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JOHN GLENN SCHOOL
OF PUBLIC AFFAIRS

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PARLIAMENT AND THE 2012 PARLIAMENTARY ELECTIONS IN UKRAINE: POLITICAL SITUATION, PUBLIC SPIRITS AND EXPECTATIONS

Formation of parliamentarism in Ukraine has been a long and complex process reflecting all the difficulties of structuring the Ukrainian society, imperfect state and party building, and improper political and legal culture of national politics. Now, the country goes through an electoral campaign for the seventh Parliament. However, there are no grounds to speak of established principles and correspondence of the national parliamentarism to democratic standards, a stable legislative framework for parliamentary elections and constitutional status, powers and functions of parliament. Almost every election campaign has taken place under a new law, which changes not only the procedures but also the electoral system; the Parliament's role and place in the national system of state governance also has been changing.

The latest change occurred as the result of reinstatement of Ukraine's Constitution in the wording of 1996 in 2010. The Verkhovna Rada of the 6th convocation gave consent to that act, having initiated dangerous trends of gradual weakening of the constitutional status of the Ukrainian Parliament, narrowing its powers, and enhancing its accountability to the President. At the same time, there have been trends toward declining quality of legislative process, and deteriorating performance of its representative, statutory and supervisory functions by the Verkhovna Rada of Ukraine. All this has led to a critically low level of public support for the parliamentary activity, which, according to the polls, barely exceeded 4% last year. Such a situation may discredit in the eyes of the Ukrainian society the very concept of parliamentarism as a political institution and democratic principles of state governance as a whole.

In such conditions, the importance of the ongoing parliamentary elections has been increasing. Their results will effectively determine the fate of the Ukrainian parliamentarism and key features of further foreign and domestic policy of the country.

First, the election results will give an answer to the question whether or not the growing authoritarian trends and the curtailment of democracy and parliamentarism are finally halted, and whether or not the country returns to a course of progressive development and democratisation of state governance and the entire political system.

Second, the elections may seriously influence Ukraine's foreign policy. Should they be recognised undemocratic and the relevant sanctions imposed against the Ukrainian side, there arises a threat of suspending Ukraine's European integration and curtailing contacts with the EU. An alternative to the isolation from the West could be integration with the East (accession to the Customs Union), which will make Ukraine a satellite state serving the interests of Russia.

The analysis of the ongoing election campaign reveals numerous violations of the electoral legislation, above all, on the part of the authorities and political forces loyal to the government. Misuse of administrative resources, direct and indirect vote buying, interference with election campaigning of opposition parties and candidates – all that have reached an unprecedented scale. The indifference of law-enforcement agencies neglecting the demands and complaints not only of the opposition but also of the Central Election Commission has been striking.

It is, however, the people who determine the election results. Therefore, the main task of all the participants of the electoral process and the civil society is to ensure an utmost transparency, openness and fairness during voting and vote tabulation on the Election Day and by all legitimate means prevent any fraud of the citizens' will.

The report consists of five sections.

The first section discusses the specifics and trends of parliamentarism in Ukraine, analyzes institutional support and features of the Verkhovna Rada of Ukraine of the 6th convocation, assesses its performance of representative, statutory and supervisory functions.

The second section discusses the electoral legislation, its advantages and disadvantages, the rights of all participants involved in the electoral process.

The third section examines the socio-economic situation in the country before the elections, assesses its impact on the social wellbeing of voters, observes an overall compliance with fundamental civil rights directly pertaining to the electoral process – the right to freedom of speech, peaceful assembly and free expression.

The fourth section building on results of the public opinion poll, describes public attitude toward elections and public expectations from the new Parliament.

The fifth section provides general conclusions arising from the presented research and proposals for improving the efficiency of the new Verkhovna Rada of Ukraine.

* The Report builds on the results of polls conducted by the Razumkov Centre Sociological Service in different periods. During each poll, over 2,000 respondents aged above 18 years were polled in all regions of Ukraine. The margin of error is 2.3%. The regional distribution of answers is presented on the basis of the poll conducted by GfK Ukraine research company, Sociological Group "RATING", SOCIS Centre for Social and Marketing Research and the Razumkov Centre on July 27 - August 9, 2012. 10,979 respondents aged above 18 years were polled in all regions of Ukraine. The margin of error is 1%. The margin of error for each region is 5%. The text uses the term "party voters", meaning citizens who, according to the poll results, reported readiness to vote for that party; "passing" or "leading" parties are those that, according to the poll results, may pass the 5% election threshold.

1. PARLIAMENTARISM IN UKRAINE: INSTITUTIONAL SUPPORT, STATE AND TRENDS

Establishment of parliamentarism in Ukraine in its democratic sense dates back to the times when the Ukraine became a sovereign and independent state. However, that process is still far from completion. It is hindered by a number of factors – both external (a long transformational crisis, unstructured Ukrainian society, lack of traditions of democratic state-building) and internal (merger of government and big business, oligarchisation of governance, low political and legal culture of the Ukrainian political community).

After the 2010 presidential elections, the internal factors were supplemented with trends towards authoritarian presidential power and concentration of all state power in the hands of one political force, furthermore controlled by a few mighty financial-industrial groups. This led to restoration of the presidential-parliamentary form of state governance through a constitutional “anti-reform” and substantial limitation of powers, functions and role of the Ukrainian Parliament – the Verkhovna Rada of Ukraine. Therefore, the development of parliamentarism in Ukraine today witnesses a serious retreat.

This section outlines specificities of the membership and activity of the current Verkhovna Rada of the 6th convocation (VR-6) with account of the outcomes of the “constitutional antireform”, their effect on the overall state of democracy in Ukraine, efficiency of Parliament’s activity and its perception by the expert community and the public.

1.1. INSTITUTIONAL SUPPORT FOR ACTIVITY OF THE VERKHOVNA RADA OF THE 6TH CONVOCATION: EFFECTS OF THE CONSTITUTIONAL “ANTI-REFORM” OF 2010

Legal and regulatory framework. The Verkhovna Rada of the 6th convocation (2007-2012) worked on different legal and regulatory principles, due to the constitutional “anti-reform” of September, 2010, involving cancellation of the Law “On Introducing Amendments to the Constitution of Ukraine” of December 8, 2004, by the Constitutional Court of Ukraine and amendment of some Ukrainian laws dealing with the division of powers in the President – Parliament – Government triangle. So, the Parliament’s activity is now regimented by the Constitution in the wording of 1996, laws and other regulatory-legal acts, in their totality making the so-called *Parliamentary Law* (Box “Legal framework of activity of VR-6...”, p.6).¹

The changes in constitutional and other legal principles strongly affected Parliament’s powers. In particular,

the Verkhovna Rada lost the right to appoint the Prime Minister (as submitted by the President) and to dismiss him, to form the Government (appoint some ministers) and to influence the programme of its activity;² according to the reinstated Constitution, the Government reports not to Parliament but to the President and is not guided by the Verkhovna Rada resolutions in its activity. Instead, the President got the right to actually personally appoint the Government (in addition to appointment and dismissal of other heads of central bodies of power and heads of local state administrations), and to decide on early termination of the Verkhovna Rada powers without consultations with the Verkhovna Rada Chairman (Box “Constitutional reform 2010: comparative table...”, pp.4-5).

Respectively, the efficiency of its activity lowered. The main results of those changes include: impairment of the Verkhovna Rada role in the system of governance; structural drawbacks of Parliament; low efficiency of the VR work; irregularity and low quality of law-making; poor parliamentary control; insufficient transparency.³

¹ Source: Legal framework of the Verkhovna Rada of Ukraine activity. – <http://zakon2.rada.gov.ua/laws/pravbase>. Invalidated laws (“On Interim Investigative Commissions, Ad Hoc Investigative Commission and Interim Ad Hoc Investigative Commissions of the Verkhovna Rada of Ukraine”, “On Languages in Ukraine”) were removed from the official list, the Law “On Fundamentals of the State Language Policy” was added – Ed.

² Formally, the requirement of development of the Government’s Programme of Action and its approval by Parliament is not cancelled and is envisaged by the effective legislation. Meanwhile, according to the Law “On Introduction of Amendments to Some Legislative Acts of Ukraine (concerning the system of programme documents)” adopted on May 17, 2012, development of the State Programme of Economic and Social Development of Ukraine for the following year was removed from the Government’s duties (and replaced with National Action Plans approved by the Government that do not require approval by VR). The Government of Mykola Azarov works without an approved Programme of Action.

³ For data cited in this subsection see: Opposition in Ukraine: the state, conditions of activity, relations with the authorities. Razumkov Centre analytical report. – *National Security & Defence*, 2011, No.7-8, p.2-50; Assessment of Ukrainian Parliamentarism based on the Benchmarks for Democratic Legislatures: Agency for Legislative Initiatives report under the USAID Parliamentary Development Project II, 2011, http://parlament.org.ua/upload/docs/Benchmarks_democracy_1.pdf; Regimentation of the parliamentary opposition status and rights: Memorandum, Annex 2 “Comparative analysis of parliamentary opposition activity during the 5th and 6th sessions of the Verkhovna Rada of Ukraine of the 6th convocation”. – National Institute for Strategic Studies, 2011, <http://www.niss.gov.ua/articles/550> (in Ukrainian).



**CONSTITUTIONAL REFORM 2010: COMPARATIVE TABLE OF THE VERTHOVNA RADA POWERS
BEFORE AND AFTER THE CONSTITUTIONAL COURT RULING
*of September 30, 2010***

VR powers	VR powers under the Constitution of 2004	VR powers under the effective Constitution (1996, as amended)
Appointment of the Prime Minister of Ukraine	Appointment, upon submission by the President.	Consent to appointment by the President.
Personal formation of the Government	Appointment, upon submission by the President, of the Prime Minister, Minister of Defence, Minister of Foreign Affairs; appointment, upon submission by the Prime Minister, of other CMU members, heads of the Antimonopoly Committee, State Committee for Television and Radio Broadcasting, SPFU, their dismissal, decision on resignation of the Prime Minister, CMU members.	The President appoints, upon submission by the Prime Minister, CMU members, heads of other central executive bodies, heads of local state administrations and terminates their office.
Appointment and dismissal of the Head of the Security Service of Ukraine	Appointment and dismissal, upon submission by the President, of the Head of the Security Service of Ukraine.	Cancelled
Appointment and dismissal of the General Prosecutor	Consent to appointment and dismissal by the President of the General Prosecutor; vote of no confidence in the General Prosecutor, entailing his resignation.	Consent to appointment of the General Prosecutor by the President; vote of no confidence in the General Prosecutor, entailing his resignation.
Appointment and dismissal of one-third of CCU members	Appointment and dismissal of one-third of CCU members.	Appointment of one-third of CCU members.
Nominators	Coalition of parliamentary factions in VR proposes to the President the candidacy for the Prime Minister and candidacies to CMU.	Appointments are made by the President.
Powers of a national deputy are terminated early	If he does not remove circumstances resulting in violation of the requirement of inconsistency of a parliamentary mandate with other activities within 12 days after their emergence.	In case of non-fulfilment of the requirement of inconsistency of a parliamentary mandate with other activities, powers of a national deputy are terminated early pursuant to the law by a court ruling.
	Refusal of a national deputy elected from a political party (election bloc of political parties) to join the parliamentary faction of that political party (election bloc of political parties) or withdrawal of a national deputy from such faction (imperative mandate).	Cancelled (imperative mandate).
Termination of VR powers	The President may terminate powers of VR early, if: <ul style="list-style-type: none"> • within one month, VR fails to create a coalition of parliamentary factions; • within 60 days after CMU resignation, CMU is not formed. 	Those grounds for VR dismissal were cancelled.
	A decision of early termination of VR powers is taken by the President after consultations with the VR Chairman, his deputies and heads of parliamentary factions.	A decision of early termination of VR powers is taken by the President without consultations with the VR Chairman.
Creation of a coalition of parliamentary factions including the majority of MPs	Upon the election results and on the basis of coordination of political positions, a coalition of parliamentary factions is created in VR, including the majority of MPs from the constitutional membership of VR. A coalition of parliamentary factions in VR is created within one months from the opening date of the first sitting of VR..., or within a month from the day of termination of activity of a coalition of parliamentary factions in VR.	Cancelled.
Legislative initiative	Legislative initiative is vested in the President, national deputies and CMU.	Legislative initiative is vested in the President, national deputies, CMU and the National Bank.



Signing of a law after overriding presidential veto	If during a repeated consideration a law is again passed by not less than 2/3 of the constitutional membership of VR, the President is obliged to sign and officially release it within 10 days. If the President does not sign such a law, it is immediately officially released by VR Chairman and published with his signature.	If during a repeated consideration a law is again passed by not less than 2/3 of the constitutional membership of VR, the President is obliged to sign and officially release it within 10 days.
Presidential veto	The President may impose a veto on laws passed by VR (except laws on introduction of amendments to the Constitution) with their subsequent return for repeated consideration to VR.	The President may veto down laws passed by VR with their subsequent return for repeated consideration to VR.
Budget control	On behalf of VR, control of State Budget revenues and their use is exercised by the Accounting Chamber.	Control of the use of State Budget funds is exercised by the Accounting Chamber on behalf of VR.
Procedure of approval of VR procedures	The procedure of VR work is established by the Constitution and VR Procedures. VR Chairman exercises powers envisaged by this Constitution in accordance with the procedure established by VR Procedures.	The procedure of VR work is established by the Constitution and the Law on VR Procedures. VR Chairman exercises powers envisaged by this Constitution in accordance with the procedure established by the Law on VR Procedures.
Exercise of presidential powers in case of early termination of his powers	In case of early termination of the President's powers pursuant to Articles 108, 109, 110, 111 of this Constitution, till the election and accession to office of the new President the President's duties are vested in VR Chairman . In the period of his exercise of the President's duties, VR Chairman cannot exercise powers envisaged by Items 2, 6-8, 10-13, 22, 24, 25, 27, 28, Article 106 of the Constitution.	In case of early termination of the President's powers pursuant to Articles 108, 109, 110, 111 of this Constitution, till the election and accession to office of the new President the President's duties are vested in the Prime Minister . In the period of his exercise of the President's duties, the Prime Minister cannot exercise powers envisaged by Items 2, 6, 8, 10, 11, 12, 14, 15, 16, 22, 25, 27, Article 106 of the Constitution.
CMU responsibilities	CMU is responsible to the President and VR, controlled by and reports to VR within the limits provided by this Constitution.	CMU is responsible to the President, controlled by and reports to VR within the limits provided by Articles 85, 87 of the Constitution.
Regulatory framework of CMU activity	In its activity, CMU is guided by this Constitution and laws, as well as presidential decrees and VR resolutions adopted in line with the Constitution and laws.	In its activity, CMU is guided by this Constitution and laws, as well as presidential acts.
CMU resignation	CMU lays down powers to the newly elected VR.	CMU lays down powers to the newly elected President.
CMU Programme of Action	The Prime Minister leads CMU work, concentrating on implementation of the CMU Programme of Action approved by VR.	The Prime Minister leads CMU work, concentrating on implementation of the CMU Programme of Action approved by VR.*
Reorganisation of CMU	CMU establishes, reorganises and liquidates in accordance with the law ministries and other central executive bodies, acting within the limits of funds allocated to maintenance of executive bodies.	The Prime Minister submits proposals to the President regarding establishment, reorganisation and liquidation of ministries, other central executive bodies within the limits of funds allocated by the State Budget of Ukraine to maintenance of those bodies.
Resolution of no confidence in CMU	Resignation of the Prime Minister, passage of the VR resolution of no confidence in CMU entail resignation of the entire CMU. In such cases VR forms a new CMU of Ukraine within terms and in accordance with the procedure established by this Constitution.	The CMU whose resignation was accepted by the President continues to discharge its powers on his assignment till the beginning of work of the new CMU, but not longer than for 60 days. The Prime Minister is obliged to file CMU resignation to the President pursuant to the President's decision or in connection with the passage of the VR resolution of no confidence.
Terms of VR powers	Five years.	Scheduled elections of VR are held on the last Sunday in October of the last year of VR office.**
Election participants	Parties (election blocs of political parties).	Only political parties.***

* Formally, that Article was not amended. However, according to the Law "On Introduction of Amendments to Some Legislative Acts of Ukraine (concerning the system of programme documents)" adopted on May 17, 2012, the Government's Programme of Action should rest on annual addresses of the President.

** The collision is that after the cancellation of the Constitution in the wording of December 8, 2004, and reinstatement of the original Constitution in the wording of 1996, the next parliamentary elections were to take place in spring, on the last Sunday of March of the last year of MPs' office (the Constitution established the VR term of office of four years). However, the election process was suspended by CCU. This gave time for amendment of the Constitution. Therefore, pursuant to the Law "On Introduction of Amendments to the Constitution of Ukraine Concerning Conduct of Scheduled Elections of National Deputies of Ukraine, the President of Ukraine, Members of the Supreme Council of the Autonomous Republic of Crimea, Local Councils and Village, Settlement, City Mayors" of February 1, 2011, the term of office of members of VR, the Supreme Council of the Crimea, village, settlement, city, district, regional councils whose members were elected at scheduled elections was increased to five years. It also provided that elections take place on the last Sunday of October of the fifth year of office of the concerned council, and scheduled elections of the President are held on the last Sunday of March, 2015.

*** The election system and election process participants were specified by the new election law passed by Parliament after introduction of amendments to the Constitution (increasing terms of office of all councils) and conduct of local elections under a mixed system, totally won by the Party of Regions.

**LEGAL FRAMEWORK OF ACTIVITY OF VR-6,
as of November 1, 2012**

Constitution of Ukraine (in the wording of April 28, 2010; identical to the text valid before the amendment of the Law "On Introducing Amendments to the Constitution of Ukraine" of December 8, 2004)

Vienna Convention on the Law of Treaties between States of May 23, 1969

Laws of Ukraine:

- "On the Status of a National Deputy of Ukraine" of November 21, 1992
- "On the Rules of Procedures of the Verkhovna Rada of Ukraine" of February 10, 2010
- "On Committees of the Verkhovna Rada of Ukraine" of April 4, 1995
- "On Public Appeals" of October 2, 1996
- "On Information" of October 2, 1992
- "On Access to Public Information" of January 13, 2012
- "On State Service" of December 16, 1993
- "On Principles of Prevention and Countering Corruption" of April 7, 2011
- "On Principles of the State Language Policy" of June 5, 2012

Code of Laws on Labour in Ukraine of December 10, 1971

Regulations:

- of consultant-aide of a national deputy of Ukraine (VR Resolution No.379 of October 31, 1995);
- of the Verkhovna Rada of Ukraine Staff (Directive of VR Chairman No.459 of May 31, 2000);
- on the procedure for handling draft laws, resolutions, other acts of the Verkhovna Rada of Ukraine (Directive of VR Chairman No.428 of May 22, 2006);
- on the procedure for work with documents in the Verkhovna Rada of Ukraine (Directive of VR Chairman No.448 of 25 May 2006);

General rules of conduct of a state servant (Head of the Main Department of State Service of Ukraine Order No.214 of August 4, 2010).

Curtailment of the Verkhovna Rada powers impaired its role in the system of governance, restricting its constituent and controlling functions.

Organisation of Parliament's work. The Verkhovna Rada of Ukraine structure generally meets uniform standards and rests on political and functional principles. The political principle of organisation envisages creation of parliamentary factions (groups), inter-factional unions, coalitions on the principles of party affiliation resting on political and ideological community that make the parliamentary majority and the opposition. The functional one envisages creation of parliamentary committees (and subcommittees), working groups, interim ad hoc and investigative commissions corresponding to the key functions of Parliament; the list of those parliamentary bodies is not universal and final – it depends on priorities and problems of the state policy, lines and scope of the law-making activity, professional qualities and ambitions of political and faction leaders, other factors.

Parliament's work and functions are supported by its Staff, supportive research institutions, parliamentary

media; the Staff employs hired workers (the Verkhovna Rada structure, functions and mechanisms are presented in Box "Verkhovna Rada of Ukraine of the 6th convocation...", pp.8-9).

After the presidential elections in February, 2010, the Verkhovna Rada structure actually did not change functionally.⁴ However, it fundamentally changed politically – very promptly and in the interests of the pro-presidential majority.

On March 9, Parliament adopted the Law "On Introducing Amendments to the Law of Ukraine 'On the Verkhovna Rada of Ukraine Procedures'" that allowed formation of the parliamentary coalition consisting not only of factions (as it was in VR-5 and VR-6 before March 2010) but also of individual MPs. As soon as March 10, the Law was signed by the President, and on March 11, the coalition "Stability and Reforms" was set up in the Parliament. It united the factions of the Party of Regions, CPU and Lytvyn's Bloc (227 MPs) and individual MPs that previously belonged to the BYuT and NUNS factions.⁵ On April 6, the Constitutional Court confirmed the legality of formation of the coalition, in that way making it legitimate.⁶

Two circumstances of adoption of the Constitutional Court's ruling strike the eye. First: the ruling ran contrary to another Constitutional Court's ruling of September 17, 2008, providing that "a coalition of parliamentary factions may include only national deputies – members of parliamentary factions that formed the coalition".⁷ Second: the substance of the Court ruling was known to state officials and functionaries of the Party of Regions before its official release. Those circumstances gave reasons to be doubtful about impartiality of the Constitutional Court and to suggest that it has been influenced by the new presidential administration and, therefore, cannot be an unbiased arbiter in relations, in particular, of the parliamentary majority and the opposition.

Commenting on the Court's ruling, the Razumkov Centre experts said: "The Constitutional Court has effectively legitimised the possibility of radical change in the position of National Deputies in the ratio "government – opposition", regardless of the political forces whose lists they were voted in on. This renders meaningless the will of citizens as expressed at the elections through support of political parties (blocs) and their pre-election programmes. This devalues the principle guaranteed by Article 5 of the Constitution that power is exercised by the people via state bodies of power and the right of citizens to take part in governance of state affairs, enshrined in Article 38 of the Constitution. The decision of the Constitutional Court could also lead to increased political corruption in Parliament... It demonstrates at the same time that there are no institutions in Ukraine capable of guaranteeing adherence to the Constitution of Ukraine by the authorities themselves, and of safeguarding citizens' rights and freedoms".⁸

⁴ Despite its deficiencies, including, i.a., the numerically cumbersome and functionally insufficient system of parliamentary committees, which leads to duplication of their functions, diffusion of efforts and complication of controlling functions, delay of the law-making process, deterioration of its quality.

⁵ On March 3, 2010, a motion of no-confidence was passed against Yuliya Tymoshenko's Government (243 "yeas"). On March 11, Mykola Azarov was appointed the Prime Minister (242 "yeas"), powers of the previous Government were terminated (238 "yeas"), the new Government was approved (240 "yeas"). **Therefore, a minimum programme of Viktor Yanukovich was implemented – a pro-presidential Government was formed.**

⁶ Constitutional Court of Ukraine Ruling No.11-pn/2010 of April 6, 2010. – VR of Ukraine web site, <http://zakon2.rada.gov.ua>.

⁷ Constitutional Court of Ukraine Ruling No.16-pn/2008 of September 17, 2008. – *Ibid.*

⁸ Razumkov Centre Statement regarding Constitutional Court Judgment, April 9, 2010. – Razumkov Centre web site, http://www razumkov org ua/eng/news php?news_id=333.



Further events in Parliament and subsequent decisions of the Constitutional Court proved the cited conclusions.

With the formation of the “Stability and Reforms” coalition, the parliamentary opposition actually lost a say, its proposals and criticism were no longer taken into account. The practice of flagrant violation of the procedures of consideration of bills and adoption of laws gained strength. The parliamentary majority voted automatically, by a wave of the hand of an MP from the Party of Regions’ faction, as a rule – without proper discussion and consideration of not only alternative viewpoints but also expert opinions of the Main Scientific Expert Department of the Verkhovna Rada Staff.

All this, taken together, gradually turned the Parliament into an institution of approval and legislative formalisation of the President’s and Government’s decisions. That process was logically completed by the Verkhovna Rada’s actual consent to the Constitutional Court’s ruling of September 8, 2010, that, as we noted above, cancelled the constitutional reform of 2004 and returned the country to the presidential-parliamentary system, whereby the President got powers not given to him by voters, and the Parliament yielded some of its powers. In the end result, the Parliament in fact lost independence in the system of division of powers and appeared under the President’s control, having become an element of the presidential “hierarchy”.⁹

1.2. DISCHARGE OF THE KEY PARLIAMENTARY FUNCTIONS BY THE VERTHOVNA RADA OF THE 6TH CONVOCATION

Parliament’s main functions are usually deemed to include legislative, representative and controlling. Some analysts also distinguish constituent (state-building, organisational), budget finance and foreign policy functions, but many view them as varieties of the main three ones.¹⁰

Legislative function of Parliament: quality of law-making. Law-making activity of Ukrainian Parliament is assessed rather critically. This primarily refers to the quality of bills submitted to the Verkhovna Rada for consideration. In particular, according to the monitoring conducted by the Agency for Legislative Initiatives, starting from 2003, nearly a thousand bills are annually submitted for consideration to the Verkhovna Rada, *only 10-20% of which are translated into laws*.¹¹

There is a growing trend to submission of bills without sufficient economic substantiation – that from the very onset bars their implementation (in case of adoption).

For instance, implementation of reforms in the bodies of internal affairs suggested by the Bill “On State Service of Law Enforcement”, even by analogy with reforms in Ukraine’s Armed Forces, requires huge resources. Meanwhile, the Bill argued without reasoning that state budget funds under the item of the Ministry of Internal Affairs would be enough for the reform.¹² The Main Scientific Expert Department also deemed the financial-economic substantiation of the Bill “On Introducing Amendments to the Law of Ukraine ‘On Research and Scientific-Technological Activity’” inconsistent with the Budget Code requirements and suggested its rejection.¹³

The poor quality of bills is also witnessed by great many amendments made to them during discussions.¹⁴ For instance, over 600 amendments were proposed to the Bill “On Election of National Deputies of Ukraine”, nearly 1,000 – to the draft Tax Code (however, those amendments are not always taken into account by bill authors and the parliamentary majority during voting).

The quality of adopted laws is also poor. This is witnessed, in particular, by the following:

- *neglect of constitutional provisions by Parliament at consideration and adoption of laws.* This is showily demonstrated by the fact that two-thirds of the laws considered by the Constitutional Court in 2007 and November 2009 were ruled unconstitutional, fully or partially.¹⁵ In the following years, the practice of neglect of constitutional provisions became even more spread;
- *growth in the number of legislative acts amending effective laws.* According to the data cited in Table “Quality of law-making activity of VR-6” (p.10), while among laws adopted during the 3rd session of Parliament, laws on amendments made 50%, with time, their figure rose in excess of 70%;¹⁶
- *further spread of the practice of amendment of recently adopted legislative acts, including those that did not even enter into force.* For instance, in July, 2010, they hastily, without a conclusion of the Venice Commission, passed the Law “On Judiciary and Status of Judges”, and as soon as 2011, “drafted” its new wording. The new Tax Code adopted on December 2, 2010, has been amended since December 23 of the same year, now, there are 26 amendments. The Code of Criminal Procedure adopted in April, 2012, and set to enter into effect in November, was amended as early as in July, 2012;

⁹ “We created a strong efficient administration led by the country’s President. Our Government and the Verkhovna Rada work in organic unity”. See: Mykola Azarov: Prompt organisation of fire fighting in Kherson region demonstrated the efficiency of work of the present authorities. – Party of Regions web site, August 10, 2012, <http://www.partyofregions.org.ua> (in Russian). “I was eager to do reforms, moreover that for the first time, very business-like working conditions have been created for that – the power of the President, Cabinet of Ministers and the majority in Parliament in fact represents an integral whole”. See: Tihipko is going to take part in presidential elections. – *Ukrayinska Pravda*, August 10, 2012, <http://www.pravda.com.ua> (in Ukrainian).

¹⁰ Reduction of the Verkhovna Rada powers impaired its abilities to properly discharge, first of all, the constituent, budget control and foreign policy functions (in particular, by giving the President and the Government supremacy in formation of institutes of governance, the state policy in general and foreign policy in particular, loss of the Accounting Chamber’s right to control state budget proceeds).

¹¹ See: “White Book” of Ukrainian parliamentarism. – Agency for Legislative Initiatives, *Westminster Foundation for Democracy*, Kyiv, 2010, <http://www.parlament.org.ua> (in Ukrainian).

¹² Reg. No.10579 of September 12, 2012, authors – PR MPs Vasyl Hrytsak and Valeriy Konovaliuk.

¹³ Reg. No.3185 of September 18, 2008, author – CPU MP Kateryna Samoiluk.

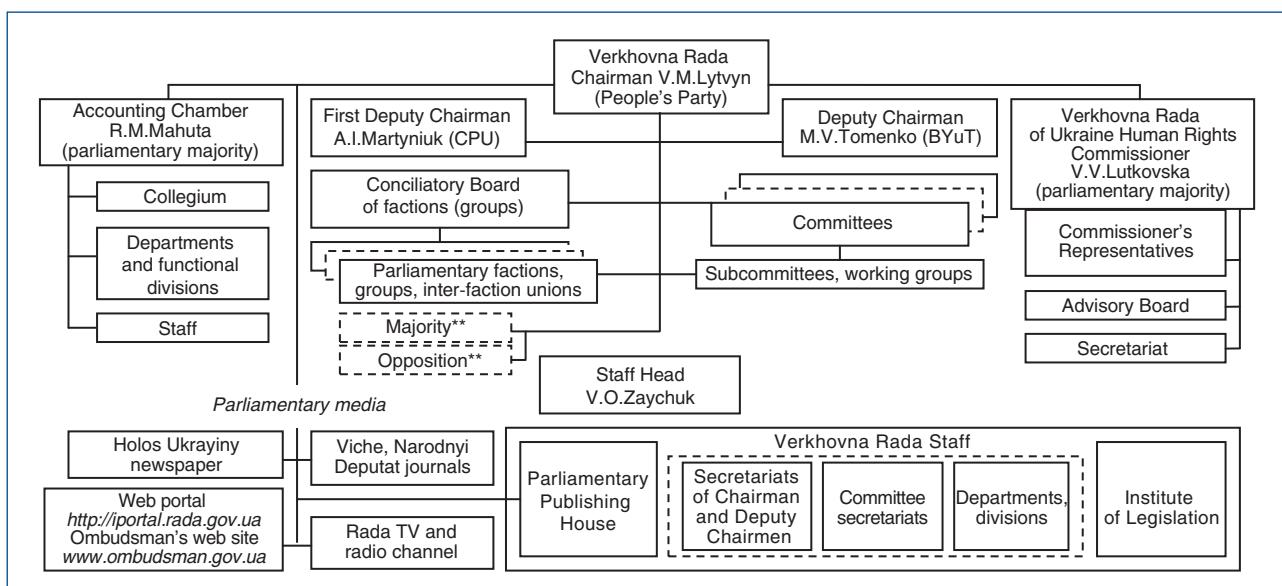
¹⁴ Noteworthy, in some cases numerous amendments to some bills are an element of political tactics of parliamentary factions and groups designed to prevent passage of those bills.

¹⁵ See: “White Book” of Ukrainian parliamentarism...

¹⁶ It should be added that according to the Agency for Legislative Initiatives calculations, almost 76% of the registered bills and 56% of the passed laws are *amendments to the effective legislation*. That is, Parliament spends the bulk of its work time on amendment of its own acts – while some vital legislative acts remain not passed (e.g., the Labour and Housing Codes, the Code of Administrative Offences, laws “On Public Prosecutor’s Offices”, “On Militia” and dozens of other laws that were passed either in the Soviet times or in the early years of Ukraine’s independence and are obsolete). See: *Ibid*.

VERKOVNA RADA OF UKRAINE OF THE 6TH CONVOCATION:

Structure of the Verkhovna Rada of Ukraine*



* The Verkhovna Rada of Ukraine is a unicameral parliament consisting of 450 members elected on the basis of general, equal and direct suffrage by secret ballot for five years. A national deputy may only be a citizen of Ukraine of not less than 21 years old on the election date, eligible to vote and living in Ukraine over the last five years. A citizen convicted for a malicious crime cannot be elected to the Verkhovna Rada, if his conviction was not cancelled in accordance with the legislatively established procedure. The Verkhovna Rada is competent in case of election of not less than 2/3 of its constitutional membership. The President of Ukraine may terminate powers of the Verkhovna Rada if plenary sittings cannot start for 30 days of one scheduled session. Powers of the Verkhovna Rada elected at extraordinary elections held after early termination of powers of the previous Verkhovna Rada by the President of Ukraine cannot be terminated for one year from the day of its election. Powers of the Verkhovna Rada cannot be terminated early during the last six months of office of the President of Ukraine.

** Despite the actual existence of the majority and the opposition in VR-6, the principles of their creation and activity are not legislatively regimented: the present wording of the Constitution of Ukraine does not have the notion of a "coalition of parliamentary factions", therefore, the relevant Chapters (12 and 13) were removed from the Law of Ukraine "On the Procedures of the Verkhovna Rada of Ukraine" pursuant to the Law of Ukraine "On Introducing Amendments to the Procedures of the Verkhovna Rada of Ukraine" of October 8, 2010. Opposition in Ukraine: the state, conditions of activity, relations with the authorities. The Razumkov Centre's analytical report, National Security & Defence journal, No.7-8, 2011, pp.3-24.

Key functions of the Verkhovna Rada

Legislative	Representative	Constituent	Controlling	Foreign policy	Budget finance
Drafting and discussion of bills; expert examination of bills; adoption of laws, their amendment, invalidation, cancellation or suspension; introduction of amendments to the Constitution of Ukraine; issue of laws. Legislative initiative is vested in the President, national deputies, the Cabinet of Ministers and the National Bank. Laws resolve all issues except those resolved by an all-Ukrainian referendum	Identification, summarisation, coordination, formulation, exercise and protection of interests of the Ukrainian people: calling elections and an all-Ukrainian referendum on issues specified in the Constitution; laying down fundamentals of home and foreign policy; approval of national programmes of economic, scientific-technological, social, national cultural development, environmental protection; hearing annual and extraordinary addresses of the President on the internal and external situation of Ukraine	Participation in formation of the Government, bodies of power and local self-government bodies; laying down the principles of their functioning; formation of judicial bodies; creation of parliamentary structures; participation in formation of other bodies of state power and state organisations; appointment or election, dismissal, consent to appointment and dismissal of officials of other bodies of state power and state organisations, assistance with formation of local self-government bodies; solution of issues relating to other elements (attributes) of activity of society and the state	Control of the Government's activity; parliamentary control of observance and defence of constitutional human and civil rights and freedoms (Ombudsman); budget finance control (Accounting Chamber); passage of decisions regarding inquiries to the President on a request of a national deputy, a parliamentary group or a parliamentary Committee; parliamentary inquiries and appeals; parliamentary control of specific issues, direct or via interim ad hoc and interim investigative commissions. The Verkhovna Rada may on a proposal of not less than 1/3 of national deputies of its constitutional membership consider the issue of the Government's responsibility and pass a resolution of no confidence by the majority of constitutional membership of the Verkhovna Rada	laying down fundamentals of the foreign policy; legislative activity in the field of foreign policy; consent to the binding character of international treaties of Ukraine and their denunciation; passage of decisions on military assistance to other states, deployment of armed forces units to another state or admission of armed forces units from other states to the territory of Ukraine; participation in the activity of interstate parliamentary structures: Inter-Parliamentary Union Parliamentary Assembly of the Council of Europe Parliamentary Assembly of OSCE Parliamentary Assembly of BSEC Parliamentary Assembly of NATO Inter-Parliamentary Assembly of CIS Parliamentary dimension of the Central European Initiative Inter-Parliamentary Assembly of EurAsEC Inter-Parliamentary Assembly of Orthodoxy Parliamentary Assembly of GUAM EU-Neighbourhood East Parliamentary Assembly Interstate Inter-Parliamentary Assembly	Adoption of the Law on the State Budget; introduction of amendments to it; control of implementation of the State Budget; passage of decisions regarding the report of its implementation

Mechanisms

Internal national	Internal parliamentary	International
Elections Referendum Activity of the institute of Ombudsman Activity of the Accounting Chamber Government reports Work of MPs in constituencies Information for the public and the authorities	Parliamentary hearings An Hour of Questions to the Government Sittings devoted to issues of the Government's responsibility Hearing of heads of bodies of state power Committee hearings Activity of interim ad hoc and investigative commissions Work of MPs in committees Intra- and inter-faction activity Handling of citizens' applications Parliamentary appeals and inquiries	Parliamentary groups for inter-parliamentary ties with other countries and organisations Exchange of delegations Information exchange on a wide range of issues



STRUCTURE, FUNCTIONS, MECHANISMS

Parliamentary factions and groups			
Name of parliamentary faction, group	Date of creation	Strength at the time of election VR-6	Strength as of 09.09.2012
Faction of the Party of Regions	23.11.2007	175	194
Faction of Yuliya Tymoshenko's Bloc Batkivshchyna*	23.11.2007	156	98
Faction of "Our Ukraine – People's Self-Defence" Bloc: People's Union "Our Ukraine", Political party "Forward, Ukraine!", People's Rukh of Ukraine, Ukrainian People's Party, Ukrainian Republican Party Sobor, Christian Democratic Union party, European Party of Ukraine, Civic Party Pora, Party of Defenders of Motherland	23.11.2007	72	63
Faction of the Communist Party of Ukraine	23.11.2007	27	25
Faction of the People's Party **	23.11.2007	20	20
Group "Reforms for the Future"	16.02.2011	21	19
National deputies who do not belong to any party or group (independent)		21	31

* In September, 2010, BYuT faction was renamed faction of BYuT-Batkivshchyna (BYuT-B).

** In November, 2010, faction of Lytvyn's Bloc was renamed faction of the People's Party.

Parliamentary majority "Stability and Reforms"		
Name of a parliamentary faction	Number of national deputies	
	05.10.2010	04.09.2012
Party of Regions	179	194
Communist Party of Ukraine	27	25
People's Party	21	20
Total	227	239

Committees and commissions of the Verkhovna Rada of Ukraine (strength), their heads and their factions						
Committees (26)						
for Economic Policy (19) O.M.Tkachenko – CPU	for Agricultural Policy and Land Relations (23) H.M.Kaletnik – PR	for European Integration (13) B.I.Tarasiuk – NUNS	for Justice (24) S.V.Kivalov – PR	for State Building and Local Self-Government (16) O.O.Omelchenko – independent	for Construction, Urban Development, Housing and Utilities Sector and Regional Policy (15) V.V.Rybak – PR	for Environmental Policy, Use of Nature and Liquidation of Aftermath of the Chornobyl Accident (17) A.I.Semynoha – independent
for Culture and Spirituality (11) V.O.Yavorivskyi – BYuT-B	for Fighting Organised Crime and Corruption (22) V.A.Bevz – CPU	for Budget (34) V.O.Baranov – People's Party	for Freedom of Speech and Information (10) Yu.Ya.Stets – NUNS	for Legislative Support for Law-Enforcement Activity (16) V.D.Shvets – BYuT-B	for Fuel and Energy Sector, Nuclear Policy and Nuclear Safety (20) M.V.Martynenko – NUNS	
for Science and Education (12) M.H.Lutskyi – PR	for National Security and Defence (18) A.S.Hritsenko – NUNS	for Foreign Affairs (14) O.H.Bilorus – BYuT-B	for Social Policy and Labour (13) V.H.Khara – PR	for Family, Youth Policy, Sports and Tourism (12) P.I.Kostenko – BYuT-B	for Industrial and Regulatory Policy and Enterprise (13) N.Yu.Korolevska – independent	for Procedures, Parliamentary Ethics and Support for the Verkhovna Rada Activity (22) V.V.Makeyenko – PR
for Pensioners, Veterans and Invalids (7) V.M.Sushkevych – BYuT-B	for Legal Policy (13) S.H.Mishchenko – independent	for Public Health (14) T.D.Bakhteyeva – PR	for Transport and Communications (25) M.I.Myronenko – PR	for Finance, Banking, Tax and Customs Policy (33) V.Yu.Khomutynnyk – PR	for Human Rights, National Minorities and Inter-Ethnic Relations (9) O.O.Zarubinskyi – People's Party	

Committee heads, first deputy heads, deputy heads and secretaries cannot simultaneously lead parliamentary factions. A committee head, first deputy head, deputy head and secretary cannot belong to the same faction. The Verkhovna Rada of Ukraine Chairman, First Deputy Chairman and Deputy Chairman cannot be elected committee members

Commissions (6) / their strength		
Counting commission of the 6th convocation (20)	Interim ad hoc commission on matters of the Autonomous Republic of Crimea (15) B.Deich – PR	Interim investigative commission for investigation of circumstances that led to the situation involving <i>Indar</i> CJSC (14) I.I.Plokhoi – PR
M.Kh.Sershun – People's Party	Interim investigative commission for investigation of circumstances of violation of the Constitution, the Land Code, other laws of Ukraine and passage of unlawful decisions by the Kyiv City Council in 2007-2010 (7) K.B.Kulykov – NUNS	Interim investigative commission for investigation of actions by officers of bodies of internal affairs during the exercise of the constitutional right to freedom of peaceful assembly by participants of a meeting on August 24, 2011, in the city of Kyiv (6) V.A.Kyrylenko – NUNS

Distribution of committees and commissions by faction							
	PR	BYuT-B	NUNS	CPU	People's Party	Independent	Total
As of 01.01.2008	9	9	5	3	2	–	28
As of 01.08.2012	9	5	4	2	2	4	26

Departments and divisions of the Verkhovna Rada Staff			Institute of Legislation of the Verkhovna Rada
Main Scientific Expert Department Main Legal Department Main Department of Documentary Support Main Organisational Department Information Department Press Service IT Department	Department of Support for Inter-Parliamentary Ties Department of Ties with Local Authorities and Local Self-Government Bodies HR Department Chancellery Division of Ties with Judicial Bodies Division of Public Appeals Control Division		



QUALITY OF LAW-MAKING ACTIVITY OF VR-6 (Razumkov Centre's assessment)

Number of laws amending earlier laws								
Sessions	III	IV	V	VI	VII	VIII	IX	X
Total number of laws	102	158	63	118	115	188	153	196
In that, amendments to laws (% of total)*	51 (50%)	118 (75%)	50 (79%)	91 (77%)	96 (83%)	141 (75%)	116 (76%)	139 (71%)
Viktor Yushchenko					Viktor Yanukovych			

* Not taking into account laws on ratification, laws on adoption and amendment of the state budget.

Codes adopted by VR-6 and number of amendments to them					
Codes	Budget Code	Tax Code	Air Code	Code of Criminal Procedure	Customs Code
Date of adoption	08.07.2010	02.12.2010	19.05.2011	13.04.2012	13.03.2012
Last amended	05.07.2012	06.07.2012		05.07.2012	05.07.2012
Number of amendments	13	26	Unchanged	1*	4

* Effective from November 19, 2012.

- *creation of the precedent for the President to sign a law on the condition of its adjustment.* For instance, the Law “On Fundamentals of the State Language Policy” was signed by the President, with a simultaneous assignment to the Government to set up a working group “for perfection of legislative support for the use of languages in Ukraine”, in fact, for adjustment of said Law;¹⁷
- *spread of the practice of neglect of critical conclusions of concerned parliamentary committees, the Main Scientific Expert and the Main Legal Departments during consideration and passage of such bills in the first reading.* For instance, the 10th session of VR-6 passed in the first reading 43 bills, contrary to recommendations to adjust them before adoption or even to reject them entirely.

Because of those and other deficiencies, VR-6 passed highly controversial, often – corrupt legal acts on foreign, economic, social, humanitarian policy.¹⁸ Neglect of conclusions of concerned committees, the Main Scientific Expert and the Main Legal Departments of the VR Staff (*de jure* not a violation of the Procedures) in that process may witness **prevalence of the political side over the professional one in Parliament’s activity**.

Three more things deserve attention in the law-making activity of VR-6.

First: that trend rocketed after the election of Ukraine’s President in 2010 and creation of a

pro-presidential parliamentary majority. While the 5th session of Parliament (September 2009 - January 2010) adopted 63 laws, the 6th (February-July 2010) – as many as 118; later on, their number further rose and reached 196 laws passed by the 10th session (July-February, 2012).¹⁹

Second: a decrease in the number of laws passed by broad consensus (by a constitutional majority). While the 5th session passed like that 17 laws, 6th – 14, the 7th session – only three, 8th – not a single one, the 9th and 10th sessions – one law each. All bills were supported by the factions of the Party of Regions and the People’s Party. MPs from the Reforms for the Future group had some reservations – they did not support six bills. CPU sometimes managed to save its political and ideological image, refusing to support the most notorious proposals (38).²⁰ All this reveals sharp political confrontation in the Verkhovna Rada..., politically ruling out support for bills proposed by the opposition and at the same time ensuring “automatic” passage of laws pushed by the pro-presidential majority.

Third: the growing share of laws submitted not by national deputies but by the Government and the President. Out of the mentioned 196 laws passed at the 10th session, 92 (or 47%) were submitted by national deputies, 104 (53%) – by the Government (96) and the President (8).²¹ And since MPs often lobby projects of central executive bodies and submit bills drafted by those bodies for consideration in their name (which facilitates the submission procedure), there are grounds to speak of loss of the legislative initiative by Parliament.

¹⁷ President of Ukraine Assignment “On perfection of legislative support for the use of languages in Ukraine” of August 8, 2012. – President of Ukraine web site, <http://www.president.gov.ua>. The document reads: “To set up a working group... for generation and submission of systemic proposals for perfection of the legislation on the procedure of use of languages in Ukraine”. According to Vice Prime Minister Rayisa Bohatyriova, one of the main tasks of the Working Group will be to draft changes to the Law “On Principles of the State Language Policy”. See: Working group will develop modern legislation that will meet language needs of all citizens, – Rayisa Bohatyriova. – President of Ukraine web site, August 8, 2012 (*in Ukrainian*).

¹⁸ E.g., laws of 2010: foreign policy – “On Foundations of the Domestic and Foreign policy” (July 1, 2010); economic – “On State Procurements” (June 1, 2010); the Tax Code of Ukraine (December 2, 2010); social – “On Measures at Legislative Support for the Pension System Reform” (July 8, 2011), and the Law “On Principles of the State Language Policy” of July 3, 2012 – in the humanitarian policy.

¹⁹ Data of the Agency for Legislative Initiatives. See: Shramovych V. Do we need records in the Verkhovna Rada? – *Ukrayinska Pravda*, July 26, 2012, <http://www.pravda.com.ua> (*in Ukrainian*).

²⁰ Noteworthy, some “opposition” MPs vote contrary to the faction stand: while BYuT-B faction totally supported 13 laws, NUNS – 3, some members of those factions voted for laws proposed by the majority.

²¹ Shramovych, V. Do we need records in the Verkhovna Rada?...



Combined with the above-mentioned neglect of the opposition, those things prompt the suggestion that the parliamentary majority (in reality – the new Presidential Administration and the Party of Regions) is insistently trying to create a legal and regulatory framework meeting only its idea of the country's present and future and to pass the "point of no return", i.e., to create a situation where it will be difficult, if not impossible, to cancel implemented laws.

One can just mention the Law on ratification of the Kharkiv Agreements that extended the Russian Black Sea Fleet stationing in Ukraine till 2042, the Law "On Foundations of the Domestic and Foreign Policy" that declared Ukraine a non-bloc state, and the Law "On Principles of the State Language Policy". The latter case is especially striking: the Law was adopted hastily, in violation of the procedure, just before the official parliamentary election campaign – on July 3, 2012, despite the fact that the Law has evident signs of an election technology (since it was designed to fulfil election promises of the Party of Regions and the President) and, as noted above, needs adjustment, but its provisions are already effectively implemented in some regions of the country, where the Russian language was imposed as regional official. The situation will be very difficult to correct (in case of the government change). Just as its adoption was accompanied with mass public protests, its cancellation may also cause social tension.

Summing up, it may be argued that the Ukrainian Parliament inadequately performs its law-making function. It ignores proposals and initiatives of the opposition, conclusions of parliamentary committees, the Main Scientific Expert and the Main Legal Departments of the VR Staff. Meanwhile, a law of any quality or subject proposed by the President or the Government is actually doomed to support from the parliamentary majority. Many bills and passed laws just amend the effective legislation, ever more bills and laws are proposed not by national deputies but by the Government and the President of Ukraine.

Representative function of the Parliament: weak connection with voters. Introduction of the proportional election system with *closed* party lists in 2004, on one hand, led to the actual loss of voters influence on the composition of the Parliament; on the other – critically shattered MPs' responsibility to citizens. The latter is attributed to the underdevelopment of the Ukrainian party system, low political culture and a specific nature of the majority of political parties, being not associations of citizens on the basis of specific political ideology and/or

a common idea of the ways of the country development but rather business projects or partnerships established to push some persons to power.²²

In such situation, political power gradually concentrated in the hands of a few parties and blocs, and Parliament elected under that system turned from a body designed to represent interests of social groups into a tool pushing interests of a few political groupings, their leaders and, in most cases, sponsors, powerful financial-industrial groups (FIGs). For instance, in the Verkhovna Rada of the 5th and 6th convocations all factions without exception were supported by one or another FIG.

Meanwhile, another trend arose and rapidly gains strength – of nepotism: Parliament absorbed more relatives of high-ranking officials, a few members of the same family at a time. Judging by party lists and candidates nominated in single-member constituencies, the current parliamentary elections can make the trend towards nepotism of state power in Ukraine a tradition.²³ According to the Head of the Committee of Voters of Ukraine, Oleksandr Chernenko, "There is a danger that after the elections, Parliament will turn into a family-clannish structure. During political bargaining members of family couples coming to Rada will seek positions in exchange for support for concrete persons or facilitation of solving specific issues. This trend may consolidate their families, but not Ukrainian parliamentarism".²⁴

Another trend that undermines the representative function of Ukraine's Parliament is presented by the growing prevalence of wealthy persons. While VR-2 had only some two dozen MPs whose estate was estimated above 1 million, VR-3 – after the mixed election system was introduced – over 110 MPs, VR-4 – over 200, VR-5 – over 250, VR-6 – over 300, or two-thirds of Parliament members.²⁵ According to estimates, the estate of the 20 richest parliamentary candidates at the present elections makes \$7.7 billion. 15 of them stand for the Party of Regions.²⁶ So, it may be suggested that the trend to prevalence of wealthy persons among MPs will not change either – while nearly 80% of Ukrainian families live on the brink of poverty.

Those trends discredit Parliament in the eyes of the Ukrainian public and make it sure that the Verkhovna Rada defends the interests of not society but, first of all, representatives of big business, shadow dealers and heads of state authorities. This is witnessed by the results of a public opinion poll presented in Table "*Interests of which social groups...?*" (p.12). Experts share this opinion.²⁷

²² For more detail see: Political parties of Ukraine: Razumkov Centre analytical report. – *National Security & Defence*, 2011, No.12, p.15-60; Ukraine's party system: specificity of establishment, problems of functioning, prospects of development. Razumkov Centre analytical report. – *National Security & Defence*, 2010, No.5, p.2-34.

²³ Analysis of those lists shows that more than 50 candidates are members of 23 known families of politicians, businessmen or top officials. If elected, those persons will make over 10% of Parliament.

²⁴ Appearance of families and relatives in Verkhovna Rada will consolidate their families, not Ukrainian parliamentarism – Chernenko. – Independent public portal, October 22, 2012, <http://ngp-ua.info> (in Ukrainian).

²⁵ See: Porovskiy M. Elections of the future through paradoxes of the present. – *Hromadianyn Ukrayiny* web site, <http://gukr.com/article1496.html>; Political scientist Viktor Pashchenko: There are over 300 millionaires in the Verkhovna Rada, not interested in imposition of real estate tax. – *ZIK* newspaper, <http://zik.ua/ua/news/2007/01/11/60121> (in Ukrainian).

²⁶ Most of all rich men go to parliament under the Party of Regions' banner: *Forbes.ua* drew up the rating of the richest parliamentary candidates. – September 20, 2012, <http://tvi.ua> (in Ukrainian).

²⁷ See Table "*Interests of which social groups...?*" on p.81.



All this gives grounds to state that the Verkhovna Rada of Ukraine ever less can discharge representative parliamentary function, which further compromises it in the public eyes.

Controlling function of Parliament: restriction of powers, formal character. Traditional mechanisms of parliamentary control include: the institute of the Human Rights Commissioner (Ombudsman), the Accounting Chamber, interim ad hoc and investigative commissions, Government reports, “an hour of questions to the Government”, sittings dedicated to the Government’s responsibility, hearing heads of bodies of state power, parliamentary appeals and inquiries, committee and parliamentary hearings.

The analysis shows that VR-6 did not ensure the efficient use of those mechanisms. This primarily refers to all forms of reports of the Government and individual government officials (such reports are irregular by time and formal by substance of both the reports and the relevant decisions of the Verkhovna Rada; furthermore, according to the established practice, reports are delivered not by ministry and agency heads but by their deputies); MP appeals and inquiries, response to which is usually formal;²⁸ parliamentary and committee hearings (such hearings, as a rule, result in formal resolutions and decisions). Other mechanisms are a bit more effective, although they generally do not improve the situation in the sectors under their control.

Institute of Ombudsman.²⁹ That institute, established in Ukraine in 1998, presents the main tool that on behalf of Parliament exercises control of the state law-enforcement system.³⁰ Analysis of the Ombudsman’s activity over its entire history prompts the following main conclusions.

(1). In its activity, the Ombudsman mainly relied on one of the least efficient mechanisms of bodies of state power – resent appeals addressed to its to competent authorities and/or local self-government bodies, i.e., in fact, the bodies that in one or another way violated citizens’ rights and about which the citizens had complained. It was calculated that in course of 14 years, people applied to the Ombudsman 50-70 thousand times a year; only 30% of the appeals were taken for consideration, the rest was rejected as unacceptable. Nearly 40% of those accepted for consideration were resent to other bodies, their further fate was not traced; in response to another 40% of appeals, applicants were given explanations as to the measures they need to take – and only 20% of appeals entailed proceedings (according to other estimates – 10-11%). In particular, in 2011, the Commissioner opened proceedings in 10.6% of appeals; sent 25.4% of appeals to bodies of state power and local self-government bodies; refused to consider 3.7% of appeals.³¹

	UKRAINE	REGIONS				AGE					PARTY AFFILIATION						
		West	Centre	South	East	18-29	30-39	40-49	50-59	60 and over	Batkivshchyna	Svoboda	CPU	Ukraine – Forward!	Party of Regions	UDAR	Hard to say
Representatives of big capital	47.7	53.5	55.2	39.5	40.6	49.1	48.6	49.0	47.0	45.5	57.1	71.2	47.3	50.0	31.5	58.0	39.8
Shadow dealers	35.5	39.5	42.8	26.9	30.0	36.3	34.0	36.6	36.6	34.3	42.9	39.7	30.6	28.9	22.1	51.0	33.9
Heads of state government bodies	23.0	19.5	24.3	14.8	27.7	24.0	24.9	24.6	21.7	20.8	23.0	28.8	27.7	27.6	20.0	34.0	20.2
All Ukrainian citizens	17.0	7.9	14.3	38.0	15.2	14.5	16.2	17.7	19.2	17.8	8.6	6.8	17.1	8.0	37.8	6.4	18.7
Managers of state enterprises	8.4	7.2	9.1	2.3	11.4	9.0	8.6	8.4	6.1	9.4	8.6	5.1	6.3	4.0	10.3	14.7	7.0
Pensioners, elderly people	6.9	3.1	2.9	16.4	9.0	5.1	6.9	5.5	9.3	8.0	2.5	0.0	8.0	8.0	16.1	5.8	6.7
Employees of the public sector	4.3	5.4	3.9	3.3	4.4	3.5	3.8	5.8	3.5	4.7	3.4	5.1	3.6	2.6	7.2	3.8	4.0
Youths	4.1	2.6	1.1	12.1	4.1	3.7	5.2	2.0	6.4	3.3	1.7	1.7	2.7	5.3	10.3	1.9	4.3
Workers	2.6	2.1	1.1	9.5	1.1	2.4	2.3	3.5	3.2	1.8	0.5	0.0	1.8	5.3	6.5	0.6	3.7
Peasants	2.4	1.0	0.6	9.5	1.7	2.2	1.7	3.2	2.6	2.4	0.5	0.0	2.7	2.7	6.5	1.3	2.8
Medium and small businessmen	2.4	1.0	1.7	2.9	3.7	2.2	1.7	2.3	3.2	2.5	0.5	0.0	3.6	0.0	5.1	1.9	1.8
Veterans of wars, labour, Afghanistan and Chornobyl	1.9	1.5	0.3	1.3	4.0	1.5	2.0	1.2	3.2	1.8	0.7	1.7	2.7	0.0	4.4	2.5	1.5
Specialists and office workers	1.5	1.5	1.2	3.6	0.8	1.1	1.7	1.7	2.0	1.2	1.7	0.0	0.0	2.6	2.6	1.3	0.6
Others	3.8	3.9	2.3	1.0	6.5	2.6	4.0	4.1	3.8	4.5	5.9	5.1	6.3	1.3	1.6	5.1	2.1
Hard to say	12.7	14.4	7.4	8.2	19.0	13.6	15.3	11.0	7.6	14.9	10.5	10.2	15.2	9.3	10.2	7.0	17.4

* Respondents were supposed to give not more than three acceptable answers.

²⁸ During VR-6 office, 7,779 MP inquiries. All MP appeals and inquiries must be answered (since non-fulfilment of that procedure threatens state officials with a fine from 10 to 25 tax-free minimum incomes – Article 188-19 of the Code of Ukraine of Administrative Offences). However, MPs are often unsatisfied with official responses on different levels, which was more than once announced at plenary settings of VR-6.

²⁹ For more detailed analysis of the Commissioner’s activity see: for 1998-2007 and part of 2008: Koval L. Analysis of the Verkhovna Rada of Ukraine Human Rights Commissioner activity. – Kharkiv, 2010, <http://library.khpg.org/files/docs/1269004586.pdf>; at the beginning of 2012: Monitoring of the first months of work of Valeriya Lutkovska in the Ombudsman position. – Ukrainian Helsinki Human Rights Union, July 3, 2012, <http://helsinki.org.ua/index.php?id=1341311879> (in Ukrainian).

³⁰ Nina Karpachova had occupied the Commissioner’s post since its institution and till April 2012; in April, 2012 Valeriya Lutkovska was elected to that post on a proposal of the Party of Regions.

³¹ Annual Report of the Verkhovna Rada of Ukraine Human Rights Commissioner on the state of observance and protection of human rights and freedoms in Ukraine in 2011, p.16. – Verkhovna Rada of Ukraine Human Rights Commissioner official web site; <http://www.ombudsman.gov.ua> (in Ukrainian).



(2). Bodies of power, including Parliament, rather formally respond to reports, appeals and other motions of the Ombudsman. Human rights champions cite as example VR Resolutions on the Ombudsman's annual and special reports "of a standard non-committal substance".³² For instance, on April 5, 2011, the Verkhovna Rada passed a Resolution that, in particular, recommended "the Cabinet of Ministers of Ukraine, other bodies of state power to consider the conclusions and recommendations of the annual report of the Verkhovna Rada of Ukraine Human Rights Commissioner and to take appropriate measures for improvement of guarantees of human rights and freedoms in Ukraine, perfection of the law-enforcement practice in the field of human rights and freedoms". Respectively, Ukraine's First Vice Prime Minister Andriy Klyuev instructed ministers, heads of other central executive bodies, Chairman of the Council of Ministers of the Autonomous Republic of Crimea, heads of regional, Kyiv and Sevastopol city state administrations *to continue implementation of measures* to guarantee observance of human rights and freedoms guaranteed by the Constitution of Ukraine and fulfilment of international commitments in that field assumed by Ukraine" (emphasis added – *Ed.*). The efficiency of such instructions is more than doubtful.

After hearing the latest Annual Report in 2012, the relevant VR Resolution was not even put to vote.

(3). Generally speaking, 14 years of Ombudsman's activity had little effect on the rather negative situation with observance of human rights in Ukraine. The Commissioner herself admitted that "the situation with observance and defence of human rights is not improving".³³ It should be added that in the recent years the situation has seriously deteriorated, especially with respect to civil rights and observance of human rights by law-enforcement bodies, but the Ombudsman and, respectively, the Verkhovna Rada proved unable to stop that process.³⁴ Parliamentary mechanisms for protecting human rights remain of little effect.

Accounting Chamber. The Accounting Chamber was created in Ukraine in 1996 to control the use of state budget funds on behalf of Parliament. Following the constitutional reform of 2004, the Accounting Chamber was empowered to control not only the use but also the collection of funds to the state budget. However, this did not make the Accounting Chamber a really efficient controlling body, due to the formal reaction of

Parliament itself and of competent state bodies to its reports. *First*, on the basis of the Accounting Chamber reports and releases, parliamentary committees only *may* (are not obliged) work out propositions for perfection of the effective legislation in the budget, financial and credit sectors. Respectively, there is no established practice of remedy of drawbacks in the legislation to rule out inefficient use of budget funds on the basis of the Accounting Chamber documents.

Second, the Accounting Chamber's inspections always reveal numerous violations in the financial sector, non-target or irrational use of budget funds. However, there were no reports of infringers brought to criminal responsibility following such inspections.

Therefore, the absence of proper reaction of Parliament and law-enforcement bodies undermines the efficiency, if not makes senseless, the Accounting Chamber's activity. Furthermore, after the "constitutional reform" of 2010 the Accounting Chamber lost control of the state budget revenues.

Interim investigative commissions, ad hoc interim investigative commissions and interim ad hoc commissions. In European parliaments the practice of interim investigative commissions is usually created by the opposition and plays an important role for control of the Government's activity, investigation of publicised cases, etc.³⁵ The procedure for creation and activity of interim commissions remains not legislatively regimented in Ukraine.³⁶

Historically, the Verkhovna Rada of the 6th convocation formed 44 interim commissions.³⁷ 39 of them have been terminated. However, only eight of them resulted in resolutions of the Verkhovna Rada, one was terminated by lapse of powers; the other 30 – "by notice",³⁸ in other words – *without any result or effect*. This even relates to commissions set up in publicised cases: for investigation of the circumstances and effects of operation of *Livela* company and associated legal entities on the Ukrainian market of petroleum products (worked from May 12 till November 18, 2011), and for investigation of censorship in mass media, pressure of freedom of speech in Ukraine and interference with lawful professional activity of journalists (from July 1, 2010, till June 17, 2011).

Interim investigative commissions' efficiency was rightfully assessed by the Chairman of the Verkhovna Rada Volodymyr Lytvyn, who admitted: "As far as I remember,

³² Monitoring of the first months of work of Valeriya Lutkovska in the Ombudsman position ...

³³ Annual Report of the Verkhovna Rada of Ukraine Commissioner ..., p.19.

³⁴ In particular, neither Parliament nor the Commissioner properly responded to the liquidation of the Department for Monitoring of Observance of Human Rights in the Activity of Bodies of Internal Affairs under the Ministry of Interior in 2010. The Department was established in January, 2008, 40% of the Minister's aides for human rights were representatives of human rights organisations.

³⁵ See, e.g.: Kokh M., Kanevskyi D. Investigative commissions of Bundestag – a "sharp sward" in the opposition hands. – *Deutsche Welle* web site, September 27, 2012, <http://www.dw.de> (in Ukrainian). Noteworthy, the concerned commission was 39th over the entire post-war period.

³⁶ The first attempt of legislative regimentation took place in 2006 (Bill No.6450 of April 3, 2006). After three presidential vetoes, the Law was cancelled. The Law "On Interim Investigative Commissions, Ad Hoc Interim Investigative Commission and Interim Ad Hoc Commissions" was passed on January 15, 2009, but later returned by the President to the Verkhovna Rada. On March 3, 2009, Parliament overrode the veto. However, the Constitutional Court on the President's request ruled that Law unconstitutional (Ruling No.20-pn/2009 of September 10, 2009).

³⁷ Currently, there are two commissions whose powers lapsed but that did not present reports: (1) for investigation of actions by officers of bodies of internal affairs during the exercise of the constitutional right to freedom of peaceful assembly by demonstrators on August 24, 2011 (powers lapsed in December, 2011); and (2) for investigation of the situation with *Indar* CJSC (powers lapsed in April, 2012). There is also the Interim Investigative Commission for investigation of circumstances of violation of the Constitution, the Land Code of Ukraine, other laws of Ukraine and passage of unlawful decisions by the Kyiv City Council in 2007-2010 (effective till December, 2012); the Interim Ad Hoc Commission for preparation of proposals for amendment of the effective legislation in connection with the Constitutional Court of Ukraine ruling of unconstitutionality of the political reform; on matters of the Autonomous Republic of Crimea (effective during the period of work of the Verkhovna Rada of the 6th convocation).

³⁸ See: Interim commissions of VR of Ukraine. – VR portal, http://w1.c1.rada.gov.ua/pls/site2/p_temp_komitit (in Ukrainian).



no investigative commission produced any output. There is much talk, political discussion, mutual accusations, but no result. The very idea of investigative commissions is compromised with us... because... an investigative commission, as a rule, is aimed at settling scores, not establishing the truth".³⁹

All this gives grounds to state that the Ukrainian Parliament rather formally discharges its controlling functions. Documents prepared by parliamentary controlling bodies are reviewed and taken notice of. However, infringers are usually not brought to responsibility, legislation is not improved on the basis of those documents.

1.3. POLITICAL RESPONSIBILITY OF PARLIAMENT AND NATIONAL DEPUTIES

Indicators of the level of Parliament's political responsibility to society are deemed to include: fulfilment of election programmes by parliamentary parties; steadiness of the political stand of a national deputy meeting voters' will; observance of the constitutional norm of personal voting by a national deputy.

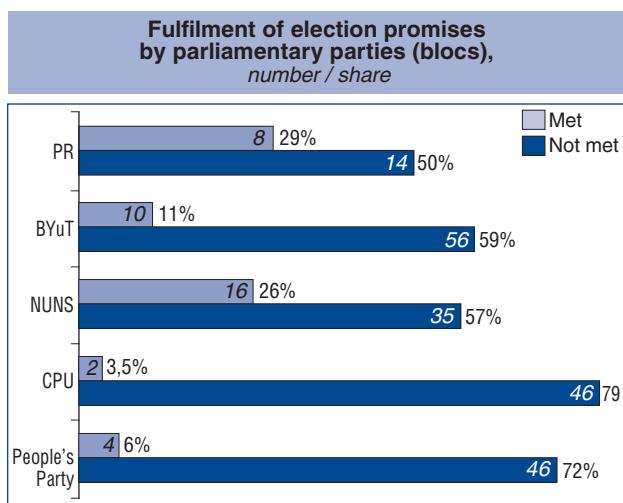
Fulfilment of election programmes by parliamentary parties (blocs). There is no practice of reporting of fulfilment of publicly assumed political commitments in Ukraine, in particular, political parties do not report of the activity of their parliamentary factions (and national deputies elected by their lists to Parliament), first of all – of fulfilment of election programmes and commitments.

Meanwhile, attempts of legislative introduction of such reporting meet resistance of national deputies themselves. For instance, in 2008, the Bill "On Introducing Amendments to the Law of Ukraine 'On Political Parties in Ukraine' (concerning party reporting for political and election programmes)" was submitted to the Verkhovna Rada, proposing introduction of the practice of annual reports by parliamentary parties.⁴⁰ In April, 2008, the Bill was passed in the first reading. The second reading took place *three years later* – on April 21, 2011, and when voted in general, the Bill won only *30 votes*. The law was not supported by MPs of the majority and the opposition alike.

Meanwhile, there appeared a precedent of judicial recognition of such a document as an election programme just as "means of canvassing", fulfilment of which is a *right*, not a *duty* of the person that "shaped the will of voters" using such means. It was the Higher Administrative Court of Ukraine Ruling concerning the election programme of President Viktor Yanukovych "Ukraine for the People". Having termed it "means of canvassing" (not a "legislative act"), the Court found no grounds "for recognition of the inaction of the President of Ukraine unlawful" and did not find "that at the exercise of powers of authority of the President of Ukraine,

the claimant's rights were violated, including as a voter".⁴¹ This judgment may be extended to election programmes of political parties – even though a programme is an attribute of a political party, as ensues from the legal definition of party.⁴²

The practice shows that parliamentary political parties indeed view their election programmes as means of canvassing rather than publicly assumed political commitments that need to be met from the viewpoint of political responsibility to voters. Respectively, as a rule, a small share of those commitments is met. For instance, according to the results of monitoring of the Verkhovna Rada of the 6th convocation in November 2007–December 2011, the average rate of fulfilment of election commitments by parliamentary political parties made only 13%, and even that share "was largely contributed by the President and the Government"⁴³ (which may prove the above assumption of Parliament losing its legislative initiative). The indices of fulfilment of election promises by each parliamentary party (bloc) are presented on Diagram "Fulfilment of election promises...".⁴⁴



Reduction of election programmes to the status of "means of canvassing", their regular non-fulfilment may discourage voters' desire to read and assess them and undermine the sense of elections as a choice of a "national programme of social development"

Steadiness of the political stand meeting voters' will. In practice, it means that a national deputy must join the parliamentary faction of the political party (bloc) by whose list he was elected to Parliament and, respectively, bans his migration to another factions.

As far back as 2000, a bill on introduction of amendments to the Constitution of Ukraine providing for automatic termination of an MP powers in case of his withdrawal from the faction of the party (bloc) by whose election list he was elected to Parliament was submitted to the Verkhovna Rada; the Constitutional Court

³⁹ Lytvyn is sure that Rada's investigative commissions only settle scores. – *Tyzhden* web site, March 16, 2012, <http://tyzhden.ua> (in Ukrainian).

⁴⁰ Reg. No.1467 of January 31, 2008; author – MP of Lytvyn's Bloc Oleh Zarubinsky.

⁴¹ Higher Administrative Court of Ukraine Ruling of July 21, 2011. – Single State Register of Court Rulings, <http://www.reyestr.court.gov.ua> Review17313305
For reference: on June 23, 2011, consultant-aide to national deputy Yuriy Odarchenko (BYuT-Batkivshchyna), human rights activist Dmytro Ilchenko filed a claim to the President of Ukraine Viktor Yanukovych in connection with "inaction of the head of state at fulfilment of his election promises".

⁴² "...Political party... is an association of citizens – adherents of some nation-wide programme of social development". – Article 2 of the Law "On Political Parties in Ukraine".

⁴³ Monitoring was performed by Open Society Foundation NGO. See: Next to last credit: work of factions in the Verkhovna Rada of Ukraine (November 2007 – December 2011). – Parliamentary Information Analytical Newsletter, 2012, No.1, p.2-28. <http://www.deputat.org.ua/files/1330351701.pdf> (in Ukrainian).

⁴⁴ Source: *Ibid.*, p.18.



recognised that norm constitutional,⁴⁵ and on July 10, 2001, the bill was passed in the first reading.

However, the second reading never took place, and said norm was included in the Constitution with the constitutional reform of 2004.⁴⁶ Also in 2008, the Constitutional Court defined MP membership in a faction not as his right but as a *duty*.⁴⁷ The presence of that norm in the Constitution and the stand of the Constitutional Court provided kind of safeguard against “inter-faction migration” but did not solve the problem of political unity within factions. “Inter-faction migrations” became especially spread after the “constitutional antireform” of 2010 that removed that norm from the Constitution, and amendments to the Law “On the Verkhovna Rada of Ukraine Procedures” that allowed formation of non-party parliamentary groups.

According to the results of a survey performed by *Chesno* public movement, there are 76 MPs in the Verkhovna Rada of the 6th convocation not meeting the criterion of “steadiness of the political stand meeting voters’ will”.⁴⁸ This is almost 17% of the Verkhovna Rada members, which gives grounds to assert: **the political structure of the current Ukrainian Parliament is deformed and does not meet the will of voters demonstrated in 2007. VR-6 does not adequately perform its representative function. Growing incidence of “inter-faction migration” and juicy scandals accompanying some of them may witness the spread of political corruption and growth of outside influence on Parliament.**⁴⁹

Personal voting by national deputies. The requirement of personal voting by an MP originates from the very representative nature of parliament: voting, an MP translates the will of his voters. The norm of personal voting of a national deputy of Ukraine is provided in the Constitution (Article 84) and confirmed by the Constitutional Court of Ukraine.⁵⁰ However, actually all convocations of Parliament saw the practice of voting with cards of others. With the introduction of the proportional election system that practice became especially spread, involving “faction voting” – one MP voting with his card and several cards of his fellow party comrades. A survey conducted by the Parliamentary Development Project for Ukraine in February-April, 2009, showed that MPs deciding how to vote mainly followed the opinion and recommendations of the faction leadership.⁵¹ Factions vote coherently, therefore, personal voting and even presence of an MP in his working place in the session hall lose sense.

All attempts to stop the practice of voting with cards of others – introduction of the advanced sensor system of count of votes *Rada-3*, legislative regimentation of that issue, entitlement of MPs to apply to the Constitutional Court in case of adoption of a law by

“faction voting”, etc. – failed. Noteworthy, such attempts have been obstructed by national deputies themselves. Creation of the parliamentary majority in 2010 only aggravated the situation. According to the results of a survey performed by *Chesno* public movement, 424 (over 94%) national deputies violate the constitutional requirement of personal voting.⁵²

Therefore, at present, the opinion of voters is unimportant for the absolute majority of national deputies voting in Parliament. Political responsibility of a national deputy is actually reduced to responsibility to his faction or group, and of the latter – to responsibility to party (group) leaders and their sponsors.

1.3. PERCEPTION OF PARLIAMENT AND RESULTS OF ITS ACTIVITY BY THE PUBLIC AND EXPERTS

Efficiency of Parliament’s work, lack of transparency and clarity of its activity for society, reluctance of MPs to reckon with citizens’ needs and demands are well illustrated by numerous negative comments in mass media and acute reaction of society to the adoption of “unpopular” and highly controversial legal acts – protests climaxed by the Tax Maidan and erection of a metal fence around the Verkhovna Rada. The negative perception of activity of the Verkhovna Rada was also manifested in the results of public opinion and expert polls.⁵³

Public support for Parliament’s activity. According to the results of public opinion polls held since 2000, full public support for the Ukrainian Parliament’s activity in that timeframe rarely exceeded 10%. Peaks of full support clearly correlated not even with parliamentary but with presidential elections: for instance, in February, 2005, full support for Parliament’s activity hit 28%, in April-May, 2010 – 17% and 19%, respectively. Later on, with public disappointment in a new ruling team, the rate of full support and, respectively, support for separate steps was declining, and the number of those who did not support the VR activity at all was going up.

Since the presidential elections and formation of a pro-presidential majority in VR-6, full support for Parliament’s activity has fallen from the mentioned 19% in May, 2010, to 4% in August, 2012; support for separate steps decreased from 40% in March, 2010, to 35% in August, 2012. Meanwhile, the number of those who do not support Parliament’s activity at all increased from 37% in April, 2010, to 54% in August, 2012. Noteworthy, in some periods of Parliament’s activity during the office of Viktor Yanukovich their number reached 63-67% (September-November, 2011) (Diagram “Do you support the activity of the Verkhovna Rada of Ukraine?”, p.16).

Assessments of Parliament’s activity. In June, 2012, the overwhelming majority (75%) of citizens

⁴⁵ Bill “On Introducing Amendments to the Constitution of Ukraine”, reg. No.6254 of December 1, 2000, http://w1.c1.rada.gov.ua/pls/zweb2/webproc_1?pf3511=9428; Constitutional Court of Ukraine Ruling No. 2-in/2001 of July 4, 2001, <http://zakon2.rada.gov.ua/laws/show/v002v710-01> (in Ukrainian).

