



Centre of Policy and
Legal Reform

2020

**Activity report
Centre of Policy and Legal
Reform**



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Foreword

The year 2020 has been special not only for us, but perhaps for the whole world — it was the year of the Covid-19 pandemic. Although it started quite optimistically, with everyone full of plans, the authorities starting to use public communications to prepare important projects, and the experts of our Centre getting more frequently engaged in cooperation. At the same time, the feeling of impending change of the Government was really intriguing, since the Government of O. Honcharuk, despite making good declarations in many areas, managed to “break-up” with the parliamentary majority in 4 months of its operating, and therefore cooperation with the Verkhovna Rada began to stumble.

However, it turned out that its history did not teach anything to President Zelensky and his inner circle. The new government, headed by D. Shmygal, was also not formed by the Prime Minister and without active participation of parliamentary majority.

Right from the first days of its operation, the new Government faced the global Covid-19 pandemic; thus, for the first time in recent history of Ukraine, national quarantine restric-

tions were announced, including bans on passenger transport and carrying out any public events, as well as closings of educational institutions, restaurants, and many other businesses in service sector...

The CPLR's activity, like that of other similar institutions and organizations, has mainly switched to online format. We rejected the idea to rent a second office with a hall for workshops and meetings. Most experts started working from home. However, our activity has not stopped, and even the pace and scope of work has not changed. We have successfully fulfilled all project commitments and actively increased cooperation with governmental and parliamentary structures.

In fact, the new government —predictably – increasingly began to seek assistance from “old experienced” experts and structures, because of the shortage of their own “new” ones. Therefore, in 2020, the CPLR's experts from all areas actively participated in working groups to prepare and finalize draft laws, sharing the findings of their monitoring and prior years' experience of similar activity. Indeed,

this Report illustrates where greater progress has been achieved, and where the government has shown only the appearance of its will to change something in our lives.

Local elections became the main event of Fall 2020 in Ukraine's life. As in previous year, we engaged in this process as part of “Election Council UA”. Except this time, it was no longer on our own, but jointly with our UPLAN partners, whom we helped to form regional election councils and fight for the conscious expression of citizens choice in their cities and regions.

Local elections were conducted successfully in general, and not only enshrined a new administrative-territorial system at community and district levels in the public minds, but also opened the political path to update the entire body of law on local selfgovernment and territorial organization of power based on decentralization.

Reforms continue. Life goes on... And 2021 is the year of the Centre of Policy and Legal Reform's 25th anniversary.



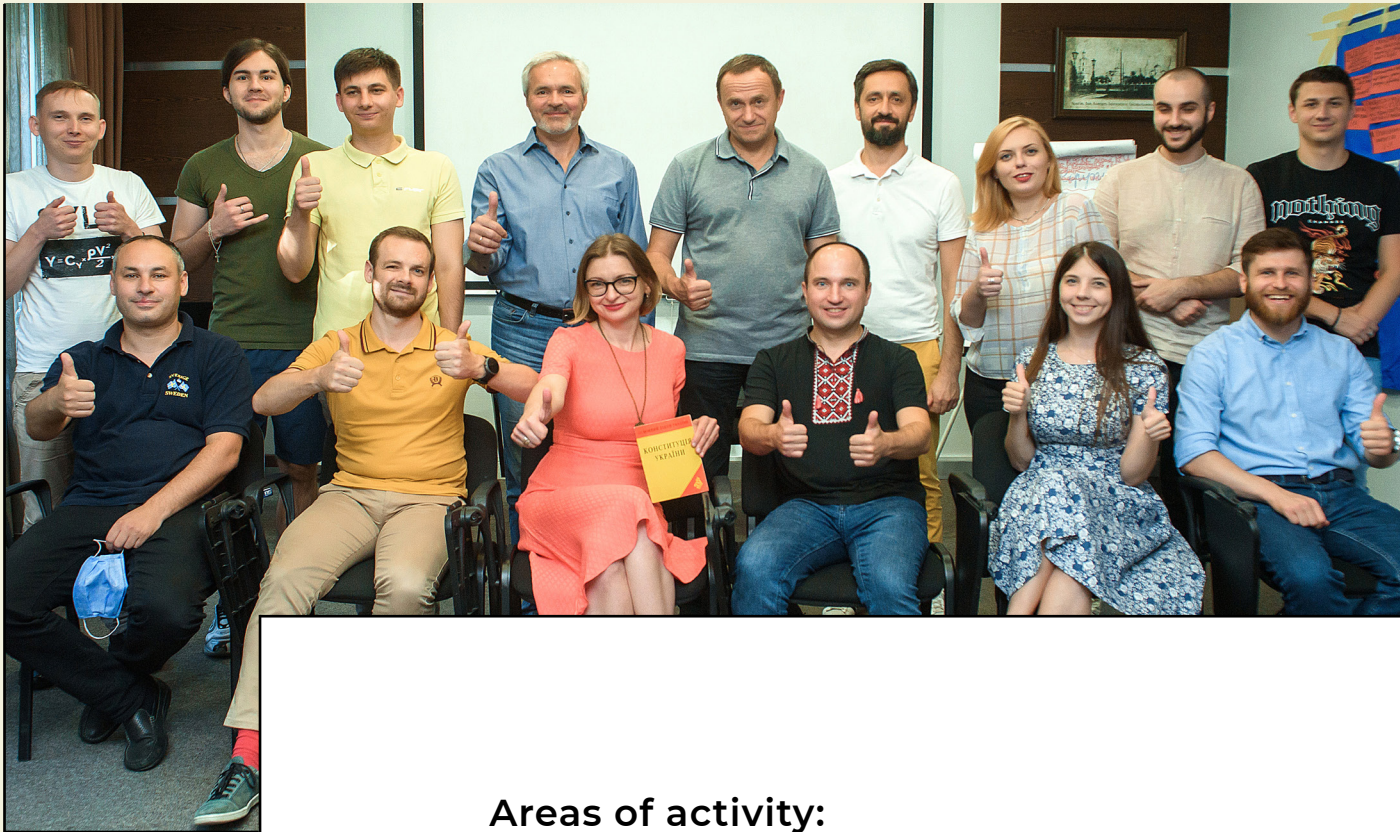
Ihor Koliushko
Head of the Board
of the CPLR

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 facilitate institutional reforms in Ukraine for strengthening democracy, rule of law, and good governance.

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



Areas of activity:

- Constitutionalism
- Governance and public administration
- Judiciary
- Criminal justice
- Anti-corruption
- Civil society development

Constitutionalism

Our goal: the authorities in Ukraine are subordinate to the Constitution

Summary of the year

1

Constitutional process

In January and February 2020, three of seven populist draft laws on amendments to the Constitution initiated by the President of Ukraine in August 2019 were provisionally approved. However, none of them was finally adopted at the next regular session of the Parliament.

2

COVID-19

Due to the COVID-19 pandemic, the Government periodically introduced various quarantine measures in Ukraine, which in some cases significantly restricted citizens' rights and freedoms, despite no state of emergency ever being imposed. On August 28, the Constitutional Court of Ukraine (CCU) ruled unconstitutional the restrictions of citizens' rights and freedoms imposed during the quarantine period.

3

All-Ukrainian Referendum

On June 9, the President of Ukraine submitted to Parliament a draft law "On Democracy Through an All-Ukrainian Referendum", which was adopted on June 18 in the first reading. In July, the Venice Commission jointly with the OSCE Office for Democratic Institutions and Human Rights, at the request of the Speaker of the Parliament, issued an urgent opinion and provided a positive assessment of the draft law.

4

The appointment of the NABU Director ruled unconstitutional

In August and September, the CCU issued two decisions finding the practice of appointment of the NABU Director by the President of Ukraine unconstitutional. The Parliament has not yet adopted the necessary legislative amendments towards harmonization of the procedure for appointment of the NABU Director with the Constitution of Ukraine.

