



Centre of Policy and
Legal Reform

25 years in custody of the rule of law

Report on the activity of
the Centre of Policy and Legal Reform

2021

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Introduction

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The year 2021 became an organic continuation of the previous period, in which the whole world began to get used to the new working conditions associated with the COVID-19 pandemic. However, even with the new challenges for working processes both at the organizational level and the interaction with partners and government organizations, we continued to implement our plans. The authorities have also more actively relied on remote public communications formats, while our Centre's experts actively engaged in cooperation under new realities.

The Centre's activity did not stop in the remote working environment; in fact, even the pace and volume of our work practically did not change. We returned to periodic meetings, whereas online formats allow us to meet quickly and jointly discuss current issues; and we continued to effectively fulfill our project obligations and develop cooperation with government and parliamentary entities.

The key issues we devoted the most time to in 2021 were the fight for an improved new version of the Public Administration Reform Strategy, adoption of the Law "On Administrative Procedure" and the Law "On Local State Administrations", high-quality draft laws "On Law-Making Activity" or "On legislative acts and legal regulations". We monitored the process of appointing the judges of the Constitutional Court, worked on the Green Book of Constitutional Reform and the new versions of the Law "On Political Parties" and the Law "On Local Referendums". We dealt with the issue of decentralization of civil status registration services and the development of optimal models for the provision of administrative services of social nature. The Centre was involved in the advocacy of effective judicial reform and reform of criminal justice system.

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The CPLR's experts actively worked in working groups for the preparation and finalization of these draft laws, while sharing the findings of their monitoring and experience from similar work in previous years at both national and regional levels.

Together with colleagues from many other analytical centers, under the auspices of the "UA Electoral Council", we prepared a report on two years of the new government in Ukraine, where we analyzed the fulfillment of promises and other achievements, as well as setbacks and failures of the government led by the "Servant of the People" Party headed by President Volodymyr Zelenskyi.

This year, as part of a consortium of Ukrainian and foreign organizations, we became winners of the USAID competition for the implementation of the "RANG – Rada: Next Generation" Project, and now for the next 5 years we plan to closely cooperate with the Verkhovna Rada for its reform and development.

In 2021, the Centre for Policy and Legal Reform celebrated 25 years from its registration date. Unfortunately, our anniversary happened to fall during one in the spikes in the pandemic situation that put Kyiv in a "red zone", so we had to abandon plans for a normal celebration.

We decided to postpone it to next year, once the pandemic – or at least its acute phase – is over.

**Ihor
Koliushko**

Founder and Head
of the Board of the CPLR



About the Centre of Policy and Legal Reform

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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.



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Areas of activity:

- **constitutionalism;**
- **public administration;**
- **judiciary;**
- **criminal justice;**
- **anti-corruption.**

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 and if necessary, join the implementation (through the drafting of regulations, training, information sharing, pilot projects, and participation in advisory bodies);
- bring together leading experts in the field of law.

Some achievements of the Centre of Policy and Legal Reform over its 25 years of operating include:



In the area of constitutionalism:

- Advocacy for the publication of texts of draft laws introduced in the Parliament on the Verkhovna Rada's website;
- Participation in improving the legislation on the freedom of peaceful assembly;
- Fighting against the unconstitutional Law «On the All-Ukrainian Referendum». As a result, the Constitutional Court ruled on the unconstitutionality of the Law and a new high-quality Law was adopted;
- Participation in the development of a new version of the Law «On Political Parties»;
- Participation in the development of the draft law «On Local Referendum»;
- Participation in the development of competitive selection procedure for judges of the Constitutional Court of Ukraine.

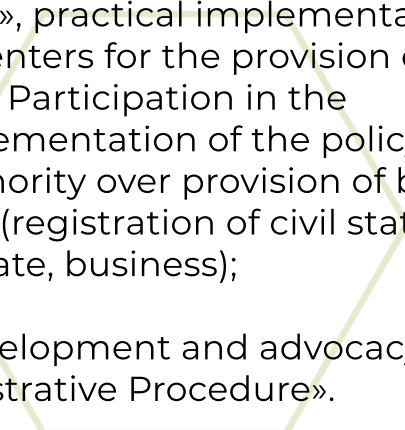
In the area of reforming the executive branch:

- Participation in the development of laws «On local state administrations», «On the Cabinet of Ministers of Ukraine», «On central executive branch authorities», «On civil service», «On access to public information»;
- Participation in the development of concept notes and a package of laws on administrative and territorial reform and decentralization;
- Advocacy for the reform of ministries aimed at introducing effective policy analysis and strategic planning.




In the area of administrative services and administrative procedure:

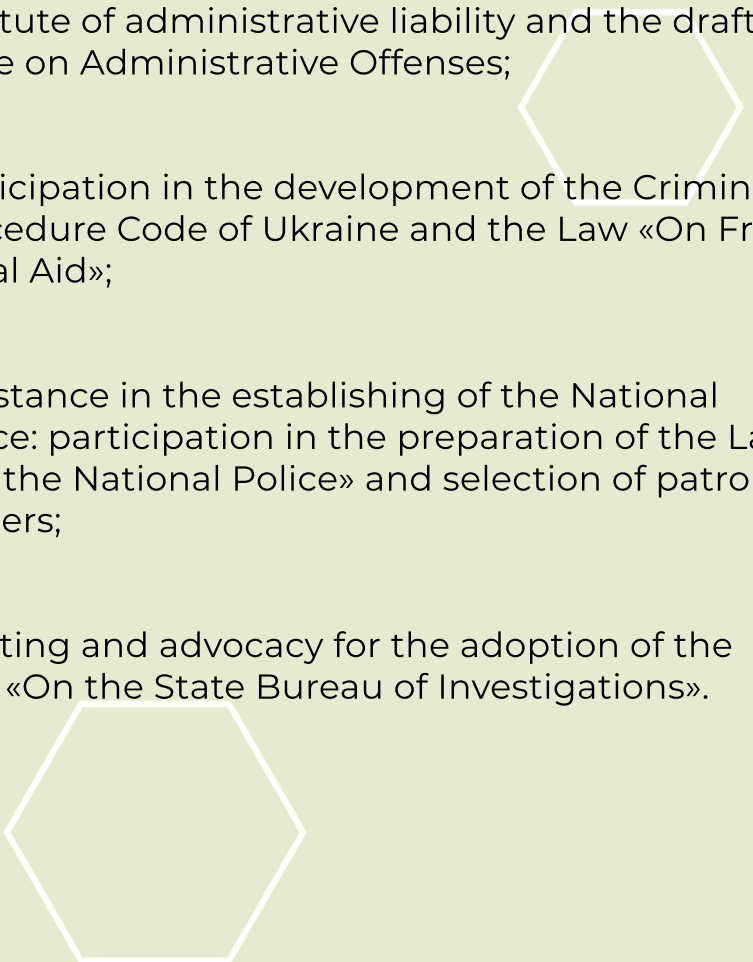
- Developing the administrative services doctrine, participation in the development of the Law «On Administrative Services», practical implementation of the idea of the centers for the provision of administrative services. Participation in the development and implementation of the policy of decentralization of authority over provision of basic administrative services (registration of civil status acts, residence, real estate, business);
- Participation in the development and advocacy of the Law «On Administrative Procedure».



In the area of justice:

- Development of the concept for establishment of administrative courts in Ukraine and the Code of Administrative Justice;
 - Provisions for the mechanisms for cleansing and renewing the judicial corps, in particular, through creation of the Public Integrity Council, introducing measures to protect judicial independence;
 - Advocacy for the creation of the High Anti-Corruption Court, participation in the preparation of regulatory and legal support for its operation.
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In the area of criminal justice:

- Preparation and justification of the reform of the institute of administrative liability and the draft Code on Administrative Offenses;
 - Participation in the development of the Criminal Procedure Code of Ukraine and the Law «On Free Legal Aid»;
 - Assistance in the establishing of the National Police: participation in the preparation of the Law «On the National Police» and selection of patrol officers;
 - Drafting and advocacy for the adoption of the Law «On the State Bureau of Investigations».
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In the anti-corruption area:

- Participation in the preparation of the Law «On the National Anti-Corruption Bureau of Ukraine» (2014), strengthening the institutional capacity of the NABU and SAP;
- Preparation of a scientific and practical commentary to the Law «On Prevention of Corruption»;
- Participation in the development and advocacy for the draft Anti-corruption Strategy, other draft laws that strengthen the effectiveness of anti-corruption policy;
- Development of the methodology of anti-corruption expert evaluation of draft laws.



- Preparation of shadow reports to assess effectiveness of the state anti-corruption policy's implementation;
- Expert support to the NACP, CEC, courts and other state institutions on preventing and countering "political corruption".



Constitutionalism

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Yulia Kyrychenko
area lead



Ihor Koliushko
expert



Denys Hartvig
expert



Oleksand Marusiak
expert

Our goal

Authority in Ukraine is subordinated
to the Constitution

Summary of the year

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1 People's power through referendum

Year 2021 started with Parliament's adoption of the Law «On All-Ukrainian Referendum». The law filled a legal gap that existed from 2018 as a result of previous law on national referendum being found unconstitutional. With the Center's initiative and participation, a draft of a new law to regulate local referenda was developed. At the end of May, MPs introduced the draft law in Parliament.

2 25th Anniversary of the Constitution of Ukraine

June 28 marked 25 years since the adoption of the Constitution. During this period, it was amended 8 times, but none of the times was this process open. One of the key challenges facing the Constitution is the duality of the executive power, shared between the President and the Government.

3 Constitutionality of the Law «On Ensuring Functioning of the Ukrainian Language as the State Language»

The Constitutional Court found that the Law complies with the Constitution and does not contain any discriminatory provisions directed against national minorities or indigenous peoples in Ukraine. «The Ukrainian language is an inalienable attribute of the Ukrainian statehood, which has preserved its historical succession since the Ancient Kyiv era. The Ukrainian language is a prerequisite condition (conditio sine qua non) of Ukraine's statehood and unity», stated the Court in its opinion.

4 Status of the National Anticorruption Bureau brought in one with the Constitution

A Law to remove inconsistencies between the Constitution and the Law «On the National Anticorruption Bureau of Ukraine» (relating to the NABU's status) was adopted, proclaiming the NABU as a central executive branch body with a special status. Additionally, deficiencies related to procedure for appointment of the NABU director were fixed, so that the director will now be appointed by the Government rather than by the President.

5 Illegal appointments of the Constitutional Court judges

The President appointed two CCU judges despite the lack of relevant vacancies on the Court. However, the Constitutional Court refused to administer the oath of office to these judges; as such, they did not assume authority, which protected the Court from further deepening the institutional crisis surrounding it.

6 A Green Book of constitutional reform was developed, identifying the problems of constitutional regulation in Ukraine

The Green Book was developed in the course of six months as part of the parliamentary expert working group on constitutional reform issues.



Our achievements

1 Launch and institutionalization of the parliamentary expert working group on constitutional reform issues

This is the first successful experience of systematic work of a working group of this kind aimed at strengthening the constitutionalism in Ukraine – specifically, as part of the Parliament, but initiated by the civil society. The outcome of the group's inclusive work was preparation and publication of a draft Green Book on constitutional reform for public discussion.

2 Development of new rules for competitive selection for Constitutional Court judges, as part of a draft law on constitutional procedure, which envisions establishing a unified competition commission to nominate candidates for all entities charged with CCU judges' appointments

3 Adoption of the Law of Ukraine «On All-Ukrainian Referendum»

The draft law was developed with participation of the CPLR experts and was promoted by the Center over the course of several years. The outcome of our work was the Law going into effect in April of this year.

