

Implementation of Internal Reform and Institutional Capacity-Building of the Verkhovna Rada of Ukraine

Status and implementation potential
as of 2023–2024



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Summary

The approval of the Recommendations of the European Parliament's Mission on internal reform and increase the institutional capacity of the Verkhovna Rada of Ukraine by the Resolution of the Verkhovna Rada of Ukraine on March 17, 2016, may be considered the beginning of the parliamentary reform.

The Parliament failed to implement all the reforms by the end of the eighth convocation, and there was no significant progress in the ninth convocation. In 2022, a new stage of parliamentary reform began. The process of developing a new design for the reform began initially as part of the Recovery Plan for Ukraine and later in the form of various task teams. Such developments are not yet in consensus with all interested parties. In some areas, there are radically different positions regarding various components of the reform. Thus, for external observers, the parliamentary reform appears quite chaotic. In this issue of the Parliament journal, the Agency for Legislative Initiatives analyses the parliamentary reform in detail. This will help clarify the current state of parliamentary reform implementation in various areas, identify existing shortcomings, and understand the possible prospects for reform implementation in the near future. For this purpose, a number of in-depth expert interviews were conducted with those who were most involved in the development of the parliamentary reform – MPs and heads of structural units of the Verkhovna Rada of Ukraine. These interviews enabled us to form a vision of key developers of the parliamentary reform and its main aspects.

MPs and officers of the Verkhovna Rada's Secretariat, who head the task forces on parliamentary reform, believe that **continuing the reform is relevant and necessary even in times of martial law. However, not everything can be reformed during a time of martial law.** This is because certain improvements might require amendments to the Ukrainian Constitution, which cannot be implemented under this legal regime. In view of this, all necessary improvements can be divided into **two categories**:

- ① **those that are urgent and whose development and implementation do not require amendments to the Basic Law;**
- ② **those that should be discussed now but whose implementation and constitutional consolidation are postponed to the period after the end of martial law.**

The first category includes, among other things, the adoption of the Code of Ethics, the improvement of the Law "On Committees of the Verkhovna Rada of Ukraine" and the Law "On the Status of People's Deputy of Ukraine." The second category may be represented by the development of amendments to the Constitution regarding the restriction of MPs' individual legislative initiatives, regulation of certain aspects of the MP's status (for example, the issue of parliamentary immunity), definition of the opposition's status at the level of the Basic Law, regulation of the interaction of the "Parliament – Government – President" power triangle, etc.

One of the important problems identified by the participants of the Task Force on the Government-Parliamentary Interaction is the imperfection **of the power triangle's constitutional structure**, which is due to the absence of a coordination centre for the executive authorities. MPs propose two ways of introducing changes to solve this problem. The first option is to weaken the president's position and assign him more ceremonial powers. Another strategy is to strengthen the president's position as head of the executive authority.

According to respondents, improving **legislative work planning** could be achieved through a set of measures: shifting the centre of policy-making to the government; approving the Cabinet of Ministers' activity programme by the parliament; developing the legislative work plan based on the coalition agreement and the government's action programme; generalising materials for preparing the legislative work plan not by the Committee on Legal Policy, but by a separate unit of the VRU Secretariat; providing MPs with sufficient time to process draft laws; establishing an institution responsible for ensuring compliance with legislative technique during the drafting of laws.

To enhance **the parliament's control function**, stakeholders propose to restore mandatory representation of ministries at meetings of specialised committees and ensure that these ministries are represented at the level of ministers or their deputies, which will increase the degree of interaction between the legislative and executive branches of power; ensure systematic reporting of ministers at the committee meetings; resume regular "hour of questions to the government"; reduce the number of VRU committees by implementing the principle of "one ministry – one committee"; ensure high-quality implementation of the institution of post-legislative control; reform the activity of the Accounting Chamber.

Members of the Task Force on Parliamentary Reform believe that the current shortcomings in the process of **cooperation between the VRU Secretariat and MPs of Ukraine** can be overcome by strengthening the Research Service of the Verkhovna Rada of Ukraine, establishing a special office for rulemaking, separating the expert and organisational functions of secretariats or strengthening the expert part of their work to ensure a higher quality of the conclusions of VRU committees, and more actively involving graduates of the Youth Internship Programme in the Verkhovna Rada Secretariat in its work.

Options for improving the regulation of the **legal status of MP's assisting consultants** are actively discussed among respondents. Proposals have been made to clarify in the specialised legislation the entity that acts as an employer of assisting consultants and to establish a requirement for all assistants to have a higher education.

MPs propose to **increase the effectiveness of parliamentary diplomacy** by enshrining the rules for proportional representation of MPs from different political forces in delegations; ensuring activity of parliamentary diplomacy towards European integration based on the "one voice" principle so that all MPs defend one agreed position before international partners; increasing the activity of the VRU Committee on Foreign Policy and Interparliamentary Cooperation; establishing interparliamentary relations with African and Asian states.

To improve the legal status of MPs of Ukraine, Task Force members consider it necessary to revise the relevant Law "On the Status of People's Deputy of Ukraine" in terms of removing potentially corrupt provisions from its text. The issue of reinstating parliamentary immunity remains a topic for debate. Respondents also noted the importance of regulating lobbying activities and introducing a market for lobbyist services.

In the area of regulating the **ethical behaviour of MPs**, stakeholders support the idea of adopting the Code of Ethics that would establish a unified standard of behaviour for MPs in the public space. This problem can be resolved through the adoption of Draft Law No. 8327, which was registered at the end of 2022. Respondents also discussed the feasibility of detailing restrictions on the level of rules of ethical behaviour that would facilitate compliance with anti-corruption legislation.

In order to overcome legislative spam, MPs propose to conduct a preliminary examination and **limit individual legislative initiatives**. The majority of the heads of subteams of the Task Force on Parliamentary Reform expressed support for introducing a collective MP initiative. As an alternative, it is also

proposed to restrict the right of MPs to register draft laws based on the criterion of their compliance with the political party's programme.

Stakeholders propose two ways to resolve the problem with the legislative regulation of the **status of the opposition**: either to amend the Constitution or adopt a specific law that would define the status of the parliamentary minority. MPs' opinions differ on regulating the status of the coalition and the opposition at the Constitutional level. It is proposed that provisions on the parliamentary opposition to the Basic Law (which are currently absent) be added or the existing provisions on the coalition removed from it. At the same time, the majority of the Task Force's members are in favour of regulating the status of the opposition at the level of a specialised law. For this, the most relevant and least problematic solution currently seems to be reinstating the chapters of the Rules of Procedure that were removed in 2010.

Task Force members believe that **the procedure for consideration by the Verkhovna Rada of draft laws aimed at adapting Ukrainian legislation to EU law** should be improved in the following areas:

- ▶ mending the Law "On the State Programme for Adaptation of Ukrainian Legislation to the Legislation of the European Union";
- ▶ approving the parliamentary form of the compliance table;
- ▶ taking into account the conclusions of the European integration expertise before approving draft laws;
- ▶ developing by the Verkhovna Rada a methodology for assessing the impact of norms adapted to EU legislation on social relations in Ukraine and implementing this tool in the legislative process.

Methodology

Preparing this issue of the Parliament journal involved two stages: desk research and expert interviews with stakeholders.

The desk research phase includes the following:

- ▶ regulatory analysis (primarily of the VRU Resolution “On Measures to Implement Recommendations on Internal Reform and Capacity-Building for the Verkhovna Rada of Ukraine” and acts adopted for its implementation);
- ▶ analysis of open sources related to the implementation of parliamentary reform.

After completing the first phase of the desk research, a series of in-depth expert interviews were conducted with MPs and heads of structural units of the Secretariat of the Verkhovna Rada of Ukraine. After the interviews, the information provided by stakeholders was verified, where possible, using open sources, statistical data, legislation, etc., and used as a basis for writing Section II of this journal.

Thus, the research contains both objective (including quantitative) data obtained during the desk research and subjective assessment and interpretation of events and processes from stakeholders. The combination of these two approaches allowed for a comprehensive analysis of the process by which the Parliament implemented the Recommendations on internal reform and capacity-building for the Verkhovna Rada of Ukraine.



Chapter I

Retrospective of the internal reform of the Verkhovna Rada of Ukraine



1. Developments of the Verkhovna Rada of the 8th convocation

Back in 2016, during Ukrainian Week, the European Parliament presented a Report and Roadmap on Internal Reform and Capacity-Building for the Verkhovna Rada of Ukraine, prepared by the European Parliament Assessment Mission led by its former President (2002–2004) Pat Cox. On 17 March of the same year, the Verkhovna Rada adopted a resolution regarding measures for implementing 52 recommendations of the Roadmap.¹ (hereinafter referred to as Resolution No. 1035). In late November 2016, the Chair of the Verkhovna Rada issued an order to establish the Task Force on Parliamentary Reform, which included representatives from all parliamentary factions and teams. At one of its first meetings, the Task Force adopted the formula “one recommendation – one draft law”, aiming to increase the chances of reaching a compromise between different political forces on each specific issue. In total, during the 8th convocation of the VRU, six meetings in the Jean Monnet Dialogue format were held involving representatives of parliamentary political forces and representatives of the European Parliament. However, neither the chosen strategy nor the activities of the Task Force nor the assistance of the European Parliament helped the Verkhovna Rada to pass at least one law from the reform package by the end of the convocation.

As a result of the work throughout the entire 8th convocation, only 1 of 52 items of the Roadmap was fully implemented – concerning short-term internships in the VRU Secretariat (item 40 of the Recommendations). The internship programme has been operating with the support of international technical assistance projects since 1995. However, in 2018 and 2019, the Verkhovna Rada decided to allocate scholarships for interns from the state budget (as stipulated in the Verkhovna Rada’s budget).

¹ [On measures to implement the recommendations on internal reform and improved institutional capacity of the Verkhovna Rada of Ukraine: Resolution of the Verkhovna Rada of Ukraine No. 1035-VIII of 17 March 2016.](#)

According to the results of the assessment of the implementation of Resolution No. 1035 conducted by the Agency for Legislative Initiatives in 2019, there was some progress on many of the declared items: analytical documents were developed, draft laws were registered, included in the agenda, or even adopted in the first reading as a basis (there were two such draft laws in total). The assessment yielded the following result:

implementation of the reform process by

41.8%



In particular, the recommendations of each block of the Roadmap were implemented as follows²:

- › legislative capacity and lawmaking process in the Verkhovna Rada of Ukraine— 42,3%;
- › political oversight of the executive branch of authority— 37,5%;
- › openness, transparency and accountability to citizens— 68,8%;
- › harmonisation of Ukrainian legislation to EU law— 40%;
- › administrative capacity— 33,3%;
- › coalition, opposition and dialogue in the Verkhovna Rada— 31,3%;
- › compliance with ethical norms and standards of behaviour in the Verkhovna Rada— 30%.

However, it is worth emphasizing that these indicators are only an assessment of the *process*. At the same time, by the end of the functioning of the VRU of the 8th convocation, only one recommendation of the Roadmap had been fully implemented (regarding short-term internships).

² [Assessment of the implementation of the internal reform and capacity-building of the Verkhovna Rada of Ukraine.](#) Agency for Legislative Initiatives. Kyiv. 2019.

2. Agenda of the newly elected Verkhovna Rada of the 9th convocation

The newly elected Verkhovna Rada of the 9th convocation was full of reformist ideas and aspirations. Accordingly, MPs of this convocation had their own proposals for reforming the parliament.

Thus, the new parliamentary factions (e.g., Servant of the People³ and Holos⁴) proposed the following initiatives:

- ① abolition of parliamentary immunity;
- ② reducing the number of MPs (e.g. to 300);
- ③ introducing the people's legislative initiative;
- ④ introducing a system of sanctions for absenteeism and non-personal voting by MPs;
- ⑤ limiting the term of office of MPs to two consecutive terms.

To implement two of the above-mentioned initiatives, the President submitted draft laws No. 1015⁵ and No. 1017⁶ to the Rada during the first session of the 9th convocation. The first concerned amendments to the Constitution of Ukraine regarding the legislative initiative of the people, while the second related to reducing the constitutional composition of the Parliament. However, neither of them has yet become law.

The issue of reducing the number of MPs in the Verkhovna Rada (the figures varied from 100 to 350) has been raised in public discourse repeatedly over the past 20 years. However, any initiatives in this area appear more like populist gestures towards voters, whose trust in the main representative body of the state has traditionally been low. And **the main argument of the proponents** of this idea – 450 MPs is too many for the reduced population of Ukraine – **is dubious**. For example, the number of MPs in both chambers of the Polish Parliament is 560⁷ (for a population of 38 million), and in the Czech Republic Parliament – 281⁸ (for a population of 10 million)⁹.

³ [The election programme of the Servant of the People party. Servant of the People party is preparing draft laws that will introduce democracy – Stefanchuk.](#)

⁴ [The programme of the Holos party. Parliament: from a distorted mirror to transparency. Proposal of the Holos party, stated by Yaroslav Zheleznyak.](#)

⁵ [Draft Law "On Amending Article 93 of the Constitution of Ukraine \(Regarding the Legislative Initiative of the People\)" No. 1015 of 29 August 2019.](#)

⁶ [Draft Law "On Amending Articles 76 and 77 of the Constitution of Ukraine \(Regarding the Reduction of the Constitutional Composition of the Verkhovna Rada of Ukraine and the Establishment of a Proportional Electoral System\) No. 1017 of 29 August 2019.](#)

⁷ [Konstytucja Rzeczypospolitej Polskiej, Tekst uchwalony w dniu 2 kwietnia 1997 r. przez Zgromadzenie Narodowe. Art. 96–97.](#)

⁸ [Constitution of the Czech Republic of 16 December 1992. Art. 16.](#)

⁹ [Analytics of the day: Preliminary analysis of some legislative initiatives of the President of Ukraine. Agency for Legislative Initiatives. Kyiv. 2019.](#)

Similarly, reservations exist regarding another vector of parliamentary reform: changes to the system of legislative initiative subjects. The system of subjects currently defined by the Constitution (the President, MPs and the Cabinet of Ministers) is part of the basic constitutional structure of the legislative process. This process, in turn, provides for procedural requirements for initiatives submitted by the subjects. The current practice of violating these requirements, as well as the abuse of the right of legislative initiative by MPs, has repeatedly been identified as one of the key problems in the functioning of the Ukrainian Parliament. **The introduction of the people's legislative initiative in this context will not only fail to solve this problem but may also lead to its deepening, which is unlikely to contribute to the development of quality solutions and elaboration of transparent and predictable state policy.** Moreover, the lack of clear criteria for defining the people as the subject of legislative initiative will prevent the implementation of this norm. At the same time, the existing (including those provided for by the Constitution) mechanisms of citizen participation in the legislative process in no way limit the Ukrainian people's exercise of power either directly or through the public authorities (for example, the institute of electronic petitions was introduced in 2015¹⁰)¹¹.

Another initiative regarding the limitation of the number of parliamentary tenures by MPs from the Holos party was also not implemented. It should be noted that its implementation has not even begun. The logic of this proposal was to prevent the creation of "castes" in the parliament and the acquisition of corrupt ties among MPs who have been "serving the people" for too long. However, reality has shown otherwise: **since the 2nd convocation, the Verkhovna Rada has been renewed by 60% or more each time (with the exception of the 6th convocation).** This means that the majority of MPs in almost every convocation have been newcomers to parliament. And this means that the corresponding restriction simply has no practical sense. So, the matter never got to the implementation of this initiative.

In general, **the implementation of most initiatives in the near future seems almost unachievable.** Their complete lack of prospects is evidenced by the fact that, first, the introduction of these novelties requires amendments to the Constitution. However, it is impossible to do so under the legal regime of martial law. Second, at the end of 2023 and the beginning of 2024, problems with gathering 226+ votes to pass laws became evident.¹² Third, after martial law is lifted, the most priority issue will be holding elections, so returning to the implementation of these proposals is unlikely to be relevant.

However, not all of the proposed initiatives proved to be unpromising. **Some of the pre-election promises regarding parliamentary reform have indeed been implemented.**

For example, **parliamentary immunity was lifted**¹³ despite the negative attitude towards this decision of the European Union and the Council of Europe and its advisory body, the Venice Commission¹⁴. This position was based on the fact that MPs' immunity is primarily related to protecting the Parliament and its members from authoritarian practices by the executive branch of power. A weak judiciary poses a

¹⁰ [On Amending the Law of Ukraine "On Citizens' Appeals" regarding electronic appeals and electronic petitions: Law of Ukraine No. 577-VIII of 2 July 2015.](#)

¹¹ [Analytics of the day: Preliminary analysis of some legislative initiatives of the President of Ukraine.](#) Agency for Legislative Initiatives. 2019.

¹² [Three Hundred Spartans. What will happen if the Rada loses another hundred MPs.](#) UNIAN. 2023.

¹³ [On Amending Article 80 of the Constitution of Ukraine \(regarding the immunity of MPs of Ukraine\): Law of Ukraine No. 27-IX of 3 September 2019.](#)

¹⁴ [The Venice Commission advises not to abolish the immunity of MPs for the time being.](#) Ukrainska Pravda. 2015.

direct threat of authoritarianism¹⁵, as in the case of abuses (such as the persecution of disloyal MPs by law enforcement agencies), there is no guarantee that the relevant executive officials will be held accountable based on fair judicial decisions.

Also, **sanctions were introduced for MPs' absenteeism**. The relevant law was adopted by Parliament in October 2019¹⁶. Its provisions stipulate that compensation related to the exercise of parliamentary powers will be suspended if the MP misses plenary sessions of the Verkhovna Rada of Ukraine or meetings of the VRU committees without valid reasons.

In general, although the changes implemented were mostly favourably assessed by the public, **they were still detached from the parliamentary reform plan adopted in 2016**.

¹⁵ [Analytics of the day: Why parliamentary immunity should not be abolished?](#) Agency for Legislative Initiatives. 2019.

¹⁶ [On amending the Law of Ukraine "On the Status of People's Deputy of Ukraine" and the Rules of Procedure of the Verkhovna Rada of Ukraine regarding the termination of reimbursement of expenses related to the exercise of parliamentary powers to MPs in case of their skipping plenary sessions of the Verkhovna Rada of Ukraine or meetings of the Verkhovna Rada committees without valid reasons: Law of Ukraine No. 196-IX of 16 October 2019.](#)

3. Resumption of work by the Verkhovna Rada of the 9th convocation on the implementation of recommendations for internal reform

The **composition of the Task Force on Parliamentary Reform**, established in the previous convocation, was updated by order of the Chair of the VRU in December 2019. In addition, at one of the meetings, the committee was instructed to develop a new action plan for the implementation of the reform. These events signalled the resumption of a comprehensive systemic approach to optimising the VRU's functioning. Although certain items in these documents have become outdated, the new composition of the Parliament has not revised neither the Roadmap with recommendations or the resolution for its implementation. Therefore, it can be considered that these acts officially remain a benchmark for implementing parliamentary reform.

In general, the renewal of the Verkhovna Rada somewhat reset the implementation status of the Roadmap recommendations for the reform of the Ukrainian parliament. Some platforms for dialogue of the 8th convocation ceased to exist, and most draft laws developed in the previous convocation (which could have indicated progress in parliamentary reform in the 8th convocation¹⁷) were not re-registered. This led to a decrease in the ratings (according to the methodology of the Agency for Legislative Initiatives) of the Roadmap implementation. However, after conducting a reassessment of the reform's implementation in 2021¹⁸, the Agency for Legislative Initiatives noted that within a year and a half, the Verkhovna Rada of the 9th convocation managed to catch up and even slightly overtake the Parliament of the 8th convocation. However, **the results of the 9th convocation are largely due to the processes that were launched during the 8th convocation.**

At the same time, when evaluating the reform process of the Verkhovna Rada during this period, a lack of systematic approach can be noted. This is especially true of the activities of MPs themselves. While reforms related to the functioning of the VRU Secretariat were more or less comprehensively implemented and taking into account the Roadmap recommendations, areas related to the rules and formats of the MPs' work either showed regression or remained at about the same level. If there have been improvements, they have been more of a reaction to current challenges and not really based on the Roadmap recommendations.

Thus, the main improvements in the implementation status of the Roadmap recommendations in 2019–2021 concerned the VRU Secretariat. Among the achievements in this area, the following can be noted:

- ① approval of the Strategy for Building the Personnel Potential of the Secretariat of the Verkhovna Rada of Ukraine¹⁹ (item 39 of the Recommendations);
- ② implementation of electronic document flow in the legislative process to ensure electronic interaction between the subjects of the right of legislative initiative – the President of Ukraine,

¹⁷ [Assessment of the implementation of the internal reform and capacity-building of the Verkhovna Rada of Ukraine.](#) Agency for Legislative Initiatives. Kyiv. 2019.

¹⁸ [Assessment of the implementation of the internal reform and capacity-building of the Verkhovna Rada of Ukraine.](#) Agency for Legislative Initiatives. Kyiv. 2021.

¹⁹ [On the Strategy for Building the Personnel Potential of the Secretariat of the Verkhovna Rada of Ukraine until 2022: Order of the Head of the Secretariat of the Verkhovna Rada of Ukraine No. 3359-k of 5 December 2019.](#)

the Cabinet of Ministers of Ukraine and MPs of Ukraine (although it still operates in parallel with paper-based processes) (item 24 of the Recommendations);

- ③ audit of the Verkhovna Rada's accounts (in terms of budget execution) conducted by the Accounting Chamber (item 35 of the Recommendations);
- ④ measures to implement the VRU Communication Strategy (item 23 of the Recommendations);
- ⑤ adoption in the first reading of the draft law "On Parliamentary Service"²⁰ (item 41 of the Recommendations).

The improvement in the overall assessment of the status of implementation of recommendations for the period of 2019–2021 can be explained by the fact that the areas related to the Secretariat improved more than the areas directly related to the MPs' work.

Some positive changes also concerned the MPs' work: amendments to the Rules of Procedure and implementation of the practice of preparing a Legislative Work Plan, publication of MPs' inquiries, reduction in the number of committees (although there are problems with their areas of competence), and attempts to improve the control function.

At the same time, it is worth noting that the resources for improving the rating of the implementation of the Roadmap recommendations through the areas related to the VRU Secretariat have been largely exhausted. Therefore, further progress in the implementation of the 2016 Roadmap will require work in areas not related to the VRU Secretariat. In particular, "Legislative Capacity and Lawmaking Process in the Verkhovna Rada of Ukraine", "Coalition, Opposition and Dialogue in the Verkhovna Rada", and "Compliance with Ethical Norms and Standards of Behaviour in the Verkhovna Rada" have significant implementation potential, as the assessment of their progress according to the Agency for Legislative Initiatives methodology was only 19% to 25% in 2021²¹.

It is worth noting separately the recommendations that can be considered as fully implemented. There are only five such recommendations, and all of them relate to the Verkhovna Rada Secretariat:

- ▶ Recommendation No. 23 – implementation of the Information and Communications Technology strategy;
- ▶ Recommendation No. 26 – development and approval of the digital strategy of the Verkhovna Rada of Ukraine;
- ▶ Recommendation No. 35 – conduct of an audit by the Accounting Chamber;
- ▶ Recommendation No. 39 – implementation of a human resources development strategy in the VRU;
- ▶ Recommendation No. 40 – short-term internships should be separated from civil servants' internships due to employment conditions.

6 Thus, **the overall assessment of the internal reform implementation** and capacity-building of the Verkhovna Rada of Ukraine, according to the Agency for Legislative Initiatives methodology,

²⁰ Draft Law "On Parliamentary Service" No. 4530 of 21 December 2020.

²¹ Assessment of the implementation of the internal reform and capacity-building of the Verkhovna Rada of Ukraine. Agency for Legislative Initiatives. Kyiv. 2021. P. 9, 12, 13.

as of 14 July 2021, was 45.7%, which is 3.9% higher than at the end of the 8th convocation in May 2019.

The implementation of recommendations of each block of the Roadmap was assessed as follows²²:

- ▶ legislative capacity and lawmaking process in the Verkhovna Rada of Ukraine – 25% (42.3% as of 2019);
- ▶ political oversight of the executive branch of power – 50% (37.5% as of 2019);
- ▶ openness, transparency and accountability to citizens – 81% (68.8% as of 2019);
- ▶ alignment of Ukrainian legislation with EU law – 50% (40% as of 2019);
- ▶ administrative capacity – 61% (33.3% as of 2019);
- ▶ coalition, opposition and dialogue in the Verkhovna Rada – 19% (31.3% as of 2019);
- ▶ compliance with ethical norms and standards of behaviour in the Verkhovna Rada: 25% (30% as of 2019).

To recall, these indicators are an assessment of the *process*. If we assess **the percentage of fully implemented recommendations of the Roadmap**, it **increased from about 2%** (1 implemented item) at the end of the 8th convocation to **approximately 10%** (5 implemented items) in the almost two years of work of the Rada of the 9th convocation.

As of the end of 2021, the reserve for implementing the recommendations on the Verkhovna Rada Secretariat had been exhausted, so the Parliament postponed the Roadmap and left it to wait for better times.

²² [Assessment of the implementation of the internal reform and capacity-building of the Verkhovna Rada of Ukraine.](#) Agency for Legislative Initiatives. Kyiv. 2021.

4. Restart of parliamentary reform. Current status of its implementation

Before the full-scale invasion, the parliamentary reform had stalled at a level that can be described as **partial implementation**. Evidence of this is the status of implementing the recommendations mentioned above: Only one item was implemented by the Rada during the 8th convocation and four during the 9th convocation. However, fundamental steps for the Verkhovna Rada to improve the legislative process were not taken either during the 8th or 9th convocations. This concerns fundamental changes that either did not find support among MPs or proved unenforceable within the framework of the current constitutional provisions.

The reform was in this state until the beginning of the full-scale invasion and the preparation of the Post-War Reconstruction Plan²³, which was outlined in very general terms during the International Ukraine Recovery Conference in Lugano in July 2022²⁴. Although since its presentation, the Plan still has an undefined status, as it has not been approved by any authority or body, the work carried out within this process has become an intermediate step towards the beginning of what can be called a **new stage of parliamentary reform**.

During this period, **the newly established Task Force on Preparation of Comprehensive Legislative Proposals for Amending the Laws of Ukraine in the Field of Parliamentary Law²⁵** chaired by **Oleksandr Kornienko**, First Deputy Chair of the Verkhovna Rada, continued to work on parliamentary reform. Within the Task Force, the development of concepts and draft laws was carried out by **five subteams**:

- ① **Legislative Process** — Chair: Serhii Kalchenko (MP of Ukraine, member of the parliamentary faction of the Servant of the People political party, Chair of the Verkhovna Rada Committee on Rules of Procedure, Parliamentary Ethics, and Organization of the Verkhovna Rada's Work);
- ② **Interaction between the Verkhovna Rada and the Cabinet of Ministers** — Chair: Pavlo Frolov (MP of Ukraine, member of the parliamentary faction of the Servant of the People political party, member of the Verkhovna Rada Committee on Budget);
- ③ **Institutional Capacity** — Chair: Mykhailo Tepluk (Deputy Head of the Secretariat of the Verkhovna Rada of Ukraine);
- ④ **Code of Parliamentary Ethics** — Chair: Viktoriia Podhorna (MP of Ukraine, member of the parliamentary faction of the Servant of the People political party, Deputy Chair of the Verkhovna Rada Committee on Digital Transformation);
- ⑤ **Status of the opposition** — Chair: Yaroslav Yurchyshyn (MP of Ukraine, member of the parliamentary faction of the political party "Holos" in the Verkhovna Rada of Ukraine of the 9th convocation, Chair of the Verkhovna Rada Committee on Freedom of Speech).

²³ [Recovery Plan for Ukraine.](#)

²⁴ [Ukraine Recovery Conference 2022.](#)

²⁵ [On the Task Force for the Preparation of Comprehensive Legislative Proposals for Amending Laws of Ukraine in the Field of Parliamentary Law: Order of the Chair of the Verkhovna Rada of Ukraine No. 431 of 24 November 2021.](#)

It was planned to establish another subteam to develop constitutional amendments required by the parliamentary reform, but its potential head, Olha Sovhyria, was appointed a judge of the Constitutional Court of Ukraine. Thus, the subteam on interaction between the Verkhovna Rada and the Cabinet of Ministers was vested with the responsibility of resolving constitutional issues.

Subteams included MPs, officers of the VRU Secretariat, specialised civil society organisations, and international technical assistance projects. Subteams were tasked with developing concepts for legislative changes in the field of parliamentary law. Following the discussions, **each of the subteams presented its proposals for improving various areas of the Parliament's functioning by the end of 2022.**

1. Legislative process

The team actually immediately worked out a comparative table of amendments to the Rules of Procedure of the Verkhovna Rada. The range of proposals is very wide and covers both previous developments and relatively new proposals, from the detailing of Article 27 on the announcement of a break by the Chair at the request of parliamentary factions (teams) to the legislative procedure itself (for example, proposals regarding Articles 116, 117, 118 on supporting documents for the second reading).

Proposals were also developed aimed at bringing the Rules of Procedure in line with the Constitution. For example, standardising in the Rules of Procedure the procedure for publishing a law signed by the Chair of the Verkhovna Rada if the President does not return the signed law within the 15-day period stipulated by the Constitution.

Some progress in implementing certain developments is already being observed. For example, the registration in the Verkhovna Rada of draft law No. 8242²⁶ in late 2022, which, according to the discussed proposals, provides for amending Articles 78 (on the powers of the Chair of the VRU), 90 (on the preparation of draft laws and drafts of other acts), 110 (on the specifics of consideration of alternative draft laws) and 116 (on the terms for submitting proposals and amendments to the draft law being prepared for the second reading) of the Rules of Procedure of the VRU. This draft law was included in the agenda of the 11th session of the Verkhovna Rada of the 9th convocation.

2. Interaction between the Verkhovna Rada and the Cabinet of Ministers

This subteam developed quite a few recommendations covering six distinct areas.

- ▶ **Policy making and legislative process.** One of the key proposals is to legislatively standardise policy areas according to which the interaction between the government and the parliament should be structured. Overall, the idea of strengthening the government's role in policy-making and the legislative process is advancing.
- ▶ **Ensuring effective European integration.** Ensuring the government's leading role in the development of European integration laws and comprehensive governmental European integration expertise.

²⁶ [Draft Law "On Amending the Rules of Procedure of the Verkhovna Rada of Ukraine Regarding the Introduction, Consideration and Adoption of Draft Laws Aimed at Adopting Ukrainian Legislation to Provisions of the European Union \(EU acquis\) Concerning the Fulfilment by Ukraine of Its International Legal Obligations in the Field of European Integration" No. 8242 of 28 November 2022.](#)

- ▶ **Monitoring and evaluation of law implementation.** A significant part of the proposals is focused on the governmental component and cooperation between the government and parliament in the process of evaluating law implementation.
- ▶ **Parliamentary control over the executive authority.** It is envisaged that the institution of interpellation, the systematic provision of information by the government on pre-determined topics, will be introduced before reporting to the parliament (or committees).
- ▶ **Parliamentary control in the field of public finances.** In fact, this refers to a comprehensive reform and strengthening of the Accounting Chamber.
- ▶ **Improvement of the constitutional structure in the triangle “President – Verkhovna Rada – Cabinet of Ministers”.** In these terms, the focus is on addressing the problem of the lack of a coordination centre for the executive authority.

The Interagency Task Force on Improving Legislative Work, Assessing Legislative Impact, and Improving the Results of Law Implementation, whose constituent meeting was held on 15 November 2023, continued to discuss these issues²⁷. This Interagency Task Force is developing proposals for the following:

- ▶ Strengthening the interaction between the VRU and the executive authority in terms of drafting laws aimed at adapting Ukrainian legislation to the provisions of the European Union law (EU *acquis*);
- ▶ Providing translation of EU *acquis communautaire* acts related to the fulfilment of Ukraine’s obligations in the field of European integration;
- ▶ Improving the procedure for submitting draft laws by the Cabinet of Ministers of Ukraine;
- ▶ Strengthening requirements for the quality of draft laws and their supporting documents for their registration in the Verkhovna Rada;
- ▶ Strengthening the government’s role in formulating proposals for the agenda of the Verkhovna Rada plenary sessions, etc.

The Law “On Lawmaking Activity”, adopted on 24 August 2023²⁸ was, of course, the result of the work of many task forces, and the origins of its development date back to the 1990s, so the recommendations of the subteam on parliamentary reform were only one of many. The impact of this law extends beyond parliamentary law and concerns all law-making activities. Therefore, the Law “On Legislative Activity” is a significant initiative, but its development and advancement process cannot be attributed solely to the activities of the subteam on parliamentary reform, although it also had an impact on this process.

The important role of the Centre for Political and Legal Reforms cannot be overlooked, as its work²⁹ is reflected in a significant part of the subteam’s proposals.

²⁷ [Oleksandr Korniienko: Our task is to build an administrative system that meets the European Union’s standards.](#) Press service of the Secretariat of the Verkhovna Rada of Ukraine. 2023.

²⁸ [On Lawmaking Activity: Law of Ukraine No. 3354-IX of 24 August 2023.](#)

²⁹ [Green Paper on the legislative process.](#) Centre of Policy and Legal Reform. Kyiv. 2022.

3. Institutional capacity

The subteam's area of responsibility is the development of the Verkhovna Rada Secretariat. The subteam analysed the implementation of all 52 recommendations from the Roadmap, using monitoring methodology and previous interim monitoring by the Agency for Legislative Initiatives as the basis. Given that the Administrative Capacity block in the Roadmap recommendations has been relatively successfully implemented since 2016, this working subteam was expected to identify new areas for reform rather than focusing on unrealised recommendations or unresolved issues, which were primarily addressed by other subteams. Therefore, a significant part of the subteam's work is outlined within the framework of the "Strategy for Developing an Innovative Digital Parliament" project, as well as the action plan for its implementation. These documents comprehensively outline the areas for the development and improvement of the Verkhovna Rada based on the implementation of modern digital systems (such as the "Digital Rada" system). They also provide for the continuous enhancement of the Verkhovna Rada's services (both for MPs and citizens) and the development of the Secretariat's human resources.

Also, among the achievements of this subteam, it is worth noting the development of proposals to update the version of the Resolution of the Verkhovna Rada of Ukraine "On Measures to Implement Recommendations on internal reform and increase the institutional capacity of the Verkhovna Rada of Ukraine», which were presented at a meeting of the Task Force in December 2023. Proposals concern the renewal of 5 areas of parliamentary reform:

- ① legislative process and adopting Ukrainian legislation to the provisions of European Union law (EU acquis);
- ② the Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine: Specific tools of interaction;
- ③ digital parliament: openness, transparency, efficiency;
- ④ institutional capacity;
- ⑤ parliamentary reform: the constitutional dimension.

4. Code of Parliamentary Ethics

This subteam **developed not only a concept but also a draft law with a package of documents, which was registered with the Verkhovna Rada at the end of December 2022 under No. 8327³⁰** (hereinafter referred to as the Code of Ethics).

In addition to the norms of ethical behaviour of MPs and the agreed amendments to anti-corruption legislation, the draft law, among other things, provides for the establishment of a special committee that will monitor MPs' compliance with the norms of parliamentary ethics, review complaints and make decisions based on which sanctions will be imposed on violators. It is envisaged that such a committee should be chaired by a representative of the opposition factions, with the majority and minority represented in parity.

³⁰ [Draft Law "On Amending Certain Legislative Acts of Ukraine Regarding the Rules of Ethical Behaviour for MPs of Ukraine \(Code of Ethics\)" No. 8327 of 30 December 2027.](#)

A year after this draft law was registered in parliament, on 19 December 2023, its main provisions were presented and discussed at a meeting of the Task Force³¹ on amending the laws of Ukraine in the field of parliamentary law.

5. Status of the opposition

The team has worked out a concept for regulating the status of the opposition. In fact, the key aspect of the concept is to enshrine the status of the opposition at the legal level by amending the Rules of Procedure of the Verkhovna Rada of Ukraine and several other legislative acts of parliamentary law.

There aren't many proposals that have been supported by all members of the subteam; in particular, these include the following:

- ① guaranteeing the rights of the opposition in terms of exercising controlling powers (assigning leadership positions in parliamentary bodies (committees/commissions) with a clearly defined controlling function to the opposition);
- ② guaranteeing the possibility of the Verkhovna Rada considering issues initiated by the opposition when forming the agenda;
- ③ it is separately proposed to enshrine the concepts of coalition and opposition symmetrically at the Constitutional level, either to define the concept of opposition or to exclude the concept of coalition.

However, after the concept was presented, no further action was taken to implement it. Nor was a draft law aimed at its implementation registered.

At the same time, discussions on the areas for implementing parliamentary reform in this area continue. In particular, in April 2024, following the 10th Jean Monnet Dialogue, the political leadership of the VRU, heads and delegated representatives of parliamentary factions and teams agreed to establish the task force to develop draft amendments regarding the status of the opposition³².

Thus, the process of implementing the Roadmap items in 2022–2024 has begun to accelerate. Concepts for each area of the reform were developed, and several legislative initiatives were registered, some of which were supported by MPs. However, many areas still require intensified work for the full implementation of parliamentary reform.

³¹ [First Vice Speaker Oleksandr Korniienko participated in a meeting of the Task Force on amending Ukraine's parliamentary laws](#). Press service of the Secretariat of the Verkhovna Rada of Ukraine. 2023.

³² [Conclusions adopted during the 10th Jean Monnet Dialogue](#). (Lviv, Ukraine, 18–20 April 2024).

Chapter 2

Assessment of the reform of the Verkhovna Rada by MPs and officers of the Verkhovna Rada Secretariat — participants in the implementation process



1. Relevance and scope of parliamentary reform, which could be implemented during the 9th convocation of the Verkhovna Rada of Ukraine

Ukrainian parliamentary tradition shows that the most rapid reforms usually occur at the beginning and at the end of the work of the Verkhovna Rada of a particular convocation. Of course, in the midst of full-scale hostilities, parliamentary reform does not seem to be a top priority on the public agenda, but at the end of the 9th convocation, Ukrainian parliamentary reform will have another window of opportunity that needs to be seized quickly.

Currently, there are several areas of regulation of the Parliament's activity that, according to stakeholders, should have been implemented during the term of the Verkhovna Rada of the 9th convocation, namely:

- › legislative process;
- › activities of parliamentary committees;
- › status of the MP of Ukraine;
- › optimising the functioning of the VRU Secretariat;
- › status of the parliamentary majority (coalition) and minority (opposition);
- › distribution of powers between the president, the parliament and the government, etc.

The urgency in adopting changes is driven by the fact that “*the post-war parliament will have different tasks. [Therefore], parliamentary reform [...] may not be reached*”³³. Accordingly, **the key stakeholders of the reform agree that it is necessary to start considering issues related to parliamentary reform now.**

At the same time, each of these areas has a different potential for the speed of implementation. In particular, **not all the outlined areas of reform can be implemented during the period of martial law due to the need for amendments to the Constitution of Ukraine.** However, according to Article 157 of the Basic Law, amendments to the Constitution cannot be made during martial law³⁴. In this regard, all the necessary improvements can be divided into two categories: **urgent, where the development and implementation do not require amendments to the Basic Law, and those that should be discussed now but whose implementation and constitutional entrenchment should be postponed until after the victory.**

The first category includes, among other things, the adoption of the **Code of Ethics, improvement of the Law “On Committees of the Verkhovna Rada of Ukraine”³⁵ and Law “On the Status of People’s Deputy of Ukraine”³⁶.**

The second category is represented by the development of amendments to the Constitution regarding **the restriction of MPs’ individual legislative initiatives, regulation of certain aspects of an MP’s status (for example, the issue of parliamentary immunity), definition of the opposition’s status at the level of the Basic Law, regulation of the interaction of the “Parliament – Government – President” power triangle, etc.** Preparing such issues while the war is still ongoing will allow relevant materials to be presented for discussion to the general public after the war is over.

At the same time, the introduction of a legal regime of martial law is, according to some stakeholders, not the only obstacle to implementing a range of parliamentary reform vectors. **Another challenge may concern the legitimacy of the Verkhovna Rada’s decisions regarding amendments to the Basic Law after the war ends.** In this regard, some members of the Task Force refer to the position expressed by the Venice Commission in its Opinion on the situation in Kyrgyzstan, when the holding of regular elections was postponed in order to carry out constitutional reform. In this act,³⁷ the Venice Commission noted *that, given the standards, democratic traditions and principles of the parliament, the extension of its term of office makes it less legitimate. That is why such a parliament*

³³ Hereinafter, the following are the statements of stakeholders during the interviews.

³⁴ [Constitution of Ukraine](#) of 28 June 1996 No. 254k/96-VR.

³⁵ [On Committees of the Verkhovna Rada of Ukraine](#): Law of Ukraine No. 116/95-VR of 4 April 1995.

³⁶ [On the Status of People’s Deputy of Ukraine](#): Law of Ukraine No. 2790-XII of 17 November 1992.

³⁷ [Venice Commission Opinion on the Postponement of Elections in Kyrgyzstan for the Purpose of Constitutional Reform](#) No. 1007/2020 of 17 November 2020. Paras. 20, 32, 33.

should not adopt amendments to the Constitution. The only justification can be to amend this act to ensure that the next elections are held.

Therefore, taking this position into account, some respondents emphasise that the Verkhovna Rada of Ukraine of the 9th convocation should be more cautious about the possibility of amending the Constitution after the end of the martial law regime. By that time, the parliament's term will have exceeded the 5-year term established by the Constitution (if not for martial law, the next elections would have been held on 29 October 2023). However, in this context, it should be borne in mind that the reasons for postponing the elections in Ukraine and Kyrgyzstan were different in nature. Therefore, a Venice Commission Opinion cannot fully apply in the case of martial law in our country.

As for challenges that may accompany the parliamentary reform, even in terms of those improvements that do not require amendments to the Constitution, there are **concerns about the advisability of taking certain steps during the period of martial law**. For example, one such issue concerns **the optimisation of the VRU Secretariat structure during a period when the parliament operates under non-standard conditions** (in particular, sessions are held less frequently and according to a different schedule than in the pre-war period, and the format of MPs' legislative activity has also changed). The main argument put forward by stakeholders that any changes in this area are not justified is that once the normal working rhythm is restored, the units optimised during martial law may not be able to handle the increased volume of documents and information.

Finally, the question arises about the current parliament's political will to implement, in the near future, at least those proposed changes suggested by the Pet Cox mission that are objectively possible. The problem is that for seven years, the implementation of the Roadmap has been rather slow. The most recent effort to implement the reform was the functioning of the Task Force and its five subteams, which resulted in the development of concepts that were only partially implemented in several registered draft laws. This indicates a lack of political will to implement all the recommended changes.

2. Distribution of powers in the “Parliament – Government – President” power triangle

The constitutional model of interaction between the legislative and executive branches of authority and the president was imperfect from the very beginning of its enshrinement in the Basic Law³⁸. Despite several changes in the form of government in Ukraine, according to the Venice Commission, it has not been possible to fully rectify all the shortcomings in the “Parliament – Government – President” power triangle³⁹.

The members of the Task Force on Parliamentary Reform also support the position that the constitutional design of the power triangle remains imperfect to this day. Some stakeholders particularly emphasise the **key problem of the lack of a coordination centre for the executive authority**.

According to stakeholders, the essence of the problem is that as a result of repeated constitutional reforms and amendments to legislation on the interaction between the head of state and the government, there is currently a situation where **neither the prime minister nor the head of state has formal powers to dismiss ministers (which is related to the ability to control and influence the work of ministers legally)**: *“neither the president nor the prime minister can dismiss a minister who does not work effectively”*. Currently, under the current legislation, such powers are vested in the Verkhovna Rada of Ukraine⁴⁰. At the same time, several members of the Task Force believe that **the right to dismiss ministers should be vested in either the president or the prime minister**.

In general, to solve the problem of the lack of a coordination centre for the executive authority, MPs propose **two possible ways to introduce changes**. **The first option is to weaken the president’s position and, accordingly, assign more ceremonial powers to the president** (as is the case in Germany, for example). However, it seems that the transition to such a model is unrealistic:

“ *After the war, the demand for personal leadership will be much more in demand [in society], [so] we can still expect the presidential vertical to be strengthened.* ”

The second option is to strengthen the president’s position to make the president the head of the executive authorities: *“Strengthening the president is a classic separation of powers. A strong president who is the head of the executive authorities”*. Some respondents justified this position by the fact that not all the powers actually exercised by the head of state are legally enshrined. As a result, a gap appears between legislative regulation and the actual model of state power distribution. Therefore, some stakeholders suggest **to amend the legal acts to expand the powers of the president**.

At the same time, other members of the Task Force expressed concern that a model that would significantly strengthen the president could lead to excessive centralisation of power. Therefore, to prevent negative consequences, MPs propose transferring more powers to the community level:

³⁸ [Opinion of the European Commission for Democracy through Law \(Venice Commission\) “On the Constitutional Situation in Ukraine” of 17 October 2010](#). It is important to emphasize that this conclusion analyses the situation in Ukraine only from 1996 to 2010.

³⁹ Ibid.

⁴⁰ [On the Cabinet of Ministers of Ukraine: Law of Ukraine No. 794-VII of 27 February 2014](#). P. 1 Art. 18.

“ This model can be effective only in further decentralisation, when communities receive more and more powers, meaning that only those things that really cannot be regulated at the local level will be transferred to the national level. It is quite a difficult path. ”

Regarding the place and role of the legislative body in this triangle, stakeholders see a strong role for the Parliament in both scenarios of the power distribution between the President and the Government, as

“ The executive branch of authority can [...] initiate certain legislative changes, but only the Parliament can discuss, adopt, adapt [them]. This is its unique function, which, together with the function of representation, gives it the role of a constitutive player in the country. ”

At the same time, the most realistic change regarding the interaction between the three above-mentioned entities seems to be shifting the centre of policy formation from parliament to the government. Certain steps have already been taken in this area. Thus, in the VRU Resolution “On Certain Measures to Fulfil Ukraine’s Obligations in the Field of European Integration”⁴¹ MPs determined that the Cabinet of Ministers is the main entity that initiates draft laws regarding the harmonisation of Ukrainian legislation with EU law.

The prospect of actually implementing many of these ideas is still rather dim. Implementation of a significant number of aspects requires amending the text of the Constitution. So, it is difficult to hope for further and more significant changes in the search for an optimal balance between government institutions in the near future.

⁴¹ [On Certain Measures to Fulfil Ukraine’s Obligations in the Field of European Integration: Resolution of the Verkhovna Rada of Ukraine No. 2483-IX of 29 July 2022.](#)

3. Improving the planning of legislative work

The proper organisation of the legislative planning process is intended to ensure predictability in state policy, systematic lawmaking activities and the ability to predict the consequences of future lawmaking activities.

The issue of strengthening this area was raised by the Parliament of the 9th convocation at the beginning of its term. As a result, at the end of 2019, a law⁴² was adopted amending the Rules of Procedure of the Verkhovna Rada of Ukraine, namely, adding Article 19¹, which regulates the planning of lawmaking activity through the approval by parliament of an annual legislative work plan⁴³. In reality, however, this initiative did not produce the expected result. This is because although the relevant plan is approved, MPs treat it as a formality defined by the Rules of Procedure. This applies to both the stage of its formation and the approval of the implementation report. For example, the Legislative Work Plan of the VRU for 2020 contained 878 draft laws⁴⁴. According to experts' estimates, such a number of draft laws can be approved by the parliament in about 4–5 years⁴⁵. In the following year, 2021, the Legislative Work Plan already envisaged a reduced number of draft laws – 376⁴⁶. However, since 2022, the number of draft laws in the plans has begun to grow again: in 2022, the Plan provided for 662 draft laws⁴⁷, and in 2023 – 529⁴⁸. As of 2024, the Plan includes 386⁴⁹ draft laws. Reviewing such a large number of draft laws seems quite unrealistic, which indicates its formal role in the lawmaking planning process.

Accordingly, the current procedure for planning legislative activities remains imperfect. This situation has been characteristic of legislative work for most of the history of the Verkhovna Rada of Ukraine – it is situational, uncoordinated and almost unpredictable. This trend continued in the activities of the Verkhovna Rada of Ukraine in 2022 and 2023.

⁴² [On Amending the Rules of Procedure of the Verkhovna Rada of Ukraine Regarding the Planning and Systematic nature of the Lawmaking Activity of the Verkhovna Rada of Ukraine: Law of Ukraine No. 162-IX of 3 October 2019.](#)

⁴³ [On the Plan of Legislative Work of the Verkhovna Rada of Ukraine for 2023: Resolution of the Verkhovna Rada of Ukraine No. 2910-IX of 7 February 2023.](#)

⁴⁴ [On the Plan of Legislative Work of the Verkhovna Rada of Ukraine for 2020: Resolution of the Verkhovna Rada of Ukraine No. 689-IX of 16 June 2020.](#)

⁴⁵ [The concept of establishing a service unit for legislative drafting within the Secretariat of the Verkhovna Rada of Ukraine. 2023.](#)

⁴⁶ [On the Plan of Legislative Work of the Verkhovna Rada of Ukraine for 2021: Resolution of the Verkhovna Rada of Ukraine No. 1165-IX of 2 February 2021.](#)

⁴⁷ [On the Plan of Legislative Work of the Verkhovna Rada of Ukraine for 2022: Resolution of the Verkhovna Rada of Ukraine No. 2036-IX of 15 February 2022.](#)

⁴⁸ [On the Plan of Legislative Work of the Verkhovna Rada of Ukraine for 2023: Resolution of the Verkhovna Rada of Ukraine No. 2910-IX of 7 February 2023.](#)

⁴⁹ [On the Plan of Legislative Work of the Verkhovna Rada of Ukraine for 2024: Resolution of the Verkhovna Rada of Ukraine No. 3561-IX of 6 February 2024.](#)

MPs see the reason for this situation in the **problems** that hinder achieving greater balance and transparency in the formation of legislative work plans. In particular, these include:

- ▶ low level of coordination and interaction between MPs in the process of drafting and registering legislative initiatives. This problem is also related to imperfect legal regulation, which leads to 'legislative spam' due to the wide opportunities for MPs to exercise their right of legislative initiative;
- ▶ low level of coordination between the government and MPs in the process of drafting laws;
- ▶ the absence in the Parliament of a special unit responsible for ensuring compliance with the requirements of the rule-making technique in the process of drafting laws. This affects the quality of draft laws written by MPs and, as a result, the amount of time required for their further improvement;
- ▶ insufficient time allocated to MPs to review draft laws. In particular, MPs often learn about draft laws only a day before they are already on the agenda, which makes it difficult to study them properly.

Stakeholders see various ways to address these issues.

First, the following proposal is made: **the legislative work plan should be formed based on the coalition agreement and the government's action programme**. Of course, it may contain other draft laws – current and technical – but the basis should be formed on the above-mentioned documents. Stakeholders also suggest that the plan should be approved at a joint meeting of the Conciliation Council of parliamentary factions and the Cabinet of Ministers, which is more in line with the political nature of such an act.

Implementing clause 6 of the Recommendations on Internal Reform could also enhance the planning of the legislative process. This clause provides that **at the beginning of each session, 20 MPs' draft laws should be selected in proportion to the representation of political forces in the Parliament** for further consideration by the Rada at the current session.

In addition, it is proposed that **the materials for the preparation of the legislative work plan should not be summarised by the Legal Policy Committee but by a separate unit of the VRU Secretariat**, which would prepare these materials, for example, for a joint meeting of the Conciliation Board and the Cabinet of Ministers, which would approve such a plan.

Shifting the focus of policy shaping towards the government could increase the execution level of the plan's implementation phase. The main draft laws (provided for in the coalition agreement and the government's action program) should be developed by the Cabinet of Ministers, with MPs and specialised committees involved.

The parliament could also prevent issues in the planning of legislative work by approving the Cabinet of Ministers' action programme (which has not yet been approved for the D). Shmyhal government). After all, this programme serves as a guide for implementing the government's legislative work plans. Therefore, while it is not available, it is impossible to establish what exactly the government is trying to achieve by introducing European integration draft laws.

To improve planning, it is also necessary to eliminate the factors that currently hinder it. The main obstacle is legislative spam. The most popular way for the members of the Task Force on Parliamentary Reform to overcome spam is to restrict MPs' right to individual legislative initiatives. The

idea seems right, but it is also difficult to implement. Current MPs, who already largely feel that they have limited ability to influence decision-making, see the restriction of individual legislative initiative as a further reduction in the subjectivity and significance of the MP's position.

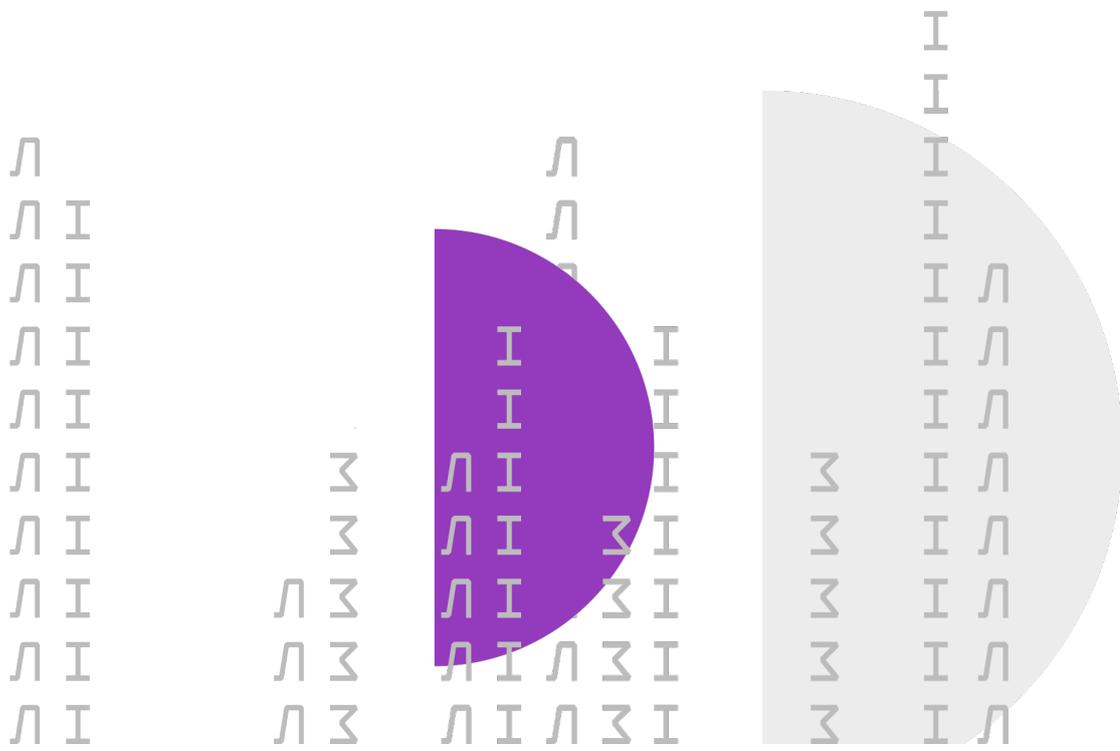
Proper planning of parliamentary consideration of draft laws depends, among other things, on the adequacy of the time provided to MPs for their review. Therefore, it is necessary to ensure the practical implementation of the requirement that a draft law, along with its conclusions and other supporting documents, appears in the electronic document management system not just one day or even on the day of the draft law's consideration at a plenary session of the Verkhovna Rada but, as stipulated by the Rules of Procedure, at least seven days in advance. This will also positively impact the quality of draft laws, as *"if they [MPs] are given more time, the substance of discussions and debates on the content of draft laws [...] will be strengthened"*.

Another tool to improve planning and consistency could be **the establishment of an institution responsible for ensuring compliance with legislative techniques during the development of draft laws.** Officers of such a body should have a work plan, based on which they would know within which month a particular draft law should be developed.

Finally, to make the legislative action plan more effective, **it is necessary to report publicly on its implementation and to provide Parliament with an assessment of compliance.**

However, according to MPs, the situation is not so hopeless when it comes to planning legislative work. Among **the positive aspects is, in particular, the establishment of a process for the government to send a list of legislative proposals on European integration.**

In summary, although the current state of lawmaking planning is far from perfect, stakeholders have a clear vision of the mechanisms to address these shortcomings. Implementation of these changes will most likely make the legislative work plan an effective tool rather than a formal piece of paper that no one relies on and whose implementation is not a priority for parliamentarians. Effective planning will increase the predictability of state policy and raise the quality of lawmaking activity in Ukraine to a higher level.



4. Control function of the parliament

The Parliament of the 9th convocation took the first steps to improve the control function in 2020 by adopting the Law “On Amending Certain Laws of Ukraine Regarding the Ensuring of Effective Implementation of Parliamentary Oversight”⁵⁰. However, this did not help resolve all the existing problems in this area. Thus, the need to take measures to improve the implementation of the control function is relevant, and heads of the subteams of the Task Force on Parliamentary Reform supported this.

At the same time, their overall assessment of whether the Verkhovna Rada’s control function has changed since the beginning of the full-scale war differs. Thus, it is generally noted that the exercise of this function has not changed compared to the pre-war period, as *“both before the war and now [...] the Parliament exercises its constitutional control powers. [...] The functions have not changed, the situation has changed”*.

However, some members of the Task Force stressed that they still believed that **“the control function had been severely weakened” since the beginning of the full-scale invasion**. This, among other things, is reflected in the attitude of MPs and government representatives toward the performance of their duties in certain procedures.

In general, stakeholders note the existence of the following problems in the exercise of control powers of the Verkhovna Rada:

- ▶ gradual loss of government accountability to the Verkhovna Rada;
- ▶ a significant number of laws need to be monitored for the level of effectiveness of their implementation, as Ukraine has not established an appropriate system for checking the implementation of regulatory acts for a long time;
- ▶ imperfect legislative provisions regulating the status of the Accounting Chamber as a parliamentary control body.

The problem of the gradual loss of government accountability has several manifestations. **First, there is a noticeable decrease in the attendance of ministry representatives at meetings of the VRU committees**. Before the war, the situation was different: ministries reported more frequently, as their representatives regularly attended meetings and informed the parliament of their activities. However, the situation gradually worsened, and as a result, in some cases, the number of such visits decreased to once every six months. Therefore, the current situation in this area needs to be improved, as interaction between the government and the committees should occur on a regular basis. However, at present, this obligation of the Cabinet of Ministers has effectively become a formality.

Second, the requirement to hold an “hour of questions to the government” has not been fulfilled for a long time⁵¹. In particular, after the beginning of the full-scale invasion, this control mechanism was not used for almost 20 (!) months – until 6 October 2023. This leads to a decrease in the ability of Parliament to control executive authorities. At the same time, the parliament’s control function over the government’s activities began to be exercised in closed meetings of individual ministers with

⁵⁰ [On amending certain laws of Ukraine regarding the ensuring of effective implementation of parliamentary control: Law of Ukraine No. 1052-IX of 3 December 2020.](#)

⁵¹ [Without an “Hour of Questions”: How Does the Parliament Communicate with the Cabinet of Ministers During the War?](#) Agency for Legislative Initiatives. LB.ua. 2023.

the leadership of the Servant of the People faction and leaders of parliamentary factions and teams. According to Oleksandr Korniienko, the First Deputy Chair of the Verkhovna Rada of Ukraine, some ministers managed to attend such “control” meetings several times, even in the first year of the war⁵². However, despite the use of this practice, stakeholders emphasise the importance of returning to the “hour of questions” mechanism, which is directly provided for in the Rules of Procedure of the Verkhovna Rada of Ukraine.

The problem of having a significant number of laws that require monitoring of their implementation arises from the fact that, for a long time, Ukraine did not have a proper monitoring system in place. Such a gap in the national legal framework contradicted the practice of European countries, where a few years after the adoption of a law, it is assessed both on the basis of performance indicators and for the presence of systemic shortcomings. Based on the results of such an assessment, legal regulation is changed. In Ukraine, progress towards addressing this issue was made only in the summer of 2023, when Parliament adopted the Law “On Lawmaking Activity”⁵³, which came into effect only at the end of September 2023 (and will enter into force one year after the termination/lifting of martial law). Since such a systematic review of the entire body of legislation has not been carried out since independence, it will take a considerable amount of time to conduct the relevant legal monitoring.

In addition, according to respondents, **the regulation of the legal status of the Accounting Chamber** as a body established by the Verkhovna Rada of Ukraine and responsible for financial and budgetary control also needs improvement. This is related to the fact that the Accounting Chamber does not perform its functions effectively enough: *“it simply produces a report that is noted twice a year”* instead of performing an important part of policy assessment – assessing the effectiveness of the use of funds. The MPs’ assessment of the imperfection of the powers of the Accounting Chamber is confirmed by the conclusions of the European Union, which in its 2023 report noted the following:

- ▶ the Constitution provides this body with limited audit powers (in particular, the Accounting Chamber does not have the authority to audit local budgets, budgets of state-owned enterprises or any other extra-budgetary expenditures);
- ▶ the impact of the audit activity of the Accounting Chamber is minimal, as its effectiveness is measured by the number of audits conducted, not by the impact of audit recommendations of this institution;
- ▶ there is no established procedure for monitoring the implementation of the Accounting Chamber’s audit recommendations;
- ▶ in terms of transparency, audit reports are published on the Accounting Chamber’s website, but planned reporting and proactive communication with the media and the public to explain the audit results have not been implemented;

⁵² Military parliamentarism: features of the functioning of the Verkhovna Rada of Ukraine under martial law. Agency for Legislative Initiatives. Parliament journal. No. 1. 2022–2023.

⁵³ On Lawmaking Activity: Law of Ukraine No. 3354-IX of 24 August 2023.

- ▶ there are also no official parliamentary procedures for reviewing reports and controlling the implementation of audit recommendations;
- ▶ the institutional independence of this body needs to be strengthened⁵⁴.

Moreover, for several months in 2023, the membership of the Accounting Chamber was unauthorised. This affected the process of making a number of important decisions, as there was no quorum for their adoption.

These shortcomings point to the need to take a number of measures to improve the overall level of implementation of the control function of the Verkhovna Rada of Ukraine. However, it is not so easy to improve this area in times of war.

In general, several priority areas for improving the control function can be identified. Members of the Task team are unanimous in their opinion that the control function should be strengthened specifically through the activities of parliamentary committees. Thus, there is a need to reinstate the mandatory attendance of ministries at meetings of specialised committees and ensure that these ministries are represented at the level of ministers or their deputies, which will increase the degree of interaction between the legislative and executive branches of authority.

The current situation is such that MPs learn about the activities of relevant ministries through the media and have no practical mechanism for effectively monitoring ministerial decisions. In this regard, **the need for systematic reporting by ministers at committee meetings is unanimously emphasised**. The only difference in opinion is the frequency of such reports: from once a month to once a year. It is worth noting here that a mechanism for implementing such a requirement could be the Roadmap recommendation, which provides for each committee to develop an annual work plan for overseeing (controlling) the executive branch of authority, aiming at systematic rather than situational exercise of control powers⁵⁵.

Defining different types of reports in the oversight plan could overcome discrepancies in opinions regarding the frequency of reporting. Thus, the ministry's annual report to the committee should be mandatory. According to the Recommendations on Internal Reform, such a report should be submitted to the Verkhovna Rada of Ukraine and form the basis for oversight of policy implementation in the relevant area. In addition, interim reports on the implementation of certain components of the annual action programme or the implementation of measures that have been identified as urgent and priority could also be planned.

In addition, it is important to **resume the regular "hour of questions to the government"**. There was a proposal to hold an "hour of questions" at least once a month.

⁵⁴ [Commission Opinion on Ukraine's application for membership of the European Union: Analytical Report following the Communication from the Commission to the European Parliament, the European Council and the Council. 2023.](#)

⁵⁵ [Recommendations regarding the internal reform and capacity-building for the Verkhovna Rada of Ukraine. Para 16.](#)

Task Force members expressed cautious hopes that the next parliament will reduce the number of committees, which could improve the quality of committee control through the implementation of the “one ministry – one committee” principle.

There are grounds for such hopes, as a trend towards reducing the number of parliamentary committees is already being observed. In particular, the 8th convocation of the VRU had 27 committees⁵⁶, while the 9th convocation has 23⁵⁷. Initiatives to reduce the number of parliamentary committees are also evident at the legislative level. For example, MPs of the 8th convocation registered a draft law⁵⁸ aimed at optimising the work of parliamentary committees and reducing their number to a maximum of 20 (but it was never adopted). At the same time, if the leadership of the next parliamentary session shares the view on the effectiveness of this approach, its implementation should not face significant difficulties. Thus, Recommendation No. 17 of the Roadmap may be implemented⁵⁹.

To strengthen parliamentary control, it is also advisable to turn to the institution of post-legislative control since it is important to see whether its provisions actually work in practice and whether there are gaps, inaccuracies, or other shortcomings in the legislative act after it has been adopted. If there are any, it is important to improve legal regulation based on the analysis of this experience. At the same time, such “observations” of the process of implementing a legal norm require time for the responsible officers to develop and implement appropriate procedures and acquire the necessary skills.

It is also proposed **that the activities of the Accounting Chamber be reformed**, as the adoption of a new law⁶⁰ on this body by the 8th convocation of Parliament did not yield the expected results. It is important to conduct an audit of consolidated financial and budgetary statements in the area of parliamentary control over public finances. Strengthening the Accounting Chamber’s institutional independence will also allow its activities to align with international standards, such as those of the U.S. Government Accountability Office. In conclusion, **the Verkhovna Rada has the space to improve this institution’s activities by improving its procedures**, particularly in terms of more meaningful analysis and support of the Accounting Chamber’s reports, as noted in the Pat Cox mission’s recommendations⁶¹.

