

Access to Justice in Eastern Europe

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Editor-in-Chief's Note

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This summer 2024 issue of AJEE offers an extensive collection of articles that delve into various critical aspects of law and justice, providing readers with in-depth analyses and fresh perspectives on contemporary legal issues. The featured articles cover a wide range of topics, from the legal features of collaborationist activities in the context of the Russian occupation of Ukrainian territory to the role of the prosecutor's office in addressing human rights violations in Kazakhstan.

Key topics include the use of prejudice as evidence in criminal proceedings, the evidentiary standards of the UN compensation commission, and the impact of NATO on security in the Western Balkans. Articles also explore social innovations and entrepreneurship in post-war Ukraine, the integral role of the Albanian parliament in EU integration, and the principles of legal regulation of decentralization in European countries.

Additionally, this issue addresses dissenting judicial opinions, disciplinary proceedings against judges in Ukraine, the matrimonial property regime in Albania, and criminal liability for unauthorized genomic data analysis. Readers will also find insightful discussions on inheritance rights for Kosovar women, combating sexual violence in Kosovo, religious slaughter and animal welfare, and legal liability of physicians in Kazakhstan and the United States.

In the 'Case Note' section, the legal concerns of international civil aviation dispute settlements and the legal ramifications of the Covid-19 pandemic on administrative

contracts in the UAE are examined. The Review Article section offers a comparative analysis of personal data protection legislation in Vietnam and Europe.

Finally, the 'Note and Comments' section provides preliminary remarks on the use of artificial intelligence in academic publishing, and the 'Review section' features an analysis of the monograph "The Best Interests of the Child and Parenthood: Parent-Child Assignment in Alternative and Cross-Border Families" by Elmar Buchstaetter.

As Editor-in-Chief, I am particularly pleased to highlight several notable publications in this issue.

In the article "Reflections on the Legal Features of Collaborationist Activity: Theory and Practice in Terms of the Russian Occupation of Ukrainian Territory," authors **Mykola Rubashchenko** and **Nadiia Shulzhenko** delve into Ukraine's evolving criminal policy regarding collaboration with occupying forces, a subject of pressing relevance due to the ongoing Russian occupation of sovereign Ukrainian territory. The authors critically analyze the legal features of collaborationist activity as distinct from high treason, following the introduction of Article 111-1 to the Ukrainian Criminal Code in March 2022. Employing a blend of general scientific and specialized research methods, the study identifies and evaluates the key traits of collaborationism, comparing existing legal provisions with an ideal normative model. The article seeks to refine the conceptualization of collaboration in Ukrainian criminal law, advocating for a clear and distinct legal framework that addresses the unique nature of this crime.

This study offers significant insights for legal scholars and practitioners aiming to understand and address collaborationism within the broader context of Ukraine's legal and historical landscape, with a particular focus on the ongoing war that has lasted for more than a decade since 2014. It continues the discourse initiated by Natalia Antonyuk's article "A Criminal and Legal Assessment of Collaborationism: A Change of Views in Connection with Russia's Military Aggression against Ukraine" published in the summer issue of 2022.

In their article, "Evidentiary Standards of the UN Compensation Commission: Takeaways for Ukraine," **Bohdan Karnaukh** and **Tetiana Khutor** provide a thorough exploration of how the UN Compensation Commission's approach to evidentiary standards can inform the future compensation mechanism for Ukraine. The authors begin by outlining the

general framework of the Commission's work, its purpose, and organizational structure, highlighting the necessity of diversified evidentiary standards due to the prioritization of claims and the expedited procedures for reviewing first-priority claims.

The article delves into the three evidentiary standards applied by the UN Compensation Commission: proving the incident alone without the need to establish the extent of the damage, proving damage based on a "reasonable minimum" of evidence appropriate to the circumstances, and proving damage through documentary and other evidence sufficient to establish the extent of the damage. The authors analyze how these standards were applied in practice, particularly to personal injury claims, and draw conclusions on the implications for Ukraine.

The authors emphasize the challenges victims face in gathering evidence of harm during armed conflict and occupation, necessitating adaptable international compensation mechanisms that do not adhere to rigid formalities. They argue that the pioneering approaches of the UN Compensation Commission, which include diversified standards of proof and eased burdens on claimants, should be refined and applied within an international compensation mechanism for Ukraine. This includes prioritizing individual claims, introducing both regular and expedited tracks for processing claims, and ensuring flexibility regarding the burden of proof and evidentiary standards to accommodate the challenges of wartime evidence collection.

This article offers significant insights for legal scholars and practitioners involved in the development of Ukraine's compensation mechanism, advocating for a system that balances the need for justice with the practical realities of evidence collection during war.

Next article I would like to introduce, is "Addressing Human Rights Violations in the Criminal Justice System of Kazakhstan: The Role of the Prosecutor's Office and a Call for Legislative Reforms," authors provide a comprehensive examination of the pervasive issue of human rights violations within Kazakhstan's criminal justice system. The authors scrutinize the role of the prosecutor's office in safeguarding human rights, despite the country's formal commitment to international human rights standards.

The study employs documentary analysis and secondary data analysis methodologies, examining a range of legal acts, international agreements, and policy documents, including the Universal Declaration of Human Rights (UDHR), the Constitutional Law "On the Prosecutor's Office," the Concept of Legal Policy of the Republic of Kazakhstan

up to 2030, and reports from international bodies such as Amnesty International, Human Rights Watch, and Freedom House. Additionally, reports from the Ministry of Justice and the Commissioner for Human Rights of the Republic of Kazakhstan are analyzed to provide a detailed understanding of the legal framework and its implementation.

The authors reveal significant discrepancies between the legal mandates and actual practices within Kazakhstan's criminal justice system, highlighting systemic issues and instances of human rights abuses. They emphasize the critical role of the prosecutor's office in protecting human rights while acknowledging the challenges in effectively fulfilling these responsibilities. The study underscores the urgent need for legislative reforms to enhance human rights protections in the criminal justice system.

This article offers valuable insights for policymakers, human rights advocates, and scholars interested in the intersection of law enforcement and human rights protections. It provides a detailed analysis that could guide future improvements in criminal justice practices in Kazakhstan, aiming to bridge the gap between legal principles and practice.

As always, I would like to extend my heartfelt appreciation to all the authors who have contributed their valuable research and insights, as well as to the peer reviewers whose diligent efforts have ensured the high quality of our content. Special thanks also go to our section editors and editorial board members for their ongoing support and expertise.

I would also like to express my gratitude to our dedicated team, including our newly joined managing editors, and assistant editor. Your collective efforts are crucial and deserve recognition and reward.

I am proud of your unwavering dedication and hard work, and I am pleased to see the progress we have made this year.

Editor-in-Chief

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