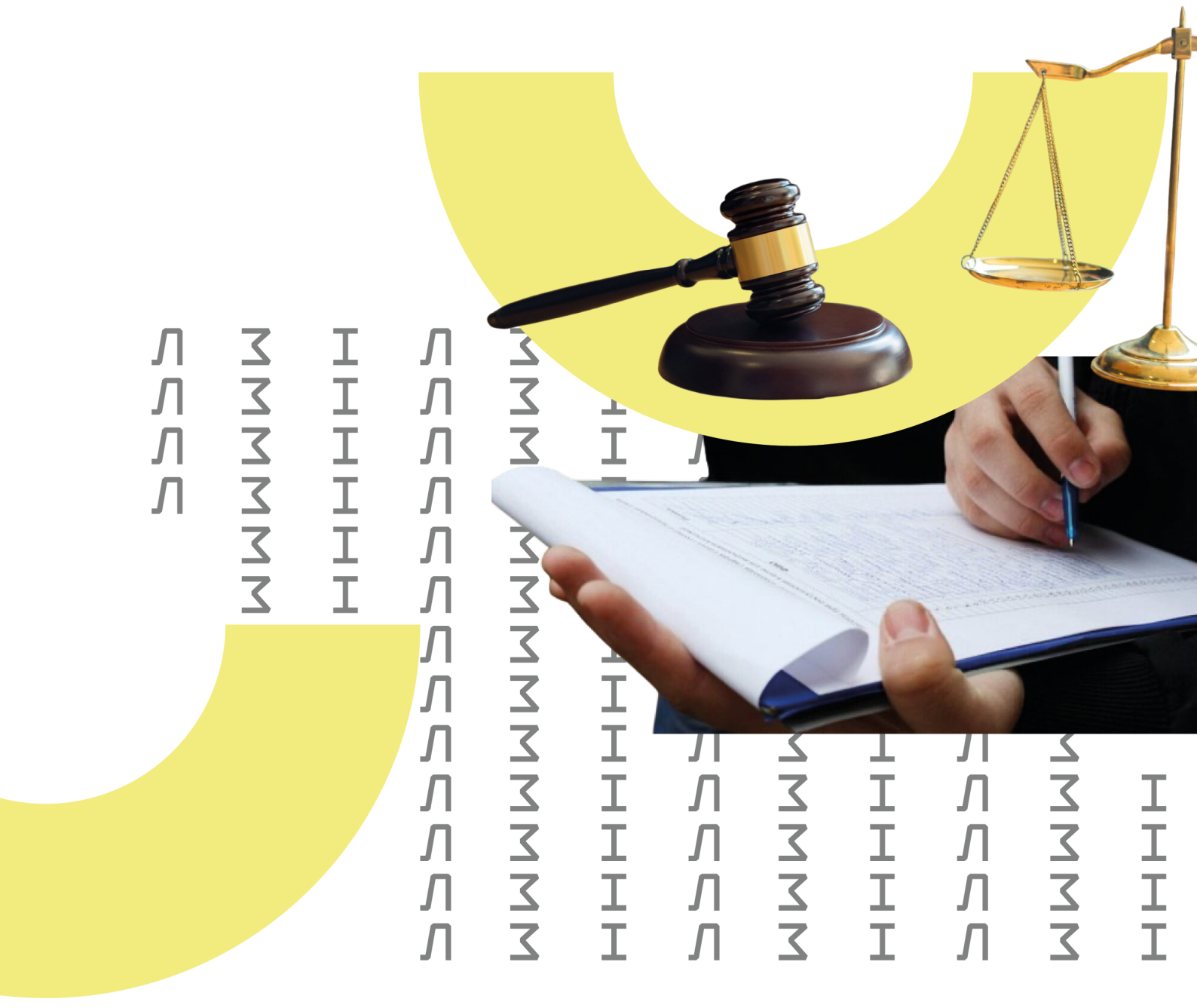


Status of local council members: state of play, challenges and solutions



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List of abbreviations

Electoral lists – open electoral lists of local organisations of political parties

VRU – Verkhovna Rada of Ukraine

Law – Law of Ukraine

CU – Constitution of Ukraine

NACP – National Agency on Corruption Prevention

TEC – Territorial Election Commission

CEC – Central Election Commission

Summary

The sustainable operation of local self-government bodies requires changes in the legislation governing the status of local council members. The issues surrounding the status of local council members **now demand special attention**, given the transformational processes in local self-government reform, changes to the administrative and territorial structure, and the challenges posed by the martial law regime. The current version of the Law of Ukraine “On the Status of Local Councils Members” in its current form is not able to adequately meet these challenges, as it is archaic and contains many contradictory provisions.

Current State of Implementation of the Law “On the Status of Local Council Members”

1. **The 2020 local elections resulted in the so-called ‘partisanship’ of local councils marked by an increase in the influence of political parties within representative bodies.** The current composition of local councils was elected in 2020 under the reformed electoral law. Council members were elected to 1,577 local councils, with 43,122 seats, of which 17,270 were held under the majoritarian voting system of relative majority, and 25,852 under the proportional voting system. A total of 113 local organisations of political parties took part in the elections, while 6,844 individuals (16% of the total number of elected representatives) ran as self-nominated candidates. Among these self-nominated candidates, 95.78% were non-partisan. The share of women among the local council members was 37%.
2. **A significant number of elected council members either did not assume office or terminated their powers early.** As of 1 November 2021, 3,268 council members elected in multi-mandate constituencies (12.6% of the total number of such council members) either terminated their powers early or did not assume them. In single-mandate constituencies, 376 council members (2.1% of the total number of such council members) either terminated their powers early or did not assume office.
3. **Since the beginning of the full-scale Russian aggression, there has been a tendency to reduce the number of local councils.** While the situation regarding the full functioning of local representative bodies is not critical everywhere, it poses potential risks. Particular attention should be given to territorial communities where local councils are elected by the majoritarian system of relative majority. According to the regional military administrations, as of 15 September 2023, 14.8% of district councils, 11.5% of village, settlement and city councils, and 4% of regional councils were not exercising their powers for various reasons.
4. In 2022-2024, 19 pro-Russian political parties were banned in Ukraine by the courts. **However, the current legislation does not provide for the automatic loss of mandates by council members elected on the lists of such parties, and does not contain any restrictions on the powers of local council members in the event that a court decision banning a political party enters into force.** Additionally, there are risks associated with the potential loss of the powers of certain local councils if representatives of banned or liquidated parties are recalled. Notably,

29.4% of the respondents to the survey conducted as part of this study believe that powers of council members should be terminated early if they belong to a faction of a local organization of a political party whose activities have been prohibited by a court decision that has taken effect.

Problems of Legislative Support for the Status of Local Council Members

1. The Law **“On the Status of Local Council Members”** has signs of an imperative mandate for local council members, which is a legacy of the Soviet system of governance. The European Charter of Local Self-Government states that local council members should have a free mandate, as they make decisions under their own responsibility.
2. The Law does not contain provisions on the procedures for restoring the violated passive suffrage in case of errors in the distribution of mandates after the first session and after local council members assume office.
3. One of the controversial aspects is the guarantees provided for the activities of local council members, which form part of their legal status and are meant to ensure the effective exercise of their powers. Personal guarantees for a local council member are ensured through the so-called ‘immunity’ (Ukrainian legislation does not define the terms ‘immunity’ and ‘indemnity’), while it seems that other guarantees provided by law are not sufficient for the effective performance of a local council member’s duties.
4. The current legislation does not define the concept of ‘council member’s ethics’, but instead provides a list of rules that are insufficient for comprehensive legal regulation. Moreover, there are no sanctions for violation of these rules. Respondents suggest, first of all, strengthening accountability for unethical behaviour by local council members (28.3%), and introducing rules of conduct in legal acts, for example, in the Code of Ethics for Council Members (22.5%).
5. Under martial law, the issue of forming a quorum for plenary sessions and local council commissions has become a problem due to mobilisation activities, and the presence of local council members abroad, which in turn threatens the effective functioning of local self-government bodies.
6. The status of local council members is not defined in legislation in the context of the transfer of powers of local self-government bodies to the relevant military administration and the temporary non-exercise of powers by local councils and local council members.
7. Among the challenges in organising the activities of a local council members are issues related to the reporting procedures, in particular, holding meetings of citizens for proper reporting under martial law. Regarding the frequency of reporting, the most common practice is annual reporting (39%). As for reporting methods, the most frequently used are publishing reports on the official websites of local councils (29%), reporting at general meetings (23%), using local media (16%), and holding public hearings (15%).
8. The law allows voters to give instructions to local council members. However, firstly, such voters’ instructions are a sign of an imperative mandate, which contradicts the democratic principles of local self-government. Secondly, voters’ instructions are considered an outdated

and unpopular practice, as evidenced by the findings of the study (less than half of the respondents participated in giving voters' instructions to a local council member).

9. **The legislation contains inconsistencies in the defining the representative functions of local council members:** they are simultaneously considered a representative of the interests of the territorial community and of the voters in their constituency. However, a member of a city district, district or regional council is not a representative of the interests of the territorial community, as district and regional councils represent the common interests of territorial communities of villages, settlements and cities. A member of a district or city council represents the interests of voters within the territory of the district or city council. In addition, due to the peculiarities of the proportional electoral system with open lists and the impossibility of self-nomination, **the electoral reform did not create adequate conditions for proper representation in local councils.**
10. The legislation contains a certain **inconsistency regarding the acquisition of powers by local council members:** unlike the special Law "On the Status of Local Council Members", the Electoral Code includes a provision requiring newly elected council members to take an oath of office.

Introduction

The issue of the status of local council members, and consequently the legislative regulation of this matter, is crucial in light of the transformational processes associated with the reform of local self-government and administrative-territorial structure as well as the challenges posed by the martial law regime. Furthermore, the representative mandate will play a significant role in the restoration of local self-government during the post-war period.

In 2017, the NGO Agency for Legislative Initiatives conducted a study on this topic, summarizing the challenges associated with the status of local council members¹. However, since then, significant changes have occurred due to the local government reform, and the last regular local elections in Ukraine took place in autumn 2020, when representatives of territorial communities were elected following the change in the administrative-territorial structure. The Constitution establishes a five-year term of office for bodies and officials elected in local elections, therefore the next regular elections are due in October 2025 (provided the martial law regime is lifted). However, with the outbreak of full-scale Russian aggression, there are significant problems in the exercise of powers by council members and in the regulatory framework for the status of local council members.

There is a noticeable trend toward a **reduction in the number of local councils**. Given the classified data of studies on the state of local self-government under martial law, the situation with the full functioning of representative bodies on the ground is currently potentially critical. This is due to both the ability of the representative body to fulfil its powers and the decrease in the composition of the representative body itself (due to migration processes, occupation of territories, mobilisation, resignation, captivity and even murder of local self-government representatives).

Additionally, there are several gaps in the legislation regarding the activities of local council members under martial law. In particular, **the status of local council members is not clearly defined in the legislation in the context of the transfer of powers of local self-government bodies to the relevant military administration and the temporary non-exercise of powers of the local council**. In such cases, the legal framework does not establish whether the powers of a council member as defined by the Law are terminated or whether the individual retains their status as a member of the respective council. The Law “On the Status of Local Council Members”² defines the legal status of a council member as a representative of the interests of the territorial community and the voters of their constituency, as well as an equal member of the local council, establishes guarantees for their activities, and outlines the procedure for recalling a local council member. However, the law is imperfect, sometimes archaic and does not fully align with the democratic principles of Ukraine’s European integration path.

The **purpose** of this study is to analyse the legislative framework governing the status of local council members in Ukraine and to examine issues arising in the context of the local self-government reform and territorial organisation of power, particularly in light of the challenges

¹ <https://komsamovr.rada.gov.ua/uploads/documents/40732.pdf>

² <https://zakon.rada.gov.ua/laws/show/93-15#Text>

posed by Russia's armed aggression. The study was conducted between June and August 2024 at the request of the Verkhovna Rada Committee on State Building, Local Governance, Regional and Urban Development.

The research report is divided into several sections. The first section, "The Challenges of Legislative Support for the Status of Local Council Members", identifies key legislative issues and inconsistencies in this area. The second section, "Functioning of Local Councils in the Current Environment", presents the findings of a quantitative survey and respondents' opinions on improving legislation and implementing the established norms in practice.

Research Methodology

The study combines two methods and was conducted in several stages.

1. Desk study: analysis of legislative acts regulating the status of local council members; the study of the practical implementation of the Law "On the Status of Local Council Members" following the 2020 local elections and identification of risks to the functioning of representative bodies due to Russia's armed aggression; identification of issues related to legislative support for the status of local council members; and analysis of legislative initiatives to improve the status of local council members.
2. Survey of local self-government representatives on the status of local council members and its analysis. In June 2024, an online survey of local government representatives was conducted to assess the status of local council members. The survey involved 2,279 respondents from all regions of Ukraine. The largest number of respondents came from Sumy region - 9.3%, Dnipropetrovsk region - 7.2%, Cherkasy and Kyiv regions - 6.3% each. The lowest participation rates were from Kyiv city (0.1%), Chernivtsi region (0.7%), and Luhansk region (0.9%) (See Annex 3):
 - › 94.7% are representatives of local authorities;
 - › The majority of respondents - 67.2% - were or are members of local councils;
 - › The majority of respondents were from rural areas: 33.6% of villagers, 21.4% of towns, and 45% of urban residents;
 - › Almost 53% of respondents represented territorial communities where local councils were elected under the proportional representation system with open electoral lists of local political party organisations; 33% represented communities where elections were held under the majority system of relative majority in multi-mandate constituencies; another 14% of respondents were unable to identify the electoral system by which local councils were elected.

Using Google Forms, 38 questions were formulated for the following thematic groups:

- › Current state of affairs in the respondents' territorial communities: the electoral system used to elect the members of the respective council in 2020; cases of early termination of powers of council members; communication between local council members and the community, council members' reporting; voters' instructions; organisation of the work of local council members under martial law and its impact on the functioning of the local council;

- › Respondents' views on aspects of the status of local council members: organisational principles of work of a council member as a member of a collegial body, work in a constituency, performance of duties; the list of grounds for early termination of powers, guarantees of activity, recall of a local council member on people's initiative; responsibility, accountability and control; council member's ethics; possible counteraction to collaboration, proportionality of restrictive measures against local council members;
- › Proposals for improving the legislative support for the status of local council members.

Based on the collected and systematised information, relevant recommendations were developed, particularly regarding changes to the legislation on the status of local council members.

The limitation of using the results of this study is the failure to take into account the opinions of community residents, as the primary category of respondents was representatives of local self-government bodies. Nonetheless, the recommendations provided in this study are valuable for shaping the legislative framework regarding the status of local council members. The study is intended for both policymakers and the public, as it offers readers insights into the role of the representative mandate in the development of territorial communities and addresses the current challenges in the functioning of local councils.

The challenges of legislative support for the status of local council members

1.1. Local council member as a representative of the local community and voters

As defined in Part 1 of Article 2 of the Law “On the Status of Local Councils Members”³, a **local council member is a representative** of the interests of the territorial community of a village, settlement, city or their respective communities. At the same time, Part 2 of this Article defines the role of a local council member not only as a representative of the interests of the territorial community, but also as a **representative of the voters of their constituency**.

However, this provision presents challenges due to the following discrepancies. Article 140(1) of the CU states that a territorial community consists of residents of a village or a voluntary amalgamation of residents of several villages, settlements and cities into a territorial community. Conversely, the Law “On Local Self-Government in Ukraine”⁴ defines a territorial community as residents united by permanent residence within a village, settlement or city that are independent administrative units, or as a voluntary association of residents of several villages, settlements or cities that have a single administrative centre.

According to Part 4 of the same Article of the CU, district (rayon) and regional (oblast) councils are local self-government bodies representing **the common interests of territorial communities** of villages, settlements and cities, i.e. a member of district or regional council is a representative of several communities. In contrast, members of a district council within a city **represent the interests of only a part of the territorial community** – the residents of the respective district within the city.

Differences in the subject whose interests are represented by a local council member also emerge when comparing the Law “On Local Self-Government of Ukraine” and the Law “On the Status of Local Council Members”. While the latter assigns a dual role to local council members – as representatives of the territorial community and as representatives of their constituency – the former limits the council member’s role to representing only the interests of the territorial community. Voters are mentioned only in the context of obligations towards them and the right to recall a council member.

³ [Law of Ukraine “On the Status of Local Councils Members» No. 93-IV of 11 July 2002](#)

⁴ [Law of Ukraine “On Local Self-Government in Ukraine” No. 280/97-VR of 21 May 1997](#)

Partisanship of Local Councils

As early as 2020, the term ‘partisanship’ referred to the phenomenon of **excessive influence of political parties on the formation and functioning of local councils** (see Annex 2). The root causes of partisanship primarily stem from the holding of local elections under the proportional representation system with open electoral lists of local political party organisations, without the possibility of self-nomination. In the 2020 local elections, many newly established parties did not have local branches, and the reform of the administrative-territorial structure on the eve of the elections hindered political parties from rapidly adapting – in some newly formed territorial communities, local party organisations were absent. As a result, there was a risk that candidate lists were proposed by regional party branches, and candidates were largely unaware of the context and specifics of the territorial community.

Another aspect of inadequate representation is the case when a council member who received low voter support is nonetheless recognised as elected. Back in 2017, experts from the Agency for Legislative Initiatives highlighted this issue in their proposals for a policy on regulating the status of a local council member:

“a candidate who came third or even fourth in their constituency may become a council member, while the one who came first in the constituency (and whose party passed the threshold) may not become a council member at all. This usually applies to the parties that came first in a multi-mandate constituency. According to the law, council members are deemed elected in a multi-mandate constituency, although they report annually in the single-mandate constituency where they were elected. They usually engage with voters in that constituency, assuming that they represent the interests of the residents of this single-member district. As a result, this violates the principle of representation”⁵.

The electoral reform **has not resolved the issue of ensuring proper representation of the interests of local communities by local council members.** For example, since the representative mandate of a local council member is linked to representation of the territorial community, the voters of their constituency, it remains unclear how a list member should fulfil their representation powers. In addition, **the current system of proportional representation with open lists does not allow for the participation of independent candidates.** The decision not to allow self-nominated candidates to participate in local elections is also questionable, given that a local council member should represent the interests of the community, not political parties.

1.2. Imperative mandate

The following points indicate the characteristics of an imperative mandate for a local council member:

- 1) As previously mentioned, a local council member represents not only the territorial community, but also of the voters of their constituency;

⁵ <https://komsamovr.rada.gov.ua/uploads/documents/40732.pdf>

- 2) Voters have the right to provide instructions to their local council member to address certain issues at meetings during their reports or meetings on issues arising from the needs of the respective constituency or the territorial community as a whole;
- 3) Citizens of Ukraine who are voters in the respective district have the right to recall a local council member under certain conditions (for example, if council members violate their obligations to report to voters and engage with them).

It is important to note the European Charter of Local Self-Government (Article 7) emphasizes that the operational conditions for local elected representatives must ensure the free exercise of their functions.

In contrast to the imperative mandate, which is a legacy of the Soviet governance system, a free mandate implies that a local council member is perceived as an elected representative of the entire territorial community, not just the voters of the respective constituency.

The following can be considered signs of a free mandate for a local council member:

- 1) Representation of the interests of all residents of the territorial community, not just voters;
- 2) The elected official is not bound by the voters' instructions, and thus retains the right to act according to their own views and political orientations;
- 3) A council member cannot be recalled early by voters;
- 4) There is no legal connection between the elected official and either the voters or the entity that nominated them;
- 5) The presence of indemnity, which ensures the absence of legal responsibility to anyone for the results of voting or for their statements.

Separately, it is important to note the dependency of a local council member on a party organisation, which is another manifestation of partisanship. In July 2020, amendments were introduced⁶, establishing a mechanism for recalling a local council member on people's initiative in case of inconsistency of the local council member's practical activities with the basic principles and provisions of the election programme of the local political party organisation or the programme of the political party from which they were elected. The risks associated with such provisions have been highlighted by the Association of Ukrainian Cities⁷, the National Institute for Strategic Studies⁸, the Committee of Voters of Ukraine⁹, etc. In its opinions, the Venice Commission has repeatedly stated that the recall of a council member violates the principles of representative democracy: party programmes are not legally binding agreements and cannot be legally enforced. At the same time, all European states rely on the principle of representative democracy, which excludes a mandate¹⁰.

⁶ [Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Improving Electoral Legislation" No. 805-IX of 16 July 2020](#)

⁷ <https://www.auc.org.ua/novyna/amu-novyy-zakonoprojekt-shchodo-vdoskonalennya-vyborchogo-zakonodavstva-shlyah-do-prymusovoyi>

⁸ <https://niss.gov.ua/sites/default/files/2020-12/analit-dopovid-2.pdf>

⁹ <http://www.cvu.org.ua/uploads/koalicia%20A4%20final.pdf>

¹⁰ [European Democratic Achievements in the Field of Electoral law: Proceedings of the Venice Commission, the Parliamentary Assembly, the Committee of Ministers, the Congress of Local and Regional Authorities of the Council of Europe: translated from English / edited by Y. Kliuchkovskiy – 2nd edition, revised and supplemented - Kyiv, 2009. 500 p.](#)

1.3. Acquisition and termination of powers

The Law “On the Status of Local Council Members” stipulates that the powers of a local council member commence from the opening day of the first session of the respective council following the official announcement of the election results. However, the Electoral Code (Part 6 of Article 283)¹¹ stipulates that **the decision of the territorial election commission regarding the registration of a council member** is announced at the plenary session of the respective local council and serves as the **basis for the acquisition of powers and the council member’s oath**. This creates an obvious inconsistency in the provisions on the commencement of the term of office of a local council member, as the special law does not include provisions concerning the taking of an oath. **The introduction of the obligation to take an oath by a local council member can serve as a tool to reinforce council member’s ethics, as well as a starting point for the acquisition of powers.**

Regarding the termination of powers of local council members, the legislation contains an exhaustive list of grounds for early termination of powers of a local council member under two procedures: without a decision of the relevant local council and by a decision of such local council. **However, the following issues remain outside the scope of regulation:**

- 1) There is no provision for early termination of powers of a local council member in cases where it is discovered that they hold citizenship of another country.
- 2) **The procedures for early termination of powers (or non-acquisition of powers) in case where an individual is elected as a council member to another local council are insufficiently regulated.** Article 216 of the Electoral Code of Ukraine stipulates that a person may be nominated as a candidate for council membership in a multi-mandate constituency to no more than two levels of local councils. This means that a candidate can repeatedly exercise their passive suffrage if they wish, which does not contradict the Constitution or applicable law. However, the Electoral Code of Ukraine contains **unclear provisions regarding the determination of election results**. In view of this, the CEC has provided an explanation stating that a person elected as a member of two local councils may apply to the territorial election commission for the respective local elections to register as a member of the local council of their choice¹².
- 3) Voluntary, i.e., early termination of a council member’s powers due to a personal statement, currently depends on the decision of the local council. This means that the **unconditional right of a citizen becomes dependent on the decision of the relevant council**, i.e. the will of third parties.
- 4) The issue of early termination of powers by the decision of the relevant council in cases where a council member has unpaid child support leading to the arrears, the aggregate amount of which exceeds the amount of the relevant payments for twelve months from the date of submission of the enforcement document for compulsory execution, is a matter of debate. In essence, **this establishes a new electoral qualification based on the existence of debt obligations. Thus, the passive right to vote becomes dependent again on the decisions of third parties. Moreover, the discretionary nature of such a decision poses a risk of abuse.**

¹¹ [Electoral Code of Ukraine No. 396-IX of 19 December 2019](#)

¹² [Resolution of the Central Election Commission No. 433 of 28 October 2020](#)

- 5) **There is no legislative mechanism for early termination of powers of a local council member in cases where an individual is elected despite being ineligible due to errors made by election commissions in the distribution of mandates.** The CEC has repeatedly emphasised that current Ukrainian legislation does not provide for an effective mechanism to restore violated voting rights in situations where the decisions of a territorial election commission regarding election results are recognised as not meeting the requirements of the election law, violating the rights and legitimate interests of electoral subjects, and are subsequently annulled by the Central Election Commission or a court¹³.

1.4. Recall by popular initiative

Ukrainian legislation provides for the right to recall a local council member on people's initiative based on the following grounds:

- 1) Violation of the law by a local council member, as established by a court decision that has entered into force. In this case, the basis for recalling a council member may **only be court decisions that establish that the council member violated the law during their term of office.**
- 2) Missing more than half of the plenary sessions of the council or meetings of the permanent commission during the year, failure to perform the duties of a local council member in the constituency without valid reasons. It is worth noting that **the work of a council member elected under the proportional representation system in their constituency is not sufficiently regulated.**
- 3) Inconsistency between the practical activities of a local council member and the basic principles or provisions of the election programme of the local political party organisation (from which they were elected) or the programme of a political party (from whose local organisation they were elected). However, **the category of "non-compliance" may be open to highly subjective interpretation.** It should also be noted that according to the provisions of the Electoral Code, the requirement to submit the election programme of the party organisation is only applicable to candidates running for local councils of territorial communities with 10,000 or more voters.
- 4) Failure of a local council member to report to or engage with voters. Such grounds may be **difficult to establish** during martial law **due to security concerns** and the legal prohibition on holding mass gatherings.
- 5) Failure of a council member elected in a multi-mandate constituency to join the faction of the local organisation of the party on whose electoral list they were elected, or termination of their membership in the faction. This is a rather controversial ground for early termination of powers of a local council member and **contradicts the principle of a free representative mandate.** Furthermore, there is a conflict, as another provision of the Law "On the Status of Local Council Members" stipulates that **joining groups or factions with other local council members is a right, not an obligation, of a local council member.**

¹³ Resolution of the Central Election Commission No. 136 of 24 March 2021

A proposal to recall a local council member by popular initiative may be submitted no earlier than one year after the date of acquisition of such powers. **However, the legislation needs to be clarified in the following respects:**

- › The recall procedure does not specify which voters (those who had this status on the election day or those who had this status at the time of the initiative) have the right to recall;
- › Rules for holding meetings: it is unclear what territorial scope applies, which voters are eligible, and who will establish voter status, etc;
- › The law also does not limit the number of council members whose recall by popular initiative can be initiated by a single voters' meeting. However, it seems logical that the issue of recall in respect of each council member should be considered separately;
- › The final decision to recall a local council member (except for self-nominated candidates) is at the discretion of the party's highest governing body. The Law "On the Status of Local Council Members" does not contain any timeframe for making such a decision, nor does it define the procedure for considering an appeal from a TEC. Under such conditions, voters cannot effectively exercise their right to recall.

A local council member has the right to be present when the supreme governing body of the party considers the TEC's request for their recall by popular initiative and, if the relevant decision is made, as well as at the TEC meetings when recall issues are addressed. **However, neither the TEC nor the political party is obliged to summon them, and the failure of a duly notified local council member to appear does not prevent consideration of the proposal to recall them on a popular initiative.** It should also be noted that the TEC does not have the authority to establish the validity of the grounds for recall.

The law also stipulates that no later than two days before the meeting of voters to consider the proposal to recall a local council member on a popular initiative, the date, place and time of the meeting shall be announced to regional and/or local media. **However, the law does not provide for mandatory publication of the notice by the meeting or the media.**

Due to the consolidation of communities, it is necessary **to review the quantitative standards for participation in voter meetings**, which currently seem unreasonably low. In addition, the Law "On the Status of Local Council Members" contains **technical errors**, such as discrepancies regarding the number of initiators required to recall a member of a district or city council (Article 38(2) (2) sets a limit of 100 people, while paragraph 3 of the same part stipulates that 300 people are required).

During the martial law, the functioning of the State Voter Register was suspended¹⁴, and although in December 2023 the functioning of the register was restored in terms of periodic updating (periodic renewal) of the State Voter Register database¹⁵, it is impossible to carry out the relevant verification using the information from the State Voter Register. **Thus, the legal provision for recalling local council members on a popular initiative, at present, merely a declaration.**

¹⁴ [CEC Resolution No. 61 of 24 February 2022](#)

¹⁵ [CEC Resolution No. 83 of 22 December 2023](#)

1.5. Guarantees of a council member's activity

The guarantees of a council member's activity are designed to ensure the effective exercise of their powers as representatives of the territorial community to protect its interests. The Law "On the Status of Local Council Members" establishes rules regarding guarantees, the inviolability of the council member's powers, and the protection of their labour and other rights. It separately highlights the guarantees afforded to a local council member when the issue their recall is considered (notification of the date, time and place of the meeting; the right to attend and guaranteed speech to explain their position; use of the media to present their perspective; submission of an oral or written statement to the local council regarding the circumstances leading to the recall).

A council member's immunity and indemnity are personal guarantees. The immunity refers to inviolability, while indemnity provides protection from liability for their statements and votes in the course of performing their duties. **It is worth noting that Ukrainian legislation does not explicitly use the terms "immunity" or "indemnity", but instead refers to "parliamentary immunity".**

The guarantees of immunity in the Law "On the Status of Local Councils Members" are as follows:

- ▶ Notification of suspicion of committing a criminal offence to a local council member may be made exclusively by the Prosecutor General, Deputy Prosecutor General, or the head of the relevant regional prosecutor's office;
- ▶ The application of a preventive measure against a council member is possible only by a court;
- ▶ The obligation to notify the relevant local council of the serving of a suspicion of a criminal offence on a local council member by the prosecutor, and of the imposition of a preventive measure by the court that imposed the preventive measure on the local council member.

However, an example of indemnity is provided in Part 4 of Article 30 of the Law on exemption of a council member from liability for speeches at meetings of the relevant local council and its bodies during exercising their powers, except for liability arising from insult or slander.

The Law "On the Status of Members of Local Councils of People's Deputies" in its original version¹⁶ provided for the immunity of a member of a local council. In particular, Article 29 stipulated that a member of a local council could not be prosecuted, arrested or subjected to administrative penalties imposed in court without prior consideration of the issue by the council in accordance with the Law "On the Procedure for Obtaining the Consent of the Council Members to Bring a Council Member to Responsibility". This provision was removed in 1998¹⁷. For seven months (from 7 October 2005¹⁸ to 12 April 2006¹⁹ inclusive), there was another provision requiring mandatory preliminary consideration by the local council of the issue of criminal prosecution, arrest or

¹⁶ [Law of Ukraine "On the Status of Members of Local Councils of People's Deputies" No. 3949-XII of 4 February 1994](#)

¹⁷ [Law of Ukraine "On Amendments to the Law of Ukraine "On the Status of Members of Local Councils of People's Deputies" No. 11/98-VR of 13 January 1998](#)

¹⁸ [Law of Ukraine "On Amendments to the Law of Ukraine "On the Status of Local Council Members" No. 2854-IV of 8 September 2005](#)

¹⁹ [Law of Ukraine "On Amendments to the Law of Ukraine "On the Status of Local Council Members" No. 3590-IV of 4 April 2006](#)

administrative penalties against a local council member. Since then, **16 per cent of the proposals to amend the law have addressed the issue of parliamentary immunity for local council members. Clearly, the issue remains controversial.**

Balance of restrictions and guarantees for local council members

The Law “On the Status of Local Council Members” explicitly **prohibits a local council member from holding another representative mandate**. Similarly, the Law “On Local Self-Government in Ukraine” prohibits the head of a district or regional council, as well as the head of a village, settlement or city council from holding **a representative mandate (including serving as a local council member)**. It is important to note that the **prohibition on combining** the mandate of a local council member applies only to holding another representative mandate, and incompatibility with positions in other authorities is stipulated solely for individuals working permanently in local councils. These restrictions are reflected in the Laws “On the Status of Local Council Members” and “On Prevention of Corruption”. If circumstances arise that are incompatible with the exercise of council member’s powers, the individual ceases to hold the position of council member.

However, the issue of combining and concurrently serving as a local council member with military service under martial law has its own peculiarities. The NACP provided clarification on this matter²⁰, concluding that military service by individuals authorised to perform state or local government functions does not constitute a violation of the restriction on concurrent employment, as the law explicitly permits such paid activities as an exception²¹. Additionally, in August 2022, amendments to the Law “On Prevention of Corruption” came into force, establishing that, during the period of martial law, the restriction on combining work and other activities does not apply to civil servants (except for civil servants of category “A”), and local government officials (except for officials of the first to third categories), provided that such individuals are on unpaid leave or in case of downtime; provided that employment contracts, service agreements or business transactions are concluded with business entities in respect of which such civil servants and local self-government officials have not exercised control, supervision or preparation or adoption of relevant decisions regarding their activities during the last year.

1.6. Council member’s ethics

The issue of compliance with ethical standards by council members is always relevant, yet the legal regulation of council members’ ethics remains controversial.

For example, Article 8 of the Law “On the Status of Local Council Members” **sets out certain rules of conduct** that a local council member must follow (e.g., being guided by the national interests and interests of the territorial community or voters of their constituency; refraining from using the council mandate for personal gain or selfish purposes; adhering to generally accepted principles of decency, honour and dignity; and not disclosing information constituting a state secret, etc.). The rules of procedure of the council or the charter of the territorial community may establish further ethical rules and measures of influence to address violations of local council members. **This raises**

²⁰ <https://nazk.gov.ua/uk/novyny/za-vamy-pravda-ta-nasha-peremoga-posadovtsi-yaki-vstuplyli-dolav-zsu-teroborony-ta-dobrovolchih-formuvan-ne-porushuyut-vymogy-shhodo-sumisnystva-ta-sumishhennya/>

²¹ <https://nazk.gov.ua/wp-content/uploads/2022/03/Rozyasnennya-6.pdf>

the issue of maintaining a balance between establishing rules of council member's ethics and upholding the principle of non-interference and non-obstruction of council member's activities.

The law **does not establish sanctions for violations of council member's ethics and does not provide for a mechanism for investigating violations or reviewing complaints about unethical behaviour of a council member**, etc. In 2023, the Council of Europe Centre of Expertise for Good Governance²² pointed out the shortcomings of the current regulation of public ethics policy at the local level, such as the lack of explanations and examples of the principles of ethical behaviour in practice, and the dependence of disciplinary action against a local council member on their relationship with the local council.

At the same time, in 2018, the Congress of Local and Regional Authorities of the Council of Europe adopted the European Code of Conduct for all persons involved in local and regional governance²³. It sets minimum standards of behaviour and offers guidance on ethical conduct for all those involved in local and regional governance with instructions on their behaviour in the performance of public duties, informing the general public, etc. **Local councils may consider adopting the proposals of this code when developing their own codes of conduct.**

Preventing Corruption

Members of local councils are subject to the provisions of the Law "On Prevention of Corruption", with the exception of clauses related to the prevention of conflicts of interest in connection with the ownership of enterprises or corporate rights (which applies only to members of local councils who exercise their powers in the respective council on a permanent basis). While local council members submit a declaration of a person authorised to perform the functions of the state or local self-government, no special checks are carried out on individuals applying for positions of responsibility or particularly responsible positions, or those with a high risk of corruption.

Moreover, local council members are not classified as national public figures under the Law "On Prevention and Counteraction to Legalisation (Laundering) of Proceeds of Crime, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction".

However, certain restrictions apply to local council members concerning potential or actual conflicts of interest. A local council member is required to publicly disclose any conflict of interest that arises during participation in a meeting of the council, another collegial body (commission, committee, board, etc.) to the relevant collegial body and shall not participate in the consideration, preparation and adoption of decisions by the relevant collegial body. Court practice confirms that **participation in a vote despite the existence of a conflict of interest constitutes a violation**, regardless of the extent to which the member's vote influences the decision of the local council (or other collegial body). The responsibility to prevent conflicts of interest extends not only to the individual member with the conflict, but also to the relevant permanent commission of the local council and every council member who becomes aware of another member's conflict of interest²⁴.

²² <https://rm.coe.int/pad-public-ethics-at-local-level-in-ukraine-ceggpad-%D0%B02023-13-ukr/1680ae3801>

²³ <https://rm.coe.int/168071b2e5>

²⁴ <https://supreme.court.gov.ua/supreme/pres-centr/news/683781/>

1.7. Activities in the constituency

The legislation defines the duties of a local council member *“in the electoral district”* (Article 10 of the Law “On the Status of Local Council Members”), outlining the specific features of communication with voters. **However, the provision regarding the territorial scope of a local council member’s powers requires clarification**, because according to the Electoral Code (Article 192), elections of council members of village, settlement and city councils (territorial communities with up to 10,000 voters) are held under the majority system of relative majority in multi-member constituencies, into which the territory of the respective territorial community is divided. While the elections of members of village, settlement and city councils (territorial communities with the number of voters of 10 thousand and more) are held under the system of proportional representation on open electoral lists in territorial electoral districts, which are divided into a single multi-mandate electoral district that coincides with the territory of the Autonomous Republic of Crimea, region, district, city, district in a city, settlement or village according to the administrative-territorial structure or the territory of a city, settlement or village territorial community. As a result, **council members elected under majoritarian and proportional systems face unequal conditions in terms of defining the boundaries of their constituency as elected representatives.**

The law imposes an obligation on council members to maintain contact with voters and the *“local organisation of a political party”*. **However, firstly, it does not take into account that there are local council members elected as self-nominated candidates. Secondly, council members from banned political parties should not be obliged to maintain contact with such parties.**

In addition, the term *“civic organisations”* is incorrect in this article, as it is more appropriate to use the term “civic associations” (in accordance with the terminology of the Law “On Civic Associations”). Furthermore, the list of associations in the article is not exhaustive, for example, it does not include non-business associations; associations of local self-government bodies and their voluntary unions; self-regulatory organisations; professional self-government organisations; non-business associations (which are not public associations) established under other laws, etc.

Several clauses of the Law require revision to align with the current conditions, in particular the period of martial law. Article 10, paragraph 2, which requires local council members

“at least once every six months to inform voters about the work of the local council and its bodies, the implementation of plans and programmes of economic and social development, other local programmes, the local budget, council decisions and voters’ instructions”

needs reconsideration. Clause 3 of this Article should also be clarified, as the current legislation provides for other forms of direct democracy in addition to public hearings, and obviously a local council member should have the right to participate in all such forms. Additionally, it is unclear what “mass events” a local council member is entitled to participate in. Part 2 of this Article stipulates that a local council member may be recalled at any time by popular initiative in accordance with the procedure established by this Law, however this initiative is not the subject of this particular Article.

Article 11 of the Law defines the rights of a local council member in an electoral district. However, paragraph 1 of Part 1 of this Article requires clarification regarding the following points:

- › - A local council member is granted the right to **“officially represent the voters of their constituency and the interests of the territorial community in local executive bodies...”**. However, firstly, the concept of **official representation** needs to be clarified. Secondly, it is the respective **councils that are the local self-government bodies that represent territorial communities and perform local self-government functions in their interest** (Article 10 of the Law “On Local Self-Government in Ukraine”). **Therefore, a council member cannot unilaterally perform the functions of the local council as a collegial body, since they are only one member of such a body.**
- › - The phrase **“...voters of their constituency and the interests of the territorial community...”** is a tautology, since voters in this context are inherently members of the territorial community.

A local council member has the right to an urgent appointment and to receive the necessary information (Article 14 of the Law). However, the term **“urgent appointment”** needs to be clarified, as it is unclear whether this entails prioritised appointment or if it obliges the individual to interrupt other activities to meet the council member.

Article 15 of the Law establishes the right of a local council member to demand elimination of violations of the law. It is evidently important to strengthen accountability for officials of local executive authorities, local self-government bodies, and heads of law enforcement and regulatory bodies who fail to take appropriate measures in response to a local council member’s demands to rectify such violations. Ignoring these demands undermines the effectiveness of the council member’s oversight role.

Article 16 of the Law establishes the obligation of a local council member to report on their work to the voters. However, according to the survey²⁵, only 26.2% of respondents indicated that such reporting is annual (i.e., in accordance with the Law). At the same time, some survey participants noted that while these requirements are often fulfilled by the council head, but not always by the council members, and reporting was done exclusively through the publication of information on the community’s website. Respondents attributed the difficulties in reporting to the martial law regime.

Obviously, security measures **under martial law largely make it impossible to hold meetings for proper reporting.** Given these conditions, the following changes are required:

- › Part 3 of Article 16 on reporting by a local council member at any time, at the request of voters at the place of residence, work or study, at the request of the bodies of self-organisation of the population, **which is currently unrealistic to implement. In addition, it is advisable to replace the term “voters” with “members of the territorial community”, since the status of a voter is acquired during the electoral process.**
- › - Part 5 of this Article provides for the obligation to **“assist local council members in organising their reports (meetings) to (with) voters”** not only by local self-government bodies and their officials (which is logical), but also by local executive authorities,

²⁵ <https://komsamovr.rada.gov.ua/uploads/documents/43740.pdf>

heads of enterprises, institutions and organisations of state and municipal ownership.

