



Ukrainian Democratic Institutions During the Wartime

2024 Interim assessment

The authors

- **Olga Ivasiuk**, Constitutional law expert, Centre of Policy and Legal Reform (CPLR)
- **Anna Isichko**, Deputy Director, Centre for Democracy and the Rule of Law (CEDEM)
- **Yuliya Kyrychenko**, CPLR Board member, Reanimation Package of Reforms Coalition (RPR Coalition) co-chair
- **Olena Ovcharenko**, Doctor of Law, Judiciary department expert, Centre of Policy and Legal Reform (CPLR)
- **Tetyana Pechonchyk**, Chair of the Board, «Zmina» Human Rights Centre
- **Ihor Rozkladai**, Deputy Director, Centre for Democracy and the Rule of Law (CEDEM)
- **Oleksandr Sayenko**, Public Governance Department coordinator, Centre of Policy and Legal Reform (CPLR)
- **Roman Smalyuk**, Judiciary Department coordinator, Centre of Policy and Legal Reform (CPLR)
- **Iryna Shostak**, Constitutional law expert, Centre of Policy and Legal Reform (CPLR)
- **Vitaly Zagainy**, Local self-government expert, Centre of Policy and Legal Reform (CPLR)

Reviewers

- **Michael Meyer-Resende**, Executive Director, Democracy Reporting International
- **Paul Zoubkov**, Programme Manager Europe, Democracy Reporting International
- **Stanislav Lyachynskyy**, Director of Democracy Reporting International in Ukraine
- **Olga Lymar**, Executive Director of the Reanimation Package of Reforms Coalition
- **Victoria Melnyk, PhD**, Coordinator of the European Integration Department, Centre of Policy and Legal Reform (CPLR)

The report was prepared by Democracy Reporting International (DRI) together with the Centre of Policy and Legal Reform and the Reanimation Package of Reforms Coalition within the project «Democratic Integration, Sustainability and Involvement» (Ukraine-DARE) with the financial support of the Federal Ministry of Foreign Affairs of Germany. The opinions and views expressed in the report do not necessarily reflect the position of the German Federal Foreign Office.

The opinions and views of the experts do not necessarily reflect the position of the organisations mentioned in the report.

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EXECUTIVE SUMMARY

Ukraine has preserved its democracy despite Russia's unjust, unprovoked military aggression. Democratic institutions of Ukraine have survived and continue to function effectively. The Parliament, the Government, the judiciary and local self-government continue to perform their functions. Despite some restrictions on democratic rights during martial law in accordance with the Constitution and norms of international law, Ukraine demonstrates commitment to democracy. The media maintain pluralism, and civil society is actively involved in the decision-making process, despite certain limitations.

Ukrainians remain committed to democracy. Most citizens - 93%, surveyed in May 2024¹ - expressed the desire for Ukraine to become a fully functioning democracy. At the same time, according to the results of a sociological survey in September 2024², support for Ukraine's accession to the EU remains stable - 88% of respondents support accession to the EU.

Ukraine received the status of a candidate for EU membership in the first year of a full-scale invasion, summing up many years of European integration work. In 2024, the official negotiation process for Ukraine's accession to the European Union began. This prompted Ukraine to accelerate long-term reforms aimed at joining the EU, primarily related to the fulfilment of obligations under the cluster of fundamental reforms of the negotiation process. Involving civil society and all stakeholders in the discussion of these reforms and their implementation roadmaps will ensure the greatest effectiveness of this process.

Finding the «golden mean» between preserving democratic values and ensuring national security is a difficult task. This balance is not static, but requires constant reassessment. This report examines Ukraine's efforts to ensure the functioning of democratic institutions in the face of war and related challenges. It continues the work begun by DRI and its partners, the Centre for Policy and Legal Reform and the Reanimation Package of Reforms Coalition in 2022-23, by analysing Ukraine's democratic institutions during the war.

This interim assessment covers the period from autumn 2023 to summer 2024. The report examines the effectiveness of key democratic institutions, including the Parliament, the Government, the judiciary, local government, civil society and the media. It also examines issues of electoral law and the observance of human rights during wartime.

¹ National Democratic Institute. Opportunities and obstacles on the path of democratic transition of Ukraine. Available at <https://www.ndi.org/publications/costs-war-mount-ukrainian-demands-inclusive-democracy-remain-strong>

² R Razumkov Center. Citizen support for Ukraine's accession to the European Union and NATO. Attitude towards foreign countries. Attitude towards peace negotiations (September 2024). Available at the link <https://razumkov.org.ua/napriamky/sotsiologichni-doslidzhennia/pidtrymka-gromadianamy-vstupu-ukrainy-do-yevropeiskogo-soiuzu-ta-nato-stavlennia-do-inozemnykh-derzhav-stavlennia-do-myrynykh-peregovoriv-veresen-2024r>

PARLIAMENT



In the third year of the war, the Ukrainian Parliament continues to function as a democratic institution. In the Verkhovna Rada of Ukraine, open discussions of political forces are taking place, which demonstrate readiness to reach a consensus. The standard procedures of the work of the Parliament are gradually being restored. Journalists gained access to the Parliament building, and the plenary sessions are broadcast, albeit with a time delay for security reasons. The Verkhovna Rada of Ukraine also improved cooperation with the European Parliament. The lack of a public agenda for plenary sessions (which happens for security reasons) and restrictions on the foreign business trips of people's deputies are still challenging. There are concerns about the Verkhovna Rada's ability to adapt Ukrainian legislation to EU standards due to the insufficient level of expertise in the field of European law and experts' knowledge of foreign languages, which is especially important in the context of the European integration process.

ELECTIONS



Holding elections during martial law is prohibited by law and impossible due to ongoing hostilities, population displacement and damage to infrastructure. Ukrainians are fully aware of this, at least for now: in May 2024, a poll showed that 70% of Ukrainians support President Zelensky staying in office until the end of martial law. For the post-war elections, there are numerous challenges that need to be resolved, in particular, clarifying the boundaries of electoral districts and ensuring electoral rights for displaced persons and military personnel.

EXECUTIVE



In 2024, the executive power of Ukraine adapted to the conditions of war. It was possible to stabilise attrition and introduce new approaches to remuneration to increase competitiveness in the public sector. However, challenges remain, in particular, it is necessary to strengthen the policy development capacity of the Cabinet of Ministers. The legislative process is additionally complicated by a significant percentage of laws initiated by deputies that bypass the necessary stages of preparation. Completing the reform of ministries, increasing their policy-making capacity, strengthening the role of the Cabinet of Ministers, and restoring competitive recruitment for civil servants are key recommendations.

JUDICIARY



Ratification of the Rome Statute of the International Criminal Court (ICC) in August 2024 was a key achievement. This will improve cooperation with the ICC and provide victims of war crimes with more legal options. The ongoing war continues to affect the functioning of the courts, with more than 100 courts unable to function due to damage or occupation, and the process of rebuilding court premises is underfunded. The work of disciplinary mechanisms has resumed, but the relevant bodies are overwhelmed with complaints, the Higher Qualifications Commission of Judges is facing difficulties in fulfilling personnel tasks. The creation of a specialized court for administrative cases of national importance is delayed, the reorganisation of local courts is suspended, and the electronic justice system in Ukraine remains only partially implemented. More needs to be done to fully implement judicial reforms to ensure the accountability and effectiveness of Ukraine's legal system.

LOCAL SELF-GOVERNMENT



Local self-government in Ukraine during the war demonstrated resilience, becoming the basis for territorial defence and support for internally displaced persons. The updated legislation on local self-government strengthened the tools of direct democracy, but did not take into account the specifics of martial law, in particular the role of military administrations, which creates legal conflicts. There is a need to improve the legislation on local elections, as well as the adoption of important draft laws on administration, electoral law and referendums to improve the efficiency of local self-government and democratic development.

