RESILIO ACCESS
Country Report
Ukraine

Karyna Penska

iep Institut für Europäische Politik

IDSCS | Institute for Democracy Societas Civilis -Skopje

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1. Introduction

When Ukraine gained independence in 1991, it inherited a judiciary from the Soviet system that was institutionally dependent and accustomed to serving power rather than constraining it. For two decades, the rule of law remained the weakest element of an otherwise pluralistic political system. Under President Viktor Yanukovych (2010–2014), this weakness was deliberately deepened. A 2010 Constitutional Court ruling restored sweeping presidential powers, loyalists were installed in key courts and the judiciary was converted into an instrument of political control – culminating in court bans on peaceful assembly during the 'Revolution of Dignity' of 2013–2014.[1]

The revolution made justice a central demand of Ukraine's transformation and initiated the most consequential period of rule-of-law reform in the country's history. Between 2014 and 2019, Ukraine built an entirely new anti-corruption architecture – the National Anti-Corruption Bureau of Ukraine (NABU), the Specialised Anti-Corruption Prosecutor's Office (SAPO), the National Agency on Corruption Prevention (NACP) and the High Anti-Corruption Court (HACC) – and launched successive waves of judicial reform. However, the first wave largely failed; broad self-governance was granted to an unreformed judicial corps before its integrity had been addressed. Qualification assessments of judges in 2016–2019 resulted in the dismissal of only around 0.5 percent of judges,[2] while roughly a quarter of the judges appointed to the "new" Supreme Court in 2017 had received negative integrity opinions from the Public Integrity Council, a civic vetting body.[3] The breakthrough came through an institutional innovation – granting independent experts nominated by international partners a decisive role in judicial selection. This model was first applied during the selection of HACC judges in 2018–2019; no candidate with serious integrity concerns was appointed.[4] The model was subsequently extended to

[1] Mykhailo Zhernakov, Інструкція з гігієни в судовій системі (A Hygiene Manual for the Judicial System), ARC.UA, 2026, https://arc.ua/instruktsiia-z-hihiieny-v-sudoviy-systemi (last checked: 23.07.2026).
[2] DEJURE Foundation, CPLR, Automaidan, Qualification assessment of judges: summary of interim results (as of April 1, 2019), DEJURE Foundation. https://pravo.org.ua/en/books/qualification-assessment-of-judges-summary-of-interim-results-as-of-april-1-2019-2/ (last checked: 23.07.2026).
[3] DEJURE Foundation, Establishment of the New Supreme Court: Key Lessons, https://dejure.foundation/en/establishment-of-the-new-supreme-court-key-lessons/ (last checked: 23.07.2026).
[4] DEJURE Foundation, Formation of the High Anti-Corruption Court: short summary, https://dejure.foundation/en/formation-of-the-high-anti-corruption-court-short-summary/ (last checked: 23.07.2026).

the reform of the judicial governance bodies – the High Council of Justice (HCJ) and the High Qualification Commission of Judges (HQCJ) – and to the Constitutional Court.

Paradoxically, Russia's full-scale invasion of February 2022 accelerated the pace of reform. Ukraine received European Union (EU) candidate status in June 2022, together with a list of seven priorities,[5] the first two of which concerned the reform of the Constitutional Court judicial selection and the completion of the HCJ and HQCJ reform. By late 2023, the European Commission recorded good progress on judicial governance reform. Accession negotiations were formally opened in June 2024; on 15 June 2026, the first negotiating cluster, Fundamentals, was opened.

Ukraine ranks 90th of 143 countries in the World Justice Project (WJP) Rule of Law Index 2025, but the profile behind the aggregate is revealing. Ukraine performs comparatively well on Open Government (51st), Fundamental Rights (63rd) and Civil Justice (69th), and worst on Absence of Corruption (117th)[6]. Transparency International's Corruption Perceptions Index shows the same trend over time; Ukraine gained 11 points in the decade after the Revolution of Dignity – the largest improvement among EU candidate countries – but has plateaued at 35–36 points since 2023.[7] Freedom House classifies Ukraine as a "transitional or hybrid regime", but raised its judicial framework rating in 2024 precisely because the reformed HCJ and HQCJ had unblocked the vetting and appointment of judges.[8] Domestic perceptions remain stark. As of mid-2026, 74 percent of Ukrainians do not trust the courts, while 83 percent insist that judicial reform must continue, despite the war.[9]

These figures point to the defining trend of the past decade – rule-of-law development in Ukraine has been real but contested and non-linear. Advances have occurred when two forces have converged: sustained pressure from an exceptionally mobilised civil society and clear, enforceable conditionality

[5] Sergiy Sydorenko, Seven Steps for Ukraine's EU Future. How Does Kyiv Implement Brussels' Checklist?, https://www.eurointegration.com.ua/eng/articles/2023/02/1/7155269/ (last checked: 23.07.2026).
[6] World Justice Project, Rule of Law Index 2025: Ukraine, 28 October 2025, https://worldjusticeproject.org/rule-of-law-index/country/2025/Ukraine (last checked: 23.07.2026).
[7] Transparency International Ukraine, Corruption Perceptions Index 2025, 10 February 2026, https://ti-ukraine.org/en/research/corruption-perceptions-index-2025/ (last checked: 23.07.2026).
[8] Freedom House, Nations in Transit 2024: Ukraine, https://freedomhouse.org/country/ukraine/nations-transit/2024 (last checked: 23.07.2026).
[9] DEJURE Foundation, Most Ukrainians Support Continuing Judicial Reform Despite Wartime Challenges, New Survey Finds. https://dejure.foundation/en/most-ukrainians-support-continuing-judicial-reform-despite-wartime-challenges-new-survey-finds/ (last checked: 23.07.2026).

from international partners. Rollbacks have followed whenever either force weakened. The July 2025 attempt to dismantle the independence of NABU and SAPO[10] – reversed within nine days under pressure from wartime street protests and EU objections – was the starkest demonstration of this model.[11]

Our analysis examines Ukraine's progress through the RESILIO-ACCESS model: constraints on government powers as its most important primary resilience resource (2.1), civil society as the most important subsidiary resource (2.2) and corruption and clientelism weaponised by Russia as an instrument of hybrid aggression as the most pressing stressor (2.3), before assessing the effect of the EU accession process (3).

2. Analysis of the country case along the RESILIO-ACCESS model

2.1 The most important primary resilience resource: Constraints on Government Powers

Of the primary resilience resources of the RESILIO-ACCESS model, the most important for Ukraine is constraints on government powers. Not because they are the strongest element of its rule of law, but because they are the element on which everything else has come to depend, and the one Ukraine has had to build almost from scratch. In the World Justice Project Rule of Law Index 2025, Ukraine ranks 102nd of 143 countries on this subfactor of the Rule of Law Index – below its scores for open government or fundamental rights.[12] But the trend is important. Before 2014, formal constraints existed on paper, but the institutions meant to enforce them had been captured. The leadership of the District Administrative Court of Kyiv (DACK) was installed under Viktor Yanukovych in 2010. It banned peaceful assemblies during the Revolution of Dignity, blocked reforms for years and, as Ukraine's security officials later confirmed, was preparing the legal grounds for reinstating Yanukovych as president had Russian forces captured Kyiv in 2022.[13] A judiciary of this kind does not constrain executive power.

[10] Stanislav Pohorilov, Ukrainian Parliament moves to end independence of anti-corruption agencies, Ukrainska Pravda, 22 July 2025, https://www.pravda.com.ua/eng/news/2025/07/22/7522897/ (last checked: 23.07.2026).
[11] Mykhailo Zhernakov, Karyna Hasymova, Ukrainische Justizreformen im Krieg: Fortschritte, Herausforderungen und warum dies für Europa von Bedeutung ist 17 April 2026, https://laender-analysen.de/ukraine-analysen/330/ukraine-justizreformen-im-krieg-fortschritte-herausforderungen-bedeutung-fuer-europa/ (last checked: 23.07.2026).
[12] World Justice Project, Rule of Law Index 2025: Ukraine.
[13] NV.ua, Danilov recalled how the DACK planned to "return" Yanukovych to Ukraine after February 24, https://nv.ua/ukr/ukraine/politics/oask-povinen-buv-povernuti-yanukovicha-pislya-vtorgnennya-rosiji-zayava-danilova-50290721.html (last checked: 23.07.2026).

The decisive innovation that turned constraints into function was integrity-based judicial selection, with a prominent role for independent experts nominated by international partners. The mechanism addresses the core pathology of post-Soviet judicial systems – *self-reproduction*, whereby an unreformed corps selects its own successors and neutralises accountability from within. The Council of Europe standard – that not less than half the members of judicial councils (and of the bodies deciding on judicial selection and careers) should be judges chosen by their peers – was designed to shield courts from political interference in consolidated democracies.[14] Transplanted into Ukraine in 2016 without prior integrity-screening of the judicial corps, it produced the opposite of cleansing[15]; control over appointments passed from political bodies to a corps whose own integrity had never been addressed, reducing external interference while entrenching corporate solidarity within. The Venice Commission acknowledged the risk,[16] noting in its 2019 opinion on Ukraine that a mixed national-international composition of selection bodies fosters public trust and may help to overcome problems of corporatism.

When the High Anti-Corruption Court was formed in 2018–2019, the Public Council of International Experts was given an effective veto over candidates with integrity concerns. Around 80 percent of the candidates whose integrity was in doubt were excluded, and not a single judge with serious integrity reservations was appointed.[17] The results validated the design; by mid-2025, the HACC had delivered 294 verdicts in high-level corruption cases in under six years – compared with 33 such verdicts in the four years before its creation.[18] For the first time in Ukraine's history, an institution existed that could impose legal consequences on the most powerful.

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[14] Council of Europe, Judges: independence, efficiency and responsibilities. Recommendation CM/Rec(2010)12 and explanatory memorandum, 17 November 2010.

[15] Michal Bobek, David Kosar, Global Solutions, Local Damages: A Critical Study in Judicial Councils in Central and Eastern Europe, January 2013, https://www.researchgate.net/publication/272221543_Global_Solutions_Local_Damages_A_Critical_Study_in_Judicial_Councils_in_Central_and_Eastern_Europe (last checked: 23.07.2026).

[16] Venice Commission, Ukraine – Opinion on Amendments to the Legal Framework Governing the Supreme Court and Judicial Governance Bodies, CDL-AD(2019)027, 9 December 2019, para. 22, https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2019)027-e (last checked: 23.07.2026).

[17] DEJURE Foundation, Formation of the High Anti-Corruption Court: short summary, https://dejure.foundation/en/formation-of-the-high-anti-corruption-court-short-summary/ (last checked: 23.07.2026).

[18] HACC, Dynamics of consideration of criminal proceedings by the HACC, https://hcac.court.gov.ua/hcac/pres-centr/news/1854629/ (last checked: 23.07.2026).

The model was then extended to the "HR departments" of the judiciary itself – the High Council of Justice and High Qualification Commission of Judges. In 2021, two vetting bodies were created – the Ethics Council and the Selection Commission, each combining three Ukrainian and three international members with a casting vote for the latter. These were intended to reform the High Council of Justice (HCJ), responsible for appointing, disciplining and dismissing judges, and the High Qualification Commission of Judges (HQCJ), responsible for selection and vetting. Anticipating that they could not survive, most members of the old HCJ resigned in early 2022, accelerating the renewal.[19]

The reformed bodies have since begun doing what their predecessors refused to do. The HCJ dismissed Pavlo Vovk, the former DACK head and the country's most notorious symbol of judicial impunity, in March 2025. From January–October 2025 it dismissed 28 judges for disciplinary offences and a further ten following qualification assessment.[20] The new Service of Disciplinary Inspectors, itself selected with international participation, opened 225 disciplinary cases in its first six months.[21] Since restarting qualification assessment in late 2023, the HQCJ has assessed 297 judges, recommending 51 for dismissal.[17] The Constitutional Court, whose 2020 attack on the e-declaration system had triggered a constitutional crisis,[22] received a new competitive selection procedure through the Advisory Group of Experts – four judges have been appointed under it.

The stress test of this rebuilt architecture came in July 2025. Following raids on the National Anti-Corruption Bureau by unreformed law-enforcement bodies, parliament passed Law No. 4555 within a single day. This dismantled the independence of NABU and the Specialised Anti-Corruption Prosecutor's Office. Nine days later, under the pressure of the first wartime street protests and firm EU objections, parliament reversed the bill by 331 votes.[23] The constraint mechanism did not merely

[19] DEJURE Foundation, Judicial reform in action: most members of the High Council of Justice have resigned, https://dejure.foundation/en/m2ec3xumi1-judicial-reform-in-action-most-members-o/ (last checked: 23.07.2026).
[20] DEJURE Foundation, Rule of law, justice, and fundamental rights in Ukraine. Shadow Report 2025, https://dejure.foundation/en/rule-of-law-justice-and-fundamental-rights-in-ukraine-shadow-report-2025/ (last checked: 23.07.2026).
[21] High Council of Justice, Almost 200 judges dismissed during January–October 2025, https://hcj.gov.ua/news/mayzhe-200-suddiv-zvilneno-protyagom-sichnya-zhovtnya-2025-roku (last checked: 23.07.2026).
[22] DEJURE Foundation, Two wrongs won't make a right: fixing Ukraine's constitutional court, https://dejure.foundation/en/two-wrongs-wont-make-it-right/ (last checked: 23.07.2026).
[23] Zhernakov, Hasymova, Ukrainische Justizreformen im Krieg, 2026.

survive; it subsequently demonstrated reach unthinkable a decade earlier. Evidence from the NABU investigation into energy-sector corruption[24] precipitated the dismissal of the powerful Head of the Presidential Office in November 2025. In June 2026, the High Anti-Corruption Court sentenced former Supreme Court Chief Justice Vsevolod Kniaziev to five years' imprisonment, with confiscation of assets.[25] The Supreme Court's Grand Chamber, meanwhile, upheld the dismissal of Pavlo Vovk.[26]

The precondition for this resource is clear; constraints hold only as long as the integrity of the selection mechanism holds. The international experts' mandate in the HQCJ Selection Commission expired on 1 June 2025 and has not been renewed. In August 2026, the Council of the EU approved amendments to the Ukraine Facility and the related Ukraine Plan, providing a benchmark for the adoption of a law that should return independent international experts to the HQCJ Selection Commission by Q4 2026. At the same time, the mandates of international experts in other commissions carry sunset clauses expiring between 2026 and 2029.[27] Should selection revert to nominations by unreformed bodies, the same institutions that now constrain power would, within one appointment cycle, be repopulated by those they were built to constrain.

Other primary resources play a supporting role. Open government is Ukraine's strongest factor in comparative terms (51st globally); the restored e-declaration system, open registers and the broadcast of judicial selection interviews create the transparency on which both vetting and civic oversight depend. Fundamental rights have proven comparatively resilient, despite martial law (63rd). By contrast, rule-of-law history remains a liability rather than a resource, and judicial expenditure is strained; with over 2,000 judicial vacancies and severe workloads, the system's capacity (as the European Commission noted in 2025) lags behind its integrity agenda.[28] As a transferable good practice, the Ukrainian selection model with a decisive international vote has already informed regional debates.

[24] NABU, Operation "Midas": high-level criminal organisation operating in energy sector exposed, https://nabu.gov.ua/en/news/operatciia-midas-vykryto-vysokorivnevu-zlochynnu-organizatciiu-shcho-diiala-u-sferi-energetyky/ (last checked: 23.07.2026).
[25] Lesya Dubenko, EXPLAINED: Ukraine Opens EU Talks With Justice System Still Mired in Power Struggle, Kyiv Post, https://www.kyivpost.com/post/78858 (last checked: 23.07.2026).
[26] DEJURE Foundation, Vovk finally dismissed from the position of judge, https://dejure.foundation/en/vovk-finally-dismissed-from-the-position-of-judge/ (last checked: 23.07.2026).
[27] DEJURE Foundation, Shadow Report on Judicial Reform in Ukraine (September 2024 – August 2025), 2025, https://dejure.foundation/en/rule-of-law-justice-and-fundamental-rights-in-ukraine-shadow-report-2025/ (last checked: 23.07.2026).
[28] European Commission, Ukraine 2025 Report, SWD(2025) 759 final

The Venice Commission, drawing on the same logic, recommended a temporary extraordinary vetting mechanism for Moldova's judiciary, acknowledging that guarantees of independence granted to an unvetted corps in transitional systems entrench the very problem they are meant to solve.[29]

2.2 The most important subsidiary resilience resource: Civil Society

If constraints on government powers are the institutional core of Ukraine's rule-of-law resilience, civil society is the environment that built that core. With national elections impossible and peaceful assembly restricted due to martial law, the ordinary democratic feedback loop between citizens and power is largely switched off. In this setting, an exceptionally mobilised civic sector (alongside EU conditionality) has become the de facto crucial part of a system of checks and balances. No other subsidiary resource in the RESILIO-ACCESS model carries comparable weight in the Ukrainian case.

The historical perspective explains why. Modern Ukrainian civil society and modern Ukrainian judicial reform share a founding moment – the Revolution of Dignity of 2013–2014, in which courts served the apparatus of repression and justice became a revolutionary demand. What distinguishes Ukraine from most transitional states is that this mobilisation did not dissipate after the barricades came down – it institutionalised. The Public Integrity Council (PIC) was created in 2016 as a statutory body of civic activists, journalists and scholars, mandated to vet judges and judicial candidates for integrity. The PIC turned civic scrutiny from commentary into procedure; its opinions form part of every qualification assessment, and since the relaunch of vetting in late 2023, the reformed High Qualification Commission of Judges has agreed with roughly 43 percent of them as of 2025.[30] Precisely because it cannot be controlled, the PIC has been a permanent target of attacks from both the old judicial elites and political actors.[31]

Civil society's contribution to resilience operates through three further mechanisms. The first is mass mobilisation at moments of acute threat. When the Constitutional Court struck down the e-declaration system in October 2020, street protests helped force the political system to treat the ruling as a crisis rather than a fait accompli. In July 2025, when parliament dismantled the independence of the anti-

[29] Venice Commission, Opinion on the Judicial Reform of Moldova, CDL-REF(2019)031.
[30] DEJURE Foundation, Shadow Report 2025.
[31] Mykhailo Zhernakov, Iaroslav Kuzyshyn, Nestor Barchuk, Judicial reform in Ukraine: successes, challenges, and future priorities. https://www.batory.org.pl/wp-content/uploads/2024/11/Reforma-wymiaru-sprawiedliwosci-w-Ukrainie_ENG.pdf (last checked: 23.07.2026).

corruption agencies within a single day, Ukrainians – led predominantly by the young – staged the first mass protests of the full-scale war, despite air alarms and legal restrictions on assembly. Within nine days the law was reversed.[32] The episode demonstrated that even under martial law, the cost of open reform rollback remains prohibitively high – a deterrent function that operates continuously, not only when crowds are visible.

The second mechanism is expert advocacy and coalition-building. Ukrainian rule-of-law organisations do not merely protest – they draft. The two-step model for Supreme Court renewal was developed by civil society experts and reform-minded judges.[33] Shadow reports submitted directly for the European Commission's annual assessments and coalition appeals translate civic demand into negotiating positions. In February 2026, more than 50 organisations called on the Commission to tie the 30 billion euro budget-support component of the new Ukraine Support Loan to concrete rule-of-law benchmarks.[34] In July 2026, a joint NGO statement urged the President, parliament and Congress of Judges to fill the Constitutional Court's vacancies from the ranked lists already produced by competitive selection.[35] This is a distinctive feature of the Ukrainian model; civil society acts as co-author of conditionality, sharpening vague requirements into verifiable ones – and thereby reinforcing the international leverage analysed in Section 3.

The third mechanism is investigative journalism, which repeatedly supplies the factual predicate for accountability. Journalists revealed the Russian citizenship[36] of senior Supreme Court judges and documented the assets that judicial declarations concealed. It was the publication of the ‘Vovk’s

[32] Zhernakov, Hasymova, Ukrainische Justizreformen im Krieg, 2026.
[33] DEJURE Foundation, Reforming the Supreme Court: Ukraine’s top priority for judicial integrity and European integration, https://dejure.foundation/en/reforming-the-supreme-court-ukraines-top-priority-for-judicial-integrity-and-european-integration/ (last checked: 23.07.2026).
[34] DEJURE Foundation, 50+ Ukrainian civil society organisations appeal. https://dejure.foundation/en/50-ukrainian-civil-society-organisations-appeal-strong-eu-conditionality-for-reinforcing-ukraines-resilience-and-defence/ (last checked: 23.07.2026).
[35] DEJURE Foundation, NGOs call on the President and the Verkhovna Rada to urgently fill vacancies in the Constitutional Court of Ukraine. https://dejure.foundation/en/ngos-call-on-the-president-and-the-verkhovna-rada-to-urgently-fill-vacancies-in-the-constitutional-court-of-ukraine/ (last checked: 23.07.2026).
[36] Ekaterina Ludvik, SSU confirmed Russian citizenship of deputy chairman of Supreme Court https://censor.net/en/n3371152 (last checked: 23.07.2026).

tapes'[37] that transformed the District Administrative Court of Kyiv from an open secret into a national scandal ending in the court's liquidation.[38]

Sociological evidence confirms that this activism rests on broad societal demand rather than a narrow activist stratum. In May–June 2026, 74 percent of Ukrainians did not trust the courts – yet 83 percent insisted that judicial reform should continue despite the war, 65.5 percent supported EU and international pressure on their own government to implement reforms and 66 percent doubted that reforms would continue without such external leverage.[39] Distrust of courts coexists not with apathy but with vigilance, and citizens consciously endorse the civic–international tandem as a corrective to their own state's inertia.

The precondition for this resource is the preservation of civic space. Here, some developments give grounds for concern. In 2025 a parliamentary Temporary Investigative Commission, initially created to examine corruption in the justice system, turned its sessions into public interrogations of PIC and HQCJ members. The European Commission explicitly warned that such oversight must not undermine trust in anti-corruption institutions.[40] Criminal cases and searches have targeted prominent anti-corruption activists, and a law adopted in 2025 – not yet signed – would penalise publicly identifying a lawyer with their client, a provision that could be deployed against journalists and watchdogs.[41] The WJP index records shrinking civic freedoms in Ukraine, as in most of the world.[42] Civil society remains strong, but it is being tested.

Among other subsidiary resources, unbiased media is the closest complement. Ukraine's investigative sector is among the strongest in the region, though wartime consolidation of broadcast news warrants

[37] Oleg Sukhov, Vovk tapes reveal corruption as lifeblood of Ukrainian law enforcement. https://archive.kyivpost.com/ukraine-politics/vovk-tapes-reveal-corruption-as-lifeblood-of-ukrainian-law-enforcement.html (last checked: 23.07.2026).

[38] M. Zhernakov, Інструкція з гігієни в судовій системі (A Hygiene Manual for the Judicial System).

[39] DEJURE Foundation, Most Ukrainians Support Continuing Judicial Reform Despite Wartime Challenges, New Survey Finds, https://dejure.foundation/en/most-ukrainians-support-continuing-judicial-reform-despite-wartime-challenges-new-survey-finds/ (last checked: 23.07.2026).

[40] DEJURE Foundation, Shadow Report on Judicial Reform in Ukraine (September 2024 – August 2025), 2025, https://dejure.foundation/en/rule-of-law-justice-and-fundamental-rights-in-ukraine-shadow-report-2025/ (last checked: 23.07.2026).

[41] Olga Kovalska, Mykhailo Zhernakov, A step to the left, a step back: six blows to justice reform, ZN.ua, December 2025. https://zn.ua/ukr/reforms/krok-vlivo-krok-nazad-shist-udariv-po-reformi-pravosuddja.html (last checked. XX.XX.2026).

[42] World Justice Project, Rule of Law Index 2025: Ukraine

monitoring. Electoral democracy, by contrast, is the resource the war has placed in abeyance – its suspension is precisely what magnifies civil society's role. Public deliberation and citizen participation persist in adapted forms, from e-petitions to consultation mechanisms. As a transferable good practice, the PIC model of statutory civic participation in judicial vetting offers accession candidates a replicable mechanism for converting civic energy into institutional oversight.

2.3 The most important stressor: Corruption and Clientelism

Among the stressors of the RESILIO-ACCESS model, the most pressing for Ukraine is not the most visible one. Russia's armed aggression is the defining fact of Ukrainian life, but as a stressor of the rule of law it cannot be influenced by any reform. Corruption and clientelism are actionable — and, critically, they are the interface through which external aggression penetrates the legal system from within. Corruption is Ukraine's weakest rule-of-law factor by a wide margin; in the WJP Rule of Law Index 2025 the country ranks 117th of 143 on Absence of Corruption, its worst score across all eight factors.[43] It is also the stressor that most directly targets the two resources analysed above.

The historical perspective shows a stressor that predates the state itself. The post-Soviet judiciary operated on informal loyalty rather than law, bound by a system of mutual cover-up in which disciplinary mechanisms switch off for the loyal and switch on against the independent. Under Yanukovych, this pathology was organised into a governing technique. Loyalists were installed in key courts and judicial clans traded rulings for political and financial benefit. The archetypes were the District Administrative Court of Kyiv, described in section 2.1, and the Pechersk District Court of Kyiv, whose readiness to authorise politically convenient detentions gave Ukrainian public discourse the term "Pechersk justice".[44] Even the constitutional crisis of October 2020 – the Constitutional Court's demolition of the e-declaration system – was initiated by a submission of 48 parliamentarians drawn largely from pro-Russian remnants of the old regime.[45]

Since 2022, the stressor has operated through three mutually reinforcing mechanisms. The first is institutional entrenchment, with the Supreme Court as its stronghold. Over 51 percent of sitting

[43] World Justice Project, Rule of Law Index 2025: Ukraine
[44] Zhernakov, Інструкція з гігієни в судовій системі (A Hygiene Manual for the Judicial System),
[45] Zhernakov, Інструкція з гігієни в судовій системі (A Hygiene Manual for the Judicial System),

Supreme Court judges have documented integrity concerns,[46] a legacy of the manipulated 2017 selection.[47] In 2023 the Court's own Chief Justice, Vsevolod Kniaziev, was arrested over a 2.7 million US dollar bribe. Investigators documented a "back office" connecting the Court's leadership with litigants seeking favourable rulings – a criminal network implicating judges of the Grand Chamber itself.[48] Beyond individual corruption, the Court has produced entire categories of rulings that dismantle accountability; eroding the HQCJ's vetting powers, overriding the HCJ's disciplinary discretion, legitimising "honourable resignations" that let judges escape assessment with lifetime benefits and setting precedents under which undeclared assets carry no consequences.[49]

The second mechanism is the counterattack through unreformed institutions. In spring 2025, as the HQCJ prepared to assess judges of the Pechersk court and the remnants of DACK, the State Bureau of Investigation opened criminal proceedings against HQCJ members and searched the Commission's premises.[50] In July 2025 the same configuration – unreformed law enforcement plus a compliant first-instance court – produced the detention of a NABU detective investigating energy-sector corruption and, within a day, Law No. 4555 stripping the anti-corruption agencies of independence. A parliamentary Temporary Investigative Commission converted oversight into public intimidation of vetting bodies. Legislative sabotage completed the picture with draft laws narrowing disciplinary liability and the June 2026 law on integrity declarations that removed the very elements – lifestyle

[46] DEJURE Foundation, More than 51% of Supreme Court judges raise integrity concerns. https://dejure.foundation/en/more-than-51-of-the-supreme-court-judges-have-negative-opinions-of-the-pic-or-information-indicating-low-integrity/ (last checked: 23.07.2026).
[47] DEJURE Foundation, Establishment of the New Supreme Court: Key Lessons, https://dejure.foundation/en/establishment-of-the-new-supreme-court-key-lessons/ (last checked: 23.07.2026).
[48] Mykhailo Zhernakov, Nestor Barchuk, Reforming the Supreme Court: Ukraine's Top Priority for Judicial Integrity and EU Accession, DEJURE Foundation policy brief (), 2025 https://dejure.foundation/en/reforming-the-supreme-court-ukraines-top-priority-for-judicial-integrity-and-european-integration/ (last checked: 23.07.2026).
[49] DEJURE Foundation, Crisis in the Supreme Court: from corruption to institutional sabotage. https://dejure.foundation/en/crisis-in-the-supreme-court-from-corruption-to-institutional-sabotage/ (last checked: 23.07.2026).
[50] DEJURE Foundation,The State Bureau of Investigation Churns Out Cases Against the HQCJ. https://dejure.foundation/en/the-state-bureau-of-investigation-churns-out-cases-against-the-hqcj/ (last checked: 23.07.2026).

checks, extended review periods, international participation – that would have made verification meaningful.[51]

The third mechanism is external weaponisation. Russia has long treated corruption as an instrument of foreign policy — an "organisational weapon" for eroding institutions it cannot defeat openly. Senior Supreme Court judges were found to hold concealed Russian passports,[52] the head of Ukraine's anti-corruption agency called corruption one of the reasons Russia dared to launch the full-scale invasion,[53] and days before February 2022, Vladimir Putin personally denounced the role of international experts in Ukrainian judicial selection — an indication of which reform instruments Moscow finds most threatening.[54] Disinformation completes the loop; research presented in 2024 found that 60 percent of messaging about Ukrainian corruption showed signs of coordinated disinformation,[55] much of it traceable to Russia-linked accounts. This stressor thus corrodes trust twice, through real abuses and through their propagandistic amplification. Should active hostilities pause, this trend will not pause with them. Subordinating Ukraine through captured institutions is the strategy that survives any ceasefire, as the example of Georgia demonstrates.

The stressor's effect on resilience resources is direct and measurable. It hollows out constraints on government powers by protecting the personnel that reforms sought to remove.

Other stressors remain relevant. The war has destroyed or displaced courts, placed territories beyond the reach of Ukrainian justice and killed and displaced legal professionals. Yet paradoxically, it also triggered the strongest reform dynamic in Ukraine's history and has not produced the judicial collapse Russia intended. The state of emergency is a genuine structural constraint; martial law suspends

[51] Mykhailo Zhernakov, Tetiana Shevchuk, A "European" reform in name only: How EU concessions underme the chance to clean up the Supreme Court.. https://www.eurointegration.com.ua/eng/articles/2026/06/16/7239797/ (last checked: 23.07.2026).
[52] Slidstvo.info, Documents Reveal Ukrainian Judge whose Russian Passport was Exposed still Receives $4,900 Monthly. 11 August 2024. https://www.slidstvo.info/en/news/documents-reveal-ukrainian-judge-whose-russian-passport-was-exposed-still-receives-4-900-monthly/ (last checked: 23.07.2026).
[53] NACP. Oleksandr Novikov at the Forbes conference, https://tinyurl.com/29o2b63s (last checked: 23.07.2026).
[54] Zhernakov, Інструкція з гігієни в судовій системі (A Hygiene Manual for the Judicial System).
[55] Texty.org.ua, How to defuse the Russian narrative about Ukraine as "the most corrupt country in Europe" https://texty.org.ua/fragments/115262/yak-zneshkodyty-rosijskyj-naratyv-pro-ukrayinu-yak-najkorumpovanishu-krayinu-yevropy/ (last checked: 23.07.2026).

elections and restricts assembly, weakening the ordinary accountability that sections 2.1 and 2.2 show are being compensated by other means.

3. The effect of the EU integration process

No external factor has shaped Ukraine's rule-of-law resilience more directly than the EU accession process – and no factor illustrates more clearly that this leverage works only when it is precise and firm. Ukraine's most consequential judicial reforms occurred exactly when they became EU conditions. The reform of Constitutional Court selection and the completion of the HCJ and HQCJ reform had stalled for years. However, when listed in June 2022 as the first two of seven conditions attached to candidate status, both were delivered by late 2023.[56] Where conditionality was formulated with specificity, as with the requirement to certify the winner of the SAPO competition and complete the NABU director selection, implementation followed.

The July 2025 crisis demonstrated the same leverage in acute form. The EU's unambiguous reaction converging with street protests reversed Law No. 4555 within days. After this, the Commission publicly named the next deliverables: reinstating international experts in the HQCJ Selection Commission, appointing the vetted Constitutional Court candidates and rejecting harmful amendments.[57] In December 2025, the joint statement by Commissioner Marta Kos and Deputy Prime Minister Taras Kachka consolidated[58] a ten-point rule-of-law agenda for 2026, including Supreme Court vetting with internationally nominated experts. In June 2026, the opening of the Fundamentals cluster embedded these priorities in negotiation benchmarks, including the extension of the HQCJ Selection Commission "without delay, with the meaningful involvement of independent experts nominated by international partners".[59]

[56] European Commission, Ukraine 2023 Report, SWD(2023) 699 final.
[57] Mykhailo Zhernakov, Olha Komarova, How to unlock the path to the EU: key reforms Ukraine must implement, European Pravda. https://www.eurointegration.com.ua/eng/articles/2025/08/4/7217222/ (last checked: 23.07.2026).
[58] European Commission, Joint Statement between Commissioner Marta Kos and Deputy Prime Minister of Ukraine Taras Kachka. 11 December 2025. https://enlargement.ec.europa.eu/news/joint-statement-between-commissioner-marta-kos-and-deputy-prime-minister-ukraine-taras-kachka-2025-12-11_en (last checked: 23.07.2026).
[59] European Pravda, EU-communicated codified Benchmarks for Ukraine on Chapter 23. https://www.eurointegration.com.ua/files/5/2/5256f03-23-benchmarks-eng.pdf (last checked: 23.07.2026).