However, such an obligation in relation to state bodies is debatable.

The law establishes a provision regarding voters' instructions to a local council member (Article 17 of the Law). **Firstly, voters' instructions are a feature of an imperative mandate, therefore, it would be appropriate to abandon this form of work. Secondly, voters' instructions are an unpopular and archaic form. Thirdly, they are mainly implemented through socio-economic development programmes when considering the territorial community's budget for the next year, etc. However, it is clear that this form of cooperation between council members and voters is not sufficiently implemented.**

Part 2 of this Article stipulates that voters' instructions must not contradict the legislation of Ukraine, but there is currently no mechanism for checking the content of voters' instructions for compliance with the law.

Part 3 of this Article sets out the conditions for granting such instructions: ***"they must be supported by the majority of participants of the meeting"***. However, it is unclear what kind of meeting is meant: ***"meeting at the place of residence"***, a ***"meeting of voters"***, etc.

The institution of starostas plays an important role in the functioning of local self-government bodies, especially in view of the challenges of martial law. The current Law **does not stipulate the interaction of local council members with starostas, which is necessary both to meet the interests of communities and to ensure the sustainable operation of local self-government bodies.**

1.8. Activities in the council

Local council members participate in the meetings of the local council, join one of the commissions (established by the council), submit council member's requests, may form groups, etc. and generally deal with issues of local importance.

The Law "On the Status of Local Council Members" refers to the activities of council members in the local council, but certain provisions of the Law need to be reviewed.

Article 20 of the Law stipulates that a local council member, except for the council secretary, head of a city, district, regional council and their deputies, must be a member of one of the permanent commissions established by the council. **Thus, the requirement to be a member of one of the permanent commissions is mandatory, which is debatable.** The obligation for a council member to attend plenary meetings of the council, meetings of the permanent commission and other bodies of the council they belong to require adaptation to the conditions of martial law. **Therefore, the provision of the Law on the possibility of submitting a proposal to recall a council member in case of absence from plenary meetings (part 5 of Article 20) requires further discussion.**

Article 21 of the Law defines the effective tools in the work of a local council member – a council member's request and a council member's question. **It would be advisable to provide a conceptual and categorical framework in the introductory part of the Law.**

Article 22 of the Law regulates the procedure for considering a council member's request, but does not establish sanctions for violation of this procedure and for ignoring such a request by the respondents.

Obviously, the oversight function of a local council member is important and can be exercised in accordance with Article 24 of the Law. **However, the right to conduct inspections should be clarified and improved to prevent abuse of such inspections by the local council member.** The right to *“raise the issue of inspections of activities”* should be replaced by the *“right to control the implementation of council decisions”*, and the term *“council member’s inspections”* is not correct. **The oversight function should belong to the collegial body, not to its individual representative through such “council member’s inspections”.**

In Article 25 of the Law, which states that *“in order to work together to exercise their powers in electoral districts, local council members may, on the basis of their mutual consent, unite in groups”*, it is advisable to remove the phrase *“in electoral districts”*, since the work of a local council member is not limited to the electoral district. They represent the interests of the territorial community, and in the representative body itself..

Article 27 of the Law regulates the activities of factions. **However, the right of a local council member to withdraw from a faction (as well as from a group) is not stipulated. Nor does it stipulate that a local council member may not be a member of any registered faction or group. This provision may be considered a sign of an imperative mandate, which contradicts the European democratic principles.**

This Article **does not define the rights of a council member as a member of a faction (as well as a group)**, for example, by analogy with the rights of an MP:

- 1) To elect and be elected to the governing bodies of the faction;
- 2) To participate in the approval of the Regulations on the faction;
- 3) To propose issues for consideration by the faction;
- 4) To make proposals on issues considered at the meeting of the faction, to present justification of their proposals;
- 5) To participate in the discussion of any issue considered at the meeting of the faction.

In addition, Part 1 of this Article stipulates that *“factions of local councils are formed on a party basis by members of local councils (except for members of village and settlement councils)”*. Further, Part 2 defines the right of council members that *«members of village and settlement councils to unite into factions of local councils on the basis of unity of views or party membership. The factions may also include non-party council members of village and settlement councils who support the political orientation of the factions.»* Such provisions are archaic following the 2020 reform of the administrative-territorial structure, and the existence of such regulations is discriminatory. City, village, and settlement councils, as well as members of such councils, are equal in their rights.

Article 29¹ of the Law regulates the issue of assistants to local council members. The requirements for the selection of assistants (Part 4 of this Article) should be supplemented with such requirements as *“fluent in the state language”* and *“at least 18 years of age”*. The rights of an assistant to a local council member (Part 5 of this Article) should include **the right “to access acts adopted by the relevant local council, except for those adopted at closed meetings, as well as information and reference materials officially distributed by the relevant local self-government body”.**

1.9. Exercise of powers under martial law

Since the beginning of the full-scale Russian aggression, there have been significant changes in the work of local councils, and thus in the functioning of a number of representative bodies in communities. This was due to the occupation, migration processes and even the murder of local government representatives.

Obviously, the trend to reduce the number of council members under martial law is obviously predictable. **Special attention is required to territorial communities where local councils are elected under the majoritarian system of relative majority.** According to the regional military administrations, as of 15 September 2023, 15% of district council members had not exercised their powers for various reasons, and 12% of members of village, settlement and city councils had not exercised their powers. The number of such council members among regional councils is 4%. In view of this, it is important to ensure the legitimacy of plenary meetings of local councils.

The Law “On the Legal Regime of Martial Law” introduces a special institution – the military administration, which is **a temporary non-exercise of powers of local self-government bodies** (including councils) with the possible **resumption of their activities**. This means the continuation of the existence of the local council, but with the temporary non-exercise of powers by the council in general and council members in particular. At the same time, there are a number of gaps in the legislation on the work of local council members in such circumstances:

- › The status of local council members is not defined in legislation in the context of the transfer of powers of local self-government bodies to the relevant military administration and the temporary non-exercise of powers of the local council;
- › It is unclear whether in this case, along with the non-exercise of powers of members in the council, the exercise of other powers of a council member, as defined by the Law “On the Status of Local Council Members”, including oversight powers (for example, the right to a council member’s request), is also terminated;
- › It is not defined whether such individual retains the status of a member of the relevant council.

A separate issue is the establishment of the procedure and terms for early termination of a council member’s powers in the event of the grounds specified in Article 5 of the Law “On the Status of Local Council Members”. During the period of martial law, there may be grounds for early termination of the powers of the local council as a whole or of individual council members, as well as the head of the territorial community (see Annex 5). The relevant grounds are defined in Articles 78 and 79 of the Law “On Local Self-Government in Ukraine”, and in respect of individual council members – in Article 5 of the Law “On the Status of Local Council Members” (these provisions remain in force during martial law). At the same time, according to the Electoral Code of Ukraine (Article 194(3)), if there are grounds for early termination of the powers of a local council or its head in peacetime, the VRU must appoint the relevant early elections within ninety days from the date of early termination of their powers. Although the Law “On the Legal Regime of Martial Law” does not explicitly prohibit the **appointment** of local elections, since the **holding** of elections (the beginning of the electoral process) is a direct consequence of their appointment, the prohibition of elections should also be understood as a **prohibition of their appointment** during the legal regime of martial law. Therefore, the termination of the powers of a local council member or head on the grounds provided for by law, in particular, failure to fulfil their powers, is the basis for the establishment of the relevant military administration (Law “On the Legal Regime of Martial Law”).

The issue of exercising powers under martial law is a serious challenge, especially in the context of mobilisation. According to the Law “On Mobilisation Preparation and Mobilisation” (Article 23), individuals liable for military service during mobilisation are not subject to call-up, inter alia, those *“reserved for the period of mobilisation and for wartime by state authorities, other state bodies, local self-government bodies, as well as by enterprises, institutions and organisations in accordance with the procedure established by the Cabinet of Ministers of Ukraine, and Members of Parliament of Ukraine, and Members of the Verkhovna Rada of the Autonomous Republic of Crimea...”*. Thus, this list does not include members of village, settlement and city councils and village, settlement and city heads. In addition, there is no provision that such individuals may be called up for military service during this period with their consent.

Article 33(2) of the Law “On the Status of Local Council Members” allows for the possibility of mobilisation of local council members, while Article 5 of this Law does not provide for early termination of powers of local council members on the grounds of their mobilisation.

Thus, a local council member, if mobilised, must still perform the powers vested by law, but the law does not specify how this should be done. Therefore, the exercise of powers of a council member is obviously not complete. In particular, there are risks regarding the competence of local council meetings in the event of high mobilisation rates. In this case, the current legislation does not establish mechanisms to ensure the functioning of representative bodies in the event of a reduction in the number of council members under martial law.

During the period of martial law, the consequences of the ban on political parties for the status of local council members are tangible. Between 2022 and 2024, 19 pro-Russian political parties were banned in Ukraine through the courts: some of them participated in the 2020 local elections. The current legislation of Ukraine does not provide for the automatic loss of mandates by council members elected on the lists of such parties, and does not contain any restrictions on the powers of local council members in such a situation. However, there is a restriction on running for office, which was introduced in connection with the adoption of the Law “On Condemnation of the Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and Prohibition of Propaganda of Their Symbols”. At the same time, the VRU does not have the competence to early terminate the powers of local councils or village, settlement or city heads. The grounds and procedure for the termination of powers in the relevant cases are set out in Articles 78 and 79 of the Law “On Local Self-Government in Ukraine”.

As early as 2022, according to the estimates of the CHESNO Movement NGO, 3.7 thousand (14.4%) local council members were nominated by six parties that are currently banned. According to their analysis, if representatives of banned or liquidated parties are withdrawn, 91 local councils (11.5% of councils with more than 10,000 voters) will lose their competence²⁶.

One of the proposed solutions to overcome the consequences is outlined in the Draft Law No. 7476²⁷, which aims to define the legal consequences of a court decision to ban a political party for the status of local council members. This draft law proposes conceptual amendments to the Law “On the Status of Local Council Members” in order to establish additional grounds for early termination of powers of a local council member without a decision of the respective council: *“the entry into force of a court decision banning the activities of a political party from whose local organisation the individual was nominated and elected as a local council member, as well as*

²⁶ <https://www.chesno.org/post/5155/>

²⁷ <https://itd.rada.gov.ua/billInfo/Bills/Card/39839>

local council member's membership in a faction of the local organisation of a political party whose activities were banned by a court decision that has entered into force" (new paragraph 7² of Part 1 of Article 5 of the Law).

The prohibition of political parties' activities comes into effect only from the moment a court decision enters into force. The Constitutional Court of Ukraine has repeatedly in its decisions (*decisions of the CCU of 13.05.1997 № 1-zp/1997, of 9.02.1999 № 1-rp/1999, of 05.04.2001 № 3-rp/2001, of 2.07.2002 № 13-rp/2002, of 26.01.2011 No. 1-rp/2011, No. 955-VIII of 28.01.2016 as amended on 12.07.2019 No. 5-r(l)/2019*) stressed that the principle of irreversibility of laws and other regulatory acts in time is enshrined in the CU. Furthermore, not all council members are party affiliates: the electoral system allows political parties to nominate non-partisans, and council members could theoretically change their political views after being nominated and elected. It is also worth considering the provisions of Article 7(3) of the European Charter of Local Self-Government, which states that *"any functions and activities incompatible with the mandate of a local elected representative shall be determined by law or by fundamental legal principles"*²⁸, which follows from the principle of a free mandate for local council members.

1.10. Archaisms of the Law

- ▶ **The term "communities of a village, settlement, city, or their communities"**. It seems incorrect to use the term *"communities of a village, settlement city or their communities"* in the Law: in view of the reform of local self-government and administrative-territorial structure, the basic level of local self-government is a territorial community, which can include several settlements of different categories within its jurisdiction. Thus, a local council member cannot represent the interests of only one settlement of a territorial community (except for communities that consist of a single city).
- ▶ **The term "law on local elections"**. The archaic references in Article 2(1) and Article 5(7) of the Law to the *"law on local elections"*, which governs the election of a local council member, should be replaced with a reference to the current Electoral Code of Ukraine.
- ▶ **The terms "cities of regional significance" and "cities of district significance"**. The Law "On the Procedure for Resolving Certain Issues of the Administrative and Territorial Structure of Ukraine"²⁹ abolished the categories of "cities of regional significance" and "cities of district significance". At the same time, while regulating certain issues of the administrative-territorial structure, Part 2 of Article 1 of this Law establishes the categories of settlements "cities, settlements, villages" without specifying cities of regional or district significance.

²⁸ https://zakon.rada.gov.ua/laws/show/994_036#Text

²⁹ <https://zakon.rada.gov.ua/laws/show/3285-20#Text>

Functioning of local councils in the current environment

2.1. Status of local council members: realities

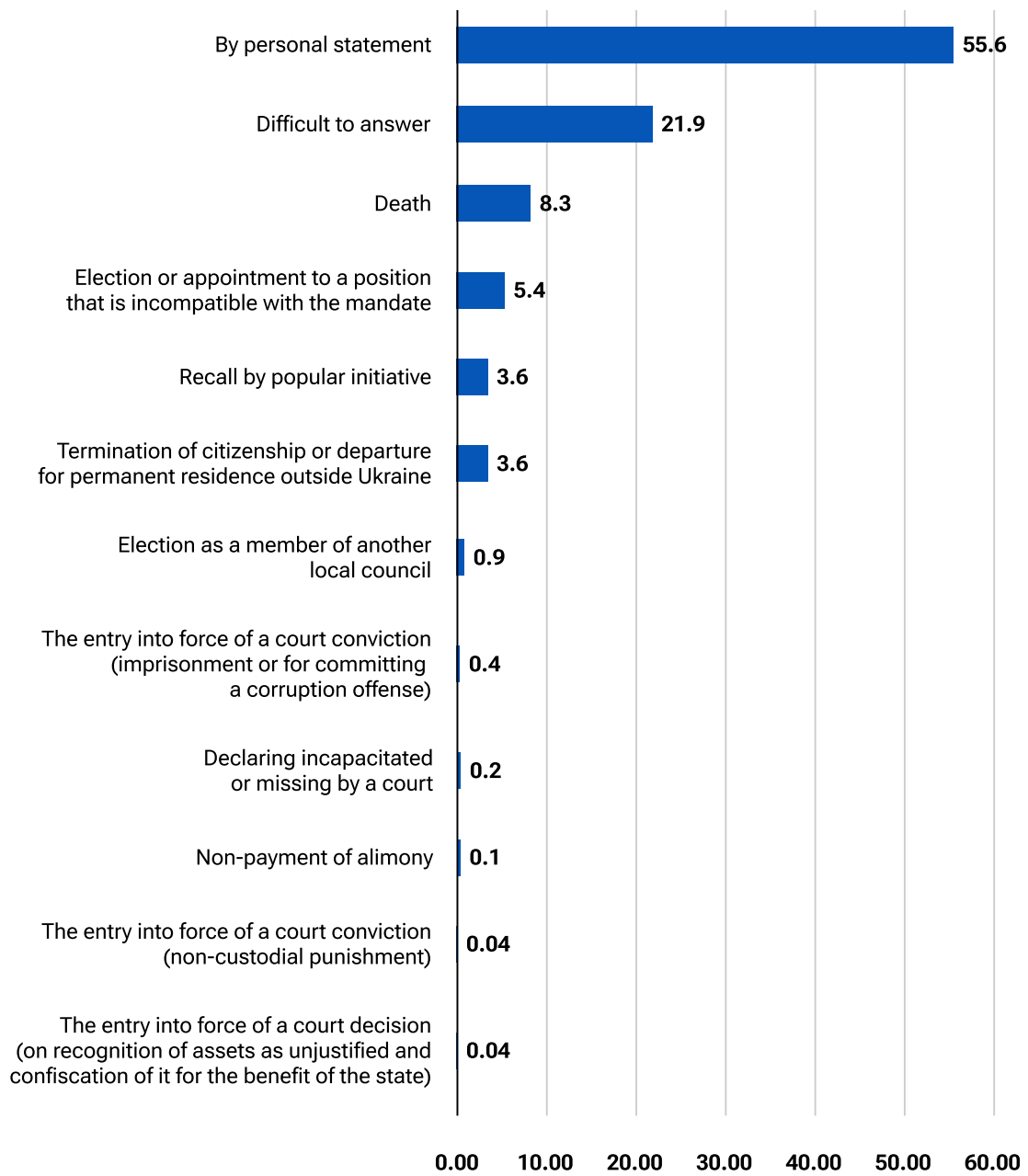
Early termination of powers of a local council member

78% of respondents stated that there had been cases of early termination of powers of local council members elected in the 2020 local elections in their communities.

The powers of a local council member may be terminated early either by a decision of the respective council or without a council decision, on appropriate grounds. Respondents most frequently indicated early termination of powers by the decision of the respective local council – 71% of cases – and without such a decision – 29% of cases. The survey participants identified the personal statement of a local council member as the most common ground for early termination of powers – 55% of respondents selecting this answer.

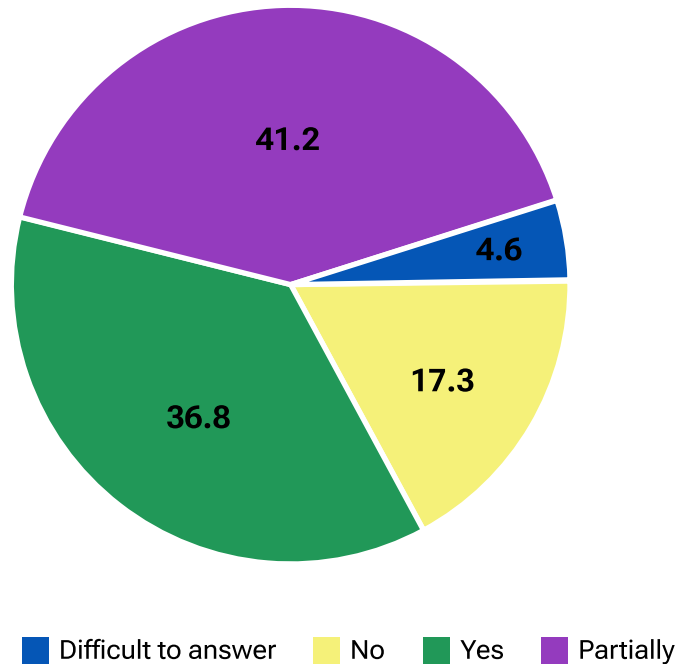
In this context, it is worth noting that some respondents suggested that the powers of a council member should be terminated early at the council member's request without a corresponding decision of the local council.

Grounds for early termination of powers of a local council member (%)



Communication between local council members and the local community

When asked whether the survey participants were satisfied with the communication between local council members and residents of their territorial community, the answers were as follows: 78% of respondents were satisfied or partially satisfied, 17% were dissatisfied, and nearly 5% were undecided.



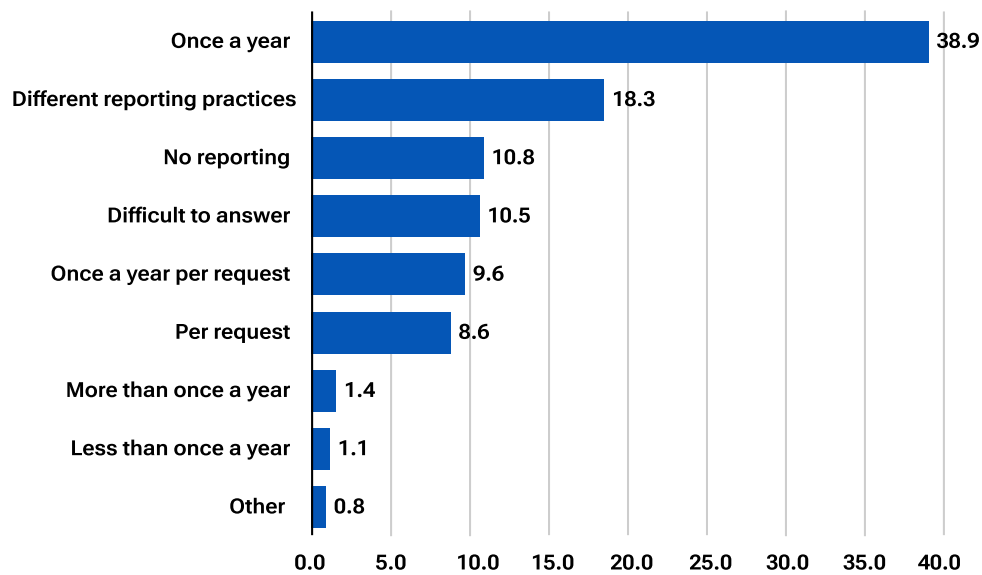
A total of 57% of respondents confirmed that information on the reception hours of local council members is publicly available, but 25% of respondents stated the opposite, and 18% of respondents were unable to answer this question.

