

# The Future of the Security Sector in Ukraine

Lauren Baillie, Ena Dion, Philippe Leroux-Martin,  
Ian Platz, William B. Taylor, and Calin Trenkov-Wermuth



UNITED STATES  
INSTITUTE OF PEACE  
Making Peace Possible

## ABOUT THE REPORT

This report presents practical options for advancing Ukraine’s security sector capabilities to consolidate peace and stability. Although winning the war rightly remains Ukraine’s highest priority, this report focuses on the security sector issues at the heart of the country’s ability to win the peace. These issues include tackling corruption, holding the perpetrators of war crimes accountable, integrating veterans into society, and strengthening civilian security. Derived from extensive fieldwork, qualitative analysis of official documents, and consultations with Ukrainian, American, and international officials and experts, the report outlines a wide variety of concrete policy options—both overarching and targeted—designed to support Ukraine’s security sector in the postwar era.

The views expressed in this report are those of the author(s) alone. They do not necessarily reflect the views of the United States Institute of Peace. An online edition of this and related reports can be found on our website ([www.usip.org](http://www.usip.org)), together with additional information on the subject.

Cover includes artwork by Maxger/Shutterstock

© 2024 by the United States Institute of Peace

### United States Institute of Peace

2301 Constitution Avenue NW  
Washington, DC 20037

Phone: 202.457.1700

E-mail: [usip\\_requests@usip.org](mailto:usip_requests@usip.org)

Web: [www.usip.org](http://www.usip.org)

First published October 2024.

ISBN: 978-1-60127-945-3



# The Future of the Security Sector in Ukraine

Lauren Baillie, Ena Dion, Philippe Leroux-Martin, Ian Platz, William B. Taylor,  
and Calin Trenkov-Wermuth



# CONTENTS

<b>Abbreviations</b> .....	3
<b>Executive Summary</b> .....	5
Overarching Policy Options .....	6
Targeted Options .....	6
<b>Introduction</b> .....	9
Methodology and Assumptions .....	10
Findings .....	11
Overarching Policy Options .....	13
<b>Chapter 1. Fighting Corruption to Secure Ukraine’s Future</b> .....	15
Priority Issue 1: Reinforce Weakened Anticorruption Mechanisms .....	16
Priority Issue 2: Address Corruption within the Security Sector .....	20
Priority Issue 3: Address Elite Capture of the Security Sector .....	24
Conclusion .....	27
<b>Chapter 2. Rebalancing the Scales of Justice</b> .....	29
Priority Issue 1: Recommit to Meaningful, Transparent Judicial Reform .....	30
Priority Issue 2: Restore Access to Justice .....	32
Priority Issue 3: Manage Public Expectations around Accountability for Atrocity Crimes .....	34
Priority Issue 4: Deliver Accountability for Atrocity Crimes .....	37
Priority Issue 5: Rebuild Social Cohesion .....	42
Conclusion .....	45
<b>Chapter 3. Supporting Veterans and Security Governance</b> .....	47
Priority Issue 1: Provide Inclusive Support to Ukraine’s Veterans .....	48
Priority Issue 2: Build a Robust and Transparent Ministry of Defense .....	53
Priority Issue 3: Formalize Ukraine’s Volunteer National Defense Organizations .....	56
Priority Issue 4: Create a Transparent, Well-Organized Military Justice System .....	59
Conclusion .....	61

<b>Chapter 4. Supporting Civilian Law Enforcement</b> .....	63
Priority Issue 1: Confront Policing Challenges in a Changed Civilian Security Environment .....	64
Priority Issue 2: Actively Prepare to Police De-Occupied Territories .....	69
Priority Issue 3: Reinvigorate Law Enforcement Reform .....	72
Conclusion .....	77
<b>Chapter 5. Policy Options</b> .....	79
Introduction .....	79
Chapter 1: Fighting Corruption to Secure Ukraine’s Future .....	80
Chapter 2. Rebalancing the Scales of Justice .....	83
Chapter 3. Supporting Veterans and Security Governance .....	88
Chapter 4. Supporting Civilian Law Enforcement .....	91
<b>Acknowledgments</b> .....	94
<b>About the Authors</b> .....	95
<b>Annex: Consultations</b> .....	97
<b>Notes</b> .....	103

# Abbreviations

<b>AI</b>	artificial intelligence
<b>ARMA</b>	Asset Recovery and Management Agency
<b>DREAM</b>	Digital Restoration Ecosystem for Accountable Management
<b>HACC</b>	High Anti-Corruption Court
<b>HACU</b>	High Administrative Court of Ukraine
<b>HCJ</b>	High Council of Justice
<b>HQCJ</b>	High-Qualification Commission of Judges
<b>IDP</b>	internally displaced person
<b>IREX</b>	International Research & Exchanges Board
<b>MP</b>	Member of Parliament
<b>NABU</b>	National Anti-Corruption Bureau of Ukraine
<b>NACP</b>	National Agency on Corruption Prevention
<b>NGO</b>	nongovernmental organization
<b>NPU</b>	National Police of Ukraine
<b>NSATU</b>	NATO Security Assistance and Training for Ukraine
<b>NSDC</b>	National Security and Defense Council
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>OPG</b>	Office of the Prosecutor General
<b>PCIE</b>	Public Council of International Experts
<b>PIC</b>	Public Integrity Council
<b>PTSD</b>	post-traumatic stress disorder
<b>SAPO</b>	Specialized Anti-Corruption Prosecutor's Office
<b>SBGS</b>	State Border Guard Service
<b>SBU</b>	Security Service of Ukraine
<b>SDI</b>	Service of Disciplinary Investigators
<b>SOE</b>	state-owned enterprise
<b>TCPO</b>	Territorial Community Police Officer
<b>USAID</b>	US Agency for International Development
<b>VNDO</b>	Voluntary National Defense Organization
<b>VRS</b>	Veterans Reintegration Survey





# Executive Summary

The aim of this report is to present practical options for advancing Ukraine's security sector capabilities to consolidate peace and stability as the country transitions from war to peace; the United States Institute of Peace does not take specific policy positions or advocate for specific forms of assistance. Although winning the war rightly remains Ukraine's highest priority, this report focuses on the security sector issues at the heart of the country's ability to win the peace. These include tackling corruption; holding the perpetrators of war crimes accountable; integrating veterans into society; and strengthening civilian security.

Winning the peace is also essential for achieving US strategic aims and interests. Ukraine represents a pivotal flank for the United States and its NATO partners. Investing in Ukraine's capacity to consolidate peace and stability after the war solidifies the US-led coalition of democracies, allies, and partners and supplements NATO's efforts to strengthen the alliance's eastern flank.

Advancing Ukraine's security sector capabilities to consolidate peace and stability will strengthen Ukraine's position as a net security provider capable of directly contributing to US alliances and partnerships and protect the integrity of the strategic investments in Ukraine's security sector made by the United States over the last decade. US and allied support for these reforms will send a strong message to long-term strategic competitors that the United States and its allies and partners can act with coherence and resilience to protect their strategic interests.

The policy options presented in this report are derived from extensive fieldwork; qualitative analysis of official documents; and consultations with Ukrainian, American, and international officials and experts. The report's analysis and policy conclusions were shaped by multiple discussions with interdisciplinary expert groups, whose members have performed the invaluable role of assessing conditions, challenging assumptions, sharing best practices, and evaluating options for their impact and feasibility.

The report outlines a wide variety of concrete policy options designed to support Ukraine’s security sector as the country transitions from war to peace. These options—both overarching and targeted—identify high-value actions to that end.

## Overarching Policy Options

The report outlines five overarching actions.

- **Develop an overarching postwar security sector reform framework.** Establish principles, a long-term vision, and action steps that build on Ukraine’s 2023–2027 Overarching Strategic Plan for the Reform of the Entire Law Enforcement Sector.
- **Establish a postwar security sector coordination platform** tied to the G7 Multi-agency Donor Coordination Platform for Ukraine and the Ukraine Defense Contact Group. This platform would coordinate postwar security sector assistance to Ukraine.
- **Conduct a comprehensive public expenditure assessment of the postwar security sector.** This assessment would include clear and detailed cost projections of Ukraine’s postwar security sector needs, as well as pragmatic projections of Ukraine’s postwar capacity to finance its security sector.
- **Support the adoption of technological innovations, including ones supported by artificial intelligence (AI).** This adoption would address potential gaps in the capabilities of the security sector to deliver services to Ukrainians.
- **Continuously monitor security sector needs and citizens’ expectations.** Conduct quarterly surveys of citizens’ justice and security needs across demographic groups and geographic locations. Use the resulting information to shape and prioritize reforms.

## Targeted Options

Chapters 1 through 4 offer targeted policy options for supporting Ukraine’s security sector. Chapter 5 summarizes these options.

### CHAPTER 1. FIGHTING CORRUPTION TO SECURE UKRAINE’S FUTURE

The report’s findings center on reforms that would meet both the letter and the spirit of Ukraine’s public commitments to ending corruption. They reflect three priorities:

- Reinforce weakened anticorruption mechanisms
- Address corruption within the security sector
- Address elite capture of the security sector

Some of the policy options outlined in this report offer macro solutions—such as balancing transparency with classification of sensitive security information. In other cases, the options pinpoint leverage points that could spur positive change. For example, supporting Ukraine in doubling the number of detectives employed by the National Anti-Corruption Bureau of Ukraine can help curtail corruption at the highest levels of government. The report identifies ways that Ukraine and international donors can attack the problem of corruption from multiple angles, thereby helping to satisfy the demand for reform from the Ukrainian public and donors.

## **CHAPTER 2. REBALANCING THE SCALES OF JUSTICE**

Judicial reform is crucial for Ukraine’s future as a stable and peaceful state. The following priorities emerged as building blocks toward this larger goal:

- Commit to meaningful and transparent judicial reform
- Restore residents’ access to justice services
- Manage public expectations around accountability for war crimes
- Deliver accountability for atrocity crimes
- Rebuild social cohesion by adopting an inclusive approach to justice

These policy options seek to address Ukraine’s high public demand for justice, whether from victims of war crimes or from those struggling to gain access to basic legal and judicial services. Given the diversity of Ukrainian justice needs, meeting these challenges requires an all-encompassing view of justice, one that includes traditional governmental services, such as courts, as well as nonjudicial tools. This chapter thus has a wide purview, covering, for example, digitizing court records to allow legal actions to proceed in areas disrupted by fighting and using innovative methods for prioritizing and prosecuting war crimes trials.

## **CHAPTER 3. SUPPORTING VETERANS AND SECURITY GOVERNANCE**

This chapter focuses on the defense realm and the following priorities:

- Provide inclusive support to Ukraine’s veterans
- Strengthen governance and transparency in the Ministry of Defense
- Formalize Ukraine’s voluntary national defense organizations
- Enhance military justice

Veterans issues are certain to demand considerable attention from Ukraine’s defense sector. More than 1 million Ukrainian men and women serving today will transition out of active duty in the coming years, with needs for physical and psychosocial assistance. This chapter explores this challenge at the institutional level, where jurisdictional and other issues complicate the provision of services to Ukrainian veterans. The chapter also looks at this challenge from the perspective of future veterans and their families and investigates the variety of ways that their needs can be met most efficiently. Taking a wider view, this report examines how Ukraine can modernize its defense institutions to satisfy the public wish for transparency while meeting the continued challenge of Russian aggression.

#### **CHAPTER 4. SUPPORTING CIVILIAN LAW ENFORCEMENT**

Civilian law enforcement officers—including local police officers, security service officers, and state border guards—have played a valuable role during the war and could play an equally important role in securing peace. This chapter discusses how this transition can be most effectively managed, focusing on the following priorities:

- Confront challenges to policing in a changed security environment
- Actively prepare to police de-occupied territory
- Reinvigorate law enforcement reform

This chapter takes stock of the ways that the war and its aftermath will challenge law enforcement. For example, police officers who have been serving as soldiers will need to be retrained to handle civilian missions and related procedures. The chapter also touches on the role of Ukraine’s parliament—the Verkhovna Rada—and government ministries in clarifying policy, such as determining which collaboration infractions do and do not merit prosecution. Actions such as these will allow enforcement of high-profile crimes to be standardized across Ukraine while allowing flexibility to respond to local needs.

# Introduction

This report presents practical options for advancing Ukraine's security sector capabilities to consolidate peace and stability as the country transitions from war to peace. Although winning the war rightly remains Ukraine's highest priority, this report focuses on the security sector issues at the heart of the country's ability to win the peace. These include tackling corruption; holding the perpetrators of war crimes accountable; integrating veterans into society; and strengthening civilian security.

Nearly all of the more than 200 people consulted during the preparation of this report agree that reforming its security sector is one of the most important steps Ukraine can take to protect its future. The reasons are clear: the security sector is one of the most frequent and common points of interaction between Ukrainian citizens and their state and is a primary instrument through which the state identifies and responds to the evolving needs and expectations of its citizens. Continuing to reform the sector, even as the country continues to fight Russian aggression, reinforces the high levels of societal trust and cohesion forged during the war and lays the groundwork for the country's future reconstruction, social transformation, and democratic consolidation.

Winning the peace is also essential for achieving US strategic aims and interests. Ukraine represents a pivotal flank for the United States and its NATO partners. Investing in Ukraine's capacity to consolidate peace and stability after the war solidifies the US-led coalition of democracies, allies, and partners and supplements NATO's efforts to strengthen the alliance's eastern flank.

Reform will strengthen Ukraine's position as a net security provider capable of directly contributing to US alliances and partnerships and protect the integrity of the strategic investments in Ukraine's security sector made by the United States over the last decade. US and allied support for these reforms will send a strong message to long-term strategic competitors that the United States and its partners can act with coherence and resilience to protect their strategic interests.

## Methodology and Assumptions

The options presented in this report are derived from extensive fieldwork; qualitative analysis of official documents; and consultations with more than 200 Ukrainian, American, and international officials and experts. The report's analysis and options have been shaped by multiple discussions with interdisciplinary expert affinity groups, whose members have performed the invaluable role of assessing conditions, challenging assumptions, sharing best practices, and evaluating options for their impact and feasibility.

The options developed in this report are based on the following assumptions:

- Russia will pose an existential security threat to Ukraine for years to come. Russia's decades-long, multidimensional challenge to Ukrainian sovereignty, territorial integrity, and independence will continue in the aftermath of its war of aggression.
- Ukraine will remain a free, democratic, independent, and sovereign state and continue to exercise effective control over de-occupied territories.
- Ukraine will be a highly securitized environment for as long as the country will need to defend itself against the multidimensional existential threat posed by Russia.
- Ukraine's stabilization efforts are likely to take place alongside efforts to join the European Union and NATO. The prospect of EU and NATO membership will act as an incentive for the country to reform and may unlock the resources needed to attain full membership.

The report has also taken into account the following considerations:

- Ukraine will enter its stabilization and reconstruction phase as a functioning democratic state with significant capabilities. Ukraine has been reforming its governance and military institutions for several years, gradually incorporating NATO and EU standards.
- Ukraine will be the only country in the world with recent experience and knowledge of direct military confrontation with Russia's armed forces. This practical know-how can directly contribute to the resilience of the United States and its allies as they adapt to the era of strategic rivalry.
- Ukrainians expect the transition from war to peace to occur within a larger transition to secure EU and NATO membership.<sup>1</sup> Ukraine will need to simultaneously defend itself against existential security threats and implement reforms required by its Euro-Atlantic integration process.
- Popular support is currently high for members of the armed forces and other security services.<sup>2</sup> As the conflict evolves and as Ukraine transitions from war to peace, the primary needs and expectations of citizens will change.

- The damage inflicted by Russia’s war of aggression will continue to deeply affect the country for decades. The years ahead will engender societal challenges that could, if left unaddressed, sow divisions and popular discontent.
- Ukraine’s veterans and their families may feel abandoned or betrayed if they lack the necessary psychosocial and physical support to help with their reintegration into society. Leaving the armed forces will likely mean a significant reduction in pay for many veterans.
- Victims of war crimes may feel that they do not have adequate access to justice and remedies.
- The circulation of small arms combined with rising levels of crime could fuel feelings of insecurity among the public.
- Suspicions over collaboration could spark tensions in formerly occupied territories, and popular anger could be provoked if powerful individuals are perceived as profiting from the very state that citizens fought to defend.

## Findings

Four major, interlinked priorities emerged from the consultations:

1. **Anticorruption:** Ukraine will need to continue to consolidate its path toward democratic governance by rooting out corruption in all public institutions.
2. **Justice:** The population expects that the perpetrators of war crimes will be prosecuted and that victims will be rehabilitated and supported.
3. **Defense:** Ukraine will be forced to defend itself from Russian multidimensional threats to its sovereignty and independence, and veterans and their families will need to be reintegrated into society.
4. **Civilian law enforcement:** The population will expect security for all Ukrainians and demand that laws are impartially enforced throughout the territory of Ukraine, including de-occupied territories.

One of the most compelling findings is that delays in moving forward on all four fronts will imperil Ukraine’s future stability and democratic consolidation, leaving it vulnerable to Russian interference and aggression. The most practical way of mitigating this danger while enabling all four priorities to be addressed comprehensively and in tandem is to adopt an Overarching Postwar Security Sector Reform Framework strategy, supported by the United States and other international partners.

In shaping this framework, the following considerations are important:

- Ukraine's internal capacity to manage the multiple, simultaneous demands, pressures, and priorities it will be facing when the war is over will grow and deepen over time but will be limited in the immediate postwar period. International partners will need to acknowledge the unpredictable nature of the postwar landscape and ensure that their assistance addresses security sector priorities regardless of the exact geographical space within which they will play out.
- Ukraine's postwar recovery will unfold alongside its efforts to join the European Union and NATO. This fact will positively impact the willingness of the state to adhere to reforms and standards and is also likely to shape the coordination of international support for Ukraine's security sector. The United States will need to be particularly cognizant and supportive of the leading role the European Union will play in setting standards and supporting reform processes and will have to adapt its own assistance to reflect these standards.
- International security sector assistance for Ukraine will need to be prioritized, sequenced, and continuously adapted in light of the country's existential security threats, its budgetary constraints, and the concrete needs of Ukraine's citizens.
- Ukraine's security sector will face high demands after the war. Given the inevitable toll of the war effort, the security sector will likely face simultaneous constraints on its ability to deliver services in the postwar period. The adoption of technological innovations, including ones supported by AI, will offer opportunities to address state capability gaps.

Among the many trade-offs Ukraine will face in elaborating its overarching strategy, three are particularly striking:

- Nearly all of the officials, experts, and citizens consulted in the preparation of this report agree that Ukraine faces a unique opportunity to reform its security sector. On December 14, 2023, the European Union approved the launch of EU membership negotiations with Ukraine, creating new incentives and channels for accelerated reform.<sup>3</sup> Accession negotiations were formally launched on June 25, 2024. An overly expedient rush to reform, however, might deprive Kyiv of the opportunity to explore options more deeply and undermine a thoughtful sequencing of reforms that seeks to maintain popular support and put in place institutional safeguards to mitigate the risks of reempowering oligarchs through stabilization and reconstruction.
- The EU accession process will require many years of comprehensive technical reforms to align Ukraine's governance system with that of EU member states. The majority of the budgetary resources Ukraine would plausibly be using to advance reforms are currently supporting the war effort and will be required to underwrite the massive investments in social and economic infrastructure necessary to stabilize Ukraine when the war is over. Pushing for security sector



reforms without a sense of the gap between the standards that Ukraine will be asked to implement and the standards that it can actually achieve may come at a cost for the efficiency and the sustainability of its security sector. Ignoring Ukraine's long-term fiscal capacities without providing long-term assistance runs the risk of pushing Ukraine to develop security sector institutions that cannot be budgetarily sustained over time.

- The existence of efficient security sector structures capable of defending the country from military attacks, political destabilization, disinformation campaigns, and cyberattacks will underpin the country's existence and ability to progress. At the same time, oversecritization runs the risk of undermining the very democratic aspirations for which more than a million Ukrainians are now fighting.

## Overarching Policy Options

In order for Ukraine to manage the trade-offs highlighted above, this report recommends the following overarching policy options.

- **Develop an Overarching Postwar Security Sector Reform Framework.** An effective framework could begin with a section on *principles* that defines the role of international assistance to Ukraine's security sector; reaffirms the importance of meeting EU and NATO standards; and requires reforms to be financially sustainable in the long run. The framework could then, based on these principles, present a long-term *vision* for Ukraine's security sector that aligns with Ukraine's NATO and EU membership requirements and incorporates relevant components of Ukraine's 2023–2027 Overarching Strategic Plan for the Reform of the Entire Law Enforcement Sector. Finally, such a framework would include a clear *implementation* plan that details international and domestic funding mechanisms; presents a timeline for establishing a security sector assistance coordination platform; sets priorities based on Ukraine's absorption capacity and the status of reforms currently being implemented; and contains provisions for oversight and accountability mechanisms to monitor and oversee security sector assistance.
- **Establish a postwar security sector coordination platform.** Establish a postwar security sector coordination platform tied to the G7 Multi-agency Donor Coordination Platform for Ukraine and the Ukraine Defense Contact Group to coordinate postwar security sector assistance to Ukraine. Establish a *steering committee* that meets in Kyiv and is composed of senior Ukrainian security sector officials and security officials from countries and international organizations participating in the G7 Multi-agency Platform, the Ukraine Defense Contact Group, and NATO Security Assistance and Training for Ukraine (NSATU). Specify that the steering committee is chaired by a Ukraine senior government official and possibly co-chaired by a senior official from a member state of the European Union and a senior official from the United States. Establish an *executive secretariat* permanently based in Kyiv and composed of Ukraine experts as well as experts seconded by member states and organizations sitting on the steering committee.

- **Conduct a comprehensive public expenditure assessment of the postwar security sector.** Conduct a comprehensive public expenditure assessment of Ukraine's postwar security sector; include clear detailed cost projections of Ukraine's postwar security sector needs and realistic projections of Ukraine's postwar budgetary capacity to finance its security sector.
- **Support the adoption of technological innovations, including ones supported by AI.** This adoption would address potential gaps in the capabilities of the security sector to deliver services to Ukrainians.
- **Continuously monitor security sector needs and citizens' expectations.** Conduct quarterly surveys to establish justice and security priorities across demographic groups and geographic locations. Use survey findings to prioritize reforms. Ensure the findings are shared transparently with the public and that they are incorporated into the coordination and implementation plans of the security sector coordination platform.

## CHAPTER 1

# Fighting Corruption to Secure Ukraine's Future

Ukraine's defense against Russian aggression has two fronts: the military battle lines that capture headlines and a struggle taking place within the country to reduce corruption.<sup>4</sup> President Volodymyr Zelenskyy has framed corruption as a key challenge for Ukraine.<sup>5</sup> Ukraine's long-term resilience, its divorce from the post-Soviet model, and its full adoption of a Euro-Atlantic mode of governance all could depend on achieving a new standard of transparency and effectiveness.

Corruption is not unique to Ukraine: most countries, including EU and NATO member states, have related challenges. However, corruption is a challenge Ukraine has resolved to tackle head on. According to 89 percent of Ukrainians, corruption is one of the most serious problems in Ukraine, second only to Russia's war on Ukraine, and 81 percent identify "grand political corruption" as the most serious type.<sup>6</sup> Recognizing the seriousness of public sentiment on this issue, Ukraine's government is pursuing reform in multiple ways.

This work builds on what was accomplished after the 2014 Revolution of Dignity, when new anticorruption institutions were established.<sup>7</sup> These improvements were important milestones for Ukraine, but they did not entirely correct the problem. For example, the post-2014 reforms did not stop Russia from weaponizing what is called "strategic corruption" to undermine Ukraine's democracy and sovereignty.<sup>8</sup> In essence, before its full-scale invasion in 2022, Russia used oligarchic corruption to influence Ukraine's justice system and other government sectors, which undermined the rule of law.<sup>9</sup>

More recently, cases of corruption, bribery, and embezzlement have surfaced in different areas of Ukraine's security sector. For instance, procurement corruption in the Ministry of Defense led to the dismissal of the deputy minister of defense in January 2023.<sup>10</sup> In spring 2023, the chief justice of the Supreme Court was dismissed for bribery.<sup>11</sup> While these cases demonstrate the Ukrainian government's commitment to stamping out corruption, they also show that the problem still exists.

These events do not just weaken Ukraine's ability to meet security, economic, and social challenges. Such corruption also undermines public trust in the country's security institutions and in

anticorruption efforts. More directly, corruption places a heavy burden on Ukrainians themselves. Most residents have experienced petty corruption in their lives, often from multiple sources, and tolerance of this status quo is at an all-time low. Given this climate, failure to tackle corruption could lead to internal political tensions.<sup>12</sup>

Rooting out corruption and reforming the institutions that could effectively address this problem have also been major concerns of the European Union and other international donors.

Reforms linked to anticorruption enabled the European Union to approve Ukraine's candidate status in June 2022 and recommend the start of accession talks for Ukraine and Moldova in November 2023.<sup>13</sup> The European Union's list of future required reforms is substantive: reform of the Constitutional Court, judicial reform, the appointment of the head of the Specialized Anti-Corruption Prosecutor's Office (SAPO), the prevention of money laundering, and the implementation of the anti-oligarchic law and related recommendations of the Venice Commission (an advisory body of the Council of Europe). The European Union required progress on these measures before it agreed to start the membership negotiations on June 25, 2024. Corruption reform is also crucial to Ukraine's future membership in NATO.

This report identifies three priority issues related to anticorruption in Ukraine:

- **Priority Issue 1: Reinforce weakened anticorruption mechanisms**
- **Priority Issue 2: Address corruption within the security sector**
- **Priority Issue 3: Address elite capture of the security sector**

The following three sections analyze these issues and provide options for addressing them.

## **Priority Issue 1: Reinforce Weakened Anticorruption Mechanisms**

Most of Ukraine's anticorruption bodies and agencies were formed in the wake of the Revolution of Dignity in 2014 and started their work only a few years prior to Russia's reinvasion of Ukraine in February 2022 (see table 1).

### **PROGRESS MADE AND CURRENT CHALLENGES**

The anticorruption institutions listed in table 1 have made significant progress during the war, as evidenced by the removal of the chief justice of the Supreme Court, the resignations of several high-level ministerial officials, and multiple high-level indictments. These anticorruption institutions were able to provide what they described as "islands of integrity" in Ukraine.<sup>14</sup> In addition, civil society was deeply engaged in supporting these efforts to shore up Ukraine's political system. Pushback

TABLE 1.

## Primary anticorruption institutions

Institution	Year of formation	Mission
National Anti-Corruption Bureau of Ukraine (NABU)	2015	This national law enforcement agency is charged with preventing, exposing, and investigating corruption and other criminal offenses committed by high-level officials and persons.
Specialized Anti-Corruption Prosecutor's Office (SAPO)	2015	This structural unit of the General Prosecutor's Office supervises legal compliance during pretrial investigations by NABU; supports state prosecutors in specialized proceedings; and represents the interests of a resident or the state in court in cases related to corruption.
National Agency on Corruption Prevention (NACP)	2016	This central body of the executive branch of Ukraine is charged with preventing corruption, including by verifying asset declaration and tracking requirements for political parties to report on their finances.
High Anti-Corruption Court (HACC)	2018	This court administers justice to protect individuals, society, and the state from grand corruption and related crimes. The HACC also exercises judicial control over the pretrial investigation of these crimes.

against these organizations is generated, in part, by those who recognize the power of what has been accomplished and do not want it to continue. Thus, part of the reason anticorruption institutions do not have all the resources and authority they need is because their efforts are working. They succeeded in a few high-profile cases, and the old system appears to be pushing back.

This pushback interacts with the demands of the war in complex ways. Government agency budgets have been reappropriated to support the war effort, and government staff have been serving on the front. Both these trends have left some institutions with staffing shortages.<sup>15</sup> At the same time, some anticorruption agency requests for modest increases in staff are being stifled by parties who wish to undermine these new agencies.

In other cases, these agencies have not been given the procedural tools to do their jobs. For example, the head of SAPO still does not have the right to initiate pretrial investigations against members of Parliament (MPs). Economic oversight institutions, such as the Accounting Chamber and the Antimonopoly Committee, remain weak and need support or reforms if they are to tackle corruption head on. The Accounting Chamber, for instance, does not have the authority to audit a state-owned enterprise (SOE), local government, or any public procurement activities. Without such reforms, the post-Soviet system will continue to assert its influence.

A key part of Ukraine's overall anticorruption architecture, the Asset Recovery and Management Agency (ARMA), is one of the institutions in need of additional procedural tools. ARMA manages and disposes of assets seized in judicial proceedings. Improving ARMA's authorities, capabilities, and procedures—through its ongoing collaboration with the Organisation for Economic Co-operation and Development (OECD)—would enhance Ukraine's anticorruption efforts.

Many other government agencies in Ukraine have anticorruption authorities that have been tasked with preventing and combating corruption. These include the Ministry of Internal Affairs, the Ministry of Defense, the Ministry of Veterans Affairs, and ministries dealing with reconstruction efforts. To be effective, these entities require the oversight of external authorities, the support of internal inspectors general, and enough staff and funding to perform internal investigations. So far, these needs have not been met.

In addition, some of the anticorruption processes and practices that had been established before the war have stalled or been suspended. The E-Register of Asset Declarations of Public Officials shows one such trajectory. Launched in 2016, the system required public officials to disclose their earnings and assets through publicly available electronic declarations. It quickly became an important way to combat corruption, including conflicts of interest. The E-Register was suspended during the war, broadly on the grounds that it conflicted with national security priorities. However, after the international community pressured the Ukrainian government, President Zelenskyy signed legislation in October 2023 to reinstate the program, and asset declarations became available again online in December 2023.<sup>16</sup>

This outcome shows that there is a window of opportunity for the European Union to encourage the Ukrainian government to more fully support anticorruption efforts. But that window may not always open wide or stay open indefinitely. The National Agency on Corruption Prevention (NACP) was supposed to track the financial reporting of political parties, but this mandate was suspended at the outset of Russia's full-scale invasion and was not reinstated until September 2023. For 18 months, there was no clarity as to whether pro-Russian forces were backing Ukraine's political parties. International pressure has helped reverse this, but further pressure from the European Union may be needed to bring Ukraine's anticorruption programs to full strength.

Just as anticorruption capacities have decreased during the war, the capacity of local civil society actors working on these issues has also shrunk drastically since 2022.<sup>17</sup> Some members of these organizations left their work because they volunteered as soldiers. Others left because international organizations were able to offer salaries and work conditions that were more attractive than those offered by Ukraine-based nongovernmental organizations (NGOs). The resulting lack of staff has severely hampered what local civil society organizations can do. These organizations are also struggling because war and martial law have contributed to a shrinking democratic space. Cuts to institutions and anticorruption instruments have curtailed civil society's access to resources and decision-makers. This makes it harder for civil society actors to serve as watchdogs, increasing the chances that corruption will go undetected.

