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Support to good governance: Project against corruption in Ukraine - UPAC

**Draft Anti-corruption Action Plan Implementing the Concept:
On the Road to Integrity**

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I. EXPERT OPINION OF DRAGO KOS

1 Introduction

Countries are usually drafting action plans to ensure detailed and programmed implementation of pre-existing strategic documents (strategies, concept papers...) in different areas. In order to achieve that aim action plans normally follow the structure of their strategic basic documents and elaborate much more on the implementation of measures, which are given in a very general form in the strategic document. In order to achieve the best possible results action plans themselves usually follow a specific structure, which enables all readers to identify at a first glance:

- what part(s) of a strategic document is (are) further elaborated in the action plan,
- which are responsible institutions for the implementation,
- what is the time-frame for the implementation,
- which are the risks threatening the implementation,
- what are the benchmarks (evidence) of the implementation.

Since action plans are implementation documents, the wording used is normally very concrete and simple, leaving no doubts on the substance and ways of implementation of measures from the strategic documents. Having in mind that strategic documents (which are the basis for the action plans) formulate the aims and measures in a very general and abstract manner in order to allow different ways of their implementation, action plans are normally larger and detailed documents prescribing more than one way for the implementation of specific measures.

The Action plan to implement the “On the Way to Integrity Concept against Corruption in Ukraine” does not follow a classical approach of drafting a comprehensive anti-corruption action plan and presents a document rarely seen in the international legal environment. Concerning its structure and substance the following short observations can be made:

- the link between the Action plan and its strategic basis (document “On the Way to Integrity Concept against Corruption in Ukraine”) is explicitly and implicitly very weak,

- it (the Action plan) does not follow the structure of the Concept paper, sometimes it is not possible even to find the measure in the Concept paper, which serves as a basis for the measure(s) in the Action plan,
- it mentions only the measures, responsible institutions and – in a very general manner- the time-frame for the implementation; no risks and benchmarks for the implementation are given,
- measures to be implemented as given in the Action plan are often more general as the measures given in the Concept paper,
- for the implementation of at least¹ 68 anti-corruption measures from the Concept paper only 51 measures are foreseen in the Action plan,
- the methodology, which was used by the drafters of the Action plan is not easy to understand: while in Chapter 1 (“Legal and Regulatory Provisions”) it is clear that the functional principle was used, in Chapter 2 (“Assuring Integrity”) a horizontal substantial approach was used,
- there are major differences among foreseen measures: some of them are very concrete and some of them are very abstract and general.

Countries may and do choose different ways to draft their anti-corruption strategic and implementation documents, however, all facts mentioned above will make a thorough, coordinated and comprehensive implementation of anti-corruption measures in Ukraine an extremely difficult if not impossible task. The analysis shows that many of the measures in the present Action plan are meant to implement recommendations to Ukraine given by GRECO on 21 March 2007 but even they are not drafted in a way, which would enable the direct implementation of GRECO’s recommendations. Notwithstanding the fact that implementation of some measures from the Action plan might significantly improve some elements of the anti-corruption situation in Ukraine, it can be easily said that more coordinated and well-thought response to the threat of corruption would achieve far better results. Future problems occurring due to the existing text of the Action plan are so obvious and foreseeable that it is worth suggesting to the country to prepare an enhanced text of the action plan to implement the “On the Way to Integrity Concept against Corruption in

¹ Sometimes it is difficult to make a distinction between measures and identified problems

Ukraine” and GRECO report – in a far more detailed and comprehensive manner. The existing Action plan will simply not fulfil the expectations of the presidential Concept paper, of GRECO and, what is far more important, the expectations of Ukrainian citizens facing serious threats of corruption.

In case that a new action plan will not be written, it could be useful to assess the value and possible influence of the existing text in order to maximise its effects and to eliminate in advance the most obvious risks in its implementation.

2 Comments to the measures foreseen in the “Action Plan”

The document itself is divided into seven parts²: Legal and regulatory provisions, Assuring integrity, Increasing performance of government bodies in charge of fighting corruption, Increasing supervision over implementation of anti-corruption measures, Specific anti-corruption measures, Enhancing the role of civic society institutions in corrupt detection and prevention, International cooperation in combating corruption. Altogether, there are 51 anti-corruption measures described in the text and all of them are following the same pattern: first, the measure is given, followed by the responsible institutions and the time-span for its implementation.

For 51 measures in 39 cases the year 2007 is mentioned as a starting point and in 36 cases the year 2008 is mentioned as the final point in time for the implementation of the listed measures. Having in mind that the first half of the year 2007 has passed already and that some of the measures will have to undergo sometimes very troublesome and lengthy legislative procedures, these facts put under serious doubts the ability of the Ukrainian authorities to actually implement the measures in the accordance with the time-limits foreseen in the Action plan. It would be far more reasonable to adjust the time limits before the final adoption of the Action plan and to expand them in order to set realistic and controllable goals of the documents.

² The Concept paper has 6 parts: Corruption as a social phenomenon and the main ways of overcoming it, Ensuring integrity in the state authorities and the bodies of local self-government, Judiciary (the original title of this part is simply missing), Enhancement of the role of civil society and mass media in identification and prevention of corruption, Sanctions for corruption deeds, Mechanisms of the implementation of the concept

As already mentioned, some of the measures are extremely abstract and general and others are relatively concrete. In the following text this distinction will not be mentioned anymore - at least not too often - since only substantial characteristics of the measures will be assessed. Comments to the text will follow the structure of the Action plan and in cases where specific measures will not be mentioned there was no need for additional comments.

2.1 Legal and Regulatory Provision

1.

It is a very general measure without mentioning any direction (except “achieving compliance with international standards”) in which the legislation should be “further improved”. It also asks for the support for different draft laws, which can be a doubtful exercise since some of those draft laws (i.e. Liability of Legal Entities for Corrupt Offence) were heavily criticised from the international experts already. Therefore, it is impossible to assess if the implementation of this measure will bring along any positive development.

2.

Reforming the system of civil servants’ remuneration is probably meant to implement one of the measures (No. 4 at Page 3) from the Concept paper but it stays at the same – very general – level. Recognising the fact that a proper salary’s system is one of the strongest tools against corruption, it must not be forget that it has to be dealt with a great caution in order not to cause any other incentives for corruption (i.e. if the distribution of salaries would become illogically different). Due to the fact that this measure is closely linked to the budgetary questions and problems, it is almost certain that it can not be implemented only within two years as foreseen by the Action plan.

3.

This measure (on efficient safe storage of material evidence for the purpose of their value preservation) has no obvious or understandable link with corruption only, since it is a measure, which has to be ensured in all criminal proceedings.

4.

It just repeats the wording of the measure (No. 9 on Page 3) from the Concept paper, without adding any concretisation.

5.

It just repeats the wording of the measure (No. 8 on Page 3) from the Concept paper, without adding any concretisation but with a significant difference: the measure in the Concept paper refers to the Code of Conduct for “civil servants” and the measure in the Action plan refers to the Code of Conduct for “persons authorised to perform State functions”. Since the Concept paper obviously differentiates between two mentioned categories, the question is why suddenly this change occurred in the Action plan.

6.

It is just a repetition of a measure (No. 4 on Page 5) from the Concept paper without any details and/or directions on the way(s) of implementation.

8.

This measure is a very good and useful one but a minor drafting change is needed: before the words “European Court...” the words “decisions of the” should be inserted. The question also appears if the development of a national programme could be considered as a “legal” or “regulatory” task.

