



Centre of Policy and
Legal Reform

Activity Report for 2018

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In 2018, the Centre of Policy and Legal Reform continued to implement the projects launched in previous years in most areas of its activities. We have got the opportunity to pay more attention to our institutional development in the framework of USAID/ENGAGE Program implemented by Pact in Ukraine. In particular, we focused on the development of the Public Law and Administration Network (UPLAN) in order to involve experts from such intellectually powerful centers as Lviv, Kharkiv, Odesa, Dnipro and Zaporizhzhya to the nationwide processes of reforming the country. This activity has been greatly facilitated by the possibility of holding a tender and supporting regional organizations with micro-grants in the framework of our project “Strengthening the Role of Civil Society in Facilitating Democratic Reforms and Increasing Accountability, Responsibility, and Quality of Government” funded by the European Union.



This year, the State Bureau of Investigations has finally started to work in Ukraine. Our experts have been fighting for its creation for several years. At the end of the year, the Cabinet of Ministers introduced to the Verkhovna Rada a draft Law “On Administrative Procedure” (No. 9456), elaborated by the working group under the Ministry of Justice. Drafting of this law has started exactly 20 years ago in Ukraine, also with participation of the experts of our Centre, and its adoption will complete the transformation of Ukrainian administrative law from the post-Soviet to European standards.

At the same time, it should be noted that in many areas of state policy covered by the CPLR, the reforming potential of public authorities has decreased. More and more politicians are preparing for the next year’s elections and less attention is paid to ongoing reforms. This is especially true of the activities of the Verkhovna Rada and the President.

Realizing that the presidential and parliamentary elections of 2019 will be decisive for Ukraine in many aspects, we initiated the creation of an informal civic association “Electoral Council UA”, which involved well-known scholars and public activists. Its task was to promote the most meaningful conduct of election campaigns, paying attention to the most urgent problems of social development and minimizing populism.

2019 will be difficult and decisive for the country due to the presidential and parliamentary elections. It will also be a time of endurance for our Centre because of the end of two long-term grant projects, which allowed us to strategically plan work and significantly strengthen the team with new experts. However, we are optimistic about the future. We are convinced that no one will be able to draw Ukraine from the chosen path of European reforms. This means that there will be a lot of important and interesting work for us.

Ihor Koliushko,
Head of the Board of the CPLR



About the Centre of Policy and Legal Reform

Centre of Policy and Legal Reform is a Ukrainian think-tank established in 1996 after adoption of the Constitution of Ukraine. The CPLR is a non-governmental, non-profit and non-party organization, which operates on the national scale – both in the capital and in regions of Ukraine.

Our mission is to promote institutional reforms in Ukraine aimed at bolstering democracy, rule of law, good governance and other European values.

We:

- prepare analytical materials that form the basis of government decisions;
- participate in the development of strategic documents defining a plan for reforming the state;
- initiate and develop laws and amendments to laws taking into account the requirements and needs of the society and monitor their implementation;
- bring together leading experts in the field of law.

Areas of activity:

- constitutionalism;
- governance and public administration;
- judiciary;
- criminal justice;
- anti-corruption.



Constitutionalism



Julia Kyrychenko

head of area



Bohdan Bondarenko

expert



Ihor Koliushko

expert



OUR GOAL

Make the authorities comply with the Constitution of Ukraine.



SUMMARY OF THE YEAR

1. For the first time in the history of Ukraine, a ***legal regime of martial law*** was introduced (in 10 oblasts for 28 days, starting from November 28).
2. ***Constitutional reform.*** Similar to the situation in 2017, the constitutional reform in the power triangle (Parliament – President – Government), was not a priority of the Verkhovna Rada of Ukraine. During the year, the following issues were raised: [abolition](#) of parliamentary immunity, [consolidation](#) of Euro-Atlantic intentions, [amendments](#) to Art. 41 of the Constitution of Ukraine, renaming [Dnipropetrovsk](#) and [Kirovohrad](#) oblasts. However, unfortunately, the Parliament did not consider the ways of solving complex problems of splitting the authority and interaction between the Verkhovna Rada, the President and the Government. It is important to mention that in view of the forthcoming elections, the opposition politicians are actively discussing these issues.

3. **Constitutional jurisdiction.** At the beginning of the year, the Constitutional Court of Ukraine [adopted](#) its new Rules of Procedure, [elected](#) its chairman and got out of the crisis, which was in place the previous year of its activities. Unfortunately, no decision was taken on constitutional complaints in the course of 2018. In the autumn, the court composition was fully [staffed](#) with missing members by the VRU quota (with a delay of one year). In our opinion, and in the opinion of 47 people's deputies, the procedure for appointing judges of the CCU under the VRU quota does not correspond to the Constitution. Respective [petition](#) was submitted to the CCU and is at the stage of opening the proceedings.
4. **Referendum.** In April 2018, the Law “On All-Ukrainian Referendum” of 2012 was finally abolished. The CPLR has developed and initiated a constitutional petition. Julia Kyrychenko, member of the Board of the CPLR was providing legal support at the CCU. Many years of struggle against this law ended in victory. There is an urgent need for new legislation, as the referendum process remains unregulated. Unfortunately, the Parliament is not very much concerned about the issue of referendum, as well as other problems of constitutional law, therefore the [draft Law](#) No. 2145a was not considered even in the first reading.
5. **Elections, parties.** Introduction of a proportional electoral system with open regional lists for the 2019 parliamentary elections was failed. The reform of political finance is in stagnation, due to the general condition of the National Agency on Corruption Prevention and the Verkhovna Rada.

In general, 2018 was a failure for political and legal changes.



OUR ACHIEVEMENTS

1. We provided **legal support in the Constitutional Court of Ukraine in relation to the recognition of the Law “On All-Ukrainian Referendum” of 2012 unconstitutional.**
2. **We developed constitutional petitions** regarding the unconstitutionality of the electronic declaration for activists and procedures for appointing judges of the CCU under the quota of the Verkhovna Rada of Ukraine and advocated their submission to the Constitutional Court by the people's deputies.

3. We prepared **analytical reports** “[Introduction of the Constitutional Complaint Institute in Ukraine](#)” and “[Semi-presidentialism and Inclusive Governance in Ukraine: Reflections for Constitutional Reform](#)” (co-authored).
4. **We helped the CCU to begin the process of restoring confidence** in its activities (development of the communication strategy, conducting round tables, press conferences, TV and radio broadcasts).
5. We conducted **trainings and brainstorming sessions** aimed at increasing conscious participation of citizens in the elections and awareness of the constitutional processes.
6. We conducted **regional trainings** (Lviv, Kharkiv, Dnipro, Zaporizhzhia) on drafting and submitting constitutional complaints.
7. We prepared **expert opinions** for eight electoral draft laws registered in the Parliament.
8. Jointly with our partners, we held a series of **parliamentary discussions on the need for constitutional reform**.
9. We found like-minded regional experts on the need to enhance the constitutional culture in Ukraine.



PLANS FOR NEXT YEAR

In 2019 we will:

- promote the implementation of a comprehensive constitutional reform in relation to the “power triangle”;
- in an inclusive way, promote the formation of an independent constitutional justice system capable of defending the Constitution of Ukraine;
- hold an information and education campaign to raise citizens’ awareness of the Constitution;
- contribute to the adoption of a new democratic referendum legislation that will comply with the Constitution and international standards;
- promote the introduction of a proportional electoral system with open regional lists and the development of political parties through the reform of political finance;
- develop an expert regional network of constitutionalists;
- promote the implementation of the 2016 constitutional reform on justice.