Reporting by local council members

When asked about the frequency of reporting, almost 39% of respondents said that local council members report once a year. Nearly 11% of respondents stated that in their communities, local council members do not report at all.

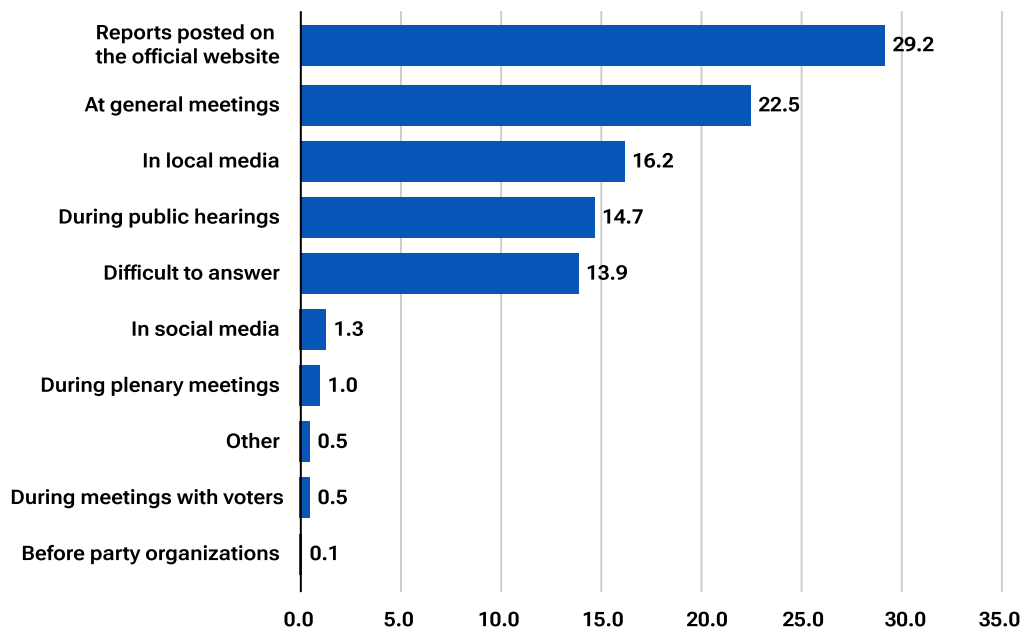
It is important to note that the survey participants provided some suggestions in this regard. For example, it was suggested to establish liability for failure to submit a report, to inform about the council member's activities twice a year, to involve civil society organizations and initiative groups in the monitoring and evaluation of the work of local council members, etc.

How often do members of your local council report on their work? (%)



Regarding the methods of reporting by local council members, the survey participants most often chose posting reports on the official websites of local councils (29%), at general meetings (22%), in local media (16%), or reporting during public hearings (15%). Some respondents noted that reporting takes place during the reception of citizens, on social media, to party organisations, during plenary meetings of the local council, etc.

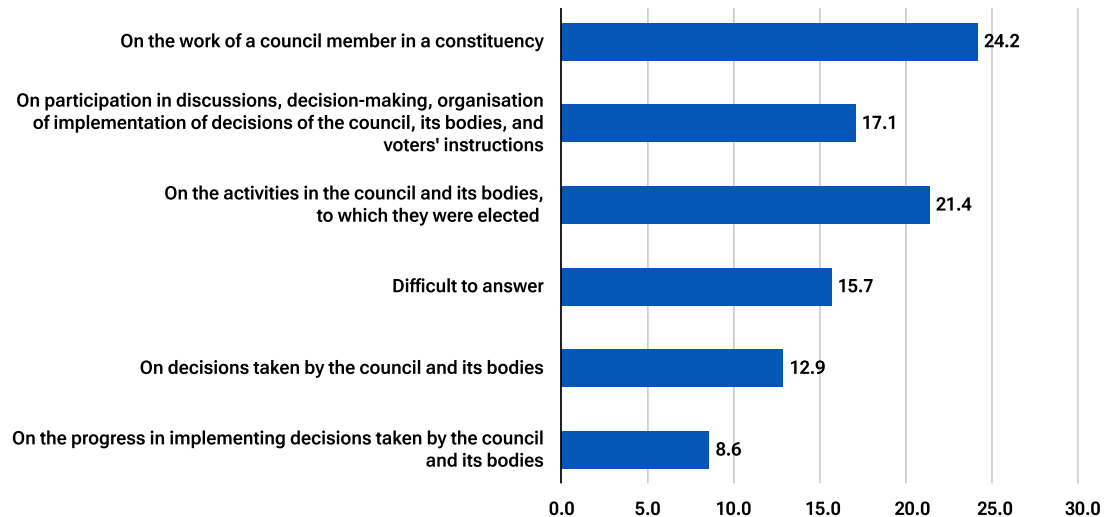
How is the reporting of a local council member in your territorial community carried out (multiple choice)? (%)



On a positive note, the majority of respondents (63%) said that they had personally read the council members' reports.

Respondents were also asked to identify the information included in the reports of local council members. The most frequently mentioned were the council member's work in the constituency (in 24% of cases) and their activities in the local council and its bodies (21%), and the least frequently – the progress in implementing the council's decisions (9%).

What information do such reports of local council members contain? (%)



The majority of respondents (54%) did not participate in the submission of voters' instructions to a local council member. While 32.9% of respondents said that such voters' instructions had been fulfilled.

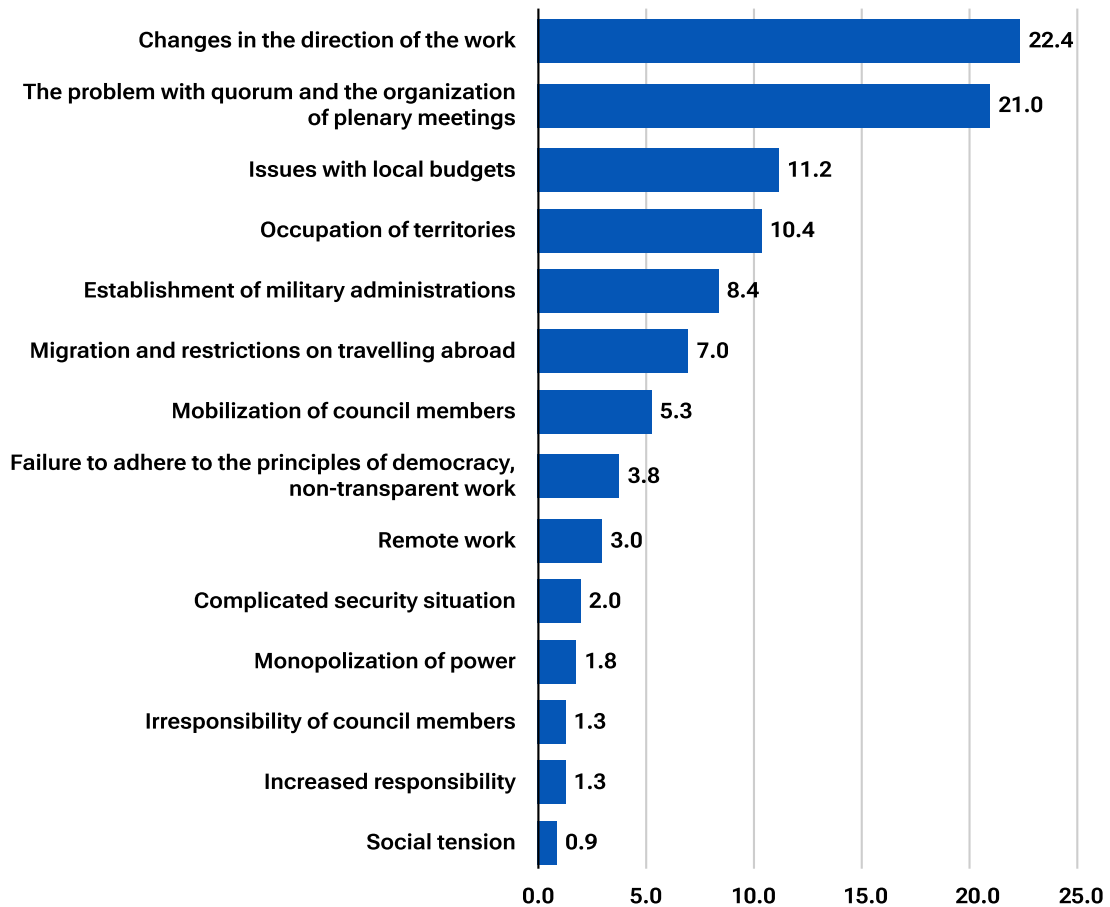
Impact of the martial law regime

47% of respondents indicated that the legal regime of martial law affected the activities of the local council in their territorial community, 27.5% indicated that it did not, and another 25.5% were unable to provide a definitive answer.

Respondents identified the following as the main changes in the work of local councils:

- › 22% of respondents said that the full-scale invasion had led to a change in the direction of the local council's work;
- › 21% of respondents reported problems with quorum and the organisation of plenary meetings;
- › Another 11% of respondents mentioned issues with local budget revenues;
- › 10% of responses concerned the occupation of the territorial community.

Impact of martial law on the activities of the local council (%)



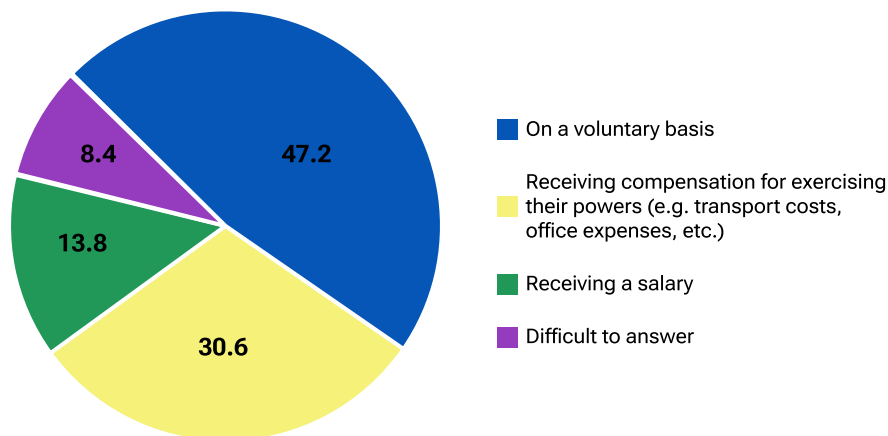
32% of the survey participants indicated that among the local council members of their territorial community, there are those who are permanently outside Ukraine after 24 February 2022. In contrast, 46% indicated that there are no such council members, and 22% were unable to answer the question. Instead, there are many cases where local council members are outside Ukraine in significant numbers, which could hypothetically pose a threat to the quorum of plenary meetings. In addition, the respondents noted that some local council members remained in the temporarily occupied territories: their fate is unknown, or there is information about their cooperation with the occupation regime.

2.2. Status of local council members: respondents' perceptions

Conditions for the exercise of powers

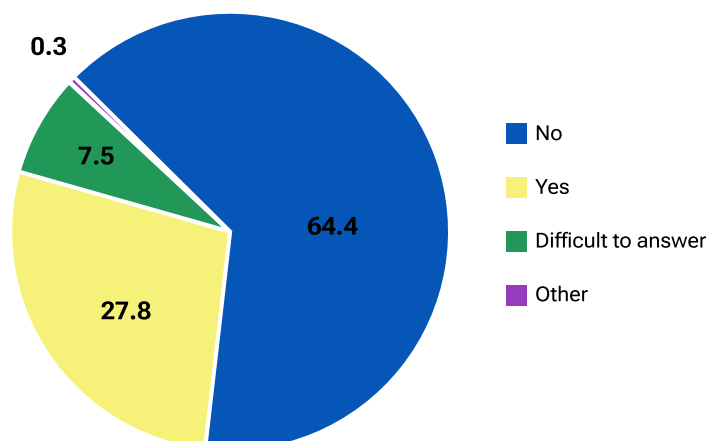
Respondents believe that a local council member should exercise their powers on a voluntary basis (if they are not a local self-government official), with 47% of respondents supporting this view. Another 31% believe that a local council member should receive compensation for exercising their powers (e.g. for transport costs, office expenses, etc.). 14% believe that local council members should receive a salary. 14% believe that local council members should receive a salary.

On what basis should a local council member exercise their powers (if they are not a local self-government official)? (%)



Regarding the question of restricting the ability of being elected as a local council member several times in a row, 64% of participants believe that imposing such a ban would be inappropriate, while 28% of respondents supported the idea. Some respondents noted that this might depend on the council member's performance or even the electoral system.

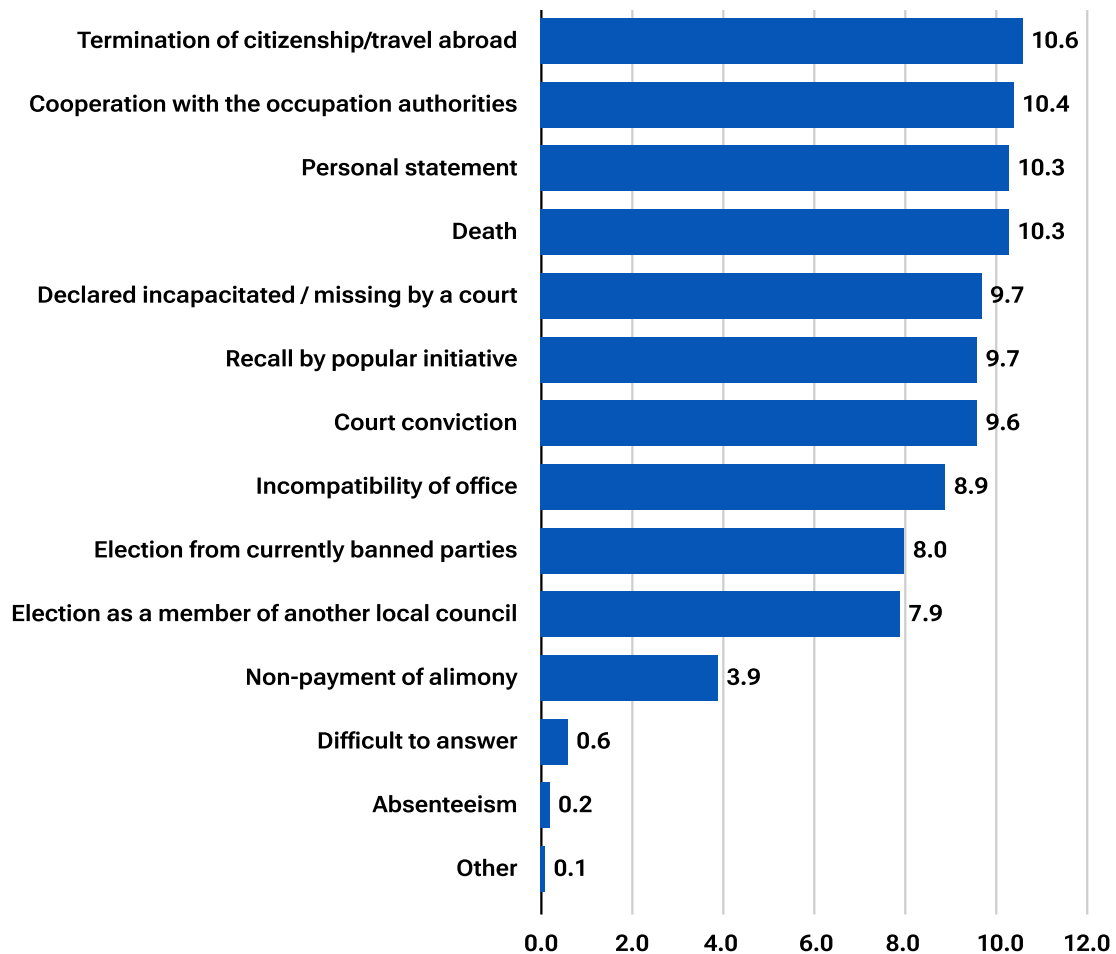
Is it appropriate to restrict the right to be elected as a local council member for more than two consecutive terms? (%)



Early termination of powers

The respondents were asked to identify the grounds for early termination of the powers of a local council member. Most often, participants chose the following grounds: termination of citizenship/travel abroad – 11% of responses; cooperation with the occupation authorities – 10% of all responses. In addition, in 10% of cases, participants chose such grounds for early termination of powers as personal statement or death.

What should be the grounds for early termination of powers of a local council member? (%)



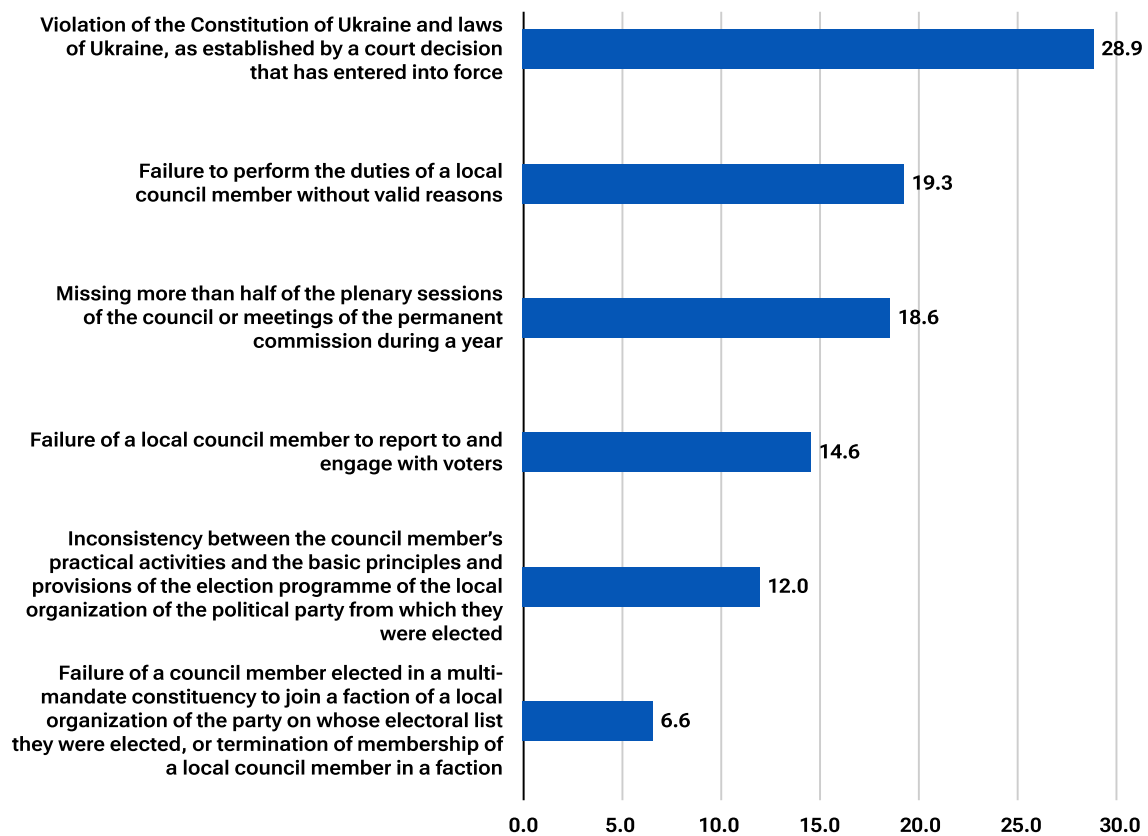
In this regard, some respondents suggested that the possibility of early termination of powers should be established for belonging to a banned party or for cooperation with the occupation authorities, for family reasons and in case of temporary travel abroad for medical treatment. In addition, the participants repeatedly mentioned such grounds for early termination of powers as systematic absence from plenary sessions without valid reasons, but there was no unified approach to defining "systematic": both quantitative ("*30/50% of plenary sessions during the year*", "*three or more sessions*") and temporal ("*within six months*", "*three sessions in a row*") indicators were proposed.

