



Centre of Policy and Legal Reform

# **“Strengthening the Role of Civil Society in Facilitating Democratic Reforms and Increasing Accountability, Responsibility, and Quality of Government”**

The project is funded by the European Union

# GOAL



Centre of Policy and Legal Reform

- To strengthen the role of civil society in reforming of state, implementing, monitoring and advocating reforms in accordance with the EU-Ukraine Association Agreement at the local and national levels particularly
- To strengthen public dialogue between civil society and government authorities
- To increase accountability and transparency of the authorities, reduce corruption

## Duration of the Project

October 1, 2017 – September 30, 2019

## Budget

765, 005 €

# COMPONENTS / AREAS OF ACTIVITY



Centre of Policy and Legal Reform

1. Constitutional reform, electoral law and financing of political parties
2. Judicial reform
3. Public administration
  - 3.1. reform of ministries, central executive bodies (CEBs), civil service
  - 3.2. administrative procedure, administrative fee, centres for provision of administrative service centers (CPASs), passport legislation
4. Law enforcement agencies
5. Anticorruption sphere

# CONSTITUTIONAL REFORM, ELECTORAL LAW AND FINANCING OF POLITICAL PARTIES



Centre of Policy and Legal Reform

## Achievements | October 1, 2017 – May 1, 2018

1. Recognition by the Constitutional Court of the Law "On All-Ukrainian Referendum" as unconstitutional. This makes it impossible to conduct manipulative non-democratic referendums in Ukraine at the national level (legal support of the case in the CCU by Julia Kyrychenko)
2. Proposals developed for Ukraine on the implementation of the constitutional reform in cooperation with the international community (international organization IDEA, Centre for Constitutional Transformations, in cooperation with the Venice Commission, "Rada" Program). Proposals are presented in the analytical report.
3. Insignificant improvement in the reporting quality of political parties to the NACP, in particular through public monitoring.
4. Establishment of constructive cooperation with the Constitutional Court in terms of both expert assistance and assistance in communicating with society.
5. Personnel strengthening of the Constitutional Court, in particular, due to public monitoring of the selection of judges of the Constitutional Court.
6. Facilitating the launch of the constitutional appeal institute through monitoring and raising awareness of citizens about a new right
7. Expert examination of all election draft laws.

# CONSTITUTIONAL REFORM, ELECTORAL LAW AND FINANCING OF POLITICAL PARTIES

Objectives | May 1, 2018 – December 31, 2018

1. Promoting the establishment of democratic referendum legislation through the revision of the draft law.
2. Analysis of draft amendments to the regulation on the election of people's deputies.
3. Highlighting and discussion of proposals for Ukraine on the constitutional reform in cooperation with the international community (International Organization IDEA, Center for Constitutional Transformations, in cooperation with the Venice Commission, "Rada" program) on the basis of an analytical report.
4. Monitoring of reporting of political parties to the NACP.
5. Monitoring of the implementation of the constitutional appeal institute.
6. Promotion of strengthening of the constitutional justice through raising of public trust in the Constitutional Court.
7. Strengthening capacities of regional partners through trainings.

# CONSTITUTIONAL REFORM, ELECTORAL LAW AND FINANCING OF POLITICAL PARTIES

## Challenges

1. One and half year delay in handling constitutional complaints due to the Constitutional Court reform and crisis of the constitutional judiciary causes the postponement of full-scale monitoring of the current state of human rights and freedoms protection by the Constitutional Court.

# JUDICIAL REFORM

Achievements | October 1, 2017 – May 1, 2018

1. Proposals to the draft law "On the Supreme Anticorruption Court" were drafted and submitted to the Parliament for consideration. Infographics, a series of advocacy documents were prepared, advocacy meetings were held.
2. An analytical report "Creating a New Supreme Court: Key Lessons" was prepared and publicly presented. The report made it possible to expose those problems that constitute a risk for the formation of the Supreme Anticorruption Court and judicial reform in general. The evaluation of the competition to the Supreme Court by the EU and the Council of Europe has been initiated (evaluation is in progress, but results are not yet available).
3. An expert survey was conducted on the expectations of the new Supreme Court and its findings were publicized, which is a certain benchmark for this institution in terms of the implementation of innovations.

# JUDICIAL REFORM

Objectives | May 1, 2018 – December 31, 2018



Centre of Policy and Legal Reform

1. Presentation of the analysis results on the outcomes of bringing judges to disciplinary responsibility. Bringing recommendations to the attention of the High Council for Justice and other stakeholders.
2. Submission of an Alternative report on the state of play in the area of the independence of judges.
3. Start cooperation with the Council of Judges of Ukraine in order to introduce service orientation in the activities of courts.



# JUDICIAL REFORM

## Challenges

1. Representatives of the political authority are interested in preserving the system which allows to exert influence on judges, and therefore they do not perceive NGOs revealing these influences as partners.
2. Efficient collaboration with High Qualification Commission of Judges and High Council of Justice is complicated because these bodies are not aimed at 'cleaning' the judicial branch and overcoming mechanisms of informal influence on judges. They are themselves a part of such mechanisms.
3. Formation of the new Supreme Court (which was once a suggestion of the CPLR and RPR) did not turn out to be a success story. The results of analysis of judges' selection turned out to be 'unpleasant' for European Delegation in Ukraine since EU supported the selection financially.

# PUBLIC ADMINISTRATION:

reform of ministries, central executive bodies (CEBs), civil service

## Achievements | October 1, 2017 – May 1, 2018

1. On December 27, 2017, the Government approved the Concept of Optimization of the System of Central Executive Bodies, which was prepared with participation of the CPLR experts.
2. Draft amendments to the Law of Ukraine "On Civil Service" were elaborated in the frames of the Expert Advisory Board under the National Civil Service Agency.
3. Draft laws on amending the Laws of Ukraine "On the Cabinet of Ministers of Ukraine" and "On Central Executive Bodies" were updated and submitted to the Cabinet of Ministers of Ukraine for consideration.
4. Amendments and proposals to the draft law "On the Principles of the Administrative and Territorial System of Ukraine" dated February 22, 2018, were prepared.
5. Draft methodology for analysis by the ministries of the state policy and strategic planning; the list of efficiency indicators for the ministries; proposals on the structuring of state policy in the Cabinet of Ministers of Ukraine with the aim of creating the relevant directorates of the ministries were prepared for the Secretariat of the Cabinet of Ministers.

# PUBLIC ADMINISTRATION:

reform of ministries, central executive bodies (CEBs), civil service

Achievements | October 1, 2017 – May 1, 2018

6. Preliminary analysis of the implementation in 2016-2017 of the Public Administration Reform Strategy for 2016-2020 was prepared.
7. Proposals for the training of reform personnel selected for work in the directorates of 10 pilot ministries were prepared.
8. I.B. Koliushko participated in 11 meetings of the Senior Civil Service Commission, 2 meetings of the Coordination Council on Public Administration Reform and nearly 20 meetings of the Minister of the Cabinet of Ministers of Ukraine and Deputy State Secretary of the Cabinet of Ministers.

# PUBLIC ADMINISTRATION:

reform of ministries, central executive bodies (CEBs), civil service

Objectives | May 1, 2018 – December 31, 2018

1. Analytical support for the reform of the organizational structure of 10 pilot ministries and the implementation of other tasks of the Concept of optimization of the system of central executive bodies. Organization of their cooperation with analytical centers of Ukraine.
2. Advocacy of the draft laws on amendments to the Laws of Ukraine "On Civil Service", "On the Cabinet of Ministers of Ukraine" and "On Central Executive Bodies".
3. Advocacy of implementation of the methodology for state policy and strategic planning analysis by the ministries.
4. Preparation of proposals on the formation of a new Cabinet of Ministers of Ukraine after the parliamentary elections, including a new draft law on the Cabinet of Ministers of Ukraine.
5. Monitoring of implementation in the first half of 2018 of the Public Administration Reform Strategy for 2016-2020, approved by the CMU.
6. Active participation in the work of the Commission on the issues of the Senior Civil Service, the Coordination Council on Public Administration Reform, the meetings of the CMU, and the Deputy State Secretary of the CMU.

# PUBLIC ADMINISTRATION:

reform of ministries, central executive bodies (CEBs), civil service

## Challenges

1. The reform of ministries is not supported properly by some of ministers.
2. It is very difficult to organize competitive selection of numerous reform specialists in short period of time.
3. The process of introducing amendments to laws by the Parliament slowed down (incl. draft-law No 6227 “On Amending the Law of Ukraine ‘On Civil Service’ (to clarify some provisions)”).

