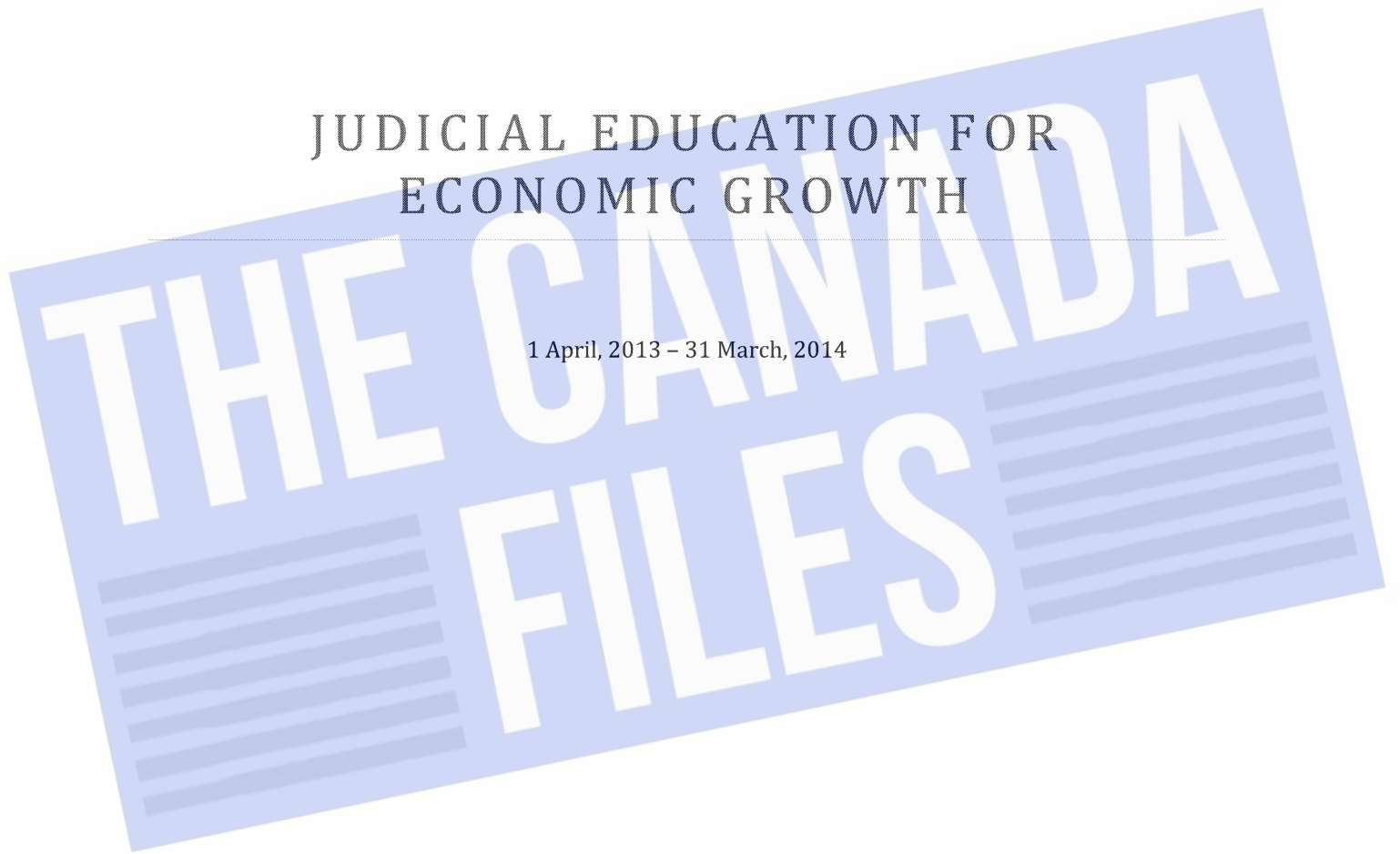

ANNUAL REPORT

JUDICIAL EDUCATION FOR ECONOMIC GROWTH

1 April, 2013 – 31 March, 2014



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EXECUTIVE SUMMARY

The five-year, Judicial Education for Economic Growth (JEEG) project combines the Foreign Affairs, Trade and Development Canada (DFATD) economic growth priority with the cross-cutting themes of governance, rule of law, and gender equality. The goal of DFATD's program in Ukraine is to improve economic opportunities for Ukrainians in a strengthened democracy. DFATD provides support to affect this goal through strengthening public institutions built on the rule of law and accountability. A competent, effective, and fair judiciary is a vital component of an effective democracy and contributes to Canada's support for Ukrainian efforts towards a free, democratic and prosperous society. JEEG seeks to promote an enabling environment for economic growth through increasing the capacity of the judiciary to respond to a variety of business-related disputes.

This Annual Report describes the methodology and areas of work implemented under JEEG over the Fiscal Year 2013-2014. Initiatives and activities in relation to each project outcome and output planned according to the Annual Work Plan (AWP) FY 2013-14 are described in this report in accordance with the anticipated results set out within the Project Implementation Plan (PIP) which covers the life of the project.

The second year of JEEG was busy overseeing full implementation of all components and activities for the first three quarters of the fiscal year. In the last quarter of the fiscal year, the political crisis in Ukraine deepened, resulting in a change in government with correspondent, widespread and far reaching implications. At the time of writing, the changes and reform of the judicial sector are ongoing; much remains to be decided and settled in terms of structure, legislation, operations and human resources.

Nonetheless, comparing JEEG project results accomplished against those planned for this year, the project is on track in all three components of JEEG. Significant project progress was achieved towards intermediate outcomes: 1) Improved institutional performance of the NSJ, and the HQCJU in its responsibility for judicial education; and 2) Skills-based, gender and social context-sensitive and business-related education content integrated within the curriculum of the NSJ and HQCJU. As well, there are a number of significant unintended results and lessons learned which are discussed throughout the text of this report. JEEG progress during the last quarter in particular is without doubt due to the determination of the project partners. Short weeks after the change in the government, project partners continued with JEEG activities. There were delays in only two project activities. And although the Partners' attention and efforts have expanded to include larger political realities and the country's reform agenda as a whole, project activities continued to be implemented. At the time of writing, without doubt, political events and their implications continue to overshadow routine operations including project implementation. But to a significant degree, for the partners, JEEG, its activities and reforms are rendered more relevant in the current context rather than less so.

Specifically, in this reporting period, JEEG implemented activities in all three components of the project, work continued in research, coordination and networking with donors and civil society related to the judicial contexts in Canada and Ukraine. Project partners exchanged knowledge of and approaches to institutional strengthening and judicial education processes, methodologies and content (Components 1 and 2 respectively, implemented by NJI), and mechanisms for enhancing the judicial process (Component 3 implemented by FJA) in Ukrainian pilot courts.

Operationally, the project completed the establishment of the local office and trained local staff both in Kyiv and Ottawa; reviewed and analysed the aspects of models and methodologies for judicial education based on the Canadian model with key local institutional representatives of the NSJ and HQCJU including senior judicial associates of the HQCJU, drafted recommendations on processes related to institutional strengthening and specific judicial and court mechanisms; conducted detailed and targeted internship at NJI for the two senior representatives of NSJ and HQCJU; and conducted workshops in Ukraine on institutional strengthening. The project also continued the development of courses in Statutory Interpretation, Property Rights with a focus on Land Law and Courtroom Management with core Ukrainian trainers; determined subject areas for the next areas of assistance in judicial education. During this reporting period, JEEG carried out a number of working level meetings with partners and participated in conferences. As such, Ukrainian and Canadian partners were represented at the International Conference of the Training of the Judiciary in Washington. Canada was also represented at two conferences conducted by JEEG partners in Ukraine. The four pilot courts developed and introduced on a pilot basis the guidelines for judicially assisted pre-trial settlement conferences; the guidelines make part of the regular proceedings of the court supported by the existing procedural codes.

During the last four months of the reporting period, a significant level of effort was devoted by experts and project management team to the understanding of the unfolding political crisis and its possible effect on JEEG. This involved lengthy consultation and analysis of the events themselves, legislative changes and specific effects on JEEG and project partners, as well as the ongoing and systematic analysis of security for both local staff and operations and visiting experts and delegations.

NARRATIVE SECTION

This section of the Annual Report provides information on the progress on activities, outputs and financial information for April 2013–March 2014 with the purpose of monitoring progress of the project. The narrative subsection below describes the activities undertaken and actual outputs achieved in relation to the annual work plan. Analytical comments on the variances between WBSs that were planned in the AWP and accomplished in 2013-2014 as well as problems/difficulties and remedial actions taken are provided where applicable.

KEY MILESTONES AND OUTPUTS TIED TO GROUPS OF ACTIVITIES FOR THE FISCAL YEAR 2013-2014

Targeted technical assistance, training and education delivered by the Canadian partners through three components are outlined below. In general, project progress was achieved towards the project ultimate and intermediate outcomes:

Anticipated ultimate outcome:

- To increase court efficiency and fairness in resolving commercial disputes for Ukrainian businesses in order to contribute to improving the business enabling environment in Ukraine.

Anticipated intermediate outcomes:

- Improved institutional performance of the NSJ, and the HQCJU in its responsibility for judicial education; and
- Skills-based, gender and social context-sensitive and business-related education content integrated within the curriculum of the NSJ and HQCJU.

In fulfillment of the foregoing results, the following section lists and describes the key activities for 2013-2014 fiscal year presented by WBS then followed by narrative description.

List of Completed Activities and Activities in Progress by Component and Work Breakdown Structure number	
Outcome 1	
Series 110	Institutional capacities of NSJ and HQCJU in its responsibility for judicial education analyzed with recommendations for improvement developed
WBS 1104	Coordination with USAID FAIR Project undertaken and ongoing

Series 120	Technical assistance in gender-sensitive judicial education institutional strengthening
WBS 1202a&b	Workshop on JE institutional strengthening completed
WBS 1202c	Workshop on JE institutional strengthening – Judicial Faculty Development completed
WBS 1202d	Workshop on JE institutional strengthening –Judicial Faculty Development completed
WBS 1210	Preparation for job shadowing internships (English language training) completed
WBS 1211a	Internship of Ukrainian institutional staff completed
WBS 1211b	NSJ Visit to the International Conference of the Training of the Judiciary Washington completed
WBS 1222	Workshop on JE institutional strengthening – Role of Judges, Courts in Governance of JE postponed
WBS 1223	Networking with relevant non-partner stakeholders including gender-related organizations undertaken and ongoing as planned
Series 130	Distance education mechanisms implemented in NSJ central and regional offices
WBS 1330	Familiarization with Ukrainian environment to support institutional models and methodological frameworks relating to adult distance education undertaken and ongoing as planned
Series 140	Institutional research and analytical support
WBS 1410	Research on statistical data gathering in EU states and states in the region surrounding Ukraine completed
WBS 1411	Collation of information on Canadian institutional development relating to gender equality with focus on NJI completed
Outcome 2	
Cycle 1 – TOT and course development	
WBS 2101	Peer-to-peer consultations and preparation for faculty and course development completed
WBS 2113a	Curriculum and course design, development, planning by NSJ core trainers with Canadian support – Land Law completed
WBS 2113b	Curriculum and course design, development, planning by NSJ core trainers with Canadian support – Statutory Interpretation completed
WBS 2113c	Curriculum and course design, development, planning by NSJ core trainers with Canadian support – Land Law in Administrative Courts completed
WBS 2113d	Curriculum and course design, development, planning by NSJ core trainers with Canadian support – Courtroom Management completed
WBS 2113f	Course development with Ukrainian Core Trainers in Courtroom Management completed
WBS 2124	Model Course Delivery: Ukrainian Core Trainers deliver course in Land Law completed
Cycle 2	
WBS 230	Development, integration of gender and social context issues and standalone gender modules into new NSJ courses and training of core trainers
WBS 2302	Project participation in GE training with Mosaic completed

WBS 2303	Direct familiarization of NSJ gender expert with NJI education methodology and its institutional development in relation to gender equality issues completed
WBS 2310	Gender-related data collection, research, and analysis of trends and issues in Ukraine, approaches in Canada, and related education needs at NSJ completed
WBS 2320	Implement standalone GE workshops; development phase completed as planned
WBS 2330	Consideration and input/integration where appropriate of gender equality and social context into judicial education courses undertaken and ongoing as planned
Outcome 3	
Series 310	Training in judicial pre-trial settlement mechanisms designed and delivered, including effective settlement of disputes; managing the mediation process and facilitating advanced negotiations; effective communications; etc.
WBS 3103	Trainings of Ukrainian judges and court officials in case management and settlement conferences: two workshops completed
WBS 3104	Gender awareness and sensitivity building workshops: two workshops completed
Series 320	Historical system for handling commercial disputes analyzed and recommendations made for system-wide integration of judicial pre-trial settlement mechanisms into court processes
WBS 3201	<i>Introduce on-going sub-activity around the drafting and planning meeting(s) on recommendations to facilitate the work of the model courts on the experiment with JDR, as well as capture/document the experience and analyse relevant information and data required for drafting the recommendations for system-wide integration of the procedure. Ongoing as planned</i>
WBS 3201	Drafting and planning meetings on the recommendations for the institutionalization of the judicial settlement conferencing
Series 4000 Project Management	
WBS 4102	JPSC meeting year 2 took place in June of 2013
WBS 4200-4300	The local office in Ukraine was fully established, staffed and local staff trained. NJI project management taking place as planned

IMMEDIATE OUTCOME 1: STRENGTHENED INSTITUTIONAL CAPACITY OF HQCJU AND NSJ TO SUPPORT THE DEVELOPMENT AND DELIVERY OF SKILLS-BASED, GENDER AND SOCIAL CONTEXT-SENSITIVE, AND BUSINESS-RELATED EDUCATION TO 5-YEAR TERM JUDGES AND PERMANENT JUDGES

Component 1 of the project strengthens the institutional capacity and framework of the HQCJU and NSJ to support effective judicial education processes and outcomes, by developing skills in organizational development, strategic and business planning, technical management, knowledge of leadership skills and assessment tools to gauge the effectiveness of management systems and educational services and align local systems and processes with best practices including promotion and integration of GE principles.

110 Institutional and technical capacities of NSJ and HQCIU in its responsibility for judicial education analyzed with recommendations for improvement developed

WBS 1104 Coordination with USAID, FAIR project (Q1-Q4 completed, ongoing for the rest of the project, Kyiv)

JEEG scheduled and participated in bi-weekly FAIR-JEEG project meetings supplemented with ongoing e-mail and telephone communication to exchange relevant project documentation and information, review project progress, strategic planning plans and activities, distance learning plans and address other coordination and implementation issues as they arise. JEEG and FAIR projects continue to cooperate and work jointly in selected thematic areas such as institutional strengthening, strategic planning, and distance learning. From the time of the FAIR-JEEG agreement to invite JEEG staff to FAIR project activities and vice versa, both projects collaborated in several areas of focus (please refer to WBS 1202b for more details).

120 Technical assistance in gender-sensitive judicial education institutional strengthening

WBS 1202a Strategic Planning Discussion and Faculty Development Workshop (completed Q1: May 13-14, 2013 Kyiv)

In May 2013, [REDACTED] as well as [REDACTED] facilitated a discussion of strategic and operational planning with the senior management of the NSJ. The Canadian experts drafted the recommendations for discussion in relation to institutional strengthening including the following four thematic areas (for more details please refer to recommendations in the Annex 1):

- *The Role of Judges, Courts and Other Judicial Institutions in Governance* of a judicial education institute and in the design and delivery of educational programs. This theme increases the engagement and support of the judiciary to the NSJ and gives the judiciary a voice in curriculum development at the NSJ which is essential for the relevance and credibility of the School and the quality of its direction, governance and programs.
- *The Organizational Structure and Operations* of a judicial education institute (support teams). This thematic area is focused on the strengthening of support groups at the NSJ established in the first year of JEEG to support judge/trainers as they design and develop judicial education. This thematic

area is essential if judges are to be engaged due to their judicial duties and demands.

- *Curriculum and Course Priority Setting* is required in reaching a consensus on the areas of the educational curriculum to be given priority over the next 3-4 years at NSJ in order to ensure that they have the time and resources to fully commit to building curricula that incorporates experiential, skills-based education alongside education that adopts more traditional educational approaches.
- *Electronic Resources, Communications, and Technology-Based Distance Learning.*

WBS 1202b Introductory Workshop on Judicial Education Institutional Strengthening (completed Q1: May 15-17, 2013, Kyiv)

The *Strengthening of Leadership and Management* of NSJ workshop in May 2013 was designed to provide Ukrainian stakeholders with a better understanding of management approaches and strategic and operational planning, as well as to continue targeted discussions about institutional structural issues and judicial education challenges faced by NSJ. This workshop was prepared and conducted in co-operation with the USAID FAIR Justice project with the objective of enhancing the NSJ leadership and management skills and capacity to conduct an effective strategic planning process that leads to design, implementation and evaluation of judicial education programs.

In the May 2013 workshop on *Strengthening of Leadership and Management of NSJ*, the [REDACTED] delivered comprehensive sessions, relating to areas of greatest need in the institutional setting. These sessions outlined the steps and challenges which NJI (and in NJI's experience other judicial training institutes) have taken in order to create, deliver and sustain quality judicial education including social context and gender equality with particular focus on curriculum development. During the workshop, the plenary discussion of the elements of NSJ's SWOT (Strengths, Weaknesses, Opportunities and Threats) confirmed the analysis, identified the objectives and focus on issues pertaining to curriculum design and delivery.

As a result of this workshop, the NSJ participants were able to: explore effective team building skills; experience a variety of communication strategies; observe and experience team building approaches; understand conflict resolution mechanisms; acquire and learn additional tools for efficient time management; acquire skills and processes for planning. Most importantly, the selected areas targeted for reform were chosen by the partners and were formulated in an Action Plan report. The Action Plan outlines the plans, timelines for development and the establishment of key institutional components (for more details, please refer to the Report on Workshop and Action Plan in Annex 2).

WBS 1202c Introductory Workshop on Judicial Faculty Development Institutional Strengthening (completed Q1: June 5, 2013, Kyiv)

Under the thematic area of *Organizational Structure and Operations* of judicial education institute (support teams), this one-day Faculty Development Workshop for NSJ staff was focused on the strengthening of the support groups at the NSJ to design and develop judicial education (for more details, please refer to Annex 3).

The main purpose of the workshop, delivered by the [REDACTED] was to further deepen the understanding of the skills-based judicial education model and familiarize participants with the tools and techniques in development and delivery of skills based judicial education training programs. The workshop familiarized trainers with the different adult education techniques and methods that can enhance the learning experience. These included the effective conduct of plenary and small group discussions and a demonstration of different methods that increase the skills-based elements of training as well as adding variety and interest to education and training programs. This workshop itself was intended to be a hands-on skills-based course where participants had the opportunity to prepare materials, demonstrate the various adult education techniques and generally develop their own skills in leading experiential and interactive training.

WBS 1202d Workshop on Judicial Faculty Development Institutional Strengthening (completed Q3: November 7-8, 2013, Kyiv)

Continuing with the thematic area of *Organizational Structure and Operations* of judicial education institute (support teams), the expanded two-day Faculty Development Workshop for NSJ staff was delivered by the Honourable Justices Rosenberg, Kelleher and Mr. Chiasson. The workshop focused on the strengthening of the support groups at the NSJ to design and develop judicial education. A hands-on skills-based workshop provided the participants with an opportunity to prepare materials, demonstrate the various techniques and generally develop their

Photo credits to NSJ

own skills in leading experiential training. The main purpose of the workshop was to give trainers additional tools for developing and conducting skills-based education for judges. It provided trainers to many of the different adult education techniques and methods that can enhance the learning experience: effectively conducting plenary and small group discussions and many different methods that are available to add variety and interest to and education and training program (for more details, please refer to Annex 4).

WBS 1210 Preparation for Internship(s) (English language training) (completed Q1, Ukraine)

In preparation for the internship in 2013, two senior NSJ and HQCJU personnel whose roles most closely correspond to the work of core senior positions at the NJI were selected as interns and were provided with language training. Partly as a result of language abilities, the candidates chosen for the internship were:

Prior to language training, both candidates had achieved a certain level of English, and following selection, they were provided with brief and intensive English language training in Ukraine. The language training was to be enable the interns to stay for a longer period in Canada and facilitate their immersion into day-to-day NJI activities, seminars, and meetings.

WBS 1211a Internship(s) (completed Q3: September 15-October 4, 2013, Ottawa and Kingston)

The internship for

, took place at the NJI office in Ottawa as well as NJI's programs in Ottawa and Kingston.

The purpose of the internship was to strengthen the institutional capacity of the NSJ and the HQCJU (as it pertains to judicial education), and in particular:

- Demonstrate how a judicial education institute (based on the NJI model) remains actively involved with judiciary and develops its own staff and faculty to keep abreast with the evolving body of knowledge and judicial education methodology;
- Provide the Ukrainian interns an opportunity to observe the operations of NJI and the work of NJI personnel in preparation of courses and programs for the Canadian judiciary;
- Demonstrate how a judicial education institute (based on the NJI model) works with courts to assist them in specific education requests – “court requested programming”.

The internship was designed to follow the Action Plan produced in May 2013 (under WBS 1202b and referenced in the Annex 2). The design of the internship program was focused on key thematic areas: (i) the role of judges, courts and other judicial institutions in governance of judicial education institute (based on NJI model) and in the design and delivery of educational programs; (ii) curriculum and course priority setting; (iii) organizational structure of judicial education institute; (iv) electronic resources, communications and distance learning.

At the NJI office, the interns had productive meetings with NJI's department and were also placed at various times with different NJI staff including Senior Advisors and Project Managers to observe the NJI's processes and procedures of the development and delivery of judicial education in Canada. Thus, the interns had a unique opportunity to observe the work of NJI personnel in preparation of courses for Canadian judiciary (for more details, please see the internship agenda in Annex 5).

The interns were also engaged on the integration of gender equality and social context at the institutional and at the programming level including reviewing materials, methodologies and planning and design processes as well as policy and administrative matters, all of which are relevant in terms of the present and future growth of the NSJ. Exposure to some of the issues was relatively new for the interns and was deemed useful by them as they committed to raising elements of NJI practice to senior personnel of the NSJ in light of their learning. This is considered a small but positive step given both interns are well established but still relatively early in their careers at the partner organizations and are anticipated to have an impact on its continuing development.

The interns also participated in two types of NJI programs: a *national* program on Judicial Faculty Development and a *court-requested* program for federal courts (for more details, please see agendas of these programs in Annexes 6 and 7). The Judicial Faculty Development program covered areas such as adult education principles, teaching and learning principles, the development of sessions and programs, and tools and materials for teaching.

Among the topics covered during the internship at the Judicial Faculty Development program a particular emphasis was given to adult education, for example:

- the principles of 'learning style preferences' to judicial education design and instruction (Kolb Learning Style Inventory);
- the principles of teaching style preferences (Zinn Inventory);
- the principles of adult education and the characteristics of adult learners;
- the concept of instructional strategy, and its application into the selection and sequencing of learning activities when designing a program, session or teaching segment ;
- the application of adult learning theories to planning design and delivery of judicial education sessions;
- the design of effective small group learning sessions (size, purpose, task) including designing learning activities (problems, scenarios, practice tasks) and using instructional techniques to strengthen the learning format (flip chart and placement techniques);

- the effective facilitation of small groups; and
- the effective facilitation of large group (plenary) learning including various techniques for debriefing and reporting back (LCD projection, mind-mapping) and fostering transfer of learning back to court.

An important result of this activity was the preparation by the interns of written recommendations for institutional strengthening of their respective organizations covering the thematic areas outlined in the Action Plan (for more details, please see draft written recommendations in Annex 8).

WBS 1211b NSJ Visit to the International Conference of the Training of the Judiciary Washington (completed Q3: November 3-7, 2013, Washington D.C.)

From November 3-7, 2013 the [REDACTED]

[REDACTED] visited Washington for the International Conference of the Training of the Judiciary. The IOJT was created in 2002 in order to promote the rule of law by supporting the work of judicial training institutes around the world. IOJT facilitates cooperation and the exchange of information and knowledge among its member-institutes. IOJT has to date 107 members from 66 countries.

The goal of the visit was to continue work on the institutional strengthening component of the JEEG through attendance at the conference and through consultation with other judicial education institutes. (For the details of the Program, please see Annex 9). This conference in Washington, D.C., was another excellent opportunity to learn from one another, to share innovative approaches, and to strengthen the network of judicial educators, experts, and other leaders in the field. Also, the NSJ representatives had an opportunity to hear from senior management and senior advisors of NJI and be a part of joint sessions with [REDACTED]

WBS 1222 Workshop on the Role of Judges in Judicial Education (scheduled to Q4, Kyiv; postponed)

Under the thematic area of *Role of Judges, Courts and Other Judicial Institutions in Governance* of judicial education institute and design and delivery of educational programs, a workshop was planned for the Coordinative Judicial Council of Ukraine, (about 40 Chief Justices of the Appeal courts of Ukraine). The workshop's objective was to increase the engagement and support of the judiciary to the NSJ and give the judiciary a voice in curriculum development at the NSJ. In particular, the workshop was designed to: discuss the existing JEEG project and examine future possibilities especially in light of Rector Onischuk's tenure as the head of the NSJ; explore in a comparative fashion the operation of the two schools as institutes delivering education for judges and, specifically, the role of the heads of those institutions with national judiciaries, the courts and the functioning of the Institutes themselves; examine key lessons learned by NJI as it grew as a judicial training institution;

continue meeting on subject of the role of Appeal Courts in providing education to judges in the courts below. The activity is postponed as a direct result of the political crisis in Ukraine in the last quarter of this reporting period.

WBS 1223 Networking with relevant non-partner stakeholders including gender-related organizations (ongoing, Kyiv)

During the April 2013 mission in Kyiv, the [REDACTED]

[REDACTED] exchanged knowledge and perspectives as well as information about the project with relevant non-partner stakeholders including the Council of Europe (CoE), OSCE, PACT-Uniter, Rozrada Centre, the US AID MSI Legal Aid project, and La Strada who have led gender equality-related education programs for judges, and the Ukrainian Women's Fund. A communication network was initiated with selected organizations, judges committed to GE, and other stakeholders to promote the GE component of the project. Since June, the project has continued to be in touch with donor and project representatives in order to ensure continued complementarity between projects and has also remained in touch with other organizations in order to follow up on discussions undertaken in the summer.

An additional unanticipated result occurring in the period of the development of the Courtroom Management model (see WBS 2330 below) was the drafting of an analytical article by the Ukrainian Gender Advisor on the work of judges in ensuring a gender-sensitive courtroom management approach. The article also examined the broad issue of gender equality in order to debunk some of the entrenched assumptions that exist among judges in Ukraine.

130 Distance education mechanisms implemented in NSJ central and regional offices

In-person discussion that took place during the first year of the project as well as the subsequent review of Canadian distance learning approaches and existing distance learning opportunities in Ukraine (which include: CoE distance learning course on the European Convention on Family Law, USAID FAIR project initiatives to conduct online training, the SIDA pilot course on communications, as well as initiatives of the Association of Judges network of 25 appellate courts to handle questions on decisions of European Courts) enabled partners to further determine likely approaches for the implementation of distance learning under the NSJ over the term of the project. In relation to this output, the partners will look at integrating project work at NSJ Lviv and Odesa regional branches. In relation to this output as well, it is important to continue close coordination with other projects working in distance such as US AID FAIR to maximize resources and synergy.

WBS 1330 Familiarization with Ukrainian environment to support institutional models and methodological frameworks relating to adult distance education (May 2013, Kyiv-Lviv)

During the WBS 1202a&b technical exchange to Ukraine, discussion of institutional frameworks and methodology relating to adult distance education with NSJ senior management was led by [REDACTED] together with the project team collected relevant information from the courts and NSJ regional branches in Lviv and Odesa and prepared a report and roadmap for the next steps of the project in distance learning (for more details, please refer to the report in Annex 10).

The partners suggested and agreed on the piloting of distance learning courses on a MOODLE platform in a joint effort with USAID FAIR project. While the FAIR project undertakes the Judicial Ethics course, JEEG will develop the Courtroom Management distance learning version once its face-to-face course have been developed under WBS 2113. The distance learning course in Courtroom management will replicate its face-to-face version. The idea is to develop the parts that complement each other in cost-effective and time-saving fashion. The [REDACTED] are now part of the face-to-face Courtroom Management team to adapt it to a Distance Learning version.

140 Institutional research and analytical support

In part to ensure that the areas of institutional strengthening assistance are carefully selected by the project partners, and in part to enhance institutional capacity to gather, assess and apply relevant institutional research and data to processes and systems implemented by the institutional partners, the project continues to support ongoing research, consultation and analysis relating to institutional strengthening, including consideration and integration where possible of gender equality principles within institutional strengthening measures. [REDACTED]

[REDACTED] led the identification, analysis and determination of areas for research, consultation and analysis as required for gender equality integration in institutional strengthening plans.

WBS 1410 Research on statistical data gathering in EU states and states in the region surrounding Ukraine (Q1, Q4)

Research was undertaken in the spring of 2013 on the existence of statistics, gathering systems and methodologies across specific EU states, and meanwhile efforts were made to gather information as to current data collection systems in place in Ukraine. A brief review was made to identify any existing processes in Canada/U.S. and other northern jurisdictions globally, so as to examine the feasibility of implementing a court statistics sampling exercise in which gender disaggregated data

in particular is gathered, and solicit the interest of the NSJ and JEEG partnering courts in pursuing this approach, in support of identifying shortfalls in GE within the courts in mutually agreed areas that have proven useful in terms of evaluating access to justice in other countries. Given the sensitivity of the current situation in Ukraine, there is a possibility of misperception around the exercise of data gathering from within courts, and JEEG is therefore moving forward cautiously with this component.

WBS 1411 Collation of information on Canadian institutional development relating to gender equality with focus on NJI (Q1)

The NJI's own human resource and institutional policies relating to gender equality and social equity (including in relation to entitlements, discrimination and harassment policies), as well as those of two other organizations, were reviewed and collated in order to assist and guide the Ukrainian gender expert and NSJ in the examination of the NSJ's own GE-related policy framework in the context of institutional strengthening efforts. The exercise assisted in expanding local appreciation of the extent of attention given to social equity in the construction of government and non-government institutional frameworks.

IMMEDIATE OUTCOME 2: STRENGTHENED CAPACITY OF THE NSJ TO DEVELOP AND DELIVER SKILLS-BASED, GENDER AND SOCIAL CONTEXT-SENSITIVE, AND BUSINESS-RELATED EDUCATION TO 5-YEAR TERM AND PERMANENT JUDGES

Component 2 aims to strengthen the capacity of NSJ to develop and deliver skills-based, gender and social context-sensitive and business-related education primarily to permanent judges of the Commercial Courts, Administrative Courts and Courts of General Jurisdiction all of which hear and decide disputes between business litigants. JEEG is to ultimately equip judge trainers, NSJ staff and faculty judges, to design curricula, plan and develop courses incorporating best practices in education development, lead small group exercises, create model fact situations for training purposes, create videos and other learning tools, and generally use a variety of adult learning techniques. The project develops curricula and courses in a sustainable manner, assessing carefully the potential and relevance of a subject area that could be integrated into the annual two-week courses delivered by the NSJ¹, particularly the annual two week mandatory training.

Using these skills, trainers design practical interactive education courses for judges assigned to Commercial, Administrative and Courts of General Jurisdiction (the

¹ Most donors in Ukraine develop courses that are delivered over a one- or two- day timeframe.

project targets judges of general courts who hear and decide business-related civil cases in the General courts).

JEEG provides familiarization and opportunities for exchange and development of recommendations relating to integrating gender equality and social context within the development of faculty capacity, systems and processes for designing and delivering judicial education (including faculty development or training of trainer) programming; and relating to actual judicial education content delivered to judges by the NSJ. Efforts are made to ensure that gender equality and social context issues are considered and integrated where possible into the new courses in development in this fiscal year, under JEEG.

210 Curriculum covering competency in judicial skills, and general, civil, administrative, and commercial matters, prepared and training courses designed

The first cycle of the training of trainers and course development (by the Ukrainian core trainers, with Canadian support) was initiated in the first fiscal year, with trainers identified in two subject areas. This first cycle (of three cycles in the project) of training of trainers and course development extends through the second fiscal year.

The first two subject areas for course development were piloted in the second half of the 2013-2014 FY period: (i) property rights, in particular relating to land issues, and (ii) the judicial skill-set relating to statutory interpretation. Because of the relevance of these subject areas across courts, core trainers including judges of all target courts are participating in the development and delivery of the courses, thus disseminating learning across a wider sphere; and also enabling dialogue and learning opportunities between the jurisdictions of different courts.

During the second fiscal year, the project focused its efforts in building a highly qualified corps of trainers including staff at NSJ (WBS1202b and WBS 1212) and judges.

WBS 2101 Peer-to-peer consultations and preparation for faculty and course development (Q1-Q2, Kyiv, Ottawa)

The Canadian and Ukrainian partners consulted each other in order to clarify and ensure agreement on the goals and methodology of the development of the courses including in relation to the training of trainers and their development of courses (vital to the project's sustainability strategy) under Cycle 1. As mentioned in preceding paragraphs, Ukrainian core trainer groups continue to develop courses on property rights and statutory interpretation (with Canadian facilitation) and are to deliver the courses in both of the subject areas under Cycle 1.

WBS 2113a Course development with Ukrainian Core Trainers in Property Rights (Land Law) for all courts (completed Q1: June 20-21 2013, Kyiv)

The topic of Property Rights was selected on the basis of its importance and its relevance to most judges. Property issues arise in civil, commercial, and administrative courts and across many business and economic matters. Ukraine has experienced a vast transformation as a post-socialist system and in its transition to a European style of civil law, has embraced a western property law framework. Nevertheless at the level of the judiciary, the application of property laws continues to be fragmented and inconsistent, and judges require substantive and skills-oriented education in the area of land and property use and rights, and interpretation and application of the current body of laws relating to this subject area.

The technical exchange program in Kyiv was the second meeting of the core trainers (not including the interim meetings that took place without Canadian expert participation). The program continued the development of skills-based, experiential courses in Property Rights with a focus on land law. The group of core trainers, totaling 7 Ukrainian experts, were involved in further refining of the agendas for the course, as well as further developing materials and developing new modules. The workshop and working sessions were led and managed by the NJI team including the [REDACTED] with teaching and mentoring as required. In particular, Ukrainian and Canadian experts developed the following modules in this workshop:

Module 1 *Acquisition of Rights to Land by Citizens and Legal Entities* including production of the materials such as the *Framework for Granting State-Owned and Communal Lands to Individuals and Legal Entities*.

Module 2 *Transfer of Land Rights* dealing with the extent of jurisdictional separation issues, identification of parties to the claim, the grounds of gaining the land plot, procedural laws and legislation application.

Module 3 *Legal Framework for Land Lease in Ukraine* includes 4 subtopics: (i) Basic Provisions. Jurisdiction (Territorial and Subject Matter) of Land Lease Cases; (ii) Grounds for citizens and legal entities to acquire land use rights; (iii) Amending the Terms of Land Leases. Extending Land Leases; (iv) Compensation of Damages Suffered by Land Users.

An unintended result of this technical exchange was the creation of an opportunity to bring judges of different jurisdictions together and have a fruitful discussion on the rationale for separate land law courses for each of the specialized courts. While the need to develop separate courses for each jurisdiction had been agreed upon, judges

had an opportunity to discuss challenges faced by each jurisdiction. It is not common for the courts of different jurisdictions to have opportunities to work together.

