# TIESĪBZINĀTNE

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## LEGISLATION FOR EFFECTIVE FUNCTIONING OF DEMOCRACY: COMPARATIVE ANALYSIS OF UKRAINE AND LATVIA

The article is a comparative analysis of the legislation of two post-soviet countries – Ukraine and Latvia – in the field of democracy, particularly in direction of liability of elected officials and civil servants to citizens and society, which is one of the important aspects of effective functioning of democracy in any country. These countries were chosen for such analysis as they are both post-soviet countries, but they have differences in their democratic development. In Ukraine, there are some problems with possibilities for citizens to influence on elected officials and civil servants; till September 10, 2019, it was not possible for them to remove the president from office, but the possibility to recall the members of the parliament is absent even today. Unlike Ukraine, Latvia in a very short time after the collapse of Soviet Union has managed to create effective system of democratic legislation. For development of any country in the direction of democracy, fight against corruption, the relevant legislation is vitally important. In Latvia, there is necessary legal basis, which supports democratic development of the country. Particularly for this reason, experience of this country is very important for Ukraine and some other post-soviet countries, which are only in the process of creation effective, transparent, and liable governments. The goal of this article is not only to compare the relevant legislation of these two countries, but also to define the main problems in the legislation in this field, which should be solved in any democratic country. Special attention is paid to possibilities for citizens to remove the President from office and to recall the elected officials, as it is a very important aspect of democracy.

**Key words:** democracy, liability of elected officials and civil servants, accountability of power, citizens' power, public participation, Ukraine, Latvia.

**Likumdošana efektīvai demokrātijas funkcionēšanai: Ukrainas un Latvijas salīdzinošā analīze**

Rakstā tiek analizēta divu postpadomju valstu – Ukrainas un Latvijas – likumdošana demokrātijas jomā, kas skar ievēlēto amatpersonu un ierēdņu atbildību pilsoņu un sabiedrības priekšā, kas, savukārt, ir svarīgs demokrātijas efektīvas funkcionēšanas nosacījums jebkurā valstī. Šo divu valstu izvēle ir saistīta ar to, ka tās abas ir postpadomju valstis, taču atšķiras ar sasniegumiem demokrātijas jomā. Ukrainā ir vērojamas nopietnas problēmas saistībā ar pilsoņu iespējām ietekmēt vēlēto amatpersonu un ierēdņu rīcību; līdz 2019. gada 10. septembrim Ukrainā nebija izveidots valsts prezidenta impīčmenta mehānisms, bet iespējas atsaukt ievēlētu amatpersonu nav vēl joprojām. Atšķirībā no Ukrainas, Latvija ļoti ātri pēc Padomju Savienības sabrukuma spēja izveidot efektīvu demokrātisku likumdošanas sistēmu. Jebkuras valsts attīstību demokrātijas virzienā un cīņā ar korupciju stipri ietekmē un nosaka atbilstoša likumdošana. Latvijā ir izveidota visa nepieciešamā tiesiskā bāze valsts demokrātiskas attīstības atbalstam. Tieši šī iemesla dēļ Latvijas pieredze ir svarīga Ukrainai un dažām citām postpadomju valstīm,

kuras vēl tikai veido efektīvu un caurspīdīgu pārvaldes sistēmu. Raksta mērķis ir ne tikai salīdzināt divu valstu likumdošanas sistēmas, bet arī atklāt tās demokrātiskas likumdošanas pamatproblēmas, ar kurām jātiek galā jebkuras demokrātiskas valsts tiesiskajā bāzē. Īpaša uzmanība ir pievērsta pilsoņu iespējām atcelt prezidentu no amata un atsaukt ievēlētās amatpersonas, jo tas ir ļoti svarīgs demokrātijas aspekts.

**Atslēgas vārdi:** demokrātija, ievēlēto amatpersonu un ierēdņu atbildība, varas pakļautība, pilsoņu vara, sabiedrības līdzdalība, Ukraina, Latvija.

**Законодательство для эффективного функционирования демократии: сравнительный анализ Украины и Латвии**

Статья представляет собой сравнительный анализ законодательства двух стран – Украины и Латвии – в области демократии, в частности, что касается ответственности выборных должностных лиц и государственных служащих перед гражданами и обществом, что, в свою очередь, является одним из важнейших аспектов эффективного функционирования демократии в любой стране. Эти две страны были выбраны потому, что обе они – постсоветские страны, но отличаются своими успехами в области демократии. В Украине существуют серьёзные проблемы с возможностью влияния граждан на выборных должностных лиц и государственных служащих; до 10 сентября 2019 года в Украине отсутствовал механизм импичмента президента страны, а возможность отозвать избранных должностных лиц отсутствует и сегодня. В отличие от Украины, Латвия за очень короткое время после распада Советского Союза сумела создать эффективную систему демократического законодательства. Для развития любой страны в направлении демократии и борьбы с коррупцией особое значение имеет соответствующее законодательство. В Латвии существует вся необходимая правовая база, которая поддерживает демократическое развитие страны. Именно по этой причине опыт этой страны очень важен для Украины и некоторых других постсоветских стран, которые ещё находятся в процессе создания эффективной и прозрачной системы управления. Целью данной статьи является не только сравнение соответствующего законодательства этих двух стран, но и определение основных проблем в законодательстве в этой области, которые следует решать любой демократической стране. Особое внимание уделено возможности для граждан отстранять президента от должности и отзывать избранных должностных лиц, поскольку это является важнейшим аспектом демократии.

**Ключевые слова:** демократия, ответственность выборных должностных лиц и государственных служащих, подотчётность власти, власть граждан, участие общественности, Украина, Латвия.

## Introduction

For development of any country, effective and precise legislation is very important. For post-soviet countries in their transitional period, it was one of the main and difficult task – to create new legal basis, which will support the reforms, create possibility for development and reinforcement of democracy and effective functioning of all state and public institutions. Not all post-soviet countries managed to implement it in full measure.

In this article, the comparative analysis of the legislation for democracy of two post-soviet countries – Ukraine and Latvia – has been made. The last several years we can see how Ukraine fights for its democratic path of development. The revolution in

Ukraine in 2014 caused the whole world to fall apart – everyone was shocked that the protesters were killed in Europe, in the center of the capital of Ukraine – Kyiv. However, the author supposes that not all of people outside Ukraine can understand why Ukraine people were on the streets 3 months without any reaction from the power authorities, and this reaction was displayed only after 3 months in the form of shootings of people on the streets. The main question in this context is the following: why citizens of Ukraine could not change power in a legal way? The answer is easy – in Ukraine there are no any legal measures to change the elected person after election, to remove a President from office[1] or to recall of elected members of a parliament as well as mayors of cities. As a result, citizens of Ukraine have to wait new election for changing situation in the country, even if the elected officials do not want to implement any of their promises and work for the country in general.

In this article the legislation in the field of liability of elected officials are analyzed in two post-soviet countries – Ukraine and Latvia, but this analysis can be very useful for many other countries. Any democratic country should solve the problems, which are defined – as the result of this research – in the legislation of Ukraine for effective functioning of democracy.

Ukraine and Latvia were taken as a subject of the analysis, because Latvia, like Ukraine, is a post-soviet country, but this country, in very short period after soviet regime, managed to create democratic society, transparent and effective system of government. In the transitional period just from the collapse of soviet regime to current days, Latvia managed to create effective system of legislation, which supports the development of the country in all spheres.

The goal of this article is to compare the legislation of two countries – Ukraine and Latvia – in the field of democracy, in particular liability of elected officials and civil servants to citizens and society, which is one of the important aspects of effective functioning of democracy in any country.

The main questions of this article are the following:

1. What are the main differences in legislation of Ukraine and Latvia in the field of democracy?
2. Why in the period of Maidan *(Майдан)* in Ukraine it was not possible to achieve the resignation of the Cabinet of Ministers, Supreme Council (Verkhovna Rada=*Верховна Рада*) and the President?
3. Why so important instrument as public councils is not used effectively in Ukraine, and public councils do not have real possibility to make the control over governmental activity?
4. Why public participation in Ukraine is not as effective as in Latvia?

[1] On September 10, 2019, the Verkhovna Rada of Ukraine approved the draft law of Ukraine, which was proposed by the incumbent President of Ukraine Volodymyr Zelensky "On a Special Procedure for Removal of a President of Ukraine from Office (Impeachment)" (Verkhovna Rada 2019a).

## 1. Transition to democracy in post-communist space: some difficulties and achievements

This article is almost first attempt to make the comparative analysis of these two countries in the direction of democratic legislation. There are some publications on legislation of Latvia and legislation of Ukraine as separate works. However, the authors of them defined the main problems and perspectives of both Ukraine and Latvia legislation in the field of democracy.

The problems in Ukraine on effective legal basis for democracy were clear defined in the country report by the team of the International Monetary Fund (2017). The authors of this report have noted that "the 'state capture' by blocks of powerful political and economic elites that are pyramidal in structure and entrenched throughout public institutions and the economy has been seen as a specific feature of Ukraine corruption. These pyramids have typically taken the form of powerful elites at the top of a pyramid, heads of agencies in the middle and agency staff at the base. They are perceived to influence law making and control appointments in the public sector, to ensure the application of regulations in a manner that entrenches their oligopolistic control of the economy" (International Monetary Fund 2017).

The Freedom House in the country report on Latvia in 2018 describes current state of Latvia democracy as very effective (Freedom House 2018). It was defined that Latvia continued on its path to becoming a stable north European democracy in 2017, and that Latvia continues reformation, particularly in legal sphere: "a working group at the Latvia parliament proposed two possible reforms to the current controversial system of electing the president, in which an absolute majority of 100 parliamentarians elects the position. … The working group also proposed enhancing the powers of the President by giving the office the power to nominate the State Controller (chief auditor), Ombudsman, Governor of the Bank of Latvia, and anticorruption chief; it also proposed an impeachment process" (Freedom House 2018). These proposals spent much of the year being debated-or arguably bogged down-in various parliamentary committees.

Significant interest, in the context of comparative analysis of Ukraine and Latvia, has the discussion paper "Foreign Policy Audit: Ukraine-Latvia" (Zarembo, Vizgunova 2018). There is not an analysis of the relevant legislation, but authors analyze so important aspects as Ukraine interest in Latvia and Latvia interest in Ukraine: points of intersection; key stakeholders and pressure groups; existing and potential risks and conflicts (Zarembo, Vizgunova 2018).

In a democratic and accountable government system, the process of service delivery must meet competing requirements of effectiveness, accountability and responsiveness. In the system of governance, which existed in soviet countries for decades and whose principles still permeate some aspects of public administration, officials were accountable to their superiors not for the effective performance or policy outcomes, but for executing of commands. The heads of governmental authorities, departments, were working not for society, but for themselves and their supervisors. This negative practice has an impact on the activity of most of governmental officials who have gone from soviet system of administration and now working in the governmental system.

It was long and difficult process in most of post-communist countries – to changes the bureaucratic system and personal attitudes to the process of transformation both in civil society and civil services. Not all new democratic countries managed to realize it in full measure. As it is noted by T. Verheijen: "the development of new accountability system in Central and Eastern European countries after 1989 has constantly been a daunting task for reformers. The administrations in the communist system were ultimately accountable to the Communist Party. It has proven extremely difficult to transforms these bureaucracies into administrations accountable to the citizens by means of political, judicial and (quasi-) market mechanisms, since this requires a fundamental change of attitude in society" (Verheijen 1996).

Some of post-soviet countries now are only in the beginning of the process of creation an effective and transparent system of public administration with wide public participation in the process of decision-making.

In 1969, American scientist S. Arnstein has defined the eight levels (types) of public participation and has given practical examples of its realization at local level. They are: manipulation, therapy, informing, consultation, placation, partnership, delegated power, citizen control. By the author's opinion, the first 3 points are the forms of 'non-participation' where governmental officials only show that they are open for public, but in practical life it is not true (Arnstein 1969). S. Arnstein noted that "there is a critical difference between going through the empty ritual of participation and having the real power needed to affect the outcome of the process" (Arnstein 1969). This opinion characterizes current state of democracy in some of post-soviet countries.

Also, some countries preserved some elements of previous system. As put by the authors of "The Rebirth of Politics in Russia" (Urban et al. 1997), the face of contemporary political life in Russia combines both democratic and dictatorial features. This conclusion was defined in 1997. Now, the situation in this country is more difficult than before because all these years Russia was going from democracy to strong dictatorship. And now, it is a big danger for all world democratic society. There are some difficulties with democracy in Belarus as well. As it was defined by K. Mihalisko in his article "Belarus: Retreat to Authoritarianism", Belarus has a lot of features of autocratic country (Mihalisko 1997).

The main common problems on the way of public participation in most of post-soviet countries (East Europe and Asia) are the following:

- lack of relevant experience;
- lack of methodological and technological support;
- insufficient and incomplete preparedness of power;
- lack of governmental activity in the direction of public involvement;
- insufficient legislative support;
- absence or lack of relevant desire among some of governmental officials, etc.

At local level, there are some problems as well. In spite of existence of some legislative opportunities for public participation in local decision-making, not all municipalities use them in full measure. It has some reasons:

- disinclination some of power authorities and representatives of power to open their activity for public;
- absence of strong legislative obligation (not only opportunity, as there is in the law of some countries) for local self-governmental bodies to involve public in the process of decision-making;
- dread of public servants that citizens by their participation will delayed the process of decision-making;
- lack of necessary knowledge and skills for active participation in civil society as well as a lack of information about governmental day-to-day activity, etc.

Another very important problem is that in some countries the system of local self-government as the main criteria of local democracy there is only "on the paper" – some of post-soviet countries did not create the opportunities for real self-administration of territorial communities.

However, there are some of post-communist European countries, which now are showing the significant results in creation of strong and real democracy. They are the countries of Central and Southeastern Europe. As was defined by V. Hlousek, in these countries the transition to democracy consisted of three processes (Hlousek 2011). These processes were all interrelated: political democratization and social liberalization; economic transformation; the building of a modern nation and state. The author argues that in Central and Eastern Europe the transition to democracy has been complicated because it has dealt not only with political issues but also the transformation of the economy and the building of nations and states. At the same time, these countries are more successful in creation and building of democracy. They have some problems on this way, but real democracy is on the last stage of formation. As it was noted, for instance, in the analytical report "How Democratic is Latvia? Audit of Democracy 2005–2014" on Latvia achievements in creation of democratic and really open society: "according to expert assessments, during recent years Latvia has made progress towards democratization in several domains. Continuous progress is being made in terms of achieving greater openness on the part of the legislator, government and public authorities towards the society, which was emphasized ten years ago, thoroughly regulating the society's opportunities to participate in public administration and ensuring people's rights to receive information from public authorities" (Rozenvalds 2015).

## 2. Democratic legislation of Latvia as an object of scientific analysis

The democratic development of post-soviet and post-communist countries has been the subject of a significant number of scientific papers, many of which analyze relevant legislation. Situation in Latvia in this direction was the object of scientific analysis in the papers of both Latvia's and foreign scholars (Aslund, Dombrovskis 2011; Balodis et al. 2013; Cianetti 2018; Geks et al. 2019; Ikstens 2013; Koenig, de Guchteneire 2007; Kruma, Statkus 2019; Morschel 2019; Pridham 2009, 2018; Rozenvalds 2015; Seimuskane 2014; Zarembo, Vizgunova 2018).

Many authors paid significant attention to formation and development of democratic legislation in post-communist countries and particularly in the Baltic States after receiving the independence. They analyze different aspects of it and make comparative analysis of these countries democratic development including democratic legislation as an important basis for this development.

M. Koenig and P. de Guchteneire (2007) in "Democracy and Human Rights in Multicultural Societies" note that after the restoration of independence, development of the new legislation became one of the major challenges for the restored states. In this book, the authors analyze and describe the main features of the linguistic legislation developed in the Baltic States since the late 1980s, and the main factors, trends and controversies in this field.

C. Horne in the "Building Trust and Democracy: Transitional Justice in Post-Communist Countries" analyzes formation of Latvian legislation after receiving its independence from soviet occupation. Special attention she paid to the problems of citizenship in democratic state and defined that since public service positions required citizenship, the citizenship laws de facto created a wide scope in their application (Horne 2017). The Election Commission did publish the names of collaborators, but there was less of a focus on truth-telling as a form of accountability. More efforts were placed on preventing certain individuals from participation in post-transition politics through generalized bans. This makes Latvia an example of wide and compulsory lustration, with additional symbolic cleansing dimensions.

F. Trabucco in his article "The Latvian Direct Democracy Tools in a Comparative European Context" analyzes and compares the legal tools of direct democracy in Latvia and some other European countries (Trabucco 2019). He investigates the legal norms of the Fundamental law of Latvia in the direction of possibilities of public participation in the decision-making process and makes suggestions for improvements of the mechanisms of direct democracy and propose to take into account experience of other Baltic States.

A. Inder Singh in her book "Democracy, Ethnic Diversity, and Security in Post-Communist Europe" makes comparative analysis of Estonia and Latvia legislation from receiving independence, and paid significant attention to ethnical aspects, particularly Russians, in Estonia and Latvia since 1991 (Inder Singh 2001). She paid special attention to the ethnical problems and argued that "democracy remains to be consolidated in Estonia and Latvia, but to date, ethnic division have not shown signs of overturning democracy" (Inder Singh 2001).

L. Stan and L. Turcescu in their book "Church, State, and Democracy in Expanding Europe" describe legislation of different countries in the context of interrelationship between churches, government and citizens (Stan, Turcescu 2011). Analyzing Latvia legislation in this field, they claim "after the country gained its independence in 1991 relevant legal basis was improved significantly, many new effectives laws were adopted" (Stan, Turcescu 2011). They noted that Latvia is the only Baltic State that has institutionalized relations between the government and the religious groups.

In the context of an analysis of democratic legislation in Latvia, significant importance has the book "Direct Democracy in the Baltic States. Institutions, Procedures and Practice in Estonia, Latvia and Lithuania" edited by E. Somer (2015).

In this book, different procedures are analyzed and defined, as well as the role of different institutions in the process of democratization. The authors note that over the last decades, provisions for direct democracy have increasingly been added to new constitutions around the world, including in the Baltic States of Estonia, Latvia and Lithuania. In the Part IV, which is about the legal framework and practice of direct democracy in Latvia, they argue that compared to Estonia, currently there are not only automatic and top-down referendums but also important arrangements for bottom-up direct democracy mechanisms with which the citizens of Latvia are able to actively stimulate the legislative process.

L. Cianetti in the article "Consolidated Technocratic and Ethnic Hollowness, but no Backsliding: Reassessing Europeanization in Estonia and Latvia" raises one of the important current problems of democracy – democratic backsliding. She states that Estonia and Latvia provide illustrations of two stable democracies, which nevertheless have consolidated tendencies for an elite-driven and ethnic-majority-driven democratic process hollowed out of its democratic contestation (Cianetti 2018).

Many authors claim that Latvia legislation in the field of democracy and human rights can be an example for other countries, that it is clear and laconic, and at the same time, the procedures and mechanisms of implementation are defined in detail.

For instance, D. Maj in "Direct Democracy in Latvia" defines that "as regards the use of direct democracy, Latvia stands out not only among the other Baltic republics but also among other European countries: it is one of the few states that guarantee their citizens the right to referendum and the right to initiate legislation on amendments to the Constitution, creation of new laws, and rejection of laws adopted by a Parliament. … An increasingly popular institution of direct democracy in Latvia is legislative initiative" (Maj 2018). At the same time, the author argued that "the Latvia legislation does not provide for direct democracy solutions at the local level" (Maj 2018). However, as it was noted further by the author, "public opinion is important to local authorities. Under the law on local self-government, local authorities are obliged to hold sittings of the authorities (town councils). The sittings should be held at least once a month, and provide opportunities for interested citizens to participate" (Maj 2018).

K. Kruma and S. Statkus in "The Constitution of Latvia – A Bridge Between Traditions and Modernity" conduct an analysis of the Latvia Constitution with the last amendments and changes, make comparative analysis of them (Kruma, Statkus 2019). They, as previous authors, define that the Latvia Constitution is really democratic and gives wide possibilities for citizens to have an impact on power and its authorities. They determine that "Latvia constitutional system is based on the principle of State continuity after the soviet occupation, and this is reflected in the reinstatement of the 1922 Constitution *(Satversme)*. Unlike other constitutions in the post-communist area, it is characterized as a laconic and predominantly procedural constitution" (Kruma, Statkus 2019).

## 3. Constitutions of Ukraine and Latvia in the field of responsibilities of elected officials to citizens and society. Problems in Ukraine legislation in this direction

At first glance, the constitutions of these two countries are very similar. They proclaim the principles of democracy, human rights and freedoms, and the rule of law, but this is only at first glance. A deeper analysis shows significant differences.

The Constitution of the Republic of Latvia defines the main directions of the country development, supports the main human rights and freedoms. This Constitution was adopted on February 15, 1922 (Constitutional Assembly 1922). As it is defined at the beginning of the Constitution, "the people of Latvia, in freely elected Constitutional Assembly, have adopted the following State Constitution: The State of Latvia, proclaimed on November 18, 1918, has been established by uniting historical Latvia lands and on the basis of the unwavering will of the Latvia nation to have its own State and its inalienable right of self-determination in order to guarantee the existence and development of the Latvia nation, its language and culture throughout the centuries, to ensure freedom and promote welfare of the people of Latvia and each individual" (Constitutional Assembly 1922).

The Chapter I of Latvia Constitution defines that "Latvia is an independent democratic republic. The sovereign power of the State of Latvia is vested in the people of Latvia" (Constitutional Assembly 1922).

Constitution of Ukraine (June 28, 1996) defines the same: "Ukraine is a sovereign and independent, democratic, social, law-based state" (Verkhovna Rada 1996, Chapter I, art. 1). "Human rights and freedoms and their guarantees determine the essence and orientation of the activity of the State. The State is answerable and responsible to the individual for its activity. To affirm and ensure human rights and freedoms is the main duty of the State" (Verkhovna Rada 1996, Chapter I, art. 3); "Ukraine is a republic. The people are the bearers of sovereignty and the only one source of power in Ukraine. The people exercise power directly and through bodies of state power and bodies of local self-government" (Verkhovna Rada 1996, Chapter I, art. 5).

As we can see here the sense is the same. In the Constitution of Latvia it is not so wide, but concrete. In general the Constituion of Ukraine in official English translation has 49 pages, but the Constitution of Latvia – just 13. And it was possible to precisely define the power and responsibilities of all branches of power, citizens' power and freedoms on these 13 pages. Unlike the Constitution of Ukraine, the Constitution of Latvia not only clearly defines the election mechanisms, but also the opportunity for citizens to remove elected officials from their offices, which is not the case in the Constitution of Ukraine at all. For example, Chapter IV of the Constitution of Ukraine dedicated to the Supreme Council of Ukraine – Verkhovna Rada. On 10 pages there are definition of procedures of election, composition of this body, the main directions of activity and the spheres of it, the mechanisms of functioning, etc. However, in this pasper there is not the most important thing – possibilities for citizens to recall of the Verkhovna Rada and its elected members. There is no any point of what to do in the case if member of Supreme Council does not fulfill his/her obligations to voters.

Unlike the Constitution of Ukraine, the Constitution of Latvia clear defines this possibility and mechanisms of it: "Not less than one tenth of electors has the right to initiate a national referendum regarding recalling of the Saeima. If the majority of voters and at least two thirds of the number of the voters who participated in the last elections of the Saeima vote in the national referendum regarding recalling of the Saeima, then the Saeima will be deemed recalled" (Constitutional Assembly 1922, Chapter II, par. 14).

The same situation is with the power and liability of Presidents of the countries. Unlike Latvia, where "the Saeima will elect the President for a term of four years" (Constitutional Assembly 1922, Chapter III, par. 35), in Ukraine "the President of Ukraine is elected by the citizens of Ukraine for a five-year term, on the basis of universal, equal and direct suffrage, by secret ballot" (Verkhovna Rada 1996, Chapter V, art. 103). If in Latvia the President is elected by the Saeima, there is precise mechanism for removing the President from office and not only by the Saeima, but by voters as well: "If in the referendum more than half of votes are cast against the dissolution of the Saeima, then the President will be deemed to be removed from office, and the Saeima will elect a new President to serve for the remaining term of office of the President so removed. Upon the proposal of not less than half of all of the members of the Saeima, the Saeima may decide, in closed session and with a majority vote of not less than two-thirds of all of its members, to remove the President from office" (Constitutional Assembly 1922, Chapter III, par. 50–51). And very important point that "the President may be subject to criminal liability if the Saeima consents thereto by a majority vote of not less than two-thirds". So, as we can see, there is a clear balance between power and responsibility in the Constitution of Latvia, – nobody can act without control and scot-free.

There is a very important part in the Constitution of Latvia which dedicated to the legislation process (Constitutional Assembly 1922, Chapter V). In this Chapter define that "citizens have the right of legislative initiative, they can participate in the creation of national legislation. It is noted that the Saeima, and also the people, have the right to legislate, in accordance with the procedures, and to the extent, provided for by this Constitution" (Constitutional Assembly 1922, Chapter V, par. 64). "Draft laws may be submitted to the Saeima by the President, the Cabinet of Ministers or committees of the Saeima, by not less than five members of the Saeima, or, in accordance with the procedures and in the cases provided for in this Constitution, by one-tenth of the electorate" (Constitutional Assembly 1922, Chapter V, par. 65).

According to the Constitution of Ukraine, the citizens cannot have the rights of legislative initiative. Concerning a President of Ukraine, "the President of Ukraine enjoys the right of immunity during the term of authority. Persons guilty of offending the honour and dignity of the President of Ukraine are brought to responsibility on the basis of the law. The title of President of Ukraine is protected by law and is reserved for a President for life, unless the President of Ukraine has been removed from office by the procedure of impeachment" (Verkhovna Rada 1996, Chapter V, art. 105). As it is noted here, a President of Ukraine can be removed from office by the procedure of impeachment. There is again a reference to impeachment in the art. 108 p. 3: "power of the President of Ukraine terminates prior to the expiration of term in

cases of: 1) resignation; 2) inability to exercise his or her powers for reasons of health; 3) removal from office by the procedure of impeachment; 4) death" (Verkhovna Rada 1996, Chapter V, art. 108).

There are two references to impeachment of a President of Ukraine in the Constitution. However, there is no any reference on the mechanism of it as well as on the procedure, e.g. who will vote, how, and who will be the initiator of this process, etc. Before new presidential election 2019 in Ukraine's society there were active discussions on how to remove a President from office by impeachment. Situation was changed by relevant political will of the President of Ukraine V. Zelensky – the law on impeachement of a President was adopted.

So, analysis of the Constitutions of these two countries has shown that in Latvia's Constitution there is a very precise balance of power and responsibilities of elected officials. Citizens has possibilities not only to vote and elect the future representatives of power, but to remove them from office. Ukraine people do not have this possibility – they can elect a President directly (unlike Latvia where the President is elected by the Saeima), but after election they do not have any power to change or remove the elected by them President or member of the parliament as well as to ask anything from them really. There is no mechanism for the resignation of the President at the request of citizens. It can be clearly seen from the following table.

Table 1

**Constitutional possibilities for citizens of Latvia and Ukraine to remove the President from office and to recall the parliament**

| Constitution | Ukraine | Latvia |
|---|---|---|
| Possibilities for citizens to recalling of the Parliament | — | "Not less than one tenth of electors has the right to initiate a national referendum regarding recalling of the Saeima. If the majority of voters and at least two thirds of the number of the voters who participated in the last elections of the Saeima vote in the national referendum regarding recalling of the Saeima, then the Saeima shall be deemed recalled" (Constitutional Assembly 1922, Chapter II, p. 14) |
| Possibilities for citizens to remove the President from office | — | "If in the referendum more than half of the votes are cast against the dissolution of the Saeima, then the President will be deemed to be removed from office, and the Saeima will elect the new President to serve for the remaining term of office of the President so removed. Upon the proposal of not less than half of all of the members of the Saeima, the Saeima may decide, in closed session and with a majority vote of not less than two-thirds of all of its members, to remove the President from office" (Constitutional Assembly 1922, Chapter III, p. 50–51) |

**Source:** elaborated by the author comparing Verkhovna Rada 1996 and Constitutional Assembly 1922.

However, new President of Ukraine V. Zelensky has initiated reform package, which will changed current situation significantly. As a first step of it, the law "On a Special Procedure for Removal of a President of Ukraine from Office (Impeachment)" was adopted on September 10, 2019 (Verkhovna Rada 2019a).

## 4. Liability of civil servants as important aspect of democracy

For effective functionning of civil service, the relevant system of control and liability of government has a particular importance. There is a special law in the legal system of Latvia which regulates the disciplinary liability of state civil servants. This law has the same name "Law on Disciplinary Liability of State Civil Servants" (Saeima 2006). In Ukraine, the disciplinary liability of state civil servants has defined in the Law of Ukraine "On Civil Service" (Verkhovna Rada 2015). The Chapter 2 of this law dedicated to the disciplinary liability of state civil servants and is called "Grounds of Disciplinary Liability". The main parts and directions of this chapter are the following (Verkhovna Rada 2015, Chapter 2):

- grounds for bringing a civil servant to disciplinary liability;
- types of disciplinary penalties and general terms of their application;
- circumstances that mitigate or aggravate disciplinary liability;
- entities authorized to initiate disciplinary proceedings and to impose disciplinary sanctions;
- disciplinary commission for the examination of disciplinary affairs and its authorities;
- general meeting (conference) of civil servants of a state body;
- conducting of an official investigation;
- dismissal of a civil servant from performing official duties;
- guarantees of the rights of civil servants in the application of disciplinary action;
- explanation of a civil servant;
- the right to acquaint with the materials of the disciplinary case;
- the decision to impose a disciplinary penalty or close a disciplinary proceeding;
- appeal against the decision to impose a disciplinary penalty;
- withdrawal of disciplinary penalty, etc.

The "Law on Disciplinary Liability of State Civil Servants" of Latvia aims to ensure timely, complete, comprehensive and objective clarification of circumstances in which disciplinary offences were committed by state civil servants, taking of a fair decision, as well as clarification and elimination of causes and consequences of the disciplinary offence (Saeima 2006, Chapter 1, section 1). The law prescribes the grounds for disciplinary liability of state civil servants, the types of disciplinary offences and the applicable disciplinary punishments, as well as the procedures by which issues on holding the servant disciplinarily liable will be examined, the decisions taken will be contested and appealed (Saeima 2006, Chapter 1, section 2).

The main parts of Ukraine and Latvia laws on disciplinary liability of state civil servants are very similar. However, there is a significant difference – the legal basis for definition of all aspects of disciplinary liability of state civil servants in Latvia is

more wide and precise. In Latvia law, the Chapter I General Provisions clear defined the following main directions of it (Saeima 2006, Chapter 1, section 1):

- disciplinary offence;
- establishing the truth;
- forms of guilt;
- justifiable professional risk;
- proving procedures;
- duty of compensating for losses.

Chapter II dedicated to the disciplinary punishment. It has the following sub-parts (Saeima 2006, Chapter II):

- concept and purpose of a disciplinary punishment;
- types of disciplinary punishments;
- principles for determination of a disciplinary punishment;
- circumstances mitigating the liability for a disciplinary offence;
- circumstances aggravating the liability for a disciplinary offence;
- substantial financial loss, personal harm and harm to the state interests;
- operation of disciplinary punishment.

