

YULIA VOLODYMYRIVNA TYMOSHENKO: HER POLITICAL ACTIVITY AND THE SENTENCE ON THE FORMER PRIME MINISTER OF UKRAINE FROM THE VIEWPOINT OF POLISH RESEARCHERS AND PUBLICISTS

The problem of the role and place of women in society and in the sphere of politics or the economy is addressed in research more and more often. Because of the changing role of women in the political arena and consequently, in society, an analysis and evaluation of the role of Y. W. Tymoshenko in contemporary Ukrainian politics from the perspective of Polish researchers and publicists are worthy of academic note. This article aims on one hand to cover the profile of the former prime minister of Ukraine and on the other to show how her actions and the so-called «Tymoshenko case» have been received in Poland and Europe.

Key words: *Y. W. Tymoshenko, woman in politics, «Tymoshenko case.»*

Проблема ролі і місця жінки в суспільстві та в сфері політики чи бізнесу стає все більш популярною в наукових дослідженнях. З точки зору ролі жінки на політичній арені, а тим самим і в суспільстві, гідним уваги в науці є аналіз та оцінка впливу Ю. В. Тимошенко на сучасну українську політику в роботах польських дослідників та публіцистів. Метою статті є, з одного боку, дослідження місця фігури колишньої Прем'єра України в політичних процесах, а з іншого – показати, як спосіб її дій і так звана справа Тимошенко були сприйняті в Польщі та Європі.

Ключові слова: *Ю. В. Тимошенко, жінка в політиці, «справа Тимошенко».*

Проблема роли и места женщины в обществе и в сфере политики или бизнеса становится все более популярной в научных исследованиях. С точки зрения изменяющейся роли женщины на политической арене, а тем самым и в обществе, достойным внимания в науке является анализ и оценка влияния Ю.В.Тимошенко на современную украинскую политику в работах польских исследователей и публицистов. Целью статьи есть, с одной стороны, исследование места фигуры бывшей Премьера Украины в политических процессах, а с другой – показать, как способ ее действий и так называемое, «дело Тимошенко» были восприняты в Польше и Европе.

Ключевые слова: *Ю. В. Тимошенко, женщина в политике, «дело Тимошенко».*

Yulia Volodymyrivna Tymoshenko was born on 27 November 1960 in Dnepropetrovsk [5; 452], which also saw the beginnings of the business and political career of V. Pinchuk, L. D. Kuchma, and P. A. Lazarenko. The city in the Soviet times, belonging territorially to the Ukrainian Soviet Socialist Republic, had a special status, because it was the location of the PA Yuzhmash, a large space rocket plant, which manufactured parts for space rockets and nuclear weapon launchers. Its management reported directly to Moscow, which determined a better supply to the stores. This is the reason why some residents of the city are full of nostalgia for the Soviet times. Tymoshenko, brought up by a single mother who spoke Russian at home, learned Ukrainian when she began to be seriously interested in politics [23]. Even in the early 90s, she supported the Ukrainian Orthodox Church, under the jurisdiction of the Moscow

Patriarchate, directly linked with Moscow [23]. Only after engaging in nationalist discourse did she convert to the Ukrainian Orthodox Church of the Kyivan Patriarchate. Before she completed economics in 1984 [23], she got married to Oleksandr Tymoshenko, son of Hennadiy, an influential official in Dnepropetrovsk. In 1980, she gave birth to a daughter, Yevhenia [6 and 7].

While in the late 80s in Russia people like M. B. Khodorkovsky and B. A. Berezovsky earned a lot of money, Mr and Mrs Tymoshenko opened a video store, with the help of Hennadiy, who at that time as a government official granted concessions to operate such companies connected to the distribution of music and movies [23]. The couple invested the money they earned in the establishment of a more lucrative business, namely acting as agent in the supply of rare metals from Central Asia. At that time, Oleksandr was already one of the

wealthiest businessmen in Dnepropetrovsk. He got huge commissions from the realisation of government contracts, and Tymoshenko as a commercial director in *Український бензин* successfully used her negotiation skills that she mastered in practice and learned how to use the obtained information and knowledge to make huge money on oil trade. A breakthrough in her career was meeting Lazarenko, the corrupt governor of the region, who, when given an adequate appanage, gave Tymoshenko access to the oligarchs and contracts. In 1995, Tymoshenko established a company *Єдині енергетичні системи України* (CECY, United Energy Systems of Ukraine, UESU). When Lazarenko took over as the prime minister in 1996, for her, enjoying the benefits of his patronage, a time of financial well-being began [23].