Recall by popular initiative

According to the respondents, the grounds for recalling a local council member by popular initiative should include violation of the Constitution of Ukraine and laws of Ukraine, as established by a court decision that has entered into force – almost 29% of all mentions. At the same time, such grounds as failure of a council member elected in a multi-mandate constituency to join a faction of a local political party organisation or termination of a membership in a faction as a ground for recalling a council member is the least mentioned – only 7% of all responses.

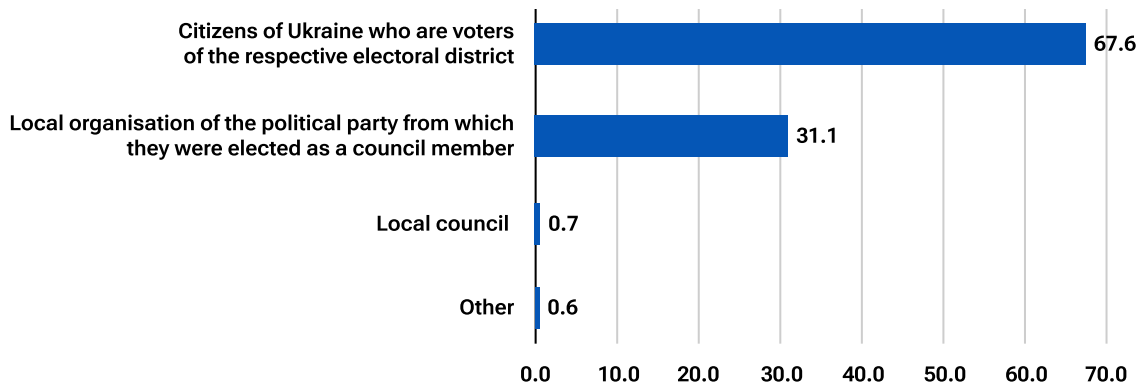
The survey participants stressed the need to simplify the mechanism of recalling a local council member, as it contains *“cumbersome, time-consuming, financially burdensome procedures for local budgets”*.

What should be the grounds for recalling a local council member by popular initiative? (%)



When asked who exactly should have the right to recall a local council member by popular initiative, the most common answer (68% of mentions) was that Ukrainian citizens who are voters of the respective electoral district should have this right. The local organisation of the political party from which the council member was elected was mentioned in 31% of cases. Additionally, some respondents made suggestions, for example, regarding the possibility of recalling a council member by the local council.

Who should have the right to recall a local council member by popular initiative? (%)

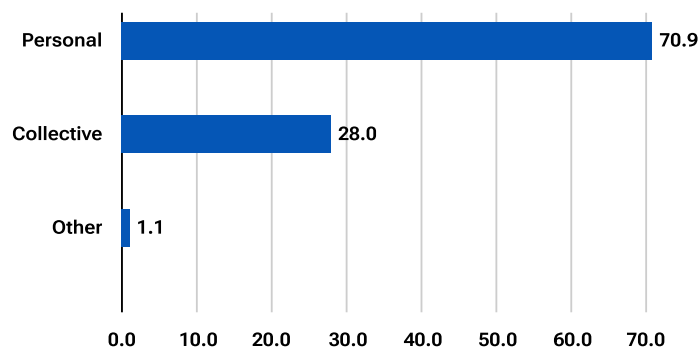


Responsibility

According to 71% of respondents, a local council member should be personally responsible for the decisions made by the local council. Collective responsibility was supported by 28%.

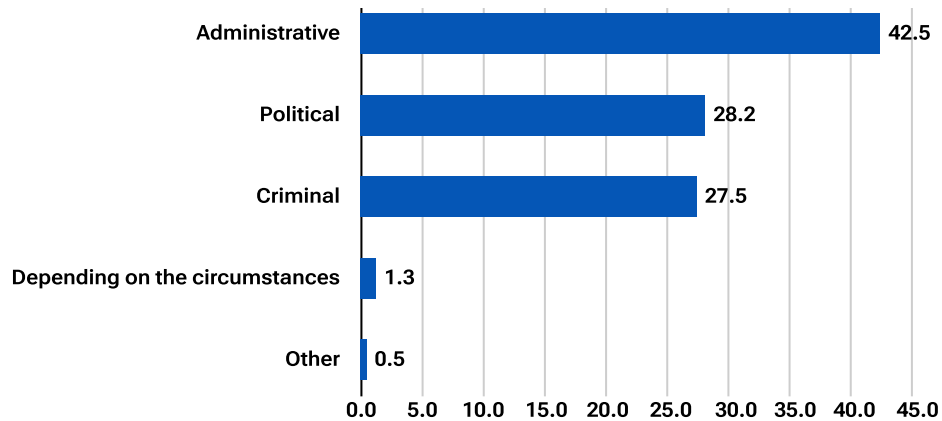
Other answers (1%) included: *“moral”*, *“council members make decisions at their own discretion”*, *“depending on the circumstances”*, *“a complex issue”*, *“depending on the category of decisions made”*, *“one cannot be punished for voting”*, etc.

In your opinion, what should be the responsibility of a local council member for the decisions made?



Among the supporters of the idea of personal responsibility for decision-making, the majority of respondents believe that it is advisable to introduce administrative liability for voting for decisions that contradict the Constitution and laws of Ukraine (43%). At the same time, respondents chose political and criminal liability with almost equal frequency - 28.2% and 27.5% respectively.

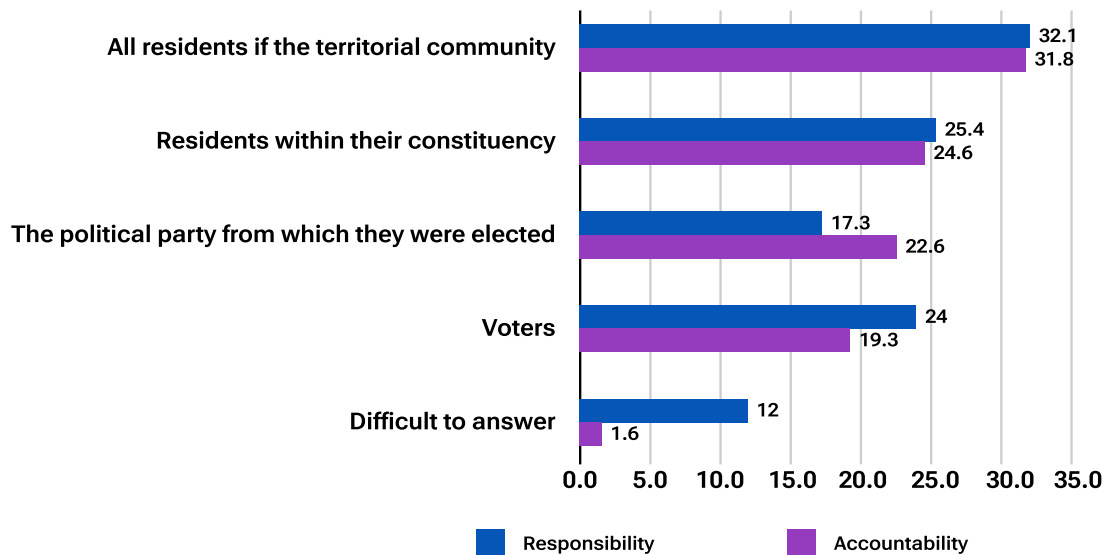
What can be the «personal responsibility» of council members in case they vote for decisions that contradict the Constitution of Ukraine, laws of Ukraine? (%)



Accountability and Responsibility

Participants were asked to identify to whom a local council member should be accountable and responsible. In 32% of cases, participants mentioned all residents of territorial communities in the context of accountability and responsibility. Another 25% of the responses indicated that the council member is supposed to be accountable and responsible to the residents within their constituency. Some respondents noted that local council members should be accountable to the local council and the political party from which they were elected.

To whom should a local council member be responsible and accountable? (%)



Performance Guarantees

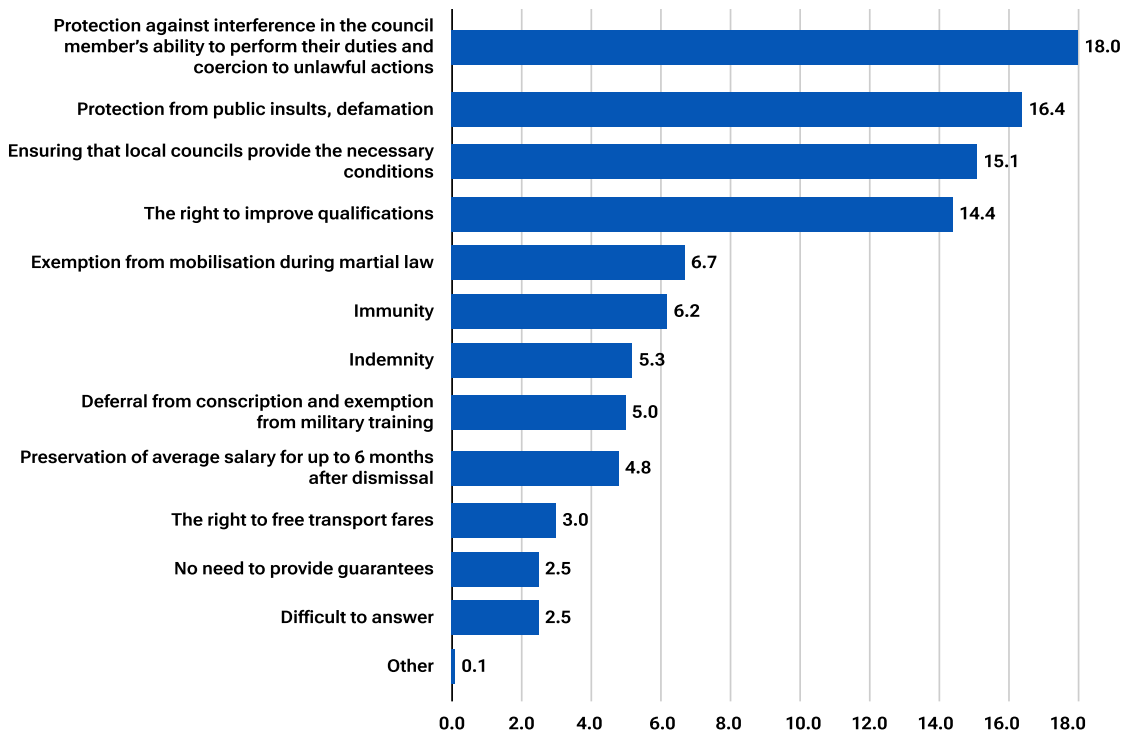
The question of guarantees for the activities of a local council member was the most controversial, with over 7,000 proposals submitted. The most frequently mentioned issues related to protection against obstruction of the performance of council member’s duties, protection against coercion to commit illegal acts, protection against public insults, slander and provision of necessary conditions for the effective exercise of powers by local council members.

The issue of the advisability of exemption from mobilization and demobilization for local council members proved controversial: some respondents supported the possibility of exemptions, given the importance of maintaining the number of local councils and ensuring a quorum of plenary meetings, while others stood for equal rights and responsibilities, regardless of the possession of a representative mandate.

Finally, 3% of the responses indicated that there is no need to provide guarantees for the activities of a local council member at all.

Among other things, in order to ensure guarantees for the activities of local council members, respondents suggested strengthening the responsibility for providing non-substantive responses to inquiries and requests from local council members, recognising the period of performing council duties as part of their employment record, etc.

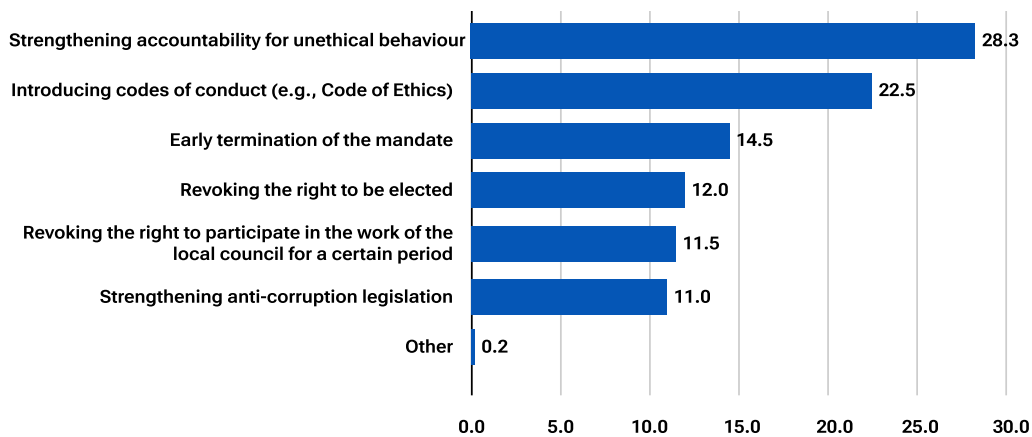
What guarantees should be provided for the activities of a local council member, in your opinion? (%)



Council Member’s Ethics

Respondents were asked to answer the question to identify measures to ensure ethical behaviour of council members. 28% of the answers primarily referred to increased liability for unethical behaviour, while another 23% suggested the introduction of rules of conduct in legal acts, such as a code of ethics for council members. In addition, participants mentioned liability measures such as deprivation of passive rights or early termination of powers.

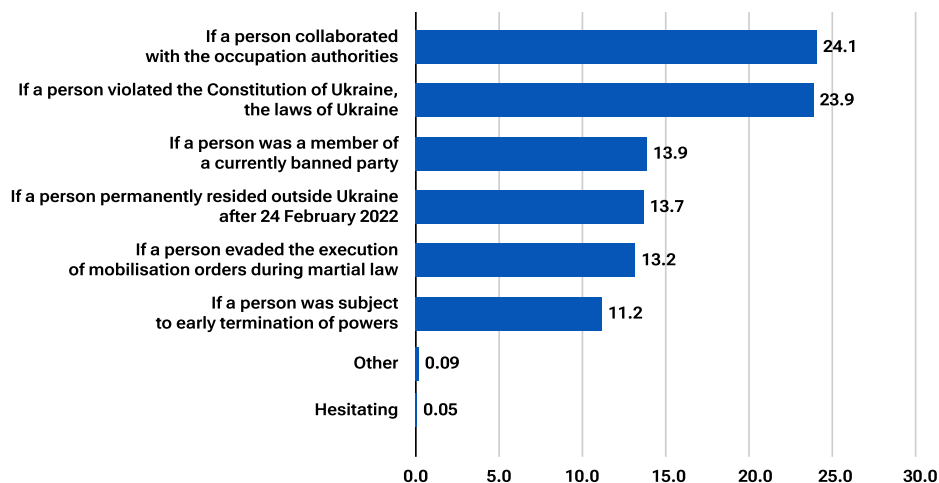
What measures can ensure the ethical behaviour of local council members? (%)



Deprivation of Passive Suffrage

When asked about the possible grounds for deprivation of passive suffrage (the right to be elected), participants most often mentioned cooperation with the occupation authorities in the temporarily occupied territories, violation of the Constitution of Ukraine and other laws of Ukraine. Other suggestions included permanent residence outside of Ukraine after 24 February 2022, evasion of mobilisation, participation in the activities of banned parties, or early termination of powers as a local council member. Some respondents noted that individuals with dual citizenship should not have passive suffrage.

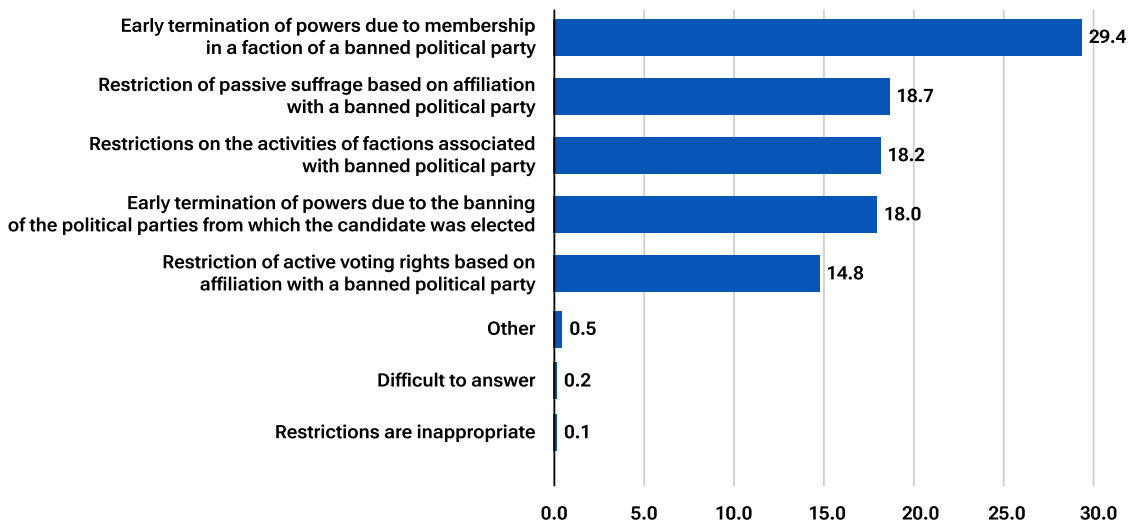
Is it advisable to deprive the passive suffrage (the right to be elected) in local elections (multiple choice option)?



Safeguards Against Collaboration

Respondents (29%) believe that the grounds for early termination of powers should be membership in a faction of a local organisation of a political party whose activities are prohibited. Another 19% of the responses suggested limiting passive suffrage in case of affiliation with a political party whose activities are prohibited.

What safeguards against collaboration in local councils are appropriate? (%)



One of the questions in the questionnaire concerned the introduction of a ban on local council members crossing the state border of Ukraine under martial law. 51% of respondents believe that such restrictions are inappropriate, but 46% are convinced that such measures are necessary. At the same time, the participants suggested exceptions to the ban, such as granting the right to travel abroad to female local council members or individuals not subject to conscription.

2.3. Improvement of legislation on the status of local council members: respondents' suggestions

A total of 63.7 per cent of the survey respondents proposed amendments to the legislation to improve the status of local council members. These proposals covered various aspects of the legal status of a local council member, ranging from the adoption of a new version of the Law "On the Status of Local Council Members" and its adaptation to martial law to the issuance of a local council member's certificate. Some of these issues have already been covered in the analysis of the survey results, while others are listed below.

The respondents also provided suggestions for improving the effectiveness of local council members. Many of these suggestions were related to **professional development and training of local council members**. Participants emphasised the need to **support newly elected council members** through experience exchange events, study trips (including international ones), educational programmes, etc. Some even suggested specific areas and directions for training: the budget process, the use of IT tools and the latest technologies, the development of programmes for community socio-economic development, post-war reconstruction, etc. In addition, respondents also noted that explaining the essence of the rights and responsibilities of a council member is important to increase the involvement of the population in community work.

Several respondents provided **suggestions for creating an online platform to discuss local issues and citizens' proposals**. One participant's suggestion is particularly interesting: *"An electronic cabinet for the council member, where they can list issues, questions, and proposals. Including the possibility for citizens in their constituency to assess them in terms of relevance and priority... authorized voters should be given the opportunity to summarise the council member's work and assess whether they are satisfied with it, invite them to general meetings, or even revoke their mandate"*.

Some initiatives concerned the role of political parties during elections (for example, changing the electoral system to a majority system with the right of candidates to self-nominate) **and after elections** (reducing the influence of political parties on decision-making by council members and prohibiting the recall of council members by popular initiative if they do not join a political party faction).

As the survey results and proposals show, the issue of early termination of powers of local council members elected from banned political parties is controversial. Opinions on this matter are divided: some believe that it is necessary to *"deprive local council members from banned parties of their powers"*, while others believe that *"the right of local council members who were elected from banned parties should not be restricted"*.

Another controversial issue was the restriction of passive suffrage. Most often, such proposals concerned council members who left the country for permanent residence, were accused of collaboration, etc. Regarding such grounds as participation in the activities of a banned political party for the restriction of passive suffrage, a significant number of respondents noted that in each case, in order to apply such a sanction, it is necessary to confirm the council member's participation in the actions that led to the banning of the political force, and that elected council members should not be responsible for the activities of the party and its leaders.

Certain proposals concerned the general principles of work of council members and local councils. For example, one respondent stressed the importance of introducing the principle of *"nothing for us without us"* and the obligation of council members to adhere to it, while another spoke in favour of *"introducing mandatory public hearings on important local issues, where council members should report and discuss plans and decisions with the community"*.