## POLICY OPTIONS

- Primary and supporting anticorruption institutions and other relevant bodies should be strengthened. This would require bolstering the autonomy, political independence, and resources of these institutions, as suggested below. The role and capacity of independent auditors to check the finances and performances of institutions could also be reinforced, as in the recent US-funded program to strengthen the capacity of the Accounting Chamber.<sup>18</sup>
  
- Build the independence and capacity of the National Anti-Corruption Bureau of Ukraine (NABU) by:
  - increasing the number of detectives to a minimum of 400;
  - bolstering forensic and wiretapping capacities; and
  - ensuring, through legislation, that other authorities such as the Security Service of Ukraine (SBU) do not investigate cases that fall within NABU's jurisdiction.
  
- Bolster the independence and capacity of Specialized Anti-Corruption Prosecutor's Office (SAPO) by:
  - ensuring legal clarity in roles and responsibilities of the prosecutor general and SAPO and providing SAPO with requisite independence from the Office of the Prosecutor General (OPG);
  - increasing the number of SAPO prosecutors by a minimum of 50 percent;
  - ensuring SAPO controls its own human resources, real estate, and finances;
  - creating a disciplinary and accountability mechanism that also allows for external audit;
  - enacting legislation to improve the selection procedures for the head of SAPO and key officials, particularly by changing the composition of the selection commission to ensure international experts have the casting vote or form a majority in the commission;
  - aligning procedural powers of the head of SAPO and the acting head of SAPO to ensure independence of the institution; and
  - providing SAPO with missing procedural powers, such as the right to initiate pretrial investigation against MPs.

- Bolster the capacity of the High Anti-Corruption Court (HACC) and ensure it has effective jurisdiction by:
  - limiting expansion of the HACC’s jurisdiction beyond high-level anticorruption cases, including through legislation; ensuring that any high-level anticorruption cases, including treason, are tried exclusively by the HACC;
  - selecting a new slate of members for the Public Council of International Experts (PCIE) and extending the overall period of its involvement in the selection of HACC judges to ensure that PCIE remains competent until the selection procedure is over; and
  - organizing the selection of HACC judges with the participation of PCIE.
- Bolster the capacity of and strengthen the National Agency on Corruption Prevention (NACP) by:
  - ensuring the transparent and independent selection of the head of NACP with appropriate support from international experts; and
  - ensuring that staffing levels and budgetary sources return to pre-February 24, 2022, levels.
- Use amended legislation to strengthen the independence and professionalism of the Accounting Chamber and State Audit Service of Ukraine.
- Bolster the role of civil society organizations in providing government oversight. Support should include training for civil society actors and additional financial resources to allow the Public Integrity Council (PIC) to adequately perform oversight of judicial selection.<sup>19</sup>

## Priority Issue 2: Address Corruption within the Security Sector

Several cases of political interference in Ukraine’s security institutions involve grand corruption, embezzlement, bribery, and petty corruption.

- In the justice sector, political interference was uncovered in the judicial selection of the Constitutional Court; cases of bribery were reported in the Supreme Court; and the District Administrative Court of Kyiv was dissolved due to high levels of corruption.<sup>20</sup>
- In the defense sector, there have been reported cases of embezzlement in the Ministry of Defense and at Ukroboronprom, the state-owned weapons producer, as well as procurement corruption issues that led to the sacking of 112 army recruitment chiefs in August 2023.<sup>21</sup>



- In the intelligence and law enforcement sectors, the war effort appears to have limited transparency, accountability, and parliamentary oversight of the intelligence services. As a consequence, the amount of classified information over which the SBU has a monopoly has grown. On the grounds of needing to safeguard national security, there has been an expansion of the SBU's influence during the war.<sup>22</sup>

The breadth of these cases as well as the involvement of high-level institutions and actors suggests that corruption remains an issue in the realms of justice, defense, law enforcement, and intelligence. This problem has been aggravated by the war, with efforts to promote integrity taking second place to safeguarding national security.

Corruption weakens Ukraine's government by compromising the accountability and credibility of what should be politically neutral, high-performing public institutions. Petty corruption at the operational and local levels is now more than an irritant for the country's residents. With Ukrainians' tolerance of corruption at an all-time low, failure to correct this problem could lead to social and political tensions.<sup>23</sup>

### **PROGRESS MADE AND POSSIBLE WAYS FORWARD**

In the justice sector, there has been some progress in the fight to curb corruption. For example, the exposure of bribery and corruption by senior officials and judges demonstrates that institutions such as NABU are trying to tackle these issues.<sup>24</sup> Ukraine's December 2022 decision to dissolve the notoriously corrupt District Administrative Court of Kyiv and separate its national and local jurisdictions between two other courts was another promising step forward. However, efforts to reform the Supreme Court were ineffective. Possible next steps in this regard include making the selection process of judges in the Constitutional Court mirror the process adopted for the HACC, as described in the options provided below.

In the defense, law enforcement, and intelligence sectors, there is also a need to strengthen parliamentary control through the Committee on National Security, Defense, and Intelligence. Work in this area is multifaceted and should include balancing transparency and the classification of information due to wartime sensitivities; adopting, after the war, a more transparent recruitment system in the SBU and reducing its staff and responsibilities; and demilitarizing and creating legal channels and mechanisms that allow whistleblowers to report internal misconduct (at present, the person who reports wrongdoing can face criminal prosecution when the information has the status of a state secret).

In regard to whistleblower protection, investigative journalists have been central to the discovery of cases of corruption and embezzlement, including the case of procurement corruption in the Ministry of Defense mentioned above. The free media and civil society also play an important role in this realm. Civil society can act not just as a watchdog but as a partner to the government. Such a partnership could address corruption in Ukraine holistically by focusing attention and effort at every level of society.

In the same vein, in order to fully address corruption, it would be important to address midlevel and petty corruption at the local levels. While spreading the focus too wide could dilute momentum for reforming the country's top institutions, there is also a middle path: focus on high-level corruption while also encouraging reforms at the local level that build on existing trends in Ukraine. For example, the use of digital systems could obviate the need for human involvement in certain bureaucratic processes, such as the provision of driver's licenses. Some local officials are experimenting with improving transparency. One official, for example, publicized his daily schedule and installed cameras in his office so that constituents could monitor his activities. These kinds of innovations could reinforce the country's overall shift toward transparency and high-quality public service.

## **POLICY OPTIONS**

- Limit politicization of security sector institutions, particularly the Constitutional Court. To achieve this, maintain the role of internationally nominated experts and civil society members in the selection and appointment of judges. Provide training to these groups to enlarge the pool of potential candidates and ensure sustainability of the selection process.
- Establish the High Administrative Court of Ukraine (HACU). This would be a new specialized court that would hear administrative cases against national agencies by judges who have been properly vetted for independence, competence, and integrity. Use an open, competitive, and merit-based selection process similar to that of the HACC, which has international participation. This court would assume a large portion of the former responsibilities of the now-liquidated District Administrative Court of Kyiv.
- Ensure that the High-Qualification Commission of Judges (HQCJ) conducts a competitive process to appoint judges to the new Kyiv City District Administrative Court. This court will assume the municipal portion of responsibilities from the former District Administrative Court of Kyiv.
- Strengthen public trust in the Supreme Court. Develop a transparent and legally sound mechanism for conducting one-time integrity vetting of Supreme Court justices. Ensure direct and meaningful participation of independent experts, in line with Ukrainian and international best practices.
- Ensure that the HQCJ carries out its functions adequately and open membership to representatives of civil society.
- Bolster the legislative authorities and capacities of the PIC to carry out its oversight functions, including the selection and evaluation of judges. The enhancement of PIC could include providing adequate staffing and resourcing to enable civil society to carry out its oversight functions. Increased support for this body could also allow it to expand its membership.
- Seek a better balance between classified information and transparency. The draft Law of Ukraine 8394, On the Security of Classified Information, has significant shortcomings, which could create conflicts of interest and reduce transparency.<sup>25</sup> To overcome these limitations, establish clearer

criteria for the classification of information. Investigate how other liberal democracies handle classified information during wartime to supply ideas for reform.

- Improve oversight of and control over the intelligence sector. Steps in this direction could include the creation of legal mechanisms to report internal misconduct; an increase in checks and balances by strengthening parliamentary oversight through the Committee on National Security, Defense, and Intelligence; the establishment of mechanisms for control, detection of violations, and reporting; and the adoption of measures to ensure transparency in recruitment.
- After the war, reduce the number of people in the SBU and demilitarize its activities. Transition SBU pretrial investigation responsibilities and economic crime and corruption investigation cases to dedicated state anticorruption bodies.
- Establish inspector general offices within the ministries overseeing security sector institutions. The inspectors general should be given authority to make criminal referrals to NABU in corruption cases.
- Ensure independence of internal affairs units within law enforcement institutions. Give law enforcement institutions the authority to investigate crimes by security forces, including extortion, threats, and theft of evidence, such as cash and drugs. These units would also pursue issues of corruption and make referrals to NABU in corruption cases.
- Overhaul the Bureau of Economic Security of Ukraine and the State Bureau of Investigation of Ukraine. Conduct open, competitive, merit-based selection processes for new leadership and mandatory reattestation for the personnel of both bureaus.
- Strengthen the Disciplinary Inspectors' Service of the High Council of Justice (HCJ). Ensure that selection of HCJ disciplinary inspectors is in line with the best practices of merit-based competitions, including meaningful participation of international experts. Provide expert and technical assistance to the Disciplinary Inspectors' Service to ensure the service properly discharges its functions.
- Mitigate petty corruption in local government and administrative bodies.
  - Work to improve the capacity of public administration and provide better career conditions for public servants. Among other steps, ensure that salaries of local officials are adequate.
  - Increase transparency requirements for local officials by, for example, opening officials' calendars and meetings to public oversight and sharing meeting results with constituents.
  - Continue to expand digitization of administrative services to limit corruption opportunities.

- Consider the establishment of task forces that diagnose and offer solutions to corruption at the local government level.
- Improve the effectiveness of customs and tax-gathering services to ensure a resilient economy and effective anticorruption efforts.

### **Priority Issue 3: Address Elite Capture of the Security Sector**

Elite capture occurs when powerful actors in a country distort the provision of public services to enrich themselves or other private interests.<sup>26</sup> In Ukraine’s case, oligarchic capture of the security sector undermines the country’s stability in several ways. Prior to Russia’s full-scale invasion, elite capture had enhanced Russia’s ability to use strategic corruption to destabilize the country.<sup>27</sup> Looking to the future, long-standing patterns of oligarchical control also increase the possibility that resources provided to Ukraine for postwar reconstruction efforts could be used to reempower existing oligarchs or help a new generation of oligarchs emerge. And, as stated above, persistent levels of corruption could disrupt Ukraine’s democratic governance and challenge its entrance into the European Union and NATO.

#### **ELITE CAPTURE IN UKRAINE FROM THE 1990s TO TODAY**

Elite capture and oligarchic control of the security sector evolved from Ukraine’s Soviet legacy, and they continued during the creation of Ukraine’s new democracy and market economy. During the 1990s, Ukraine’s oligarchs used the process of privatization to gain monopolies over large industrial, telecommunications, and energy infrastructures. Oligarchs used this power to influence and control the political system by, among other things, using their media outlets. They also manipulated the justice sector to secure personal impunity for themselves and their political and business interests. In short, oligarchs worked to preserve the post-Soviet political and economic system.<sup>28</sup> The oligarchs’ control also affected implementation of the post–Revolution of Dignity reforms.<sup>29</sup>

Russia’s full-scale invasion of Ukraine in February 2022 weakened, but did not eliminate, the oligarchic system. Oligarchs, particularly those aligned with Russia, have lost much of their power in strategic sectors such as news and media, banking and finance, mining of coal and iron ore, and metallurgy. Some oligarchs suffered large financial losses when Russia destroyed their industrial enterprises, such as the Azov Steel Works in Mariupol.

#### **SAFEGUARDING RECONSTRUCTION FUNDS**

Ukraine’s anticipated reconstruction assistance package—which will be worth billions of dollars—could provide existing and new oligarchs an opportunity to reemerge and recapture the security sector. The consultations also flagged possibilities for corruption if reconstruction opportunities go to countries, such as China and Turkey, that do not share Euro-Atlantic norms regarding corruption.

Limiting the possibilities for corruption in reconstruction assistance efforts would be key to maintaining the confidence of donors. This could be achieved by ensuring transparency and

accountability in procurement processes as well as by centralizing reconstruction assistance efforts. The Digital Restoration Ecosystem for Accountable Management (DREAM)—which collects, organizes, and publishes open data across all stages of reconstruction projects in real time and is designed to ensure high standards of transparency and accountability—could help meet both those goals. In addition, increasing competition and attracting international firms to help reconstruct Ukraine could reduce the risk of internal re-oligarchization. Establishing a more active role for civil society actors in the reconstruction process could also be a force for reform. Possible avenues for their participation include helping to allocate assistance projects at the local level and having the monitoring authority to publicly raise concerns over reconstruction assistance.

### **REVIVING THE ANTI-OLIGARCH LAW**

Implementation of the Anti-Oligarch Law is one of seven conditions for Ukraine’s accession to the European Union.<sup>30</sup> The law was adopted in November 2021, only a few months before the beginning of the war, and, because of the war, no sustainable steps have been taken toward its implementation.<sup>31</sup> In June 2023, the Venice Commission indicated that “the Law should not be implemented as it currently stands and recommend[ed] that the implementation of the Law be legally deferred.”<sup>32</sup>

The Venice Commission reached this conclusion because it said the law took a “personal” rather than “systemic” approach to fighting oligarchization.<sup>33</sup> This verdict, as currently written, can be interpreted to mean that the law could be used to sideline and impose legal restrictions on political rivals, which could lead to political tensions and instability. Implementation of the Anti-Oligarch Law could be postponed until there has been an opportunity to revise it. In the absence of implementation, other reforms to tackle oligarchs could be pursued (see the options outlined below). One such reform might be to adopt a law that regulates lobbying, so that affluent or well-connected members of society, such as oligarchs, will be unable to exert unseen influence on legislators without appropriate transparency and oversight.

Some positive steps have already been taken to prevent elite and oligarchic capture of the security sector. These include the decisions and steps taken by Ruslan Ryaboshapka when he was prosecutor general of Ukraine in 2019–20; the adoption of an overarching Anti-Corruption Program for 2023–25; the sanctions imposed on Russian oligarchs such as Mikhail Fridman and Russia’s Alfa-Bank; and the fraud investigations by law enforcement agencies into Ihor Kolomoisky, one of Ukraine’s most powerful and wealthy businessmen.<sup>34</sup>

### **POLICY OPTIONS**

- Reinforce institutions and legislation in areas that can curb the influence of oligarchs. Reinforce a systemic approach to the problem, focus on reforms, and adopt and strengthen different legal tools and institutions (e.g., SAPO, NABU, the HACC) that can tackle corruption and limit elite capture of the security sector.
- Reform the Anti-Monopoly Committee. In order to check and break monopolies, the Anti-Monopoly Committee could be bolstered with inspection and enforcement powers and

increased authorities, tools, and capacity. These reforms could be accompanied by efforts to improve the independence and professionalism of the committee. Legal amendments will be necessary to improve the committee's membership because commissioners or heads of the committee currently do not have to meet anticorruption standards of selection and eligibility.

- Adopt antimonopoly legislation to strengthen competition and ensure that no sectors can be monopolized. The Verkhovna Rada's adoption of Draft Law 5431 is an important first step, but parliamentarians should also consider further steps to build a robust antitrust system that ensures competition.<sup>35</sup> The implementation of further reforms, such as the revision of antitrust law, could further align Ukraine with neighboring EU member states.
- Limit possibilities of corruption in reconstruction assistance efforts. Manage reconstruction assistance through a single shared system, which would be based on the highest international standards. Ideally, this system would be DREAM. Increase the transparency of the construction procurement process. Attract international firms to reduce the dangers that reconstruction will empower internal re-oligarchization. Involve civil society in local-level working groups that determine the allocation of assistance projects, giving them power to monitor implementation of assistance and raise objections and concerns publicly.
- Establish inspector general offices within each ministry with responsibility for elements of the reconstruction. Ensure that inspectors general have the required authority to refer any criminal actions to NABU or other independent anticorruption authorities with investigative powers.
- Enhance the governance of SOEs. Focus on enhancing supervisory boards, including by adopting Draft Law 5593, which reforms the governance of SOEs in accordance with OECD principles. Ensure that members of supervisory boards of SOEs are selected on merit, are independent, and cannot be removed arbitrarily.
- Ensure that the power to determine who is considered an oligarch does not rest solely with the National Security and Defense Council (NSDC). At present, the council is controlled by the president, which could lead to politically motivated retribution that serves the interests of any incumbent in the Office of the President. This power should be split between the presidency and the Parliament.
- Revise the Anti-Oligarch Law prior to seeking its implementation. Adopt the Venice Commission's recommendations on amendments. Supplement this law with a diverse suite of actions designed to curb the influence of oligarchs, such as the options outlined above.
- Consider adopting a law that regulates lobbying to increase the transparency and accountability of those who seek to influence the legislative process. Similarly, laws that regulate financial reporting by political parties, such as the one adopted in September 2023, can be valuable tools in curbing improper oligarchic influence.

## Conclusion

Fighting corruption effectively will be essential for Ukraine's long-term peace and stability. It will also be key for the country's transition away from the post-Soviet model of governance, which gave oligarchs undue influence and power in Ukraine's security sector, and toward liberal democratic governance that is mostly free of corruption. It is important to note that corruption is a problem that plagues even the most established democracies. However, strategic corruption is what enabled Russia to exploit opportunities to keep Ukraine weak and unstable after its independence. The long-term threat that Russia will pose to Ukraine's security will be exponentially exacerbated if Ukraine's government and people cannot collectively fight this menace that has been very corrosive to the country's sociopolitical fabric.

Overcoming corruption will require both a consolidated effort by Ukraine's government and the support of its international partners. The war has posed significant challenges to many of Ukraine's institutions. This report argues that it is imperative to focus on reinforcing the weakened anti-corruption mechanisms; this will keep Ukraine on the path toward Euro-Atlantic integration and strengthen the country's governance. Addressing corruption within the security sector, where it has remained a challenge in the realms of justice, defense, law enforcement, and intelligence, will be key to ensuring that institutions in these sectors can help to stabilize the country in the long term and empower them to provide adequate defense against domestic and foreign threats to the state. Finally, tackling elite capture of the security sector will ensure that security institutions can fully serve the public good and Ukraine's security interests.





## CHAPTER 2

# Rebalancing the Scales of Justice

Ukraine's judiciary has long struggled to meet residents' needs for impartial, reliable courts and legal processes. Russia's 2014 and 2022 invasions of Ukraine compounded this already fraught situation, making conflict-related harms part of daily life for Ukrainians. Today, Ukrainians want justice and recovery from an extreme situation not of their making. Alongside this public hunger for redress is an increased public interest in institutions capable of delivering justice impartially and protecting the rights of residents.

Failure to respond to public demand for reform of the justice sector will frustrate Ukrainian civilians' efforts to recover from Russian aggression. Lack of progress in this area may also perpetuate perceptions of corruption among state actors, continuing what most Ukrainians see as a culture of impunity for oligarchs and the state actors who enable them. Both of these outcomes could create social unrest. Targeted investments in the justice sector to deliver meaningful judicial reform, improve essential services, and deliver accountability for conflict-related crimes may help forestall these outcomes.

Even prior to Russia's full-scale invasion, the justice sector ranked among Ukraine's least trusted institutions, with 69 percent of respondents to a 2023 survey expressing their clear distrust.<sup>36</sup> The government undertook two rounds of reforms—one in 2016 and one in 2019—designed to rebuild public confidence in the judiciary by removing corrupt judicial officials.<sup>37</sup> The second round, ongoing at the time of the 2022 full-scale invasion, was disrupted at a critical juncture in a process of judicial vetting, leaving open more than 2,000 judicial positions that Ukraine has since struggled to fill.<sup>38</sup> The invasion also damaged judicial infrastructure, destroyed case records, and resulted in considerable barriers to civilian access to judicial services.<sup>39</sup>

The mass atrocities committed by Russia have compounded this situation by flooding the justice system with war crimes cases. As of May 2024, the OPG reported more than 131,000 alleged war crimes cases, exclusive of conflict-related crimes such as collaboration and national security offenses alleged to have been committed by Ukrainians.<sup>40</sup>

Despite the substantial investments made by the Ukrainian government and the international community, it is unlikely that Ukraine’s judicial institutions will be able to keep pace with the war crimes investigations brought before them—even though the Ukrainian government has made accountability for these crimes a cornerstone of its public response to the invasion. Further, ongoing prisoner-of-war swaps may make acquiring physical jurisdiction over Russian defendants challenging, potentially limiting the number of war crimes prosecutions that actually take place. The clash between public expectations and the limited capacity—and in some instances, limited ability—of Ukraine’s judicial institutions to meet those expectations could undermine Ukraine’s ability to win the peace and stabilize its society after the war.

Five priority issues were identified to address these challenges:

- **Priority Issue 1: Recommit to meaningful, transparent judicial reform** aligned with the priority of EU accession
- **Priority Issue 2: Restore access to justice** by streamlining judicial process and preparing for reintegration of institutions in occupied territories
- **Priority Issue 3: Manage public expectations** around accountability for atrocity crimes
- **Priority Issue 4: Deliver accountability for atrocity crimes** by strengthening judicial capacity to respond to conflict-related needs
- **Priority Issue 5: Rebuild social cohesion** by adopting an inclusive approach to justice

## Priority Issue 1: Recommit to Meaningful, Transparent Judicial Reform

Recent reforms to strengthen the integrity of the judiciary have focused on reconstituting judicial governance bodies and removing corrupt actors through intensive vetting processes.<sup>41</sup> These actions are intended to challenge deep-rooted oligarchical control of the judiciary, perhaps best illustrated by the arrest of then Supreme Court President Vsevolod Knyazev in May 2023 for accepting more than \$2.7 million in bribes.<sup>42</sup> The invasion disrupted the reforms at a critical juncture, with more than 2,000 judicial positions vacant pending the reconstitution of the HCJ and the HQCJ and reforms to improve the competitive selection of Constitutional Court judges under discussion.<sup>43</sup>

While reforms were initially paused to respond to the invasion, the HCJ was reestablished in January 2023 and elected the HQCJ in June 2023.<sup>44</sup> The HQCJ in turn reestablished the Public Integrity Council (PIC), clearing the path for judicial vetting and appointment to restart. Ukraine also continues to work closely with the European Commission to pursue the seven priority judicial reforms necessary for EU membership.<sup>45</sup> On August 17, 2023, the Verkhovna Rada adopted a law amending the selection process for Constitutional Court judges. This law sought to meet the requirements of the

Venice Commission and the European Commission to establish an advisory group of experts to facilitate a more competitive selection process for Constitutional Court judges.<sup>46</sup> The advisory group of experts was established in October 2023 and has since adopted an assessment methodology for evaluating judges and begun conducting interviews.<sup>47</sup>

In addition to these efforts, the Verkhovna Rada voted on December 13, 2022, to eliminate the District Administrative Court of Kyiv. This was done in recognition of the fact that systemic corruption had made the court no longer able to effectively resolve disputes.<sup>48</sup> Ukrainian institutions are now charged with reestablishing this court, a clear priority of the international community.<sup>49</sup> The authors' conclusions regarding the administrative court can be found in chapter 1.

Despite such steps, continued progress toward reform is the subject of considerable skepticism among Ukrainian civil society and the public.<sup>50</sup> Failure to meet public expectations on reform could have a substantially destabilizing effect on Ukraine, particularly if such failure impacts the process of EU accession. To avoid this outcome, it will be important for the Ukrainian government to not only fully and meaningfully pursue reforms but also to make its efforts transparent so the public can evaluate the results.

## **POLICY OPTIONS**

- Conduct judicial appointment and vetting processes rigorously, publicly, and with meaningful participation of the PIC. Addressing the staffing deficit within the judiciary is the immediate justice sector reform priority. There is simultaneous pressure on institutions to restore services quickly. In moving forward, HCJ and HQCJ efforts to demonstrate a commitment to delivering transparent, participatory judicial selection processes will be critical to the effectiveness of selection processes. Hasty appointments of poorly qualified individuals, while expedient, could undercut reform and increase the potential that corrupt actors regain control of the judiciary.
- Strengthen the process of investigating and hearing disciplinary complaints against judges, including by creating an effective Service of Disciplinary Investigators (SDI) and reopening disciplinary processes to the public. As of November 2023, there were more than 14,400 complaints pending against sitting judges, which contributes to a low level of trust in the judiciary.<sup>51</sup> The formation of the SDI has been slowed by the delays in reconstituting the HCJ but will be critical to addressing the backlog of complaints. While legislation calling for the establishment of the SDI has been approved, the timeline for the SDI's establishment remains unclear. Strengthening recruitment and compensation processes has also been identified as necessary to promote the independence of SDI investigators.<sup>52</sup>
- Consider measures to strengthen public confidence in the Supreme Court in the wake of the corruption scandal surrounding the former president of the court, Vsevolod Knyazev. Such measures could include developing a transparent and legally sound mechanism for conducting a one-time integrity vetting of the Supreme Court justices. Such vetting would need the direct and meaningful participation of independent experts, in line with Ukrainian and international best practices.

- As part of a longer-term goal to strengthen the integrity of the justice system and the quality of lawyers entering the field, continue to align legal education in Ukraine with international best practices.

## Priority Issue 2: Restore Access to Justice

The Ukrainian judiciary took swift action to restore judicial services following Russia's invasion. The judiciary worked to preserve judicial records through collection and digitization and enacted policies to maintain continuity of operations throughout Ukraine's territory. This last step included the transfer of cases from occupied jurisdictions or those under bombardment.<sup>53</sup> These actions maintained judicial operations, although the scope and scale of the invasion did disrupt cases and destroy some judicial infrastructure and records.

The Ministry of Justice has also begun to pivot ongoing assistance to the needs of the conflict-affected population. For instance, Community Justice Centers supported by the United States Agency for International Development (USAID) have documented the legal needs of people who require help to reach the court system. The centers have also provided referrals for psychosocial support.<sup>54</sup> Such an integrated approach recognizes that delivering justice will require more than simply providing access to judicial processes.

At the same time, low public trust in the justice system remains a reality in Ukraine. Residents often struggle to access basic judicial services, particularly during periods of displacement. As a result, those most impacted by the conflict frequently have limited ways to protect their rights, much less return to normal life. This in turn slows reconstruction, increases public frustration with government, and places obstacles in the way of Ukraine's accession to the European Union. To combat these trends, two areas where progress can be made were identified: improving judicial infrastructure and reintegrating justice institutions in de-occupied territories.

### IMPROVE JUDICIAL INFRASTRUCTURE

The full-scale invasion has damaged Ukraine's judicial infrastructure, disrupted cases, and displaced staff. The report offers the following policy options to improve the accessibility and agility of the justice system to Ukrainians.

#### POLICY OPTIONS

- The Ministry of Justice should restore domestic funding and surge international funding to legal aid providers through the government's Free Legal Aid Centers and to civil society-led legal services organizations. Funding will allow these groups to reach a broader segment of the population and provide critical access to information and legal processes. Government legal aid centers have seen substantial budget cuts as a result of the conflict. Restoring this funding will help support Ukrainians as they navigate legal and administrative processes related to conflict-created harms.

- In territories where judicial infrastructure was destroyed, situate temporary justice facilities in close proximity to legal aid providers. This will minimize the burden of travel on civilians, particularly where public infrastructure has been damaged by the war.
- Strengthen efforts to digitize judicial records to allow the justice system to preserve evidence and court records. Digitized records would also make it easier to hear cases disrupted by the conflict and displacement of civilians. Ukraine has already taken great strides in making other administrative processes more efficient through digitization and by promoting apps such as Diia, which connects Ukrainians to government services.<sup>55</sup> Opportunities for similar efforts in the legal and judicial realm are urgently needed.
- The Ministry of Justice should conduct a comprehensive and transparent audit of the dockets of courts impacted by the conflict, either by their proximity to the fighting or because they were intentionally targeted as a way of disrupting cases. This audit should assess both the number of cases where evidence and court records were destroyed and the impact of these losses on adjudication. The results of this audit should inform a judicial strategy for handling disrupted cases. Such a strategy would preserve the rights of parties and make sure the interests of justice are well served.
- The Ministry of Justice should take steps to assess the efficiency of judicial processes. This assessment should identify areas that may create delays or roadblocks to citizens' access to justice. The assessment should also include consideration of the types of cases currently before Ukraine's courts and whether these cases might be resolved more efficiently through alternative measures, including mediation and arbitration.

### **REINTEGRATE JUSTICE INSTITUTIONS IN DE-OCCUPIED TERRITORIES**

Ukrainian institutions have continued to operate in the occupied territories, but only on paper.<sup>56</sup> As a result, reintegration is likely to be a complex and politically sensitive task, requiring that a range of legal issues be considered. It is, nonetheless, a vital task, critical to reestablishing Ukrainian institutions and values in regions previously forced to live under Russian occupation.

To prepare for reintegration, Ukraine's justice institutions should develop a carefully calibrated strategy for earning the confidence of Ukrainians in de-occupied territories and resuming legal services. Assurances that residents will be able to fully resume Ukrainian citizenship will help build this trust—if these assurances are backed up by access to necessary legal services. To ensure that justice services are not siloed as reconstruction is underway, the Ministry of Justice should coordinate justice sector strategies with broader governmental services strategies. These strategies should be implemented by civil society partnerships in ways that encourage local residents to share their justice needs firsthand. As described in chapter 4, which focuses on civilian law enforcement, supported dialogue will be crucial to reestablishing stability in the face of community tensions and the need for transitional justice.

## POLICY OPTIONS

- The HCJ should develop a plan for staffing courts in de-occupied territories. During the full-scale invasion, questions were raised about the level of interaction between judicial and prosecutorial staff and Russian occupiers and whether it amounts to collaboration. Indeed, concerns over collaboration within the prosecutorial services led to the dismissal of Prosecutor General Iryna Venediktova.<sup>57</sup> While it remains unclear how problematic those links were, such concerns are likely to continue. In response, Ukrainian officials should develop a transparent plan to vet judicial and prosecutorial staff in de-occupied territories. The plan should also seek opportunities to bring in staff from outside the de-occupied territories for a transitional period.
- Consider recognizing or expediting cases decided by occupied courts. Since the start of the occupation in Crimea and the Donbas, Russian courts have been adjudicating civil, administrative, and criminal issues. Under Ukrainian law, these decisions cannot be recognized in Ukrainian courts. While a necessary measure to decrease Russian influence over Ukraine, this law will slow Ukraine's efforts to reintegrate de-occupied territories. The law also affects the legal rights of Ukrainians who were forced to live under Russian occupation. It may therefore be wise to consider ways to recognize or expedite consideration of cases and administrative processes that were decided by occupying courts.
- Provide adequate resources for public outreach, either through the Ukrainian domestic budget or international partners. The unique needs of the de-occupied territories will require intensive reintegration measures, including public outreach and dialogue that help local communities access their legal rights. Without such outreach, it will be difficult to rebuild public trust and ensure that people know how and where to access judicial services.

## Priority Issue 3: Manage Public Expectations around Accountability for Atrocity Crimes

United in their opposition to Russian aggression, Ukrainian civilians and leadership have called for accountability for all perpetrators of war crimes. The Ukrainian government has used the high number of war crimes to marshal unity, as well as international support, for repelling Russian aggression. The public is thus expecting that convictions of Russian perpetrators for war crimes will happen quickly and without resistance. This expectation, however, is unlikely to be fully met in the near term. Reasons for delay include the scale of violence against civilians as well as the ability of alleged perpetrators to return to Russia, which puts them out of reach of Ukrainian courts.

In addition, Ukrainian judicial performance to date and the comparative experiences of other countries suggest that war crimes convictions cannot be delivered as rapidly as the Ukrainian public expects. As of February 2024, 80 decisions have been issued related to war crimes cases, mostly in absentia.<sup>58</sup> It will likely take years, if not decades, to fully adjudicate the high number of pending claims. Further, the vast majority of defendants are being returned to Russia through prisoner-of-war

exchanges. In these cases, acquiring physical jurisdiction over defendants will be difficult, which could limit the reach of prosecutors. In absentia trials under Ukrainian law are unlikely to have the same impact as those in which defendants are present.

For all these reasons, Ukraine may not meet current public expectations for war crimes prosecution. As described above, this situation may decrease public confidence in the judiciary, which could in turn have a substantially destabilizing effect on Ukraine. Preventing this outcome will require that two challenging tasks be performed: engaging the public and strengthening the transparency of war crimes prosecutions.

## **ENGAGE THE PUBLIC**

Managing public expectations should be done by providing Ukrainians a better understanding of what the justice system can reasonably deliver. In terms of clarifying potential timelines, such communications should make clear that while the justice sector is working to respond to all allegations of conflict-related crimes, the process will take time given both comparative practice and the high number of crimes that will almost certainly increase as combat continues. To help the public understand that the time required to prosecute crimes is not unusual, public engagement efforts should underscore that in states such as Bosnia and Herzegovina, Croatia, Kosovo, and Rwanda, war crimes prosecutions are ongoing almost 30 years after the conflict ended. The public could also learn about nonjudicial mechanisms that may better meet their needs for justice (see box 1). A more holistic understanding of justice could allow the public to think more broadly than war crimes prosecution as they seek to make their communities whole again.

## **POLICY OPTIONS**

- Create a public engagement plan that provides victims a roadmap to recover from harm. This plan should include measures to provide:
  - access to law enforcement and investigative agencies responsible for collecting and preserving evidence, including victim and witness testimony, to support future prosecutions;
  - access to medical services, including trauma healing and counseling services;
  - access to financial resources to support recovery, including reparations; and
  - access to transitional justice mechanisms that may provide nonjudicial relief for conflict-related harms.

There will inevitably be tension between the kind of justice victims want and what the government will be able to provide, but engaging this tension directly could mitigate civic dissatisfaction.

## BOX 1.

# Nonjudicial Justice Mechanisms

Given the immense need for justice in Ukraine, as well as the lengthy process required for war crimes prosecution, nonjudicial justice mechanisms may support recovery among the civilian population and complement official efforts to hold perpetrators accountable. There are two alternatives that may be able to reduce pressure on institutions and provide a quicker road to justice.

- *Reparations* could provide a formal acknowledgement of victims' suffering and support guarantees of nonrepetition. Similar processes were used to provide reparations to survivors of conflict-related sexual violence in Colombia, Croatia, and Kosovo. These reparations were intended to do two things: provide public acknowledgment of what survivors had experienced and symbolically reflect the state's commitment to prevent

such crimes from happening again. Funding reparations within Ukraine remains an open question, however; discussions are ongoing regarding the potential to use seized Russian assets.

- A *truth style commission* could permit victims and perpetrators to share their stories and see conflict-related harms and admissions of guilt documented and publicized. This process memorializes their suffering and incorporates it into an official public record. Such commissions have been used in the Gambia, Rwanda, and South Africa. Information gathered through this process could be used to inform investigations conducted by state institutions and to counter Russian misinformation campaigns.

## STRENGTHEN THE TRANSPARENCY OF WAR CRIMES PROSECUTIONS

An open and public hearing is necessary as part of a fair trial and is required under international standards. Ukraine has taken some encouraging steps in this direction. The Ukrainian Bar Association has received USAID funding to provide court monitors, and monitoring guidelines have been created to standardize the practice of trial monitoring. These measures will help build public trust in the justice system by demystifying the prosecution process and allowing the public to track progress. The policy options outlined below build on this progress.

### POLICY OPTIONS

- Trials should be open to the public, and a schedule of trials should be made publicly available, with sufficient time provided for interested monitors and members of the public to attend.
- Journalists and civil society monitors should be given similar access to prosecutions, as well as training to allow them to accurately report on proceedings. This will help the public gain a full perspective on the meaning and impact of trial results.
- Judges should be made more aware that the way they conduct proceedings may help to manage public expectations. In particular, judges should look for opportunities to promote



transparency in war crimes prosecutions. In so doing, the judges' professionalism, expertise, and openness will strengthen public understanding of and confidence in war crimes prosecutions.

- Victims of war crimes should be encouraged to exercise their rights to participate in criminal proceedings in line with the provisions of the Ukrainian Criminal Procedure Code.
- Verdicts should be made available in a timely manner to both Ukrainian and international civil society.

## Priority Issue 4: Deliver Accountability for Atrocity Crimes

Ukrainian courts have a long history of prosecuting Russian war crimes, beginning with the 2014 invasion of Crimea and the Donbas. As noted above, the 2022 invasion substantially increased the number of war crimes committed in Ukrainian territory, with the OPG reporting more than 131,000 alleged crimes under investigation in May 2024.<sup>59</sup> In addition, the war has raised the specter of other atrocity crimes—including genocide and crimes against humanity. This will broaden the scope of crimes considered by the OPG and ultimately by Ukrainian courts.

The Ukrainian government and the international community have made substantial efforts to bolster the capacity of the OPG and the judiciary. But the sheer number of investigations, as well as the challenges in acquiring jurisdiction over alleged perpetrators, is likely to overwhelm Ukraine's criminal justice system. This challenge is compounded by high public expectations on accountability for war crimes, which increases the stakes for officials. Failing to deliver justice in a fair, transparent, and efficient manner could derail public confidence in the judiciary.

Continued domestic and international support for the justice system could enhance Ukraine's ability to handle the potential crush of cases related to the conflict. The report offers five ways this support could be focused: ensuring capacity for effective evidence storage, leveraging artificial intelligence to strengthen investigations, deepening specialization, developing strategies for case prioritization; and strengthening fair trial rights for alleged perpetrators.

### ENSURE CAPACITY FOR EFFECTIVE EVIDENCE STORAGE

Given the likely lengthy timeline for war crimes prosecutions, Ukraine should ensure that it has the capacity to effectively catalog, store, manage, and maintain evidence of war crimes. This evidence will be essential to effectively prosecuting war crimes, regardless of when those prosecutions happen. Further, this evidence may be used to support international or universal jurisdiction cases based on agreements made by the Ukrainian government, allowing the international community to support the prosecution process more effectively.

### POLICY OPTION

- Ensure that Ukrainian officials have sufficient technological, physical, and personnel capacity to catalog, store, manage, and maintain evidence—including physical evidence, documentary

evidence, and victim and witness statements—collected by war crimes investigators. Steps in this direction should include not only providing physical space to securely accommodate and maintain the physical integrity of collected evidence, but also creating a database capable of cataloging evidence, a system for tagging evidence to allow for quick searching, and digital security protocols to deter cyberattacks. AI and machine learning tools should be leveraged to both organize information and protect its integrity from external threats.

### **LEVERAGE ARTIFICIAL INTELLIGENCE TO STRENGTHEN INVESTIGATIONS**

The war in Ukraine has surpassed the war in Syria to become world's most documented conflict. The sheer amount of documentary evidence—photos, videos, and online testimonies—would overwhelm most investigative processes, complicating the ability of prosecutors to identify evidence related to ongoing investigations and trends in crime. Russian mis- and dis-information efforts, as well as its targeted cyberattacks on investigative processes, further compound this challenge by increasing the need to authenticate evidence to protect the integrity of prosecutions.<sup>60</sup> Artificial intelligence and machine learning tools may provide a measure of efficiency to investigations by supporting investigators in managing, organizing, and analyzing the volume of evidence collected and helping to identify evidence that has been falsified or manipulated. The OPG has taken steps toward integrating AI and machine learning tools into its investigative process, but space remains for further integration.<sup>61</sup> In addition, the use of AI in investigative processes is new and evolving rapidly, requiring thoughtful consideration of how to ensure evidence produced with these tools meets evidentiary standards.

### **POLICY OPTION**

- Strengthen the ability of Ukrainian officials to leverage the power of AI and machine learning tools to streamline investigative processes and to weed out collected evidence that has been falsified or manipulated by external actors. This should be done with due regard for judicial standards of evidence collection and the relative lack of familiarity of judges in considering evidence generated using AI tools.

### **DEEPEN SPECIALIZATION**

Ukraine has taken steps to prepare judicial staff to handle war crimes prosecution through training and the formation of specialized prosecutorial teams tasked with investigating particular crimes. These efforts have been led by the OPG and operate primarily in Kyiv, coordinating with OPG staff operating closer to front lines.<sup>62</sup> Specialized teams consider sexual violence, genocide, and aggression.<sup>63</sup> This specialization is not mirrored within the judiciary, although Ukrainian judges are receiving USAID-funded training on adjudicating war crimes cases.<sup>64</sup> While it is likely that certain courts will hear more war crimes cases than others, further specialized training for courts may be needed, particularly in eastern Ukraine.

### **POLICY OPTIONS**

- Strengthen specialization through more intensive training of staff operating in particular courts. Intensive training of staff, an initiative which is in part ongoing,<sup>65</sup> should focus on two goals:

reaching the prosecutors and judges most likely to deal with war crimes allegations; and providing training in the east of the country, where prosecutors may be less equipped than their counterparts in Kyiv to deal with such prosecutions.

- Consider the development of a specialized court or courts to deal with war crimes cases. Such a model has been used in Croatia, where war crimes are assigned to one of four designated specialized first-instance courts. These courts were the focus of specialized trainings for judges and prosecutors.<sup>66</sup> The use of designated domestic courts ensures that prosecutors and judges are trained and deeply familiar with the law and jurisprudence surrounding war crimes, allowing them to prosecute and adjudicate cases more efficiently.

Ukraine's constitution permits the establishment of high specialized courts, provided that their operations are governed by law.<sup>67</sup> This mechanism was used to establish the HACC and will be used to establish the HACU. A law could also be passed to establish a high specialized court on war crimes.<sup>68</sup> Past practice with the HACC, however, indicates that the process of passing the law would likely be lengthy and difficult.<sup>69</sup> It would likely compete with the process for the HACU. The creation of specialized courts also requires a substantial investment in resources, including budget, space, and staff. Alternatively, the HCJ can require that judges be specialized in adjudicating war crimes, particularly in courts near the front lines that are likely to hear a large number of war crimes cases. To ensure that specialization does not become a burden on courts that are not hearing large numbers of war crimes cases, the HCJ could also consider permitting the transfer of jurisdiction over war crimes cases to particular first-instance courts with specialized judges.

The possibility of establishing an “internationalized” court has also been considered (see box 2).

## **DEVELOP STRATEGIES FOR CASE PRIORITIZATION**

Given the high number of alleged war crimes (referenced above), the OPG will need to set priorities among these cases. Policy options for prioritizing cases are presented below. Many of these options can be used in combination to maximize accountability, address crimes most likely to cause instability in Ukraine, and gain public trust.

### **POLICY OPTIONS**

- Prioritize crimes by severity or harm. Such prioritization would allow Ukraine to prosecute crimes that have the most destabilizing impact on the population (such as conflict-related sexual violence) and could also provide a basis for referring crimes that are not a priority to nonjudicial mechanisms for remedy.
- Prioritize cases in which Ukraine has physical custody of the accused, allowing Ukraine to move away from relying on in absentia trials. In absentia trials, while legally permissible and often necessary in prosecuting international crimes, may have a detrimental impact on the overall integrity of war crimes prosecutions. In addition, Ukraine is most likely to have physical custody

## BOX 2.

# An Internationalized Ukrainian Court to Prosecute War Crimes?

Several Ukrainian experts recognized the potential utility of an “internationalized” Ukrainian court to prosecute war crimes. Such a tribunal, which would engage both international and domestic judges and prosecutors, would lend additional capacity and credibility to the Ukrainian judiciary’s work.

Despite these advantages, however, many experts pointed to the legal hurdles obstructing the creation of such a court and the budgetary challenges involved in maintaining it. Ukraine’s constitution would need to be amended to permit the creation of the court, and such an amendment

would not be possible under a state of martial law. War crimes prosecution is also a long-term endeavor. Specialized prosecutions are still ongoing in the Balkans and Rwanda, more than 30 years after conflict in these countries has ceased. Maintaining an internationalized court over that long a period would be very resource intensive. For these reasons, specialized domestic tribunals may be easier to stand up and maintain, even if they are less likely to get substantial international support over the long term.

of Ukrainians alleged to have collaborated with Russia. However, prioritizing these cases may run counter to public demands for prosecuting Russian war criminals.

- Align case prioritization strategy with prisoner-of-war exchanges. The current strategy for exchanging prisoners of war gives the OPG discretion in deciding who may be included in the exchanges, with no limits on the type of perpetrator who may be returned. A case prioritization strategy could outline categories of perpetrators—for instance, people responsible for the most egregious crimes—who may be exempted from prisoner-of-war transfers given the severity of their crimes. Ukrainian law requires that pending cases against prisoners of war be cleared by the courts, typically through guilty pleas, before they can be transferred. Prioritization would ensure that more egregious cases are not cleared, thereby preserving the prosecutor’s right to hold the perpetrators accountable.
- Prioritize collaboration offenses to determine which types of offenses require prosecution. The Ukrainian public, as well as Ukrainian officials, are focused on prosecuting Ukrainians alleged to have collaborated with the Russians. Given the relatively broad definition of collaboration under Ukrainian law, however, prosecuting all possible offenders will further overburden the court system and is unlikely to serve the interests of a stable Ukrainian state. For example, prosecuting lesser offenses, such as providing food to enemy forces in return for safe passage, could destabilize de-occupied territories by decreasing trust in public institutions. In order to navigate these sensitive issues, Ukrainian prosecutors should develop a case prioritization strategy that focuses on prosecuting actions resulting in or intending to result in substantial harm to Ukrainian military or civilian interests. Any such strategy should be widely shared with the public to help underscore the decision of state actors to pursue only severe claims.

An additional consideration Ukraine's government faces is how best to prosecute leadership crimes, which focus on perpetrators issuing orders, likely from Moscow. This includes the crime of aggression (see box 3).

### **STRENGTHEN FAIR TRIAL RIGHTS FOR ALLEGED PERPETRATORS**

Because of the immense public and official pressure to convict alleged perpetrators of war crimes and collaboration offenses, Ukraine's justice system likely will face challenges in protecting the fair trial rights of alleged perpetrators. Ensuring fair trial rights will demonstrate the integrity of Ukraine's efforts to prosecute war crimes, which in turn will demonstrate Ukraine's commitment to EU accession standards.

The challenges to fair trial rights arise directly from wartime realities, although many such challenges existed prior to the full-scale invasion. For example, alleged war criminals are often encouraged to plead guilty to offenses as a condition of eligibility for prisoner swaps, and defendants are tried in absentia.

In addition, defense counsel receive harsh public scrutiny for representing alleged perpetrators. One counsel received death threats for taking an assignment that involved representing an alleged Russian war criminal. He then refused all subsequent assignments to defend prisoners of war due to this pressure. This story is not uncommon. Similar pressure is felt by every level of the criminal justice system, including judicial and prosecutorial staff as well as police officers. For example, if a police officer identifies a war crimes case that does not result in conviction, the officer is likely to face scrutiny from his superiors.

Further, as is typically the case in conflict-affected states, the Ukrainian public has only a limited appetite for ensuring fair trials for alleged perpetrators. This is due in part to the extreme suffering the population has endured, but also to a limited understanding of the connection between the need to protect fair trial rights and the integrity of the war crimes prosecution process.

### **POLICY OPTIONS**

- Raise awareness about the importance of fair trials, with leadership from judges and other administrative officers of the courts. Judges should explain the imperative of fair trials throughout the judicial process and before delivering verdicts. Government-led or -supported public awareness campaigns should inform the general public about the rights of defendants in war crimes cases.
- Strengthen norms surrounding the conduct of defense attorneys, underscoring their importance to fair procedures. Judges and court administrators could conduct public outreach that highlights the benefits—for Ukrainian society, for the careers of defense attorneys, and for Ukraine's postwar recovery—inherent to providing fair trials for defendants.
- Provide security to defense attorneys, prosecutors, and judges involved in war crimes or collaboration cases, particularly those that are sensitive or high profile.

### BOX 3.

## Prosecuting the Crime of Aggression

The low likelihood of acquiring physical custody over alleged perpetrators of Russian war crimes is a hard fact that prosecutors and the public must work to accept. Prosecuting the crime of aggression—while not a replacement for prosecuting war crimes more broadly—may provide a measure of justice to Ukrainians while war crimes prosecutions are ongoing. Aggression is a leadership crime, meaning that prosecutors seek accountability from highly placed officials, including Russian president Vladimir Putin and Russian senior leaders.

Gaps in Ukrainian jurisdiction over the crime of aggression and political disagreements over how to prosecute it may limit the effectiveness of this approach, however. Ukrainian domestic prosecutions of the crime of aggression are unlikely to reach the leaders of the Russian Federation given that heads of state generally have immunity from prosecution by other states. As a result, domestic prosecutions are unlikely to reach the officials seen as most responsible for crimes ongoing in Ukraine.

An international tribunal for the crime of aggression could circumvent this issue, permitting the prosecution of those who would otherwise receive head of state immunity in Ukrainian courts. However, international tribunals have proven politically challenging to establish. The Ukrainian government has expressed a clear preference for an international tribunal, while members of the international community, including the United States, have expressed an interest in internationalized domestic prosecutions, which would include international personnel, such as judges and prosecutors, as part of a Ukrainian court. Such internationalized prosecutions would require an amendment to Ukraine's constitution, which is not possible during a period of martial law. This in turn is likely to slow prosecution of crimes of aggression. With political discussions ongoing, a better understanding of Ukrainians' interests in and demands for justice could support a more nuanced evaluation of how to deliver justice for the crime of aggression.

- As permitted by Ukrainian law, encourage foreign lawyers to serve as co-counsel or advisers for criminal cases involving Russian prisoners of war or Ukrainian collaborators. This process could strengthen the resilience of defense counsel and the fairness of the trial.

## Priority Issue 5: Rebuild Social Cohesion

This chapter has described Ukraine's high public demand for justice, whether from victims of war crimes or from those struggling to gain access to basic legal and judicial services. Given the diversity of Ukrainian justice needs, meeting these challenges requires developing a more inclusive justice system, one that encompasses traditional governmental services, such as courts, as well as nonjudicial tools. As the Ukrainian government considers what tools are needed to deliver justice, it will be important to consider how justice needs and interests are affected by the societal rifts caused by the war. For example, communities have become divided around allegations of collaboration, the use of the Russian language, and regional disparities in the levels of harm caused by the war. Understanding these rifts and developing a plan to address them will be critical to restoring social cohesion in Ukraine and helping communities to recover from the conflict.

The challenges to Ukraine's social cohesion are multilayered and complex.

- In Crimea and occupied territories in the Donbas, Ukrainians have lived under Russian occupation for close to a decade. These groups have been denied access to Ukrainian legal services, subjected to Russian propaganda and educational curricula, and in many cases forced to acquire Russian identity documents. These dynamics may complicate how residents in these communities reintegrate back into Ukrainian society. This is particularly true for children who have grown up under Russian occupation and have no memory of living in a unified Ukrainian state.
- In heavily damaged territories in the east of Ukraine, communities may feel that they have borne the brunt of the conflict while Kyiv and the west of Ukraine have been less affected.
- Nationalist sentiments or distrust may result in the marginalization of Russian speakers from communities that had previously been integrated.

Besides heightening tensions, these drivers of conflict could leave Ukraine vulnerable to retributive violence among communities, public unrest, and frustration with local authorities. The situation is especially sensitive around accusations of collaboration, particularly if public demands for justice are not managed. Both international and Ukrainian civil society groups are already working to understand and find solutions for these issues.

This work is sensitive; many communities are not yet ready for social cohesion efforts, particularly those that require intercommunity dialogue. Further, state support for these efforts has been tepid, despite the importance of social cohesion to repelling Russian aggression and restoring Ukraine's sovereignty and democratic trajectory. However, several ideas for next steps have emerged. These efforts will be crucial to restoring the full provision of justice.

## **POLICY OPTIONS**

- Public opinion surveys should be used to provide a better understanding of the kinds of justice services Ukrainians need. Surveys would be particularly useful in understanding how community needs differ across different regions of Ukraine. One such survey was released in early 2024 and looked at what Ukrainians expect from justice processes.<sup>70</sup> The goal of this survey was to inform delivery of services by justice institutions. Other surveys could inform social cohesion efforts by looking at a broader range of services or interests in restoring the integrity of communities.
- Use dialogue as a tool for rebuilding social cohesion. These dialogues should use an inclusive approach, one that includes the elderly, women, handicapped individuals, children, internally displaced people (IDPs), people in occupied territories, and externally displaced people. The dialogues should also be customized to suit the needs of varied regions. This could mean that dialogues explore local issues, such as access to public legal and justice services, ways to strengthen community organizations, and relationships between IDPs and host communities. As these dialogues progress, they may consider more sensitive issues, such as reintegrating

occupied territories, overcoming language barriers, and reaching community consensus around collaboration offenses.

- Recognize the particular needs of vulnerable populations—notably, children in occupied territories—in reintegrating into Ukrainian society. Children in occupied territories have grown up under a system designed to distance them from—if not to create opposition to—Ukrainian institutions and society. A core component of delivering justice will therefore consist of helping such children understand how Ukrainian institutions are capable not only of including them, but also of recognizing and protecting their rights. Educational curricula designed to educate them on their rights as Ukrainian citizens would help children reintegrate into Ukrainian society, as would delivery of justice services that are visible and effective for them and their families.
- Establish a historical record and memorialize conflict-related harms, particularly in de-occupied territories. Russia has used propaganda and disinformation to maintain control over the occupied territories and is likely to continue using these tools to create confusion and division in the postconflict period. To counter this disinformation warfare, it will be important to establish a publicly accepted historical record of the Russian invasion since 2014 and the harms and crimes committed by Russia during this time.

Such a record should be created with public participation to allow victims and witnesses to share their stories, along the lines of what was done in the postapartheid period through South Africa's Truth and Reconciliation Commission. This record should allow communities in occupied territories to break the hold that propaganda has held during the occupation. This record should also be used to support the reintegration of children, who have been particularly manipulated during the occupation.

Museums and exhibitions should be used to memorialize people's stories of the war. Experts consulted cited a street art exhibit in Kherson that depicts occupied life throughout the city. Although this exhibit sprung up without state support, the government should ensure that these stories are collected and reflected through different media.

- Center civil society in social cohesion efforts. Civil society actors are often able to reach people the justice sector is unable to reach. These actors better understand the dynamics of their communities, can reach a broader segment of the population, and operate with independence that government officials lack. As such, civil society should play a central role in social cohesion efforts, especially if it has the support of both the international community and the Ukrainian government. Further, the government should demonstrate a willingness to collaborate and cooperate with civil society. As part of this kind of partnership, the Ukrainian government should support and apply the findings of civil society efforts to broader, national policies.



## Conclusion

The justice sector will play a critical role in delivering essential services to survivors of conflict-related crimes and will hold perpetrators of such crimes accountable. In providing those services, the justice sector faces considerable obstacles—from low public trust and high public expectations to battlefield realities that are already putting immense pressure on the judicial system.

Overcoming those obstacles will require strategic domestic and international support for reforms to bolster the capacity of institutions to do their work. Key among these reforms will be a meaningful commitment to reform to strengthen the integrity of the judiciary and to build public confidence that the justice system can deliver. Further support for strengthening judicial infrastructure, managing public expectations around accountability for war crimes, and strengthening the capacity of institutions to prosecute atrocity crimes will deepen the justice sector's ability to respond to the challenges before it and to maintain and consolidate Ukraine's stability.



## CHAPTER 3

# Supporting Veterans and Security Governance

Since Russia's full-scale invasion of Ukraine in February of 2022, military experts have engaged in analysis and critical discourse on military strategy and tactics; on the military hardware and capabilities required to attain Ukraine's military objectives; on the security guarantees the country requires for long-term security; and on the ways in which Ukraine can align its defense sector with NATO's standards. There is a widespread recognition among these experts that as it transitions from war to peace, Ukraine will need to adapt its defense sector to meet its security needs.

This chapter focuses on a subset of these topics and this discourse. More particularly, it focuses on three key defense sector–related human and governance challenges that this transition from war to peace will present for Ukraine's peace and stability: supporting veterans and their families; enhancing the Ministry of Defense's transparency, accountability, and effectiveness; and formalizing voluntary national defense organizations. It offers options for how Ukraine's international partners can help Ukraine meet these challenges, which, if left unaddressed, could destabilize the country.

This chapter focuses on defense issues that will have significant impacts on Ukraine's postwar stabilization and recovery. Other defense-related issues, such as demining, are crucial to stability in the coming years and require further study. For a discussion of small arms proliferation, see chapter 4. Corruption within the defense sector is discussed in chapter 1.

The report identifies four priority issues for the Ukrainian government, Ukrainian civil society, and donors:

- **Priority Issue 1: Provide inclusive support to Ukraine's veterans**
- **Priority Issue 2: Build a robust and transparent Ministry of Defense**
- **Priority Issue 3: Formalize Ukraine's voluntary national defense organizations**
- **Priority Issue 4: Create a transparent, well-organized military justice system**

## Priority Issue 1: Provide Inclusive Support to Ukraine's Veterans

Surveys show that over half of the general public (55 percent) have a relationship with at least one veteran.<sup>71</sup> Not surprisingly, veterans care is politically popular among Ukrainian civilians. For its part, the Ukrainian government has promised to fully support veterans and their families. Indeed, doing so has been a regular talking point for government officials since the full-scale war with Russia began in 2022. However, civilians who have enlisted to fight in the current war may not be fully eligible for veteran status or benefits. Unless more comprehensive and coordinated services are provided to veterans, the government's promise will not be met. The resulting public response could lead to significant levels of popular frustration. Many veterans and their families would likely feel betrayed in this scenario. This could lead to a violent backlash that may, in itself, become a security issue. The situation could also reduce public willingness to fight in response to future Russian aggression.

Some observers have argued that “the best way for the international community to back Ukraine's veterans is by helping them win the war.”<sup>72</sup> Security concerns require that parallel efforts be made to improve outcomes for Ukraine's veterans. Report consultations strongly emphasized the importance of this two-track approach in order to ensure stability in Ukraine.

### CURRENT CHALLENGES

Ukraine is facing an unprecedented challenge in its approach to providing services and support to its growing number of veterans. Even before the current iteration of the war with Russia, there were over 400,000 veterans from Russia's 2014 war in Ukraine's Donbas region, and many of these veterans had difficulty receiving benefits and reintegrating into society. Hundreds of thousands more combatants, including many who were veterans from the Donbas war, will join the ranks of veterans in the coming years.<sup>73</sup>

The length and intensity of recent wars in Ukraine mean that veterans' needs span generations. Many Ukrainian combatants have fought since 2014. A good proportion of those soldiers are now in middle age and have needs associated with serving for almost a decade. By contrast, the veterans of the current conflict are both older and younger than those who fought a decade ago. Veterans will require support with varying needs that may last several decades.

Unfortunately, Ukraine's approach to veterans affairs has been dominated by an antiquated system carried over from the Soviet era, whereby veterans were provided subsidies and cash payments instead of direct support.<sup>74</sup> This system assumes that veterans know what support they need in their postmilitary life. While that may be true in some cases, the experiences of other European countries and the United States suggest that government provision of a full array of services is imperative for veterans, their families, and their communities.

The 2021 Veterans Reintegration Survey (VRS) conducted by the International Research & Exchanges Board (IREX) explored veterans' experiences during their transition from military service after 2014. Even with most veterans reengaged in active combat, there are formidable barriers confronting

veterans seeking to access benefits. Additionally, almost three-quarters (70 percent) of veterans reported obstacles in accessing benefits, with only 3 percent of veterans encountering no challenges in accessing benefits.<sup>75</sup> Even though only a very small percentage of military forces have been demobilized, government systems cannot cope and are not effectively meeting veterans' needs. Full-scale demobilization would strain the Ukrainian government's already heavy reliance on NGOs and foreign assistance to support veterans.

At the same time, leaders in Ukraine are eager for veterans to help rebuild the country. In 2022, President Zelenskyy outlined this vision: “[Veterans should be able to contribute] not only to the defense of our state on the front lines but also to the post-war development of Ukraine.”<sup>76</sup> In order to fulfill the president's charge, veterans will need substantially more support than they are receiving now. This report identifies five areas where domestic and international investment in veteran services could generate the most benefit: defining who qualifies as a veteran, offering more comprehensive and coordinated services, empowering and funding the Ministry of Veterans Affairs to coordinate assistance, empowering civil society to help, and ensuring that veterans services account for future conflict possibilities.

### **DEFINE WHO QUALIFIES AS A VETERAN**

There is ambiguity in Ukraine about who qualifies as a veteran. This has created a growing unease among active combatants about whether their status as veterans could shift without warning. This lack of clarity also creates roadblocks for service members returning to society who hope to access benefits. Such ambiguity also limits which donors can provide foreign assistance and how it can be delivered.

Ambiguity about who qualifies as a veteran is compounded by confusing jurisdictional lines. The Armed Forces of Ukraine encompasses military, intelligence, and some law enforcement personnel, but it is not clear whether service members in all of these categories can expect full veterans benefits after active duty. Furthermore, some service members, such as members of Ukraine's National Guard, are not part of the Ministry of Defense but are under its command and control. Similarly, the SBU, while labeled a military formation under Ukraine's constitution, has its own jurisdiction. It is not clear whether SBU service members would be considered veterans after active duty or if they would receive exactly the same level of veterans assistance as other members of the Armed Forces.<sup>77</sup> The situation is further complicated by the recent deployment of law enforcement personnel to the front line, whereby members of police forces with advanced tactical skills are being integrated into infantry units actively fighting Russia.