4 Advocacy for the draft law on local referendum

The draft law was developed with participation of the CPLR experts and was broadly communicated to the authorities and the public, resulting in its introduction in Parliament by a group of 112 MPs. CPLR experts and partners conducted 96 public discussions dedicated to the draft law. Members of local councils, experts in constitutional, municipal, and elections law, experts in public administration and related issues, civic and party activists, and other active citizens participated in these discussions.

5 Co-organizing a TV contest on familiarity with the Constitution and human rights, dedicated to the 25th anniversary of the Constitution of Ukraine

Among others, we prepared questions for the contest and took part in evaluating the contestants.

6 Co-founding a coalition «For Political Parties Reform»

which will work to develop fundamental changes to legislation on functioning of political parties in Ukraine, as well as to advocate for them as part of broad societal dialogue.

7 Conducting 5 public consultations regarding amendments to the Constitution to support revisions for the Green Book on constitutional reform, which will serve as the basis for the White Book of recommended solutions for identified problems.

8 Providing expert support to the Belarussian civil society in connection with inclusive development of the popular democratic Constitution of Belarus.

«This year has, once again, confirmed the need for creating an independent competition commission for establishing a professional, honest composition of the Constitutional Court of Ukraine»

Oleksandr Marusiak



«This year, we launched cooperation with democratic forces in our neighboring state, Belarus. Primarily, we provided our expertise to these democratic forces in Belarus in their efforts towards open development of a new version of the Constitution and procedure for its adoption»



Yulia Kyrychenko



Ihor Koliushko
co-lead of area



Victor Tymoshchuk
co-lead of area



Victoria Derets
expert



Yevhen Shkolnyi
expert

Our goal

Governance system effectively formulates and implements public policy for development of the country, while public administration services citizens in quality and friendly manner

1 General administrative procedure

2021 brought results towards introduction of the general administrative procedure. After over 20 years of efforts, the law on administrative procedure (No. 3475) was adopted in full on November 16. It envisions a fundamentally new philosophy for relationships between citizens and the state, one which is based on taking into account the rights and interests of a person in issuance of administrative acts (e.g., right of an individual to be heard, right to review case materials, to engage interested parties, mandatory justification for unfavorable administrative acts, etc.).

The law was prepared for the second reading by a working group of the specialized parliamentary committee with involvement of a broad range of scholars, representatives of ministries, judges, and international experts. Importantly, the draft law once again received a positive assessment from the SIGMA Program.

Unfortunately, the President vetoed the Law on December 8. The head of state proposed removing a number of legal relationships from the Law's coverage, as well as to postpone its effective date. Thus, the task for 2022 was the adoption of the Law «On Administrative Procedure» in full (completed on February 17, 2022 and awaiting the President's signature" and active work on creating the conditions for its implementation – i.e., revision of specialized legislation, trainings, etc.)

2 Public consultations

On March 5, the first reading of the draft Law «On Public Consultations» (No. 4254) was adopted. It provides for mandatory public consultations, at the very least in electronic format, for all draft regulations and laws, as well as key policy documents (concepts, programs, strategies). The draft law also provides for developing a consultative document for each draft act. Following lengthy discussions by the working group of the specialized parliamentary committee, the draft is currently awaiting approval by this committee and hearing for the second reading.

It should be noted that attempts are ongoing to remove from the draft law's coverage the provisions on mandatory consultations for draft laws introduced by Parliament members. This would significantly devalue the law. After all, the most important issues of the society's and state's livelihoods are governed by laws – and in Ukraine, it is the Parliament members that introduce the bulk of draft laws that eventually become laws. Frequently, even ministries use this «gap» to introduce their own – de facto, governmental – draft laws via Parliament members. Thus, an important task for 2022 is the adoption of this law in full and retention of its provisions regarding draft laws introduced by Parliament members.

3 Decentralization of basic administrative services

Decentralization of one of the most important groups of basic administrative services was achieved at the legislative level (i.e., services for registration of civil status acts (SRCSA). Specifically, the law to ensure the citizens' right to access SRCSA in the face of enlargement of territorial communities was adopted in April. This created grounds for ensuring adequate territorial accessibility of basic SRCSA (i.e., registrations of birth, marriage, and death). This step should also make it easier to integrate these services into the centers for provision of administrative services and the provision of comprehensive services to model life situations.

4 Regulation of administrative fees

In 2021, there was no progress in this area. The Ministry of Digital Transformation continued to block the adoption of the draft law № 4380 «On Administrative Fee» (which is supported by the expert community and local self-government associations). Instead, the Ministry promoted its own ideas: first, addressing these problems via government acts, then by the budget law (as in draft law № 3515), etc. All of this has yet to resolve the problems. But the CPLR continued advocacy activities regarding the draft Law № 4380.



Our achievements

- 1** As part of the working group of the specialized parliamentary committee, we significantly contributed to the development and adoption of the law «On Administrative Procedure» (№ 3475) for the second reading and its advocacy.
- 2** We actively participated in the parliamentary working group on the preparation of the draft law «On public consultations» (№ 4254) for the second reading. We actively support provisions according to which the law should apply to all actors who have a right to initiate legislation, including members of the parliament.

- 3** We conducted an effective advocacy campaign for the adoption of draft law № 4382 on the decentralization of civil status registration services. On April 29, the Law was adopted. The experts of the CPLR separately communicated with executive authorities and the Office of the President to prevent vetoing of this law.