5

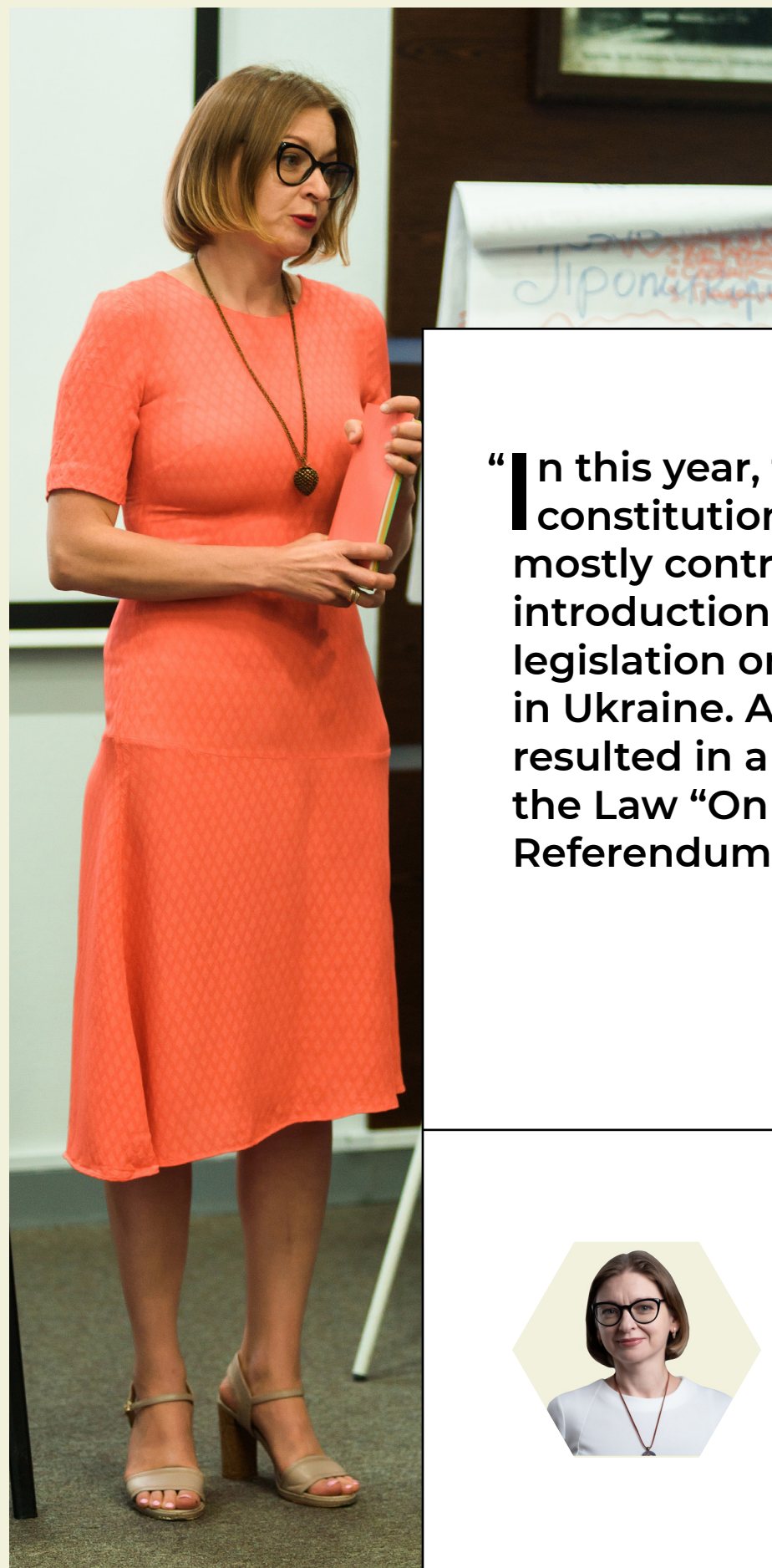
Political pressure on the Constitutional Court

In October, the CCU ruled that certain powers of the National Anti-corruption Bureau of Ukraine in the area of electronic declaration, as well as criminal responsibility for false asset declarations and failing to submit relevant declarations, were unconstitutional. This decision, which presented with indicia of illegitimacy, caused a political crisis and confrontation between different political actors, which in particular manifested itself in various forms of pressure on the CCU.

6

Competition for the positions of judges of the Constitutional Court

Three vacant positions in the CCU were never filled in 2020. Furthermore, the Parliament did not properly implement the constitutional requirements regarding open competition for the positions of the CCU judges.



“In this year, the constitutional reform area mostly contributed to the introduction of democratic legislation on referendum in Ukraine. And this resulted in a new version of the Law “On All-Ukrainian Referendum” in early 2021”



Julia Kyrychenko

head of area

Our Achievements

1

Countering constitutional populism and spam. At the beginning of 2020, jointly with our partners, we continued activities to draw the authorities' attention to inadmissibility of rapid and spot amendments to the Constitution that are being prepared behind closed doors and are intended for populist purposes. We conducted regional discussions of constitutional amendments proposed by the President, which included presentations of qualitative analysis and comparative legal analysis. Particular attention was paid to the draft laws on amendments to the Constitution of Ukraine that were considered by the Parliament in January-February 2020, as well as to the decentralization reform.

2

Advocacy for the draft law on all-Ukrainian referendum. We established constructive dialogue regarding Parliament's duty to regulate by a law one of the two main forms of direct democracy, the referendum. The draft law “On Democracy Through an All-Ukrainian Referendum”, developed by a working group that included the CPLR's representatives with support of the International Foundation for Electoral Systems, was presented for public discussion, submitted by the President of Ukraine to Parliament, and adopted in first reading in June.



Denis Hartwig

expert

“It was a challenging year, but we went through it decently”



Oleksandr Marusiak

expert

“Undoubtedly, the CCU was the main media subject in 2020. Now, probably, every citizen is aware of the problems with constitutional justice”

3

Strengthening the role of regional experts in constitutional processes. Thanks to the UPLAN Network, regional experts from Odesa, Lviv, Kharkiv, and Dnipro got involved in discussions of constitutional initiatives of the President of Ukraine and making expert position heard by Parliament members.

4

As part of the CPLR project “Strengthening the Role of Public Experts in the Constitutional Amendment Process in Parliament”, Six constitutional brunches with Parliament members and their assistants were conducted, where current issues of implementation of the Constitution of Ukraine was discussed.

5

Expert legal evaluation in the case of the High Anti-Corruption Court of Ukraine (HACC). Jointly with international technical assistance projects (EU Anti-Corruption Initiative in Ukraine, USAID New Justice Program, and IDLO) within the framework of general support for anti-corruption and judicial reforms in Ukraine, an expert legal evaluation of the constitutionality of the Law of Ukraine “On the High Anti-Corruption Court” was conducted and a joint opinion (Amicus Curiae) was published, which justified the constitutionality of the HACC as higher specialized court.

6

CPLR experts also prepared and submitted to the CCU an expert opinion on the constitutionality of the Law of Ukraine “On Ensuring the Functioning of the Ukrainian Language as the Official State Language”, certain provision of the Law of Ukraine “On the Alternative Sources of Energy”, the Law of Ukraine “On Electricity Market” (on behalf of the Reanimation Package of Reforms Coalition), and the Parliament Resolution “On the Formation and Liquidation of Districts”.

7

The working group organized by the CPLR developed a draft law “On Local Referendum”, which sets forth legal principles for the implementation of popular will through a local referendum, its organization, and procedure. It is envisioned that, in the context of decentralization, local referendum will be an effective tool of local self-governance, through which a territorial community will be able to decide independently on local issues.

8

A parliamentary working group that includes CPLR experts among participants developed a new version of the Law “On Political Parties”, which ensures the constitutional right of citizens to freedom of association in political parties and improves the legal regulation of the organization and functioning of political parties in Ukraine. The draft law was submitted to the OSCE and the Venice Commission for legal evaluation.



“We tried to help the authorities prepare a quality draft law to amend the Constitution concerning local self-government reform and territorial organization of power. Unfortunately, we were unable to join the working group. Although, we never even got the results by the end of the year”

Ihor Koliushko

expert



Public administration

Our goal: governance system effectively formulates and implements public policy for development of the country and public administration is directed toward quality and friendly service to citizens.

Summary of the year

1	<p>Creating capacity development and policy coordination</p> <p>In 2020, the reform of the Government and central executive bodies has been raised within the framework of preparation of a new version of Strategy for Public Administration Reform in Ukraine (through 2025). Unfortunately, the comprehensive Law of Ukraine “On the Cabinet of Ministers of Ukraine and central executive authorities”, developed by the expert community in cooperation with the Office of the Cabinet of Ministers in 2019, was never submitted to the Parliament.</p> <p>The ministries’ organization and functioning reform has continued. The policy directorates and directorate for strategic planning and European integration continued to be established. However, not all ministries have followed the defined goal and approaches proposed by experts in this process. In some ministries, a larger than expected number of directorates were created, while in others, the numbers were insufficient. Directorates were not always established in accordance with public policy directions which the ministry is responsible for. Therefore, the directorates still do not cover all public policy issues.</p>
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2	<p>Reforming the administrative-territorial system</p> <p>Reform of district-level of administrative-territorial structure has become a major achievement in Ukraine’s public administration area. Instead of 490 districts, 136 districts were created. This naturally requires reforming the territorial organization of the executive branch. The draft law “On amendments to the law of Ukraine “On local state administrations” and certain other legislative acts of Ukraine on reforming the territorial organization of executive power in Ukraine” has been developed and registered in the Parliament (№ 4298 of October 30, 2020).</p>
3	<p>Civil service</p> <p>There were no significant changes related to addressing “errors” in the Law of Ukraine “On Civil Service” that were “introduced” in 2019. In 2020, the next stage of developing amendments to this Law has continued, but the draft law “On amendments to certain legislative acts of Ukraine to improve the civil service” (№ 3748 of June 26, 2020) developed by government representatives and experts was rejected by the Parliament. Subsequently, politicians and public officials continued discussions on the need for amendments to the Law of Ukraine “On Civil Service”. As a result, at the end of the year, another draft law was registered in the Parliament.</p> <p>The situation with competitive selection for civil service positions has deteriorated. Under the quarantine restrictions related to the COVID-19 pandemic, the competitive procedure was practically ignored. For the quarantine period, the appointments were made based on the interviews on a term-contract basis. This caused public concerns, as it looked like authorities were using the pandemic situation to appoint “their own” persons to office. Changes in the competition procedure under the quarantine restrictions could have been more appropriate in the current situation. The draft law “On amendments to certain laws of Ukraine regarding resumption of competitions for civil service positions and other civil service issues” (№ 4531), which was registered in December 2020, should address this problem.</p> <p>The reform of the civil service pay system has continued over the last year. In this regard, the National Agency for Civil Service, by its order, approved the Catalog of model civil service positions and criteria to be classified as such positions.</p>

I am proud of my involvement in the law №943, which established the vision for the CPAS primarily as integrated offices and the freedom of local self-government bodies to choose the mechanisms for provision of administrative services in the CPAS”



Victor Tymoshchuk

co-head of area

4

General administrative procedure

Year 2020 has become a very important year for the implementation of the general administrative procedure in Ukraine. On September 2, 2020, Verkhovna Rada adopted the draft law “On Administrative Procedure” in the first reading.