⁴⁶ See: Constitution of Ukraine (in the wording of 2004), Article 81, Part 2, Paragraph 6.

⁴⁷ See: Constitutional Court of Ukraine Ruling No.12-pn/2008 of June 25, 2008 – Verkhovna Rada of Ukraine web site, <http://zakon2.rada.gov.ua/laws/show/v012p710-08> (in Ukrainian).

⁴⁸ See: Taran, S. “Turncoat”-mania of Ukrainian politics. – *Ukrayinska Pravda*, September 25, 2012 (in Ukrainian).

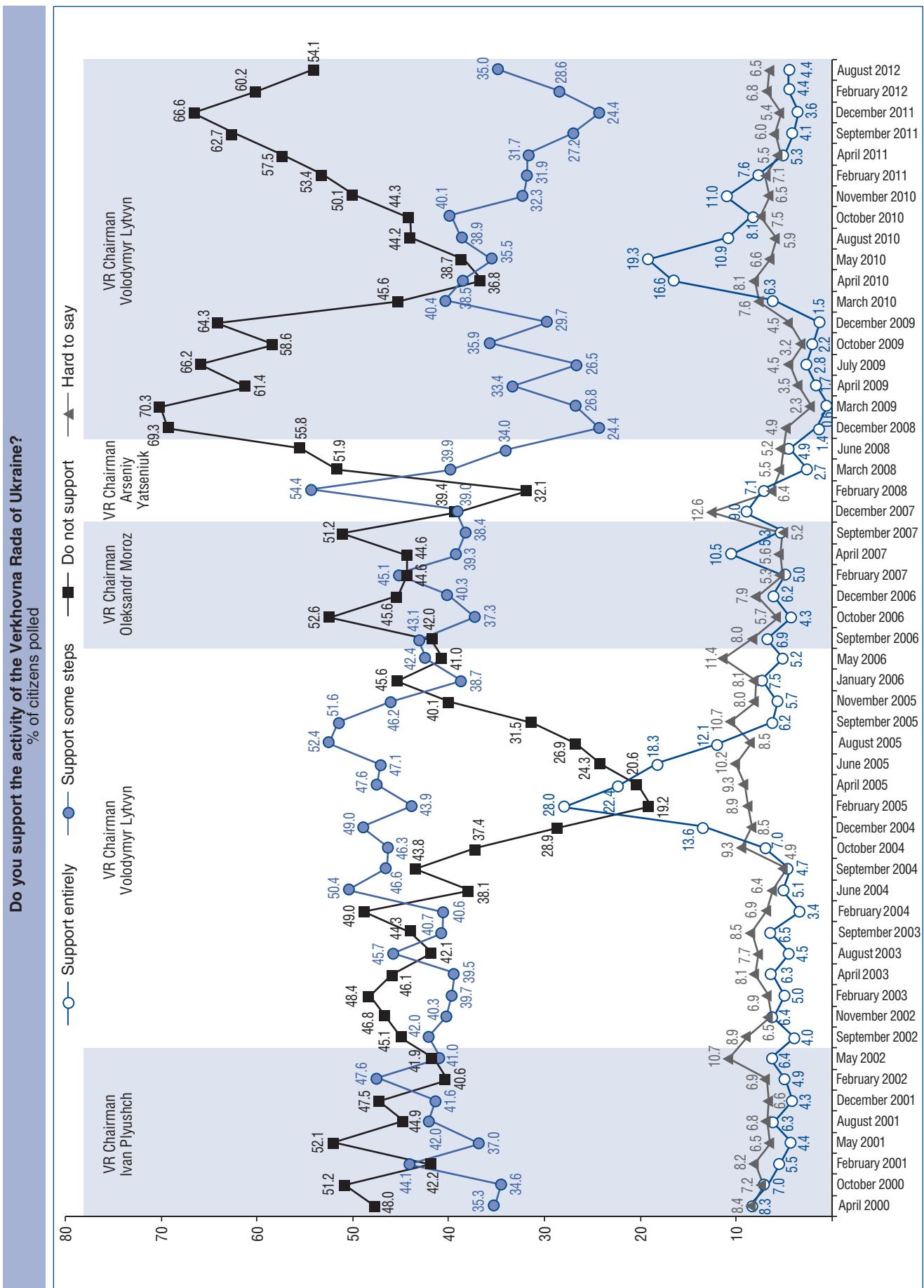
⁴⁹ See, e.g.: Zabzaliuk: corrupt scandal in Rada. – *Liga-Novosti* web site http://news.liga.net/themes/603756-korruptionnyy_skandal_v_rade.htm (in Ukrainian).

⁵⁰ Ruling No.11/98 of July 7, 1998 – Verkhovna Rada web site.

⁵¹ See: Sixth poll of national deputies of Ukraine. – Parliamentary Development Project for Ukraine (PDP II), 2009, p.8-35 (in Ukrainian).

⁵² See: Fairness meter update: in brief. – *Chesno* movement web site, August 7, 2012, <http://www.chesno.org> (in Ukrainian).

⁵³ For more detail and summary results of polls in tables and diagrams see: national public opinion polls – Section 4 of this Report; expert poll – the material “Experts on Parliament and parliamentary elections in Ukraine”.



reported dissatisfaction with Ukrainian Parliament's activity⁵⁴ (from 88% in the Centre to 60% in the South); satisfaction with its work was reported by only 12% of those polled (from 22% in the South to 3% in the West). Meanwhile, assessments strongly differ dependent on respondents' electoral preferences: satisfaction with the work of the Verkhovna Rada of the 6th convocation was reported by 42% of potential voters of the Party of Regions, and only by some 3% of *Batkivshchyna*, 8% of "Ukraine – Forward!", 12% of CPU. Not a single voter of *Svoboda* and UDAR gave an affirmative answer (Table "Are you satisfied with the activity of the Verkhovna Rada of Ukraine?", p.81).

The expert community is even more critical than rank-and-file citizen of the work of the Verkhovna Rada of the 6th convocation: 83% of the polled experts were not satisfied with its activity, and only 10% – satisfied. Nearly 7% of experts remained undecided (diagram "Are you satisfied with the activity of the Verkhovna Rada of Ukraine?").

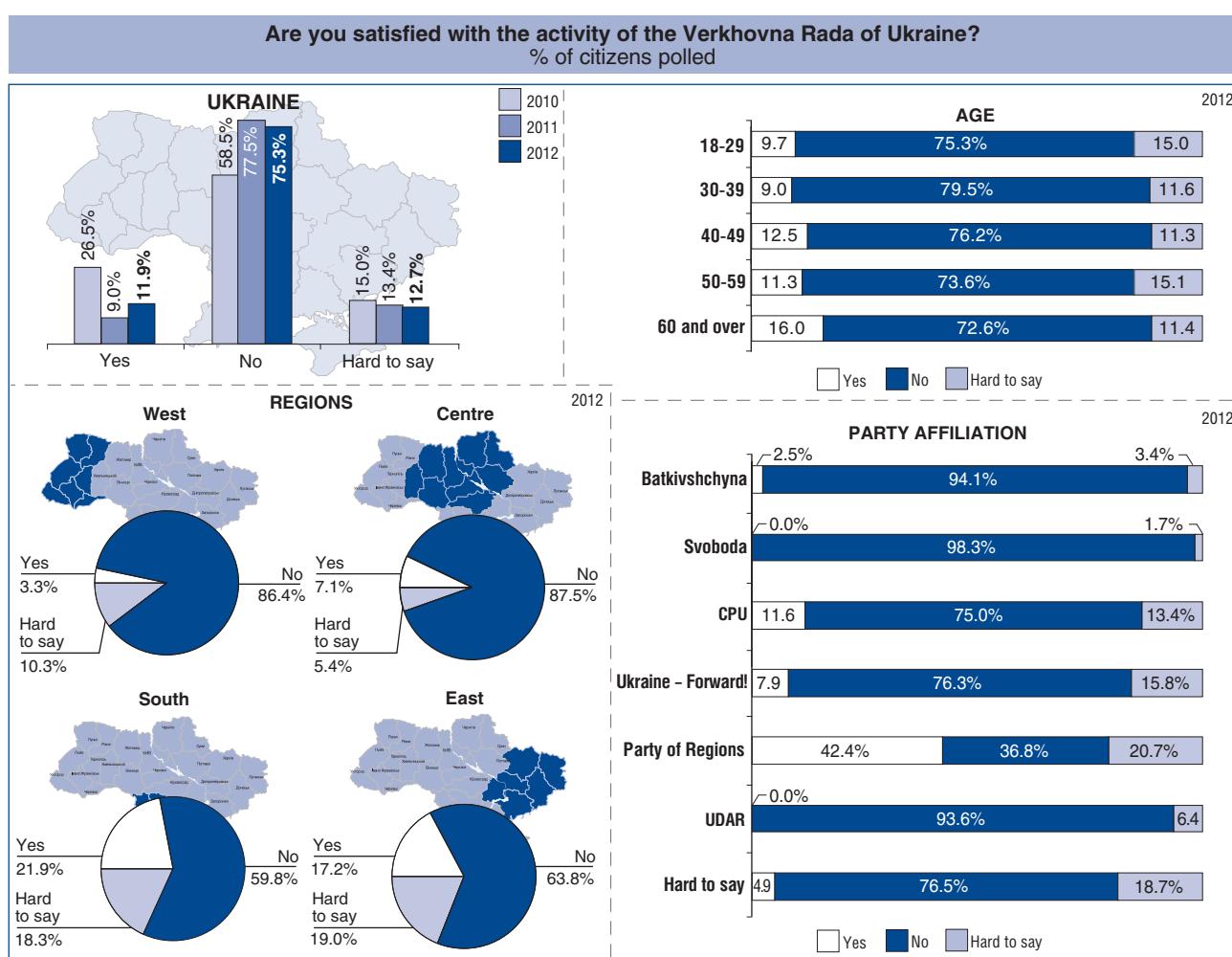
Speaking of actors or factors exerting dominant influence on decisions of national deputies in the Parliament, citizens ranked oligarchs first (30%; from 37% in the West to 21% in the South), parliamentary factions and their leaders – second (19%; from 34% in the South to 14% in the East), Ukraine's President – third (11%; from 17% in the West to 3% in the South).

Convictions of a national deputy, his own opinion as the dominant factor influencing his decisions were

noted by only 9% of citizens (fifth). Among the factors of influence, "citizens and their political priorities" ranked last (seventh), noted by only some 3% of those polled. There were actually no regional differences in assessments here.

By electoral preferences, influence of a national deputy's convictions on his decisions is assessed a bit higher by potential CPU voters who ranked that factor third (on a par with Parliament leadership); meanwhile, not a single respondent in that group mentioned citizens and their political interests as factors influencing decisions of a national deputy. Potential PR voters ranked parliamentary factions and their leaders first (23%), oligarchs – second (16%), convictions of a national deputy – third (14%) (diagram "Who does most of all influence decisions of a national deputy in the Verkhovna Rada of Ukraine?", p.18).

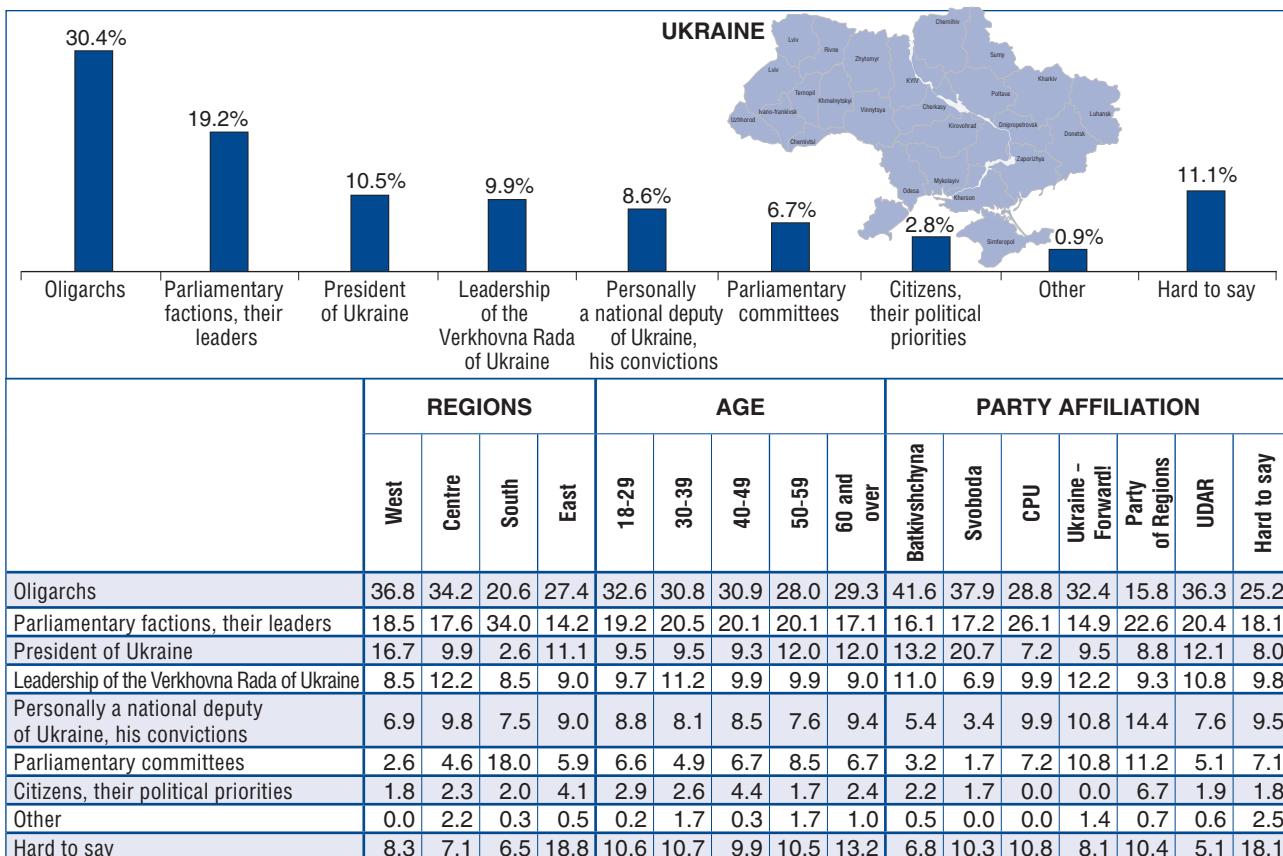
Experts' opinions on differences among the key parliamentary political forces. Experts were asked about *differences in election programmes of the key parliamentary political forces and the nature of their activity in the Verkhovna Rada of the 6th convocation* in 2010 and 2012. First, the experts' opinions are now more definite. Specifically, this year, no expert found it "hard to say" – while in 2010, for election programmes they made 7%, for the nature of their activity – 6%. Second, differences in activity of the main political forces as seen by experts became more evident, which is quite logical, given the practice of Parliament's work since 2010.



⁵⁴ Noteworthy, in 2010, the ratio between the dissatisfied/satisfied groups was different: 56% against 27%, respectively.



Who does most of all influence decisions of a national deputy in the Verkhovna Rada of Ukraine?
 % of citizens polled



Assessing differences in the nature of activity of the main political forces, 42% of experts now called those differences “noticeable” – against 39% in 2010. Meanwhile, the number of experts, who believe that there is “small difference”, substantially increased: from 20% in 2010 to 32% in 2012. The number of experts, who see no particular difference in the nature of activity of the key political forces in Parliament, decreased accordingly – from 35% to 26%.

Recognition of differences in the activity of the main political forces apparently influenced the assessments of differences in their election programmes that, naturally, did not change. However, their perception did change: this time, assessing differences in election programmes, a third of experts called the difference “noticeable” – against 22% in 2010; the difference in programmes was termed “small” by 43% of experts – against 49% in 2010. 24% of experts saw no particular difference in programmes, against 22% in 2010 (Table “How strong are the differences among the key political forces...?”, p.82).

Experts were asked about the *difference between the ruling parliamentary majority and political forces that claim to be opposition in separate policy sectors* in 2011 and in 2012. Compared to the first poll, expert assessments changed as follows:

(1) according to experts, difference became notable:

- **in the humanitarian policy:** in 2011, “notable” difference was reported by 57% of those polled, in 2012 – by 65%;

- **in the security and defence sector** – 36% and 47%, respectively;
- **in the social policy** – 37% and 45%, respectively;
- **in the policy of wages, personal taxes, individual incomes** – 46% and 36%, respectively;
- **in prices and rates for households** – 42% and 32%, respectively;

(2) expert assessments of “notable difference” little changed with respect to:

- **foreign policy** (60% in 2011 and in 2012);
- **legal policy** (55% and 56%, respectively);
- **economic policy in general** (41% and 43%, respectively).

The above gives grounds for the following conclusions. The attitude of citizens and experts to Ukrainian Parliament’s activity is not too good. However, after the constitutional “anti-reform” it substantially deteriorated. Full public support for Parliament’s activity is critically low – 4%. The overwhelming majority of the public and experts alike are dissatisfied with the Verkhovna Rada work and believe that it in the first place defends interests of representatives of big business, shadow dealers and heads of state authorities. Experts, now, see greater differences between the main parliamentary political forces (the majority and the opposition) in the policy they pursue in humanitarian, security and social sectors, and smaller differences – in the policy of wages, individual incomes, personal taxes and issues of prices and rates for households.

2. UKRAINE'S 2012 PARLIAMENTARY ELECTIONS: LEGISLATION, ELECTORAL SUBJECTS AND THEIR POWERS

A peculiar feature of the Ukrainian elections is that they are often held under a new Law (Box “*Electoral legislation in Ukraine*”).

Ukraine's 2012 Parliamentary Elections – to be held under the new Law “On Election of National Deputies of Ukraine” adopted on November 17, 2011 – are no exception. Additionally, on July 5, the Ukrainian Parliament adopted the Law “On Peculiarities of Ensuring Openness, Transparency and Democracy of National Deputies of Ukraine Election on October 28, 2012”.¹

This section examines some fundamental provisions of these laws and their potential impact on the 2012 Parliamentary Elections.

2.1. LEGAL FRAMEWORK FOR THE 2012 PARLIAMENTARY ELECTIONS

The Law “On Election of National Deputies of Ukraine” (hereinafter: the new electoral Law) contains a number of new fundamental provisions regarding the electoral system, the threshold for gaining mandates, the participants of the electoral process, the staffing procedure for election commissions and some separate electoral procedures (Box “*Key provisions of the new Law ‘On Election of National Deputies of Ukraine’*”, p.20).

Electoral system. According to the new Law, the elections will take place in a **mixed parallel electoral (proportional-majoritarian) system:** 225 MPs are elected through a proportional representation in a nationwide multi-member district and 225 MPs are elected through first-past-the-post elections in single-member districts. As before, the proportional elections rest on **closed party lists**.

The adoption of the Law has marked a new stage in the evolution of the national electoral system, for it meant a return to the mixed system already used in Ukraine during the elections in 1998 and 2002.

ELECTORAL LEGISLATION IN UKRAINE

The conduct of almost every election under a new election law is a poor tradition of the national electoral process. Thus, changes to the electoral legislation are characterised by several common features, namely:

- every new electoral law is passed amid tough political struggle;
- the new electoral law was adopted close to elections;
- each time, the new law brings serious changes to the electoral system and electoral procedures;
- as a rule, the electoral procedures provided by the law see some major adjustments during the electoral process.²

One should note, it has been the fourth time during the period of Ukraine's independence that the electoral system for parliamentary representation has been changed: the elections of 1990 and 1994 were held under the majoritarian electoral system, 1998 and 2002 elections – under the mixed system, the elections of 2006 and 2007 – under the proportional one.

Frequent and unreasonable changes of the electoral legislation, first of all, are inconsistent with international principle of stability of the electoral system and electoral law.³

Secondly, such changes undermine the formation of well-established campaign practices, affect the organisation and execution of elections as well as make citizens unaware of election procedures, their electoral rights and the liability of all involved in the process in case they violate electoral laws. **Thirdly**, it leaves space for abuses during election campaigns.⁴

¹ The bills were submitted, respectively: by the Chairman of the Temporary Ad Hoc Commission of the VR for Drafting the Law of Ukraine on Election of National Deputies Ruslan Kniazevych (reg. No.9265 of November 17, 2011); national deputy Vladyslav Zabarskyi (PR faction) (reg. No.10681 of July 2, 2012).

² For more detail see: Melnyk, M. Problems of organisation of preparation and conduct of parliamentary and local elections in 2006 – Bulletin of the Central Election Commission, Kyiv, 2006, No.3, p.24-29 (in Ukrainian).

³ Europe's Electoral Heritage. – Materials of the Venice Commission, Parliamentary Assembly, Committee of Ministers, Congress of Local and Regional Authorities of the Council of Europe (translated from English, edited by Klyuchkovskyi, Yu.), Kyiv, 2009, p.82.

⁴ For more detail see: Elections 2006: conditions, actors, and implications. Razumkov Centre analytical report. – National Security & Defence, 2005, No.10, pp.27-34.



KEY PROVISIONS OF THE NEW LAW “ON ELECTION OF PEOPLE’S DEPUTIES OF UKRAINE”

Publicity of election commissions’ work. CEC meetings may be attended by: party representatives; candidates for national deputies, their agents, authorised persons of parties; official observers from public organisations, foreign states and international organisations; media representatives.

DEC and PEC meetings, including on the voting day in the voting premises, may be attended by: members of higher level election commissions; candidates for national deputies, their agents, authorised persons of parties; official observers from election process participants; official observers from foreign states and international organisations; mass media representatives.

A resolution passed by a DEC or PEC is displayed on the stand of official materials of the commission not later than the morning after the day of its adoption; adopted on the eve of the voting day – on the voting day, during count of votes and establishment of voting results – not later than four hours after the end of the election commission meeting.

Early termination of powers of DEC and PEC members. Powers of DEC or PEC members are terminated ahead of time by the election commission that formed it in connection with: a personal request; request for replacement of an election commission member by the nominator; refusal to take oath; violation of oath by a commission member, manifested in regular breach of the vested duties certified with not less than two decisions of the election commission on that subject; a single gross violation of Ukraine’s legislation on elections established by a court ruling or by a decision of the election commission of a higher level; effectiveness of a court verdict of his guilt for commitment of a grave or especially grave crime or a crime against election rights of citizens, etc.

Voter lists. Bodies keeping the State Register of Voters draw up preliminary lists of voters for ordinary polling stations. The PEC of an ordinary polling station sends a personal invitation to each voter not later than 15 days before the voting day. Voters unable to move are informed that they can vote at the place of stay. A voter may turn to a PEC or to the body keeping the State Register of Voters with a request for his or other persons’ inclusion into or exclusion from the list. An administrative claim for verification of a voter list may be filed to court. On the voting day, changes in the verified voter list are made only pursuant to a court ruling.

Election funds. For the campaign funding, a party whose candidates for national deputies are registered in the nation-wide district and a candidate for national deputies in a single-member constituency are obliged to create election funds. Funding of canvassing events or materials of election process participants from outside of election funds is prohibited. Election funds are created at the expense of own funds and individual voluntary contributions (not more than 400 minimum wages – to the election fund of one party and 20 – of a candidate for national deputies in a single-member constituency). Own funds of election process participants are not limited in terms of amounts and the number of remittances. It is prohibited to make voluntary contributions for foreigners, apatrides, anonymous donors.

Caution and cancellation of registration of a candidate for national deputies. CEC may caution an election process participant, if a court considering an election dispute establishes facts of: bribery of voters or election commission members; issue of monies to voters, institutions, establishments, organisations or election commission members or free or preferential provision of goods, works, services, securities, credits, lottery tickets, other material values (indirect bribery) during the election process; use of other funds by a candidate for national deputies or a party funding canvassing, except the election fund; abuse of office; breach of canvassing restrictions, including canvassing after 24 hours of the last Friday before the voting day.

The law provides an exhaustive list of reason for **cancellation of registration of a candidate for national deputies.** CEC takes a decision to cancel registration of a candidate for national deputies in case of: (1) application of a candidate not later than 12 days before the voting day with a written declaration of refusal to run; (2) application of a party not later than 12 days before the voting day for cancellation of the decision of registration of a candidate for national deputies; (3) termination of the candidate’s Ukrainian citizenship; (4) departure of a candidate outside Ukraine for permanent residence or for getting political asylum; (5) ruling a candidate incapable; (6) effectiveness of a court verdict of a candidate’s guilt of intentional commitment

of a crime; (7) breach of requirements regarding the procedure of nomination of candidates for national deputies; (8) the election commission’s detection of circumstances that deprive the nominated candidate of the right to be elected to Parliament.

Canvassing. Canvassing ends at 24 hours of the last Friday before the voting day. After that, local executive bodies and local self-government bodies remove canvassing materials. On the eve of the voting day and on the voting day, canvassing is prohibited.*

Canvassing is performed at the expense of state budget funds and election funds of election process participants. *Use of funds from other sources is prohibited.* Support for any public events by election process participants or arrangement of events in their support are allowed only in case of funding of those events out of the election fund of an election participant.

Election process participants are guaranteed equal conditions of access to: printed media; air time; premises of all forms of ownership for canvassing events. Provision of space or premises to one election participant obliges the owner to give the same opportunities to all other participants.

Local executive bodies, local self-government bodies are to arrange stands and bulletin boards in places allocated for placement of canvassing materials by election process participants.

CEC manufactures information posters of parties and candidates for national deputies registered in the nation-wide district (two copies per polling station). A poster is to contain: the party election programme, the party election list, photographs of the first five candidates.

DEC manufactures information posters (2,000 copies each) of candidates in single-member constituencies (the candidate’s biography, election programme and photograph).

Election process participants are obliged to present to CEC one copy of each printed canvassing product produced at the expense of the election fund; it must contain data of the customer of those materials, the printing agency, circulation, data of the persons responsible for the issue.

TV and radio companies grant each party – election process participant air time for canvassing at the state budget expense (60 minutes each on national TV and radio channels, 20 minutes each on regional TV and radio channels in each region). Candidates in single-member constituencies are granted 20 minutes each on relevant TV and radio channels.

It is prohibited:

- to take part in canvassing: for foreigners, apatrides; executive bodies, bodies of power of the Autonomous Republic of Crimea, local self-government bodies, law-enforcement bodies and judges; in work time – executives and officials of executive bodies, bodies of power of the Autonomous Republic of Crimea, local self-government bodies, law-enforcement bodies and judges; election commission members;

- to canvass in foreign mass media active on the territory of Ukraine and registered in Ukraine mass media, where the share of foreign ownership exceeds 50%;

- to use premises of state power bodies, bodies of power of the Autonomous Republic of Crimea, local self-government bodies for canvassing;

- to place canvassing materials and political advertising on buildings and within premises of bodies of state power, bodies of power of the Autonomous Republic of Crimea, local self-government bodies, enterprises, institutions and organisations of state and municipal ownership, as well as objects of the cultural heritage;

- for authors and narrators of TV and radio programmes who are candidates for national deputies – to canvass in TV and radio programmes; to place political advertising in one block with commercial and social advertising;

- to place political advertising media outside and inside public transport, within premises and on buildings of metro stations, bus and railway stations, ports and airports; to disseminate canvassing materials in TV and radio broadcasting or other information networks for passenger notice and display panels in public transport;

* For more detail on journalist and mass media rights in the election process see: Dorosh, M. Mass media and parliamentary elections: a legal memo. – MediaSapiens, July 17, 2012, <http://osvita.mediasapiens.ua/material/8335> (in Ukrainian).



- to spread in any form materials with calls for liquidation of Ukraine's independence, violent change of the constitutional system, violation of the country's sovereignty and territorial integrity, subversion of its security, unlawful seizure of state power, propaganda of war, violence and instigation of ethnic, racial, national, religious enmity, encroachment on human rights and freedoms, public health;
- to spread data of an election process participant the untrue or slanderous nature of which was established by court;
- to perform canvassing accompanied with issue of monies to voters, institutions, establishments, organisations, free or preferential provision with goods (party symbols should not exceed 3% of minimum wages), services, works, securities, credits, lottery tickets, other material values (indirect bribery of voters);
- for candidates for national deputies – to use for canvassing any facilities and resources at the place of work, service or production meetings, collective meetings, and to employ for canvassing or any activities related with it: executives and officials of bodies of state power, other state bodies, bodies of power of the Autonomous Republic of Crimea, local self-government bodies, subordinate persons at the place of work (in work hours);
- to produce and spread printed canvassing materials without data of their customer, the printing agency, circulation, data of the persons responsible for the issue.

Voting. Held from 8.00 till 20.00 without a break. A voter signs for the receipt of voting ballots in the voter list and in the assigned place on control slips of voting ballots for voting in the nation-wide district and a single-member constituency. Transfer of voting ballots to other persons is prohibited.

Immediately after the end of voting, a PEC shall give to the DEC preliminary data of the number of voters entered into the list of voters at the polling station by the end of voting, and the number of voters who obtained voting ballots at the polling station by the end of voting. After the receipt of those data from all PECs, a DEC transfers all preliminary data to CEC.

Summary reports. Reports of count of votes at a polling station in nation-wide and a single-member constituencies are drawn up by a PEC in accordance with the form established by the law, in the number of copies by four greater than the number of its members.

Candidates for national deputies, their agents, authorised persons of parties, official observers from parties, candidates and public organisations that were present at count of votes at a polling station, copies of reports of count of votes at a polling station, with the "Verified" mark are issued immediately on their request, certified on each page by the PEC head and secretary and with the election commission seal.

Reports of count of votes within a single-member constituency in the nation-wide and a single-member constituency are drawn up by the DEC in the number of copies by three greater than the number of its members.

An authorised person of a party, an official observer from a party, public organisation on his request is immediately issued a copy of the DEC report of voting results within a single-member constituency.

Invalidation of voting at a polling station. A PEC can invalidate voting at a polling station in case of:

- (1) detection of facts of unlawful voting in the quantity exceeding 10% of the number of voters who obtained voting ballots;
- (2) destruction or damage of election boxes (box) ruling out establishment of the content of voting ballots, if the number of those ballots exceeds the number of voters who obtained ballots by 20%;
- (3) detection in voting boxes of ballots for voting in the nation-wide or a single-member constituency in the quantity exceeding the number of voters who obtained the respective voting ballots by more than 10%.

A DEC may rule voting at a polling station invalid only in case of: detection of the above-mentioned circumstances during a repeated count of votes at the concerned polling station, as well as detection of facts confirmed with a court ruling of intentional creation of obstacles for the exercise of powers by election commission members on the eve or on the voting day, or during count of votes, intentional unlawful non-admission to or expulsion from voting premises or premises for count of votes of persons entitled to be there in accordance with the law.

A DEC is obliged to establish voting results in the nation-wide district within the boundaries of a single-member constituency and in a single-member constituency irrespective of the number of polling stations where voting was ruled invalid. **Invalidation of voting in the nation-wide district within the boundaries of a single-member constituency and in a single-member constituency is not allowed.** CEC is obliged to establish results of election of parliament members in the nation-wide district irrespective of the number of polling stations where voting was ruled invalid.

Politicians and experts differently assess the return to the mixed electoral system. Some view it as a setback in the development of the electoral system, others – as a step forward, since such a system draws MPs closer to voters and makes them more responsible. Some – since the Law was supported by MPs both loyal and opposed to the government – see it as a compromise between the authorities and the opposition, which secures their key political interests at the 2012 elections.⁵

When analysing the circumstances surrounding each subsequent change of the electoral system one can ascertain that such changes were effectively driven by political interests – primarily on the part of the authorities. This fully applies to changes of the electoral system before the 2012 elections – **according to experts' forecasts, the mixed electoral system will guarantee far more parliamentary seats to the authorities than they would have had under the proportional system.**

DUBIOUS PROVISIONS OF THE LAW “ON ELECTION OF NATIONAL DEPUTIES OF UKRAINE”

Dual candidacy. Initially, the Law provided a candidate with the right to stand both in a single nationwide district and a single-mandate district.

However, following an application by 51 national deputies of Ukraine (representing the parliamentary majority), the Constitutional Court (CC) termed those provisions of the Law unconstitutional, as they did not ensure equal influence of votes on the election results, which was inconsistent with the constitutional principle of equal suffrage. Therefore, the provisions of the new Law allowing for "parallel standing" lost their validity after the ruling of the CC.⁶

Noteworthy, before the adoption of the Law (November 17, 2011), the Constitutional Court had already made a ruling on a similar matter – a virtually identical provision of the Law "On Election of National Deputies of Ukraine" of September 24, 1997 was termed unconstitutional by the CC in 1998.⁷ Hence, the **Parliament had no legal (constitutional) grounds to allow the dual candidacy in the new election law in the first place.** On this basis it may be assumed that amendments to the Law were nothing but a political compromise between the authorities and the opposition, which was soon broken by a decision of the CC (quite an expected outcome for the national politics).

The allocation of polling stations abroad to all single-member election districts of Kyiv. Article 22 (Part 2) of the new election Law provided for an even allocation of polling stations abroad to all single-member election districts established on the territory of Ukraine's capital – the city of Kyiv.

Following an application by 59 national deputies, the CC termed those provisions unconstitutional, in particular, because such allocation led to a large increase in the number of voters not related with Kyiv's territorial community, and therefore, "does not guarantee expression of the will of the voters living on the territory of the city of Kyiv". The said provisions lost effect after the passage of the Court's ruling.⁸

⁵ The new election law: back to the future, or a compromise? – ForUm web site, November 24 2011, <http://ua.for-ua.com> (in Ukrainian).

⁶ CC Ruling No.8 of April 5, 2012, in the case of nomination of candidates for national deputies of Ukraine under the mixed election system.

⁷ CC Ruling No.02/3600 of February 26, 1998, in the case of election of national deputies of Ukraine.

⁸ CC Ruling No.7 of April 4, 2012, in the case of even allocation of polling stations abroad to all single-member polling stations established on the territory of Ukraine's capital – the city of Kyiv.



The increased electoral threshold. An important novelty of the new electoral Law that will directly influence the composition of Parliament is presented by the increase of the electoral threshold for parties from 3% to 5%. Noteworthy, the threshold set at parliamentary elections in 2006 and 2007 had an opposite trend – it was reduced from 4% to 3%. Back then, it was intended to make representatives of smaller political parties and MPs elected in single-member constituencies who planned to set up new (or lead the existing) political parties to vote for the Law. Back then, the political community heatedly debated that change.⁹

Before the adoption of the new election Law, politicians and experts also discussed the electoral threshold, but in view of the political situation and clear domination of the ruling majority in the Parliament, that discussion was not as heated as the previous one. The assessments of the new threshold level were also quite expected: representatives of the authorities saw 5% as the optimal option meeting the European norms; representatives of the opposition sometimes called threshold overstated, since it bars ideological parties that do not enjoy broad support of the Parliament; many experts view the 5% threshold as a compromise between the Party of Regions (PR) and the largest opposition forces (as a result, the parliamentary majority in the Parliament of the 6th convocation got the electoral system it wanted).¹⁰ None of the proposals to raise the electoral threshold was backed with convincing arguments. After all, there could not be any, given that the 3% threshold existing just for a few years – a term too short to see its pros and cons. The increase of the electoral threshold looks even more dubious, since it concurred with a legislative ban on forming the electoral blocs.

Ban on forming electoral blocs. According to the majority of experts, that ban has clear political implications and is beneficial to the current government. The thing is that in that way, the authorities could: *first*, prevent an alliance of opposition forces from taking part in elections; *second*, remove from elections the blocs of parties that are well known in the society – first of all, Yuliya Tymoshenko's Bloc. As a result, this undermines the chances of opposition parties (especially of those not well-known) to enter to Parliament, and therefore, raises chances for the current authorities to win a majority of seats in the next Parliament.

That ban is a testament to a clear domination of political interests of the party in power to determine the electoral rules. The European practice has seen some restrictions on participation of blocs in election campaigns, however not their complete ban from elections.

Video monitoring. The elections of 2012 will bring one more serious novelty that, according to its promoters, is to provide for implementation of such principles of the election process as publicity and transparency. This refers to installation of video cameras at polling stations or, rather, the use of video monitoring, recording and broadcasting to oversee the organisation and vote counting at polling stations. This is provided by the Law “On Peculiarities of Ensuring Openness, Transparency and Democratic Nature of Election of People’s Deputies on October 28, 2012”.¹¹

The state and PR leaders (the Prime Minister Mykola Azarov and the Head of the Regions Party parliamentary faction Oleksandr Yefremov) explained such a need by the presence of information on the opposition getting ready to accuse the authorities of electoral fraud.¹² Presidential elections in Russia this year were mentioned as a successful international experience of video monitoring of the voting process.

Lawmakers and representatives of the current authorities see only gains from the new election procedure. According to their statements, the real-time operation of video cameras at polling stations, possibility to view the voting process online, recording, storage and the possibility to obtain a video recording of the whole process of vote counting at polling stations on request provide a practical mechanism that contributes to a fair and transparent conduct of elections.¹³

Meanwhile, representatives of the opposition, experts and journalists note serious defects of this legislative novelty and risks of its application. In their opinion, in reality, it means not the guarantee of transparent and fair elections by the authorities but creation of an illusion of transparency (let alone the possibility of spending vast budget funds)¹⁴ – as it happened during the 2004 presidential elections, when transparent election boxes advertised by the then CEC Chairman Serhiy Kivalov did not secure elections from large-scale falsifications during voting process, vote counting and tabulation.¹⁵

Volodymyr Shapoval, the current Head of the CEC, ambiguously assessed the introduction of video surveillance, noting that nobody had consulted with the CEC in this regard, and the commission was simply confronted with a fait accompli. He said: “The process of video monitoring cannot be objectively assessed. On the one hand, it seems to be a positive development: visual monitoring, additional opportunities for public control. On the other, the process of vote counting falls beyond the scope of video monitoring”. Furthermore, Mr Shapoval believes that “there is kind of a remake, repeat of the Russian experience” and not a successful one, by the way.¹⁶

⁹ See: Elections 2006: conditions, actors, and implications ..., pp.3-15.

¹⁰ The new election law: back to the future, or a compromise?...

¹¹ Noteworthy, the Law was adopted despite the negative conclusion of the Main Scientific-Expert Department of the VR recommending rejection of the concerned bill. See: Conclusion regarding the Draft Law of Ukraine on Guarantee of Publicity... (reg. No.10681 of 02.07.2012). – http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=43869 (in Ukrainian).

¹² See: Samar, V. Imitation of transparency. – Dzherkalo Tyzhnya, July 6, 2012 (in Ukrainian).

¹³ See: Comments to the bill “On the Specificity of Guarantee of Publicity, Transparency and Democracy of Election of National Deputies on October 28, 2012” (reg. No.5028 of July 3, 2012), <http://w1.c1.rada.gov.ua> (in Ukrainian).

¹⁴ Pursuant to a governmental resolution, the contract for installation of video cameras at polling stations was issued without a tender to the Sitronics company (belongs to the Russian Sitronics OJSC concern). See: The company that will install web cameras worth UAH 1 billion for Rada election was named. – Creditprombank of Ukraine web site, August 20, 2012, <http://news.finance.ua> (in Ukrainian).

¹⁵ See: Nikolayenko, T. Video cameras as a safeguard against repetition of 2004. – Ukrainska Pravda, August 31, 2012; Samar, V. Imitation of transparency...

¹⁶ “I was an observer at the Russian elections – CEC head said – and wish to say that in unofficial discussions with their organisers, starting from the top and ending with the polling station level, I actually heard no positive comments of video cameras installed at polling stations”. See: CEC heads wants no video monitoring at elections: We are not that rich. – Dzherkalo Tyzhnya, July 24, 2012 (in Ukrainian).



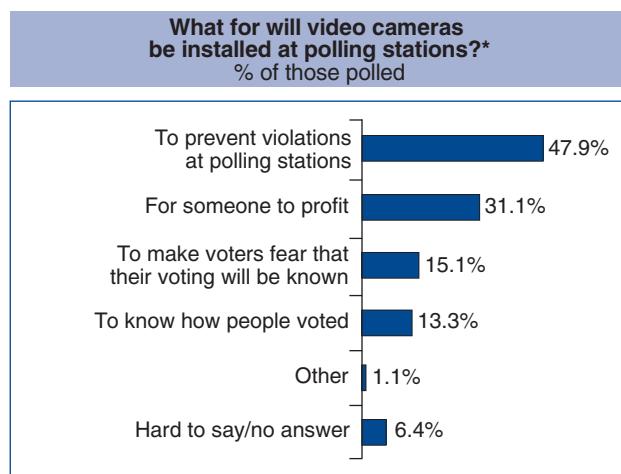
The key drawbacks of the novelty include: low quality of video monitoring that prevents recording possible violations; different modes of CCTV (an online monitoring of the voting process at polling stations, but only the recording of vote counting process, which is the most criminogenic stage of the electoral process and requires the highest degree of public control); unregulated procedure for obtaining and using video recordings of vote counting at polling stations.

Given the specificity of Ukraine's political and legal systems, **installation of video cameras and video monitoring at polling stations on the voting day may have negative consequences** for the election process in general and for free manifestation of citizens' will in particular. Video monitoring can be used, in particular, for:

- **intimidation of voters** by the fact that their voting will be known to third persons (noteworthy, a similar effect of video monitoring was noted in the Main Scientific-Expert Department of the VR comments to the relevant bill, also with a reference to the experience of presidential elections in Russia on March 4, 2012; furthermore, one should note the fact that 15% of Ukraine's citizens currently believe that video cameras will be installed to intimidate voters, another 13% are sure that monitoring is introduced "to know how people voted" (Diagram "What for will video cameras be installed at polling stations?").¹⁷
- **manipulations with video image** of the voting process, in particular, intentional breakup of the image transmission "for technical reasons" at some ("required") polling stations;
- **selective use of video monitoring materials** (including video recording) in order to: invalidate voting at a polling station; resolve issues related to criminal cases on forgery of election documents or other unlawful acts; create an appropriate public opinion of the progress of voting process and its results.

Beyond doubt, the authorities have far greater opportunities for such manipulations than the opposition.

Therefore, the use of video cameras at polling stations on the voting day may have a controversial



* Respondents were supposed to give all acceptable answers.

¹⁷ The poll was conducted by the Razumkov Centre Sociological Service jointly with the Ilko Kucheriv Democratic Initiative Foundation on August 10-15, 2012. 2009 respondents aged above 18 years were polled in all regions of Ukraine. The sample theoretical error is 2.3%.

¹⁸ CEC Resolution "On the Procedure of Drawing Lots for Nomination of Representatives of Political Parties, Election Blocs Political Parties-Election Process Participants for Inclusion in District Election Commissions for Election of National Deputies of Ukraine of March 26, 2006, and Distribution of Executive Posts among Political Parties, Election Blocs of Political Parties in Those Commissions" No.237 of January 19, 2006.

effect on the electoral process. Only the voting day and subsequent developments will show the efficiency of that novelty and the result of their introduction to the electoral process. This will also show the true goal of that step.

2.2. PARTICIPANTS OF THE ELECTORAL PROCESS

According to the Article 12 of the new electoral Law, the participants of the electoral process of Ukraine's national deputies include: (1) a voter; (2) the Central Election Commission and another election commission established in accordance with the Law; (3) a party that nominates a parliamentary candidate; (4) a parliamentary candidate registered in accordance with the legislatively provided procedure; (5) an official observer from a party that nominated a parliamentary candidate in the nationwide district, from a parliamentary candidate in a single-member district, and from a public organisation (Box "Participants of the electoral process and their powers", pp.24-25).

The greatest problems with implementation of legislative provisions have arisen with such participants of the electoral process as the election commission and parties that nominated parliamentary candidates.

Election commissions: novelty and impact of staffing procedure. Pursuant to the election Law, a **District Election Commission** (DEC) was set up by the CEC made up of the chairman, his deputy, secretary and other commission members (not fewer than 12 and not more than 18 persons).

Candidacies to DEC are submitted by: (1) a political party whose parliamentary faction is registered in the Staff of the current Verkhovna Rada; (2) political parties – election process participants. A DEC must include (in presence of a relevant submission) one representative from each political party whose parliamentary faction is registered in the Staff of the current Verkhovna Rada. Not more than one representative from each other political party (election process participants) is included in DEC by drawing lots at CEC in accordance with the procedure established by the latter.

At the 2012 elections, there were 87 such participants (five political parties whose parliamentary factions were registered in the Staff of VR-6, and 82 other political parties – election process participants). In that, 81 parties submitted candidacies to DEC, six did not exercise that right.

For preparation and conduct of the elections, CEC set up 225 DECs. Noteworthy, the legislatively provided procedure of DEC formation at these elections substantially differs from the procedure of their formation at previous parliamentary elections. Distinctions are two:

- *first*, by contrast to the previous elections, DECs are staffed by parties that nominate candidates not only in the multi-member nation-wide election district but also in single-member election districts;
- *second*, at the previous elections representatives of parties – election process participants were included in DECs by drawing lots *for each DEC separately*,¹⁸ while at the present elections all DECs



PARTICIPANTS OF THE ELECTORAL PROCESS





AND THEIR POWERS*

A party that nominates a candidate for national deputies	Candidate for national deputy	Official observers from: parties – 181 247 candidates – 150 627 public organisations – 40 017
87 parties 	5 207 persons 	

A party that nominates a candidate for national deputies	Candidate for national deputies	Official observer
<p>The new election law entitled parties to propose an election list of parliamentary candidates from the party in the nation-wide district of not more than 225 persons, and to nominate one parliamentary candidate in each single-member district. Therefore, an election process participant is a party that presented:</p> <ul style="list-style-type: none"> (1) the election list of candidates for national deputies from the party in the nation-wide district; (2) the election list of candidates for national deputies from the party in the nation-wide district and its candidates (candidate) in single-member constituencies (constituency); (3) its candidates in single-member constituencies (at least in one constituency). <p>The election process participants at parliamentary elections 2012 included 87 parties, 22 of them – parties that presented lists of candidates for national deputies from the party in the nation-wide district.</p>	<p>becomes an election process participant after his or her registration by CEC. Election process participants include all candidates for national deputies, irrespective of the procedure of their nomination – by a party in an election list, by a party in a single-member constituency, by self-nomination in a single-member constituency.</p> <p>For the 2012 elections, CEC registered 5 207 candidates for national deputies, 2 554 of them were nominated in party election lists, 2 653 – in single-member constituencies (in that, 1 502 nominated by parties, 1 151 – self-nominees).</p> <p>As of October 28, 2012, registration of 566 candidates for national deputies was cancelled.</p>	<p>Election process participants include official observers from:</p> <ul style="list-style-type: none"> (1) a party that nominated candidates for national single-member constituency; (3) a public organisation registered in accordance with the procedure envisaged by the law. <p>Such official observers may take part in the election process after their registration by DEC.</p> <p>As of October 28, 2012, concerned DECs registered 39 162 official observers from public organisations, 149 154 – from candidates for national deputies, 179 832 – from parties.</p> <p><i>Official observers from foreign states and international organisations are not election process participants. They are only entitled to watch the election process both on the territory of Ukraine and at foreign polling stations.</i></p>
Powers of parties	Powers of candidates	Rights of official observers
<p>All parties – participants of the election process enjoy equal rights:</p> <ul style="list-style-type: none"> (1) to delegate one representative to CEC with a deliberative vote empowered to represent the party interests during the election process; (2) to submit candidacies to election commissions; (3) to engage in canvassing and political advertising at the expense of the election fund, to lease for that buildings and premises; to obtain printed area in mass media on equal terms; (4) to apply to a mass medium that released information which the party or candidate consider untrue with a demand to publish their response. <p>A party whose candidates for national deputies are registered in the nation-wide district, a candidate for national deputies in a single-member constituency are obliged to open an account for their election fund not later than on the tenth day from the day of registration by CEC; the election fund of a candidate for national deputies in single-member constituency is formed out of his funds and voluntary contributions of individuals; detachment of monies on the election fund accounts is not allowed.</p> <p>A candidate for national deputies registered in accordance with the procedure envisaged by the law, a party-election process participant in the person of its leader, a party representative in CEC, an agent of a party or another person authorised by a decision of the central executive body of the party, an agent of a candidate for national deputies, an official observer, an election commission established in accordance with the law, a voter whose personal election rights or interests protected by the law concerning participation in the election process, including participation in the election commission work or observation, were violated by a decision, action or omission of the actor whose actions are appealed against, may apply to the election commission with a complaint dealing with the election process.</p>	<p>All candidates for national deputies enjoy equal rights:</p> <ul style="list-style-type: none"> (1) to take an unpaid leave from the place of work for the canvassing period; (2) to engage in canvassing and political advertising at the expense of the election fund, to lease for that buildings and premises; to obtain printed area in mass media on equal terms; (3) to apply to a mass medium that released information which the party or candidate consider untrue with a demand to publish their response; (4) cannot be dismissed from work on the initiative of the enterprise owner, institution, organisation or its authorised body, commander of a military unit (force); (5) cannot be transferred to another job, sent on a business trip, as well as called up for military or alternative (non-military) service, training (testing) and special mobilisation of the reserve; (6) a candidate for national deputies in a single-member constituency may have agents (not more than three persons), and file an application to CEC for termination of their powers. 	<p>(1) to be present at polling stations during voting, to watch from any distance actions of election commission members, including during the issue of voting ballots to voters and count of votes, not physically interfering with election commission members;</p> <p>(2) to perform shooting, filming, audio and video recording, not violating the secret of voting;</p> <p>(3) to be present during the issue of voting ballots to local election commission members, including for organisation of voting at the place of stay, and during such voting;</p> <p>(4) to be present, with observance of requirements of the law, at meetings of local and district election commissions, including during count of votes at a polling station and establishment of voting results;</p> <p>(5) to apply to the concerned election commission or to court for remedy of violations of the law on elections in the event of their detection;</p> <p>(6) to draw up a report of detection of violation of the law on elections, signed by him and not less than two voters witnessing the fact of such violation, specifying their surnames, names, patronymics, place of residence and home address, and to submit it to the concerned election commission or to court;</p> <p>(7) to take the required measures within the limits of legislation for termination of illegal actions during voting and count of votes at a polling station;</p> <p>(8) to obtain copies of reports of transfer of voting ballots, of count of votes and establishment of voting results and other documents in cases envisaged by the law on elections;</p> <p>(9) to exercise other rights envisaged by the law on elections for official observers.</p>

* Data, unless stated otherwise, are taken from the CEC web site. – www.cvk.gov.ua.



were staffed by only one drawing procedure held on August 24, 2012.¹⁹

As a result, DECs included representatives of unknown parties that nominated candidates only in single-member districts, and at the same time did not include representatives of parties that nominated candidates in the nation-wide district, including those that, according to public opinion polls, have real chances to pass the election threshold (in particular, this refers to UDAR and Svoboda parties).

By and large, pursuant to the CEC decision, DECs included, except representatives of the parties that have parliamentary factions in VR-6, representatives of 19 political parties, only five of which submitted lists of candidates in the multi-member district, another 14 nominated candidates only in single-member election districts (Table “Party representatives in DEC”).²⁰

Party representatives in DEC

Party name	Number of candidacies		Number of party candidates	
	submitted	included in DEC	in single-member constituencies	in the election list
Youth to Power	225	223	1	-
United Rus	225	225	3	-
Popular Labour Union of Ukraine	225	225	3	17
All-Ukrainian party “Bratstvo”	225	225	1	-
Green Planet	225	225	18	225
Nataliya Korolevska’s party “Ukraine – Forward!”	223	223	108	149
Russian Bloc	223	223	10	34
Russian Unity	221	221	4	-
Union of Anarchists of Ukraine	220	220	2	-
Liberal Party of Ukraine	219	219	9	56
Christian Democratic Party of Ukraine	223	218	3	-
All-Ukrainian association “Yedyna Rodyna”	212	212	1	-
Ukrainian People’s Party	217	178	37	-
United Centre	43	43	9	-
People’s Environmental Party	223	31	1	-
Civic Solidarity	5	5	4	-
Solidarity of Women of Ukraine	225	4	11	-
For Oneself	1	1	1	-
People’s Movement of Ukraine	224	1	2	-

Source: CEC web site as of September 21, 2012

The drawing held in such a way was appealed against in court by the concerned participants of the electoral process.²¹ However, the Kyiv Administrative Court of Appeal rejected the administrative claim and ruled DEC staffing procedure legitimate. The Higher Administrative Court of Ukraine left such a ruling of the lower court unchanged.

Meanwhile, many politicians and analysts saw such a procedure of DEC (and PEC) formation as a

political technology of staffing “loyal” election commissions, the regulatory framework for which was thoughtfully laid down in the new election law.²²

Subsequent developments proved that opinion. Large-scale rotations in all DECs began almost immediately after the approval of the initial DEC staff. The formal reason for that was presented by the legislatively provided possibility to replace the DEC members upon a personal request for dismissal of a commission member and application for his replacement by the actor that submitted the candidacy of that member to the commission.

In early September, the Committee of Voters of Ukraine predicted that by the voting day, DEC staff would be replaced by half.²³ However, this happened much earlier. Namely, according to some calculations, as of September 13, 2012, CEC replaced 1,972 DEC members (out of 4,050). That is, within just two weeks after the DEC establishment, their staffs were replaced by 49%. At that, political forces that have parliamentary factions made just a few substitutions. Most of all changes – over 100% (some DEC members were replaced several times) – were made by *United Rus, Bratstvo, Russian Bloc, Russian Unity, Union of Anarchists of Ukraine, Yedyna Rodyna*. Those six political parties replaced 1,349 DEC members, or 68.4% of all substitutions in that timeframe. Changes among DEC executives strike the eye: 64% of commission chairmen, 45% of deputy chairmen, 58% of commission secretaries were replaced, total – 56% of DEC executives.²⁴

The following conclusions made on the basis of the previous experience (Box “Staffing of election commissions: experience of the 2006 parliamentary elections”) and analysis of the current situation with DEC staffing look rather reasonable:

- the new electoral Law enables large-scale manipulations with the DEC staff after the establishment of commissions. Using quite legal manipulations, a participant of the electoral process can multiply its actual representation in all DECs without exception – enough to fully control the decision-making process;
- massive replacements in DECs prove that the process is well coordinated and controlled;
- there is a strong probability that similar process will take place at the stage of staffing the lowest level of election administration – Precinct Election Commissions (PEC).²⁵

Party as a subject of the electoral process. The new electoral law gave a new definition to parties as subjects of an electoral process. It enables parties to propose an election list of parliamentary candidates from the party in nation-wide district of not more than 225 persons, and nominate one parliamentary candidate in each single-member district.

Therefore, the election process participant is a party that: (1) submitted an election list of parliamentary

¹⁹ CEC Resolution “On the Procedure of the Central Election Commission Drawing Lots for Inclusion of Candidacies to District Election Commissions for Election of National Deputies of Ukraine of October 28, 2012” №.69 of April 19, 2012;

²⁰ Source: CEC web site of September 21, 2012, <http://www.cvk.gov.ua>.

²¹ All-Ukrainian Association Svoboda and UDAR party filed to the Kyiv Administrative Court of Appeal a motion for invalidation of drawing lots held by CEC on August 24, 2012, and cancellation of CEC Resolution “On Establishment of District Election Commissions for Election of National Deputies of Ukraine on October 28, 2012” №.604 of August 26, 2012.

²² See, e.g.: Oleksandr Barabash: Drawing lots in CEC: correct in form but humiliating in substance. – UNIAN, August 28, 2012 (in Ukrainian).

²³ See: District commission members will be “bought” for 10-20 thousand. – Ukrayinska Pravda, September 3, 2012 (in Ukrainian).

²⁴ Boyko, N. DEC: from an election process actor to an object of election manipulations. – Ukrayinska Pravda, September 18, 2012 (in Ukrainian).

²⁵ Ibid.



STAFFING OF ELECTION COMMISSIONS: EXPERIENCE OF THE 2006 PARLIAMENTARY ELECTIONS

DEC and PEC staffing has long been a problem for the national election process. It was very acute at the presidential elections in 2004 and parliamentary elections in 2006, when practical application of the legislatively provided procedure of DEC staffing on the proposal of parties (blocs) witnessed its imperfection and inefficiency. The thing is that some parties (blocs) very irresponsibly nominated candidacies of DEC members and executives. From the very first days of work of those commissions, CEC had to early terminate powers of many DEC members, including their executives – heads, deputy heads and secretaries. It is needless to explain how it influenced the organisation of work of those commissions, especially at the beginning, when they were to be registered as legal entities, polling stations and PECs were set up. The process of early termination of powers of DEC members and appointment of new ones did not stop till the voting day. Next to all parties and blocs replaced their representatives in commissions, some of them – dozens (50 and more) times. Such replacements took place in the majority of commissions in all regions.

All in all, during the election campaign powers of every fifth DEC member (777 out of 4 050) were terminated early, in that, 59 commission heads, 51 deputy heads, 82 secretaries. In some commissions, the head or secretary were replaced two or three times. The reasons for early termination of powers of DEC members included, in particular: a personal request for resignation of a commission member (325 cases), recall of a candidacy by the applicant (375), refusal to make an oath (60); regular breach of duties by a commission member (13).

On the voting day, positions of commission members remained vacant in 119 DECs out of 226. Some commissions had to organise elections in a district with only 13-14 members. As of March 26, 2006, even six executive posts remained vacant – one head, two deputy heads, three secretaries.

The attitude of some parties (blocs) to PEC staffing was even more irresponsible. Approximately three weeks before the voting day the situation with their manning really compromised the conduct of elections on March 26, 2006, on lawful grounds, with observance of the legislatively provided election procedures, with proper guarantees of constitutional voting rights of citizens.²⁶

candidates from the party in the nation-wide district; (2) an election list of parliamentary candidates from the party in the nation-wide district and its candidates (candidate) in single-member districts (district); (3) its candidates in single-member districts (at least in one district).

By and large, according to the CEC data, 87 parties became the election process participants at the 2012 parliamentary elections, only 22 of them submitted lists of parliamentary candidates in the nation-wide district. The largest – maximum permitted – number of candidates (225) entered the election list of the Ukrainian party “Green Plant”; the smallest (17) – political party “Popular Labour Union of Ukraine”.

The approach to terming parties as subjects of an electoral process envisaged by the electoral law seems legally and politically ungrounded. Formally, it seems to comply with the principle of equal suffrage, whereby all parties enjoy equal rights and possibilities to take part in the election process. However, in reality, it violates that principle, since it gives equal treatment to actors whose involvement in the election is very different. For instance, it remains unclear why a party that nominated its candidates only in one or a few single-member districts is entitled to take part in staffing of all DECs and PECs without exception – i.e., also in districts

where it has no political interest and does not exercise its election rights. Extension of this right to the said parties may effectively take such a right from the parties that submitted an election list of parliamentary candidates in the nation-wide district – which is actually the case now, as shown above.

CONCLUSIONS

The practice of continuous changes in the electoral legislation on the eve of every election in Ukraine is wrong, since it affects the electoral process and election results. This primarily refers to the key elements of the electoral process – the electoral system, staffing procedure for election districts, organisation and conduct of elections (the actors and the mode of election commission staffing).

The Constitution of Ukraine does not determine the electoral system – this is the prerogative of the Parliament. Meanwhile, in the current socio-political situation, the mixed electoral system for 2012 cannot be termed optimal. The choice and legislative provision of that system rest not on the desire to ensure adequate representation of social groups in the Parliament but on political expediency, prompted by interests of the leading political actors – the authorities and, to some extent, key actors of the opposition.

The effective electoral legislation quite fully regiments the election procedures. However, many of its provisions are imperfect, controversial, which seriously complicate preparation and conduct of fair elections.

The nature of the electoral process shows that the very optimistic assessments made by politicians, including the oppositional, and by the experts right after the adoption of the new electoral Law regarding the high quality of its procedural norms were too hasty. Today, there are more grounds to stick to another opinion – the new Law legalised many technologies for facilitations and manipulations with electoral procedures: they will either not be seen as infringements (since they were thoughtfully “legitimised”), or will have, so to speak, a refined civilised character.

Staffing procedure for election commissions – DEC and PEC – became the core problem of organisation of elections in Ukraine. This prompts the need of a fundamental change of the election commission staffing procedure. Organisation of preparation and conduct of elections by election commissions should be depoliticised – the political dimension of elections should prevail only in canvassing.

No preconditions for democratic, fair and open elections have been created in Ukraine. Poor quality of the electoral legislation, absence of an adequate legal reaction to violations, deep corruption of the state machinery, neglect of the principle of the division of powers and effective concentration of all state power in the President’s hands, politically biased mass media, dependence of courts, curtailment of democratic process offer wide opportunities for employment of the administrative resources and other abuses at elections, unlawful influence on the election process participants, distortion of the true will of citizens.

²⁶ For more detail see: Melnyk, M. Problems of organisation of preparation and conduct of parliamentary and local elections 2006. – CEC Bulletin, 2006, No.3, p.24-29.

3. SOCIO-POLITICAL SITUATION IN THE COUNTRY BEFORE PARLIAMENTARY ELECTIONS

The socio-political situation in the country is important for the election results, especially in the “government/opposition” coordinates. Voter spirits, social self-perception, the level of trust/mistrust of the government (political forces and candidates loyal to the government) strongly depend on socio-economic factors, observance of civil rights and freedoms, the general information background created in the media space by the largest and the most popular mass media, and by canvassing materials and events of political parties and/or candidates.

This section briefly describes the socio-political situation in Ukraine before and during the current parliamentary election campaign. Given that the voters' choice most of all depends on personal assessments of phenomena, processes and changes taking place in society, self-assessments of personal wellbeing, etc., this section presents public and expert assessments of specific elements of the socio-political situation.

3.1. SOCIO-ECONOMIC SITUATION AND TRENDS OF ITS DEVELOPMENT

Key indices of the national economy witness negative trends that in the middle run can lead to deterioration of public wellbeing (first of all: extremely low rates of economic growth; notable growth of Ukraine's budget deficit; surge of the foreign trade deficit; enhancement of the trend to devaluation of the national currency).

Meanwhile, the quality of public wellbeing is rather poor even now. What is especially alarming is that wages are not the main source of incomes for Ukrainian families, their share in the structure of the above-mentioned incomes actually equals the share of social allowances and other transfers, proving the populist character of the state policy of wages and redistribution of the national income, resulting, in particular, in strong polarisation of society on a property basis.

Macroeconomic indices

Analysis of the key macroeconomic indices and progress of execution of the state budget gives grounds to expect **failure of state programmes, including those dealing with observance of socio-economic rights of citizens**: timely and full payment of salaries in the public sector, pensions, scholarships, all kinds of state social allowances (Box “*Macroeconomic indicators of the national economy and trends of its development*”).

However, despite negative trends in the economy, the authorities resorted to a time-tested election technology – promotion of “social initiatives”. According to amendments to the 2012 State Budget made in April, 2012, UAH 18.2 billion were allocated to implement the President's social initiatives, and the total revenues of the 2012 State Budget were to rise by more than UAH 33 billion (Box “*Social initiatives of the President of Ukraine*”). Apparently,

with the economic situation in the country described above and problems with collection of even previously planned state budget revenues, any serious increase in revenues is unlikely.

SOCIAL INITIATIVES OF THE PRESIDENT OF UKRAINE

On March 7, 2012, Viktor Yanukovych speaking at an expanded meeting of the Government delivered a speech “A New Quality of the Social Policy”, known as the “social initiatives of the President”. The President promised to reduce property stratification, adjust mechanisms of redistribution of incomes, promote the development of the middle class, create an effective system of the population protection from social risks.

In their pursuance, the Government got 21 assignments. In particular:

- to gradually recalculate pensions;
- to improve pension schemes for military servants;
- to raise pension supplement for different categories of war participants;
- to raise one-time allowances for invalids of war on May 9;
- to raise pensions for surviving family members of invalids of war;
- to recalculate insurance payments to employees in sectors with a high injury rate;
- to introduce a European approach to state regulation of drug prices;
- to reform operation of state social services;
- to promote different forms of family education of children;
- to provide disabled persons with prosthetic devices and wheelchairs free of charge;
- to have a programme of aftercare for children suffering from ICP in place;
- to provide to veterans of Chornobyl, war, etc. with housing;
- to repay people's deposits in the former Savings Bank to the amount of UAH 1,000 (to those who did not get them in 2008).

In April, 2012, the Law “*On the State Budget of Ukraine for 2012*” was amended, in particular, to raise budget revenues by UAH 33.3 billion. More than half of that amount – UAH 18.2 billion – was to be spent on implementation of the “social initiatives”.

Sources of the increase of the general fund revenues include: economic growth and legalisation of economy – UAH 21 billion; indexation and fees for administrative services – UAH 1.8 billion; premiums for signing product sharing agreements – UAH 6 billion.



MACROECONOMIC INDICATORS OF THE NATIONAL ECONOMY AND TRENDS OF ITS DEVELOPMENT

GDP. Drafting the State Budget for 2012, the Government set the following targets: real GDP growth – 5% (later, lowered to 3.9%), nominal GDP growth – 16.6%, to UAH 1.5 trillion; industrial production growth – 5.5%; inflation rate – 7.9%; yearly average UAH/USD exchange rate – 8.1:1.

It is now evident that those indicators were overly optimistic. According to the estimates made by the Razumkov Centre's experts, in the best-case scenario, the real GDP growth of Ukraine would equal zero. Poor economic indicators obstruct building of a basis for sustainable growth and compromise execution of the state budget in terms of both incomes and expenditures.

The growing negative trends in August-September prove this conclusion: key sectors witnessed stagnation or decline of production. Although the official sources recorded 2% of economic growth in that period, according to the estimates by the Razumkov Centre's experts, Ukraine had a zero or even negative index of GDP growth over eight months of 2012. Meanwhile, according to the State Statistic Committee, cumulative growth in industry made only 0.2%; sales, construction and agriculture indices wend down.

Further stagnation in Europe (affecting the demand for Ukrainian exports), rather a poor harvest, poor dynamics of the key sectors of economy leave no hope for improvement of the real GDP growth indices in the last quarter of 2012. Respectively, the targets of nominal GDP growth (to UAH 1.5 trillion) seem out of reach.

Inflation. Although in January-August 2012, official statistics reported deflation (a decrease in the consumer price index), according to the estimates by the Razumkov Centre's experts, consumer prices rose by 5-7%. For instance, in August alone, the prices of meat and dairy products, sugar, eggs went up, gasoline followed the trend, bread grain prices jumped (by 4-6%), witnessing serious risks of price rise on food markets in the near future.

Stability of the national currency. According to expert assessments, rate setting in Ukraine remains an element of politics rather than economics. The fixed official exchange rate (UAH/USD), on the one hand, does not reflect the actual

state of the economy, on the other, limits possibilities to spur the economy. In reality, the country has long been observing concealed devaluation of hryvnia – both the interbank and cash markets witness repeated fluctuations of the exchange rate and substantial weakening of hryvnia. This is proven with a sharp decrease of the NBU currency reserves – by almost \$10 billion in course of one year.¹

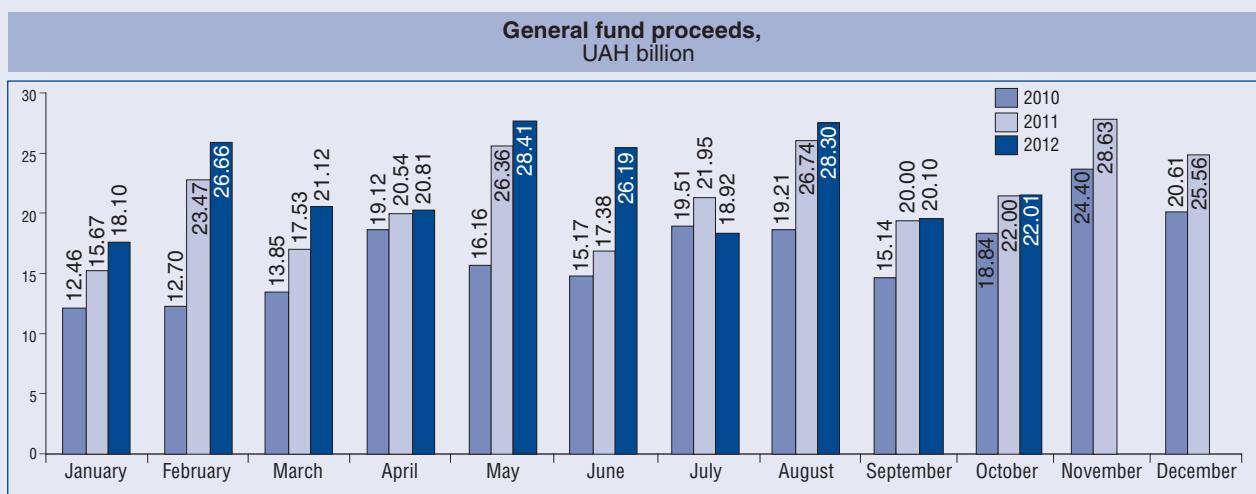
State budget. Deterioration of the economic dynamics affects the state budget. First, the economy cool-down affects state budget revenues. In July, 2012, the general fund proceeds fell all-time low for that month over the entire post-crisis period and were even lower than in 2010 (Diagram "General fund proceeds...") (although in August, they managed to somewhat "make up" for the decrease in budget proceeds, in view of the above-mentioned trends, it should be expected that in September, the proceeds will again be extremely low).²

Second, the "necessity" of social allowance rise prompts growth of the deficit of public funds. During the ten months period, the "cumulative" deficit has reached almost UAH 33.2 billion, against the "planned" UAH 25 billion. Given that the greatest growth of deficit is "traditionally" observed in the last months of the year, the real yearly deficit in 2012 should be estimated at UAH 44-45 billion.

Deficit boosting as early as in July gives rather an alarming signal. According to the 2012 Budget, the Government was to collect UAH 370.8 billion, but in course of eight months it got only 220.6 billion. This means that in the last four months, over UAH 41 billion must be collected monthly, to carry out the plan.

Noteworthy, even in the relatively good period of January-August, when the economy was still growing, the Government on the average was collecting UAH 28 billion. However, today, the situation is unfavourable for growth of budget revenues.

Budget problems may deepen in the result of not only the budget but also of the foreign trade deficit that grows rapidly and is likely to make \$14-15 billion (in January-July, the deficit hit \$8.7 billion).



¹ See: Pinzenyk: "Concealed devaluation has long been here". – Lb.ua, September 21, 2012, <http://economics.lb.ua> (in Ukrainian).

² Source: Budget-2012: imbalances grow. – Real Economy web site, September 6, 2012, <http://real-economy.com.ua> (in Ukrainian).



Against the background of “social initiatives”, the governmental draft of the State Budget for 2013 deserves attention. It can hardly be termed “social” (as claimed), but it shows that the Government is neither able nor willing to raise the living standards, in particular – by setting an adequate cost of labour (Box “Governmental draft of the State Budget of Ukraine for 2013”).

GOVERNMENTAL DRAFT OF THE STATE BUDGET FOR 2013

On September 12, 2012, the Government approved the draft 2013 state budget and submitted it to Parliament. The draft envisaged growth of minimum wages and the subsistence level by 8.4% and 5.9% (Table “Minimum standards”), which, *first*, is much lower than the growth planned in the 2012 budget.

Minimum standards

	December 2011	December 2012	December 2013*
Minimum wages, UAH	1 004	1 134	1 230
Growth, to the same period of the previous year		12.9%	8.4%
Subsistence level, UAH	953	1 095	1 160
Growth, to the same period of the previous year		14.9%	5.9%

* Draft.

Second, the growth of nominal minimum standards in 2013 is lower than the nominal GDP growth, i.e., the share of wages in the GDP structure will remain unacceptably low, and the wages will still not perform their functions and will not become the main source of family incomes, being a very unwelcome feature of the Ukrainian labour market.

Third, according to the governmental version of the 2013 State Budget, the subsistence level will grow only as much as the official inflation rate. However, as was noted above, the actual inflation rate in 2013 is likely to exceed the officially announced, so, the real subsistence level will fall, rather than rise (which will mainly hit the least protected groups of the population).

The Verkhovna Rada Chairman returned the Draft State Budget for 2013 to the Government for finalisation. There are doubts, however, whether the finalised draft will raise the miserly indices of minimum social standards.

Summing up the above, it may be assumed that, *first*, the “social initiatives” were designed to use the announced social allowances and measures for raising the ratings of the President and the ruling party; *second*, the real goal of the Government was to maintain the present socio-economic situation in the country till the parliamentary elections.

Later on, failure of “social initiatives” and other promises will be ascribed to further aggravation of the world financial crisis or intrigues of the parliamentary opposition, as the current authorities have been doing for a third year in a row.

Indices of public wellbeing

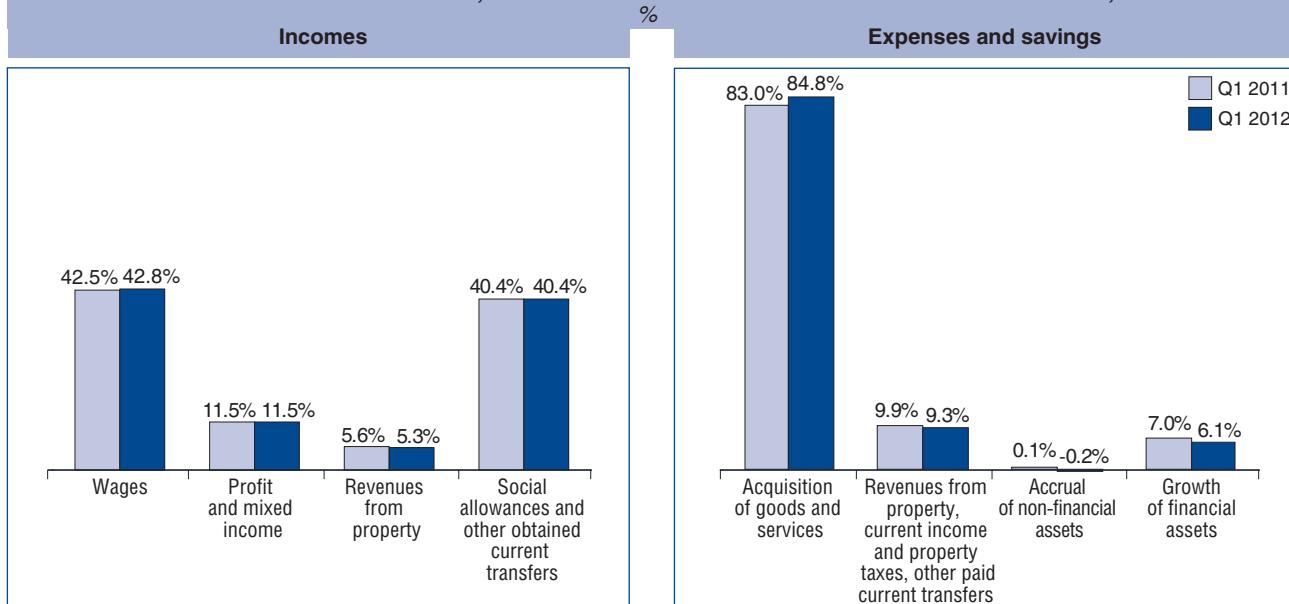
Incomes and expenditures. According to the State Statistic Committee, the structure of individual incomes and expenditures in 2012 does not differ from 2011. Namely, in the 1st quarter, the share of wages in the incomes structure makes only some 43%, while social allowances and other transfers – 40%, incomes from property – 5% (against almost 6% in 2011, being the only difference). So, as before, work is not the main source of income for Ukrainian families.

