

Court Index

4th wave (2016)

BLOCK 1.

TRUST TO THE COURT SYTEM

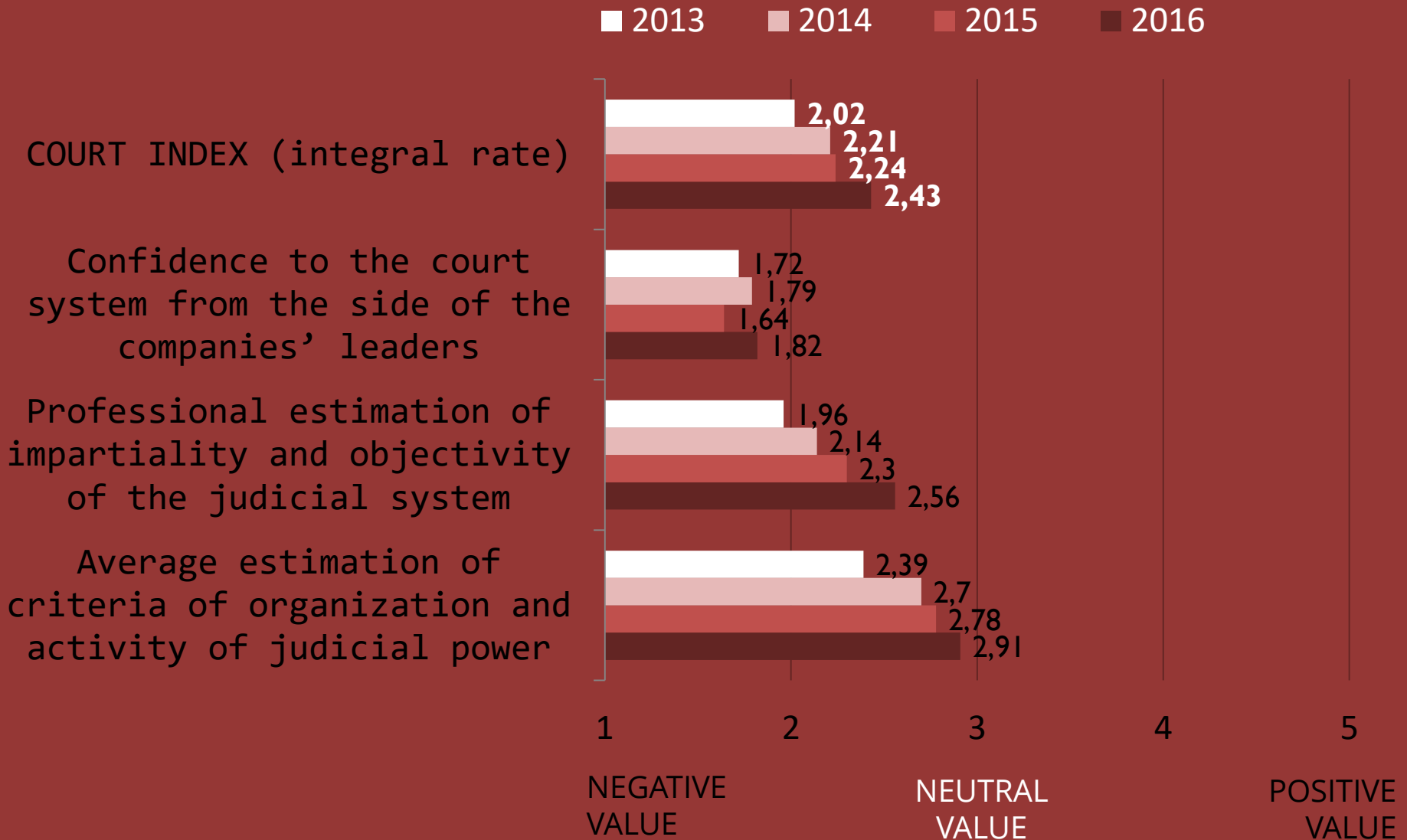
EBA Court Index consists of three equal estimations:

- **The estimation of the level of confidence to the court system** from the side of the EBA member companies' leaders, main consumers of law services including legal support of cases in the courts;
- **The estimation of effectiveness (impartiality and neutrality) of the court system** from the side of professionals. This audience includes "in house" lawyers of the EBA member-companies, lawyers from legal and/or consulting companies, which provide professional services and legal support of their clients in courts;
- **Average assessment of 9 (nine) criteria of organization and activity of Ukrainian judicial power** from professionals' point of view, particularly:
 - Transparency of judicial proceeding
 - Qualification and professionalism of judges
 - Corresponding the time of judicial proceeding to the requirements enshrined in law
 - Quality (propriety, motivation) of judgments
 - Validity of the court solutions
 - Accessibility of judgments (convenience and openness of the judgments database)
 - Foreseeability of the results of the court process according to the current practice
 - Independence of the courts from public authorities
 - Actual availability of judicial protection

