



APPROVED

**Minutes No. 5 of the session of the Advisory Group of Experts
as of March 23, 2024**

DECISION No. 1.18

*On the compliance of the candidate
for the position of judge of the Constitutional Court of Ukraine
Oleksandra Yanovska with the criterion of high moral qualities*

The Advisory Group of Experts (hereinafter referred to as the Advisory Group) in remote mode using electronic video-conference means, consisting of the Chair of the Advisory Group Aleš Zalar, Secretary of the Advisory Group Yaroslav Romaniuk, members of the Advisory Group: Nataliia Kuznietsova, Oksana Vasylchenko, Maureen O'Connor, Hanna Suchocka, in the presence of deputy members of the Advisory Group: Marek Zubik, Volodymyr Kuzmenko, Vasyl Shakun, Thomas Griffith, Richard Barrett, having assessed the compliance of the candidate for the position of judge of the Constitutional Court of Ukraine Yanovska Oleksandra Hryhorivna (hereinafter referred to as the Candidate) with the criterion of high moral qualities, under the Law of Ukraine "On the Constitutional Court of Ukraine" (hereinafter referred to as the Law), the Regulation on the Advisory Group of Experts, approved by the decision of the Advisory

Group of Experts on November 12, 2023, 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:

1. Under part 25, Art. 10² of the Law, the Advisory Group, among other things, assesses the moral qualities of candidates for the position of judge of the Constitutional Court of Ukraine.

2. Under Art. 10⁸ of the Law, the Advisory Group shall within four months from the date of receipt from the selection commission for selecting candidates 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, review and study the submitted documents, results of the special inspection, other information and materials received by the Advisory Group in the process of administration of its powers, and after conducting an interview with the candidate, based on the results of the assessment of high moral qualities of the candidate, shall make a reasoned decision on the assessment of the eligibility by the criterion of moral qualities.

3. The criterion “high moral qualities”, envisaged by Art. 10⁸ of the Law, shall be determined by the Advisory Group in the course of assessment of the “integrity” component through the indicators of independence, honesty, impartiality, diligence, incorruptibility, compliance with ethical standards and demonstration of impeccable behaviour in professional activity and personal life, as well as through the component “the legality of sources of property origin”, “compliance of the standard of living of the candidate or his/her family members with the declared income”, “compliance of the candidate's lifestyle to his/her status”, the content of which is disclosed in part 1, Art. 2 of the Methodology.

4. Under paragraph 1, part 3, Art. 10⁸ of the Law, a candidate may be deemed to be compliant with the criterion of high moral character 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, the standard of living of the candidate or his or her family members in line with the declared income, or the candidate's lifestyle being in line with his or her status. Under paragraph 4, part 3, Art. 10⁸ of the Law, a candidate does not meet this criterion if non-compliance of the candidate is proven or if there are reasonable doubts regarding the candidate's compliance.

5. On November 28, 2023, the Advisory Group received from the Council of Judges of Ukraine the documents of the judge of the Cassation Criminal Court within the Supreme Court Yanovska Oleksandra Hryhorivna for participation in the competition for judge of the Constitutional Court of Ukraine (letter No. ДГЕ-2/23-ref as of November 28, 2023).

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

7. On March 04, 2024, the Advisory Group [interviewed](#) the Candidate aiming, in particular, to refute the doubts concerning 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, individually and in their entirety, the Candidate's answers to the Advisory Group's written questions and the Advisory Group's questions during the interview, and has decided that the Candidate is compliant with the criterion of high moral qualities.

9. As of the date of the interview, the Advisory Group had some doubts as to the Candidate's compliance with the criterion of high moral qualities, viz. such "integrity" indicators as "honesty", "diligence", in particular, as to the alleged failure to declare to the tax authorities the income received from the Council of Europe Office in Ukraine in 2016. At the same time, most doubts were refuted based on the results of the analysis of

the Candidate's documents, individually and in their entirety, the Candidate's answers to the written questions asked by the Advisory Group and the questions asked during the interview, as well as the information received from the state authorities, public organizations and the data received from the National Agency on Corruption Prevention and the National Anti-Corruption Bureau of Ukraine.

10. As to the alleged failure to declare to the tax authorities the income received from the Council of Europe Office in Ukraine in 2016, pursuant to part 2, Art. 2 of the Methodology, in assessing compliance with high moral qualities criterion, the Advisory Group may take into consideration the gravity or severity, the totality of the circumstances, and the wilfulness of any integrity incident, and as to minor incidents, whether there has been a sufficient passage of time without further reoccurrences. While determining the gravity, the Advisory Group takes into account all circumstances, including but not limited to: whether the incident was a singular case; whether the incident caused no or only insignificant damage to private or public interests (including public trust); whether the incident would be perceived by an objective observer as an attitude of disrespect for the social order arising from disregard for rules and regulations.

11. The Advisory Group, guided by part. 2, Art. 2 of the Methodology, taking into account the seriousness, gravity, and totality of circumstances identified during the assessment of the Candidate, concluded that he is compliant with the criterion of high moral qualities.

Thus, being guided by Articles 6, 7 of the Regulation on the Advisory Group of Experts, approved by the decision of the Advisory Group of Experts on November 12, 2023, 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, Articles 10², 10⁸ of the Law of Ukraine "On the Constitutional Court of Ukraine", the Advisory Group

decided:

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 Oleksandra Yanovska 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)

Ярослав Романюк
(Yaroslav Romaniuk)

Recording of the interview broadcast:

