

IAP Information Note No. 8

COMMENTS BY GRECO AND COMMISSIONER FOR HUMAN RIGHTS ON CORRUPTION IN UKRAINE

In its evaluation on Ukraine, the Group of States against Corruption (“GRECO”) pointed out the widespread nature of corruption in Ukraine: ‘Ukraine is perceived as being considerably affected by corruption, the problem being spread throughout the country and its public institutions, at central and local levels. Corruption appears to be a systematic wide-scale problem. Public trust and confidence in public institutions – including the justice system – and in their representatives is critically low. Where the corruption affects the whole of society, it cannot be considered an isolated problem – and this is so in Ukraine. The current levels of corruption constitute a real threat to the principles of democracy and rule of law.’¹

With respect to corruption in the judicial system, GRECO noted that the public had very little trust in the judiciary, which was perceived as completely corrupt. Despite positive steps taken since Ukraine gained independence and the existence of constitutional protection, the judiciary remained prone to improper influences and interferences, which constituted an obstacle to building a judiciary governed by the rule of law and able to ensure a fair trial.²

In the monitoring reports on Ukraine, the Council of Europe Commissioner for Human Rights also noted the wide-spread nature of corruption in the judiciary and emphasised the need to reform it, to ensure the independence of the judiciary and to renew the public’s trust in the system.³ In his last report issued in March 2014, the Commissioner stated that ‘public trust in the rule of law was very low, and there were widespread perceptions that the judiciary does not serve the cause of justice or perform its function in an independent and impartial manner’ and called on the authorities to address the issue without any further delay.⁴

In a recent report by the Government of Ukraine, prepared with the assistance of International Monetary Fund, it was stated that ‘among the agencies perceived as most corrupt are the tax administration, the police, the Prosecutor General’s Office, the State Enforcement Service and the judiciary’. It was further suggested that ‘there is a clear view that the courts and the post-court enforcement regime are largely ineffective and are marked by an almost universal perception of pervasive corruption. These institutions enjoy little public trust...’⁵

The latest attempts of the Ukrainian government to fight corruption in public institutions include the adoption in October 2014 (on first reading) of the Law on National Anti-Corruption Bureau.⁶ The National Anti-Corruption Bureau is a law enforcement body charged with the task to prevent, fight and investigate corruption-related crimes falling within the scope of its investigative jurisdiction.

¹ Joint First and Second Evaluation Rounds, [Evaluation Report](#) on Ukraine, March 2007, § 239. See also paragraph 198 on the widespread nature of corruption.

² *Ibid.*, §§ 88-90.

³ [Report](#) by the Commissioner for Human Rights of the Council of Europe, 26 September 2007, §§ 4-13; [Report](#) by the Commissioner for Human Rights of the Council of Europe, 23 February 2012, §§ 24, 46-51.

⁴ [Report](#) by the Commissioner for Human Rights of the Council of Europe, 4 March 2014, §§ 50, 60.

⁵ Government of Ukraine [Report](#) “Diagnostic Study of Governance Issues Pertaining to Corruption, the Business Climate and the Effectiveness of the Judiciary”, prepared with Assistance of the Legal Department of the International Monetary Fund, 11 July 2014, §§ 5 and 69.

⁶ The text of the Law is available in Ukrainian at: <http://zakon1.rada.gov.ua/laws/show/1698-18>.