⁵⁶ [On the List, Composition and Subjects of Competence of the Committees of the Verkhovna Rada of Ukraine of the 8th Convocation: Resolution of the Verkhovna Rada of Ukraine No. 22-VIII of 4 December 2014.](#)

⁵⁷ [On the List, Composition and Subjects of Competence of the Committees of the Verkhovna Rada of Ukraine of the 9th Convocation: Resolution of the Verkhovna Rada of Ukraine No. 19-IX of 29 August 2019.](#)

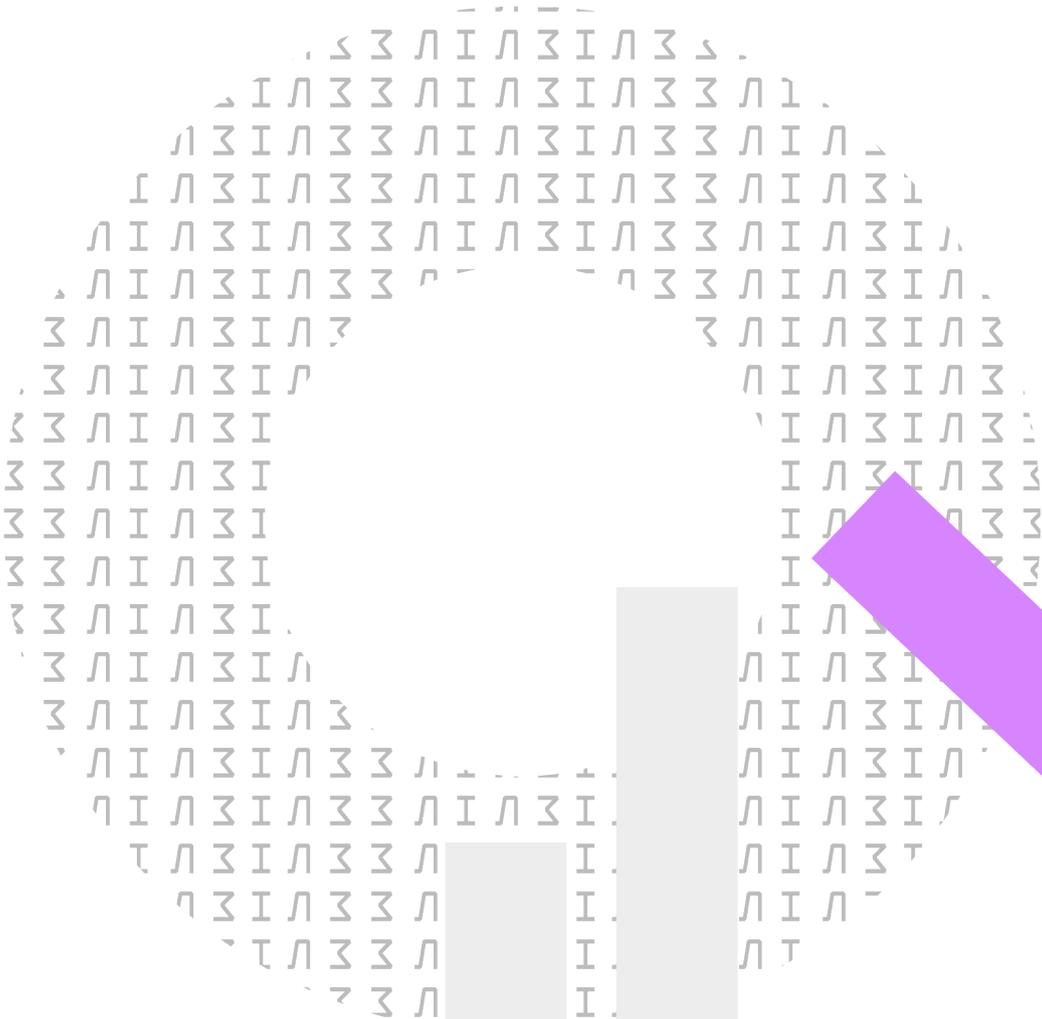
⁵⁸ [Draft Law “On Amending the Laws of Ukraine ‘On Committees of the Verkhovna Rada of Ukraine’ and ‘On Central Executive Authorities’ Regarding the Optimisation of the Work of the Committees of the Verkhovna Rada of Ukraine and the Correlation of Their Subjects of Competence with Areas of Activity of the Ministries” No. 6256 of 28 March 2017.](#)

⁵⁹ [Recommendations regarding the internal reform and capacity-building for the Verkhovna Rada of Ukraine.](#)

⁶⁰ [On the Accounting Chamber: Law of Ukraine No. 576-VIII of 2 July 2015.](#)

⁶¹ [Recommendations regarding the internal reform and capacity-building for the Verkhovna Rada of Ukraine. Para 20.](#)

In general, proposals have different implementation prospects. Thus, implementing proposals to represent the heads of government at committee meetings and establish correspondence between the parliamentary committees and the government ministries is quite simple and clear, as it requires only political will. However, this is also the complexity of this task. Regulatory provisions for legal monitoring have already been established, so it remains to be organised for proper implementation in practice. At the same time, institutional improvement in the Accounting Chamber still requires additional development.



5. Cooperation between the VRU Secretariat and MPs of Ukraine

Not only is the lawmaking activity of MPs as legislative initiators important in the process of working on draft laws, but also their interaction with the Verkhovna Rada Secretariat, which provides MPs with legal, organisational, and advisory assistance. At the same time, MPs assess the degree of involvement of the VRU Secretariat differently.

On the one hand, the Verkhovna Rada leadership and heads of committees interact quite closely with the Secretariat of the Verkhovna Rada and the secretariat offices. On the other hand, cooperation between parliamentary staff and the majority of MPs is almost non-existent. This assessment of the current state of cooperation is quite common among members of the Task Force on Parliamentary Reform.

Respondents also believe that the **process of interaction, despite some improvements, has a number of shortcomings**. Stakeholders highlight the following problematic areas:

- ▶ insufficient involvement of the VRU committee secretariats in the legislative function of the Parliament⁶²;
- ▶ problems with the staffing of the VRU Secretariat;
- ▶ the need to strengthen the Research Service;
- ▶ absence of a special unit responsible for legislative drafting.

Thus, first, MPs note that the committee secretariats do not provide sufficient support in carrying out the legislative function. The Regulation “On the Secretariat of the Committee of the Verkhovna Rada of Ukraine”⁶³ provides that the main tasks of the committee include, but are not limited to, *preparing for the preliminary review by the committee and consideration in the first and subsequent readings of draft laws for which the committee is designated as the main; preparing opinions on draft laws for which the committee is the main; preparing expert opinions on draft laws or conducting a professional examination of draft laws (in cases specified by the Rules of Procedure); preparing for submission to the VRU of draft laws and laws returned by the President of Ukraine for reconsideration, etc.* However, MPs note that the legislative function is assisted mainly by the Main Scientific and Expert Department and the Main Legal Department, which provide their expert opinions.

In addition, within the framework of this problem, **the combination of expert and organisational functions of secretariats** is mentioned, given the insufficiency of the committee’s secretariat resources to perform both functions simultaneously. When these functions are combined (as is the case now), the organisational component is usually strengthened to the detriment of the expert component. Holding committee meetings and other events in an offline format requires significant effort to fulfil and manage all organisational tasks: timely notify and ensure the presence of invited individuals, ensure

⁶² It is worth noting here that there is a widespread perception among MPs that secretariat officers should assist committee members in exercising their right of legislative initiative, but for some reason, they do not deal with this.

⁶³ [On approval of the Regulation on the Secretariat of the Committee of the Verkhovna Rada of Ukraine: Order of the Chair of the Verkhovna Rada of Ukraine No. 1241-k of 20 December 2021. Sub-paras. 7, 8 para. 7.](#)

that each participant has the necessary materials, and so on. Due to the workload of secretariat officers with such organisational tasks, the quality of documents prepared for these meetings may suffer. **Therefore, to improve the quality of documents (e.g. draft opinions), it is important to separate these two functions – expert and organisational – or to strengthen the expert component within the work of the secretariats.** In the context of separating these functions, some representatives of the Task Force believe that

“ *The secretariats should be responsible for organisational matters, while the expert function [should be transferred] to the Research Service.* ”

The second problem – regarding the **“staff shortage” in the Secretariat** – has several manifestations, including a **lack of trained specialists**. The reason for this, according to the respondents, is the current remuneration system in the VRU Secretariat (for example, it is noted that the main incentive for employees is bonuses and allowances, which does not contribute to improving the overall quality of work).

There is also a **problem with the “rejuvenation” of the Secretariat staff**. In the issue of the Parliament journal devoted to the peculiarities of the functioning of the Verkhovna Rada of Ukraine under martial law⁶⁴, the stability of the staff is noted: a significant number of the Secretariat employees have 10, 20 or even 30 years of experience in this body. This length of service has helped to foster a special institutional memory and corporate culture, which undoubtedly contributes to the sustainable functioning of the Verkhovna Rada. However, the stability of the staff composition also has a side effect – an increase in the average age of employees.

To prevent the ageing of the VRU Secretariat, it is necessary to infuse it with young, highly educated specialists who possess modern knowledge and are ready to implement new practices.

A tool for this could be the Youth Internship Programme at the Verkhovna Rada, which was held annually before martial law was introduced. However, out of 50 interns who want to continue working in the Secretariat, only a few Programme graduates are given that opportunity. In this regard, **more active involvement of graduates of the Youth Internship Programme in the VRU Secretariat** would combine the experience, institutional memory, and corporate culture of seasoned civil servants with the enthusiasm, up-to-date knowledge, and proactivity of younger employees.

However, there was also an opposing view regarding the update of the Secretariat staff. Thus, some respondents believe that it is necessary to *“retain experienced staff as much as possible”*.

Also, the staffing problem includes the Secretariat **employees’ reluctance to take the initiative and fight loyalism in certain situations**. This model of work also affects the quality of the functions of this institution.

⁶⁴ [Military parliamentarism: features of the functioning of the Verkhovna Rada of Ukraine under martial law. Agency for Legislative Initiatives. Parliament journal. No. 1. 2022–2023.](#)

Third, Task Force members emphasise the need to **strengthen the Research Service, which was established in 2022⁶⁵ to enable the Verkhovna Rada of Ukraine to predict the impact of draft laws on public relations and assess their impact after adoption.** The establishment of the Research Service was a positive step towards the implementation of the Recommendations on Internal Reform and increasing the institutional capacity of the Verkhovna Rada of Ukraine. However, the established order of its operation will be effective only if three aspects are implemented:

- ① **a clear normative definition of tasks, forms of operation, and requirements for activity results;**
- ② **providing the Research Service with adequate staff with relevant experience and qualifications.** At the same time, it is noted that this is a long-term process, as it takes time to form a staff that can fully perform the tasks assigned to the institution. In this context, it is emphasised that the staff of this body should not consist exclusively of lawyers, as it is important to involve specialists in a much wider range of issues. In particular, the analysis of legislation should also include technical and economic aspects, if necessary, and this requires the involvement of relevant experts;
- ③ consumers of services of the Research Service should also understand the range of tasks assigned to it and **not demand that the Research Service resolve issues that do not fall within its functional responsibilities.**

Fourth, to improve the functioning of the Verkhovna Rada, a **dedicated office for legislative drafting would be beneficial.** The need to establish such an office is explained by the insufficient quality of legislative drafting and cases of non-compliance with the requirements set out in the VRU Rules of Procedure during the work on draft laws. Therefore, in Ukrainian reality, the functioning of the relevant body would be quite justified in preventing such cases. Establishing such institutions is quite widespread⁶⁶ in European countries (in particular, they have been created in the United Kingdom, Ireland, Lithuania, and Romania), the United States, and Canada. In Ukraine, the establishment of such a unit was envisaged only in the Draft Recovery Plan for Ukraine⁶⁷ in 2022. In 2023, the Concept for the Development of the Office of Legislative Drafting of the Verkhovna Rada of Ukraine⁶⁸. However, as of 2024, this body has not yet been established, although the Chair of the Verkhovna Rada of Ukraine⁶⁹ confirmed the relevance of such a step in 2024.

Stakeholders note that in order to implement this area, it is crucial first to clearly define the scope of tasks of such a unit and to foresee the stages of this initiative implementation. One of the tasks may be to monitor the extent to which the draft law is prepared in accordance with the requirements of the Regulations and current legislation (this task is currently performed by several specialists of the Main Legal Department). In fact, the office of legislative drafting would be responsible for considering the experience gained in drafting laws based on existing guidelines.

⁶⁵ [On the Research Service of the Verkhovna Rada of Ukraine: Order of the Chair of the Verkhovna Rada of Ukraine No. 438 of 11 August 2022.](#)

⁶⁶ [Information note: Parliamentary offices of legislative drafting. USAID RANG programme. 2022.](#)

⁶⁷ [Draft Recovery Plan for Ukraine: Materials of the Task Force on Public Administration. 2022.](#)

⁶⁸ [The concept of establishing a service unit for legislative drafting within the Secretariat of the Verkhovna Rada of Ukraine. 2023.](#)

⁶⁹ [The Chair of the Verkhovna Rada of Ukraine took part in a roundtable discussion on the implementation of the Law of Ukraine "On Lawmaking Activity". Verkhovna Rada of Ukraine. 2024.](#)

Improvements in the outlined areas have prospects for implementation, given that the first steps have already been taken to implement some of the proposals (in particular, engaging young staff in the civil service in the VRU Secretariat, drafting the Concept for the Development of the Office of Legislative Drafting, and improving the functioning of the Research Service). However, the development of the VRU Secretariat still requires a lot of work.



6. Improving the regulation of the legal status of assisting consultants of the MP of Ukraine

Since independence, the legal regulation of the status of assisting consultants has undergone several changes and clarifications. However, such refinements were rather spotty and unsystematic, so the legal status of these persons is currently regulated in a rather cursory manner. In particular, the issue of defining their status is addressed in only a few articles of the Law of Ukraine, “On the Status of People’s Deputy of Ukraine”⁷⁰ (Article 34 regulates the maximum number of assisting consultants, requirements for them, working conditions, procedure for remuneration payment, leave, guarantees in case of termination of powers, etc.; Article 28 deals with certain issues of workplace organisation in a very general way) and the Regulation on Assisting Consultant⁷¹, which was adopted in 1995 and has undergone only minor changes since then.

This Regulation is obviously outdated, and the legal status of an assisting consultant is undefined, which has become especially evident after this position was transferred from civil service to patronage⁷². The unsystematic legal regulation of the status of an assisting consultant has led to certain shortcomings, which were also highlighted by the interviewed members of the Task Force on Parliamentary Reform, in particular:

- ▶ the lack of a clear legislative definition of the entity that acts as an employer of assisting consultants;
- ▶ insufficient regulation of the requirements that apply to MPs’ assistants (including in terms of education);
- ▶ excessive number of deputy assistants.

Regarding the first problematic point, the question of **who currently employs assistants remains a matter of debate: is it the Verkhovna Rada, its Secretariat, or a certain MP?**

The norm governing the assigning of assisting consultants to the Secretariat of the Verkhovna Rada for staff and financial services is perceived as a basis for their absence of employment relations and their performance of a service function only. At the same time, the Verkhovna Rada cannot act as an employer, as it is not a legal entity. Likewise, it is unlikely that an MP who is, in fact, only the supervisor of their assistant and has no characteristics that would, in accordance with labour law requirements, define them as an employer can be recognised as such. The relevance of this problem is also evidenced by the lawsuits filed by former assisting consultants against the VRU Secretariat on this matter⁷³. At the same time, it is important to emphasise that at the level of case law, the Secretariat of the Verkhovna Rada is recognised as an employer with a range of corresponding obligations defined by the Labour Code. Among other things, this position is presented in the Resolutions of

⁷⁰ [On the Status of People’s Deputy of Ukraine: Law of Ukraine No. 2790-XII of 17 November 1992.](#)

⁷¹ [On Approval of the Regulation on Assisting Consultant to the MP of Ukraine: Resolution of the Verkhovna Rada of Ukraine No. 379/95-VR of 13 October 1995.](#)

⁷² [On civil service: Law of Ukraine No. 889-VIII of 10 December 2015. P. 1 Art. 92.](#)

⁷³ For example, [Resolution of the Administrative Cassation Court within the Supreme Court of 29 March 2023 in case No. 640/24361/19.](#)

the Administrative Cassation Court within the Supreme Court of 30 November 2023 in case No. 640/22951/21⁷⁴, of 26 September 2023 in case No. 640/2534/21⁷⁵, of 29 June 2023 in case No. 640/13028/21⁷⁶, etc.

The second problematic aspect is clarifying the status of assisting consultants by **requiring all persons holding such positions to have a university degree**, which is also a matter of debate. Thus, some members of the Task Force expressed their support for such an initiative, arguing that this rule, although currently prescribed by law, does not apply to all assistants without exception. The requirement for a university degree, at least at the level of a junior bachelor or bachelor, is only stipulated for those assisting consultants who work under a fixed-term employment contract. Accordingly, those who work on a voluntary basis remain outside this regulation. The educational qualification was removed in 2020 with the adoption of Law No. 1061-IX⁷⁷. Previously, the requirement for special or higher education for assistants applied equally to those working under fixed-term contracts and those working on a voluntary basis⁷⁸. However, the idea of reverting to the previous version of the law in this regard does not always find support among the MP corps.

The third problem – an excessive number of MPs’ assisting consultants – stems from the provision of the Law of Ukraine, “On the Status of People’s Deputy of Ukraine”, according to which each MP can have no more than 31 assistants. It is logical to assume that a smaller number of assistants will be quite enough to perform their tasks⁷⁹. A telling indicator in this regard is that, as of mid-2024, each MP of the Verkhovna Rada of Ukraine has, on average, only 11 assistants⁸⁰. However, none of the respondents expressed support for such an initiative.

In general, the issue of regulating the status of MPs’ assistants is not as multidimensional and widely discussed as other areas of parliamentary reform. Nonetheless, most task subteam leaders still recognise the need to improve the current regulatory acts in this area. However, some are also satisfied with the current regulatory framework for this position. Therefore, they prefer to leave it unchanged so as not to disrupt the current situation, following the principle of *“not regulating what is already working well”*.

⁷⁴ [Resolution of the Administrative Cassation Court within the Supreme Court of 30 November 2023 in case No. 640/22951/21. Para 9.](#)

⁷⁵ [Resolution of the Administrative Cassation Court within the Supreme Court of 26 September 2023 in case No. 640/2534/21. Para 24.](#)

⁷⁶ [Resolution of the Administrative Cassation Court within the Supreme Court of 29 June 2023 in case No. 640/13028/21. Para 10.](#)

⁷⁷ [On Amending Article 34 of the Law of Ukraine “On the Status of People’s Deputy of Ukraine”: Law of Ukraine No. 1061-IX of 3 December 2020.](#)

⁷⁸ [On the Status of People’s Deputy of Ukraine: Law of Ukraine No. 2790-XII dated 17 November 1992 \(as amended on 24 October 2020\). P. 2 Art. 34.](#)

⁷⁹ [Recommendations regarding the internal reform and capacity-building for the Verkhovna Rada of Ukraine. Para. 43.](#)

⁸⁰ [As of July 2024, the number of MPs of Ukraine was 401, and the total number of assisting consultants was 4388. Statistics. Human Resources Department of the Secretariat of the Verkhovna Rada of Ukraine.](#)

7. Increasing the effectiveness of parliamentary diplomacy

The new understanding of the effectiveness and necessity of developing parliamentary diplomacy came with the beginning of the full-scale invasion when every diplomatic channel and every opportunity to influence or at least inform foreign parliaments and governments was needed to achieve Ukraine's foreign policy goals more effectively.

At the same time, it should be noted that such heightened activity was not always characteristic of the Ukrainian parliament. Some members of the Task Force noted that until February 2022, the Verkhovna Rada of the 9th convocation practically did not pay attention to this area, but

“ After the beginning of the full-scale invasion, [MPs] finally realised that interparliamentary diplomacy could also be a serious tool for achieving the goals of the state, and began to use it. ”

Thus, over the two years of war, despite the existence of certain problems and limitations, the quality of parliamentary delegations' work has improved.

Stakeholders identified the following main issues in this area:

- ▶ excessive bureaucratic obstacles;
- ▶ insufficient representation of opposition forces in parliamentary delegations;
- ▶ weak interaction with the Ministry of Foreign Affairs of Ukraine;
- ▶ lack of inter-parliamentary relations between Ukraine and a number of countries (in particular, in Africa and Asia).

The bureaucratic obstacles for MPs currently lie in the formalised procedure for obtaining permission to travel abroad. Changes to this procedure have been introduced since the beginning of 2023, when the right of MPs, as well as a number of other officials, to cross the state border was restricted after the relevant decisions of the National Security and Defence Council (NSDC)⁸¹ and the government⁸² came into force. The situation with difficulty of obtaining a significant number of approvals appeared because some MPs had previously abused such business trips⁸³. So now, **in order to obtain a permit, it is necessary to coordinate the trip with the chair of the committee and the chair of the faction of which the MP is a member. Then, the application is sent to the Chair of the Verkhovna Rada or his deputy and can be considered only if there are reasonable grounds for the foreign business trip.** This procedure applies even if the MP undertakes the trip in response to an invitation from the host party at its expense or at the MP's own expense. At the same time, obtaining three signatures on the relevant order can sometimes be delayed for an extended period of time, so an MP or delegation may not always be able to participate properly in a foreign event.

⁸¹ [On some issues related to crossing the state border of Ukraine under martial law: Decision of the National Security and Defence Council of Ukraine of 23 January 2023, enacted by the Decree of the President of Ukraine No. 27/2023 of 23 January 2023.](#)

⁸² [On amending the Rules for Crossing the State Border by Citizens of Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 69 of 27 January 2023.](#)

⁸³ [Business trips for VR MPs: some are allowed, and some are not. Deutsche Welle. 2023.](#)

One more problematic aspect is that **opposition politicians emphasise that they are restricted in their ability to represent Ukraine in the parliamentary delegations.** According to them, *“artificial obstacles are being created to prevent opposition representatives from going on business trips”*. This “blocking” of international activity is also criticised by representatives of the European Parliament, who note that as a result, *there is a risk of increasing centralisation of power*” in Ukraine⁸⁴. This is also a negative aspect because, according to some members of the Task Force, **including MPs from different political parties in parliamentary delegations would positively impact the image of the Ukrainian parliament on the international stage.**

Observing minority rights could be achieved by enshrining the relevant rules for representation in delegations in the Rules of Procedure or at least in a relevant resolution of the VRU. However, the likelihood of such changes in the current session appears unrealistic also because the necessary level of unity among MPs in the delegations is not always achieved. In view of this, it is emphasised that **parliamentary diplomacy in the area of European integration should be based on the principle of “one voice”** so that all MPs defend one agreed-upon position before international partners. This means that the achievement of the state’s goals (rather than the interests of political forces) should come first.

Stakeholders also emphasise that **increasing the activity of the VRU Committee on Foreign Policy and Interparliamentary Cooperation is important to strengthen parliamentary diplomacy.** MPs note that this aspect could be improved *“if the specialised committee approved the strategy, identified priority countries, assigned certain work to the teams”*, etc.

Some stakeholders believe the third problematic aspect is **the weak interaction between MPs and the Ministry of Foreign Affairs of Ukraine**, which has been actively discussed since the beginning of the full-scale invasion and until the end of 2023. One reason for the problem was that MPs were not required to coordinate their statements or comments during foreign trips with the MFA, while the Ministry could improve the MPs’ foreign work by providing relevant recommendations and coordinating positions. So in December 2023, the Chair of the Verkhovna Rada adopted an Order⁸⁵, which, among other things, stressed **the need for MPs to receive official explanations from the MFA regarding Ukraine’s foreign policy course or to agree with the MFA on the theses of their official statements and comments before starting a business trip.**

Among the important vectors of improving the effectiveness of parliamentary diplomacy, MPs also highlight **the need to establish inter-parliamentary relations with African and Asian countries.** This would allow Ukrainian MPs to expand the range of international interaction. The First Deputy Speaker of the Verkhovna Rada emphasised the importance of establishing diplomatic ties with African countries as early as late 2022⁸⁶, given that these states, due to economic influence from Russia, either do not support Ukraine’s resolutions at the UN, abstain, or oppose them. Therefore, establishing ties with the Republic of South Africa, Nigeria, and the countries of North Africa is a priority in this area⁸⁷. There is also a need to develop inter-parliamentary diplomacy in the Southeast Asian region, as stated

⁸⁴ [Viola von Cramon: Ban on Poroshenko’s participation in the Munich Conference is an “unhealthy process” and a sign of centralisation of power.](#) Priamyi. 2024.

⁸⁵ [MPs now need to obtain “talking points” from the Ministry of Foreign Affairs \(MFA\), which outline what to say to the world: a document.](#) LIGA.net. 2024.

⁸⁶ [Oleksandr Korniienko: Ukraine must expand its geography of relations with African countries to strengthen its diplomatic position.](#) Press service of the Secretariat of the Verkhovna Rada of Ukraine. 2022.

⁸⁷ [The delegation of the Verkhovna Rada will take part in the Assembly of the Inter-Parliamentary Union in Rwanda.](#) Mirror of the week. 2022.

during the 43rd General Assembly of the Inter-Parliamentary Assembly of the Association of South-east Asian Nations (IA ASEAN, ASEAN Inter-Parliamentary Assembly)⁸⁸.

Thus, the beginning of the full-scale invasion of Russia gave a significant impetus to the development and strengthening of parliamentary diplomacy. Although there are still areas that need improvement, overall, addressing the outlined issues is quite feasible if the parliament has the political will. The development of such a political will should be based on the understanding that consolidating efforts in this area is important for attracting international support in countering the Russian Federation's armed aggression.

⁸⁸ [During the ASEAN Parliamentary Assembly, the Ukrainian parliamentary delegation met with delegations from the U.S. Congress and the National Assembly of the Republic of Korea. Press service of the Secretariat of the Verkhovna Rada of Ukraine. 2022.](#)

8. Improvement of the legal status of an MP of Ukraine

The Law of Ukraine, “On the Status of People’s Deputy of Ukraine”, enacted in 1992, has undergone numerous amendments and revisions over its 31 years of validity. However, because such changes were made piecemeal and the Law has never been systematically reviewed, stakeholders believe that the logic of the information presentation has been lost in some parts of the Law.

However, despite these assessments made by the Task Force members, the Recommendations for Internal Reform do not specify the need to improve the regulatory framework for MPs’ status. However, respondents emphasise that the current version of the specialised Law “On the Status of People’s Deputy of Ukraine” is outdated and therefore needs to be revised. Given that this act was approved before the adoption of the Basic Law,

“ *The status of an MP should be reconsidered in light of the practice that has existed for 27 years under the current edition of the Constitution of Ukraine.* ”

Thus, according to MPs, the following **problematic aspects of legal regulation of the status of MPs need to be improved**:

- ▶ bringing MPs to criminal liability;
- ▶ regulation of remuneration.

Discussion of the first problem has two diametrically opposed directions – either the restoration of parliamentary immunity or the improvement of the current procedure for bringing MPs to criminal liability.

Despite lively discussions about **reinstating parliamentary immunity**, respondents currently express a unified position regarding the near future of this initiative – **its restoration is definitely impossible in the short term** (although some note that the relevance of this issue is indeed emerging). In particular, there is a general reluctance from the authorities to take this step due to its political risks, especially before elections, the issue of which will be raised after the cancellation of the martial law regime. This is explained by the fact that the initiative to restore parliamentary immunity will be seen as a breach of pre-election promises, which could negatively affect public perception of the political forces supporting such a proposal.

The abolition of parliamentary immunity following the adoption of Law No. 27-IX⁸⁹ in 2019 was one of the achievements of the Verkhovna Rada of the 9th convocation. Based on this legislative change, proceedings were opened on suspicion of criminal offences committed by individual MPs. In particular, as of April 2024, at least 54 such cases are known⁹⁰. Most often, MPs of the 9th convocation were notified of suspicion for false declarations, high treason and receiving illegal benefits⁹¹. In some cases, the

⁸⁹ [On Amending Article 80 of the Constitution of Ukraine \(regarding the immunity of MPs of Ukraine\): Law of Ukraine No. 27-IX of 3 September 2019.](#)

⁹⁰ [Non-immune MPs: what suspicions have been received by MPs of this Verkhovna Rada convocation. LB.ua. 2024.](#)

⁹¹ Ibid.

matters even became the subject of judicial proceedings, resulting in MPs being found guilty of committing crimes. For example, this occurred with ex-MPs Oleksandr Trukhin, who attempted to bribe a police officer⁹², and Illya Kyva, who was found guilty under four articles of the Criminal Code - high treason, public use of symbols of the communist totalitarian regime, public calls for violent change and the overthrow of the constitutional order and seizure of state power by a person representing the authorities using mass media, as well as public calls for aggressive war⁹³. Cases against individual MPs are still being considered (for example, against MP Liudmyla Marchenko⁹⁴, Anatoliy Hunko⁹⁵, etc).

Such cases support the public demand for the absence of the institution of parliamentary immunity, which far outweighs the fear of potential pressure or influence on MPs' activities through unjustified criminal prosecutions. This is particularly evident in the results of sociological surveys. For example, according to a survey conducted by the Sociological Service of the Razumkov Centre, as of September 2019, 89.6% of respondents supported the Verkhovna Rada's adoption of a law abolishing MPs' immunity⁹⁶. The same percentage (89.2%) was shown by the results of a KIIS opinion poll conducted in September 2019: the vast majority of Ukrainians approve of amendments to the Constitution of Ukraine to abolish the immunity of MPs⁹⁷. For this reason, despite any arguments regarding the need for parliamentary immunity, it is unlikely that the Verkhovna Rada will act to restore it soon.

Some members of the Task Force support the opposite vector of improving the status of an MP and emphasise the need to **change the existing distribution of procedural powers during the procedure of bringing an MP to criminal liability**. It is meant that *"currently there is effectively a monopoly of the General Prosecutor in this process, which allows for the initiation of any procedural actions only with the Prosecutor General's permission"*⁹⁸. According to some respondents, such an exclusive right can be a tool for abuse.

The second problem in the field of legal regulation of the status of MPs is related to the procedure of remuneration of their labour. Respondents emphasise that one of the shortcomings concerns **the prohibition for MPs to engage in other paid work** (except for teaching, research and creative activities, as well as medical practice)⁹⁹. Restrictions of this norm relate exclusively to paid work, meaning that it can be concluded that unpaid work is still permitted. During the analysis of this norm, some representatives of the Task team managed to model a situation in which, even under such conditions, a conflict of interest **would be present in the actions of MPs**:

⁹² [The HACC approved the plea agreement acknowledging Trukhin's guilt.](#) Ukrinform. 2023. [Verdict of the High Anti-Corruption Court dated 22 February 2023 in case No. 991/6614/22.](#)

⁹³ [The court has completed consideration of the criminal proceedings against Illya Kyva.](#) Lychakivskyi District Court of Lviv. 2023.

⁹⁴ [Bribe over the fence: The case against MP Marchenko has been sent to court.](#) Ukrainska Pravda, 2023.

⁹⁵ [MP Anatoliy Gunko, who was caught taking an \\$85,000 bribe for land lease, will stand in court.](#) Judicial and legal newspaper. 2024.

⁹⁶ [Citizen assessment of the new government initiatives.](#) Razumkov Centre. 2019.

⁹⁷ [Assessment by the Ukrainian population of certain political events in September 2019.](#) Kyiv International Institute of Sociology. 2019.

⁹⁸ [Criminal Procedure Code of Ukraine No. 4651-VI of 13 April 2012. Art. 484-2.](#)

⁹⁹ [On the Status of People's Deputy of Ukraine: Law of Ukraine No. 2790-XII of 17 November 1992. Para. 4 of Part 1 of Art. 3.](#)

“ *Let’s take a simple example [...] The MP [...] heads a very specific structure, which is established [in accordance with] the Constitution. This structure is a second-level spending unit with several million hryvnias in budget funding. The MP manages [such] budget funds without receiving a salary in addition to their parliamentary activities. Do you think this is normal? Obviously, no.* ”

Based on these considerations, respondents conclude that **the specialised law should be revised to eliminate potentially corrupt provisions.**

The issue of the **size of MPs’ salaries is discussed separately.** In particular, the media often raise the issue of MPs’ high salaries (although the mass media often manipulate this data)¹⁰⁰. **MPs themselves do not support the idea of reducing their salaries**, as this could drive them to seek additional sources of income. It is important to note that the Verkhovna Rada of the 9th convocation did register a draft law amending the Law of Ukraine “On the Status of People’s Deputy of Ukraine” to reduce the salary¹⁰¹. However, in 2020, it was withdrawn from consideration. Low salaries of MPs are an incentive for “envelopes” – additional informal payments that interested groups are willing to offer MPs in exchange for lobbying for initiatives that are beneficial to these groups. That is why raising the level of MPs’ salaries is relevant, but this decision is extremely unpopular. MPs of Ukraine cannot agree on potentially unpopular decisions among themselves. In the context of populist discourse, no one wants to take on such responsibility. To explain complex and unpopular decisions to voters, one must possess substantial agency and demonstrate exceptional leadership and responsibility, which are often lacking in Ukrainian politics¹⁰².

The issue of regulating lobbying activities according to current legislation remains quite relevant, as the prolonged absence of a law regulating this area has created conditions for abuse. According to Task Force members, before the end of 2023, lobbying actually existed, but it was “*hidden, and this did not comply with the principle of transparency of the activities of the Parliament and its committees*”. Although the Verkhovna Rada of the 9th convocation registered several draft laws in this area in 2020: Nos. 3059¹⁰³, 3059-1¹⁰⁴, 3059-2¹⁰⁵, 3059-3¹⁰⁶, they were either rejected or returned for revision. Only in December 2023 did the VRU register draft law No. 10337 on fair lobbying¹⁰⁷, which became law. From now on, there is hope that lobbying in Ukraine, including MPs’ activities, will finally emerge from the shadows and be conducted in accordance with legislative requirements. At the same time, the Law on Fair Lobbying is criticized for the risks it may pose to civil society, as lobbying and advocacy activities are not clearly delineated. Accordingly, it is difficult to predict how this Law

¹⁰⁰ [Scandalous money: where did MPs, assistants and ministers get salaries of tens of thousands? Radio Svoboda. 2020.](#)

¹⁰¹ [Draft Law “On Amending the Law of Ukraine ‘On the Status of the People’s Deputy of Ukraine’ Regarding the Reduction of Salaries” No. 2040 of 3 September 2019.](#)

¹⁰² [How much do MPs earn, and how can they earn more? Agency for Legislative Initiatives. 2024.](#)

¹⁰³ [Draft Law “On State Registration of Lobbying Entities and Lobbying in Ukraine” No. 3059 of 11 February 2020.](#)

¹⁰⁴ [Draft Law “On Lobbying” No. 3059-1 of 28 February 2020.](#)

¹⁰⁵ [Draft Law “On Legal and Transparent Regulation of Lobbying” No. 3059-2 of 2 March 2020.](#)

¹⁰⁶ [Draft Law “On Lobbying Activities” No. 3059-3 of 3 March 2020.](#)

¹⁰⁷ [Draft Law “On Fair Lobbying” No. 10337 of 13 December 2023.](#)

will be applied and whether civil society representatives will not be considered lobbyists, which will put additional pressure on them and restrict their activities.