4 We prepared and submitted for consideration:

to the Secretariat of the Cabinet of Ministers, the Ministry of Social Policy, the Ministry of Communities and Territorial Development, and the Ministry of Finance:

an analytical note on the optimal models for providing administrative services of social nature, taking into account the decentralization reform and the formation of new communities (with justification of the advantages of the decentralized model of providing such services)

To the Ministry of Justice:

policy-document – Proposals on the formation of a separate central executive body in the area of state registration (for the performance of policy implementation functions, in connection with the administration services' delegation to the local self-government bodies)

«In the area of governance in 2021, our key hopes were placed on the new version of the Public Administration Reform Strategy. We believed that, based on our five years of experience in implementing this reform and well-conducted public consultations, the Cabinet of Ministers would be able to write and approve a more detailed and specific document. Unfortunately, these hopes were not fulfilled. The new version of the Strategy, approved by the Government in July 2021, was traditionally oriented not at ensuring the reform implementation, but at the most convenient reporting on it, regardless of the level of its implementation»

**Ihor
Koliushko**



«The year of 2021 turned out to be quite successful in terms of legislative drafting activities: laws on administrative procedure were adopted (although the final adoption was in February 2022), as well as the law on delegation of basic powers of the DRCSA, and a draft law on public consultations was adopted in the 1st reading. During next year, it is important to make efforts towards the final adoption of the draft law on public consultations, the implementation of the Law on Administrative Procedure, as well as the adoption of the Law on Administrative Fees»

**Victor
Tymoshchuk**





**Victoria
Derets**

«In 2021 we had high hopes for the advancement of reforms on the organization and activities of the system of executive authorities. Unfortunately, changes were slow coming and episodic. We expect that next year will be more productive in this area»

«Adoption of the long-awaited Law "On Administrative Procedure" should definitely be considered as a defining event of the year in the area of public administration. Next year, after the President signs the Law, it is necessary to ensure the administrative authorities' preparation for its effective implementation and conduct an educational campaign among citizens»



**Yevhen
Shkolnyi**



Roman Kuybida
area lead



Maksym Sereda
expert (until September 2021)



Roman Smaliuk
expert



Tetiana Ruda
expert

Our goal

A system of justice that guarantees justice in the society

1 Political authorities presented a certain vision for next steps in the area of justice

Thus, the President approved the Strategy for Development of the System of Justice and Constitutional Justice for 2021-2023. The Strategy stated a broad range of problems that must be addressed, as well as tasks for the next three years. Although many of the CPLR's recommendations were taken into consideration in the Strategy's content, it does appear as quite amorphous, sometimes even eclectic document, without clear expected results even for the short-term period that it is intended to cover.

2 Legal basis for reloading judicial governance bodies was created

This is the most important accomplishment in this area. The new composition of the High Qualification Commission of Judges and the High Council of Justice will be formed with very active participation of international experts. This model previously proved its effectiveness when it comes to considering integrity requirements during selection of judges for the High Anticorruption Court. Independent bodies with participation of international experts (competition commission and Expert Council) were established despite delays from the Council of Judges. The bulk of these bodies' work will fall onto them in 2022.

3 E-court officially began working

The lawmakers allowed gradual introduction of the Unified Judicial Information and Telecommunication System. As a result of this decision, the E-Court subsystem began officially operating, which until then was working in a test mode. It enables case participants to file and receive documents and to review case materials remotely (the latter option also became available thanks to the «E-Court» mobile app). This, alongside the videoconferencing system, enables participation in a court proceeding without having to leave one's home. Nevertheless, the law still requires case participants filing documents electronically to also mail paper copies to other participants.



Our achievements

1 In close collaboration with partner organizations, we continued advocacy for effective judicial reform

Parliament adopted two laws to reload judicial governance bodies, thus enabling them to establish just and honest judicial corps rather than supporting nepotism and mutual coverup. This decision is a joint accomplishment of many civic organizations, and we got to be involved in advocating for it.

2 Just like last year, we got involved in the work of official bodies and working groups on justice-related issues

In particular, we participated in the work of the Commission on Legal Reform, which resulted in the President's approval of the Strategy for Development of the System of Justice and Constitutional Justice for 2021-2023. Unfortunately, the Commission itself and its working group failed to become a platform for development of the Strategies, as members were limited to only providing their recommendations. The Center's expert also actively participated in conducting a competition for administrative positions on the Specialized Anticorruption Prosecutor's Office (as of the end of 2021, the competition was completed but its results were not adopted).

- 3** In 2021, in cooperation with the OSCE Project Coordinator in Ukraine, the Ombudsman's Secretariat, and the CSO «Human Rights Vector», we prepared and published the results of a study on «Standards of Child-Friendly Justice and Their Implementation in Ukraine (Criminal Aspects)»

A year before that, we analyzed problems of children's participation in civil cases. Conclusions and recommendations from both studies were subject to broad discussion via the Coordination Council of Justice for Juveniles platform, involving judges, advocates, prosecutors, and police officers, since implementation of these recommendations depends not only on political authorities but, primarily, on practitioners.

- 4** In cooperation with faculty and students of Donetsk and Luhansk higher education institutions and with support from UNDP, we studied the problems of interference in judicial independence during the consideration of cases connected to the armed conflict

The Analytical report was presented during public events in Donetsk and Luhansk regions and in Kyiv, as well as on radio and TV.

- 5** Jointly with the Dutch Center for International Legal Cooperation, the Ukrainian Catholic University School of Law, and the Lviv Division of the National School of Judges, we conducted a series of ethics trainings for judges

Additionally, a team of court support personnel had an opportunity for intensive work on issues of public communications with leading Dutch and Ukrainian experts. One outcome of this work was a series of video clips for users of court system services.

- 6** Overall, judicial area experts produced 6 analytical publications and 12 articles and took active part in approximately 40 events (trainings, discussions, press conferences) in 2021

We regularly provided expert assessments on key events impacting the area of justice (a total of 49 announcements were published). We also continued the practice of producing a shadow report on the state of judicial independence and an annual study on judicial innovations.



