a CCU judge during full verification is suspected, while ensuring that the design and operation of this mechanism do not impair the independence of the NACP.

### **8. SPECIFICS OF CONDUCTING A FULL VERIFICATION OF THE DECLARATION SUBMITTED BY A JUDGE OF THE CCU (ARTICLES II.1 TO II.3 OF THE DRAFT PROCEDURE)**

68. Section II of the Draft Procedure regulates the start date of the full verification of asset declarations submitted by CCU judges and the notification process of the judge concerned and of the Chairperson of the CCU (Article II.1). It further sets out the time limits applicable to full verification and the procedures for its extension or suspension (Article II.2), as well as the procedure in case of a change in the NACP staff responsible for conducting the full verification (Article II.3). Overall, the Draft Procedure provides that the rules governing these elements correspond to those applicable to all other declarants under NACP Decree No. 26/21, with the exception of additional notification requirements to the Chairperson of the CCU.

#### **8.1. Assignment of responsibilities among NACP staff to conduct the full verification**

69. Article II.1 of the Draft Procedure provides that the NACP staff responsible for conducting the full verification of asset declaration of a CCU judge is selected through an automated assignment process.

70. In the context of court case allocation, international standards require that the assignment of cases to judges must not be influenced by any party or external influence. Such allocation may, instead, be made by random selection process or automated system based on objective criteria such as, for example, alphabetical or chronological order, in order to ensure impartiality.<sup>107</sup> Although these standards concern the assignment of judicial cases

<sup>107</sup> See, for examples, UNODC, *The United Convention Against Corruption, Implementation Guide and Evaluative Framework for Article 11*, para. 104 which provides “the assignment of cases should not be influenced by the wishes of any party to a case or any person concerned with the results of the case” and “The allocation of cases may, by way of example, be made by a system of alphabetical or chronological order or other random selection process”; Consultative Council of European Judges, *Recommendation No. R (94) 12 of the Committee of Ministers to Members States on the Independence, Efficiency and Role of Judges*, Principle I.2.e which provides “The distribution of cases should not be influenced by the wishes of any party to a case or any person concerned with the results of the case. Such distribution may, for instance, be made by drawing of lots or a system for automatic distribution according to alphabetic order or some similar system”.

to judges, similar principles could be useful to some extent to the allocation of full verification procedure within corruption prevention bodies.

71. While the automated assignment method prescribed in Article II.1 of the Draft Procedure appears generally consistent with these international standards, the Draft Procedure does not specify the criteria on the basis of which this automated assignment is done. **Unless regulated elsewhere, it is recommended that the Draft Procedure defines objective criteria governing automated assignment, with a view to further strengthening impartiality in the conduct of the full verification procedure.**
72. Article II.3 of the Draft Procedure regulates the notification of the judge under full verification and the chairperson of the CCU in case of a change in the NACP staff responsible for carrying out the full verification. It is noted that the Draft Procedure does not define the procedure or the grounds for changing the NACP staff assigned. Instead, it merely provides that a new designation shall be made through a repeated automated assignment process. The absence of clearly defined and limited grounds for such changes raises concerns, as it could allow for arbitrary replacement of assigned staff within the NACP. **In this context, unless regulated elsewhere, it is recommended that the Draft Procedure specify the grounds on which a change of NACP staff responsible for conducting full verification may occur, ensuring that such grounds are limited and objective.**

#### **RECOMMENDATION B.**

1. Unless regulated elsewhere, to specify in the Draft Procedure objective criteria governing the automated assignment of responsibilities among NACP staff for conducting the full verification.
2. Unless regulated elsewhere, to specify in the Draft Procedure the grounds on which a change of NACP staff responsible for conducting full verification may occur, ensuring that such grounds are limited and objective.

### **8.2. Notification of the judge and the chairperson of the CCU**

73. The Draft Procedure provides that the NACP staff in charge of carrying out the full verification of an asset declaration submitted by a CCU judge must inform both the CCU judge concerned and the Chairperson of the CCU no later than the next working day following the start of such a verification (Article II.1). This requirement is consistent with Article 52<sup>2</sup>.2 of the LPC. The Draft Procedure further specifies the information that must be included in the notification, namely: (i) the asset declaration submitted by the judge subject to verification, (ii) the reasons for conducting a full verification, (iii) the start date of the full verification, and (iv) the contact details of the authorized person from the NACP responsible for conducting the full verification. **The provision of this information to the CCU judge concerned is welcome, as it enables the judge to be aware that his/her declaration is being subject to a full verification, the content of the said declaration and the reasons for verification.** This, in turn, allows the judge concerned to prepare any necessary corrections or explanations regarding the information submitted in his/her asset declaration at a later stage of the full verification procedure. The obligation of the NACP to notify the declarant at the outset of the full verification is not specific to CCU judges but applies equally to all declarants.<sup>108</sup> In addition, the Draft Procedure requires the NACP to notify the judge concerned of any extension or

108 See National Agency on Corruption Prevention, [Decree 26/21](#), 29 January 2021, art. V.17.

suspension of the full verification (Article II.2), as well as of any change in the NACP staff conducting it (Article II.3 – see para. 74 above).

