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## High anti-corruption court in the context of international standards of judicial procedure and administration of justice

### Вищий антикорупційний суд у світлі міжнародних стандартів судочинства та здійснення правосуддя

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#### Abstract

The article is devoted to the study of modern international standards in the field of judicial proceedings and the status of judges, which contain provisions on the introduction of special anti-corruption judicial bodies, the formation of the judicial corps and the administration of justice by these courts. The methodological basis of research is a set of general scientific and special methods, in particular, dialectical, formal-logical, comparative-legal and other methods. As a result of the study, the description of modern international standards in the field of judicial proceedings and the status of judges, which contain provisions for the introduction of special anti-corruption judicial bodies, the formation of the judicial corps and the administration of justice by these courts, is provided. It is noted that the rapid implementation of international standards in the national legislation and consistent application in law enforcement practice will help to restore the citizens' confidence in the judicial system, strengthen the authority of the judiciary, establish high criteria of competence, professional ethics and integrity, and effectively implement a specialized anti-corruption court in Ukraine.

**Keywords:** anti-corruption, anti-corruption court, anti-corruption institutions, anti-corruption justice, international legal standards, European standards.

#### Анотація

Статтю присвячено дослідженню сучасних міжнародних стандартів у сфері судочинства і статусу суддів, які містять положення щодо запровадження спеціальних антикорупційних судових органів, формування суддівського корпусу та здійснення правосуддя цими судами. Методологічною основою дослідження є сукупність загальнонаукових та спеціальних методів, зокрема, діалектичного, формально-логічного, порівняльно-правового та інших методів. В результаті проведення дослідження надано характеристику сучасних міжнародних стандартів у сфері судочинства і статусу суддів, які містять положення щодо запровадження спеціальних антикорупційних судових органів, формування суддівського корпусу та здійснення правосуддя цими судами. Наголошено, що широка імплементація у національне законодавство та послідовне використання у правозастосовній практиці міжнародних стандартів сприятиме відновленню довіри громадян до судової системи, посиленню авторитету судової влади, утвердженню високих критеріїв компетентності, професійної етики та доброчесності, а також ефективному запровадженню спеціалізованого антикорупційного суду в Україні.

**Ключові слова:** протидія корупції, антикорупційний суд, антикорупційні інституції, антикорупційна юстиція, міжнародно-правові стандарти, європейські стандарти.

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## Introduction

The idea of introducing and establishing specialized anti-corruption institutions, for its proper implementation in the practical field, should, first of all, be justified from a theoretical point of view, which, on the basis of research, would allow to express preliminary judgments on the effectiveness / ineffectiveness of the implementation of relevant reforms. In view of this, it is necessary, among other things, to analyze those international standards that directly or indirectly relate to the issues of the organization of the judiciary and the administration of justice and, thus, can have a significant impact on the judiciary system of each state as a whole and the functioning of anti-corruption judicial authorities in particular.

The study of the peculiarities of international legal regulation of the organization of judiciary and justice shows that there are few specialized international legal standards regarding the activities of anti-corruption judicial bodies. The main reason for this is the relatively small number of anti-corruption courts in the world. In particular, only three member states of the European Union (Slovakia, Croatia and Bulgaria) have specialized courts, whose subject jurisdiction extends overwhelmingly to cases of corruption criminal offenses, and whose status has certain features other than general courts.

In this regard, during the introduction of special anti-corruption judicial bodies, the formation of the judiciary and the administration of justice by such courts, states must adhere to the general principles and rules for the organization of the judiciary and the administration of justice. The relevant principles and rules have found their normative fixation in, in particular, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Protection of Human Rights and Fundamental Freedoms, and the practice of the European Court of Human Rights. In addition, on the basis of these documents, within the UN, the Council of Europe, as well as the European Union, a whole range of other normative legal acts (declarations, conventions, recommendations, etc.) which should be used by states during the formation of the judiciary system and the implementation of justice and the creation of anti-corruption judicial institutions have been developed.

## Methodology

In accordance with the purpose of the article, the methodological basis of the study was chosen. Thus, both general scientific and special methods of research were used. The dialectical method was the methodological basis of research and was used, in particular, in the analysis of basic theoretical data related to modern international standards in the field of judicial proceedings and the status of judges, to reveal their essential content. The system method allowed to consider elements of the system of relevant international standards in their interconnection and interdependence. The formal and legal method was used in the analysis of the content of regulations containing separate standards in the field of judicial proceedings and the status of judges, in particular, the Universal Declaration of Human Rights, the Convention on the Protection of Human Rights and Fundamental Freedoms, the practices of the European Court of Human Rights and other documents formed on their basis by the UN, the European Union, the Council of Europe. The historical-legal method was used to trace the development of the system of international standards in the field of judicial proceedings and the status of judges in the time dimension, from their formation to the present time. The comparative and legal method was used during comparing the content of individual standards and establishing compliance of the content of standards with the provisions of domestic legislation.

## Literature review

In Ukraine, at the dissertation and monographic levels, an extremely small number of studies on the problems of new anti-corruption institutions has been carried out so far. At the same time, these works are mainly devoted to the activities of the Anti-Corruption Court, and above all, the National Anti-Corruption Bureau of Ukraine, the Specialized Anti-Corruption Prosecutor's Office and the National Agency for the Prevention of Corruption.

At the same time, the research is based on the scientific works of scientists such as A. Beletskaya (2019) who is engaged in the study of the implementation of the principle of specialization in the organization of court work, I. Khaydarova (2019) who investigates the administrative and legal status of the Supreme Anti-Corruption Court, O. Savitsky (2021) who is interested in the research of the status of judge of the Supreme Anti-Corruption Court as a subject of criminal procedural relation,

V. Trepak (2019) who studies theoretical and legal problems of preventing and countering corruption in Ukraine and the works of other scientists. In addition, the normative basis of the research is the norms of domestic and international normative legal acts containing provisions in the sphere of judicial proceedings and the status of judges.

## Results and discussion

The general principles and rules regarding the organization of the judiciary and the administration of justice have been recognized and consolidated in international law since the mid-twentieth century.

The Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966) laid the foundations for international standards in the field of justice. It was these documents that provided for the right to trial among the basic human rights, thus defining the main task and social purpose of the judiciary (Bobkova, 2015).

The Convention for the Protection of Human Rights and Fundamental Freedoms (1950) is an important reference point for the States in the development of national justice systems. From the content of Article 6 and other provisions such principles of justice as: publicity, openness and transparency of the judicial process; equal access to justice and the equality of all before the court; justice of the trial; the trial by a competent, independent and impartial Tribunal; the objectivity and comprehensiveness of the proceedings within a reasonable period of time; the trial only judicial body established in accordance with the law.

The provisions of the Convention, as noted by experts, are important in terms of regulating the organization and activities of the judiciary, both in themselves and in the context of the practice of the European Court of Human Rights (Bobkova, 2015). The importance of the practice of this court, among other things, is primarily due to the fact that the provisions and principles are quite abstract, which makes it necessary to interpret them when considering the relevant cases. Decisions of the European Court of Human Rights are binding on Ukraine, and national courts apply the Convention for the Protection of Human Rights and Fundamental Freedoms and the practice of the European Court of Human Rights as a source of law when considering cases.

Further, on the basis of the above documents, in the framework of the UN, Council of Europe and the European Union over the last forty years a whole array of international legal AKLtd was formed, which establishes the standards and criteria that should guide the state in the formation and provision of conditions for the operation of their legal systems, the legislative definition of the foundations of the relationship of the court with legislative and executive authorities, as well as requirements concerning the legal status of judges (Salenko, 2014).

Alongside with international legal acts, which are general standards in their content, the world and European communities have developed and introduced a number of special standards for the organization of judicial power and justice.