There are rumours that for an order for the negotiations of a gas contract amounting to \$2 billion, with the head of Gazprom, R Vyakhirev, she paid the prime minister a bribe of \$ 72 million. It is estimated that in two years the CECY earned \$ 2.5 billion, and according to *The Times*, even £6 billion. In 2000, the Office of the Prosecutor General of Russian Federation launched an investigation of the Russian-Ukrainian co-operation. Russian generals involved in trading with the CECY who used the business-economic pyramid that was then created were dismissed, while Tymoshenko was issued with a warrant for her arrest, which happened only after she became an open enemy of Kuchma [23 and 22].

According to Z. Parafianowicz, Tymoshenko entered into politics by accident, in 1996. The decision about it was made a year earlier. It was then, in 1995, that she, carrying \$25 thousand from Ukraine to Moscow, was arrested on contraband charges. She realised that to do business she needed a shield. Business, in spite of the chaos reigning in Russia and Ukraine, did not guarantee safety. Never mind rivals who wanted revenge. You could always end up behind bars. Therefore, in 1996, Tymoshenko stood in elections for the Verkhovna Rada of Ukraine. She won at a by-election to the Bobrinsky district, supported by 90 % of the voters. And then she was seized by a passion for politics. Later, she was the deputy prime minister, a tribune of the revolution, and the prime minister [29]. However, it seems that this decision was much more thought over, certainly in terms of strategy. The support of Lazarenko, who, before the vote, settled all pension and wage arrears only in this corner of Ukraine, helped her to win [23].

In 1997, the business climate turned hostile, because Kuchma dismissed Lazarenko under the pretext of ill health, and deprived the CECY of the gas customers who were taken over by Naftohaz (Naftogaz), a new company of W. Pinchuk and I. M. Bakaj. Moreover, the privatisation of the Khartsyzsk Pipe in favour of Tymoshenko was cancelled. As if in retaliation, Tymoshenko signed up to Hromada, led by Lazarenko. With the ad hoc alliance with socialists and communists, she became the chair of the Budget Committee and began to build the image of a toned down and substantive specialist in economics. In the meantime, the Supreme Court of Arbitration in fact ruined the CECY. O. W. Turchynov convinced Tymoshenko to cut loose from Lazarenko and to meet Kuchma in order to save the remains of the political position [23]. «Tea with the President,» as the Ukrainian press called the talks

between the leaders of the opposing parties, provided impetus for Tymoshenko. The All-Ukrainian Union «Fatherland,» created on the basis of Hromada, supported Kuchma in the presidential election in 1999, and the CECY accounts were unlocked. However, Tymoshenko did not return to big business in the gas sector, taken over for good by Pinchuk. The chair of the Budget Committee demonstrated her usefulness for saving the budget of Prime Minister Yushchenko's government by getting the left wing factions in the Verkhovna Rada of Ukraine to join the president camp. As a reward, she was appointed deputy prime minister for fuel and energy [23].

In this position, with the help of her friend, Gazprom president R. Viakhirev, she took immediate revenge on the Bakaj clan. In the course of the negotiations, she admitted that the Ukrainians (using the inaccuracy of Soviet measurement instruments) were stealing gas intended for Western Europe and also had a debt of \$ 2.8 billion for previous supplies from Russia. She said with undisguised satisfaction that it was then a debt of Naftohaz, which was also responsible for the theft. When accused of lack of patriotism, she replied with disclosure of a letter from Putin to Kuchma that threatened to turn the tap off to the customers in Ukraine should the Ukrainian side not accept their guilt for a start. Immediately after her return from Moscow, another event caused a lot of excitement and interest, namely the price of Russian gas destined for Ukraine, already reduced, as amounting to \$ 80 for 1,000 cubic metres, was to be reduced by half. President Kuchma had to agree without resistance to the demand of prime minister and deputy prime minister for adoption of emergency regulations of the fuel market and electricity «in the name of saving the economy and the state.» Spring 2000 was one of triumphs for Tymoshenko. As part of Operation *Clean Energy*, whose main purpose was to take excessive profits away from intermediaries selling gas and oil from Russia to allocate them for the development of their extraction in the country, there was a massacre of the oligarchic *sacred cows*. At that time, huge numbers of people in Ukraine, used and cheated by all other oligarchs elected democratically, were ready to pray to her portrait like to an icon [26].

While she managed to tackle the issues of gas and energy issues and got them back on track, by applying similar rules to oil she made matters worse. Struggling to set up an oil stock exchange, she was cause for a repeated increase in oil prices in Ukraine. She did not foresee that black gold in a weak national economy would immediately be viewed as the most convenient object of investment based on speculation. Guided by the belief in invisible hand of the market, she concluded that the situation in the oil market would calm down by itself and announced similar changes in the coal mining industry. Donets Basin miners began to suspect her of dogmatic liberalism and be wary of mass unemployment and mine closures. Her enemies decided to use the spirits to their advantage and counterattacked. In July 2000, W. Falkowicz, the former vice president of the CECY, was arrested. Law enforcement authorities accused him of «seizure of state property of particularly great value». Soon, the fourth person at the CECY ended up behind the bars, namely Y Tymoshenko's husband. He had to stay there one whole year. For six more months, Prime Minister Yushchenko, threatening to

resign, was able to protect his deputy. The decision made by the president was eventually affected probably by the so-called *Cassette Scandal* [26]. It is not known whether this occurred with the consent of the chair, who wished to put pressure in order to free her husband, but the fact is that the All-Ukrainian Union «Fatherland» then took the side of Kuchma's opponents. This decided the fate of the case against the СЕСУ. A statement made by the deputy prime minister that the Cassette Scandal and the *Ukraine without Kuchma* campaign was an act of provocation by gas, oil, and coal oligarchs to drive a wedge between her and the president did not help. The Office of the Prosecutor General launched an investigation into her own case, accusing her for a start of theft and smuggling natural gas and failure to pay taxes of \$139,000 on foreign exchange profits. The president removed her from office (19 January 2001), the presidential majority in parliament repealed her parliamentary immunity, and she was arrested on 9 February 2001 [26]. When she was in prison, her professionalism and marketing skills, steadfast fight for freedom, fairness in politics, and transparent rules of the game in the economy were beginning to become a legend [23]. After leaving prison, Tymoshenko adopted national and anti-elitist rhetoric. Thus, *Joan of Arc* was able to support almost all political options in her career. The Gongadze scandal did not lead to the resignation of the president from office, which Tymoshenko advocated. Moreover, in a letter to the nation, Kuchma and, among others, Yushchenko condemned public order offenders, without giving names. In turn, when the so-called chainmail case was revealed [23 and 1, 105-106], Yushchenko supported the Uprise Ukraine campaign, directed against Kuchma, but he quickly withdrew from it. Spectacular media shows that Tymoshenko treated her countrymen to such as the invasion of television studios and the residence of the president won a lot of support from voters [4, p. 132]. Active in the All-Ukrainian Union «Fatherland,» she got a number of groups nationalist and national in nature together that stood in the 2002 parliamentary elections as the *Yulia Tymoshenko Bloc* [23].

Publicists considered the result of the 2002 elections to be the success of Tymoshenko, who went to the opposition (the block took fourth place), and was making political capital [23]. Initially, she was one of the greatest exponents of the transition to the parliamentary cabinet system, but the surprise initiative of her biggest political enemy, Kuchma, meeting the expectations of the reformers, made her a fighter to keep the old system, even in times of subsequent negotiations with the camp of the authorities during the so-called *Orange Revolution* [23].

The upcoming presidential election in 2004 pushed her toward a marriage with Yushchenko, because she was aware that she did not stand a chance of winning. After the swearing-in of Yushchenko as president, Bezsmiertny's appeal, and the president's letter asking to stop the Orange Revolution camp on Kiev's Maidan Nezalezhnosti, it was the implementation of pre-election promises, namely the appointment of *Lady Ju* as prime minister, that brought the biggest nomadic political settlement in the modern world to an end. The Orange Revolution was also the beginning of Tymoshenko's spectacular international career. TV stations and Internet services presented her as

a tribune of the people in a positive aspect. During her speeches, she did not lack vigour. Photos of how Tymoshenko convinced militiamen to let her and demonstrators go past in order to begin the occupation of buildings of the presidential administration and government premises began to circulate. Her unshakable attitude at the beginning of the protests prevented a poor compromise. To improve the position, she went on to get her daughter from London, who was not mentally connected with the reality of Ukraine anyway [23].

Removing the Orange Revolution camp started relatively early – a major crisis erupted in September 2005, when the head of the administration of President Yushchenko, O. O. Zinchenko, resigned. He accused the president's inner circle of corruption, mentioning in this context, among others, P Poroshenko and Yushchenko's Chief of Staff, O. Tretyakov. After a few days, Yushchenko dismissed Tymoshenko's government due to *lack of teamwork skills* and never-ending conflicts between the authorities [2, p. 209–216].

The dismissed government was above all else accused by Yushchenko of populism. According to the president, the government devoted too much attention to social programs and neglected the economic growth. But, as not only the supporters of Tymoshenko say, it was Yushchenko that a few weeks before the resignation publicly praised the government, saying that it had a high macro-economic culture. And promises to increase pensions and wages were part of Yushchenko's election campaign [11].

Immediately, there were several versions of this event, in particular the motives and their interpretations. Some pointed out that the resignation of the government meant that the Ukrainian prime minister was going to the opposition, and that in following year's parliamentary elections the Orange Revolution winning team of 2004 would not stand together [12], others argued that the decision on the resignation of the government was an *attempt to capture the populist slogans of the Orange Revolution* by Yushchenko [21]. Most commentators seemed to agree on one point, namely the collapse of Tymoshenko's government marked the final division of the Orange Revolution camp, which always existed, but was masked [12].

In the parliamentary elections in 2006, the greatest support received Yanukovich's *Party of Regions*. The *Yulia Tymoshenko's Bloc* was second, *Our Ukraine* third, *Socialist Party of Ukraine* fourth, and *Communist Party of Ukraine* fifth [14 and 16 and 3, p. 140-147].

After the parliamentary elections in Ukraine, there was a period of several months of anarchy and parliamentary chaos. Finally, on 4 August 2006, a government headed by Yanukovich was appointed, which was the result of a broader political compromise between President Yushchenko and the leader of the *Party of Regions*. The compromise was preceded by difficult consultations and events that until the last minute could have led either to a dissolution of parliament or new elections [8 and 9].

The *Iron Lady* felt good in opposition, and therefore for the sake of credibility decided against a disgraceful marriage with Yanukovich, in spite of the talks on the matter. The strategy that Tymoshenko adopted got Yushchenko to co-operate with Yanukovich, which in

turn made her in the eyes of Ukrainians the only true propagator of the Orange Revolution ideas. It was her bloc that became the true winner of the elections to the Verkhovna Rada of Ukraine in 2007, when her electorate increased by 7%, while the support for the *Party of Regions* and *Our Ukraine* was stagnant, and confidence in the socialists and communists fell down. The renewal of political alliance with Yushchenko was troublesome. The Verkhovna Rada of Ukraine approved Tymoshenko's government in the third attempt in December 2007 [23].

Then, the rhythm of political discourse in Ukraine was subordinated to the presidential elections in 2010, and therefore the three blocks' propaganda machine focused on denigrating one another. This probably also led to the loss of a stable majority in parliament by Tymoshenko's government. Some observers argue that the refusal to support the Cabinet was the implication of direct action on the part of the Chef of the Chancellery of the President, V. Baloha [23]. Tymoshenko was forced to cope for a number of months without a stable majority in the Verkhovna Rada of Ukraine. Moreover, to light came her dealings with Yanukovich regarding a push for constitutional change which were based on the introduction of indirect presidential elections, made by members of the Verkhovna Rada of Ukraine, which was to be followed by extending the term of the current parliament up until 2014, which would imply further Tymoshenko rule in prime minister's chair, while it would allow Yanukovich to be the head of state. The idea of the violation of one of the fundamental principles of democracy, government alternation, failed, because the matter leaked to the media in June 2009, and the *Party of Regions* firmly distanced itself from supporting the solution. In addition, the amendment introduced de facto preventive censorship on media and denied one of the basic axioms of the Orange Revolution—freedom of speech. The previous month, the Constitutional Court of Ukraine ruled that the announcement of a presidential election on 25 October 2009, made by the Verkhovna Rada of Ukraine, was illegal and ordered to hold it in January 2010. It was Tymoshenko's another failure [23].

Tymoshenko lost the presidential election in 2010 [17]. Commenting on the results, the «Le Figaro» found them to be revenge by Yanukovich, ousted from power in 2004 as a result of the Orange Revolution. «Yushchenko, the icon of the orange camp suffered an irreparable defeat. It was punishment for his weakness, compromises, and mistakes,» wrote the French daily, adding that the Ukrainian president «did not keep his promises.» There was only Tymoshenko left, «the only custodian of hope for change», it said [13].

After Yanukovich came to power, the *Party of Regions* quickly and effectively formed a parliamentary majority and government, significantly increased the influence of the executive branch on the judiciary, and restored the presidential-parliamentary system. All these activities met with surprisingly feeble opposition. Its weakness and confusion confirmed the campaign before the fall local elections, which resulted in a significant increase in the *Party of Regions* influence. The presidential circle and management of the *Party of Regions* saw this as a signal to put more pressure on the *Yulia Tymoshenko Bloc* so that it would be marginalised

before the parliamentary elections. After changing the constitution, there was a legal clash: The Verkhovna Rada of Ukraine was elected for five years, but according to the restored constitutional norm the term was four years. According to the former, the parliamentary elections were to be held in the autumn of 2012, according to the latter, in the spring of 2011. The *Party of Regions* decided in favour of further amendment of the constitution, under which the elections were to be held in October 2012. In this way, the ruling camp has gained time to make the unpopular reforms and regain the support of society for the *Party of Regions* [18].

Since the dismissal of Tymoshenko's government in spring 2010, the administration of the President, the Office of Prosecutor General, and the government have worked to demonstrate that the previous government was responsible for a number of abuses of power and acted against the country's interests. Tymoshenko was accused of, among others, spending money received from Japan to set CO2 emission limits inappropriately and the purchase of inappropriate vehicle for the health care. None of these cases have been officially completed, but the authorities have decided to put them aside and focus on the charge concerning the gas contract, the most risky from a legal point of view, but the one with the most political potential. On the other hand, Tymoshenko has a clearly defined political objective: maintaining and building up her popularity with the public as well as uniting her party so that they can consider winning the next parliamentary elections. Her behaviour in the courtroom, together with her constant public statements that she will certainly be arrested and imprisoned, testify to the fact that not only has she already considered the possibility of arrest, but also she may have seen it as an appropriate move for her political strategy. When in 2001 she was arrested after her dismissal from the post of deputy prime minister, she emerged from jail as the unquestioned leader of the opposition movement against the government of Kuchma [10].

In October 2011, a district court sentenced Tymoshenko, accused of abuses of power while securing gas contracts with Russia in 2009, to seven years in prison. Besides the imprisonment, Tymoshenko was sentenced to a three-year ban on holding public office. The court also forced the former prime minister to pay the state fuel company Naftohaz Ukrainy 1.5 billion UAH compensation [25].

The Polish Ministry of Foreign Affairs immediately reacted to the judgment: «Poland as well as the whole European Union are observing with concern the trial of the former prime minister of Ukraine», reads a statement of the Foreign Ministry spokesman [24]. Voices raised in anger across Western Europe:

THE EUROPEAN UNION

Declaration by the High Representative Catherine Ashton.

*The EU is deeply disappointed with the verdict of the Pechersk District Court in Ukraine in the case of Ms Yulia Tymoshenko. The verdict comes after a trial which did not respect the international standards as regards fair, transparent and independent legal process which I repeatedly called for in my previous statements. This unfortunately confirms that justice is being applied selectively in politically motivated prosecutions of the

leaders of the opposition and members of the former government. ... The EU urges the competent Ukrainian authorities to ensure a fair, transparent and impartial process in any appeal in the case of Ms Tymoshenko and in the other trials related to members of the former Government» [15].

Declaration by the President of the European Parliament Jerzy Buzek.

«I deeply regret the Ukrainian court's decision to sentence former Prime Minister Yulia Tymoshenko to 7 years in prison. The context and conditions of this verdict raise concerns about its politically motivated nature and about a selective application of the rule of law in Ukraine. I have serious doubts about fairness, independence and transparency of this trial. ... I expect the verdict to be reconsidered in case of an appeal process. (...) I urge Ukraine to uphold the principles and common values that define our relationship and that form the core of the Eastern Partnership» [15].