The draft law was prepared by a working group of the Ministry of Justice of Ukraine with participation of the CPLR representatives. The draft law received a positive evaluation from the SIGMA Program. A working group was created in the specialized parliamentary committee to prepare this draft law for the second reading.

5

Enhancing the quality and integration level of the centers for provision of administrative services (CPAS)

On November 3, the Law [№ 943-IX](#) on network optimization and operation of the CPAS was adopted. Among its important novelties are the following:

- the list of CPAS services should include all services of a local self-government body (LSGB) that created the CPAS, as well as services of executive bodies defined by the Cabinet of Ministers. Thus, adequate list of services has been underscored as essential to the CPAS;
- the possibility of application of different models/mechanisms of service provision in the CPAS has been more clearly defined, in particular by the administrators themselves and the authorized service provider entities, as well as through mechanism for their interaction;
- mandatory gradual (by 2024) creation of CPAS in all communities (for smaller communities, it is mandatory only with state support).

In practice, there are problems with the implementation of this law, in particular in terms of the functioning of the CPAS of district state administrations before the CPAS in the LSGBs are created in 2021 to replace them. Unfortunately, a number of CPASs were closed prematurely.

6

Decentralization of basic administrative services

As of the end of 2020, LSGBs are yet to be authorized to provide services for registration of civil status acts, land plots, automobiles, etc.

The situation with registration of civil status acts is the most critical. In cities former designated as being of regional significance, these services can be provided only by the Ministry of Justice through its branches. As a result, residents of villages, settlements, and towns that have merged into new communities that include such cities feel an extremely negative impact, because now they have to travel for 20-40 kilometers to get the services they could recently access in their own community. The Government has not responded to this issue. To address it, Parliament members introduced draft law № 4382, which provides for the delegation of key authorities in the area of civil status acts registration from the Ministry of Justice to all communities.

7

Regulation of administrative fees by a single law

Adequate legislation on payment of administrative fees for administrative services is still missing in Ukraine. As a result, many of the fee amounts are unreasonable, insufficiently transparent, and sometimes even illegal. On the other hand, LSGBs, especially smaller ones, receive extremely inadequate compensation payments for administrative services due to unjustified free or miniscule fees for certain services.

In 2020, a significant step has been taken to address this problem. As a result of the CPLR's advocacy for the adoption of a single law in the area of payment for administrative services, Parliament members registered a draft law "On Administrative Fees" (№4380), which establishes the procedure for calculation of administrative fees and their payment and, most importantly, contains a list of all basic (the most popular) administrative services with clear amounts of administrative fees. Therefore, the adoption of this law is an important task for 2021 – although the challenges of populism pose a high risk for success in this area.

“This year has been very important for the public administration reform, as the draft law on administrative procedure has been adopted in first reading, following over 20 years of being worked on. I am happy that the CPLR contributed to the development and advocacy of this draft law”



Yevhen Shkolnyi

expert

Our achievements

1	Active participation in the working group of the Ministry of Justice on the development of the draft law (№ 3475) on the administrative procedure and ensuring expert succession in the text of the draft law. Advocacy for the adoption of this draft in first reading and expert support in the specialized parliamentary committee.
2	Active participation in the parliamentary working group on the preparation of draft law №2679 (currently Law № 943-IX on the CPAS network) for second reading. Achievement of important amendments to its content, in particular, those focused on the CPAS as an integrated office with adequate list of services; flexibility of different models / mechanisms of service provision in the CPAS; mandatory financial support from the state for the CPAS establishing.
3	Advocacy support for the draft law № 4382 on decentralization of registration of civil status acts.
4	Participation in the preparation and advocacy for the draft law on administrative fees (based on the draft previously developed by the CPLR). The draft law was supported by the Ministry of Regional Development, the Association of Cities, and the Association of Unified Territorial Communities and was registered in Parliament.



“The year has been challenging. But thanks to teamwork, it was productive and efficient”

Victoria Derets
expert



5	<p>We prepared an analytical brief on public administration reform within the framework of Ukraine Reforms Conference 2020.</p>
6	<p>We prepared and submitted for consideration:</p> <p>To the Ministry of community development and territories of Ukraine and Parliament's Committee on the organization of state power, local self-government, regional development and urban planning:</p> <ul style="list-style-type: none">• the Concept and specific proposals for district-level reform of administrative and territorial organization in all regions• revised version of the draft Law "On local state administrations"• draft law on amendments to the Constitution of Ukraine on reform of local self-government and territorial organization of power; <p>To the Office of the Cabinet of Ministers of Ukraine:</p> <ul style="list-style-type: none">• revised version of the draft law "On the Cabinet of Ministers of Ukraine and central executive bodies",• policy document on the novelties of the draft law "On the Cabinet of Ministers of Ukraine and central executive bodies",• proposals for defining policy areas and establishing directorates for each ministry; <p>To the National Agency for Civil Service: an analytical note on the legal regulation issues for civil service, which must be taken into account in the preparation of the draft Concept of the new Law of Ukraine "On Civil Service" and addressed in this law.</p>

“New district division of Ukraine’s regions has been a huge achievement of this year. Unfortunately, no progress has been made in the area of reforming the Cabinet of Ministers, central executive bodies, and civil service”

Ilhor Koliushko
co-head of area



7	<p>We participated and introduced our proposals:</p> <ul style="list-style-type: none">• at the National Agency for Civil Service working group’s meetings on the draft law on amendments to the Law of Ukraine “On Civil Service”,• at the Ministry of Justice working group’s meetings on the draft law on legal regulations,• in consultation organized by the Office of the Cabinet of Ministers of Ukraine on the revision of the Public Administration Reform Strategy in Ukraine through 2025.
8	<p>Representatives of the CPLR I. Koliushko and V. Tymoshchuk became members of the Public Administration Reform Coordination Board under the Cabinet of Ministers;</p> <p>V. Tymoschuk became a member of the Board of National Agency for Civil Service;</p> <p>V. Derets was elected as a member of the Public Council at the National Agency for Civil Service.</p>

Justice

Our goal: a justice system that guarantees justice in society

Summary of the year

1

Year of stagnation

In 2019, a law initiated by President Volodymyr Zelensky terminated the powers of the High Qualifications Commission of Judges. A commission for cleansing the High Council of Justice was to be created, but the High Council of Justice blocked its own reform. Unreasonable attempts to reduce the membership of the new Supreme Court have been criticized by the international community and the civic expert community. In 2020, the Constitutional Court declared unconstitutional most of the provisions of this law. A new qualification commission was never established in 2020, which worsened personnel constraints in the courts.

2

The political authorities have not presented a vision of next steps in the justice area

The President's statements on effective reforms in the justice system differed from his or his team's real actions. Even the clear international commitments before the European Union and the International Monetary Fund that Ukraine undertook in 2020 regarding the reform of the High Council of Justice were de facto sabotaged by the President's team.

3

Judges' accountability has been undermined

In 2020, the Constitutional Court issued a number of high-profile decisions that undermined the accountability of judges. In June, the Court declared unconstitutional the provisions on criminal punishment of judges for making a manifestly unjust judgment, and in October, it repealed punishment for false asset declarations by public officials, including judges. Supervisory powers of the National Agency for the Prevention of Corruption were also declared unconstitutional (the justification was alleged infringement on judicial independence). Following extensive criticism of the Constitutional Court's latest decision, Parliament has partially restored anti-corruption legislation. However, criminal responsibility for arbitrary judgments has not been restored, and responsibility for false asset declarations has been restored only prospectively.

4

Courts during COVID-19

In March, the government began to take measures to prevent the spread of COVID-19. Adjustment of the judiciary to the new environment was not easy. "Anti-coronavirus" legislation adopted by Parliament allowed courts to hear cases via the Internet with remote participation by parties, but the suspension of procedural time limits resulted in freezing of civil, commercial, and administrative proceedings. Only in July did Parliament address these errors and adopted amendments to restore proceedings. However, contrary to the law, many courts have closed their doors to visitors who are not participants in a case, with the media and the public unable to attend court hearings. Alternative measures in the form of online broadcasts of court hearings were rare.

5

Exposing of grand corruption

Year 2020 was marked by whistleblowing materials regarding judges of the District administrative court of Kyiv and the Head of the Constitutional Court, which revealed evidence of large-scale grand corruption and de facto impunity of judges, as neither the High Council of Justice nor the Constitutional Court properly responded to the content of these materials.

