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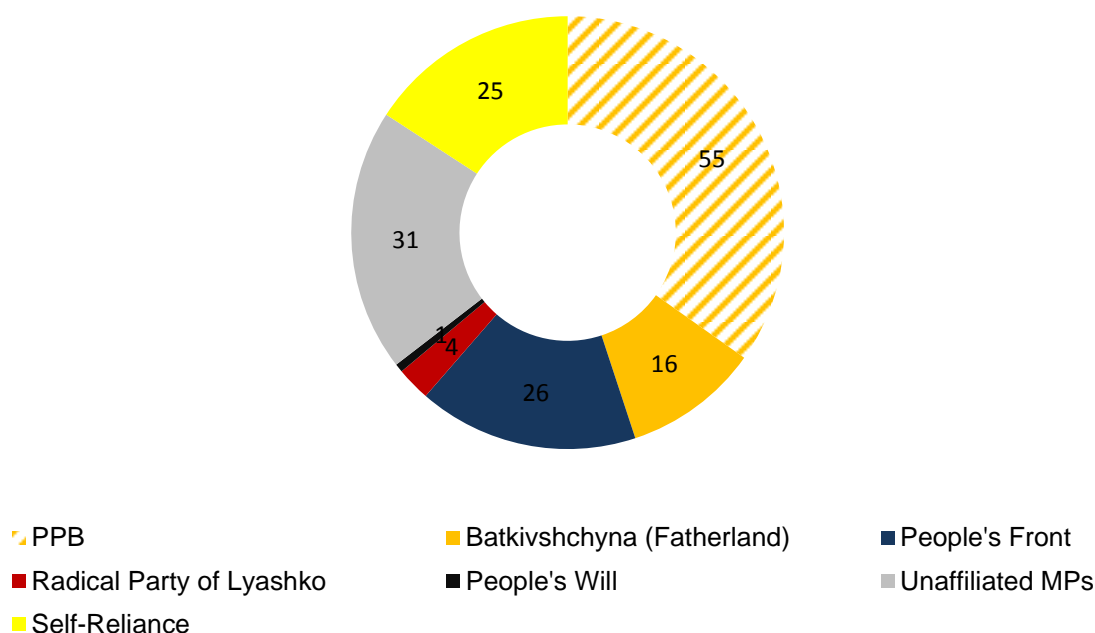
Experts` opinion on the Abolition of parliamentary immunity



The abolition of parliamentary immunity

On July 19, 2017, Members of Parliament submitted a draft law No. [6773](#) on amendments to the Constitution of Ukraine (as regards parliamentary immunity of Members of Parliament of Ukraine).

Political faction affiliation of MPs who initiated this draft law:



The text of this draft law provides for abolition of parliamentary immunity on the next day **following the day of the publication of the law**. Strictly speaking, presumably it can be put into effect within the lifetime of the current legislature.

On October 17, 2017, a presidential draft law No. [7203](#) was submitted to the parliament. The document provides for restriction of parliamentary immunity starting from **January 1, 2020**.

On October 19, 2017, the Parliament voted on including both draft laws to the agenda of the 7th session and to send bills to the Constitutional Court (No. 7203: "For" – [336](#) votes; No. 6773: "For" – [328](#) votes).¹

The Constitutional Court provided conclusions that both draft laws are in compliance with the Constitution of Ukraine (No. [7203](#); No. [6773](#)).

The Verkhovna Rada of Ukraine Chairman Andriy Parubiy said that the abolition of parliamentary immunity should be [one of the priorities for the 9th session of the parliament](#).

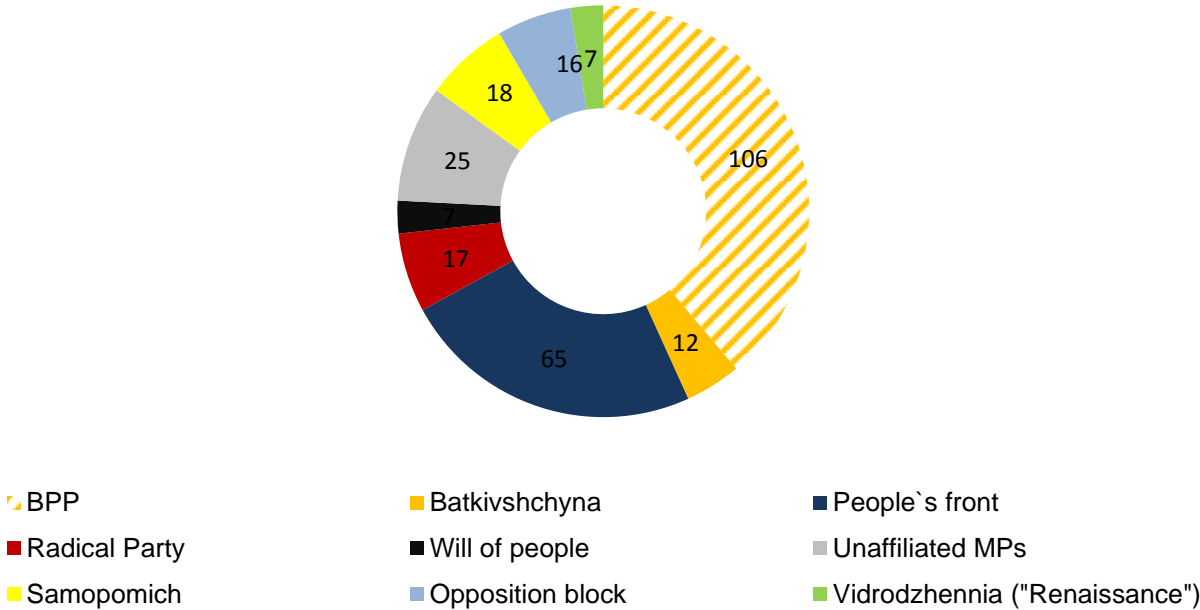
¹ The way how parliamentary factions voted as regards submission of the draft laws No. 7103 and No. 6673 to the Constitutional Court to obtain its conclusion was not taken into consideration, because it does not reflect the position of parliamentary factions/groups.

President Petro Poroshenko in his annual address to the Verkhovna Rada of Ukraine “On Internal and External situation of Ukraine in 2017” urged the Parliament to adopt “amendments to the Constitution to abolish parliamentary immunity”.

On September 20, Ukrainian parliament voted for the draft Resolution on the further work on the bill amending the Constitution of Ukraine (regarding the immunity of the MPs) (No. [7203 / P1](#)) – in the first and final readings.

[274](#) MPs voted for the Resolution. The submission of the proposals and amendments to the bill is set until October 19.

The results of the voting on the Resolution





Batkivshchyna

16 out of 20 MPs of the Batkivshchyna parliamentary faction signed the draft law No. [6773](#).

Statements:

- [support](#) of the abolition of parliamentary immunity [by the leader of the faction](#);
- [criticism](#) by the faction representatives of the presidential draft law No. 7203;
- articulation of intentions of the Batkivshchyna faction to support the draft law on abolition of immunity ([Sergiy Vlasenko](#)).

People's Front

26 MPs of the faction signed the draft law No. [6773](#).

Statements:

Support for the abolition of parliamentary immunity ([Anton Gerashchenko](#))

Opposition Bloc

MPs of the parliamentary faction of the Opposition Bloc did not submit any draft laws on the abolition of immunity.

The statements of the faction varies according to the public sentiments:

- in 2015, a member of the faction Dmytro Shpenov said that the faction [will not vote for the abolition of immunity](#)
- advocate repealing immunity of the President, judges and Members of Parliament [uniformly](#).
- following that, the faction leader Boyko [publicly supports](#) the abolition of parliamentary immunity.

Party "Vidrozhennya" ("Revival")

Statements:

The parliamentary group does not make public statements on the abolition of immunity.

