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NATIONS IN TRANSIT 2020

Ukraine

TRANSITIONAL OR HYBRID REGIME

40

/100

Democracy Percentage	39.88 /100
Democracy Score	3.39 /7

LAST YEAR'S DEMOCRACY PERCENTAGE & STATUS

39 /100 **Transitional or Hybrid Regime**

The ratings are based on a scale of 1 to 7, with 7 representing the highest level of democratic progress and 1 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year. The Democracy Percentage, introduced in 2020, is a translation of the Democracy Score to the 0-100 scale, where 0 equals least democratic and 100 equals most democratic.



TOP

Score changes in 2020

- National Democratic Governance rating improved from 2.25 to 2.50 due to the country's first peaceful rotation of power in the post-Euromaidan era with the election of Volodymyr Zelenskiy.

Executive Summary

By Yulia Yesmukhanova

In 2019, Ukraine went through its first peaceful transition of power since the events of Euromaidan, holding open and democratic presidential and parliamentary elections. Continuing the course of the previous administration, Ukraine's new government adopted a pro-European and proreform orientation with a renewed focus on anticorruption, economic development, and peacebuilding in the occupied and separatist-controlled eastern Donbas region.

The 2019 presidential election campaign was marked not by issue-based debates but, rather, by showmanship. In the second-round runoff, the two candidates resorted to communication via social-media clips, challenged each other to drug testing, and debated at Ukraine's largest stadium. **1** Inspired by a vote share of 73 percent in the second round, newly elected President Volodymyr Zelenskiy at his inauguration announced the dismissal of the parliament, a prelude to his subsequent relaunch of many of Ukraine's government institutions. For the first time since Ukraine's independence, the new parliament—composed of more than three-quarters newly elected members—will be led by the single-party majority of Zelenskiy's Servant of the People party. **2** The cabinet is similarly made up of leaders who are mostly new to the public sector, with an average age of 39 and the youngest minister only 28 years old. **3** Some previous ministries were reorganized, or renamed, and the new Ministry of Digital Transformation was created.

In addition to the newly constituted parliament and cabinet, the government decided to revive other important institutions, including the Central Election Commission (CEC), Supreme Court, and National Agency for Prevention of Corruption (NAPC). While there were concerns regarding the NAPC's work and a demand for reestablishing the institution, **4** the elimination of other Ukrainian institutions was viewed as a political move. A majority of members dismissed from the CEC had served on the commission less than a year, and their performance had

TOP

been assessed positively by election observers, **5** suggesting a political motivation for their removal. **6** The Supreme Court's revitalization was also criticized by international observers. **7** Additionally, the Public Integrity Council (PIC) expressed concerns regarding the court's initial selection between November 2016 and May 2019. **8**

Encouraged by the wins in the presidential and parliamentary elections, the president's team considered early elections at the local level, as well. **9** However, early elections would have required a constitutional amendment spelling out the terms on which local councils and mayors may be dismissed. **10** Considering these limitations, the government has postponed local elections until the mandatory amalgamation of communities is completed. **11** To finish this process, comprehensive constitutional changes will have to account for a new administrative-territorial structure for Ukraine. **12**

With a single-party majority in place, the parliament sped up the legislative process, often eschewing debate and ignoring the opinions or input of other parties **13** in favor of predetermined outcomes set forth by the ruling party. **14** Hundreds of critical decisions were made in roughly the first 45 days of the new sitting government, with an average pace of 38 new draft laws per day. **15** Observers concluded that 76 percent of the decisions made by the parliament in the first quarter had one or more procedural violations. **16**

On December 27, President Zelenskiy signed into law the new election code, a reform that had been widely sought since the 2014 revolution. **17** The code introduced a number of structural changes to Ukraine's electoral process, including a proportional representation system for parliamentary elections, combining open and closed party lists, as well as a system for local elections determined by the size of the municipality. Notably, the code also allows internally displaced persons (IDPs) and economic migrants to register a permanent electoral address and sets a 40-percent quota for women candidates in party lists.

With the election of a new parliament and demand for fresh faces in politics, many civil society activists used the opening of the country's political space to join **TOP** parties running for seats. For example, the parliament's anticorruption committee includes four former activists as members as well as the head of the committee.