Untangling this web will be challenging. The Ministry of Veterans Affairs too often functions chiefly as a mechanism for interagency coordination, and expanding this limited area of responsibility would be important to providing inclusive support to veterans. It would be harmful to social cohesion and stability if defense agencies were to establish arbitrary definitions of service or narrowly define veterans based on time of service or experience.

How the state decides to characterize and compensate the service of female veterans is another area of concern. Female service members are not restricted from combat roles; even so, women are often siloed into administrative positions that are not labeled as combat. This can obscure their duties while in service and reduce their benefits as veterans. Female service members already face significant discrimination and barriers to reentry after active duty. In the VRS, most female veterans (66 percent) reported that they faced specific stereotypes and prejudices from civilians due to their gender.<sup>78</sup> Furthermore, female veterans experienced a decline in employment rates as a result of their military service, with 66 percent stating that they had a full- or part-time job after leaving the military, compared with 82 percent prior to entering service.<sup>79</sup>

## **POLICY OPTIONS**

- Clearly define, in legal and inclusive terms, who qualifies as a veteran. The definition will illuminate total numbers and the resulting expected costs for veterans support. Such clarity is a prerequisite for understanding and responding to veterans' needs in Ukraine.
- Provide ongoing registration of combatants in a way that accurately assesses female combatants' roles to prevent any mischaracterization or misunderstanding of their service.

## **OFFER MORE COMPREHENSIVE AND COORDINATED SERVICES**

There is a frustration in civil society and among donors about a perceived lack of a unified veterans strategy within the Ukrainian government. Basic chains of command among agencies are intertwined to the point where it can be difficult to discern where accountability lies and where help can be accessed.

This lack of a comprehensive and cohesive approach is exacerbated by intragovernmental competition for resources and influence between the Ministry of Veterans Affairs, the Ministry of Defense, the Ministry of Health, the Ministry of Reintegration, and the Ministry of Social Policy. At least another five entities also have jurisdiction over veterans affairs: the Ministry of Economy, the Ministry of Finance, the Defense Intelligence Services of Ukraine, the Armed Forces of Ukraine, and the heads of the Coordination and Advisory Centers for Population Assistance established at the regional military administrations and military hospitals.<sup>80</sup>

The effects of this confusion can be severe. Approximately 110,000 military personnel have suffered some form of injury since the full-scale war with Russia began. Yet low staffing and high turnover at the Ministry of Veterans Affairs, including at the senior level, complicate veterans' access to services and coordination with international donors. These problems ripple out to the micro level, where, for example, service-disabled veterans often cannot access buildings and public spaces.<sup>81</sup> Estimates made in summer 2022 suggested that between 20,000 and 50,000 Ukrainian military personnel had undergone at least one limb amputation since February of that year. While many Ukrainian soldiers with amputations have returned to the battlefield, it is crucial to ensure their return to public life includes accommodations for their injuries.

Problems such as these are upsetting for the public and a source of concern for the government. Even so, the number of veterans seeking services is small today compared with the thousands

who will be seeking help in the coming years. Removing bureaucratic confusion and administrative hurdles—and ensuring adequate employment and economic opportunities for returning veterans—will help the Ukrainian government support the future influx of veterans and their communities and prepare for the postwar period.

## **POLICY OPTIONS**

- Collect comprehensive data on those who have demobilized and those who will demobilize in the future to fully understand who is facing which challenges as a veteran and use this data to drive policy decisions. It is imperative to have quality data to serve the needs of veterans and their families, as well as for any potential future mobilizations.
- Develop support capacities beyond existing veterans benefits. This step would include creating a more standardized approach to support veterans' psychosocial and physical health, establishing infrastructure to support the high number of veterans who will seek support. For example, there is no law on psychotherapy or therapist licensing procedures, which compounds challenges for veterans seeking counseling and related health care services.
- Identify which Ukrainian government departments or agencies are best suited to provide veterans assistance. The process of identification could include replicating aspects of PEPFAR's Interagency Collaborative for Program Improvement. The US government used that body to ensure disparate federal departments and agencies came together in response to global health challenges in Africa tied to the AIDS epidemic. This executive-level action helped the United States identify agency responsibilities and share information.
- Ensure that adequate war pensions, employment, and training program options are provided. The government should prioritize providing adequate pensions, as well as training and vocational rehabilitation support to returning veterans, who will be transitioning to new or pre-mobilization careers.

## **EMPOWER AND FUND THE MINISTRY OF VETERANS AFFAIRS TO COORDINATE ASSISTANCE**

As noted above, there are at least 10 Ukrainian ministries and agencies charged with supporting veterans and veterans reintegration in some fashion. Having multiple agencies involved makes sense; the task is too great for one ministry alone. However, the lack of coordination is marked. Making matters worse are interagency frictions, driven by wartime conditions of tight funding and lack of oversight. The end result is that at any given moment, many Ukrainian veterans and their families are unsure where to turn for help.

The Ministry of Veterans Affairs has the writ of coordination on these matters. The ministry is currently developing an ecosystem of support for veterans by establishing hotlines and administrative offices in local communities to guide veterans and their families. It is also setting up training and professional development centers to support veterans' reintegration needs.

However, more needs to be done to reinforce the ministry's capabilities. The Ukrainian government could do so through appropriate funding and staffing. The international community should also support the ministry.

### **EMPOWER CIVIL SOCIETY TO HELP, BUT DO NOT CEDE FULL RESPONSIBILITY TO THEM**

With national ministries focused on the war with Russia and tangled in conflicting mandates and jurisdictions, the government is relying on civil society and foreign assistance to provide basic support for its veterans. As veterans return to communities, local civil society organizations need some level of support from the government to help with return and reintegration.

For example, local government agencies and veterans support groups in civil society are both working to help, but there is little national oversight or guidance as to who should do what. Civil society groups and local government agencies often operate in parallel, but they do not necessarily coordinate their work. The result is a hodge-podge of services that vary based on resources and geography. Civil society groups also face under resourcing and understaffing, even though they are conducting tasks that are typically government's responsibility.

Certain donors and implementers are active in the veterans space in Ukraine, including the United Nations Development Programme and IREX, but these third-party actors face significant challenges as well. Decisions about how the Ukrainian government structures its veterans programs affect donors, which also have complex jurisdictional systems of their own to navigate. For example, USAID cannot give assistance in this realm unless veterans issues are kept separate from the Ukrainian Ministry of Defense and other security forces. When Ukraine clarifies its priorities for veterans and establishes guideposts for donor assistance, donors will be able to more easily identify where and how they can provide assistance.

### **POLICY OPTIONS**

- Empower communities to support veterans' reintegration and to share responsibilities with the government. This effort should include funding and support for specific demographics, including female veterans, and the organizations that support them.
- Recognize and support—financially and politically—the complementary role played by NGOs, the private sector, and broader veterans networks in providing vital services to veterans. These actors reside outside of formal veterans care and support, but they have played and will continue to play a significant role in supporting the transition of mobilized personnel back to civilian life.

### **ENSURE THAT VETERANS SERVICES ACCOUNT FOR FUTURE CONFLICT POSSIBILITIES**

The Ukrainian government should clearly delineate who is on active duty, who is a reservist, and who is a veteran. By doing so, the government can both adequately track mobilized and demobilized due to injury, as well as clearly signal to the demobilized that they can move on with their lives, transitioning to civilian careers and planning for their future, with reservists understanding their role and the high likelihood of mobilization in the outbreak of intense conflict. At present, the Ukrainian



government is overwhelmingly focused on active-duty personnel. However, as the country transitions to a lower-intensity conflict, it will be of vital importance to keep active reservists enrolled and to have accurate records of those who have recently transitioned but are still combat capable.

In many countries, being a veteran begins with demobilization, but the process is not as clear-cut in Ukraine. The current approach keeps people who would otherwise be veterans on reserve status. This arrangement allows them to be quickly mobilized should another national emergency arise, including further military pressures stemming from Russia's war of aggression. Using reserve status in this way may be critical for response measures, but it withholds crucial benefits to individuals while they are between periods of service. In short, because those on reserve status are not fully classified as veterans, they do not receive veterans benefits.

The government should make clear to reservists whether they can be called back into action at any time. For example, combatants from the 2014 Donbas stage of the conflict with Russia were the first called back from reserve for the 2022 stage. They had initially been told in 2014 to return home after and put down roots without veterans benefits, only to be told to leave their families again in 2022 and go into combat. It will be important to provide clarity regarding access to benefits: while some combatants will need to be offered full veteran status, others may need to be kept in a reservist pool with access to clearly defined benefits while they are reservists.

Providing this level of clarity would have several benefits. First, it would expand the number of combatants receiving benefits, and it would help combatants know what they can expect to receive from the state. This, in turn, would encourage Ukrainian combatants to stay in country and participate in future military action or Ukraine's reconstruction. Finally, by clarifying who is in the military system and in what capacity, the Ukrainian government would have better information about who is available to fight should new conflicts emerge.

Exactly when Ukrainian soldiers fully transition from military to civilian (nonreservist) status affects which tools donors can bring to bear. For example, as stated above, many donor assistance programs are limited in their ability to support active members of the armed forces, or even reservists, but they can fully support veterans or civilians.

#### **POLICY OPTION**

- Clearly delineate the status of individuals defending Ukraine by categorizing them as either active duty, reservist, veteran, or civilian. This effort could build on plans announced in July 2023 by Ukrainian prime minister Denys Shmyhal to create a formal reserve pool to complement the army.<sup>82</sup>

## **Priority Issue 2: Build a Robust and Transparent Ministry of Defense**

Ukraine's civilian-military relations were well developed before the war; there was a network that connected Ministry of Defense officials with Parliament, civil society, and the private sector. Before

2022, the Ministry of Defense regularly published a “White Book,” an informative annual report about the ministry’s activities and plans for the coming year. In 2014 and 2015, a defense reform office, chaired by the Ministry of Defense, invited civil society to provide advice and be actively involved in the planning and execution of defense reforms. However, this inclusiveness dissipated in the wake of the February 2022 invasion, as operational security measures tied to the state of emergency took hold.

There are at least 1.5 million Ukrainians in uniform today. Each of them has family members, friends, and close connections with Ukrainian society. Galvanized public support for the country’s defense offers an opportunity to rebuild defense institutions, moving them away from the Soviet mold and toward a more modern and accountable model. Doing so during the current war may be challenging.<sup>83</sup> As the war continues to shift, however, opportunities may arise to make important reforms that previously lacked political backing or public support.

Ukraine’s ability to motivate and leverage nondefense actors, such as the private sector, is critical to sustainable security in the future. Such partnerships would in many ways define reconstruction for Ukraine, as well as its approach to future conflicts. Absent a thoughtful approach to increasing transparency in tandem with nondefense sector actors, the Ukrainian government runs the risk of alienating key allies and missing opportunities for crucial reforms. Three issues and related policy options point the way forward: supporting the modernization of the defense sector; supporting reform at the Ministry of Defense, and supporting efforts to increase defense transparency.

### **SUPPORT THE MODERNIZATION OF UKRAINE’S DEFENSE SECTOR**

The international community, including NATO and the European Union, is actively discussing the future of Ukraine’s defense institutions. Ukrainian officials have been clear that Ukraine’s defense institutions will look different after the current war concludes. In July 2023, Prime Minister Denys Shmyhal said, “The primary task is to complete the transition of the Security and Defense Forces of Ukraine to NATO standards. In all aspects: from equipment and weapons to planning and analysis. After the end of the war, Ukraine will abandon the draft as it existed before the war. The foundation of our defense will be a professional army.”<sup>84</sup>

This statement reflects a widely held view that Ukraine’s defense model will reflect its aspiration for NATO membership. The Finnish and Swedish models of comprehensive defense offer one option—and whatever model Ukraine eventually adopts, NATO allies would prefer that it is close to their own and thus does not harm their military or economic interests (e.g., NATO allies would not want Ukraine to develop an overly large army that would require long-term financial support from other NATO members).<sup>85</sup> At the same time, Ukraine must tailor any model to meet its own needs, provided the model is aligned with international standards.

The importance of the private sector and defense sector businesses in Ukraine’s postconflict transformation cannot be overstated as the country shifts from being an importer of defense materiel to being self-sufficient; eventually, it may even become an exporter of arms and equipment. In July

2023, Prime Minister Shmyhal announced additional support for private businesses in the defense sector in the context of “actively increasing the production of weapons and equipment.”<sup>86</sup> Given Ukraine’s need for weapons and ammunition, Ukraine will likely continue to rely on the foreign defense industry. While the Ukrainian defense industry is not currently capable of meeting the increased demand, the potential exists for this industry to become a driving force of the Ukrainian economy.<sup>87</sup>

### **POLICY OPTION**

- Develop programs, initiatives, and communication plans to engage civil society and the private sector to develop Ukraine’s postwar defense sector institutions. The power of the Ministry of Defense is limited without cooperation from lawmakers, civil society, and the private sector.

### **SUPPORT REFORM AT THE MINISTRY OF DEFENSE**

Defense reforms have been difficult to instill in Ukraine. This is partly due to the transient nature of senior leadership in the Ministry of Defense; one minister will commit to a reform, but then he or she will be fired or resign, and the next minister will reverse the reform to make clear that the ministry is under new leadership. Reform is impossible if it depends on a single personality. Only a system that sustains reform can make reform permanent.

### **POLICY OPTIONS**

- Build a cadre of civil servants who understand that effective security will require strong engagement between the civilian and military elements of the Ministry of Defense. This group could have connections to civil society so it can push for reform regardless of senior leadership transitions. The group could also establish regular exchanges of information between the ministry and civil society, including regular briefings at different levels of leadership. Effective security sector governance hinges on qualified civilians with expertise in defense who serve in long-term positions and form the backbone of the Ministry of Defense. While individuals with military backgrounds will always play essential roles in the ministry, democratic governance also depends on the presence within the ministry of civilians with defense expertise.
- Incorporate Ukrainian civilian defense expertise into planning and decision-making. Civilian experts have developed deep and likely nontraditional experience since the partial invasion of 2014 and the full-scale invasion of 2022. This expertise could be harnessed by embedding cadres of Ukrainian civilian experts, as well as international experts, in the Ministry of Defense.

### **SUPPORT UKRAINE’S EFFORTS TO INCREASE DEFENSE TRANSPARENCY**

Defense reform will need to address oversight of the defense sector, including government players and related actors, particularly as regards procurements and the national defense industry. Clearly, civilian oversight must be strengthened in all elements of the armed forces, not only the Ministry of Defense. Given the dramatic increase in the types of forces engaged in active combat and the types of new expertise generated during the war, emerging defense apparatuses need to be integrated into oversight structures.

There are opportunities to enact reform now because of increased wartime unity, the proliferation of nontraditional touchpoints with nondefense sector institutions, and the considerable external pressure Ukraine's government is facing to address corruption while building institutions able to effectively perform postconflict roles. Given the sensitivity surrounding this set of issues, a clear plan for managing the balance between transparency and secrecy will be needed. One way forward is for a board composed of representatives from the civilian and military sectors to think through which levels of secrecy will be necessary and when. For now, transparency reforms could focus on procurement and personnel rather than on operations, which are critical during this conflict period.

## POLICY OPTIONS

- Commit to transparency requirements imposed by donor assistance as well as EU and NATO accession plans. One place to start would be continued engagement with the NATO Defense Education Enhancement Programme, which works with partner countries to help identify the needs of and gaps within education institutions in the defense and military domain.<sup>88</sup>
- Define roles, responsibilities, and capabilities of members of the defense apparatus in terms of oversight and transparency.
- Integrate and gather inputs from civil society for future strategies. This could include enshrining in law the need for government to consult with and harness analytical capacities within civil society.

## Priority Issue 3: Formalize Ukraine's Volunteer National Defense Organizations

Ukraine has a rich history of civilian resistance to invaders or occupiers. In Ukraine, the role of autonomous pro-Ukraine voluntary national defense organizations (VNDOs) has spanned acts of civil disobedience, intelligence collection, and active-duty combat. Since the 2014 invasion of Ukraine's eastern borders, Ukraine has armed significant segments of the Ukrainian civilian population, effectively creating a mass volunteer VNDO.<sup>89</sup> This report defines a VNDO as a volunteer but formalized defense organization that resides within the Ministry of Defense and has legal authority to provide both civil security support during environmental crises and auxiliary defense support against armed invasion. Although VNDOs have legal authority, they are not integrated into a formalized system falling under a broader national level defense plan.

Tens of thousands of people already participate in VNDOs, and most of them support intelligence and information collection.<sup>90</sup> The Ukrainian government has used its distance from VNDOs to its advantage. Ukrainian officials have denied or downplayed Kyiv's ties with such organizations to disavow any possible problematic operations by volunteer groups.<sup>91</sup> However, if these groups are more formalized with reduced management, they can create severe problems for the Ukrainian government and its armed forces. Should a VNDO be involved in human rights violations or corruption, disavowals from the Ukrainian government may be counterproductive, and international support for the war effort could be affected.<sup>92</sup>

## BOX 4.

### Which Model for VNDOs?

- Given the size of the Russian threat, many experts agree Ukraine must develop and institutionalize not just a whole-of-government, but a whole-of-society approach to national defense. This approach to VNDO and national level resistance planning is similar to the VNDO system in the Baltic states, but with some important differences. The Ukrainian model is semi-structured and draws some of its guidance from the opaque law, On the Fundamentals of National Law on Resistance. While this law, enacted in 2021, governs the roles and responsibilities of Ukrainian resistance, it does not stipulate specific activities that would be expected of the population, nor does it set forth a structure for them to operate. By contrast, the Baltic states have clear and separate laws on VNDOs and national level resistance planning.
- In both cases—the Baltic system and the Ukrainian Law on Resistance—the VNDO and national level resistance planning concepts are built around an assumption that these countries lack the size and strategic depth to stand up to a major Russian invasion and would need to adopt mass mobilization of guerrilla fighters. The current experience of a large-scale conventional war in Ukraine, however, has called this assumption into question. Some of the experts consulted suggested Ukraine should consider adopting some version of the Finnish model, which involves mandatory military training for the population; a large reserve force; and deep national security ties between the government, private sector, and civil society. This model could be worth exploring, despite confusion and concern about the durability of Western assistance for the Ukrainian military. Ukrainians will need to decide which model features are most useful as they plan for the future.

In the postconflict context, members of VNDOs will have skill sets that Ukraine will need in order to rebuild its infrastructure and security structures. In the immediate term, while VNDOs will not provide enough people to staff a total defense system, they can be part of such a system. In a reduced conflict setting, the VNDOs would allow many Ukrainians to resume their civilian lives, while supporting state security in their various sectors. Providing clear boundaries for VNDO action and legal authority now will support that scenario and allow Ukraine to reap significant benefits as a result.

#### **ESTABLISH ONE NATIONAL VNDO AND PLACE IT UNDER THE AUTHORITY OF THE MINISTRY OF DEFENSE**

Given the current security and defense mindset in Ukraine, the authors do not expect short-term recruitment challenges to the practice of volunteers joining and operating in VNDOs. Over time however, the current patriotic mindset may shift even though Ukrainians, like many citizens from other frontline states, will likely want to continue to contribute to the security of their country. The details of how these contributions will be made have not been made clear as the war is still ongoing and there is limited appetite for thinking about defense structures in a postconflict or steady-state conflict. (Box 4 outlines alternative models for VNDOs.) There is an apprehension about the future of VNDOs and how they will be used before this conflict has ended.

To forestall problems, the Ukrainian government could develop and maintain clear command-and-control measures over VNDOs, making clear that the same doctrine and training used by regular military forces is available to and expected from VNDOs, and that existing VNDOs must be consolidated into one national organization. These measures could include guidelines that VNDOs should observe when interacting with the formal armed forces.

#### **POLICY OPTION**

- Standardize VNDOs, creating a standard structure of a core cadre, specialized skill sets, standard uniforms, and chains of command within the Ministry of Defense.

#### **FOSTER INCLUSION WITHIN VNDOs**

VNDOs have helped to unify Ukrainians during the war, but it is critical for VNDOs to reflect the diversity of the communities they are fighting for by including women, representatives from different geographic regions, and members of different ethnic and linguistic groups. A cohesive national defense plan should seek to ensure that VNDOs are present across regions—especially those that are less economically developed or more depressed. VNDOs' levels of funding and equipment should be the same regardless of their geographic location. More funding and transparency regarding the makeup and role of a VNDO will likely encourage more people to join. An increased number of well-trained, well-funded, and well-coordinated VNDO members operating in regions close to the Ukrainian-Russian border would enhance Ukraine's ability to deter future military attacks.

#### **POLICY OPTION**

- Ensure the inclusion in VNDOs of traditionally underrepresented groups, such as women and minority ethnic groups, as well as people from rural areas in territories that have been occupied or disputed during the conflict.

#### **CONSIDER THE ROLE OF CIVILIANS IN POSTCONFLICT DEFENSE**

VNDOs can serve as an important civil-military link in the postconflict period. To make the most of this potential, the Ukrainian government will need to consider several important questions about the role of civilians and VNDOs in the postconflict state: What positions do they occupy within the defense system? What are their tasks? What constitutes a member? Is there a contract or oath that members should sign or swear? How does a group or some of its members lose official status? As it integrates VNDOs into a more formalized system, the government should avoid creating a set of competing armed groups. It should also ensure that volunteer organizations are tied to active-duty military personnel.

Advisers noted the need to ensure that when VNDOs are put on high readiness during a future conflict, they do not take people away from important civilian jobs in such fields as engineering, law enforcement, and law.

#### **POLICY OPTIONS**

- Identify and prioritize the inclusion of skilled former soldiers and reservists who have experience

with combat and other military activities in leadership and facilitation roles. These people can provide a training pipeline, given that postconflict reconstruction security efforts in Ukraine will require personnel with expertise in demining, international missions, support functions, niche capabilities, cybersecurity, youth, and national emergencies.

- Define clearly and publicly the future trends posed by Russian threats. Develop strategies and structures based on this information and help the population plan accordingly.
- Consider a pilot project to assess how VNDOs could contribute to a total defense structure. While there is limited Ukrainian interest in developing a total defense system or a more comprehensive long-term national security strategy due to the ongoing conflict, any future strategy would need to account for these groups.

## Priority Issue 4: Create a Transparent, Well-Organized Military Justice System

NATO accession documents do not establish explicit requirements for military justice systems, but they require that potential member states maintain “the ability and willingness to make a military contribution to NATO operations; and a commitment to democratic civil-military relations and institutional structures.”<sup>93</sup> In other words, NATO accession requires that Ukraine’s military be democratically governed and able to make a military contribution to NATO operations. A core component of a military that embraces democratic governance, transparency, and accountability is a disciplinary structure capable of evaluating the performance of members and holding them accountable when disciplinary standards have been violated or crimes committed. Such military justice processes would bolster public confidence in a postconflict justice process by allowing the military to examine its conduct for compliance with international humanitarian law and the law of armed conflict.

Ukraine’s military justice system has been in a state of evolution since the country’s independence. Like many facets of Ukraine’s Ministry of Defense, the military justice system was initially constructed to mirror the Soviet military justice system, with specialized tribunals led by military judges and prosecutors. Military jurisdiction was split across multiple civilian justice institutions for investigations and adjudications. This resulted in a fragmented system that issued inconsistent decisions, which weakened military discipline and professionalism. This system was dismantled in 2010 in favor of hearing military claims through the civilian courts. Two subsequent European Court of Human Rights decisions underscored that the specialized tribunal system had failed to provide judges with sufficient independence to consider cases impartially.<sup>94</sup> The abolition of the old system occurred at a time when Ukraine was substantially drawing down its peacetime military membership.

Since the 2014 and 2022 invasions, Ukraine has increased the size of its military to meet the challenges of Russian aggression. Ukraine has also changed the composition of its forces from exclusively contract-based soldiers to a mix of contracted and conscripted soldiers. The military justice system has not evolved with these changes, and the current system is underequipped to meet the challenge of providing discipline to Ukraine’s current fighting forces. While legislative proposals on

military justice have circulated within the Verkhovna Rada, no clear or cohesive efforts emerged prior to 2022, and no efforts in this direction have been made since Russia's full-scale invasion.

This situation has had several impacts on military justice efforts. For example, cases related to the conduct of Ukrainian soldiers in responding to Russia's full-scale invasion are politically sensitive and, as a result, are not expeditiously heard by military courts, either due to prosecutorial discretion or to concerns over security within the courts. Providing effective military justice will reaffirm Ukraine's commitment to upholding its international legal obligations in the conduct of the war and bolster its legitimacy as a fighting force. Just as uniform codes of military discipline are central to operational effectiveness, transparency and accountability of military forces are essential to democratic oversight of the military. Furthermore, past NATO statements on the accession of states emerging from armed conflict indicate that accountability for conflict-related crimes is central to the accession process.<sup>95</sup> Progress in this area may also debunk Russian misinformation on the performance of Ukrainian soldiers. To date, Russia has suggested that Ukrainians are committing war crimes on a far larger scale than is likely accurate. A transparent, well-organized military justice system would be an effective answer to such propaganda.

## **POLICY OPTIONS**

- Streamline military jurisdiction. When the post-Soviet military justice system was abolished, the responsibility for military justice was split across several civilian institutions. This led to overlapping jurisdictions and has created confusion and inconsistency in the application of military justice. In the absence of broader legislative reform, officials in the Ministry of Defense, the Ministry of the Interior, the Ministry of Justice, and the OPG could decide how to manage military justice processes to ensure that the system is coordinated and capable of delivering sound results. The agreement could cover investigations, adjudication, and enforcement of decisions.
- Strengthen Ukraine's military code. The Ukrainian military's code of justice could be refined to eliminate vagueness and to support consistent application. Participants consulted recognized gaps in the military code that created challenges in promoting consistent disciplinary actions, both administrative and judicial. Issues cited include a vague definition of "service member" and considerable overlap with the civilian sector. Conducting a review of the military code would identify gaps to be filled, thereby pointing the way toward necessary reforms.
- Empower Ukrainian military justice. Whether they are commanders in the field or operating in civilian jurisdictions, military justice officials could be empowered to consistently adjudicate alleged violations of the military code, international humanitarian law, and the law of armed conflict. Field commanders are the first to see disciplinary violations, particularly those related to the conduct of war. However, they may not have the expertise to decide which cases should be referred for prosecution, particularly when faced with challenges to their force strength. Similarly, civilian jurisdictions may require support to understand fully how to handle military justice cases. Training in the application of the military code, international humanitarian law, and the law of armed conflict may support more consistent, efficient decision-making.



## Conclusion

Ukraine's ability to stabilize itself at the conclusion of this war will involve deterring future conflict and reconstructing the country. Progress toward both of these goals will be facilitated by immediate action to manage critical defense sector issues. Ukrainian officials and organizations are, of course, focused at present on ongoing operations, but the priority issues outlined in this chapter require relatively little time and resources, and seizing the opportunity for immediate action could have outsized benefits once the war with Russia has ended.

Foremost among those benefits are the following:

- By ensuring Ukraine's veterans are accurately designated, counted, and well cared for, Ukraine can avoid community frustrations and public relation challenges; develop a genuine reserve force prepared to fight again in the future; and anticipate the significant bureaucratic and administrative requirements that will come with the upcoming influx of veterans, many of whom will be injured or require specialized psychosocial health services.
- By leveraging civilian expertise and reforming defense intuitions in line with international standards, Ukraine will be able to build a comprehensive and transparent Ministry of Defense and set itself up for reconstruction, future conflicts, and accession to NATO.
- By considering and developing well-resourced and -organized VNDOs now, Ukraine can not only improve its operational effectiveness in the current conflict, but also create a postconflict scenario where well-trained, patriotic civilians are prepared to support reconstruction efforts.
- By establishing a modern and effective military justice system, Ukraine would meet the common military codes of its eventual partners in NATO, reduce undue burdens on its already taxed justice system, and ensure a more equitable treatment of its personnel in line with the laws and regulations of the state.



## CHAPTER 4

# Supporting Civilian Law Enforcement

Civilian security sector reform is crucial for Ukraine’s future stability. Having played a valuable role during the war, civilian law enforcement will play an equally important role in securing peace. In the aftermath of the war, challenges for law enforcement will include:

- combatting continued hybrid threats from Russia, including cyberwarfare, actions by internal pro-Russian actors, misinformation, and the need to secure borders;
- securing and stabilizing de-occupied territory while navigating a complex transition after Russian occupation;
- demonstrating good governance—including a transparent, accountable civilian security sector that is well resourced and responsive to public needs—as a means of countering pro-Russian sentiments within Ukraine;
- maintaining security in a manner that will foster social cohesion, reconciliation, and respect for legal processes as a means to address grievances and solve disputes; and
- fostering perceptions of public security and safety that support reconstruction and encourage civilians who fled the war to come home, both of which will be necessary for rebuilding the economy.

Civilian security sector reform has been a key issue in Ukraine’s evolution for over 30 years. Like many other post-Soviet republics, newly independent Ukraine inherited Soviet-style civilian security structures. These were characterized by regular political interference in law enforcement; rampant corruption; and widespread human rights violations, including torture and sexual and gender-based violence.<sup>96</sup>

During the protests between November 2013 and February 2014, police brutality against protesters became a galvanizing issue for the Revolution of Dignity movement. After the Revolution of Dignity, building on previous reforms undertaken after the Orange Revolution in 2004, Ukraine pursued a series of promising changes in law enforcement as part of broader reform efforts.

Since February 2022, there has been some progress in reforming law enforcement—most notably, the president’s approval of the Overarching Strategic Plan for the Reform of the Entire Law Enforcement Sector in May 2023 and the development of a related action plan completed in March 2024.<sup>97</sup> However, the need to combat Russia’s 2022 full-scale invasion has overshadowed law enforcement reform efforts. In addition, institutional resistance to previous reforms was particularly noticeable at middle-management levels and in the exclusion of civil society actors from the reform process.<sup>98</sup> For these reasons, work on some of the most important prewar reform priorities has slowed or stalled.

Reinvigorating law enforcement reform demands renewed attention, especially as Ukraine finds itself facing new, war-related public security challenges. This chapter offers policy options focusing on three priority issues listed below. In line with the project’s primary research focus, this chapter focuses on reforms relevant to the National Police of Ukraine (NPU) and touches on issues relevant to other civilian security agencies, such as the SBU, the State Border Guard Service, and the State Bureau of Investigation.

The three priority issues identified by this report are the following:

- **Priority Issue 1: Confront challenges to policing in a changed civilian security environment.** Design law enforcement reform around the new threats to public safety. These could include war crimes, collaboration, increased illicit arms flows, and trafficking of illicit goods; the negative long-term impacts of law enforcement participation in combat; and widespread post-traumatic stress disorder (PTSD).
- **Priority Issue 2: Actively prepare to police de-occupied territories.** Proactively plan and prepare for anticipated personnel needs for de-occupied territories; and manage the dynamics of establishing rule of law by prioritizing legitimacy, trustworthiness, local responsiveness, and clear public communication.
- **Priority Issue 3: Reinvigorate law enforcement reform.** Cultivate political will for law enforcement reform, in concert with key domestic governmental and civil society actors and international stakeholders. Build on previous reform successes while guarding against backsliding.