74. In accordance with Article 52<sup>2</sup>.2 of the LPC, the Draft Procedure also requires the NACP staff in charge of carrying out the full verification of an asset declaration submitted by a CCU judge to inform the Chairperson of the CCU of the start, extension and suspension of the full verification, and of any change in the NACP staff carrying out the full verification (Article II.3).
75. The Draft Procedure provides that the notification sent to the CCU judge concerned and the Chairperson of the CCU must include the contact details of the NACP staff responsible for conducting the comprehensive verification. While it is important that the judge has a means of contacting the NACP in order to provide explanations and raise objections to certain aspects of the verification, the direct disclosure of the personal contact details of the NACP staff raises concerns. **In order to safeguard the independence of the NACP staff, consideration could be given to anonymising the contact details included in notifications to any declarant subject to full verification, for example by providing a standardised institutional email address or communication linked to the case reference number rather than to the name of the individual NACP staff member.**

## **9. SPECIFICS OF THE PREPARATION OF THE RESULTS OF THE FULL VERIFICATION OF DECLARATION SUBMITTED BY A JUDGE OF THE CCU (ARTICLES III.1 TO III.17 OF THE DRAFT PROCEDURE)**

76. Section III of the Draft Procedure sets out: the timeline and procedure for finalizing the results of the full verification (Articles III.1 to III.3), the procedure for informing the CCU judge concerned (Articles III.1 to III.4), the procedure for approving and signing the results of the full verification (Article III.5), the procedure to be followed when violations are identified during the full verification (Articles III.6 to III.13), the extension of the deadline for preparing the results of the full verification (Article III.14), the publication of the results (Articles III.15 and III.17), the procedure for correcting errors in the declaration that do not constitute violations or offences (Article III.16), and access by the concerned judge to materials related to the full verification (Article III.17).

### **9.1. Timeline for Finalizing and Procedure for Approving the Results of the Full Verification.**

77. Article II.2 of the Draft procedure provides that the timeline for conducting a full verification of an asset declaration submitted by a CCU judge is identical to that applicable to other declarants. Specifically the full verification must be completed within 120 days from its start, with the possibility of a one-time extension of up to 60 days on certain specified grounds.<sup>109</sup> Articles III.2 and III.3 of the Draft Procedure set out in detail the steps and deadlines for finalizing and approving the results of the full verification. The NACP staff responsible for conducting the full verification is required to prepare and sign a certificate (довідка) on the results within 10 working days from the completion of the full verification (Article III.2). No later than the following working day after the certificate has been finalized and signed by the NACP staff in charge of the full verification, that NACP staff must submit it to his/her immediate supervisor for approval. The immediate supervisor has five working days to decide whether to approve the certificate (Article III.3). If the immediate supervisor refuses to approve the certificate,

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109 NACP Decree No. 26/21, Article V.17

the NACP staff responsible for conducting the full verification must take into account the comments of the immediate supervisor and submit an updated certificate for approval within two working days. If the immediate supervisor approves the certificate, that supervisor shall forward it to the Deputy Head of the NACP for approval. The Deputy Head of the NACP has five working days to decide whether to approve the certificate or return it with a reasoned justification. If the Deputy Head of the NACP refuses to approve the certificate, the NACP staff must take the Deputy Head's comments into account and resubmit a revised certificate to him/her. If the Deputy Head again refuses to approve the revised certificate, the NACP staff is required to submit the certificate to the Head of the NACP who has 10 working days either to approve the certificate or to give instructions for its correction to the NACP staff. Once the certificate is approved, it is registered.

78. **These provisions are commendable in that they establish clear deadlines and procedural steps for conducting the full verification and for finalizing and approving its results.** Arguably, these provision may reduce uncertainty for the judge concerned, who might otherwise be left without clarity as to the duration of the procedure.
79. At the same time, the Draft procedure does not define the grounds on which the immediate supervisor, the Deputy Head of the NACP, or the Head of the NACP may refuse to approve the certificate on the results of the full verification. While the requirement that any refusal be accompanied by a reasoned justification is welcome, the absence of clearly defined and limited grounds for refusal to approve the results could allow for arbitrary decision-making. In the absence of predetermined criteria at each level of review, the additional safeguard applicable to CCU judges—namely that the results of a full verification be approved by the Deputy Head or Head of the NACP— risk creating an opaque area of discretion within the NACP. **In this context, unless regulated elsewhere, consideration should be given to specifying the grounds on which approval of the certificate may be refused at each level of review.**

#### **RECOMMENDATION C.**

Unless regulated elsewhere, to specify in the Draft Procedure the grounds on which the immediate supervisor, the Deputy Head of the NACP, and the Head of the NACP may refuse to approve the certificate on the results of the full verification.