18 Working towards Zelenskiy's campaign commitment to fight corruption in

Ukraine, the new parliament aimed its sights at this endemic problem by revitalizing the NAPC, renewing penalties on illicit enrichment, and promoting whistleblower protections. **19**

Ukrainian civil society continued to exercise relative freedom. However, independent monitors registered 68 attacks on civic activists in 2019, noting little effort to properly investigate these cases. **20** Progress in the investigation of the death of Kateryna Handzyuk, an anticorruption activist killed in 2018, was made at the end of the year with a new special commission formed in the Verkhovna Rada in December.

Despite the dearth of explicit decentralization policies in his election campaign, President Zelenskiy and his party signaled their commitment to reforming local government institutions. The president outlined his priorities, including a revamped administrative-territorial structure, proper financing of municipal responsibilities, and increasing access to public services. **21** Yet the president's attempts to introduce draft constitutional amendments were heavily criticized for a lack of consultation with relevant stakeholders.

The High Anti-Corruption Court (HAC) was launched in September to process cases investigated by the National Anti-Corruption Bureau (NABU). With the HAC in place, Ukraine has finalized its institutional setup to process criminal investigations of high-level corruption, and the first notorious cases are now being reviewed by the court.

Ukrainians have high expectations for the coming year. They expect progress in peacebuilding negotiations in Donbas, progress in anticorruption and judicial reform, finalization of the decentralization framework, and, most importantly, progress in the country's economic development. While peace talks with Russia continue, there is growing concern that Ukraine is losing its positions in this process. **22** Economic stability will also depend on further cooperation with the International Monetary Fund (IMF). To continue this cooperation, the Ukrainian parliament will have to vote for unpopular land reform that might undermine public trust in the ruling party.

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National Democratic Governance 1.00-7.00 pts

2.50/7.00

Considers the democratic character of the governmental system; and the independence, effectiveness, and accountability of the legislative and executive branches.	
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- In 2019, Ukraine accomplished its first transfer of power to a new government through democratic and pluralistic elections, allowing for further stable progress in reforming the country's national governance system. Ukraine's future course was shaped during the year by two electoral campaigns—the presidential and parliamentary elections, won by President Volodymyr Zelenskiy and his Servant of the People party. With the new government and legislature in place, Ukraine witnessed an extraordinarily expeditious approval process for new legislation. The new government also reopened peacebuilding negotiations with Russia over the conflict in the eastern Donbas region. ¹
- The presidential election campaign, particularly the runoff between the final two candidates, incumbent Petro Poroshenko and comedic actor Volodymyr Zelenskiy, was dominated by political showmanship and an aura of populism. ² Zelenskiy's campaign, which keyed in on widespread dissatisfaction with the incumbent government, pushed an anticorruption, ³ pro-digitalization message ⁴ and emphasized that a Zelenskiy presidency would greatly rely on an advisory team, which he announced prior to the second-round vote. ⁵
- On April 21, Ukrainians overwhelmingly chose Zelenskiy, who beat the incumbent President Poroshenko in the final runoff with 73 percent of the vote. Reports suggest that Zelenskiy's wide support was partially a result of his comedic persona as an uncorrupted, newcomer president on the TV series *Servant of the People*. ⁶ At the same time, Poroshenko's failure to deliver on reforms during his presidency was highlighted on social media and emphasized by critics on 1+1, Ukraine's most popular TV channel, owned by Zelenskiy's oligarch ally, Ihor Kolomoisky. ⁷ Poroshenko was further damaged by corruption scandals surrounding him and close allies, as well as public fatigue with the Donbas conflict and the country's poor economic situation, which pushed voters to look for alternative options on the ballot. ⁸ **TOP**
- The Servant of the People party, named after Zelenskiy's TV show, won a ruling majority in the parliament, granting the president's team a strong

public mandate to implement his reform agenda. ⁹ With that momentum, the new parliament undertook a “turbo” mode of policy review. ¹⁰ In its first four months, it approved 361 draft laws and registered 1,490 drafts. ¹¹ In comparison, the previous parliament approved 765 draft laws during the first year of its work. ¹² However, outside observers concluded that 76 percent of the decisions made by the new parliament in its first quarter violated at least one procedure. ¹³

