



NATIONAL PUBLIC OPINION SURVEY ON DEMOCRATIC, ECONOMIC AND JUDICIAL REFORMS, INCLUDING IMPLEMENTATION OF THE LAW ON THE PURIFICATION OF GOVERNMENT

SUMMARY OF THE 2016 DATA AND COMPARISON WITH 2015
SURVEY.

Contract № AID-121-C-11-00002

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July 21, 2016, Kyiv

National public opinion survey on democratic, economic and judicial reforms in Ukraine, and the process of purification of government in Ukraine was conducted by GFK Ukraine with the financial support of the USAID FAIR Justice Project.

The key goal of the survey is to determine the level of awareness and attitude of Ukrainian citizens towards the process of lustration of public officials and vetting of judges, the level of satisfaction with the government's response to public demands generated as a result of the Revolution of Dignity, the level of public trust in government and the judiciary in particular.

The survey has been conducted twice: in July 2015 and May-June 2016. The data were collected using the "face-to-face" interview method at respondent's home. The survey covered all regions of Ukraine except for temporarily occupied areas and ATO zones. The sample is representative of Ukrainian population aged 18 and older by main demographic characteristics (age and sex) as well as by the size of settlement and 5 economic and geographic regions (Northern, Western, Central, Southern, Eastern and the city of Kyiv). The total number of respondents is about 2,500 (2,359 in 2015 and 2,609 in 2016).

This document presents summarized results of the 2016 public opinion poll as well as the comparative analysis with the 2015 survey data in the following areas: regarding the public perception of political and socio-economic processes, in particular, the level of awareness of Ukrainian citizens, their understanding of the essence and content of the purification of government process, and perception of the categories of officials subject to lustration. Considerable attention was devoted to implementing the process of purification of the judiciary, social and socio-demographic evaluation of respondents groups was provided dependent on respondents' position in perceiving lustration. Based on the survey results the conclusions and recommendations were developed.

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The views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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SECTION 1. GENERAL ISSUES REGARDING PURIFICATION OF GOVERNMENT (LUSTRATION) IN UKRAINE

1.1. Public perception of political, social and economic processes in Ukraine

The mood of the public is still dominated by a concern about both the destiny of the country and its own destiny. This is especially manifested in the evaluations of the *rating list of major threats* to the development of society. The 2016 survey shows that these threats are related to two key factors:

- a) war in the Eastern Ukraine and loss of control over the part of the state territory (20% of respondents find this to be the largest threat);
- b) “*status of Ukrainian ruling political class*”: 30% consider “*corruptibility of the top echelons of government*” as the main threat; 14% - “lack of political will in conducting reforms”; 13% - lack of consensus among political elite regarding the ways of development of the country.

Having compared the results of 2016 and 2015 surveys, one can see that there have been no substantial changes in **social expectations of population** – they are dominated by *negative stability of discouragement and disappointment*.

9% of respondents in the 2016 survey and 7% of respondents in the 2015 survey expected the improvement of financial status of their families (44% of respondents in the 2016 survey and 52% of respondents in the 2015 survey expected deterioration of their financial status). Analogous evaluations were received in relation to the prospects of development of social and economic situation in Ukraine in general: in 2016, 10% of the surveyed expected improvements, in 2015 – 9% (41% of respondents in the 2016 survey and 53% of respondents in the 2015 survey expected deterioration).

In general, these not too optimistic public expectations are manifested as dissatisfaction with the pace of Ukraine’s recovery from the crisis. At the same time, the **rate of reduction of living standards of population has somewhat slowed down**: while 80% of the surveyed indicated that financial situation of their families has deteriorated in 2015, in 2016 this number is 60%. Apparently, this may be partially explained by social and psychological adaptation of population to new social reality of the crisis condition of society.

The perception of current situation is greatly influenced by the **social expectations from the society’s reformation**. Evidently, the overwhelming majority of people recognize the need for comprehensive changes in the society. However, the survey has showed inconsistency of such expectations and that the reality does not meet these expectations:

- Percentage of respondents who recognize that democratic reforms in the government are taking place in the country is reducing – 22% in 2015, and 18% in 2016 (about 60% have disagreed with this both in 2015 and 2016).
- The fall in faith in the capability to implement economic reforms is even more noticeable. Thus, in 2015, 20% of the surveyed recognized that economic reforms are brought in line with society’s demands, in 2016 – 15%.
- The status of reforms in the judiciary is critically perceived: 16% of the respondents noticed some signs of changes in 2015, in 2016 – 13%. Taking into account that the 2016 survey was taking place against the backdrop of initiation of drastic changes in the judiciary, the mentioned indicator is likely to demonstrate the non-acceptance of deceleration and inconsistency in reforming the judiciary during previous years.

In their evaluations, the population considers **procrastination with reforms or their hindering** as one of the most substantial problems of Ukrainian society. Explanation for this is based on the circumstances, the evaluation of significance of which is very similar in results of the 2016 and 2015 surveys:

- Existence of oligarchic economy which seeks to control political system is recognized as a key factor. In the 2016 survey, 70% of the surveyed have recognized the “interests of some financial groups and oligarchs” as the major obstacle to reforms (in 2015 this indicator equaled 76%).
- The abovementioned factor is correlated with the “lack of political will in reforming the country”, which in 2016 was recognized by 70% of the surveyed as a reason for hindering reforms (73% in the 2015 survey).
- “War factor” does not have key significance, less than a half of the surveyed (42% in 2016 and 48% in 2015) have admitted that Russia’s aggressive actions and situation in Eastern Ukraine may explain why reforms are stalled.

The level of trust in social institutes remains rather low and its dynamics is quite controversial and cannot mean consolidation of society (Table 1).