In the structure of expenditures, only a slight increase in expenses on acquisition of goods and services may be noted (by 1.8%), with a simultaneous decrease of savings by 0.9% (Diagram “Structure of incomes, expenses and savings of Ukraine’s population”).

Labour remuneration. Labour remuneration in Ukraine remains the lowest among European states (except Moldova). “Poverty among employed” became a usual thing, even among skilled employees with higher education. Wages (in addition to their not being the main source of income for Ukrainian families mentioned above) do not even perform the function of expanded reproduction of manpower.¹

For instance, in July, 2012, the average wages of full-time employees made UAH 3 151, or 2.9 subsistence levels for

STRUCTURE OF INCOMES, EXPENSES AND SAVINGS OF UKRAINE’S POPULATION, %



¹ For more detail see: Prosperity through sustainable wage formation. Razumkov Centre analytical report. – *National Security & Defence*, 2010, No.7, p.26-32, 58 (in Ukrainian).

able-bodied persons (UAH 1 102) – as well as in July, 2011 (average wages – UAH 2 749, subsistence level – UAH 960). I.e., the ratio of average wages and the minimum subsistence level did not change during the year and shows that a young Ukrainian family where the father works and gets average wages can live and keep at the subsistence level only one child.

At that, wages of public sector employees are below average. For instance, in July, 2012, an average salary in education made only UAH 2 730, in the system of public health and social security – UAH 2 343. Such situation is mainly owed to the steady practice of violation of the effective legislation: the rate of pay of the 1st tariff class of the public sector employees is set below minimum wages. In particular, from September 1, 2012, minimum wages make UAH 1 102, and the rate of pay of the 1st tariff class equals UAH 807. As a result, every public sector employee monthly gets from 300 to 1 500 UAH less than he should (dependent on his grade).

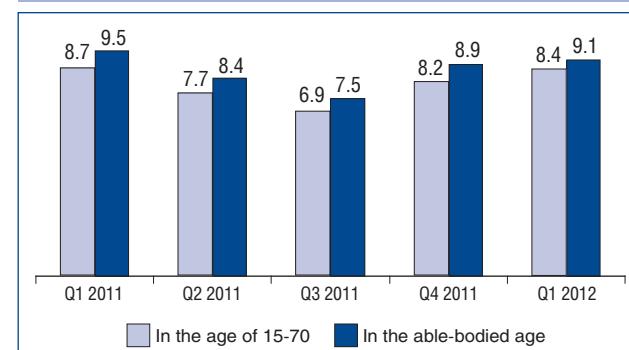
Wage payments. In 2010-2012, the Government did not manage to solve the problem of **wage arrears**. According to the State Statistic Committee, as of August 1, 2012, the arrears totalled UAH 986 million (2.5% more than on July 1, 2012). The situation at economically active enterprises is even worse: from the year beginning, their wage arrears rose by 10.1%.

In 2012, **arrears of salaries** to public sector employees – scientists, educationalists, workers of public health and the social sector – became widely spread.² Insufficiency of budget funding also led to recurrence of the **practice of forced unpaid leaves**.³ The large scale and regularity of such facts made even Ukraine's Prime Minister Mykola Azarov to recognise the problem – at the Government's sitting he instructed the Minister of Education and Science, Youth and Sports, the Minister of Finance and district state administration heads (in particular, of Kharkiv region) “to take those disgraceful signals under personal control”.⁴

Labour market. Compared to 2011, the labour market situation saw little change. The unemployment rate (under the ILO methodology) in the 1st quarter of 2012 made 9.1% of persons in the able-bodies age – against 9.5% in 2011 (Diagram “Unemployment rate...”).

There are **trends to further “escape” of the labour market**. The reasons include the Tax Code adoption. Escape of private businessmen into the “grey sector” apparently ensues from the authorities' neglect of their protests at the end of 2010 (the Tax Maidan).⁵ According

Unemployment rate (under the ILO methodology) in 2011-2012,
% of gainfully occupied population of the relevant age



to an MP from the Party of Regions Anatoliy Kinakh, the number of private businessmen registered at the end of 2011 fell 2.5-fold.⁶ One should also not rule out the contribution of forcible takeover – spread in the past two years – to the labour market going grey (and loss of official jobs).⁷

Property polarisation of society. According to expert estimates, property polarisation of society steadily deepens and has reached a critical limit, drawing Ukraine close to some Latin American states in this respect. According to different expert data, the decile coefficient of incomes is close to 1:40. The aggregate income of the 100 richest Ukrainians in the *Forbes* rating as of April, 2012, exceeded \$54 billion. According to the State Tax Service, 999 persons in Kyiv in 2011 declared annual incomes of over 1 million UAH, two of them – in excess of UAH 100 million.

Two things are the most “sensitive” for society: the first one is the presence of the richest persons in the supreme bodies of state power. For instance, the aggregate private fortune of the Government members exceed UAH 2 billion; furthermore, most of Ukraine's national deputies are either official millionaires, or walk like millionaires (estates, yachts, cars, watches, etc.).⁸ This proves a direct connection between a high state post or a parliamentary mandate, and chances of personal enrichment.

The second one is the striking inconsistency of declarations of many officials and national deputies with their actual standard of living, combined with “demonstrative consumption”.

Maybe exactly those things, first, make the majority of people sure that all supreme institutes of government, including Parliament, as discussed above, primarily

² See: Media: Kyiv medic salaries delayed. – UNIAN, July 20, 2012, <http://www.unian.ua> (in Ukrainian).

³ See, e.g.: Ministry of Education cut funding of the Institute of Ukrainian Studies three-fold. – 5th Channel, January 20, 2012, <http://5.ua/newsline> (in Ukrainian).

⁴ See: In just three weeks, the country may be 100% ready for the heating season. – *Uryadovyi Kuryer*, September 6, 2012, <http://ukurier.gov.ua> (in Ukrainian).

⁵ Tens of thousand businessmen went out in Maidan. – *Tochka.net*, November 22, 2010, <http://news.tochka.net> (in Ukrainian).

⁶ Shadow Tax Code. – *Finance.ua*, November 9, 2011, <http://news.finance.ua> (in Russian).

⁷ See, e.g.: In Luhansk region, raiders seized Bilorichenska mine. – *Korrespondent*, September 14, 2012, <http://korrespondent.net>; Gas Device Factory in Mohyliv-Podilsky seized by raiders. – UNN, September 13, 2012, <http://www.unn.com.ua>; Raiders seized Museum of Trypillian Culture. – *Liga.net*, July 27, 2012, <http://news.liga.net>; Raid on Zbruch boarding house in Kherson region. – PIK, July 9, 2012, <http://pik.ua>; Vsesvit magazine says, were attacked by those who destroyed *Vitchyzna*. – UNIAN, April 28, 2012 (in Russian, in Ukrainian).

⁸ See: Kyiv has a thousand less one millionaire. – Ukrinform, August 30, 2012, <http://www.ukrinform.ua> (in Ukrainian); Tax Service counted almost a thousand millionaires in Kyiv. – *Ukrainews*, June 13, 2012 (in Russian).



serve big capital and/or shadow dealers. *Second*, they give grounds to doubt of the sincerity of intentions and election promises, first of all, of loyal forces and parliamentary candidates.

Wellbeing of Ukrainian families in public assessments

Self-assessments of family wellbeing. According to the results of a national public opinion poll on self-assessment of family wellbeing in August 2012, **48% Ukrainian families felt like surviving** (13% of them “hardly make ends meet”, their incomes were not enough even for necessary foodstuffs; for 35%, “it is enough for food and acquisition of necessary inexpensive items”). **50% felt better, but only 8% of them reported that they “do well” but cannot afford, say, an apartment or a car;** 43% of families in that category reported that they “can live with it, but acquisition of durables, such as furniture, a TV set, arouses difficulties” (Table “*What of the following statements best of all corresponds to the material standing...?*”).

It should be added that the majority or a relative majority of citizens reported deterioration of the situation in the period of office of Viktor Yanukovych and the government of Mykola Azarov: with prices and tariffs (75%), labour remuneration (46%), pensions (36%). As a result, **46% of those polled reported deterioration** of the wellbeing of their families in that timeframe, 40% reported no changes; **improvement of wellbeing was reported by only 9%** of those polled (first of all, in the East – 12%; in elder age groups – 11%, and among PR voters – 28%) (Box “*Assessing changes in sectors relevant to wellbeing of Ukrainian families during the Presidency of Viktor Yanukovych and the Premiership of Mykola Azarov*”).

Summing up the above, it may be noted that the socio-economic situation in the country is generally unfavourable, the current authorities did not manage to ensure sustainable economic growth, negative trends pose risks of deterioration of the public wellbeing, inability of the state to properly guarantee socio-economic rights of citizens. It may be expected that the year of 2013 will see kind of “requital” of rank-and-file citizens of the country for the populist policy of the authorities before the parliamentary elections.

3.2. GUARANTEE OF CIVIL RIGHTS AND FREEDOMS

It is needless to say that guarantee of civil rights and freedoms (including free elections) is among the key factors of the voters’ choice and the fairness, publicity and transparency of the election campaign.⁹

⁹ According to the European Court of Human Rights, guarantee of such rights as the right to free elections, the right to freedom of expression (freedom of speech), to peaceful assembly is “a litmus test of democracy of a state”.

¹⁰ See: Expert poll “Freedom of speech in Ukraine: myths and reality”. – Foundation for Good Politics web site, <http://www.fundgp.com>. **For reference:** Valeriy Khoroshkovskyi: during the interview – Ukraine’s Security Service Head, now – First Prime Minister of Ukraine; media group U.A.*Inter Media Group* of Valeriy Khoroshkovskyi holds a number of assets. In particular, it indirectly owns 61% of shares of the Ukrainian Independent TV Corporation CJSC (*Inter* TV channel), 60% of shares of the Television Information Service LLC (*NTV* TV channel) and other media assets in Ukraine and abroad. Serhiy Lyovochkin is the Head of the Administration of the President of Ukraine.

Assessing changes in sectors relevant to wellbeing of Ukrainian families during the Presidency of Viktor Yanukovych and the Premiership of Mykola Azarov

Prices and tariffs: the overwhelming majority (75%) of citizens reported deterioration in that sector (from 77% in the South to 70% in the East); improvement was noticed by only 3%, no changes were reported by 19% (regional differences in both cases are statistically insignificant). Differences in the distribution of assessments dependent on the respondents’ age are actually absent. **In terms of voter preferences, assessments of supporters of the Party of Regions (PR) are somewhat higher:** 9% of them reported improvement of the situation with prices and tariffs, 59% – deterioration, 28% – no changes.

Remuneration of labour: improvement in that sector was reported by only 9% of citizens (from 11% in the Centre to 6% in the West and South); deterioration – 46% (from 57% in the West to 34% in the East); no changes – 39% (from 49% in the East to 31% in the West and South). **Noteworthy, deterioration in that sector was reported by a relative majority of citizens in both able-bodied and pensionable age,** only in some age groups there was a statistically insignificant difference between those who spoke of deterioration and those who reported of no changes.

In terms of voter preferences, the best assessments of changes in the sector were produced by potential voters of the ruling party: 25% were certain that the situation changed for the better; 18% noted its deterioration; 51% saw no changes at all.

Pensions: improvement in that sector was reported by 23% of those polled (from 47% in the South to 15% in the West); deterioration – by 36% (from 46% in the West to 20% in the South); no changes – 33% (from 41% in the East to 20% in the South). Noteworthy, improvement with pension allowances was reported by 27% of those polled in the pensionable age (60+ years) – this figure is the highest among all age groups. However, 37% of citizens in that age group reported deterioration of the situation, 32% – no changes.

Assessments of changes in pension allowances given by potential PR voters are much higher: 53% reported improvement of the situation, only 7% – deterioration, 34% reported no changes.

Family wellbeing: improvement was reported by only 9% of those polled (from 12% in the East to 4% in the West); deterioration – by 46% (from 53% in the West to 35% in the South); no changes – by 41% (from 51% in the South to 35% in the Centre). As well as in the previous instances, assessments of the situation by PR voters are somewhat higher: 28% of them reported improvement of the wellbeing of their families, only 11% – deterioration, 58% reported no changes to their wellbeing.

(Table “*How did the situation in Ukraine change in the period of office of Ukraine’s President Viktor Yanukovych and Prime Minister Mykola Azarov...?*”, p.50-51).

This subsection briefly outlines indices and presents assessments describing the observance of fundamental civil rights in Ukraine – the freedom of speech, of peaceful assembly, the right to free elections, and summary assessments of the state of democracy.

Freedom of speech and independence of mass media

Freedom of speech and freedom of press in assessments and ratings of independent media-monitoring organisations. Trends to curtailment of the freedom of speech have been noted since the first year of office of Viktor Yanukovych. As early as 2010, Ukraine’s rating of freedom of press (freedom of press index calculated by the Freedom House international non-governmental organisation) was lowered to 131st (from 90th in 2009). In 2011, further deterioration of the situation was reported by the majority of Ukrainian public organisations dealing with the issues of freedom of speech and media independence, such as *Telekritika* public organisation (Box “*Telekritika* public organisation head Natalya Lihachova...”).¹⁰



What of the following statements best of all corresponds to the material standing of your family?
% of citizens polled

	August 2012														
	June 2012														
	February 2012														
	December 2011														
	October 2011														
	June 2011														
	April 2011														
	February 2011														
	October 2010														
	May 2010														
	April 2010														
	January 2010														
	December 2009														
	July 2009														
	March 2009														
	December 2008														
	June 2008														
	February 2008														
	December 2007														
	September 2007														
	February 2007														
	December 2006														
	November 2006														
	June 2006														
	October 2005														
	August 2005														
	February 2005														
	January 2004														
We hardly make ends meet, money is not enough even for necessary foodstuffs	25.3	18.3	17.7	23.1	17.1	15.3	16.3	18.4	13.9	11.8	12.5	15.1	18.4	22.5	
It is enough for food and acquisition of necessary inexpensive items	41.9	43.2	42.8	41.3	39.1	38.9	37.2	35.5	35.8	32.3	33.9	35.0	38.6	39.4	39.4
By and large, you can live with it, but acquisition of durables, such as furniture, a refrigerator, a TV set, arouses difficulties	27.0	31.7	33.0	30.2	35.9	37.2	36.0	38.3	41.2	45.1	42.9	39.3	34.4	30.9	33.7
We do well so far but cannot afford some purchases so far (an apartment, a car, etc.)	4.1	5.2	5.0	3.6	6.1	6.8	8.0	6.3	7.3	9.1	9.4	8.4	7.0	5.4	8.0
We can afford actually anything we want	0.3	0.4	0.5	0.1	0.2	0.2	0.4	0.5	1.0	0.2	0.5	0.6	0.3	0.3	0.1
Hard to say / no answer	1.4	1.2	1.0	1.7	1.7	1.6	2.3	1.1	1.4	0.7	1.2	1.7	1.1	1.6	1.7

**TELEKRITIKA PUBLIC ORGANISATION HEAD NATALYA LIHACHOVA,
A JOURNALIST AND MEDIA EXPERT***(extract from the interview)*

In 2011, "all TV channels except the 5th Channel and TVi are 100% loyal to the authorities, pursue their line in the media; news reports at such channels as the *First National* and *Inter* are synchronously managed by people close to Khoroshkovskyi and Lyovochkin. In 2010-2011, the situation with pressure on journalists, creation of obstacles for their activity by power structures, local authorities also sharply deteriorated.

There also occurred absolutely insolent and unprincipled, contrary to legislative norms, monopolisation of the National Television and Radio Council by one political-media group. It was staffed non-transparently, by people expressing the interests of Khoroshkovskyi's group. That body, in charge of frequency distribution, exerts pressure on channels insufficiently loyal to the authorities.

Processes involving digital broadcasting are also non-transparent and have all signs of corrupt schemes.

The Parliamentary Committee for Freedom of Speech and Information is actually inactive.

Attempts to impose censorship were resumed, first of all, in the Internet, by lobbying a new law on public morality. Attempts are being made to introduce regulation in the Internet".

Negative trends in Ukraine's media space noted in the Freedom House Report "Sounding the Alarm Round 2: Protecting Democracy in Ukraine"

- the vast majority of those who own broadcast and print media outlets are closely tied to or are members of the current government and are busily consolidating and expanding their control over new outlets. ... **Media outlets pursue the agendas of their owners** at the expense of objectively and responsibly covering current events and meeting the demands of the public. As a result, censorship in Ukraine generally results from economic pressure on media owners, rather than direct government interference;
- **delays in introducing legislation on reforming the public broadcasting system indicate reluctance by the government to carry out real reform**, including the privatisation of state-owned print media outlets. The result of these delays is the de facto continuation of governmental control over broadcasters and print media outlets directly;
- the **National Television and Radio Council is often used for corrupt purposes and is composed of members with deep and opaque political connections**. The 28 licenses were awarded to eight broadcasters (*Inter*, *Ukraina*, *Kyntochka*, *TONIS*, *Mega*, *Enter Music*, *MTV Ukraine*, and *Bank TV*), all of which are owned by business people who openly support the government;
- the **lack of transparency with which the early phases of the transition from analog to digital frequencies for broadcast television have been conducted indicated that it could be misused for political influence and as tools for further corruption**. ... An obscure offshore company Zeonbud LLC, owned by a consortium of anonymous private investors based in Cyprus, was the winner of a competition to determine a provider of all digital networks in Ukraine by default... 68 existing regional and several leading national channels now broadcasting on analog frequencies did not win licenses to broadcast on digital frequencies. Licenses instead went to the existing state-owned broadcasters and to several new channels with unknown owners. None of the existing privately owned stations broadcasting in Ukraine's western regions received licenses;
- the **fall in the quality of information about current affairs broadcasted or published by media outlets**. According to an analysis..., only one in five news items on television is related to public policy or politics;
- a **stark imbalance in the coverage of political forces on television**. Since the beginning of 2012, the prevalence of secretly sponsored news items, or advertorials, has increased steadily as incumbent political forces engaged in a campaign to discredit the political opposition.

The Freedom House Report issued in July, 2012, reads: "Developments in Ukraine's media environment over the past year reinforce concerns that space for freedom of the press is shrinking and that the independence of many media outlets is compromised. Worsening trends include corruption and declining independence of media from political and business influence ... Monopolisation of the media sphere by a few individuals, companies, and the government; ... a drop in the quality of information distributed through broadcast outlets; the increasing use of administrative and legislative tools to hinder, disrupt and ultimately prevent media outlets from operating; and the growing prevalence of "sponsored" information in the media are especially worrying".¹¹ The Report generally noted a number of **negative trends in Ukraine's media space, especially critical before and during the election campaign** (Box "Negative trends in Ukraine's media space...").

Situation before and during the election campaign: general data. With the elections in sight, the national media space and media activity ever more demonstrate such negative trends as the growing number of "sponsored" materials, growth of pressure on mass media and journalists, uneven presence of different political forces on TV.

Growing number of sponsored materials was noted by actually all organisations monitoring printed and/or electronic media. In particular, monitoring of regional printed publications showed that the number of sponsored materials in them made: in March, 2012 – 14.2%, in June – 20%, in September – 27.8%.¹²

Monitoring of central publications revealed a boom of sponsored materials with the election campaign gaining momentum: their number increased from five in January 2012 to 275 in October.¹³ At that, during the election campaign (June-October) the lion's share of sponsored materials fell on the ruling party – almost 37% of the total number; it was followed by candidates standing in single-member constituencies (19%); the United Opposition accounted for 6% of sponsored materials (Diagram "Number of sponsored materials...").¹⁴ The imbalance of sponsored materials in favour of the ruling party was also noted by monitoring of Internet publications.¹⁵

Growth of violations of journalist rights was recorded, in particular, by the Barometer of Freedom of Speech monitoring: the number of such violations increased from six in January, 2012, to 85 in October.

¹¹ Sounding the Alarm Round 2: Protecting Democracy in Ukraine. – Freedom House web site, July 2012, <http://www.freedomhouse.org>. The Report builds on materials of Telekritika public organisation, Institute of Mass Information, Independent Association of TV and Radio Broadcasters, Academy of Ukrainian Press and the Institute of Sociology of the National Academy of Sciences of Ukraine, etc.

¹² Monitoring of regional press in six regions of Ukraine is performed by the Centre for Ukrainian Reform Education public organisation. For more detail see: Mediasapiens web site, http://osvita.mediasapiens.ua/monitoring/in_Ukrainian.

¹³ Monitoring of political plugola. Performed since January 2012 by the Institute of Mass Information (IMI). Monitoring covers six national periodicals: *Komentari*, *Komsomolskaya Pravda v Ukraine* (from June, 2012, instead of *Ekonomicheskie Izvestia*), *Korrespondent*, *Segodnia*, *Ukrayinskyi Tyzhden*, *Fakty*.

¹⁴ Source: Political plugola in the election period. – IMI web site, <http://imi.org.ua/content/politichna-'dzhinsa'-u-period-viboriv> (in Ukrainian).

¹⁵ *Ibid.*



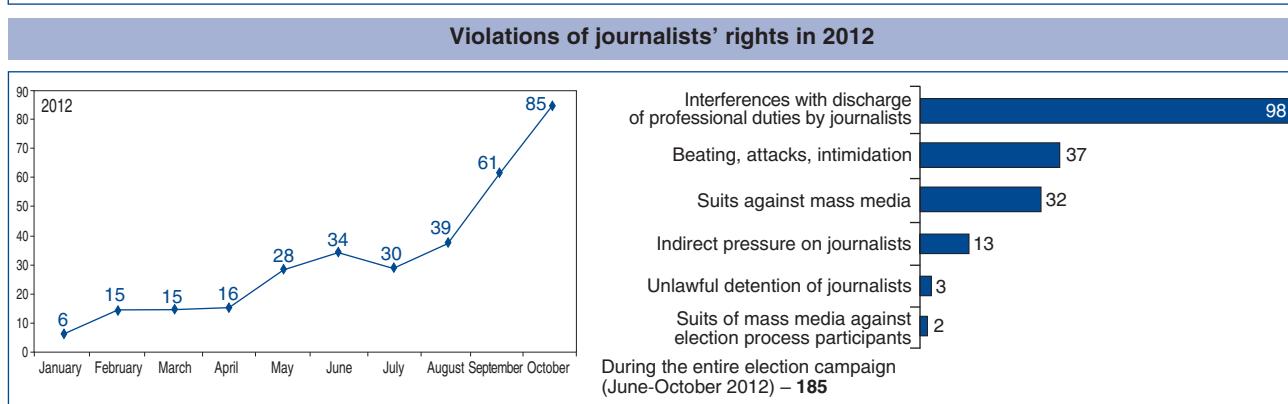
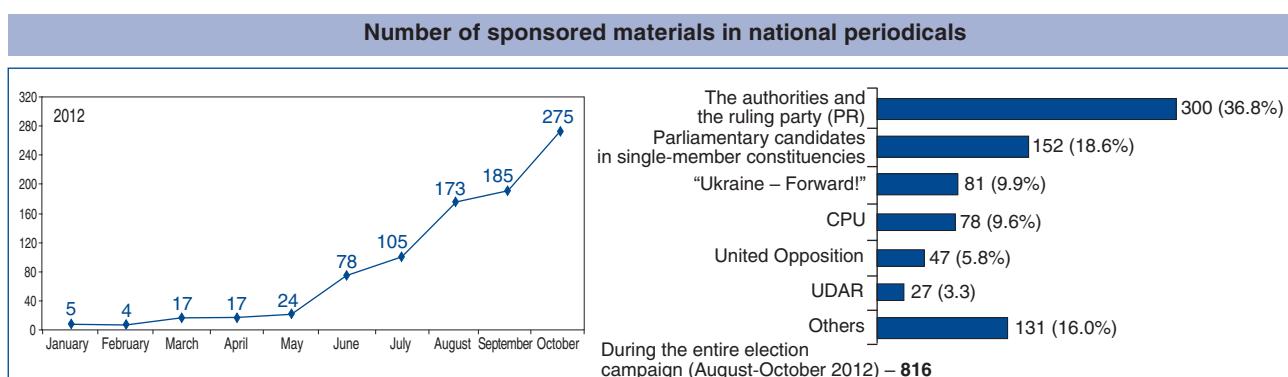
During the official election campaign (July 30 - October 27), 185 cases were recorded, 115 of them immediately dealt with elections (Diagram "Violations of journalists' rights..."). All in all, during the incomplete year of 2012, 329 cases were registered, which is 3.2 times higher than in 2011 (102 cases) and more than twice higher than in 2010, when presidential elections took place (152).¹⁶

Uneven presence of different political forces on TV, usually in favour of the ruling party (PR), was noted by next to all independent monitoring projects public of organisations.¹⁷ After the monitoring of political news reports of national TV channels in August-September, 2012, the following conclusion was made: "Attention to the authorities exceeds attention to the opposition 6.5-fold. The state channel [“First National”] gave no second of a sync to the opposition in September, it was the only channel that presented no balanced news reports with two viewpoints. This is termed propaganda, rather than news".¹⁸ A similar situation was observed on regional TV channels with the difference that those channels gave odds to candidates in single-member constituencies supported by the Party of Regions.¹⁹ In October, the situation did not change.²⁰

High-profile events related with mass media and freedom of speech. Among such events, one should mention the situation with *TVi* company and the Bill "On Introduction of Amendments to the Criminal Code and the Code of Criminal Procedure of Ukraine Toughening Responsibility for Encroachment on Honour, Dignity and Business Reputation of a Person" (Box "Recent high-profile events...", p.36).

The authorities' actions in both situations met strong criticism of representatives of European institutions and the Ukrainian public. Say, in connection with the pressure on *TVi* TV company, the European Commission reminded Ukraine of the Verkhovna Rada decision passed in February, 2012, recommending governmental institutions (the State Tax Service, the National Television and Radio Council) not to check mass media in the election period.²¹

The mentioned Bill was criticised, in particular, by the European Parliament member, EU-Ukraine Parliamentary Cooperation Committee Chairman Paweł Kowal;²² President of the International Federation of Journalists Jim Boumelha and President of the European Federation of Journalists Arne König.²³ Finally, international organisation "Reporters without Borders" called upon the Verkhovna Rada to reject the Bill in the second reading.²⁴



¹⁶ Monitoring is performed by IMI. See: Elections Campaign 2012: for three months there have been 185 cases of violations of journalists' rights. – IMI web site, November 1, 2012, <http://imi.org.ua>.

¹⁷ In particular, monitoring "Open news for the sake of fair elections" (performed by the Academy of Ukrainian Press, *Telekritika*, Equal Opportunities Committee); project "Political advertising on television in the period of election campaign" (Academy of Ukrainian Press, for weekly reports see: <http://www.aup.com.ua/?cat=monitoring&subcat=newst>); monitoring of TV news reports (Institute of Sociology of the National Academy of Sciences of Ukraine, Academy of Ukrainian Press).

¹⁸ Before elections – without standards: AUP monitoring. – *Mediasapiens* web site, September 20, 2012, [http://osvita.mediasapiens.ua \(in Ukrainian\)](http://osvita.mediasapiens.ua).

¹⁹ Sokolenko, N. How local TV channels advertised for money in September 2012. – *Ibid.*, November 1, 2012 (in Ukrainian).

²⁰ See, e.g.: Presentation of results of pre-election monitoring of TV news reports of nine leading Ukrainian TV channels in September and October, 2012. – *Ukrinform*, 23 October 2012, [http://presscenter.ukrinform.ua \(in Ukrainian\)](http://presscenter.ukrinform.ua).

²¹ Brussels reminds Kyiv of the decision not to check mass media in the election period. – *Radio Liberty*, web site, September 23, 2012, [http://www.radiosvoboda.org \(in Ukrainian\)](http://www.radiosvoboda.org).

²² European Parliament member Kowal sees a threat to the freedom of speech in Ukraine. – *UNIAN*, September 19, 2012 (in Ukrainian).

²³ International Federation of Journalists and its regional section – European Federation of Journalists – condemned the bill introducing criminal responsibility for slander in Ukraine. – *UNIAN*, September 20, 2012 (in Ukrainian).

²⁴ International organisation "Reporters without Borders" expressed concern about the legislative initiative of a national deputy from the Party of Regions Vitaliy Zhuravskyi to introduce criminal responsibility for slander. – *UNIAN*, August 2, 2012 (in Ukrainian).



RECENT HIGH-PROFILE EVENTS RELATED WITH MASS MEDIA AND FREEDOM OF SPEECH

Situation with TVi TV company (*TeleRadioSvit television company LLC*)²⁵

According to media experts, *TVi* is one of the few TV channels in Ukraine demonstrating no loyalty to the authorities.

In April, 2012, a conflict arose between the TV channel and the State Tax Service that accused *TeleRadioSvit LLC* of evasion from tax payments in excess of UAH 3 million. On July 3, a criminal case was initiated against *TeleRadioSvit LLC* Director Mykola Kniazhytskyi for elements of crime envisaged by Part 3, Article 212 of the Criminal Code of Ukraine "Intentional evasion from tax payment on an especially large scale".

On July 9, Shevchenkivskyi District Court in Kyiv passed a ruling to take original documents from *TeleRadioSvit LLC* officials, and on July 12, five tax militia officers carried it out. The channel exercised its right to appeal against the *ruling passed on the basis of a review and applied to court. After a check, the court of the first instance cancelled the tax service decision*.

On July 19, the channel turned to Kyiv City Prosecutor Anatoliy Melnyk with a complaint about tax militia investigators' decision to initiate a criminal case. On the instruction of General Prosecutor Viktor Pshonka, in pursuance of the President's assignment, the Public Prosecutor's Office on July 20, 2012, began review of the legitimacy of initiation and investigation of the criminal case concerning *TVi* TV channel management.

On July 27, the Public Prosecutor's Office press service reported that the Kyiv Public Prosecutor's Office cancelled the taxmen's decision to initiate a criminal case against *TVi* channel Director Mykola Kniazhytskyi, since "*the mentioned criminal case concerning that person was initiated by taxmen without a proper check and without sufficient grounds for it*".

On July 30, the criminal case materials were returned to the Kyiv city tax militia investigation department. According to the Public Prosecutor's Office press service, on August 1, the tax militia investigation department closed the criminal case. It was also decided to return the withdrawn documents. Nevertheless, Mykola Kniazhytskyi in his blog on *Ukrayinska Pravda* wrote that *the decision of termination was not presented to him, the withdrawn documents were not returned to TVi, and the tax service did not drop the claim*.

On September 12, 2012, the Administrative Court of Appeal considered the appeal of the State Tax Inspection in Solomyanskyi district in the city of Kyiv against the Kyiv District Administrative Court ruling in the claim of *TeleRadioSvit LLC*. The Tax Service appeal was partially sustained.

At present:

(1) over 80 cable networks refused to transmit the TV channel. *Volia* company – Ukraine's largest cable television operator – stopped its transmission in the basic ("social") package, which, according to the channel's estimate, barred access to the TV channel for almost 2/3 of its viewers;

(2) the Kyiv District Court of Appeal obliged *TVi* to pay UAH 4 million to the Tax Service

Bill "On Introducing Amendments to the Criminal Code and the Code of Criminal Procedure of Ukraine Toughening Responsibility for Encroachment on Honour, Dignity and Business Reputation of a Person"²⁶

The Bill was submitted to the Verkhovna Rada by national deputy Vitaliy Zhuravskyi on July 19, 2012 (Reg. No.11013). The Bill in the first place provided criminal responsibility for "slander" and "insult" – as crimes against human will, honour and dignity. It should be noted that in 2001 Ukraine in pursuance of obligations assumed when joining the Council of Europe refused from criminal prosecution for dissemination of untrue information, providing civil responsibility for that.

Noteworthy, the Memo to the Bill appealed to the Law passed by the Russian State Duma on July 13, 2012, returning responsibility for "slander" from administrative offences to crimes and toughening

responsibility for "insult". Meanwhile, it did not say that the Bill required public discussion. The Bill met a negative conclusion of the Main Scientific Expert Department of the Verkhovna Rada Staff that recommended its rejection. Furthermore, the Bill was not sent to the Parliamentary Committee for Freedom of Speech and Information and, respectively, not considered by the Committee.

However, the Bill was sent for finalisation; its finalised version titled "Law of Ukraine 'On Introducing Amendments to the Criminal Code and the Code of Criminal Procedure of Ukraine Toughening Responsibility for Encroachment on Honour, Dignity and Business Reputation of a Person'", without a conclusion of the Main Scientific Expert Department, was issued to MPs on September 12, 2012, and as soon as September 18, was passed in the first reading (244 votes); the Bill provided that the relevant Law would enter into effect on December 1, 2012.

On September 19, the Interdepartmental Working Group for analysis of observance of the legislation on freedom of speech and protection of journalists recommended rejection of the Bill.

Amendments to the Criminal Code and the Code of Criminal Procedure of Ukraine

(in accordance with the finalised Bill)

Pursuant to amendments to Article 145-1 of the Criminal Code of Ukraine, a journalist or another individual disseminating information seen by someone as encroachment on his honour and dignity faces the following sanctions.

"Article 145-1. Slander

1. Slander, or intentional dissemination of knowingly untrue information that compromises honour and dignity of another person or compromises his or her business reputation, if such actions caused grave consequences, is punished with a fine in the amount from two hundred to five hundred non-taxable minimum individual incomes or by corrective labour for a term of up to one year, or restriction of liberty for up to two years.

2. An act envisaged by part one of this Article committed by means of public demonstration in works or mass media, or committed by an investigator, prosecutor or judge, is punished with a fine in the amount from five hundred to one thousand five hundred non-taxable minimum individual incomes or by corrective labour for a term from one to two years, or restriction of liberty for a term from two to five years, with deprivation of the right to occupy certain positions or engage in certain activities for a term from one to three years.

3. An act envisaged by part two of this Article, combined with accusation of a person of commitment of a grave or especially grave crime, is punished with restriction of liberty for a term from two to five years or imprisonment for a term of up to three years, with deprivation of the right to occupy certain positions or engage in certain activities for a term from one to three years" (emphasis added – Ed.).

Also demonstrative in this respect is that in 2003-2010, five similar bills were submitted to the Verkhovna Rada but none of them became a law. However, now, that law is necessary for the ruling parliamentary majority. The goal of its hasty adoption was somewhat clarified by the words of national deputy Yaroslav Sukhyi. Answering journalist questions, the national deputy said: "The law is needed for you not to write rubbish". As an example, the MP mentioned *TVi* TV channel, "that gives only slime against the authorities" (the style of the MP's answer is preserved – Ed.).

Noteworthy, it is usually difficult to prove in court the "intention to disseminate a knowingly untrue information". However, first, the judicial branch in Ukraine is not independent – as clearly witnessed by the judicial practice of the recent years. Second, the very possibility of criminal prosecution for "slander" and "insult" is a form of curtailment of the freedom of speech and pressure on mass media. Pursuant to the European Court of Human Rights ruling, criminal accusation of slander and proceedings have a "cooling effect" for the freedom of expression.

²⁵ Sources: See: Zakalyuzhnyi, M. *TVi* is under pressure – MPs from the Freedom of Speech Committee. – *Radio Liberty*, July 17, 2012; Brussels reminds Kyiv of the decision not to check mass media in the election period. – *Radio Liberty*, July 17, 2012; MPs from Committee for Freedom of Speech speak of persecution of independent mass media. – *UNIAN*, July 18, 2012; *TVi* wants its due from the Ministry of Economy. – *Ukrayina Moloda*, September 13, 2012, <http://www.umoloda.kiev.ua> (in Ukrainian).

²⁶ Sources: Bill "On Introducing Amendments to the Criminal Code and the Code of Criminal Procedure of Ukraine Toughening Responsibility for Encroachment on Honour, Dignity and Business Reputation of a Person"; Memo to the Bill...; Conclusion to the Bill...; finalised Bill "On Introducing Amendments to the Criminal Code and the Code of Criminal Procedure of Ukraine Toughening Responsibility for Encroachment on Honour, Dignity and Business Reputation of a Person"; Memo to the Bill... – Verkhovna Rada of Ukraine web site, <http://rada.gov.ua>; They in the Regions say, they will commute punishment for slime and porno. – *Ukrayinska Pravda*, September 19, 2012; Stop advance on freedom of speech! Joint statement by the National Union of Journalists, Commission for Journalist Ethics and Independent Media Trade Unions. – *Dzerkalo Tyzhnya*, September 21, 2012, <http://dt.ua> (in Ukrainian).

The Ukrainian public and journalist community strongly opposed the advance on the freedom of speech, too. For instance, on September 8, 2012, rather large meetings in support for TVi took place in 19 Ukrainian cities (in Kyiv, the meeting gathered over 3,000 people). On September 11, there was a picket of the National Television and Radio Council demanding implementation of the 8 September meeting's resolution: an end to reprisals against independent media, censorship and pressure on journalists; resumption of TVi broadcasting in full volume; resignation of the National Council members; equal access to TV signal transmission for all broadcasters. Many organisations, institutions and individuals sent money to TVi to help it pay the so-called tax arrears.²⁷

On September 21, 2012, the National Union of Journalists, the Commission for Journalist Ethics and the Independent Media Trade Union released a Joint Statement "Stop advancing on freedom of speech!" demanding rejection of Bill No.11013.²⁸

Rather a principled stand was also taken by some members of the parliamentary Committee for Freedom of Speech and Information that termed initiation of a criminal case against Lb.ua web site politically motivated. MPs signed an appeal calling upon PACE, international organisations and the world public to stand up in support for Ukrainian journalists. The appeal also carried a call upon Ukrainian publications and TV channels to show solidarity and support mass media facing persecutions and pressure for professional activity.²⁹

The public and international echo of the attempt to introduce criminal responsibility for "slander" and "insult" made the Verkhovna Rada to cancel its decision to pass the bill in the first reading on October, 2. However, it may be expected that MPs from PR will again push that issue after the parliamentary elections.³⁰

Freedom of peaceful assembly and demonstrations

The civil right to peaceful assemblies (rallies, meetings, marches and demonstrations) is guaranteed by Article 39 of Ukraine's Constitution and by the European Convention for the Protection of Human Rights and Fundamental Freedoms, ratified by Ukraine in 1997.

Events of the recent years show that people have to exercise that right ever more often;³¹ meanwhile, according



to the all-Ukrainian initiative "For Peaceful Protest!", the efficiency of such rallies increased: associations of students, small businessmen and independent trade unions secured reversal of a number of legislative initiatives of the authorities through demonstrations.

However, the number of violations of that right, curtailment of the freedom of citizens to hold peaceful assemblies is growing. According to the Kharkiv Human Rights Protection Group analysts, "after the presidential election [2010] the situation with freedom of peaceful assembly has fundamentally changed ... Only during the first 100 days of new government's work mass media of regional and national level issued more than 350 critical publications about actions of militia during peaceful assemblies. This is an absolute record of critics, received by the Ministry of Interior in one sphere and during short period. Unfortunately, we have to recognize that the authorities have started to use militia to impede the conduction of peaceful assemblies".³²

With the parliamentary election campaign in sight, guarantees of the right to peaceful assembly caused growing concern of the Ukrainian public and international organisations.

The situation is further complicated by the fact that the procedures for organisations and conduct of peaceful assemblies in Ukraine are currently not legislatively regimented (Box "Legislative regulation of organisation and conduct of peaceful assemblies in Ukraine...", p.38).³³ For instance, the organizers of assemblies are guided by the Decision of the Constitutional Court No.4 of April 19, 2001 and are obliged to notify the authorities and/or local self-government bodies in advance of its time and place.

²⁷ As of September 24, over 2.8 million UAH were collected by almost 11,000 individuals and legal entities. See: Thanks from TVi. – TVi web site, September 24, 2012 (*in Ukrainian*).

²⁸ Stop advance on freedom of speech! Joint statement by the National Union of Journalists, Commission for Journalist Ethics and Independent Media Trade Union. – *Dzerkalo Tyzhnya*, September 21, 2012 (*in Ukrainian*).

²⁹ Opposition members of the Committee for Freedom of Speech: LB.ua is prosecuted on political grounds (statement). – *Telekritika*, July 18, 2012, <http://www.telekritika.ua>. See also: MPs from the Committee for Freedom of Speech speak of persecutions of independent mass media. – *UNIAN*, July 18, 2012 (*in Ukrainian*).

³⁰ In particular, such a proposal was made by the Bill author Vitaliy Zhuravskyi (see: Party of Regions decided to recall the law on slander. – *Dzerkalo Tyzhnya*, September 25, 2012); the PR faction head Oleksandr Yefremov also did not rule out consideration of that issue by the new Parliament (Law on slander may reappear after elections. – *Komentari*, October 2, 2012, <http://ua.politics.comments.ua>); the PR faction member Olena Bondarenko said that the bill was cancelled solely because of the political situation, so, "more convenient time should be found" for discussion of its subject. They in the Party of Regions promised to return to the law on slander in "due time" (*Dzerkalo Tyzhnya*, October 3, 2012) (*in Ukrainian*).

³¹ E.g., materials of the all-Ukrainian initiative "For peaceful protest!" quote data of Ukraine's Interior Ministry: in five months of 2010, Ukraine saw 181.7 thousand mass events with 95.8 million participants, while in the whole year of 2009 – 156.5 thousand events with 61.5 million participants. See: <http://kviz.jimdo.com>.

³² Human rights in Ukraine 2009-2010. 9. Freedom of peaceful assembly. – Information website of the Kharkiv Human Rights Protection Group, <http://www.khrg.org/en/index.php?id=1298443122>.

³³ Sources: Campaign "For peaceful protest!" launched in Ukraine. – *UNIAN*, November 17, 2011; Chemerys V. Freedom of assembly. European principles and Ukrainian realities. – European Information Support Centre in the Verkhovna Rada of Ukraine, August 27, 2012, <http://euinfocentre.rada.gov.ua>; Statement of the Republic Institute in connection with consideration by the Verkhovna Rada in the second reading of Bill No.2450 "On the Procedure of Organisation and Conduct of Peaceful Events", September 3, 2012, <http://www.zmina.org.ua> (*in Ukrainian*).



LEGISLATIVE REGULATION OF ORGANISATION AND CONDUCT OF PEACEFUL ASSEMBLIES IN UKRAINE: THE PROCESS AND CURRENT RESULTS

In May, 2008, the Government submitted to the Verkhovna Rada the Bill "On Order of Organising and Conducting Peaceful Events" (Reg. No.2450) drafted by the Ministry of Justice of Ukraine. A Memorandum to the Bill read that the Bill was coordinated with the Ministry of Internal Affairs, the Security Service of Ukraine, the Ministry of Economy, the Ministry of Finance, the State Guards Department, "with account of the proposals obtained upon the results of the public discussion held and with account of mass media monitoring results". However, the conclusion of the Main Scientific Expert Department of the Verkhovna Rada Staff as to the Bill was generally negative and recommended return of the Bill for finalisation after the first reading. Despite that, on March 3, 2009, the Bill was adopted by the Verkhovna Rada in the first reading.

The Bill was opposed by a number of public organisations, in whose opinion, "the Bill substantially restricted the freedom of assembly, compared even with the rather ill practice customary in Ukraine". On the public demand, in July, 2010, the draft was sent to the Venice Commission that issued a negative conclusion to it, with serious criticism of next to all its articles.¹ Organisations that opposed the Bill united in the Ukrainian public Initiative "For Peaceful Protest!". One of the first its statements was that **the Bill №2450 made peaceful events totally controllable by the authorities who, aware of the danger of peaceful assemblies for them, decided to take that right from citizens.**

On their part, the participants of the Initiative drafted the alternative Bill "On Freedom of Peaceful Assemblies" met with a generally positive response of the Venice Commission was presented in Ukraine on November 3, 2011.

In early 2012, the Verkhovna Rada returned the Bill №2450 to the parliamentary Human Rights Committee for finalisation. The Committee set up a working group for that, including representatives of the Government (the Ministry of Internal Affairs, the Ministry of Justice), and public organisations from the Initiative "For Peaceful Protest!". The Committee also agreed with the opinion of public organisation representatives that the Law on peaceful assemblies should be adopted simultaneously with introduction of amendments to a number of other laws – to the Code of Ukraine on Administrative Offences, the Code of Administrative Judiciary of Ukraine, the Laws "On Militia", "On Local Self-Government".

In June, the working group completed the development of an essentially new bill, taking into account some comments of the Venice Commission. On June 6, 2012, the parliamentary Committee for Human Rights approved that Bill. Simultaneously, the Bill "On Introducing Amendments to Some Legislative Acts Concerning Freedom of Peaceful Assembly" (Reg. No.10569 of 6 June 2012) was submitted to the Verkhovna Rada.

In July, 2012, over 150 public organisations and trade unions turned to the Verkhovna Rada Chairman and heads of parliamentary factions with a request not to put Bill №2450 to vote until its new wording passes expert examination of the Venice Commission.

On August 31, the Parliamentary Committee for Legislative Support to Law Enforcement Activity sent the Bills №2450 and №10569 to the Venice Commission.

³⁴ Chemerys, V. Freedom of assembly. European principles and Ukrainian realities. – European Information Support Centre in the Verkhovna Rada of Ukraine, August 27, 2012 (in Ukrainian).

Forms of restriction of the civil right to peaceful assembly. One can single out the following forms of restriction of the civil right to peaceful assembly currently used by the state authorities, local self-government bodies and the ruling party:

- **adoption of own regulatory acts on the procedure of organisation and conduct of peaceful assemblies**

³⁴ Chemerys, V. Freedom of assembly. European principles and Ukrainian realities. – European Information Support Centre in the Verkhovna Rada of Ukraine, August 27, 2012 (in Ukrainian).

³⁵ According to Vsesvit Public Information and Methodological Centre, such acts were passed by city councils (or their executive bodies) in 12 Ukrainian cities (Dnipropetrovsk, Zhytomyr, Zaporizhya, Kyiv, Lutsk, Poltava, Rivne, Simferopol, Sumy, Uzhhorod, Kharkiv, Kherson). See: Zubar N., Severyn O. Stop regular violations of the right to peaceful assembly! – *Maidan* web site, June 11, 2012, <http://maidan.org.ua>; in the Crimea, except Simferopol, "local" regulatory acts were adopted in the cities of Yevpatoriya, Dzhankoi, Yalta. See: Observance of civil rights to freedom of peaceful assemblies in the Crimea. – Yevpatoriya Regional Development Centre, 2011, <http://ngocrimea.wordpress.com>; Brovary city council in Kyiv region arbitrarily restricted sites for peaceful assemblies. See: Nechyporuk, S. *Visti* newspaper: public assemblies – under control! – *Visti*, September 19, 2012, <http://i-visti.com> (in Ukrainian). Later, local regulatory acts were cancelled in some cities.

However, on September 3, 2012, the Conciliation Council of Parliamentary Factions of the Verkhovna Rada resolved to put the Bill №2450 to vote on September 6, not expecting the conclusion from the Venice Commission.

On the same day, All-Ukrainian Public Association "Republic Institute" responded to that decision with a statement, in particular, saying: "In the event of...adoption [of Bill №2450 – Ed.] in the version prepared by the Verkhovna Rada Committee for Human Rights, National Minorities and Inter-Ethnic Relations, and if the Bill №10569 "On Introducing Amendments to Some Legislative Acts Concerning Freedom of Peaceful Assembly" is not adopted simultaneously with it, freedom in Ukraine will be substantially restricted, in view of the following drawbacks of the Bill №2450:

1. The term of notification of assembly is set equal to two working days. This means that an assembly must be notified of 4 or /and 5 calendar days in advance (with account of days off and holidays). Such a term is unreasonably large and, as the practice shows, will be used by executive bodies to ban peaceful assemblies through court.

2. The Bill envisages a possibility of spontaneous assemblies prompted by events that cannot be foreseen in advance. But at the same time, the version of Bill №2450 approved by the concerned Committee denies European principles of freedom of peaceful assembly, vesting participants of such meetings with the extrinsic duty to notify of a spontaneous assembly.

3. The Bill №2450 also provides that laws banning peaceful assemblies in specific places may be adopted. In particular, meetings and pickets may be banned near premises of the authorities, so that citizens will not be able to make their opinion known to them. Assemblies may be banned in parks, making people unable to protect green plantations, assemblies may be banned at development sites, etc.

4. ...The Law on peaceful assembly should be passed simultaneously with amendments to some other laws – the Code of Ukraine on Administrative Offences, the Code of Administrative Judiciary of Ukraine, the Laws "On Militia", "On Local Self-Government". The thing is that in case of adoption of Bill 2450, the effective norms of the Code of Ukraine on Administrative Offences will let militiamen detain assembly organisers and participants at their discretion. And the effective norms of the Code of Administrative Judiciary of Ukraine effectively deprive citizens of the constitutional right to appeal against court rulings banning an assembly".

The Statement required simultaneous consideration of both bills by the Verkhovna Rada, taking into account the conclusions produced by the Venice Commission.

On September 6, 2012, the Verkhovna Rada rejected the Bill №10569 "On Introducing Amendments to Some Legislative Acts Concerning Freedom of Peaceful Assembly" and removed it from the agenda (despite recommendation of the Central Scientific Experts Office of the Verkhovna Rada Staff of June 18, 2012, to return the Bill for finalisation after the first reading). Consideration of the Bill №2450 was postponed indefinitely.

by local self-government bodies; such practice is further facilitated by the above-mentioned uncertainty with the procedures for organisation and conduct of peaceful assemblies;³⁵

- **court bans on peaceful assemblies** (as a rule, following claims of local authorities); courts in most cases allow such claims – and the percentage

of sustained claims is growing (2010 – 83%; 2011 – 88%);³⁶ as is the number of persons brought to administrative responsibility “for violation of the procedure of organisation and conduct of rallies, meetings, street marches and demonstrations”;³⁷

- **use of forcible methods of crackdown on peaceful assemblies**, including with *Berkut* special units;³⁸
- **arrangement of an alternative assembly (“counter-meeting”) by the ruling party at the time and place claimed or wanted for the opposition event;**³⁹
- **arrangement on sites where assemblies are usually held (first of all, central city and village squares) of alternative local events – various mass events that physically bar assemblies of opposition-minded citizens;**⁴⁰
- **interference with free travel of people to the sites of mass events;** as a rule, for such actions road traffic police officers are employed who under different pretexts do not let carriers bring people to the venues (first of all, in Kyiv).⁴¹

Interference with peaceful assemblies during the election campaign. The authorities (the ruling party) extended the practice of interference with peaceful assemblies or their ban on parliamentary candidate meetings with voters and rallies arranged by opposition political forces as part of their election campaign. As a rule, they refused to provide a place for events and banned them through court under different pretexts:

- **refusal to provide a place for canvassing to opposition candidates under the pretext of alternative local events or “counter-meetings”.**⁴² “Counter-meetings” are arranged by local authorities, involve local public sector employees, and “are organised under the same scenario all over the country ”;⁴³



- **court bans on rallies and opposition candidate meetings with voters.** E.g., administrative courts on requests of local self-government bodies banned a rally of the United Opposition in Chernihiv; meetings with opposition candidates in Kharkiv and in the city of Vyshneve, Kyiv region; meetings in support for fair elections in Volodymyr-Volynskyi (*Popular Rally*, October 17) and Donetsk (October 27). Finally, on October 27, 2012, the Kyiv District Administrative Court banned all mass events except those organised by the state authorities in downtown Kyiv till November 12.⁴⁴

Noteworthy, courts use similar motivations of their rulings: in all cases, court rulings refer to “interests of national security and public order”, in one or another form assert that mass events may pose “a true danger of riots and crimes”, threaten “health, rights and freedoms of the population”, and the ban is explained by the inability of the local authorities to ensure protection of public order and road traffic safety. Such arguments look rather cynical both in their essence and against the background of unimpeded arrangement of mass events by loyal political forces and their satellites.⁴⁵

³⁶ Zuban, N., Severyn, O. Stop regular violations of the right to peaceful assembly! – *Maidan web site*, June 11, 2012, <http://maidan.org.ua> (in Ukrainian).

³⁷ See: Joint statement by public organisations in defence of freedom of peaceful assemblies in Ukraine. – *Maidan web site*, September 14, 2012 (in Ukrainian).

³⁸ E.g., crackdown on the camp of Chornobyl veterans who picketed the regional Pension Fund in Donetsk in November 2011 (during the dispersal of protesters, disabled veteran miner Hennadiy Konoplyov was killed). See: Shybalov Ye. Donetsk Chornobyl. First blood. – *Dzherkalo Tiyzhnya*, November 28, 2011; an attempt to disperse a meeting against the adoption of the Law “On Principles of State Language Policy” on July 4, in Kyiv. See: Militia denies an assault on the Ukrainian House. – *TSN.ua web site*, July 4, 2012, <http://tsn.ua> (in Ukrainian).

³⁹ As it happened in April, 2010, when on the night before Parliament ratification of the Kharkiv Agreements the Verkhovna Rada was surrounded with blue tents with PR symbols, and on the ratification day – by hundreds of the ruling party supporters.

⁴⁰ E.g., since the mass businessmen’s rally in November, 2011, Kyiv’s Maidan Nezalezhnosti has been hosting festivities, competitions, concerts, exhibitions, etc. A similar situation is found, say, in Cherkasy where, according to the Cherkasy region United Opposition coordinator Leonid Datsenko, the city central square “may surely be renamed Market, instead of Cathedral”. See: Pysareva N. Events in Cherkasy central square were banned. – *GAZETA.ua*, 10 September 2012, <http://gazeta.ua> (in Ukrainian).

⁴¹ E.g., during mass business protests against the Tax Code adoption in November 2010, road traffic police did not let to Kyiv citizens willing to join protests from Vinnytsya, Dnipropetrovsk, Mykolayiv, Poltava, Kharkiv, other cities and regions of Ukraine. See, e.g.: Traffic police do not let businessmen from regions to rally in Kyiv. – *Delo web site*, November 18, 2010, <http://delo.ua> (in Russian).

⁴² In particular, on August 14, a working day, a “honey fair” was allegedly planned on the city central square in Melitopol, Zaporizhya region, on August 17 – a trade fair of “consumer goods” in Vasylkiv, Kyiv region. As a result, opposition candidates were refused to meet voters. On August 15, an opposition candidate was barred from meeting voters in the settlement of Kominternivske, Odesa region, because of an alleged meeting with voters of a PR candidate at the same time and in the same place.

⁴³ Data of Maidan Monitoring: Elections 2012. See: Harbar V., Zuban N., Severyn O., Yamshchikova L. Regular violations of election law. 40 days before voting. – *Maidan web site*, September 18, 2012 (in Ukrainian).

⁴⁴ See: Opposition not allowed to hold a meeting in Chernihiv. – *Ukrayinska Pravda*, September 30, 2012; Kharkiv court banned a meeting with Yatseniuk to save citizen lives. – *Ukrayinska Pravda*, October 14, 2012; UDAR: a court banned Klychko’s meeting with voters, as “real dangerous”. – *UNIAN*, October 18, 2012, <http://www.unian.ua> (in Ukrainian); Ruling party in Donetsk against fair elections, or How the tent camp was pulled down. – <http://maidanua.org/monitor/reports/view/310> (in Russian).

⁴⁵ E.g., on August 9, Svobody Square in Kharkiv hosted a large CPU meeting, mass events are regularly arranged by the local authorities. As regards “road traffic safety”, traffic was really stopped by road traffic police, only to give way to so-called “VIP-canvassers” – Ukraine’s Prime Minister and PR leader (October 18-19, 2012, the Crimea). See: Bratushchak O. Azarov’s administrative resource. – *Ukrayinska Pravda*, October 23, 2012 (in Ukrainian).



ASSESSMENTS OF GUARANTEES OF CIVIL RIGHTS AND FREEDOMS

Assessing changes in the country under the presidency of Viktor Yanukovych and the government of Mykola Azarov, improvement in the field of civil rights and freedoms was reported by only 10% of those polled (from 22% in the South to 2% in the West); deterioration – 41% (from 68% in the West to 25% in the South); no changes – 42% (from 51% in the East to 26% in the West). There were no substantial differences in assessments depending on the respondent age.

Potential voters of the ruling party are more pleased with changes in guarantees of civil rights and freedoms: 35% of them reported improvement in the sector, only 7% – deterioration, 53% saw no changes (Table “How did the situation in Ukraine change...?”, pp.50-51).

ASSESSMENTS OF THE LEVEL OF DEMOCRACY IN THE COUNTRY

In June, 2012, the level of democracy in the country was assessed by citizens at 2.80 points on a five-point scale.⁴⁶ While differences in assessments among age groups are insignificant, regional differences strike the eye. For instance, in the West and Centre, the average score makes 2.40 and 2.59 points, respectively, in the South and East – 3.25 and 3.03. Differences of the basis of electoral preferences are similarly large: say, the average score given by potential PR voters was 3.68 points, by *Batkivshchyna* voters – 2.31 points, *Svoboda* – 2.04.

The described situation with observance of the civil right to peaceful assembly is unfavourable for canvassing by political forces and candidates involved in the election process. As witnessed by numerous instances of interference with canvassing of, mainly, opposition candidates, the authorities, loyal political forces and even courts fighting the opposition use means tested over the past two years by the practice of bans and violations of the civil right to peaceful assembly. Similarity of the scenarios of interference with events organised by opposition candidates,

court rulings to ban them prompts the assumption that such actions are being coordinated from one centre.

Right to free elections

The civil rights to expression of one's will and free elections of the state authorities are provided by Articles 69 and 71 of Ukraine's Constitution. Pursuant to the Article 71, “Elections to the state and local self-government bodies shall be free and shall be held on the basis of universal, equal and direct suffrage by secret ballot. **Voters shall be guaranteed the free expression of their will**” (Emphasis added – Ed.).

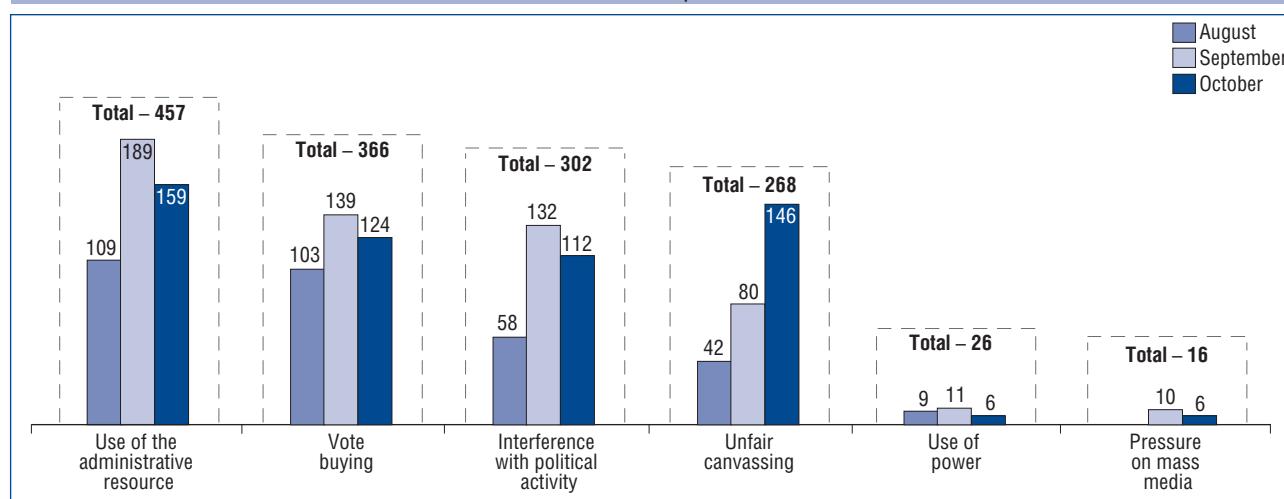
Free expression of will, in particular at parliamentary elections, is possible only on the condition of strict observance of the electoral legislation ruling out any manipulation of citizens' will not only during the elections and vote counting but also during the election race.

The parliamentary election campaign officially began in Ukraine on July 30, 2012.

However, long before the official beginning of the election race, political forces and individual candidates were actively competing for votes, often by means far from the election rules, effective legislation and norms of political culture.

For instance, even before the elections such means as abuse of administrative resources and vote buying were actively used. According to the project “Maidan Monitoring: Elections 2012”, before the official start of the election campaign the most common violations included vote buying (131 registered cases) and use of the administrative resource (61 cases).⁴⁷ During the official election campaign (August-October), use of the administrative resource topped the list (457 cases) and vote buying went second (366 cases) (Diagram “Rating of violations of the electoral legislation...”⁴⁸).

Rating of violations of the electoral legislation (August-October 2012), % of those polled



⁴⁶ In December 2001 - June 2012, the average score of democracy only twice exceeded 3 points: in May, 2010 – 3.46, in October, 2010 – 3.07. After October 2010, the score steadily went down to the above-mentioned 2.8 points.

⁴⁷ See Maidan Monitoring: Elections 2012 project. – *Maidan* web site, <http://maidanua.org/vybory2012>.

⁴⁸ Source: Seventh report of national monitoring – parliamentary elections 2012: October, October 26, 2012, <http://opora.org.ua> (in Ukrainian).



Use of administrative resource

After the election campaign monitoring, analysts of OPORA Civil Network made a conclusion that the scope of abuse of the administrative resource in canvassing was “unprecedentedly broad”, there was “total mobilisation of officials from the state and local self-government bodies, public sector employees to participate in the election campaign in favour of the ruling party and candidates in single-member constituencies”.⁴⁹

The following forms of the use of administrative resources at the 2012 elections should be mentioned: coercion of “public sector employees” to canvass for the ruling party;⁵⁰ use of budget programmes for canvassing; canvassing at state and municipal institutions;⁵¹ interference with canvassing by (disloyal) political forces and parliamentary candidates;⁵² public support for loyal candidates by state officials, including top officials (so-called “VIP-canvassing”).

Naturally, the ruling party – the Party of Regions – leads the use of administrative resources since exactly that force has it in hand. The honorary leader of that party is Ukraine’s President, its official leader is the Prime Minister, PR members are three Vice Prime Ministers and a number of ministers and heads of central executive authorities, heads of all regional state administrations, chairmen of 20 regional councils, etc. The Party of Regions holds vast information and financial resources, it can use state and local budget funds in the election interests of the party, its partners and their parliamentary candidates (Table “Parties with the highest rating taking part in the 2012 Parliamentary Elections and their resources”, pp.46-48).

Instances of the use of administrative resources for the benefit of the ruling party are neither suppressed nor investigated by law-enforcement bodies – this situation shows not only the total control of those bodies by the presidential “branch” but also an open use of administrative pressure to ensure the election results wanted by the authorities.

Summary data of public monitoring of the election campaign showed the leading position of the Party of Regions in abuse of the administrative resources. Say, in October, OPORA Civil Network recorded 159 cases of abuses, 132 of them involved the Party of Regions; self-nominated candidates went second (26 cases).⁵³

⁴⁹ Ibid.

⁵⁰ There were widely publicised reports that in April, 2012, the Vice Prime Minister for Social Policy Serhiy Tihipko ordered state administrations to urgently include 12 thousand temporary jobs in the manning schedule of social services. Later, mass media reported that the employment was conditioned by the obligation of the would-be workers to canvass for the ruling party by different means. See, e.g.: Regionals plan to hire 12 thousand canvassers for 400 million budget hryvnias (document). – *Tyzhden*, June 7, 2012; 12 thousand social workers work as canvassers of the Party of Regions. – *TVi* TV company web site, August 16, 2012, <http://tv.tvi.ua> (in Ukrainian).

According to the *Maidan Monitoring* project, “the state hired 12 thousand such social workers for six months. And all of them get salaries from the State Budget. We received numerous reports from all regions of Ukraine about the activity of such canvassers. We also have a number of unfortunately undocumented yet reports that next to all of them were selected by local structures of the Party of Regions after proper training”. See: Harbar V., Zuban N., Severyn O., Yamshchikova L. Regular violations of election law. 40 days before voting. – *Maidan* web site, September 18, 2012 (in Ukrainian).

⁵¹ According to the *Maidan Monitoring* project, “canvassing at state and municipal institutions is widely spread in Odesa, Kharkiv regions and in the Crimea, but met everywhere... At schools, pupils were given souvenirs and even bags and raincoats with symbols of the Party of Regions, and therefore were made live advertising media. Attempts of manipulative use of children for achievement of the election result are especially striking. They were massive on September 1 ... In one of the most savage cases, many schools in Constituency No.94 on September 1 simultaneously transmitted an audio recording of parliamentary candidate Tetyana Zasukha’s greeting with canvassing elements. See: Harbar V., Zuban N., Severyn O., Yamshchikova L. Regular violations of election law. 40 days before voting ...

⁵² Spoilage or destruction of canvassing materials of political forces and candidates disloyal to the authorities were widely spread. One highly publicised case involved a billboard reading: “When I learned that my grandson voted for Regions, I bequeathed my house to the cat”. See: Big-board scared Regions. – *Dniproderzhynsk online*, 13 August 2012, <http://dndz.com.ua>; Designer of the billboard “A babushka and a cat” is on the wanted criminal list. – *Ibid.*, August 14, 2012 (in Russian).

⁵³ See: Seventh report of national monitoring – parliamentary elections 2012...

Public and Expert Opinions

CITIZENS ON SOURCES OF VIOLATIONS AND FALSIFICATIONS AT ELECTIONS

According to citizens, the main sources of violations and falsifications at elections include:

- **big business influencing politics** – 27% (from 32% in the Centre to 16% in the South);
- **parliamentary candidates standing in single-member constituencies** – 12%;
- **political parties** – 10%;
- **representatives of the central authorities** – 10% (in the three latter cases, regional differences were statistically insignificant).

Such rating of violators was reported by all age groups and voters of all leading parties. Big business is seen as the main source of violations and falsifications by the voters of *Svoboda* (35%), UDAR (33%) and *Batkivschyna* (32%), least of all – of PR (21%) and “Ukraine – Forward!” (25%).

Violations and falsifications are expected: from candidates standing in single-member constituencies – most of all by voters of “Ukraine – Forward!” (15%), least of all – of *Svoboda* (5%); from political parties, respectively – by voters of PR (13%) and *Svoboda* (5%); from representatives of the central authorities, respectively – by voters of *Svoboda*, UDAR (18% each) and PR (5%).

Election commission members are seen as committers of violations and falsifications by only 7% of citizens (from 12% in the South to 5% in the East). This opinion is most of all shared by the PR voters – 12%, least of all – of UDAR (4%).

EXPERTS ABOUT SOURCES OF VIOLATIONS AND FALSIFICATIONS AT ELECTIONS

According to experts’ assessments, the main committers of violations and falsifications at elections are:

- **representatives of the central authorities** – 19%;
- **big business influencing politics** – 18%;
- **representatives of the local authorities** – 16%;
- **political parties** – 12%;
- **members of election commissions** – 10%.

Voters were mentioned as potential violators and falsifiers by only 2% of experts. Experts expect no violations from militia, courts, the Armed Forces, international and Ukrainian non-governmental organisations. 14% of experts could not give a definite answer.

Vote buying

Vote buying as a method of influencing the expression of citizens’ will be widespread during elections at different levels in Ukraine. Several forms of vote buying are being used: from distribution of money, food and gifts for children – to equipment and materials supply to educational and medical institutions or to certain groups of citizens (from glasses for pensioners to bicycles for postmen). However, during the current election campaign



vote buying became an extremely widespread, first of all – through charitable, mainly private, funds.⁵⁴

One should note two specific features of vote buying in the current election campaign. The first one refers to political forces and parliamentary candidates, the second – to the public opinion, **but taken together, they can exert real manipulative influence on the expression of voters' will.**

Therefore, **political forces and candidates, first of all – loyal to the government, actively used budget funds allocated to the needs of the territories where candidates from the ruling party and its partners were standing.** Some of those funds were far-sightedly envisaged in the budget as far back as December, 2011, at approval of the 2012 State Budget – as central budget subsidies to local budgets, some were envisaged by amendments made to the State Budget since April and actually till the end of the pre-election campaign. The greatest sums allocated from the State Budget to specific

districts are shown in Table “*Top-10 election districts that received the largest subsidies...*”;⁵⁵ the total budget subsidies allocated to Ukraine’s regions are presented on the Map “*Subsidies from the State Budget...*”.⁵⁶ The latest data show that the bulk of subsidies in 2012 was allocated to electoral regions of the Party of Regions.

On the other hand, the public attitude to the phenomenon of “vote buying” strikes the eye. Namely, only slightly more than half of citizens reported a negative attitude to vote buying – 51% (from 54% in the West and Centre to 46% in the East). **Vote buying is tolerated, “since voters do that because of their hardship”, by 24% of citizens** (from 28% in the East to 20% in the West and South). 19% of citizens reported indifference to “vote buying” (without serious regional differences).

People's attitude to different forms of vote buying is of interest. The majority of those polled unconditionally see the following as vote buying:

Top-10 election districts that received the largest subsidies from the State Budget in 2012

Allocated budget funds, million UAH	Constituency	MP standing in the constituency, party that nominated the candidate	Note
170 (28)	No.47 Donetsk region	Oleksiy Azarov	Son of Ukraine's Prime Minister. Noteworthy, in 2011, the city of Sloviansk (in that district) got from the State Budget UAH 15 million; in 2010, there were no subsidies at all.
155.2	No.54 Donetsk region	Vladyslav Lukyanov (PR)	VR member of the 5 th and 6 th convocations
152.5 (163)	No.97 Kyiv region	Serhiy Fedorenko (PR)	According to media reports, a person connected with Ukraine's Prime Minister Mykola Azarov
99.2	No.81 Zaporizhya region	Artem Pshonka (PR)	VR member of the 5 th and 6 th convocations. Son of Ukraine's General Prosecutor
95	No.65 Zhytomyr region	Volodymyr Lytvyn	VR member of the 4 th and 6 th convocations, Chairman of VR of the 6 th convocation. Volodymyr Lytvyn's district got twice more funds than the other five districts in that region
74.8	No.95 Kyiv region	Petro Melnyk (PR)	VR member of the 3 rd , 5 th and 6 th convocations; President of the National University of State Tax Service of Ukraine. According to media reports, he is a person connected with Ukraine's Prime Minister Mykola Azarov
74	No.46 Donetsk region	Serhiy Klyuyev (PR)	VR member of the 5 th and 6 th convocations; Deputy Head of the Party of Regions Brother of Andriy Klyuyev – Ukraine's NSDC Secretary
73.9	No.78 Zaporizhya region	Valeriy Baranov (People's Party)	VR member of the 6 th convocation; Chairman of the Parliamentary Budget Committee; according to <i>Chesno</i> movement, in 2011 and 2012 repeatedly proposed allocation of budget funds to the district, which is seen as a conflict of interests.
65.5	No.55 Donetsk region	Valeriy Omelchenko (PR)	
57.5	No.56 Donetsk region	Vitaliy Bort (PR)	VR member of the 5 th and 6 th convocations.

⁵⁴ For instance, in August, 2012 observers from OPORA Civil Network recorded intense pre-election activity of 64 foundations in 22 regions of Ukraine. More than half (34) of those foundations belong to self-nominated candidates, 20 are canvassing tools of PR candidates, the rest were set up by or operate in the interests of candidates from Batkivshchyna and UDAR. – See: Fifth report of national monitoring – parliamentary elections 2012, September 4, 2012, <http://opora.org.ua> (in Ukrainian).

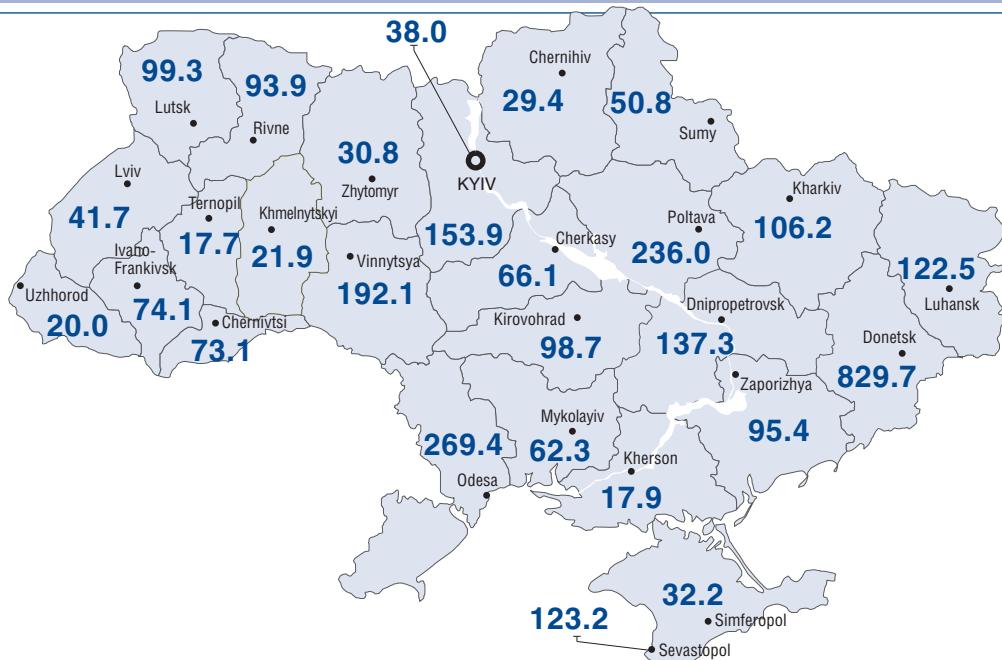
⁵⁵ Sources: Azarov son's district already got from state budget over 100 million hryvnias. – *Novyi Region*, September 21, 2012, <http://www.nr2.ru/kiev/404767.html>; Azarov helped his son with another 16 mio of budget funds. – *SMIUA.net*, October 3, 2012, <http://smiua.net> (in Russian); In the election period, budget gave over UAH 170 million to the district of Azarov's son. – October 22, 2012, <http://vyborystyle.com>; Which candidate “snatched” more budget funds for the district: *TVi* investigation. – *TVi* web site, October 23, 2012, <http://tv.ua>; Pavlo Rizanenko: to exempt me from the race, Azarov called a secret meeting in Brovary. – UDAR party web site, October 24, 2012, <http://klichko.org>; Leshchenko, S. Lytvyn. Administrative resource for the sake of victory. – *Ukrayinska Pravda*, October 25, 2012; personal data from *Chesno* web site. – <http://www.chesno.org/meter/person> (in Ukrainian).

Note: different sources sometimes cited different data of allocated budget funds (e.g., data for district No.47 range from UAH 28 million to over 170 million). However, no report was refuted in court.

⁵⁶ Source: Which candidate “snatched” more budget funds for the district: *TVi* investigation. – *TVi* web site, October 23, 2012, <http://tv.ua>. The map was drawn up for the *Tender News with Nataliya Sedletska* programme (*TVi* TV channel) based on subsidies allocated to the region under the items “measures on socio-economic development of separate territories” and “funding of medicine and healthcare institutions”.



Subsidies from the State Budget of Ukraine to Ukraine's regional budgets in 2012,
million UAH



FOR REFERENCE

By electoral preferences, the least tolerant to vote buying are the voters of CPU (68%), *Svoboda* (63%) and *Batkivshchyna* (62%), more tolerant – of UDAR (49%) and "Ukraine – Forward!" (47%). More in favour of vote buying were the voters of "Ukraine – Forward!" (27%) and PR (24%); less – the voters of *Svoboda* (12%) (Tables "What is your attitude to voters "selling" their votes?", p.52).

Noteworthy, 77% of respondents refused to answer the question "How much money are you ready to accept to vote for a political force or parliamentary candidate, for whom you would not vote otherwise?". The rest quoted different amounts of the reward. The average price of a vote was UAH 2 650 (a bit more than USD 300).