- The new parliament approved Zelenskiy’s cabinet of ministers, considered to be the youngest government in Europe with an average age of 39. ¹⁴ Many of the ministers are new to public service and have little prior experience in managing complex institutions. Two ministers were held over from the previous government, Minister of Finance Oksana Makarova and Minister of Internal Affairs Arsen Avakov. ¹⁵
- With the formation of the new government came a restructuring of Ukraine’s ministries. While some were merely renamed, others were subsumed into the responsibilities of other agencies, occasionally without apparent reason. ¹⁶ For example, the Ministry of Energy and Environment Protection inherited the Ministry of Energy, but is unclear how the new ministry will implement its environment-related goals. ¹⁷ Some new ministers relied on staff held over from the previous cabinet and have simply continued reforms in the same direction. For example, the Ministry of Community and Territorial Development reappointed one deputy minister from the previous composition ¹⁸ and publicly committed to continue decentralization. ¹⁹ On the other hand, Ministry of Health staff publicly confronted their new minister and her team, leading to an internal audit of the ministry’s work. ²⁰
- Progress in the Donbas peacebuilding talks became a key priority for Zelenskiy. The exchange of 35 prisoners of war and sailors captured in the Sea of Azov ²¹ was the first positive step in this direction. After a three-year hiatus, the Normandy Format was revived with President Zelenskiy meeting with Russian President Vladimir Putin in December 2019. The meeting resulted in an agreement to swap prisoners and the implementation of a ceasefire, as well as progress in negotiations on transiting Russian natural gas through Ukraine. ²²

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Electoral Process 1.00-7.00 pts

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Examines national executive and legislative elections, the electoral framework, the functioning of multiparty systems, and popular participation in the political process.

4.50 / 7.00

- Ukraine held presidential ¹ and snap parliamentary elections in 2019 that proceeded in a transparent and competitive manner. ² Prior to the parliamentary elections, Ukraine's Verkhovna Rada voted on a new Electoral Code, which had been in discussion since 2015 and was eventually vetoed by President Zelenskiy. The parliamentary committee addressed the president's concerns and brought an amended draft to a vote. On December 27, President Zelenskiy signed the new Electoral Code.
- On April 21, Ukrainians voted overwhelmingly for Volodymyr Zelenskiy in the second round of the presidential elections. The former comedian and actor won with 73 percent of the vote, compared to just under 25 percent for the incumbent President Poroshenko. Election observers acknowledged some minor procedural issues but gave a positive assessment of how the elections were organized. ³ The voter turnout was high at 62 percent in the second round. ⁴
- Having popular support but limited by the weak opposition coalition in the parliament, President Zelenskiy dismissed the legislature and announced snap parliamentary elections following his inauguration. ⁵ Originally planned for October 2019, the elections were pushed forward to July after the Constitutional Court confirmed the constitutionality of the dissolution of parliament. ⁶ The president's newly created Servant of the People party capitalized on Zelenskiy's success, receiving 41.3 percent of multi-mandate constituency votes ⁷ and 131 seats out of 199 seats in majoritarian districts. ⁸ In total, the president's party received 254 out of 424 seats in the parliament and created Ukraine's first single-party parliamentary majority. ⁹ A local election monitoring group confirmed that there were no systemic violations on voting day, registering only minor irregularities. ¹⁰
- On September 13, the new parliament dismissed the Central Election Commission (CEC) following accusations by Zelenskiy of political bias during the parliamentary elections. ¹¹ While most of the dismissed members had served on the commission less than a year, opposition leaders and experts criticized the decision, as their performance had been positively assessed by election observers. ¹² The local election monitoring group OPORA

TOP

concluded that the cases of bias cited by the president had not led to systemic violations of the electoral process and were not substantial enough for the CEC dismissal. **13** On October 4, the parliament approved the new composition of the CEC, of which only 4 out of 17 individuals were among the commission's previous membership. **14**