Governance and Public Administration

Governance



Ihor Koliushko
head of area



Victoria Derets
expert



Victor Tymoshchuk
expert



Pavlo Bilak
expert



OUR GOAL

Assist the executive authorities of Ukraine in ensuring the observance of human rights and the implementation of laws in accordance with the principles of rule of law and good governance, effective formation and implementation of the country's policy for sustainable development.



SUMMARY OF THE YEAR

1. In 2018, the **reform of the pilot ministries continued**. Reform of the ministries involves the establishment of policy directorates and a Directorate for Strategic Planning and European Integration. Restructuring of the pilot ministries should create conditions for them to fulfill their main function – the formation of public policy in the area of responsibility assigned to them.
2. In October, in accordance with the Resolution of the Cabinet of Ministers of Ukraine “On the completion of the apparatus structure reform of some ministries”, **the number of pilot ministries was reduced from 10 to 8**. Unfortunately, the Ministry of Finance of Ukraine and the Ministry of Justice of Ukraine have been excluded from the list. It is too early to talk about the “completion of reform”, but adoption of the resolution was a long-awaited event for further changes in the system of public administration. Resolution envisaged the measures aimed at strengthening the institutional capacity of the ministries to formulate state policy, gradual elimination of irrelevant powers, optimizing the levels of management in the structures of the ministries’ apparatus, streamlining the functions and structure of the secretariats of the ministries.
3. Much attention has been paid to the issue of determining and splitting areas of policy-making under responsibility of the ministries. Currently, the division of public administration areas is rather conditional, without clearly defined criteria, therefore some issues may remain beyond the influence of the state, and for some of them, the powers of the CEBs are duplicated. Clear division of policy areas will enable the state to cover all important public issues. Each area will be divided into sub-areas under responsibility of the directorates of the ministries.
4. At the end of the year, **new versions of the Public Administration Reform Strategy and the Concept of Optimization of the CEBs system were prepared** on the basis of SIGMA conclusions. In December, these documents were approved by the Government, although their content did not meet the expectations, because, despite improvement of some sections, others were worsened (reduced specificity, extended deadlines). In 2018, the action plan for the implementation of the Concept was not developed, but it was replaced by the above-mentioned resolution adopted by the Government.



5. The reform of the ministries was the most problematic and least successful direction of public administration reform. Civil service reform is more productive.
6. In the area of civil service, attention was paid to improving human resource management work, developing an electronic database of civil servants and reforming the system for improving their qualifications. However, the slowdown in the pace of public administration reform has led to a decrease in interest in the civil service, and the number of people willing to take part in the competitions for civil service positions is reducing.



OUR ACHIEVEMENTS

1. In cooperation with experts of the EU4PAR Project, ***a new version of the draft Law “On the Cabinet of Ministers of Ukraine and central executive bodies” was prepared.*** Domestic practice of public administration shows that application of obsolete approaches to legislative regulation of the activities of the CMU and the CEBs makes it difficult to implement the idea that the Government and ministries should become the policy-making bodies. The whole process of formation and implementation of the state policy should be regulated by one law. Since the ministries are “follow up” of the Government, full-fledged activities of the latter would be impossible without them. Other CEBs should implement state policies, which have been formed by the ministries and approved by the Government.
2. Head of the section Ihor Koliushko participated in the Coordination Council on Public Administration Reform and the Commission on Senior Civil Service Corps. In addition, the CPLR experts actively worked within the Reanimation Package of the Reforms group on Public Administration Reform, prepared joint documents and activities.
3. We prepared the [“Monitoring Report on the Implementation in 2017–2018 of the Public Administration Reform Strategy for 2016–2020”](#), which was presented at a meeting of the Verkhovna Rada Committee on State Building, Regional Policy and Local Self-Government.
4. We provided systematic advice to the Secretariat of the CMU and the pilot ministries on reforming the latter, participated in the meetings, discussions, workshops, and engaged in drafting of a new version of the Strategy and amendments to the Concept. This contributed to the formation of understanding among government officials about the structure of public policy and construction of the system of executive bodies. After all, the lack of officials’ knowledge of the nature and the need for reform threatens the achievement of its goal and the devaluation of the results already obtained.



PLANS FOR NEXT YEAR

In 2019 we will:

advocate for adoption of the draft Law “On the Cabinet of Ministers of Ukraine and central executive bodies”. It is planned to discuss the draft law with a range of interested persons and finalize it taking into account their comments and proposals. It is especially important to defend its principle provisions when holding discussions with the Ministry of Justice of Ukraine;

insist on the need to adopt a draft law on amending the Law “On Civil Service”, which should solve a number of problems revealed in practice;

work to achieve the goal of the ministries’ reform – new organizational structure will enable them to formulate state policy. We will continue monitoring the state of the ministries’ reform and public administration reform in general: compliance with the deadlines for implementation of activities, completeness of their implementation and their adequacy. If necessary, we will prepare and submit proposals for improving the reform process.

Reform of the pilot ministries is just the first step in the public administration reform. The next step will be the reform of those ministries that were not included in the list of pilot ones, as well as the improvement of the division of powers between ministries and other CEBs, the reform of other CEBs and local executive bodies.

Governance and Public Administration

Public Administration



Victor Tymoshchuk

head of area



Yevhen Shkolnyi

expert



Ihor Koliushko

expert



OUR GOAL

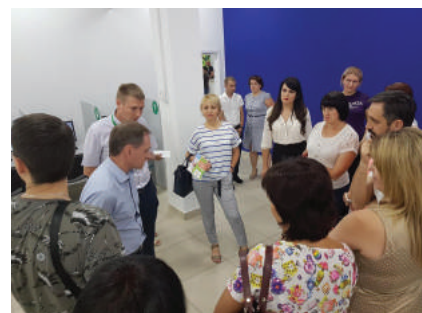
Make Ukraine a truly service-oriented state, to direct public administration to effectively serve the interests of citizens and ensure the observance of human rights.



SUMMARY OF THE YEAR

During 2018, both positive and negative trends were observed in the area of administrative services provision and introduction of the general administrative procedure. In particular:

1. ***Draft law on the administrative procedure*** was registered in the Verkhovna Rada of Ukraine. In January 2018, a new working group was established under the Ministry of Justice of Ukraine to finalize the draft law on the general administrative procedure. The revised draft law (based on the previous text, positively evaluated by the SIGMA Program in 2014–2015) was approved by the Cabinet of Ministers of Ukraine and registered at the Verkhovna Rada of Ukraine under No. 9456 in the end of December. The draft law received the positive conclusion of the SIGMA Program again.
2. ***The network of centers for the provision of administrative service (CPAS) is actively developing.*** In 2018, 47 new CPASs and their territorial units have been launched in Ukraine. [As of the end of the year](#), 125 CPASs operate in united territorial communities. The level of integration of many CPASs is improving, that is, the number of popular services they provide is increasing.
3. ***There is no progress in the decentralization of administrative services.*** Unfortunately, in 2018, no progress has been made in this area since the last wave of decentralization of services in 2015, when the Ministry of Justice has delegated the powers on the registration of business and real estate to local self-government bodies. However, the draft law No. 6150 on the decentralization of services for state registration of civil status acts (SRCSA) is being staying in Parliament without consideration since February 2017. The draft law has not been considered even in the first reading. At the same time, the Ministry of Justice, instead of promoting important laws, decided to build a network of its own “Open Space” offices, where citizens can only receive SRCSA services. Instead, in the CPAS people could receive them together with other administrative services. The only thing the Ministry of Justice managed to do was to issue the Order No. 2825/5 de facto in September, which allows the CPASs to accept documents for SRCSA services. However, a person will not be able to receive most of these services within one visit immediately, because the CPAS will have to take the applicants’ documents to the justice authorities, and then bring back the results (certificates, etc.).



