



ЕТИЧНА РАДА

01601, м. Київ, вул. Липська, 18/5,
тел.: (044) 277-76-29, (044) 277-76-32
e-mail: ec@court.gov.ua

ETHICS COUNCIL

01601, Kyiv, Lypska St., 18/5,
tel.: (044) 277-76-29, (044) 277-76-32
e-mail: ec@court.gov.ua

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Kyiv

DECISION

No. 31

***On non-compliance of the candidate
for the position of the member of
the High Council of Justice Hrabovska O. O.
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 the Chair of the Ethics Council Lev Kyshakevych (remotely by videoconference), Deputy Chair of the Ethics Council Sir Anthony Hooper (remotely by videoconference), members of the Council: Yurii Triasun (remotely by videoconference), Volodymyr Siverin (remotely by videoconference), Robert Cordy (remotely by videoconference), Lavly Perling (remotely by videoconference), having conducted evaluation of compliance of candidate for the position of the member of the High Council of Justice Hrabovska Oksana Oleksandrivna 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 Decision No. 1 of the Ethics Council as of December 1, 2021 and Decision No. 4 as of December 9, 2021, as amended pursuant to Decision No.4 of the Ethics Council as of April 26, 2022, Methodology for assessing compliance of the candidate to the position of the 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 Decision No.5 of the Ethics Council as of December 9 (hereinafter referred to as the Methodology),

has established:

According to Article 9-1(14) of the Law of Ukraine "On the High Council of Justice", the Ethics Council shall carry out selection of candidates for the position of the member of the High Council of Justice in two stages:

1) selection of candidates pursuant to results of consideration of documents submitted by candidates, the results of a special check and respective information from open sources, and formation of the list of candidates admitted to the interview;

2) conduct of interviews with selected candidates and determination of the list of candidates recommended to bodies which elect (appoint) members of the High Council of Justice.

The Ethics Council received copies of documents submitted by Hrabovska Oksana Oleksandrivna for participation in the competition for the position of the member of the Congress of Representatives of Law Universities and Research Institutions.

Candidate Hrabovska O.O. was admitted to the interview for the position of the member of the High Council of Justice pursuant to the decision of the Ethics Council as of December 21, 2021.

Having studied documents provided by Hrabovska O. O. upon the Ethics Council's request, her written explanations, information obtained from open sources and from public organizations, information received from the National Agency on Corruption Prevention and National Anti-Corruption Bureau of Ukraine, as well as the results of the interview with Hrabovska O.O., the Ethics Council has established the following.

According to the paragraph 1.3 of the Methodology, indicators for the criterion of professional ethics and integrity are independence, honesty, impartiality, incorruptibility, diligence, compliance with ethics norms and impeccable behavior in professional activities and personal life, as well as absence of doubts regarding legality of the sources of origin of property, conformity of the candidate's level of life or that

of his family members with declared incomes, conformity of the candidate's lifestyle to his status.

In the Declaration of the person authorized to perform the functions of the state or local self – government (hereinafter referred to as the Declaration) for 2020, Hrabovska O. O. indicated that from 22.04.2020 she owns the right of ownership to derivative securities (derivatives) issued by LLC "Management company "Asgard-finance" worth 278212UAH. She also declared the right to use an object of unfinished construction - an apartment with an area of 34,82 sq.m. in the village of Sofiivska Borshchahivka, Kyiv-Sviatoshyn district, Kyiv region. From open sources, the Ethics Council found that the estimated market value of the apartment, the rights to which the candidate purchased, is more than 450000 UAH. When asked in writing about the total amount paid for the purchase of property rights to the apartment, the candidate indicated that within the framework of the concluded contract of sale of property rights, a total of 470042 UAH was paid. During the interview, she said that in the declaration she indicated only the price specified in the derivative contract and the option certificate, because she believed that these were all the documents that she had for this apartment. The candidate did not take into account the contract of sale of property rights, since it was separate from the contract of the derivative and option certificate. Hrabovska O. O. noted that she mistakenly indicated the wrong amount in the declaration, because for the first time in her life she filled out a property declaration, since the law does not require employees of the scientific and pedagogical sphere to fill out declarations, and therefore she had no experience in submitting such documents.

At the request of the Ethics Council, the candidate provided a contract of sale dated 14.04.2020, according to which, on behalf of her father, she sold an apartment in city of Poltava for 518 300 UAH. During the interview, Hrabovska O. O. said that in the future her parents gifted her these funds. When asked why she did not declare receipt of these funds, the candidate said that she did not indicate them in the declaration, because no written donation agreement was concluded, and that she had no experience in filling out declarations.