- Prior to the snap elections in July, the parliament approved a new Electoral Code that had existed in draft form since 2015. **15** However, President Zelenskiy quickly vetoed the code, citing 17 changes required for his approval. **16** On December 19, the amended draft was approved by the parliament and signed by the president on December 27. **17** The new code introduced a proportional representation system for parliamentary elections, combining an open and closed party list system, and features a new system for local elections. Many of Zelenskiy's requirements were included in the new code, such as ensuring voting rights for internally displaced persons (IDPs) and economic migrants, and a 40-percent quota for women candidates in party lists. Additional electoral legislation and regulations are expected in the future. **18**
- Per the new Electoral Code, local election systems will be tailored for local councils with more than 90,000 voters, while an open party list system will be used for oblast councils. In the remaining local councils, a single-member majoritarian electoral system will be used, where candidates with the highest number of votes win. **19**
- Encouraged by the election victories, the president's team considered early elections at the local level, as well. **20** However, implementing these elections would require amending the constitution to clearly prescribe the conditions for dismissing local councils and mayors, and setting clear limits for such decisions. **21** Considering these limitations, the government postponed local elections until the mandatory amalgamation of communities is completed.

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Civil Society 1.00-7.00 pts

Assesses the organizational capacity and financial sustainability of the civic sector; the legal and political environment in which it operates; the functioning of trade unions; interest group participation in the policy process; and the threat posed by antidemocratic extremist groups.	TOP 5.00 / 7.00
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- In 2019, Ukrainian civil society continued to function with relative freedom. However, civil sector monitors registered 68 attacks on activists during the year, with little effort from authorities to properly investigate the cases. ¹ Many activists took advantage of the opening provided by the snap parliamentary elections to run for and win seats in the Rada. For example, four activists are members of the parliament's anticorruption committee, including committee head Anastasia Krasnosilska. ²
- Kherson anticorruption activist Kateryna Handzyuk was attacked with acid in July 2018 and died from her injuries four months later. ³ In July 2019, the parliament's Special Committee on Investigation on the Attack of Kateryna Handzyuk, and other activists, approved the report that called for a review of the investigation and its multiple procedural violations. ⁴ General prosecutor Ruslan Ryaboshapka stated that he had to replace the investigation's prosecution team in order to make progress on the case. ⁵ On December 12, the new convocation of Rada formed another special commission to investigate the Handzyuk case and 55 other cases registered in 2017–18 of attacks on activists in the Kherson, Kharkiv, and Odesa regions. ⁶
- The Association of Ukrainian Monitors for Human Rights in Law Enforcement (UMPDL) registered 68 cases of pressure on civic activists in 2019, including legal prosecution, physical attacks, and politically motivated arrests during campaigning and protests. ⁷ For example, Rivne police arrested two activists who held a small rally calling for Zelenskiy's impeachment in May 2019. The activists were later acquitted by an appeals court. ⁸
- Zelenskiy's victory created an opening for civil society to participate more directly in government. Many activists joined the parliament on the president's party list. ⁹ Whereas some activists used the opportunity to promote their own agendas, ¹⁰ others remained concerned about the direction of government reforms ¹¹ and the ability of civil society to engage in the policy process as the parliament undertook a "turbo" mode of policy review. However, along with greater political involvement, civil society is struggling to maintain its credibility as an independent player. ¹²
- Five years after the Euromaidan revolution, the public remains disengaged from civic activism. In 2019, only 7 percent of Ukrainians were actively involved in community volunteerism; 4 percent actively engaged in the work

TOP

of civil society organizations (CSOs), while 13 percent reported seldom engagement. ¹³

- In June, Ukraine held the fourth largest Pride Parade in its history in Kyiv with over 8,000 participants. The event took place with no major incidents, strict security measures, and public support from the Kyiv government, President Zelenskiy, and opinion leaders. ¹⁴ For the first time, over 30 war veterans joined the parade. ¹⁵
- CSOs remain financially dependent on international donors. While new mechanisms for competitive funding were established, the majority of funding distributed by the government remained noncompetitive. In February, the Ministry of Finance confirmed the right of nongovernmental organizations (NGOs) to offer paid services without losing their nonprofit status, providing another means for diversifying their funding base. ¹⁶
- Ukraine's far-right groups became more active during the 2019 election campaigns. From October 2018 to May 2019, there were 95 cases of intimidation and violence involving far-right groups, with 23 of these incidents resulting in bodily harm. ¹⁷ The most active groups during the year received funding of UAH 845,000 (\$30,000) from the state budget for national and patriotic educational programs for youth. ¹⁸ At the same time, these groups did not garner wide public interest, with national parties receiving only 2-percent support. ¹⁹

Independent Media 1.00-7.00 pts

Examines the current state of press freedom, including libel laws, harassment of journalists, and editorial independence; the operation of a financially viable and independent private press; and the functioning of the public media.

3.75/7.00

- Ukraine's media environment, while pluralistic, continues to depend on the financial support of a handful of oligarchs who also aim to influence national politics. Social media are dominated by manipulation, disinformation, and control of the information space. Violence against journalists continued in 2019, with scores of attacks registered since the beginning of the year. ¹
- The Ukrainian media sphere is controlled by several prominent business leaders. ² Their influence through media became more apparent during the 2019 presidential elections. The TV channel 1+1, controlled by oligarch Ihor

TOP

Kolomoisky, provided extended coverage of Volodymyr Zelenskiy and his campaign while negatively covering the incumbent Petro Poroshenko, with whom Kolomoisky has openly feuded. The TV channel 5 Kanal, owned by Poroshenko, remained loyal to its owner. **3**

- In 2019, 75 attacks on journalists were reported **4** (compared to 86 attacks in 2018), with 12 cases brought to court. **5** Vadym Komarov, a journalist in Cherkassy, died after he was attacked for investigating corruption. **6** In September, Kyrylo Vyshynskiy, editor-in-chief of *RIA Novosti-Ukraine*, was released as part of a prisoner exchange with Russia. **7** Vyshynskiy was arrested in 2018 for state treason, as Ukrainian Security Services allegedly found proof that his news agency had spread messages that questioned the country's sovereignty and territorial integrity. **8**
- Ukraine's Mass Media Institute found 243 violations of freedom of speech, including interference in journalists' work, limiting access to public information, censorship, indirect pressure, and cyberattacks on the media. **9**
- Internet regulation, security, and freedom has become an important issue for Ukraine's new Ministry of Digital Transformation. In September alone, Facebook removed 168 accounts, 149 pages, and 79 groups for engaging in coordinated "inauthentic" behavior in Ukraine. **10** This included one of the top 25 most popular websites, Znaj.ua. **11**
- The public broadcaster Suspilne continues to exercise its editorial independence. **12** At the same time, the media outlet has struggled with underfunding over the last three years. The 2019 budget covered only 61 percent of operating costs, leading to a shortage of staff and lack of content and equipment. **13** Currently, the public broadcast network includes 26 TV channels and 28 radio stations, of which only a few air nationally. **14**
- In September, the National Council on TV and Radio terminated the licenses of five regional companies that broadcast Channel 112. The companies had consistently violated the license agreement and received repeated warnings. **15** At the same time, the license for Channel 112, owned by Taras Kozak, a close ally of the pro-Russian politician Viktor Medvedchuk, was not terminated and continues to be available on satellite. **16** Ukrainian Security Services, however, continue their investigation of the channel, which has been accused of supporting terrorism and Russian aggression after it planned to air a live TV dialogue with Russia's Channel 1. **17**

TOP

- In July, Ukraine's new language law came into effect. ¹⁸ The law requires that a minimum of 90 percent of airtime on national TV should carry content in the Ukrainian language. Local channels are allowed no more than 20 percent of non-Ukrainian language content, while channels that are aired in indigenous languages (Crimean Tatar) must carry Ukrainian content in no less than 30 percent of airtime. ¹⁹ Print media may feature other languages if also producing a Ukrainian version of the same content.

Local Democratic Governance 1.00-7.00 pts

Considers the decentralization of power; the responsibilities, election, and capacity of local governmental bodies; and the transparency and accountability of local authorities.	3.25/7.00
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- By the close of 2019, a total of 1,002 amalgamated territorial communities had been created in Ukraine on a voluntary basis, managing new responsibilities and funding as part of fiscal decentralization. ¹ With this reform, local budget revenues increased by 14 percent in 2019. ² At the same time, local authorities continue to depend on the national government for decisions on subventions and budgets. ³ As the new government came to power in September, officials took over the decentralization agenda and committed to finalizing the consolidation process. With a ruling majority in the parliament, Zelenskiy's team aimed to finalize the constitutional changes that are still needed to finish the decentralization framework. ⁴
- In January 2019, the government announced the second phase of the decentralization reform, which included finalization of the consolidation process on the local level and reform of the second level of governance (rayons). ⁵ To implement this priority, the government drafted administrative-territorial plans for each region (oblast) with newly proposed borders, as well as redrawing the borders of some already consolidated communities, ⁶ despite their protests. ⁷ The working group under the Ministry of Communities and Territories Development is currently reviewing each oblast plan in consultation with the oblast administrations and **TOP** associations of local government in hopes of finalizing the plans before February 2020. ⁸
- Yet some concerns remain about the new government's course of decentralization. ⁹ For instance, funding has been frozen that was

appropriated to the local government through the State Regional Development Fund and social and economic subvention. **10**

- With Servant of the People party's confident wins in the parliament, the president considered preterm local elections. **11** However, the government later agreed that the local elections would only happen after decentralization reform was finalized. **12**
- The Ministry of Regional Development, Construction, and Housing was renamed Ministry of Communities and Territories Development, headed up by a newly appointed minister, Alyona Babak. **13** Among the goals of the ministry is to ensure regional development, support formation of capable communities, and develop quality services and infrastructure at the local level.
- With a ruling majority in the parliament, the new government signaled its intention to quickly promote the introduction of needed decentralization legislation. **14** The first draft, put forward by the president in December, was criticized by experts for introducing prefect institutions that would be more restrictive of local government. **15** This document was recalled, and the second draft submitted by the president on December 28 addressed some of the issues raised. **16** However, under further criticism by experts **17** and international actors, **18** this second draft was also recalled.
- In the president's current draft, additional and more radical changes suggest eliminating elected councils at the rayon level and subsequently tasking the new prefect institutions with oversight of local government decisions. **19** The government plans for the necessary constitutional changes to be approved and mandatory consolidation to be finalized before local elections in 2020.
- Meanwhile, the voluntary consolidation of 1,002 communities that occurred by the end of 2019 covers over 41 percent of Ukraine's territory and accounts for almost 30 percent of the population. **20**

Judicial Framework and Independence 1.00-7.00 pts

Assesses constitutional and human rights protections, judicial independence, the status of ethnic minority rights, guarantees of equality before the law, treatment of suspects and prisoners, and compliance with judicial decisions.	TOP 2.50 /7.00
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- Despite Ukraine's previous attempts to launch judicial reform, starting with constitutional changes in 2016, judicial independence has not yet been achieved. Currently, citizens have little trust in the justice system, viewing it as corrupt and politicized. ¹ The new government prioritized judicial reform in its initial plans, focusing on relaunching key judicial institutions, namely, the Supreme Court and High Qualification Commission of Judges.
- In January 2019, the Public Council of International Experts took part in the selection of judges to the High Anti-Corruption Court, reviewing 113 candidates. Around 37 percent of candidates were not recommended for the position based on this expert review. ² On April 11, President Poroshenko appointed 38 judges to the High Anti-Corruption Court, and their work started on September 5. On September 18, the parliament introduced amendments to clarify the jurisdiction of the anticorruption court, making it responsible only for cases of corruption investigated by the National Anti-Corruption Bureau (NABU). Around 200 cases are expected to be reviewed by this court. ³
- In the first half of 2019, numerous courts made controversial decisions outside of their jurisdiction, indicating dysfunction in the judicial system. ⁴ Among these moves was the dismissal of the High Qualification Commission of Judges of Ukraine, which was responsible for evaluating judicial candidate qualifications and administering the selection of judges. The Kyiv District Court pressured the commission through a court proceeding, while its own judges refused to go through the commission's testing process, according to a NABU investigation. ⁵ The bureau reports that the court interfered in the commission by prohibiting the work of some of its members, appointing more loyal members, and pressuring judges to make unjust decisions. ⁶
- On October 16, the parliament approved a draft law (No. 1008) that introduces changes to key legislation on judicial reform. The proposed changes include reviving the High Qualification Commission of Judges, relaunching the Supreme Court, and new regulations for the High Council of Justice. ⁷ International actors, while recognizing the progress in reform, have expressed their concern about some provisions of the law, namely, the selection process for the Supreme Court, and supervision of the High Qualification Commission of Judges by the High Court of Justice. Embassies of various nations issued a joint letter to key decision makers to encourage continued discussion of the proposed legislation. ⁸