## Priority Issue 1: Confront Policing Challenges in a Changed Civilian Security Environment

Effective law enforcement is inextricably linked to Ukraine’s long-term security and stability. This stability includes successfully confronting long-term Russian threats in ways that reintegrate de-occupied territory and restore a sense of safety to Ukrainians. Law enforcement participation in fighting early in the full-scale invasion led to a dramatic increase in public confidence; in 2019, only 38 percent of the public expressed trust in the police’s ability to protect the public, but by winter 2022–23, that number had risen to 84 percent. However, by summer 2023, public confidence began to soften, dropping to 73 percent.<sup>99</sup> Failing to foster a strong sense of public security could lead to an increase

in crime, unrest, and violence—all of which could jeopardize postwar reconciliation, social cohesion, economic growth, and confidence in the state.

Since February 2022, the war has yielded new civilian security challenges and expanded law enforcement responsibilities. Responding to these changed circumstances requires additional resources and new and specialized strategies, knowledge, and skills. The war is testing the capacity of civilian security sector stakeholders to balance war-related issues with core law enforcement duties. Some of these war-related issues will continue into the postwar period, such as war crimes investigations, mine safety and demining, and managing the return of IDPs and refugees. There will also be secondary impacts on public security, such as a proliferation of small arms and light weapons, mental health and substance abuse–related crimes, and increased domestic violence. Grappling with these realities will be an essential component of winning and securing peace in Ukraine.

### **WAR CRIMES AND COLLABORATION INVESTIGATIONS**

Since 2022, crimes directly linked to the war, including war crimes and collaboration with Russia, have created large numbers of cases for multiple law enforcement agencies. The SBU has primary responsibility for investigating both types of crimes, but the NPU is also heavily involved in investigation. The NPU estimates that it is or has been involved in investigating 90 percent of the 110,000 war crimes cases active as of November 2023.

Investigating these crimes represents a huge task for law enforcement, one that may continue for years, if not decades, after fighting ends. The government has done well to send a strong message that war crimes and collaboration should be treated through the justice system. However, experts worry that many cases will go unaddressed because of high caseloads or because many actions will not rise to the level of prosecution. Unmet public expectations, especially absent alternative means to address grievances, could undermine satisfaction with the state’s criminal justice system. This, in turn, could strain social cohesion and encourage vigilantism.

### **RISE IN SMALL ARMS CIRCULATION AND POSSESSION**

Small arms began to proliferate after the conflict in eastern Ukraine in 2014.<sup>100</sup> By 2015, there were 300,000 missing small arms and light weapons circulating in the country, and government attempts to retrieve them were largely ineffective.<sup>101</sup> Surges in criminal violence, common in the aftermath of conflict, can be made worse where arms become widely available. Ukraine bears out this pattern; after falling for decades, the number of homicides rose steadily from 2014 to 2017.<sup>102</sup>

Since February 2022, the circulation of weapons—including small arms, grenades, landmines, rockets, and ammunition—among the civilian population has risen dramatically. These weapons fall into two categories: legally held weapons, such as those distributed by the government at the start of the full-scale invasion; and illegally held weapons, many of which were captured in fighting. While self-reported gun possession among civilian households has risen only slightly since the full-scale invasion, crime victimization has already begun to rise.<sup>103</sup> Anecdotally, easy access to arms is already increasing the seriousness of incidents of domestic violence and disputes between neighbors. In

the longer term, some of these weapons will likely make their way into the hands of criminals. As Jürgen Stock, Secretary General of Interpol, remarked in June 2022, “Once the guns fall silent [in Ukraine], the illegal weapons will come. We know this from many other theatres of conflict. The criminals are even now, as we speak, focusing on them.”<sup>104</sup>

### **TRAUMA-RELATED CRIMINALITY**

The war has caused a huge spike in trauma-related mental health issues among Ukrainians, including military personnel, civilian security actors, and civilians.

Individuals with direct involvement in warfighting (members of the armed forces, law enforcement, and volunteer forces) are under substantial psychological and emotional strain. Civilians living through the war risk similar harm, particularly those who are forcibly displaced or living with disabilities.<sup>105</sup> Ukraine thus faces the prospect of a severe mental health crisis, which could itself jeopardize security, especially if those suffering lack access to care.<sup>106</sup> Researchers and service providers have found evidence of widespread substance abuse in the military, with drugs and alcohol often used as a way to self-medicate in the absence of proper mental health care.<sup>107</sup>

Civil society organizations focused on these issues report that law enforcement response to incidents involving mental health or substance abuse is determined by local leadership and varies among municipalities. First responders have played a valuable role in providing psychological care to those affected, but the war is straining Ukraine’s mental health system.<sup>108</sup> If not treated, the combination of trauma, substance abuse, and a sense of injustice among veterans and civilians could prove explosive.

### **DOMESTIC VIOLENCE, ECONOMIC CRIMES, AND OTHER WAR-RELATED CRIMINALITY**

Domestic violence has risen dramatically since the full-scale invasion began, a trend likely to continue into the postwar period. Even before the war, the widespread perception that domestic violence was a “family matter” meant law enforcement sometimes failed to take action in such cases. Despite progress in recognizing domestic violence as a crime, this mindset persists and is now compounded by a reluctance to record complaints against veterans, who are widely seen as heroes.

In addition to seeing an increase in domestic violence, law enforcement officials report increases in hate crimes and cybercrime (particularly, fraud connected to online donations to war efforts and humanitarian assistance). Changes have also been observed in organized crime, including in the production and trafficking of drugs. Additionally, the negative impact of the war on Ukraine’s economy and a potentially slow postwar recovery may lead to an increase in economically motivated crimes. This problem may be particularly acute among veterans, for whom a lack of economic opportunity and unmet expectations may lead to crimes bred from discontent or necessity.

### **OVERALL LAW ENFORCEMENT CAPACITY**

The increased strain on law enforcement capacity is likely to persist for some time after the war ends. Investigating war crimes and collaboration will take a great deal of time and resources, even as the law enforcement demands described above are felt throughout society. Policing the de-occupied

territories is also likely to be extremely labor-intensive. According to one estimate, up to 25 percent of regional police personnel will need to be sent to the de-occupied territories. In addition, crimes against the millions of IDPs present in Ukraine have increased over time. When the fighting dies down, some IDPs will seek to return home, and law enforcement will have to mediate property disputes and ensure the safety of abandoned homes and territory.

### **DEFICIT OF INFORMATION AND STATISTICS ON CRIMINALITY**

Compounding the challenges posed by this array of security issues is a general lack of reliable data and statistics about criminality in Ukraine, especially since Russia's invasion. Law enforcement agencies do collect crime statistics, but many see these statistics as unreliable. This is in part because of the persistence of arrest quotas, which law enforcement officials sometimes use as a performance measure. Quotas were eliminated in previous reforms, but some patrol officers' superiors continue to set quotas. Localized information is in particularly short supply, because there are few options for assessing security threats at the municipal or community level.<sup>109</sup> It is important to move beyond this problem and collect reliable, nonanecdotal data on crime and perceptions of crime, security, and law enforcement. Without a clear understanding of the levels and drivers of criminality and how these factors vary across different areas of the country, Ukraine will struggle to implement effective law enforcement measures.

### **POLICY OPTIONS**

- Ensure access to social services. While outside the scope of law enforcement agencies, such access has a profound impact on the challenges confronting those agencies. Nearly every interviewee stressed that postwar public security will depend on the availability of adequate social services to address the impacts of war. Meeting demand for mental health support, substance abuse treatment, and employment services, particularly for veterans, would go far in mitigating the drivers of criminality. Given the enormous demand for services, programs designed to leverage family or peer support could supplement mental health and social service providers. Peer support groups for veterans have shown promise in addressing mental health and substance abuse problems and could help overcome the stigma associated with seeking psychological help. Special attention could also be given to the mental health of law enforcement officers, who may themselves suffer from wartime trauma that could impact their work.
- Develop a coordinated approach to crimes associated with trauma-related mental health and substance abuse issues. Crimes associated with mental health and substance abuse present both criminal justice and public health issues. Outcomes would be improved if laws and policies clearly recognized this fact. Such laws could identify when and which behaviors associated with poor mental health or substance abuse should be addressed via treatment versus policing and prosecution. Training law enforcement officers in making these distinctions, as well as in de-escalation tactics, could help officers avoid the use of force. Additionally, lawmakers could establish mechanisms for making expedited referrals to mental health or social services instead of, or in addition to, arresting offenders. Strategizing in this area could include consideration of people with disabilities, whose needs could be integrated into plans for infrastructure, shelter, and social services.

- Lawmakers could also review laws related to drug use with an eye to reconsidering harsh penalties. In December 2023, the government legalized medical cannabis as part of efforts to address the mental health crisis.<sup>10</sup> While this is a step in the right direction, the details of how and when the drug can be prescribed remain to be determined. Additionally, harsh penalties remain in place for “non-medical” use of cannabis. These penalties may discourage doctors from prescribing the drug. In addition, ambiguities in the law mean that drug use by persons lacking access to medical treatment may continue to be penalized. A more comprehensive reconsideration of drug laws could ensure the intended benefits of the new law are realized.
- Continue progress in addressing domestic violence. The president and the Ministry of the Interior have publicly recognized the severity of the increase in domestic violence following the full-scale invasion. The NPU and OPG should continue to build on successes such as dedicated domestic violence legislation, victim-witness support groups, and victim service partnerships with civil society organizations. The government and international donors would need to ensure that these initiatives, as well as victim services and mental health and substance abuse services, have sufficient resources to meet growing needs. NPU leadership would also need to ensure that officers act on reports of domestic violence, regardless of who perpetrated the crime.
- Continue to strengthen measures to address the proliferation of small arms and light weapons. Government and law enforcement have taken a two-pronged approach to addressing the proliferation of civilian-held weapons. In the recent past, Parliament has considered at least two legislative initiatives to better regulate registration and possession of firearms; neither, however, has yet become law. Meanwhile, law enforcement is attempting to collect illegally held weapons via documentation, buybacks, and undercover operations. Law enforcement efforts should be combined with a larger plan for disarmament, demobilization, and reintegration in the postwar period. Those working on such a plan could consider that many armed veterans of the war will likely be facing economic difficulties and living with PTSD. In line with Ukraine’s prewar policies on firearms ownership, special efforts to remove weapons from those with mental health issues or a history of domestic violence would be a sensible priority.
- Build law enforcement capacity and enhance efficiencies to meet new demands. Preparing law enforcement to manage the postwar public security environment will require a multipronged approach that includes the following elements:
  - *Coordination.* Law enforcement efficiency can be improved by addressing overlapping mandates and gaps in coordination among agencies.
  - *Training.* Ensuring that law enforcement members are equipped with the proper skills will allow them to make the most of existing resources. Management practices, especially among midlevel managers, can be improved.



- *Data.* As stated above, improving data and statistics about criminality, and carrying out localized security assessments in partnership with communities, could help Ukrainian law enforcement identify and respond to priority security issues.
- *Recruitment.* It may be necessary to increase recruitment to meet growing needs. Veterans often seek employment in law enforcement once demobilized. While veterans may have some transferable skills, warfighting and policing require fundamentally different approaches and abilities. Law enforcement agencies could pay special attention to retraining any new or returning officers with a military background or warfighting experience. This would help ensure a clear understanding of the important differences in mission, procedures, and rules of engagement between military and law enforcement work.

## Priority Issue 2: Actively Prepare to Police De-occupied Territories

Ukraine's ability to establish sustainable public security will hinge in large part on effective policing of de-occupied territories. Militarily recapturing these territories is merely the first stage, after which security responsibilities will pass to a core force drawn from the National Guard, NPU, SBGS, and SBU. These forces will be responsible for securing the territory, reestablishing the presence of the Ukrainian criminal justice system, and promoting the reintegration of the local population with the Ukrainian state.

The primary concern for law enforcement will be to strike the right balance between securing the occupied territories from external and internal threats while earning the public's trust and not over-securitizing daily life. Such an effort will require planning for how to police de-occupied territories; deciding who will serve as police in these areas; identifying what measures Ukraine can establish to maximize trust with the local population; and determining how Ukrainian law enforcement can best understand, mitigate, and grapple with the drivers of criminality.

The details of what is required to effectively police de-occupied territories are likely to vary widely between regions. Territories occupied since February 2022 might suffer from severe destruction, forcibly displaced populations who might or might not wish to return, high levels of poverty, and lack of access to essential services. By contrast, some territories occupied before February 2022, such as Crimea and parts of Donbas, have spent nearly a decade under Russian occupation. These territories may have less damage to public infrastructure but have been subjected to persistent pro-Russian propaganda.

The severities and types of public security challenges may also depend on the region's historical relationship with the Ukrainian state and law enforcement. In Donetsk and Luhansk, where there is a history of strained relations between law enforcement and parts of the population, officers will need to focus on winning the public's trust. Good outcomes are more likely to result when law enforcement is sensitive to local concerns and can tailor security to local needs.

## **TRANSITIONING FROM MILITARY TO CIVILIAN SECURITY**

In de-occupied territories, law enforcement's immediate tasks will include identifying and addressing continued threats from pro-Russian actors, establishing public order and a safe environment, reinstating Ukrainian law, and carrying out time-sensitive investigations into collaboration and war crimes allegations. To meet these needs, the Ministry of Interior anticipated sending about 40,000 personnel from the NPU, the National Guard, and other agencies. Their success or failure in quickly stabilizing the de-occupied territories is vital to longer-term success in reintegration. Adopting a community-focused, service-oriented approach is important at this stage. Rapid, discernible gains in public safety should be the aim, along with reestablishing trust with the population.

## **LOCAL APPREHENSION ABOUT UKRAINE'S LAW ENFORCEMENT**

Many residents in currently occupied territories will be primed to believe the worst about Ukrainian law enforcement. This perception may be fueled by propaganda from Russian-backed separatists or by Russia itself. These fears are fed by an overly broad definition of collaboration in the law and vocal public support for punishing collaborators harshly. According to civil society organizations working with populations from occupied territories, many current residents fear they will automatically be treated as collaborators with Russia. People may also worry that on taking back territory, Ukrainian law enforcement officers will make mass arrests and impose harsh punishments, even for minor offenses or actions taken under duress. Handling this perception carefully will be important. Similarly, care could be given to enforcement of laws related to use of the Russian language, possession of a Russian passport, or other issues touching on sensitivities related to language, religion, or identity. Such an approach will help avoid inflaming tensions and reinforcing concerns that local populations are viewed as suspects.

## **REESTABLISHING UKRAINIAN LAW ENFORCEMENT AND STATE**

In addition to establishing trust with local populations to support postoccupation policing, there will also be a need to facilitate reintegration, reconciliation, and social cohesion within communities and with unoccupied Ukraine. This long-term effort will require carefully considering the timing and sequencing of implementing Ukrainian law in de-occupied territory. There may be a need to delay implementation of certain laws—including language laws—in recently de-occupied territory. Immediate and strict implementation of such laws could alienate local populations and trigger resistance. The effort to restore human rights for Ukrainians in de-occupied territory, including working toward elections of public officials as well as transitional justice measures, will also be a long-term process that will require buy-in from the local population. This process will also be supported by clear communication with the public about the path forward and the timeline for proceeding.

## **POLICY OPTIONS**

- Clarify and communicate what constitutes criminal collaboration. Experts suggested that Parliament and the relevant ministries should consider clarifying the laws on collaboration, standardizing enforcement. Changes could include refining the law to criminalize more serious offenses, such as those that harmed or sought to harm Ukrainian interests. Other options include offering clearer guidance on how factors such as duress are considered in assessing the severity of a case; en-

sure that the details of each case are considered; and ensuring that the laws are in accordance with Ukraine's international legal obligations, which may include international humanitarian law and international human rights law.

These clarifications could then be communicated to populations within and outside of the currently occupied territories by law enforcement, media, civil society, and other Ukrainian actors. Doing so could reduce apprehension within the occupied territories. These clarifications could also manage public expectations of the justice system and reduce the degree to which Ukrainians stigmatize those in de-occupied territories. To reduce possible vigilantism, law enforcement officers deployed to de-occupied areas could prepare to manage reactions of people when certain cases of collaboration are found to not merit investigation. This could include establishing alternative means to address grievances and avoiding making public the identities of accused collaborators.

- Proactively prepare for law enforcement personnel needs. The Ministry of Interior has made significant progress in planning for deployment of an anticipated 40,000 personnel to the de-occupied territories. Further steps in this direction could include the following:
  - *Consider officer profiles and attributes.* The profile of officers deployed could impact their reception and thus demands careful consideration. The Ministry of Interior has already determined that no one who served in combat in Eastern Ukraine in 2014–15 will be deployed as part of the law enforcement stabilization forces in Donetsk and Luhansk. Similar consideration could be given to excluding those officers involved in direct combat in the current conflict or with any history of misconduct. Prioritizing Russian-language skills could also be useful.
  - *Ensure adequate preparation.* Law enforcement officers deployed to de-occupied territory need to receive adequate preparation and training for their mission and role. This could include training in soft skills related to communication and community engagement, as well as relevant technical skills outside their normal duties, such as those related to landmine safety or management of humanitarian aid logistics.
  - *Prepare leaders.* Given that even minor instances of misconduct by law enforcement personnel could damage perceptions in a tense atmosphere, it will be important to prepare on-the-ground law enforcement leadership to enforce strict adherence to laws and procedures and ensure the swift, transparent handling of any deviation.
- Adopt a community-oriented, conflict-sensitive approach to security. Community policing, as employed by the Patrol Police (discussed below), offers a model that, if more widely adopted, will help law enforcement begin reestablishing trust with the population. Beyond a strong communications and outreach strategy, community policing also requires frequent, open dialogue with community leaders to identify and address security priorities. In the planning phase, policymakers and law enforcement agencies could work together with civil society representatives to plan for postliberation security. This would allow them to better anticipate security needs, including points of tension, and lay the groundwork for engaging community leaders as soon as an area is de-oc-

cupied. Such coordination would be particularly important for laws and policies that risk stoking tensions like collaboration laws.

- Quickly resume the delivery of law enforcement services, tailored to each region's needs. Demonstrating a positive impact on people's safety and quality of life will be important for establishing good relations with local populations. Law enforcement could plan to smooth the transition from the Russian to the Ukrainian criminal justice system, ensuring services are available as quickly as possible and that the public is aware of the changes in laws and the criminal justice system. Collecting local information about security needs and priorities and creating channels for public feedback will ensure that services are tailored to the differing needs of de-occupied territories. Tailoring services to local needs would also help strike the right balance between a focus on war-related issues such as war crimes investigations and more day-to-day concerns. Such an approach to services would allow law enforcement to quickly adapt as local needs change.
- Plan for a phased transition to de-occupation. Short-term planning for policing should be coupled with more long-term planning around restoring human rights, including in relation to elections and transitional justice. Absent a clear plan for reintegrating de-occupied territory back into broader Ukrainian governance structures, local frustration toward postoccupation law enforcement could mount. A clear communication plan around these issues, including the timing of such phased transitions, would be essential to maintain a sense of legitimacy for ongoing law enforcement efforts in de-occupied territories.

### **Priority Issue 3: Reinvigorate Law Enforcement Reform**

Public demand for law enforcement reform was a major driver of the 2014 Revolution of Dignity. However, despite some progress, reforms have failed to live up to expectations. Now, as the nation fights for a just, democratic future, making good on transformative changes in civilian security will be essential.

In the postwar period, law enforcement reform will need to balance public and international demands for less corrupt, more transparent, and more rights-based policing, while confronting continued Russian military activity and subversion as well as the new security threats described above in Priority Issue 1. A reinvigorated law enforcement reform effort will also need to build on past reforms while engaging with domestic and international stakeholders. Failure to balance all these objectives could jeopardize domestic political stability, as well as future EU membership accession.

Since the full-scale invasion began, work toward reform priorities has slowed down or been suspended to allow Ukraine to focus on fighting the war and to give law enforcement flexibility to respond to war-related needs. As mentioned above, there has been forward motion in this area. In May 2023, President Zelenskyy approved the Overarching Strategic Plan for the Reform of the Entire Law Enforcement Sector, a comprehensive plan to reform law enforcement, designed in response to EU recommendations.<sup>111</sup> The plan is an important step not only toward reform but also in the process of EU accession.<sup>112</sup> However, the plan does not adequately incorporate post-February 2022 war-related considerations.

Two notable successes of post–Revolution of Dignity reforms were the establishment of the NPU and the creation of the Patrol Police. The Patrol Police replaces the corrupt and feared State Automobile Inspectorate with a carefully vetted, better-qualified corps of new recruits trained in service-oriented policing. This model seeks more direct community engagement and has increased local trust in police in areas where the Patrol Police model has been implemented.<sup>113</sup> However, our advisers emphasized that greater efforts and resources will be required to transition all police units to this model, especially in light of likely internal institutional and cultural resistance to these changes. The challenge for Ukraine is how to proceed in a manner that secures current gains while incorporating new war-related realities into reform efforts.

### **WAR-RELATED CHANGES IN LAW ENFORCEMENT MISSION AND GOVERNANCE**

Law enforcement is playing a vital role in the war effort. Individual members have joined the military, and changes have been made in law enforcement agencies' roles, missions, and responsibilities as they both support warfighting and manage public security. While necessary in the short term, some changes in law enforcement mandates—such as police involvement in combat and an expansion of the SBU's investigative responsibilities—are in tension with long-term reform objectives. In this vein, some advisers expressed concern about decreasing transparency, limited oversight, and failure to prioritize human rights considerations. While most of the changes are intended to be time-limited, some may prove difficult to reverse when the war ends. To be successful, reform efforts will need to confront these difficult issues.

### **INSTITUTIONAL OBSTACLES TO INTERNALIZING REFORMS**

In the past, internal resistance from law enforcement agencies and parts of the state administration was an obstacle to reforming law enforcement.<sup>114</sup> This was evident in law enforcement officials' reluctance to give up certain positions or reform structures that served personal interests; in the manipulation of statistics; and in other forms of fraud and corruption. In the postwar period, internal opponents of law enforcement reform may try to capitalize on the goodwill that law enforcement institutions built during the war, while playing on postwar insecurities to resist reforms.

### **REFORMING THE SBU**

Reforming the SBU is a top priority, particularly downsizing the agency and limiting its mandate to that of a traditional counterintelligence agency. This could be done by following through on earlier commitments to remove the SBU's civilian law enforcement functions, particularly those having to do with economic crimes and corruption. A 2021 draft law on SBU reform required the SBU to hand over all criminal cases to other law enforcement agencies by 2024. However, the law did not pass before the full-scale invasion began, and now even the strongest reform proponents agree that major changes to the SBU's mandate should wait until after the war.

At the same time, the SBU's leading role in investigating war crimes and collaboration has significantly expanded its investigative mandate. This may make limiting the agency's jurisdiction more difficult in the future, as any eventual transfer of responsibilities would cover a large volume of cases and lose the benefit of investigative knowledge and expertise developed by the SBU. Moreover, determining when major SBU reforms should restart may be difficult if the war does not come to a quick or clear end.

## WHOLE-OF-AGENCY AND WHOLE-OF-SYSTEM PERFORMANCE

While previous reform efforts made significant gains, they fell short of transforming key aspects of the law enforcement sector. These include the following:

- *Education and training.* The Ministry of Interior runs universities that are the primary provider of training and education for members of law enforcement. These institutions are said to have lower standards than other universities, resulting in a less-qualified workforce that lacks diversity in terms of both knowledge and experience. Control of the universities also gives the ministry enormous power over law enforcement and creates the possibility of the universities being used for political ends.
- *Supervision and oversight.* Direct superiors exercise a high degree of control over law enforcement compensation, benefits, and promotions. This encourages strict obedience. The degree of control is so high that experts report some local police would commit an illegal act rather than disobey an illegal order. Concerns also persist about weak internal and external disciplinary procedures. The State Bureau of Investigation was created in 2017 as an independent agency to investigate crimes committed by high-level officials and law enforcement authorities. However, the bureau has suffered from understaffing, a series of upheavals in its leadership, and changes in its mandate. All of these developments have seriously hampered its ability to exercise oversight.
- *Hiring and performance measures.* Hiring and promotion practices lack transparency and are often based on personal relationships rather than merit. Improved hiring practices in the Patrol Police were key to the improved performance of the program and to an increase in public trust. However, attempts at vetting and improving hiring for most police units were less successful due to Ministry of the Interior interference, the exclusion of civil society and international participation, and judicial reinstatement of rejected officers.<sup>115</sup> On paper, reforms ended the use of arrest quotas to track performance, but as already stated, widespread use of quotas continues. This encourages arrests for the sake of filling a quota and discourages pursuit of complex cases that are more difficult to resolve.
- *Interagency coordination.* Coordination with different governmental units will be an important point of focus in reform efforts. There are also persistent areas of inadequate interoperability across different units. For example, there is a lack of coordination between investigators and prosecutors, which helps explain why effective investigations often do not lead to prosecutions. Interoperability will also be important to cultivate across bodies that historically have had a fraught relationship, such as the Interior Ministry and the National Guard.

## GROUND-LEVEL ACCOUNTABILITY

Law enforcement has largely remained a closed system. Strong institutional hierarchy concentrates authority in Kyiv and leaves little room for municipal-level input or community participation. Several community- or municipality-led entities do participate in public safety in some form (e.g., Municipal Guards formed by municipal authorities, public organizations involved in border protection, and Voluntary Formations of the Territorial Community formed during the war).

In 2019, the Ministry of Interior launched the Territorial Community Police Officer (TCPO) program to improve police coordination, communication, and responsiveness at the community level. So far, however, these efforts have had limited effects on decentralizing the police. The TCPO program allows for greater local input into hiring officers and encourages engagement but maintains the same reporting lines within the NPU. Nonstate and municipal initiatives are not uniform across the country, have no established role with respect to state law enforcement, and in some cases have been prone to local political capture.<sup>116</sup>

## PUBLIC AND CIVIL SOCIETY ENGAGEMENT

Civil society groups could play a valuable role, as they did in the immediate aftermath of the Revolution of Dignity, when they drove forward reform efforts despite strong, often violent opposition. However, these groups were subsequently excluded from the process.<sup>117</sup> The result was civil society disappointment in law enforcement reform, a sentiment compounded by institutional and cultural resistance to making law enforcement more transparent and accountable to public needs.<sup>118</sup>

## POLICY OPTIONS

- Reinvigorate civilian security sector reform while taking into account new realities created by the war. This could include integrating law enforcement reform policy processes while developing internal security policy, making contingency plans for reforms in a variety of end-of-war scenarios, building flexibility into reforms to allow adaptation as the context changes, and setting clear milestones for resumption of specific reform efforts. It would also be important to identify areas where previous reform efforts did not succeed, including issues of corruption and poor management practices. The objective could be to build on past successes, such as the Patrol Police, while guarding against backsliding.
- Pursue a comprehensive, sustainable reform strategy. Successfully reforming the law enforcement sector would require pursuing a comprehensive reform strategy until core objectives such as improved civilian oversight and enhanced effectiveness are attained. The Overarching Strategic Plan for the Reform of the Entire Law Enforcement Sector is an important step in this direction, and work on this strategy should continue. Lessons from previous law enforcement reform efforts in Ukraine suggest the following considerations:
  - *Ensure accountability to Ukrainians.* Ensure that the strategy is grounded in demand for reform from within Ukraine and is responsive to the public's priorities. This may require balancing Ukraine's needs with the requirements of EU or NATO accession processes.
  - *Coordinate.* Coordinate domestic, political, civil society, and international pressure and support through the implementation period.
  - *Go beyond technical reforms.* Remember that technical achievements in reform, such as new laws, strategies, or institutions, do not necessarily lead to meaningful change in practice. Monitoring and evaluation could focus on progress toward higher-level goals, such as improved governance, a more positive public perception of law enforcement, and increased effectiveness.

- *Be adaptable.* Flexibility in pursuit of these goals would be important. Law enforcement agencies should be able to adjust tactics as they incorporate buy-in and socialization of the changes created by reform.
- *Take a long-term view.* Set realistic goals and timelines for reform, keeping in mind that transformational, institutional, and cultural changes take time to accomplish. While taking advantage of the current momentum toward reform, reformers could pay attention to the tradeoffs between the speed of reforms and the quality of reforms.
- Engage key governmental, international, and civil society stakeholders. Successful reform would require coordinated efforts among all these entities. In particular, top-down political pressure will be required to surmount institutional resistance to reform. Coordination with international actors, including the European Union and supportive governments, will also be important. Feedback loops with civil society can help ensure that civil society does not become sidelined in reform efforts, as has occurred in the past.
- Balance vertical with horizontal accountability. The Ministry of Interior and the NPU could build on the TCPO program by introducing mechanisms that facilitate public participation. These mechanisms could serve as a forum for police and local leaders to assess security needs and priorities and develop joint plans to address priority issues. After this initial step, the Ministry of Interior could consider measures to ensure law enforcement accountability to local communities, including the possibility of local governmental control over budgets, accountability mechanisms linked to local government structures, integration of local feedback into performance reviews, and eventually the establishment of municipal police. Parliament, the Ministry of Interior, and the NPU could regulate and leverage local security initiatives such as the Municipal Guards. These efforts would supplement national law enforcement institutions, while standardizing the roles and operations of local initiatives and mitigating the risks of misuse.
- Push forward with SBU reform. While unavoidable, the pause in SBU reforms and expansion during wartime of the SBU's functions present a challenge to future reforms. The Ukrainian government and international partners could, however, push forward with reforms that do not disrupt SBU functioning during the war. Examples of the kinds of steps they could take include the following:
  - *Enhance internal and external oversight mechanisms*, including the Verkhovna Rada's ability to handle secret information.
  - *Develop clear and detailed plans for the transfer of law enforcement functions* from the SBU to law enforcement agencies.
  - *Develop clear benchmarks for when paused reforms can be resumed*, taking into consideration the possibility of prolonged war or frozen conflict.
  - *Build the capacity of other law enforcement agencies* such as the NPU, NABU, and the Economic Security Bureau to assume SBU functions as soon as transfer of responsibilities is possible.



## Conclusion

The stakes are high for civilian security sector reform as the war plays out and Ukraine's postwar future begins to take shape. Reform initiatives are in progress, but Ukraine should redouble efforts in this area. In times of war, populations tend to perceive a trade-off between reform and public security, leading to more muted public support for civilian security sector reform. As this chapter has emphasized, however, these two issue areas are closely linked. Reform and victory in war are not incompatible objectives; they are inherently linked to each other and to Ukraine's long-term stability and international prospects. With a pro-reform government leading Ukraine, the time is ripe to prioritize forward motion, especially considering the possibility that other political factions lacking the same adamant support for reform might someday rise to power in Ukraine. There is currently a moment to be seized.