### **9.2. Approval of the Results by the Deputy Head or Head of the NACP**

80. Articles III.3 and III.5 of the Draft Procedure require that the certificate on the results of the full verification be approved by either the Deputy Head or the Head of the NACP. This requirement reiterates the obligation already provided for in Article 52<sup>2</sup>.3 of the LPC.
81. This procedural requirement, which is specific to the full verification of asset declarations of CCU judges, is aimed at introducing an additional layer of quality control and oversight. However, to prevent arbitrary decision-making, consideration should be given to specifying the grounds on which approval of the certificate may be refused by the Deputy Head or the Head of the NACP (see para. 79 above).

### **9.3. Information of the Results to the Judge Concerned**

82. The NACP staff who carried out the full verification must send the certificate containing the results of the full verification to the judge concerned (Article III.1). This must be done within one working day following approval of the certificate. The certificate must be sent to the judge concerned both by post and by electronic mail (Article III.4).

83. **The obligation to inform the judge concerned on the outcome of the comprehensive verification in a timely manner is a welcome procedural safeguard. It ensures that the judge is promptly informed about the results without undue delay.**

#### **9.4. Procedure in Case of Clerical or Arithmetic Error in the Approved Certificate of Results**

84. Article III.4 of the Draft Procedure requires that, if a clerical or arithmetic error is identified in an approved certificate of results, the NACP staff who conducted the full verification must draw up a report ‘indicating the nature of the clerical or arithmetic error and providing the correct information’. When such an error affected the conclusion reached by the NACP staff who conducted the full verification and prepared the certificate of results, that NACP staff must draw up a report ‘indicating the nature of the clerical or arithmetic error, providing justification and formulating the correct conclusion’. Article III.15 of the Draft Procedure further requires that when corrections are made to the certificate of results, the relevant act must be published on the official website of the NACP within 10 working days following its approval.
85. While it is welcome that a clerical or arithmetic error may be corrected after the approval of certificate of results and that such corrections must be published in a timely manner, certain aspects of the procedure lack clarity. In particular, the Draft Procedure does not indicate who can raise the issue of the clerical or arithmetic error, nor the manner in which such an error may be brought to the attention of the NACP. **In this regard, the CCU judge concerned should be expressly entitled to submit a request alleging a potential clerical or arithmetic error to the NACP staff who conducted the full verification and prepared the certificate of results, once the certificate has been sent to that CCU judge. It is recommended that this procedural guarantee, together with a concrete procedure a judge should follow when submitting such a request, be clearly set out in the Draft Procedure.**

#### **RECOMMENDATION D.**

To specify who is entitled to raise the issue of a clerical or arithmetic error and the procedure for doing so, while explicitly providing that the CCU judge subject of full verification is entitled to this procedural guarantee.

#### **9.5. Procedure When an Offence or Irregularity is Suspected (Articles III.6 to III.13 of the Draft Procedure)**

86. Articles III.6 to III.13 of the Draft Procedure set out the steps to be followed when an administrative offence (Articles III.6 and III.7) or a criminal offence (Article III.8 to III.10) is suspected, as well as when signs of unjustified assets are identified (Articles III.12 and III.13) as a result of the full verification procedure. These provisions prescribe the content of the report to be prepared when such an offence is suspected; the procedure for approval of the report by the NACP Deputy Head or Head; the deadlines for finalizing, approving and forwarding the report; and the competent authorities to which the report should be transmitted for further action. They also define the procedure through which a CCU judge subject to full verification can provide an explanation and evidence to the NACP when signs of unjustified assets are detected during the full verification procedure (Articles III.12 and III.13).
87. These provisions are generally welcome, as they provide a procedural framework to be followed when offences or irregularities are suspected as a result of the full verification and ensure that the CCU judge concerned has an opportunity to submit explanations and

evidence to refute signs of unjustified assets before the NACP transmits the relevant materials to the authority competent to initiate further proceedings. Nevertheless, several aspects could be further improved.