- payment of money to the people in exchange for a ballot on the election day – 88% (from 94% in the South to 83% in the West);
- distribution of money to the people on behalf of a parliamentary candidate – 82% (from 90% in the South to 76% in the East);
- distribution of things, foodstuffs, etc. to the people on behalf of a parliamentary candidate – 72% (from 82% in the South to 63% in the East);
- promise of a parliamentary candidate to invest significant funds in the district after elections in case of a victory – 53% (from 61% in the South to 46% in the East).

Meanwhile, allocation of state budget funds to a district on the initiative of a parliamentary candidate for construction of roads, water pipelines, etc. is not seen as vote buying by a relative majority of those polled – 46%. This opinion prevails in the South and East (in the Centre, the difference between those who agree and disagree with it is statistically insignificant), among youths of 18-29 years, and among PR voters, where their dominance is especially strong (56% of PR voters do not see allocation of budget funds to a "friendly" district as vote buying – against 29% of those who stick to the opposite opinion (Table "Do you think that the following may be termed as 'vote buying' ...?", p.54).

Therefore, use of taxpayers' money by the ruling party (that administers budgets of actually all levels) for its election interests combined with people's unawareness of the nature of "generousness" of the authorities and candidates from the ruling party can lead to strong distortion of voters' will on the election day.

3.3. EXTERNAL INFLUENCE ON THE SOCIO-POLITICAL SITUATION IN UKRAINE

Parliamentary elections in Ukraine arouse strong interest of the world community – partner states, international organisations, foreign experts and political figures. That interest is of different origin and nature. Apparently, the elections results will have different impact on cooperation in the western (EU, US) and eastern (CIS, the Customs Union, Russia) directions.

Assessing the election situation at the end of October, 2012, the following conclusions can be made.

1. There is no large-scale, coordinated and strong external influence on election processes, in particular, on expression of voters' will (for comparison, one should recall the large-scale collision of interests of the US and the EU countries, on one hand, and Russia – on the other during the 2004 presidential elections in Ukraine). The EU and US pressure on Ukraine, observed for the second year in a row, is of a general political character and mainly takes forms of critical assessments of selective justice, criminal persecution of the opposition leaders on political grounds, curtailment of democratic processes in the country.

2. The parliamentary election results are of extreme importance for further development of Ukraine's relations with the EU. Their compliance with democratic standards will be critical for further partnership between Kyiv and Brussels (not only the fate of the Association Agreement or visa facilitation agreement but the entire set of mutual relations in the middle run).

3. Elections (in case of their recognition undemocratic and imposition of sanctions on Ukraine) may seriously influence home policy developments in Ukraine. An alternative to isolation in the West may be presented by integration in the East (Customs Union).



External context of the election campaign

Outlining the external context of parliamentary elections, the following should be noted.

First. The election campaign takes place against the background of a deep crisis in relations between Kyiv and Brussels, mainly – due to domestic developments in Ukraine (first of all, low efficiency of socio-economic reforms, fighting corruption, erosion of the judicial system, estrangement of the authorities from society). EU leaders are especially concerned with the growth of authoritarian trends in the country, curtailment of democratic processes, political bias of courts used for persecution of the opposition leaders.

The latter affects Ukraine's relations with the EU most of all. This primarily refers to the conviction of former government officials – Yuliya Tymoshenko, Yuriy Lutsenko, Valeriy Ivashchenko. In particular, Yuliya Tymoshenko's case caused a colossal negative echo in the world: persecution of the opposition leader was unanimously condemned by leaders of the EU countries, the US, Canada, other countries of the world, reputable international organisations.⁵⁷

The EU leadership and leaders of the European countries rather critically assess the situation in Ukraine. Before and during the election campaign the European Union made a number of categorical statements. The EU High Representative for Foreign Affairs and Security Policy, Catherine Ashton, during the European Parliament sitting on September 11, 2012, stressed that the EU wanted to see "progress in three spheres – [the elimination of] selective justice, the holding of free and fair parliamentary elections on October 28, and the resumption of suspended reforms on the joint agenda of Ukraine and the EU".⁵⁸

The President of the European Commission, Jose Barroso, speaking at an Annual Conference of EU Heads of Delegation on September 4, 2012, said: "We have completed negotiations with Ukraine, but the signing of the Agreement will depend on the dedication of Kiev European values".⁵⁹

A similar stand was reported in the European Parliament Resolution of September 12, 2012, whose members demanded from the Ukrainian authorities guarantees of the rule of law, respect for human rights, and an end to persecution of the opposition.⁶⁰

On September 14, 2012, the EU Commissioner for Enlargement and European Neighbourhood Policy Štefan Füle, the Minister of Foreign Affairs of Sweden Carl Bildt and the Chairman of the Foreign Affairs Committee of the European Parliament Elmar Brok made a joint statement stressing that "The legitimacy of the future parliament will depend on the conduct of the elections which need to be free and fair, in accordance with high

international standards". The European leaders voiced their regret that "the consequences of the current situation will prevent two important leaders of the opposition from standing in parliamentary elections following trials which did not respect international standards as regards fair, transparent and independent legal process".⁶¹

Second. The US authorities give similarly negative assessments to domestic developments in Ukraine. This was shown in the EU-US Summit Joint Statement (November 2011) that made an emphasis on cooperation in promoting democracy and encouraging modernisation in East European countries (including Ukraine).⁶² At the Seoul Nuclear Security Summit in March, 2012, the US President Barack Obama during the meeting with Ukraine's President Viktor Yanukovych raised concerns "about selective prosecutions of the political opposition".⁶³

On September 22, 2012, the US Senate passed a resolution condemning "selective and politically motivated prosecution and imprisonment of former Prime Minister Yulia Tymoshenko" and calling upon the US Department of State to institute a visa ban "against those responsible for the imprisonment...".⁶⁴

US state figures, public organisations, representatives of the political establishment critically assess domestic developments in Ukraine, first of all – persecution of the opposition leaders. Statements to that end were made by the US Department of State Spokespersons Mark Toner and Victoria Nuland, the US Ambassador to Ukraine John Tefft, president of the US Association of Former Members of Congress Jim Slattery, the former US State Secretary Condoleezza Rice and others.

Third. Reputable international organisations negatively assess the domestic situation in Ukraine. Deep concern of the European community about the developments in Ukraine, in particular, curtailment of democratic processes, was witnessed by the PACE Resolution (January 26, 2012) and OSCE Parliamentary Assembly Resolution (July 8, 2012).⁶⁵ The documents stressed inadmissibility of selective justice, criminal persecution of the opposition. OSCE PA called upon Ukraine "to release all political prisoners".⁶⁶ Both documents stress the importance of conducting the election campaign in Ukraine in line with international democratic standards.

Reputable international organisations (Freedom House, Amnesty International, Transparency International, Economist intelligence, etc.) also report deterioration of the state of democracy in Ukraine. According to their assessments, the level of democratic development in the country generally goes down; political civil rights and the freedom of media are not guaranteed; the situation with fighting corruption is worsening.⁶⁷ The Freedom House report "Sounding the Alarm Round 2: Protecting Democracy in Ukraine" stressed: "Today, the two greatest

⁵⁷ For more detail see: EU-Ukraine-Russia relations: problems and prospects. The Razumkov Centre's analytical report. – *National Security & Defence*, 2012, No.4-5, p.5-6.

⁵⁸ European Union would like to see progress in Ukraine and cites Moldova as a model. – UNIAN, September 11, 2012 (*in Ukrainian*).

⁵⁹ Europe promised to Kyiv on the condition of adherence to values. – *Ukrayinska Pravda*, September 4, 2012 (*in Ukrainian*).

⁶⁰ European Parliament called upon Ukraine to cancel officials' responsibility for political acts. – *Ukrainskie Novosti*, September 13, 2012, <http://un.ua> (*in Russian*).

⁶¹ Füle, Bildt and Brok told Yanukovych that legitimacy of the future Verkhovna Rada would depend on the course of elections. – UNIAN, September 14, 2012 (*in Ukrainian*). See: USA and EU call upon Kyiv to let Tymoshenko to elections. – *Ukrayinska Pravda*, November 29, 2011 (*in Ukrainian*).

⁶³ Obama raised US concerns to Yanukovych about prosecutions of the Ukrainian opposition. – UNIAN, March 28 2012 (*in Ukrainian*).

⁶⁴ For the Resolution text see: US Senate web site, <http://www.foreign.senate.gov/imo/media/doc/S%20Res%20466.pdf>.

⁶⁵ See, respectively: PACE Resolution on Ukraine (full text, as amended). – *Tyzhden* web site (*in Ukrainian*), January 28, 2012; OSCE official web site – <http://www.oscepa.org>.

⁶⁶ *Ibid.*

⁶⁷ See: EU-Ukraine-Russia relations: problems and prospects..., p.5.



factors undermining Ukraine's democracy are selective prosecutions of political opponents and the expansion of corruption as an integral form of governance".⁶⁸

Fourth. For Russia, the problem of the Ukrainian elections so far remains "out of focus". In this connection one may just recall the greeting of the Head of the Russian Government Dmitry Medvedev to delegates of the 16th Congress of the Party of Regions (July 31, 2012).⁶⁹

By contrast to the EU and US, Russia does not care about democratic electoral process in Ukraine since, on the one hand, the practice of elections in the Russian Federation is no better than in Ukraine, and requirements of the rule of law and democracy development are not decisive for accession to Eurasian integration structures (CEZ, the Customs Union). On the other hand – the Russian leadership is evidently well aware that the election results will not seriously influence the nature of the bilateral dialogue.

Meanwhile, assessing the influence of foreign media, it should be noted that Russia has a far greater presence in the Ukrainian media space than European countries or the US. So one cannot rule out, say, a possible negative effect on the election results of the opposition forces from timed reports of the Russian Minister of Defence claiming for UAH 3.2 billion of former UESU debts;⁷⁰ heating up tension in the gas sector, etc.

International observers

Assessments of foreign and international institutions are an element of foreign influence on the election processes in Ukraine via the mechanisms of control of Ukraine's observance of its international obligations concerning conduct of elections. Such influence may be termed legitimate, governed by norms of the international law.⁷¹

In Ukraine, the institute of observers evolved towards an increase in their number and perfection of their legal powers. It will be very important at parliamentary elections as a mechanism of long- and short-term monitoring of organisation and conduct of the electoral process.

Apparently, the current authorities are most of all interested in positive assessments of observer missions. Despite the specificity of the mixed electoral system and actual impossibility to control the electoral process at all polling stations (totally numbering 33 762), the experience gained by observers during previous election campaigns in Ukraine will let them produce the general picture of the level of democracy, competitiveness and transparency of the electoral process, and their conclusions will be

one of the main factors shaping the partners' political stand on the election results in Ukraine.

As of October 26, 2012, CEC registered 3,797 international observers from foreign countries and international organisations. The most reputable and the largest (635 persons) of them is the OSCE Office for Democratic Institutions and Human Rights (ODIHR) mission. Monitoring will also involve the International Expert Centre for Electoral Systems (ICES), the European Network of Election Monitoring Organisations (ENEMO), international non-governmental organisation CANADEM, the National Democratic Institute of International Affairs (NDI), the CIS Inter-Parliamentary Assembly, etc.⁷²

Analysing the progress of the present election campaign, international observers (ENEMO and NDI) made public a number of violations recorded by them: (a) drawing in district election commissions did not ensure equal representation of all political parties; (b) initial sittings of precinct commissions were not properly organised; (c) TV channel broadcasting limitations; (d) physical obstacles for election meetings; (e) abuse of the administrative resource (in particular, presentation of local authority projects funded from the State Budget as personal contributions of candidates; (f) poor re-division of constituency borders; (g) self-censorship, sponsored materials in mass media.⁷³

It may be expected that the most reputable ODIHR mission will take rather a tough stand. On September 12, the Head of the Mission, Audrey Glover, said at a press conference: "We have read instructions of PACE and the European Parliament, and will take these documents into account while drawing up its conclusions".⁷⁴ Those resolutions carry demands ignored by the Ukrainian authorities, in particular, to free former government members – opposition leaders Yuliya Tymoshenko and Yuriy Lutsenko and to give them an opportunity to take part in the elections (Box "Resolutions of PACE and European Parliament on Ukraine", p.49).

On September 21, the PACE observer delegation released a statement stressing that the "parliamentary elections... will be a litmus test of Ukraine's commitment to democratic principles as a step towards further European integration".⁷⁵

The election campaign in Ukraine aroused much interest among many countries and international organisations. But while for the West, those elections are an indicator of the level of democracy in Ukraine critical for the character of the future dialogue, for Russia, they are just an intermediary stage for promoting its own integration initiatives.

⁶⁸ Persecution of political opponents and corruption most of all undermine democracy in Ukraine – *Freedom House*. – UNIAN, July 5, 2012 (in Russian).

⁶⁹ See: On behalf of United Russia party, Dmitry Medvedev greeted delegates of the Party of Regions Congress. – Party of Regions web site, July 31, 2012, <http://www.partyofregions.org.ua>

⁷⁰ UESU – United Energy Systems of Ukraine company (1995-2009). In 1995-1997, it was led by Yuliya Tymoshenko.

⁷¹ For more detail see: Foreign factor at presidential elections-2004..., p.3-13.

⁷² ICES is a non-governmental public non-profit organisation uniting experts from the USA, Great Britain, the Netherlands, Germany and Israel. ENEMO is an international organisation uniting public organisations of different countries: monitors elections-2012 in Ukraine with support from the Foreign Ministry of Germany, the Governments of Great Britain, the Netherlands, the USA and the Black Sea Trust for Regional Cooperation. CANADEM is an international non-profit organisation uniting experts from different countries supported by the Canadian International Development Agency and Canada's Foreign Ministry. NDI is a non-profit non-governmental organisation established in the USA to promote democratic processes all over the world. Election monitoring is one of the NDI functions.

⁷³ For more detail see: ENEMO observers report many violations during Rada election campaign 2012. – Interfax-Ukraine, September 11, 2012 (in Russian); ENEMO observer mission reports a number of negative trends during the election campaign in Ukraine. – UNIAN, September 11, 2012 (in Ukrainian); Observers from NDI speak of the need to solve problems threatening fair conduct of elections. – UNIAN, September 17, 2012 (in Russian).

⁷⁴ See: OSCE will assess elections with account of the European stand on Tymoshenko and Lutsenko. – *Ukrayinska Pravda*, September 12, 2012 (in Ukrainian).

⁷⁵ See: PACE observer delegation: Elections will be a litmus test of Ukraine's commitment to democracy – UNIAN, September 22, 2012 (in Ukrainian).



PARTIES WITH THE HIGHEST RATING TAKING PART IN THE 2012 PARLIAMENTARY ELECTIONS AND THEIR RESOURCES

Item	Number in the ballot	Party name, registration date	Party leader	Top five of the party election list	Election programme	RESOURCES				Election rating Basic regions	
						Party strength, number of regional, district, local organisations	MPs	Representatives in the Government	RSA heads, local council members		
1.	20	Party of Regions (previous names – Party of Regional Revival of Ukraine Labour Solidarity of Ukraine; Party of Regional Revival of Ukraine) November 6, 1997 No. 939	M.Azarov <i>V.Yahukovych – honorary party leader</i>	“From stability to prosperity” XIV Congress July 30, 2012	1.395.307 27/-32 000	194 196 ²	Prime Minister M.Azarov Vice Prime Ministers C.Tihipko B.Kolesnikov R.Bohatyr'ova Ministers: A.Blyzniuk Yu.Boyko K.Hrytschenko M.Kulyaniak O.Lavrinovich M.Prysyazhnyuk D.Salamatin E.Stavitskyi D.Tabachnyk	Heads of all RSA, Kyiv, Sevastopol CSA Heads of 20 regional councils Heads of towns, settlements, villages Local council members	TV channels: <i>Ukrayina, First, National</i> Regional cable networks Segodnya newspaper All municipal media , co-founded by RSA, DSA, regional councils	Possibility of using state and local budget funds, resources earmarked for implementation of economic and social initiatives of the President in the election campaign Figs' support: R.Akhmetov ⁶ V.Pinchuk ⁷ D.Firtash ⁸	Rating¹ 28,1% (hereinafter – % of those who plan to go to the polls) Basic regions: South – 45,9% East – 44,6%



2.	19	Political party All-Ukrainian Association <i>Batkivschyna</i> September 16, 1999 No.1222	Yu. Tymoshenko 2. A. Yatseniuk 3. A. Grytsenko 4. O. Turchynov 6. V. Krylenko 7. H. Nemyria	"A fair state, an honest government, a decent life" July 30, 2012 XI Congress (stage II)	150 000 27/-	99 ³ 118 ⁴	—	local council members	TV channels: <i>5th Channel</i> (indirectly, via Yu.Stets) <i>Kommunist TV</i> (M.Kniazhnytskui (№11)) FIGs' support: V.Pinchuk ⁷ I.Kolomoysky ⁷ K.Zhevraho ⁷ P.Poroshenko ⁷ Resources of candidates from the top of the party list Resources of candidates in single-member constituencies	Rating 25.6% Basic regions: West – 43.2% Centre – 29.7%
3.	3	Communist Party of Ukraine October 5, 1993 No.505	P.Symonenko 1. P.Symonenko 2. P.Isybenko 3. I.Spirina 4. S.Klinikarov 5. O.Prysiashniuk	"We'll return the country to the people!" XLV Congres July 30, 2012	96 000 27/844/-	25 ⁵	State Customs Service of Ukraine Head I.Kaletnik	local council members	TV company Kommunist newspaper Kommunist Ukrayiny GPU Central Committee journal	Rating 8.2% Basic regions: South – 14.4% East – 11.1%
4.	17	Political party UDAR (Ukrainian Democratic Alliance for Reforms) of Vitaliy Klitchko (previous name – Political party New Country; Political Capital) March 14, 2005 No.112	V.Klychko 1. V.Klychko 2. M.Matios 3. V.Nalyvaichenko 4. O.Prodan 5. V.Kovalchuk	"From a successful individual – to a successful country" X Congress August 1, 2012	10 000 24/596/-	4	I.Herashchenko (№6) V.Chepyrina (№40)	—	TV channels <i>Inter</i> (indirect influence via the group of D.Firtash) 7+7 ⁶ (indirect influence via the group of I.Kolomoysky) Resources of candidates from the top of the party list Resources of candidates in single-member constituencies O.Yurakov single-member constituency	Rating 11.5% Basic regions: Centre – 16.8% West – 15.7%
5.	6	Nataliya Korolevska's Party Ukraine – Forward! (previous name – Ukrainian Social Democratic Party) December 11, 1998 No.1102	N.Korolevska 1. N.Korolevska 2. A.Shevchenko 3. O.Stupka 4. R.Vasko 5. I.Yemets	10 priorities of economic plan: "A new economy – a new country" X Congress 1 August 2012	70 000 27/–5 843	3	N.Korolevska (№1) Ye.Suslov (№7) O.Lohynenko (№21)	—	FIGs' support: R.Akhmetov ⁶ Resources of candidates from the top of the party list Resources of candidates in single-member constituencies	Rating 4.0% Basic regions: West – 5.5% Centre – 5.3%



Item	Number in the ballot	Party name, registration date	Party leader	Election programme Top five of the party election list	Party strength, number of regional, district, local organisations	RESOURCES				Election rating Basic regions
						MPS	Representatives in the Government	RSA heads, local council members	Party media, information resources	
6.	11	Political party All-Ukrainian Association <i>Svoboda</i> (previous name – Social/National Party of Ukraine)	O.Tyahnybok 1. O.Tyahnybok 2. B.Beniuk 3. A.Molokhnyk 4.I.Miroshnychenko 5. O.Shevchenko	“Own power – Own property – Own dignity on Own God-given land” XXIV Congress 1 August 2012	15 000 27/125/-	—	—	Chairmen of Lviv, Ivano-Frankivsk, Ternopil regional councils local council members	Municipal media , co-founded by Lviv, Ivano-Frankivsk, Ternopil regional councils Svoboda newspaper	Rating 3.8% Basic regions: West – 12.5%

¹ Ratings quoted after the results of the poll held on August 10-15, 2012. 2.009 respondents were polled.

² Together with national deputies Yu.Kruk (Reforms for the Future group) and V.Pysarenko (independent) nominated by the Party of Regions in single-member constituencies – respectively, No.143 i No.168.

³ Together with VRU Deputy Chairman M.Tomenko (independent).

⁴ Together with 19 national deputies – members of the NUNS bloc faction. 15 of them were entered in the election list of the Batkivschyna party: A.Yatseniuk (No.2), A.Grytsenko (No.3), V.Kyrylenko (No.6), B.Tarasuk (No.9), M.Dzhemilov (No.12), M.Martynenko (No.17), A.Parubiy (No.21), L.Orobets (No.32), R.Kniazhevych (No.37), V.Koval (No.59), Yu.Stets (No.63), V.Moisyk (No.79), R.Tkach (No.86), Yu.Hrymchak (No.91); 4 – nominated by Batkivschyna in single-member constituencies (M.Katerynchuk No.13, K.Liapina No.216, V.Aryev No.218, O.Chornovolenko No.220).

⁵ Together with VRU First Deputy Chairman A.Martyniuk (independent).

Noteworthy, some national deputies stand at elections as self-nominees, although they are supported by parties. Given the information revealed by Roman Zabzaliuk, the true attitude of the Party of Regions (the authorities) to a candidate may be seen only from the analysis of the election campaign in a specific district. Meanwhile, some self-nominated MPs were not supported by their parties. E.g., members of the PR faction O.Chernomorov and V.Konovaliuk oppose PR nominees in their constituencies. *Batkivschyna* and UDAR in some single-member constituencies also had no candidates due to nomination of other opposition candidates.

⁶ Leshchenko, S. Oligarchs at elections: asphalt compactor of Rinat Akhmetov – *Ukrayinska Pravda*, September 12, 2012, http://www.pravda.com.ua/in_Ukrainian.

⁷ Leshchenko, S. Oligarchs at elections: Kholomovsky stakes on Klychko, Pinchuk places in all baskets. – *Ukrayinska Pravda*, September 7, 2012 (in Ukrainian).

⁸ Leshchenko, S. Oligarchs at elections: Lyovochkin-Firtash group makes friends with Klychko and stakes on constituencies. – *Ukrayinska Pravda*, September 10, 2012 (in Ukrainian).

⁹ A businessman was forced to remit 30 thousand to the Regions and Communists? – *Ukrayinska Pravda*, September 14, 2012 (in Ukrainian).

¹⁰ Svoboda is funded by the Service Club of 200 men, but only three may come to Rada. – *News.UA* web site, September 3, 2012, http://us.newsua.ua/in_Russian.



RESOLUTIONS OF PACE AND EUROPEAN PARLIAMENT ON UKRAINE ON UKRAINE⁷⁶

PACE Resolution of January 26, 2012

"The functioning of democratic institutions in Ukraine"

The Assembly considers that Articles 364 and 365 of the Ukrainian Criminal Code are overly broad in application and effectively allow for post facto criminalisation of normal political decision-making. This runs counter to the principle of the rule of law and is unacceptable. The Assembly therefore urges the authorities to promptly amend these two articles of the Criminal Code in line with the Council of Europe's standards and for the charges against former government officials which are based on these provisions to be dropped. The Assembly wishes to emphasise that the assessment of political decisions and their effects is the prerogative of parliaments and, ultimately, of the electorate, and not of the courts. In this respect, the Assembly asks the President of Ukraine to consider all legal means available to him to release these former government members and to allow them to compete in the upcoming parliamentary elections...

With regard to the independence of the judiciary, the Assembly reaffirms its deep concern about the lack of independence of the judiciary and considers that this is the principal challenge for the justice system in Ukraine.

The Assembly considers that the implementation of its recommendations, and especially those relating to the criminal prosecution of former government members, would signal the commitment of the authorities to the norms and values of the Council of Europe. Conversely, failing to do so, within a reasonable timeframe, would raise serious questions regarding the authorities' commitment to the principles of democracy and the rule of law, which should lead to an appropriate response of the Assembly.

European Parliament Resolution of May 24, 2012

...whereas a comprehensive reform of some of the judiciary and measures to ensure respect for the rule of law in criminal investigations and prosecutions, including the principle of fair, impartial and independent judicial proceedings, has not yet been implemented in Ukraine; whereas these reforms must be developed in close cooperation with the Venice Commission; whereas a ruling on the cassation appeal in Ms Tymoshenko's case against the decision of Pechersk District Court in Kyiv is expected on 26 June 2012;

...whereas the sentencing on 11 October 2011 of Ukraine's former Prime Minister Yulia Tymoshenko to seven years in prison, and the trials of other high officials of the former government are not acceptable and constitute an act of selective justice; whereas serious deficiencies are noted with regard to the independence of the judiciary and the lack of reform in all aspects of the judicial process: prosecution, trial, sentencing, detention and appeals...

[European Parliament]

Reaffirms its concerns about the judicial proceedings against former and current high government officials, which were not conducted in accordance with European standards of fairness, impartiality, transparency and independence; calls for the unconditional immediate release of all prisoners sentenced on politically motivated grounds, including leaders of the opposition...

Calls on the Ukrainian authorities to distinguish between political and criminal responsibility and to change the existing criminal penal code accordingly; stresses that the democratic struggle for political decisions must take place in parliament, with participation by voters in free elections, and must not be destroyed by personally or politically motivated acts of criminal prosecution and manipulated judgments in the criminal courts;

Calls on the Ukrainian authorities to clarify the situation of prisoners sentenced on politically motivated grounds before the start of the election campaign...

Fair and transparent conduct of parliamentary elections and corresponding assessments of foreign observers will be insufficient but a necessary precondition for removal of the crisis of trust and deepening interaction with the EU. If they are recognised undemocratic, there will be a threat of international isolation of Ukraine and retargeting of its foreign policy to Eurasian integration.

Conclusions

The parliamentary election campaign in Ukraine takes place in rather unfavourable socio-economic conditions. Key indices of the national economy witness negative trends affecting the social wellbeing of the overwhelming majority of Ukrainian citizens. Indices of public wellbeing witness the spread of poverty among workers, growth of wage arrears, first of all – in the public sector, slowdown of growth of Ukrainian family savings, general deepening of property polarisation in society, etc. Those things lead to mistrust in the institutes of governance, make most citizens sure that all supreme institutes of governance, including Parliament, primarily act in the interests of big capital and/or shadow dealers.

In the recent years, socio-economic problems have been complemented with problems of violation of civil rights, in particular – the rights to freedom of speech and peaceful assembly. Growing public protests encounter ever tougher resistance of the authorities resorting either to court bans on peaceful meetings, or – ever more often – to their forcible crackdown, including with Berkut special units. Such actions of the authorities can only result in growing spirits of protest.

As a result, public dissatisfaction with the socio-economic situation in the country and the authorities' advance on civil rights, as well as growing spirits of protest lead to radicalisation of the voters' choice, i.e., significant support for extreme right and/or left political forces at the present parliamentary elections.

The election campaign witnesses the authorities (the ruling party) using, firstly, impediments for peaceful rallies tested in the past two years, that are now used against canvassing events of the opposition parties and candidates. Secondly – the unprecedented abuse of the administrative resources and indirect vote buying: allocation of budget funds to solve social problems in electoral regions of the Party of Regions and districts where candidates nominated by it and its allies stand. Such vote buying (impossible without administrative resources) can indeed influence voters' will since, according to public opinion polls, most of them do not see the true nature and goal of such budget allocations.

Therefore, during the electoral race, the ruling political forces more than others use tools for manipulation of voters' will. Meanwhile, the international community sees the upcoming elections as probably the last chance for Ukrainian authorities to show their readiness to follow the principles of the rule of law and restore the competitiveness of Ukraine's political system. Therefore, the utmost compliance of elections with international standards is a vital task both for the authorities and civil society in Ukraine.

⁷⁶ Full texts: PACE Resolution on Ukraine. – *Ukrayinska Pravda*, January 26, 2012; European Parliament Resolution: Ukraine must free Tymoshenko and Lutsenko. – *Ukrayinska Pravda*, May 24, 2012.



How did the situation in Ukraine change in the following sectors during the presidency of Viktor Yanukovych and premiership of Mykola Azarov?
 % of citizens polled

	UKRAINE	REGIONS				AGE					PARTY AFFILIATION							
		West	Centre	South	East	18-29	30-39	40-49	50-59	60 and over	Batkivschyna	Svoboda	CPU	Ukraine – Forward!	Party of Regions	UDAR	Hard to say	
Pensions	Changed for the better	23.2	15.2	20.3	46.6	19.6	18.9	21.4	23.3	25.2	26.8	11.5	8.5	24.3	21.3	53.3	17.2	16.5
	Changed for the worse	35.5	45.5	42.4	19.7	30.0	34.6	32.7	37.8	35.4	36.8	52.1	62.7	42.3	38.7	7.2	34.4	35.2
	Did not change	33.4	31.9	32.5	20.0	41.2	32.4	37.0	34.0	32.2	32.1	31.4	25.4	29.7	28.0	33.7	36.9	38.5
	Hard to say	8.0	7.5	4.2	12.1	8.7	13.9	8.7	4.1	6.4	3.9	4.9	3.4	3.6	10.6	5.6	10.8	9.8
Economic situation in the country	Changed for the better	15.5	4.1	10.5	31.1	20.1	13.4	13.9	14.2	18.3	17.6	1.5	6.8	15.2	2.6	49.2	1.9	11.9
	Changed for the worse	47.6	63.8	54.5	35.7	36.7	49.7	48.7	51.5	44.5	44.8	71.8	72.9	44.6	55.3	9.6	55.8	47.7
	Did not change	29.1	27.2	31.5	23.3	30.4	27.9	29.9	29.1	30.5	28.8	24.0	13.6	30.4	25.0	34.0	37.2	30.9
	Hard to say	7.7	4.4	3.1	8.5	11.9	9.0	7.2	4.7	5.2	7.8	2.5	3.4	9.8	17.1	6.5	4.5	9.2
Status of the Russian-speaking population	Changed for the better	14.5	24.7	10.3	22.5	9.0	13.0	13.6	16.2	16.3	14.3	12.7	28.8	9.8	11.8	24.9	14.7	9.5
	Changed for the worse	17.6	19.8	22.3	11.4	14.5	19.8	19.1	20.6	15.7	13.7	26.7	25.4	16.1	19.7	3.3	16.0	17.8
	Did not change	56.8	40.9	59.6	54.6	64.4	54.2	56.5	54.8	57.6	60.4	46.8	35.6	68.8	57.9	65.3	57.1	60.4
	Hard to say	11.0	14.4	7.2	10.5	11.9	12.6	10.4	8.1	10.2	11.0	13.2	10.2	5.4	10.5	6.3	12.2	12.3
Overall situation in the country	Changed for the better	12.5	2.8	11.0	23.9	14.5	9.9	12.1	13.1	15.1	13.1	1.2	1.7	9.9	2.6	44.9	1.9	5.5
	Changed for the worse	48.9	66.8	54.2	34.3	39.9	50.9	52.2	51.7	44.2	46.5	75.0	76.3	43.2	56.6	10.2	64.3	47.1
	Did not change	30.3	26.0	29.6	28.8	34.1	30.2	28.2	28.2	31.1	32.4	18.6	18.6	34.2	30.3	37.4	32.5	35.8
	Hard to say	8.4	3.9	4.5	11.8	11.1	8.6	7.2	6.1	8.1	7.6	4.7	3.4	12.6	10.5	6.5	1.3	11.6
Confidence of citizens in the future	Changed for the better	12.4	3.1	7.7	22.9	17.7	10.4	12.7	11.6	13.9	13.5	1.2	0.0	9.8	3.9	44.1	0.6	6.7
	Changed for the worse	49.2	64.5	57.3	36.3	38.4	52.5	52.3	52.6	44.9	45.1	75.5	74.6	50.0	57.9	8.6	61.1	46.8
	Did not change	34.0	30.1	32.9	32.0	38.4	32.2	31.8	31.7	37.4	36.5	21.6	25.4	36.6	27.6	43.1	35.0	39.4
	Hard to say	4.3	2.3	2.0	8.5	5.0	4.6	3.2	3.8	3.8	4.3	1.7	0.0	3.6	9.2	4.0	3.2	7.0
International image of Ukraine	Changed for the better	12.0	7.7	11.9	20.3	10.7	11.7	10.1	10.2	13.1	13.7	2.9	5.1	11.6	5.3	34.7	3.8	6.7
	Changed for the worse	51.2	64.8	58.2	39.7	41.6	52.5	55.4	53.4	50.9	46.4	72.5	78.0	48.2	52.6	18.9	67.5	49.2
	Did not change	26.5	22.1	25.3	27.9	29.5	24.7	25.8	28.9	26.7	26.6	18.4	11.9	27.7	31.6	34.0	25.5	28.7
	Hard to say	10.4	5.1	4.3	11.1	17.8	10.8	8.4	7.3	9.0	12.5	5.6	5.1	12.5	9.2	12.1	3.2	15.3
Observance of the law by state servants	Changed for the better	11.7	5.9	7.9	21.6	14.3	11.2	12.1	10.7	11.3	12.7	2.5	1.7	8.2	6.7	35.6	3.8	7.4
	Changed for the worse	37.5	49.6	45.5	23.9	28.8	41.0	38.7	42.0	33.1	33.7	58.8	65.0	33.6	48.0	6.5	47.1	32.5
	Did not change	40.8	35.5	39.3	43.6	44.2	34.8	41.6	41.7	45.9	41.6	32.8	30.0	50.9	33.3	48.4	39.5	45.4
	Hard to say	9.9	9.0	7.2	10.5	12.5	13.0	7.5	5.2	9.6	11.8	5.9	3.3	7.3	12.0	9.5	9.6	14.7
Transparency and publicity of the authorities	Changed for the better	10.8	3.9	9.0	22.9	11.1	8.4	9.5	10.8	12.8	12.5	1.0	3.4	9.0	2.6	37.6	1.9	5.5
	Changed for the worse	39.8	57.8	50.0	24.2	26.3	41.2	39.0	44.8	38.8	36.3	64.9	74.6	27.0	48.7	6.8	55.4	38.3
	Did not change	39.5	28.5	35.3	42.5	48.7	38.1	43.6	37.2	38.3	40.2	27.8	18.6	52.3	39.5	47.0	35.7	41.7
	Hard to say	10.0	9.3	5.4	9.8	13.7	12.1	7.8	7.0	9.6	10.4	5.9	3.4	11.7	9.2	8.6	6.4	14.4
Observance of civil rights and freedoms	Changed for the better	9.8	2.3	7.4	22.3	10.8	8.8	9.0	11.0	10.2	10.2	1.0	5.1	8.1	0.0	34.6	1.9	4.6
	Changed for the worse	41.2	67.6	46.7	24.6	27.9	42.4	42.8	47.5	38.1	36.9	67.1	76.3	30.6	46.7	7.0	52.9	37.6
	Did not change	41.7	26.2	40.7	43.3	51.1	39.3	43.1	34.5	45.3	45.3	28.5	18.6	53.2	42.7	52.6	37.6	48.9
	Hard to say	7.2	3.6	4.8	8.5	10.1	9.5	4.9	6.1	5.8	7.3	3.4	0.0	8.1	10.6	5.8	6.4	8.9
Wellbeing of your family	Changed for the better	9.2	3.9	11.2	6.2	11.7	8.6	6.4	9.0	11.0	10.8	2.0	0.0	11.6	2.7	28.4	1.9	5.8
	Changed for the worse	46.3	52.6	52.0	34.6	42.3	46.3	48.0	50.3	42.2	45.3	60.2	64.4	53.6	54.7	10.7	49.7	51.8
	Did not change	40.4	39.9	35.2	51.0	40.8	40.7	42.2	36.6	42.4	40.0	34.6	30.5	34.8	37.3	58.1	44.6	37.5
	Hard to say	4.1	3.4	1.2	6.9	5.0	4.4	3.5	3.5	3.5	3.5	2.9	5.1	0.0	5.3	2.8	3.8	4.9



How did the situation in Ukraine change in the following sectors during the presidency of Viktor Yanukovych and premiership of Mykola Azarov?

% of citizens polled

(continued)

		UKRAINE	REGIONS				AGE				PARTY AFFILIATION							
			West	Centre	South	East	18-29	30-39	40-49	50-59	60 and over	Batkivschyna	Svoboda	CPU	Ukraine – Forward	Party of Regions	UDAR	Hard to say
Attitude of the authorities to the people	Changed for the better	9.1	3.3	5.9	18.7	11.4	7.9	7.5	8.7	11.0	10.4	0.7	0.0	7.1	0.0	33.2	0.6	5.5
	Changed for the worse	40.7	58.2	47.2	23.9	31.7	42.7	39.8	45.9	38.4	37.6	62.9	74.6	33.9	45.3	7.7	53.5	39.4
	Did not change	42.6	32.3	41.8	46.9	47.6	41.6	45.0	39.5	43.9	43.3	31.7	23.7	50.9	46.7	51.2	39.5	45.0
	Hard to say	7.6	5.4	4.3	10.2	8.8	7.7	7.5	5.2	5.5	7.8	3.9	1.7	8.0	8.0	7.7	6.4	10.1
Remuneration of labour	Changed for the better	8.9	5.6	11.0	6.2	10.4	8.6	5.8	7.0	9.6	12.1	3.2	1.7	10.7	2.6	25.4	4.5	4.6
	Changed for the worse	45.9	57.4	48.0	53.6	33.5	45.3	45.7	49.6	46.2	43.8	61.7	71.2	48.2	47.4	17.7	50.3	46.3
	Did not change	38.5	30.8	36.3	30.7	48.7	38.9	43.4	38.8	39.5	34.1	29.2	25.4	37.5	35.5	50.8	39.5	41.1
	Hard to say	6.6	5.6	4.3	7.8	7.2	6.8	5.2	3.8	3.5	9.2	5.7	1.7	3.6	13.1	5.8	5.1	7.7
Freedom of speech	Changed for the better	8.3	3.1	6.0	17.6	9.4	7.0	7.2	7.3	9.0	10.4	1.5	5.0	8.1	4.0	27.0	0.6	3.1
	Changed for the worse	38.6	60.9	45.4	20.6	27.2	39.6	41.0	45.9	38.6	31.6	61.7	73.3	25.2	45.3	8.9	51.9	33.9
	Did not change	43.9	28.5	41.8	48.4	53.0	42.1	44.5	41.0	43.8	47.2	31.7	16.7	56.8	44.0	56.6	39.7	49.8
	Hard to say	9.1	7.5	6.3	12.1	10.2	11.0	7.2	5.2	7.8	10.6	5.2	5.0	9.9	6.6	7.5	7.7	12.8
Level of democracy	Changed for the better	8.1	3.6	5.8	19.0	8.2	6.2	6.4	7.5	10.7	9.8	1.0	3.4	6.3	5.3	27.4	1.9	4.3
	Changed for the worse	42.4	65.6	51.4	24.3	28.2	43.0	48.6	45.2	40.9	36.9	69.3	78.0	27.9	48.7	7.9	59.2	40.1
	Did not change	39.8	24.4	34.8	44.6	51.6	38.8	38.2	41.4	39.1	41.6	25.1	16.9	52.3	40.8	56.3	31.2	43.1
	Hard to say	9.6	6.4	7.7	11.8	11.9	12.1	6.9	5.5	9.0	11.6	4.4	1.7	13.5	5.2	8.4	7.6	12.5
Attitude of the people to the authorities	Changed for the better	7.2	1.8	4.8	18.7	7.6	6.2	5.8	7.6	8.1	8.2	0.5	0.0	8.0	1.3	25.9	0.6	4.0
	Changed for the worse	45.4	61.0	52.2	28.2	37.3	47.8	44.7	45.6	46.7	42.8	66.5	74.1	44.6	50.0	12.4	62.4	43.1
	Did not change	39.5	30.8	38.1	42.3	44.9	36.8	40.1	41.0	39.4	40.6	27.1	19.0	41.1	40.8	53.4	31.2	41.0
	Hard to say	7.8	6.4	4.0	10.2	9.9	8.8	8.9	5.5	5.2	7.6	5.1	6.9	6.3	7.9	8.2	5.1	11.6
Criminal situation	Changed for the better	7.2	1.5	10.3	6.6	7.9	5.7	7.5	7.8	7.0	8.0	1.2	1.7	5.5	2.6	25.2	0.6	2.4
	Changed for the worse	38.4	54.5	45.5	20.7	29.8	38.3	39.0	41.9	39.0	35.3	58.1	60.3	36.4	46.1	11.4	43.9	36.0
	Did not change	44.4	32.9	36.9	60.7	51.0	45.6	44.5	40.4	43.3	46.7	32.4	34.5	50.9	42.1	56.2	42.0	48.5
	Hard to say	10.0	10.5	7.1	10.5	11.1	10.4	8.7	9.3	9.9	9.6	8.3	3.4	7.3	9.2	6.8	12.7	13.1
Status of the Ukrainian-speaking population	Changed for the better	7.0	2.1	3.9	20.3	7.0	5.5	6.9	7.3	8.4	7.0	1.7	1.7	6.3	1.3	20.7	1.9	5.2
	Changed for the worse	25.8	47.3	29.9	13.8	14.5	26.0	24.9	31.4	23.2	24.3	43.0	64.4	14.4	29.3	3.7	34.4	22.9
	Did not change	57.5	41.9	59.6	53.1	66.5	56.4	58.7	54.7	59.1	58.3	46.2	28.8	70.3	58.7	68.8	56.1	59.8
	Hard to say	9.8	8.5	6.0	12.5	11.1	12.1	9.0	5.8	8.4	9.6	8.6	5.1	9.0	10.6	5.8	7.6	12.2
Guarantee of rights of the opposition	Changed for the better	6.0	2.3	4.8	13.2	6.2	6.4	5.5	5.8	5.5	6.7	0.7	3.4	6.3	2.7	20.2	1.3	1.2
	Changed for the worse	55.0	74.2	62.9	43.4	41.4	55.3	61.0	59.3	52.9	49.4	80.4	79.7	48.6	69.3	20.9	71.2	50.6
	Did not change	28.5	17.8	25.4	28.6	37.7	25.6	25.1	27.9	32.0	31.4	14.7	16.9	32.4	20.0	45.1	19.9	35.6
	Hard to say	10.5	5.7	6.5	13.5	14.5	12.8	8.1	6.1	9.0	12.4	4.2	0.0	12.6	8.0	13.7	7.1	12.6
Ability of citizens to influence the authorities	Changed for the better	6.0	1.8	4.6	8.2	9.0	6.4	4.9	5.2	6.1	7.1	0.5	0.0	8.0	2.7	19.6	1.3	3.7
	Changed for the worse	42.0	60.0	48.8	26.2	31.9	44.2	43.9	44.3	41.0	37.6	65.8	69.5	33.9	46.7	8.6	57.3	36.7
	Did not change	43.9	32.8	42.1	53.4	47.7	40.0	44.2	44.3	44.8	46.3	30.2	28.8	50.9	41.3	62.5	36.9	47.4
	Hard to say	8.1	5.4	4.0	10.8	11.2	9.5	6.4	5.5	7.3	8.8	2.9	1.7	7.1	9.3	9.1	4.5	12.2
Prices and tariffs	Changed for the better	2.9	1.5	3.1	1.3	4.3	2.6	3.5	3.2	1.5	3.7	0.2	0.0	4.5	1.3	8.9	0.6	1.5
	Changed for the worse	74.5	76.9	76.4	77.0	70.0	73.6	74.4	76.5	73.5	74.6	82.1	93.1	81.3	84.0	59.3	82.8	71.0
	Did not change	18.9	18.2	17.9	17.0	21.2	19.6	17.6	18.3	20.9	18.4	15.2	5.2	12.5	13.3	28.3	13.4	22.9
	Hard to say	3.6	3.1	2.0	4.3	4.1	4.2	4.0	1.7	3.5	2.7	1.7	1.7	1.8	1.3	3.3	3.2	4.6



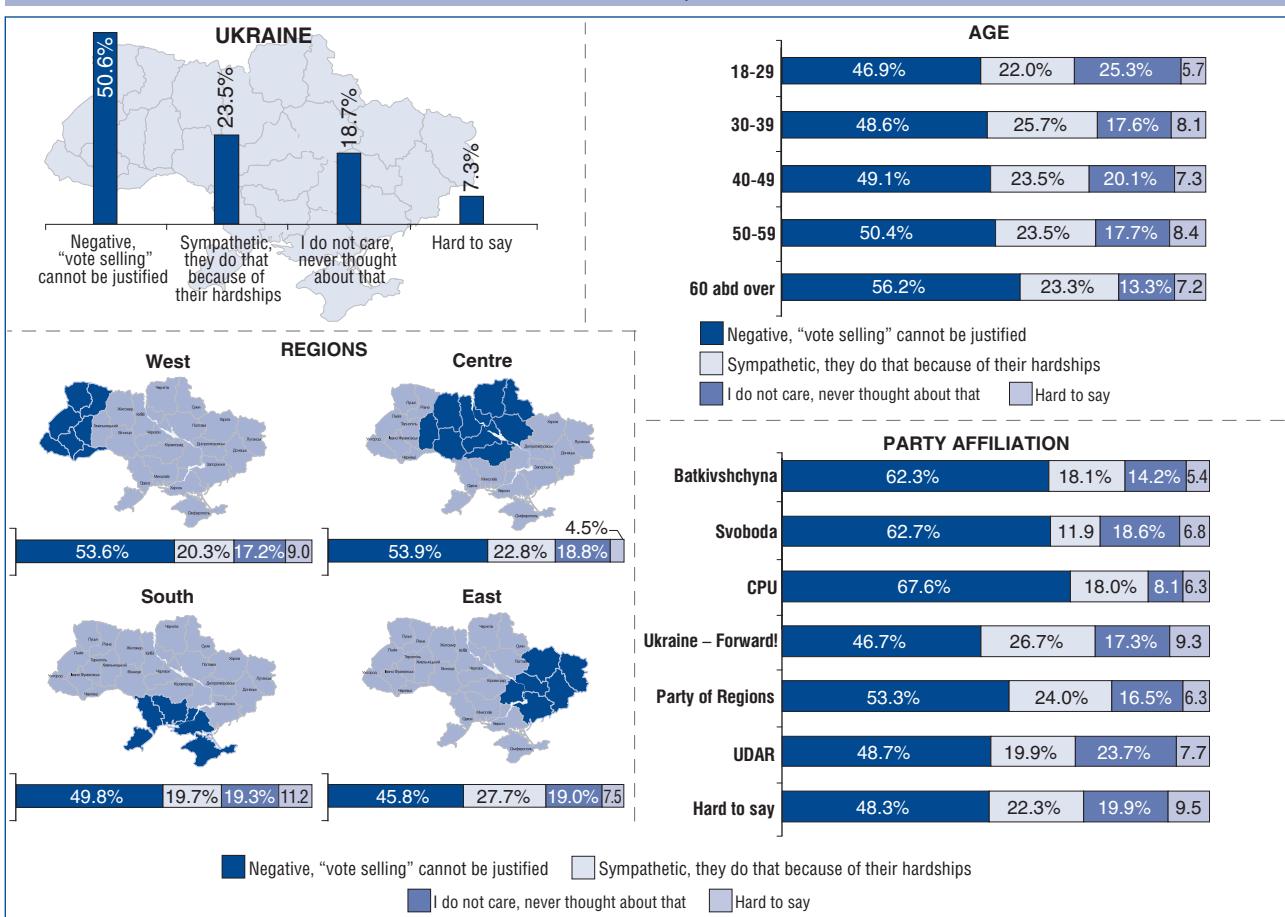
In Ukraine, one can often hear about violations and falsifications during elections.
Who is the main source of those violations and falsifications?

% of citizens polled

	UKRAINE	REGIONS				AGE				PARTY AFFILIATION							
		West	Centre	South	East	18-29	30-39	40-49	50-59	60 and over	Batkivshchyna	Svoboda	CPU	Ukraine – Forward!	Party of Regions	UDAR	Hard to say
Big business influencing politics	28.6	31.3	31.5	16.4	29.8	28.9	27.8	31.5	28.1	27.1	32.4	35.0	29.7	25.0	20.5	33.3	27.6
Parliamentary candidates standing in single-member constituencies	11.7	12.3	14.4	9.5	9.7	13.7	14.2	11.0	8.1	11.5	9.6	5.0	11.7	14.5	11.9	12.8	11.0
Political parties	10.1	10.5	7.6	10.5	12.3	9.5	7.5	10.7	13.6	9.7	11.8	5.0	9.9	9.2	12.8	7.1	9.2
Representatives of the central authorities	9.8	10.5	10.2	7.2	10.2	9.5	12.5	8.4	9.0	9.7	11.5	18.3	6.3	14.5	4.7	17.9	8.0
Members of election commissions	7.3	6.7	8.2	11.5	5.0	5.3	8.4	8.1	6.4	8.4	8.6	8.3	9.9	5.3	11.9	3.8	3.4
Representatives of the local authorities	5.0	5.1	5.9	5.3	4.0	3.3	5.8	4.0	7.5	4.9	5.9	3.3	0.0	9.2	4.7	5.1	5.8
Voters	2.3	5.4	1.2	1.0	2.1	2.0	3.2	2.6	2.0	2.1	2.5	5.0	4.5	2.6	2.3	1.3	3.1
Mass media	1.8	0.8	2.3	0.0	2.7	2.4	1.4	0.9	0.9	2.7	1.2	3.3	4.5	1.3	2.1	0.6	1.8
Courts	1.1	0.8	0.5	1.0	2.0	0.9	0.9	1.7	1.2	1.0	1.0	1.7	0.9	0.0	2.1	0.6	0.3
Militia	0.9	0.8	0.6	0.3	1.4	0.4	1.4	0.9	0.9	1.0	1.0	0.0	0.0	3.9	0.7	1.3	0.6
International organisations	0.7	0.5	0.5	1.0	0.8	0.4	0.0	1.7	0.6	0.6	0.5	1.7	0.9	1.3	0.7	0.6	0.6
Ukrainian non-governmental organisations	0.5	0.0	0.2	0.7	1.2	0.7	0.0	1.2	0.9	0.2	0.0	0.0	0.9	1.3	0.9	0.6	0.6
Armed Forces	0.2	0.3	0.3	0.0	0.2	0.0	0.0	1.2	0.0	0.0	0.2	0.0	0.9	0.0	0.2	0.0	0.0
No one	3.9	2.1	1.2	16.8	1.8	5.5	2.0	4.6	4.1	3.3	2.0	1.7	4.5	0.0	9.1	2.6	2.8
Hard to say/no answer	16.0	13.1	15.6	18.7	16.9	17.6	14.7	11.6	16.8	17.8	11.8	11.6	15.3	11.8	15.4	12.1	25.1

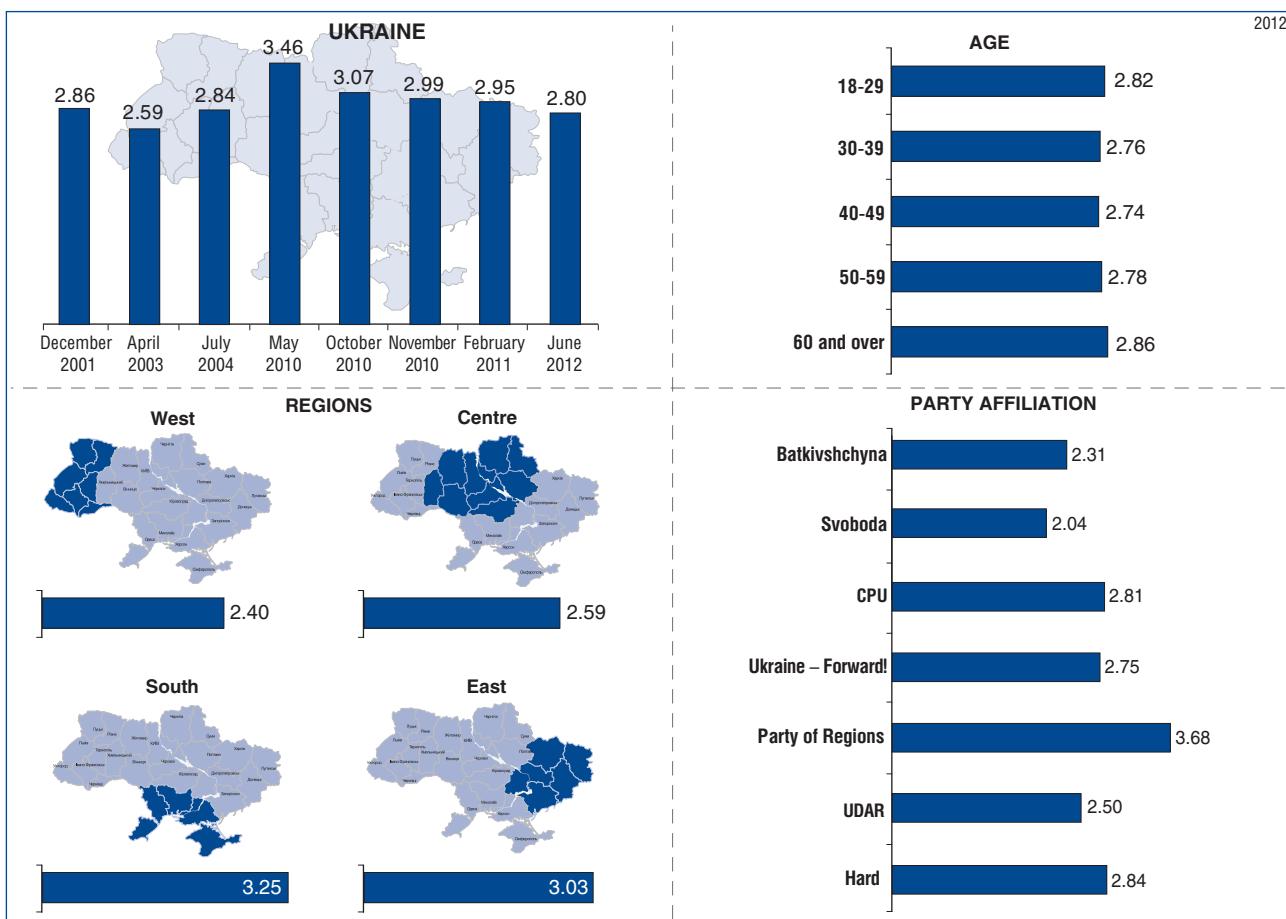
What is your attitude to voters “selling” their votes?

% of citizens polled



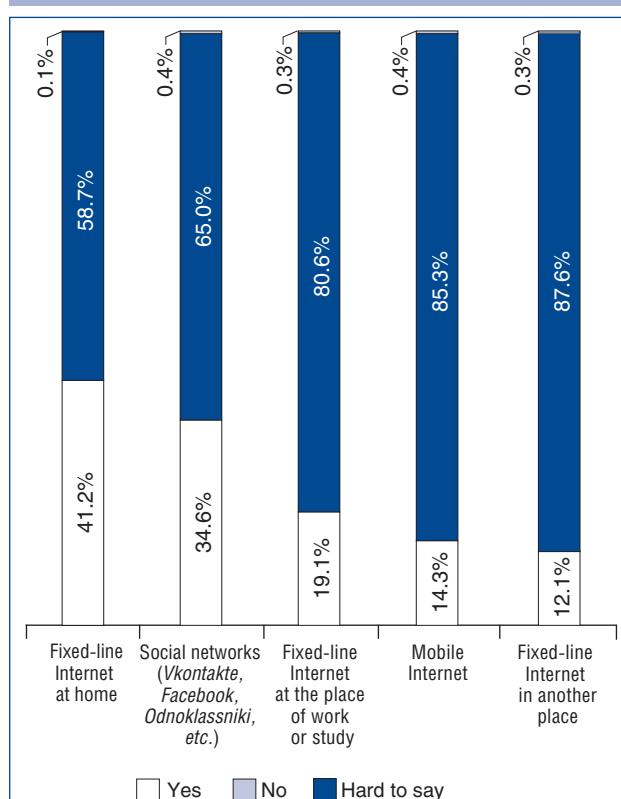


**Assessment of the current level of democracy in Ukrainian society,*
average score**

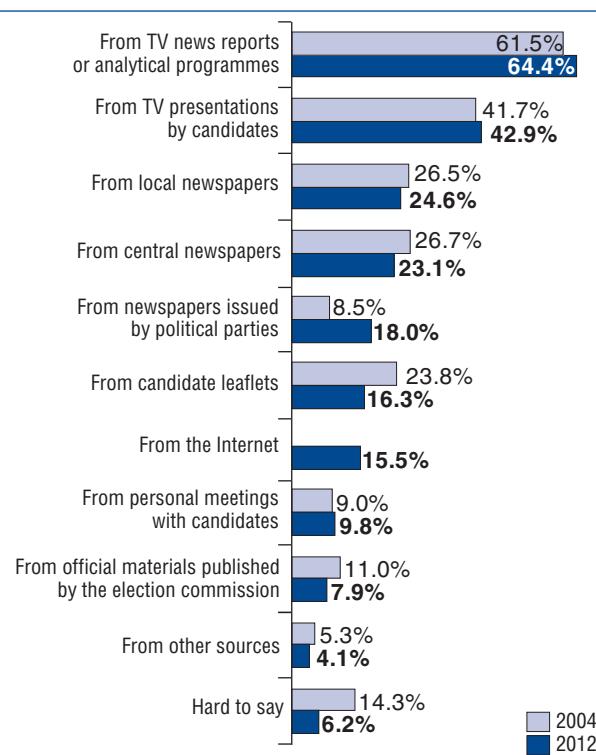


* On a five-point scale from 1 to 5, where "1" means dictatorship, "5" – complete democracy.

**Do you use...?
% of citizens polled**



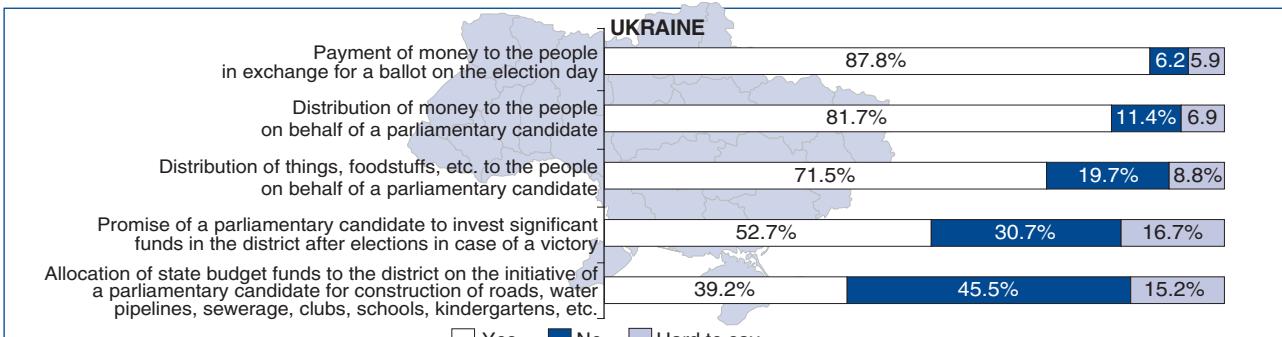
From what sources do you plan to obtain information about candidate programmes?*
% of citizens polled



* Respondents were supposed to give several answers.



Do you think that the following may be termed as “vote buying”...?
 % of citizens polled

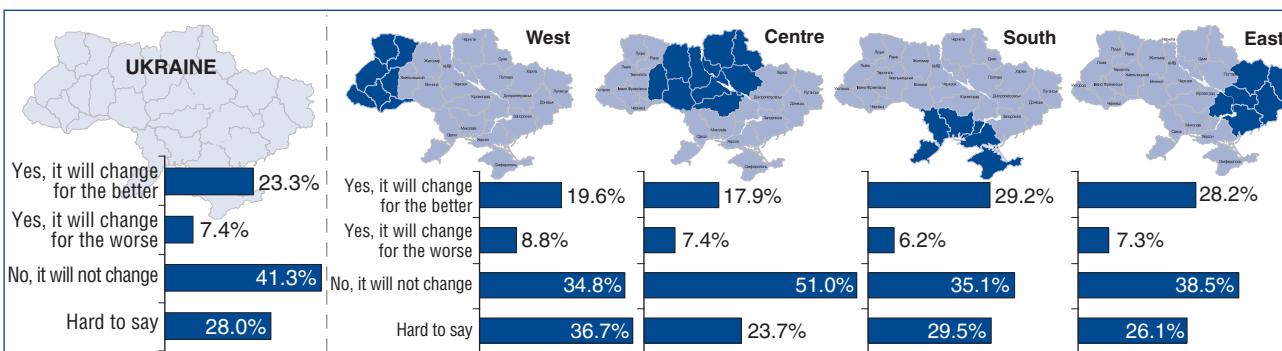


		REGIONS				AGE					PARTY AFFILIATION						
		West	Centre	South	East	18-29	30-39	40-49	50-59	60 and over	Batkivshchyna	Svoboda	CPU	Ukraine – Forward!	Party of Regions	UDAR	Hard to say
Payment of money to the people in exchange for a ballot on the election day	Yes	83.3	91.1	94.4	84.0	88.3	89.9	87.5	86.9	86.7	88.5	93.2	94.6	84.0	83.9	91.1	88.4
	No	11.8	4.6	2.0	6.5	6.2	4.0	5.5	7.6	7.4	8.1	6.8	1.8	6.7	8.4	5.7	3.7
	Hard to say	4.6	3.9	3.6	9.0	5.1	6.1	6.7	5.2	5.5	2.9	0.0	2.7	9.3	7.5	3.2	8.0
Distribution of money to the people on behalf of a parliamentary candidate	Yes	78.9	85.2	89.5	76.0	81.7	84.7	81.7	80.0	81.1	84.8	89.8	84.7	78.9	80.0	79.0	82.0
	No	12.9	10.0	4.6	15.2	10.8	10.1	11.3	12.8	12.0	9.8	8.5	8.1	13.2	11.9	14.0	11.3
	Hard to say	7.5	4.3	5.6	8.2	6.8	5.2	6.7	7.0	5.9	4.7	1.7	6.3	6.6	7.7	6.4	6.7
Distribution of things, foodstuffs, etc. to the people on behalf of a parliamentary candidate	Yes	67.2	77.3	82.0	63.4	71.5	74.0	72.2	68.3	71.8	74.8	70.7	80.2	70.7	67.6	71.8	69.7
	No	19.0	17.3	12.1	26.1	19.2	17.9	18.8	22.4	20.0	16.7	22.4	16.2	20.0	22.6	20.5	21.4
	Hard to say	13.6	4.9	5.9	10.0	8.8	8.1	8.7	9.0	7.8	8.1	6.9	2.7	9.3	9.6	7.7	8.9
Promise of a parliamentary candidate to invest significant funds in the district after elections in case of a victory	Yes	51.2	55.8	61.3	46.4	51.8	55.2	53.2	53.9	50.6	52.5	54.2	62.2	57.9	45.0	53.8	57.4
	No	33.9	29.0	21.6	34.6	32.4	31.5	32.7	27.8	29.2	32.8	39.8	18.9	34.2	35.4	34.0	24.8
	Hard to say	14.7	14.8	17.0	18.6	15.4	13.3	13.9	18.0	19.8	14.2	6.8	18.0	7.9	19.3	12.2	17.8
Allocation of state budget funds to the district on the initiative of a parliamentary candidate for construction of roads, water pipelines, sewerage, clubs, schools, kindergartens, etc.	Yes	45.8	41.6	26.6	38.9	37.4	42.2	39.4	37.5	39.8	44.9	41.4	45.9	44.0	29.1	45.5	37.6
	No	38.6	44.8	48.2	48.8	48.0	43.9	45.8	48.0	42.4	39.2	48.3	33.3	37.3	56.4	44.9	46.2
	Hard to say	15.4	13.1	24.9	11.9	14.1	13.9	14.5	14.2	17.3	15.4	10.3	19.8	17.3	14.2	9.6	16.2

How much money are you ready to accept to vote for a political force or parliamentary candidate, for whom you would not vote otherwise?

Average amount – UAH 2 650	No answer – 76.9%
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Will the socio-political situation in the country change after the elections (and how)?
 % of citizens polled



	AGE					PARTY AFFILIATION						
	18-29	30-39	40-49	50-59	60 and over	Batkivshchyna	Svoboda	CPU	Ukraine – Forward!	Party of Regions	UDAR	Hard to say
Yes, it will change for the better	18.7	23.4	24.6	26.4	24.5	17.4	8.5	18.8	21.6	55.9	17.8	9.2
Yes, it will change for the worse	7.5	6.6	8.4	7.8	6.9	7.1	18.6	7.1	8.1	3.0	7.6	8.0
No, it will not change	39.6	43.6	42.0	41.2	40.6	44.0	33.9	46.4	41.9	20.5	40.8	42.8
Hard to say	34.2	26.3	25.0	24.7	28.0	31.5	39.0	27.7	28.4	20.6	33.8	40.0

4. PUBLIC SPIRITS DURING THE ELECTION CAMPAIGN AND EXPECTATIONS FROM THE NEW PARLIAMENT

Public spirits, social wellbeing, public opinion are all important elements of the voters' choice – since, as discussed above, personal assessments of events and processes taking place in the country, perception of the authorities, political parties and other participants of the electoral process, as well as ideological and political preferences of citizens, their ideas on the nature of political forces (loyal/oppositional), essence of the activity and role of national deputies will largely shape the election results.

Factors important for the voters' choice also include certain features of political parties and individual parliamentary candidates – presence of a clear programme of action of a party or a candidate, their previous activity (including in the Parliament), personal qualities of a party leader or a candidate, etc.

On the other hand, being aware of the parties and candidates taking part in elections, voters may have an idea of the future composition of the new Verkhovna Rada and know what should be expected from it, in particular, with account of the Parliament's place and role in the system of governance formed in Ukraine after the constitutional "anti-reform" of 2010.

4.1. SOCIO-PSYCHOLOGICAL BACKGROUND OF THE ELECTION CAMPAIGN

Assessment of developments in the country. In August, 2012, the majority (58%) of citizens suggested that the developments in the country were moving in a wrong direction. Only 20% of those polled were sure that the trend was right. However, those indices are better than in October 2011, when they made 69% and 14%, respectively (Diagram "Does the situation in Ukraine develop in the right or wrong direction?", p.56).

Support for the President, Parliament and Government of Ukraine. Ukraine's President enjoys the support of only 13% of citizens; Parliament – 4%, the Government – 7%. Meanwhile, compared to December, 2011, the number of those who do not support the activity of those institutes of governance has somewhat declined: the President – from 59% to 47%; Parliament – from 67% to 54%; the Government – from 63% to 48% (Diagrams "Do you support the activity...?", pp.16, 57, 58).

Assessing the activity of the government. Satisfaction of citizens with the policy pursued by the current authorities is low. Only 24% of those polled

are satisfied with domestic policy of the authorities (against 66% unsatisfied); economic – 19% (against 71%); social – 22% (against 67%); foreign – 25% (against 60%); language and cultural – 28% (against 58%); defence policy – 27% (against 47%); finally, the treatment of the opposition – 20% (against 64%).

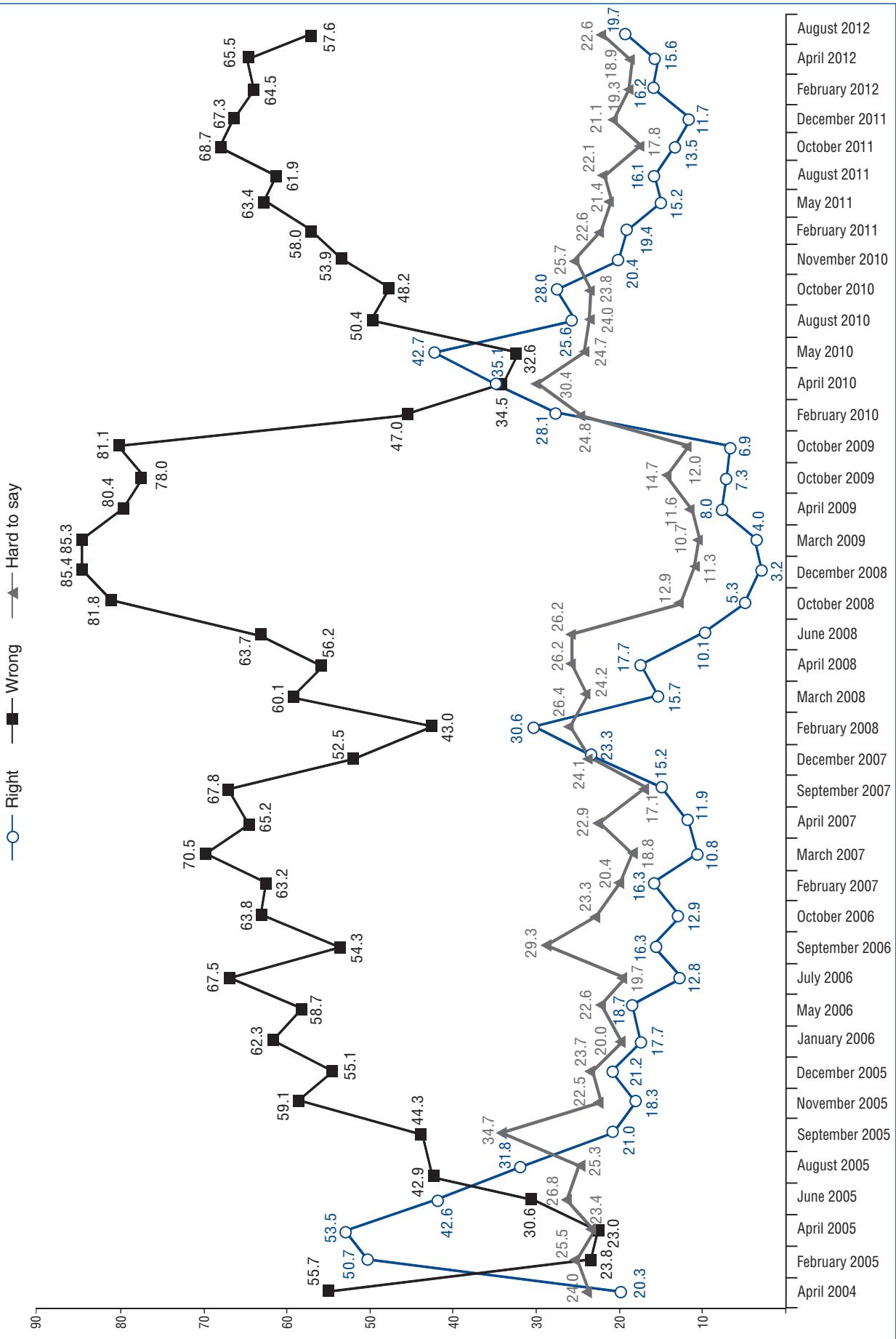
Displeasure with the government's policy in all those fields prevails in all age groups, in all regions of Ukraine. There are only two exceptions from the latter: in the South, the number of those satisfied with current defence policy is higher than of those unsatisfied with it (42% and 30%, respectively); in the South and East, the difference between those satisfied and unsatisfied with the government's language and cultural policy is statistically insignificant.

Meanwhile, said assessments clearly correlate with respondent preferences.¹ E.g., the majority of potential voters for the Party of Regions are satisfied with the government's policy (from 77% satisfied with domestic policy to 64% satisfied with how the authorities treat the opposition). Among potential voters of all other parties, the number of those unsatisfied with the government's policy in all sectors clearly prevails (Tables "Are you satisfied ...?", p.59).

¹ "Potential voters" are respondents who reported readiness to vote for the relevant party at hypothetic parliamentary elections ("if elections were held in the near future"). The analysis covered potential voters of the "passing" parties – those which, according to the poll results, could pass the 5% election threshold: All-Ukrainian Association *Batkivshchyna*, the Party of Regions, UDAR, CPU, and parties coming close to the threshold with over 4% of potential voters: All-Ukrainian Association *Svoboda* and "Ukraine – Forward!". Party ratings are shown on Map "Ratings of the parties expected to enter the Parliament: regional and national level", pp.64-65.

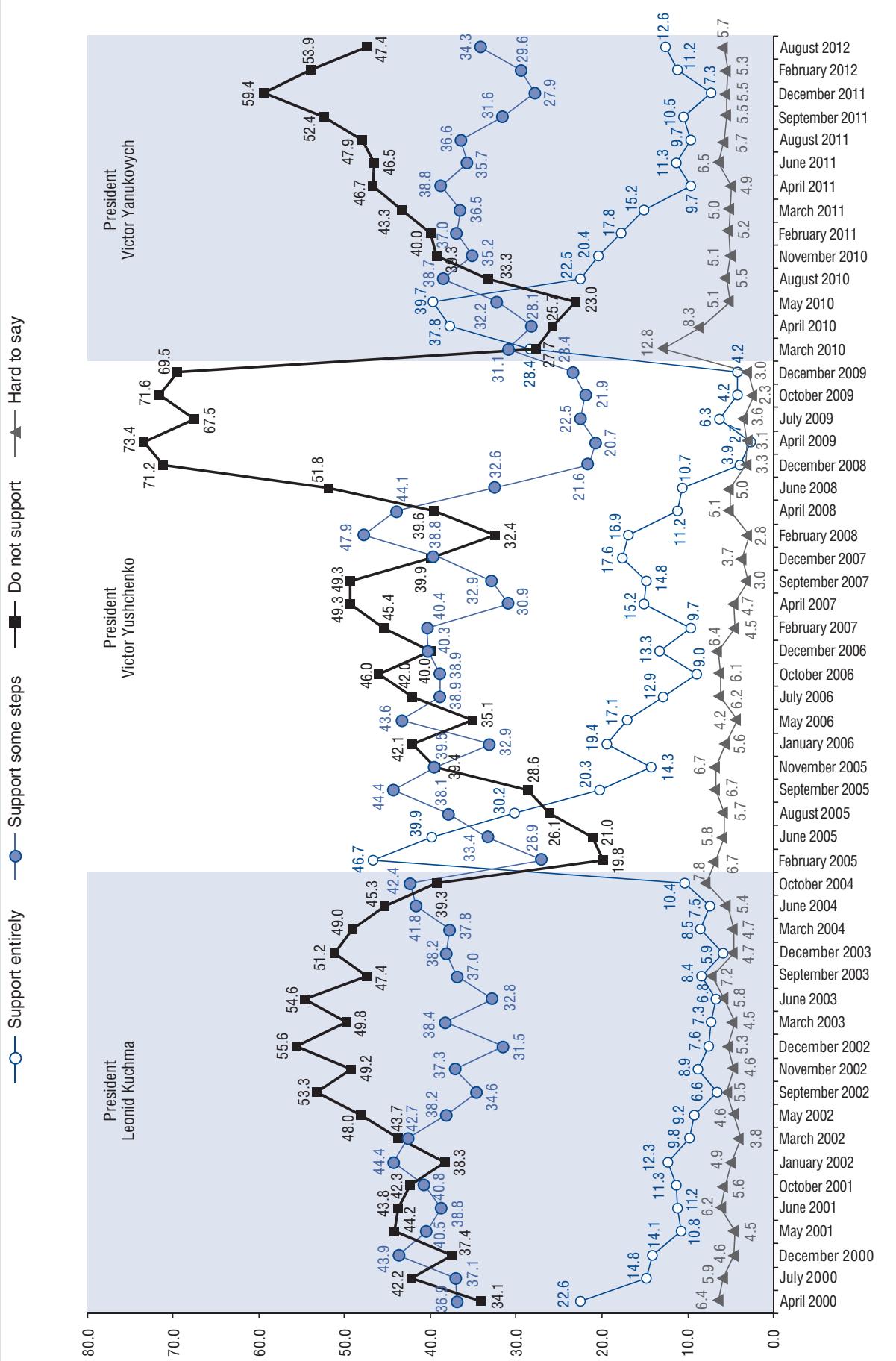


Does the situation in Ukraine develop in the right or wrong direction?