Three cross-cutting issues are worth emphasizing. First, law enforcement reform would aid Ukraine's efforts to stabilize the country. Reform would involve orienting Ukraine's law enforcement structures toward securing territory, building trust and legitimacy with local communities, and aligning resources and competencies with the needs of the moment. These needs include realities linked to the economic, mental, and emotional toll of the war, as well as to war crimes and collaboration.

Second, coordination across different governmental and law enforcement managerial levels, as well as with civil society and international stakeholders, would be crucial. Sustained engagement with the European Union and other third-party actors would be similarly important, as would sustained top-down political support to drive the process forward. In short, the monumental task of law enforcement reform would require aligning multiple stakeholders.

Third, data would be needed to ensure that efforts are rooted in an empirically sound understanding of realities on the ground. Resourcing reliable data-gathering efforts and preparing to align reform activities in response would position Ukraine for success.



## CHAPTER 5

# Policy Options

Summarizing the policy options detailed in the preceding chapters, this chapter presents a comprehensive list of concrete policy options and reforms to effectively consolidate peace and stability as the country transitions from war to peace. In supporting Ukraine's security sector to address postwar stabilization challenges, Ukraine's international partners should be guided by the policy options below.

### Introduction

*Expanded explanations for each policy option are shown on pages 13–14.*

- **Develop an Overarching Postwar Security Sector Reform Framework.** Adopt a public overarching framework to guide postwar security sector reforms with detailed provisions delineating the overarching principles guiding this reform, a clear long-term vision of Ukraine's security sector, and an implementation plan outlining funding mechanisms and oversight mechanisms.
- **Establish a postwar security sector coordination platform.** Establish a postwar security sector coordination platform tied to the G7 Multi-agency Donor Coordination Platform for Ukraine and the Ukraine Defense Contact Group with a secretariat based in Kyiv.
- **Conduct a comprehensive public expenditure assessment of the postwar security sector.** Ensure that the assessment has clear detailed cost projections of Ukraine's postwar security sector needs and projections of Ukraine's postwar budgetary capacity to finance its security sector.
- **Support the adoption of technological innovations, including ones supported by artificial intelligence.** This adoption would address potential gaps in the capabilities of the security sector to deliver services to Ukrainians.
- **Continuously monitor security sector needs and citizens' expectations.** Conduct quarterly surveys of security sector needs and citizens' expectations in order to build a continuous understanding of citizens' justice and security needs across demographic groups and geographic location in real time.

# Chapter 1. Fighting Corruption to Secure Ukraine's Future

These are summaries of policy options presented in chapter 1. For more information about each option, please refer to the pages indicated below.

## CHAPTER 1, PRIORITY ISSUE 1: REINFORCE WEAKENED ANTICORRUPTION MECHANISMS

*Expanded explanations for each policy option are shown on pages 16–20.*

- **Strengthen primary and supporting anticorruption institutions and other relevant bodies.** Bolster the autonomy, political independence, resources, and sustainability of anticorruption institutions and the authority of independent auditors to investigate them, in line with the recent US-funded program to strengthen the capacity of the Accounting Chamber.
- **Build the independence and capacity of NABU.** Increase the number of detectives to a minimum of 400; bolster forensic and wiretapping capacities; and ensure, through legislation, that other authorities such as SBU do not investigate cases that fall within NABU's jurisdiction.
- **Bolster the independence and capacity of SAPO.** Ensure SAPO's independence from the OPG and control over its own administration; increase prosecutor staffing by at least 50 percent, with international expert involvement in leadership selection; establish a disciplinary mechanism with external audit; and grant additional investigative powers.
- **Bolster the capacity and jurisdiction of HACC.** Grant HACC sole and exclusive jurisdiction over high-level corruption cases, transferring jurisdiction over low-level cases to other courts. Lengthen the PCIE's involvement in the selection of HACC judges, alongside selection of a new PCIE membership slate.
- **Bolster the capacity of and strengthen the NACP.** Select the NACP head through a transparent and independent selection process; increase its authority to regulate political party financial reporting; and increase staffing and budget to pre-February 2022 invasion levels. Improve transparency and ensure adherence to proper legal procedures in the Asset Recovery and Management Agency's activities to strengthen public confidence in asset seizures.
- **Bolster the transparency and accountability of the Accounting Chamber and the State Audit Service of Ukraine.** Use amended legislation to strengthen the independence and professionalism of both institutions.
- **Bolster civil society organizations' role in providing oversight.** Support should include training for civil society actors and additional financial resources to allow the PIC to adequately perform oversight of judicial selection.

## CHAPTER 1, PRIORITY ISSUE 2: ADDRESS CORRUPTION WITHIN THE SECURITY SECTOR

*Expanded explanations for each policy option are shown on pages 20–24.*

- **Limit politicization of security sector institutions, particularly the Constitutional Court.** Maintain the role of internationally nominated experts and civil society members in the selection and appointment of judges and provide trainings to these groups to enlarge the pool of potential candidates and ensure sustainability of the selection process.
- **Establish the HACU.** Establish a new specialized court that will hear administrative cases against national agencies by judges who have been properly vetted for independence, competence, and integrity through an open, competitive, and merit-based process similar to that of the HACC, with international participation in the selection process.
- **Ensure that the HQCJ conducts a competitive process to appoint judges to the new Kyiv City District Administrative Court.** This court could assume the municipal portion of responsibilities from the former District Administrative Court of Kyiv.
- **Strengthen public trust in the Supreme Court.** Develop a transparent and legally sound mechanism for conducting the one-time integrity vetting of the Supreme Court justices. Ensure direct and meaningful participation of independent experts, in line with Ukrainian and international best practices.
- **Ensure that the HQCJ carries out its functions adequately and opens the membership to representatives of civil society.** Without civil society actors' involvement, the HQCJ will lack key voices that can ensure transparency and accountability.
- **Bolster the legislative authorities and capacities of the PIC to carry out its oversight functions, including perhaps the selection and evaluation of judges.** Also consider providing adequate staffing and resourcing to ensure that civil society is able to carry out its oversight functions.
- **Seek a better balance between classified information and transparency.** Fix systemic shortcomings in draft legislation on classification by establishing clearer criteria for the classification of information. Investigate how other liberal democracies handle classified information during wartime contexts to generate ideas for reform.
- **Improve oversight of and control over the intelligence sector.** Steps in this direction could include creating legal mechanisms to report internal misconduct; increasing checks and balances by strengthening parliamentary oversight through the Committee on National Security, Defense, and Intelligence; establishing mechanisms for control, detection of violations, and reporting; and ensuring transparency in recruitment.

- **Transition SBU pretrial investigation responsibilities and economic crime and corruption investigation cases to dedicated state anticorruption bodies.** Reduce the number of people in the SBU and demilitarize its activities.
- **Establish inspector general offices within the ministries overseeing security sector institutions.** Give inspectors general the authority to make criminal referrals to NABU in corruption cases.
- **Ensure independence of internal affairs units within law enforcement institutions.** Give law enforcement institutions the independent authority to investigate crimes by security forces, including extortion, threats, and theft of evidence, such as cash and drugs. The independent units would also pursue issues of corruption and make referrals to NABU in corruption cases.
- **Overhaul the Bureau of Economic Security of Ukraine and the State Bureau of Investigation of Ukraine.** Conduct open, competitive, and merit-based selection processes for new leadership and mandatory reattestation for the personnel of both bureaus.
- **Strengthen the Disciplinary Inspectors' Service of the HCJ.** Ensure that HCJ disciplinary inspectors are selected through a competitive, merit-based process with meaningful participation of international experts; and provide expert and technical assistance to the Disciplinary Inspectors' Service.
- **Mitigate petty corruption in local government and administrative bodies.** Improve the capacity of public administration and provide better career conditions for public servants; increase transparency requirements at the local level; expand digitization of administrative services; establish anticorruption task forces in key state services at the local level; and improve effectiveness of customs and tax-gathering services.

### CHAPTER 1, PRIORITY ISSUE 3: ADDRESS ELITE CAPTURE OF THE SECURITY SECTOR

*Expanded explanations for each policy option are shown on pages 24–26.*

- **Reinforce institutions and legislation through resources and personnel specifically dedicated to curbing the influence of oligarchs.** Take a systemic approach, strengthening the legal tools and institutions (e.g., SAPO, NABU, the HACC) that can tackle corruption and limit elite capture of the security sector.
- **Reform the Anti-Monopoly Committee.** Grant the committee inspection and enforcement powers and increased authorities, tools, and capacity to check and break up monopolies; improve its independence and professionalism; and reform selection processes for membership to meet existing anticorruption standards through legislation.
- **Adopt antimonopoly legislation to strengthen competition and ensure that no sectors can be monopolized.** Build on Draft Law 5431 through further reform, including the revision of antitrust law, to align Ukraine more closely with neighboring EU member states.

- **Limit possibilities of corruption in reconstruction assistance efforts.** Manage reconstruction assistance through one single and common system such as DREAM; increase transparency and competition in the reconstruction procurement process; attract international firms; and involve civil society actors, giving them power to monitor implementation of assistance and raise objections and concerns publicly.
- **Establish inspector general offices within each ministry with responsibility for elements of reconstruction.** Grant inspectors general the authority to refer criminal actions to NABU or other independent anticorruption authorities with investigative powers.
- **Enhance the governance of SOEs.** Enhance supervisory boards, including by adopting Draft Law 5593. Select board members on the basis of merit and independence, protecting them from arbitrary removal.
- **Ensure that the power to determine who is considered an oligarch does not rest solely with the NSDC.** At present, the council is controlled by the president, which could lead to politically motivated retribution. This power should be split between the presidency and the parliament.
- **Revise the Anti-Oligarch Law prior to its implementation.** Adopt the Venice Commission’s recommendations on amendments and take wider measures to curb oligarchic influence.
- **Consider adopting a law that regulates lobbying to increase the transparency and accountability of those who seek to influence the legislative process.** Similarly, laws that regulate financial reporting by political parties, like the one adopted in September 2023, can be valuable tools in curbing improper oligarchic influence.

## Chapter 2. Rebalancing the Scales of Justice

These are summaries of policy options presented in chapter 2. For more information about each option, please refer to the chapter pages indicated below.

### CHAPTER 2, PRIORITY ISSUE 1: RECOMMIT TO MEANINGFUL, TRANSPARENT JUDICIAL REFORM

*Expanded explanations for each policy option are shown on pages 30–32.*

- **Conduct judicial appointment and vetting processes rigorously, publicly, and with meaningful participation of the PIC.** Efforts by the HCJ and the HQCJ to deliver transparent, participatory judicial selection processes will be critical to the effectiveness of selection processes. Hasty appointments of poorly qualified individuals, while expedient, will undercut reform and increase the potential that corrupt actors may regain control of the judiciary.

- **Strengthen the process of investigating and hearing disciplinary complaints against judges, including by creating an effective SDI and reopening disciplinary processes to the public.** The formation of the SDI will be critical to addressing the backlog of more than 14,400 disciplinary complaints. Strengthening recruitment and compensation processes has also been identified as necessary to promote the independence of SDI investigators.
- **Consider measures to strengthen public confidence in the Supreme Court.** This could include developing a transparent and legally sound mechanism for conducting a one-time integrity vetting of the Supreme Court justices. Such a mechanism could ensure direct and meaningful participation of independent experts, in line with Ukrainian and international best practices.
- **Continue to align legal education in Ukraine with international best practices.** This will support the longer-term goal of strengthening the integrity of the judicial system and the quality of lawyers entering the field.

## CHAPTER 2, PRIORITY ISSUE 2: RESTORE ACCESS TO JUSTICE

*Expanded explanations for each policy option are shown on pages 32–34.*

- **The Ministry of Justice should restore domestic funding and surge international funding to legal aid providers through the government’s Free Legal Aid Centers and to civil society–led legal services organizations.** Funding will allow these groups to reach a broader segment of the population and provide critical access to information and legal processes.
- **Situate temporary justice facilities in close proximity to legal aid providers in territories where judicial infrastructure has been destroyed.** This will minimize the burden of travel on civilians, particularly where public infrastructure has been damaged by the conflict.
- **Strengthen efforts to digitize judicial records to allow the justice system to preserve evidence and court records.** Digitized records will make it easier to hear cases disrupted by the conflict and displacement of civilians.
- **The Ministry of Justice should conduct a comprehensive and transparent audit of the dockets of courts impacted by the conflict.** This audit should assess both the number of cases where evidence and court records were destroyed and the impact of these losses on adjudication. The results of this audit should help inform a judicial strategy for handling disrupted cases.
- **The Ministry of Justice should take steps to assess the efficiency of judicial processes to identify areas that may create delays or roadblocks to citizens’ access to justice.** This assessment should include consideration of what types of cases are currently before Ukraine’s courts and whether they might be resolved through alternative measures to promote the efficiency of the legal process.



- **The HCJ should develop a plan for staffing courts in de-occupied territories.** Such a plan should consider vetting staff to ensure they do not maintain ties to Russia. The plan should also seek opportunities to bring in staff from outside de-occupied territories for a transitional period.
- **Consider recognizing or expediting cases decided by occupied courts.** Under Ukrainian law, decisions of courts administered by Russian occupiers cannot be recognized in Ukrainian courts. While necessary, this constraint would slow Ukraine’s efforts to reintegrate de-occupied territories. Consider ways to recognize or expedite consideration of cases and administrative processes decided by occupying courts.
- **Provide adequate international or domestic resources for public outreach.** The unique needs of the de-occupied territories will require intensive reintegration measures. These should include public outreach and dialogue processes to reengage local communities around their legal rights and how they can pursue them.

## CHAPTER 2, PRIORITY ISSUE 3: MANAGE PUBLIC EXPECTATIONS AROUND ACCOUNTABILITY FOR ATROCITY CRIMES

*Expanded explanations for each policy option are shown on pages 34–37.*

- **Create a public engagement plan that provides victims a roadmap to recover from harm.** This plan should include measures to provide access to law enforcement and investigative agencies; access to medical services, including trauma-healing and counseling services; access to financial resources to support recovery; and access to transitional justice mechanisms that may provide nonjudicial relief.
- **Open trials to the public and make schedules of trials publicly available.** Trial schedules should be provided, giving sufficient time to allow interested monitors and members of the public to attend proceedings.
- **Provide journalists and civil society monitors with access to prosecutions, as well as to training to allow them to accurately report on proceedings.** Such efforts will help the public gain a fuller perspective on the meaning and impact of results.
- **Educate judges on how the way they conduct proceedings may help to manage public expectations and encourage judges to pay particular attention to opportunities to promote transparency.** Judges’ professionalism, expertise, and openness could strengthen public understanding of and confidence in war crimes prosecutions processes.
- **Encourage victims of war crimes to exercise their rights to participate in criminal proceedings in line with the provisions of the Ukrainian Criminal Procedure Code.** Giving victims the opportunity to participate in criminal proceedings will strengthen their understanding of criminal procedure as well as their perceptions of receiving justice.

- **Make verdicts available in a timely manner to both Ukrainian and international civil society.** This will ensure that correct information circulates among the Ukrainian public, decreasing the impact of misinformation.

## CHAPTER 2, PRIORITY ISSUE 4: DELIVER ACCOUNTABILITY FOR ATROCITY CRIMES

*Expanded explanations for each policy option are shown on pages 37–42.*

- **Ensure that Ukrainian officials have sufficient technological, physical, and personnel capacity to catalog, store, manage, and maintain evidence**—including physical evidence, documentary evidence, and victim and witness statements—collected by war crimes investigators. Steps in this direction should include not only providing physical space to securely accommodate and maintain the physical integrity of collected evidence, but also creating a database capable of cataloging evidence, a system for tagging evidence to allow for quick searching, and digital security protocols to deter cyberattacks.
- **Strengthen the ability of Ukrainian officials to leverage the power of AI and machine learning tools to streamline investigative processes and to weed out collected evidence that has been falsified or manipulated by external actors.** This should be done with due regard for judicial standards of evidence collection and the relative lack of familiarity of judges in considering evidence generated using AI tools.
- **Strengthen specialization through more intensive training of staff operating in particular courts.** Intensive training of staff, an initiative which is in part ongoing, should focus on reaching prosecutors and judges most likely to deal with war crimes allegations and on providing training in the east of the country, where prosecutors may be less equipped than their counterparts in Kyiv to deal with such prosecutions.
- **Consider developing a specialized court or courts to deal with war crimes cases.** Ukraine’s constitution permits the establishment of high specialized courts, but past practice suggests that this is a resource-intensive and politically difficult mechanism to pursue. Alternatively, Ukraine’s Ministry of Justice can transfer the jurisdiction over war crimes cases to particular first instance courts, which may have a similar effect to establishing high specialized courts but will not remove war crimes cases from the regular court system.
- **Prioritize crimes by severity or harm.** Prioritization would allow Ukraine to prosecute crimes that have the most destabilizing impact (such as conflict-related sexual violence).
- **Prioritize cases in which Ukraine has physical custody of the accused, allowing Ukraine to move away from relying on in absentia trials.** In absentia trials, while legally permissible and often necessary in prosecuting international crimes, may have a detrimental impact on the overall integrity of war crimes prosecutions. Prioritizing cases where the defendant is in Ukrainian custody would help to combat that negative impact.

- **Align the case prioritization strategy with prisoner-of-war exchanges.** The current strategy for exchanging prisoners of war provides discretion to the OPG in deciding who may be included in exchanges. A case prioritization strategy could outline categories of perpetrators who may be exempted from prisoner-of-war transfers given the severity of their crimes.
- **Prioritize collaboration offenses to determine which types of offenses require prosecution.** Given the broad definition of collaboration under Ukrainian law, prosecuting all possible offenders would further overburden the court system and is unlikely to serve the interests of stability. Prosecutors should develop a case prioritization strategy that focuses on prosecuting actions resulting in or intending to result in substantial harm to Ukrainian military or civilian interests.
- **Raise awareness about the importance of fair trials, with leadership from judges and other administrative officers of the courts.** Judges should explain the imperative of fair trials at key points in the proceedings, including before delivering verdicts. Government-led or -supported public awareness campaigns should also inform the general public about the rights of defendants in war crimes cases.
- **Strengthen norms surrounding the conduct of defense attorneys, underscoring their importance to fair procedures.** Public outreach from judges and court administrators could highlight the benefits inherent to providing fair trials for defendants.
- **Provide security to defense attorneys, prosecutors, and judges involved in war crimes or collaboration cases, particularly sensitive ones.** For defense counsel to effectively play their role in protecting the fair trial rights of alleged perpetrators of war crimes or collaboration offenses, they need protection from threats to their physical security.
- **As permitted by Ukrainian law, encourage foreign lawyers to serve as co-counsel or advisers for criminal cases related to war crimes and collaboration.** Support from international counsel could strengthen the resilience of defense counsel in cases involving Russian prisoners of war or Ukrainian collaborators.

## CHAPTER 2, PRIORITY ISSUE 5: REBUILD SOCIAL COHESION

*Expanded explanations for each policy option are shown on pages 42–44.*

- **Use public opinion surveys.** Surveys will help the government better understand the kinds of justice services that Ukrainians need in different regions of Ukraine. Such surveys could look at a broad range of services and interests in restoring the integrity of communities.
- **Use dialogue as a tool for rebuilding social cohesion.** Use an inclusive approach, making sure to include the elderly, women, handicapped individuals, children, IDPs, people in occupied territories, and externally displaced people. The dialogues should also be customized to suit the needs of varied regions.

- **Recognize the particular needs of vulnerable populations who are faced with reintegrating into Ukrainian society.** A core component of delivering justice will include helping civilians, particularly children, in de-occupied territories understand how Ukrainian institutions are capable not only of including them, but also of recognizing and protecting their rights.
- **Establish a historical record and memorialize conflict-related harms, particularly in de-occupied territories.** To counter Russia’s campaign of disinformation, it will be important to establish a publicly accepted historical record of the Russian invasion since 2014 and the harms and crimes committed by Russia during this time.
- **Center civil society in social cohesion efforts, with the support of both the international community and the Ukrainian government.** Civil society actors are often able to reach people the justice sector is unable to reach. These actors better understand the dynamics of their communities, can reach a broader segment of the population, and operate with independence that government officials lack.

## Chapter 3. Supporting Veterans and Security Governance

These are summaries of policy options presented in chapter 3. For more information about each option, please refer to the chapter pages indicated below.

### CHAPTER 3, PRIORITY ISSUE 1: PROVIDE INCLUSIVE SUPPORT TO UKRAINE’S VETERANS

*Expanded explanations for each policy option are shown on pages 48–53.*

- **Define in legal and inclusive terms who qualifies as a veteran.** The definition will illuminate total numbers of veterans and the resulting expected costs for veterans’ support. Parliament should engage in thoughtful collaboration with civil society to reach this clarity, which is also a prerequisite for understanding and responding to veterans’ needs in Ukraine.
- **Capture accurately women’s combatant roles to ensure there is no mischaracterization of their service.** Women who are currently serving in key frontline roles are not always and accurately classified as combatants, and their roles in official documentation do not accurately reflect the duties they discharge. The Ministry of Defense and the Ministry of Veterans Affairs could conduct a process of administrative revision to ensure accuracy of the documentation.
- **Collect comprehensive data on veterans, including time served and nature of any injuries, to fully understand and analyze veterans’ challenges and drive policy decisions.** In order to better meet veterans’ needs, and to better prepare for any potential future mobilization, the Ministry of Veterans Affairs should scale up its efforts to collect comprehensive data on veterans’ service records and injuries.

- **Develop support capacities beyond the existing services.** This would include creating a more standardized approach to providing advanced psychosocial support to veterans, as well as providing more comprehensive physical care.
- **Identify which Ukrainian government departments or agencies are best suited to provide veterans assistance.** The Ukrainian government should undertake a more deliberate effort to identify which group of government actors will be in the lead on veterans' assistance. The process of identification could include replicating aspects of PEPFAR's Interagency Collaborative for Program Improvement.
- **Ensure that adequate war pensions, employment, and training program options for veterans are provided.** The government should prioritize providing adequate pensions, as well as training and vocational rehabilitation support to returning veterans, who will be transitioning to new or pre-mobilization careers.
- **Empower communities to support veterans' reintegration and share responsibilities with the government.** This effort should include funding and support for specific demographics, including female veterans and the organizations that support them.
- **Support the complementary role played by NGOs, businesses, and broader veterans' networks in providing vital services to veterans.** Recognition of this role, as well as financial and political support for it, will be key to reinforcing these actors' long-term engagement.
- **Clearly delineate the status of individuals defending Ukraine by categorizing them as either active duty, reservist, veteran, or civilian.** This effort could build on plans announced in July 2023 by Ukrainian prime minister Denys Shmyhal to create a formal reserve pool to complement the army.

### CHAPTER 3, PRIORITY ISSUE 2: BUILD A ROBUST AND TRANSPARENT MINISTRY OF DEFENSE

*Expanded explanations for each policy option are shown on pages 53–56.*

- **Develop programs, initiatives, and communication plans to engage civil society and the private sector to develop Ukraine's postwar defense sector institutions.** The power of the Ministry of Defense is limited without cooperation from the private sector, which is central to the country's resilience and defense industry, and from civil society, which is key for transparency and accountability efforts.
- **Build a cadre of civil servants who understand that effective security governance will require strong engagement between civilians with expertise in defense and the military.** Effective security sector governance hinges on qualified civilians with expertise in defense who serve in long-term positions and form the backbone of the Ministry of Defense. While individuals serving in the military will always play essential roles in the ministry, equally important to ensuring democratic governance are civilians with defense expertise.

- **Incorporate Ukrainian civilian defense expertise into planning and decision-making.** Civilian experts have developed deep and likely nontraditional experience since the partial invasion of 2014 and the full-scale invasion of 2022. This expertise could be harnessed by embedding cadres of Ukrainian civilian experts, as well as international experts, in the Ministry of Defense.
- **Support Ukraine’s efforts to increase defense transparency through donor requirements.** Start with continued engagement with the NATO Defense Education Enhancement Programme, which works with partner countries to help identify the needs of and gaps within education institutions in the defense and military domain.
- **Further define oversight and transparency roles and responsibilities within the Ministry of Defense.** Provide support to the Ministry of Defense to enhance the transparency and accountability of its work through its internal oversight bodies.
- **Integrate civil society in the planning of future defense strategies.** Incorporating civil society is an integral piece of establishing a whole-of-society and whole-of-government approach to defense strategies. Consider enshrining in law the need for government to consult and harness analytical capacities in civil society.

### CHAPTER 3, PRIORITY ISSUE 3: FORMALIZE UKRAINE’S VOLUNTEER NATIONAL DEFENSE ORGANIZATIONS

*Expanded explanations for each policy option are shown on pages 56–59.*

- **Establish one national VNDO and place it under the authority of the Ministry of Defense.** This step could include consolidating existing VNDOs into one national organization and creating a standard core cadre structure and specialized skill sets, as well as standard uniforms and chains of command within the Ministry of Defense.
- **Include traditionally underrepresented groups in VNDOs.** These groups include women and minority ethnic groups, as well as people from rural areas in territories that have been occupied or disputed during the conflict.
- **Include in the VNDO skilled former soldiers and reservists who have experience with combat and other military activities.** These individuals can provide a training pipeline, given that post-conflict defense efforts will require personnel with expertise in demining, international missions, support functions, niche capabilities, cybersecurity, youth, and national emergencies.
- **Create VNDO substructures based on a needs assessment and analysis of future Russian threats.** Develop strategies and substructures based on this information and help the population plan accordingly.

- **Consider starting a pilot project to show how VNDOs could support a total defense structure.** Even though Ukraine is currently focused on the ongoing conflict and not on a long-term post-conflict defense strategy, any future plans should include these groups.

### CHAPTER 3, PRIORITY ISSUE 4: CREATE A TRANSPARENT, WELL-ORGANIZED MILITARY JUSTICE SYSTEM

*Expanded explanations for each policy option are shown on pages 59–60.*

- **Streamline military jurisdiction.** Address overlapping jurisdictions and reduce confusion and inconsistency in the application of military justice.
- **Strengthen Ukraine’s military code to eliminate vagueness and support consistent application of disciplinary actions, both administrative and judicial.** Conducting a review of the military code would identify gaps to be filled, thereby pointing the way toward necessary reforms.
- **Empower Ukrainian military justice.** Whether they are commanders in the field or operating in civilian jurisdictions, military justice officials could be empowered to consistently adjudicate alleged violations of the military code, international humanitarian law, and the law of armed conflict.

## Chapter 4. Supporting Civilian Law Enforcement

These are summaries of policy options presented in chapter 4. For more information about each option, please refer to the chapter pages indicated below.

### CHAPTER 4, PRIORITY ISSUE 1: CONFRONT CHALLENGES TO POLICING IN A CHANGED CIVILIAN SECURITY ENVIRONMENT

*Expanded explanations for each policy option are shown on pages 64–69.*

- **Ensure access to social services, including for mental health and substance abuse treatment.** Mitigate likely drivers of criminality by providing social services, including mental health and substance abuse treatment, particularly for veterans and others on the front lines of the war. Leveraging peer and family support could supplement these services. Consider prioritizing access to such services for law enforcement officers who will help manage postwar security.
- **Develop a coordinated public health and criminal justice approach to crimes associated with trauma-related mental health and substance abuse issues.** Policymakers and law enforcement could develop clear guidelines to balance public health and safety concerns in addressing mental health and substance abuse–related behaviors resulting from the war. This step could involve close coordination between law enforcement and relevant health and social services.

- **Continue to review harsh drug penalties.** Policymakers could build on the December 2023 law legalizing medical cannabis by refining guidance for implementation and accounting for limitations on access to medical treatment.
- **Continue progress in addressing domestic violence.** The NPU and OPG should continue to improve handling of domestic violence, including ensuring access to victims' services and addressing reluctance by law enforcement to treat domestic violence as a criminal issue.
- **Strengthen measures to address the proliferation of small arms and light weapons.** Law enforcement efforts to address the proliferation of small arms and light weapons should be combined with a comprehensive plan for disarmament, demobilization, and reintegration in the post-war period. In line with Ukraine's prewar policies on firearm ownership, special efforts to remove weapons from those with mental health issues or a history of domestic violence could be prioritized.
- **Build law enforcement capacity and enhance efficiencies to meet new demands.** This would involve improving coordination, providing additional training, gathering reliable information on criminality, and taking measures to ensure ex-military recruits are prepared to serve in a civilian capacity.

#### CHAPTER 4, PRIORITY ISSUE 2: ACTIVELY PREPARE TO POLICE DE-OCCUPIED TERRITORIES

*Expanded explanations for each policy option are shown on pages 69–72.*

- **Clarify and communicate the scope of the crime of collaboration.** Parliament and law enforcement should clarify what actions do and do not constitute criminal collaboration. They should effectively communicate this to the public, particularly in the occupied territories.
- **Prepare law enforcement personnel proactively with required skills.** Select law enforcement personnel for deployment to the de-occupied territories with an eye toward building trust and social cohesion. Prioritize Russian-language skills, among other attributes. Ensure that personnel have adequate training and support to carry out their duties.
- **Adopt a community-oriented, conflict-sensitive approach to security.** Law enforcement officers will more readily build trust in de-occupied territories if they take a community policing approach to security, have a strong communication and public outreach strategy, and establish partnerships with civil society and local leadership.
- **Resume service delivery quickly, and tailor it to each region's needs.** Gather localized information about security needs and priorities, addressing these issues to make quick gains in public security. Ensuring opportunities for feedback on performance could help law enforcement officers gain legitimacy among residents of the occupied territories.
- **Plan for a phased transition to de-occupation.** Short-term planning for policing should be coupled with more long-term planning around restoring human rights, including in relation to



elections and transitional justice. A clear communication plan around these issues, including the timing of such phased transitions, will be essential.

#### CHAPTER 4, PRIORITY ISSUE 3: REINVIGORATE LAW ENFORCEMENT REFORM

*Expanded explanations for each policy option are shown on pages 72–77.*

- **Reinvigorate civilian security sector reform while incorporating new realities.** This could include integrating law enforcement reform policy processes while developing internal security policy, making contingency plans for reforms in a variety of end-of-war scenarios, building flexibility into reforms to allow adaptation as the context changes, and setting clear milestones for the resumption of specific reform efforts.
- **Pursue a comprehensive, sustainable reform strategy.** Attention to certain aspects of the process would help reforms succeed. These could include grounding reforms in public demand, maintaining coordinated pressure for reform, going beyond technical reforms, and setting realistic goals and timelines.
- **Engage key governmental, international, and civil society stakeholders.** Successful reform would require coordinated efforts among all these entities.
- **Balance vertical with horizontal accountability.** Build community-level accountability into law enforcement through community forums and other mechanisms that give local residents opportunities to influence how law enforcement responds to their security needs. Regulate and leverage local security initiatives such as the Municipal Guards.
- **Reform the SBU.** Successful SBU reform could include enhancing internal and external oversight mechanisms, developing clear and detailed plans for the transfer of law enforcement functions, developing benchmarks for when paused reforms can be resumed, and building the capacity of other law enforcement agencies to assume SBU functions.

