



**ADVISORY GROUP
OF EXPERTS**

APPROVED

**Minutes No. 5 of the meeting of the Advisory Group of Experts
of 23 March 2024**

DECISION No. 1.14

On the compliance of the candidate

for the position of a judge of the Constitutional Court of Ukraine

Alla Oliinyk with the criterion of high moral qualities

The Advisory Group of Experts (hereinafter referred to as the Advisory Group), remotely using electronic video-conference means, consisting of the Chairman of the Advisory Group Aleš Zalar, Members of the Advisory Group Nataliia Kuznietsova, Oksana Vasylichenko, Maureen O'Connor and Hanna Suchocka and the Deputy Member of the Advisory Group Volodymyr Kuzmenko, who, pursuant to Part 4 of Article 10¹² of the Law of Ukraine "On the Constitutional Court of Ukraine" (hereinafter referred to as the Law) and Part 6 of Article 8 of the Regulations on the Advisory Group of Experts, approved by the decision of the Advisory Group of Experts on November 12, 2023, (hereinafter referred to as the "Regulations"), exercises the powers of the Advisory Group Member Yaroslav Romaniuk, and in the presence of the Deputy Members of the Advisory Group Marek Zubik, Vasył Shakun, Thomas Griffith and Richard Barrett, having

assessed the compliance of Alla Oliinyk, candidate for the position of a judge of the Constitutional Court of Ukraine (hereinafter referred to as the Candidate), with the criterion of high moral qualities, in accordance with the Law, the Regulations and the the Methodology for Assessing Moral Qualities and the Level of Competence in the Field of Law of the Candidates for the Position of Judge of the Constitutional Court of Ukraine, approved by the decision of the Advisory Group of Experts on December 04, 2023 (hereinafter referred to as the Methodology),

established the following:

1. According to part twenty-five, Article 10² of the Law, the Advisory Group, in particular, assesses the moral qualities of candidates for the position of a judge of the Constitutional Court of Ukraine.

2. According to Article 10⁸ of the Law, the Advisory Group, within four months from the date of receiving from the selection commission for the position of judge of the Constitutional Court of Ukraine regarding the persons appointed by the President of Ukraine, the Committee of the Verkhovna Rada of Ukraine responsible for the legal status of the Constitutional Court of Ukraine, and the Council of Judges of Ukraine of all documents submitted by the candidates, reviews and studies the submitted documents, results of the special check, other information and materials received by the Advisory Group in the process of administration of its powers, and after interviewing with the candidate, based on the results of the assessment of high moral qualities of the candidate, makes a reasoned decision on the assessment of the compliance with the criterion of moral qualities.

3. The criterion of “high moral qualities” according to Article 10⁸ of the Law is determined by the Advisory Group during the assessment by the indicators of independence, honesty, impartiality, diligence, incorruptibility, compliance with ethical norms and demonstration of impeccable behaviour in professional activities and personal life of the “integrity” component, as well as by the component of “legality of the sources of property origin”, “compliance of the standard of living of the candidate or

his/her family members with the declared income”, and “compliance of the candidate’s lifestyle with his/her status”, the content of which is outlined in Part 1 of Article 2 of the Methodology.

4. According to paragraph 1, part three, Article 10⁸ of the Law, a candidate may be considered compliant with the criterion of high moral qualities only if he or she is of good integrity and there are no reasonable doubts as to the legality of the sources of his or her property origin, compliance of the standard of living of the candidate or his/her family members with the declared income, and the compliance of the candidate’s lifestyle with his/her status. According to paragraph 4, part 3, Article 10⁸ of the Law, a candidate fails to meet this criterion if it is proved that s/he does not comply with it or there are reasonable doubts about his/her compliance.

5. On November 28, 2023, the Advisory Group received from the Council of Judges of Ukraine the documents of Oliinyk Alla, the Judge of the Civil Cassation Court of the Supreme Court (letter No. ДГЕ-2/23-ВХ of 28 November 2023).

6. The Advisory Group reviewed, verified, and analyzed the Candidate’s documents, written explanations, and information received from public authorities and non-governmental organizations, as well as data received from the National Agency on Corruption Prevention and the National Anti-Corruption Bureau of Ukraine.

7. On 3 March 2024, the Advisory Group [interviewed](#) the Candidate, in particular to refute doubts about the Candidate’s compliance with the criterion of high moral qualities.

8. The Advisory Group has completed its review, verification, and analysis of the Candidate’s documents, each separately and also in their entirety, the Candidate’s responses to the Advisory Group’s written questions and the questions asked by the Advisory Group at the interview and decided that the Candidate complies with the criterion of high moral qualities in view of the following.

9. As of the day of the interview, the Advisory Group had certain doubts about whether the Candidate complied with the criterion of high moral qualities, namely, with such indicators of the “integrity” component as “honesty”, “diligence”, “compliance with ethical norms and demonstration of impeccable behaviour in professional activities and personal life”. However, these doubts were refuted based on the results of the analysis of

the Candidate's documents, each separately and also in their entirety, the Candidate's responses to the Advisory Group's written questions and the questions asked by the Advisory Group at the interview, information received from state authorities and public organisations, as well as data received from the National Agency on Corruption Prevention and the National Anti-Corruption Bureau of Ukraine.

10. Accordingly, based on the results of the assessment of the Candidate's moral qualities, the Advisory Group did not find her to be non-compliant with the indicators of the "integrity" component of the criterion of high moral qualities (Clause "a" of Part 1, Article 2 of the Methodology). The Advisory Group, being governed by Part 3 of Article 2 of the Methodology, also has no reasonable doubts about the Candidate's compliance with any indicator of the "integrity" component (Clause "a" of Part 1, Article 2 of the Methodology).

11. The Advisory Group has also found no evidence of non-compliance and has no reasonable doubts about the Candidate's compliance with the components of "legality of the sources of property origin", "compliance of the standard of living of the candidate or his/her family members with the declared income", and "compliance of the candidate's lifestyle with his/her status" of the criterion of high moral qualities (Clause "b" of Part 1 of Article 2 of the Methodology).

Thus, being governed by Articles 6 and 7 of the Regulations on the Advisory Group of Experts approved by the decision of the Advisory Group of Experts dated 12 November 2023, the Methodology for Assessing Moral Character and the Level of Competence in the Field of Law of Candidates for the Position of a Judge of the Constitutional Court of Ukraine approved by the decision of the Advisory Group of Experts dated 04 December 2023, and Articles 10² and 10⁸ of the Law of Ukraine "On the Constitutional Court of Ukraine", the Advisory Group

has decided that :

for the purpose of the competitive selection of candidates for the position of a judge of the Constitutional Court of Ukraine, the candidate for the position of a judge of the Constitutional Court of Ukraine Alla Oliynyk complies with the criterion of high moral qualities.

Signatures:

Алеш Залар
(Aleš Zalar)

Наталія Кузнєцова
(Nataliia Kuznietsova)

Ганна Сухоцька
(Hanna Suchocka)

Оксана Васильченко
(Oksana Vasylchenko)

Морін О'Коннор
(Maureen O'Connor)

Володимир Кузьменко
(Volodymyr Kuzmenko)

Recording of the interview broadcast:

