



**“Support to good governance:
Project against corruption in Ukraine” – UPAC**

– Revised project summary¹–

Project title	Support to good governance: Project against corruption in Ukraine (UPAC)
Project partners	Ministry of Justice (technical support), Council of National Security and Defence, Office of the Prosecutor General, Ministry of Interior and other institutions represented in the Steering Committee
Funding	European Commission (TACIS Ukraine Action Programme 2004)/ Council of Europe
Implementation	Council of Europe (Economic Crime Division, Directorate General of Human Rights and Legal Affairs)
Budget	EURO 1 750 000
Duration	36 months (8 June 2006 – 7 June 2009)

¹ Working draft of 18 March 2008, it is foreseen that this draft will be officially approved in the Secretariat of the Council of Europe in Strasbourg

OBJECTIVES AND EXPECTED RESULTS

Overall objective	To contribute to the prevention and control of corruption so that it no longer undermines the confidence of the public in the political and judicial system, democracy, the rule of law and economic and social development in Ukraine
Objective 1	To improve the strategic and institutional framework against corruption in Ukraine
Output 1.1	Anti-corruption strategy and action plan available
Output 1.2	Effective monitoring, coordination and management of anti-corruption measures ensured
Output 1.3	Proposals available to ensure the implementation of Article 6 of the United Nations Convention against Corruption regarding preventive anti-corruption body or bodies
Objective 2	To enhance capacities for the prevention of corruption
Output 2.1	Anti-corruption concerns incorporated into the process of public administration reform ("anti-corruption mainstreaming")
Output 2.2	Risks of corruption reduced in the judiciary
Output 2.3	Risks of corruption reduced in the prosecution and the police
Output 2.4	Conflicts of interest reduced in the political process
Output 2.5	Capacities enhanced at the level of local and regional authorities for the prevention of corruption and strengthening of integrity
Output 2.6	Public participation in the anti-corruption effort promoted
Objective 3	To strengthen the anti-corruption legal framework and effective and impartial enforcement of the criminal legislation on corruption
Output 3.1	Draft laws available to improve the prevention and control of corruption in accordance with the Criminal and Civil Law Conventions of the Council of Europe (ETS 173/174), the United Nations Convention against Corruption and other relevant international legal instruments
Output 3.2	Judges trained and specialised in adjudication of corruption, law enforcement officials trained in the investigation and prosecution of corruption offences

INPUTS

The project will provide funding for:

- National conferences
- Expert advice, written expert opinions/assessments (expertises)
- Workshops, round tables and in-country training activities
- Study visits (abroad)
- Surveys
- Awareness raising activities
- Translations and publications
- Risks analyses
- Development of the terms of reference for a grant programme
- IT equipment, advice

IMPLEMENTATION ARRANGEMENTS

The team deployed locally to implement the Council of Europe project includes:

- Mr Roman Chlapak, Programme manager, Team leader (deployed as of 1 March 2008), roman.chlapak@coe.int;
- Ms Irina Zaretska, Legal Adviser, irina.zaretska@coe.int;
- Ms Vlasta Sposobna, Assistant, vlasta.sposobna@coe.int.

The Ministry of Justice provides technical support to the project from the Ukrainian side. Ms Ruslan Riaboshapka, Director of the Department for legislation on judiciary, law enforcement and anti-corruption (riaboshapka@minjust.gov.ua) has been appointed in the Ministry as project coordinator.

The Ministry of Justice ensures coordination with stakeholders involved in different activities. A steering committee has been established comprising all Ukrainian institutions involved in the activities of this project, that is, Council for National Security and Defence, Secretariat of the President, Parliament, Cabinet of Ministers, High Council of Justice, Supreme Court, Office of the Prosecutor General, Ministry of Interior, Ministry of Justice, Central Department of Civil Service, Council of Judges, Accounting Chamber and Central Control audit department, national associations of local self-government. In addition, representatives of the Secretariat of the Council of Europe and the Delegation of the European Commission in Ukraine are members of the steering group. Representatives of other institutions and civil society groups are invited as observers.