9.

This measure is “replacing” 11 measures from the Concept paper (No. 1 -11 on Page 5) instead of elaborating in details the ways of implementing each of them. It is possible that an expert assessment of the election law will give rise to the implementation of the Concept paper’s measures, although this fact should be mentioned in the Action plan. Again the Action plan is to a great extent more general than its conceptual basis.

10.

This measure can hardly be understood as a legal or regulatory activity and is also written in a way, which is far less understandable than its conceptual basis in the Concept paper (No. 9 on Page 7). Again, the Action plan does not add anything to the possibility of its implementation since it remains very abstract and general.

12.

This measure refers to a set of very different laws and by-laws, describes some institutional changes and some practical measures. Notwithstanding the fact that each of the activities might cause a positive change, it would be better to list them in a more systematic and comprehensive manner and to describe them in a far more specific and detailed way.

13.

Lately some countries are introducing an anti-corruption expert assessment of all draft legislative acts and it is good to see that Ukraine is one of them – under the condition that the planned measure refers to all draft acts and not only to some of them.

2.2 Assuring Integrity

14.

Under this measure implementation of five different tasks is foreseen in a very general manner:

- the first one is dealing with the general public administration reform, which will certainly take more time than just one year (2007) as foreseen,
- the second one is handling enhanced scrutiny procedures for candidates for certain posts,
- the third one is dealing with the attestation procedure for civil servants,
- the fourth one is intended to limit function-related conflicts and
- the last one is dealing with the public procurement law.

Although they might make a positive difference, above listed five topics are very different in nature and there is no reasonable explanation why they were put together. At least the first one (public administration reform) should be far more elaborated and detailed and split into different sub-categories in order to achieve the best possible results. It is so important that it deserves a special chapter devoted.

2.3 Increasing performance of government bodies in charge of fighting corruption

18.

This measure could be a little bit more detailed with some goals or directions listed in which the system of training and internship could be improved.

21.

As already stated in some previous cases, mentioning of some ways or methods for practical implementation of the measure could make it much easier to implement.

22.

The measure described here is not very clear (mainly due to its general character) – especially, it is not visible whose support should be actualised.

24.

Again, the measure could be given in a far more detailed and concrete manner, at least mentioning some examples of future governmental actions in the area mentioned. In such way, it would be very easy to follow the implementation of this measure.

25.

Again, the measure could be given in a far more detailed and concrete manner, at least mentioning some examples of future activities in the area mentioned. In such way, it would be very easy to follow the implementation of this measure.

2.4 Increasing supervision over implementation of anti-corruption measures

26.

It is not clear what is the reason for this measure – in a normal country, laws and other legal regulations are usually adopted to be observed (followed, implemented) and there is no need for a special mechanism to follow their observation. If this is the case in Ukraine, more details in the measure (especially on the institution dealing with this task) should be given.

27.

This measure is a very important one, however, it does not relate only to corruption – it has to be part of a daily work of several state agencies (at least Main Comptroller Administration) and in no case should be limited to a certain period in time. Therefore, time-span for its implementation in the Action plan (2007-2010) should be deleted.

30.

The language used here is too soft: why Ukrainian authorities would like only to “review the issue” and not to simply establish the databank – as they are doing it in the previous measure (No. 29) concerning natural persons.

31.

Supervision of how civil servants are fulfilling their obligation concerning opening foreign accounts should be one of the regular tasks of the Tax Service (which would, of course,

have to notify the public institution – employer of the civil servants) and not of the special mechanism.

32.

This measure can really make a change in the police anti-corruption work. There are already some examples in the world on the assessment of the police information. Perhaps Ukraine would like to explore Interpol's or Europol's solutions.

2.5 Specific anti-corruption measures

35.

There are some examples in some other countries dealing with the topic of legal conciliation in the area of corruption, but Ukraine should be very careful and not simply transplant foreign solutions into its own system without necessary adjustment to their conditions.

2.6 Enhancing the role of civil society institutions in corruption detection and prevention

36.

Here, the aim of the measure is good but the most important part is missing: the ways of inclusion of citizens and public association representatives, which would enable very simple follow up of the implementation.

37.

The measure is good, but it is not clear what does it mean “twice a year” – maybe citizens will be allowed to use direct call lines only twice a year?

38.

Some level on public's inclusion in the staffing of judges is desirable, however, in the end there still has to be a majority of other individuals (experts, senior civil servants, other judges, members of the law profession), who will decide on selection of judges, of course taking into account public's opinion.

39.

Again, the measure could be given in a far more detailed and concrete manner, at least mentioning some examples of possible ways in the area mentioned. In such way, it would be very easy to follow the implementation of this measure.

40.

Again, the measure could be given in a far more detailed and specific manner, at least mentioning some examples of the changes needed in the area mentioned. In such way, it would be very easy to follow the implementation of this measure.

41.

Again, the measure could be given in a far more detailed and concrete manner, at least mentioning some examples of possible ways of inclusion of media. In such way, it would be very easy to follow the implementation of this measure.

44.

Caution is needed here: in some countries this measure would be seen as “state is trying to influence the media”. Therefore, all further measures here have to be planned in cooperation with the representatives of the media.

2.7 International cooperation in combating corruption

46.

Under the same number two completely different measures (entering into international agreements, financial support of anti-corruption measures) are listed, none of them is detailed and therefore it will be impossible to follow their implementation.

47.

This measure is too general and is very much dependent on the willingness of other countries to cooperate with Ukrainian authorities. If some concrete details (i.e. names of the countries, which are already cooperating with Ukraine in the area of anti-corruption) would be mentioned, the measure would look much more serious and realistic. Since this is not the case, the measure is doubtful and does not even look sincere.

48.

This measure is a typical case for the first part of the Action plan (Legal and regulatory provisions). Nevertheless, it has some important elements, which implementation could make some positive changes.

49.

This measure is too general and is very much dependent on the willingness of other countries to cooperate with Ukrainian authorities. If some concrete details (i.e. names of the countries, which are already cooperating with Ukraine in the area of anti-corruption law

enforcement) would be mentioned, the measure would look more serious and realistic. The question has to be asked if there are legal grounds in the legislation for all (important!) measures listed here, especially for joint investigations, joint witness-protection.

50.

Something is missing here: the measure now read as the “foreign economic activity agents” will also be the subject of international exchange. A lot of clarification will be needed in order to make this measure understandable and ready for implementation. Beside this, everything mentioned under No. 49 is applicable here, too.

3 Implementation of GRECO recommendations

On 21 March 2007 Group of States against Corruption – GRECO has adopted a joint first and second round evaluation report on Ukraine containing 25 mandatory measures for the implementation in a period of 18 months. Since the question was posed to which extent the present Action plan could assist in the implementation of GRECO recommendations, here a simple comparison is made between the GRECO recommendations and measures from the Action plan. Since GRECO report is still confidential there is no possibility to list the substance of the recommendations but only their numbers, however, Ukrainian authorities are in possession of the original GRECO text and it will be no problem for them to understand the comparison. Due to a very general nature of some measures in the Action plan and due to the absence of knowledge on the substance of some legislative changes (where just titles of the laws subject to change are given), it might happen that the comparison is not complete and far from being accurate.