Table 1. The level of trust in social institutes

(the portion of answers “*completely trust*” and “*more trust than not*”), %

	2015	2016
<i>President of Ukraine</i>	19	16
Verkhovna Rada of Ukraine	8	10
Cabinet of Ministers of Ukraine	9	10
Ministry of Justice	6	10
Local self-government bodies	20	23
Police (2015 – militia)	8	21
Prosecutor’s office	6	11
Judiciary	5	10
Armed Forces of Ukraine	45	47
Voluntary battalions	49	50
Volunteers	61	54

Based on data from Table 1, the following conclusions and summaries can be made:

- the level of trust in the higher bodies of government remains critically low and does not bear any signs of positive dynamics (the level of trust in the President has even somewhat reduced: from 19% in 2015 to 16% in 2016);
- a weak trend of increase in the level of trust in court and prosecutor’s offices is noticeable (5% trusted in the judiciary in 2015 and 10% in 2016; 6% and 11% trusted in the prosecutor’s offices respectively). At the same time, the level of distrust in court has decreased from 79% in 2015 to 69% in 2016, and in prosecutor’s offices – from 77% to 61% respectively. This may more likely indicate social expectations from the launched reforms of these institutes rather than actual changes;
- the level of trust in new police has substantially increased (from 8% in 2015 to 21% in 2016), although the level of distrust is still high (37%) as is the case with percentage of those who are not sure of their attitude;

- the high level of trust in the institutes which people associate with resistance to Russia's aggression (Armed Forces of Ukraine, voluntary battalions and volunteers);
- in 2016, regional differences have become stronger. "*Special position*" of the population in the East is becoming more and more noticeable: the level of distrust in some institutes is twice as high as average indicators for the country. Evaluations of the South are rather unexpected, the increase in the level of trust even in the highest echelons of government has been recorded (e.g., 16% trust in the Cabinet of Ministers of Ukraine; average indicator for Ukraine is 10%);
- Disappointment with the capability of Ukrainian government to become more responsible and efficient in the nearest future ("*next 12 months*") is growing: in 2015, 11% of the surveyed believed this was true, and in 2016, – only 7%; the majority (in both surveys – 57% of respondents) were convinced of the impossibility of changes.

Perception of corruption. For Ukrainian society, fighting corruption is a problem of strategic significance. Drafting modern anti-corruption legislation and creating relevant anti-corruption infrastructure during the last years have shifted the focuses in combating corruption towards forming "*zero social tolerance*" for corruption, without which institutional measures will not succeed.

In the 2016 survey, the following data regarding the **level of and motivation for "public tolerance towards corruption"** have been received:

- 5% of the surveyed believe that corruption is acceptable because insufficient remuneration of officials is a good excuse for their corrupt actions;
- 6% of the surveyed perceive corruption as a tool to solve the problems of inadequate governance (a way to avoid procrastination, etc.), i.e., are adherents of "*functional excuse for corruption*". It is worth mentioning some regional differences: such model of tolerance is more represented in Kyiv (10%) and in the South (13%);
- 9% recognize the possibility of existence of "*petty corruption*", i.e. the possibility of excusing corrupt models of behavior under conditions of small illegal benefit. It is worth mentioning the differences in proportions of different population categories: 13% among the persons in the age of 18-29; 16% among students, 7% among pensioners; and dependence from financial status: the higher the financial status is, the more likely they are to find excuse: thus, among the low-income population only 3% excuse "*petty corruption*";
- About one quarter of the surveyed (23%) recognizes the possibility of corruption as an "*extraordinary case*", which is actually a concealed and rather undesirable for democratic society form of tolerance for corruption, since it is based on a double standard of evaluation. At the same time, such model of tolerance is typical for about one third of the surveyed in the West (31%). By social and economic features, only up to 19% of the surveyed who are over 60 years old recognize corruption as justified; persons with higher incomes are more likely to recognize the possibility of "*extraordinary case*" (34% among those who "*have enough money for food, clothes, shoes, and expensive purchases; and have to save or borrow money to buy a car or apartment*").
- 50% of the surveyed have declared their firm attitude of unacceptability of corrupt behavior. Region-wise, such attitude is wide spread in the North (67%) and among senior citizens and low-income population.

Because of diverging methodological approaches, it is quite difficult to compare the results of this survey with the data of similar surveys which have been conducted in Ukraine for the last 15 years.² However, there is a general impression that in Ukraine **the level of tolerance for corruption is not essentially changing (i.e., not only negative evaluation, but also giving up corrupt behavior)**, and its reduction is one of the key indicators of success of the state anti-corruption policy.

At the same time, there is a **trend of gradual fading of stereotypes of negative evaluation of “exposers of corruption” and unacceptability of disclosing corruption as a way of conduct.** In surveys of 2004-2014, some signs of changes of the attitudes of the population to the possibility of disclosing corruption by means of reports have been already recorded.³

The 2016 survey allows making the following conclusions:

- 15% of the surveyed claim that they are ready to report facts of corruption “*under any conditions*”. Such high indicator has been never recorded in Ukrainian studies before. In most instances (83.5%), these are respondents who are very negative about corruption in everyday life and consider it as a huge obstacle to efficient development of Ukraine. It should be mentioned that the said 15% respondents are mainly males, persons with higher education, over 70, and pensioners;
- About one third of the surveyed (30%) are also ready to report corruption, provided that there are clear guarantees of their personal safety – such answer was given by respondents who treat corruption in everyday life (83.1%) “more negatively than not” and “very negatively”;
- 22% of the surveyed do not have a firm attitude, referring to “*specific situation and availability of a violation of their own rights as a prerequisite*” – such opinion was expressed largely by people who tolerate corruption and are convinced that in some situations corrupt actions may be excused (65.4%);
- 19% have a firm attitude of unacceptability of the very fact of “reporting” – normally, these are females, and more often those who have no higher education (their proportion is significantly higher among those mentioned 19% as compared with distribution of figures in the country on the whole).