Yet the process has also revealed the limits of leverage. The speed of Ukraine's early accession steps was in part a wartime 'discount' that did not translate into proportionate reform depth. Vague benchmarks have repeatedly been met with cosmetic compliance; the June 2026 law on integrity declarations was accepted by the Commission despite removing the substance the benchmark was meant to secure.[60] Each accepted imitation teaches the system that commitments are negotiable – the opposite of resilience-building. The accession process is Ukraine's strongest external resilience resource. Its effect, however, is not automatic but exactly proportional to the precision and enforcement of its conditions.

4. Conclusion

Ukraine presents the paradox of a rule of law under existential attack that has nonetheless grown more resilient over the past decade. This analysis identifies the sources of that resilience. The most important primary resource, **constraints on government powers**, was built through an institutional innovation. Integrity-based selection to courts and judicial governance bodies with a decisive role for internationally nominated experts broke the self-reproduction of a captured judiciary and produced institutions capable of convicting a Supreme Court Chief Justice and dismissing the system's most odious judges. The most important subsidiary resource, **civil society,** institutionalised the demand of the Revolution of Dignity, embedding civic vetting into judicial procedure, deterring rollback through mobilisation (even under martial law) and co-authoring the conditionality that anchors reform externally. The most pressing stressor, **corruption and clientelism,** is weaponised by Russia as an instrument of hybrid aggression. The July 2025 crisis compressed the whole system into nine days: attack, mobilisation, external pressure, reversal. The balance, however, is not self-sustaining. Whether Ukraine's rule of law consolidates or unravels will be decided by the same tandem that built it – a vibrant civil society and international partners willing to keep their conditions precise, enforced and firm.

[60] Zhernakov, Shevchuk, A "European" reform in name only

About the author

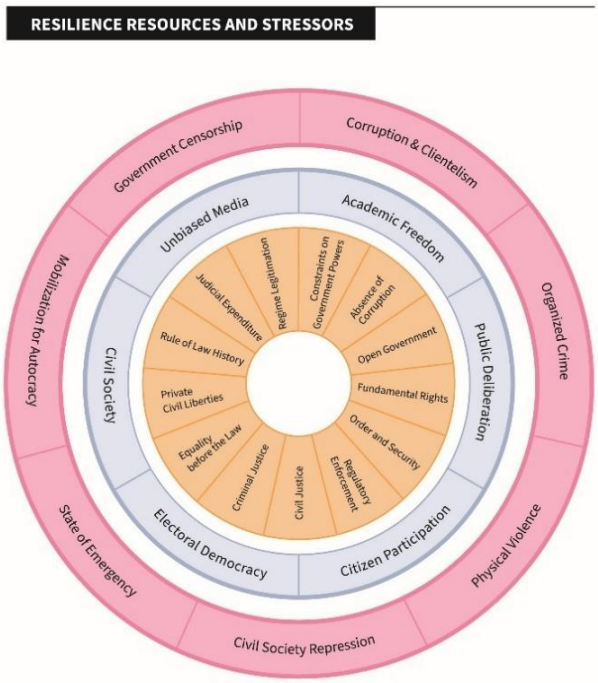
Karyna Penska is Advocacy Lead at the DEJURE Foundation. A Ukrainian lawyer, attorney-at-law and mediator, she leads advocacy on judicial reform, focusing on integrity-based vetting and transparent selection of judges. She coordinates cooperation with Ukrainian and international partners and supports legislative reforms to strengthen the judiciary.

About the project

RESILIO-ACCESS investigates the resilience of the rule of law in the current (potential) candidate countries for EU accession. The project explores how to measure resilience and how to assess the potential of the EU's enlargement policy toolbox to foster sustainable resilience in the region. Resilience here means the capacity of the rule of law to prevent, cope with, or recover from hazardous events or incremental threats – without losing its core function, structure, and purpose.

About the paper

This paper is part of the **RESILIO-ACCESS Country Reports**, a collection of compact analyses that assess the source of rule of law resilience in EU aspirant countries by using the analytical framework of the RESILIO-ACCESS model.



The RESILIO-ACCESS model is based on *three* dimensions: The system of the rule of law itself provides *primary resilience resources* such as an effective judicial system, the protection of fundamental rights, and democratic elections. These resources are embedded into a social environment with *subsidiary resilience resources* such as civil society, academia, and the media. However, these resources are constantly being challenged by *threats* such as autocracy, corruption, violence, or censorship. The characteristics of each dimension, their interactions and their conditions of resilience resources determine the overall resilience capacity of the rule of law.

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