One of the first such documents was the Montreal Universal Declaration on the Independence of Justice (1983). The Declaration sets out the purpose and functions of the court. It is emphasized that judges in the administration of justice are free, independent from their colleagues in the court and senior officials, from the executive and legislative bodies of the state. It is announced that the state executive authorities should not control the judicial authorities through the administration of courts, and do not have the authority to close or suspend the activities of courts.

The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Milan from August 26 to September 6, 1985, adopted one of the most significant international standards in the field of justice – the Basic Principles of Judicial Independence (1985), later approved by UN General Assembly Resolutions 40/32 of 19.11.1985 and 40/146 of 13.12.1985.

The Basic Principles emphasize that the independence of the judiciary is guaranteed by the State and is enshrined in the Constitution or laws of the country, and all State and other institutions are obliged to respect and adhere to the independence of the judiciary. In turn, the judicial authorities must decide cases referred to them impartially, on the basis of facts and in accordance with the law, without any restrictions, undue influence, inducement, pressure, threats or interference from any party.

The document specifically stipulates that courts (tribunals) should apply properly established legal procedures, in order to replace the competence of ordinary courts or judicial bodies.

The Principles also focus on ensuring the exclusive competence of courts in matters of justice, issues of qualification, selection and training of judges, conditions of service, keeping professional secrets, ensuring judicial immunity from prosecution, bringing judges to disciplinary liability, removing them from office or dismissing them.

Describing the reflection of the most important principles of justice in international documents, experts rightly note that it is the independence and impartiality of the court that are the cornerstones on which the effective functioning of the judicial system of any State is based. In this regard, every democratic country should implement international standards of independence and impartiality of judges in national legislation, which is enshrined in the basic laws, laws on the judicial system, and in the procedural legislation of States (Yuvchitsa, 2020).

It is no coincidence that the UN Special Report on the Independence of Judges and Lawyers (2019) notes that it was after the adoption of the Basic Principles of Judicial Independence that more than two-thirds of the world's states included the principle of judicial independence in their Constitutions, and a number of other States enshrined this principle in their legislation.

In order to further ensure that UN Member States comply with this fundamental standard, UN Economic and Social Council Resolution 1989/60 adopted and UN General Assembly Resolution 44/162 of 15.12.1989 approved Recommendations on the effective implementation of the Basic Principles of Judicial Independence (International standards for judicial independence, 2008) This document invites States to implement a set of specific measures to adopt and implement the Basic Principles of the country's Constitutional Process and domestic law enforcement practice.

One of the most important international legal documents that contains standards of judicial conduct, morality, integrity and integrity of persons performing judicial functions is the Bangalore Principles of Judicial Conduct (2006), approved by the UN Economic and Social Council Resolution No. 2006/23 of 27.07.2006.

The guidelines aim to set standards for the ethical conduct of judges, and are addressed to judges and judicial authorities, and are designed to promote a better understanding and support for the administration of justice by representatives of

the executive and legislative branches, lawyers, and society at large.

The Bangalore Principles set out six main indicators that should be met by the conduct of a judge, both in the administration of justice and outside the scope of professional duties: 1) independence; 2) objectivity; 3) integrity; 4) compliance with ethical standards; 5) equality; 6) competence and diligence.

As noted by experts of the United Nations Office on Drugs and Crime, the Bangalore Principles were initially applied only as an experiment, but gradually they received increasing recognition from various sectors of the global judicial system and international institutions interested in the integrity of the process. As a result, the Bangalore Principles are increasingly seen as a document that can be accepted unconditionally by all judicial authorities and legal systems. In other words, these principles reflect the high traditions of the functioning of the judicial system that all cultures and legal systems adhere to (Commentary on the Bangalore Principles of Judicial Conduct, 2017).

At the same time, experts rightly point out that it is the Bangalore Principles that for the first time at the international level, emphasize the active role of judges themselves in developing and observing appropriate standards of conduct and performing professional functions, and not only on institutional guarantees of judicial independence. The success of this document is evidenced by its active application by national and international courts (Neshataeva (Ed.), 2011).