MEDIA



Public broadcaster Suspilne has significantly improved its visibility and credibility since the start of the full-scale invasion. However, it remains underfunded and faces a shortage of personnel, like many other Ukrainian media. At the same time, the telethon «Edyny Novyny» continues to be broadcasted, although its effectiveness and the perception by the citizens cause more and more doubts. Ukrainian journalists carry out their work, albeit in conditions of brutal hostilities and displacement. Citizens' right to information is severely restricted in the border and occupied areas, as the Russian occupiers impose strict censorship and destroy infrastructure. The discussion of possible forms of regulation of social networks continues, in particular regarding Telegram, the most popular social media among Ukrainians during the war.

CIVIL SOCIETY



Civil society remains a pillar of the country's resilience in times of war, continuing to raise funds for humanitarian needs and supporting the country's defence. Civil society organisations are also a source of expertise and support for the government, particularly in the field of European integration. When adjusting the legal framework for civil society, the government should choose an approach that takes into account its unique dynamics.

HUMAN RIGHTS

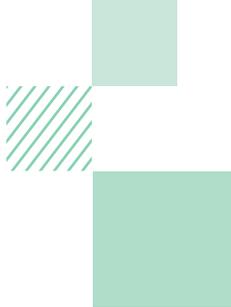


During the first half of 2024, 46 cases of attacks and pressure on human rights defenders and journalists were recorded; if the same dynamics continues until the end of the year, the total number of cases will be higher than in previous years. Legislative initiatives, such as the draft law limiting access to the Unified State Register of Court Decisions, are threatening public transparency and judicial accountability. Ukraine's anti-discrimination laws remain inadequate compared to EU standards, failing to provide comprehensive protection for various marginalised groups. The criminal response to hate crimes is weak, often based on inadequate prosecutions and a lack of victim protection.



I. PARLIAMENT



 **Progress and positive trends**

Despite Russia's ongoing aggression against Ukraine, **the functioning of the Parliament is gradually returning to the regulated, established order**, subject, of course, to security factors. In particular, on the days of plenary sessions, on Friday, the “hour of questions to the Government” has resumed, which is an important factor from the point of view of performing the control function of the Parliament.

Journalists' access to the Parliament's building was restored and they now have an opportunity to directly cover the activities of the legislative institution and the Members of Parliament (MPs), albeit still with certain limitations due to wartime constraints.

The work of Parliament has become more transparent. Plenary sessions of the Parliament are now broadcast, though not live, due to security reasons. The official web portal of the Parliament now provides access to information that had not made public since the beginning of the full-scale invasion: the transcripts of plenary sessions, information about MPs, the results of their voting and other activities, information on MPs' assistants, composition of the committees and other things.

The Parliament is striving to reach consensus in decision-making. Parliamentary political forces demonstrate a desire for dialogue and reaching consensus. Meetings of the leadership of the Parliament and representatives of all parliamentary factions and groups in the format of the Jean Monnet Dialogue have been resumed. Three such meetings have been held since February 2022 (the latest in April 2024). As the result of these meetings, the parliamentarians have reached a political agreement on holding parliamentary and presidential elections after the end of the war and the legal regime of martial law. The MP from the parliamentary minority was appointed the Chairman of the Parliamentary Committee on Freedom of Speech.

Establishment of closer cooperation with the European Parliament. While the previous report stated a slowdown in the cooperation of the Parliament of Ukraine with the European Parliament, positively this cooperation has intensified since. At the end of 2023, the Chairman of the Parliament of Ukraine and the President of the European Parliament signed a **Memorandum of Understanding**, which emphasises the importance of joint measures to restore, develop and carry out reforms in Ukraine, to strengthen the institutional capacity and transparency of the work of the Parliament. It is noteworthy that the Memorandum enshrined the format of cooperation at the level of parliamentary committees. The cooperation is already underway, particularly on consultations on the country's accession to the European Union and in aligning national legislation with EU standards.



Problems and Challenges

Absence of a public agenda of plenary sessions of the Parliament. This practice, ongoing since the start of the full-scale invasion, undermines the openness and transparency of parliamentary activities and restricts citizens' rights to participate in the governance of state affairs. While the agenda of plenary sessions of the Parliament is understandably not published for security reasons, the need to find solutions for ensuring the public's ability to preview draft laws that will soon be considered by Parliament remains important.

The Law of Ukraine «On Public Consultations» adopted by the Parliament can help ensure the participation of citizens and interested parties in the legislative process. This Law is establishing the basic principles for conducting public consultations during the development and implementation of state policy, addressing the shortcomings in the existing regulatory framework, which is inconsistent and often leads to formal or ineffective consultation processes. However, this Law does not establish an obligation to conduct public consultations on draft laws prepared by the members of parliament and the President of Ukraine, and its entry into force is foreseen only one year after the termination or abolition of martial law.

Limitations of parliamentary diplomacy. On January 1, 2024, the order of the Chairman of the Verkhovna Rada of Ukraine No. 1367 of December 29, 2023 «On Amendments to the Order of the Chairman of the Verkhovna Rada of Ukraine No. 806 of December 30, 2022 «On Some Issues of the Procedure for Registration of Business Trips Abroad by People's Deputies of Ukraine in the Conditions of the Martial law» entered into force. With these changes, the list of reasons for issuing a business trip abroad is limited, people's deputies of Ukraine are obliged to agree with the Ministry of Foreign Affairs of Ukraine before the foreign business trip theses of official statements and comments on the implementation of state policy in the field of foreign relations. Disagreement of these theses is a reason for refusing the next time to grant a business trip permit.

This undemocratic procedure became a **tool for limiting** the political activity of people's elected representatives (primarily the opposition), led to a number of political tensions, **caused concern of the European Parliament**, but remains in force.

In March 2024, the People's Deputies submitted a Draft Resolution of the Verkhovna Rada of Ukraine on the elimination of obstacles to the foreign trips of parliamentarians, but it has not yet been considered by the Parliament.

The Parliament's ability to effectively and timely consider draft laws on the adaptation of the legislation of Ukraine to the legislation of the European Union (EU acquis). The beginning of the negotiations on Ukraine's accession to the European Union highlighted the limits of the institutional capacity of the Parliament to perform the tasks required for the approximation of the Ukrainian legislation to the law of the European Union. Currently,

there are a limited number of parliamentary staff members who possess adequate knowledge of EU law, its accession procedures, and proficiency in working languages such as English or French. Furthermore, the overall fluency of Ukrainian parliamentarians in EU languages is generally insufficient.

The low level of cooperation between the Parliament and the Government is also a cause for concern, particularly given the extensive number of legislative acts required to align Ukrainian legislation with EU acquis provisions. The Government plays a crucial role in initiating draft laws aimed at this adaptation and fulfilling Ukraine's international legal obligations related to European integration.