Our achievements

1

In close cooperation with partner organizations, we have continued to work actively on advocacy for effective judicial reform. To this end, a number of recommendations have been prepared for the Ukrainian authorities, reflected in the documents “Sectoral Brief: Judicial Reform”, “Map of Judicial Reform”. Proposals for the “Fair Court” section of the draft Anti-Corruption Strategy prepared by the National Agency for the Prevention of Corruption (adopted by Parliament in the first reading in 2020). We actively participated in organizing public discussions of this section at the national and local levels.

2

We contributed to the work of official bodies and working groups on justice. In particular, we participated in the work of the Commission on Legal Reform, personnel commissions for attestation of prosecutors, Commission for Competition for Administrative Positions in the Specialized Anti-Corruption Prosecutor's Office, working groups of the Ministry of Education and Science on the organization of independent evaluation of law students, as well as working group of the OSCE Office for Democratic Institutions and Human Rights to improve the so-called Kyiv Recommendations on the Independence of the Judiciary.

3

For the fourth year in a row, we have worked actively as part of the Public Integrity Council, which is authorized by law to provide the High Qualification Commission of Judges with opinions regarding judges' non-compliance with integrity and professional ethics criteria. In 2020, the Council approved 131 such opinions, despite the lack of functional composition of the qualification commission.



“Year 2020 demonstrated the authorities’ failure to carry out a consistent and effective judicial reform. In 2021, we have a chance to verify whether the political authorities have the real will to take decisive actions to combat corruption in the justice system”

Roman Kuybida

head of area





Roman Smaliuk
expert

“This year has shown that “incurable diseases” of the judiciary will be constantly reminding of themselves, and delay with digitalization of justice make courts vulnerable to emergencies. I hope that, in 2021, the authorities will learn the lessons brought on by the quarantine year 2020 and draw the right conclusions”



Maksym Sereda
expert

“2020 was a successful year for our area and team. I hope that next year will be successful not only for us, but also for the country, which will finally take effective steps towards promoting fairness in the judiciary”

4

In 2020, in cooperation with the OSCE Project Coordinator in Ukraine, we prepared and published the results of the study “Standards of Child-Friendly Justice and Their Implementation in Ukraine (Non-Criminal Aspect)”. We also organized field studies necessary to assess the situation with the respect for children’s rights in criminal proceedings. Results will be published in 2021.

5

We actively participated in study and discussions on the impact of “coronavirus” restrictions on justice in Ukraine and the world. Recommendations on this subject have been prepared for the courts, as were a number of publications: “Judiciary in Quarantine: How COVID-19 Affected the Ukrainian courts”, “What Will the Ukrainian Judiciary Come out with After the Quarantine”, “Half a Year in Quarantine: Justice under the Influence of COVID-19”, “Judicial Communications vs. Coronavirus Spread: How Courts Should Notify about Their Work in a Quality Way”, “How COVID-19 Forces Courts to Operate Creatively under New Circumstances”. We have also attended several international webinars and conferences on this topic.

6

Overall, experts of our area prepared 7 analytical publications and 14 articles in 2020. We organized and conducted 41 events (trainings, discussions) and participated with presentations in at least 13 events by other organizations. Each week, we provided expert assessments of key events affecting the justice sector (a total of 82 reports were published). We also continued the previous practice of preparing a shadow report on the state of independence of judges and an annual survey on judicial innovations.

Criminal Justice

Our goal: effective criminal justice system that guarantees the safety of every citizen and society as a whole while respecting human rights and freedoms

Summary of the year

1

The fight for constitutionality of law enforcement bodies' status

The Constitutional Court of Ukraine declared unconstitutional the President's authority for appointment / dismissal of the National Anti-corruption Bureau of Ukraine Director, as well as the fact of his appointment itself. A similar issue is facing the State Bureau of Investigation and the Economic Security Bureau, which is being established. During the year there were a number of legislative initiatives on this issue, but they did not resolve the question of whether pre-trial investigation bodies should be part of the executive branch or whether they must be separated in order to ensure their presumed independence.

2

Reform of the prosecution bodies

Prosecutors of the Prosecutor General's Office and regional prosecutor's offices passed their attestation, while the attestation of prosecutors of local (district) prosecutor's offices was launched. Prosecutorial independence remains under threat, as there is lack of transparent procedure for appointments and dismissals, and particularly with respect to disciplinary proceedings.

“2020 is the year of the coronavirus disease pandemic. We did our best to fight the virus. To achieve public health goals, we proposed to the government such ways to restrict human rights and freedoms that would not infringe the Constitution and their essence”

Eugene Krapivin

expert



3

Institution of criminal misdemeanors

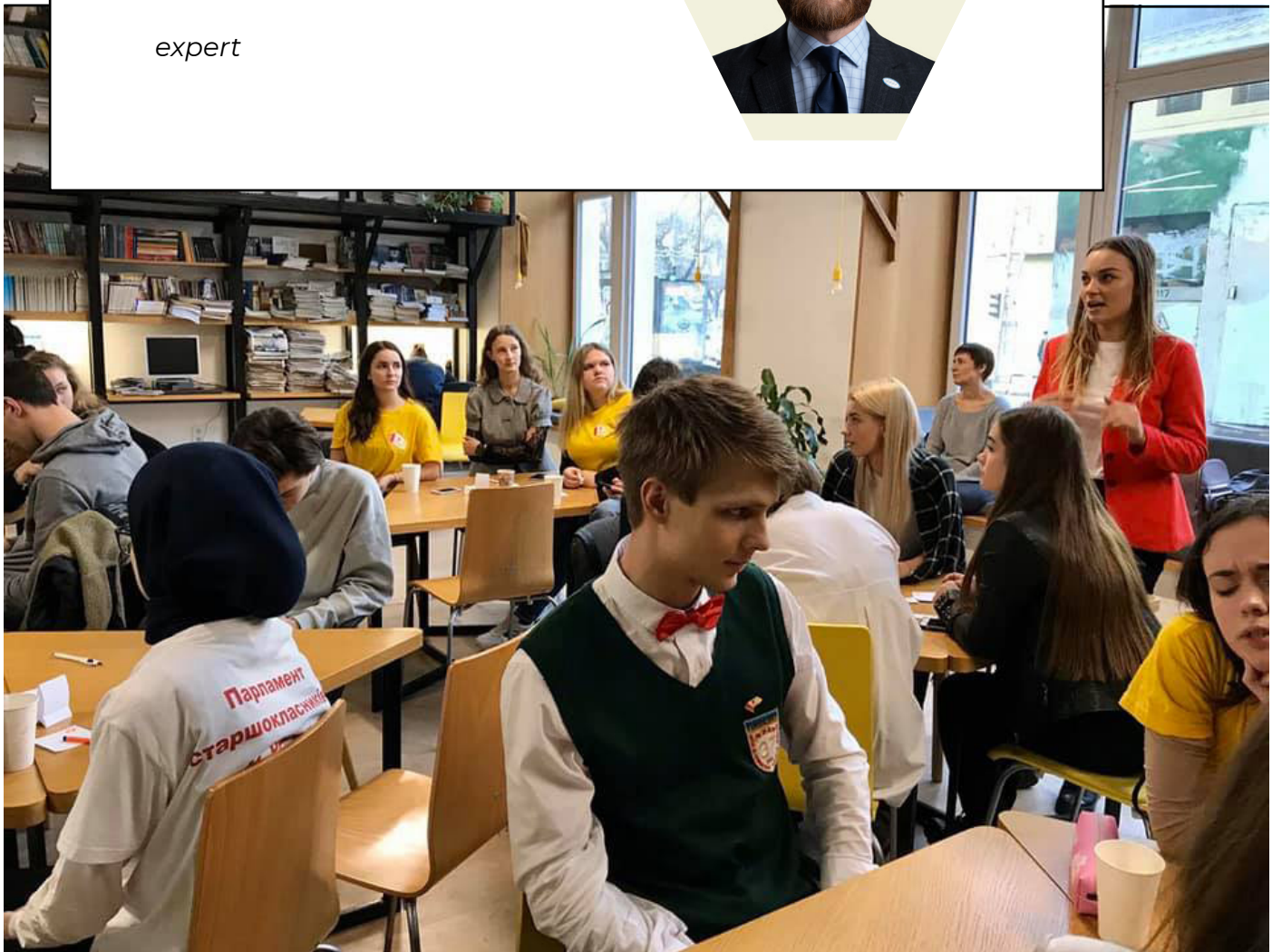
On July 1, 2020, the institution of criminal misdemeanors was launched, which provides for the differentiation of pre-trial investigation procedure depending on the type of criminal offence and provides the investigators with the right to conduct said investigation, which should partially relieve the burden on investigation in order to increase its efficiency. At the same time, issues that contradict the COE Directorate General opinion, in particular regarding the right to defense, have not yet been addressed.

Our achievements

1	The first analytical report on the activity of the State Bureau of Investigations, summarizing 18 months of the new law enforcement agency’s operations, has been prepared.
2	Legal issues related to quarantine restrictions in connection with the COVID-19 pandemic have been widely covered.
3	We actively participated in the preparation of the draft of the new Criminal Code of Ukraine as part of the Working Group on criminal law reform of the Commission on Legal Reform under the President of Ukraine.
4	We reviewed the Draft Code on Administrative Misdemeanors that was prepared by the Ministry of Justice, as well as number of other draft laws.
5	Analytical products on the police reform experience in Ukraine, Georgia, and Moldova have been prepared for the police of Kazakhstan.
6	Scientific and practical commentary on the articles of the Criminal Code of Ukraine relating to criminal misdemeanors (legal qualifications and pre-trial investigation features) has been prepared.

“Year 2020 once again reminded everyone, and first of all the public, how the independence of prosecutors and pre-trial investigation authorities is important, yet at the same time fragile”

Volodymyr Petrakovskiy
expert



Anti-corruption

Our goal: meaningful reduction of corruption level in Ukraine and removing oligarchs from influence over public policy.

Summary of the year

1	<p>Relaunch of the National Agency on Corruption Prevention</p> <p>At the beginning of the year, the NACP relaunch was completed: a new team was formed, which started to responsibly perform its duties; in May, the Cabinet of Ministers approved the criteria and Methodology for evaluating the effectiveness of the National Agency on Corruption Prevention.</p>
2	<p>The High Anti-Corruption Court (HACC), which started operating in 2019, continued its activity</p> <p>During the year, the HACC issued thousands of judgments, including 22 sentences. The June 18 law provided the HACC with authority to independently administer state-owned property within its sphere of management.</p>
3	<p>The Constitutional Court’s decision on unconstitutionality of article 375 of the Criminal Code of Ukraine</p> <p>On June 11, the Constitutional Court of Ukraine declared unconstitutional article 375 of the Criminal code of Ukraine (CCU) on criminal punishment of judges for making a manifestly unjust judgment. Despite the introduction of two draft laws on restoring responsibility for a prejudiced court decision (№3500 and 3500-1), neither of them has been considered.</p>

4	<p>Memorandum on economic and financial policy of Ukraine</p> <p>On June 9, 2020, the Ukrainian Government and the Board of Governors of the IMF approved the Memorandum on Economic and Financial Policy. The document envisions a number of measures that should be taken in the shortest possible term, including ensuring effective and reliable investigations, prosecutions, and trials of high-level corruption cases by independent and honest National Anti-Corruption Bureau of Ukraine (NABU), Specialized Anti-Corruption Prosecutor’s Office (SAPO); and HACC; extension of comprehensive and public declaration of assets to politically exposed persons; and strengthening and mobilizing the anti-money laundering system. The Memorandum of Understanding between Ukraine and the European Union, which was ratified on August 25, also provides for similar measures.</p>
5	<p>Suspensions to the head and six judges of the District administrative court of Kyiv</p> <p>On July 17, NABU announced the suspicion charges to the head and six judges of the District administrative court of Kyiv (KDAC) and released audio recordings of the judges’ wiretap. According to the NABU, the judges of this court created a criminal organization that intervened in the activities of other authorities, including the High Qualifications Commission of Judges and the High Council of Justice (HCJ), to resolve their own personal or other persons’ issues. Subsequently, the HCJ refused to suspend these KDAC judges from the administration of justice duties. On October 26, an electronic petition to the President of Ukraine on the elimination of KDAC has reached the legally required minimum of 25,000 signatures. The KDAC, meanwhile, has issued a number of additional extravagant decisions, including revoked the NACP’s decision on prosecution of MPs for filing false declarations and gave Artem Sytnyk a month to resign from the NABU Director position.</p>
6	<p>Anti-corruption strategy</p> <p>On June 23, the NACP submitted a draft Anti-Corruption Strategy for 2020-2024 for public discussion, and on November 5, it was adopted by the Verkhovna Rada as the basis.</p>

7

Persecution of activists continued, including those active in anti-corruption

In 2020, a total of 101 cases of persecution for civic activity or actions to protect human rights have been [recorded](#), including intimidation efforts (22), physical attacks (21), and destruction or damage of property (18). One such case is the [arson](#) at the house of the head of Anti-Corruption Action Centre Vitaliy Shabunin.

8

Resignation of the head of the Specialized Anti-Corruption Prosecutor's Office

In August, the head of the SAPO Nazar Kholodnytskyi voluntarily resigned from office, resulting in inability of the acting head of the SAPO, Maksym Hryshchuk, to exercise his procedural powers provided by the Criminal Code of Ukraine; de facto, these powers were transferred to the Prosecutor General, which provided the opportunity for the Office of the Prosecutor General to [interfere](#) in criminal investigations conducted by the NABU and the SAPO. As of early 2021, the competition for the vacant positions of Deputy Prosecutor General – Head of the SAPO and Deputy Head of the SAPO has yet to be announced.

9

US accusations against I. Kolomoyskyi and G. Boholyubov

The US Attorney's Office has [accused](#) Ukrainian oligarch Ihor Kolomoyskyi and his business partner Gennadiy Boholyubov of laundering funds illegally misappropriated in Ukraine through the purchase of real estate in the United States; the US Department of Justice has filed lawsuits to seize their assets within the United States territory.

“Year 2020 demonstrated that you should never give up, even when the corrupt officials have reason to cheer themselves up. In the future, corruption will definitely disappear in Ukraine. It’s just a matter of time”

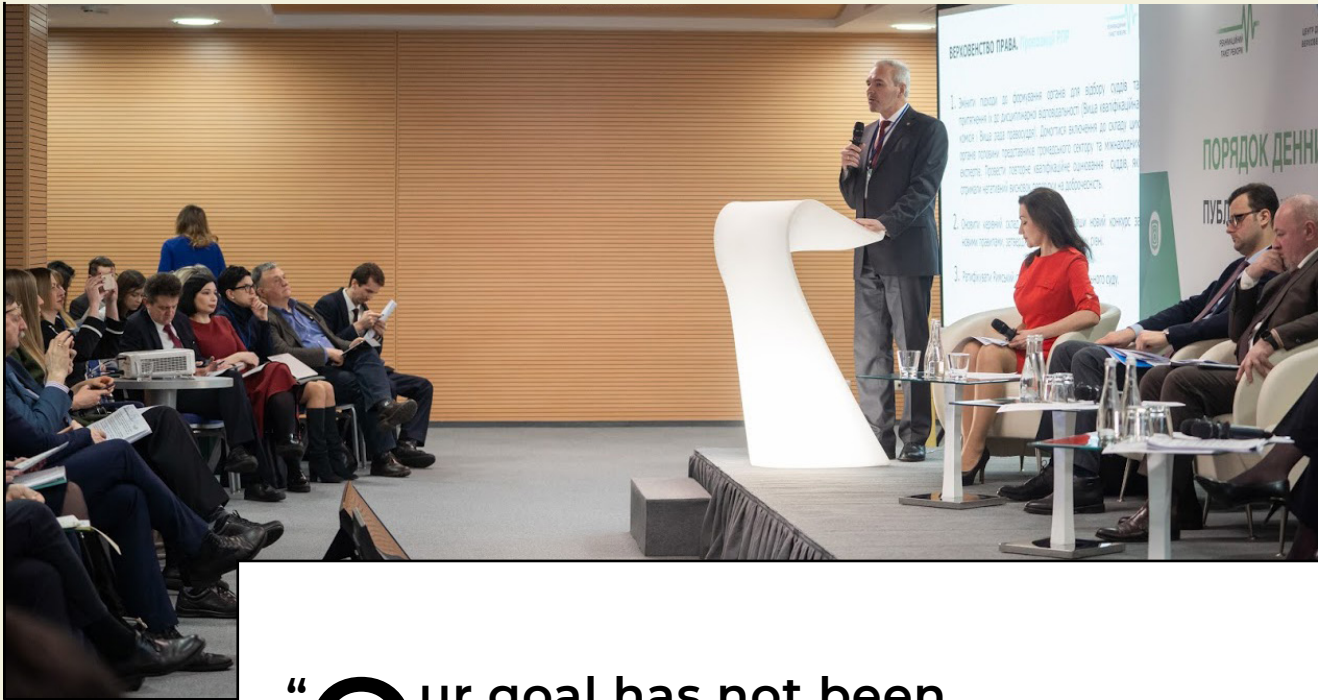


Mykola Khavroniuk
head of area

“The year was eventful when it comes to corruption in Ukraine. Unfortunately, the events were mostly negative”



Katerina Serdyuk
expert



“Our goal has not been accomplished yet. However, despite the lack of real political will to fight corruption, we, as part of the expert community, have managed to protect the main tools of anti-corruption activities”

Victor Chumak
expert



10

On October 27, 2020, the Constitutional Court of Ukraine issued a [decision](#) according to which the NACP lost a significant part of its powers

At the same time, Article 366-1 of the Criminal Code “False asset declaration” was declared unconstitutional. On December 15, Verkhovna Rada adopted a law that partially overcame the crisis in the functioning of corruption prevention mechanism caused by the Constitutional Court’s decision, and on December 4, it re-criminalized false asset declaration and failure to file a declaration. However, dozens of public officials, including several former MPs, have managed to avoid responsibility for prior crimes regarding false asset declarations. On December 9, at the request of the President of Ukraine, the Venice Commission issued an urgent [opinion](#) on overcoming the consequences of the Constitutional Court’s decision, recognizing that it does not contain clear arguments, is not based on international law, and has potentially resulted from a serious procedural law shortcoming – a pending conflict of interests among certain judges.

