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TACIS UKRAINE ACTION PROGRAMME 2004

Support to Good Governance: Project against Corruption in Ukraine

(UPAC)

First progress report

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1 BACKGROUND INFORMATION

UPAC – Support to Good Governance/Project against Corruption in Ukraine – started on 8 June 2006. The present report summarizes the activities carried out since the beginning of the project until 7 December 2006.

1.1 Beneficiary country and institution(s)

Ukraine

Primary beneficiary: Ministry of Justice of Ukraine.

Project Partners: Ministry of Justice, Council of National Security and Defence, Office of the Prosecutor General, Ministry of Interior, and other institutions represented in the Steering Group.

1.2 Contracting authority

European Commission (EC).

1.3 Implementing organisation

The Council of Europe is responsible for the implementation of the project and the use of the project funds under the contract with the European Commission. Within the General Secretariat of the Council of Europe in Strasbourg, the Technical co-operation section (Department of Crime Problems, Directorate General I – Legal Affairs) is responsible for overall management and supervision of the project. A Team Leader – and local support staff, based in Kyiv, are working directly with the Ministry of Justice.

2 THE PROJECT

2.1 Project objectives and activities

UPAC's objective is to strengthen the Ukrainian authorities' capacities and legal framework for the fight against corruption. In order to achieve this objective, the project works in three complementary directions:

- 1) It supports the adoption, elaboration and implementation of a Ukrainian National Anti-corruption Strategy and Action Plan against Corruption, and the creation of an efficient and effective monitoring mechanism to oversee and co-ordinate the implementation of the Strategy and Action Plan;
- 2) It supports policies aimed towards strengthening the institutional capacities of Ukraine in the fight against corruption;
- 3) It assists Ukraine in the approximation and harmonization of its legal framework against corruption with European and international standards and legal instruments, in particular those set by the Council of Europe Criminal and Civil Law Conventions on Corruption, and the United Nations Convention against Corruption.

UPAC will deliver its objectives through provision of targeted expertise by European experts, in close co-operation with Ukrainian experts, and through outreach to all relevant stakeholders and civil society on the expertise acquired. UPAC also foresees a number of study tours to European partner institutions to facilitate networking and lessons learned and best practices sharing.

According to recent surveys and studies, corruption is one of the most pressing problems Ukraine is currently faced with and a major threat to democracy, the rule of law and economic progress, as well as a threat to national security.

The majority of people believe that corruption – in the form of bribes, corrupt lobbying, trading in influence, nepotism, abuse of office, and other forms – is a common practice in everyday life, and that decisions from public bodies cannot be obtained without a bribe. In 2005, Ukraine ranked 107 in Transparency International's corruption perception index; an improvement compared to previous years but still among the lowest of the 46 Council of Europe member States.

Corruption and conflicts of interest are reported to be widespread and integrity to be weak in most State and public bodies, including the executive, the judiciary as well as in Parliament and among elected officials at central, regional and local levels.

Ukrainian authorities have been taking measures against corruption for some time (enactment of legislation, establishment of specialised units in the police and the prosecution service, adoption of an anti-corruption programme, the "Concept 1998-2005"), which however seemed to have been insufficient to redress the problem.

Following elections in late 2004, corruption was acknowledged to be a priority issue requiring comprehensive and serious countermeasures. Initial measures planned included:

- An evaluation of previous anti-corruption strategy, in particular of the "Concept of fighting corruption for the period 1998 – 2005"
- The preparation and implementation of a comprehensive anti-corruption strategy
- The improvement of the anti-corruption legislation
- The strengthening of law enforcement capacities.

The TACIS Ukraine Action Programme 2004 of the European Commission – counter-signed by the Ukrainian Government in April 2005 – includes funding in support of good governance and anti-corruption measures which permits substantial European support to Ukraine's strategy against corruption.

2.2 Summary of Project Outputs/Purposes

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
Purpose 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
Purpose 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

Purpose 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 on corruption 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

2.3 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
- Surveys
- Awareness raising activities
- Translations and publications
- Risks analyses
- Development of the terms of reference for a grant programme
- IT equipment, advice.

3 OVERALL ACHIEVEMENTS

3.1 Overview

The following general activities were carried out during the first six months of the project:

Description of activity	Status
Set-up of the Project Team	Completed ¹
Set-up of the Project Office	Not completed
Organization of the Preliminary Start-up workshop	Completed
Introduction of the project to counterpart organizations	Completed
Finalization and adoption by stakeholders of the final Workplan and logical framework	Completed
Appointment of Steering Group members by national authorities	Completed
Preparation and submission of inception report	Completed
Expertise on the Draft Law on the Judiciary and the Draft Law on the Status of Judges (written expertise, round-table discussion with stakeholders, follow-up with drafters)	Completed
Expertise on the Draft Law on the Principles for the Prevention and Counteraction of Corruption (written expertise)	Completed
Expertise on the Draft Law on Corporate Liability of Legal Persons	Partly completed
Initiation of Public Opinion Surveys on Corruption in the Judiciary,	Partly completed

¹ At the time of the submission of the progress report, the Team Leader is contemplating the re-advertisement of the post of the National Legal Adviser.

Law Enforcement, Political Parties	
Study visit of representatives of the beneficiary institutions to Council of Europe Octopus Interface Conference on Corruption and Democracy, Strasbourg/France	Completed
Development of Terms of Reference for a grant programme to support civil society capacity to fight corruption	Partly completed
Initiation of activities on ethics on the local government level	Completed

3.2 Set-up of the Project Team

The Council of Europe recruited/appointed the project management staff required to start the implementation and delivery of UPAC's objectives.

Vera Devine has been selected as the Team Leader for the UPAC project, to be based in Kyiv throughout the implementation period. Her CV was passed by the Ministry of Justice counterparts and the European Commission Delegation in Kyiv in June 2006. The Team Leader has permanently moved to Kyiv on 1 September 2006.

The project assistant, Vlasta Sposobna, has been recruited in mid-June 2006. Her contract will be extended beyond the New Year, for initially a period of 3 months. This decision is based on the difficult working conditions of the project team (see below for detail), and the resulting fact that neither the Team Leader, nor the assistant had the chance to work under 'normal' circumstances on a day-to-day basis. It is hoped that a final decision, resulting in the offer of a 12 months contract, can be made in spring 2007, after the project team will have an appropriate infrastructure to operate in.

The National Legal Advisor has been recruited as of 9 October 2006. The initial profile of the National Legal Advisor foreseen by the contract was changed, since the UPAC Team Leader fulfilled the requirements of the National Legal Advisor. The National Advisor is foreseen to complement the team and bring in qualifications not held by the Team Leader. The profile of the National Legal Advisor has been changed in that he/she should contribute to the project team with expertise in criminal and civil legislation of Ukraine, as well as with knowledge in international standards on matter in question. The post was advertised in July 2006 in two national newspapers. The deadline for the submission of applications was 3 August 2006, by which stage 13 applications had been received. 6 candidates were short-listed and interviewed on 8 August 2006 in the premises of the Ministry of Justice. However, the candidate selected by the Panel subsequently became unavailable. Thus, the Team Leader and the Council of Europe secretariat, in consultation with the European Commission and the Ministry of Justice of Ukraine, decided that the second candidate would be made an offer, albeit at different conditions, including lower salary and shorter initial contract.

Since 31 July 2006, the project has been managed by Ardita Abdiu in the Council of Europe secretariat in Strasbourg. As of 1 October 2006, the management at the secretariat was handed over to Vesna Efendić with the assistance of Astrid Wertenschlag and the overall supervision of the Head of the Technical Co-operation Section.

3.3 Set-up of the project office

Although the project has finished the sixth month of its implementation, the Project team has not yet been offered an adequate office space. The contract precises that the Ministry of Justice as the major partner organization is to allocate an office for the duration of the project activities. In June 2006, the Ministry of Justice offered an office, but since the room offered was too little and in fact served as the passage to another office, the Project Management has declined the offer as not adequate for normal project functioning. In September 2006 the Director General of Legal Affairs of Council of Europe Mr. Guy de Vel addressed the problem of the unresolved office to the Minister of Justice, who gave assurances that the issue would be resolved soon. However, in a letter subsequently sent

by the outgoing Minister of Justice the Council of Europe Secretariat was informed that unfortunately until the February 2007 no office space could be offered. Shortly afterwards the project team was offered an office and the activities on setting up of the office were undertaken. Unfortunately this offer has been withdrawn.

At the time of writing of this report, the option of setting up the office in the premises of the Institute for Applied Humanitarian Research is being considered. This solution would be of temporary nature, and in case that no permanent office is allocated by March 2007 by the Ministry of Justice, the Council of Europe shall consider to either place the Project team in the Council of Europe office to be opened in Kyiv by spring 2007, or to find an office space which would be rented. In both cases, there will be a need for an approval of an addendum to the contract by the European Commission.

3.4 In-country missions to introduce and discuss the project

Two missions were held to reconfirm the project's objectives. First, a mission on 21 June 2006, informed stakeholders about the start of the project and gathered their views on possibly project activities' (having in mind that since the initial negotiation of the Workplan and logic framework and the signing of the project a number of other donors had come in and were covering similar activities). The June 2006 mission also organized a roundtable discussion among stakeholders, after which inputs into the Workplan were solicited and incorporated. The mission was also an opportunity to meet with counterparts from other donor and implementing agencies working on issues similar to UPAC's.

The Team Leader also attended, on 28 July, a donor roundtable initiated by the Canadian Agency for International Development (CIDA), which gave her an opportunity to introduce UPAC to the main international counterparts and other implementing agencies, such as USAID, Chemonics Inc (USAID contractor), ABA/CEELI, the Eurasia Foundation, UNDP, and OSCE, in Kyiv. During the August mission – selecting and interviewing candidates for the post of national expert – the Team Leader and the project manager from Strasbourg had an opportunity to meet the manager in charge of the project in the Delegation of the European Commission, Mr Spivak, to brief him on the developments of the project.

3.5 Start-up conference, Workplan and Steering Group

The project's start-up conference was foreseen to be organized in accordance with the contract by 8 September (see the Activity Report submitted with the Inception Report). In consultation with the European Commission, an alternative later date was agreed, taking into account that the project had started in a period marked by political uncertainty and a change of government, prior to which, there had been a considerable slow down of any activities/decision making inside the administration.

Although with substantial difficulties caused by the lack of an appropriate office infrastructure, the official start-up conference for the project was held on 25 September 2006. The aim of the start-up conference was 2-fold: a) to publicize the commencement of the project's activities and b) to agree the project's Workplan and Steering Group (see Annex to the Inception Report).

The meeting was opened by Minister of Justice R. Zvarych, and was attended by representatives from 18 media, including TV channels and newspapers. In his opening remarks, the Minister confirmed the commitment to the fight against corruption and to the project in particular. At the press conference, held after the opening remarks, he was joined by Mr Drago Kos, chairman of the Council of Europe Group of States against Corruption (GRECO). Participants at the conference included representatives of all beneficiary institutions. The meeting's objective was to set out the issues to be addressed by the project – these issues were covered in presentations made by experts from Latvia, Lithuania, Slovenia, the UK and Ukraine. Discussions on these presentations showed that there was

considerable need to identify practical solutions on issues such as the establishment of an anti-corruption agency, and the drafting of operational-level anti-corruption Action Plans.

In the final part of the meeting, the Workplan was discussed. Participants were given until Monday 2 October 2006 to submit additional comments, which were then incorporated into the final version of the Workplan (see Annex I).

3.6 Visibility/Media Coverage

A generic webpage on UPAC was created on the Council of Europe website (www.coe.int/upac) as well as under the webpage on joint programmes of the Council of Europe and the European Commission (<http://www.jp.coe.int/CEAD/JP/Default.asp?ProgrammeID=83>). A joint EC/CoE press release was also issued and posted on the CoE and EC websites.

4 ACTIVITIES IMPLEMENTED DURING THE REPORTING PERIOD, PROGRESS MADE AND NEXT STEPS

4.1 Comments on specific project activities under the project's Workplan

PURPOSE 1: TO IMPROVE THE STRATEGIC AND INSTITUTIONAL FRAMEWORK AGAINST CORRUPTION IN UKRAINE

Output 1.1 - Anti-corruption strategy and action plan available

Activity 1.1.3 Initiation of First National and Regional Public Baseline Surveys on Corruption in the Judiciary, Law Enforcement, Political Parties

A brainstorming meeting on the Public Baseline Surveys was held in Strasbourg on 10 November 2006. The objective of the meeting was to review the methodologies for surveys on the corruption situation, with the aim of improving them, and to define the methodologies and steps forward for surveys to be carried out under the projects that the Technical Cooperation Section is currently implementing in Ukraine in Moldova.

The meeting aimed at coming up with a methodology for the surveys, a definition of their objective, their structure and the steps to be taken in order to measure the corruption situation in Ukraine and Moldova (surveys are to be carried out in both countries by UPAC and MOLICO, respectively). The Head of the Technical Cooperation Section, Mr. Seger, stressed that the purpose of the surveys was not to measure the impact of the projects that CoE is implementing, but rather to measure the impact of the overall anti-corruption reforms in the mentioned countries.

Presentations were made on surveys that have been carried out in the past in Ukraine, Macedonia and Moldova, with specific emphasis on the following information: methodology of and rationale behind the surveys, the process of selection of service providers, the way in which the surveys were carried out, sampling procedure problems, refusal rate etc.

In the course of the meeting, the following issues were subject of the discussion:

- Qualitative vs. quantitative surveys;
- General survey vs. surveys carried out in particular institutions;
- Inclusion of a certain share of specific groups (i.e. public officials);
- Perception as only one aspect in measuring the corruption situation;
- Questionnaire defining;
- Definition of public official;
- Political corruption.

The conclusion was reached that the objective of the perception, attitude and experience surveys should answer the following questions:

- Information on what people perceive as corruption;
- Trends;
- Acceptable/unacceptable behaviour;
- Perception of trends and experience;
- Anti-corruption expectations.

As far as the survey questionnaires are concerned, the following questions were considered as necessary to be a part of questionnaire:

- What citizens regard as corruption;
- Acceptable/unacceptable type of behaviour;
- Experience of corruption when coming into contact with public official and selected institution;
- Experience of those who have been in contact with public official
 - bribery
 - breakdown of institutions
- Public officials
 - have you offered payments
 - have you taken payments
 - have you solicited payments.

With regard to the sequence of the next steps, it has been agreed that:

- Based on the discussions, the consultant (Mr. Reed) shall develop the ToR for surveys as well as questionnaires by early January 2007;
- By 31 January 2007, written comments should be submitted by those experts/consultants who would be members of an informal 'Advisory Group';
- The Advisory Group would meet in Kyiv on 5 February 2007 in order to have consultations and to complete the ToR and questionnaires;
- A Pilot survey would be carried out in March 2007;
- The First round of surveys would start in May 2007.