According to the Register of Real Rights to Real Estate, on August 21, 2017, the candidate's husband acquired a land plot of 0,1494 hectares located in the Baryshivskiyi

district of the Kyiv region in common shared ownership as an inheritance. However, the candidate's declaration for 2020 does not indicate her husband's ownership of this land plot. During the interview, Hrabovska O. O. said that when filling out the declaration, she asked her husband to report all the property belonging to him, but he did not provide her with information about this land plot, so at the time of filling out the declaration, she was not aware of this fact.

According to data from the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations, the candidate's husband is the co-owner and ultimate beneficial owner (controller) of the limited liability company "ARTEON GROUP" (registered in 2018) and the founder and head of the private enterprise "VITA PHARM UKRAINE" (registered in 2009). However, information about these legal entities is not included in the Declaration of Hrabovska O. O. for 2020. When asked why the candidate did not indicate information about these legal entities in her declaration, Hrabovska O. O. replied that her husband did not inform her about these legal entities, so at the time of filling out the declaration, she was not aware of their existence.

In her autobiography submitted for participation in the competition for the position of a member of the High Council of Justice, Hrabovska O. O. indicated that her husband, her two daughters and her mother live at the address of her place of residence. In the declaration of family ties, the candidate also indicated that she lives together with one of her daughters. At the same time, in the candidate's declaration for 2020 in Paragraph 2.2. "Information about the family members of the subject of the declaration" she specified information only about her husband. During the interview, Hrabovska O. O. said that in 2020, in addition to her husband, her daughter, grandson and son-in-law also lived with her in her apartment. When asked why she did not indicate her daughter, grandson and son-in-law in the declaration for 2020, the candidate explained this by her possible inattention or negligence and said that she mistakenly did not indicate information about them in the declaration.

In the declaration for 2020, the candidate indicated that she owned 2008 Toyota Camry and 2020 Toyota Rav-4 cars, and her husband owned 2008 Toyota Rav-4 and 2019 INFINITI QX50 cars. At the same time, the declaration does not indicate the cost

of any of these cars. During the interview, the candidate said that she did not specify the cost of cars due to lack of experience in filling out the declaration.

In accordance with Paragraph 1.3.7.6. of the Methodology the candidate shall comply with applicable requirements of financial control that are stipulated by the anticorruption legislation, in particular, regarding the provision of full and accurate information in assets declarations.

According to Paragraphs 1.3.4. and 1.3.4.1. of the Methodology, diligence shall mean diligent, thorough, and responsible fulfillment of one's duties, which is a sign of the person's professional integrity. A candidate fails to comply with the indicators of independence, honesty, impartiality, diligence, in particular, in case there are reasonable doubts that such candidate in the present or any past professional capacity has acted in line with requirements of the legislation, professional ethical rules (academic integrity requirements), other ethical norms regarding independence, honesty, impartiality, diligence.

Paragraph 1.4. of the Methodology stipulates that when determining compliance with the criterion of professional ethics and integrity, the Ethics Council takes into consideration gravity of any ethics and integrity violation.

Given the total number of mistakes that Hrabovska O. O. made when filling out the declaration, the Ethics Council considers these violations significant. The candidate's explanations that she made mistakes in filling out the declaration, because she filled it out for the first time and has no relevant experience, are not perceived by the Ethics Council, since as an expert in the field of law, the candidate could not have been unaware of the requirements of the Law of Ukraine "On prevention of corruption", as well as numerous explanations of the National Agency for the Corruption Prevention regarding the correct filling out of declarations. Also, the candidate's explanations that at the time of filling out the declaration, she did not know about the land plot that belongs to the candidate's husband on the right of common shared ownership, as well as the legal entities belonging to him, are not accepted, since she could and should have taken steps to find out information about all the property rights of her husband in order to fully and exhaustively fill out her declaration. In particular, the candidate had the opportunity to make a request to the Register of Real

Rights to Immovable Property and the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations in order to find out information about a member of her family. Thus, since the candidate made numerous mistakes when filling out the declaration for 2022 and did not specified the information about her husband's property rights, the Ethics Council had reasonable doubts about the candidate's compliance with such an indicator of the criteria of professional ethics and integrity as diligence (Paragraph 1.3.4. of the Methodology).

Thus, being governed by Rules 2.3, 3.1, 3.15.1, 3.2 of the Ethics Council's Rules of Procedure, Methodology for assessing compliance of a candidate to the position of the member of the High Council of Justice and members of the High Council of Justice with the criterion of professional ethics and integrity, Article 9¹ of the Law of Ukraine "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 Hrabovska Oksana Oleksandrivna as non-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