



Focus on Ukraine

July 23 – 29 2012





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I. Overview of political events of the week.

July 23

The session in the case of United Energy Systems of Ukraine concerning ex-premier Yulia Tymoshenko have been shelved to July 31, Judge Kostyantyn Sadovskiy announced on July 23. “The court established that it cannot review the case in the absence of the defendant Tymoshenko,” said Skadovskiy. The judge also read the conclusions of the medical examination of Tymoshenko based on medical documentation.

Speaker of the Verkhovna Rada Volodymyr Lytvyn signed a law annulling the mandatory participation of state enterprises in tender procedures. Pursuant to the adopted bill the norms established by laws on state purchases by which state enterprises (both commercial and public) purchase goods, labor and service will be eliminated from the Commercial Code.

The civil movement Chesno made public the results of monitoring of members of the Ukrainian parliament for their compliance with so-called “criteria of respectability”. According to the results of the research, only three MPs meet all six criteria. The results of the monitoring also revealed that 17 deputies violated only one of the six criteria during their tenure, specifically individual voting.

July 24

The bill submitted by MP Vitaliy Zhuravskiy proposing to significantly increase criminal liability for insults and libel was registered with the Verkhovna Rada. He proposes that the dissemination of false information that offends the honor and respectability of an individual or stain an individual’s reputation should be deemed libel. The bill stipulates a fine of 500-1,000 untaxed minimums of a person’s income or correctional work for one year. Dissemination of information that is detrimental to a person’s health is subject to 3-5 years imprisonment.

The TV channel TVi will not be renewed in the network of cable TV operators in the foreseeable future. Director of TVi Vadym Sydorenko said the channel of the National Bank of Ukraine BTB, which is on the list of channels of universal programming services, will take the place of TVi. Sydorenko said on July 11 the National Television and Radio Broadcasting Committee obligated all cable operators to include in their social packages all channels that were issued a license for digital broadcasting – 32 channels including BTB.

President Viktor Yanukovich submitted an agreement on a free trade in the Commonwealth of Independent States to the Verkhovna Rada, Press Secretary of the President Darya Chepak announced. At the same time, Bill No. 0266 “On Ratification of the Agreement on the Free Trade Zone” was posted on the website of the Ukrainian parliament, thus far without any text.

July 25

The court included in the material in the case of Yuriy Lutsenko regarding surveillance of an individual suspected of the poisoning of Viktor Yushchenko an additional sentence against



Lutsenko passed down by the Pechersk District Court in a different case. The ruling was approved by Judge Hanna Medushevskya. Lutsenko's defense lawyers and Lutsenko himself opposed the inclusion of such material.

The opposition put forth a condition by which it will win seats in the parliament. Deputy Head of the BYuT-Batkivshchyna faction Serhiy Sobolev stated at a press conference that members of the opposition will hold an emergency session of the Verkhovna Rada if the MPs of the majority decide to vote for themselves.

July 26

Ukraine's leading political parties set the dates of holding congresses at which the candidates for deputy seats in the parliament will be announced. On July 30 the Party of Regions, the Communist Party of Ukraine and the united opposition Batkivshchyna will hold congresses. On July 31 the People's Party of Volodymyr Lytvyn and the United Center party of Viktor Baloha will hold a congress. On August 1 the UDAR party of Vitaliy Klitschko and Ukraine – Ahead headed by Natalia Korolevska will hold their congress.

An emergency session of the Verkhovna Rada will be held on July 30. The factions already got the green light to hold the session. In turn, the official website of the parliament informed that VR Speaker Volodymyr Lytvyn signed a directive calling for an emergency session of the parliament on July 30. Such a directive was signed upon the insistence of 157 MPs as part of the second clause of Article No. 83 of the Constitution.

July 27

President Viktor Yanukovich appointed Yuriy Ilyin the head of the Naval Forces of Ukraine pursuant to his decree of July 27, which was made public on the president's website. Prior to this Ilyin temporarily held the post of a commander of the Naval Forces of Ukraine.

The Prosecutor General's Office of Kyiv annulled the resolution of the tax police of the Solomyanskiy District of Kyiv on filing a criminal case against General Director of TVi Mykola Knyazhytskiy for suspicion of tax evasion. This information was published by the press service of the Prosecutor General's Office: "The prosecutor's office of Kyiv filed a resolution on annulling the resolution of the tax authorities to file a criminal case against Mykola Knyazhytskiy". On Friday an inspection into the legality of the filing of this case was looked into upon the directive of President Viktor Yanukovich and Prosecutor General Viktor Pshonka. Based on the results of the investigation the PGO ascertained that the case against Knyazhytskiy was filed without the corresponding inspection and without sufficient grounds".



II. Analytical reference

✓ Democratic processes

HONESTY BAROMETER: IS THE INITIATIVE PUNISHABLE?

On July 23 the “Chesno” movement (Honest) made public the results of its monitoring of deputies of the Verkhovna Rada to find out whether they meet the six so-called “criteria of respectability”. Based on the results of the Honesty Barometer only three people’s deputies meet all the criteria of the aforementioned movement. The announcement of the results of the research conducted incited a heated reaction of politicians, experts, journalists and average citizens. Moreover, the assessments of the activities of Chesno were quite varied, which indicates that there are both weak and strong points of this initiative.