The Ministry of Internal Affairs and the State Service of Ukraine for Geodesy, Cartography and Cadastre did not show any initiatives to decentralize their services during the year. As a result, vehicle registration, issuing driver's license and land registration services are not yet decentralized. The first types of these services are generally provided only through a few CPASSs and mostly partially (primary registration of a car and exchange of driver's license). Thus, the requirements of the Action Plan for implementing the Public Administration Reform Strategy of Ukraine for 2016–2020 have been ignored by these bodies.

4. ***Problematic issues of passport legislation remain unregulated.*** Despite numerous complaints from citizens in the area of passport services, which are often covered by the media, the Ministry of Internal Affairs of Ukraine and the State Migration Service of Ukraine keep ignoring public proposals on the possible ways of addressing passport problems. This is true that citizens who have a passport in the form of a card still confirm their place of residence with paper certificates; lists of documents for obtaining passport services are not defined at the level of law; passport fees are non-transparent and too high for passports in the form of a card (due to the artificially integrated “chip”), the SE “Document” continues to illegally charge an additional 400 UAH when issuing passports.
5. ***Procedure for charging and collecting administrative fees is still not set at the level of the law.*** This problem was raised in the Public Administration Reform Strategy of Ukraine for 2016–2020, according to which in Ukraine there is a need to regulate the issues of payment for administrative services at the legislative level. However, the Government has not yet fulfilled this requirement of the Strategy, since such a draft law was unreasonably excluded from the Action Plan. Specialists of the Ministry of Economic Development and Trade of Ukraine currently believe that the fee for administrative services should be determined in separate laws regulating the procedure for the provision of such services. In the opinion of the CPLR, it is necessary to fix at the level of the law not only the amounts of fees for the provision of administrative services, but also a clear and transparent procedure for their definition and administration.



OUR ACHIEVEMENTS

During 2018, we were engaged in educational activities in the field of providing administrative services, advocacy and development of the draft law on general administrative procedure.

Our achievements for the year:

1. ***We have joined the working group under the Ministry of Justice on the revision of the draft law on general administrative procedure.*** Its members Ihor Koliushko and Victor Tymoshchuk, the CPLR experts, took part in more than 30 meetings during the year.

2. ***We conducted a series of regional trainings on the integration of new administrative services*** (first of all, SRCSA, social protection) to the CPASs (Lviv, Dnipro, Kharkiv, Odesa). Recommendations and examples of effective ways to integrate new services into the CPAS are published in the collection of articles [“Mechanisms and Challenges of Integration of Basic Administrative Services into the CPAS”](#).
3. ***We have updated the draft Concept of the Law on administrative fee, the draft law on administrative fee and the addendum list to this draft law.*** These documents are aimed at ensuring fair value of administrative services for consumers, preventing illegal charges during the provision of these services, as well as promoting an appropriate level of revenues to state and local budgets through the collection of administrative fees. The draft Concept of the draft law and the draft itself with the addendum were sent to the Ministry of Economic Development and Trade of Ukraine.
4. ***We have developed a draft law on amending the Law on Single State Demographic Register,*** which regulates the passport sphere. The draft law proposes to address a number of problems in this area. It was sent to the Ministry of Internal Affairs of Ukraine and the State Migration Service of Ukraine. In order to support the draft law, a press conference was held, publications made in the media, and experts’ comments presented on television and radio.



PLANS FOR NEXT YEAR

In 2019 we will:

- advocate for adoption of the draft Law “On administrative procedure”;
- conduct educational activities on the application of general administrative procedure in Ukraine, especially for experts who can continue to act as trainers and sources of information about this draft law;
- advocate for decentralization of basic administrative services: registration of civil status acts, vehicles and driver’s license;
- advocate changes in passport legislation in order to eliminate problems for citizens;
- advocate for the adoption of a law on administrative fees;
- continue to promote the idea of the CPAS as an integrated office with an appropriate list of services and fast response. We will conduct research in this area and prepare proposals to the Government and local self-government bodies.

Justice



Roman Kuybida

head of area



Maksym Sereda

expert



Roman Smaliuk

expert



Tetiana Ruda

expert



OUR GOAL

Reform the justice system to meet the interests of society.

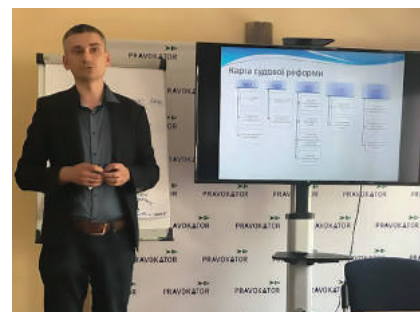
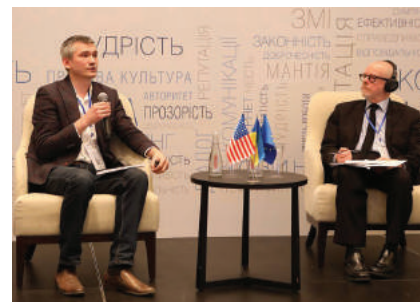


SUMMARY OF THE YEAR

2018 year was full of events.

1. The Verkhovna Rada of Ukraine has set up the legislative framework for the formation of the High Anti-Corruption Court, which will consider cases of top-corruption. The necessity of establishing this court was based on the fact that the consideration of cases of high-level corruption in local courts was delayed for years, and judges of these courts were not perceived to be able to withstand the influences. There was a high demand for its establishment from NGOs and international partners of Ukraine. The most difficult question was about who and how will select the judges of this court. The Parliament agreed to involve competent international experts in the decision-making process.

2. Formation of the High Anti-Corruption Court, as well as a competition for 78 new positions in the Supreme Court began.
3. The High Qualifications Commission of Judges of Ukraine began holding interviews within the framework of judges' qualification assessment procedures. The Public Integrity Council refused to participate in the process, declaring that the assessment is organized in a conveyor way, without scrutinizing judges, and that unlawful changes were made to the Rules of Procedure of the HQCJ, which set unfeasible requirements to the Public Integrity Council, and also that the assessment itself had the lack of transparency. As a result of interviews, only 3% of judges were found to be ineligible for a judge's position.
4. **"Reorganization" of appellate courts** took place. However, except for the name, in most cases nothing has changed (only a few courts have been merged). Contrary to constitutional requirements, the "new" courts were staffed through the transfer of current judges, not by means the competition.
5. Russian aggression that continues in the East of Ukraine had a negative impact on the security of people, including the right to access to justice. The new Donbas Reintegration Law, which has replaced the Anti-terroristic operation (ATO) with the Joint Forces Operation, has raised some uncertainty about the validity of other legislation designed to apply in the conditions of ATO.



OUR ACHIEVEMENTS

1. ***We introduced the practice of preparing annual alternative (shadow) reports on the independence of judges.*** In 2018, the High Council of Justice issued the first report on the state of ensuring the independence of judges, which concluded that the guarantees of judges' independence had been put into practice. The CPLR issued an alternative [report](#), where it demolished this statement referring to the facts as a proof.
2. The disciplinary practice of the High Council of Justice and its disciplinary chambers in relation to judges was analyzed and serious problems revealed, including those that threaten the independence of judges. Results of the analysis were [published](#) in the report.