It is on the provisions of the Bangalore Principles of Judicial Conduct that the Code of Judicial Ethics (2013) is based on, approved by the XI regular Congress of Judges of Ukraine on 22.02.2013, as evidenced by the text of the Preamble of this document.

The above-mentioned international standards for the organization of the judiciary and justice are of fundamental importance for the administration of justice by any judicial authorities and in any category of cases, including corruption.

The UN Convention against Corruption (2003) is one of the most important international legal standards that contains the principles of organizing the judiciary in the direction of countering criminal corruption.

International experts have repeatedly stressed the vital importance of the UN Convention against Corruption and highlighted the challenges that large-scale corruption poses to an independent judiciary. Corruption undermines the ability of the judiciary to protect human rights and directly or indirectly impedes the performance of judges' professional duties. Furthermore, corruption has a devastating impact on the entire judicial system, as it undermines public confidence in the administration of justice (Independence of judges and lawyers, 2019).

Currently, the UN Convention against Corruption is a universal international legal instrument for combating corruption and one of the international treaties with the largest number of member States. At the same time, the Convention defines the judiciary as one of the most important institutions in preventing and combating corruption (Independence of judges and lawyers, 2019).

The UN Convention against Corruption declares the principle of the organization of the judiciary and the administration of justice, according to which each State, in accordance with the fundamental principles of its legal system and without prejudice to the independence of the judiciary, takes measures to strengthen the integrity of representatives of the judiciary and prevent any possibility of corruption among them. Such measures may include rules on the conduct of members of the judiciary (Article 11(1) of the Convention).

At the same time, the Convention provides for the adoption of a set of measures that are designed to ensure sufficient transparency of courts, prevent conflicts of interest among judges (Article 8), maximize the openness of justice and citizens' access to court decisions (Article 13), and carefully select personnel for the position of a judge (Article 7).

In the administration of justice in corruption-related cases, the Convention directs the courts both to render fair sentences, as well as to prevent corruption crimes and compensate for the damage caused.

In the context of the provisions of Article 36 of the Convention, the possibility of introducing specialized anti-corruption judicial bodies can be considered. The provisions of this article grant the State the right to establish a body or bodies or to appoint persons specialized in combating corruption through law enforcement measures. Such bodies are provided with the independence

necessary for the effective performance of their functions. At the same time, the State provides training for the personnel of such bodies and the financial resources necessary for them to perform their functions.

The beginning of modern European standards in the field of judicial procedure and the status of judges took place in the post-war period and was directly connected with the formation of the Council of Europe and its bodies, with the formation and development of the European Court of Human Rights, the practical activities of the Committee of Ministers of the Council of Europe, the national authorities of the member States of the Council of Europe and other bodies and non-governmental organizations (Potylchak, 2014).

Currently, at the European level, the system of international standards for the organization of the judiciary and justice is formed by the Council of Europe documents adopted by the Committee of Ministers of the Council of Europe, the Parliamentary Assembly of the Council of Europe, the European Commission for Democracy through Law, The Council of Europe Commission on the Effectiveness of Justice, the Advisory Council of European Judges, meetings and conferences held under the auspices of the Council of Europe; decisions, regulations, directives and other normative acts adopted by advisory and expert institutions Of the European Union; international treaties to which the European Union is a party; resolutions of the European Association of Judges.

At the same time, despite the fact that international standards on the judicial system and the status of judges developed under the auspices of the Council of Europe are usually advisory in nature, the member States of the Council of Europe consider it necessary to take into account their provisions in national legislation and practice of organizing and ensuring the activities of the judiciary (Salenko, 2014). States turn to them in order to ensure the effective functioning of the judicial system on their territory, because failure to comply with these standards can lead to sanctions that will be imposed on the State by international organizations (Kochkova & Dey, 2020).

One of the fundamental regional international standards in the field of organization of the judiciary and justice was Recommendation No. (94) 12 "Independence, effectiveness and role of judges" (1994), adopted by the Committee of Ministers of the Council of Europe.