Output 1.2 - Effective monitoring, coordination and management of anti-corruption measures ensured

No activities took place on this output during the reporting period.

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

No activities took place on this output during the reporting period.

PURPOSE 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")

No activities took place on this output during the reporting period.

Output 2.2 - Risks of corruption reduced in the judiciary

No activities took place on this output during the reporting period.

Output 2.3 - Risks of corruption reduced in the prosecution and the police

No activities took place on this output during the reporting period.

Output 2.4 - Conflicts of interest reduced in the political process

Activity 2.4.1 Study visit of representatives of the beneficiary institutions to the Council of Europe Octopus Conference on Corruption and Democracy, Strasbourg/France

The first of 5 planned Study visits took place from 21 – 23 November, when UPAC supported the participation of a Ukrainian delegation at Octopus, a Council of Europe benchmark conference on political corruption. The delegation consisted of the UPAC National Legal Advisor, representatives of the Ministry of Justice, the presidential secretariat, the National Security and Defence Council, the Prosecutor General's Office and the High Administrative Court. The purpose of the conference was to identify the risks that corruption poses to the future of democracy in Europe, to share experience and good practice to prevent corruption from undermining democracy and to determine whether current anti-corruption standards are sufficient to meet the challenges ahead or whether additional work would be required by the Council of Europe and other organisations.

Issues of discussion were, among other, International standards and the acquis communautaire on democracy and corruption; Assessment of the situation with corruption and democracy in Europe (price of corruption); Role of journalists in the transparency of power. Lessons learned and good practices sharing concerned political party financing; conflict of interest (definition, proposals for amendments into existent practice and theories, effectiveness of current practice); lobbying; corruption, democracy and justice (modern approaches and international standards).

Participants from Ukraine appreciated the possibility to be present at such a high-level event and indicated having made useful contacts and having learned about up-to-date anti-corruption methodologies.

Output 2.5 - Capacities enhanced at the level of local and regional authorities for the prevention of corruption and strengthening of integrity

A member of the CoE secretariat (from the Center for Excellence in Local Government) visited international and national counterparts in Kyiv to discuss the implementation of this segment of the UPAC Workplan, and to identify national partners for the activities.

Negotiations are underway with a potential local counterpart organisation, and a potential local expert. An expert at the CoE secretariat has been assigned to the project. The Handbook is planned to be completed in January, and a meeting of the ad-hoc Group should be held in March.

Output 2.6 – Public participation in the anti-corruption effort promoted

Activity 2.6.1 Development of the Terms of Reference for a grant programme to support civil society capacity to fight corruption

The Team Leader continues to work with the project manager of the European Commission on finalizing the Terms of Reference for the grant scheme. The work is anticipated to stretch into the new year.

PURPOSE 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 on Corruption of the Council of Europe (ETS 173/174), the United Nations Convention against Corruption and other relevant international legal instruments

Activity 3.1.3 Expertise on the Draft Law on the Judiciary and the Draft Law on the Status of Judges

Two roundtable discussions were held in Kyiv on 18 and 19 October 2006. The round-table discussions were a joint effort of the CoE/EC Project against Corruption in Ukraine (UPAC) and the USAID Rule of Law Project. The projects had each individually commissioned expertise on both draft laws, so it seemed logical to combine both exercises in view of reinforcing the message, and in view of maximizing existing resources (the financial burden was shared equally by the two projects). Participants came from the High Judicial Court of Ukraine, the Ministry of Justice, the Presidential Administration and international organization/internationally funded projects, and journalists. The project manager from the European Commission attended part I of the second roundtable. A list of participants is available upon request.

The expertise commissioned follows up on previous expertise submitted by Council of Europe experts upon request by the Ukrainian authorities. Earlier opinions were delivered on the various stages of the Concept of Judicial Reform of Ukraine, in the light of the Concept's compliance with European standards. The opinion commissioned by the project from Judge Aleš Zalar of Slovenia focused on the draft laws' compliance with European best practices and standards.

The expertise specified, in detail, those issues that were not addressed in compliance with European standards. These are, in sum:

- the lack of institutional independence of the judiciary;
- inadequate transparency and accountability provisions in a variety of decision-making processes, including selection, appointment and discipline of judges;
- overlapping, overly complicated governing structures within the judiciary;
- the lack of statutory guarantees for individual judges' independence, while at the same time, providing for unlimited immunity for judges;
- the lack of clear performance evaluation criteria for judges.

Judge Zalar went through all problematic provisions, elaborating the background and suggesting alternative solutions. The level of detail and high quality of expertise was unanimously lauded by participants and partners. Judge Zalar's expertise was complemented by comments from Justice John Dooley of Vermont/USA, who provided an American comparative perspective to the issues at stake. As in previous events, the active interest participants took in learning about European and international solutions was remarkable.

The final opinion was delivered to the Minister of Justice, Mr Lavrynovych, and the Head of the National Commission for the Strengthening of Democracy and the Rule of Law, Mr Holovatyj (both institutions had requested Council of Europe expertise). The Team Leader had separate meetings with Mr Holovatyj, and with members of the presidential secretariat to promote the expert's findings. As a result, the drafters of the legislation held a closed door session on 25 and 26 November 2006 to incorporate the recommendations by the Council of Europe. They have also asked for follow-up assistance by the expert to convince members of parliament to vote for the draft legislation, as well as on assistance to find alternative solutions for those provisions that were considered problematic by the expert, while his recommendations were felt not to be appropriate for the Ukrainian context. It was agreed that

such follow-up assistance should take place at the end of January 2007, it would, however, be provided by another Council of Europe/EC joint programme on judicial reform.

This activity has confirmed the importance of the role that the Council of Europe plays in standard setting on relevant binding and non-binding legislation. It has been confirmed by international partners that the Council of Europe has a unique leverage on the government to press for changes to existing legislation and legislation in the process of being developed in line with European best practices and standards.

Activity 3.1.5 Support to the drafting of legislation that results from the anti-corruption law package submitted by the President of Ukraine to the Parliament

a) Expertise on the Draft Law on the Principles for the Prevention and Counteraction of Corruption

Expertise has been commissioned by the project to comment on the compliance of the draft law with Council of Europe and other international standards. The expertise – carried out by Mr Ivar Tallo (Estonia) and Mr Drago Kos (Slovenia) has been received at the time of the finalization of the report. The findings are planned to be submitted to the Ministry of Justice. They will be subject of a roundtable discussion with the drafters and the Parliamentary Committee in charge at the end of January 2007.

b) Expertise on the Draft Law on Corporate Liability for Corruption Offences

Expertise has been commissioned by the project to comment on the compliance of the draft law with the Council of Europe Criminal Law Convention on Corruption. The expertise is, at the time of writing of the report, being finalized. It will be subject of a roundtable discussion with the drafters and the Parliamentary Committee in charge at the end of January 2007.

Output 3.2 - Judges trained and specialised in adjudication of corruption, law enforcement officials trained in the investigation and prosecution of corruption offences

No activities took place on this output during the reporting period.

4.2 Other meetings and missions

The UPAC Team Leader has established good co-operation with all relevant stakeholders (donors and implementing agencies), and is participating regularly at coordination meetings (USAID Parliamentary Democracy Project, USAID Rule of Law Implementers Meeting, ABA/CEELI Anti-corruption Co-ordination Meeting).

The Team Leader briefed the GRECO Delegation in the beginning of their mission to Kyiv in late November 2006. She also provided background information to the OECD Istanbul Action Plan Monitoring Mission, to the British Embassy, as well as for an article in one of the country's leading weeklies ('Korrespondent'), and went on a mission to Strasbourg to participate in the brainstorming meeting on corruption surveys (see above). The National Legal Advisor participated at the OCTOPUS conference in Strasbourg (see above).