Finally, a number of small issues that accompany MPs' daily work also need to be improved, including the need for an MP to report to the committee chair on their attendance at committee meetings during martial law or the previously mentioned need to obtain three signatures to take a leave of absence (from the committee chair, the faction leader, the Chairman of the VRU) or to go on a business trip (from the faction leader, the First Deputy Speaker, the Chair of the VRU), even at their own expense.

The solution to the vast majority of these problems does not require amending the Constitution of Ukraine, as the provisions on their regulation are contained in the Law "On the Status of People's Deputy of Ukraine". Thus, improving the legislation in this area is possible even during the period of martial law. At the same time, the issue of bringing MPs to criminal liability (or restoring parliamentary immunity) is regulated by the norms of the Basic Law, so it is impossible to expect any changes in this area to be implemented faster, at least until the end of martial law in Ukraine.

9. Code of Ethics

The draft law on the Code of Ethics¹⁰⁸ was the only one registered as a result of the activities of the Task Force on Parliamentary Reform from September to December 2022. Representatives of this Task Force noted that

“ This is perhaps the first thing that can be reported [to the European Parliament] to show progress. ”

However, the issue of its adoption is still open and relevant.

Some MPs consider the registered draft law to be almost perfect and obviously necessary for the parliament. However, representatives of some political forces and, importantly, the Regulatory Committee do not support this position.

The main purpose of the Code of Ethics is to establish a standard of behaviour for MPs. Such a standard is appropriate in a parliament formed through democratic elections when the mandate of an MP is given, among others, to persons who have previously worked in areas unrelated to political activity or public administration. For such young politicians, the Code of Ethics will be a guideline of permissible boundaries of behaviour that are perceived positively by society. This practice is significantly better than relying on the behaviour of other MPs or forming one's own ethical framework through trial and error. This is especially relevant given that the requirements for MPs as public officials are higher than for ordinary citizens. That is why this standard of requirements should be unified and enshrined at the legal level.

Furthermore, the need to adopt the Code is also evidenced by the numerous cases¹⁰⁹ of MPs' unethical behaviour. Sometimes, such situations even become the subject of court proceedings¹¹⁰. In particular, it is noteworthy that, following the resolution of another case, the Grand Chamber of the Supreme Court emphasised the importance of MPs' compliance with ethical norms, noting this in its Ruling of 9 November 2023 in case No. 990/41/23¹¹¹.

The frequency of situations where MPs are involved in breaching ethical norms negatively impacts not only their personal reputation but also the public trust in the Verkhovna Rada as an institution overall. A sociological survey¹¹² conducted in October 2023 evidences the reduced trust. It shows that over eighteen months (from May 2022 to October 2023), the share of respondents who trust the

¹⁰⁸ Draft Law “On Amending Certain Legislative Acts of Ukraine Regarding the Rules of Ethical Behaviour for MPs of Ukraine (Code of Ethics)” No. 8327 of 30 December 2022.

¹⁰⁹ MP Dmytruk was involved in a fight at the Odesa City Council, resulting in injuries to three security guards. LB.ua. 2022. [Stopped for a traffic violation: Media published a video of a “Servant of the People” member arguing with police officers.](#) Slovo i dilo. 2021. [Suprun blasted Dubinsky for a sexist joke: a sad spectacle.](#) RBC-Ukraine. 2019.

¹¹⁰ For example, [the Resolution of the Grand Chamber of the Supreme Court of 9 November 2023, in case No. 9901/459/21.](#)

¹¹¹ [Resolution of the Grand Chamber of the Supreme Court of 9 November .2023 in case No. 990/41/23. Para. 140.](#)

¹¹² [Dynamics of the perception regarding the state of affairs in Ukraine and trust in certain institutions between May 2022 and October 2023.](#) Kyiv International Institute of Sociology. 2023.

Verkhovna Rada shrank from 58% to 21%. Moreover, the parliament has the lowest level of public trust compared to other public authorities. This problem can be solved, among other things, by regulating **the rules of ethical behaviour of MPs**¹¹³.

The adoption of such an act will bring the Ukrainian parliamentary system closer to EU international practices in this area, as codes of ethics are currently adopted in many European democracies. Moreover, Ukraine has been repeatedly urged to join the circle of these states. In addition to the Roadmap for Internal Reform of the VRU developed by the European Parliament¹¹⁴,

the Organisation for Security and Co-operation in Europe (OSCE)¹¹⁵ and the Group of States against Corruption (GRECO)¹¹⁶, which is the Council of Europe's anti-corruption monitoring body, also recommend that Ukraine adopt the Code of Ethics for MPs.

The first steps in this area have already been taken. In particular, at the end of 2022, the Parliament registered Draft Law No. 8327, which aims to update the existing norms of parliamentary ethics and create an effective system for their implementation to increase public trust in the Parliament and strengthen democratic governance. So, **the draft Code of Ethics:**

- › defines the principles and rules of parliamentary ethics;
- › defines the liability that applies to MPs who violate the norms of parliamentary ethics;
- › provides for the establishment of a committee responsible for monitoring compliance with discipline and norms of parliamentary ethics;
- › defines the specifics of the formation and operation of the committee responsible for monitoring compliance with discipline and norms of parliamentary ethics;
- › defines the principles for reviewing complaints about violations of the norms of parliamentary ethics;
- › defines the principles of appealing against decisions on the liability of an MP for violation of the norms of parliamentary ethics.

Some members of the Task team expressed the opinion that **the rules of ethical behaviour of MPs must be extended not only to their activities within the Verkhovna Rada but also outside it:**

“ There should be a line of responsibility, and not only if a violation is committed by an MP in the plenary session, but [also] in real life. ”

In this context, it is important to note that draft law No. 8327 takes this position into account, as it includes a provision clarifying that the norms of parliamentary ethics should apply to various aspects

¹¹³ [Code of Parliamentary Ethics: Easy to violate, difficult to adopt, impossible to negotiate](#). Mirror of the week. 2024.

¹¹⁴ [Recommendations regarding the internal reform and capacity-building for the Verkhovna Rada of Ukraine](#). Para. 52.

¹¹⁵ [The OSCE called for the introduction of the Code of Parliamentary Ethics in Ukraine](#). RBC-Ukraine. 2018.

¹¹⁶ [GRECO called on the Verkhovna Rada to accelerate the adoption of the Code of Conduct for MPs](#). Judicial and legal newspaper. 2023.

of an MP's activities while exercising their power – not only their behaviour during plenary sessions but also their statements in the media and on the Internet¹¹⁷.

Stakeholders also discussed the feasibility of **detailing restrictions on the level of the rules of ethical behaviour that would facilitate compliance with anti-corruption legislation**. Indeed, the position is expressed that the establishment of such internal ethical frameworks would serve as a preventive measure against unethical behaviour of MPs before it escalates into illegal actions:

“ There are many issues that are on the verge of ethics and anti-corruption legislation. [...] [So,] there are many things that can be addressed at the level of ethics without going into anti-corruption. It's a good prevention. ”

For example, in the context of implementing the ethical principle of integrity, Task Force members suggest **that MPs should be prohibited from working in institutions and organisations that were subject to the jurisdiction of the committee to which they belonged**. Establishing such restrictions would serve as an additional mechanism for preventing conflicts of interest.

In general, the adoption of the Code of Ethics is an important step towards raising the level of ethical behaviour of MPs and, accordingly, increasing the level of public trust in MPs. In view of this, some representatives of the Task Force emphasise that the adoption of the rules of ethical behaviour for MPs should not be postponed until after the war because *“the Code of Ethics is one of the things that this parliament can do”, so “it is worth regulating it, at least in the first reading”*. Respondents say this is entirely feasible, especially if international partners, especially the European Parliament, support this process.

¹¹⁷ The draft law provides for appropriate amending of Art. 8 of the Law of Ukraine “On the Status of People’s Deputy of Ukraine”.

10. Restrictions on individual MP legislative initiative

As of 3 July 2024, 6,717 draft laws were registered with the Verkhovna Rada of the 9th convocation. Such a large number is often accompanied by low-quality preparation. In turn, numerous legislative spams have led to the Verkhovna Rada Secretariat's inability to ensure proper examination of all draft laws registered in the Parliament in recent years. Equally important is the fact that MPs are physically unable to study such a large number of draft laws in depth in order to work effectively on improving their quality through suggestions and amendments¹¹⁸.

Accordingly, members of the Task Force concluded that to balance the decision-making process on each of the draft laws, **the existing mechanism for registering and reviewing draft laws should be revised to introduce certain restrictions on individual MPs' legislative initiative.**

The Roadmap recommended a preliminary pre-registration examination in 2016¹¹⁹, which some members of the Task Force on Parliamentary Reform recognised as necessary. Higher quality control and selection of draft laws at the registration stage will help weed out some of the drafts that contradict current legislation (primarily the Constitution of Ukraine) or violate the Rules of Procedure norms. Such a measure has a dual effect: it reduces the share of low-quality draft laws and the overall number of registered draft laws, which would lighten the workload of the Parliament and its Secretariat. Consequently, this would enable a more thorough preparation and examination of legislative proposals and accompanying documents.

At the same time, the idea of implementing preliminary examination faces **several problems:**

- ▶ the greatest problem is the risk that preliminary examination (or any other administrative methods of controlling individual legislative initiatives by MPs) could be used to suppress MPs who are not loyal to the government. The dangers of this risk, given the problems with accountability, parliamentary control and the de-subjectivation of Parliament, far outweigh the potential benefits of implementing such a step;
- ▶ MPs do not support the introduction of this procedure, not wanting to create potential restrictions on their right to legislative initiative;
- ▶ implementing the relevant procedure requires either involving additional officers in the registration department or establishing a separate structural unit to conduct the necessary analysis, as stipulated in clause 5 of the recommendations. Expanding the staff in any form will require an increase in funding, which is difficult to achieve within the budget of a state at war.

Another way to address the excessive number of draft laws is to **restrict individual MPs' legislative initiatives**. It is considered potentially more effective, and therefore, the implementation of this proposal seems to be a very promising task for Task Force members. It is worth noting that the Verkhovna Rada tried to introduce this mechanism on several occasions – in 2014, when it registered Draft Law No. 1311, “On Amending Certain Legislative Acts of Ukraine on the Exercise of the Right of Legislative

¹¹⁸ [The right to spam: Should the ability to register draft laws be restricted?](#) Agency for Legislative Initiatives. 2024.

¹¹⁹ [Recommendations regarding the internal reform and capacity-building for the Verkhovna Rada of Ukraine.](#) Para. 6.

Initiative”¹²⁰, and in 2017, when it registered Draft Law No. 6640, “On Amending the Rules of Procedure of the Verkhovna Rada of Ukraine (Regarding the Letter of Support for Draft Laws)”¹²¹. However, they were never adopted.

Restricting an individual MP’s right to the legislative initiative can be achieved in various ways – through letters of support, a collective initiative, faction support, or a thematic restriction of the initiative. **Four of the five heads of the subteams of the Task Force on Parliamentary Reform expressed support for the introduction of a collective initiative.** They propose to determine the minimum number of MPs who will have the right to register a draft law. Moreover, according to some stakeholders, this proposal is supported by a literal interpretation of Article 93 of the Constitution of Ukraine, which states that the right of legislative initiative belongs to “MPs of Ukraine”. Therefore, some respondents suggest interpreting it so that only a group of MPs has this right, not each one individually. Thus, it is emphasised that to implement a collective initiative, the minimum number of MPs who can exercise the relevant right must only be specified in the law.

At the same time, justifying the collective initiative based on this approach to interpreting the provisions of the Basic Law can be accompanied by certain challenges, including:

- ▶ **the collective initiative contradicts the long-standing practice of lawmaking**, as the right of legislative initiative has always been understood as one that can be implemented by each MP individually;
- ▶ **enshrining such a “revised” view of Article 93 of the Constitution requires amending its text**, but this cannot be done under the legal regime of martial law.

Some representatives of the Task Force still support raising the threshold for a collective initiative but are cautious about the proposal to set it even at 17 MPs.

As an alternative to collective initiatives, the leader of one of the subteams of the Task Force on Parliamentary Reform suggested **restricting MPs’ right to register draft laws based on their alignment with the political party’s program.** It is anticipated that the introduction of such a mechanism “*will allow to create a situation where draft laws initiated by the faction are more likely to correspond to election promises made by the party to get into the parliament*”. Indeed, such a model will promote a certain degree of systematic work and reduce legislative spam. However, it is not entirely clear what to do with draft laws that became necessary after the party programme was written, as the current situation requires a quick response. This type of restriction may be more applicable to the government, which should be drafting laws to implement the coalition agreement and its programme of action.

Introducing a stage of registration of a legislative proposal with the subsequent possibility of registering a draft law on its basis could improve the legislative process and reduce draft law spam. Technically, such a procedure could be implemented as follows:

- ▶ On the Verkhovna Rada website, a legislative initiative subject registers a legislative proposal, with its card filled in with “*a package of analytical documents, white papers, green papers, studies on the topic, which would form a package of documents describing the need or ‘no need’ to regulate a particular aspect at the legislative level*”.

¹²⁰ Draft Law “On Amending Certain Legislative Acts of Ukraine Regarding the Implementation of the Right To Legislative Initiative” No. 1311 of 9 December 2014.

¹²¹ Draft Law “On Amending the Rules of Procedure of the Verkhovna Rada of Ukraine (Regarding the Letter of Support for Draft Laws)” No. 6640 of 22 June 2017.

- ▶ The specialised committees discuss the draft law even before it is registered, provide preliminary opinions on the relevant initiatives, and create a theoretical basis for the consideration of this issue by all interested MPs and other subjects of legislative initiative with the involvement of public authorities, analytical centres, and expert teams.
- ▶ Based on the development and review of the legislative proposal card, if the committee issues a positive preliminary conclusion, the government is tasked with drafting and registering the corresponding draft law. In parallel, alternative draft laws may be prepared by other subjects of legislative initiative.

However, in the Parliament of the 9th convocation, consideration of any draft laws aimed at restricting individual MPs' legislative initiative has not been particularly successful. It is worth mentioning that on the first day of this Parliament's work, a draft law on the right of MPs to take legislative initiative¹²² and two alternative draft laws¹²³ were registered. But none of them found the support of MPs.

Thus, stakeholders continue to discuss the idea of restricting the right of legislative initiative in order to reduce legislative spam. However, the speed of resolving this issue depends, first, on the choice of the method for such restriction (for example, if changes to the Constitution are to be made to clarify Article 93, this can only be implemented after the end of martial law), and second, on the willingness of MPs to restrict this right for themselves. The second aspect raises doubts that this parliament is ready to implement such changes before the end of its term.

¹²² [Draft Law "On Amending Certain Laws of Ukraine Regarding the Right of Legislative Initiative of MPs of Ukraine" No. 1040 of 29 August 2019.](#)

¹²³ [Draft Law "On Amending Certain Laws of Ukraine Regarding the Right of Legislative Initiative of MPs of Ukraine" No. 1040-1 of 6 September 2019.](#) [Draft Law "On Amending Certain Laws of Ukraine Regarding the Right of Legislative Initiative of MPs of Ukraine" No. 1040-2 of 6 September 2019.](#)

11. Status of the opposition

The Verkhovna Rada of the 9th convocation raised the issue of regulating the status of the opposition in the first years of its term. In particular, in August 2019, two draft laws were registered – Nos. 1211¹²⁴ and 1211-1¹²⁵. However, no specific developments in this area were achieved at that time, as these drafts were never to become laws. Therefore, we still have a situation in which the provisions of the Constitution of Ukraine establish a framework for regulating the activities of the parliamentary coalition but do not mention the opposition. According to Task Force representatives, this creates an imbalance, as *“the majority is regulated [...] at the level of the Constitution, [and] the minority is not actually represented”*.

Chapters of the Rules of Procedure of the Verkhovna Rada of Ukraine regulated the rights and activities of the coalition and opposition of parliamentary factions until 2010¹²⁶, which, to some extent, ensured parity of parliamentary political forces. According to stakeholders’ assessments, the procedural regulation of the opposition at that time was quite good. It could still be applicable in the current conditions:

“ *The version of the Rules of Procedure that was in force until April 2010 is adequate in terms of compliance with the parliamentary political realities that existed both in 2010 and in 2023.* ”

However, **in 2010, chapters of the Rules of Procedure on coalition and opposition were removed from the text**. Since then and to this day, the parliamentary minority has been in a vacuum of legal regulation.

In light of this, Recommendations on Internal Reform approved by the Verkhovna Rada in 2016 contained a clause on the prompt adoption of a decision on the status of the parliamentary opposition¹²⁷. However, the Verkhovna Rada still lacks a consolidated view on the need to regulate the rights of minorities and how this should be done.

Stakeholders express **two positions** on the possible solution to this problem:

- ▶ either amend the text of the Constitution;
- ▶ or adopt a specific law that would define the status of the opposition.