However, significance of these results should not be overstated and extrapolated on actual behavior of population. Studies show that those who have found themselves in real situations of “corruption risk” (e.g., situations of extortion), only less than 2-5% (depending on the situation) have actually reported corruption.⁴ Therefore, data of this survey should be rather perceived as an indicator of growth of anti-corruption potential of the population and their capability to have a more proactive position in combating corruption. This requires strengthening institutional mechanisms of motivation, incentives and protection of informers.

² Corruption in Ukraine 2015. (Electronic source) – access via http://kiis.com.ua/materials/pr/20161602_corruption/Corruption%20in%20Ukraine%202015%20UKR.pdf

³ Attitude to virtuous informants. Analytical report. (Electronic source) – access via http://iahr.com.ua/files/works_docs/120.pdf

⁴ Attitude to virtuous informants. Analytical report. (Electronic source) – access via http://iahr.com.ua/files/works_docs/120.pdf Corruption in Ukraine 2015. (Electronic source) – access via http://kiis.com.ua/materials/pr/20161602_corruption/Corruption%20in%20Ukraine%202015%20UKR.pdf

Perception of geopolitical vector of development of Ukraine is indicative for understanding general mood of the population. Dynamics of such evaluations for the last year are ambiguous:

- Generally, the mood of the public is dominated by “European vector of development” (“Ukraine should integrate with EU” – 57% of the surveyed think so and only 22% disagree). At the same time, there are somewhat **negative trends**: in a year the number of supporters of the “European choice” has decreased by 3% (in 2015, there were 60% of them); such “disappointment” was the most substantial in the West (the relevant indicator reduced from 87% in 2015 to 78% in 2016) and in the East (in 2015 – 34% and in 2016 – 23%, while 44% do not share the “European choice”, although in 2015 their number was 27%).
- The attitude towards **NATO membership** is not clearly cut: skepticism and distrust are growing. While, generally for Ukraine, this trend is not a drop in scores (in 2015, 47% of respondents were in favor of joining NATO, and 28% were against it; in 2016 – in favor – 43% and against – 34%), region-wise the situation is more alarming. In all regions (except the West, where there is an increase in the number of those who are undecided), the number of those who are against NATO is growing, this growth is especially significant in the East (in 2015 – 41% and in 2016 – 68%).
- The dynamics of evaluations of the “need to restore relations with Russia” are controversial. Thus, in 2015, 27% of the surveyed supported the need to restore close political and economic relations with Russia. In 2016, it has become obvious that while there is substantial decrease of “Russian vector” supporters generally in Ukraine (20% vs. 27% in 2015), in the East there is a trend of strengthening the support of restoring relations with Russia (in 2016, 47% of the surveyed share this position vs. 35% in 2015). It is important to mention that this is the only region in Ukraine with such positive dynamics of attitude to Russia.

1.2. Self-evaluation in public awareness of lustration (purification of government).

During this year, there **have been no substantial changes** in the self-evaluation in public awareness of the process of purification of government in Ukraine, which does not meet the needs and the nature of this process, which may only be legitimate with the participation and support of the public. In the 2016 survey, only 16% of respondents admitted that they are sufficiently informed about lustration process (in 2015 their number was 18%), and other 62% (in 2015 – 62%) know about it but very little, i.e. have poor understanding. At the same time, the percentage of those who know nothing about lustration has somewhat increased: in 2015 – 16% and in 2016 – 20%.

Like in the 2015 study, in 2016, evaluation of awareness differs by some characteristics of respondents, in particular:

- Respondents’ education and professional level (the higher this level is – the better respondent is aware about lustration).
- Circle of people close to the respondent who are subject to lustration: among this group of respondents 28% are informed enough, among those who have no close people – 17% (31% vs. 18% in 2015).
- By geographic regions (although the differences are not substantial), there is a problem in the East where the level of awareness is critically low: 37% of the surveyed admit they know nothing about lustration (32% in 2015).

The responses to questions about **certain aspects of awareness of lustration** are ambiguous and their **dynamics show the increase of public awareness**.

In the public consciousness the understanding of the essence of lustration is becoming less and less clear: in 2015, a half of the surveyed (51%) acknowledged that they are generally aware of what “lustration (purification of government)” is; in 2016 such position is shared only by 40% of respondents (in the East – 18%; in other regions indicators do not substantially differ from general in Ukraine).

The most significant gaps in public awareness of lustration remain as follows:

- low level of knowledge about what categories of public officials are subject to lustration (in 2015, 32% of the respondents admitted that they are informed about it; in 2016 – 29%);
- poor awareness of the existence of special legislation on purification of government (only 27% of respondents were aware in 2015 and 2016);
- lack of knowledge of what agencies are carrying out the purification of government (lustration of civil servants and vetting of judges): in 2015, 18% of the surveyed admitted that they are informed about vetting of judges; in 2016 – 16%; with regard to public officials: in 2015 – 20% and in 2016 – 19%;
- insufficient knowledge of factual data on the government purification processes: in 2015, 16% of respondents considered themselves to be informed about factual data on vetting of judges; in 2016 – 14%; with regard to lustration of public officials: in 2015 – 18% and in 2016 – 17%.

1.3. Understanding of the essence and content of lustration process

The need to “purify the government” dominates the public consciousness in Ukraine, which, in general, goes without saying and has remained unchangeable during last years as a prerequisite for success of any reform. In the 2016 survey, **78% of the surveyed “completely agree” or “rather agree” with the fact that “our country needs purification of government” (in 2015 – 84%)**.