88. First, the Draft Procedure refers to “administrative offence related to corruption” (Article III.6 and III.7) and “corruption related offences for which criminal liability is provided” (Article III.8) without making reference to the applicable legislations. In the absence of such cross-references, it might be difficult for a CCU judge to know exactly which administrative or criminal offences are encompassed by these provisions. **For foreseeability purposes, it is therefore recommended to supplement the Draft Procedure with adequate cross-references to applicable legislation when referring to offences that may trigger administrative, criminal or disciplinary liability.**
89. Second, the Draft Procedure does not define the grounds on which the Deputy Head and the Head of the NACP may decide to draw up or refuse to draw up a report (when administrative offense is suspected), or to approve or reject a reasoned conclusion (when criminal offense is suspected) and to forward it to the competent authority for further action. Moreover, the Draft procedure does not require that such decisions be reasoned. This arrangement is problematic as it may allow for arbitrary decisions regarding whether to submit relevant materials and the report identifying signs of an offense to the competent authority. The absence of predetermined criteria at each level of review and approval risks creating an opaque area of discretion within the NACP. **In this context, consideration should be given to specifying the grounds on which the Deputy Head and Head of the NACP may decide whether to draw up a report in cases of suspected administrative offences and whether to approve a reasoned conclusion in cases of suspected criminal offences and transmit it to the competent authority, as well as to requiring that such decisions be duly justified.**
90. Third, the Draft Procedure does not prescribe any deadlines for the Deputy Head and Head of the NACP to decide whether to draw up a report (when an administrative offence is suspected), to approve or reject a reasoned conclusion (when a criminal offence is suspected), to transmit the report to the competent authority, as well as to inform the chairperson of the CCU. **For clarity and foreseeability purposes, it is recommended to prescribe clear deadlines for each of these steps in the Draft Procedure.**
91. Fourth, the Draft Procedure provides that, in case of “signs of a violation of the requirements of the Law on ethical conduct, prevention and settlements of conflicts of interest in the activities of a judge, or violations of other requirements of the law that do not entail administrative or criminal liability”, the NACP staff who conducted the full verification must transfer the relevant verification materials to the relevant structural unit of the NACP to consider whether response measures are warranted. **Given that the CCU itself is responsible for disciplinary proceedings against CCU judges (see para. 25 above), the Draft Procedure should additionally require that relevant materials indicating signs of a possible disciplinary offence be transmitted to the chairperson of the CCU.**

#### **RECOMMENDATION E.**

2. To specify the grounds on which the Deputy Head and Head of the NACP decides whether to draw up a report in cases of suspected administrative offence and whether to approve a reasoned conclusion in cases of suspected criminal offence and transmit it to the competent authority for further action, and to require that such decisions be duly reasoned.

3. To prescribe deadlines for the Deputy Head and Head of the NACP to decide whether to draw up a report in cases of suspected administrative offence and whether to approve a reasoned conclusion in cases suspected criminal offence, to transmit it to the competent authority for further action, and to notify the chairperson of the CCU.
4. To require the NACP to transmit relevant verification materials revealing signs of a possible disciplinary offence to the chairperson of the CCU.

### 9.6. Publication of Results (Articles III.15 and III.17)

92. Article 47 of the LPC provides that asset declarations should be uploaded on the Unified Register of Declarations maintained by the NACP and made accessible to the public except enumerated information excluded from public disclosure. Information not subject to public disclosure includes: the taxpayers' registration card numbers or passports' series and numbers, the entry numbers in the Unified State Demographic Register, the place of residence, the date of birth of individuals indicated in the declaration, the location of the objects specified in the declaration (except for the region, district, settlement where the object is located), and account number in a bank or other financial institution.<sup>110</sup>
93. Article III.15 of the Draft Procedure requires that the certificate on the results of the full verification be published on the official website of the NACP within 10 working days of its approval. It further requires the publication on the NACP website of information on whether a reasoned conclusion detecting signs of corruption or corruption-related violations of the law has been sent to the competent authorities, as well as information on any other response measures taken. Article III.17 of the Draft Procedure additionally provides that information obtained during the full verification must be processed in accordance with the Law of Ukraine "On the Protection of Personal Data"<sup>111</sup> and prohibits the disclosure of information classified as confidential.
94. The requirement to publish the results of the full verification of asset declarations submitted by CCU judges is equivalent to the requirement applicable to other declarants subject to full verification.<sup>112</sup> Therefore, the publication of results of full verification for CCU judges is consistent with established NACP practice applicable to all declarants.
95. Regional human rights and expert bodies have called for the publication of asset declarations of judges and results of verifications as a means of enhancing transparency and accountability, while emphasizing the need to strike an appropriate balance with the privacy and security of judges. In its Fourth Round Evaluation Report on Corruption Prevention in Respect of Members of Parliament, Judges and Prosecutors concerning Bosnia and Herzegovina, GRECO recommended "*considering ensuring the publication of and easy access to financial information, with due regard to the privacy and security of judges, prosecutors and their close relatives*".<sup>113</sup> In addition, in its Opinion on the Draft Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Venice Commission specifically recommended that the results of the verification of assets declarations submitted by judges be made public.<sup>114</sup>

110 Article 47 of the LPC.

111 [Law of Ukraine on the Protection of Personal Data](#).

112 See NACP Decree 26/21, Article VI.10.

113 GRECO, [Fourth Evaluation Round, Corruption Prevention in Respect of Members of Parliament, Judges and Prosecutors, Evaluation Report Bosnia and Herzegovina](#), 4 December 2015, para. 120.

114 Venice Commission, [Opinion on the Draft Law on Amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina](#), Opinion No. 1015/2021, CDL-AD(2021)015, para. 48. See also, Venice Commission, [Interim Follow-Up Opinion to Previous Opinions on the Draft Law on the High Judicial and Prosecutorial Council](#), CDL-AD(2024)009, 25 June 2024, para. 116.