«The year of 2021, despite various challenges, turned out to be quite encouraging for genuine judicial reform, particularly thanks to the adoption of the laws on renewing the judicial governance bodies. I expect that next year will be able to prove the effectiveness of these legislative changes»



Roman Kuybida

«In 2021, thanks to the synergy between the civil society and the international partners, we managed to achieve an intermediate victory in our fight for an honest, fair, and independent court. That being said, the hardest challenges and the greatest work are expected for us in 2022»



**Roman
Smaliuk**

Tetiana Ruda



«This year, the state policy in the context of judicial reform became more determined. However, it is important to have political will to implement these reforms. At present, there is no certainty about this, as many of the seemingly “right” initiatives by the authorities get “stalled” half-way. For example, liquidation of the infamous Kyiv Circuit Administrative Court, introduction of full-fledged jury trials, etc.»



Eugene Krapyvin
expert



**Volodymyr
Petrakovskiy**
expert

Our goal

Effective criminal justice system that guarantees the safety of every citizen and society as a whole, while respecting human rights and freedoms.

1 Participation in reforming the criminal justice system in Ukraine

In 2021, reforms in the criminal justice area continued. The CPLR's experts actively participated in the activity of the group on the drafting of the Concept of Criminal Justice Reform, which should serve as the guide to reforms in this area for a significant period of time and become a logical continuation of the 2008 Concept. Furthermore, proposals were prepared aimed at continuing the reform of the Ministry of Internal Affairs authorities due to the minister's replacement, which happened for the first time since the Revolution of Dignity.

2 Development of professional environment for professional participants in the criminal justice in Ukraine

One of areas of activity the CPLR experts is the support and development of the professional environment for specialists working in the criminal justice system, primarily investigators, prosecutors, judges, and lawyers. In 2021, experts served as trainers on professional ethics for prosecutors, helped develop the JustTalk professional discussion platform, and analyzed how the COVID-19 pandemic affected the criminal justice system and how effective was the system's work in the public health system.

3 Continuing the fight for constitutionality of law enforcement bodies' status in Ukraine

After the Constitutional Court's 2020 declaration of unconstitutionality of the President's authority for appointment / dismissal of the Director of the National Anticorruption Bureau of Ukraine, as well as of the fact of his appointment itself, the problem was never resolved. A similar issue continues to face the State Bureau of Investigation, which on the last day of 2021 received a new director, appointed under a similar procedure. During the year there were a number of legislative initiatives on this issue that failed to answer the question of whether pre-trial investigation bodies should be part of the executive branch or separate from it, in order to ensure their presumed independence. The CPLR's experts participated in thematic working groups and prepared proposals for legislative initiatives, as well as media analytics on this topic.



Our achievements

- 1 **Support for the launch of the website justtalk.com.ua**
It is a platform for professional discussion on criminal justice;
- 2 **Co-authored the research on «Rights of Victims of Violent Crimes in Ukraine: International Standards and National Practices»;**
- 3 **Prepared a revised version of the collection of European police laws — «Police status: international standards and foreign legislation» [in Russian];**
- 4 **Prepared analytical products**
Standard operating procedures for policing and the Concept of Police Performance Evaluation Reform for Kazakhstan.

«2021 was a turning point for law enforcement and prosecutorial agencies. The Ministry of Internal Affairs got new leadership and was able to bring reform issues up to date; while the prosecutor's office was able to audit what had already been done and focus on what was planned, but for some reason stalled. Finally, the Bureau of Economic Security – a reform we and our experts in particular have been working on since 2008 – has started to operate»



**Eugene
Krapyvin**

**Volodymyr
Petrakovskyi**



«This year, the transition period for the selection and career promotion in the prosecutor's office finally ended. Therefore, next year will be marked by the notable activity on the part of the relevant disciplinary body (QDCP). At the same time, 2021 was a year in which unconstitutional practices regarding the NABU's and the SBI's leadership were properly stopped»

Preventing corruption

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Mykola Khavroniuk
area lead

Our goal

Visible reduction in the level of corruption in Ukraine and removal of oligarchs from the position of influence over state policy

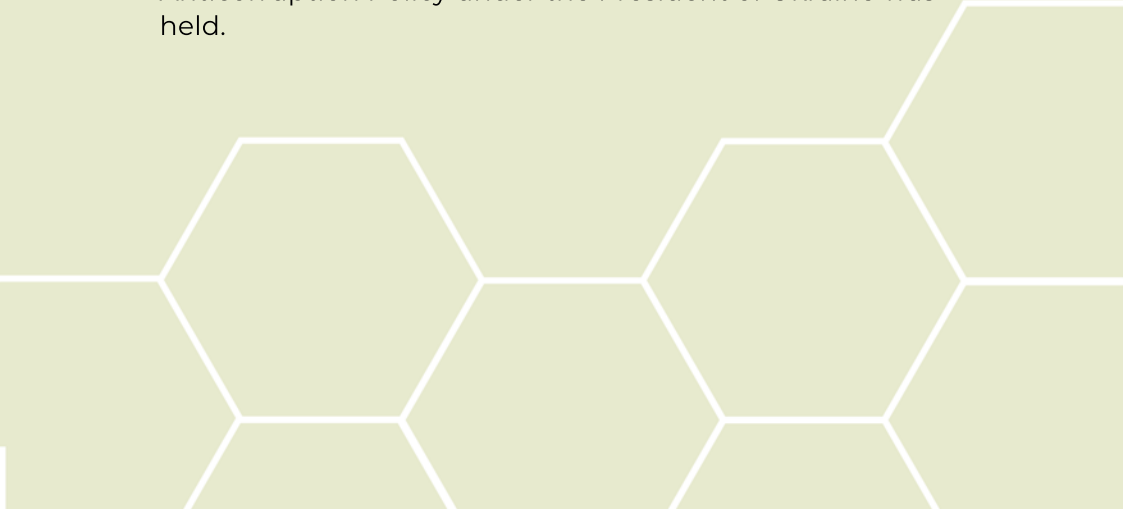
Summary of the year

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1 The first half of the year was influenced by Decision No. 13-p/2020, adopted by the Constitutional Court on October 27, 2020

Under which the National Agency for Preventing Corruption (NAPC) lost a major portion of its authority; at the same time, Criminal Code Article 366-1 «Declaring False Information» was found unconstitutional. Whereas the NAPC's authority was restored relatively quickly, an acceptable version of the law to penalize lying in declarations was not adopted until June 29, 2021. These events had an obvious negative impact on the top government authorities' political will to combat corruption. No assurances to international partners about steady course can mask the absence of such will.