# Acknowledgments

The authors are deeply indebted to four rapporteurs, whose analysis and substantive written contributions were indispensable for the report: Andrea Edoardo Varisco, chapter 1; Emily Drake, chapter 2; Bethany Banks, chapter 3; and Rob Grace, chapter 4.

The authors are also grateful to the more than 200 individuals who contributed their expertise and time to this project. This report would not have been possible without the contributions of experts across Ukraine, the United States, and Europe. The names of the individuals consulted appear in the report's annex.

Finally, the authors extend their gratitude to Jorgan Andrews, who served as a senior adviser on the project; Amy Clipp for her tireless efforts and patience in providing developmental editing and writing support through the span of the project; and Nigel Quinney for copyediting. Sofia Kryshtal, Nellie Petlick, and Jacob Zack provided first-rate and indispensable support to the authors.

# About the Authors

**Lauren Baillie** is the senior program officer on atrocity prevention at the United States Institute of Peace, where she leads programs that explore the intersections between atrocity prevention and cross-cutting criminal justice reform issues and addresses gaps in accountability for mass atrocities. She is the lead author of chapter 2.

**Ena Dion** is the police reform advisor at the United States Institute of Peace, where her work focuses on how internal security actors in conflict and post-conflict environments confront criminality, violence and extremism, and contribute to stability and the rule of law. She is the lead author of chapter 4.

**Philippe Leroux-Martin** is the director of the governance, justice and security program at the United States Institute of Peace. He is the author of *Diplomatic Counterinsurgency: Lessons from Bosnia and Herzegovina*, published by Cambridge University Press in 2014. He is co-editor of the report and lead author of the introduction.

**Ian Platz** is the senior program officer for security sector governance and reform at the United States Institute of Peace. Harnessing his expertise in addressing complex human security challenges, Ian works closely with the US Department of State, US Department of Defense, and the US Agency for International Development on sensitive security sector governance matters, including security sector assistance, civilian harm mitigation and response, civil-military relations, and whole-of-society and whole-of-government security models. He is the lead author of chapter 3.

**William B. Taylor** is vice president, Russia and Europe, at the United States Institute of Peace. In 2019, he served as chargé d'affaires at the US embassy in Kyiv and as the US ambassador to Ukraine from 2006 to 2009. He is the chief editor and co-author of the report.

**Calin Trenkov-Wermuth** is the security governance advisor at the United States Institute of Peace, where he leads research and programmatic efforts on security sector governance and reform. He is the author and co-author of multiple books, including *Overcoming Obstacles to Peace: Local Factors in Nation-Building*, published by the Rand Corporation in 2013. He is co-editor of the report and lead author of chapter 1.



# Annex: Consultations

The authors are grateful to the more than 200 individuals who contributed their expertise and time to this project. This report would not have been possible without the contributions of experts across Ukraine, the United States, and Europe, as well as the many individuals who have provided valuable advice and feedback. The authors are also grateful to individuals who wished to remain anonymous and to the members of the National Police of Ukraine who contributed to the perspectives of this research. The names of the individuals consulted are listed below.

*Editor's Note: Titles of the individuals reflect the positions held at the time of consultation.*

## HIGH-LEVEL MEETINGS

**Serhii Andrushchenko**, First Deputy Head, Security Service of Ukraine

**Christopher G. Cavoli**, Supreme Allied Commander Europe and Commander, US European Command

**Kateryna Chernohorenko**, Deputy Minister for Digital Development, Digital Transformation and Digitalization, Ministry of Defense of Ukraine

**Oleksiy Danilov**, Secretary of the National Security and Defense Council of Ukraine

**Karl Eikenberry**, former US Ambassador to Afghanistan and Lieutenant General, US Army (ret.)

**Gia Getsadze**, former Deputy Minister, Ministry of Justice of Ukraine

**Markiyan Halabala**, Judge, High Anti-Corruption Court of Ukraine

**Volodymyr Havrylov**, Deputy Minister of Defense for Weaponry, Ministry of Defense of Ukraine

**Rolf Holmboe**, Head of Mission, EU Advisory Mission, Ukraine

**Serhii Ionushas**, Member of Parliament, Head of the Committee on Law Enforcement, Verkhovna Rada of Ukraine

**Tetiana Kalyta**, Deputy Minister, Ministry of Veterans Affairs of Ukraine

**Ruslan Khomchak**, First Deputy Secretary, National Security and Defense Council of Ukraine, Colonel General and former Commander-in-Chief of the Armed Forces of Ukraine

**Olena Khomenko**, Member of Parliament, Committee on National Security, Defense and Intelligence, Verkhovna Rada of Ukraine

**Ihor Klymenko**, Minister of Interior of Ukraine

**Oleksandr Klymenko**, Head, Specialized Anti-Corruption Prosecutors Office of Ukraine

**Andriy Kostin**, Prosecutor General of Ukraine

**Semen Kryvonos**, Director, National Anti-Corruption Bureau of Ukraine

**Oleksandr Kubrakov**, Deputy Prime Minister for Restoration and Minister for Communities, Territories and Infrastructure Development of Ukraine

**Yuliia Laputina**, Minister of Veterans Affairs of Ukraine

**Oleksandr Lytvynenko**, Head of the Foreign Intelligence Service of Ukraine

**Denys Maliuska**, Minister of Justice of Ukraine

**Denys Maslov**, Member of Parliament, Head of the Committee on Legal Policy, Verkhovna Rada of Ukraine

**Vira Mykhailenko**, Chief Judge, High Anti-Corruption Court of Ukraine

**Mustafa Nayyem**, Head of the State Agency for Restoration and Infrastructure Development of Ukraine

**Oleksandr Novikov**, Head of the National Agency on Corruption Prevention of Ukraine

**Oleh Pavlyshyn**, Acting Chief Judge, High Anti-Corruption Court of Ukraine

**Boris Ruge**, Assistant Secretary General for Political Affairs and Security Policy, NATO, and former German Ambassador to the Kingdom of Saudi Arabia

**David Scheffer**, Professor of Practice, Arizona State University, and former US Ambassador-at-Large for War Crimes Issues

**Anna Yurchenko**, Deputy Minister for European Integration, Ministry for Communities, Territories and Infrastructure Development of Ukraine

**Lesia Zaburanna**, Member of Parliament, Chair of the Subcommittee on Public Expenditures, Verkhovna Rada of Ukraine

**Valerii Zaluzhnyi**, Commander-in-Chief of the Armed Forces of Ukraine

#### **OTHER EXPERT CONSULTATIONS**

**Zurab Adeishvili**, Head of the Department for International Legal Cooperation, Office of the Prosecutor General of Ukraine

**Nora Ahmetaj**, National Expert for Evaluation of the EU Cooperation with Kosovo, ADE s.a.

**Jorgan Andrews**, State Department Fellow, United States Institute of Peace, and former Deputy Assistant Secretary of State for International Narcotics and Law Enforcement

**Natalya Andriychuk**, Head of the International Relations Department, Ministry of Internal Affairs of Ukraine

**Olena Antonaccio**, Professor of Sociology and Criminology, University of Miami

**Victoria Arnautova**, former Adviser to the Commander-in-Chief of Armed Forces of Ukraine

**Nestor Barchuk**, International Relations Manager, DEJURE Foundation

**Eliko Bendeliani**, Chair, Center for Peace and Civic Development

**Andreas Berg**, Specialist, Folke Bernadotte Academy

**Ann Bergren**, Foreign Affairs Officer, US Department of State

**Mykola Bielieskov**, Research Fellow, National Institute for Strategic Studies

**Daria Bielinska**, Project Coordinator, Peaceful Change Initiative

**Yurii Bielousov**, Head of the Department for Combatting Crimes Committed in Armed Conflict, Office of the Prosecutor General of Ukraine

**Vicky Bonasera**, Fellow, Office of Global Criminal Justice, US Department of State

**Ekaterina Botchkovar**, Associate Professor of Criminology and Criminal Justice, Northeastern University

**Trevor Boyd**, Foreign Affairs Officer, US Department of State

**Katie Bresnahan**, Foreign Service Officer, US Department of State

**Eric Brownstein**, Foreign Affairs Officer, US Department of State

**Anna Cave**, Executive Director, Center for National Security, Georgetown Law

**Alexandra Chinchilla**, Policy Expert

**Eden Cole**, Executive in Residence, Geneva Centre for Security Policy

**Xander Conaty**, Policy Expert

**David Crane**, Distinguished Scholar in Residence, Syracuse University

**Aaron Daviet**, Foreign Service Officer, US Department of State

**Olha Denkovych**, Deputy Advocacy Coordinator, Right to Protection

**Levan Duchidze**, Country Manager for Ukraine, International Development Law Organization

**Rachel Ellehuus**, Secretary of Defense Representative in Europe and Defense Advisor, US Mission to NATO

**Mark Ellis**, Executive Director, International Bar Association

**Aaron Erlich**, Associate Professor of Political Science, McGill University

**Taras Fedirko**, Lecturer in Organised Crime and Corruption, University of Glasgow

**Eugene Fidell**, Visiting Lecturer in Law and Senior Research Scholar, Yale Law School

**Nicolas Florquin**, Head of Data and Analytics, Small Arms Survey

**Alina Frolova**, Deputy Chairperson, Centre for Defence Strategies

**Anamaria Fuduli**, Head of Human Resources Reform Development Unit, EU Advisory Mission Ukraine

**Lesya Gandzha**, Private First Class, Territorial Defense Forces of Ukraine

**Jordan Gans-Morse**, Associate Professor and Faculty Director of the Russian, Eurasian, and East European Studies Program, Northwestern University

**Emma Gilligan**, Senior Policy Advisor on Ukraine, Office of Global Criminal Justice, US Department of State

**Petra Gombalova**, Head of Division Ukraine, European External Action Service

**Into Goudsmit**, Senior Adviser on Public Administration, EU Advisory Mission Ukraine

**Mikko Groenberg**, Deputy Head of Operations, EU Advisory Mission Ukraine

**Madgalena Grono**, Senior Foreign Policy Advisor to the President of the European Council

**Yuriy Hladun**, Senior General Policing Expert, EU Advisory Mission Ukraine

**Melissa Hooper**, Senior Advisor, US Agency for International Development

**Oksana Huss**, Researcher, University of Bologna

**Grazvydas Jasutis**, Principal Program Manager and Senior Security Sector Reform Advisor, Europe and Central Asia Division, DCAF-Geneva Centre for Security Sector Governance

**Kirsten Joppe**, Head of Governance Component, EU Advisory Mission Ukraine

**Sofiia Kakhnovets**, Head of the International Division, State Agency for Restoration and Infrastructure Development of Ukraine

**Marta Kepe**, Policy Expert

**Mykola Khavroniuk**, Director of Scientific Development, Centre of Policy and Legal Reform

**Jared Kimball**, Resident Legal Advisor, US Embassy Kyiv

**Katherine Kjellstrom Elgin**, Fellow, Center for Strategic and Budgetary Assessments

**Ihor Koliushko**, Head of the Board, Centre of Policy and Legal Reform

**Ihor Koniev**, Senior Project Officer, Council of Europe

**Anastasiia Konoshuk**, Communication Manager, Center for Civic Education “Almenda”

**Liudmyla Korotkykh**, Manager, Crimean Tatar Resource Center

**Ivona Kostyna**, Cofounder and Head of the Board, Veteran Hub

**Nadia Kovalchuk**, Program Director, Right to Protection

**Anna Kovalenko**, Defense and Security Expert and former Deputy Head, Office of the President of Ukraine

**Hennadii Kovalenko**, Colonel and Acting Director of the Department of International Defense Cooperation, Ministry of Defense of Ukraine

**Eugene Krapyvin**, Expert, Centre of Policy and Legal Reform

**Veronika Kristkova**, Head of Prosecution/Judiciary Unit, Acting Head of Rule of Law Component, EU Advisory Mission Ukraine

**Bogdan Kryklyvenko**, Chief of Staff, High Anti-Corruption Court of Ukraine

**Alexander Kupertadze**, Senior Lecturer, King’s College London

**Marie Kurth**, Foreign Affairs Officer, US Department of State

**Oksana Lesyk**, Capacity Building Office Coordinator, State Agency for Restoration and Infrastructure Development of Ukraine

**Anastasiia Liadneva-Irlik**, Head, Innovative Social Solutions

**Oleksandr Liemienov**, Head of the Board, StateWatch

**Matthew Light**, Associate Professor of Criminology and Sociolegal Studies, University of Toronto

**Andrew Lohsen**, Anti-Corruption and Illicit Finance Advisor, US Agency for International Development

**Olena Lunhol**, Project Manager, Directorate General Human Rights and Rule of Law of the Council of Europe

**Polina Lysenko**, Deputy Director, National Anti-Corruption Bureau of Ukraine

**Yaroslav Lyubchenko**, Deputy Head, National Agency on Corruption Prevention

**Anna Maiboroda**, Founder and Chairman, All-Ukrainian Union Patriot

**Diana Makarova**, Head, Diana Makarova Foundation

**Nataliia Malynovska**, Project Manager, NGO Institute “Respublika”

**Erica Marat**, Associate Professor of Criminology and European, Russian, and Eurasian Studies and Chair of the Regional and Analytical Studies Department, National Defense University

**Janina Markewitsch**, Senior Political Adviser, EU Advisory Mission Ukraine

**Oksana Markieieva**, Head of the Department of State and Public Security, National Institute of Strategic Studies

**Oleksiy Martsenyuk**, Executive Director, Centre for Defence Strategies

**Rena Marutian**, Professor of Global and National Security, Taras Shevchenko National University of Kyiv

**Viktoria Melnyk**, Advocacy Manager, Centre of Policy and Legal Reform

**Oleksiy Melnyk**, Co-director of the Foreign Relations and International Security Programmes, Razumkov Centre

**George Mesthos**, Foreign Affairs Officer, US Department of State

**William D. Meyer**, International Legal Assistance Consortium

**Casey Michel**, Director of the Combatting Kleptocracy Program, Human Rights Foundation

**Schuyler Miller**, Foreign Affairs Officer, US Department of State

**Mykhailo Minakov**, Senior Advisor on Ukraine, Kennan Institute, Wilson Center



**John Mongan**, Foreign Affairs Officer, US Department of State

**Arie Mora**, Communications and Advocacy Manager, Ukrainian Legal Advisory Group

**Maja Munivrana Vajda**, Associate Professor of Criminal Law, Zagreb Faculty of Law

**Svitlana Musiiaka**, Head of Research and Policy, Independent Anti-Corruption Commission (NAKO)

**Oksana Nesterenko**, Expert, Anti-Corruption Research and Education Center

**Michael A. Newton**, Professor of the Practice of Law and of the Practice of Political Science, Vanderbilt University

**Volodymyr Nikiforenko**, Major General and First Deputy Head, State Border Guard Service of Ukraine

**Ryhor Nizhnikau**, Senior Research Fellow, Finnish Institute of International Affairs

**Guido Oestreich**, Senior Adviser on Criminal Justice, EU Advisory Mission Ukraine

**Olga Oliker**, Program Director for Europe and Central Asia, International Crisis Group

**Nick O'Neill**, Foreign Affairs Officer, US Department of State

**Anna Ovdienko**, Legal Expert, Kharkiv Human Rights Protection Group

**Allan Pagh Kristensen**, Head, EU Anti-Corruption Initiative in Ukraine

**Alina Pavliuk**, Lawyer, Ukrainian Legal Advisory Group

**Vadym Peheta**, Head, International Legal Obligations, Bilateral Cooperation and Experience Exchange Unit

**Nick Pehlman**, Scholar, The City University of New York

**Bob Perito**, President, Perito Group

**Nataliya Petrova**, Deputy Director for USAID Ukraine Justice for All Project

**Olha Piskunova**, Anticorruption Expert, Center of Policy and Legal Reform

**Nadiia Polkhovska**, Acting Head of the Analytical-Statistical Unit, Specialized Anti-Corruption Prosecutor's Office

**Leonid Polyakov**, Adviser to the Director, National Institute for Security Studies

**Maria Popova**, Associate Professor of Political Science and Jean Monnet Chair, McGill University

**Natalia Proskurenko**, Social Cohesion Program Coordinator, Right to Protection

**Serhii Pun**, Chief of the International Cooperation Center, Security Service of Ukraine

**Vadym Pyvovarov**, Executive Director, Freerights

**Jocelyn Rafferty**, Foreign Affairs Officer, US Department of State

**Roman Romanov**, Human Rights and Justice Program Director, International Renaissance Foundation

**Mark Roorda**, Senior Advisor on Prosecution of International Crimes, EU Advisory Mission Ukraine

**David Rubino**, Director, Europe and Eurasia Division, American Bar Association Rule of Law Initiative

**Marta Ruda**, Legal Expert, NGO Anti-Corruption Action Center

**Andreas Sampson**, Political Adviser, EU Advisory Mission

**Olha Savchenko**, Director of the Department of International Cooperation and European Integration, Ministry of Infrastructure of Ukraine

**Oleg Savchin**, Program Manager, US Department of State

**Michael Scharf**, Dean, Case Western Law School

**Vasyl Sehin**, Executive Director, National Interests Advocacy Network

**Aline Shaban**, Research Associate, Small Arms Survey

**Petro Shatkovskyy**, Vice President, World Congress of Ukrainian Lawyers, and Colonel-General, Armed Forces of Ukraine (ret.)

**Rosalyn Sheehan**, Head of Operations, European Union Advisory Mission

**Christina Sheetz**, Senior Human Rights Advisor, US Agency for International Development

**Tetiana Shevchuk**, International Relations Head, Anti-Corruption Action Center

**Olena Shevtsova**, Adviser to the Commander of the Ground Forces, General Syrskyi

**Ivan Shmatko**, Graduate Student, University of Alberta

**Anne Marie Singh**, Associate Professor, Department of Criminology, Toronto Metropolitan University

**Yurii Sivologa**, Criminal Justice Officer, Rule of Law Component, EU Advisory Mission Ukraine

**Andrii Sliusar**, Private Lawyer, Nazar Kulchytskyi and Partners

**Roman Smaliuk**, Expert, Centre of Policy and Legal Reform

**Andrew Solomon**, Senior Rule of Law Advisor, US Agency for International Development

**Mykola Stepanov**, Executive Director, Centre of Policy and Legal Reform

**Mariia Sulialina**, Head of the Center for Civic Education “Almenda”

**Mykola Sunhurovskyi**, Director, Military Programmes, Razumkov Centre

**Josh Temblador**, Director, Bureau of International Narcotics and Law Enforcement Affairs, US Embassy  
Kyiv

**Dmitri Teperik**, Policy Expert

**Yuliia Troian**, Aide to the Minister, Ministry of Veterans Affairs of Ukraine

**Yeliena Troshan**, Lieutenant Colonel and Officer, Department of International Defense Cooperation,  
Ministry of Defense of Ukraine

**Maryna Tsapok**, Research Fellow, University of California College of the Law, San Francisco

**Olga Tytovets**, Officer, State Border Guard Service of Ukraine

**Gizo Uglava**, First Deputy Director, National Anti-Corruption Bureau of Ukraine

**Rachel Van Ledingham**, Irwin R. Buchalter Professor of Law, Southwestern Law School

**Sergey Vasiliev**, Associate Professor, Amsterdam Center for Criminal Justice

**Oscar Vera**, Consultant, Loquitius, LLC

**Olha Veselovska**, Financial Director and Co-chair, NGO Innovative Social Solutions

**Nadia Volkova**, Director, Ukrainian Legal Advisory Group

**Denys Volokha**, Head of Media, Kharkiv Human Rights Protection Group

**Oleksii Voloshyn**, Adviser to Olena Khomenko, Member of Parliament, Verkhovna Rada of Ukraine

**Liudmyla Yankina**, Author and Expert, Human Rights Centre ZMINA

**Volodymyr Yavorskyi**, Expert, Center of Civil Liberties

**Yulia Zabyelina**, Associate Professor of Political Science, University of Alabama

**Agiya Zagrebelska**, Head of Corruption Minimization in Sanctions Policy, National Agency on  
Corruption Prevention

**Viktor Zamiatin**, Director of Political and Legal Programmes, Razumkov Centre

**Denys Zboroshenko**, National Legal Expert, International Development Law Organization

# Notes

1. Anton Hrushetskyi, "Attitude towards Ukraine's Accession to NATO and Security Guarantees," Kyiv International Institute of Sociology (KIIS), July 10, 2023, <https://kiis.com.ua/?lang=eng&cat=reports&id=1258&page=4>; and "Support for International Unions: Survey in Ukraine and Europe (July 4–10, 2023)," Sociological Group Rating, July 10, 2023, [https://ratinggroup.ua/en/research/ukraine/p\\_dtrimka\\_m\\_zhnarodnih\\_soyuz\\_v\\_opituvannya\\_v\\_ukra\\_n\\_ta\\_vrop\\_4-10\\_lipnya\\_2023.html](https://ratinggroup.ua/en/research/ukraine/p_dtrimka_m_zhnarodnih_soyuz_v_opituvannya_v_ukra_n_ta_vrop_4-10_lipnya_2023.html).
2. "Results of the All-Ukrainian Survey for the European Union Advisory Mission in Ukraine," KIIS, October 26, 2023, <https://kiis.com.ua/?lang=eng&cat=reports&id=1307&page=1>.
3. "EU Agrees to Open Membership Negotiations with Ukraine and Moldova," Radio Free Europe/Radio Liberty (RFE/RL), December 14, 2023, <https://www.rferl.org/a/ukraine-moldova-eu-membership-talks-european-council-georgia-bosnia/32731037.html>.
4. Patrick Wintour, "As Well as Fighting Russia, Ukrainians Are Battling Corruption at Home," *The Guardian*, June 16, 2023, [www.theguardian.com/world/2023/jun/16/as-well-as-fighting-russia-ukrainians-are-battling-corruption-at-home](http://www.theguardian.com/world/2023/jun/16/as-well-as-fighting-russia-ukrainians-are-battling-corruption-at-home); and Olesia Zhytkova and Robert Gillanders, "Ukraine Is Fighting a War on Two Fronts: Against Russia and Against Corruption," *Irish Times*, June 29, 2023, [www.irishtimes.com/opinion/2023/06/29/ukraine-is-fighting-a-war-on-two-fronts-against-russia-and-against-corruption/](http://www.irishtimes.com/opinion/2023/06/29/ukraine-is-fighting-a-war-on-two-fronts-against-russia-and-against-corruption/).
5. Maria Starkova, "Zelenskiy Promises to Swiftly Confront Ukraine Corruption," Reuters, January 22, 2023, <https://www.reuters.com/world/europe/zelenskiy-promises-swiftly-confront-ukraine-corruption-2023-01-22/>.
6. See National Corruption Perception and Experience Poll 2023, PACT, July 26, 2023, available at <https://engage.org.ua/eng/national-corruption-perceptions-and-experience-poll-2023/>; and Transparency International, "Grand Corruption," <https://www.transparency.org/en/corruptionary/grand-corruption>.
7. Olena Makarenko, "Why Post-Euromaidan Anti-Corruption Reform In Ukraine Is Still A Success," Vox Ukraine, September 3, 2022, <https://voxukraine.org/en/why-post-euromaidan-anti-corruption-reform-in-ukraine-is-still-a-success>.
8. James Rupert, "Ukraine: How to Oppose Russia's Weaponization of Corruption," United States Institute of Peace (USIP), June 9, 2022, [www.usip.org/publications/2022/06/ukraine-how-oppose-russias-weaponization-corruption](http://www.usip.org/publications/2022/06/ukraine-how-oppose-russias-weaponization-corruption). Strategic corruption can be defined as the use of corruption in pursuit of geopolitical goals, and it is a type of corruption "in which adversarial governments use either the government or proxy actors to further their foreign policy objectives." See, for instance, Marren Haneberg, "Strategic Corruption: Being Ready to Act," Reuters, May 16, 2022, <https://www.thomsonreuters.com/en-us/posts/investigation-fraud-and-risk/strategic-corruption-ready-to-act/>.
9. Elite Capture and Corruption of Security Sectors Working Group, "Elite Capture and Corruption of Security Sectors," USIP, February 17, 2023, <https://www.usip.org/publications/2023/02/elite-capture-and-corruption-security-sectors>.
10. Gregorio Sorgi and Veronika Melkozerova, "Ukraine Deputy Defense Minister Vyacheslav Shapovalov Resigns amid Corruption Inquiry," Politico, January 24, 2023, <https://www.politico.eu/article/ukraine-deputy-defense-minister-vyacheslav-shapovalov-resign-corruption-war-zelenskyy/>.
11. Dan Peleschuk, "Ukraine Supreme Court Chief Dismissed after Being Detained in Bribery Case," Reuters, May 16, 2023, <https://www.reuters.com/world/europe/head-ukraines-supreme-court-detained-anti-corruption-prosecutor-2023-05-16/>.
12. Transparency International, "The Corruption Perception Index," December 3, 2016, [www.transparency.org/en/publications/cpi-2013](http://www.transparency.org/en/publications/cpi-2013); Oleksandr Kalitenko, "Anti-corruption Reform in Ukraine after Russia's Full-Scale Invasion," SCEEUS Report Series on Ukrainian Domestic Affairs no. 9, Stockholm Centre for Eastern European Studies, June 2023, [www.sceeus.se/en/publications/anti-corruption-reform-in-ukraine-after-russias-full-scale-invasion](http://www.sceeus.se/en/publications/anti-corruption-reform-in-ukraine-after-russias-full-scale-invasion); Emma Landi, "The Role of Civil Society in Ukrainian Reconstruction," *CSIS Blog*, Center for Strategic and International Studies, June 2023, [www.csis.org/blogs/development-dispatch/role-civil-society-ukrainian-reconstruction](http://www.csis.org/blogs/development-dispatch/role-civil-society-ukrainian-reconstruction); Andrew Lohsen and Nick Fenton, "Corruption and Private Sector Investment in Ukraine's Reconstruction," CSIS Brief, Center for Strategic and International Studies, November 2022, [www.csis.org/analysis/corruption-and-private-sector-investment-ukraines-reconstruction](http://www.csis.org/analysis/corruption-and-private-sector-investment-ukraines-reconstruction); and Center for Insights and Survey Research, "Public Opinion Survey of Residents of Ukraine," International Republican Institute, November 2021, 13, [www.iri.org/wp-content/uploads/2022/02/FOR-RELEASE-2021-November-Survey-of-Residents-of-Ukraine\\_ENG.pdf](http://www.iri.org/wp-content/uploads/2022/02/FOR-RELEASE-2021-November-Survey-of-Residents-of-Ukraine_ENG.pdf).
13. Sergiy Sydorenko, "Seven EU Requirements for Ukraine: Accession Negotiations Getting Closer," European Pravda, May 4, 2023, <https://www.eurointegration.com.ua/eng/articles/2023/05/4/7161006/>.

14. "Islands of integrity" are public institutions that reduce corruption despite being surrounded by endemic corruption, <https://knowledgehub.transparency.org/helpdesk/the-impact-of-islands-of-integrity>.
15. Kalitenko, "Anti-corruption Reform in Ukraine after Russia's Full-Scale Invasion; and Anti-corruption Action Centre, "The Roadmap for Strengthening the Fight against Corruption," March 2023.
16. Iryna Voichuk, "Ukraine's Parliament Approves Immediate Asset Declaration Disclosure," Euromaidan Press, September 20, 2023, <https://euromaidanpress.com/2023/09/20/ukraines-parliament-approves-immediate-asset-declaration-disclosure>.
17. DEJURE Foundation, "3rd Sector One Pager," June 2023, leaflet shared with the affinity group during consultations.
18. See "Government Accountability Office of the United States of America to Provide Expert Assistance to Strengthen the Capacity of the Accounting Chamber of Ukraine," Accounting Chamber, February 23, 2023, [www.rp.gov.ua/IntCooperation/Events/?id=1506&lang=eng](http://www.rp.gov.ua/IntCooperation/Events/?id=1506&lang=eng).
19. The Public Integrity Council is a Ukrainian advisory council established in 2016 with the purpose of helping the High Qualifications Commission of Judges of Ukraine to decide on the eligibility of judges based on ethical standards. NGOs focused on fighting corruption, protecting human rights, or supporting institutional reforms in Ukraine appoint its 20 members.
20. See, for instance, Veronika Melkozerova, "Ukraine Takes Two Steps Forward, One Step Back in Anti-corruption fight," Politico, December 26, 2022, [www.politico.eu/article/ukraine-takes-two-steps-forward-one-step-back-in-anti-corruption-fight-constitutional-court-reform](http://www.politico.eu/article/ukraine-takes-two-steps-forward-one-step-back-in-anti-corruption-fight-constitutional-court-reform); Daniel Victor, "The Chief of Ukraine's Supreme Court Has Been Detained and Accused of Taking a \$2.7 Million Bribe," *New York Times*, May 16, 2023, [www.nytimes.com/2023/05/16/world/europe/ukraine-supreme-court-chief-bribery.html](http://www.nytimes.com/2023/05/16/world/europe/ukraine-supreme-court-chief-bribery.html); Oleg Sukhov, "Zelensky Signs Law to Liquidate Ukraine's Most Notorious Court," *Kyiv Independent*, August 17, 2023, [www.kyivindependent.com/parliament-approves-liquidating-ukraines-most-notorious-court](http://www.kyivindependent.com/parliament-approves-liquidating-ukraines-most-notorious-court); and Working Group on Elite Capture and Corruption of Security Sectors, *Elite Capture and Corruption of Security Sectors* (Washington, DC: USIP, February 2023), 123–131, [www.usip.org/publications/2023/02/elite-capture-and-corruption-security-sectors](http://www.usip.org/publications/2023/02/elite-capture-and-corruption-security-sectors).
21. See, for instance, Dan Peleschuk, "Bribery Is Treason': Zelensky Sacks 112 Army Draft Chiefs," *Sydney Morning Herald*, August 12, 2023, [www.smh.com.au/world/europe/bribery-is-treason-zelensky-sacks-112-army-draft-chiefs-20230812-p5dvyf.html](http://www.smh.com.au/world/europe/bribery-is-treason-zelensky-sacks-112-army-draft-chiefs-20230812-p5dvyf.html); Heorhiy Shabayev, Valeria Yehoshyna, Nadia Burdyey, and Natalie Sedletska, "Prices for Ukrainian Army Food Supplies Inflated, Investigation Finds," RFE/RL, April 8, 2023, [www.rferl.org/a/ukraine-army-food-prices-inflated/32352747.html](http://www.rferl.org/a/ukraine-army-food-prices-inflated/32352747.html); Olya Ivleva, Kira Tolstyakova, and Natalie Sedletska, "Bribery Defendant Used Ukrainian Military 'Aid' Mission to Flee Prosecution, Investigation Finds," RFE/RL, June 17, 2023, [www.rferl.org/a/ukraine-bribery-defendent-military-aid-mission-schemes/32462704.html](http://www.rferl.org/a/ukraine-bribery-defendent-military-aid-mission-schemes/32462704.html); and Economic Security Bureau of Ukraine, "ESBU Notified 6 Officials of the Ukroboronprom Enterprise of Suspicion of Embezzlement of over UAH 5.4 Million of Budget Funds," January 3, 2023, <https://esbu.gov.ua/en/news/esbu-notified-6-officials-of-the-ukroboronprom-enterprise-of-suspicion-of-embezzlement-of-over-uah-54-million-of-budget-funds>.
22. Independent Anti-Corruption Commission (NAKO), "Ukraine Searches for Approach to Classifying Information," March 31, 2021, [www.nako.org.ua/en/news/derztajemnicya-i-nacbezpeka-ukrayini-vazlivo-pozbutisya-vid-praktiki-srsr-zasekriti-vse](http://www.nako.org.ua/en/news/derztajemnicya-i-nacbezpeka-ukrayini-vazlivo-pozbutisya-vid-praktiki-srsr-zasekriti-vse); and NAKO, "Analysis of the Draft Law of Ukraine 8394 On Security of Classified Information," March 21, 2023, [www.nako.org.ua/en/research/analiz-zakonoprojektu-8394-pro-bezpeku-klasifikovanoyi-informaciyi](http://www.nako.org.ua/en/research/analiz-zakonoprojektu-8394-pro-bezpeku-klasifikovanoyi-informaciyi).
23. The chapter will not focus in depth on the issue of petty corruption. However, it mentions it as a possible destabilizing factor because this is the form of corruption that could be experienced by a large part of the Ukrainian population.
24. Gregorio Sorgi and Veronika Melkozerova, "Ukraine's Deputy Defense Minister Resigns amid Corruption Inquiry," Politico, January 24, 2023, <https://www.politico.eu/article/ukraine-deputy-defense-minister-vyacheslav-shapovalov-resign-corruption-war-zelensky/>; and Peleschuk, "Ukraine Supreme Court Chief Dismissed after Being Detained in Bribery Case."
25. NAKO, "Analysis of the Draft Law of Ukraine 8394 On Security of Classified Information."
26. USIP, *Elite Capture and the Corruption of Security Sectors*, xiii.
27. Rupert, "Ukraine: How to Oppose Russia's Weaponization of Corruption"; and USIP, *Elite Capture and the Corruption of Security Sectors*, 113–141.
28. USIP, *Elite Capture and Corruption of Security Sectors*, 113.
29. USIP, *Elite Capture and Corruption of Security Sectors*, 113–141; Josh Rudolph, Norman L. Eisen, and Cameron Bertron, "Ukraine's Anti-Corruption Front: Helping Ukrainians Win the War and the Peace by Having Their Backs against Oligarchy," German Marshall Fund of the United States and Alliance for Securing Democracy, June 2023, [www.gmfus.org/sites/default/files/2023-06/Ukraine%20Anticorruption%20Front\\_digital.pdf](http://www.gmfus.org/sites/default/files/2023-06/Ukraine%20Anticorruption%20Front_digital.pdf).
30. The full title is as follows: "Law On the Prevention of Threats to National Security Related to the Excessive Influence of Persons with Significant Economic and Political Weight in Public Life (Oligarchs)."
31. "Ukrainian Parliament Chairman Defends 'Anti-Oligarch' Law, Says It Has Made Impact before Implementation," RFE/RL, September 23, 2023, <https://www.rferl.org/a/ukraine-anti-oligarch-law-stefanchuk-venice-commission/32605997.html>.
32. Venice Commission, "Ukraine—Opinion on the Law 'On the Prevention of Threats to National Security Related to the Excessive Influence of Persons with Significant Economic and Political Weight in Public Life (Oligarchs)' Adopted by the Venice Commission at its 135th Plenary Session (Venice, 9–10 June 2023)," para. 59, p. 15, [www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2023\)018-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2023)018-e).

