



EASTERN PARTNERSHIP
Civil Society Forum

STATEMENT

**WORKING GROUP 1 "Democracy, human rights, good governance and stability"
Ukrainian National Platform of the Eastern Partnership Civil Society Forum
concerning the Law of Ukraine № 2837**

“On Amendments to Certain Legislative Acts of Ukraine on implementation of the state anti-corruption policy” of 14.05.2011

Working Group 1 welcomes political compromise enactment of Law of Ukraine № 2837 "On Amendments to Certain Legislative Acts of Ukraine on implementation of the state anti-corruption policy" of 05.14.2013. The adopted Law of Ukraine № 2837 is an important step towards European integration of Ukraine.

Working Group 1 supports the following steps in the improvement sphere of existing anti-corruption legislation:

- Clarifying and expansion of legal terms "close person" and "conflict of interest" and improving monitoring system of conflicts of interest, enabling more efficient and timely detect and eliminate conflict of interest with their corruption threats;
- Open free public access to the data of a single registry of persons who have committed corruption offenses;
- Freely availability of officials' financial declarations on the Internet and reduce of minimum expenses amounts, which include the declaring obligation (from 150 thousand to 80 thousand UAH);
- Establishment of a control mechanism over the accuracy of information on officials' declarations;
- Distribution of requirements and restrictions imposed by the Law of Ukraine "On Prevention and Combating Corruption" on local councils, which are required to submit declarations of assets, income, expenses and financial obligations;
- Improvement of existing anti-corruption expertise of legal acts and projects, including the strengthening of parliamentary oversight in this area and to provide authority to relevant parliamentary committee to make anticorruption expertise of draft laws submitted by the MPs.

Simultaneously, Working Group 1 considers it necessary to pay attention to these obvious disadvantages of the law that are important to consider in further legislative practice:

Financial control over the accuracy of information on officials' declarations

The proposed mechanism of financial control over the accuracy of the declarations in the "authorized units" that will act in the same structure of ministries and departments is

clearly inefficient and in practice will be reduced to formal reporting. Since the controllers will either be subordinates or colleagues of those whom they are entitled to inspect. Consequently, the control system will be formally biased and its conclusions may be prejudiced and formulated for reasons of political or administrative expediency.

We consider that financial control over the accuracy of the information on officials' declarations must be made by specialized anti-corruption agency, whose workers don't depend on the leadership of ministries and departments. For this reason, we regret on declination of the Law "On the National Anti-Corruption Bureau" (№2218 of 07.02.2013) which proposed the creation of a specially authorized body to fight corruption and grant it functions of control over officials' declarations.

Efficiency of control over declarations data can be increased if there is an immediate need to respond to conflict of interest and corruption risks in officials' activity, which became public through publication in the media and were identified as a result of public corruption expertise. Such type of approach would help increase the effectiveness of control over declarations data and establish more effective communication between the civil society organizations that monitor government activities in order to identify corruption risks, and appropriate state and local authorities.

Anti-corruption expertise of legal acts

In conditions of corruption practices institutionalization within the budget process and procurement from budget resources and the use of other state and communities resources and assets, the proposed anticorruption expertise mechanism should be extended with the active involvement of civil society. Also must be developed clear, understandable and public mechanism and order to promote civil society anti-corruption expertise and transparent review and consideration of its results. Otherwise, public proposals on elimination of corruption factors identified in existing regulations and their projects will remain at the level of sentences.

Also the spread of the anticorruption expertise practice of draft regulations on regional and local levels is necessary.

Public access to information on officials' declarations

The mechanism for disclosure of public information on official's declarations on official websites needs improvement. In accordance to the enacted law, publication of declarations on the Internet is actually not required and as an alternative they can be published in official publications, which don't ensure total transparency and accessibility to the information on published declarations and complicates public participation in activities to prevent and combat corruption.

The most effective way to solve this problem is establishment of transparent and clear publication order of declarations on specially created official Internet portal, which will be a channel of public access to information on incomes, expenses and financial obligations of state officials and local governments.

Working Group 1 expresses its hope that the President of Ukraine, Prime Minister of Ukraine and committees of Ukraine's Parliament will consider the observations and

proposals mentioned in the application in the further development of anti-corruption legislation. Simultaneously, signing of the current version of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on implementation of the state anti-corruption policy" of 14.05.2013 by the President of Ukraine is very important for the Ukraine's European integration progress.

Working Group 1 is ready to provide versatile organizational and expertise support to the President of Ukraine, Prime Minister and the committees of Ukrainian Parliament on European integration concerning improvement of anti-corruption legislation and public expertise of its implementation, as well as preparation of important laws on European integration indicated in the Decision of the Council of Europe of 10.12.2012 to other committees of Ukraine's Parliament.

Working Group 1 believes that the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on implementation of the state anti-corruption policy" of 14.05.2013 is a **significant step** towards elimination of formal barriers to the signing of the Association Agreement between Ukraine and the EU Summit Vilnius, scheduled for November 2013.

May 15, 2012, Kyiv