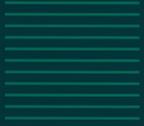


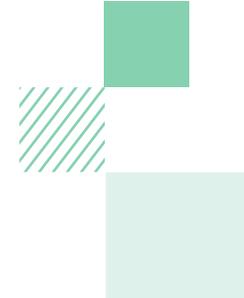
Possible solutions and recommendations

- To resolve the issue of limitations of parliamentary diplomacy regarding business trips of MPs by amending Order of the Chairman of the Parliament of Ukraine No. 806 dated 30 December 2022. A more long-term issue is the need to establish legislation that safeguards the rights of the opposition in the future.
- To publish agendas of plenary sessions of the Parliament on its official web portal a few days before they are held. To comply with security requirements, this can be done without specifying the exact date of the proceedings.
- To amend the Law of Ukraine “On Public Consultations” to establish the obligation for all subjects with legislative initiative rights to conduct public consultations on draft laws. The provisions of the public consultation law should come into force before martial law ends.
- To adopt a draft law amending the draft laws consideration procedure, aimed at adapting the legislation of Ukraine to the provisions of the law of the European Union (EU acquis) register [No. 8242](#). This draft law has already been considered by the profile committee;
- To adopt in the second reading the draft law “On Parliamentary Service” [register #4530](#). Its implementation could contribute to increasing the prestige of the work in the field of ensuring the activities of the legislative body and attracting the necessary specialists.
- To enhance the cooperation between the Ukrainian parliamentarians and their peers from new EU member states to ensure experience exchange in the areas of legislation approximation and ensuring compliance with the state's international legal obligations.



II. ELECTIONS





Progress and positive trends

Ukrainian society considers the President and the Parliament to be legitimate state institutions, despite the Russian propaganda campaign to discredit the legitimacy of the Ukrainian government. According to the results of the KMIS survey conducted in May 2024, 70% of Ukrainians polled believed that Volodymyr Zelensky should remain President until the end of martial law.

The State Voter Register has resumed operations for the first time since the beginning of the full-scale invasion. Currently, this voter registration tool is not available for public use by citizens. But the authorities keeping the Register are already updating data in accordance with the law for the period from February 2022 to November 2023, when the Register was not functioning.

Representatives of all the factions and deputy groups in the Parliament agreed to hold elections only after the end of the war, with sufficient time for their preparation and holding. The signing of the joint Conclusions agreement reached during the Ninth Jean Monnet Dialogue in November 2023 also foresees the preservation of the proportional electoral system with open lists stipulated by the current Electoral Code of Ukraine. These are political commitments, and therefore do not guarantee the immutability of the signatories' positions in the future.

Work on improving electoral legislation in line with the OSCE/ODIHR recommendations is ongoing, despite the challenges of the war. In particular, in June 2024, the Parliament registered a draft law on combating sexism in election processes and ensuring balanced representation of women and men in the Parliament of Ukraine and local councils.

Problems and Challenges

Holding elections in Ukraine during martial law is impossible and prohibited at the constitutional and legislative level. The parliamentary elections were due to be held in October 2023, and the presidential in March 2024. However, it remains impossible to hold elections in compliance with international standards in constitutional terms due to safety reasons, ongoing hostilities on the frontline and beyond, mass internal displacement and external migration, and large-scale destruction of infrastructure.

Uncertainty regarding the date of the post-war elections, which is determined by the currently unknown date of the end of active hostilities. The deadline for appointing the post-war elections stipulated by the Electoral Code of Ukraine is no later than one month after the abolition of martial law. This is insufficient for organising the post-war elections



given the security, organisational and infrastructure challenges. The so-called “transitional period” of six months established by the agreements of the political forces is based on the current scale of challenges and is highly conditional. If the war lasts longer, even this term may be insufficiently short. At the same time, the war may enter a less active phase, when the legal regime of martial law may be maintained in all or part of the country, but the challenges and restrictions that currently hinder the ability to hold democratic elections may be reduced or eliminated, allowing for the possibility of elections to take place.

The procedure for establishing the impossibility of holding elections and referendum in some specified territories should be regulated by law. Ukraine seeks to return under its control all the territories of its internationally recognised border in line with international law. However, the war continues, and it is currently unknown how it will end. In some de-occupied territories, the restoration of the constitutional order, law enforcement agencies, local authorities, as well as basic infrastructure for the life of the population will be required. Thus, it will be challenging to hold elections in those places after the cancellation or abolition of the legal regime of martial law, even subject to the “transitional period”.

The territorial organisation of elections in Ukraine and abroad needs changes due to significant displacement of people and mass destruction. This is of particular importance when holding parliamentary and local elections to obtain representative voting results. Some election regions defined in the Electoral Code of Ukraine are fully or partially occupied by the aggressor state. Several territorial communities exist only on paper, as there are neither electoral infrastructure nor voters there. If Russia continues or expands the war, the problem may increase. Therefore, there will be a need for changes in the boundaries of territorial electoral districts, their centres, as well as the number of precinct election commissions.

Ensuring the exercising of the active right to vote. According to the Centre for Economic Strategy, 4.9 million Ukrainians were abroad due to the war by the end of January 2024. The number of internally displaced persons within the territory of Ukraine officially reaches about 4.6 million people. In the conditions of such mass external and internal migration, a serious challenge of the post-war elections is to ensure the possibility for such citizens to exercise their right to vote. However, the network of polling stations established in Ukrainian diplomatic institutions abroad is not able to ensure the participation of millions of refugees in the elections. The organisation of voting within Ukraine is complicated by the lack of reliable information about the number of internally displaced persons and the territory of their resettlement, which may change due to the security situation.

In preparing the post-war elections, it is extremely important to ensure the exercising of the active right to vote by military personnel who defend the sovereignty, and territorial integrity of Ukraine. It is probable that the end of hostilities will not mean mass demobilization, and a significant number of personnel will remain on the demarcation line to ensure security. Therefore, the organisation of voting will require an increase in the number of polling stations close to the locations of the military contingent and a possible increase in the time allotted for voting by military personnel.



Recommendations for ensuring free and democratic elections in post-war Ukraine

- Make relevant legislative changes that will provide for a clearly defined and necessary term for preparing for the post-war elections. This should be done before the abolition or termination of martial law, but not less than a year before the elections take place. It is also necessary to foresee legislative changes that will provide objective and comprehensive criteria for establishing the impossibility of holding elections in certain territories. This should include a clearly defined procedure for such a decision and a mechanism for appealing it, as well as take into account other recommendations of the Venice Commission on the issue of establishing the impossibility of holding elections and referenda in certain territories expressed in the joint conclusion CDL-AD(2021)045.
- Before martial law ends, a comprehensive information campaign should be conducted to inform voters and encourage them to update their information in the State Voter Register. This will help to obtain accurate information about their locations and optimize the number of polling stations based on their needs.
- It is necessary to legislate for specific conditions for voting for military personnel to favour the exercise of their right to vote.
- The process of developing changes to the electoral legislation should be public and transparent and involve the expert community and civil society.



III. EXECUTIVE





Progress and positive trends

In 2024, the executive power underwent a certain adaptation to work in wartime, as the first years of the full-scale war were largely a period of a crisis response of the public administration system to new challenges. The meetings of the Government switched to a flexible online format, which makes it possible to make necessary decisions quickly. The predictability of medium-term budget financing was made possible due to cooperation with the donor countries.

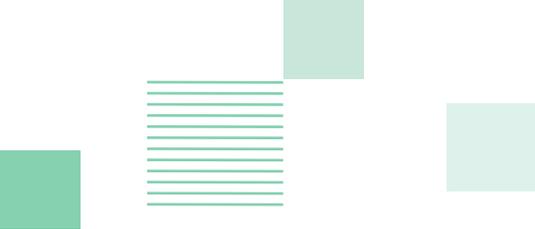
The critical outflow of personnel observed during 2022–2023 has been stabilised, which is also facilitated by the granting of the right to possible exemption from mobilization and guaranteed remuneration conditions to certain categories of civil servants.

The Law of Ukraine “On the State Budget for 2024” includes new approaches to the remuneration of civil servants linked to the classification of positions. This will allow for prevention of brain drain from the civil service. At the same time, the wage reform requires the adoption of a separate basic law in this area (project No. 8222). The meeting of the Coordinating Council on Public Administration Reform was also resumed, and an Interdepartmental Working Group on Improving Legislation on Public Administration was established under the co-chairmanship of the First Deputy Chairman of the Verkhovna Rada of Ukraine and the Minister of the Cabinet of Ministers of Ukraine.

Work on the preparation of the “Public Administration Reform” Roadmap as part of the negotiations on Ukraine’s EU membership is underway.

Problems and challenges

Low capacity of the Cabinet of Ministers to develop and coordinate policy. The highest body of executive power defined by the Constitution of Ukraine is yet to become the main centre for policy development. The announced reform to create a “centre of government” aimed at strengthening the role of the Prime Minister and improving the efficiency of the Secretariat of the Cabinet of Ministers has not yet started. The establishment of units within the ministries responsible for policy analysis and development has stopped halfway. The methodology of analysis and policy development has not yet been approved. Policy analysis tools (such as field monitoring, issue prioritisation, alternative option selection, impact assessment, public consultations, and performance monitoring) are applied on a very limited scope. The priorities of the state policy are in fact determined by Ukraine’s obligations within the EU integration process and bilateral documents (cooperation plans) with key donors (IMF, World Bank, USA, EU, G7 group).



The centre of most executive decisions became the structures “close” to the President

— the Office of the President, the National Security and Defence Council, the Headquarters of the Supreme Commander-in-Chief. The Presidential Decree that specifies its competence defines the institution as a consultative one. In practice, however, the influence of the Office is much more significant than as formally defined.

Parliamentary-government interaction needs to be improved.

Non-compliance with the principles of public policy development results in most draft laws being initiated by Ukraine’s deputies, without going through the final stages of policy development, including impact assessments and public consultation. This could be considered as a way to artificially shorten the legislative procedure. According to the SIGMA program report, the share of draft laws submitted by MPs is as much as 63%. The effectiveness of this approach is questionable, as bypassing necessary preparation procedures for government projects directly impacts the quality of decisions due to the emphasis on speed. As a result, according to the SIGMA program, in 2022, the share of new laws initiated by MPs and revised within the first year after adoption was 54%. The system of monitoring their application in practice, as well as the system of parliamentary control in general needs to be strengthened.

The Law “On Law-Making” adopted by Parliament to enhance the procedure for preparing and implementing legislative acts, will take effect one year after the termination or abolition of martial law in Ukraine.

The expert community has already proposed improvements to its provisions to bolster Ukraine’s ability to approximate Ukrainian legislation to the EU acquis.

Civil service remains unattractive for many professionals.

Low prestige in society, lack of selection based on merit due to the suspension of competitive procedures, non-transparent remuneration, minimal guarantees (possible dismissal due to reorganisation or one-time negative evaluation), and numerous restrictions related to the completion of the civil service keep successful professional candidates from the business and public sectors from taking office, and also lead to a high level of personnel turnover.

The launched remuneration reform designed to streamline the remuneration system linked to the classification of positions is moving very slowly. The basic law has not been adopted, and the relevant provisions are contained only in the Law “On the State Budget for 2024”.



Possible solutions and recommendations

- To complete the reform of the ministries (distribution of all spheres of state policy among ministers and establishment of directorates, legislative consolidation of the organisation of their work).
- Regulatory, methodological and educational support for policy development and rulemaking in ministries, including impact assessment, public consultations and evaluation of implemented policies;
- To expand the functions and strengthen the capacity of the Secretariat of the Cabinet of Ministers (SCMU) as the centre of the government (establishment of directorates for the development of cross-sectoral policies, strengthening the influence of the Prime Minister, centralisation in the SCMU or outsourcing of ministerial service functions, etc.);
- Simplification of implementation of the legislative initiative by the Government, improvement of joint planning of legislative activity by the Government and the Parliament, and development of parliamentary control.
- Reform the management of the civil service based on the separation of policy development and implementation.
- Consider reinstating the competitive procedure for hiring civil servants, which is currently not in practice due to martial law.
- Raising and streamlining civil servants' remuneration.



IV. JUDICIARY



Progress and positive trends

Beginning of the Rome Statute ratification process. On 21 August 2024, the Ukrainian Parliament adopted the law on the ratification of the Rome Statute of the International Criminal Court (ICC) and its amendments. Ukraine signed the Statute in 2000, and the obligations regarding its ratification were enshrined in the Association Agreement with the EU in 2014. The entry into force of the [law](#) on ratification depends on pending adoption of the amendments to Criminal Code and other legislation. The Statute has been ratified subject to non-recognition of the Court's jurisdiction over any alleged crimes of citizens of Ukraine for the next seven years. This important step will allow Ukraine to fully participate in the activities of the ICC, will facilitate the exchange of information and evidence between national criminal prosecution bodies and the ICC, and victims of war crimes will receive more effective opportunities for protection. Responsibility for war crimes will be strengthened.

The qualification assessment of judges has been resumed. In early November 2023, the High Qualification Commission of Judges (Commission), together with the Public Integrity Council, resumed the qualification assessment of judges, which had been suspended since November 2019. An important step forward is the agreement of the Commission and the Public Integrity Council on common indicators for determining the non-eligibility of a judge or a candidate for the position of judge with the criteria of integrity and professional ethics.

The procedures for the selection of judges in local courts and the selection of these judges according to the new rules have been updated. In December 2023, the Parliament passed a law on improving procedures regarding improvement of judicial career procedure, related to the position of a judge throughout the judge's career, which, among other things, provides for conducting interviews with the winners of competitions to allow the High Qualification Commission of Judges to examine whether the candidates meet the criteria of integrity and professional ethics. Announced in mid-September 2023, the competition for 560 open positions in local courts has already been completed by the Commission according to the updated procedure.

Competitions for appellate courts and the High Anti-Corruption Court have been announced. On 14 September 2023, the High Qualification Commission of Judges [announced](#) a competition for 550 positions of appellate court judges and on 23 November 2023, a [competition](#) for 25 positions of judges of the High Anti-Corruption Court on 23 November 2023. The number of open positions in appellate courts is as high as 52%, while the stable operation of the High Anti-Corruption Court is a prerequisite for Ukraine's successful integration into the EU.

The President of Ukraine has made the first appointments of new judges. In May 2024, for the first time in more than two years, the President signed 24 decrees appointing 114 judges, followed by another 38 decrees appointing 215 judges in July. For the first time since 2020, new judges were appointed to local courts.



Problems and challenges

The war continues to affect the resources available to the courts. Due to active hostilities and the temporary occupation of certain territories of Ukraine, more than a hundred courts are currently not administering justice, and their jurisdiction has been transferred to other courts. From the outset of the full-scale invasion until the end of 2023, 132 court premises were **damaged** to varying degrees, and 15 court premises were destroyed. Almost UAH 2 billion (about EUR 50 mln) is **needed** to restore these premises, while the budget for 2024 allocates only a little more than a quarter of this sum.

The lack of judicial reform strategy. Since the term of the previous presidential **strategy** for the development of the judiciary ended in 2023, there is currently no comprehensive policy document outlining a vision of judicial reform.

Unfilled positions in the High Council of Justice (HCJ). HCJ is the key body of judicial governance responsible for appointing, disciplining and dismissing judges. The Council consist of 21 members appointed (elected) based on the quotas of various entities. The HCJ quotas from the President of Ukraine and the Bar Association (two members each) have been unfilled since February 2022. The President has delayed considering the recommendations of the Ethics Council, and the legal community is yet to even announce a competition to fill its open positions.