11

NABU’s detectives [issued](#) a suspicion charge to the Deputy Head of the Office of the President of Ukraine Oleh Tatarov in connection with providing an illicit benefit

Subsequently, the Office of the Prosecutor General, in enforcing the Pechersk District Court of Kyiv [judgment](#), transferred the case to the Security Service, but the High Anti-Corruption Court ordered to remand it to the NABU; no precautionary measure was ordered against Tatarov. The Pechersk court’s decisions outside of its jurisdiction have become a new way to avoid NABU’s and SAPO’s investigations; similar decisions were also [issued](#) by this court in the [case](#) of the largest bribe in history, paid by former Minister Mykola Zlochevskyi in the case of billionaire Oleg Bakhmatyuk (this decision of the Pechersk court was later [reversed](#) by the HACC Appeals Chamber).

Our Achievements

1	We supported the independence and efficiency of NACP, NABU, SAPO, and HACC. We submitted our proposals on draft laws at the request of Parliament’s committees on anti-corruption policy and law enforcement activity. We participated in the meetings of the National Anti-Corruption Policy Council and the Legal Reform Commission, where we advocated for our vision.
2	We provided regular scientific and expert support to NABU and SAPO, as well as advice to detectives and prosecutors, organized and conducted lectures and trainings for HACC judges and prosecutors of the Prosecutor General’s Office regarding complex issues of criminal and criminal procedure law. In response to numerous NACP requests, we provided opinions and other assistance on issues arising during the NACP activities. We prepared thematic articles and published blogs.
3	We prepared a number of opinions with justified objections to the constitutional petitions submitted by groups of MPs to the Constitutional Court in order to undermine the anti-corruption infrastructure. In particular, opinions on the compliance with the Constitution of Ukraine (constitutionality) were prepared and submitted to the Constitutional Court of Ukraine with respect to the following legislation: certain provisions of the Laws of Ukraine “On Corruption Prevention”, “On the Prosecutor’s Office”, “On the National Anti-Corruption Bureau of Ukraine”, “On the State Bureau of Investigation”, “On the National Agency of Ukraine for Detection, Tracing and Management of Assets Derived from Corruption and Other Crimes”, Criminal Code of Ukraine, Civil Procedure Code of Ukraine, provisions of Articles 96-1 and 96-2 of the Criminal Code of Ukraine, and certain provisions of the Law of Ukraine “On the State Bureau of Investigation”.

4	We assisted the NACP in finalizing the draft Anti-Corruption Strategy for 2020-2024, which was developed on the basis of a draft that was previously prepared by the CPLR experts, as well as participated in its discussion with other stakeholders.
5	Together with partners, we conducted monitoring of the HACC’s institutional development and procedural activities, as well as prepared and discussed reports.
6	We participated in the development of the Procedure and Methodology for Conducting Anti-Corruption Expert Evaluation of the NACP. We systematically conducted anti-corruption expert evaluation through ongoing analysis of draft laws submitted to the Verkhovna Rada and identified corruption-causing factors. We conducted lectures and trainings for civic anti-corruption experts.
7	We conducted expert evaluation of anti-corruption programs of public authorities and provided recommendations for their improvement.

Participation in coalitions of civil society organizations and activities of the authorities

Ukrainian Public Law and Administration Network UPLAN

In 2020, the Ukrainian Public Law and Administration Network (UPLAN), which was established by the CPLR, [summarized](#) the results of its three years of activity.

As of late 2020, 11 organizations – signatories of the Memorandum of Cooperation, and 72 experts from Lviv, Kharkiv, Odesa, Dnipro, and Zaporizhia joined the Network.

One of the tasks of the Network is the creation of a communication field for the cooperation of civic activists, scholars, jour-

nalists, and government officials from different regions. Additionally, the Network experts engage in research, analyze policies, prepare regulatory acts and engage in advocacy for reforms at regional and national levels.

Most of the Network's activities, expert discussions, and methodological materials are aimed at exchanging experience and strengthening the analytical and think tanks' influence on the quality of public policy.

Experts of the Network continued to work in seven areas:

- constitutionalism and democracy;
- organization of executive power and civil service reform;
- activity of public administration;
- courts and justice;

- organization and activities of law enforcement agencies;
- prevention of corruption;
- local self-government and regional development.

Our achievements in 2020:

- 218 unique participants joined 29 events (online and offline) conducted with the Network's support;
- 49 news products, 69 analytical articles, and 14 expert blogs were published on the uplan.org.ua portal;
- more than 17,230 people are reached on average by online media;
- the Network's experts joined national studies and advocacy campaign, including the following:
 - analysis of legislative amendments related to the introduction of quarantine restrictions due to the COVID-19 pandemic

and their impact on reforms;

- discussion of the draft law "On All-Ukrainian Referendum";
- development of the "National Strategy for Supporting the Development of Civil Society" etc.

With the participation of the CPLR, regional experts from Dnipro, Kharkiv, and Odesa joined the Election Council UA public association.

At the end of the year, a Memorandum of Cooperation to strengthen the ability of the media to cover reforms effectively was signed in Kharkiv by representatives of the CPLR, the UPLAN Network, and the Kharkiv Press Club.

Public Association "Reanimation Package of Reforms Coalition"

In 2014, the CPLR was one of the initiators of the creation the CSOs coalition "Reanimation Package of Reforms". Five years later, in 2019, we became one of the founders of public association "Reanimation Package of Reforms Coalition". In 2019, Julia Kyrychenko, member of the Board of the CPLR, was elected co-chair of the association's governing body. Ms. Kyrychenko remains the co-chair of the Reanimation Package of Reforms Board, as she was re-elected in 2020. The CPLR's experts work in six expert groups of the Reanimation Package of Reforms:

- constitutional reform;
- judiciary, law enforcement, and corruption prevention;
- electoral legislation;
- governance and public administration;
- local self-governance and regional development;
- civil society development.

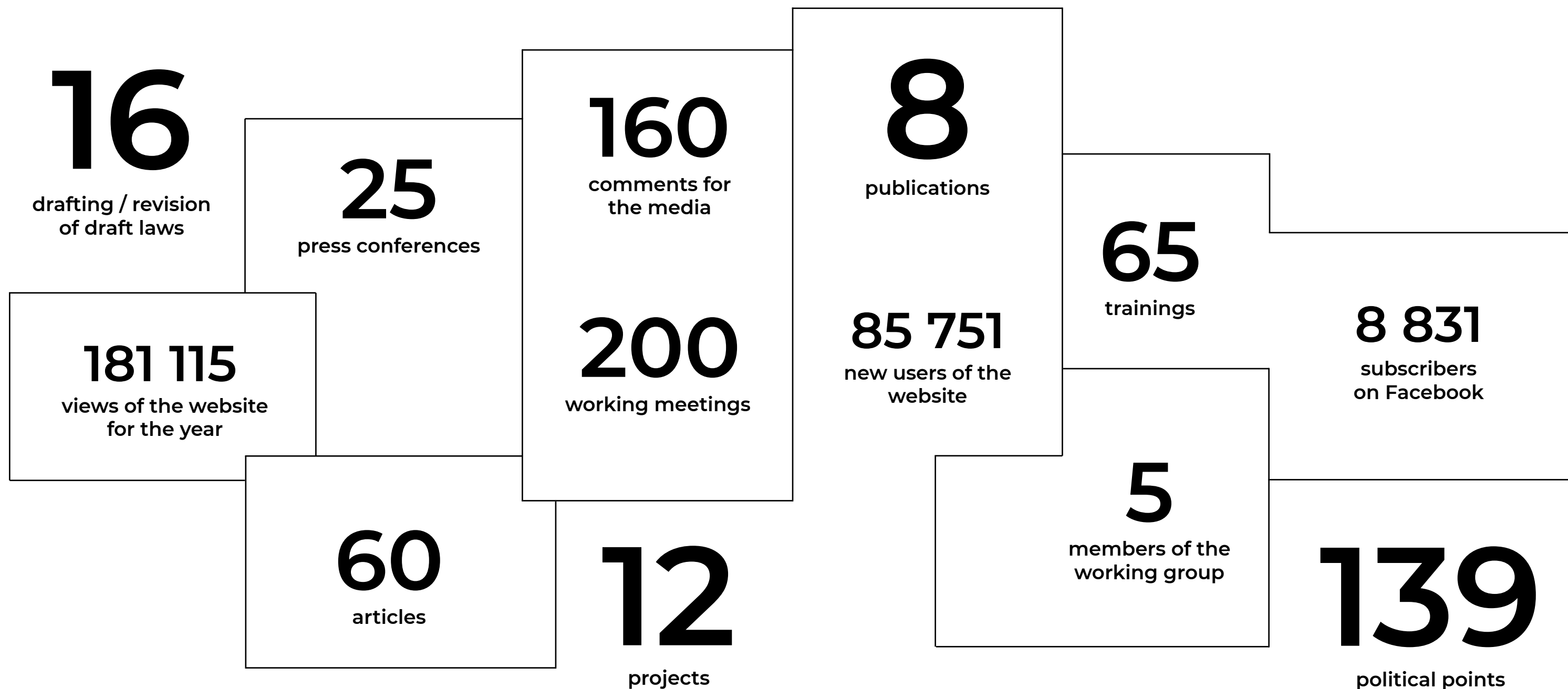
Jointly with the Reanimation Package of Reforms, the CPLR's experts prepare statements and constitutional petitions, advocate for adoption of draft laws, and conduct research and publication of analytical materials.