In 2015, the regional differences in this case are not so significant (except for the fact that in the East and South there is a considerable number of those who are not sure of their attitude to these issues or who disagree with the need for lustration). However, the 2016 survey provides a completely different picture in terms of regions: the most unexpected is the change of position of Kyiv residents where the percentage of those who consider lustration as essential has decreased from 92% in 2015 to 65% in 2016. At the same time, there has been a slight increase in the number of supporters of lustration in the South (Table 2).

Table 2. The level of support of the statement “Our country needs lustration of government” by regions

(the portion of answers “completely trust” and “more trust than not”), %

	2015	2016
Kyiv	92	65
North	92	83
West	93	87

Center	87	81
South	70	72

The idea of the need of lustration is often shared even by those who may directly or indirectly suffer from lustration processes. Thus, among those who themselves or their relatives are (or were) formally subject to lustration 82.6% “fully or more agree than not” that the country needs lustration of government. However, this figure has somewhat reduced as compared with 2015 (87.8%).

If one compares these assessments with the level of understanding of the lustration process one would have a feeling of certain mythologization in popular mentality, even romantic expectations from purification of government. Such beliefs do not correspond to reality. Therefore any misjudgment, procrastination or mistakes made by the government lead to fall of confidence and trust in government and in the lustration process in particular. Dissatisfaction with the actual status of purification of government (lustration) which was recorded in the 2015 survey has remained unchanged in 2016: 57% of the surveyed (in both surveys) are dissatisfied with how vetting and lustration (under criteria of integrity and transparency) are conducted; about 70% recognize that these processes are being hindered.

Some examples of negative dynamics of the mood which become noticeable after comparing results of both surveys may mean the increasing disappointment of the public.

The survey shows that there are **three visions in Ukrainian society of how the lustration should be conducted, the proportion of evaluations of which is mainly unchangeable (stable) in public consciousness:**

- conduct vetting of civil servants and judges integrity to verify their integrity and decide on their further destiny depending on the vetting results (this way was favored by 44% in 2016 and 38% in 2015);
- replacing all civil servants and judges (35% in the 2016 survey and 36% in 2015);
- vetting of only those civil servants and judges who are suspected of misconduct by the public (in the 2016 survey – 15%, in the 2015 survey – 13%).

The most radical is the approach to replace **all public servants and judges**, the number of its supporters remains almost the same. This model of purification of government does not only remain the subject of heated public discussions but very often determines the motivation of actual behavior of the public (demands of politicians, civil society initiatives, etc.).

One can observe a few specific features in the attitude of this category of respondents as compared with the rest of the population:

- Like in 2015, males prevail (49% vs. 45% of males in the country on the whole);
- The respondents in this category are better aware of what “lustration” means (21% vs. 15% - an average level of public awareness in the country on the whole in 2016), however, this indicator has noticeably decreased as compared with 2015 (31% vs. 22% in the country on the whole);
- The proponents of replacing all civil servants and judges do not trust the President of Ukraine (70% in the mentioned category vs. 61% - the level of distrust among the population in the country on the whole). 11% vs. 16% in

the country on the whole “*somewhat trust*” or “*completely trust*” the President of Ukraine.

Besides, the 2015 survey has shown that supporters of “radical” measure are most of all represented in the North and South (about 45% of the surveyed in each region). However, in 2016 the situation has somewhat changed: in the North radicalism has increased (51%), while in the West it has decreased (to 35%). Even in the East of Ukraine percentage of proponents of radical approach has increased by 7 percentage points (to 24%).

In 2016, as compared with 2015, the understanding of the “**composition of lustration body**” has not changed significantly, although some features can be mentioned. Notwithstanding the wide list of categories which were suggested in the questionnaire as potential members of such body, respondents clearly recognize the high level of trust only in two categories of members:

Firstly, these are “*representatives of international community*” (international experts and representatives of international organizations). The increase of the level of trust in this category has been recorded: 61% of respondents acknowledge the need to include them in the composition of “lustration body” (50% in the 2015 survey).

Secondly, these are “*representatives of civil society*”. In the 2016 survey, 56% of respondents recognized the need to include them to the membership of “lustration body”, however, in 2016, this number was 66%. It is quite difficult to explain this dynamics. However, one can assume that this is related to a certain decrease in confidence in the capability of the public to conduct efficient vetting of officials.

Other categories (judges, MPs, representatives of opposition parties, prosecutors, representatives of the President, representatives of the Ministry of Justice) are not recognized as “desired members” of lustration body (in 2016, only from 5 to 12% of the surveyed would like to see them in this body). Compared with the 2015 data, there has been a slight increase in scores of judges (from 2% to 5%), prosecutors (from 7% to 12%) and MPs (from 6% to 10%).

1.4. Categories of public official to be dismissed as a result of lustration

The survey has revealed the attitude of population to the provisions of national legislation regarding **the categories of public officials to be lustrated**. These data show what people think about “purification of government”, i.e. what social objectives it must achieve. “Target orientation” of lustration is interpreted in **several ways**, which, in fact, represents differentiation of public understanding of key goals of lustration.

Lustration as a “way to achieve social justice (fight illicit enrichment). We are talking here about those public officials and judges who bear signs of illicit enrichment. It is considered that this category should **be removed from government as a first priority**. In the 2015 survey, 81% of the respondents agreed with this (only 6% did not agree); in the 2016 survey – 72% (11% do not agree). The popular mentality stand on these categories is quite consolidated, although there are signs of regional differences.

