



**APPROVED**

**Minutes No. 5 of the meeting of the Advisory Group of Experts  
of 23 March 2024**

**DECISION No. 1.2**

*On compliance of candidate*

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

*Yurii Barabash with the criterion of high moral qualities*

The Advisory Group of Experts (hereinafter, the “Advisory Group”), at a session held in remote mode using electronic video-conferencing, consisting of the Chairman of the Advisory Group Aleš Zalar, Secretary of the Advisory Group Yaroslav Romaniuk, Members of the Advisory Group Oksana Vasylchenko, Maureen O’Connor and Hanna Suchocka and the Deputy Member of the Advisory Group Vasyl Shakun, who, pursuant to Part 4 of Article 10<sup>12</sup> of the Law of Ukraine “On the Constitutional Court of Ukraine” (hereinafter, the “Law”) and Part 6 of Article 8 of the Regulations on the Advisory Group of Experts approved by the decision of the Advisory Group of Experts

dated 12 November 2023 (hereinafter, the “Regulations”), exercises the powers of the Advisory Group Member Nataliia Kuznietsova, and in the presence of the Deputy Members of the Advisory Group Marek Zubik, Volodymyr Kuzmenko, Thomas Griffith and Richard Barrett, having assessed the compliance of Yurii Barabash, candidate for the position of a judge of the Constitutional Court of Ukraine (hereinafter, the “Candidate”), with the criterion of high moral qualities, in accordance with the Law, the Regulations and the Methodology for Assessing Moral Qualities and the Level of Competence in the Field of Law of Candidates for the Position of a Judge of the Constitutional Court of Ukraine approved by the decision of the Advisory Group of Experts dated 04 December 2023 (hereinafter, the “Methodology”),

**established the following:**

1. In accordance with Part 25 of Article 10<sup>2</sup> of the Law, the Advisory Group, in particular, assesses the moral qualities of candidates for the position of a judge of the Constitutional Court of Ukraine.

2. Pursuant to Article 10<sup>8</sup> of the Law, the Advisory Group, within a period of time not exceeding four months from the date of receipt of all documents submitted by candidates from the Competition Commission for the competitive selection of candidates for the position of a judge of the Constitutional Court of Ukraine with respect to persons appointed by the President of Ukraine, the Committee of the Verkhovna Rada of Ukraine in charge of issues pertaining to the legal status of the Constitutional Court of Ukraine, and the Council of Judges of Ukraine, reviews and studies the submitted documents, the results of the special examination, other information and materials received by the Advisory Group while exercising its powers, and after interviewing the candidate, following the assessment of the candidate’s high moral qualities, makes a reasoned decision on the assessment of conformity of moral qualities.

3. The criterion of “high moral qualities” as per Article 10<sup>s</sup> of the Law is determined by the Advisory Group during the assessment by the indicators of independence, honesty, impartiality, diligence, incorruptibility, compliance with ethical norms and demonstration of impeccable behaviour in professional activities and personal life of the “integrity” component, as well as by the components of “legality of the sources of property origin”, “compliance of the standard of living of the candidate or his/her family members with the declared income”, and “compliance of the candidate’s lifestyle with his/her status”, the content of which is outlined in Part 1 of Article 2 of the Methodology.

4. Under Clause 1 of Part 3 of Article 10<sup>s</sup> of the Law, a candidate may be deemed to meet the criterion of high moral qualities only if he/she is of good integrity and there are no reasonable doubts about the legality of the sources of his/her property, the compliance of the standard of living of the candidate or his/her family members with the declared income, and the compliance of the candidate’s lifestyle with his/her status. According to Clause 4 of Part 3 of Article 10<sup>s</sup> of the Law, a candidate fails to meet this criterion if it is proved that he/she does not comply with it or there are reasonable doubts about his/her compliance.

5. On 7 December 2023, the Advisory Group received from the Committee of the Verkhovna Rada of Ukraine on Legal Policy documents from Yurii Hryhorovych Barabash, Professor of the Department of Constitutional Law of Ukraine, Vice-Rector for Research, Teaching and Strategic Development of the Yaroslav Mudryi National Law University, for participation in the competition for the position of a judge of the Constitutional Court of Ukraine (letter No. ДГЕ-8/23-ВХ of 7 December 2023).

6. The Advisory Group has reviewed, verified and analysed the Candidate’s documents and written explanations, information received from public authorities and non-government organisations, as well as data received from the National Agency on Corruption Prevention and the National Anti-Corruption Bureau of Ukraine.

7. On 7 March 2024, the Advisory Group interviewed the Candidate, in particular to refute doubts about the Candidate's compliance with the criterion of high moral qualities.

8. The Advisory Group has completed its review, verification, and analysis of the Candidate's documents, each separately and also in their entirety, the Candidate's responses to the Advisory Group's written questions and the questions asked by the Advisory Group at the interview and decided that the Candidate complies with the criterion of high moral qualities in view of the following.

9. As of the day of the interview, the Advisory Group had certain doubts about whether the Candidate complied with the criterion of high moral qualities, namely, with such indicators of the "integrity" component as "honesty", "diligence", "compliance with ethical norms and demonstration of impeccable behaviour in professional activities and personal life", as well as with the components of "legality of the sources of property origin", "compliance of the standard of living of the candidate or his/her family members with the declared income", and "compliance of the candidate's lifestyle with his/her status" (pursuant to Part 1 of Article 2 of the Methodology). However, these doubts were refuted based on the results of the analysis of the Candidate's documents, each separately and also in their entirety, the Candidate's responses to the Advisory Group's written questions and the questions asked by the Advisory Group at the interview, information received from state authorities and public organisations, as well as data received from the National Agency on Corruption Prevention and the National Anti-Corruption Bureau of Ukraine.

10. Accordingly, based on the results of the assessment of the Candidate's moral qualities, the Advisory Group did not find him to be non-compliant with the indicators of the integrity component of the criterion of high moral qualities (Clause "a" of Part 1, Article 2 of the Methodology). The Advisory Group, being governed by Part 3 of Article 2 of the Methodology, also has no reasonable doubts about the Candidate's compliance with any indicator of the "integrity" component (Clause "a" of Part 1, Article 2 of the Methodology).

11. The Advisory Group has also found no evidence of non-compliance and has no reasonable doubts about the Candidate's compliance with the components of "legality of the sources of property origin", "compliance of the standard of living of the candidate or his/her family members with the declared income", and "compliance of the candidate's lifestyle with his/her status" of the criterion of high moral qualities (Clause "b" of Part 1 of Article 2 of the Methodology).

Thus, being governed by Articles 6 and 7 of the Regulations on the Advisory Group of Experts approved by the decision of the Advisory Group of Experts dated 12 November 2023, the Methodology for Assessing Moral Character and the Level of Competence in the Field of Law of Candidates for the Position of a Judge of the Constitutional Court of Ukraine approved by the decision of the Advisory Group of Experts dated 04 December 2023, and Articles 10<sup>2</sup> and 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 high moral qualities.

**Signatures:**

Алеш Залар  
(Aleš Zalar)

Морін О'Коннор  
(Maureen O'Connor)

Василь Шакур

Оксана Васильченко

(Vasyl Shakun)

(Oksana Vasylchenko)

Ганна Сухоцька

Ярослав Романюк

(Hanna Suchocka)

(Yaroslav Romaniuk)

Recording of the interview broadcast:

