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Democratic Developments in Ukraine



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Executive Summary

On June 21, 2024, the National Democratic Institute (NDI) in Ukraine held a roundtable discussion on the challenges facing Ukrainian democracy in 2024, possible ways to address them, and democratic progress. This is the fourth in NDI's series of biannual expert discussions on this topic. The event was attended by representatives of public authorities, NGOs, international organizations, and analytical centers. This document presents the views expressed by the participants of the roundtable discussion.

Key Conclusions

- ▶ Despite martial law, Ukraine strives to ensure the functioning of independent democratic institutions, the development of strong local governance, the work of the media, as well as public dialogue and cooperation with NGOs.
- ▶ NATO membership is the only absolute guarantee of Ukraine's security. Security agreements strengthen Ukraine's defense capabilities but are not an alternative to Euro-Atlantic integration.
- ▶ Implementing reforms to ensure the rule of law, good governance, and the fight against corruption is a common task for the government and civil society on Ukraine's path to EU and NATO membership.
- ▶ There is a need to approve a single national program for veterans' reintegration, remove barriers to accessing state social protection systems for all vulnerable groups, and ensure these systems are adequately funded and transparently managed.
- ▶ Participation of women in political processes in Ukraine and wider representation in the international arena of NGOs committed to that goal represent the introduction of true equality, which public opinion research from NDI and others have consistently shown is a demand of Ukrainians.
- ▶ Preventive measures to strengthen the resilience of democratic institutions in a country at war should include political pluralism, comprehensive public dialogue, inclusive policymaking, and inclusion of vulnerable social groups.



Introduction

Despite Russia’s military aggression, Ukraine remains committed to democratic values in all spheres of life. However, to guarantee prosperity in the future, it is important for Ukraine to continue supporting and developing democratic institutions, as well as strengthening democratic values in the context of Euro-Atlantic integration.

On 21 June 2024 in Kyiv, the National Democratic Institute (NDI) in Ukraine held the **fourth** policy discussion of the series “Democratic Challenges and Opportunities Facing Ukraine”.

The event had a hybrid format: participants could join on site or online.

NDI brought together representatives of

- ▶ public authorities
- ▶ civil society
- ▶ international organizations
- ▶ analytical centers
- ▶ others

To discuss the key democratic challenges facing Ukraine in 2024, as well as to promote dialogue, cooperation, and unity in addressing them.

The conclusions presented below represent the outcome of discussions which were held under Chatham House Rules, which preclude organizational or individual identification of speakers. Thus, they do not necessarily reflect the views of individual participants, NDI or related donor organizations.

NDI plans to hold the next roundtable discussion in December 2024. This event will focus on analyzing the progress in addressing the main challenges of the current year, implementing reforms, and identifying issues that will require attention in 2025.

Political Pluralism

Despite agreement to inclusiveness in parliamentary diplomacy reached by the representatives of all parliamentary factions and groups of the Verkhovna Rada of Ukraine during the ninth round of the Jean Monnet Dialogues, an NDI-facilitated forum,¹ tensions remain.

They have been manifested in allegations that opposition party members are unfairly restricted from foreign travel.² Central to this controversy is a decree of the Chairman of the Rada requiring members of parliament to submit for the approval of the Ministry of Foreign Affairs comments they plan to make in forums abroad and a Cabinet of Ministers resolution banning all local council members from traveling abroad³ regardless of their military service obligations, i. e., including women, people with disabilities, and pensioners⁴. The last six months have been marked by highly publicized cases of legislators at various levels of government being restricted from traveling abroad, which in turn has been criticized by the European Parliament⁵ and Oliver Varhelyi,

European Commissioner for Neighborhood and Enlargement.⁶

To address this, in March 2024, MPs submitted to the Verkhovna Rada of Ukraine a draft Resolution of the Verkhovna Rada of Ukraine *On the Implementation of the European Parliament Resolution No. P9_TA(2024)0119 of 29 February 2024 on the Abolition of Restrictions on Foreign Travel for Members of the Ukrainian Parliament*. However, this draft resolution has not yet been considered by the parliament, and this issue remains unresolved.

The process of preparing a new version of the Law of Ukraine *On Political Parties* is underway. The draft law was developed by a parliamentary working group established in December 2019 that consists of MPs and representatives

of Ukrainian NGOs and is headed by MP Viktoriia Podhorna. It has held consultations with representatives of government agencies (NACP, Ministry of Justice, CEC), political parties (those represented in the parliament and those without representation in the current convocation of the parliament), NGOs, as well as Venice Commission and OSCE/ODIHR experts. Regular follow up meetings are taking place with representatives of various political parties (including those not currently represented in the parliament) to reach consensus on the provisions of the draft law. The draft law is then expected to be registered and submitted to the Verkhovna Rada of Ukraine.

It is crucial to adopt a new law on political parties in the context of post-war reconstruction, as after the end of martial law, Ukraine will need new political elites, strong political leaders, and developed parties, as well as improved mechanisms for citizen participation.

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- ¹ The Jean Monnet Dialogues are biannual discussion forums held jointly between NDI, the European Parliament and the Verkhovna Rada. They serve as a political mediation instrument for building consensus among Ukrainian leaders away from the media and political spotlight.
- ² A. Harasym. The system of permits for MPs of different levels and officials to travel abroad harms democracy and Western support for Ukraine. texty.org.ua. 20 February 2024. Available in Ukrainian: <http://surl.li/hspkuw>
- ³ O. Zhytnyk, Y. Smyrnov. Now to travel abroad MPs have to receive 'theses' from the Foreign Ministry on what to say to the world: Document. LIGA.net. 3 January 2024. Available in Ukrainian: <http://surl.li/kkkwzx>
- ⁴ Verkhovna Rada of Ukraine. Resolution of the Cabinet of Ministers of Ukraine No. 69 of 27 January 2023 On Amendments to the Rules for Crossing the State Border by Citizens of Ukraine. Available in Ukrainian: <http://surl.li/vxqppt>
- ⁵ The European Parliament is concerned about the foreign travel restriction for MPs. European Pravda. 1 March 2024. Available in Ukrainian: <http://surl.li/ecgfjw>
- ⁶ Oliver Varhelyi. "In a working democracy the opposition can't be restricted." X. 29 February 2024. Available in English: <http://surl.li/pqdbjo>



The Role of the Parliament

In the immediate period after the outbreak of full-scale invasion, the Verkhovna Rada adopted a number of emergency measures that included a continuous format of the plenary, and restricted access to the building of the Parliament. This inevitable led to a decrease in transparency of the work of the Rada and lack of public information regarding decisions made by the parliament. Over the past years, these changes have been gradually and partially reversed as the country and its decision-making authorities have grown accustomed to working under martial law. Many important reforms that were previously introduced – such as the hours of questions to the Cabinet and journalists' access to the parliament – have been reinstated. However, some security measures are still in place, such as significant restrictions on visits to the Parliament by certain categories of staff and citizens, access to public information regarding the time and agenda of the plenary sessions, and committee meetings.

Given Russia's aggression and the resulting challenges to all aspects of policymaking, the parliament works in a continuous session format, but some pre-war procedures are gradually returning. Thus, the Hour of Questions to the Government has been restored on the days of plenary sessions, which is important for the oversight function of the parliament. Journalists have regained access to the Verkhovna Rada building and are able to work in the parliament, albeit in a limited mode, to cover its activities, ensuring publicity and transparency in decision-making.⁷

MPs and civil society are increasingly emphasizing the need to return to the pre-war work schedule of the Verkhovna Rada, including informing not only the MPs but also the public in advance about the parliamentary agenda, while taking into account the restrictions of martial law. This affects the predictability of the law-making process, the efficiency of work, and the Parliament of Ukraine's subjectivity in making public decisions, as well as the MPs' discipline, role, and influence of the opposition. In April 2024, Ukrainian MPs submitted to the

parliament a draft Resolution of the Verkhovna Rada of Ukraine No. 11141 *On some issues related to the organization of the work of the Verkhovna Rada of Ukraine of the ninth convocation under martial law to improve the procedure for performing the constitutional functions of the Parliament of Ukraine*, which proposes to return to the procedure of the parliament's work as stipulated by the Rules of Procedure of the Verkhovna Rada of Ukraine.⁸ However, this draft law has not yet been considered even by the Verkhovna Rada Committee on the

⁷ R. Melnyk. New working conditions for journalists in the Rada: Re-accreditation, working only on the third floor, no more than 30 people. Detector Media. 8 May 2024. Available in Ukrainian: <http://surl.li/qnwyji>

⁸ Verkhovna Rada of Ukraine. Draft Resolution of the Verkhovna Rada of Ukraine No. 11141 On some issues related to the organization of the work of the Verkhovna Rada of Ukraine of the ninth convocation under martial law to improve the procedure for performing the constitutional functions of the Parliament of Ukraine. Available in Ukrainian: <http://surl.li/raisbt>

Rules of Procedure, Parliamentary Ethics, and Administration of the Work of the Verkhovna Rada of Ukraine, which is responsible for its preparation and elaboration.

In the format of the Jean Monnet Dialogues, work is ongoing to build dialogue and reach consensus among parliamentary political forces on the priorities for parliamentary reform and other key issues. At the conclusion of the most recent dialogue which took place in April 2024, representatives of all parliamentary factions and groups confirmed their readiness to jointly prepare legislation for the first post-war elections, draft amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine to regulate the status of the opposition and rules of parliamentary ethics, harmonize parliamentary procedures to ensure adaptation of Ukrainian legislation to EU legislation, ensure functioning of parliamentary information resources, comply with the regulatory requirements for organizing the work of the Conciliation Board, and improve the work of inter-parliamentary friendship groups. The agreements on resuming the Hour of Questions to the Government and admitting journalists to the Parliament building have already been implemented.⁹

The roundtable discussion focused on the role and place of the Verkhovna Rada of Ukraine in the process of negotiation of Ukraine's accession to the European Union and the difficult path the country needs to travel to bring Ukrainian laws and other regulations in line with the *acquis communautaire*.¹⁰ At the same time, participants noted that Ukraine will not have to start adapting its legislation

from scratch, as due to the implementation of the Association Agreement between Ukraine and the EU,¹¹ Ukraine Facility Plan, and implementation of basic reforms, some laws have already been adopted by the Ukrainian parliament, and others are being developed or processed by the committees of the Verkhovna Rada of Ukraine. Of course, there are other legislative acts that need to be adapted, but this fact gives hope for continued progress in this process.

In addition, to meet EU requirements, the legislative procedure of the parliament needs to be improved. With this in mind, the leadership of the parliament is taking steps to strengthen the capacity of the parliamentary committees, in particular, a subcommittee on European integration has been established in each committee. The transformation of the Parliament is also positively influenced by cooperation at the level of the Verkhovna Rada committees and the European Parliament committees, which was made possible by the Memorandum of Understanding signed by both bodies, committing to joint activities.¹²

At the same time, the participants noted that a draft law *On amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine on the introduction, consideration, and adoption of draft laws aimed at adapting Ukrainian legislation to the provisions of the European Union law (EU acquis) in terms of implementing the international legal obligations of Ukraine in the field of European integration* remains unresolved¹³ and has

not yet been considered by the relevant committee of the Verkhovna Rada of Ukraine.

The parliament made an important decision by adopting the Law of Ukraine *On public consultations*, which establishes mandatory public consultations not only on draft legal acts, but also when making any management decisions at the state and community levels. The law is now waiting for the President's signature.¹⁴ However, the experts noted that, despite public opinion, the law does not require public consultations on draft laws prepared by MPs and the president of Ukraine. Moreover, the law will come into force only a year after martial law is lifted. Roundtable participants anticipate public demand to amend the law to address these issues.

Participants noted that at the ninth and tenth rounds of the Jean Monnet Dialogues¹⁵ all parliamentary factions agreed on the need to introduce a code of ethics for parliament. However, little progress has been made to this point.

In addition to extended discussion on the issues mentioned above, participants more briefly touched on the increasingly diminished role of parliament in Ukraine's democratic system, the stagnation of political leadership in the parliament, the need for comprehensive parliamentary reform, in particular, regarding introduction of the institution of interpellation (the questioning of ministers in parliament), the collective right of legislative initiative of Ukrainian MPs, improvement of the legislative process, and other regulations and procedures.

⁹ Conclusions adopted during the tenth round of Jean Monnet Dialogues, Lviv, 18–20 April 2024. Available in Ukrainian: <http://surl.li/cotzxd>

¹⁰ The European Union (EU) *acquis communautaire* or simply *acquis* is the collection of common rights and obligations that constitute the body of EU law, and is incorporated into the legal systems of EU Member States.

¹¹ Verkhovna Rada of Ukraine. Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand. Available in Ukrainian: <http://surl.li/fldkqo>

¹² Verkhovna Rada of Ukraine. The Verkhovna Rada of Ukraine and the European Parliament signed Memorandum of Understanding. 29 November 2023. Available in English: https://www.rada.gov.ua/en/news/News/top_news/244344.html

¹³ Verkhovna Rada of Ukraine. Draft law No. 8242 On amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine on the introduction, consideration, and adoption of draft laws aimed at adapting Ukrainian legislation to the provisions of the European Union law (EU *acquis*) in terms of implementing the international legal obligations of Ukraine in the field of European integration. Available in Ukrainian: <http://surl.li/mkuhgh>

¹⁴ Verkhovna Rada of Ukraine. Draft law of Ukraine No. 4254 On public consultations. Available in Ukrainian: <http://surl.li/wpbxoc>

¹⁵ Verkhovna Rada of Ukraine. Draft law of Ukraine No. 8327 On amendments to certain legislative acts of Ukraine on the rules of ethical conduct of the members of the Parliament of Ukraine (Code of Ethics). Available in Ukrainian: <http://surl.li/uudjlr>

Media Pluralism



The full-scale invasion has made the media acutely aware of their adjusted role and mission in society, forcing them to leave their comfort zone, look for ways to survive, build financial capacity, and develop despite war-related hardships, crises, and challenges. At the same time, the Ukrainian media have not been able to avoid censorship and self-censorship, which always accompany war, but do not make life easier for media professionals.

The United News telethon, pressure on journalists, as well as direct and indirect censorship of the media by the authorities, continue to pose challenges for media pluralism in Ukraine. According to the 2023 U.S. State Department Country Reports on Human Rights Practices in Ukraine, Freedom House rated the country's media as "partly free," particularly due to

the fact that "the government took some actions to restrict media and freedom of expression, reportedly to counter Russian disinformation and address other wartime security concerns."¹⁶

Given the public's rejection of the United News telethon and declines in ratings and public trust, the management of the telethon decided to change the network

on which the telethon is broadcast. This precipitated a conflict with the management of Suspilne, the public broadcaster which participated in the telethon. Suspilne accused the government of punishing it for its unfavorable coverage of the government by giving Suspilne the low viewership time slots for the marathon which is broadcast 24 hours a day.¹⁷

¹⁶ 2023 Country Reports on Human Rights Practices: Ukraine. U.S. Department of State official website. Available in English: <http://surl.li/jptmvi>

¹⁷ Suspilne to be excluded from the evening slots of the telethon: reaction of IMI and the Supervisory Board. Suspilne. Available in Ukrainian: <http://surl.li/wxxnet>

Neutral observers, the Ukrainian media association Mediarukh¹⁸ and the Commission on Journalistic Ethics¹⁹ substantiated Suspilne's claims, in that they simultaneously reported government pressure on the broadcaster.²⁰ This might be the first public manifestation of cracks in the information policy of the state which has proven to be quite effective back in 2022 but is showing signs of wear and tear.

Colonel Serhiy Cherevaty was appointed Director General of the state news agency Ukrinform after the President of Ukraine issued a decree including this job in a list of positions to be filled by military personnel of the Armed Forces of Ukraine, along with certain positions in other military formations, "special purpose law enforcement agencies in state bodies", enterprises, institutions, organizations, as well as state and municipal educational institutions.²¹ This raises both media and public concerns that the authorities might increase censorship, and about the 'militarization' of Ukrinform, and leaves open the question of whether a military officer holding such a position would pose a conflict of interest.²² There is a general consensus in the civil military relations literature that serving military should not be appointed to state jobs.

The public concern about increased censorship has grounds: a journalistic investigation revealed

that under the leadership of Oleksiy Matsuka, who preceded Colonel Cherevaty, Ukrinform disseminated "topic guidelines" – files with recommended topics to be covered by correspondents in the regions and a list of people to interview and not to interview.²³

In this regard, Mykyta Poturaiev, the Chairman of the Verkhovna Rada Committee on Humanitarian and Information Policy, stated that there should be no state-owned media in Ukraine. He considers it appropriate to adopt a law on Ukrinform, reform it on the model of Suspilne Ukraine, and create an independent state agency with independent supervisory and executive boards.²⁴

Ukrainian media still lack funds and resources, and the advertising market remains one of the main sources of funding during martial law. However, the situation with funding may become more complicated if the Verkhovna Rada of Ukraine adopts the draft law *On amendments to certain legislative acts of Ukraine to combat gambling addiction (ludomania) and improve state regulation of activities related to gambling and lotteries*.²⁵ The draft law provides for a ban on all kinds of advertising and sponsorship of gambling, including sports betting, i. e. bookmakers that accept bets on sports competitions. If the draft law is adopted in the proposed

version, it may cause significant losses to the media industry, and the ban on legal gambling ads may boost anonymous Telegram channels and unauthorized websites that are not limited by the law.²⁶

March 2024 marked a year since the passage of the Law of Ukraine *On Media* and the transitional period for certain provisions of the Law expired. The first year of implementation demonstrated the need for further amendment, in particular related to expanding joint regulation of the regulator and the industry, clarifying the requirements for media to receive a charter to operate, and expanding the list of opportunities for obtaining donor funding. Draft amendments have been developed and presented to the public during a roundtable discussion "Improvement of the Laws of Ukraine *On media* and *On advertising*: Weaknesses and Possible Changes" held by the Verkhovna Rada Committee on Humanitarian and Information Policy in March 2024. According to Mr. Poturaiev, the draft amendments can be submitted to the parliament only after public consultations and examination by the European Commission and the Council of Europe.²⁷

¹⁸ Mediarukh called to stop putting pressure on Suspilne Ukraine and keep their evening prime slots in the telethon. Detector Media. 30 April 2024. Available in Ukrainian: <http://surl.li/ackmcy>

¹⁹ Commission on Journalistic Ethics. Facebook. 29 April 2024. Available in Ukrainian: <http://surl.li/eoacjo>

²⁰ Suspilne Ukraine to expand its own broadcasting in the United News telethon. Suspilne Ukraine. 21 May 2024. Available in English: <http://surl.li/djkiuy>

²¹ Decree of the President of Ukraine No. 345/2024 of 23 May 2024 On Amendments to Article 2¹ of the Decree of the President of Ukraine No. 126/2017 of 3 May 2017. Official website of the President of Ukraine. Available in Ukrainian: <http://surl.li/mkkazy>

²² K. Dyachuk. IMI Director: An army officer running Ukrinform may face a conflict of interest. Institute of Mass Information. 27 May 2024. Available in Ukrainian: <http://surl.li/iwsbuf>

²³ UP: After Matsuka was appointed director general, Ukrinform started using "topic guidelines" with "undesirable speakers". Radio Liberty. 29 May 2024. Available in Ukrainian: <http://surl.li/txnvfa>

²⁴ R. Melnyk. Poturaiev on topic guidelines in Ukrinform: There should be no state media in Ukraine. Detector Media. 30 May 2024. Available in Ukrainian: <http://surl.li/hfzwxu>

²⁵ Verkhovna Rada of Ukraine. Draft law of Ukraine No. 9256-д On amendments to certain legislative acts of Ukraine to combat gambling addiction (ludomania) and improve state regulation of activities related to gambling and lotteries. Available in Ukrainian: <http://surl.li/nlsnhx>

²⁶ N. Dankova. Mykyta Poturaiev: The ban on gambling advertising will cause half a billion losses to the media market and boost Telegram channels and pirates. Detector Media. 21 May 2024. Available in Ukrainian: <http://surl.li/foifbg>

²⁷ N. Dankova. Amendments proposed to the Law On media. Detector Media. 27 March 2024. Available in Ukrainian: <http://surl.li/xmhqjc>

Gender Balance in Political Life and the Role of Women in Recovery Processes

Gender equality remains a priority in the context of Ukraine's European integration commitments and implementation of further democratic changes. On the one hand, the full-scale invasion has jeopardized the progress in women's political participation that had been achieved in recent years. Women are gradually being pushed out of decision-making processes and political life while their visibility is decreasing. Further masculinization of Ukrainian society may jeopardize gender balance in political life and the meaningful participation of women in recovery processes.

On the other hand, over the past six months, certain developments aimed at ensuring equal participation of women in the electoral process, overcoming the problem of violence against

women, and improving the position of women in the armed forces have taken place. These emphasize the importance and relevance of gender equality to society, the authorities, and donors.

In February of this year, the Office of the Government Commissioner for Gender Policy (in partnership with the Office of the Deputy Prime Minister for European and Euro-Atlantic Integration,

with the support of UN Women Ukraine and NDI) held a strategic session to develop proposals for the 2025–2027 operational plan for the State Strategy for Ensuring Equal Rights and Opportunities for Women and Men until 2030. Based on the results of the session, the 2025–2027 operational plan for State Strategy implementation was developed and submitted to the Ministry of Social Policy of Ukraine. Notably, the last time such a session was held was in 2018.

Since March 2024, the Government Commissioner for Gender Equality Policy has been leading work on amending the Law of Ukraine *On ensuring equal rights and opportunities for women and men* to improve mechanisms for ensuring gender equality and revise the directions of state gender policy.

To further prevent gender-based restrictions and discrimination against candidates in national and local elections (including sexism, in particular through campaign materials), and given the need to regulate residency requirements in view of forced migration abroad and to strengthen the gender quota to stimulate an increase in women's representation at both national and local levels, MPs submitted to the parliament the draft law of Ukraine No. 11300 *On amendments to the electoral code of Ukraine on combating sexism in electoral processes and ensuring balanced representation of women and men in the*

Verkhovna Rada of Ukraine and local councils.²⁸ The draft law is currently being reviewed by the Verkhovna Rada Committee on the Organization of State Power, Local Self-Government, Regional Development, and Urban Planning.

Representatives of several NGOs addressed the president of Ukraine with an online petition on combating sexual harassment and violence in the Armed Forces of Ukraine, which garnered 25 thousand signatures and is to be considered by the president.²⁹

On 22 May 2024, the parliament adopted the Law of Ukraine *On amendments to the Code of Ukraine on Administrative Offenses and other laws of Ukraine in connection with the Ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence*³⁰, which defines sexual harassment and gender-based violence, provides for liability for sexual harassment, including through electronic communication, and a fine for committing gender-based violence.

The issue of amending the *Rules for Crossing the State Border by Citizens of Ukraine*³¹ to lift restrictions on travel abroad by women holding elected positions at the local level (the restrictions imposed by Resolution No. 69 adopted on 27 January 2023) remains unresolved. Local councilors do not have labor or service relations with the councils they represent, so they cannot

travel on business trips, under the conditions set by the Resolution.

Women's organizations are also of great importance in Ukraine. Their role has been strengthened during the full-scale invasion, as in some places they performed the functions of state authorities that were evacuated, and today they provide significant support to and protection of the rights of vulnerable groups (people with disabilities, children, women from vulnerable groups, etc.) However, they often lack sufficient funding, access to decision-making processes, and international visibility, depriving Ukraine of a great resource for replenishing state and local governments and ensuring democratic, fair, and inclusive processes of reconstruction and recovery.

At the 2024 Ukraine Recovery Conference (URC2024) in Berlin, the launching of the Alliance for Gender-Responsive and Inclusive Recovery in Ukraine was announced, which also includes women's organizations. The Alliance aims to integrate a gender perspective into the planning, implementation, and monitoring of Ukraine recovery programs/projects; to support women's full, equal, and meaningful participation in decision-making on recovery and reconstruction at all levels; to increase funding for recovery projects and/or programs in Ukraine that support gender equality; to provide all types of assistance.

To summarize, it should be stressed again that women play a key role in the protection and functioning of the country: they defend it as part of the Armed Forces, start half of small businesses in Ukraine, work in government at the local and national levels to protect the interests of citizens, head large companies, found volunteer organizations, etc. It is essential to properly involve women in recovery, and women's participation in the design and implementation of recovery programs is crucial to making them as effective and efficient as possible.

²⁸ Verkhovna Rada of Ukraine. Draft law of Ukraine No. 11300 On amendments to the electoral code of Ukraine on combating sexism in electoral processes and ensuring balanced representation of women and men in the Verkhovna Rada of Ukraine and local councils. Available in Ukrainian: <http://surl.li/tkzrbh>

²⁹ Online petition. A demand to implement the developed mechanism for combating sexual harassment and violence in the Armed Forces of Ukraine and to end impunity for those who commit violence in the army. Official website of the President of Ukraine. Available in Ukrainian: <http://surl.li/acmenh>

³⁰ The law comes into force on 19 December 2024.

³¹ Resolution of the Cabinet of Ministers of Ukraine No. 57 of 27 January 1995 On approval of the Rules for Crossing the State Border by Citizens of Ukraine. Verkhovna Rada of Ukraine. Available in Ukrainian: <http://surl.li/oxsryv>

Engaging Underrepresented Groups



Since February 2022, the number of people at risk of social exclusion and in need of assistance has increased. According to NDI's May 2024 nationwide survey, more and more people in Ukraine report the loss of friends or family members (80 percent), deterioration of mental and physical health (67 percent and 58 percent, respectively). Ten percent of respondents lost their homes, and 12 percent lost other property.³² Vulnerable groups, such as women, youth, LGBTQI+ people, people with disabilities, veterans and their families, internally displaced persons (IDPs), refugees and members of national minorities, are particularly affected.

The war has disproportionately affected people experiencing multiple vulnerabilities, such as IDPs or persons with disabilities who are also elderly or members of the Roma community. Certain groups, including Roma, LGBTQI+ communities, and people living with HIV and AIDS face increased social stigmatization because of the war. Damage to infrastructure has negatively impacted the inclusiveness and accessibility of social services, which has created problems with access to healthcare, especially for vulnerable groups. Unequal access to services particularly affects people with disabilities, elderly people, low-income households, and the Roma community in general.

Ukraine needs systemic reforms in the area of barrier-free policy and protection of the rights of people

with disabilities; due to Russia's aggression, the number of people with disabilities is growing every day, both among the military and civilians.

In particular, it is necessary to: fully implement a system for assessing vital activity and health according to the World Health Organization's International Classification of Functioning, Disability and Health (ICF)³³; establish multidisciplinary rehabilitation teams that will include different professionals depending on the individual needs of a disabled person; introduce a desegregated system of collecting and assessing disability data, and develop data-based policies and amendments; change regulations and coordination between social services, rehabilitation services, training and employment services for people with disabilities; and

ensure participation of people with disabilities in the development of decisions on changes in the approach to disability determination.³⁴

The government is already implementing measures in this direction, for example, a reform of the Medical and Social Expert Commission (MSEC) was launched. The MSEC reform is intended to simplify the procedure for obtaining disability or other status necessary to receive benefits, introduce a transparent mechanism for appealing decisions made on the basis of examination results, digitalize the system, change approaches to determining the needs of disabled people, making it easier for them to receive services and other types of assistance, and individualize support.

³² Opportunities and Challenges Facing Ukraine's Democratic Transition. Nationwide telephone survey, 8–25 May 2024. National Democratic Institute. Available in Ukrainian: <http://surl.li/xgomal>

³³ <https://www.who.int/standards/classifications/international-classification-of-functioning-disability-and-health>

³⁴ Agenda for reforms demanded by the disability community, 2023–2024. Fight For Right. Available in Ukrainian: <http://surl.li/mlcmr>

In addition, Ukraine needs to create community-based services for disabled people, disabled children, and the elderly. To do this, it is necessary to change approaches to financing the provision of community-based services and build accessible infrastructure.

The number of Ukrainians who believe that LGBT people should have the same rights as other citizens is steadily increasing: according to the results of a nationwide telephone survey conducted by NDI in May 2024, the vast majority of respondents (68 percent) agree with this statement.³⁵ The participants of the event noted that Ukraine has made significant progress in recognizing and protecting the human rights of LGBTQI+ people, but there is still work to be done.³⁶

Despite calls from representatives of civil society to the parliament to adopt a law on combating discrimination, the relevant draft law has not been submitted to the plenary session of the Verkhovna Rada although it was prepared by the relevant committee³⁷ for consideration more than a year ago.³⁸ Adoption of this law will bring national legislation in line with international standards in the field of preventing and combating discrimination and improve accountability for hate crimes.³⁹

The parliament is also considering another important draft law in

the field of human rights – on the institution of registered partnerships. However, it has not yet been reviewed by the Committee on Legal Policy.⁴⁰ The draft law provides for registered partnerships regardless of the gender of the partners and establishes that a partnership is not a marriage and that after registration, the partners will be considered close relatives. However, in certain cases, non-property and property relations between registered partners will be governed by the relevant provisions of the Family Code of Ukraine or the Civil Code of Ukraine.⁴¹ This is especially important for partners in a common law marriage or LGBTQI+ people if one of the partners or both of them are serving in the army or are war veterans.⁴²

Roma are one of the most vulnerable national minority communities in Ukraine. The full-scale war has significantly worsened their situation in terms of access to education and healthcare services, has become an obstacle to improving the quality of their living conditions and employment, and has made it difficult to overcome obstacles to harmonious and equal coexistence of Roma with Ukrainian society.⁴³

According to civic activists,⁴⁴ even before the full-scale invasion, about 30,000 Roma in Ukraine did not have identity documents confirming their

Ukrainian citizenship or special status. Presently, this has serious consequences for displaced community members, as without a passport they do not have access to shelter, and in some cases, humanitarian aid.

Given this situation, in June 2023, the Ukrainian parliament's Commissioner for Human Rights initiated a pilot project on documenting persons from the Roma national minority community and developing legal mechanisms to simplify this procedure for 2023–2024 in Mukachevo, Zakarpattia region. As of 31 December 2023, 62 persons have been documented, and work is ongoing.⁴⁵

In December 2023, the government approved the 2024–2025 action plan to implement a strategy promoting the realization of the rights and opportunities of persons belonging to the Roma national minority in Ukrainian society for the period up to 2030⁴⁶, which identifies specific implementers and sets deadlines for each objective.

The adoption by the parliament of the Law of Ukraine *On public consultations*, which, among other things, ensures access of underrepresented groups to participation in decision-making by state bodies, can be considered a significant civil rights accomplishment.

³⁵ As Costs of War Mount, Ukrainian Demands for Inclusive Democracy Remain Strong. National Democratic Institute. 23 July 2024. Available in English: <http://surl.li/iwcta>

³⁶ Joint Statement on the International Day Against Homophobia, Biphobia and Transphobia (IDAHOBIT+). Ministry of Foreign Affairs of Ukraine. 17 May 2024. Available in English: <https://mfa.gov.ua/en/news/spilna-zayava-do-mizhnarodnogo-dnya-borotbi-z-gomofobiyeyu-bifobiyeyu-ta-transfobiyeyu-idahobit>

³⁷ The Verkhovna Rada Committee on Law Enforcement.

³⁸ Verkhovna Rada of Ukraine. Draft law of Ukraine No. 5488 On amendments to the Code of Ukraine on Administrative Offenses and the Criminal Code of Ukraine with regard to combating discrimination. Available in Ukrainian: <http://surl.li/heonv>

³⁹ The public calls on the authorities to adopt draft law No. 5488 on non-discrimination as soon as possible. ZMINA. 13 May 2024. Available in Ukrainian: <http://surl.li/tefsd>

⁴⁰ The Verkhovna Rada Committee on Legal Policy.

⁴¹ Draft law of Ukraine No. 9103 On the institution of a registered partnership. Verkhovna Rada of Ukraine. Available in Ukrainian: <http://surl.li/yrykqb>

⁴² A. Nyzovets. Civil partnerships are not only about LGBT people. Everything you need to know about the new way of tying the knot. GenderZed, liga.net. 30 November 2023. Available in Ukrainian: <http://surl.li/xgqhex>

⁴³ Annual report on the state of observance and protection of human and civil rights and freedoms in Ukraine in 2023. Ukrainian Parliament Commissioner for Human Rights. Available in Ukrainian: <http://surl.li/xfnbqz>

⁴⁴ "About 30,000 Roma in Ukraine have no documents". The story of a Roma activist. United Nations. 4 January 2021. Available in English: <https://ukraine.un.org/en/106824-about-30000-roma-ukraine-have-no-documents-story-roma-activist>

⁴⁵ Annual report on the state of observance and protection of human and civil rights and freedoms in Ukraine in 2023. Ukrainian Parliament Commissioner for Human Rights. Available in Ukrainian: <http://surl.li/ypheed>

⁴⁶ Order of the Cabinet of Ministers of Ukraine No. 1197-p of 22 December 2023. On approval of the 2024–2025 action plan to implement the Strategy promoting the realization of the rights and opportunities of persons belonging to the Roma national minority in Ukrainian society for the period up to 2030. Verkhovna Rada of Ukraine. Available in Ukrainian: <http://surl.li/ffcksn>

Veterans

There is no room for delay in the adoption of a unified national program for veteran reintegration. The state must realize that the state veterans policy is not a social issue, but rather a matter of national security and defense.

A survey conducted by the Sociological Group Rating in March 2024 revealed a high level of public trust in veterans: more than 94 percent of Ukrainians trust them, and 76 percent of respondents said that Ukrainian society respects veterans. However, only 25 percent of respondents believe that the state properly fulfills its obligations to veterans. This figure has decreased significantly compared to August 2022, when it was 69 percent.⁴⁷

As of the first quarter of 2024, there were 1.2 million veterans in Ukraine. Among them, 109,107 have the status of persons with a war-related disability. The number of veterans has begun to grow rapidly, in part because new legislation that came into force allows former prisoners of war and other specific categories of the military to return to civilian life, as veterans.⁴⁸ The number of veterans will increase with every single day of Ukraine's confrontation with the aggressor. Both government officials and civil society have been talking about this for years, but there is still no unified national program for veteran reintegration.

The fact that the new state veteran policy is identified as one of the essential elements of the Government's Priority Action Plan for 2024 inspires cautious optimism. The Plan, in particular,

provides for the development of a draft law on the basic principles of state veteran policy.⁴⁹

Among other things, the Plan aims to provide support to war veterans and their families throughout Ukraine by introducing the institution of a "veteran's assistant" into the system of transition from military service to civilian life. However, the Ministry of Veterans Affairs of Ukraine has already criticized the result of the implementation of this new institution, and the Ministry, together with the Ministry of Economy of Ukraine, has reformatted the project and created the profession "specialist in supporting war veterans and demobilized persons" to address the shortcomings they identified.⁵⁰

The Ministry of Veterans Affairs is developing a draft "community passport" accessible to war veterans with the aim of creating conditions for the implementation of veteran policies in communities through unified approaches that are clear and understandable for veterans, their families and families of fallen defenders, and easy to implement on site.⁵¹

According to a study conducted by the Sociological Group Rating, 53.8 percent of veterans said that they most need (or will need in the future) health care services, and

20 percent need psychological support.⁵² The Ukrainian Veterans Fund, a government body within the Ministry of Veterans Affairs, conducted focus groups⁵³ among veterans, which revealed dissatisfaction with the quality of psychological support offered by the state. Among the main shortcomings of the state system of psychological support, respondents indicated lack of qualified (or any) psychologists in the Armed Forces of Ukraine. The Ukrainian Veterans Fund is currently working to change the qualification requirements for the doctors working in the field of psychological support, and approaches to providing such support and healthcare services to veterans and their families.

To summarize, Ukraine is addressing some veterans policy issues, while expending time and resources, not always successfully, on others. However, these are isolated changes and a unified national program for veteran reintegration is required to achieve effective results in this area. The state must fulfill its obligations to veterans, who risked their lives to defend it.

Closer cooperation between the veteran community and state institutions and NGOs dealing with veterans' rights would help to develop a quality veterans policy.

⁴⁷ Rating Monitoring, 27th Wave: The image of veterans in Ukrainian society. Ukrainian Veteran Fund, Sociological Group Rating. Available in Ukrainian: <http://surl.li/xcaies>

⁴⁸ R. Velychko-Tryfoniuk. Veterans will receive healthcare services in Ukraine just like abroad. *Ukrainska Pravda Zhyttia*. 20 June 2024. Available in Ukrainian: <http://surl.li/qwqnl0>

⁴⁹ The new veteran policy is among the main activities within the Government's 2024 Priority Action Plan. Ministry of Veterans Affairs of Ukraine. Available in Ukrainian: <http://surl.li/pbdmiv>

⁵⁰ O. Yankovskyi. Rehabilitation, employment, housing: Is there a single veteran policy in Ukraine?" *Radio Liberty*. 22 May 2024. Available in Ukrainian: <http://surl.li/txghlx>

⁵¹ Veterans policy should be cross-cutting and implemented both at the national and community levels: The Ministry of Veterans Affairs presented the project. Cabinet of Ministers of Ukraine. 17 May 2024. Available in Ukrainian: <http://surl.li/oiaiih>

⁵² Needs of Veterans 2023. January – April 2023. Ukrainian Veterans Fund. Available in Ukrainian: <http://surl.li/tgvvnp>

⁵³ Discrimination of different social groups in the Armed Forces of Ukraine: Views of military and civilian citizens. Results of a comprehensive study. March–April 2023. Ukrainian Veterans Fun. Available in Ukrainian: <http://surl.li/duosny>



Euro-Atlantic Integration

2024 was a crucial year for Ukraine on its path to membership in the European Union as accession negotiations began.

Currently, Ukraine-EU cooperation focuses on two main dimensions: providing critical external funding to ensure both macroeconomic stability (through the “Ukrainian Facility”) and predictability in the context of a full-scale, high-intensity military conflict, and supporting Ukraine’s European integration which continues to enjoy a high level of support among Ukrainian society. According to an NDI survey conducted in May 2024, 90 percent of Ukrainians want Ukraine to become an EU member by 2030,


reflecting a consistently high level of support for European integration since the beginning of Russia’s full-scale invasion (the figure was 90 percent in May 2022 and 92 percent in May 2023).⁵⁴

During the first half of 2024, Ukraine continued developing measures to implement the Ukraine Facility program. On March 18, the Cabinet of Ministers of Ukraine approved the Ukraine Facility Plan which will become the basis for the implementation of the EU’s financial support program for Ukraine in 2024–2027.

The Plan includes more than 150 indicators in 69 reform areas scheduled to be implemented by 2027 and also 16 investment indicators included in the general list of changes. Program funding is directly dependent on Ukraine meeting these indicators. More than 36 indicators are planned to be implemented in 2024 in the areas of improving public financial management, fighting corruption, managing state property, developing human capital, improving the business environment, and developing priority sectors.⁵⁵

⁵⁴ Opportunities and Challenges Facing Ukraine’s Democratic Transition. Nationwide telephone survey, 8–25 May 2024. National Democratic Institute. Available in Ukrainian: <http://surl.li/xgomal>

⁵⁵ The Government approved the Plan for the implementation of the Ukraine Facility program. Government portal. The only web portal of the executive authorities of Ukraine. 18 March 2024. Available in English: <https://www.kmu.gov.ua/en/news/uriad-zatverdyy-plan-dlia-realizatsii-prohramy-ukraine-facility>



Ukraine has sent the text of the Ukraine Facility Plan to the European Commission for evaluation. On May 14, the Council of the EU adopted an implementing decision that positively assessed it. In particular, the Council of the EU believes that with this Plan, Ukraine has fulfilled the pre-condition for receiving up to 50 billion euros in support under the Fund for Ukraine. When this condition is completely fulfilled, the process of regular payments can begin. Financial support under the Ukraine Facility will be provided on the condition that Ukraine continues to maintain and respect effective democratic mechanisms, including a multi-party parliamentary system and the rule of law, and guarantees respect for human rights.

On June 6, the Verkhovna Rada of Ukraine ratified the Framework agreement on special mechanisms for EU funding under the Ukraine Facility.⁵⁶

On June 25, the Intergovernmental Conference between Ukraine and the EU took place in Luxembourg, marking the start of negotiations on Ukraine's membership in the European Union. After the negotiations started, bilateral screening began, which will

last until late 2024. According to Ukrainian officials, Ukraine will be able to complete all the preparations to join the European Union by 2030.⁵⁷

The participants of the NDI round table emphasized the importance of the results of June 6-9 European Parliament elections to maintaining European political support of Ukraine. Given these current results, it can be cautiously asserted that the course towards Ukraine's European integration will not change over the next five years, a welcome predictability in the face of the full-scale invasion by the Russian Federation. Roberta Metsola, the President of the European Parliament, and Ursula von der Leyen, the President of the European Commission, were re-elected, and Kaja Kallas, the former Prime Minister of Estonia, was chosen as the High Representative of the European Union for Foreign Affairs and Security Policy. In their official speeches, all of them emphasized that support for a sovereign Ukraine remains one of the main issues on the EU agenda.⁵⁸

Ukraine continues to work on democratic, economic, and security reforms on its way to NATO membership, while these reforms continue to enjoy a high level of support from Ukrainian society. According to a national survey conducted by NDI in May 2024, 84 percent of Ukrainians

want Ukraine to become a NATO member state by 2030 (the figure was 73 percent in May 2022 and 89 percent in May 2023), but only 71 percent of respondents consider this option realistic (the figure was 65 percent in May 2022 and 85 percent in May 2023).

At the NATO summit on 9–11 July 2024 in Washington, Ukraine did not receive an invitation to join the Alliance. However, the Summit declaration and statements by high-ranking officials emphasized that the decisions taken should serve as a bridge to Ukraine's future Alliance membership. U.S. President Joe Biden announced the launch of the Ukraine Compact, which is part of a commitment to Ukraine's long-term security. The document was approved by 24 leaders of NATO member states. The Compact is designed to coordinate and accelerate collective efforts to meet Ukraine's comprehensive security needs.⁵⁹

In addition, at the summit, NATO established a structure for providing security assistance and training for Ukraine (NSATU), which will facilitate coordination in the provision of military equipment and training by NATO member states and partners. The aim of the structure is to provide Ukraine with long-term security assistance, ensuring enhanced, predictable, and coordinated support.

The Alliance has supported the idea of establishing a joint NATO-Ukraine Analysis, Training and Education Center (JATEC), which should be based on practical cooperation through identifying and applying lessons from Russia's military aggression against Ukraine and strengthening Ukraine's interoperability with NATO.⁶⁰

⁵⁶ The Law of Ukraine On ratification of the Framework agreement between Ukraine and the European Union on special mechanisms for EU funding under the Ukraine Facility of 06.06.2024. Verkhovna Rada of Ukraine. Available in Ukrainian: <http://surl.li/cwfskn>

⁵⁷ Y. Kuzmenko, V. Pashko, O. Kovalchuk. Ukraine has officially started accession negotiations with the EU. Suspilne News. Available in Ukrainian: <http://surl.li/jvmtfm>

⁵⁸ A strong Parliament in a strong Europe – Roberta Metsola re-elected President of the European Parliament. The President. European Parliament. Available in English: <http://surl.li/vyviaj>

⁵⁹ At the Washington summit, the "Ukrainian Compact" was launched and signed by more than 20 NATO member countries. Radio Liberty. 12 July 2024. Available in Ukrainian: <http://surl.li/eykrnn>

⁶⁰ I. Kostina. NATO decided to create a structure to provide assistance and training for Ukraine. European Pravda. 10 July 2024. Available in Ukrainian: <http://surl.li/zvheex>

Constitutional Control

A state at war needs a fully formed and effective Constitutional Court that is selected through a transparent public procedure and able to ensure the rule of the Constitution and preserve democracy.

The Constitutional Court of Ukraine is composed of 13 judges.⁶¹ At least 12 judges must be present to recognize a special plenary session or a Grand Chamber session as authorized. Therefore, if at least two judges of the Constitutional Court of Ukraine are absent, the work of the Court is blocked. To address this issue, the Advisory Group of Experts (AGE) has been operating for a little over six months holding competitions for vacant positions of judges of the Constitutional Court of Ukraine under new procedures.

Conducting the first competitive procedures of the AGE under the new rules is of great importance. First, transparent, open procedures have been achieved. Second, the practical application of the provisions of the Law of Ukraine *On the Constitutional Court of Ukraine* regarding the competition for vacant positions of judges of the Constitutional Court of Ukraine and the *Methodology for Assessing Moral Qualities and the Level of Competence in the Field of Law of Candidates for the Position of a Judge of the Constitutional Court of Ukraine* will make it possible to identify shortcomings in the selection procedure and make the necessary changes to these documents. Third, the need to involve more professional

lawyers in the competition was identified, which can be ensured by high-quality communication and campaigning provided by stakeholders at all levels, as well as clear, urgent, and objective actions of all subjects of appointing judges to the Constitutional Court of Ukraine: Parliament, the President of Ukraine, and the Congress of Judges of Ukraine.

On May 23, 2024, the Verkhovna Rada of Ukraine appointed Serhii Riznyk as a judge of the Constitutional Court of Ukraine after he was recommended by the AGE. He was recommended for the position following the new competitive procedure. If the other two other bodies empowered to appoint judges, the president's office and the Congress of Judges, act as quickly as the Verkhovna Rada did, it will be a powerful signal to the entire legal community. After the parliament appointed Mr. Riznyk to the Constitutional Court the G7 ambassadors called on the Congress of Judges of Ukraine to nominate a judge of the Constitutional Court of Ukraine under its quota from among the candidates submitted by the AGE.⁶²

Presently, a competition for one vacant position of a judge of the Constitutional Court of Ukraine under the president's quota is underway and documents of

10 candidates have already been submitted to the AGE.