Recommendation Number :	Implementation foreseen by the Action Plan
I	Yes, measure 12, paragraph 2
II	Yes, Action Plan as a whole
III	No
IV	Yes, measures 20 (paragraph 3), 21, 22

V	No
VI	Yes, measures 18, 20 (paragraph 1)
VII	Partly, measure 38
VIII	Partly, measures 8, 20 (paragraph 1)
IX	Yes, measure 12 (para 3)
X	Yes, measure 11
XI	Yes, measure 12 (paragraph 4)
XII	Yes, measure 3
XIII	Partly, measure 14
XIV	Partly, measures 7 (paragraph 1), 14
XV	Partly, measures 12, 36
XVI	No
XVII	Partly, measure 17,
XVIII	Partly, measure 17
XIX	Yes, measure 14 (paragraph 5)
XX	Partly, measures 2, 14, 15.
XXI	Yes, measure 34
XXII	Yes, measures 5, 20 (paragraph 1)
XXIII	No
XXIV	Yes, measures 1, 30
XXV	No

There are only 5 GRECO recommendations which are not being implemented by the Action plan at all. There might be different reasons for that, but statistically the result is far from being a bad one. However, there is the same problem present as already mentioned

several times: the recommendations (as measures from the Concept paper) call for detailed and concrete plan of action and not just for their repetition in an action plan. Nevertheless, Ukrainian authorities should be encouraged to start with practical implementation of the GRECO recommendations, either through the Action plan or otherwise.

4 Conclusion

The Action plan to implement the “On the Way to Integrity Concept against Corruption in Ukraine” is a document, which attempts to ensure implementation of two other very important documents: the Presidential Concept paper and GRECO’s first and second round evaluation report from 21 March 2007. Acknowledging the fact that a certain amount of time and energy was invested in the preparation of the Action plan, it has to be said that a traditional way of drafting (as described in part I of this expertise), which would include detailed ways and directions for the implementation of rather general measures from the Concept paper and recommendations from GRECO report, would be much a better insurance that those measures and recommendations are really implemented in the future. The present Action plan hardly gives enough elements for a practical start of proper and thorough implementation of the mentioned policy documents and Ukraine should consider the idea to re-write it. The existing document can be easily and in a relatively short period of time turned into a very solid, modern and, most of all, comprehensive plan of action, which could start to give results very soon.

II. EXPERT OPINION OF VERA DEVINE

1 Summary

This keenly awaited Action Plan³ is, unfortunately, far from satisfactory. Substantial concerns remain about the lack of transparency of the drafting process itself, also raising worries about the ownership of this plan and forecasting the level of success of its implementation; the absence of any discernible link between the draft Action Plan and the Concept 'On the Road to Integrity' decreed by the president in September 2006, pointing acutely to the lack of a single co-ordinated anti-corruption policy or vision in Ukraine; the rawness of the policy actions proposed, which make the draft Action Plan resemble a Strategy of its own, rather than breaking down the existing one into implementing measures; the absence of a clear link to other on-going sectoral reform efforts; the lack of any indication of how the proposed reforms are going to be monitored and according to which criteria; the absence of a costing exercise to accompany the proposed measures are other points of concern. For the above, and for a more practical structure of the Action Plan, the drafters could have had a look at international best practices and experience that are widely available, and adapt some of them to Ukrainian peculiarities.

A specific concern is the measure proposed in paragraph 39 on 'support to public associations' by the Ministry of Justice, to carry out monitoring of how politicians fulfill their electoral programs. Given that the information provided in the draft Action Plan is not sufficient to understand what specifically is foreseen under this measure, the final version of the action plan should make absolutely clear what precisely this is supposed to imply, in order to avoid the potential impression that such a facility might be used to channel money to certain NGOs, given that for the implementation of the action plan, resources from the state budget will be allocated.

2 General Remarks

In June 2007, the Ministry of Justice of Ukraine requested the Council of Europe Secretariat to provide it with an expert assessment of the compliance of the draft Anti-

³ See, for example, the recommendations issued to Ukraine in the framework of the OECD/ACN Istanbul Action Plan process at <http://www.oecd.org/dataoecd/18/37/37835801.pdf>.

corruption Action Plan Implementing the Concept: On the Road to Integrity of September 2006 with European standards. The following remarks have been made on the basis of the English translation of the draft Action Plan. They will also take into account the Concept: On the Road to Integrity, which the Action Plan pledges to translate into concrete steps for policy action, the assessment report of the Istanbul Action Plan of December 2006, and the experts own knowledge of the anti-corruption policy framework and political situation in Ukraine. Since the Evaluation Report of the combined First and Second Round of Evaluation of Ukraine under GRECO were not public at the time of writing, they have not been incorporated, as the expert was not familiar with those.

Specific concerns with the policy document in question are elaborated upon below.

3 Drafting Process

The drafting process is as an important part of ensuring ownership and successful implementation of a policy document of such importance. It is therefore crucial that this process be organized in as transparent, open, and inclusive a process as possible to ensure maximum buy-in from all institutions that will have to carry out the individual measures, and, finally, ensure the success of implementing it.

As in previous policy documents commented upon (such as the Concept 'On the Road to Integrity'), it would have been useful to understand the process through which this Action Plan was drafted, including the mandate of the drafting group, who participated in this process, what type of consultations took place and with whom, if and how those consultations were incorporated into the final document, what were the timelines available to line ministries and institutions etc. The expert has been working on anti-corruption issues in Ukraine since September 2006. However, she has not been able to conclusively resolve how the process was organized. This concern is strongly echoed by national and international colleagues working on related issues who took an active interest in the process.

While there are no binding European standards that prescribe the way in which an Anti-corruption Strategy and Action Plan have to be elaborated, it has emerged as a consensus

that the drafting process should be organized involving as many stakeholders as possible, including those from civil society⁴. It is not clear that such a consultation process has taken place; rather, there is an impression that this might have been primarily a desk exercise, organized mainly behind closed doors.

It is understood that the Ministry of Interior has been the institution that lead the drafting process. This is an unusual choice, given that its prime responsibilities in relation to the topic at hand are of a law enforcement nature, while the fight against corruption comprises many more facets than repression⁵, i.e. prevention and education. Those latter two, in turn, require a much wider spectrum of specialized knowledge and skills than a Ministry of Interior would traditionally be able to offer as part of its portfolio.

It is equally unclear in which way institutions and counterparts charged with the advancing of already commenced reforms were involved in the drafting process. This concerns, for example, the ongoing efforts to reform the system of criminal justice and law enforcement, or the administrative reform, as well as ongoing activities carried out in the framework of the anti-corruption program of the Millennium Challenge Corporations, which has been endorsed and signed by the Ukrainian government and which has an ambitious agenda that would seem to fit into the purposes laid out in the draft Action Plan. There is a sense that this Action Plan has been drafted in isolation of these efforts, which is obviously problematic.

4 Remarks on Draft Action Plan vs. Concept ‘On the Road to Integrity’

It is difficult to understand in which way the draft Action Plan is linked to the Strategy/Concept ‘On the Road to Integrity’ decreed by the President of Ukraine in September 2006. In fact, the impression is that the draft Action Plan attempts to be an alternative strategy of its own. This impression is supported by the overall general nature of the measures proposed, which give more strategic directions for areas that need reform rather than breaking down those strategic visions of the presidential concept into

⁴ For a wealth of theoretical literature and country case studies stressing the importance of a participatory approach, see, for example, <http://www.u4.no/document/selectedliterature.cfm>.