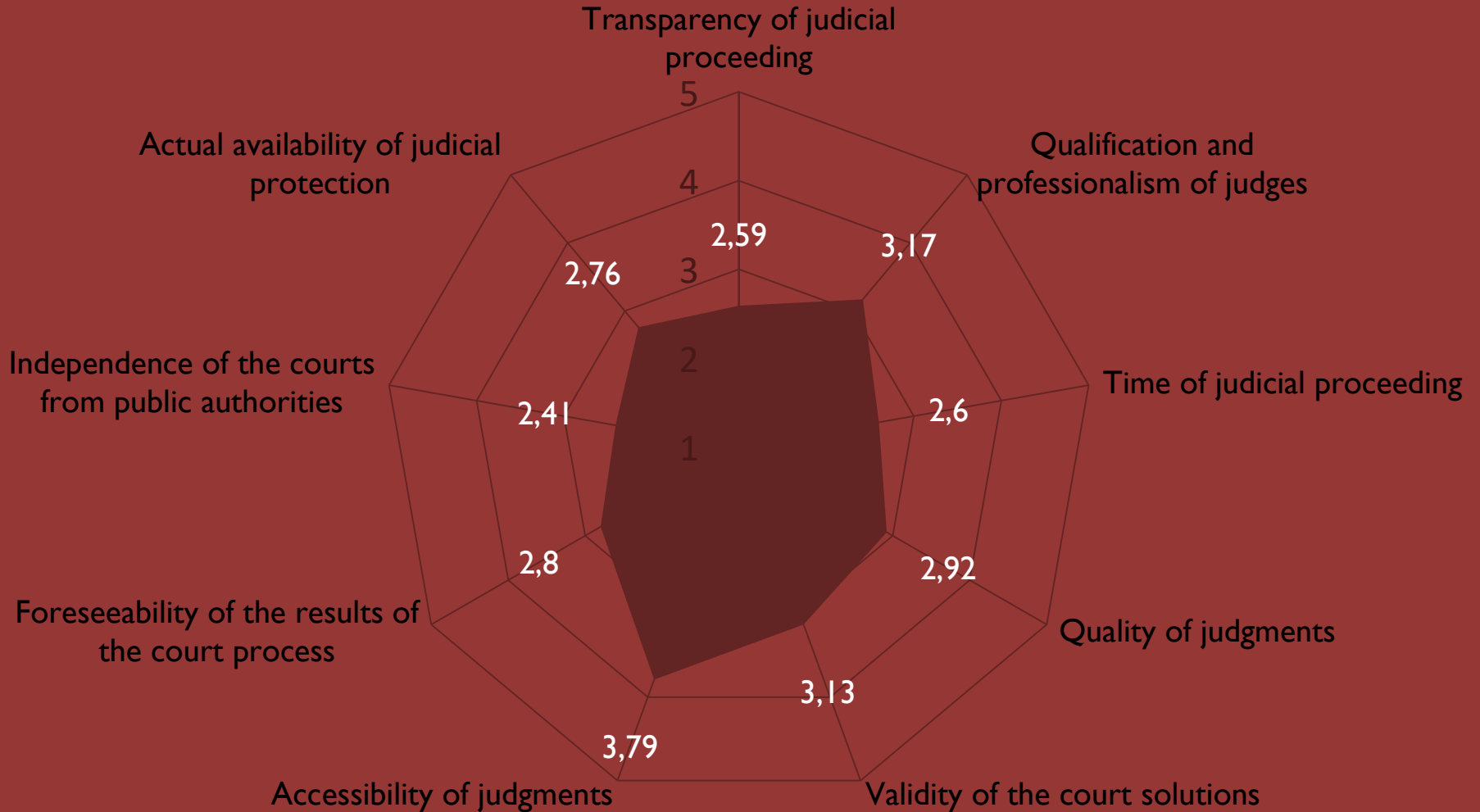
Respondents – 92|89 CEOs of 2 waves of Investment Attractiveness Index in 2016 and 53 lawyers of the EBA member companies

	1 st wave - 2013	2 nd wave - 2014	3 rd wave – 2015	4 th wave - 2016
COURT INDEX (integral rate)	2,02	2,21	2,24	2,43
Confidence to the court system from the side of the companies' leaders*	1,72	1,79	1,64	1,82
Professional estimation of impartiality and objectivity of the judicial system	1,96	2,14	2,30	2,56
Average estimation of criteria of organization and activity of judicial power	2,39	2,70	2,78	2,91

* Average estimation of confidence to the court system: 2 waves (2016) of Investment Attractiveness Index



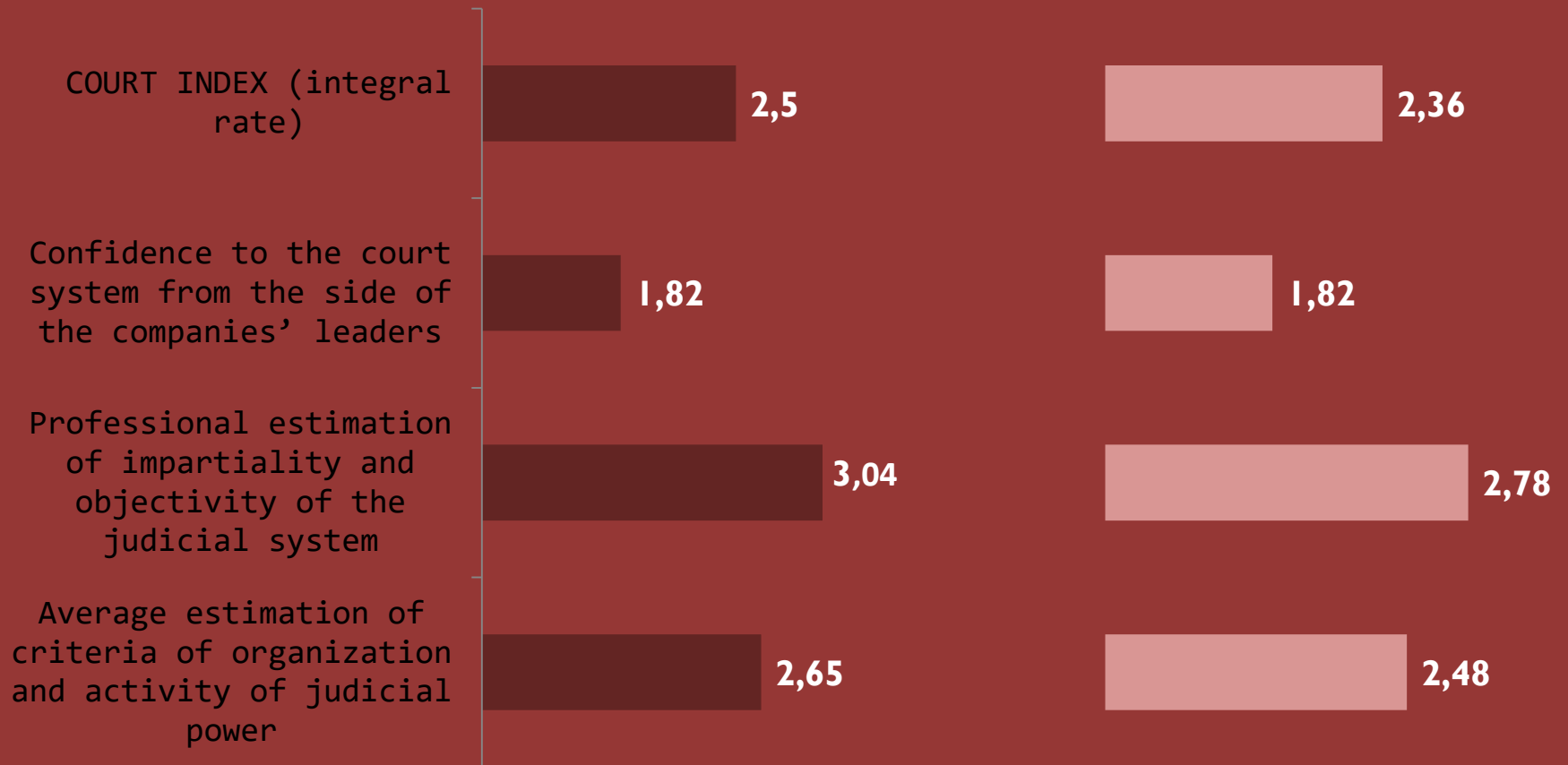
[criteria of judicial power: 2016]



[commercial & administrative courts]

Commercial courts

Administrative courts



EBA Court Index COMPONENTS

[confidence in a judicial system]

What is your level of trust to the court system in Ukraine?