WBS 2113b Course development with Ukrainian Core Trainers in Statutory Interpretation (completed Q1: June 3-4 2013, Kyiv)

It is important to note at the outset, the importance of statutory interpretation to the jurisprudence of Ukraine. In Ukraine, the legacy of soviet legal education processes has resulted in a continued lack of practical research, study, or instruction in the area of interpretation of codified laws which today constitute the core of Ukrainian law (with case law commonly applied in support of statutory law). The skill of statutory interpretation is essential and central to all areas of law and is considered paramount in strengthening the fairness, clarity and consistency applied to the adjudication of cases. Law students, lawyers and judges do not learn how to interpret statutes which is a major shortcoming of the justice system of Ukraine.

The technical exchange program in Kyiv was the second meeting of the core trainers with Canadian faculty (not including the interim meetings that took place without Canadian expert participation). The program continued with the development of skills-based experiential course in statutory interpretation. The group of core trainers, totaling 22 Ukrainian experts, were involved in further refining the agendas for the course, developing materials and developing new modules. The workshop and working sessions were led and managed by the NJI team including the [REDACTED] as well as the JEEG project local team.

The course development in this subject matter of statutory interpretation is facing several challenges. First, the lack of comprehensive education programming in this area means that judges are not well equipped to make clear and consistent determinations in decisions. Second, while new theoretical academic approaches could help Ukraine to establish better education programming in Statutory Interpretation, Ukrainian *judges* wish to focus on practical, skills-focused elements of statutory interpretation. The *academics* in the team selected by partner organizations wish to continue the development of theoretical bases though the state of theory in Ukraine. Thus, the development of the statutory interpretation course has been challenging with these two perspectives at play. After this exchange there was agreement that in order to move forward, JEEG prioritized the development of skills of experiential model of judicial education for the core trainers working in the area of statutory interpretation.

WBS 2113c Course development with Ukrainian Core Trainers in Property Rights (Land Law) for Administrative Courts (completed Q1: June 25-26 2013, Odesa)

The technical exchange program in Odesa was the first workshop in the development of skills-based experiential course in Land Law for Administrative Courts. The group of core trainers, totaling 10 Ukrainian experts, were involved in introduction sessions led and managed by the NJI team including the [REDACTED] as well as JEEG project local team. During the working sessions, Ukrainian and Canadian experts discussed the need for the following modules:

Module 1 *Jurisdiction Issues in Land Disputes* aimed at developing the skills of judges in the determination of the jurisdiction of a claim which judge receives for consideration.

Module 2 *Procedural Issues in Land Disputes* aimed at providing judges with knowledge and skills in procedural issues of land law dispute consideration in administrative court including: the determination of parties including the role of the state and governmental agencies, the role of the prosecutor, and emerging issues of precedence; procedural time framework; available remedies including rights to remedy, categories of administrative claims (types of remedies), the authority of court, the delineation of authority of governmental agency in accordance with Code of Administrative Proceedings.

Module 3 *Particularities of Disputes on State/Communal Property* aimed at giving judges knowledge and skills on the application of legislation and the resolution of disputes on the acquisition of different types of land in different areas: the resolution of disputes on providing rights on the land depending on the category of land by purpose; zoning; changes to the targeted usage of land; competing claims for land, including rights of displaced persons, Crimean Tatars, families of many children etc.

Module 4 *Protection/ Damage to Land* deals with disputes related to the contamination of the land and compensation for damage for certain usage.

Module 5 *Suspension of the rights on the land/ alienation* aimed at the resolution of disputes and decision-making on the alienation of land plots: resolution of disputes on the expropriation of land for public needs, the sensitivity of issues on rights to property, judgments of the European Court on Human Rights (e.g. Bulgaria case related to moving Roma community – proportionality principle test); particularities of the resolution of disputes on suspension rights on the land depending on the category of land.

Module 6 *Taxation and Evaluation of the Land* on the claims regarding taxation of the land and evaluation of the land cost.

The core trainers decided to focus on the development of materials for Modules 3 – 6 and build on the materials developed under WBS 2113a for Modules 1-2 to avoid any duplication of efforts.

WBS 2113d Course development with Ukrainian Core Trainers in Courtroom Management (completed Q1: June 6-7 2013, Kyiv)

The technical exchange program in Kyiv initiated the development of skills-based experiential course in courtroom management. The group of core trainers, totaling 12 Ukrainian experts, was involved in the first introductory workshop led and managed by the NJI team including the [REDACTED] as well as the JEEG project local team.

After an introduction to the methodology of skills-based education, the discussion of the Courtroom management issues took place including: the nature of the course, the possible structure and the target group. It was agreed that the target group for this course is the newly appointed judges. As well, the core trainers discussed the recycling of particular parts of the course developed under the previous Canada-Ukraine Judicial Cooperation project (with the Academy of Judges of Ukraine).

The core trainers then compiled the list of core competencies of the newly appointed judge including the following: the role of the judge in proceedings, communications skills, tolerance and respectfulness to parties and representatives, ability to control parties, the ability to demonstrate proper and ethical behavior, ability to analyze information and exclude irrelevant information (analysis of evidence in the case), the ability to identify subject, aim and grounds for claim, admissibility of the claim and supporting documents, preparedness to resolve conflicts, to deal with non-standard situations emerging in the courtroom, the ability to conduct a hearing in compliance with procedural norms, the ability to explain the parties their rights, and time management.

The following modules were selected for further development; some modules simply needed revisions of the earlier versions developed with the Academy of Judges of Ukraine:

Module 1 *Organization and Preparation of a Hearing* aimed at providing judges with knowledge and skills on the preparation of trials and the conduct of preliminary hearings if necessary.

Module 2 *Conducting a Hearing: Communication with Parties* aimed at skills development in the organization of hearings and the step-by-step conduct of hearing, keeping order in the courtroom as well as skills of communication with different types of parties including those who are not represented by council.

Module 3 *Particularities of Conducting Hearing* focusing on mass media and technical equipment aimed at the development of skills of courtroom management with the presence of mass media as well as the use of cameras and other technical equipment for video and audio recording.

Module 4 *Conducting a Hearing in the Framework of the Claim* aimed at the development of skills to keep parties and the hearing within the scope of a claim.

Module 5 *Announcement of Judgment* aimed at the development of skills on the reading/announcement of judgments, including the issues of interruption of judgment announcements in large and complex cases.

WBS 2113f Course development with Ukrainian Core Trainers in Courtroom Management (completed Q3: November 4-6 2013, Kyiv)

From November 4-6, 2013, a technical exchange program in Kyiv was conducted on the development of skills-based, experiential courses in Courtroom Management. A group of Ukrainian core trainers, totaling 15 expert faculty, was involved in the further refinement of agendas for each model course and in the development of materials and new modules. The program was led and managed by the NJI team including the

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All five modules (discussed under WBS 2113e) were further developed by Ukrainian core trainers. The video production was discussed. shared NJI experience in this field and explained in detail, the step-by-step procedure of video production. explained to developers and support group members possibilities of the on-line course in courtroom management and procedure of development of such course (For more details, please refer to Annex 11).

WBS 2114a Model Course Delivery: Ukrainian Core Trainers deliver course in Land Law (completed Q3: November 25-29 2013, Kyiv)

From November 25-29, 2013, another technical exchange program in Lviv was conducted on the development of skills-based, experiential course in Generic Land

Law. A group of Ukrainian core trainers, totaling 15 expert faculty, was involved in finalizing of the agendas and piloting of this course by 11 Ukrainian judge-trainers to 16 Ukrainian judge-trainees. The first day of the program – a preliminary session – was led and managed by the NJI team including the [REDACTED] [REDACTED] on November 25th. The Ukrainian core trainers discussed their plans for teaching and the course agenda and shared their concerns with Canadian experts. Of particular note was the discussion on gender led by [REDACTED]. There was a twofold dynamic in regards to the discussion of gender issues that relate to land law cases. While in general, the judges-trainers didn't think that gender is an issue in Land Law (contrary to labor and family law), at the same time, judges raised other social context issues that they thought were of greater importance, for example, differences in disputes in rural village and in city areas, and problems that relate to Crimean Tatars.

On November 26th, in the introductory remarks to the piloting of the two modules of the Land Law course, the [REDACTED] stressed the importance of skills-based judicial education. Ukrainian core trainers for the two following days led the modules. For the structure and description of the course piloted, please refer to WBS 22113a. At the end of piloting, judge-trainees and Canadian faculty provided the core trainers with feedback (for the details of the program piloted, please refer to Annex 12).

In general, the course was very well received and evaluated by the trainees.

230 Development, integration of gender and social context issues and standalone gender modules into new NSJ courses and training of core trainers

Gender Equality (GE) continues to be emphasized as a necessary element of all training initiatives. The last Annual Report documented and explained some of the challenges to gender equality in JEEG. Progress is being made albeit slowly. In this reporting period, research and analysis were undertaken in relation to GE considerations including the prevalence of GE programming across Europe; project personnel and experts were provided continuing training in GE; the Ukrainian Gender Advisor was oriented to GE in the Canadian judicial education setting; efforts were made to initiate the development of a standalone course on GE; and relevant GE and social context matters were integrated within model course content where appropriate.

WBS 2302 Project participation in gender training (Q2, Ottawa)

Project personnel including the NSJ's gender advisor [REDACTED] and the Canadian gender expert, participated in a Gender Training Workshop facilitated by Mosaic International in Ottawa, July 15-19, 2013. Learning acquired during the

training was subsequently reviewed in relation to the work of the project. The face-to-face time between the GE team members including the Project Director and Manager enabled continued elaboration of workplan aims and enhanced understanding of cultural variances including historical contexts, use of language and emerging/changing definitions and assumptions, that have been discussed with other project staff over the course of this reporting period. This understanding was important to the larger project in ensuring the continued sensitive communication of ideas and strategies in relation to GE and social context.

WBS 2303 Direct familiarization of NSJ gender expert with NJI education methodology and its institutional development in relation to gender equality issues (July 2013, Ottawa)

Through the course of a three day orientation, the Ukrainian Gender Advisor was provided greater exposure to the NJI's GE-related and institutional framework and education programming, including new and upcoming issues that the institution is tackling in relation to GE, and to the practical application of social context principles through observation of court hearings in sensitive subject areas (mental health and child abuse). [REDACTED] met with NJI personnel on NJI's electronic benchbooks (including benchbooks on domestic violence) and convened with the project gender team on institutional policies relevant to GE and short-term planning issues. [REDACTED]

[REDACTED] with members of the Canadian team, was able to interact with [REDACTED] and at the NJI, the evolution of GE in Canada and Ukraine, continuing differences among judges and other judicial experts in relation to social equality issues and approaches used in communicating with and engaging judges on contentious subjects. [REDACTED] also spoke with [REDACTED] and the Canadian team about the development and design of social context courses utilizing judges' leadership and input.

WBS 2310 Gender-related data collection, research, and analysis of trends and issues in Ukraine, approaches in Canada, and related education needs at NSJ (Q1, 2, 4), (Ukraine and Canada)

Research and analysis were undertaken across several components in relation to GE, in particular, considerations arising in the context of Ukrainian land law and property law frameworks. Given some paucity of Ukrainian-sourced GE-related research in these areas, questions raised in other states and regions on these subjects were also examined from a Ukrainian legal perspective. Second, the project researched the integration of gender equality into judicial education programs across key EU countries and other states in the region surrounding Ukraine in order to provide a comparative basis for the Ukrainian context and promote further advances in integrating GE in programs. Research was relatively successful and determined that many jurisdictions across Western and Eastern Europe are developing and

implementing programs relating to gender and social equality across a number of subject areas in order to sensitize judges to their larger social environments. Information culled was shared with judicial experts and judges taking part in the project so as to strengthen their knowledge of the broader context of socially-oriented judicial education in their efforts to promote it in Ukraine. Third, as noted above at WBS 1410, research efforts were made to determine the presence and scope of efforts underway to collect and apply gender-disaggregated statistics in North America, Europe and other jurisdictions globally so as to determine the possibility of moving forward with a sampling exercise in Ukraine. Finally, a questionnaire was drafted and distributed to approximately 100 Ukrainian judges in which their views on GE were solicited, providing greater understanding to project team members in both Canada and Ukraine as to assumptions and stereotypes that could be addressed going forward. .

WBS 2320 Implement standalone gender equality workshops

The Canadian Project and expert team with the assistance of the Ukrainian Gender Advisor held a half-day Roundtable on June 21, 2013 (in the context of the June exchange, 2113B) in Kyiv, in which project personnel, GE experts, Canadian and Ukrainian judges committed to GE, representatives of civil society organizations (La Strada, Rozrada, and Women's Fund in particular), the International Organization for Migration and other judicial officials finalized the selection of the topic of labour and employment matters for a first standalone GE course, shared national experiences in the evolution of judicial approaches in those areas, and brainstormed some of the key gaps in knowledge and skills that require attention in this area. The civil society representatives raised issues in their organizational areas of expertise including categories of women who face challenges entering the labour force, sexual harassment in the workplace, access and use of land plots, shortfalls in the practical application of benefits legislation, and the lack of utilization of courts by many women for gender- or social rights-related matters. The Honourable Justice Sheila Greckol facilitated the Roundtable, which proved productive in establishing a positive foundation for future interaction between the NSJ and civil society.

The Canadian team also spent time during the mission dialoguing with the NSJ including with [REDACTED] who is included in all planning at the NSJ. The time spent with senior personnel and experts of the NSJ assisted in further isolating issues that could be raised in the standalone course and reviewing recommendations raised by the Roundtable.

WBS 2330 Consideration and input/integration where appropriate of gender equality and social context into judicial education courses (Q3-4, Ukraine and Canada)

During course design and development exercises implemented in this period, the Ukrainian counterparts were responsive to and participated in efforts to integrate relevant GE and social context matters into course content. In relation to the Courtroom Management model course, training included consideration of the child's perspectives where a hearing or case involves a child, as well as the development of judges' abilities to communicate with different types of people including persons with special needs and varying social or socioeconomic backgrounds and to respond impartially and with sensitivity to parties potentially involved in domestic violence.

In relation to the Administrative Land Law model course, the Canadian judicial team initiated a GE session through an examination of broad gender considerations relevant to the issues and sub-issues that make up the course content. A Ukrainian judge led a discussion of the use of poetry and other creative mechanisms in drawing the interest and participation of judges into social/GE discussions. The training plan has integrated the application of social criteria in adjudicating competing claims for land, including, where applicable, the rights of displaced persons, Crimean Tatars, families having many children and other socially marginalized or disadvantaged demographics.

Also in the context of development of the Generic Land Law Dispute Resolution model course, a presentation was delivered on Gender Equality and Law in Canada by the [REDACTED]. The presentation triggered a productive discussion of contextual variances between Canada and Ukraine and was followed by a facilitated session on GE issues in Ukraine. The Ukrainian judges discussed Ukrainian matrimonial law in relation to property and land rights as well as division of business assets. The related legal frameworks are advanced compared with many other countries, and it was considered among the Ukrainian judges that these could be raised in the context of trainings to draw attention to Ukraine's strengths in GE and areas for possible improvement in the application of law. Other areas under this course subject were also touched on including the challenges women litigants face in accessing justice both in Canada and Ukraine, in Ukraine's instance owing to the lack of rights awareness or legal literacy among many (particularly rurally-based) women and among vulnerable social groups in general. Women in rural areas typically face other difficulties such as the lack of property registration, which has favoured male heads of households and precluded the fair division of property. [REDACTED] favoured integrating the most prominent issues (underlining both strengths and weaknesses) into course development to draw attention to GE in the judicial training context.

IMMEDIATE OUTCOME 3: IMPROVED CAPACITY OF SELECTED PILOT COURTS IN
THE OBLASTS OF IVANO-FRANKIVSK AND ODESA TO HANDLE COMMERCIAL
CASES AND BY MEANS OF PILOTING JUDICIAL PRETRIAL SETTLEMENT
MECHANISMS

Background

Throughout the 2013/14 FY, the project held a number of JADR Working Group Meetings; conducted two training sessions on JADR for judges and lawyers; held workshops with the process participants (lawyers, government agencies, business community and the public); held press conferences for local media outlets; drafted outreach information; developed training-reference materials for the JADR process participants; and, together with the local JADR expert, reviewed the pilot interim results and commenced drafting recommendations for the consideration of the legislative authorities.

A detailed account of the activities for the period of April to the beginning of October was provided in the semi-annual project report submitted in November 2013. The account below describes the activities that took place in the second half of the 2013-2014 fiscal year.

- 320 Historical system for handling commercial disputes analyzed and recommendations made for system-wide integration of judicial pre-trial settlement mechanisms in the court process

WBS 3201 Drafting and planning meeting on the recommendations for the institutionalization of judicial settlement conferencing

Meeting of the Working Group on Judicially Assisted Dispute Resolution

Lviv, October 4-5, 2013

The objective of the meeting was to get updates from the four pilot courts, and discuss the integration of judicially assisted dispute resolution within the Ukrainian legislative framework. Another objective of the meeting was to commence discussing recommendations for legislative changes. (Please refer to *Annex 13* for the full program of the visit, including detailed meetings and workshop agendas.)

_____ opened the meeting, stating that the process was not super successful but was nevertheless showing good results. He advised that he had recently made a presentation on this component of the project at a recent judicial forum, and had received very good feedback from the jurists in attendance. To him, this meant there would be good support for this procedure to be enrooted in the Ukrainian court practices.

██████████ also spoke about the challenges. Among these, he advised of a few media sessions at which state organizations were invited (city authorities, migration, taxation, etc.) and, while they all understood and accepted the beneficial side of judge assisted dispute resolution, they stumbled with the practical realization of it. Despite all the obstacles, however, progress was being made and ██████████ believed the pilot to have had a very successful start.

Success could be measured by looking at the experience of other projects involving mediation. Current Ukrainian partners consider the Canadian experience much better, because the JADR procedure is free and does not require the use of a mediator. Moreover, JADR fits well with the responsibility and even the obligation of a judge to try and resolve conflict.

The Polish experience was studied but it was found that their approach was very relaxed and drawn out. There, the process, once started, can be delayed and diverted private mediation, and only then might the court make another attempt to resolve it. In Ukraine, however, we have to operate within the timeframe set by the legislation, which, according to the European Commission, are very reasonable for civil cases. Thus, in ██████████ opinion, the timeframes should not be creating issues in this process.

██████████ described their experience with the pilot project, stating that since its start on May 15, 2013, the work had gone much better than expected. While the judges always had as an objective the resolution/settlement of cases in an expedited manner, the quality of the work within the pilot project was improved. Pamphlets were distributed to inform the public of the procedure, and those who had an interest in trying to settle their disputes in this fashion (attempted settlement conference with a judge) took the time to think through their positions and to come up with a possible compromise. This approach allows people to not only leave with a settlement agreement, but to actually resolve their differences. In the JADR process, a judge can point to the weaknesses in a party's case and some even decide to abandon the case. In fact, this constituted the biggest percentage of cases. In other cases, parties dropped some dispute points (or demands) when they understood their position was untenable or weak from a legal perspective.

Family law cases, division of property cases, and other such cases involving individuals, in general, fall in the category of those that can often be settled. However, banks loans or the person is responsible for compensation. Commercial type cases, including, for example, bank loans, did not seem to be as flexible for compromised resolution, although, in debt recovery cases, companies' legal officers would often concede to the judge that they were interested in an expedited resolution that would provide them some compensation rather than a long and protracted process that may or may not provide them full compensation in the future.

The judges of the court adopted the practice whereby after trying to settle a case, they would share with other judges the techniques used in the process and discuss their

experience. This provided a good forum for judicial self-improvement. The judges noted that the parties appeared to truly appreciate the level of attention judges engaged in the process were giving their cases. On the other hand, lawyers were more unpredictable, in part because they vary in professional quality and their profession is not well organized. Many of the good lawyers saw the benefits of this procedure and are interested in quick case resolution.

The media was instrumental in getting the message out and, once the Court published information on JADR, inquiries about the procedure quickly followed.

The experience so far has led to some interesting observations. Among these, is the one that results from the fact the procedure was very successful in cases involving a party not represented by legal counsel. This reveals that the public places more trust in judges than in lawyers. In the same vein, it should be noted that when the Court had taken part in a European project where the judges had tried to divert cases to mediation, most of the cases were eventually returned to the Court. This seems to indicate that people want their cases considered by a judge as opposed to a third party.

The assistant clerk of the court helps the general public with the process by providing the necessary explanations and information. The information has now been broadly disseminated and there is now general awareness.

indicated that from May to September 2013, 195 settlement conferences were conducted in Ivano-Frankivsk. Eight judges at the Court participate in settlement conferences. In contract cases, 36 cases were left with no review because the parties reached compromises, and in 10 cases the applications were withdrawn. In family cases – 39 stayed proceedings, 56 closed and in 2 cases there was a partial settlement. gave other examples, in general indicating that the settlement conferences were having a beneficial impact.

Two particular recommendations were made:

- Additional assistance should be given for the development of judicial skills in conducting settlement conferences.
- More information exchange.

noted the Court had already made some recommendations on the procedure and forwarded them to

also advised the pilot project had begun on May 15 as scheduled. At the time of the meeting, the Court was four months into the experiment but three of these had been vacation months. Nevertheless, in that time, 23 cases had settled, whereas only 14 cases had settled in the full 12-month period. This was a clear indication settlement conferences were working. Cases that were left without review numbered 129 (whereas last year it had been 109). In some cases, the judges were able to review

the demands of the parties and have them reduce their expectations (i.e. lower alimony, fine in credit related matters, fines, etc.).

Suggestions made included the following:

- [REDACTED] suggested that the final recommendations on the project reflect the impact of the judicially assisted pre-trial settlement conferences on the four types of case settlement. It affects all four ways and it would be important to reflect that in our substantiations for the dissemination of the procedure. We would therefore need to indicate why and how the cases settle; and this defines what case settlement is.
- We should ask the State Court Administration to collect statistics for us in all four pilot courts– we need to identify the criteria and then collect the statistics which would indicate this is what was before the project, during and after.
- When we draft recommendations we should propose/recommend to make the JADR mandatory and legally substantiated.
- We have to have methods and skills associated with different types of cases. Different manual for judges to have in place on how to deal with various types cases. The judges should have a bench book to consult.

[REDACTED] opinion, the Court has started to see positive changes. In most cases it is still a judge who initiates a settlement conference, but, in some cases, the parties volunteered on their own. Considering that the judges started working with settlement conferences from a “blank page” (i.e. no previous experience), as well as the fact that, in the four-month pilot period, three months were vacation time, the results shown, i.e. twice as many settlements than in the whole previous year, the Court was making an impressive progress.

He again indicated that additional training in settlement techniques is required for judges. He noted that:

- The Malynovsky Court had engaged psychologists as well as judges who were involved in mediation. They received training from these specialists. [REDACTED]
- [REDACTED] said that such training will need to continue.
- [REDACTED] also asked Canadian assistance for conducting meetings with the lawyers. The long standing experience from Canada is better received than when the Ukrainian judges talk about a new approach with which they have started experimenting.
- [REDACTED] also asked that the Canadian judges do a TV montage on the advantages of the mediation.

[REDACTED] spoke about a recent multi-stakeholder meeting they have conducted at the Administrative Court. Among the attendees were the First Deputy of the Governor of Odesa, the Head of the City Council, the representatives of the Revenue Office, the representatives of Customs, Head of the Regional Justice [REDACTED] State Inspection Agency, and a representative of the Pension Fund. The

attendees had a long and open discussion. Along with the invitations, the Court had sent out information about judicial settlement conferences. Initially, the attendees were reserved about participating, but the CJ confronted them on the fact they were ordering their legal representatives not to settle. The representatives stated that they were bound by the legislation and, being civil servants, they could not take it upon themselves to do something unless allowed by legislation. It was noted the City Council has legislative authority and could, if it so desires, address this type of issue. The First Deputy suggested the Court explain how the procedure can work to their benefit and, stating that they will consider it.

- [REDACTED] suggested that such multi-stakeholder meeting takes place in Kyiv and that the representatives of the Minister of Internal Affairs, Minister of Finance, Minister of Revenue and Collections be invited for consultations and discussions.

He mentioned the upcoming event with the participation of Canadian judges, and offered that the consultations with representatives of the legal departments of these ministries and agencies would be of great use so that we could get their feedback on the procedure and perhaps find out what might be done to ensure settlements are more fully pursued in administrative cases. It should however be noted that on some of these cases, the state agency is a respondent – for example, cases of employment reinstatement or the payment of compensation, etc. In these cases the state drags the case through the court system for as long as they can in order to avoid paying out the compensation or processing reinstatements, etc. In order cases, where the state is the claimant – for example they need to collect a debt from a person – they say they are unable to give any extension or make other arrangements because the law does not allow.

- [REDACTED] suggested more consultations/awareness raising events be conducted to inform and engage the public and others in the process.

[REDACTED] advised the working group that the draft rules and regulations on the procedure were developed by the Court and approved by the Assembly of Judges of the Court on July 9, 2013. The Court assigned seven judges to do settlement conferences, among which the Chief Judge [REDACTED] and his two deputies. The Court conducted training for the court staff. At the entrance of the court, they provide information for the public. Judges who conduct the settlement conferences take part in the training and meetings for the state agency representatives. By September 2013, the Court had received close to 3,000 cases, of which 135 were closed. Five settlement conferences were attempted and four settled. Among the four was a claim by the public health agency about illegal registration. The Court encouraged them to settle and gave them a time frame of one month within which to settle. It was effectively resolved within that time frame. The Court developed the rules, reference information, as well as a sample claim. The Court however feels that, in case of administrative jurisdiction, the legislation has to be amended by respective

authorities to allow for a more fuller and meaningful application of the settlement procedure.

- [REDACTED] suggested that the project partners start working on informing the public and other stakeholders outside the pilot regions (because some work has already started there) and across the country. He also said it would be good to ask State Court Administration to help start collecting more statistical data. This component of the project is a pilot one. If the pilot is done right, it will hopefully lead to the next phase where the pilot court experience is picked up at the national level and disseminated. The pilot project has to develop clear recommendations on the procedure and how it improves the system.
- [REDACTED] also suggested that, in outreach activities, we target young judges. Other judges in other regions have to be made aware of this practice. It is a rather small detail in the scheme of court processes and procedures, but it has the potential to yield great results and make a significant impact on caseload, reduce the caseload and increase trust in the system.
- [REDACTED] also suggested we devote one issue of the High Qualification Commission magazine to settlement conferences with recommendations for other judges to try the practice in their courts. The theory as well as the practice can be reflected in that issue. With regard to setting out the practical side, sufficient experience has already been gathered.

[REDACTED] thought that Ukraine must absolutely continue with reforming its judicial system and judicial practices. Great inefficiency and mistrust were significant indicators pushing Ukraine towards more robust reforms. While he thought that mediation is a great tool that can help the Ukrainian system, he was of an opinion that the Canadian model of case settlement conferences was more appropriate for Ukraine at the current time. The two practices can of course co-exist.

- [REDACTED] suggested that, in terms, of the administrative cases, settlement should be possible when the essence of a case concerns the physical person and not the public in general. He also said that, in the case of administrative jurisdiction, the triggers of changes would have to come from the top and seep through to the bottom.
- He suggested that, currently, and maybe even with the JADR in place, the timeframe provided for dealing with cases be respected.
- More information about JADR would have to be disseminated, and training of judges must be conducted.

[REDACTED] Addressing the chief judges of the pilot courts and other partners present at the meeting [REDACTED] said that the Canadian experts were impressed by the amount of work accomplished thus far by the Ukrainian partners. He recalled that, in Canada, the settlement procedure was an add-on tool for judges, and not a substitute for other processes. He did say that the bigger picture for these innovative approaches was to improve trust in the system

and increase access to justice. [REDACTED] was interested to get feedback on (1) how the judges felt about conducting the conferences, (2) from the public who participates in the process, and (3) how lawyers felt about the judge led settlement of disputes and whether they were accepting this procedure as a valuable alternative for their clients.

The question about the lawyers' attitude is a difficult one – Most of the cases that settle are those where the parties are unrepresented. The lawyers behave in various ways – there are those who feel this procedure is the right way to try and deal with cases, and there are others who insist cases should be tried. Of course, in administrative cases, we are legal representatives.

[REDACTED] wanted to understand more about how a case, which is not settled, could still go before the same judge, and sought information on the status of peace agreements, such as how these were being enforced and whether they were subject to appeal.

The answer received was that that it was a tricky situation for Ukrainian judges. In settlement conferences as they exist right now, a judge does not tell the parties whether they have a weak or a strong case based on the strength of their argument. Instead a judge explains what would most likely happen in a case like that and would try to lead the parties to find a compromise. A judge could recuse him/herself from a case on the request of a party. There is no examination of facts during these conferences, and it takes about one or two pre-trial sessions to settle a case.

[REDACTED] reminded the meeting that the current procedural code required judges to try and resolve cases at the earliest stage possible. He therefore thought judges should carefully and effectively use the preliminary hearing stage to encourage settlement through an amicable agreement, with compromises on both sides if necessary.

[REDACTED] while agreeing that the procedure should be carefully reflected in the legislation, warned the working group that the recommendations to be developed should not lead to the legislators to overregulate the process. The more detailed the process is described/regulated in the Code, the more a judge's hands would be tied. This would reduce the flexibility of a judge attempting to settle a case and might limit the available techniques.

[REDACTED] explained that at the Malinovsky District Court many lawyers were insisting on hearing the case in point of facts (“po suti”), especially in cases where the property was being split/divided, which implies they were asking for a trial. As for peace agreements, the parties can apply back to the court to enforce these. However, appeals of peace agreements are extremely rare. The intent of a peace agreement is that the case not be appealed. However, in the procedural Code of Ukraine, there is a provision where, if one of the conditions is not met by one of the parties, the case goes back to court.

As opposed to Canadian practice, the court in Ukraine can close a case once obligations under the peace agreement have been set out. If they are not fulfilled, the aggrieved party can go back to the court and reopen the case. When this occurs, the case goes to another judge who conducts a full hearing of the case. At that time, the case is heard in point of fact. This is the only way a party can oblige another to fulfill its part of the bargain. However, again, peace agreements are rarely appealed. With respect to administrative cases, in at least 30% of these, administrative/state agencies lose the case. The legal representatives have instructions from superiors to go to the last instance. Administrative state agencies pay no fees when they go through the court system. In some cases they would delay a case on purpose because, for example, the state has no money to pay compensation to the litigants. Also, if the administrative organ does not appeal the court decision, it is perceived as if there was no objection, and at times some might believe there were bribed not to proceed (i.e. corrupt). Some representatives will go to the extreme appealing the case through all the levels of courts just to show that they are good public servant and they did the very best they could defending the rights of the state.

The members of the Working Group said there should be a way to address this misuse of the system in administrative cases and to forbid the agencies from filing claims that have no chance of being upheld. Also, there is a provision in the administrative code that allows settlements. Therefore, state admin bodies should not be hiding behind the statement that they are abiding by the law. When drafting recommendations, the Group would need to consider whether to regulate the procedure through the Code or the Normative Act, as well as whether there is a need to address both civil and administrative Codes, since the Admin Code is a rather recent one and seems to be more progressive than the civil code of procedures. This may have to be considered when approaching legislators with the request to review the Codes.

██████████ pointed out that the project constitutes a great effort toward making sure the justice system in Ukraine improves. He was certain that, if the courts get more cases resolved through settlement (peace agreements), it would built greater trust in the system. Currently, there are 5 million cases that are being reviewed or appealed. It is believed that the number of those where the decision is illegal, i.e. where the judge overstepped his/her boundaries or was plainly incorrect, is only in the double digits. Even if an assumption were made that this number rises in the triple digits, this still means that millions of perfectly fine, good and fair decisions are being appealed. It is important that we see this procedure implemented in Ukrainian courts. He suggested that the Working Group sets short-term objectives for proceeding further on the component.

NEXT STEPS / ACTION ITEMS IDENTIFIED BY THE WORKING GROUP:

- Develop uniform information to be disseminated to the public (information stands, instructions), media, etc.;
- Work on practice directions from the High Specialized Courts – methodological recommendations;

- Discuss the drafting of the informative letter from the High Specialized Court, co-authored/co-signed by the General Jurisdiction Judicial Council and the Administrative Judicial Council – addressed to all judges of Ukraine explaining how to apply the normative standards of the law in order to implement judicial dispute resolution;
- Schedule a meeting with the proper authorities (i.e. the Parliamentary Council, Ministry of Justice (Ms. Olena Lukash), High Council of Justice (members of the Council), etc.);
- Collect statistical data to have factual justification of the success of the procedure;
- Identify the type category of cases in which settlement conferences prove to be most effective (support with practical experience);
- Recommendations to the legislators (for perspective) broken down by jurisdiction : civil and administrative
 - List challenges/issues (a, b, c) in civil cases, list challenges/issues (a,b,c) in admin cases –describe how these could be resolved through the legislative change;
- Develop a manual with video materials
 - To encourage lawyers to facilitate the practice(manual for lawyers ;
 - To alleviate the distrust and biasness towards the process;
 - To encourage them to work with judges to encourage the parties to settle;
 - To ensure that they understand that the fees they claim for the trial will be the fees they claim for the settlement conferences;
- Meet with the head of the Lawyers Association;
- Publish information in judicial and lawyers' magazines, journals, periodicals
 - Have statistics in tables for comparison; explain (analyze) or tie it to the problems of cases (the essence of each category);

The Working Group agreed to set the next meeting for March/April 2014 to further analyze the experience with the procedure and to finalize, to the extent possible, draft recommendations.

- 310 Training in judicial pre-trial settlement mechanisms designed and delivered, including effective settlement of disputes; managing the mediation process and facilitating advanced negotiations; effective communications, etc.

WBS 3103 Training of Ukrainian judges and court officials in case management and settlement conferences (2 workshops in each region) – April 2013 (Fys 2013-2014; Q1, Q3)

Training Workshop for judges and lawyers in Ivano-Frankivsk Ivano-Frankivsk City Court, Thursday, Oct. 10, 2013

The purpose of the training was to cover more complex areas of settlement conferencing. One of these areas relates to pre-trial settlement caucusing (including ethical considerations for caucusing). Another consisted of looking at complex multi-party settlement conferences (including case assessment; complex factual, evidentiary and legal issues;

representation; partial settlement; JADR timeframes, etc.). The judges also reviewed the settlement techniques they had gained through their experience to date. This allowed trainees to ask questions (trouble shooting). The trainees received training binders, which included judges' presentations, a list of considerations for judges when

conducting JADR conferences, as well as a copy of the translated Benchbook on JADR for Canadian judges and lawyers.

The training was delivered to the audience of 25 participants, made up of 17 judges and 8 lawyers representing the legal departments of state agencies. (List of Participants is attached as *Annex 14*.)

opened the training session thanking not only the Canadian experts, but also the High Qualification Commission for all their support, which he said could not be underestimated.

During the comments and Q and A period, the participants commented on how the media unfortunately had not properly covered the matter and how people were either lacking information or completely unaware of the concept of peace agreements. Since people are generally unaware and do not know what to expect, they are psychologically turned away from the process. addressed the issue and said that the Court started doing information dissemination activities and will actively continue doing so. The Court will also consider putting more information on its web-site and, where available, will include statistics in support of the process.

Questions were raised about the Canadian practice, such as: the need for parties to be present during the settlement conference in addition to their lawyers; and, settlement agreements (what they looked like, what conditions were attached, what other court documents might be necessary to support these, etc.). Administrative court lawyers raised concerns about working with such procedure, suggesting it was impossible. However, the Ukrainian judges rejected the position that the procedure not be used

because of limitations to administrative jurisdiction. It was explained that, in some cases in admin jurisdiction, the question is not always about an absence of funds with which to pay out compensation. In fact, cases may very well raise other administrative issues, e.g. reinstatements. In some instances, the case could be rather quickly resolved/settled. In fact, in these situations, early resolution makes abundant sense and is in the best interest of the parties and of the system in general. The admin courts, which are completely swamped with cases, should embrace this procedure. In addition, it cannot be forgotten that the process of endless appeals is in some sense antithetical to effective justice delivery – by the time the case comes back for yet another review at the first instance court, it may be absolutely irrelevant. The discussion raised at the workshop not only allowed the participants to learn more about the details of the procedure and the Canadian experience, it also provided an opportunity for an important exchange between the Ukrainian judges who are in the centre of attention – i.e. testing the procedure – and the Bar, the latter of which can greatly influence the success of this new practice.

Meeting with the public (the parties to a case) – Representatives of state agencies and of the Ivano-Frankivsk Regional Council of Entrepreneurs (Ivano-Frankivsk Regional Council of Entrepreneurs, the Municipal Executive Committee)

eased the attendees into discussion mode by reflecting on the practice of the Court to date with the JADR procedure. He explained the role of the judge in the process and their hope the profession would support this very important practice modernisation. Canadian justices also explained their experience with state agencies in Canada, the concerns they had and how they were addressed.

Representatives of the Association of Entrepreneurs, who happen to be lawyers as well, thanked the Canadian partners for this very important project. It was explained that an appeal was almost a mandatory thing for Ukrainian state agencies, even though they would, in most cases, realize they would lose the case. The agencies do not appear to understand how, by pursuing worthless appeals, they are wasting enormous amounts of time and money. The settlement procedure is seen a wonderful prospect for addressing such a situation, and the project is seen as a fortunate occurrence. The representatives however said that the Court would have to issue some sort of a regulatory act/resolution, otherwise no one would follow the advice of their legal representatives to engage in this process. suggested that ultimately a decision might issue from the High Court dealing with “malicious” appeals. This might dissuade some from proceeding with such appeals and would benefit settlement conference practices in lower courts. The representatives agreed this would be a welcomed development, as they could then refer to it in their practice in explaining the benefits of settlement conference and the rightfulness of such an approach. A comment was made regarding one representative of the Association who was considered progressive in her thinking, to which she replied that what was being

discussed simply made common sense. There was also a suggestion that the practice be applied more “aggressively”.

The point of having a higher court issue a precedent-setting decision that might then be referred was also seen as a great way to also apply precedent law in Ukraine’s court practice. One procedure (JADR) would actually serve to advance another practice (use of precedent law). This would allow the judges of the lower court, when citing the decision of the High Court or the Supreme Court, to avoid the appearance of biasness by quoting the decision as a potential result/outcome of a particular case. Yet, even if at this point, some would be sceptical. However, with time, everyone will see that this is the right approach. Such procedure can save lots of time and money for the courts and therefore for the public as well.

On another aspect, the lawyers at the meeting indicated that such procedure will also play a major role in disciplining the profession. The conference will require the lawyers to be ready to negotiate on their clients behalf. This might result in a situation where it comes to light, if the position of the lawyer is completely at odds with what the judge suggests, that the lawyer might be misleading his/her client. In this way, the procedure will help reveal or eliminate many improprieties done by the government actors and lawyers.

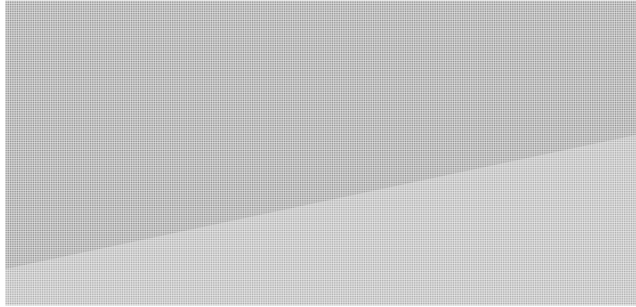
Also, the government does not yet realizes the potential of the effectiveness of JADR. It has to be the one to instruct its ministries and agencies accordingly, and, until they fully understand the procedure and appreciate its usefulness, they will not be able to do this. The government learning that it is not above the law is also another important societal change.

The exchange between the courts and the representatives of the profession, as well as the NGOs, was extremely useful for information sharing and dissemination, feedback and for the alignment of all parties’ objectives.

Meeting with the Media in Ivano-Frankivsk Region – Media Press Conference

Ivano-Frankivsk City Court, Oct. 3

The local media representatives received a press release from the Court. [REDACTED] introduced the project and both the objectives and the essence of the JADR component. Some of the questions posed during the media conference are reflected below:



Q: The project comes to end – what is next?

A: The project continues for another 2-3 years. The JADR component will be coming to an end, but its objective includes gaining the experience with the JDR procedure within current Ukrainian legislative framework and we are achieving precisely that.

Q: We are integrating into the European Union, how does such a practice impact on this direction?

A: The current situation with the justice system in Ukraine leads us to find solutions to the increased costs of the justice system and the lengthy case reviews. We also need to develop European standards and act on recommendations to introduce mediation, arbitration and other alternative methods of dispute resolution. Within the framework of this project, we are looking at a professional judge helping the parties resolve their disputes. It may just be even a better solution to case settlement. The pilot courts are working on the recommendations to introduce such practice in Ukraine. The administrative courts have to more proactively encourage such procedure in their cases.

Q: If you say the European Union suggests the institution of mediation, would the JADR hinder this process?

A: Absolutely not. One does not prevent the existence of the other.

Q: For the Canadian colleagues: How much of your experience can be adapted to Ukrainian realities?

A: The experience of the 4 pilot courts in Ukraine with JADR procedure has proven to be very successful. What this procedure provides is something one is not able to get through mediation or any other ADR. JADR builds trust of the public in the system. The parties get a unique chance of using the professional judge's experience and advice in resolving their disputes. I-F is an excellent partner and the business community and the public seems to have positive feedback to give about the procedure and its prospects.

Q: How long will it take for Ukraine to get results like Canada for the successful settlement of cases?

A: It took Canada 20 years to set such practice firmly in place, but we think in Ukraine the process will move much faster. The pilot courts have received excellent results much faster than what we reached in Canada.

(The articles and links to the media footage on JEEG and the piloting of the JADR procedure is attached as *Annex 15*).

Meeting with the Judges of the Administrative Court of Ivano-Frankivsk

Ivano-Frankivsk Administrative Court, Oct. 4, 2013

A visit to the Court allowed the delegation to meet more judges and resulted in detailed discussion on the practice of JADR in the Court. The judges were curious to learn from the Canadian experience. They were particularly interested in determining whether Canada had developed any specific principle or protocol for conducting settlement conferences with a state agency as one of the parties. While our judges did say there was no specific model for admin cases, they emphasized again some of the key principles of JADR: the judge always has to stay within the law; what was needed is to reach a consensus of the parties on the matter; the unrealistic demands, if there are such, have to be lowered; if there are options on the resolution of a case, they all have to be explored; a judge has to be ready for a settlement conference and not start studying the case during the meeting; the state agencies will have to play a role in developing the proper legislative format, but a lot rests with the judges as well who will apply the procedure.

It is worth mentioning that the training and the meetings in Ivano-Frankivsk were attended by a representative of the School of Judges of Ukraine, who happened to be also a

She was extremely impressed by this procedure and said that the judges of the Court would very much support its implementation in first instances courts. The appeal cases the court receives do not only come in excessive numbers, but there are also many of them that have no valid grounds. She saw a great potential for this procedure to reduce the "abuse of the system", lower the backlog and increase the overall quality of the justice.

Training Workshop for Judges of the Administrative and the City

District Court in Odesa

***Administrative Court of Odesa,
October 11, 2013***

The workshop on Odesa had the same objectives as that in Ivano-Frankivsk. Twenty five judges and three senior court staff attended (The list of participants is attached as *Annex 16*).

During the training part of the workshop, the discussions addressed a number of matters, including how far a judge can go in terms of advising the parties on the strength or weakness of their case. Currently, this is a difficult aspect for Ukrainian judges, requiring much care, because the judge who conducts the settlement conference has to continue with the case if a peace agreement is not reached, unless

the parties specifically ask the judge to recuse. The Canadian judges said that in such instances caucusing with the parties can allow you to make some comments on the strength of their case without the other party being privy to such comment. The rules of caucusing prevent the judge from disclosing this information to the other party without the consent of the party with whom the judge has caucused. The Canadian judges also suggested the use of questioning techniques, that is, asking a party if they considered this or that aspect, instead of obviously stating that the party's case is weak or indicating that the other side is bound to win the case. They also said that they almost never caucus with a self-represented litigant, yet they understand that this may be a slightly different situation with the courts in Ukraine where many parties may be unrepresented because of the cost of legal services. They also reminded the Ukrainian judges of the need to be a diplomat in settlement conferences, and, very importantly, to always remember that it is not the judge who settles, but rather the parties who settle with the assistance of the judge.

The Administrative Court judges in Odesa also reported they found it challenging to apply settlement conferences in their court. However, when it works, there is a great deal of satisfaction. Some state agencies do start showing a human face and understand the essence of the dispute and try to be flexible where it is possible. A judge of the Admin Court gave the example of a situation where a person required a registration in a situation where the house in which he bought his apartment had some issue with construction and the building was never finalized as a living complex (which is another matter). In such a situation, without a legal address, the person could not be properly registered and therefore could not receive a passport. In addition, this hindered other aspect of his life (employment, social services, etc.) It was great to see how the positions of people changed throughout a settlement conference that lasted 1.5 hours. It was great to see a dialogue establishing between the parties. Both sides greatly appreciated having an experienced judge helping them find a solution/compromise. Through the process of education on the procedure, the administrative bodies start thinking about possible solutions, about flexibility and discretion.

The Administrative Court also advised that they conduct settlement conferences in the classic Canadian version of these conferences. When a case gets into court, then, with the consent of the parties, the procedure is halted and the case is passed to a judge (the chief justice picks one of three potential judges to conduct this particular settlement) who, if the settlement is not successful, will NOT hear the case in the event settlement is not reached.

██████████ suggested that stopping the procedure was not necessary, and that it was possible to conduct the settlement conference within the timeframe provided for the preliminary hearing. Otherwise, unfortunately, currently the legislation does not allow for such a break in proceedings.

██████████ defended his courts' pilot on the Canadian model, arguing that the ultimate objective was to protect people's rights. Moreover, the court was a pilot

court and had to be able to test the procedure in a way the court believed it would work best in all regards. No law has been violated, nor were the timeframes not respected. Both parties gave consent for stopping the proceeding in order to attempt settlement. At the end of the pilot period, the experts will make recommendations as to which model would work best.

shared his views on the current procedural issues related to settlement conferences. He said that the High Qualification Commission was aware of such issues and promised support for the courts in that no judge will be disciplined in relation to acting as a settlement judge and conducting conferences according to JADR conference rules.

The discussion raised the issue of the courts currently being unable to produce the execution order from the peace agreement. Such an order can only be based on a court decision. This and other such issues would need to be worked out once this procedure takes root in Ukraine.

The training workshop was extremely useful for the judges present as they were further exposed to the Canadian practices, including issues that may arise when there are multiple parties. They also learnt about the intricacies of caucusing sessions, heard about the techniques to be applied when conducting such conferences, and had a chance to exchange personal experience and observations on testing the procedure.

The Round Table with the Lawyers and State Agencies' Representatives (i.e. legal officers), and Judges Odesa Administrative Court, Oct. 14, 2013

A very engaging multi-stakeholder session took place at the Administrative court to discuss the future of JADR in Ukraine. The session was attended by 66 participants, including representatives of the Ministry of Internal Affairs, the Ministry of Justice of Ukraine, the Ministry of Migration, the Procurators Office, the State Court Administration Agency, the Ministry of Revenue, the State Financial Inspection Agency, the City Council, The Pension Fund, the Lawyers (Bar) Association, the Bar Council, the Regional Mediation Group, the Academy of Law, the members of the public. (The list of participants is attached as *Annex 17*.)

introduced the session by explaining the procedure and providing reasons for why the lawyers should agree to settlement conferences (i.e., in the interest of the client; less expensive; allows greater volume of cases for lawyers, thereby having no negative effect on income; prevents loss at trial by providing a win-win situation) The message touched on the importance for lawyers to understand the benefits of the pre-trial conference and to impart that understanding onto their clients. Canadian judges stressed the need for diligent preparation by lawyers, allowing the settlement conference judge to have all the

important information. It was stressed that counsel have an important role to play in the process.

The members of the Bar in attendance asked whether lawyers needed to have all necessary materials required for trial before a settlement conference. They were informed that this was not always necessary for a settlement conference. Canadian judges pointed out that a settlement conference judge does not make a decision and will render judgment on the case. A settlement judge only tries to facilitate the resolution of the dispute, and will require enough information to understand the issue.

The lawyers also asked whether settlement agreements can be appealed. They were informed that one of the benefits of these agreements is that they preclude appeals. Only in extremely rare instances might a settlement agreement be appealed, perhaps in the event of fraud or such other extreme situation, and, without strong evidence, the settlement agreement will generally be upheld.

The representative of the Lawyers' Council said that the lawyers would only welcome such a procedure because (1) they have an obligation to their client, and (2) it changes the importance of the decisions of the first instance courts (which are currently not being taken seriously since they are invariably always appealed). Questions were raised about: "judge shopping" (when a party might stop a settlement conference hoping that when he/she goes to trial with another judge, the decision will be different); the duration of the conference; the cost of the service; the co-existence of the institution of mediation and JADR procedures in the courts. The issue of administrative disputes involving a state institution as one of the parties was raised in this forum as well. An inquiry was made how a lawyer for a state institution, who is also a civil servant, can settle with a physical person in court and whether, in Canada, a settlement on a case like that could be appealed by a third party (not a party to the case)? The Canadian judges' answer was that a change in mentality is important. The state institution in such matters has to realize that their responsibility and obligation is to the public (which includes a person who is a party to a case). The matter of public interest should be looked at from an objective point of view. In a situation where the state institution has discretion, the legal representative should have flexibility in doing what is right for the public interest. If there is absolutely no discretion, (i.e., a black and white situation, such as set fees), then the law has to be respected and applied.

A representative from the Railway Authorities commented that such a procedure should be made mandatory in Ukraine. All information should be disclosed to the settlement judge, there should be no hidden agenda, and the parties should always attempt to settle.

reminded participants that in administrative jurisdiction cases, the state agencies have to see the bigger picture, which is the reduction/prevention of social conflicts and that they have to take proper measure to that end. This means

they have to be open to settlement conferences and facilitate and encourage peaceful resolution of disputes.

Meeting with the Judges of the Malynovsky District Court – application of JADR in civil jurisdiction

Malynovsky District Court, Oct. 15, 2013

The purpose of the meeting was to discuss more privately the issues encountered by the District Court in implementing the procedure.

The *issues and challenges* raised by the Court were as follows:

- In an attempted settlement conference in a road accident case, a party accused the judge of being biased when the judge indicated that the party was not right or reasonable in her complaint. This party filed a formal complaint against a judge for that reason;
- If judges strictly follow the current legislation, there are serious limitations because judges who conduct settlement conferences that do not lead to resolution must then preside over the trial on that same case;
- The time frame within which the case can be attempted to settle should at least be 3 months;
- The parties are not presenting all documents/facts at the time of the settlement conference;
- Potential need to develop certain psychological skills in judges to deal with settlement conferences; having difficult people to deal with;
- Preliminary hearings are recorded and that limits the judges from being candid with the assessment of the case;
- Enforcement of the peace agreements – only maybe 30% of these agreements are fulfilled;
- Some judges just do not want to deal with settlement, but would support the institution of the mediation where retired judges can mediate a case;
- Legislation change is absolutely necessary; attempts to have it work in the current legislative changes will not suffice for the procedure to continue to exist.

Positive aspects:

- The fact that the judge does not take sides in settlement conferences is a huge positive from the parties' perspective;
- It allows for a possible amicable solution as opposed to being told what to do and not having any choice about it;
- It is truly a more economic and efficient way to resolve disputes (as opposed to spending years and years in court with your case being appealed);

- Many peace agreements do not get appealed because an understanding has been reached;
- Multi-party cases can also benefit a great deal from settlement, because settlement can be the most efficient way to stop a dispute from escalating to the point it gets so complicated that no solution or compromise would be possible.

Advice was given on some of these issues. The current Ukrainian legislation allows about 10 days to attempt to settle a case, and the law requires a judge to ask whether the parties would like to reach a peace agreement. This time should be used to a maximum to work with the parties and trying to help them resolve the conflict they have with each other. The parties would be the best people who would know the essence of their dispute. The simple fact that the judge paid attention (cared) about the case can make a great deal of difference on the resolution of that case before trial. This stage (even if recorded) can be used to quote law and or decisions of the higher courts, which would deliver the message that needs to be delivered to the parties and their lawyers. The more the procedure is practiced, the more skills judges develop, the more beneficial and effective it will become.

Local JADR expert's analysis – summary

[REDACTED] compiled and analyzed the pilot court's practice and drafted recommendations on potential legislative changes required to govern settlement conferences in Ukrainian courts. [REDACTED] reports are attached for reference as *Annex 18*.)

In his analysis, [REDACTED] wrote that the subject-matter of the project was never more relevant to the Ukrainian society than today. He explained that the only way to reduce social tension and resolve conflict between people and authorities was through a system that provides for the possibility of amicable negotiations. He believes the accumulated practical experience to-date with the application of judge-assisted pre-trial settlement conferences would be sufficient for the formulation of specific legal norms on the integration of the procedure in domestic procedural law. The practice of pilot administrative courts has demonstrated the necessity for urgent state action to clarify to administrative bodies the usefulness and effectiveness of resolving disputes with private individuals. The stimulating factors, which the pre-trial settlement procedure offers – such as the reduction in social tension, the fight against corruption, a significant saving of time, effort and money including public funds, the reduction of the excessive workload of the judiciary and in particular lower level courts, – are all addressed in the valiant effort of improving the system with the implementation of JADR.

In addition, [REDACTED] reiterated the fact that Ukraine has an obligation under international agreements (and even under its own development programs) to reform its justice system. The statistical analysis and the analysis of other indicators prove

that the legal system can and should incorporate an ADR method such as judicially assisted settlement conferences.

Civil jurisdiction:

Since the commencement of the pilots in Malinovsky District Court and the Ivano-Frankivsk City Court, (from May 15 and until Dec. 31, 2013), these courts have applied a pre-trial settlement procedure in 390 and 290 cases respectively. These indicators, in both courts, are considerably higher compared with the previous year. Out of 390 cases in Malinovsky Court, a peace agreement was reached in 47 cases. In 33 other cases the cases were discontinued (the plaintiffs withdrew their matters, which also precludes the possibility for the case being filed again on the same merits) and the balance of 310 cases were left without review. The significant number of cases left without review was due to the fact that in 221 out of these 310 cases, the claimants/plaintiffs expressed a desire to resolve the matter without going to trial. In Ivano-Frankivsk City Court, the number of claims left without review was 153, again with majority of plaintiffs deciding to try and resolve the matter at an earlier stage.

These are very good indicators for the short period that is being assessed. Such positive results can be attributed to the fact that Ukrainian judges are putting significant effort into explaining to the parties the possibilities and advantages of JADR. A wide range of educational and profile-raising activities conducted by the courts among the public and the legal community was showing positive results.

In order to implement JADR in Ukrainian legislation, [REDACTED] recommends that the Working Group drafts a model of the law that would support the introduction of JADR. He suggests a judge from the High Specialized Court be included in the current composition of the Working Group:

The recommendations for the legislators should start by breaking the second stage of the civil and administrative processes – the reconciliation stage – into a separate process.

The purpose of this stage of the process is to allow the case to be resolved by means of negotiations, mediation, or judge-assisted settlement conferencing. Any of these methods should be left to the parties to choose. Only in a case where the parties mutually have no desire to resolve the dispute on their own or refusal by one of the parties to explore settlement, or in cases of inability to reach consensus/settlement during this stage of the process, should a matter move to the next phase of the process: pre-trial case review.

The reconciliation phase should include several sections in the Procedural Code:

- The first section should outline the norms and objectives of this stage of the process;
- The second should set out the rules governing the process (for example):

- The stage of reconciliation begins and ends with the judge's sanction that is to be based on the written submissions by parties to the process;
 - The maximum timeframe for this stage of the process should not exceed 3 months;
 - A judge halts the proceedings for the period of time required for reconciliation;
 - The procedure/conference is not recorded/registered by technical means;
 - The case time limitations terms do not count (are stopped) for the period of reconciliation;
 - In situation where the case settles, part of the court fees are returned to the parties (as applicable);
 - The judge would have a right to terminate the settlement conference where he feels that one of the parties, or both, attempt to delay or avoid settlement of the case;
 - Possibility to initiate settlement conference, with substantial reasons, during the process of preliminary case review (pre-trial hearings);
 - Etc.
- The third section should stipulate the procedural rights and duties of a judge when applying effective measures in an attempt to reconcile the parties, in particular:
 - The right to invite the parties and their representatives to attend for an explanation of their procedural rights and duties;
 - The right to question the plaintiff on the facts for the expressed reason of identifying or clarifying issues and evidence in support of the demands and their range;
 - The right to question the respondent regarding the circumstances of the case, to clarify possible objections against the claim, and the available evidence in support of these objections;
 - The duty to explain to the parties their right to transfer the case for consideration by the arbitrage and its consequences;
 - The duty to explain the right of the parties to proceed with reconciliation and to thus voluntarily resolve the dispute in the form of a settlement agreement achieved through conciliation, mediation or judge assisted settlement conferencing, in a prompt, fair, cost-effective manner without getting involved in a complex and challenging judicial proceedings;
 - The duty, throughout the settlement conference, to provide assistance to parties by establishing the actual circumstances behind the conflict, helping them understand the reality and the legal validity of their position, bringing out demands and objections, clarifying, comparing and bringing closer to consensus the positions of the parties on the resolution of the dispute, and searching for and making recommendations for the resolution of the conflict in a manner acceptable to all;

- The right to employ appropriate measures to reconcile the parties, and the duty to stay objective and impartial, to adhere to confidentiality requirements for the process, to actively apply their competencies and expertise to find understanding, satisfy the interests of the parties, and moderate conflict.
- In the fourth section, the actual JADR procedure (if the mediation is not chosen) could be stipulated as having the following rules:
 - The desire of the parties and their representatives to resolve the dispute before the trial through JADR is to commence with the parties submitting signed written agreements (in 3 copies, for example), which would also specify the timeframe allowed for JADR;
 - On the basis of this mutual agreement, the judge issues a determination signifying the commencement of JADR, provides parties/their representatives with a period of time to work out a joint or separate project for a peace agreement and assigns the date and time of the conference to attempt come up with a mutually acceptable peace agreement, further analyses the actual circumstances of the case, the claims and objections of the parties, legal norms regulating contested legal relationship and their ability to meet the requirements of the parties, according to judicial practice;
 - Depending on the results of the conference – which begins with the introduction by the judge, explanations of the essence of the case by the two parties and their representatives, further analyses of the factual and legal aspects of the dispute – the judge may schedule additional conferencing sessions with the parties or other joint sessions in order to try and reach consensus, but all within the period provided for the reconciliation process;
 - The stage completes with the approved settlement agreement and agreement to stay the case or with a termination of the settlement conference and a corresponding decision to go to court (trial) with the case;
 - Where a settlement agreement is reached, the Court issues an order to close the proceedings in which the terms and conditions of the settlement agreement are specified. These should not be contrary to law and should not violate anyone else's rights, freedoms or interests. In the event of failure to comply with the conditions of the settlement agreement by one of the parties, the Court, upon request, may reinstate the case in the court.

This procedure, after further discussions, can be further refined according to the Provisions or Regulations developed by the pilot courts, and/or further review and study of the Handbook for Canadian Judges and Lawyers on JADR.

Administrative Courts

██████████ reported that, in the period from May to December 2013, the Odesa Administrative Court received only 9 requests for pre-trial settlement conferences. Only 4 cases were settled. In one case the conference is still in progress. The Ivano-Frankivsk Administrative Court had only 5 cases go to pre-trial out of 4,113 cases reviewed by the court in 2013.

The work conducted by the chairmen, judges and the registries, to create awareness of the benefits of judge assisted settlement conferences and the experience and practice of Canadian judges was quite elaborate and certainly no less than the work done by the general jurisdiction courts. The lower effect of the procedure in administrative courts is not due to the different nature of administrative cases nor is it due to the quality and quantity of the awareness activities conducted by the courts but is rather reflective of causes that are outside the control of the judicial system.

The seminars conducted in October 2013 with the participation of a significant number of representatives of state institutions, prosecutors, and public attorneys showed that the state itself does not yet fully comprehend the social usefulness and effectiveness of alternative dispute resolution between individuals and administrative bodies. It also showed that the State did not use enough organizational and legislative provisions to develop, clarify and encourage potential and existing alternative methods dispute resolution with individuals in cases where the application is not contrary to current legislation.

The Council of Europe back in 2005 promoted assistance to member states for the implementation of measures for the fair and speedy administration of justice and for the development of alternative methods of dispute resolution. In most of instances, mediation was recommended. However, at the same time, the reforms allow for the existence of other methods, including negotiations, whereby parties to a case attempt to resolve the dispute before proceeding to trial. This method of the pre-litigation procedure is provided for by the Ukrainian procedural code, and in fact existed since the Soviet times. The success rate of such negotiations was, however, rather low and so the method was not widespread. The experience and the practice of courts show that the JADR is the most suitable type of ADR for Ukraine.

The availability of alternative methods of dispute resolution mainly depends on the desire of the government (the State) to carry out the recommendations for the implementation of already developed international standards. Government and administrative bodies should actively promote the use of alternative methods of resolving administrative disputes because efficiency and effectiveness largely depends on promotion from these sources rather than by individuals, judges or lawyers. The administrative authorities have to be proactive themselves in suggesting settlement of a dispute (if this does not contradict the applicable law) with a private person at a pre-trial stage. And if a person is requesting the application of the existing alternative method of dispute resolution, then the State authority should be

obliged to consent, except in cases where such a procedure would contradict the public interest or where a private person was abusing the system.

In order to get the desired outcome in implementing alternative methods of dispute resolution, the State should make an effort to legalize already existing international standards and encourage administrative authorities to use these procedures and should inform the public accordingly. At the same time, the role of the judge has to be strengthened so that judges become more active in the use of these procedures. This too, however, requires legislative changes.

An article written by Canadian judges for publication in the Ukrainian magazines in support of creating awareness of the JADR pilots

Further to the recommendations made by the Working Group back in October 2013 with respect to going forward with the JADR pilot, the Canadian expert-judges wrote an article on the Canadian experience with JADR, in which they also reflect on its integration in the Ukrainian courts. The article was scheduled to appear in the High Qualification Commission of Judges' publication to be released in February 2014, but was delayed because of the political situation in Ukraine. A copy of the article is attached as *Annex 19*.

Training Video

To complement the first video provided to the partners of the pilot, a second informative video, containing a staged pre-trial settlement conference conducted in Winnipeg and observed by the visiting delegation of Ukrainian judges from the partner-pilot courts, was finalized. The video contains comments from a judge explaining the various stages of the procedure and the intent behind the steps or techniques utilized throughout the procedure. The video will be provided to all four pilot courts and extra copies will be made available for representatives of the Bar. (A copy will be provided at the first opportunity. The editing and dubbing of the video was done in Ukraine.)



WBS 3104 Gender awareness and sensitivity building workshops in the pilot regions (2) (April 2013 (Fys 2013-2014; Q1, Q3)

The first set of gender seminars took place in April 2013. They were integrated into the technical workshops in the two regions, as was originally foreseen in the design of project activities.

A second set of gender seminars originally scheduled to coincide with the training on JADR to be delivered in October 2013, were postponed. The project intends to

engage a gender expert to review draft recommendations on the institutionalization of JADR in Ukrainian court practice as well as any other documentation developed for the public concerning the procedure.

Next activities on JADR component

FJA has submitted a request for the component's extension, which is currently being considered by the funding agency (DFATD). The reason for the request is that additional work on the component would facilitate greater sustainability of that undertaken and achieved thus far by the project partners toward the introduction of a judicially assisted dispute resolution procedure in current court practices in Ukraine. What was initially considered a method to increase efficiency in processing cases, and, in particular, cases that affect the economic health of the local communities, has also become a tool to build credibility and trust in the justice system by enhancing (1) the performance of the judiciary and, (2) the performance and accountability of government agencies in administrative matters. The extension would provide the pilot courts additional time to refine the procedure; to engage other courts in trying it out; to reach out and work closer with the Bar (which has to take an equally leading role alongside the judges in promoting the use and application of JADR in Ukrainian courts); and to work with government decision makers to ensure the procedure is enrooted in court practices through legislative changes. A copy of the Request for Extension is attached as *Annex 20*, which provides the reason for the request and describes the activities to be pursued should the additional time and funds be made available.

If approval of the request for extension is not forthcoming, the project component will continue with the activities originally envisaged under the project. The following activities are anticipated in 2014 if the extension of the component is not considered feasible:

Development of Recommendations on the Institutionalization of JADR in court practices in Ukraine

- FJA will conduct two meetings of the Working Group (July 2014 (Q2); October 2014 (Q3)):
 - to review the year-long experience and results of piloting of the JADR Procedure;
 - to closely examine the developed protocols and rules in each of the courts;
 - to refine the draft recommendations;
 - to discuss strategy for meetings with the appropriate legislative authorities (drafting of formal submission letters); and
 - to discuss the next steps for fuller integration of JADR with Ukrainian project partners;
- A meeting with the School of Judges of Ukraine and NJI representatives on the development of supportive (JADR) skills-based courses for judges will be organized

July 2014, October 2014, Ukraine (Kyiv/Ivano-Frankivsk, Odesa – TBC)

- The work of the Local JADR expert supporting the work of the Working Group and the Project Management in the development of the recommendations will continue until the end of the JADR component.

April-October 2014

The Recommendations on JADR will be formally submitted to appropriate legislative authorities.

October-December 2014

Gender strategy implementation

- The gender expert will review and integrate gender and socially inclusive provisions in all relevant documentation, including the recommendations, on JADR. Statistical information associated with the pilot of JADR in the courts will be analyzed where available in view of considering further gender strategy integration in the work of the project.

July-October 2014, Ukraine

Project Management – Submission of the final report on the JADR component

- The Component Management will draft the final report on the project, indicating results of the component's activities and analyzing lessons learnt. Materials developed throughout the course of the component will be compiled to accompany the final report.

October 2014, Canada, Ottawa

PROJECT MANAGEMENT

Several areas of responsibility have been determined within the project in accordance with commitments and agreement by all partners. NJI is established as the Canadian Executing Agency (CEA) – the lead Canadian organization responsible and accountable to DFATD for the overall implementation of the project through the delivery of activities and outputs as well as reporting on the achievement of immediate and intermediate outcomes. NJI is responsible for collaborating with FJA in the assignment, management and administration of Canadian and Ukrainian inputs including expertise, technical assistance, and training resources. While it is understood by both partners that the overall responsibility for project execution and official representation with all stakeholders of JEEG lies with NJI, FJA is responsible for the implementation of activities under Outcome 3.

FJA manages Outcome 3 of the JEEG Project and reports to NJI on the progress achieved as well as the overall results. Financial reporting for Outcome 3 of the JEEG Project is carried out by FJA directly to DFATD.

There have been no major changes in the management of JEEG; the reporting period was one of the finalization of processes and procedures and roles and responsibilities and also the increased coordination and communication between NJI and FJA. In the recent time period, NJI and FJA have coordinated the timing of exchanges, visits and other activities. NJI has also provided logistics, procurement and other support as required. Local office staff provide assistance to both NJI and FJA and attended activities of NJI and FJA. In the reporting period, NJI and FJA have participated in several formal meetings and informal meetings and contacts throughout the year between the Project Managers and the Project Directors. These meetings are held largely to coordinate generally but also to In the remaining months of the fiscal year, monthly meetings are scheduled between NJI and FJA largely to coordinate, discuss and plan activities and in particular – judicial education for pre-trial settlement.

JEEG continues to promote local ownership and leadership in planned project work and results. HQCJU and NSJ together with NJI and FJA determine the work plan for the year. HQCJU and NSJ decide on their strategic plans and priorities, course work and other project activities and take the lead in project implementation in their projects.

In August and September of 2013, project management was engaged in refining processes and roles and responsibilities between the Ukraine JEEG office and the Canadian NJI office and between partners. To this end, JEEG staff met in September to: review and refine job descriptions and responsibilities, review and refine project processes including financial approvals and flow of documents. HR issues and training of local staff and team building activities were also undertaken.

The second JPSC meeting was held by video conferencing on 19 June 2013 co- chaired by Valeriy Oliynyk, DFATD Senior Project Officer and [REDACTED]

[REDACTED] The following Steering Committee members participated on behalf of following organizations:

- DFATDD – Mr. Steve Podesto, Senior Development Officer;

- [REDACTED]

- [REDACTED]

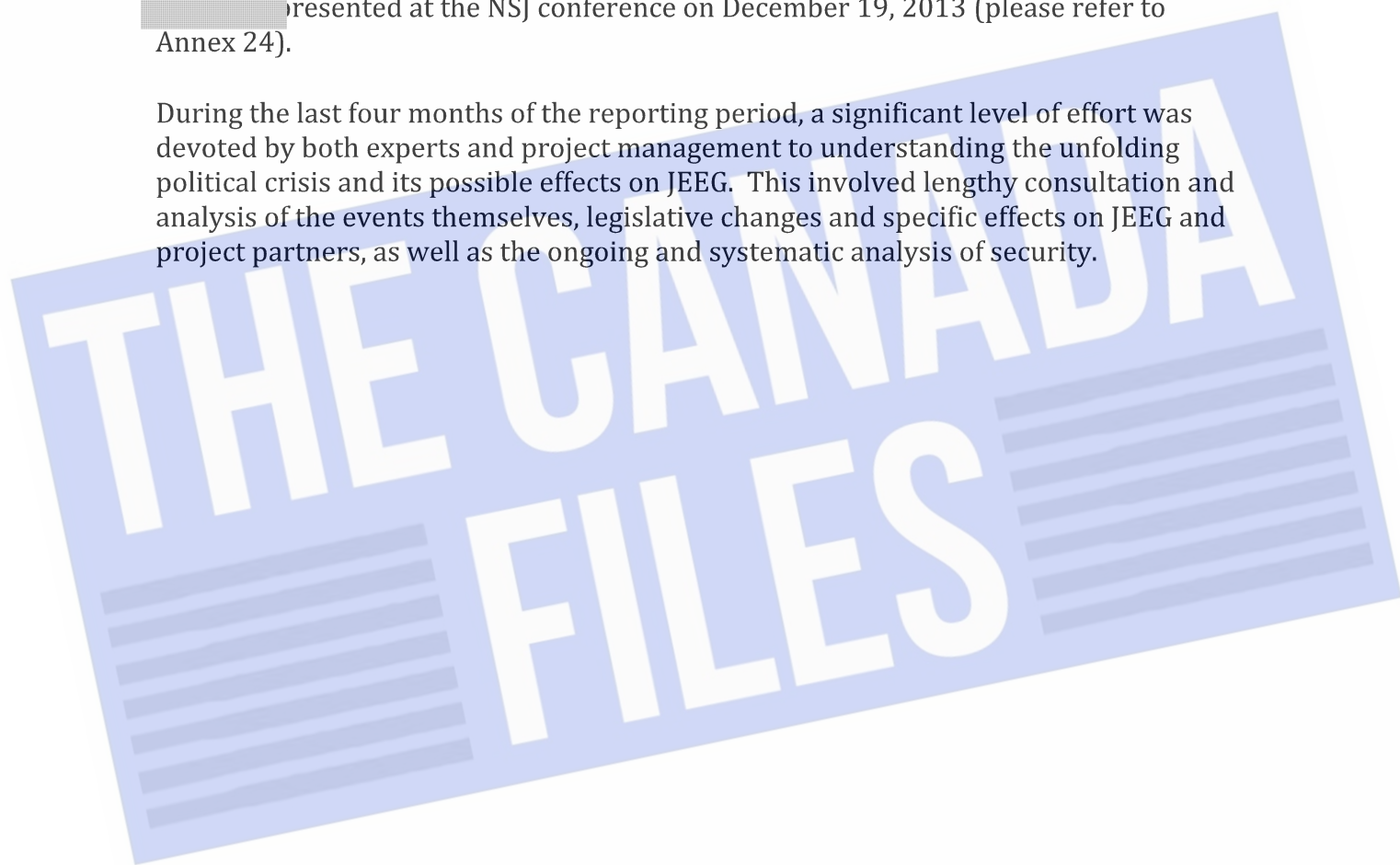
- [REDACTED]

Judge-experts from Canada, representatives of FJA, ICG and Ukrainian local office were also in attendance. The JPSC meeting was successful – for more details on the agenda, please refer to Annex 21 and for the minutes of the JPSC meeting to Annex 22.