⁵ Ironically, the presidential Concept: On the Road to Integrity is largely lacking a repressive angle (a problem highlighted in a previous Council of Europe technical paper), focusing instead on prevention and education. This makes the Ministry of Interior an even more curious choice.

implementable actions. The draft Action Plan does not even seem to follow the structure of the presidential Concept.

5 Remarks on the Proposed Policy Measures

Mostly, as said above, the proposed policy measures are defining broad directions for reform, instead of proposing specific, holistic, detailed and logically sequenced step-by-step measures, which would seem to be the objective of an action plan. It thus seems that the proposed document is rather another strategic/conceptual paper, as opposed to an action plan to the existing anti-corruption strategy. It is, therefore, even difficult to qualify this as an action plan, proper. At best, this might be the very first draft upon which an action plan could be developed.

5.1 Comments by Proposed Measure

On paragraph 1: Here, one would have expected from an action plan to get a precise breakdown of the legislative changes needed to make the legal framework comply with international standards, instead of merely stating the principle that this has to be done. Further, the parliament has not been accorded any role in this process, although it is the legislature who will pass the laws and amendments in question. It would therefore seem only logic to involve parliament, through specific policy actions that would, in turn, facilitate their understanding and support of the legislation proposed.

On paragraph 2: Here, too, one would expect from an action plan a greater level of detail. I.e., what legislation is meant to be captured by these measures? How do the proposed actions co-ordinate with ongoing reform efforts, such as those on the overall reform of the public administration. How is a link between the two going to be ensured?

On paragraph 3: It is not clear what direct relevance this measure has to corruption proper – this is about the management of seized crime proceeds.

On paragraph 4: This measure is, again, statement of a strategic objective. Yet, this could be broken down into its segments. For example, prior to elaboration of such a law, it would seem to be logical to assess the efficiency (or not) of existing regulations and laws.

While it is clear that the current system of asset declarations (requiring such a declaration only once, before assuming office) is insufficient and needs reform, the drawbacks of a requirement for the declaration of assets and expenditures embracing almost all categories of civil servants and their members of family and close relatives have been discussed with the Ukrainian authorities in various fora. The main points of concern raised, for example, by Council of Europe experts have been the possible contradiction with Human Rights' standards, and the un-implementability of such unusually wide provisions, which would prove impossible to carry out in practice for countries even significantly smaller than Ukraine (such as Estonia or Slovenia). No mention is being made of human or financial resources, or training needs that would be required to put the new provisions into place.

On paragraph 5: This appears to refer to an ongoing effort, taken forward by a multi-institutional working group. There is no mention of the need for awareness raising and training among the categories of officials embraced by this code that would need to precede and follow its adoption. It appears that the proposed code would have the status of a law, which is an unusual choice, a fact that has been highlighted in previous expertise by the Council of Europe, raising serious questions about its eventual implementability.

On paragraph 6: To be convincing, this measure should have been broken down into its sequences; mentioning should have been made on how the process of drafting will be organized etc.

On paragraph 7: The measures proposed under this paragraph lack specificity. I.e., it is unclear what the issues at stake are and how the measures are to be understood.

On paragraph 8: As mentioned above, there is an overall lack of embeddedness of the measures proposed in the document to ongoing reform efforts and projects. In the area of judicial reform, there is a number of technical assistance projects (funded by USAID and the EC, for example) currently operating, the objective of which match those in this paragraph. Judicial reform is also one of the core objectives of the European Neighborhood Policy between the EC and Ukraine, and substantial resources will be dedicated to this subject in the forthcoming years. The thematic areas (human rights) proposed under this

heading, while obviously important, do not necessarily have a direct bearing on corruption. So, one would have wished to see more specific measures that would deal with corruption in the judiciary, and proposals on how this problem could be addressed.

On paragraph 9: The same applies as in the previous paragraph. There are already ongoing efforts in this field (led by the Central Election Commission and the relevant standing committee of the parliament, supported by the OSCE). It is not clear whether the drafters of the action plan were not aware of this, or whether this proposed action is part of this ongoing effort, and what, then, remains to be done in precise terms. I.e., which are the 'relevant draft laws'. No mention is made of training needs, or outreach to the public.

On paragraph 10: Again, this measure lacks specificity. It appears to highlight the need to do more preliminary work, without proposing concrete steps to remedy the situation that appears to have been identified as a problem.

On paragraph 11: This is apparently about issues of immunity and lifting thereof. The measure proposed appears to be too general to understand what precisely the drafters suggest doing, except carrying out a kind of feasibility study.

On paragraph 12: What are these proposals for the involvement of civil society? For an action plan, more detail and a clearer idea of what that would entail is necessary. The establishment of a body in charge for prevention of and education on corruption (presumably in accordance with Article 6 of the United Nations Convention against Corruption) is here still on the level of a potential measure that would be proposed in the future. Yet, this is an action plan that should go beyond the conceptual, and offer concrete policy measures for implementation. It seems that this point has not, yet, in principle been decided upon. 'Implementing measures' is equally a bit too vague to make clear what that would actually entail. The second last provision (pertaining to budget legislation) is impossible to understand out of context – it is but one example of the randomness of the measures assembled in this document. Potentially, the link of these measures to corruption is not too strong, yet this is difficult to conclusively resolve not knowing what is actually meant by this. On the first sight, the obligation, or failure, to publish information on the local

budget, would fall under wider freedom of information concerns, and it is not clear why the provision of information on the local budget has been extrapolated in this way. 'Expanding civil service principles onto other categories of employees paid from the budget': how is this to be done? What are the pre-requisites to do so? This measure, too, is too vague to yield any clear idea of how, in reality, this is going to be implemented.

On paragraph 13: This measure appears to be trying to establish a mandatory screening of all draft legislation against potential corruption risks. Yet, this is at the level of being identified as a strategic need, with no clear measures to be undertaken proposed.

On paragraph 14: It is not clear whether the measures proposed here are part of a wider reform effort aiming at the public administration/civil service, and where specific recommendations have already been made (a functional review is mentioned, yet, it is unclear whether this review has already taken place or is still to come; possibly, this is referring to the Sigma baseline survey of the Ukrainian public administration?) Again, the measures are rather declarative than concrete/specific, and it is not clear whether the institutions in charge have a precise idea of what it is that needs to be done in order to implement these objectives. If so, it hasn't been laid down in this document. It is laudable that the heavily criticized Public Procurement Law has found entry into the measures listed in this document.

On paragraph 15: The timeframe given for the implementation of this measure (2007 – 2010) seems to indicate that there is no concrete roadmap on how to implement such a system. There are no indications whatsoever on how such a process should be sequenced, and what the pre-requisites (feasibility study, costing etc.) would be. It seems to also be a somewhat limited approach to achieving a reduction of frequency of contacts between individuals/legal entities and civil servants, as there are other ways to ensure this, too, such as the establishment of one-stop-shops etc.

On paragraph 16: Again, this measure seems to be part of ongoing or planned technical assistance projects. The specific measures needed have, with all likelihood, been identified; yet, they haven't found entry into this draft Action Plan.

On paragraph 17: It is difficult to understand this provision without the context. For an action plan, one would have hoped that the preliminary research had already been carried out, and that concrete proposals had already been elaborated.

On paragraph 18: The question that the action plan should answer is how concretely it is proposed to 'improve' this field and what specific measures are proposed to bring this improvement about. While, in principle, nothing is wrong with this objective, we learn little about how it will be achieved.

On paragraph 19: An objective, without the necessary concrete implementing measures elaborated.