96. While the requirement in the Draft Procedure to publish the certificate on the results of the full verification on the NACP's website is generally welcome, as it promotes transparency and can contribute to fostering public trust in the CCU, it should be balanced against the right to respect for private and family life of judges (see para. 23 above).
97. International standards provide that any interference with the right to respect for private and family life must be: (i) provided by law (test of legality); (ii) pursue one of the legitimate aims listed in international instruments (namely, national security, public safety or the economic well-being of the country, the prevention of disorder or crime, the protection of health or morals, or the protection of the rights and freedoms of others – test of legitimacy); and (iii) be necessary in a democratic society (test of necessity and proportionality).<sup>115</sup> The publication of the results of full verification arguably satisfies the test of legality as it is clearly provided for by the Draft Procedure, and the test of legitimacy as it pursues the legitimate aims of preventing corruption within the CCU and ensuring public access to information. It also appears proportionate as key personal identification data, as listed in Article 47 of the LPC, are excluded from publication. However, for legal clarity and certainty purposes, it would be advisable to explicitly reflect this limitation in the Draft Procedure.
98. **In light of the above, the requirement in the Draft Procedure to publish the certificate on the results of the full verification on the NACP's official website is commendable, provided that it does not unduly interfere with the right to respect for private and family life of CCU judges. Therefore, it is recommended to explicitly stipulate in the Draft Procedure that the non-disclosure of categories of information listed in Article 47 of the LPC, also applies to the publication of the results of full verification of assets declarations submitted by CCU judges.**

**RECOMMENDATION F.**

To explicitly provide in the Draft Procedure that the non-disclosure of categories of information listed in Article 47 of the LPC applies to the publication of the results of full verification of assets declarations submitted by CCU judges.

*[END OF TEXT]*

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115 See, ICCPR, Article 17; ECHR, Article 8; Charter of Fundamental Rights of the European Union, Article 7.

APPROVED

Decree of the National Agency  
on Corruption Prevention  
\_\_\_\_\_2025 No.

## Procedure

for conducting a full verification of the declaration of a person authorized to perform the functions of the state or local self-government, submitted by a judge of the Constitutional Court of Ukraine

### **I. General provisions.**

**1.** This Procedure defines the specifics of conducting a full verification by the National Agency for Corruption Prevention (hereinafter referred to as “the National Agency”) of the declaration of a person authorized to perform state or local self-government functions, submitted by a judge of the Constitutional Court of Ukraine (hereinafter referred to as “the judge”).

**2.** In this Procedure, the terms that are used have the following meaning:

declaration submitted by a judge - a declaration of a person authorized to perform state or local self-government functions (including the latest corrected declaration) submitted by a judge in accordance with part one of Article 45 of the Law of Ukraine "On Prevention of Corruption" (hereinafter - the Law).

Other terms used have the meanings given in the Law and the Procedure for conducting a full verification of the declaration of a person authorized to perform state or local self-government functions, approved by the Decree of the National Agency for Corruption Prevention dated 29 January 2021, No. 26/21, registered with the Ministry of Justice of Ukraine on February 5, 2021, under No. 158/35780 (hereinafter referred to as Procedure No. 26/21).

**3.** The assessment of risks in the declaration submitted by the judge, the automated verification of the declaration submitted by the judge, which can be verified automatically, the formalization of its results, and the registration (record keeping) are carried out in accordance with Procedure No. 26/21.

**4.** The full verification of the declaration submitted by the judge, the formalization of its results, the recording and control of such verifications shall be carried out in accordance with Procedure No. 26/21, taking into account the peculiarities specified in this Procedure.

The selection of declarations submitted by judges for a full verification is carried out in accordance with the Procedure for the selection of declarations of persons authorized to perform state or local self-government functions, for the purpose of conducting a full verification and the frequency of such verifications based on a risk assessment, approved by the Decree of the National Agency for Corruption Prevention dated December 7, 2023, NQ

284/23, registered with the Ministry of Justice of Ukraine on December 8, 2023, under No. 2146/41202.

- 5.** Any unlawful influence, pressure, or interference in the activities of a judge during a full verification of the declaration submitted by him is prohibited.

## **II. Specifics of conducting a full verification of the declaration submitted by a judge**

**1.** The start date of the full verification is considered to be the next working day after the day of the automated assignment of responsibilities for its conduct to an authorized person of the National Agency (hereinafter referred to as “the authorized person”).

No later than the next working day after the start of such a verification, the authorized person shall inform the judge via a personal electronic office by sending a notification, as well as the Chair of the Constitutional Court of Ukraine by post and/or electronic means of communication.

The notification shall contain the following information:

- the declaration submitted by the judge being verified;
- reasons for conducting a full verification, including a re-verification (second verification);
- the start date of the full verification;
- contact details of the authorized person conducting the full verification.

**2.** The time limits for conducting a full verification, the grounds for its suspension, and its extension are determined by the Decree No. 26/21.