3. Jointly with the partner organizations, we have prepared ***an expert assessment of the procedure for the formation of a new Supreme Court*** that took place in 2017, and made recommendations for the future. Some recommendations of the CPLR experts were taken into account when the legislation on the High Anti-Corruption Court was enacted in 2018. In particular, international experts involved in the formation of this Court were given the opportunity to take decisions on the unfairness of candidates together with the High Qualifications Commission of Judges of Ukraine, instead of providing non-binding conclusions.
4. We have ***presented the results of the first court monitoring program in Ukraine***, implemented jointly with the OSCE Project Coordinator in Ukraine. In terms of scale, the program is a unique exercise in the OSCE region – 1,400 court meetings were attended in all regions of the country in a few months. The CPLR experts presented the methodology of research during the Annual Meeting on Monitoring of Litigation Procedures held by the OSCE's Office of Democratic Institutions and Human Rights in June 2018.
5. Jointly with the coalition of scholars and experts we have ***presented the report "Justice in Eastern Ukraine during the military aggression of the Russian Federation"***, which is based on a two-year empirical study. Presentation of the report took place in the Verkhovna Rada of Ukraine in Kyiv and key cities of Donetsk and Luhansk regions.
6. ***We have published a guide for NGOs "Judicial Reform: How Citizens can Make it Succeed"*** and held trainings for regional partners on the participation of the public in judicial reform (Lviv, Kharkiv, Dnipro, Kyiv).
7. Four CPLR experts joined the new ***Public Integrity Council***, which according to the law may provide the High Qualifications Commission of Judges of Ukraine with negative findings on judges and candidates for a judge's position.



PLANS FOR NEXT YEAR

In 2019 we will:

- continue the practice of presenting public reports on judicial independence, alternatives to the official reports that the High Council of Justice should make annually in accordance with the law;
- present the results of public monitoring of judges' qualification assessment procedures, which take place within the framework of judicial reform;
- publicly present the results of the study of the "justice system" operation in the temporarily occupied territories of Donetsk and Luhansk oblasts;
- speak about the innovations introduced by the courts so that people are satisfied with their work;
- look at the future of Ukrainian justice.

Criminal Justice



Oleksandr Banchuk

head of area



Borys Malyshev

expert



Mykola Khavroniuk

expert



Yaroslav Khavroniuk

expert



OUR GOAL

Create an efficient criminal justice system that guarantees the security of every citizen and society as a whole from unlawful actions, while respecting the rights and freedoms of individuals in the procedure of pre-trial investigation of criminal offenses.



SUMMARY OF THE YEAR

The following events in the area of criminal justice system that took place during 2018 deserve special attention:

1. The prosecutor's office activity was brought in line with the requirements of the Constitution of Ukraine of 1996, since the State Bureau of Investigations, which took over the function of pre-trial investigation, commenced its work.
2. Prosecutors became more protected from unlawful disciplinary prosecution and dismissal. The work of the Qualification and Disciplinary Commission of Prosecutors and the new disciplinary procedure guarantee new mechanisms for protecting the rights of prosecutors.

3. Activities of the criminal justice agencies became considerably complicated as a result of changes to the Criminal Procedure Code of Ukraine regarding the procedure for appointment of examinations and pre-trial investigation periods, which entered into force on March 15, 2018.



OUR ACHIEVEMENTS

1. We examined the practice of the Qualification and Disciplinary Commission of Prosecutors and published a report ["Disciplinary responsibility of prosecutors in Ukraine"](#) based on the research results.
2. We examined the practice of police commissions, published a report ["Police Commissions in Ukraine: results of the research"](#) and discussed it with the police leadership and members of commissions in different regions of the country.
3. We participated in the drafting of the Law "On establishing of Criminal misdemeanors", which has been adopted by Parliament in November 2018.
4. We participated in the legislative support of the State Bureau of Investigations, discussed problematic issues in media and engaged in the recruitment process. The SBI started working in autumn 2018.
5. The amendments of the CPLR experts to certain provisions were taken into account in process of drafting for the second reading of [the Law](#) "On the Disciplinary Statute of the National Police of Ukraine". This amendments was about improving rights of police officer during the disciplinary procedure, which is guaranteed by the Constitution of Ukraine as a part of right to defence. The statute entered into force in October, 7 of 2018. It helps to protect the police officer from abusive bringing them to disciplinary responsibility or dismissal from the police.
6. The majority of the [proposals](#), expressed by the public, including the experts of the CPLR, are taken into account in the Government-approved Procedure for evaluation the level of public trust to the National Police. This document adopted according to the Law "On the National Police of Ukraine" in 2015 and provides for the annual national assessment of the police by independent sociological services to be selected on the basis of the Law "On Public Procurement".





PLANS FOR NEXT YEAR

In 2019 we will:

present the results of the research of the practice of the Qualification and Disciplinary Commission of Prosecutors;

advocate for the harmonization of the adopted Law “On establishing of criminal misdemeanors” with international standards;

work to ensure the full operation of the State Bureau of Investigations on the level of legislation (adoption of changes regarding the operational units, removal of external commission from competitions for positions, except for a Director, his/her first deputy and deputy, etc.);

study community involvement in law enforcement agencies activities in Ukraine.

Anti-Corruption



Mykola Khavroniuk

head of area



Dmytro Kalmykov

expert



Anton Marchuk

expert



OUR GOAL

Create an effective system for preventing and combating corruption.



SUMMARY OF THE YEAR

During 2018, thanks to the joint efforts of the state and civil society, the following positive developments in the anti-corruption area were achieved:

1. High Anti-Corruption Court was established. In the spring of 2019, the competition for judges' positions was completed, judges were appointed. Other conditions for the commencement of the court's activities have been created.
2. State Bureau of Investigations was established and started its activities. Finally, the pre-trial investigation function was taken away from the prosecutor's office.

3. National Agency of Ukraine for Finding, Tracing and Management of Assets Derived from Corruption and Other Crimes started its intensive activities.

At the same time, it should be noted that in general, anti-corruption reform has slowed down, and in some aspects, a counter-reform has begun:

1. National Agency on Corruption Prevention does not meet expectations of society and needs a full restart.
2. The law does not determine the procedure for conducting of the integrity checks of public officials with respect to human rights standards.
3. Automation of electronic declarations' checks hasn't been fully provided yet.
4. There is no adequate legal protection for whistleblowers and those who disclose information about the threat or damage to the public interest.
5. There is no clear definition in the legislation of the body responsible for independent state control in the field of access to public information, which impedes effective control over observance of the right to access to public information.
6. There is no legal provision on the access to information about the activities of the Verkhovna Rada of Ukraine, its committees and deputies.
7. The responsibility for the non-personal voting in the Parliament is not established.
8. Detectives of the National Anti-Corruption Bureau of Ukraine have not been provided with the right to withdraw information from communication and transport networks (wiretapping).



OUR ACHIEVEMENTS

In order to influence the terrible situation with corruption in Ukraine, the CPLR experts took the following steps in 2018:

1. conducted an independent analysis of the state of formation and implementation of the anti-corruption policy and prepared a ["Shadow report on evaluating the effectiveness of state anti-corruption policy implementation"](#);

2. continued to participate in the development and/or updating of existing policy-related documents in the field of anti-corruption;
3. constantly monitored the activities of the National Agency on Corruption Prevention in the context of ensuring the legality and transparency of political finance;
4. elaborated and advocated the adoption of the draft Law “On establishing criminal misdemeanors” in order to reduce the discreteness of the powers of investigators, prosecutors and judges;
5. in cooperation with IFES, NDI and Center UA participated in organizing and conducting a series of trainings for representatives of political parties aimed at their education and cooperation with the NACP;
6. developed methodological recommendations for detectives of the National Anti-Corruption Bureau of Ukraine and the State Bureau of Investigations, prosecutors of the Specialized Anti-Corruption Prosecutor’s Office on proper qualification and methods of investigation of corruption crimes;
7. provided constant scientific and expert assistance to NABU and SAPO, advised detectives and prosecutors on complicated issues of qualification of corruption crimes;
8. prepared tasks for a competition for the positions of judges in the High Anti-corruption Court;
9. conducted an expertise of anti-corruption programs of state authorities;
10. monitored and examined draft laws directly related to the implementation of anti-corruption reform, on their compliance with the provisions of the Anti-corruption Strategy and international standards;
11. analyzed the practice of implementing by the NACP in 2016–2018 of its administrative-jurisdictional function; determined the risks that lead to poor performance of the NACP in this area;
12. elaborated a draft Methodological Recommendations to the NACP on anti-corruption expertise;
13. monitored the activities of law enforcement bodies and courts in the context of ensuring the inevitability of criminal responsibility for corruption crimes;
14. promoted the development of regional and local anti-corruption NGOs, and systematically implemented the anti-corruption education programs for the population.