JEEG Project Management has also been meeting regularly with other donors and projects to coordinate and to engage in joint activities whenever possible. For example, JEEG participated in USAID-FAIR facilitated bi-weekly meetings and conducted workshops and other activities together.

During this reporting period, JEEG carried out a number of working level meetings with partners. In addition, Canada was represented at two conferences conducted by [REDACTED] presented at the annual conference of the HQCJU on October 28-29 (please refer to Annex 23) and [REDACTED] presented at the NSJ conference on December 19, 2013 (please refer to Annex 24).

During the last four months of the reporting period, a significant level of effort was devoted by both experts and project management to understanding the unfolding political crisis and its possible effects on JEEG. This involved lengthy consultation and analysis of the events themselves, legislative changes and specific effects on JEEG and project partners, as well as the ongoing and systematic analysis of security.



INITIATIVES UNDERTAKEN IN SUPPORT OF IMPLEMENTATION OF GENDER EQUALITY STRATEGY

Gender equality initiatives and results are integrated within immediate results 100, 200 and 300 throughout this work plan. In general, JEEG continued to facilitate gender awareness-raising among project participants and other stakeholders; to promote women's equal representation in the leadership and institutional management of courts and judicial self-governing bodies as well as participation of a reasonable balance of men and women in project activities; to integrate gender principles across all areas of the project work; and to highlight examples of successful relevant reforms in the Canadian gender equality context.

Efforts in this reporting period included:

- Continued dialogue and exchange with NSJ senior management and senior staff responsible for developing and delivery of judicial education in Ukraine, and senior personnel of the pilot courts, on gender and social context, including exposure to NJI model of addressing gender and social context
- Knowledge-sharing and network building between the NSJ and Ukrainian civil society representatives on the intersections between gender equality, judicial function and decision making, and judicial education
- Surveying of Ukrainian judges on their views in regard to gender
- Distribution of an article by the Ukrainian Gender Advisor to judges on GE considerations in the courtroom management setting, and the broader meaning of GE
- Research and consultations with partners and judicial experts considering trends in Ukraine at the level of judicial institutional process and competencies at the level of individual behaviour and decision-making
- Identification of Canadian and Ukrainian legal-GE related areas relevant to the project themes, drawing on other jurisdictions for comparative analysis
- Review of international approaches to gender-disaggregated court statistics collection and possible areas for sampling in Ukraine
- Research into GE and social context judicial education programming across Europe for comparative analysis
- Continuing training in gender equality and RBM to enable enhanced planning and design for project personnel and experts
- Continuing familiarization and exposure of Ukrainian Gender Advisor to NJI personnel and processes relating to GE programming and policy
- Sharing of NJI institutional experience with GE in relation to policy and programming and integration of gender equality principles and considerations into institutional strengthening activities

UPDATED RISK REGISTER

The full updated version of the Risk Register is appended as Appendix B in this document.

LESSONS LEARNED

1. The level of effort and difficulty involved in monitoring political crisis and evaluating its effect on both the overall project and its activities is high. As JEEG entered the last quarter of the year, NJI's perception was that JEEG, its activities and level of effort would slow with the crisis. This was inaccurate. Although some slow down occurred with the postponement of two JEEG activities, in general, the level of effort involved in following the political crisis, and all correspondent changes in legislation, structure, human resources and this implications on the project required a different but easily similar level of effort. Security of both local and international staff and assets gained prominence as well.
2. In the Annual Report FY2012-2013, JEEG cited the importance of coordination and networking as a lesson learned. In the fiscal year 2013-2014, and particularly in the midst of the political crisis, all of the relationships and coordination with other organizations/donors and individual stakeholders in Ukraine were even more important. Not only the networking assisted NJI in its analysis of the implications and effects of the political crisis and served to keep us informed both formally and informally and making the best possible decisions about the way forward, there is also a larger need for coordination as requested by Ukrainian partners. Upon the NSJ request, NJI will coordinate with both FAIR and CoE projects as well as with the new OSCE project in judicial education.
3. One of the lessons which NJI is learning is that there are many innovations and improvements at the NSJ which are offshoots of JEEG that are not planned, measured nor documented as JEEG results but should not go unnoticed. For example – our local gender advisor as a result of her exchange in Canada wrote an article on gender which was distributed to the judges and contributed without doubt to the importance of the conversation about gender. Another example – the interns in Canada who observed ethics and other topics during an NJI course for the purpose of understanding the pedagogy, used the course content in the topic of judicial discipline in Ukraine. The “osmosis” that takes place during the exchanges is the lesson learned.

FINANCIAL SECTION

Please see enclosed for details.



PERFORMANCE SECTION

Please see Appendix B for details.



APPENDIX A: GANTT CHART OF ACTIVITIES FOR THE FISCAL YEAR 2013-2014

ACTIVITY	APRIL	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
1000 Series Immediate Outcome 1												
110 Institutional capacities of NSJ and HQCJU in its responsibility for judicial education analyzed with recommendations for improvement developed												
1104 Coordination with USAID FAIR Project												
120 Technical assistance in gender-sensitive judicial education institutional strengthening												
1202a&b&c Workshops on JE institutional strengthening												
1210 Preparation for job shadowing internships (English language training in Ukraine for up to four interns)												
1211a Internship of Ukrainian institutional staff												
1211b NSJ Visit to the IOJT												
1222 Workshop on JE institutional strengthening - Role of Judges, Courts in Governance of JE												

ACTIVITY	APRIL	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
1223 Networking with relevant non-partner stakeholders including gender-related organizations												
130 Distance education mechanisms implemented in central and regional offices												
1330 Familiarization with Canadian institutional models and methodological frameworks relating to adult distance education												
140 Institutional research and analytical support												
1410 Research on statistical data gathering in EU states and states in the region surrounding Ukraine												
1411 Collation of information on Canadian institutional development relating to gender equality with focus on NJI												
2000 Series Immediate Outcome 2												
210 Curriculum covering competency in judicial skills and general, civil, administrative, and commercial matters, prepared and training courses designed [Cycle 1: TOT and Course Development]												
Series 2101-2014												
2113 a & b & c & d Working sessions and workshops on skills-based methodology- Land Law, Statutory Interpretation, Land Law in Admin Courts and Courtroom Management												
2101 Peer-to-peer consultations and preparation for faculty and course development												
2113f Faculty and course development with Ukrainian core trainers - Courtroom Management												
2114 Model Course Delivery: Land Law												
230												

ACTIVITY	APRIL	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
Development, integration of gender and social context issues and standalone gender modules into new NSJ courses and training of core trainers												
2302 Project participation in GE training with Mosaic												
2303 Direct familiarization of NSJ core personnel with NJI's education methodology in specific relation to treatment of gender equality issues												
2310 Gender-related data collection, research, and analysis of trends and issues in Ukraine, approaches in Canada, and related education needs at NSJ												
2320 Development of standalone GE workshop												
2330 Consideration and input/integration where appropriate of gender equality and social context into judicial education courses												
3000 Series Immediate Outcome 3												
310 Training in judicial pre-trial settlement mechanisms designed and delivered, including effective settlement of disputes; managing the mediation process and facilitating advanced negotiations; effective communications; etc.												
WBS 3103 Trainings of Ukrainian judges and court officials in case management and settlement conferences												
WBS 3104 Gender awareness and sensitivity building workshops												
320 Historical system for handling commercial disputes analyzed and recommendations made for system-wide integration of judicial pre-trial settlement mechanisms into court processes												
WBS 3201 Drafting and planning meetings on the recommendations for the Institutionalization of the judicial settlement conferencing												

ACTIVITY	APRIL	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
Introducing on-going activity to Facilitate the work of the model courts on the experiment with JDR, as well as capture/document the experience and analyse relevant information and data required for drafting the recommendations for system-wide integration of the procedure												
WBS 3201 Planning meeting on the recommendations for the Institutionalization of the judicial settlement conferencing												
4000 Series												
4101												
JPSC Meeting Year 2												
4200-4300												
Local office in Ukraine and NJI project mgmt.												

APPENDIX B: SUMMARY TABLE OF PROJECT OUTCOME AND OUTPUT RESULTS FOR THE FISCAL YEAR 2012-2013

JEEG Ultimate Outcome: Greater court efficiency and fairness in resolving commercial disputes for Ukrainian businesses		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results
Percentage of public having confidence in the courts' capacity to fairly treat commercial disputants/litigants	<p>Ultimate Outcome level results, according to principles of Results Based Management, are to be realized and measured at around 3-5 years; thus it is premature to report results.</p> <p>As the first measurement is scheduled for the end of FY 2013-14, the project report of this indicator is based on media analysis that is overshadowed by the crisis in Ukraine. As such, JEEG observes that public confidence is affected by the fall of the government and judicial system that was associated with it. It should be noted that the Law on the Restoration of Trust in the Judiciary has been positively reviewed by the Council of Europe experts following the request of the Ukrainian authorities.</p>	n/a
Relative ranking of the judicial system in relation to international standards	<p>Ultimate Outcome level results, according to principles of Results Based Management, are to be realized and measured at around 3-5 years; thus it is premature to report results.</p> <p>As the first measurement is scheduled at the end of FY 2013-14, it is unfortunate that it coincides with the deep crisis in Ukraine which does not allow for proper measurement of this indicator. During the last quarter of the fiscal year and until the current time, the judicial system is undergoing significant reform and as such, changes in the efficiency and fairness rankings cannot be accurately determined.</p> <p>Nevertheless, the ranking of the judicial System in Ukraine in relation to international standards is the following: WJP ranks Ukraine at 0.47 of 1 in 2014; Ukraine is at 144nd of 177 in terms of transparency (TI, CPI 2013); judicial independence is 139th of 148 (WEF GCR 2013-2014). In addition: Ukraine is ranked 112nd of 189 in 2014 Doing Business Report (WB); 84nd of 148 in GCR (WEF 2013-2014).</p>	n/a

	It should be noted that the Law on the Restoration of Trust in the Judiciary has been positively reviewed by the Council of Europe experts following the request of the Ukrainian authorities.	
Average time and effort required for resolving a commercial lawsuit, from filing to court hearing to final resolution	<p>Ultimate Outcome level results, according to principles of Results Based Management, are to be realized and measured at around 3-5 years; thus it is premature to report results.</p> <p>As the first measurement is scheduled at the end of FY 2013-14, it is unfortunate that it coincides with the deep crisis in Ukraine which does not allow for proper measurement of this indicator. During the last quarter of the fiscal year and until the current time, the judicial system is undergoing significant reform and as such, the time and effort requiring for resolving a commercial lawsuit cannot be accurately determined.</p> <p>The WB Doing Business Report ranking estimates that in 2014, the number of days slightly increased (343 in 2011 to 378 in 2014) and the number of procedures remained the same (30). The light changes do not impact the overall ranking of Ukraine based on these indicators.</p>	n/a
Intermediate Outcome 1: Improved institutional performance of the National School of Judges (NSJ) and the High Qualifications Commission (HQCJU) in its responsibility for judicial education		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results
Extent to which the key organizational features and processes to support education (involvement of judges in education; strategic and operational planning; governance structure, roles and responsibilities, and management, procedures, practices) are established	The new leadership of the NSJ is committed to the organizational features and processes to support judicial education as based on the recommendations of Canadian experts. There are ongoing activities to integrate the skills-based education courses into overall curricula, develop the new curricula for newly-appointed judges, and establish a new department responsible for judicial education among others. Despite the difficulties brought up by the political crisis in Ukraine (the HQCJU members were removed and new are being appointed at the time of writing), the HQCJU is committed to judicial education and has established the Coordinating Judicial Council that engages more than 40 Appeal court chief judges and the NSJ.	The new leadership of the NSJ is committed to the organizational features and processes to support judicial education as based on the recommendations of Canadian experts. There are ongoing activities to integrate the skills-based education courses into overall curricula, develop the new curricula for newly-appointed judges, and establish a new department responsible for judicial education among others. Despite the difficulties brought up by the political crisis in Ukraine (the HQCJU members were removed and new are being appointed at the time of writing), the HQCJU is committed to judicial education and has established the Coordinating Judicial Council that engages more than 40 Appeal court chief judges and the NSJ.
Number and type of policies developed and implemented based on recommendations elaborated under JEEG	<p>The recommendations for institutional strengthening were positively commented by NSJ and HQCJU. The partners together developed an immediate Action Plan for improving institutional performance under JEEG. The NSJ approved the long term Strategic Planning. The key focus areas for further implementation were agreed upon by the partners.</p> <p>A Report on implementation of distance learning technology was drafted by Ukrainian expert was endorsed by the partners. The NSJ developed a planning document "Developing a Technology-based eSchool for the Judiciary of Ukraine".</p>	<p>The recommendations for institutional strengthening were positively commented by NSJ and HQCJU. The partners together developed an immediate Action Plan for improving institutional performance under JEEG. The NSJ approved the long term Strategic Planning. The key focus areas for further implementation were agreed upon by the partners.</p> <p>A Report on implementation of distance learning technology was drafted by Ukrainian expert was endorsed by the partners. The NSJ developed a planning document "Developing a Technology-based eSchool for the Judiciary of Ukraine".</p>
Intermediate Outcome 2: Established skills-based, gender- and social context-sensitive and business-related judicial education at the National School of Judges (NSJ)		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results

Degree to which m/f judges are able to apply gender and social context sensitivity in their work	A first survey of judges' perspectives around gender and its relevance in and outside of the courtroom context was completed in the 2013-2014 reporting period. The survey will be repeated and other evaluative mechanisms applied to determine shifts in judicial perspectives through the project period in terms of their ability to apply GE and social equality principles in their work.	A first survey of judges' perspectives around gender and its relevance in and outside of the courtroom context was completed in the 2013-2014 reporting period. The survey will be repeated and other evaluative mechanisms applied to determine shifts in judicial perspectives through the project period in terms of their ability to apply GE and social equality principles in their work.
Proportion of courses that are skills-based, gender- and social context-sensitive, integrated into NSJ curriculum	To date three of four courses developed (Courtroom Management, Administrative Land Law and Generic Land Law Dispute Resolution) have integrated gender equality principles.	To date three of four courses developed (Courtroom Management, Administrative Land Law and Generic Land Law Dispute Resolution) have integrated gender equality principles.
Extent of judicial institutional support ² for new skills-based, gender- and social context-sensitive education content	In 2013-2014 the NSJ and HQC have shown consistent high-level interest in and support for modernizing and reinforcing the educational work of the NSJ including in relation to gender and social sensitive education delivery.	In 2013-2014 the NSJ and HQC have shown consistent high-level interest in and support for modernizing and reinforcing the educational work of the NSJ including in relation to gender and social sensitive education delivery.
Immediate Outcome 100: Strengthened institutional capacity of HQCJU and NSJ to support the development and delivery of skills-based, gender- and social context-sensitive and business-related education to 5-year term and permanent judges		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results
Number and type of organizational processes and procedures being strengthened or newly developed to support the design and delivery of skills-based, gender- and social context-sensitive and business-related judicial education	The issues related to organizational processes and procedures examined by the Canadian expert team were considered by the senior management of the NSJ and HQCJU and reflected upon in the immediate Action Plan and long-term Strategic Plan. There is ongoing implementation of a number of organizational processes and procedures under four thematic sectors aimed at strengthening of both institutions in support of the design and delivery of skills-based, gender- and social context-sensitive and business-related judicial education. A Report on implementation of distance learning technology was drafted by Ukrainian expert was endorsed by the partners. The NSJ developed a planning document "Developing a Technology-based eSchool for the Judiciary of Ukraine".	The issues related to organizational processes and procedures examined by the Canadian expert team were considered by the senior management of the NSJ and HQCJU and reflected upon in the immediate Action Plan and long-term Strategic Plan. There is ongoing implementation of a number of organizational processes and procedures under four thematic sectors aimed at strengthening of both institutions in support of the design and delivery of skills-based, gender- and social context-sensitive and business-related judicial education. A Report on implementation of distance learning technology was drafted by Ukrainian expert was endorsed by the partners. The NSJ developed a planning document "Developing a Technology-based eSchool for the Judiciary of Ukraine".
Number of f/m core staff trained in development and delivery of judicial education	During this reporting period, in the four combined workshops, 67 NSJ representatives were trained in development and delivery of judicial education. The work continued with all 4 support groups (3-5 persons each) to model the skills-based judicial education approach. In addition, 2 interns in institutional strengthening and 1 Gender Advisor at NSJ received more in-depth training in Canada.	13 senior management representatives of NSJ and HQCJU have increased knowledge of development and delivery of the skills-based judicial education, due process and gender equality. During this reporting period, in the four combined workshops, 67 NSJ representatives were trained in development and delivery of judicial education. The work continued with all 4 support groups (3-5 persons each) to model the skills-based judicial education approach.

² This includes support as relevant from the HQC, the State Courts Administration, the Council of Judges, and the courts.

		In addition, 2 interns in institutional strengthening and 1 Gender Advisor at NSJ received more in-depth training in Canada.
Immediate Outcome 200: Strengthened capacity of the NSJ to develop and deliver skills-based, gender- and social context-sensitive and business-related education to 5-year term and permanent judges		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results
Level of satisfaction of f/m judge participants with judicial education programming	No results to report as this is an early stage of the project and the courses are being developed and to be piloted at the end of FY 2014-2015.	n/a
Number of skills-based and business-related courses developed and delivered by the NSJ	4 skills-based, gender-sensitive, social context and business-related courses are being developed and delivered in this reporting period.	4 skills-based, gender-sensitive, social context and business-related courses are being developed and delivered.
Extent to which gender equality is integrated in the new courses developed under JEEG	The gender-sensitive, social context is being analyzed for further integration into all four new courses under development. Three out of four courses integrated gender equality considerations: Administrative Land Law, Generic Land Law, and Courtroom Management.	The gender-sensitive, social context is being analyzed for further integration into all four new courses under development. Three out of four courses integrated gender equality considerations: Administrative Land Law, Generic Land Law, and Courtroom Management.
Immediate Outcome 300: Improved capacity of selected pilot courts in the Oblasts of Ivano-Frankivsk and Odesa to handle commercial cases by means of piloting judicial pre-trial settlement mechanisms		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results
Decrease in duration and cost of dispute settlement using judicial pre-trial settlement mechanisms compared to similar cases addressed through traditional trial processes	Case Processing TIME in general jurisdiction matters: a) at first instance level - no time savings reported b) cases settled, closed or stayed through settlement conferences save at least 40-45 days in appeal time per each case; (with 71 cases settled, approx. time saved for the system in appeal time is around 2840 days*) Case Processing TIME in administrative jurisdiction matters: a) at first instance level - at least 1/3 of time can be saved in case processing time when settlement conferences applied; b) cases settled, closed or stayed through settlement conferences save at least 20-30 days in appeal time per each case; (due to low # of admin. cases currently settling (7 cases), the time saved in appeal is around 140 days*) (*conservative calculations) COST: very difficult to assign a figure to the costs saved, but these can be judged through the time saved to the system and to the parties through the reduced time of case being in the court system; however looking at the time saving, the costs saving can be categorized as substantial.	Case Processing TIME in general jurisdiction matters: a) at first instance level - no time savings reported b) cases settled, closed or stayed through settlement conferences save at least 40-45 days in appeal time per each case; (with 71 cases settled, approx. time saved for the system in appeal time is around 2840 days*) Case Processing TIME in administrative jurisdiction matters: a) at first instance level - at least 1/3 of time can be saved in case processing time when settlement conferences applied; b) cases settled, closed or stayed through settlement conferences save at least 20-30 days in appeal time per each case; (due to low # of admin. cases currently settling (7 cases), the time saved in appeal is around 140 days*) (*conservative calculations) COST: very difficult to assign a figure to the costs saved, but these can be judged through the time saved to the system and to the parties through the reduced time of case being in the court system; however looking at the time saving, the costs saving can be categorized as substantial..
Improved ratings of court system performance by commercial case disputants and other stakeholders (e.g. lawyers, businesses, etc.)	approx.1% increase in peace settlements at the general jurisdiction courts; significant increase in cases stayed where parties are encouraged to resolve their dispute without going through with a trial; in general jurisdiction courts approx. 68% of parties who go through settlement conferences convinced that this procedure is an effective method for dispute	approx.1% increase in peace settlements at the general jurisdiction courts; significant increase in cases stayed where parties are encouraged to resolve their dispute without going through with a trial; in general jurisdiction courts approx. 68% of parties who go through settlement conferences convinced that this procedure is an effective method for dispute

comparing use of early settlement mechanisms to traditional trial processes

resolution; in admin. courts the number of cases that go through settlement is very low, but in one case it is a 100% acceptance of the procedure and in another case the parties are not convinced at all that settlement should be used unless legislation facilitates the process;

resolution; in admin. courts the number of cases that go through settlement is very low, but in one case it is a 100% acceptance of the procedure and in another case the parties are not convinced at all that settlement should be used unless legislation facilitates the process;

THE CANADA FILES

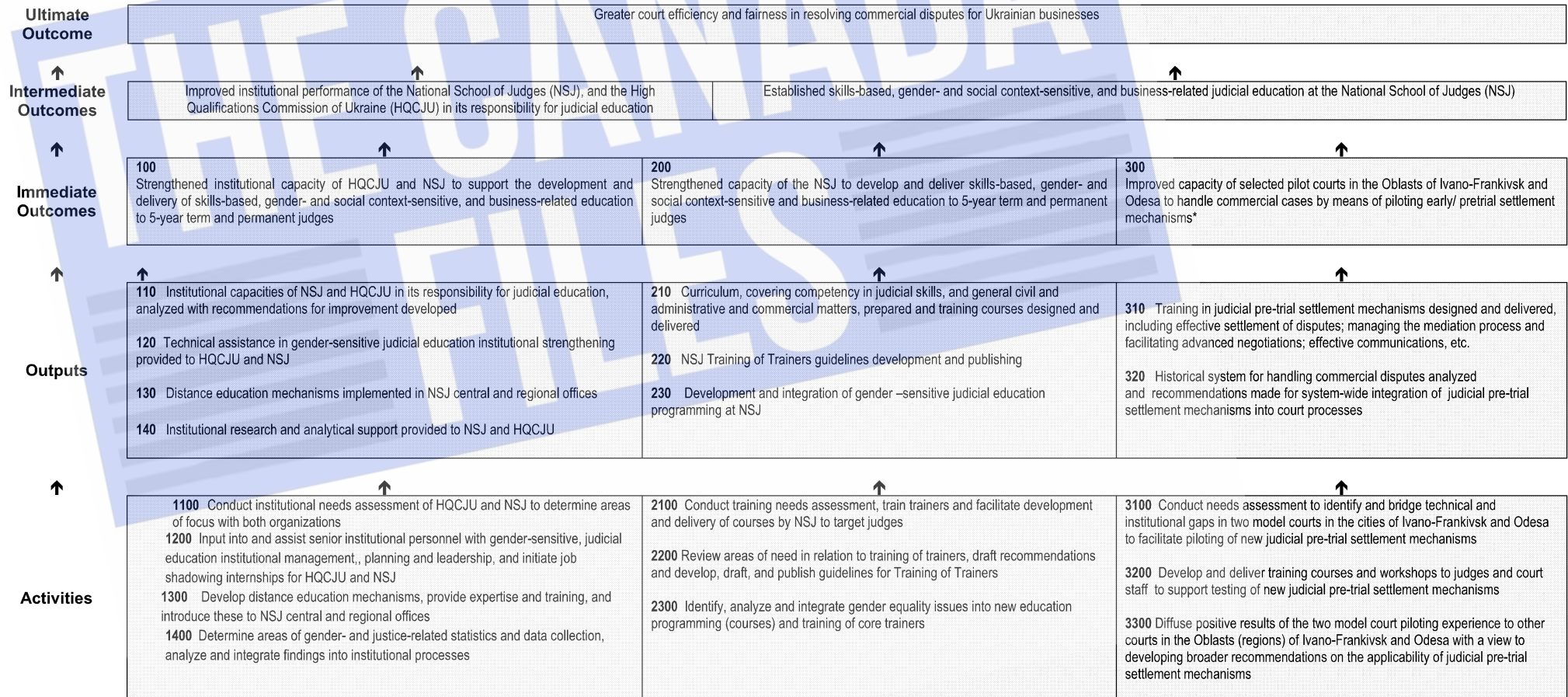
OUTPUT 1: 110 Institutional capacities of NSJ and HQCJU in its responsibility for judicial education analyzed with recommendations for improvements developed		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results
# of issues identified through a completed needs assessments and completion of HQCJU and NSJ strategic and operational plans	The nine issues related to organizational processes and procedures articulated in the draft reports of Canadian expert team were considered by the senior management of the NSJ and HQCJU. The ensuing Action Plan was endorsed by the partners for more immediate planning. The following areas were identified for the project work: 1. Role of Judges, Courts and Other Judicial Institutions in Governance of judicial education institute and design and delivery of educational programs. 2. Organizational Structure and Operations of judicial education institute (support teams). 3. Curriculum and Course Priority Setting. 4. Electronic Resources, Communications, and Technology-Based Distance Learning.	The Canadian expert report summarizes 9 areas that relate to the institutional capacity of the NSJ to support effective curriculum and course planning: workload; facility, material and human resource; organizational structure; strategic planning; management across sites; internal faculty development systems, practices; judicial leadership in course development and delivery; course planning, design and delivery processes; distance learning system. The nine issues related to organizational processes and procedures articulated in the draft reports of Canadian expert team were considered by the senior management of the NSJ and HQCJU. The ensuing Action Plan was endorsed by the partners for more immediate planning. The following areas were identified for the project work: 1. Role of Judges, Courts and Other Judicial Institutions in Governance of judicial education institute and design and delivery of educational programs. 2. Organizational Structure and Operations of judicial education institute (support teams). 3. Curriculum and Course Priority Setting. 4. Electronic Resources, Communications, and Technology-Based Distance Learning.
# of recommendations made to strengthen NSJ's and HQCJU's institutional capacity as a judicial education body	Each thematic area (out of four enumerated) could lead to a significant number of changes. There is an ongoing discussion among the partners about the number and type of organizational processes and procedures in each of the four areas to strengthen institutions in support of the design and delivery of skills-based, gender- and social context-sensitive and business-related judicial education.	Short and long term recommendations by Canadian expert team were developed for each of the 9 areas identified for institutional strengthening. Each thematic area (out of four enumerated) could lead to a significant number of changes. There is an ongoing discussion among the partners about the number and type of organizational processes and procedures in each of the four areas to strengthen institutions in support of the design and delivery of skills-based, gender- and social context-sensitive and business-related judicial education.
OUTPUT 1: 120 Technical assistance in gender-sensitive judicial education institutional strengthening provided to HQCJU and NSJ		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results
Internships completed by # of people (f/m)	2 senior management staff (m) from HQCJU and NSJ were identified, enrolled into English language training in preparation for the internship to Canada, and completed their internship to Canada. The recommendations were developed by interns.	2 senior management staff (m) from HQCJU and NSJ were identified, enrolled into English language training in preparation for the internship to Canada, and completed their internship to Canada. The recommendations were developed by interns.
# (f/m) and % of personnel trained at # workshops on gender-sensitive, judicial education institutional management	The four combined workshops introduced 16 male and 49 female NSJ representatives to NJI model for gender-sensitive judicial education. The work continued with all 4 support groups (3-5 persons each) to model the skills-based judicial education approach.	5 male and 2 female HQCJU as well as 2 male and 5 female senior management representatives have increased knowledge on gender-sensitive, judicial education institutional management. The four combined workshops introduced 16 male and 49 female NSJ representatives to NJI model for gender-sensitive judicial education. The work continued with all 4 support groups (3-5 persons each) to model the skills-based judicial education approach.
OUTPUT 1: 130 Distance education mechanisms implemented in NSJ regional and central offices		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results

# of NSJ regional and central offices equipped	The plans for the NSJ central and regional offices have been discussed with the NSJ. The NSJ prepared the planning document "Developing a Technology-based E-School for the Judiciary of Ukraine".	The plans for the NSJ central and regional offices have been discussed with the NSJ. The NSJ prepared the planning document "Developing a Technology-based E-School for the Judiciary of Ukraine".
# of changes leading to the implementation of effective distance education mechanisms in central and regional offices	A Report on the implementation of distance learning technology was prepared by Ukrainian expert for further discussion with partners and actual implementation. The Ukrainian staff received initial training.	The Canadian expert team with the assistance of Ukrainian distance learning expert drafted recommendations for the NSJ. A Report on the implementation of distance learning technology was prepared by Ukrainian expert for further discussion with partners and actual implementation. The Ukrainian staff received initial training.
OUTPUT 1: 140 Institutional research and analytical support provided to NSJ and HQCJU		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results
Increased ability at NSJ and HQCJU to identify areas for improvement, gather institutional performance data and assess performance	<p>Research was undertaken by the Canadian and Ukrainian teams into the existence of statistics gathering systems and methodologies across EU and other regional states, including the availability of gender-disaggregated statistics and other data relating to women's claims and use of courts and judicial outcomes on gender-related matters. Overall the practice (and systems) of court-based statistical collection and management of data in relation to women's participation in the courts, cases involving gender equality and other areas relating to gender equality remained new or weakly developed across the judicial systems about which information was available or provided.</p> <p>The NJI's own human resource and institutional policies relating to gender equality and social equity, as well as those of two other organizations, were reviewed and collated in order to assist and guide the Ukrainian gender expert and NSJ in the examination of the NSJ's own GE-related policy framework in the context of institutional strengthening efforts. The exercise assisted in expanding local appreciation of the extent of attention given to social equity in the construction of government and non-government institutional frameworks.</p>	<p>Research was undertaken by the Canadian and Ukrainian teams into the existence of statistics gathering systems and methodologies across EU and other regional states, including the availability of gender-disaggregated statistics and other data relating to women's claims and use of courts and judicial outcomes on gender-related matters. Overall the practice (and systems) of court-based statistical collection and management of data in relation to women's participation in the courts, cases involving gender equality and other areas relating to gender equality remained new or weakly developed across the judicial systems about which information was available or provided.</p> <p>The NJI's own human resource and institutional policies relating to gender equality and social equity, as well as those of two other organizations, were reviewed and collated in order to assist and guide the Ukrainian gender expert and NSJ in the examination of the NSJ's own GE-related policy framework in the context of institutional strengthening efforts. The exercise assisted in expanding local appreciation of the extent of attention given to social equity in the construction of government and non-government institutional frameworks.</p>
OUTPUT 2: 210 Curriculum covering competency in judicial skills and general, civil, administrative, and commercial matters prepared and training courses designed and delivered		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results
# of f/m trainers trained to use skills-based methodology	In this reporting period, cumulatively, 73 female and 40 male trainers have been trained to use skills-based methodology while developing 4 courses at the NSJ.	Overall under the project to date, 77 male and 114 female judge-trainers and NSJ staff trainers trained to use skills-based methodology.
Existence and # of consultations, research studies.	4 peer-to-peer multi-visit consultations among NSJ and NJI expert teams conducted. Secondary research gathered to assist the development of the four courses.	4 peer-to-peer multi-visit consultations among NSJ and NJI expert teams conducted. Secondary research gathered to assist the development of the four courses.

OUTPUT 2: 220 NSJ Training of Trainers guidelines development and publishing		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results
# of NSJ TOT guidelines developed and published	No results to report as this is an early stage of the project.	n/a
OUTPUT 2: 230 Development and integration of gender-sensitive judicial education programming at NSJ		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results
# of courses developed integrate gender equality considerations	Design processes and subject content in relation to three of four courses (Administrative Land Law, Generic Land Law, and Courtroom Management; the exception was Statutory Interpretation) integrated gender equality considerations.	Design processes and subject content in relation to three of four courses (Administrative Land Law, Generic Land Law, and Courtroom Management; the exception was Statutory Interpretation) integrated gender equality considerations.
# of judges trained (f/m) in gender equality awareness	During this reporting period, 40 male and 49 female judges and as well as 24 core NSJ trainers were trained in gender equality awareness while developing the skills-based GE sensitive courses. 2 male and 1 female judge as well as 5 gender experts (representatives of Ukrainian NGOs) conducted a one-day roundtable on GE issues.	Increased awareness of gender equality issues for 14 judges and senior decision-makers of NSJ and HQC as well as 27 core trainers. Overall, 40 male and 49 female judges and as well as 24 core NSJ trainers were trained in gender equality awareness while developing the skills-based GE sensitive courses. 2 male and 1 female judge as well as 5 gender experts (representatives of Ukrainian NGOs) conducted a one-day roundtable on GE issues.
Trainers' (f/m) perception of participants' and judges' acceptance (f/m) to gender equality issues	No result to report as this is an early stage of the project. Trainers have not yet delivered courses to participants, hence their perception cannot be evaluated. However to date, most judge trainers have expressed a strong appreciation for Canadian-facilitated sessions in which GE/social context were highlighted.	No result to report as this is an early stage of the project. Trainers have not yet delivered courses to participants, hence their perception cannot be evaluated. However to date, most judge trainers have expressed a strong appreciation for Canadian-facilitated sessions in which GE/social context were highlighted.
OUTPUT 3: 310 Training in judicial commercial pre-trial settlement mechanisms delivered		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results
# of judges and officials (f/m) exposed to Canadian practices in commercial dispute resolution processes	The project conducted four technical workshops on judicially assisted dispute resolution (JADR): In Ivano-Frankivsk there were 49 judges, senior staff and lawyers trained on JADR (31 men and 18 women) and in Odesa the number of workshop trainees was 53, of which 26 were men and 27 were women.	To-date the project has trained in JADR procedure at the four workshops approximately 102 judges, senior court staff and members of the legal profession (57 male and 45 females); All judges of the 4 pilot courts, approx.95 judges (I-F: 18-general court, 21-administrative court; Odesa: 26-general court, 32-admin.court) are familiar with the concepts of JADR and have a good understanding of its practical application in Ukraine;
# of workshops conducted on case-management practices relating to	Four technical workshops on JADR conducted for judges, senior court staff and members of the legal profession in Ivano-Frankivsk and Odesa Regions. The workshops covered among many things the case and caseload management; development of the pre-trial settlement conference, judicial and administrative	To-date the project has conducted: <ul style="list-style-type: none"> • Practical exposure mission to Canada for judges of the pilot courts, HQCJU and School of Judges

<p>commercial dispute resolution (pre-trial settlement) mechanisms</p>	<p>aspects of judicial settlement conferencing; preparation and scheduling of settlement conferencing, caucusing, complex multi-party settlement conferences, partial settlement and recommendations on settlement techniques.</p>	<ul style="list-style-type: none"> • At least 3 information meetings with judges, members of the legal professions, representatives of state institutions litigating before the administrative courts, other NGOs and members of the public in each of the two Regions; • 2 Workshops on JADR for Judges and judicial system officials (incl. legal profession) in <i>Ivano-Frankivsk Region</i> • 2 Workshops on JADR for Judges and judicial system officials (members of the legal profession) in <i>Odesa Region</i>
<p>OUTPUT 3: 320 Recommendations drafted for system-wide integration of judicial pre-trial settlement mechanisms into court processes relating to commercial cases</p>		
<p># and type of procedures adaptable to Ukrainian realities outlined in the recommendations</p>	<p>Consultations on the recommendations continue with the pilot courts and various justice system stakeholders. At least four different consultation meetings have taken place with various stakeholders to discuss, consult on and seek feedback on the implementation of JADR in Ukrainian courts. The pilot has been now in progress for 10 months and shows positive results. The courts have developed rules for pre-trial settlement conference according to which the process is taking place at the four pilot courts. (These rules will be further refined as piloting progresses).</p> <p>The Project Working Group met twice to commence the pilot, review its interim results, plan further advancement of the pilot and begin drafting the recommendations for system wide integration.</p>	<p>The courts have developed rules for pre-trial settlement conference according to which the process is taking place at the four pilot courts. (These rules will be further refined as piloting progresses).</p> <p>The initial outline of the recommendations have been discussed and written out.</p>

APPENDIX C: LOGIC MODEL



* Judicial pre-trial settlement mechanisms: Time and cost-saving dispute resolution/mediation mechanisms typically led and implemented by judges outside the formal court-room setting.