On paragraph 20: Introducing a system of mandatory corruption-awareness training of civil servants and related categories at all levels of government seems, in principle, a good idea. The proposed timeframe (2007-2010) does, however, indicate that this idea has not yet gone beyond a declarative level. Here (as elsewhere in the document), a costing exercise should have been carried out, and the budget anticipated for the implementation of this measure should have been attached. – There is mentioning of the need to 'change criteria' for the evaluation of the efficiency of the work of law enforcement agencies in the fight against corruption. This would have merited to be elaborated in detail, since it seems to have already been established that the existing criteria are insufficient.

On paragraph 21: This is pretty opaque. Neither is it clear where good practices are going to be identified from, what the 'various areas of public life' are exactly, through which mechanisms, channels, and to whom these good practices are going to be communicated.

On paragraph 22: The same remark applies here as elsewhere before. To improve the support to law enforcement agencies is the overall strategic objective, while the action plan should specify what precisely the needs are in this field.

On paragraph 23: The same remark as the previous one. Which qualifications are precisely meant, and what will be the ways of achieving this objective? Which categories of civil servants are the target group here?

On paragraph 24: This is yet another overly general paragraph. What are those actions? How is promotion going to take place? Which are the institutions precisely targeted by this? Again, it is not clear whether this measure has taken into account ongoing efforts to establish internal investigation and control units inside line ministries, funded by the US government through the MCC program, which has been approved by the government of Ukraine.

On paragraph 25: What are those 'comprehensive measures'? What are the pre-requisites for taking them? How does this objective link to already ongoing initiatives?

On paragraph 26: It is not clear what is meant by this measure and why the mentioned institutions should be in charge of checking the compliance with this legislation (as opposed to the courts and law enforcement).

On paragraph 27: It would be useful to understand what type of measures is envisioned here, and how it relates to functions that should be ensured by the bodies of internal and external financial control and audit, and the state audit. Under freedom of access to information provisions, the public should have the right to request information on government activities, including such on budgetary expenditure; there is a corpus of international best practices relating to budget transparency⁶ that should be applied. Yet, it is not per se clear why mechanisms should be institutionalized involving civil society to carry out checks of budgets. Among other reasons, budgeting is a specific specialization and it is not obvious why civil society organizations should be particularly qualified to carry out such checks.

⁶ See, for reference, the OECD Best Practices on Budget Transparency at <http://www.oecd.org/dataoecd/33/13/1905258.pdf>.

On paragraph 28: It is difficult to comment on this measure out of context. It would seem that most of the budget should be public, anyway, and publishing it on the electronic site of the specific institutions could be a simple solution.

On paragraph 30: This issue of establishing a blacklist of persons and entities should be logically under the measures related to the area of public procurement. It is unclear what 'relevant legal acts' might entail.

On paragraph 32: This might be an issue of translation. But it remains opaque what specifically this measure is to mean.

On paragraph 33: Presumably, this means the submission of relevant draft legislation on political party and election campaign financing? Here, as elsewhere in the document, it would have been important to point out that appropriate legislation needs to be in place in conformity with UNCAC and CoE standards; political party and campaign financing legislation and practices will be part of the next round of evaluations under the procedure of GRECO.

On paragraph 36: This is, yet again, a statement of principle (although a good one), and it is not clear which specific measures this will entail. It is not clear how the public will be invited/its participation will be facilitated. As mentioned in the introductory remarks, this participatory approach has not been exercised, so far, during the elaboration of this draft. On which basis will a decision be taken on which laws are the 'most important' and thus, the public can be giving input to, and which are, by analogy, less important? Surely, some laws are more important to some stakeholders than others, and those groups should be specifically invited to comment; introduction of mandatory regulatory impact assessment (which contains a consultation mechanism aspect) should be considered to ensure that laws aren't drafted without taking stakeholders' concerns into account. It is unclear what the timing indication 'twice a year' might mean in this context. Will there be events twice a year to which the public will be invited?

On paragraph 37: Who will be running the telephone hotlines mentioned, and who will be in charge of analyzing and following up the information received? What resources have been set aside for running these hotlines? It is not entirely clear what they are - hotlines to receive complaints on individuals and wrong-doings?

On paragraph 39: This is a most unusual measure, and it is entirely unclear what could be meant by this. Surely, the public – by being the electorate – has the right and possibility to monitor whether political parties fulfill their election promises throughout their tenure in office. It is not clear what type of support (financial?) this would imply, and why the Ministry of Justice would offer this support? From the perspective of civil society, it would be very unwise to get involved in any such activity for running the risk of being accused of political partisanship. The danger here is that this provision, once adopted, might be used to legitimize the channeling of budgetary resources to certain NGOs.

On paragraph 40: There should be information available mapping out what these legislative changes are. Again, this is a strategic objective, and the individual measures need to be clearer defined to find entry into an action plan.

On paragraph 41: The role of the media, as of civil society in general, is that of a watchdog, i.e. to provide checks and balances. It is not the role of the media to carry out anti-corruption tasks per se. Something else might have been meant here, but it is not clear what.

On paragraph 42: There might be a problem with the translation. It is not clear what this measure means – possible a reporting mechanism for citizens?

On paragraph 44: It should be made more specific what this 'course of co-operative interaction' could mean. Civil society activities should be encouraged at all cost, but it is not the role of civil society to fulfill tasks of the state in the fight against corruption. Civil society has a legitimate role to play to monitor how these tasks are being carried out. One of the concerns that comes to mind is how and which groups would be chosen (and which wouldn't be). With regards to the media, agreeing to such co-operation would imply giving

up their independence, which cannot be the objective (and media would be well advised not to join in).

On paragraph 46: This clearly can be more specific. If there is preparatory work being done, then it must prepare for something – what? It is not entirely clear what the financial support mentioned here refers to.

On paragraph 47, and paragraph 51: The provisions in these paragraphs are a bit surprising, given that this draft seems to have been done in complete ignorance of international best practices and lessons learned which are widely and easily available; also, a wide range of technical assistance projects has tried, over the years, to facilitate international experience-sharing, without a visible impact on this document.

6 Remarks on Missing Sectors

The draft Action Plan lists measures entirely from the perspective of the administration, and given that apparently no consultation with civil society has taken place, this is not surprising. No mentioning is being made, for example, of how to cut corruption risks at the interface of the business/the private sector and the administration. Public sector service delivery is left out completely - corruption in the health sector, and in the primary, secondary and tertiary education sectors, or the traffic police, the customs etc. are all areas where corruption matters most to citizens, but no measures are proposed to remedy the situation here.

7 Remarks on the Structure

The global fight against corruption has, since the mid-90s produced a substantial corpus of best practices, experiences, and lessons learned on a number of policy issues, including on how to draft anti-corruption strategies and action plans. Examples of strategies and action plans⁷ as well as a wealth of other material is easily available, yet, the drafters have chosen not to consult any such material or examples, which is clearly an opportunity lost. It is difficult to see how the measures proposed have been organized. Among other issues, the

⁷ See, for example, the 2006 Action Plan for the Fight against Corruption and Organized Crime of Montenegro, at http://www.coe.int/t/e/legal_affairs/legal_co-operation/combating_economic_crime/3_technical_cooperation/paco/paco-impact/PC-TC_2006_7-Montenegro%20ACP.pdf.

draft would have also benefited from clear linkages to international obligations and standards, such as those of the Council of Europe, or the United Nations Convention against Corruption (UNCAC). In principle, the organization of such a document in table format has proven to be useful, enabling different measures to be presented in a holistic approach, including sequencing of steps, lead agency, indicators of success, sources of verification of success, deadlines, risks and assumptions, costs etc.