Chapter III defined the norms and procedure of initiation, taking over and joining of a disciplinary matter. The main parts of this chapter are the following (Saeima 2006, Chapter III):

- mandatory nature of initiating a disciplinary matter;
- right to initiate a disciplinary matter;
- initiation of a disciplinary matter;
- decision to initiate a disciplinary matter;
- taking over of a disciplinary matter;
- joining of disciplinary matters.

Chapter IV describes the adjudication of a disciplinary matter and considers the following main directions of it (Saeima 2006, Chapter IV):

- general provisions of adjudicating a disciplinary matter;
- time periods for adjudicating a disciplinary matter;
- investigation of a disciplinary matter;
- duty to participate in investigation of a matter;
- person investigating the disciplinary matter;
- statement on establishment of a disciplinary offence.

Chapter V dedicated to the issues of taking of a decision and control thereof (Saeima 2006, Chapter V). Chapter VI dedicated to the disciplinary offences. The main parts of this Chapter are the following (Saeima 2006, Chapter VI):

- non-fulfillment of official duties;
- exceedance of authority;
- loss of, damage of property or loss of money;
- incorrect attitude towards a person when fulfilling official duties;
- inappropriate and disrespectful behaviour during the time period when official duties are not fulfilled;
- non-conformity with political neutrality.

Thus, the "Law on Disciplinary Liability of State Civil Servants" of Latvia takes into account all aspects of this liability, which are clearly and specifically prescribed by this law. In Ukraine law, compared to Latvia one, not all aspects are taken into account, and they are not written out so fully and precisely. In general, the main rule is clearly observed in the legislation of Latvia – a concrete, concise constitution, and specific laws adopted on its basis, in which all aspects are clearly defined. This is significant difference between legislations of Ukraine and Latvia. The legislation of Ukraine should be more precise and at the same time more wide in some aspects, particularly concerning the procedures and mechanisms.

## 5. Public participation in the process of decision-making

Almost simultaneously in Ukraine and Latvia, the Regulations of the Cabinet of Ministers on public participation in the decision-making process were adopted. In Latvia, it was the Regulation No. 970, adopted on August 25, 2009 "Procedures for the Public Participation in the Development Planning Process" (Cabinet of Ministers of the Republic of Latvia 2009). In Ukraine, 3 months later, in November 26, 2009 the Resolution of the Cabinet of Ministers of Ukraine No 1302 "On Additional Measures to Ensure Public Participation in the Formation and Implementation of State Policy", and on January 6, 2010, a Resolution of the Cabinet of Ministers of Ukraine No 10 "On Approval of the Procedure for Involving Citizens in the Formation and Implementation of State Policy" were adopted. Later, in the same year 2010, these two documents were replaced by the Resolution of the Cabinet of Ministers of Ukraine dated on November 3, 2010, No 996 "On Ensuring Public Participation in the Formation and Implementation of State Policy" (Cabinet of Ministers of Ukraine 2010). This document consists of two parts. First, it is a "Procedure for conducting public consultations on the issues of formation and implementation of state policy", and second, it is a "Typical Regulation on a Public Council under the Ministry, the other central executive body, the Council of Ministers of the Autonomous Republic of Crimea, the regional, Kyiv and Sevastopol city, district, district administrations in the city of Kyiv and Sevastopol" (Cabinet of Ministers of Ukraine 2010).

If compare procedures of Ukraine and Latvia for public participation in the process of decision-making, these papers are very similar, but as in case of law on liability of civil servants, this procedure is defined a little more clear and concrete in Latvia. It has more concrete structure as well: Part I – General Provisions; Part II – Types of Public Participation; Part III – Organizing Public Participation; Part IV – Closing Provision (Cabinet of Ministers of the Republic of Latvia 2009). In its turn, the first part of the Resolution of Ukraine has only points – from 1 till 25 (Cabinet of Ministers of Ukraine 2010).

The Resolution of Ukraine concerns only executive bodies, but as it is noted in the Regulation of Latvia, "the Regulation prescribes the procedures for the public participation in the development planning process of the Saeima, the Cabinet, State institutions of direct administration, State administrative institutions which are not subordinated to the Cabinet, planning regions and local governments. ... The purpose

of the Regulation is to promote efficient, open, inclusive, timely and responsible public participation in the development planning process, thus increasing the quality of the planning process and the conformity of the planning results with the public needs and interests" (Cabinet of Ministers of the Republic of Latvia 2009). In the first part of the Resolution of Ukraine is defined that "this Procedure defines the basic requirements for the organization and conduct by executive bodies of consultations with the public on issues of formation and implementation of state policy. Public consultations are held with the aim of involving citizens in state affairs, providing them with free access to information on the activities of executive authorities, and ensuring the transparency, openness and transparency of the activities of these bodies. Conducting public consultations should facilitate the establishment of a systematic dialogue between the executive power and the public, improve the quality of preparation of decisions on important issues of state and public life, taking into account public opinion, and create conditions for the participation of citizens in the drafting of such decisions" (Cabinet of Ministers of Ukraine 2010, p. 1,2). So, this Procedure concerns only executive power of Ukraine (unlike the Regulation in Latvia), and two types of public consultations are defined in it: "Public consultations are conducted in the form of public discussion (direct form) and public opinion polling (mediated form)" (Cabinet of Ministers of Ukraine 2010, p. 11). However, further there is more concrete definition of the directions of public consultations: "Public consultations are mandatory in the form of a public discussion on: drafts of normative legal acts of significant social importance and relating to constitutional rights, freedoms, interests and responsibilities of citizens, as well as acts that provide for the granting of privileges or restrictions for economic entities and civil society institutions, the exercise of local self-government powers, delegated to executive bodies by relevant councils; draft regulatory acts; projects of state and regional programs of economic, social and cultural development, decisions regarding the state of their implementation; reports of the main spending units on their spending over the past year" (Cabinet of Ministers of Ukraine 2010, p. 12).

There are significant differences between Latvia and Ukraine procedure of public participation in defining of public discussion. In the procedure in Ukraine all forms of consultation and involvement citizens are called public discussion as it was mentioned above. In its turn, the procedure in Latvia divides clearly public discussion and other forms of public participation: "public discussion is a meeting, in which public representatives participate and provide their objections and proposals" (Cabinet of Ministers of the Republic of Latvia 2009, p. 9) versus "public consultation is a time period laid down by an external regulatory enactment or institution, during which public representatives provide their objections and proposals or participate in other public participation activities organised by the institution" (Cabinet of Ministers of the Republic of Latvia 2009, p. 10).