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 12 leading Ukrainian and European think tanks and aims to consolidate efforts to implement democratic reforms in Ukraine through advancement of reforms and Ukraine's European integration.

Articles and analytical materials by 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.

Information report



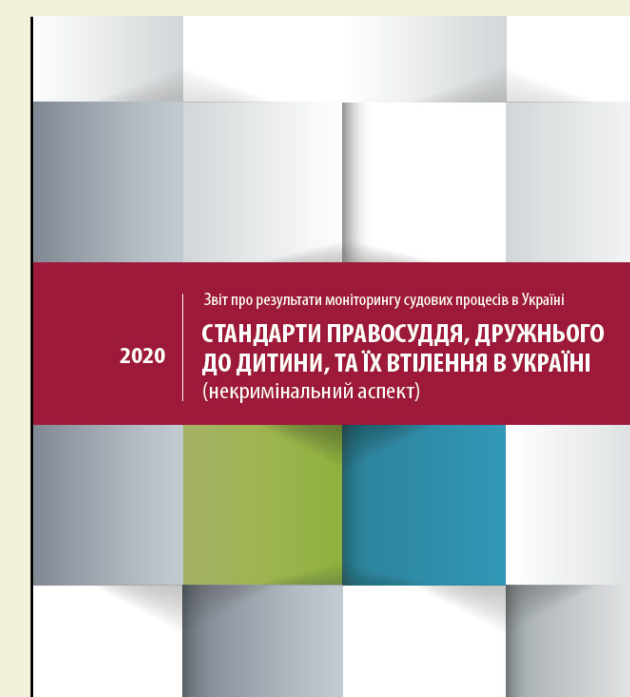
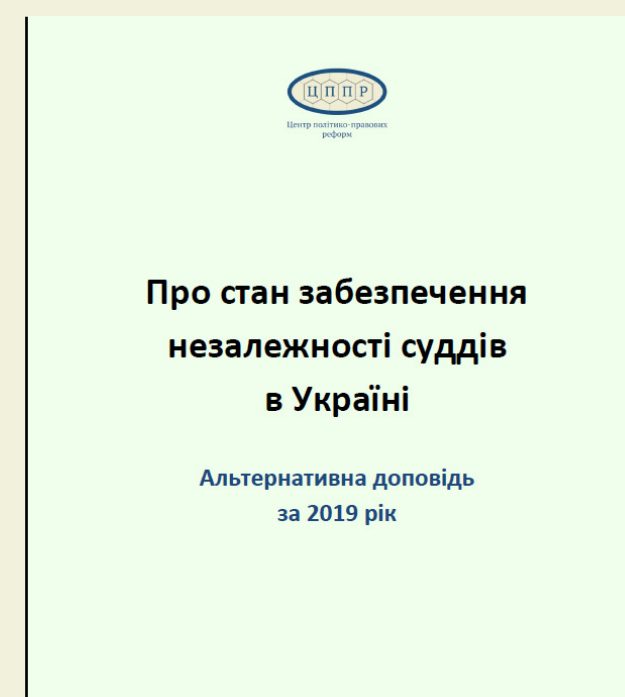
Publications

The role of courts in society: public opinion, judges and other lawyers

Monitoring report on administration of justice by the High Anticorruption Court

Report on the results of monitoring the process of institutional and organizational development of the Supreme Anti-Corruption Court

The role of the investigating judge in criminal proceedings – Analytical Report



On the state of ensuring the independence of judges in Ukraine

Standards for child-friendly justice and their implementation in Ukraine (non-criminal aspect)

Financial report

Projects and funding

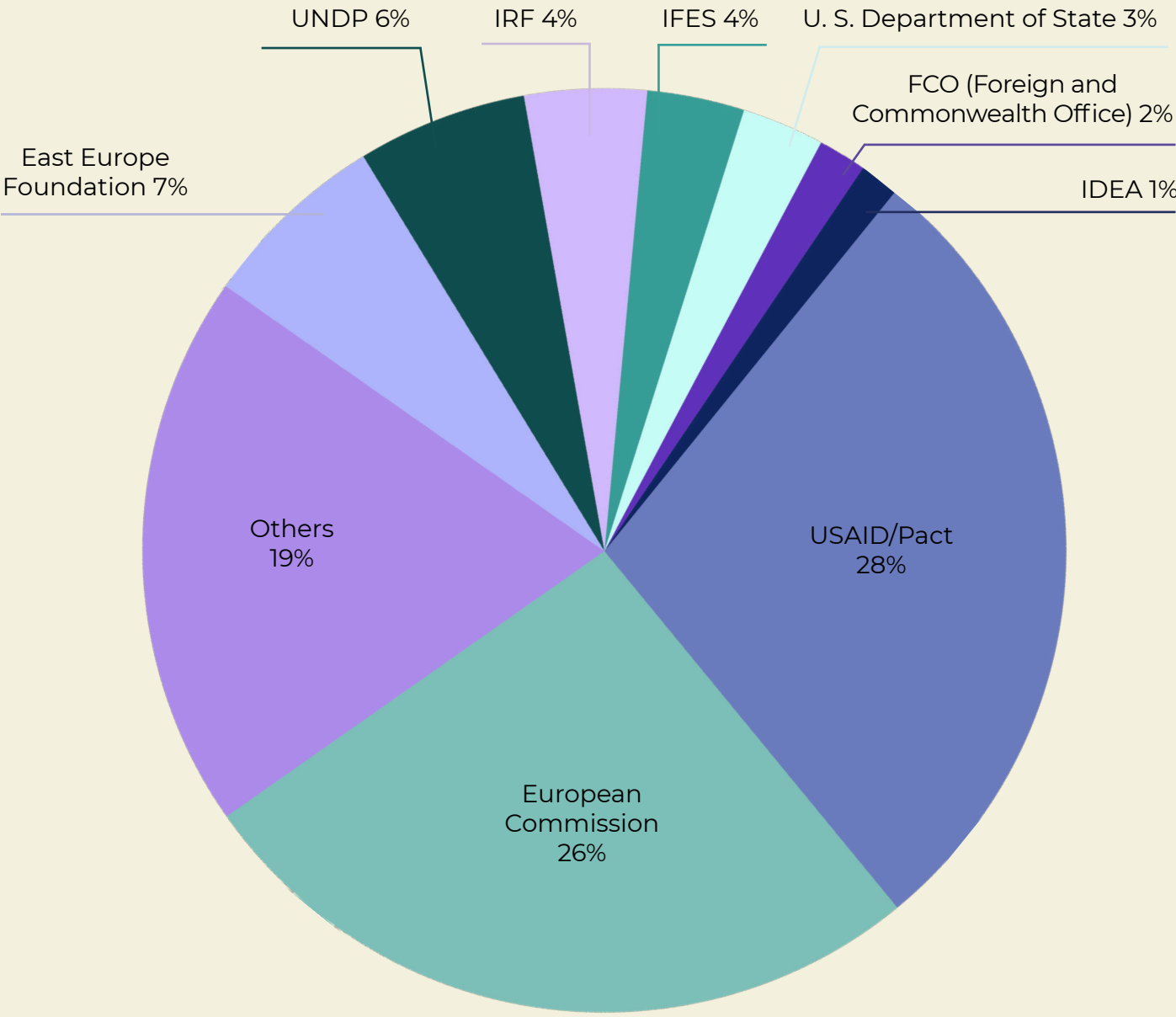
Nº	Project	Donor	Period	Income	Goals
1	Strengthening the Role of Civil Society in Facilitating Democratic Reforms and Increasing Accountability, Responsibility, and Quality of Government	European Commission	01.10.17 - 30.09.19	1,184,813 UAH 42,466 USD 38,974 EUR	Consolidation of civil society role in state reforming, improving a public discourse between civil society and public authorities.
2	Constitutional Process Forum	IDEA	27.11.19 - 10.12.19	152,475 UAH 6,488 USD 5,700 EUR	Discuss current constitutional process in Ukraine and the latest proposals for amendments to the Constitution of Ukraine. with politicians, public representatives and the international community.
3	Core-Support to CSO Centre of Policy and Legal Reform	USAID/Pact	01.10.17 - 31.03.21	3,149,180 UAH 117,000 USD 105,210 EUR	Core-Support to CSO Centre of Policy and Legal Reform.
4	Peer 2 Peer: Service-oriented Courts in Western Ukraine	Embassy of Kingdom of the Netherlands (Matra Project)	01.12.18 - 31.05.21	0 UAH 0 USD 0 EUR	Strengthen the service orientation of the courts in Western Ukraine.

Nº	Project	Donor	Period	Income	Goals
5	Preparation and public discussion of justified proposal of the new district (raion or povit) division of all oblasts as a part of the local self-government reform in Ukraine	FCO (Foreign and Commonwealth Office)	01.06.19 - 15.03.19	191,525 UAH 6,865 USD 6,300 EUR	Providing the Government with a substantiated proposal for a new district (county) division of all Ukraine's regions.
6	Public Monitoring and Assistance for the Development and Operation of the High Anti-Corruption Court	Ministry of Foreign Affairs of Denmark / EUACI	01.09.19 - 31.03.20	152,475 UAH 6,488 USD 5,700 EUR	Support the establishment of the HACC and its administration of justice in criminal proceedings for corruption crimes.
7	Advocacy for new democratic legislation on national referendum	IFES	18.10.19 - 30.06.21	377,660 UAH 14,011 USD 12,346 EUR	Conduct informational and educational campaign to raise public awareness regarding the referendum legislation.