*What are the pluses and minuses of the Chesno movement?
What impact could the movement have on the parliamentary elections?*

“Honest” diagnosis

A number of Ukrainian non-government organizations engaged in monitoring of the political process in Ukraine and are quite authoritative in the civil sector are part of the Chesno movement. In order to ensure that the results of their research is as objective as possible, participants of the movement consciously limited themselves to setting a low number of criteria that can be verified: (1) the absence of violation of human rights and freedoms; (2) the invariability of the political positions regarding the will of the electorate; (3) non-complicity to corrupt activities; (4) transparency of declared incomes and property and their correspondence with lifestyle; (5) individual voting in parliament; (6) participation in parliamentary sessions and working with committees.

Furthermore, such criteria as objectivity and ideological overload were not factored into the laws, meaning the results of the research conducted were more subjective. Given this it comes as no surprise that the participants of the Chesno movement found supporters and critics.

On the one hand, the results of the research conducted by Chesno were indeed

an objective diagnosis of the Ukrainian parliament. All the more, many Ukrainian voters have for some time suspected many members of parliament of committing certain crimes and the results of the research conducted by Honesty Barometer drew a clear picture of what’s really going on in the parliament and corroborated them with real facts gathered in the course of its research.

In addition to that, the profiles of each MP that were made public will offer Ukrainian voters a chance to know them in greater detail, which will allow them to draw conclusions on the basis of hard facts. If the results of the Honesty Barometer are disseminated among the general public, this may foster rationalization of the choice of Ukrainian citizens and will considerably reduce the probability that voters will be disappointed in the candidate they voted for.

Moreover, the reaction of deputies to the publication of the results of Chesno research could be of some value. Even a negative reaction of voters to the results of the Honesty Barometer will allow them to understand to what degree MPs care about meeting conforming to the “criteria of respectability” or are ready to accept the results of monitoring of civil society and able to admit their mistakes and learn from them.



Such food for thought will also foster a more responsible approach of citizens in seeking the preferred candidate.

It can also be presumed that the results of the Honesty Barometer will have a positive effect on people's deputies. First of all, on the backdrop of the election campaign some deputies will try to improve their ratings based on the criteria of the Honesty Barometer for pragmatic reasons in order to increase their level of support of the people. This applies first and foremost means more actively attending sessions of parliament and the issue of personal voting. Even if a minority of MPs show up in parliament more often and vote on their individual voting card in order to improve their image, this will be beneficial for the legislative process. Moreover, there is a high probability that such pragmatic actions of parliamentarians could with time become a standard practice that may not have only beneficial motives.

Secondly, immediately after the rating of Chesno was made public it showed that many MPs are prepared to meet with civil activists and provide them with additional personal information. Irrespective of such interaction, the revival of communication between politicians and the civil sector is indisputably valuable. In conditions of a low level of mutual ties between representatives of these two social spheres the Chesno movement can become a catalyst that has the potential to gradually unite them.

A fly in the soup

The results of the Honesty Barometer research, as with any similar research, is not ideal. The analysis of the information made public and the reaction of politicians, political analysts and common users of the Internet allow for drawing conclusions about some serious miscalculations in the methodology of this project. Given that Chesno will continue conducting its monitoring and will adjust such flaws is a key precondition to ensure that the general public continues to

believe the results of its research. This, in turn, should serve as a guarantee that such work will produce positive results.

There are several major inconsistencies in this research. First of all, the criteria of the invariability of the political status quo were calculated solely based on a faction member pulling out from the faction or joining another faction. However, the expulsion of members of factions that voted against certain laws that went against the positions of the majority of the factions' members went unnoticed. For example, former member of the Bloc of Yulia Tymoshenko (BYuT) Bohdan Hubskiy was victim to such criteria when he changed his political position.

Secondly, the criteria for defining the presence of an MP at a session of the parliament have not been ascertained. While the parliamentary procedure stipulates written and electronic registration, in many cases the information on the website of the Verkhovna Rada is contradictory. Indeed, an MP could have been registered in written form, but not electronic, and vice versa. The methodology that Chesno applies did not provide an answer to which form of registration prevails. As a result, the personal information about certain deputies was not screened.

Thirdly, the criteria of the Honesty Barometer are somewhat dubious. The most illustrious example of this is the criteria of involvement in corrupt activities, which include serving in two positions and monopolization of certain sectors of the economy using state funds. Accordingly, giving different criteria different weight would be totally justified.

This raises the question on which databases the analysts of the Honesty Barometer relied on. According to information of participants of the movement, they tried to factor in open information published in reliable sources, namely the mass media and the research of non-government organizations. However,



whether the empirical databases created by open sources can provide the full picture is quite doubtful. After all, information about the activity of deputies is not always accessible to the public.

Accordingly, expanding the circle of analysts and the spheres of search for insider information and limited access to information would be expedient. Although this initiative would require a great deal of time and additional efforts, only such an

approach the accuracy and credibility of the results will not raise doubts.

On the other hand, it was not clear on the basis of which criteria the analysts that compiled the Honesty Barometer differentiated accurate information from inaccurate information. Indeed, the presentation and substantiation of such criteria lowers the number of questions as to the level of the verification of the results of the research.

Conclusions

To sum it up, the published research conducted by the Chesno movement was a relatively objective diagnosis of the Ukrainian parliament and its members. This may activate citizens to be more responsible when it comes to their choice of candidates and could motivate politicians to admit their mistakes, learn a lesson from them and establish closer ties with the non-government sector and the people. However, in order that the potential of the research is realized its participants must also learn the lessons from their mistakes before conducting the next stage of research that were obvious after the publication of the results of the Honesty Barometer. The readiness of both sides to listen to one another and adequately accept mutual criticism will play a key role in this process.

“Focus in Ukraine” – weekly informational-analytical news bulletin prepared by the Ilko Kucheriv Democratic Initiatives Foundation (<http://dif.org.ua>).

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