This recommendation was applied to every person who carried out legal proceedings – both professional and public judges (jurors, people's assessors and other persons exercising justice). Analyzing the Recommendation, experts noted that the provisions contained in it were not exhaustive in their content. They clearly stated that the main guarantee of judicial independence on the part of the State is the consolidation of general principles of judicial independence and ensuring proper justice at the constitutional level and in other legislative acts, primarily through the implementation of international (standard) principles of the national legal system, taking into account national traditions (Kravchik, 2015).

It should be noted that international standards of judicial power are not only established in the necessary documents, but also developed and updated. Due to the fact that Recommendation No. (94) 12, in the opinion of the Council of Europe, needed a significant update, a new Recommendation was adopted instead SEE/Rec 12 of the Committee of Ministers of the Council of Europe to Member States concerning judges: independence, effectiveness and responsibilities (2010).

As is rightly noted in the literature, this particular recommendation paid more attention to the standards of judicial independence, both external and internal, defining the level at which it should be guaranteed; drew attention to judicial self-government bodies, in particular the council of judges, as well as to the effectiveness and resources of the judiciary; provided additional standards for the status of judges in the aspects of selection and promotion, tenure and immutability, remuneration and training of judges; established provisions on duties and obligations, as well as ethics of judges (Bobkova, 2015).

For a separate Recommendation, see Rec 12 (2010) Emphasizes that the independence of the judiciary guarantees every citizen the right to a fair trial and is therefore not a privilege of judges, but a guarantee of respect for human rights and fundamental freedoms, which allows everyone to feel confidence in the judicial system.

An important document adopted under the auspices of the Council of Europe is the European Charter on the Law "On the Status of Judges" (1998).

This document contains a set of provisions of a recommendatory nature regarding the legal

provision of the status of judges and guarantees of their independence.

Highly appreciating the Charter, scholars note that the document aims at European countries to determine the independence of judges in the internal national system of law by constitutional standards. It is stated that the Charter pays special attention to the balance of judicial, executive and legislative power. The Charter contains a number of recommendations regarding the selection of candidates for the position of judges, their appointment to the post, providing for the creation of an independent institution that would consider these issues freely and impartially, and its members would be able to objectively assess the level of training of a candidate for the position of a judge (Kravchik, 2015).

Developments of the Advisory Council of European Judges play a significant role in shaping European standards of justice and the legal status of professional judges. In accordance with its status, the Advisory Council prepares its own conclusions in the field of regulatory regulation of justice, the activities of the judiciary and the status of judges, addressed to the Committee of Ministers of the Council of Europe (Potylchak, 2014).

Taking into account the standards developed in the Council of Europe system, the Opinion No. 1 of the Advisory Council of European Judges for the Committee of Ministers of the Council of Europe on standards for the independence of the judiciary and the irremovability of judges (2001) occupies an important place.

The Conclusion defines the independence of the judiciary as the main condition for ensuring the rule of law and the fundamental guarantee of a fair trial. The Advisory Council of European Judges believes that the basic principles of independence and the judicial system should be enshrined at the constitutional or other highest possible legal level in all member States of the Council of Europe, and more specific rules – at the legislative level.

With regard to the international legal instruments containing provisions directly relating to the foundations and principles of anti-corruption activities of the judiciary and status of judges of the anti-corruption courts, and those that are primarily Conclusion 15 (2012) the Consultative Council of European judges in relation to the specialization of judges (adopted at the 13th plenary meeting CRS, Paris 06.11.2012), as well as a number of documents (reports,

presentations) The European Commission for Democracy through Law (Venice Commission).

Conclusion 15 (2012) contains a definition according to which a specialized judge is a judge who works with a limited area of law or considers cases that relate to certain situations that arise in special areas.

Emphasizing the dominant role of general courts, the Conclusion states that specialized judges and / or courts are a well-established phenomenon in the Council's member countries Europe. Specialization exists and has acquired many varieties, including the establishment of specialized chambers in existing courts or the formation of separate specialized courts.