PLANS FOR NEXT YEAR

In 2019 we will:

facilitate the re-launch of the National Agency on Corruption Prevention, so that it becomes an effective center for creating the national anti-corruption policy;

develop an alternative draft of the Anti-Corruption Strategy and the State Program for its implementation, which will correspond to the existing realities, take into account the actual risks and contain relevant activities;

protect the current progressive provisions of anti-corruption legislation from attempts to eliminate them through continuous analysis of draft laws submitted to the Verkhovna Rada of Ukraine;

support the independence of the National Anti-Corruption Bureau of Ukraine and the autonomy of the Specialized Anti-Corruption Prosecutor's Office by preventing attempts to undermine the relevant guarantees;

continue the practice of analyzing draft legal acts in the area of anti-corruption policy and will continue to provide recommendations for their improvement;

assist state authorities in shaping anti-corruption policy through the development and advocacy of the recommendations system based on its analysis;

publish the book "Corruption Schemes" with methodological recommendations for detectives of the NABU and the State Bureau of Investigations, SAPO prosecutors on correct qualifications and methods of investigation of corruption crimes;

prepare a summary of judicial practice in cases of administrative offenses related to corruption and the draft Law "On Amendments to the Code of Ukraine on Administrative Offenses (regarding the improvement of the content of Articles 172-4–172-9)";

prepare a summary of judicial practice in cases of corruption crimes;

prepare a draft Law "On Criminal Statistics".

Participation in coalitions of civil society organizations, activities of the authorities and engagement of new specialists



UKRAINIAN THINK TANKS LIAISON OFFICE IN BRUSSELS

In 2014, the CPLR initiated and co-founded [the Ukrainian Think Tanks Liaison Office in Brussels](#) – a non-governmental organization that brings together 19 leading Ukrainian and European think tanks and aims to consolidate efforts to implement democratic reforms in Ukraine through advancement of reforms and European integration of Ukraine. The Office promotes the dissemination of expert opinions of its members and at the EU level advocates for the formation of reform priorities and their implementation in Ukraine.

The flagship event of the Office is the annual **Ukrainian Laboratory in Brussels** – a unique platform that brings together representatives of European and Ukrainian think tanks and research centers, EU institutions and international donors to help them identify priorities, discuss project opportunities and stimulate cooperation. In 2018, **Mykola Stepanov** represented the CPLR at the Ukrainian Laboratory in Brussels.

In addition, articles and analytical materials of the CPLR experts are published in Ukrainian and English on the Office's information resources for the purpose of informing and raising awareness of the international community on the urgent issues of the social and political life in Ukraine.





REANIMATION PACKAGE OF REFORMS

In 2014, after the Revolution of Dignity, the Centre of Policy and Legal Reform became one of the initiators of a coalition of civil society organizations, the Reanimation Package of Reforms, an association that prepared the basis for the necessary legislative initiatives to launch the reform process.



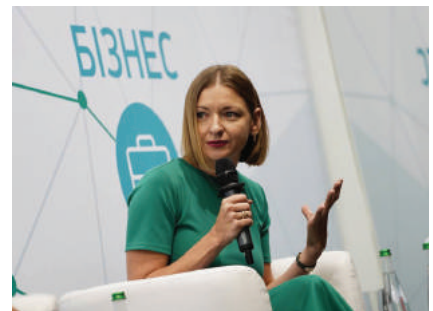
“In 2014, the CPLR was among the founders of the RPR, offering our developments in the area of reforming the State to its agenda. Thanks to the RPR, many of them were implemented. Today, the RPR is a platform for uniting the NGO’s efforts to advocate changes in the state and communicate with the media, regions and the international community”, — said Ihor Koliushko, Head of the Board of the CPLR.

The CPLR experts participate in six expert groups of the RPR:

- constitutional reform;
- judicial reform;
- law enforcement bodies reform;
- anti-corruption reform;
- public administration reform;
- municipal development.

Jointly with the RPR, the CPLR experts prepare statements and constitutional petitions, advocate for the adoption of draft laws, conduct research and publish analytical papers. In particular, in 2018, the CPLR experts became co-authors of the [“Roadmap of Reforms 2019–2023”](#) — an analytical document identifying problems and defining the goals and objectives of reforms that should be implemented in various areas of state policy.

In December 2018, **Julia Kyrychenko**, the CPLR board member, became a Co-Chairman of the RPR Board, the governing body of the coalition.





In October 2017, CPLR launched a project to create a regional network of think tanks in the cities of Lviv, Kharkiv, Odesa and Dnipro. The network has been named as **Ukrainian Public Law and Administration Network (UPLAN)**.

One of the **tasks** of the Network is the creation of a communication field for the cooperation of civic activists, scholars, journalists and government officials from different regions. Additionally, the Network experts conduct research, analyze policies, prepare regulatory acts and engage in advocacy for reforms. The Network's educational activities are aimed at exchanging experience among CSOs and increasing the number of people who understand the role of civic engagement in promoting democratic reforms.

During 2018, experts from the Lviv, Kharkiv, Odesa Dnipro and Zaporizhzhya collaborated on analytical products, shared information with interested audiences and received institutional support in 7 areas:

- constitutionalism and democracy;
- organization of executive power and civil service reform;
- activity of public administration; organization and activities of law enforcement agencies;
- courts and justice;
- prevention of corruption;
- local self-government and regional development.

CPLR experts are responsible for the analytical work.

In 2018, EXPERTS OF THE NETWORK

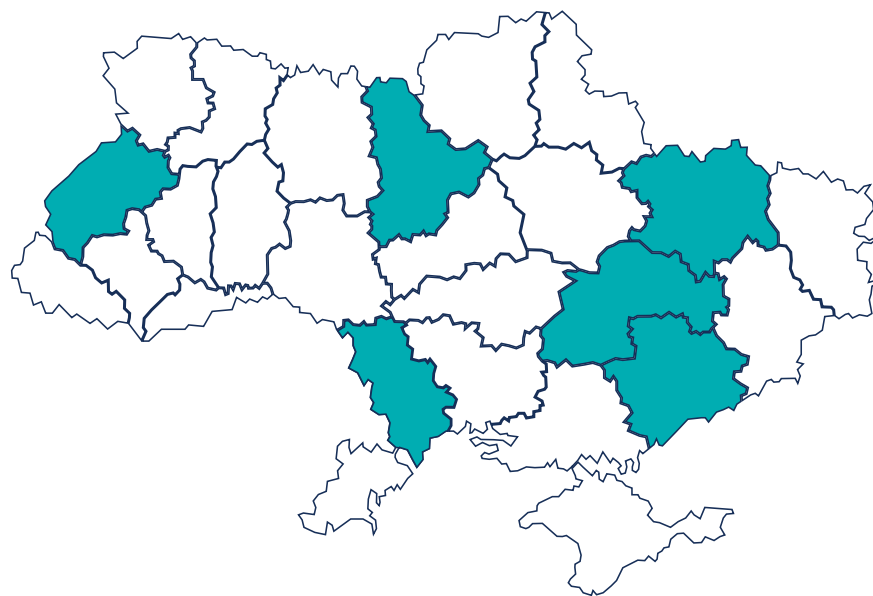
- conducted joint trainings with regional non-governmental organizations and state bodies;
- disseminated expert analytical materials in the regions to support democratic reforms;



- communicated relevant information on the implementation of reforms at the regional level;
- got an opportunity to reach the national and international level;
- provided information to the central authorities on the painful points of the regions in the context of the implementation of reforms;
- prepared high-quality analytics and professional comments for the media.

