



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

– Project Activities’ Synopsis –

Version of 2 April 2008

Project title	Support to good governance: Project against corruption in Ukraine (UPAC)
Main Project partner	Ministry of Justice
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 (85% EC funding and 15% CoE funding)
Duration	36 months (8 June 2006 – 7 June 2009)

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
- Risk analysis
- 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, roman.chlapak@coe.int;
- Ms Irina Zaretska, National Legal Adviser, irina.zaretska@coe.int;
- Ms Vlasta Sposobna, Project 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 designated as Project Coordinator.

The Ministry of Justice ensures coordination with all stakeholders from the Ukrainian side involved in different activities as partners and beneficiaries. A Steering Committee has been established comprising all Ukrainian institutions involved in this project. Beneficiaries of this project include: 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 committee. 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. Technical advice and support has been provided, including a series of expert opinions related to the:

- Draft Action Plan for the Concept of countering corruption in Ukraine ("On the way to integrity");
- Draft "Concept of State policy in the sphere of criminal justice and law enforcement in Ukraine";
- Draft Law "On the judiciary" and Draft Law "On the status of judges";
- "Anti-corruption package" (Draft Law "On the principles of prevention and counteraction of corruption", Draft Law "On the responsibility of legal persons for corruption offences" and Draft Law "On amending certain legal acts regarding responsibility for corruption offences");
- Draft Law "Code of ethics for persons empowered to perform State functions";

Project activities in the format of round table discussions, seminars and workshops contributed to technical and expert discussion on:

- The "Anti-corruption package";
- Implementation of Article 6 of the UN Convention against Corruption;
- Implementation of GRECO recommendations;
- Issues of partnership between civil society and government on the implementation of GRECO recommendations and relevant reforms;
- Introduction of European standards and good practices in financing of political parties and electoral campaigns.

In addition, 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. This includes:

- Elaboration and publication of the National Handbook on Public Ethics at Local Level;
- Adoption of a National Score Card for the benchmarking;
- Implementation of a pilot project aimed at reviewing and strengthening of integrity in five municipalities;
- Elaboration of a model Code of Ethics and model Regulations for the Ethics Committees at the level of local authorities.

The terms of reference for a 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 corporate liability for corruption offences, corruption in the financing of political parties and electoral campaigns, as well as OECD/ACN Steering Committee plenary sessions.

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 evaluation report on corruption in Ukraine (adopted in March 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 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".

Currently, the following activities are under preparation:

- review of models and good practices of specialised anti-corruption bodies; study of models of anti-corruption bodies of France, Slovenia and Croatia;
- expert advice and discussions aimed at reviewing the system of privileges and immunities;
- expert support and review of the "Anti-corruption package" before the second reading in the Parliament;
- comprehensive expert analysis and discussions of legislative provisions related to funding of political parties and electoral campaigns ; support to the setting up of an efficient system of disclosure, reporting, monitoring and enforcement of legislation on political parties and electoral campaigns.

In addition, the Workplan contains activities aimed at:

- providing assistance in reviewing and discussing the new action plan against corruption;
- strengthening of the role of civil society in the prevention of corruption;
- providing expert opinion on the draft concepts of key reforms (ex. administrative) in the light of European standards;
- providing expert opinions to (draft) laws regulating public/civil service in the light of European standards ; supporting the elaboration and enforcement of codes of ethics and legislative provisions on declaration of revenues and conflict of interests;
- providing expert opinion and framework for discussion of (draft) legislative provisions on confiscation of proceeds from crime;
- conducting a survey on corruption in law enforcement and preparing and conducting similar surveys in the civil service in general (or in a specific sector), judiciary; elaborating recommendations for improvement;
- 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 the lobbying process;
- 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) a survey on public perception, experience and attitude on corruption (possible sectorial approach – ex. judiciary or law enforcement) and formulating recommendations for improvement.

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