# PUBLIC ADMINISTRATION:

administrative procedure, administrative fee, centres for provision of administrative service centers (CPASs), passport legislation

Achievements | October 1, 2017 – May 1, 2018



Centre of Policy and Legal Reform

1. Participation in the Working Group at the Ministry of Justice on the finalization of the draft law on the administrative procedure. Contribution made to the preservation and updating of the provisions of the draft law, which guarantees the fundamental rights of citizens and businesses in this area. Information events were held in support of the adoption of the law on the administrative procedure (publications in the media, press conference) and advocacy measures, in particular, a discussion lecture for employees of the Secretariat of the Government on the issues of the general administrative procedure.
2. A draft law on amendments to the passport legislation with an accompanying package of documents was developed and sent to the Ministry of Internal Affairs and the State Migration Service. Currently the draft is under their consideration.
3. The draft Concept and the draft law on the administrative fee (including the annex thereto - the list of services) were updated. These documents were sent to the Secretariat of the Government, the Ministry of Economic Development and Trade and the Ministry of Finance. Currently these documents are under their consideration.

# PUBLIC ADMINISTRATION:

administrative procedure, administrative fee, centres for provision of administrative service centers (CPASs), passport legislation

Achievements | October 1, 2017 – May 1, 2018

4. Working meetings with the Minister of the Cabinet of Ministers of Ukraine, officials of the Ministry of Economic Development and Trade and the State Migration Service were held with the purpose of discussing problems in the area of rendering administrative services and ways of their addressing.
5. A series of training sessions for officials from the Centers for Provision Administrative Services (CPAS), social security departments and Civil Acts Registration departments launched on effective ways to integrate basic services into the CPAS. On April 11-12, the first two-day training session has already taken place in Lviv.
6. Publications were prepared and comments provided to the media on topical issues of rendering administrative services.
7. Participation in various government initiatives (working groups, activities) on administrative services and administrative procedures.

# PUBLIC ADMINISTRATION:

administrative procedure, administrative fee, centres for provision of administrative service centers (CPASs), passport legislation

Objectives | May 1, 2018 – December 31, 2018

1. Continuation of work on the draft law on administrative procedure within the framework of the working group at the Ministry of Justice. Advocacy of its adoption in the terms stipulated by the Public Administration Reform Strategy – Q4 2018 – Q1 2019
2. Continuation of the advocacy of the draft law on amending the passport legislation and making efforts to coordinate positions with the Ministry of Internal Affairs and the State Migration Service.
3. Advocacy of the adoption of the law on the administrative fee, approval of its concept and content with the involved ministries.
4. Advocacy of the decentralization of basic administrative services, including transfer to their provision through the CPAS (services for the registration of civil status acts, passport services, land registry services, etc.).
5. Continuation of a series of trainings for officials in Dnipro, Odesa and Kyiv on effective ways to integrate basic services into the CPAS.
6. Completion of the analytical document on the integration of administrative and other public services into the CPAS.



# PUBLIC ADMINISTRATION:

administrative procedure, administrative fee, centres for provision of administrative service centers (CPASs), passport legislation

## Challenges

1. State Migration Service of Ukraine expresses no political will to collaborate with the CPLR on drafting amendments to passport legislation. During preliminary meetings with Victor Tymoshchuk, the Deputy Head of the Board of CPLR, the leadership of the State Migration Service expressed its reluctance to amend passport legislation. However, no strong arguments were offered to support this position. Despite that, CPLR sent its drafts of the passport legislation to the leadership of the State Migration Service and to the Ministry of Internal Affairs. So far there is only a formal answer that these suggestions will be taken into consideration in the future.
2. Slow reaction of the Ministry of the Economic Development and Trade and Ministry of Finance towards the draft-law on the administrative fee elaborated by the CPLR. These ministries understand the problem, but they are still not sure whether this draft-law is necessary to adopt. CPLR has not yet received clear official statements from these ministries since the time they received CPLR's draft-laws (March 14, 2018).

# LAW ENFORCEMENT AGENCIES

## Achievements | October 1, 2017 – May 1, 2018

### 1. Participation in the formation of the State Bureau of Investigations

- expectations of the public from the activities of the SBI were presented to the management of the Bureau;
- representative of the CPLR took part in the formation of the composition of the competition commission for the selection of the Bureau's investigators;
- internal documents of the SBI were prepared with the participation of the Center's experts

### 2. Participation in the reform of the Ministry of Internal Affairs

- finalization of the Development Strategy of the system of the Ministry of Internal Affairs up to 2020 and an action plan for its implementation
- completion of a study on police commissions

