

CHAPTER 23 BENCHMARKS

(Full list, provided to Ukraine at explanatory meeting)

CHAPTER 23 – FUNDAMENTAL RIGHTS

Ukraine further strengthens the protection of fundamental rights in practice.

IBM 23.10 – Fundamental Rights Framework

Strengthened implementation of the legal and policy framework for fundamental rights and their enforcement in practice, notably through enhanced capacity of independent fundamental rights institutions and preparation towards restoration of fundamental rights and freedoms following the end of the martial law.

IBM 23.10.1

Execution of judgments and application of the Case Law of the European Court of Human Rights.

IBM 23.10.2

Enhanced capacity of independent fundamental rights institutions.

IBM 23.10.3

Preparation towards restoration of fundamental rights and freedoms following the end of the martial law.

IBM 23.11 – Prohibition of Torture and Ill-Treatment and Prison System

Continued prison and detention reform, including improved conditions as well as undertaken steps to prevent and address instances of ill-treatment.

IBM 23.12 – Data Protection

Adopted and started implementing the data protection legislation in line with the EU *acquis*, including strengthened capacities of the National Commission on Personal Data Protection.

IBM 23.12.1

Adopted and started implementing the data protection legislation in line with the EU *acquis*.

IBM 23.12.2

Strengthened capacities of the National Commission on Personal Data Protection.

IBM 23.13 – Freedom of Expression including Media Freedom and Pluralism

Enhanced freedom of expression and media freedom and pluralism through reinforcing the independence and institutional capacity of public service media and the media regulator as well as the safeguards of protection of journalists.

IBM 23.13.1

Reinforcing the independence and institutional capacity of public service media and the media regulator.

IBM 23.13.2

Reinforcing safeguards of protection of journalists.

IBM 23.14 – Equality and non-discrimination

Ensured further progress towards legislative alignment of national law with the EU *acquis* on equality and non-discrimination, including the ECtHR judgement of 1 June 2023, as well as on hate crime and hate speech, rights of persons with disabilities, gender equality and combating gender-based violence, procedural rights of suspects and accused persons in criminal proceedings and victims' rights.

IBM 23.14.1.

Progress towards legislative alignment of national law with the EU *acquis* on equality and non-discrimination.

IBM 23.14.2

Further progress towards legislative alignment of national law with the EU *acquis* on hate crime and hate speech.

IBM 23.14.3

Further progress towards legislative alignment of national law with the EU *acquis* on rights of persons with disabilities.

IBM 23.14.4

Further progress towards legislative alignment of national law with the EU *acquis* on gender equality and combating gender-based violence.

IBM 23.14.5.

Further progress towards procedural rights of suspects and accused persons in criminal proceedings and victims' rights.

IBM 23.15 – Rights of the Child

Made progress towards an integrated child protection system and towards aligning with the EU *acquis* on the rights of the child and progressed towards the deinstitutionalisation of children outside parental care and of persons with disabilities (adults and children).

IBM 23.15.1

Made progress towards an integrated child protection system and aligning with the EU *acquis* on the rights of the child.

IBM 23.15.2

Made progress towards the deinstitutionalisation of children outside parental care and of persons with disabilities (adults and children).

IBM 23.16 – Rights of National Minorities

Continued implementation – In line with European standards – of relevant laws and commitments to protect the rights of persons belonging to national minorities.

CHAPTER 23 – JUDICIARY

*Ukraine further implements its comprehensive justice reform, delivering improvements in impartiality, independence, accountability, quality and efficiency of the judicial system in line with EU *acquis* and European standards.*

IBM 23.1 – Legislative Framework and Self-Governing Bodies

Reinforced independence, integrity, status and institutional capacities of the judicial and prosecutorial governance and self-governance bodies, including regarding the filling of vacancies, making tangible progress on the optimisation of judicial management, court management and prosecutorial service to enhance their efficiency.

IBM 23.1.1

Tangible progress on the optimisation of the judicial management and of the work of courts.

IBM 23.1.2

Tangible progress on the optimisation of the prosecutorial service to enhance its efficiency.

IBM 23.2 – Independence, Accountability and Integrity

Further enhanced structural independence, integrity and accountability sustained at all levels of the judiciary, notably through improving merit-based selection processes; revising the integrity vetting procedures for the Supreme Court and other high court judges and the selection procedures for the Supreme Court and extending the selection commission for the members of the High Qualification Commission of Judges of Ukraine (HQCJ) without delay, with the meaningful involvement of independent experts nominated by international partners; rendering the selection and dismissal procedure for the Prosecutor General and high-level prosecutors more transparent and merit-based; removing the provisions allowing the appointment and transfer of prosecutors to regional prosecution offices and the Prosecutor General's Office without competition and giving the Prosecutor General's Office the right to access any pre-trial investigation material; advancing the vetting of sitting judges with the Public Integrity Council's involvement and the attestation of prosecutors; addressing the backlog in disciplinary cases and improving the disciplinary and corruption prevention tools and their enforcement, including integrity declarations, significantly advancing the implementation of a transparent random case allocation.

IBM 23.2.1

Improved merit-based selection processes.

IBM 23.2.2

Revised integrity vetting procedures for the Supreme Court and other high court judges.

IBM 23.2.3

Enhanced structural independence, integrity and accountability of the Prosecution Service.

IBM 23.2.4

Advancement of vetting of sitting judges and attestation of prosecutors.

IBM 23.2.5

Improved disciplinary and integrity systems.

IBM 23.2.6

Improved allocation of cases.