5 RISKS

The project's implementation risks to be affected by the ongoing political uncertainty in Ukraine, which might put a number of planned activities on hold or severely delay them. The expertise provided through the project risks being diluted or ineffective given the multitude of players, and their often apparently competing competencies.

6 STRATEGIC OVERVIEW AND CONCLUSION

At the same time, fighting corruption has been declared a priority by both the President of Ukraine and the Prime Minister, which offers legitimacy and entry points for the project to cooperate with a multitude of stakeholders in the government. The fact that the project is being implemented by the Council of Europe is a unique leverage point that should be used to the maximum extent possible – it puts this, and other CoE implemented project at a substantial advantage to achieve change compared with other projects. Increasingly, the assistance available under the project is being requested on a more regular basis by other beneficiary institutions, such as the presidential secretariat.

The tasks ahead of the Ministry of Justice and other beneficiary institutions on the topic at hand are substantial, and despite a real need that UPAC can address to help the MoJ in this task, the working conditions for the UPAC team are still unacceptable, and are putting the implementation of the project at risk. The project cannot be expected to deliver the agreed outputs without adequate infrastructure.

7 APPENDICES

7.1 Annex I

European Commission
Commission européenne



Council of Europe
Conseil de l'Europe

Support to Good Governance: Project against Corruption in Ukraine (UPAC)

Workplan and Logical Framework

(Final version of 5 October 2006)

Timing	Level/ Activity	Description	Sources of verification	Assumptions /Risks	Responsible Institutions	Possible Input Required
Purpose (1): To improve the strategic and institutional framework against corruption in Ukraine						
<u>Objectives supported through activities under Purpose 1:</u> <ul style="list-style-type: none"> • Anti-corruption strategy and Action Plan; • Effective and efficient coordination and monitoring mechanisms of Anti-corruption Strategy and Action Plan. <u>Sources of verification of objectives reached:</u> <ul style="list-style-type: none"> • GRECO reports, communications and web-sites of the government and administration of Ukraine; media coverage of strategy and action plan etc. <u>Assumptions/risks:</u> <ul style="list-style-type: none"> • Commitment of the Ukrainian authorities to counter corruption in coordinated and coherent manner. <u>Counterpart/beneficiary institutions:</u> <ul style="list-style-type: none"> • Ministry of Justice, Cabinet of Ministers, Presidential secretariat, Ministry of Interior, National Defence Council, State Prosecutor's Office, State Audit Office. 						
Output (1.1): Anti-corruption strategy and action plan available						
October 2006 – March 2007	Activity 1.1.1	Support to the drafting and elaboration of the Anti-corruption Action Plan in accordance with NACS, involving all relevant stake holders (national and local government) and including public consultations (civil society and business community representatives).	Workshop/Consultative meeting reports, recommendations, and final outcomes from the drafting process of Action Plan; Action Plan document and content including any potential evaluation/assessment carried out	Delays and controversies on asserting or merging Concept 2006 into a NACS version; Clarity of assignation of tasks and responsibilities in relation with implementing, operationalising and monitoring	Presidential Secretariat; Ministry of Justice; Cabinet of Ministers;	3-4 Experts; Desk Review/Field Work (3-4 days each); Delivery of Training,

			<p>prior to its finalisation;</p> <p>Participatory data of all relevant institutions and key stake holders;</p> <p>Systematic and verifiable outreach efforts to the public and between institutions;</p> <p>Projects reports;</p> <p>Other reporting and communications of relevant Ukrainian institutions;</p> <p>GRECO Evaluation Report[s] and recommendations and GRECO compliance reports</p>	<p>NACS.</p> <p>Creation of a working group;</p> <p>Lack of the institutional capacities and absorption of relevant tasks and responsibilities in line with the endorsed NACS.</p> <p>Political will and continuous institutional support in launching, implementing and monitoring the NACS.</p> <p>NACS not met with broad based public support;</p> <p>Institutional commitment throughout the drafting process, and recognition of assigned lead authority in coordinating the action plan drafting process;</p> <p>Clear time-line for the process to be finalised.</p>	<p>All institutions as assigned by the president's decree.</p>	<p>Technical Papers and guidelines</p> <p>4-6 working Sessions or Round Table Discussion (RTD);</p> <p>Public Participation</p>
August 2008 – January 2009	Activity 1.1.2	Assessment/Review and Recommendations on the effectiveness of the National Anti-corruption Strategy, its Action Plan and other policy related reforms in Ukraine.	<p>Reports available;</p> <p>Recommendations and Observation as issued.</p>	<p>Assessment unable to draw clear conclusions and recommendations due to the limited time and experience to produce results as per required reforms and measures against corruption.</p>	<p>Designated institution in charge to monitor the implementation of the Anti-corruption Strategy and Action Plan;</p>	<p>2 Experts;</p> <p>1 Local Expert;</p> <p>Desk review and field work</p> <p>Technical Paper;</p> <p>Round-table discussion to</p>

						present findings to counterpart institution.
October 2006 – January 2007	Activity 1.1.3	1st National (and regional) Public Baseline Survey: - Perception, experience, and attitude on corruption and service delivery in the system of justice (police, prosecution, notary service, enforcement of civil and criminal judgements); and - Perception, experience, and attitude on corruption and service delivery in the public administration and the political system (including elected officials and officials of local and regional authorities).	1st Survey Report (in both languages); Other international community reports; All forms of media reporting; GRECO evaluation report[s]; Government response and acknowledgment of findings (reports, interviews, press releases); Specific measures designed in response to system identification tools; Reports on implementation of the Anti-corruption Action Plan.	Quality and Professionalism of Survey Providers (Contractor); Time line; Survey findings are not received adequately and therefore are not incorporated into policy making; Restriction of distribution and publication of Survey findings by beneficiary; A survey on corruption in the Judiciary has been carried out in spring 2006, albeit with a different methodology.	All relevant institutions which will be determined by Survey Providers and Service Provider ToR.	Independent institution as an outside contractor (Survey Provider)
October 2007 - January 2008	Activity 1.1.4	2nd (Follow up) National (and regional) Public Baseline Survey: - Perception, experience, and attitude on corruption and service delivery in the system of justice (police, prosecution, notary service, enforcement of civil and criminal judgements); - Perception, experience, and attitude on corruption and service delivery in the public administration and the political system (including elected officials and officials of local and	2 nd (Follow up) Survey Report (in both languages); 1 st Survey Report in order to compare data; Other international community reports; All forms of media reporting; GRECO evaluation report[s]; Government response and acknowledgment of findings (reports,	Quality and Professionalism of Survey Providers (Contractor); Time line; Survey findings are not received adequately and therefore are not incorporated into policy making; Restriction of distribution and publication of Survey findings by beneficiary;	All relevant institutions which will be determined by Survey Providers and Service Provider TOR.	Independent institution as an outside contractor (Survey Provider)

		regional authorities); - Perception, experience, and attitude on the system of delivery justice (follow-up to May 2006 Survey).	interviews, press releases); Specific measures designed in response to system identification tools; Reports on implementation of the Anti-corruption Action Plan.			
October 2008 - January 2009	Activity 1.1.5	3rd (Follow up) National (and regional) Public Baseline Survey: - Perception, experience, and attitude on corruption and service delivery in the system of justice (police, prosecution, notary service, enforcement of civil and criminal judgements); - Perception, experience, and attitude on corruption and service delivery in the public administration and the political system (including elected officials and officials of local and regional authorities);	2 nd (Follow up) Survey Report (in both languages); 1 st Survey Report in order to compare data; Other international community reports; All forms of media reporting; GRECO evaluation report[s]; Government response and acknowledgment of findings (reports, interviews, press releases); Specific measures designed in response to system identification tools; Reports on implementation of the Anti-corruption Action Plan.	Quality and Professionalism of Survey Providers (Contractor); Time line; Survey findings are not received adequately and therefore are not incorporated into policy making; Restriction of distribution and publication of Survey findings by beneficiary;	All relevant institutions which will be determined by Survey Providers and Service Provider TOR.	Independent institution as an outside contractor (Survey Provider)
Output (1.2): Effective monitoring, coordination and management of anti-corruption measures ensured						
January 2007 –	Activity 1.2.1	Technical advice and guidance/tools on the establishment/or re-enforcement of a structure/body to:	Monitoring reports; reports assessing the efficiency of the NACS and AP.	Sufficient resources (human and financial) made available to establish efficient and effective	TBD	3-4 Technical working group discussions;