Nº	Project	Donor	Period	Income	Goals
8	Very first assessment of State Bureau of Investigation	U. S. Department of State	06.11.19 - 16.04.19	324,600 UAH 12,000 USD 10,893 EUR	Facilitate the effectiveness and efficiency of the State Bureau of Investigation through the assessment of SBI's bureaucracy, as well as the internal and external threats for SBI's independence.
9	Strengthening the Role of Public Experts in the Constitutional Amendment Process in Parliament	East Europe Foundation	15.01.20 - 31.05.20	484,377 UAH 18,802 USD 17,062 EUR	Involvement of active civil society (primarily, expert) in the constitutional process.
10	Service-oriented model of democratic policing (for Kazakhstan)	European Commission	01.02.20 - 31.01.22	1,739,520 UAH 65,395 USD 60,400 EUR	Supporting the implementation of pilot projects on service-oriented policing and police communication with the community.
11	Monitoring of court cases related to the armed conflict as an educational-research tool for preparation of law students	UNDP	27.04.20 - 26.04.21	673,983 UAH 23,858 USD 21,846 EUR	Building an effective network of student monitors to monitor trials concerning the state of independence of judges.
12	Criminal justice under quarantine	IRF	01.09.20 - 28.02.20	165,000 UAH 5,882 USD 5,077 EUR	Evaluating the success of criminal justice system authorities' response to the COVID-19 pandemic.

Nº	Project	Donor	Period	Income	Goals
13	Establishing the Public-Parliamentary Interaction in Constitutional Process	East Europe Foundation	01.11.20 - 30.04.21	240,548 UAH 8,533 USD 7,278 EUR	Establishing sustainable interaction between the Parliament and independent civic experts regarding the constitutional process.
14	Civil support for reform of administrative services and introduction of general administrative procedure	IRF	01.11.20 - 30.06.21	300,000 UAH 10,684 USD 9,091 EUR	Promoting the decentralization of basic groups of administrative services.
15	Direct financing	Others		2,160,711 UAH 70,123 USD 63,452 EUR	
Total				11,144,393 UAH 402,107 USD 363,628 EUR	
IFES	International Foundation for Electoral Systems				
NDI	National Democratic Institute				
IDEA	International Institute for Democracy and Electoral Assistance				

Funding sources

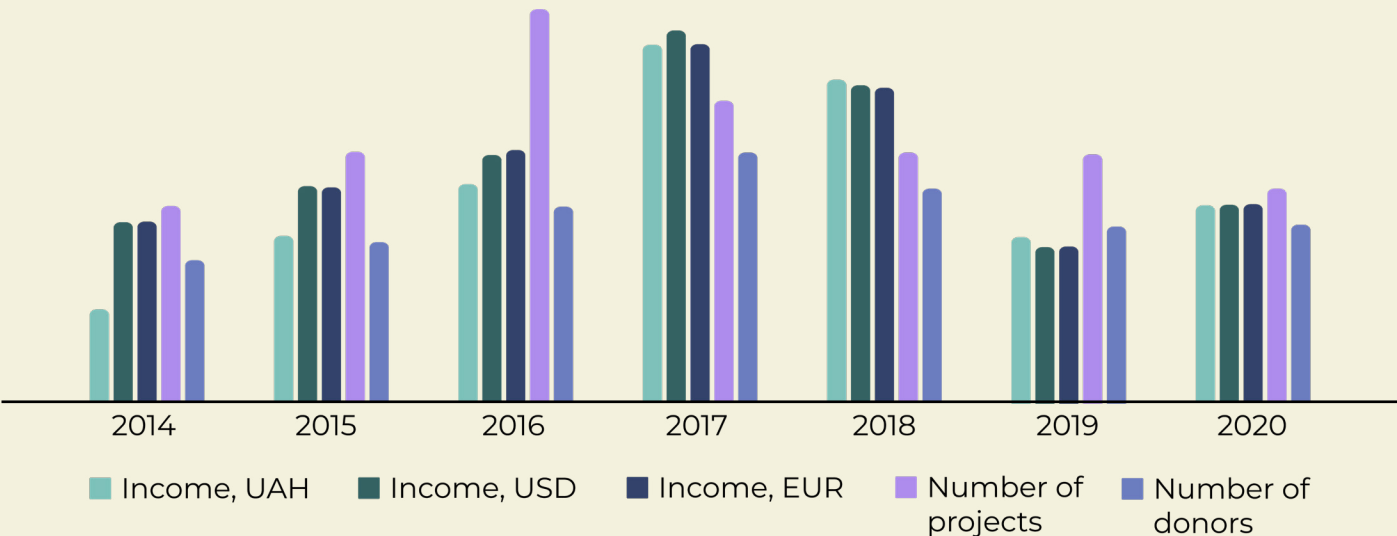


Donor	Income, 2020				
USAID/Pact	3,149,180 UAH	117,000 USD	105,210 EUR	28.26 %	
European Commission	2,924,333 UAH	107,862 USD	99,374 EUR	26.24 %	
Others	2,160,711 UAH	70,123 USD	63,452 EUR	19.39 %	
East Europe Foundation	724,925 UAH	27,335 USD	24,340 EUR	6.50 %	
UNDP	673,983 UAH	23,858 USD	21,846 EUR	6.05 %	
IRF	465,000 UAH	16,566 USD	14,168 EUR	4.17 %	
IFES	377,660 UAH	14,011 USD	12,346 EUR	3.39 %	
U. S. Department of State	324,600 UAH	12,000 USD	10,893 EUR	2.91 %	
FCO	191,525 UAH	6,865 USD	6,300 EUR	1.72 %	
IDEA	152,475 UAH	6,488 USD	5,700 EUR	1.37 %	
Total	11,144,393 UAH	402,107 USD	363,628 EUR	100 %	

Dynamic

Year	Income		Increase		%	Number of projects		+/-	%	Number of projects		+/-	%
2014	5,033,159	UAH				11				8			
	364,480	USD											
	331,345	EUR											
2015	9,325,518	UAH	4,292,359	UAH	85.3%	14	3	27.3%		9	1	12.5%	
	438,724	USD	74,244	USD	20.4%								
	393,613	EUR	62,268	EUR	18.8%								
2016	12,234,205	UAH	2,908,687	UAH	31.2%	22	8	57.1%		11	2	22.2%	
	500,396	USD	61,672	USD	14.1%								
	461,286	EUR	67,673	EUR	17.2%								
2017	20,047,631	UAH	7,813,426	UAH	63.9%	17	-5	-22.7%		14	3	27.3%	
	752,707	USD	252,311	USD	50.4%								
	656,095	EUR	194,809	EUR	42.2%								
2018	18,152,995	UAH	-1,894,636	UAH	-9.5%	14	-3	-17.6%		12	-2	-14.3%	
	643,083	USD	-109,624	USD	-14.6%								
	576,464	EUR	-79,63	EUR	-12.1%								

Year	Income		Increase		%	Number of projects		+/-	%	Number of projects		+/-	%
2019	9,375,912	UAH	-8,777,083	UAH	-48.4%	14	0	0.0%		10	-2	-16.7%	
	318,148	USD	-324,935	USD	-50.5%								
	288,033	EUR	-288,431	EUR	-50.0%								
2020	11,144,393	UAH	1,768,481	UAH	18.9%	12	-2	-14.3%		10	0	0.0%	
	402,107	USD	83,960	USD	26.4%								
	363,628	EUR	75,595	EUR	26.2%								
Total	85,313,813	UAH	3,419,644	USD		3,070,465	EUR						



Expenditures


Expenditure categories	Total, UAH	Total, USD	Total, EUR
Salaries and honoraria	6 682 093	231,382	209,053
Honoraria	5 544 426	191,988	173,460
Civil law contracts	393 206	13,616	12,302
Salaries of administrative personnel	744 461	25,779	23,291
Public events	177 289	6,139	5,547
Publications	72 511	2,511	2,269
Media monitoring	63 000	2,182	1,971
Media services	116 670	4,040	3,650
Translation	152 326	5,275	4,766
Audit	94 400	3,269	2,953

Expenditure categories	Total, UAH	Total, USD	Total, EUR
Membership fee	24 259	840	759
Office, equipment, and other costs	1 069 606	37,037	33,463
Office rent, incl. regional partners	800 000	27,702	25,028
Utilities	58 050	2,010	1,816
Office supplies, stationery	99 748	3,454	3,121
New equipment purchases	105 824	3,664	3,311
Postage	691	24	22
Banking services	5 293	183	166
Total	8 452 154	292,675	264,430

* Funding gap between funding received (UAH 11 144 393) and expenditures (UAH 8 452 154) is due to the fact that part of the funds received in 2020 from donors to support implementation of various projects is expected to be spent in 2021, as well as due to reimbursement for expenses incurred in 2019.

Parnters





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