8 Remark on Risks and Assumptions

Any policy document of this type should give at least some thought to, and lay down basic thoughts on assumptions and risks for its implementation. These should include reflections on whether there is sufficient capacity inside the line ministries to carry out the objectives stipulated in the plan, the need for continued high-level support for the measures that are embraced by the plan, and the need for the allocation of sufficient resources, both human and financial.

9 Remark on Costs

It is unclear what the implementation of the measures of this policy paper, if adopted, would mean in terms of financial and human resources. It is further unclear how much of these resources are already available through, for example, technical assistance projects, and how much would need to be allocated through state budgetary resources. This is a serious omission. A responsible costing exercising would, in turn, with all likelihood, need to lead to a prioritizing of proposed actions according to resources available.

10 Remarks on the Follow-up Process

The lack of any indication on how the implementation of this draft Action Plan is going to be monitored, and by whom, is an obvious serious additional concern. The deadlines are, as mentioned above, vague and lack the sense of a clear timetable; the agencies in charge for the individual measures are many, which would not be a problem if a clear lead agency would have been specified/identified in each case: there is therefore a danger of nobody taking any responsibility at all. As stated above, the draft Action Plan has not been appropriately costed, and it is therefore unclear what amount and type of financial and human resources will be made available to implement it. As the public appears to not have

been involved in a consistent way in this process, there is equally no clear obligation under the draft Action Plan to be accountable to the public for its implementation.

III. ANNEX 1 ACTION PLAN

APPROVED

by Cabinet of Ministers of Ukraine Resolution
No. _____ of _____ 2007

ACTION PLAN

to implement the On the Way to Integrity Concept Against Corruption in Ukraine Implementation up to 2010

Legal and Regulatory Provision

1. To continue with further improving the anti-corruption law and providing its compliance with international standards. To provide for support of the draft Laws of Ukraine on: Corruption Prevention and Counteraction Framework; Liability of Legal Entities for Corrupt Offence; also the Law to Change Certain Legislative Acts on Liability for Corruption Offences.

Ministry of Justice, Main Administration of
Civil Service, MIA, SSU, State Tax
Administration, with participation of the
General Prosecutor's Office and the
Supreme Court of Ukraine

2007—2008.

2. To develop draft legislative regulations to change legislative acts regulating the operational framework and status of civil servants, specifically as regards:

Implementation of a transparent system for civil servant employment and career promotion that would envisage enhancing the importance of personnel reserve, vacant position staffing based on open competition, and due regard to attestation outcomes;

Developing a mechanism of civil servant rotation; devising rotation procedure, first of all, for senior positions;

Deeming the court ruling on corrupt action committed by a person a reasonable ground for labour contract termination.

Main Administration of Civil Service, Ministry
of Justice, Ministry of Finance, Ministry of
Labour, with participation of the General
Prosecutor's Office and the Supreme Court
of Ukraine

2007—2008;

Reforming the system of remuneration of civil servants to provide additional material incentives and improve the institute of bonus prorating.

Ministry of Labour, Main Administration of
Civil Service, Ministry of Justice, Ministry of
Finance

2007—2008.

3. To develop draft legal regulations on more efficient safe storage of material evidence for the purpose of their value preservation.

MIA, SSU, State Tax Administration, Ministry of Finance, with participation of the General Prosecutor's Office and the Supreme Court of Ukraine.

2008.

4. To develop a draft Law of Ukraine on State Financial Supervision over Income Declaration and Spending by Persons Authorised to Perform State Functions, Their Family Members and Close Relatives to assure openness and transparency of official activities of persons authorised to perform State functions.

State Tax Administration, Main Administration of Civil Service, Ministry of Finance, MIA, SSU.

2008—2009.

5. To develop and submit to the Cabinet of Ministers of Ukraine a draft Code of Integrity of persons authorised to perform State functions for the purpose of such Code further submission for consideration of the Verkhovna Rada of Ukraine.

Main Administration of Civil Service, Ministry of Justice, MIA, SSU, State Tax Administration, with participation of the General Prosecutor's Office and the Supreme Court of Ukraine.

2007—2008.

6. To investigate the issue of regulating legal framework of lobbying activities and setting up a transparent system of group interest representation in government authorities.

Ministry of Justice, Main Administration of Civil Service, Ministry of Finance, MIA, SSU.

2008.

7. To provide for follow-up revision and support of the draft:

Administrative Procedural Code of Ukraine.

Ministry of Justice.

On a permanent basis;

Law of Ukraine on Legal Regulations.

Ministry of Justice.

On a permanent basis;

Laws of Ukraine: to change the Law of Ukraine on Judicial Organisation in Ukraine; and to change the Law of Ukraine on Judge Status (new version).

Ministry of Justice.

On a permanent basis.

8. To develop a National Programme for Training Professional Judges and Candidates to Professional Judge Positions based on the principle of supremacy of law, provision of the European Convention for Protection of Human Rights and Basic Freedoms, and European Court for Human Rights case law.

State Court Administration, Ministry of Justice, with participation of the Supreme Court of Ukraine and the Supreme Council of Justice.

2007—2008.

9. To carry out expert assessment of the election law in respect of reducing effects of corruption agents, and to develop draft relevant laws.

Ministry of Justice, Main Administration of Civil Service, with participation of the Central Election Commission.

2007—2008.

10. To research into feasibility of legislatively securing the powers of providing official explanations and recommendations on issues related to supervision of judges' behaviour with a certain body, as well as of publishing a collection of court decisions in disciplinary cases.

Ministry of Justice, State Court Administration, with participation of the Supreme Court of Ukraine and the Supreme Council of Justice.

2007—2008.

11. To research into the issue of reducing the procedure for making decision on Verkhovna Rada of Ukraine's granting of consent to bring criminal suit, detain or arrest a member of parliament, or detain or arrest a Judge of the Constitutional Court of Ukraine or a judge of the general jurisdiction court in presence of facts and evidence corroborating a socially perilous misdemeanour committed by the mentioned person as set out in the Criminal Code of Ukraine.

Ministry of Justice, SSU, MIA, State Tax Administration, State Court Administration, with participation of the General Prosecutor's Office, the Supreme Court of Ukraine and the Supreme Council of Justice.

2007—2008.

12. To submit for consideration of the Cabinet of Ministers of Ukraine proposals on:

establishing, on the legislative level, of the extent of public associations and other civic society institutions' participation in the prevention of, and combating corruption.

Ministry of Justice, MIA, SSU, State Tax Administration.

2007—2008;

Establishing an authority the competence of which would include development of a coherent State policy in the area of prevention and combating corruption based on assessment of corruption risks.

Ministry of Justice, SSU, MIA, State Tax Administration, Ministry of Economy, Ministry of Finance, State Court Administration, with participation of the General Prosecutor's Office, the Supreme Court of Ukraine and the Supreme Council of Justice.

2007—2008;

Implementing measures to assure safe preservation of material evidence in cases when a person with immunity status has been taken in the act of grave offence, also the one containing features of corrupt actions.

MIA, SSU, State Tax Administration, Ministry of Justice, Ministry of Economy, Ministry of Finance, State Court Administration, with participation of the General Prosecutor's Office, the Supreme Court of Ukraine and the Supreme Council of Justice.

2007—2008;

Providing possibilities of seizing or otherwise exempting criminal offence implements and proceeds from criminal offence acts, seizing properties of value commensurate with such proceeds.

Ministry of Justice, SSU, MIA, State Tax Administration, Ministry of Economy, Ministry of Finance, State Court Administration, with participation of the General Prosecutor's Office, the Supreme Court of Ukraine and the Supreme Council of Justice.

2007—2008;

Establishing local self-government officers liability for breaching Part Three, Art. 28 of the Budget Code of Ukraine on failure to publish information about local budgets.

Ministry of Justice, Ministry of Finance.

2007—2008;

Expanding civil service principles onto other budgetary employee categories.

Main Administration of Civil Service, Ministry of Justice, Ministry of Finance, Ministry of Economy, MPH, MES.

2007—2008.

13. To prepare proposals on anti-corruption expert assessment of draft legislative acts of Ukraine to prevent potential corruption risks.

Ministry of Justice, MIA, SSU, State Tax Administration.

2007—2008.

Assuring Integrity

14. To prepare and submit for consideration of the Cabinet of Ministers of Ukraine proposals on:

Optimising personnel strength of the central bodies of the Executive based on outcomes of a functional survey of the above bodies; providing for executive body and their administration machinery compliance with EU Member State recommendations and standards to eliminate duplication of functions and reduce the number of supervisory and controlling instances.

Main Administration of Civil Service, Ministry of Economy, Ministry of Finance, Ministry of Foreign Affairs, MIA, State Tax Administration, SSU, Main Comptroller Administration.

2007;

Expanding the list of civil service positions subject to special mandatory scrutiny of candidates to these.

Main Administration of Civil Service, MIA, SSU, State Tax Administration.

2007—2008;

Improving the civil servant attestation procedure.

Main Administration of Civil Service, Ministry of Justice.

2007—2008;

Mitigating function-related conflicts among bodies of the Executive, first of all, those related to combination of supervisory & authorisation and economic functions; identifying ways of such conflicts prevention in future.

State Committee for Entrepreneurial Issues, Main Comptroller Administration, State Tax Administration, MPH, Ministry for Agrarian

Policy, MIA, SSU, Main Administration of Civil Service.

2007—2008;

Improving the public procurement law to assure its compliance with European norms and standards in respect of accountability and transparency policies, also for the purpose of providing the wide public with accessible information about terms and conditions of competitions on public procurement of goods and services.

Antimonopoly Committee, Ministry of Economy, Ministry of Finance, with participation of the Tender Competition Chamber.

2007—2008.

15. To take measures to reduce the number of direct contacts between individual citizens and legal entity representatives with civil servants, specifically through implementation of an e-document turnover system and electronic digital signatures.

Main Administration of Civil Service, Ministry of Transport and Telecommunications, Council of Ministers of the Autonomous Republic of Crimea, Oblast, Kyiv and Sevastopol Municipal Administrations.

2007—2010.

16. To assure implementation of a mandatory automated distribution of claim materials and case files among judges of local courts and courts of appeal for the purpose of eliminating any subjective affect on the mentioned process.

State Court Administration, with participation of the Supreme Court of Ukraine and the Supreme Council of Justice.

2007—2010.

17. To research into possibilities of, and needs for, expanding the Accounting Chamber's scope of authority over local self-government budgets to cover that their part that concerns spending of own funds.

Ministry of Finance, Ministry of Justice, Main Comptroller Administration, with participation of the Accounting Chamber.

2007—2008.

Increasing performance of government bodies in charge of fighting corruption

18. To improve the system of training, vocational training and internship for professionals from special units in the MIA, SSU, State Tax Administration and other government bodies in charge of fighting corruption.

MIA, SSU, State Tax Administration, with participation of the General Prosecutor's Office of Ukraine.

2007—2008.

19. To develop and implement a technique for professional selection of personnel for special law enforcement agency units tasked with fighting corruption.

MIA, SSU, State Tax Administration, with participation of the General Prosecutor's Office of Ukraine.

2007—2008.

20. To prepare and submit for consideration of the Cabinet of Ministers of Ukraine proposals on:

Arranging regular special seminars and training sessions on corruption prevention issues in order to expand knowledge necessary for an efficient professional performance, also to enhance legal culture and legal consciousness of civil servants and other budgetary employees.

Main Administration of Civil Service, MIA, SSU, State Tax Administration, Council of Ministers of the Autonomous Republic of Crimea, Oblast, Kyiv and Sevastopol Municipal Administrations, with participation of the General Prosecutor's Office and the Supreme Court of Ukraine.

2007—2010;

Changing criteria for assessment of performance of investigatory and special law enforcement units as regards the fight against corruption and organised crime.

MIA, SSU, State Tax Administration, with participation of the General Prosecutor's Office of Ukraine.

2007—2008;

Developing a mechanism for coordinating operations of government bodies involved in the fight against corruption and investigation of corruption-related offence.

MIA, SSU, State Tax Administration, with participation of the General Prosecutor's Office of Ukraine.

2007—2008;

Establishing and implementation of a common computer law enforcement database of corrupt act cases and other corruption-related legal offence cases, and determination of a database access management procedure.

MIA, SSU, State Tax Administration, with participation of the General Prosecutor's Office of Ukraine.

2009.

21. To assure continuous dissemination of positive practical experience of detecting and verifying information about corruption cases in various areas of public life.

MIA, SSU, State Tax Administration, with participation of the General Prosecutor's Office of Ukraine.

By 2008.

22. To improve and actualise methodical support of law enforcement agency operations related to detecting and investigating into criminal offence cases related to corruption.

MIA, SSU, with participation of the Academy of Legal Sciences and the General Prosecutor's Office of Ukraine.

2007—2008.

23. To provide for implementation of measures on upgrading qualifications of civil servants and local self-government officials in charge of anti-corruption work coordination.

Main Administration of Civil Service, MIA.

2007—2010.

24. To promote actions aimed at prevention, detection and stopping of corrupt acts in government authorities and bodies of local self-government, specifically in those of the most spread of corrupt acts.

MIA, SSU, State Tax Administration, with participation of the General Prosecutor's Office of Ukraine.

2007—2010.

25. To take exhaustive measure to form court administrations and to provide local courts and administrative courts of appeal will premises, material and technical support.

State Court Administration of Ukraine, Ministry of Finance, with participation of the Supreme Court of Ukraine.

2007—2010.

Increasing supervision over implementation of anti-corruption measures

26. To arrange for comprehensive check-ups of observance of the Laws of Ukraine on: Civil Service; Local Self-Government Service; Fight Against Corruption; also of other legal regulations covering official service in the Civil Service and bodies of local self-government to prevent corruption in government authorities and bodies of local self-government.

Main Administration of Civil Service, MIA, SSU, State Tax Administration, State Penitentiary Department, with participation of the General Prosecutor's Office of Ukraine.

On an annual basis.

27. To introduce, with participation of Main Comptroller Administration, Main Administration of Civil Service, MIA, SSU, State Tax Administration officers and public association representatives, scheduled check-ups of National and local budget funds spending by government authorities and bodies of local self-government, particularly in respect of provisions for official events and procurement of goods, works and services.

Main Comptroller Administration, Main Administration of Civil Service, MIA, SSU, State Tax Administration

2007—2010.

28. To research into possibility of publishing National and local budget spending check-up outcomes in the media.

Main Comptroller Administration, Main Administration of Civil Service, MIA, SSU, State Tax Administration, Ministry of Finance, Ministry of Economy.