Competitions for two vacant positions under the parliament's quota, which were not filled due to the lack of the legally established minimum number of candidates, were recently reopened. Fifteen candidates have submitted documents⁶³ that are currently being processed by the Verkhovna Rada Committee on Legal Policy.

The Congress of Judges of Ukraine also announced new competitions for two of its vacant positions. The competition for one position was not held due to the lack of the minimum number of candidates, while another competition was announced in advance for the position of a judge of the Constitutional Court of Ukraine that will become vacant in early 2025. The Council of Judges of Ukraine has already vetted 13 candidates for that position.

On May 13, 2024, the AGE sent the Council of Judges of Ukraine its ranked lists of candidates (simultaneously with the lists for the Verkhovna Rada of Ukraine) and opened the possibility of selecting another judge of the Constitutional Court of Ukraine within the quota of the judiciary.

⁶¹ The Constitutional Court of Ukraine currently consists of 18 judges.

⁶² G7 ambassadors called on the Congress of Judges to appoint a judge of the Constitutional Court of Ukraine according to its quota from among the candidates submitted by the Advisory Group of Experts. Ukrinform. 28 May 2024. Available in Ukrainian: <http://surl.li/bggghq>

⁶³ Candidates for the position of a judge of the Constitutional Court of Ukraine (announcement published on 22 May 2024). Verkhovna Rada of Ukraine. Available in Ukrainian: <http://surl.li/dwhb1s>



Anti-Corruption Reform

Governmental authorities that are democratic, open, and ready to fight corruption are the key to an effective anti-corruption policy. It is the government that should provide the necessary impetus in this area.

Despite the security challenges that require priority response, Ukraine continues reforms during martial law, including anti-corruption reforms. In particular, anti-corruption legislation and procedures are being improved.

For example, in February 2024, the Cabinet of Ministers of Ukraine appointed Viktor Pavlushchuk as the Head of the National Agency on Corruption Prevention (NACP). This decision was made by the

competition commission following a long, thorough selection process.

On 16 May this year, a Law of Ukraine⁶⁴ came into force that simplifies the work of the High Anti-Corruption Court (HACC). The changes in the Law allow HACC judges to hear cases alone, rather than in a panel, expediting hearings and provides for substitute judges at the local level when three judges are required to hear a HACC case.

On 30 June 2024, the Law of Ukraine focused on improving the work of the Economic Security Bureau (ESB), a pre-trial investigative body for alleged economic crimes,⁶⁵ came into force. It provides for the introduction of a transparent process for the competitive selection for the position of the ESB Director and defines the requirements, rights, and obligations of the competition commission. In addition to national

⁶⁴ The Law of Ukraine On amendments to Article 31 of the Criminal Procedure Code on improving the procedure of criminal proceedings. Verkhovna Rada of Ukraine. Available in Ukrainian: <http://surl.li/twfxwk>

⁶⁵ The Law of Ukraine On amendments to certain legislative acts of Ukraine on improving the work of the Economic Security Bureau of Ukraine. Verkhovna Rada of Ukraine. Available in Ukrainian: <http://surl.li/ymonql>

experts, the commission must include three representatives of international organizations that, in accordance with international or interstate agreements, provide Ukraine with international technical assistance in the field of preventing and combating corruption and reforming law enforcement agencies.

However, despite the progress in promoting anti-corruption reform, there are still some challenges that need to be addressed as soon as possible. In particular, participants highlighted the absence of an independent body responsible for conducting high-level forensic examination in corruption cases and insufficient capacity of the NABU to conduct autonomous wiretapping.⁶⁶ It was also noted that it is necessary to grant the Head of the Specialized Anti-Corruption Prosecutor's Office (SAPO) the authority to independently initiate criminal cases against MPs and coordinate investigative actions against them, as well as abolish the obligation of the court to close criminal proceedings upon expiration of the pre-trial investigation.⁶⁷

Participants argued that the NACP should consider the comments made by the auditors during the external NACP audit for 2020–2021 regarding the insufficient level of transparency in the NACP's work, errors in regulatory approaches to human resources management, shortcomings in the organizational structure and personnel decisions, and also implementation of its internal control function.⁶⁸ The round table participants expressed hope that the new head of the NACP would succeed in resolving problematic issues.

During the discussion, experts emphasized the need for the parliament to adopt the draft law *On amendments to the Law of Ukraine on public procurement to ensure public disclosure of the information on prices for material resources in the process of procurement of repair and construction services by customers in the electronic procurement system*⁶⁹, which is important in the context of reconstruction processes control. This draft law has been reviewed by the relevant committee of the Verkhovna

Rada of Ukraine and is awaiting consideration by the parliament.

Participants noted that the public is currently focused on monitoring the implementation of the State Anti-Corruption Program for 2023–2025 (SAP)⁷⁰. In this context, the failure of the Ministry of Internal Affairs of Ukraine and the National Police of Ukraine to fulfill their obligations to develop a draft law, which, in particular, should stipulate that senior police officers are appointed exclusively on a competitive basis, is a cause for concern.

The round table participants also stated that it is impermissible to put pressure on civil society or NGO representatives by law enforcement agencies, other state institutions or public officials.^{71,72} Moreover, strengthening the mechanisms of interaction between state institutions and civil society, promoting and supporting the development of civil society, including anti-corruption NGOs, is mandated by a Cabinet of Ministers' decree on strengthening the stability of democracy in Ukraine.⁷³

Legislative changes in anti-corruption policy should be initiated by the government, and it should be the driving force in the fight against corruption. At present, relevant ideas are being promoted by NGOs and international partners, which negatively affects the image of the Ukraine government's commitment to fight corruption.

Government institutions should continuously and proactively cooperate with relevant national and international NGOs; they should not implement anti-corruption measures only under pressure from such organizations or investigative journalists.

⁶⁶ Progress in Ukraine's anti-corruption and judicial reform efforts. The document was prepared by Transparency International Ukraine and the Basel Institute on Governance. June 2024.

Available in English: https://baselgovernance.org/sites/default/files/2024-06/240610%20Ukraine%20anticorruption%20update_digital.pdf

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Draft law of Ukraine No. 11057 On amendments to the Law of Ukraine On public procurement to ensure public disclosure of the information on prices for material resources in the process of procurement of repair and construction services (transparent construction) by customers in the electronic procurement system. Verkhovna Rada of Ukraine. Available in Ukrainian: <http://surl.li/gcdfol>

⁷⁰ Resolution of the Cabinet of Ministers of Ukraine No. 220 of 4 March 2023 On approval of the State Anti-Corruption Program for 2023–2025. Verkhovna Rada of Ukraine. Available in Ukrainian: <http://surl.li/ikhvjy>

⁷¹ O. Vysokolian. "Pressure on journalists? What can we learn from the Bihus.Info case?" Radio Liberty. 17 January 2024. Available in Ukrainian: <http://surl.li/awgqfr>

⁷² Shabunin announced another wave of anti-corruption sector discreditation. ZMINA. 4 March 2024. Available in Ukrainian: <http://surl.li/jnlubw>

⁷³ The Concept of Strengthening the Resilience of Democracy in Ukraine. Cabinet of Ministers of Ukraine. Available in Ukrainian: <http://surl.li/zedkh>

Judicial Reform

The greatest achievement of the judicial reform in Ukraine at this stage is the introduction of open, transparent competitions in the judicial system.

The discussion participants noted the effective work of the High Qualification Commission of Judges (HQCJ), which appoints judges and the Public Integrity Council (PIC), which advises the HQCJ, which were established in new compositions last year. The PIC is actively involved in the work of the HQCJ and provides opinions on the integrity of judges. At the recommendation of the HQCJ, the High Council of Justice (HCJ) has already dismissed two judges who made questionable decisions during the Revolution of Dignity. HQCJ meetings are broadcast publicly, which contributes to the transparency of the body's activities.⁷⁴ The HQCJ still has a lot to do, as there are about 700 judicial vacancies in the appellate courts alone.⁷⁵

The functioning of the HCJ, which disciplines judges, is also important. Today, 17 out of 21 HCJ positions are filled, and four are vacant. On June 19 this year, the competition for one of the vacant HCJ positions ended: the Ethics Council published a list of candidates recommended for appointment under the President's quota.⁷⁶ Moreover, for a long time now, the President has not appointed a member of the HCJ from the list of those recommended in the previous competition, although the relevant documents have been sent by the Ethics Council. Next year, the term of office of two more members of the HCJ from the judicial community will expire, so there may be problems with a quorum.