The document draws attention to the number of advantages and specializations, including, in particular, the competence of a judge in certain areas, unity in court decisions and legal certainty, a multidisciplinary approach to solving legal issues, efficiency and efficiency of case handling.

Along with emphasizing these advantages, the Conclusion contains an indication of possible limitations and reservations of specialization. Thus, the risks of specialization, in particular, are identified: isolation of specialized judges from the main judicial body; slowing down the evolution of case law; isolation of specialized judges from legal realities in other areas and undermining the principle of legal unity; insufficient flexibility; excessive convergence of judges, lawyers and prosecutors in the relevant specialized field; difficulty in accessing justice through the concentration of specialization within one court for the whole country or for one region; provision of specialized courts with material resources and personnel that are inaccessible to other courts.

The Conclusion stipulates that specialized courts, like all others, must take into account the requirements of independence and impartiality, as well as other conditions of justice, including: access to a court; the right to a fair trial; the right to a trial within a reasonable time. At the same time, specialization can never be an obstacle to ensuring the requirements for the quality of court decisions, which every judge must take into account.

It is also emphasized that the general rules of procedure should be applied in specialized courts as a whole. Special procedural rules are

permissible only if they satisfy one of the needs that led to the creation of a specialized court.

An important caveat is that providing specialized courts with adequate human, administrative and material resources should not harm other courts that are entitled to the same conditions of access to these resources.

The conclusion allows the introduction of specialization in various ways: These can be either specialized courts that are separate from the general organization of the judicial system, or specialized courts or chambers (divisions) that are part of the general judicial system.

Also important is the provision that the treatment of specialized judges should correspond to the treatment of general judges. That is, the legislation that regulates the procedure for appointment, tenure, promotion, immutability and discipline of a judge should be the same for both specialized and judges. Accordingly, the Advisory Council of European Judges does not support the creation of different judicial bodies or systems for separate specialization, which may lead to different rules for different judges.

The Advisory Board believes that the principle of equal status for general and specialized judges should also apply to judicial remuneration. However, the Conclusion contains a caveat that additional salary or remuneration may be justified if the specifics of the specialized judge's activities or the burden of his responsibility require such compensation.

The rules of ethics, as well as criminal, civil and disciplinary liability of both general and specialized judges should not differ. Finally, as defined in *isnovku*, specialization in itself does not justify defining the work of a specialized judge as more significant.

The European Commission for Democracy through Law (Venice Commission) is an important international organization that formulates European democratic standards for justice and the functioning of an independent judicial branch of government.

Its competence includes expert evaluation of draft constitutions and other legislative acts of States, providing advice in the implementation of constitutional reforms. The Commission has prepared a number of important reports and conclusions concerning both the general standards of functioning of the judiciary and the administration of justice, and the need to comply

with them during the introduction of a specialized anti-corruption court in Ukraine.

Among the documents of the Venice Commission, which contain references to the standards of implementation of the anti-corruption court in Ukraine, it is necessary first of all to indicate:

- Conclusion of CDL-AD 020 (2017) concerning the draft law on anti-corruption courts and the draft law on amendments to the law "On the Judicial System and Status of Judges" (concerning the introduction of mandatory specialization of judges in the consideration of corruption and corruption-related offenses) of 07.10.2017;
- Conclusion from DL 027 (2019) regarding amendments to legislative acts that regulate the status of the Supreme Court and judicial self-government bodies dated 07.12.2019.

These documents contain instructions on the need to ensure an appropriate procedure for the selection and appointment of judges of anti-corruption courts, compliance with the principles of unity of judicial power and a single status of judges, compliance with certain rules of jurisdiction, the structure of courts, and the procedure for appealing their decisions.

Attention was drawn back to the specifics of attracting the public and representatives of international and foreign donors, and a reservation was made regarding the establishment of a special self-government regime for judges of anti-corruption courts.