The lack of effectiveness of the mechanisms for ensuring the accountability of judges. The Disciplinary Inspector Service was to be established in 2021 to take over the functions of a HCJ member acting as a rapporteur in a disciplinary case (preliminary checks of complaints, preparing the case for consideration). The Service was not created on time, which led to the suspension of the consideration of disciplinary complaints by the HCJ in August 2021. In November 2023, the disciplinary function of the HCJ was restored, and a competition for disciplinary inspectors **was announced** in December of the same year. For more than two years, over 14,000 unresolved disciplinary complaints have accumulated in the High Council of Justice, necessitating the introduction of priority criteria for their consideration to prevent judges who committed gross violations from escaping justice. In November 2023, the HCJ **established** the criteria, but the mechanism for their application remains undefined: disciplinary complaints are prioritised at the discretion of the HCJ member acting as a rapporteur, which makes room for abuse.

An important mechanism for removing unprofessional or unscrupulous judges from the judiciary is the qualification assessment that all judges appointed before the 2016 constitutional changes must pass. There is a risk of the Decision of the Grand Chamber of the Supreme Court in case **No. 9901/198/20** negatively affecting the qualification assessment. The Court held that in relation to judges who had undergone assessment before 30 December 2023¹ and in relation to whom the Public Integrity Council approved



the opinion that they failed to meet the integrity criteria, the final decision on suitability for the position held could be made by the panel of the High Qualification Commission of Judges and there was no need to “overturn” the opinion of the Council at the plenary meeting of the Commission. **According to** the Public Integrity Council, such a decision may reverse the assessment of 180 judges with the opinions of the Council, of whom 14 have already been subject to removal from office.

The Higher Qualification Commission of Judges lacks the institutional capacity to simultaneously conduct numerous human resources procedures. The Higher Qualification Commission of Judges is a judicial governance body responsible for the competitive selection and qualification assessment of judges. The primary objectives of the Commission are to overcome the significant shortage of personnel in the judicial system (more than 30% of positions are **open**), as well as to complete the qualification assessments of acting judges (**1,884 judges**), which are wide-reaching and complex tasks. As of early June 2024, only 105 judges had passed the qualification assessment, meaning that progress has been rather slow so far. The Commission is currently organising and conducting several competition procedures at the same time.

Delay in establishing a court to consider administrative cases of national importance. The District Administrative Court of Kyiv, whose judges were involved in numerous corruption scandals, and US sanctions were even imposed on the head of the court that previously considered such cases was **liquidated** in December 2022. Since then, even a draft law on the establishment of this court, its jurisdiction and the procedure for selecting judges is yet to be introduced.

The process of reorganisation of local courts of first instance has been suspended until martial law is lifted. The network of these courts is yet to be brought into compliance with the new administrative and territorial structure of Ukraine introduced in 2020, and the names of a significant number of local courts is required to be changed due to the ‘decommunisation’ law.

Delays in implementation of the system of electronic justice. As of early 2024, only three out of six modules of the Unified Judicial Information and Telecommunication System are fully **functioning**. The technical audit of this system has not been completed. Legislation that would enable comprehensive remote consideration of certain categories of cases by the courts has not been adopted, although the relevant bills have been developed and submitted to the Parliament.



Possible solutions and recommendations

- With the broad involvement of stakeholders, develop a new judiciary reform strategy, to accommodate the challenges for the judicial system related to the war and post-war reconstruction, as well as the EU integration vector of Ukraine's development. Approve a plan for its implementation, which will determine specific steps and their time frames, actors responsible for their implementation, key performance indicators and a mechanism for monitoring their progress.
- Fill open positions in the High Council of Justice according to the quotas for the President of Ukraine and the Bar Association.
- Establish the Service of Disciplinary Inspectors of the High Council of Justice and ensure its effective performance.
- Strengthen the institutional capacity of the Higher Qualification Commission of Judges, including by creating an analytical unit in the Secretariat of the Commission to collect and analyse information for the purpose of assessing the integrity of judges and candidates for the positions of judges.
- Intensify the procedures of qualification assessment of acting judges and competitive selection for open positions of judges, which have already been started by the Supreme Court of Justice.
- Create a higher specialised court for consideration of administrative cases of national importance and ensure that the judges for this court will be selected with the involvement of international experts (following the model of the selection of judges of the Higher Anti-Corruption Court).
- Create an effective mechanism for the restoration of court premises damaged by hostilities and the resolution of organisational and jurisdictional problems of courts that temporarily do not administer justice.
- Bring the network of local courts into compliance with the new administrative and territorial structure of Ukraine introduced in 2020.
- Complete the implementation of the system of electronic justice in Ukraine.
- Adopt legislative changes necessary for the effective implementation of the Rome Statute of the ICC.



V. LOCAL GOVERNMENT





Progress and positive trends

Local self-government in the conditions of full-scale Russian aggression demonstrated stability and the ability to fulfil its duties and ensure the viability of communities.

Local self-government became not only the basis for the organisation of territorial defence, but also the driving force for unifying volunteer initiatives. Thanks to the efforts of local self-government bodies, it was possible to provide and create appropriate conditions for internally displaced persons who found shelter in different regions of the country. The 10th anniversary of the decentralisation reform, celebrated in 2024, has convincingly proven its effectiveness, especially in wartime conditions. The resilience and readiness of local self-government to act in such difficult conditions is a clear indication of the success of this reform.

A law has been adopted that regulates the powers of local self-governance regarding financing from local budgets for the needs of the defence forces. This law was adopted by the Parliament and sent to the President for signature.

The Ministry of Reintegration has developed a Strategy for the Restoration of State Power and Reintegration of the Population of the De-Occupied Territories of Ukraine.

Also, the experts of the Centre of Political and Legal Reforms (CPLR) developed and presented the concept of organising public administration in the de-occupied territories of Donetsk and Luhansk regions after the termination or abolition of martial law and developed recommendations for state policy measures regarding the organisation of the system of public authorities in Donetsk and Luhansk regions.

The legislative changes on local self-governance adopted by the Parliament in May 2024 have positive potential. They define a clear list of instruments of citizenship participation and regulate their application. Provisions are established regarding the mandatory reporting of village, settlement, town and city heads to the territorial community. Charters of territorial communities acquire the status of a mandatory document with the possibility of implementing this provision due to the extension of its application from 1 January 2027. A regulatory definition of the term “resident” is provided, which will potentially allow the integration of internally displaced persons into the life of communities.

Problems and Challenges

However, the mentioned legislative amendments to the Law «On Local Self-Government in Ukraine» also have a number of shortcomings, in particular, they do not take into account the realities of martial law. The law does not provide for the specifics of the implementation of local democracy in de-occupied territories and does not define the role and powers of military administrations in ensuring the participation of the territorial community in solving issues of local importance during martial law. In addition, this draft law has not yet been signed by the President of Ukraine but has not been returned to the parliament with proposals.



Uncertainty regarding the timing of the next local elections, scheduled by the law for October 2025. If the legal regime of martial law continues during this time, the elections will be prohibited. The composition of the territories that will be under the control of the Government of Ukraine and where elections can be safely held is also uncertain. In addition, the Law “On the Legal Regime of Martial Law” and the Electoral Code of Ukraine provide for different deadlines for making a decision on holding local elections after the abolition of martial law (90 and 30 days, respectively).

The current system of proportional representation with open lists makes it impossible for independent candidates to participate in local elections. This contradicts the 1990 OSCE Copenhagen Document. In addition, the current electoral system (party lists with preferences) was quite difficult for voters to understand.