Lawyers of Latvia decided to define directions where the public participation procedures will not be applied, in particular: in the planning process of the management documents of institutions; if public participation in the development planning process is governed by another external regulatory enactment; if the document to be drawn up contains information of restricted access or a State secret (Cabinet of Ministers of the Republic of Latvia 2009, p. 4). By the opinion of the author, this approach is

more convenient and gives wider possibilities to involve citizens to discussion of all not-defined papers and governmental decisions.

The second part of the Regulation of Latvia – "Types of Public Participation" (Cabinet of Ministers of the Republic of Latvia 2009) – deserves special attention. It defines the stages of the development planning process in which the public participation is possible and forms of it. The stages are the following (Cabinet of Ministers of the Republic of Latvia 2009, Part II, p. 6):

- the proposing of a development planning process (including detecting of problems and determination of policy alternatives);
- the drawing up of a development planning document;
- the decision-making process according to the procedures stipulated by the decision-making institution;
- the introduction of a development planning document;
- the supervision and evaluation of introduction of a development planning document;
- the updating of a development planning document.

The citizens can participate in the process of decision-making (Cabinet of Ministers of the Republic of Latvia 2009, p. 7):

- by participating in interinstitutional working groups and advisory councils;
- by participating in public discussion;
- by getting involved in public consultation;
- by getting involved in discussion groups, forums and other participation activities (for example, video conferences and public opinion polls);
- by submitting in writing an opinion on a development planning document during its drafting stage;
- by preparing an opinion on a development planning document prior to taking of a decision according to the procedures stipulated by the decision-making institution;
- by providing objections and proposals according to the procedures stipulated by the decision-making institution during the decision-making process;
- by participating in the introduction of policy in accordance with the procedures laid down in the State Administration Structure Law.

In its turn, there are not so precisely defined forms, methods and means of public participation in the Procedure in Ukraine. There is only one point which defines that public discussion envisages the organization and conduct of: conferences, forums, public hearings, round tables, meetings, meetings with the public; TV or radio debates, Internet conferences, electronic consultations (Cabinet of Ministers of Ukraine 2010, p. 13).

As it was mentioned above, the Procedure is the first part of the Resolution of the Cabinet of Ministers of Ukraine "On Ensuring Public Participation in the Formation and Implementation of State Policy" (Cabinet of Ministers of Ukraine 2010). The second part is the "Typical Regulation on a Public Council under the Ministry, the other central executive body, the Council of Ministers of the Autonomous Republic of Crimea, the regional, Kyiv and Sevastopol city, district, district administrations in

the city of Kyiv and Sevastopol". This Regulation defined the main approaches to formation and functioning of public councils in Ukraine. At the beginning of this document it is stated that "public council under the Ministry, another central executive body, the Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city, district, district in the city, Kyiv and Sevastopol state administration is a permanent collegial elective advisory body formed to ensure the participation of citizens in the management of state affairs, the exercise of public control over the activities of executive authorities, the establishment of effective interaction of these bodies with the public, the consideration of public opinion during the formation and implementation of state policy" (Cabinet of Ministers of Ukraine 2010, p. 1). Further, the main goals of public councils are defined (Cabinet of Ministers of Ukraine 2010, p. 3):

- creation of conditions for citizens to exercise their constitutional right to participate in the management of state affairs;
- implementation of public control over the activities of executive bodies;
- promotion of the consideration of public opinion by the executive body during the formation and implementation of state policy.

The above-mentioned goals, tasks, and powers of public councils comply with all democratic norms and requirements for the activities of such councils. At first glance, it seems that all democratic norms are respected, which will allow public councils to effectively fulfil their functions. However, it has not happened in Ukraine.

This document was created and adopted in the period of the presidency of Victor Yanukovich. Then, a common approach was very often traced – to create the appearance that they are open to democratic reforms, but at the same time subordinate, take control of all organs and structures.

Public councils have become 'pocket' for executive bodies where they were functioning, and their possibilities to control governmental activity remained only 'on the paper'. The members of the public councils were only persons loyal to the work of this body and its leadership.

Here is an example how they achieved it – Point 10 of the Regulation dedicated to the membership in the public council and defines that membership in the public council is terminated on the basis of a decision of the public council in the case of (Cabinet of Ministers of Ukraine 2010):

- a systematic absence of a member of a public council at its meetings without valid reasons (more than twice);
- notification of the head of the of civil society body, unless otherwise provided by its constituent documents, the withdrawal of its representative and the termination of his/her membership in the public council;
- the cancellation of the state registration of civil society body whose representative is elected to the public council;
- the impossibility of a member of a public council to participate in the work of a public council for the state of health, the recognition by a court of law of a member of a public council of incapacitated or limited capacity;
- submission by a member of the public council of the relevant statement.

So, the second and third points are very controversial. Based on the second point, the head of the public institution, non-governmental organization may withdraw its representative from the composition of the public council without explaining the reasons. However, any leader of institution of civil society is strongly depended from the executive power, because the bodies of executive power register all institutions of civil society, and they cannot function without this registration. Thus, the next point gives to executive body possibility to have unlimited impact and mechanism of influence on all members of the public councils – if they will not loyal to activity of this body, the organization in which he or she works loses registration and, accordingly, will be closed! If the head of a civil society organization does not want to lose registration, he/she will demand from the representative in the structure of public council full loyalty to this body and its leadership. And, if the leader of civil society organization is responsible person and does not want to implement all desires of the leaders of executive body, he/she will simply lose registration. Therefore, only those organizations whose leaders are ready in advance to fulfill all requirements of the executive body in which this public council functions, will propose their candidates for work in the public council. They are ready in advance to support any activity of the executive body and its leader, even non-legal activity. If they do not do it, their registration will be cancelled, according to above-mentioned norms in the Regulation. That is why the public councils in Ukraine are existing formally and do not have any impact on power authorities.

## 6. The main new legal reforms in Ukraine in the field of democracy

President of Ukraine V. Zelensky, in his campaign promises, emphasized legislative changes in the country in the field of strengthening democracy and human rights. He announced several important bills that he began to implement from the first days of his presidency. The most important from them are the following:

1) Bill: Abolition of parliamentary immunity.