The Commission assessed the need for Ukraine to create a specialized anti-corruption court and, in general, the need to ensure this type of judicial specialization. In general, the Venice Commission approved the idea of introducing an anti-corruption court in Ukraine and expressed its readiness to continue providing assistance to the Ukrainian authorities on this issue.

The issue of the legality of involving international experts in the process of forming the Supreme Anti-Corruption Court was raised separately in the conclusion with DL 027 (2019). In paragraph 24 of the opinion, the Venice Commission referred to its previous conclusions that temporarily international organizations and funding organizations (donors) that actively support anti-corruption programs in Ukraine should be given a decisive role in the body that is competent to select specialized anti-corruption courts. At the same time, the Commission made

a reservation that such bodies should be established during the transition period to achieve the planned results, since the permanent existence of such a system may violate the issue of constitutional sovereignty.

Certain indications on the possibility of introducing judicial specialization for dealing with corruption-related cases are contained in the Twenty-five principles of the struggle against Corruption (1997), approved in Resolution (97) 24 of the Committee of Ministers of the Council of Europe (1997). Thus, principles 3 and 7 ensure that those responsible for preventing, investigating, prosecuting and adjudicating corruption crimes enjoy the independence and autonomy appropriate to their functions, and are free from undue influence. In their turn, States are obliged to promote the specialization of persons and bodies engaged in combating corruption and to provide them with the appropriate means and training to carry out their tasks.

The European Court of Human Rights was also concerned with the legality of the functioning of the anti-corruption Court (for example, Slovakia, where the anti-corruption court was first introduced back in 2003).

Thus, in the case of "Run vs. Slovakia" (2011), the European court of Human Rights noted that Article 6 of the European Convention on Human Rights concerning the right to a fair trial, independent and impartial Tribunal established by law, cannot be interpreted as prohibiting the creation of specialized criminal courts, if it is stipulated in the law. The Court had no objection to the concept of the Slovak court, which at that time had criminal jurisdiction over certain officials and substantive jurisdiction over cases involving corruption, organized crime and other serious crimes. The Court recognized that the fight against corruption and organized crime may require specialized measures, procedures and institutions.

Conclusions concerning the conformity of judicial specialization with the provisions of Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms are also contained in the case of *Erdem v. Germany* (1999) (Conclusion of CDL-AD 020, 2017).

This list of international documents is certainly not exhaustive. As noted in the literature, there are more than a hundred documents of the Council of Europe in the field of legal proceedings alone (Buravlev, 2020). Cistematics



in part of these documents are presented in the Report of Venice Commission CDL-JD 002 "European standards in the field of judicial proceedings-a systematic review" (2008).

It is rightly noted in the literature that following the relevant standards of the Council of Europe and other reputable international organizations is not only a legal, but also a moral duty of the state, the fulfillment of which indicates the readiness to accept and adopt the best European values and affects the determination of the country's place in the international arena (Ovcharenko, 2013).

We should also agree that the mechanisms for bringing national legal systems closer to European norms and standards should be more widely applied to the so – called "young democracies" – post-socialist states that have embarked on the path of democratic development and still do not have proper democratic traditions (Salenko, 2014). This fully applies to Ukraine, where the anomie in the behavior of citizens, a special psychological state, the recognition of the permissibility and permissibility of corruption, and their impunity are legalized by the legal culture (Tsytriak, Kalinina & Hurina, 2020).

Ukraine's commitment to international standards of independence and impartiality of the court is the key to the effective implementation of a number of legal reforms that are taking place in Ukraine, especially in the field of judicial proceedings (Yuvchitsa, 2020).

## Conclusions

The United Nations, The Council of Europe and other international institutions have established a well-developed system of international legal standards in the field of judicial proceedings and the status of judges, including those that apply to the activities of specialized anti-corruption judicial institutions.

Broad implementation of national legislation and consistent use of international and European standards in law enforcement practice will help restore citizens' confidence in the judicial system, strengthen the authority of the judiciary, establish high criteria of competence, professional ethics and integrity, and effectively implement a specialized anti-corruption court in Ukraine.

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