The adoption of the draft law on amendments to the Law “On Local State Administrations” is delayed. Its editions have been constantly changing over the past four years since its registration. The problem with the draft law is the inclusion of the sectoral powers of local administrations in accordance with the principle of the current law. This contradicts the principle of reforming local administrations into prefecture-type bodies.

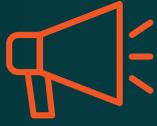
The Law “On the Legal Regime of Martial Law” vaguely regulates the grounds for establishing military administrations. In particular, they are allowed to be established in the territories of communities that are not in the combat zone. The most illustrative are the cases in Varash and Netishyn communities of Rivne and Khmelnytskyi regions, respectively. There is also a conflict in the separation of powers between the heads of local self-governance and military administrations. In case of establishing a military administration and appointing the head of the community to this position, he/she continues to exercise the powers of the head of the community, because the local self-governance continues to function, and at the same time performs the powers of the head of the military administration. In addition, military-civilian administrations (MCAs) formally exist to this day in four temporarily occupied territorial communities of Donetsk region, and local self-governance still functions de jure in another six.

Despite constitutional guarantees, there is currently no legislative possibility to hold local referendums in Ukraine. Although the holding of all-Ukrainian and local referendums is prohibited during martial law, the lack of legislative regulation of local referendums for more than 10 years undermines the democratic principles of people’s rule in Ukraine. In 2021, the draft Law “On Local Referendum” was registered in the Parliament of the IX convocation (reg. No. 5512), which was positively evaluated by the Venice Commission, but it has not yet been considered by the Parliament.

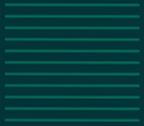


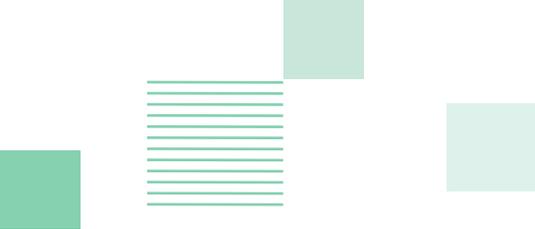
Possible solutions and recommendations

- To specify the grounds for establishing military administrations at sites, providing for their operation in communities that meet an exhaustive list of features, primarily security, for example, by recognising them as territories of active or possible hostilities.
- To give the military administrations the powers that are characteristic of local self-government bodies of the basic level (the level of territorial communities) and providing for all the security powers for the military administrations of the district and oblast levels. For this purpose, it is necessary to revise the powers of military administrations, enshrined in Art. 15 of the Law of Ukraine «On the Legal Regime of Martial Law».
- Until the termination or abolition of martial law, standardize the provisions of the legislation related to the organisation and conduct of local elections after martial law, in particular, the elimination of conflicts in the announcement of deadlines for local elections. Start preparations for holding local elections in those communities that will meet the security criteria defined by legislation and where it is possible to observe the principles of electoral law. At the moment, it concerns 14 regions and the city of Kyiv. Despite the uncertainty regarding the timing of elections and security conditions, an approach should be developed now to identify communities where security, infrastructural and demographic conditions allow holding local elections based on adapted legislation.
- Improve the provisions of the Electoral Code defining the electoral system in local elections, providing for the widest possible use of the majoritarian electoral system with multi-mandate constituencies in local elections.
- Adopt a law on a local referendum, which will create an opportunity for citizens to express their will on issues of local importance.
- Finalise and adopt draft law No. 4298 «On local state administrations».
- Agree on the reform of the distribution and separation of powers through the adoption of a new version of the Law of Ukraine «On Local Self-Government in Ukraine» and/or the adoption of the Law of Ukraine «On Territorial Community».



VI. MEDIA





Progress and positive trends

The Ukrainian Law “On media” is conceptually consistent with European Media Freedom Act (EMFA) approaches, even though Ukraine will still have to harmonise the legislation and extensively update other laws and regulations to enable the activities of journalists, as well as the protection of sources, safeguards against wiretapping and other requirements.

Suspilne, the public broadcaster, has greatly improved its visibility, recognition and credibility since the full-scale invasion, especially across digital platforms. For instance, in the last year alone, Ukrainian Radio has increased its audience by 18%, the share of the Pershyi Channel went from 5% to 8%, and Suspilne’s website is now at 4% compared to the previous 2%. Suspilne’s Viber channel increased its reach from 1% to 5%. Throughout the full-scale invasion, Suspilne has produced several important social, historical, and war-related documentaries and investigations.

Recovery of the media market. According to its actors, the advertising market is slowly but steadily making a comeback. Media outlets, especially regional ones, are strengthening their positions and becoming regional leaders, such as the ‘Nakypilo’ Media Group and the Kharkiv-based ‘Gwara’. Associations like Recovery Window are being established to foster collaboration between media and journalists interested in reporting on the country’s recovery issues.

The Strategy of Cognitive De-Occupation of Crimea has been developed. The document presented by the Representative Office of the President of Ukraine in the Autonomous Republic of Crimea in December 2023, became the first vision document aimed at modelling the situation with the information space of Crimea, the effects of the occupation and actions to be taken at the stages before de-occupation and after the physical de-occupation. The developed plan, currently under consideration by the Government, will include a set of measures and the roles of state bodies, media and NGOs in overcoming both the effects of the occupation, and the narratives spun by Russian propaganda.

Problems and challenges

According to the Institute of Mass Information, Russia’s full-scale invasion has already wiped out more than 230 Ukrainian media outlets, through physical destruction or occupation of cities, depopulation and shrinking of the local market, and brain drain as people were forced to evacuate.

Since 24 February 2022, 88 media workers have been killed (11 died on their job; 77 were killed in action, became casualties of Russian shelling and missile strikes or were tortured to death). Journalists have been targeted by Russians both on the front lines and



in the occupied territories, as well as in relatively peaceful cities. For example, in Crimea, 19 journalists from among Ukrainians and Crimean Tatars **faced** criminal prosecution, and the work of even public journalists is wrought with danger. A gang planning to murder journalists was **apprehended** in Odesa, and a group of people preparing an assassination attempt on journalist Dmytro Gordon was detained in Kyiv. The current general mobilisation has led to a staff shortage in newsrooms and the necessity to recruit people without journalistic backgrounds.

The United News Telethon is still on air, despite losing relevance for the viewers.

This project (all leading channels have single broadcast programming) was introduced in 2022 to implement a unified information policy. As of August 2024, according to a survey by the Democratic Initiatives Foundation, about half (50.6%) of Ukrainians feel that the telethon is not relevant anymore, at all or partially. Only 18% believe the opposite. This raises doubts about the effectiveness of both conveying information through the telethon and spending budgetary funds on its production.

The destruction of the transmission infrastructure complicates access to television and radio signals.

During blackouts, and especially for those in the occupied territories, traditional radio plays a somewhat unique role in informing the public, but its signal is often difficult to access. Since the beginning of the full-scale invasion, the central TV tower in Kyiv, the TV towers in Rivne and Bila Tserkva, etc., were targeted. The TV tower in Bilopyllia, Sumy Region, was shelled on 17 June 2023 and was damaged on 6 May 2024. The TV tower in the village of Chaplyнка, Kherson Region, which was broadcasting to the previously occupied Crimea, fell under the occupation on 24 February 2022. Thus, broadcasting to Crimea is only possible via satellite.

The occupation cuts off the information space of the occupied territories.

The occupiers limit public access to information there by switching the TV signal, rerouting the Internet through Russian servers and listing websites as banned by the Russian censorship body, Roskomnadzor. Russia is taking steps to remove VPN apps and services, as well as improving the filtering system to block VPNs, effectively implementing the concept of a “sovereign Internet”.

