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ETHICS COUNCIL

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16 March 2023

Kyiv

DECISION

No. 24

*On compliance of candidate
for the position of the member of the High Council of Justice
Muzyka Lesya Anatoliivna
with the professional ethics and integrity criteria
for filling in the position of the member of the High Council of Justice*

The Ethics Council consisting of Chair of the Ethics Council Lev Kyshakevych, Deputy Chair of the Ethics Council Sir Anthony Hooper, members of the Ethics Council: Robert Cordy, Volodymyr Siverin, Lavly Perling, Yurii Triasun, remotely by videoconference, having conducted evaluation of compliance of candidate for the position of the member of the High Council of Justice Muzyka Lesya Anatoliivna with the criteria of professional ethics and integrity, according to the Law of Ukraine “On the High Council of Justice”, the Rules of Procedure of the Ethics Council adopted by the Ethics Council’s Decisions No. 1 of 01.12.2021 and No. 4 of 09.12.2021, as amended by the Ethics Council’s Decision No. 4 of 26.04.2022, Methodology for assessing compliance of the candidate for the position of a member of the High Council of Justice and sitting members of the High Council of Justice with the criterion of professional ethics and integrity adopted by the Ethics Council’s Decision No. 5 of 09.12.2021 (“the Methodology”),

has established:

The Ethics Council received copies of documents submitted by Muzyka Lesya Anatoliivna for participation in the competition for the position of the member of the High Council of Justice as nominated by the President of Ukraine and admitted her to the interview with its Decision No. 3 of 20.01.2023.

Having studied documents provided by Muzyka Lesya Anatoliivna for participating in the competition, her written explanations and documents provided upon the Ethics Council's request, information obtained from open sources and from civil society organizations, information received from the National Agency for Corruption Prevention ("the NACP") and the National Anti-Corruption Bureau of Ukraine ("the NABU"), having conducted the interview with her, the Ethics Council has reached the following conclusions.

1. Regarding the candidate's defense of thesis for obtaining the scientific degree of Doctor of Legal Sciences

On 11.05.2021, the candidate defended her thesis for the degree of Doctor of Legal Sciences in the specialty 12.00.03 - civil law and civil process; family law; international private law on the topic «Civil and legal policy of Ukraine» at the Institute of State and Law named after V. M. Koretsky National Academy of Sciences of Ukraine. The defense took place at the meeting of the specialized academic council D 26.236.02. One of the members of this specialized academic council is the father of the candidate, doctor of legal sciences, professor, corresponding member of the National Academy of Legal Sciences of Ukraine Muzyka A. A.

The Ethics Council takes into account that in accordance with cl. 3 para 4.2 of the Regulation on the specialized academic council, approved by the order of the Ministry of Education and Science, Youth and Sports of Ukraine

dated 14.09.2011 No. 1059, close relatives of the heads of the council and the higher educational institution or scientific institution in which the council was formed submit their thesis for consideration for the councils other higher educational institutions or scientific institutions. At the same time, this provision does not apply to the candidate's father, since he was neither the head of the specialized academic council D 26.236.02, in which the candidate defended her thesis, nor the head of the Institute of State and Law named after V.M. Koretsky National Academy of Sciences of Ukraine.

During the interview, when asked by the Ethics Council about a possible conflict of interest regarding the participation of the candidate's father in the work of the specialized academic council, at the meeting of which the candidate defended his thesis for the degree of Doctor of Law, Muzyka L.A. noted that her father was not present during the thesis defense and did not participate in the voting.

At the request of the Ethics Council, the Institute of State and Law named after V. M. Koretsky of the National Academy of Sciences of Ukraine also reported that A. A. Muzyka did not participate in the work of the academic council during the consideration of issues related to the candidate's thesis, in particular, during its defense, as he is not a specialist in the field of civil law.

The Ethics Council examined the documents provided by the candidate, took into account her explanation and came to the conclusion that there are no reasonable doubts about the existence of a conflict of interests during the defense of the candidate's thesis for the Doctor of Legal Sciences degree.

2. Regarding the candidate's actual place of residence

In her autobiography for participation in the competition for the position of a member of the High Council of Justice, the candidate indicated that she is registered and actually lives in the city of Kyiv. However, in written responses

Muzyka L.A. indicated that she temporarily lives in France, where she and her minor son received temporary protection until March 21, 2023.

During the interview, when the Ethics Council asked about the actual place of residence, the candidate provided the following explanations. In connection with the full-scale invasion of Ukraine by the Russian Federation, she and her young son left for France on March 18, 2022. Indeed, at the time of submission of documents for participation in the competition for the position of a member of the Supreme Council of Justice, on August 8, 2022, the candidate was in France. Since she lived in France for less than half of the reporting period, she decided that this residence did not need to be listed as the address of the place of actual living. According to anti-corruption legislation, as of August 2022, her actual place of residence remained an apartment in the city of Kyiv. In addition, the candidate planned to return to Ukraine. Also, during the interview Muzyka L.A. agreed that she needed to submit clarifications to the documents that she submitted for the participation in the competition for the position of a member of the Hight Council of Justice, in which she should've indicate that she temporarily located in France.

The Ethics Council draws attention to the fact that the candidate did not hide the fact that she lived in France. Muzyka L.A. indicated the place of actual residence in France both in written answers and during the interview. In addition, there are no clear rules in the legislation regarding the indication of the address of the actual place of residence in the autobiography for participation in the competition for the position of a member of the Hight Council of Justice.

The Ethics Council also notes that in accordance with the clarifications of the NAPC dated as of 29.12.2021 No. 11, in section 3 "Real estate objects" of the declaration, it is necessary to indicate information about the real estate object that was used by the subject of the declaration and members of his family for residence at the end of the reporting period or at least half of the days of the reporting period.

The Ethics Council has studied documents provided by the candidate, has taken into account her explanation, as well as peculiar circumstances in which a large number of citizens of Ukraine have found themselves because of the full-scale armed aggression of the Russian Federation against Ukraine, and came to the conclusion that there are no reasonable doubts about the candidate's honesty regarding the indication of the address of the actual place of residence in the autobiography.

In view of the above, the Ethics Council has no reasonable doubts about the suitability of the candidate for the position of member of the High Council of Justice of Muzyka L.A. with the criteria of professional ethics and integrity.

Being governed by Rules 2.3, 3.1, 3.2, and 3.16.2 of the Ethics Council's Rules of Procedure, Methodology for assessing compliance of the candidate for the position of a member of the High Council of Justice and sitting members of the High Council of Justice with the criterion of professional ethics and integrity, Article 9¹ of the Law of Ukraine "On the High Council of Justice", Final and Transitional Provisions of the Law of Ukraine "On Introducing Amendments into Some Legislative Bills of Ukraine Regarding the Procedure of Election (Appointment) to Positions of Members of the High Council of Justice and Activities of Disciplinary Inspectors of the High Council of Justice", the Ethics Council

has decided:

to recognize candidate for the position of the member of the High Council of Justice Muzyka Lesya Anatoliivna as compliant with the professional ethics and integrity criteria for filling in the position of the member of the High Council of Justice.

Chair

(signed)

Lev Kyshakevych