APPENDIX D: RISK REGISTER

Initiative Name:	Judicial Education for Economic Growth in Ukraine				
Implementing Organizations:	National Judicial Institute (NJI) and The Office of the Commissioner for Federal Judicial Affairs (FJA)		Country/Region/Institution	Ukraine The High Qualifications Commission of Judges of Ukraine and the National School of Judges of Ukraine	
Risk Definition		Risk Response	Investment LM Result Statement	Residual Risk Level – Low/Very Low/High/Very High	
				Date 1 Dec. 2012	Date 2 May 2014
				Date 3	
Operational Risks					

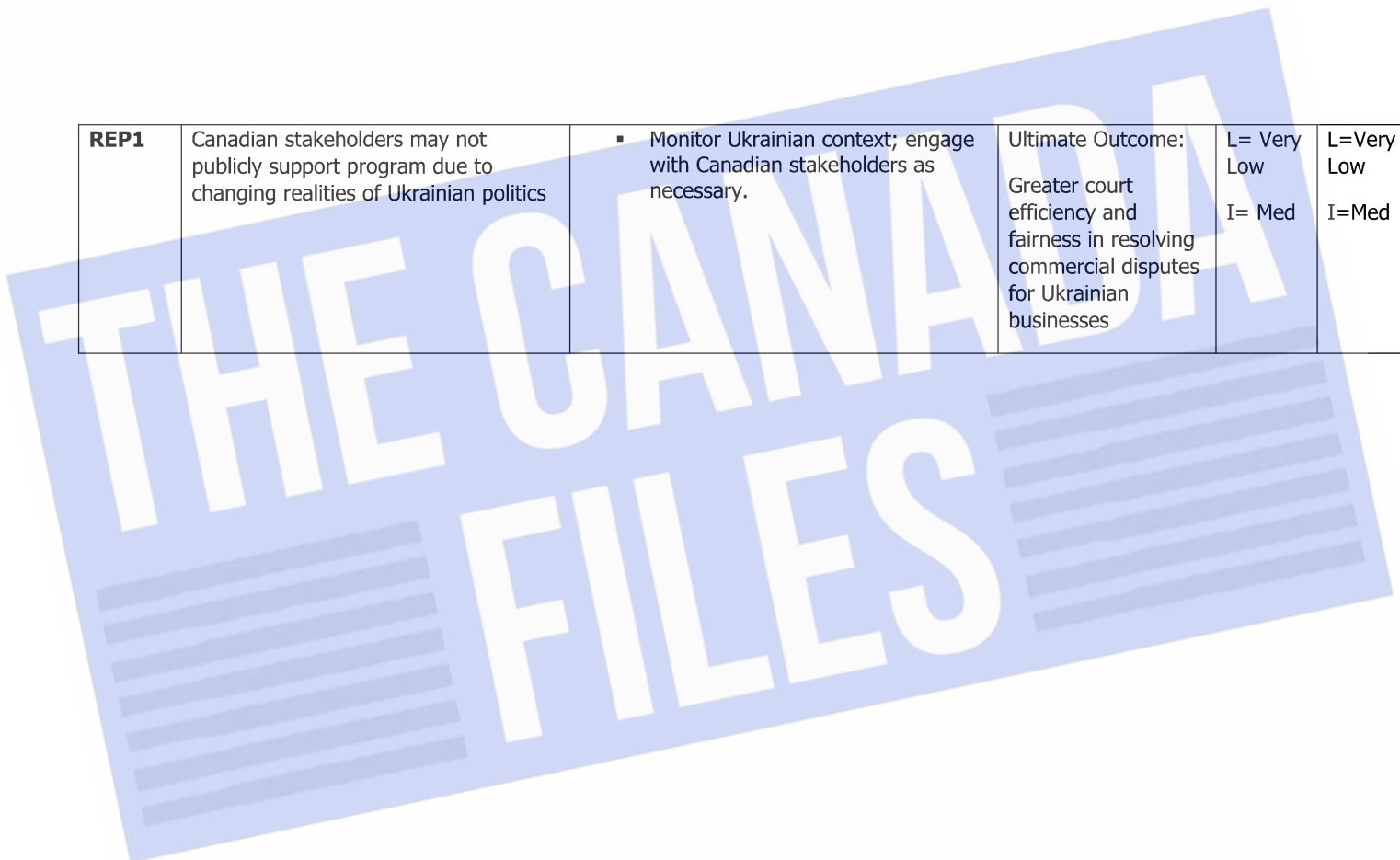
<p>OP1</p>	<p>Project partners are unable to implement activities in a timely manner due to the lack of institutional capacity including lack of physical facilities</p>	<ul style="list-style-type: none"> ▪ In the initial phase clear agreements between NSJ and HQCJU on their roles, responsibilities and expectations will be developed & frequently reviewed. ▪ HQCJU and NSJ will be strengthened from the inception phase to ensure they are able to function at sufficient capacity according to the schedule. ▪ Advance planning will anticipate work schedules of judges. Flexibility in adapting to emergency (external) circumstances. ▪ Work jointly with NSJ champions on training of trainers, especially judges who were previously involved with NJI in developing skills-based experiential courses as part of the project, course content and gender equality aspects; ensure fluid communication. ▪ Explore other possibilities where face-to-face training could be conducted in the interim such as NSJ regional offices, courts with conference facilities and hotels ▪ Advance distance learning methodology and mechanisms 	<p>Immediate Outcome 1: Strengthened institutional capacity of HQCJU and NSJ to support the development and delivery of skills-based, gender- and social context-sensitive and business-related education to 5-year term and permanent judges</p>	<p>L= Low/Med I= Med</p>	<p>L=Med I=Low</p>	<p>L= I=</p>	<p>Project Manager in the field</p>
<p>OP2</p>	<p>HQCJU and NJS officials do not approve skills-based curricula, approaches, course content</p>	<ul style="list-style-type: none"> ▪ Conduct accurate needs assessment ▪ Work with HQCJU supporters together with NJS to solicit their support vis-a-vis government departments if necessary. ▪ Seek input of respected Ukrainian adult education specialists with 	<p>Immediate Outcome 2: Strengthened capacity of NSJ to develop and deliver skills-based, gender- and social context-</p>	<p>L= Low I= Med</p>	<p>L=Low I=Med</p>	<p>L= I=</p>	<p>Project Manager in the field</p>

		judicial education experience, particularly staff at the NSJ and judges who have experience in using skills-based training.	sensitive, and business-related education to 5-year term and permanent judges				
OP3	Judges reject or are slow to implement new pre-trial settlement mechanisms	<ul style="list-style-type: none"> ▪ Building confidence in processes & guidelines through an appropriate collaborative design of the project, with the Ukrainian team playing a leading role in the drafting of processes and guidelines. ▪ Seek champions ▪ Strengthen knowledge of new approaches in key offices of HQCJU and NSJ. ▪ Seek endorsement from HQCJU or other required authoritative body to pilot pre-trial conferencing by judges given that judges may perceive a violation of their civil code 	Immediate Outcome 3: Improved capacity of selected pilot courts in the Oblasts of Ivano-Frankivsk and Odesa to handle commercial cases and use judicial pre-trial settlement mechanisms	L= Low I= Med	L=Low I=Low	L= I=	Project Manager in the field
OP4	Obstacles to roll-out of distance learning programming (e.g. relating to establishing a secure network)	<ul style="list-style-type: none"> ▪ Investigate the degree or percentage of distance learning programming that would require a secure network (at the current time, NSJ implements distance learning programming on an unsecured network) ▪ Identify the feasibility of securing an offsite secure server consistent with NJI's experience ▪ Determine a timeframe for implementation of an onsite secure network. 	Immediate Outcome 1 (as above)	L = Med I = Med	L = Low I = Med		
Financial Risks							

<p>FIN1</p>	<p>Insufficient financial and other resources negatively affect the institutional strengthening component in the project</p>	<ul style="list-style-type: none"> ▪ Project will support the key governmental decision makers who are seeking greater funding for judicial education, especially HQCJU, but also the State Court Administration to help ensure that appropriate budget and administrative issues supporting institutional strengthening are addressed. ▪ The project will explore less resource-intensive strategies such as working with stakeholders committed to reform (judges, academics, other donors and business associations) to ensure training opportunities are well coordinated and leverage other resources. 	<p>Immediate Outcome 2: Strengthened capacity of NSJ to develop and deliver skills-based, gender- and social context-sensitive, and business-related education to 5-year term and permanent judges</p>	<p>L= Med I= Med</p>	<p>L= Med I= Med</p>	<p>L= I=</p>	<p>Project Manager in the field</p>
<p>FIN2</p>	<p>Budgetary shortfalls or changes in anticipated state-allocated budget reduce pilot courts' contribution</p>	<ul style="list-style-type: none"> ▪ Notification to pilot courts of possible reduction in project activities; ▪ Negotiation with the HQCJU, Council of Judges, and SCA to re-establish support 	<p>Immediate Outcome 3: Improved capacity of selected pilot courts in the Oblasts of Ivano-Frankivsk and Odesa to handle commercial cases and use judicial pre-trial settlement mechanisms</p>	<p>L= Med I= Med</p>	<p>L= Med I= Med</p>	<p>L= I=</p>	<p>Project Manager in the field</p>
<p>Development Risks</p>							
<p>DEV1</p>	<p>The political and economic crisis continues to deteriorate and disrupts the functioning of the judiciary.</p>	<ul style="list-style-type: none"> ▪ Monitor political and economic situation and anticipate implications of the impact on judiciary and changes in government through 	<p>Ultimate Outcome: Greater court efficiency and</p>	<p>L= Med I= Med</p>	<p>L= Low I= High</p>	<p>L= I=</p>	<p>Project Director</p>

		<p>regular situation analysis and dialogue with judicial and government contacts.</p> <ul style="list-style-type: none"> ▪ DFADT to work with other donors to promote with appropriate Ukrainian government officials the necessity of building an independent judiciary. 	<p>fairness in resolving commercial disputes for Ukrainian businesses</p>				
DEV2	<p>Ukrainian judges reject all or some of the new ideas/approaches being introduced. Ukrainian judges and Chief judges remain reluctant or unavailable to develop and deliver judicial education at NSJ resulting in inadequate supply of sitting judges to develop and deliver judicial education in Ukraine.</p>	<ul style="list-style-type: none"> ▪ Demonstrating value via technical exchange programs, judicial training on the new approaches, senior SCU judges and HQCJU awareness building. ▪ Judge to judge approach will facilitate acceptance of new skills and approaches (“testimony” of Canadian judges). ▪ Set up criteria for identifying national experts taking into account openness to new ideas, influence, and experience in specific reform areas. Identify “champions.” ▪ Involve judges at all levels of court in training and developing curricula. ▪ Provide adequate advance notice and preparation time for all project activities, and seek time commitment at an early stage from judge participants ▪ HQCJU to play a key leadership role in ensuring that CJs will allow for judges to participate in JE development including directly leading development of first course (statutory interpretation). 	<p>Immediate Outcome 2: Strengthened capacity of NSJ to develop and deliver skills-based, gender- and social context-sensitive, and business-related education to 5-year term and permanent judges</p>	<p>L= Low I= Med</p>	<p>L=Low I=Med</p>	<p>L= I=</p>	<p>Project Manager in the field</p>
Reputation Risks							

<p>REP1</p>	<p>Canadian stakeholders may not publicly support program due to changing realities of Ukrainian politics</p>	<ul style="list-style-type: none"> ▪ Monitor Ukrainian context; engage with Canadian stakeholders as necessary. 	<p>Ultimate Outcome: Greater court efficiency and fairness in resolving commercial disputes for Ukrainian businesses</p>	<p>L= Very Low I= Med</p>	<p>L=Very Low I=Med</p>	<p>L= I=</p>	<p>Project Director</p>
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APPENDIX E: PERFORMANCE MEASUREMENT FRAMEWORK

PERFORMANCE MEASUREMENT FRAMEWORK							
Expected Results	Indicators	Baseline	Targets	Data Source	Data Collection Method	Frequency	Responsible
ULTIMATE OUTCOME Greater court efficiency and fairness in resolving commercial disputes for Ukrainian businesses	Percentage of public having confidence in the courts' capacity to fairly treat commercial disputants/litigants	7.5% of citizens have full confidence in the courts (TI, National Integrity System 2011)	Incremental increases in public confidence rankings.	Existing national, regional and international reports and assessments	Reports and literature reviews	Mid-term and final year	NJI Project Manager
	Relative ranking of the judicial system in relation to international standards	WJP ranks efficiency (timeliness and effectiveness) relating to criminal adjudication at 0.45 of 1; Ukraine is at 152nd of 182 in terms of transparency (TI, CPI 2011); judicial independence was 143th of 142 (WEF GCR 2011-2012). In addition: Ukraine is ranked 152nd of 183 in 2012 Doing Business Report (WB); 82nd of 142 in GCR (WEF 2011-2012).	Increase in efficiency and fairness (including independence and transparency) rankings over time compared with similar transition economies.	Existing national, regional and international reports and assessments	Reports and literature reviews		
	Average time and effort required for resolving a commercial lawsuit, from filing to court hearing to final resolution	30 procedures and 343 days in 2011 (WB Doing Business 2012)	Reduction in number of procedures and length of time required to resolve a commercial lawsuit to align more closely with European Standards (applying WB measures).	<i>Doing Business</i> Report, existing statistics, senior stakeholders	Reviews of statistics where available and <i>Doing Business</i> Report, consultations		
Intermediate Outcome 1 Improved institutional performance of the National School of Judges of Ukraine (NSJ) and the High Qualifications Commission of Ukraine (HQCJU) in its responsibility for judicial education	Extent to which the key organizational features and processes to support education (involvement of judges in education; strategic and operational planning; governance structure, roles and responsibilities, and management,	Basic structures in place; limited mechanisms for accessing expertise and leadership of judges; idea of strategic plan in discussion; governance and oversight practices, as well as management, procedures, practices still being determined.	Effective mechanisms articulated and in development or in place in relation to utilization of judges, strategic planning, governance and oversight systems and practices, and organizational management, procedures and practices.	NSJ and HQCJU reports, documentation regarding existing and new practices and systems	Institutional assessment including observations, review, consultations	Mid-term and final year	NJI Project Manager

	procedures, practices) are established						
	Number and type of policies developed and implemented based on recommendations elaborated under JEEG	Baseline status at 0.	New policies articulated and developed relating to institutional practices and systems in support of judicial education.				
Intermediate Outcome 2 Established skills-based, gender- and social context-sensitive and business-related judicial education at the National School of Judges (NSJ)	Degree to which m/f judges are able to apply gender and social context sensitivity in their work	Agreement to be established as to the articulation and applicable indicators of gender sensitivity – thus no baseline available.	A majority of judges report that they are able and willing to apply core gender-sensitive knowledge and skills after related training.	Judges and judge faculty	Questionnaires/ consultations	Mid-term and final year	NJI Project Manager
	Proportion of courses that are skills-based, gender- and social context-sensitive, integrated into NSJ curriculum	Limited number of 'practical' courses or courses integrating skills practice available for judges; curriculum rarely integrates content that is directly attentive to GE issues.	15-20% of all courses integrated into curriculum are practical or skills-based and integrate gender-sensitive content.	NSJ calendar and curriculum, changes in academic plans.	Assessment of curriculum progression		
	Extent of judicial institutional support ³ for new skills-based, gender- and social context-sensitive education content	New course content in the areas listed has been endorsed by senior institutional staff; courses to be developed under JEEG to be determined on basis of recognized needs and institutional interest and support.	Judicial institutional support continues to be strong and ensures continued design and delivery of this new program content and methodology into the curriculum.	Partners, judge-faculty and personnel of the NSJ, other stakeholders.	Surveys/ consultations		
Immediate Outcome 100 Strengthened institutional capacity of HQCJU and NSJ to support the development and delivery of skills-based, gender- and social context-sensitive and business-related education to 5-year term and permanent judges	Number and type of organizational processes and procedures being strengthened or newly developed to support the design and delivery of skills-based, gender- and social context-sensitive and business-related judicial education	Organizational processes and procedures still under review and not fully articulated as a necessary stage in their strengthening and development.	Review of all processes completed within 1-2 years; mechanisms for their strengthening or development in place and implemented within the project's timeline.	Management and non-management institutional personnel	Annual institutional assessments including interviews, collaborative review	Annual	NJI Project Manager

³ This includes support as relevant from the HQCJU, the State Courts Administration, the Council of Judges, and the courts.

	Number of f/m core staff trained in development and delivery of judicial education	NSJ has reported having 46 full-time and 8 part-time personnel that have various and ad hoc training in the development and delivery of judicial education in general. The baseline is set at 0 for the purposes of the project	The full staff contingent that is required to meet the demands of mandated judicial education requirements, trained in the development and delivery of judicial education.				
Immediate Outcome 200 Strengthened capacity of the NSJ to develop and deliver skills-based, gender- and social context-sensitive and business-related education to 5-year term and permanent judges	Level of satisfaction of f/m judge participants with judicial education programming	Judges have varying perspectives on the effectiveness and variety available to them in current JE programming at the NSJ and elsewhere. Some degree of dissatisfaction as to ability to select content and methods of education, including relevant skills education.	Judges rate themselves as satisfied with judicial education programming (content and methodologies) developed and offered under the project.	f/m judge trainees, judge faculty and institutional personnel and trainers as appropriate	Questionnaires, consultations		
	Number of skills-based and business-related courses developed and delivered by the NSJ	Some limited practical, skills-related education content – far more substantive, lecture based courses. Some limited business-related courses available.	It is expected that 3 cycles of up to 5 courses each developed and delivered under JEEG will prompt the NSJ to integrate skills-based and business-related content (where applicable) into remaining curricula.	NSJ and HQCJU relevant department personnel, reports, calendar	Annual institutional review including consultations, review of training sessions /calendars, workplan	Annual	NJI Project Manager
	Extent to which gender equality is integrated in the new courses developed under JEEG	Limited integration of gender equality considerations into curriculum.	15-20% of all courses developed and integrated into the curriculum incorporate gender-sensitive content after 1-2 years.				
Immediate Outcome 300 Improved capacity of selected pilot courts in the Oblasts of Ivano-Frankivsk and Odesa to handle commercial cases by means of piloting judicial pre-trial settlement mechanisms	Decrease in duration and cost of dispute settlement using judicial pre-trial settlement mechanisms compared to similar cases addressed through traditional trial processes	Judicial early/pretrial settlement processes are not available in the pilot courts. Baseline is therefore considered to be at zero.	Decreased time and cost for a commercial case to proceed through the court system after judicial pre-trial settlement mechanisms in place.	Court statistics where available, anecdotal evidence from business and legal representatives and others	Review of case statistics ⁴	End of 3 rd (final) year of component	NJI Project Manager (FJA Program Manager for implementation and reporting to NJI)

⁴ Where gathered and tracked by relevant courts, and provided to project partners.

	Improved ratings of court system performance by commercial case disputants and other stakeholders (e.g. lawyers, businesses, etc.) comparing use of early settlement mechanisms to traditional trial processes	Lawyers, businesses and others rate the existing traditional trial process poorly; however early settlement mechanisms are not yet utilized and procedural changes are required for their comprehensive integration. Baseline for comparison is therefore at zero.	Increase in the number of cases resolved through judicial pre-trial settlement mechanisms; improved overall perspective of the pre-trial and trial process by stakeholders.	Court statistics where available, business litigants and legal representatives	Interviews/questionnaire	End of 2 nd and 3 rd year	NJI Project Manager (FJA Program Manager for implementation and reporting to NJI)
Output 1:							
110 Institutional capacities of NSJ and HQCJU in its responsibility for judicial education analyzed with recommendations for improvements developed	# of issues identified through a completed needs assessments and completion of HQCJU and NSJ strategic and operational plans	There are several issues identified by both Canadian and Ukrainian experts during the inception mission. The specific issues will be described in details in the forthcoming strategic and operational plans	Review of processes demonstrate that the strategic and operational plans are in place and issues raised are being addressed in timely manner.	NSJ report / standardized assessment criteria	Analysis/Review	Annual	NJI Project Manager
	# of recommendations made to strengthen NSJ's and HQCJU's institutional capacity as a judicial education body	Established at 0	At least one annual recommendation by the expert team is produced per issue identified	NSJ report / standardized assessment criteria/ participant lists	Analysis/Review	Mid-term and final year	NJI Project Manager
120 Technical assistance in gender-sensitive judicial education institutional strengthening provided to HQCJU and NSJ	Internships completed by # of people (f/m)	Established at 0	At least 4 senior management staff (m/f) from HQCJU and NSJ completed internships	Partners	Review	Annual	NJI Project Manager
	# (f/m) and % of personnel trained at # workshops on gender-sensitive, judicial	Established at 0	At least 50 % of HQCJU commissioners and required percentage of personnel				

	education institutional management		(f/m)and (and over 60% of NSJ personnel m/f) exposed				
130 Distance education mechanisms implemented in NSJ regional and central offices	# of NSJ regional and central offices equipped	Established at 0	Max. 2 NSJ regional and 1 central offices equipped	NSJ report / standardized assessment criteria/ Canadian experts' reports	Analysis/Re-view	Mid-term and final year	NJI Project Manager
	# of changes leading to the implementation of effective distance education mechanisms in central and regional offices	Established at 0	At least one annual recommendation by the expert team is produced per issue identified and selected	NSJ report / standardized assessment criteria	Stats analysis/re-view	Annual	NJI Project Manager
140 Institutional research and analytical support provided to NSJ and HQCJU	Increased ability at NSJ and HQCJU to identify areas for improvement, gather institutional performance data and assess performance	Established at or near 0	NSJ and HQCJU have identified up to 6 key areas for improvement in which data was collected and against which performance was assessed	Partners/partner reports	Institutional review, consultations	Annual	NJI Project Manager
Output 2							
210 Curriculum covering competency in judicial skills and general, civil, administrative, and commercial matters prepared and training courses designed and delivered	# of f/m trainers trained to use skills-based methodology	To be established at inception (f/m %)	Up to 90 (directly) (f/m) NSJ staff and faculty judges, up to 300 (via ToT) NSJ staff and faculty judges (f/m) determined)	NSJ report / standardized assessment criteria/participant lists	Stats Analysis/Re-view	Annual	NJI Project Manager
	Existence and # of consultations, research studies.		Up to 15 peer-to-peer (trainer to trainer and judge to judge) consultations, 6 research studies required for program development conducted	NSJ report / standardized assessment criteria	Stats Analysis/Re-view	Annual	NJI Project Manager

<p>220 NSJ Training of Trainers guidelines development and publishing</p>	<p># of NSJ TOT guidelines developed and published</p>	<p>Established at 0</p>	<p>At least 3 multidisciplinary guidelines developed and published</p>	<p>NSJ report / standardized assessment criteria</p>	<p>Stats Analysis/Review</p>	<p>Mid-term and final year</p>	<p>NJI Project Manager</p>
<p>230 Development and integration of gender-sensitive judicial education programming at NSJ</p>	<p># of courses developed integrate gender equality considerations</p>	<p>Gender equality principles applied sporadically</p>	<p>8-10 newly delivered courses reflect gender equality considerations</p>	<p>NSJ reports/ curriculum/agenda/ participant lists/trainer evaluations of participants</p>	<p>Statistical Analysis/Review</p>	<p>Annual</p>	<p>NJI Project Manager</p>
	<p># of judges trained (f/m) in gender equality awareness</p>	<p>Established at 0</p>	<p>Up to 300 judges (f/m) trained over the lifecycle of the project through courses that incorporate gender issues (piloting); the same number of judges (f/m) to be trained annually after year 5 of the project/</p>	<p>NSJ reports/NSJ Curricula/Standardized assessment criteria/ Participant lists/trainer evaluations</p>			
	<p>Trainers' (f/m) perception of participants' and judges' acceptance (f/m) to gender equality issues</p>	<p>Overall resistance to accept gender equality issues</p>	<p>Incremental change in each year in accepting the gender problematic</p>	<p>Participant lists/trainer evaluations of participants</p>			
<p>Output 3</p>							
<p>320 Training in judicial commercial pre-trial settlement mechanisms delivered</p>	<p># of judges and officials (f/m) exposed to Canadian practices in commercial dispute resolution processes</p>	<p>Few, if any, judges know of Canadian practices in commercial dispute resolution processes</p>	<p>Train/expose at least 100 judges and court staff on/to new procedures</p>	<p>Canadian and Ukrainian legal expert team report/PM monitoring technical exchange reports and list of training equipment provided to the courts</p>	<p>Review and analysis of reports Review PM monitoring technical exchange report and relevant records of purchase</p>	<p>Annual</p>	<p>NJI Project Manager (FJA Program Manager for implementation and reporting to NJI)</p>

	# of workshops conducted on case-management practices relating to commercial dispute resolution (pre-trial settlement) mechanisms	No judicial pre-trial settlement mechanisms have been applied or tested in Ukraine in relation to commercial cases	Conduct up to 4 workshops (2 in each Oblast) on judicial case-management of pre-trial settlement mechanisms relating to commercial cases	Canadian and Ukrainian legal expert team report/PM monitoring technical exchange reports and list of training equipment provided to the courts	Review and analysis of reports Review PM monitoring technical exchange report and relevant records of purchase	Annual	NJI Project Manager (FJA Program Manager for implementation and reporting to NJI)
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<p>330 Recommendations drafted for system-wide integration of judicial pre-trial settlement mechanisms into court processes relating to commercial cases</p>	<p># and type of procedures adaptable to Ukrainian realities outlined in the recommendations</p>	<p>No judicial pre-trial settlement mechanisms have been applied or tested in Ukraine in commercial dispute resolution processes</p>	<p>Active participation and substantive feedback during judicial pre-trial settlement by all key stakeholders (f/m)</p>	<p>Canadian and Ukrainian legal expert team report/PM monitoring technical exchange reports /Canadian and Ukrainian legal expert team recommendations</p>	<p>Review and analysis of reports and recommendations/Review PM monitoring technical exchange report</p>	<p>End of 2nd/3rd yr</p>	<p>NJI Project Manager (FJA Program Manager for implementation and reporting to NJI)</p>
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SEMI-ANNUAL REPORT

JUDICIAL EDUCATION FOR ECONOMIC GROWTH

1 April, 2014 - 30 September, 2014

Submitted by the National Judicial Institute: 15 November, 2014

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EXECUTIVE SUMMARY

The five-year, Judicial Education for Economic Growth (JEEG) project combines the Foreign Affairs, Trade and Development Canada (DFATD) economic growth priority with the cross-cutting themes of governance, rule of law, and gender equality. A key area in which DFATD provides support to engage its stated priorities is through strengthening public institutions built on the rule of law and accountability. JEEG seeks to promote an enabling environment for economic growth through enhancing the rule of law, and in particular increasing the capacity of the judiciary and courts to respond effectively to a variety of disputes including business-related disputes. A competent, effective, and fair judiciary is a vital component of an effective democracy and contributes to Canada's support for Ukrainian efforts towards a free, democratic and prosperous society.

This Semi-Annual Report describes the methodology and areas of work implemented under JEEG over the first half of the Fiscal Year 2014-2015. Initiatives and activities in relation to each project outcome and output set out in the Annual Work Plan (AWP) FY 2014-15 are described in this report in accordance with the anticipated results set out within the Project Implementation Plan (PIP) which covers the life of the project.

The Ukrainian judicial context continues to be in a stage of significant change, and Ukraine has initiated a process of extensively reviewing and early planning in regard to the reform of the judicial sector throughout this reporting period. Much remains to be determined in terms of appropriate structure, procedure, regulation and operations of the courts and judicial bodies. The HQC is one illustration of a judicial body being reformed by legislative actions taken over the past year (others are set out in further detail below). The project could not maintain a working relationship with the HQC given the loss of posts among all members, however membership has begun to be reconstituted and contact and project work will begin again as the HQC resumes operations. The below narrative section elaborates further.

In spite of chaotic conditions in the country, comparing JEEG project results accomplished against those planned for this period, the project is largely on track in its three components. Project progress was achieved towards intermediate outcomes (1) *Improved institutional performance of the NSJ, and the HQCJU in its responsibility for judicial education*; and (2) *Skills-based, gender and social context-sensitive and business-related education content integrated within the curriculum of the NSJ and HQCJU*. In general, project partners continued to exchange knowledge of and approaches to institutional strengthening (Component 1), judicial education processes, methodologies and programming as well as development of model courses (Component 2), and mechanisms for enhancing the judicial process in Ukrainian pilot courts (Component 3). Research, coordination and networking with key donors and civil society was again pursued so as to support understanding of major issues of concern in the local judicial context.

More specifically, the project continued to facilitate dialogue and training sessions on effective models and methodologies for judicial education with 31 female and 7 male key NSJ personnel (equalling 100% of programming and training personnel; these key NSJ personnel have each now been trained in one or more JEEG-facilitated workshops and seminars). The total number of NSJ key personnel and associated judge trainers trained under JEEG is 130 (81 female and 49 male). Overall, for the school to operate as an effective, modern judicial education institution, faculty development of both NSJ trainers and programming personnel, as well as of judge trainers associated with the NSJ, is a key building block and comprises many subject areas. NJI has provided several variations of the faculty development course to reflect the needs of the groups before it.

The project also provided training in advanced processes related to institutional strengthening to 18 (13 female and 5 male) judges and staff working toward institutionalisation of the Newly-Appointed Judges curricula, and to 22 (14 female and 8 male) judges and staff participating in locally-facilitated JEEG workshops on faculty development and institutional strengthening. The project also finalized the development of the original six modules for the new Statutory Interpretation course with 19 (10 female and 9 male) participants. There was a proposal to expand the course and it has been decided not to go forward with this at this stage. Rather, the work of the course will comprise one of the modules in the 2-week course for newly appointed judges. The project also finalized the development of the modules for Property Rights with a focus on Land Law with 7 (6 female and 1 male) participants; and modules are nearly finalized for Courtroom Management with 17 (12 female and 5 male) participants. The project continued the development of courses in Evidence with 19 (13 female and 6 male) participants and has initiated the development of a manual for NSJ programming staff with 5 (4 female and 1 male) participants. Evidence – creating a 3-day course that will be piloted in 2015 and will continue to be delivered by the NSJ. There will be a shorter version of that course that will be part of the 2-week course for NA judges and will be delivered in 2016.

During this reporting period, JEEG carried out a number of working level meetings with partners to review progress, plan activities and determine content, resources, timing and logistical details; and local project staff have participated in project-relevant roundtable sessions and conferences, and in civil society consultations in Ukraine. The project's working experts and management team observed the unfolding political crisis and regularly reviewed implications for JEEG through networking and analysis relating to events, legislative changes and security matters impacting on local operations and on the work of incoming experts and delegations.

NARRATIVE SEMI-ANNUAL REPORT

This section of the Semi-Annual Report includes a review of judicial system developments in Ukraine and a narrative description of activities undertaken and actual outputs achieved in relation to the annual work plan for the period April 2014–September 2015. Any variance between WBSs that were planned in the AWP and accomplished in reporting period, as well as problems/difficulties and remedial actions taken, are provided or explained within activity sections.

CONTEXTUAL ANALYSIS

Prior to this reporting period and even prior to the winter 2013-2014 *Euromaidan* Revolution in Ukraine, the judiciary was under great pressure to regain credibility in its capacity to dispense fair outcomes, having been considered by much of the public as responsible for systemic shortcomings and failures inherited from the Soviet period and perpetuated through the Yanukovych regime. During this reporting period and in the aftermath of *Euromaidan*, the project teams were in close touch on the challenges arising in a complex judicial context. At this stage, the lack of judicial independence and pervasive judicial corruption (both perceived and actual) as well as weak public trust in the courts have been more widely acknowledged as requiring urgent remedial action in Ukraine in order to prevent the arising of more drastic circumstances.

Subsequent to the escape of Viktor Yanukovych, the Rada re-affirmed a commitment to a parliamentary-presidential republic, returning to the Constitution of 2004. More generally, the will and intention to reform the judiciary has emerged from within the State (including continued vocal acknowledgements by the President and expedited legislative reform activity, outlined in part below) and the judiciary itself. Civil society representatives have become actively involved in consultations on judicial reform needs with the Ministry of Justice including in regard to necessary legislative amendments; they have also played a key role in stepping up the monitoring of courts. International technical assistance from USAID and the CoE has also supported urgent judicial reforms by assisting the process of strategic planning toward the stabilization and development of the judiciary.

On April 8, 2014 the *Law on Reinstitution of Trust to Judiciary* was adopted by the Rada (Parliament), leading to the removal of the current members of the Higher Council of Justice of Ukraine (HCJ) and of the commissioners of the High Qualification Commission of Judges of Ukraine (HQCJ) as well as of all Chief Justices.¹ Rules for electing delegates

¹ The *Law on Purification of Government* (adopted in October 2014) attempts a complementary process at the state level by banning government officials who were in high level positions under President Yanukovych's regime, as well as persons acting as Communist Party officials during the rule of the USSR, from occupying governmental positions in Ukraine for between 5 and 10 years.

for the Congress of Judges and the Council of Judges were modified. New members of the HCJ and HQCU as well as the new Chief Justices were elected in accordance with the new rules, the latter being monitored by the public in the Higher Administrative and Higher Economic courts; however in spite of careful monitoring, some 80% of prior Chief Justices were re-elected. The Congress of Judges of June 19-20 appointed a new Council of Judges comprising 40 judges (predominantly first instance court judges) and elected a new Council Head, Supreme Court Justice Valentyna Simonenko. The Congress of September 25-26 elected the new members of the HCJ and HQCU. Between April 11th when the Law noted above entered into force, and the final day of this reporting period (30th September), the HCJ and HQC were for practical purposes highly dysfunctional. The HQCU in particular took several decisions in the context of its working sessions that are being questioned by the Rada in terms of their legality. Altogether the effect of the Law on the longer-term functioning of the judicial system may be mixed and will not be fully evident for some time.

Other legislative advances are aimed at securing continued efforts toward judicial reform: The *Law on Ratification of Association Agreement between Ukraine and EU* was adopted by the Rada on September 16th and entered into force on September 27th.² Its basis was the articulation of preconditions for association between the EU and the Ukrainian judicial system, requiring in particular judicial reforms toward an independent and trusted judiciary. This includes members of the HCJ and HQCU as well as judges. In addition to this law, at the end of September 2014, President Petro Poroshenko announced *Strategy 2020* which envisions 60 reforms to be implemented by 2020. Among other objectives, the strategy aims to achieve a 60% increase of public trust in the judiciary. Again, this year is seeing the initial stages of earnest targeted reform strategies and it remains to be seen how these will be effected and nurtured over the medium term.

The NSJ continues to demonstrate institutional stability in spite of recent upheavals faces by the Ukrainian judiciary and other judicial institutions.

_____ has a vision to further improve and develop judicial education in Ukraine, which includes defined legislative changes enabling the NSJU to train judicial candidates for one year, and more importantly enabling it to become an independent judicial (rather than executive-led and -authorized) institution overseen by the Council of Judges.

As with other projects engaging in public institutional reform in Ukraine, the Canadian and Ukrainian project teams under JEEG are, for the present, observing substantial continuing uncertainty relating to political process. Also unclear and of interest to JEEG are the means by which judicial reform will be addressed over the medium and longer

² To take effect, the EU-Ukraine Association Agreement must be ratified by all 28 EU member states. The Agreement provides both for EU-Ukraine political association and for free trade, and requires Ukraine to implement reforms and respect democratic principles, human rights and the rule of law.

terms. Nevertheless, on the basis of its own prior lessons learned and the growing international experience of institutional reform in many jurisdictions, the project teams are of the view that continued involvement by international legal and judicial teams in various areas of judicial capacity building is necessary and urgent to support the drive toward greater stability, accountability, and professionalism within the judicial process. This entails engagement with high level actors as well as the civil society movement, and ongoing examination of institutional needs and opportunities. As noted, Ukraine is witness to a newly and profoundly engaged civil society network, sharpened public monitoring of judicial reform efforts, and renewed judicial will to reform. Combined with appropriate international support, these elements present a dynamic opportunity for change.

Gradual return to partnership with HQCU

As noted, rapid legislative action in the prior reporting period resulted in the removal of all the 11 commissioners at the HQC. During most of the reporting period, the HQC was thus for practical purposes dysfunctional and not able to fulfill its institutional partnership with the project, including any JEEG-supported institutional strengthening efforts. HQC is also responsible for certain decisions on the composition of the NSJ and judicial education; its inability to make those decisions has to some extent impacted on institutional reforms at the School. In spite of this, the NSJ has continued to make progress through this period and to work around the practical absence of the HQC. As of September, HQC has been repopulated with an initial membership of commissioners, though member numbers are insufficient to constitute a quorum so as to conduct business as yet. JEEG expects that all 11 members of the commission will be identified and a Head named within the coming months. Once the HQC is practically operational, JEEG will re-establish regular contact and recommence the project's institutional strengthening efforts with HQC.

KEY MILESTONES AND OUTPUTS TIED TO ACTIVITIES FOR Q1-Q2 OF FISCAL YEAR 2014-2015

Targeted technical assistance, training and capacity building delivered by the Canadian partners through three components are outlined below. In general, project progress was generated towards the project ultimate and intermediate outcomes:

Anticipated ultimate outcome:

- To increase court efficiency and fairness in resolving commercial disputes for Ukrainian businesses in order to contribute to improving the business enabling environment in Ukraine

Anticipated intermediate outcomes:

- Improved institutional performance of the NSJ, and the HQCJU in its responsibility for judicial education; and
- Skills-based, gender and social context-sensitive and business-related education content integrated within the curriculum of the NSJ and HQCJU

In support of the above results, the following section lists and describes the key activities for Q1-2 of FY 2014-2015 fiscal year indicated by the WBS and subsequently by narrative description.

List of activities by Component and Work Breakdown Structure number	
Outcome 1	
Series 110	Institutional capacities of NSJ and HQCJU in its responsibility for judicial education analyzed with recommendations for improvement developed
WBS 1104a	Coordination with USAID FAIR Project (ongoing)
WBS 1104b	Coordination with OSCE Project (ongoing)
WBS 1104c	Coordination with COE Project (ongoing)
Series 120	Technical assistance in gender-sensitive judicial education institutional strengthening
WBS 1210/1330	Preparation for job shadowing internships (English language training) (postponed)
WBS 1212/1330	Internship on Electronic Resources, Communications and TBDL Training of NSJ personnel (postponed from Q2: September 2014 to November Q3: November 2014)
WBS 1221a	Workshop on JE institutional strengthening: Organizational Structure and Operation – Faculty Development (completed Q1: May 2014)
WBS 1221c	Workshop on JE institutional strengthening: Curriculum and Course Priority Setting – Developing a Curricula for Newly Appointed Judges (completed Q1: May 2014)
WBS 1223	Networking with relevant non-partner stakeholders including gender-related organizations (ongoing)
Series 130	Distance education mechanisms implemented in NSJ central and regional offices
WBS 1330	Support institutional models and methodological frameworks relating to adult distance education (ongoing)
Series 140	Institutional research and analytical support

WBS 1410	Research on statistical data gathering in EU states and states in the region surrounding Ukraine (completed Q1)
Outcome 2	
Cycle 1 - TOT and course development	
WBS 2113c	Curriculum and course design, development, planning by NSJ core trainers with Canadian support - Courtroom Management (completed Q1: May-June 2014)
WBS 2113e	Curriculum and course design, development, planning by NSJ core trainers with Canadian support - Statutory Interpretation - SCU/Unifying theme module (completed Q1: May 2014)
WBS 2113f	Curriculum and course design, development, planning by NSJ core trainers with Canadian support - Land Law (completed Q1: May 2014)
Cycle 2	
WBS 2121	Peer-to-peer consultations and preparation for faculty and course development (ongoing Q1-Q4)
WBS 2122a	Training of Ukrainian core trainers - Evidence interns to NJI course (completed Q2: July 2014)
Series 220	NSJ Training of Trainers guidelines development and publishing
WBS 2210	Development of areas of TOT focus and drafting of TOT guidelines (initiated Q1 and ongoing)
WBS 230	Development, integration of gender and social context issues and standalone gender modules into new NSJ courses and training of core trainers
WBS 2310	Gender-related data collection, research, and analysis of trends and issues in Ukraine, approaches in Canada, and related education needs at NSJ
WBS 2320	Implement standalone GE workshop (development in Q1-Q4)
WBS 2330	Consideration and input/integration where appropriate of gender equality and social context into judicial education courses (Q3-Q4)
Outcome 3	
Series 320	Historical system for handling commercial disputes analyzed and recommendations made for system-wide integration of judicial pre-trial settlement mechanisms in the court process
WBS 3310	Drafting and planning meeting on the recommendations for the institutionalization of judicial settlement conferencing
WBS 3320	Work of the local JADR expert in support of the pilot courts experiment and the work of the Working Group on JADR (Piloting and) Recommendations (April 2014-March 2015; (FY 2014/15, Q1,2,3, 4)
WBS 3330	Work of the gender specialist reviewing court protocols and other public and internal JADR-specific documentation, including the final recommendations, in light of proper considerations for gender and social inclusivity (on as required basis)
Series 4000 Project Management	
WBS 4200-4300	Local office in Ukraine and NJI project management

**IMMEDIATE OUTCOME 1: STRENGTHENED INSTITUTIONAL CAPACITY OF HQCJU
AND NSJ TO SUPPORT THE DEVELOPMENT AND DELIVERY OF SKILLS-BASED,
GENDER AND SOCIAL CONTEXT-SENSITIVE, AND BUSINESS-RELATED
EDUCATION TO 5-YEAR TERM JUDGES AND PERMANENT JUDGES**

Component 1 of the project strengthens the institutional capacity and framework of the HQCJU and NSJ to support effective judicial education processes and outcomes, by developing skills in organizational development, strategic and business planning, technical management, and knowledge of leadership skills and assessment tools to gauge the effectiveness of management systems and educational services and align local systems and processes with best practices, including promotion and integration of GE principles.

WBS 1104a Coordination with USAID FAIR Justice project (Q1-2, Kyiv)

During the reporting period, JEEG continued its participation in regular JEEG-FAIR Justice project meetings to review mutual project progress, ensure ongoing coordination of strategic plans and activities and distance learning plans, and contribute joint efforts as appropriate. The JEEG and FAIR Justice projects jointly facilitated the development of the first online distance learning course in Judicial Ethics and its delivery, conducted by the NSJ between September 15th and October 7th. This collaboration will be set out in greater detail in the upcoming Annual Report.

The JEEG field project manager Igor Osyka additionally participated in two USAID FAIR Justice project activities: an April 16th seminar on "Strengthening the Role of Civil Society Organisations in Supporting and Monitoring the Status of Judicial Reform" and the tender committee meeting³ on July 3rd.

WBS 1104b Coordination with OSCE, DFATD project (Q1-4, Kyiv)

Through a framework of agreement between JEEG and the OSCE, JEEG has commenced a close coordination with a DFATD-funded OSCE-executed project, "Safeguarding Human Rights through Courts". The OSCE program supports the Supreme Court of Ukraine and the NSJ in building capacity and knowledge on human rights in relation to the European Convention on Human Rights. The NSJ has favoured the collaboration

³ Decisions on grants to NGOs implementing small judicial reform projects were made at this meeting; the JEEG project management representative participated so as to ensure coordination of activities related to implementation of pre-trial settlement mechanisms.

and specifically requested that the OSCE work be aligned with the model of judicial education demonstrated under JEEG.

The project teams have met several times in this period: On 7th April, OSCE and JEEG project teams exchanged information and learning to date so as to support future joint efforts; on August 28th [REDACTED] attended an OSCE workshop at the Methodological Summer School on the application of the European Convention of Human Rights and Fundamental Freedoms and judgments of the European Court of Human Rights. JEEG provided assistance to the NSJ in operating "Turning Point" technology for the purpose of the workshop and shared core points relating to skills-based training with OSCE representatives; and on September 16th the JEEG field office team and Donald Chiasson attended the OSCE project's Launch Conference. Project representatives have committed to determine potential areas of joint technical assistance in judicial education.

WBS 1104c Coordination with CoE project (Q1-4, Kyiv)

JEEG has continued to participate in regular project meetings with the CoE so as to exchange relevant learning and address any matters of coordination. In the framework of the CoE project, JEEG project field office manager [REDACTED] participated in meetings on June 3rd and in Lviv on August 26-27th on the development of national standards of judicial education at the NSJ and input into recommendations regarding the standards. The NJI's 20 principles of judicial education and 10 principles of incorporating social context in judicial education were disseminated for additional input. On July 1st JEEG and CoE project representatives met to discuss experience and activities aimed at implementation of gender equality components of the respective projects.

120 Technical assistance in gender-sensitive judicial education institutional strengthening

WBS 1210 Prep for Job Shadowing Internships (English language training) (planned for Q1-Q4, Ukraine; to be rescheduled if and as required)

It was expected that in preparation for job-shadowing internships in the 2014-2015 fiscal year, senior NSJ personnel whose roles most closely correspond to the work of core senior positions at the NJI and who have some command of English would be selected as interns and would be provided with language training as required. At the time of reporting, there was no identified need to provide English training.

WBS 1212/1340-50 Internships on Electronic Resources, Communications, and Technology-Based Distance Learning. Training of NSJ personnel (planned for Q1-Q2, Ottawa, Canada; condensed and re-scheduled to Q3)

It was planned that short-term internships would be undertaken by Ukrainian personnel at the office of the NJI in Ottawa so as to advance the distance learning subcomponent of the project (WBS 130) in response to the NSJ request to support the creation of an e-school for the judiciary. This internship⁴ is rescheduled to November 2014 and will be conducted together with WBS 1221d (Workshop on JE institutional strengthening: Curriculum and Course Priority Setting – Developing a Curricula for Newly Appointed Judges). During this visit, one to two NSJ personnel responsible for Distance Learning and E-resources are expected to meet with the NJI's Electronic Resources Manager, IT Manager and operational personnel. The intern delegates will have a unique opportunity to observe the work of NJI personnel in preparing e-courses for the Canadian judiciary and maintaining the NJI electronic library and judicial database.

WBS 1221a Workshop on JE institutional Strengthening: Organizational Structure and Operations, Faculty Development (Q1: May 12-13, Kyiv)

On May 12-13, [REDACTED] as well as the local JEEG project office represented by [REDACTED] continued facilitating discussions with NSJ senior management on strategic and operational School planning.

A key objective of the faculty development portion of this workshop was to support identified NSJ faculty to participate in actively facilitating faculty development sessions on effective tools and options for delivering judicial education. With the participation of NSJ faculty, the workshop trained other trainers in effectively conducting plenary and small group discussions, on methods for increasing skills-based elements of training, and in enabling greater variety, interest and thoroughness in education and training programs. Video design, development, production and usage relating to judicial education were also integrated into the faculty development sessions (see Annex 1). Participating NSJ faculty developed and delivered their own presentations using several tools: Tetyana Fuley utilized video scenarios to demonstrate the need for both knowledge and skills, [REDACTED] discussed his prior experience in video development and production, and [REDACTED] shared his approach to teaching judges by using visual arts. The workshop was designed and timed to precede one of the course development seminars so as to maximize learning opportunities and enable resources to be applied to create videos for the ongoing course. A set of video clips⁵ was ultimately developed and produced

⁴ The *internship* will take a form of a study tour since no candidates with an adequate level of English were identified.

⁵ Videos produced include (thematic order): *Courtroom Management*: 1. Announcement of the court decision. Bad judge (inexperienced judge); 2. Announcement of the court decision. Good judge (experienced judge). 3. Participation of mass media in the court sitting. Case on divorce. Bad judge (inexperienced judge); 4. Participation of mass media in the court sitting. Case on

by the NSJ for education purposes, totalling 15 clips by the June 6-14 period. The clips covered components of Courtroom Management, Land Law, Evidence, and Gender Equality (see Annex 2). New videos will be integrated into the Courtroom Management course.

WBS 1221c Workshop on JE institutional Strengthening: Curriculum and Course Priority Setting – Developing a Curriculum for Newly Appointed Judges (Q1: May 20-21, Kyiv)

This workshop was designed to provide the NSJ, judge trainers and court officials with a deeper understanding of the need to develop a skills-based curriculum for newly appointed judges to replace the previous lecture-based teaching model for new judges. The NJI team comprising of [REDACTED] built on the November 2012 Technical Exchange to Canada and November 2013 Kyiv-based workshop. The workshop outlined the challenges faced and steps taken by NJI (and in NJI's experience, by other judicial training institutes) in order to create, deliver and sustain quality judicial education programming, with a particular focus on curriculum development for newly appointed judges. Plenary discussion focused on objectives and key issues pertaining to curriculum design and delivery.

Through the workshop, a set of education objectives for the Ukrainian context was developed and a timeline established for development of a newly appointed judge curriculum in order to ensure its first delivery in 2015. Agreement was reached within the group on the academic and skills requisites for completion of the course (see Annex 3) as well as to integrate education modules in the Newly Appointed Judges curricula from the following courses:

- Courtroom Management (developed under JEEG)
- Evidence (developed under JEEG)
- Ethics (developed under USAID FAIR)
- Judgment Writing (developed under OSCE project for Administrative Courts and FAIR)
- Sentencing (developed under JEEG)

divorce. Good judge (experienced judge). *Land Law*: 5. Resonance case on expropriation of a land plot. Admission of mass media to participate in the court sitting; 6. Resonance case on expropriation of a land plot. City Council's claim against physical person. Trial on substance (behaviour aspect); 7. Court pleading. Conflict situation; 12. Allotment of a plot of land; 13. Obtaining ownership rights on a plot of land; 14. Land ownership rights upon inheritance; 15. Transfer of land ownership. *Evidence*: 8. Admissibility of evidence in criminal cases. (2 shootings: 1 – trial and 2 - search); 11. Hearsay. The victim is unconscious. *Gender*: 9. Reaction of judge (man) on the lawyer (woman) being late to the court hearing. 10. Reaction of judge (man) on the lawyer's (woman) appearance.

- ECtHR Decisions (developed under OSCE/DFATD)
- Time Management (development not yet defined)
- Disciplinary Liability (developed under JEEG)
- Psychological Adaptation of Judges (developed under JEEG)
- Statutory Interpretation (developed under JEEG)

The issue of the broader, systematic transitioning of the NSJ education model towards one that includes skills-based education was also re-examined at this workshop: In particular, the current NSJ curriculum which is set in terms of hours of lecture modeled on the old Soviet academic style, and the model being developed by the NSJ with NJI and other Western donors based on modern adult education principles, are misaligned. The NSJ observes this and agrees with the need to use a broader lens to redefine its education strategy. JEEG partners therefore agree, first, on the appeal of sustainably incorporating the new courses into the core NSJ curriculum, and second, that the model for learning ought to be generally expanded and redefined according to the models being proposed by international executing agencies, including repeated examination of the appropriate structure, timing, agenda and resources required to achieve the aims of a contemporary education model. Such a change in approach is nevertheless understood by NJI and Canadian judicial experts to be a gradual one.

WBS 1223 Networking with relevant non-partner stakeholders including gender-related organizations (ongoing, Kyiv)

As noted in part under WBS 1104, the Project continued to pursue networking and coordination opportunities with USAID, the Council of Europe (CoE) and other implementing agencies as well as local civil society representatives, including through communicating on opportunities for gender-related initiatives. Formal and informal discussions between NJI, CoE representatives and the NSJ were conducted in this period in the context of a joint NSJ-CoE conference that was to take place in fall 2014 integrating gender equality matters. The theme of the conference was modified by the NSJ and CoE (and is entitled, "Psychological adaptation of the judiciary") and details will be elaborated on NJI's participation in the upcoming Annual Report.

130 Distance education mechanisms implemented in NSJ central and regional offices

WBS 1320-30 Technical assistance to review and determine appropriate means of e-networking and support to institutional models and methodological frameworks relating to adult distance education (ongoing)

The NSJ prior to this period had, with JEEG support, developed a strategy for the implementation of distance learning and electronic resources, articulated in the planning document "Developing a Technology-based E-School for the Judiciary of Ukraine". Expert review of the document was sought and received by [REDACTED]

As mentioned under WBS 1104a, JEEG and FAIR Justice collaborated in the development of the first online distance learning course in Judicial Ethics and its delivery. JEEG also provided support in the selection and installation of the learning management system MOODLE and training of IT staff in adapting and designing e-courses. In addition, NJI facilitated development of the methodological materials for DL course administrators/tutors for the NSJ and conducted informal meetings on implementation of distance learning technology with the NSJ management team.

140 Institutional research and analytical support

The project supports ongoing sharing of information, analysis and knowledge in support of the overall institutional strengthening of the NSJ.

WBS 1410 Research on statistical data gathering in EU states and states in the region surrounding Ukraine (Q1)

Research and analysis were engaged in regard to examples of gender disaggregated statistics gathering initiatives in place in developed countries, including across North America (see Annex 5). Findings were shared and discussed with NSJ in order for the teams to mutually consider the feasibility of supporting gender disaggregated data collection at the court level in Ukraine, such as in the form of a modest pilot exercise ultimately furthering the objective of highlighting identified shortcomings in gender equality in the courts. There is understandable hesitation in relation to engaging a gender-related study at the court level at this time and this potential exercise or another alternative will be explored further with the NSJ in the coming year.

IMMEDIATE OUTCOME 2: STRENGTHENED CAPACITY OF THE NSJ TO DEVELOP AND DELIVER SKILLS-BASED, GENDER AND SOCIAL CONTEXT-SENSITIVE, AND BUSINESS-RELATED EDUCATION TO 5-YEAR TERM AND PERMANENT JUDGES

Component 2 aims to strengthen the capacity of NSJ to develop and deliver skills-based, gender- and social context-sensitive and business-related education⁶ primarily to permanent judges of the Commercial Courts, Administrative Courts and Courts of General Jurisdiction who hear and decide a variety of disputes. The project develops curricula and courses in a sustainable manner, assessing the potential, relevance, and

⁶ The JEEG project was originally envisaged to focus on business and commercial matters. Since Euromaidan, the focus of the project is shifting towards democratic nation-building.

local interest of a course subject for integration into broader NSJ programming, particularly its annual two-week mandatory training. Efforts are made on an ongoing basis to ensure that gender equality and social context issues are considered and integrated where possible into courses in development. JEEG aims ultimately to equip and assist judge trainers (including NSJ staff and faculty judges) to design curricula, plan and develop courses incorporating best practices in adult education development and delivery.

210 Curriculum covering competency in judicial skills, and general, civil, administrative, and commercial matters, prepared and training courses designed

CYCLE 1

The first cycle of training of trainers by the NJI expert team and course development (by the core trainers, with Canadian support) was initiated in the first fiscal year. This first cycle (of three cycles in the project) of trainer training and course development, due to the slow-down of activities in Q4 of FY2013-2014, was extended through the third fiscal year, alongside initiation of the second cycle of training of trainers and course development (see below on latter).

The project continues to build training capacity among NSJ trainers as well as among a cadre of designated judge trainers. The Judicial Faculty Development course (second in the series of such courses provided by NJI) was provided to judge trainers as part of Component 1 of the project. This hands-on seminar was designed to provide an opportunity for judges to deepen their knowledge and practice of judicial education design and delivery in order to provide leadership in the delivery of high-quality judicial education and to assist in shifting the teaching culture among judges to the adult experiential model. The program also assisted participants in refining their presentation and facilitation skills.

Seminars addressed gender equality concerns that are relevant to course subjects, both in terms of applying a gender lens to course development and including substantive or procedural GE issues in course content.

WBS 2113c Course development with Ukrainian Core Trainers in Courtroom Management (completed Q1: June 6-14, 2014)

The description that follows encompasses all three courses that have been developed under WBS 2113c-f and that will be delivered by a core faculty of 8-10 trainers per course with the assistance of NSJ faculty. The courses are anticipated to be gradually integrated into the NSJ curriculum. Through technical exchange programs in Ukraine, JEEG partners continue the development and delivery of skills-based, experiential

courses, led by the core judge-trainer groups.⁷ Relevant gender equality and social context issues have been articulated, and become integrated into course content that is to be piloted.

The **Courtroom Management** course materials were reviewed and updated by the core trainers – 5 judges and trainers of the NSJ. During the week of June 6-14, as noted under 1221a, the core trainers with the help of [REDACTED] completed filming of video footage (5 of 15 videos on the subject of courtroom management). The core trainers will meet and finalize materials together in the coming 2-3 months.

WBS 2113e Course development with Ukrainian Core Trainers in Statutory Interpretation – Supreme Court of Ukraine/Overarching Principles of Statutory Interpretation (completed Q1: May 16, 2014)

A roundtable was held on 16th May within the context of the continued development of the Statutory Interpretation course, involving Ukrainian participants (judges, members of HQCU and NSJU senior management) and facilitated by [REDACTED] (see Annex 6). The roundtable addressed the possibility of expanding the course from a framework of international standards of statutory interpretation to include international human rights principles. Discussions have shifted in light of current (DFATD-funded) involvement of the OSCE in development of coursework with NSJ on the *European Convention on Human Rights* and the case law of the European Court of Human Rights. For the moment, the NSJ has affirmed that the work completed thus far to develop the course will be applied in crafting a module on statutory interpretation which will comprise a part of the 2-week course for newly appointed judges.

WBS 2113f Course development with Ukrainian Core Trainers in Generic Land Law (completed Q1: May 22, 2014)

On May 22, 2014, the working group for course development met to pursue redevelopment of a portion of the agenda based on the course pilot in Lviv. It was agreed that materials would be finalized by the end of November 2014 following the

⁷ To reiterate: “Core trainers” represent Ukrainian judges and senior training staff of the NSJ who oversee and work in course design and development at the NSJ. The core trainers lead the design and development of the new courses with support from the NJI expert team (Mr. Chiasson and NJI judicial associates on each exchange) and then demonstrate and pass on learning to judges in the usual judicial education process. The terms “experts” or “technical experts” refer to Ukrainian or Canadian academic, judicial, practicing lawyers and other experts who provide input into the project work at various stages including evaluative assistance relating to course development and delivery.

working group meeting in October 2014. The group discussed the results of the Lviv piloting as well as cooperation with the USAID-funded AgroInvest project, which is supporting development of a manual on the history of land law⁸ that will be utilized as a core resource for this course (see Annex 7). The working group included the

CYCLE 2

WBS 2121 Peer-to-peer consultations and preparation for faculty and course development (Q1-Q2, Kyiv, Ottawa)

Given current needs in relation to judicial capacity and gaps in education for judges, NJI and Ukrainian partner representatives identified a number of subjects for potential course development including Evidence and Pre-Trial Settlement. Ukrainian core trainer groups have begun, with Canadian assistance, to develop courses on these two subjects and are anticipated to deliver the courses under Cycle 2.

2122a Training of Ukrainian core trainers (completed Q2: July 26-August 6, 2014, Victoria & Ottawa, Canada)

Following the initial meeting of the core trainers for development of a course on evidence and working sessions⁹ facilitated by [REDACTED] in Kyiv on May 14-15 (see Annex 8), in this technical exchange program to Canada, NSJ personnel who have participated in the course development support groups¹⁰ as well as core judge trainers with prior exposure to the JEEG project were able to become familiarized with evidence law issues in the Canadian context

The aim of the technical exchange was to support the creation of the model Evidence course being developed within the framework of the JEEG Project. The visit entailed

⁸ [REDACTED] presented the manual's structure and draft table of contents to the working group. The manual is intended for Ukrainian judges and will provide an introductory resource for all three course modules. JEEG and the working group requested that USAID AgroInvest support the prioritization of the first draft's completion by December 2104. The Manual is anticipated to be included as a resource in the piloting of the Land Law course at a regional branch of the NSJ in early 2015.

⁹ The budget for these meetings was largely covered under WBS 1221a and 2113e.

¹⁰ Under the institutional strengthening component, NSJ is being assisted to develop teams to support development of the courses. These teams are called *course development support groups*.

attending the annual Evidence Course of the National Judicial Institute in Victoria, British Columbia from Sunday, 27 July to 30 July 2014. From 31 July to 16 August, 2014, the participants observed court proceedings and attended project planning meetings. The observation of the course in Victoria provided the participants with skills and knowledge on topics fundamental to evidence including: Foundations of the law of evidence and the “principled approach”; Drawing of inferences: relevance and weight; Character or similar fact evidence; Confessions; Hearsay; Opinion evidence; Judicial notice; and Credibility assessment (see Annex 9). The workshop and meetings in Ottawa also integrated discussion of the importance of integrating gender equality and social context considerations into course planning and design and the delegates agreed to consider areas of GE that could be integrated into this course.

Upon return to Ukraine, the participants have committed to initiate the development of selected evidence sub-topics as course modules. The next working group meeting and further development of the course is scheduled for December 2014.

220 NSJ Training of Trainers guidelines development and publishing

WBS 2210-20 Development of areas of TOT focus, drafting and publishing of TOT guidelines (Q1-Q4).

In conjunction with institutional strengthening efforts, NSJ and NJI have begun planning the design and development of a manual on judicial education for use by NSJ personnel including program designers and program managers/officers. The manual will cover two broad themes: education principles and pedagogy, and second, designing judicial education using experiential adult education principles. The manual or guide will also include practical guidance on delivery of judicial educational programs, such as event management. The primary reference materials for the initial workshop conducted on May 19 and May 23, 2014 were based on the NJI Judicial Education Guide which tackles all aspects of education development and delivery, education toolkits previously developed by the NSJ, and other reference materials produced by NSJ experts to date within the scope of the project. It is expected that the participants of May 2014 workshop will develop a draft table of contents for the manual and designate a working group to lead its design and implementation by end of December 2014.

230 Development, integration of gender and social context issues and standalone gender modules into new NSJ courses and training of core trainers

Gender continued to be emphasized as a key element of all JEEG-led and implemented initiatives including continuing examination and analysis of education gaps and needs relating to GE in the course subject areas and training of trainers, and its appropriate integration as noted (with other related social context issues) in model courses, project-based seminars, and working sessions.

WBS 2310 Gender-related data collection, research, and analysis of trends and issues in Ukraine, approaches in Canada, and related education needs at NSJ (Q1, 2, 4), Ukraine and Canada)

As noted above at WBS 1410, findings by the Canadian team on the existence of statistics gathering systems and methodologies globally in relation to gender have been under review by the Ukrainian project team. Due to present contextual sensitivities, it is unlikely that an exercise of data gathering of any type will take place in the short term.

WBS 2320 Implement standalone gender equality workshops

Planning in relation to a standalone GE workshop was delayed in the last reporting period. The Canadian and Ukrainian project teams will meet in the upcoming reporting period so as to agree on the structure and content of a GE workshop to complement the areas of course development to date.

WBS 2330 Consideration and input/integration where appropriate of gender equality and social context into judicial education courses (Q3-4, Ukraine and Canada)

The NJI's Ukrainian Gender Advisor (appointed within NSJ), with the support of the project GE team continued to lead GE-based analysis relating to the courses being undertaken under Component 2. The project GE experts and judicial associates have identified and continue to explore GE matters for integration into the new (Cycle 2) courses.

IMMEDIATE OUTCOME 3: IMPROVED CAPACITY OF SELECTED PILOT COURTS IN
THE OBLASTS OF IVANO-FRANKIVSK AND ODESA TO HANDLE COMMERCIAL
CASES AND BY MEANS OF PILOTING JUDICIAL PRETRIAL SETTLEMENT
MECHANISMS

As noted above, the first half of 2014 was a challenging time for the project owing to the major present local political, social and economic upheavals. There is an urgent need for drastic reform measures to remedy the dysfunctional judicial context that was itself seen to have contributed significantly to the chaotic conditions of the past year. The paralysis that characterized the judiciary (as with the State's executive and legislative branches) over the past year impacted on project activities under this and the other Outcomes as expected; apart from the emergence of safety concerns owing to political unrest and the military conflict, partners were not available nor able to work on the project as usual.

Activities under the Judicially Assisted Dispute Resolution component of the Project were postponed during the months of Dec. 2013-Jan. 2014. Subsequently, the meeting of the Working Group that was originally planned for February 2014 was first delayed to April/May 2014 and again moved to July 2014.

During this time, FJA also awaited approval of an extension request for the JADR component so as to enable additional funds and time to be allocated to this component and reinforce its anticipated impact. The Project extension was approved at the end of Sept. 2014. The situation in Ukraine has also somewhat stabilized, which allowed the project to carry on with some, though still a limited, number of activities.

The account of activity for the period from April to the beginning of October follows below.

320 Historical system for handling commercial disputes analyzed and recommendations made for system-wide integration of judicial pre-trial settlement mechanisms in the court process

WBS 3310 Drafting and planning meeting on the recommendations for the institutionalization of judicial settlement conferencing

As noted, after a series of postponements, the Component conducted a two-day working meeting of the JADR Working Group in July 2014. Eighteen (18) Ukrainian participants (6 female & 12 male), representatives of the key project partner organizations and the pilot courts participated in the meeting which objectives were to:

- 1) Receive updates on the results of the piloting of JADR in the courts;
- 2) Review statistical indicators;
- 3) Work on drafting the amendments to the procedural code (i.e. development of the recommendations for the institutionalization of JADR in court standard practice); and,
- 4) Discuss needs and next steps on the component.
(See Annex 10 for Program of Visit).

Meeting discussions indicated that partners have full confidence in the successful integration of the JADR procedure in Ukrainian court practice. Several facts are undisputed in relation to the use of the procedure: 1) It improves trust in the judicial branch; 2) It reduces caseload in the local courts; 3) It reduces case processing time and, 4) Utilized regularly and across courts, it will eventually result in significant cost and resource savings. Also agreed is the procedure's practical use in preventing judicial corruption and in alleviating otherwise entrenched disputes in many instances. Given the current context of Ukraine, the latter is of particular relevance and value.

The Working Group members as well as two representatives of the two Councils of Judges of Ukraine (The National Council and The Council of the Courts of General Jurisdiction) agreed that practical experience gained by the pilot courts in applying the JADR procedure will provide a strong basis for formulating the specific legal provisions that would integrate the JADR process into Ukrainian procedural law.

The pilot court representatives presented statistical data in support of their piloting work: In short, during the pilot period discussed at the meeting¹¹, the courts of general jurisdiction reported that the judges of their courts applied the procedure in 851 cases combined; approximately 730 of these cases were either settled, discontinued or withdrawn from the court system as a result of judicial settlement conferencing. While the objective of the settlement conference is to settle, even in those situations where the claim is either left without review or completely withdrawn from the court, there are indications that a settlement conference offers benefits to parties. These include shifting away from use of a trial without incurring cost or delay to self and others, such as where parties discover they do not have substantive grounds on which they can proceed with a claim or find that the outcome they had hoped to achieve may not be likely given what has come to light in the settlement process.

Pilot work in the administrative courts has not been successful to the same degree but was still considered to be valuable and worth pursuing among the judges involved: the procedure works, results were visible, and knowledge was gained about greater need for sensitization. Across the two pilot administrative courts, the judges managed to settle a total of 10 cases. However: in more than 20 other cases in administrative courts the parties expressed a desire to attempt a settlement through pre-trial conferencing. Those cases could not proceed through JADR as the other party (the government authority) refused to use JADR. Conclusions drawn from this effort were that 1) there is a possibility to use JADR in administrative cases; 2) there is will and desire among parties to try and resolve disputes amicably and without resorting to a trial (potentially applicable at all court levels)¹²; and that 3) more sensitization/awareness-raising and

¹¹ Results reported were for the months of May 2013-June 2014 period, approximately one year without accounting for summer vacation months or the very turbulent months between December 2013 and April 2014.

¹² As in the General Courts, there is broad agreement that JADR can help prevent parties (i.e. government agencies) from dragging cases through all court levels, particularly where it becomes evident to those parties that they have no chance of winning their case.

education initiatives are needed to get the state agencies to see the benefits of JADR and find ways to apply JADR within the framework of the administrative jurisdiction.

The participants have also spent time working on and developing recommendations for the integration of the procedure into relevant procedural, administrative and civil laws. Individual provisions and articles were discussed, as well as the format in which such recommendations could be made. A suggestion was voiced to make general changes in the *Procedural Code(s)* and set out the procedure (including roles and responsibilities of judges, rights and responsibilities of the parties, etc.) in a special addendum to the *Code*, which would resemble a Court Rules document, being a documented court practice and not necessarily explicitly stated in the Procedural Codes. The Council of Judges of Ukraine has the authority to enact such Court Rules. This was the suggestion of the Head of the Council of Judges of the Courts of General Jurisdiction.

The Working Group also indicated a pressing need to continue with a comprehensive and systematic public information campaign and extensive education/training of members of the bar to promote the judicially assisted dispute settlement procedure and help instil it into everyday court practice. The project committed to provide minimal funding (\$2,000 USD to each of the pilot courts) to support concise information dissemination as well as to provide easy access to this information to the public. The courts will supply justification for the expenses they see as necessary in that context. The project also advised that additional training contemplated under the extension would address the need to further educate and train lawyers and members of the judiciary.

Participating judges were also interested in continuing with training, including some degree of specialized training such as communication psychology and conflict management. Elements of these subjects could potentially be addressed during the next sensitization session for the judges of the two pilot regions planned for March 2015, and in any case will also be a definite part of coursework developed by NJI with the National School of Judges.

(See Annex 11 for a detailed account of the meeting).

WBS 3320 Work of the local JADR expert in support of the pilot courts experiment and the work of the Working Group on JADR (Piloting and) Recommendations (April-October 2014, FY 2014/15, Q1-3)

The project continues to involve the local JADR expert to support of the work of the Working Group and the Project Management team in the development of the recommendations on the integration of JADR procedure in standard court practices. Draft recommendations that were developed were closely reviewed by the Working Group Members during the July meeting in Kyiv. The Courts and the expert continue to provide feedback on further streamlining of the recommendations.

WBS 3330 Work of the gender specialist reviewing court protocols and other public and internal JADR-specific documentation, including the final recommendations, in light of proper considerations for gender and social inclusivity

The project is engaging gender expertise to review and integrate gender- and socially-inclusive provisions in all documentation relevant to the recommendations on JADR: as a first step, [REDACTED] participated as a gender expert in the meeting of the Working Group in July in Kyiv. Together with the members of the Working Group, [REDACTED] illustrated how **gender and social equality can be addressed in the JADR procedure**. She supported a suggestion with respect to the development of a separate document (Court Rules / special addendum to the Code of Civil/Administrative Procedure(s)) so as to better and more distinctly integrate gender equality considerations, make clear reference to international and national gender laws, and ensure that defined procedural steps safeguard equal and unbiased treatment of the parties to a case.

The Gender Expert will be engaged to review both draft and final recommendations over the remainder of the component's timeframe.

NEXT ACTIVITIES ON JADR COMPONENT

With the approval of the project extension the activities that will be pursued are as follows:

- 310 Training in judicial pre-trial settlement mechanisms designed and delivered, including effective settlement of disputes; managing the mediation process and facilitating advanced negotiations; effective communications; etc.

WBS 3110 Trainings of Ukrainian lawyers and regional judicial outreach and knowledge-sharing sessions with judges from the pilot courts' Oblasts in case management and settlement conferences (Two (2) workshops: November 2014 & March 2015, FY 2014/15; Q3, Q4)

Training for lawyers (Nov. 2014): Under this activity, Canadian practicing lawyers with experience in judge-assisted pre-trial settlements will prepare and deliver a training program to Ukrainian lawyers (20 individuals in each of Ivano-Frankivsk and Odesa) on pre-trial settlement conferencing. The program will aim to establish capacity among members of the legal profession to practice in the two pilot regions.

Regional judicial outreach and knowledge sharing (March 2015): The Canadian expert team will support the Ukrainian pilot courts in conducting regional peer consultations for 20-30 local judges on the benefits, practical applications and integration of JADR into court processes. The intent is to facilitate the rollout of JADR in the two pilot regions in order to accumulate additional substantive experience within the country to support the official institutionalization of JADR in Ukraine.

WBS 3120 Gender awareness and sensitivity building workshops

Gender awareness- and sensitivity-building workshops will be integrated with the above trainings whenever possible.

320 Historical system for handling commercial disputes analyzed and recommendations made for system-wide integration of judicial pre-trial settlement mechanisms into court processes

WBS 3310 Drafting and planning meetings on the recommendations for the institutionalization of judicial settlement conferencing (July 2014 (completed) FYs 2014-2015, Q 2; April/May 2015 (in Canada) & September 2015, FYs 2015-2016; Q1 & Q3)

The project will conduct Working Group meetings in Ukraine to support the transfer of practical experience and knowledge gained by the pilot court work into the regulatory framework.

A mission to Canada is being introduced under this work breakdown structure as part of the process of drafting and planning the recommendations, in order to build high-level dialogue on the institutionalization of the early settlement framework. This mission will have a chance to orient Ukrainian legislators and members of the Executive, and some representatives of the pilot courts, to the valuable place of JADR in the administration of justice in Canada and its impact on the Canadian justice system over the past decades. The overall objective of the mission is to secure senior buy-in for amending existing Ukrainian legislation in such a manner as to enable JADR to become a permanent feature of the procedural Code.

WBS 3320 Work of the local JADR expert in support of the pilot courts experiment and the work of the Working Group on JADR (Piloting and) Recommendations (FY 2014/2015 & FY 2015/2016 on-going).

The project intends to continue to involve the local JADR expert in support of the work of the Working Group and the Project Management team in the development of the recommendations on the integration of JADR procedures in standard court practices.

WBS 3330 Work of the gender specialist reviewing court protocols and other public and internal JADR-specific documentation, including the final recommendations, in light of proper considerations for gender and social inclusivity (July-October 2014; (FY 2014/2015 & FY 2015/2016 on-going).

The gender expert will review and integrate gender and socially inclusive provisions in all relevant documentation, including the recommendations on JADR.

PROJECT MANAGEMENT

Several areas of responsibility have been explicitly committed to by all JEEG partners. NJI is established as the Canadian Executing Agency (CEA), the lead Canadian organization responsible and accountable to DFATD for the overall implementation of the project through the delivery of activities and outputs as well as for reporting on the achievement of immediate and intermediate outcomes. NJI is responsible for collaborating with FJA in the assignment, management and administration of Canadian and Ukrainian inputs including expertise, technical assistance, and training resources. While it is understood by both partners that the overall responsibility for project execution and official representation with all stakeholders of JEEG lies with NJI, FJA is responsible for the implementation of activities under Outcome 3.

FJA manages Outcome 3 of the JEEG Project and reports to NJI on related progress achieved as well as related overall results. Financial reporting for Outcome 3 of the JEEG Project is carried out by FJA directly to DFATD.

There have been no major changes in the management of JEEG in this reporting period. NJI and FJA have coordinated the timing of exchanges, visits and other activities. NJI has also provided logistics, procurement and other support as required. Local project office personnel provided assistance to both NJI and FJA and attended activities of NJI and FJA. NJI and FJA have participated in several formal meetings and informal meetings and contacts throughout 2014 between the Project Managers and the Project Directors. In the remaining months of the fiscal year, monthly meetings are scheduled between NJI and FJA largely to coordinate, discuss and plan activities including in relation to judicial education for pre-trial settlement.

During this reporting period, a significant level of effort was engaged by both experts and project management in understanding the present political crisis and its possible impacts on JEEG. This involved lengthy consultation and analysis of the events themselves, legislative changes and specific concerns for JEEG and project partners, as well as ongoing and systematic analysis of security matters. JEEG project management was engaged in refining overall project goals and remaining in close touch with local needs and priorities, including through implementing additional trips to Kyiv to consult with officials and partner representatives. JEEG also carried out a number of working level meetings with partners.

JEEG Project Management has also been meeting regularly with other donors and projects to coordinate and to collaborate where possible in areas of mutual expertise. For example, JEEG participated in bi-weekly meetings facilitated by USAID-FAIR Justice and conducted other component-related activities together.

IMPLEMENTATION OF GENDER EQUALITY STRATEGY

Gender equality initiatives and results are integrated within the enumerated immediate results articulated within this report. In general, JEEG continued to facilitate gender awareness-raising among project participants and other stakeholders; to promote participation of a reasonable balance of men and women in project activities; to integrate gender principles across all areas of the project work; and to highlight examples of successful relevant reforms in the global gender equality context.

Efforts in this reporting period included:

- Continued dialogue and exchange with NSJ senior management and senior staff responsible for developing and delivery of judicial education in Ukraine, and senior personnel of the pilot courts, on gender and social context
- Identification of and research in Canadian and Ukrainian legal-GE related areas relevant to the project themes, drawing on other jurisdictions for comparative analysis; this includes research on GE issues for course development purposes
- Review of international approaches to gender-disaggregated court statistics collection and possible areas for gender-disaggregated data sampling in Ukraine
- The Gender Expert will be engaged to review both draft and final recommendations over the remainder of the component's timeframe.
- Utilization of local gender expertise to review all documentation relevant to the recommendations on JADR and ensure that recommended procedural amendments are gender and socially inclusive as appropriate
- Continuing familiarization and exposure of Ukrainian Gender Advisor to NJI education methodology and course delivery
- Facilitation of dialogue between Canadian judicial associates and Ukrainian partner representatives on GE in course subject-relevant areas.

UPDATED RISK REGISTER

The full updated version of the Risk Register is appended as Appendix B in this document.

FINANCIAL SECTION

Please see enclosed for details.

PERFORMANCE SECTION

Please see Appendix B for updated immediate outcomes and outputs.



APPENDIX A: GANTT CHART OF ACTIVITIES FOR THE FISCAL YEAR 2014-2015, Q1-Q2

ACTIVITY	APRIL	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
1000 Series Immediate Outcome 1												
110 Institutional capacities of NSJ and HQCJU in its responsibility for judicial education analyzed with recommendations for improvement developed												
1104 Coordination with USAID /OCSE/CoE Projects												
120 Technical assistance in gender-sensitive judicial education institutional strengthening												
1210/1330 Preparation for job shadowing internships (English language training in Ukraine for up to four interns)												
1212/1330 Internship of Ukrainian institutional staff												
1221a Workshop on JE institutional strengthening: Organizational Structure and Operation – Faculty Development												
1221b Workshop on JE institutional strengthening: Organizational Structure and Operation – Faculty Development (continuation)												

ACTIVITY	APRIL	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
1221c Workshop on JE institutional strengthening: Curriculum and Course Priority Setting - Developing a Curricula for Newly Appointed Judges												
1221d Workshop on JE institutional strengthening: Curriculum and Course Priority Setting - Developing a Curricula for Newly Appointed Judges (continuation)												
1222 Workshop on JE leadership (continuation) based on NJI model: Judicial Engagement & Curriculum and Course Priority Setting & Org Structure and Operation. Visit to Canada												
1223 Networking with relevant non-partner stakeholders including gender-related organizations												
130 Distance education mechanisms implemented in central and regional offices												
1330 Support institutional models and methodological frameworks relating to Electronic Resources and TBDL												
140 Institutional research and analytical support												
1410 Research on statistical data gathering in EU states and states in the region surrounding Ukraine												
2000 Series Immediate Outcome 2												
210 Curriculum covering competency in judicial skills and general, civil, administrative, and commercial matters, prepared and training courses designed [Cycle 1: TOT and Course Development]												
Series 2111-2014												
2113c Curriculum and course design, development, planning by NSJ core trainers with Canadian support - Courtroom Management												
2113e Curriculum and course design, development, planning by NSJ core trainers with Canadian support - Statutory Interpretation - SCU/Unifying theme module												
2113f Curriculum and course design, development, planning by NSJ core trainers with Canadian support - Land Law												

ACTIVITY	APRIL	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
2114b Model course delivery: NSJ core trainers deliver courses to Ukrainian judges in new areas of judicial competency in Statutory Interpretation												
2114c Model course delivery: NSJ core trainers deliver courses to Ukrainian judges in new areas of judicial competency in Admin Land Law												
2114d Model course delivery: NSJ core trainers deliver courses to Ukrainian judges in new areas of judicial competency in Courtroom Management (Q3-Q4)												
[Cycle 2: TOT and Course Development]												
Series 2121-2024												
2121 Peer-to-peer consultations and preparation for faculty and course development												
2122a Training of Ukrainian core trainers - Evidence interns to NJI course												
2122b-c Training of Ukrainian core trainers - TBC interns to NJI course												
2123a Curriculum and course design, development, planning by NSJ core trainers with Canadian support Evidence												
2123b Curriculum and course design, development, planning by NSJ core trainers with Canadian support Pre-Trial Settlement												
230 NSJ Training of Trainers guidelines development and publishing												
2310 Development of areas of TOT focus and drafting of TOT guidelines												
2320 Publishing of guidelines												
230 Development, integration of gender and social context issues and standalone gender modules into new NSJ courses and training of core trainers												
2310 Gender-related data collection, research, and analysis of trends and issues in Ukraine, approaches in Canada, and related education needs at NSJ												
2320 Development of standalone GE workshop												

ACTIVITY	APRIL	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
2330 Consideration and input/integration where appropriate of gender equality and social context into judicial education courses												
3000 Series												
Immediate Outcome 3												
310												
Training in judicial pre-trial settlement mechanisms designed and delivered, including effective settlement of disputes; managing the mediation process and facilitating advanced negotiations; effective communications; etc.												
WBS 3110 Trainings of Ukrainian lawyers and regional judicial outreach and knowledge sharing sessions with judges from the pilot courts' Oblasts in case management and settlement conferences (Two (2) workshops: November 2014 & March 2015) (FY 2014/15; Q3, Q4)												
WBS 3104 Gender awareness and sensitivity building workshops to be integrated with above trainings												
320												
Historical system for handling commercial disputes analyzed and recommendations made for system-wide integration of judicial pre-trial settlement mechanisms into court processes												
WBS 3310 Drafting and planning meeting on the recommendations for the institutionalization of judicial settlement conferencing												
WBS 3320 Work of the local JADR expert in support of the pilot courts experiment and the work of the Working Group on JADR (Piloting and) Recommendations (April 2014-March 2015; (FY 2014/15, Q1,2,3,4)												
WBS 3330 Work of the gender specialist reviewing court protocols and other public and internal JADR-specific documentation, including the final recommendations, in light of proper considerations for gender and social inclusivity (as required basis)												
4000 Series												

ACTIVITY	APRIL	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
4200-4300 Local office in Ukraine and NJI project mgmt.												

APPENDIX B: SUMMARY TABLE OF PROJECT IMMEDIATE OUTCOME AND OUTPUT RESULTS FOR THE MID FISCAL YEAR
 2014-2015

JEEG Ultimate Outcome: Greater court efficiency and fairness in resolving commercial disputes for Ukrainian businesses		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results
Percentage of public having confidence in the courts' capacity to fairly treat commercial disputants/litigants	<p>Ultimate Outcome level results, according to principles of Results Based Management, are to be realized and measured at around 3-5 years; thus it is premature to report results.</p> <p>As the first measurement is scheduled for the end of FY 2013-14, the project report of this indicator is based on media analysis that is overshadowed by the crisis in Ukraine. As such, JEEG observes that public confidence is affected by the fall of the government and judicial system that was associated with it. It should be noted that the Law on the Restoration of Trust in the Judiciary has been positively reviewed by the Council of Europe experts following the request of the Ukrainian authorities.</p>	n/a
Relative ranking of the judicial system in relation to international standards	<p>Ultimate Outcome level results, according to principles of Results Based Management, are to be realized and measured at around 3-5 years; thus it is premature to report results.</p> <p>As the first measurement is scheduled at the end of FY 2013-14, it is unfortunate that it coincides with the deep crisis in Ukraine which does not allow for proper measurement of this indicator. During the last quarter of the fiscal year and until the current time, the judicial system is undergoing significant reform and as such, changes in the efficiency and fairness rankings cannot be accurately determined.</p> <p>Nevertheless, the ranking of the judicial System in Ukraine in relation to international standards is the following:</p>	n/a

	<p>WJP ranks Ukraine at 0.47 of 1 in 2014; Ukraine is at 144nd of 177 in terms of transparency (TI, CPI 2013); judicial independence is 139th of 148 (WEF GCR 2013-2014). In addition: Ukraine is ranked 112nd of 189 in 2014 Doing Business Report (WB); 84nd of 148 in GCR (WEF 2013-2014).</p> <p>It should be noted that the Law on the Restoration of Trust in the Judiciary has been positively reviewed by the Council of Europe experts following the request of the Ukrainian authorities.</p>	
<p>Average time and effort required for resolving a commercial lawsuit, from filing to court hearing to final resolution</p>	<p>Ultimate Outcome level results, according to principles of Results Based Management, are to be realized and measured at around 3-5 years; thus it is premature to report results.</p> <p>As the first measurement is scheduled at the end of FY 2013-14, it is unfortunate that it coincides with the deep crisis in Ukraine which does not allow for proper measurement of this indicator. During the last quarter of the fiscal year and until the current time, the judicial system is undergoing significant reform and as such, the time and effort requiring for resolving a commercial lawsuit cannot be accurately determined.</p> <p>The WB Doing Business Report ranking estimates that in 2014, the number of days slightly increased (343 in 2011 to 378 in 2014) and the number of procedures remained the same (30). The slight changes do not impact the overall ranking of Ukraine based on these indicators.</p>	n/a
<p>Intermediate Outcome 1: Improved institutional performance of the National School of Judges (NSJ) and the High Qualifications Commission (HQCJU) in its responsibility for judicial education</p>		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results
<p>Extent to which the key organizational features and processes to support education (involvement of judges in education; strategic and operational planning; governance structure, roles and responsibilities, and management, procedures, practices) are established</p>	<p>The new leadership of the NSJ is committed to the organizational features and processes to support judicial education as based on the recommendations of Canadian experts. There are ongoing activities to integrate the skills-based education courses into overall curricula, develop the new curricula for newly-appointed judges, and establish a new department responsible for judicial education among others. Despite the difficulties brought up by the political crisis in Ukraine (the HQCJU members were removed and new are being appointed at the time of writing), the HQCJU is committed to judicial education and has established the Coordinating Judicial Council that engages more than 40 Appeal court chief judges and the NSJ.</p>	<p>The new leadership of the NSJ is committed to the organizational features and processes to support judicial education as based on the recommendations of Canadian experts. There are ongoing activities to integrate the skills-based education courses into overall curricula, develop the new curricula for newly-appointed judges, and establish a new department responsible for judicial education among others. Despite the difficulties brought up by the political crisis in Ukraine (the HQCJU members were removed and new are being appointed at the time of writing), the HQCJU is committed to judicial education and has established the Coordinating Judicial Council that engages more than 40 Appeal court chief judges and the NSJ.</p>
<p>Number and type of policies developed and implemented based on recommendations elaborated under JEEG</p>	<p>The recommendations for institutional strengthening were positively commented by NSJ and HQCJU. The partners together developed an immediate Action Plan for improving institutional performance under JEEG. The NSJ approved the long term Strategic Planning. The key focus areas for further implementation were agreed upon by the partners.</p> <p>A Report on implementation of distance learning technology was drafted by Ukrainian expert was endorsed by the partners. The NSJ developed a planning</p>	<p>The recommendations for institutional strengthening were positively commented by NSJ and HQCJU. The partners together developed an immediate Action Plan for improving institutional performance under JEEG. The NSJ approved the long term Strategic Planning. The key focus areas for further implementation were agreed upon by the partners.</p>

	document "Developing a Technology-based eSchool for the Judiciary of Ukraine".	A Report on implementation of distance learning technology was drafted by Ukrainian expert was endorsed by the partners. The NSJ developed a planning document "Developing a Technology-based eSchool for the Judiciary of Ukraine".
Intermediate Outcome 2: Established skills-based, gender- and social context-sensitive and business-related judicial education at the National School of Judges (NSJ)		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results
Degree to which m/f judges are able to apply gender and social context sensitivity in their work	A first survey of judges' perspectives around gender and its relevance in and outside of the courtroom context was completed in the 2013-2014 reporting period. The survey will be repeated and other evaluative mechanisms applied to determine shifts in judicial perspectives through the project period in terms of their ability to apply GE and social equality principles in their work.	A first survey of judges' perspectives around gender and its relevance in and outside of the courtroom context was completed in the 2013-2014 reporting period. The survey will be repeated and other evaluative mechanisms applied to determine shifts in judicial perspectives through the project period in terms of their ability to apply GE and social equality principles in their work.
Proportion of courses that are skills-based, gender- and social context-sensitive, integrated into NSJ curriculum	To date three of four courses developed (Courtroom Management, Administrative Law and Generic Land Law Dispute Resolution) have integrated gender equality principles.	To date three of four courses developed (Courtroom Management, Administrative Law and Generic Land Law Dispute Resolution) have integrated gender equality principles.
Extent of judicial institutional support ¹³ for new skills-based, gender- and social context-sensitive education content	In 2013-2014 the NSJ and HQC have shown consistent high-level interest in and support for modernizing and reinforcing the educational work of the NSJ including in relation to gender and social sensitive education delivery.	In 2013-2014 the NSJ and HQC have shown consistent high-level interest in and support for modernizing and reinforcing the educational work of the NSJ including in relation to gender and social sensitive education delivery.
Immediate Outcome 100: Strengthened institutional capacity of HQCU and NSJ to support the development and delivery of skills-based, gender- and social context-sensitive and business-related education to 5-year term and permanent judges		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results
Number and type of organizational processes and procedures being strengthened or newly developed to support the design and delivery of skills-based, gender- and social context-sensitive and business-related judicial education	The issues related to organizational processes and procedures examined by the Canadian expert team were considered by the senior management of the NSJ. There is ongoing implementation of a number of organizational processes and procedures under four thematic sectors aimed at strengthening of both institutions in support of the design and delivery of skills-based, gender- and social context-sensitive and business-related judicial education. The thematic areas are: 1. Role of Judges, Courts and Other Judicial Institutions in Governance of judicial education institute and design and delivery of educational programs. 2. Organizational Structure and Operations of judicial education institute (support teams). 3. Curriculum and Course Priority Setting. 4. Electronic Resources, Communications, and Technology-Based Distance Learning. Special attention was given to the Newly Appointed Judges curriculum.	The issues related to organizational processes and procedures examined by the Canadian expert team were considered by the senior management of the NSJ and HQCU and reflected upon in the immediate Action Plan and long-term Strategic Plan. There is ongoing implementation of a number of organizational processes and procedures under four thematic sectors aimed at strengthening of both institutions in support of the design and delivery of skills-based, gender- and social context-sensitive and business-related judicial education. The thematic areas are: 1. Role of Judges, Courts and Other Judicial Institutions in Governance of judicial education institute and design and delivery of educational programs. 2. Organizational Structure and Operations of judicial education institute (support teams). 3. Curriculum and Course Priority Setting. 4. Electronic Resources, Communications,

¹³ This includes support as relevant from the HQC, the State Courts Administration, the Council of Judges, and the courts.

	<p>During this reporting period, under the second and third thematic areas, the development and delivery of NAJ curriculum was prioritized to ensure that practical steps are made by NSJ in transitioning towards skills based education model.</p> <p>Under the fourth thematic area, the NJI provided a detailed response and suggested implementation steps following the NSJ's planning document "Developing a Technology-based eSchool for the Judiciary of Ukraine".</p>	<p>and Technology-Based Distance Learning. Special attention was given to the Newly Appointed Judges curricula.</p> <p>During this reporting period, under the second and third thematic areas, the development and delivery of NAJ curricula was prioritized to ensure that practical steps are made by NSJ in transitioning towards skills based education model.</p> <p>A Report on implementation of distance learning technology was drafted by Ukrainian expert was endorsed by the partners. The NSJ developed a planning document "Developing a Technology-based eSchool for the Judiciary of Ukraine". Under the fourth thematic area, the NJI provided a detailed response and suggested implementation steps following the NSJ's planning document "Developing a Technology-based eSchool for the Judiciary of Ukraine".</p>
Number of f/m core staff trained in development and delivery of judicial education	During this reporting period, in the four combined workshops, 130 (81 female and 49 male) NSJ representatives including judges were trained in development and delivery of judicial education.	<p>13 senior management representatives of NSJ and HQCJU have increased knowledge of development and delivery of the skills-based judicial education, due process and gender equality.</p> <p>Cumulatively, 197 NSJ representatives were trained in development and delivery of judicial education. Please note that the number of NSJ employees is 98 (60 female and 38 male, and core programming and training personnel are 31 female and 7 male).</p> <p>In addition, 2 interns in institutional strengthening and 1 Gender Advisor at NSJ received more in-depth training in Canada.</p>
Immediate Outcome 200: Strengthened capacity of the NSJ to develop and deliver skills-based, gender- and social context-sensitive and business-related education to 5-year term and permanent judges		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results
Level of satisfaction of f/m judge participants with judicial education programming	No results to report as this is an early stage of the project and the courses are being developed and to be piloted at the end of FY 2014-2015.	n/a
Number of skills-based and business-related courses developed and delivered by the NSJ	3 out of 4 skills-based, gender-sensitive, social context and business-related courses piloted have been amended.	4 skills-based, gender-sensitive, social context and business-related courses are being developed and delivered.
Extent to which gender equality is integrated in the new courses developed under JEEG	The gender-sensitive, social context continues to be analyzed for further integration into all new courses under development.	The gender-sensitive, social context is being analyzed for further integration into all four new courses under development. Three out of four courses integrated gender equality considerations: Administrative Land Law, Generic Land Law, and Courtroom Management.
Immediate Outcome 300: Improved capacity of selected pilot courts in the Oblasts of Ivano-Frankivsk and Odesa to handle commercial cases by means of piloting judicial pre-trial settlement mechanisms		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results

<p>Decrease in duration and cost of dispute settlement using judicial pre-trial settlement mechanisms compared to similar cases addressed through traditional trial processes</p>	<p>No update in this reporting period</p>	<p>Case Processing TIME in general jurisdiction matters: a) at first instance level - no time savings reported b) cases settled, closed or stayed through settlement conferences save at least 40-45 days in appeal time per each case; (with 71 cases settled, approx. time saved for the system in appeal time is around 2840 days*) Case Processing TIME in administrative jurisdiction matters: a) at first instance level - at least 1/3 of time can be saved in case processing time when settlement conferences applied; b) cases settled, closed or stayed through settlement conferences save at least 20-30 days in appeal time per each case; (due to low # of admin. cases currently settling (7 cases), the time saved in appeal is around 140 days*) (*conservative calculations) COST: very difficult to assign a figure to the costs saved, but these can be judged through the time saved to the system and to the parties through the reduced time of case being in the court system; however looking at the time saving, the costs saving can be categorized as substantial..</p>
<p>Improved ratings of court system performance by commercial case disputants and other stakeholders (e.g. lawyers, businesses, etc.) comparing use of early settlement mechanisms to traditional trial processes</p>	<p>No update in this reporting period</p>	<p>approx. 1% increase in peace settlements at the general jurisdiction courts; significant increase in cases stayed where parties are encouraged to resolve their dispute without going through with a trial; in general jurisdiction courts approx. 68% of parties who go through settlement conferences convinced that this procedure is an effective method for dispute resolution; in admin. courts the number of cases that go through settlement is very low, but in one case it is a 100% acceptance of the procedure and in another case the parties are not convinced at all that settlement should be used unless legislation facilitates the process;</p>

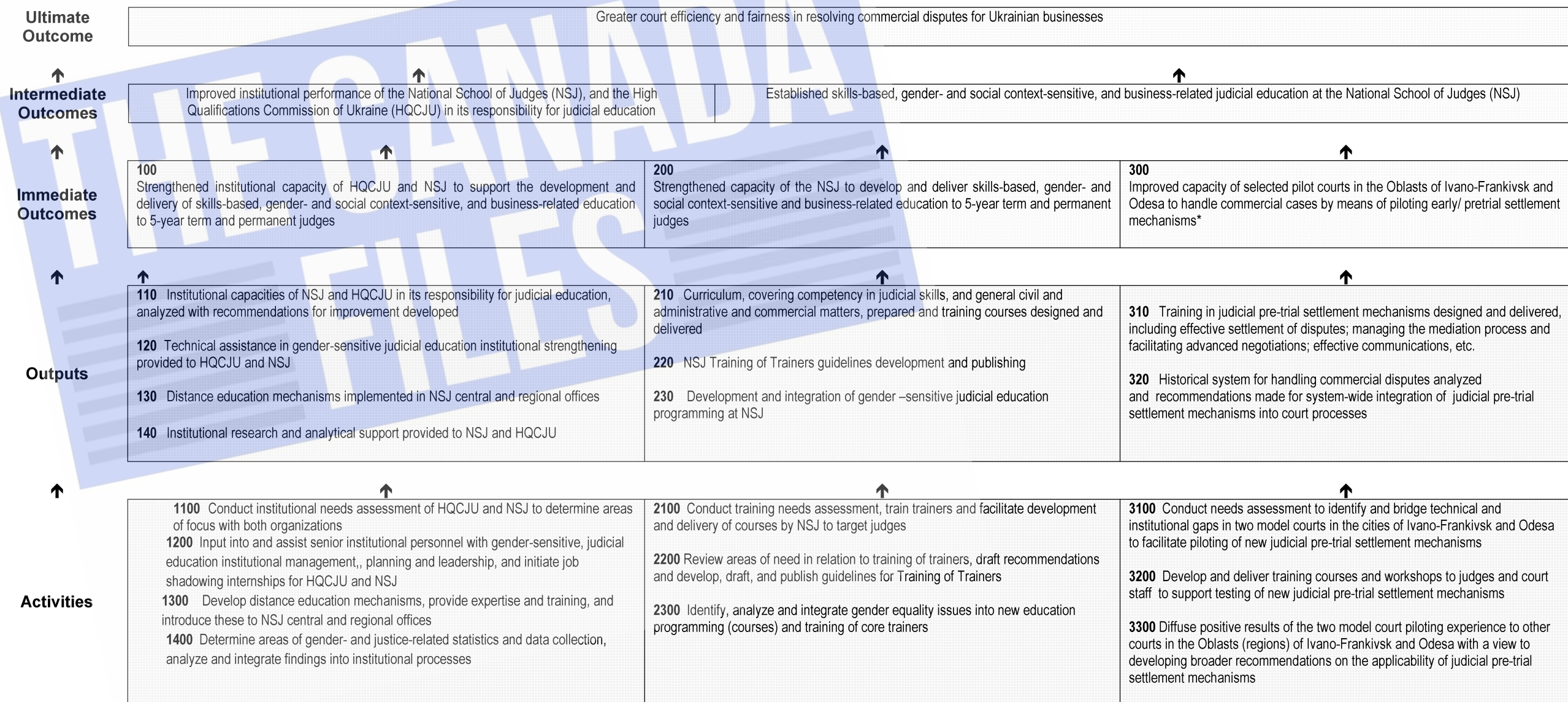
OUTPUT 1: 110 Institutional capacities of NSJ and HQCJU in its responsibility for judicial education analyzed with recommendations for improvements developed		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results
# of issues identified through a completed needs assessments and completion of HQCJU and NSJ strategic and operational plans	During this reporting period, the progress was made under the two thematic areas: the development and delivery of NAJ curricula and implementation steps following the NSJ's planning document "Developing a Technology-based eSchool for the Judiciary of Ukraine".	The Canadian expert report summarizes 9 areas that relate to the institutional capacity of the NSJ to support effective curriculum and course planning: workload; facility, material and human resource; organizational structure; strategic planning; management across sites; internal faculty development systems, practices; judicial leadership in course development and delivery; course planning, design and delivery processes; distance learning system. The nine issues related to organizational processes and procedures articulated in the draft reports of Canadian expert team were considered by the senior management of the NSJ and HQCJU. The ensuing Action Plan was endorsed by the partners for more immediate planning. The following areas were identified for the project work: 1. Role of Judges, Courts and Other Judicial Institutions in Governance of judicial education institute and design and delivery of educational programs. 2. Organizational Structure and Operations of judicial education institute (support teams). 3. Curriculum and Course Priority Setting. 4. Electronic Resources, Communications, and Technology-Based Distance Learning.
# of recommendations made to strengthen NSJ's and HQCJU's institutional capacity as a judicial education body	During this reporting period, the progress was made under the two thematic areas: the development and delivery of NAJ curricula and implementation steps following the NSJ's planning document "Developing a Technology-based eSchool for the Judiciary of Ukraine".	Short and long term recommendations by Canadian expert team were developed for each of the 9 areas identified for institutional strengthening. Each thematic area (out of four enumerated) could lead to a significant number of changes. There is an ongoing discussion among the partners about the number and type of organizational processes and procedures in each of the four areas to strengthen institutions in support of the design and delivery of skills-based, gender- and social context-sensitive and business-related judicial education.
OUTPUT 1: 120 Technical assistance in gender-sensitive judicial education institutional strengthening provided to HQCJU and NSJ		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results
Internships completed by # of people (f/m)	No update in this reporting period.	2 senior management staff (m) from HQCJU and NSJ were identified, enrolled into English language training in preparation for the internship to Canada, and completed their internship to Canada. The recommendations were developed by interns.
# (f/m) and % of personnel trained at # workshops on gender-sensitive, judicial education institutional management	No update in this reporting period.	5 male and 2 female HQCJU as well as 2 male and 5 female senior management representatives have increased knowledge on gender-sensitive, judicial education institutional management. The four combined workshops introduced 16 male and 49 female NSJ representatives to NJI model for gender-sensitive judicial education. The work continued with all 4 support groups (3-5 persons each) to model the skills-based judicial education approach.
OUTPUT 1: 130 Distance education mechanisms implemented in NSJ regional and central offices		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results

<p># of NSJ regional and central offices equipped</p>	<p>NJI has prepared a detailed response to the NSJ's planning document "Developing a Technology-based E-School for the Judiciary of Ukraine".</p>	<p>The plans for the NSJ central and regional offices have been discussed with the NSJ. The NSJ prepared the planning document "Developing a Technology-based E-School for the Judiciary of Ukraine". NJI has prepared a detailed response to the NSJ's planning document "Developing a Technology-based E-School for the Judiciary of Ukraine".</p>
<p># of changes leading to the implementation of effective distance education mechanisms in central and regional offices</p>	<p>The JEEG Project contributed to the course development by providing the support in implementing the plan on introducing distance learning at NSJ: selection and installation of the learning management system MOODLE; training of IT staff in adapting and designing e-courses. In addition, the methodological materials for DL course administrators/tutors were developed and provided to the NSJ. As well, the informal meetings on implementation of distance learning technology with the management of NSJ were conducted.</p>	<p>The Canadian expert team with the assistance of Ukrainian distance learning expert drafted recommendations for the NSJ.</p> <p>A Report on the implementation of distance learning technology was prepared by Ukrainian expert for further discussion with partners and actual implementation. The Ukrainian staff received initial training.</p> <p>The JEEG Project contributed to the course development by providing the support in implementing the plan on introducing distance learning at NSJ: selection and installation of the learning management system MOODLE; training of IT staff in adapting and designing e-courses. In addition, the methodological materials for DL course administrators/tutors were developed and provided to the NSJ. As well, the informal meetings on implementation of distance learning technology with the management of NSJ were conducted.</p>
<p>OUTPUT 1: 140 Institutional research and analytical support provided to NSJ and HQCJU</p>		
<p>Indicators</p>	<p>Progress Towards Results During Reporting Period</p>	<p>Cumulative Results</p>
<p>Increased ability at NSJ and HQCJU to identify areas for improvement, gather institutional performance data and assess performance</p>	<p>Research was undertaken by the Canadian and Ukrainian teams into the existence of statistics gathering systems and methodologies across EU and other regional states, including the availability of gender-disaggregated statistics and other data relating to women's claims and use of courts and judicial outcomes on gender-related matters. Overall the practice (and systems) of court-based statistical collection and management of data in relation to women's participation in the courts, cases involving gender equality and other areas relating to gender equality remained new or weakly developed across the judicial systems about which information was available or provided.</p> <p>The NJI's own human resource and institutional policies relating to gender equality and social equity, as well as those of two other organizations, were reviewed and collated in order to assist and guide the Ukrainian gender expert and NSJ in the examination of the NSJ's own GE-related policy framework in the context of institutional strengthening efforts. The exercise assisted in expanding local appreciation of the extent of attention given to social equity in the construction of government and non-government institutional frameworks.</p>	<p>Research was undertaken by the Canadian and Ukrainian teams into the existence of statistics gathering systems and methodologies across EU and other regional states, including the availability of gender-disaggregated statistics and other data relating to women's claims and use of courts and judicial outcomes on gender-related matters. Overall the practice (and systems) of court-based statistical collection and management of data in relation to women's participation in the courts, cases involving gender equality and other areas relating to gender equality remained new or weakly developed across the judicial systems about which information was available or provided.</p> <p>The NJI's own human resource and institutional policies relating to gender equality and social equity, as well as those of two other organizations, were reviewed and collated in order to assist and guide the Ukrainian gender expert and NSJ in the examination of the NSJ's own GE-related policy framework in the context of institutional strengthening efforts. The exercise assisted in expanding local appreciation of the extent of attention given to social equity in the construction of government and non-government institutional frameworks.</p>

OUTPUT 2: 210 Curriculum covering competency in judicial skills and general, civil, administrative, and commercial matters prepared and training courses designed and delivered		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results
# of f/m trainers trained to use skills-based methodology	In this reporting period, cumulatively, 130 (81 female and 49 male trainers have been trained to use skills-based methodology.	Overall under the project to date, 116 male and 195 female judge-trainers and NSJ staff trainers trained to use skills-based methodology.
Existence and # of consultations, research studies.	4 peer-to-peer multi-visit consultations among NSJ and NJI expert teams conducted. Secondary research gathered to assist the development of the four courses.	6 peer-to-peer multi-visit consultations among NSJ and NJI expert teams conducted. Secondary research gathered to assist the development of the four courses.
OUTPUT 2: 220 NSJ Training of Trainers guidelines development and publishing		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results
# of NSJ TOT guidelines developed and published	Both NSJ and NJI have engaged in planning of the design and development for a Manual on judicial education. The primary reference materials for were based on the Judicial Education Guide developed by NJI, the toolkits developed by the NSJ, as well as other reference materials produced by NSJ experts during JEEG implementation.	Both NSJ and NJI have engaged in planning of the design and development for a Manual on judicial education. The primary reference materials for were based on the Judicial Education Guide developed by NJI, the toolkits developed by the NSJ, as well as other reference materials produced by NSJ experts during JEEG implementation.
OUTPUT 2: 230 Development and integration of gender-sensitive judicial education programming at NSJ		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results
# of courses developed integrate gender equality considerations	No update in this reporting period	Design processes and subject content in relation to three of four courses (Administrative Land Law, Generic Land Law, and Courtroom Management; the exception was Statutory Interpretation) integrated gender equality considerations.
# of judges trained (f/m) in gender equality awareness	No update in this reporting period	Increased awareness of gender equality issues for 14 judges and senior decision-makers of NSJ and HQC as well as 27 core trainers. Overall, 40 male and 49 female judges and as well as 24 core NSJ trainers were trained in gender equality awareness while developing the skills-based GE sensitive courses. 2 male and 1 female judge as well as 5 gender experts (representatives of Ukrainian NGOs) conducted a one-day roundtable on GE issues.
Trainers' (f/m) perception of participants' and judges' acceptance (f/m) to gender equality issues	No result to report as this is an early stage of the project. Trainers have not yet delivered courses to participants, hence their perception cannot be evaluated. However to date, most judge trainers have expressed a strong appreciation for Canadian-facilitated sessions in which GE/social context were highlighted.	No result to report as this is an early stage of the project. Trainers have not yet delivered courses to participants, hence their perception cannot be evaluated. However to date, most judge trainers have expressed a strong appreciation for Canadian-facilitated sessions in which GE/social context were highlighted.
OUTPUT 3: 310 Training in judicial commercial pre-trial settlement mechanisms delivered		
Indicators	Progress Towards Results During Reporting Period	Cumulative Results

<p># of judges and officials (f/m) exposed to Canadian practices in commercial dispute resolution processes</p>	<p>The project conducted four technical workshops on judicially assisted dispute resolution (JADR): In Ivano-Frankivsk there were 49 judges, senior staff and lawyers trained on JADR (31 men and 18 women) and in Odesa the number of workshop trainees was 53, of which 26 were men and 27 were women.</p>	<p>To-date the project has trained in JADR procedure at the four workshops approximately 102 judges, senior court staff and members of the legal profession (57 male and 45 females);</p> <p>All judges of the 4 pilot courts, approx.95 judges (I-F: 18-general court, 21-administrative court; Odesa: 26-general court, 32-admin.court) are familiar with the concepts of JADR and have a good understanding of its practical application in Ukraine;</p>
<p># of workshops conducted on case-management practices relating to commercial dispute resolution (pre-trial settlement) mechanisms</p>	<p>Four technical workshops on JADR conducted for judges, senior court staff and members of the legal profession in Ivano-Frankivsk and Odesa Regions. The workshops covered among many things the case and caseload management; development of the pre-trial settlement conference, judicial and administrative aspects of judicial settlement conferencing; preparation and scheduling of settlement conferencing, caucusing, complex multi-party settlement conferences, partial settlement and recommendations on settlement techniques.</p>	<p>To-date the project has conducted:</p> <ul style="list-style-type: none"> • Practical exposure mission to Canada for judges of the pilot courts, HQCJU and School of Judges • At least 3 information meetings with judges, members of the legal professions, representatives of state institutions litigating before the administrative courts, other NGOs and members of the public in each of the two Regions; • 2 Workshops on JADR for Judges and judicial system officials (incl. legal profession) in <i>Ivano-Frankivsk Region</i> • 2 Workshops on JADR for Judges and judicial system officials (members of the legal profession) in <i>Odesa Region</i>
<p>OUTPUT 3: 320 Recommendations drafted for system-wide integration of judicial pre-trial settlement mechanisms into court processes relating to commercial cases</p>		
<p># and type of procedures adaptable to Ukrainian realities outlined in the recommendations</p>	<p>Consultations on the recommendations continue with the pilot courts and various justice system stakeholders. At least four different consultation meetings have taken place with various stakeholders to discuss, consult on and seek feedback on the implementation of JADR in Ukrainian courts. The pilot has been now in progress for 10 months and shows positive results. The courts have developed rules for pre-trial settlement conference according to which the process is taking place at the four pilot courts. (These rules will be further refined as piloting progresses).</p> <p>The Project Working Group met twice to commence the pilot, review its interim results, plan further advancement of the pilot and begin drafting the recommendations for system wide integration.</p>	<p>The courts have developed rules for pre-trial settlement conference according to which the process is taking place at the four pilot courts. (These rules will be further refined as piloting progresses).</p> <p>The initial outline of the recommendations have been discussed and written out.</p>

APPENDIX C: LOGIC MODEL



* Judicial pre-trial settlement mechanisms: Time and cost-saving dispute resolution/mediation mechanisms typically led and implemented by judges outside the formal court-room setting.

APPENDIX D: RISK REGISTER

Initiative Name:	Judicial Education for Economic Growth in Ukraine						
Implementing Organizations:	National Judicial Institute (NJI) and The Office of the Commissioner for Federal Judicial Affairs (FJA)			Country/Region/Institution	Ukraine The High Qualifications Commission of Judges of Ukraine and the National School of Judges of Ukraine		
Risk Definition	Risk Response	Investment LM Result Statement	Residual Risk Level – Low/Very Low/High/Very High				
				Date 1 Dec. 2012	Date 2 May 2014	Date3	
Operational Risks							

<p>OP1</p>	<p>Project partners are unable to implement activities in a timely manner due to the lack of institutional capacity including lack of physical facilities</p>	<ul style="list-style-type: none"> ▪ In the initial phase clear agreements between NSJ and HQCJU on their roles, responsibilities and expectations will be developed & frequently reviewed. ▪ HQCJU and NSJ will be strengthened from the inception phase to ensure they are able to function at sufficient capacity according to the schedule. ▪ Advance planning will anticipate work schedules of judges. Flexibility in adapting to emergency (external) circumstances. ▪ Work jointly with NSJ champions on training of trainers, especially judges who were previously involved with NJI in developing skills-based experiential courses as part of the project, course content and gender equality aspects; ensure fluid communication. ▪ Explore other possibilities where face-to-face training could be conducted in the interim such as NSJ regional offices, courts with conference facilities and hotels ▪ Advance distance learning methodology and mechanisms 	<p>Immediate Outcome 1: Strengthened institutional capacity of HQCJU and NSJ to support the development and delivery of skills-based, gender- and social context-sensitive and business-related education to 5-year term and permanent judges</p>	<p>L= Low/Med I= Med</p>	<p>L=Med I=Low</p>	<p>L= I=</p>	<p>Project Manager in the field</p>
<p>OP2</p>	<p>HQCJU and NJS officials do not approve skills-based curricula, approaches, course content</p>	<ul style="list-style-type: none"> ▪ Conduct accurate needs assessment ▪ Work with HQCJU supporters together with NJS to solicit their support vis-a-vis government departments if necessary. ▪ Seek input of respected Ukrainian adult education specialists with 	<p>Immediate Outcome 2: Strengthened capacity of NSJ to develop and deliver skills-based, gender- and social context-</p>	<p>L= Low I= Med</p>	<p>L=Low I=Med</p>	<p>L= I=</p>	<p>Project Manager in the field</p>

		judicial education experience, particularly staff at the NSJ and judges who have experience in using skills-based training.	sensitive, and business-related education to 5-year term and permanent judges				
OP3	Judges reject or are slow to implement new pre-trial settlement mechanisms	<ul style="list-style-type: none"> Building confidence in processes & guidelines through an appropriate collaborative design of the project, with the Ukrainian team playing a leading role in the drafting of processes and guidelines. Seek champions Strengthen knowledge of new approaches in key offices of HQCJU and NSJ. Seek endorsement from HQCJU or other required authoritative body to pilot pre-trial conferencing by judges given that judges may perceive a violation of their civil code 	Immediate Outcome 3: Improved capacity of selected pilot courts in the Oblasts of Ivano-Frankivsk and Odesa to handle commercial cases and use judicial pre-trial settlement mechanisms	L= Low I= Med	L=Low I=Low	L= I=	Project Manager in the field
OP4	Obstacles to roll-out of distance learning programming (e.g. relating to establishing a secure network)	<ul style="list-style-type: none"> Investigate the degree or percentage of distance learning programming that would require a secure network (at the current time, NSJ implements distance learning programming on an unsecured network) Identify the feasibility of securing an offsite secure server consistent with NJI's experience Determine a timeframe for implementation of an onsite secure network. 	Immediate Outcome 1 (as above)	L = Med I = Med	L = Low I = Med		
Financial Risks							

FIN1	Insufficient financial and other resources negatively affect the institutional strengthening component in the project	<ul style="list-style-type: none"> Project will support the key governmental decision makers who are seeking greater funding for judicial education, especially HQCJU, but also the State Court Administration to help ensure that appropriate budget and administrative issues supporting institutional strengthening are addressed. The project will explore less resource-intensive strategies such as working with stakeholders committed to reform (judges, academics, other donors and business associations) to ensure training opportunities are well coordinated and leverage other resources. 	Immediate Outcome 2: Strengthened capacity of NSJ to develop and deliver skills-based, gender- and social context-sensitive, and business-related education to 5-year term and permanent judges	L= Med I= Med	L= Med I= Med	L= I=	Project Manager in the field
FIN2	Budgetary shortfalls or changes in anticipated state-allocated budget reduce pilot courts' contribution	<ul style="list-style-type: none"> Notification to pilot courts of possible reduction in project activities; Negotiation with the HQCJU, Council of Judges, and SCA to re-establish support 	Immediate Outcome 3: Improved capacity of selected pilot courts in the Oblasts of Ivano-Frankivsk and Odesa to handle commercial cases and use judicial pre-trial settlement mechanisms	L= Med I= Med	L= Med I= Med	L= I=	Project Manager in the field
Development Risks							
DEV1	The political and economic crisis continues to deteriorate and disrupts the functioning of the judiciary.	<ul style="list-style-type: none"> Monitor political and economic situation and anticipate implications of the impact on judiciary and changes in government through 	Ultimate Outcome: Greater court efficiency and	L= Med I= Med	L= Low I= High	L= I=	Project Director

		<p>regular situation analysis and dialogue with judicial and government contacts.</p> <ul style="list-style-type: none"> ▪ DFADT to work with other donors to promote with appropriate Ukrainian government officials the necessity of building an independent judiciary. 	<p>fairness in resolving commercial disputes for Ukrainian businesses</p>				
DEV2	<p>Ukrainian judges reject all or some of the new ideas/approaches being introduced. Ukrainian judges and Chief judges remain reluctant or unavailable to develop and deliver judicial education at NSJ resulting in inadequate supply of sitting judges to develop and deliver judicial education in Ukraine.</p>	<ul style="list-style-type: none"> ▪ Demonstrating value via technical exchange programs, judicial training on the new approaches, senior SCU judges and HQCJU awareness building. ▪ Judge to judge approach will facilitate acceptance of new skills and approaches ("testimony" of Canadian judges). ▪ Set up criteria for identifying national experts taking into account openness to new ideas, influence, and experience in specific reform areas. Identify "champions." ▪ Involve judges at all levels of court in training and developing curricula. ▪ Provide adequate advance notice and preparation time for all project activities, and seek time commitment at an early stage from judge participants ▪ HQCJU to play a key leadership role in ensuring that CJs will allow for judges to participate in JE development including directly leading development of first course (statutory interpretation). 	<p>Immediate Outcome 2: Strengthened capacity of NSJ to develop and deliver skills-based, gender- and social context-sensitive, and business-related education to 5-year term and permanent judges</p>	<p>L= Low I= Med</p>	<p>L=Low I=Med</p>	<p>L= I=</p>	<p>Project Manager in the field</p>
Reputation Risks							

REP1	Canadian stakeholders may not publicly support program due to changing realities of Ukrainian politics	<ul style="list-style-type: none"> Monitor Ukrainian context; engage with Canadian stakeholders as necessary. 	Ultimate Outcome: Greater court efficiency and fairness in resolving commercial disputes for Ukrainian businesses	L= Very Low I= Med	L=Very Low I=Med	L= I=	Project Director
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APPENDIX E: PERFORMANCE MEASUREMENT FRAMEWORK

PERFORMANCE MEASUREMENT FRAMEWORK							
Expected Results	Indicators	Baseline	Targets	Data Source	Data Collection Method	Frequency	Responsible
ULTIMATE OUTCOME Greater court efficiency and fairness in resolving commercial disputes for Ukrainian businesses	Percentage of public having confidence in the courts' capacity to fairly treat commercial disputants/litigants	7.5% of citizens have full confidence in the courts (TI, National Integrity System 2011)	Incremental increases in public confidence rankings.	Existing national, regional and international reports and assessments	Reports and literature reviews	Mid-term and final year	NJI Project Manager
	Relative ranking of the judicial system in relation to international standards	WJP ranks efficiency (timeliness and effectiveness) relating to criminal adjudication at 0.45 of 1; Ukraine is at 152nd of 182 in terms of transparency (TI, CPI 2011); judicial independence was 143th of 142 (WEF GCR 2011-2012). In addition: Ukraine is ranked 152nd of 183 in 2012 Doing Business Report (WB); 82nd of 142 in GCR (WEF 2011-2012).	Increase in efficiency and fairness (including independence and transparency) rankings over time compared with similar transition economies.	Existing national, regional and international reports and assessments	Reports and literature reviews		
	Average time and effort required for resolving a commercial lawsuit,	30 procedures and 343 days in 2011 (WB Doing Business 2012)	Reduction in number of procedures and length of time required to resolve a	<i>Doing Business</i> Report, existing statistics, senior stakeholders	Reviews of statistics where available and <i>Doing Business</i>		

	from filing to court hearing to final resolution		commercial lawsuit to align more closely with European Standards (applying WB measures).		Report, consultations		
Intermediate Outcome 1 Improved institutional performance of the National School of Judges of Ukraine (NSJ) and the High Qualifications Commission of Ukraine (HQCJU) in its responsibility for judicial education	Extent to which the key organizational features and processes to support education (involvement of judges in education; strategic and operational planning; governance structure, roles and responsibilities, and management, procedures, practices) are established	Basic structures in place; limited mechanisms for accessing expertise and leadership of judges; idea of strategic plan in discussion; governance and oversight practices, as well as management, procedures, practices still being determined.	Effective mechanisms articulated and in development or in place in relation to utilization of judges, strategic planning, governance and oversight systems and practices, and organizational management, procedures and practices.	NSJ and HQCJU reports, documentation regarding existing and new practices and systems	Institutional assessment including observations, review, consultations	Mid-term and final year	NJI Project Manager
	Number and type of policies developed and implemented based on recommendations elaborated under JEEG	Baseline status at 0.	New policies articulated and developed relating to institutional practices and systems in support of judicial education.				
Intermediate Outcome 2 Established skills-based, gender- and social context-sensitive and business-related judicial education at the National School of Judges (NSJ)	Degree to which m/f judges are able to apply gender and social context sensitivity in their work	Agreement to be established as to the articulation and applicable indicators of gender sensitivity – thus no baseline available.	A majority of judges report that they are able and willing to apply core gender-sensitive knowledge and skills after related training.	Judges and judge faculty	Questionnaires/ consultations	Mid-term and final year	NJI Project Manager
	Proportion of courses that are skills-based, gender- and social context-sensitive, integrated into NSJ curriculum	Limited number of 'practical' courses or courses integrating skills practice available for judges; curriculum rarely integrates content that is directly attentive to GE issues.	15-20% of all courses integrated into curriculum are practical or skills-based and integrate gender-sensitive content.	NSJ calendar and curriculum, changes in academic plans.	Assessment of curriculum progression		
	Extent of judicial institutional support ¹⁴ for new skills-based, gender-and social context-sensitive education content	New course content in the areas listed has been endorsed by senior institutional staff; courses to be developed under JEEG to be determined on basis of recognized needs and institutional interest and support.	Judicial institutional support continues to be strong and ensures continued design and delivery of this new program content and methodology into the curriculum.	Partners, judge-faculty and personnel of the NSJ, other stakeholders.	Surveys/ consultations		

¹⁴ This includes support as relevant from the HQCJU, the State Courts Administration, the Council of Judges, and the courts.

<p>Immediate Outcome 100</p> <p>Strengthened institutional capacity of HQCJU and NSJ to support the development and delivery of skills-based, gender- and social context-sensitive and business-related education to 5-year term and permanent judges</p>	<p>Number and type of organizational processes and procedures being strengthened or newly developed to support the design and delivery of skills-based, gender- and social context-sensitive and business-related judicial education</p>	<p>Organizational processes and procedures still under review and not fully articulated as a necessary stage in their strengthening and development.</p>	<p>Review of all processes completed within 1-2 years; mechanisms for their strengthening or development in place and implemented within the project's timeline.</p>	<p>Management and non-management institutional personnel</p>	<p>Annual institutional assessments including interviews, collaborative review</p>	<p>Annual</p>	<p>NJI Project Manager</p>
	<p>Number of f/m core staff trained in development and delivery of judicial education</p>	<p>NSJ has reported having 46 full-time and 8 part-time personnel that have various and ad hoc training in the development and delivery of judicial education in general.</p> <p>The baseline is set at 0 for the purposes of the project</p>	<p>The full staff contingent that is required to meet the demands of mandated judicial education requirements, trained in the development and delivery of judicial education.</p>				
<p>Immediate Outcome 200</p> <p>Strengthened capacity of the NSJ to develop and deliver skills-based, gender- and social context-sensitive and business-related education to 5-year term and permanent judges</p>	<p>Level of satisfaction of f/m judge participants with judicial education programming</p>	<p>Judges have varying perspectives on the effectiveness and variety available to them in current JE programming at the NSJ and elsewhere. Some degree of dissatisfaction as to ability to select content and methods of education, including relevant skills education.</p>	<p>Judges rate themselves as satisfied with judicial education programming (content and methodologies) developed and offered under the project.</p>	<p>f/m judge trainees, judge faculty and institutional personnel and trainers as appropriate</p>	<p>Questionnaires, consultations</p>	<p>Annual</p>	<p>NJI Project Manager</p>
	<p>Number of skills-based and business-related courses developed and delivered by the NSJ</p>	<p>Some limited practical, skills-related education content – far more substantive, lecture based courses. Some limited business-related courses available.</p>	<p>It is expected that 3 cycles of up to 5 courses each developed and delivered under JEEG will prompt the NSJ to integrate skills-based and business-related content (where applicable) into remaining curricula.</p>				
	<p>Extent to which gender equality is integrated in the new courses developed under JEEG</p>	<p>Limited integration of gender equality considerations into curriculum.</p>	<p>15-20% of all courses developed and integrated into the curriculum incorporate gender-sensitive content after 1-2 years.</p>				

Immediate Outcome 300 Improved capacity of selected pilot courts in the Oblasts of Ivano-Frankivsk and Odesa to handle commercial cases by means of piloting judicial pre-trial settlement mechanisms	Decrease in duration and cost of dispute settlement using judicial pre-trial settlement mechanisms compared to similar cases addressed through traditional trial processes	Judicial early/pretrial settlement processes are not available in the pilot courts. Baseline is therefore considered to be at zero.	Decreased time and cost for a commercial case to proceed through the court system after judicial pre-trial settlement mechanisms in place.	Court statistics where available, anecdotal evidence from business and legal representatives and others	Review of case statistics ¹⁵	End of 3 rd (final) year of component	NJI Project Manager (FJA Program Manager for implementation and reporting to NJI)
	Improved ratings of court system performance by commercial case disputants and other stakeholders (e.g. lawyers, businesses, etc.) comparing use of early settlement mechanisms to traditional trial processes	Lawyers, businesses and others rate the existing traditional trial process poorly; however early settlement mechanisms are not yet utilized and procedural changes are required for their comprehensive integration. Baseline for comparison is therefore at zero.	Increase in the number of cases resolved through judicial pre-trial settlement mechanisms; improved overall perspective of the pre-trial and trial process by stakeholders.	Court statistics where available, business litigants and legal representatives	Interviews/questionnaire	End of 2 nd and 3 rd year	NJI Project Manager (FJA Program Manager for implementation and reporting to NJI)
Output 1:							
110 Institutional capacities of NSJ and HQCJU in its responsibility for judicial education analyzed with recommendations for improvements developed	# of issues identified through a completed needs assessments and completion of HQCJU and NSJ strategic and operational plans	There are several issues identified by both Canadian and Ukrainian experts during the inception mission. The specific issues will be described in details in the forthcoming strategic and operational plans	Review of processes demonstrate that the strategic and operational plans are in place and issues raised are being addressed in timely manner.	NSJ report / standardized assessment criteria	Analysis/Review	Annual	NJI Project Manager
	# of recommendations made to strengthen NSJ's and HQCJU's institutional capacity as a judicial education body	Established at 0	At least one annual recommendation by the expert team is produced per issue identified	NSJ report / standardized assessment criteria/ participant lists	Analysis/Review	Mid-term and final year	NJI Project Manager

¹⁵ Where gathered and tracked by relevant courts, and provided to project partners.

120 Technical assistance in gender-sensitive judicial education institutional strengthening provided to HCCJU and NSJ	Internships completed by # of people (f/m)	Established at 0	At least 4 senior management staff (m/f) from HCCJU and NSJ completed internships	Partners	Review	Annual	NJI Project Manager
	# (f/m) and % of personnel trained at # workshops on gender-sensitive, judicial education institutional management	Established at 0	At least 50 % of HCCJU commissioners and required percentage of personnel (f/m)and (and over 60% of NSJ personnel m/f) exposed				
130 Distance education mechanisms implemented in NSJ regional and central offices	# of NSJ regional and central offices equipped	Established at 0	Max. 2 NSJ regional and 1 central offices equipped	NSJ report / standardized assessment criteria/ Canadian experts' reports	Analysis/Re-view	Mid-term and final year	NJI Project Manager
	# of changes leading to the implementation of effective distance education mechanisms in central and regional offices	Established at 0	At least one annual recommendation by the expert team is produced per issue identified and selected	NSJ report / standardized assessment criteria	Stats analysis/re-view	Annual	NJI Project Manager
140 Institutional research and analytical support provided to NSJ and HCCJU	Increased ability at NSJ and HCCJU to identify areas for improvement, gather institutional performance data and assess performance	Established at or near 0	NSJ and HCCJU have identified up to 6 key areas for improvement in which data was collected and against which performance was assessed	Partners/partner reports	Institutional review, consultations	Annual	NJI Project Manager
Output 2							
210 Curriculum covering competency in judicial skills and general, civil, administrative, and commercial matters	# of f/m trainers trained to use skills-based methodology	To be established at inception (f/m %)	Up to 90 (directly) (f/m) NSJ staff and faculty judges, up to 300 (via ToT) NSJ staff	NSJ report / standardized assessment	Stats Analysis/Re-view	Annual	NJI Project Manager

prepared and training courses designed and delivered			and faculty judges (f/m determined)	criteria/participant lists			
	Existence and # of consultations, research studies.		Up to 15 peer-to-peer (trainer to trainer and judge to judge) consultations, 6 research studies required for program development conducted	NSJ report / standardized assessment criteria	Stats Analysis/Re-view	Annual	NJI Project Manager
220 NSJ Training of Trainers guidelines development and publishing	# of NSJ TOT guidelines developed and published	Established at 0	At least 3 multidisciplinary guidelines developed and published	NSJ report / standardized assessment criteria	Stats Analysis/Re-view	Mid-term and final year	NJI Project Manager
230 Development and integration of gender-sensitive judicial education programming at NSJ	# of courses developed integrate gender equality considerations	Gender equality principles applied sporadically	8-10 newly delivered courses reflect gender equality considerations	NSJ reports/ curriculum/agenda/ participant lists/trainer evaluations of participants	Statistical Analysis/Re-view	Annual	NJI Project Manager
	# of judges trained (f/m) in gender equality awareness	Established at 0	Up to 300 judges (f/m) trained over the lifecycle of the project through courses that incorporate gender issues (piloting); the same number of judges (f/m) to be trained annually after year 5 of the project/	NSJ reports/NSJ Curricula/Standardized assessment criteria/ Participant lists/trainer evaluations			
	Trainers' (f/m) perception of participants' and judges' acceptance (f/m) to gender equality issues	Overall resistance to accept gender equality issues	Incremental change in each year in accepting the gender problematic	Participant lists/trainer evaluations of participants			
Output 3							
320 Training in judicial commercial pre-trial settlement mechanisms delivered	# of judges and officials (f/m) exposed to Canadian practices in commercial dispute resolution processes	Few, if any, judges know of Canadian practices in commercial dispute resolution processes	Train/expose at least 100 judges and court staff on/to new procedures	Canadian and Ukrainian legal expert team report/PM monitoring technical exchange reports	Review and analysis of reports Review PM monitoring	Annual	NJI Project Manager (FJA Program Manager for

				and list of training equipment provided to the courts	technical exchange report and relevant records of purchase		implementation and reporting to NJI)
	# of workshops conducted on case-management practices relating to commercial dispute resolution (pre-trial settlement) mechanisms	No judicial pre-trial settlement mechanisms have been applied or tested in Ukraine in relation to commercial cases	Conduct up to 4 workshops (2 in each Oblast) on judicial case-management of pre-trial settlement mechanisms relating to commercial cases	Canadian and Ukrainian legal expert team report/PM monitoring technical exchange reports and list of training equipment provided to the courts	Review and analysis of reports Review PM monitoring technical exchange report and relevant records of purchase	Annual	NJI Project Manager (FJA Program Manager for implementation and reporting to NJI)

<p>330 Recommendations drafted for system-wide integration of judicial pre-trial settlement mechanisms into court processes relating to commercial cases</p>	<p># and type of procedures adaptable to Ukrainian realities outlined in the recommendations</p>	<p>No judicial pre-trial settlement mechanisms have been applied or tested in Ukraine in commercial dispute resolution processes</p>	<p>Active participation and substantive feedback during judicial pre-trial settlement by all key stakeholders (f/m)</p>	<p>Canadian and Ukrainian legal expert team report/PM monitoring technical exchange reports /Canadian and Ukrainian legal expert team recommendations</p>	<p>Review and analysis of reports and recommendations/Review PM monitoring technical exchange report</p>	<p>End of 2nd/3rd yr</p>	<p>NJI Project Manager (FJA Program Manager for implementation and reporting to NJI)</p>
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PROTECTED B

FINANCIAL COMPLIANCE UNIT

REPORT : AUDIT AT DFATD

NATIONAL JUDICIAL INSTITUTE

Judicial Education for Economic Growth in Ukraine

REFERENCE:

F1416-7058404

Z-020943

July 2014

Due to the nature of this report, it is not publically available; the Financial Compliance Unit has determined that the report is for official use only. The report is intended solely for the information and use of the Recipient, DFATD program management and the Financial Compliance Unit and not intended to be and should not be used by anyone other than these specified parties. Request for further distribution of this report should be made directly to the Financial Compliance Unit.

THE CANADA FILES

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THE CANADA FILES

PROTECTED B

Mandate

Our reference: F1416-7058404
Your reference: Z-020943



National Judicial Institute

Subject: National Judicial Institute / Judicial Education for Economic Growth in Ukraine

As part of the 2013/2014 audit plan of the Ministry of Foreign Affairs, Trade and Development (DFATD), we analyzed documents provided by your organization to support the amounts reported for the period from March 30, 2012 to November 30, 2013 to ensure their compliance with the financial terms of the contribution agreement dated March 30, 2012.

Management's Responsibility for the Project Financial Reports

Management is responsible for the preparation of the project financial reports in accordance with the Contribution Agreement and for such internal control as management determines is necessary to enable the preparation of the project financial reports that is free from material misstatement, whether due to fraud or error.

Results

The summary of amounts claimed and accepted, detailed in Section 1, demonstrates the results of our work.

Basis of Accounting and Restriction on Distribution

Our report is intended solely for the Ministry of Foreign Affairs, Trade and Development Canada and to the recipient and should not be distributed to parties other than the Ministry and the Recipient.

Eric Pétrin, CPA, CA

Eric Pétrin, CPA, CA – Financial Compliance Unit

July 29, 2014
Gatineau, Québec

National Judicial Institute
 Judicial Education for Economic Growth in Ukraine
 For the period of March 30, 2012 to November 30, 2013
 Contribution Agreement dated March 30, 2012

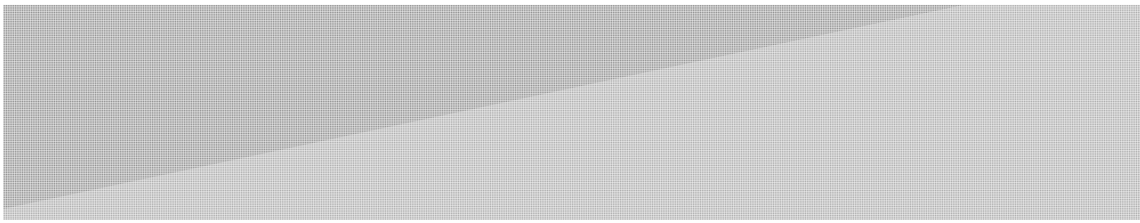
PROTECTED B

Section 1: Summary of amounts claimed and accepted

Basis of payment	Amount claimed		Adjustments (Section 2)	Amount accepted
	\$	\$	\$	\$
1.1 Remuneration – Org. Employees in Canada and Overseas		-	-	
1.2 – Remuneration – Local Employees			-	
1.4 – Fees Subcontractors				
1.6.1 – Travel Costs		-		
1,6,2 – Students and Trainees Training Costs		-		
1,6,3 – Other Training Costs		-		
1,6,4 – Recipient Country Government Employees		-		
1,6,6 – Project Administration		-		
Sub-total		-		
Overhead allocation (12% of direct costs)		-		
Total DFATD contribution		-		
Total NJI contribution		-		
Total expenses		-		
Financial Project Limitation				

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Section 2 – Reclassification and Adjustments

1. Article 1.1 – Basis of payment

Transaction details for reference :

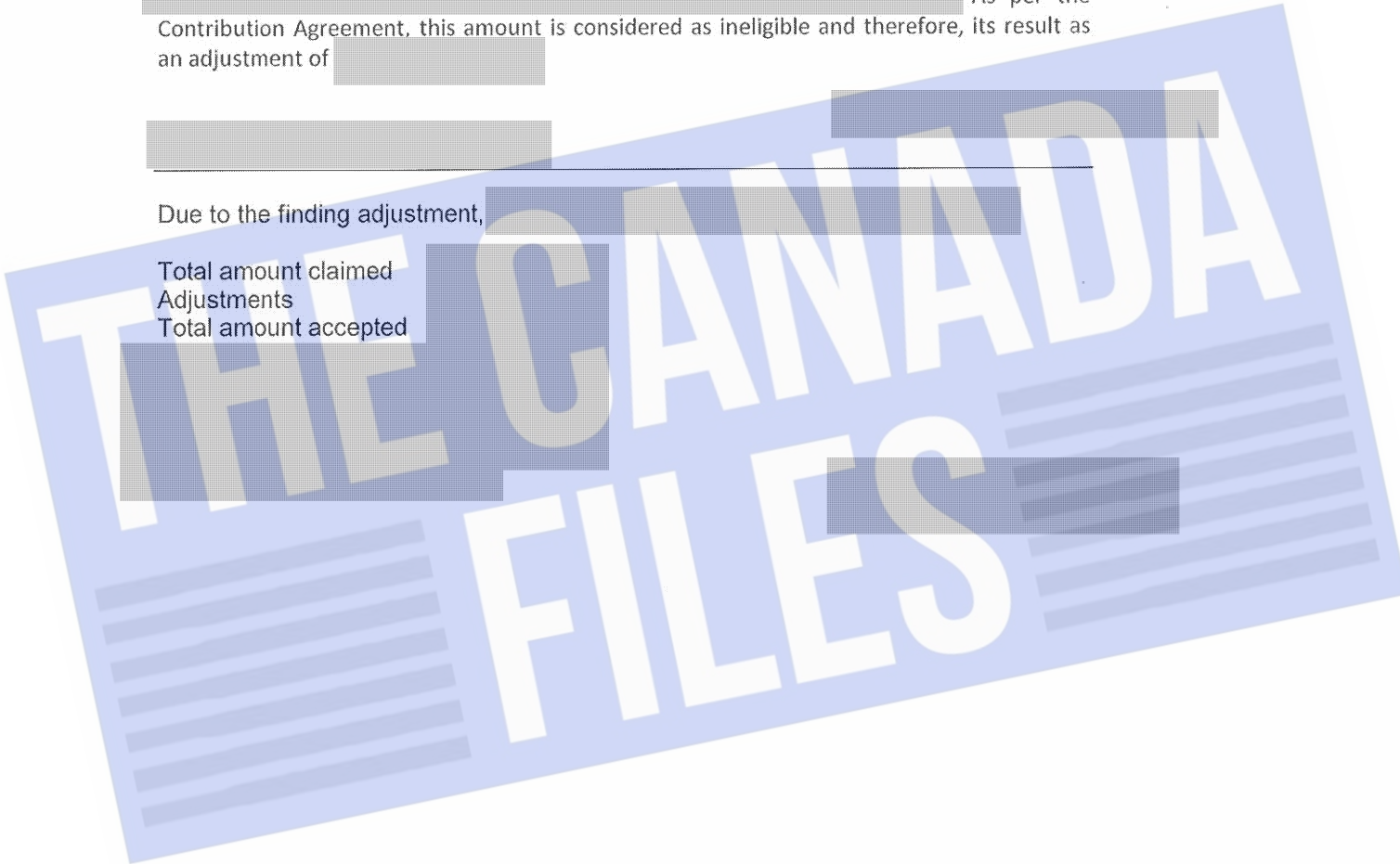
[REDACTED]

During the audit, we notice that an amount of [REDACTED] As per the Contribution Agreement, this amount is considered as ineligible and therefore, its result as an adjustment of [REDACTED]

[REDACTED]

Due to the finding adjustment, [REDACTED]

Total amount claimed [REDACTED]
Adjustments [REDACTED]
Total amount accepted [REDACTED]



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s.20(1)(c)

Section 3 – Recommendations and Recipient's comments

Recommandations

Test #	#1 to #8
Issue	
Details	<ul style="list-style-type: none">••••
Recommendation:	<ul style="list-style-type: none">○○
Recipient Comments	

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Section 3 –Recommendations and Recipient's comments

Test #	#26
Related Article	1.6 e) & 1.6 d)
Issue	[REDACTED]
Details	Test #26 [REDACTED]
Recommendation:	[REDACTED]
Recipient Comments	[REDACTED]