ACHIEVEMENTS OF THE NETWORK

- 64 regional experts from 5 cities joined the work in 7 areas;
- 32 events: trainings, workshops, round tables, expert discussions;
- information portal uplan.org.ua has been launched for the exchange of experience between regional experts and think tanks;
- published the materials of regional experts in the national media;
- invited regional experts to work on national research in the field of justice, provision of administrative services and the activities of law enforcement agencies.





PARTICIPATION OF EXPERTS IN OTHER PROFESSIONAL AND CIVIC ASSOCIATIONS

In addition, the CPLR experts are part of working groups, commissions, etc. with state authorities and governing bodies of civic associations.

Ihor Koliushko	Coordination Council on Public Administration Reform Commission on Senior Civil Service Corps
Roman Kuybida Anton Marchuk Maksym Sereda Roman Smaliuk	Public Integrity Council
Julia Kyrychenko	Board of the Reanimation Package of Reforms Commission on the Assessment of Corruption Risks in the Activities of the Constitutional Court of Ukraine
Victor Tymoshchuk	Working group under the Ministry of Justice on the development of a draft law on administrative procedure
Yevhen Shkolnyi	Interagency working group under the Ministry of Internal Affairs on the improvement of legislation regulating the registration of residence
Roman Kuybida	Council on Juridical Reform (advisory body under the President of Ukraine) Working group under the Ministry of Education and Science on the organization and conduct of a single entrance examination based on the external testing principle for admission to obtain a Master's degree in Law
Mykola Khavroniuk	National Council on Anti-Corruption Policy under the President of Ukraine
Dmytro Kalmykov	Working Group on the Improvement of Legislation on Political Parties under the Verkhovna Rada Committee on Corruption Prevention and Counteraction



INTERNSHIP IN THE CENTRE OF POLICY AND LEGAL REFORM

In 2018, 12 students from different educational institutions of Ukraine passed a three-month internship in the CPLR. Each of the interns was involved in one of the organization's focus areas under the guidance of a CPLR expert. In addition, they worked on the implementation of an individual project, the results of which were presented at the final event in the end of December.



Serhii Melnyk

Studied the issue of the independence of judges when making decisions. One of the investigated cases about Serhii Bondarenko, the judge of the Court of Appeals in Cherkasy region, was described by the intern in the article [“Challenge to corruption: how the judge defended independence”](#).



Anastasiia Khymychuk

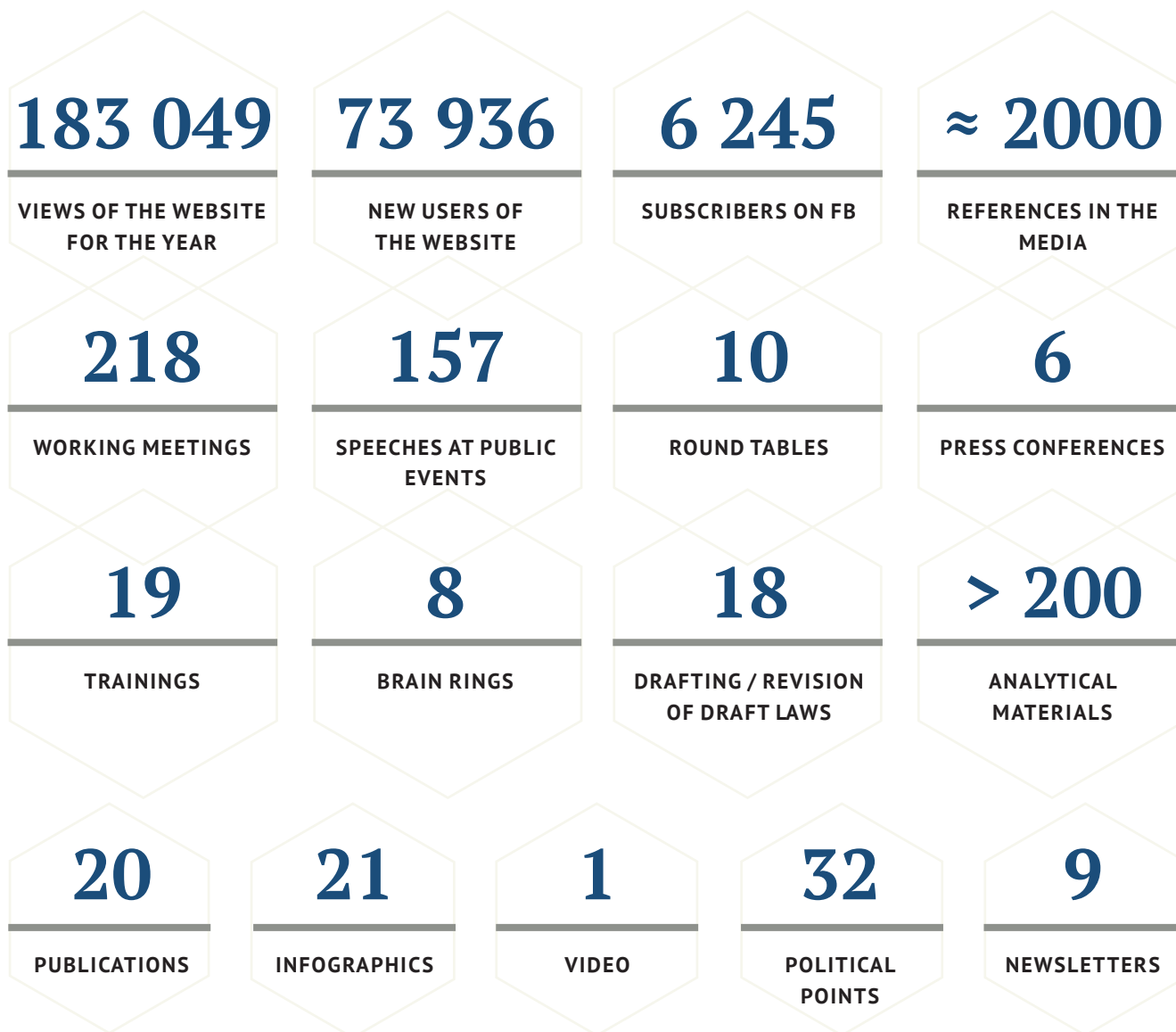
Plunged into the activities of the National Agency on Corruption Prevention. As a result of such work, the [“Monitoring report on the effectiveness of the implementation by the NACP in July-December 2018 of its powers to draw up protocols on corruption-related administrative offenses \(as of January 1, 2019\)”](#), was prepared jointly with Mykola Khavroniuk, and a publication in the [media](#).



Denis Hartvig

Conducted an article-by-article analysis of individual sections of the Constitution of Ukraine (devoted to the powers of the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine and the President of Ukraine) in the part of the power triangle. His internship was so successful that from the beginning of 2019 Denis joined the team as a junior expert.