August 2007		Monitor; Manage; and Coordinate The implementation of the National Anti-corruption Strategy and its Action Plan.		monitoring and coordination mechanism.		2 Experts; 1 Local Expert.
February 2007	Activity 1.2.2	System comparing process – Study visit and Workshops on existing practices and lessons learned from other European AC mechanisms for the Working Group (3 merged in one trip: Lithuania; Latvia; Slovenia)	Study visit reports; evaluation/feedback of Study visits by participants.	Genuine readiness and capacity to share lessons learned and best practices and to incorporate them into day-to-day operations.	TBD	CoE Kiev Project Team Experts from counterpart (receiving) institutions (in- kind contribution)
April 2009	Activity 1.2.3	Closing conference: Support to national anti-corruption conference to review the implementation of anti- corruption measures in Ukraine.	Final report of project activities against purposes, stipulating achievements.	Project has managed to carry out activities for all purposes foreseen.	All SG/stakeholder institutions reached by the project.	6 experts (international and national) having been involved in key project activities
Output (1.3): Proposals available to ensure the implementation of Article 6 of the United Nations Convention against Corruption (UNCAC) regarding preventive anti-corruption body or bodies						
March 2007	Activity 1.3.1	Seminar[s] on implementation of UN Treaty Law focussed on issues related to UNCAC applicability in Ukraine and its domestic legislation. (One Seminar designed for Codification Department of MOJ); one Seminar designed for all main key players and specifically on Article 6 of	Proposals reflected in legislative changes.	Continued commitment of Ukrainian authorities to the implementation of the UNCAC.	Codification Department of the MoJ; SG members/stakeho lders of the projects	2 Seminars 2 international 2 local experts Desk review In-country visits Follow-up recommendation

		UNCAC).				s
Purpose (2): To enhance capacities for the prevention of corruption						
<u>Objectives supported through activities under Purpose 2:</u> <ul style="list-style-type: none"> Documents related to the public administration reform amended in the light of anti-corruption standards and best practices; Guidelines for risks analysis, prevention of corruption and elaboration / implementation of codes of conduct in the judiciary, public administration (in particular in the Ministry of Interior, Prosecution and local and regional authorities available; Recommendations and draft laws aimed at reducing conflicts of interests in the political process available. <u>Sources of verification of objectives reached:</u> <ul style="list-style-type: none"> Activity reports; Web-site and documents of the Central Department of Civil Service, High Council of Justice, Ministry of Justice, CEC, Prosecution, Ministry of Interior, National associations / Congress of local and regional authorities of Ukraine, GRECO, Congress of local and regional authorities (CoE), media <u>Assumptions/risks:</u> <ul style="list-style-type: none"> Cooperation of relevant stakeholders 						
Output (2.1): Anti-corruption concerns incorporated into the process of public administration reform (“anti-corruption mainstreaming”)						
February 2007	Activity 2.1.1	Promotion and introduction of the Draft Law on the Ethics Behaviour for Public Officials in order to facilitate the adoption of the new law.	Number of participants in the promotion and introduction event;	Delays on finalising the parliamentary sessions and reading of the draft law.	Members of Parliament Public Administration	1 expert
August 2007	Activity 2.1.2	Training on implementation issues with regard to the newly adopted Code of Ethics on behaviour of the Public Officials		Delays in adopting the new law by parliament.	Members of Parliament Public Administration	
January 2008	Activity 2.1.3	Training of public administration members on issues related legislation on Civil Service Law in light of international standards and best	GRECO and other international reports acknowledging progress on this issue.	Need for this type of training (need not covered by other donors/organizations)	Civil Service Department	TBD

		practices (i.e., OECD, WB)	Stakeholder/beneficiary feedback.			
September 2007-February 2008	Activity 2.1.4	Corruption Risk Assessment and Prevention Plans: System Study No. 1 on Corruption Risks within the Public Administration Services (Development of methodology; System Study Analysis; Identification of risk area and their causes; and Developing prevention proposals and plans.)	Various reports (international/local) Media reports Stakeholder feedback	Need and readiness of relevant stakeholder institutions to participate in survey. Relevance and adequacy of methodology developed.	Civil Service Department	2 international 2 local experts Scoping study In-country visits to carry out survey and analyse findings Presentation of findings to stakeholders
March 2008	Activity 2.1.5	Provision and training of standard guidelines and methodologies in carrying out periodical corruption risk assessments based on the System Study No. 1 provision of methodology on the implementation of prevention plans.	Various reports (including GRECO reports). Reports used as starting point for initiation of policy changes.	Need for corruption risk assessments and its periodic repetition understood by stakeholders.	Civil Service Department	RTD 2 international 2 local experts
Output (2.2): Risks of corruption reduced in the judiciary						
May 2008-November 2008	Activity 2.2.1	Corruption Risk Assessment and Prevention Plans: System Study No. 2 on Corruption Risks within the System of 3 different level courts and their administration Services (Development of methodology; System Study Analysis; Identification of risk area and their causes; and Developing prevention proposals and	Various reports (national/international), including GRECO Survey findings acknowledged by stakeholders and publicly discussed (incl. in media)	Cooperation of Ukrainian judicial authorities in particular of the High Council of Justice. Cooperation of the Ministry of Justice.	MoJ, High Judicial Council	2 international 2 local experts Scoping study In-country visits to carry out survey and analyse findings

		plans.)				Presentation of findings to stakeholders
December 2008	Activity 2.2.2	Provision and training of standard guidelines and methodologies in carrying out periodical corruption risk assessments based on the System Study No. 2 provision of methodology on the implementation of prevention plans.	Various reports (including GRECO reports). Reports used as starting point for initiation of policy changes.	Need for corruption risk assessments and its periodic repetition understood by stakeholders.	MoJ, High Judicial Council	Experts who participated in 2.1.1
Output (2.3): Risks of corruption reduced in the prosecution and police						
January 2008 – June 2008	Activity 2.3.1	Corruption Risk Assessment and Prevention Plans: System Study No. 3 on Corruption Risks within the System of Ministry of Interior (Development of methodology; System Study Analysis; Identification of risk area and their causes; and Developing prevention proposals and plans.)	Various reports (national/inter-national), including GRECO Survey findings acknowledged by stakeholders and publicly discussed (incl. in media)	Commitment of Mol and relevant departments to participate in survey	Mol	2 international 2 local experts Scoping study In-country visits to carry out survey and analyse findings Presentation of findings to stakeholders
August 2008	Activity 2.3.2	Provision and training of standard guidelines and methodologies in carrying out periodical corruption risk assessments based on the System Study No. 3 provision of methodology on the implementation of prevention plans	Various reports (including GRECO reports). Reports used as sources for initiation of policy changes.	Need for corruption risk assessments and its periodic repetition understood by stakeholders.	Mol	Experts who participated in 2.3.1
January 2008	Activity 2.3.3	Corruption Risk Assessment and	Various reports (national/inter-	Commitment of prosecution and	Prosecution	2 international

– June 2008		Prevention Plans: System Study No. 4 on Corruption Risks within the System of Prosecutorial Services (Development of methodology; System Study Analysis; Identification of risk area and their causes; and Developing prevention proposals and plans.)	national), including GRECO Survey findings acknowledged by stakeholders and publicly discussed (incl. in media) Various reports (national/international), including GRECO Survey findings acknowledged by stakeholders and publicly discussed (incl. in media)	relevant departments to participate in survey		2 local experts Scoping study In-country visits to carry out survey and analyse findings Presentation of findings to stakeholders
August 2008	Activity 2.3.4	Provision and training of standard guidelines and methodologies in carrying out periodical corruption risk assessments based on the System Study No. 4 provision of methodology on the implementation of prevention plans	Various reports (national/international), including GRECO Survey findings acknowledged by stakeholders and publicly discussed (incl. in media) Various reports (national/international), including GRECO Survey findings acknowledged by stakeholders and publicly discussed (incl. in media)	Need for corruption risk assessments and its periodic repetition understood by stakeholders.	Prosecution	Experts who participated in 2.3.2
June 2008	Activity 2.3.5	Workshop and expert advice for the elaboration, introduction and implementation of codes of conduct in the Prosecution system	Reports and public communications on Codes of Conducts in the prosecution system	Issue not yet covered by other TA programmes; Prosecution committed to introducing Codes of Conduct; Commitment translates into the allocation of human and financial resources to make system efficient and effective	Prosecution	1 – 2 Experts (national and international) TP Workshop
June 2008	Activity 2.3.6	Workshops and expert advice for (the elaboration) and implementation of	Reports and public communications on Codes of Conducts	Issue not yet covered by other TA programmes;	Ministry of Interior	2-3 experts (national and

		codes conduct and disciplinary and redress/appeal procedures in the Ministry of Interior bodies		Prosecution committed to introducing Codes of Conduct; Commitment translates into the allocation of human and financial resources to make system efficient and effective Ministry of Interior is ready to implement such measures		international) TP Workshop(s)
Output (2.4): Conflicts of interest reduced in the political process						
April 2007	Activity 2.4.1	Workshop on European standards of legislation, regulations and practices on financing of political parties and electoral campaigns in the light of European standards and good practices: Council of Europe guidelines "Financing political parties and election campaigns", (GRECO documents) related to immunities, lobbying and corruption of members of national assemblies. (identification of issues of concern as per subject)	Relevant reports, including GRECO reports Public debate on identified issues	Continued commitment of Ukrainian authorities to tackle issues	Central Election Commission MoJ Parliament	2 international experts 2 national experts Desk review and TP paper Workshop
June 2007	Activity 2.4.2	Workshop to support disclosure, reporting, monitoring and enforcement of legislation and regulations on <u>financing of political parties and</u>	Relevant reports, including GRECO reports Public debate on identified issues	Continued commitment of Ukrainian authorities to tackle issues	Central Election Commission MoJ	2 international experts 2 national

		<u>electoral campaigns</u> (follow-up to recommendations from GRECO)			Parliament	experts Desk review and TP paper Workshop
September 2007	Activity 2.4.3	Analysis of tools to minimise the vulnerability of the legislative process to corruption including regulation of <u>lobbying</u> (analysis of national practices, case studies from Europe and USA, elaboration of proposals).	Relevant international reports (including GRECO) Issues at stake discussed through public hearings, in parliament and in the media	Continued commitment of Ukrainian authorities to advance issues UPEPLAC project findings/recommendations to be incorporated and considered.	Ministry of Justice Parliament UEPLAC Project	2 international experts 2 national experts Desk review and TP paper Workshop
October 2007	Activity 2.4.4	Workshop to support the implementation of obligations of elected office holders to <u>declare assets and conflict of interests</u> as well as other measures to reduce, and control conflict of interests in general.	Relevant national and international reports (including GRECO).	Continued commitment of Ukrainian authorities and relevant stakeholders to advance issues	Tax administration TBD	2 international experts 2 national experts Desk review and TP paper Workshop
November 2007	Activity 2.4.5	Workshop and follow-up on GRECO recommendations with regard to <u>immunities and privileges of parliamentarians and judges</u> and other categories.	International reports, incl. GRECO. Media reports Public discussions	Continued commitment of Ukrainian authorities to tackle issues at stake.	Ministry of Justice; Parliament; Supreme Court High Judicial	2 international experts 2 national experts Desk review and

					Council of Judges	TP paper
						Workshop
Output (2.5): Capacities enhanced at the level of local and regional authorities for the prevention of corruption and strengthening of integrity						
November 2007	Activity 2.5.1	Support the drafting of a short and structured National Handbook on ethics in local government, based the European Public Ethics Handbook, and translation of other relevant documents into Ukrainian	Draft National Handbook	Identification of a competent local expert Help from national and local stakeholders in identifying and accessing sources of information		1 local expert 1 international expert
December 2007	Activity 2.5.2	Raise interest among local government stakeholders and create a Steering Group for supporting public ethics in local government	Letters of interest in taking part in the Steering Group Other forms of interest expressed in relation to the benchmarking programme Clear commitment expressed by at least 5 municipalities in implementing the full programme	Identification of a committed local partner Interest from local stakeholders 5 municipalities are committed to the programme		1 local expert
February 2007	Activity 2.5.3	Organise the first meeting of the Steering Group to revise the National Handbook and to revise and adopt the National Score Card for the benchmarking exercise	Documents of the Steering Group meeting Meeting report Revised National Handbook National Score Card	Identification of a committed local partner Interest from local stakeholders 5 municipalities are committed to the programme		1 local expert 1 international expert 1 workshop
March – April 2007	Activity 2.5.4	Organise the first round of self-assessments and preparation of the National Benchmark on public ethics at local level	Self-assessment forms National Benchmark (composed of the National Score Card plus average scores)	Identification of a committed local partner Interest from local stakeholders 5 municipalities are committed to the programme		1 local expert
May - June 2007	Activity 2.5.5	Selection and training to the use of the peer review and benchmarking process for 15 peer reviewers (5 local elected representatives, 5 senior local public servants and 5 specialists in public administration)	Training report Training evaluation forms filled in by the trainees at the end of the training session	Identification of a local partner Identification of a competent local expert Identification of 15 qualified volunteers for the role of peers		1 Training workshop 1 local expert 1 international expert
September –	Activity 2.5.6	Organise peer reviews in the 5 pilot	5 reviews reports	Identification of a local partner		1 local expert

