

STRENGTHENING THE JUSTICE SECTOR IN UKRAINE AND EUROPEAN ASSISTANCE IN RESPONSE TO RUSSIA'S AGGRESSION

Tetiana Kolomoiets¹, Olena Agapova²

Abstract. This article examines the multifaceted assistance provided by the European Union and the Council of Europe to Ukraine in response to Russian aggression. It delves into the various forms of support, including financial, humanitarian and institutional assistance, with a particular focus on strengthening the judiciary. Through initiatives such as the Council of Europe Action Plan and the establishment of the Register of Damage, international partners are seeking to accelerate Ukraine's recovery and address human rights violations. The authors emphasise the importance of ongoing cooperation to strengthen Ukraine's resilience and democratic progress, advocating for continued support to promote peace and stability in the region. The authors provide a thorough analysis of the legal and regulatory framework and the criteria for European assistance to Ukraine. They emphasise the key role of the justice sector in ensuring good governance, upholding the rule of law and restoring violated rights. The study describes in detail the financial assistance envisaged in the Council of Europe's Action Plan for 2023–2026 entitled "Resilience, Recovery and Reconstruction". The analysis shows that EU financial assistance has been instrumental in addressing the challenges of sustaining the justice system. Economic support to the justice sector, which is monitored by the Council of Europe, aims, among other things, to strengthen judicial expertise, develop free legal aid institutions, formulate programmatic documents for prison reform, implement pilot projects for prison management recommended by the Council of Europe, and strengthen oversight mechanisms for penitentiary institutions. The authors conclude by stressing the need to promote the development of the justice sector and ensure its financial support as an integral part of effective public administration.

Keywords: Ukraine, financial support, justice sector, Ministry of Justice of Ukraine, public administration, Russia's aggression, resilience, democracy.

JEL Classification: D63, H83

1. Introduction

Russia's attack on Ukraine has caused enormous human suffering and destruction. Numerous Western leaders have pledged their support for Ukraine and announced significant military and humanitarian aid.

According to the authors, the largest group is made up of 27 European Union member states, including Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom. In addition, the authors

include the rest of the Group of 7, noting the support of Canada, Japan, the United Kingdom, and the United States.

This raises a legitimate question: What forms of aid did these countries provide? The authors make a clear distinction between military, humanitarian and financial aid. Military aid includes various weapons and military equipment, as well as supplies explicitly intended for the Ukrainian armed forces, such as bottled water, fuel or food. Humanitarian aid includes assistance to the civilian population, primarily food, medicine and other supplies. Financial assistance includes grants and loans to the Ukrainian government.

¹ Zaporizhzhia National University, Ukraine (*corresponding author*)

E-mail: T_deputy@ukr.net

ORCID: <https://orcid.org/0000-0003-1101-8073>

² Riga Stradiņš University, Latvia;

National Scientific Center "Hon. Prof. M. S. Bokarius Forensic Science Institute" of the Ministry of Justice of Ukraine, Ukraine

E-mail: agapova-lena-@ukr.net

ORCID: <https://orcid.org/0000-0003-1024-0238>



According to official information, the EU has funded Ukraine's most priority needs: 81 billion EUR of financial, economic and humanitarian support from the EU budget; 33 billion EUR of military support; 17 billion EUR of support for refugees within the EU; 12.2 billion EUR of financial, economic and humanitarian support from EU member states (EU solidarity with Ukraine, 2024).

The imperative of ensuring Ukraine's successful recovery is not only important for Ukraine itself, but also for the European Union and all other international actors. Accelerating Ukraine's transformation into a robust democracy, characterised by a stable rule of law and a functioning social market economy, is of paramount importance. Such progress would enable Ukraine to finance its ongoing recovery autonomously, mainly through tax revenues and private sector investment. By aligning policy responses with the needs of businesses, destinations, consumers, and institutions, governments can promote resilience and facilitate sustainable recovery (Abuseridze et al., 2024). The expeditious establishment of a stable, peaceful and prosperous society in Ukraine has wider implications for regional and European stability. A democratic Ukraine, based on the rule of law and a thriving market economy, can serve as a beacon of freedom and prosperity. As such, it could become a catalyst for democratic reforms throughout Eastern Europe, including in Russia, Belarus and other former Soviet republics. This prospect is viewed with trepidation by Vladimir Putin and could be the main motive for a full-scale invasion of Ukraine (Speech by President of Ukraine at the Ukraine Recovery Conference in London, 2023).

2. Methodology

The methodology used in this study is based on an extensive review of existing literature, including books, academic journals, official legal documents and European Union publications. This study attempts to use various scientific methods to elucidate the intricate interrelationships inherent in the imperative of providing robust economic assistance to Ukraine. The study aims to identify and deploy specialised mechanisms and tools that are essential for promoting macro-financial stability and facilitating the effective operation of public administration in various sectors.

Research methodology includes both general scientific approaches and specialised methods. These include induction and deduction, complex analysis, scientific generalisation, scientific abstraction, and economic and statistical methods.

Using an analytical approach, the authors identify patterns and discernible trends within the landscape of Ukrainian public administration support.

The interpretive methods applied to legal norms facilitate a nuanced analysis of relevant documents and regulations, thereby illuminating the underlying principles of Ukraine's financial support mechanisms. Central to this research is the recognition of the pivotal role of financial support in strengthening the resilience of public administration in various spheres.

Throughout the research process, induction and deduction techniques serve as guiding principles, ensuring methodical inquiry and the derivation of accurate conclusions. This methodological framework underscores the importance of rigorous scholarly research in this area and provides a valuable addition to the existing literature on the operational dynamics and legal framework of financial support mechanisms for Ukraine, with profound implications for global political and security discourse.

3. Literature Review

In the course of reviewing the scientific literature, the focus was placed on the works of such authors as Igor Chugunov, Valentyna Makohon, Mykhailo Titarchuk, Vladyslav Nychyk, Volodymyr Hrehul. In their article "Financial support for the economy development of Ukraine", these authors suggest that despite the unpredictability that Ukraine faces in war conditions, it is important to develop a constructive financial instrument for the recovery of the country's economy now (Igor Chugunov et al., 2024). Arianna Antezza, André Frank, Pascal Frank, Lukas Franz, Ivan Kharitonov, Bharath Kumar, Ekaterina Rebinskaya and Christoph Trebesch in their article "The Ukraine Support Tracker: Which countries help Ukraine and how?" list and quantify military, financial and humanitarian aid to Ukraine in the context of the Russia-Ukraine war (Arianna Antezza et al., 2022). In addition, Volodymyr Shaleny, Nataliia Shtefan, Olena Krylova, Viktoriia Myronchuk, Iryna Tsurkan focused on solving the problem of financial support for business during war in their joint article "On the question of financial support for business during the war (Ukrainian case)" (Volodymyr Shaleny et al., 2022).

In the study "New development: Accounting for human-made disasters – comparative analysis of the support to Ukraine in times of war", conducted by Giuseppe Grossi and Veronika Vakulenko, an analysis of the financial framework for Ukraine due to human-made disasters was conducted, highlighting tensions in the multiple international responses to support Ukraine following the Russian invasion in February 2022 (Giuseppe Grossi et al., 2022).

Despite the extensive academic discourse that has emerged in connection with the international community's first economic assistance to Ukraine, there are still a number of unresolved issues that this

article aims to address. However, the issue of justice sector financing has not yet been the subject of a detailed study.

3. Legal Framework for Financial Support of Ukraine in the Context of Ensuring the Justice System (Executive Branch)

During the 2023 Ukraine Recovery Conference, Volodymyr Zelenskyy emphasised the fear of "Russia's bosses" about democracy. He stressed democracy's ability to establish the rule of law, eradicate corruption and uphold the fundamental principle of human dignity. The President highlighted the correlation between the prevalence of the rule of law and the effectiveness of legal mechanisms in the Eastern European region. He also underlined the inverse relationship between Ukraine's transparency and the comparative unseemliness of corruption models in Russia.

After providing financial assistance, the authors emphasise the need to reform the justice system (the executive branch of government), stressing its key role as a cornerstone of democracy. At the EU-Ukraine Summit held in Kyiv on February 3, 2023, both sides reaffirmed the critical importance of full and consistent implementation of judicial reform in line with the recommendations of the Venice Commission (Joint statement following the 24th EU-Ukraine Summit, 2023). This includes initiatives such as reforming the Constitutional Court and introducing a rigorous process for selecting politically independent and qualified judges to the Constitutional Court. Such measures are considered important to strengthen Ukraine's resilience and improve its prospects for enlargement (European Parliament resolution on the sustainable reconstruction and integration of Ukraine into the Euro-Atlantic community, 2023).

From the European Parliament's perspective, Ukraine is urged to give priority to strengthening the rule of law, advancing the reform of the penitentiary system, the free legal aid system, forensic science and other areas of the judiciary, and the fight against corruption. Progress in these areas will not only influence Ukraine's path towards European integration, but will also underpin the success of its reconstruction and recovery efforts. According to experts, Ukraine has made considerable progress in judicial reform in recent years. Despite the challenges posed by the ongoing conflict, the country's anti-corruption institutions established after the Revolution of Dignity have demonstrated remarkable resilience. Nevertheless, there is a consensus that further action is needed. On June 22, 2023, EU Commissioner for Neighbourhood and Enlargement Olivér Várhelyi presented an oral assessment of Ukraine's progress

towards EU accession at the General Affairs Council in Stockholm (Press remarks by Neighbourhood and Enlargement Commissioner Olivér Várhelyi, 2023). In addition, the Commission announced plans for a comprehensive and in-depth review of Ukraine's progress, scheduled for October.

The authors would like to emphasise that the EU has created a special legal instrument to support economic stability – the Ukraine Fund. On June 21, 2023, the Commission submitted to the Council and the European Parliament a proposal for a Regulation of the European Parliament and of the Council establishing a Fund for Ukraine, which aims to establish a special financing instrument of 50,000,000,000 EUR to provide consistent, predictable and flexible support to Ukraine for the period 2024–2027 in the form of grants and loans. The grants will be mobilised through a new dedicated instrument proposed in the context of the mid-term review of the Multiannual Financial Framework (MFF). The loans will be guaranteed by own resources, similar to the current financing under the Macro-Financial Assistance Plus (MFA+) (Proposal for a Regulation of the European Parliament and of the Council on establishing the Ukraine Facility, 2023). At the same time as considering the mechanisms of financial support, the authors positively assess the role of sanctions, arguing that sanctions have already had a devastating impact on the Russian economy, and this impact is expected to increase in the long term (Abuseridze Giga et al., 2022).

In the context of our study, it should be noted that financial support also covers the justice system. The Council of Europe's Action Plan for Ukraine for 2023–2026 entitled "Resilience, Recovery and Reconstruction", set out in document CM(2022)187 of 14.12.2022, provides for a number of measures aimed at addressing the urgent needs of the Ukrainian authorities for national recovery (Council of Europe, the Directorate of Programme Co-ordination, 2022). One focus of the Council of Europe's attention is the restoration of judicial institutions. The Council of Europe's economic assistance includes various measures, in particular: support for forensic experts; development of the free legal aid institute; formulation of programmatic documents for penitentiary reform; pilot projects for the management of penitentiary institutions in line with Council of Europe recommendations; strengthening of internal and external monitoring mechanisms for penitentiary institutions; maximisation of rehabilitation approaches and prisoner engagement programmes. This programme, with a total budget of 50 million EUR, will run for four years. Despite the ongoing conflict, the Council of Europe has maintained an operational presence in Ukraine, contributing economic support to the justice sector and other areas through relevant projects.

The Council of Europe's Action Plan provides for the further development of modern penitentiary and probation systems, emphasising a shift from punitive to rehabilitative approaches in the context of wartime and post-war reconstruction. Within the Council of Europe, the main bodies with direct responsibility for penal policy and prison affairs include the European Committee on Crime Problems and the Council for Penological Co-operation. Guided by the Statute of the Council of Europe and under the auspices of the Committee of Ministers, these committees serve as platforms for European cooperation. With the support and organisational facilitation of the EU, the Ukrainian penitentiary system is being integrated into the European penitentiary framework through cooperation projects such as the "EU and Council of Europe Joint Support for Prison Reform in Ukraine Plus (SPERU+)", "Towards More Humane Detention Conditions and Reduced Reoffending in Ukraine (DECOPRIS)" and initiatives such as the "Norwegian Rule of Law Advisers Probation Project (NORLAU)" and "ACTION – EU: EU Strategies on Organised Crime and Drugs".

The projects cover a range of activities, such as organising professional meetings, internships and training sessions for experts to exchange experiences; organising seminars, trainings, educational and working visits; facilitating professional discussions; providing consultations for experts in cooperation fields; organising conferences for relevant representatives; and implementing digitisation processes within the prison system, including infrastructure upgrades, among other initiatives.

The Council of Europe's financial support in the justice sector includes legal and expert assistance to the Free Legal Aid Institute, redress for victims of violations of human rights and international humanitarian law, and measures to combat impunity. This support includes capacity building of legal professionals, improving the quality of legal education and promoting the development of legal associations and public organisations, including the National Association of Lawyers of Ukraine and the free legal aid system. Improving the efficiency of decision enforcement systems has been identified as a priority area for assistance. This includes the promotion of European best practices, integrity checks, digitisation and anti-corruption measures.

It's worth noting that improving the efficiency of decision enforcement systems is a priority area for assistance. This includes promoting the implementation of specific European best practices, ensuring effective implementation of policies, conducting integrity reviews, and promoting further digitisation efforts and targeted anti-corruption measures.

The next phase of support from the Council of Europe is to strengthen the institutional capacity of

forensic science institutions. This will include tailor-made training, effective assessment mechanisms for damage caused by human rights violations, enhanced European cooperation in forensic investigation, and specialised training for the protection of national critical infrastructure against cybercrime: Malware/Ransomware Investigation; Data Forensics; Network Forensics and Investigation; Energy Sector/Surveillance, Control and Data Acquisition (SCADA); Open Source Intelligence (OSINT) and other relevant topics.

While the Council of Europe's Forensic Institutional Capacity Project has yet to be launched, cooperation with foreign partners is seen as crucial for the responsible conduct of forensic investigations, particularly in assessing the damage caused by Russia's aggression. In an effort to strengthen democratic stability, Ukraine has established the Scientific Research Centre of Independent Forensic of the Ministry of Justice of Ukraine, focusing on high-profile criminal cases with significant implications for state interests.

To advance the concept of strengthening democratic stability in Ukraine, an expert institution with a unique mandate has been established: the Scientific Research Centre of Independent Forensic of the Ministry of Justice of Ukraine. This centre specialises in conducting forensic investigations in high-profile criminal cases that have a significant impact on state or public interests, particularly those related to economic crimes, terrorist financing, corruption involving high-ranking officials, and cybercrime. At the same time, experts from the Scientific Research Centre of Independent Forensic are tasked with preparing assessments of damage caused by the military aggression of the Russian Federation. These assessments will be used directly by the International Register of Damage for Ukraine.

Russia's illegal actions in Ukraine have prompted the international community to create a Register of Damage, a legal mechanism for documenting the damage caused by Russia's aggression. This tool, operating under the provisions of Resolution CM/Res(2023)3 (Committee of Ministers Resolution CM/Res(2023)3, 2023), and governed by Dutch and Ukrainian legislation, serves as a pivotal step in addressing the aftermath of Russia's aggression. The Registry's Operations Office in Ukraine, established in March 2024, is funded by annual contributions from participating States, voluntary contributions, grants and other sources. The Register of Damage plays an important role in promoting economic recovery and justice for individuals and legal entities affected by Russia's aggression.

It is important to emphasise that the Register of Damage is funded by annual contributions from 43 participating States, voluntary contributions from

associate members, grants and other contributions. It is worth noting that this mechanism contributes to economic recovery and restoration of justice for both individuals and legal entities affected by Russia's aggression.

5. Conclusions

The conclusions drawn by the authors emphasise the imperative of providing support to Ukraine as a strategic necessity, not a mere philanthropy. They argue that such assistance is an integral part of ensuring not only Ukraine's survival, but also the broader principles of international rule of law, European democracy and regional security.

The authors identify two main reasons why democratic countries should commit to supporting Ukraine's defence and reconstruction efforts. First, they emphasise the fundamental importance of values, highlighting Ukraine's key role as a bastion of liberal democracy. Ukraine's active pursuit of incorporating core democratic values, such as human rights and the rule of law, into its institutional framework, along with its commitment to European Union integration, exemplify this commitment.

In addition, the authors highlight various initiatives launched by international partners, such as the Council of Europe Action Plan and the establishment of the Register of Damage. These efforts are aimed not only at accelerating Ukraine's recovery, but also at ensuring robust accountability mechanisms for

human rights violations. The authors also highlight the complex legal framework involved in addressing the multifaceted challenges posed by the conflict and emphasise the need for international cooperation in this regard.

Furthermore, the authors emphasise the crucial role of financial support, epitomised by the establishment of the Ukraine Fund and related economic assistance programmes, in strengthening Ukraine's long-term stability and resilience. This underscores the recognition by scholars of the need to invest in Ukraine's recovery trajectory in order to support regional stability and strengthen security paradigms.

In summary, the conclusion aptly emphasises the interconnectedness between support for Ukraine and the broader academic discourse around democracy, the rule of law and transnational cooperation. It highlights the compelling case for democratic nations to rally around Ukraine, positioning such solidarity as a necessary condition for building a more secure, prosperous and democratic future.

Thus, one can speak about the comprehensive economic support provided by the EU, which can be divided into two groups: general and special. The first group covers conventional types of support, such as humanitarian aid, military aid, medical aid, etc. The second group covers specialised areas of influence, such as strengthening public administration in the justice sector of Ukraine, in particular, the subjects under the jurisdiction of the Ukrainian justice system.

References:

- EU solidarity with Ukraine. 2024. Official website of the Council of the European Union. Available at: <https://www.consilium.europa.eu/en/infographics/eu-solidarity-ukraine/#0>
- Abuseridze, G., Agapova, O., & Petrova, M. (2024). WTO and the Future of Global Business Tourism: Trends and Challenges. In M. Bari, M. Soliman, & E. Alaverdov (Eds.), *Shifts in Knowledge Sharing and Creativity for Business Tourism* (pp. 264–280). IGI Global. DOI: <https://doi.org/10.4018/979-8-3693-2619-0.ch015>
- Speech by President of Ukraine at the Ukraine Recovery Conference in London (2023). The official web-site President of Ukraine Volodymyr Zelenskyy. Available at: <https://www.president.gov.ua/en/news/koli-mi-zbuduyemo-ukrayinu-mi-zbuduyemo-svobodu-onlajn-vistu-83705>
- Chugunov, I., Makohon, V., Titarchuk, M., Nychyk, V., & Hrehul, V. (2024). Financial support for the economy development of Ukraine. *Financial & Credit Activity: Problems of Theory & Practice*, Vol. 1, Issue 54, p. 307. DOI: <https://doi.org/10.55643/fcftp.1.54.2024.4253>
- Antezza, A. et al. (2022). The Ukraine Support Tracker: Which countries help Ukraine and how? *Kiel Working Paper*. No. 2218, Kiel Institute for the World Economy (IfW Kiel), Kiel. Available at: <https://www.econstor.eu/bitstream/10419/262746/1/KWP2218v5.pdf>
- Shaleny, V., Shtefan, N., Krylova, O., Myronchuk, V., & Tsurkan, I. (2022). On the question of financial support for business during the war (Ukrainian case). *Amazonia Investiga*, Vol. 11 (54), p. 232–242. DOI: <https://doi.org/10.34069/AI/2022.54.06.22>
- Grossi, G., & Vakulenko, V. (2022). New development: Accounting for human-made disasters – comparative analysis of the support to Ukraine in times of war. *Public Money & Management*, Vol. 42(6), p. 467–471. DOI: <https://doi.org/10.1080/09540962.2022.2061694>
- Joint statement following the 24th EU-Ukraine Summit (2023). The official web-site President of Ukraine Volodymyr Zelenskyy. Available at: <https://www.president.gov.ua/en/news/spilna-zayava-za-pidsumkami-24-go-samitu-ukrayina-yes-80765>
- European Parliament resolution on the sustainable reconstruction and integration of Ukraine into the Euro-Atlantic community (2023/2739(RSP)) (2023). Official website of the European Union, EUR-Lex. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C_202400490

Press remarks by Neighbourhood and Enlargement Commissioner Olivér Várhelyi, following the informal General Affairs Council (2023). Official website of the European Union. Available at: https://www.eeas.europa.eu/delegations/ukraine/press-remarks-neighbourhood-and-enlargement-commissioner-olivér-várhelyi_en

Proposal for a Regulation of The European Parliament and of the Council on establishing the Ukraine Facility (2023). General Secretariat of the Council of Europe. Available at: <https://data.consilium.europa.eu/doc/document/ST-6380-2024-INIT/en/pdf>

Abuseridze, Giga, Agapova, Olena (2022). "The Effect of Sanctions Against the Background of the Russian Occupation of Ukraine". In Conference on Integrated Computer Technologies in Mechanical Engineering – 2022. ICTM 2022. Lecture Notes in Networks and Systems, vol 657, edited by Nechyporuk, M., Pavlikov, V., Kritskiy, D. (eds), 475–481. Springer Nature Switzerland, 2022. Available at: https://link.springer.com/chapter/10.1007/978-3-031-36201-9_41

Council of Europe, the Directorate of Programme Co-ordination (2022). Council of Europe Action Plan for Ukraine "Resilience, Recovery and Reconstruction" 2023–2026. Available at: <https://rm.coe.int/-1452-2-4-action-plan-ukraine-cm-2022-187-finale-1-/1680aa2d20>

Council of Europe, Committee of Ministers (2023). "Resolution CM/Res (2023) 3 establishing the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine". Published 16 May, 2023. Available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680ab2595

Received on: 05th of March, 2024

Accepted on: 16th of May, 2024

Published on: 10th of June, 2024