

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

– Project Activities’ Synopsis –

Version of 2 April 2009

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, roundtables and in-country training activities
- Study visits (abroad)
- Surveys
- Awareness raising activities
- Translations and publications
- Risk analysis
- 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 Kateryna Gayevska, Project Legal Assistant, kateryna.gayevska@coe.int;
- Ms Valeria Reva, Project Legal Assistant, valeria.reva@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. Mr Ruslan Riaboshapka, Director of the Department for Judicial Legislation, Law Enforcement Activities and the Anticorruption policy (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, Main Civil Service Department, Council of Judges, Accounting Chamber and Central Control Audit Department, and 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

Since the beginning of the project, a number of activities have been implemented. 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 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 Code of Ethics for Persons Empowered to Perform State Functions;
- Draft Resolution Concerning the Anti-corruption policy;
- Draft Regulations on Government Agent for Anti-corruption Policy Issues (Ministry of Justice and Cabinet of Ministers);
- Draft Methodology for Expert Examination of Normative and Legal Acts and Draft Normative and Legal Acts as to Corruption;
- Legislative provisions related to funding of political parties and electoral campaigns, lobbying, conflicts of interest and immunities of elected representatives;
- Draft Law on Amendments to the Criminal Code and Criminal Procedure Code of Ukraine (regarding improvement of confiscation procedures);
- Draft Law on Civil Service (Draft Law of the Main Civil Service Department)

Project activities in the format of roundtable 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;
- Role of the civil society/private sector to prevent and counteract corruption and to monitor the implementation of the national anticorruption policy and relevant reforms as well as GRECO recommendations;
- Review of models and good practices of specialised anti-corruption bodies, in particular of France, Slovenia and Croatia;
- Introduction of European standards and good practices in enhancing the transparency of political parties and electoral campaigns financing and in setting up an efficient system of disclosure, reporting, monitoring and enforcement of legislation on political parties and electoral campaigns as well as in regulating conflicts of interest, immunities and lobbying;
- Strengthening the legal and institutional system of identification, seizure and confiscation of proceeds from crime;
- Legislative provisions related to civil service and conflicts of interest;
- Elaboration of legal regulations on public ethics and conflicts of interest;
- "Anti-corruption mainstreaming" in the public administration reform.

In addition, the project contributed to enhance capacities of local and regional authorities to prevent corruption and integrity strengthening in line with relevant 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 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 project supported Ukraine in the preparation of the 3rd GRECO Evaluation Round focusing on incriminations of corruption and transparency of political funding.

Furthermore, within the UPAC Project framework, the Ukrainian experts had the opportunity to participate in international events related to corporate liability for corruption offences, corruption in the financing of the political parties and electoral campaigns, as well as in the OECD/ACN Steering Committee plenary sessions.

FUTURE ACTIVITIES

By the end of the implementing period, the project will continue, to the maximum extent, to support the implementation of GRECO recommendations contained in the evaluation report on corruption in Ukraine (adopted in March 2007). In particular, the project will aim at strengthening the preventive capacities in the public administration, judiciary, prosecution, police as well as at the specialisation of judiciary and law enforcement officials in corruption cases.

In the perspective of the 3rd GRECO Evaluation Round, the project will pursue to assist the Ukrainian counterparts in strengthening the transparency of political financing.

Currently, the following activities are under preparation:

- System Studies on corruption risks in the Public Administration (Administrative services, Control and Supervision), Judiciary and the bodies in charge of investigation and prosecution of criminal offences including analytical reviews and sociological surveys as well as recommendations to strengthen prevention capacities;
- Support to the establishment of specialised anticorruption bodies;
- Strengthening the capacities and specialisation of law enforcement and judiciary in the investigation, prosecution and adjudication of corruption cases.

In addition, the Workplan contains activities aimed at:

- Supporting the elaboration of the Concept of Administrative Reform in the light of European standards;
- Elaborating terms of reference for a national system of registration of economic crime and in particular corruption offences.

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