1 - Distrust completely

3 - Equally trust and distrust

5 - Fully trust

1H 2016

1,71

2H 2016

1,93

Average value for
2 half-years

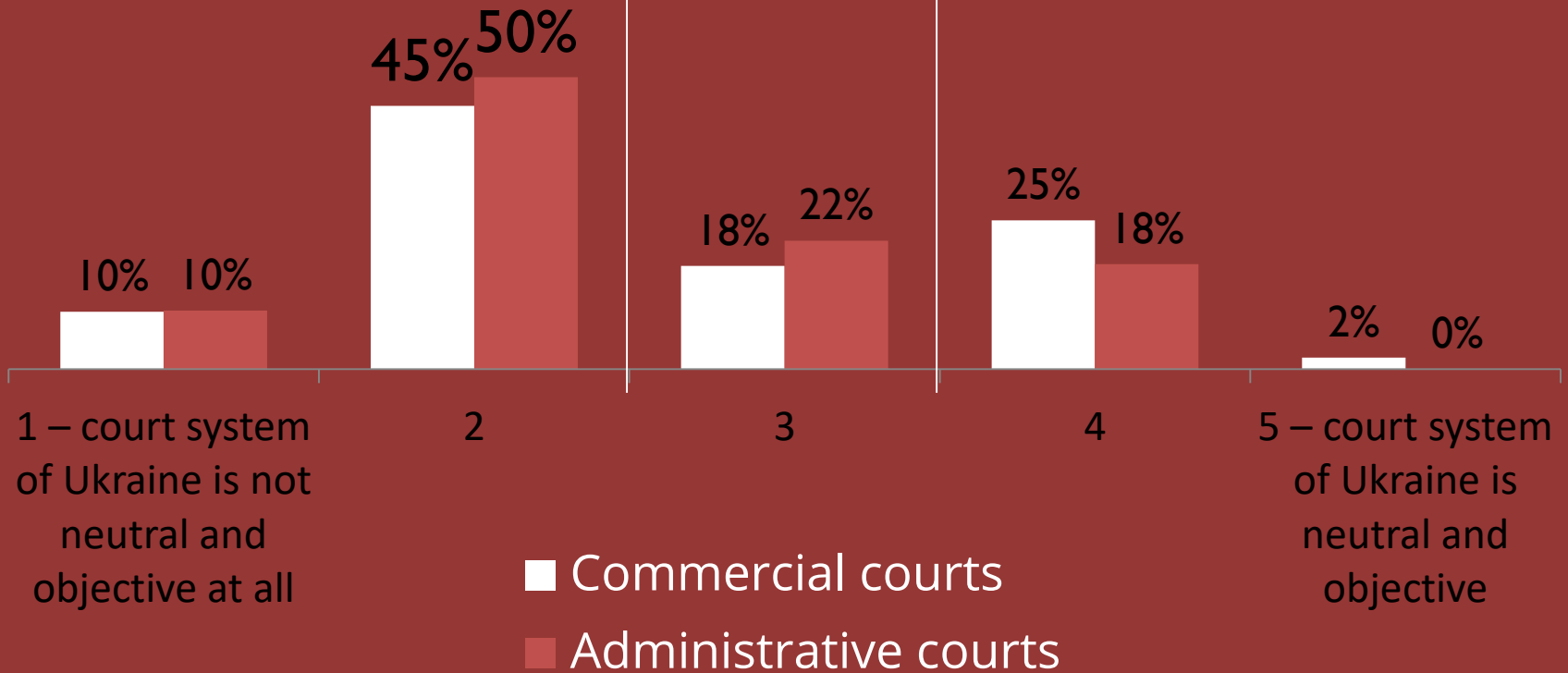
1,82

[professional estimation of the judicial system]

NEGATIVE
VALUE

NEUTRAL
VALUE

POSITIVE
VALUE





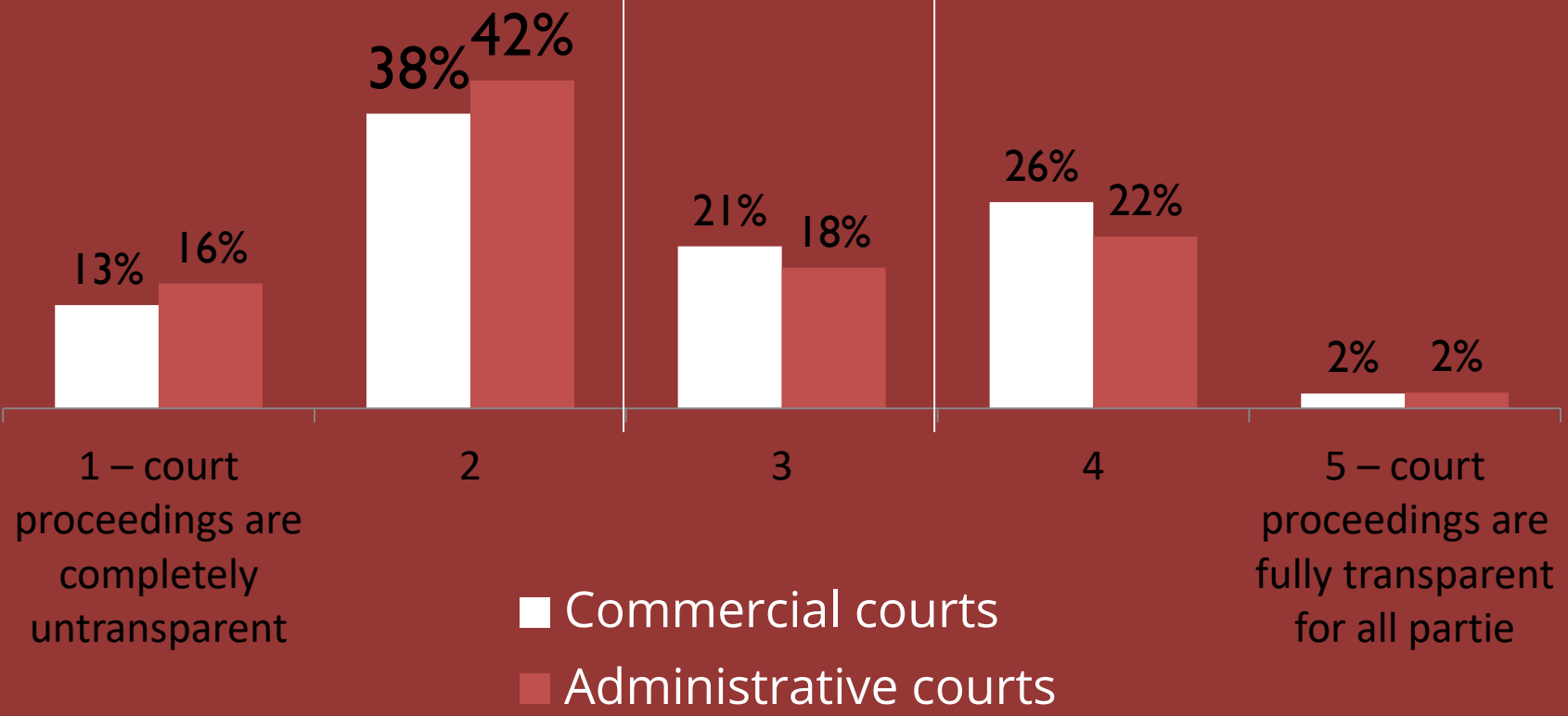
EBA Court Index CRITERIA

[transparency of judicial proceeding]

NEGATIVE
VALUE

NEUTRAL
VALUE

POSITIVE
VALUE

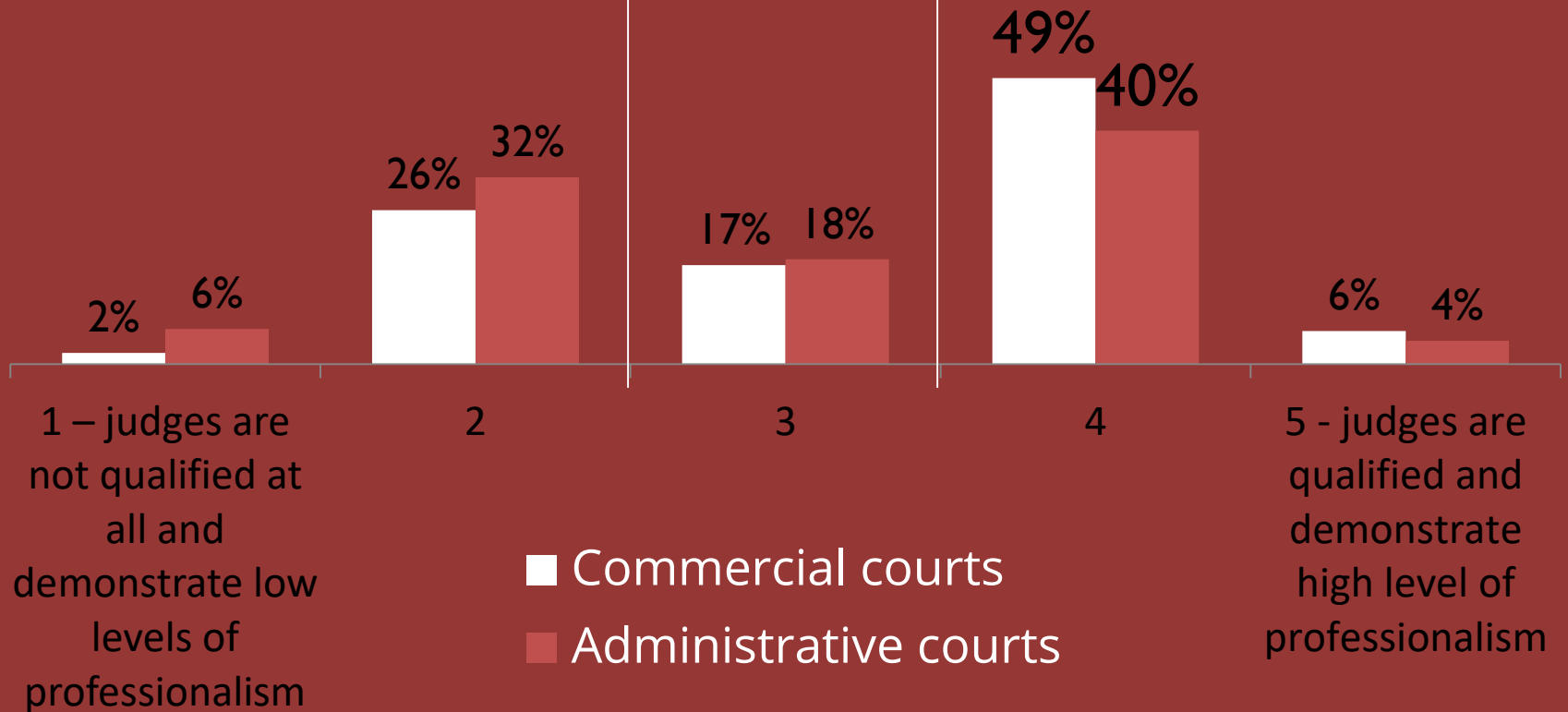


[qualification & professionalism of judges]