2 Proclamations regarding intent to reform the justice sector in line with best international practices, to select the new Specialized Anticorruption Prosecutor in line with best international practices, and to ensure transparent and reliable procedure for selecting the new Director of the National Anticorruption Bureau of Ukraine, which were made in the Joint Statement concerning strategic partnership between Ukraine and the US signed by the President of Ukraine V. Zelensky and the US President J. Biden on September 1, 2021 in Washington, remained mere words on paper.

- 3** A competition to select the head of the Asset Recovery and Management Agency (ARMA) was not launched until October 2021 – i.e., almost two years following the removal of the Agency's prior leadership; as of February 2022, the competition is yet to be completed.
 - 4** Starting from 2020, a proceeding has been underway in the Constitutional Court concerning the constitutionality of the High Anticorruption Court. Meanwhile, the draft law concerning liquidation of the Kyiv City Circuit Administrative Court, which was introduced by the President of Ukraine in April 2021, has yet to be reviewed. The NABU declared criminal charges to the chair and six judges of this court received in connection with usurpation of state power, interfering in the work of the High Qualification Commission of Judges, participation in a criminal organization, and abuse of influence.
 - 5** In 2021, not a single meeting of the National Council for Anticorruption Policy under the President of Ukraine was held.
- 

- 6** In 2021, Parliament failed to approve the national report on the implementation of anticorruption policy framework for 2020, which was prepared by the NAPC, nor did it convene parliamentary hearings on the corruption situation, relieve the Security Service or the National Police of their inappropriate functions to undertake criminal proceedings relating to property or business and financial activity crimes, or adopt the law on the business ombudsman institution or other important anticorruption laws. But most importantly, Parliament failed to adopt the Anticorruption Strategy for 2021-2025; as such, the State Anticorruption Program that should be adopted by the Government to implement the Strategy, has not been drafted, and budgetary funds to ensure its implementation have not been allocated.
- 7** A number of MPs have resorted to various ways to negatively impact the anticorruption policy implementation, including by introducing draft laws that could worsen the anticorruption infrastructure (e.g., No. 4681, clarifying the procedure for appealing decisions, actions, or inaction by pretrial investigation bodies or prosecutors during pretrial investigation; or No. 5253, improving the procedure for suspending or terminating state funding for statutory activities of a political party; etc.), as well as by introducing relevant amendments to draft laws.

- 8** The Government's priority actions plan for 2021 in the anticorruption area reflects only some of the current activities of two anticorruption infrastructure bodies (NAPC and ARMA). Speaking more generally, the Government's activity was in no way memorable, except perhaps a completely unfounded hyper-ambitious goal for Ukraine to receive the score of at least 60 points under the Corruption Perceptions Index.
- 9** As further testament to the worsening state of affairs in this area, the 2021 Corruption Perceptions Index ranked Ukraine as 122nd, with only 32 points (which is a reversal to the 2018 indicator). The African country of Eswatini (former Swaziland) received the same score, while Algeria, Egypt, Zambia, and Nepal received one point more.



10 Among positive developments of the year was the adoption of several laws and some outcomes of the NAPC work

Thus, the laws adopted in 2021 created a legal foundation for operations the Economic Security Bureau, an electronic criminal case system (e-Case), state protection and material reward guarantees for whistleblowers, as well as bringing the NABU's status in line with the Constitution's requirements. The NAPC prosecuted in court 98 cases based on whistleblower reports and won 32 of them; carried out systemic anticorruption expert evaluations and identified corruption risks in 100 draft laws and Government resolutions; launched an Anticorruption Portal – a digital platform for the work of authorized officials in the area of preventing and detecting corruption; updated the Unified State Registry of Persons who committed corruption or corruption-related offenses (at present, the Registry includes 1,403 entries about persons brought to criminal responsibility and 5,609 entries about those brought to administrative responsibility); and is preparing to launch the Unified Portal of Whistleblower Reports.





Our achievements

The above stated goal has not been achieved, and we – as part of the expert community – are continuing to defend the anticorruption infrastructure and attempting to strengthen it.

- 1 We supported the independence and efficiency of the NAPC, NABU, SAP, and HAC by speaking to mass media, in interviews, during public events, selection competitions, participation in working groups, in expert opinions regarding draft laws, and in constitutional petitions
- 2 We provided commentaries to GRECO recommendations, conducted assessment of the state anticorruption policy effectiveness, including as a component of overall state policy, and analyzed the state of judicial reform in the context of anticorruption reform, corruption statistics, institutional, organizational, and procedural independence of the SAP, etc.
- 3 We provided scholarly and expert support to NABU and SAP, consulted their detectives, and conducted lectures on criminal law for the Supreme Court and HAC judges and the Prosecutor General's Office. In response to NAPC requests, we provided assistance on issues arising in connection with its activity.