The authorized person conducting the full verification or his immediate supervisor, in the cases specified in paragraph 9 of section 17 of chapter V of the Decree No. 26/21, shall inform the judge through the personal electronic office, as well as the Chair of the Constitutional Court by sending a notification by post and/or by means of electronic communications about the extension of deadlines and/or suspension of the full verification no later than the next working day after the date of extension and/or suspension. ,

The notification shall contain the following information:

- a declaration submitted by the judge being verified;
- the grounds for extending and/or suspending the deadlines for conducting a full verification, including the re-verification (second verification);
- the date of commencement of the period from which the deadline for conducting a full verification, including re-verification, has been extended or suspended;
- contact details of the authorized person conducting the full verification.

- 3.** In case of a change of the authorized person conducting the full verification, declaration submitted by the judge, the authorized person designated as a result of the repeated automated assignment of the duty to conduct a full verification no later than the next working day after the day of the repeated automated assignment shall inform the judge through personal electronic office, as well as the Chair of the Constitutional Court of Ukraine by sending a notification by post and/or electronic means of communication:

The notification shall contain the following information:

- the declaration submitted by the judge being verified;
- the grounds of the repeated automated assignment of the duty to conduct a full verification for the change of the authorized person conducting the full verification, including re-verification;
- contact details of the authorized person conducting the full verification.

### **III. Specifics of the preparation of the results of the full verification of declaration submitted by the judge**

**1.** Based on the results of the full verification, the authorized person who conducted the verification shall draw up and sign a report on the results of the full verification of the declaration submitted by the judge (hereinafter referred to as the Report) in two copies, one of which shall be sent to the judge after approval in accordance with paragraph 3 of this section.

**2.** The Report shall be drawn up and signed no later than 10 working days from the next working day after the end of the basic or extended period of the full verification.

The Certificate may be drawn up and signed before the end of the basic or extended period of the full verification.

The deadline for drawing up the Certificate shall be suspended in the event of temporary incapacity for work, business trip, or vacation of the authorized person who conducted the full verification, but for no more than 14 days. In the absence of the authorized person for more than this period, as well as in the cases specified in subparagraph 5 of paragraph 18 of Section V of Decree No. 26/21, the certificate shall be drawn up by the immediate supervisor of the authorized person who conducted the full verification, no later than 10 working days from the day following the day of the end of the period for which it was suspended, or the day of the occurrence of the case specified in subparagraph 5 of paragraph 18 of Section V of the Decree No. 26/21, and shall be approved by the head of the independent structural unit in the manner specified in this section.

**3.** The authorized person who conducted the full verification shall, no later than the next working day after the preparation and signing of the Certificate, submit it for approval to the immediate supervisor.

The immediate supervisor must approve the Certificate within five working days from the next working day after receiving it or return it with a reasoned justification for refusing to approve it.

If the immediate supervisor approves the Certificate, it shall be forwarded by that supervisor to the Deputy Head of the National Agency for approval no later than the next working day.

The Deputy Head of the National Agency must, within 5 working days from the next working day after receiving the Certificate, approve it or return it with a reasoned justification for refusal to approve it.

If the immediate supervisor refuses to approve the Certificate, the authorized person who conducted the full verification shall, within the next 2 working days, take into account the comments and submit the Certificate for re-approval or, in case of disagreement or rejection by the immediate supervisor of the decision to approve the Certificate within the time limit specified in this paragraph, submit the Certificate for approval to a higher-level supervisor.

Such a supervisor must, within 5 working days from the next working day after receiving the Certificate, approve it or return it with a reasoned justification for refusing to approve it.

In case of refusal by the higher-level supervisor, the Certificate shall be approved by the authorized person who conducted the full verification, within the next 2 working days, take into account the comments and submit the Certificate for re-approval or, in case of disagreement or failure of the higher-level supervisor to approve the Certificate within the time limit specified in this paragraph, submit the Certificate for approval to the Deputy Head of the National Agency.

In case of refusal by the Deputy Head of the National Agency to approve the Certificate, the authorized person who conducted the full verification shall, within the next 2 working days, take into account the comments and submit the Certificate for re-approval or, in case of disagreement or in case of non-acceptance by the Deputy Head of the National Agency of the decision on approval of the Certificate within the time limit specified in this paragraph, submit the Certificate for approval to the Head of the National Agency.

The Head of the National Agency shall, within 10 working days from the next working day after receiving the Certificate, make a final decision and approve the Certificate or give instructions for corrections to be made to it, within a period not exceeding 10 working days from the next working day after the return of the Certificate.

After the approval procedure, the Certificate shall be registered with the corresponding date of registration and assigned number indicated on it .

**4.** The authorized person who conducted the full verification, or his immediate supervisor in the cases specified in subparagraph 5 of paragraph 18 of Section V of the Decree No. 26/21, shall, no later than the next working day after the registration of the Certificate, send a copy of the Certificate to the judge by post and software means of the Registry.

If a clerical or arithmetic error is found in the approved Certificate that did not affect the conclusion of the verification, the authorized person who conducted the full verification, or his immediate supervisor in cases specified in subparagraph 5 of paragraph 18 of Section V of Procedure No. 26/21, shall draw up a report indicating the nature of the clerical or arithmetic error and providing the correct information.