Another challenge in judicial reform is setting up the disciplinary inspector service. In December last year, the HCJ established a commission to hold a competition for the position of the Head of the Disciplinary Inspector Service, his deputy, and a disciplinary inspector and announced a competition for the positions. In May 2024, the commission determined the list of persons admitted to participate in the competition, the dates of testing, and sample tests. Thus, they admitted 10 candidates for the position of the Head of the Disciplinary Inspector Service,⁷⁷ 114 candidates for the position of the Deputy Head of the Service, and 345 candidates for the position of a disciplinary inspector. The HCJ Head said that, according to optimistic forecasts, the Service should be established in September 2024.⁷⁸

On 16 May of this year, the Law of Ukraine *On amendments to Article 31 of the Criminal Procedure Code on improving the procedure of criminal proceedings* came into force simplifying the work of the High Anti-Corruption Court (HACC).⁷⁹

However, a competition for the positions of HACC judges is required, as in September 2023. The HCJ has established a new number of HACC judges – 63, of which 21 are judges of the Appeals Chamber.⁸⁰

On 23 November 2023, a competition was announced to

fill 25 vacant positions of judges of the HACC and the HACC Appeals Chamber. On 29 April 2024, the HQCJ selected six new members of the Public Council of International Experts, which assists the HQCJ in qualification assessments of candidates for the positions of HACC judges. As of May 2024, the HQCJ has qualified 160 people to participate in competition for vacant positions.⁸¹

There is a need to solve the problems of the Kyiv City District Administrative Court, which was established to replace the liquidated District Administrative Court of Kyiv. In July 2023, the preliminary staffing list of the court was approved and a competition for 51 positions of judges was announced. However, the court is still not functioning, and cases within its jurisdiction are transferred to the Kyiv District Administrative Court (KDAC). As a result the KDAC is overloaded with cases, which negatively affects the observance of reasonable time limits, and thus jeopardizes successful consideration of cases.⁸²

In summary, Ukraine is in the active phase of holding competitive procedures for the positions of judges and is looking forward to a new quality of judicial proceedings, a change in the landscape of Ukrainian justice, and a significant reduction of corruption risks in the judicial system based on the results of the work of judges elected through open and transparent procedures.

⁷⁴ Progress in Ukraine's anti-corruption and judicial reform efforts. The document was prepared by Transparency International Ukraine and the Basel Institute on Governance. June 2024. Available in Ukrainian: <http://surl.li/btwsaa>

⁷⁵ K. Aslanian. Judicial power. What hinders the reform of local and appellate courts? Laboratory of Legislative Initiatives. 8 July 2024. Available in Ukrainian: <http://surl.li/ungovy>

⁷⁶ Not perfects, but recommended: The Ethics Council completes the HCJ competition. DeJuRe. 19 June 2024. Available in Ukrainian: <http://surl.li/cbrpea>

⁷⁷ On July 12, the competition commission that held the competition for the position of the Head of the Disciplinary Inspector Service announced the need to hold a new competition, as they did not have the required number of candidates to submit to the HC.

⁷⁸ The Disciplinary Inspector Service should be established in September – the HCJ Head. Ukrinform. 10 June 2024. Available in Ukrainian: <http://surl.li/zyghnd>

⁷⁹ For more information, please see the Anti-Corruption Reform section of this report.

⁸⁰ At the initial stage of establishing the court, the HCJ approved only 39 positions of judges, including 12 positions of judges of the Appeals Chamber.

⁸¹ Progress in Ukraine's anti-corruption and judicial reform efforts. The document was prepared by Transparency International Ukraine and the Basel Institute on Governance. June 2024. Available in Ukrainian: <http://surl.li/voppq>

⁸² Ibid.

Elections

It is not possible to hold national elections under martial law, but amendments to the electoral law should be prepared as soon as possible.

Ukrainian society and the government authorities are unanimous in their view that democratic elections can only be held after martial law ends, but preparations should already be underway. The authorities should inform citizens about the system of post-war elections, including how

refugees and IDPs will vote and whether people who have been abroad since the beginning of the full-scale invasion will be able to run for elections.

According to the recommendations of the Venice Commission of the Council of Europe and the OSCE Office for Democratic Institutions



and Human Rights, significant changes to the electoral law should be adopted no later than one year before the next election.

In addition to addressing the election problems that were caused or exacerbated by the war, Ukraine needs to amend its electoral legislation to take into account the previously unimplemented recommendations of international institutions to improve the electoral process. For example, the proportional system with open lists in parliamentary elections should be strengthened, electoral process administration should be improved, the mandate and powers of the Central Election Commission should be protected, and the legislation on political parties should be updated in line with international standards.⁸³ Representatives of the authorities and civil society should realize that without making relevant changes to the Electoral Code of Ukraine, Ukraine will not be able to hold the first post-war elections at the necessary standards.

Currently, the need for an independent audit of the state voter register is particularly acute, as it is important for ensuring the transparency of the electoral process. Given the large number of people moving both within the country and abroad, this will take considerable time.

The round table participants noted that discussions on finding and developing ways to hold post-war elections and the need to amend the electoral law are organized by

NGOs, while the government lacks proactivity in this regard.

For example, the draft law of Ukraine *On amendments to the Electoral Code of Ukraine on improving the regulation of information support for elections and election campaigning* has been under consideration by the parliament for a long time, but has only been considered by the relevant committee of the Verkhovna Rada of Ukraine and has stagnated since.

The draft law of Ukraine *On amendments to the Electoral Code of Ukraine on combating sexism in electoral processes and ensuring balanced representation of women and men in the Verkhovna Rada of Ukraine and local councils*, which is under consideration by the Verkhovna Rada Committee on the Organization of State Power, Local Self-Government, Regional Development, and Urban Planning, also needs to move forward.

In addition, the NDI event participants expressed concern about the possible gradual degradation of political parties as institutions, as political parties that do not see the prospect of elections in the near future will not be motivated to develop, network, be active, and prepare policies. It is necessary to create legislative conditions⁸⁴ through which parties will be the main actors in the electoral process, drive changes, and educate a new generation of political activists and leaders.

Presently, Ukraine needs to focus all its efforts on making sure that post-war elections are held in a manner that meets all the international standards and is credible, first and foremost, to Ukrainian society.

⁸³ Roadmap for Electoral Reform in Ukraine – 2023 Wartime Edition. OPORA. 18 October 2023. Available in English: <https://ifesukraine.org/wp-content/uploads/2023/10/ifes-ukraine-opora-roadmap-for-electoral-reform-in-ukraine-d7-2023-10-17-eng-1.pdf>

⁸⁴ For more information on the preparation of a new version of the law on political parties please see the section Political Pluralism of this report.

Security

Preserving its statehood is essential for Ukraine, and it must use all means to fulfill this task, both on the battlefield and in the international arena.

Ukraine is confident that only NATO membership can fully guarantee its security, but the state is looking for tools that can guarantee its security now while simultaneously moving toward Alliance membership.

In 2024, Ukraine started signing security agreements with partner countries. These agreements do not contain “security guarantees” as such; they mainly deal with cooperation, assistance, and security commitments. They also outline the format of allied support for Ukraine to end the war and to deter or repel any further aggression.

However, security agreements provide for cooperation not only in the security sector but also in other areas of society, including humanitarian issues, energy sector, economics, reconstruction, digital transformation, countering propaganda, and fighting organized crime. In general, the documents of the partner countries have similar structures, although they reflect the priorities of each of the allies.

The agreements are to some extent framework documents. On the one hand, a number of cooperation mechanisms are not fully detailed; on the other hand, the participants envisage the possibility of amending the agreements or signing additional agreements. The agreement with each country will be valid for 10 years. They can be further extended or terminated prematurely.

As of 14 July 2024, Ukraine has signed 23 bilateral security agreements and is preparing to conclude agreements with several more countries.⁸⁵ It is not yet known whether the security agreements will be ratified by the Ukrainian parliament.

According to a sociological survey conducted by the Kyiv International Institute of Sociology (KIIS) in May–June 2024, 65 percent of Ukrainians believe that security agreements are useful for strengthening defense capabilities of Ukraine. Eighteen percent consider the agreements to be very useful, and 47 percent believe that they are rather useful (i. e., the majority are cautious). According to 40 percent of respondents, security agreements can at least deter the enemy.⁸⁶

In June 2024, at the initiative of Ukraine, Switzerland organized a Summit on Peace, the first gathering of world leaders dedicated to finding ways to end the Russian war against Ukraine. The Summit showed strong support for Ukraine from Western partners; however, it did not unite the world in support of Ukraine. As a result, no specific ways to end the Russian aggression were developed. Consensus was reached on three topics at the Summit: nuclear safety, supply of Ukrainian food abroad, and humanitarian exchange of prisoners.⁸⁷

In July, the UN General Assembly adopted a resolution “Safety and

Security of Ukraine's Nuclear Facilities, including the Zaporizhzhia Nuclear Power Plant (NPP),” which states that the document is based, in particular, on the June 15–16 Peace Summit. The General Assembly demands that the Russian Federation immediately cease its aggression against Ukraine and withdraw all its military from Ukraine's territory within internationally recognized borders. It also demands that Russia immediately withdraw its military and other unauthorized personnel from the Zaporizhzhia NPP and return the plant to the full control of Ukraine.⁸⁸

The round table participants were convinced that the security agreements concluded by Ukraine are a significant step in formalizing the agreements between Ukraine and its partners, and enhancing Ukraine's defense capabilities. The decisions taken at the Peace Summit and the UN General Assembly resolution are evidence of the support and recognition of Ukraine's sovereignty, but the end of Russian aggression depends on the developments on the battlefield. The battlefield will determine the balance of power in relation to Russian aggression and the integrity of Ukraine.