Furthermore, Ukrainian media’s signals are being jammed across the front lines and occupied territories, as are satellite signals of central Ukrainian TV channels, including Suspilne, 1+1 Group, etc. There were also incidents of cyberattacks on the websites of Ukrainska Pravda, Liga.net, etc.

The brain drain also affects state media institutions responsible for policymaking and implementation.

Financing for members of the media regulator guaranteed by the Media Law has been suspended for two years in a row by the State Budget Law. However, the regulator is the one that shoulders the main burden of implementing the Media Law as an EU integration law.



Problems related to regulating Telegram as the main source of news consumption in Ukraine.

EU acts with direct effect (Digital Services Act, DSA, and Digital Marketing Act, DMA) and European Media Freedom Act (EMFA) define the role of social media and obligations to both users and member states, while the Media Freedom Act, among other things, links platforms and media. The European Commission identified the list of very large online platforms that covered most of them, including TikTok. However, this list did not include Telegram, a hybrid social media (with groups and channels) of Russian origin. Telegram's attempts to comply with the legislation regarding representation in the EU and the notification of users are but a formality. Efforts of the media regulator — the National Council for Television and Radio Broadcasting — as well as law enforcement agencies to communicate with Telegram's administration mostly remain unanswered.

The lack of effective regulation of social media in Ukraine poses a broader, serious challenge to freedom of speech, as well as the implementation of rights and practices developed by the European Court of Human Rights. Users of the platforms cannot use tools such as the rights of reply and refutation, and there are issues with the unlawful use of images. Various forms of satire are subject to serious restrictions and blocking. Thus, only in October, Liga.net was able to overcome the 4-month shadowban for the distribution of satirical collages about PMK Wagner and Prigozhin.

The State fails to meet the minimum level of financing of the public broadcaster as prescribed by law.

Despite the indexation of expenditures from UAH 1.85 to 2.17 billion for Suspilne in the draft budget for 2025, there is a risk of a decrease in funding due to a misunderstanding of the role or an outright desire to reduce the influence of a media corporation that is not controlled by either the government or oligarchic groups. Underfunding of Suspilne also reduces the company's ability to produce quality content both for the domestic market and abroad and to be competitive in the job market, which suffers from brain drain.

During the process of adoption of the Media Law, several amendments to the election code were removed from its transitional provisions.

Later, the bill was registered separately, but despite the recommendation of the designated committee, no progress has been made in its adoption since December 2022.



Possible solutions and recommendations

- Continue the harmonisation of legislation with the EU, taking into account existing restrictions and war, namely:
 - Adopt Draft Law 8310 on amendments to the election legislation regarding media.
 - Draft and pass laws on the harmonisation of legislation with DSA, DMA and EMFA.
- Ensure fair financing of the Suspilne and Media Regulator (percentage of the state budget — war-related expenses) and guarantee their as provided by law in the post-war period.
- Review approaches to foreign exchange and make it effective and accountable. Consider alternative models of information presence abroad.
- Bring the operation of the Parliamentary TV channel in compliance with the model adopted in European countries and regulate it at the legislative level.
- Drive the market, including through Suspilne and programming of the Ukrainian Cultural Fund, the co-production mechanism for the production or adaptation of content for young people.
- Increase production of content in English, French and Spanish to reach audiences in the respective countries.
- Ensure proper public control over the elections of the Chairman of the Board of Suspilne in 2025 and the Supervisory Board of Suspilne in 2026.
- Strengthen communication with the occupied territories, taking into account the blocking of social media by the aggressor state; ensure the preparation of awareness-raising campaigns aimed at the cognitive de-occupation of Crimea and other occupied territories.
- Take steps to resolve criminal cases regarding crimes against journalists (the case of Georgiy Gongadze, Pavlo Sheremet, etc.).
- International partners should strengthen institutional support for the media and media CSOs responsible for European integration, education and policymaking.
- Conduct a systematic review of media security both in wartime and in the post-war period.



VII. CIVIL SOCIETY



Progress and positive trends

Civil society continues to maintain a high level of trust among citizens (in April 2024, trust in volunteer organisations was 85%, in civil society organisations, 61%), and to have an **influence** on the development and adoption of the state policy.

The influence of civil society organisations (CSOs) on European integration processes has increased, in particular through interaction with the EU Representation in Ukraine. CSOs provided substantial support to the Government of Ukraine in preparing responses to the European Commission’s questionnaire as part of the accession process, which helped make responses to it more complete. The European Commission’s report on Ukraine’s progress released in November 2023 noted the role of civil society. Civil society also helps develop draft laws, conducts analytical studies, and advocates state policy at both country and **EU level**. Civil society reached a new level of recognition of its influence on Ukraine’s recovery processes with the integration of its representatives in every panel and event of **the Ukraine Recovery Conference**, which took place in Berlin in June 2024.

Despite the challenges of the war, there is dialogue and partnership between state authorities and CSOs. In September 2023, the Government held the Civil Society Week for the first time in Ukraine (to be celebrated annually in the week of the International Day of Democracy). An action plan for the implementation of the “Open Government” Partnership” initiative was developed and presented. In June 2024, the Secretariat of the Cabinet of Ministers held consultations on the development of the Action Plan for the implementation of the National Strategy for Promoting Civil Society Development in Ukraine for 2025–2026.

Civil society organisations actively joined and influenced the finalisation of the draft law on lobbying adopted in February 2024. The involvement of civil society organisations made it possible to transform it from a source of threat to civil society into a compromise forming the basis for revealing shadowy influences on the process of development of state policy and decision-making powers.



Problems and Challenges

Barriers to access to banking services at the national and international levels. Ukraine is a party to an armed conflict, with a full-scale war being waged on its territory. This leads to more in-depth financial monitoring according to international standards and delays in financial transactions, which results in difficulties for or slowing down/termination of the operational activities of CSOs, in particular those that attract funds to support their work from private individuals. Civil society organisations **conduct a dialogue** with the National Bank of Ukraine and the banking sector to track and prevent such problems.

Unforeseen regulatory consequences in case of adopting amendments to legislation. This applies, in particular, to legislation in the field of combating money laundering and preventing the financing of terrorism, which can lead to problems with operations as well. Failure to consider the interests of civil organisations can lead to complications in dealing with bank accounts and handling funds received from abroad. The human rights implications of the draft law on a unified system of video monitoring of the state of public security, which provides for the identification of citizens by a video surveillance system, also requires consideration.

A full-scale war has a negative impact on the “human capital” of civil society organisations. Daily threats include physical threats, due to constant shelling from the Russian Federation, the continuation of hybrid warfare and digital attacks, mental exhaustion, deterioration of mental security, the outflow of personnel due to mobilisation or the transfer of qualified professionals to international projects.



Possible solutions and recommendations

- Continuation and strengthening of the practice of civil society involvement in the process of preparing Ukraine for EU membership.
- Involvement of civil society organisations in the development of the Action Plan for 2025–2026 for the implementation of the National Strategy for Promoting Civil Society Development in Ukraine.
- Approval of the concept of the State Program for the Development of Volunteering in Ukraine for 2025–2030 and adoption of the program itself (the draft was developed and submitted to the Ministry of Social Policy for consideration).
- Amending Resolutions of the National Bank of Ukraine **No. 65** and **107**, and application of a risk-oriented approach to CSOs when determining the riskiness of their financial transactions; taking into account in the legislation of Ukraine the provisions of FATF Recommendation 8 updated in 2023, which exempts the evaluation of CSOs from «one size fits all» principles and removes think tanks from enhanced financial monitoring measures.
- The President should sign the laws, which were previously adopted by the parliament, namely amending the legislation «On Amendments to the Law of Ukraine **«On Local Self-Government in Ukraine» and other legislative acts of Ukraine regarding people’s power at the level of local self-government»** and **“On Local Self-Governance in Ukraine”**, fostering citizens’ participation at the level of local self-governance, and the Law **“On Public Consultations”** adopted by the Parliament of Ukraine.
- Adoption of legislation on the use of video surveillance cameras with the function of automatic face recognition should be accompanied by a broad discussion aimed at ensuring control over the use of received data and preventing violations of human rights and the right to freedom of association.
- Adoption of the tax code amendments that will encourage providing life and health insurance to volunteers.
- It is expedient to organise and conduct joint thematic training of representatives of CSOs and state institutions with the aim of deepening mutual understanding and studying the legal bases of each other’s activities.