33. Venice Commission, “Ukraine—Opinion on the Law ‘On the Prevention of Threats to National Security,’” 15. See also RFE/RL, “Ukrainian Parliament Chairman Defends ‘Anti-Oligarch’ Law.”
34. See, for instance, National Agency on Corruption Prevention, “Implementation of the State Anti-Corruption Program for 2023–2025 Approved This Afternoon Will Address the Pending Public Demand for Justice,” March 4, 2023, [www.nazk.gov.ua/en/news/implementation-of-the-state-anti-corruption-program-for-2023-2025-approved-this-afternoon-will-address-the-pending-public-demand-for-justice/](http://www.nazk.gov.ua/en/news/implementation-of-the-state-anti-corruption-program-for-2023-2025-approved-this-afternoon-will-address-the-pending-public-demand-for-justice/); Felicia Schwartz, “US Imposes Sanctions on Four Russian Tycoons Connected to Alfa-Bank,” *Financial Times*, August 11, 2023, [www.ft.com/content/259ef0fe-ea6b-4e45-98d3-f1e0987145c6](https://www.ft.com/content/259ef0fe-ea6b-4e45-98d3-f1e0987145c6); and Paul Kirby, “Ukraine Billionaire Ihor Kolomoisky Targeted in New Anti-corruption Swoop,” BBC News, February 1, 2023, [www.bbc.com/news/world-europe-64482072](https://www.bbc.com/news/world-europe-64482072).
35. The full name of Law no. 5431 is “On Amendments to Certain Legislative Acts of Ukraine on Improving the Activities of the Antimonopoly Committee of Ukraine.”
36. Razumkov Center, “Citizens’ Assessment of the Situation in the Country. Trust in Social Institutions, Politicians, Officials, and Public Figures. Attitudes towards Holding National Elections in Ukraine until the End of the War,” September 2023, <https://razumkov.org.ua/napriamky/sotsiologichni-doslidzhennia/otsinka-gromadianamy-sytuatsii-v-kraini-dovira-do-sotzialnykh-institutiv-politykiv-posadovtstv-ta-gromadskykh-diiachiv-stavlennia-do-provedennia-zagalnonatsionalnykh-vyboriv-v-ukraini-do-zavershennia-viiny-veresen-2023r>.
37. DEJURE Foundation, “Judicial Reform in Ukraine: A Short Overview,” accessed March 2023, <https://en.dejure.foundation/library/judicial-reform-in-ukraine-what-has-changed-for-the-last-three-years>.
38. Dan Peleschuk, “Wanted: Thousands of Ukrainian Judges, in Huge Overhaul Sought by EU,” Reuters, October 19, 2023, <https://www.reuters.com/world/europe/wanted-thousands-ukrainian-judges-huge-overhaul-sought-by-eu-2023-10-19/>.
39. William D. Meyer, *Surviving the Assault: The Ukrainian Legal System after a Year of War, 2023 ILAC Rule of Law Report*, International Legal Assistance Consortium, 2023, 20–21, [https://ilacnet.org/wp-content/uploads/2023/05/ILAC\\_Ukraine\\_Law-Report-2023.pdf](https://ilacnet.org/wp-content/uploads/2023/05/ILAC_Ukraine_Law-Report-2023.pdf).
40. Office of the Prosecutor General of Ukraine, home page, accessed May 7, 2024, <https://www.gp.gov.ua/>.
41. DEJURE Foundation, “Judicial Reform in Ukraine.”
42. Mikhailo Zhernakov, “It’s Time to Start Treating Ukraine’s Corrupt Judiciary as a Criminal Syndicate,” Atlantic Council, December 1, 2020, <https://www.atlanticcouncil.org/blogs/ukrainealert/its-time-to-start-treating-ukraines-corrupt-judiciary-as-a-criminal-syndicate/>; and Victor, “The Chief of Ukraine’s Supreme Court Has Been Detained and Accused of Taking a \$2.7 Million Bribe.”
43. Peleschuk, “Wanted.”
44. Oleksander Moskalenko, “Judging the Judges: Ukraine’s Battle with Courtroom Corruption,” Europe’s Edge, CEPA, June 26, 2023, <https://cepa.org/article/judging-the-judges-ukraines-battle-with-courtroom-corruption/>; and “High Council of Justice Appoints 16 New Members of High Qualification Commission of Judges,” June 1, 2023, <https://www.ukrinform.net/rubric-society/3716995-high-council-of-justice-appoints-16-new-members-of-high-qualification-commission-of-judges.html>.
45. European Commission, “Opinion on the EU Membership Application by Ukraine,” June 17, 2022, [https://ec.europa.eu/commission/presscorner/detail/en/qanda\\_22\\_3802](https://ec.europa.eu/commission/presscorner/detail/en/qanda_22_3802).
46. Ukraine, Law no. 3277-IX, “On the Introduction of Amendments to Some Legislative Acts of Ukraine Regarding the Clarification of the Provisions on the Competitive Selection of Candidates for the Position of Judge of the Constitutional Court of Ukraine,” August 17, 2023, <https://zakon.rada.gov.ua/laws/show/en/3277-20#Text>; Venice Commission, “Ukraine—Urgent Opinion on the Reform of the Constitutional Court, Issued Pursuant to Article 14a of the Venice Commission’s Rules of Procedure on 9 December 2020, Endorsed by the Venice Commission on 11 December 2020 at Its 125th Online Plenary Session (11–12 December 2020), Opinion 1012-202,” CDL-AD(2020)039-e, December 11, 2020, [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2020\)039-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2020)039-e).
47. Constitutional Court of Ukraine, Archive of Meetings of the Advisory Group of Experts, accessed May 9, 2024, <https://ccu.gov.ua/storinka/arhiv-zasidan-doradchoyi-grupy-ekspertiv>.
48. Serge Havrylets, “Ukraine’s Parliament Votes for Liquidation of Kyiv Court Previously Involved in Corruption Scandals,” Euromaidan Press, December 13, 2022, <https://euromaidanpress.com/2022/12/13/ukraines-parliament-votes-for-liquidation-of-the-kyiv-court-involved-in-numerous-corruption-scandals/>.
49. The White House, “Priority Reform List: Reforms Linked to Conditions on U.S. Assistance,” September 25, 2023, available at <https://www.pravda.com.ua/eng/news/2023/09/25/7421354/>; and European Commission, “Commission Staff Working Document, Ukraine 2023 Report,” November 8, 2023, SWD(2023) 699 final, 5, [https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_699%20Ukraine%20report.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_699%20Ukraine%20report.pdf).
50. See, for example, DEJURE Foundation, Automaidan, Anti-Corruption Action Centre, “NGOs’ Statement: Judicial System Needs Real Cleansing, Not Populism,” press release, July 27, 2023, <https://en.dejure.foundation/tpost/ansgo3fk21-ngos-statement-judicial-system-needs-rea>; Olena Halushka, “The Fight against Courtroom Corruption Continues in Wartime Ukraine,” Atlantic Council, June 1, 2023, <https://www.atlanticcouncil.org/blogs/ukrainealert/the-fight-against-courtroom-corruption-continues-in-wartime-ukraine/>; and Oleg Sukhov, “Ukraine’s Judicial Reform Has Mixed Reviews as It Nears Key Point,” *Kyiv Independent*, June 1, 2023, <https://kyivindependent.com/judicial-reform-has-mixed-results-as-good-candidates-are-vetoed-without-clear-reasons/>.

51. The High Council of Judges completed the distribution of complaints regarding the disciplinary misconduct of a judge, which accumulated during the absence of a disciplinary function from the council, December 6, 2023, <https://hcj.gov.ua/news/u-vrp-zavershyvsya-rozpodil-skarg-shchodo-dyscyplinarnogo-prostupku-suddi-yaki-nakopychylsya>.
52. The White House, "Priority Reform List."
53. Meyer, *Surviving the Assault*.
54. US Agency for International Development (USAID), "Deputy Administrator Isobel Coleman Delivers Remarks at the 'Advancing Rule of Law and People-Centered Justice' Event," March 28, 2023, <https://www.usaid.gov/news-information/speeches/mar-28-2023-deputy-administrator-isobel-coleman-delivers-remarks-at-the-advancing-rule-of-law-and-people-centered-justice-event>.
55. "Digital Country," Ukraine Now, accessed October 25, 2023, <https://ukraine.ua/invest-trade/digitalization/>.
56. Meyer, *Surviving the Assault*.
57. Isabelle Khurshudyan and Praveena Somasundaram, "Zelensky Removes Security Head, Top Prosecutor in High-Level Shake-up," *Washington Post*, July 17, 2022, <https://www.washingtonpost.com/world/2022/07/17/ukraine-bakanov-venediktoval/>.
58. Nette Nöstlinger, Oliver Ellrodt, and Sophia Linnebrink, "Ukraine Probing over 122,000 Suspected War Crimes, Says Prosecutor," Reuters, February 23, 2024, <https://www.reuters.com/world/europe/ukraine-probing-over-122000-suspected-war-crimes-says-prosecutor-2024-02-23/>.
59. Office of the Prosecutor General of Ukraine, home page, accessed May 7, 2024, <https://www.gp.gov.ua/>.
60. Rhiannon Nelson, "File Not Found: Russia Is Hacking Evidence of Its War Crimes," War on the Rocks, May 14, 2024, <https://warontherocks.com/2024/05/file-not-found-russia-is-hacking-evidence-of-its-war-crimes/>.
61. Olga Golovina, "Artificial Intelligence and War Crimes Investigations," Institute for War and Peace Reporting, January 30, 2024, <https://iwpr.net/global-voices/artificial-intelligence-and-war-crimes-investigations>.
62. Franck Petit, "Yuriy Belousov: 'We Can't Lose Ukraine's Legal Battle,'" JusticeInfo.net, July 11, 2023, <https://www.justiceinfo.net/en/119268-yuriy-belousov-we-cant-lose-ukraine-legal-battle.html>.
63. Petit, "Yuriy Belousov."
64. USAID, "One Year Later: Helping Ukraine Win the War and Build Lasting Peace," February 24, 2023, [https://www.usaid.gov/sites/default/files/2023-02/Feb242023\\_OneYearLater\\_0.pdf](https://www.usaid.gov/sites/default/files/2023-02/Feb242023_OneYearLater_0.pdf).
65. See, for example, US Department of Justice, Office of Public Affairs, "Justice Department Helping Train Ukrainians in Gathering Evidence of Environmental Harm from Russian Invasion," press release, July 28, 2023, <https://www.justice.gov/opa/blog/justice-department-helping-train-ukrainians-gathering-evidence-environmental-harm-russian>; Sam Skove, "Pentagon Trains Ukrainian War-Crimes Prosecutors—As Lawmakers Press for More," Defense One, June 12, 2023, <https://www.defenseone.com/threats/2023/06/pentagon-trains-ukrainian-war-crimes-prosecutors-lawmakers-press-more/387446/>; and US Department of State, "Supporting Justice and Accountability in Ukraine," factsheet, February 18, 2023, <https://www.state.gov/supporting-justice-and-accountability-in-ukraine/>.
66. Organization for Security and Cooperation in Europe, OSCE Office in Zagreb (closed), "Prosecution of War Crimes," May 22, 2024, <https://www.osce.org/zagreb/45126>.
67. Ukraine Constitution, Article 125, <https://zakon.rada.gov.ua/laws/show/en/254%D0%BA/96-%D0%B2%D1%80#Text> (last amended January 1, 2020).
68. See Public International Law and Policy Group, "Policy Planning: Draft Law for a Ukrainian High War Crimes Court," July 2022, <https://www.publicinternationallawandpolicygroup.org/draft-law-ukrainian-high-war-crimes-court>.
69. See Transparency International Ukraine, "Battlefield: How High Anti-Corruption Court Was Established in Ukraine," December 20, 2019, <https://ti-ukraine.org/en/news/battlefield-how-high-anti-corruption-court-was-established-in-ukraine/>; and David Vaughn and Olha Nikolaeva, "Launching an Effective Anticorruption Court: Lessons from Ukraine," U4 Practice Insight 2021:1, U4 Anti-corruption Resource Center, 2021, 6–7, <https://www.u4.no/publications/launching-an-effective-anti-corruption-court.pdf>.
70. Georgetown Law Center for National Security et al., "Ukraine Justice and Accountability Survey 2024," 2024, <https://transitionaljusticedata.org/en/papers/Ukraine-Survey-Report-2024.pdf>.
71. IREX, "Veterans Reintegration Survey Results on Veteran Reintegration Experiences, Social Stigma, and Support Networks," July 14, 2021, [https://www.irex.org/sites/default/files/IREX\\_Vet%20Perceptions\(7\)\\_7.pdf](https://www.irex.org/sites/default/files/IREX_Vet%20Perceptions(7)_7.pdf).
72. Aleksander Cwalina and Benton Coblentz, "Ukraine's Growing Veteran Community Will Shape the Country's Future," Atlantic Council, January 4, 2023, <https://www.atlanticcouncil.org/blogs/ukrainealert/ukraines-growing-veteran-community-will-shape-the-countrys-future/>.
73. Cwalina and Coblentz, "Ukraine's Growing Veteran Community Will Shape the Country's Future."
74. Cwalina and Coblentz, "Ukraine's Growing Veteran Community Will Shape the Country's Future."
75. IREX, "Veterans Reintegration Survey Results on Veteran Reintegration Experiences, Social Stigma, and Support Networks," July 14, 2021, [https://www.irex.org/sites/default/files/IREX\\_Vet%20Perceptions\(7\)\\_7.pdf](https://www.irex.org/sites/default/files/IREX_Vet%20Perceptions(7)_7.pdf).
76. Cwalina and Coblentz, "Ukraine's Growing Veteran Community Will Shape the Country's Future."



77. Ukrainian Veterans Fund, "Portrait of a Veteran in Russian-Ukrainian War 2014–2022," Texty.org.ua, July-August 2022, <https://veteranfund.com.ua/en/useful-info/portrait-of-a-veteran-in-russian-ukrainian-war/>.
78. IREX, Veteran Reintegration Program, "Analytic Report on Female Veterans in Ukraine," July 14, 2021, [https://www.irex.org/sites/default/files/IREX\\_Female%20Veterans\(3\)\\_11.pdf](https://www.irex.org/sites/default/files/IREX_Female%20Veterans(3)_11.pdf).
79. IREX, Veteran Reintegration Program, "Analytic Report on Female Veterans in Ukraine."
80. Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine, "One of the State's Priorities Is Individualized Support for Veterans and Their Families," August 14, 2023, <https://minre.gov.ua/en/2023/08/14/one-of-the-states-priorities-is-individualized-support-for-veterans-and-their-families/>.
81. Cwalina and Coblentz, "Ukraine's Growing Veteran Community Will Shape the Country's Future."
82. Olena Harmash, "Ukraine Plans to Move to Professional Army after War Ends, Prime Minister Says," Reuters, July 6, 2023, <https://www.reuters.com/world/europe/ukraine-plans-move-professional-army-after-war-ends-pm-2023-07-06/>.
83. Oleksii Reznikov, "Ukraine's Defense Doctrine Will Define Country's Future," Atlantic Council, July 7, 2023, <https://www.atlanticcouncil.org/blogs/ukrainealert/oleksii-reznikov-ukraines-defense-doctrine-will-define-countrys-future/>.
84. Harmash, "Ukraine Plans to Move to Professional Army after War Ends, Prime Minister Says."
85. Reznikov, "Ukraine's Defense Doctrine Will Define Country's Future."
86. Harmash, "Ukraine Plans to Move to Professional Army after War Ends, Prime Minister Says."
87. Reznikov, "Ukraine's Defense Doctrine Will Define Country's Future."
88. "Defense Education Enhancement Programme," NATO, February 26, 2024, [https://www.nato.int/cps/en/natohq/topics\\_139182.htm](https://www.nato.int/cps/en/natohq/topics_139182.htm).
89. Dale Pankhurst, "Ukraine War: The Key Role Played by Volunteer Militias on Both Sides of the Conflict," The Conversation, April 13, 2022, <https://theconversation.com/ukraine-war-the-key-role-played-by-volunteer-militias-on-both-sides-of-the-conflict-178484>.
90. Oleksandr V. Danylyuk, "Against the Odds: Lessons from the Ukrainian Resistance Movement," RUSI, July 4, 2023, <https://www.rusi.org/explore-our-research/publications/commentary/against-odds-lessons-ukrainian-resistance-movement>.
91. "Who Are the Pro-Ukrainian Militias Raiding Russia's Belgorod Region?," *Economist*, May 23, 2023, <https://www.economist.com/the-economist-explains/2023/05/23/who-are-the-pro-ukrainian-militias-raiding-russias-belgorod-region>.
92. Pankhurst, "Ukraine War."
93. NATO, "Enlargement and Article 10," accessed September 7, 2023, [https://www.nato.int/cps/en/natohq/topics\\_49212.htm](https://www.nato.int/cps/en/natohq/topics_49212.htm).
94. Miroshnik v. Ukraine, European Court of Human Rights, Application no. 75804/01. (33-37). 27 November 2008; and Mikhno v. Ukraine, European Court of Human Rights, Application no. 32514/12. 1 September 2016.
95. See, for example, "Croatian Prime Minister Visits NATO," press release, NATO, July 31, 2012, [https://www.nato.int/cps/en/natohq/news\\_22433.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/news_22433.htm?selectedLocale=en).
96. Erica Marat, *The Politics of Police Reform: Society against the State in Post-Soviet Countries* (Oxford: Oxford University Press, 2018); and Elyssa Shea and Marta Jaroszewicz, "Opening in Times of Crisis? Examining NATO and the EU's Support to Security Sector Reform in post-Maidan Ukraine," *East European Politics* 37, no. 1 (2021): 159–181; and Samantha F. Schoenberger et al., "Police Abuse and Care Engagement of People with HIV Who Inject Drugs in Ukraine," *Global Public Health* 17, no. 12 (2022): 3638–3653.
97. European Union, "Ukraine Endorses Strategic Law Enforcement Reform Plan to Align with EU Standards," March 15, 2024, <https://www.euam-ukraine.eu/news/ukraine-endorses-strategic-law-enforcement-reform-plan-to-align-with-eu-standards/>.
98. Centre of Policy and Legal Reform, "Brief: On the State of Affairs in the Sector of Law and Order," May 3, 2023, <https://pravo.org.ua/en/vision-ukraine/brief-on-the-state-of-affairs-in-the-sector-of-law-and-order/>.
99. Gergely Hideg, "From Conflict to Consequence: Nearly Half of Ukrainian Men Would Like to Own a Firearm or Already Have One," Situation Update, Small Arms Survey, December, 2023, <https://www.smallarmssurvey.org/resource/conflict-consequence-ukraine>.
100. Anton Martyniuk, "Measuring Illicit Arms Flows: Ukraine," Briefing Paper, Small Arms Survey, April 2017, <https://www.smallarmssurvey.org/sites/default/files/resources/SAS-BP3-Ukraine.pdf>; and Matt Schroeder and Olena Shumska, "Making the Rounds: Illicit Ammunition in Ukraine," Small Arms Survey, January 2021, <https://www.smallarmssurvey.org/sites/default/files/resources/SAS-Report-Illicit-Ammunition-Ukraine.pdf>.
101. Martyniuk, "Measuring Illicit Arms Flows."
102. Hideg, "From Conflict to Consequence."
103. Hideg, "From Conflict to Consequence."
104. "Arms Sent to Ukraine Will End up in Criminal Hands, Says Interpol Chief," *The Guardian*, June 2, 2022, <https://www.theguardian.com/world/2022/jun/02/ukraine-weapons-end-up-criminal-hands-says-interpol-chief-jurgen-stock>.
105. Larysa Zasiiekina, Serhii Zasiiekin, and Victor Kuperman, "Post-traumatic Stress Disorder and Moral Injury among Ukrainian Civilians during the Ongoing War," *Journal of Community Health* 48, no. 5 (2023): 784–792, <https://www.ncbi>

- .nlm.nih.gov/pmc/articles/PMC10148618/; and Tarandeep S. Kang et al., “Disability and Post-traumatic Stress Symptoms in the Ukrainian General Population during the 2022 Russian Invasion,” *Epidemiology and Psychiatric Sciences* 32, e21 (2023): 1–5, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10130735/>.
106. Nicole Tung, “The Hidden Trauma of Ukraine’s Soldiers,” *New York Times*, August 15, 2023, <https://www.nytimes.com/2023/08/15/world/europe/ukraine-war-soldiers-trauma-therapy.html>; and John Leicester, “‘Do Something’: Ukraine Works to Heal Soldiers’ Mental Scars,” Associated Press, December 1, 2022, <https://apnews.com/article/russia-ukraine-kyiv-health-europe-veterans-affairs-811a986e0e9a202d8eb32b16f6730e4c>.
  107. “Conflict in Ukraine: Key Evidence on Drug Demand and Supply,” United Nations Office on Drugs and Crime, April 2022, [https://www.unodc.org/documents/data-and-analysis/Ukraine/Ukraine\\_drug\\_demand\\_supply.pdf](https://www.unodc.org/documents/data-and-analysis/Ukraine/Ukraine_drug_demand_supply.pdf).
  108. Matt Fossey, Alexey Serdyuk, and Anna Markovska, “Ukraine War: Conflict-Related PTSD Is Putting Strain on an Already Underfunded Mental Health System,” *The Conversation*, February 22, 2023, <https://theconversation.com/ukraine-war-conflict-related-ptsd-is-putting-strain-on-an-already-underfunded-mental-health-system-199629>; and Martha Henriques, “The Mental Health First Aiders Fighting Back in Ukraine,” *BBC Future*, February 23, 2023, <https://www.bbc.com/future/article/20230222-ukraine-war-how-mental-health-first-aid-ca-prevent-ptsd>.
  109. Eugene Kravyin, “Safe Community Concept,” unpublished concept note, Center for Political and Legal Reforms, October 2023.
  110. Ruggero Scaturro, “An Altered State: Evolving Drug Trends in Wartime Ukraine,” Global Initiative Against Transnational Organized Crime, 2024, <https://globalinitiative.net/analysis/evolving-drug-trends-in-wartime-ukraine/>.
  111. Olena Roshchina, “Zelensky Approves Law Enforcement Reform Plan,” *Ukrainska Pravda*, May 12, 2023, <https://www.pravda.com.ua/eng/news/2023/05/12/7401803/>.
  112. Antti Hartikainen, “Ukraine Takes Another Step Forward on Its EU Integration Path,” European Union Assistance Mission, Ukraine, 2023, [https://www.irex.org/sites/default/files/IREX\\_Female%20Veterans\(3\)\\_11.pdf](https://www.irex.org/sites/default/files/IREX_Female%20Veterans(3)_11.pdf).
  113. Masha Gessen, “The Cops Who Would Save a Country,” *Foreign Policy*, September 8, 2015, <https://foreignpolicy.com/2015/09/08/cops-that-would-save-a-country-ukraine-patrol-police-maidan/>; Katie LaRoque, “One Year Later, Ukraine’s Patrol Police Enjoy Massive Spike in Trust,” Atlantic Council, May 11, 2016, <https://www.atlanticcouncil.org/blogs/ukraine-alert/one-year-later-ukraine-s-patrol-police-enjoy-massive-spike-in-trust/>; and Marc Santora, “Life on the Beat for Ukraine’s Cops: The Drunk, the Disorderly, and Drones,” *New York Times*, February 9, 2023, <https://www.nytimes.com/2023/02/09/world/europe/ukraine-war-kyiv-police.html>.
  114. See Stiven Tremaria, “Building the Peace through Policing? The EU and Police Reform in Bosnia and Herzegovina and Ukraine,” *Ukraine Analytica* 4, no. 18 (2019); Erica Marat, “Ukraine’s Reformists and Their Rivals,” in *The Politics of Police Reform: Society against the State in Post-Soviet Countries* (Oxford: Oxford University Press, 2018); and Nicholas Pehlman, “Patrimonialism through Reform: Public Participation in Police Reform, Institutional Capture, and Bureaucratic Independence in Ukraine,” *Harvard Ukrainian Studies* 37, nos. 3–4 (2020), <https://www.husj.harvard.edu/articles/patrimonialism-through-reform-public-participation-in-police-reform-in-ukraine>.
  115. See Pehlman, “Patrimonialism through Reform.”
  116. See Rostyslav Molchanov, “Municipal Guards in Ukraine: Current State and Prospects of Activity,” *Scientific Bulletin of Dnipropetrovsk State University of Internal Affairs*, Special Issue 1 (2022), [https://visnik.dduvs.in.ua/?page\\_id=2008&lang=en](https://visnik.dduvs.in.ua/?page_id=2008&lang=en).
  117. Marat, *The Politics of Police Reform*; Pehlman, “Patrimonialism through Reform”; and Marina Zaloznaya, William B. Reisinger, and Vicki Hesli Claypool, “When Civil Engagement Is Part of the Problem: Flawed Anti-Corruptionism in Russia and Ukraine,” *Communist and Post-Communist Studies* 51, no. 3 (September 2018), <https://online.ucpress.edu/cpcs/article-abstract/51/3/245/560/When-civil-engagement-is-part-of-the-problem?redirectedFrom=fulltext>.
  118. Cornelius Friesendorf, “Police Reform in Ukraine as Institutional Bricolage,” *Problems of Post-Communism* 66, no. 2 (2019): 109–121.



# United States Institute of Peace

The United States Institute of Peace is a national, nonpartisan, independent institute, founded by Congress and dedicated to the proposition that a world without violent conflict is possible, practical, and essential for US and global security. In conflict zones abroad, the Institute works with local partners to prevent, mitigate, and resolve violent conflict. To reduce future crises and the need for costly interventions, USIP works with governments and civil societies to build local capacities to manage conflict peacefully. The Institute pursues its mission by linking research, policy, training, analysis, and direct action to support those who are working to build a more peaceful, inclusive world.

## Board of Directors

Judy Ansley (Chair), Former Assistant to the President and Deputy National Security Advisor under George W. Bush • Nancy Zirkin (Vice Chair), Former Executive Vice President, Leadership Conference on Civil and Human Rights • Jonathan Burks, Vice President, Global Public Policy, Walmart • Joseph L. Falk, Former Public Policy Advisor, Akerman LLP • Edward M. Gabriel, President and CEO, The Gabriel Company LLC • Kerry Kennedy, President, Robert F. Kennedy Human Rights • Michael Singh, Managing Director, Washington Institute for Near East Policy • John J. Sullivan, Partner, Mayer Brown • Mary Swig, President and CEO, Mary Green • Kathryn Wheelbarger, Vice President, Future Concepts, Lockheed Martin • Roger Zakheim, Washington Director, Ronald Reagan Presidential Foundation and Institute

## MEMBERS EX OFFICIO

Uzra Zeya, Under Secretary of State for Civilian Security, Democracy, and Human Rights • Lloyd J. Austin III, Secretary of Defense • Michael T. Plehn, Lieutenant General, US Air Force; President, National Defense University • George Moose, Acting President and CEO, United States Institute of Peace (nonvoting)







UNITED STATES  
INSTITUTE OF PEACE  
Making Peace Possible

2301 Constitution Avenue NW  
Washington, DC 20037  
202.457.1700  
[www.USIP.org](http://www.USIP.org)