Do you support the activity of the President of Ukraine?
% of citizens polled





Assessing changes that took place under the President Viktor Yanukovych and the Prime Minister Mykola Azarov.² Assessments of such changes are negative for the authorities. Respondents who reported improvement in some sectors of public life are in a minority: from 23% pleased with pensions to 3% of those who saw improvement in prices and tariffs. **The majority of respondents either reported deterioration of the situation or believe that the situation in the sector did not change.**

This refers to all regions of Ukraine, with one exception: in the South, a relative majority of those polled reported improvement with pensions. Noteworthy, while in the retirement age (over 60 years) and pre-retirement age (50-59 years) groups the improvement was reported by only 27% and 25% of those polled, respectively, a majority of respondents in those age groups reported either deterioration or absence of changes.

Devotion to the ruling party influences the assessments of changes far less than in the latter case. For instance, among potential voters for the Party of Regions the majority or a relative majority of those polled reported changes for the better only in three sectors: pensions (53%); the economic situation in the country (49%); general situation in the country (45%).

Social wellbeing of citizens. Social wellbeing of citizens witnesses the priority of problems of wellbeing and living standards for the larger part of Ukrainian society. Social tensions are further aggravated by the above-mentioned property polarisation, the deepening rift between the miserly share of wealthy families and the absolute majority of the poor (more or less), and also the inadequate attitude of the authorities to citizens and inability of the latter to influence the government (Box "Relations between citizens and authorities").

RELATIONS BETWEEN CITIZENS AND AUTHORITIES

- **attitude of the authorities to the people:** under the presidency of Viktor Yanukovych and the government of Mykola Azarov, improvement in the authorities' attitude to the people was noticed by only 9% of citizens (from 19% in the South to 3% in the West); deterioration – 41% (from 58% in the West to 24% in the South); no changes – 43% (from 47% in the South and East to 32% in the Centre). There are no particular differences in assessments in that field, dependent on age. **By voter preferences, potential voters of the ruling party seem more optimistic:** a third of them reported improvement in the authorities' attitude to the people; still, the majority was sure that that attitude did not change (51%) or deteriorated (8%);
- **citizens' ability to influence the authorities:** improvement in that field was reported by only 6% of those polled (from 8-9% in the South and East to 2% in the West); deterioration – 42% (from 60% in the West to 26% in the South); no changes – 44% (from 53% in the South to 33% in the West). There are no age differences in assessments in that sector. **In terms of electoral preferences, as well as in the former case, PR voters are somewhat more optimistic:** almost 20% of them saw improvement of the situation in the sector, while 9% reported deterioration, 63% – no changes, compared to the previous period;
- **observance of the law by state servants:** changes for the better were reported by only 12% of citizens (from 22% in the South to 6% in the West); for the worse – 38% (from 50% in the West to 24% in the South); no changes – 41% (from 44% in the East and South to 36% in the West). Age differences in assessments are actually absent. **By electoral preferences, assessments of potential PR voters are much higher:** 36% of them suggest that the situation in that field improved; only 7% reported deterioration; 48% – no changes.

Summary indicators of social wellbeing include **confidence of citizens in the future.** Here, only 12% of those polled reported improvement under the presidency of Viktor Yanukovych and the government of Mykola Azarov (from 23% in the South to 3% in the West), while 49% – deterioration of the situation (from 65% in the West to 38% in the East), 34% – no changes, compared to the previous period (from 30% in the Centre to 38% in the East). **The most alarming is that a decrease in confidence in the future was reported by the majority of representatives of the youngest age group (18-29 years) – 53%, and of people of the able-bodied age (30-49 years) – 52-53%.** **Potential PR voters feel more confident:** 44% of them reported improvement in this respect, and only 9% – deterioration.

4.2. ATTITUDE TO POLITICAL PARTIES, IDEOLOGICAL AND POLITICAL PREFERENCES OF CITIZENS

Parties as representatives of interests of social groups. Over the past two years, hopes for political parties to become true representatives of interests of social groups **have declined.** While in 2010, such a role of the parties was reported by 27% of citizens, in June, 2012 – only 17%. At that, political parties are most of all trusted in the Centre (20%), least of all – in the South (14%). Among potential voters of the leading parties, pin hopes to them from 17% ("Ukraine – Forward!") to 21% (*Batkivshchyna*) of those polled.

The public perception of individual politicians as representatives of interests did not change (10% in 2010, 11% – in 2012). "Individual politicians" are most of all trusted in the country's West (20%). By electoral preferences: from 20% ("Ukraine – Forward!") to 5% (CPU).

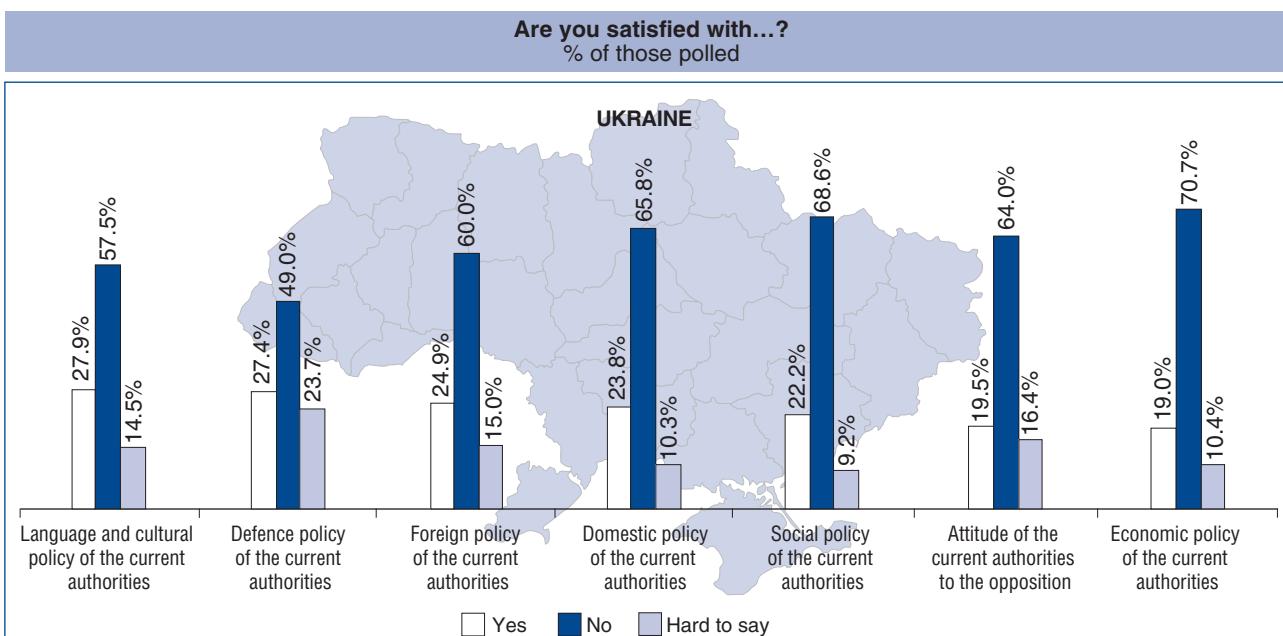
Noteworthy, compared to 2010, citizens more often mentioned among representatives of their interests public organisations (14% and 16.5%, respectively) and mass media (6% and 10%, respectively) (Tables "Who should represent your social interests in the first place?", p.60).

Ideological and political preferences of citizens. A relative majority of citizens either had no idea of political trends or reported that none of the ideological and political trends present in Ukraine met their convictions, or remained undecided on adherence to one or another trend ("hard to say" option). In June, 2012, the share of such citizens made 48%;³ in particular, among the youths of 18-29 years it was the highest, compared to other age groups, exceeding 54%.

Among those who have firm ideological and political preferences, the national democratic trend

² This and the next subsections build on poll results summed up in Tables "How did the situation in Ukraine change in the following sectors during the presidency of Viktor Yanukovych and premiership of Mykola Azarov?", pp. 50-51.

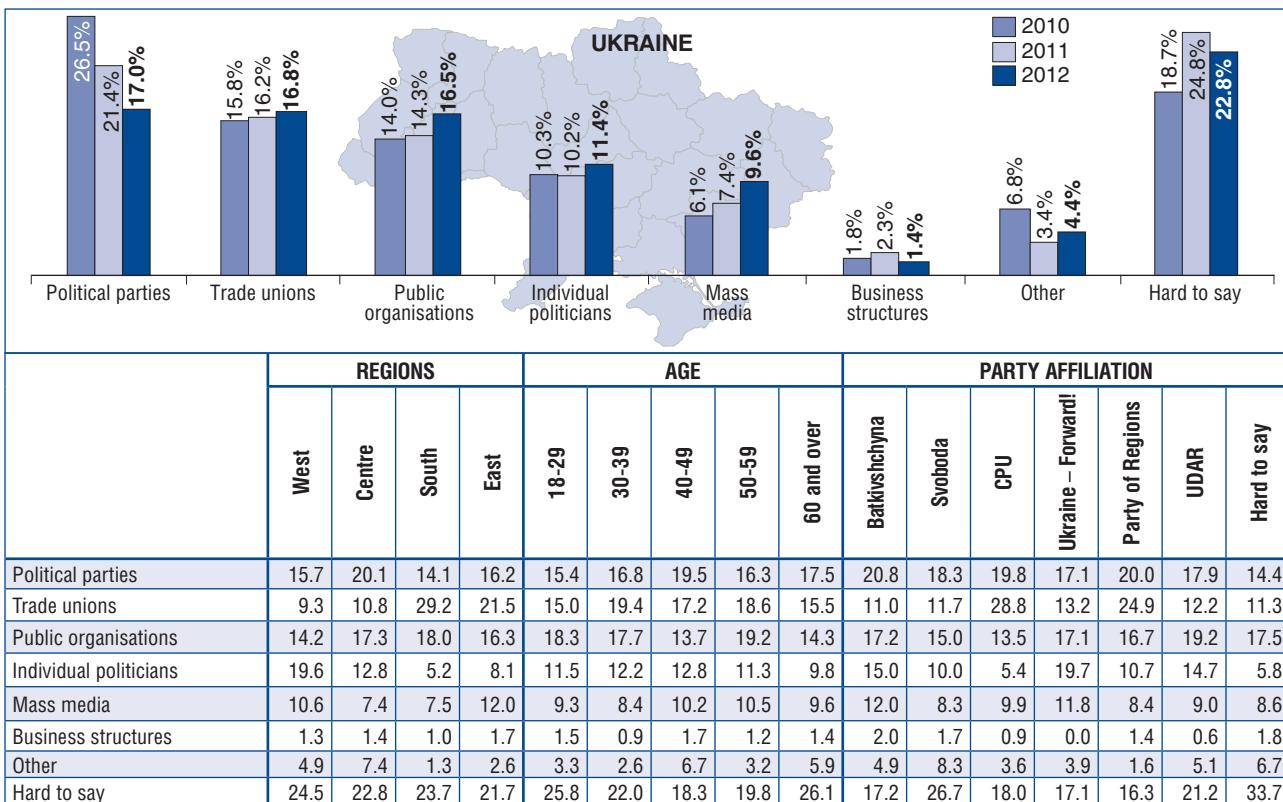
³ Noteworthy, the share of those undecided in their ideological and political preferences has been growing since February, 2004. At that time, it made 41%; in April, 2004 – 43%; in November, 2005 – 45%; in December, 2009 – 43%; in May, 2010 – 50%.



		REGIONS				AGE						PARTY AFFILIATION						
		West	Centre	South	East	18-29	30-39	40-49	50-59	60 and over	Batkivshchyna	Svoboda	CPU	Ukraine – Forward!	Party of Regions	UDAR	Hard to say	
Language and cultural policy of the current authorities	Yes	8.7	23.0	37.6	39.7	24.4	24.5	27.5	29.4	32.4	8.1	6.8	33.3	29.3	71.1	10.3	19.8	
	No	80.8	69.2	44.4	38.4	58.1	62.0	60.6	55.5	53.3	82.6	88.1	51.4	57.3	15.6	77.6	62.2	
	Hard to say	10.5	7.6	17.6	21.3	17.2	13.0	11.6	15.1	13.5	9.3	5.1	15.3	13.3	12.2	17.1	17.7	
Defence policy of the current authorities	Yes	10.8	25.1	42.0	32.6	24.5	26.6	28.8	28.8	28.4	12.0	3.4	25.9	34.7	66.2	11.5	20.2	
	No	66.4	58.1	29.5	38.7	50.8	51.2	50.6	46.2	46.9	67.6	81.4	47.3	45.3	12.8	64.1	48.9	
	Hard to say	22.8	16.5	28.2	28.6	24.5	22.3	20.3	25.0	24.5	20.0	15.3	26.8	20.0	24.4	30.3	30.9	
Foreign policy of the current authorities	Yes	11.8	20.0	39.5	30.6	20.9	24.6	25.3	25.8	27.8	7.8	3.4	22.5	13.2	70.4	7.0	17.7	
	No	79.5	69.3	43.8	46.7	63.2	62.7	63.7	56.5	55.5	83.3	89.8	60.4	77.6	14.7	86.6	57.5	
	Hard to say	8.7	10.5	16.3	22.5	15.9	12.7	10.8	17.7	16.5	8.8	6.8	17.1	9.2	6.4	24.2	24.8	
Home policy of the current authorities	Yes	7.5	15.7	41.0	33.6	19.3	20.8	22.7	27.0	28.6	3.4	3.4	20.7	6.6	77.4	5.7	15.3	
	No	82.8	78.4	48.5	51.3	67.0	68.8	70.1	61.9	62.5	92.6	94.9	67.6	78.9	14.7	86.6	66.1	
	Hard to say	9.8	5.7	10.2	14.9	13.6	10.4	7.0	11.0	8.6	3.9	1.7	11.7	14.5	7.6	18.0	18.6	
Social policy of the current authorities	Yes	9.2	16.0	39.3	27.3	18.7	21.4	23.5	22.3	24.9	5.1	5.1	20.5	7.9	69.2	5.1	15.0	
	No	82.3	75.6	51.1	61.6	68.9	70.8	69.9	67.5	66.7	89.7	93.2	75.0	80.3	23.1	84.7	70.6	
	Hard to say	8.2	8.2	9.2	10.4	12.3	7.8	6.4	10.1	8.0	4.9	1.7	4.5	11.8	10.2	13.8	14.4	
Attitude of the current authorities to the opposition	Yes	4.1	11.0	34.4	30.1	17.2	16.8	20.1	19.2	23.3	1.2	3.4	23.2	7.9	63.9	2.6	10.7	
	No	86.1	73.6	48.5	48.7	63.4	70.2	65.4	63.1	60.1	91.9	94.8	60.7	76.3	17.7	89.1	64.2	
	Hard to say	9.8	15.3	16.7	21.0	19.4	13.0	14.2	17.7	16.4	6.8	1.7	16.1	15.8	8.3	24.5	25.1	
Economic policy of the current authorities	Yes	7.2	9.7	34.8	27.5	16.3	16.7	18.8	20.0	22.4	2.9	1.7	15.2	3.9	60.7	3.8	15.3	
	No	84.8	83.8	55.7	56.3	71.6	74.1	73.6	69.0	66.5	93.6	98.3	72.3	82.9	26.7	91.1	69.9	
	Hard to say	8.0	6.0	9.2	16.0	12.1	9.2	7.2	10.4	11.0	3.4	0.0	11.6	13.1	5.1	14.1	14.7	



Who should represent your social interests in the first place?
% of citizens polled



was the most popular (14%), the social democratic trend was second (9%), the political trend of reunification of Ukraine with Russia – third (8%).

However, those preferences have notable regional differences:

- in the country's West, the national democratic trend clearly dominates (29%), followed by the social democratic (9%) and Christian democratic (6%) trends. Those undecided make 42%;⁴
- in the South and East, the political trend of Ukraine's reunification with Russia prevails (14%), the communist trend was second (9% and 8%, respectively), the national democratic one – third (8%). At that, in the East, the national democratic trend shared the third rank with the social democratic – 8% (in the South, that trend has twice fewer supporters – 4%). Those undecided in the South make 53%; in the East – 44%;
- in the Centre, national democratic (15%) and social democratic (13%) trends prevail; the other trends were reported by much fewer respondents. Those undecided make 54%.

Correspondence of ideological and political preferences to electoral sympathies. Ideological and political convictions of citizens generally meet their electoral sympathies. For instance, potential voters of *Batkivshchyna* and *Svoboda* mainly adhere to the national democratic trend (28% and 39%, respectively),

the voters of *Svoboda* – also to the national radical (17%, against 2% among the voters of *Batkivshchyna*); supporters of social democracy went third – 11% and 15%, respectively. Quite logically, there are no supporters of the communist trend among *Svoboda*'s voters (among the voters of *Batkivshchyna* they make some 2%).

Supporters of the communist ideological and political trend clearly dominate among potential CPU voters (67%).

PR voters are mainly represented by supporters of the trend of reunification of Ukraine with Russia (22%), followed by adherents of social democratic ideas (13%) and the national democratic trend (8%).

The largest group of potential voters of "Ukraine – Forward!" is made up of supporters of the social democratic (16%) and national democratic trends (13%). UDAR voters, on the contrary, have more supporters of the national democratic trend (18%), and fewer – of the social democratic one (13%).

Noteworthy, least of all of those undecided with their ideological and political preferences were found among the voters of *Svoboda* (17%) and CPU (19%) (Table "Which ideological and political trend best of all meets your convictions?").

Perception of an opposition political party or parliamentary candidate. The list of signs of an opposition party (candidate) was topped by "public

⁴ Hereinafter "undecided" include those who have no idea of political trends or whose convictions were met by none of the ideological and political trends present in Ukraine, as well as those who found it "hard to say".



Which ideological and political trend best of all meets your convictions?
 % of citizens polled

	UKRAINE						REGIONS (2012)			AGE (2012)					PARTY AFFILIATION (2012)							
	February 2004	April 2004	November 2005	December 2009	May 2010	June 2012	West	Centre	South	East	18-29	30-39	40-49	50-59	60 and over	Batkivshchyna	Svoboda	CPU	Ukraine – Forward!	Party of Regions	UDAR	Hard to say
National democratic	12.8	11.3	13.8	15.4	13.2	14.2	28.5	14.8	7.5	8.3	13.8	17.3	14.8	16.2	10.8	28.4	39.0	1.8	13.2	7.7	17.6	10.4
Social democratic	6.7	6.9	5.1	7.2	4.3	9.2	8.5	12.9	4.3	8.2	9.2	8.6	10.5	11.6	7.1	11.2	15.3	2.7	15.8	13.3	7.5	6.7
Political trend of Ukraine's reunification with Russia	11.3	11.1	12.8	14.0	16.3	8.2	2.1	3.7	13.8	13.5	7.0	7.2	10.8	8.7	7.8	1.0	1.7	0.9	11.8	21.7	4.4	3.7
Communist	11.3	10.0	6.2	5.4	4.6	5.2	0.8	3.2	8.5	8.3	1.1	2.3	2.0	4.3	13.7	1.7	0.0	66.7	0.0	3.0	0.6	2.1
Environmental ("green")	6.5	6.3	3.4	2.8	3.2	3.5	1.8	2.0	6.9	4.6	4.6	2.9	4.9	3.2	2.5	2.9	0.0	2.7	3.9	2.1	9.4	4.0
Liberal	1.5	2.2	1.0	4.4	1.9	3.1	3.6	2.0	2.3	4.1	3.3	5.2	4.1	2.0	1.4	2.9	3.4	0.0	5.3	3.0	6.3	3.4
Socialist	4.1	4.0	5.7	3.0	1.3	2.9	1.0	3.1	2.3	4.2	2.0	2.9	3.8	3.5	2.9	2.0	0.0	0.9	2.6	3.3	3.1	2.8
Christian democratic	2.4	3.0	2.8	2.3	2.3	2.6	6.4	1.8	1.0	1.8	2.0	2.9	2.9	3.2	2.2	4.6	3.4	1.8	0.0	2.6	5.0	0.9
National communist	0.2	0.6	0.3	0.3	0.7	1.9	1.8	0.3	0.3	1.2	0.7	0.6	1.2	1.4	1.0	1.0	3.4	3.6	0.0	0.7	0.6	0.3
National radical	0.8	1.2	1.2	1.8	1.8	0.9	3.3	1.4	0.3	2.1	1.5	3.2	1.7	2.6	0.8	2.0	16.9	0.0	2.6	1.9	1.9	0.3
Other	0.8	0.5	2.3	0.5	0.5	0.2	0.3	0.3	0.0	0.2	0.4	0.0	0.0	0.0	0.2	0.5	0.0	0.0	0.0	0.0	0.0	0.0
None	16.2	13.9	10.1	6.4	13.3	5.6	8.7	5.8	3.3	4.7	5.9	7.5	5.2	4.6	4.7	2.2	3.4	2.7	0.0	3.0	7.5	7.4
I am not an expert in political trends	17.4	21.3	20.8	25.5	26.1	30.1	22.1	32.6	42.0	26.7	33.4	26.5	26.5	27.2	33.9	25.4	6.8	14.4	27.6	25.9	25.2	34.7
Hard to say	7.7	7.8	14.4	10.9	10.4	12.5	11.1	16.0	7.5	12.1	14.9	13.0	11.6	11.6	11.0	14.2	6.8	1.8	17.1	11.9	10.7	23.3

declaration of disagreement with the policy of the President and the executive branch" (47%); "a stand for the change of the President" was second (30%); "non-affiliation of a member from a certain party with the pro-presidential parliamentary majority" – third (28%).

"Public declaration of disagreement with the policy of the President and the executive branch" looks like the decisive sign of an opposition party (candidate) for potential voters of all the leading political forces. Meanwhile, more important for Svoboda's voters was "non-participation of party members in the government and presidential structures" (44%, second most important). "Coordination of activity with other opposition forces" appeared in the top-three signs of opposition for the voters of "Ukraine – Forward!" (30%, third) and PR (31%, second) (Table "Which party (candidate) may be considered oppositional?", p.62).

4.3. MAIN FACTORS OF VOTERS' CHOICE

Voters' intentions in terms of "loyal/oppositional party". Generally speaking, loyalty or opposition of a political party is of little importance to voters. In particular, opposition parties may win the votes of 23% of citizens; loyal ones – 22%; for 21%, opposition or non-opposition of parties or party candidates is unimportant. Some 9% might vote for a certain "third force" neither supporting the government nor staying

in opposition. 12% remained undecided (Table "Which political parties will you vote for at the next parliamentary elections?", p.63).

Importance of specific features of a party (candidate). Of primary importance for voters will be the following features of parties:

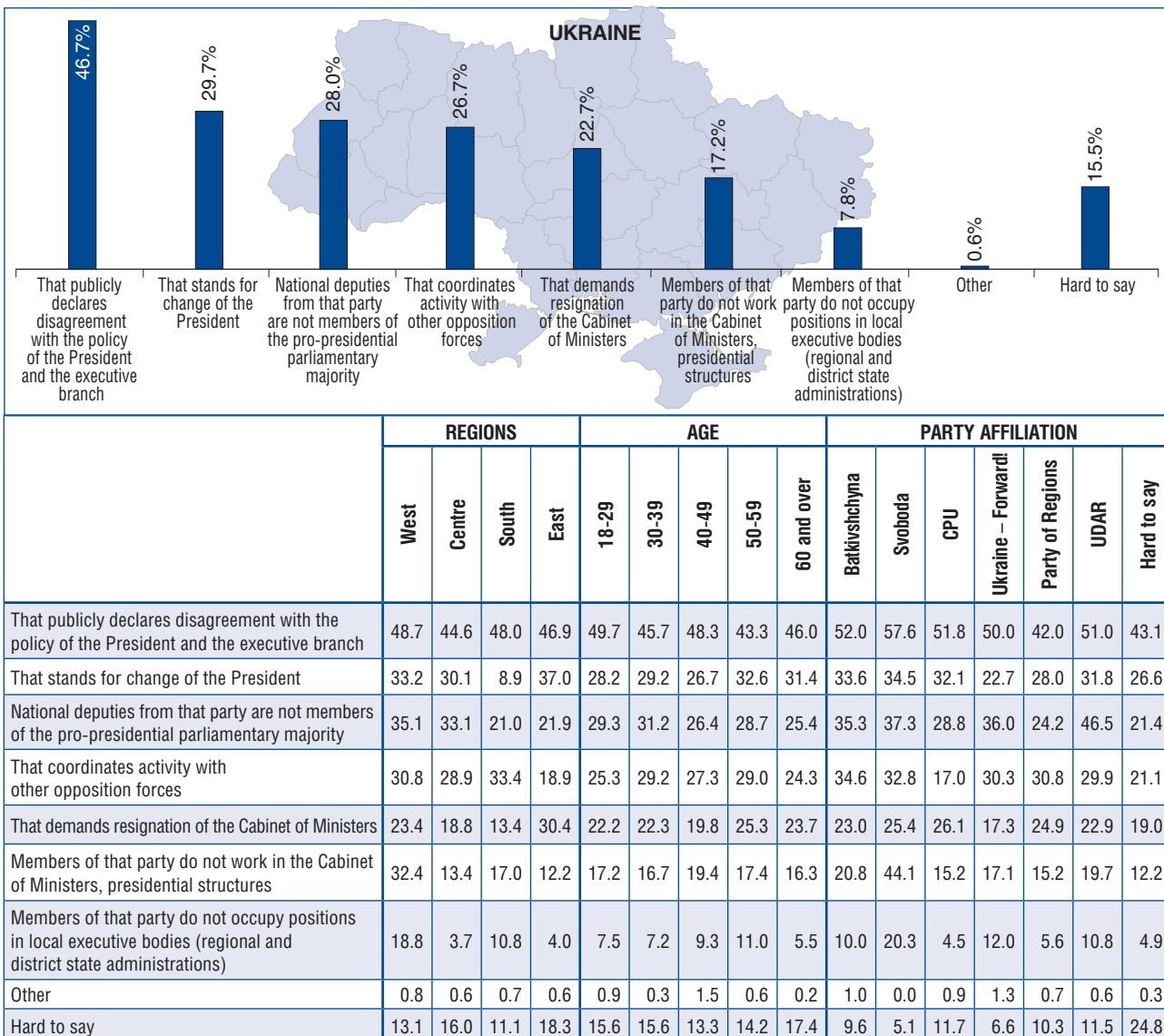
- **the ideology, election programme of a party:** this opinion was supported by 45% (from 52% in the South to 41% in the West);
- **the person of the party leader** – 41% (from 53% in the West to 26% in the South);
- **a positive perception of activity of the previous party** – 34% (from 46% in the South to 30% in the Centre).

Those three things top the rating of importance of features of parties for voters in all age groups and all regions of the country.

Voters pay little attention to: attractive political advertising of a party (3%); personal acquaintance with the party members, affiliation of a party with the authorities, a party's popularity (publicity) – 4% each, as well as affiliation of a party with the opposition and the party name (5% each). Presence of known and respected persons in the party list is also not too attractive for voters – 10% (maybe except voters in the West, where its importance was reported by 18% of residents).



Which party (candidate) may be considered oppositional?*
 % of citizens polled



* Respondents were supposed to give several answers.

Concerning candidates nominated by political parties, their personal qualities will matter for only 29% of voters, actually irrespective of the region.

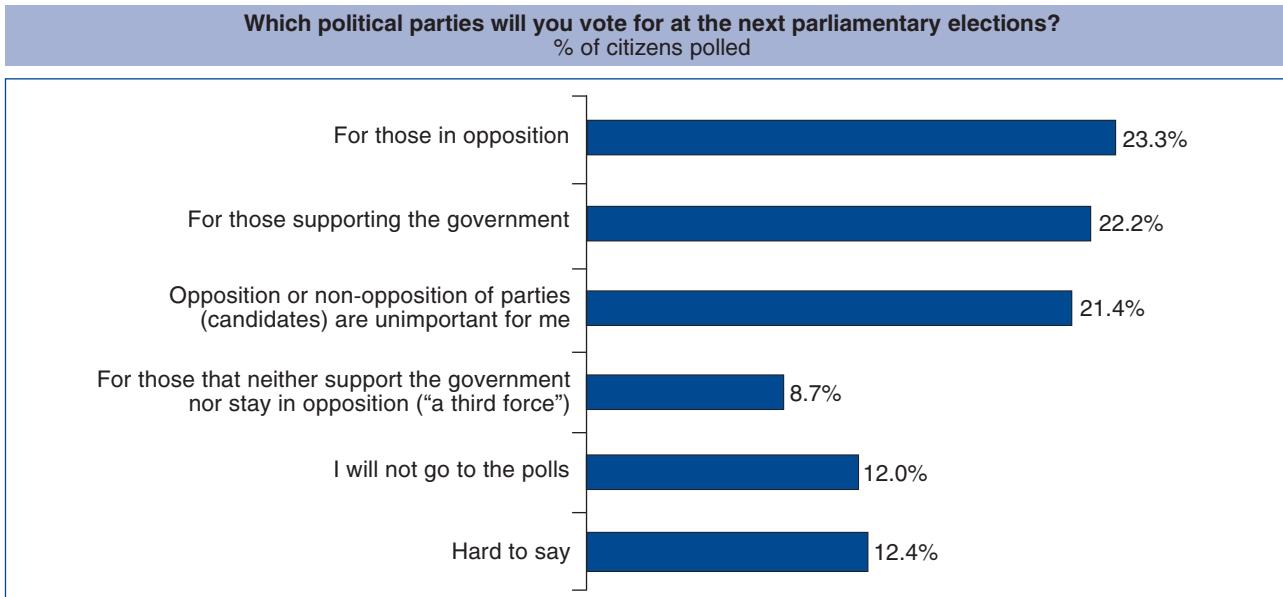
From the viewpoint of electoral preferences, voters of Batkivshchyna and UDAR prioritise the person of the party leader (it topped the rating with 50% and 57%, respectively), of Svoboda, CPU, “Ukraine – Forward!” and PR – the ideology and election programme of parties (respectively, 68%, 57%, 48% and 48%). **Personal qualities of a candidate nominated by a party** are the most important for PR voters (33%), the least – of Svoboda (20%) (Table “When voting at elections for a party or a candidate from a certain political party, what is the most important for you?”, p.66).

Importance of a party’s (candidate’s) attitude to subjects critical for society. The most important for citizens will be a party’s (candidate’s) stand on the following subjects:

- wellbeing of citizens: the average score of importance on a five-point scale is 4.72 (from 4.76 in the Centre to 4.67 in the West);
- economy in general: 4.71 (from 4.79 in the South to 4.66 in the West and the East);
- establishment of order in the country: 4.67 (from 4.82 in the South to 4.59 in the East).

Such rating of the subjects is the same for all regions, except the South, where the first place belongs to “establishment of order in the country” (4.89), second – “economy in general” (4.79), third – “domestic policy” (4.72), and the “wellbeing of citizens” remained fourth (4.71).⁵

⁵ Also noteworthy, the subjects of wellbeing, social protection and economy in general dominate in all election programmes of the leading parties; the subjects of establishment of order in the country, fighting abuses and corruption are prioritised by Batkivshchyna, UDAR, Svoboda, while the PR programme actually disregards that issue (Annex 1 “Election programmes of the main political parties...”, p.107-113; Tables build on provisions of party programmes submitted to CEC).



Two things strike the eye. First: freedom and democracy ranked only eighth in the rating of critical subjects – both national (4.40) and in all regions, except the West, where it ranked seventh (4.44), and in all age groups, *including youth* of 18-29 years (4.41) and all groups of potential voters, except those of *Batkivshchyna* (seventh, 4.56) and *Svoboda* (fifth, 4.58 points).

Second: the most sensitive subjects actively speculated on by some political forces in the election struggle are not the most important for citizens and tailed the rating. Namely, “treatment of Ukraine’s history, assessments of specific historic persons and events” ranked ninth (4.21), “attitude to language issues” – tenth out of 10 subjects listed in the questionnaire. This is true for all age groups and all regions (only in the West, those subjects changed places).

The top-three most important subjects mentioned by potential voters of the leading parties little differ. The only difference was that for *Svoboda*’s voters, “foreign policy” ranked third, and for the voters of “Ukraine – Forward!”, “fighting corruption” and “fighting crime” shared the third line (Table “*When choosing the party to vote for, how important for you is the party’s position on the following subjects?*”, p.67).

Importance of information on parliamentary candidates. Voters consider the most important information about:

- **fulfilment or non-fulfilment of earlier promises by the candidate** – this opinion was reported by 58% of those polled (from 61% in the Centre to 55% in the East);
- **actions of the candidate aimed at solution of fundamental political and economic problems** – 52% (from 55% in the Centre to 47% in the South);
- **the candidate’s experience of work** – 48% (from 54% in the Centre to 45% in the West and East);
- **the candidate’s programme and moral qualities** (39% and 38%, respectively).

The least important is the information about: the candidate’s sex (2%); religiosity and confessional affiliation, place of birth (5%); party membership (6%); support from regional elites, nationality (7%; in the West, information about the candidate’s nationality is more important: there, it was wanted by 14% of those polled); the attitude of the authorities and the opposition to the candidate, his hobbies and habits (8% each). Information of the language the candidate talks is considered the most important by only 10% of citizens, but here, evident regional differences are observed: say, in the West, such information is the most important for 23% of residents, in the South – for 4%.

Such rating of the importance of information, with some variations, is observed in all age groups and all regions of the country.

Noteworthy, information about presence or absence of criminal connections is seen as the most important by only 32%; of accusations of corruption – 23%. There is an impression that the majority of Ukrainian citizens can put up with the candidate’s corruption and criminal connections if he meets earlier promises (for instance, helped to lay a gas pipeline to some area, to build a school, etc.) or spends money on solution of pressing problems (e.g., votes for payment of allowances to Chornobyl veterans).

Ratings of the importance of information dependent on electoral likings somewhat differ. For instance, voters of *Svoboda* and UDAR rated the importance of information about criminal connections, respectively, third and fourth (42% and 39%), PR voters rated fourth the candidate’s election programme (49%).

Somewhat more important are: the language the candidate talks – for the voters of *Batkivshchyna*, UDAR and *Svoboda* (18% and 22%, respectively); the candidate’s nationality – of *Svoboda*, UDAR and *Batkivshchyna* (19%, 13% and 11%, respectively); the candidate’s religiosity and confessional affiliation – of *Svoboda* (12%) (Table “*What information on a candidate for the Verkhovna Rada is the most important for you?*”, p.69).

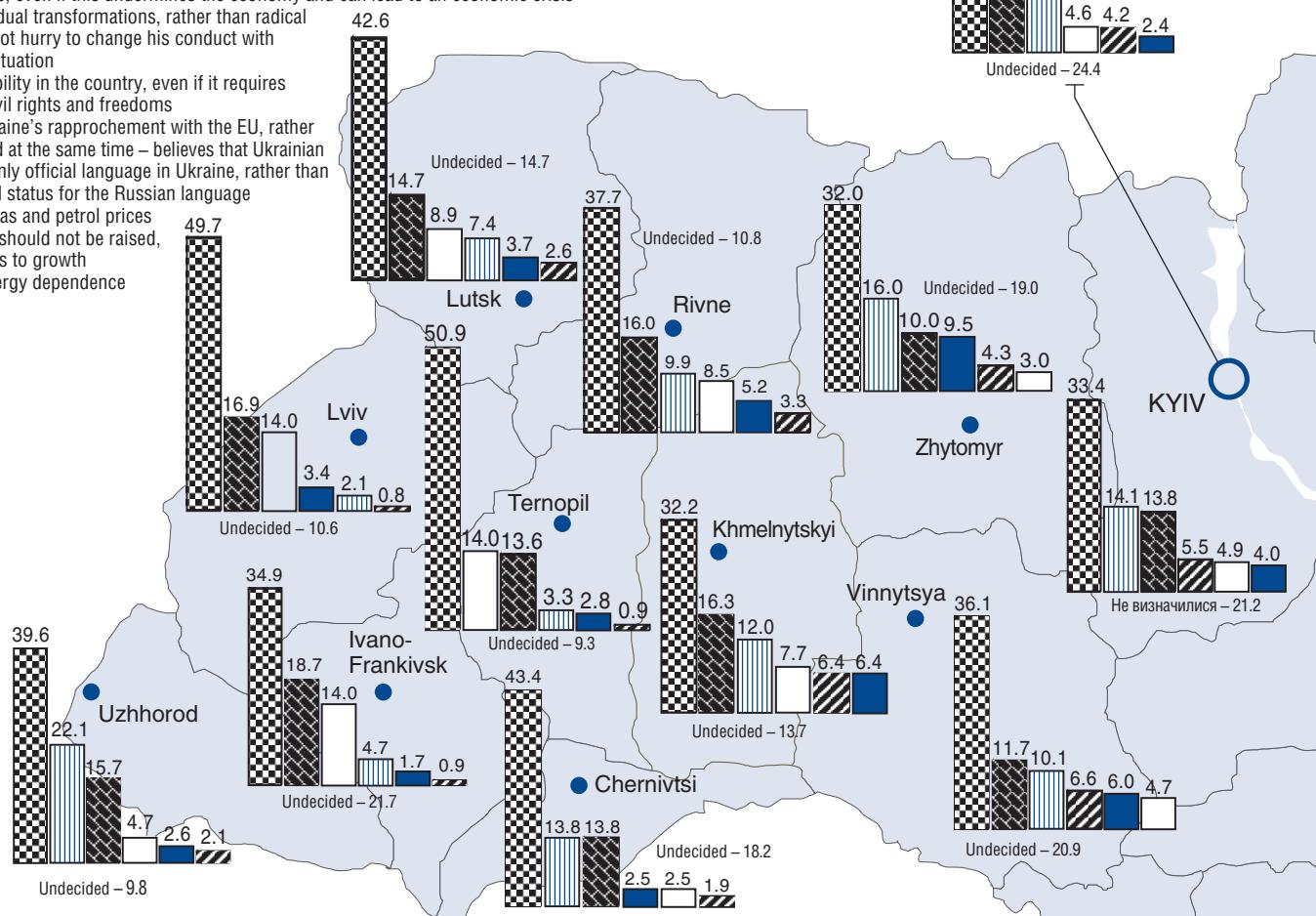
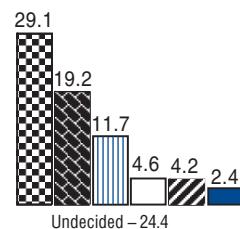
**"Portrait" of a would-be national deputy,
as seen by voters (West)****

A desired member of Ukraine's Parliament:

- is a male, rather than a female; a person of age
- upholds certain ideological and political views; has his own views, rather than agrees with the majority
- is experienced in politics, not elected a national deputy yet; represents the opposition
- is a local politician and a candidate nominated by a party, rather than a self-nominee
- has nothing to do with business, is a business manager, has experience of work at an enterprise, or a lawyer, has nothing to do with creative professions, preferably – originates from that region, rather than is a Kyiv-based politician
- stands for strong social protection of the population by the state, rather than believes that everyone should provide for oneself, and at the same time – in economic issues pays more attention to economic growth and recovery in general, believes that the level of wages and pensions should rest on overall economic development of the country, rather than stands for wage and pension rise, even if this undermines the economy and can lead to an economic crisis
- stands for gradual transformations, rather than radical reforms; does not hurry to change his conduct with change of the situation
- stands for stability in the country, even if it requires restriction of civil rights and freedoms
- stands for Ukraine's rapprochement with the EU, rather than Russia, and at the same time – believes that Ukrainian should be the only official language in Ukraine, rather than seeks an official status for the Russian language
- believes that gas and petrol prices for households should not be raised, even if this leads to growth of Ukraine's energy dependence



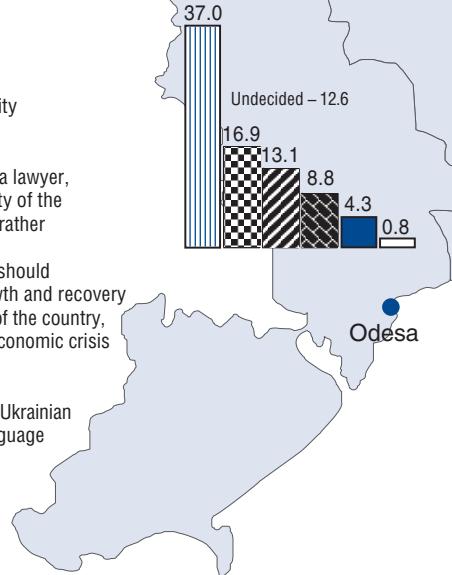
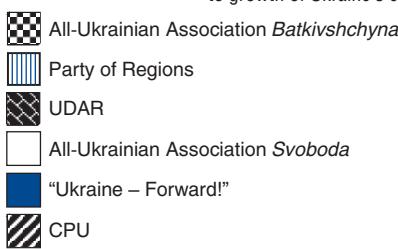
RATING OF THE PARTIES EXPECTED TO ENTER THE PARLIAMENT:



"Portrait" of a would-be national deputy, as seen by voters (Centre)**

A desired member of Ukraine's Parliament:

- is a male, rather than a female; a young person
- upholds certain ideological and political views; has his own views, rather than agrees with the majority
- is experienced in politics, may be a former national deputy; represents the opposition
- is a local politician and a candidate nominated by a party, rather than a self-nominee
- has nothing to do with business, is a business manager, has experience of work at an enterprise, or a lawyer, has nothing to do with creative professions, at the same time – by his wellbeing is close to the majority of the district's residents and understands their material problems, preferably – originates from that region, rather than is a Kyiv-based politician
- stands for strong social protection of the population by the state, rather than believes that everyone should provide for oneself, and at the same time – in economic issues pays more attention to economic growth and recovery in general, believes that the level of wages and pensions should rest on overall economic development of the country, rather than stands for wage and pension rise, even if this undermines the economy and can lead to an economic crisis
- fits conduct to circumstances
- stands for stability in the country, even if it requires restriction of civil rights and freedoms
- stands for Ukraine's rapprochement with the EU, rather than Russia, and at the same time – believes that Ukrainian should be the only official language in Ukraine, rather than seeks an official status for the Russian language
- believes that gas and petrol prices for households should not be raised, even if this leads to growth of Ukraine's energy dependence



* The poll was conducted by GfK Ukraine research company, Sociological Group "RATING", SOCIS Centre for Social and Marketing Research and Razumkov Centre on July 27 – August 9, 2012. 10,979 respondents aged above 18 years were polled in all regions of Ukraine. The sample theoretical error is 1.0%.

Such subdivision of the territories according to regions is used: West: Volyn, Transcarpathian, Ivano-Frankivsk, Lviv, Rivne, Ternopil and Chernivtsi regions, South: the Autonomous Republic of Crimea, Mykolaiv, Odessa and Kherson regions, East: Dnipropetrovsk, Donetsk, Zaporizhzhya, Luhansk and Kharkiv regions; Centre: Kyiv, Vinnytsya, Zhytomyr, Kyiv, Kirovohrad, Poltava, Sumy, Khmelnytskyi, Cherkasy and Chernihiv regions.

** The "portraits" were drawn up on the basis of public opinion polls held by Razumkov Centre in all regions of Ukraine from 31 May till 6 June 2012.

REGIONAL AND NATIONAL LEVEL



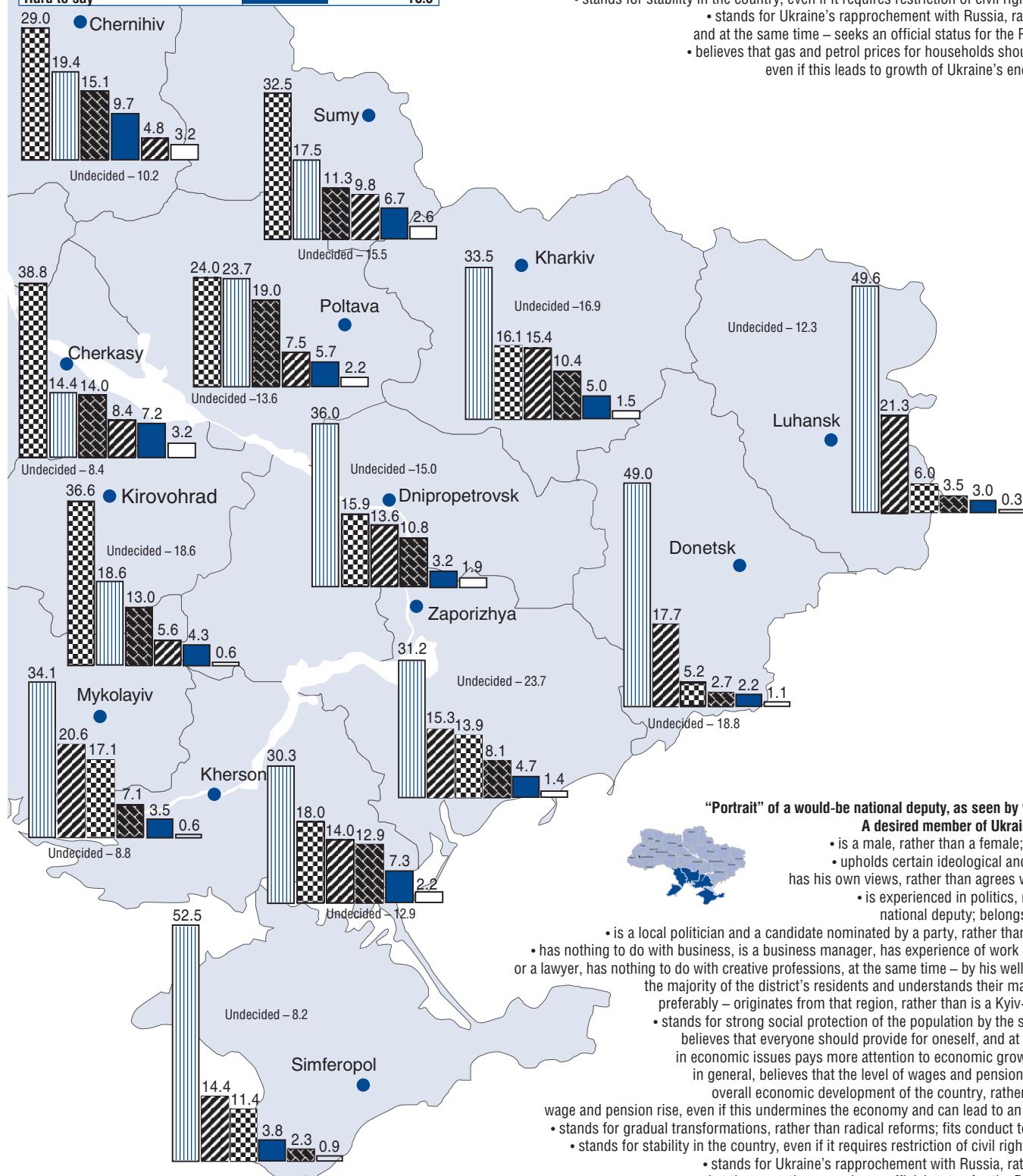
"Portrait" of a would-be national deputy, as seen by voters (East)**

A desired member of Ukraine's Parliament:

- upholds certain ideological and political views; has his own views, rather than agrees with the majority
- is experienced in politics, may be a former national deputy; belongs to a loyal party
- is a local politician and a candidate nominated by a party, rather than a self-nominee
- has nothing to do with business, is a business manager, has experience of work at an enterprise, or a lawyer, has nothing to do with creative professions, at the same time – by his wellbeing is close to the majority of the district's residents and understands their material problems, preferably – originates from that region, rather than is a Kyiv-based politician
- stands for strong social protection of the population by the state, rather than believes that everyone should provide for oneself and at the same time – in economic issues pays more attention to economic growth and recovery in general, believes that the level of wages and pensions should rest on overall economic development of the country, rather than stands for wage and pension rise, even if this undermines the economy and can lead to an economic crisis
- stands for gradual transformations, rather than radical reforms; fits conduct to circumstances
- stands for stability in the country, even if it requires restriction of civil rights and freedoms
- stands for Ukraine's rapprochement with Russia, rather than the EU, and at the same time – seeks an official status for the Russian language
- believes that gas and petrol prices for households should not be raised, even if this leads to growth of Ukraine's energy dependence

If the Verkhovna Rada elections were held in the near future, and the following parties were entered in the ballot, what party would you vote for?
% of those who plan to go to the polls

All-Ukrainian Association <i>Batkivshchyna</i>	26.2
Party of Regions	24.6
UDAR	11.8
CPU	9.4
"Ukraine – Forward!"	4.3
All-Ukrainian Association <i>Svoboda</i>	4.2
People's Party	1.3
Our Ukraine	0.8
Radical Party of Oleh Lyashko	0.4
Would vote for another party	1.7
Hard to say	15.3



"Portrait" of a would-be national deputy, as seen by voters (South)**

A desired member of Ukraine's Parliament:

- is a male, rather than a female; a person of age
- upholds certain ideological and political views; has his own views, rather than agrees with the majority
- is experienced in politics, may be a former national deputy; belongs to a loyal party
- is a local politician and a candidate nominated by a party, rather than a self-nominee
- has nothing to do with business, is a business manager, has experience of work at an enterprise, or a lawyer, has nothing to do with creative professions, at the same time – by his wellbeing is close to the majority of the district's residents and understands their material problems, preferably – originates from that region, rather than is a Kyiv-based politician
- stands for strong social protection of the population by the state, rather than believes that everyone should provide for oneself, and at the same time – in economic issues pays more attention to economic growth and recovery in general, believes that the level of wages and pensions should rest on overall economic development of the country, rather than stands for wage and pension rise, even if this undermines the economy and can lead to an economic crisis
- stands for gradual transformations, rather than radical reforms; fits conduct to circumstances
- stands for stability in the country, even if it requires restriction of civil rights and freedoms
- stands for Ukraine's rapprochement with Russia, rather than the EU, and at the same time – seeks an official status for the Russian language
- believes that Ukraine should be independent in energy supply from other countries, even if for that, energy rates for household must be raised



**When voting at elections for a party or a candidate from a certain political party,
what is the most important for you?***
% of citizens polled

	UKRAINE	REGIONS				AGE					PARTY AFFILIATION						
		West	Centre	South	East	18-29	30-39	40-49	50-59	60 and over	Batkivschyna	Svoboda	CPU	Ukraine – Forward!	Party of Regions	UDAR	Hard to say
The ideology, election programme of a party	44.7	40.8	45.8	52.1	42.6	43.8	44.5	46.2	50.0	41.0	44.1	67.8	57.1	48.0	47.6	47.1	42.5
The party leader	40.9	52.7	49.3	25.9	32.9	35.7	41.9	41.7	42.7	43.3	49.8	42.4	39.3	43.4	39.9	56.7	41.3
Positive perception of the party's past activity	34.3	34.2	30.2	45.9	33.0	33.9	31.7	32.8	34.8	37.1	36.1	35.6	50.9	25.3	40.6	32.5	32.7
Personal qualities of the candidate nominated by the party	28.6	27.5	29.4	30.7	27.5	28.6	29.4	27.6	29.9	27.8	27.0	20.3	27.9	29.3	33.1	29.5	28.7
Activity of the local party organisation	21.3	14.6	21.8	15.7	27.4	21.1	21.7	23.3	22.0	19.6	18.1	13.8	20.5	21.3	29.4	20.4	26.6
Presence of known and respected persons in the election list	9.9	17.5	8.5	6.9	8.1	10.4	8.7	10.7	9.0	10.2	12.3	13.8	6.3	10.7	7.9	15.3	8.0
The party name	4.8	6.7	2.5	4.6	5.9	4.0	4.9	4.9	3.8	6.1	5.1	8.5	8.0	10.5	6.1	2.5	3.1
Affiliation of the party with the opposition	4.6	9.8	4.0	3.9	2.1	3.5	4.0	5.2	4.9	4.7	13.5	10.3	0.0	6.6	1.6	5.7	0.6
Publicity of the party	4.2	2.6	1.5	3.6	7.9	4.4	5.5	3.8	2.0	4.9	2.7	3.4	4.5	0.0	4.2	6.4	4.9
Affiliation of the party with the authorities	4.0	2.1	2.5	7.5	5.3	4.2	4.9	2.3	2.9	5.1	1.0	0.0	2.7	3.9	12.1	1.9	2.1
Personal acquaintance with the party members	3.5	2.3	4.3	3.0	3.7	4.6	4.3	2.6	2.6	3.1	3.9	3.4	2.7	9.2	3.7	1.9	3.1
Attractive political advertising of a party	2.6	2.1	2.5	2.6	3.3	2.0	3.5	1.7	2.6	3.3	2.2	3.4	1.8	5.3	3.3	1.9	2.4
Other	1.2	0.5	1.5	0.7	1.5	1.3	1.2	1.7	1.5	0.4	0.7	0.0	0.0	0.0	0.7	1.3	1.5
Hard to say	8.4	7.4	5.7	5.2	13.4	9.9	8.4	9.6	7.5	7.0	3.7	3.4	2.7	1.3	2.6	1.3	11.0

* Respondents were supposed to give not more than three acceptable answers.

Importance of concrete actions of a parliamentary candidate. The most important for voters will be the following aspects of a candidate's activity (cited are aspects assessed above 4.10 points on a five-point scale; in next to all cases, the maximum value was reported in the South, minimum – in the West):

- **active work at plenary sittings of the Verkhovna Rada** – 4.25 (from 4.63 to 4.05);
- **promise to publicly discuss all bills concerning the majority of citizens** – also 4.25 points (from 4.70 to 3.92);
- **active legislative work** – 4.23 (from 4.40 to 4.03);
- **active work in committees** – 4.19 (from 4.50 to 3.94);
- **promise to initiate adoption of a law of punishment of MPs voting with cards of others** – 4.18 (from 4.53 to 3.89);
- **promise to quarterly release a report of work in mass media and the Internet** – 4.18 (from 4.66 to 3.93);
- **publication of a declaration of incomes in mass media and the Internet** – 4.14 (from 4.59 to 3.93).

- Comparatively less important for voters are the following features of a candidate:
- **presence of a strong team of aides and consultants** – 3.87 (from 4.28 to 3.52);
- **presence of a personal web site in the Internet** – 3.15 (from 3.82 to 2.77);
- **presence of a personal page in social networks** – 3.08 (from 3.79 to 2.70).

The ratings slightly differ for voters in different regions and supporters of different political parties, but those differences are not fundamental (Table “How important for your voting for a candidate for Ukraine’s Parliament are his following actions?”, p.70).

4.4. CITIZENS' IDEAS OF A NATIONAL DEPUTY OF UKRAINE⁶

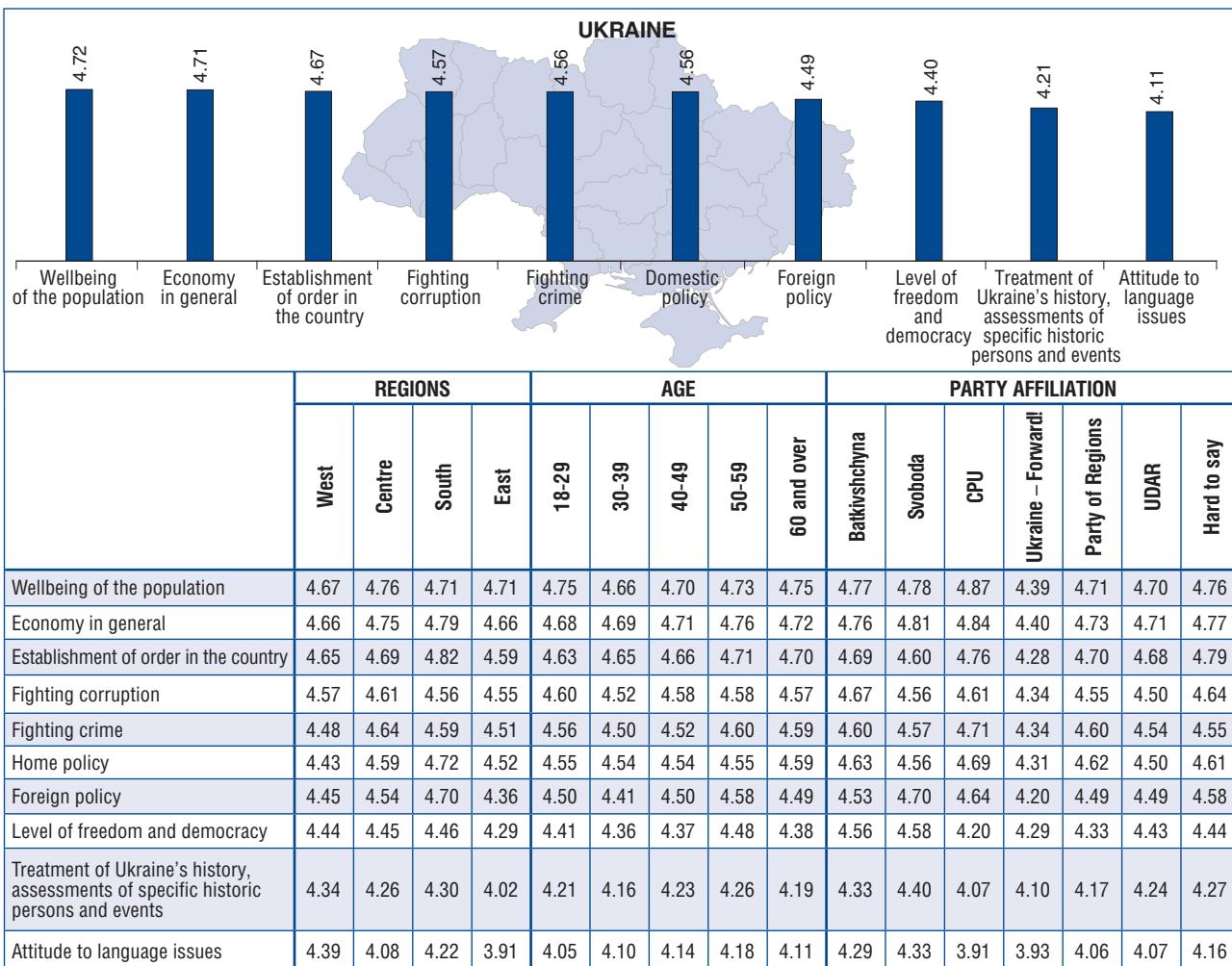
People's ideas of the main mission of a national deputy, his place and role in the system of state governance vary:

- 23% of citizens are sure that a national deputy is, first of all, “a guarantor of human rights” (from 27% in the Centre to 19% in the West);
- 21% see him as “a representative of citizens in the legislative body” (from 25% in the West to 17% in the East);

⁶ This subsection builds on the poll results summed up in Tables “A national deputy of Ukraine in the first place is ...”, pp.74-75; “Portrait of a would-be national deputy people would like to elect to the Verkhovna Rada of Ukraine”, pp.74-75. “Portraits” of would-be national deputies as seen by voters in each region are presented on Map “Rating of the parties expected to enter the parliament...”, pp.64-65.



When choosing the party to vote for, how important for you is the party's position on the following subjects?*
average score



* On a five-point scale from 1 to 5, where "1" means "entirely unimportant", "5" – "very important".

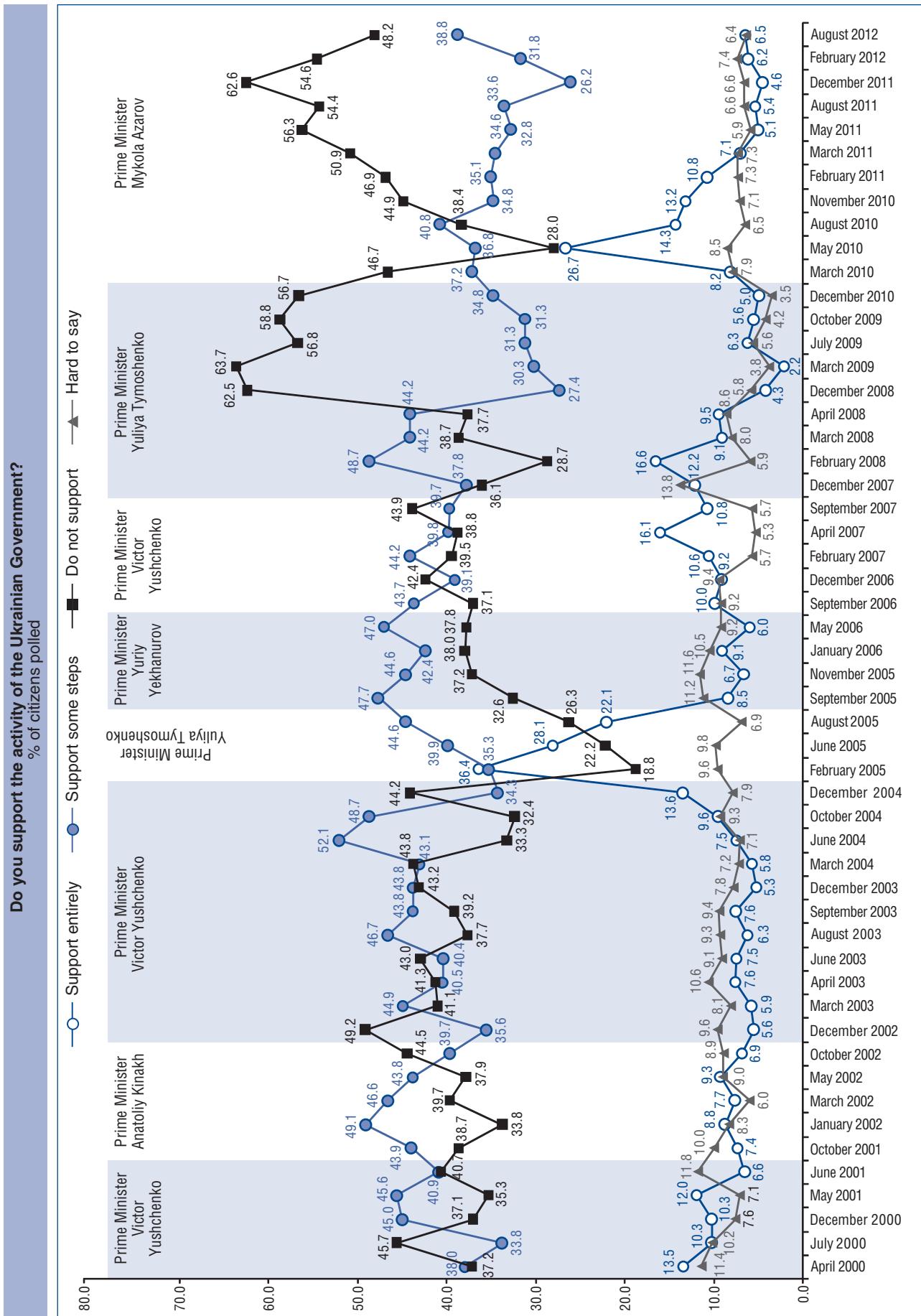
- 19% – as “a person who drafts and adopts laws” (from 24% in the East to 14% in the West);
- 18% – as “a representative of a certain political force, an exponent of its ideology” (from 23% in the West to 14% in the East);
- 10% – as “a monitor of central and local executive authorities” (from 13% in the South to 7% in the West).

Regarding differences dependent on electoral likings of respondents: for potential voters of *Batkivshchyna*, a national deputy is first of all “a representative of citizens in the legislative body” (25%); for CPU voters – “a person who drafts and adopts laws” (25%); for PR, *Svoboda* and UDAR voters – “a guarantor of human rights” (30%, 24% and 26%, respectively).

Personal qualities wanted by citizens from national deputies are summed up in more detail in Box “Summary “portrait” of a would-be national deputy, as seen by voters”. Analysing that “portrait”, one can see **two features specific of the Ukrainian society**: prevalence of the regional identity, manifested in greater trust in local politicians and/or originates from a “native” region, and priority to “stability” even at the expense of restriction of civil rights and freedoms.

SUMMARY “PORTRAIT” OF A WOULD-BE NATIONAL DEPUTY, AS SEEN BY VOTERS
The desired Member of Parliament of Ukraine:

- is a male, rather than a female
- upholds certain ideological and political views; has his own views, rather than agrees with the majority
- is experienced in politics, may be a former national deputy; represents the opposition
- is a local politician and a candidate nominated by a party, rather than a self-nominee
- has nothing to do with business, is a business manager, has experience of work at an enterprise, or a lawyer, at the same time – by his well-being is close to the majority of the district's residents and understands their material problems, preferably – originates from that region, rather than is a Kyiv-based politician
- stands for strong social protection of the population by the state, rather than believes that everyone should provide oneself, and at the same time, in economic issues pays more attention to economic growth in general, believes that the level of wages and pensions should rest on overall economic development of the country, rather than stands for wage and pension rise, even if this undermines the economy and can lead to an economic crisis
- stands for gradual transformations, rather than radical reforms; does not hurry to change his conduct with change of the situation
- stands for stability in the country, even if it requires restriction of civil rights and freedoms
- stands for Ukraine's rapprochement with Russia, not the EU, and at the same time – believes that Ukrainian should be the only official language in Ukraine, rather than seeks an official status for the Russian language
- believes that gas and petrol prices for households should not be raised, even if this leads to growth of Ukraine's energy dependence



What information on a candidate for the Verkhovna Rada is the most important for you?*
% of citizens polled

	UKRAINE	REGIONS				AGE					PARTY AFFILIATION						
		West	Centre	South	East	18-29	30-39	40-49	50-59	60 and over	Batkivschyna	Svoboda	CPU	Ukraine – Forward!	Party of Regions	UDAR	Hard to say
Fulfilment or non-fulfilment of earlier promises by the candidate	57.8	57.2	60.6	57.7	55.3	59.5	53.2	55.8	59.4	59.7	65.2	55.9	63.1	58.7	58.3	59.2	53.2
Actions of the candidate aimed at solving fundamental political and economic problems	52.2	53.0	54.7	47.2	51.6	51.5	53.2	49.0	53.2	53.6	57.7	61.0	66.7	59.2	54.5	61.5	43.4
Work experience	48.3	44.5	53.5	49.2	44.9	44.5	48.0	46.1	52.0	50.9	50.4	39.7	55.9	42.7	56.9	35.7	53.8
Election programme of the candidate	38.6	26.2	37.4	48.2	42.6	36.1	38.2	37.5	45.3	37.1	32.6	30.5	49.5	34.7	49.4	38.9	37.3
Moral qualities	38.3	41.9	39.8	33.1	37.3	37.0	37.2	38.6	42.7	37.4	39.5	39.7	36.0	38.2	38.0	45.9	43.4
Professionalism in work	35.6	38.3	29.9	38.7	38.1	35.5	34.6	32.6	43.2	33.3	33.6	37.9	40.2	40.8	45.5	31.2	35.8
Information about presence or absence of criminal connections	31.6	34.1	25.9	22.3	39.9	31.3	33.1	31.7	32.5	30.2	37.0	42.4	34.8	30.3	27.0	39.1	28.4
People working with him or her	28.5	28.5	23.5	24.6	35.2	28.4	28.6	25.9	31.9	28.0	27.0	35.6	32.1	28.0	38.7	32.5	22.9
Programme of the party supporting the candidate	28.2	19.8	23.6	31.5	35.9	26.0	26.3	29.0	30.8	29.2	24.6	28.8	35.7	32.9	38.8	24.2	24.2
His or her biography	23.7	21.6	23.1	26.9	23.9	22.2	21.4	23.3	25.0	25.9	24.3	23.7	25.0	26.7	25.9	33.3	21.7
Accusations of corruption	23.3	19.3	22.2	18.4	28.9	22.9	23.4	22.7	24.1	23.3	17.6	23.7	30.4	23.7	25.6	25.6	26.0
Domestic policy priorities of the candidate	22.3	24.4	16.8	23.9	25.7	21.4	24.0	19.4	25.9	21.5	24.3	23.7	28.6	21.3	28.4	27.6	16.2
Business of the candidate or his relatives	21.9	21.3	22.7	15.7	24.2	22.2	25.9	18.9	23.8	19.6	21.1	24.1	17.9	18.7	23.8	25.5	22.3
Education	19.2	17.2	20.2	15.1	21.3	18.9	19.9	17.2	20.0	19.8	21.8	25.9	14.3	21.3	21.2	18.6	17.8
Connections of the candidate with different financial-industrial groups	19.0	17.7	17.4	13.1	24.0	19.4	19.0	19.8	19.2	18.0	17.4	27.1	18.9	16.0	18.2	21.0	21.4
Personal incomes and property of the candidate	17.9	21.8	13.0	15.7	21.5	17.4	16.5	17.7	16.8	20.5	19.1	13.6	25.9	18.4	17.0	19.7	14.7
Foreign policy priorities of the candidate	17.8	18.5	11.9	20.7	21.9	17.2	18.8	18.8	18.6	16.2	18.6	27.1	25.0	15.8	19.8	23.6	12.2
Amount of funds spent by him or her on the election campaign and sources of those funds	17.2	19.2	14.2	9.8	22.4	18.3	15.9	18.6	17.7	15.7	15.4	28.8	20.7	12.0	17.0	21.8	15.9
Information about him or her provided by public organisations	16.4	14.9	9.4	20.3	22.4	15.2	13.3	16.9	18.0	18.2	16.7	15.5	22.5	25.3	18.9	21.0	12.5
The candidate's age	16.3	15.6	19.4	11.5	15.7	16.5	16.8	14.8	14.8	17.6	15.0	18.6	13.5	18.7	18.9	23.6	15.9
The language he or she talks	10.3	22.6	8.6	3.6	7.9	10.1	12.7	9.0	10.1	10.0	18.4	22.0	5.4	9.3	5.6	17.8	7.6
Hobbies and habits	8.3	8.7	8.3	7.9	8.4	10.3	6.9	8.4	9.9	6.5	8.6	8.6	2.7	10.5	6.1	15.3	10.7
Attitude of the authorities and the opposition to the candidate	8.1	11.6	4.3	7.9	9.7	7.9	7.2	7.5	9.9	8.0	11.8	15.3	3.6	9.2	8.2	13.4	4.6
Nationality	7.3	13.9	6.3	5.2	5.3	8.1	6.6	6.7	6.4	8.0	10.8	19.0	5.4	8.0	5.1	12.8	4.9
Support by regional political elites	7.2	6.2	3.7	5.6	12.0	6.8	6.4	6.4	7.8	8.0	6.4	8.6	10.8	1.3	11.4	5.1	5.5
Membership in a political party	6.3	4.9	5.2	4.3	9.0	5.1	4.9	5.5	6.1	8.8	6.9	3.4	16.2	8.0	10.3	4.5	2.4
Place of birth	5.2	5.7	5.7	1.0	6.4	5.3	4.6	5.2	4.7	5.9	4.2	6.8	4.5	0.0	8.2	10.2	3.7
His or her religiosity and confessional affiliation	4.5	8.7	1.8	4.2	5.0	4.0	2.9	4.1	5.5	6.1	6.1	11.9	2.7	1.3	4.9	6.4	1.8
The candidate's gender	1.9	2.1	1.4	0.7	2.9	2.0	2.0	3.2	0.3	2.0	1.2	1.7	0.9	3.9	1.9	5.1	1.8
Other	0.7	0.5	0.8	0.3	0.8	1.3	0.6	1.2	0.3	0.2	0.5	0.0	0.0	0.0	0.2	0.6	0.0
Hard to say	4.0	3.8	2.5	2.0	6.7	3.7	4.0	5.2	2.0	4.9	1.2	1.7	2.7	0.0	0.0	0.0	5.5

* Respondents were supposed to give all acceptable answers.



How important for your voting for a candidate for Ukraine's Parliament are his following actions?*
average score

	UKRAINE	REGIONS				AGE				PARTY AFFILIATION							
		West	Centre	South	East	18-29	30-39	40-49	50-59	60 and over	Batkivshchyna	Svoboda	CPU	Ukraine – Forward!	Party of Regions	UDAR	Hard to say
Active work at plenary sittings of the Verkhovna Rada	4.25	4.05	4.21	4.63	4.23	4.19	4.20	4.25	4.28	4.32	4.23	4.24	4.41	4.17	4.44	4.17	4.19
Promise to arrange public discussions of all bills concerning the majority of citizens	4.25	3.92	4.16	4.70	4.32	4.23	4.21	4.26	4.27	4.30	4.12	3.84	4.61	4.19	4.45	4.28	4.14
Active legislative work	4.23	4.03	4.24	4.40	4.26	4.15	4.15	4.28	4.29	4.28	4.25	4.22	4.34	4.13	4.34	4.09	4.21
Active work in committees	4.19	3.94	4.15	4.50	4.22	4.14	4.18	4.19	4.16	4.26	4.15	4.09	4.44	4.13	4.38	4.08	4.09
Promise to initiate adoption of a law of punishment of MPs voting with cards of others	4.18	3.89	4.11	4.53	4.27	4.23	4.14	4.11	4.22	4.21	4.10	4.07	4.33	4.05	4.32	4.38	4.05
Promise to quarterly release a report of work in mass media and the Internet	4.18	3.93	4.04	4.66	4.21	4.20	4.09	4.13	4.23	4.21	4.05	4.11	4.47	4.19	4.36	4.18	4.04
Publication of a declaration of incomes in mass media and the Internet	4.14	4.02	3.93	4.59	4.19	4.13	4.03	4.15	4.21	4.15	4.08	3.94	4.30	4.17	4.29	4.25	3.98
Promise to always vote in person without any exceptions	4.09	3.77	3.98	4.44	4.21	4.10	3.97	4.05	4.09	4.18	3.99	3.98	4.25	3.91	4.33	4.20	3.87
Promise to report in mass media and the Internet about expenditure of budget funds after each plenary session of Parliament	4.05	3.72	3.94	4.51	4.12	4.15	4.01	4.02	3.98	4.05	3.94	3.99	4.35	3.92	4.22	4.13	3.86
Publication of visiting hours for voters in mass media and the Internet	4.05	3.78	3.93	4.41	4.14	4.08	4.02	4.04	4.07	4.03	4.03	3.81	4.31	4.02	4.21	4.15	3.84
Presence of a strong team of aides and consultants	3.87	3.52	3.87	4.28	3.89	3.93	3.83	3.88	3.82	3.89	3.77	3.70	3.79	3.90	4.04	3.94	3.82
Presence of a personal web site in the Internet	3.15	2.77	3.07	3.82	3.13	3.42	3.22	3.17	3.07	2.88	2.96	3.05	2.71	3.20	3.36	3.27	3.11
Presence of a personal page in social networks (Facebook, Kontakty, Twitter...)	3.08	2.70	2.99	3.79	3.04	3.31	3.14	3.11	3.00	2.83	2.90	2.75	2.71	3.04	3.26	3.22	3.10

* On a five-point scale from 1 to 5, where "1" means, entirely unimportant, "5" – very important.

4.5. PUBLIC EXPECTATIONS FROM THE NEW PARLIAMENT

Expectations from the new Parliament are not too optimistic. Generally, citizens do not expect from the new Verkhovna Rada solution of specific, most pressing socio-political, economic, foreign policy problems. The only exception is "encouragement of Ukraine's rapprochement with Russia", where the index of expectations makes 7.1.⁷

People least of all expect that the new Parliament will cancel, first, privileges for MPs, state servants, prosecutors, judges, etc.: the index of expectations is -46.1 (from -70.2 in the Centre to -19.4 in the South); second, parliamentary immunity (-44.9, from -64.4 in the Centre to -19.7 in the South).

Also low are hopes for "restoration of justice in the country, reduction of stratification in society" (-32.7, from -53.9 in the Centre to -11.8 in the South); "enhancement of guarantees of free medical care" (-32.4, from -45.8 in the Centre to -21.3 in the East). In the other domains present in the questionnaire, expectations are somewhat higher, but all indices of expectations are negative, except the above-mentioned exception.

The level of positive expectations is higher in the South. In particular, local residents hope that the new Parliament will:

- promote Ukraine's rapprochement with the Russian Federation (34.6);
- pass laws that will ensure improvement of the socio-economic situation in the country (22.6);
- strengthen control of the executive branch activity in the capital and locally (11.9).

Some hopes are also observed with respect to: adoption of laws that will ensure resolute struggle with crime and corruption (2.3); cancellation or amendment of current inefficient laws (1.7); Ukraine's accession to the EU (1.3).

In the East, people only hope that the new Parliament: will promote Ukraine's rapprochement with the Russian Federation (12.3); pass laws that will ensure improvement of the socio-economic situation in the country (8.1); support further privatisation of state enterprises (4.2).

In terms of electoral likings, voters of *Batkivshchyna*, *Svoboda*, "Ukraine – Forward!" and *UDAR* parties are the most pessimistic in expectations from the new Parliament (not a single positive value). Voters of the ruling party are naturally the most optimistic (13 positive values, from 58.9 hoping that the new Parliament will "pass laws that will ensure improvement of the socio-economic situation in the country" to 3.7 that it will "ensure Ukraine's accession to the EU". CPU voters expect from the new Parliament only encouragement of Ukraine's rapprochement with the Russian Federation (30.6) and, in a way, passage of laws that will ensure improvement of the socio-economic situation in the country (9.9) (Table "Do you expect the new Verkhovna Rada of Ukraine elected in October, 2012 to...", p.73).

General assessment of changes. A relative majority of citizens expects no changes in the socio-political situation after the elections – such is the opinion of 41% of those polled (from 51% in the Centre to 35% in the West and South).

Changes for the better are expected by 23% (mainly in the South and East – 29% and 28%, respectively;

⁷ The difference of positive and negative expectations in per cent. Negative expectations are given with the "-" sign.



in the West and Centre, optimists are fewer – 20% and 18%, respectively).

Changes for the worse are expected by only 7% of those polled, evenly present in age groups and regions. 28% of respondents remained undecided about changes after the elections.

By electoral likings, changes for the better are most of all expected by PR voters (56%), least of all – of *Svoboda* (9%); changes for the worse – vice versa: most of all – by the voters of *Svoboda* (19%), least of all – of PR (3%). No changes are expected first of all by voters of CPU (46%), *Batkivshchyna* (44%) and “Ukraine – Forward!” (42%). This opinion is least of all shared by PR voters (21%); by voters of *Svoboda* – 34%.

Also noteworthy, quite many supporters of the leading parties could not produce a definite opinion regarding changes after the elections: among the voters of *Svoboda* – 39%, UDAR – 34%; *Batkivshchyna* – 32%; CPU and “Ukraine – Forward!” – 28% each. Only among PR voters, those undecided make 21% (Table “Will the socio-political situation in the country change after the elections (and how)?”, p.54).

Such situation, combined with the miserly share of optimists in general (except PR voters), may witness both voters’ disbelief in the victory of their parties, and the sincerity of intentions and abilities of those parties to change the situation for the better.

CONCLUSIONS

The current parliamentary election campaign takes place against the background of generally unfavourable and pessimistic public spirits, low support for the institutes of state governance, mainly negative social wellbeing of citizens – which, as noted above, may lead to radicalisation of voters at elections (growing support for extreme left and/or rights political forces).

Introduction of the mixed system of parliamentary elections formally meets the people’s attitude to political parties and high uncertainty of their ideological and political stand. On the other hand, one should keep in mind that the overwhelming majority of political parties in Ukraine are not ideological,

do not represent interests of social groups, rather being “business projects” or structures “tailored” to a leader. Therefore, it may be assumed that the authorities, aware of the ruling political forces’ inability to win under the proportional system, used public spirits in their interests: to have a majority in Parliament by pushing their candidates in single-member constituencies.

Meanwhile, ideological and political convictions of the citizens who made up their mind generally meet their electoral likings. Judging by the stand of potential voters, it may be suggested that one of the favourites of the election race – the All-Ukrainian Association *Batkivshchyna* – will compete with smaller rivals: UDAR, “Ukraine – Forward!”, the All-Ukrainian Association *Svoboda*. Those four political forces work on actually the same electoral field made up of supporters of the national democratic and social democratic ideological and political trends, and those who remain undecided in their ideological and political stand.⁸

The main factors that influence voters’ choice include:

- the party’s ideology, election programme, the person of its leader and a positive perception of its previous activity. As regards a candidate nominated by a political party, his personal qualities will be important for less than a third of citizens. Voters of *Batkivshchyna* and UDAR prioritise the person of the party leader; voters of *Svoboda*, CPU, “Ukraine – Forward!” and the Party of Regions – ideology and the election programme. Personal qualities of a candidate nominated by a party are especially important for the PR voters;
- the party’s (candidate’s) primary concern with wellbeing of the population, economy in general, establishment of order in the country. At that, the most sensitive subjects (“treatment of Ukraine’s history, assessments of specific historic persons and events”, “attitude to language issues”) actively speculated on by some political forces in the election struggle are not the most important for the people;
- information of a parliamentary candidate concerning, first of all, fulfilment or non-fulfilment of earlier promises; actions aimed at solution of fundamental political and economic problems; work experience; the candidate’s programme and moral qualities;
- important for voters will also be the following features and actions of parliamentary candidates: active work at plenary sittings of the Verkhovna Rada; promise to publicly discuss all bills concerning the majority of citizens; active legislative work; active work in committees; promise to initiate adoption of a law on punishment of MPs voting with cards of others; promise to quarterly release a report of work in mass media and the Internet; publication of a declaration of incomes in mass media and the Internet.

⁸ Among the voters of “Ukraine – Forward!” they make 45%, of *Batkivshchyna* – 42%, UDAR – 43%.

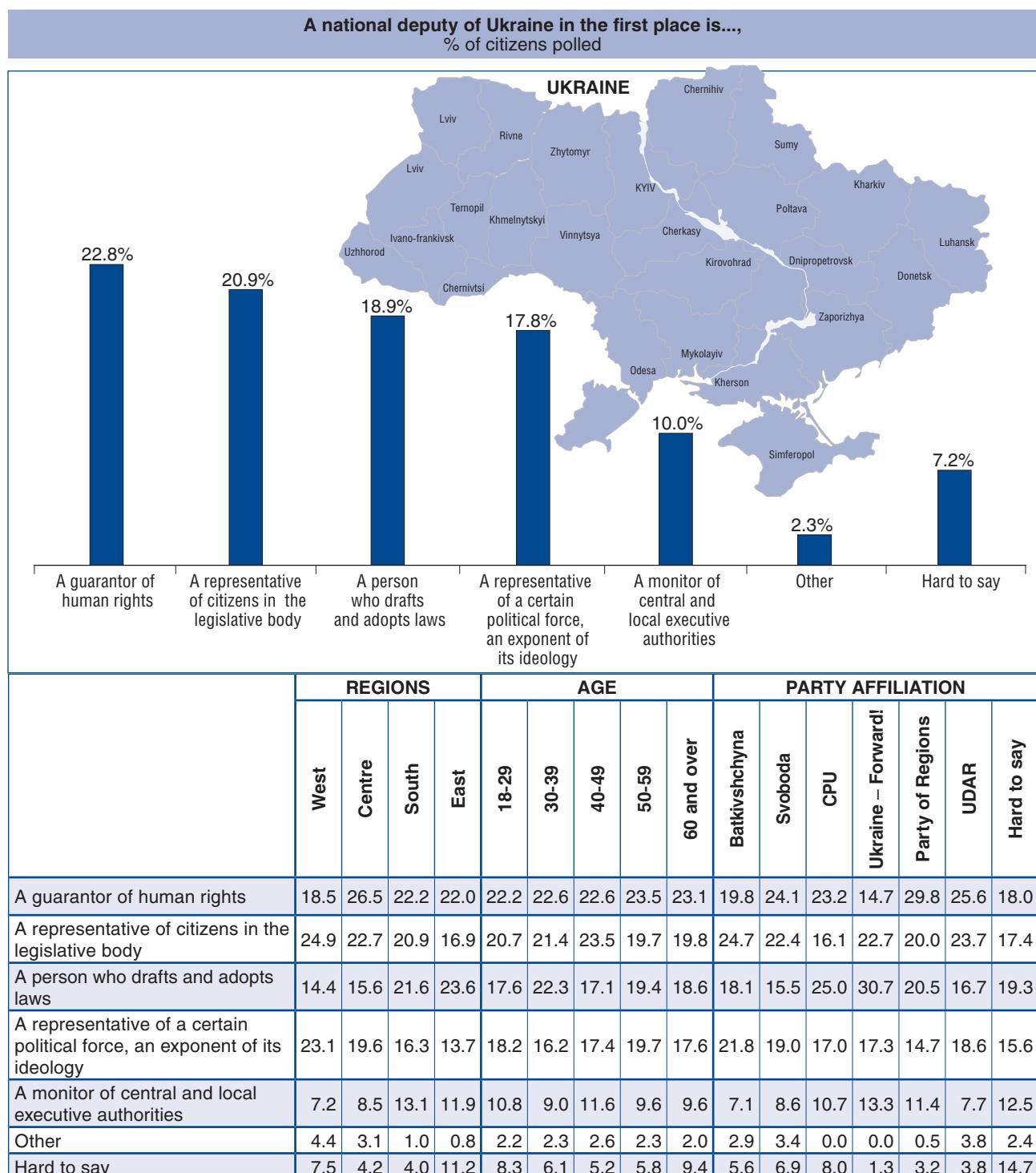


People's ideas of a national deputy of Ukraine vary, but a relative majority of those polled in the first place point to his representative functions ("a guarantor of human rights", "a representative of citizens in the legislative body").

Regarding the desired qualities of a would-be national deputy, the majority of people would prefer an experienced local politician (who might have been a national deputy) nominated by an (oppositional) political party, an expert in law or economics who has some experience of work at an enterprise, has his own opinion, upholds certain ideological and political views, stands for Ukraine's rapprochement

with Russia (or the EU – dependent on the region he lives in), by his wellbeing is close to the majority of the district's residents. Generally, people do not want their national deputy to be a businessman or creative professional, well-to-do, who can invest his own funds in solving local problems.

Expectations from the new Parliament are modest. People generally expect neither changes in the socio-political situation after elections, nor solution by the new Verkhovna Rada of the most urgent socio-political, economic, foreign policy problems, except Ukraine's further rapprochement with Russia – in fact reflecting the present moves of the current authorities.





Do you expect the new Verkhovna Rada of Ukraine elected in October, 2012 to...?§
 % of citizens polled

	UKRAINE	REGIONS				AGE				PARTY AFFILIATION								
		West	Centre	South	East	18-29	30-39	40-49	50-59	60 and over	Batkivschyna	Svoboda	CPU	Ukraine - Forward	Party of Regions	UDAR	Hard to say	
Cancel privileges for MPs, state servants, prosecutors, judges, etc.	Expected*	19.3	22.5	9.0	37.0	19.3	19.4	18.8	18.8	20.0	19.4	14.9	18.6	12.6	17.3	35.9	22.2	15.5
	Not expected*	65.4	59.2	79.2	56.4	59.8	64.1	69.3	67.3	65.1	63.0	72.1	62.7	75.7	76.0	49.3	63.7	66.9
	<i>Index of expectations***</i>	-46.1	-36.7	-70.2	-19.4	-40.5	-44.7	-50.5	-48.5	-45.1	-43.6	-57.2	-44.1	-63.1	-58.7	-13.4	-41.5	-51.4
Cancel parliamentary immunity	Expected*	19.9	18.7	12.7	36.7	20.1	20.1	21.2	18.1	20.3	16.9	13.6	13.4	21.4	36.4	18.6	17.0	
	Not expected*	64.8	61.5	77.1	56.4	58.8	65.2	68.0	63.4	66.0	62.8	68.7	71.2	75.9	74.7	47.5	69.2	65.8
	<i>Index of expectations***</i>	-44.9	-42.8	-64.4	-19.7	-38.7	-45.1	-47.9	-42.2	-47.9	-42.5	-51.8	-57.6	-62.5	-53.3	-11.1	-50.6	-48.8
Restore justice in the country, reduce stratification in society	Expected*	25.3	25.9	16.4	38.5	27.4	23.1	26.8	27.8	25.8	24.3	22.3	15.3	21.5	30.6	47.6	22.3	16.8
	Not expected*	58.0	54.3	70.3	50.3	51.6	58.4	59.8	58.0	58.3	56.1	60.1	66.1	64.3	62.7	38.6	62.5	62.1
	<i>Index of expectations***</i>	-32.7	-28.4	-53.9	-11.8	-24.2	-35.3	-33.0	-30.2	-32.5	-31.8	-37.8	-50.8	-42.8	-32.1	9.0	-40.2	-45.3
Enhance guarantees of free medical care	Expected*	25.0	20.5	20.6	34.1	27.7	22.2	26.6	23.3	24.6	27.9	21.2	11.9	26.1	25.3	51.4	19.2	14.0
	Not expected*	57.4	55.6	66.4	59.4	49.0	58.3	56.9	60.2	61.2	52.8	62.2	67.8	62.1	65.3	36.0	65.4	61.0
	<i>Index of expectations***</i>	-32.4	-35.1	-45.8	-25.3	-21.3	-36.1	-30.3	-36.9	-36.6	-24.9	-41.0	-55.9	-36.0	-40.0	15.4	-46.2	-47.0
Better defend interests of ordinary people	Expected*	30.8	31.4	23.0	40.5	33.8	28.3	28.9	33.1	30.6	33.1	25.7	25.4	32.4	26.6	61.9	28.7	17.7
	Not expected*	54.1	48.9	66.4	53.6	45.4	55.4	57.3	54.1	55.2	50.2	59.1	59.3	56.7	64.0	27.5	59.2	61.1
	<i>Index of expectations***</i>	-23.3	-17.5	-43.4	-13.1	-11.6	-27.1	-28.4	-21.0	-24.6	-17.1	-33.4	-33.9	-24.3	-37.4	34.4	-30.5	-43.4
Ensure Ukraine's accession to the EU	Expected*	25.5	30.6	22.0	40.4	18.9	28.8	26.4	28.1	27.0	19.4	26.0	31.6	12.5	21.6	38.9	29.2	20.3
	Not expected*	47.6	46.5	54.3	39.1	45.6	43.5	51.0	47.3	50.0	47.3	50.5	45.0	58.0	52.7	35.2	46.9	49.7
	<i>Index of expectations***</i>	-22.1	-15.9	-32.3	1.3	-26.7	-14.7	-24.6	-19.2	-23.0	-27.9	-24.5	-13.4	-45.5	-31.1	3.7	-17.7	-29.4
Pass a decision of nationalisation of privatised enterprises	Expected*	24.7	23.9	17.1	37.6	26.7	21.6	26.6	26.8	27.4	23.1	21.4	25.9	31.5	26.3	43.9	19.1	15.6
	Not expected*	43.9	40.8	50.9	40.6	40.2	44.1	47.6	45.4	44.2	39.9	49.5	44.9	43.2	47.4	25.9	52.8	46.5
	<i>Index of expectations***</i>	-19.2	-16.9	-33.8	-3.0	-13.5	-22.5	-21.0	-18.6	-16.8	-16.8	-28.1	-19.0	-11.7	-21.1	18.0	-33.7	-30.9
Cancel or amend current inefficient laws	Expected*	30.5	28.2	23.5	44.3	32.1	28.9	30.9	32.4	30.6	30.0	26.2	20.7	30.3	28.9	55.5	31.8	21.1
	Not expected*	45.7	44.1	58.0	42.6	35.9	44.8	48.5	45.8	48.7	42.5	50.7	50.0	44.7	53.9	27.7	48.4	50.7
	<i>Index of expectations***</i>	-15.2	-15.9	-34.5	1.7	-3.8	-15.9	-17.6	-13.4	-18.1	-12.5	-24.5	-29.3	-14.4	-25.0	27.8	-16.6	-29.6
Prevent strengthening of employer rights vis-à-vis hired workers in the new Labour Code	Expected*	29.6	28.9	21.5	47.9	29.5	27.1	28.4	31.2	31.4	30.2	25.6	22.0	28.5	23.7	59.2	29.5	17.5
	Not expected*	43.7	35.8	56.1	38.6	38.2	44.2	47.6	46.1	44.0	39.0	47.6	50.9	50.9	52.7	18.6	49.4	50.2
	<i>Index of expectations***</i>	-14.1	-6.9	-34.6	9.3	-8.7	-17.1	-19.2	-14.9	-12.6	-8.8	-22.0	-28.9	-22.4	-29.0	40.6	-19.9	-32.7
Pass laws that will ensure resolute struggle against crime and corruption	Expected*	33.0	33.2	26.4	45.2	33.5	30.7	35.1	32.1	32.9	34.0	26.9	30.5	40.5	23.7	63.4	31.8	22.0
	Not expected*	46.6	43.4	57.5	42.9	39.4	45.0	47.2	49.8	49.2	43.7	53.6	47.4	46.8	59.2	21.9	46.5	52.3
	<i>Index of expectations***</i>	-13.6	-10.2	-31.1	2.3	-5.9	-14.3	-12.1	-17.7	-16.3	-9.7	-26.7	-16.9	-6.3	-35.5	41.5	-14.7	-30.3
Change the Tax Code, make it more friendly for business	Expected*	29.5	28.8	24.3	47.7	26.8	29.1	30.2	29.8	34.9	25.4	28.7	21.7	22.5	18.7	56.4	31.4	17.4
	Not expected*	43.0	39.2	54.6	34.9	37.5	43.4	44.9	47.7	40.7	39.9	46.5	48.3	41.4	57.4	20.1	50.0	45.9
	<i>Index of expectations***</i>	-13.5	-10.4	-30.3	12.8	-10.7	-14.3	-14.7	-17.9	-5.8	-14.5	-17.8	-26.6	-18.9	-38.7	36.3	-18.6	-28.5
Strengthen control of the executive branch activity in the capital and locally	Expected*	33.3	29.7	26.3	52.2	33.8	32.0	33.4	33.9	34.3	33.3	25.7	28.8	37.5	25.4	61.0	33.3	22.9
	Not expected*	45.8	43.4	59.4	40.3	36.0	41.1	49.0	48.4	47.4	44.7	53.7	52.5	47.4	60.0	23.1	44.9	52.6
	<i>Index of expectations***</i>	-12.5	-13.7	-33.1	11.9	-2.2	-9.1	-15.6	-14.5	-13.1	-11.4	-28.0	-23.7	-9.9	-34.6	37.9	-11.6	-29.7
Pass laws that will ensure improvement of the socio-economic situation in the country	Expected*	37.0	33.1	27.8	55.9	39.3	34.8	40.8	36.2	40.1	34.7	27.2	28.8	41.1	30.2	73.6	33.4	28.2
	Not expected*	40.8	40.1	54.6	33.3	31.2	39.8	39.1	46.6	39.6	39.6	51.8	42.3	31.2	55.3	14.7	42.3	45.9
	<i>Index of expectations***</i>	-3.8	-7.0	-26.8	22.6	8.1	-5.0	1.7	-10.4	0.5	-4.9	-24.6	-13.5	9.9	-25.1	58.9	-8.9	-17.7
Support further privatisation of state enterprises	Expected*	34.1	40.2	34.3	24.5	35.0	37.2	34.9	32.4	38.8	28.7	36.8	33.9	27.9	32.9	36.9	33.7	31.5
	Not expected*	35.1	27.6	36.9	50.3	30.8	30.6	36.4	38.9	37.1	34.5	36.0	35.6	39.6	46.1	31.7	38.8	33.0
	<i>Index of expectations***</i>	-1.0	12.6	-2.6	-25.8	4.2	6.6	-1.5	-6.5	1.7	-5.8	0.8	-1.7	-11.7	-13.2	5.2	-5.1	-1.5
Promote Ukraine's rapprochement with the Russian Federation	Expected*	38.1	27.5	34.1	57.1	39.7	37.6	36.3	35.1	41.6	39.6	27.5	25.9	53.1	32.5	65.1	27.8	33.7
	Not expected*	31.0	35.4	36.1	22.5	27.4	29.7	32.6	35.1	31.4	28.2	39.4	39.7	22.5	37.7	16.5	38.0	36.8
	<i>Index of expectations***</i>	7.1	-7.9	-2.0	34.6	12.3	7.9	3.7	0.0	10.2	11.4	-11.9	-13.8	30.6	-5.2	48.6	-10.2	-3.1

§ Table does not contain the answer "hard to say".

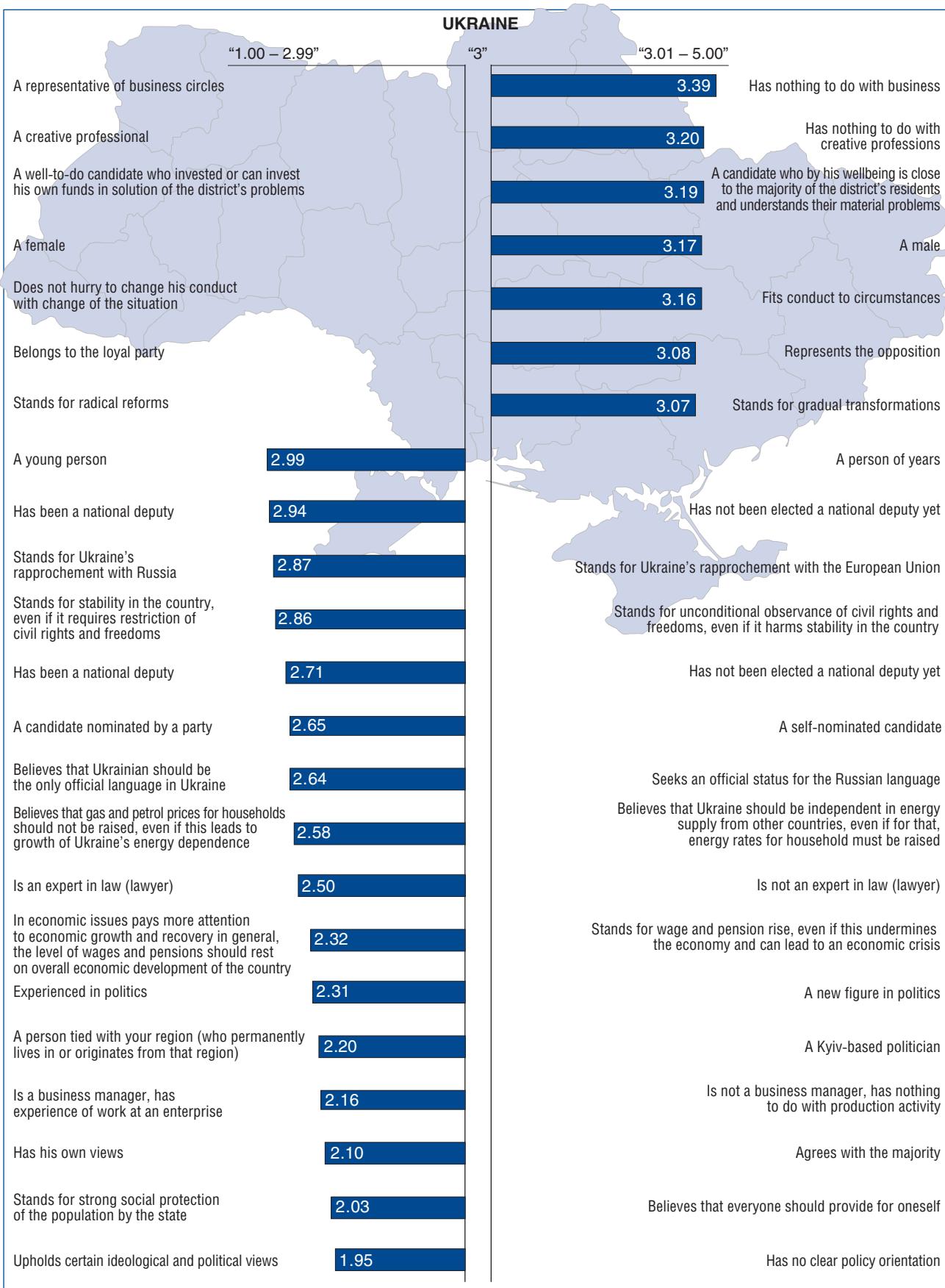
* The aggregate of answers "this will happen" and "most probably, this will happen".

** The aggregate of answers "this will not happen" and "most probably, this will not happen".

*** The difference between the number of respondents who expected and did not expect such consequences.



**“Portrait” of a would-be national deputy you would like to elect to the Verkhovna Rada of Ukraine,
average score**



* On a five-point scale from 1 to 5, where “1” means that the respondent entirely agrees with the statement to the left, “5” – that he entirely agrees with the statement to the right, “3” means that he opts for neither statement. Respondents might choose any number of the scale.



**“Portrait” of a would-be national deputy you would like to elect to the Verkhovna Rada of Ukraine,
average score**

(continued)

	REGIONS				AGE					PARTY AFFILIATION							
	West	Centre	South	East	18-29	30-39	40-49	50-59	60 and over	Batkivshchyna	Svoboda	CPU	Ukraine – Forward!	Party of Regions	UDAR	Hard to say	
A representative of business circles	3.28	3.36	3.52	3.42	3.27	3.33	3.40	3.41	3.52	3.37	3.26	3.92	3.31	3.36	3.36	3.35	Has nothing to do with business
A creative professional	3.12	3.11	3.18	3.34	3.17	3.25	3.19	3.11	3.25	3.08	3.34	3.43	3.09	3.35	3.26	3.21	Has nothing to do with creative professions
A well-to-do candidate who invested or can invest his own funds in solution of the district's problems	3.01	3.06	3.49	3.29	3.11	3.06	3.21	3.26	3.29	3.23	3.31	3.57	3.02	3.27	2.95	3.07	A candidate who by his wellbeing is close to the majority of the district's residents and understands their material problems
A woman	3.06	3.13	3.29	3.21	3.14	3.18	3.13	3.14	3.21	2.92	3.06	3.24	2.56	3.34	3.45	3.21	A man
Does not hurry to change his conduct with change of the situation	2.79	3.21	3.46	3.20	3.17	3.08	3.18	3.18	3.19	3.15	2.89	3.12	3.27	3.09	3.28	3.27	Fits conduct to circumstances
Belongs to the loyal party	3.68	3.13	2.74	2.83	3.09	3.09	3.13	3.11	3.01	3.91	3.82	2.82	3.29	2.17	3.49	2.96	Represents the opposition
Stands for radical reforms	3.09	3.02	3.10	3.09	3.06	3.02	3.07	3.05	3.12	3.13	2.79	3.07	2.90	3.09	3.10	3.05	Stands for gradual transformations
A young person	2.66	2.94	3.12	3.17	2.93	2.88	2.94	3.03	3.12	2.75	2.72	3.42	2.69	3.20	2.71	3.06	A person of years
Has been a national deputy	3.13	2.86	2.79	2.96	2.95	3.04	2.94	2.93	2.86	3.01	2.94	2.77	2.98	2.67	3.23	2.95	Has not been elected a national deputy yet
Stands for Ukraine's rapprochement with Russia	3.81	3.04	2.19	2.45	3.12	2.95	2.95	2.84	2.54	3.64	4.05	1.90	3.04	2.10	3.54	2.83	Stands for Ukraine's rapprochement with the European Union
Stands for stability in the country, even if it requires restriction of civil rights and freedoms	2.88	2.86	2.63	2.95	2.94	2.91	2.80	2.84	2.81	2.94	3.46	2.79	2.99	2.51	3.12	2.87	Stands for unconditional observance of civil rights and freedoms, even if it harms stability in the country
A local politician	2.71	2.63	2.47	2.90	2.73	2.80	2.67	2.78	2.62	2.76	2.55	2.98	2.69	2.71	2.96	2.65	Is a nation-wide politician
A candidate nominated by a party	2.72	2.66	2.55	2.64	2.71	2.65	2.64	2.63	2.61	2.64	2.44	2.27	2.66	2.51	2.99	2.65	A self-nominated candidate
Believes that Ukrainian should be the only official language in Ukraine	1.61	2.19	3.74	3.20	2.56	2.64	2.65	2.65	2.71	1.82	1.58	3.35	2.65	3.38	2.30	2.60	Seeks an official status for the Russian language
Believes that gas and petrol prices for households should not be raised, even if this leads to growth of Ukraine's energy dependence	2.52	2.39	3.14	2.53	2.61	2.68	2.59	2.51	2.52	2.47	2.96	2.48	2.63	2.70	2.59	2.57	Believes that Ukraine should be independent in energy supply from other countries, even if for that, energy rates for household must be raised
Is an expert in law (lawyer)	2.39	2.43	2.80	2.50	2.43	2.50	2.59	2.50	2.51	2.40	2.42	2.63	2.47	2.52	2.43	2.50	Is not an expert in law (lawyer)
In economic issues pays more attention to economic growth and recovery in general, the level of wages and pensions should rest on overall economic development of the country	2.27	2.44	1.91	2.42	2.34	2.35	2.27	2.29	2.35	2.32	2.28	2.58	2.36	2.11	2.29	2.36	Stands for wage and pension rise, even if this undermines the economy and can lead to an economic crisis
Experienced in politics	2.35	2.20	2.43	2.33	2.36	2.44	2.29	2.28	2.20	2.36	2.01	1.90	2.68	2.15	2.76	2.36	A new figure in politics
A person tied with your region (who permanently lives in or originates from that region)	2.22	2.19	1.88	2.34	2.23	2.27	2.21	2.21	2.10	2.29	2.06	1.93	2.39	2.02	2.50	2.27	A Kyiv-based politician
Is a business manager, has experience of work at an enterprise	2.21	2.07	2.28	2.15	2.27	2.21	2.18	2.13	2.03	2.16	2.42	2.03	2.28	2.02	2.27	2.17	Is not a business manager, has nothing to do with production activity
Has his own views	1.95	1.96	2.66	2.07	2.12	2.11	2.19	2.05	2.06	2.07	1.90	1.88	1.97	2.15	1.98	2.06	Agrees with the majority
Stands for strong social protection of the population by the state	2.17	2.13	1.58	2.07	2.08	2.21	2.08	1.99	1.88	2.09	2.35	1.62	2.22	1.89	2.22	2.06	Believes that everyone should provide oneself
Upholds certain ideological and political views	1.86	1.94	1.75	2.11	2.03	1.96	1.93	1.91	1.92	1.87	1.87	1.74	1.81	1.89	2.05	2.01	Has no clear policy orientation

* On a five-point scale from 1 to 5, where “1” means that the respondent entirely agrees with the statement to the left, “5” – that he entirely agrees with the statement to the right, “3” means that he opts for neither statement. Respondents might choose any number of the scale..

5. CONCLUSIONS AND PROPOSALS

CONCLUSIONS

The world experience proves that parliamentarism is an indispensable attribute of democracy. Under proper conditions, Parliament provides an effective mechanism of state governance and democratic control of executive bodies, a safeguard against usurpation of power by other institutes of governance, including the Head of State and the Government.

Parliamentarism in Ukraine is under the threat of elimination; principles of a purely presidential model of governance with elements of authoritarianism are being insistently introduced in this country. This is facilitated by the immaturity and passivity of civil society, weak democratic traditions of state-building, insufficient political and legal culture of the Ukrainian elite, disunity of the opposition.

1. The Verkhovna Rada of Ukraine activity only partially meets the *Guide on Parliament and Democracy*. Following the constitutional “anti-reform” of 2010, powers of the Verkhovna Rada of the 6th (and subsequent) convocations were substantially reduced and confined to legislative support for presidential and governmental initiatives. The Verkhovna Rada in fact turned into an element of the presidential “hierarchy of power”, which is seen by independent experts as an alarming signal, and presented by representatives of the current authorities as an achievement, a sign of socio-political stability and controllability of the state.

The efficiency and quality of the legislative activity of the Verkhovna Rada is decreasing. The number of adopted legal acts is growing, but two-thirds of them are only amendments to the effective legislation – while a number of vital acts remain not adopted. Due to poor drafting, the bulk of the adopted laws and codes are repeatedly amended. Many bills have no economic substantiation. Two-thirds of the laws considered by the Constitutional Court were ruled fully or partially unconstitutional. The number of clearly lobbyist or corrupt laws increased over the past two years.

Ukraine’s Parliament poorly performs its representative function. Introduction of a proportional election system with closed lists effectively led to concentration of all political power in the hands of a few strong parties and blocs. Voters actually lost influence on Parliament’s membership and activity, while the FIG influence on the legislative body goes up.

The controlling and constituent functions of Ukraine’s Parliament were substantially impaired due to unconstitutional redistribution of powers between the President and the Government, are exercised formally and no longer provide efficient tools of influence on the state policy.

2. The new Law “On Election of National Deputies of Ukraine” reflected the general trend of the Verkhovna Rada legislative activity, witnessing inclusion of unlawful (including unconstitutional) provisions and norms in legislative acts, making socially dangerous acts formally lawful or laying down regulatory preconditions for various abuses and manipulations.

The return to the mixed electoral system is inconsistent with obligations of most political forces to implement a proportional election system with open lists and is viewed by many political figures and experts as serious retreat. The reasons for support of such changes by the loyal political forces include the desire to replenish their men in Parliament at the expense of MPs elected in single-member constituencies.

Despite the generally rather full regimentation in the election legislation of procedures of preparation and conduct of elections in 2012, many its provisions are imperfect and controversial. The new election law in fact legalised employment of numerous techniques that lay down preconditions for various abuses and manipulations at elections. From the legal and organisational viewpoints, the most sensitive at parliamentary elections 2012 were the issues of delimitation of election districts, staffing procedure for election commissions, canvassing, election campaign funding, video monitoring at polling stations, and vote tabulation.

3. The authorities’ pre-election activity has all signs of regularity, pursues achievement of the wanted election result and covers all stages of the election process: preparation, conduct, and response to the election outcome. The main lines of that activity include, or may include:

- *At the preparatory stage:* neutralisation of the opposition leaders by selective, politically motivated justice; instigation of a split in the opposition forces; broad advance on mass media to ensure prevalence of materials praising the authorities and defaming their opponents in the media; broad use of the administrative resource for manipulation of the public conscience and voters’ will; interference with canvassing by rival candidates; “correct” delimitation of election districts; staffing of loyal election commissions; manipulations with voter lists; implementation of socio-economic and organisational programmes for state budget funds for mobilisation of voters; defamation of independent public organisations and sociological services to undermine trust in the results of their work; distortion of results of public opinion polls and manipulation with them.



- *At the stage of elections:* restriction of presence of independent observers at polling stations, interference with their work; pressure on members of election commissions of all levels; employment of sociological services with dubious reputation for exit polls with the predetermined result; use of dirty technologies to distort the voting process and results.

Potentially the most criminogenic on the voting day and at establishment of voting results are the following election procedures:

- voting beyond polling stations – at the place of stay of voters who cannot move on their own;
- count of votes at polling stations (intentional incorrect count of votes, including by means of an ungrounded increase/decrease in the number of votes given for a certain candidate, an intentional increase in the number of invalid ballots, etc.);
- execution of PEC reports of count of votes and DEC reports of establishment of voting results in single-member constituencies (deliberate entry of untrue data);
- unreasonable declaration of voting invalid by a PEC or DEC or its non-recognition in absence of legislatively provided reasons for that.
- *After the elections:* use of controlled courts and public prosecutor's offices for passage of "required" rulings on election results in single-member constituencies and in the national election district; limitation of the freedom of peaceful assembly (including canvassing activities of opposition political forces and parliamentary candidates); planning alternative rallies in support for "required" election results to neutralise events arranged by opposition forces; use of politically biased persons appointed to executive positions in power structures and devoted personally to the President and of loyal men in law-enforcement bodies, whose loyalty is achieved through measures at strengthening the law-enforcement system and other power structures implemented before the elections.

Specific of the current election process is the absence of proper legal reaction of law-enforcement bodies, including public prosecutor's offices, not only to media reports of violations of the election law but also to official applications of election process participants and CEC (in particular, some CEC applications of the kind were either returned by the General Prosecutor's Office to CEC or sent to DEC).

4. Therefore, no general preconditions have been created in Ukraine for free, fair and competitive conduct of elections. Imperfection of the election legislation and absence of proper legal reaction to its violations, spread corruption in the state machinery, neglect of the principle of division of powers and actual concentration of all state governance in the President's hands, political bias of many leading media, dependence of courts and curtailment of democratic processes give broad opportunities for the

administrative resource use, vote buying, unlawful influence on the election process participants, other abuses in the election process and in the end result – distortion of the true will of citizens.

5. The socio-economic situation and socio-psychological spirits are unfavourable for the parliamentary election campaign. Growth of socio-economic problems, spread of "poverty among workers", critical deepening of property polarisation in society strongly affect the social wellbeing of the overwhelming majority of Ukrainian citizens, cause their mistrust in institutes of governance and confidence that all supreme institutes of governance, including Parliament, primarily work in the interests of big capital and/or shadow dealers.

In the recent years, socio-economic problems have been supplemented with problems of violation of civil rights, including the rights to the freedom of speech and peaceful assembly. Growth of public protests meets toughening resistance of the authorities, resorting either to court bans on peaceful meetings, or – ever more often – to their crackdown. Such actions of the authorities can only further boost protest spirits.

As a result, public dissatisfaction with the socio-economic situation in the country and the authorities' advance on civil rights, alongside with growing protest spirits, can lead to radicalisation of voters – growing support for extreme left and/or right political forces at the forthcoming parliamentary elections.

6. Expectations of both citizens and experts from the new Parliament are mainly negative. The majority of those polled do not hope that the new Verkhovna Rada will solve the key socio-economic or socio-political problems. The only sector where positive expectations prevail is Ukraine's rapprochement with Russia, which may be viewed as affirmation of the heading of the current authorities and disbelief in the opposition's ability to secure implementation of the declared trajectory of Ukraine's European integration.

7. Given the establishment of the presidential-parliamentary model of state governance by the effective Constitution, the 2012 parliamentary election results will not become "the moment of truth" for Ukraine and its international partners but can either stop stagnation processes and growth of authoritarian trends, return the country to the path of steady development, or freeze the current situation for long.

Fair and transparent conduct of parliamentary elections is one of the key preconditions for positive assessment of their results by partners, removal of the crisis of trust and resumption of constructive interaction between Ukraine and the European Union. Should the elections be recognised undemocratic, there arises a threat of international isolation of Ukraine and retargeting its foreign policy to Eurasian integration.



PROPOSALS

1. Enhancing citizens' influence on the composition of the Verkhovna Rada and strengthening political responsibility

For enhancing voters' influence on the personal membership in the Verkhovna Rada of Ukraine:

- to draft and adopt the Election Code of Ukraine, to establish democratic standards of election of national deputies. When amending the legislation on elections to the Verkhovna Rada, to provide for introduction of an election system combining the party principle of election of the legislative body with the voters' ability to influence the personal membership of the corps of national deputies;
- to ensure stability of the key provisions of the election legislation (e.g., the election system, the procedure of election commission staffing, voting procedures).

For strengthening responsibility of political parties, parliamentary candidates and national deputies of Ukraine:

- to toughen requirements to election programmes presented to CEC, providing, in particular, for presentation of those documents in a full and short (for media publication) form. At that, the former document is to contain detailed description of the party (bloc) goals and objectives for five years, and the ways of their attainment (the list of concrete legislative initiatives and their key provisions);
- to establish clear and coordinated rules of political party and election campaign funding by introduction of amendments to the laws "On Political Parties in Ukraine" and "On Election of National Deputies of Ukraine". At determination of the sources, scope, mechanisms of political party funding, to take into account their observance of the principles of legitimacy and transparency, experience of countries with established democratic traditions;
- to strengthen control and responsibility of political parties and candidates at parliamentary elections for observance of legislative norms on election campaign funding, first of all, concerning the legitimacy of funding sources and mechanisms and its transparency for voters;
- to toughen responsibility of national deputies of Ukraine for breach of the *Oath of a National Deputy* by entering breach of the Oath in the list of grounds for early termination of powers of a national deputy of Ukraine;
- to introduce the practice of annual public reports of fulfilment of election programmes (commitments, promises): by political parties represented in the Verkhovna Rada of Ukraine; MPs elected in single-member constituencies;
- to legislatively regiment the procedures of bringing MPs to criminal responsibility; to utmost restrict their parliamentary immunity.
- to enter violation of the principle of personal voting in the list of grounds for early termination of powers of a national deputy of Ukraine.

To ensure steadfast observance by all bodies and institutes of governance of political rights and freedoms of citizens, irrespective of their attitude to the authorities, sympathies to specific political forces:

- from 2013, to start preparation and release – in addition to the Annual Special Report of the Ukrainian Parliament Commissioner for Human Rights "The Status of Observance of the International Standards of Human Rights and Freedoms in Ukraine" – of a separate Report on observance of civil rights and freedoms by law-enforcement bodies. The Report should be drafted jointly with public human rights organisations and heard at an open plenary sitting of the Verkhovna Rada of Ukraine, with live broadcasting not only by the Rada channel but also by the First National TV channel;
- to adopt the Law on peaceful assembly and relevant amendments of the effective legislation with account of the Venice Commission conclusions, proposals of foreign and national experts, human rights organisations. The Law is to guarantee unconditional exercise of the constitutional right to peaceful assembly, rule out its limitation by local self-government bodies, including through courts.

2. Balancing of the system of governance, creation of an efficient system of checks and counterbalances, exclusion of extreme concentration of power in one institute

For restoration and strengthening of the equilibrium of powers of the supreme institutes of governance:

(1) to cancel the Law "On Introducing Amendments to Some Legislative Acts of Ukraine" of May 17, 2012, that unreasonably reduced the Verkhovna Rada powers;

(2) to legislatively regiment the procedure of bringing to responsibility (impeachment) of the President of Ukraine.

(3) at drafting the new wording of the Constitution of Ukraine, to provide for:

- formation of the Government by the parliamentary majority and guarantees of the rights of the parliamentary minority;
- strict delimitation of functions and powers among the supreme institutes of governance, removal of their duplication; a system of mutual checks and counterbalances;
- effective safeguards against excessive concentration of powers in one supreme institute of governance, which may lead to violation of the principle of division of powers and their usurpation;
- a constitutional status for the Cabinet of Ministers Programme of Action, envisaging its obligatory character as a programme document of the Government. To provide that the Cabinet of Ministers Programme of Action should rest on agreed political positions and programme objectives of the coalition of parliamentary factions in the Verkhovna Rada; to set the terms of its submission and adoption.
- introduction of the institute of a constructive vote of no-confidence in the Cabinet of Ministers or an individual member of the Government.

3. Perfecting and enhancing the efficiency of government system

In a longer run, using the adherence to programme-target principles in strategic planning and implementation of the state policy on economic and social development of Ukraine declared by the ruling party, it makes



sense to propose **revision of the system of strategic management, structure of planning documents, rational determination of the role and place of all institutes and bodies of state governance, their certification in line with the requirements of good governance** (ISO 9000 standards).

It should be started with restoration and perfection of the *Programme of Introduction of a Quality Management System in Executive Bodies* cancelled by the current Government.¹

That Programme should provide for functional examination of bodies of state governance involved in formulation of the principles of the state policy, development and approval of plans, programmes, the state budget, implementation of the state policy and control of its implementation, with subsequent optimisation of their functions, structure and interrelation – through release of the examination results (with observance of public information norms), their broad discussion in expert and public circles, search of a consensus on the final solutions with their subsequent implementation in the practical activity of all branches and levels of state governance.

Such efforts will demonstrate the practical resolve of the state leadership for democratic transformations, strengthen its standing and improve the international image of Ukraine, facilitate introduction of advanced technologies and best standards of governance, attraction of strategic investments in the economy.

Meanwhile, in the present situation, that initiative can be implemented and bring positive results only in presence of the political will of the Head of State and efficient control from the civil society.

4. Creation of conditions for free political competition, legal guarantees of the opposition activity

For establishment of proper relations between the authorities and the opposition:

- to take into account in the Election Code of Ukraine recommendations of the Venice Commission, other international and national think-tanks, to guarantee all election participants equal rights at all stages of the election process;

- to pass a law on the parliamentary opposition specifying its status, guarantees and rights; to provide in it a ban on adoption of laws critical for socio-economic and socio-political development of the country without discussion with the opposition (in particular, the laws on the state budget, the Cabinet of Ministers of Ukraine Programme of Action, fundamentals of foreign and home policy, etc);

- to ensure equal access of the parliamentary majority and parliamentary opposition to municipal and state media, including the First National TV channel.

5. Perfection of the legislation on political parties

For proper regimentation of activity of political parties, strengthening their political responsibility to society and voters:

(1) to introduce amendments to the Law “On Political Parties in Ukraine” introducing the following requirements to charters and programmes of political parties:

in charters:

- strict regimentation of the procedures of election of the party leadership, formation of statutory bodies, calling and conduct of their meetings, decision-making, in particular, on making the lists of parliamentary candidates of different levels, other party internal procedures;

- establishment of the procedure of nomination of parliamentary candidates of different levels and executives of the state authorities, provision of publicity and transparency of that process for both rank-and-file party members and for the public;

- norms of reporting of council members of different levels and persons nominated by the party to positions in the state authorities to the party

in party programmes:

obligatory coverage of the party stand on the key sectors of public life, state home and foreign policy.

(2) to introduce the practice of annual public reports of:

- central bodies of political parties – on the results of activity of the party parliamentary factions and national deputies elected from the party;

- the party representatives in the Government – on the progress of fulfilment of election programmes;

- local party organisations – on the activity of party factions and members of the relevant councils, city mayors, village aldermen nominated by the party.

(3) for diversification of sources of political party funding, enhancement of independence from FIGs, fighting political corruption:

- to resume the validity of the norm of funding statutory party activity from the state budget, providing such funding not only to parliamentary parties but also to parties that won not less than 1% of votes at the Verkhovna Rada elections;

- to extend the list of legal sources of funding statutory party activity, using the relevant experience of European countries;

- to ban political party funding by non-state-owned legal entities supplying goods (works, services) for state budget funds;

- to impose a limit on funding statutory party activity from source within a year. To provide a similar norm in the election legislation;

- to identify actors authorised to control financial activity of political parties, their powers, procedure of their exercise, sanctions for breach of those norms;

- to impose sanctions for violation by parties of the legal norm on annual publication in the national media of a financial report of incomes and expenditures and a report of the party property. To provide for obligatory presentation in financial reports of information on:

- (a) donors that made contributions (single or total) above the legislatively provided limit,

- (b) incomes and expenditures of local party organisations.

¹ The Programme was approved by CMU Resolution No.614 of May 11, 2006, cancelled by CMU Resolution No.704 of June 22, 2011.

EXPERTS ON PARLIAMENT AND PARLIAMENTARY ELECTIONS IN UKRAINE

The Razumkov Centre's expert survey asked the experts four sets of questions: the impact of reinstatement of the Constitution in the wording of 1996 on the parliamentary activity and relations in the President – Parliament – Government triangle; membership and activity of the Verkhovna Rada of the 6th convocation; description of the current election campaign; prospects of the future Verkhovna Rada and expectations from its activity.

Summary results of the expert poll let us produce the following conclusions.¹

1. According to the majority of experts, reinstatement of the 1996 Constitution has led to: increased political corruption and influence of FIGs on politics (62%); weakening of the Parliament's controlling function (59%) and its transformation into a body automatically supporting the Government (55%); greater opportunities for lobbying (53%).

The experts' opinion on the constitutional guarantees of power balance in the President – Parliament – Government triangle has somewhat changed, compared to 2010: while in 2010, 63% of experts suggested that the Constitution did not ensure such an equilibrium of power, today – only 43% think so. On contrary, 16% of experts (against 2% in 2010) are certain that the Constitution guarantees such an equilibrium. Nevertheless, 50% of experts believe the President exercises too much power.

2. Assessing the Parliament of the 6th convocation, the majority of experts have reported:

- dissatisfaction with its work (83%);
- confidence that the Parliament's activity is aimed at pursuing interests of big capital (59%), grey business (35%) and heads of government bodies (34%); only 30% of experts believe that Parliament pursues interests of Ukrainian citizens;
- the opinion that whilst differences among the main parliamentary parties are notable (42%, a relative majority), the differences among their election programmes are minor (43%). There are remarkable differences between the ruling majority and the opposition in the humanitarian policy – 65% (against 57% in 2011), security and defence policy – 47% (against 36%), social policy – 45% (against 37%). Meanwhile, the differences in policy on wages, household incomes, individual income taxes have decreased in experts' view – 36% (against 46%), prices and rates for households – 32% (against 42%).

3. Assessing the impact of the mixed electoral system on the composition of a future parliament, a relative majority of experts (45%) said that the mixed system would have both positive and negative outcome. Among positive effects the experts mentioned: a growing importance of every individual national deputy and higher independence of MPs elected in single-member constituencies. Among the negative ones: increasing political corruption, money's influence on politics and creation of various "situational majorities".²

4. Experts suggested the following as the most important aspects influencing voter's choice:

- **the party's stance on the following issues:** welfare of citizens; establishing order in the country; combating corruption; economy in general; fighting crime;³
- **characteristics of parliamentary candidates:** non-involvement in corrupt dealings; no violations of human rights and freedoms; a steady political position meeting the voters' will; previous experience; transparency of declared income, assets and their compliance with candidate's lifestyle; the candidate's assistance to the people.⁴ Respectively, they want to learn about: fulfilment or non-f fulfilment of the candidate's earlier promises and his/her moral qualities; presence or absence of criminal connections and accusations of corruption; the candidate's activity aimed at addressing fundamental political and economic problems; and his/her level of professionalism.⁵

Experts were asked about the committers of possible violations and falsifications at elections. The rating of potential infringers was topped by: representatives of central authorities (19%); big business, influencing politics (18%); local authorities (16%); political parties (12%); members of election commissions (10%).

¹ The poll was conducted on June 15 - July 3, 2012. 106 experts were polled in all regions of Ukraine (Verkhovna Rada members, representatives of governmental and non-governmental think-tanks, scholars, independent experts, representatives of regional organisations of political parties, journalists).

² Cited are effects mentioned by a relative majority of experts – over 40%.

³ Cited are issues the importance of which was assessed above 4 points on a five-point scale.

⁴ Cited are by features noted by more than 80% of experts.

⁵ Cited are items mentioned by more than 50% of experts.

5. Experts pessimistically view the prospects of a future Parliament, in particular, suggesting that:

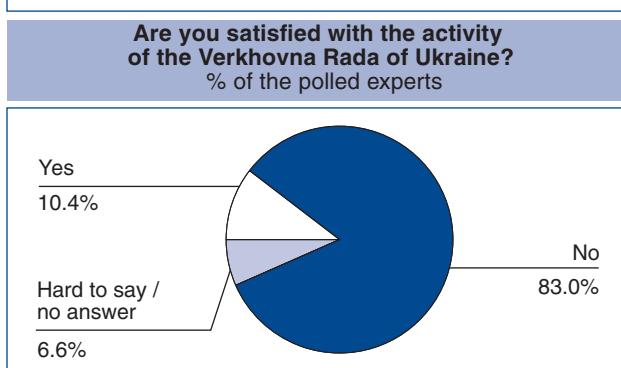
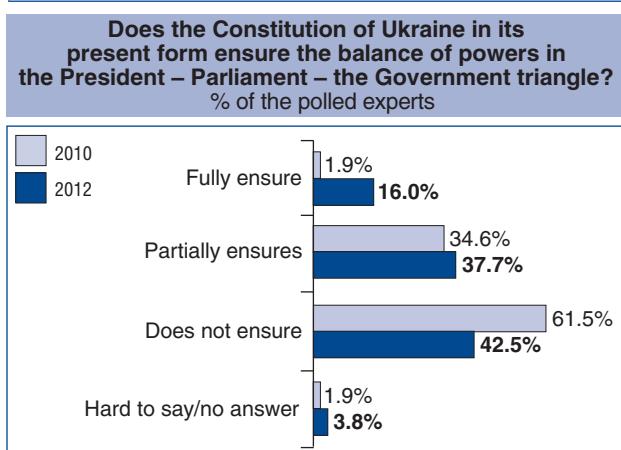
- its political structuring will be primarily influenced by personal career interests of MPs, lobbyist and corporate factors;
- it is unlikely to change the format of relations with the Government (44% against 40% of experts, who stick to the opposite opinion);
- it is unlikely to solve any socially significant problems, except further privatisation and, to some extent – toughening control over the activity of executive bodies in the capital and locally.

Respectively, a relative majority (38%) of experts believes that the socio-political situation will not change after the 2012 elections. 26% of experts

predict changes for the better, 8% – for the worse; 28% remain undecided.

A separate question for experts (as well as ordinary citizens) was on the need and way of conducting “primaries” – preliminary discussion of parliamentary candidates. Notably, only 14% of experts and ordinary citizens consider this step inexpedient. The opinions of others differed regarding the way of conducting “primaries”: a relative majority of experts (28%) and ordinary citizens (20%) were in favour of any form proposed by political parties. A public opinion poll was placed second among the experts (25%), while the ordinary citizens chose a meeting of those willing to take part in discussion (16%). Respectively, the experts gave the third top priority to such a meeting (14%), and ordinary citizens – to a public opinion poll (12%).⁶

Does the return to the Constitution of 1996 contribute to ...? % of the polled experts			
	Contributed	Did not contribute	Hard to say/no answer
Growth of political corruption, FGIs influence on politics	62.3	26.4	11.3
Impairment of the controlling function of Parliament	59.4	26.4	14.2
Transformation of the Verkhovna Rada of Ukraine into a body automatically supporting the Government	54.7	29.2	16.0
Growth of opportunities for lobbyism	52.8	28.3	18.9
General decay of parliamentarism in the country	49.1	34.9	16.0
Deterioration of the quality of law-making	49.1	34.0	17.0
Loss of party influence on the results of activity of their representatives in Parliament	43.4	37.7	18.9
Improvement of the quality of the legislative process	22.6	58.5	18.9
Growth of regional influence on state decision-making	17.0	66.0	17.0
Restoration of true parliamentarism	10.4	77.4	12.3



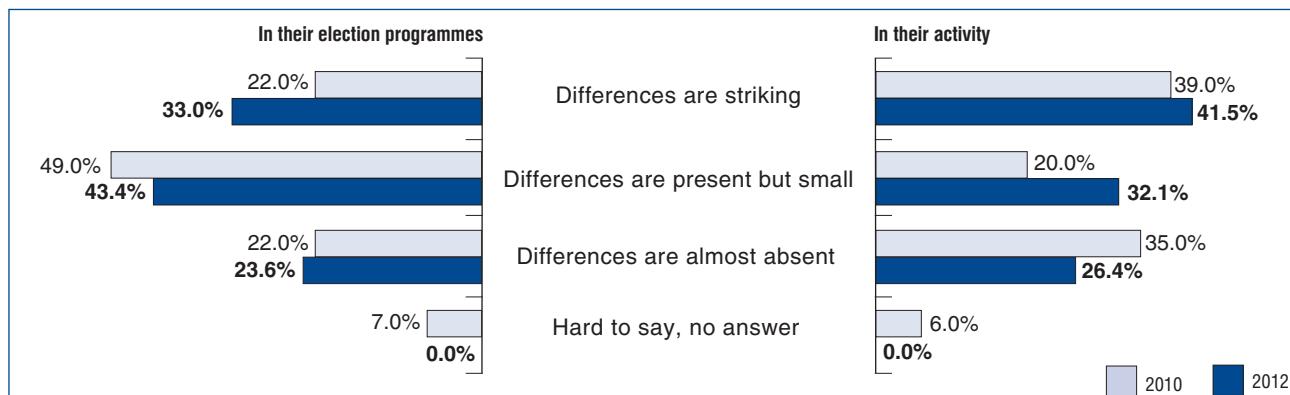
Interests of which social groups does the Verkhovna Rada of Ukraine defend in the first place?* % of the polled experts	
Representatives of big capital	59.4
Shadow dealers	34.9
Heads of state government bodies	34.0
All Ukrainian citizens	30.2
Managers of state enterprises	17.9
Pensioners, elderly people	6.6
Employees of the public sector	6.6
Youths	3.8
Workers	3.8
Peasants	3.8
Medium and small businessmen	2.8
Veterans of wars, labour, Afghanistan and Chornobyl	0.9
Specialists and office workers	0.0
Others	3.8
Hard to say	5.7

* Respondents were supposed to give not more than three acceptable answers.

⁶ See Table “Now, politicians often speak about ...”, p.85.



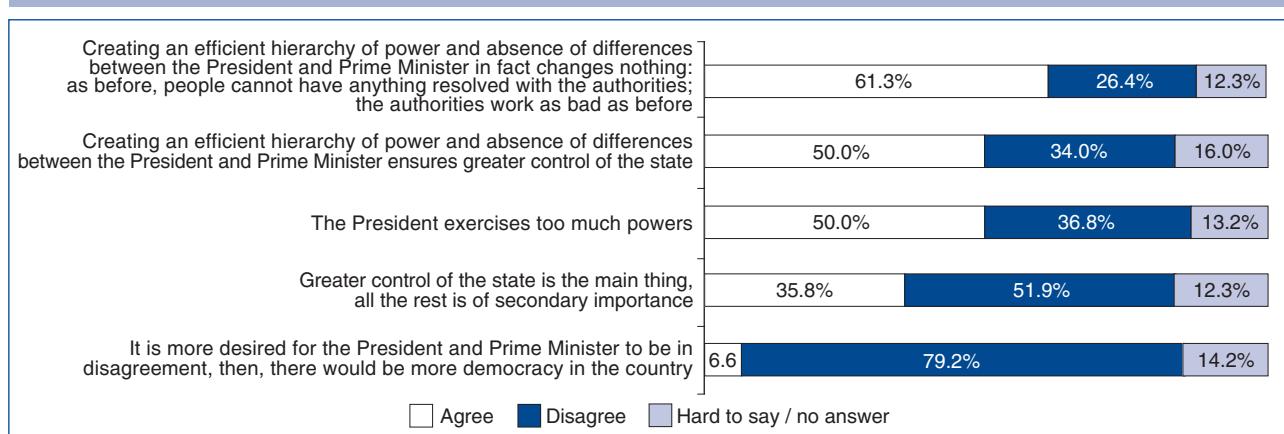
How strong are the differences among the key political forces represented in the Verkhovna Rada of Ukraine of the 6th convocation?
 % of the polled experts



How strong is the difference between the political forces of the ruling majority “Stability and Reforms” represented in the Verkhovna Rada (the Party of Regions, Lytvyn’s Bloc, the Communist Party of Ukraine) and those claiming their opposition (Yuliya Tymoshenko’s Bloc, “Our Ukraine – People’s Self-Defence” faction), in each of the following sectors:
 % of the polled experts

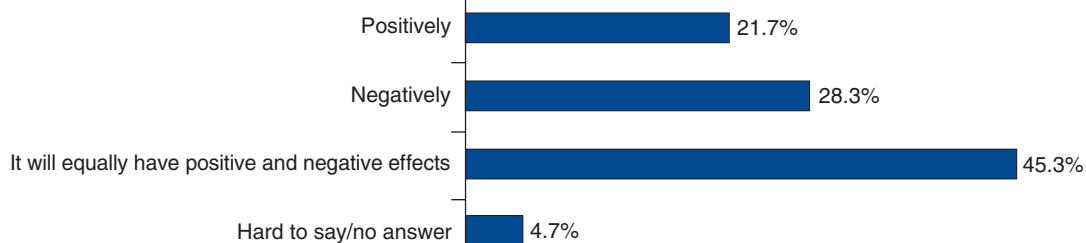
	The difference is striking		The difference is present but small		The difference is almost absent		Hard to say / no answer	
	2011	2012	2011	2012	2011	2012	2011	2012
Humanitarian policy (education, culture, religion, etc.)	57.3	65.1	25.2	22.6	12.6	11.3	4.9	0.9
Foreign policy	60.2	60.4	27.2	29.2	7.8	6.6	4.9	3.8
Legal policy (constitutional reform, laws on elections, justice and law-enforcement bodies, etc.)	55.3	55.7	29.1	33.0	9.7	7.5	5.8	3.8
Security and defence policy	35.9	47.2	37.9	32.1	18.4	15.1	7.8	5.7
Social policy (pensions and social security, medical care)	36.9	45.3	43.7	25.5	14.6	26.4	4.9	2.8
Economic policy in general	40.8	42.5	40.8	42.5	14.6	12.3	3.9	2.8
Policy on wages, individual incomes, personal taxes	45.6	35.8	36.9	36.8	13.6	26.4	3.9	0.9
Issues of prices and rates for households	41.7	32.1	35.0	40.6	16.5	27.4	6.8	0.0

Creating an efficient hierarchy of power and absence of differences between Ukraine’s President and Prime Minister is presented as an achievement. In this connection, to what extent do you agree with each of the following statements?
 % of the polled experts





How will the return to the mixed electoral system influence the quality of law-making?
 % of the polled experts



What positive impact will the return to the mixed electoral system have on the quality of law-making?*
 % of the polled experts

It will raise the role of every national deputy of Ukraine	42.5
MPs elected in single-member districts are more independent than party members	40.6
It will raise regional influence	34.9
It will help to renew the composition of the Parliament	30.2
It will weaken party influence on decision-making	23.6
It will raise influence of citizens on the results of political activity	21.7
It will contribute to representation of ethnic minorities	12.3
It will contribute to formation of the hierarchy of power	11.3
Other	0.9
I see no positive impact of the return to the mixed electoral system on the quality of law-making	19.8
Hard to say	2.8

* Experts were supposed to give all acceptable answers.

When choosing the party to vote for, how important for voters is the party's position on the following subjects?*
 average score

Wellbeing of the population	4.54
Establishment of order in the country	4.35
Fighting corruption	4.27
Economy in general	4.27
Fighting crime	4.10
Home policy	3.87
Foreign policy	3.82
Level of freedom and democracy	3.73
Attitude to language issues	3.61
Treatment of Ukraine's history, assessments of specific historic persons and events	3.37

* On a five-point scale from 1 to 5, where "1" means "entirely unimportant", "5" – "very important".

What is the negative effect of the return to the mixed electoral system for the quality of law-making?*
 % of the polled experts

It will lead to the growth of political corruption, influence of money on politics	46.2
It will lead to creation of various "situational majorities"	43.4
It will de facto raise the "property qualification" for parliamentary candidates	36.8
It will weaken the role of parties in political processes	36.8
It will shatter political responsibility	29.2
It will weaken possibilities for structuring of Parliament	28.3
It will establish the President's decisive influence on Parliament	21.7
It will ultimately subordinate the representative branch to the executive one	10.4
Parliament will ultimately lose its role as the centre of political decision-making	10.4
Other	0.9
I see no negative impact of the return to the mixed electoral system on the quality of law-making	15.1
Hard to say	2.8

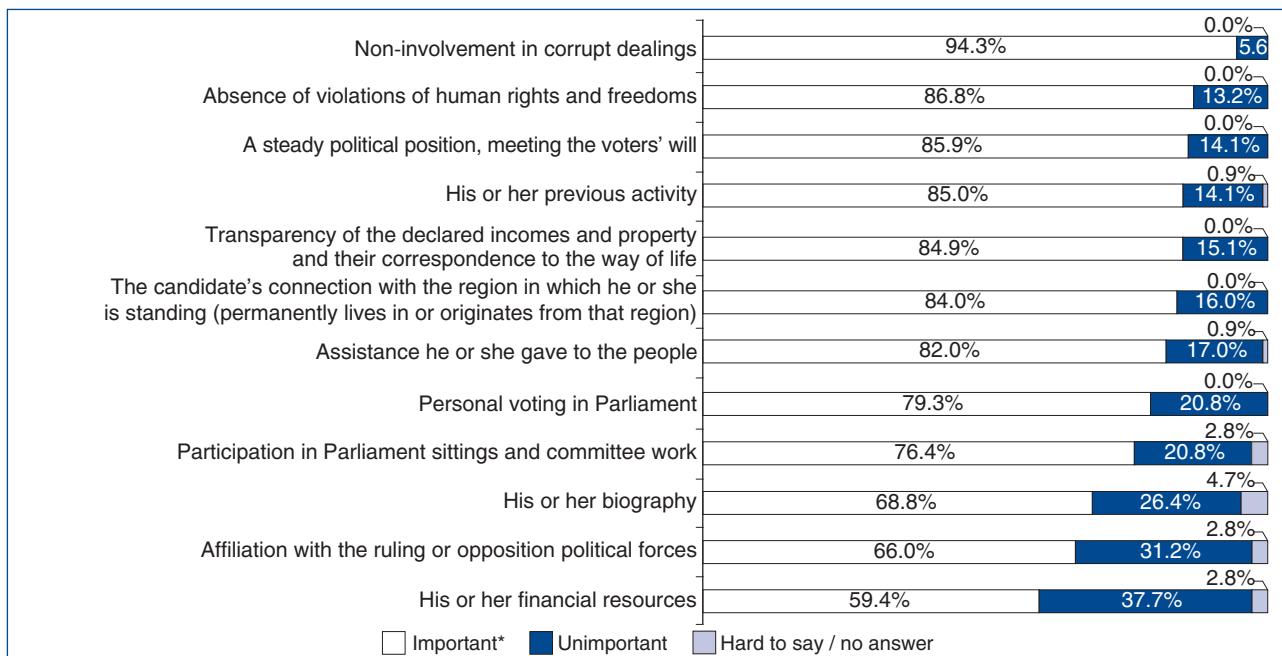
* Experts were supposed to give all acceptable answers.

In Ukraine, one can often hear about violations and falsifications during elections. Who is the main source of those violations and falsifications?*
 % of the polled experts

Representatives of the central authorities	18.9
Big business influencing politics	17.9
Representatives of the local authorities	16.0
Political parties	12.3
Members of election commissions	10.4
Parliamentary candidates standing in single-member constituencies	3.8
Mass media	1.9
Voters	1.9
Armed Forces	0.0
International organisations	0.0
Militia	0.0
Courts	0.0
Ukrainian non-governmental organisations	0.0
No one	2.8
Hard to say/no answer	14.1



**How important for the society is each of the following features
of candidates for national deputies of Ukraine?**
% of the polled experts



* The aggregate of answers "important" and "rather important".

** The aggregate of answers "unimportant" and "rather unimportant".

**What information on a candidate for the Verkhovna Rada
is the most important for voters?***
% of the polled experts

Fulfilment or non-fulfilment of earlier promises by the candidate	63.2
Moral qualities	62.3
Information about presence or absence of criminal connections	56.6
Accusations of corruption	55.7
Actions of the candidate aimed at solving fundamental political and economic problems	53.8
Professionalism in work	51.9
Election programme of the candidate	46.2
Amount of funds spent by him or her on the election campaign and sources of those funds	43.4
His or her biography	42.5
Business of the candidate or his/her relatives	41.5
Work experience	38.7
Connections of the candidate with different financial-industrial groups	38.7
People working with him or her	37.7
Personal incomes and property of the candidate	33.0
Domestic policy priorities of the candidate	33.0
Education	32.1
Membership in a political party	30.2
Programme of the party supporting the candidate	27.4
Support by regional political elites	26.4
Attitude of the authorities and the opposition to the candidate	26.4
Foreign policy priorities of the candidate	24.5
The language he or she talks	24.5
The candidate's age	20.8
Nationality	18.9
His or her religiosity and confessional affiliation	16.0
Information about him or her provided by public organisations	15.1
Place of birth	12.3
Hobbies and habits	9.4
The candidate's gender	5.7
Other	1.9
Hard to say	0.0

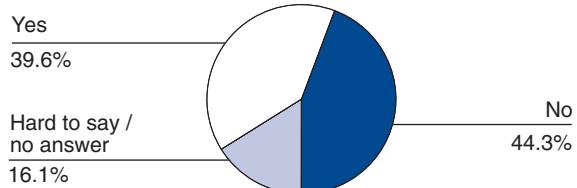
**What factors will influence political structuring
of the future Verkhovna Rada of Ukraine?***

Average score

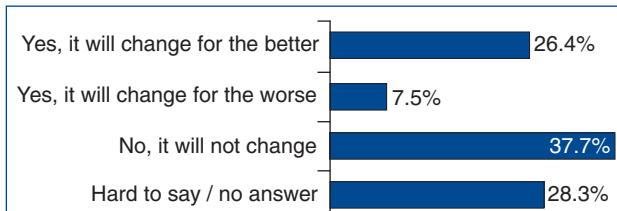
Personal interests of taking positions in Parliament or the executive branch	3.79
Clientele, lobbyist and corporate factors	3.74
Commitment to political leaders	3.65
Division into the majority and the opposition	3.61
Party principle	3.39
Ideological, value-based, programme criteria	2.53
Interests of social groups	2.12

* On a five-point scale from 1 to 5, where "1" means minimum influence, "5" – maximum influence.

**Will the new Verkhovna Rada try to change the format
of relations with the Cabinet of Ministers?**
% of the polled experts



**Will the socio-political situation in the country
change after the elections (and how)?**
% of the polled experts



* Experts were supposed to give all acceptable answers.



Do you expect the new Verkhovna Rada of Ukraine elected in October, 2012 to...?§
 % of the polled experts

	Expected*	Not expected**	Index of expectations***
Cancel privileges for MPs, state servants, prosecutors, judges, etc.	16.0	78.3	-62.3
Enhance guarantees of free medical care	19.8	70.7	-50.9
Cancel parliamentary immunity	21.7	72.6	-50.9
Pass a decision of nationalisation of privatised enterprises	21.7	65.1	-43.4
Ensure Ukraine's accession to the EU	26.4	65.1	-40.5
Better defend interests of ordinary people	28.3	64.1	-35.8
Pass laws that will ensure resolute struggle against crime and corruption	30.2	61.3	-31.1
Restore justice in the country, reduce stratification in society	33.0	63.2	-30.2
Change the Tax Code, make it more friendly for business	33.9	58.5	-24.6
Prevent strengthening of employer rights vis-à-vis hired workers in the new Labour Code	36.8	53.7	-16.9
Pass laws that will ensure improvement of the socio-economic situation in the country	38.7	51.0	-12.3
Promote Ukraine's rapprochement with the Russian Federation	34.0	44.4	-10.4
Cancel or amend current inefficient laws	39.7	48.2	-8.5
Strengthen control of the executive branch activity in the capital and locally	49.0	40.5	8.5
Support further privatisation of state enterprises	64.2	21.7	42.5

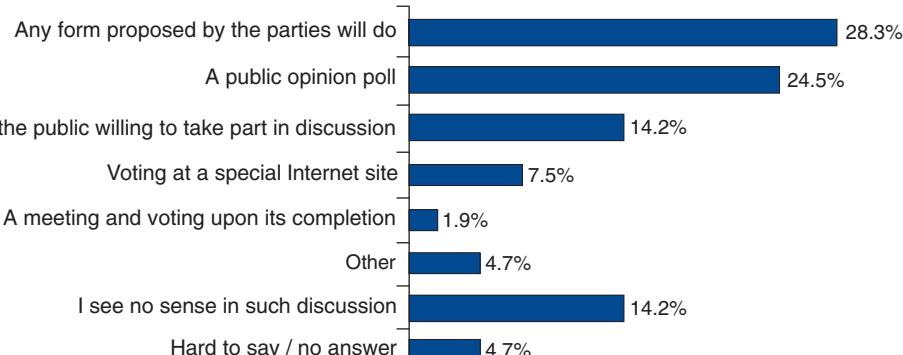
§ Table does not contain the answer "hard to say".

* The aggregate of answers "this will happen" and "most probably, this will happen".

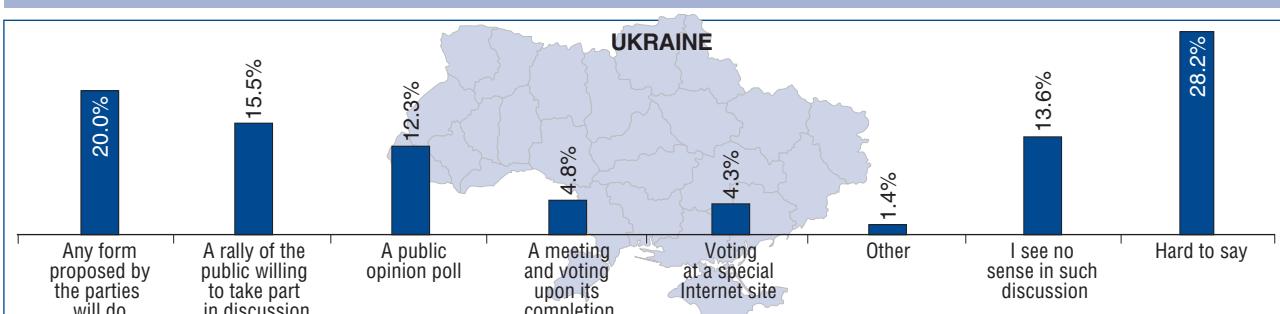
** The aggregate of answers "this will not happen" and "most probably, this will not happen".

*** The difference between the number of respondents, who expect and do not expect the relevant effects.

Now, politicians often speak about the need for preliminary discussion of parliamentary candidates, the so-called "primaries". In what form should it [the discussion] be held?
 % of the polled experts



% of citizens polled



	REGIONS				AGE				PARTY AFFILIATION							
	West	Centre	South	East	18-29	30-39	40-49	50-59	60 and over	Battushchyna	Svoboda	CPU	Ukraine – Forward!	Party of Regions	UDAR	Hard to say
Any form proposed by the parties will do	22.3	22.5	25.8	13.2	20.3	19.9	19.0	21.8	19.0	22.1	16.9	16.1	10.4	23.1	30.6	18.0
A rally of the public willing to take part in discussion	14.6	18.5	12.1	14.6	13.2	18.5	16.0	14.8	15.3	13.2	13.6	25.0	23.4	18.6	13.4	14.9
A public opinion poll	11.3	11.2	15.7	12.5	13.2	14.2	14.6	13.1	8.2	14.2	13.6	9.8	13.0	14.2	14.0	7.0
A meeting and voting upon its completion	5.1	3.1	3.6	6.8	2.0	2.9	5.0	6.4	7.3	4.7	5.1	6.3	13.0	5.8	4.5	2.7
Voting at a special Internet site	3.6	5.5	3.9	3.7	7.7	5.2	2.6	2.6	2.5	3.9	8.5	1.8	3.9	3.7	7.0	6.7
Other	0.8	3.2	1.0	0.2	1.1	0.6	2.3	2.3	1.0	1.0	1.7	0.9	1.3	0.9	3.2	2.4
I see no sense in such discussion	7.7	14.3	18.3	14.2	15.0	13.9	15.7	10.5	13.1	13.0	8.5	17.9	9.1	13.5	8.9	11.9
Hard to say	34.6	21.7	19.6	34.9	27.3	24.9	24.8	28.5	33.5	28.0	32.2	22.3	26.0	20.1	18.5	36.3

UKRAINIAN PARLIAMENTARISM: ISSUES AND POSSIBLE SOLUTIONS

The elections to the Verkhovna Rada of the 7th convocation are definitely the major event of 2012. Herewith, after a decade break they will be held under a new electoral system. However, that is not the only feature that distinguishes them from the previous ones. In particular, a lot of experts state that Ukraine saw strengthening of presidential powers and weakening role of the Parliament. It concerns not only the “power triangle”, but also the public life in general.