- 4 We prepared opinions on anticorruption programs of selected state bodies and conducted anticorruption expert evaluation of draft laws submitted to Parliament.
- 5 We analyzed grounds for the government's application of special restraining measures («sanctions»), as well as the anti-oligarchs law (also discussing the latter with the Venice Commission members).
- 6 As part of the Working Group under the President of Ukraine to prepare the draft of the new Criminal Code of Ukraine, we prepared chapters relating to definitions of crimes and offenses against the order of public service, procedures for honest performance of official duties in public service, declarations procedure, as well as procedures for honest performance of official or professional duties in private or athletic spheres.
- 7 We participated in the Working Group under the Prosecutor General's Office to develop the draft of the new Concept of Criminal Justice.

«Overcoming corruption in Ukraine depends less on the outcomes of the work of specialized anticorruption bodies and more on the establishment of political parties grounded on ideological principles and responsible before the public, the conduct of fair elections, ensuring fair justice, nomination of professional citizens of integrity to top state and community positions, liquidation of illegal monopolies, fair tax system and honest customs, well-developed and protected property rights, transparent public procurements and auctions, etc.»



**Mykola
Khavroniuk**

Participation in coalitions of civic organizations and state bodies

Ukrainian Public Law and Administration Network (UPLAN)

In 2021, there were 12 additional organizations signing onto the Memorandum of Cooperation and 77 experts from Lviv, Kharkiv, Odesa, Dnipro, and Zaporizhzhia who joined the Ukrainian Public Law and Administration Network (UPLAN), originally founded by the CPLR.

The Network's main objectives include the establishment of a communications field for cooperation among civic activists, scholars, journalists, and government representatives from different regions.

The Network's experts are engaged in research, policy analysis, preparation of recommendations for laws and regulations, and advocacy for reforms on regional and national levels.

The majority of events, expert discussions, and methodological materials are geared towards sharing of experiences and strengthening the influence of analysts and brain centers» over the quality of public policy.

The Network's experts continued working in seven areas:

- constitutionalism and democracy;
- organization of the executive branch and public administration reform;
- work of public administration;
- organization and activity of law enforcement bodies;
- courts and justice;
- preventing corruption;
- local self-governance and regional development.

Our achievements in 2021:

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- To increase results in the area of communications on reforms, we signed a trilateral Memorandum of Cooperation between UPLAN, Odesa Institute for Social Technologies, and Odesa regional branch of the National Union of Journalists of Ukraine;
- 50 news materials, 25 analytical articles, and 3 expert blogs were published on the uplan.org.ua platform;
- The average number of citizens reached by online media is over 23,900 individuals;
- Regional coordinators were involved in preparing monthly digests on the topics of «Administrative Services and Administrative Procedures», «Local Self-Governance and Decentralization», «Judiciary», and «Civil Society Development and Public Relations».

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The Network's experts were engaged in national research and advocacy, specifically:

- The work of the Parliamentary expert working group on constitutional reform;
- Discussions of the draft law "On All-Ukrainian Referendum";
- Public discussions of the draft law on local referendum;
- Drafting of the National Strategy for Civil Society Development for 2021-2026; etc.

In 2021, CPLR and UPLAN signed 3 memoranda of cooperation:

with civic organization «SMART MEDIA» (Kharkiv);

the National University «Zaporizhzhia Polytechnics»;

and municipal enterprise «Lviv City Youth Center».

Civic Association «Reanimation Package of Reforms Coalition»

CPLR was one of the founders of the coalition of civil society organizations and experts who, after the Revolution of Dignity in March 2014, joined forces in order to put forward a consolidated position regarding the country's needed reforms and their appropriate implementation.

Civic Association «Reanimation Package of Reforms Coalition» was officially registered on May 8, 2019. The Association's foundational assembly took place on April 23, 2019.

The RPR Coalition's goal, objectives, and values include support and advocacy for reforms to build an independent, coordinated, democratic, lawful, strong, and authoritative Ukrainian state, with prosperous society and equal opportunities for every person to develop and self-express, as well as to facilitate the civil society's consolidation in Ukraine.

The Association is operating based on the principles of political neutrality and non-affiliation with business interests. In 2021, Yulia Kyrychenko – a member of the CPLR Board – was elected co-chair of the Reanimation Package of Reforms Coalition Council.

<https://rpr.org.ua/>

Ukrainian Think Tanks Liaison Office in Brussels

In 2014, CPLR became an initiator and co-founder of the Ukrainian Think Tanks Liaison Office in Brussels – a non-governmental organization that brings together 11 leading Ukrainian analytical centers and is aimed at consolidating efforts in order to carry out democratic transitions in Ukraine by means of advocacy of reforms and European integration of Ukraine.

The Office's informational resources contain articles and analytical materials published by the CPLR experts in Ukrainian and English in order to inform and draw the international community's attention to pressing issues of Ukraine's social and political life.

In 2021, Roman Kuybida was elected member of the Office's board.