Recommendations

Modernisation and improvement of the legislative framework for the status of local council members is a priority task for the successful continuation of the local self-government reform. In this context, it is essential to recognise the issue of the effectiveness of the exercise of powers by local council members as relevant and urgent. Therefore, it is necessary to:

1. When initiating the improvement of the status of local council members, focus on the following key issues:

- › The functions of a local council member as a representative of the residents of the territorial community;
- › Establishing proper representation in local councils;
- › The acquisition and early termination of powers of local council members;
- › Restoration of the violated passive suffrage in case of errors in the distribution of mandates;
- › Guarantees of the activities of a local council member;
- › Restrictions on combining jobs for local council members;
- › Compliance with ethical standards by members of local councils;
- › Responsibility of local council members;
- › The oversight function of local council members;
- › Accountability and control of local council members;
- › Voters' instructions as a sign of an imperative mandate;
- › Activities of factions and groups;
- › Harmonisation with the electoral law and the reform of the administrative and territorial structure.

2. Conduct a broad discussion on the legal status of local council members as members of a collegial body and representatives of the territorial community; the forms of activity of local council members; completeness of legal regulation of the status of local council members; and compliance with the European democratic vector of local self-government development.

3. Discuss the feasibility of introducing permanent monitoring of the number of local councils during martial law, given the noticeable trends of their reduction in some cases. Hold a discussion on possible ways to mitigate the risks regarding the authority of local councils in light of the challenges posed by Russia's armed aggression. Special attention should be given to territorial communities where local councils are elected under a majoritarian system of relative majority.

4. Legislatively define the status of local council members in the context of transferring powers from local self-government bodies to the relevant military administration and the temporary non-exercise of local council powers.
5. Conduct an expert discussion on the feasibility, grounds and conditions for early termination of powers (as well as restrictions on active and passive voting rights) of local council members in case of collaboration, affiliation with currently banned political parties, etc. According to respondents, it is advisable to include the fact of collaboration with the occupation authorities as a basis for early termination of powers of a local council member.
6. Consider the possibility of introducing the best European democratic traditions of a free mandate of a local council member in accordance with the European Charter of Local Self-Government and also the recommendations of the Venice Commission.
7. Neutralise the impact of the so-called partisanship on the formation and functioning of local self-government bodies.
8. Harmonise the provisions of the Law “On the Status of Local Council Members” with the Electoral Code in terms of the acquisition of powers by local council members.
9. In the Law “On the Status of Local Council Members”, define the concept of “council member’s ethics”, and introduce responsibility for violations of the rules of conduct by local council members.
10. The oversight function of a local council member is important and can be implemented according to Article 24 of the Law. However, the right to conduct checks should be clarified and improved to prevent potential abuses by council members conducting such checks. The oversight function should belong to the collegial body, rather than an individual representative through these council member’s checks.
11. The completeness of legislative framework for the influence of a local council member on eliminating violations of the law and establishing sanctions for non-response (improper response) to legitimate requests and questions needs to be reconsidered.
12. The provisions of the Law regarding the territory of a local council member’s powers require clarification, and the mechanism for representing the interests of voters needs to be modernised and adapted to the current challenges, especially in terms of forms of communication with voters.
13. The following terms need to be adapted to the current administrative-territorial structure and harmonised with the electoral law: *“communities of villages, settlements, cities”*, *“law on local elections”*, *“cities of regional significance”* and *“cities of district significance”*, etc.

Annexes

Annex 1. Legislation on the status of local council members

Constitution of Ukraine

According to Article 140 of the CU, local self-government is exercised by the territorial community both directly and through local self-government bodies: village, settlement and city councils and their executive bodies. The Fundamental Law also establishes the term of office of local councils (five years), the date of elections (the last Sunday of October of the fifth year of the council's term of office), the powers of local councils of different levels, etc.

The European Charter of Local Self-Government, ratified by the Law of Ukraine No. 452/97 of 15 July 1997, and **the Additional Protocol** ratified by the Law of Ukraine No. 1664-VII of 2 September 2014.

The Charter states that the right to regulate in the interests of the local population is exercised by councils or assemblies, whose members are freely elected by secret ballot on the basis of direct, equal and universal suffrage and who may have executive bodies accountable to them. One of the key features of the Charter is that it provides for a free mandate for local elected officials. The Additional Protocol aims to ensure the right to participate in local government affairs, for example, as voters or candidates for local councils or assemblies.

Electoral Code of Ukraine

The Code, in accordance with the Constitution of Ukraine, defines the guarantees of the right of citizens to participate in elections, regulates the preparation and conduct of all types of elections, including elections of regional, district, village, settlement, city and district council within cities. It is worth noting that the Central Election Commission oversees the organisation of the preparation and conduct of elections of local council members, and is entitled to issue materials on elections and referendums. For example, **in 2020, the Central Election Commission adopted 18 clarifications, 37 procedures, and more than 100 other resolutions** on the preparation and conduct of local elections³⁰.

Law of Ukraine “On Local Self-Government in Ukraine” No. 280/97 of 21 May 1997

The Law defines the system and guarantees of local self-government in Ukraine, the principles of organisation and operation, legal status and responsibility of local self-government bodies and officials, including local council members. Article 49 of the Law contains provisions on the term of

³⁰ [Report of the Central Election Commission for 2020](#)

office of a local council member, their rights and powers during the council session, in permanent committees, etc.

Law of Ukraine “On the Status of Local Council Members” No. 93-IV of 11 July 2002

This Law defines the legal status of a member of a village, settlement, city, district, regional council as a representative of the interests of the territorial community, voters of their constituency and an equal member of the local council, defines the forms of exercising their powers depending on their status, establishes guarantees of council member’s activity and the procedure for recalling a member of a local council.

Law of Ukraine “On Voluntary Amalgamation of Territorial Communities” No. 157-VIII of 5 February 2015

This Law establishes the procedure for the voluntary amalgamation of territorial communities of villages, settlements, and cities, as well as for voluntary accession to amalgamated territorial communities, and defines the specifics of elections in such territorial communities.

Law of Ukraine “On Service in Local Self-Government Bodies” No. 2493-III of 21 June 2001

The law regulates the procedure for service in local self-government bodies and the legal status of local self-government officials, who may also be members of local councils.

Law of Ukraine “On Prevention of Corruption” No. 1700-VII of 14 October 2014

This Law defines the legal and organisational framework for the functioning of the anti-corruption prevention system in Ukraine, the content and procedure for applying preventive anti-corruption mechanisms, and the rules for eliminating the consequences of corruption offences in relation to persons authorised to perform local government functions, including local council members.

Other laws relating to the activities of local councils and the powers of local council members include the **Law of Ukraine “On Citizens’ Appeals”** No. 393/96-VR of 2 October 1996, the **Law of Ukraine “On the Improvement of Settlements”** No. 2807-IV of 6 September 2005, the **Budget Code of Ukraine**, etc.

Municipal Regulations

According to the Law of Ukraine “On Local Self-Government in Ukraine”, a representative body of local self-government may adopt **a charter of a territorial community of a village, settlement or city**; plenary meetings of the local council also decide on the approval of **the council’s regulations, programmes of socio-economic and cultural development, regulations on the content, description and procedure for using the symbols of the territorial community**; decide on the **establishment of local taxes and fees**, etc.

Annex 2. Formation of local councils: local elections, 2020

The 2020 local elections were the first elections held after the reform of the electoral legislation in accordance with the Electoral Code of Ukraine, which came into force in January of that year. However, already in July, the Verkhovna Rada of Ukraine made major changes to the Electoral Code, including lowering the limit on the number of voters for the proportional system from 90,000 to 10,000. As a result, the system of elections in territorial communities was defined in the following way:

Elections of members of village, settlement and city councils
(Territorial communities with up to 10 thousand voters)

are held under the majoritarian system of relative majority in multi-mandate electoral districts, into which the territory of the respective territorial community is divided.

Elections of members of the Verkhovna Rada of the Autonomous Republic of Crimea, regional, district, city district councils, as well as members of city, village, and settlement councils
(Territorial communities with the number of voters of 10 thousand or more)

are held based on the proportional representation system with open electoral lists of local organisations of political parties in territorial electoral districts, which are divided into a single multi-mandate electoral district, coinciding with the territory of the Autonomous Republic of Crimea, region, district, city, district in a city, village, settlement according to the administrative-territorial structure or the territory of a city, village, settlement territorial community.

According to this system, **self-nominated candidates could run only in territorial communities with up to 10,000 voters**. Thus, 6,844 people were elected to local councils as self-nominees (almost 16% of the total number of elected representatives and approximately 40% of the number of those elected under the majority system of relative majority). For example, in the 2015 regular local elections, the share of self-nominated candidates in local councils was almost 67%.

In the 2020 local elections, members of local councils were elected from **113 local organisations of political parties**. It is worth noting that a party organisation has the right to nominate a candidate who is non-partisan.

In the 2020 local elections, members were elected to **1577 local councils** of various levels, namely:

	Number of local councils, to which council members were elected in the 2020 local elections ³¹ of them:		
	where elections were held under the majoritarian electoral system of relative majority	where elections were held under the proportional representation system	Jointly
Regional	-	22	22
District	-	119	119
City	22	348	370
Settlement	211	217	431
Village	552	71	620
District in cities	-	15	15
Total:	785	792	1577

The number of mandates of local council members in the local elections on 25 October 2020 was **43,122**:

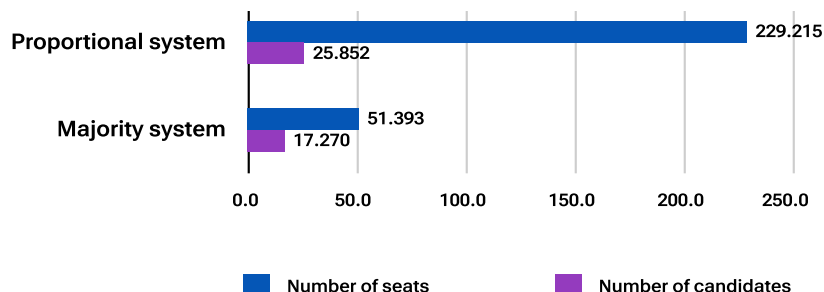
	Number of mandates in the 2020 local elections ³² , of them:		
	where elections were held under the majority electoral system of relative majority	where elections were held under the proportional representation system	Jointly
Regional	-	1660	1660
District	-	5366	5366
City	484	10 760	11 244
Settlement	4642	5642	10 284
Village	12 144	1862	14 006
District in cities	-	562	562
Total:	17 270	25 852	43 122

³¹ [Report of the Central Election Commission for 2020](#)

³² [Report of the Central Election Commission for 2020](#)

The ratio of the number of candidates to the number of mandates in the elections under the majority electoral system was 1:3, and in the elections under the proportional electoral system – almost 1:9:

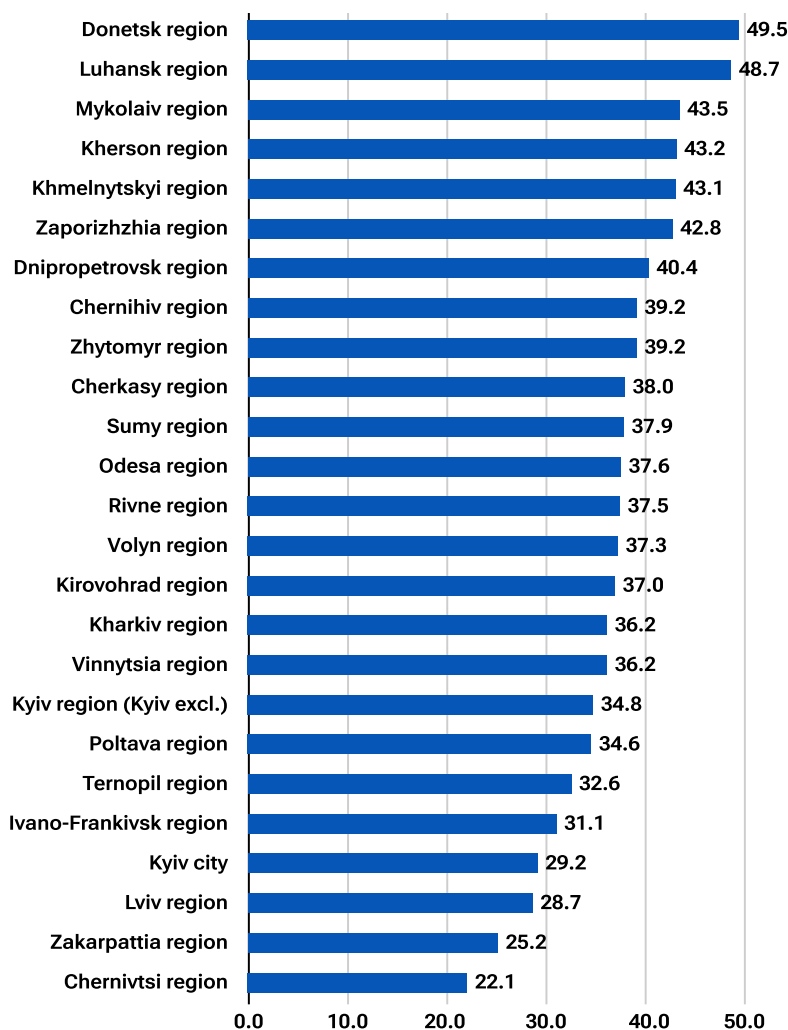
The ratio of the number of seats to the number of council members



Gender breakdown

In 2020, the share of women among local council members was 37%. The highest rate was recorded in Donetsk region (49.5%), and the lowest in Chernivtsi region (22.1%)³³:

The proportion of women among local council members (2020), %



³³ https://ukrstat.gov.ua/gend_rivnist/metadata_gr/05/05.htm

Features of the Regions

of the threshold for the number of voters for holding elections under the majority system resulted in the so-called **partisanship** of local councils: an increase in the influence of political parties in the work of representative bodies. Partly, it was partisanship that contributed to the success of regional party projects, for example, a significant number of seats in regional councils were won by the following parties: Vinnytsia Regional Council – “Ukrainian Strategy of Groysman” (47.62%); Zakarpattia Regional Council – “Native Zakarpattia” (18.75%); Poltava Regional Council – “Trust” (19.05%); Kharkiv Regional Council – “Bloc of Kernes - Successful Kharkiv!” (38.33%); Khmelnytskyi Regional Council – “Team of Symchyshyn” (20.31%); Cherkasy Regional Council – “All-Ukrainian Union “Cherkashchany” (28.13%); Chernihiv Regional Council – “Native Home” (29.69%). A similar situation was observed in the regional cities: Vinnytsia City Council – “Ukrainian Strategy of Groysman” (62.96%); Zaporizhzhia City Council – “Volodymyr Buriak’s Party ‘Unity’” (25%); Odesa City Council – “Trust in Actions” (31.25%); Kharkiv City Council – “Bloc of Kernes – Successful Kharkiv!” (40.48%); Kherson City Council – “Party of Ihor Kolykhaiev ‘We live here!’” (31.48%); Khmelnytskyi City Council – “Team of Symchyshyn” (61.90%); Chernivtsi City Council – “The Only Alternative” (23.81%); Chernihiv City Council – “Native Home” (61.90%).

Council members who did not assume or terminated their powers early

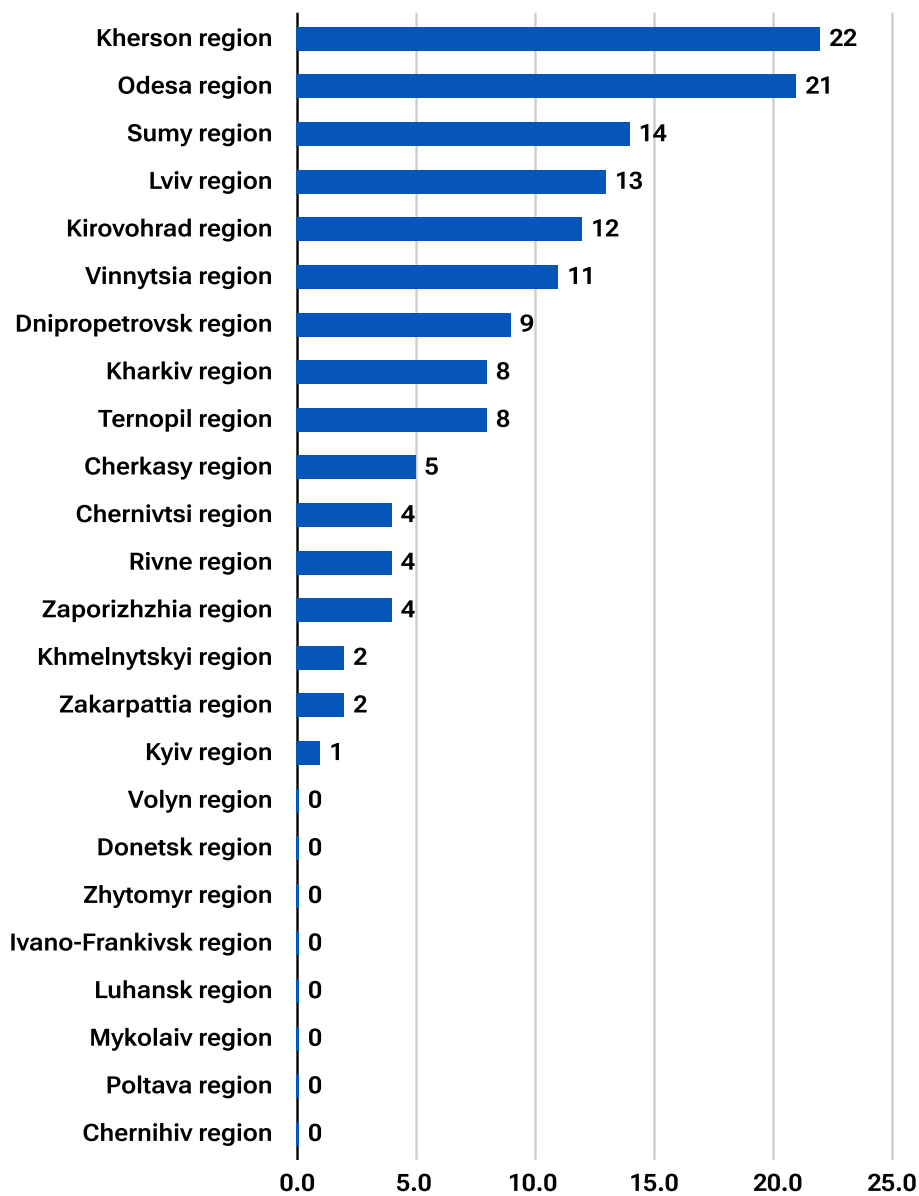
As of 01 November 2021³⁴ the number of council members elected in multi-mandate constituencies who had early terminated their powers or did not assume them was 3,268 (12.6% of the total number of such council members). Of these, 513 individuals terminated their powers early (most of them were representatives of the political party “Servant of the People” (89 individuals), the political party “European Solidarity” (74 individuals) and the political party “OPPOSITION PLATFORM – FOR LIFE” (58 individuals)). In single-mandate constituencies, the number of council members who early terminated their powers or did not assume them was 376 (2.1% of the total number of such council members). Of these, 248 individuals were those who early terminated their powers (most of them were self-nominated (102 individuals), representatives of the political parties “For the Future” (31 individuals) and “Servant of the People” (30 individuals)).

The highest number of members in **regional council** who early terminated their powers or did not assume them was in Kherson region (22 individuals), and the smallest – in Kyiv oblast (1 individual).