To get a comprehensive analysis of the Ukrainian parliamentarism, the Razumkov Centre appealed to the leaders (current and former) of the Verkhovna Rada of Ukraine of all convocations asking them to answer three issue-related questions. But, much to our regret, during the period from June to September 2012, we have received answers only from six politicians. The texts of the interviews received are presented below in an alphabetical order.

THE BEST COMPOSITION OF THE VERKHOVNA RADA SHOULD BE BALANCED



Stepan HAVRYSH,
Deputy Chairman
of the Verkhovna Rada
of Ukraine of the 3rd convocation

– What composition of the Verkhovna Rada of Ukraine would be best able to meet its constitutionally defined powers?

I have always believed that a balanced party and majoritarian composition of the Verkhovna Rada would be best under the democratic principles established by the Constitution. A mixed electoral system is best when we talk about real pluralism, when we consider it to be one of the checks and balances, when we want to prevent power usurpation through the quick advent of a single ruling party faced with a toothless opposition, and wish to expand the influence of voters over the government. Therefore, a majoritarian component of the election system allows a voter to have his/her own direct representative in his/her own representative authority for that matter. Furthermore, it obliges parties to stick to the ideological foundation of their values, and reduces the risks of parties’ privatization by big business. Closed party lists have been shown to aid the deformation of Parliament and its transformation into a *Supreme Soviet*, which approves only the rules of the game set by the country’s ruling group of people. Under these conditions, we should not expect miracles from any electoral system on a proportional basis with

open lists. Obviously, we have to find a compromise between restructuring parliamentary parties and a majoritarian system, in order to upgrade relations with voters, engaging them through the legislative process – which is initiated by majoritarian representatives on their behalf – expanding the foundation of democracy, and thus expanding government by the people. Parties are willing to rule as plenipotentiary, but have proven themselves unreliable and incompetent representatives of the Ukrainian people. Obviously, my statement applies to the transitional political system still lingering in Ukraine. Therefore, the composition of the Verkhovna Rada of Ukraine of the 3rd and 4th convocations met its constitutionally defined powers to the fullest extent.

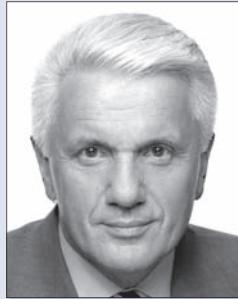
– What prevents the Parliament of the current (6th) convocation from performing its functions?

The Administration of the President’s and the Cabinet of Ministers’ complete control over Parliament, imperative party discipline which – regardless of party membership – spreads to all political allies of the ruling party in the parliamentary majority, as well as a lack of strategies for adopting legislative reforms for the benefit of society. Under these conditions deputies, belonging to the political majority, are unable to implement their own initiatives.

– What measures should be taken to further the development of parliamentarism in Ukraine?

We should adopt a new Constitution of Ukraine through a legal procedure, approving it by nationwide referendum. It should provide for a new system of checks and balances, for instruments that guarantee the functioning of the branches of government (clearly dividing their functions and responsibilities), expand self-government functions, ensure the actual functioning of civil society’s institutions, establish systems that would render impossible any power usurpation, and strengthen society’s capabilities of exercising control over the government. ■

**FIRST OF ALL, WE SHOULD HOLD
THE NEXT PARLIAMENTARY ELECTIONS
BASED ON THE CONSTITUTION**



Volodymyr LYTVYN,
Chairman
of the Verkhovna Rada of Ukraine
of the 4th and 6th convocations

– What composition of the Verkhovna Rada of Ukraine would be best able to meet its constitutionally defined powers?

Before providing a definite answer to the question, I will comment on its second part, i.e. the constitutionality of the powers granted to the Verkhovna Rada. This year, Ukrainian politicians recognised the need for the modernization of the constitution due to regular social and political changes in the society, and therefore the country has entered the active phase of reviving the constitutional process.

I would like to remind you that for this purpose the President of Ukraine last year initiated the establishment of the Constitutional Assembly, which is functioning today. The best experts of our country's legal environment, scientists from different spheres of social life, representatives of non-governmental organizations, independent experts and think tanks have participated in its operation. The participation of the Razumkov Centre in particular has been anticipated.

The developments achieved are waiting for a national discussion, as well as carping analysis by international experts and, especially, by the Venice Commission.

I would like to emphasize that the Verkhovna Rada of Ukraine should play the most visible role in this regard, because **the extension of the democratic process is impossible without the involvement of, and a significant contribution by, the highest representative and single legislative body of power, i.e. the fundamental institution of government by the people in the country**. Without claiming to be a clairvoyant, I can predict that the constitutional powers of the Parliament, *first of all*, will be subject to changes, *secondly*, they will become of greater public importance, and *thirdly*, that they will place much greater responsibility on parliamentary deputies vis-à-vis society.

And now, switching to the answer to the above question, I would like to state that the comparison of parliamentary compositions of different convocations is not always rewarding – at least because there is a substantial risk of error and personal opinion involved in answering such questions.

However, I dare to state that the compositions of the Verkhovna Rada of Ukraine of the first (1990-1994), second (1994-1998) and largely the fourth (2002-2006) convocations met the needs of Ukrainian society and state formation tasks that were generally settled by the Ukrainian Parliament within its constitutional powers to the utmost.

This statement is not unfounded even though with legislative statistics of these convocations it is possible

to demonstrate the efficiency of parliamentarism in laying the legal foundation of the Ukrainian state, passing fundamental laws, which formed the supporting structure of Ukrainian statehood. To confirm this statement I would like to remind you that those three parliamentary convocations adopted more than two thirds of all legal codes and laws approved over the past 22 years – codes and laws which govern the economic policy, society building, and nearly two-thirds of legislation in the sphere of humanitarian policy of Ukraine.

It is probably not worth insisting on the idealization of these conclusions, but my main explanation for the professionalism of the Verkhovna Rada of the first convocation lies not so much in the individual professionalism of the members of Parliament, but can rather be found in political paradigms, such as a maximum public demand for legislative reforms in accordance with the acute problems of statehood formation, an efficient electoral system to select politically and socially ambitious leaders of different political views, the Ukrainian populace's significant social activity, and the level of Parliament's credibility, high accountability, and thus the high level of responsibility on the side of Parliament's members.

The following assumptions are likely to be considered as maximalist, but I still believe that these constructive paradigms of Ukrainian political reality of the first few parliamentary convocations eventually suffered radical erosion due to "experimentation" with the electoral system of Ukraine in favour of some political leaders and the illusion of a "**party structuring**" of **Ukrainian society** imposed on the public, which actually **has not been fully achieved so far** if we judge it from a civilized European perspective of social construction in accordance with the public interest.

As a result, **political parties have turned into "electoral locomotives" for ambitious, personally motivated politicians**. In the absence of clear ideology, political platforms and strategies, nearly two hundred parties serve the purpose of electorally disorienting society, rather than structuring it. The low accountability of the members of Parliament to voters, the inability to recall members of Parliament and the avalanche of lobbying initiatives for the benefit of party bosses and corporate groups have caused the dramatic collapse of Parliament's authority in the eyes of the population. Parliament's standing, measured by the level of its credibility, has fallen to a record-low 7% of public support, according to the monitoring conducted by the Institute of Sociology of Ukraine since 1994.

In this regard my next assumption is likely to be too severe, but it is closer to objective reality than phantasmagorical imaginings of the future. **Ukrainian parliamentarism is in a deep crisis** that creates a fertile ground for the growth of authoritarian trends, increasing absence of control of other branches of government (namely the executive and judicial branches), the destruction of democracy in general, mass apathy of society at large, and an increase in the gap between the government and the nation, which ultimately grants it its power. This state of affairs is a direct threat to Ukrainian statehood.

Here I would like to express a somewhat paradoxical idea: improper parliamentarism is better than good authoritarianism, since the latter inevitably degenerates into totalitarianism with all its typical irreparable consequences. The history of mankind and especially recent affairs – in particular, the so-called "Arab Spring" – proves



an inevitable pattern of events based on this scenario. And although according to the saying “history teaches us what nobody has ever been taught”, I want to believe in the victory of common sense over those who make a mockery of it.

Only further development of the democratic principles of parliamentarism in Ukraine would be able to lead the country on its course of civilization, as generally recognized in the world, despite all the current and conditional difficulties involved in this process. Every Ukrainian citizen has to make an effort. If we stand aside, then, as the classic literature says “Do Not Ask For Whom the Bell Tolls...”.

– What prevents the Parliament of the current (6th) convocation from performing its functions?

This question already presupposes certain answers. However, we should be realistic. Only Tommaso Campanella was able to believe in the perfect state structure of “The City of the Sun”, which was actually detached from real life by a classic example of idealism. By the way, if you remember, it was a state structure with elements of a wonderful combination of authoritarianism and democracy.

As for me, the answer is basically contained in the answer to the previous question. The 6th convocation of the Verkhovna Rada, elected in 2007, has some very distinct features. In the middle of this Parliament’s term presidential elections were held in Ukraine and the head of state was changed. This provoked a fundamental change in the alignment of forces in Parliament, causing numerous cases of “deputy migration” and other “transitions”, which broke the unwritten rules of relationships and arrangements among deputies. Instead of the former monolithic, well-organized and pragmatically motivated opposition we now have a fragmented, multi-centred and occasionally “hysterical” opposition. The opposition’s breakdown in the face of the majority’s powerful consolidation in the sphere of monopolizing the right to take legal decisions significantly undermined the integrity of the Parliament and its ability to take decisions in the public interest. Under external impressions the Parliament was seen as the epicentre of domestic instability, a political “explosive component” and even as a factor of possible social destabilization.

This is extremely threatening for the image of Parliament as a single legislative body, as a basic centre of democracy on the pinnacle of power. Only trust in the antagonistic model of democracy may actually be an alternative to its distrust and here again a shadow of authoritarianism is implacably approaching.

I cannot help mentioning the fact that **in recent months** such a “universal” political **factor** as the approach of parliamentary elections has been the **main obstacle to Parliament’s clear, regular and efficient functioning**. Expectations surrounding the elections run through the whole work of Parliament, sending waves of populism through the content and atmosphere of the legislative process.

Sometimes it seems that this factor has turned into the dominating idea of political life for some members of the Parliament of Ukraine and literally blocks all common sense aspirations for well-built and carefully elaborated legislative work. And it also has, in my opinion, a detrimental impact on the maintenance of Parliament’s authority.

– What measures should be taken to further develop parliamentarism in Ukraine?

The word “measures” used in the question probably doesn’t adequately reflect the scope and the moral and ethical component of the changes that must occur for the restoration of parliamentary influence in Ukraine.

Given the significant loss of parliamentary deputies’ credibility in the eyes of voters and the extremely low authority of the deputy corps in the society, we must recognize that we should talk about the revival of a real parliamentary system in Ukraine, rather than its “deepening”.

Therefore, I state my view of what those changes should look like – which, by the way, are absolutely legitimate and implemented entirely under appropriate circumstances that will revive and raise the credibility of parliamentarism in Ukraine. I will try to express my position in a condensed form to avoid ambiguity and possible repetitions.

First and foremost, we need to hold the next parliamentary elections in a constitutional manner, i.e. through free elections based on general, equal and direct suffrage by secret ballot. A democratic and civilized election process in accordance with international standards, without the abuse of various “resources” will be the first and most important contribution to the development of parliamentarism in Ukraine for decades to come.

Secondly, the improvement of electoral legislation that would meet not only the established international norms and standards, but also the mentality of Ukrainian voters, the state and structure of Ukrainian society, is fundamentally important.

Parliamentarism is not only a state institution of representative government, the system for choosing the mode of organisation, powers and operation of the Parliament. Its power is defined by the Constitution, “the people are the bearers of sovereignty and the only source of power in Ukraine exercising it directly and through bodies of state power and bodies of local self-government”. Thus, *thirdly*, this is a fundamental component of parliamentarism in Ukraine that requires special attention from the government, the President of Ukraine as guarantor of the Constitution, governmental and non-governmental organizations – that is, by society as a whole. **Systematic and systemic expansion of society’s participation in government through the Parliament is the main driving force of parliamentarism.** Otherwise all the parliaments of Ukraine will continue to be only the “scenery of democracy” with low public ratings, and remain to be an ineffective instrument in the system of restraining forces and balances in Ukraine’s complex state mechanism.

**THE STRENGTHENING OF POLITICAL PARTIES,
THE OVERCOMING OF POLITICAL CORRUPTION,
AND THE STRENGTHENING OF LOCAL
GOVERNMENT ROLE ARE INDISPENSABLE
CONDITIONS FOR THE DEVELOPMENT
OF PARLIAMENTARISM IN UKRAINE**



Viktor MEDVEDCHUK,
*First Deputy Chairman of
the Verkhovna Rada of Ukraine
of the 3rd convocation*

– What composition of the Verkhovna Rada of Ukraine would be best able to meet its constitutionally defined powers?

Ukraine faced the need to create its Parliament and other bodies of “bourgeois democracy”, in Marxist terms, at a time when neither its political class nor the country as a whole was mentally ready. The best that the country was able to claim as of 1990, when the first competitive elections to the Verkhovna Rada were held, was slow, “ingrowing” (or “element-wise”, using the terminology of Karl Popper) market reforms, through which private and public law is transformed hand in hand with the expansion of market relations. The success of this transformation was facilitated by the fact that the most active part of society was vitally interested in these reforms. Maintenance of the ruling party’s monopoly, similar to the Chinese model of transformations would – without doubt – have been preferable during the transition period. I state this as a sincere follower of parliamentarism, who has never belonged to the Communist Party of the Soviet Union. Fate, however, chose another direction. I think that the features of the Russian and Ukrainian political mentality have played their part. Namely, they are to blame for a lack of flexibility, which leads to the fact that the political system rejects element-wise evolutionary changes, and is inclined either to the preservation of obsolete forms, or to suddenly destroying itself – as happened in our country in the early 1990s.

As a result, we have obtained a quite immature form of parliamentarism. This is not to say that the members of Parliament elected in 1990, 1994, 1998, 2002, 2006 and 2007, in terms of compliance with constitutional law, demonstrated some extraordinary desire to exceed the scope of their powers. **The problem is different: the political class of Ukraine desperately avoided the formation of a democratic system of political commitment** (“responsible ministry”, as they used to say in the old days). This system assumes that those powerful and organized political parties which won the most votes in the elections and formed a parliamentary majority, would form the government (usually a coalition government).

However, we also did not want to subordinate political life to an all-powerful autocrat president based on the

model of some post-Soviet Central Asian states. This combination of factors has often led to semi-anarchy, i.e. inconsistencies in the actions of the President and the government, on the one hand, and the Verkhovna Rada on the other hand.

We have not had a structured parliamentary majority at all for many years now. The majority was primarily situational. There was even a kind of ideological disguise for such an ugly situation. “The Parliament was said to be in opposition to the government” (as though it does not represent legislative power itself). But then in 2004 the irresponsible parliaments were taken over by the absolutely irresponsible President Victor Yushchenko, who was hungry for power, the co-partners, who “brilliantly” performed the role of the gravediggers of Ukrainian statehood. Under their rule, the Verkhovna Rada turned out to be half-paralyzed and dysfunctional.

– What prevents the Parliament of the current (6th) convocation from performing its functions?

Unlike the period of semi-anarchy under the government of Victor Yushchenko, Parliament is functional from the point of view that laws are passed. There is no conflict in the President – Government – Parliament triangle, and solutions of the Verkhovna Rada are predicted.

However, what was the price paid for it? **Everyone understands that the majority was forged by party-switchers with the help of administrative resources, using either carrot or stick. The price paid is the rejection of democratic constitutional reform and potential instability**, as such “principled politicians” tend to “sell” their political patrons, when the system starts to flow.

There was a time when a different model of stable majority formation, working in close cooperation with the Government, was on the table. The idea was to **switch to a two-round system of parliamentary elections, according to which the two parties obtaining a relative majority would participate in the second round. The winner was to get 226 seats**. I understand that this model may be subject to criticism. However, it offers an approach that would provide, *firstly*, democratic competition during the elections, *secondly*, a system of political responsibility, and which, *thirdly*, would maintain stability. A similar system exists in Italy, allowing that country to avoid the “ministerial leapfrog”.





– What measures should be taken to further develop parliamentarism in Ukraine?

I gave the answer to this question as far back as 2003, when I initiated political reform and the result of its implementation led to the transformation of Ukraine from a presidential-parliamentary to a parliamentary-presidential republic. Today, two years after the abolition of political reform, all realistic people should know that the **political transformation of Ukraine into a democratic constitutional state is possible only through strengthening the role of Parliament.**

The state of the current Parliament is obviously not encouraging, and I understand to a certain degree those who are opposed to granting Parliament more powers than it holds today. In addition, there is no doubt that the new Parliament to be elected in October will not fundamentally differ from the current one at all. That is why I hold the view that the **expansion of Parliament's powers should be accompanied by the transformation of Parliament itself.** Some of the positive transformations will occur naturally due to the fact that within the parliamentary model political forces will have to learn to negotiate.

An indispensable condition for Ukraine's parliamentary development is to strengthen political parties. Today, a majority of Ukrainian political parties represent either an alliance based around a populist leader or business and political clubs. But in both situations they are mere imitations of true parties. And if we do not return to a proportional electoral system (preferably with open regional lists, which provide for the dynamics of party development), the current situation will remain unchanged.

The second important issue, the solution of which depends on the possibility of developing parliamentarism in Ukraine, is to overcome political corruption. Let us remember that during 1998-2002 there were some members of Parliament who changed their fraction up to 14 times! And not a single oath – even if candidates sign it in blood – will save us from the situation that the new parliament will also have party-switchers. Only the introduction of an imperative mandate is a civilized way of solving this problem. This involves a stern rule that requires a deputy to implement the course of his/her political force, belonging to which provided him/her with a parliamentary mandate. That is the most effective mechanism to ensure parliamentarians' personal responsibility – more effective than calls for a deputy's honesty and morality. The only way to get rid of party-hoppers is the following: if you refuse to be a “party soldier”, hand over your mandate! One day, when Ukraine's political culture reaches a higher level it will be possible to turn down the imperative mandate, but for now I do not see any other way.

Finally, the third essential requirement for the development of political democracy is to strengthen the role of local government. Unfortunately, the Constitutional reform introduced in 2004 was left unfinished for political reasons, and the rights of local councils were not extended. Meanwhile, political parties need to be tightly linked with the regions and have representation offices in local councils to enable them to fully understand the problems of the country and the people who live in it.



Oleksandr MOROZ,
Chairman

of the Verkhovna Rada of Ukraine
of the 2nd, 5th convocations

– What composition of the Verkhovna Rada of Ukraine would be best able to meet its constitutionally defined powers?

It was the composition of the second convocation. It was formed virtually without administrative resources.

– What prevents the Parliament of the current (6th) convocation from performing its functions?

Its complete subordination to the executive branch, which contravenes the constitutional status of Parliament as an independent branch of government.

– What measures should be taken to further develop parliamentarism in Ukraine?

The Law on elections should be introduced under open party lists.

**REQUIRED COMMON WILL
OF CURRENT POLITICAL ELITE**



Viktor MUSIAKA,
Deputy Chairman

of the Verkhovna Rada
of Ukraine of the 2nd convocation

– What composition of the Verkhovna Rada of Ukraine would be best able to meet its constitutionally defined powers?

It was the composition of the Verkhovna Rada of the 2nd convocation (1994-1998) which performed its powers defined by the Constitution to the fullest extent. It was this particular composition of the Rada which adopted the New Constitution of Ukraine. The Constitution of 1996 laid the foundations of a presidential and parliamentary republic, at a time when relationship mechanisms between the branches of government and presidential power as non-system substance had not yet been developed. **The Parliament put the legislative process in order, established a legal platform for the functioning of the branches of government and local government**, and clearly defined the nature and content of the relationship between an independent body of popular representation and the President. The Verkhovna Rada of Ukraine was a reputable government body, and deservedly so, especially considering the current situation.

– What prevents the Parliament of the current (6th) convocation from performing its functions?

Nothing prevents the Parliament of the 6th convocation from fulfilling its functions in a proper way, except for the fact of its “privatisation”, as well as the “privatisation” of all levers of state power and local self-government by the ruling oligarchy. This is just the role given to this body in the system of power.

– What measures should be taken to further develop parliamentarism in Ukraine?

Only the renewal of constitutional order, and the legitimisation of the Ukrainian state may form the basis for a revival of parliamentarism in Ukraine. This can be most easily implemented through the common will of the current political elite by transforming the Parliament of the 6th convocation into a Konstytuanta.¹ It should adopt a new version of the Constitution of Ukraine, approved by nationwide referendum within a year at most. After that, the Parliament should cease functioning in its current composition, elected in 2012. The election to the Verkhovna Rada and local government bodies, as well as the election of the President, should be held under the new version of the Constitution within two months. This will allow the whole system of power and local government to act in a legitimate, constitutional and lawful manner. Only then may we think about the restoration of Ukrainian parliamentarism. ■

THE TASK OF THE PARLIAMENT IS TO SERVE THE PEOPLE



Arseniy YATSENYUK,
Chairman
of the Verkhovna Rada
of Ukraine of the 6th convocation

– What composition of the Verkhovna Rada of Ukraine would be best able to meet its constitutionally defined powers?

The composition of the Parliament of the 2nd convocation, elected in 1994, was probably the most appropriate. Back then, money – not to mention a lot of money – was not a requirement for being elected. **Both candidates and voters felt united in a shared sense of building a new state, of being responsible for their choices and the work of Parliament.** The administrative resources were out of question: their existence was yet unknown. Thus, the Parliament of the 2nd convocation has been the most responsible and close to resembling the real European parliament.

Therefore, during the constitutional process – which was characterized by stern confrontations between

parliament and then-President Leonid Kuchma – the Verkhovna Rada of the second convocation managed to obtain for itself a rather influential role in the political system of Ukraine.

The foundations of parliamentarism, of political dialogue and the search for a compromise for the benefit of the country and the people were laid at that time. The political structuring of society and the Parliament started back then. The factions of **political parties were legalised and began to operate effectively in the Verkhovna Rada of the 2nd convocation.**

The respectability of MPs – and indeed of the whole Parliament’s functioning – gave reason to hope that not only the socio-economic crisis would be overcome soon, but also that democratic institutions would soon be established. **It was believable that Ukraine had irreversibly chosen the road towards the civilised family of European nations.**

Of course, a lot of mistakes were made out of ignorance, naivety and certain interests. But all in all the result of that Parliament’s work was very positive.

Unfortunately, each next composition of the Verkhovna Rada incurred more and more criticism and less and less respect. So-called “Managing Directors” of the Parliament have appeared. It turned out that the most important decisions could be made not only inside the “building under the dome,” but elsewhere; political expediency and confrontation began to prevail over common sense. Voting in the name of another deputy-colleague, the permanent switching of allegiance of single deputies and even entire groups of MPs, and instigating informal agreements and bribery became normal. Parliamentarism degraded as more deputies ready to sell themselves (and not even for that high a price) started to enter the Verkhovna Rada.

I hope that after the elections on October, 28 we will revive Ukrainian parliamentarism in the European sense in the Verkhovna Rada.

– What prevents the Parliament of the current (6th) convocation from performing its functions?

In short those are corruption, lack of a sense of human dignity, and the prevalence among many deputies of mercantile interests over the interests of society and the state.

It could be the worst composition of the Parliament since the restoration of statehood. First of all, the main reason for this is the moral traits of many people’s deputies. It seems that Ukraine itself and the Verkhovna Rada exist independently from one another and there is no connection between them.

After Yanukovych came to power all the branches of government in Ukraine completely lost their legitimacy, as people did not vote for sudden changes in their authorities, or the prolongation of councils at all levels, and moreover all this was happening by thimblerig.

Parliament as a representative authority died long before October, 28. The reason for this is the loss of Parliament’s constitutional powers more than one year ago, which were fraudulently extended.

¹ Konstytuanta is a supreme, nationwide, collective, interim representative body, specifically established for the development and adoption of the Constitution of the state.



This situation took place because, as already mentioned, personal (not to say selfish) interests of a small group of people prevailed over the interests of society and the state. Having lost political responsibility and human dignity, some MPs switched allegiances.

Parliament has actually become an appendage to the Presidential Administration: laws have been adopted very rapidly without proper investigation despite the assessment of special committees, etc. Some of them undermine the prospects of Ukrainian statehood. This convocation was the first Parliament in the history of Ukraine in which a majority under control of the President's Administration has voluntarily ceded many important powers to the President and the executive branch.

The political savvy has been defeated in the Parliament of the sixth convocation – something that would be impossible in a normal democratic society, something that also would not re-emerge in the new Parliament. **The quality of being corrupt is not valued in any society.**

Of course, some of my colleagues are striving to preserve at least some remnants of parliamentarism and defend democratic principles, Ukrainian values and the European choice until the end. Unfortunately, we are currently in the minority.

Therefore, **the first task** according to the United Opposition is to return to a parliamentary system and return political responsibility to the Parliament. We need to introduce a higher quality politics for Ukraine and to show our society and the world's democratic community that Ukraine has sound, valuable (political) forces, which will not sell their ideas. We need to show morality and a modern perspective leaving behind "the rules of the underworld". We want a normal life according to current European rules and we are ready to fight for our ideals. I am sure we will make them a reality!

– What measures should be taken to further develop parliamentarism in Ukraine?

Before mentioning the development of parliamentarism in Ukraine, it is first necessary to restore the constitutional order in the country. Reinstate the principle of the separation of powers and establish a balance between the branches of power and put an end to political persecution.

Therefore, it is first of all necessary to restore the parliamentary system, and then to work on improving it. This requires actions and daily struggles without rhetoric and empty declarations.

The foundations of parliamentarism are a firm election procedure according to the modern rules of European democracy; rules abided by at all stages of the electoral process. The law on elections cannot be changed in favour of the interests of some political forces, criminal clans or a symbiosis of the two that we observe nowadays in Ukraine.

Therefore, necessary measures of two kinds have to be introduced for the restoration and the development of parliamentarism.

The first kind aims at the immediate restoration of Parliament's powers, which were abandoned in favour of the President. The next step has to be political reformation, which defines a clear role for the Verkhovna Rada within the political system of the state. Primarily, this refers to the formation of the government, the adoption of the Verkhovna Rada's activities and assigning to Parliament the authority to investigate all actions of top officials without exception – and, if necessary, the power to impeach the President.

Also, we must legally restrict the currently excessive immunity of MPs, the President, judges and prosecutors: **Their excessive immunity generates the disease of impunity.**

In turn, the rights of the opposition will have to be protected by a special law that will enable Ukraine to implement the constitutional norm that "no one can be subjected to persecution because of their voting behaviour."

The mechanism of recall will have to be introduced so that deputies can finally realize their responsibility.

We will strive to ensure the implementation of the constitutional norm on personal voting. This could be achieved simply by using the system "Council", which was established during my terms as Speaker of the Verkhovna Rada. Criminal liability for voting with someone else's card has to be introduced in order to prevent the urge to vote for another MP.

I hope that these measures will give a powerful impetus to the stimulation of sound legislation, designed to further the development of the state and society. We have already developed and introduced several bills aimed at the restoration of Parliament and the revival and development of parliamentarism. It is clear that the current majority refused to consider them. For sure, we will pass them in the next Verkhovna Rada.

The other aspect of this issue is external and lies outside the Verkhovna Rada's and does not relate to parliamentary procedures. Voters are responsible for their choices, the quality of the parties and the candidates they will vote for on 28 October. It is the parties' responsibility to nominate their candidates. It is the responsibility of the election commissions that the election results reflect the will of the people, and not the will of the authorities.

I am convinced that **if there is to be no external, proper civil control over Parliament's activities, then there will be no revival of parliamentarism.** Only the people of Ukraine, as the only source of power, have the right and duty to demand the protection of their interests from MPs. The task of Parliament is to serve the people! ■

UKRAINE ON THE EVE OF PARLIAMENTARY ELECTIONS: WILL THE EXPECTATIONS OF CITIZENS COME TRUE?*

THE TIME OF ELECTION IS A GOOD TIME TO REFLECT, REVIEW AND ASSESS THE PARLIAMENT AS AN INSTITUTION



Eleanor VALENTINE,
Director of the Parliamentary
Development Project II of Ukraine

The Parliamentary Development Project of Ukraine Legislative Policy Development Program (PDP) II financed by USAID since 1994 has been working with the Verkhovna Rada on institutional development issues during four convocations and even before PDP had begun operations in Ukraine, Indiana University had been working with deputies from the first convocation. As the Secretary General of the Association of Secretaries General of Parliaments Anders Forsberg has remarked all parliaments are constantly evolving and the transition from one term to the next at the time of election is a good time to reflect, review and assess the parliament as an institution. This helps to inform the parliament and the public about what has been achieved and where the legislature has fallen short of expectations.

It was for this reason that we were happy to support this initiative of the Razumkov Center, so that the expectation of voters of the new parliament could be recorded and so that experts could help identify and assess where the parliament was strong where it was weak. This information will be used to help the new members of the Verkhovna Rada to stand up to public scrutiny and to be held to account by the voters. We will also compare the results of how voters assess the parliament to a survey of how the members of the 6th Convocation of the Verkhovna Rada assess it. Both perspectives will be important orientation documents for members of the new 7th convocation of the Verkhovna Rada.

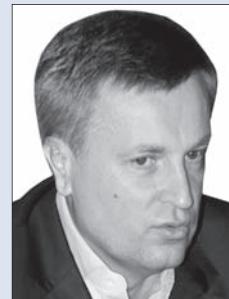
The public looks to their elected representatives to listen to and engage citizens. The public expects members to be personally accountable and to ensure the accountability of the Verkhovna Rada of Ukraine as an institution. The citizens want their members

to be active and want them to have a team capable of helping them do their work. Citizens want their MPs to keep them informed through traditional mass media and increasingly through the internet and social media

The 12% approval rating of the Verkhovna Rada presented in this report is a deep dip from the 20-25% rating of previous years. Political parties have not been seen to a significant player in representing the peoples' needs or interests. Though 21% of respondents believe that MPs should represent citizens, and, to a lesser extent that the parliament should have an oversight role. Generally, people want the party to have a consistent stand on issues.

For me the most worrying result of this survey is that only 28% of respondents feel that it is citizens who influence most their MPs. What this says to me is that people feel that MPs do not listen to the people whom they represent. ■

ELECTION RESULTS NEED PROTECTION



Valentyn NALYVAICHENKO,
Leader of the Civic Initiative
“Renovation of the Country”,
Candidate for a Member of
Parliament of Ukraine representing
the political party “UDAR”

I will briefly focus on major trends. ***First of all:*** all of us could see the hideous portrait of political corruption in Ukraine, which had been depicted by experts and political analysts since long time ago. The answer to what is happening to the Ukrainian Parliament lies in the recognition of this major disease. **The price of political corruption is betrayal.**

Political parties in opposition are currently suffering from imperfection of a recently adopted electoral law that is traitorous in itself. All its shortcomings are fully revealed in the work of majority constituencies, precinct election commissions where our people are not allowed to work. District election committees face problems too – we witness manipulations and preparatory work for falsifications.

* Roundtable discussion was held on September 26, 2012. Texts of reports prepared according to the shorthand record of the discussion are presented in the order of the speakers' presentation during the discussion in the language which a speaker used.



Secondly, we should realise that these elections offer a good opportunity for political parties, international experts and experts inside the country to strongly support non-governmental organisations and public environment. They are worth the support, because, for example, a lot of Ukrainian non-governmental organisations launched an initiative to deprive each and everybody of their privileges, including the Members of Parliament, government officials and the President, and to spend the funds saved on fighting dangerous diseases such as tuberculosis, HIV/AIDS, etc.

Thirdly, today the opposition forces are united in a shared understanding that the election results should be protected. We need to forget about all offences and mutual suspicions and realise that every majority constituency, each committee, each record are our priorities for which we need to consolidate and show the society the best solution, rather than look for the guilty. ■

WE OBSERVE SIGNIFICANT CHANGES IN SOCIETY, WHICH IS A POSITIVE TREND IN ITSELF



Ksenia LIAPINA,
*Member of Parliament
of Ukraine, Candidate for
a Member of Parliament
representing All-Ukrainian
Union "Batkivshchyna"*

This election campaign is rather interesting. We understand how big the risks are for Ukraine and how the public choice will influence the future of Ukraine. Once again, the country is facing the choice of a world outlook. For me, as a candidate from a majority constituency and a person who is keen on analysing it has been very interesting, during all this time, to communicate with voters and to see the results of the research conducted directly in the constituency. Here, you can see how problems and benefits of the future Parliament are determined through the thoughts and attitudes of voters.

What can we observe? In fact, there are completely opposite and incompatible schemes of Ukraine's development born in the mind of a voter. On the one hand, the Soviet view is still alive – the government should provide everyone with everything, and the citizen has nothing to worry about. On the other hand, new visions are being formed that the state should create conditions and provide only those with necessities of life who need it. These two completely opposite concepts are sometimes used in the mind of one man. That is a man, calling for a state building, which will develop production, guarantee jobs, particularly for young and talented people, defend free use of public transport not only for pensioners, but also for pupils and students.

To our shame we all should be blamed for this, we have not built our propaganda work on clear ideological grounds. We address our voters with the slogan "Everyone will get everything necessary!" Unfortunately, such a trend is being applied during these elections too. **All parties promise nearly the same**, for example, the promise to deprive deputies of their privileges. I would like to remind you that we, the Members of

the Parliament, have already given such promises, and voters do not really believe that we will keep them.

The next interesting feature is that, on the one hand, a **voter understands that oligarchy is destroying the future of Ukraine** and is opposed to oligarchs, multimillionaires. On the other hand, the same person requires a candidate for deputy to immediately pave the roads at his/her own expense, build playgrounds, etc. In other words a candidate has to be a man with no money and be able to do certain things at his/her own expense. The combination of such opposite things is a certain standard for voters.

Unfortunately, all these things programme the future. In other words, a voter can make his/her choice again, without realising his/her own social and economic interests and responding to some clichés, emotional consequences of certain random actions. This causes disturbance about the quality of the next Parliament.

The credibility of the government grows right after the elections. Even after the recent presidential elections we could observe voters' illusions for half a year. They expected to have a continuously positive outcome. It did not happen, people started getting disillusioned. The situation with the Parliament may appear to be even worse due to voters' mistakes, which are the result of their own contradictory visions.

Besides, the voters continue to painfully perceive the debate. Everyone wants to hear only the view he/she shares. If he/she hears something contrary to their opinion, it should be banned, and such an opinion is not to be spread. The debate is perceived in quite a controversial manner. We often hear the same voters to announce contradictory recommendations that we should not listen to the opponents because they abuse each other, etc. In other words, the quality of debate at the political level remains low, and this understanding makes voters think about the futility of debate in itself. Although, if they have ever listened to a debate of high quality, rather than arguments at various talk shows, they would have probably changed their attitude to this issue.

In general, the public perception of the Parliament is now very complicated, but not deprived of some positive features. **The first feature** is that five years ago the voters paid little attention to personal work of each deputy, attendance of meetings by deputies, personal voting, etc. That is to say, the voters did not keep an eye on a candidate they were choosing. I think, today, the social movement is drawing the citizens' attention to those things, and it is a positive sign. **Voters start to take an active interest in attendance of the meeting by the Members of Parliament, personal voting, so that the candidate would not keep silent and would speak out in the Parliament.** In terms of the selection criteria being laid out right now, we are witnessing certain positive changes.

The second positive feature is the situation with TVi Channel's closure, which became an accelerator of social processes, when people began to realise the value of the freedom of speech. Earlier, they looked at it as something abstract. Today, we have a concrete example that the freedom of speech was lost and people felt it. I am being asked at every meeting "What are you doing and what should we do to get the TVi back in the television network? Voters require us to give specific recommendations, carry out actions, events. They want to participate in these events, and this is a very positive sign. **People felt the value of free speech in a very concrete form and they are ready to be directly involved in protecting this freedom.**



These two positive features will define the Parliament's future. Those candidates, who oppose freedom are losing support, people do not want to have such candidates. It often happens that deputies put to vote some barbaric laws (i.e. the libel law) but public pressure makes the deputies withdraw them.

It is almost impossible to predict the new composition of the Parliament. We understand that there will be the part of the deputies, who are clearly ideologically oriented, and it is also a criterion for voters, but, unfortunately, there will be the part that will pass due to certain "financial investments", and behaviour of those deputies could be quite unpredictable.

However, today we observe significant changes in the society, which is a positive trend in itself. ■

WE WILL NOT CHANGE OUR COUNTRY UNLESS WE CHANGE A POLITICIAN'S ATTITUDE TO HIS/HER VOTERS



Viktor CHUMAK,
*Director of the Ukrainian
Institute for Public Policy,
Candidate for a Member
of Parliament of Ukraine,
representing the political
party "UDAR"*

I completely agree with the previous conclusions concerning voters' expectations. However, I would probably disagree with the fact that voters do not need a tough debate. I have held 61 meetings with voters until now. Their number may be different about 15-30 people. But even if there is just one person, we talk to him/her, because that requires one person to carry the information and transmit it further.

I would like to analyse the reason why such attitudes prevail. After many years of working in the expert environment it became a habit for me to criticise politicians. **Programmes with empty content are a mixture of populism and various political ideologies that are rewritten every year in various ways. They are being developed by the same political analyst for several political forces.** I have always asked "Why is not it possible to talk about certain policy problems to voters? Why do not we discuss serious issues?".

But now, as a member of the electoral process, I have understood that these are smart politicians, rather than bad ones, that turn it into a political technology with a view to reducing the voters' attention to a politician. If we talk about state policy, we must hold responsibility for our words and our programmes. And now a person, who is going into politics, generally speaking, tells bedtime stories, making promises about the things that, as a matter of principle, are impossible to accomplish. In fact a voter has no alternative and casts his/her voice for this politician. And it turns out that the voter's requirements for a politician decrease.

Now, communicating with voters, we are talking about broken roads, unrepaired elevators, windows, playgrounds. And it turns out that a voter is immediately asking "Could you do this or that?". He/she clearly understands that such a "freebie" is possible only once in every five years, and

if you manage to use it, you are on a roll, if you do not – you lose a chance and have to wait for the next time. This determines the level of credibility of the Parliament. Thus, **the level of trust is dramatically declining both to each individual politician and the legislative body as a whole.**

Why would we build politics – the bridges of trust between the electorate and ourselves? Why would we report to the voters every month? Why would we meet them and hear their views every month? Why would this view be implemented in the decision of the Verkhovna Rada? When you may simply pay off later on. Why would a person who provides buckwheat or chronometers, make any public statements about state policy? Relationship with voters could be completed simply by the act of purchase and sale. There is no need for a deputy to meet him/her any longer.

But can we break this political technology? If we do not change the content of debates between voters and politicians (if a politician does not talk about the number of lanterns he is going to install, the number of the roads to be repaired in the constituency, but if he tells how the system works and what should be done for the system to repair all this), this ratio of trust and mistrust between voters and politicians will not change.

However, not everything has been lost yet. At the beginning of each meeting with voters, I say: "I understand that you do not believe me". And, what is more, I understand that voters believe that I am going to the government to fill my pockets and fall greedily upon the food tray. But after an hour of conversation, when you turn the discussion in a very tough direction and begin to change its character, describing how the system works and what should be done to change the system's attitude towards this person, he/she begins to listen to what you say. Therefore, it is definitely both a voter's and a politician's fault. **And if we do not change the attitude of a politician towards voters he/she is working with, we will not change our country, and it does need change.** ■

LEGITIMACY OF ELECTIONS, RATHER THAN THEIR FALSIFICATION IS THE MAIN OBJECTIVE OF THE GOVERNMENT



Vitaliy BALA,
*Director of "Situations
Modeling Agency"*

I am unhappily surprised by almost each and every election campaign of today's political parties. It **does not motivate voters to vote.** We observe a kind of "frontline" statements, split of everyone and everything into black and white. But if we divide everything into black and white, nobody wants to hear the opponent's opinion. Politicians and political forces are the first to be blamed for this.

Legitimacy of elections, rather than their falsification, which is widely spoken about, is the main objective of the government not just before the international community, but also before its own people. And this is what the government is working on.



After all, once popular “political tourism” was banned for a reason. CCTV cameras at polling stations will also contribute to legitimacy.

As for the opposition, its requirements are: *first of all*, motivation to participate in elections, and *second* – the protection of their results. No significant result can be achieved without considering the above mentioned points. And I would rather talk less about falsification, as it does not contribute to active participation of the opposition electorate in the elections.

The opponents of the government should have focused on two points. *The first one* is to bring hope to people i.e., to prove that if they win, things will change for the better. In other words, the opposition should have become an alternative and offer its own path to the country’s development. But as the political advertising shows, it is the government that provides an alternative to the opposition, since it claims that nothing is good and it will manage to do better. It is a political nonsense.

The second point is that the opposition should have appealed to human dignity. This could be a powerful motivation to participate in elections.

As for the expectations from parliamentarians, I think it depends on the citizens themselves, they will have the ones they elect. But there is a nuance. Political forces (the majoritarian representatives will probably do it better) failed to conduct the first stage of the campaign, which I call the enlightenment stage. They should have told people what they would do, what would happen to the country when they come to power. They had to show the agenda after the election. They failed to do so. There were no real messages that could motivate voters, and we witnessed that people did not support the debate.

As for the new Parliament, we should draw attention to the bills to be adopted by the new Parliament. This will help us determine the political balance of forces and the real winners. If the Parliament restores its powers (whatever applications and coalitions formed), we can assume that Ukraine is slowly beginning to return to the democratic path of development, its legal framework.

The proportion of new and current members will also be an interesting criterion for the Parliament evaluation. If the current members make up the majority in the Parliament, the situation will not get changed for the better. But everything goes along this way... ■

SHIFTING FOCUS ON LOCAL GOVERNMENT IS THE WAY TO SAVE THE COUNTRY



Yuriy HANUSHCHAK,
Member of Parliament
of Ukraine, Candidate for
a Member of the Parliament
representing the All-Ukrainian
Union “Batkivshchyna”

I want to dispel a few illusions. *The first one* is the illusion of mid-level businessmen that they will be allegedly independent in the Parliament. They will be easily cracked up, as there are powerful mechanisms for this. We are entering a phase of extreme monopolisation

of the country, where a small group of people belonging to big business (such as Rinat Akhmetov, Dmytro Firtash and Victor Pinchuk) can afford not to go to the Parliament and “pull the strings”. The rest of those who will come, (a) will not be able to protect their business, (b) will not be able to multiply it.

The *second* illusion is based on the fact that after entering the Parliament, you can avoid criminal liability. Talks of immunity are no more than yet another myth. **Mykhaylo Chechetov only has to say a word and the immunity would be removed in no time.** The only thing is that it requires effort, and we must work to make everything more or less “clean”. Mrs Tymoshenko’s scenario will not work out again, as it will evoke a wide response, everything should be done more or less professionally, but they are unable to work this way.

The *third* illusion is that the group of majoritarian representatives can reduce the degree of confrontation between the opposition and the government. Here, I should explain what I am taking about.

The main political feature of Ukraine is that we take the elections as the last battle – the battle for the state as such. This is one of the hallmarks of a postcolonial country. And as we witness it in all countries of this type, the confrontation in our country is quite clear: pro-imperial (pro-Russian) vs. national (pro-Ukrainian). There are three main issues: language, religion and nation. They have been used to divide the country more than ever. The question still remains whether Ukraine will be united, “glued” after the elections...

Thus, the question is whether the majoritarian representatives will manage to reduce the degree of confrontation.

It is clearly seen that there are no negotiators in the Parliament, they are removed at the earliest opportunity. Thus **the government does not listen to the opposition, and the opposition does not listen to the government.** After the imprisonment of Yuliya Tymoshenko, negotiations on any agreed actions were ceased. Unfortunately, the majoritarian representatives will not be able to change this situation. There will be just white and black, no “grey”. You either support the government or the opposition. If you support the government, no one will touch you, but if you are in opposition, you might go bankrupt.

Generally speaking, the requirements for the majoritarian representatives fell below the lowest level. A popular topic of gas agreements has not even been raised. The issues begin with a list of matters in the yard and do not go any further. No party (except for “UDAR”) has prioritised professionalism when selecting candidates. The party’s candidates running for “majoritarian” seats were virtually “thrown into the flames”. Therefore, I believe, **the professionalism of the next Verknovna Rada will be extremely low.**

What is the next? The voters’ expectations should be redirected. I often explain that the task of a Member of Parliament is to establish “game rules”, a Member of Parliament has to prepare laws. But the people do not need this – they need a particular action. Therefore, our competitors focus on certain things, they say: “I gave buckwheat, installed swings at playgrounds (and although everything was done at the expense of the budget) but I managed to direct this money to help you, in particular”. **And if this is what we expect, then the one, who stole the budget money to help the constituency, is a good guy.**

The only way to change this situation is to introduce power decentralisation by the first law of the new Parliament. We need to develop local government, enable local government bodies to take maximum responsibility. Finally, we need to allow them to make mistakes. There is degradation, rather than progress without making mistakes, their recognition and corrections. The Verkhovna Rada will never admit its mistakes. Even the revocation of the libel law will only draw attention away from the “land carve-up”, the Law on the Land Market. They introduced a bill on libel and all the media and the public focused on its discussion.

Media is currently ignoring the issues of regional significance, in order not to lose advertisers. They exclusively focus on scandals to increase their ratings. Nobody wants to consider complex issues such as: housing, public procurement legislation, local government, territorial organisation of power and so on. Nobody, including the oppositional 5th Kanal (5th Channel), is eager to cover such issues. This is a huge problem, since only the transfer of attention from “language” and similar issues to local government is the only way to save the country. ■

MUCH DEPENDS ON DIGNITY OF DEPUTIES TO BE ELECTED



Ihor ZHDANOV,
President of Analytical Centre
“Open Policy”

I have a feeling of returning to early 2000s. Then the Razumkov Centre prepared two reports on parliamentarism and opposition. Current estimates and estimates of that time are almost indistinguishable. Back then we talked about the crisis of parliamentarism, the poor performance of its functions by the Verkhovna Rada, first of all it concerned supervisory functions. And today the situation is the same.

Meanwhile, after the presidential elections of 2010, the Parliament had a chance to survive as a full-fledged parliamentary body, because under the Constitution of that time the government did not resign after the election of a new president and the coalition was formed on the basis of factions, rather than individual membership. However, following the decision of the Constitutional Court and tailored solutions taken by the parliamentarians, we “have what we have”. During the period of 2010-2011 we saw how at first the Parliament was turned into a branch of the Presidential Administration and then the so-call constitutional “anti-reform” was made through pseudo-legal methods (court decision). We could see that **the Party of Regions had the only one task that was to limit the role of the Parliament and to establish a vertical power structure.**

Unfortunately, the perception of the opposition during the late years of Leonid Kuchma’s presidency and the early years of Victor Yanukovych’s presidency has been virtually identical. The suggestions of the opposition in

the Parliament are not taken into account. Here are a few examples: the opposition has proposed 600 amendments to the Law on Local Elections, 6 000 amendments to the Tax Code (including from government representatives), among them zero was taken into consideration.

After the Tax Code was adopted, 245 000 businesses have been destroyed. Today, they no longer operate. I am a private entrepreneur myself and I have been out of work for a year and a half, until the Tax Code was amended in 2012, allowing small businesses to start their activity. It all demonstrates the attitude toward the proposals offered by the public and opposition.

And if the opposition is not able to represent the interests of a large part of the society, if it is disregarded in the Parliament, it goes out to streets and changes the parliamentary methods of work to an extra-parliamentary one...

As for the public mood we may witness a watershed moment. If the number of people disappointed with the current government and the situation in the country as a whole (at that time 65% of citizens believed that things were moving in the wrong direction) had been increasing by April 2012, now this number has decreased and makes about 55%. It means that social initiatives announced by the President, the adoption of the language law as the fulfilment of election promises allowed Victor Yanukovych and the Party of Regions to regain the support of voters and increase their rating.

The ambivalent consciousness of our voters determines their attitude to parliamentary candidates. On the one hand, cynical, pragmatic and consumerist attitude prevails: if during the previous elections everyone expected that something would be given, today everyone demands for it. And there is no other way to perceive parliamentary activity.

On the other hand, the situation with TVi Channel showed that people were eager to support those things that until recently they had considered as completely abstract, but when the Channel was closed, people began to protest and even transfer money to support the channel.

It is obvious that after changes made to the electoral system the next Verkhovna Rada will be different. **The proportional part will be a kind of prototype and a model of voting in the first round of presidential elections**, and most majoritarian representatives will represent one or another political party taking into account the results of political parties contesting on a proportional basis.

Further changes to the Constitution are likely to be made. In particular, it refers to the presidential elections in the Parliament. This could be the case, but on one condition that the powers of the President shall be such as they are in parliamentary republics. Let us take, for example, Germany, where the President has virtually no influence, but performs purely representative, ceremonial functions. If the society and political forces are offered a model where those powers, which Victor Yanukovych currently has, are preserved, the presidential elections by the Parliament will be absolutely unacceptable.

Nowadays, we obviously need to strengthen the parliamentary system, strengthen the supervisory function of the Parliament and reduce the President’s powers, which now comprise the appointment of all 490 heads of district administrations.



I am convinced that much depends on the dignity of the deputies to be elected, on whether they will manage to defend their own interests as parliamentarians, the interests of the Parliament and parliamentarism, and ultimately the interests of the state and society as a whole. ■

THE PARLIAMENT WILL FACE DIFFICULT TASKS, NAMELY, TO RESUME THE ROLE, POWERS AND FUNCTIONS OF THE VERTHOVNA RADA



Mykola KNIAZHYNISKYI,
Director of TVi Channel,
Candidate for a Member of
Parliament of Ukraine representing
the All-Ukrainian Union
“Batkivshchyna”

Like all the journalists, I have been paying attention to what is happening to the Ukrainian Parliament. After the so-called “judicial reform” the judicial system has lost its independence. After the “parliamentary reform” the Verkhovna Rada has lost influence and we can no longer say that Ukraine has a full-fledged parliamentarism, there is a kind of parody, quasi-parliamentarism.

It is rather difficult to change this, because in the absence of the judiciary system, Members of Parliament elected in majority constituencies, regardless of their party affiliation, will feel pressure from law enforcement system. Many of them are businessmen, and they will join the majority to retain their business, thereby preserving the current state of affairs.

As for the media there were several reasons for the pressure on our channel. *The first one* is that **we are not under the control of the authorities**. Representatives of various political parties are invited to various channels such as *Inter* and *the First National*, and *5th Kanal*, talk shows with Savic Shuster and Yuriy Kiselov, they are being spoken about in the news. The International Renaissance Foundation together with these channels announces various actions aimed at controlling unbiased news.

But no channel except for TVi has been carrying out serious journalistic investigations on corruption. This is the *second reason*. And how can voters evaluate the actions of the current government if there are no investigations on corruption observed in election constituencies? Recently in one of the districts, while communicating with people, we saw a pro-government candidate putting patches on the roads and writing his name on each of them. Such actions have assumed funny forms, and nobody is able to say whether it is a bribe or not. Who pays for this? Is it the budget money (as it is the case in Odessa, Kharkiv and other cities) or private financing? Where do they get the money from? No other channel brings up these issues.

The elections cannot be fair without media control. Why does not the media provide for public control? The Parliament should be overseeing the independence of regulatory bodies, including the National Television and Radio Broadcasting Council of Ukraine. But our

law is written in such a way that some members of the Verkhovna Rada are appointed by the President, and others are appointed by the Parliament. Clearly, all of them get appointed by the President through an obedient majority in the Parliament. This body is not controlled by the Parliament.

Equally, there is no real parliamentary control over law enforcement agencies. And we know really well the way in which security forces participate in the election campaign. Some agencies (such as the Security Service of Ukraine) have been legally withdrawn from the parliamentary control through this pseudo-reform. **We should call a spade a spade: today the elections are being controlled by one man, the President of Ukraine.** The international community is closely watching the elections, since no political force other than the Party of Regions exercises such control over the electoral process.

That is why the next Parliament will face very serious tasks, namely, to resume the role, powers and functions of the Parliament. Again, I would like to note once again that the majoritarian representatives will suffer from an extremely high political pressure. **The only hope is that all opposition forces will have a critical mass of people not related to the current government and not involved in the destruction of parliamentarism.** They will be represented in the Parliament and will be able to control the executive branch, as well as what is happening in the country.

This is the most important task of the next composition of Parliament and a common challenge for all democratic forces. I hope, the Verkhovna Rada will consist of 150 representatives of the democratic forces that may join a dialogue with the democratic world and change the current situation. Otherwise Ukraine will not have any prospects. ■

THE FUTURE PARLIAMENT WILL BE A MAJOR PLAYER



Viktor NEBOZHENKO,
Director of the Sociological
Service “Ukrainian Barometer”

A very interesting future is ahead of us. Today, we observe a kind of “cold war” between the government and the people. And we should not lie to ourselves that the government is winning. The citizens have lost, Ukraine have lost. But on October 28 everything will be over, and we will be watching yet another “Brazilian-Ukrainian serial” with relief, where the government will be suffering and the opposition, by the way, will still be searching for its role in this “serial”.

Whatever we say, **Ukraine is in crisis and it requires changes.** Soon we will have the new Parliament. No matter whether its composition will be better or worse, but it will have new people. The situation with the majoritarian representatives is not easy, they need to



deceive both the population and the government, these people will enter the Parliament and it will be very difficult to control them.

The crisis continues. There is a sharp decline in the prestige of the presidential power while authoritarian trends are increasing. In addition, **geopolitical isolation is growing**. The thing is that most members of the new Parliament will not objectively be ready to work in opposition, but the new Parliament will remain the center of attraction for all democratic forces. This is the only place where new political leaders will be brought up, or, at least, the old ones will have to catch up. Objectively speaking there will be a conflict between the President and the new Parliament.

First of all, we have moved on from oligarchic capitalism to a “**family capitalism**”, which does not need any Parliament, because the Parliament will not be able to accommodate so many relatives and friends. Even the South Asian countries cannot make it.

Secondly, we do not feel it yet, but in half a year we will start talking about that the “new” Parliament is “younger” than the “old” President, and one and the same political and economic decisions will be differently perceived by the “young” Parliament (that will be careful, because it will not want to be dissolved) and the President, who is already “on the counter”.

After October 28, the next phase, associated with presidential elections, will start. Immediately, there will be a conflict related to the appointment of the Prime Minister. Roughly speaking, the conflict will involve Pomidorov, Arbuzov and Yablochkin.¹ It is already obvious that the new Parliament will be divided over who supports whom. And it will be a serious issue, because it will also involve serious people. They will respect the experts, appear at their events. They will miss out only on the trip to Mizhhiria. The situation with the Cabinet of Ministers will not be easy either.

The logic of the current authoritarian regime requires constant destruction not only of local government, not only of the Ukrainian bureaucracy and oligarchy, but also of higher institutions. Therefore, **the Parliament will have to become the epicenter of the conflict**. And despite the constitutional coup that led us to a presidential republic of 1996, **the Parliament has become a major player and all the contradictions will be resolved there in particular**. In this situation the President will come to a sad conclusion that a lot of money and effort have been spent on all-out falsification that have not justified itself, and that something should be done with this Parliament. ■

Roundtable, 26 September, 2012



THE LAW MAKES IT POSSIBLE TO CONTROL THE ELECTIONS AND THAT SHOULD BE APPLIED



Oleksandr BARABASH,
Vice-President of
the Association of National
Deputies of Ukraine

The fundamental task of the electoral process is to ensure transparent, fair and democratic elections. If the elections are not held this way, then the problem of the declaration of the voters’ will becomes a problem “in itself”, i.e. the will of the voters is one thing, but the result of the elections in the records is another one.

The course of the current election campaign is the worst of all elections (I have participated in the elections holding several statuses since 1989). It is a very bad feature. Unfortunately, I was wrong saying that that everything would be as usual. It does not concern traditional problems with buckwheat or repair works mentioned in the previous speeches. The situation was the same 22 years ago. It will be somehow even romantic to fight against it. Such phenomena are observed at all elections, including the elections in democratic countries. **For any voter his/her own problems are the most important** (in different variations), rather than abstract programmes of the parties and their abstract virtues.

Issues of fairness and trustworthiness of the elections, treatment of the laws are too acute, as the price of these elections is very high. This is, *firstly*, a high political price. Today, more than ever the country faces a major issue of civilisation choice. And, *secondly*, there is a huge concentration of capital, and capital lives by the objective law. This law was formulated by Karl Marx in the XIX century: “Capital eschews no profit, just as Nature was formerly said to abhor a vacuum. With adequate profit, capital is very bold. A certain 10%, will ensure its employment anywhere; 20%, certain will produce eagerness; 50%, positive audacity; 100%, will make it ready to trample on all human laws; 300%, and there is not a crime at which it will scruple, nor a risk it will not run, even to the chance of its owner being hanged”.

It seems that we have approached the stage where capital, ignoring the laws, is ready to commit crimes. In some districts we are confidently moving to the next stage. Unfortunately, the sign of this dangerous trend is the participation of higher state bodies of Ukraine. I mean the following.

First of all, on November 17, 2011 the Verkhovna Rada passed a law which not only retained the unique anti-democratic and unconstitutional system of closed party lists, where the voters were actually brought to bit players, but also left a lot of gaps for its “creative” application.

Secondly, the Constitutional Court divested 400 000 of our citizens abroad of the right to vote under its entirely unreasonable decision.

¹ The author gives random surnames, implying that several political figures will compete for position of the Prime Minister.



Thirdly, the CEC, unfortunately, is more a generator of certain trends, rather than a defender of fair and transparent elections. They are the following: (a) the formation of constituencies, which formally took place under the law, but there were a lot of little complaints in terms of feasibility, rationality and common sense, (b) there were no polling stations in pre-trial detention centres (for about 30 000 voters), health centres (where on October 28, 100 000 people will have a holiday), (c) during the registration of candidates the law was reasonably applied (people were divested of their right to be elected having missed one word in the application), (d) the procedure for the formation of DEC and PEC proved the intentions of the CEC to promote unfair methods of the election campaign.

It is appropriate to cite a famous phrase by Vladimir Lenin: “...formally correct, but essentially sheer mockery”. In other words, **a random draw was formally held under the law, but in essence it was a legalised fraud**. I am amused by the statement of the press centre of the CEC, made in a form of “*our response to Curzon*”, stating that the “warlike” experts speak ill of the CEC, but the voters understand everything. The very fact of such a statement indicates that the CEC realises that their explanations look rather funny. The procedure takes about 40 minutes for one district, and if you hold it for 225 districts, it would take more than six days, and they would not manage to make it in time. It is strange to hold a random draw for 40 minutes in the 21st century! There is computer draw, a random number generator that could do everything in two minutes. There are drawing devices that will do it in three minutes. And instead of spending billions on web cameras, we could have purchased drawing devices spending several tens of thousands and held a random draw.

The same feature was typical of a random draw held for district election committees, when just a few days before the deadline to submit the candidates the CEC changed a draw procedure, applying a “creative” method for the formation of district committees. For example, over seven parties of the electoral process submitted candidates to the election committees in the district No.222. There were the parties amount them I have never heard of before. But they (about 30 parties) are submitting their candidates to all election committees!

If this tendency is not opposed with massive resistance, we will approach the stage, summing up the results of the voting, when there is no crime to stop us. This is currently happening in many constituencies in Kyiv. Here are a few examples. We may observe a completely unnatural flow of voters in the constituency No.222 in Solomiantsy district. It is a good thing that the CEC has stopped it. There was a fact of brutal beating of a trustee of one of the candidates and an attempt to burn his car. There were a lot of attacks on the points disseminating propaganda materials of some opposition candidates. The court in ensuring the appropriate action obliged to include the property and agitation tents in the asset list of another candidate. Although the following day the court overturned this absurd decision, it still left a bad taste in mouth.

Today, there are a lot cases like this, and the greater the concentration of capital in the districts is, the greater the danger is that when summing up the election results we may face the cruellest and the most cynical methods. First and foremost, I appeal to the candidates and political parties. Fate and fairness of the elections are in their hands. The law makes it possible to control them and it should be applied. ■

PESSIMISTIC EXPECTATIONS OF THE CITIZENS SEEM TO COME TRUE



Olha AIVAZOVSKA,
*Chairman of the Board
of the Civil Network “OPORA”*

Within the framework of the monitoring campaign I have to travel a lot around Ukraine. While being in one very large eastern region, I was able to talk to some politicians who in informal communication informed about the results of the internal (headquarters) sociology, inaccessible to the media. In this region, with more than 20 constituencies, the candidate from the political force, which has virtually monopolised electoral support in the region, has the highest rating in the majority constituency.

He has not been a politician before; he has only recently emerged in the political realm. His surname is well known and he has the highest ranking in the region. This happened because the candidate has come before voters with no negative rating. He has not done anything because he was out of Ukraine in recent years, but returned to voters with gifts and lots of promises.

The regional centre sends new vehicles to this district and carries out a lot of other things. The voters’ response is corresponding, despite the fact that there are other districts where candidates use the same methods for a long time, but a brand of political power, which has absolute support within this region, is winning.

Therefore, **the expectations of voters**, unfortunately, **are different from what the experts hope them to be**. Besides the expectations of voters are to some extent the result of political degradation and total rejection of each other by politicians. We have to admit it and talk about it. If we want competitive, fair and democratic elections, we have to speak during the election campaigns not only about the procedures or specific proposals in the programmes, but also give voters information on what each Member of Parliament could provide them with.

The voters may actually want more than what is being offered to them (TV tuner, food or a playground) but they are unaware of it. As the case might be, we have sociological data being constantly published by the Democratic Initiatives Foundation, including the expectations for fair elections. These expectations as usual are extremely low. We have to admit that an overall “pain threshold” as for the elections is very high, i.e. **nothing can virtually surprise the voters**.

As for the election campaign, there is a situation that the procedural part of the electoral campaign has two dimensions. **The first dimension** involves huge investments in the elections, video monitoring, early invitation of international missions, etc. It is all good. However, the electoral process has actually started last year, and the first negative step made was the adoption of the Law on elections, to be precise – the content of this Law.



Although it was made legitimate by the constitutional majority, we all know the way it happened and we also know that the document submitted to the Verkhovna Rada differs from the one that the experts, the Venice Commission, IFES and others had seen. We can say that electoral tensions started to appear since that time.

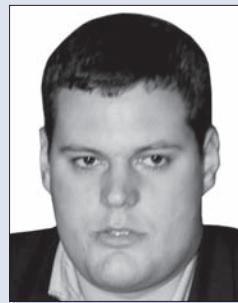
Another question is constant improvement of this Law by the CEC. In general, the first draft of technical changes, which was offered but was not adopted due to political fear, is a big disadvantage, especially for the opposition. A lot of technical issues, which we are now starting to see, could have been removed. The acts committed step by step by the CEC indicate that its resolutions establish new legislative regulations that sometimes contradict the Constitution. This often goes overlooked by the public, experts and the media.

The second dimension is related to the fact that due to political expediency civil rights are being violated, namely the ban on a temporary change of a voting address (in fact, today it can be done only in a single-member constituency). The overall logic is not clear. There is the citizens' right to vote and in order to neutralise the actions of several candidates within Ukraine currently abusing the right to a temporary change of a voting address, we happen to deprive honest citizens of their right of choice but do not punish those, who abuse their power and should take responsibility according to the Criminal Code (Articles 157).

The principle of a random draw of the office in all 225 district election commissions raises the level of political and social tension more than up to 100%. It is not clear what is the reason to use radical methods to bring technical parties to the majority in the election commissions, if there are serious advantages of certain political forces in a huge number of districts. It is obvious that there is no ability and desire to work in a different way.

Competitive nature of elections has been partially provided, but instead of being consisted of equal opportunities for candidates to have access to their voters or the media and of equal attitude of the government to the candidates, the political competition has been demonstrated on the street, in hand-to-hand fights near the tents, in quarrels between the candidates and their representatives. But we will not see this competition in the election commissions, courts, media, during the debates, etc. I think, the citizens' expectations are about to come true, and these expectations are very pessimistic. ■

THE SOCIETY SHOULD BE PROVIDED WITH AN ALTERNATIVE FOR THE FUTURE



Andriy ILYENKO,
Deputy of Kyiv Regional Council,
Candidate for a Member of
Parliament of Ukraine representing
the All-Ukrainian Union "Svoboda"

We are realists and we understand that we should not be expecting anything special from the next parliament. Everybody understands perfectly that these elections

are transitional and unlikely to affect the situation in the near future. We understand that today **our society is disillusioned and apathetic**.

Unfortunately, we should admit that a distinctive alternative to what is happening in the country has not been offered yet. Even if the Parliament has the majority or a certain number of Members of Parliament in opposition who will not let the Party of Regions and its satellites monopolise the political process, the situation will not change much since our Parliament does not decide on anything, especially after the "anti-reform" of 2010.

The Parliament can be seen as a kind of tribune or a catalyst of politics that should be implemented "on the streets", rather than in the Parliament, as parliamentary politics in Ukraine has been destroyed and these elections are unlikely to restore it, at least in its fullest form. Elections can only restore a certain political process, abolish the monopoly of one party, create at least some effective competition in the Parliament, but **the main politics will take place on the streets**.

In this context, **legitimacy of the next Parliament is the key issue**. It is clear, if it is absolutely illegitimate, as its predecessor with the majority represented by the "party-switchers" and established on the basis of political corruption, then we should forget the fact that there was an institution called "Parliament" in Ukraine. Then, we should realise that we need to move to a completely different control methods and think of completely different methods to change the political regime in Ukraine.

As for the majority constituencies, the situation is contradictory. On the one hand, it enables to fill the Parliament with a "new blood" by bringing people with strong personalities, not just lovers, drivers, guards or masseurs. But on the other hand, we understand the methods currently used in majority constituencies, which are being transformed into platforms to promote "moneybags", "buckwheat providers", or persons under someone's patronage.

As for the new electoral law, this law is absolutely ridiculous. The law has preserved closed party lists, which is a political anachronism unacceptable to a democratic process. **This law promotes "oligarchalisation" and political corruption**. It creates conditions for falsification. In particular, there is a valid regulation that the party, which has nominated at least one majoritarian representative in at least one district is entitled to submit candidates to the district election commissions throughout Ukraine. And these parties win a random draw and submit candidates to all district commissions. That is a complete nonsense! How such a law containing such a paragraph, which obviously opens the way for corruption and falsification of the parliamentary elections, could be voted for.

The law also stipulates that a person can vote for a majoritarian representative not in his/her district. Why could not they write that a person can vote only for a party list not in his/her constituency, while losing the right to vote for a majoritarian representative? How can a person who does not live in the constituency, vote for a majoritarian candidate? It is good that this regulation has been somewhat differently interpreted. This is a great victory. We had been "screaming" about this inadequacy everywhere. If there had been such a regulation, no candidate from the opposition would have won in Kyiv, and it is not only the constituency No.222 or my constituency No.215 with a trade network "Epicentre". In that situation ten, twenty, thirty thousand of people would have been brought to each constituency, they



would have arranged a kind of “merry-go-round” around Kyiv and pro-government candidates would have won in the capital.

Thanks to the efforts on behalf of the civil society and some political forces this provision was cancelled by the CEC. I am a majoritarian candidate, I work daily in the district and I have held about 200 meetings with people and I can talk about the mood of voters in Kyiv. Today, only the direct communication and personal contact with people can win back the voters’ trust. Indeed, the levels of apathy are disastrous and the opposition electorate is potentially the most disappointed – it will not vote for the Party of Regions, but at the same time it has become disillusioned with the opposition, too. It is good that the “quantity” of distrust has not been transformed into “quality” yet. People believe that they mean nothing to us [politicians], that we are unwilling to do anything, etc.

But just as nature abhors a vacuum and so does the society. There will be some explicit response to a huge request for systemic changes in politics. Everyone understands that we must fundamentally change the system. But the politicians have not worked out this alternative for people to be ready to believe in it today. We, the opposition, should at least not lose. **We cannot allow dramatic falsification, political monopoly of one party in Ukraine.** And then, we have to serve the example how to be different from the government and provide the public with an alternative for the future. ■

POLITICAL WEIGHT OF THE PARLIAMENT SHOULD BE RESTORED



Volodymyr FESENKO,
Chairman of the Board of the
Centre for Applied Political
Studies “Penta”

The main issue in the analysis of situation surrounding the elections is the public mood. **We observe a mixture of distrust, scepticism, and critical attitude to the government and at the same time consumer mood** based on a principle “something is better than nothing”. The consumer mood and unwillingness to participate in the elections were caused by an absolute distrust of government and the opposition.

However, there is still some hope remaining that the situation will change. It is very important for political parties to choose the right strategy and tactics by taking into account mixed public moods. Today, we observe the elections as a big game of promises – in which a lot of voters still happen to believe – as a great show with gifts and totes. Some parts of the society are pleased to participate in this show. Moreover, certain day-to-day interests have chances to be realised within the framework of the election campaign.

It is important that **the elections have reduced political tension**. The government has not won against

the opponents as yet. It has been rather exploiting these consumer interests and distrust moods. And the opposition, so far, has failed to find an adequate response. It has put forward radical slogans, which a lot of opposition-minded voters do not believe in. They share the opposition’s critical attitude toward the government, but do not believe that the opposition will stop it. Here, **we should think how to overcome this barrier of alienation and distrust and mobilise the opposition-minded voters.**

One should also note that the parliamentary elections are related to hopes for a political change both in the country and in the Parliament. The only question is how to make it happen.

I share a pessimistic attitude toward the election programmes and expectations associated with them. The parties are now responding not to the interests of voters, but rather to their moods as well as to some political myths. Unfortunately, there are no attitudes as such related to stable interests of different social groups. There is an interest in improving life standards, which the ruling party is using, and as for critical attitudes, they are somewhat abstract and they still have to be focused. And there is a positive component in the political myths, including the new force, renovation of Ukrainian politics in particular, but it also displays itself in a rather deformed shape. Candidates in the majority constituencies are just playing on instincts of voters, including the consumer mood, which is so much spoken about.

As for the electoral system, its change has a somewhat contradictory impact. On the one hand, we should understand and remember that the renovation of a majoritarian component was a response to the request of the society. About 40% of the citizens stood for the return of the majority component of the elections restoring communication with regional interests. The Ukrainian parliamentarism also requires it. On the other hand, what form should it take? They have done in such a way that provides the ruling party with certain privileges and bonuses and neutralises its dropping rating. And the negative features of a majority component have come to the surface.

We clearly see that **the excessive use of administrative resources will be particularly observed in majority constituencies**. And they show more conflicts, more dirtiness, and sometimes blood. A picture of “dirty elections” will be formed due to majoritarian constituencies. We should think how to get rid of this in future. Many experts believe we should search for a flexible legal mechanism. We are talking about the system with open party lists, which at the same time will take into account both territorial interests and a personal factor.

The ruling party will use a mixed electoral system in its own interests and most likely with the help of majoritarian representatives it will be able to form a new parliamentary majority. But this new majority is unlikely to be as stable and sustainable as the current one. And it is a relatively positive feature of a mixed electoral system.

Generally speaking, the problem lies not in the electoral system as such, but in how the electoral system and electoral technology work. For example, a random draw is allegedly democratic procedure, but how is it used? And this is a question for the legislators of the next Parliament. **A random draw is necessary to be defined in a legal manner to work as**



a democratic procedure, rather than a procedure to manipulate the democratic process.

As for the future of Ukrainian parliamentarism, we should be honest: crisis of Ukrainian parliamentary has not started in 2010, it started much earlier, and one of the factors of this crisis is the system of closed party lists, which turned a majority of deputies into ordinary “button pushers” – when the work of the Verkhovna Rada depends on several dozens of members, all others do not affect the process. And the party lists were compiled under the leaders’ will. The criteria of deputies’ professionalism, ideological grounds were not always taken into account. And now this “disease” has survived because of the proportional component of elections.

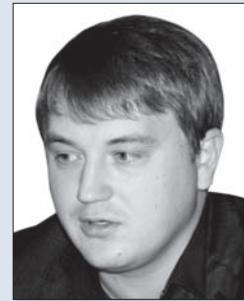
Another important factor is irresponsible attitude of parties and their leaders to parliamentary work and activities of the factions and deputies. It is shown by the example of the ruling party. How could one possibly ignore parliamentary duties? This is not a norm, and there is no response to it! I am having mixed feelings toward the work of the civil movement “Chesno” but the information they provide and their criticism must be responded to. However, in many cases, there is no reaction, especially when it comes to blatant violation of parliamentary duties. One of the examples is the attitude toward voting with cards of other deputies. Only when the public raised this issue, it was responded to. Even the opposition suffers the same “disease”. I hope, the next parliament will begin to cure this “disease” as well as many others.

However, the revival of the Verkhovna Rada’s powers is not enough to overcome the crisis. I would like to remind you that in the late 1990s and early 2000s, the situation in the Parliament was not perfect, but the Parliament was much stronger and more efficient, even under the Constitution of 1996. It was more independent. And it is a challenge for all political parties and members of Parliament to restore the political weight of the Verkhovna Rada, rather than rely only on changing the Constitution.

In my opinion, in this situation the main task is not only to make political changes but also to radically change the patterns of Ukrainian parties’ behaviour and individual members of Parliament. Without changes, the credibility of the Verkhovna Rada of Ukraine will not be restored. But restoring the credibility of the Parliament is not only the “treatment” for Ukrainian parliamentarism, this is a “treatment” for the government in general. If we do not change the government as a whole, nothing will happen to Ukrainian parliamentarism. ■



THE ELECTION RESULTS SHOULD BE UPHELD TOGETHER



Yevhen SUSLOV,
Member of Parliament
of Ukraine, Candidate for
a Member of Parliament of
Ukraine representing the party
“Ukraine – Forward!”

Travelling around Ukraine, actively talking to people, I concluded that we are still not ready for the elections in majority constituencies. The problem was that our society, the public are not prepared for a proper evaluation and election of candidates. I mean, first of all, the evaluation of their legislative work rather than financial capacities and financial assistance.

When visiting a presentation of the Civil Movement “Chesno”, my attention was drawn to the fact that the most important criterion for evaluating each member of the Parliament of the last convocation was its professionalism as a Member of Parliament, i.e. his/her legislative initiatives, positions which he/she defended in the Parliament, therefore his/her parliamentary work. This is the most important factor, and other merits are secondary. People have to evaluate a deputy’s own opinion, rather than how regularly he pressed the button to vote. So the deputies need to communicate more with people and offer a quality selection of both political parties and majoritarian candidates.

There is a tricky situation in majority constituencies today, especially in Western Ukraine, where the opposition holds a rather strong position. “Weak” candidates are deliberately nominated in this region. It is obvious they took part in the election campaign just to participate in the electoral process rather than win and represent a majority in the Parliament.

In order to change the government it is necessary to ensure a democratic majority in the Parliament. Competition should be fair. We, on our part, are really trying to show people new faces, show politics of a new quality.

Protection of votes is turning into a huge problem. Everyone is convinced that there is no opportunity to defend voices because everything has been decided beforehand, whatever choices of political parties are made, and the result is already known, etc. This is the greatest danger, so by October 28 all the political forces and the majoritarian representatives have to do their best for a voter to come out and vote. This is especially true of Kyiv and big cities, where it is much harder to motivate and make voters come to the polling stations. I am convinced that if we all gather together and defend the election results, we will be able to assert them.