TOP

- Draft law No. 1008 also proposes to cut the number of judges on the Supreme Court by half. While the Public Integrity Council has raised concerns about the integrity of roughly 20 percent of judges, ⁹ international observers suggest that the decision on the number of judges should be based on a review of the court's rules of jurisdiction and staffing of lower courts. ¹⁰
- On September 19, the parliament approved new legislation reforming the state's prosecuting authorities. The law fully restructures the Prosecutor's Office, mandates the certification of prosecutors, creates a new Office of the Prosecutor General, and cuts the maximum number of prosecutors from 15,000 to 10,000. ¹¹ The testing of current employees began immediately after the legislation was enacted.

Corruption 1.00-7.00 pts

Looks at public perceptions of corruption, the business interests of top policymakers, laws on financial disclosure and conflict of interest, and the efficacy of anticorruption initiatives.

2.25/7.00

- Ukraine's High Anti-Corruption Court (HAC) was launched in September 2019 in order to process cases investigated by the National Anti-Corruption Bureau (NABU). With the HAC in place, Ukraine has finalized its institutional setup to process criminal investigations of high-level corruption, and the first corruption cases are now being reviewed by the court. Corruption became one of the key issues in the presidential campaign, as Volodymyr Zelenskiy accused incumbent President Poroshenko of being ineffective in the fight against corruption. Frustration with corruption was one of the chief reasons that Ukrainians voted for new leadership. ¹
- In the first half of 2019, NABU launched 533 investigations of high-level corruption, mainly of state-owned enterprises. These actions helped to recover over UAH 107 million (\$3.96 million) in damages to Ukraine. NABU has brought to justice 139 individuals, and 70 have been convicted. However, the agency's efficiency has been undermined by delays at the High Anti-Corruption Court, ² where some cases have languished without prosecution for more than two years. ³
- With the launch of the HAC, a number of high-profile corruption cases were brought to court. Among them is the case of Vadim Alperin, a businessman

who, after being accused of smuggling activities in Odesa that caused the state losses of at least UAH 700 million (\$25.87 million), offered a bribe to NABU investigators of \$800,000. **4** Another case involves former member of parliament Yaroslav Dubnevych, who allegedly lobbied for a Ukrainian state-owned railway company to buy exorbitantly priced equipment from a company controlled by Dubnevych, amounting to UAH 93 million (\$3.44 million) in losses to the Ukrainian government. **5**

- On February 26, the Constitutional Court declared the Criminal Code's article on illicit enrichment unconstitutional, thus decriminalizing illicit enrichment by civil servants. **6** The article on illicit enrichment was one of Ukraine's commitments to the IMF and provided a basis for criminal investigations into unexplained wealth of public servants outside of their official income. **7** As a result, NABU has terminated 27 criminal proceedings, **8** while the Specialized Anti-Corruption Prosecutor's Office has terminated 65. **9** In August, President Zelenskiy registered a new law to return the prohibition on illicit enrichment to legislation. Approved in November, the law allows for the sentencing of public officials who purchase assets of UAH 6,500 (\$240) in excess of their legal income to five to ten years in prison. **10**
- On June 5, the Constitutional Court stripped NABU of the right to invalidate corrupt agreements uncovered in its investigations. **11** This decision was made after an appeal from the Zaporizhzhia Ferroalloy Plant, an industry associated with Ihor Kolomoisky. NABU had previously cited this authority in 42 instances, invalidating 92 corrupt agreements.
- On October 2, the parliament voted to reestablish the National Agency for Prevention of Corruption (NAPC), but with important changes to its leadership structure. The cabinet of ministers will appoint a chairman of the body, no longer led by a five-member board. The chairman will be appointed for four years and may serve only one term. The work of the agency will be independently reviewed, and the results of such a review may lead to the replacement of the appointed head. **12**

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numerous policy research publications, including the Economic Connectivity in Ukraine survey “Ukraine’s Slow Struggle for Decentralization.”

Note

The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 7 representing the highest level of democratic progress and 1 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year. The Democracy Percentage, introduced in 2020, is a translation of the Democracy Score to the 0–100 scale, where 0 equals least democratic and 100 equals most democratic.



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Global Freedom Score

62/100 **Partly Free**

Internet Freedom Score

56/100 **Partly Free**

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