

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

This Methodology is adopted in accordance with clause 2 of part 20 of Article 9¹ of Law of Ukraine “On the High Council of Justice” and determines methodology for assessing compliance with the criterion of professional ethics and integrity of candidates to the position of the member of the High Council of Justice (hereinafter – candidates) and members of the High Council of Justice, which have been elected (selected) to the position of the member of the High Council of Justice before Law of Ukraine “On Introducing Amendments into Some Legislative Acts of Ukraine Regarding the Procedure of Election (Selection) to positions of members of the High Council of Justice and Activities of Disciplinary Inspectors of the High Council of Justice” came into effect (hereinafter – sitting members), indicators of compliance with this criterion, and means of their verification.

1.1. Assessment of compliance of candidates (sitting members) with the criterion of professional ethics and integrity stipulated by the legislation means establishment of whether a candidate (sitting member) complies with the criterion of professional ethics and integrity, compliance with which is required for taking the position of the member of the High Council of Justice.

1.2. Compliance with the criterion of professional ethics and integrity shall be established based on documents submitted by candidates (sitting members), information received or requested by members of the Ethics Council, information from open sources, as well as based on the results of the interview with candidates (sitting members).

1.3. 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 (sitting member’s) level of life or that of his family members with declared incomes, conformity of the candidate’s (sitting member’s) lifestyle to his status.

1.3.1. Independence shall mean independence in decision-making, ability to take independent decisions under pressure that may be exerted in different forms.

1.3.2. Honesty shall mean presence of high moral qualities, truthfulness in professional activities and in everyday life.

1.3.3. Impartiality shall mean absence of negative or positive subjective opinion, attitude towards someone or something which have been formed in advance, ability to take impartial, fair, objective decisions regardless of any sympathies, antipathies, public opinion.

1.3.4. Diligence shall mean industrious, thorough, and responsible fulfillment of one's duties, which is a sign of the person's professional integrity.

1.3.4.1. A candidate (sitting member) fails to comply with the indicators of independence, honesty, impartiality, diligence, in particular, in case when there are reasonable doubts that such candidate (sitting member) 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.

1.3.5. Incorruptibility shall mean ability to be resistant and selfless to material influence in the process of decision-making.

1.3.5.1. A candidate (sitting member) fails to comply with the indicator of incorruptibility in case he has committed corruption or corruption-related offences, violated other anticorruption restrictions and commitments.

1.3.6. Compliance with ethical norms and demonstration of impeccable behavior in professional activities and personal life shall mean persistent compliance of the person with professional ethical and generally acknowledged moral norms both in professional activities and beyond them, which forms trust of the society in such person.

1.3.6.1. A candidate (sitting member) fails to comply with the indicator of compliance with ethical norms in case there are reasonable doubts that such candidate (sitting member) in the present or any past professional capacity has acted in line with the rules of professional ethics and other ethical norms.

1.3.6.2. The candidate (sitting member) fails to comply with the indicator of impeccable behavior in professional activities and personal life in case he has committed any actions or undertakes a lifestyle that makes him unworthy of being a member of the High Council of Justice, undermines authority of the judiciary, or raises reasonable doubts that such candidate (sitting member) will comply (complies) with ethical standards, including refraining from any manifestations of discrimination.

1.3.7. Sources of origin of the candidate's (sitting member's) property are legal, the candidate's (sitting member's) level of life or that of his family members corresponds to their declared and legal incomes, and the candidate's (sitting member's) lifestyle corresponds to his status in case there are no reasonable doubts to the contrary.

1.3.7.1. The term "family member" shall be used in the meaning given by the Law of Ukraine "On Prevention of Corruption".

1.3.7.2. The term "level of life" shall encompass all property owned, possessed, or used by the candidate (sitting member) or his family members, as well as expenses and other flows of funds.

1.3.7.3. Income that has not been declared with public authorities in line with requirements of the legislation or that has been declared, yet with respect to which there are reasonable doubts that it has been, in particular, a tool or result of legal or declared activity, shall not be considered as legal.

1.3.7.4. If a candidate (sitting member) has received property free-of-charge into ownership, possession, or use, its previous owner (and current owner in case of transferring property into ownership or use) who has provided such property shall do that from legal income.

1.3.7.5. Ethics Council may use any sources of information, including declarations of a person authorized to perform the functions of the state or local self-government, submitted pursuant to the Law of Ukraine "On Prevention of Corruption".

1.3.7.6. The candidate (sitting member) shall comply with applicable requirements of financial control that are stipulated by the anticorruption legislation, including with respect to timely submission of declarations, notifications about significant changes in the financial situation, notifications about opening of accounts with banking and financial institutions (including abroad) and provision of full and accurate information in assets declarations.

1.4. When determining compliance with the criterion of professional ethics and integrity, the Ethics Council takes into consideration gravity of any ethics and integrity violation.

1.5. With a view to checking the candidate's (sitting member's) compliance with the criterion of professional ethics and integrity, the Ethics Council shall apply the given indicators as follows:

1) evaluation of compliance with the indicators is based on information without temporal or territorial limitations;

- 2) the candidate does not comply with the indicator in case non-compliance is proved or there are reasonable doubts about compliance;
- 3) any opinion or assessment of a national or international body relating to the candidate's professional ethics and integrity is not surely definitive and mandatory for the Ethics Council.