NEGATIVE
VALUE

NEUTRAL
VALUE

POSITIVE
VALUE

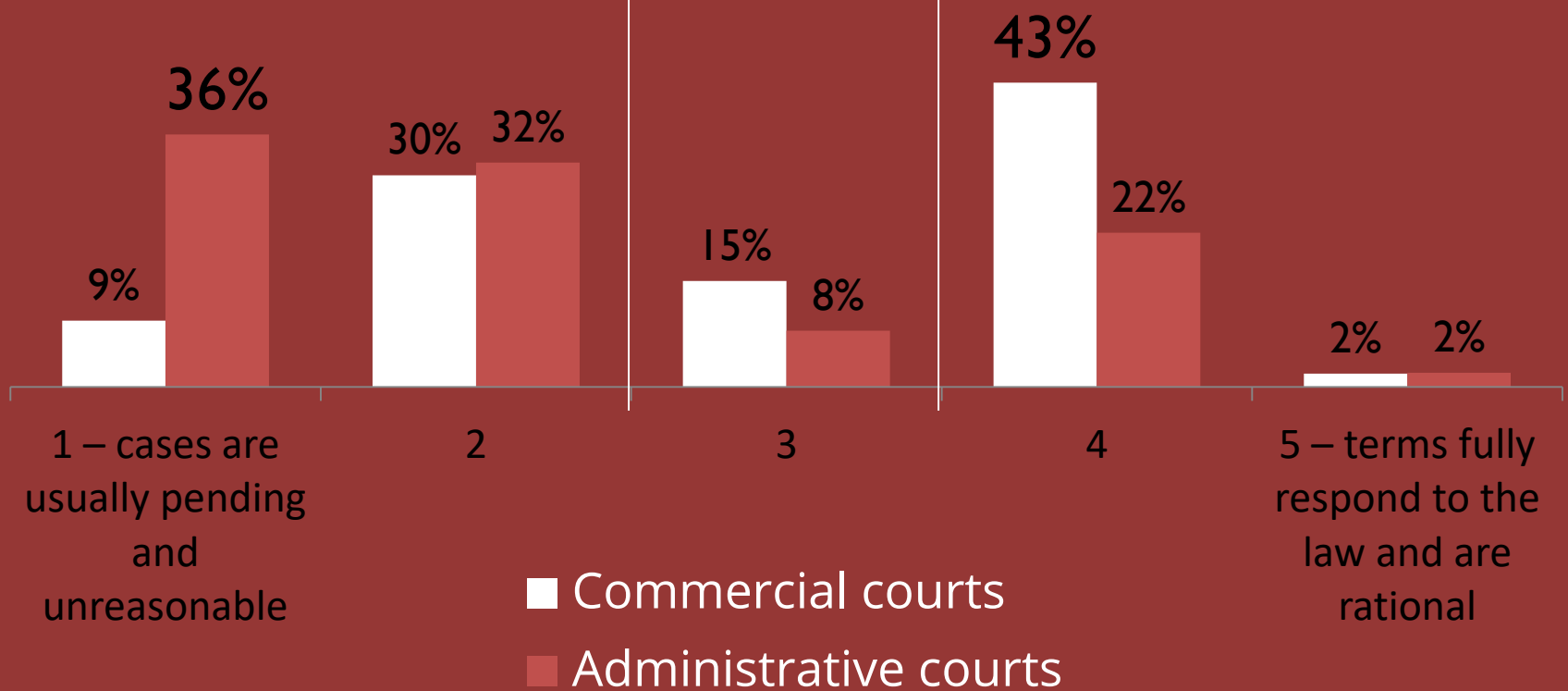


[terms of the proceedings]

NEGATIVE
VALUE

NEUTRAL
VALUE

POSITIVE
VALUE

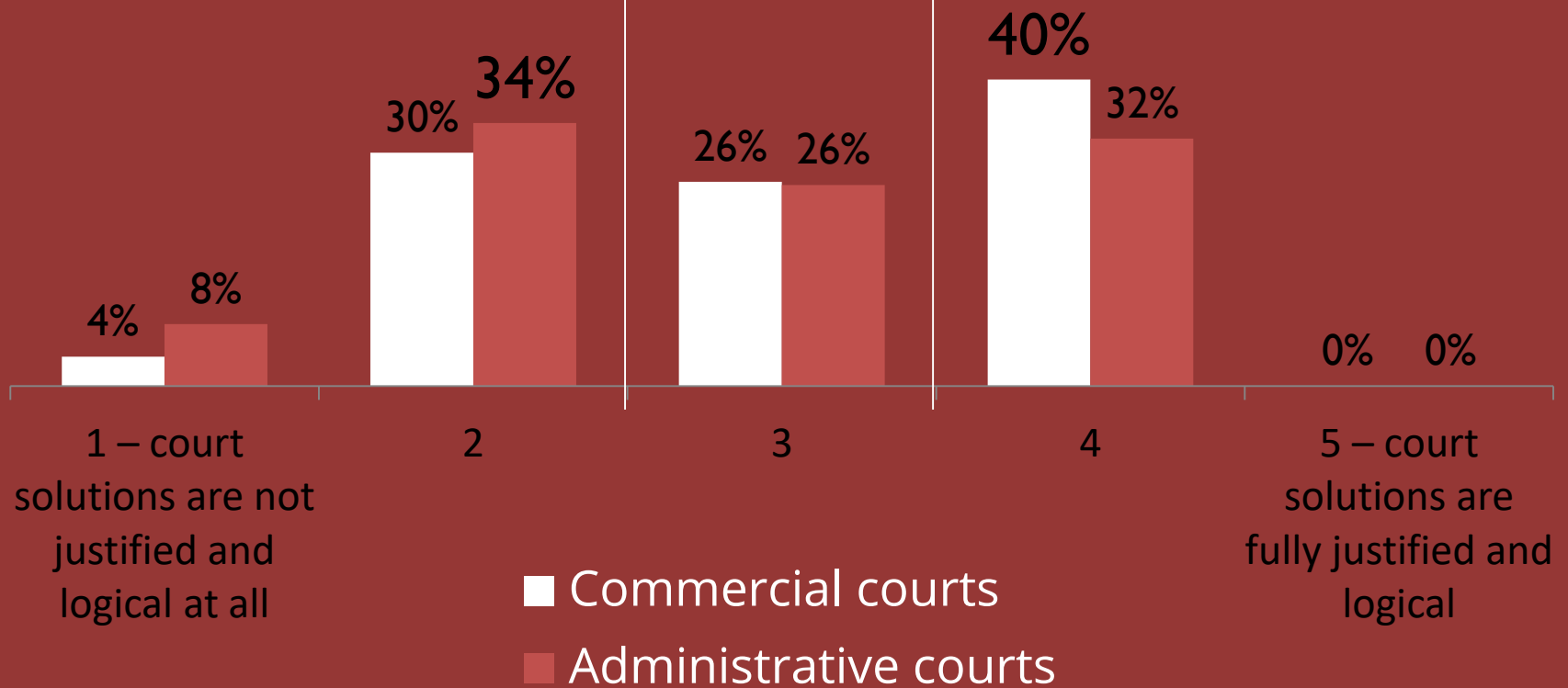


[quality of court decisions]

NEGATIVE
VALUE

NEUTRAL
VALUE

POSITIVE
VALUE

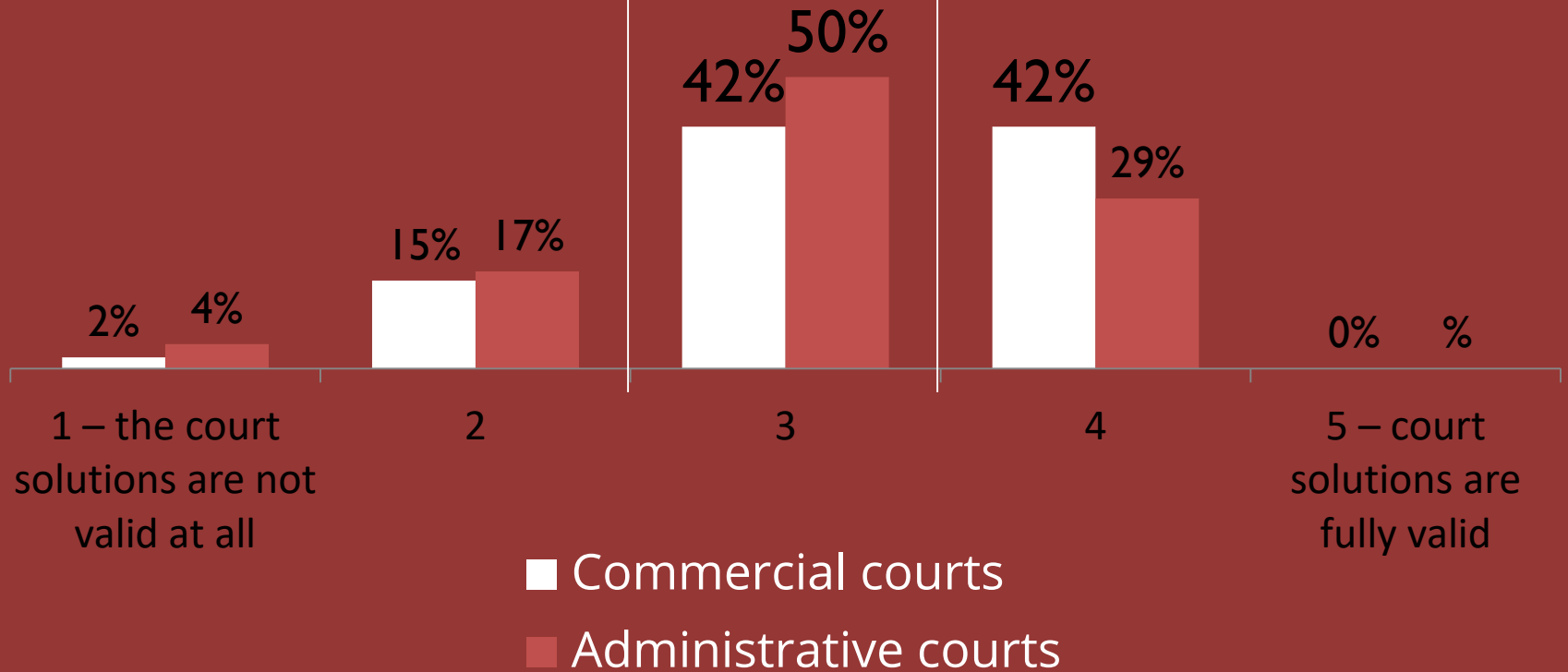


[validity of the court solutions]

NEGATIVE
VALUE

NEUTRAL
VALUE

POSITIVE
VALUE

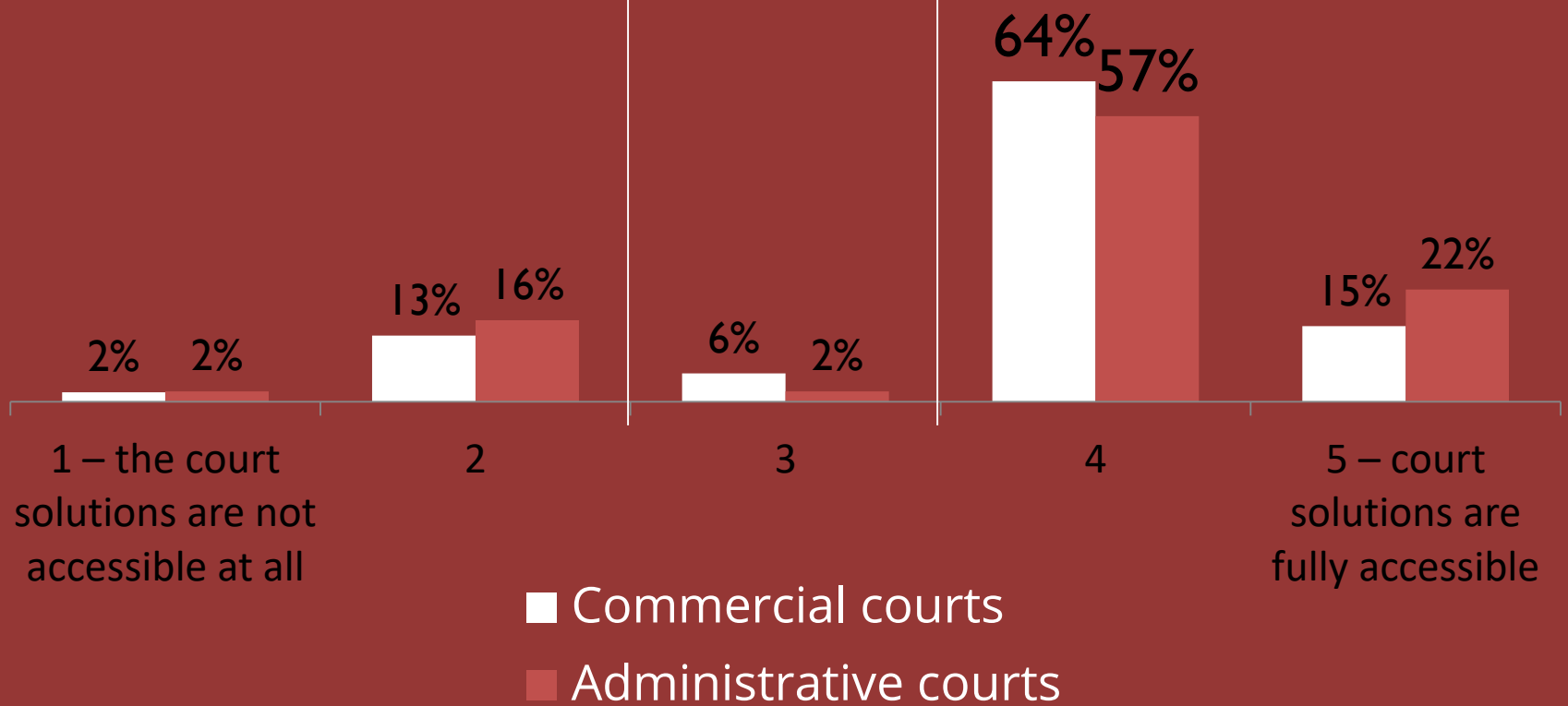


[accessibility of the court solutions]

NEGATIVE
VALUE

NEUTRAL
VALUE

POSITIVE
VALUE

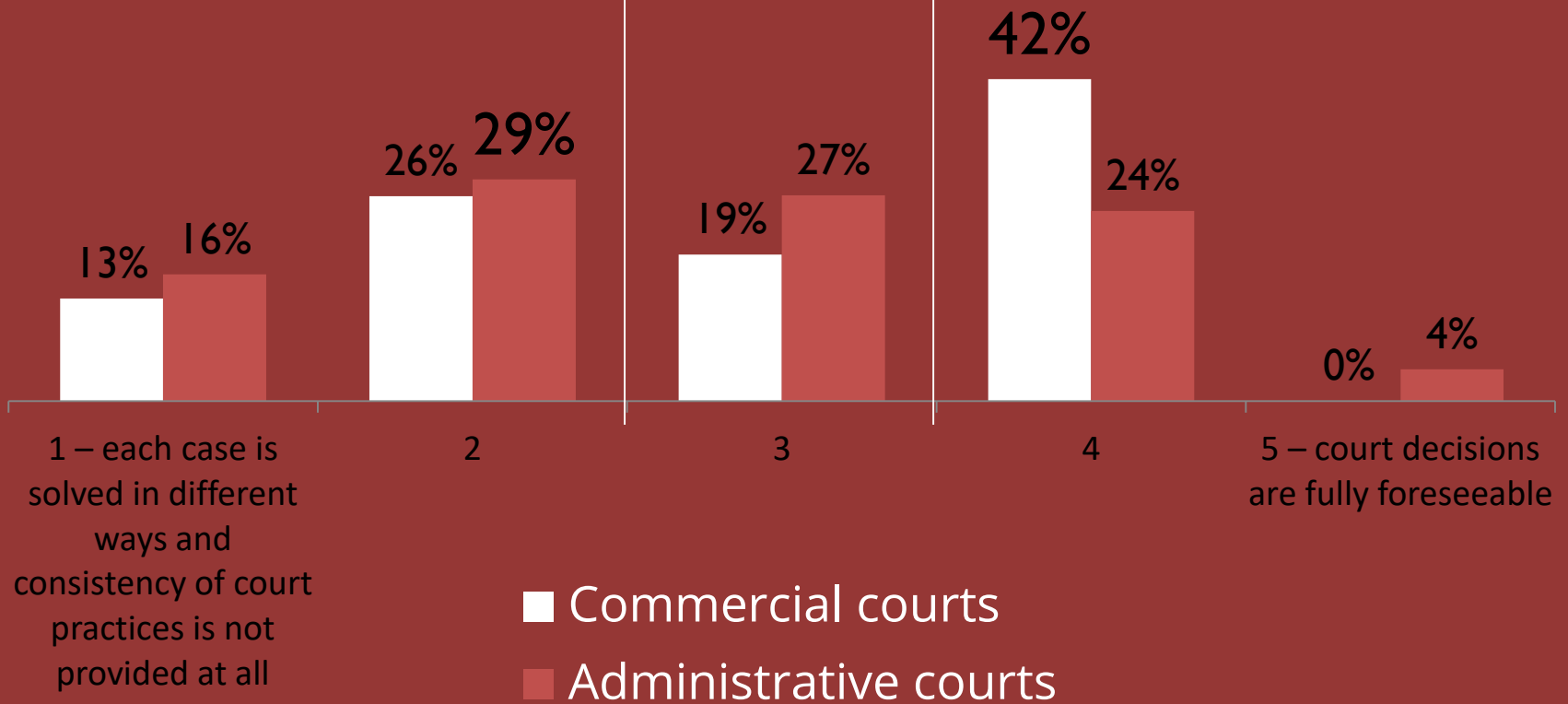


[foreseeability of the results of the court process]

NEGATIVE
VALUE

NEUTRAL
VALUE

POSITIVE
VALUE

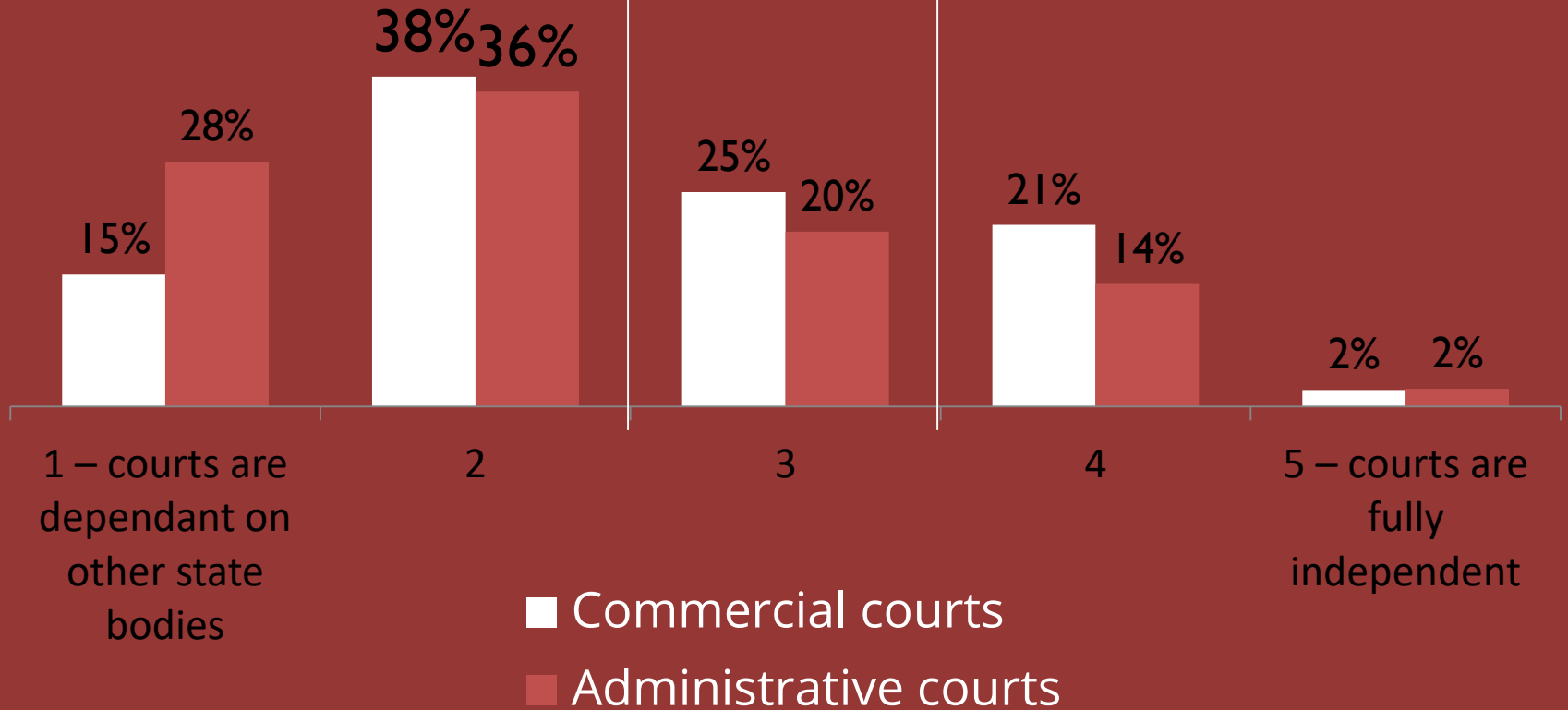


[independence of the judicial branch of power]

NEGATIVE
VALUE

NEUTRAL
VALUE

POSITIVE
VALUE

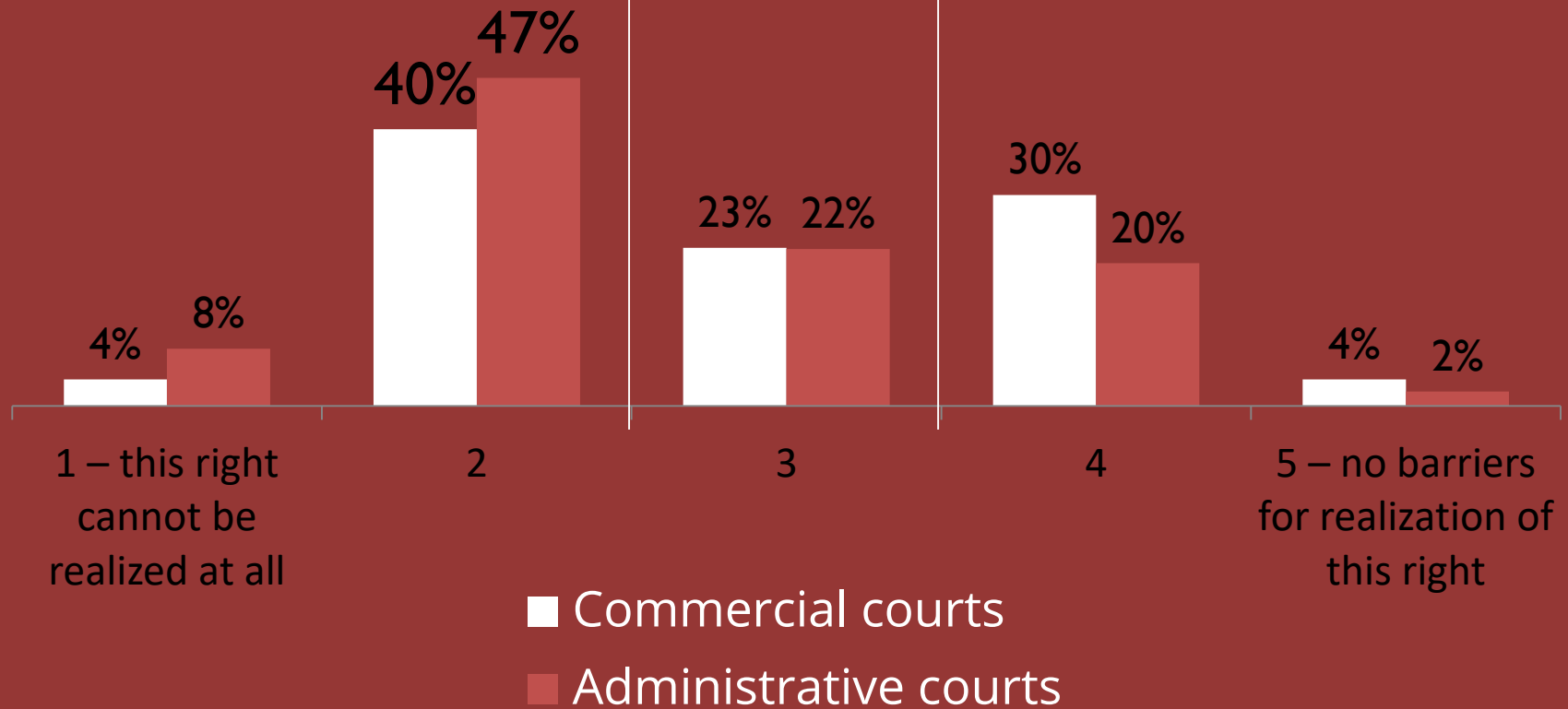


[actual availability of judicial protection]

NEGATIVE
VALUE

NEUTRAL
VALUE

POSITIVE
VALUE



EBA Court Index NEGATIVE INFLUENCE

[negative influence on credibility]

1st factor

Corruption and bribery in the framework of court process

2nd factor

Inefficiency and terms for judgement execution

3rd factor

Overloaded courts and as a result the low quality of decisions

4th factor

Uncertainty of legislation

5th factor

Low level of legal awareness

6th factor

Unclear procedures

BLOCK 2. CORRUPTION

Bribes for a positive decision

Tightening decision making for the benefit of judges and court (extortion)

Unreasonable decision-making for the benefit of public authorities/state

Decision making due to agreement with other party

Close ties between court representatives

Judges 'inventing' arguments for the opposing side

“

The tax authorities at audit immediately hint at the necessity to pay a bribe. Failure to bribe creates audit report, which is contrary to the law and common sense. Challenging these acts are held in the courts very seriously, because the judges did not delve into the essence of the matter, and often take the side of the Tax Service.

Court reform

The election of local judges by citizens

A real opportunity to bring court representatives to justice for the illegal decisions

A decent wages for court representatives

Development of legislation that would allow to adjust the amount of judges according to the number of cases

Personal responsibility of judges for making an unlawful decision

Full automation of documentation & reduce bureaucratic procedures

Criminalization of corruption-related penalties

Expanding the powers of the Anti-Corruption Prosecutor's Office

Control of the acquired assets and expenditures of judge and his/her family

Decreasing of administrative proceedings, permits

Replace all judges and simplify the legal system

Reduce power of (local) authorities / governments

Court

Society

Protection of entities who report bribery

Raising legal awareness and legal culture of society

Popularization of the idea that corruption leads to negative consequences

Enhancing the prestige of the civil servant

Transparent and clear legislation

The law of the unity of all

Control on the part of the public

Fight with the demand for corruption component

Full publicity and transparency of all processes in court

Increase efficiency

The election of judges by citizens

Automation and the possibility of online process

Creating an entirely new corps of judges

Encouraging and increasing wages of judges

Control of expenses of all judges

Press coverage of facts of successful efforts to fight corruption

Criminal responsibility for corruption

Reduction of the public officers



thank you

please contact EBA Communications team for more information

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