### 3. Participation in the improvement of criminal proceedings

- preparation of the draft law on the jury trial
- improvement of the CPC in the frames of parliamentary working group

### 4. Protection of the rights of victims

- jointly with the Ministry of Justice, finalizing the draft Law on Compensation for Victims of Violent Crimes

# LAW ENFORCEMENT AGENCIES

Objectives | May 1, 2018 – December 31, 2018

1. Participation in the formation of the State Bureau of Investigations
  - completion of the competitive selection of investigators of the Bureaus and launching of its work
2. Participation in the reform of the Ministry of Internal Affairs
  - implementation of the Strategy for the development of the Ministry of Internal Affairs system up to 2020 and an action plan for its implementation
  - presentation of a study on police commissions
3. Participation in the improvement of criminal proceedings
  - conducting research on the work of the Qualification Disciplinary Commission of Prosecutors
4. Protection of the rights of victims
  - parliamentary consideration of the Draft Law on the Compensation for Victims of Violent Crimes

# LAW ENFORCEMENT AGENCIES

## Challenges

1. Prosecutor General's Office of Ukraine familiarizes neither international partners, nor the civil society with the prepared and adopted text of the Roadmap of prosecution reform. That is, there is no a document against which to measure the level of reform implementation.
2. The Strategy of Reform of Ministry of Internal Affairs was adopted on 15 November, 2017, but published only in April 2018. Action Plan of the Strategy implementation was to be adopted on January 1, 2018 but it will not be developed by June 1, 2018. So for almost half a year there has been no adopted action plan for reforming the Ministry of Internal Affairs.

# ANTICORRUPTION SPHERE

## Achievements | October 1, 2017 – May 1, 2018

1. Participation in the finalization of the draft Anticorruption Strategy for 2018-2021. Part of the proposals expressed by the CPLR experts in the Conclusion on the Draft Anticorruption Strategy for 2018-2021 has been taken into account during its finalization.
2. Ongoing motivation of responsible entities for timely and qualitative implementation of anticorruption measures envisaged by the Anticorruption Strategy and the State Program for its implementation through special addresses, publication of results, analysis of the state of their implementation, etc.
3. Summarized information on the number and results of the consideration by the courts of Ukraine of the protocols on administrative violations related to corruption (Articles 172-4-172-9 of the Code of Administrative Violations of Ukraine), submitted by the NACP to the courts.
4. Permanent informing of the public about the activity of law enforcement bodies and the courts in the context of ensuring the inevitability of criminal liability for corruption crimes (with an emphasis on the main problems of law enforcement practice).
5. Within the Working Group at the Verkhovna Rada Committee on Legislative Support of Law Enforcement Activity, the draft law No. 7279d was prepared and registered by the Verkhovna Rada on April 20, 2018.
6. A system of advising NABU detectives on the issues of criminal-law qualification has been established.

# ANTICORRUPTION SPHERE

## Objectives | May 1, 2018 – December 31, 2018

1. Improving the quality of policy program documents in anticorruption area; unification of approaches to preventing and combating corruption based on international standards.
2. Stimulation of responsible actors (NACP, Cabinet, Ministry of Justice, etc.) for timely and qualitative implementation of anticorruption measures envisaged by the Anticorruption Strategy and the State Program for its implementation.
3. Consideration by the NACP of important comments on mistakes in the implementation of administrative jurisdiction functions.
4. Informing society about the activity of law enforcement bodies and the court in the context of ensuring the inevitability of criminal liability for corruption crimes; elimination of at least part of the revealed problems in relation to bringing corrupt officials to criminal liability.
5. Adoption of the law for the reduction of the discreteness of the powers of investigators, prosecutors and judges in the application of the norms of the Criminal Code of Ukraine. In such a way, increasing the transparency of their activities, and directing efforts to reveal and investigate the most dangerous crimes, including corrupt; at the same time, creation of a system for investigating criminal offenses related to corruption.

# ANTICORRUPTION SPHERE

## Challenges

1. NAPC and other responsible subjects ignore the obligation to clearly and timely carry out anti-corruption measures provided for by the Anti-Corruption Strategy and State Program on its implementation.
2. It is impossible that the current Parliament will support any positive changes to the anti-corruption legislation.
3. President of Ukraine does not express any will to use the platform of the National Council of Anti-Corruption Policy.
4. Formation of the State Investigation Bureau and commencement of its work is complicated by intra-party strife. Because of that we are still waiting for the recruitment of detectives and leaders and for the beginning of training which was planned for them.