Lustration as a “tool for purifying public agencies from the ‘Yanukovych people and their allies’”. In developing the questionnaire it was taken into account that these categories are mostly determined by law and include: “*officials and officers that facilitated usurping power by the President of Ukraine Viktor Yanukovych and did not retire/leave their jobs on their own initiative*”; “*persons who participated in persecution of political opponents*”

of the previous government”; “employees of law enforcement agencies and judges who opposed peaceful assemblies during Revolution of Dignity”; and some other categories. Results of the 2015 and 2016 surveys have shown that opinions about the need of lustration of these categories are common and rather stable (reduction of the number of supporters of such position is less than 8 percentage points). The 2016 survey shows that on the whole in Ukraine, from 57% to 64% of respondents recognize the need to dismiss such categories (64% to 72% in 2015), and from 14% to 17% of respondents do not approve it (from 8% to 14% in 2015). At the same time, region-wise, indicators are becoming closer, the differences are becoming not so perceptible as they were in 2015; the exception is the East, where only 24% to 29% of the surveyed believe it is necessary to dismiss “Yanukovych people and their allies”. This position is in sharp contrast with national indicators.

Lustration as an “instrument of fighting separatism”. In this case the attitude of the population to lustration (dismissal) of persons who have publicly supported ideas of separatism was determined. Comparison of results of the 2015 and 2016 surveys have shown the following trends: a) there has been a noticeable “softening” of position (in 2015, 77% of respondents supported lustration of this category of officials; in 2016 – 69%); b) polarization of evaluations between the West (and North) and the East is growing (in the 2016 survey, the difference in figures was already 50%); and c) percentage of supporters of such measures in the East is decreasing (2015 – 53%, 2016 – 33%).

Lustration as a “condition for decommunization”. These categories are clearly specified by law: persons who before 1991 worked in supervising positions in the Communist Party of the USSR and All-Union Leninist Young Communist League (Komsomol), persons who were in the capacity of staff members or secret agents of the KGB (State Security Committee). In the 2015 survey, it was found that the idea of the need to terminate them and impose a ban to take positions in the future was the least but essentially supported by the population as compared with other categories of “candidates”. Thus, 52% of the respondents believe that such categories as “Komsomol leaders before 1991” and “the Party leaders of the former USSR” should be lustrated. Lustration of “KGB staff members or secret agents before 1991” was supported by 56% of the interviewed. **In the 2016 survey, these figures have remained almost unchanged** (the difference is less than 1-2%), no any differences have been found in terms of regions. This allows making a conclusion about stability of stereotypes of public consciousness regarding processes of “decommunization” which, generally, do not receive substantial opposition in the mood of the public.

1.5. Understanding of the exceptions possibility («amnesty») for persons who are subject to lustration

The survey results give grounds to make a conclusion that for the Ukrainian society lustration is not so much a tool for democratic reforms but mostly a means to achieve social justice and fight illegal enrichment of judges and public officials. This was recorded by the 2015 survey and proved by the 2016 survey.

This is what most probably gives rise to «severity and implacability» in the attitude towards persons to be dismissed as a result of vetting:

- The majority of the surveyed (in 2016 – 76%, in 2015 – 81%) deem it necessary to open criminal proceedings regarding such persons. Apparently, lustration is perceived by the public mainly as a type of punishment.

- Introducing a lifetime ban to take certain position in the public sector is also supported by the majority of population (in 2016 – 63%, in 2015 – 74%);
- Especially indicative may be the increase of percentage of those who recognize as justified the restriction of the right to judicial protection for the officials subject to lustration: in 2016 – 23%, in 2015 – 15%.

It should be mentioned that, like in 2015, such measures are to a lesser degree supported by respondents who are personally or whose relatives are (or were) included into the category formally subject to lustration. Also one can observe the interdependence of having experience of dealing with government and law enforcement agencies and the support for the severe measures for the lustrated.

Overall, the idea of a **compromise regarding officials subject to dismissal** has not become common in popular mentality. For the last year, the percentage of respondents who, under certain conditions (circumstances), allowed the possibility of “amnesty” for officials subject to dismissal has reduced. Thus, based on the 2015 survey results, one third of the surveyed believed this was possible (31% to 37%); in 2016 – 15% to 32%. With regard to certain conditions (circumstances), evaluations had their specifics:

- Evaluations regarding participants in combat operations in ATO/war zones have remained relatively stable: in 2015, 37% of the surveyed recognized the possibility to keep their positions, in 2016 – 32%;
- For “whistle-blowers” (those who cooperated with law enforcement agencies and helped disclose the information about corruption schemes) the possibility of “amnesty” in the 2015 survey was recognized by 31% of respondents, in 2016 – only 24%;
- Similar results were recorded with regard to “*unique, in terms of qualifications and experience, specialists*” (the 2015 survey – 31%, 2016 – 24%).

SECTION 2. LUSTRATION IN THE JUDICIARY

2.1. The need for vetting of judges and the ways to do it

The 2015 and 2016 survey results show that the **need for mandatory lustration of judges** still dominates the public thinking. Such view is shared by 85% of respondents in 2016 and 89% in 2015. It is difficult to say what exactly causes this attitude of people: the actual knowledge of the situation in the judiciary or popular mentality stereotypes that are actively created and used by politicians and media?

The 2015 and 2016 surveys have demonstrated almost the same indicator of “*availability of personal experience of participation in court proceedings*” – 8% and 9% respectively. However, among those who were participants of court proceedings, the percentage of respondents who see the need for lustration of judges is 77% vs. 85% of all respondents. In 2015, this percentage was 83% vs. 85%. One may assume that such dynamics can be explained by certain positive changes in the judiciary itself.

It should be also taken into account that in self-evaluation of most citizens (64% in 2016) a “low” and “very low level” of awareness of the content of judicial reform is common. Only 7% of the surveyed consider themselves to be well informed. Taking into account that during the survey active discussions of amendments to the Constitution with regard to the judiciary were ongoing, it can be assumed that for most citizens this problem has appeared to be marginal (either these issues were not important for them, or discussions were held in a too narrow circle and was of professional nature).

