

Access to Justice in Eastern Europe

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## Editor-in-Chief's Note

### ABOUT ISSUE 2 OF 2022

This issue was undoubtedly the most challenging in my life due to events that I would never have believed could happen in my lifetime or afterward. The heredity of WW2 seemed to me so remarkable and obvious, contemporary human rights values looked so strong and indisputable, that any such open and destructive violations of these rights could hardly be imagined by even the most sceptical people in Europe. Despite many reasonable grounds for this scepticism appearing since 2014, I preferred to believe that these were only politicians' games and that nobody could ever cross this Rubicon. Yet, during these last months, the whole world has been faced with unprecedented acts against the independent and democratic state in Europe, the ancient nation, and the whole idea of the rule of law.

The war in Ukraine has become an event of worldwide relevance: the effects of this war will be borne by future generations of Europeans who are suffering now because of it. Millions of Ukrainians moved to the EU member states and abroad, leaving their homes and property. Many individuals have become victims of war crimes. All this should be the basis for rethinking access to justice as a concept, as well as our system of preventing such a conflict in the future.

Even though this war is not the first war in Europe, we must learn lessons from the current events and take the next steps to uphold the rule of law and human rights protection, as was done after WW2. The necessity of an effective conflict resolution system is clear if we are to prevent overcrowded courts and resolve the uncertainties in European society at large.

With this in mind, in AJEE, gateways were created for regular publications from scholarly societies, institutions, and science communities, as well as for individuals who are studying relevant issues. Published materials within this remit are collected through related research outputs, enabling thematic research, conference proceedings, and community projects. As such, we would like to announce the first three AJEE Gateways, the most important of which, for me, is Access to Justice Amid War, managed by *Dr. Oksana Uhrynovska* and *Prof. Yurii Prytyka*, who are the main editors. Each gateway gives authors and readers a wide range of materials and current results for further research, including Notes from the Field, Reports, Interim Results of Data Collection and Generalising, and, of course, Reform Forum Notes.

On behalf of our team, I urge authors to join us and answer the call for materials related to the war in Ukraine. For the current notes, we are seeking research on the generalisation of case law, results of interviews, and overviews of legal reform in the period of war in Ukraine. We gladly welcome contributions related to the development of justice in ex-war territories.

I would like to thank both of my colleagues who are responsible for this area, and I am happy to include the first such Note from the Field to this issue – the focus is on the enforcement of judicial decisions amid war.

Enforcement itself has for a long time been considered one of the great challenges of the Ukrainian legal system. Therefore, martial law and the war make it even more challenging. Essential issues of the enforcement of judicial decisions during the military aggression against Ukraine were studied in the note of *Oksana Uhrynovska and Slyvar Natalia*. Solutions to these issues were suggested in proposals for proper and comprehensive solutions based on law enforcement practice and specific changes to current legislation.

Among other contributions in this issue, I would like to draw special attention to the research article of *Lurdes Varregoso Mesquita and Catia Marques Cebola* related to the European Small Claims Procedure and proposals for an online platform. As both a citizen and a scholar, I strongly support the idea of simplification and accessibility for small claims litigation. I was particularly happy to receive the positive feedback on the article and to make the decision to publish it to share the proposals of the authors regarding an online platform incorporating alternative dispute resolution mechanisms as the best option to promote access to justice. You can read more about this article in this issue and on our Online First platform.

The next article, which also deserves the attention of our audience, is *Bystrik Šrame and Libor Klimek's* research on the prosecutorial monopoly of the Slovak public prosecution service. Justice is a complex phenomenon that includes not only a judge – the most well-known participant – but a prosecutor and an advocate. Only a balance of power can give us the result we seek – a fair trial according to the standards of the rule of law. Otherwise, imbalance or worse – a monopoly of one person's power – may pervert the very essence of justice as a common human value. This article raises the important issues of the expansion and significant strengthening of the discretion of the public prosecutor in criminal proceedings in the Slovak Republic, accompanied by the authors' answers to the question of how to improve the current possibilities of controlling the prosecutor's discretionary powers directly through an independent and impartial court.

A few other notes have also been included in this issue due to their interesting insights and importance for further research.

Finally, let me share my endless thanks to those who are supporting the AJEE during this undoubtedly difficult period. First of all, I would like to sincerely thank our Editorial Board Members, who uphold our statement against the Russian invasion of Ukraine. Among our Editorial Board Members, there are prominent scholars in the areas of civil procedural law and the judiciary from Poland, Lithuania, Croatia, Italy, Germany, Austria, the Netherlands, Spain, Greece, and Luxembourg.

In my note, I would reiterate that in the area of law, there is no room for compromise when we are talking about human rights and freedoms. As a journal, we have always strongly condemned sharing fake practices and ideas, especially those that harm people's rights. We firmly represent the very idea of law and justice, equality, and freedom. We would like to encourage the scholarly world to unify against the completely unjust attack on Ukraine and our worldwide values and to suspend any participation in international projects, bases, editions, etc. for those who do not share these values and try to destroy the freedom and justice we have all worked so hard to create during the decades after the last world war.

Let's be true and stand for what we believe!

Slava Ukraini!

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