Petro Poroshenko Bloc

- Submission of the draft law [7203](#) by the President of Ukraine;
- 55 MPs of the PPB faction in the parliament signed the draft law No. [6773](#).

Statements:

- Support for consideration of the draft law on the abolition of immunity at the 8th session of the parliament ([Iryna Lutsenko](#), [Sergiy Berezenko](#));
- [President's Statement](#) to support the abolition of parliamentary immunity, starting from January 1, 2020.
- President's call for abolition of immunity.

"Samopomich" Union faction

On December 5, 2016, MPs of the Self-Reliance faction submitted a draft law No. [5487](#) Draft Law on Amendments to Certain Laws of Ukraine (as regards parliamentary immunity of members of parliament of Ukraine).

Statements:

- ["Samopomich" publicly support the abolition of parliamentary immunity](#). The faction supports repealing parliamentary immunity, and supports the protection of MPs against political prosecution for speaking and voting in the parliament.
- The faction leader O. Berezyuk [advocates](#) in public the abolition of parliamentary immunity to be performed in accordance with a classical legislative procedure, and not starting from 2020, as some other propose.

People's Will

One MP from the parliamentary group signed the draft law No. [6773](#)

Statements:

- Sergiy Shakhov [supports](#) the abolition of immunity;
- the parliamentary group does not make any public statements to demonstrate their standpoint on this issue.

Radical Party of Oleh Lyashko

Four MPs signed the draft law No. [6773](#)

Statements:

The faction supported the abolition of immunity by including it in their statement on [a series of changes](#) the state needs to undergo.

The [Coalition Agreement](#)², which was signed in 2014, states the following:

“Being open and accountable to the society, we shall be guided in our activity exclusively by law, we shall cancel parliamentary immunity and shall bear full responsibility for our actions before the Ukrainian people”.



THE ABOLITION OF PARLIAMENTARY IMMUNITY

PREVIOUS INITIATIVES

October 1,
2015

MP Yuriy Levchenko submitted a draft law No. [3205](#) on amendments to the Rules of Procedure, which provides for the possibility for a Member of Parliament to file an application expressing his or her consent to prosecution, detention or arrest (“voluntary” abolition of immunity). The Committee on Rules of Parliamentary Procedure, which was identified as the main one to consider this draft law, [rejected the draft law](#). On October 1, 2016, the draft law was removed from consideration.

December
16, 2015

On December 16, 2015, the President of Ukraine submitted a draft law [No.1776](#) on abolition of parliamentary immunity. According to the transitional provisions of this draft law, the abolition of immunity shall take place after the publication of this law. In January 2015 this document was sent to the Constitutional Court, which [recognized it to be compliant](#) with the Constitution.

The draft law provides that the abolition of immunity shall concern not only Members of Parliament, but also judges. However, the issue of immunity of judges was resolved in the course of the judicial reform. Accordingly, to consider the issue of parliamentary immunity, it is necessary to introduce another draft law. Since this draft law was recognized as such that became no longer relevant, on March 20, 2018 it was withdrawn from consideration (in accordance with part two of Article 95 of the Rules of Procedure).

July 15,
2016

MP V.Rabinovych submitted a draft law No. [4016a](#), which provides for the temporary abolition of parliamentary immunity for three months. On December 20, 2017, it was returned to the subject of legislative initiative, who submitted this draft law, as such that requires to be reviewed.

December
5, 2016

MPs from the Self-Reliance faction submitted a draft law No. [5487](#). It provides for making amendments to the Criminal Procedure Code, as well as to the Law of Ukraine “On Status of Members of Parliament” to allow for investigative and preventive measures, as well as restriction of the right to travel abroad, should a Member of Parliament commit a crime.

On February 21, 2017, this draft law was included in the parliamentary agenda, however, it was not considered by the parliament yet.

² The Agreement was signed by the factions of political parties “People’s Front”, the Petro Poroshenko Bloc, the Union of Self-Reliance, the Radical Party of Oleh Lyashko, and the All-Ukrainian Union “Batkivshchyna” (“Fatherland”).