How the lustration of judges should be done? There are several competing approaches to this issue in Ukraine, the proportion of which has changed when comparing the results of 2015 and 2016.

The most radical is the requirement to “**totally replace all the judges**” (**all judges must be dismissed**) which dominated in 2015 (49% of the respondents preferred this model). It should be stated that such radical requirement is significantly higher for judges than for civil servants on the whole. The 2016 survey shows substantial weakening of radical mood: only 31% of the surveyed support “total replacement of all the judges”. At the same time, there are regional differences: this approach is the most popular in the North (46%) and in Kyiv (36%); the support of such model has sharply reduced in the West (from 58% in 2015 to 29% in 2016) and in the East (from 34% in 2015 to 17% in 2016).

According to another option, all judges **must be vetted, and upon the vetting results the issue of their possible retention will be decided**. The 2015 survey has shown moderate attitude to such model: it was supported by 36% of respondents. In 2016, the situation has changed: this position has become dominating having received the support of almost a half of the surveyed (48%).

The survey has also offered to determine an attitude towards another hypothetical option of lustration – **random vetting of judges based on complaints or claims from the public**. In the 2015 survey, such option was supported by only 7% of respondents in the country on the whole. However, in 2016, the level of support has doubled up to 16%. The structure of grounds upon the availability of which judges must be lustrated has also changed. Like in 2015, the significance of such circumstances as “*receiving a bribe*”, “*incompliance of declared incomes and available assets*”, “*illegal economic activity*” is recognized. At the same time, the percentage of circumstances related to direct or indirect connection with political regime of V. Yanukovich (appointments with support of his

partners; family or business relations, participation in prosecution of political opponents, etc.) has significantly increased.

2.2. Who should conduct the vetting and lustration of judges?

The citizens who support the need for **vetting of judges** mostly suggested two alternatives regarding the institute (and relevant procedure) of vetting.

In the 2015 and 2016 surveys, the percentage of respondents who prefer the vetting to be conducted by **an independent body with mandatory participation of the public has not changed**. In 2016, such option was preferred by 44% of respondents, in 2015 – 43%. This means that people recognize this as the most reasonable and efficient way to achieve the goals of judicial reform.

At the same time, the support of a rather ambiguous idea that **lustration should be conducted directly by the public** (for example, civic lustration committees, etc.) is becoming stronger. In 2016, such way of lustration was supported by 32% of respondents, which is by 7% more than in 2015 (25%). This idea is gaining support even in those regions (e.g., in the East) where, based on the results of the previous survey, it was supported by far less than in Ukraine on the whole.

Since judicial system is very critical of such approach perceiving it as a threat to judicial independence, it is important to mention the main characteristics of these respondents:

- approx. 90% of them have not had experience of dealing with law enforcement authorities and have not been participants of court proceedings for the last three years, however, 31.7% have had experience of dealing with state power and local self-government bodies (as compared with 2015 – over 80% have not had such experience for the last three years);
- approx. 22% indicated that they know how lustration of judges is conducted and how they rank-and-file citizens may be included into the process of purification of government (in 2015 – about 20%);
- the largest number of proponents of lustration by the public is among residents of Central region and Kyiv, while in 2015 such position was popular among residents of Northern and Western regions.

In both surveys (2015 and 2016), it was recorded that other alternatives in terms of the institutions authorized to conduct lustration of judges (the Parliament, judicial self-governing bodies, prosecution office, President, Ministry of Justice, chief judges) are supported on average by only 4% of the interviewed. *In general, these evaluations correlate with extremely low level of public trust to these institutions. It may be important to assume that the idea of expanding the participation of judges in addressing the issues of vetting and lustration in the judiciary is not supported by the public.*

2.3. The grounds and consequences of lustration measures regarding judges

It is extremely important for the society to determine what judges should be made responsible upon the results of vetting, i.e. on what grounds the judge's responsibility arises and what forms should it take. The national legislation outlines the list of grounds for vetting and lustration. It is important to understand how these legislative provisions are perceived by the society and whether there are any changes in such evaluations under the impact of actual lustration processes in the judiciary.

Comparison of results of the 2015 and 2016 surveys does not allow making unambiguous conclusions since understanding of citizens is rather controversial, sporadic and based on

numerous myths of the media and public consciousness. At the same time, it is worth drawing attention to the following:

- Public evaluation of the grounds and possible implications (in particular, types of liability) of vetting of judges has been stable during the last two years, which proves the **existence of stable stereotypes of public consciousness regarding the need for “rigid response” to dishonesty of judges**. There are signs of dynamics of indicators (when comparing results of the 2015 and 2016) only in some issues: a) the percentage of supporters of a rigid approach (“*deprivation of immunity and criminal liability*”) is changing in different ways (with regard to different forms of offences); b) such hypothetical tool of responsibility as “*unlimited ban to hold judicial positions*” is becoming less popular – in most cases its percentage is decreasing by 3-5 points.
- It was predictable that people invariably disapprove of such manifestation of judicial misconduct as “*rendering illegal decisions which led to grave consequences*” (67% of respondents in 2015 and 57% in 2016 support criminal liability for such actions), “*bribery*” (about 63% in 2015-2016), and “*illegal economic activity of judges*” (60% in 2015-2016).
- At the same time, the majority of population has no clear understanding of the essence and content of judicial responsibility envisaged by legislation. The views of the surveyed are too much polarized – from inadequately (overly) heavy responsibility to unjustified tolerance. For example, for “*display of unethical behavior by judges*” 28% of the surveyed deem it necessary to make judges criminally liable (in 2015, this number was 19%), another 24% – “to dismiss for lifetime”; at the same time about one third of respondents support criminal responsibility for the actions of judges that helped strengthen the Yanukovych regime (unlawful prohibition of meetings, persecution of journalists, civic activists, etc.), but quite a significant part (about 14-15% both in 2015 and 2016) deem it possible to limit responsibility in this case to disciplining judges.
- The largest degree of “tolerance” in popular mentality is typical for political or ideological grounds: about one quarter of the surveyed in both surveys are against the lustration of judges in case: “*they were officials Communist Party, Komsomol, KGB, etc.*”; “*their appointment was facilitated by those who were in power/government under Yanukovych regime*”; “*they belong to the pool of partners, friends, relatives or kin of those who were in power/government under Yanukovych regime*”. Also, a quarter of this group of respondents are those who themselves or their kin belong (belonged in the past) to categories theoretically subject to lustration. At the same time one can observe a radical stand/position in the attitude to the abovementioned grounds for lustration: about 20% of respondents in 2016 and 15% in 2015 are in favor of criminal responsibility of judges in such cases; from 21% to 27% – in favor of dismissal from judicial position and a lifetime ban to take judicial positions. Residents of Western region are the most radical; residents of Eastern region are more tolerant. Radical views are often explained by the lack of clear understanding of the nature of criminal or other types of liability.