IMPLEMENTED ACTIVITIES

A number of activities have been implemented from the beginning of the project. In particular the following expert opinions have been provided:

- Expert opinions of the Action plan for the Concept of countering corruption in Ukraine "On the way to integrity";
- Expert opinions of the draft Concept of State policy in the sphere of criminal justice and law enforcement in Ukraine;
- Expert opinions of the draft law on judiciary and draft law on status of judges;
- Expert opinions of the "anti-corruption package": draft law on the principles of prevention and counteraction of corruption, draft law on responsibility of legal persons for committing corruption offences and draft law on amendments of certain legal acts regarding responsibility for corruption offences;
- Expert opinions of the draft law on the code of ethics for persons authorised to perform State functions

Project activities allowed discussion of:

- "anti-corruption package";
- issue of introduction of Article 6 of the UN Convention against Corruption and relevant recommendations of GRECO related to anti-corruption bodies;
- partnership between civil society and government regarding implementation of GRECO recommendations;
- European standards of legislation, regulations and practices in the financing of political parties and electoral campaigns, efficiency of the system of disclosure, reporting, monitoring and enforcement of legislation and regulations on political parties and electoral campaigns (follow-up to GRECO recommendations³).

Besides the project contributed to enhance capacities of local and regional authorities for the prevention of corruption and strengthening of integrity in line with European standards. A National Handbook on Public Ethics at Local Level has been elaborated and a National Score Card for the benchmarking exercise adopted. A pilot project of assessment of integrity in five municipalities has been conducted. As a result of these peer reviews a model Code of Ethics and model Regulations for the Ethics committees have been elaborated.

The terms of reference for the comprehensive survey on corruption in law enforcement agencies as well as the terms of reference for a grant programme to promote public involvement in the anti-corruption effort have been elaborated in the framework of this project. Analysis of public surveys on corruption has been conducted and survey methodology and questionnaire finalised. The project supported the participation of Ukrainian experts in international events related to

³ In the anti-corruption field the Council of Europe works on standards-setting, monitoring (GRECO) and technical cooperation.

corporate liability for corruption offences, corruption in the funding of political parties and electoral campaigns and OECD/ACN Steering group meetings.

FUTURE ACTIVITIES

It is foreseen that in the near future project resources will be used as much as possible to assist in the implementation of GRECO recommendations contained in the assessment report on corruption in Ukraine (adopted in 2007). The Ministry of Justice requested assistance through the project in setting up capacities for its new functions provided by the Decree of the President of Ukraine №80/2008 ("On certain measures for improving formulation and implementation of State anti-corruption policy "). The Decree provides among other things for the elaboration of methodology and setting up of a system of corruption proofing ("expertise") of legislation and draft laws with the "purpose of revealing systemic deficiencies which facilitate or contribute to corruption offences".

As a matter of priority it is planned to:

- discuss the issue of specialisation in the fight against corruption and study models of anti-corruption bodies of France, Slovenia and Croatia;
- provide expert consultations and organise discussion with the purpose of reviewing the system of immunities;
- provide expert opinions and discuss the draft laws from the "anti-corruption package" before the second reading in the Parliament;
- provide a comprehensive expert analysis and organise discussions of legislative provisions related to funding of political parties and electoral campaigns ; elaborate recommendations for improvement ; support the setting up of an efficient system of disclosure, reporting, monitoring and enforcement of legislation and regulations on political parties and electoral campaigns

In addition the Working plan contains activities aimed at:

- providing assistance in the review and discussion of a new action plan against corruption;
- strengthening of the role of civil society in the prevention of corruption;
- providing expert opinions to the draft concepts of key reforms (ex. administrative) in the light of European standards;
- providing expert opinions to (draft) laws regulating public/civil service and draft laws from the "anti-corruption package" in the light of European standards ; supporting the elaboration and enforcement of codes of ethics for public officials and legislative provisions on declaration of revenues and conflict of interests;
- providing expert opinions and framework for discussion of (draft) legislative provisions on confiscation of proceeds from crime;
- conducting a survey of corruption in law enforcement and preparing and conducting similar surveys in the civil service in general (or in a specific sector), judiciary; elaboration of recommendations for improvement; supporting in elaboration and implementation of codes of ethics;
- elaborating the terms of reference for a national system of registration of economic crime and in particular corruption offences;
- conducting discussions and formulating recommendations with the purpose of reducing corruption risks in the legislative process; studying models for regulating lobbying;
- reviewing efficiency of the system of pre-trial investigation of corruption cases and strengthening capacities of relevant institutions (multidisciplinary approach, financial investigations, coordination, international cooperation);
- conducting (national) survey on public perception, experience and attitude of corruption (possible sectorial approach – ex. judiciary or law enforcement) and formulation of recommendations for improvement.