Argumentation: On January 1, 2020, the Law of Ukraine "On Amendments to Article 80 of the Constitution of Ukraine (Concerning the Immunity of People's Deputies of Ukraine)" came into force in Ukraine. The law excludes from Article 80 of the Constitution a provision that guarantees parliamentary immunity and inability for people's deputies to be held criminally responsible, detained or arrested without the consent of the Verkhovna Rada. Thus, Article 80 of the Constitution will leave only the rule that members of the parliament are not legally responsible for the results of voting or expression in parliament and its bodies, except for liability for insult or defamation (Verkhovna Rada 2019b).

2) Bill: Reducing the number of Supreme Council's members to 300 and securing a proportional electoral system.

Argumentation: The current number of the Council of 450 deputies was appropriate when the population of Ukraine was 52 million, and now, after the new census, it will be much smaller (30 million), and therefore the number of deputies should be smaller. At the same time, the reduction of the number of deputies was constantly

demanded by the representatives of civil society, as deputies cost the state budget very expensively. What the bill envisages. The document states the following (Verkhovna Rada 2019c):

- the number of members of the parliament in Ukraine will not be 450, but 300;
- a citizen of Ukraine who does not speak the Ukrainian language cannot be elected to the Supreme Council;
- fixed a proportional system of elections to the Verkhovna Rada on open party lists;
- Article 76 of the Constitution removes the text of the secrecy of the vote, as already stated in Article 71.

On February 4, 2020, the Verkhovna Rada of the 9th convocation upheld a draft law on reducing the number of members of the parliament and securing a proportional electoral system in Ukraine "On Amendments to Articles 76 and 77 of the Constitution of Ukraine (Concerning Reduction of the Constitutional Composition of the Verkhovna Rada of Ukraine and Consolidation of the Proportional Electoral System)". 236 members of the parliament voted in favor of the resolution.

3) Bill: Additional grounds for early termination of powers of the People's Deputy of Ukraine.

Argumentation: The Verkhovna Rada must be effective. Deputies should work in parliament, not deal with their personal affairs and issues. The absenteeism and voting of one member of the parliament over the other have been the constant companions of Ukraine parliamentarism for many years. The President proposes to put an end to both the first and the second problem – to withdraw the mandate for absenteeism or non-personal voting.

Share of the bill: The Constitutional Court of Ukraine gave a negative conclusion to the bill of President V. Zelensky on additional grounds for early termination of the mandate of the People's Deputy. The judges decided that V. Zelensky's initiative, which proposes depriving deputies of their mandate for absenteeism and voting for other deputies, does not comply with the Constitution of Ukraine. That is, if an ordinary person has been absent from the workplace for more than two hours without relevant reason, he/she may be dismissed from work under law of Ukraine. However, if a deputy of the Verkhovna Rada has been absent from his/her workplace for several months, it is illegal to deprive him of his deputy mandate. Such a decision of the Constitutional Court of Ukraine shows how rotten the whole system is, and how difficult it is for citizens to obtain their rights and protect democracy. This decision of the Constitutional Court allowed the deputies not to come to work and not vote for themselves, but to give such opportunity to their colleagues. In this case, the question arises as to the appropriateness of the existence of parliamentarism.

Some more bills are under consideration:

1) Bill: Abolition of monopoly to defend in the courts for special lawyers.

Argumentation: The President proposes to remove from the Constitution a norm by which only a lawyer who has a license to defend in court can represent a person in a court. The President proposes to grant this right to other lawyers or representatives of persons who do not have a special license for courts' lawyers. In addition, as of

January 1, 2020, all authorities and local governments will also not be entitled to represent their interests in the courts themselves, but will only have to delegate this right to special lawyers. The President proposes to abolish this provision and to allow representation, for example, to the staff of such bodies.

2) Bill: Legislative initiative for the people.

The President's reasoning: A legislative initiative is the right to submit draft laws, decrees, other acts, proposals and amendments to bills to the Supreme Council. At present, according to the Constitution, the people's deputies, the President and the Cabinet of Ministers have such a right. According to the President, the right to initiate bills should also be given to the people, because the Constitution calls it "the bearer of sovereignty and the only source of power" (Verkhovna Rada 2019d).

3) Bill: Parliamentary citizens' rights ombudsman.

Argumentation: The President motivates the need to introduce the Institute of Citizens' Rights Ombudsman by the fact that there is now only one official – the Ombudsman of Ukraine, who is currently in charge of this function. According to the President, one person cannot effectively exercise this power and responsibilities in all areas. The President proposes to create new positions of parliamentary ombudsmen.

## Conclusions

Ukraine and Latvia are both post-soviet countries, but they are confidently pursuing the development of democracy and, accordingly, democratic institutions. In the transition period from soviet totalitarian system to democracy, the most important task was to create the appropriate legislation, to create all legal possibilities for improvement of democracy, liability of civil servants and elected officials, for wide public participation in the process of decision-making.

Ukraine, unfortunately, does not go in its development so quickly and effective as Latvia. For this reason, the author decided to make a comparative analysis of the mentioned legislative basis of these two countries. At first glance, legislation of Ukraine and Latvia are very similar, but there are also some important differences:

1) the legislation of Latvia in the field of democracy is more concrete and balanced than the legislation of Ukraine;
2) in Ukraine, citizens do not have any influence on elected officials after election, unlike in Latvia where the power and liability of elected officials before citizens are precisely defined as well as possibilities for citizens to remove elected officials from office in case of their ineffective work;
3) liability of civil servants to the citizens and their organizations are clear defined in both two countries, however, legislation of Latvia defines very clearly all aspects of their liability, unlike legislation of Ukraine, which is not so concrete and takes into account not all necessary aspects.

Ukraine now demonstrates how much the effectiveness of reforms depends on political will. For many years, the society of Ukraine demanded the adoption of a law on impeachment of the President, and only in 2019, when the leader of the country was changed, it became possible.

In general, the main rule is clearly observed in the legislation of Latvia – a concrete, concise constitution, and specific laws adopted on its basis, in which all aspects are clearly defined. Ukraine's legislation should be more precise and at the same time more wide in some aspects, particularly concerning the procedures and mechanisms. However, the last period in Ukraine is very fruitful in direction of relevant reformation.

This analysis has given possibility to answer on some important questions about the situation in Ukraine and Latvia in the field of democracy, human rights, and liability of elected officials and civil servants. On this basis, it is clear that any democratic country should have precisely defined legal possibilities for citizens to control of elected officials and civil servants, to remove Presidents from office and to recall of the members of the Parliament. It is the main condition of real democracy in any country.

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