



USAID FAIR Justice Project

Open Dialog Foundation

Roundtable

“Lustration: International Experience and Ukrainian Perspectives”

September 11, 2014

**President Hotel
12 Hospitalna Str.
Kyiv, Ukraine
Conference Hall – Conference Center - 1st level**

AGENDA

ROUNDTABLE OBJECTIVES:

- [Share best practices and lessons learned from neighboring countries in the lustration of government officials and judges;
- [Discuss the current status of initiatives in Ukraine related to the lustration of government officials and judges for disloyalty or corruptions, including the Law on Restoring Trust in the Judiciary and draft Law on the Purification of Government; and
- [Develop recommendations for the future design and implementation of lustration policies in Ukraine.

9:00 – 9:30 Registration

9:30 – 10:00 Opening Remarks
Lyudmyla Kozlovska, President of the Open Dialog Foundation

David Vaughn, Chief of Party, USAID FAIR Justice Project

10:00 – 10:45 **SESSION 1: Current Status of Legislative Initiatives for Lustration – A General Overview**

Oleh Bondarchuk, Member of the Parliament of Ukraine
Yehor Sobolyev, Civil Society Activist, Chair of the Public Lustration Committee
Leonid Antonenko, Attorney-at-Law, member of the Ukrainian Bar Association, member of the Ministry of Justice of Ukraine Working Group on Anti-Corruption Legislation Development, topic of presentation “From Declarations to Action: How to Use Lustration Effectively for Purification of Government from Corrupt Officials”

During this session the speakers will present legislative initiatives and approaches to the lustration of government officials, in particular, through the vetting of compliance with anti-corruption legislation by government officials at the national and local level. The participants will be provided with a general overview of draft lustration laws submitted for consideration of the Parliament of Ukraine, their goals, proposed mechanisms, as well as possible challenges and problems. Speakers will also outline the perspectives for adoption of draft laws by the Parliament.

10:45 – 11:00 Discussion

11:00 – 11:30 **Coffee Break**

11:30 – 12:10 **SESSION 2: Lustration of Public Officials: International Experience and Ukrainian Perspectives**

Radoslaw Peterman, Expert, Deputy Head of the Vetting Office, Commission for the Prosecution of Crimes against the Polish Nation, the Institute of National Remembrance, Warsaw, Poland
Roman David, Professor of Political Science, Lecturer at the Faculty of Social Science and Social Policy, Lingnan University, Hong Kong, Author of the Book, “Lustration and Transitional Justice. Personnel Systems in the Czech Republic, Hungary and Poland” (via Skype)

Moderator: *Lyudmyla Kozlovska, President of the Open Dialog Foundation*

During this session the participants will learn the experience of lustration in the European countries over transitional periods, in particular, in Poland and the Czech Republic. The speakers will focus on the tasks, issues and challenges of lustration systems in those countries and highlight approaches and mechanisms to the vetting of public officials and judges, along with missteps that occurred. The participants will discuss to what extent the experience of other European countries is applicable to Ukraine, and what lessons should be learned by Ukrainian politicians and civil society activists to avoid long lasting negative consequences of this process for society.

12:10 – 12:30 Discussion

12:30 – 13:15 **Lunch** (President Hotel, Restaurant, 2nd Floor, “Slovianska” Hall)

13:15 – 14:15 **SESSION 2: Lustration of Public Officials: International Experience and Ukrainian Perspectives – Continued**

Pavel Zaczek, Expert, Founder and First Director of the Institute for the Study of Totalitarian Regimes, Prague, Czech Republic

Pawel Wojciech Osik, Attorney-at-Law, Poland, (via Skype)

Viktor Medvid, Stanislav Ponomaryov, Coordinators of “Lustration. Kirovohrad Region”

Moderator: *Lyudmyla Kozlovska, President of the Open Dialog Foundation*

During this follow-on session, participants will continue to learn about the experience of Czech Republic in reforming of the government over the post-communist period. This session will also include a presentation of the results of implementing a program on the vetting public officials in the Kirovohrad region – “Lustration 2.0”.

14:15 – 14:35 Discussion

14:35 – 15:45 **SESSION 3: Issues and Challenges Related to the Lustration and Vetting of Judges**

Oleh Bondarchuk, Member of the Parliament of Ukraine

Oleksandr Volkov, Head of the Presidential Administration Main Office for the Judiciary and Legal Policy

Volodymyr Moisyk, Head of the Interim Special Commission for Vetting of Judges of General Jurisdiction Courts – topic of presentation “Ukraine needs the law on restoration of the government, and not of trust in the government”

Moderator: *Nataliya Petrova, Deputy Chief of Party, USAID FAIR Justice Project*

This session will focus on the special status of judges and possible mechanisms for judicial vetting in light of the constitutional guarantees of judicial independence and irremovability. The participants will discuss the peculiarities and problematic issues related to such vetting, particularly related to the limitation of existing authorities to discipline judges.

15:45 – 16:00 **Coffee Break**

16:00 – 17:10 **SESSION 3: Issues and Challenges Related to the Lustration and Vetting of Judges – Continued**

Anna Sukhova, Judicial Accountability Specialist, USAID FAIR Justice Project
Teresa Gardocka, Professor of Criminal Law, Vice- Rector of the University of Social Sciences and Humanities in Warsaw, Poland (translation of recorded presentation)

Oleksiy Buryachenko, Head of the Management Board of the NGO “Vinnytsya Regional Law Association”, Head of the Management Board of the NGO “Zakhyst Nadiyi”, Head of Vinnytsya City Steering Committee of the Political

Union “SYLA LYUDEY”

Moderator: *Nataliya Petrova, Deputy Chief of Party, USAID FAIR Justice Project*

During the second part of this session, speakers will present the case law of the European Court of Human Rights regarding the lustration of judges with an emphasis on findings and recommendations of the European Court of Human Rights related to lustration procedures for judges.

17:10 – 17:30 Discussion

17:30 – 18:00 **Closing Remarks**
Yehor Sobolyev, Civil Society Activist, Chair of the “Public Lustration Committee”
Nataliya Petrova, Deputy Chief of Party, USAID FAIR Justice Project
Lyudmyla Kozlovska, President of the Open Dialog Foundation

18:00 **Coffee Reception**