³⁴ <https://komsamovr.rada.gov.ua/uploads/documents/42969.pdf>

Number of regional council members who prematurely terminated their powers (did not assume them)

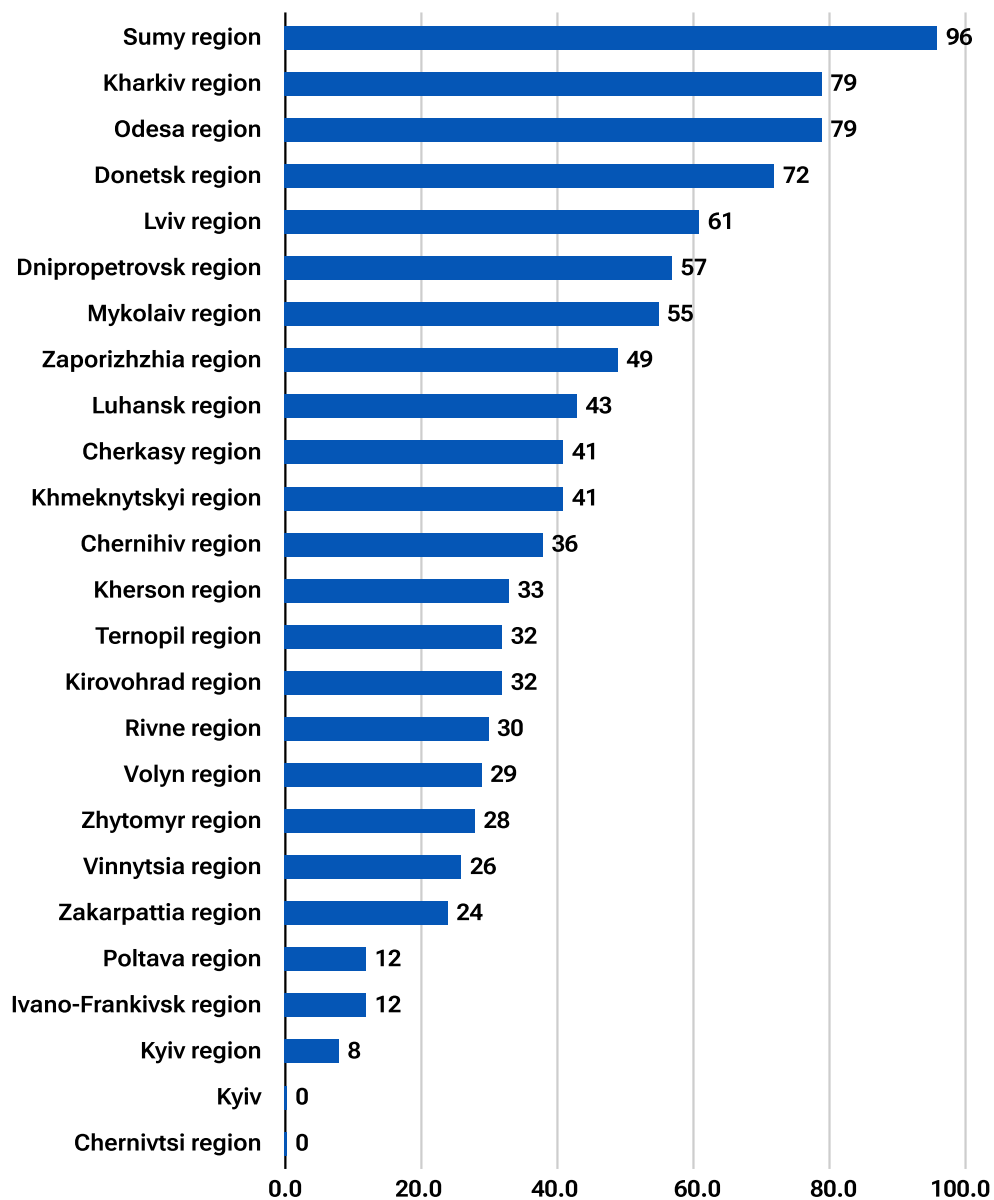
As of 1 November 2021



The largest number of **district council** members who terminated their powers early or did not acquire them was in Sumy oblast (96 people).

Number of district council members who prematurely terminated their powers (did not assume them)

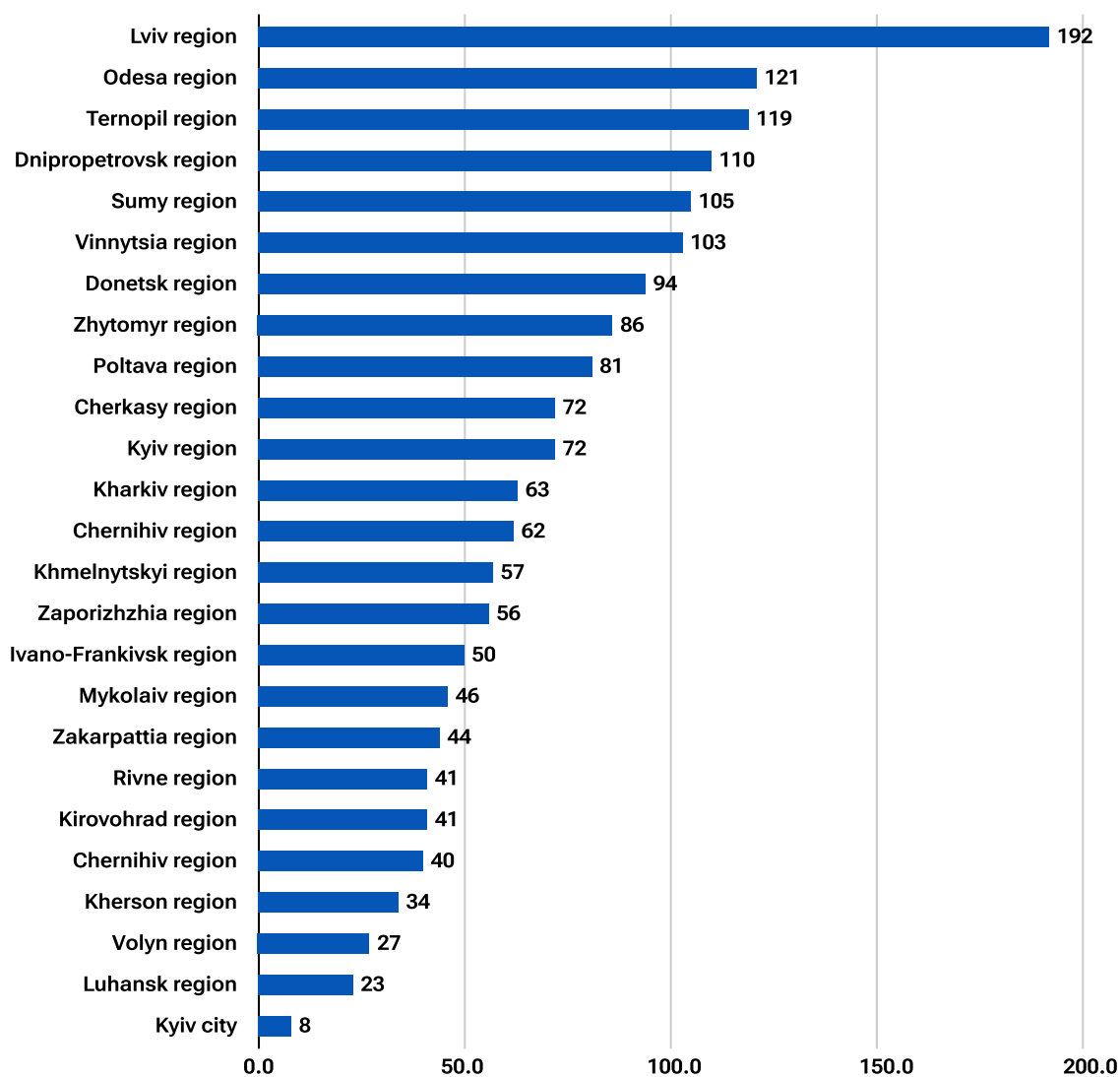
As of 1 November 2021



The highest number of members of **city, settlement and village councils** who terminated their powers early or did not assume them was in Lviv region (192 individuals), and the smallest – in Kyiv (8 individuals).

Number of members of village, settlement or city councils who prematurely terminated their powers (did not assume them)

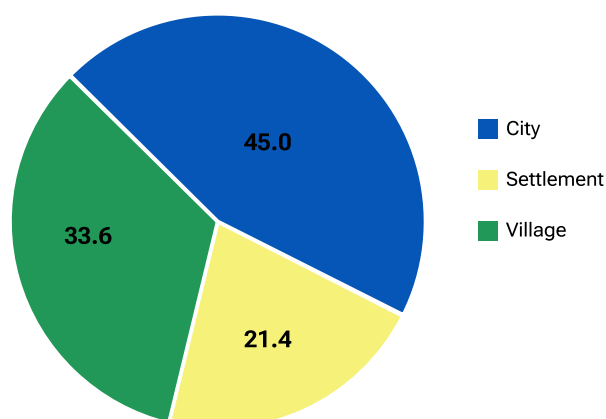
As of 1 November 2021



Annex 3. Profile of research participants

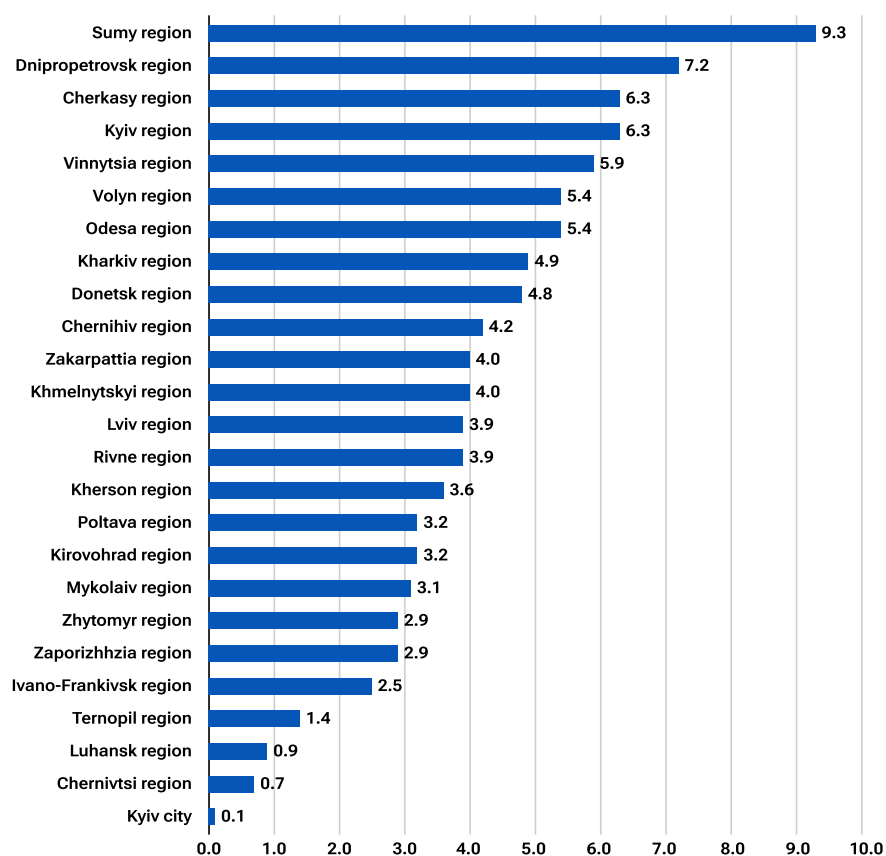
The majority of respondents represent the rural population: 33.6% of villagers, 21.4% of settlements, and 45% of city residents:

Type of settlement where the respondent lives (%)



The largest number of participants came from Sumy region – 9.3%, Dnipropetrovsk region – 7.2%, Cherkasy and Kyiv regions – 6.3% each. The lowest number of participants came from Kyiv city – 0.1%, Chernivtsi region – 0.7%, and Luhansk region – 0.9%.

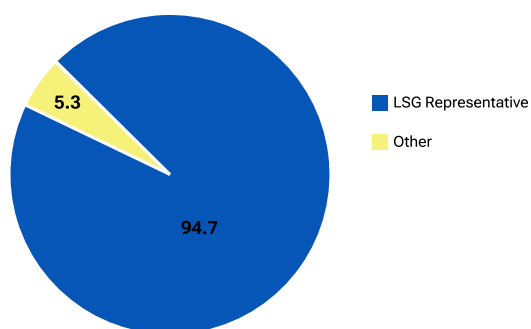
Breakdown of respondents by regions (%)



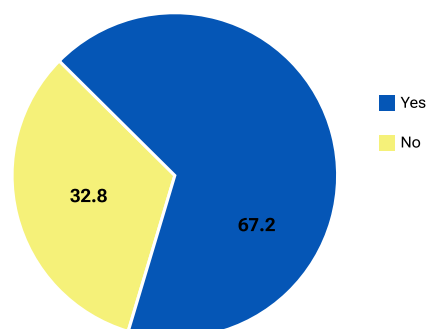
94.7% of the survey participants are representatives of local self-government bodies. The remaining 5.3% of respondents are representatives of all-Ukrainian associations of local self-government bodies (1.0%), representatives of state bodies (0.5%), public figures (0.1%), media representatives (0.04%), and individuals who identified themselves as “citizen/person”, “residents of territorial communities”, “voters” or refused to specify.

The majority of respondents – 67.2% – were or are members of local councils:

What role do you participate in the survey? (%)



Have experience as a local council member (%)



Annex 4. Legislative initiatives to improve the status of local council members

As a follow-up to the study “Analysis of the Practical Implementation of the Legal Framework Governing the Status of a Local Council Member”³⁵, which, among other things, analysed legislative initiatives to amend the Law of Ukraine “On the Status of Local Council Members” as of 2021, it should be noted that as of 01 June 2024, there were 75 attempts to amend it. There are currently 26 versions of the Law. At the same time, the Law was amended 19 times during the adoption of other laws. While only 6 targeted draft laws concerned amendments to this particular Law. The main amendments have focused on guarantees of activity, guarantees of labour rights, anti-corruption policy, grounds for early termination of powers of a local council member, and technical changes:

LEGISLATIVE INITIATIVES TO AMEND THE LAW OF UKRAINE “ON THE STATUS OF LOCAL COUNCILS MEMBERS” (As of 01 June 2024)

№	No. of DL	Date of registration	Title	Summary	Outcome of consideration
1.	2184	20.09.2002	Draft Law on Amendments to the Law of Ukraine “On the Status of Local Council Members”	On guarantees of activities	Voted as an amendment
2.	2176-1	27.09.2002	Draft Law on Amendments to the Law of Ukraine “On the Status of Local Council Members”	On early termination of powers	Included in the agenda
3.	2475	28.11.2002	Draft Law on Amendments to the Law of Ukraine “On the Status of Local Council Members”	On guarantees of activities	Adopted
4.	3712	04.07.2003	Draft Law on Amendments to the Law of Ukraine “On the Status of Local Council Members” (regarding legislative regulation of the status of local council members)	On guarantees of activities	Not adopted as a basis
5.	2176	04.08.2003	President’s Proposals to the Law “On Amendments to the Law of Ukraine “ On the Status of Local Council Members”	On early termination of powers	Adopted
6.	4153	12.09.2003	Draft Law on Amendments to Article 33 of the Law of Ukraine “On the Status of Local Council Members” (regarding length of service in the speciality)	On guarantees of activities	Not adopted as a basis

³⁵ <https://komsamovr.rada.gov.ua/uploads/documents/42969.pdf>

№	No. of DL	Date of registration	Title	Summary	Outcome of consideration
7.	4201	29.09.2003	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" (regarding the provision on immunity)	The issue of immunity of a local council member	Adopted
8.	3477	22.04.2004	Draft Law on Amendments to Certain Laws of Ukraine Regarding Assistant Consultants to Local Council Members	On guarantees of activities	Adopted
9.	7732	29.06.2005	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" (regarding immunity)	The issue of immunity of a local council member	Withdrawn
10.	8224	03.10.2005	Draft law on the peculiarities of the legal status of local council members elected in multi-mandate districts	On early termination of powers	Sent for revision
11.	7732-1	12.10.2005	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" (regarding the provision on immunity)	The issue of immunity of a local council member	Not included in the agenda
12.	7732-2	13.10.2005	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" (to abolish the provision on immunity)	The issue of immunity of a local council member	Not included in the agenda
13.	7732-3	17.10.2005	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" (regarding the abolition of immunity of local council members)	The issue of immunity of a local council member	Not included in the agenda
14.	8279	17.10.2005	Draft Law on Amendments to Section II (Final Provisions) of the Law of Ukraine "On Amendments to the Law of Ukraine "On the Status of Local Council Members" (regarding the temporary suspension of the immunity provision)	The issue of immunity of a local council member	Not included in the agenda
15.	7732-4	19.10.2005	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" (regarding criminal liability)	The issue of immunity of a local council member	Not included in the agenda
16.	7732-5	15.11.2005	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" (regarding criminal liability)	The issue of immunity of a local council member	Not included in the agenda
17.	7732-6	12.12.2005	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" (regarding peculiarities of criminal proceedings)	The issue of immunity of a local council member	Not included in the agenda
18.	7732-7	23.02.2006	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" (regarding the abolition of immunity of local council members)	The issue of immunity of a local council member	Adopted

№	No. of DL	Date of registration	Title	Summary	Outcome of consideration
19.	7732-8	02.03.2006	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" (regarding parliamentary immunity)	The issue of immunity of a local council member	The issue was heard
20.	9275	05.04.2006	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" (regarding early termination of powers)	On early termination of powers	Submitted to the Committee for consideration
21.	0911	25.05.2006	Draft Law on Amendments to Certain Laws of Ukraine (regarding the status of local council members)	On guarantees of activities	Withdrawn
22.	2077	07.09.2006	Draft Law on Amendments to Article 33 of the Law of Ukraine "On the Status of Local Council Members" (regarding the protection of labour rights)	On guarantees of activities	Adopted
23.	1131	04.10.2006	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" (regarding the performance of duties by council members)	On guarantees of activities	Withdrawn
24.	2881	11.01.2007	Draft Law on Amendments to Certain Laws of Ukraine on the Status of Members of the Verkhovna Rada of the Autonomous Republic of Crimea and Local Councils	On early termination of powers	Adopted
25.	3303	13.03.2007	Draft Law on Amendments to Certain Laws of Ukraine on the Status of Members of the Verkhovna Rada of the Autonomous Republic of Crimea and Local Councils	On guarantees of activities	Withdrawn
26.	3306	14.03.2007	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" (regarding incompatibility of the status of a local council member with certain positions and activities)	Incompatibility of the status of a local council member with certain positions and activities	Withdrawn
27.	3364	21.03.2007	Draft Law on Amendments to Certain Laws of Ukraine on the Status of Members of the Verkhovna Rada of the Autonomous Republic of Crimea and Local Councils (to remove provisions on imperative mandate)	On early termination of powers	Withdrawn
28.	3663	12.06.2007	Draft Law on Amendments to Certain Laws of Ukraine on the Status of Members of the Verkhovna Rada of the Autonomous Republic of Crimea and Local Councils (to abolish the imperative mandate)	On early termination of powers	Withdrawn

№	No. of DL	Date of registration	Title	Summary	Outcome of consideration
29.	0901	23.11.2007	Draft Law on Amendments to the Law of Ukraine "On Local Self-Government in Ukraine" (regarding the terms of office of a local council, village, settlement, city head, head of a regional, district, city district council, deputy head of a regional, district, city district council)	On the terms of office	Adopted
30.	2310	18.04.2008	Draft Law on Amendments to Certain Laws of Ukraine on the Status of Members of the Verkhovna Rada of the Autonomous Republic of Crimea and Local Councils	On early termination of powers	Withdrawn
31.	3148	15.09.2008	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" (regarding early termination of powers of council members)	On early termination of powers	Withdrawn
32.	3196	19.09.2008	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" (regarding the declaration of income of council members)	Anti-corruption policy	Not adopted
33.	6601	29.06.2010	Draft Law on the Election of Members of the Verkhovna Rada of the Autonomous Republic of Crimea, Local Councils and Village, Settlement and City Heads	Technical changes	Adopted
34.	6583-1	07.07.2010	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" (to improve the procedure for recalling local councils members)	On early termination of powers	Not included in the agenda
35.	9473	17.11.2011	Draft Law on Amendments to Certain Legislative Acts of Ukraine in connection with the adoption of the Law of Ukraine "On Principles of Prevention and Counteraction to Corruption"	Anti-corruption policy	Adopted
36.	10182	13.03.2012	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" to Regulate the Procedure for Forming Groups and Factions in Local Councils at All Levels	On early termination of powers	Withdrawn
37.	9700-2	13.04.2012	Draft Law on Amendments to Certain Legislative Acts of Ukraine in connection with the adoption of the Criminal Procedure Code of Ukraine	Anti-corruption policy	Adopted

