



**ADVISORY GROUP  
OF EXPERTS**

**APPROVED**

**Minutes No. 7 of the session of the Advisory Group of Experts**

**as of May 2, 2024**

**DECISION No. 1.1**

*On compliance of the candidate*

*for the position of a judge of the Constitutional Court of Ukraine*

*Yurii Barabash*

*with the criterion of the recognized level of competence in the field of law*

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: Oksana Vasylichenko, Maureen O'Connor, Hanna Suchocka, deputy member of the Advisory Group Vasył Shakun, who, under part four of Article 10<sup>12</sup> of the Law of Ukraine "On the Constitutional Court of Ukraine" (hereinafter referred to as the Law) and part six, Article 8 of the Regulations on the Advisory Group of Experts, approved by the decision of the Advisory Group of Experts on November 12, 2023 (hereinafter referred to as the Regulations), performs the duties of Nataliia Kuznietsova, in the presence of deputy members of the Advisory Group: Marek Zubik,

Volodymyr Kuzmenko, Richard Barrett, having assessed the compliance of the candidate for the position of judge of the Constitutional Court of Ukraine Yurii Barabash (hereinafter referred to as the Candidate) with the criterion of the recognized level of competence in the field of law, under the Law of Ukraine "On the Constitutional Court of Ukraine" (hereinafter referred to as the Law), the Regulations on the Advisory Group of Experts, approved by the decision of the Advisory Group of Experts on November 12, 2023 (hereinafter referred to as the Regulations), 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 the following:**

1. According to part twenty-five, Article 10<sup>2</sup> of the Law, the Advisory Group, among other things, assesses the level of competence in the field of law of candidates for the position of judge of the Constitutional Court of Ukraine.

2. According to part five, Article 10<sup>8</sup> of the Law, candidates who have been assessed by the Advisory Group as compliant with the criterion of high moral qualities shall be evaluated in terms of their compliance with the criterion of the level of competence in the field of law.

3. According to paragraph 2, part three, Article 10<sup>8</sup> of the Law, the candidate for the position of a judge of the Constitutional Court of Ukraine shall be considered as compliant with the criterion of the recognized level of competence in the field of law if the candidate has necessary knowledge to exercise the powers of a judge of the Constitutional Court of Ukraine. According to paragraph 4, part three, Article 10<sup>8</sup> of the Law, the candidate does not comply with this criterion if non-compliance is proven or if there are reasonable doubts about compliance.

4. The Advisory Group determines whether the candidate for the position of a judge of the Constitutional Court of Ukraine has necessary knowledge to exercise the powers

of a judge of the Constitutional Court of Ukraine by assessing the candidate's knowledge in the areas defined by Part Four of Article 2 of the Methodology.

5. Decision No. 1.2 of the Advisory Group, executed with Minutes No. 5 of the Advisory Group's session as of March 23, 2024, recognized Yurii Barabash as compliant with the criterion of high moral qualities for purposes of competitive selection of candidates for the position of a judge of the Constitutional Court of Ukraine.

6. According to paragraph 2 and 3, part two, Article 10<sup>s</sup> of the Law, Article 4 of the Methodology, the Advisory Group assesses the level of competence in the field of law of each candidate for the position of a judge of the Constitutional Court of Ukraine within fifteen days since adoption of the decision on assessment of all candidates' compliance with the criterion of high moral qualities, namely, by means of holding written assessment of candidates for the position of a judge of the Constitutional Court of Ukraine, as well as additional interviews (if necessary).

7. According to cl. 2, 3, 5, and 6 of Article 10<sup>s</sup> of the Law and based on paragraph d, part one, Article 4 of the Methodology, the Advisory Group adopted decisions No. 2-5, executed with Minutes No. 5 of the session of the Advisory Group as of March 23, 2024, with which it adopted: terms and conditions for conduct of written assessment of the level of competence in the field of law of candidates for the position of a judge of the Constitutional Court of Ukraine; composition of the external group of international experts for preparation of written questions and questions for additional interviews aimed at determining the level of competence in the field of law of candidates for the position of a judge of the Constitutional Court of Ukraine; guidelines for preparation of written questions and questions for additional interviews for assessment of the level of competence in the field of law of candidates for the position of a judge of the Constitutional Court of Ukraine and determined April 05, 2024 as the date for conduct of written assessment of candidates for the position of a judge of the Constitutional Court of Ukraine.

8. On April 05, 2024 the Candidate took part in written assessment by means of providing written response to the written assignment following the procedure set out by paragraph D, part two, Article 4 of the Methodology.

9. On April 20, 2024 in line with Article 4(4) of the Methodology the Advisory Group adopted Decision No. 6, executed with Minutes No. 6 of the session of the Advisory Group of Experts as of April 20, 2024, on absence of the need to hold additional interviews.

10. Having studied information about the Candidate, having analyzed the Candidate's response during written assessment, the Advisory Group has decided that the Candidate complies with the criterion of the recognized level of competence in the field of law based on the following.

11. At the stage of written assessment the Candidate has demonstrated an exceptionally high level of knowledge and legal analysis.

12. The Candidate conducted a thorough analysis of the situation presented in the written task and prepared a comprehensive, structured, and well-reasoned response both in terms of general considerations and specific questions, demonstrated an understanding of modern constitutional doctrine and international human rights standards, practical tools for determining the admissibility of limitations on human rights and freedoms, and ultimately applied them methodically in preparing his own response.

13. The Candidate demonstrated the ability to comprehensively analyze complex legal issues of constitutional nature, formulate well-founded decisions relevant to the essence of the given task, and articulate them in a clear and understandable language.

14. Given the above, pursuant to the result of the assessment of the Candidate's level of competence in the field of law for purposes of selection of candidates for the position of a judge of the Constitutional Court of Ukraine, the Advisory Group has not revealed confirmation of non-compliance and does not have reasonable doubts about the Candidate's compliance with the criterion of the recognized level of competence in the field of law. Therefore, the Candidate has the necessary knowledge to exercise the powers of a judge of the Constitutional Court of Ukraine.

Thus, being governed by Articles 6, 7 of the Regulations on the Advisory Group of Experts adopted by the decision of the Advisory Group of Experts as of 12 November

2023, 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 as of 04 December 2023, Articles 10<sup>2</sup>, 10<sup>8</sup> of the Law of Ukraine "On the Constitutional Court of Ukraine", the Advisory Group

**has decided that:**

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 Yurii Barabash complies with the criterion of the recognized level of competence in the field of law.

**Signatures:**

Алеш Залар  
(Aleš Zalar)

Василь Шакун  
(Vasyl Shakun)

Морін О'Коннор  
(Maureen O'Connor)

Оксана Васильченко  
(Oksana Vasylchenko)

Ганна Сухоцька  
(Hanna Suchocka)

Ярослав Романюк  
(Yaroslav Romaniuk)