Declaration by Foreign Minister of Germany Guido Westerwelle.

«The verdict announced today in the case against former Prime Minister Yulia Tymoshenko is a setback for Ukraine. It regrettably casts a very bad light on the rule of law in the country. This cannot fail to have consequences for our bilateral relations as well as the EU's relations with Ukraine. We will be keeping a very close watch now on how Kyiv deals with the Tymoshenko case and the cases of other former government members» [15].

Declaration by British Foreign Secretary William Hague.

«The conviction of the Ukrainian opposition politician, Yulia Tymoshenko, by a court in Kyiv is deeply concerning. (...) The conviction of Ms Tymoshenko and the ongoing cases against other former members of the government call into question Ukraine's commitment to these values. This could pose a major obstacle to the signature and ratification of the Association Agreement and Deep and Comprehensive Free Trade Agreement with the EU» [15].

Even the ambiguous messages of Stratford, an American analytical centre, revealed by WikiLeaks did not change the West's favourable reaction to Tymoshenko. The centre's analyses show that in 2009 Putin backed Tymoshenko. He believed that, although not as pro-Russian as Yanukovich, she, just to gain power, would get on well with the Kremlin. She also signed a gas contract favourable to Russia. Tymoshenko and Yanukovich were striving for the support of Moscow in late 2009. «The Russian leaders reportedly told Yanukovich that they would no longer back Tymoshenko if he consulted them about key nominations to the new government. Yanukovich

had to agree,» writes the «Gazeta Wyborcza.» Putin, however, still preferred communicating with Tymoshenko, he changed his mind only when President Medvedev persuaded him, «In the end, he agreed to change the front, but on condition that Russian advisers were sent to the headquarters of the Security Service of Ukraine (successor to the KGB), and nominations in the Ukrainian government, especially in the power ministries and the army, were chosen in close consultation with Moscow. Putin himself was to approve of the list of nominees» [27].

Although it was assumed that through an appeal of the judgment or an amnesty Tymoshenko would be released from jail, it did not happen. The Tymoshenko case resulted in a postponement of the initialling of the EU-Ukraine association agreement. According to S Füle, European Commissioner for Enlargement and European Neighbourhood Policy, who appealed to the Ukrainian authorities to allow Yulia Tymoshenko to participate in the parliamentary elections, future relations between Ukraine and the European Union depend on whether the October vote will be held in accordance with democratic standards [20].

Conclusions

She was called the Iron Lady, a woman of steel, and the only man in Ukrainian politics. Always accompanied by courage, determination, and faith in herself, which is one of the reasons why she became the symbol not only of a woman's success, but also hard work, sacrifice, and victory as a result. Tymoshenko is a woman of character who causes controversy. When everyone says, «Yes,» she slams her fist on the table and shouts, «No.» She has a huge number of followers, and as many opponents. So what is so special about this woman? Her strong character has become her hallmark [28]. She has already shown that she can fight while in opposition. That she can make a pact with anyone, just to gain power. That she like no other can read the public mood. That she can modify her image very well, co-operate with the media, charm ... manipulate.... Will she also emerge from the current situation *unscathed*? Perhaps we will get an answer within a few months, during the parliamentary elections. It is also possible, however, that the West, as in the case of Khodorkovsky, will continue to protest. But it will not stop him from doing business....

The centrepiece of the article, which is in part a modernised, in-depth version of the publication: Ł. Donaj, *Julia Wołodymyriwna Tymoszenko – „jedyna depozytariusza nadziei na zmianę» czy «profesjonalna populistka»?*, at: *Kobiety we współczesnym świecie*, edited by M. Musiał-Karg, B. Secler, Poznań 2010, was completed on 19 March 2012, Łukasz Donaj.

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Рецензенти: **Іванов М. С.**, д.політ.н., професор;
Подаєнко Ю. Л., к.політ.н.

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ДОНАЙ Лукас – кандидат політичних наук (PhD), доцент факультету політичних наук і журналістики Університету імені Адама Міцкевича, м. Познань, Польща.

Коло наукових інтересів: проблема ролі і місця жінки в політиці, політичні процеси в Україні.