I have been to the village of Hvizdets, near Coloma recently. I was surprised that a community of people gathered together and built a community centre there. The whole community from 15-year to 90-year-old people took part, they did it free of charge, as they understood that they were doing it for themselves. They build a centre of high quality with health department, library and gym.



We should understand that the elections are held not for someone, they are held to unite and change this system. It is important to decentralise the government and give the opportunity for local government to develop. The system should be changed. If you want, you can change everything. ■

THE INFLUENCE OF CIVIL SOCIETY ON POLITICAL PROCESSES TODAY IS QUITE HIGH



Pavlo ROZENKO,
Leading expert of the Razumkov
Centre, Candidate for a Member
of Parliament of Ukraine
representing the party "UDAR"

It would be probably wrong to say that the Parliament has lost credibility only in recent years. I have had the opportunity to work in the Parliament since 1994 and I see how the Parliament and each Member of Parliament have been losing their credibility since then.

The Constitution of Ukraine stipulates the name for the Ukrainian Parliament. It is the Verkhovna Rada of Ukraine. But what is placed inside the building No.5 at Hrushevsky Street does not conform to this combination of words according to its content. **Firstly, it can no longer be named Verkhovna (Supreme), because today no resolutions are adopted in the Parliament.** Before the start of each session of the Parliament, a certain man (everyone knows him) gets a piece of paper, where plus or minus is put, and then, according to the wave of his right hand, all the voting is made. The Verkhovna Rada does not pass any resolutions – it is done by the man who puts plus or minus.

Our society understands everything and is getting more and more disappointed with the Parliament's work. We all understand that basically only two deputies should be left in the Parliament, namely Volodymyr Lytvyn and Mykhaylo Chechetov. The first will stay to announce the agenda, the second will signal "for" or "against". Then the chairman will just sign these resolutions and submit to the President.

Secondly, the Parliament is no longer a *rada* (council). Expert debate on this or other issue has virtually disappeared in the Parliament. There is **neither debate among the Members of Parliament, nor contact between parliamentarians and representatives of civil society, scientists and experts.** There is some discussion still happening at the level of committees, but we cannot say that these discussions influence the final decisions adopted in the debating chamber.

The lack of such cooperation and nullification of the main principles of the Parliament's activity such as debate, search for consensus or compromise adversely affect the quality of the approved bills. Let us consider the Tax Code as an example, which was adopted almost without debate, but until now about 1000 amendments have been made to it.

Being an expert in social policy, I can say that there was a similar situation with the pension reform. Nobody denied that pension reform should be carried out preferably as soon as possible, but not in a manner it was held by the Government. The issue of retirement age could be debated, but the increase in pensionable service from the very start looked disastrous for future pension system. But nobody wanted to listen to scientists and experts. They just made members of Parliament change their opinion and "dragged" the pension bill to the debating chamber.

And what do we see today? There are registered submissions both from the deputies from the Party of Regions, and from Mr Lytvyn calling for a return to the previous pensionable service. This is a good example showing the quality of a law-making process!

Thirdly, this Parliament does not work for the benefit of the country. A striking example is the ratification of Kharkiv Agreements, the adoption of legislation on language, joining a free trade zone with the CIS countries and others. It is obvious that a vector of our Parliament's work is more eastward looking rather than pro-Ukrainian. Today, the highest legislative body defends the interests of a small group of people in power rather than national interests of Ukraine.

It is likely that the next Parliament will be different. I agree with all the criticism and comments on the current Law "On Elections of National Deputies of Ukraine". I think the biggest mistake of the opposition was that it supported changes to the electoral system and the amendments to the electoral law. This is a significant step backwards. However, there is a high probability that this step will be two steps forward in terms of the fate of parliamentarism in Ukraine.

The obvious positive moment of this situation is that the composition of Parliament will not be monolith. There will also be no monolith political party or faction. There will be a factor of party interests (it is proportional part), as well as rather serious factor of majoritarian representatives. Because each Member of Parliament, elected in the majority constituency, will have the need to contact people, look into their eyes and explain the logic of their actions in the Parliament. One thing is to vote for the pension reform, being in the Parliament by reason of party lists and the other thing is when you need to go to the electoral constituency to look into the people's eyes and explain them why you have voted this way.

I would not make forecasts as for the short life of the next composition of the Verkhovna Rada. Mixed electoral system will prevent its dissolution. It was easier for Victor Yushchenko to dissolve the proportional composition of Parliament and to convince the Members of Parliament to run the elections because there was a guarantee for them to be elected through party lists. It will not be easy to convince a majoritarian representative – who may not have exerted any efforts to win the elections – of the need to go through a new round of majoritarian elections, given that these three months of pre-election campaign were a tremendous stress for every majoritarian representative, even in the Donetsk region. Whatever we say: that the government works for them, that there is budget funding, that all the possibilities are created for them, but the whole process is still destructive to their nerve system, health in general and requires a huge flow of money from their own pockets. I do not think that in two or three years



these “wounds” will heal and a majoritarian representative will be ready to participate in early elections. **Mixed system gives high chances for the new composition of the Parliament to complete its constitutional term.**

There is no doubt that much depends on the outcome of the elections. In my opinion, all the democratic and opposition forces in the near future should demonstrate the ability to compromise, especially on approval of candidates in single-member constituencies. The better they do it, the better they show whether they are able to work in the future Parliament and consider themselves to be professional politicians.

I also hope for an increased pressure on members of the future parliament from the civil society. Many people criticise the movement “Chesno”, but everyone was very interested to learn that the current composition of the Rada consisted only of two or three members of Parliament who have voted only in person since its first day. And thanks to this community initiative, I hope that the next composition of the Verkhovna Rada will have at least a hundred of deputies voting in person. This is a good example of public influence on the situation in the higher echelons of power. Today, the influence of civil society on the political process is quite high and it should be increased, because it can and will produce concrete results for concrete issues relating to the country’s life. ■

APPLYING DEMOCRATIC MECHANISMS TO NOMINATE CANDIDATES



Oleksiy KLIASHTORNYI,
Chairman of the Central Coordination Committee of All-Ukrainian union “National Solidarity”, Public Committee “People’s Choice”

We promote the idea of holding primaries, which we have already organised in the Ternopil region, in Kamianets-Podilskyi and which we are currently holding in Kyiv region.

Pessimism prevails in this discussion. Instead of discussing whether positive expectations of voters, our discussion is focused on the topic whether negative expectations of voters will come true, whether a miracle happens and the most negative expectations will not come true.

To some extent, I share the view that the reason for this is the decreasing role of parliamentarism as such. But **we have a chance to change the situation with these parliamentary elections.** If, in fact, we bring a new political majority to the Parliament that follows course other than the course of President Viktor Yanukovych, the role and influence of the Parliament would be fundamentally different.

If people did not think of an adverse scenario, did not deem the outcome of the parliamentary elections as predefined, and did not consider the current political configuration as unchangeable, such pessimism would not prevail. **Both citizens and experts are feeling doomed.**

The reason is falsifications. We see that very massive falsifications are being prepared today, when parties, which will get less than 5% of votes all together, control most of the compositions of election committees. Such things have never happened anywhere before, and this is not a mere coincidence. There are technical means by which it is possible to falsify the election results nationwide. However, the opportunities for falsification are not limitless, as the events of 2004 had shown it.

I think, the reasons are even deeper-rooted and lie in the fact that **those occupying leading positions in the opposition, have failed to show voters a new quality of Ukrainian politics.** This was quite evident at the time of announcing the party lists – those whom these parties nominated in majority constituencies. The united opposition (and to a lesser extent “UDAR”) **deliberately played on giving way to the government in most of majority constituencies.** This refers to the nomination of candidates who are quite decent, but have no organisational and, above all, financial capacity to win elections. I think this is the main reason explaining the feeling of being doomed.

We propose using democratic mechanisms to nominate candidates – that are in force not only in the US, but also in many countries of Europe from Britain to Italy – to overcome this situation. If the opposition in Venezuela during the dictatorship of Hugo Chavez was able to apply the procedure of primaries for their candidates, then why is it not possible to apply it in Ukraine? The answer to this question is that the party leadership – the leaders of the opposition – prefer to nominate candidates in a covert manner.

But the last chance for democratisation has not been lost yet. We have a chance to withdraw candidates before October, 16. This means that the leadership of the United Opposition and the party “UDAR” would have to agree to hold primaries in key districts before this date.

However, sociological data make party agreements legitimate at higher levels. And it shows that under such a pessimistic scenario we will again get the old quality of politics and not only on the part of the government but also the opposition. According to this scenario the only intrigue of the upcoming elections would be whether the All-Ukrainian Union “Svoboda” will go to the Parliament and whether there will be at least one truly new element in the new Parliament. ■

THERE ARE NO REAL CONDITIONS FOR FAIR AND DEMOCRATIC ELECTIONS



Mykola MELNYK,
Research Fellow of the Razumkov Centre

These elections will not be free, fair and competitive, since there are no real conditions for such elections in Ukraine. Extremely high level of corruption, levelling of the principle of separation of powers and actual concentration of power in the hands of the President, the



lack of an independent court system and politicisation of law enforcement agencies are the negative factors eliminating the possibility of such elections.

Today, we are discussing the situation that the government began to model these elections during the adoption of the new Law on elections in autumn 2011. In my opinion, this happened even earlier, when it has unconstitutionally formed the coalition of deputies fractions using party-switchers, introduced the so-called "judicial reform" and "abolished the constitutional reform of 2004" after the resolution of the Constitutional Court. These three key events determined further development of the country and gave its current administration the opportunity to present a model of the next elections at its own discretion.

There are several features typical of the parliamentary elections of 2012.

The first feature is that systematic violations of the electoral law have a refined nature and a "civilized" form. **Those actions, which jeopardise the main principles of the electoral process, have been prudently withdrawn from the category of offenses and "legitimised".** For example, today, there is no need to "capture" district and precinct commissions, their formation under the law will be enough. And this is the way of how to control them.

The second feature is the apparent political preconception of election commissions. Thus we have all the reasons to state that there is one political orientation - a pro-government one – that will prevail in the majority of election commissions. This poses a threat to their activities to be biased and illegal. The current electoral campaign shows that **the problem surrounding the formation of election commissions has now taken an over-exaggerated shape.** It should be definitely resolved before the next elections. Otherwise, all negative moments of the electoral process will happen again in future.

The third feature is the actual lack of response of law enforcement agencies to massive violations of the election legislation. This is the so-called "law enforcement silence". The lack of adequate response of law enforcement agencies not only to violations made public by the media but also to official addresses of electoral subjects, including the CEC. To my mind, this is done in order to establish, on the one hand, favourable conditions for falsification and, on the other hand, for artificial facade of a free, honest and fair elections just to demonstrate – especially to the international community – that, there had been very few violations recorded as compared to the previous elections.

One more feature, which will certainly affect the voting process and the election results, is the installation of video cameras at polling stations. We can assume that the real purpose of this initiative does not match its declared purpose. The surveys conducted by the Razumkov Centre show that 15% of citizens think it is done to intimidate voters, to record their participation in the voting, other 13% believe that the cameras are installed in order to know the choice of voters.

What can and should be done today to bring the electoral process in line with international standards and guarantee the victory of democracy?

First of all, all those who are interested in free and fair elections should join forces to fight electoral violations. Unfortunately, today the response to such violations by the electoral subjects is unsystematic.

Meanwhile, all detected violations should be recorded and made public as far as possible. In this respect legal services of the parties should do their best. Widespread dissemination of information about their violation may lead to its neutralization to some extent. Public response to the running mechanism of "election migration" in certain districts in Kyiv and Kyiv region stopped the "electoral tourism" and forced the government to "back off". Clearly, the government did this not because such manipulations contradict legal and democratic principles of elections, but because the electoral losses for the ruling party would be sufficient, if not to neutralize these processes in some districts. Besides, fear of negative reactions on the part of the international community also happened to be the reason for this.

It is also important to ensure effective political and legal responses of the electoral subjects to electoral violations. We can effectively use the resources of the current deputies of Ukraine, namely their right to a deputy's request. There should be a corresponding legal response by the authorities and law enforcement agencies to such a request. However, their request and notification of voters per se will have a positive effect regardless of reaction on the part of law enforcement agencies.

Another way is a public response to electoral violations. It is about exercising a constitutional right by the citizens to peaceful assembly. Today it is not easy to hold them, given the level of public apathy and disappointment in baseless judicial restraints, but if desired, a legitimate way out is possible to be found here. The implementation of the initiative presented by the leader of the All-Ukrainian Union "Svoboda" about the presence of people at polling stations during the counting of votes may be effective.

It is crucial to stop confrontation between representatives of the democratic bloc in single-member constituencies. Only one of the opposition (democratic) candidates, who has good chances of winning, should be at the finish line. All others have to step back, still working in districts and using their potential both for supporting colleagues and increasing the number of supporters of his/her party.

Besides, a separate strategy for protecting the election results should be developed on the day of voting and counting of votes. All those who are interested in fair elections should get together for its development and implementation.

Even the current flawed electoral law provides some chances to hold free and fair elections. They may and should be applied to the extent possible. ■

Roundtable, 26 September, 2012



ELECTION PROGRAMMES OF MAIN POLITICAL PARTIES, THEIR SLOGANS, PRIORITIES, APPROACHES TO PROBLEM SOLVING*

Party of Regions	All-Ukrainian Association <i>Batkivschina</i>	UDAR	CPU	"Ukraine – Forward!"	All-Ukrainian Association <i>Svoboda</i>
"From stability to prosperity"	"A fair state, an honest government, a decent life"	"From a successful individual – to a successful country"	"We'll return the country to the people!"	"A new economy – a new country"	"Own power – Own property – Own dignity"
Social initiatives (wages, pensions, housing, medical care, healthy way of life, environmental protection, education, guarantees of employment)	<p>Minimum wages will be raised to UAH 2,400 – today's real subsistence level. The new subsistence level will be calculated not under wartime norms, as now, but on the basis of the value of goods and services necessary for normal human life in modern society.</p> <p>Within five years we will raise minimum wages to the double subsistence level – for families with children, even with minimum incomes, to be able to wage a full life, not spend all earning only on food and utility payment. We will do away with the disgraceful phenomenon of poverty among the employed.</p> <p>We will provide affordable housing for young families, doctors, teachers, military servants, law-enforcement officers at the expense of annual construction of 100 thousand apartments.</p> <p>The state must give the youths an opportunity to "find feet" in their country. Young families will get affordable housing thanks to state mortgage at 3% per annum, at the expense of social contracts with employers.</p> <p>Assistance at birth of the first child in 2012 will make UAH 28,830, the second – UAH 57,660, the third – UAH 115,320. By 2017, the amount of those payments will again double.</p> <p>... We will fully compensate all deposits with the USSR Savings Bank up to 5,000 UAH by 2017;</p> <ul style="list-style-type: none"> • the minimum pension will be 20% above the subsistence level; • we will substantially raise pensions for military servants, law-enforcement officers. 	<p>To set minimum wages and pensions at a level that guarantees a full live, not survival.</p> <p>To ensure the level of incomes of citizens that will allow every employed, not saving on food and clothes, to buy with monthly wages a refrigerator or a washing machine; an average family – to buy a car within 5 years, housing – within 10 years.</p> <p>To pay social assistance for education of children in low-income families until they reach the age of 15 years.</p> <p>To ensure true equality of incomes, opportunities for employment and career for women and men.</p> <p>We will perform recalulation of pensions. They will grow not by UAH 100, as before the elections, but by UAH 334, as required by the law.</p> <p>The unfair pension "reform" of Yanukovich-Azarov-Thipko will be cancelled. There will be one procedure of calculation of pensions for all. The amount of pensions will depend on the length of service, wages and working conditions. There will be no "special pensions".</p> <p>We will bring military servants' pensions in compliance with the level of money allowance for current servicemen.</p> <p>We will deprive the Government of the right to arbitrarily reduce the amount of privileges and social allowances. We will restore the effectiveness of social laws.</p> <p>Youths will get working places. We will pass a law guaranteeing the first working place for graduates of higher educational establishments who studied on the basis of the state order.</p> <p>... We will fully compensate all deposits with the USSR Savings Bank up to 5,000 UAH by 2017;</p> <ul style="list-style-type: none"> • the minimum pension will be 20% above the subsistence level; • we will substantially raise pensions for military servants, law-enforcement officers. 	<p>Guarantee of sustainable growth of incomes of the working people. The share of wages in the prime cost of produce will be not below 60%.</p> <p>Toughening state price control. Restoration of a network of state and municipal enterprises of retail trade, services, pharmacies.</p> <p>Quarterly indexation of the subsistence level, pensions, wages, scholarships with account of real inflation.</p> <p>Setting salaries in the public sector on a par with industry-average. The status of state servants for medics, workers of culture and education employed in state institutions.</p> <p>Preservation and expansion of social preferences.</p> <p>Cancellation of the retirement age rise. Guarantee of respect and decent life for veterans.</p> <p>Repayment of earned savings.</p> <p>Constitutional guarantee of priority funding of social expenses.</p> <p>Guarantee of the first working place for young specialists and free professional development and retraining of workers.</p> <p>To introduce state quotas of working places for youths at enterprises and institutions.</p> <p>To provide incentives to enterprises employing and training youths.</p> <p>To guarantee affordability of housing for young families.</p> <p>To introduce the target character as the main principle of provision of social assistance, to rule out its receipt by wealthy persons.</p> <p>To apply a common principle of cancellation of pensions for all. To gradually introduce a funded pension scheme.</p> <p>To gradually introduce an affordable and transparent system of obligatory medical insurance, guaranteed by the state.</p> <p>To annually increase budget support for the infrastructure of the healthy way of life, physical culture and sports.</p> <p>To guarantee obligatory and free complete secondary education, free vocational training.</p>	<p>Average wages at the level of €1 000 and average pension of €500 ...</p> <p>Doubling minimum pensions and wages.</p> <p>Guaranteed free medical care for socially unprotected strata of the population (children, disabled persons, pensioners, unemployed).</p> <p>Restoration of the sports movement and the system of physical education of children of early school age.</p> <p>Restoration of networks of child and youth schools, free sports sections.</p> <p>Construction of physical culture and recreational centres in every district of the country.</p> <p>The nation's health should become a priority line of the future state policy in Ukraine. Not destroying the present system of public health in the country, we will formulate new principles of the medical sector organisation.</p> <p>Shift of emphasis from hospital admission to prophylaxis. Relying on preventive medicine, we will pay particular attention to socially hazardous diseases (of the cardiovascular system, cancer, HIV/AIDS, tuberculosis), introduce obligatory clinical examination.</p> <p>Fundamental improvement of the quality of medical care on the principles of public-private partnership.</p> <p>Reduction of alcohol, tobacco and drug consumption through creation of conditions for a healthy way of life.</p> <p>Setting housing rental rates not above 10% of the subsistence level, provision of additional discounts for persons entitled to preferences.</p>	<p>To reverse the unfair pension reform...</p> <p>To cancel the value added tax. To introduce a single social tax on individual incomes with a progressive tax scale and basic rate of 20%. Not to tax individual incomes in the amount of minimum wages. To establish a progressive tax on luxury.</p> <p>To introduce a socially fair simplified taxation system. To ensure preferential conditions for return of all Ukrainian labour migrants to the home country. Their earned funds and property, if invested in business in Ukraine, shall be deemed investments not liable to tax.</p> <p>To introduce hourly wages. To set a quintuple ratio between maximum and minimum hourly wages of the public sector employees.</p> <p>To make the pension age dependent on life expectancy. To establish direct dependence of the size of pensions on the length of service and admissible quintuple ratio between maximum and minimum pensions in the pay-as-you-go pension scheme.</p> <p>To ban advertising of tobacco products and alcoholic beverages throughout the territory of Ukraine.</p> <p>To introduce criminal responsibility for propaganda of drug addiction and sexual perversions.</p>

*The Table contains quotes from the elections programmes. The working (except for Bold and Italic adjustments) is kept close to the original. Programme sections do not always coincide with subheading of the Table.



<p>We will provide quality and affordable medical assistance. We will guarantee:</p> <ul style="list-style-type: none"> • the average salary in the public health system – not below UAH 8,000 for doctors and UAH 5,500 for medical assistants; • reduction of prices of basic medicines by 30%; • 100% provision of cancer, cardiovascular diseases, tuberculosis, HIV/AIDS patients with medicines. <p>A perinatal centre will be open in every region, maternity homes will be reequipped.</p> <p>We will provide all rural areas with mobile ambulance stations.</p> <p>We will provide handicapped persons with adequate treatment and necessary technical rehabilitation means.</p> <p>We will create conditions for a healthy way of life: new swimming pools, stadiums, skating rinks and sports grounds will work in every district.</p>	<p>Unless the living standard is substantially raised, we will ban collection of fines for utility arrears, and moreover drive people out of their dwellings.</p> <p>Patient rights to guaranteed free medical service will be protected by the law. We will expand the network of public medical institutions, transfer to it hospitals for MPs and officials, including Feofaniya.</p> <p>For handicapped persons, we will implement the Barrier-Free Ukraine programme.</p> <p>Pure air, pure water, pure cities and villages are our goal.</p> <p>Education will become affordable and modern. We will expand the network of preschool establishments. In the secondary school, we will implement the programme "Learn English, as Ukrainian".</p> <p>We will preserve the system of external independent testing as the guarantee of equal capabilities and a safeguard against corruption at entrance to higher educational establishments. We will introduce state grants for higher education, encourage remote study in lead foreign universities.</p> <p>Improvement of the quality of education will include:</p> <ul style="list-style-type: none"> • guaranteed state order for at least 75% of seats at higher educational establishments; • payment of scholarships on a par with minimum wages; • wage rise for educationalists by at least 20% a year; • full provision of all schools with computers and Internet access. 	<p>Only an innovative economy resting on fundamental science, higher and vocational education, production and services can lead Ukraine out of the economic deadlock.</p> <p>... creation of a network of industrial parks on the basis of state higher educational establishments.</p> <p>... development of the network of preschool institutions as the key factor leveling life chances for children.</p> <p>Restoration of special, technical and vocational education in line with the needs of development of the national production potential involving manufacturers.</p> <p>A state programme of life-long education that will make it possible to upgrade skills, get new knowledge and skills in line with changes on the labour market.</p>
<p>We will provide quality and affordable medical assistance. We will guarantee:</p> <ul style="list-style-type: none"> • the average salary in the public health system – not below UAH 8,000 for doctors and UAH 5,500 for medical assistants; • reduction of prices of basic medicines by 30%; • 100% provision of cancer, cardiovascular diseases, tuberculosis, HIV/AIDS patients with medicines. <p>A perinatal centre will be open in every region, maternity homes will be reequipped.</p> <p>We will provide all rural areas with mobile ambulance stations.</p> <p>We will provide handicapped persons with adequate treatment and necessary technical rehabilitation means.</p> <p>We will create conditions for a healthy way of life: new swimming pools, stadiums, skating rinks and sports grounds will work in every district.</p>	<p>To give higher educational establishments broad autonomous powers, in particular, to involve business in transparent funding of their activity and to commercialise their scientific projects.</p> <p>To initiate a transparent programme of state grants for study of talented youths in the best higher educational establishments of Ukraine and the world.</p> <p>Pure air, pure water, pure cities and villages are our goal.</p> <p>Education will become affordable and modern. We will expand the network of preschool establishments. In the secondary school, we will implement the programme "Learn English, as Ukrainian".</p> <p>We will preserve the system of external independent testing as the guarantee of equal capabilities and a safeguard against corruption at entrance to higher educational establishments. We will introduce state grants for higher education, encourage remote study in lead foreign universities.</p> <p>Improvement of the quality of education will include:</p> <ul style="list-style-type: none"> • guaranteed state order for at least 75% of seats at higher educational establishments; • payment of scholarships on a par with minimum wages; • wage rise for educationalists by at least 20% a year; • full provision of all schools with computers and Internet access. 	<p>Provision of citizens with free medical assistance.</p> <p>Restoration of a state network of medical institutions, first of all, in small towns and village areas.</p> <p>Modernisation of medical institutions, first of all, maternity homes and children's hospitals.</p> <p>Procurement and distribution of medicines critical for preservation of the life of Ukraine's citizens for state funds.</p> <p>An increase in state expenditures on improvement of living conditions for handicapped persons.</p> <p>Control of the quality of food, consumer goods and medical services.</p> <p>Development of efficient state programmes of countering alcohol, drug addiction and AIDS among the youths.</p> <p>Return to free public preschool, secondary, vocational and higher education.</p> <p>Provision of proper funding of public educational establishments. Annual allocation of 10% of the GGP to education.</p> <p>Modernisation of facilities of public educational establishments.</p> <p>An increase in state orders for manufacturing jobs.</p>



Civil society (human rights, freedom of speech, language, culture, national minorities, religion, national identity)	
<p>We stand for:</p> <ul style="list-style-type: none"> ... intellectual freedom; freedom of speech; • equal opportunities for women and men in all sectors of life; • legislative provision of the civil right to mother language. <p>Provision of the status of the second official for the Russian language.</p>	<p>We will give civil society, journalists and the opposition efficient tools for control of the authorities' actions.</p> <p>... will not allow limitation of the freedom of speech, civil rights to gathering and peaceful protest.</p> <p>Formation of a modern Ukrainian political nation with a unique national identity, own history and a common European future will be a priority task.</p> <p>We will practically implement the status of the Ukrainian language as the only official. We will encourage its full-scale use in all sectors of public life, in particular, on TV, radio, in book printing, cinema and show business.</p> <p>We will create conditions for free development of all languages, guarantee the rights of national minorities in line with the European standards.</p>
<p>To support the Ukrainian cultural product.</p>	<p>An increase in the number and funding of state cultural institutions, libraries, book stores, first of all, in small towns and rural areas...</p> <p>A ban on propaganda of sexual debauchery, violence, racism, xenophobia and national enmity.</p> <p>Establishment of criminal responsibility for glorification of persons who collaborated with the Nazi regime and those who propagate those ideas today.</p> <p>Support for the canonical Orthodox church and believers of other confessions.</p> <p>Provision of the status of the second official for the Russian language by referendum.</p>
<p>To cancel the anti-Ukrainian Law of Kivalov-Kolesnichenko</p>	<p>Creation of modern cultural centres in every district.</p> <p>"On Principles of the State Language Policy". To adopt the Law "On Protection of the Ukrainian Language". To set up the State Committee for the Language Policy.</p> <p>To introduce an obligatory test in the Ukrainian language for state servants and candidates for elected posts. To oblige all state servants to use Ukrainian at work and in public speeches.</p> <p>To cancel taxes on Ukrainian-language book printing, audio and video products, software.</p> <p>To use every sixth hryvnia from profit from demonstration of foreign cinema products for the development of the national cinema industry.</p> <p>To regulate the use of the Ukrainian language in mass media in line with the share of Ukrainians – not less than 78% of the print area and air time.</p> <p>To organise domestic production of Ukrainian-language software for state institutions, educational establishments and free sale.</p> <p>To oblige budget-funded institutions to use only Ukrainian software.</p> <p>To open all archives of Cheka-GPU-NKVD-MGB-KGB.</p> <p>To recognise OUN-UPA fighters as participants of the national liberation struggle for state independence of Ukraine. To declare 14 October – the day of creation of UPA – a public holiday.</p> <p>To oblige all mass media to inform citizens of all their owners (for press – in every issue; for TV and radio – daily on the air).</p>



Economic policy (macroeconomics, small and medium business, taxes)	
We will provide for: <ul style="list-style-type: none"> GDP growth – at least 5% a year; stability of the national currency. <p>This will be achieved at the expense of: <ul style="list-style-type: none"> gradual reduction of the company profit tax to 16% in 2014; introduction of tax holidays for IT and innovative projects for 10 years; affordable bank credits for domestic manufacturers. Renovation of the infrastructure means: <ul style="list-style-type: none"> construction of modern motorways, enabling travel from the west to the east of Ukraine within 14 hours; new fast rail connection between the capital and regions; affordable flights for every Ukrainian; overhaul and construction of airports, sea and river ports, railway stations; construction of new metro stations and development of municipal transport. Ukraine will part with dependence on imports of energy resources. We will increase domestic extraction of coal, oil and shale gas. We will start development of shelf gas fields. We will expand the use of the energy of sun, wind and water.</p> <p>We will modernise thermal power plants for efficient use of domestic coal and other fuels.</p>	<p>...We will create new working places and support businessmen. Only seven taxes will be left in Ukraine. We will stop the flow of smuggling and low-quality goods.</p> <p>We will declare a war on monopolies in all sectors. We will create conditions for fair competition.</p> <p>We will defend consumers from high monopoly prices of goods and services.</p> <p>We will do away with the pressure of the regime of billionaires on small and medium businesses. All ownership in the country will be transparent. We will create conditions whereby it will be more beneficial to pay taxes than bribes to officials. We will cut the channels for drain of funds via offshore zones.</p> <p>We will investigate property and financial deals of the current authorities. We will return to the state the property unlawfully privatised by the team of Yanukovych.</p> <p>We will provide for:</p> <ul style="list-style-type: none"> GDP growth – at least 5% a year; stability of the national currency. <p>This will be achieved at the expense of: <ul style="list-style-type: none"> gradual reduction of the company profit tax to 16% in 2014; introduction of tax holidays for IT and innovative projects for 10 years; affordable bank credits for domestic manufacturers. Renovation of the infrastructure means: <ul style="list-style-type: none"> construction of modern motorways, enabling travel from the west to the east of Ukraine within 14 hours; new fast rail connection between the capital and regions; affordable flights for every Ukrainian; overhaul and construction of airports, sea and river ports, railway stations; construction of new metro stations and development of municipal transport. Ukraine will part with dependence on imports of energy resources. We will increase domestic extraction of coal, oil and shale gas. We will start development of shelf gas fields. We will expand the use of the energy of sun, wind and water.</p> <p>We will modernise thermal power plants for efficient use of domestic coal and other fuels.</p>
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We will support the tax militia	<p>We will liquidate the tax militia</p> <p>Killing business.</p> <p>We will channel domestically extracted gas to the needs of the housing and utilities sector and households. Energy conservation, an end to dependence on expensive Russian gas will be a national priority.</p>
To ban privatisation of strategic enterprises and to return previously privatised ones into state ownership. To guarantee state control of natural monopolies. To liquidate private monopolies and oligopolies.	<p>To ban privatisation of strategic enterprises and to return previously privatised ones into state ownership. To guarantee state control of natural monopolies. To liquidate private monopolies and oligopolies.</p> <p>To return into municipal ownership enterprises – monopolists in power, gas, heat and water supply and sewerage.</p>
Special credit and tax conditions for enterprises implementing investment projects and creating new working places.	<p>The state should regularly and insistently support national manufacturers.</p> <p>We stand for: <ul style="list-style-type: none"> State incentives for modernisation of production, technical re-equipment and introduction of advanced technologies. </p> <p>State support for export expansion of not only big but also small and medium producers, active defence of the interests of Ukrainian manufacturers abroad, promotion of the <i>Made in Ukraine</i> brand.</p>
State support for priority branches : information technologies, shipbuilding, aircraft building, machine building, instrument making, import of hi-tech foreign production facilities to Ukraine.	<p>To make complete inventory of all land and immovable property in Ukraine. To create a Single State Register of title to immovable property and land and to guarantee its publicity and transparency.</p> <p>To oblige the persons who took capitals into offshore zones to return them to Ukraine and to pay all due taxes on them.</p> <p>To nationalise enterprises, to attach bank accounts and forfeit the infringers' property.</p> <p>To ensure state control of the banking sector (state banks should account for at least 30% of the country's banking capital). To limit usurrious interests on bank credits for Ukrainian households and enterprises by the law.</p>
State monopoly on production and sale of alcoholic and tobacco products.	<p>State investments in infrastructure, on the condition of strict control of use of budget funds, raising funds on the basis of public-private partnership.</p> <p>Construction of six-lane highways to connect all regional centres of Ukraine.</p> <p>Implementation of projects of construction of fast passenger railways "North-South" and "East-West". This will fundamentally enhance labour mobility and ensure the country integration.</p> <p>Imposition of a tax on operations with offshore companies.</p>
...ban on privatisation of state enterprises , establishment of responsibility for their driving into bankruptcy.	<p>To ease fiscal pressure of the state on... small and medium business. To introduce a progressive taxation scale in line with the principle "small business – small taxes, big business – big taxes".</p>

Village, land		Stay of the Ukrainian land in the Ukrainian hands.	To counter introduction of the farming land market.
Moratorium on sale of farming land .	A ban on purchase and sale of farming land.	Consolidation of state banks that will issue credits to... agricultural producers at low interest rates.	To give it in long-term possession to Ukrainian citizens with the right of family inheritance. To allow sale of legally acquired plots only to the state.
construction of new elevators, vegetable and fruit stores;	To grant farming land ownership rights only to individuals – citizens of Ukraine.	State support for cooperative business associations, first of all, agricultural cooperatives.	Facilitation of agricultural producers' access to financial resources .
setting the land share price not less than UAH 20 000 per hectare, lease – not less than UAH 1 000 per hectare;	To set a zero profit tax rate, for newly-established enterprises ... in the countryside – for 5 years.	Annual investments in village development of not less than 7% of the GDP .	Encouragement of introduction of advanced production and processing technologies, development of agro-industrial centres of deep processing for small and medium farms.
Government (state governance, election, impeachment, immunity, revocation of MPs, fighting corruption, courts, local self-government)	<p>Legislative introduction of referendums for solution of publicly important issues.</p> <p>Granting trade unions the right of legislative initiative.</p> <p>Liquidation of the status of immunity for representatives of the authorities.</p> <p>Strict punishment for abuse of power.</p> <p>Reduction of expenses on maintenance of executives.</p> <p>Popular veto. To give citizens the right to reverse decisions of state authorities and local self-government bodies by referendum – except issues, referendum on which is banned by the Constitution of Ukraine.</p> <p>Popular vote of no-confidence. To give citizens the right to pass decisions of no-confidence in the local state administration head, militia and tax service chief, prosecutor, judge at a local referendum – entailing early termination of their powers.</p> <p>They in parliament will vote only personally. We will establish criminal responsibility for voting for another MP.</p> <p>We will cancel immunity for all – the President, national deputies, judges.</p> <p>We will reduce expenditures on the authorities two-fold.</p>		
Powers of local self-government bodies will be expanded;	To introduce mechanisms of direct popular action .	Utmost cuts of the bureaucratic machinery.	To immediately constitutionally remove from power the regime of oligarchic dictatorship, to remove the aftermath of its rule and not to allow the revenge.
• 60% of the consolidated state budget for local councils.	Popular legislative initiative . A bill supported by 150 thousand Ukraine's citizens must be reviewed by parliament as a matter of priority.	We stand for:	To pass the law on Impeachment of the President of Ukraine .
we will give citizens broad opportunities to influence the authorities through referendums.	Adoption of a law ruling out nepotism and clanship of the cadre.	A state target programme of development of small towns of Ukraine .	To dismiss Azarov's government.
We will introduce a mechanism of expression of no-confidence in the President by referendum.	Expansion of the Accounting Chamber powers.	Document circulation and issue of certificates shall be in the electronic format.	To perform Iustration – fundamental purification – of power.
We will regulate the procedure of impeachment of the head of state.	Transition to state budgeting "from the bottom".	We will remove all opportunities to use courts and law-enforcement bodies for unlawful taking and seizure of property.	To appoint to the posts vacant after the lustration young experts, graduates of Ukrainian higher educational establishments selected by the criteria of patriotism and professionalism.
We will pass a law that will make it possible to recall MPs.	Introduction of election of judges.	To liquidate regional and district state administrations, to assign their powers to executive committees of local councils.	To guarantee the right of territorial communities to recall council members of all levels, judges of local courts, and the right to express no-confidence in the executive committee head, land planner and head of the department of internal affairs by referendum.



	<p>To oppose political corruption – purchase of national deputies.</p> <p>To institute the proportional system of elections to parliament with open election lists.</p> <p>To introduce voting of national deputies by fingerprint.</p> <p>To investigate the lawfulness of privatisation processes initiated by Azarov's government.</p> <p>To introduce to the criminal legislation the principle "the higher the state post is, the stricter the responsibility for the committed crime is".</p> <p>To cancel parliamentary immunity for criminal and business crimes.</p> <p>To introduce election of local judges for the public for 5 years.</p>
We will cancel privileges for rulers. We will deprive officials of state residences and country houses. We will return Mezhyhirya into state ownership. We will set up the National Anti-Corruption Bureau that will break the backbone of corruption in power, first of all, in law-enforcement bodies. We will perform anti-corrupt lustration of all officials, starting with judges, prosecutors and investigators. Everyone who broke the law or does not live in accordance with his declaration will be dismissed from office, brought to responsibility and deprived of the right to work in state service. The lustration will purify the judicial system and state service. The Constitutional Court that became an accomplice to Yanukovich in usurpation of power and breach of rights of millions of citizens will be liquidated through constitutional changes. We will stop the flow of smuggling and low-quality goods. We will investigate property and financial deals of the current authorities. Those guilty of violation of the law will be brought to responsibility.	<p>To leave 100% of the individual income tax, land tax and immovable property tax in communities. To guarantee that redistribution of proceeds from the other taxes ensures funding of the community needs.</p> <p>To give the city mayor elected by Kyivites the powers of the Kyiv City State Administration Head.</p> <p>To ensure allocation of sufficient local budget funds for public self-organisation bodies' activity.</p> <p>To encourage investments in the community utility, transport, information, medical infrastructure.</p> <p>To oblige the official, not a citizen, to gather all required certificates.</p> <p>To ensure transition to electronic document circulation within a year.</p> <p>To introduce a mechanism of recalling council members of all levels.</p> <p>To have all judges appointed by the Higher Council of Justice. To staff it solely at the Congress of Judges of Ukraine.</p> <p>To introduce a court of 12 jury men to review grave crimes.</p> <p>To introduce at elections to parliament and local councils (except village and township) a purely proportional election system with open lists. To provide for the existence of regional multi-mandate districts for parliamentary elections. To have members of village and township councils elected under the majority system.</p> <p>To introduce election of city mayors in two rounds.</p> <p>To give voting rights at local elections to citizens who reached the age of 16 on the election day.</p>

Foreign policy	To cancel the treacherous "Kharkiv Agreements".
We will do away with the crisis in relations with the European Union . We will provide for signing and ratification of the Agreement of Association and free trade area with the EU. We will secure visa-free procedures with the European Union countries, partnership with the Russian Federation. European values are our values.	Foreign policy priority – accession to the Customs Union, Single Economic Space, Eurasian Economic Union . Termination of cooperation with the IMF. Revision of all unequal international agreements, first of all – within the WTO framework. Constitutional provision of the neutral and non-bloc status of Ukraine.
We will restore parliamentary and public control of power structures . We will clearly determine their functions, cut strength. Those structures will defend not the authorities from the people but rights and freedoms of Ukrainian citizens. Service in the Ukrainian army will be prestigious. We will reform public prosecution and law-enforcement bodies, turn them from repressive-punitive into human rights bodies, establish efficient civilian control of them. We will substantially cut the strength of special militia units , now used against peaceful citizens. Their servicemen will be given an opportunity to use their professional skills for fighting crime, protection of people's safety and property, defence of the state in the ranks of the professional Armed Forces.	Development of a new defence concept meeting present-day requirements. Support for the army rearmament with the best domestic systems. Guarantee of social protection of military servants. Granting them the status of state servants . To perform anti-corruption legislation – after an independent check of all officials, law-enforcement officers, judges and prosecutors, to dismiss all corrupt officials from office. To set up an independent Anti-Corruption Agency for detection and bringing to responsibility. To give citizens the right to pass decisions of no-confidence in the local state administration head, militia and tax service chief, prosecutor-judge at a local referendum – entailing early termination of their powers. To accomplish the creation of a professional army . To raise budget expenditures on the Armed Forces of Ukraine to at least 2% of the GDP , concentrating on technical modernisation of the army.
preservation of Ukraine's non-bloc status – the guarantee of security of every citizen; associated membership in the European Union , creation of a free trade area, removal of visa barriers between Ukraine and the EU; enhancement of economic cooperation within the free trade area with the CIS countries; strategic partnership with Russia, the USA, China; opening markets of G20 and developing countries for Ukraine; Use of the country's competitive advantages to get the right to hold sports and cultural events of the European and world level.	

Legal and regulatory framework supporting the activity of MPs: international experience¹

Country	Salary and other forms of material support, privileges	Termination of powers, parliamentary ethics (auxiliary obligations), liability (immunity)
Country	Support of activity, reimbursement of expenses on exercise of powers	Termination of powers, parliamentary ethics (auxiliary obligations), liability (immunity)
Belarus	<p>Members of the Chamber of Representatives, members of the Council of the Republic are equated to ministers of the Republic of Belarus by the level of salary, medical, sanatorium-resort, social and welfare services.</p> <p>All members, irrespective of the occupied position, except chairmen of the Parliament Chambers, their deputies, obtain equal monthly monetary reward in the amount of a minister's salary.</p> <p>A member of the Council of the Republic not working in the council on professional basis gets an extra pay to the salary in the amount of the difference between the average earning at the main place of work and the monetary reward of a Council member working of a professional basis.</p> <p>For living with family members, residential premises of the republican special official housing stock are granted in compliance with regulatory legal acts of the President of RB. Until official housing is obtained, a two-bed hotel room is granted, or expenses on rent of residential premises are reimbursed in accordance with the procedure and in the amount established by the law.</p> <p>After the end of office, retirement benefits are paid in the amount set for a minister, employment is guaranteed. They are provided with work upon their consent with account of the obtained qualification and experience of work in Parliament. At will, the previous place of work (position) is granted, except the position of a member of the Government of the RB and an elected position in state bodies, and in absence of such a possibility in connection with liquidation of the previous position, liquidation or reorganisation of the organisation – other similar work (position).</p> <p>Military servants and other persons whose service is regulated by manuals and regulations after the end of office are sent to the disposal of concerned republican bodies of state governance for further service at the previous, equal or higher position with their consent.</p> <p>The period of office in Parliament is included in the period of state service and the period of occupational work (service).</p> <p>Members are subject to obligatory state insurance against death (fatality), injury or other damage to health related with their discharge of parliamentary powers, against disease or disability that occurred during the period of office in Parliament, on the conditions set for a minister of the RB.</p> <p>In case of a member's death, irrespective of payments under obligatory state insurance, and social security, the family is paid a lumpsum allowance in the amount of 20 basic units at the expense of republican budget funds.</p> <p>Specificity of social security of a member of the Chamber of Representatives, a member of the Council of the Republic, including their monthly monetary allowance, is established by the President of RB.</p> <p>Pension maintenance of a member, including for special merits to the Republic of Belarus, is provided in line with the pension law.</p>	<p><i>Grounds for early termination of powers:</i></p> <ul style="list-style-type: none"> • in connection with election or appointment to a position inconsistent with the discharge of powers of a member of the Chamber of Representatives, a member of the Council of the Republic; • in connection with a written request for resignation on medical or other grounds preventing the discharge of powers; • in case of a court ruling of incapability or limited capability; • in case of a member's dissent to work professionally at the Chamber of Representatives within three months; • in case that elections or powers of some members of the Chamber of Representatives, members of the Council of the Republic are ruled invalid; • in connection with a verdict of guilty by the Supreme Court of RB entering into legal force; • in case of termination of citizenship of RB; • in case of recall; • in connection with a written request for resignation on personal grounds; • in case of non-signing commitments under Article 6, part 9 of the Law "On the Status of a Member of the Chamber of Representatives, a Member of the Council of the Republic of the National Assembly of the Republic of Belarus".² <p>Powers a member of the Chamber of Representatives, a member of the Council of the Republic working on a professional basis may be terminated early by a decision of the concerned chamber of the National Assembly of RB in case of:</p> <ul style="list-style-type: none"> • non-submission of a declaration of incomes and property or intentional presentation of incomplete or untrue data in it; • non-observance of the relevant limitations established by the law. <p>Voting for <i>recall of a member</i> is performed in accordance with the procedure envisaged for the member's election, on the initiative of not less than 20% of citizens entitled to vote and living on the relevant territory. The grounds for and procedures of recall of members of the Council of the Republic are established by the law.</p> <p><i>Bringing to responsibility (immunity)</i></p> <p>Members enjoy immunity at expression of their opinions and discharge of powers. Immunity also extends to their housing, official premises, personal and official transport means, correspondence, communications means used by them, and their documents. They cannot be brought to responsibility for a stand taken during voting and other actions corresponding to their status, including after the expiration of their office. This does not relate to their accusations of slander and insult.</p> <p>During the period of office they may be detained, otherwise deprived of personal freedom only with prior consent of the concerned chamber, except cases of commitment of state treason or another especially grave crime, or catching red-handed. They cannot be subjected to search or body search, except cases envisaged by legislative acts.</p> <p>A criminal case of an MP is considered by the Supreme Court of RB.</p>

¹ Unless specified otherwise, the Table is compiled on the basis of materials provided by the embassies of concerned countries at the Razumkov Centre's request.² Has no right to "take without the consent of the President of the Republic of Belarus state awards of foreign states" – Ed.

Bulgaria	<p>MPs are provided with housing in Sofia, if they have no their own on the territory of the Capital community. A member is entitled to a paid annual leave, concurrent with the leave of the National Assembly.</p> <p>Basic salary of an MP equals three average national salaries. An MP additionally receives bonuses for work experience (1% per year), academic degree (10-15%), as well as awards for outstanding service to the country. Taxes and insurance premiums are deducted from wages.</p>	<p>An MP is entitled to:</p> <ul style="list-style-type: none"> the right to free travel by state and municipal city transport, rail, motor and water transport reimbursement of expenses on travel by private bus, flights to districts located at a distance of over 250 km from Sofia (40 return air tickets a year, for others – up to 12 air tickets a year); the right to working premises in Sofia with necessary technical and communication means, and a personal web site in the Internet, up to 15 megabytes, supported by the National Assembly's server. <p>The amount of funds for housing, per diem limit, reimbursement for the use of a personal car are determined by the National Assembly Chairman.</p> <p><i>Grounds for early termination of powers:</i></p> <ul style="list-style-type: none"> resignation; effectiveness of a sentence imposing punishment in the form of imprisonment for an intentional crime, or if execution of punishment in the form of imprisonment is not deferred; establishment of impossibility of participation in elections, occupation of or appointment to a post occupation of which is inconsistent with discharge of powers of an MP; death. <p>In the two former cases, the decision is taken by the National Assembly, in the third case – by the Constitutional Court.</p> <p>If an MP is appointed a minister, he is replaced by the following candidate in the list, for the time while the MP discharges the functions of the minister. After dismissal from the ministerial post, powers of the MP are restored, and of the deputy – terminated.</p> <p><i>Bringing to responsibility (immunity)</i></p> <p>A member cannot be detained, and no criminal prosecution can be instituted against him without the National Assembly consent, in case of commitment of a grave crime, permission to criminal prosecution is not required, if the member's written consent is available. If there is enough information of commitment of a general crime, the Chief Prosecutor shall send a motivated letter to the National Assembly, requesting for permission to initiation of a criminal case.</p>
	<p>The United Kingdom</p> <p>The annual salary of a Member of Parliament makes £65 738. The speaker, faction leaders and other officials get extra funds for the discharge of their functions.</p> <p>In addition to the salary, financial assistance is provided in connection with disability, for social security and insurance.</p> <p>After the end of office, a former MP is guaranteed an allowance in the amount from 50% to 100% of his annual salary, dependent on the length of service.</p> <p>An MP is given 80 days of a summer leave, including for work in the constituency.</p>	<p>The speaker, faction leaders and other officials get extra funds for the discharge of their functions.</p> <p>In addition to the salary, financial assistance is provided in connection with disability, for social security and insurance.</p> <p>After the end of office, a former MP is guaranteed an allowance in the amount from 50% to 100% of his annual salary, dependent on the length of service.</p> <p>An MP is given 80 days of a summer leave, including for work in the constituency.</p> <p><i>Grounds for early termination of powers:</i></p> <ul style="list-style-type: none"> voluntarily taking a paid office of the Crown; being raised to the Peerage; being sentenced to imprisonment for a period longer than one year (under the Representation of the People Act 1981); being detained under Section 141 of the Mental Health Act 1983; being in receipt of a bankruptcy restrictions order, or a person against whom sequestration of estate has been awarded; being convicted of corrupt or illegal practices at elections; by motion of the House. <p>At present, a draft bill (of December 13 2011) is undergoing various discussions and pre-legislative examination, with proposals of a possible recall of an MP in the following circumstances:</p> <ol style="list-style-type: none"> Following conviction of an MP and being sentenced to 12 months of imprisonment. The House of Commons resolves that an MP should face recall for a serious wrongdoing (for example a serious breach of the Code of Conduct). <p>10% of the registered electorate in the relevant constituency will need to sign the petition for recall to go ahead, the seat to be vacated, and a by-election to be held.</p> <p><i>Code of Conduct (auxiliary obligations)</i></p> <p>An MPs can also be suspended from sitting in the House of Commons by the Speaker for disorderly conduct, removed from the house until the end of the day or a vote can be held in the House of Commons to suspend an MP for 5 days for the first offence and 20 days or more for further offences. During this time a suspended MP cannot take part in voting and debating in the Parliament and does not receive pay for the time of his/her suspension.</p> <p>There are separate Codes of Conduct for MPs and Lords that give guidance on the way they should carry out their public duties.</p> <p>MPs are required to register a wide range of financial interests they may have which are relevant to their parliamentary work.</p> <p>The Parliamentary Commissioner oversees the maintenance and monitors the operation of the Register of Members' Financial Interests. He receives and investigates complaints about Members who are allegedly in breach of the Code of Conduct and Guide to the Rules and reports his findings to the Committee on Standards and Privileges.</p> <p>The Committee on Standards and Privileges will consider any matter relating to the conduct of Members, including specific complaints in relation to the alleged breaches of the Code of Conduct or Guide to which the House has agreed.</p>



Germany	<p>Members of the Bundestag are entitled to remuneration which is adequate to ensure their independence. Members of the Bundestag, who represent constituencies with an electorate numbering 16 000 to 25 000, are considered equivalent to the mayors of towns and local communities with 50 000 to 100 000 inhabitants and to ordinary judges at the supreme federal courts, who, like Members of the Bundestag, exercise their office independently and are subject only to the law (€7 668 a month).</p> <p>Members of the Bundestag do not receive any special payments such as holiday pay or Christmas bonuses.</p> <p>On 1 January 2008 the superannuation benefits granted to Members of the Bundestag ceased to be a full pension. Their purpose is now to bridge the gap in pension benefits that arises for Members because they have been active in Parliament and have therefore had to give up all or part of their previous pensionable employment.</p> <p>In accordance with their role as a gap-filling pension, superannuation benefits have been awardable since 1 January 2008 even to Members with only one year of membership. After the first year, the benefits amount to 2.5% of Members' remuneration, rising by 2.5% for each additional year of membership. The maximum pension entitlement makes 67.5% of Members' remuneration, and this ceiling is reached after 27 years' service. The pensionable age for superannuation benefits is being raised in stages from 65 to 67, beginning on 1 January 2008.</p> <p>Transitional emoluments for Members of the Bundestag are designed to smooth the way for Members to resume their previous careers or take up a new occupation when they leave Parliament. The transitional emoluments are paid in the amount of one monthly payment for each year of work in Parliament (four monthly payments after one full electoral term). The maximum duration of payments is 18 months. From the second month after the expiry of the mandate, all other earned income, including income from private sources, is set off against transitional emoluments.</p> <p>Members of the Bundestag may choose between statutory and private health and long-term care insurance. About 40% of Members belong to the statutory health-insurance scheme. In their case the Bundestag, like any employer, pays half of their monthly insurance contribution.</p> <p>Members who have taken out private health and long-term care insurance policies pay their own contributions. Members' survivors are entitled to a transitional allowance. This allowance and similar benefits are paid in respect of retired civil servants and pensioners.</p>	<p><i>Grounds for early termination of powers:</i></p> <ul style="list-style-type: none"> • retirement, • withdrawal, • death, • serious mental illness, a formal sentence of more than one year in prison (because of a serious crime). <p><i>Immunity, bringing to responsibility</i></p> <p>The procedure for consideration of alleged violations of law by MPs is usually initiated by the president and the members of the parliament that decide on the base of the "Rules of procedures". In case of a criminal offense, a public prosecutor may order an inquiry when the whole parliament allows to cancel the immunity of the MP.</p> <p>In addition the parliament has the right have the right, and on the motion of one quarter of its Members the duty, to establish a committee of inquiry, which shall take the requisite evidence at public hearings.</p> <p><i>Code of Conduct (additional commitments)</i></p> <p>A Member shall be obliged to inform the President in writing of the occupation he or she last practised; activities as member of a board of management, supervisory board, administrative board, advisory board or other body of a company or an enterprise; remunerated activities engaged in alongside the exercise of his office, either by virtue of being self-employed or by virtue of being a salaried employee (continuing an occupation engaged in prior to membership of the Bundestag, as well as consultancy, representation, the provision of expert opinions, or writing or lecturing activities), except fees received for the provision of expert opinions and for writing or lecturing activities where the income agreed upon does not exceed the sum of €1 000 a month or €10 000 a year.</p> <p>Declarations of financial interest must be submitted to the President within three months of becoming a Member of the German Bundestag, or when changes or additions occur during the electoral term.</p> <p>A Member of the Bundestag shall keep separate account of donations of money and all kinds of gifts of pecuniary value made available to him for his political activities. A donation the value of which exceeds €5 000 in one calendar year shall be notified to the President, with the name and address of the donor and the total amount donated being stated. Donations the value of which individually or, in the case of several donations from the same donor, taken together, exceeds €10 000 in one calendar year shall be published by the President, with the amount and origin being stated.</p> <p>Gifts of pecuniary value received by a Member in connection with his mandate shall be notified and handed to the President; the Member may apply to keep the gift if it pays the Federal Cash Office a sum equivalent to its value.</p> <p>Every Member of the Bundestag in receipt of remuneration for his activities in connection with a subject to be debated in a committee of the Bundestag shall, prior to the deliberations, disclose as a member of that committee any link between these interests and the subject to be debated.</p> <p>If there are indications that a Member of the Bundestag has failed to meet his obligations pursuant to the Code of Conduct, the President shall in the first instance gain a statement from the Member concerned and then set in motion a factual and legal investigation of the facts of the case and the legal facts.</p> <p>If, having examined the facts, the President believes that the case in question constitutes a less serious case, or a case of minor negligence (e.g. failure to declare information before the relevant deadline), the Member concerned shall receive an admonishment.</p> <p>The President shall inform the Presidium and the chairpersons of the parliamentary groups of the result of the investigation. Having heard the Member concerned, the Presidium shall then state whether a failure to comply with the Code of Conduct has taken place. A statement by the Presidium that a Member of the Bundestag has failed to meet his obligations pursuant to the Code of Conduct shall, notwithstanding further sanctions, be published as a printed paper.</p> <p>A statement that no such offence has been committed shall be published at the request of the Member of the Bundestag.</p> <p>After hearing the Member who has failed to meet his reporting obligations, the Presidium may decide to impose a coercive fine. The level of the fine shall depend on the gravity of the case in question and the degree of fault. The fine may not exceed 50% of the annual remuneration for Members. The President shall decide on the level of the fine.</p>
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<p>Russian Federation</p>	<p>For members of the State Duma irrespective of the occupied post the same monthly monetary reward is set, in the amount established for a federal minister.</p> <p>Members and their dependents are reimbursed expenses related with movement to Moscow and costs related with movement to the place of permanent residence after the termination of office.</p> <p>An annual paid leave of 42 calendar days is provided, medical, sanatorium-resort and welfare services are guaranteed on terms established for a federal minister.</p>	<p>An MP is entitled to:</p> <p>Separate office premises fit with furniture, office equipment, communication means in the building of the concerned Chamber.</p> <p>The right to priority receipt of travel documents for air, rail, water transport, and intercity bus with subsequent reimbursement of their value to the concerned entities out of the federal budget.</p> <p>Civil aviation agencies or airports, booking offices of railway stations and terminals, sea terminals (ports) are obliged to issue without a queue to a member of the Federation Council, State Duma a free ticket for one seat in an airplane or helicopter, sleeping or compartment train car, in a first or second class cabin in ships of all categories.</p> <p>Intercity bus travel is performed with a free ticket obtained without a queue at booking offices of bus terminals, bus stations, transport and dispatching agencies, or when entering the bus.</p>	<p><i>Grounds for early termination of powers:</i></p> <ul style="list-style-type: none"> • loss by a member of the Russian citizenship or acquisition of citizenship of a foreign state; • effectiveness of a court sentence with respect to a person that became an MP; • recognition of a member incapable in pursuance of a court ruling that entered legal force; • recognition of a member missed or his declaration dead in pursuance of a court ruling that entered legal force; • a member's death; • a member's draft for military service with his consent. <p>Powers of a member of the State Duma are also terminated in the case of:</p> <ul style="list-style-type: none"> • a written request of a member for resignation; • election of a member of the State Duma a member of a legislative (representative) body of state power or a subject of the Russian Federation or a local self-government body, an elected official of another body of state power or local self-government body; • appointment of a member for state or municipal service, his entry to a management body of a business company or another commercial organisation, his engagement in business or other paid activity, except lecturing, scientific and other creative work; • dissolution of the State Duma. <p><i>Bringing to responsibility (immunity)</i></p> <p>A member of the State Duma is guaranteed immunity over the entire term of office. Immunity of a member of the Federation Council, a member of the State Duma extends to residential and office premises, personal and official transport means he uses, communication means, documents and luggage he owns, and his correspondence.</p> <p>In case of initiation of a criminal case or commencement of proceedings of an administrative offence involving administrative responsibility imposed by court for actions of a member of the Federation Council, a member of the State Duma, the investigation of an investigator within a three-day term notifies thereof the General Prosecutor of the Russian Federation.</p> <p>Without the consent of the concerned chamber of the Federal Assembly, members of the State Duma cannot be brought to criminal or administrative responsibility, cannot be detained, arrested, searched or interrogated, except cases of detention red-handed. The issue of a member's deprivation of immunity is settled upon the General Prosecutor's submission to the concerned chamber of the Federal Assembly in accordance with the procedure envisaged by regulations of the concerned chamber. Refusal of the concerned chamber to give consent to deprive a member of the State Duma or a member of the Federation Council of immunity is a circumstance barring proceedings in a criminal case and a case of an administrative offence.</p> <p><i>Code of Conduct (additional commitments)</i></p> <p>Control of observance of norms of ethical conduct by MPs is exercised by the State Duma Commission for mandate and parliamentary ethics (Mandate Committee). The Commission also monitors observance of the procedure of termination of members' powers, solves issues of a member's deprivation of immunity, considers cases of breach of parliamentary ethics, checks and prepares conclusions on protests, complaints and statements upon the results of election of members of the State Duma.</p>
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Slovakia <p>Members of the National Council of the Slovak Republic are entitled to a salary in the amount equal to 3 average wages in the national economy for the previous calendar year. A member is reimbursed per diem and other expenses related with the discharge of his powers. Members personally pay contributions to medical and social insurance.</p> <p>A member who has no permanent residence within the Bratislava self-governing territory is entitled to settlement in premises of the housing stock of the National Council Staff, or reimbursement of expenses on accommodation in hotel premises determined by the Staff.</p> <p>Members are not entitled to get from the state apartments left for them after the end of parliamentary office.</p> <p>After the end of parliamentary work, a member is entitled to salary:</p> <ul style="list-style-type: none"> • for 2 months (if a member discharged his powers from 5 months to 5 years) • for 3 months (if a member discharged his powers more than 5 years). <p>This right is not applied to a member immediately appointed to a different state post.</p>	<p>An MP is entitled to:</p> <ul style="list-style-type: none"> • technical equipment necessary for the exercise of powers (a notebook and a printer are left with him after the end of office); • an office in the parliament staff premises and outside parliament; • payment of assistants' work; • reimbursement of documented expenses during a business trip. <p>The amount of expenses on assistants and expenses on a member's offices beyond parliament together cannot exceed 2/7 average wages in the national economy.</p> <p>Members may free of charge use services of rail transport of the company with which an agreement of transportation services for public benefit was made.</p> <p>Members can use official cars only for discharge of specific duties of a member (usually in the capital, or during parliamentary investigation) – on the basis of a request filed to the transport department of the Parliament Staff. Cars are not allocated to members or committee heads on a permanent basis.</p>	<p><i>Grounds for early termination of powers:</i></p> <ul style="list-style-type: none"> • voluntary resignation from parliamentary office; • loss of the right to vote; • dissolution of the National Council; • inconsistency of a parliamentary mandate with other activities, pursuant to Item 1, Article 77 of the Constitution (discharge of duties of a judge, prosecutor, public defender, military servant, a member of the European Parliament); • effectiveness of a sentence whereby a member is convicted for intentional commitment of a crime; • refusal of a member to take oath or taking oath with reservations (Item 2, Article 75 of the Constitution); • a member's death; • a relevant decision in a case of defence of public interests and prevention of a conflict of interests.³ <p><i>Code of Conduct (additional commitments)</i></p> <p>A member bears disciplinary responsibility for:</p> <ul style="list-style-type: none"> • his statements made in the National Council or its bodies (insult of a body of the National Council or a member, or another official – a fine in the amount of up to €166); • breach of a ban on voting instead of others (members are prohibited to vote instead other members or to substitute a member with another member or another person; disciplinary proceedings will be open against a member who voted instead of another member), (a reprimand and a fine of €166); • serious breach of a member's oath (proposal for the member to resign from office). <p><i>Immunity, bringing to responsibility</i></p> <p>Immunity extends to a member and his dwelling. Criminal prosecution cannot be initiated against a member, he cannot be arrested except when taken on the spot of a criminal offence. In case of detention, the President of the National Council is notified immediately, and if the arrest is not authorised by the Committee for Mandate and Immunity, a member must be immediately released.</p> <p>Immunity does not release a member from the duty of giving evidence in court.</p>
Croatia <p>An MP is entitled to:</p> <ul style="list-style-type: none"> • a salary, or difference in salaries, if he does not get the salary of a member, and the income he gets from other sources is lower; • material assistance after the end of office; • one-time material assistance (one-time member's allowance), • pension under the Law on Pension Insurance, <p>a member is entitled to an allowance for six months from the day of termination of powers in the amount of the salary, during the next six months – in the amount of 50%.</p> <p>If after termination of a member's office before entitlement to pension under general norms a member misses less than a year, he is entitled to reimbursement in the amount of a salary obtained by a member in the same member's office before entitlement to pension, but not longer than a year.</p> <p>A member gets the right to pension under general norms (Law on Pension Insurance).</p>	<p>An MP is entitled to:</p> <ul style="list-style-type: none"> • assistants; • office; • post, communications; • transport, business trips. <p>Members living further than 50 km from Zagreb during a parliamentary session, meetings of working bodies and parliamentary unions are entitled to accommodation in official apartments, rented studios and one-room apartments. As an exception, a member may live in a hotel, if not provided with housing in such apartments.</p> <p>The amount of reimbursement for housing is determined by a separate decision.</p> <p>Members are entitled to reimbursement of transport expenses (rail, river, sea and air) on the territory of the Republic of Croatia and in city transport.</p> <p>Members are entitled to life insurance during the discharge of official duties.</p>	<p><i>Grounds for early termination of powers:</i></p> <ul style="list-style-type: none"> • voluntary resignation; • a court ruling of incapability; • a court ruling of imprisonment for a term in excess of six months; • death. <p>Parliamentary immunity (Article 75 of the Constitution) applies to oral, written statements and voting in Parliament. Immunity begins after getting one's mandate and guarantees protection from prosecution for opinions expressed during the discharge of members' office.</p> <p>There are also safeguards of a member from arrest and criminal prosecution, except cases of detention red-handed, punishment for which envisages not less than five years of imprisonment. In such case Parliament's consent is not necessary – a notice is sent to the President.</p> <p>Parliamentary immunity does not release a member from duties of a witness in court. The decision of deprivation of immunity is approved by Parliament's decision after hearing the member. Parliament cannot set forth conditions concerning investigation or detention.</p> <p><i>Code of Conduct (additional commitments)</i></p> <p>For breach of order at a session, the Chairman can in line with provisions of the Regulations and clearly established criteria of application take the following disciplinary measures:</p> <ul style="list-style-type: none"> • caution; • caution with deprivation of the right to speak; • withdrawal.

³ According to the Constitutional Law "On Defence of Public Interests during the Discharge of Official Duties by Officials", such decision is to speak of loss of a mandate, if:
- during preliminary proceedings in a case against the member a decision was taken and entered into legal force of his non-observance or breach of obligations or limitations provided by that Constitutional Law or another law;
- a member cannot legally acknowledge the origin of his estate, especially if it deals with property that a member could not acquire, given the level of his incomes.

Sweden	<p>The members of the Riksdag receive a basic, monthly pay of SEK 57 000 (\$8 700 – Ed.), which is subject to income tax. The pay of the Speaker of the Riksdag is SEK 144 000 a month, which is the same as that of the Prime Minister.</p> <p>The rules relating to members' pay and benefits are based on the premise that they are regarded as being on assignment 365 days a year. When a member is sick or on parental leave, his or her pay is reduced, based on a seven-day working week. A member of the Riksdag who lives more than 50 kilometres from the Riksdag can get reimbursement up to SEK 8 000 per month for overnight accommodation. The Riksdag has about 250 overnight apartments which are provided free of charge for members.</p> <p>All members are entitled to a retirement pension, irrespective of the age they begin or end their work in the Riksdag. The retirement pension paid by the Riksdag is a supplement to the general pension system. A member who resigns before the age of 65 and after at least 3 years of continuous service is entitled to a guaranteed income.</p> <p>The pension is calculated on the basis of 0.72% of income which, when converted to whole years, does not exceed 7.5 of the income base amounts and 2.4% for portions of income above this level, provided they do not exceed 30 base amounts. Pension rights are recalculated in accordance with changes to the income index.</p> <p>When pension is disbursed, the initial amount is made up of the pension rights with the addition of future annual income growth of 1.6%. The amount is then recalculated annually taking into consideration changes in the income index over and above 1.6%.</p> <p>The pension system also includes certain benefits for surviving family members.</p> <p>A member who resigns is guaranteed a monthly income with the purpose of creating economic security for the period of adjustment that arises after he or she leaves the Riksdag. During the first year, the basis of the guaranteed income is 80% of the members' pay plus certain increments.</p> <p>As from the second year, the guarantee is reduced, depending on the member's number of years of service in the Riksdag.</p> <p>For those who have served between 3 and 6 years, the income guarantee is 33% of the basis. At most – after 12 years of service – the guarantee amounts to 66%.</p> <p>For members who have served for a total of at least 6 years, the income guarantee is 33% of the basis. At most – after 12 years of service – the guarantee amounts to 66%.</p> <p>Income received from other sources reduces the guaranteed income. The system also includes rules on certain support for surviving family members.</p> <p>A member of the Riksdag may be granted a leave for at least one month. The member's duties shall be carried out by an alternate for the duration of his or her absence.</p> <p>An application for leave of absence in excess of one month is considered by the Riksdag, and during a break in the Chamber's work – by the Speaker.</p>	<p><i>Reasons for an early termination of powers:</i></p> <ul style="list-style-type: none"> • Voluntary retirement; • Loss of mandate (decision election results); • A court decision regarding the inability of an MP to perform his duty or being charged with committing a crime. <p><i>Immunity, bringing to responsibility</i></p> <p>Legal proceedings may not be initiated against a person who holds a mandate as a member of the Riksdag, or who has held such a mandate, on account of a statement or an act made in the exercise of his or her mandate, nor may such a person be deprived of his or her liberty, or restricted from travelling within the Realm, unless the Riksdag has given its consent thereto in a decision supported by at least five sixths of those voting.</p> <p>If a member is suspected of having committed a criminal act, the relevant legal provisions concerning apprehension, arrest or detention are applied only if he or she admits guilt or was caught in the act, or the minimum penalty for the offence is imprisonment for two years.</p> <p>A prosecutor calls for the Riksdag's consent to take legal action against a member. The same procedure shall apply if any other person seeks the consent of the Riksdag to the prosecution of a member of the Riksdag on grounds of his or her actions.</p> <p>If the application document is so incomplete that it cannot be used as a basis for consideration by the Riksdag, or if the applicant has failed to demonstrate that he or she is competent to raise charges or apply for such action to be taken by a public authority, the Speaker shall reject the application. In any other case the Speaker shall notify the matter to a meeting of the Chamber.</p> <p><i>Code of Conduct (additional commitments)</i></p> <p>No speaker at a meeting may speak inappropriately of another person, use personally insulting language, or otherwise behave in word or deed in a way that contravenes good order.</p> <p>Should anyone offend against the provisions of paragraph one or two and fail to comply with the Speaker's admonition, the Speaker may debar him or her from speaking for the remainder of the debate.</p> <p>Members of the Riksdag are obliged to notify the Riksdag of their commitments and financial interests, for example, shareholdings, public assignments or other income-generating activities over and above their duties as an MP. The register is public and the purpose is to create openness and transparency.</p> <p>The register contains the MP's:</p> <ul style="list-style-type: none"> • interests in companies, e.g., shareholdings in limited companies or company shares, directorships and auditing assignments, public assignments in municipalities, county councils etc.; • various kinds of income-generating activities over and above their duties as an MP (independent work as a farmer, doctor, lawyer, journalist etc.); • agreements of a financial nature in the form of salary or pension benefits; • ownership of commercial property; • economic benefits or secretarial or research assistance not paid for by central government funds, the MP's party or the MP him/herself. <p>Members of the Riksdag can use their own cars, and are normally reimbursed at the rate of SEK 26.50 per 10 kilometres, of which SEK 18.50 are exempt from tax. Members may use taxis if there are no suitable public transport alternatives available, or if there are special reasons for doing so.</p> <p>The members are entitled to a charge card with personal liability for payment for use only on official journeys. In order to receive money to cover the invoice from the charge card company, members are obliged to submit a specification of travel expenses to the Riksdag Administration.</p> <p>Most of the members' travel abroad takes place within the committees or party groups. Members may also receive allowances for individual official journeys abroad (up to SEK 50,000 per electoral period). Decisions concerning individual travel abroad are taken by the Deputy Speakers.</p>
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<p>Ukraine</p> <p>With account of bonuses, additional payments for ranks, extras for the length of service, etc., the average salary of an MP makes nearly UAH 17 000.</p> <p>A member is provided with UAH 17 425 a month for the exercise of powers, for which, a member gives no account.</p> <p>Privileges of a member include:</p> <ul style="list-style-type: none"> 1) free medical services and vouchers for sanatorium-resort treatment⁴. 2) the right to obtain one-time indemnity of expenses on creation of proper housing conditions (monetary indemnity), or service housing for his term of office, or residential premises. One-time indemnity is paid to an MP in the amount of the housing value; 3) an annual paid leave of 45 calendar days in-between sessions with payment of an allowance for recreation in the amount of the doubly monthly salary, so-called "material assistance", nearly UAH 35 000. <p>Since members are insured, in case of fatality (death) of a member the insurer pays to heirs the amount of a ten-year allowance of the member on the insurance money payment day.</p>	<p>An MP is entitled to:</p> <ul style="list-style-type: none"> 1) free live speech on the radio or in the mode of live broadcasting (up to 10 minutes a month) and live presentation or live broadcasting on TV (up to 20 minutes a month); 2) free travel by all domestic rail, motor, air, water ways, and all kinds of city passenger transport; 3) an office with connection to data networks and free communications; 4) monthly reimbursement of expenses related with the discharge of parliamentary powers in the amount of monthly salary of a member, non-taxable; 5) 31 assistant consultants, four assistant consultants are subject to the Law "On State Service", they are conferred not higher than the 7th rank of state servant of the fourth category, their work is remunerated within the limits of the general fund established for remuneration of assistant consultants' work. <p>The Verkhovna Rada guarantees a former MP right after the end of his office and till his employment payment of material assistance in the amount of his salary with all benefits and extras paid to active members, but not more than one year, and in case of training or retraining – not more than two years after the end of a member's office. In case of impossibility of employment after the specified term, a former MP is paid material assistance in the amount of 50% of the salary with all benefits and extras paid to active members till his retirement age, provided that the length of service exceeds 25 years for men and 20 years for women.</p> <p>A member whose office has expired retains free medical service at the healthcare establishments to which he was attached during his parliamentary office, vouchers for treatment provided to MPs, and after resignation he is provided with transport for travel to hospital, polyclinic and other needs in connection with rehabilitation and treatment, with the car use limit not more than 10 hours a month at the expense of budget funds.</p> <p>After a member reaches the retirement age and in presence of the qualifying period necessary for fixing a minimal old-age pension, an MP is granted a pension in the amount of 80% of the monthly salary of an active member with account of all bonuses and extras to the official pay. The minimal pension amount cannot exceed 10 subsistence levels set for disabled persons. In case of retirement a member is paid an allowance in the amount of 12 monthly official salaries of an active member. In case of a member's death, pension is fixed for incapable family members who were maintained by him upon their request (at that, pension for children is fixed irrespective of whether they were maintained by the supporter) in the amount of 70% of the monthly salary of an active member (the effectiveness of this item was suspended from January 1 till December 31, 2012).</p> <p><i>Grounds for early termination of powers:</i></p> <ul style="list-style-type: none"> • resignation upon personal request; • a verdict of guilty entering into legal force; • a court ruling of his incapability or missing; • termination of his citizenship or movement for permanent residence beyond Ukraine; • appointment to the post of a member of the Cabinet of Ministers of Ukraine or a head of a central executive body; • death. <p>A decision of early termination of powers of a member pursuant to those items is taken within a 10-day term upon the submission of the committee whose competence covers issues of parliamentary ethics by a majority of constitutional membership of the Verkhovna Rada. In case of non-fulfilment of the requirement of inconsistency of a parliamentary mandate with other activities, powers of a member are terminated ahead of time in pursuance of the law by a court ruling. By a decision of the Verkhovna Rada, the Verkhovna Rada Chairman is obliged to apply to court for solution of the issue of early termination of powers of such a member.</p> <p><i>Bringing to responsibility (immunity)</i></p> <p>Members are guaranteed parliamentary immunity. Without the Verkhovna Rada consent, members cannot be brought to criminal responsibility, detained or arrested. According to the interpretation of that provision by the Constitutional Court, MPs are released from legal responsibility, and are subject to a special procedure of bringing to criminal responsibility, detained or arrested only with the Verkhovna Rada consent.⁵</p> <p>Search, detention of a member or inspection of personal items and luggage, transport, dwelling or office premises of a member, as well as violation of secrecy of letters, telephone conversation, telegraph and other correspondence and application of other measures that in accordance with the law limit rights and freedoms of a member are allowed only if the Verkhovna Rada gives consent to his bringing to criminal responsibility, if information cannot be obtained by other means.</p> <p>A request for consent to bringing to criminal responsibility, detention or arrest of a member must be supported and submitted to the Verkhovna Rada by the General Prosecutor. The Committee tasked to produce a conclusion regarding the issue of consent to bringing to criminal responsibility, detention or arrest, in accordance with the law, examines the sufficiency, legitimacy and reasonability of the submission, legality of obtained evidence mentioned in the request, and establishes the presence of relevant complaints.</p> <p>The Verkhovna Rada upon the submission of the Committee whose powers cover procedural issues passes a resolution of early termination of a member's powers by the majority of the constitutional membership of the Verkhovna Rada.</p>
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⁴ From January 1 till December 31, 2012, the Article's effect regarding free provision with vouchers for sanatorium-resort treatment was suspended pursuant to the relevant law.

⁵ Constitutional Court Ruling No.12 of 26.06.2003.