October 2007		municipalities to evaluate their experience in view of its improvement and, if appropriate, dissemination and replication throughout Ukraine. Each peer review should lead to the preparation of reports including Recommendations for the improvement of the situation in the municipality under review	5 review Recommendations	Commitment of peer reviewers 5 municipalities are committed to the programme		5 review visits of 4 days for peer review teams of 4 persons each
December 2007 – February 2008	Activity 2.5.7	Support the preparation and implementation of Corruption Prevention Plans in the 5 pilot municipalities (risk analyses and benchmarking, review status of local officials, review effectiveness of internal and external monitoring and control mechanisms, implementation of codes of conduct)	5 Corruption Prevention Plans	Identification of a local partner 5 municipalities are committed to the programme		1 local expert
March - April 2008	Activity 2.5.8	Revise the National Handbook on public ethics in the light of the results of the Benchmarking exercise (Score Card, Benchmark, peer review recommendations and Corruption Prevention Plans) and, if appropriate, prepare a draft National Strategy to improve public ethics at local level	Revised National Handbook Possibly, the National Strategy	Identification of a local partner Identification of a competent local expert		1 local expert 1 international expert
June 2008	Activity 2.5.9	Organise the Second Steering Group meeting to adopt the revised National Handbook (and, if appropriate, the National Strategy) and to assess the implementation of the programme	Meeting report Meeting documents Handbook on Public Ethics at local level	Identification of a local partner		1 international expert 1 local expert 1 workshop
September 2008	Activity 2.5.10	Publish the revised National Handbook. Subject to agreement by participating municipalities, review Recommendations and Corruption Prevention Plans could be appended to the Handbook	Publication "Handbook on Public Ethics at local level" Distribution list Reactions from addressees and the media	Identification of a local partner		

(Subject to available resources)	(Activity 2.5.11)	(Subject to available resources, organise a second round of peer reviews in the 5 municipalities in order to assess changes)	(Peer reviews reports Reviews comments and recommendations)	(Identification of a local partner Commitment of peer reviewers 5 municipalities are committed to the programme)		(1 local expert 5 review visits for 5 peer review teams of 4)
Output (2.6): Public participation in the anti-corruption effort promoted						
October 2006	Activity 2.6.1	Develop the terms of reference for a grant programme open to NGOs and other civil society organisations aimed at promoting public involvement in the anti-corruption effort	Call for submission of proposals from NGOs.	N.A.	Council of Europe Kyiv Project Team	Team Leader in conjunction with EC consultants.
Purpose (3): To strengthen the anti-corruption legal framework and effective and impartial enforcement of the criminal legislation on corruption						
<p><u>Summary of objectives supported under Purpose 3:</u></p> <ul style="list-style-type: none"> Relevant draft amendments in line with international anti-corruption standards and technical reports on specialisation, training, and multidisciplinary approach of law enforcement and judicial authorities in the fight against corruption elaborated <p><u>Sources of verification of objectives reached:</u></p> <ul style="list-style-type: none"> Activity reports, GRECO reports, draft amendments, technical reports, partner institutions documentation <p><u>Assumptions/risks:</u></p> <ul style="list-style-type: none"> Commitment and co-operation of relevant partner institutions 						
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						
January 2007	Activity 3.1.1	Expert Opinion and Review of coherence of Draft Concept of Administrative Reform with European anti-corruption standards.	Projects reports; Other reporting and communications of relevant Ukrainian institutions;	Draft Concept available for review by responsible institutions;	Main Civil Service Department of the of Ukraine;	2 Experts Desk review; 1 Fact finding

			<p>Relevant institutions' web-sites disseminating information and providing feed back;</p> <p>Media coverage;</p> <p>GRECO Evaluation Report[s] and recommendations and GRECO compliance reports</p>	<p>Political will to undertake necessary reforms, and review the on-going legislative process in line with the European standards;</p> <p>Consistency of coordination and cooperation among all relevant institutions and key players during the entire process;</p> <p>Clear transparent process and a thorough stake holder consultation mechanism;</p> <p>Available resources provided and committed by the relevant beneficiary and coordinating bodies/institutions.</p>	<p>MOJ;</p> <p>National Commission for the Strengthening of Democracy and Rule of Law;</p> <p>Secretariat of the President of Ukraine;</p> <p>Council of National Security and Defence;</p> <p>School of Public Administration;</p>	<p>mission;</p> <p>Delivery of Technical Paper (Expertise Opinion); Round Table Discussion (RTD);</p> <p>Follow up.</p>
January 2007	Activity 3.1.2	Expert Opinion and Review of the Draft Concept of the Reform of Criminal Justice and Law Enforcement Agencies in line with European anti-corruption standards.	<p>Projects reports;</p> <p>Other reporting and communications of relevant Ukrainian institutions;</p> <p>Relevant institutional web-sites disseminating information and providing feed back;</p> <p>Media coverage;</p> <p>GRECO Evaluation Report[s] and recommendations and GRECO compliance reports</p>	<p>Draft Concept available for review by responsible institutions;</p> <p>Political will to undertake necessary reforms, and review the on-going legislative process in line with the European standards;</p> <p>Consistency of Coordination and Cooperation among all relevant institutions and the key players during the entire process;</p> <p>Clear transparent process,</p>	<p>Ministry of Justice;</p> <p>National Commission for the strengthening of democracy and the rule of law;</p> <p>Secretariat of the President of Ukraine;</p> <p>Council of National Security and Defence.</p>	<p>2 Experts;</p> <p>Desk Review;</p> <p>1 Fact finding Mission;</p> <p>Technical Paper (Expertise Opinion);</p> <p>Round Table Discussion (RTD);</p> <p>Follow up.</p>

				including thorough stake holder consultation mechanism; Available resources provided and committed by the relevant beneficiary and coordinating bodies/institutions.		
October 2006	Activity 3.1.3	Expert Opinion and Review on the coherence of: - Draft Law on the Judiciary; and - Draft Law on the Status of judges, with European anti-corruption standards.	Projects reports; Other reporting and communications of relevant Ukrainian institutions; Relevant institutions' web-sites disseminating information and providing feed back; Media coverage; GRECO Evaluation Report[s] and recommendations and GRECO compliance reports	Draft Concept available for review by responsible institutions; Political will to undertake necessary reforms, and review the on-going legislative process in line with the European standards; Consistency of coordination and cooperation among all relevant institutions and key players during the entire process; Clear transparent process, including a thorough stake holder consultation mechanism; Available resources provided and committed by the relevant beneficiary and coordinating bodies/institutions; In addition a financial feasibility concept has been provided and agreed/committed by government.	Ministry of Justice; National Commission for Strengthening Democracy and the Rule of Law; Supreme Court; Council of Judges; Secretariat of the President of Ukraine; Association of Judges of Ukraine.	2 Experts; Desk review; 1 Factfinding mission; Technical Paper (Expertise Opinion); Round Table Discussion (RTD); Follow up.
June 2007	Activity 3.1.4	Support the implementation of	Database of legal acts of Ukraine	Continuous commitment of	MoJ	Council of

		GRECO recommendations on compliance with relevant international anti-corruption legal instruments. (Activities need to be defined upon issuance of GRECO report)	GRECO compliance reports Other relevant monitoring reports (OECD)	Ukrainian authorities to adhering to international legal standards.	TBD	Europe local project team Relevant international and national experts
December 2006 – August 2007	Activity 3.1.5	Support to the drafting of legislation that results from anti-corruption law package, submitted by the President of Ukraine to the Parliament. Follow-up will be defined further after review.	Database of Legal Acts	Continuous commitment of Ukrainian authorities to align Ukrainian legal framework with international standards; Sufficient resources (human and financial) made available	MoJ	6 TP's 2-6 experts
December 2006 - February 2007	Activity 3.1.6	Expert support in aligning the draft Law of Ukraine "On Public Service" (new version) with the anti-corruption law package, submitted by the President of Ukraine to the Parliament	GRECO compliance reports Other relevant monitoring reports (OECD)		MoJ	
December 2006	Activity 3.1.7	Support to publicising the contents of the anti-corruption law package, submitted by the President of Ukraine to the Parliament	Database of Legal Acts	Broad-based commitment to fighting corruption, including through relevant legislation.	MoJ, Parliament	Workshop; Local and international experts.
Output (3.2): Judges trained and specialised in adjudication of corruption; law enforcement officials trained in the investigation and prosecution of corruption offences						
April 2008	Activity 3.2.1	Multidisciplinary Conference on issues related to investigation and prosecution of corruption related offences (challenges, national practices and foreign experience, case studies, pro-active and multidisciplinary approach, participation of relevant bodies, including supreme audit institutions).	Various reports (including GRECO)	Issue not yet covered by other donors	SG partners	TP