⁸⁵ I. Kutielieva. Zelenskyy announces three new security agreements. European Pravda. 14 July 2024. Available in Ukrainian: <http://surl.li/fyhapg>

⁸⁶ A. Hrushetskyi. Perception of security agreements by Ukrainians. Kyiv International Institute of Sociology. 5 July 2024. Available in Ukrainian: <http://surl.li/xvzqce>

⁸⁷ S. Sydorenko. What the Peace Summit will change: real consequences, pros and threats after the meeting in Switzerland. European Pravda. 17 June 2024. Available in Ukrainian: <http://surl.li/aladsp>

⁸⁸ The Peace Summit continued in the UN General Assembly Hall – Kyslytsia on the resolution on nuclear security of Ukraine. Ukrinform. 13 July 2024. Available in Ukrainian: <http://surl.li/xztqnr>

Decentralization

Important task for Ukraine is to assign local governments a key role in the reconstruction process.

Despite all the challenges facing local communities, local governments continue to actively support the Armed Forces of Ukraine. Residents of every community are fighting on the front line, and communities cannot leave their people without help.⁸⁹

In this context, it is important for the parliament to adopt legislative changes that will strengthen the decentralization process. In particular, the Law of Ukraine *On amendments to certain laws of Ukraine to expand the powers of local governments to support the security and defense sector of Ukraine*,⁹⁰ which is pending the president's signature, will allow local authorities to provide even more support to the Armed Forces of Ukraine, eliminate discrepancies in the legislation on the powers of local governments that have arisen since 24 February 2022, and regulate the status of community heads who have become heads of military administrations.

However, the participants of the NDI event emphasized that the issue of retaining 64 percent of personal income tax (PIT) in the revenues of local budgets and returning military members' PIT to municipal revenues needs to be resolved. Requests from military units to communities remain very high.

The Ukraine Recovery Conference, held in Berlin on 11–12 June 2024, was a good platform for presenting community recovery projects and informing Western partners about the priority needs of local communities. This year's Ukraine Recovery Conference

was fundamentally different from last year's. In particular, there were two venues in Berlin, one of them dedicated entirely to local government exhibitions. The issue of energy infrastructure restoration and decentralization was particularly hotly debated.

The Conference was attended by 15 communities and four regional administrations from Ukraine, each with its own stand presenting priority infrastructure reconstruction projects. At the same time, representatives of local authorities emphasized that they would rather be full partners instead of recipients of Western aid.⁹¹

The Law of Ukraine *On international territorial cooperation in Ukraine*,⁹² which entered into force in June, should help strengthen the capacity of communities in the process of reconstruction. This law is of great importance for local governments: it allows communities and regions to work with European structural funds and attract external funding in a simplified and broader format.

The round table participants emphasized the need to develop a plan for reintegrating the temporarily occupied territories of Ukraine. This work will be effective if government institutions, NGOs, and concerned citizens cooperate in each locality. With the support of international partners, the Future of the East⁹³ communication platform was created, which is a repository of study findings and expert positions on the institutional restoration of Donetsk and Luhansk regions. This platform can be used

to jointly develop solutions for the reintegration of the temporarily occupied territories of Ukraine.

On May 15, the Law of Ukraine *On amendments to the Law of Ukraine 'On local self-government in Ukraine' on ensuring transparency of local self-government*⁹⁴ came into force, which, in particular, provides for video recording and preserving for at least five years records of plenary sessions of councils and meetings of permanent council commissions; publication of draft agendas, conclusions, recommendations and minutes of meetings of permanent council commissions with the results of roll-call voting; publishing of open data on property objects on the unified state open data web portal and official websites of local governments; and regularly updating of such information, such as following inventories.

The parliament has adopted the Law of Ukraine *On amendments to certain laws of Ukraine on democracy at the local government level*,⁹⁵ which establishes that the procedure for initiating, conducting, and applying local democracy mechanisms is regulated by local governments in community charters or individual decisions of local councils. The law is currently pending the signature of the President of Ukraine.

These laws are important in the context of ensuring the principle of openness in the activities of local governments and participation of community residents in decision-making.

⁸⁹ Oleksandr Solontai on the role of communities in strengthening Ukraine's defense capability. Agency for Restoration and Development. 26 June 2024. Available in Ukrainian: <http://surl.li/ukemct>

⁹⁰ Draft law of Ukraine No. 9559-д On amendments to certain laws of Ukraine to expand the powers of local governments to support the security and defense sector of Ukraine. Verkhovna Rada of Ukraine. Available in Ukrainian: <http://surl.li/dhcfyh>

⁹¹ A Report on the Recovery Conference in Berlin: A community perspective. Ekonomichna Pravda. 17 June 2024. Available in Ukrainian: <http://surl.li/ymjrpj>

⁹² The Law of Ukraine On international territorial cooperation in Ukraine. Verkhovna Rada of Ukraine. Available in Ukrainian: <http://surl.li/zfmuvr>

⁹³ The Future of the East communication platform. The future of Donbas. Available in Ukrainian: <http://surl.li/kokmko>

⁹⁴ The Law of Ukraine On amendments to the Law of Ukraine 'On local self-government in Ukraine' on ensuring transparency of local self-government. Verkhovna Rada of Ukraine. Available in Ukrainian: <http://surl.li/adfkbs>

⁹⁵ Draft law of Ukraine No. 7283 On amendments to the Law of Ukraine 'On Local Self-Government in Ukraine' and other legislative acts of Ukraine on democracy at the level of local self-government. Verkhovna Rada of Ukraine. Available in Ukrainian: <http://surl.li/gwgulj>

⁹⁶ A. Hrushetskyi. Survey of Ukrainian refugees in Germany, Poland, and the Czech Republic: Satisfaction with life abroad, return to Ukraine, interest in the situation in Ukraine. Kyiv International Institute of Sociology. 14 May 2024. Available in Ukrainian: <http://surl.li/shebpz>

Ukrainians Abroad

Ukraine, together with its partners, need to develop plans for returning Ukrainian citizens to their homeland.

Ukrainians abroad are human capital that is important for the economic recovery and overall transformation of Ukraine. Therefore, one of the most important questions today is the share of Ukrainian refugees that will return home.

On 20–26 April 2024, KIIS conducted a survey of Ukrainian refugees in Germany, Poland, and the Czech Republic. The survey revealed that those who do not

have citizenship of another country and have not applied for it, those who are not fully satisfied with their living conditions in the new country, and those who describe certain conditions for returning (and do not answer “I plan to stay for a long time”) are most likely to return. According to this approach, exactly one half of the respondents (50 percent) are more likely to return to Ukraine.

At the same time, when asked about conditions under which they

would return most respondents mentioned the normal operation of critical infrastructure (34 percent) and security (34 percent). This is followed by the availability of housing (26 percent) and the end of the full-scale invasion (26 percent). Slightly fewer respondents mentioned the probability of finding a job (16 percent) and considerations regarding their children attending schools/kindergartens (13 percent).⁹⁶

Ukraine needs to identify incentives for the refugees to return home. According to the Ukrainian Government, such incentives are currently the «Відновлення» and «Оселя» programs, which are grants and affordable small business loans.

Together with partners, the government is working on additional incentives for Ukrainians to return to Ukraine. In particular, this refers to transforming programs that support the stay of Ukrainians in the European Union into programs that encourage their return.⁹⁷

At the same time, on 25 June 2024, the EU Council decided to extend temporary protection for Ukrainian refugees until 4 March 2026. Two days later, on 27 June, the Parliamentary Assembly of the Council of Europe (PACE) unanimously adopted a resolution

on the urgent need to find long-term political solutions to support displaced persons from Ukraine. PACE members essentially confirmed that EU countries can grant Ukrainians (regardless of their age, gender, disability, religion or other circumstances) the right to permanent residence in the host country after temporary protection directives expire.⁹⁸

These decisions of European institutions should be a call for Ukraine to accelerate the search for incentives to refugees to return home: if it is possible to obtain the

right to permanent residence in the host country, the number of Ukrainians willing to return is likely to decrease, despite the fact that PACE also approved the idea of paying Ukrainian refugees for their return to Ukraine.

The return of refugees to their homeland is both a serious challenge and an advantage, because Ukrainians, while integrating into European and other countries, are accumulating the experience and knowledge that will be very useful for the post-war recovery of Ukraine.

⁹⁶ A. Hrushetskyi. Survey of Ukrainian refugees in Germany, Poland, and the Czech Republic: Satisfaction with life abroad, return to Ukraine, interest in the situation in Ukraine. Kyiv International Institute of Sociology. 14 May 2024. Available in Ukrainian: <http://surl.li/shebpz>

⁹⁷ Stimulating return of Ukrainians from abroad doesn't provide for administrative measures – Shmyhal. Interfax Ukraine. 5 March 2024. Available in English: <https://en.interfax.com.ua/news/general/971727.html>

⁹⁸ Return ticket to the homeland: Refugee return conditions have changed. ZN.ua. 5 July 2024: <http://surl.li/tcgsbg>

Conclusion

Ukrainian democracy has proven resilient in wartime. In addition to securing Ukraine's sovereignty on the battlefield and international arena, the urgent task now is to bolster the country's critical democratic infrastructure for the postwar challenges that lay ahead. This means strengthening the institutions of the parliament, decentralized local government, pluralistic media and political parties, and an independent judiciary.



About NDI

National Democratic Institute (NDI) is a non-profit, nongovernmental organization, working to support and strengthen democratic institutions worldwide through citizen participation, openness and accountability in government. NDI implements a range of programs in Ukraine supporting good governance and citizen engagement, political party strengthening and civil society development, election monitoring and political participation of women.



In case of any questions about this paper or NDI's work in Ukraine please contact us at ukraine@ndi.org.

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