Information report



Publications



Constitution of the Italian Republic
Translation and preface by
V. Shapoval



Semi-presidentialism and Inclusive Governance in Ukraine: Reflections for Constitutional Reform
J. Kyrychenko, S. Choudhry,
T. Sedelius



Constitution of the Polish Republic
Translation and preface by
V. Shapoval



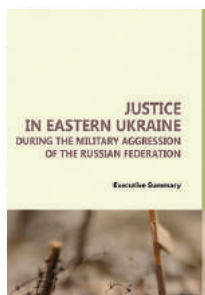
Introduction of the Constitutional Complaint Institute in Ukraine
J. Kyrychenko, B. Bondarenko



Constitution of the French Republic
V. Shapoval

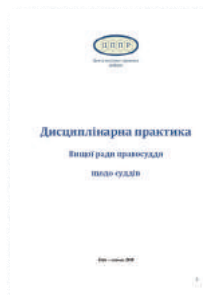


CPAS as an innovative tool for interaction between government and community



Justice in Eastern Ukraine during the military aggression of the Russian Federation

R. Kuybida, M. Galabala



Disciplinary Practice of the High Council of Justice in Relation to Judges

M. Sereda, R. Kuybida, R. Smaliuk



Monitoring of Adherence to Fair Trial Standards in Ukraine

R. Kuybida, M. Sereda, O. Banchuk,
M. Borshch, D. Kalmykov, V. Razik,
R. Sukhostavets

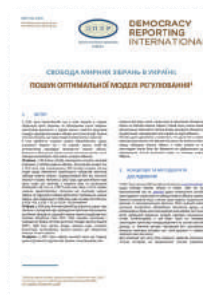


Judicial Reform: How Citizens can Make it Succeed

R. Kuybida, O. Lebed, R. Likhachov,
O. Trubenkova



Monitoring of court proceedings in Ukraine



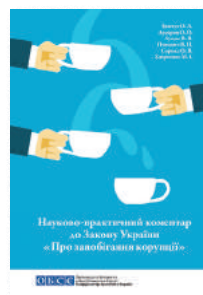
Freedom of peaceful gatherings in Ukraine: search for an optimal model of regulation

R. Kuybida, M. Sereda, O. Trubenkova



Establishment of the new Supreme Court: key lessons

R. Kuybida, B. Malyshev, T. Shepel,
R. Marusenko



Scientific and Practical Commentary to the Law of Ukraine «On Prevention of Corruption»

O. Banchuk, O. Dudorov, V. Lutsyk,
V. Popovych, O. Soroka,
M. Khavroniuk



Monitoring report on the judicial proceedings in cases completed by NABU detectives
V. Valko, O. Soroka



Monitoring report on the effectiveness of the implementation by the NACP in 2016–2018 of its administrative and jurisdictional function in the area of counteracting corruption-related administrative offenses (as of June 1, 2018)
O. Dudorov



Monitoring report on the results of judicial proceedings in cases with the pre-trial investigations completed by NABU detectives
A. Marchuk, V. Valko



Monitoring report on the effectiveness of the implementation by the NACP in July-December 2018 of its powers to draw up protocols on corruption-related administrative offenses (as of January 1, 2019)
M. Khavroniuk, A. Khymychuk



Monitoring report on the activities of the NACP in terms of ensuring the legality and transparency of political finance (as of April 1, 2018)
M. Khavroniuk, O. Banchuk, M. Sereda, O. Soroka, D. Kalmykov



Police Commissions in Ukraine: results of the research
O. Banchuk, E. Krapyvin, B. Malyshev

Financial report

1. Revenue budget from projects

Nº	Project name	Donor	Period	Period	Receipts for 2018, UAH	Receipts for 2018, USD	Receipts for 2018, EUR	Objectives
1	Trial Monitoring in Ukrainian Courts	OSCE	01.11.16	20.12.17	32 598,18	1 154,81	1 035,18	To strengthen the capacity of the civil society in trial monitoring and analyse monitoring findings in light of applicable international fair trial standards, identify gaps in the domestic framework that cause or contribute to lack of compliance with relevant international norms and draft recommendations to address these gaps.
2	Monitoring the activity of the NAPC in relation to ensuring the lawfulness and transparency in political finance	NDI	01.02.17	31.01.18	51 913,70	1 839,08	1 648,57	Increasing the degree of lawfulness and transparency in political finance in Ukraine.
3	Expert assistance to government in reforming ministries in the context of PAR (functional audits of 8 pilot ministries and recommendations on their reorganization)	FCO	15.05.17	28.02.18	0,00	0,00	0,00	To provide expert assistance to the Secretariat of the Cabinet of Ministers of Ukraine in reorganizing ministerial apparatus in line with Strategy of Public Administration Reform and European standards of public administration leading to new quality of ministries' work.
4	Strengthening the capacity of civil society organizations in the regions of Ukraine to influence the state authorities and local self-government in order to accelerate reforms	Kingdom of the Netherlands (MATRA Program)	05.03.16	05.03.18	585 868,19	20 754,80	18 604,76	To provide civic activists from large cities with necessary knowledge on how to influence the central government to speed up the reforms and to directly address the issues of reforms at the local level to the extent, which is granted within the legislation.

5	Administrategy: Advancing Strategic Management in Governmental Institutions of V4 & Ukraine	International Visegrad Fund	12.09.17	28.03.18	34 345,46	1 216,71	1 090,67	To promote the concept of strategic management in public sector in V4 countries and Ukraine through trainings for public managers, dissemination of study materials, and conducting case-studies.
6	Constitutional complaint: new institution of citizens' rights defense	USAID/ Chemonics	03.10.17	20.04.18	347 380,00	12 306,18	11 031,36	Assistance in establishing just protection of the rights of citizens in Constitutional Court of Ukraine through filing constitutional appeals.
7	Save Referendum!	IFES	15.12.17	30.11.18	0,00	0,00	0,00	To repeal the Law of Ukraine "On All-Ukrainian Referendum".
8	Strengthening the Role of Civil Society in Facilitating Democratic Reforms and Increasing Accountability, Responsibility, and Quality of Government	European Commission	01.10.17	30.09.19	9 653 752,48	341 991,02	306 563,46	<ul style="list-style-type: none"> • Consolidation of civil society role in state reforming, improving a public discourse between civil society and public authorities. • Civil society in general and nongovernment organizations in particular are more informed, powerful and influential. • Improving public degree of confidence in authority. Level of corruption will decrease. • Improvement of legislation in many spheres of state functioning.
9	Core-Support to CSO Centre of Policy and Legal Reform	USAID/Pact	01.10.17	30.09.20	2 595 832,28	91 959,20	82 432,95	<ul style="list-style-type: none"> • To increase citizen engagement in civic activities at the national, subnational, and local level; • To build a national hub-based CSO coalition and to strengthen CPLR's organizational capacity; • To strengthen the capacity of CSOs in all regions of Ukraine to influence the state and local self-governance to accelerate reforms.
10	Semi-Presidentialism and Inclusive Governance in Ukraine – Reflections for Constitutional Reform	IDEA	05.04.18	30.05.18	122 315,15	4 333,10	3 884,23	Publicly present the report "Semi-Presidentialism and Inclusive Governance in Ukraine: Proposals for Constitutional Reform" and bring together experts and practitioners to discuss the report's outcomes.
11	Promotion of party finance transparency and integrity standards in Ukraine	IFES/ Center UA	01.04.18	31.07.19	514 275,89	18 218,59	16 331,29	Support the effective implementation of reforms and increase the transparency of state funding of parties.

12	Preparation of Alternative (Shadow) Report on the Assessment of Effectiveness of State Anti-Corruption Policy for 2017 year	International Renaissance Foundation	01.06.18	28.02.19	600 000,00	21 255,42	19 053,53	Carry out a comprehensive evaluation of the effectiveness of the state anti-corruption policy implementation in 2017, develop recommendations for the improvement of all components of the anti-corruption policy for the near future.
13	Disciplinary Responsibility of Prosecutors in Ukraine	Council of Europe	22.08.18	05.02.19	632 200,00	22 396,13	20 076,07	Raise awareness of the civil society about the disciplinary practice of the Qualification and Disciplinary Commission of Prosecutors in 2017–2018 and enhance its work by improving the legal regulation of the disciplinary procedure.
14	Peer 2 Peer: Service-oriented Courts in Western Ukraine	Kingdom of the Netherlands (MATRA Program)	01.12.18	31.05.21	712 350,00	25 235,50	22 621,31	Strengthen the service orientation of the courts in Western Ukraine.
15	Donations from individuals, domestic foundations and organizations	Donations			200,00	7,09	6,35	
16	Income from services provided to 3rd parties	Others			2 269 963,63	80 415,07	72 084,71	
	Total				€18 152 995	\$643 083	€576 464	

FCO FCO (Foreign and Commonwealth Office) Strategic Programme Fund and Bilateral Programme Fund

IDEA International Institute for Democracy and Electoral Assistance

IFES International Foundation for Electoral Systems

NDI National Democratic Institute

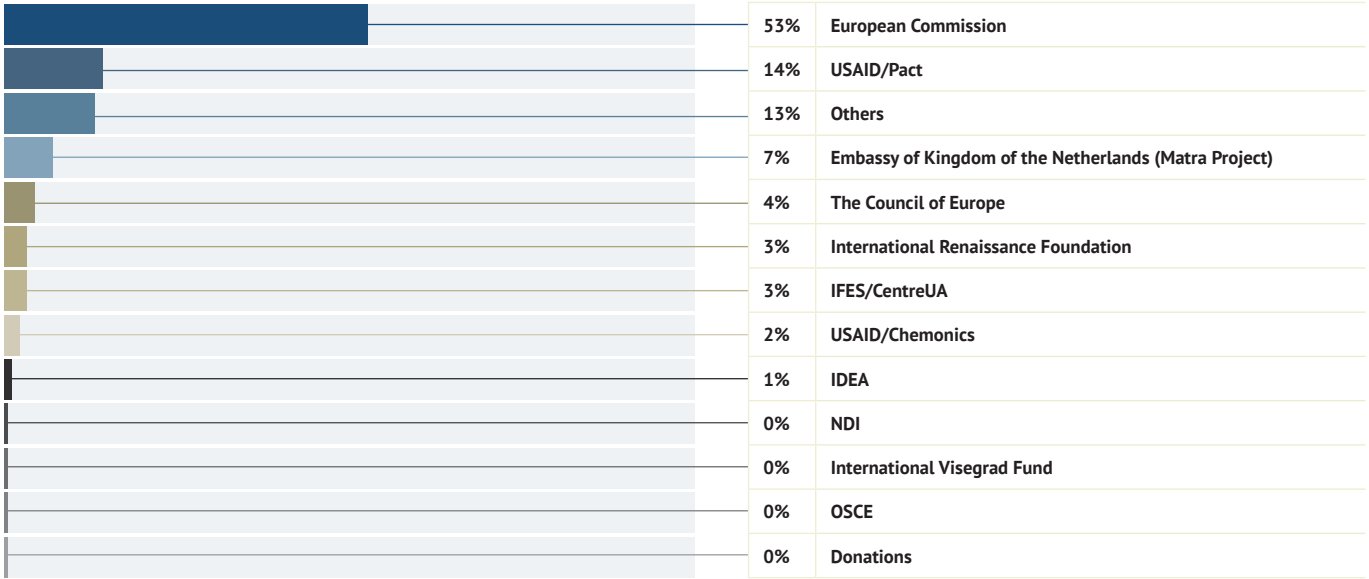
USAID United States Agency for International Development

2. Funding sources

Nº	Funding sources	Total, UAH	Total, USD	Total, EURO	%
1	European Commission	9 653 752	341 991	306 563	53,18%
2	USAID/Pact	2 595 832	91 959	82 433	14,30%
3	Others	2 269 964	80 415	72 085	12,50%
4	Embassy of Kingdom of the Netherlands (Matra Project)	1 298 218	45 990	41 226	7,15%
5	The Council of Europe	632 200	22 396	20 076	3,48%
6	International Renaissance Foundation	600 000	21 255	19 054	3,31%
7	IFES/CentreUA	514 276	18 219	16 331	2,83%
8	USAID/Chemonics	347 380	12 306	11 031	1,91%
9	IDEA	122 315	4 333	3 884	0,67%
10	NDI	51 914	1 839	1 649	0,29%
11	International Visegrad Fund	34 345	1 217	1 091	0,19%
12	OSCE	32 598	1 155	1 035	0,18%
13	Donations	200	7	6	0,001%
	Total funding	18 152 995	643 083	576 464	100%

- IDEA** International Institute for Democracy and Electoral Assistance
- IFES** International Foundation for Electoral Systems
- NDI** National Democratic Institute
- USAID** United States Agency for International Development

3. Revenue budget from donors



4. Dynamics 2014–2018

	Receipts, UAH	Increase, UAH	%	USD	Increase, USD	%	EURO	Increase, EURO	%	Number of projects	/+/-/	%	Number of donors	/+/-/	%
2014	5 033 159			364 480			331 345			11			8		
2015	9 325 518	4 292 359	1	438 724	74 244	0	393 613	62 268	0	14	3	0	9	1	0
2016	12 234 205	2 908 687	31,2	500 396	61 672	14,1	461 286	67 673	17,2	22	8	57,1	11	2	22,2
2017	20 047 631	7 813 426	63,9	752 707	252 311	50,4	656 095	194 809	42,2	17	-5	-22,7	14	3	27,3
2018	18 152 995	-1 894 636	-9,5	643 083	-109 624	-14,6	576 464	-79 630	-12,1	14	-3	-17,6	12	-2	-14,3
Total	64 793 508			2 699 389			2 418 803								

5. Expenditures

Expenditure categories	Total, UAH	Total, USD	Total, EURO
Salaries and honoraria	8 958 947	317 377	284 499
Honoraria to the CPLR experts and other experts engaged by the CPLR	7 571 646	268 231	240 444
Civil law contracts	1 029 720	36 479	32 700
Salaries of administrative personnel	357 581	12 668	11 355
Public events	1 061 928	37 620	33 722
Subgrants	2 128 002	75 386	67 577
Publications	377 428	13 371	11 986
Media monitoring	198 840	7 044	6 314
Visualization	64 300	2 278	2 042
Web-sites	477 282	16 908	15 157
Translation	216 550	7 671	6 877
Audit	138 870	4 920	4 410
Membership fee	28 524	1 010	906
Office, equipment, and other costs	1 171 007	41 484	37 186
Office rent, incl. regional partners	935 000	33 123	29 692
Utilities	94 962	3 364	3 016
Office supplies, stationery	42 776	1 515	1 358
Information and consulting services	52 865	1 873	1 679
New equipment purchases	34 565	1 224	1 098
Postage	3 754	133	119
Banking services	7 085	251	225
Total Expenditures	14 821 678	525 068	470 676

* The difference between the received funding (UAH 18,152,995) and expenditures (UAH 14,821,678) is due to the fact that part of the funds received in 2018 for implementation of projects is expected to be spent in 2019.

Partners



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