VIII. HUMAN RIGHTS





Progress and positive trends

Despite the state of war and extensive powers, the government generally refrains from unnecessarily limiting human rights and follows the law. Authorities do not ban or interrupt peaceful gatherings, allowing Ukrainians to hold demonstrations to raise awareness about critical issues to both the government and the public.

Amendments were adopted to several laws concerning the protection of national minorities, particularly their educational, cultural, linguistic, and informational rights. Overall, these changes improved the situation: education in the languages of national minorities returned to schools (though only for those languages that are official in the EU), and the scope of permitted use of minority languages in the media was significantly expanded. Throughout 2024, the government worked on the practical implementation of these changes.

Problems and challenges

Resumption of the trend of attacks and pressure on civic activists and human rights defenders in the Ukrainian government-controlled territory has resumed. In 2023, ZMINA human rights centre recorded 50 cases of persecution of civic activists and human rights defenders in the territories controlled by the Ukrainian government. This is about half the number compared to the years before the full-scale invasion of the Russian Federation, when ZMINA documented about 100 such cases each year. However, in 2024, the dynamics began to increase. In the first half of 2024 alone, ZMINA recorded 46 cases of persecution of activists and human rights defenders, including new forms of pressure and discrediting; in particular, one of the tools was the use of mobilisation. Despite the importance of mobilisation measures in Ukraine during the war, such actions cannot become a punishment for civic or human rights activities.

The legislative initiative aimed at limiting public access to the Unified State Register of Court Decisions, which has been developed to protect “sensitive” information from enemy intelligence, is a worrying sign. The draft law gives judges the right to remove any information from court decisions in the USRCD at their own discretion (even when the case was considered at an open court session), and, for the period of martial law, to remove from the register all court decisions in cases of crimes against the foundations of national security, protection of state secrets, inviolability of borders, conscription and mobilisation, as well as the procedure for military service. This disproportionately restricts the right of Ukrainians to receive information that is of significant public interest, gives judges broad extra-procedural powers, and effectively eliminates the institution of open access to court decisions through the USRCD as an achievement of Ukrainian democracy. Despite numerous calls from civil society organisations to reject this draft law, it is being prepared for the second reading in the Parliament.



Another negative trend was the persecution of volunteers. During 2022, ZMINA received information about 17 cases of criminal prosecution of volunteers under Article 2012 of the Criminal Code of Ukraine for allegedly “selling humanitarian aid for profit”. In almost all cases, the investigation used provocation to obtain formal signs of committing a crime, distortedly applied the article of the criminal law, and distorted the circumstances of the case. By the end of 2023, in cooperation with the Office of Prosecutor General of the Human Rights Centre, ZMINA managed to stop the criminal prosecution of volunteers in seven proceedings. In 2023, the general dynamics of initiating criminal proceedings under Article 2012 of the Criminal Code of Ukraine decreased: this year, ZMINA recorded only one case of such prosecution. Despite the fact that this is generally a positive trend, 11 criminal proceedings against 13 volunteers are still ongoing, which has a negative impact on volunteering in Ukraine.

Ukrainian anti-discrimination legislation only partially meets EU minimum standards and other obligations under international law. Thus, the Law “On the Principles of Prevention and Counteraction of Discrimination in Ukraine” and the Criminal Code of Ukraine, as well as various regulations, contain an inconsistent and incomplete list of signs protected from discrimination (in particular, regarding such signs as “sexual orientation and gender identity”, “internal displacement” and “HIV-positive status”, “health status”), which leads to a violation of the principle of equality in relation to groups that cannot benefit from the protection of the law. In addition, the basic anti-discrimination legislation provides an incomplete list of forms of prohibited behaviour and omits such forms as multiple discrimination, victimisation, segregation, refusal of reasonable accommodation, and also does not provide for administrative responsibility for discrimination, in particular, the possibility of imposing fines for discrimination. Overall, changes made in recent years have significantly improved the protection standards for vulnerable and minority groups. The strategic documents currently being developed in context of EU accession will be essential to longer-term work of bringing Ukrainian legislation into full compliance with international standards, including the recommendations of the Venice Commission.

Criminal legislation in the field of responding to manifestations of intolerance and protecting the rights of victims of hate crimes is also only partially harmonised with European standards. Thus, the current Criminal Code of Ukraine provides for criminal punishment for acts of discrimination. In particular, Article 161 of the Criminal Code of Ukraine contains a large list of elements of the crime that are not related to physical violence and do not comply with the principle of proportionality of punishment. In addition, as Ukrainian judicial practice has shown, criminal proceedings are not an effective remedy for many forms of discrimination. Therefore, together with the introduction of possible administrative responsibility for manifestations of discrimination, it is necessary to decriminalise discrimination.

Most hate crimes in Ukraine are not properly investigated due to the difficulty of proving the motive of intolerance.

At the stage of the pre-trial investigation, Article 294 of the Criminal Code of Ukraine (hooliganism) is mainly used to investigate crimes not involving grievous bodily harm. Proceedings under Article 161 are initiated only by way of private prosecution, that is, depending on the notification of the victim, and in many cases the violators avoid punishment due to the absence of a specific victim or the unwillingness of the victims to undergo long and exhausting criminal proceedings. There is a lack of protection for victims in the criminal process and attention to their safety and other needs, resulting in a certain number of hate crimes being silenced. Special attention needs to be paid to the expansion of the list of protected signs in the Criminal Code of Ukraine and the introduction of a separate punishment for inciting hatred (hate speech) and hate crimes, in particular, expanding the list of circumstances aggravating the punishment.

Lack of qualitative data on manifestations of discrimination in Ukrainian society.

The work of authorities should be strengthened in view of the need to develop a system for collecting and analysing disaggregated data on all manifestations of discrimination and intolerance in various spheres of public life, conducting regular measurements of the response to discrimination and the level of prejudice in society, implementing regular training on prevention and counteraction of various manifestations of discrimination, as well as ensuring accessibility in the work of law enforcement agencies, civil servants, local self-government officials and other representatives of public authorities.



Possible solutions and recommendations

- To investigate crimes against activists and human rights defenders effectively, properly and within reasonable terms, stop the practice of unjustified persecution of representatives of civil society.
- To reject draft law No. 7033-д “On Amendments to Certain Laws of Ukraine on Preventing the Disclosure of Certain Information in Texts of Court Decisions”.
- To amend legislation regarding the list of protected signs, the mechanisms for applying various legal remedies, the powers of the Human Rights Commissioner of the Parliament to respond to manifestations of discrimination, etc.
- To revise the provisions of the Criminal Code of Ukraine regarding hate crimes and bring them into line with international standards.
- To develop and implement a unified and disaggregated data collection system on various manifestations of discrimination among central government and executive authorities.
- Continue efforts to fully align Ukraine’s anti-discrimination legislation with Ukraine’s international human rights obligations. Finalize the development and adoption of relevant strategic documents.