CONCLUSIONS AND RECOMMENDATIONS

Based on the results of the public opinion survey regarding the attitude towards democratic changes in political and social spheres, judicial reform, and the process of purification of government in Ukraine in 2015-2016, one should draw attention to the following features of dynamics in public attitudes:

- Public understanding of the “purification of government” and status of reform of society is based on firm stereotypes which are inertial and have responded to actions of government and political elite rather languidly or with delay for the last year.
- In modern Ukraine, the need for “purification of government” still clearly dominates popular mentality, which is proved by both surveys (2015 and 2016). Lustration is viewed as an important condition for the success of reforms.
- The population is still mainly concerned about the destiny of the country and their own destiny. In the evaluations of *the rating list of major threats* for the development of society (the 2016 survey), the focus is on the fact that the **most substantial threat** is *“the condition of Ukrainian ruling political class (“corruption of the top echelons of power”; “lack of political will to conduct reforms”; “lack of consensus of political elites regarding the ways of development of the country”)*.
- The level of trust in public institutes remains low. Positive changes are fragmentary (the “credit of trust” in new police and weak positive dynamics of attitudes to court and prosecution are recorded, which demonstrates expectations from reforms rather than reality). At the same time, trust in the President of Ukraine is decreasing.
- Comparison of the 2015 and 2016 survey results show that there have been not substantial changes in **social expectations of the public** – *“negative stability of disappointment and disillusion”* dominates. Disappointment both in the government’s capacity to implement social reforms and in feasibility of the status of reforming (most of all regarding judicial reform) is growing.
- Public opinion on the issues of purification of government is gradually losing its radicalism of 2014-2015. However, meaningfulness, pragmatism and reasonableness of approach are being formed too slowly, which can be explained, in particular, by the lack of clear and systemic knowledge about the essence and content of purification of government, facts about and practice of operations of governmental and non-governmental bodies in this field.
- The level of public awareness of the purification (lustration) of government is extremely low. The knowledge is very fragmentary and superficial; the stereotypes created by media and politicians prevail in respondents’ evaluation. No substantial changes in the level of awareness have been recorded for the last year, although, for some categories, the decrease of the level of awareness and interest in these issues on the whole is recorded.
- The dominating view about lustration as a tool to restore social justice and fight illicit enrichment of public officials and judges has not changed either. Such objectives as democratization and “decommunization” are essentially of less significance.

- The 2016 survey does not allow making a conclusion about significant increase of anticorruption potential of the public. The processes are ambiguous: on the one hand, rather noticeable increase of persons who are ready to report instances if corruption is recorded, as well as the level of non-acceptance of “whistle-blowers” is reducing (inherited from the Soviet times and deep-rooted in criminal subculture stereotype of “condemning informers” is losing its popularity slowly but steadily); on the other hand, “*zero tolerance towards corruption*” is being formed with difficulties: economically and socially active population is more tolerant of corruption (they find excuses for it).
- Actual status of lustration brings disappointment and discouragement about the possibility to reach the declared goals. Positive dynamics is only fragmentary. The only clear indicator is increase of trust in reformed police.
- With regard to the issues of purification of government, the percentage of supporters of radical approach (“*replacement of officials and judges*”) is unchanged, although such approach is not dominating. The existence of such substantial (about one third of the population) potential of radicalism poses a threat for reforms (this may be especially perceptible in reforming the judiciary).
- Regional differences in public opinion on key issues of the survey remain, and some of them have become stronger. The most noticeable is strengthening of a “special position” of the East. The most – in the understanding of geopolitical vector of development of Ukraine where substantial increase of opponents of NATO membership and proponents of the idea of “*restoring relations with Russia*” is recorded (which conflicts with the national trend of “*disappointment with Russia*”).

The survey results may be viewed as an argument confirming the importance of the quality of legal regulation of the government purification processes and the need for strengthening the guarantees of civil society involvement. Lately, different alternatives of specifying or improving legislative framework of purification of government have been offered, the evaluation of reasonability of which must take into account trends of public attitudes.