March – May 2008	Activity 3.2.2	Expert Review and Recommendations on the effectiveness of bodies responsible for the pre-trial investigation and prosecution of corruption offences (follow-up to recommendations from GRECO, special emphasis on specialisation and from the Multidisciplinary Conference Conclusions)	GRECO reports	Reform of system of prosecution is underway/finished in conjunction with international legal standards.	Bodies responsible for pre-trial investigation and prosecution.	2 experts (international and national) TP and Fact Finding Mission
September 2008	Activity 3.2.3	In-country training activity for prosecutors and investigators from central and regional offices (case studies, pro-active and multidisciplinary approach, participation of relevant bodies, including supreme audit institutions)	Reports, including GRECO	Reform of system of prosecution is underway/finished in conjunction with international legal standards.	Investigation and prosecution authorities from central and regional level and other relevant authorities	1 Training Activity 2 international experts 2 national experts
November 2008	Activity 3.2.4	In-country training activity for police officers and other law enforcement officials from central and regional offices (case studies, pro-active and multidisciplinary approach, participation of relevant bodies, including supreme audit institutions)		Reform of system of prosecution is underway/finished in conjunction with international legal standards.	Mol, Prosecution	1 Training activity 2 international experts 2 national experts TP
October 2007- March 2008	Activity 3.2.5	Upon adoption of relevant legislation: Provide training tools through a Manual of Training on Investigation and Prosecution of Corruption related offences.		Reform of system of prosecution is underway/finished in conjunction with international legal standards. Legal acts have adopted	Mol, Prosecution	2 international experts 2 national experts TP
November 2008	Activity 3.2.6	Joint multidisciplinary training for judges, prosecutors, police and other law enforcement officers from central		Reform of system of prosecution is underway/finished in conjunction with international	MoJ, Prosecution, Mol	2 international experts

		and regional levels on pro-active and multidisciplinary approach, specialised officers on finance and economics, inter-agency and international cooperation during criminal proceedings on corruption related offences.		legal standards.		2 national experts TP
December 2008	Activity 3.2.7	Provide Technical Advice on the introduction and application of case management systems for the Ministry of Interior and Prosecution services, in particular of a unique system for registration of corruption and economic crime related offences.		Need not yet covered by other donors.	Mol, Prosecution	2 International experts 2 Local experts Scoping Study TP 2 Workshops (introduction and feedback)
January 2009	Activity 3.2.8	Provision of IT equipment / advice (to be specified if needed)				

7.2 Annex II

Project Expense Balance Sheet as of 30/11/06

Expenses	All years				First year budget				EXPENSES as at 30/11/06	% 1st year budget
	Unit	# of units	Unit rate (in EUR)	Costs (in EUR)	Unit	# of units	Unit rate (in EUR)	Costs (in EUR)		
1. Human Resources										
1.1 Salaries (gross amounts, local)										
1.1.1 Technical	Work/months	36	1500	54 000	Work/months	12	1500	18 000	11 294,93	62,75%
1.1.2 Administrative/ support Staff	Work/months	72	5400	194400	Work/months	24	5400	64 800,00	36 579,46	56,45%
1.2 Salaries (gross amounts, expat/int. staff)	Work/months			522 000	Work/months			182 250	69 787,74	38,29%
1.3 Per diems for missions/travel	Per diem	1 073	3 887	181 337	Per diem	430	3 887	72 670	4 899,49	6,74%
Subtotal Human Resources				951 737				337 720	122 561,62	36,29%
2. Travel										
2.1. International travel	Per flight	227	8800	181600	Per flight	86	8800	68800	11303,33	16,43%
2.2 Local transportation (over 200 km)	Per month	300	36	10 800	Per month	300	12	3600	288,00	8,00%
Subtotal Travel				192 400				72 400	11 591,33	16,01%
3. Equipment and supplies***										
3.1 Software (Case management)		2	20000	40 000		1	20000	20 000		
3.2 Furniture, computer equipment				0				0		
Equipment project office (furniture, PC, fax, copy machine for 3 persons)	Per office	1	15000	15 000	Per office	1	15000	15 000	5 200,00	34,67%
Personal Computers (incl. Office software)	Sets	30	2800	84 000	Sets	15	2800	42 000		

Copy machines	Set			0	Set		0	0		
3.3 Spare parts/equipments for machines, tools	Lump sum			0			0	0		
3.4 Other	Lump sum			0	Lump sum		0	0		
3.5 Training materials and supplies	Per event	36	1000	36 000	Lump sum	12	1000	12 000		
Subtotal Equipment and supplies				175 000				89 000	5 200,00	5,84%
4. Local office/project costs										
4.1 Vehicle costs	Per month		500	0	Per month		500	0		
4.2 Office rent	Per month				Per month		0			
4.3 Consumables - office + medical supplies	Per month	36	400	14 400	Per month	12	400	4 800	792,00	16,50%
4.4 Other services (tel/fax, electricity/heating, maintenance)	Per month	36	400	14 400	Per month	12	400	4 800	2 616,00	54,50%
Subtotal Local office/project costs				28 800				9 600	3 408,00	35,50%
5. Other costs, services										
5.1 Publications**	Per publication	12	2500	30 000		4	2500	10 000	433,88	4,34%
5.2 Survey**	Per survey	5	12000	60 000		1	12000	12 000		
5.3 Auditing costs							0			
5.4 Evaluation costs		1	10000	10 000			10000	0		
5.5 Translation, interpreters					Days		0			
Translations and interpreters in-country	Days	200	350	70 000	Days	80	350	28 000	5 747,20	20,53%
Interpretation abroad (Study visit)	Days	35	600	21 000	Days	10	600	6 000		
5.6 Financial services (bank guarantee costs etc.)										
5.7 Costs of conferences/seminars**	Per event	36	2500	90 000	Seminars	12	2500	30 000	4 312,00	14,37%
Subtotal Other costs, services				281 000				86 000	10 493,08	12,20%
6. Real Estate and works****										
6.1 Purchase of land										
6.2 Purchase of building										
6.3 Construction works										

Subtotal Real estate and works				0				0		
7. Other				6 577						
Subtotal Other				6 577				0	0,00	0,00
8. Subtotal direct project costs (1.-7.)				1 635 514				594 720	153 254,03	25,77%
9. Administrative costs (maximum 7 % of 8., direct eligible project cost)	Percent	7		114 486	Percent	7		41 630	6 533,74	15,69%
10. Total eligible project costs (8.+ 9.)				1 750 000				636 350	159 787,77	25,11%
11. Contingency reserve* (maximum 5 % of 10., total eligible project costs)	Percent				Percent					
12. Total costs(10.+11.)				1 750 000				636 350	159 787,77	25,11%

* Contingency reserve can only be used after written approval of the Commission

** Only indicate here when fully subcontracted *** Costs of purchase or rental

**** The purchase of land or purchase/construction of buildings is only permitted if indispensable for implementing the project

***** All items must be broken down into their individual components. The number of units for each component must be specified.