2007—2010.

29. To establish, pursuant to requirements of the Law of Ukraine on Militia, a common national databank of persons convicted or brought to liability for corrupt acts or other corruption-related legal offence with vocation and territory-specific data classification for its later use at special scrutiny of candidates to civil service positions and existing Civil Service officers.

MIA, SSU, State Tax Administration, Main Administration of Civil Service, with participation of the General Prosecutor's Office and the Supreme Court of Ukraine.

2007—2008.

30. To review the issue of establishing a common national databank of legal entities involved in corruption for the purpose of preventing them from participation in public procurement, and to motion relevant legislative acts as may be necessary.

Antimonopoly Committee, State Tax Administration, Ministry of Economy, State Committee for Entrepreneurial Issues, with participation of the General Prosecutor's Office and the Supreme Court of Ukraine.

2007—2008.

31. To develop a mechanism of supervising performance by civil servants of currently enforced law-established requirement of notifying the Tax Service about them opening accounts for foreign currency with foreign banks.

State Tax Administration, Ministry of Finance, Main Administration of Civil Service, Ministry of Justice, with participation of the National Bank of Ukraine.

2008—2009.

32. To devise a procedure of evaluating operative information about corrupt acts and making relevant decisions on the basis of such information for the purpose of enhancing responsibility of law enforcement officials.

MIA, SSU, State Tax Administration, Main Administration of Civil Service

2008.

33. To prepare and submit for consideration of the Cabinet of Ministers of Ukraine proposals to improve:

The mechanism of supervising the funding of political party activities and election campaigns.

Ministry of Justice, with participation of the Central Election Commission.

2008;

The procedure of verification of data furnished by a candidate to judge office.

Ministry of Justice.

2008

Specific anti-corruption measures

34. To prepare and submit for consideration of the Cabinet of Ministers of Ukraine proposals on effective protection and assured safety of whistleblowers notifying about potential corruption offence cases.

MIA, SSU, State Tax Administration, State Penitentiary Department, with participation of the General Prosecutor's Office of Ukraine.

2007—2008.

35. To research into feasibility of setting up an institute of legal conciliation in respect of corrupt action subjects who voluntarily contributed to the detection, investigation and cessation of such acts perpetrated by them themselves or by other persons.

Ministry of Justice, SSU, MIA, State Tax Administration, with participation of the General Prosecutor's Office of Ukraine.

2007.

Enhancing the role of civic society institutions in corruption detection and prevention

36. To provide for a wide public awareness of developed draft laws on fight against corruption and corruption prevention while simultaneously inviting individual citizens and public association representatives in public discussion of the most important of these.

Central bodies of the Executive.

2007—2010.

37. For the purpose of assuring openness and transparency in operations of the bodies of the Executive, to arrange direct call lines on the topic of Public Against Corruption.

Main Administration of Civil Service, MIA, SSU, State Tax Administration.

Twice a year.

38. To prepare and submit for consideration of the Cabinet of Ministers of Ukraine proposals on developing and implementing a mechanism of public impact on formation of the body of judges starting from selection of candidates to judge positions and to making decision on termination of their office.

Ministry of Justice, with participation of the Supreme Council of Justice.

2008.

39. To provide support to public association in monitoring the performance by political parties of their election agendas.

Ministry of Justice.

2008.

40. To prepare proposals to change the law in order to eliminate handicaps to journalist investigation as an efficient means of corrupt deed detection, and to introduce a mechanism of journalist information source protection.

State Committee for TV and Radio Broadcasting, Ministry of Justice.

2007.

41. To identify a mechanism of involving the media in the performance of anti-corruption tasks.

MIA, SSU, State Tax Administration, State Committee for TV and Radio Broadcasting, with participation of the General Prosecutor's Office of Ukraine.

2008—2009.

42. For the purpose of enhancing departmental supervision over observance of transparency and openness principles in bodies of the Executive, to amend official web sites with a Corruption Prevention Net Line column.

Main Administration of Civil Service, central bodies of the Executive, Council of Ministers of the Autonomous Republic of Crimea, Oblast, Kyiv and Sevastopol Municipal Administrations.

2007—2008.

43. To amend thematic plans of printed, televised and radio publications of State budget-financed media with issues of combating corruption to promote a negative attitude among citizens to corruption manifestations and to involve the public into proactive participation in anti-corruption efforts of the State.

State Committee for TV and Radio
Broadcasting, Ministry of Transport and
Telecommunications, MES.

On a permanent basis.

44. To develop a course of cooperative interaction between law enforcement agencies and public association and the media focusing on highlighting anti-corruption issues; to provide for their involvement in the performance of tasks of corruption prevention and termination.

MIA, SSU, State Tax Administration, State
Committee for TV and Radio Broadcasting,
public association and mass media
representatives (pending consent).

2007—2010.

45. To prepare proposals on development of educational corruption-prevention programmes, such programmes implementation in secondary schools and higher education institutions, inclusion into culture-teaching and educational programmes of modules aimed at instilling a negative attitude towards that phenomenon.

MES, Ministry of Justice.

2007—2008.

International cooperation in combating corruption

46. To continue preparatory works for entering into international agreements on law enforcement agency anti-corruption cooperation and on financial support of anti-corruption measures.

MIA, SSU, State Tax Administration, Ministry
of Foreign Affairs, Ministry of Justice, with
participation of the General Prosecutor's
Office of Ukraine.

On a permanent basis.

47. To continue with promoting cooperation with foreign nations regarding the development of common terminology, standards and methods of preventing corruption, broadening the range of statistical data, increasing the scope of scientific body of knowledge about corruption, and organising respective information exchange.

MIA, SSU, State Tax Administration, Ministry
of Justice, Ministry of Foreign Affairs, Main
Administration of Civil Service.

On a permanent basis.

48. To prepare proposals on improving mechanism of international cooperation in criminal law issues, specifically in respect of: extradition of persons accused of corruption offence or sentences to incarceration for such offence; rendering mutual legal

assistance; transfer of criminal proceedings; carrying out joint investigations; preventing transfers of proceeds from corrupt acts and detecting such transfer cases; arranging for information exchange about accounts opened in offshore areas; immediate repatriation of properties and assets; and developing a property seizure procedure through confiscation.

Ministry of Justice, MIA, SSU, State Tax Administration, with participation of the General Prosecutor's Office of Ukraine.

On a permanent basis.

49. To promote anti-corruption cooperation with foreign special services and law enforcement agencies, specifically through: joint investigatory and operative detection measures on corrupt act cases; elaboration of proposals on improving legal regulatory framework of joint witness-protection activities; rendering mutual assistance in professional training of personnel, design, production and supply of special equipment and means necessary to provide for law enforcement needs.

MIA, SSU, State Tax Administration, Ministry of Justice, State Customs Service, State Border Service Administration, with participation of the General Prosecutor's Office of Ukraine.

On a permanent basis.

50. To promote and enhance the mechanism of international exchange, specifically in respect of foreign economic activity agents involved in corruption.

MIA, SSU, State Tax Administration, with participation of the General Prosecutor's Office of Ukraine.

On a permanent basis.

51. To perform an analysis of foreign positive anti-corruption experience and to prepare proposals on possibilities of its implementation in Ukraine.

MIA, SSU, State Tax Administration, Ministry of Justice, Ministry of Foreign Affairs, Main Administration of Civil Service.

2008—2010.