MPs’ opinions also differ on regulating the status of the coalition and the opposition at the constitutional level. It is proposed to either **add provisions on the parliamentary opposition to the Basic Law or remove the provisions on the coalition from it**. At the same time, it is important to note that MPs do not widely support this approach to resolving the situation.

¹²⁴ Draft Law “On the Parliamentary Opposition” No. 1211 of 30 August 2019.

¹²⁵ Draft Law “On the Parliamentary Opposition” No. 1211-1 of 12 September 2019.

¹²⁶ Rules of Procedure of the Verkhovna Rada of Ukraine No. 547-VI of 19 September 2008. Chapter 13: Parliamentary Opposition.

¹²⁷ Recommendations regarding the internal reform and capacity-building for the Verkhovna Rada of Ukraine. Para. 44.

Most members of the relevant subteam of the Task Force favour regulating the opposition's status at the level of a specialised law. However, some challenges may accompany this process.

Thus, among **opponents of adopting the law on the opposition**, the most common arguments are as follows:

- ▶ **the Ukrainian political system is neither structured nor ideologically formed.** Some respondents justify this position by arguing that

“ *The political fragmentation present in society does not contribute to the political structuring of either society itself or the parliament. So it's obvious that we need to take many other steps to talk about a full-fledged law.* ”

To address this, stakeholders suggest that **before regulating the issue of opposition, the activities of political parties in general should be regulated in order to reduce their number and create conditions for their unification around common fundamental political positions:** “*[...] centres should gradually crystallise around certain ideological areas, and political parties should develop on their basis so that the number of political parties entering the parliament is as small as possible. This could potentially contribute to a clearer and more precise structuring of the parliament*”;

- ▶ **There is a problem with understanding the subject of the parliamentary opposition.** Under the current political structure of the parliament, one faction effectively functions as a coalition, while all the others consider themselves to be in opposition. According to stakeholders in Ukraine,

“ *There is no practice of uniting the opposition in the parliament, and this [raises] the question of who speaks on behalf of the opposition.* ”

At the same time, proponents of regulating the status of the parliamentary minority express two approaches regarding how it would be advisable to do so. Thus, some people consider **the return of the chapters of the Rules of Procedure that were withdrawn in 2010** to be the most relevant to the current political situation.

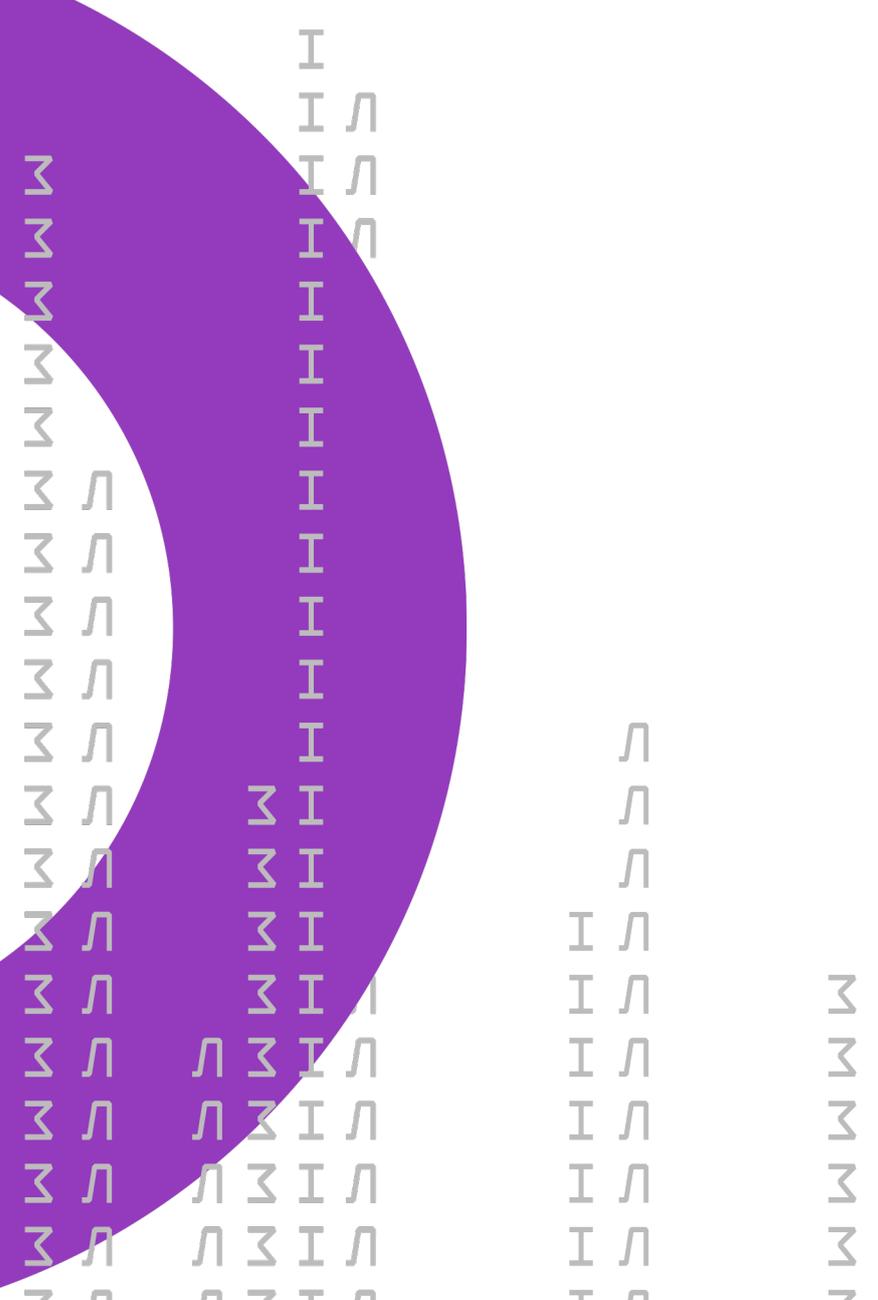
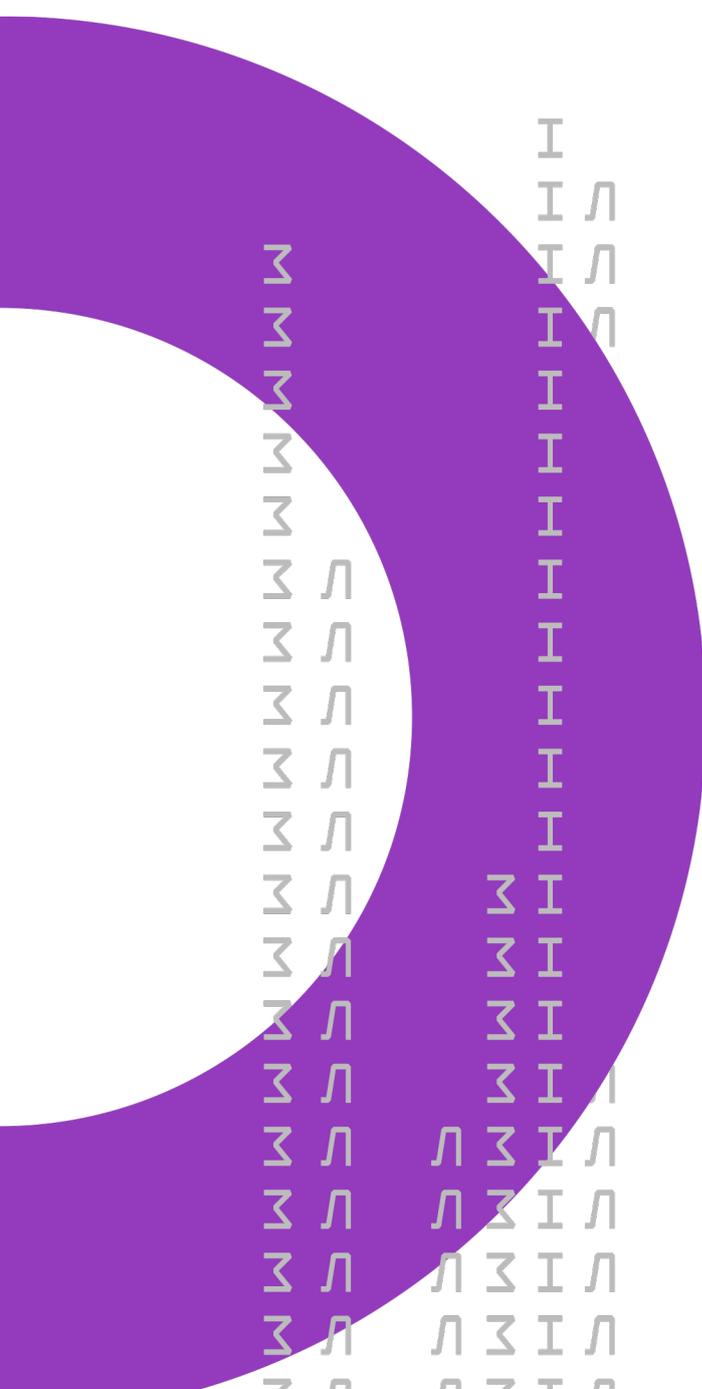
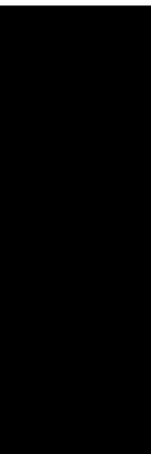
Others aim to achieve **a political structure of political forces and the possibility of a united opposition in the parliament.** These stakeholders believe that this is possible through the following legal measures:

- ① Termination of activities of political parties that have not participated in two consecutive national election campaigns;
- ② Regulation of the affiliation of a parliamentary political force to the opposition according to the following possible criteria: the majority of members did not vote for the appointment of the government, the majority of members did not vote for the government's action programme, and the faction or group declared itself opposition;
- ③ Assigning the positions of chairs of parliamentary committees on the Rules of Procedure, parliamentary ethics and organisation of the functioning of the VRU, anti-corruption policy, freedom of speech and law enforcement activity to representatives of the opposition;

- ④ Establishing mechanisms for the opposition to influence the agenda, government reporting, and the creation of a Temporary Special Commission with less reliance on the parliamentary majority.

Obviously, the most effective approach could involve a comprehensive approach involving a range of measures aimed at structuring political forces and uniting the opposition, but it is quite complex and time-consuming to implement.

Therefore, given the large number of possible options for regulating the status of the parliamentary minority, MPs should now decide on a common concept for regulating the rights of the political forces that make up the minority in the Rada. Discussion of these issues with the aim of uniting around a common idea may take place even before the end of the martial law regime, so coordination of positions on this issue should be a priority. At the same time, this idea may be implemented both during the wartime period and after the victory, depending on the approach chosen by MPs to solve the problem (whether such innovations require amending the Constitution).



12. Procedure for consideration by the Verkhovna Rada of draft laws aimed at adapting Ukrainian legislation to the provisions of EU law

A month after Ukraine was granted candidate country status for joining the European Union, the Verkhovna Rada responded by adopting the Resolution “On Certain Measures to Fulfil Ukraine’s Obligations in the Field of European Integration”¹²⁸, which aims to ensure proper consideration of legislative proposals aimed at aligning Ukrainian legislation with EU law. Such a parliamentary decision is of great significance, as it was a “*political signal that the Ukrainian Parliament seriously evaluates the European Council’s decision to grant status [of candidate for EU membership]*” and takes a responsible attitude to the adaptation of national legislation with the European Union legislation.

At the same time, stakeholders view this step by the parliament as a kind of “legal experiment”, as the temporary regulation of the procedure for consideration of European integration draft laws by the Resolution was intended to provide an opportunity to analyse the effectiveness of its provisions, identify shortcomings, correct them and adopt a draft law amending the Rules of Procedure that would be free of such shortcomings within a few months. In other words, the Resolution of the Verkhovna Rada “*was intended to be a pilot version of how the Rules of Procedure should be amended*”. On the one hand, such an approach was meant to ensure the prevention of potential mistakes in the future. However, there is a “but” in this situation: the provisions of this Resolution, which is a subordinate legal act, did not actually comply with certain provisions of the Rules of Procedure of the Verkhovna Rada, which have the force of law. According to the hierarchy of legal acts, **the Rules of Procedure should have had higher legal force in this case**. However, the practice went the other way.

Despite the procedural shortcomings of this Resolution’s enactment, the period of its enforcement made it possible to **identify certain difficulties and shortcomings that accompany the process of considering draft laws aimed at adapting Ukrainian legislation to the provisions of EU legislation by the Verkhovna Rada**. Thus, in this context, respondents emphasize the following problematic aspects:

- ▶ the need to update the outdated Law “On the State Programme for Adaptation of Ukrainian Legislation to the Legislation of the European Union”;
- ▶ the absence in the parliament of an approved form of the table of compliance of the draft act with the provisions of the *acquis communautaire* sources;
- ▶ fragmentary consideration of the conclusions resulting from the expertise on European integration provided by the specialised committee of the Verkhovna Rada;
- ▶ the lack of practice in assessing the impact of norms adapted to the provisions of EU law on social relations in Ukraine.

The essence of the first problem is that, despite a broad range of areas covered by the Resolution (processing and preparation for consideration in the first reading of European integration draft laws, creation of subcommittees on aligning Ukrainian legislation to the EU *acquis*, creation, filling and functioning of a unified information database on aligning Ukrainian legislation to the provisions of EU law, official translation of legislative acts and/or other sources of EU law, etc.), **the updating of the outdated**

¹²⁸ [On Some Measures to Fulfil Ukraine’s Obligations in the Field of European Integration: Resolution of the Verkhovna Rada of Ukraine No. 2483-IX of 29 July 2022.](#)

Law “On the State Programme for Adaptation of Ukrainian Legislation to the Legislation of the European Union” is not addressed by this Resolution. This act was adopted in 2004 and underwent four amendments, the last of which was introduced in 2018. Thus, although this law remains in force, it does not take into account new EU integration requirements. In this regard, according to one of the members of the Task Force on Parliamentary Reform,

“ *The Law ‘On the State Programme for Adaptation of Ukrainian Legislation to the Legislation of the European Union’ is outdated and needs to be changed, as it does not work at all.* ”

The second problem concerns the absence of an approved form of the compliance table in the Parliament. Such tables are important because they are one of the key tools for understanding how well our national legislation aligns with the relevant EU legal acts. At the same time, this problematic aspect has already been resolved at the level of other authorities. For example, the appendix to the Rules of Procedure of the Cabinet of Ministers¹²⁹ of Ukraine provides a similar table containing information on whether a draft act complies with the provisions of the *acquis communautaire* sources. However, some members of the Task Force believe that this table cannot be applied to the VRU’s activity since “Rules of Procedure of the Cabinet of Ministers [...] is not an order for MPs of Ukraine”.

Representatives of the VRU Committee on European Integration are particularly concerned about the third problematic aspect: the practice of adopting laws that do not fully align with EU law. In particular, there are instances when the conclusions of the European integration examination are fragmentedly taken into account during the adoption of draft laws. However, despite the need to revise such acts, the relevant draft laws are still being adopted.

Among the challenges, the respondents also highlighted the lack of established practice in assessing the impact of norms adapted to EU law on social relations in Ukraine. At the same time, the results of such analysis should have been an important document accompanying the harmonisation of draft laws. The harmonisation process is certainly important, but understanding the impact of quickly adopted aligned laws is no less important. It serves as a guide to understanding further rules of behaviour in the state in terms of the impact of such acts on the economy, labour, etc. In this regard, the parliament should develop a methodology for conducting such an assessment and introduce this tool into the legislative process.

Following the “legal experiment”, a draft law on amending the Rules of Procedure was registered four months after the Resolution came into force¹³⁰. Some of the shortcomings identified in the previous months of the experiment were addressed. In particular, the Chair of the VRU was recommended to approve the form of the compliance table. However, this draft law faced difficulties in advancing through the parliament from the very beginning. At the first attempt, it was not even included in the agenda of the VRU session. But even after the second successful attempt, a year after its registration, this draft law still has not been brought to the Verkhovna Rada of Ukraine for consideration.

¹²⁹ On approval of the Rules of Procedure of the Cabinet of Ministers of Ukraine: Resolution of the Cabinet of Ministers of Ukraine No. 950 of 18 July 2007.

¹³⁰ Draft Law “On Amending the Rules of Procedure of the Verkhovna Rada of Ukraine Regarding the Introduction, Consideration and Adoption of Draft Laws Aimed at Aligning Ukrainian Legislation to Provisions of the European Union Acquis in Terms of Fulfilling Ukraine’s International Legal Obligations in the Field of European Integration” No. 8242 of 28 November 2022.

Thus, the thesis that there is nothing more permanent than the temporary has once again been confirmed. Adopted in July 2022 (as a temporary measure and a “legal experiment”), the Resolution “On Certain Measures to Fulfil Ukraine’s Obligations in the Field of European Integration” still remains the basis for the Verkhovna Rada to adopt adaptation draft laws under the special procedure.