<https://ukraine-office.eu>



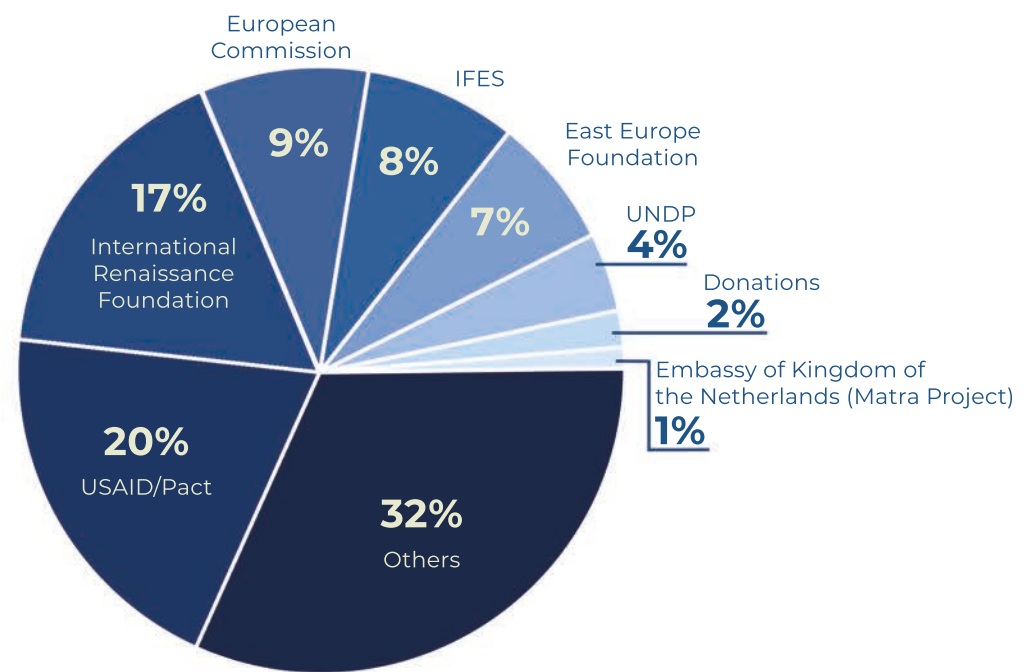


- Green Paper on Constitutional Reform in Ukraine
- Report Discretion of Administrative Bodies and Judicial Control
- Rights of victims of violent crimes in Ukraine: international standards and national practices
- Police status: international standards and foreign legislation
- Standards of child-friendly justice and their implementation in Ukraine (criminal aspect)
- Fundamentals of constitutionalism: essays on history, theory, and practice
- Report on the results of the research "Interference in the Independence of Judges while hearing the Cases Related to the Armed Conflict in Eastern Ukraine"
- ALTERNATIVE REPORT on Assessing Efficiency of Implementation of the State Anti-Corruption Policy
- SUMMARY of the ALTERNATIVE REPORT on Assessing Efficiency of Implementation of the State Anti-Corruption Policy

Financial report

Sources of funding

Donor	Receipts, 2021		
	₹	€	\$
Others	2,782,714	86,073	101,401
USAID/Pact	1,710,932	53,087	62,549
International Renaissance Foundation	1,509,337	46,308	54,771
European Commission	772,298	25,566	28,551
IFES	686,200	21,412	25,131
East Europe Foundation	585,146	17,449	21,016
UNDP	334,009	10,129	12,039
Donations	143,800	4,437	5,290
Embassy of Kingdom of the Netherlands (Matra Project)	97,428	3,225	3,602
Total	8,621,864	267,687	314,350



Expenditure

Expenditure categories	₹	\$	€
Salaries and honoraria	5,784,351	210,895	179,589
Honoraria	4,805,280	175,199	149,192
Civil law contracts	316,585	11,543	9,829
Salaries of administrative personnel	662,486	24,154	20,568
Public events	207,718	7,573	6,449
Video production, banners	85,566	3,120	2,657
Printing, layout, editing, design	168,433	6,141	5,229
Information and consulting services	27,888	1,017	866
Site maintenance	42,670	1,556	1,325
Translation	367,698	13,406	11,416
Membership fee	56,270	2,052	1,747
Office, equipment, and other costs	625,284	22,798	19,413
Office rent, incl. regional partners	540,500	19,706	16,781
Utilities	35,500	1,294	1,102
Office supplies, stationery	38,844	1,416	1,206
Banking services	10,440	381	324
Total Expenditures	7,365,878	268,557	228,691

* Funding gap between funding received (UAH 8 621 864) and expenditures (UAH 7 365 878) is due to the fact that part of the funds received in 2021 from donors to support implementation of various projects is expected to be spent in 2022, as well as due to reimbursement for expenses incurred in 2020.

Projects and donors

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Project	Donor	Start	End	₹	€	\$
Core-Support to CSO Centre of Policy and Legal Reform	USAID/Pact	01.10.17	30.06.23	1,710,932	53,087	62,549
Peer 2 Peer: Service-oriented Courts in Western Ukraine	Embassy of Kingdom of the Netherlands (Matra Project)	01.12.18	31.05.21	97,428	3,225	3,602
Facilitating the establishment of democratic legislation about national referendums holding	IFES	18.10.19	30.07.22	686,200	21,412	25,131
Very first assessment of State Bureau of Investigation	U. S. Department of State	06.11.19	30.09.21	0	0	0
Service-Oriented Model of Democratic Policing for the Republic of Kazakhstan)	European Commission	01.02.20	31.05.22	772,298	25,566	28,551
Monitoring of court cases related to the armed conflict as an educational-research tool for preparation of law students	UNDP	27.04.20	30.09.21	334,009	10,129	12,039
Criminal justice under quarantine	International Renaissance Foundation	01.09.20	01.09.21	0	0	0
Establishing the Public-Parliamentary Interaction in Constitutional Process	East Europe Foundation	01.11.20	30.04.21	585,146	17,449	21,016
Civil support for reform of administrative services and introduction of general administrative procedure	International Renaissance Foundation	01.11.20	30.06.21	200,000	6,065	7,209
JustTalk, an online platform for competent discussion	International Renaissance Foundation	04.01.21	31.12.21	493,480	14,665	17,751
Preparation of Alternative (Shadow) Report on the Assessment of Effectiveness of State Anti-Corruption Policy of 2020	International Renaissance Foundation	05.05.21	05.11.21	420,000	12,473	15,176
Assessment of the Ukrainian justice system according to the EU Justice Scoreboard methodology	International Renaissance Foundation	01.12.21	30.11.22	395,857	13,105	14,634
Trainings for Capacity Development of the HACC Judges and Personnel	Ministry of Foreign Affairs of Denmark /EUACI	01.12.21	30.06.21	0	0	0
Donations	Donations			143,800	4,437	5,290
Financing of expert activity directly by donors	Others			2,782,714	86,073	101,401
Total				8,621,864	267,687	314,350

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