IBM 23.3 – Quality of the Judiciary

Improved the quality of justice, including by significantly reducing the shortages of judges and of support staff, introducing an effective periodic performance evaluation of judges and prosecutors based on clear and objective rules and assessment criteria, reforming the Bar and continuing reforming access and quality of the legal education system and initial and continuous training for judges and prosecutors.

IBM 23.3.1

Filling of judicial vacancies.

IBM 23.3.2

Introduction of an effective periodic performance evaluation of judges and prosecutors.

IBM 23.3.3

Reform of the Bar.

IBM 23.3.4
Access and quality of the legal education system.

IBM 23.3.5
Judicial and prosecutorial training.

IBM 23.4 – Efficiency of the Judiciary

Enhanced the efficiency and performance of courts and prosecution offices, including by improving the legislation on the Constitutional Court's procedure, ensuring the quorum of the Constitutional Court and the timely appointment of internationally vetted candidates, taking into account relevant Venice Commission recommendations, expanding the use of alternative dispute resolution, improving legal aid and the enforcement of court decisions, including by taking tangible steps to phase out legislative moratoria, advancing the digitalisation of justice system and establishing a new administrative court following a sound and credible selection of judges with the meaningful involvement of independent experts nominated by international partners.

IBM 23.4.1
Improvement of efficiency of courts and prosecution offices.

IBM 23.4.2
Improved performance of the Constitutional Court.

IBM 23.4.3
Alternative dispute resolution and legal aid.

IBM 23.4.4
Improved enforcement of court decisions.

IBM 23.4.5
Advancing the digitalisation of justice system.

IBM 23.4.6
Establishment of a new administrative court.

CHAPTER 23 – ANTI-CORRUPTION

Ukraine makes significant further progress in tackling and preventing corruption

IBM 23.5 – Legislative Alignment

Advanced, sustained and continuously implement the anti-corruption legal and strategic frameworks, including significant gradual alignment with the EU *acquis* and implementation of relevant GRECO, OECD and OSCE/ODIHR recommendations, with effective coordination, budgeting, monitoring and evaluation.

IBM 23.5.1
Advance, sustain and continuously implement the legal and strategic anti-corruption frameworks, including gradual alignment with the EU *acquis*.

IBM 23.5.2
Implementation of relevant GRECO and OECD recommendations.

IBM 23.5.3
Ensure effective coordination, budgeting, monitoring and evaluation of the anti-corruption strategy and its action plan.

IBM 23.6 – Institutional capacity

Enhanced the independence, mandate effectiveness and operational capacity of the specialised anti- corruption institutions (for both the prevention and repression of corruption), including by extending the jurisdiction of the National Anti-Corruption Bureau of Ukraine (NABU) to cover all high-risk public positions and by granting the Specialised Anti-Corruption Prosecutor's Office (SAPO) the necessary powers to start criminal proceedings against Members of Parliament without prior approval of the Prosecutor General.

IBM 23.6.1

Enhance the independence, mandate effectiveness and operational capacity of the specialised anti-corruption institutions.

IBM 23.6.2

Extend the jurisdiction of the National Anti-Corruption Bureau of Ukraine (NABU) to cover all high-risk public positions.

IBM 23.6.3

Grant the Specialized Anti-Corruption Prosecutor's Office (SAPO) the necessary powers to start criminal proceedings against Members of the Verkhovna Rada without prior approval of the Prosecutor General.

IBM 23.7 – Corruption prevention

Strengthened the efficiency of the corruption prevention framework by making further progress in the development and enforcement of legal and policy frameworks relating to asset declarations, whistleblower protection, conflict of interest, lobbying, financing of political parties/electoral campaigns, including effective, proportionate and sufficiently dissuasive sanctions in case of violations.

IBM 23.7.1

Progress in the development and enforcement of legal and policy frameworks regarding asset declarations.

IBM 23.7.2

Progress in the development and enforcement of legal and policy frameworks regarding whistle-blower protection.

IBM 23.7.3

Progress in the development and enforcement of legal and policy frameworks regarding conflicts of interest.

IBM 23.7.4

Progress in the development and enforcement of the legal and policy framework regarding lobbying.

IBM 23.7.5

Progress in the development and enforcement of legal and policy frameworks regarding financing of political parties/electoral campaigns.

IBM 23.7.6

Ensure effective, proportionate and sufficiently dissuasive sanctions in case of violations of the obligations under the corruption prevention framework.

IBM 23.8 – Track record against corruption

Made tangible progress towards a solid track record of investigations, prosecutions and convictions in corruption cases, in particular final convictions at high level and increased the number and overall value of seized, frozen and confiscated assets, including by removing from legislation the provision on automatic closure of criminal cases due to expiry of pre-trial investigation time limits and by reviewing existing time limits.

IBM 23.8.1

Make tangible progress towards demonstrating a solid track record of investigations, prosecutions and convictions in corruption cases, in particular final convictions in high level corruption cases.

IBM 23.8.2

Increase the number and overall value of seized frozen and confiscated assets in corruption cases.

IBM 23.8.3

Remove from the legislation the provision on automatic closure of criminal cases due to expiry of pre-trial investigation time limits after the notification of suspicion and review existing time limits.

IBM 23.9 – Mainstreaming of anti-corruption in relevant sectors

Improved the mainstreaming of anti-corruption through risk assessments and integrity measures in the sectors most vulnerable to corruption.

IBM 23.9.1

Conduct risk assessments in sectors most vulnerable to corruption.

IBM 23.9.2

Apply systemic integrity measures in sectors most vulnerable to corruption.

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