If the clerical or arithmetic error affected the conclusion of the authorized person who conducted the full verification or his immediate supervisor (in the case of drawing up a Report

by an immediate supervisor) about the indication or non-indication of inaccurate information in the declaration, the presence or absence in the actions of the person whose declaration was verified signs of an offense for which administrative or criminal liability is provided, signs of illegal enrichment or unjustified assets, such authorized person or his immediate supervisor, in the cases specified in subparagraph 5 of paragraph 18 of Section V of the Decree No. 26/21, shall draw up a report indicating the nature of the clerical or arithmetic error, providing justification and formulating the correct conclusion. No change to the conclusion set out in the Certificate shall be permitted unless it is due to a clerical or arithmetic error.

**5.** The Certificate shall be signed by the authorized person who conducted the full verification, the immediate supervisor, the head of the independent structural unit, and shall be approved by the Deputy Head of the National Agency or the Head of the National Agency. The judge and other interested persons (if necessary) shall be notified of the compilation and approval of the Certificate using the software means of the Register or electronic means of communication. A copy of the Certificate shall be sent to the authority to which, based on the results of a full verification, a reasoned conclusion on the detection of a corruption or corruption-related offense or materials on the establishment of signs of unjustified assets was sent.

The authorized person who drew up the Certificate, or his immediate supervisor in the cases specified in subparagraph 5 of paragraph 18 of Section V of the Decree No. 26/21, shall, if there are grounds, take the measures specified in paragraphs 5-8 of Section VI of the Decree No. 26/21.

**6.** If, as a result of a full verification, signs of an administrative offense related to corruption are found in connection with the declaration of inaccurate information, the authorized person who conducted the full verification within 5 working days from the next working day after the date of approval of the Certificate, shall begin collecting data to establish the existence of grounds for drawing up a report on such an offense in accordance with the Code of Ukraine on Administrative Offenses.

If there are such grounds, the Deputy Head of the National Agency shall draw up a corresponding report and send it to the court in accordance with the procedure specified by the Code of Ukraine on Administrative Offenses.

If the Deputy Head of the National Agency refuses to draw up a report, the relevant materials shall be submitted to the Head of the National Agency for consideration. In this case, the Head of the National Agency shall draw up a report and send it to the court in accordance with the procedure established by the Code of Ukraine on Administrative Offenses, or refuse to draw up such a report.

The person who collected the data shall notify the Head of the National Agency of the absence of grounds for drawing up a report on an administrative offense by means of a reasoned memorandum, which shall be approved by the Deputy Head of the National Agency.

If the Deputy Head of the National Agency refuses to approve the memorandum within 5 working days from the day following the day of its compilation, the person who collected the data shall compile a reasoned memorandum, which shall be submitted for consideration to the Head of the National Agency.

**7.** The Deputy Head of the National Agency or the Head of the National Agency shall inform the Chair of the Constitutional Court of Ukraine of the drawn-up protocol on the administrative offense by post or by electronic means of communication.

If, as a result of a full verification, signs of an administrative offense related to corruption are found, the compilation of a report on which falls within the competence of officials of other structural units of the National Agency, the authorized person who conducted the full verification shall, within 5 working days from the working day following the day of approval of the Certificate, transfer the information and materials of the check to such structural unit.

**8.** If, based on the results of a full verification, signs of corruption or corruption-related offenses for which criminal liability is provided are detected, the authorized person who conducted the full verification shall, within 5 working days from the working day following the date of approval of the Certificate, draw up and sign a corresponding reasoned conclusion in two copies.

The reasoned conclusion shall contain the following information:

- the grounds for conducting a full verification;
- the start and end dates of the full verification;
- information on the results of the automated assignment (repeated automated assignment, if conducted);
- identified violations, justification of the relevant conclusions, including references to the materials that formed the basis for the conclusion, and consideration of the judge's explanations (if provided);
- conclusion based on the results of the review.

**9.** Immediately after being signed by the authorized person who conducted the full verification, the substantiated conclusion shall be submitted for approval to the head of the relevant level who approved the Certificate.

The authorized person who conducted the full verification shall approve the substantiated conclusion no later than 5 working days from the next working day after the day of its signing.

**10.** After approval of the reasoned conclusion, it shall be approved by the Deputy Head of the National Agency or the Head of the National Agency. The approved reasoned conclusion, together with the relevant materials, shall be sent to the pre-trial investigation body or the Prosecutor General, taking into account the provisions of Articles 216, 480, 480 of the Criminal Procedure Code of Ukraine.

The Head of the National Agency or the Deputy Head of the National Agency shall, no later than the next working day after the date of sending the substantiated conclusion to the competent authority, notify the Chair of the Constitutional Court of Ukraine of this fact by post or by means of electronic communication.

**11.** If, as a result of a full verification, signs of a violation of the requirements of the Law on ethical conduct, prevention and settlement of conflicts of interest in the activities of a

judge, or violations of other requirements of the Law that do not entail administrative or criminal liability are found, the authorized person who conducted the full verification shall within 5 working days from the next working day after the date of approval of the Certificate, shall transfer such information and relevant verification materials to the relevant structural unit of the National Agency apparatus for consideration of the issue regarding the existence of grounds for taking response measures.

**12.** If, based on the results of a full verification, signs of unjustified assets are identified, the authorized person who conducted the full verification shall, within 5 working days from the next working day after the date of approval of the Certificate, send to the judge, using the software tools of the Register, postal service, or electronic means of communication, a request to provide, within 10 working days, a written explanation of this fact with relevant evidence.

If the explanations and documents (if any) provided by the judge refute the conclusion that there are signs of unjustified assets, the authorized person shall notify the immediate supervisor with a reasoned memorandum on the absence of grounds for initiating proceedings before the Specialized Anti-Corruption Prosecutor's Office or, in cases specified by law, the Office of the Prosecutor General regarding the filing of a lawsuit to recognize the assets as unjustified and recover them as state revenue.

If the evidence provided by the declarant refutes the conclusion of the presence of signs of unjustified assets, the authorized person shall notify the immediate supervisor with a reasoned memorandum on the absence of grounds for initiating proceedings before the Specialized Anti-Corruption Prosecutor's Office or, in cases specified by law, before the Office of the Prosecutor General, regarding the filing of a lawsuit to recognize assets as unjustified and confiscation as state revenue.

**13.** If the judge fails to provide written explanations and evidence within the specified period or provides them incompletely (including if the evidence provided does not refute the conclusion that there are signs of unjustified assets), the Deputy Head of the National Agency or the Head of the National Agency who approved the Certificate shall, within 10 working days from the next working day after the deadline for providing written explanations to the judge, send the relevant materials to the Specialized Anti-Corruption Prosecutor's Office and inform the National Anti-Corruption Bureau of Ukraine thereof. At the same time, the Deputy Head of the National Agency or the Head of the National Agency shall raise the issue with the Specialized Anti-Corruption Prosecutor's Office of filing a lawsuit with the court to recognize the assets as unjustified and recover them as state revenue, and shall send the relevant materials.

Such notification shall contain information about:

- the grounds for conducting a full verification;
- the start and end dates of the verification;
- the violations identified, the reasoning behind the relevant conclusions, including references to the materials that formed the basis for the conclusion, and consideration of the judge's explanations (if provided);
- the conclusion based on the results of the verification.

**14.** The deadline for drawing up a reasoned conclusion, as provided for in paragraph 5 of this section, transferring the verification materials in accordance with paragraph 8 of this section, and sending a request to the judge, in accordance with paragraph 12 of this section, shall be suspended in the event of temporary incapacity, leave, or business trip of the authorized

person who conducted the full verification, but for no more than 14 days. In the absence of the authorized person who conducted the verification for more than this period, as well as in the cases specified in subparagraph 5 of paragraph 18 of Section V of the Decree 26/21, the actions provided for in paragraphs 5-9 of this section shall be performed by the immediate supervisor of the authorized person who conducted the verification within the time limits specified in these paragraphs. The counting of time limits shall commence on the day following the day of completion of the period for which it was suspended, or on the day of the occurrence of the event specified in subparagraph 5 of paragraph 18 of Section V of the Decree 26/21.

If a reasoned conclusion is drawn by the immediate supervisor on the grounds specified in this paragraph, this shall be indicated in the conclusion with the relevant justification.

**15.** The official website of the National Agency shall publish Certificate within 10 working days from the date of approval, as well as information on whether a reasoned conclusion on the detection of signs of corruption or corruption-related violations of the law has been sent, and other response measures taken.

In the event of corrections to the Certificate, the relevant act shall be published on the official website of the National Agency within 10 working days from the working day following the day of its approval.

**16.** On the need to submit a declaration with accurate information in accordance with the second paragraph of part four of Article 45 of the Law in the event of inaccurate information being found in the declaration, the authorized person who conducted the full verification, or his immediate supervisor in the cases specified in subparagraph 5 of paragraph 18 of Section V of the Decree No. 26/21, shall notify the judge using the software tools of the Register or by means of electronic communications.

**17.** The National Agency shall ensure that the judge has the opportunity, based on the results of a full verification of his declaration, to familiarize himself with all materials from the verification and obtain copies thereof.

Copies of the materials based on the results of the full verification shall be provided by the National Agency upon written request of the judge within 7 working days from the date of its receipt. If, based on the results of the full verification, criminal proceedings are initiated, familiarization with the verification materials and the provision of copies thereof shall be carried out in accordance with the requirements of Article 222 of the Criminal Procedure Code of Ukraine.

Information obtained during the verification of the declaration shall be processed in accordance with the requirements of the Law of Ukraine "On the Protection of Personal Data." It is prohibited to disclose information that is classified as confidential in accordance with the law, except in cases provided for by law.