№	No. of DL	Date of registration	Title	Summary	Outcome of consideration
38.	2296	14.02.2013	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" and the Law of Ukraine "On Local Self-Government in Ukraine" on Personal Voting by a Council Member at Plenary Meetings of the Council, Meetings of the Standing Committee and Other Bodies of the Council	On the personal voting of a council member	Not included in the agenda
39.	2365	21.02.2013	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" to Regulate the Procedure for Forming Groups and Factions in Local Councils at All Levels	On early termination of powers	Withdrawn
40.	2419	28.02.2013	Draft Law on Amendments to Certain Laws of Ukraine on the Status of Members of the Verkhovna Rada of the Autonomous Republic of Crimea and Local Councils	On early termination of powers	Not included in the agenda
41.	2837	17.04.2013	Draft Law on Amendments to Certain Legislative Acts of Ukraine on Implementation of the State Anti-Corruption Policy	Anti-corruption policy	Adopted
42.	2209a	04.06.2013	Draft Law on Amendments to Article 5 of the Law of Ukraine "On the Status of Local Council Members" (regarding early termination of powers in connection with the entry into force of a court decision on bringing to justice for a corruption offence)	On early termination of powers	Not included in the agenda
43.	3541	05.11.2013	Draft Law on the Public Prosecutor's Office	Technical changes	Adopted
44.	5113	30.09.2014	Draft Law on Prevention of Corruption	On early termination of powers	Adopted
45.	2123	12.02.2015	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" (to simplify the procedure for recalling council members)	On early termination of powers	Not included in the agenda
46.	2831-3	28.05.2015	Draft law on local elections	Technical changes	Adopted
47.	2146a	23.06.2015	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" (regarding teaching, research and creative activities)	Guarantees of labour rights	Withdrawn
48.	2154a	23.06.2015	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" (regarding the peculiarities of recalling a local council member by the decision of a local party organisation)	On early termination of powers	Sent for revision

№	No. of DL	Date of registration	Title	Summary	Outcome of consideration
49.	3464	12.11.2015	Draft Law on Amendments to Certain Legislative Acts of Ukraine on Guarantees of Labour Rights of Persons Who Held Elected Positions in Local Self-Government Bodies in Connection with Military Service	Guarantees of labour rights	Adopted
50.	3693	22.12.2015	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" (regarding the recall of local council members)	On early termination of powers	Adopted in the first reading
51.	5180	23.09.2016	Draft Law on the High Council of Justice	Technical changes	Adopted
52.	5355	03.11.2016	Draft Law on Amendments to the Laws of Ukraine "On the Status of a Member of Parliament of Ukraine" and "On the Status of Local Council Members" regarding the conditions of service of rank-and-file and senior officers during the exercise of their parliamentary powers	Guarantees of labour rights	Withdrawn
53.	6133	24.02.2017	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" to Confirm the Actual Existence of Grounds for Recalling a Local Council Member by Popular Initiative	On early termination of powers	Sent for revision
54.	6741	17.07.2017	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" (to improve the forms of council member's activity and oversight mechanism)	On early termination of powers	Sent for revision
55.	8296	19.04.2018	Draft Law on Amendments to Certain Legislative Acts of Ukraine on Creating Economic Preconditions for Strengthening the Protection of the Child's Right to Proper Maintenance	On early termination of powers	Adopted
56.	1032	29.08.2019	Draft Law on Amendments to Certain Legislative Acts of Ukraine on Priority Measures for the Reform of Public Prosecution Authorities	Technical changes	Adopted
57.	0867	29.08.2019	Draft Law on Amendments to the Law of Ukraine "On the Status of Local Council Members" (regarding the recall of local council members)	On early termination of powers	Withdrawn from consideration
58.	1031	29.08.2019	Draft Law on Amendments to Certain Legislative Acts of Ukraine on Confiscation of Illicit Assets of Persons Authorised to Perform State or Local Government Functions and Punishment for Acquisition of Such Assets	On early termination of powers	Adopted

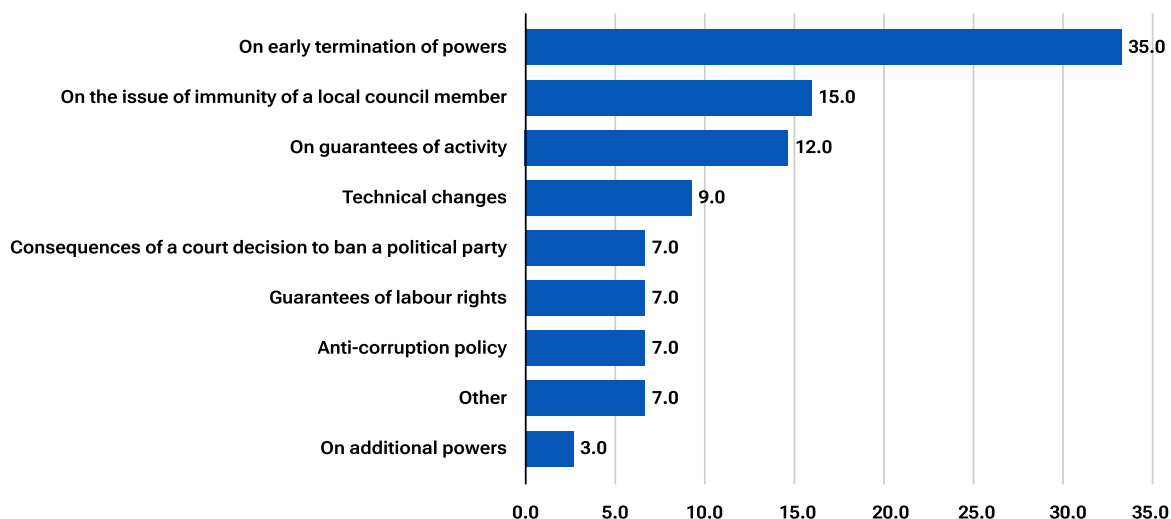
№	No. of DL	Date of registration	Title	Summary	Outcome of consideration
59.	2500	27.11.2019	Draft Law on Amendments to Certain Legislative Acts of Ukraine in connection with the adoption of the Law of Ukraine "On Prevention of Corruption"	Anti-corruption policy	Adopted
60.	3485	18.05.2020	Draft Law on Amendments to Certain Laws of Ukraine on Improving Electoral Legislation	On early termination of powers	Adopted
61.	3553	28.05.2020	Draft Law on Amendments to Certain Legislative Acts of Ukraine on Improving Certain Issues of Military Duty and Military Registration	Guarantees of labour rights	Adopted
62.	4208	12.10.2020	Draft Law on Amendments to Certain Legislative Acts of Ukraine on Improving the Procedure for Recalling Local Council Members, as well as Village, Settlement and City Heads by Popular Initiative	On imperative mandate	Withdrawn from consideration
63.	3381	23.04.2020	Draft Law on Amendments to the Code of Ukraine on Administrative Offences to Establish Liability for Failure to Comply with Legal Requirements of a Local Council Member	Guarantees of activities	Adopted as a basis
64.	7476	20.06.2022	Draft Law on Amendments to Certain Laws of Ukraine on the Consequences of a Court Decision to Ban a Political Party for the Status of Local Councils Members	On the consequences of a court decision to ban a political party for the status of members of local councils	A Committee opinion on the consideration has been provided
65.	7476-1	27.06.2022	Draft Law on Amendments to Certain Legislative Acts of Ukraine on the Consequences of a Court Decision to Ban a Political Party for the Status of Local Council Members	On the consequences of a court decision to ban a political party for the status of members of local councils	Withdrawn from consideration
66.	7476-2	04.07.2022	Draft Law on Amendments to Certain Legislative Acts of Ukraine to Determine the Legal Consequences of a Court Decision to Ban a Political Party for the Status of Local Council Members	On the consequences of a court decision to ban a political party for the status of members of local councils	Withdrawn from consideration
67.	7476-3	05.07.2022	Draft Law on Amendments to Certain Legislative Acts of Ukraine on the Legal Consequences of Banning a Political Party by a Court Decision for Local Council Members	On the consequences of a court decision to ban a political party for the status of members of local councils	Withdrawn from consideration

№	No. of DL	Date of registration	Title	Summary	Outcome of consideration
68.	8089	29.09.2022	Draft Law on Amendments to Certain Legislative Acts of Ukraine on Establishing Legal Consequences for the Status of Member of Parliament of Ukraine and Local Council Members in Connection with a Court Decision to Ban a Political Party	On the consequences of a court decision to ban a political party for the status of members of local councils	Under review
69.	8370	19.01.2023	Draft Law on Amendments to Certain Legislative Acts of Ukraine to Simplify the Procedure for Recalling Village, Settlement and City Heads and Members of Local Councils by Popular Initiative	On early termination of powers	Under review
70.	9465	07.07.2023	Draft Law on Amendments to Article 11 of the Law of Ukraine "On the Status of Local Council Members" regarding the rights of a council member in a constituency	On additional powers	Withdrawn
71.	9465-1	14.07.2023	Draft Law on Amendments to Article 11 of the Law of Ukraine "On the Status of Local Council Members" regarding the rights of a council member in a constituency	On additional powers	Under review
72.	9507	17.07.2023	Draft Law on Amendments to Article 7 of the Law of Ukraine "On the Status of Local Council Members" regarding concurrent employment	Guarantees of labour rights	Under review
73.	9520	24.07.2023	Draft Law on Amendments to Article 5 of the Law of Ukraine "On the Status of Local Council Members" regarding early termination of powers of a local council member	On early termination of powers	Withdrawn from consideration
74.	2693-д	02.07.2020	Draft Law on Media	Technical changes	Adopted
75.	3553	28.05.2020	Draft Law on Amendments to Certain Legislative Acts of Ukraine on Improving Certain Issues of Military Duty and Military Registration	Technical changes	Adopted

The following amendments dominate the list of proposed amendments: on early termination of powers - 35% (26 draft laws (6 adopted)), on immunity of local council members - 15% (11 draft laws (2 adopted)) and on guarantees of activity - 12% (9 draft laws (3 adopted)).

% of legislative initiatives on introducing amendments to the Law of Ukraine «On the Status of Local Council Members»:

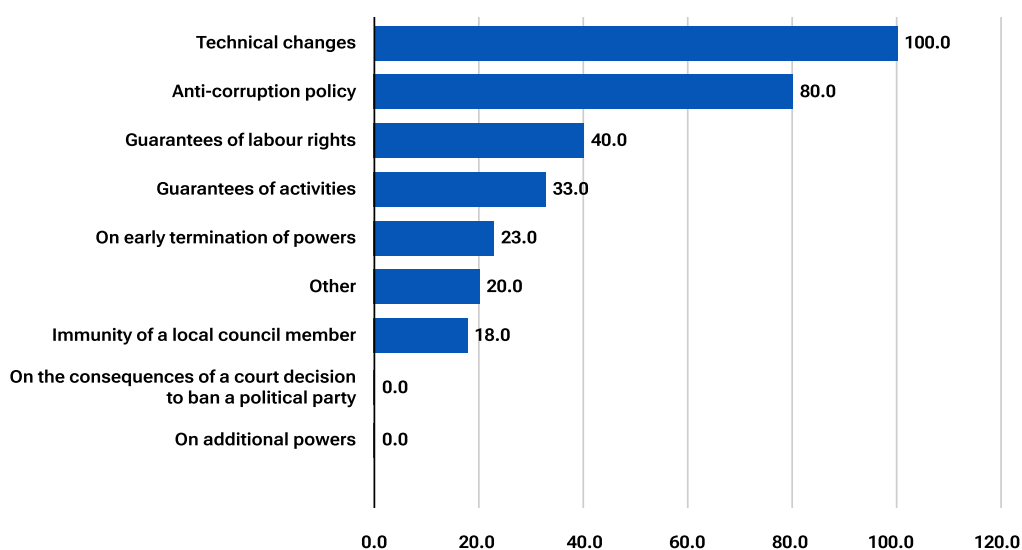
As of 1 June 2024



Thus, 32.9% of legislative initiatives on amendments to the Law of Ukraine “On the Status of Local Council Members” were adopted as a whole. It is worth noting that all 100% of legislative initiatives concerning technical changes were adopted. Proposals on anti-corruption policy received 80% support, and labour rights guarantees – 40%. At the same time, the “political issue” (on the consequences of a court decision to ban a political party for the status of local council members) has not been implemented in the form of a law:

% of adopted initiatives regarding introduction of changes to the legislation on the status of local council members:

As of 1 June 2024



As the status of local councillors is also regulated by other laws, this is a non-exhaustive list of legislative initiatives on the status of local councillors. For example, in 2020-2024, the following legislative initiatives were significant:

No	No. of DL	Date of registration	Title	Summary	Outcome of consideration
1.	3034a	27.08.2020	Proposals of the President of Ukraine to the Law on Amendments to Article 59-1 of the Law of Ukraine "On Local Self-Government in Ukraine" on the Settlement of Conflicts of Interest in the Activities of Local Council Members and Village, Settlement and City Heads	Anti-corruption policy	Adopted
2.	3712-1	22.06.2020	Draft Law on Amendments to the Law of Ukraine "On the State Budget of Ukraine for 2020" on Financing the Elections of Members of Local Councils and Village, Settlement and City Heads	Financing of elections	The issue has been heard
3.	4024	02.09.2020	Draft Law on Amendments to the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine to establish criminal liability for failure of the President of Ukraine, Members of Parliament, local councils, village, settlement and city heads to fulfil their election programme	Issues of responsibility	Withdrawn from consideration
4.	3098	20.02.2020	Draft Law on Amendments to the Code of Ukraine on Administrative Offences and the Criminal Code of Ukraine to Strengthen Liability for Failure to Comply with the Lawful Demands of a Member of Parliament and Obstruction of the Activities of a Member of Parliament and a Member of a Local Council	Guarantees of activities	Withdrawn from consideration
5.	3354	16.04.2020	Draft Law of Ukraine on Amendments to the Code of Ukraine on Administrative Offences and the Criminal Code of Ukraine on Strengthening Liability for Failure to Comply with Legal Requirements and Obstruction of Activities of a Member of Parliament, the Accounting Chamber, or a Member of a Local Council	Guarantees of activities	Adopted

№	No. of DL	Date of registration	Title	Summary	Outcome of consideration
6.	<u>3354-1</u>	27.04.2020	Draft Law on Amendments to the Code of Ukraine on Administrative Offences and the Criminal Code of Ukraine (to strengthen liability for failure to comply with legal requirements and obstruction of the activities of a Member of Parliament, the Accounting Chamber, or a member of a local council)	Guarantees of activities	Withdrawn

Annex 5. Early elections

As of 1 June 2024, the Verkhovna Rada Committee on the State Building, Local Governance, Regional and Urban Development, authorised to prepare the issues related to scheduling local elections for consideration by the Parliament, had received a number of requests for **early elections due** to the early termination of the powers of the local council in accordance with Article 78 of the Law “On Local Self-Government in Ukraine”, namely:

1. A request for scheduling early elections of members to the Pryluky City Council in Pryluky District, Chernihiv Region, where council meetings had not been held without valid reasons since 26 February 2021 (Draft Resolution of the Verkhovna Rada of Ukraine No. 6058, dated 15 September 2021). However, city council sessions are now being held.

2. Requests for scheduling early elections of members to local councils are awaiting review at a Committee meeting regarding:

- ▶ Lebedyn City Council of Sumy District, Sumy Region, where council meetings had not been held without valid reasons since 27.08.2021 (request date - 01.12.2021);
- ▶ Kamianets-Podilskyi City Council of Kamianets-Podilskyi district of Khmelnytskyi region, where council meetings are not held without valid reasons within the time limits established by law; the council does not resolve issues within its competence (requests from Kamianets-Podilskyi Head M.V. Positko and the Head of Khmelnytskyi regional state administration S.V. Gamaliy, dated 27.01.2022, 21.02.2022 respectively).

Regarding the **so-called elections in the temporarily occupied territory** of Ukraine, according to Part 5 of Article 9 of the Law of Ukraine “On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine”³⁶, elections of members of the Verkhovna Rada of the Autonomous Republic of Crimea, members of local councils, village, settlement and city heads, any other elections and referendums held in the temporarily occupied territory, in particular with the assistance or participation of state and local self-government bodies established in accordance with the Constitution and the law, are invalid and have no legal effect. The Verkhovna Rada of Ukraine has repeatedly expressed its position on the illegitimacy of voting in the temporarily occupied territories of Ukraine, in particular in its statements:

- ▶ “On the Statement of the Verkhovna Rada of Ukraine ‘On Ukraine’s non-recognition of the legitimacy of the elections to the State Duma of the Federal Assembly of the Russian Federation of the seventh convocation, their results and legal consequences and, accordingly, the composition, powers, acts and decisions of the State Duma of the Federal Assembly of the Russian Federation of the seventh convocation’” (Resolution of the Verkhovna Rada of Ukraine of 20 September 2016, No. 1527-VIII³⁷);
- ▶ “On the Non-Recognition by Ukraine of the Legitimacy of the Presidential Elections of the Russian Federation in the Temporarily Occupied Territories of Ukraine – the Autonomous Republic of Crimea and the City of Sevastopol” (Resolution of the Verkhovna Rada of Ukraine of 22 March 2018, No. 2371-VIII)³⁸;

³⁶ <https://zakon.rada.gov.ua/laws/show/1207-18#Text>

³⁷ <https://zakon.rada.gov.ua/laws/show/1527-19#Text>

³⁸ <https://zakon.rada.gov.ua/laws/show/2371-19#Text>

- ▶ “On the non-recognition of the legitimacy of the so-called local elections in the temporarily occupied territories of Ukraine - in the Autonomous Republic of Crimea and the city of Sevastopol” (Resolution of the Verkhovna Rada of Ukraine of 11 September 2019, No. 66-IX)³⁹;
- ▶ “On the illegitimate holding of the all-Russian vote on amendments to the Constitution of the Russian Federation in the temporarily occupied territory of Ukraine – in the Autonomous Republic of Crimea and the city of Sevastopol, as well as the involvement of residents of the temporarily occupied territories in Donetsk and Luhansk regions with illegally issued passports of a citizen of the Russian Federation” (Resolution of the Verkhovna Rada of Ukraine of 17 July 2020 No. 806-IX)⁴⁰;
- ▶ “On the non-recognition of the legitimacy of the so-called local elections in the temporarily occupied territories of Ukraine - in the Autonomous Republic of Crimea and the city of Sevastopol” (Resolution of the Verkhovna Rada of Ukraine of 30 September 2020 No. 932-IX)⁴¹;
- ▶ “On the Statement of the Verkhovna Rada of Ukraine on the Illegitimacy of the 2021 Elections of Members to the State Duma of the Russian Federation” (Resolution of the Verkhovna Rada of Ukraine of 22 September 2021 No. 1773-IX)⁴²;
- ▶ “On the Appeal of the Verkhovna Rada of Ukraine to the Parliaments and Governments of Foreign States, International Organisations and their Parliamentary Assemblies on the Intentions of the Russian Federation to Hold Illegal Elections in the Temporarily Occupied Territories of Donetsk, Luhansk, Zaporizhzhia and Kherson Regions of Ukraine” (Resolution of the Verkhovna Rada of Ukraine of 9 August 2023, No. 3306-IX)⁴³;
- ▶ “On the Appeal of the Verkhovna Rada of Ukraine to International Organisations, Parliamentary Assemblies, Governments and Parliaments of Foreign States in connection with the illegal elections held by the Russian Federation in the temporarily occupied territories of Donetsk, Luhansk, Zaporizhzhia and Kherson regions of Ukraine, the Autonomous Republic of Crimea and the city of Sevastopol” (Resolution of the Verkhovna Rada of Ukraine of 21 September 2023, No. 3387-IX)⁴⁴;
- ▶ “On the Appeal of the Verkhovna Rada of Ukraine to the Governments and Parliaments of Foreign States, International Organisations, and Parliamentary Assemblies in connection with the Russian Federation’s ‘presidential elections’ in the temporarily occupied territory of Ukraine” (Resolution of the Verkhovna Rada of Ukraine of 14 March 2024, No. 3609-IX)⁴⁵.

³⁹ <https://zakon.rada.gov.ua/laws/show/66-20#Text>

⁴⁰ <https://zakon.rada.gov.ua/laws/show/806-20#Text>

⁴¹ <https://zakon.rada.gov.ua/laws/show/932-IX#Text>

⁴² <https://zakon.rada.gov.ua/laws/show/1773-20#Text>

⁴³ <https://zakon.rada.gov.ua/laws/show/3306-%D0%86%D0%A5#Text>

⁴⁴ <https://zakon.rada.gov.ua/laws/show/3387-IX#Text>

⁴⁵ <https://zakon.rada.gov.ua/laws/show/3609-IX#Text>