Specifically, it is advisable to pay attention to the following:

- There are grounds for making a conclusion about the popularity of public understanding of “exhaustion” of the tasks of “decommunization of government”, which is perceived by the majority of the population as essential prerequisite for reforms. However, society is not interested in developing this issue, which was more topical in 2014. The society does not fully or absolutely support lustration measures which are based only on the fact whether the person was part of management bodies in the Communist Party, Komsomol or cooperated with KGB (“grounds for decommunization”). Amending relevant legislative provisions may involve mainly eliminating certain technical drawbacks.
- The 2015 and 2016 surveys show that the statement about “the complete purification of government from “the people of Yanukovich’ regime” which exists in modern Ukrainian political discourse is untimely. In popular mentality, this objective remains one of the priorities. Apparently, legislation requires more comprehensive consideration and neutralization of existing or potential mechanisms of avoiding lustration by officials and judges. These are rather complex and specific political and legal issues, the value of public

- opinion on which is very relative; however, general orientation of public opinion is important where the idea of “*the need for new people*” dominates.
- There is a firm understanding of the inefficiency of conducting lustration as “*self-purification of government*” (e.g., lustration of judges under internal procedures of the judiciary); the support of the idea of “*direct public lustration*” is somewhat growing. However, legal regulation of such public lustration (i.e., legalization of actually existing forms including the most radical ones) may have negative consequences. Legislation should provide for more realistic and flexible forms of interaction between the state and the public under the procedure which meets expectations of the independence of vetting and lustration bodies. Such forms must make it impossible to imitate engagement of the public, existence of “*fake public*” and closed processes of lustration. On the other hand, it is worth paying attention to strengthening favorable attitude of citizens to more comprehensive engagement of “international community” (international experts and representatives of international organizations) in lustration (or, on the whole, supervisory) institutes.
 - The 2015 and 2016 surveys show that on the legislative level and in the operations of law enforcement bodies and political bodies, one should distinguish between the task of lustration itself (as restoring democratic principles of public administration through “*decommunization*” and “*removing the people of Yanukovych from power*”) and purification of government from the persons whose actions bear signs of a crime (first of all, “illicit enrichment” and other types of corruption offences); this circumstance must be taken into account in specifying the provisions on applying relevant provisions of current legislation; in fact, this concerns increasing the efficiency of anti-corruption instruments in the operations of the National Anti-Corruption Bureau of Ukraine and National Agency for Prevention of Corruption. This is especially topical in terms of the launched judicial reform, where integrity of judges will be evaluated by the public based on clear criteria, transparent procedures and inevitability of liability, first of all, as a tool of “purification of the judiciary”.
 - A stereotype of “uncompromising attitude” towards the persons subject to lustration is quite common in popular mentality. The new trend is the growth of supporters of “strict measures” among those who had experience of dealing with relevant public bodies. However, such “uncompromising attitude” is not always justified. For example, the law should stipulate additional conditions to be taken into consideration as “mitigating circumstances” when deciding the issue of dismissing from position; specifically, this may be stipulated for “whistle-blowers” that are given special guarantees by anticorruption legislation, or (on certain conditions) for participants of combat operations in the ATO.

The received data also disclose the insufficient efficiency of public awareness and educational activities on the part of the state and non-government agencies. NGOs and the media should play a more active role in increasing public awareness of the goals, objectives, and practices of conducting lustration.

The priority components of the public awareness and education activities should be:

- Establishing constructive interaction between state bodies and civil society institutes (NGOs and the media), which must facilitate not only filling in the gaps of public awareness of lustration processes, but also giving public evaluation of the actions of the state in this field.
- Initiating comprehensive public discussions of legal proposals regarding actions which will be perceived as components of the process of purification of government. There is much tension about this task in terms of implementation of judicial reform. The survey data show that information support of judicial reform has significant drawbacks, which may lead to inadequate understanding of its essence, current and strategic results and consequences by the public.
- In view of the regional differences: *special information campaigns* should be developed and implemented targeted at the residents of certain regions. The situation in the East is the most critical. Not only negative evaluations of reforms, but also pro-Russian attitudes are strengthening there.
- It is advisable that public awareness activities reflect the relation of lustration process with reforms in the society. The goal of lustration is not to “wreak vengeance upon certain politicians or political elites” but to purify government institutions from such representatives of the past who are a threat to the future, a threat to democracy.
- The common problem for the civil society in Ukraine is that the major part of the population has no clear and systematic understanding of the lustration procedure. Since the results of the 2016 survey show the lack of positive changes, it is important to use “simple public awareness measures”: *disseminate information about lustration legislation; bodies that conduct lustration; categories of persons subject to lustration and vetting; grounds and procedures for lustration*. It is necessary to disseminate in simple and understandable manner the information materials on the content of procedures for vetting and lustration (information brochures, explanations and commentaries, etc.).
- The major part of the population perceives lustration mechanisms (in particular, “direct public lustration”) as a single possible tool to respond to improper behavior of judges. Therefore, it is advisable to conduct public awareness events to inform people about the available legal mechanisms. For example, there is a need to conduct public awareness campaigns on the grounds and procedures for disciplining judges that the public is very little aware of.
- It is quite important to supply the materials on the main results and problems of lustration (information on the operations of bodies involved in this process; vetting facts and their consequences; statistics regarding implementation of lustration legislation provisions; etc.) on local level (data by oblast, “raiyon”, cities). Also effective may be dissemination of such information directly in institutions, courts, etc. and on websites of relevant bodies.
- Specific attitude of separate social groups to lustration should be taken into account, in particular, popular idea of lustration as a tool for restoring social justice and countering illegal enrichment. Lustration as a tool for decommunization and democratic development requires explanation. A special emphasis should be made on the fact that lustration has multiple functions, and restoration of justice and fighting illegal enrichment of public officials and judges is only one of those functions. This issue is important for low-income citizens. It is just this issue that significantly deepens social polarization and tension in the society.
- Principles of organic unity of anticorruption policy and tools of purification of government must be clearly implemented in information space.

- The problem of radicalism of views on lustration and inclination to mythologize this tool is still topical. Public awareness campaigns should be based on realistic approach that should destroy simplified ideas about the possibility to simply replace “*bad judges and public servants with good ones*”.